



**Town of Clayton
Regular Town Council Meeting Minutes
Tuesday, January 21, 2020 @ 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:

Adam Lindsay, Town Manager
Nancy Medlin, D/Town Manager
Katherine Ross, Town Attorney
Kimberly Moffett, Town Clerk
Rich Cappola, Public Services Director
Blair Myhand, Police Chief
Samantha Wullenwaber, Planning Director
Brandon Carroll, Utilities Compliance Technician
Robert McKie, Finance Director
Ann Game, Customer Service Director
Stacy Beard, Communications Director

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

- a) Mr. Lindsay stated that due to a family illness, Sharon Sharpe would not be present at the meeting this evening. She will be introduced at the February 3, 2020 council meeting. Additionally Mr. Lindsay requested the addition of a Closed Session under 143-118.11(a)(3) - Attorney Client Privilege.

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 6, 2020 - Closed Session
 - January 6, 2020 - Regular Session
- b) Proclamation - "All In Red Week" - February 7 - 14, 2020
- c) Warranty Acceptance
- Gordon Park, Phase 3
 - Ashcroft Subdivision, Phase 4A

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) New Employee Introductions

Presenters: Blair Myhand - Police Chief, & Michael Tutwiler - GIS Coordinator

- Lara Keating-Lopez, Administrative Support Assistant
- ~~Sharon Sharpe, Planner~~ * *Unable to Attend Due to Family Illness*
- Ben Paynter, GIS Technician

Chief Myhand introduced Lara Keating-Lopez as the Administrative Support Assistant in the Police Department. She was initially hired as a temporary worker and is now a full time employee. She has over 20 years of customer service experience. Ms. Keating-Lopez stated she was honored to part of the town. Council welcomed her.

Mike introduced Ben Paynter as our new GIS Technician. Ben has a Master's Degree from Chapel Hill as well as previous municipal experience. He said he was looking forward to being with the town. Council welcomed him to the team.

b) Audit Presentation

Presenter: Robert McKie, Finance Director

Mr. McKie provided an overview of the recent audit presentation. He explained the contents that are included in the Comprehensive Annual Financial Report (CAFR). He provided an in-depth overview of the audit process. He provided a listing of the oversight bodies as well as required procedures to be followed. He shared timeline for the lengthy process.

Details were provided regarding the operating funds of the town. He noted an increase in the ad valorem tax revenue. He stated this primarily due to the .03 tax rate increase. Additionally there was an increase in both sales tax r and permits and fees revenues.

Expenditures in the general fund saw an increase due to capital outlay for street improvements, equipment and vehicle acquisitions for public safety and public works as well as increased personnel costs in those areas.

Key Growth tables for the General Fund were provided showing growth since 2015 in sales tax revenue, property tax revenue and assessed values.

Mr. McKie stated we received an unmodified clean opinion, which was submitted to and approved by the Local Government Commission. We had no

compliance violations, our overall tax collection percentage is at 99.99% and both our general fund and proprietary fund debt decreased.

Mr. McKie stated he was happy to answer any questions. Council Member Grannis offered his thanks to Robert and his team for all the hard work. He stated it appeared we are in good shape.

6 PUBLIC HEARINGS

- a) **FY '20-21 Budget Public Input**
Presenter: Adam Lindsay, Town Manager

Mr. Lindsay provided details regarding local government balanced budget requirements. He stated the preparation of the budget takes many months. Statute requires that each municipality hold at least one public hearing regarding the fiscal year budget, however, Clayton prefers to hold two. The first is at the beginning of the budget process, which allows us to hear feedback from citizens and the second public hearing will be held in June, at which time we will present and adopt the budget. Several key meetings will take place prior to that time and include council budget workshop.

Mayor McLeod noted this as a public hearing at 6:33 p.m. and asked that anyone that wished to address the council to step forward. Ms. JoAnn McKinnon was present and asked for clarification regarding what she could address regarding the budget process. She shared her concerns regarding Rollingwood. She stated she is concerned about congestion and hoped that there would be funding for additional ingress and egress. She shared concerns about large construction trucks being parked without any flagging. She shared her concerns regarding traffic in many areas. She shared her concerns about residents not being very informed about changes to Rollingwood. She further stated many of the folks who live in Rollingwood are older retired folks and are not able to attend council meetings, due to scheduling and perhaps also not being physically able to attend. She shared concerns about fees being charged for paying bills on line. She questioned possibility of development of application that would omit the third party provider fees. Council thanked her for her time.

With no one further wishing to speak, the hearing was closed at 6:42. p.m.

Council Member Holder confirmed that Ms. McKinnon was referring to credit card fees and she stated that was correct. Mr. Lindsay stated the fee being charged came directly from each individual credit card company. He provided background information regarding those fees Mayor offered his thanks to Ms. McKinnon for bringing the issues at Rollingwood to the council attention. He stated the safety concerns would be brought to the attention of the developer.

- b) **2019-243-OA - Code of Ordinance Amendment - Unified Development Ordinance - §155.400 (Access)**
Presenter: Samantha Wullenwaber, Planning Director

Ms. Wullenwaber presented this proposed amendment to chapter 400 of the UDO Council was provided with both an updated version of the strikethrough and clean copy that was presented to planning board. Proposed amendments include access point clarification, sidewalk and fee-in-lieu. Ms. Wullenwaber stated that staff and the Planning Board recommend adoption of these amendments.

