



**Town of Clayton
Regular Town Council Meeting Minutes
Tuesday, June 21, 2022, at 6:00 PM
Council Chambers
111 E Second Street, Clayton, NC**

Council Present: Mayor Jody L. McLeod, Mayor Pro Tem Jason Thompson, Council Member Andria Archer, Council Member Porter Casey, Council Member Avery Everett, Council Member Michael Sims

Council Absent: None

Staff Present: Interim Town Manager Rich Cappola, Town Attorney Emily Cauley-Schulken, Deputy Town Clerk Heidi Holland, Interim Town Manager Lee Barbee, Finance Director Robert McKie, Police Chief Greg Tart, Assistant Town Engineer Jonathan Jacobs, Communication Director Nathanael Shelton, Communication & Marketing Specialist Cat White, Economic Development Director Patrick Pierce, Development Services Manager Dede Bumgarner, Procurement Contracts and MWBE Manager Shaun Mizell, Maintenance Superintendent James Blalock, Planner I Bruce Venable, Planning Director Ben Howell, Project Manager Pat Paine

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. Adjustment of the Agenda

Interim Town Manager Cappola requested the following adjustments of the agenda:

- Move Item 4a to the July 18 agenda
- Move Item 7b to the July 18 agenda
- Add as Item 8c. Grant Project Ordinance Budget

- Add as Item 9d. County RFP for Municipal Funding Requests for Water, Wastewater and Stormwater Projects
- Add as Item 9d, Other Staff, County RFP for Municipal Funding Requests for Water, Wastewater and Stormwater Projects
- Add as Item 9d, Other Staff, brief update on the CAMPO Southeast Area Study Update

ACTION:

MOVER: Council Member Archer moved to approve the agenda as amended.

SECONDER: Council Member Everett

VOTE: Unanimous

3. CONSENT AGENDA

a. Minutes:

- May 16, 2022, Regular DRAFT Minutes
- June 6, 2022, Closed Session DRAFT Minutes
- June 6, 2022, Work Session DRAFT Minutes
- June 6, 2022, Regular DRAFT Minutes

b. Ordinance 2022-06-04 Amendment to Chapter 75 of the Code of Ordinances; S Fayetteville Street

Presenter: Jonathan Jacobs, Assistant Town Engineer

c. Ordinance 2022-06-05 Amendment to Chapter 74 of the Code of Ordinances to the Town of Clayton; E. Horne Street Parking

Presenter: Jonathan Jacobs, Assistant Town Engineer

d. Ordinance 2022-06-09 Amendment to Chapter 74 of the Code of Ordinances to the Town of Clayton; South Connector Parking

Presenter: Jonathan Jacobs, Assistant Town Engineer

e. Resolution 2022-36 to Accept Streets into the Town of Clayton Street System for Maintenance - Riverwood Athletic Club (RWAC) Street Acceptance Tract B5

Presenter: Jonathan Jacobs, Assistant Town Engineer

f. Resolution 2022-35 Directing the Clerk to Investigate a Petition for Annexation 2022-79-ANX O'Neil Overlook, located near N O'Neil Street and Oakdale Avenue

Presenter: Bruce Venable, Planner I

g. Proclamation for National Summer Learning Week

Presenter: Joy Garretson, Library Director

ACTION:

MOVER: Council Member Casey moved to approve the consent agenda as presented.

SECONDER: Council Member Everett

VOTE: Unanimous

4. ADMINISTRATIVE ITEMS

- a. Downtown Parking Master Lease Agreement; Resolution 2022-37
Presenter: Jim Cauley, Town Attorney; Ruther Anderson, Mayor's Downtown Parking Taskforce Member; and Patrick Pierce, Economic Development Director

This item was moved to the July 18, 2022, council meeting.

- b. Downtown Development Advisory (DDA) Board Recommendations
Presenter: Patrick Pierce, Economic Development Director

Mr. Pierce stated there were four vacancies all with terms expiring June 30, 2025. Five applicants applied for these positions. Mr. Pierce shared the recommendations and stated the one applicant not for the board will participate in a committee. The recommendations are:

- Erin Belcher
- John David Millican
- Greg Adamson
- Katie Spalding

ACTION:

MOVER: Council Member Casey moved to approve the presented recommendations.

