



Town of Clayton
Regular Town Council Meeting Minutes
Tuesday, January 16, 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

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. **Approve or Adjust the Agenda**

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
 - January 2, 2024 - Regular Session
 - January 2, 2024 - Work Session

Presenter: Sam Johnson-Phillips, Deputy Town Clerk
- b. Certificate of Sufficiency 2023-100-ANX Poole Farm, LLC
Presenter: Sam Johnson-Phillips, Deputy Town Clerk
- c. Certificate of Sufficiency 2023-101-ANX Rocky Branch Farm, LLC
Presenter: Sam Johnson-Phillips, Deputy Town Clerk
- d. Certificate of Sufficiency 2023-164-ANX Lee Court
Presenter: Sam Johnson-Phillips, Deputy Town Clerk
- e. Certificate of Sufficiency 2023-165-ANX Gregory Drive
Presenter: Sam Johnson-Phillips, Deputy Town Clerk
- f. Correction to Amended Compensation Plan Scales
Presenter: Rick Cappola, Town Manager
- g. Fire Advisory Board Alternate Seat
- h. Resolution #2024-08 Acceptance of Public Water and Sewer Utilities for Warranty.
Buckhorn Branch Park Subdivision, Phase 3
- i. Amendment to Davis Park Leasing Economic Development Incentive Agreement
Presenter: Patrick Pierce, Economic Development Director

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

4. **ADMINISTRATIVE ITEMS**

5. **INTRODUCTIONS AND SPECIAL PRESENTATIONS**

- a. Customer Service Day Proclamation
Presenter: Mayor McLeod to Present to Customer Service

Mayor McLeod read and presented the proclamation to the Customer Service Team. Ms. Anne Gamble thanked the Mayor, the Town Council, and the Executive Team for their support.

- b. Life Saving Awards
 - Officer Ashton Anderson
 - Officer Edward Pistola

Presenter: Greg Tart, Police Chief

Police Chief Tart presented 2 Life Saving Awards to Officer Ashton Anderson and Officer Edward Pistola. This is Officer Anderson's second Life Saving Award since Chief Tart has been with the department. It was stated there is a process that a supervisor or someone in the department can nominate an officer and then Chief Tart makes the final decision. It was reported on October 29, 2023 an accident occurred in which both Officer Anderson and Officer Pistola rescued a driver from a vehicle engulfed by fire.

6. PUBLIC HEARINGS

- a. Public Hearing for the Annexation Petition 2023-100-ANX Poole Farm, LLC
Presenter: Bruce Venable, Planner I

Attorney Cauley stated for items 6A and 6B the applicant does not want to be annexed unless the conditional zoning which is item 6G is also approved. It was suggested to have the public hearings for items 6A and 6B and defer the vote until the hearing for item 6G. Then return to items 6A and 6B to vote. Mayor McLeod asked if there were any questions or comments, there were no questions or comments.

Mr. Venable stated the applicant is seeking annexation of 73.91 acres of non-contiguous real property into the town limits of Clayton. It was reported that this petition is 1 of 2 that is being presented. It is associated with 2022-195-CZM Vinson Road Conditional Rezoning with Master Plan.

Mr. Venable communicated it is outside of the Town's limits and the ETJ. It is located across from Windsor Green Estates near Hidden Valley and not far from Glen Laurel East. The applicant was present.

Mr. Bob Spence an attorney from Smithfield that represents the Developer, reported the two tracts of Old Vincent Estate which is surrounded by much older subdivisions. It was stated the developer has been to one planning meeting and requested to table the meeting so that he could meet with people and try to address the concerns. It was stated that some of the zoning was changed to make it less dense. A few townhomes which are in the center of the development were added to help pay for the amenities and what is part of the development. It was stated the edge of the development would be residential houses without the density of townhomes. It was communicated that a member at the planning board meeting objected to the townhomes. Mr. Spence stated the annexation requirements have been met. He communicated it is a conditional annexation which requires consensus. It was stated that it has five characteristics that must be met and those standards have been met.

Town residents Mr. James Wolfgang, Mr. Mark Cooper, Ms. Betty Fagan, Mr. John Scarpa, Mr. John Nash, Ms. Cynthia Calibro, Ms. Lenior Henry, Ms. Christy Buckley and Ms. Jennifer Kure, addressed the Council in opposition to the annexation.

Mayor McLeod communicated when Glen Laurel was developed it was Clayton, North Carolina first satellite annexation and there were no contiguous borders to Glen Laurel. Discussion continued to state there is value in satellite annexation because of how Glen Laurel is and the reputation that it has within the Town of Clayton.

Motion to Continue to March 18, 2024 Meeting

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

- b. Public Hearing for the Annexation Petition 2023-101-ANX Rocky Branch Farm, LLC
Presenter: Bruce Venable, Planner I

Mr. Venable stated this is for the sister property next door which is 73.753 acres of non-contiguous real property within the Town limits of Clayton. It is associated with 2022-195-CZM Vinson Road Conditional Rezoning with Master Plan. It was communicated that this property is more adjacent to Glen Laurel East and that it is a satellite annexation.

Mayor McLeod opened the public hearing, and it was communicated that anyone that wished to speak on this annexation to please step forward and provide their name for the record. It was also stated to expedite the Mayor asked for the audience to raise their hands that would oppose this parcel being annexed into the Town of Clayton. Mayor McLeod stated this would allow the Council to see who is here, what you are standing for and that you would be on video camera for the record and that would show public input was received. With no one wishing to speak, Mayor McLeod closed the public hearing and turned it over to Council for their deliberations.

Motion to Continue to March 18, 2024 Meeting

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

- c. Public Hearing for the Annexation Petition 2023-164-ANX Lee Court
Presenter: Bruce Venable, Planner I

Mr. Venable reported this is a Town initiated annexation. The Town wished to annex the 7.8 acres of contiguous real property into the Town limits of Clayton. It was reported that it is part of a right of way at Lee Ct. The real property is within the ETJ, it is located near the Operations Center along NC Highway 42 West. It was stated that in previous annexations this right of way was left out, upon finding due diligence was done to make this correction. It was communicated that this area is high density residential and that the property around this right of way is already developed.

Adoption of Ordinance #2024-01-04

RESULT:	CARRIED 5-0
MOVER:	Michael Sims
SECONDER:	Andria Archer

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

- d. Public Hearing for the Annexation Petition 2023-165-ANX Gregory Drive
Presenter: Bruce Venable, Planner I

Mr. Venable reported this is a Town initiated annexation it is located within the ETJ. The applicant seeks the annexation of .325 acres of contiguous real property into the Town limits of Clayton. A small portion was missed when the subdivision was built.

Ms. Betty Fagan, Town resident, expressed concern of multiple pieces of real property being annexed and trees being taken down.

Council Member Casey requested that the Town Manager Rich Cappola explain the road annexations so that the community understands what is going on. Mr. Cappola explained in these cases, it is fragment pieces of property which is currently public right of way. It is where the infrastructure was built, and constructed and then the land and the infrastructure were dedicated and accepted by the Town. This step in the annexation was missed. By clearing these up, it would clarify jurisdiction so that Emergency Services and the Police Department would have all the legal rights to be able to enforce anything that happens along those properties. Also make all the land contiguous within the corporate limits. These are cleanup items that prior decisions for subdivisions or dedications of lands and infrastructure have been completed. It was stated there is now a process in place in hopes that this doesn't occur again.

