Town of Clayton
Regular Town Council Meeting Minutes
Monday, January 4, 2021 @ 6:00 PM
Council Chambers

COUNCIL PRESENT:
Mayor McLeod
Mayor Pro Tem Thompson
Council Member Grannis
Council Member Holder
Council Member Bunn
Council Member Everett

STAFF PRESENT:
JD Solomon, Interim Town Manager
Rich Cappola, Deputy Town Manager
Jim Cauley, Town Attorney
Kimberly Moffett, Town Clerk
Jennifer Proctor, Senior Administrative Asst.
Robert McKie, Finance Director
Joy Garretson, Library Director
Samantha Wullenwaber, Planning Director
Lee Barbee, Fire Chief

COUNCIL ABSENT:

1 CALL TO ORDER

Pledge of Allegiance and Invocation

a) Mayor McLeod called the meeting to order at 6:17 p.m. He led everyone in the Pledge of Allegiance and offered the Invocation.

2 APPOINTMENT OF TOWN ATTORNEY

a) Appointment of James P. Cauley III - Cauley Pridgen Lawyers

ACTION: Appointment of Town Attorney

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

3 APPOINTMENT OF TOWN MANAGER

a) Consideration to Retain Interim Town Manager as Town Manager

Mr. Solomon offered a few words and stated he had given much consideration to this and had approached council about becoming the permanent town manager. He felt this was the best decision as he stated there were many important items and issues currently being worked on. He felt we might move backward by bringing in a new manager at this time. Council Member Everett shared his concerns about how this item was being handled. He stated he felt we should continue down the path of what had been agreed upon. Council Member Holder shared his opinion and why he felt it very important to retain Mr. Solomon as our permanent Town Manager.

Council Member Everett motioned that this item be removed from the agenda. With there being no second, the motion died.

Conversations continued and Mayor McLeod asked if there would be any issues that would be detrimental to the Wastewater Treatment Facility that would hold us up if Mr. Solomon were not appointed. Council Member Holder stated he felt strongly that Mr. Solomon's support was vitally important to the Wastewater Treatment Facility and does not want him to disappear. Mayor McLeod stated it was his belief that Mr. Solomon was not the only person capable to handle the Wastewater Treatment Plant. Mayor McLeod stated we do not have a contract with Mr. Solomon as the consultant for the Wastewater Treatment Facility. Mayor McLeod stated there has not been full transparency nor does he feel due diligence had been done with hiring a town manager. He stated he strongly felt Mr. Solomon should have applied, even though Mr. Solomon did not feel the same. Mayor McLeod stated that while he agreed Mr. Solomon had been doing an outstanding job for the past 120 days, he had not been evaluating Mr. Solomon as a permanent town manager. Mayor McLeod stated he is not in favor of appointing Mr. Solomon as he feels this is wasting money. He further stated again he felt strongly that Mr. Solomon should have applied and further he believed that Mr. Solomon would have most likely risen to the top. Mayor McLeod stated he feels this would set a very bad example for other town employees.

Mayor Pro Tem Thompson stated he reviewed candidates as provided by the consultant. He stated he did not feel there was anyone strong enough to look at. Further, he stated Mr. Solomon has been town manager for 120 days, has led the wastewater project for the last year and also has a long history with the town. He feels comfortable in the decision to appoint Mr. Solomon.

Council Member Grannis stated he appreciated all the comments. He stated he had reflected a great deal on this and spoke with numerous people in the community. He reviewed the applicants and agreed with Mayor Pro Tem Thompson with regard to quality. He felt there was one person that might be qualified. He stated he researched a total of 4 candidates that might be in the running. He stated he felt that the performance of Mr. Solomon to date has been exceptional. At the end of the day, he tried to make the best decision for this community. He stated it has nothing to do with anything personal but in the best interest of the town, council should move forward as selecting Mr. Solomon as the town manager.

Mayor McLeod stated that two weeks ago council did not care what the candidate pool looked like.

Council Member Everett stated had concerns how this item wound up on the agenda and concerns how the change took place after previous full council discussions in closed session. He stated it felt shady in how this had taken place and did know why he was not included in any additional discussions.

Mayor McLeod stated he believed the lack of transparency was evident.

There was no further discussion.