SECONDER: Council Member Archer

VOTE: Unanimous

5. INTRODUCTIONS AND SPECIAL PRESENTATIONS

- a. Presentation of Lifesaving Award
Presenter: Jody McLeod, Mayor

Mayor McLeod stated Town of Clayton employee Christian Holder, performed the Heimlich Maneuver that saved another employee's life. He presented Mr. Holder with a Lifesaving Award certificate and thanked him for his heroism.

- b. New Employee Introductions:
Presenter: Dede Bumgarner, Development Services Manager
- Love Ott, Land Development Specialist

Presenter: Jonathan Jacobs, Assistant Town Engineer

- Brian Spear, Construction Project Administrator

Presenter: Shaun Mizell, Procurement Contracts and MWBE Manager

- Kristie Germano, Warehouse Supervisor
- Derryel Anderson, Procurement Technician
- Tommy Davis, Warehouse Coordinator

Introduction of Interns:

Presenter: Nathanael Shelton, Communication Director

- Jada Smith, Communication Intern
- Daniel Bizzell, Visual Communication Intern

Introduction of Interim Clayton Center Director:

Presenter: Dolores Gill, Deputy Town Manager

- Steven Langston

Employee Recognition

Presenter: James Blalock, Maintenance Superintendent (Water Resources)

- Kyle Brady (Grade 1 Collections Certification Exam)
- Christian Holder (Grade 1 Collections Certification Exam)
- Jake Kyer (Grade 4 Collections Certification Exam)
- Chris Snead (Grade B Water Certification Exam) *This is a state recognized certification for the North Carolina Water Treatment Facility Operators Board of Certification.*

Ms. Bumgarner stated they are now fully staffed. She introduced Ms. Ott as the new Development Services Manager. Council thanked and welcomed her.

Mr. Jacobs introduced Mr. Spear, new Construction Project Administrator. This completes the Engineering Department. Mr. Spear stated he is happy to be here.

Mr. Mizell stated over the past year, he has been able to realign staff to make the procurement team more proficient. He introduced Kristie Germano as the new Warehouse Supervisor, Derryel Anderson as the Procurement Technician and Tommy Davis as the Warehouse Coordinator. He shared the new procedures of the warehouse.

Ms. White introduced the summer interns, Jada Smith, and Daniel Bizzell, and stated they have really grown in the short time since they have been here.

Mr. Cappola introduced Mr. Langston and stated he has graciously stepped into the position as Interim Clayton Center Director. Mr. Langston stated the Clayton Center is truly excited and they have a great staff.

Mr. Blalock spoke of Christian Holder and his lifesaving effort. He spoke on staff that received their certifications, Kyle Brady, Christian Holder, Jake Kyer and Chris Snead.

Mayor and Council welcomed everyone and commended staff on their achievements.

6. PUBLIC HEARINGS

- a. Rezoning Request 2022-54-RZ Meridian Center located at 935 Shotwell Road
Presenter: Bruce Venable, Planner I

Mr. Venable stated this request is to rezone from I-1 to O-1. The property is 6.63 acres and is located along 935 Shotwell Road in between HWY 70 Business and Old Highway 70. This request is consistent and compatible with Comp Plan 2045. Planning Board recommended approval as well as staff.

Considerations for this request include:

- Approval of the rezoning would allow any permitted use within the O-I Zoning District to be constructed on the site. Town Council should consider all potential uses of the site when considering the rezoning.
- Before taking action on a rezoning, the Town Council shall consider the recommendations of the Planning Board and Planning Staff.
- The Town Council may approve the rezoning, deny the rezoning, or send the rezoning back to the Planning Board for additional consideration.
- Concurrently with adopting, denying, or remanding any rezoning, the Town Council shall adopt a statement describing whether its action is consistent with the adopted plans and policies of the Town and explaining why the Town Council considers the action taken to be reasonable and within the public interest.

Provided was a provided statement of consistency and reasonableness.

This was noted as a public hearing. Mayor McLeod opened the floor for any public comment.

