



Town of Clayton
Regular Town Council Meeting Minutes
Tuesday, January 2, 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

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, Communications 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
Chris Gallant, Project Manager

Council Absent:

None

1. CALL TO ORDER

- a. Call to Order

Mayor McLeod called the meeting to order at 6:01 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. Mr. Cappola adjusted the agenda as follows:

Moved to 6a: 2023-138-ANX Leland A. Blessl Barbour Annexation to 6b. And stated there will not be a Closed Session to discuss a Legal Matter in accordance with NC GS 143-318.11(a)(3)

Approve or Adjust the Agenda

RESULT:	CARRIED
MOVER:	Michael Sims
SECONDER:	Porter Casey
YES:	Porter Casey, Andria Archer, Michael Sims, Gretchen Williams, and Ruth Anderson (CM)
NO:	None

3. CONSENT AGENDA

- a. Minutes
 - December 4, 2023 - Regular Session
 - December 18, 2023 - Regular Session
 - December 18, 2023 - Closed Session

Presenter: Heidi Holland, Town Clerk
- b. Certificate of Sufficiency 2023-161-ANX Lawson Glen Annexation
Presenter: Sam Johnson-Phillips, Deputy Town Clerk
- c. Certificate of Sufficiency 2023-138-ANX Leland A. Blessl Barbour Annexation
Presenter: Sam Johnson-Phillips, Deputy Town Clerk
- d. 2024 Holiday Schedule Revised
Presenter: Heidi Holland, Town Clerk
- e. Resolution Directing the Clerk to check for sufficiency of the petition for annexation; and to set the date of the public hearing for the annexation petition 2023-101-ANX Rocky Branch Farm, LLC
Presenter: Bruce Venable, Planner I
- f. Resolution Directing the Clerk to check for sufficiency of the petition for annexation; to set the date of the public hearing for the annexation petition 2023-100-ANX Poole Farm, LLC
Presenter: Bruce Venable, Planner I
- g. Resolution Directing the Clerk to check for sufficiency of the petition for annexation; and to set the date of the public hearing for the annexation petition 2023-164-ANX Lee Court
Presenter: Bruce Venable, Planner I
- h. Resolution Directing the Clerk to check for sufficiency of the petition for annexation; and to set the date of the public hearing for the annexation petition 2023-165-ANX Gregory Drive
Presenter: Bruce Venable, Planner I
- i. Amended Compensation Plan Scales
Presenter: Rich Cappola, Town Manager

Approve Consent Agenda as Presented

RESULT:	CARRIED
MOVER:	Michael Sims
SECONDER:	Porter Casey
YES:	Porter Casey, Andria Archer, Michael Sims, Gretchen Williams, and Ruth Anderson (CM)

NO:	None
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4. ADMINISTRATIVE ITEMS

- a. Advisory Board By-Laws Update
Presenter: Hédi Holland, Town Clerk

Ms. Holland reported that all by-laws for all Advisory Boards were adopted at the December 4th, 2023, meeting. It was requested to change the Officer section in the by-laws to have the chair and vice chair to be voted on at the March meetings instead of the January meetings.

Adoption of Resolution #2024-01

RESULT:	CARRIED
MOVER:	Porter Casey
SECONDER:	Andria Archer
YES:	Porter Casey, Andria Archer, Michael Sims, Gretchen Williams, and Ruth Anderson (CM)
NO:	None

5. INTRODUCTIONS AND SPECIAL PRESENTATIONS

- a. Harvest Festival Update
Presenter: Dana Wooten, Chamber of Commerce President CEO

Mrs. Wooten thanked and expressed appreciation for being allowed to speak and to introduce her team at the Clayton Chamber of Commerce. Her team present included: Mr. Anthony Mitchell, Director of Marketing and Communications; Ms. Valerie Mullins, Business Development and Investor Relations Specialist and Maria Smith, Director of Events and Operations.

Ms. Wooten stated the Harvest Festival is a Legacy Event in the town and that it has been in existence in some form since 1951. She continued to express her gratitude for how the Town has supported this event during her 7-year tenure with the Chamber of Commerce. The discussion continued to state that the Harvest Festival is not only an economic impact driver for the town, but it also showcases what the Town has to offer to the residents, community, and businesses.