Adoption of Ordinance #2024-01-05

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

- e. 2023-176-RZ Clayton ABC Store Rezoning
Presenter: Steven Mott, Planner II

Mr. Mott presented Clayton ABC Store Rezoning Project #2023-176-RZ to be rezoned from Office Institutional (O-I) to Highway Business (B-3). It was stated this is a 1.63-acre parcel located adjacent to the Town Center Development. The applicant requested that it be rezoned under the adoption of the UDO which would be CRM. It is located at 8175 US HWY 70 BUS W. Clayton, and it is a vacant parcel. With its current zoning, it is surrounded by B3. The proposed zoning would be more in accordance with surrounding zoning. It was stated that it is within the high-density residential district, it is in the neighborhood center overlay. The use is in accordance with that designation.

It was communicated during December's Planning Board meeting, the Planning Board voted unanimously, recommending approval for the proposed rezoning based on the

consistency with the Future Land use Map in the adopted 2045 Comprehensive Growth Plan.

Mr. Gary McKay with Red Line Engineering was present on behalf of the applicant. He stated he would take any questions. It was stated the ABC Store is two doors down from the property and that they are planning on relocating to this corner so there would be access through the shopping center and not have the main access on Highway 70 to help the traffic situation. Discussion continued to say there is a strong desire to develop the 75 acres behind them. Mr. McKay stated this would make it a safer location but unfortunately it is an O-I not a B-3, it needs to be B-3 for retail use.

Adoption of Ordinance #2024-01-08 and Consistency and Reasonableness Statement

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

- f. 2023-126-CZMPond Street Duplexes Conditional Rezoning
Presenter: Steven Mott, Planner II

Mr. Mott stated this is rezoning of properties from R-6 Zoning District to Conditional Zoning Residential. The applicant is looking at conditional zoning to build 2 two family structures, a total of 4 units. The density would be 8.77 units per acre. The property size is 0.456 acres, and its location is 914 & 916 Pond St. Clayton, NC

Development Data:
Access/Streets

- Durham Rd via US 70 Business
Water/Sewer
- Town of Clayton
Electric Provider
- Town of Clayton

Mr. Mott reported that within the proposed development there is existing R-6 zoning. The project would comply with the Town of Clayton Stormwater Ordinance, public water, and sewer available on Pond St. and electric service would be available from the Town of Clayton. The development would be accessed from local streets adjacent to US 70 Business. Discussion continued due to the size of the development, no transportation improvements were requested or required.

- Landscaping/Buffers
- 15-foot-wide Type C Landscaping Buffer with 6' vinyl privacy fence along the outer most sides and rear along the project boundaries
- Interior landscaping meeting UDC Requirements

Architectural Standards

- Two-Family buildings shall include the using of the following primary exterior materials:
 - Brick or Stone on the front façade (25% minimum)
 - Siding: Vinyl
 - Trim: Vinyl
 - Shutters: Vinyl
 - Roofing: Shingles

Mr. Mott communicated that this is consistent with the adopted plans and policies of the Town. The 2045 Growth Plan identifies a majority of the development site as "high density residential", and abuts an area marked as "medium density residential." The development, while less dense than that proposed in the Future Land Use Map, is complimentary to existing, neighboring lower density single-family residences and eases the area into slightly higher density. This development promotes the 2045 Growth Plan's Land Use & Housing Goal LU-3, which encourages a range of housing types and lot sizes that would meet the needs of various income levels, family sizes, and ages. Also promotes Goal LU-4, which provides safe, sound, and well-maintained housing and neighborhoods. Discussion continued to state the property is currently zoned single-family Residential -6 (R-6), which is the Town's most dense residential district exclusionary of non-single-family residences. Staff believes the proposed project promotes suitable development considering the future land use map and promoting gentle density in infill lots, making use of underutilized parcels to grow housing opportunities. The development also introduces an alternate housing type to those in the immediate vicinity while keeping with the character of the area.

Capacity of Adequate Public Facilities and Services

- Schools: The proposed development would be served by Johnston County schools (East Clayton Elementary, Clayton Middle, Clayton High), with Clayton High School on the County's "capped" list for 2023-2024
- Roads: Development will be accessed by US 70 Business via Durham Rd
- Wastewater Treatment: Development proposed to be served by existing sewer infrastructure
- Water Supply: Public Water is available on Pond St
- Stormwater Drainage: Development will follow Town Stormwater Ordinance

It was stated that legal purposes of zoning are not contravened and any sort of benefit to the developer is not an exchange for higher reward to the community. Mr. Mott reported there are no adverse effects on adjoining property owners and no one property owner's small group would benefit to the detriment of general public.

Conditional Zoning Approval Criteria

- Compliance with Section 255.203(L) and all other applicable requirements of this chapter, or analysis and justification for deviations
- Consistency with Clayton General Design Guidelines
- Conformance of proposal with stated purpose of requested conditional zoning district
- Compatibility of proposed development with adjacent community
- Quality of design and ability of overall development plan to ensure a unified, cohesive environment at full build-out

- Compatible relationships between each component of the overall project
- Fiscal impact of the proposal
- Providing adequate bicycle and pedestrian links within development and with adjacent community
- Effectiveness with which proposal protects and preserves ecologically sensitive areas

Mr. Mott reported that staff believes the applicant has met the criteria through site plan conditional zoning narrative and proposed conditions. If approved, the conditional zoning district, master plan and narrative would be recorded with Johnston County and shall guide future development for this land. The conditional zoning district, master plan, and narrative shall not expire, and would run with the land. Town Council may recommend conditions be added or removed. The developer must agree to any imposed conditions. There was a 4 to 1 vote to approve the conditional zoning district based on the proposed application meeting the criteria for approval. That was based on the consistency statement.

Mayor McLeod stated he needed clarification on the PowerPoint presentation. It said it was unanimous, but it was not. Mr. Mott confirmed that it was a 4 to 1 vote. Mayor McLeod stated to let the record reflect that regardless of what was written and provided on the screen, it stands corrected with the 4 to 1 vote. Mayor McLeod expressed thanks to Mr. Mott.

Mr. Donnie Adams, Engineer with Adams and Hodge Engineering was present and stated they are the Civil Site Planners and Engineers on this project. He reported they do meet the criteria and they have worked with Staff through this process. Discussion continued to state they are utilizing existing utilities that are there and making a blend between recent development and development that has been there for decades. The sidewalks would be extended along the fronts connecting to the sidewalk from the adjacent neighborhood.

Council Member Archer stated she thought the application was reasonable and there are other duplexes in this general neighborhood. The materials and the designs proposed are consistent with other homes in the area. Council Member Archer communicated this a good use of infill space and that she supports this application.

Adoption of Ordinance #2024-01-07 and Consistency and Reasonableness Statement

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

- g. 2022-195-CZM Vinson Road Conditional Rezoning with Master Plan
Presenter: Bruce Venable, CZO, Planner I

Mr. Venable stated this property currently lies outside of the Town's jurisdiction both being ETJ and the Town limits. The applicant has requested that should the

annexations be approved that they be allowed to come in under this conditional zoning residential. The total size of this property would be 146.26 acres. The property is located off Vinson Road near Windsor Green Estates and Hidden Valley and Glen Laurel East subdivision. Mr. Venable showed comparisons of the surrounding properties. The current surrounding areas are currently zoned for agriculture residential within Johnston County zoning planning district. November 27th Planning Board meeting the applicant made some changes and brought in a project that had a proposed density of 2.78 units per acre. It had a maximum unit of 406. 315 were single-family detached homes and 91 were single family attached. So, there were 91 townhouses as part of that proposal. Since November 27th, they have provided an update and have changed those numbers. They reduced the density from 2.78 units per acre to 2.55 units per acre. The total number of maximum units from 406 to 373 and reduced the number of single-family detached regular single-family homes from 315 to 282 and they have kept the single-family attached townhome number the same at 91. There would be two access points on Vinson Road, including a 3rd emergency access that would only be able to be accessed by Emergency Services. The River Muse proposal that came before the Council last year was similar. Water and Sewer would be provided by Johnston County, Duke Energy Progress would provide the electricity. It was stated in low density residential single-family attached townhomes are allowed and they cannot make up more than 25% of the total units of the site. Whereas in agricultural rural residential areas, that type of unit is not permitted. It was reported in the old proposal 11/27/23 that they reduced the number of 52 wide lots, and they increased the number of 62 wide unit lots in their newest proposal 1/16/24. The townhomes haven't changed because they still provide the same amount, but they have brought all the smaller lots towards the front, and they have provided a larger wider unit towards the back of the property.

