Town of Clayton
Regular Town Council Meeting Agenda
Monday, April 1, 2024 at 6:00 PM
Council Chambers, Town Hall
111 E. Second Street

THE PUBLIC MAY VIEW THE LIVE COUNCIL MEETING ON THE TOWN'S YOUTUBE CHANNEL:
https://www.youtube.com/TownofClaytonNC

1. CALL TO ORDER

a. Call to Order

b. Pledge of Allegiance

c. Invocation

2. ADJUSTMENT OF THE AGENDA

a. **POTENTIAL ACTION:** Approve or Adjust the Agenda

3. CONSENT AGENDA

(Items on the consent agenda are considered routine in nature or have been thoroughly discussed at previous meetings. Any member of the Council may request to have an item removed from the consent agenda for further discussion.)

a. Minutes
- March 18, 2024 - Regular Session

Presenter: Sam Johnson-Phillips, Deputy Town Clerk
March 18, 2024 Minutes

b. Resolution To Accept Public Utilities into The Town of Clayton Public Utility System for Maintenance – Grifols Phase II Wastewater Effluent Line
Resolution To Accept Public Utilities into The Town of Clayton Public Utility System for Maintenance – Grifols Phase II Wastewater Effluent Line

c. Resolution to Accept Utilities for Warranty Highgate Ph. 5
Presenter: Joshua Baird, PE, CFM - Engineering Director
Resolution to Accept Utilities for Warranty Highgate Ph. 5

d. Resolution in Support of Clean Water State Revolving Fund (CWSRF) Application Submittal for Sam's Branch WRF Program
Presenter: Joshua Baird, PE, CFM - Engineering Director
Resolution in support of Clean Water State Revolving Fund (CWSRF) Application Submittal for Sam's Branch WRF Program

POTENTIAL ACTION: Adopt Consent Agenda as Presented

4. ADMINISTRATIVE ITEMS

5. INTRODUCTIONS AND SPECIAL PRESENTATIONS

a. National Library Workers Day Proclamation
Presenter: Council Member Williams to Present to Library Staff
National Library Worker's Day Proclamation

6. PUBLIC HEARINGS

7. OLD BUSINESS

8. NEW BUSINESS

9. STAFF REPORTS

a. Town Manager
- Budget Survey Results

b. Town Attorney

c. Town Clerk

d. Other Staff

SAFRE Grant (Staffing for Adequate Fire and Emergency Response)
Presenter: Chief Ranes, Fire Chief

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

11. CLOSED SESSION

12. ADJOURNMENT

a. Adjourn

POTENTIAL ACTION: Motion To Adjourn

Town of Clayton
Regular Town Council Meeting Minutes
Monday, March 18, 2024 at 6:00 PM
Council Chambers, Town Hall
111 E. Second Street

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

Council Absent:
None

Staff Present:
Rich Cappola, Town Manager
Jim Cauley, Town Attorney
Heidi Holland, Town Clerk
Dolores Gill, Deputy Town Manager
Lee Barbee, Deputy Town Manager
Robert McKie, Finance Director
Greg Tart, Police Chief
Nathanael Shelton, Communications Officer
David Ranes, Fire Chief
Joshua Baird, Engineering Director
Conrad Olmedo, Planning Director
Bruce Venable, Planner

1. CALL TO ORDER

a. Call to Order

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

b. Pledge of Allegiance

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

3. CONSENT AGENDA

a. Minutes
- March 4, 2024 - Work Session
- March 4, 2024 - Regular Session
- March 4, 2024 - Closed Session (Work Session)
- March 4, 2024 - Closed Session (Regular Session)

Presenter: Heidi Holland, Town Clerk

b. Resolution To Accept Public Utilities into The Town of Clayton Public Utility System for Maintenance – Carolina Overlook Phase 1

c. Resolution To Accept Public Utilities into The Town of Clayton Public Utility System for Maintenance – Carolina Overlook Phase 1 A-E, I, J

d. Disposition and Acceptance of Retired Police K-9 "Raven"
Presenter: Chief Tart, Police Chief

e. Cemetery Flower/Decoration Policy Amendment
Presenter: Heather Probst, Sr. Admin Support Specialist

f. Municipal Records Retention and Disposition
Presenter: Heidi Holland, Town Clerk

g. Adoption of Local Water Supply Plan
Presenter: Joshua Baird, PE - Acting Water Resources Director

Adopt Consent Agenda as Presented

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

4. ADMINISTRATIVE ITEMS

a. Downtown Vibrancy Grant Program
Presenter: Lydia Davis, Economic Development Specialist

Ms. Davis spoke on this item. Provided was background. This program was recommended from the Downtown strategic plan supported by the DDA and Design Committee. This grant is to activate the frontage zone with vibrancy elements. Shared were examples of eligible projects and sidewalk zones were also shared. There is currently $12,500 in the Economic Development budget to be used by June 30, 2024 for these grants. These grants would be announced in rounds.

Staff and DDA would pick a specific project and announce application opening. Businesses can then request acceptance into the project round.

This would be a biannual project; the program timeline would take approximately 5-6 months for each round. Grants are provided on a first come first serve basis. Businesses do not have to participate in each round, or they can participate in every round. There would be a minimum of one year's upkeep requirement for each project; this would be specified on the application and acceptance form. It was stated one grant per business or per ground floor entrance in a multi-tenant building.

