Town of Clayton
Regular Town Council Meeting Minutes
Tuesday, January 18, 2022 @ 6:00 PM
Council Chambers

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

COUNCIL ABSENT:

STAFF PRESENT:
Rich Cappola, Interim Town Manager
Lee Barbee, Interim D/Town Manager & Fire Chief
Dolores Gill, D/Town Manager
Frances Raspberry, Town Attorney
Kimberly Moffett, Town Clerk
Ben Howell, Planning Director
Joshua Baird, Town Engineer
Patrick Pierce, Economic Development Director
Nathanael Shelton, Communications Director
Rusty Clawson, Street Maintenance Superintendent
Greg Tart, Police Chief

1 CALL TO ORDER

Pledge of Allegiance and Invocation

a) Mayor McLeod called the meeting to order at 6:02 p.m. He led everyone in the Pledge of Allegiance as well as offering the Invocation.

2 ADJUSTMENT OF THE AGENDA

a) It was requested that Item 5b be removed and rescheduled to future council meeting date. Additionally, it was requested that Ordinances #2022-01-02 & #2022-01-03 be added to the Consent Agenda. This ordinance is a budget amendment referencing Fire Department apparatus replacement that was approved at January 3, 2022 council meeting and a budget ordinance regarding appropriations to fund balance and redemption of outstanding principal and accrued interest on Series 2009A general obligation bonds that was approved at the November 1, 2021 council meeting.

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) Resolution Awarding Badge & Service Weapon (Officer Pounds)

b) Proclamation
- School Choice Week in Clayton

c) Proclamation
- Student Art Month

d) Warranty Acceptance
- The Shoppes at Glen Laurel, Lot 2

e) Budget Amendment Ordinances
- #2022-01-02
- #2022-01-03

f) Draft Minutes
- January 3, 2022 - Regular Session
- January 3, 2022 - Closed Session

ACTION: Adoption of Consent Agenda as Presented

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

4 ADMINISTRATIVE ITEMS

a) Advisory Boards
Presenter: Kimberly A. Moffett, Town Clerk
- Planning Board Recommendations
- Vacancy on DDA

Ms. Moffett provided details regarding the recommendations for appointment to the Planning Board. Additionally, she advised there would be an upcoming vacancy on the DDA and that vacancy would be advertised.

ACTION: Appointment of Planning Board Members as Presented

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

5 INTRODUCTIONS AND SPECIAL PRESENTATIONS

a) Employee Introduction & Acknowledgements
Presenters: Ben Howell, Planning Director & William Simpson, Water Reclamation Superintendent
- Bruce Venable - Planner I Trainee
- Stefania Marroquin
- Chad Wallace - Grade 2 & Grade 3 Biological WW Operator Certifications

- Mattie Frazier - Grade 1 & Grade 2 Biological WW Operator Certifications

Mr. Howell introduced Bruce Venable as the newest Planning employee. He is a Planner I Trainee who joins us from the state of Tennessee. Council welcomed him to the town.

Mr. Simpson introduced Stefania Marroquin, who recently joined the team in October. She comes to North Carolina from Wisconsin. She stated she was happy to be in Clayton.

Mr. Simpson also recognized Chad Wallace and Mattie Frazier for their recent accomplishments with regard to WW Operation Certifications. Ms. Frazier was present.

Council welcomed everyone and also offered their thanks and appreciation for the hard work and dedication in obtaining the Wastewater Operator Certifications.

b) ~~Presentation of Badge & Service Weapon to Retired Officer Brian Pounds~~
~~*Presenter:* Greg Tart, Police Chief~~

c) Downtown Parking Task Force Update
Presenters: Patrick Pierce, Economic Development Director & Ruth Anderson, Task Force Member

Mr. Pierce introduced Ms. Anderson. Ms. Anderson provided an overview of the committee. Mr. Pierce started the presentation by providing a recap of the current downtown parking situation that included meetings that had been held previously on this topic. He provided details about a survey that was completed, with a large percentage stating parking was only an issue during events. There was also a recap of possible options that would best enhance, a recap of paid parking options, and a ranking of areas that need parking, how far folks are willing to work from parking spot to your destination, capacity numbers to include private and public parking spots.

Ms. Anderson introduced the members of the Downtown Parking Taskforce. She provided a timeline and taskforce meetings; September 15 (Initial Brainstorm), September 28 (Refine and Prioritize), October 13 (Final Recommendations), November 16 (Meeting with Property Owners) and January 5 (Reconvene and Plan for 2022).

Shared were the areas of focus to include; use of private lots, communication, pedestrian access, safety & alternative mobility and enforcement.

