



Town of Clayton
Regular Town Council Meeting Agenda
Monday, April 3, 2023 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 20, 2023 - Regular Session Minutes
 - March 6, 2023 - Closed Session Minutes

Presenter: Heidi Holland, Town Clerk
[March 20, 2023 - Regular Session Minutes](#)
- b. Accept Public Utilities into the Town Of Clayton Public Utility System for Maintenance – Spinning Mill Apartments, Phase 1
Presenter: Jonathan K. Jacobs, PE, CFM - Assistant Engineering Director
[Resolution #2023-16](#)
- c. Accept Streets into the Town Of Clayton Street System for Maintenance – Cameron Crossing, Phase 1
Presenter: Jonathan K. Jacobs, PE, CFM - Assistant Engineering Director
[Resolution #2023-17](#)
- d. Accept Streets into the Town Of Clayton Street System for Maintenance – Highgate Subdivision, Phase 3
Presenter: Jonathan K. Jacobs, PE, CFM - Assistant Engineering Director
[Resolution #2023-18](#)

POTENTIAL ACTION: Approve Consent Agenda as Presented

4. ADMINISTRATIVE ITEMS

5. INTRODUCTIONS AND SPECIAL PRESENTATIONS

- a. Employee Introductions
 - Raven McLaurin, Stormwater Engineer
Presenter: Joshua Baird, Engineering Director
 - Joey Adams-Raczkowski, Planner II
Presenter: Ben Howell, Planning Director
- b. World Autism Awareness Day & World Autism Month Proclamation
Presenter: Mayor McLeod to Present to Michael Strauss
[World Autism Awareness Proclamation](#)
- c. Arbor Day Proclamation
Presenter: Mayor McLeod to Present to Scott Barnard
[Arbor Day Proclamation](#)
- d. Week of the Young Child Proclamation
Presenter: Mayor McLeod to Present to Dana Wooten, Clayton Chamber of Commerce President & Myra Burrell, Data and Contracts Manager
[Week of the Child Proclamation](#)

6. PUBLIC HEARINGS

7. OLD BUSINESS

8. NEW BUSINESS

- a. Main Street Designation
Presenter: Patrick Pierce, Economic Development Director

9. STAFF REPORTS

- a. Town Manager
- b. Town Attorney
- c. Town Clerk
- d. Other Staff

Mass Communications/Data Voice Presentation

Presenters: Dolores Gill, Deputy Town Manager & Ann Game, Utilities Billing Director

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

11. CLOSED SESSION

12. ADJOURNMENT

- a. Adjourn

POTENTIAL ACTION: Motion To Adjourn



Town of Clayton
Regular Town Council Meeting Minutes
Monday, March 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 Avery Everett
Council Member Andria Archer
Council Member Michael Sims

Staff Present:

Rich Cappola, Town Manager
Jim Cauley, Town Attorney
Heidi Holland, Town Clerk
Lee Barbee, Interim Deputy Town Manager/Fire Chief
Robert McKie, Finance Director
Greg Tart, Police Chief
Jonathan Jacobs, Assistant Engineering Director
Nathanael Shelton, Communications Officer
Ben Howell, Planning Director
Bruce Venable, Planner

Council Absent:

None

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. Mr. Cappola adjusted the agenda to reflect:

REMOVE:

March 6, 2023 Closed Session Minutes from Item 3a.

Approve or Adjust the Agenda

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

3. CONSENT AGENDA

a. Minutes

- March 6, 2023 Work Session Minutes
- March 6, 2023 Regular Session Minutes
- March 6, 2023 Closed Session Minutes *(Removed From the Agenda)*

Presenter: Heidi Holland, Town Clerk

b. Accept Public Utilities Into the Town of Clayton Public Utility System For Maintenance – Buckhorn Branch Park, Phase 2

Presenter: Jonathan K. Jacobs, PE, CFM - Assistant Engineering Director

c. Accept Public Utilities Into the Town of Clayton Public Utility System For Maintenance – Walton Farms, Phases 10 & 11

Presenter: Jonathan K. Jacobs, PE, CFM - Assistant Engineering Director

d. Resolution 2023-12 to Amend Resolution 2023-01 Granting Wastewater Treatment Capacity 2022-68-SP: Calamar Senior Living Facility

Presenter: Jonathan K. Jacobs, PE, CFM - Assistant Engineering Director

Approve Consent Agenda as Presented

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

4. ADMINISTRATIVE ITEMS

a. Sculpture Selection for 2023-2024 Sculpture Trail

Presenter: Sara Perricone, Public Art Advisory Board Chair

Sara Perricone, Board Chair for the Public Art Advisory Board, shared with Council the 2023-2024 Sculpture Trail finalists. She discussed each sculpture and where they would be installed.

She discussed the Media Communication package that she has been working on with Board Member Kristin Ryan and Nathanael Shelton, Communication Director. She stated the Public Art Advisory Board would like to see a strong website presence representing the Sculpture Trail and the board. The quote for the website page would be approximately \$3,500 to launch and \$1,000 a year for upkeep. She stating they are requesting permission to use the funds in the Public Art Advisory Board budget to move forward.

It was consensus of the Council to allow the board to move forward with this item.

5. INTRODUCTIONS AND SPECIAL PRESENTATIONS

- a. Employee Introduction
- Sam Johnson-Phillips, Deputy Town Clerk
Presenter: Heidi Holland, Town Clerk

Ms. Holland introduced Deputy Town Clerk Sam Johnson-Phillips. Sam comes to the Town with 12 years of Superior Court Clerk experience.