Ms. Smith expressed gratitude for all the support for the event. It was reported according to a Placer Report the following: Saturday records showed over 20,000 people were in attendance, 50% of the reported people were not from Clayton. The 4-day event drew over 34,000 visitors.

Council Member Ruth Anderson thanked Mrs. Wooten and her team. She stated the collaboration between the Town and the Chamber has been spectacular. Mrs. Anderson continued to say if ever an issue arose from vendors or attendees the Chamber was there to hear the concerns.

Council Member Sims stated they did an outstanding job. Council Member Sims communicated the numbers speak for themselves. Council Member Sims stated the visibility and showcasing the Town is an opportunity for people to walk around. It is

amazing to showcase what Clayton is. In conclusion, Council Member Sims thanked the Chamber for all that they did.

Mayor McLeod recalled when it was called the Soybean Festival. He stated it has always been an opportunity for Clayton to showcase itself, the community, organizations, and churches to get out into the forefront to introduce themselves to the people in this town and region. Mayor McLeod stated he has enjoyed watching the Harvest Festival grow over the last 10 years. Mayor McLeod thanked Mrs. Wooten and her team for all their hard work. He stated this was such a phenomenal promotion for the community.

6. PUBLIC HEARINGS

a. Update to System Development Fees

Presenter: Joshua Baird, PE, CFM - Engineering Director, Acting Water Resources Director

Mr. Baird was present to request to adopt the Proposed Update to System Development Fees. It was reported the System Development Fees are the upfront charges that new developments or increases in capacity users pay for what it takes the Town to pay those capital projects of infrastructure to build that capacity into the system so that they can provide for the growth. Existing users that are not increasing in capacity do not pay, they pay into their commodity rates. Mr. Baird stated the System Development Fees are just for the entities or new connections that placed additional strain or additional request on the system and for the Town to be able to build the capacity both to be able to treat and/or convey the transmission for any type of water or wastewater project.

He reported in 2017, House Bill 436 revised how the fees were calculated, and it set up certain structures and certain methods the calculations must be performed. It was stated the calculations are there to inform what the maximum can be. The House Bill does not require adoption of the maximum fee. It was communicated consultants were hired from Black and Veatch to perform the analysis. The consultants performed the analysis in 2018 in which they completed the analysis. On October 2, 2023, Mr. Robert Chambers with Black and Veatch was present and briefed the Council about that update.

It was communicated the fees have gone up; the result is multifactorial. The revamp of the CIP process has gone through looking at what other water and sewer projects needs were as well as additional construction and material cost.

Mr. Baird reported there are firm numbers on the new Sam's Branch Water Reclamation facility. It was stated this updated analysis does consider the revamped CIP and several new projects to be able to provide the capacity for the growing town and planning for the future.

It was advised through discussions that there has been a recommendation of a phase implementation approach, which has resulted in an implementation schedule. Mr. Baird presented information that was provided to the Council during the October 2, 2023, Town Meeting and was also provided on the 45-day comment period that has since ended. The information provided was based on the meter sizes and known as meter equivalency. Mr. Baird reported the standard 5/8-inch residential meter is the

equivalent unit. It was stated that larger meters are based on how it compares to the standard 5/8-inch meter. Calculations were provided for what a per gallon, per day usage would be for water and for expansion of wastewater. On the water side it was \$15.42 gallons per day and \$24.41 gallons per day for wastewater on the sewer side. Mr. Baird reiterated the 5/8-inch meter size is standard and the total system max was \$13,020 that the analyze provided. This was placed for the 45-day public comment period, no comments on the analysis were received.

It was reported new fees go into effect tomorrow and an additional increase in July of 2024 when the new budget is adopted. The discussion continued to state with each budget year there would be an increase of approximately \$1,200 total for a residential unit for both water and sewer.

Mr. Baird provided the prorated rates beginning January 3, 2024. Which included the standard 5/8-inch residential unit would be a total of \$8,000. The prorated gallons per day would be \$7.05 for water and \$17.70 gallons per day for sewer. Anything above a 2-inch meter would be subject to a developer's agreement that would have to come before the Town Council.

Council Member Casey thanked Mr. Baird, his staff, and the consultant for what they have done. Council Member Casey continued to state that we need to make sure that growth pays for growth. It was stated to continue to look at it and revise it as necessary as cost and things change. Mr. Baird stated he is in support of it.

