Town of Clayton
Regular Town Council Meeting Agenda
Monday, December 5, 2022 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:** Approval or Adjustment of 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
- November 7, 2022 - Work Session
- November 7, 2022 - Regular Session
- November 7, 2022 - Closed Session

Presenter: Heidi Holland, Town Clerk
November 7, 2022 DRAFT Work Session Minutes
November 7, 2022 DRAFT Minutes

POTENTIAL ACTION: Approve Consent Agenda as Presented

4. ADMINISTRATIVE ITEMS

5. INTRODUCTIONS AND SPECIAL PRESENTATIONS

a. Employee Introduction and Recognition
- James Satterwhite, Pump Technician

Presenter: James Blalock, Maintenance Superintendent

Employee Introduction
- Michelle Snyder, Executive Assistant to Town Manager

Presenter: Rich Cappola, Town Manager

6. PUBLIC HEARINGS

7. OLD BUSINESS

8. NEW BUSINESS

a. **Mass Communications/Data Voice Presentation**

- **Town of Clayton Communication System**

Presenter: **Nathanael Shelton, Director of Communication**

Town of Clayton Communication System

9. STAFF REPORTS

a. **Town Manager**

b. **Town Attorney**

c. **Town Clerk**

d. **Other Staff**

Fireworks Discussion

Presenters: **Amy Shearin, Emergency Management Coordinator and Lieutenant Brian Temple**

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
Town Council Work Session Minutes
Monday, November 7, 2022 at 3:00 PM
Rotary Room, Town Hall
111 E. Second Street

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

Staff Present:
Rich Cappola, Town Manager,
Jim Cauley, Town Attorney
Dolores Gill, Deputy Town Manager
Lee Barbee, Interim Deputy Town Manager Fire Chief
Heidi Holland, Town Clerk
Robert McKie, Finance Director

1 CALL TO ORDER

a) The meeting was called to order at 3:04 p.m.

2 APPROVAL OF THE AGENDA

a) Adjustment of the Agenda

CHANGE:
3c. Time from 4:15 – 5:00 p.m. to 4:15 – 4:45 p.m.

ADD 3d.:
4:45 – 5:00 p.m.
Audit Report for FY 2022
Presenter: Robert McKie, Finance Director

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

3 ITEMS FOR DISCUSSION

a) 3:00 - 3:15 p.m.
Audit Report for FY 2022
Presenter: Robert McKie, Finance Director

Mr. McKie stated there was a part of the audit that was completed untimely in New

World. The auditor found an internal control report and his finding was a significant. That significant provisions requested a formal response and an additional response required that Council would need to sign. Since that finding, protocols have been put into place so this matter would not happen again. He stated he monitors the bank statements daily for any suspicious transactions. He stated in the 13 years he has been with the Town, no one has tried to take money out of the account. He stated anytime someone sweeps the account, we get flagged. He stated there are checks and balances in place to help prevent a sweeping of the account. He stated he has to electronically submit the signed letter to the treasurer's portal. We are required to respond in writing and acknowledge we are taking steps to ensure this won't happen again.

b) 3:15 - 4:00 p.m.
Capital Improvement Projects (CIP) Update

- Overview of CIP Prioritization Process

Presenter: Joshua Baird, Engineering Director

Mr. Baird stated he wanted to come back to discuss the CIP from the retreat in February 2022. He wants to make sure that staff is providing data needed when a project is requested. He discussed not being able to fund every project and discussed prioritizing and aligning goals. He discussed Multi-Criteria Decision Analysis Method and Risk Reduction Framework. He stated the Multi-Criteria is geared to the General Fund and the Risk Reduction Framework is geared toward utility projects. He shared MCDA Prioritization Framework showing decision criteria, weightings, performance measures and benefit scores which is used to prioritize projects. He shared the Pairwise Results used at the February 2022 retreat.

He shared the 6 different Decision Criteria:
Regulatory Compliance, Financial Efficiency and Risk Reduction, Economic Development/Impact, Environment/Sustainability, Health and Safety, and Quality of Life/Level of Science. Shared was the Pairwise Results that came out of the February 2022 retreat. He stated the next step is to take these projects, score them on criteria, apply these weighting and see how things prioritize.