6. PUBLIC HEARINGS

- a. Project Life Dust Development Agreement
(Continued from March 6, 2023 Regular Meeting)
Presenter: Patrick Pierce, Economic Development Director

Continue to April 17, 2023 Regular Meeting
Consensus of the Council to Continue to April 17, 2023 Regular Meeting

- b. 2022-215-RZ Bobby H. Hardee Rezoning
Presenter: Bruce Venable, Planner 1

Mr. Venable stated this request is to rezone from Residential Estate (R-E) to Industrial Heavy (I-2). The property size is 31.07 acres and is currently vacant. The site is located to the south of Ashcroft Subdivision and is adjacent to Caterpillar Inc. site.

The Planning Board, as well as staff, recommends approval and approved the following Consistency Statement: This is consistent with the 2045 Growth Plan, specifically Goal LU 1 and Policy LU 1.4.1.

Factors to Consider for the Council are the approval of the rezoning would allow any permitted use within the I-2 Zoning District to be constructed on the site. Town Council should consider all potential uses of the site prior to making a recommendation.

Mayor McLeod stated this has been noted as a public hearing and asked if anyone wished to speak.

Chad Essick, Attorney with Pointer Spruill in Raleigh, was present tonight on behalf of Bobby and Nancy Hardee. He spoke on the rezoning request and its consistency with the Town's comprehensive plan. This parcel of land is part of a larger assemblage owned by the Hardee family; they own almost all the land adjoining this parcel to the north and the west all the way to O'Neil Street where these parcels get their access from. Further north of this site on the other side, is the Ashcroft Subdivision. To the east and the south of this parcel is already zoned I-2.

Mr. Essick stated the reason for this rezoning is the family would like to move some of the recycling activities to these 30 acres such as grading and creating mulch. To do this, there are local requirements that require this property to be

rezoned. There is a host of rezoning criteria that has been addressed in the rezoning application. There was a neighborhood meeting for this rezoning on January 11, 2023, via zoom, only one person attended on behalf of Caterpillar, they did not have any concerns.

Mayor McLeod asked if anyone else wished to speak. With no one else wishing to speak, the public hearing was closed and turned over to Council for deliberation.

Council Member Archer stated she does appreciate the services this family provides in the community. She does see those activities compatible with the current use of the property more in the lines of an agricultural use. She does have concerns with two of the rezoning approval criteria, criteria 2 and 6. Criteria 2 is regarding the suitability of the subject property for use is permitted by the current versus the proposed district. Criteria 6 states it has been determined that there would be no adverse effect upon adjoining property owners unless such effect can be justified by the overwhelming good or welfare. There was more discussion on this. She stated when Council makes this discussion, it needs to be considered of all the uses that are part of that category. Those potential uses are not compatible with adjacent residential development as seen on the map. She stated she hopes there is another way to accomplish what is needed here. She stated this is where she is at and cannot support this.

Council Member Sims asked staff why this did not come through as a conditional zoning standpoint. Mr. Venable stated this is a conventional rezoning. Mr. Howell stated the applicant did not consider submitting a conditional zoning because upon looking at the future land use plan and surrounding rezoning, staff and the applicant felt a conventional zoning could fit. He stated if Council would like to see this as a conditional zoning, the applicant would have to resubmit the proposal and go back through staff review.

Mayor Pro Tem Thompson stated he understands Council Member Archer's concerns, he feels the applicant has met the criteria and it would be undue to ask them to come back with another application. He stated he is comfortable moving forward with a vote. Mayor McLeod stated he finds this ok because the adjoining property has already been zoned and there has not been anyone that has spoken against this.

Council Member Casey addressed staff, he stated he knows we are doing a UDO rewrite, is time of the essence on this until the UDO rewrite is complete. Mr. Howell stated this would better be addressed by the applicant. Mr. Essick stated time is of the essence to get this property in the position to use it for the activities that have been outlined. They have been working with the State to make sure the applicant has all required permits. He stated they would prefer not to have to delay. There was detailed discussion of the activity that would happen on this site.

Council Member Archer asked Mr. Howell to pull up the Employment Center

slide. She stated from a resident perspective, the fact that no one heard from anyone at the neighborhood meeting, if she was just the average person reading the Employment Center description, she does not see anything about the waste related service can include animal waste processing, landfill incinerator, heavy manufacturing with offensive uses. She stated she does not recall anything stating this in the staff report. She stated there is another path for the property owner to continue with their business through a conditional rezoning or to wait later this year through our updated code.

Mayor McLeod asked Attorney Cauley, if this property is rezoned, anything that would be developed or listed under the Employment Center would still have to go through Council for approval, correct? Attorney Cauley stated not necessarily, all those uses are uses of right and some may require additional permitting but not all of them. Attorney Cauley asked if there was a less intense industrial zone that captured what the applicant wants to do and didn't have the additional allowed use in it that seem to be offensive. Mr. Howell stated the only other industrial zoning is I-1 and that would require a Special Use Permit.

Mr. Essick stated the only use he had identified that's allowed in I-2 and not allowed in I-1 is heavy manufacturing, all the other uses he identified are essentially the same.

Mayor Pro Tem Thompson stated he feels this request is consistent with what surrounds it.