It was stated that this was the original traffic generation from the original submittal. It included approximately 480 units originally proposed. This has since changed, and they are proposing fewer units. The applicant will provide those updated numbers.

The project will have to comply with Town of Clayton Stormwater Ordinances, public water would be provided through Johnston County. It is available on Vinson Road. It was stated there is an existing public sewer available accessed via Summerlyn Pump Station adjacent to the development. There would be a need to build an additional pump station to provide capacity and sewer access to the entire site. It was reported that this pump station could provide additional capacity and resources for additional developments in the area. The total requested gallons per day after adjusting the number for the 373 units and the clubhouse, would approximately be 93,500 gallons per day. The electric service would be available from Duke Energy Progress.

There is a Class C landscape buffer and opaque fencing required around the perimeter of the development. The interior landscaping must meet the street and the street yard trees must meet the UDC requirements. The open space amenities are required to have a minimum of 25%. This proposal has about 40% that they're proposing for conservation in an open space area. It was stated given its location being a satellite annexation, there are no public Greenways currently proposed as part of this development, but they are proposing to have frontage widen and provide sidewalks on the side of the property.

Architectural Standards:

- All residential building materials shall include brick, wood, stone, fiber cement, and/or wood composite.
- Vinyl siding shall be prohibited but vinyl accents, such as windows, shall be permitted
- All residential units shall have a minimum of 25% masonry on the front façade
- Single-family detached shall have either a crawl space foundation or a stem wall foundation or elevated/raised foundation
- Townhomes shall have a slab on grade foundation
- No two consecutive single-family detached homes shall contain the exact same front elevation regarding materials or color palette
- Single-family detached homes directly across the street from each other shall not have identical facades regarding materials or color palette
- No two consecutive townhome buildings shall contain the same front elevation regarding materials or color palette

Master Plan Approval Criteria

- Compliance with Section 155.203(L) and all other applicable requirements of this chapter, or analysis and justification for deviations
- Consistency with Clayton General Design Guidelines
- Conformance of proposal with stated purpose of requested conditional zoning district
- Compatibility of proposed development with adjacent community
- Quality of design and ability of overall development plan to ensure a unified, cohesive environment at full build-out
- Compatible relationships between each component of the overall project
- Fiscal impact of the proposal
- Providing adequate bicycle and pedestrian links within development and with adjacent community
- Effectiveness with which proposal protects and preserves ecologically sensitive areas

The following was communicated:

- Town Council may make a motion to approve, deny or continue the public hearing as they deem appropriate
- Town Council may recommend new conditions. The applicant must agree to the new conditions for them to be binding
- The Town Council shall consider that approval of this rezoning request would amend the Town's Future Land Use Map and shall be recorded with the Johnston County's Register of Deeds. The rezoning shall run with the land
- Town Council may make a motion referencing the statement of Consistency and Reasonableness provided in the Staff Report

Mayor Pro Tem Sims asked for the Class C buffer description. Mr. Venable replied there are different widths, but it is the most intense buffer. It is the number of plantings at a certain width then it will have the opaque screening. That is a minimum of 6 feet, whether that would be berm, masonry element, or a solid wood fence that would provide screening to an adjacent property. In addition to the conditions the applicant

stated they would provide an additional berm. So, it could be the berm and then the additional Class C options.

Council Member Casey asked for clarification about it being a Town of Clayton or Duke Energy customer. Mr. Venable replied he would have to double check because there were two different things listed. Mr. Joshua Baird, Engineering Director stated this would be Duke Energy, the Town of Clayton does not have lines in that area. Council Member Casey asked what the residential estate open space density is. Is that a minimum lot size 12,000 square foot lot. Mr. Venable stated residential estate is now RLL (residential large lot) in the new UDO. Under the open space subdivision, it is at 12,000 square feet would be the minimum lot size. Council Member Casey asked are there any expectations or any foreseeable request for easement to any of the surrounding parcels of land next to the proposed development? Mr. Baird, Engineering Director, and acting Water Resources Director replied looking at a proposed technical and concept plan from November 2022, the plan was for the pump station to have a force main that comes out, stays in the public right of way, and enter some existing sewer infrastructure in Glen Laurel. Without the final design it is difficult to say whether there would be any offsite easements associated with that or not. Based on the technical memo and analysis this project's flow would flow through Glen Laurel and there are some off-site upgrades and improvements. Three other pump stations besides Summerlynn flow through Glen Laurel. They are Glen Laurel 1, Glen Laurel 2 and Glen Laurel 3 that would flow through. There are some additional upgrades in those including some of the gravity system. Glen Laurel and the streets are not sized currently to take this, this was included in the memo. There would be off-site work. It was stated it does appear to be some of the existing right of way through Glen Laurel but until there is a final design it is difficult to say whether there would be any off-site easements required by the project specifically. Council Member Casey inquired and requested more details about potentially upsizing these or if there would be any added pump stations to make this a viable development project. Council Member Casey asked if this would be possible and is this something that we would be responsible for or for the upsizing would that be something we would be responsible for. Mr. Baird replied for the Town of Clayton, Engineering standards do require a pump station force main to be sized for build out of the entire basin, which is currently there. However, there are some technical complications when you have oversized equipment and not enough flow on it. It was stated they would have to look to see the balance. Mr. Baird stated in the memo that was provided back in November, it does appear the flow that was analyzed was only for this project, it was not for the entire basin. There were no assumptions in terms of the other areas that could flow to this new pump station via gravity. The improvements noted in the memo through Glen Laurel and Glen Laurel pump stations are just for this project flow and they do not include anything from the rest of the basin.

Mr. Baird reported this would be an ideal area for a regional pump station, it is downstream on the river of the other pump stations. There are no technical or engineering profiles to confirm that is doable. Mr. Baird communicated this would make sense to be a final location for a future regional pump station that could take the following: Summerlynn, Glen Laurel 1, Glen Laurel 2, and Glen Laurel 3 offline. That is based on the fact it is further downstream. There are not any profiles to support that currently. It was stated anything above this project if there were any intent to take those offline that is likely something that would be outside the developer's responsibility. If there were any request to go above and beyond and take those offline

and set it up for a regional pump station in the future. However, we would expect to see if this project moves forward the pump station designed and laid out in such a way that additional gravity could be brought to it in the future. Council Member Casey stated that he saw in the conditions about the potential for a left turn lane off Glen Laurel Rd to Vinson Road and asked if there was any information. Has there been conversations with DOT on the potential for that, is that a condition that needs to be added? Mr. Venable stated the applicant has another presentation that goes into greater details about the traffic concerns. Council Member stated he had no further questions. Mr. Baird clarified if the project is approved and moves forward through the annexation, the intent would be that it is a Town of Clayton customer and would receive the water from Johnston County via the typical interconnect master meter process. It would be a Town of Clayton customer not Johnston County customer. Mayor McLeod expressed thanks for the clarification. Council Member Williams requested when the next presenter presents that they speak about the road improvement, roadway widening and the sidewalk constructions.

Attorney Bob Spence from Smithfield, NC stated the developer has used the legislative zoning as well as they could to be open as possible to everyone that is involved in the planning of this development. The Planning Board meeting continued to adjust and to communicate the results of the first meeting. It was passed at the second meeting, and they tried to adjust those improvements to their plan. It was stated this process has been a several stage plan. This is a 2024 development. Mr. Spence stated they want to make this broadly accessible to a large percentage of the middle-class people moving into the county and who can afford to purchase within the subdivision.

