



Town of Clayton
Regular Town Council Meeting Minutes
Monday, February 15, 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

STAFF PRESENT:

JD Solomon, Town Manager
Rich Cappola, D/Town Manager
Jim Cauley, Town Attorney
Kimberly Moffett, Town Clerk
Ann Game, Customer Service Director
Samantha Wullenwaber, Planning Director
Dale Medlin, Electrical System Director
Greg Tart, Acting Police Chief
Patrick Pierce, Economic Development Director
Joshua Baird, Town Engineer
Heidi Holland, Deputy Town Clerk

COUNCIL ABSENT:

1 CALL TO ORDER

Pledge of Allegiance and Invocation

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

2 ADJUSTMENT OF THE AGENDA

- a) Resolution to set March 1, 2021 Public Hearing for Buckhorn Annexation was added to the Consent agenda. Additionally it was stated that Ewa Capabianco, Item 5a, would be unable to attend the meeting this evening.

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
- January 19, 2021 - Regular Session
- b) Amended Resolution #2021-01- COVID Policy & Employee Leave
- c) Resolution to Set Public Hearing - 2020-142-ANX - Buckhorn Branch Annexation
- d) 2020-142-ANX - Certification of Sufficiency
Buckhorn Branch Annexation

ACTION: Adoption of Consent Agenda as Presented

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

4 **ADMINISTRATIVE ITEMS**
5 **INTRODUCTIONS AND SPECIAL PRESENTATIONS**

a) **Introduction of Employees**

Presenters: Dale Medlin, Electrical System Director

- ~~Ewa Capabianco, Customer Service Representative~~
- Jacob Robinson, ELT 1

Mr. Medlin introduced Jacob Robinson who is a new employee with the Electrical Department. He previously worked for Customer Service. He attended Lineman School at a local community college and passed with flying colors. He stated he was happy to be with Clayton. Mayor McLeod welcomed him.

b) **Introduction of Alex Holloway**

Presenter: Patrick Pierce, Economic Development Director

- TJCOG - Mapping Volunteer

Mr. Pierce introduced Alex Holloway and offered his appreciation for his many volunteer hours with mapping projects for the downtown area. Mr. Pierce stated this was a huge undertaking and will offer so many opportunities that were not previously available. Mr. Holloway offered his thanks for the opportunity to gain this experience. Mayor McLeod offered his thanks on behalf of the council.

c) **2021 Sculpture Trail Selection**

Presenter: Sara Perricone, Chair - Public Art Advisory Board

Ms. Perricone was present and shared information about the selections. She offered her thanks to JD Solomon and Mayor McLeod for their support and assistance. She also shared her appreciation for allowing the board to bring in Jim Davis as the consultant for this project. She also offered her thanks to Council Member Everett for participating in the selection process. Sincere thanks and appreciation was offered to Steve Blasko for his consistent knowledge and support. Ms. Perricone offered thanks to Caterpillar for their assistance with obtaining and using their cranes. Also offered were thanks to both Ms. Holland and Ms. Moffett for their assistance throughout the year. She shared a brief background on Mr. Davis and shared information about the many other municipalities he has worked with on other sculpture trails. Ms. Perricone shared a PowerPoint presentation showing the final selections and location of sculptures.

- Red Rhythm - Town Square
- Continuum - Town Square (this piece will be dedicated to the Fire Department)
- Midsummer - Roundabout
- Some Like It Hot - Horne Square
- Valkyrie - Horne Square
- A Question of Balance - Library
- Guardian - Community Center
- Flying Goldfish - Horne Square

Flying Goldfish, which currently in Horne Square, has been gifted to the town for the next year from the artist.

Council Member Grannis offered his thanks to the board for all their dedication and hard work.

- d) Life Saving Award
Presenter: Greg Tart, Acting Police Chief

Chief Tart was present and recognized two Police Officers for their involvement in a recent case. He shared he has spent the last 33 years in law enforcement and stated during the last 3 months with the Clayton Police Department he has worked with some of the finest officers in law enforcement. He stated he was very proud to be a member of the department. He provided details regarding the incident that took place on January 22, where two Clayton officers responded to a possible overdose. Officers Carolos Lerma and Chad Mallett responded. Additionally fire and emergency personnel responded. Upon arrival at the scene, Officer Lerma began CPR and administered a dose of Narcan. As a result the subject regained consciousness and his life was saved. Chief Tart stated this was a team effort. Officer Mallett & Officer Lerma were both presented with Life Saving Award. Both officers received a round of applause. Mayor McLeod offered his thanks and appreciation to both the Chief, for his leadership, and the officers.

