The Town Of Clayton
Regular Town Council Meeting Minutes
Monday, March 7, 2016 @ 6:30 PM
Council Chambers

COUNCIL PRESENT:

Mayor

Mayor McLeod
Mayor Pro Tem Grannis
Council Member Satterfield
Council Member Lawter
Council Member Thompson
Council Member Holder

STAFF PRESENT:

Steve Biggs
Nancy Medlin
Kimberly Moffett
Katherine Ross
Ann Games
Dale Medlin
Robert McKie
Tim Simpson
David DeYoung

COUNCIL ABSENT:

1 CALL TO ORDER

a) Mayor McLeod called the meeting to order at 6:33 p.m.

Boy Scout Troop #24 who are affiliated with the Civitan Club were present and served as Color Guard as well as leading everyone in the Pledge of Allegiance. Mayor McLeod offered the Invocation. Two of the scouts spoke about the hopes of Troop #24 to take the lead in the planning and organizing of a large scale community service day. The Mayor and Town Council thanked the troop for their service and dedication.

2 ADJUSTMENT OF THE AGENDA

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) Customer Service - Hours of Operation Modification

b) Warranty and Easement Acceptance - Riverwood Haven Off-Site (Senior Living Facility)

c) Draft Minutes

ACTION: Approval of Consent Agenda as Presented

Motion: Council Member Thompson

Second: Council Member Lawter
Vote: Unanimous

4 INTRODUCTIONS AND SPECIAL PRESENTATIONS

a) Arbor Day Proclamation

Public Information Officer, Stacy Beard, provided information regarding the Proclamation. This is the 10th year that Clayton is being recognized as Tree City USA. Arbor Day is Friday, March 18th and the Town in coordination with Clayton High School will celebrate with the planting of trees at the school. Final details regarding this events are being worked out. Mayor McLeod was presented with the Tree City USA Award.

ACTION: Approval of Proclamation

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

b) Delta Sigma Theta Sorority 5K Race - April 2, 2016

Ms. Beard introduced members of the Johnston County Chapter of Delta Sigma Theta, who are the sponsors of this 5K Race, 'Taking Strides Against Violence". This event will be held on April 2, 2016.

Ms. Evelyn Sanders, who serves as President of the Chapter was present and provided information regarding this event. She stated this is the 5th year of this event and it will benefit Harbor of Johnston County. She stated this race is being staffed by volunteers and also that the Police Department would be along Front Street. She further stated they are working to provide notification of the race to neighborhoods. Ms. Sanders stated the community support is greatly appreciated.

ACTION: Approval of Rolling Street Closures

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

5 PUBLIC HEARINGS

a) 2016-4-ANX Clayton Northside 230KV Substation

Mayor McLeod opened the Public Hearing at 6:55 p.m.

Mr. Biggs provided background regarding this 7.56 acre property, which is owned by the town. Mr. Biggs provided additional information regarding town acquired properties and annexation.

With there being no one coming forward to speak, the Public Hearing was closed and turned over to Council for deliberation.

ACTION: Approval of Annexation

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

b) 2015-79-RZ Carolina Park Rezoning

Mayor McLeod opened the Public Hearing.

Mr. McLeod. Planning Department, provided information regarding this rezoning request. Applicant is requesting rezoning of this 3.2 acre parcel from Highway Business - Special Use District (B-3 SUD) to Highway Business (B-3).

Mr. McLeod stated request is being made to help assist in speeding the process of allowing tenants to acquire space. The required neighborhood meeting was held. The Planning Board and Staff recommend approval of the requested rezoning.

The applicant, Mr. Kamalpasha, was present and thanked the Council for consideration of the request.

With no one else wishing to speak, the Public Hearing was closed.

ACTION: Approval of Rezoning

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

c) 15-60-01-SD Saint John's Woods Phase 3 Major Subdivision

Mr. DeYoung, Planning Director, asked those wishing to offer testimony to stand and be issued the Administration of Oath. The Administration of Oath was completed via Oath of Affirmation by Kimberly Moffett, Town Clerk. Attorney Ross provided additional information and details regarding a quasi judicial hearing and the types of testimony that could be considered.

Mayor McLeod opened the Public Hearing at 7:01 p.m.

Mr. McLeod, Planning Department, offered information regarding this project. Saint John's Wood Phase III is located at the end of the current Knights Bridge Road, which is off of Ranch Road and south of the US 70 Bypass. Applicant is requesting preliminary subdivision plat approval for 16 lots as an extension of the existing Saint John's Wood neighborhood. Current use is vacant. Water and sewer will be provided by County.

Project is consistent with Comprehensive Plan, the Unified Development Code and Surrounding Land Uses. Applicant has addressed Findings of Fact. Required Neighborhood meeting was held on December 8, 2015.

Mayor Pro Tem Grannis had requested approval from Fire Department with regard to 1900' drive. Approval was received from Fire Marshal Atkinson.

Applicant is requesting to pay fee-in-lieu of recreations fees, waiver to maximum cul-de-sac length, waiver from requirement of intersecting cross street every 1500 linear street feet, waiver from curb and gutter and waiver from providing sidewalks as roads of proposed neighborhood will not connect to roads with sidewalks.

Planning Board and Staff recommend approval with conditions and waivers as indicated in Staff Report.

Brief discussion was held regarding lot #36 and confirmation that it is part of the subdivision. There was question regarding street connection. Mr. DeYoung stated it was his belief that original intention was for road to loop and connect, however, with recession property was split up into multiple parties, so northern part of property is owned by someone else.

The applicant, James Lipscomb, 328 E. Main Street, stated there were a couple of reasons regarding the above. First there is riparian buffer which would required separate permitting as well as being quite costly to cross and secondly owner of the parent tract wishes to retain that land and does not want road.

