



Town of Clayton
Regular Town Council Meeting Minutes
Monday, August 15, 2022 at 6:00 PM
Council Chambers

Council Present:

Mayor Jody McLeod, Council Member Jason Thompson, Council Member Avery Everett, Council Member Andria Archer, and Council Member Michael Sims

Council Absent:

Council Member Porter Casey

Staff Present:

Rich Cappola, Interim Town Manager, Sherry Scoggins, Interim Town Clerk, Heidi Holland, Deputy Town Clerk, Jim Cauley, Town Attorney - CauleyPridgen, Dolores Gill, Deputy Town Manager, Robert McKie, Finance Director, Greg Tart, Police Chief, Joshua Baird, Town Engineer, Nathanael Shelton, Communication Director, Aaron Prichard, Planner II, Scott Barnard, Parks & Rec Director, and Bruce Venable, Planner I

1. CALL TO ORDER

- a. Call to Order

Mayor McLeod called the meeting to order at 6:00 p.m.

- b. Pledge of Allegiance

Mayor McLeod led the Pledge of Allegiance.

- c. Invocation

Mayor McLeod provided the Invocation.

2. ADJUSTMENT OF THE AGENDA

- a. Approval or Adjustment of the Agenda

Interim Town Manager Rich Cappola requested the following adjustment of the agenda:

- Add Closed Session to discuss economic development in accordance with NC GS 143-318.11 (a)(4)
 - Order of Closed Sessions to follow: Economic Development, Legal, and Personnel
- Item 6e., Public Hearing for Rezoning Request for 2022-69-RZ for Jason & Vilamon Carroll, Applicant requests to continue this item to the September 6, 2022 Meeting.

Approve or Amend the Agenda

RESULT:	CARRIED 4-0
MOVER:	Avery Everett moved to approve as amended
SECONDER:	Jason Thompson
YES:	Jason Thompson, Avery Everett, Andria Archer, and Michael Sims
NO:	None
ABSENT:	Porter Casey

3. CONSENT AGENDA

- a. Minutes:
 - August 1, 2022, DRAFT Work Session Minutes
 - August 1, 2022, DRAFT Regular Meeting Minutes
 - August 1, 2022, DRAFT Closed Session Minutes (2 sets)
- b. Approval of Resolution Directing the Clerk to Investigate a Petition for Annexation 2022-112-ANX Barber Mill Townhomes, located at Barber Mill Road and Grovewood Drive
Presenter: Bruce Venable, Planner I
- c. Resolution 2022-57 to Accept Streets into the Town of Clayton Street System for Maintenance - Parkview, Phases 4& 6
Presenter: Jonathan Jacobs, Assistant Town Engineer
- d. Resolution 2022-58 to Accept Public Utilities into the Town of Clayton Public Utility System for maintenance - Parkview, Phases 4&6
Presenter: Jonathan Jacobs, Assistant Town Engineer
- e. School Resource Officer Memorandum of Understanding (MOU)
Presenter: Greg Tart, Police Chief

Approve, Amend or Deny the Consent Agenda

RESULT:	CARRIED 4-0
MOVER:	Jason Thompson moved to approve
SECONDER:	Avery Everett
YES:	Jason Thompson, Avery Everett, Andria Archer, and Michael Sims
NO:	None
ABSENT:	Porter Casey

4. ADMINISTRATIVE ITEMS (NONE)

5. INTRODUCTIONS AND SPECIAL PRESENTATIONS

- a. Follow-up presentation by the G Force Girls Robotic Team
Presenter: Joy Garretson, Library Director

This is a follow up presentation by the G Force Girls Robotic Team. Ms. Garretson gave the history of this Robotics Team. She stated they did 2 great programs for the library. In March, the library was able to put funding for this team into their budget. She introduced three of the team members. A presentation was shared.

One of the members stated they are the largest all girls team in the state. Discussed was the STEM Education and Community Service outreach the team provides. Discussed was the importance of giving back to the community as well as events that this team has attended and programs they are involved in.

Council Member Everett stated he loves the fact that they want to serve the community. Council Member Archer stated all the work in the community is awesome. Mayor Pro Tem Thompson stated this presentation and demonstration is amazing and highly technical. He stated what they are doing to empower young women is admirable. Mayor McLeod stated he can't thank them enough for what they are doing. He thanked them for being here this evening.

b. Clayton Clovers Baseball - Carolina Collegiate League Winners

Presenters: Scott Barnard, Parks and Recreation Director; Louis DeCarolic, Owner; and Caleb Sharp, Owner

Mr. Barnard thanked Mayor McLeod and Council for this opportunity. He introduced the owner's of the Clayton Clovers, Louis DeCarolic and Caleb Sharp and shared a video. Mr. DeCarolic thanked Mayor McLeod and Council for helping get this off the ground. He stated the entire staff of Parks & Rec. was a pleasure to work with as well as Police Department Staff. He stated Clayton's involvement has just been unmatched.

Council Member Everett thanked the owner's for representing Clayton in a big way. Council Member Sims congratulated the Clover's on winning the championship and stated he loved the whole atmosphere at the games.

Mr. Barnard stated he has been using software that utilizes cell phone data to share statistics during the Clovers season. During the season, there were 31,000 visitor's at East Clayton, which is a 50% increase. He stated the number is much higher because there were two fields under construction during the entire Clovers season. He shared that 10,000 visitors stayed over 150 minutes, which means they were staying for the entirety of the game. He thanked Mayor McLeod and Council for their support.

c. Clayton Community Garden Presentation

Presenters: Scott Barnard, Parks and Recreation Director; Felice Chadwick, Garden Manager; and Marshall Warren, Extension Agent-Horticulture

Mr. Barnard spoke about the Community Garden behind the Community Center. He stated there are 1,000's of volunteer hours that made this happen. He stated every year a check is presented and this has been the biggest year the Garden Center has ever had. He stated none of this would be possible without Garden Manager Felice Chadwick and her volunteers.

Mr. Barnard introduced Mr. Warren. He stated he works with master garden volunteers and helps train people in Johnston County with horticulture. He shared more of his involvement.

Ms. Chadwick stated she appreciates all the support the Community Center provides. She stated it gives the space to teach others. This year the class she teaches at the Community Center has really grown in registration. This was the most successful plant sale yet. The sale proceeds run the greenhouse as well as the facility, water and electricity. She encouraged everyone to visit the site.

Mayor McLeod was asked to accept a check from Ms. Chadwick and Mr. Warren. Mayor McLeod thanked them both for all they do.

d. New Employee Introductions:

Presenter: Joshua Baird, Engineering Director

- Tim Robbins, Project Manager

Presenter: Ann Game, Revenue & Utility Customer Service Director

- Rhonda Thompson, Customer Service Specialist

Mr. Robbins was not able to make this meeting tonight.

Ms. Game introduced Rhonda Thompson, Customer Service Specialist. She comes with years of Human Resource & Customer Service experience. She stated she has done an incredible job so far. Mayor McLeod and Council welcomed her.

6. PUBLIC HEARINGS

a. Public Hearing for Annexation Petition 2022-79-ANX for O'Neil Overlook located on O'Neil Road and Oakdale Avenue

Presenter: Bruce Venable, Planner I

Mr. Venable provided information on this annexation. He stated the applicant is seeking to annex 15.546 acres. He stated there are 2 parcels that make up this annexation. The location is O'Neil Street and Oakdale Avenue.

Mayor McLeod stated this has been noted as a public hearing and asked if anyone wished to speak.

Beth Mountz from Hearth Pointe was present and asked if anyone had any questions.

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

Approve or Deny Annexation Ordinance 2022-08-04

RESULT:	CARRIED 4-0
MOVER:	Andria Archer moved to approve annexation ordinance 2022-08-04

SECONDER:	Michael Sims
YES:	Andria Archer, Michael Sims, Jason Thompson, and Avery Everett
NO:	None
ABSENT:	Porter Casey

- b. Public Hearing for Annexation Petition 2022-9-ANX for Ashcroft Section 2 located on N. O'Neil Street and the Neuse River

Presenter: Bruce Venable, Planner I

Mr. Venable provided information on this request. He stated the applicant is seeking to annex 221 acres with a total of 6 different contiguous parcels.

