



Town of Clayton
Regular Town Council Meeting Minutes
Monday, July 18, 2022, at 6:00 PM
Council Chambers

Council Present: Mayor Jody McLeod, Council Member Jason Thompson, Council Member Andria Archer, Council Member Porter Casey, Council Member Avery Everett, and Council Member Michael Sims

Council Absent: None

Staff Present: Interim Town Manager Rich Cappola, Interim Town Clerk Sherry Scoggins, Deputy Town Clerk Heidi Holland, Town Attorney – Cauley Pridgen Jim Cauley, Deputy Town Manager Dolores Gill, Fire Chief Lee Barbee, Finance Director Robert McKie, Police Chief Greg Tart, Town Engineer Joshua Baird, Assistant Town Engineer Jonathan Jacobs, Communication Director Nathanael Shelton, Planning Director Ben Howell, and Planner II Aaron Prichard

1. CALL TO ORDER

- a. Mayor McLeod called the meeting to order at 6:00 p.m. He led the Pledge of Allegiance and provided the Invocation.

2. ADJUSTMENT OF THE AGENDA

- a. No adjustments of the agenda were made.

3. CONSENT AGENDA

- a. Minutes:
 - DRAFT June 21, 2022, Minutes
 - DRAFT June 21, 2022, CS Minutes

Presenter: Heidi Holland, Deputy Town Clerk
- b. Certificate of Sufficiency and Resolution 2022-38 Fixing the Date of Public Hearing for Annexation Petition 2022-79-ANX O'Neil Overlook, located near N O'Neil Street and Oakdale Avenue
Presenter: Bruce Venable, Planner I
- c. Resolution 2022-39 Directing the Clerk to Investigate a Petition for Annexation 2022-9-ANX Ashcroft Section 2 which is located at North O'Neil Street and Covered Bridge Road near the Mountain to Sea Trail.
Presenter: Bruce Venable, Planner I
- d. Resolution 2022-40 Directing the Clerk to Investigate a Petition for Annexation 2022-100-ANX for River Mews which is located at 1603 NC HWY 42, Clayton.
Presenter: Bruce Venable, Planner I

- e. Resolution 2022-42 to Accept Public Utilities into the Town of Clayton Public Utility System for Maintenance - Carolina Overlook Phase 1
Presenter: Jonathan Jacobs, Assistant Town Engineer
- f. Resolution 2022-43 to Accept Public Utilities into the Town of Clayton Public Utility System for Maintenance - Champion West
Presenter: Jonathan Jacobs, Assistant Town Engineer
- g. Resolution 2022-44 to Accept Public Utilities into the town of Clayton Public Utility System for Maintenance - The Walk at East Village, Amenity Center
Presenter: Jonathan Jacobs, Assistant Town Engineer
- h. Resolution 2022-46 to Accept Public Utilities into the Town of Clayton Public Utility System for Maintenance - the Walk at East Village, Phase 1 and Sanitary Sewer Outfall
Presenter: Jonathan Jacobs, Assistant Town Engineer
- i. Resolution 2022-45 to Accept Streets into the Town of Clayton Street System for Maintenance - The Walk at East Village, Phase 1
Presenter: Jonathan Jacobs, Assistant Town Engineer
- j. Resolution 2022-47 to Accept Public Utilities into the Town of Clayton Public Utility System for Maintenance - The Walk at East Village, Phase 2A & 2B
Presenter: Jonathan Jacobs, Assistant Town Engineer

Approve the Consent Agenda, as presented.

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

4. ADMINISTRATIVE ITEMS

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

Mr. Pierce and Ruth Anderson spoke on this item. Mr. Pierce stated they are there tonight for approval on a resolution with a Master Parking Agreement. The idea is to have a master template to work with downtown property owners about making private parking lots available during off hours and to create public private partnerships. This agreement lays out a template that allows negotiation and allows town staff, town attorney, town manager and Mr. Pierce to enter into those.

He stated the outreach with property owners has been positive. Some of the concerns that have been brought up are addressed in the individual exhibits in the agreement.

Mr. Pierce thanked the Task Force on all of their work on this. Ms. Anderson thanked Mayor McLeod for creating this task force together and thanked the council for this opportunity.