He shared a list of 8 projects. He asked Council to rank these projects. There was discussion on, for instance, the library never ranking high enough to get looked at for prioritization. There was discussion on if there are grants involved, it could move the project closer to the top.

c) 4:00 - 4:15 p.m.
Renaming of Business 70
Presenter: Patrick Pierce, Economic Development Director

Mr. Pierce shared an overview of the renaming of Business 70. Clayton Bypass is currently dual-shielded as I-42 and US 70. I-42 will replace US 70 in Summer/Fall 2023. US 70 BUS will revert to US 70 from I-40 to current US 70/US 70 BUS interchange. There are a total of 375 addresses along the corridor that would be impacted by this change, he stated there would have to be significant outreach to go along with this. He stated we would need a proactive plan to minimize impact and highlight potential opportunities.

NCDOT is responsible for numbers and shields and local government is responsible for white on green street signage including overhead signage. Shared was Required Local Signage: 42 intersections along the corridor (within the ETJ) and approximately 75 signs with an estimated cost of $5,000 plus installation. Shared was information on Cross Street Signage, 32 signals or intersections; approximately 45 signs; new signs at signals, updated and new sign blades; an estimated cost of $3,000 plus installation. Signage Summary: $12,000 total cost for all three options plus installation and overhead signage installation would require lane closures and additional labor. He stated there would need to be some coordination with the County.

Shared were name ideas such as Clayton Parkway, Clayton Blvd and Clayton-Garner Parkway. Shared was a timeline on the Renaming Campaign: January 3, 2023 would be the Launch of Campaign. The campaign would run through January 31, 2023 and the top 5 results would go to Council in February 2023. He stated the next steps would be Town Council decides final name, announce results to the public, continue collaboration with other government partners and Implement Spring 2023 – Fall 2023.

d) 4:15 - 4:45 p.m.
Council Retreat Reflections and Next Steps for Town Council and Executive Team
Presenter: Rich Cappola, Town Manager

This item was not discussed.

4 ADJOURNMENT

a) Adjournment
A motion to adjourn was made at 5:01 p.m.

Motion to Adjourn

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

Duly adopted this 5th day of December 2022, while in regular session.

Jody L. McLeod
Mayor

ATTEST:

Heidi L. Holland, CMC, NCCMC
Town Clerk

Town of Clayton
Regular Town Council Meeting Minutes
Monday, November 7, 2022 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

Council Absent:
None

Staff Present:
Rich Cappola, Town Manager
Heidi Holland, Town Clerk
Jim Cauley, Town Attorney
Dolores Gill, Deputy Town Manager
Lee Barbee, Interim Deputy Town Manager/Fire Chief
Robert McKie, Finance Director
Greg Tart, Police Chief
Jonathan Jacobs, Assistant Engineering Director
Joshua Baird, Engineering Director
Nathanael Shelton, Communication Director
Ben Howell, Planning Director
Scott Barnard, Parks & Rec Director
Matt Lorion, Parks & Rec Adm. & Program Super.
Joy Garretson, Library Director
Shaun Mizell, Procurement Manager
Shannon Poole, Construction Project Administrator
Louis Duffie, Asst Program Manager

1. CALL TO ORDER

a. Call to Order

Mayor McLeod called the meeting to order at 6:01 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. Approval of the Agenda

Mr. Cappola adjusted the agenda as follows:

Move Item 7a. Sam's Branch Construction Bid Discussion to 10c.

Approve or Amend the Agenda

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

3. CONSENT AGENDA

a. Minutes
October 3, 2022 Closed Session
October 17, 2022 Regular Session
October 17, 2022 Closed Session
Presenter: Heidi Holland, Town Clerk

b. Electrical Relocation Agreement with Spinning Mill
Presenter: Ethan Poppe, Energy Services Technician

c. Operation Green Light Veterans Recognition Ceremony
Presenter: Nathanael Shelton, Communications Director

d. Amendment to the Comprehensive List of Fees and Charges - Parks and Recreation
Presenter: Scott Barnard, Parks and Recreation Director

e. Approval of a Bulk Wastewater Interlocal Agreement between the Town of Clayton and Johnston County
Presenter: Jonathan K. Jacobs, PE, CFM, Assistant Engineering Director

f. Accept Public Utilities Into the Town of Clayton Public Utility System for Maintenance - Buckhorn Branch Park, Phase 1 & Pump Station
Presenter: Jonathan K. Jacobs, PE, CFM - Assistant Engineering Director

Approve Consent Agenda as Presented

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

4. ADMINISTRATIVE ITEMS

a. Amendment to By-Laws - Public Art Advisory Board
Presenter: Heidi Holland, Town Clerk

Ms. Holland stated the Public Art Advisory Board recommended a change to their By-Laws at their meeting on October 18, 2022. The change recommends increasing the board from 9 to 11 members which would also change their quorum from 5 to 6.