Mr. Pierce provided information regarding Lot Assessment Criteria to include; size, existing condition, location, connectivity to other lots, connectivity to Main

Street/Sidewalk network and ADA compliance. Mr. Pierce spoke about potential private lot inventory with a total of 439 spaces with 18 owners.

Shared were the typical tools used in Parking P3's included: Shared liability; Initial site improvements (lighting, striping, paving); Shared maintenance of improvements; Shared upkeep (landscaping, trashing removal and clean up); Signage and Wayfinding; Utilities and Taxes; and Enforcement.

Ms. Anderson provided details about the recommendations of the committee. Christi Thompson was present and offered her thanks to the depth of the group and collaboration. Sharon Whitley shared historical information about proposed private landowners and use of their property for parking. She stated that the town will need to have a separate conversation with each private landowner regarding parking.

Recommendations include 1. Seek out & Define Public-Private Partnership, 2. Improve downtown wayfinding & kiosks; 3. Develop and convey a parking and pedestrian vision for NCRR right-of- way & private lots; 4. Explore options for a public parking app; and 5. Enforcement of existing (or new) pedestrian and parking laws.

Proposed next steps include council buy in on recommendations, staff begin conversations with private lot owners, formalize parking agreement template and taskforce to report back progress back to council in May.

Mayor Pro Tem Thompson stated he was very pleased with the traction and depth of the group. Council Member Archer stated she liked the practical approach to this issue. Council Member Casey stated he was excited and appreciated all the work that has gone into this.

Mayor McLeod stated highly regarded information was provided by the group. He stated the group has been tremendous and went door to door to create relationships and solid communication. He stated the group has 100% support from council.

d) Life Saving Awards
Presenter: Greg Tart, Police Chief

- Lt. John LeQuire
- Sgt. Timothy Mims
- Officer Kavon Banks
- Officer Jeffrey Demarest

Chief Tart proudly presented Officers LeQuire, Mims, Banks and Demarest with Life Saving Awards. He shared details about the process of presenting these awards. He provided basic details about events that took place on the night of

December 18, 2021 which was a call of a motor vehicle accident that struck a tree and rolled over. When the officers arrived, it was determined there was an engine fire and inside the vehicle were two 9-month-old babies. One of the officers entered the vehicle and cut the children loose and one of our officers attended to the children until EMS could arrive. He stated the driver took off running and two officers took after her in foot pursuit. During the pursuit they heard a splashing of water nearby and were able to locate and save the person. All the officers were presented with an award and received a standing ovation.

Mayor McLeod offered comments and agreed with Chief Tart that the officers are the finest. The Mayor further stated our officers are dedicated to the job and this is more than a job – it is a calling. Mayor McLeod offered his thanks for all our officers do every single day, for looking beyond their fears and for their consistent outstanding work. Council Member Archer offered her thanks. Council Member Sims stated he agreed this was truly a calling and with his brother being a police officer in Detroit he totally understands this is a calling and appreciates them stepping up to the plate. Mayor Pro Tem Thompson offered thanks and said our Police Department represents the best of Clayton every day. He stated every single officer is a leader. Council Member Casey offered his thanks and said he is proud to call Clayton home. Council Member Everett offered his thanks and appreciation and stated it was amazing to have these officers before us this evening.

6 PUBLIC HEARINGS

a) 2021-126-OA - Resource Conservation Area /Steep Slopes - Text Amendment
Presenter: Ben Howell, Planning Director
This hearing was continued from January 3, 2022

Mr. Howell stated this was a continuation from the January 3, 2022 meeting for council discussion and additional information from staff.

Council Member Sims offered his thanks to staff, citizens and developers and everyone who has reached out. He stated this item has been very complex. He stated he is leaning towards Option #3 based upon all information gathered.

Council Member Archer stated steep slopes had always been on the books and were only removed last November. She provided details about the history how this proposed text amendment came to council. She stated she understands the need to regulate at the local level and further understands how it can affect landowners and developers. She further stated that other municipalities have such a steep slope ordinance in place and there have been no growth issues. She further stated that the option for a variance is available. She stated our growth plan, which included public input, incudes protection of steep slopes. She further stated that the UDC re-write is underway and sees additional changes that could take place at that time. She stated she is in favor of option #2 with at least 5,000 added.

Council Member Casey stated he has received feedback, read many ordinances, spoke with developers, and feels there is a lot of confusion. He stated this is not a decision being taken lightly. He further understands not everyone will be happy. He further stated he agreed with Option #2 to include language of 5,000. He further stated he was in favor of working with landowners who have environmentally sensitive land and see if it could possibly be worked out in some form of open space credits. He stated for larger tracts he would like to work with those landowners and to have an environmental consultant as we work through new the UDC.