Council Member Anderson stated she agrees with Council Member Casey. Mrs. Anderson stated there has been a lot of work that has gone into this. It was stated that she likes the approach of putting it out on a schedule instead all at once.

Adoption of Ordinance #2024-01-01

RESULT:	CARRIED
MOVER:	Andria Archer
SECONDER:	Michael Sims
YES:	Porter Casey, Andria Archer, Michael Sims, Gretchen Williams, and Ruth Anderson (CM)
NO:	None

- b. 2023-138-ANX Leland A. Blessl Barbour Annexation
Presenter: Bruce Venable, Planner I

Mr. Venable presented the Applicant's desire to annex .43 acres of contiguous real property into the Town limits of Clayton. The property is located at 1412 Old US Hwy 70, currently within the ETJ. A legal ad was published on December 20, 2023. It was reported that future land use is medium density residential. This area is already zoned for residential, and no rezoning would be required if annexation is approved.

Adoption of Ordinance #2023-138-ANX Leland A and Blessl Barbour Annexation

RESULT:	CARRIED
MOVER:	Michael Sims
SECONDER:	Andria Archer

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

c. **2023-161-ANX LAWSON GLEN ANNEXATION**

Presenter: Bruce Venable, Planner 1

Mr. Venable presented the Applicant's desire to annex 27.3 acres of continuous real property into the Town limits of Clayton. The owner and the applicant are represented by DR Horton. The property is located at 60 Ranch Rd, currently within the ETJ. The legal ad was published December 20, 2023. Mr. Venable reported there is no rezoning required. It was stated the Applicant was not able to attend the public hearing. Council Member Archer inquired if there were any pros or cons to voting without the Applicant being present. Town Attorney Cauley responded not unless the Applicant has requested a delay, it would be acceptable to move forward with the vote. Council Member Archer thanked Mr. Cauley.

Council Member Casey stated one thing we should realize the development is underway. Council Member Casey continued to state this was part of the original design of the development to be annexed. Council Member Casey communicated the previous Council had taken this into consideration. Council Member Casey stated he didn't have any problems with it.

Adoption of Ordinance #2023-161-ANX Lawson Glen Annexation

RESULT:	CARRIED
MOVER:	Andria Archer
SECONDER:	Michael Sims
YES:	Porter Casey, Andria Archer, Michael Sims, Gretchen Williams, and Ruth Anderson (CM)
NO:	None

7. OLD BUSINESS

a. **Clayton Community Park - Construction Project Bid Award**

Presenter: Chris Gallant - Project Manager

The Council received a project update from Project Manager Mr. Gallant. It was communicated there were two rounds of bids for this project. There was an original scope of work that resulted in a revised scope of work. The first bid was issued in July 2023 and the bid opening was held in August 2023. They had to make an extension, there was only one bidder of \$6.3 million, which presented a significant challenge because it exceeded the remaining Park Bonds Budget. There was an attempt to negotiate but the difference was too great. The conclusion was to reject all bids, the decision was to reduce the scope of work to within the budget.

Mr. Gallant continued to explain round 2 of the revised scope of work. This round was in coordination with Parks and Recreation and the Executive Team. The bid documents were amended and issued in November 2023. The bid opened in December 2023. This resulted in 3 bids received with the lowest responsive bidder at \$3.4 million base price and \$3.7 million with alternates included.

The original Project Scope of Work included two sections: the North Section located behind the Community Center and the South Section being the Clayton Community Park area. The North Section includes Tennis Courts, Pickle Ball Courts, Bocce Ball Courts, Shuffleboard Courts, the parking lot expansion, water/sewer extensions, (1) new SCM for additional impervious area, storm infrastructure and the laydown yard with a building. The South Section includes parking lot expansion and reconstruction of the existing, concrete plaza with a new slab around the existing building, water extension, storm infrastructure, (2) SCM's for additional impervious area, reconstructed and widened entranceway, offsite improvements on Amelia Church Road, demolition of the playground, volleyball, and tennis courts; repairs and realignment of the asphalt walk path and new installation of the playground.