Adoption of Resolution #2022-85

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

5. INTRODUCTIONS AND SPECIAL PRESENTATIONS

a. Employee Introductions
- Cassidy Cannada, Recreation Program Coordinator

Presenter: Matt Lorion, Admin. & Programs Superintendent

Mr. Lorion introduced newest Recreation Coordinator Cassidy Cannada. She stated she is excited to work back in Clayton. Mayor McLeod welcomed her.

b. Presentation of Mural
- 215 E. Main Street

Presenter: Sara Perricone, Public Art Advisory Board Chair

Ms. Perricone and Laura Johnson of Moveology, was present to discuss the mural to be painted on the side of her building. Ms. Johnson stated she wanted this to be something that gives a nod to the trail system. She stated the artist, Buffy Taylor, plans to start tomorrow and the timeframe would be completion near the holidays. Mayor McLeod stated this proposal is great and has a lot of strong balance and representation. Council Member Archer stated she loves the energy.

6. PUBLIC HEARINGS

a. 2022-58-SUP Take 5 Oil Change *(Quasi-Judicial)*
Presenter: Ben Howell, Planning Director

Town Attorney gave a description of a quasi-judicial hearing and the Town Clerk offered testimony to those wishing to speak. Mr. Howell provided a brief staff presentation. He stated this is for Take 5 Oil Change which is under the UDC as vehicular sales and service use. It is proposed to be located on US 70 Business west of S. Moore Street on a vacant parcel. Property size is approximately 1.41 acres. The site plan has been reviewed by TRC.

The Future Land Use Map classifies this area as an employment center area, Mr. Howell explained in detail what this means. This property is surrounded by B3 zoning. Staff does recommend the four conditions. If Council does approve, these have been agreed upon by the applicant.

Toby Coleman, 150 Fayetteville St., Raleigh, is the attorney here on behalf of the applicant. He stated with him tonight is the developer of this project Zack Holland with Durban Development and Ryan Gallagher of Bowler Engineering.

Mr. Coleman stated this parcel is in the front yard of the Clayton Summit Office building. He stated the plan is to redevelop with adjoining parcel. He shared details of the site plan. He stated this is consistent with surrounding land uses and future land use map. It is surrounded by commercial uses. Council Member Sims asked if the building that would be behind it is where the VA is? Mr. Coleman stated it is a medical office building but not sure if the VA rents space there. Council Member Sims asked how that would affect the traffic as far as the entrance and exit of that building. Mr. Coleman stated currently there's a driveway with aisles of parking in there and the medical office building is surrounded by a parking field on all four sides. What this basically does is realigns the current driveway into a shared access drive.

Council Member Casey asked what is the typical procedures on storing the oil? Mr. Holland stated the oil is stored and if the oil spills, there are PVC pipes that would catch this oil. Any spill would be picked up from a private company weekly.

Mayor McLeod stated this is has been noted as a public hearing and asked if anyone was here to speak in opposition. With no one wishing to speak, Mayor McLeod turned this over to Council for deliberation.

Council Member Archer stated in her review of the application, this has met all four Findings of Fact.

Approval of 2022-58-SUP with Accepted Conditions

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

b. 2022-67-SUP Magnolia Pointe Townhomes *(Quasi-Judicial)*

Presenter: Ben Howell, Planning Director

Town Attorney gave a description of a quasi-judicial hearing and the Town Clerk offered testimony to those wishing to speak. Mr. Howell stated this is a request to develop 68 townhomes on approximately 13.83 acres of land along Shotwell Road. Shared were proposed architectural elevations that were included in the subdivision plan package-. The site is zoned (R-8). Vehicular access to the site is provided from two access points on Shotwell Road. The applicant is proposing a picnic structure and 2.54 acres of open space in total.

The Future Land Map Use shows this as high density residential which would allow up to 10 units an acre. The development has a proposed gross density of 4.55 units per acre and the Comprehensive Plan states that the high-density residential area provides for housing near major transportation corridor existing commercial areas in downtown. These areas have a connected street network for adequate pedestrian bicycle facilities and are served by public water and sewer.

The area is consistent with surrounding zoning and land uses. Mr. Howell stated the applicant has provided responses to the Findings of Facts which are provided in the staff report. Mr. Howell briefly summarized these. Mr. Howell stated Joshua Baird, Engineering Director, would address the wastewater resolution.