Shared were sandwich board signage examples. The project would be announced on April 1, 2024. Based on budget and assumption, this would cost about $350 per business; max of 35 businesses would be accepted on a first come first serve basis. Application closes April 30, 2024; Downtown Advisory Board Review of Staff Recommended Recipients would be on May 13; Announcement of awarded business on May 15; Acceptance from awarded business due by May 24; and Materials would be ordered by June 1, received, and delivered to businesses prior to June 30. Announcement of next project would be in the fall of 2024 after the new fiscal year.

b. 2024 Road Rehabilitation Project - Road Selection
Presenter: Tim Robbins - Public Works Director

Mr. Robbins provided an update to Council. It was communicated that there is still a significant need for resurfacing throughout the Town. Utilized was the condition assessment that was provided in 2021. It was reported they are strictly using the pavement condition index scores that were provided in that document. The scores are ranked on a 100 scale, anything ranked below 60 needs attention. A map was shown with streets that have been identified below the 60 score. A group has been created to make the most of the efforts for mobilization purposes.

5. INTRODUCTIONS AND SPECIAL PRESENTATIONS

a. World Water Day Proclamation
Presenter: Council Member Andria Archer to Present to Water Resources

Council Member Archer presented and took a photo with the Water Resources department.

b. National Procurement Month Proclamation
Presenter: Council Member Ruth Anderson to Present to Procurement

Council Member Anderson presented and took a photo with the Procurement Department.

6. PUBLIC HEARINGS

a. 2023-201-RZ - Coulon Company, LLC Rezoning
Presenter: Bruce Venable, Planner I

Mr. Venable presented a rezoning request from a Residential Large Lot (RLL) to Heavy Industrial District (HID). The property size is +/- 3.88 acres. The property is located at 3733 Powhatan Road. The future land use map showed this area as part of the employment center. Encouraged uses are industrial warehouse, office, research and development among others stated. A list of permitted uses within Heavy Industrial (HID) was provided.

It was reported that it has been found to be compatible with the following:
Goal LU 1: Preserve Clayton's character while allowing for growth and development in

appropriate areas.
Policy LU 1.3: Encourage non-residential land uses in areas consistent with the Future Land Use map.
Policy LU 1.4: Encourage new businesses and non-residential development in Employment Centers designated on the Future Land use map

On February 26, 2024 the Planning Board recommended approval for the proposed rezoning request, per the consistency statement sheet Motion 1.

Mr. Steven Sanderson, of Sanderson Engineering, stated they plan to build a refraction tower in order to recycle hydrocarbons. This system is completely enclosed and there would not be waste or ventilation of any gas. It is considered a green process.

Council Member Archer stated she has learned a lot about the facility during a Planning Board meeting. Council Member Archer stated she found this application consistent with the seven findings in the application as well as the future land use map and the existing zoning for the area.

Adoption of Ordinance #2024-03-01 and Statement of Consistency and Reasonableness

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

b. Gateway 42 Small Area Plan

Mr. Olmedo stated this is a culmination of work that is approximately two years in the making. There has been a significant amount of stakeholder outreach, a large amount of analysis on behalf of the consultant and input from staff.

Blake Reeves provided an overview and highlights of the plan. This plan was developed at the recommendation of the 2045 Comprehensive Plan. This is a component of the Comprehensive Plan and it deals similar with a number of long range planning and aspirational goals.

It was stated with the upgrades to the intersection improvements and the interchange improvements and the future growth upon these corridors, this area becomes the new front door.

It was stated this was an in-depth community engagement campaign which utilized online websites, Town events and a number of in-person workshops to work with the community. There were discussions around ETJ and potential ETJ expansion. A map was shown of the existing ETJ and the areas that included the expanded ETJ.

It was discussed that a deep dive was done into the existing land use patterns as they exist today in Clayton. It was stated they looked at both the existing residential designations as well as the existing mix use designations. One of the things learned was all of the mix use designations as they exist today, all exist in a way that they are not independent of themselves. They all exist in relationship to an adjacent residential density. A new designation was introduced known as complete communities that would be beneficial in the future where areas can be kept at a lower density but also can have a small-scale commercial entities.

Highlights of the Recommended Branding and Wayfinding Strategies, Recommended Streetscape Improvements, Recommended Multi-Use Trail Systems and Recommended Open Spaces were discussed.

Council Member Archer commended the Planning Board and the Planning Department. It was stated there was a great discussion when this came through the Planning Board. Council Member Archer acknowledged the importance of the growing area of Clayton. It was stated this is similar to the 2045 Comprehensive Growth Plan.

Council Member Casey stated the amount of feedback received from the community, some of the stakeholder groups and some of the events held at the Clayton Community Center were well attended. Discussion continued on how it was important to have a plan like this. Council Member Casey stated he is in favor of the plan to reduce traffic, lower density and localized retail opportunities in the surrounding areas, trail system and open space and land conservation.

Adoption of Ordinance #2024-03-02 and Statement of Consistency and Reasonableness

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

7. QUASI-JUDICIAL HEARING

a. 2023-143-SUP Pinnacle Indoor Storage Unit Facility

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

Presenter: Steven Mott, Planner II

Mr. Mott spoke on this item. He stated there was an update to the staff report. Tonight

Council received the correct staff report. Mr. Olmedo read through all four Findings of Fact. Shared was an example of the future land use Map 2045. This property is designated to be supported downtown. Mr. Olmedo showed the future locations of the the employment center and the community center. Looking at future land use map, there is a chapter called Think Downtown which speaks to promote adaptive reuse and infill development projects while preserving historic character. Downtown support area is a flexible district that includes a mix of developed and undeveloped properties within walking distance to the downtown core. The Downtown support area provides housing options and nonresidential uses located in close proximity to the downtown core.

This property is on the south border of the downtown core. This is designated as downtown support.

Staff recommends that should Council approve; the following recommended conditions be added:

- The Development shall be constructed in substantial conformance with the Special Use Permit as approved by the Clayton Town Council and associated Site Plan (2023-144-SP) as approved by Town Staff.
- Any conditions imposed as part of the Site Plan (2023-144-SP) approval shall remain in effect.