Attorney Bob Spence spoke and stated he is speaking on behalf of the applicant who is trying to rezone this land to be consistent with new UDO.

With no one wishing to speak, this public hearing was closed and turned over to council for deliberation.

ACTION:

MOVER: Council Member Archer moved to approve 2022-54-RZ Meridian Center with the statement of consistency and reasonableness.

SECONDER: Council Member Everett

VOTE: Unanimous

7. OLD BUSINESS

- a. Fiscal Year 2022-2023 Town of Clayton Budget Ordinance 2022-06-02 and Comprehensive List of Fees and Charges 2022-06-01.

Presenter: Robert McKie, Finance Director

Mr. Cappola provided an update on this item . He stated it has been asked from citizens where are the increases coming from, he provided on an overview of cost increases to the Town. He asked the Procurement Department to review recent invoices to tell the story of how we got where we

are today. He discussed the increases across the departments in regard to utilities and supplies.

He stated growth is a factor as well. He stated year after year statistics show the tremendous growth in Clayton, we are looking at growth of 5 people per day which is significant. This growth has outpaced the cost of items going up. Additionally, it was asked what an Ad Valorem Adjustment would look like. He stated that a penny rate increase would bring in approximately \$283,000 of revenue, 2 penny increase would generate \$566,812 and a 3-penny increase would generate \$850,218 of revenue. A 2-cent increase would allow the Town to balance the budget.

Council Member Sims asked if Mr. Cappola knows what the house tax median is. Mr. McKie stated he does not have that, the number on the footnote is information received off Zillow. He has reached out to the County but does not have that information yet. As soon as it is available, he will provide it.

Council Member Casey asked when was last time Johnston County did an assessment, Mr. McKie stated the next reevaluation would be in 2025, effective for our FY 2026. The last one was completed in 2019. Council Member Sims asked when was the last time a tax increase went into effect, Mr. McKie stated 3 or 4 years ago, it was \$0.55/.56 and was increased to \$0.58. Council Member Casey stated regarding electric rate increase, he asked what year we decreased those rates, Mr. McKie stated back in 2014/2015 was a rate reduction to the Town. Since that time, we have not had any rate increases.

Council Member Archer stated these are hard decisions to make and everyone worries how this effects our neighbors. She stated she sees no way around the rate increases. Utility rates need to cover its own expenses. Council Member Archer discussed System Development fees; she stated those fees are available on the Town's website at Town of Clayton Development Fees. She stated she has evaluated the information that was given and takes full responsibility for her decision. She stated to maintain the quality of Clayton, she feels there should be a 2-cent tax increase to get Clayton where it needs to be.

Council Member Casey stated he understands the frustration and everywhere you go there are increases. This ultimately goes back to everything increasing right now. He stated the Town is effected by these increases as well. He stated he feels there is a lot of misinformation out there. We have to do this for the Town's sustainability. Council Member Sims stated at the end of the day, this is a decision that is called a "Have To" if we want to continue to operate. He urged citizens to always reach out to him with any concerns and he would welcome a discussion.

Mayor Pro Tem Thompson stated the rate increase is an absolute must, there is no way around this. We get great value for what we pay for while still only paying for what we need. He asked what is it that our citizens are willing to do without if there is not a tax increase? He stated he does not like the tax

increase but would rather ask a little now than to sticker shock somewhere down the line.

Mayor McLeod stated this Council has done a tremendous giving their time, additional meetings, studying information and they have turned this budget inside out. Historically when the Town has asked for a rate increase its because they have needed it. He stated he hears everyone's concerns. He stated if this Council continues on the path they are, and if there is an opportunity to reduce utility rates, they will. But this year, what is required is an increase. He stated he is proud of this Council for doing their homework in regard to this budget.

ACTION:

MOVER: Council Member Archer moved to approve Ordinance 2022-06-01 for Comprehensive List of Fees and Charges for FY 2022-2023

SECONDER: Council Member Sims

VOTE: Unanimous

ACTION:

MOVER: Council Member Archer moved to approve Fiscal Year 2022-2023 Town of Clayton Budget Ordinance 2022-06-02

SECONDER: Council Member Everett

VOTE: Unanimous

- b. Sam's Branch Wastewater Reclamation Facility (WRF) Contract Amendment
Presenter: Louis Duffie, Project Manager

This item was moved to the July 18, 2022, council meeting.