Attorney Cauley asked could we get confirmation that the conditions read by the Planning staff are all agreeable and acceptable to the applicant. Attorney Spence replied in the affirmative.

Ms. Pam Porter with TMTLA Associates Landscape Architecture and Land Planning, introduced Mr. Bill Herrell with Hooper Communities, Developer; Mr. Patrick Barboza with the Timmons Group, Civil Engineering and Ms. Caroline Chieves with Ramey Kemp Associates/DMRP, Traffic Engineer.

Ms. Porter provided the highlight of a few things regards to the neighborhood outreach and previous Planning Board meetings. It was communicated to Council there were two neighborhood meetings: September 21, 2022, and August 23, 2023. There were two Planning Board meetings, one of which was continued and then recommendation of approval was received on November 27, 2023.

Ms. Porter discussed the conceptual site plan. She stated the last submittal they made to the Planning Department had a maximum density of 2.55 dwelling units an acre with maximum number of units at 373. It was re-evaluated to help reduce the sum and ease some concerns with the density. Ms. Porter stated a maximum density of 2.4 dwelling units an acre, a maximum number of units at 350, 87 town home which is at 25%, and 263 single-family detached all the other conditions still apply. The town homes are centrally located and buffered by the single-family detached that are around them. There are three different lot sizes for single-family detached: 52-, 62- and 72-foot-wide lots. The largest lot size would be 72 feet wide, and they offered that to be a minimum of 10,000 square feet. It was reported the neighborhood would include a major amenity

as a pool and cabana as well as other smaller recreation and open space areas throughout the neighborhood.

Discussion continued into the project history. The initial submittal was November 1, 2022, in which they began with 457 units and 3.12 dwelling units an acre. At the first Planning Board meeting the number of units dropped to 406 and 2.78 dwelling units an acre. It was stated there have been numerous meetings with members of Council. The last submittal was 373 units and 2.55 dwelling units per acre. It was stated with the proffers of a maximum of 350 units and 2.4 units per acre. It was reported they have reduced the overall number of units by 107 and the density roughly by 24%. The average lot size for the single-family detached is around 7,200 square feet. The minimum lot size for the 72' wide lots will be 10,000 square feet (new proffer at Town Council).

A map was provided on screen to show other neighborhoods that may be similar in density and lot size or have a mix of unit types. It was stated there are other neighborhoods that are comparable or similar to what is being proposed. The lots that are adjacent to Hidden Valley are larger lots that were done a while ago, and they are also septic lots, they must support a septic system. River Mews was recently approved with an overall density of 3 units per acre, it has single-family, town homes and apartments. Summerlyn, which has a density of 2.69 dwelling units per acre. Chandler Ridge which has a density of 2.1 dwelling units per acre. Gordon Park which has a density of 2.9 dwelling units per acre. Tuscany has single-family detached and town homes with 60-foot-wide lots. Flower's Plantation has a mixture of single-family, town homes and lots that are less than 5,000 square feet.

Ms. Porter showed images for illustrative purposes only that were intended to show architectural style. It was communicated that they are committed to all residential units to have a minimum of 25% masonry on the front façade. Vinyl siding would be prohibited but vinyl accents would be permitted. All the single-family detached units would have a crawl space or elevated foundations and there will not be a slab on grade for the single-family detached units. Mr. Porter re-stated these are not the exact elevations that would be built but rather replicative of what could be built in the neighborhood with the zoning conditions.

Ms. Porter stated a condition that was added with the last submittal was for a heavily landscaped berm along Vinson Road. In addition to dressing up the frontage along the development it would provide screening from Vinson Road drivers will not be able to look into resident's backyards and residents will not be able to look at Vinson Road. The berm with the landscaping has not been designed yet but they are envisioning evergreen trees planted about four to six feet tall at installation and shrubs planted at 18 to 24 inches at installation. The larger plant sizes would provide an immediate screening effect as the plant material has a chance to grow in.

Ms. Porter advised Council of some notable zoning conditions:

- Maximum density shall not exceed 2.55 dwelling units per acre
- A minimum of 15% of the single-family detached homes shall be minimum of 3,000 square feet ("executive housing")

- The minimum lot size for a single-family detached lot shall be 6,000 square feet for a 52' wide lot, 7,000 square feet for a 62' wide lot, and 10,000 square foot for a 72' wide lot
- Development shall include a cabana/pool amenity area. In addition to the cabana/pool amenity area, a minimum of two of the following amenities shall be provided: dog park, tot lot/playground, multi-use field, picnic gazebo, disc golf, pickle ball court, tennis court, mini park, plaza, square, green, private greenway or trails, or community garden
- Predominant exterior building materials shall include brick, wood, stone, fiber cement, and/or wood composite. The front façade of all units shall have a minimum of 25% masonry (brick or stone). Vinyl siding shall be prohibited but vinyl accents, such as windows, shall be permitted. All residential units shall have a minimum of 25% masonry on the front façade
- A heavily landscaped berm, in addition to any required Town of Clayton landscape requirement, shall be installed along the frontage of Vinson Road

Ms. Porter stated the project has significant roadway improvements including a huge upgrade to the Glen Laurel Road and Vinson Road intersection. It was reported that the density has been reduced but they have not reduced the roadway improvements. All the roadway improvements that have been committed to today have been the commitment since the beginning and will be completed by the first final plat. Ms. Porter explained that means until homes come online all the road improvements are going to be installed. They are not phasing them with the phasing of the subdivision. It is understood the importance of getting the intersection under control. They wanted to proffer that it would all be done at once. Mayor McLeod asked before anything gets sold in the development all the road improvements would be completed. Ms. Porter replied before the first final plat, they are not phasing the road improvements with the phasing of the subdivision. They will all be done at once. Ms. Porter reported the development will commit to constructing the stoplight at Vinson Road and Glen Laurel Road if not yet completed by NC DOT once the lots come online. This project has a significant pump station commitment tied to it, not only for the development but also to service future developments and to replace the GL3 pump station.

Ms. Chieves stated she prepared the traffic study. Ms. Chieves answered Council Member Williams' question stating the left turn lane is included in the traffic conditions.

Ms. Chieves affirmed the roadway improvements will be going in before the first final plat. Before any of the traffic that would be generated by this development the roadway improvements would already be there. The roadway improvements are based on the original TIA, those traffic volumes that were shared in the staff presentation. With the new density, the new traffic volumes are being reduced by 1,500 trips per day. Ms. Chieves stated that is a significant reduction and they are committed to the full storage lengths at Glen Laurel and Vinson Road of the 500 feet of full width storage and 275 feet for the right turn lane and 500 feet for the left turn lane.

Ms. Chieves presented a schematic showing what the roadway improvements would look like at site drive 1 (Vinson Road and Windsor Green Drive). There would be a 100-foot left turn lane. Site 2 (Vinson Road and Rainwater Court). Off-site (Vinson Road and Glen Laurel Road) this is the most discussed intersection. Ms. Chieves explained the 500-foot storage for the left turn lane. It was stated that this is a

significant improvement. NC DOT will install a traffic signal there; it is under construction. It is expected to be installed before this development. It was stated if for reason the project gets stalled, they would move forward with the installation.

