



Town of Clayton
Regular Town Council Meeting Minutes
Monday, November 20, 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 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
Greg Tart, Police Chief
Joshua Baird, Engineering Director
Nathanael Shelton, Communications Officer
Patrick Pierce, Economic Development Director
David Ranes, Fire Chief
Sam Johnson-Phillips, Deputy Town Clerk
Conrad Olmedo, Planning Director
Bruce Venable, Planner
Steven Mott, Planner II

Council Absent:

Council Member Avery Everett

1. CALL TO ORDER

a. Call to Order

Presenter: Mayor McLeod called the meeting to order at 6:02 p.m.

b. Pledge of Allegiance

Presenter: Clayton Fire Department Honor Guard provide the Color Guard and also lead the Pledge of Allegiance

Clayton Fire Department Honor Guard provided the Color Guard and also led the Pledge of Allegiance.

c. Invocation

Mayor McLeod provided the Invocation.

2. ADJUSTMENT OF THE AGENDA

a. ADD 3e. Ordinance #2023-10-06 2023-93-ANX NC Hwy 42

Mr. Cappola asked to add to 3e. Ordinance #2023-10-06, 2023-93-ANX NC Hwy 42 and to add to ~~8b~~. Adoption of Ordinance #2023-11-01 Budget Amendment.

Approve or Adjust the Agenda

RESULT:	CARRIED 4-0
MOVER:	Jason Thompson
SECONDER:	Andria Archer
YES:	Jason Thompson, Porter Casey, Andria Archer, and Michael Sims
NO:	None
ABSENT:	Avery Everett

3. CONSENT AGENDA

- a. November 6, 2023 - Work Session
November 6, 2023 - Regular Session
November 6, 2023 - Closed Session
Presenter: Heidi Holland, Town Clerk
- b. Interlocal Agreement for the use of the Town of Clayton's Light Tower by the Town of Wilson Mills.
Presenter: Shaun Mizell, Procurement Contracts and MWBE Manager
- c. Resolution # 2023-86: Acceptance of Public Water & Sewer Utilities for Warranty. Meadowview Subdivision, Phase 2
- d. Resolution #2023-85: To Accept Streets into the Town Of Clayton Street System for Maintenance - Walton Farm, Phases 1-3 & 8-11
- e. Ordinance #2023-10-06 2023-93-ANX Hwy 42

Approve Consent Agenda as Presented

RESULT:	CARRIED 4-0
MOVER:	Andria Archer
SECONDER:	Michael Sims
YES:	Jason Thompson, Porter Casey, Andria Archer, and Michael Sims
NO:	None
ABSENT:	Avery Everett

4. ADMINISTRATIVE ITEMS

- a. Best Practices for File Naming Policy
Presenter: Heidi Holland, Town Clerk

Ms. Holland stated this policy was developed to have a town standard file naming policy for the Town. This will be helpful when the electronic scanning policy is adopted. She stated she worked with Shaun Mizell, Procurement Manager, on this project.

Adoption of Resolution #2023-82

RESULT:	CARRIED 4-0
MOVER:	Michael Sims
SECONDER:	Andria Archer
YES:	Jason Thompson, Porter Casey, Andria Archer, and Michael Sims

NO:	None
ABSENT:	Avery Everett

5. INTRODUCTIONS AND SPECIAL PRESENTATIONS

- a. Recognition of Boy Scout Troop 33
Presenter: Mayor McLeod

Mayor McLeod recognized Boy Scout Troop 33 and thanked them for being there tonight.

6. PUBLIC HEARINGS

7. OLD BUSINESS

- a. Ordinance 2023-10-03 to Enact the "Codify Clayton" Unified Development Ordinance
(Continued from the October 16, 2023 meeting)
Presenter: Conrad Olmedo, AICP, CZO, Planning Director

Mr. Olmedo stated tonight he has the pleasure to introduce the new Town's UDO. He stated this would be the start of UDO conversations. He stated Council has the September 6, 2023 UDO draft version. He stated there were over 2,000 comments related to the draft and those were sifted to about 100 comments staff felt were critical. Comments include input from October 16, 2023 meeting as well as the November 9, 2023 retreat, input from Economic Development Director Patrick Pierce, legal, planning department as well as the development community.

This draft is consistent with the 2045 comprehensive plan. He introduced Chad Meadows with CodeWright to speak on this. Shared was the overview: Process recap, comment summary, Punch list and next steps. Shared was the project work program, we are in the 6th phase of adoption which is about a month behind. Shared was the process Recap: UDO Adoption Draft posted to codifyclayton.com (9/7/2023); Planning Board Consideration (9/25/2023); Town Council Public Hearing (10/16/2023); Work Session with Staff (11/6/2023); and continued public hearing tonight.

Discussed was the Errata Sheet. He stated the draft reviewed last month had a series of 22 additional questions and comments and the ordinance included some redline text about those things. Those have been incorporated into the working draft.