8. NEW BUSINESS

- a. Amendment to the following Capital Project Budget Ordinances:
- Ordinance 2022-06-07 for 616 - 2021 GO Bonds Park Projects
 - Ordinance 2022-06-08 for 641 - Sam's Branch Water Reclamation Facility

Presenter: Robert McKie, Finance Director

Mr. McKie stated these are two-year end closeout budget amendments related to a couple capital project budget ordinances. This is a yearend housekeeping item. The first one, Fund 641 (Sam's Branch WRF), realigns the construction budget with professional services.

The second budget amendment is for the GO Bonds Park Projects that were recently issued. There were higher closing fees than anticipated which calls for an expense realignment.

ACTION:

MOVER: Mayor Pro Tem Thompson moved to approve Ordinance 2022-06-07

SECONDER: Council Member Archer

VOTE: Unanimous

ACTION:

MOVER: Mayor Pro Tem Thompson moved to approve Ordinance 2022-06-08

SECONDER: Council Member Everett

VOTE: Unanimous

- b. **Planning Department Small Area Plans Budget Ordinance 2022-06-10 Amendment**

Presenter: Ben Howell, Planning Director

Mr. Howell provided a quick update on small area plans. He stated the 2045 Comprehensive Growth Plan recommended development of several small area plans as near- and mid-term action items.

- US 70/NC 42 W
- Update of Downtown Master Plan
- US 70 Business/NC 42 E
- US 70 Business Western Gateway

Based on Council direction, staff has finalized the selection of consultants for the first two of these Small Area Plans:

- An Update of the 2010 Downtown Master Plan
- A Small Area Plan for the US 70/NC 42 interchange and surrounding area

For the Downtown Master Plan Update, The McAdams Teams was selected by staff after a review of qualifications and an interview process. The timeline for this project is 6 to 8 months. The project area is bordered by US 70 Business, NC 42 E. Front St intersection, Stallings Street and Stallings/Main Street intersection.

The Major Scope Tasks include:

- Review of existing Plans and Ordinances
- Review of existing infrastructure and planned infrastructure projects in downtown area
- Public Engagement – 3 Public workshops, 3 Stakeholder Workshops, Online Survey
- Recommendation of language for Downtown Overlay Zoning District
- Transportation, Market and Architectural Analysis and Recommendations

Project cost is: \$165,000.

The next plan, the Future I-42/NC 42 Small Area Plan, the LS3P Team was selected by staff after a review of qualifications and an interview process. The project area for this plan is the area generally bordered by Amelia Church Road, Winston Road, Cornwallis Road and Barber Mill/Jack Road.

The scope is divided into four Phases:

- Phase 1 – Review: Review of existing plans/ordinances, Data collection, Community/Stakeholder Listening Session, Development of Plan Objectives
- Phase 2 – Assessment: General assessment of study area (existing/planned developments, regulatory framework, area character, constraints), Traffic Study, Market Study, Opportunity Identification, Community/Stakeholder Vision Workshop
- Phase 3 – Empower: Development of Plan Options, Concepts for Mobility and Infrastructure, Land Use and Public Realm, Regulatory Testing, Community/Stakeholder Master Plan Workshop
- Phase 4 – Implement: Development of draft Small Area Plan, Community/Stakeholder Workshop to present draft Plan

Project cost is \$175,000.

Council Member Archer stated she is excited to see two plans come through. This has been talked about for a while and these are key areas for this town and a good opportunity to steer quality development.

ACTION:

MOVER: Council Member Casey moved to approve Ordinance 2022-06-10

SECONDER: Council Member Sims

VOTE: Unanimous

c. **Grant Project Ordinance Budget #2022-06-11**

Presenter: Robert McKie, Finance Director

Mr. McKie stated this request is for approval on a grant project budget ordinance related to the American Rescue Plan Act (ARPA). The town will receive approximately \$7.9 million of ARPA funds as a non-entitlement unit. The town already received a little under \$4 million. This grant project budget will result in creation of a special revenue fund and would allow the town to utilize these funds for salaries and wages.

