



**Town of Clayton
Regular Town Council Meeting Minutes
Monday, March 16, 2020 @ 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:

Adam Lindsay, Town Manager
Nancy Medlin, D/Town Manager
Katherine Ross, Town Attorney
Kimberly Moffett, Town Clerk
Samantha Wullenwaber, Planning Director
Rich Cappola, Public Services Director
Robert McKie, Finance Director
Stacy Beard, Communications 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 6:03 p.m. He led everyone in the Pledge of Allegiance as well as offering the Invocation.

2 ADJUSTMENT OF THE AGENDA

- a) It was requested that Items 7a, 7c and 8d be removed. These are non-action items and information about these items will be forwarded to Council. Added was an update from Stacy Beard, Communications Director, regarding COVID19 and town preparation. Also added was Closed Session 143-318.11(a) (3) Attorney Client Privilege and 143-318.11(a) (6) Personnel.

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
- February 24 & 25, 2020 Draft Minutes - Town Council Retreat
- b) Proclamations
- Arbor Day
 - Traumatic Brain Injury Awareness
 - Developmental Disabilities Awareness

- c) **Warranty Acceptance**
- Parkview, Phases 12, 16 & 17
 - Village at Little Creek Subdivision, Phase I
 - RWAC Alpine Valley - 6D-3
 - RWAC Alpine Valley - 6D-3 (FINAL ASPHALT)

ACTION: Adoption of Consent Agenda as Presented

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

4 PUBLIC HEARINGS

- a) **Amendment to Comprehensive List of Fees & Charges - After Hours Inspection Fees**
Presenter: Rich Cappola, Public Services Director

Mr. Cappola provided information and stated we have received numerous requests for after-hour inspections for non-residential projects. He stated based on benchmarking the fees for surrounding municipalities ranged from \$125-\$240 per hour with a 3-hour minimum. Staff is recommending we add this fee to our current Comprehensive List of Fees and Charges at the rate of \$200 per hour with a 3-hour minimum and a 72 hour notice.

Council Member Grannis asked why residential was not included. Mr. Cappola stated this is a pilot program. He further stated requests are normally from non-residential projects. He further stated we may consider expanding this program if there is a demand. Council Member Grannis asked if it might be good to open it up to residential projects. Mr. Cappola stated currently residential inspections don't require this. Mayor Pro Tem Grannis asked what the current rate was. Mr. Cappola stated it is currently based on numerous factors to include size etc. This would be an additional fee based in additional to current fees/charges... Council Member Bunn asked for benchmarking results. Mr. Cappola stated that Raleigh, Charlotte, Holly Springs were benchmarked. Currently Holly Springs charges \$240 per hour with 3-hour minimum. There were no further questions for staff.

No one further wishing to speak, hearing was closed at 6:12 p.m.

Council Member Grannis stated he was disappointed that residential projects were not included.

ACTION: Adoption of After Hours Inspection Fee Policy

Motion: Mayor Pro Tem Thompson
Second: Council Member Everett
Vote: 4-1 (Opposed: Council Member Grannis)

ACTION: Adoption of Ordinance #2020-03-03

Motion: Mayor Pro Tem Thompson

Second: Council Member Everett

Vote: 4-1 (Opposed: Council Member Grannis)

- b) 2019-243-OA - Code of Ordinance Amendment - Chapter 400 - Access
Presenter: Samantha Wullenwaber, Planning Director

Ms. Wullenwaber provided information regarding proposed access. This amendment seeks to clarify the general development standards for residential and non-residential development. The amendment includes access point's clarification, sidewalk, and fee-in-lieu clarification among other items. Also provided was a table originally presented at 250 now at 300. Also changed was a variance that would need to be applied for versus waiver. There was discussion on sidewalks and clarification provided for construction versus fee in lieu, fee in lieu of sidewalk may be accepted if there is no exiting sidewalk within 300' of the subject property.

Staff and Planning Board recommend approval.

Council Member Bunn stated he would like to see a waiver versus variance. Council Member Grannis agreed. Council Member Grannis questioned about driveway length, Ms. Wullenwaber stated that this has not been amended but could be addressed. Mayor McLeod asked difference between variance vs. waiver. A variance meets findings of fact, is an evidentiary hearing and must go to the Planning Board and a waiver can be granted by Council. Ms. Wullenwaber stated again this is a quasi-judicial. Mayor McLeod stated he is more in agreement with a variance. He stated that if we have these boards to help guide this Council then we need to do that. Mayor Pro Tem Thompson feels he is torn and feels Council is capable to make these decisions, but also feels that a variance has more teeth that somebody has to provide evidence. Staff preference is for a variance.

This item was noted as a public hearing, at 6:22 p.m. was opened to the public for comment. Dave DeYoung, Riverwild, stated staff did an excellent job with taking development community input on this. He stated he did believe that a waiver is the way to go at this time. He discussed the upcoming code re-write. He stated Clayton would be the only municipality that would handle it this way. He asked for clarification that two access points are outside access points.

Council Member Holder stated he heard from some folks that had wanted to attend but were not able to.

ACTION: Continue to first meeting in April

Motion: Council Member Holder

Second: Council Member Grannis

Vote: Opposed Everett

- c) 2020-10-RZ - 2900 NC Highway 42 W - Rezoning
Presenter: Samantha Wullenwaber, Planning Director

Ms. Wullenwaber provided details for this item. Staff recommends approval of this rezoning. This item is consistent with Comprehensive Plan and applicant has addressed criteria. Planning Board recommends approval.

There were no questions for staff.

