



Town of Clayton
Regular Town Council Meeting Minutes
Monday, October 16, 2023 at 6:00 PM
Council Chambers, Town Hall
111 E. Second Street

Council Present:

Mayor Jody McLeod
Mayor Pro Tem Jason Thompson
Council Member Porter Casey
Council Member Avery Everett
Council Member Andria Archer
Council Member Michael Sims

Staff Present:

Rich Cappola, Town Manager
Heidi Holland, Town Clerk
Jim Cauley, Town Attorney
Dolores Gill, Deputy Town Manager
Lee Barbee, Deputy Town Manager
Robert McKie, Finance Director
Jonathan Jacobs, Interim Planning Director &
Assistant Engineering Director
Joshua Baird, Engineering Director
Nathanael Shelton, Communications Officer
David Ranes, Fire Chief
Sam Johnson-Phillips, Deputy Town Clerk

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 Amend the Agenda**

RESULT:	CARRIED 5-0
MOVER:	Jason Thompson
SECONDER:	Porter Casey
YES:	Jason Thompson, Porter Casey, Avery Everett, Andria Archer, and Michael Sims
NO:	None

3. CONSENT AGENDA

- a. Minutes
 - October 2, 2023 - Work Session
 - October 2, 2023 - Regular Session
 - October 2, 2023 - Closed Session

Presenter: Hédi Holland, Town Clerk
- b. NCEMPA – Amended and Restated Full Requirements Power Sales Agreement
Presenter: Hédi Holland, Town Clerk
- c. Certificate of Sufficiency - Annexation 2023-92-ANX, 2311 NC Hwy 42
Presenter: Hédi Holland, Town Clerk
- d. Certificate of Sufficiency - Annexation 2023-93-ANX, 2364 NC Hwy 42
Presenter: Hédi Holland, Town Clerk
- e. Certificate of Sufficiency - Annexation 2023-96-ANX, ETM Jr. Property, LLC
Presenter: Hédi Holland, Town Clerk
- f. Resolution 2023-78 to Accept Public Utilities into The Town of Clayton Public Utility System for Maintenance – Spinning Mill Apartments
Presenter: Jonathan K. Jacobs, PE, CFM - Assistant Engineering Director

Approve Consent Agenda as Presented

RESULT:	CARRIED 5-0
MOVER:	Jason Thompson
SECONDER:	Michael Sims
YES:	Jason Thompson, Porter Casey, Avery Everett, Andria Archer, and Michael Sims
NO:	None

4. ADMINISTRATIVE ITEMS

- a. Lead and Copper Rules Revision
Presenter: Brandon Carroll, Utilities Compliance Supervisor

Mr. Carroll reported on a project was tasked by the EPA and the North Carolina Department of Environmental Quality. It was stated they worked with Jacob's Engineering as they assisted in getting them started with the project. Mr. Carroll stated they have been in many meetings with the State, Jacob's Engineering, other municipalities, North Carolina Water and others across the State.

It was reported two senior Water Resources employees, Mr. Dantrez Kelly and Mr. Dylan Carroll volunteered to lead one of the biggest Town Staff driven projects. Mr. Carroll expressed appreciation to them for volunteering to help.

Mr. Carroll explained what the Lead and Copper Rule Revision was. It was stated after Flint Michigan there were treatment changes in the water system in Flint. When they changed the water quality a lot of the flaking of the lead piping, they had in their system begun to flake off and get into the water system. It was reported Town of Clayton doesn't have many lead lines if any at all. Mr. Carroll doesn't believe there are any. Discussion continued to state this is the purpose of the process. The Council was

made aware of the project to identify all lead service lines, potential galvanized service lines, copper lines, PEC and or poly found in the ground.

Mr. Carroll acknowledged this project was different than most because they knew 95% of the time what the Town side was, but limited records of what was installed on the customer's side. It was stated the biggest portion of this project was finding out and identifying what was on the customer's side of the service line.

