The Town of Clayton
Town Council Work Session Meeting Minutes
Tuesday, January 17, 2017 @ 6:30 PM
Council Chambers

COUNCIL PRESENT:
Mayor McLeod
Mayor Pro Tem Grannis
Council Member Holder
Council Member Lawter
Council Member Satterfield

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
Tim Simpson, Public Works Director
Stacy Beard, Public Information Officer
James Warren, WWTP Operator

COUNCIL ABSENT:
Council Member Thompson

1 CALL TO ORDER
Pledge of Allegiance and Invocation

a) The Mayor called the meeting to order at 6:33 p.m. and led everyone in the Pledge of Allegiance as well as offering the Invocation.

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) Recommendation of Bob Satterfield for Appointment to Johnston County Economic Development Board

b) Certificate of Sufficiency of Gordon Tract Annexation - 2016-223-ANX

ACTION: Approval of Consent Agenda as Presented

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

4 ADMINISTRATIVE ITEMS

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

ACTION: Placed on February 6, 2017 Consent Agenda

5 INTRODUCTIONS AND SPECIAL PRESENTATIONS

a) Cub Scout Troop #24

Mayor McLeod welcomed Cub Scout Pack #24 of the Clayton Civitan to the meeting.

b) New Employee Introductions:

Presenter: Larry Bailey, Parks & Recreation Director

- Stephen Browne, Maintenance

Presenter: James Warren, Wastewater Treatment Plant Supervisor

- Kenneth Straub, Wastewater Plant Operator

Presenter: Paul Vladyka, Fleet Service Supervisor

- Steven Hoag, Vehicle Maintenance Technician

Their direct supervisor introduced all above employees. Council welcomed everyone to Clayton.

c) Clayton Community Center Garden

Presenter: Stacy Beard, Public Information Officer

Ms. Beard provided additional background information and shared an overhead video of the Clayton Community Center Garden and the volunteers who manage this project. This project is a joint endeavor between the Town of Clayton Parks and Recreation and the NC Cooperative Extension. This project has been ongoing for more than 6 years and has grown from a small spot of land to a massive community garden that provides almost 3,000 lbs. per year of fresh grown vegetables and produce. The majority of this food is donated to the Clayton Area Ministries. Mayor McLeod and council members offered their thanks and appreciation to the dedicated volunteers. Everyone was presented with a certificate of appreciation and there was a photo opportunity with the Mayor.

d) Audit Report

Presenter: Ken Anderson, CPA

Mr. Anderson shared information regarding the annual audit. Council was provided was a two page summary. The Powell Bill Fund was audited based on the balance. Mr. Anderson stated the town had no budget over expenditures during the year. The audit was submitted to the Local Government Commission on November 30, 2016 and has been accepted. Currently the general fund balance is three and one half times the standard required. The fund balance is extremely strong. The property tax collection percentage rate is extremely high. Mr. Anderson commented that current controls in place are very good.

Mayor Pro Tem Grannis thanked Mr. Anderson for all his hard work. He further stated the town is in good shape, very well managed, and offered his appreciation.

6 ITEMS SCHEDULED FOR THE REGULAR MEETING

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

Mr. Lindsay provided information regarding this item. According to North Carolina General Statute, municipalities are required to hold at least one public hearing prior to adoption of the fiscal year budget, This public hearing is normally held in May or council adopts June right before the budget. Mr. Lindsay would like to add an additional public hearing, allowing the public an opportunity to offer input at the beginning of the budget planning process.

ACTION: Set Public Hearing for February 6, 2017

b) Petition for Annexation - Gordon Properties - 2016-223-ANX
Presenter: David DeYoung, Planning Director

Mr. DeYoung stated the applicants are requesting voluntary annexation of a total of 61.30 +/- contiguous acres. This request is made up of multiple parcels located at Glen Laurel Road, Vinson Road, and Powhatan Road. Council Member Satterfield asked if all previous issues had been solved and Mr. DeYoung stated they had.