6 PUBLIC HEARINGS

- a) 2020-113-PDD - Ashcroft 2
Presenter: Planning Department

Ms. Wullenwaber asked that items 6a, 6b & 6c be continued to March 1, 2021.

ACTION: Continued to March 1, 2021 Council Meeting

- b) 2020-114-SD - Ashcroft 2 (Quasi-Judicial)
Presenter: Planning Department

ACTION: Continued to March 1, 2021 Council Meeting

- c) Development Agreement - Ashcroft 2
Presenter: Planning Department

ACTION: Continued to March 1, 2021 Council Meeting

- d) Chapter 160D – Amendments to Code of Ordinance Chapter 155
Presenter: Planning Department

Ms. Wullenwaber provided details about this item. She stated a special work session was held last week and was reviewed page by page. She stated there was discussion regarding variances and whether all variances should be turned over to the Board of Adjustment. Council Member Bunn felt

comfortable with all being turned over to Board of Adjustment. Mayor McLeod agreed.

The Public Hearing was opened at 6:30 p.m. No one wished to speak, the hearing was closed and turned over to council for their deliberation.

ACTION: Adoption of Ordinance #2021-02-02 with change to indicate that variances for access be assigned to BOA as well as any corrections regarding minor typographical errors.

Motion: Council Member Holder

Second: Council Member Bunn

Vote: Unanimous

- e) Amendment to Comprehensive List of Fees & Charges (As Related to 160D)
Presenter: Planning Department

Ms. Wullenwaber stated changes the fee schedule had to be updated in accordance with the Chapter 160D adoption. The main change was regarding major and minor site plan. Currently there is now one site plan category rather than two. This fee has been benchmarked and is align with, if not less, than neighboring communities. The other change was planned development had to change to conditioning zoning. This will be implemented for the March 1, 2021 submittal.

The public hearing was opened at 6:33 p.m., with no one wishing to speak, this item was turned over to council for deliberation.

ACTION: Adoption of Ordinance #2021-02-03

Motion: Council Member Bunn

Second: Mayor Pro Tem Thompson

Vote: Unanimous

7 OLD BUSINESS

- a) Land Acquisition - Easements
Presenter: Joshua Baird, Town Engineer

Mr. Baird presented this item and shared background information. This item involved both Little Creek Sewer Outfall Replacement and South Feeder Electric Tie. He stated several easements had already been obtained for these projects. Unfortunately we have not been able to obtain a few easements, several dating back to May 2020. He stated Town staff, land acquisition firm and town attorney have not been able to come to an agreement. Offers have been made but no settlements have been reached. These easements are vital to these projects and timing for both projects are critical. Negotiations for the settlement will continue prior to any condemnation taking place.

Mayor McLeod turned this over to council for their discussion.

ACTION: Adoption of Resolution #2021-08

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

- b) Award Construction Contract - Little Creek Outfall Project
Presenter: Joshua Baird, Town Engineer

Mr. Baird stated on January 28, 2021 staff opened sealed bids for the Little Creek Outfall Project. Staff received a total of 7 bids. The two lowest bids were from contractors that did not have adequate licensing and were deemed not responsive. The two contractors were notified in writing. The next lowest bid was Providence Construction Services at the base bid with alternate 1B and total bid of \$1,018,659.85. Contract time is 270 days to substantial completion and 300 days to final.

Mayor McLeod turned this over to council for their discussion.

ACTION: Adoption of Resolution #2021-09

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

- c) AMI Program Update
Presenters: JD Solomon, Town Manager & Ann Game, Customer Service Director

Mr. Solomon stated there would two parts to the presentation this evening. Ms. Game would share details about the AMI Program and Mr. Solomon would address citizen concerns regarding AMI meters. Ms. Game provided background information about the project that began in 2019. Network installation was completed in January 2020 and a contractor was brought in to change out meters. To date, over 18,000 water and electric meters are reading off the system and receiving daily reads. As of February 2, the installers have left Clayton and the project is almost complete, with only a handful of meters to be installed. On the electric side there are less than 100 meters left to install.

A big feature of this project is a customer portal allowing customer to have the opportunity to see how their lifestyles impact their utility consumption. Customers are highly encouraged to sign up for this feature. Postcards have been mailed out to customers with instructions on this portal. The project is scheduled to finish up ahead of time.

