Town of Clayton
Town Council Regular Meeting Minutes
Monday, August 18, 2025 at 6:00 PM
Council Chambers, Town Hall
111 E. Second Street

Council Present:
Mayor Jody McLeod
Mayor Pro Tem Michael Sims
Council Member Porter Casey
Council Member Ruth Anderson
Council Member Gretchen Williams

Council Absent:
Council Member Andria Archer

Staff Present:
Rich Cappola, Town Manager
Jim Cauley, Town Attorney
Michelle Snyder, Acting Town Clerk
Dolores Gill, Deputy Town Manager
Lee Barbee, Deputy Town Manager
Courtney Tanner, Deputy Town Manager
Greg Tart, Police Chief
David Ranes, Fire Chief
Robert McKie, Jr., Finance Director
Nathanael Shelton, Communication Director
Conrad Olmedo, Planning Director
Haley Downey, Assistant Planning Director
Joe Stallings, Economic Development & Government Affairs Director
Michael Tatum, Fire Marshal
Jose Perez, Building Codes Inspector II

1. CALL TO ORDER

a. Call to Order

Mayor McLeod called the meeting to order at 6:00 p.m.

b. Pledge of Allegiance

Mayor McLeod provided the Pledge of Allegiance.

c. Invocation

Mayor McLeod led the Invocation.

2. ADJUSTMENT OF THE AGENDA

a.

Adopt or Adjust the Agenda

RESULT:	**CARRIED 4-0**
MOVER:	Michael Sims

SECONDER:	Gretchen Williams
YES:	Michael Sims, Porter Casey, Ruth Anderson, and Gretchen Williams
NO:	None
ABSENT:	Andria Archer

3. CONSENT AGENDA

a. Minutes
- July 21, 2025 - Work Session
- July 21, 2025 - Regular Session
- August 4, 2025 - Work Session
- August 4, 2025 - Closed Session

Presenter: Michelle Snyder, Acting Town Clerk

b. Certification of Sufficiency by the Clerk: 2025-40-ANX Clayton Village Center
Presenter: Heidi Holland, Town Clerk

c. Resolution to Set Public Hearing 2025-40-ANX Clayton Village Center Annexation
Presenter: Haley Downey, AICP, CZO, Assistant Planning Director

d. Resolution To Accept Streets into The Town of Clayton Street System for Maintenance – One Year Warranty - Carolina Overlook Phase 1 F, G, K
REMOVED FROM CONSENT AND MOVED TO A SEPARATE ITEM ON THE AGENDA FOR DISCUSSION.
Presenter: Daniel Buckman, Engineering Technician

e. Resolution To Accept Streets into The Town of Clayton Street System for Maintenance – One-Year Warranty - Carolina Overlook Phases 1A, 1B, 1C, 1D, 1E, 1J & 1I
Presenter: Daniel Buckman, Engineering Technician

f. Recommendation for Advisory Board Member Removal
Presenter: Heidi Holland, Town Clerk

g. Amendment to the Code of Ordinances, Chapter 95 Fire Prevention Update
Presenter: Michael Tatum, Fire Marshal

Council Member Casey motioned to remove item 3d. off the consent agenda and move on the agenda as a separate item for conversation.

RESULT:	**CARRIED 4-0**
MOVER:	Porter Casey
SECONDER:	Ruth Anderson
YES:	Michael Sims, Porter Casey, Ruth Anderson, and Gretchen Williams
NO:	None
ABSENT:	Andria Archer

4. **ADMINISTRATIVE ITEMS**

a. Clayton4U

- Back to School Safety

Presenter: Nathanael Shelton, Communication Director

Tonight's video focused on back to school safety.

5. **INTRODUCTIONS AND SPECIAL PRESENTATIONS**

a. NC Eastern District Inspector of the Year

Presenter: Rich Cappola, Town Manager

Mr. Cappola recognized inspector Jose Perez, for being honored by the NC Mechanical Association as the NC Eastern District Inspector of the Year. Mr. Perez has been with the Town for about a decade; in the Inspections Department for the past 8 years. Provided was history of Mr. Perez's experience with the town. He is a level 3 across the board in all trades including fire, which is a big accomplishment. Mr. Cappola thanked Mr. Perez for his commitment over the years to the Town. Mr. Perez stated the Town's group of inspectors take pride in what they do. He thanked all for this opportunity. Council thanked Mr. Perez for his dedication and commitment to the Town and the citizens.

b. Building and Code Staff Appreciation Day Proclamation

Presenter: Mayor McLeod to Present to Inspections Department

Mayor McLeod read the proclamation into the record and presented it to the Inspections Department.

6. **PUBLIC HEARINGS**

a. 2025-10-CZM Dominium Clayton Mixed Use Conditional Rezoning

Presenter: Conrad Olmedo, Planning Director

Mr. Olmedo requested to open the public hearing and have it continued to the September 2, 2025 meeting. This would give the applicants an opportunity to hold a virtual neighborhood meeting on Wednesday, August 27, 2025 at 6:00 p.m. The applicant is present and had flyers to distribute to the members of the community that are present tonight.

Mayor McLeod opened the public hearing.

Motion to Open the Public Hearing and Continue it to the September 2, 2025 meeting.

RESULT:	**CARRIED 4-0**
MOVER:	Michael Sims

SECONDER:	Ruth Anderson
YES:	Michael Sims, Porter Casey, Ruth Anderson, and Gretchen Williams
NO:	None
ABSENT:	Andria Archer

b. 2025-23-CZM Heavner Property Conditional Rezoning
Presenter: Haley Downey, AICP, CZO, Assistant Planning Director

Ms. Downey stated this is a request to rezone two parcels from Corridor Commercial District (CRM) and Residential Large Lot (RLL) to Conditional Zoning Commercial (CZC). The properties in total are 74.08 acres, located off Clayton Blvd, east of Financial Drive/Town Center Blvd; there is a connection to Lightfoot Drive to the southeast and are currently vacant undeveloped. Shared was an aerial map showing the location of the three public notice signs that were placed.