ACTION:

MOVER: Council Member Archer moved to approve Ordinance 2022-06-10

SECONDER: Mayor Pro Tem Thompson

VOTE: Unanimous

9. STAFF REPORTS

a. **Town Manager**

Mr. Cappola thanked Mr. McKie and staff for all their hard work and sacrifices during this budget process.

He provided an update on the water reclamation facility. We are moving forward with finalizing the bid set of drawing for the plan to be posted in late July. There will be a pre-qualification process for all contractors involved in this project, that should be posted on the town's website in the next day or so and hit the state's IPS website by the end of the week.

b. Town Attorney

No report.

c. Town Clerk

No report.

d. Other Staff

Planning and Engineering Review Process Update

Presenter: Ben Howell, Planning Director

CAMPO Southeast Area Study Update

Presenter: Ben Howell, Planning Director

Mr. Howell stated CAMPO is updating the 2017 Southeast Area Study. This study will look at land use and transportation recommendations. The study will be used to inform future long-range transportation plans. The public engagement period will open after July 4 and staff is working to have CAMPO staff at the July 18th meeting.

Planning and Engineering Review Process Update

Presenter: Ben Howell, Planning Director

Mr. Howell provided an update on the Development Review Process. Planning and Engineering spent the last several months reviewing current development review processes and discussing potential changes. They also reviewed feedback received from the Chamber's Development Stakeholder group. These are effective July 1st and align with tonight's adopted comprehensive fees.

New/Updated Processes

- Rolling Submittals will be accepted any business day
- Opportunity to do Concurrent/Combined Submittals (combined site plan and construction drawings)
- New/Revised Applications and Checklists

Revised Review Timelines for most applications will have 30 business days for first review, 15 business days for subsequent reviews. There are a few applications that will have quicker review periods of 15 business days and some simple applications such as zoning permits will be five business days. Other process improvements include continuing to require pre-application meetings, staff will hold internal Technical Review Committee meetings twice a month and offer 3 Technical Review Committee meetings for applicants.

Another one is trying to get development case management software to help with workflow. Goal is to become completely paperless by this fall.

Council Member Sims stated this is all outstanding. He stated he would like to focus on Customer Experience, that is something would continue to be worked on. Mayor Pro Tem Thompson stated this is a big step towards maximizing our efficiency. This is good for the town as well as the Development community.

County RFP for Municipal Funding

Presenter: Pat Pierce

Mr. Pierce spoke on ARPA funding. The county has received funding and they have \$5.5 million dollars they are making available to the 11 municipalities in Johnston County, these funds will be used for stormwater or sewer projects. He stated he has been working on some projects, he shared the qualifications and requirements. He stated all proposals need to be in by June 30. Project awards will be by September 19. He listed the projects he has been working on to include:

- Clean up of the interconnect meters with the county
- Realign the sewer on Lombard Street
- Stormwater project (N. Church Street culvert) and
- HWY 70 water line extension

10. OTHER BUSINESS

a. Informal Discussion & Public Comment

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

No one spoke.

b. Council Comments

11. CLOSED SESSION

a. Closed Session to Discuss Economic Development NCGS 143-318.11(a)(4) **Presenter: Rich Cappola, Interim Town Manager**

ACTION:

MOVER: Council Member Sims moved to go into closed session at 7:55 p.m.

SECONDER: Council Member Casey

VOTE: Unanimous

ACTION:

MOVER: Mayor Pro Tem Thompson moved to return to open session at 9:07 p.m.

SECONDER: Council Member Archer

VOTE: Unanimous

12. ADJOURNMENT

a. Motion to Adjourn

ACTION:

MOVER: Mayor Pro Tem Thompson moved to adjourn at 9:08 p.m.

SECONDER: Council Member Sims

VOTE: Unanimous

Duly adopted this 18th day of July 2022 in regular session.

ATTEST:

Jody L. McLeod,
Mayor

Heidi L. Holland, NCCMC
Deputy Town Clerk