



**Town of Clayton**  
**Board of Adjustment Minutes**  
**Tuesday, October 7, 2025 at 6:00 PM**  
**Council Chambers, Town Hall**  
**111 E. Second Street**

**Board Members Present:**

Marty Bizzell  
Joseph Warta  
Jim Perricone  
Karen Spicer

**Staff Present:**

Francis Rasberry, Town Attorney  
Ruth Anderson, Council Member Liaison  
Conrad Olmedo, Planning Director  
Haley Downey, Assistant Planning Director  
Robert Tate, Senior Planner  
Sam Johnson-Phillips, Deputy Town Clerk

**Board Members Absent:**

Rebecca Berry  
Richie Wiggins  
Rich Maida

Pursuant to N.C. General Statute § 143-318.10(e), these minutes provide a general summary of the Board of Adjustment meeting and do not represent a verbatim transcript. A complete video recording of this meeting is available for public access on the Town of Clayton's official YouTube channel. <https://www.youtube.com/user/TownofClaytonNC>

**1 CALL TO ORDER**

- a) Call to order of the Board of Adjustment  
*Presenter:* Marty Bizzell, Chair

Chair Bizzell called the meeting to order at 6:08 p.m.

- b) Roll Call for the Board of Adjustment  
*Presenter:* Conrad Olmedo, Planning Director

Mr. Olmedo conducted the call. The following members were noted as absent:

1. Rebecca Berry, Vice Chair
2. Richie Wiggins, Board Member
3. Rich Maida, Board Member

Mr. Olmedo confirmed a quorum was present for the meeting.

**2 ADJUSTMENT OF THE AGENDA**

- a) No adjustments are expected at this time.  
*Presenter:* Conrad Olmedo, Planning Director

Mr. Olmedo requested an amendment be made to the minutes from March 19, 2025, meeting be amended to reflect Ms. Berry's title as "Vice Chair" instead of "Co-Chair."

Chair Bizzell confirmed the vote would be to amend the verbiage from "Co-Chair" to "Vice Chair" in reference to Ms. Berry. Mr. Olmedo affirmed this clarification.

**Motion to approve the agenda with the amendments to the March 19, 2025, minutes.**

<b>RESULT:</b>	<b>CARRIED 4-0</b>
<b>MOVER:</b>	Jim Perricone
<b>SECONDER:</b>	Joseph Warta
<b>YES:</b>	Marty Bizzell, Joseph Warta, Jim Perricone, and Karen Spicer
<b>NO:</b>	None
<b>ABSENT:</b>	Rebecca Berry, Richie Wiggins and Rich Maida

### 3 APPROVAL OF MINUTES

- a) March 19, 2025, Board of Adjustment Minutes  
*Presenter:* Conrad Olmedo, Planning Director

After discussion on revising the meeting minutes to correct the title used for Ms. Berry in the March 19, 2025, meeting minutes, Chair Bizzell clarified the vote would be to amend the title from "Co-Chair" to "Vice Chair." Mr. Olmedo confirmed this clarification.

**Motion to Approve March 19, 2025 Minutes with amendments.**

<b>RESULT:</b>	<b>CARRIED 4-0</b>
<b>MOVER:</b>	Jim Perricone
<b>SECONDER:</b>	Joseph Warta
<b>YES:</b>	Marty Bizzell, Joseph Warta, Jim Perricone, and Karen Spicer
<b>NO:</b>	None
<b>ABSENT:</b>	Rebecca Berry, Richie Wiggins, and Rich Maida

### 4 EVIDENTIARY HEARINGS

- a) 2025-44-SUP Helistop for Johnston Medical Center Special Use Permit  
*Presenter:* Robert Tate, AICP, Senior Planner

Chair Bizzell called the item into the record, titled "2025-44-SUP Helistop for Johnston Medical Center Special Use Permit." He requested Board Attorney Francis Rasberry explain the procedures and legal framework governing the Special Use Permit process, noting that the matter would be conducted as an evidentiary quasi-judicial hearing.

Attorney Francis Rasberry introduced himself, noting that he is commonly referred to as "Ras," and briefly described his experience serving as Board of Adjustment Attorney. He explained that over the past 25 years, North Carolina courts have increasingly required stricter standards for local government decisions affecting individual property rights. He stated that such matters are no longer treated as general public hearings but instead must follow quasi-judicial procedures when a

board evaluates whether an applicant has met specific legal criteria for property use.

Attorney Rasberry clarified that quasi-judicial hearings differ significantly from legislative decisions, such as those made by Town Council, which are policy-oriented and subject to less stringent procedural requirements. In contrast, quasi-judicial proceedings must comply with constitutional due process requirements.

He outlined key rights and requirements applicable to the hearing, including:

1. Testimony must be given under oath.
2. Evidence must be competent and substantial.
3. Parties have the right to legal counsel and to appeal decisions.
4. The right to be cross-examined and the right cross-examine witnesses.
5. A complete record of proceedings must be maintained.
6. The Board's decision must be documented through written findings of fact and conclusions of law.