Adoption of Ordinance #2023-03-01 and Approval of Statement of Consistency and Reasonableness

RESULT:	CARRIED 3-2
MOVER:	Jason Thompson
SECONDER:	Avery Everett
YES:	Jason Thompson, Porter Casey, and Avery Everett
NO:	Andria Archer and Michael Sims

- c. 2022-146-CZM Academy Pointe Phase 10
Presenter: Ben Howell, Planning Director

Mr. Howell spoke on this subject. This request is for a rezoning of property from the B-2 Zoning District to Conditional Zoning-Residential District which would allow for up to 33 multi-family units for a density of 27.27 units per acre for Phase 10 or 12.81 units per acre for the new phase of Academy Pointe. The property size is 1.210 acres located on O'Neil Street with two access streets from Rosemary Street and a cross-access through Academy Pointe. Water, sewer and electric would be provided by the Town.

The proposed master plan would allow up to 33 apartments. Shared was a traffic generation which has been provided by the applicant. This would include 5 additional daily trips, 9 additional AM Peak Hour Trips, 12 Additional PM Peak Hour Trips. On this traffic generation, there was a change in the trip generation manual from the time of the original Academy Pointe until the time the trip generation was done for Phase 10, which is why the numbers do not

completely add up. Minimal additional trips would be generated which would not require an additional TIA. The developer would be responsible for making any improvements along O'Neil Street frontage.

Shared were the Development Standards:

Stormwater, Water, Sewer, Electricity

- Project will comply with Town of Clayton Stormwater Ordinance
- Public Water available on Rosemary Street and through other phases in Academy Pointe
- Existing Public Sewer in adjacent phases of Academy Pointe
- Electric service available from Town of Clayton

Landscaping/Buffers

- Landscape buffer and a 6-foot-tall fence will be provided between Phase 10 and the existing single-family homes in Phase 2
- Interior Landscaping and street yard trees meeting UDC Requirements

Architectural Standards

- Provided in Master Plan Narrative – matching existing multifamily buildings in Academy Pointe
- Board-and-batten and brick facades

Conditional Zoning District Criteria

Consistency with adopted plans and policies of the Town

- 2045 Growth Plan calls for area to be High Density Residential
 - High Density Residential area provides for housing near major transportation corridors, existing commercial areas, and Downtown, and up to 10 units/acre
- Proposed density is higher than envisioned in 2045 Growth Plan, but would be a continuation of existing development on either side and consistent with the area

Suitability of Subject Property

- Current zoning permits commercial uses; property is surrounded by residential uses
- Proposed Conditional District permits high density multifamily development
- Applicant is proposing to connect to public water and extend public sewer to serve development

Improves Balance of Uses/Meets Specific Demand in Town

- Area currently mix of residential uses – multifamily, townhomes and single-family detached
- Proposed Conditional Zoning District allows for additional suburban-style multifamily development consistent with surrounding property

Capacity of Adequate Public Facilities and Services

- Schools: Development proposed to be served by Cooper Academy, Clayton Middle and Clayton High – Cooper Academy and Clayton High are on 2022-2023 Capped School List for Johnston County
- Roads: Development will be accessed by Rosemary Street and internal cross-access to Academy Pointe
- Parks/Recreation Facilities: Phase of Academy Pointe Development;

- Phase 10 will have its own recreational amenity
- Wastewater Treatment: Development proposed to be served by existing sewer infrastructure on site; Development subject to Town Wastewater Allocation Policy
- Water Supply: Public Water is available on Rosemary Street and in Academy Pointe
- Stormwater Drainage: Development will follow Town Stormwater Ordinance

Legal Purposes of Zoning are not contravened

- All Town Ordinances, procedures and approvals will be followed

No adverse effect on adjoining property owners

- Development will be cohesive with Academy Pointe development
- Improvements to existing public road network, connectivity and public utility extensions will mitigate impacts

No one property owner/small group will benefit to detriment of general public

- With imposed conditions, no detriment to general public

Shared was the Master Plan Approval Criteria and this is also included in the staff report. Planning Board and Planning Director recommends this rezoning. Staff recommends approval as well based on the 16 recommended conditions of approval. Shared were these 16 conditions.

Council Member Casey stated in condition 2, except where specifically modified by the approved master plan, he asked if we know what the changes are. Mr. Howell stated the only unified code standards are requirements that the conditional zoning can modify, would be relating to uses in Article 2 and related to use standards in Article 3. This request does not modify any of those standards except they are asking for multi-family uses. As far as engineering and stormwater design centers, based on the conditional zoning submitted and the approved conditions, there are no modifications to those. Regarding the fire code and standards, it does not appear there are any modifications.

Council Member Casey stated this is part of a multi-phase development, correct? Mr. Howell stated yes. Council Member Casey asked if there is anything else being considered on the other phases specifically, Mr. Howell stated this is specifically for the one parcel on O'Neil Street for the three new buildings.

Council Member Sims asked if this is the last phase, Mr. Howell stated as of right now no other phases have been submitted.

Mayor McLeod stated this has been noted as a public hearing and asked if anyone wished to speak.

Dave DeYoung with River Wild Development spoke. He stated this is phase 10, the first 9 phases were approved in 2019 and included phase 10. Originally it was planned for 44 apartments units (4 buildings) and was approved for except where specifically modified by the approved master plan.