Mr. Lipscomb addressed the covenant and stated he was involved as real estate agend in phase II and covenant was recorded which included an HOA but since so development was small it was never activated. He stated he has spoken with several homeowners who show an interest in starting HOA and stated he is aware there are some that do not want an HOA. He stated he will willing to go with majority. He stated it is his plan to record covenant exactly as Phase II.

Mayor Pro Tem Grannis confirmed that lot 36 would be recorded, but would be retained by the Marshburn's long term. There was discussion regarding cluster boxes and recently allowance from NCDOT to be allowed in right of way, which allows a bit more freedom. Possible location would be end of cul-de-sac.

There was discussion regarding concerns of neighbors and drainage. Mayor Pro Tem Grannis asked what timeline was to bring in engineer. Mr. Lipscomb stated as soon as approval was received, engineer would begin design work and his report will need to meet all County codes and requirements prior to any work being started.

Council Member Satterfield confirmed that lot #36 would not be part of the subdivision. Mr. Lipscomb confirmed and stated he would not be taking ownership of that lot.

Mayor McLeod opened for the floor for anyone wishing to speak.

Mr. Jason Montleon of 96 Knights Bridge Drive stated he had concerns regarding water drainage and easement on the front of properties. He stated they is already a good amount of storm water and has concerns about additional drainage and is not happy with the possibility of diverting that run off to backyards. He also stated he is not happy with the possibility of an HOA. It was his understanding when he purchased the property there was not an HOA. While he understands that some folks may want an HOA he does feel he should be forced into one.

With no one else wishing to speak, floor was turned over to applicant.

Mr. Lipscomb stated that with reference to the above house, this was a resale and it is possible that information and possibility of an HOA was not provided. Again, Mr. Lipscomb stated he would go along with whatever majority of homeowners wanted and will record exact same document as was recorded in Phase II. He also addressed the issue of drainage and possibility of diverting it by lot #35 and installing a permanent feature to slow the water down, this would be a proposal presented and Johnston County would have final word of approval.

Council Member Satterfield had questions about forcing people into an HOA and Mr. Lipscomb provided information regarding the restrictive covenant included a provision for an HOA.

Floor was opened for anyone else wishing to speak.

Mr. Scott Childers, owner of lot #19, stated he also shared concerns regarding storm water and stated he was told at the December neighborhood meeting that someone would be hired at that time. His concern is that project is approved and no work takes place regarding the drainage. He also had a concern regarding mailbox placement in front of house versus cluster box mailboxes.

Mr. Lipscomb stated new phases are required to have cluster boxes per the United States Postal Service. He again stated all that is required by the County regarding drainage will be done. He further stated that the County does follow up on process with water drainage.

With no one else that had been administered the oath coming forward the Public Hearing was closed and turned over to Council for deliberation at 7:33 p.m.

ACTION: Approval of Subdivision with Conditions and Waivers as Included in Staff Report

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

6 OLD BUSINESS

a) Clayton/Raleigh Project - Bid Awards

Mr. Biggs provided background of this project. This project was bid in two contracts. Contract #1 is for the Pipeline and Contract #2 is for the Force Main. The low bidder is J.F. Wilkerson for Contract #1 and low bidder for Contract #2 is R.D. Braswell Construction.

ACTION: Approval of Resolution Awarding Bids

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

b) Clayton/Johnston County/Raleigh - Sewer Capacity Agreement Amendment

Mr. Biggs provided background on the this agreement which was originated nine years ago between the City of Raleigh, Johnston County and Clayton. In cooperation with Johnston County it was separated into two separate agreements between Clayton and the City of Raleigh and Johnston County and the City of Raleigh. Johnston County has subsequently assigned their capacity to Clayton. This consolidated agreement would also extend the term of said agreement to ten years. This agreement has been approved by Johnston County Board of Commissioners and will be presented to the City of Raleigh for consideration.

ACTION: Approval of Agreement

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

7 NEW BUSINESS

a) Budget Amendments

Mr. McKie provided information regarding three budget amendments. The first is Water & Sewer Fund, the second is the CAMPO LAPP Projects and the third is General Fund and Special Revenue Fund.

ACTION: Placed on March 21, 2016 Consent Agenda

b) Potential Refinance Opportunities per Analysis by Davenport & Co.

Mr. Biggs provided information regarding periodic evaluation of financial opportunities for savings and stated the Town had recently requested that

Davenport review and advise of any opportunities for the restructure of existing debt.

Two cases were presented with substantial savings to the town with restructure.

Both would realize 1.134 to 1.135 million in savings, in long term return. In short term it would have an impact on cash flow. It is requested that an affirmative statement be issued in favor of Case #1, however, if unsuccessful with LGC we revert to Case #2. There would be no direct out of pocket expense for the refinance.

ACTION: Approval to Move Forward with Case #1

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

8 STAFF REPORTS

a) Town Manager

Quarterly Financial Reports were provided by Mr. Biggs. Reports included; Sales & Use Tax, Revenue Report and Expense Report.

b) Town Attorney

c) Town Clerk

d) Other Staff

Mr. DeYoung stated a new bicycle rack will be installed at the Library.

9 OTHER BUSINESS

a) Informal Discussion & Public Comment

Mr. Todd Sutton who is a candidate for JC Board of Education introduced himself and provided information regarding his interest in running for the school board. He stated his desire is to be an advocate for all children and parents. He spoke briefly about the need for a 3-5 year strategic plan to retain teachers, growth management, maintaining community based schools and finally believes each school should be equipped with some sort of an automatic lockdown button.

b) Council Comments

10 ADJOURNMENT

a)

With there being nothing further the meeting was adjourned at 8:10 p.m.

ACTION: Motion to Adjourn

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

Jody L. McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk