Town of Clayton
Regular Town Council Meeting Minutes
Monday, January 3, 2022 @ 6:00 PM
Council Chambers

COUNCIL PRESENT:
Mayor McLeod
Mayor Pro Tem Thompson
Council Member Archer
Council Member Casey
Council Member Everett
Council Member Sims

STAFF PRESENT:
Rich Cappola, Interim Town Manager
Dolores Gill, D/Town Manager
Lee Barbee, Interim D/Town Manager
Jim Cauley, Town Attorney
Heidi Holland, D/Town Clerk
Ben Howell, Planning Director
Joshua Baird, Engineering Director
Patrick Pierce, Economic Development Director
Louis Duffie, Asst. Program Manager
Matt Sutphin, Deputy Fire Chief

COUNCIL ABSENT:

1 CALL TO ORDER
Pledge of Allegiance and Invocation

a) Mayor McLeod called the meeting to order at 6:04 p.m. He led everyone in the Pledge of Allegiance as well as offering the Invocation.

2 ADJUSTMENT OF 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) Warranty Acceptance - Phase 1 Asphalt
- Village at Little Creek Subdivision - Phase 1 Asphalt

b) Draft Minutes
- December 20, 2021

ACTION: Adoption of Consent Agenda as Presented

Motion: Mayor Pro Tem Thompson
Second: Council Member Everett
Vote: Unanimous

4 ADMINISTRATIVE ITEMS

a) Advisory Board Appointment Recommendations
Presenter: Kimberly A. Moffett, Town Clerk

Heidi Holland, Deputy Town Clerk, presented recommendations to council. Mayor Pro Tem Thompson stated, due to the number of applications for the Planning Board, he would like additional time to review those applications. He stated he would approve recommendations for the other advisory boards.

ACTION: Appointments as Presented with Exception of Planning Board

Motion: Mayor Pro Tem Thompson
Second: Council Member Everett
Vote: Unanimous

5 INTRODUCTIONS AND SPECIAL PRESENTATIONS

6 PUBLIC HEARINGS

a) 2021-126-OA - Text Amendment - Steep Slopes
Presenter: Ben Howell, Planning Director

Mr. Howell stated this is very similar to the presentation shared in December. He stated this is a text amendment regarding adding steep slopes into the definition of resource conservation areas (RCA). He stated currently resource conservation areas are defined as a 100-year flood plain stream buffer area and jurisdictional wetlands, which have prohibited uses in those areas. Provided was information from 2045 Growth Plan regarding RCA which stated Strategy NR 1.1.1, continue to discourage development in Primary Resource Conservation Areas (PRCAs), which include floodplains, protected stream buffers, slopes above 20% of at least 5,000 sq. ft. contiguous areas, slopes above 15% within 100 ft. of blue line streams and wetlands.

Provided was a comparison of other jurisdictions' steep slope regulations. He stated this comparison was prepared on the earlier version of the text that was in place prior to November when any slopes over 25% and 5000 sq. ft. or more be protected. The current language does not reference steep slopes at all. He discussed the language of the four different options. Option 2 was recommended by Planning Board on December 21, 2021.

Council Member Casey asked when comparing to other jurisdictions, some towns that are a little larger have requirements from 15 to 25% but it says less strenuous, he stated we don't have any 15 to 25% ordinances, Mr. Howell stated that is correct. Council Member Casey stated we are looking at 15 to 25% higher, he asked if that had been proposed, Mr. Howell stated it has not been proposed to include slopes less than 25% in any of the options provided. Council Member Casey stated when this originally went to the Planning Board, 5000 sq. ft. was in option 2 and then when voted the second time in option 2, the 5000 sq. ft. language had been taken out, he asked for clarification on that. Mr. Howell stated the reasoning behind that was in looking back at the original option proposed, only 1 or 2 options included the 5000 sq. ft. minimum size and when staff reviewed it, it was decided to remove that from options 2, 3 and 4. If that was in one of

those options, there still could be a chance some steep slopes that were directly contiguous to one of the other RCA areas would not be protected.

