Town of Clayton
Regular Town Council Meeting Minutes
Monday, December 4, 2017 @ 6:30 PM
Council Chambers

COUNCIL PRESENT:
Mayor McLeod
Council Member Grannis
Council Member Satterfield*
Council Member Lawter
Council Member Holder
Council Member Thompson
Council Member Bunn**
* Outgoing Council Member
** Newly Sworn In Council Member

STAFF PRESENT:
Adam Lindsay, Town Manager
Nancy Medlin, Deputy Town Manager
Kimberly Moffett, Town Clerk
Katherine Ross, Town Attorney
David DeYoung, Economic & Community Development Director
Jay McLeod, Senior Planner
Lee Barbee, Fire Chief
Blair Myhand, Police Chief
Stacy Beard, Public Information Officer
John Hamlin, Asst. Public Information Officer

1 CALL TO ORDER
Pledge of Allegiance and Invocation

a) Honor Guard
Provided by the Clayton Fire Department

b) Pledge of Allegiance & Invocation
Offered by Jody McLeod, Mayor

Mayor McLeod called the meeting to order at 6:02 p.m. He led everyone in the Pledge and offered the Invocation.

2 ADJUSTMENT OF THE AGENDA

a) Mr. Lindsay requested the addition of a Closed Session pursuant to NCGS 143-318.1(a)(5). He stated a change in the order of items under New Business and stated that the Intent to Abandon a Portion of Enterprise Drive would now be item 10c, followed by a Closed Session and then the Talton Property item would heard.

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 Acceptances:
- East Village Office Building

- Gordon Park Subdivision Phase 1 & 1 B
- RWAC Eagle Crest Phase 2B-3 - Asphalt
- RWAC Phase 5A, 5B1 & 5B2 (Marion Place & Hutson Lane)
- RWAC Ravens Ridge 8E
- Creekside Commons Subdivision

b) Appointments to Town Advisory Boards

c) Resolution Directing Clerk to Investigate Sufficiency Annexation Petition - 2017-185-ANX

ACTION: Adoption of Consent Agenda as Presented

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

4 INTRODUCTIONS AND SPECIAL PRESENTATIONS

a) Recognition of Long-Term Elected Official
Presenters: Jody McLeod, Mayor & Lee Barbee, Fire Chief

- Robert "Bob" Satterfield, Council Member 1997 - 2017

Mayor McLeod offered sincere thanks to Bob Satterfield for his many years of service, leadership and guidance to the town. He stated that Bob would always be a huge part of the town and that he left the town better than when he began his service to the town. The Mayor presented him with collage showing many of the capital projects that took place during his 20 year tenure as a council member. Mr. Satterfield stated he was extremely thankful for the citizens, staff, and council members and especially for having the opportunity to have served many years with Steve Biggs. He offered his congratulations and words of encouragement to council member elect, Bobby Bunn. He also offered his thanks to the team that helped to bring Adam Lindsay to the town. The Mayor then Bob with a Key to the town.

Fire Chief Barbee presented Bob Satterfield with plaques of both Fire Station #1 and Fire Station#2. He offered his thanks and appreciation for his many years of dedication to the Fire Department.

Mayor McLeod also offered his thanks and appreciation to the Satterfield family.

5 ORGANIZATIONAL MEETING

a) Administration of Oath of Office to Newly Elected Clayton Town Council Members

Oath administered by John C. Martin - Retired Chief Judge for NC Court of Appeals

- Bobby Bunn as Council Member

Oath administered by Addie Rawls - Johnston County District Court Judge

- Michael Grannis as Council Member

Oath administered by Jody McLeod - Town of Clayton Mayor

- Art Holder as Council Member

b) Comments from Newly Sworn-In Elected Officials

- Council Member Bobby Bunn
- Council Member Michael Grannis
- Council Member Art Holder

Bobby Bunn thanked Bob Satterfield for his service and spoke about their service together on the Fire Department. He also thanked Judge Martin and his family and friends. He shared his thoughts about what a great community Clayton is and stated he looked forward to serving

Michael Grannis offered his thanks to Judge Rawls and his wife, Betsy. He stated he truly loved this job and thanked the citizens. He also offered his thanks to Bob Satterfield and stated he had inspired him through his wisdom and common sense approach.

Art Holder offered his thanks to Mayor McLeod as well as his wife and citizens. He stated he would like to see additional goal setting, library expansion, a senior center, more downtown parking as well as a controlled tax rate.

