



Town of Clayton
Regular Town Council Meeting Minutes
Tuesday, September 7, 2021 @ 6:00 PM
Council Chambers

COUNCIL PRESENT:

Mayor McLeod *
Mayor Pro Tem Thompson
Council Member Holder
Council Member Grannis
Council Member Bunn
Council Member Everett
*Arrived at 6:45 p.m.

STAFF PRESENT:

Rich Cappola, Interim Town Manager
Lee Barbee, Interim D/Town Manager & Fire Chief
Dolores Gill, D/Town Manager
Jim Cauley, Town Attorney
Kimberly Moffett, Town Clerk
Joy Garretson, Library Director
Joe Pitt, Fleet Services Superintendent
Matt Lorion, P& R Superintendent
Greg Tart, Police Chief
Ben Howell, Planning Director
Jeff Caines, Senior Planner

COUNCIL ABSENT:

1 CALL TO ORDER

Pledge of Allegiance and Invocation

- a) Mayor Pro Tem Thompson called the meeting to order at 6:02 p.m. and led everyone in the Pledge of Allegiance as well as offering the Invocation.

2 ADJUSTMENT OF THE AGENDA

- a) It was requested that Items 6e and 6f order be reversed. Item 6f, Annexation, will be heard prior to 6e, Rezoning for Johnston Prep Charter HS.

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) Draft Minutes
 - August 16, 2021
- b) Utility Relocation Agreement - Shotwell @ US 70
- c) Resolution for Retirement of K-9 Abel
- d) Warranty Acceptance
 - The Villages at Little Creek, Phase 2
 - RWAC, Badger Pass Phase 7A & 7B, Street & ROW Warranty

- e) Big Read Proclamation
- f) Constitution Week Proclamation

ACTION: Adoption of Consent Agenda as Presented

Motion: Council Member Holder
Second: Council Member Bunn
Vote: Unanimous

4 ADMINISTRATIVE ITEMS

5 INTRODUCTIONS AND SPECIAL PRESENTATIONS

- a) Presentation of Big Read Proclamation

Presented To: Joy Garretson - Library Director, Members of Friends of the Library and Members of Library Advisory Board

Ms. Garretson offered appreciation and thanks to the numerous folks in attendance this evening to support the Big Read. Mayor Pro Tem Thompson read the Proclamation and presented it to the group.

- b) Presentation of Constitution Week Proclamation

Presented To: Cynthia Lescault - Constitution Week Chair, National Society Daughters of the American Revolution

Ms. Kirby and Ms. Lescault were present and offered their thanks to the council. An invitation was extended to attend the Bells Across America which will be held Friday - September 10, 2021 at the Johnston County Court House. Mayor Pro Tem Thompson read the Proclamation and presented it to Ms. Lescault and Ms. Kirby on behalf on council.

- c) Employee Introductions

Presenters: Joe Pitt - Fleet Services Superintendent; Matt Lorion - Parks & Recreation Superintendent; Greg Tart - Police Chief; Rich Cappola - Interim Town Manager and Lee Barbee - Fire Chief/Interim Deputy Town Manager

- Hunter Johnson - Fleet Maintenance Mechanic
- Lauren Lambert - Marketing & Events Coordinator
- Kelly Young - Recreation Support Specialist
- Vernon Hanchey - Police Officer
- Patrick Crocitto - Police Officer
- Dylan Simpson - Police Officer
- Jeffery Demarest - Police Officer
- Kenya Walls - HR Director
- Ben Howell - Planning Director

Mr. Pitt introduced Hunter Johnson. He has done a great job so far. Mr. Johnston stated he appreciated the opportunity and looked forward to many years with the town.

Mr. Barnard introduced both Kelly Young and Lauren Lambert. Kelly is serving as the administrative assistant and stated she was happy to be here. Lauren has filled the role of special events and marketing. Ms. Garretson stated Lauren is also assisting with marketing for the library. Ms. Lambert stated she was happy for the opportunity and looked forward to a long career with the Town of Clayton.

Chief Tart introduced two of our newest Police Officers; Officer Hanchey and Officer Demarest. Officers Hanchey and Demarest offered their thanks and appreciation.

Mr. Cappola introduced Ms. Kenya Walls who is serving as the town's new HR Director. She has 16 years' experience and most recently served with the NC Wildlife Resources. Ms. Walls stated she was very happy to be part of the team.

Chief Barbee introduced Mr. Howell as the town's new Planning Director. He has 9 years' experience with the Town of Morrisville in long range planning and was previous president of the North Carolina Planning Association. Mr. Howell offered his thanks and stated he looked forward to being part of the team.

Council welcomed everyone to the town.

- d) Life Saving Award - Police Officer Ashton Anderson
Presenter: Greg Tart, Police Chief

Chief Tart presented a Life Saving Award to Officer Anderson. Officer Anderson was recently on a call and was able to administer Narcan and able to save the life of a resident. Officer Anderson received a standing ovation. Council offered their thanks.

- e) Introduction of Two New Police Canines
Presenter: Greg Tart, Police Chief

- Tim
- Titan

- f) Presentation of Retirement Resolution
Presented To: Greg Tart - Police Chief & Jamie Brantley - Police Officer
- Police Canine - Abel

6 PUBLIC HEARINGS

- a) 2020-103-PDD - Lumen - Rezoning
Presenter: Planning Department

Mr. Caines, Senior Planner, requested that Items 6a, 6b & 6c be continued to October 4, 2021.

ACTION: Continued to October 4, 2021

Motion: Council Member Bunn

Second: Council Member Everett
Vote: Unanimous

- b) 2020-104-SD - Lumen
Presenter: Planning Department

ACTION: Continued to October 4, 2021

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

- c) Economic Development Incentive Agreement - Lumen
Presenter: Planning Department

ACTION: Continued to October 4, 2021

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

- d) 2020-97-RZ - Champion East - Rezoning
Presenter: Planning Department

Mr. Caines presented this item and stated request is to rezone 1.853 acres located at 310 Champion Street from Office-Institutional (O-I) and Single Family Residential (R-8) to Single Family Residential (R-6). Current use is vacant. He stated the proposed rezoning is consistent with Comprehensive Plan designation of high-density residential and community center. He stated that high density includes all housing types and, in some instances, provides for a transition between lower density residential and commercial use. He further stated this property is located near a major transportation corridor of US 70 Business. The applicant has submitted a subdivision and a special use permit application to allow for higher density units. This request is also consisted with the Future Land Use Plan.

Both staff and Planning Board recommend approval of the proposed rezoning.

Mr. Donnie Adams, applicant, was present and stated he was happy to answer any questions regarding the request.

Council Member Grannis asked for clarification regarding response to question about allowed uses. Mr. Adams provided same.

With no one further wishing to speak, the public hearing was closed at 6:41 and turned over to council for their deliberation.

ACTION: Adoption of Ordinance #2021-09-01

Motion: Council Member Bunn
Second: Council Member Holder

Vote: Unanimous

- e) **2021-72-ANX - Johnston Prep Charter HS - Annexation**
Presenter: Planning Department

Mayor Pro Tem Thompson and Council Member Everett both recused themselves from this Item as well as Item 6f.

Mr. Caines was present and stated applicant was requesting annexation of property located at west side of US Highway 70 business, south of downtown Clayton. Property size is approximately 38.5 acres.

Mr. Caines stated applicant was present if there were any questions.

Attorney for applicant was present and introduced others who were also present. He shared details regarding the requested rezoning. He stated future plan is to build a high school on this location. He stated they would be requiring town services.

Mr. Michael Smith, who is a resident was present and shared his concerns regarding the use of the property and safety for a school. His concern was the entrance/exit and should there be an emergency at the location. He also shared his concerns about noise level.