ACTION: Terminate existing employment contract for interim manager, JD Solomon, effective January 31, 2021 and that the Town employ Mr. Solomon as its permanent manager effective February 1, 2021. Subject to legal review, the employment contract will be on the same terms as the Town's contract for the previous Town Manager with the following exceptions:

- The salary will be $196.000 per year
- Mr. Solomon will receive 20 days of paid vacation per year
- The town residency requirement will be modified

Motion: Mayor Pro Tem Thompson
Second: Council Member Bunn
Vote: 4-1; Everett Opposed

Mayor McLeod stated our current ordinance stated it was a requirement that the Town Manager live in town limits. He shared his concerns about breaking an ordinance to meet the needs of residency of a candidate. He further stated that we require developers to follow our Code of Ordinance. He stated living within town limits is best practice and that nearly 90% of municipalities require the same.

ACTION: Town to instruct Mercer Group to terminate search process for new Town Manager.

Motion: Council Member Holder
Second: Council Member Grannis
Vote: 4-1; Everett Opposed

4 ADJUSTMENT OF THE AGENDA

a) Mr. Solomon requested an adjustment to the agenda regarding the removal of Item 5a under Consent Agenda, the Draft Minutes, December 21, 2020 Closed Session.

5 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~~

- ~~December 21, 2020 - Closed Session~~

6 ADMINISTRATIVE ITEMS

a) Recommendation for Appointment to Johnston County Economic Development Advisory Board
Presenter: Kimberly Moffett, Town Clerk

ACTION: Recommendation of Appointment of Patrick Pierce

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

7 INTRODUCTIONS AND SPECIAL PRESENTATIONS

8 PUBLIC HEARINGS

a) 2020-153-RZ - Southern Village Vet Clinic - Rezoning
Presenter: Planning Department

Ms. Wullenwaber provided details regarding the request for a rezoning. The property was zoned as B-3, then rezoned to I-1 and are now requesting to rezone back to B-3. This location will be a veterinary clinic. The site is located along Highway 70 Business to the South of an existing commercial development called Southern Village and is currently vacant.

She stated this request is consistent with other uses in the area. The Applicant has addressed criteria and the Planning Board and staff recommend approval.

There were no questions for staff.

Applicant, Shawn Rainey of Blue Frog, LLC was present. He stated a neighborhood meeting was held and no concerns were raised. He provided background history of the architectural firm. He shared information about general issues with the vet clinic to include sound and smell. He stated extra sound and odor reducing installation would be in place. He spoke about the privacy fence in the back of the building so animals can't see out and folks can't see in. He stated it is not a boarding facility, it would be just one animal at a time outside. He further stated that all droppings in the fenced in area would picked up immediately, disposed of and the area sprayed down.

There were no questions or comments.

Town Attorney advised that council needs to remember that this rezoning did not pertain to just this use bur that anything could be allowed in a B-3 zone.

ACTION: Adoption of Ordinance #2021-01-01

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

b) 2020-166-RZ - Wake Med - Rezoning
Presenter: Planning Department

Ms. Wullenwaber presented this item. She stated the request is to rezone from Highway Business Special Use District (B-3 SUD) to Highway Business (B-3). She stated the removal of SUD removes burden and time of having to come before council for every use. She stated everything in the area currently is zoned B-3. The Planning Board and staff recommend approval.

There were no questions for staff.

Mayor McLeod opened the public hearing and asked if anyone wished to speak on this matter. Applicant Graham Smith stated he was happy to answer any questions. With no one wishing to speak, the public hearing was closed and turned over to council for deliberation.

ACTION: Adoption of Ordinance #2021-01-02

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

9 OLD BUSINESS

a) No Parking / Loading Zone - Portion of Second Street
Presenter: Rich Cappola, Deputy Town Manager

Mr. Cappola provided additional details about this item that was discussed at the December 21, 2020 meeting. He shared details about potential alternatives to include no parking from 8-5 M-F, a loading zone, etc. The Town is proposing to eliminate parking along the west side of Second Street by signing and striping it as a "No Parking Zone" from the end of the angled parking along the frontage of Town Hall, down to the Church Street intersection. He shared two alternatives to this project. Staff stated their preferred choice is alternative #A. He stated there have been conversations with Horne Memorial which have been positive. The church asked for use of the loading zone for times of weddings and funerals.

