# Town of Clayton
## Regular Town Council Meeting Minutes
**Monday, May 6, 2024 at 6:00 PM**
**Council Chambers, Town Hall**
**111 E. Second Street**

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

**Council Absent:**
None

**Staff Present:**
Rich Cappola, Town Manager
Jim Cauley, Town Attorney
Heidi Holland, Town Clerk
Dolores Gill, Deputy Town Manager
Lee Barbee, Deputy Town Manager
Robert McKie, Finance Director
Greg Tart, Police Chief
Nathanael Shelton, Communication Officer
David Ranes, Fire Chief
Joshua Baird, Engineering Director
Conrad Olmedo, Planning Director
Sam Johnson-Phillips, Deputy Town Clerk
Patrick Pierce, Economic Development Director
Bruce Venable, Planner

## 1. CALL TO ORDER

a. Call to Order

Mayor McLeod called the meeting to order at 6:07 p.m.

b. Pledge of Allegiance

Mayor McLeod led the Pledge of Allegiance.

c. Invocation

Mayor McLeod provided the Invocation.

## 2. ADJUSTMENT OF THE AGENDA

a. There was an adjustment of the agenda to Remove item 3f (Resolution for Final Acceptance of Public Water and Sewer Utilities including SSO for Meadowview Subdivision, Phase 1 and to add to 6a. a Wastewater Resolution

**Approve or Adjust the Agenda**

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|---|---|
| **RESULT:** | **CARRIED 5-0** |
| **MOVER:** | Porter Casey |
| **SECONDER:** | Andria Archer |
| **YES:** | Porter Casey, Andria Archer, Michael Sims, Gretchen Williams, and Ruth Anderson |
| **NO:** | None |

## 3. CONSENT AGENDA

a. Minutes
- April 1, 2024 - Work Session
- April 15, 2024 - Regular Session
- April 15, 2024 - Closed Session

*Presenter:* Heidi Holland, Town Clerk

b. Downtown Clayton Social District
*Presenter:* Lydia Davis, Economic Development Specialist

c. Resolution To Accept Streets into The Town of Clayton Street System for Maintenance – Village at Little Creek Phase 1
*Presenter:* Michael Worner

d. Resolution To Accept Streets into The Town of Clayton Street System for Maintenance – Village of Little Creek Phase 2
*Presenter:* Michael Worner

e. Resolution To Accept Streets into The Town of Clayton Street System for Maintenance – Highgate Subdivision Phase 4
*Presenter:* Michael Worner

f. Resolution for Final Acceptance of Public Water & Sewer Utilities Including SSO for Meadowview Subdivision, Phase 1
**THIS ITEM WAS REMOVED FROM THE AGENDA**

g. Birthday Leave Policy
*Presenter:* Kenya Walls, Human Resources Director

h. Resolution To Accept Public Utilities into The Town of Clayton Public Utility System for Maintenance – Spinning Mill Apartments
*Presenter:* Michael Worner

i. Liberty & W Main St Pump Station Decommission Project - Railroad Pipeline Agreement
*Presenter:* Chris Gallant, Project Manager

j. Resolution to Adopt Code of Conduct for Members of Appointed Boards
*Presenter:* Heidi Holland, Town Clerk

k. Budget Amendment and Amended Budget Ordinance - Section 8

*Presenter:* Robert McKie, Finance Director

l. Child Safety Policy
*Presenter:* Joy Garretson, Library Director

m. Internet Use Policy
*Presenter:* Joy Garretson, Library Director

n. Tutor Policy
*Presenter:* Joy Garretson, Library Director

**Adopt Consent Agenda as Presented**

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|---|---|
| **RESULT:** | **CARRIED 5-0** |
| **MOVER:** | Porter Casey |
| **SECONDER:** | Andria Archer |
| **YES:** | Porter Casey, Andria Archer, Michael Sims, Gretchen Williams, and Ruth Anderson |
| **NO:** | None |

## 4. ADMINISTRATIVE ITEMS

## 5. INTRODUCTIONS AND SPECIAL PRESENTATIONS

a. Retirement of Detective Pat Millar
*Presenter:* Chief Tart, Police Chief

Mayor McLeod read the resolution into the record. He expressed sincere gratitude for the 25 years of excellent service he has provided to the Town. Chief Greg Tart presented Detective Millar with his badge and weapon and thanked him for all his contributions and service to the Town. Detective Millar thanked everyone for the opportunity to work for the Town of Clayton.

b. Johnston Community College Presentation
*Presenter:* Lyn Austin and Dr. Vern Linquist, President of Johnston Community College

Dr. Vern Linquist. President of Johnston Community College as well as Lyn Austin, Chair of the Board of Trustees was present. He was present tonight to provide an overview of the bond request the college is making to the County Commissioners in hopes Council could support this. He introduced his staff that were presented tonight.