Council Member Casey stated in regard to streets, would they be Town maintained streets or private? Mr. Howell stated he will let the applicant address that. Council Member Casey stated, in the agenda packet it looks like the amenities would be a picnic area, an open space and maybe a nature trail, Mr. Howell stated he believes that is correct. Council Member Casey stated he has some concerns about the traffic on Shotwell Road, he asked if DOT has any plans for Shotwell Road. Mr. Howell stated he is not aware of any other than the intersection of Shotwell and Hwy 70. He stated he believes the plan would be for improvements on both sides of Shotwell, as well as 70, mostly related to turn lanes.

Council Member Casey asked Mr. Howell to elaborate on condition #6. Mr. Howell stated they are proposing fee-in-lieu because they can not physically construct the improvements within their frontage and it would require them to have to get right-of-way from adjoining properties. In lieu of that, they proposed to provide the payment in lieu so if in the future that corridor of Shotwell Road is further widened or property adjacent to this gets developed, the Town would then be able to use that payment-in-lieu toward that future improvement. Council Member Casey asked if the retaining wall would be the Town's responsibility, Mr. Howell stated this would be the landowner's responsibility to maintain that.

Council Member Sims, there are 2 entrances and exits from B Street and A

Street, closest to 70, he asked if Mr. Howell knows the distance between that exit and the other? Mr. Howell stated he does not but the applicant's engineer is here and prepared to speak.

Council Member Casey stated in this particular site plan, it doesn't show the adjacent dentist office, he asked how close the dentist office parking lot is to the four apartments? Mr. Howell stated he would let the applicant answer that.

Civil Engineer Javier Jaramillo, of BGE, Inc. was present. He addressed Council Member Casey's question about the streets. He stated in working with staff, these streets will be dedicated as public streets to the Town. The developer would be responsible for construction of those. He stated they would be asking for water and sewer from the Town as well as wastewater allocation. He stated they would also be asking for electric.

He stated this site started off as a single-family home site five or so years ago and was graded but did not move forward. This location has been zoned as R8 single-family residential. He stated they are looking to make improvements for open space active recreational and would look at having a trail that would wrap around the outside to the west. He stated there is a flood plain that wraps around to the north which makes this a challenging site. He stated there is a stream along the west side. With that being identified as a jurisdictional stream, a 50-foot Neuse River buffer is required. That would leave 14 acres.

He discussed the topography along Shotwell Road. One challenge the retaining wall sits in the right-of-way. He stated he has been in communication with Jonathan Jacobs, Assistant Engineering Director, and Mr. Howell about this wall. He stated it was proposed to put a retaining wall along the lot line because there can not be any encroachments into the right-of-way. Currently it's a 60-foot right-of-way. Ultimately this would need to be four-lane divided with a 110-foot right-of-way. This means they would need to improve their half of that which means extending the pavement due west into the subdivision and adding curbing, gutter and sidewalks. He stated they would be moving that retaining wall closer to the subdivision along the rear of the lot lines which gives the opportunity for a nicer landscape buffer.

He addressed the question about the two driveways, he stated the one to the northwest lines up exactly with the driveway across the street from Lion's Spring Senior Assisted Living. The second one to the south, meets DOT spacing requirements. He addressed the question about fee-in-lieu, he stated the original plan was to go fee-in-lieu, but without knowing DOT's plan, it seemed to make sense to do fee-in-lieu instead of partially building the section.

He discussed the spacing between the development and the commercial building. He stated he does not know the distance, but he believes the driveway into that is further south and he estimates it is a couple hundred feet.

Council Member Archer stated it looks like the back of the units is approximately 100 feet from the parking lot. Council Member Casey stated he was concerned about the parking lot. Mr. Jaramillo stated there was not a requirement for a fence between the development and the commercial site. Council Member Archer stated she has a concern of units 1-4. She stated she loves the buffers but is concerned at how close those units are to the road and the adjacent parking lot. She asked if this is something the applicant had considered. Mr. Jaramillo stated they have not thought about a fence because it was not required, he stated landscaping is something worth considering.

Mike Neff with ResiBuilt was present and spoke on this. He stated he could put a fence in if that's what it comes down to, he stated landscaping usually does more than a fence. Council Member Archer stated regarding Finding of Fact #4, the terms of those adjacent properties, which are generally single-family homes, she stated in the application the developer stated there would be a high-quality product with a mixture of materials used. She asked Mr. Jaramillo to elaborate on townhome products versus the adjacent properties which are single-family home products. He stated what is being proposed by ResiBuilt for the townhomes is brick façade masonry on the front as well as other elements such as board and batten, fiber cement siding on front, sides and rear. He stated he feels these elements helps the overall area as a whole add, more value. Mr. Neff stated one of the added benefits is the HOA maintains the outside area so every lot would be maintained at the same time and would look consistent.

Council Member Archer asked about Findings of Fact #3, she asked if they have any data or appraisals that would back this information up. Adam Stern with Strata SFR, Real Estate Development Investment Company was present. He stated he appraised these to a size that would equate to the price of 350,000 per unit. Comps from adjacent subdivisions were used. He came up with a price per square foot and allocated it to a build of 420 square feet which is the size of these units.

Council Member Sims, stated in the applicants opening statement, he expressed concerns with the traffic on Shotwell. He asked the applicant what those concerns are. Mr. Jaramillo stated in the neighborhood meeting the concerns were on the signal south of Amelia Church. He shared a citizen's concern of not being able to make a right hand turn at that intersection. He stated they would be speaking with engineering to go through a review process and discuss what needs to be improved. Council Member Sims asked if there was a traffic analysis, Mr. Jaramillo stated by code, only 100 lots or greater require a TIA, he stated in his view he does not see any concerns.

Council Member Sims asked if residents would be parking in front of their homes. The applicant stated there is space for that, they have designated two parking spaces for residents, one in the garage and one in the driveway. There have not been any calculations for on street parking. Mayor McLeod asked if the street was wide enough to accommodate a car on each side and a fire truck? Mr. Jamarillo stated it is a 50-foot right-of-way. He stated if you average 8 feet on either side for a vehicle, that leaves 11 feet which may be tight for a fire truck to get through. He stated it may not be possible. He mentioned possibly putting up no parking signs. He stated going through the review, the fire department did not mention any concerns. Council Member Archer asked the applicant if he would be open to putting no parking signs on one side to prevent this. Mr. Neff stated if that is what it comes down to, he would agree to that. Mr. Neff mentioned there are two points of access to this development.

Mayor Pro Tem Thompson asked about the citizen's traffic concerns, he wants to confirm that those concerns were heard and there was not a TIA done. Mr. Jamarillo stated that is correct. Mayor Pro Tem Thompson asked if there was room in the driveway for a vehicle that would not go into the street? Mr. Jamarillo stated the UDO states there must be 25 feet from the back of the sidewalk, he stated they have 25 feet from the right-of-way.

Mayor McLeod asked Mr. Jamarillo his reasoning behind not getting a TIA. He stated it is because they were told by staff since they had less than 100 lots they did not need one.

Council Member Casey asked if the homes are between 1900 and 3500 square feet? Mr. Neff stated that is correct. Council Member Casey stated it looks like the walking trail goes through the Neuse River buffer, he asked would there be grading or is it a paved trail? Mr. Jamarillo stated it would be a soft trail using single ground mulch. Mayor Pro Tem Thompson asked Mr. Stern if he was a Real Estate Appraiser, he stated he is not, he is a licensed real estate broker.

Council Member Archer wanted to clarify if the applicant spoke with DOT on the two locations of the entrances, Mr. Jamarillo stated he did and sent DOT the site plan. He received direction via email, he stated he is happy to forward the email to staff if necessary.

He stated this is not a final design, this is just to show what they are capable of building. He stated if a TIA is not required, he always makes sure he does communicate with DOT. Council Member Archer stated her main concern is if there is not a left turn lane there. She stated she is glad there are two entrances but she foresees this being a concern. Mr. Jamarillo stated once they get into the final design, this would go to DOT.

Mr. Neff stated typically if there is movement going in one direction, DOT is going to force you to make that a directional lane. He stated he suspects DOT would install a concrete median forcing that to be a one lane in, one lane out only.

Council Member Casey stated we've seen a few of these townhomes projects, he stated most of the time these are private streets. He asked why this project would be a public street? Mr. Jamarillo stated when they started this project, staff didn't bring up any concerns of the streets being public verses private. Mr. Howell spoke on this, he stated the UDC encourages public streets in developments now.

Mayor McLeod asked if anyone wished to speak in opposition.

Jesse Corbett, 1020 Ridge Landmark Subdivision, distributed a sheet to council of his concerns (his document will be entered as an attachment in the minutes). He discussed the incident where a child was trying to cross the street and was hit by a car on Lombard Street. He stated, fast forward another few years, there was another instance where a young adult was trying to cross the street and was struck by a car and killed. He stated he is not against building these townhomes, but there needs to be a safe spot for these children living in these townhomes to be able to get across the street. He asked for Council Members to read his handout and to respond back to him via email. Mayor McLeod stated he is very respectful of his thoughts. Mr. Corbett stated he is not asking the developer to provide a crosswalk, he is asking Council to step up if the developer doesn't to provide a crosswalk. Council Member Archer stated she is happy to respond to him via email.