The Council was informed this is the beginning stage. As time progresses the public will be educated as well as themselves because rules continue to change. Mr. Carroll stated there are still a lot of unknown gray areas, he reported DEQ was a tremendous help and discussion continue to state the EPA is ultimately in charge of the rule.

Mr. Carroll stated once they get through the initial inventory process and get it complete, they must have every unknown service line identified by October 2024. It was stated that are approximately 1,800 services for both customers and Town side. Any that are not identified must be identified as unknown and must be treated as if they are lead. Mr. Carroll continued to state they are trying make all identifications so that there aren't any unknowns between now and October 2024.

It was reported they have a partnership with North Carolina 811 so when there are locates to be called in, all the underground services can be identified. Town Staff has done the water, sewer and electric locates. Partnerships and cooperation with the gas companies and the telecommunications companies are needed. Mr. Carroll stated 253 locates have been called in within the first month making it a very busy first month.

It was stated as part of the project that was being worked on houses constructed in 1987 or before which there isn't a lot of information on. Some were installed when the Town standards were not in place. Mr. Carroll stated if any of those issues are discovered they are doing their best to update any straight set services where they don't have an actual meter set so they can turn the water on and off effectively. They are going back to install those so they will be current to Town standard.

Mr. Carroll stated in partnership with the Engineering Department they are trying to get an RFP for an on-call plumber(s) in the instance if damage to the customer side service line was caused by the Town Staff. He continued to state if the customer side service line is not in their purview and damage is done while excavating, the Town Staff will call a plumber to come repair the line and reconnect to the backside of the Town.

It was communicated they are using Cityworks with the help of the IT department and they have done many projects for them and Water Resources over the years, but this one is by far the largest. They have created all new assets across the board. They have also created a spreadsheet that will be presented to the State.

Mr. Carroll presented a power point slide stating the gray double dots are what must be identified. He restated there are approximately 1,800 of those in which some have been found, some of which were eliminated because they were incorrectly marked in their GIS System. He stated that there will be a lot of digging as they move forward. On the next power point slide, some of the gray dots are now blue on blue meaning that was the first area of excavations. All of them have been identified.

Mr. Carroll explained they have been excavating for 13 days, they have completed 174 service line excavations, they have called in 253 locates and have averaged 13.4% serviceline identifications a day. It was stated their goal was 12 a day, which might not sound like a lot but over a course of a year and with some of the conditions that have been found, 12 is a really tasking number. Mr. Carroll reported last week was shortened because of rain they were however able to complete 64 in three days. He expressed appreciation to his guys and their continued improvement.

Mr. Carroll stated this information is available for Town Staff and customers on the Town's Website. As they progress in the project, a standalone website will be created through Ezri and Ark Map, where they have all this information. Customers will be able to click on their service dots and see they have been identified. A self-evaluation survey is offered so that the customer can complete it on behalf of the Town to help.

It was reported they are required to sample 30 different locations in the Clayton System since the system changed last July, now 40 locations are required for lead and copper in Clayton North Riverwood System.

Mr. Carroll stated since this is such a lofty project, they wanted to build leadership within. He stated two of his senior guys will gain leadership experience guiding crew members. This knowledge would move them to the next level of their life with the town. Other goals mentioned are to replace all galvanized or lead service lines found. Galvanized is steel that has corroded badly. They get rusty and all the tuberculation inside the line reduces capacity for customers. To date, nine have been identified and would be replaced in the future. Their goal was to reach 12, one month in they have reached 13. As the winter goes, more crews will get involved in hopes to have the project completed by October 2024.

Mr. Mayor confirmed this is a mandate that we must come into compliance and continued to say any home built prior to 1987 is what must be checked out.