The applicant did submit a concept plan, if approved tonight, this plan along with any conditions would run with the approval and would be recorded at the Register of Deeds. The lighter shade of pink on the concept plan shows the commercial components, about 51 acres, and the darker shade of pink is the multi-family component, approximately 16 acres. This is limited to 12 units per acre for development for multi-family components. The red dash line shows a general circulation pattern to be finalized at site plan and construction drawing review. Perimeter buffers are shown along the project boundaries; along the neighborhood to the south and east is a proposal for a 40' perimeter buffer. To the eastern undeveloped property is a proposal of a 20' buffer; to the west is a proposal for 10' buffers. Also being proposed are two storm water ponds on the site which would be designed at construction drawing review and approved through the storm water ordinance. Various cross access connections are also being proposed; to the west it is being proposed to connect into Scholar Drive at Johnston Charter Academy; into Financial Drive through Town Centre Boulevard; into the undeveloped corner parcel at Clayton Boulevard and Financial Drive, which is currently under review for the future ABC Store. Additionally, they are proposing a substrate to the east of the undeveloped property and to the south into the Dogwood Forest neighborhood on Lightfoot Drive, they are proposing limited access for emergency services. Three access points on Clayton Boulevard are being proposed.

A traffic study was required with this application. There is an anticipated buildout date of 2030 with a 2% growth rate, both reviewed by NCDOT and the Town's consultant; NCDOTs required improvements were included in the agenda packet and outlined in the conditions. Any changes in the intensities or densities in this plan would be subject to amendments to the TIA as needed to be determined at site plan.

These parcels are designated as high density residential in the Town's growth plan with an overlay of community center which does envision a mixture of non-residential and multi-family development, which is what is being proposed tonight. This is consistent with the Comp Plan and the Comp Plan's density of 12 units per acre.

There are 37 conditions of approval proposed. Ms. Downey shared staff highlights of these conditions, which are included in the agenda packet. Today, the applicant proposed a new condition not included in the agenda packet but is included in the presentation, condition #37, which would clarify the cross-access from this parcel to sub street of Lightfoot Drive which would be for emergency services only with the final design at site plan construction drawing to eliminate any through traffic.

Should this be approved tonight, the concept plan and associated conditions would run with the land. The Planning department is recommending approval with conditions consistent with the 2045 Comprehensive Growth Plan and at the July 28, 2025 Planning Board meeting, the board recommended approval with conditions consistent with the 2045 Comprehensive Growth Plan.

Council Member Casey asked if the stormwater pond is a dry or wet pond, Ms. Downey stated it is a wet pond. He asked for more details on the emergency access. Michael Tatum, Fire Marshal, stated the cross connection would need to comply with the minimum fire code requirements for access regarding the weight the access could hold for fire trucks to access and then security for the knoxbox for access emergency use only. This would not limit foot traffic, only vehicular traffic. Council Member Casey asked what type of gate would be used; Mr. Tatum swinging or sliding would be acceptable. The type would be at the discretion of the applicant. Council Member Casey asked if these would be paved or unpaved roads; Mr. Tatum stated they were typically paved asphalt or concrete but there are exceptions as long as they meet the weight rating.

Mayor Pro Tem Sims asked to see the map showing the emergency road, this was shared on the concept plan map. He also asked to see the traffic report. Council Member Casey asked if a No Trespassing sign would be allowed at the fire access; would that be the discretion of the applicant or the community; Ms. Downey stated she believed it would be fine to put that sign up. It was stated this is a private road for the development. She stated the connection is a UDO requirement to connect to existing sub street; hearing neighborhood concerns of not wanting through traffic, that is how staff came up with the fire emergency services access only.

The applicant, Tom Lowell with CASTO, was present and spoke highly of Town staff. Shared was the history of CASTO, a full-service real estate company. He shared details of other CASTO projects.

The property discussed tonight has about 50' of topography from front to back. Wetland and stream buffers were discovered on the property, which have been confirmed by the State. These situations have been worked around to try to minimize any impact to them. Stormwater ponds are located strategically to try to help buffer from this development from the adjacent property as much as possible; 40' buffers have been provided along the perimeter. He did state the existing ABC property is not part of this project.

Two community meetings were held, the last one being August 6, 2025 where the project was discussed and where it has evolved from and to. Out of these meetings, there are about three concerns. The first concern is the connection of Lightfoot and how that functions and restricts access to the development running through the neighborhood. The developers have committed to the concept plan and now even further with a written condition about the emergency access only. They would work with staff to create a design of that, which would be gated with a knoxbox, which means the Fire Department has the keys. Materials used to make this less visible could be grass pavers, which is a type of concrete paver with grass growing through to hide it; this would be subject to review and approval by staff.

Second concern is traffic on Hwy 70. The traffic study has been approved by DOT and Town staff. The third concern is the buffers along Lightwood Drive. The developers have tried to work through a 40' buffer, which is a Type B opaque buffer based on the plantings that would occur there. Concerns were heard about the visual and safety concerns about the commercial component possibly wandering into the neighborhood. Mr. Lowell stated the 40' buffer includes four upper story trees, eight understory trees, and 35 shrubs across for every 100' of length of that buffer.

The code requires a mix of types of plants; they are committed to all evergreens to help prevent anybody who might cross through. Surveys are being done to look at places along the perimeter where the vegetation may be thick enough that it meets either component of the required buffer zone. He stated if retaining walls need to be built, they would be willing to do that.

Mr. Lowell stated primarily all road improvements are along US70, with some on Financial Drive, the extension of Town Centre Drive and Scholar Drive. The US70 improvements include a continuous right turn lane across the frontage and goes across the proposed ABC Store; Access A (West Entrance) is a right-in/right-out; Access B (Main Entrance) would be at the existing ABC Store and would be a full signalized intersection (through cut intersection) which means it restricts the movements from Gateway Drive to the this development; and Access C (East Entrance) would be a signalized left-in/right-in/right-out.