This is consistent with the 2045 growth plan and does meet the requirements of the UDC and will comply with the engineering guidelines and stormwater management policies. In 2018, when this was put into the traffic study, it included the 44 apartments which explains the difference in the trip generator. There are no new improvements required by the Town or NCDOT for Phase 10 based on the number of limited additional trips.

He stated the request is from B-2 to CZ-R Development of 3 Buildings - 33 Apartments; Amenities including Open Space / Tot Lot; Architecture will match existing apartment building architecture; and fully acceptance of all Conditions of Approval recommended by Planning Department.

Council Member Casey asked what the thought process was to put more apartments along the front of O'Neil Street. Mr. DeYoung stated based on the limited size of the property, also for consistency with the other buildings that has been built. Mr. DeYoung stated these apartments do have sprinklers in them.

Council Member Sims asked if this is the final Phase, Mr. DeYoung stated it was. He stated there is one other parcel within the development, but the property owner has no interest in selling the property. Council Member Casey stated he knows citizens that live in these apartments and one concern is dog waste. Would the applicant consider a condition that would include dogwaste stations. Mr. DeYoung stated this has been talked about internally and they would be comfortable installing the stations. Would the applicant consider another condition to make sure the sidewalks connect to the main sidewalk on O'Neil Street? Mr. DeYoung stated the reason those were removed because of the topographical changes in the site.

Jeff Burke, Clayton Citizen, lives in the property directly across from where Phase 10 is going, stated he is not really in opposition. His question is during construction, his water pressure is half of what it used to be. He asked if there is anything the developer could do for him during this building process.

Mr. DeYoung stated the these are the last three buildings, there was a lot of extensive utilities and improvements that happened at that same time. He stated he cannot speak to water pressure in the Town.

Mayor McLeod stated with no one further wishing to speak, he will close the public hearing and turn this over to Council for deliberation.

Mayor Pro Tem Thompson stated it appears this would significantly improve site lines to that area and this would help with the safety of people accessing O'Neil Street on the curve. He thinks it is consistent with what is already there, and this makes sense. Council Member Sims stated he struggles with the traffic on O'Neil Street and hears the citizens' complaints. Council Member Archer stated she wants to be clear on what the long-term plan for O'Neil Street would be. She would also like to get in touch with Mr. Burke about his water issues to see if she could trouble shoot this.

Adoption of Ordinance #2023-03-02 and Approval of Statement of Consistency and Reasonableness as Well as the Condition Agreed Upon Regarding Petwaste Stations

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

- d. 2022-163-CZM Highland Park Conditional Zoning District
Presenter: Ben Howell, Planning Director

Mr. Howell stated this request is to rezoning the property from R-E to Conditional Zoning Residential District. The property size is 31.70 acres located off N. O'Neil Street. Proposed is a single access on O'Neil Street with two additional future cross-access points and significant environmental constraints along with a proposed connection to Sam's Branch Greenway. This is designated as medium density residential.

Proposed uses are townhomes and apartments with a proposed density of 4.10 units per acre. The Town would provide water, sewer and electric. The trip generation is below the threshold in the UDC, it is expected to generate 894 daily trips, 64 AM Peak trips and 78 PM Peak trips.

The project will comply with the Town's stormwater ordinance. Public sewer is available near Sam's Branch Greenway adjacent to the development.

Stormwater, Water, Sewer, Electricity

- Project will comply with Town of Clayton Stormwater Ordinance
- Public Water available on N. O'Neil Street
- Existing Public Sewer available along Sam's Branch Greenway adjacent to development
- Electric service available from Town of Clayton

Landscaping/Buffers

- Class C landscape buffer and opaque fencing required around perimeter of development
 - Existing vegetation will be used to satisfy buffer requirements in some areas
- Interior Landscaping and street yard trees meeting UDC Requirements

Open Space/Amenities

- At least 50% (15.85 acres) will be preserved as resource conservation area and open space
- Greenway connection to Sam's Branch Greenway and additional amenities proposed

Architectural Standards

- Provided in Master Plan Narrative
 - Front Door Features (Window, transom window, side-light

- window)
 - Limited façade materials (Fiber Cement Siding, Brick, Stone, Wood, Vinyl Shake or Shingle)

Staff and Planning Board recommend approval with the recommended 21 conditions of approval, which are included in the staff report. The Planning Board did voice concerns over the proposed access but did not recommend any changes or additional conditions.

Jonathan Jacobs provided wastewater allocation to this project. This item was inadvertently left off the agenda, each Council Member received a copy.

Council Member Sims discussed the traffic for this project. Council Member Casey asked about condition #2, Mr. Howell stated this master plan is not really modifiable, the one area that may be in question is access but the Town's fire marshal and fire department was included in this review and did not have any concerns. Council Member asked on condition #21, he asked Mr. Howell to elaborate, Mr. Howell stated this condition is meant to say if there is a conflict that the conditions control. Council Member Casey stated at the Planning Board meeting, there was hesitancy on the road frontage. There was further discussion on this.

Mayor McLeod stated this has been noted as a public hearing and asked if anyone wished to speak.

Emily Beddingfield, of Lipscomb Development was present. She stated she is an Urban Planner by trade and has 15 years in this field. She stated this is right outside of the Downtown core. Shared was a map of projects approved and under consideration. This isn't pushing out, it is filling in a hole for development and continuing a development for citizens that want to be close to downtown.