Pam Stevenson-White, Ridge Drive, stated her dad's concern was stormwater problems that might exist. She shared the stormwater problems with her property. She wants to make sure the developer takes into consideration these issues. She stated she is concerned about the sewer lines as well. She stated she did participate in the neighborhood zoom meeting for this project and asked at the meeting about putting a fence up.

Mr. Jamarillo thanked Mayor McLeod and Council for their time tonight. He addressed Ms. Stevenson-White's concern about stormwater. He stated in this case, there would be a stormwater control measurement in place. Mayor McLeod asked if there were any other questions. Council Member Archer wants to confirm that the developer is willing to add the fencing and no parking signs to one side of the street. Mr. Neff stated he is in agreement with that.

Mayor McLeod asked Council for their deliberation. Mayor Pro Tem Thompson stated he is concerned there were a lot of concerns in the neighborhood meeting for traffic and that a TIA was not performed. He stated we need to start looking at the big picture. He stated he feels like this applicant has done what they have been asked to do but we need to be cautious of moving forward.

Council Member Sims thanked the applicant for working with the conditions. He stated due to traffic, he would feel comfortable having a TIA done in that area. He wants to make sure we are encompassing a better future for our citizens.

Council Member Casey thanked the applicant for going above and beyond the design settings. He stated regarding the two citizens, their concerns are being heard. He discussed the concerns of young adults trying to cross this street. He stated with Findings of Fact #1, that is a concern to him. The other things is if we move forward, there would be substantial construction improvements to Shotwell Road, he can see the fear of this being a one lane road for a while. He stated he does not want there to be a massive traffic jam while in construction. He stated possibly adding another condition where the applicant works with staff to request to work on these improvements on off hours. He discussed the concerns of this disturbing neighbors at night.

Council Member Archer stated she believes applicant has met Findings of Fact #1, because they have offered to provide the DOT email. She feels while everyone has valid concerns, this comes down to our own ordinance getting in the way.

Mayor McLeod stated he wants to go back to Mr. Corbett's point. He asked if there was any outcome on what happened on Lombard Street, was a crosswalk put in that area where the accident happened? Mayor Pro Tem Thompson stated there was not a crosswalk put in that area, it is at the stoplight. Mayor McLeod stated he feels maybe nothing was done because this would encourage kids to cross in that area. That is a definite concern as Clayton continues to grow with more pedestrian walking or bicycling. He asked if there was a crosswalk at Shotwell and Amelia Church Road, it was stated there is not.

Council Member Archer moved to approve 2022-67-SUP Findings of Fact #1, according to the plans as submitted and approved. Council Member Sims voted against this.

Council Member Casey asked who would be making the improvements on the road, and if this could be done either at night or on off peak hours, he asked if the applicant agrees to this condition?

Mr. Neff stated that is a state road and any conditions with construction would be part of the State approval. Council Member Casey asked who would be making the improvements? Mr. Neff stated they would be making the improvements but through their DOT encroachment permit there would be requirements set within the DOT encroachment permit of when those could be done.

Mr. Howell stated when private developments make improvements, there is a DOT encroachment permit that does provide timeline restrictions. Generally, DOT does not allow work to being on roads before 9:00 a.m. and not after 4:00 p.m. The Town could request additional restrictions, but it would not be enforceable by DOT. Council Member Casey asked if we could make a request of DOT but it would be up to them, Mr. Howell stated that is correct. Council Member Casey asked would it be agreed upon by the applicant to work with

Town staff on any additional requests to DOT to have this worked on during an off-peak time. Mr. Neff stated that it is 100% up to DOT. Mr. Neff stated they are doing more than what is shown on the site plan. Council Member Casey stated his concern is if that's a one lane road for an extended amount time. Mr. Neff stated he is open to it but it's a function of DOT.

Council Member Archer moved to approve Findings of Fact #2, Findings of Fact #3 and Findings of Fact #4. Council Member Archer moved to approve 2022-67-SUP and to add to the two conditions the applicant has agreed to in addition to the conditions noted in the staff report. The first condition would be to add no parking signs to one side of Street A and B. The second would be to add landscaping behind units 1-4.

