The Town of Clayton
Regular Town Council Meeting Minutes
Monday, February 6, 2017 @ 6:30 PM
Council Chambers

COUNCIL PRESENT:
Mayor McLeod
Council Member Satterfield
Council Member Holder
Council Member Thompson

STAFF PRESENT:
Adam Lindsay, Town Manager
Nancy Medlin, Deputy Town Manager
Katherine Ross, Town Attorney
Kimberly Moffett, Town Clerk
David DeYoung, Planning Director
Jay McLeod, Senior Planner
Robert McKie, Finance Director
Tim Simpson, Public Works Director
Stacy Beard, Public Information Officer
John Hamlin, Assistant Public Information Officer

COUNCIL ABSENT:
Mayor Pro Tem Grannis
Council Member Lawter

1 CALL TO ORDER

a) Mayor McLeod called the meeting to order at 6:36 p.m. Boy Scout Troop 124 led everyone in the Pledge of Allegiance and the Mayor offered the Invocation.

2 ADJUSTMENT OF THE AGENDA

a) It was requested that an item be added under Special Presentations. Item 4a will be a presentation to Georgios Anayiotos for an Eagle Scout project.

3 CONSENT AGENDA

(Items on the consent agenda are considered routine in nature or have been thoroughly discussed at previous meetings. Any member of the Council may request to have an item removed from the consent agenda for further discussion.)

a) Warranty Acceptance - Public Utilities & Pertinent Easements
   - AS & PS Medical Site @ Spring Branch

b) Award of Bid - UV Disinfection System Improvements

ACTION: Approval of Consent Agenda as Presented

Motion: Council Member Holder
Second: Council Member Thompson
Vote: Unanimous

4 INTRODUCTIONS AND SPECIAL PRESENTATIONS

a) Eagle Scout - Park Project
Presenter: Stacy Beard, Public Information Officer

Stacy Beard shared information regarding a project completed by Eagle Scout Georgios Anayiotos, Troop 124. Project included improvements to the rustic outdoor classroom in the woods between Clayton Community Center and Clayton community Park. Georgios and his team built a new wooden platform and re-surfaced the benches to be utilized by our Parks and Recreation Education Nature Programming. Mayor McLeod offered his thanks and appreciation on behalf of the council for this great project and the great leadership. The Mayor presented a Certificate of Appreciation.

b) Little Free Library Presentation
Presenter: Ashtin Gill, Miss Clayton

Ms. Gill who is Miss Clayton presented her project related to her platform of literacy. Ms. Gill brought with her the "little library" that will be placed in Clayton. This structure allows folks to take a book or donate a book. This structure will be placed along at the butterfly trail in Spring of 2017. Additionally another structure will be placed near the library. Ms. Gill provided information how folks can help with the project to include spreading the word of the project, donating books and keeping the structure clean. This structure is one of many thousands in the country. Mayor McLeod thanked Ms. Gill for her contributions.

c) Police Chief Search Process Presentation
Presenter: Pat Bazemore, Former Cary Police Chief, now with Developmental Associates

Ms. Bazemore who is with Developmental Associates provided information regarding the process that will be used for recruitment of new Clayton's new police chief. Focus groups will be held to hear from the community and personnel their feedback regarding challenges to be faced, duties , knowledge, skills and abilities they would like to see in the new police chief. An assessment center process will follow and is tentatively scheduled for March 30 and March 31, 2017. Mayor McLeod stated we are honored to have Ms. Bazemore as part of this process.

5 PUBLIC HEARINGS

a) 2017-2018 Budget Citizen Input
Presenter: Adam Lindsay, Town Manager

Mr. Lindsay provided information regarding history of budget and public hearing. This public hearing will provide a new opportunity for input on the front end of the budget process.

Mayor McLeod opened the public hearing at 6:55 p.m.