6 RECESS FOR RECEPTION

Everyone was invited to a reception held in the lobby

a) The meeting was recessed at 6:55 p.m. for a reception in the lobby.

The meeting reconvened at 7:35 p.m.

7 MAYOR PRO TEM SELECTION AND COUNCIL LIAISON APPOINTMENTS

a) Nomination and Selection of Mayor Pro Tem

Michael Grannis was nominated to serve as the Mayor Pro Tem.

ACTION: Nomination and Approval of Mayor Pro Tem

Motion: Council Member Lawter
Second: Council Member Thompson
Vote: In Favor: Lawter, Thompson, Holder, Bunn Abstained: Grannis

b) Council Liaison and Committee Assignments
Presenter: Jody McLeod, Mayor

ACTION: Approval of Liaison and Committee Assignments. Additionally Michael Grannis would now serve as an alternate on Electricities.

Motion: Mayor Pro Tem Grannis
Second: Council Member Bunn
Vote: Unanimous

8 PUBLIC HEARINGS

a) 2017-55-PDD - Highgate Phase 4
Presenter: Jay McLeod, Planning Department

Jay McLeod, presented and stated request is to rezone from PD-MU to PD-R. This request is running concurrently with master plan application 2017-56-SD.

Mr. McLeod stated the request is compatible with Surrounding Land Use and consistent with the Comprehensive Plan 2040. A traffic impact analysis was performed and required improvement would be tied to the development on both the Highgate property and two large undeveloped parcels to the school. Applicant addressed approval criteria.

Staff and Planning Board recommend approval.

There were no questions of staff. Anyone wishing to speak were asked to step forward. with no one wishing to speak, the hearing was closed and the item turned over to council for deliberation

ACTION: Adoption of Ordinance #2017-12-01

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

b) 2017-56-SD - Highgate Phase 4
Presenter: Jay McLeod, Planning Department

Jay McLeod presented and stated this is the associated master plan and plat regarding above item. He stated request is to add land and modify development standards. He stated the addition would bring total of total unit count to 229. Current master plan is for 181 units with approximately 2.1 units per acre. This request would equate to 2.3 units per acre, with a minimum lot size of 6000 square foot.

Based on requested density and zoning change, this project is compatible with the 2040 Comprehensive Plan. If approved, project would be consisted with Unified Development Code. If approved as proposed request would be consistent with currently approved master plan, subject to modification as proposed in application.

A traffic impact study was updated to include this phase as well as two tracts to the south (both of which were part of the original Creech Farm property). As described in the TIA this development would not trigger significant improvements on adjacent roadways, other than the standard turn lane which required at the site entrance and some possible modifications to existing traffic signals. The intersections of Shotwell Road and Covered Bridge Road and Covered Bridge Road and N. O'Neil Street are already failing intersections and the TIA suggests that although improvements are necessary "these traffic signals are typically funded and installed with funds provided by NCDOT and or the Town". However, there is no funding currently available from neither the town nor NCDOT. Lengthy discussions took place regarding this issue with the applicant and town. A condition regarding schedule for traffic improvements, including designation of responsibility and milestones for action will be agreed upon by all involved parties, including the town, developers of land represented in the TIA and NCDOT prior to the platting of any other phases, regardless of ownership or applicant.

The applicant has addressed the Findings of Fact. Additionally, the TIA has been incorporated into suggested conditions of approval. The Planning Board has recommended approval of the project.

This was noted as a public hearing and those wishing to offer testimony were issued Oath of Affirmation from the town Clerk.

Council Member Bunn confirmed that the property to the south was part of the TIA. Staff state they were and that is why it was a bit difficult and why certain items are included in recommendation conditions for approval.

Mayor Pro Tem Grannis confirmed that street lights were included. Staff stated they were and that both developers have divided them amongst themselves.

Tim Simpson was present and stated the original wastewater allocation was for just over 63,000. Stated current request is for 70,000. Additional information is being requested to determine where the original 63,000 would be assigned, therefore no additional wastewater allocation would be requested this evening.

Mayor Pro Tem Grannis questioned the amount of remaining allocation. Mr. Simpson stated he would follow up with numbers and further stated he believed we had ample allocation.

The applicant, Jerry Dalton of 446 East Main Street, was present and stated they had worked very closely with staff to ensure that all requirements had been met. He stated he believed that all Finds of Fact had been met. It was stated there were no objections to the TIA, which is a very good thing. He further stated that Mr. Jiles Harrell, NCDOT, would present the town with a memo regarding timing of improvements to take place.