Council Member Casey asked if this template could adapt or change under conditions. Mr. Pierce stated yes, it was created as a template to have flexibility.

Council Member Archer stated she is excited to see this has come this far. She stated she noticed the leases are 3–5-year term, just thinking of budgets as moving forward, thinking down the road how much money we are putting toward short-term leases and would like to think in long-term moving forward.

Mr. Pierce said this is an interim step. He stated this has been a great collaboration between the town and property owners and it has let property owners feel heard.

Approval of the Master Lease Agreement and Resolution 2022-37

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

5. INTRODUCTIONS AND SPECIAL PRESENTATIONS

a. New Employee Introductions:

Presenter: Lee Barbee, Interim Deputy Town Manager

- Allen Turnage, Electric Director

Presenter: Joshua Baird, Engineering Director (***Mr. Robbins could not make it tonight***)

- Tim Robbins, Project Manager

Presenter: William "Bill" Simpson; Superintendent, Water Reclamation

- Michael Rately
- Ilona Williams

Employee Recognition

Presenter: William "Bill" Simpson; Superintendent, Water Reclamation

- Chad Wallace, Grade 3 Biological Certification
- Mattie Frazier - Grade 3 Biological Certification and Grade 2 Laboratory Analyst
- Michael Ratley - Grade 1 Biological Certification

Chief Barbee introduced Allen Turnage as the town's new Electrical Director. He stated he has almost 35 years experience with Duke Energy and has been a member of the community and has served on the Wilson's Mills Fire Department for 28 years. Mr. Turnage thanked Council for the opportunity.

Mr. Valdiviezo introduced Water Reclamation apprentices Michael Rately and Ilona Williams. They both thanked Council and stated they look forward to the opportunity.

Mr. Valdiviezo recognized employees Chad Wallace, Mattie Frazier and Michael Ratley for obtaining their recent certifications. All thanked the town for their continued educational opportunities.

b. Presentation of the Capital Area Metropolitan Planning Organization (CAMPO) Southeast Area Study Update

Presenter: Ben Howell, Planning Director

Mr. Howell provided an update on this study and shared the agenda:

1. Project Background
2. Project Partnership and Involvement
3. Schedule and Outreach Strategy
4. Looking Ahead

He stated the project background is this study integrates land use and transportation to accommodate existing and future travel needs for the purpose of reevaluating and revising, as needed.

Shared were Guiding Principles including sustainable growth, traffic flow, traffic safety, economic vitality. The biggest purpose of this study is to look at traffic transportation and land use in an integrated way for this part of the CAMPO region.

Shared were maps of 2017 Study Area and also 2023 Study Area. He stated this study is a partnership of CAMPO, NCDOT, Upper Coastal Plan Rural Planning Organization; CAMPO being the lead.

The study team for consists of two sub-teams:

The Stakeholder Oversight Team (SOT):

- Represent diverse community interests
- Meet formally up to four times key steps
- Provide guidance and direction
- Volunteer to participate at public events
- Communicate information through individual networks

The Core Technical Team (CTT):

- Represent various planning entities and jurisdictions within the southeast area in the process and substance of the plan
- Meet formally up to seven times
- Provide local insight and institutional knowledge on planning issues
- Aid in engagement and communication
- Conduit to agency's SOT member(s)

Shared was a Public Engagement schedule, he stated we are at the second step now of this schedule. During this phase of the study, the consultants will be preparing the State of the Region and begin their policy and plan review and developing the baseline scenarios and the deficiency analysis.

The public engagement plan has been developed and that schedule and strategy defines performance measures. The plan also establishes goals for public engagement.

He stated we are in the Phase 1 Engagement for activities and events. 6 pop-up events are scheduled over the next two weeks and an online survey is available that can be accessed through the website. Clayton pop-up events include: Farmer's Market and Last Friday in Clayton.

Shared was the Technical Analysis:

- State of the Region existing conditions analysis
- Review of adopted and ongoing plans
- Establish existing land use in model
- Deficiency Analysis
- Intersection "Hot Spots" Identification

Council Member Casey stated this is a very important study, he asked citizens to go to the social media site and fill out for study participation.