Council Member Bunn asked about parking in front of the hair salon, My Girlfriends Place. Mr. Cappola stated there would be parking in front of that business. He understands safety is first. Council Member Bunn further stated he works for a church and has to deal with some of the same issues. He stated they stagger their pickups and drop offs to make it work. Mr. Solomon stated that things will look differently in 3-4 months and suggested we not make changes to the other side of the street at this time. If necessary, we would come back to a different approach in the future. There was discussion about a handicap spot by the church. Council Member Grannis asked if the church concerns were addressed in these options. Mr. Cappola stated the parking space request was not addressed, but other concerns were. There were no further questions.

Mr. Paul Black, owner of My Girlfriends Place, was present and stated his concerns were about the previous meeting and no parking being allowed in front of his business. He shared his concerns about how this would affect his business and clients not being able to park close by. He stated not allowing parking would be an economic destruction and further his business did not create this issue. He stated the problem was created by the expansion of The Clayton Center parking lot and the daycare pick up at church. He stated they want to work with the town and church to find reasonable answers other than what was suggested this evening. He stated this would never happen on Main Street and it shouldn't happen on Second Street. He reminded council that his business had to be closed for almost 4 months due to the pandemic and state regulations. He stated he could not stress enough the damage this would do to his business. He stated he is terrified that this would be supported by anyone in this room. He further stated he wants to be included in any dialogue. Mr. Solomon stated we are trying to get the parking lot project completed within next 3-4 months. Council Member Bunn confirmed there would be no changes to side of the street of My Girlfriends Place in option Alternate A. There were questions about church queuing. Mr. Black stated he appreciated the opportunity to share his concerns and again stated he did not want the burden of this problem to be placed on the back of one small business. Mr. Solomon stated Mr. Pierce was sent over to discuss this item. Mayor McLeod stated Mr. Black did a great job representing himself. He further stated he is not sure there is not a better way for the church to que the daycare and feels it has not been explored thoroughly. Mayor McLeod shared concerns with loading etc. for the Yellow House. Mr. Black thanked council for their time.

Mr. Blake, of Horne Memorial Church, stated he didn't feel the issue was a church issue but rather due to narrow streets which was compounded due to the parking lot construction. He stated not all church visitors can park at the front door and they park at many locations throughout the town. He stated the church has been a good partner with the constructed parking lot and land donation. He shared details about the service of many years to the community regarding daycare services, etc. He shared suggestions/changes the church would make regarding pick up and drop off, etc. He asked the church be able to use the loading zone for parking on weekends. He also addressed one handicap space be re-established onto Church Street. He stated he understood that might not be possible due to criteria.

Council Member Bunn asked how many children were enrolled in pre-school. Mr. Blake stated the total is 130 but they are staggered on different days with a maximum of 90 in any one day. Council Member Bunn shared staggering drop off times every 10 minutes. He stated it worked very well at the church he works at in Raleigh. He suggested to que on Church Street and not Second Street.

Council Member Thompson asked if we could designate an additional handicap spot inside the parking lot. Mr. Cappola shared concerns. Fire Chief Barbee stated currently Fire Department personnel are aware not to use Second Street as their route unless absolutely necessary.

Mr. Black stated after listening this is just a temporary issue. He asked if the town would consider making Church Street a one way street. Mr. Solomon shared his concerns about history and folks being used to it being a two way, not realizing the change, and turning onto the street. Mr. Cappola shared information and stated it is preferred Alternative A being used on a temporary basis and then to re-address the situation.

Council Member Holder stated he felt this needs additional studying and feels it need to be tabled to another meeting.

Council Member Grannis agreed and asked if all the parties have been in the room to discuss. He feels it would be a good idea to have everyone together and come to some sort of conclusion. Mr. Solomon stated they have not, as staff saw this as an emergency response decision. Council Member Grannis stated he is all about safety but requests that all affected parties meet and come back to next meeting.

ACTION: Direct Staff to Meet with All Parties and Return to January 19, 2021 Council Meeting

b) Water Reclamation Facility Update
Presenter: JD Solomon, Interim Town Manager

Mr. Solomon provided an update and stated the closing date on the comment period was December 23, 2020. He offered thanks to Cathy Marraccini for all her assistance. The environmental assessment should be heard sometime later in the week, there are no findings of significant impact. The public hearing process has been completed on the discharge permit. He stated he thinks we are on the other side of our comment period process. There will be a meeting with the LGC in January to follow up on funding and the bid on the early grading package is ready to go. He stated things are moving at a good pace.