Mayor McLeod stated this has been noted as a public hearing and asked if anyone wished to speak.

Beth Mountz from Hearth Pointe was present and asked if anyone had any questions.

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

Approve or Deny Annexation Ordinance 2022-08-05

RESULT:	CARRIED 4-0
MOVER:	Andria Archer moved to approve annexation ordinance 2022-08-05
SECONDER:	Avery Everett
YES:	Avery Everett, Andria Archer, Jason Thompson, and Michael Sims
NO:	None
ABSENT:	Porter Casey

- c. Public Hearing for Annexation Petition 2022-100-ANX for River Mews located at 1603 NC HWY 42 East

Presenter: Bruce Venable, Planner I

Mr. Venable spoke on the River Mews annexation. He stated this annexation is 147 acres of non-contiguous land in the city limits and located off of HWY 42. He asked if there were any questions.

Mayor McLeod stated this has been noted as a public hearing and asked if anyone wished to speak.

Jason Wenzel, Attorney from Smithfield, stated he is here on behalf of Flowers Planation. He stated approximately 19 years ago, this property was transferred to Greg Moore from Becky Flowers. He distributed a copy of a vesting deed from 2003 to Council. With approximately three thousand acres, Flowers Plantation is the largest planned unit development ("PUD") community in the Triangle, located just to the east of the Town of Clayton, across the Neuse River. Flowers Plantation currently consists of over forty neighborhoods and multiple commercial centers.

This property was part of the originally planned PUD. Under Johnston County ordinances, there was a public hearing, but this is a Special Use so there are specific findings that go along with this. He stated their objection is those density units can not be part of the Town and has to stay with the PUD. He stated if the Town is going to annex this property, they will need density back (sewer, water). He stated Flowers Plantation has tried to work this out with the applicant with no luck.

Attorney Armstrong was present. He stated he is here tonight to try to solve this problem. He is requesting to table this item. The density has always been the issue. Density is only useful if you are in the PUD. He is asking tonight to table this item to allow some time to work toward a conditional agreement.

Council Member Sims asked Mr. Armstrong that he is asking us to table based on conversations that has not been able to happen. Mr. Armstrong stated that is true. Council Member Sims wants to know if there is anything different in order to do anything to establish communication on the other end. Mr. Armstrong stated tabling this tonight would allow Becky Flowers more time to iron this out with the other side.

Mr. Venable stated the applicant is not here tonight.

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

Mayor McLeod stated he is worried about any lawsuit against the Town if this action moves forward. He stated there could be issues either way legally. Attorney Cauley stated from his perspective, these issues are private civil matters between property owners and not Town issues, but this doesn't mean the Town couldn't find itself in a lawsuit. He stated ultimately the issues are between the private parties.

Council Member Archer stated she has a lot of questions. Her inclination as reading the agenda was to table this tonight just for her own understanding.

Mayor Pro Tem Thompson stated he is concerned the applicant is not here and there are communication issues. He stated tabling this would be his recommendation.

Council Member Sims stated after reading agenda, he was set to move forward with this. He stated if you are the applicant, you should be in front of Council for your item.

Mayor McLeod stated he is in favor of tabling this item but he would like to state that when the General Assembly took away from municipalities the ability to annex, all the Town could have in terms of growth was what was volunteered to be annexed. He stated the roles of the elected officials is to grow our tax base in a format that is healthy, that the expenditures of providing the service to that annexed area does not exceed the tax revenues that are generated for the Town from that area. He stated we are in business to annex, not get in the middle of issues that have not been ironed out before being presented. He stated he hoped this would be ironed out within 30 days.

Motion to Table This Item Until the September 19th Meeting

RESULT:	CARRIED 4-0
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MOVER:	Jason Thompson moved to continue to the September 19 2022 Council meeting
SECONDER:	Andria Archer
YES:	Jason Thompson, Andria Archer, Avery Everett, and Michael Sims
NO:	None
ABSENT:	Porter Casey

- d. Public Hearing for the Rezoning of Multiple Town of Clayton Properties
Presenter: Bruce Venable, Planner I

Mr. Venable shared details on this rezoning, which are all town initiated. He stated there are 63 town owned properties in this rezoning. Town staff and the Planning Board does recommend these rezonings. He stated when this was approved by the Planning Board, it was approved at 65 properties. They were notified that 2 of the properties were under development and Planning Board was notified of this. He asked if there were any questions.

Mayor McLeod stated this has been noted as a public hearing and asked if anyone wished to speak.

Clayton Citizen Arie, stated he lives near the pump station. His concern was the animals in the forest, he asked if the forest would stay. Mr. Venable said there is no planned development for this area, it actually gives this area in discussion more protection.

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

Approve, Deny or Send Back to the Planning Board for Additional Consideration for Rezoning Ordinance Amendment 2022-08-07

RESULT:	CARRIED 4-0
MOVER:	Andria Archer moved to approve rezoning ordinance amendment 2022-08-07
SECONDER:	Avery Everett
YES:	Avery Everett, Andria Archer, Jason Thompson, and Michael Sims
NO:	None
ABSENT:	Porter Casey

- e. Public Hearing for Rezoning Request for 2022-69-RZ for Jason & Vilamon Carroll
Presenter: Aaron Prichard, Planner II

This item was asked to be continued to the September 6th meeting.

Moved to continue this item to the September 6th meeting.

RESULT:	CARRIED 4-0
MOVER:	Jason Thompson moved to continue to the September 6, 2022, meeting.
SECONDER:	Andria Archer
YES:	Jason Thompson, Andria Archer, Avery Everett, and Michael Sims

NO:	None
ABSENT:	Porter Casey

f. Public Hearing for Three Text Amendments to Chapter 155

- Upper Story Residential (155.301(K))
- Action After Approval - Conditional Zoning District (155.05(L)(6))
- Burden of Proof - Variance (155.716(D))

Presenter: Aaron Prichard, Planner II

Mr. Prichard spoke on this item. He stated the proposed ordinance amendments are for three separate sections of the UDC.

The amendments reflect:

Upper-Story Residential: NC Accessibility Code contains requirements for accessible ground-floor units in buildings with upper-story residential and no elevator service. Current Code language doesn't speak to that requirement.

Action After Approval (under 'Conditional Zoning District'): Applicant on a Conditional Zoning project wondered if they still had to get SUPs for Apartments and Townhomes even if a Conditional Zoning Master Plan is approved. This clarifies that land uses on approved CZ Master Plans noted as 'Permitted' shall not need an SUP.

Burden of Proof (under 'Variance'): Recent Case Law has gone away from the term "Burden of Proof" with respect to Quasi-Judicial evidentiary standards. This amendment simply changes that section title to "Evidentiary Standards" and replaces the word 'presenting' with 'producing' to align with language from recent legal opinions.

He stated the Planning Board recommends approval of all three amendments. If Council adopts the proposed text amendments, Consistency Statement 2022-126-OA is also recommended to be adopted.

Mayor McLeod stated this has been noted as a public hearing and asked if anyone wished to speak. With no one wishing to speak, this public hearing was closed and turned over to council for their deliberation.

Approve, Deny or Send Back to the Planning Board for Additional Consideration for Text Amendment Ordinance 2022-08-09

RESULT:	CARRIED 4-0
MOVER:	Michael Sims moved to approve text amendment ordinance 2022-0-09
SECONDER:	Avery Everett
YES:	Avery Everett, Michael Sims, Jason Thompson, and Andria Archer
NO:	None
ABSENT:	Porter Casey

Approve the Statement of Consistency and Reasonableness

RESULT:	CARRIED 4-0
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MOVER:	Jason Thompson moved to approve the statement of consistency and reasonableness
SECONDER:	Andria Archer
YES:	Jason Thompson, Avery Everett, Andria Archer, and Michael Sims
NO:	None
ABSENT:	Porter Casey

7. OLD BUSINESS (NONE)

8. NEW BUSINESS

- a. Revenue Bonds Findings Resolution 2022-55 for the Sam's Branch Water Reclamation Facility
Presenter: Robert McKie, Finance Director

Mr. McKie spoke on this item. He stated he is asking council to approve revenue bonds to help financing Sam's Branch Water Reclamation Facility.