A left turn lane would be added on Financial Drive into Town Centre Boulevard, extending Town Centre Boulevard and Scholar Drive into the property. He stated he believes adding the proposed signals in between the signal at Walmart and Shotwell would create some additional gaps in the traffic flow which should help Fernwood Drive, in and out.

Shared were architectural concepts and illustrative concept plan, which are included in the agenda packet. He highlighted the two ponds, the buffering of the adjacent neighborhood, and discussed parking on the perimeter. He stated along the front there are a lot of sit down, quick service type uses, anchor retail, shops, and multi-family to the back.

There are hard deadlines on this project. He expects to begin next spring and on a two and a half to three-year completion cycle. Off-site improvements would be completed with the first opening, on-site infrastructure completed at the same time.

He spoke about the economic impact to the community. Things that could be easily quantified are property and sales taxes. The property tax is looked at from the perspective of what the construction costs and land costs and then evaluate what the typical appraisal is based on that. Based on current tax rates, he stated there would be about $1.9M of tax benefits to Clayton and Johnston County, with approximately $800,000 coming directly to Clayton. The property is in Johnston County and would have to be annexed.

Based on averages, sales tax impact is expected to be around $200M annually. Based on the sales tax rate of 6.75% that equals about $13.5M on an annual basis.

Council Member Casey asked if the applicant would be willing to do a double silt fence to help with any erosion concerns; Mr. Lowell stated that has been included as a condition. Council Member Casey stated on the site plan there are a lot of trees in the parking lot; Mr. Lowell stated this is a conceptual plan, as it is worked through that would be looked at on how to comply with the UDO and other tenant specific requirements. Council Member Casey asked regarding the apartments, would they be interior or exterior corridor; Mr. Lowell stated that has not been determined yet but are not sure they would be interior corridor. Either way it would still be an upper range of quality.

Council Member Casey asked how the current centers are policed? Mr. Lowell stated that depends, as we get through the property management valuation. They have centers that don't have private security and some do. That would be looked at down the road and would be decided how to accommodate if there is a need.

Council Member Anderson asked to see the map showing the apartments. She asked if there was a trash removal plan. Mr. Lowell stated for the multi-family they would probably have a centralized location. The large anchor retailers usually have it around their loading docks, same with some of the junior anchors. For the smaller buildings, they would have their own and may be close to the building or maybe in their parking lots. Each entity would be responsible for their own hauling. She stated she is excited about the plantings for the buffers, but she wanted to clarify that Mr. Lowell mentioned there are some areas that had natural vegetation already, and that would be left alone. Mr. Lowell stated yes, they are doing some tree surveys to evaluate whether some of the upper story trees meet the requirements. He said they may have to plant some shrubs and may have to supplement with some understory trees and maybe upper story trees. The southern boundary would be left natural at the property owner's request.

Council Member Casey asked if this was under the new UDO, Ms. Downey stated yes. He stated in the new UDO provisions were made regarding light pollution and low light amenities.

Traffic engineer Travis Fluitt with Kimley-Horn was present. Council Member Casey stated, the 2% traffic count is hard for him to understand and get the logic behind the traffic count increase and being able to turn left going into Raleigh, how would that be handled with only right turns out of the development? Mr. Fluitt showed a layout of the entrances. The through-cut (Access B) would allow citizens to turn left to go west toward Raleigh. The current configuration of that intersection is left turns only from the main line onto the side streets, but they are proposing to reconfigure that to this through cut condition to allows lefts. There would be two lanes to turn left out of the development and two lanes to turn toward Clayton. Council Member Casey asked if there was the ability to turn left currently at the Walmart shopping center; how easily accessible is this site going to be to that additional stoplight. Mr. Fluitt stated traffic would be able to access to get out through the shopping center out across Financial to get through and out by the signal at Walmart. Access B intersection is projected to operate at level of service B in the morning and level service C in the afternoon.

Council Member Casey asked about the logic behind the 2% traffic count. Mr. Fluitt stated traditionally they look at historic growth rates in traffic on the roadways; population growth doesn't necessarily translate into vehicular growth in traffic. The number was arrived at in coordination with Town staff and NCDOT staff based on historic trends.

Mayor Pro Tem Sims asked for an explanation of level services grades. Mr. Fluitt stated they measure delays and try to simplify by grading it level of service A, B, C, or D. A is the lowest amount of delay per vehicle, generally about 0 to 10 seconds per vehicle at the intersection, B is more like 10 to 20 vehicles, C is 20 to 35 vehicles and so on. Level of service A through D are considered acceptable, E is in an unacceptable range, and F is unacceptable. Mayor Pro Tem Sims asked Mr. Fluitt through the Walmart light to the Shotwell light, does he know during high peak what the current volume is? Mr. Fluitt stated in front of the ABC Store, the peak hour two-way volume is almost 3,000 vehicles in the peak hour, for both AM (between 7-9) and PM (between 4-6). Mr. Fluitt stated there would be a 2% per year increase in the traffic number is the projected background traffic. He went into detail on how to achieve that number. Mayor Pro Tem Sims asked when these lights are added, what does that add in between Access B to C. Mr. Fluitt stated at full buildout, that volume would increase from 3,000 to 3,600/3,700 vehicles.

Council Member Anderson spoke about the entrance at Dogwood being a problem getting in and out, especially at peak times. She asked Mr. Fluitt what he anticipated these signal lights and delays to do to that entrance. She stated it makes sense to her these two lights would create some delays; Mr. Fluitt stated it should create gaps in the traffic.

Mayor McLeod stated this has been noted as a public hearing and opened the hearing for anyone who wished to speak.