Shared were details of this project

- Small village of garden style, low-rise condominium units and attached single family homes
- Surrounded by well-established woods and natural areas
- A new greenway connection and bridge places residents' steps from the expansive greenway system
- Minutes from restaurants, arts, and shopping in downtown Clayton
- Geared towards families and individuals who want to live maintenance free, enjoy close access to downtown Clayton amenities, and be able to step outside their door into natural areas and greenway recreation

Property Evaluation

- Survey existing features & topography
- Identify natural features (streams, wetlands)
 - Environmental Consultant
- Slopes calculated

- Future Land Use Map / Growth Plan review – density guidance
- Code Review
- Driveway location and requirements by NCDOT
 - Traffic Engineer, Civil Engineer, and NCDOT

Constraints

- Topography and natural features create major site constraints/challenges
- Single Entrance
- Unique property shape
- Single family detached not feasible
 - (Grading needs, max # of units)

Opportunities

- Greenway connection
- Beautiful natural areas can act as amenities (trail, views)
- Extensive natural buffers on 3 sides
- Design buildings to complement property while preserving land and reducing impacts
- Condominiums and attached single family homes

Opportunities: Site Layout/Grading

- Individual building design by architect to fit site topography will reduce grading
 - i.e. “stepped” design, construction into existing slopes vs pad-grading, smaller buildings
- Clustered/grouped buildings = less overall grading needs
- Arrange homes to maximize views and access to amenities

Opportunities: Building Design

- Unique, high quality building designs that complement the surrounding environment
- Smaller scale condominium buildings
 - Garden style, low-rise condos
- Light-filled residences will look out to surrounding wooded areas
- No vinyl siding permitted

Opportunities: Natural Buffers & Compatibility

- Much of the property is hidden from view from right-of-way and surrounding properties
- Natural features create expansive distance from adjacent development
- Class C buffer to west
 - In communication with property owner

Opportunities: Active lifestyle and natural surroundings/views

1. New greenway connection and bridge to the existing Sam’s Branch greenway trail (~1,000 feet plus bridge)
2. One or more of the following :

- Neighborhood Green
- Mini-park
- Maintained Natural path through wooded section of site along creek for residents' use
- At least 50% of site preserved as open space
 - 26.7% of this is not RCA but provides additional RCA buffer

Streets: Layout

- Single Entrance
- Layout follows topography/ridge
- Long entrance street to traffic circle
- 2 Cross-Access Connections

Streets: Cross-Access Connections

- Western access aligns with topography of property to west (avoids ravine)
- Eastern access positioned to allow access to two adjacent properties with a single entrance

Entrance: Design

- Landscaped Median entrance
- Street Trees
- Long entrance driveway
 - Roughly 350-400 feet before home construction = little visibility from right of way

Driveway Entrance: Impacts

- N O'Neil Street is a NCDOT Street:
 - NCDOT Driveway Permit Required
 - Turn Lanes required by NCDOT
- Driveway Certification Completed
- O'Neil St Frontage Improvements to be consistent with Transportation Plan
 - ROW dedication, side path development, etc.

Travis Fluitt, PE of Kimley Horne, traffic engineer for the project, was here to speak. He stated the site trips do fall below the threshold. He stated they have coordinated with NCDOT and would be adding a left turn lane, at a minimum, onto O'Neil Street. Mayor McLeod asked how many vehicles can line up to turn off O'Neil Street into this? Mr. Fluitt stated he does not think the turn lane has been designed yet but would say about 4 vehicles. The trip generation showed about 16 entering in the AM peak and about 48 in the PM peak, so less than 1 per minute in the afternoon. That would be worked out in design with NCDOT. Mayor McLeod stated that is a concern to him.

Council Member Casey asked about the cross-section access between this location and O'Neil Overlook. Mr. Fluitt stated they would be building a three-lane section and have coordination with NCDOT to make sure there would be enough storage. The turns into the driveways should be coordinating. Council

Member Sims stated he has received a lot of emails about O'Neil Street, he asked Mr. Fluitt with everything going on at O'Neil Street, this would not impact the traffic. Mr. Fluitt stated there definitely would be an impact, just would not be significant.

Attorney Cauley asked if the frontage on this have enough length for a turn lane, does NCDOT have enough easement for a turn lane, or will it require additional acquisition? Mr. Fluitt stated he has not been involved in the design but he believes there is enough right-of-way on O'Neil Street to do symmetrical widening to fit in that turn line in the existing right-of-way.

Ms. Beddingfield spoke on the utilities. There would be connection to water on O'Neil Street, sewer connection to the existing sewer line along Sam's Branch Trail (there would not be connection until Year 2025), the Town would provide electric, and an annexation would be required.

Ms. Beddingfield spoke about the Master Plan Approval Criteria,

- Compliance with code section 155.203(L) and all other applicable requirements of this chapter, or analysis and justification if it deviates from the requirements of this chapter
- Consistent with the Clayton General Design guidelines, conformance of the proposal with the stated purpose of the requested conditional zoning district
- Compatibility of the proposed development with the adjacent community
- The quality of design intended for each component of the project and the ability of the overall development plan to ensure a unified, cohesive environment at full build-out
- Compatible relationships between each component of the overall project
- Self-sufficiency of each phase of the overall project
- The fiscal impact of the proposal and the proposed financing of required improvements
- The success of the proposal in providing adequate pedestrian and bicycle links within the development and with the adjacent community
- The effectiveness with which the proposal protects and preserves the ecologically sensitive areas within the development

Kirk Beck, Clayton Resident off O'Neil Street, is here representing about 12 of his neighbors that want to convey their concerns with this development. In addressing the concerns with this development, people backing the developers says this is good for the community and it's providing attractive housing. He stated it seems the mix of high-density housing with medium density housing is a game of trying to get the average down to medium-density. There are major problems with the location and the traffic. The percentage of the traffic would not meet current zoning which is why they are here for conditional zoning. He stated he has concerns of the traffic and the feel of the community.