After a 15-month study process LS3P produced with a facilities master plan for the campus for facilities. They did an analysis of current needs and facilities and did a market analysis on where students would be coming from in the future and what types of programs they would need. It was found that the college is in dire need of having a facility in hopes of being near the hospital in

Clayton. LS3P showed the main growth areas for the college would be healthcare related.

According to State data, JCC loses more than 1,200 students per year and there is fear that could go up. This equals about $5M in lost revenue per year. It is believed that students leave JCC to go to Wake because of transfer programs and preparing for healthcare programs.

The ask is for $85M that would allow a facility to be built big enough to serve the bulk of the needs for the future. The proposed hospital would contain a virtual hospital with a teaching facility with the ability to not only be used by all healthcare programs but also by the hospital facility. It would also include science labs and other classroom facilities. It would be a standalone campus.

Other programs LS3P have identified as possible growth areas and needs in the County are going are going to go unmet unless able to get the facility needed. College enrollments are at historic highs; there have been double digit increases in enrollment this fall. If the new facility was started to be built today, they would still be behind. He discussed the desperate need for more space.

Council Member Anderson stated this seems to be a logical solution to a problem of students going the wrong way and a campus here makes perfect sense. Mayor McLeod asked what could be done to help support this? Mr. Linquist stated the County Commissioners need to hear how much support there is. Citizens can contact the County Commissioners to let them know how important this is. Mayor McLeod stated we have all collectively done a great job of creating a workforce development concept and program for Johnston County. He stated what a better way in increase the workforce development for a hospital and healthcare services than to have an entity in Western Johnston County that could help educate and support that. He encouraged residents and citizens to contact their County Commissioners to let them know the value this brings. He stated he would be doing his part. Council Member Casey asked if we could do a resolution of support, Mr. Cappola stated a resolution could go on the next meeting's agenda. It was consensus of the Council to be in support of a resolution of support.

c. Southeast Area Study Update (SEAS) - Capital Area Metropolitan Planning Organization (CAMPO)
*Presenter:* Gaby Lawlor, CAMPO

Mr. Olmedo introduced Gaby Lawlor, from CAMPO. Provided was a project refresher regarding the study. This study integrates land use and transportation to accommodate existing and future travel needs for the purpose of reevaluating and revising, as needed, the unified vision and comprehensive transportation strategy established in the 2017 SEAS. Shared were the guiding principles of the study. The project is currently wrapping up the overall study effort, they are going around the SEAS jurisdictions and providing presentations to obtain letters of support.

She walked through the report. The introduction sets up the context for the study and provides an update of what has occurred in SEAS jurisdiction since 2017.The planning framework is the process that was followed to complete the study, an overview of outreach put into it, and an overview of the work completed by the Guiding Technical and stakeholder group.

The regional snapshot provides an overview of existing and future conditions. This was the building block to help inform what infrastructure is needed to help support future conditions. In the land use and scenario planning it looks at land use and growth strategies; there was a series of what if scenarios, looking at how development and redevelopment might occur.

The multimodal recommendations walk through how the recommendations were developed using an equitable planning analysis to develop recommendations for roadway, bicycle pedestrian transit and freight. The action plan report lays out the recommendations coming out of the study and how it's prioritized.

She discussed a hotspot that was completed at US 70/NC 42/Ranch Road. There are improvements laid out across several phases, the first phase is under construction. This would provide a direct connection between NC 42 and the US 70 bypass as well as a realignment of Bowling Street and Little Creek Church Road. The second phase is laid out for the second decade in the metropolitan transportation plan. This phase would involve widening Ranch Road from two to four lanes and would officially reroute NC 42 along Ranch Road.