It was communicated with their development and these improvements this intersection is expected to operate at a level service c in the future. Ms. Chieves explained the values and nomenclature set by the Highway Capacity Manual (HCM), which was created by the Transportation Research Board – an international committee. This manual is updated every couple of years, and it is the basis that most DOT's and municipalities who do traffic engineering. Level of Service (LOS) D is widely classified as the acceptable LOS before the intersection starts to degrade. They try to mitigate everything at Level of Service D or better. Ms. Chieves showed the classifications are based on delay per vehicle. It was stated at an unsignalized intersection you don't want someone waiting more than 35 seconds at the intersection before clearing it. At a signalized intersection you don't want someone waiting there longer than 55 seconds. It was stated Level of Service C they saw 30 seconds of delay at the intersection. Council Member Casey asked if there would be a left turn lane light onto Vinson Road. Ms. Chieves responded in the affirmative. Council Member Casey asked if applicants are willing to make as a condition. Ms. Chieves responded yes; it is implied once the signal goes in. It is standard when it comes to submitting roadway plans to NC DOT. They also require a signal modification plan and that would also include a protected left phase for that signal. We are okay to make that a zoning condition.

Council Member Anderson asked if the storage capacity and the slide pertaining to the traffic queues could be discussed again. Ms. Chieves stated what they do is take existing data on the road, for example collect traffic counts. With the data they grow it up at an annual compounded growth rate and then they look at the future build year that they study in the TIA. They grow the traffic and add in any future developments as well. Then they look at the traffic the proposed development is adding in and then they go back and try to mitigate the traffic to a Level of Service D or better. At the traffic signal they were still seeing excessive cues there. It was explained that is when they realized the turn lanes were necessary. They wanted to highlight how in the future those cues would be excessive but with the proposed development and the traffic signal with the turn lanes the cues would be mitigated.

Mr. Harrell stated this process begun over two years ago when he first contacted the Holder and Wood families about their properties. It was stated since then there have been countless meetings, emails, calls of Staff Officials and neighbors. Each meeting resulted in a minor adjustment or even major change in their plans, to craft a plan that all stakeholders could live with. It was stated they have addressed as many of those concerns and issues as possible and that is what was presented tonight. Mr. Harrell stated to Council that they dramatically decreased density multiple times since the start, cutting almost 24% of units as of this afternoon and increased lot sizes substantially. Discussion continued stating they never backed off their initial commitments to major road improvements, elevated quality of the homes and the sanitary upgrades that benefit the Town. It was stated that the plan that was presented tonight has met and exceeded the 2045 Comp Plan for this area and has indicated the benefits for the Town and has raised the bar for quality that the Town of Clayton has not been accustomed to over the years. Mr. Harrell expressed appreciation and gratitude for the Council's time this evening.

Mayor Pro Tem Sims requested a breakdown of the units 6,000, 7,000 and 10,000. Ms. Porter responded they have a potential lot breakdown right now. It was reported they are not showing lot lines on the plan on purpose because once it is fully engineered, things may change and shift. Based on the 7,200-foot average is 87 town homes, 66 52-foot-wide lots, 157 62-foot-wide lots, and 40 72-foot-wide lots. The larger lots at 10,000 square feet, there would be 40 of those. There may be more as they move through the site plan stage.

Council Member Casey asked what about the average lot size. Ms. Porter responded with 72. Council Member Case asked that's exclusive of the town homes. Ms. Porter responded in the affirmative, it doesn't include town homes. Council Member Casey stated in one of the prior presentations 255 single-family lots were proposed and now it has moved up to 280, is that correct? What was the single-family allotment after the changes tonight? Ms. Porter responded they have always had significantly more single-family than town homes. Council Member Porter stated in the traffic study it stated 255 single-family. Ms. Porter responded it was 2.55 dwelling units an acre was the density. Mayor McLeod stated he had 263 single-family, Mayor Pro Tem Sims stated he had the same. Ms. Porter replied when they started, they had 457 units and that was reduced by 116. It dropped to 25% and now they are at 350. Mayor McLeod asked with that breakdown being 87 town homes and 263 single-family dwellings. Ms. Porter replied in the affirmative. With the density reduction of 24%.

Council Member Casey asked if 40% of that open space, is that correct? Ms. Porter responded we have always maintained a minimum of 40%. Council Member Casey asked how much of that 40% is technically unbuildable? Ms. Porter replied that 40%, maybe 60% is unbuildable. There are streams, wetlands, and flood plains towards the back. Ms. Porter stated one thing they have tried to maintain with their proposal is maintaining the environmental areas as much as possible.

Council Member Casey asked that a description be given of what an elevated or raised foundation is versus a slab foundation. Ms. Porter responded when there are stairs going into the main entry, that is considered elevated slab. Regular slab is when there aren't any steps going into the main entry.

Council Member Casey asked for more clarity on the pump station improvements. Ms. Porter responded they do have condition 19 which stated: developer shall validate the adequate capacity in the downstream wastewater infrastructure pump stations and force main to accommodate the proposed flow for the project. If adequate downstream capacity is not available, the applicant will complete any pump station or force main improvements in coordination with the town staff to accommodate the proposed flow. Ms. Porter stated this is for them to evaluate the project but there have been conversations about doing some upgrades not only to service some of the surrounding parcels that are either vacant or not developed. Also, Glen Laurel 3 or GL3 pump station is not doing very well, so it would also be sized to replace that or take it offline.

Civil Engineer Mr. Patrick Barboa is the Senior Project Manager with the Timmons Group. It was communicated their wastewater group has done an analysis and has met with Mr. Baird probably a year ago. They have looked at the Regional Pump Station on their site backed up towards the Neuse River, it's the lowest point of the

site. It will be sized for the drainage area for the adjacent properties. It was stated they can take Glen Laurel Pump Station 3 offline, and you can gravity feed from where that pump station is to our Regional Center. There is one property between Glen Laurel and their site, an easement would have to be acquired to get the gravity sewer to go across that property to reach their pump station in the future. Discussion continued to state they would install about 13,000 linear feet of force main. It was stated they would not go to the Glen Laurel pump stations; their infrastructure will not support their site and our site. It was stated they will go on Vinson Road towards Glen Laurel Road, go right, and go uptowards Summerlyn subdivision and tie into that pump station. Mr. Barboa stated the financial difference between designing their pump station for their site and the drainage area versus also including Glen Laurel pump station 3 is probably a \$500,000 difference that the developer would be pay to take Glen Laurel 3 pump station offline.

Council Member Casey asked for clarification on the potential easement requirement if this were to come into fruition. Mr. Barboa responded an easement would be required and it was unknown if there has been contact with the property owner.

Council Member Archer asked as part of the condition are you willing to upsize the gravity sewer where it ties in if needed? Mr. Barboa responded yes if it is required. It was also stated a full pump station analysis of the Summerlyn pump station to prove the capacity can handle their site.

Mayor Pro Tem Sims asked how wide the road is on site drive 1. Ms. Chieves responded the road should be 20 feet wide. Mayor Pro Tem Sims asked what it would be widened to. Ms. Chieves replied at the entrance that all the lanes would be 12 feet wide so it would be 36 feet wide. Mayor Pro Tem Sims asked what the length would be. Ms. Chieves replied that what was proposed was a 100-foot full width storage. With the NC DOT guidelines, 100-foot full width storage you would have to add an additional 50 feet. There would be a total of 150-foot storage and then there is a 300-foot transition taper. Ms. Chieves stated because it is a left turn lane, and they are widening the center of the road and not just one side they would have to widen the through lanes. In total it would be 600 feet of road that would be impacted. Mayor Pro Tem Sims would the second site be about the same. Ms. Chieves replied that it would be about the same, it would be the same storage length and a single left turn lane. Council Member Williams had a follow-up question about the traffic and asked would this be presented by the development or would the Town have to do something with this road. Ms. Chieves responded they development would install these.

Mayor McLeod asked if there is an estimate on total investment for all the road improvements that they are proposing to take care of the total estimated value. Ms. Chieves stated it is over a million dollars. Mr. Herrell stated they have some estimates on the road improvements, but not the frontage improvements. The intersection of Glen Laurel and Vinson Road would be at least a million dollars. It was stated that is today's cost. If we move forward, we are looking at 18 months from now and then the cost then. Mayor McLeod stated a minimum of \$1 million.