Approve or Deny Resolution 2022-55

RESULT:	CARRIED 4-0
MOVER:	Andria Archer moved to approve resolution 2022-55
SECONDER:	Avery Everett
YES:	Avery Everett, Andria Archer, Jason Thompson, and Michael Sims
NO:	None
ABSENT:	Porter Casey

- b. Resolution 2022-56 and Policies related to the American Rescue Plan Act (ARPA)
Presenter: Robert McKie, Finance Director

Mr. McKie stated this is a resolution related to requirements for ARPA. He stated there are 6 policies that need to be adopted:

- Eligible Use Policy
- Cost Principles Policy
- Nondiscrimination Policy
- Real Property Policy
- Record Retention Policy
- Conflict of Interest Policy

Approve or Deny Resolution 2022-56; Policy 2022-01; Policy 2022-02; Policy 2022-03; Policy 2022-04; Policy 2022-05; Policy 2022-06

RESULT:	CARRIED 4-0
MOVER:	Avery Everett moved to approve resolution 2022-56 and the policies noted within the resolution
SECONDER:	Jason Thompson
YES:	Jason Thompson, Avery Everett, Andria Archer, and Michael Sims
NO:	None
ABSENT:	Porter Casey

- c. Budget Amendments for the following:
- Budget Ordinance Amendment 2022-08-01 for American Rescue Plan Act (ARPA)
 - Budget Ordinance Amendment 2022-08-02 for School Resource Officer
 - Budget Ordinance Amendment 2022-08-03 for Copper District

Presenter: Robert McKie, Finance Director

Mr. McKie spoke on this item. He stated all three are directly related.

Approve or Deny Ordinance 2022-08-01

RESULT:	CARRIED 4-0
MOVER:	Andria Archer moved to approve ordinance 2022-08-01
SECONDER:	Jason Thompson
YES:	Jason Thompson, Andria Archer, Avery Everett, and Michael Sims
NO:	None
ABSENT:	Porter Casey

Approve or Deny Ordinance 2022-08-02

RESULT:	CARRIED 4-0
MOVER:	Andria Archer moved to approve ordinance 2022-08-02
SECONDER:	Avery Everett
YES:	Avery Everett, Andria Archer, Jason Thompson, and Michael Sims
NO:	None
ABSENT:	Porter Casey

Approve or Deny Ordinance 2022-08-03

RESULT:	CARRIED 4-0
MOVER:	Andria Archer moved to approve ordinance 2022-08-03
SECONDER:	Avery Everett
YES:	Avery Everett, Andria Archer, Jason Thompson, and Michael Sims
NO:	None
ABSENT:	Porter Casey

9. STAFF REPORTS

- a. Town Manager

Mr. Cappola stated on the agenda there were several public hearings and appreciated everyone's efforts but moving forward the agenda would have no more than 3 public hearings per meeting.

He provided an update on the Water Reclamation Facility. The pre-bid meeting was held for the five pre-qualified contractors last week. He stated prior to the meeting, one of the contractors dropped out, leaving it to four contractors. It did appear our timeline of September 1st was aggressive and in reviewing the potential bidders, it was decided to push the bid deadline to September 20th. This will push us to the November LGC meeting. Mr. McKie has assured us that the auditor would be able to

work through the annual audit and get it submitted in time in order to make the November meeting.

He stated the library would be having new furniture installed, still waiting on final delivery date. During that installation, the library will be closed for a day. The communications team would make sure that information goes out.

He recognized Nathanael Shelton, for receiving his remote pilot certificate and is now qualified to operate the Town's drone.

- b. Town Attorney
- c. Town Clerk
- d. Other Staff

Follow Up on Policy for Non-Profits

Presenter: Scott Barnard, Parks and Recreation Director

Mr. Barnard brought answers to any questions at the current rate structure. Provided were benchmark stats.