Changes to the new scope of work: The North Section; Maintenance Building Structure removed. The gravel yard and water/sewer service stubs would be kept. The South Section: all parking lot improvements were removed, concrete plaza at building were removed, new water and storm infrastructure were removed, (2) new SCM's were removed, entranceway improvements were removed, offsite improvements of Amelia Church Road were removed, asphalt walk path repairs were completed outside of the project scope.

The lowest responsive responsible bidder was ST Wooten with the base price \$3,400,000.00. The total with all the alternatives was \$3.7 million. That was the recommended award. Mr. Gallant provided a summary. It was stated they were looking for cost reductions. This is the last project that will be completed using the remaining funds from Park Bonds. It was reported this project is slated to cost approximately \$5.5 million. That includes design, construction, owner, and vendors contingency. It is anticipated the \$4.5 million bond plus remaining funds from the previous bond issuance would cover this total project cost. It was reported they wanted to focus on maintaining good value for the citizens by providing new amenities. Overall, they kept with the original master plan design. That will allow for items outside of the scope of work to be completed separately in a future potential project and would coordinate with current work. By completing demolition work and restoring to a clean grassed area as part of this scope. This will create a clean space for a potential future project. Also, the maintenance yard will be ready for a future building. They wanted to make a continuous asphalt pathway between the North and South Park areas.

In conclusion, Mr. Gallant recommended the bid award be awarded to ST Wooten Corporation as they were the lowest responsible bidder out of three total bids received. Staff and the consultant, Withers Ravenel, reviewed all bid documents and recommend an award to ST Wooten Corporation to be inclusive of the base bid along with five alternates for a total of \$3,706,576.00.

Mr. Rich Cappola stated there are a couple of other elements of the project that would be purchased separate from this bid contract as well. Mr. Gallant stated the \$5.5 million includes several owner items that include lighting for the park, includes the new playground and several other owner items.

Approval of Bid Award

RESULT:	CARRIED 5-0
MOVER:	Andria Archer
SECONDER:	Porter Casey

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

8. NEW BUSINESS

9. STAFF REPORTS

a. Town Manager

Town Manager Mr. Rich Cappola expressed appreciation and gratitude to the elected officials as hereflected on the great accomplishments that were had as a team during 2023. Mr. Cappola stated there was a lot of success both big and small. It was stated the staff worked tirelessly to improve things for the residents of Clayton in 2023 and he is looking forward to what 2024 brings. Mr. Cappola advised that Monday, January 15, 2024, Town Hall would be closed in observance of Dr. Martin Luther King Jr. Day. The Town Council meeting will be Tuesday, January 16, 2024. Lastly, he stated that it is UDO Day.

b. Town Attorney

c. Town Clerk

d. Other Staff

10. 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

Presenter: Mayor McLeod

Mayor McLeod stated 2023 was a very good year for the Town of Clayton. It was stated a lot of progress was made and there is more progress to come in 2024. Mayor McLeod stated the Town is and always will be a Town that welcomes others into the fold. Mayor McLeod shared it is the people that make the Town a great place to live, work and play. Mayor McLeod stated on behalf of the Town of Clayton he wishes a very happy and successful 2024.

11. CLOSED SESSION

a. Closed Session to discuss a Legal Matter in accordance with NC GS 143-318.11(a)(3).

There was nota closed session held this evening.

12. ADJOURNMENT

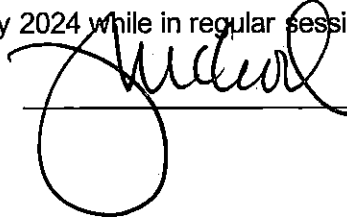
a. Adjourn

With nothing further, the meeting was adjourned at 6:40 p.m.

Motion To Adjourn

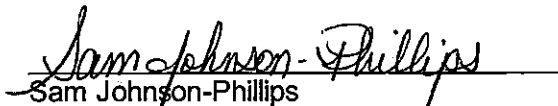
RESULT:	CARRIED 5-0
MOVER:	Michael Sims
SECONDER:	Porter Casey
YES:	Porter Casey, Andria Archer, Michael Sims, Gretchen Williams, and Ruth Anderson (CM)
NO:	None

Duly adopted by the Town Council this 16th day of January 2024 while in regular session.



Jody L. McLeod
Mayor

ATTEST:


Sam Johnson-Phillips
Deputy Town Clerk

