Town of Clayton
Regular Town Council Meeting Minutes
Tuesday, September 8, 2020 @ 6:00 PM
Council Chambers

COUNCIL PRESENT:
Mayor McLeod
Mayor Pro Tem Thompson * *Arrived at 7:50*
Council Member Grannis
Council Member Holder
Council Member Bunn
Council Member Everett

STAFF PRESENT:
J.D. Solomon, Interim Town Manager
Nancy Medlin, Deputy Town Manager
Katherine Ross, Town Attorney
Kimberly Moffett, Town Clerk
Rich Cappola, Public Services Director
Samantha Wullenwaber, Planning Director
Delicia Barnes, Human Resources Director
Robert McKie, Finance Director
Joshua Baird, Town Engineer
Patrick Pierce, Economic Development Director
Brandon Carroll, Utilities Compliance Tech.
Stacy Beard, Communications Director
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 6:01 p.m. He led everyone in the Pledge of Allegiance as well as offering the Invocation.

2 ADJUSTMENT OF THE AGENDA

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 17, 2020 - Regular Session
- August 24, 2020 - Special Session (Open Portion)
- August 28, 2020 - Special Session

b) Nutrient Credit Purchase

c) Certifications of Sufficiency - Annexations
- 2020-23-ANX - Shoppes at Glen Laurel
- 2020-115-ANX - West End

d) Resolutions to Set Public Hearings

- 2020-23-ANX - Shoppes at Glen Laurel
- 2020-115-ANX - West End

e) Warranty Acceptances

- Lot B-6, Moss Creek Village Business Park
- Parkview Phases 8-13, 16 & 17
- Lionsgate Subdivision - Phase 6A-6B
- Ashcroft Subdivision, Phase 2 - FINAL

ACTION: Adoption of Consent Agenda as Presented

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

4 ADMINISTRATIVE ITEMS

a) Appointment of Mayor Pro Tem Thompson as 2nd Alternate to NCEMPA Board
Presenter: Kimberly Moffett, Town Clerk

Ms. Moffett stated with the departure of Mr. Lindsay a vacancy for the 2nd alternate position on the NCEMPA Board was created. It was recommended that Mayor Pro Tem Thompson be appointed to fill this vacancy. Currently Council Member Grannis serves as a board member and Mayor McLeod serves as the 1st alternate.

ACTION: Appointment of Jason Thompson

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

5 INTRODUCTIONS AND SPECIAL PRESENTATIONS

a) CAMPO / Go Triangle Presentation
Presenters: Bret Martin, CAMPO & Katharine Eggleston, Go Triangle

Mr. Pierce introduced both Mr. Martin and Ms. Eggleston and provided a brief overview of the presentation that would be provided this evening regarding planning for transit investment in the Town of Clayton.

Mr. Martin was present and provided information regarding transit overview and commuter and bus rapid transit. He shared the characteristics and benefits of bus rapid transit to include, dedicated running way, traffic signal priority, off-board fare payment, enhanced stops/stations, specialized vehicles and distinct branding. Also discussed were some of the benefits provided by the above characteristics to include speed/travel time, reliability, higher ridership and economic development. Commuter rail was discussed and information was shared regarding the difference between local bus service, bus rapid transit and commuter rail. Also shared was history about the Bus

Rapid Transit and Commuter Rail in 2045. A map showing the both bus rapid transit and the commuter rapid rail plan was provided.

Background information regarding the Bus Rapid Transit Extension to Clayton was provided to include $115 million in state funding for supporting infrastructure, funding currently programmed in FY's 25-29, it must integrate with other BRT corridors under development and the project sponsor is the City of Raleigh. Provided was a high level project schedule. It was also noted that the project cannot be constructed prior to completion of the Raleigh-Garner segment and State funding must be available. Also discussed was information regarding an alternative analysis and feasibility study. Information regarding the long-term cost of operations was shared. It was stated that there would be a request for funding contribution from the town for the study. It is anticipated the study will being in January 2021.