The applicant, Bart McLean, Civil Engineer for the project, employed by William G. Daniel and Associates, has been employed there for 32 years. Mr. McLean stated he has been a professional Engineer for 27 years. He stated he was there with Robert High from Robert High Development, who is the owner and developer of this property. He read through the responses for the Findings of Fact. Shared was the location of the property. It was stated Outback and Popeye's would be in the front of this building. The main entrance would be off highway 70 between the two proposed restaurants. It was stated this is an indoor climate control self-storage; there would be no outdoor storage. There would be a small entrance off Blakley Street to access the second level. There is not a continuous access through the property. Shared was the proposed landscaping and a rendering of the facility. Masonry would be on the exterior which would meet all ordinances and regulations. The two restaurants provided a stormwater pond with impervious allocation area for this property. It was reported the property came in 3/10 acre below the impervious allocation, therefore there would be less run off than approved and planned for. There would be low traffic impact for this property. It was reported impact on surrounding roads would be minimal.

Mayor McLeod asked Mr. McLean what type of engineer he was; Mr. McLean responded Civil Engineer, they have done on several different projects. Mayor McLeod asked about the statement made regarding enclosed storage areas being a low traffic generator and if Mr. McLean had any Traffic Engineering qualifications. Mr. McLean responded they have done traffic studies for multiple different land uses, and this is a very low generating land use. Mayor Pro Tem Sims asked Mr. McLean to elaborate on that and verified with Mr. McLean that his company does traffic studies, but he is not an expert in the traffic field. Mr. McLean responded he is not a specific Traffic Engineer but has dealt enough with different projects and has multitudes of self-storages. He stated these facilities are generally low traffic generating usages. Council Member Casey asked Mr. McLean if there would be cross access streets? Mr. McLean stated there would not be a cut-through for people to get off highway 70 and go on Blakely Street. Mayor McLeod verified anyone coming through this would have to enter through highway 70 or Shotwell Road; Mr. McLean replied yes. Mayor McLeod asked how many trips per day would be generated. Mr. McLean answered not off the top of his head.

Robert High, owner of Pinnacle Storage was present. He stated there would be a storage facility of this size which would typically generate about 50 trips a day total. Mr. High stated he owns and manages 18 storage facilities, and they are open 7 days a week. He reported typically 12.38% of traffic is on Sunday, 15.31% generated on Monday, 12.7% generated on Tuesday, 13.28% generated on Wednesday, 13.81% generated on Thursday, 16.19% generated on Friday, 16.34% generated on Saturday. This is out of 18 facilities generated in 2023. 25% traffic is generated between 9 a.m. - 12 p.m., 23.67% is generated between 12-3 p.m., and 51% is generated between after 3 p.m.. Trips are not generally located during a high traffic pattern. There would be 10-20% coming off Shotwell and 75-80% coming between the Outback and Popeye's. Mayor McLeod verified that 51% of what occurs is generated is between 3-6 p.m. Mr. High replied yes.

Mayor McLeod asked who is coming tonight in opposition; one person raised their hand. Council Member Archer responded as the attorney stated when it is an evidentiary hearing the person would need to be a credible expert on the comments going to be made. Council Member Archer stated this is not to discourage anyone from commenting but to realize what we can and can't accept as testimony.

Mayor McLeod stated they have agreed to allow anyone to be sworn in that wished to speak. Town Attorney stated there is an additional consideration with third-party witnesses in a quasi-judicial hearing, and that is the issue of standing. Town Attorney communicated that the witness needs to have a need to have relevant connection to the case and not just a concerned citizen. Jasmine Rivera lives in Cameron Crossing, sees a lot of children playing. Her concern is about the access point on Blakely Street; she wondered if the access point has to be at that location. Town Attorney asked if Cameron Crossing is adjacent to this property, Ms. Rivera stated yes. Mr. High stated 75-80% of traffic would be coming off Highway 70. There would be very limited customers that have access up there.

Mayor McLeod asked if anyone wished to speak. With no one further the public hearing was closed and turned over to Council.

Mayor Pro Tem Sims commended the Planning Department for its great presentation. It was stated as he looks at the word character, he sees small scale retail and office, this facility does not fit this in character. He stated he is concerned this doesn't line up with retail and entertainment and some of the restaurants in this location and is also concerned about Finding of Fact #4. Mayor McLeod shared his concern about the lack of information about the impact of safety and traffic. If 51% of the trips occur during 3-6 p.m., this is the busiest time in Clayton. There was discussion about not having a traffic engineer present tonight or a traffic study presented that shows exactly how many people are coming in on Blakely Street or how many people are exiting to the North or the South on Shotwell Road.

Council Member Anderson shared here concerns about all the statistics proposed and not being proposed by traffic engineer. Mayor McLeod stated he appreciates stats provided, just need more as this pertains to the high growth of Clayton. Council Member Casey stated regarding Finding of Fact #3, typically with an SUP, Council hears from a license appraiser or had a property evaluation; he stated they have not seen one tonight. He stated Finding of Fact #3 has not been met. Council Member Archer stated she echoed fellow Council Members statements. She agrees with what has been said and believes what she has heard is Finding of Fact #1 has not been met based on lack of traffic information from a qualified expert. Finding of Fact #3 has not been met due to lack of evaluation for adjoining properties and Finding of Fact #4 due to the effect on adopted plans and policies of the Town. Town Attorney communicated to Mayor McLeod that each one of the Findings should be taken separately.

Council Member Archer recommended denial of 2023-143-SUP; the application does not meet Finding of Fact #1. It does meet Finding of Fact #2. Does not meet Finding of Fact #3. Does not meet Finding of Fact #4.

Mr. Olmedo asked if the applicant could address Council before the vote goes through. Mayor McLeod stated Council has been called into deliberation, no more comments can come through. Town Attorney stated unless Council changes their mind.

Council Member Archer stated this body has made a motion and a second.