Jeff Burke, of O'Neil Street was present to discuss his concerns of this project. 2045 plan is 22 years from now. discussed the

Jennifer Quintero, of O'Neil Street, stated her biggest concern is if they

develop that area, the drainage will probably end up in her property. She asked if there were any precautionary measures.

Mayor McLeod asked if anyone else wished to speak. With no one further wishing to speak, the public hearing was closed and turned over to Council for their deliberation.

Council Member Archer stated she appreciates the detail presentations and the community input. She stated she feels like this is not on the grid. The growth plan is where the community has spoken and the Planning Board references it regularly, since that proposal is not in line, she is not in favor as presented. Council Member Sims stated he loves the project, but gets a lot of emails and phone calls about this particular project and O'Neil Street. He is concerned about the traffic that is continuing to be put on that street. He stated he is not in favor of this project. Council Member Everett stated this is inconsistent with the growth plan and focusing on this area alone, it needs to be a lower density. He stated he has to vote against this.

Adoption of Ordinance #2023-03-03 - DENIED

RESULT:	DENIED 2-3
MOVER:	Andria Archer
SECONDER:	Michael Sims
YES:	Jason Thompson and Porter Casey
NO:	Avery Everett, Andria Archer, and Michael Sims

Adoption of Resolution #2023-11 (Wastewater) Did Not Pass Due to Ordinance #2023-03-03 being Denied - DENIED

7. OLD BUSINESS

8. NEW BUSINESS

9. STAFF REPORTS

a. Town Manager

Mr. Cappola stated in regard to comments about O'Neil Street and the overall traffic and transportation, the transportation plan request for qualifications is out and would close on March 27, 2023. Once that is in, staff would evaluate different proposals and hold interviews with hopes to have this back to Council May/June timeframe with selected candidates.

There was a meeting with the County to discuss long term water supply. We have some good data and have been provided feedback. There would be more on that to come.

The Downtown Strategic Plan was presented at the March 6, 2023 Work

Session, but has not been finalized. A major recommendation coming out of this was to provide specific branding for Downtown. One of the consultants has a relationship with the same entity that originally created Think Clayton so they have engaged that group to look at a variation and possibly add Downtown specific branding. The estimate is approximately \$5,000 and there is potential costs share between ElectriCities and DDA. They would want to begin mid-April. He would like to confirm that Council would approve moving forward with starting this.

It was consensus of the Council to move forward with this project.

- 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.

Emily Beddingfield, would like to request expediting a speed study on W. Stallings Street, she stated there is a speeding problem and an engineering problem that needs to be addressed. She stated she has been in communication with Jonathan Jacobs, Assistant Engineering Director. She asked with the opening of Municipal Park and that being a trailhead to our Greenway system and us wanting to get pedestrians and cyclists on the Greenway, we need to look at the safety of these connection points. She stated if we are denying projects based on increased traffic, she would ask there be an emergency policy that expresses a moratorium on development that would add traffic to roads that meet a specific level of service standard.

Ben Chapman, Clayton Citizen, returned to ask Council to consider adding non-discrimination policies and an inclusive non-discrimination ordinance for the Town. He stated he has networking with citizens of Johnston County, he spoke about Grassroots Crown Coalition.

- b. Council Comments

Council Member Sims stated the change of command needs to be followed. Our change of command starts with the Town Manager and he gives our Town Manager his full support. Council Member Casey stated he is glad to hear we would be doing a transportation plan. He discussed the action O'Neil Street has received in the past few years. Mayor Pro Tem Thompson stated he would like to speak about the traffic, he is hearing in these presentations this is good enough for NCDOT. They have an obligation to keep up, they need to be mindful. Mayor McLeod stated as far as the change of command, this Council supports the Town Manager, the Council does not dictate to staff what to do and what not to do. Staff does a great job and does it 100%. The Town does a

great job and he will stand by staff.

11. CLOSED SESSION

- a. Closed Session to Discuss Personnel in Accordance with NC GS 143-318.11(a)(6) and to Discuss Legal Matter in Accordance with NC GS 143-318.11(a)(3)

THERE WAS NOT A CLOSED SESSION TONIGHT

12. ADJOURNMENT

- a. Adjourn

With nothing further, the meeting was adjourned at 9:17 p.m.

Motion to Adjourn

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

Duly adopted by the Town Council this 3rd day of April, 2023 while in regular session.