Mayor Pro Tem Grannis stated he felt more at ease knowing there was collaboration regarding the TIA. There was discussion regarding when we might see signaling at either of the intersections.

With no one further wishing to speak, the public hearing was closed and the item turned over to council for their deliberation.

ACTION: Approval of 2017-56-SD with Conditions as listed in Updated Staff Report

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

c) 2017-131-SUP - Bannister Outdoor Storage
Presenter: Jay McLeod, Planning Department

Ms. Ross, Town Attorney, provided information regarding Quasi-Judicial proceedings to include the types of testimony that could be considered. All testimony must be presented under oath. Oath of Affirmation was administered to those wishing to offer testimony.

Jay McLeod stated request is for a Special Use Permit for an Outdoor Storage facility. Request would be for use of contractor office, storage yard and self-storage facility with limited outdoor storage. A total of 8 parking spaces is proposed to include 1 handicap space.

Request is consistent with Comprehensive Plan and compatible with the UDC.

Applicant has addressed the Findings of Fact.

Both staff and Planning Board approval with conditions as included in staff report

There were no questions of staff.

Applicant, Donnie Adams, 335 Athletic Club Blvd., was presented and stated he was the engineer on project and further stated he believed all Findings of Fact had been addressed and met.

Council Member Lawter confirmed there were no issues with impervious surface. Applicant stated there were no issues.

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

ACTION: Approval of 2017-131-SUP

Motion: Mayor Pro Tem Grannis
Second: Council Member Thompson
Vote: Unanimous

d) 2017-145-SUP - Capps Tract
Presenter: Jay McLeod, Planning Department

Ms. Ross, Town Attorney, provided information regarding Quasi-Judicial proceedings, to include the types of testimony that could be heard and considered. Anyone wishing to offer testimony must do so under oath. Those wishing to offer testimony were issued Oath of Affirmation.

Mr. McLeod stated applicant, was requesting a Special Use Permit to allow 167 townhomes in the R-10 (Residential 10) zoning district. A preliminary plat application, 2017-146-SD, is running concurrently.

Property is located behind the Comfort Suites at the end of Enterprise Drive and Cameron Way. Overall density would be 4.6 units per acre with minimum lot area of 1,600 square feet and maximum lot coverage of 85%. A realignment of Cameron way and Enterprise Drive would create an intersection to function as the primary access. A stub-out that would connect with Atkinson and Moore Street, would rely on two other property owners, but would provide a signification connection to downtown. Developer has been receptive to connect their project to the greater surroundings.

Parking would include approximately 3 parking spaces per unit. Architectural elevations were shared. Mr. McLeod stated the project was compatible with Surrounding Land Uses and consistent with the Comprehensive Plan. Applicant has addressed Findings Fact.

Suggested modified conditions were included and were split between both the Special Use Permit and the Subdivision applications.

Council Member Bunn asked about the - neighborhood meeting and if there were any lingering questions. Mr. McLeod stated the applicant had worked closely with neighbors to alleviate any concerns regarding vehicle headlights shining through windows and water flow with increased berm.

Council Member Lawter disclosed he was employed by Withers Ravel and asked to be recused from voting.

Applicant, Don Mizelle of Withers Ravenel was present and introduced his team.

Offered into evidence Special Use Permit Application, Neighborhood Meeting Summary, and Updated Site Plan (11/17/17). He stated thought the Traffic Impact Analysis was not included as part of the agenda for this item, but rather included as part of the agenda for the next item to be heard, be included as part of the record.

He provided history of project. He stated the application was submitted in September. A neighborhood meeting held on October 4. He stated the primary take away after this meeting was the request for additional buffers.

He stated they have agreed to include a Class C buffer on this project. He further stated that the Planning Board had recommended approval.

Mayor Pro Tem Grannis and Council Member Bunn confirmed that new plantings and new berms would be installed to provide a Class "C" buffer.

Resident, Frank Wood of 230 Summit Avenue, expressed that applicant had worked with residents and he appreciated the efforts they have put into the project. He further stated his biggest concern was regarding vehicle headlights and the ability of the buffer to take care of that issue.

With no one further wishing to speak, the item was turned over to council for their deliberation.

ACTION: Approval of 2017-145-SUP

Motion: Council Member Thompson
Second: Mayor Pro Tem Grannis
Vote: Unanimous

e) 2017-146-SD - Capps Tract
Presenter: Jay McLeod Planning Department

All that were affirmed in 2017-145-SUP remained affirmed.

Mr. McLeod stated the site data as stated above remains. He shared information regarding the site layout, open space, buffers, access revision, as well as a potential dog park.