Council Member Anderson asked for clarification on their proposal of making the road improvements before one person moves into the subdivision. Ms. Chieves replied in the affirmative.

Council Member Archer stated this is within the water supply watershed what percent impervious is the project at. Ms. Porter stated she doesn't believe it is in the narrative. It was communicated that she doesn't know if they know right now because there isn't a builder. It was stated with 40% minimum open space and yard space, it can not be 50% or 60%. It will still be relatively low in comparison because of all the open space. Council Member Archer stated on the question of open space, if we are around 40% and we are talking about a project of 146 acres that would leave about 58 acres as open space. Ms. Porter responded in the affirmative. Council Member Archer stated touching on what Council Member Casey stated, some of the 40% is buildable? Ms. Porter identified the different areas on the Conceptual Site Plan. Ms. Porter stated a significant amount of the 40% is essentially untouchable.

Council Member Anderson asked if the berm schedule is the same for the road improvements. Ms. Porter stated the road improvements would be first, once the road is built then the berm would be behind it. With other projects they have designed and installed the berm people move in and while homes are being constructed. It was stated that the berm is helping screen the inside from the outside and vice versa.

Mayor McLeod stated this is still noted as a public hearing.

Mr. Gary Ogal, Mr. Scott Council, Mr. John Scarpa, Mr. Brent Wood, Ms. Beth Crater, Ms. Betty Fagan, town residents, addressed the Council and are opposed to the annexation and rezoning.

Mr. Jay Vincent, a Town resident, addressed the Council and stated his family owns a tract of land adjacent to Glen Laurel and in between the proposed development. The land is used for farming. It was stated they are very concerned about the easement. Request that the Council deny the motion.

Ms. Cynthia Calbro, a Town resident, asked Council with all the additional homes, how many extra policemen and firemen would the city plan to hire.

Mayor McLeod polled the audience by raising hands on those who are in opposition and for those who are in favor. Mayor McLeod expressed thanks for those who attended the meeting, the time and input. Mayor McLeod stated it is very clear that they love the Town of Clayton. Mayor McLeod closed the hearing and turned it over to the Council.

Ms. Porter approached and requested to address some of the residents' concerns. Mayor McLeod agreed. It was stated with the road improvements they have a TIA that is reviewed and approved. DOT owns those roads, and they say what can happen to those roads. Ms. Porter regarding the drainage in the Hidden Valley neighborhood and offer was made to the gentleman and anybody in that neighborhood they would go and look at the situation before any development happens. To see if there is anything that could be done to make the situation better. It was said they must do storm water ponds that are regulated by the State to detain and treat storm water. Ms. Porter stated the townhomes were done in the middle by design and that they understand the sensitivity of town homes. She continued to state the comp plan talks about the mix of housing and how they felt it was important to keep the mix of housing but to put it into an area

where they would be protecting it from the surrounding properties. The architecture would be like surrounding homes. Ms. Porter addressed the easement on the adjacent property for any pump station upgrade, that would only be for when that lot is developed.

Mr. Herrell addressed the Council about the storm water runoff that Mr. Ogle is rightfully worried about. It was communicated there are certain State regulations that they must adhere to extremely tightly. It was stated they are willing to do double silt fencing along the entire Eastern boundary of disturbed property. Mr. Herrell stated if that would help, they would commit to that also. Mayor McLeod thanked him and stated it is important to be a good neighbor.

Mayor McLeod stated he has been sitting in this seat for 20 years and is honored every year. The Mayor of The Town of Clayton votes if there is a tie and in 20 years, he has never been able to vote on a decision. It was stated the Mayor's role is to act as an Conduent between real everyday people and local government. It was stated he listened with both ears as concerns were expressed and not from a judgmental perspective but from an open honest, good, real everyday people perspective. Mayor McLeod stated in 20 years there has never been a developer to invest a million dollars in road improvements. It was stated this is not saying for him to get a free pass to everything but the Mayor stated he wanted all to know

Mayor McLeod stated they do not do anything purposefully to be a detriment to any school in the Town of Clayton. There has been an attempt to engage with the Johnston County schools but unfortunately it isn't there. The Johnston County Schools govern our schools, the Johnston County Commissioners fund the public-school systems in Johnston County. They know that we are behind six schools. It was stated it is unprecedented to have a developer want to do these types of road improvements, that has never been done before and it is impressive. Mayor McLeod expressed thanks and gratitude in allowing him to express his opinion and his assessment of what is taking place.

Mayor Pro Tem Sims stated he is torn on this one. It was stated that in the two years that he has been on, he hasn't seen a developer go to this extent, from 457 units all the way down to 350, it was stated that is significant. And to make these changes along with 600 feet of road as far as wanting to develop it, take responsibility of the lights and the intersection is phenomenal. Mayor Pro Tem Sims stated he is torn because he has some issues with the characteristics of the area and some of the things they would like to build as far as the townhomes. Mayor Pro Tem Sims addressed every citizen that wrote a letter, email and that was present that evening and the 500 that did the petition. A majority of those, some of which spoke this evening and the Mayor alluded to it talked about the schools. Mayor Pro Tem Sims stated he should see at the next County Commissioners meeting those who are concerned about students and the overcrowding. It was stated that he watches those meetings and that he never hears anything about the overcrowding. The DOT should receive letters and petitions to improve that road since Vinson Road is unsafe. Mayor Pro Tem Sims stated he has concerns with the characteristics of the townhomes. It was stated he wanted to applaud them for the improvements. It was communicated that he agrees with the Mayor, it is phenomenal compared to what has been seen and what has come before them in the past.

Council Member Casey stated he is pleased with the developer's willingness to listen and try to make concessions for this project. It was stated that even if he has concerns about the specific project, he does favor the attitudes and efforts of their team. Council Member Casey stated he appreciates the feedback from the community and that he hears their concerns. It was stated that both he and the Council must walk a delicate line approving or denying projects. And mitigating impacts with that is within our control with development projects and they must be done without being sued. Council Member Casey stated that we were discussing the density, and it may be consistent with the comp plan. It was stated that we have our comp plan, and we have a rezoning category. It was stated that the comp plan is the way we outline general growth and development. It was stated there is flexibility and ambiguity of the comp plan because it paints a broad brush in the community. It was communicated that one thing he struggles with is the density in the comp plan. Council Member Casey stated he didn't know that the adjacent property is a working farm and that was surprising. It was stated that makes him consider that agricultural rural a more applicable zoning category but then there's also the residential estate category as well. In those situations, even if you were to take the denser of those the residential estate the 25,000 square foot lots are the minimum. If you do an open space zoning designation you are allowed to do 12,000 square foot lots by right. Council Member Casey stated that gets him to the point where he is struggling relating to the lot size and the town homes. It was stated if you are talking about an average of 72,000 square feet single-family detached homes that does not include the town homes, that doesn't fit the character of that community and neighborhood. Council Member Casey stated there are a lot of things that he likes about the project. It was communicated he appreciates the developer's willingness and efforts. It was said if it were closer to our downtown core this would be a slam dunk for him.

Council Member Casey stated unfortunately it is not. He stated the improvements are appreciated but some of those improvements are partly because of the development itself. It was stated if you were to base this off our conditional zoning requirements, it does not meet as our staff has pointed out. Council Member Casey stated he appreciates the developer showing a map, but that map made it even more clear that it was not compatible, because there wasn't anything close to being adjacent to the surrounding area. It was stated that if we approve that density here, we open ourselves up to other equal density in that same area. It was stated if town homes get built does that mean town homes are compatible with that surrounding area. Council Member Casey stated he would think that we would be put in a tough situation if they were in the future. It was stated that he struggles with this and that he goes along with the staff's recommendations. Council Member Casey stated that he would push towards denial of this project.