Mr. Jeremy Connor addressed council. He stated was representing Friends of Legend Park. He stated he would like to see the town to consider the purchase of property around Legend Park and making some improvements. He spoke about the mountain bikers that enjoy this area and the training that takes place at this location. He also stated he would like to see bike racks installed around downtown as well as seeing the extension of the green way made a priority.

Mr. Bruce Rhodes, who is the President of the Clayton Farmers Community Market addressed the council and stated he appreciates all the support they have received. Also addressing the council was Andrea Merrit who is the Marketing Manager for the Farmers Market. She provided a history of the market and stated the small scale farming produce helps attract folks to downtown. She stated support could be provided in many ways to include becoming a customer of the market and spreading the word to others about the market. She stated she would like to request that information about the market be included on utility bills. She also requested financial support as well as donate of some sort of small storage space located near Horne Square to be used for storing of tents and additional equipment. Mayor McLeod requested to receive a copy of the markets revenues and expenditures.

Mr. John Oldman of Fat Johnny's Bike Shop addressed the council and stated he would like to see the extension of the green way made a priority. He stated there are many cyclists on the roadway and would like to be able to visit shops but would like to have places to secure their bicycles. He stated the addition of bike racks around town would be a huge improvement.

With there being nothing further, he public hearing was closed at 7:03 p.m.

b) Major Subdivision - Warrick Tract - 2016-163-SD
Presenter: David DeYoung, Planning Director

Attorney Ross provided information regarding quasi-judicial proceedings including the types of evidence and testimony that can be considered. All those wishing to offer testimony were administered the affirmation by the Town Clerk.

The Mayor opened the public hearing at 7:04 p.m.

Mr. DeYoung provided information and stated this was a continuance of this public hearing. This property will be annexed into the town following approvals and prior to plat.

Mr. DeYoung stated at the previous public hearing there was discussion regarding changes requested by applicant. Major changes that have taken place since that time include; acreages of 25.3 reduced to 22.5 acres, reduction of lots from a total of 26 to 25 lots and connectivity to the north now included.

Applicant has taken a 50' area from the end of the cul-de -sac to the adjacent property line with intent to dedicate it for future use by the town or adjacent property owner should property be developed. Until such time property is developed, the area will remain grass. Signage would be placed indicating it is a future potential connection to adjacent property.

Also discussed was sidewalks. Applicant shows sidewalks on one side of the street rather than both sides of the street. Staff recommends fee-in-lieu for sidewalk on side of the street. Applicant does not agree and would like to discuss further.

Everything else is compatible with surrounding land uses, consistent with Unified Development Code and applicant has addressed the Findings of Fact.

Planning Board and Staff recommended approval along with conditions and waiver of fee-in-lieu for sidewalks on one side of the street.

The applicant, James Lipscomb, 328 E. Main Street, addressed the council. He stated he this was a very low-density subdivision and he believed there were other similar successful neighborhoods without sidewalks on both sides of the street and asked for waivers for any requirements regarding sidewalks on both sides of street. He further stated that if required, they would most likely install the sidewalks rather than pay fee-in-lieu.

Mayor opened the floor for anyone wishing to speak in opposition.

With there being none, turned over to council for questions.

With there being none, turned over to council for deliberation.

Council Member Satterfield stated he and Council Member Lawter had a brief discussion regarding sidewalks.

Attorney Ross stated for the record, there was a discussion between Council Members Satterfield and Lawter, there was not a group discussion.

Public Hearing was closed at 7:15 p.m.

ACTION: Approval - Warrick Tract - 2016-163-SD with Waiver Regarding Sidewalks on Both Sides or Fee-in-Lieu for Sidewalk on One Side.

Motion: Council Member Thompson
Second: Council Member Holder
Vote: Unanimous

c) Annexation - Gordon Properties - 2016-223-ANX
Presenter: David DeYoung, Planning Director

Mayor McLeod opened the public hearing at 7:15 p.m.

Mr. DeYoung provided information regarding annexation of property known as Gordon Tract. This property is 61 acres located on Powhattan and Glen Laurel Roads. This property will receive police, water and sewer services.