The third phase is what the hotspot analysis was mostly concerned with, that's an improvement that would be targeted for the third decade. This would be an interchange and rail grade separation at US 70 business and NC 42 East. The objective was to look at the potential interchange configurations to grade, separate, and provide a grade separation over or under the railroad but also to identify probable impacts to the surroundings.

She discussed the hotspot toolkits that were developed with the study.

She discussed the prioritization process. This takes a series of inputs to identify project priorities that could be sorted into general time horizons ranging from near to mid to long-term. Near-term, 5-10 years; mid-term, 10-20 years, and long-term, 30 years and further out. Bicycle and pedestrian recommendations were intended to connect Towns and recreational resources. Transit recommendations, near-term would provide key high demand regional connections and mid to long-term was in areas where there's not the market yet to support transit. Roadway recommendations were determined that needed more in the immediate term for capacity which are projects that are not needed anywhere in the near term but as the Town continues to grow and expand it would likely be needed.

They are working toward endorsement from all CAMPO, member jurisdictions are included the study area. The final report and other supporting documentation can be accessed on CAMPO's website under the area studies tab. The public comment period is ongoing and would wrap up in June.

Council Member Casey stated he served on the CAMPO board for Clayton and he appreciates the thoroughness of this. There would be comments submitted in the near future. He sees this very valuable as a road map for the future of Clayton. Mayor McLeod stated he appreciates the partnership.

d. Elected Officials Day Proclamation
*Presenter:* Heidi Holland to Present to Elected Officials

Heidi Holland read the proclamation and presented to the Elected Officials.

e. Economic Development Week Proclamation
*Presenter:* Council Member Casey to Present to Economic Development

Council Member Casey read the proclamation and presented to the Economic Development Department.

f. National Police Week Proclamation
*Presenter:* Mayor Pro Tem to Present to the Police Department

Mayor Pro Tem Sims read the proclamation and presented to the Police Department.

g. Tourette's Syndrome Awareness Month Proclamation
*Presenter:* Council Member Archer to Present to Paula Brinkley

Council Member Archer read the proclamation.

**6. PUBLIC HEARINGS**

a. 2024-24-CZM Shotwell Apartments
*Presenter:* Conrad Olmedo, Planning Director

Mr. Olmedo stated this was presented at the April 22, 2024 Planning Board meeting, since then there have been a few modifications from the applicant. The request was originally for 96 units and has been reduced to 90 units. The property size is 2.91 acres with a density of about 31 units per acres. This is located off Mechanical Drive West of Cameron Crossing. This use does require conditional zoning. Shared was the master plan which is included in the agenda packet.

The structure would have a ground floor leveled enclosed parking. The existing zoning is CRM, the request is to change to CZR. The Future Land Use Map has this classified as high density residential. Shared were proposed building elevations and the materials that would be used for the project.

The Planning Board had a request to provide examples of a cross-section from the townhome community to the east of the building to provide visual, this was shared.

Development standards were shared. Water would be available through the Town along the frontage, sewer would be accessed through the Town and electricity would be available from Duke Energy. Class B landscape is required along the perimeter of the project adjacent to Residential Uses.

Traffic generation numbers were shared. The analysis shows 432 daily trips, 32 AM peak trips and 39 PM peak trips.

Conditions were shared. Mr. Olmedo only discussed the changes that were provided since the April 22, 2024 Planning Board meeting. These conditions were included in the agenda packet. The project does meet the criteria in the UDO. Staff is recommending approval, however, the Planning Board did recommend denial. There was discussion on what "good faith effort" in this project would be. Mr. Olmedo provided his definition. Council Member Casey stated a good faith effort is encouraged but it's hard to capture good faith effort when there are so many different nuances about it. Council Member Archer had the same question about good faith in condition #32 regarding arranging parking agreements with adjacent property owners. Mr. Olmedo stated a good faith effort does not mean fulfillment of a signed contract. Council Member Archer asked if there could be documentation recorded. Mr. Olmedo stated there was discussion on this if the neighbors were unwilling to have that agreement in place, it would be a demonstration to staff that the applicant was emailing and trying to have that agreement to have a successful outcome.

Council Member Casey stated a good faith effort is encouraged but he assumes there is a contractual agreement with other adjacent property owners and there may be some sort of financial incentive.

Council Member Casey stated based on current zoning, what is applicable to potentially go there versus this project. Mr. Olmedo stated the property is currently zoned CRM which would allow commercial uses; the height of this structure was brought up at the Planning Board. This zone district allows up to 60' high building to be a commercial product, this is roughly comparable to what is being proposed tonight. The UDO provides a distance of a structure of this height from a single-family detached property; the adjacent homes are not single-family detached; they are considered single-family attached. In that technicality, you could have a commercial building or a multi-family apartment in that height without that kind of distancing requirement. The cross-section did account for some of this. He shared the building was dropped back a bit to reduce the building's height as it's adjacent to the single-family attached product.

Council Member Casey asked about the materials used, he doesn't see that listed as a condition, is that applicant going under the new UDO on the design qualities? Mr.Olmedo stated the exceptions might be the metal paneling, there is a caveat about materials and when a metal panel would be appropriate.

Council Member Casey shared his concern about Shotwell Road. He understands the DOT is giving funds and we are supporting them at this intersection. He asked if Mr. Olmedo had any information on this? Mr. Olmedo stated staff did look at the DOT's map and he did not see any improvements. Mr. Baird stated there are improvements at the Shotwell and US 70 business intersection, those have been in design for a while. The Town has worked with DOT to submit that as a LAPP project to receive LAPP funding for that. The bid was originally scheduled for April but has been pushed back to June.

Mayor Pro Tem Sims asked what is the number that triggers a TIA. Mr. Venable stated it is 100 per peak hours or 1000 trips a day. Mr. Olmedo stated the Institute of Transport Traffic Engineers uses a methodology based on land use, they use that land use as a model.

Council Member Archer asked if there were any updates on the Ranch Road extension opening? Mr. Baird stated the latest update stated it was on schedule, but he does not know the exact time frame. Mr. Pierce stated he believes the contractor has until the summer of 2025. Council Member Archer stated when that project was discussed, it was mentioned it would alleviate a certain percentage of traffic at peak hours on business 70.

Applicant Paul Keenan with Reuter Walton was present and provided a brief presentation of the company. Shared were workforce homes the company created. He stated there are a number of amenities in the project. A rendering of the building was shared. He stated they are in discussion with the daycare to see if there is an opportunity to lease spaces or come into a shared parking agreement. He stated that is where the good faith effort language comes into play.

He discussed the updated conditions and reducing the unit count from 96 to 90 units. Reducing the units maintains the levels of parking and keeps the footprint. He stated he wanted to highlight the distance from the proposed building and the townhomes. The townhomes sit up in elevation from the proposed building. There are mature trees that serve as a buffer that they intend to keep.

He stated he did stretch and move the building 6' from the townhomes, there is about 25' from the property line to the building. A privacy fence has been added to separate pedestrians and pets from the two buildings.

They have worked to increase the parking by reducing the unit count. With the reduction, parking changed from 135 to 128. Also, the redesign of the cul-de-sac allows an additional 17 stalls. Shared was the hammerhead design which allows emergency vehicles to get in and out.

Shared were income limits and rent table. He stated the rent is not subsidized. A family of four would need to make less than $73,380. The intent of this program is to provide a discount off market rate rent for working families.

Shared was updated trip generation comparison. This shows a few uses currently allowed under the zoning. It shows the daily total traffic is less than the other four allowed uses.

Council Member Casey asked about the timeframe. Mr. Keenan stated they are applying to NC Housing Finance Agency for funding and low-income tax credit, the application deadline is May 10, 2024. The requirement is all applications need to have proper zoning. He is only asking for approval on the rezoning not the site plan. Council Member Casey asked about the adjoining buffer and keeping the mature trees, he stated he does not see that as a condition. Mr. Keenan stated he is willing to set that as a condition. Council Member Casey stated he looks at this as affordable housing, he asked about the screening requirements of the tenants. Mr. Keenan stated they verify income and do criminal and credit checks as well as rental history background checks.

Council Member Casey mentioned balconies or patios but does not see that as a condition. Mr. Keenan stated they are required to have balconies on this. He stated he is willing to make it a condition. Council Member Casey spoke about his concern on Shotwell Road and Cameron Way. For the people that live there, there are certain times when it's hard to make a left onto 70. He feels there needs to be a signalized light there. Mr. Keenan stated he would prefer to have a signal there but with his experience that would be up to NCDOT. He is not sure what would trigger a signalized light there. Council Member Casey asked if he would be willing to make a condition if approved through DOT or a traffic study to support a traffic light? Mr. Keenan stated yes.

Mayor McLeod stated there needs to be clarification. He asked if the terminology of support is saying financial support being able to erect a stoplight at that intersection or a letter of support? Mr. Keenan stated first they could pay for a traffic study. He stated it is hard to say without knowing what the design is and what the improvement would cost so it would be hard to commit to a dollar amount. Council Member Archer stated she understands the difficulty being it's a DOT decision, but if they are willing to perform the traffic study and they say they would be willing to allow a signal to go into that intersection, could the applicant commit to paying for the design of that system? Mr. Keenan stated yes.

Mayor Pro Tem Sims asked with the increased parking spaces, where would those be allocated; are so many spaces allocated to each unit? Mr. Keenan stated the firstfloor is parking, those would be assigned to the units. They aren't reserved but would be stickered and residents would have stickers, so management knows they are a resident. There would be designated spaces for guests. Mayor Pro Tem Sims asked to see the traffic generation report. He further shared his concerns about the traffic. He discussed the decrease in traffic when the Ranch Road project is complete, but we don't know what that would look like yet.

Mayor McLeod stated Council was told with the connection to 42 to the bypass, of the traffic moving east on Hwy 70, 50% of that traffic turns left onto Hwy 42 east which still means at the Shotwell intersection, most of the volume is coming through that intersection. The information needed is how much traffic is turning from 42 east onto Shotwell and how much traffic is turning left off Shotwell onto 70. Pertaining to parking, it was started with 135 spaces and now it's down to 128 spaces. Mr. Keenan stated the minimum requirement for the underlining zoning would require 128 spaces, they are providing 152. Mayor McLeod stated that is assuming most tenants have 2 cars. Mr. Keenan stated his experience in this type of project is they don't see a lot of two-driver households. Based on the feedback from the Planning Board meeting, they have worked to get the parking count up and are comfortable they are adequately parked for residents and guests.

Council Member Casey stated if the study proved DOT would allow a stoplight, would they be willing to pay their proportional share based on trip counts? Mr. Keenan stated he thinks so if other neighbors are pitching in. He stated they would make that a condition. Council Member Casey discussed parking at the gym and La Cocina, there was discussion on making that a one-way parking, he asked if staff could look into that. He also discussed a possible crosswalk at Mechanical Drive and a four-way stop sign. Mr. Cappola stated those are on existing facilities of ours that should be investigated to see if we could do those as part of transportation improvements.

Mr. Keenan stated the project is adequately parked so they would be supportive if the Town wanted to make that dead end at Mechanical Drive no parking or no overnight parking. Mr. Cappola stated for the roadway, are we eliminating or relocating the cul-de-sac, we would need to make sure there is an approved fire access turnaround. Mr. Keenan stated they have designed a hammerhead into the parking lot, this is conceptual at this point and would need further design.

Mayor McLeod asked who monitors or enforces the parking sticker in those areas. Mr. Keenan stated the offsite management company enforces that.

Mayor McLeod stated this has been noted as a public hearing and asked if anyone wished to speak.

Deja Stevens of 125 Enterprise Drive, spoke and stated she is worried the Town is moving away from a rural to an industrialized community. There is a bus stop at the bottom of Cameron Way and one crosswalk, that is something to be aware of. She discussed the parking issues and stated this is not a walkable area. She stated she is against the rezoning at this time. Jonathan Adams stated there needs to be at least 25 more spaces based on his math. He spoke to the owner of Clayton Fitness and got his opinion. He discussed patrons parking where they are not allowed to be parked. Ciara lives in the neighborhood that would be affected. She asked if there were various locations that were being researched, she asked why was this location chosen? She asked about the entryways. The money that is being donated, is that split across the community? She discussed the signage. The good faith term used, she stated she does not have any faith in this working out. She discussed the issues coming out of the neighborhood and the new restaurants that are being built. Paul McKenzie, 214 Enterprise Drive spoke. He stated he feels the Ranch Road would take traffic off Hwy 70 but this is about another year out. He discussed the infrastructure that needs to be addressed before building this development. Megan Woods, from Cameron Crossing spoke. She stated she was at the Planning Board meeting and stated she appreciates the fact that she felt she was heard. She stated she is in support of everyone having a home that works for them. She shared her concerns about traffic and the height of the building. She also discussed possibly connecting roads. Robbie Badger, 145 Enterprise Drive spoke. He discussed the slide that showed the new development alongside the Cameron Crossing. He stated his property is about 10 steps away from the proposed property. He discussed the height of the proposed building and solar panels on homes in Cameron Crossing. He shared his concern about safety. Dave Ederman stated he is not directly impacted. He spoke about the term good faith effort. He spoke about parking, landscape buffering and the privacy fence. He stated this area could be used for something different. He hopes if this moves forward, the right changes would be made.

With no one else wishing to speak, the public hearing was closed and turned over to Council for their deliberations.

Mayor Pro Tem Sims has huge concerns with parking and traffic, he spoke further on this. Council Member Archer asked is this the first multi-family development that has come through the new code. She stated the calculation used for the parking is per the code. Mr. Olmedo stated that is correct. A one-bedroom unit is one parking stall, 2 or more-bedroom units is 1.25 stalls. Council Member Archer stated we do not have anything like this in Clayton and we desperately need this. Regarding the nature of traffic, they never built as much as you need ahead of time. She stated she likes the design and the building materials. She appreciates the applicant has made compromises from the Planning Board meeting. When she weighs this out, the pros outweigh the cons.

Council Member Casey stated kudos to the Planning Board for the thought process to get this here to today and kudos to the community for coming tonight and their research. He stated he is torn about this. He considers this a workforce housing project. A project like this is warranted in this community. For him this is a project that is being built well. Regarding the connectivity, at some point in time roads would be connected. He stated he is hung up on the condition regarding Shotwell Cameron Drive intersection. Mr. Baird spoke on this. He stated in terms of getting DOT on board or funding from DOT, usually they are following State Improvement Transportation Plan. If there is not any programming for such a project, he thinks it would be difficult to get additional funding from DOT. Likely the funding would need to come from the Town or developer contributions.

Council Member Anderson confirmed we are just voting on the rezoning not the final rendering. She stated she is impressed with the developer and his want to have conversation with the Town. Mr. Cappola asked if the rezoning goes through tonight, is this the only opportunity for Council to see this? Mr. Olmedo stated this is the master plan and conditions is what staff would take and the applicant when ready would submit the site plan to the TRC. The conditions would need to be clarified tonight.

Mayor McLeod stated he looks at how things look. He is not interested in the least expensive way to cover a building. He is looking for something that exceeds the aesthetic that is already there. He is looking for nice landscape, that is something that looks like matters to him. He wants to make sure what these neighbors are getting is nice to look at. He stated he is appreciative of the applicant's attitude with this project.

Proposed New Conditions

- Maintain mature buffer between the town homes
- Balcony or patio for all units
- With respect to the traffic signal at Shotwell, the developer will pay for a study, design and for a proportional share of the cost of signalization when signalization is determined to be warranted
- Condition #30, with respect to street parking, signage, striping, the developer would pay the costs
- Condition #31, which is constructing road improvements in Mechanical Drive, to remove cul-de-sac, maintain driveways and permit new driveways and pay the costs thereof

The developerstated the one condition he wanted to comment on regarding the signal, is therea timeframe on that so if in 10 years from now it hasn't happened, they aren't responsible with an expense that has not been budgeted for

Rich asked if we are talking about the timing of when the payment is required or the timing of when the signal would need to be installed. The developer answered when the payment is required; he stated they could handle this during the construction budget. Rich said typically in the past if the study states the signal would be warranted and DOT agrees, they would advance the design development for the improvement to a certain point where the engineer record could provide an estimated cost of installation. At that point if it's based on proportional, whatever the engineer's estimate would be a fee in lieu to the Town prior to the COO for the building

Regarding the wastewater resolution, Mr. Baird stated due to the reduction of the density, the new request with reduction to 90 units is 24,360 gallons per day.