Mr. Johnston, applicant, was present. He addressed the safety issues raised by citizen. He stated goal would be to provide a secondary access for any type of emergency. He further stated the primary access does have three lanes.

With there being nothing further, the hearing was closed and turned over to council for their deliberation.

ACTION: Adoption of Ordinance #2021-09-03

Motion: Council Member Bunn
Second: Council Member Holder
Vote: Unanimous

- f) **2021-71-RZ - Johnston Prep Charter HS - Rezoning**
Presenter: Planning Department

Mr. Caines shared details and stated request is to rezone from Residential Estate (R-E) and Highway Business (B-3) to Office-Institutional (O-I). It was stated current use is farm use. Mr. Caines reminded this is strictly a rezoning and not to hear about any proposed project.

Both staff and Planning Board recommend approval of the rezoning request.

Applicant attorney was present and stated he was present for any questions or concerns. He stated a site plan would be submitted shortly.

With there being nothing further, the item was turned over to council for their deliberation.

ACTION: Adoption of Ordinance #2021-09-02

Motion: Council Member Bunn
Second: Council Member Grannis
Vote: Unanimous

- g) 2021-96-OA - Text Amendment - Reduced Downtown Parking Requirements
Presenter: Planning Department

Mr. Caines was present and shared history/information about this item.

On August 23, 2021 the Planning Board heard the proposed text amendment which included a 50% reduction to parking requirements for downtown. Planning Board recommended approval of this amendment.

A citizen committee meeting will be held on September 14, 2021.

This was noted as a public hearing and there was no one who wished to speak. Item was turned over to council for their deliberation.

Council Member Bunn stated would like to have language amended to eliminate any off-street parking requirements for non-residential development.

ACTION: Adoption of Ordinance #2021-09-04 with changes as noted

Motion: Council Member Bunn
Second: Council Member Grannis
Vote: Unanimous

7 OLD BUSINESS

- a) Amend Design-Build Contract - WWTF
Presenter: Rich Cappola, Interim Town Manager

Mr. Duffie was present and provided additional information regarding the New Neuse River WRF and associated conveyance. He shared details regarding team make up to include Gannett Fleming, Withers Ravenel, and McKim & Creed. Also shared details regarding financial team. Mr. Adam Sharpe shared details about increased program costs. He stated pandemic has had a significant impact on construction cost to include reduced production due to worker health concerns & issues and delayed recovery. Additionally, the transportation /delivery industry has been impacted. He shared details about the funding package. Also shared were project cost comparisons of other WWTP projects. Spoke about measures to mitigate cost increase.

Contract Amendment #1 would move 60% GMP to 90% GMP this will allow flexibility in the contract for additional early procurement as a measure to

mitigate cost increases and ability to manage schedule due to long lead times on several critical items. This amendment would pay 100% of design service costs in Phase 1. Additionally, it moves substantial completion date to November 1, 2024.

Council Member Bunn asked about pushing back schedule to 2024. Mr. Cappola stated staff has reached out to Raleigh and we hope to have an agreement to bring back to council sometime in October. He stated that Johnston County is willing to work with us as well. Council Member Holder asked about new estimate. It was stated that would be available most likely by the end of October. Council Member Holder shared his concerns about the proposed changes and costs. It was stated the construction business is driving these uncertain times. Mr. Cappola stated we are trying to be conservative with estimates and doing all we can to mitigate risks. Council Member Holder again stated he was deeply concerned about the unknown. There was brief discussion regarding suppliers and demand. Council Member Grannis asked about percentage of materials coming from offshore. It was stated very little, if anything, most likely less than 5%. Council Member Grannis asked about the negative outcome that would cause cost to go over \$175,000,000. Mr. Sharpe stated it would be cost escalation. He stated the best opportunity is to manage schedule. It was asked if others had used this method. Mr. Sharpe stated he has numerous clients that were and were getting certainty with locking in prices with materials. There was brief discussion regarding possibility of a 30-day lock in on pricing. Council Member Holder asked if prices could be negotiated within the next two weeks for lower pricing if prices were reduced. It was stated it may be possible, we would have to wait for bids to come in. It was stated there could be no guarantees made at this time, it is a very difficult market right now.