Discussed was comment summary. On or around November 6, 2023, received were several sets of comments on the draft. Comments were from Council, members of the development community, town departments and Town Attorney's office. He stated they decided to organize the comments received and have assembled those into a 13-page document summary table of comments. The summary lists the comments by number, explains briefly what the comments or questions were and then how it might be addressed. Council should have received the table along with the proposed amendments to the draft based on the comments. He stated tonight he would summarize the top issues in these comments. He stated he thinks he and staff have addressed the key comments and thinks the UDO is ready for adoption.

This is a living document and something he expects to grow and change. Shared were key issues.

Key Issue 1: Residential Development in Downtown. The UDO has been revised to limit the range of by-right residential types in the downtown area. All other residential use types require conditional zoning. Key Issue 2: Residential Densities. There were concerns of allowable densities and permitted use types. There was more discussion on density. Key Issue 3: Principal Use Table. There were numerous comments about this. Staff has conducted a 3rd detailed review of the table based on comments. A redlined version of the table was included in the comment summary. Further reduction of special use permits in favor of more conditional zoning. Increased reliance on conditional zoning for residential uses. Additional reformatting is in process.

Key Issue 4: Select Development Standards. There was discussion on sidewalks in RLL, RLD; exterior lighting; water/sewer extension provisions; street signs; sustainable development incentives; and conditional rezoning and waivers of use-specific standards. Key Issue 5: Zoning Map. Translation, not-town side rezoning. Downtown (DTNC, DTNN, DTNT); downtown is not currently B-1; Riverwood and the historic overlay district

Discussed was the punch list. Additional comments from legal staff is in process; additional staff comments & questions; some comments from the development community; and non-substantive typos, grammar and principal use table.

The next step options would be to adopt the draft tonight, there would be expected continued revisions and this UDO would be effective January 2, 2024.

Attorney Cauley stated he has three technical corrections in the ordinance if Council is inclined to adopt it tonight. Mayor McLeod stated to share it and get it on the record. Section one refers to an adoption date of October 16th which needs to be November 20, 2023. Section 10 is the issue discussed in the planning meeting about submission of plans prior to the effective date; that section needs to be changed from December to January 2, 2024 and the date line on the ordinance needs to be revised to November 20, 2023.

Mr. Cappola stated in the draft it references the October 16th version, Council has the November 20th version that incorporates the changes that Mr. Meadows and Mr. Olmedo spoke about. If the version that Council has in front of them is what they would like to approve, that date would need to be updated as well. Council Member Archer stated she is in favor of adopting the UDO tonight. During her time on the planning board, she has heard from residents who have been concerned about the type and quality of development. She has also heard from citizens in the development community who have had concerns with the current code. She thinks the new code strikes a balance to get everyone some of what they want. She thanked the steering committee, residents that were involved, staff and Mr. Meadows.

Adoption of Ordinance #2023-10-03 with technical corrections mentioned by Attorney Cauley

RESULT:	CARRIED 4-0
MOVER:	Andria Archer

SECONDER	Jason Thompson
YES:	Jason Thompson, Porter Casey, Andria Archer, and Michael Sims
NO:	None
ABSENT:	Avery Everett

8. NEW BUSINESS

- a. Purchase of Two Fire Trucks
Presenter: Chief Ranes, Fire Chief

Chief David Ranes spoke on this item. He stated this is a request for consideration for Council to approve the purchase of two fire trucks and associated equipment. Provided was background about the fire apparatus market. He discussed the delay in delivery time; approximately 44-48 month delivery time. Other issues are substantial increases in cost, averaging about 1.5% increase per quarter.

When looking at the needs of the Fire Department, there is a decent fleet for today, but he knows the need for new fire stations is around the corner. He discussed the increase in call volume. The opportunity presented was to be able to buy two fire trucks that Pender County Fire and EMS had ordered; their need for trucks was quicker than what they could get it. That left two trucks that were already in the build schedule. He stated the Town could commit to these trucks and build to the Town's specifications. Delivery time would be April-May 2026. There would also be substantial cost savings of approximately \$250,000 - \$300,000. The cost per truck would be \$908,686 for a total of \$1,817,372.00. He stated they are looking at about \$75,000 per truck for equipment. The total amount of the trucks and equipment would be \$1,967,372.00. Looking at contingency for the apparatus and equipment, that puts it right at the \$2 million mark.

Payment is not required until 30 days after delivery. He is requesting Council approve staff to enter into an agreement with Atlantic Emergency Solutions for the purchase of two pumpers at a cost not to exceed \$2 million.

Council Member Sims asked if the new trucks would go into the new facilities? Chief Ranes, stated yes. Council Member Sims asked if there was a plan to store the trucks if the stations were not complete. Chief Ranes stated yes, that is something they are looking into. It was stated the payments would come out of the FY2026 budget. Council Member Sims asked if this would affect anything else needed in the meantime, Chief Ranes stated he does not see this affecting them operationally.

Council Member Casey stated, the delivery date of April 2026 made him think, knowing the way the supply chain is, is it possible to get these sooner? Chief Ranes stated his past experience of buying trucks, he has not seen deliveries sooner; if anything they are pushed out later. Mr. Cappola stated we do have several aging apparatuses that are currently running, if by chance it didn't time out where the new stations were open by the time these come on, it would be likely these would still go into service and then remove some of the old trucks.