ACTION: Set Public Hearing for February 6, 2017

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

Mr. DeYoung stated applicant, IGT Technologies, is requesting a Special Use Permit. Request is for warehouse usage in an existing building, Nicks Flippin' Kids. This location is located in a Special Use District. Applicant is using the back portion of warehouse space of approximately 40,000 square feet. Request is consistent with the Comprehensive Plan and Unified Development Code. The applicant has addressed the Findings of Fact. Staff recommended approval with condition as listed in Staff Report.

ACTION: Set Public Hearing for February 6, 2017

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

Mr. Jay McLeod stated the applicant is requesting rezoning of 22.44 acres located on Dairy Road south of Brittany Woods. This project is known as The Village at Little Creel. Current zoning is Residential-Estate (R-E) and request is to rezone to Residential-8(R-8). Total acreage of this project is 44.25 acres and applicant is requesting to rezone 22.44 acres of the parcel. Rezoning to R-8 would allow 8,000 SF single-family lots or 6,000 SF single-family lots if lots were developed as part of an Open Space Subdivision. This property is currently located within the towns ETJ and would be required to annex into the town to receive water and sewer services.

The request is consistent with the surrounding land uses and comprehensive plan.

Staff recommends approval of the rezoning as requested.

It was noted there is a wastewater allocation request of 55,000 GPD.

ACTION: Set Public Hearing for February 6, 2017

Motion: Council Member
Second: Council Member
Vote: Unanimous

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

Mr. McLeod stated this request is to develop an Open Space R-8 single-family residential subdivision on 44.25 acres. It is proposed to have 154 lots with a minimum size of 6,000 SF. The southern part of the property is currently located in the ETJ and will need to annex to receive water and sewer services. As part, the development the applicant is proposing to reserve right of way for future Southern Connection that will run directly through the middle of the two subject properties. Until such time the Southern Connector is fully developed, the only access to the southern portion of the project would be through the northern portion, which will have two access points. The two access points will be located on Dairy Road and the second via stub-out from Marrian Drive.

The request is consistent with the 2040 Comprehensive Plan, the Unified Development Code and is compatible with Surrounding Land Use.

Applicant is proposing to provide one street tree per lot and a Class "C" landscape buffer to be provided along all property lines. There will be two mail kiosks within the development. Sidewalks are proposed along both sides of the street throughout the development. Also proposed is a 10' green way trail located along the future Southern Connector as well as a dog park, two community parks to include playground equipment, a picnic shelter and community grills.

Mr. McLeod originally there was plan for a lift station; however, surveying is being done to determine possibility of a gravity feed.

A Traffic Impact Analysis was prepared which indicates a minor increase in traffic at intersections of Barber Mill Road, Highway 42 W and Guy Road and Highway 42 W. Since both these intersections are included in the JC Comprehensive Transportation Plan, as well as the State Transportation Improvement Plan, the study found it would be unreasonable to expect the developer make improvements. The critical improvement would be to the intersection of Barber Mill Road and Highway 42 W, which should be improved with the NCDOT's widening of Highway 42 W. Recommendations included re-striping and timing of light at Barber Mill and Highway 42W, dedication of right of way for Southern Connector; turn lane and site entrance improvements on Barber Mill and Dairy Road.

Planning Board had concerns regard mass grading. A grading report was provided and staff is happy to investigate further if request.

Applicant has addressed major subdivision approval criteria.

Staff recommends approval with conditions as included in staff report.

Mayor Pro Tem questioned the amount of acreage for the community and dog parks. Exact figures not known, however a total of 4.74 acres of open space is planned to include 1.03 acres of recreation space. Mayor Pro Tem Grannis stated he would like that information at the Public Hearing.

Council Member Lawter questioned the protection of natural resources to include the green way paths and asked if all necessary permits would be obtained.

There was brief discussion regarding possible internal traffic issues with on street parking, etc.

Attorney Ross provided information regarding the upcoming two separate hearings, one for rezoning and one for subdivision. She explained that the first for rezoning would be legislative and the second would be quasi-judicial.