Mr. Baird, Engineering Director, spoke on the wastewater allocation. He stated the request is for 17,000 gallons per day. He stated this is based on a phased approach and schedule so the wastewater would become available based on current capacity. Staff is recommending the approval with a date of permit which could be submitted for July 2024. Mayor Pro Tem Thompson wanted to address Ms. Stevenson-White's concerns that the infrastructure in the ground is capable of taking this wastewater. Mr Baird stated as part of this CD process, the Town standards does have requirements that does account for the total flow in these pipes and would be evaluated as per the CD .

Approval of 2022-67-SUP

RESULT:	**CARRIED**

Approval of Findings of Fact #1 (According to Plans as Submitted and Approved)
MOVER: Council Member Archer
SECONDER: Council Member Everett
VOTED AGAINST: Council Member Sims

Approval of Findings of Fact #2
MOVER: Council Member Archer
SECONDER: Mayor Pro Tem Thompson

Approval of Findings of Fact #3
MOVER: Council Member Archer
SECONDER: Council Member Everett

Approval of Findings of Fact #4
MOVER: Council Member Archer
SECONDER: Mayor Pro Tem Thompson

Approval of 2022-67-SUP (with Modified and Added Conditions)
MOVER: Council Member Archer

SECONDER: Mayor Pro Tem Thompson

Adoption of Wastewater Resolution #2022-89

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

Quasi-Judicial Hearing

A quasi-judicial hearing resembles a court trial where testimony is presented. Citizens may give testimony in a quasi-judicial hearing after they have taken an oath. Town Council acts like a court of law and receives only sworn testimony and other credible evidence. In addition, the Town Council must make findings of fact based upon the evidence presented.

The Town Council refrains from "ex parte communication" about these cases, as the Town Council must make a decision based solely on the evidence presented at the hearing itself.

Staff is available to assist with inquiries from citizens.

7. OLD BUSINESS

8. NEW BUSINESS

a. Historical Collections Policy
Presenter: Joy Garretson, Library Director

Ms. Garretson stated this is a new policy has been recommended through the Library Board. Donations for the history room have recently grown. She stated over the years it has become clear the library needed a good idea of what to keep and what to discard. She shared details of this policy and the deaccession policy. Ms. Garretson stated when someone donates something to the library it becomes property of the library. She shared the part of the policy that references this. She stated if there are any big concerns, it is brought to the Library Board for their discussion. Mayor Pro Tem Thompson stated he thinks this is a good policy. Mayor McLeod thanked the Library Advisory Board for helping to navigate through these policies.

Adoption of Historical Collections Policy

RESULT:	**CARRIED 5-0**
MOVER:	Jason Thompson
SECONDER:	Michael Sims
YES:	Jason Thompson, Porter Casey, Avery Everett, Andria Archer, and Michael Sims

NO:	None

b. 2022 Water and Sewer Revenue Bonds
Presenter: Robert McKie, Finance Director

Mr. McKie stated tonight there are two items, a bond order and a series resolution. The bond order is amending our existing bond order, it positions the Town to go into the public market. With the upcoming Sam's Branch project, we are currently paralleling the public market as well as the private placement.

The biggest difference between the two bonds is the fact we are establishing a trustee. U.S. Bank would be acting as the trustee. When it comes time to make a debt service payment, rather than the Town paying the bond holder directly, we will remit the funds to the trustee five days in advance. The trustee would be making the payment to the bond orders.

The resolution would be authorizing the Town to issue up to $100 million dollars of revenue bonds. He stated we have until November 18 to let LGC know which option we will choose. This would be decided on the interest rate. He stated the public has been more favorable than the private so that may be what is decided. He stated it is expected to have confidential ratings back by Monday from the rating agencies.

PLEASE NOTE: On Monday November 21, 2022, we were notified the A/R Bond Order and this Series Resolution containing the technical corrections are approved.

Approval of Bond Order

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

Adoption of Resolution #2022-86

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

c. SCADA Standardization
Presenter: Shaun Mizell Procurement, Contracts and MWBE Manager

Mr. Mizell stated he is here tonight about the procurement method service provider for the SCADA System Integration Services. The Town currently uses custom controls to provide the services for the collections and distributions department. He stated the request is for Council to approve the Sole Source exception to allow the Town to use custom controls for SCADA Integration.

Approval of Sole Source Standardization

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

d. Fire Stations 1 & 2 Improvements Project – Construction Contract Award
Presenter: Shannon Poole, Engineering Technician

Ms. Poole stated this is a request for two items. The first is for a contract award for Fire Stations 1 & 2 for improvements. The second is for a budget amendment. The award would include a base bid and three alternates. She stated Fire Station 1 would include a riser room as well as an automatic sprinkler system. This would include a tie-in around the back to water. For Fire Station 2, it includes a riser room, an automatic sprinkler system, added storage and a workout and PT space.