Approval of 2023-143-SUP

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

8. OLD BUSINESS

a. Public Hearing for the Annexation Petition 2023-100-ANX Poole Farm, LLC
(Continued from the January 16, 2024 Meeting, Public Hearing Was Closed January 16, 2024)
Presenter: Bruce Venable, Planner I

These minutes are combined with 8c.

Adoption of Ordinance #2024-01-02

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

(Continued from the January 16, 2024 Meeting, Public Hearing Was Closed January 16, 2024)
Presenter: Bruce Venable, Planner I

These minutes are combined with 8c.

Adoption of Ordinance #2024-01-03

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

c. 2022-195-CZM Vinson Road Conditional Rezoning with Master Plan
(Continued from the January 16, 2024 Meeting, Public Hearing Was Closed January 16, 2024)
Presenter: Bruce Venable, CZO, Planner I

Mayor McLeod stated this item was continued from January 16, 2024 meeting and the public hearing was closed on that evening.

Mr. Venable stated the applicant asked Council not to vote on this until the Conditional Zoning and Master Plan was voted on. Mr. Venable recapped this item. The applicant adjusted and lowered the acres from 2.55 to 2.29, the single-family detached homes went from 282 to 335 and they have removed the town home product from this development. Currently for this Conditional Zoning Master Plan being proposed is for 335 single-family detached homes only. Shared were maps provided from the applicant showing changes from the last presentation on January 16, 2024.

Shared were the conditions of approval. The recommended conditions of approval number 7 was updated to reflect: the development shall be limited to the following standards: maximum of 335 total dwellings units, maximum number of 335 single-family detached homes and maximum density: 2.29 dwellings units. Number 8 was updated to reflect they have upgraded the 8,000 sq ft lots to 10,000 sq ft lots. Number 9 was updated to reflect a minimum of 15% of the single-family shall be a minimum of 3,000 sq ft. as executive housing. Number 21 was updated to reflect, prior to approval of the construction drawings, the developer shall validate the adequate capacity in the downstream wastewater infrastructure, pump stations and force main, to accommodate the proposed flow. Any pumpstation/force main upgrades will be designed to serve this development, the two parcels to the West (PINs provided) and to take the GL3 pump station offline in the future. Number 24 was updated to reflect, pending NCDOT approval, install a rapid flashing beacon at the existing crosswalk across Vinson Road adjacent to Powhatan Elementary. Number 25 was updated to reflect, developer will assist in petitioning NCDOT for lowering the speed limit from 45 mph to 35 mph along the development frontage and along the section of Vinson Road from the development west to the Vinson Road/Glen Laurel Road intersection.

Mayor McLeod asked for clarification that the lot size increased from 8,000 to 10,000 sq. ft. and all would be single-family homes and the number of dwellings reduced from

373 to 335. Mr. Venable confirmed. Mayor McLeod inquired about the number of units reduced on this project. Mr. Venable responded when it was presented in January it was 373 and today, they are proposing 335.

Mr. Baird spoke on the wastewater policy and the required allocations scoring minimum of 50 points and projects that are greater in excess of 10,000 gallons per day. These have been updated since the last presentation in January. With the reduction of units, the total request is 84,000 gallons per day. The updated information received in the packet in terms of scoring is incorrect. The latest received is applicant is going to provide sports and recreation for the public adds, that is one of the line items that provides 10 points to the project. Then obtaining a deduction for the new pump station that is required they do hit the required 50 points but would like to propose consideration where the applicant doesn't have to build the public sports and the recreation to the extent that would be expected for the public to use those types of facilities and to reconsider the condition of Glen Laurel 3 pumpstation and the fee in lieu for sports and recreation fields.

Mr. Venable provided an updated staff recommendation. Now that the applicant has removed the townhomes, staff now recommends approval.

The applicant, Pam Porter with TMLA Associates, was present. Updated project history was shared. It was reported now at 335 units with the maximum density of 2.29 dwelling units per acre and reduced overall density by 27%. It was stated the noted road improvements are the improvements presented since the beginning. Shared was an updated conceptual site plan and the types of homes proposed for the project. Shared was the landscaping buffer proposed along Vinson Road. It was communicated to Council that language was added to the condition about the pump station upgrades to Glen Laurel 3. Also pending, NCDOT approval would install a flashing rapid beacon at the existing crosswalk across Vinson Road adjacent to Powhatan Elementary School. The developer would also assist in petitioning NCDOT for lowering the speed from the project west along Vinson Road from 45 to 35 miles per hour. The developer fee in lieu is 25% of the estimated cost of the construction of the future gravity line that would connect pump station Glen Laurel 3 to their pump station. Construction to be completed by a mutual third party engineer and the fee in lieu to be paid prior to recording of their first plat.

Shared were the road improvements which were presented in January. The proposal is very different than when presented in January. Ms. Porter stated she feels the last revisions address concerns of density and they have been able to keep all road improvements with the density reductions made.

Council Member Anderson asked Ms. Porter to elaborate on the road improvements. Ms. Porter stated Vinson Road and Windsor Green have one driveway with one ingress and one egress lane striped as a shared left through right turn lane. Provided would be an exclusive eastbound lane and would provide a stop sign and stop bar. On the second side, one ingress and one egress and would provide eastbound turn lane with stop control for the southbound approach. It was stated the biggest improvement is Glen Laurel and Vinson Road. Provided would be an exclusive southbound left-turn lane with at least 500 feet of full width storage with appropriate deceleration and taper if right-of-way is available. Next would be an exclusive northbound left lane with at least 275 feet of full width storage with appropriate deceleration and taper right-of-way available. This is a significant roadway improvement.