The Mayor offered an explanation in plain language with regard to process for both items. Rezoning has no bearing on the subdivision. With reference to the subdivision approval, the developer must meet 4 Findings of Fact. The Mayor suggested residents designate a spokesperson. He reminded that only certain types of evidence and testimony could be considered during a quasi-judicial process. He reminded all testimony must be provided under oath. He stated if there was a concern about property values to remember the council was sitting in a quasi-judicial, there must be proof provided not just opinion.

Attorney Ross read into the record the 4 Findings of Fact:

1. That the subdivision meets are required specifications of the Town Unified Development Ordinance;
2. That 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;
3. That the subdivision design will provide for the distribution of traffic in a manner that will avoid or mitigate congestion within the immediate area, will provide for the unified and orderly use of or extension of public

infrastructure, and will not materially endanger the environment, public health, safety, or the general welfare; and

4. That the subdivision will not adversely affect the general plans for the orderly growth and development of the town and is consistent with the planning policies adopted by the Town Council.

Mr. McLeod provided additional information regarding the two different types of subdivisions.

Mayor McLeod asked if this was the maximum number of lots allowed. Mr. McLeod stated the developer had done a good job with their plan and stated it would be tough to add additional lots.

ACTION: Set Public Hearing for February 6, 2017

Motion: Council Member
Second: Council Member
Vote: Unanimous

f) Award of Bid Recommendation - UV Disinfection System Improvements
Presenter: James Warren, Wastewater Treatment Plant Superintendent

Mr. Warren stated 5 bids were received. The low bidder was George Rapper & Son with a bid of $244,000. They have done previous work for the town. The bid came in 5% below budget. Recommendation to award bid to George Rapper & Son Inc.

ACTION: Place on February 6, 2017 Consent Agenda

7 ITEMS CONTINGENT FOR THE REGULAR MEETING

8 ITEMS FOR DISCUSSION

9 ITEMS REQUIRING ACTION

(In order for any action to be taken during a Work Session, a motion must be made and seconded to suspend the rule to allow action to be taken.)

10 OLD BUSINESS

11 STAFF REPORTS

a) Town Manager

b) Town Attorney

c) Town Clerk

d) Other Staff

12 OTHER BUSINESS

a) Informal Discussion & Public Comment

Ms. Sylvia Connors of 304 Marrian Drive in the Brittany Woods Subdivision addressed the council. Ms. Connors spoke about community's country feel and stated the community enjoys this quiet way of life and want to keep the feel and character. She stated they are not happy about the possibility of the Village at Little Creek but understand growth has to happen but questioned if it needed to happen now. She shared a power point presentation and shared concerns about standing water, swampy land, rotting trees, run off, degrading of land and buffering. She stated she believe the value of their homes would be diminished. The Mayor again reminded Ms. Connors that much as he and the council may personally care about feelings and opinions of residents, that when the Public Hearing is held only credible evidence and testimony that is presented under oath can be considered by them when reaching a decision.

Ms. Connors asked that all those in attendance with concerns to please stand. A total of approximately 25 people were noted as being in attendance. At this time a petition from residents of Brittany Woods, indicating their displeasure with this project, was provided and made part of the record.

Mr. Andy Hairston of 2804 Brittany Drive addressed the council and provided a GIS map of Brittany Woods. He began to address zoning and lot sizes.

At this time, Attorney Ross requested that Mr. Hairston return to the February 6, 2017 meeting for the Public Hearing be held, where he could present this type of information under oath at which time the council could consider his testimony. He added residents would like to propose as compromise that both properties be rezoned R-10.

b) Council Comments

13 ADJOURNMENT

a)

With there being nothing further, the meeting was adjourned at 7:43 p.m.

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

Duly adopted this the 20th day of February, 2017 while in regular session.

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

Jody L. McLeod
Mayor

ATTEST:

Kimberly A. Moffett

Kimberly A. Moffett, CMC, NCCMC
Town Clerk