Bill Brewer, 744 Lightfoot Drive, stated he would like to be assured that his quality of life is protected. Based on the neighborhood meetings and the Planning Board meeting, he feels like the quality of life is not being protected. He spoke about his experiences at the neighborhood meetings with Mr. Lowell. He is asking the buffer to remain in some form to protect the community more than 40'. He stated he is not against the plan but wants to be sure Dogwood Forest is protected. He spoke about his concern of retention ponds being sufficient to handle water from new subdivisions. He also spoke of his concerns about traffic. He stated he was told 25 years ago Lightfoot Drive would never be open. He stated he would like Dogwood Forest to remain a one access in and one access out. He is asking Council to take into consideration everything past boards have done to protect that.

Art Mercer, 741 Lightfoot Drive, spoke on past rezonings where there was an agreement to a regional separation between Dogwood Forest and the planned Heavner development, with some discussions the separation being from 300' to 500', then 100' and was adopted at 125'. He stated the current zoning map for the involved parcels shows an area boarding Dogwood Forest zoned Residential Large Lot. He stated this protective zoning strategy has been in place since October 17, 2006 and the residents of Dogwood Forest see this as a promise kept by the Town. He questioned why staff was not able to provide the developer and the Planning Board this background of the 125' shown on the zoning map. Shared were excerpts of past minute sharing this history.

Matthew Wood, 736 Lightfoot Drive, shared his concerns about how close the retail stores would be to his fence and the noise and air pollution that would come with the building of this project. He suggested putting a berm up as a buffer. The idea that this would mitigate traffic is ridiculous. He asked to save some of the trees and get more police out there on Hwy 70.

Bill Williams, 1015 Mulberry Road in Dogwood Forest, spoke about his concern of noise pollution from the heavy equipment.

Kimberly Perez, 780 Lightfoot Drive, stated her house is located between the development and Little Creek. She shared her concerns of the storm water management and the runoff from the 75-acre development that would be emptying into two large retention ponds that are directly adjacent and uphill from her property. After multiple meetings with the developers' agents, she had yet to be told how any excess storm water would be channeled from the property to lower lying areas. She has requested as a condition of zoning variance that all data and design regarding storm water runoff be made public so they could be reviewed. She asked the developers to provide clear definitive plans as to how this project would distribute and safely disperse any excess unexpected storm water.

Joanna Larry, 733 Lightfoot Drive, asked if Council had the letter that was emailed last Thursday, Council stated yes. This letter represents the community of about 50 homes; 30 homes signed the letter. The letter stated they are not against the development, but they are requesting it be conditioned in compliance with the conditions adopted by Council on October 17, 2006 and would like the 125' natural buffer to be maintained.

David Outlaw, 724 Lightfoot Drive, stated on the site map he has the property in the corner that has the 200' on the west side and then cuts over to the fire emergency access gate. He would be getting hit by the buffer twice. Dogwood Forest is not against the development; he would like the buffer to be more than 40'.

Nick Perez, 780 Lightfoot Drive, stated when they met with CASTO, he emphasized the fact in order to feel safe and secure, they would like to have a physical barrier between the development and the subdivision. There was discussion on a fence, wall, or berm and agreed by CASTO that that could be a consideration. He stated he had emailed Council today regarding the benefits of fences between commercial and residential subdivisions. There was discussion between CASTO of adding more evergreen plantings to create more of a year-round barrier to the border. He is requesting this be a requirement of conditional variance to the zoning. He spoke about fencing for the retention ponds for liability reasons and requested the remaining linear border footage be filled in with either an 8' chain link fence, heavy commercial grade, or 10' vegetated berm.

Dan Shaw, 728 Lightfoot Drive, spoke about the 125' buffer that was adopted by Council in October 2006. He requested the Town maintains the 125' buffer. He would like to add a few conditions to ensure any required connection to Lightfoot Drive is closed to both construction and public access; enforce defined construction hours; and required traffic improvements are paced with construction milestones in order to mitigate any further traffic issues.

Mayor McLeod asked if anyone else wished to speak to add something to the record that has not already been stated? He asked those here representing the Dogwood Forest community to please stand. He asked if anyone else wished to speak. With no one else wishing to speak, the public hearing was closed and turned over to Council for deliberation. Mayor McLeod thanked the citizens for the level of professionalism and the sense of community that has been expressed tonight; the method by which the citizens came to conduct business tonight has not gone unnoticed.

Council Member Casey asked regarding the storm water design plans, those are public but just have not got to that stage? Ms. Downey stated yes, once they submit site plan and construction drawings, they would be public record and available through a public record request. He asked how the storm water plans and designs are vetted? Ms. Downey stated they are reviewed by the technical review committee in accordance with the Town's storm water ordinance and the state requirements to ensure compliance.
Council Member Casey asked the applicant if he could speak to the construction entrance. Mr. Lowell stated they do not have all the design plans yet but in the process. The first choice of entrance would be off 70 or Clayton Boulevard, possibly at Access A or potentially through Town Centre and that may change as the process is evaluated. He stated it would not go through Dogwood Forest.

Council Member Casey stated he is perplexed by the 125' buffer. Attorney Cauley stated he reviewed the October 17, 2006 minutes and what he got from that was it was not a buffer in the sense of the property was obligated to remain as a buffer; it was a separation. He stated he had heard it referred to as both tonight. No obligations were put on that property. He stated you may remember something called a protest petition. There used to be a statutory right among adjoining owners to create a supermajority vote requirement by a local government. If you were within a 100' of the property you could petition and that would obligate the governing board to have a four-fifths vote in order to pass the rezoning. What it looks like in the minutes is the applicant at the time amended their rezoning application. It began at 100' and then went to 125' with the purpose being to eliminate the protest petition rights of the adjoining property owner. He stated it is curious to him that the vote to pass the rezoning was 3 to 1. It looks like there wasn't a super majority in favor of the rezoning at that time. There were references in the minutes that were revealing. The Town Manager at the time specifically said he would caution using the word buffer in this context and what is being discussed is separation; what is being defined is a boundary for a new district. The applicant backed off the property line far enough to eliminate the protest rights and only have to get a majority vote to approve his application. He stated in these minutes the manager stated at this point if approved for rezoning, that does not preclude the possibility of development or cutting within the 125'. He further stated it is an important distinction when discussing a rezoning district boundary and a buffer. Attorney Cauley stated in his read of this, because of this statutory right to protest and to create an obligation for a supermajority vote to approve a rezoning, the applicant amended the request; the amendment was approved by the Council. In the minutes, Mayor McLeod stated the Council cannot state that this will be left undisturbed as this is a zoning hearing. Attorney Cauley stated it did not again create obligations to buffer to use that property as a buffer.