Council Member Everett stated he was in favor of Option #2 and felt it was important to listen to recommendation of the Planning Board. He further stated that conversations with developers are important, but the best decision needs to be made for the good of all.

ACTION: Adoption of Ordinance #2022-01-01 *with* Option #2 with addition of language and at least 5000

Motion: Council Member Archer
Second: Council Member Everett
Vote: 4-1 - Opposed Sims

b) 2020-98-SUP- Champion East - Special Use Permit *(Quasi-Judicial)*
Presenter: Ben Howell, Planning Director
This hearing was continued from January 3, 2022

Mr. Howell was present and stated this was continuation from January 3, 2022 meeting. He stated all Findings of Fact were addressed at previous meeting however council did ask for elevation renderings, which have since been provided. Mr. Howell stated that an additional condition was added.

Applicant was asked about the materials that would be used. Applicant representative stated he was not sure of the material that would be used, but that it would be the same as the Amelia project.

Mayor McLeod stated he questioned how the project could be expected to be approved without any details and information. Council Member Sims agreed that this item felt applicant was not fully prepared.

Mayor Pro Tem Thompson asked about value. Mr. Howell stated applicant felt that information provided at previous meeting regarding this topic was adequate. Mayor McLeod stated what was presented was hearsay and there was no substantial evidence provided.

Attorney Rasberry provided information regarding quasi-judicial and those who can offer testimony. Mayor McLeod wanted to ensure all rules were being adhered to and no precedent would be set regarding information provided regarding property values.

Council Member Archer stated she was comfortable regarding property values; but had concerns if we would be setting a precedent but felt better hearing from the attorney that we would not be.

Council Member Casey stated he felt the same way and felt the renderings were aesthetically pleasing.

With there being nothing further, the hearing was closed at 7:26 p.m. and turned over to council for deliberation.

Council Member Sims stated his concern was that the developer not providing much information regarding the design and materials being used.

Mayor Pro Tem Thompson stated he felt this project would barely skim by. He further stated moving further he does not expect a quasi-judicial hearing like this to come before council.

Mayor McLeod stated that manager needs to ensure that Planning Department staff are providing the applicant with the right feedback and information required to be presented at a Quasi-Judicial. He feels there is some sort of lack of communication being provided.

Mr. Rasberry stated it should be noted that a poorly presented case and record regarding a quasi-judicial project would hurt the developer as well.

ACTION: Approval of 2020-98-SUP with additional condition as recommended by staff

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

7 OLD BUSINESS

a) Award Design/Build River Walk on the Neuse
Presenter: Joshua Baird, Town Engineer

Mr. Baird provided details about this item. He shared details about procuring materials and cost savings if procured all at one, rather than project by project.

He shared information about the Design/Build process and most qualified contract. The selection committee found a team led by Crowder Construction Company and design consultant AMT to be the most qualified based on the scoring criteria. The phase 1 pre-construction and design services total fee is $296,086.60.

GMP will be brought back to council at a later date.

ACTION: Adoption of Resolution #2022-02

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

b) Mid-Year Budget Discussion
Presenter: Rich Cappola, Interim Town Manager

Mr. Cappola provided information regarding the Mid-Year Budget Review. He offered his thanks to staff, especially Robert McKie for the work that has gone into this project. He provided an outline of the Budget Process and timeline. He provided a mid-year snapshot of revenues and expenditures. He stated there are some areas that show some gain. It was stated that both ad valorem as well as sales tax are ahead. Those in negative include parks & recreation due to COVID and grants and donations (SAFER Grant). A little over $3M is projected in the general fund. Unforeseen costs included greenway bridges that needed immediate attention as well as paying off 2009 bond debt. Overall, we are projecting over $1M in revenue.

He shared details about the water sewer fund as well. He also spoke about gap regarding sludge.

In regard to the Electric Fund, it was discussed higher penalty fees projected, lower revenues from water & sewer fund and higher developer reimbursements. Expenditure increase in contract services. This fund is in the negative about $500,000, this will continue to be monitored and would advise of any changes.

Mr. Cappola spoke about adjustments to include General Obligation Bonds Issued and Redeemed, Greenway Bridge Replacements, Fire Truck Replacement, Staff Bonus, Dupont/Massey Property Upfit for Fields/Town Usage, Clayton High School/Town of Clayton Joint Use-Staffing and Equipment, Information Technology Transition, and Property Acquisition.

Operation adjustments include staffing, health insurance increase, realignment of budgets for identified crucial projects, and conversion to NeoGov for Human Resources.