Mayor turned over for anyone wishing to speak on the matter.

With there being none, turned over to council for deliberation

Public Hearing closed at 7:17 p.m.

ACTION: Adoption of Ordinance #2017-02-01

Motion: Council Member Holder
Second: Council Member Thompson
Vote: Unanimous

d) Special Use Permit - IGT Technology - 2016-227-SUP
Presenter: Planning Department

Attorney Ross provided information regarding a quasi-judicial hearing including the types of testimony and evidence that can be presented. All testimony offered must be done so under oath. All those wishing to offer testimony were administered affirmation of oath by the Town Clerk.

Mr. DeYoung provided background on this item. This location is located in a Special Use District. Currently applicant is utilizing 40,000 square feet of warehouse space in old Chloe Furniture Building, which is located at 9257 US Highway 70 Business.

The applicant has addressed Findings of Fact. The request is consistent with the Comprehensive Plan 2040 and the Unified Development...

Planning Board and Staff recommend approval with condition as listed in staff report.

The applicant was present and stated their current lease was set to expire at the end of April 2017. He further stated he was available to answer any question.

Mayor McLeod opened the floor to anyone wishing to speak in opposition. With there being no one, the item was turned over to council for deliberation.

ACTION: Approval - IGT Technology - 2016-227-SUP

Motion: Council Member Holder
Second: Council Member Thompson
Vote: Unanimous

e) Rezoning - The Village at Little Creek - 2016-172-RZ
Presenter: Planning Department

Mr. McLeod stated applicant is requesting rezoning of 22.44 acres of land located on Dairy Road, south of Brittany Woods Subdivision. Request is to rezone from Residential-Estate (R-E) to Residential-8 (R-8). Mr. McLeod provided information regarding the difference of low versus medium density.

The request is consistent with the Comprehensive Plan 2040 as well as being compatible with the Surrounding Land Uses.

Planning Board and staff recommend approval of the rezoning.

The applicant representative was present and stated he believed the request to be in alignment with future land use.

Mr. Andy Hairston, who lives in Brittany Woods, stated he would like to see the property rezoned to Residential-10 (R-10).

With there being nothing further, the item was turned over to Council for deliberation.

ACTION: Adoption of Ordinance #2017-02-02

Motion: Council Member Satterfield
Second: Council Member Holder
Vote: Unanimous

f) Major Subdivision - The Village at Little Creek - 2016-173-SD
Presenter: Planning Department

Attorney Ross provided information regarding a quasi-judicial hearing including the types of testimony and evidence that can be presented. All testimony offered must be done so under oath. All those wishing to offer testimony were administered affirmation of oath by the Town Clerk.

Mayor McLeod opening the Public Hearing.

Mr. McLeod shared information regarding this project. Request is to develop 154 single-family residential lots as part of an Open Space subdivision on 44.25 acres. Proposes lots size to be a minimum of 6,000 square feet. Southern portion of the property is currently located in the ETJ and if approved, property shall be required to submit an annexation application in order to obtain water and sewer services from the town. As part of the development, applicant is proposing to reserve Rights of Way for the future Southern Connector, which will run directly through the middle of the two subject properties. Unless connector is fully developed, the only access to the southern portion of the property would be through the northern portion, which will have two access points. Included in the open space plan are two internal parks, a dog park, storm water basins to be used for fishing and bird watching, 8' mulched natures trails, and a 10' wide asphalt green way. A total of 4.74 acres of open space is proposed, 6.34 acres for resource conservation and a total 11.55

acres dedicated to the right of way. It was noted that the previously proposed sewer lift has been removed as gravity sewer has been identified.

A Traffic Impact Analysis was completed and recommendations from NCDOT was shared.

Mr. McLeod shared photos of surrounding neighborhoods to include Brittany Woods, Horsemans Ridge, Cobblestone and Parkview.