He stated the project is compatible with Surrounding Land Use and consistent with the Comprehensive Plan. He stated the applicant had addressed the Finding of Fact. Further project was consistent with the Special Use Permit. He shared information regarding the proposed realignment of Enterprise Drive. He stated conditions had been modified on November 30 and shared additional details.

A wastewater allocation request was included for 60,120.

Mayor Pro Tem Grannis asked about a small playground that was on previous plans and appeared to have been removed. Applicant stated a separate site plan would be provided if something went into that area.

With there being nothing further item was turned over to council for deliberation.

ACTION: Adoption of Resolution #2017-34 (Wastewater Allocation)

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

ACTION: Approval of 2017-146-SD with Modified Conditions as Dated November 30, 2017

Motion: Mayor Pro Tem Grannis
Second: Council Member Holder
Vote: Unanimous

9 OLD BUSINESS

10 NEW BUSINESS

a) Surplus Property Resolution
Presenter: Robert McKie, Finance Director

Mr. McKie provided details regarding authorization of the sale of surplus property via auction services of a live auction or an internet based auction system. Any items that go unsold will be listed with govdeals.com.

ACTION: Adoption of Resolution #2017-35

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

b) 2017 Christmas Parade - Road Closure(s)
Presenter: Blair Myhand, Police Chief

Chief Myhand stated the parade route changed after conversation and concern about drop off locations and inability to find parking spaces. The new updated route will allow use of Clayton High School for both start and finish of parade.

Council Member Lawter confirmed there would be police officers posted to keep vehicles from turning into parade route.

Council Member Thompson confirmed that both Fire Department and EMS were okay with being blocked in. It was stated that Chief Barbee had been involved in coordination as well Johnston County EMS and plans were in place.

Mayor McLeod expressed concern regarding notification of merchants. It was stated merchants had been made aware of change and staff had worked with Rotary who are going door to door. Additionally postcards are being mailed and staff will be in place day of parade.

Council Member Bunn confirmed that emergency vehicles would be able to get down small streets if necessary. Chief Myhand stated that was true and there would also no parking on some streets.

Mr. Lindsay provided information regarding town sponsored events. He stated that staff needed more time to address and we would be allowing the parade to be continued this year as a town sponsored event. Additional information will be forthcoming.

ACTION: Authorize Approval of Road Closures

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

c) Intent to Abandon Portion of Enterprise Drive
Presenter: David DeYoung, Economic & Community Development Director

Provided information regarding reconfiguration of road abandonment.

Council Member Holder voiced his concern that this may be premature. Mr. DeYoung shared details and general statue requirements for noticing and further stated the road would be not abandoned at this time, this was just a resolution of intent. Vote on actual abandonment would take place most likely in February or March of next year.

ACTION: Adoption of Resolution #2017-36

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

ACTION: Adopt Ordinance #2017-12-02

Motion: Council Member
Second: Council Member
Vote: Unanimous

11 CLOSED SESSION

a) Closed Session Pursuant to NCGS 143-318.11(a)(5)

ACTION: Motion to go Into Closed Session

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

b) Return from Closed Session at 9:30 p.m.

Motion: Council Member Grannis

Second: Council Member Thompson
Vote: Unanimous

12 OTHER BUSINESS

a) Talton Property Acquisition
Presenter: David DeYoung, Economic & Community Development Director

Mr. DeYoung asked that this item be tabled to a later date.

13 STAFF REPORTS

a) Town Manager

b) Town Attorney

c) Town Clerk

d) Other Staff

Nancy Medlin stated there had would be some changes/renovations taking place at the library that would require the library be closed for a new days. It was the recommendation of the Safety Office that the library remain closed December 11 - 13, 2017. Mayor Pro Tem Grannis suggested that all schools be notified of the closing.

Mayor McLeod stated the renovations in council chambers were great.

14 OTHER BUSINESS

a) Informal Discussion & Public Comment

b) Council Comments

Council stated they all wished to participated/ride in the Christmas Parade.

15 ADJOURNMENT

a)

With there being nothing further, the meeting was adjourned at 9:34 p.m.

ACTION: Motion to Adjourn

Motion: Council Member Thompson
Second: Mayor Pro Tem Grannis
Vote: Unanimous

Duly adopted this 2nd day of January, 2018 while in regular session.

JMcLeod

Jody McLeod
Mayor

ATTEST:

Kimberly A. Moffett

Kimberly A. Moffett, CMC, NCCMC
Town Clerk

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