Mayor McLeod offered his thanks.

- d) Parks & Recreation Partial Re-Opening
Presenter: Scott Barnard, Parks & Rec. Director

Mr. Solomon shared details about partial re-opening on March 1, 2021. The Library would possibly open March 15th or April 1st. A partial opening to town hall would be sometime between March 1st - April 1, 2021. This discussion certainly would be brought back to council prior to that. A key factor in the opening of Town Hall would be the completion of the parking lot.

8 NEW BUSINESS

- a) Establishment of Board of Adjustment
Presenter: JD Solomon, Town Manager

Mr. Solomon provided details on the reestablishment. He suggested to amend the ordinance to appoint 5 regular members with 2 alternate members. The members would consist of 3 members residing in corporate limits and 2 members residing in the ETJ. The alternates will consist of 1 member residing in corporate limits and 1 members residing in the ETJ.

The Town Attorney asked when the appointments for this board would be made. These vacancies would be advertised on February 16, 2021 with a window of two weeks for applications. Council would make appointments following recommendations for this board at a future meeting.

ACTION: Adoption of Ordinance #2021-02-04 to be amended to indicate a board of 5 members with 2 alternate members

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

9 STAFF REPORTS

- a) Town Attorney
b) Town Manager

Mr. Solomon offered thanks to the wastewater treatment staff, several who have worked double shifts.

He stated our Front line police officers are doing a great job and they deserve our gratitude. He spoke about the administrative investigation, anything that has taken place with regard to this investigation has been to help ensure a better workplace than six months ago. The draft report was completed approximately one month ago and Mr. Solomon stated he advised council at that time staff review and report would take approximately 60 days to complete. He stated that schedule still held true. Investigation was initiated due to several complaints regarding misbehavior and policy procedure. Mr. Solomon offered thanks to Town Attorney Jim Causley, Kerri Hartzog from the League and Ronnie Mitchell, Police Matter Attorney. Also offered thanks to U.S. ISS, the investigative firm that handled this investigation. He also offered thanks to Town Clerk for assistance as well as the Johnston County Sheriff's Department and Acting Police Chief Greg Tart. Mr. Solomon offered sincere

appreciation to council for their support in all areas. He discussed four big decisions, Decision #1 to investigate, #2 to place chief on leave, #3 to bring in acting chief and #4, how to move forward. He stated this is a personnel issue so not much further could be discussed, however, a total of four folks are no longer with the town. Additionally disciplinary action will take place as needed. Mr. Solomon stated was the environment at the Police Department was better than it was 6 months ago but we still have work to do. He will not discuss much more than he already has. Again, he offered thanks to front line officers. He stated Clayton is a great place to live and work and spend a career as a police officer. We are on the move, on the rise and it's a great place to work.

Mayor Pro Tem Thompson offered his appreciation to Chief Tart for all his dedication to the department and the town. He is very thankful.

Mayor McLeod offered his thanks to citizens and residents. He understands this has been ongoing for a while and patience is very much appreciated. He stated more information will be forthcoming in the next 2-3 weeks.

Mr. Solomon addressed concerns from citizens regarding AMI and electric bills. He discussed bills have been higher and he shared factors that cause spike in bills. He stated we are doing quality assurance checks, have hired a 3rd party company to make sure another level of quality assurance is in place. Town has also completed a statistical review of data over last 5 Decembers and last 5 Januarys which looked at all meter data. A portion of the meters have been tested as they sit in place and a portion of old meters have been compared side by side with new meters. Town will also ask a meter company census to confirm signals are properly received and also reviewing the process for converting data into billing system.

Five other observations about conversion programs were shared to include; it is not uncommon for a data error to occur in first 1-3 months, new meter sometimes are linked to the wrong customer, sometimes data is not transferred to the billing cycle and billing cycles vary. When meters were manually read, the cycles would run between 28-32 days. Over the last month the cycle could vary by 10% if the meter was not read on the weekend or a holiday. The new meters will allow these to be read on a certain day to an even 30 or 31 day cycle. With the transfer of putting meters in, the system has seen a billing cycle ranging from 28-37 days. This could result in a 20% increase/decrease depending on which way the cycle went. This should level out over time.