Attorney Rasberry further explained while formal court rules of evidence do not strictly apply, certain evidentiary standards must still be met. Testimony requiring specialized knowledge must be provided by qualified expert witnesses. He noted that North Carolina law specifically requires expert testimony in cases involving traffic safety impacts and property valuation effects. Additionally, any testimony requiring specialized expertise must be provided by a properly qualified expert, regardless of whether an objection is raised.

He then outlined the standard order of proceedings for a quasi-judicial hearing:

1. The Chair opens the evidentiary hearing.
2. Staff presents a non-advocacy report.
3. The applicant presents evidence supporting the request.
4. Board members may ask questions.
5. Public witnesses are invited to speak, subject to questioning.
6. All witnesses must be sworn in.
7. The applicant may provide a closing statement.
8. The hearing is closed, and the Board deliberates and renders a decision.
9. A written order reflecting the decision must be prepared and signed.

Attorney Rasberry addressed the matter of legal representation, noting that an attorney did not represent the applicant. He referenced a North Carolina State Bar ethics opinion stating that representing another party in a quasi-judicial proceeding constitutes the practice of law. As a result, non-attorneys may not act in a representative capacity for business entities. However, the Town of Clayton allows individuals to appear as fact witnesses. Accordingly, any presenter must acknowledge that they are not acting as legal counsel but are providing factual testimony only.

Chair Bizzell thanked Attorney Rasberry for the explanation and noted the importance of the refresher for both the Board and the applicant. Prior to swearing in witnesses, Chair Bizzell disclosed that his company serves as a consultant for UNC Johnston Health but confirmed that neither he nor his company has any

involvement in the current project and would receive no financial benefit from the outcome.

Attorney Rasberry stated that he had reviewed the situation and determined that no statutory conflict of interest existed that would prevent Chair Bizzell from participating. He affirmed that this conclusion was his legal opinion.

Chair Bizzell requested all individuals intending to speak be sworn in. The Deputy Town Clerk administered the oath, and all speakers were instructed to sign the oath sheet upon providing testimony.

At Attorney Rasberry's request, Chair Bizzell formally opened the evidentiary hearing.

Chair Bizzell introduced Robert Tate, Senior Planner, to present the staff report. Mr. Tate stated the request involved a Special Use Permit for the relocation and expansion of an existing helistop at Johnston Medical Center (Project No. 2025-44-SUP).

Mr. Tate described the subject property as approximately 34 acres in size, located at 2138 Veterans Parkway, on the north side of Veterans Parkway, south of Amelia Church Road, and north of Interstate 42. He presented evidence that required public notices had been properly posted.

Providing background, Mr. Tate explained the existing helistop was approved as part of a 2012 site plan and was previously permitted as an accessory use under the former development code. Under the current Unified Development Ordinance (UDO), helistops are classified as secondary uses requiring a Special Use Permit. The existing helistop is now considered a legal nonconforming use and cannot be expanded without Board approval.

The proposal included relocating the helistop several hundred feet west and increased its size from 40 feet by 40 feet to 50 feet by 50 feet. Mr. Tate presented a concept plan illustrating the current and proposed locations.

He reviewed the proposed Conditions of Approval, noting that the first several conditions were standard administrative requirements. He highlighted Condition #7, which required installation of a 42-inch aluminum fence matching the existing helistop enclosure.

Mr. Tate concluded by noting that the Board may approve, deny, or modify the request and conditions. He also stated that the applicant would present evidence addressing the required Findings of Fact.

Chair Bizzell asked if the Board had questions for staff; hearing none, he invited the applicant to present.

Mr. Sam Bohannon of Ingram Civil Engineering introduced himself as the project's design engineer and thanked the Board and staff. Attorney Rasberry asked Mr.

Bohannon to confirm he understood he was appearing as a fact witness only and not as a legal representative. Mr. Bohannon acknowledged this on record.

Mr. Bohannon presented the proposal, including a vicinity map and site plan showing the existing and proposed helistop locations. He explained the new helistop would be relocated across the driveway and expanded to 50 feet by 50 feet to better accommodate pilot safety and operational needs. He confirmed the fencing would match the existing aluminum fence in design and height.

He presented photographs of the existing helistop, the proposed location, and the surrounding area, including a nearby riparian buffer that would remain undisturbed. He also referenced written materials addressing the findings of fact and indicated he was available for questions.

Chair Bizzell asked whether it was necessary for Mr. Bohannon to read each finding into the record. Attorney Rasberry advised the written materials already submitted constituted sufficient evidence.

Board member Perricone asked about the frequency of helicopter operations. Mr. Bohannon responded that the site averages approximately 30 helicopter trips per year and that he and Kyle discussed this previously and that he could be corrected if misstated.

Hearing no further questions, Chair Bizzell invited public comments. No individuals came forward to speak for or against the request.