Council Member Casey asked if this could be a liability on our part to expect something like this? It seems like a buffer of that size infringes on the property rights of the property owner; Attorney Cauley stated he would agree with that.

Council Member Casey stated he is not familiar with the elevations of a berm versus a vegetation buffer, from a development standpoint, he asked Mr. Lowell if this is something he felt comfortable speaking about. Mr. Lowell stated the creation of a berm requires grading which means you would have to disturb it. If you want to leave things natural, a berm in not going to help it. In the presentation he stated he was looking to keep natural vegetation even to the point where a retaining wall may be necessary.

Tucker McKenzie with WithersRavenel stated a berm sounds great on flat property; leaving the property in a more natural state is the better engineering practice.

Mayor Pro Tem Sims stated he appreciated all that came here to speak. He stated the buffer has him perplexed. He stated he doesn't see why something could not be worked out between the 40' and 125'.

Mayor McLeod stated for clarification, the UDC requires a 10' buffer, is that correct? Ms. Downey asked from the existing zoning of RLL and against the neighborhood it would require a 10' buffer right now if that portion were developed. If the applicant rezones, it would require a 40' buffer. Mayor McLeod asked the Attorney, from a legal perspective in the state of North Carolina, is one Council bound by another Council's decision? Attorney Cauley stated generally the answer is no but this was not a Council decision that even bound that Council because all it did was take property out of a rezoning application.

Mayor Pro Tem Sims asked the applicant if he had a response to his previous comment? The applicant stated no.

Council Member Casey stated one of the challenges with this situation is we are a growing community. He stated he is excited about this and the potential opportunities and he understands there is a legacy community there that is concerned, and this is a tough decision. He hoped there would be common ground if this project was to be approved tonight. He feels this would be a good project and ultimately good for the community and does think there needs to be consideration in certain areas.

Council Member Williams thanked the residents and the applicant for letting their voice be heard. She stated sounds like from the last neighborhood meeting so many things were accomplished. She asked for more information on the legal buffer requirements. Ms. Downey stated the 10' is referencing the existing zoning, which is RLL, technically along that perimeter given that 125' strip; RLL against RLL, if that were developed, would require a 10' buffer. With this rezoning the applicant is required the Type D 40' buffer they are proposing. Council Member Williams stated that there is a big difference and its been stated the 40' is already above and beyond.

Council Member Anderson stated this is a hard decision and in her experience with the Council and developers who have come and gone, the experience with CASTO is they have been open, honest, and willing to listen. This developer has been more than willing to hear what the community and Council have said. She feels this property is going to be developed and there may be a developer that comes in that is not as willing to listen and bring to the community some of the things this developer has brought. This project will bring a lot to this community, a lot of positive to the neighborhood. She feels like if this is approved, the CASTO group would still be open to listening to the community.

Council Member Casey stated this may need to be in the form of a condition or if the applicant would be open to doing this, but with respect to the neighboring community, would the applicant be willing to have some sort of form of communication, whether a newsletter or periodic check-in, just to provide an update to the neighborhood. Mr. Lowell stated he is willing to continue the dialogue and have discussions further into the process and design. He stated before any construction happens, he could give the residents notice of anticipated start time, and provide information as the project moves forward. He stated he does not know if he wants to condition a timeframe on that. Council Member Casey asked how would neighbors be able to reach out, Mr. Lowell stated they have his cell phone number and email address.

Mayor McLeod stated it is obvious this neighborhood is special and he feels confident CASTO is going to do an amazing job with this project and be a good neighbor. Bill Brewer asked to speak and he assured the Council the subdivision is not against the project, they want the project, but want Dogwood protected. That is all they are asking. Mayor McLeod stated this has been communicated and stated on the record.

Council Member Casey made a motion to approve this project adding a condition of a double silt fence.

Mr. Lowell stated the condition to be added is there is be no construction access through Dogwood Forest and Lightfoot Drive, through the entire neighborhood is fine. Council Member Casey clarified the double silt fence is already listed as a condition.

Council Member Casey stated that is his motion, seconded by Council Member Anderson. Mayor McLeod clarified with the Attorney the motion is second is correct and as it needs to be stated on the record? Attorney Cauley asked the Planning staff if they have the additional condition text, Ms. Downey stated yes, they have condition #37 from the applicant that was shared in the presentation and have it in the condition sheet.

Mr. Cappola clarified with Ms. Downey that the condition limits it to emergency access only, so by default, construction access is not allowed; Ms. Downey stated yes by default. She stated she could read the language again if necessary.

Adoption of Ordinance #2025-08-02 and Consistency Statement. Council Member Casey made a motion to add a condition stating there would be no construction access through Dogwood Forest and Lightfoot Drive.

RESULT:	**CARRIED 4-0**
MOVER:	Porter Casey
SECONDER:	Ruth Anderson
YES:	Michael Sims, Porter Casey, Ruth Anderson, and Gretchen Williams
NO:	None
ABSENT:	Andria Archer

c. 2025-56-Street Closure, Shotwell Apartments (Mechanical Drive)
Presenter: Audrey Duchesne, Senior Planner

Ms. Duchesne stated this is a request to permanently close .10 acres of Mechanical Drive. The location is next to the intersection of Cameron Way and Shotwell Road. The two impacted properties are 1311 and 1301 Mechanical Drive. Shared was a recombination plat currently under review by staff. Once the plat has been recorded, it would officialize the right-of-way abandonment. A site plan of the project was approved last month with conditions, one of the conditions being the approval of the removal of the cul-de-sac.