Council Member Casey thanked Ms. Porter for removing the townhomes and acknowledged that was a concern for the neighboring community. It was stated he didn't see changes in the average lot size. Ms. Porter stated because the townhomes have been removed, the average lot size did go down. It was stated the average lot size is now 6,820 sq. ft. Council Member Williams asked about information on lowering the speed limit, and the rapid flashing lights across from the school. Ms. Porter recognized that lowering the speed limit is important. It was communicated they can't petition NCDOT to lower this, this is a process that they would need support from the Town and school board. They can't be the only applicant in this reduction. In regards to the rapid flashing beacon, there is an existing crosswalk across Vinson Road at the elementary school, it's a striped crosswalk, there might be a sign on either side. The beacon is a lit-up sign that would flash when someone is crossing the street and drivers on either direction would see the flashing light causing them to slow down quicker. It also gives them more of an alert than the regular crosswalk sign that doesn't have lights.

Mayor Pro Tem Sims requested more information about the force main upgrade and asked what this would entail and how we would execute this. Mr. Baird asked Ms. Porter to provide an update on the condition on where this stands. Ms. Porter asked Bill Harrell to answer that. Mr. Harrell stated they have committed to the condition that Ms. Porter had presented, and this expands the need of what they would be committed regarding the pump station and the upgrades. Civil Engineer Pat Barau, Senior Project Manager with the Timmons Group, reported. It was stated the Hopper Communities would provide fee and lieu of 25% of the gravity sewer from Glen Laurel to the Regional Pump Station located on their site. Mr. Barau communicated there would be a commitment to fund the decommissioning of the Glen Laurel Pump Station. Mr. Harrell stated that is the latest verbiage received and the language still needs a little clarification, however that needs to be done. He stated they can't put a large propeller in because it would burn out the engine. The pump station is designed to be upgraded and handle the Glen Laurel 10-20 years from now. The force main would be designed to run from their property up Vinson Road to Glen Laurel to the Summerland Pump Station. An analysis would be done to ensure the pump station can handle the flows.

Discussion continued on upgrades that would have to be made to the Summerland Pump Station, if the study showed an upgrade is needed. Mayor Pro Tem Sims stated he is concerned about who has what responsibilities. Mr. Baird stated the development requires a pump station. It was stated that an option for the developer to install a pump station serving theirs however upstream there are additional pump stations in the system. In was stated in the wastewater scoring point would be deducted for adding additional pump stations unto the Town's utility pump station. There has been discussion in previous meetings about off lining the pump station located up the river from the proposed site location. It is proposed the developer would pay a fee in lieu to off lining that pump station (Glen Laurel 3). The intent would be for design to be completed and the new pump station be designed for staff to know that in the future the Town may be able to take the Glen Laurel 3 pump station offline.

Council Member Casey asked for more clarification about Glen Laurel 3 station being taken offline or upsizing at some point in time, what direction are they planning to go? There is an adjacent property owner that's concerned and not interested in offering any easement, how would this be routed? Mr. Barbau stated the way that Glen Laurel would be taken offline in the future would be that land would come in for development in front of the Council and dedicating a sewer easement would be part of that development approval.

Council Member Casey asked for clarification that if the landowner decides to develop his property at that point in time, an easement would be sought but not this particular project. Mr. High stated that is correct. Mr. Cappola clarified that to serve this current project, you would not need to get an easement from the neighboring property, you would build a pump station and the force main will be routed back to Glen Laurel; Mr. High stated that is correct. Council Member Archer asked Mr. Baird that the design would include whatever is needed to offline Glen Laurel 3 to a new pump station. Council Member Archer wanted to clarify that that language is in the condition. Mr. Baird stated the best case would be for the gravity interceptor to be designed so the elevation is known and what the wet well depth must be for that to be performed in the future.

Council Member Anderson asked both Mr. High and Mr. Barau if they are ok with the design and the fee in lieu, both stated they are. Council Member Archer stated this is an over and above gesture. She asked staff to pull up the most recent version of condition #18. Council Member Archer stated the old condition was #22, Mr. High stated they scratched that one because that was the vague one. Council Member Archer spoke about condition #21 and condition #22, he stated they have been reworked into new condition #18. Ms. Porter stated when they took out the conditions related to townhomes, it renumbered all conditions.

Council Member Archer stated what we need to do as part of this set of conditions, is to find some language that we can state here tonight to tell staff and the applicant to craft a condition that is based on the conversation that was had here tonight. Town Attorney stated the applicant is to pay fee in lieu equal to 25% percent of the costs based on an engineering estimate by a mutually agreeable engineer to abandon the upstream pump station which is Glen Laurel 3 and connect sewer via gravity and force main lines as determined by the Town to a new pump station to be built and paid for by the applicant. Mr. Baird stated the new pump station to be built by the developer should be built to the maximum extent to take the flows from the adjacent properties and Glen Laurel, while meeting Town of Clayton and DEQ standards.

Council Member Archer asked the Town Attorney how that should be captured on record? The Town Attorney responded to make that condition under #22. Mr. Baird stated before we finalized #18 he wanted to confirm that it does not conflict. It was stated it doesn't conflict and it can remain as written in addition to #22.

Council Member Archer stated this application has come a long way since it was first heard at the planning board and there has been a lot of public input as well as input from the planning board. In the final analysis at this point in time there are 11 specific advantages coming from the application in its current state. She felt it was worth restating those because of it being a negotiation and because everyone would want the best possible product if we were going to annex this parcel into Town.

Council Member Archer mentioned the following:

1. Reduction in overall density,
2. The Glen Laurel intersection improvements including the 500-foot turn lane,
3. The wastewater improvements and upsizing,
4. Annexation into the Town,
5. High quality building materials including hardy plank siding and masonry,
6. Elevated crawl spaces,
7. There's a range of house and lot sizes,
8. Heavily landscaped berm along Vinson Road,
9. 15% of the houses will be at least 3,000 square feet. The reason that is important to people in Town, is that it is a product that covers the spectrum of people we want to live in the Town of Clayton.
10. Able to get townhomes eliminated.
11. There's pending applications with NCDOT to have a safety light installed at the elementary school as well as a speed limit reduction.