This was noted as a public hearing, Mayor McLeod asked if anyone wished to speak. Alsey Gilbert, Clayton resident, spoke about the 100-year floodplain. He discussed the differences between the small and larger subdivisions. He also discussed wetlands. He asked council to be mindful about these subjects and of future jobs.

Steve Farrell, Clayton resident, spoke in opposition. He stated he reached out to a couple builders and they were not aware of this as land-owners. He stated it seemed like we are going backwards.

Steve Smith, Clayton resident, brought in a 2'x4' that referenced steep slopes. He stated if option 2 were to be adopted, that would restrict a lot of land. He asked council to consider looking at another way of doing this.,

Johnny Hassell, Clayton resident, stated he had seen projects with steep slopes and activity in the slopes itself. He stated from the presentation tonight, it looks like there are a lot of holes and that causes him concern.

With no one further wishing to speak the public hearing was closed at 6:36 p.m. and turned over to council for deliberation.

Council Member Archer stated one portion of the discussion that didn't get represented were the citizens she heard from with regard to steep slope issues. Council Member Casey stated he would like to research more into what other comparable towns are doing. Council Member Everett stated he feels the planning board has done their due diligence and we should rely on staff. He stated he was in favor of option 2. Mayor McLeod stated it is very important that whatever verbiage chosen, needs to be clear and concise and is not open to several interpretations. There was further discussion among council members. Council Member Archer stated she does not feel comfortable right now choosing from the current options. There was further discussion on continuing this item until the next meeting.

Mayor McLeod requested to council that if there are concerns on verbiage, to reach out to town manager or staff and share their concerns. Mr. Howell asked council if there is specific information they would like to help with this subject or do if more time was needed to think this through and discuss the current options. He also asked if they would like additional options, staff would need additional guidance. Town Manager Rich Cappola referenced back to the slide that showed different examples pertaining to option 3, he stated it appeared once you got beyond the 100' line, it would not be subject to conservation, Mr. Howell confirmed that.
Town Attorney Jim Cauley stated he would take a closer look at other jurisdictions' ordinances.

ACTION: - Continue to January 18, 2022 Meeting

Motion: Council Member Archer

Second: Council Member Sims
Vote: Unanimous

b) 2020-98-SUP - Champion East - Special Use Permit (Quasi-Judicial)
Presenter: Ben Howell, Planning Director

Attorney Cauley provided information about the process for a quasi-judicial. He stated only certain types of evidence could be considered when making the decision. All testimony must be given under Oath. All those who wished to offer testimony were offered the Oath of Affirmation by the Deputy Town Clerk.

Mr. Howell stated this request would allow six townhome lots in the R6 zone. The beginning property is .849 acres and is located east of Champion Street near the intersection of Amos Street. Presented was the proposed site plan. He stated request is consistent with the Comprehensive Plan 2040 and with surrounding land uses. Applicant has addressed the Findings of Facts. If approved, staff recommends conditions of approval which are outlined in the staff report. Mr. Howell asked if there were any questions.

Donnie Adams, Engineer with Adams & Hodge, was present and stated he was here to speak on behalf of the owner/developer/applicant who was unable to attend this evening. He stated they are seeking Town of Clayton water, sewer and electric. He stated this developer is the same developer who was recently approved for project Champion West and is working on the townhomes at the intersection of Shotwell and Amelia. He stated the difference between the two is Champion West has a larger parcel. He stated the elevations were requested for this project, but he does not have them available tonight. He stated the elevations for this project would be similar to above mentioned projects.

The applicant addressed each of the Findings of Facts, which are outlined in the staff report. Mr. Adams stated he is not able to testify on the value of the property but does have information that was submitted and accepted in regard to the value of Champion West. He stated the value was provided by Barry Woodard, developer of Champion West, who did a market analysis in December 2020. He stated Mr. Woodard concluded there is not a negative impact of the sales in that area. Mr. Adams asked if there were any questions.