Mayor McLeod offered his appreciation for all the hard work and stated he certainly understands the issues with product demands and costs. This is being seen everywhere. He stated there are so many variables involved. He stated he felt we were in the best possible position we could be in and agreed he was also concerned about the pricing. He stated this presentation was very informative allowed us to help share this information with the public.

ACTION: Authorize Staff to Execute Amendment

Motion: Council Member Holder
Second: Council Member Grannis
Vote: Unanimous

- b) Interlocal Agreement - Fire Protection
Presenter: Lee Barbee, Fire Chief

Chief Barbee shared details about the agreement. He stated the County would like to have this agreement signed. This is for the Claytex area. We have been providing additional rescue services since the early 2000's and have only received funding for the past couple of years. He stated the cost to respond today is different than what it was previously. We are only department that provides additional rescue services. Mayor Pro Tem Thompson stated he felt it

was important to note that we are the only department providing these services and there is a cost for providing these services. He stated there is a bigger conversation that needs to take place with elected officials regarding these services and costs.

ACTION: Authorize Staff to Execute Agreement

Motion: Council Member Holder

Second: Council Member Everett

Vote: Unanimous

8 NEW BUSINESS

9 STAFF REPORTS

- a) Town Manager
- b) Town Attorney
- c) Town Clerk
- d) Other Staff

Chief Barbee shared information that he had recently received commendations from the public regarding several of our staff to include Travis Rose, Mert Woodall, Rod Harrison, and Travis Jessup.. He also stated he had received an email thanking both Andrew Shaw and Chris Carter who recently assisted a citizen with his smoke alarm.

Chief Barbee reminded there would a Tolling of Bells Remembrance Service for 9-11 held at Station One at 8:30 a.m. on Saturday, September 11, 2021. Additionally, he stated Civitan is sponsoring a First Responder Appreciation Luncheon from 11:00 - 3:00.

Chief Barbee shared that the Clayton Fire Department would proudly be reciprocating and assisting with fire services in Pender County later this week, as they recently experienced the loss of 3 firefighters due to COVID.

10 OTHER BUSINESS

- a) Informal Discussion & Public Comment
- b) Council Comments

Mr. Holder requested that council be provided with information regarding fund balance vs. requirement to include surplus. Mr. Cappola stated he would reach out to Mr. McKie to obtain this information.

11 CLOSED SESSION

- a) Closed Session Pursuant to NCGS 143.318.11.(a)(4)

Council went into Closed Session at 8:27 p.m.

ACTION: Motion to Go into Closed Session Pursuant to NCGS
143.318.11.(a)(4)

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

12 ADJOURNMENT

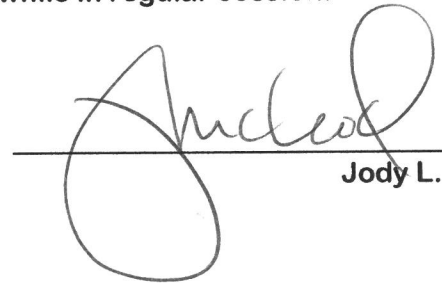
a) Adjourn the Meeting

With there being nothing further, the meeting was adjourned at 9:02 p.m.

ACTION: Motion to Adjourn

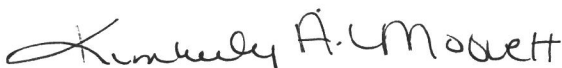
Motion: Council Member Holder
Second: Council Member Everett
Vote: Unanimous

Duly adopted this the 20th day of September 2021 while in regular session.



Jody L. McLeod
Mayor

ATTEST:



Kimberly A. Moffett, CMC, NCCMC
Town Clerk