Chair Bizzell closed the evidentiary hearing and brought the matter back to the Board for deliberation. After confirming there was no further discussion, he entertained a motion.

Board Member Perricone moved to approve Special Use Permit 2025-44-SUP. Board Member Warta seconded the motion. With no further discussion, Chair Bizzell called for a vote. The motion passed unanimously.

Chair Bizzell announced that the Special Use Permit for the Johnston Medical Center helistop was approved and thanked the Board members.

Attorney Rasberry stated that written Findings of Fact, Conclusions of Law, and an Order had been prepared and were included in the meeting materials on pages 57 through 60. He explained that, while such documents are typically adopted at a subsequent meeting after being finalized by counsel, the Board could choose to adopt them during the same meeting since they were already prepared and available. He noted that combining this action with the approval of the Special Use Permit would be acceptable.

Chair Bizzell responded, "Absolutely," and thanked Attorney Rasberry. He stated he had no objection to approving the findings that evening, noting that doing so would save us 30 days.

Chair Bizzell then asked for the Board's preference, explaining formal findings are usually approved at a later meeting. However, since there was no opposition and the documents had already been prepared and presented, he indicated that the Board could proceed with approval that night if there were no objections.

Chair Bizzell entertained a motion to approve the Findings of Fact, Conclusions of Law, and Order. Board member Perricone made the motion, which was seconded by Board member Spicer.

Chair Bizzell confirmed a motion and second had been made and asked if there was any further discussion. Hearing none, he called for a vote. The motion carried unanimously.

**Motion to Approve Special Use Permit 2025-44-SUP Helistop for Johnston Medical Center**

<b>RESULT:</b>	<b>CARRIED 4-0</b>
<b>MOVER:</b>	Jim Perricone
<b>SECONDER:</b>	Joseph Warta
<b>YES:</b>	Marty Bizzell, Joseph Warta, Jim Perricone, and Karen Spicer
<b>NO:</b>	None
<b>ABSENT:</b>	Rebecca Berry, Richie Wiggins and Rich Maida

**Motion to Approve Findings of Fact, Conclusions of Law, and Order for Special Use Permit 2025-44-SUP Helistop for Johnston Medical Center**

<b>RESULT:</b>	<b>CARRIED 4-0</b>
<b>MOVER:</b>	Marty Bizzell
<b>SECONDER:</b>	Jim Perricone
<b>YES:</b>	Marty Bizzell, Joseph Warta, Jim Perricone, and Karen Spicer
<b>NO:</b>	None
<b>ABSENT:</b>	Rebecca Berry, Richie Wiggins and Rich Maida

**5 NEW BUSINESS**

- a) Approval of Board of Adjustment meeting schedule for 2026.  
*Presenter:* Conrad Olmedo, Planning Director

Mr. Olmedo presented the proposed meeting schedule for 2026, noting that meetings would be held on Wednesdays each month throughout the year. He requested that the Board approve the proposed dates so staff can finalize and confirm them on their calendars.

Chair Bizzell stated he had reviewed the proposed schedule and did not identify any conflicts or necessary changes. He entertained a motion to approve the 2026 meeting schedule.

**Motion to Approve Board of Adjustment Meeting Schedule for 2026**

<b>RESULT:</b>	<b>CARRIED 4-0</b>
<b>MOVER:</b>	Joseph Warta
<b>SECONDER:</b>	Karen Spicer

<b>YES:</b>	Marty Bizzell, Joseph Warta, Jim Perricone, and Karen Spicer
<b>NO:</b>	None
<b>ABSENT:</b>	Rebecca Berry, Richie Wiggins, and Rich Maida

**6 ADJOURNMENT**

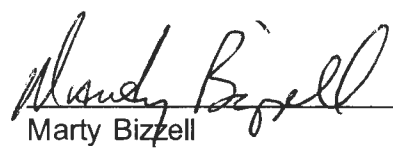
- a) Adjournment of the Board of Adjustment  
*Presenter:* Marty Bizzell, Chair

With nothing further, the meeting was adjourned at 6:38 p.m.

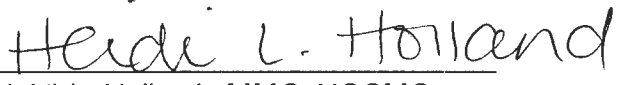
**Motion to Adjourn**

<b>RESULT:</b>	<b>CARRIED 4-0</b>
<b>MOVER:</b>	Joseph Warta
<b>SECONDER:</b>	Karen Spicer
<b>YES:</b>	Marty Bizzell, Joseph Warta, Jim Perricone, and Karen Spicer
<b>NO:</b>	None
<b>ABSENT:</b>	Rebecca Berry, Richie Wiggins, and Rich Maida

Duly adopted this 15<sup>th</sup> day of April 2026.

  
 Marty Bizzell  
 Board Chair

ATTEST:

  
 Heidi L. Holland, MMC, NCCMC  
 Town Clerk