Since the street closure is associated with a project, background history was provided. This project was approved under conditional rezoning CZR last year for a multi-family project of 90 units. In the project's conditions, condition #37 stated the developer shall cover the costs associated with road improvements on Mechanical Drive to remove the cul-de-sac.

The Planning Board recommended approval unanimously and to consider the addition of a No Outlet sign as shown as attachment #8 in the agenda packet. Staff also recommended approval.

Council Member Casey asked if we are asking to close the road but not to give up any road? Ms. Duchesne stated closing the road would give .10 acres to the property with the reason being the consideration of the project would help to add the driveway length also parking spaces for the project. He asked if there is any compensation for the part of the road being closed? She stated since this is a right-of-way abandonment, there is no transaction or fee associated with this.

Mayor McLeod stated this has been noted as a public hearing and opened the hearing for anyone who wished to speak. With no one wishing to speak, the public hearing was closed and turned over to Council for deliberation.

Adoption of Ordinance #2025-08-08

RESULT:	**CARRIED 4-0**
MOVER:	Michael Sims
SECONDER:	Ruth Anderson
YES:	Michael Sims, Porter Casey, Ruth Anderson, and Gretchen Williams
NO:	None
ABSENT:	Andria Archer

d. Sale of Multifamily Housing Revenue Bonds Series 2025 for Shotwell Apartments
Presenter: Robert McKie Jr., Finance Director

Mr. McKie stated tonight's ask is to adopt two resolutions. The first is a resolution to issue and sell a multi-family housing revenue bond for the Shotwell Apartments project, with an amount not to exceed $14.5M. The second resolution is to approve the financing team, which is listed at the bottom on page one of the resolution #2025-80 in conjunction with making certain findings related to the issuance of this sale that is required by the NC Local Government Commission.

On May 6, 2024 Council approved an inducement resolution which gave conditional approval. With the approval of the closure of the street and the right-of-way abandonment, this is the last hurdle the developer needed to move forward with issuing the revenue bonds. The Town is only acting as a conduit debt issuer; we have no obligation to repay these bonds; repayment is solely coming from revenue or other funds provided by the developer, Shotwell Apartments Limited Partnership.

Kristen Kirby from McGuireWoods, who is the bond counsel, is present tonight for any questions.

Mayor McLeod stated this has been noted as a public hearing and opened the hearing for anyone who wished to speak. With no one wishing to speak, the public hearing was closed and turned over to Council for deliberation.

Adoption of Resolutions #2025-79 and #2025-80

RESULT:	**CARRIED 4-0**
MOVER:	Michael Sims
SECONDER:	Ruth Anderson
YES:	Michael Sims, Porter Casey, Ruth Anderson, and Gretchen Williams
NO:	None
ABSENT:	Andria Archer

e. 2024-77-ANX: Coulan Company Annexation Public Hearing
Presenter: Robert Tate, AICP, Senior Planner

Mr. Tate presented a non-contiguous annexation petition for approximately 5.23 acres located within the Town's ETJ to receive Town services. An aerial image was displayed, showing the site situated between the NCRR Railroad and Powhatan Road. A current Town Limits Map was also presented, with reference made to adjacent properties already within the Town's boundaries. The property is currently zoned HID (Heavy Industrial), and the Future Land Use Map designates it as part of the Employment Center.

Mayor McLeod stated this has been noted as a public hearing and opened the hearing for anyone who wished to speak. With no one wishing to speak, the public hearing was closed and turned over to Council for deliberation.

Adoption of Ordinance #2025-08-01

RESULT:	**CARRIED 4-0**
MOVER:	Ruth Anderson
SECONDER:	Michael Sims
YES:	Michael Sims, Porter Casey, Ruth Anderson, and Gretchen Williams
NO:	None
ABSENT:	Andria Archer

f. 2024-140-CZM FluoroFusion Conditional Rezoning
Presenter: Audrey Duchesne, Senior Planner

Ms. Duchesne stated the request would be to rezone the parcel from HID (Heavy Industrial) to CZI (Conditional Zoning Industrial). The vacant lot is approximately 4 acres, located on Powhatan Road between Clayton Blvd and the NCRR Railroad.

Ms. Duchesne shared the background of the property which was approved as a conventional rezoning in March 2024. The approval applied only to the zoning district change from Residential Large Lot (RLL) to Heavy Industrial (HID). No site plans or project approvals were granted at this time and no vested-rights plans under the UDC were submitted or approved. Staff identified the tower height exceeded HID's 60' limit under the UDO which is why this project is being heard tonight.

The concept plan identified two phases which would be a unified development project in the future. There would be right-of-way dedication in accordance with Town policies. The requested deviation is the distillation tower 100' in height. The proposed use is heavy manufacturing. Enhancements were proposed because of a deviation of the height; the buffer requirement is a Type C and the enhancement proposed by the applicant is Type D.

On the Future Land Use Map, the area is designated as Employment Center. Staff observed it is consistent with the current Future Land Use designation.

Highlights of the Conditions of Approval included:

- Height Deviation: Condition #8 permits the distillation tower height to be increased up to 100'.
- Landscaping Enhancements: Condition #9 upgrades the perimeter landscaping buffer from Type C to Type D.

Should this request be approved tonight, the concept plan and associated conditions of approval would be tied to the land in accordance with NC Statute Chapter 160D. Planning Board recommended this project 5-1 with approval with conditions consistent with the 2045 Comprehensive Growth Plan. The board encouraged the applicant to maintain dialogue with adjacent property owners regarding the AM Tower (attachment #8 in the agenda packet), which is a certificate to attest the future distillation tower would not interfere with the AM tower signals. Staff also recommended approval, consistent with the 2045 Comprehensive Growth Plan.