6. PUBLIC HEARINGS

6.1. Quasi-Judicial Hearing

- a. Special Use Permit 2022-35-SUP Park Aydee Eight request to construct 26 townhome units along Dairy Road near the intersection of Barber Mill Road
Presenter: Aaron Prichard, Planner II

Mayor McLeod opened and noted this as a public hearing and stated at the request of the applicant, it has been asked to continue this item to the Monday, September 19th council meeting.

Approve the request, deny the request, or send the request back to the Technical Review Committee for additional consideration

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

7. OLD BUSINESS

- a. Sam's Branch Wastewater Reclamation Facility (WRF) Contract Amendment
Presenter: Louis Duffie, Project Manager
Support Documents Added 7/14/2022

Mr. Duffie stated he is bringing before council a contract amendment to Gannett-Fleming's contract. He stated Gannett-Fleming submitted their GMP back in April, terms could not be met on the number so the town is exercising their right under the

contract to off-ramp them. This contract is a close out, the town is reducing their scope and finalizing what Gannett-Fleming will be paid.

Mr. Duffie stated in the \$21 million dollars, about \$11.8 has already been spent to date, that includes the full design, some work that has been done and materials. He stated the town is also getting services to get the design ready for bid which will be advertised in about two weeks. This project is changing from design build to design bid build.

Approve the Contract Amendment

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

8. NEW BUSINESS

- a. Ordinance 2022-07-01 Amendment to Chapter 71 of the Code of Ordinances - Truck Routes

Presenter: Jonathan Jacobs, Assistant Town Engineer

Mr. Jacobs discussed proposed truck ordinances specifically related to downtown. He stated multiple complaints and instances have triggered these ordinances:

- Staff has received resident complaints
- Turning/Sight Distance issues
- Utility Pole/Hydrant Damages
- Noise
- Roadway Damage
- GPS/Directions for non-local trucks

He stated the Traffic and Safety Committee has discussed this over the last three to six months. The current truck route ordinance prioritizes primary and secondary NCDOT routes and they conflict with some of the code that NCDOT has so we are promoting truck routes that are posted as limited tonnage. We also must focus on the local routes.

Primary routes are US 70 and NC 42 and secondary route is Guy Road and Shotwell Road. A limited tonnage road is a road that the state posts, it is essentially a restricted route for trucks.

Proposed Truck Proposal:

- Staff is recommending revising the existing truck route ordinance to major routes
- Focus on restricted routes in lieu of promoting where to drive
- We can't restrict all roads

Proposed Restricted Routes:

- S. Fayetteville St.
- S. Moore St.
- S. Smith St.
- Compton St.
- Durham St.

Other Locations:

- Barbour St. between Hamby and E. Main St.
- W. Second St. between Atkinson St. and S. Fayetteville St.
- E. Second St. between S. Fayetteville and E. Main St.
- E. Front St. between Central Avenue and N. O'Neil St.
- Pinecroft Dr. between Guy Road and NC 42 West

He stated neither the current ordinance or future ordinance will restrict local deliveries and truck traffic. There should not be any concern of trucks going to local businesses downtown.

Implementation Of This Plan:

- Staff will procure and install adequate signage in all restricted locations
- Communication and Outreach Team will publish the proposed changes through social media and the Town Website
- Staff will coordinate and distribute information to downtown businesses to share with vendors
- Implement 30-day grace-period
- Ongoing enforcement beyond grace-period
- Police Department to issue "warning" citations during grace-period

Council Member Casey thanked Mr. Jacobs for doing this. He asked if there is a statement that could be put into the permitting process regarding new developments, Mr. Jacobs stated there is a big educational piece that can go along with this at a pre-construction meeting or before a permit is issued. Council Member Casey asked how modifiable is this? Mr. Jacobs stated staff can present a change at any time and present back to council.

Mr. Jacobs discussed the Traffic and Safety Committee that is internal and consists of engineering, planning, operations staff, and police department that talk through these complex issues. There was discussion on businesses and citizens always getting the license plate of a truck that violates this ordinance to report it correctly.