Council Member Archer complimented everyone involved in this negotiation for reaching this point.

Council Member Casey thanked the community for their input and the neighbors. He stated he appreciated the thoughts and perspectives of everyone on Council. It was stated there may be different views, the views even in the minority are also still heard, Council always tries to come to a group consensus. He stated at the last meeting, the concern was lot sizes. He stated he feels like improvements have been made but still have red flags. It is very important to say we have an adjacent property owner that has a farm that is not open to an easement, it is very important that the developer not ask for us to do any condemnation for his farmland. It sounds like we have work through that. He stated he feels like this would knock out rezoning criteria #6 about effects of adjoining property owners. He stated he thinks the developer has made a considerable amount of concessions. It is important if approved tonight, condemnation should not be an option in the future. Appreciates everyone's hard work on this project.

Mayor Pro Tem Sims expressed his appreciation to everyone here. This project has come a long way. He referred to Mayor McLeod's statement about the developers' making improvements and the Town has never seen this type of improvements. In this particular case, we as a Council, this is coming before us. He stated we is not asking for annexation of land; this has come to Council. This has gone in the right direction, when you look at going from 450 homes to 335. His only concern is at what point do we continue to ask, the fear is we don't want to send wrong message out to developers. Council Member Anderson reiterated what everyone has said. She stated she can't say enough about the willingness to have conversations with the Town. She stated the developer has been open to what they have had to say, and the compromising would benefit the community. This developer has set the bar for developers in the future. Mayor McLeod stated the developers have blown him away with what they are willing to do. The biggest win is for the community because the developer has listened, and the biggest win is the community would be getting a developer that would be a good neighbor.

Adoption of Ordinance #2024-01-06 and Statement of Consistency and

Reasonableness

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

Adoption of Wastewater Resolution #2024-19

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

Motion To Add Additional Condition #22 to read: Developer to pay a fee-in-lieu equal to 25% of costs (costs to be based on an engineering estimate by a mutually agreeable engineer) to abandon the upstream pump station (Glen Laurel #3) and connect sewer, via gravity and force main lines as designed and determined by the Town, to a new pump station to be built and paid for by Developer, sized as determined by the Town.

Please note: Condition #22 should actually be condition #29.

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

9. NEW BUSINESS

10. STAFF REPORTS

a. Town Manager

Mr. Cappola stated this afternoon received word from NCDOT that 42 east and highway 70 between Front Street and Highway 70 would be closed tomorrow for approximately 8 hours. Lunch time traffic and early evening would require detour route. Communications has put out a post on social media. Norfolk Southern stated reached out to the media and to Brian Shrader to get this out as well. He stated he apologized but got this out as soon as they could.

Chief Ranes mentioned the SAFER grants regarding additional fire personnel, that window has just opened, and a grant application would be created. It was stated there would be more to come in the next 30 to 45 days.

Shared were the following dates of events: March 23, Park and Rec. would have an Easter egg Hunt at 10:00 a.m. March 23 would be Fairy Tales on Ice at 4:00 p.m. and all facilities would be closed on Good Friday; March 29.

It was stated there was a significant outage of the Blue Beam applications software; apologies were offered in any delays this has caused. Deputy Manager Barbee has called applicants to discuss the delay. As of today, this is up and running and staff would work through the backlog.

b. Town Attorney

The Town has a number of graduates of North Carolina State University, and they won the ACC Tournament.

c. Town Clerk

d. Other Staff

11. OTHER BUSINESS

a. Informal Discussion & Public Comment

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

b. Council Comments

Council Member Archer thanked the staff for the monthly financial report for February 2024.

12. CLOSED SESSION

13. ADJOURNMENT

a. Adjourn

With nothing further, the meeting was adjourned at 8:27 p.m.

Motion To Adjourn

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

Duly adopted this the 1st day of April, 2024 while in regular session.

____

Jody L. McLeod
Mayor

ATTEST:

____
Sam Johnson-Phillips
Deputy Town Clerk

Regular Town Council Meeting
Agenda Cover Sheet

Meeting Date	Agenda Location
April 1, 2024	CONSENT AGENDA

Item Title

Resolution To Accept Public Utilities into The Town of Clayton Public Utility System for Maintenance – Grifols Phase II Wastewater Effluent Line

Presenter(s)

Joshua Baird,, PE, CFM - Engineering Director

Suggested Action

Place on Consent Agenda

Strategic Priorities Alignment

☐	☐	☐	☐	☐	☐	☐	☒
Think Clayton (Administrative)	**Think Arts & Culture**	**Think Downtown**	**Think Economic Development**	**Think Land Use & Housing**	**Think Mobility**	**Think Parks, Recreation & Natural Resources**	**Think Public Services & Infrastructure**

Public Hearing: No

If Approved, Will Document Require Recordation? No

Does This Item Require a Communication Plan?

☐ Public Hearing (Required by GS)
☐ Newspaper Notice (Required by GS)
☐ Public Forum/Input Session
☐ E-News Distribution
☐ Social Media
☐ Public Hearing (Not Required by GS)
☐ Newspaper Notice (Not Required by GS)
☐ Press Release
☐ Website
☐ Survey

☐ Special Mailing ☐ None Required

Summary

Public Utilities (sewer), their easements, and applicable apparatuses are required to be designed and built according to the Town of Clayton Manual of Standards, Specifications, and Design. The subject public utilities have been verified through testing and inspections to be installed per the Town's Manual of Standards, Specifications, and Design and have been certified and approved by the appropriate regulatory agencies. Engineering staff recommends acceptance of the subject public utility infrastructure and entering the one-year warranty period.

