



Town of Clayton
Regular Town Council Meeting Minutes
Monday, April 19, 2021 @ 6:00 PM
Council Chambers

COUNCIL PRESENT:

Mayor McLeod
Mayor Pro Tem Thompson
Council Member Holder
Council Member Grannis
Council Member Everett
Council Member Bunn

STAFF PRESENT:

JD Solomon, Town Manager
Rich Cappola, Deputy Town Manager
Dolores Gill, Deputy Town Manager
Jim Cauley, Town Attorney
Kimberly Moffett, Town Clerk
Ann Game, Customer Service Director
Joshua Baird, Town Engineer
Lee Barbee, Fire Chief
Matt Sutphin, Deputy Fire Chief
Robert McKie Finance Director
Jeff Caines, Senior Planner
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 6:00 p.m. He led everyone in the Pledge of Allegiance as well as offering the Invocation.

2 ADJUSTMENT OF THE AGENDA

- a) Mr. Solomon requested that two items; Open Burn and Water Conservation, be added under New Business as items 8b & 8c.

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) Budget Amendment - Purchase of Two PD Canines
- b) Warranty Acceptance
 - Riverwood Athletic Club, Tract B3 (FINAL)
 - Bristol at Cobblestone, Phase 5 (FINAL)
- c) DRAFT Minutes
 - April 5, 2021 - Closed Session

ACTION: Adoption of Consent Agenda as Presented

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

4 ADMINISTRATIVE ITEMS

5 INTRODUCTIONS AND SPECIAL PRESENTATIONS

- a) Employee Introduction
Presenter: JD Solomon, Town Manager
- Louis Duffie - Assistant Program Manager

Mr. Solomon introduced Mr. Duffie who is serving as the Assistant Program Manager for the Wastewater Reclamation Facility. He is a graduate of Clemson University. He has been in Europe with his wife and working on several construction projects. Mr. Solomon stated he has known Mr. Duffie for quite some time. Mr. Duffie stated he is excited to be part of the team.

6 PUBLIC HEARINGS

- a) AMI Meter Project One Time Exemption
Presenter: Ann Game, Customer Service Director

Ms. Game presented this item and stated there are a total of 5 citizens who have indicated they would like to be exempt from the meters. She stated there would be a monthly fee of \$20 for those who wished to be exempt. She stated she would be meeting with each citizen who desired to be excluded once this item was approved.

Council Member Grannis asked about item that states disconnect notice etc. and stated it had not been previously discussed. He also asked about inventory of Itron or Badger meters. Ms. Game stated the town would not maintain an inventory due to cost. Council Member Bunn asked about meters that were removed and what happened to them. Ms. Game stated she believed they were sold. Council Member Bunn asked if we could hold some back and re-use them as inventory. Mr. McKie stated that he believed that to the best of his knowledge all meters that had been removed were disposed of. Council Member Grannis asked to determine if there were any surplus meters available for potential replacement. He further stated he was not in agreement with automatic installation if there is a disconnect. He further stated he was not in agreement with charging a monthly fee of \$20. Council Member Holder stated he did not feel it was a good idea for the town to absorb the cost and he mentioned the dislike of absorbing the cost of credit card fees as well. Mayor Pro Tem Thompson stated he had received a phone call from citizen regarding the \$20 fee. He stated he was made aware that most of those requesting exemption are due to a medical exemption and felt those folks would be burdened with an additional monthly fee.

No one wished to speak and item was turned over to council for their deliberations.

Council Member Grannis made a motion with exclusions that the \$20 fee be stricken and disconnect notice requiring AMI be stricken from Exemption Form as well as temporarily removing "that the Town of Clayton does not stock or maintain Itron or Badger meters. In the event the meter is broken or no longer operates, an AMI meter will be installed."

ACTION: Approval of Exemption Form with changes as noted above.

Council Member Holder stated he was not in agreement. Mayor McLeod stated he understood that \$20 monthly was reasonable but understands it may not work for all customers.

Motion: Council Member Grannis

Second: Council Member Bunn

Vote: 4-1

Approval: Grannis, Bunn, Holder & Thompson Against: Holder

Note: With removal of \$20 monthly fee there was no requirement for changes to the Comprehensive List of Fees & Charges and therefore Ordinance #2021-04-04 will be marked as void.

- b) 2020-103-PDD - Lumen Project - Rezoning
Presenter: Planning Department

Mr. Caines, Senior Planner, stated that applicant requested the items be continued to May 3, 2021 council meeting.

Public Hearing was opened and request made that Items 6b, 6c & 6d be continued to the May 3, 2021 Town Council Meeting.