Mayor Pro Tem Thompson stated regarding the 4-way stop, the north bound stop sign is obstructed, and this could be problem town wide with sight lines at intersections, he stated there are also some at O'Neil St. Mr. Jacobs said he would contact our streets department in the morning and will get this addressed.

Approve Ordinance 2022-07-01 Amendment to 71.02

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

Approve Ordinance 2022-07-02 Amendment to 71.03

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

9. STAFF REPORTS

a. Town Manager

Mr. Cappola stated today was the ribbon cutting for Municipal Park, he thanked everyone that was in attendance. He stated the park is open and ready for business. The bandshell is still waiting on a few elements before it would be open.

Saturday, July 23 at 10:00 a.m. will be the rededication of the All-Star Park to the Clyde Sinclair Park.

The Planning Department had a kick-off last week for the small area plan over at 42 and 70. Tomorrow will be the kick-off for the downtown master plan. In terms of internally, for staff training, Ann Game, Customer Service Director, has been leading up an internal staff professional development which will be coming up in the next month.

Update on the Wastewater treatment plant project, the intent is to have the re-bid set of documents available for contractors by July 29th. A pre-qualification has been done for those contractors, six submittals have been received. Goal is to have final bids due by September 2nd. He stated the stated graciously did include \$25 million of funding within their state budget toward this project.

b. Town Attorney

c. Town Clerk

d. Other Staff

Construction Site Safety Requirements

Presenters: Lee Barbee, Interim Deputy Town Manager and Robert Yarborough, Building Codes Supervisor

Square-to-Square Update

Presenter: Amy Shearin, Emergency Management & Special Events Coordinator

Stormwater Update

Presenter: Joshua Baird: Engineering Director

CONSTRUCTION SITE SAFETY REQUIREMENTS

Chief Barbee discussed a recent situation of a construction site that had safety requirements. He discussed how having access before and after construction is very important for fire protection but also for emergency response and law enforcement.

Mr. Yarborough spoke on this site that did not meet the requirements of both fire and building codes so a stop work order was issued. He went into further detail on this situation. He asked if there were any questions. Mayor McLeod stated he was happy to see we are doing our part to keep the safety and well-being of our citizens. Chief Barbee stated this has been a joint effort among multiple town departments.

SQUARE TO SQUARE UPDATE

Ms. Shearin gave an update on this event. On Saturday, July 2nd was the town's annual Square to Square event. She stated the crowd was bigger this year than last year. 1000 free snow cones were passed out and 90 watermelons were cut and distributed. She also discussed the new activities added this year. She stated this was a team effort between the Chamber, DDA volunteers, Generation Church and staff from almost every department.

She stated the feedback was overwhelmingly positive. Council gave their feedback and thanked staff for their hard work on this event.

STORMWATER UPDATE

Mr. Baird provided a stormwater update. The stormwater program began a year and a half ago. He discussed the MS4 permit; municipal, separate, storm, sewer, system is also known as the MPDS. The MS4, the MPDS Phase 2 permit is based on a 5-year cycle. The town received their permit in January of 2018 and the five-year mark is ending January 2023. He stated it is time to reapply. The permits for the next cycle are due August 4th, 2022.

The submittal includes an application as well as a stormwater management plan. He discussed the six minimum measures which includes: pollution prevention, good housekeeping, illicit discharge detection elimination system, public education outreach, and public participation and involvement.

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 wished to speak.

b. Council Comments

Council Member Sims recognized the Fire Department regarding the fire on Barbour Street. He stated he was very impressed with the implementation with the safety procedure they have in place.

11. CLOSED SESSION

- a. Closed session to discuss an economic development opportunity in accordance with NC GS 143-318.11 (a)(4)

Presenter: Rich Cappola, Interim Town Manager

Move To Go Into Closed Session at 7:23 p.m.

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

Motion to Return To Open Session at 7:55 p.m.

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

2. ADJOURNMENT

- a.

Motion To Adjourn at 7:56 p.m.

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

Duly adopted this 1st day of August 2022 in regular session.

ATTEST:

Jody L. McLeod,
Mayor

Heidi L. Holland, NCCMC
Deputy Town Clerk