Funding Source

N/A

Corresponding Documentation

Grifols UtilityAcceptanceResolution

Submitted By: Michael Worner, Engineering

Reviewed By:

Joshua Baird, Engineering Director	Approved - Mar 27 2024
Sam Johnson-Phillips, Deputy Town Clerk	Approved - Mar 27 2024
Heidi Holland, Town Clerk	Approved - Mar 27 2024

RESOLUTION 2024-23

Resolution To Accept Public Utilities into The Town of Clayton Public Utility System for Maintenance – Grifols Phase II Wastewater Effluent Line

WHEREAS, public utilities (water and sewer), their easements, and applicable apparatuses are required to be designed and built according to the Town of Clayton Manual of Standards, Specifications and Design; and

WHEREAS, Town of Clayton Engineering staff has inspected the public utility segments listed below on February 5, 2024, and recommends acceptance by Town Council for maintenance by the Town; and

WHEREAS, the public utility segments listed below have been certified and approved by the appropriate regulatory agencies; and

WHEREAS, the public utility segments listed below will be placed under a warranty period for one-year to monitor for construction deficiencies, such warranty period expiring on April 1, 2025; and

WHEREAS, prior to expiration of the one-year warranty period, Town of Clayton Engineering staff will perform a final inspection and notify the developer to correct all deficient items (if any); and

WHEREAS, upon correction of all deficient items (if any), the Town of Clayton Engineering staff will issue a final acceptance notice to the developer; and

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Clayton, North Carolina accept this list of public utilities and their apparatuses into the Town of Clayton Public Utility System.

PROJECT	LOCATION DESCRIPTION	UTILITY TYPE AND SIZE	LENGTH
Grifols Effluent Line	Grifols to ECIA Pump Station	24" Sewermain	535.00
		Total:	535.00 LF

Duly adopted this the 1st day of April 2024.

Jody McLeod
Mayor

ATTEST:

Heidi L. Holland, NCCMC
Deputy Town Clerk

Regular Town Council Meeting
Agenda Cover Sheet

Meeting Date	**Agenda Location**
April 1, 2024	CONSENT AGENDA

Item Title

Resolution to Accept Utilities for Warranty Highgate Ph. 5

Presenter(s)

Joshua Baird, PE, CFM - Engineering Director

Suggested Action

Adoption of Resolution

Strategic Priorities Alignment

☐	☐	☐	☐	☐	☐	☐	☒
Think Clayton (Administrative)	**Think Arts & Culture**	**Think Downtown**	**Think Economic Development**	**Think Land Use & Housing**	**Think Mobility**	**Think Parks, Recreation & Natural Resources**	**Think Public Services & Infrastructure**

Public Hearing: No

If Approved, Will Document Require Recordation? No

Does This Item Require a Communication Plan?

☐ Public Hearing (Required by GS)	☐ Public Hearing (Not Required by GS)
☐ Newspaper Notice (Required by GS)	☐ Newspaper Notice (Not Required by GS)
☐ Public Forum/Input Session	☐ Press Release
☐ E-News Distribution	☐ Website
☐ Social Media	☐ Survey
☐ Special Mailing	☐ None Required

Summary

Public Utilities (water and sewer), their easements, and applicable apparatuses are required to be designed and built according to the Town of Clayton Manual of Standards, Specifications, and Design. The subject public utilities have been verified through testing and inspections to be installed per the Town's Manual of Standards, Specifications, and Design and have been certified and approved by the appropriate regulatory agencies. Engineering staff recommends acceptance of the subject public utility infrastructure and entering the one-year warranty period.

Funding Source

N/A

Corresponding Documentation

Utility Acceptence Consent Agenda Highgate Ph. 5

Submitted By: Kevin Watson, Engineering

Reviewed By:

Joshua Baird, Engineering Director	Approved - Mar 27 2024
Sam Johnson-Phillips, Deputy Town Clerk	Approved - Mar 27 2024
Heidi Holland, Town Clerk	Approved - Mar 27 2024

RESOLUTION 2024-22

Resolution To Accept Public Utilities into The Town of Clayton Public Utility System for Maintenance – Carolina Overlook Phase 1

WHEREAS, public utilities (water and sewer), their easements, and applicable apparatuses are required to be designed and built according to the Town of Clayton Manual of Standards, Specifications and Design; and

WHEREAS, the public utility segments listed below have been certified and approved by the appropriate regulatory agencies; and

WHEREAS, the public utility segments listed below were monitored and inspected for any construction deficiencies, and

WHEREAS, Town of Clayton Engineering staff has inspected the public utility segments listed below on March 15, 2024 and recommends final acceptance by Town Council for operation and maintenance by the Town and;

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Clayton, North Carolina accept this list of public utilities and their apparatuses into the Town of Clayton Public Utility System.

SUBDIVISION	LOCATION DESCRIPTION	UTILITY TYPE AND SIZE	LENGTH
Highgate Ph. 5	Railcar Way	8” PVC Waterline	1,492 LF
Highgate Ph. 5	Avalon Court	6” PVC Waterline	173 LF
Highgate Ph. 5	Catalina Court	6” PVC Waterline	150 LF
		Total:	1,815 LF

SUBDIVISION	LOCATION DESCRIPTION	UTILITY TYPE AND SIZE	LENGTH
Highgate Ph. 5	Railcar Way	8” PVC Sanitary Sewer	1,324 LF
Highgate Ph. 5	Railcar Way	8” DIP Sanitary Sewer	79 LF

Highgate Ph. 5	Avalon Court	8" PVC Sanitary Sewer	155 LF
Highgate Ph. 5	Catalina Court	8" PVC Sanitary Sewer	155 LF
		Total:	1,713 LF

Duly adopted this on the First day of April 2024.