ACTION: Continue to May 3, 2021

Motion: Council Member Grannis

Second: Council Member Holder

Vote: Unanimous

- c) 2020-104-SD - Lumen Project (Quasi-Judicial)
Presenter: Planning Department

ACTION: Continue to May 3, 2021

Motion: Council Member Holder

Second: Council Member Everett

Vote: Unanimous

- d) Lumen Project Development Agreement
Presenter: Planning Department

ACTION: Continue to May 3, 2021

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

7 OLD BUSINESS

- a) Wastewater Reclamation Facility Update
Presenter: JD Solomon, Town Manager

Mr. Solomon provided an update, general fund was able to get AA1 rating from Moody's received last week. All borrowing still needs to be approved and several agreements are still being worked through. He stated he recently met with financial team and treasury department, both stated things are going well.

He stated this project is the largest ever for the town. There has been a delay in the bidding of Little Creek Transmission Line, which has created a potential cash flow issue. He stated this is manageable but have had consultants come in to assist.

Mr. Solomon stated the Design Build contractor has been selected. Early Grading Bids were received last week and were slightly under budget. Two firms will be interviewed on Thursday and a decision will then be made.

He stated things are going well from regulatory stand point.

- b) New Neuse Water Reclamation Facility Access Road - Waterline & Early Grading Bid Award
Presenter: Joshua Baird, Town Engineer

Mr. Baird stated that the town staff opened sealed bids received for the above project on April 13, 2021. A total of 7 bids were received. Bids included base bid, two alternatives and one deduction. The lowest bid was from Providence Construction Services with a base bid of \$2,338,774.04, alternate 1 of \$11,040.00, alternate 2 of \$39,600.00 and deduction 3 of \$1,000. According to town policy and NC General Statutes, construction projects over \$300,000.00 require formal bid procedures which include the awarding of the bid from town council. Both staff and consultant engineer have reviewed the bids and recommend awarding the contract base bid and alternate 2 to Providence Construction. The total contract price with the alternate would be \$2,378,374.04. It was noted the town had previously been approved for loan assistance from the Clean Water State Revolving Fund and a formal budget amendment would be presented to council at the May 3, 2021 council meeting, which would formally set up the budget line item. He stated all easements are in place. It was further stated the contract had been reviewed by the attorney. Contract time is 150 days to substantial completion and 180 days to final completion. Prior to Notice of Award, the bid must also be approved by the Division of Water Infrastructure. It was requested that council approve a Tentative Award resolution and authorize the Town Manager or designee to execute construction contract and any change orders as required to deliver the project.

ACTION: Adoption of Resolution #2021-17

Motion: Council Member Bunn

Second: Council Member Holder

Vote: Unanimous

- c) **New Neuse Water Reclamation Facility Award Design/Build Contract**
Presenter: Rich Cappola, Deputy Town Manager

Mr. Cappola stated he was excited to bring to council the request to award the contract for the New Neuse Water Reclamation Facility Design Build contract. The town utilized the Design-build bridging contracts and this did very well for this project. A total of three bids were received and after reviewing and interviewing these submittals, staff identified Gannett Fleming Project Development Corporation ("Design-Builder") as the lowest responsive, responsible bidder in light of the cumulative amount of fees provided pursuant to the RFP and taking into consideration quality, performance, and the time specified in the Bidder's Proposal for the performance of the Project. Staff has negotiated a contract based on the Design Build Institute of America (DBIA) standard contracting documents and is recommending TENTATIVE AWARD, contingent upon the approval of the North Carolina Department of Environmental Quality.

The initial cost is approximately \$1.3 million which will take the town to 60% design, that is where the town will develop guaranteed maximum price for the GMP. At that point the total cost, as well as final schedule, will be known. Anticipated substantial completion date for the overall project is September 2023. Mr. Cappola stated he recommends the award of this contract to proceed with this very important project.

Council Member Grannis asked if Rich and his team were confident that contracts were in good standing. Mr. Cappola stated he was as were attorneys.

ACTION: Adoption of Resolution #2021-18

Motion: Council Member Grannis

Second: Council Member Bunn

Vote: Unanimous

8 NEW BUSINESS

- a) **Capital Improvement Plan Update - Add 42W Wastewater Transmission Project**
Presenter: Rich Cappola, Deputy Town Manager

Mr. Cappola asked that an additional project be added to CIP. As part of the Town's Wastewater System Master an existing County force main located within NC-42 West will need to be relocated and increased to a 12-inch pipe.

Council Member Grannis asked where funding would come from. Mr. Solomon stated there were several different options at this point. Council Member

Grannis asked if this could be a private partnership opportunity Mr. Solomon stated that was premature at this stage.

ACTION: Approval to Add this Project to CIP

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

- b) Open Burning
Presenter: JD Solomon, Town Manager

Mr. Solomon stated conversations have been had with developers currently clearing large tracts of land. Per our statute we do allow open burning, this was amended in 2015. Division of Air Quality and the state has a process for permitting as does the Forestry Service, those state rules allow open burning up to 500 feet within homes.

We have previously been very limited however with several of the larger projects coming up this needed to be updated. He stated he does not believe any modifications are needed this is just being presented for information.