Council Member Sims asked if these townhomes would look like Champion West, Mr. Adams replied he spoke with the owner today and Champion East would look somewhere between Champion West and the Amelia Project plans. He stated it would be a two-story garage product. Mr. Adams stated he did not have any aesthetic pictures to share. Council Member Sims stated with the two plans being different, he could not get a visual of what Champion East could look like.

Council Member Sims asked about traffic concerns. Mr. Adams stated as far as traffic, they have provided the connection point off of Champion Street at a far enough distance away from the intersection at Hwy 70 that it would not create an issue. He stated they do not anticipate the need for additional turn lanes. He stated the typical expectancy is basically 10 trips per day per unit, so approximately 60 trips per day. Council Member Casey asked if these would be slab mounted homes, Mr. Adams stated he would assume they are but could not answer that.

Mayor McLeod asked for clarification on traffic, he stated with 6 units, 2 cars per unit, for a total of 12 vehicles, in his opinion that is minimal. He stated he didn't see how that would have any negative impact on traffic. He further stated the lack of elevation is a little concerning. He stated one example shown is modern and the other is traditional. He stated elevations need to be presented. Mayor Pro Tem Thompson agreed. He also stated he does not think we have sufficient expert testimony to deliberate on. He asked Attorney Cauley if we could even consider the other projects for making decisions on this project. There was additional discussion to include the hearsay regarding neighborhood values. Attorney Cauley suggested waiting until the applicant could appear before council to address questions before a decision being made.

Mr. Adams stated it has been a long process to get to this point. He stated they have had everything ready to roll through this process and were told by the previous planning staff they needed to pull their Special Use application. He stated this project went through as a rezoning the first of September. He further voiced his concerns about numerous stalls to this project. He further added the developer has been ready with this project and it has been a struggle to get here and felt it was important that council be aware. . Mayor McLeod stated it was important that applicant bring certified documentation and suggested this item be continued.

ACTION: Continue to January 18, 2022 meeting

Motion: Council Member Archer
Second: Council Member Sims
Vote: Unanimous

7 OLD BUSINESS

8 NEW BUSINESS

a) Sole Source Exemption
Presenters: Shaun Mizell, Procurement & Contracts Manager and Louis Duffie, Assistant Program Manager

Mr. Duffie spoke on this subject. He stated the Design Builder for the new Wastewater Reclamation Facility, has identified certain items that would be built at the plant and need to be procured early. They have been advertising these bids and receiving proposals. He stated they have identified four items that they would like to exercise the town's power to approve sole source. . He stated these items are required at both the Biggs Pre-Treatment Facility as well as Little Creek.

ACTION: Approval to Proceed with Sole Source Provider

Motion: Mayor Pro Tem Thompson
Second: Council Member Everett
Vote: Unanimous

9 STAFF REPORTS

a) Town Manager

Mr. Cappola stated he had distributed documents for council to review. He stated these have been guiding documents to the town with regard to COVID response policies. He discussed the Omicron variant which has caused numbers to rise The executive team met this morning to discuss how to protect staff while continuing services to the town. He stated he is proposing to implement the CDC's updated guidance as well as the Johnston County Health Department guidance. This would instate a new category of leave for staff.

In addition to that, he stated for at least the next couple weeks he would like to move to a remote meeting format for typical staff meetings. He stated the next council meeting in two weeks could possibly be a remote meeting. It was also stated that if employees could work from home that would be encouraged and the responsibility of Department Heads to determine. He stated the town would continue the mask policies that are already in place for both the public and staff.

Mayor Pro Tem Thompson stated the safety of staff is paramount and he supports recommended changes.