She stated the applicant and engineer are present tonight for any questions.

Mayor McLeod stated this has been noted as a public hearing and opened the hearing for anyone who wished to speak. With no one wishing to speak, the public hearing was closed and turned over to Council for discussion.

Council Member Casey asked the applicant what was decided, or additional conversations were had after the last Planning Board meeting. The applicant stated there was a concern by the AM radio station, Truth Broadcasting, that the tower to be built would interfere with their AM signal. The applicant stated they contracted an engineer, and a study was done on their tower and the project's tower; the study showed there should not be any interference with the radio station's tower. A certificate was provided stating there should not be any interference with the AM tower. He stated he believed Truth Broadcasting did write a letter stating they had removed their objection for the project's tower.

Adoption of Ordinance #2025-08-04 and Consistency Statement

RESULT:	**CARRIED 4-0**
MOVER:	Porter Casey
SECONDER:	Gretchen Williams
YES:	Michael Sims, Porter Casey, Ruth Anderson, and Gretchen Williams
NO:	None
ABSENT:	Andria Archer

7. QUASI-JUDICIAL HEARING

8. OLD BUSINESS

a. Capital Project Budget Ordinances
Presenter: Robert McKie, Jr., Finance Director

Mr. McKie stated tonight's request is for adoption of two capital project budget ordinances. First is the Main Street Pedestrian Improvements, which is in the CIP, would cover pedestrian improvements between Robertson and Smith Streets. The project cost is $4.1M with a $2.2M grant from the LAPP project, with the difference of $1.9M being funded by the General Fund.

The second ordinance is the NCDEQ Wastewater System Improvements, which is also in the CIP, would cover major wastewater system improvements and would be partially funded by NCDEQ. The Town received a grant of approximately $14M from NCDEQ to undertake improvements to include the Walmart Pump Station, Forest Hills Pump Station, Walnut Creek Pump Station, as well as the West Clayton Regional Sewer and Cornwallis Sewer. The total cost of these projects is projected to be $41.6M. The difference of $27.5M would be in the form of revenue bonds issued by the water sewer system.

Council Member Casey asked where the Town stands with LAPP project's percentage of design concept? Mr. Cappola stated a couple of months ago at a work session, Kimley-Horn presented some concepts for different treatments at the intersections along Main Street. Currently, the survey and field work has been completed in order for Kimley-Horn to advance the design to approximately 65% design. Public stakeholder meetings have been scheduled for September, and they plan to have a booth at the Harvest Festival in October.

Adoption of Ordinances #2025-08-07 and #2025-08-08

RESULT:	**CARRIED 4-0**
MOVER:	Michael Sims

SECONDER:	Gretchen Williams
YES:	Michael Sims, Porter Casey, Ruth Anderson, and Gretchen Williams
NO:	None
ABSENT:	Andria Archer

9. NEW BUSINESS

a. Amendment to the Code of Ordinances, Chapter 96 Solid Waste Management, Sections 96.02 and 96.04
Presenter: Jon Weckesser, Senior Zoning & Code Enforcement Officer

Mr. Weckesser stated after holding meetings with representatives from the Town's waste management contractor Allstar Waste Services, staff concluded the code of ordinance text amendments were essential to correctly reflect the updated needed to adhere to Allstar's standards.

In Chapter 96.02, current code states recycling and collection is every other week; current practice is a weekly collection. In Chapter 96.04, the request is to remove bags as loose-leaf containers, the landfill Allstar uses does not accept those bags. In lieu of bags, reusable plastic containers no larger than 32 gallons are acceptable to use as loose-leaf containers, however, they must be labeled yard waste. The 32 gallon is a reduction from the current 50 gallon capacity. Citizens do have the option to purchase a 92 gallon rollout container from Allstar for $85.00 but could be subject to change.

Council Member Casey confirmed reusable bags and plastic bins are acceptable; Mr. Weckesser stated it is his understanding that as long as the containers are clearly delineated as yard waste, they would not be taken or removed. He stated he did not speak with Allstar about bags versus plastic totes and they did not speak about reusable bags. Council Member Casey stated this is information that should be included in the newsletter included in the utility bill. Mr. Weckesser stated staff have been communicating with the Communications Department on different ways to get this information out to the public. Allstar would collect plastic bags up until the beginning of loose-leaf season which is in October. After loose-leaf season is over in January, Allstar wants to have the plastic bags completely phased out.

Council Member Anderson asked if Allstar is reducing the container size of the yard waste containers? Mr. Weckesser stated yes, if the citizen provided their own. Council Member had a couple more questions about containers, Mr. Weckesser stated the yard waste containers are mostly directed towards loose leaf twigs, grass clippings, etc. Allstar would still take limb piles as long as they are cut into 6x6x3 piles; this is geared more towards loose-leaf in the plastic bags.

Adoption of Ordinances #2025-08-09 and #2025-08-10

RESULT:	**CARRIED 4-0**
MOVER:	Michael Sims
SECONDER:	Gretchen Williams
YES:	Michael Sims, Porter Casey, Ruth Anderson, and Gretchen Williams
NO:	None
ABSENT:	Andria Archer

b. Resolution #2025-71 To Amend Resolution #2022-10 Granting Wastewater Treatment Capacity 2021-90-CZM: Ramblewood Village
Presenter: Courtney Tanner, Deputy Town Manager

Ms. Tanner stated the request for this allocation is related to a rezoning request where a total of 154 units were approved which included 96 single-family detached and 58 attached. Typically, we would receive an allocation request when the project is further along in the process; there is nothing to prohibit anyone from submitting this early in the process. Since these expire after a year, staff's recommendation does not approve the request. Lee Lambert, applicant, was present. He stated this project began in 2021 with approval and sewer allocation granted in 2022. They wanted to make improvements then at the Walmart Pump Station but there were plans already to bypass the pump station with a new line and they were encouraged not to do that. The sewer allocation expired along the way. The first contract was lost, and a second contract was going to build on it and they then asked for the sewer allocation. Staff encouraged the applicant to apply for a new sewer allocation and after discussion, he did not see an issue with Council reapproving the allocation, however, did not anticipate a new approval being subject to the completion of the Town's new gravity line abandoning the Walmart pump station. He stated it is easier to sell a project and get a builder if there is a sewer allocation, even though it can't be used until the sewer line is built which is now fully funded, the route is 100% picked up, the design is 100% complete and things are moving along.