Mr. Carroll responded in the affirmative and continued to say all the blue on light blue dots they do allow records to be had or construction date as an identifier. With help from the GIS Staff all the blue-on-blue dots have been identified as post 1988. That eliminates quite a few of them. He reported they have approximately 13,000 services in town. About 80% are post 1988 fortunately. It was stated 1987 has been beneficial to them because some of the municipalities have many more millions potentially of services, they had to identify the same way.

Council Member Archer expressed gratitude for protecting our water and expressed the importance of it. Ms. Archer stated it is great that we are being proactive after seeing what happened in Flint.

b. Youth Athletics

Presenter: Matt Lorion, Acting Parks and Rec. Director

Matt Lorion reported a few months ago that Staff and Town Management came together to discuss youth athletics. A couple of gaps were seen since they play countywide not just in Town. It was stated there were a couple of gaps in their training with the internal part-time staff. Over the past couple of months, Mr. Trey Meek and Ms. Megan Rivers came together and provided research. Ms. Rivers provided Staff

training and Mr. Meek provided policies and procedures for Athletics regarding rules and regulations in the county.

Mr. Meek stated they do not play countywide in all the sports. With there being approximately 600 kids, they are able to keep everything in house. It was reported that parent behavior has escalated, and it has pushed officials away. Mr. Meek stated they have communicated with five municipalities that have Parks and Rec. and they are on the Johnston County Athletic Association (JCAA). It was reported as a collective, they went in and looked at their Parent Code of Conduct and the Coach's Code of Conduct and tried to line them up as close as possible.

It was communicated to Council, when a child is being registered, the Parent's Code of Conduct is now attached to the registration, and it must be signed.

Mr. Meek reported they started meeting countywide more with the Parks and Rec. Athletics individuals. A Code of Conduct was created for coaches and is provided to their coaches at the head coach's meeting before each season.

Mr. Meek stated if an individual was banned in a different municipality for conduct, that conduct wouldn't carry over to the next municipality. When the meeting took place in August everyone agreed that if someone was banned for their conduct in one municipality it would be countywide, not just the municipality they were banned in.

Ms. Rivers reported that a PowerPoint was created to increase staff training. This training is conducted each quarter for sports specific training with each season. It was stated the PowerPoint includes "how-to's, practice's, competitions and games." Staff are required to read the part-time staff handbook, which includes their duties and dress code. Ms. Rivers communicated videos have been implemented as well. Mayor Pro Tem Thompson inquired roughly; how many children participate? Mr. Meek responded volleyball grew this year to 150, youth soccer has ages four-seven and there are 225 kids, basketball is approximately 600, baseball and softball approximately 200-300 kids and 8 t-ball teams. It communicated to Council, since post COVID kids are beginning to come out more.

Mayor Pro Tem Thompson expressed appreciation and gratitude to the staff for being proactive and setting the ground rules. Mayor McLeod agreed with Mayor Pro Tem Thompson and expressed appreciation and gratitude to the staff for being proactive.

5. INTRODUCTIONS AND SPECIAL PRESENTATIONS

- a. National Arts and Humanities Month Proclamation
Presenter: Mayor McLeod to Present to Cultural Arts

Mayor McLeod presented the Proclamation and took a photo with the recipients.

6. PUBLIC HEARINGS

- a. 2023-92-ANX 2311 HWY 42 Non-Contiguous Annexation
Presenter: Steven Mott, Planner II

Motion to Continue to November 6, 2023 Meeting

RESULT:	CARRIED 5-0
MOVER:	Jason Thompson
SECONDER:	Michael Sims
YES:	Jason Thompson, Porter Casey, Avery Everett, Andria Archer, and Michael Sims
NO:	None

- b. 2023-93-ANX 2364 NC Hwy 42 Non-Contiguous Annexation
Presenter: Steven Mott, Planner II

Motion to Continue to November 6, 2023 Meeting

RESULT:	CARRIED 5-0
MOVER:	Jason Thompson
SECONDER:	Michael Sims
YES:	Jason Thompson, Porter Casey, Avery Everett, Andria Archer, and Michael Sims
NO:	None