Council Member Bunn asked about burning trash in yards and asked that we look at the current ordinance. Council Member Bunn stated there is a citizen who does this constantly. Mr. Solomon stated he would have this looked into.

Council Member Holder asked what the option is if developers could not burn. Mr. Solomon stated the option is grinding and hauling. He stated most developers are hauling off there logs because of the value but there are a lot of snags on the big sites that need to be burned. There are regulations on open pit burning subject to ordinance by Division of Air Quality.

- c) Water Conservation
Presenter: JD Solomon, Town Manager

Mr. Solomon stated Mr. Brandon Carroll and staff at the Water Resource Department would like to see public notification go out through PIO regarding water shortage. The suggestion is to water lawns every other day.

Mr. Solomon stated currently in some places this is voluntary but feels it should be mandatory at least over summer months, from May to Labor Day. Excluded will be new builds to make sure lawns get in place. In researching this, it was discovered that Water Use plan with the State that they require a water supply plan. Our water resource response plan has not been approved by the State in about three years. He stated he wanted to bring this to Council's attention and would like their guidance on this at a future meeting.

Council Member Holder stated in past we have had to do this and would like to see this brought back to next meeting. Council Member Grannis agreed.

9 STAFF REPORTS

a) Town Manager

He discussed the evacuation from the building last week due to a water heater issue. Total evacuation took less than 1 hour. He stated the Fire Department did a great job. There was a communication problem regarding who was in the building and communication knowing building was shut down with the executive team.

On May 3, 2021, Town Hall will be opening as well as the opening of parking lot. This will be a "soft" opening. Staff will be able to start using the Horne Street doors. By this time, council should be back in normal meeting positions at the dias with shields installed.

There will be a water meeting with the county and the town to discuss water supply and distribution which will be next week.

Briefly discussed was the activity on 42 west, Council will be updated on this soon.

Mr. Solomon recognized Hector Nunez for his great work in the warehouse.

He stated we are very close to budget and this should be finalized with staff this week.

- b) Town Attorney**
- c) Town Clerk**
- d) Other Staff**

10 OTHER BUSINESS

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

Council Member Grannis asked when will council receive their budget workbooks? Mr. Solomon hopefully Monday or Tuesday of next week.

Council Member Grannis stated Sunbelt Rental on Highway 70 seems to be a "dump" area adjacent to their property. Mr. Solomon stated they have been working with them for several weeks and will continue to monitor and try to resolve this issue.

Council Member Grannis mentioned the unpaved area on First Street between Horne & Church. He stated it is in dire need of assistance. He stated there are numerous deep potholes and crevices, approximately 18-32" in diameter. Mr. Solomon stated this area will be looked into.

Council Member Bunn shared concerns about a situation he had last week. He provided background regarding streets and commercial vehicles. He mentioned Chapter 71 and stated he would like to see it simplified to state no trucks means no trucks. He stated two officers are not enforcing this and feels it needs to be addressed. Mayor McLeod stated there needs to be clarity and that if an officer would not uphold it, this needs to be worked out to ensure there are no different interpretation. Mr. Solomon stated Chief Tart and two police officers met to discuss this issue. Attorney Cauley confirmed that he would look at Chapter 71 and discuss with Mr. Solomon.

Council Member Grannis stated he believed there was an issue with the downtown overlay area with parking that could turn into some troubling issues. He felt this needed to be re-visited especially with in-fill lots and new businesses and requirements. Mayor McLeod confirmed Mr. Solomon was good with that. Mr. Solomon stated this would be looked at regarding criteria and downtown parking. He stated he did feel we needed to look at Highway 70 corridor with regard to parking as well.

Mayor McLeod shared details about Ransom on the Roof, he stated his ransom would go to DDA. He will be asking for support. Also being held ransom will be Chief Barbee, Officer Lunger and Coach Bennett, Principal of Clayton High.

11 ADJOURNMENT

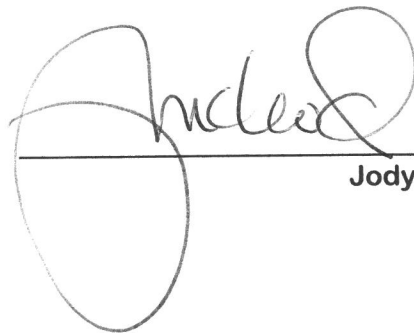
- a) With there being nothing further, the meeting was adjourned at 6:57 p.m.

ACTION: Motion to Adjourn

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

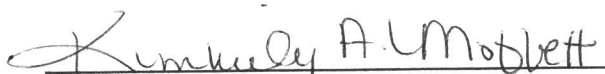
Duly adopted this the 3rd of May, 2021 while in regular session.





Jody L. McLeod
Mayor

ATTEST:



Kimberly A. Moffett, CMC, NCCMC