Also discussed were concerns regarding slopes and gradings. An additional condition regarding mass gradings was added. Also addressed was issue previously raised regarding on street parking, width requirement is 42' and current lot width is 50', which exceeds minimum requirement.

Request is compatible with Surrounding Land Uses, and is consistent with the 2040 Comprehensive Plan and Unified Development Code. The applicant has addressed the Findings of Fact.

Also discussed was request for 55,000 gpd for wastewater allowance.

Both the Planning Board and Staff recommend approval with amended conditions.

The applicant addressed the council and stated he believed the proposal met all requirement of the town for approval.

Mr. Mike Crowley, who is the engineer and designer of the plan, addressed the council. He stated he felt the plan was in accordance with the standards and ordinances. He further stated it was their wish to create a project that was in harmony with the surrounding area. He stated that staff had been incredibly wonderful to work with. He stated the plan complies with the Unified Development Code, no waivers have been requested and the plan is consistent with all adopted plans of the town. He further stated they are committed to providing the rights of way for the southern connector will provide connection to adjacent properties as deemed appropriate now and in the future. He stated this property would be easily accessible for all emergency service vehicles. He stated everything is being protected with riparian buffers. He further stated he believed the project meets all the criteria of the Findings of Fact.

Council Member Holder questioned where there would be sidewalks. Mr. McLeod stated sidewalks are required and would be included.

Mr. Terry Snow who is a traffic professional and a civil engineer addressed the council. He stated his role in this project was preparing the Traffic Impact Analysis. He stated this was performed in accordance with standard practices. He stated there would be a total of 120 trips during the AM peak time and 156 trips during the PM peak time. He stated all NCDOT requirements would be met. He stated the study found project would increase traffic along 42 at Guy and Barber Mill Road. He further stated that road improvements would be made when future NC 42 improvements are completed, which is estimated to be in 2024-2025. He stated the traffic study was completed on September 15, 2016. He stated in his professional opinion, this is a good project.

Mayor McLeod questioned if any improvements on Dairy Road would be completed. Mr. Snow stated there were none at this time other than what NCDOT requires. Requirement of NCDOT included recommendation of turn lanes at Barber Mill and Dairy Road, re-striping and timing of light at Barber Mill Road and NC 42 West. Mayor McLeod asking for clarification regarding the intersection of NC 42 and Barber Mill Road. Mr. Snow stated that traffic areas are graded with ratings of A-F, with F being failing. Currently intersection is operating at level F. Mayor McLeod voiced his concerns that this area will worsen. Mr. Snow agreed that it would progressively worsen with increasing congestion and in his professional opinion does not impact safety. He stated the only solution to this problem is the widening of NC 42. Council Member Satterfield questioned when the start day for that project might be. Mr. Bill Zone of Triangle Real Estate stated there is not a projected start date, however, it is anticipated this project will get underway the middle of the year with an 18-month build out expected.

Mayor McLeod asked if there was anyone wishing to speak in opposition.

Mr. Sean Edwardson came forward and stated he is a resident and an engineer. He addressed his concerns of runoff and shared articles regarding Cobblestone and the current erosion occurring at this location.

Mayor McLeod opened the floor for applicant rebuttal. The applicant stated all erosion components would be in place. Council Member Holder asked about the process used and the applicant provided information about the process that is used to include the removal of topsoil and replacement, which is standard procedure.

Mayor opened the floor for opposition rebuttal. No one came forward.

The Mayor closed the Public Hearing and turned it over to council for deliberation.

Mayor McLeod asked those who were present at the meeting and were in opposition to the project to please stand. He offered his thanks to the residents for being present.

Mayor McLeod stated he had genuine concern regarding safety issues and increased traffic and further stated he was not convinced that it had not been proven beyond any doubt with regard to safety issues. Council Member Satterfield stated he also shared concerns regarding safety. Council Member Holder spoke about growth. Council Member Satterfield stated he did not feel we had a reason to deny the project and spoke about an apartment complex project located at Shotwell and 70 recently being approved. Mayor McLeod stated he felt this project was different as there was an elementary school located by this project as well as this area being the main ventricle that folks take to the hospital. Council Member Thompson stated he agreed with the Mayor and stated as much we want to grow, thought and consideration needed to be given to how it affects current citizens/residents.