- c. 2023-96-ANX ETM JR Property LLC Non-Contiguous Annexation
Presenter: Steven Mott, Planner II

Motion to Continue to November 6, 2023 Meeting

RESULT:	CARRIED 5-0
MOVER:	Jason Thompson
SECONDER:	Michael Sims
YES:	Jason Thompson, Porter Casey, Avery Everett, Andria Archer, and Michael Sims
NO:	None

- d. Ordinance 2023-10-03 to Enact the "Codify Clayton" Unified Development Ordinance
Presenter: Jonathan K. Jacobs, PE, CFM - Interim Planning Director

Mr. Jacobs introduced Mr. Chad Meadows, with CodeWright Planners who presented an update. Mr. Jacobs stated this is the first comprehensive update to the Unified Development Code since the current code was adopted in November 2005. There have been several updates since 2005 but this is the first comprehensive overhaul. During that time the Town of Clayton's population has more than doubled in size. Staff performed a rigorous request for qualification review and the selection panel chose CodeWright Planners to perform this service for the Town and have embarked on an 18 month process to write a new Unified Development ordinance. Staff and the Consultant posted the public draft on September 11, 2023, this was also provided to Council on that same date. This public draft is a result of a total of 13 unified development ordinance Steering Committee meetings, multiple development stakeholder interviews, three public forums and extensive staff review and collaboration to discuss the findings and the public drafts. The Steering Committee consisted of the Planning Board and three members of the Board of Adjustment. The Consultant kept a dedicated website to keep the public and the development community informed of the process.

Mr. Jacobs stated Staff has requested Council to consider an ordinance and adoption of the new unified development ordinance. In summary, that ordinance would repeal

and replace its entirety Chapter 151 the flood damage prevention code, Chapter 155 the unified development code, Chapter 156 the erosion and sediment control code and Chapter 158 the storm water management code, all from the Code of Ordinances. Then updating Chapter 51.03c the utility extension policy to reference the unified development code. Mr. Jacobs stated on September 25th the same presentation was provided to the Planning Board and they provided a unanimous vote of recommendation of approval.

Mr. Meadows presented an overview of five topics that were discussed. Project Background, Project Goals, 5 Key Changes, Testing Results and Public Hearing.

Mr. Meadows presented a slide of the project scope and schedule and showed seven steps in the process of which 5 are completed:

- 1.) project initiation
- 2.) diagnosis
- 3.) annotated outline
- 4.) drafting
- 5.) testing
- 6.) adoption
- 7.) delivery

It was stated they are still on task six. The adopted version of the documents has been available for review since approximately September 11, 2023. The delivery of the document would take place after adoption. Mr. Meadows suggested regardless of the adoption date, the UDO effective date be delayed until January 1, 2024. That would allow time to complete the procedures manual, adjust any application forms, train staff and to get comfortable with the document.

Mr. Meadows stated a diagnosis was prepared in June of 2022; it served as a road map for the UDC update. It included a review of the comprehensive plan, the current UDC, it summarized the input collected from stakeholders and provided a set of recommendations. Which were organized into seven key themes. An annotated outline was also prepared.

Mr. Meadows reported public engagement has always been a pivotal part of this process. Some of which included the Codify Clayton website, 10 stakeholder meetings: April, May 2022, and brochure for 2022 Harvest Festival to name a few.

Mr. Meadows presented to Council the Codify Clayton Project Goals:

1. Make the Code more user-friendly and predictable
2. Implement the 2045 Comprehensive Growth Plan
3. Raise the bar for development quality and design
4. Accommodate a wider range of housing options
5. Encourage employment-generating uses
6. Foster downtown development/redevelopment
7. Protect community character and property values

Mr. Meadows stated those have been their compass point as they have worked through this project.

The next topic Mr. Meadows addressed were the 5 key changes in the UDO. Those are five key changes between the current UDC and the draft UDO.

1. Useability
2. Flexibility
3. Precision
4. Comprehensiveness
5. Legal Sufficiency

Council Member Sims asked about the number of pages that were increased. Mr. Jacobs responded stating there isn't a good way to compare the current code versus the new code because the current code is written in a codified format like our code of ordinance, whereas the proposed is easier to read and has a lot more visuals and larger fonts. Mr. Jacobs concluded this isn't a good comparison. Council Member Sims asked about the illustrations. Mr. Jacobs responded there's 99% more illustrations in the proposed UDO versus the current.

Council Member Casey asked about the open space and set aside requirements for the large lot subdivisions. Mr. Casey asked if it was 10% or 30%. Mr. Jacobs stated the Town Clerk sent a correction to this document and the person, that if comment stated it was 30%. Mr. Jacobs responded, "the open space set aside requirement of 30% for residential subdivisions with lots over 20,000 square feet are too high and should be reduced since residents have large lots to meet their own recreational needs." Mr. Meadows responded that the change was made because the standard isn't 30%, it is 10%. Council Member acknowledged Mr. Meadows.

Mr. Meadows presented 5 topics to note to Council:

1. Planning Board Recommendations which were a unanimous approval on September 25, 2023
2. UDO is a Living Document
3. Delayed Effective Date; suggested date January 1, 2024
4. Potential Motion Language
5. Next Steps

Mr. Jacobs highlighted the new proposed ordinance consists of a few things and that it is about 3 pages long. Repeal and replace Chapters 151, 155, 156, 158 and reword 5103c. He reiterated what Mr. Meadows mentioned about the effective date currently proposed to be January 2, 2024, that would be the first workday that we would accept submittals in the New Year. Also, Mr. Jacobs clarified the typo of the recommended, the statement it should say 30%. Mr. Jacobs also stated in the ordinance the updated zoning district translation can be seen. All currently zoned properties would retain their zoning district except for a section in Riverwood which is proposed to be rezoned because it would be inconsistent with the market commercial area through the core of Riverwood, which will happen later. All those zoning districts would translate to the new zoning districts of the UDO's. There are six new zoning districts proposed, three new overlay districts with two of the overlays being the groundwork for future documents. They aren't being applied to any property, but they are there to assist staff in the future with small area plans or if would determine there's a desire for a local historic district.

Mayor McLeod noted it as a public hearing and opened the public hearing to anyone that wished to speak. With no one wishing to speak, this was turned over to Council for deliberation.

Council Member Casey stated he was excited and thanked Mr. Meadows for what he had done. Mr. Casey stated this rewrite was something the Town needed and expressed appreciation to everyone's efforts. Mr. Casey stated that we are still getting feedback on the document that has been drafted. Mr. Casey requested that this be continued if the January 1, 2024, deadline won't be jeopardized.

Council Member Archer agreed with what Council Member Casey stated. Ms. Archer stated she feels as if this is a great code and she's especially pleased with the feedback received. Ms. Archer stated by continuing to receive feedback and information, she would be in favor of having this continued. Council Member Archer stated she was looking for additional time to read and understand some of the newer items of the errata document and to see how the parts of the code that specifically address downtown would correlate with the downtown master plan.

Mr. Jacobs stated to Council he wanted to ensure there would be ample time to work with Council at the staff level to make sure that any questions are addressed. Mr. Jacobs asked to please consider providing any feedback or questions to staff as soon as they come up.

Town Manager Rich Cappola stated if there were specific items that you would like to discuss to please give them to Mr. Jacobs by the end of the week. So that Mr. Jacobs and Mr. Meadows could compile information together in case space would need to be created November 9th at the retreat.