Considerations include staffing for wastewater treatment plant, fire engineer and warehouse coordinator as well as water reclamation facility project mobile unit; future property acquisitions; facility improvements; and advancing paving projects.

He stated the paving projects should be budgeted at approximately $ 2-3 million to achieve goal and it is currently budgeted at $1 million.

Mr. Cappola shared his final thoughts and stated the Town of Clayton maintains a healthy reserve fund; Standard and Poor's recently upgraded to AA+ rating; mid-year budget adjustments reflect a vibrant, growing town and growing organization; sales tax revenues trending strong (18% higher than budget; 20% higher than prior year); ongoing recruitment of quality, professional staff; and capital projects as reflected in the Capital Improvement Plan remain priority for successful completion.

Mayor McLeod stated he felt it was a very good update and a great job on everyone's part.

Council Member Archer stated she appreciated the final thoughts.

8 NEW BUSINESS

9 STAFF REPORTS

a) Town Manager

COVID numbers remain on the rise, current protocol will replace in place. He stated the retreat agenda is being worked on and hoped to have it out to council this week. Mayor McLeod stated he recently had a good meeting with Town Clerk & D/Town Manager Dolores Gill, he stated this is shaping up to be a great retreat.

b) Town Attorney

c) Town Clerk

d) Other Staff

- Public Works - Street Division - Vehicle Purchase
  Presenter: Lee Barbee, Interim Town Manager

Interim D/Town Manager Barbee shared information regarding a dump truck that is included in upcoming CIP. Research had been done that a demo truck would be available April, however if wait until new budget, a dump truck would not be available until Summer of 2023. No firm numbers are available right now, just wanted to get this on the radar. Additional research is being completed and will be brought back to next council meeting.

10 OTHER BUSINESS

a) Informal Discussion & Public Comment

Ms. Beddingfield was present in her role on the Parks & Recreation Advisory Board. She wanted to keep council updated regarding decision made at recent meeting. She provided background information about The River Property (North Clayton Community Park). She stated previous council authorized $1million towards soccer fields. She shared concerns about master plan that did not include soccer fields at the location presented. She stated the Parks & Rec board voted to hire original consultant to amend the master plan. She stated there are funds in parks & rec budget that could cover this expense.

Mayor McLeod stated this type of presentation needs to be quarterly and held as an informational meeting prior to council meetings. He stated he appreciated being reminded of the previous master plan and any required modifications should be looked at.

Council Member Everett offered thanks to the board.

Mr. Cappola stated several master plans need to be re-addressed and stated this item was not brought up at mid-year review.

b) Council Comments

Mayor Pro Tem Thompson offered his appreciation to the staff, especially management team, and is very impressed.

He spoke about advisory boards and how they should be reflective of the community and be inclusive. He spoke about the numerous phone calls and conversations about the integrity of the process and choices made. He stated he felt we had a process that was working, and staff had done a great job on recommendations. Mayor McLeod agreed and stated that asking for additional information was just a way to gain additional knowledge to be able to share with the community. He stated he appreciated all the work that was done.

Council Member Casey asked about the status of the pedestrian bridge at Amelia Church Road. Mr. Baird stated this is a privately maintained section and we have been in conversation with Lionsgate HOA. The bridge was deemed unsafe and was closed to the public. Council did authorize the town to offer $50,000 to work with the HOA toward a solution to the project. Conversation and solution discussions continue.

Council Member Casey asked about concerns about berm. Mr. Howell stated berm was discussed it was not part of final conditions. Staff has told residents they would continue to work with the developer to see what they might be willing to do. Council Member Archer stated this is a shame that the buffer is not there and hopefully we can learn from this. Mayor Pro Tem Thompson stated he agreed this was a learning experience regarding what a landscape buffer really looked like. Mayor Pro Tem Thompson offered his thanks to staff for trying to come to a good solution to help these residents out.

Mr. Cappola offered thanks to staff that worked during the previous weekend winter weather. Further stated we are tracking storm that is headed our way the end of this week and appears to possibly have the potential to cause more issues. Mayor McLeod thanked Communications Office for all their hard work.

Council Member Everett offered his thanks to everyone and welcomed all our new advisory board members and looked forward the new conversations and journey.

11 ADJOURNMENT

a) Adjourn the Meeting

With there being nothing further the meeting was adjourned at 8:22 p.m.

ACTION: Adjourn the Meeting

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

Duly adopted this the 7th day of February 2022 while in regular session.

Jody L. McLeod
Mayor

ATTEST:

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

Kimberly A. Moffett, CMC, NCCMC
Town Clerk