Mayor McLeod stated he is appreciative of all the good work and is very thankful for the timing.

Approval To Move Forward with Purchase Not To Exceed \$2 Million

RESULT:	CARRIED 4-0
MOVER:	Jason Thompson
SECONDER:	Michael Sims
YES:	Jason Thompson, Porter Casey, Andria Archer, and Michael Sims
NO:	None
ABSENT:	Avery Everett

Adoption of Ordinance #2023-11-01 Budget Amendment

RESULT:	CARRIED 4-0
MOVER:	Jason Thompson
SECONDER:	Michael Sims
YES:	Jason Thompson, Porter Casey, Andria Archer, and Michael Sims
NO:	None
ABSENT:	Avery Everett

9. STAFF REPORTS

a. Town Manager

Mr. Cappola stated he would like to follow up on discussions from the November 9, 2023 Council retreat.

The three items he is requesting to be approved are:

- Effective January 1, 2024:
 - Increase 401 K town contributions from 4% to 5% for all employees in alignment to LEO and neighboring municipalities.
 - Award a 2.5% COLA to all general/enterprise fund employees
 - Award a 5% COLA to all Police and Fire Employees

This has been presented for the Town to become more competitive in the market. He stated he would like to do as much for employees as he can especially this time of year.

Also, something Chief Ranes and Chief Tart have looked are:

- Explore career ladders models for Public Safety and other related departments for consideration in the FY25 budget cycle.
- Provide associated training to staff for support and leadership
-

This would be part of a bigger conversation in FY2025.

Council Member Archer stated overall the triangle is a competitive market, she stated she appreciates this.

He stated Council has their monthly financial statements and reconciliation. The first page is the audited fund balance for the general fund, the remainder is the current year budget status as well as some investment income highlights. He stated we are seeing a much higher return than we have had in years past. This would be brought up as part of the mid-year budget in January.

A couple months ago a bid went out for the Community Park project, budgets came in high to the remaining bond balances; that project has been rescope and put back out to bid. Bids should be back in by mid-December and should be back in front of Council after the first of the year.

The December 4, 2023 meeting is the organizational meeting, prior to the that current sitting Council would vote on a few items already in discussion.

Approve Town Manager's Recruitment and Retention

RESULT:	CARRIED 4-0
MOVER:	Jason Thompson
SECONDER	Porter Casey
YES:	Jason Thompson, Porter Casey, Andria Archer, and Michael Sims
NO:	None
ABSENT:	Avery Everett

- 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 stated he appreciates the Boy Scout Troop 33 being present tonight. Mayor McLeod thanked them for all the good work they do throughout Johnston County. Council Member Sims thanked staff for the retreat that was held. Mayor Pro Tem Thompsons told the Boy Scouts if they need ideas for service projects, feel free to reach out to him.

11. CLOSED SESSION

- a. To Discuss Legal Matter in Accordance with NC GS 143-318.11(a)(3) and To Discuss Personnel Matter in accordance with NC GS 143-318.11(a)(6)

After returning from closed session, Council Member Archer made a motion to increase Town Manager's salary by 5% effective December 1, 2023 and to amend his contract to increase the salary by a minimum of 5% annually thereafter as of the first pay period in December

Motion To Go Into Closed Session

RESULT:	CARRIED 4-0
MOVER:	Jason Thompson

SECONDER	Michael Sims
YES:	Jason Thompson, Porter Casey, Andria Archer, and Michael Sims
NO:	None
ABSENT:	Avery Everett

Motion To Return To Open Session

RESULT:	CARRIED 4-0
MOVER:	Jason Thompson
SECONDER	Andria Archer
YES:	Jason Thompson, Porter Casey, Andria Archer, and Michael Sims
NO:	None
ABSENT:	Avery Everett

Motion to Increase Town Manager's salary

RESULT:	CARRIED 4-0
MOVER:	Andria Archer
SECONDER	Jason Thompson
YES:	Jason Thompson, Porter Casey, Andria Archer, and Michael Sims
NO:	None
ABSENT:	Avery Everett

12. ADJOURNMENT

a. Adjourn

With nothing further, the meeting was adjourned at 8:52 p.m.

Motion To Adjourn

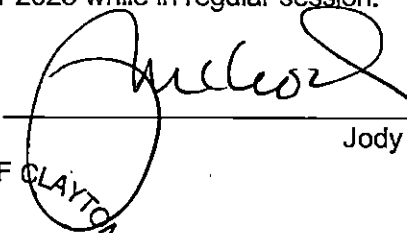
RESULT:	CARRIED 4-0
MOVER:	Andria Archer
SECONDER	Michael Sims
YES:	Jason Thompson, Porter Casey, Andria Archer, and Michael Sims
NO:	None
ABSENT:	Avery Everett

Duly adopted by the Town Council this 4th day of December 2023 while in regular session.

ATTEST:

Heidi L. Holland
Heidi L. Holland, CMC, NCCMC
Town Clerk

TOWN OF CLAYTON
INCORPORATED
APRIL 1869
CLAYTON, N.C.


Jody L. McLeod
Mayor