Council Member Satterfield motioned to reopen the Public Hearing. Council Member Thompson seconded the motion and vote to reopen the hearing was unanimous.

The hearing was reopened at 8:21 p.m.

Mr. DeYoung addressed the council and asked them to remember that the Southern Connector will be place, that Guy road will be realigned to line up with Dairy Road and that the improvement plan for NC 42 is to widen it from a 2 lane to a 4-lane road. Mayor McLeod asked for information regarding dates of above projects. It was stated that the first phase of the widening of NC 42 (from NC 50 to NC 70 Bypass) would be by 2022. With reference to the Southern Connector, dates have not been worked out.

Mayor McLeod asked the applicant if he wished to add anything and the applicant stated they had nothing further.

Mayor McLeod asked if anyone wished to speak in opposition. A resident stated the Southern Connector has been on the books for 20+ years and he shared his concerns regarding school pick up issues and stated there are already back-ups for the entire block during school pick up times.

Hearing nothing further, the public hearing was closed at 8:26 p.m. and item turned over to council.

Council Member Holder motioned for approval, however he stated he did not feel the applicant met Finding of Fact #3; "The subdivision WILL NOT be detrimental to the use or orderly development of other properties in the surrounding area and WILL NOT violate the character of existing standards for development of properties in the surrounding area.' Council Member Satterfield seconded.

Attorney Ross shared information stated that in order for approval applicant was required to meet all 4 Findings of Fact.

Council Member Satterfield withdrew his second of the above motion and Council Member Holder amended his motion for approval.

ACTION: Approval - The Village at Little Creek - 2016-173-SD

Motion: Council Member Holder
Second: Council Member Satterfield
Vote: Unanimous

ACTION: **Adoption of Resolution #2017-03 (Wastewater Allocation)**

Motion: Council Member Satterfield
Second: Council Member Holder
Vote: Unanimous

6 OLD BUSINESS

7 NEW BUSINESS

a) General Fund & Police Special Revenue Fund-Budget Amendment
Presenter: Robert McKie, Financial Director

Mr. McKie provided information regarding budget amendment and the General Fund and the Police Special Revenue Fund.

ACTION: Placed on February 20, 2017 Consent Agenda

b) General Fund Debt Service Budget Amendment

Mr. McKie provided information regarding amendment and General Fund Debt Service.

ACTION: Placed on February 20, 2017 Consent Agenda

c) Capital Project Budget Ordinance Northside Substation
Presenter: Robert McKie, Finance Director

Mr. McKie provided information regarding Northside Substation budget ordinance.

ACTION: Placed on February 20, 2017 Consent Agenda

8 STAFF REPORTS

a) Town Manager

b) Town Attorney

c) Town Clerk

d) Other Staff

9 OTHER BUSINESS

a) Informal Discussion & Public Comment

b) Council Comments

Council Member Holder commented on the bright red reflector located on the Stop sign by the Post Office and stated he would like know cost to have this type of reflector included on all Stop signs. Mr. Lindsay stated that NCDOT handles and controls these issues.

c) Closed Session

Pursuant to NCGS 143-318.11 (a) (4) to discuss an economic development issue.

ACTION: Go into Closed Session at 8:37 p.m.

Motion: Council Member Thompson
Second: Council Member Holder
Vote: Unanimous

10 ADJOURNMENT

a) Return from Closed Session

With there being nothing further, the meeting was adjourned at 9:33 p.m.

Motion: Council Member Satterfield
Second: Council Member Thompson
Vote: Unanimous

Duly adopted this the 6th day of March, 2017 while in regular session.

TOWN OF CLAYTON
INCORPORATED APRIL 1869
CLAYTON, N.C.

Jody L. McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk