



Town of Clayton
Regular Town Council Meeting Minutes
Monday, March 4, 2024 at 6:00 PM
Council Chambers, Town Hall
111 E. Second Street

Council Present:

Council Member Porter Casey
Council Member Andria Archer
Mayor Pro Tem Michael Sims
Council Member Gretchen Williams
Council Member Ruth Anderson

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
Nathanael Shelton, Communications Officer
David Ranes, Fire Chief
Joshua Baird, Engineering Director
Conrad Olmedo, Planning Director
Patrick Pierce, Economic Development Director
Steven Mott, Planner II
Joy Garretson, Library Director

Council Absent:

Mayor Jody McLeod

1. CALL TO ORDER

- a. Call to Order

Mayor Pro Tem Sims called the meeting to order at 6:00 p.m.

- b. Pledge of Allegiance

Mayor Pro Tem Sims led the Pledge of Allegiance.

- c. Invocation

Mayor Pro Tem Sims provided the Invocation.

2. ADJUSTMENT OF THE AGENDA

- a. **Approve or Adjust the Agenda**

RESULT:	CARRIED 5-0
MOVER:	Andria Archer
SECONDER:	Porter Casey
YES:	Porter Casey, Andria Archer, Michael Sims, Gretchen Williams, and Ruth Anderson

NO:	None
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3. CONSENT AGENDA

a. Minutes

- February 5, 2024 - Closed Session
- February 19, 2024 - Regular Session
- February 19, 2024 - Closed Session
- February 20, 2024 - Council Retreat
- February 21, 2024 - Council Retreat
- February 22, 2024 - Council Retreat

Presenter: Heidi Holland, Town Clerk

b. Hocutt-Ellington Memorial Library Meeting Room Policy

Presenter: Joy Garretson, Library Director

c. Revisions to First Amendment to Water Tower Option and (PUT) Agreement

Presenter: Joshua Baird, PE, CFM - Engineering Director

d. OSBM Grant

Presenter: Joy Garretson, Library Director

Approve Consent Agenda as Presented

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

4. ADMINISTRATIVE ITEMS

5. INTRODUCTIONS AND SPECIAL PRESENTATIONS

a. Professional Designation of Fire Officer from the Center for Public Safety Excellence

- Captain Chris Carter

Presenter: Chief Raney, Fire Chief

Chief Raney asked Capt. Chris Carter to join him at the podium.

Chief Raney stated he would like to recognize a distinguished member of the Fire Department, Captain Chris Carter. He acknowledged Capt. Carter for receiving the designation as a fire officer from the commission of professional credentialing and entity of the Center for Public Safety Excellence.

Capt. Carter has exemplified the highest standards of professionalism, dedication, and leadership throughout his tenure in the department. The Center for Public Safety Excellence, with its commitment to setting and promoting the highest standards in public safety, has deemed Capt. Carter worthy of this prestigious designation. Their rigorous certification process evaluates technical knowledge and leadership skills and

a steadfast commitment to continuous improvements. In his role as fire officer, Capt. Carter has not only met but exceeded the expectations set by this certification body.

He extended his gratitude to Capt. Carter for his exemplary service, leadership and for bringing honor to the community through this recent achievement. He asked all to join him in congratulating Capt. Carter on this achievement. He stated Capt. Carter is the first member of the department to receive this designation.

b. National Women's History Month

Presenter: Council Member Casey to Present to Library Staff

Council Member Casey read the proclamation into the record and presented this to Joy Garretson, Library Director. Ms. Garretson shared information on an upcoming event; Trailblazing Women of Clayton, a Women's History Celebration. This would be held in the council chambers on March 16, 2024 at 2:00 p.m. More information could be found on the Town's website.

c. 2024-2025 Sculpture Trail Selection

Presenter: Sara Perricone, Public Art Advisory Board Chair

Ms. Perricone shared with Council the chosen selection of the sculptures for the upcoming Sculpture Trail. On Friday March 15 and March 22, 2024, sculptures would be removed, and new ones installed. A sculpture would be installed at the West End, which is a new location. Shared were each of the new sculptures and their proposed locations. Capiole is proposed to go at the entrance to the Medical Park, Exploratory Unit 01 is proposed to go at the round-a-bout, 3 Planets is proposed to go on the West End, Seven Point Star is proposed to go in Town Square on the corner of Main and Fayetteville Street, Rising Spirits is proposed to go on the corner of Main and O'Neil in Town Square, Prismatic Cyclone is proposed to go in Horne Square on the Lombard Street side, 23 & 24 is proposed to go in Town Square along the side of Fayetteville Street, Country Swine is proposed to go at the Library, Remix is proposed to go in Horne Square in the center, Capital Growth is proposed to go at the Community Center, New Dawn is proposed to go in front of Town Hall, and Core V is proposed to go in Horne Square.

Mr. Hithere, who has been in Horne Square, would stay with us for another year at no cost. It would be relocated to the Library. She stated the Public Art Advisory Board would be offering tours for this trail this year. Council Member Casey thanked Ms. Perricone for her leadership. Mayor Pro Tem Sims stated he appreciates her passion for the arts.

6. PUBLIC HEARINGS

a. 2023-185-RZ Southern Wake Property Group Rezoning

Presenter: Steven Mott, Planner II

Mr. Mott presented this item. The request is to rezone this .53 acre property from R-E to I-L (LID as of January 2, 2024). The existing use is a vacant single-family home located at 4008 Powhatan Road, Clayton. Shared was the current zoning map as well as the proposed zoning map. Regarding the Comprehensive Plan 2045, there are goals and policies that line up with this plan.

One thing to consider is the approval of the rezoning would allow any permitted use within the LID zoning district to be constructed on the site. Staff recommends approval and the planning board voted unanimously to recommend approval. Shared was the consistency statement.

Applicant Donnie Adams from Adams & Hodges was present. He stated the request is to make the property consistent with surrounding areas.

Mayor Pro Tem Sims stated this has been noted 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 their deliberation.

Council Member Archer stated she felt the proposed LID zoning is consistent with surrounding areas.

Adoption of Ordinance #2024-02-04 and Consistency and Reasonableness Statement

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

- b. The Station at Old Town Hall - Economic Development Agreement
Presenter: Patrick Pierce - Economic Development Director
Kevin Lee - Secondary Investment, LLC
Christi Thompson - The Station at Old Town Hall
Erin Nenni - The Station at Old Town Hall

Present tonight was the development team which consists of Kevin Lee, Christi Thompson and Erin Nenni. Mr. Pierce spoke on this subject. Shared was a quick overview. The location is 231 E. Second Street and the building is 12,500 square feet on 0.2 acres. There was a previous attempt to redevelop which was unsuccessful. The Town ended up back with the property, issued an RFP for redevelopment partners and has negotiated an EDA with the current development team.

Shared was a proposed project overview. The main floor would be artisan market/grocery, upstairs would be offices with the basement being a food/beverage concept with storage and common areas.

Proposed timeline:

- May 15, 2024 – apply for building permits; closing within 45 days of permit approvals
- Phase 1 – March 30, 2025 – complete building stabilization (roof, windows, exterior, elevator)
- Phase 2 – December 31, 2025 – Main Floor COI, Upstairs conditioned
- Phase 3 – December 31, 2026 – Upstairs COI and occupancy

- Phase 4 – Five years from closing (est. Summer 2029) – COI for all parts of the building and full occupancy

Developer Requirements

- \$300,000 purchase price
- \$1.75 million minimum investment
- Conform to Historic Property Rehabilitation Standards
- Create a minimum of 20 jobs for 12 months after reaching 80% occupancy

Town Requirements

- Provide an Economic Development Incentive Grant (EDIG)
- Provide an Economic Development Historic Structure Rehabilitation Reimbursement Grant
- Use best efforts to provide necessary easements and assistance for project construction and operations
- Ensure all utilities are provided to the site

Use of Tax Incentives

- A tool to encourage a specific types of growth desired by a local, state or federal government, often industrial or commercial
- Incentive mechanisms vary by state

Economic Development Incentive Grant (EDIG)

- EDIG begins upon completion of Phase 2
- Term – 7 years
- Incentive – Grant for 50% of Town Ad Valorem taxes paid on personal and real property
- Estimated total grant: <\$50,000

Historic Structure Rehabilitation Reimbursement Grant

- Grant available as soon as qualifying expenditures are made after closing
- Term - Available for life of agreement until funds have been exhausted
- Incentive – Provides full reimbursement of qualifying expenditures up to the total grant amount
- Estimated total grant - \$350,000

Taxpayer Safeguards

- Both EDIG and Historic Rehabilitation Grant are reimbursements of taxes already paid
- Town can cancel the EDIG if developer defaults
- Town can require repayment of grants if job and minimum investment thresholds are not met
- Developer has nine months to commence construction after closing or property reverts to Town
- Town has first-right of refusal upon sale of property

He stated staff recommends approval.

Mr. Lee spoke and shared a presentation. He spoke about the history of this building and discussed the concept for this project.

The exterior would remain the same. An elevator would be installed to comply with ADA standards. This would be part of Phase 1 and would be completed by March 2025. Shared were photos of the current inside. The brick and plaster walls would be preserved. Shared were photos of the old jail cell. This is the upper level of the building and is part of Phase 3 which would be completed by December 2026. The goal is to have all phases developed as soon as possible.

Christi Thompson and Erin Nenni were present. They thanked everyone who has contributed to this project. Shared were their visions. This would include market, food and beverage, retail and office space. They want to keep the integrity of the building. Ms. Nenni stated the bottom level is 3,000 sq. ft and slated to hold an eatery or food and beverage establishment. One tenant could occupy this space. There would be public access points to a common lobby, elevators and restrooms.

The second floor is 4,198 sq. ft. and would offer the most flexibility and potential for multi-tenant lease space. The goal is to have a vast offering of market goods and services available through individual merchants.

The upper space is approximately 1,121 sq. ft. and could be occupied by 1-3 tenants. This space could be a potential office suite, multi-retail tenants or service providers. Shared were renderings of these visions.

Mayor Pro Tem Sims stated this has been noted 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 their deliberation.

Council Member Casey stated this proposal is exactly what the Town has been looking for; what was presented is what the community has asked for. Mayor Pro Tem thanked the team for their overall commitment to this project.

Adoption of Resolution #2024-16

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

7. QUASI-JUDICIAL HEARING

- a. 2023-146-SUP Powhatan Self Storage
Presenter: Steven Mott, Planner II

Attorney Cauley provided a quick brief on quasi-judicial. The Town Clerk swore in those wishing to offering testimony.

Mr. Mott spoke on this subject. This request is to allow the expansion of the self-storage use to build a 4,500 sq. ft. addition to the existing structure in addition to a free-standing 3-story 78,000 sq. ft. climate controlled self-storage building. The property size is 3.38 +/- acres. The location is 3986 & 3936 Powhatan Road. Shared were the approximate locations of the public notice signs.

Shared was the associated site plan. This was reviewed and approved by the TRC in February of 2024. Regarding Comprehensive Growth plan, this is an employment center which is consistent with the future land use designation. Shared was the current zoning map. Shared were staff recommended conditions, which can be found in the staff report located in the agenda.

The applicant, Bart McClain, professional engineer for 27 years and works with William G. Daniel was present. He stated he worked closely with the Town to develop a site plan that is appropriate. He stated they have responded to every comment and suggestion the Town had. This project would reduce the impervious area on the existing site which would in turn improve downstream runoff and runoff from the property. Landscaping would be added.

Council Member Archer asked if he could describe the proposed construction and how it would fit in with the current use. Mr. McClain stated the new and expansion of the one existing would be indoor climate control, no exterior access to the buildings and would provide a different product than what is there currently. This would make it a full storage facility with internal and external storage. Council Member Casey asked the applicant if he had any more clarification on the project. Shared was a proposed rendering.

Adam Gerald, property owner, went through each of the four findings of fact. These are located in the application located in the agenda.

Mayor Pro Tem Sims stated this has been noted as a quasi-judicial public hearing and asked if anyone wished to speak.

Betty Hagan, Clayton Citizen of 200 Neuse Ridge Drive was present. She shared her concern of travel and traffic that citizens would be doing in the area. She stated with the traffic it feels like it's a danger.

Mr. Mott stated what was shown earlier tonight was the first rendering, he stated he has worked with applicant and shared was a second rendering of the building.

With no one further wishing to speak, Mayor Pro Tem Sims closed the public hearing and turned this over to Council for their deliberation.

Council Member Archer stated this project meets all four findings of fact as presented and the proposed expansion meets all four findings as well.

Approval of 2023-146-SUP

RESULT:	CARRIED 5-0
MOVER:	Andria Archer
SECONDER:	Gretchen Williams

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

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.

8. OLD BUSINESS

9. NEW BUSINESS

10. STAFF REPORTS

a. Town Manager

Mr. Cappola stated he would like to celebrate the spring retreat that was held on February 20-22, 2024. Shared was a presentation. The purpose and objectives were to engage with Raftelis Consulting to align council priorities and the framework for the Town Strategic Plan and to also allow Council to participate in personal success leadership training. He stated staff and Council had the opportunity to engage with community leaders on-site for downtown revitalization efforts. Council also received training on legal issues.

Each day was recapped. Day 1 focused on strategic planning. Day 2 focused on leadership training, and was the downtown field trip to visit downtown Washington and New Bern to review revitalization and reuse efforts. It was also an opportunity to engage with community leaders to discuss infrastructure implications. Day 3 included legal updates, Council Member training and administrative updates.

Council Member Anderson thanked staff for committing to doing this retreat. She expressed her gratitude and stated it was a great experience. Council Member Williams expressed her gratefulness for this opportunity and the importance to visit the other cities. Council Member Casey stated this Council works well together. He stated spending time like Council did at the retreat makes them the people they are for the community. Council Member Archer stated traveling to these other Towns are a great experience especially when you are boots to the ground and seeing how other municipalities are handling things. Mayor Pro Tem Sims thanked staff for putting this together; he stated it was needed at this time and place. It's important for individuals at these retreats to see other municipalities infrastructure, social district, etc.

b. Town Attorney

c. Town Clerk

d. Other Staff

Grant Opportunities Notification
Presenter: Chief Raney, Fire Chief

Chief Raney spoke about two opportunities. One is a grant the fire department would be applying for and the second is a grant they have been awarded.

The fire department is submitting for an Assistance to Firefighter Grant, an AFG grant. AFG is a program administered by FEMA. The purpose of this grant is to enhance the safety of firefighters and to the public by providing direct financial assistance to the department. It supports projects that improve the readiness and capabilities of the fire department and emergency services. This could include funding for the purchase of equipment, training, vehicles as well as investments, facilities, and technology.

This is awarded through a competitive process. Through this grant the fire department is requesting thermal imaging cameras with a total ask of approximately \$100,000. The department's cost would be 10% or approximately \$10,000.

The fire department has been awarded a \$15,000 NC General Assembly Directed Grant. The NC General Assembly appropriated funds to Johnston County for the purpose of grants to volunteer and municipal fire departments for the purpose of acquiring new equipment, gear or material used by the departments. All fire departments in Johnston County have been awarded this grant.

With this funding they intend to replace the high press airbags. The bags currently being used are 19 years old.

Mayor Pro Tem Sims stated he appreciates Chief Raney hitting the ground running.

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.
- b. Council Comments

12. CLOSED SESSION

- a. *Presenter: To Discuss Purchasing of Real Property in Accordance with NC GS 143-318.11(a)(5)*

Motion To Go Into Closed Session

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

Motion To Return To Open Session

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

13. ADJOURNMENT

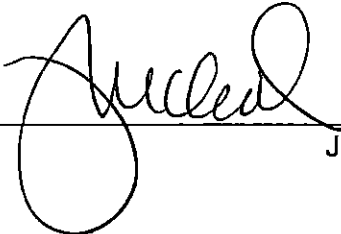
a. Adjourn

With nothing further, the meeting was adjourned at 7:59 p.m.

Motion To Adjourn

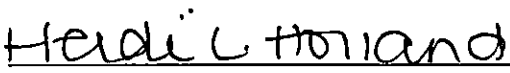
RESULT:	CARRIED 5-0
MOVER:	Andria Archer
SECONDER:	Porter Casey
YES:	Porter Casey, Andria Archer, Michael Sims, Gretchen Williams, and Ruth Anderson
NO:	None

Duly adopted by the Town Council this 18th day of March 2024 while in regular session.



Jody L. McLeod
Mayor

ATTEST:



Heidi L. Holland, CMC, NCCMC
Town Clerk