**To Approve Subject to All of the Written and Stated Conditions; Adoption of Ordinance #2024-05-02; Reasonableness and Statement of Consistency**

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| **RESULT:** | **CARRIED 4-1** |
| **MOVER:** | Andria Archer |
| **SECONDER:** | Ruth Anderson |
| **YES:** | Porter Casey, Andria Archer, Gretchen Williams, and Ruth Anderson |
| **NO:** | Michael Sims |

**Adoption of Resolution #2024-45**

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| **RESULT:** | **CARRIED 4-1** |
| **MOVER:** | Andria Archer |
| **SECONDER:** | Ruth Anderson |
| **YES:** | Porter Casey, Andria Archer, Gretchen Williams, and Ruth Anderson |
| **NO:** | Michael Sims |

b. Establishing an Occupancy Tax in the Town of Clayton
*Presenter:* Patrick Pierce, Economic Development Director and Robert McKie, Finance Director

Mr. Pierce provided background on this. The Town requested this almost 20 years ago. Clayton tax will be in addition to an existing 3% Johnston County Occupancy Tax. A 2% Occupancy Tax is already collected by Smithfield, Selma, Benson, and Kenly (Four Oaks forthcoming). The General Assembly authorized October 25, 2023 (Session Law, Senate Bill 154).

The occupancy tax is collected by anyone within the corporate limits of the Town providing accommodation. This is based on room nights. By law this requires us to spend 2/3 on marking, 1/3 on tourism-related projecting including capital projects. 2% of the revenues must be used for the direct benefit of Clayton. This does not supplant the 3% fund that the County already has that they help market.
If adopted, this would go into effect August 1, 2024. Taxes are collected by accommodations providers and sent to the Town by the 20th of each month for the previous month's collections.

The next steps would be to Coordinate with accommodation providers, Johnston County, and JCVB to implement, work with JCVB staff to develop a marketing plan, continued coordination with JCVB to monitor collections and efficacy of marketing campaigns and JCVB would provide quarterly reports of revenues and expenditures and a detailed annual report at the end of each fiscal year.

Mayor McLeod noted this as a public hearing and asked if anyone wished to speak. With no one wishing to speak the public hearing was closed and turned over to Council for deliberation.

**Adoption of Resolution #2024-42**

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| **RESULT:** | **CARRIED 5-0** |
| **MOVER:** | Michael Sims |
| **SECONDER:** | Andria Archer |
| **YES:** | Porter Casey, Andria Archer, Michael Sims, Gretchen Williams, and Ruth Anderson |
| **NO:** | None |

## 7. QUASI-JUDICIAL HEARING

**Quasi-Judicial Hearing**

*A quasi-judicial hearing resembles a court trial where testimony is presented. Citizens may give testimony in a quasi-judicial hearing after they have taken an oath. Town Council acts like a court of law and receives only sworn testimony and other credible evidence. In addition, the Town Council must make findings of fact based upon the evidence presented.*
*The Town Council refrains from "ex parte communication" about these cases, as the Town Council must make a decision based solely on the evidence presented at the hearing itself.*
*Staff is available to assist with inquiries from citizens.*

a. 2023-183-AA Clayton Pawville SUP Modification
*Presenter:* Conrad Olmedo, Planning Director

Bruce Venable shared an update on this modification of the SUP. This was originally approved November 20, 2022. The applicant is seeking to make modifications to the site. They were approved under the former UDC. The site plan needs to be amended as well. Shared were the original conditions from 2022. Should this be approved today, the site plan would be updated as well.

The request is to increase the size of the office from 1,200 to 2,992 sq. ft. in size and to amend the stormwater on site. Another stormwater retention pond is being proposed. Shared were the previously approved plan and the new proposed plan.

Since the applicant is not present, the Town was hoping to bring this to Council as a technical correction.

Council Member Archer asked if we needed to state in the motion that the application meets all four Findings of Fact? Attorney Cauley stated yes.