The Fire Department did receive a grant from FEMA to go towards the sprinkler system for $71,000 in August 2021. This was put out for bid this past September with bid openings the first of October, only two bids were received. The lowest bidder was W.B. Brawley in the amount of $1,285,777. For the alternate 1, it was zero dollars, alternate 2 was $31, 848 and alternate 3 was $92,777 for a total contract of $1,410,402. Alternate 1 would be for specific door hardware, alternate 2 is for Fire Station 2 to correct the drainage issue and for alternate 3, also at Fire Station 2, is to install a fence to secure the back property.

The contract has been reviewed by Procurement Manager Shaun Mizell. The budget amendment is needed for the sprinkler system addition.

Approval of Bid Award

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

Adoption of Resolution #2022-88

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

Adoption of Budget Amendment Ordinance #2022-11-01

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

9. STAFF REPORTS

a. Town Manager

Mr. Cappola thanked everyone that attended the Operation Green Light Ceremony this afternoon. He hoped to be able to turn this ceremony into an annual event. Reminder, we are closed for Veterans Day and will be closing down for our Annual Appreciation Events on November 18, 2022 from 12:00 to 5:00 p.m.

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.

b. Council Comments

Council Members Sims wants to thank Chamber of Commerce, Fire Department and Police Department for their involvement with the Harvest Festival. He also thanked Council Member Casey and Mayor McLeod for attending the County Commissioners meeting, he has received positive phone calls in regard to this.

Mayor McLeod stated he is extremely grateful for the Chamber for their hard work. His request is for staff to present their best guess of cost for bringing in our police, fire and public works staff for this event.

c. Sam's Branch Construction Bid Discussion
Supporting Documents Pending
Presenter: Louis Duffie, Project Manager

Mr. Duffie stated tonight he is bringing the tentative award for the Sam's Branch Water Reclamation Facility as well as the adoption of the resolution. On October 11, 2022, the Town received 3 bids. The lowest responsive responsible bidder was Thalle Construction Co., Inc. with the amount of $171,402,550.00. This has been reviewed by Town staff and has been recommended to move forward. He stated he is bringing this forward with the contingencies of the approval from the NC Department of Environmental Quality as well as the NC Local Government Commission. Once those approvals are received, the Town will receive the authority to make a formal award and to enter into a contract, which would come back to Council at a later date.

The Executive Vice-President of Thalle was present. Larry Fantozzi stated he has been with Thalle for 22 years. He thanked Council for allowing them work with such an important project for the Town. He provided background on Thalle. He stated he is excited about this opportunity. Mayor McLeod stated he is very happy to have a company with this caliber to help us with this. He stated he feels the Town is in good hands. Mr. Cappola thanked Thalle Construction and stated he is looking forward to working with them. He also commended Council for approving the bond order and the award bid.

Approval of Resolution #2022-90

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

11. CLOSED SESSION

a. Closed Session to Discuss Legal Matter in accordance with NC GS 143.318-11 (a) (3).

Motion to Go Into Closed Session at 8:57 p.m.

RESULT:	**CARRIED 5-0**
MOVER:	Andria Archer
SECONDER:	Porter Casey
YES:	Jason Thompson, Porter Casey, Avery Everett, Andria Archer,

	and Michael Sims
NO:	None

b. Closed Session to Discuss Economic Development in accordance with NC GS 143.318-11 (a) (4).

Motion to Return to Open Session at 9:44 p.m.

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

12. ADJOURNMENT

a. Adjournment

With nothing further, the meeting was adjourned at 9:45 p.m.

Motion to Adjourn

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

Duly adopted this 5th day of December 2022, 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	Agenda Location
December 5, 2022	NEW BUSINESS

Item Title

Town of Clayton Communication System

Presenter(s)

Nathanael Shelton - Director of Communication

Suggested Action

Information Only

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
☐ Special Mailing

☐ Public Hearing (Not Required by GS)
☐ Newspaper Notice (Not Required by GS)
☐ Press Release
☐ Website
☐ Survey
☒ None Required

Updates Since Previous Presentation

N/A

Summary

The Town of Clayton is working to create a communication system that will allow for more streamlined communication between residents, business owners, customers, and staff, especially regarding power outages, emergency alerts, and other non-emergency needs.

Funding Source

N/A

Cost

Yes

Submitted By: Nathanael Shelton, Communications