Jody L. McLeod
Mayor

ATTEST:

Heidi L. Holland, CMC, NCCMC
Town Clerk



Regular Town Council Meeting Agenda Cover Sheet

Meeting Date

April 3, 2023

Agenda Location

CONSENT AGENDA

Item Title

Resolution 2023-16: To Accept Public Utilities into the Town Of Clayton Public Utility System for Maintenance – Spinning Mill Apartments, Phase 1

Presenter(s)

Jonathan K. Jacobs, PE, CFM - Assistant 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 (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

[Resolution](#)

Submitted By: Michael Worner, Engineering

Reviewed By:

Jonathan Jacobs, Assistant
Engineering Director

Approved - Mar 27 2023

Heidi Holland, Town Clerk

Approved - Mar 28 2023

**RESOLUTION TO ACCEPT PUBLIC UTILITIES INTO THE TOWN OF CLAYTON PUBLIC UTILITY SYSTEM
FOR MAINTENANCE – SPINNING MILL APARTMENTS, 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, Town of Clayton Engineering staff has inspected the public utility segments listed below 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; 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.

SUBDIVISION	LOCATION DESCRIPTION	UTILITY TYPE AND SIZE	LENGTH
Spinning Mill Apartments	Peterman Dr.	8" Waterline	158.00 LF
		Total:	158.00 LF

Duly adopted this on the 3rd day of April 2023.

Jody McLeod
Mayor

ATTEST:

Heidi L. Holland, CMC, NCCMC
Town Clerk



Regular Town Council Meeting Agenda Cover Sheet

Meeting Date

April 3, 2023

Agenda Location

CONSENT AGENDA

Item Title

Resolution 2023-17: To Accept Streets into the Town Of Clayton Street System for Maintenance – Cameron Crossing, Phase 1

Presenter(s)

Jonathan K. Jacobs, PE, CFM - Assistant 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

Streets and rights-of-way are required to be designed and built according to the Town of Clayton Manual of Standards, Specifications, and Design. Engineering staff has verified through the inspection process that the subject street and right of sections have been installed to meet or exceed this standard and recommends final acceptance. Upon final acceptance, the subject streets are eligible for funding through NCDOT's Powell Bill Program.

Funding Source

N/A

Corresponding Documentation

[Resolution](#)

Submitted By: Chris Rowland, Engineering

Reviewed By:

Jonathan Jacobs, Assistant
Engineering Director

Approved - Mar 27 2023

Heidi Holland, Town Clerk

Approved - Mar 28 2023

**RESOLUTION TO ACCEPT STREETS INTO THE TOWN OF CLAYTON STREET SYSTEM FOR
MAINTENANCE – CAMERON CROSSING, PHASE 1**

WHEREAS, streets and right-of-way are required to be designed and built according to the Town of Clayton Manual of Standards, Specifications and Design; and

WHEREAS, approval by the Town of Clayton Town Council is necessary for eligibility for receiving funding from the NCDOT's Powell Bill Program.

WHEREAS, the street segments listed below were placed under a warranty period for one-year to monitor for construction deficiencies, which has subsequently expired; and

WHEREAS, Town of Clayton Engineering staff has inspected the street segments referenced below and recommends final acceptance by Town Council for 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 streets and right-of-way into the Town of Clayton Street System.

SUBDIVISION	STREET NAME	BEGINNING DESCRIPTION	END DESCRIPTION	LENGTH
Cameron Crossing, Ph 1	Enterprise Drive	SW Property Line	Phase Line (Phase 2)	690.00
Cameron Crossing, Ph 1	Blakely Street	Enterprise Drive	SE Property Line	770.00
Cameron Crossing, Ph 1	Cameron Way	Enterprise Drive	Blakely Street	764.00
Cameron Crossing, Ph 1	Liam Street	Cameron Way	Phase Line (Phase 3)	340.00
TOTAL				0.5 MI

Duly adopted this the 3rd day of April 2023.

Jody McLeod
Mayor

ATTEST:

Heidi L. Holland, CMC, NCCMC
Town Clerk



Regular Town Council Meeting Agenda Cover Sheet

Meeting Date

April 3, 2023

Agenda Location

CONSENT AGENDA

Item Title

Resolution 2023-18: To Accept Streets into the Town Of Clayton Street System for Maintenance – Highgate Subdivision, Phase 3

Presenter(s)

Jonathan K. Jacobs, PE, CFM - Assistant 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

Streets and rights-of-way are required to be designed and built according to the Town of Clayton Manual of Standards, Specifications, and Design. The subject streets have been verified through inspections to have been installed per the Town's Manual of Standards, Specifications, and Design. Engineering staff recommends final acceptance of the subject streets. Upon final acceptance, the subject streets are eligible for funding through NCDOT's Powell Bill Program.

Funding Source

N/A

Corresponding Documentation

[Resolution](#)

Submitted By: Michael Worner, Engineering

Reviewed By:

Jonathan Jacobs, Assistant
Engineering Director

Approved - Mar 27 2023

Heidi Holland, Town Clerk

Approved - Mar 28 2023

**RESOLUTION TO ACCEPT STREETS INTO THE TOWN OF CLAYTON STREET SYSTEM FOR
MAINTENANCE – HIGHGATE SUBDIVISION, PHASE 3**

WHEREAS, streets and right-of-way are required to be designed and built according to the Town of Clayton Manual of Standards, Specifications and Design; and

WHEREAS, approval by the Town of Clayton Town Council is necessary for eligibility for receiving funding from the NCDOT's Powell Bill Program;

WHEREAS, the street segments listed below were placed under a warranty period for one-year to monitor for construction deficiencies, which has expired; and

WHEREAS, Town of Clayton Engineering staff has inspected the street segments and recommends final acceptance by Town Council for 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 streets and right-of-way into the Town of Clayton Street System.