Ms. Eggleston provided additional information regarding the proposed commuter rail project, which would give folks an option to commute without getting stuck in traffic and would be a reliable mode of transportation. Additionally, it would better connect people to more jobs, schools and health care as well as other opportunities in the Triangle. Shared was a map of the study area; with two potentials of either Durham to Garner or Durham to Clayton. Information was provided regarding infrastructure that would be required to support the project. Details were provided regarding the current study to include; engagement of community to share information and obtain feedback, work with railroad owner and operators to determine infrastructure needs and also further analysis of engineering challenges and potential project benefits to include economic development, congestion relief and environment. Also shared target study outcomes; regional decision on whether to move forward with project, eastern terminus of first phase of implementation of Garner or Clayton and finally funding source for non-federal share.

Council Member Grannis asked if timeline of when decision would be made regarding Garner or Clayton. Ms. Eggleston stated it was a bit early to determine that.

Mayor McLeod offered his thanks and stated this was a very informative presentation.

6 PUBLIC HEARINGS

a) **2020-105-SD - Spring Branch Medical Park - Preliminary Plat Modification**
(Quasi-Judicial)
Presenter: Samantha Wullenwaber, Planning Director

Mayor McLeod provided information regarding a Quasi-Judicial proceeding to include the type of testimony that could be considered. All testimony must be given under Oath. All those wishing to testify were issued the Oath of Affirmation by the Town Clerk.

Ms. Wullenwaber stated this is a request to modify a previously approved preliminary plat, acting as a master plan, for Spring Branch Medical Park. Applicant is proposing to modify the mixture of uses within the development from the original master plan for PDD-MU-08-08. Location of this property is NC Highway 42 West and the size is approximately 50.03 acres.

Originally approved in 2008, modified in 2011 by council and modified administratively in 2016.

Applicant has proposed to adjust the uses of Lot #2 from "Restaurant 5000 SF" to "Medical/Retail 12000 SF"; Lot #3 from "Drug Store 12,600 SF" to "Restaurant/Retail 15000 SF", with overall increase in development from 103,494 to 112,894. Due to increase in size of changes this was considered a major modification based upon UDO. Additionally this removes town council approval requirement for lots 14 & 15.

No changes are proposed to landscaping requirements. No proposed changes to stormwater ponds. There are no changes proposed regarding access points or street network, The applicant submitted an updated trip generation letter indicating no additional roadway improvements required per NCDOT. The Comprehensive Plan Future Land Use Map designates this as a high density/residential community center. Proposed master plan is consistent with this designation as it provides for a mixture of uses including residential and retail, restaurant and office. This project supports Goal LU1 of the Comprehensive Plan preserving Clayton's small-town character while allowing for growth and development in appropriate areas. The project was reviewed by Technical Review Committee (TRC) and determined to meet the criteria of the Unified Development Code (UDC). Individual lots will be subject to requirements of the UDC during major site plan reviews.

Applicant has addressed Findings of Fact. If approved staff recommended original conditions of approval remain.

Council Member Grannis asked about lots 14 and 15 if there were any ramifications with them not coming before council. Ms. Wullenwaber explained the process. There were no further questions for staff.

The applicant, Trey Adam was present. He stated he was available to answer any questions regarding the proposed change.

Council Member Grannis asked the applicant to provide additional information regarding the response to Finding of Fact #1 and applicant stated he believed the master plan had evolved over the years and felt the design fit very well.

Mayor McLeod requested anyone that wished to speak to come forward. No one wished to speak and the item was turned over to council for their deliberation.

<u>ACTION:</u> Approval of 2020-105-SD

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

b) Street Closure - Enterprise Drive ROW
Presenter: Joshua Baird, Town Engineer

Mr. Baird was present and provided background details regarding the request to close the Enterprise Drive Right of Way. A map was provided. This hearing was advertised, certified mailings were sent to adjacent owners and signs were properly posted. It was requested that a resolution be adopted to formally close the right of way. There were no questions from council

Mayor McLeod requested anyone that wished to speak to come forward. No one wished to speak and the item was turned over to council for their deliberation.