This item was noted as public hearing at 6:27 p.m. With no one wishing to speak, this item was turned over to Council for deliberation. Council Member Bunn asked what use of this site would be. Ms. Wullenwaber stated that right now it is just an open ended rezoning, anything under B-3 would be allowed. Examples include nursing home, convenience store with gas sale, office, general, restaurant, daycare facility. Council Member Grannis also asked if it would include medical facility or doctor office. Ms. Wullenwaber stated yes.

ACTION: Adoption of Ordinance #2020-03-05

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

5 COVID 19 UPDATE

- a) Ms. Beard provided an update, stated this is a fluid situation and ever changing. Department Heads all joined in on the governor's address last week. Staff began to think what does this mean to us. Decision was made to cancel all of The Clayton Center events in abundance of caution and our senior population. A decision was made to cancel any advisory boards for the remainder of the month. Many other items were cancelled as well to include active shooter training, subcommittees of advisory boards and summer camp registration. An executive order means guidelines are now law. The community and library center are now closed. Information was pushed out to residents letting them know we would work with everyone regarding any refunds, etc. The latest information from President of the USA was no more than 10 people meeting in a single location. Provided was information about the county hotline. A conference call with county officials was held today at 4:00 p.m. We are talking internally about our future plans. Ms. Beard reminded everyone that everyone staying at home would result increased usage of water, flushing, etc... She discussed about ease and convenience to do services on line, she stated this is something we will push that out. She further stated we are taking questions from the community telling folks to look at the CDC Health Department guidelines. She stated right now we are saying this would last to the end of the month but that could change.

6 OLD BUSINESS

- a) Neuse River Water Reclamation Facility Update
Presenter: JD Solomon

Mr. Solomon stated he did not plan for this pandemic regarding the timeline. Currently this is not affecting the project. A quarterly update will be provided to Council. Two items of most concern are short term financing which is currently before Local Government Commission. He stated they are hesitant due to what happens if the project doesn't take place. We have reassured them that this is replacing the current facility. Secondly, the nutrient credits we received had some pushback from DEQ but we believe we are getting some positive hope. He stated we had located a second source for nutrient credits if required. Everything else is on track and looking good. He stated there is a little bad news with the fire range but stated all the lead would be removed this summer, however, it is a bit of an inconvenience as we displace the police department. A scoping meeting was held with DEQ last week and this was a huge milestone. Information has been added to the website. He further stated the presentation is currently being worked on to ensure that staff and Council have all the information needed. Council Member Grannis asked for additional information on why DEQ is pushing back regarding nutrient credits. Mr. Solomon provided details regarding point to point formula and stated he feels there is a shade of gray. He stated the formula is quite complicated.

ACTION: None - Informational Only

Motion: Council Member
Second: Council Member
Vote: Unanimous

- b) Neuse River Water Reclamation Facility - Financing RRP Recommendation
Presenter: Robert McKie, Finance Director

Mr. McKie provided information on this item. He stated 5 bids have been received. He stated staff in conjunction with Davenport to accept bid from Chase at a 25 year term with 2.22%

ACTION: Authorization to Proceed with Recommendation

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

7 NEW BUSINESS

- a) ~~Application for Library Grants~~ * Removed from Agenda
~~*Presenter:* Joy Garretson, Library Director~~
- ~~• Eco Explore Grant~~
 - ~~• Humanities Council Grant~~
 - ~~• Library Services & Technical Act (LSTA) Grant~~

~~**ACTION:** Authorization to Proceed with Applications~~

- b) Budget Amendments - Design Contract Recreational Facilities
Presenter: Robert McKie, Finance Director

ACTION: Adoption of Ordinance #2020-03-06

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

- c) ~~Electric System Update~~ *Removed from Agenda
~~*Presenter:* Dale Medlin, Electric System Supervisor~~

~~**ACTION:** None - Informational Only~~

8 STAFF REPORTS

- a) Town Clerk
b) Town Manager
c) Town Attorney
d) Other Staff
 • ~~Firefighter High School Update~~ *Removed from Agenda
 ~~*Presenter:* Lee Barbee, Fire Chief~~

9 OTHER BUSINESS

- a) Council Comments

Mayor Pro Tem Thompson offered thanks to staff and department heads for the great job handling this pandemic and offered his appreciation. Mayor McLeod asked for an update from Human Resources. Ms. Barnes stated the situation is continuing to evolve and as of right now department heads are reviewing all our options to include telework, time off policies etc. Staff has been notified that HR is direct contact for all personnel, PIO would be the contact for the public interaction. School of Government would be used as a source with a webinar being held on Wednesday. Council Member Grannis offered his appreciation and stated staff has far exceeded any expectations. He stated his concern is that none of us have ever faced anything like this. He offered his sincere appreciation to emergency services personnel.

- b) Informal Discussion & Public Comment*
* *We will asking that all public comments be limited to three minutes.*

10 CLOSED SESSION

Closed Session Pursuant to NCGS 143-318.11(a)(3)&(6)

ACTION: Motion to Go Into Closed Session

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

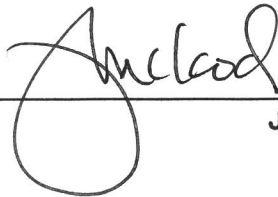
11 ADJOURNMENT

With there being nothing further the meeting was adjourned at 7:49 p.m.

ACTION: Motion to Adjourn

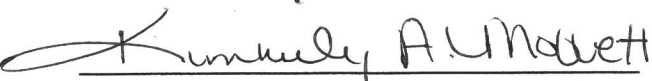
Motion: Mayor Pro Tem Thompson
Second: Council Member Grannis
Vote: Unanimous

Duly adopted this the 20th day of April, 2020 while in regular session.



Jody L. McLeod
Mayor

ATTEST:



Kimberly A. Moffett, CMC, NCCMC
Town Clerk