We have not seen a big ramp up in total sales of electricity over the last 5 years. Also found that 2021 bills are higher than 2020 but in line with previous 5 years. We will continue to work with bills with highest variations. Ms. Game worked this weekend and found one of those bills with transposed numbers and made the needed correction. Staff will continue to work for the next two weeks on this. He stated we are taking this concern very seriously. He asked that anyone who has concerns, please contact us in writing with the concerns so we can address them. We also offer energy audits for customers. He

stated to please call us if you cannot pay your bill, we have numerous ways to assist and work with our customers.

Mayor McLeod asked for best contact information for any concerns. Ms. Game stated there is a link: utilities@townofclaytonnc.org or call Ann Game directly.

Mayor McLeod stated he had received numerous emails about this concern. He offered his thanks to staff for doing a great job. He stated the council does take concerns very seriously and understands how an unexpected higher than normal bill can effect budgets. He further stated if there are errors found on our end credits would promptly be issued. He reassured citizens that everything is being done and thanked everyone for their patience.

c) Town Clerk

d) Other Staff

10 OTHER BUSINESS

a) Mr. Tew was present. He stated he has been a life-long resident of Clayton. He stated that he loves this town. He stated he would like to see council address issues. He offered his thanks regarding Chapter 160D. He welcomed Council Member Everett. His concerns were as follows:

- Website - Agenda concern
- Code of Ordinance - Research Concerns
- Allow Facebook to serve as official public notice - asks that we do not allow that to happen
- Concern about how business is handled - key to relationship - council member oath and effectively communicate with residents - if they don't have time or make time they shouldn't be serving. Indifferent/arrogant - people don't get re-elected. Hoped that council all return phone calls.
- Town reputation is in need of repair. He felt there are problems as a result of disconnect with council, management and public following Mr. Biggs departure. Shared appreciation for what Mayor Pro Tem Thompson wrote and feels good about management change. Shared concerns about things that the town should have known. He shared that two years ago he requested information about sewer capacity and had a very hard time to receive the information and was told information was a security risk. Concerns about inaccurate information provided by previous Planning Director regarding rezoning. Concerns on why leadership at that time did not ensure that folks who requested this information could obtain same. Shared concerns about previous meeting that town staff did not attend nor was an apology ever received. He feels there has been a good amount of damage done. He stated if you become arrogant you are going to run off good projects. He stated Skip Browder was the best - you could disagree agreeably with him. Feels the Planning Department is obstructionist and make changes as needed.
- He spoke about old Town Hall, he discussed two houses that have transformed neighborhood. Kevin Lee has done an amazing job.
- He asked for the Ashcroft Developer Agreement, asked that before we enter into any agreement that they do what they are supposed to do.

His concerns are the involvement with old Town Hall and same developer agreement.

- He shared traffic concerns on Second Street. He feels we do not need street parking. He shared his concerns about traffic and being mostly one way.
- He discussed the Parking Lot expansion and budget. He stated he was told previously in discussion about possibility of eliminating town square parking and perhaps having a performance venue at that location. He would like an update.
- He discussed 1958 deeded cemetery lots in Maplewood Cemetery. Now he would like to be cremated and wondered what he could do with these lots and would like to be referred to whom he can discuss. He shared concerns about perpetual care as well as concerns about the document he received in 1958. Mr. Tew provided a copy of the cemetery deed to Mr. Solomon.
- He offered his appreciation for the hiring of Mr. Solomon. He now understands what a mess there was to clean up and stated he felt we were fortunate to find someone with his credentials.

b) Council Comments

11 **ADJOURNMENT**

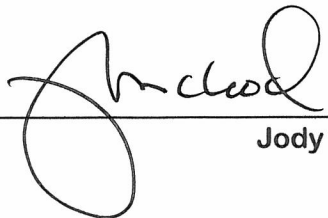
a) Adjourn the Meeting

With there being nothing further, the meeting was adjourned at 7:51 p.m.

ACTION: Motion to Adjourn

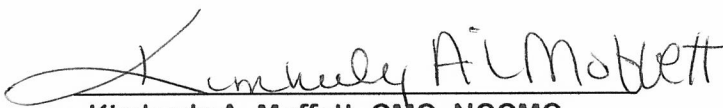
Motion: Council Member Everett
Second: Council Member Grannis
Vote: Unanimous

Duly adopted this the 1st of March, 2021 while in regular session.



Jody L. McLeod
Mayor

ATTEST:


Kimberly A. Moffett, CMC, NCCMC
Town Clerk