Mr. Barnard discussed the fee structure of the Parks & Rec. He discussed the resident and non-resident rates. He stated 3 out of 5 municipalities were offering a non-profit rate. Some of these rates were based on time slots. He shared information on the benchmarking study.

He asked if there were any questions. Council Member Sims stated he appreciates all the information and strongly believes in setting standards.

Mayor Pro Tem Thompson, thinks this is complex and not that simple as if you live in town or not. He stated he doesn't know if this is as clear cut as resident or non-resident. He stated he thinks there is a better way, not sure what that is. He stated we need to figure out the best way for Clayton to include the special populations that contribute to the community.

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.

Ben Chapman, off Amelia Church Road, stated he is speaking up for his community. He spoke on the LGT community and a orphan situation. He provided same sex marriage statistics. He wants to speak on local non-discrimination ordinance, would like to advocate a more extension ordinance.

- b. Council Comments

Mayor Pro Tem Thompson discussed the Town's State of Emergency that is in place because of COVID. He suggested that now North Carolina's State of Emergency has expired, he feels ours can expire as well.

Mayor Pro Tem Thompson stated he wants to thank citizen Ben Chapman for speaking tonight, he stated we pride ourselves in being better. He stated he has had conversations on what we can do more on this subject in the community. He thanked him for coming and working on inclusiveness.

Council Member Everett stated it is very important and takes a lot of courage for Mr. Chapman to stand and share his comments. He stated he appreciates him.

Mayor McLeod stated he is still concerned about the 18 wheelers on Main Street. He feels like he is not seeing the results he is looking for. He shared a situation today. He would like to see an actual strategy on what this subject and bring this back to Council.

Move to remove the Town's State of Emergency

RESULT:	CARRIED 4-0
MOVER:	Jason Thompson moved to lift the Town's State of Emergency
SECONDER:	Andria Archer
YES:	Jason Thompson, Andria Archer, Avery Everett, and Michael Sims
NO:	None
ABSENT:	Porter Casey

11. CLOSED SESSION

- a. Closed session to consult with the Town Attorney in accordance with NC GS 143-318.11 (a) (3)
Presenter: Rich Cappola, Interim Town Manager
- b. Closed session to discuss a personnel matter in accordance with NC GS 143-318.11 (a) (6)
Presenters: Jody McLeod, Mayor and Kenya Walls, Human Resources Director

Move to go into Closed Session at 8:00 p.m.

RESULT:	CARRIED 4-0
MOVER:	Jason Thompson moved to go into closed session
SECONDER:	Michael Sims
YES:	Jason Thompson, Michael Sims, Avery Everett, and Andria Archer
NO:	None
ABSENT:	Porter Casey

Move to return to Open Session at 9:25 p.m.

RESULT:	CARRIED 4-0
MOVER:	Jason Thompson moved to return to open session
SECONDER:	Michael Sims
YES:	Jason Thompson, Michael Sims, Avery Everett, and Andria Archer
NO:	None

ABSENT: Porter Casey

12. ADJOURNMENT

a.

Move to adjourn at 9:25 p.m.

RESULT: CARRIED 4-0

MOVER: Michael Sims

SECONDER: Avery Everett

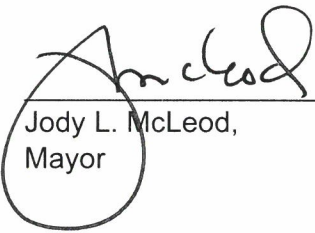
YES: Avery Everett, Michael Sims, Jason Thompson, and Andria Archer

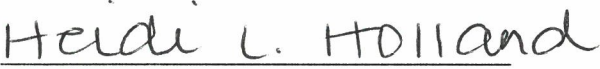
NO: None

ABSENT: Porter Casey

Duly adopted this 6th day of September 2022, while in regular session.

ATTEST:


Jody L. McLeod,
Mayor


Heidi L. Holland, CMC and NCCMC
Town Clerk