ACTION: Approval of Updated COVID Policies and Response Plan

Motion: Mayor Pro Tem Thompson
Second: Council Member Everett
Vote: Unanimous

b) Town Attorney

c) Town Clerk

d) Other Staff

- Apparatus Replacement

Presenter(s): Matt Sutphin, D/Fire Chief & Lee Barbee, Fire Chief

Interim Deputy Town Manager Barbee discussed a recent electrical incident on the west side of town. This incident happened shortly after the electrical staff headed home for the day. This was investigated and luckily only ended up being a broken pole. Electrical staff changed the pole out, which explained the current power outage on the west end.

He stated Chief Sutphin, Dolores Gill (Deputy Town Manager), Amy Shearin (Emergency Management Coordinator) and himself, have been working with the schools to come up with an emergency backup plan that could be implemented if a power delay goes longer than what the crews are expecting.

Deputy Fire Chief Matt Sutphin presented information regarding a 2006 Pierce engine that is coming up for replacement in next year's budget. He stated notification was received from Pierce that effective February 1, 2022 there would be a 7% price increase on new apparatus. Current approximate cost of engine is currently $750,000. With the above increase an additional cost $50,000 would be realized if we waited to purchase the engine until July of this year. He stated replacements is based on current rotation

program. He further stated the current engine has some maintenance issues that need to be addressed immediately if were no for replacement. Additionally, he advised there was a chance the department would have to put $40,000 worth of repairs into the engine to keep it operational until July.

He stated if we purchased the engine now we could realize a saving of $50,000 and if prepaid that would also save an additional $25,000, for a potential cost savings of $75,000. He further stated this would be a 50/50 cost share between Claytex and the town. Recommendation was being requested from council and how they wished to proceed. Mayor McLeod asked if it was currently in this year's budget, Chief Sutphin stated it was not. Mayor McLeod stated we needed to get the ball rolling.

Mr. Howell, Planning Director, stated late last year, two projects were submitted to CAMPO. He stated based on the agenda, one project had been recommended to move forward for funding. The project, East Main Street Sidewalk Project, would fill in sidewalk gaps from 2nd Street to Highway Bus. 70. This project cost is estimated at $650,000, with the town match being approximately $200,000. He stated most of the engineering plans are complete and permits are still being worked on. Right-of-way construction should begin this summer. This is all pending final approval from the CAMPO board which is expected February/March.

ACTION: Approval to Move Forward with Apparatus Replacement

Motion: Council Member Casey
Second: Council Member Archer
Vote: Unanimous

10 OTHER BUSINESS

a) Informal Discussion & Public Comment

Tommy Dew, was present and shared concerns regarding a drainage problem on his property located at 308 W. Main Street... He stated he came to a council meeting two years ago to speak on this same issue. He stated he has been to council two times as well as speaking with previous Planning Director/Economic Development Director He stated that trash has washed down Front Street and along both sides of the railroad tracks, and ended up in his backyard and in his drains. When his drain fills up, it blocks all the water which then ends up under his building. He stated he estimated it to be around a couple hundred thousand gallons of water under his building. He further stated that additional town staff promised to return back to his building in 60 days. He stated that was 2 years ago. He stated could provide photographs. He also discussed trying to install a tap on his sewer for over 3 months. He stated he was told he could not do that because his building was commercial. He would like clarification on this. He stated he has advised of the drainage problem several times and has not received any assistance. Mayor McLeod thanked Mr. Dew or sharing this information and stated he would have Mr. Cappola contact him to help resolve these issues.

b) Council Comments

11 CLOSED SESSION

a) Closed Session Pursuant to NCGS 143-318.11.(a)(3) &(6)

ACTION: Motion to Go into Closed Session at 7:44 p.m.

Motion: Mayor Pro Tem Thompson
Second: Council Member Everett
Vote: Unanimous

12 ADJOURNMENT

a) Adjourn the Meeting

With there being nothing further, the meeting was adjourned at 8:13 p.m.

ACTION: Motion to Adjourn

Motion: Mayor Pro Tem Thompson
Second: Council Member Everett
Vote: Unanimous

Duly adopted this the 18th day of January 2022 while in regular session.

Jody L. McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk

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