**Approval of 2023-183-AA Clayton Pawville SUP Modification**

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| **RESULT:** | **CARRIED 5-0** |
| **MOVER:** | Porter Casey |
| **SECONDER:** | Andria Archer |
| **YES:** | Porter Casey, Andria Archer, Michael Sims, Gretchen Williams, and Ruth Anderson |
| **NO:** | None |

**8. OLD BUSINESS**

**9. NEW BUSINESS**

a. Multifamily Housing Revenue Bonds Resolution
*Presenter:* Robert McKie, Finance Director

Mr. McKie stated tonight there is a request for an affordable bond resolution which is similar to the resolution Council approved in December 2023. This is for the Shotwell Apartment project. The Town would act as a conduit debt issuer for this project. The Town would have no obligation to repay these bonds, we are only facilitating the issuance and that allows the bonds to be tax exempt and qualify for affordable housing credits per the IRS revenue code.

**Adoption of Resolution #2024-36**

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| **RESULT:** | **CARRIED 5-0** |
| **MOVER:** | Andria Archer |
| **SECONDER:** | Ruth Anderson |
| **YES:** | Porter Casey, Andria Archer, Michael Sims, Gretchen Williams, and Ruth Anderson |
| **NO:** | None |

b. Electric System Revenue Bonds Resolution

*Presenter:* Robert McKie, Finance Director

Mr. McKie stated this is an ask to approve the resolution to make application with the LGC to issue bonds not to exceed $6M. The RFP for the bond resolution went out early April with responses received back April 30, 2024. The application is due to the LGC May 7, 2024 so it can get on their June agenda. The series resolution bonds would come to the next Council meeting.

**Adoption of Resolution #2024-37**

| | |
|---|---|
| **RESULT:** | **CARRIED 5-0** |
| **MOVER:** | Porter Casey |
| **SECONDER:** | Michael Sims |
| **YES:** | Porter Casey, Andria Archer, Michael Sims, Gretchen Williams, and Ruth Anderson |
| **NO:** | None |

## 10. STAFF REPORTS

a. Town Manager

Mr. Cappola stated he appreciates everyone at the work session today. He discussed that by the next meeting all Advisory Board members should have signed the Code of Conduct; these should be returned to the Clerk's Office. He stated he would be working with Communication Department to draft a letter of Support for Johnston County Community College.

He stated the Town's first Job Fair would be held tomorrow from 3:30 - 6:30 p.m. at Town Hall. Representatives from each department would be present. He stated the occupancy tax would give a lot of opportunities for additional revenue. He thanked Representative Donna White for her support to the Town on this request.

b. Town Attorney

c. Town Clerk

d. Take Your Child to Work Day

*Presenter:* Nathanael Shelton - Communication Director

Mr. Shelton shared a video of the Take Your Child to Work Day. On April 25, 2024 the 3rd Annual Take Your Child to Work Day. Their were 30 kids that participated and this was the most interactive one yet with several departments being involved.

| | |
|---|---|
| **RESULT:** | **CARRIED** |

## 11. OTHER BUSINESS

a. Informal Discussion & Public Comment

- Individuals have three (3) minutes to address the Town Council.
- Groups will designate a spokesperson. The spokesperson will have five (5) minutes to address the Town Council.

Jason Castro, Physical and Occupational Therapist with Kingwood Reserve was present Shared was information about the facility. He invited Council to come out on May 16th from 4-6:00 p.m.

b. Council Comments

Council Member Sims stated on May 18, 2024 would be the 2nd Annual Clyde Sinclair event.

Council Member Casey stated Sound Rivers has reached out regarding a letter of support. He thanked Town staff and Public Works for their help with their earth day clean up. It was consensus of Council to send the letter of support.

## 12. CLOSED SESSION

## 13. ADJOURNMENT

a. Adjourn

With nothing further, the meeting was adjourned at 9:27 p.m.

**Motion To Adjourn**

| | |
|---|---|
| **RESULT:** | **CARRIED 5-0** |
| **MOVER:** | Porter Casey |
| **SECONDER:** | Andria Archer |
| **YES:** | Porter Casey, Andria Archer, Michael Sims, Gretchen Williams, and Ruth Anderson |
| **NO:** | None |

Duly adopted this the 20th day of May 2024 while in regular session.

Jody L. McLeod
Mayor

ATTEST:

Sam Johnson-Phillips

Sam Johnson-Phillips
Deputy Town Clerk

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CLAYTON, N.C.