SUBDIVISION	STREET NAME	BEGINNING DESCRIPTION	END DESCRIPTION	LENGTH
Highgate Subdivision Phase 3	Streamliner Blvd.	Hopper Circle	Hopper Circle	0.22
Highgate Subdivision Phase 3	Cupota Dr.	Hopper Circle	Cupota Dr. Cul-de-sac	0.12
Highgate Subdivision Phase 3	Crestdale Dr.	Streamliner Blvd.	Crestdale Dr. Cul-de-sac	0.02
TOTAL				0.51 mi

Duly adopted this on the 3rd day of April 2023.

Jody McLeod
Mayor

ATTEST:

Heidi L. Holland, CMC, NCCMC
Town Clerk

2023 World Autism Awareness Day & World Autism Month Proclamation

WHEREAS autism spectrum disorder effects an estimated 1 in 44 U.S. children and 1 in 45 U.S. adults and is a complex condition that affects each person differently, results in unique strengths and challenges; and

WHEREAS autism can cause challenges with verbal and nonverbal communication, social interaction, and repetitive behaviors, and can affect anyone, regardless of race, ethnicity, gender, or socioeconomic background; and

WHEREAS autism is often accompanied by medical conditions that impact quality of life; and

WHEREAS a comprehensive, collaborative approach will help to advance research, providing a better understanding of the many forms of autism, strengthen advocacy efforts and ensure access to services and resources throughout the lifespan and across the spectrum; and

WHEREAS early diagnosis and intervention tailored to individual needs can have lifelong benefits, easing the transition to adulthood and fostering greater independence; and

WHEREAS each person and family affected by autism should have access to reliable information and support; and

WHEREAS autistic people should have opportunities to reach their full potential and the whole of society stands to benefit from this; and

WHEREAS the Town of Clayton is honored to take part of the annual observance of World Autism Month and World Autism Awareness Day to address the diverse needs of individuals with autism and their families; and

WHEREAS the Triangle Area Networking Group (TANG – Johnston County Chapter) along with the Clayton Fire Department, invite the Clayton Town Council to the event, *Autism Awareness Month: Accept. Understand. Love.*, which will be held on April 29, 2023 from 10:00 a.m. – 12:00 p.m.; and

NOW THEREFORE, WE, the Clayton Town Council hereby proclaim April 2023 as **WORLD AUTISM MONTH** and April 2, 2023, as **WORLD AUTISM AWARENESS DAY** in the Town of Clayton and citizens are encouraged to create a kinder, more inclusive world for people with autism spectrum disorder.

Proclaimed this the 3rd day of April, 2023.

Jody L. McLeod

Mayor

*P*roclamation

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for planting trees; and

WHEREAS, the holiday, Arbor Day, was first observed with the planting of more than one million trees; and

WHEREAS, Arbor Day is now observed throughout the nation and the world; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling cost, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

WHEREAS, when properly selected and tended appropriately, trees increase property values, enhance economic vitality of business districts, provide buffers from traffic and provide a natural playground for people of all ages; and

WHEREAS, the Town of Clayton has been named Tree City, USA for the 17th year in a row and continues to maintain and improve our urban forest by the planting of additional trees to enhance our community; and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal; and

NOW, THEREFORE, LET IT BE PROCLAIMED by the Honorable Mayor and Clayton Town Council that Friday, April 28, 2023 be recognized as "**Arbor Day**" and we urge all citizens to celebrate Arbor Day and support efforts to protect our trees and woodlands. We encourage all citizens to plant trees to promote the well-being of this and future generations.

Proclaimed this the 3rd day of April 2023.

Jody L. McLeod
Mayor

**PROCLAMATION
WEEK OF THE YOUNG CHILD
APRIL 2023**

WHEREAS, the Clayton Chamber of Commerce, along with the Partnership for Children of Johnston County, Inc., along with other local organizations, in conjunction with the National Association for the Education of Young Children are celebrating the Week of the Young Child™—a time to promote the needs of young children, their families, and the early childhood programs that serve them because the first years of a child’s life are the period of most rapid brain development and lay the foundation for all future learning and success; and

WHEREAS, children’s cognitive, physical, social and emotional, and language and literacy development are built on a foundation of children’s positive interactions with adults, peers, and their environment; and

WHEREAS, public policies that support early learning for all young children are crucial to young children’s futures and to the prosperity of our society as participation in high–quality early childhood education saves taxpayer dollars, makes working families more economically secure, and prepares children to succeed in school, earn higher wages, and live healthier lives; and

WHEREAS, high–quality early childhood education depends on high–quality early childhood educators who ensure that children, supported by families, have the early experiences they need for a strong foundation; and

WHEREAS, the majority of these costs, which often exceed the cost of a year of college tuition, are borne by parents, who often can’t afford it; and

WHEREAS, young children need early childhood educators who are incentivized and supported to provide high–quality care to those with high and special needs; and

WHEREAS, working families need robust subsidies, scholarships, and tax credits for families at all income levels that support the true cost of quality early childhood education; and

WHEREAS, early childhood educators need the ability to earn a family–sustaining wage that is commensurate with the required education and skills they bring to the complex and valuable work they do; and

THEREFORE, on the behalf of the Clayton Town Council, I Mayor Jody McLeod, do hereby proclaim April 1-7, 2023 as the Week of the Young Child™ and hereby encourages all citizens to work to support and invest in early childhood in the Town of Clayton.

Proclaimed this the 3rd day of April 2023.

Jody L. McLeod
Mayor