Jody L. McLeod
Mayor

ATTEST:

Heidi L. Holland, CMC, NCCMC
Town Clerk

Regular Town Council Meeting
Agenda Cover Sheet

Meeting Date	**Agenda Location**
April 1, 2024	CONSENT AGENDA

Item Title

Resolution in support of Clean Water State Revolving Fund (CWSRF) Application Submittal for Sam's Branch WRF Program

Presenter(s)

Joshua Baird, PE, CFM - Engineering Director

Suggested Action

Adoption of Resolution

Strategic Priorities Alignment

☐	☐	☐	☐	☐	☐	☐	☒
Think Clayton (Administrative)	**Think Arts & Culture**	**Think Downtown**	**Think Economic Development**	**Think Land Use & Housing**	**Think Mobility**	**Think Parks, Recreation & Natural Resources**	**Think Public Services & Infrastructure**

Public Hearing: No

If Approved, Will Document Require Recordation? No

Does This Item Require a Communication Plan?

☐ Public Hearing (Required by GS)
☐ Newspaper Notice (Required by GS)
☐ Public Forum/Input Session
☐ E-News Distribution
☐ Social Media
☐ Public Hearing (Not Required by GS)
☐ Newspaper Notice (Not Required by GS)
☐ Press Release
☐ Website
☐ Survey

☐ Special Mailing ☐ None Required

Summary

The Clean Water State Revolving Fund (CWSRF) Program is managed by the North Carolina Department of Environmental Quality (NC DEQ). Types of funding available from the program include Low-interest loans at one-half of market interest rates (most likely for the Town of Clayton), limited amount of principal forgiveness loans (The Town is not eligible for these at this point), and zero-percent (0%) interest loans available for Green Projects and for rehabilitation projects for certain local government units (highly unlikely). The Town has previously been awarded a total of $110 million for the existing phases of Sam's Branch WRF project. The maximum per project was recently increased to $200 million and staff recommend submitting an application for additional funding for the entire Sam's Branch WRF Program. The financial analysis is currently underway, however, staff recommend proceeding with application. Upon any award, financial analysis will be updated based on the award amount and rate.

The CWSRF application requires a Resolution of Support by the Town's governing board to meet the eligibility requirements. Staff is requesting approval of the Resolution of Support at this meeting such that Town Manager can execute the application to be submitted by the Spring submittal deadline.

Funding Source

N/A

Corresponding Documentation

1- Clayton - Sewer Resolution to Apply 20240319

Submitted By: Joshua Baird, Engineering

Reviewed By:

Joshua Baird, Engineering Director	Approved - Mar 27 2024
Rich Cappola, Town Manager	Approved - Mar 27 2024
Heidi Holland, Town Clerk	Approved - Mar 27 2024

Resolution 2024-24

RESOLUTION BY GOVERNING BODY OF APPLICANT

WHEREAS, The **Town of Clayton** has need for and intends to construct a wastewater treatment project described as the Neuse River Water Reclamation Facility, and

WHEREAS, The **Town of Clayton** intends to request State loan and/or grant assistance for the project,

NOW THEREFORE BE IT RESOLVED, BY THE <u>TOWN COUNCIL</u> OF THE <u>TOWN OF CLAYTON:</u>

That the **Town of Clayton**, the **Applicant**, will arrange financing for all remaining costs of the project, if approved for a State loan and/or grant award (if applicable).

That the **Applicant** will provide for efficient operation and maintenance of the project on completion of construction thereof.

That the **Applicant** will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the governing body of the **Applicant** agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the **Town of Clayton** to make a scheduled repayment of the loan, to withhold from the **Town of Clayton** any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan (if applicable).

That the Rich Cappola, Town Manager, and Robert McKie, Finance Director, the **Authorized Officials**, and successors so titled, are hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a loan and/or grant to aid in the project described above.

That the **Authorized Officials**, and successors so titled, are hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the applications.

That the **Applicant** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants pertaining thereto.

Adopted this the <u>1st day of April 2024</u>, at <u>Clayton Town Hall</u>, North Carolina.

✓ ______________________________

Jody McLeod, Mayor

CERTIFICATION BY RECORDING OFFICER

The undersigned duly qualified and acting **Town Clerk** of the **Town of Clayton** does hereby certify: That the above/attached resolution is a true and correct copy of the resolution authorizing the filing of an application with the State of North Carolina, as regularly adopted at a legally convened meeting of the **Town Council** duly held on the 1st day of April 2024; and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office. IN WITNESS WHEREOF, I have hereunto set my hand this 1st day of April 2024.

✓ ______________________________

Heidi Holland, Town Clerk

TOWN OF CLAYTON
PROCLAMATION
NATIONAL LIBRARY WORKERS DAY

WHEREAS, Hocutt-Ellington Memorial Library provides community members with the knowledge and information they need to live, learn and work in the 21st century; and

WHEREAS, there are thousands of academic, governmental, public, school, and specialized libraries in the United States and provide excellent and invaluable service to library users regardless of age, ethnicity, or socioeconomic background; and

WHEREAS, librarians and library support staff bring the nation a world of knowledge in person and online, as well as personal service and expert assistance in finding what is needed when it is needed; and

WHEREAS, it is important to recognize the unique contributions of all library workers and the value to individuals and society of those contributions; and

WHEREAS, libraries, library workers, and library supporters across America are celebrating the National Library Workers Day, sponsored by the American Library Association-Allied Professional Association (ALA-APA); and

NOW, THEREFORE, on behalf of the Clayton Town Council, we hereby proclaim Tuesday, April 9, 2024 as "National Library Workers Day." We encourage all in this community to take advantage of the variety of library resources available and to thank library workers for their exceptional contributions to American life.

Proclaimed this the 1st day of April 2024.

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Jody L. McLeod
Mayor