Adoption of Ordinance #2023-10-03 continued to November 20, 2023

RESULT:	CARRIED 5-0
MOVER:	Jason Thompson
SECONDER:	Avery Everett
YES:	Jason Thompson, Porter Casey, Avery Everett, Andria Archer, and Michael Sims
NO:	None

7. OLD BUSINESS

- a. Amendment to Lumen (Copper District) Elevated Storage Tank Option to Purchase (PUT) Agreement and Acceptance of American Rescue Plan (ARP) Funds
Presenter: Joshua Baird, PE, CFM - Engineering Director

Mr. Cappola reported the Town entered into a public agreement for the developer to construct a 1-million-gallon water tank on the property. The Town provided reimbursement funds for the Town's portion of the enlargement of that project. Since then, the Town has requested \$4 million of ARPA Funds in session law 2021 with the plan to build a tank North of the Riverwood area. Since then, the counties have finished their project to combine our two water systems which then freed up that \$4 million to be applied to this water tank project.

The caveat to that is ARPA funds and we are the recipient of the \$4 million. The Town needs to be the deliverer of that project and the management of that project. Mr. Cappola stated the contract has been renegotiated with the developer to where we are now going to be in control of the project and manage it moving forward. Mr. Cappola

reported we've got it to their proportional share of the original project with a fee in lieu of \$1.7 million would be provided to the Town. Then the Town would construct the project in its totality. Discussion continued to state one caveat to this, there is a lighting package that was originally agreed upon, the cost of that package would fully be borne by the developer on the back end of this project.

Approval of Agreement Pending Final Legal Review

RESULT:	CARRIED 5-0
MOVER:	Jason Thompson
SECONDER	Avery Everett
YES:	Jason Thompson, Porter Casey, Avery Everett, Andria Archer, and Michael Sims
NO:	None

Adoption of Resolution #2023-77

RESULT:	CARRIED 5-0
MOVER:	Jason Thompson
SECONDER	Avery Everett
YES:	Jason Thompson, Porter Casey, Avery Everett, Andria Archer, and Michael Sims
NO:	None

8. NEW BUSINESS

9. STAFF REPORTS

a. Town Manager

Town Manager thanked the staff that assisted with Chief Ranes swearing in ceremony. He welcomed Chief Ranes to the Clayton family.

b. Town Attorney

c. Town Clerk

d. Other Staff

10. OTHER BUSINESS

a. Informal Discussion & Public Comment

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

b. Council Comments

Council Member Casey thanked the Public Arts Advisory Board for the yarn bombing that they did downtown. Mr. Casey stated it drew a lot of attention from both the community and Facebook. He encouraged others to walk around downtown, Horne Square and the library to look at this project.

Council Member Avery expressed gratitude to Staff, Council, and citizens. Mr. Avery stated this has been a great experience being on the Council.

Mayor Pro Tem Thompson stated that the two deputy town managers did a great job while Town Manager Cappola was on vacation. Mayor Pro Tem continued to express their hard work every day.

11. **CLOSED SESSION**

12. **ADJOURNMENT**

a. Adjourn

Motion To Adjourn

RESULT: CARRIED 5-0

MOVER: Porter Casey

SECONDER: Avery Everett

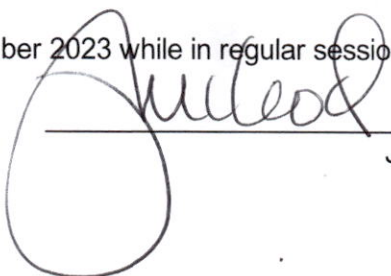
YES: Jason Thompson, Porter Casey, Avery Everett, Andria Archer, and Michael Sims

NO: None

b.

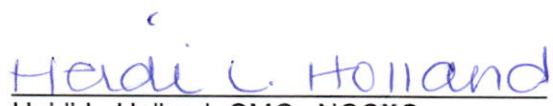
With nothing further, the meeting was adjourned at 7:18 p.m.

Duly adopted by the Town Council this 6th day of November 2023 while in regular session.



Jody L. McLeod
Mayor

ATTEST:



Heidi L. Holland, CMC, NCCMC
Town Clerk