<u>ACTION:</u> Adoption of Resolution #2020-31

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

7 OLD BUSINESS

a) Water Reclamation Program Update
Presenter: J.D. Solomon, Interim Town Manager

Mr. Solomon provided an overview and update regarding this project. He spoke about purchase of nutrient credits which would allow us to have a facility that would easily be added onto for additional needs. He spoke about federal grant monies being received to allow us to pick engineering firm and begin to collect various easements. Also discussed was the need to create an inter-local agreement as required by EDA. He shared details about final review for the environmental assessment, a public hearing will be scheduled shortly. Also discussed was solicitation for builder/construction of facility. Also working with financial advisors to find best opportunities for funding sources over the next few months.

Council Member Grannis asked if we were on schedule and if there were any foreseeable setbacks. Mr. Solomon stated we do forecast some setbacks, however, we do believe we are doing all we can on the front end with design and construction. He stated this was a very tight schedule and budget.

8 NEW BUSINESS

a) Resolution - Designation of Deputy Finance Officers
Presenter: Robert McKie, Finance Director

Mr. McKie provided information regarding this resolution which will remove the former Town Manager and add J.D. Solomon to bank account as an authorized signer for the town.

ACTION: Adoption of Resolution #2020-32

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

b) Emergency Supplemental Sick Leave - Fire Department & Police Department
Presenter: Delicia Barnes, Human Resource Director

Ms. Barnes provided background regarding emergency supplemental sick leave. She provided information regarding program that provided up to 80 hours of paid leave due to eligible COVID-19 related absences. However, our emergency service folks normally work more than 80 - fire equal additional 26 hours and 4 hours additional for police. They would be required to meet eligibility.

Council Member Grannis stated he thinks this is a great program and he believes we need to do everything in our power to support our folks. He asked about it would be funded? Ms. Barnes stated it would no actual cost but rather additional time off.

Council Member Bunn asked Mr. Solomon regarding COVID funds. Mr. Solomon stated he would provide an update under Town Manager Report. Council Member Bunn wanted to ensure that none of our folks are put in any type of financial hardship

ACTION: Approval of Supplemental Emergency Sick Leave

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

c) Fat Oil Grease (FOG) Program Update/ Code of Ordinance Update - Chapter 52
Presenter: Brandon Carroll

Mr. Carroll was present and provided an update regarding the Fat Oil Grease (FOG) Program. Additionally he stated he was requesting an amendment to our Code of Ordinance; Chapter 52. He provided details regarding our partner, BSO on-line with regard to the backflow program. He stated it has been very successful to date. He shared details regarding the ease of use of the program and once information has been entered, the town will have instant access to cleaning records.

Details were provided regarding the proposed changes to the ordinance. Also provided was information regarding upcoming changes.

Council Member Bunn asked if businesses were required to keep records. Mr. Carroll stated they are required to maintain them and this software will make the information available to the town immediately. Mr. Solomon stated this is a very important project.

Council Member Grannis acknowledged Brandon for the great work he has done and offered his thanks.

ACTION: Adoption of Ordinance #2020-09-01

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

d) Code of Ordinance Update - Chapter 50
Presenter: Rich Cappola, Public Services Director

Mr. Cappola was present and provided a brief background regarding clarification of sewer taps and responsibilities of town and property owners.

ACTION: Adoption of Ordinance #2020-09-02

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

e) Budget Amendment - Deputy Town Manager Position
Presenter: J.D. Solomon, Interim Town Manager

Mr. Solomon requested a budget amendment to create a second Deputy Town Manager position. He spoke about the many direct reports as well as many of the upcoming capital programs. Additionally he would like to see Rich Cappola named as the new additional Deputy Town Manager. He stated this is something he believes the new Town Manager would agree is a necessity. He stated none of the direct reports will change at this time, however, there are several things in process to include budget, HR classification study and study of town future. He stated at this time Mr. Cappola's current position would remain open.