Council Member Anderson stated based on the length of time until the wastewater is actually needed, she does not think it is a good precedent to allocate this at this point. She made a motion to deny this request. Seconded by Mayor Pro Tem Sims.

Motion to Deny Adoption of Resolution #2025-71

RESULT:	**CARRIED 4-0**
MOVER:	Ruth Anderson
SECONDER:	Michael Sims
YES:	Michael Sims, Porter Casey, Ruth Anderson, and Gretchen Williams

NO:	None
ABSENT:	Andria Archer

c. Resolution To Accept Streets into The Town of Clayton Street System for Maintenance – One Year Warranty - Carolina Overlook Phase 1 F, G, K
Presenter: Daniel Buckman, Engineering Technician

Council Member Casey stated considering questions he had regarding this resolution and due to the interest of time, he requested this item be tabled to the next meeting, September 2, 2025 so additional he could get additional clarity.

Motion to Continue to the September 2, 2025 Regular Session Meeting

RESULT:	**CARRIED 4-0**
MOVER:	Porter Casey
SECONDER:	Ruth Anderson
YES:	Michael Sims, Porter Casey, Ruth Anderson, and Gretchen Williams
NO:	None
ABSENT:	Andria Archer

10. STAFF REPORTS

a. Town Manager

Mr. Cappola discussed a project the Town is fortunate enough to be able to afford through the Parks and Rec. Bonds from 2018 that would be moving forward. With the funding and interest rates the Town was able to get, we are happy to report we would be able to move forward with replacing the playground at the Donald Clyde Sinclair Park. Several years ago improvements were made, the playground was not one of those replacements at that time. The funding is now available for those improvements. A concept of the new playground was shared. The delivery of the components would be later this fall and between now and the end of the calendar year we anticipate this being installed.

Mayor Pro Tem Sims and Council Member Casey spoke of their excitement on the new playground at the Donald Clyde Sinclair Park. Council Member Casey asked with the completion of this project, does that mean we have had some form of improvement for every park in the Town? Mr. Cappola stated this is the only playground left in the portfolio that has not been replaced.

Council received the current financial report through the month of June; these are not the final audited results but would provide a good indication of where the final FY25 books would end up. He stated there have been several inquiries regarding the potential Hurricane Erin and as of right now the

Emergency Management staff are not seeing any significant impacts but would continue to monitor it.

b. Town Attorney

No report.

c. Town Clerk

No report.

d. Other Staff

No report.

11. OTHER BUSINESS

a. Informal Discussion & Public Comment

Lindsay Allen, Clayton citizen, spoke of her experience at the July 28, 2025 Planning Board meeting.

b. Council Comments

Mayor Pro Tem Sims spoke of his interaction with Town citizens and how he tries as much as possible to meet the needs of any and everybody. He spoke of the two appointments he scheduled tonight at the request of citizens. He stated he would like citizens and everyone to know he is available.

Council Member Casey stated as school starts back, we need to make sure the crosswalks are painted near the area schools. He spoke about speed tables, he asked what is the traffic calming mechanisms the Town has that could help mitigate some of these areas near especially the high school. Mr. Cappola stated we have a Traffic and Safety Committee that meet quarterly but as these things come in, they weigh in on them. There is a policy that has different tools in the toolbox, speed tables being one of them. An analysis would need to be completed to be able to understand what is the appropriate measures for the speeds, locations, etc. He would work with staff to review all the areas around the existing schools as well as the conditions of the crosswalks and signage. Council Member Casey spoke of the crosswalk at Fayetteville Street, there is no stoplight or stop sign at that intersection; he would like to see a designation at this location for safety. Mr Cappola stated Fayetteville Street is part of the Clayton High School project, they have been reviewing the roadways around the high school. Ms. Tanner stated as part of the TIA study, pedestrian traffic was included. She stated she would pull that information. He stated regarding the Front Street corridor with respect to the cross streets, the Church and Fayetteville Street intersections, citizens that drive down Front Street, there are a lot of stop signs and he would love to see markings on the street designating or providing notice that they need to stop. Mr. Cappola

Emergency Management staff are not seeing any significant impacts but would continue to monitor it.

b. Town Attorney

No report.

c. Town Clerk

No report.

d. Other Staff

No report.

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Council Member Casey spoke about sitting in the audience of past meetings with an amplified audience. He stated there was probably some concern since meetings can go from mellow to off the charts pretty quickly, and sometimes it's just a gut call. He stated he appreciated the comments from Lindsay Allen.

Mayor McLeod addressed Ms. Allen's TikTok video and the misrepresentation in the video. He spoke of the love for his hometown and he is honored to know people want to come here to live. The positive of this was the hundreds of people communicating how much they appreciate the good work that is done in the Town.

12. CLOSED SESSION

13. ADJOURNMENT

a. Adjourn

With nothing further, the meeting was adjourned at 9:24 p.m.

Motion To Adjourn

RESULT:	**CARRIED 4-0**
MOVER:	Gretchen Williams
SECONDER:	Michael Sims
YES:	Michael Sims, Porter Casey, Ruth Anderson, and Gretchen Williams
NO:	None
ABSENT:	Andria Archer

Duly adopted by the Town Council this 2nd day of September 2025 while in regular session.

Jody L. McLeod
Mayor

ATTEST:

Heidi L Holland

Heidi L. Holland, MMC, NCCMC
Town Clerk