10 NEW BUSINESS

a) Acquisition of Real Property
Presenter: Lee Barbee, Fire Chief

Chief Barbee provided details regarding real property acquisition that is located next to Fire Station 1. The property is now empty due to the death of the owner and the property is now for sale by the estate. He stated we have outgrown the current facility and this is an opportunity to use the facility for an administrative office. This would allow space to open up in the fire station for the firefighters.

Mr. McKie was present and shared details regarding the budget ordinance.

ACTION: Adoption of Ordinance #2021-01-04

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

ACTION: Authorize Staff to Enter Into Any Necessary Contracts Related to Property Acquisition

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

b) COVID Policy Suggested Modifications
Presenter: JD Solomon, Interim Town Manager

Mr. Solomon provided details about proposed Paid Annual Leave that would allow any eligible employee who had exhausted their paid leave, due to COVID, would be eligible to borrow up to 5 days of paid annual leave. These days would then be coded as vacation and would reflect a negative balance in the employee's accrual balance.

Council Member Everett asked if there was anything we could do to assist the employee rather than seeing people go into the negative due to COVID.

Mr. Solomon stated council could grant additional time off if they wished to. However, he shared details about concerns, vaccines, etc.

Mayor Pro Tem Thompson agreed with Council Member Everett and felt this was a good first step and could definitely revisit this whenever needed. He stated we need to do what is right by our employees.

Council Member Grannis concurred with both Council Member Everett and Mayor Pro Tem Thompson and further stated this is the first step. He stated we need to look further into what could happen.

Mayor McLeod asked if Human Resources had offered any input. Mr. Solomon stated yes it was discussed with Human Resources.

Council Member Holder stated he supports this resolution and we need to keep with revenue and costs and monitor the economic impact, as it is not over yet.

ACTION: Adoption of Resolution #2021-01

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

11 STAFF REPORTS

a) Town Manager

Mr. Solomon discussed the Collection System Permit. Our lines need to be clean 10% of the year, we have cleaned 28.56% this year which is 36.27 miles of pipeline and have videoed about 17.3 miles. He offered sincere appreciation to staff who were all involved, he stated staff went above and beyond!

He stated the two Police Department investigations are wrapping up. He expects to have information on both later this week or next.

He discussed the two mega projects, Lumen Property and Ashcroft 2 Property. Between the two they will account for approximately 650,000 gallons of wastewater capacity. The numbers would be bigger for Lumen than Ashcroft. Developers are estimating $400-$500 million of tax based. He stated these are significant projects and are slated for the first meeting in February.

He discussed the AMI completion is slated for later this month.

The Parks & Recreation Bond moving is moving forward and will come back with additional information soon. Staff is working with Clayton High School to increase field utilization and partnership. This would be back before council late January or early February.

Chief Barbee rode the trails and this is a massive transportation network. Trail system security will be up and running shortly. He spoke with Chief Tart and within two weeks there should be security back on the trails.

Council Member Grannis asked about time period for the wastewater for Lumen and Ashcroft projects. Mr. Solomon believes it is between an 8-10 year build out. He hopes to bring to council the total build out of what the developers need in the short term. He stated the immediate needs will be brought forward shortly and he believed this to be approximately 250-300,000 gallons.

b) Town Attorney

Stated he looked forward to working with the town and staff. Mayor McLeod offered his welcome and extended their support.

c) Town Clerk

d) Other Staff

- Assistance to Firefighter Grant AFG) Opening & SAFER Grant
  Presenter: Lee Barbee, Fire Chief

Chief Barbee provided a heads up regarding a grant opportunity for AFG, and was currently qualified last year and was awarded this grant. This year said project will be completed. Also, the SAFER grant, which was also awarded last year. This was the largest grant awarded in North Carolina last year which was for 15 firefighters.

AFG opened today and will close on February 12. He stated he would be coming back at the next meeting with additional details and a request. To bring both stations up to code, Chief Barbee would be requesting sprinkler systems in both fire stations. Also with the ladder truck on order, staffing is needed to complete this process. He stated more details will be forthcoming.

Mayor Pro Tem Thompson offered his thanks to Chief Barbee for everything he does for the department.

12 OTHER BUSINESS

a) Informal Discussion & Public Comment

b) Council Comments

Council Member Grannis offered his thanks to Cathy Marraccini for Employee of the Year being in paper, etc.

Mayor McLeod stated he felt it was important for residents to contact council members especially regarding modification to ordinance and regarding the residency requirement for town manager.

13 ADJOURNMENT

Duly adopted this the 1st day of February, 2021 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