Council Member Archer stated in the interest of time that she would echo basically everything that has been said up here and that she is glad that you touched on schools and that she would have said a lot of the same. It was stated that it is irresponsible to base a residential building application in the Town of Clayton on school systems. Just by nature school systems are reactive, they don't build them when you come, they build them in response to housing and developments. Council Member Archer agrees with Mayor Pro Tem Sims on traffic on Vinson Road by denying this application it is not going to help you on Vinson Road. In fact, you can make an argument that approving this application would fund a major improvement that is needed. And it's okay for us to

agree to disagree there are multiple of ways to look at that. We have received a lot of emails about wildlife, wildlife concerns and preserving areas for wildlife. It was stated that she is very sympathetic, and she understands that but you cannot make some keep their land undeveloped so we can drive by and enjoy the beauty of it. It was stated all the land that our houses were built on used to be habitat for something, so that is inconsistent. Several emails address water and wastewater capacity, she stated she doesn't see either of those as valid reasons for denying this application. Those are complex issues that are being addressed at municipal and county level. Council Member Archer stated if you have questions, she would be happy to your call or email and put you in touch with someone that could answer those for you. Council Member Archer stated echoing what Council Members Casey and Sims stated the developer has made phenomenal compromises but when she looks at the number of town homes and lots under 1,000 square feet total 40% of the units, which are too high. Council Member Archer stated she is leaning on the second inconsistency statement that the staff mentioned in the staff report. It was stated that she is grateful for the time and the professionalism of this team that we have worked with. It was communicated but the inconsistency is why she is leaning toward voting a no on this and that is the only reason.

Council Member Anderson stated she understands the concerns that have been expressed and that she has some of those also. It was stated what has been paramount to her is this decision and it has been a difficult decision. It was said that she agrees about what has been said about the developer. Council Member Archer said that she has lived here a long time and that she has watched Council meetings and that she has been involved and that she agrees with the Mayor and Council Member Sims, Casey, and Archer that this team has been responsive as any team that she has seen and that is impressive to her. It was stated that an issue with her is safety. It was communicated that the changes and additions being made to the intersections are way over what is required. It was stated that they have all received the emails and the repetitive statements have been that the roads are over capacity, and it is a massive issue. Discussion continued to state if the land goes to the county to be developed with a lesser density, the requirements for those intersections, those turn lanes, the storage, the capacity at that intersection probably would not be on the table. This product, although it is denser, would put in major road improvements that will make a difference at that intersection. Safety has become paramount in making this decision and these road improvements. Council Member Anderson thanked the team for listening and their responses each time that they met.

Council Member Williams expressed appreciation on the presentation and the feedback especially to the developers and the comments and the community has been heard. It was stated that their comments have been read and their emails. It was stated that she is for development and growth. It was said that location and timing may be suited for another time outside of our scope. Council Member Williams stated that she is in favor of denying it at this time.

Council Member Archer stated just for the development team given the discussion that was had tonight including the comments, is there any sense in continuing this to give you another opportunity to look at density number, lot sizes or is this something that you feel we have reached a natural conclusion.

Attorney Spence stated there is no short-term answer to that. Attorney Spence requested that items 6a, 6b and 6g be continued. Mayor McLeod responded that you would like a continuance of tonight's agenda item 6a, item 6b and item 6g instead of a vote. Town Attorney Cauley suggested continuing it to a date certain. Mayor McLeod asked the team would 30 days be long enough. Attorney Spence requested 60 days.

Council Member Archer asked for clarification from the Town Attorney. Asking would you prefer to say 60 days or March 18th. Town Attorney Cauley stated he would prefer a meeting date. Council Member Archer responded 60 days would be the March 18, 2024, Council Meeting. Mayor McLeod stated the decision would be postponed until the March 18, 2024, Council Meeting, with a notation that the public hearing has been held and been closed. The discussion would be for the Council to ask questions about any changes or recommendations that the developer might have. It would not be a continuation of a public hearing. Attorney Spence stated he would prefer if they could leave the hearings open so if there are changes, they could come back with the changes and could present them to the board, otherwise we are continuing the thought. Town Attorney Cauley stated he remembers a recent example of this and the scope of the discussion at the continuation meeting was limited strictly to the changes, he stated that he believes that was what you were thinking and that is what the council has done in the past. Mayor McLeod stated that would be the road that we take. Mayor McLeod thanked Town Attorney Cauley.

Council Member Archer inquired if the motion could bundle the conditional rezoning and the two annexations. Town Attorney responded with the affirmative.

Motion to Continue to March 18, 2024 Meeting

RESULT:	CARRIED 5-0
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. Capital Project Budget Ordinance
Presenter: Robert McKie - Finance Director

Mr. Robert McKie asked Council to adopt the 2024 GEO Bonds Capital Project Ordinance which would give the budgetary authorization to undertake major improvements in addition to adding additional amenities at Clayton Community Park. It was stated the remaining \$4.5 million General obligation bonds would be sold next Tuesday, January 23rd.

Adoption of Ordinance #2024-01-09

RESULT:	CARRIED 5-0
MOVER:	Porter Casey
SECONDER:	Michael Sims

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

8. NEW BUSINESS

9. STAFF REPORTS

- a. Town Manager
 - Mid-Year Goal Report

Presenter: Rich Cappola, Town Manager

Town Manager Rich Cappola presented highlights of the third-year mid-year budget report. Mr. Cappola an update of where they are with the fiscal year 24 budget. The first slide shows was the fund balance of the general fund. It has been reported multiple times throughout the year. It was stated this shows the available funds that the Council may have the discretion to be able to utilize for things that have come up throughout the year or to be able to prioritize for what will become FY 25. Based on the latest numbers the close out of the books effective June 30, the audit has been reviewed and accepted by the State. Mr. Cappola expressed appreciation and gratitude to Mr. McKie and his team. It was communicated to the Council that our policy currently states that we have a target fund balance of 30% for the General Fund with a minimum of 20%. The way that this was reported to you in recent years provides a breakdown of the unassigned balance that we have. On the last line it shows the available money that could potentially be spent, right now without violating the operational target or all the way down to the minimum. It was stated that essentially right now approximately \$4 million above the 30% target can be allocated or utilized to fund different initiatives. It was stated there are some recommendations for it. A graph was shown with similar dollars that showed the unassigned 30% target is approximately just south of \$13 million for the current budget in the General Fund. Mr. Cappola stated we are in the current Fiscal Year 25 budget development. Staff have been developing the initial requests for additional staffing, Capital Projects, any additional changes to fees and charges that may be proposed. It was stated over the next month they will open initial public hearings.

Mr. Cappola communicated that only one public hearing is required with the annual budget process but historically there have been two. One at the beginning of the process to see if the public has any input in terms of things that would they like to be considered as priorities as the Fiscal Year 25 budget is developed and then one at the end once a recommendation budget has been developed for consideration. The initial hearing for the FY25 budget will be at the first meeting in February, following that they will release the annual budget survey. Moving forward there will be internally developing that budget and discussing that with the Council at the retreat and as we move through the budget calendar. Soon the request for additional feedback from the public will be released via the survey and the public hearing. Town Manager Cappola stated last year's budget there was an appropriation of approximately \$5.9 million of fund balance, this is outside of the \$4 million available fund balance. The Water and Sewer Fund variance right now is approximately \$1.2 million. There is a \$330,000 fund balance appropriation, there will be a review as the end of the year approaches to verify whether it is needed. The Electric Fund this fund looks as if it will be balanced by the end of the year.