ACTION: Adoption of Ordinance #2020-09-03

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

f) Creation of New Position - Assistant Program Manager
Presenter: Rich Cappola, Public Services Director

Mr. Solomon provided information regarding this position and felt it was necessary with the amount of capital needs required. He asked for town consensus to begin advertising for this position. He stated this would be a mid-level position.

ACTION: Approval of Creation of Position & Place Budget Amendment on September 21, 2020 Consent Agenda

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

9 STAFF REPORTS

a) Town Manager

Mr. Solomon provided an update regarding his first week as Interim Town Manager. He stated there was a meeting with Department Heads and several leading external folks in the community. Additionally spoke with HR regarding any pending issues as well as healthy and safety issues moving forward. Also has had conversation with counsel and has been updated regarding all items. He stated he began to address some special issues. Offered thanks to Scott Barnard and Stacy Beard for their great work in the opening and notification of parks and playgrounds. Advised he had gone through all our disaster policies regarding any possible upcoming hurricanes. He also addressed the CARES act funding. He asked for additional time to review and will ensure that all our emergency services folks are covered. He stated he would come back to council with recommendations. He further stated that the Police Department had requested additional funds from the CARES act and asked that item be addressed at next council meeting. Also addressed was issue of outstanding utility bills. He stated approximately 50% of folks have signed up for a payment plan and we hope to be able to collect 90% of those. He anticipated the need to write off $50-100,000 due to COVID. He stated it had been a very busy first week.

Council Member Grannis asked about utility payments and asked if any of the CARES money could be used to offset that loss. Mr. Solomon stated it could be, but he wanted to make sure he understood all needs prior to making any decisions about those funds.

b) Town Attorney

c) Town Clerk

d) Other Staff

10 OTHER BUSINESS

a) Informal Discussion & Public Comment

Mr. Ryan Hendrickson, a resident, requested that Town Hall open back up to pay utility bills, so he does not incur any extra charges. He stated even the $2.00 extra fee cuts into his and others budget. Mayor McLeod thanked him for his time.

Mr. Timothy Weiss was present and stated he was dismayed over the meeting regarding Mr. Lindsay's resignation. He stated he believed Mr. Lindsay was set up for failure. He stated that Mr. Lindsay was making more money when he was hired than the average salary of town managers across the state. He had concerns about the amount that is being paid to Mr. Solomon. He stated he felt this was a terrible decision that was made. He handed an invoice to Council Members Grannis, Bunn & Thompson for what he perceived to be their portion of the additional funds incurred regarding the decision made. He asked that Council Members Grannis, Bunn & Thompson resign.

Ms. Katelyn Rogers was present. She offered her input regarding her concern about the salary being paid to the interim town manager. She provided information regarding salaries from NCLM. She proposed that a 10% salary cap be placed on salary of town manager moving forward. She offered her thanks for council listening.

Mr. Gilbert was present and stated that he fully understands contracts and feels the best thing for the town is to move forward. He further stated that he understood that in addition to serving as interim town manager, Mr. Solomon was also continuing to lead the wastewater project. Further he understood how very important and critical this role is.

b) Council Comments

Mr. Grannis stated he appreciated the folks for sharing their opinions. He stated he was appreciative of the salary information provided. He also added that in addition to NCLM salary surveys, the town completed salary surveys every year or two and we take that to heart. He stated he did not believe the town paid the highest or the lowest salaries for municipalities across the state. Further that he believed we had an outstanding staff. He again stated he appreciated the citizens' comments.

Mayor McLeod stated that Patrick Pierce was appointed as Board Member to the Clayton Chamber of Commerce.

11 CLOSED SESSION

a) Closed Session Pursuant to NCGS 143-318.11.(a)(3)(4)

ACTION: Motion to Go Into Closed Session at 8:07 p.m.

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

12 ADJOURNMENT

a) Adjourn the Meeting

With there being nothing further, the meeting was adjourned at 9:11 p.m.

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

Duly adopted this the 21st day of September, 2020 while in regular session.

Jody L. McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk

TOWN OF CLAYTON
INCORPORATED
APRIL 1869
CLAYTON, N.C.