Mr. Cappola stated there have been a couple of adjustments that were factored into the Town Council Budget Adjustment. Decision regarding compensation with Merit, Cola and 401k were made within the currently approved budget. There was an additional commitment for the fire apparatus. That bill is due for another two years. An ARPA Stormwater Assessment Grant was received. That was acknowledged in the amended budget for the additional revenue. The two part-time FTE's, one in HR and the other in Admin, were converted to full-time. A School Resource Officer was added to the Johnston Charter Academy. Mr. Cappola asked that the following be considered for the Operational Budget: future property acquisitions, public safety complex & facilities financing strategy, rolling stock acquisitions (vehicle replacement plan) and staffing.

Mr. Cappola reported on the following:

- Town of Clayton maintains a healthy reserve fund
- Affirmation of General Fund Rating: Moody's -Aa1; S&P-AA +
- Capital Projects and Programs included in the Capital Improvement Plan remain a priority for successful completion
- Sales tax revenues remain stable (5% higher than prior year)
- Mid-Year budget adjustments reflect a vibrant, growing town and organization
- Ongoing recruitment of quality, professional staff

Mr. Cappola expressed thanks to the Communications department, Mrs. Gill, Mr. Shelton and his team, Ms. Aman and Mrs. Snyder. It was stated they spend a lot of time getting this information. Gratitude was expressed to the department heads and the different staff as well.

- b. Town Attorney
- c. Town Clerk
- d. Other Staff
 - Road Renaming - Patrick Pierce, Economic Development Director
 - 4th of July Event Discussion - Greg Tart, Police Chief

Road Renaming

Mr. Pierce provided Council with an update on the road renaming. It was stated NC DOT is part of getting US 70 renamed to Interstate 42. That triggered a cascading number of effects in terms of needing to remove the business designation from US 70 and rename Interstate 42. Then there was the issue of deconflicting issues with having interstate 42 intersect with a state route 42. Mr. Pierce stated US 70 goes from I40 in Gardner to 70th business interchange in Clayton. It was communicated NC DOT would create rename/relocate NC 42 between US 70 BUS and NC 50 to NC 36. A segment of NC 42 would be eliminated (US 70 to US 70 BUS). Mayor McLeod, where did NC 36 derive from. Mr. Pierce stated that NC DOT had to create a number. As a result, there have been several public meetings by NC DOT. It was stated there was one in Clayton last year, there have been work sessions to discuss different options and Johnston County held a public hearing January 2, 2024, regarding NC 42 and there was media coverage. If the local government, be it the Town or the County that renames the route. The State and the Feds can rename and renumber the shields

anything they would want in the future. It would always rename whatever the local government names it.

It has been discussed in a letter that was sent to the County and based on their hearing would be to rename what's currently business 70 to Clayton Boulevard. It would require one address change. It would go from the current Wake County Line to the current US 70/US 70 BUS interchange. And rename the current NC 42 W from US 70 BUS to current Wake/Johnston County line and call that Veterans Parkway. It was reported a name change will be coming for these business and residents. It was stated this would allow us to rename this once and if the State would want to rename and place different shields, by putting a name on this once, we can avoid any impact to business and property owners. This opportunity would honor thousands of our veterans in Clayton and Johnston County. It was stated this is a great community branding opportunity. This would provide a clear and easier way to communicate with our public safety and emergency response services in case there is an emergency because there won't be multiple NC 42's and multiple US 70's.

It was stated the goal moving forward would be to have a public hearing on February 5, 2024. Johnston County will hold their public hearing on February 19, 2024, regarding US 70 BUS (tentative). Mr. Pierce stated that they will get their documentation to submit to NC DOT for acceptance. It was stated then that the implantation in Spring 2024-Fall 2024 (tentative).

Council Member Anderson asked in the naming of these entities: Veterans Parkway and Clayton Boulevard, is one or both things Clayton's decision or are working collaboratively with the County with both decisions.

Mr. Pierce responded that they have worked and had discussions with the County on both. Through discussion they gave Clayton business 70 since that goes through the heart of Clayton and gave some preference there.

4th of July Event Discussion

Police Chief Tart provided an update on the plan for this year's 4th of July. It was stated that last year fireworks were brought back to Clayton High School. In the after-action meeting after the 4th of July event last year. It was a consensus among everyone to combine the fireworks and the Square to Square into one day instead of two separate days. Police Chief Tart communicated that the plan this year is to have the Square-to-Square event start that afternoon around 5:00 p.m. and run it up until the launching of the fireworks. Main street would be blocked off and it would be done similarly to what was done in the past. It was stated there would be vendors, food trucks, games, and inflatable tables. There would be one change, no spectators would be allowed to view fireworks from Clayton High School's campus. Although it is still a work in progress, there will be sites around town in which spectators can watch the fireworks. Once the fireworks conclude the roads will be reopened. It was stated a lot of this is in the planning stages.

Mayor McLeod stated a lot of people were happy with their partnership with Clayton High School. Mayor McLeod asked for clarification as to why that is not the best location for the fireworks.

Police Chief Tart stated the fireworks will still be at Clayton High School but people will not be able to view the fireworks from Clayton High School. Mayor McLeod stated that you won't be able to have a chair and watch the fireworks. Police Chief Tart responded not inside the gate. Mayor McLeod asked inside of the football field. Police Chief Tart stated the gates that surround the outside will be locked except for the firework vendor who will be launching the fireworks. It was reported that they would probably block off Robertson Street and Fayetteville Street to allow people to get closer to view them. But this is still in the planning stages. It was also stated this is because of safety concerns.

Council Member Anderson asked if it was because of the proximity to the actual fireworks. Police Chief Tart responded in the affirmative. Mayor McLeod stated that he trusts his judgement 100% and he thanked Police Chief Tart.

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.

A town resident stated there are times as Council that you will have to do what's best for the Town of Clayton. Grit your teeth and vote, you can't pay a whole lot of attention to the people who are out here protesting. It was stated the people here tonight maybe a few of them lived in the Town of Clayton. It was stated that you need to keep the revenue coming.

b. Council Comments

Presenter: Council Member Casey, Rich Cappola, Town Manager

Council Member Casey stated he has seen tree cutting companies and a citizen reached out because of the safety of it. He asked what the protocols are because some unsafe practices have been noticed.

Mr. Cappola asked for clarification if Council Member Casey was referring to private companies working on private properties working on the roads or adjacent to the roads. Council Member Casey stated yes, there weren't any road markings or any cautions. They were cutting trees down and using the road without having any cones.

Mr. Cappola stated he would look and see if the current ordinances need to be updated. Particularly if someone is working adjacent to the right of way, they are required to follow proper traffic control. Particularly if they are felling trees into the right of way that would need to be known in advance. If that is seen, please report that to the town. If that is an immediate concern, call 911 if there would be potential impacts to the roadways or safety concerns.

11. CLOSED SESSION

- a. To Discuss Legal Matter in Accordance with NC GS 143-318-.11(a)(3); Discuss Purchasing of Real Property in Accordance with NC GS 143-318.11(a)(5)

Motion To Go into Closed Session at 9:54 p.m.

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

Motion To Return To Open Session at 10:46 p.m.

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

12. ADJOURNMENT

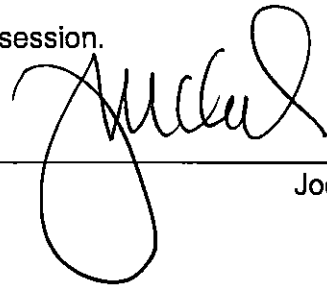
- a. Adjourn

With nothing further, the meeting was adjourned at 10:47 p.m.

Motion To Adjourn

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

Duly adopted this the 19th day of February, 2024 while in regular session.



Jody L. McLeod
Mayor

ATTEST:

Heidi L. Holland

Heidi L. Holland, CMC, NCCMC
Town Clerk