Council Member Grannis asked about any safety concerns. Ms. Wullenwaber stated this proposed amendment had been reviewed by all departments and are all in support. Council Member Grannis asked about state requirements and if we were equally stringent or more stringent. Ms. Wullenwaber stated she was not sure. Council Member Grannis asked why a paragraph regarding waiver of standards being allowed by town council had been removed. Ms. Wullenwaber stated a variance would allow for evidence to be presented and a waiver does not required any evidence to be presented. He confirmed anything that referred to a waiver would be adjusted to a variance request.

Mayor McLeod noted this as a public hearing and stated that anyone who wished to speak to please step up to the podium. Mr. Reid Smith was present and stated he felt there were many consequences regarding this proposed amendment with regard to access. He stated the development community had many concerns but further agreed that safety is of the utmost importance. He further stated that he believed this amendment would put some subdivisions at risk of not being built. He asked for additional time before making final decision. He stated it would be great to see some benchmarking and wondered why this couldn't be done during the upcoming code rewrite. Mayor McLeod questioned if anyone in development community had completed any research. Mr. Smith stated researched had been done and there were differences but he was not prepared to share that information this evening.

Mr. Saluppo was present and shared his views about this proposed amendment and felt it should move forward. He shared concerns about issues that he believed we would continue to experience with growth and how it relates to additional ingress and egress. He feels it's important to look toward the future and feels safety is very important and this should not be taken lightly. He stated he understood it might cost developers a bit more financially, but felt it was worth it.

Chief Barbee was present and shared historical information about an incident with a truck and the east side of town had to be closed down for 8 hours. He stated that following that incident, he wrote a letter to NCDOT about extending Front Street. He felt this was a good example and also provided details about a gas leak years ago at Cricket Hollow. He provided many other examples about safety issues and older subdivision that have only one way in and one way out. He shared his concerns about being able to get people out or in in the case of an evacuation... He shared details about the need to get fire trucks and emergency trucks in and out of subdivisions. He further stated the fire department is running more and more calls. He further stated there is great team work in Clayton and he strongly believes this amendment regarding

access is needed. Mr. Smith stated that numerous subdivisions would not have been approved had this amendment been in place when they received approval. His concern is requirement of three ingress/egress. Mr. Smith stated there are projects that would need to stop and this amendment would significantly impact development. Mayor McLeod stated he appreciated the input and further stated it was possible that may be something that would be welcomed by many. Ms. McKinnon stated she felt we needed to do better than what we did when subdivisions were approved years ago.

With there being no one further wishing to speak, the public hearing was closed at 7:14 p.m. and over to council for their deliberation.

ACTION: Table Item Until After February 2020 Town Council Retreat

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

7 OLD BUSINESS

- a) Wastewater Allocation Policy
Presenter: Rich Cappola, Public Services Director

Mr. Cappola presented this item and provided details about the amended policy including the new score sheet.

Council Member Grannis asked about the institutional category and if that included 501(c)(3) such as Rotary, etc. Mr. Cappola stated he believed it would. Council Member Grannis asked for clarification regarding the intent of scoring in the green versus blue sections. Mr. Cappola provided details and stated intent was at discretion of council. Council Member Grannis offered his thanks to staff for taking time to go over this policy in full detail with him. He stated this was a huge amount of information and wanted to be sure the council had done all their homework on this issue.

ACTION: Table Item Until After February 2020 Council Retreat

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

8 NEW BUSINESS

- a) Code of Ordinance Amendment - Chapter 53 - Backflow
Presenter: Brandon Carroll, Utilities Compliance Technician

Mr. Carroll was presented and provided details regarding Chapter 53 regarding Backflow and Cross Connection. He shared details about our partnership with BSI. He stated that in the past year we had added over 100 new devices. He stated that testing compliance rate is over 98.62% Since we joined this program with BSI the City of Raleigh and City of Durham have now

joined. He stated current ordinance was passed in 1995 and this proposed amendment would bring clarification to the ordinance. He shared details about the proposed changes to the ordinance that included definitions, responsibility, time frame to install or correct violation and enforcement. He further stated that a companion to the ordinance would be a Cross Connection Handbook; which would serve as a day to day operational guide.

Council Member Bunn asked if testers were certified. Mr. Carroll stated that hands on training is completed and a written test is issued by the state. He further stated that certification must be renewed every two years. Mr. Carroll add that back flow certification is separate from plumbing certification.

Council Member Grannis offered his thanks and stated this update was a long time coming. He asked if our requirements were as stringent as those of the state. Mr. Carroll stated he had worked closely with City of Raleigh in helping to determine what would work best for the Clayton. He stated that we are right in the middle, there are those that are more stringent and those that are less stringent.

ACTION: Adoption of Ordinance #2020-01-06

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

- b) EDA Grant Resolution
Presenter: Rich Cappola, Public Services Director

Mr. Cappola was present and provided details about request for support of EDA Grant Resolution. This has come together as a combined project with the county regarding flow concerns/issues. The grant would require a 20% match from the town.

Council Member Grannis asked what would happen should we not receive grant. Mr. Cappola stated financing would be required.

ACTION: Adoption of Resolution #2020-03

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

9 STAFF REPORTS

- a) Town Manager
- b) Town Attorney
- c) Town Clerk
- d) Other Staff
 - Digital Meters Update

Presenter: Ann Game, Customer Service Director

Ms. Game was present to provide additional information including the timeline for the project. Ms. Game stated this was a huge project that affected numerous departments in the town. She shared details about location of reading poles. Testing phase will begin shortly with meters that will be on town owned properties. Ms. Games stated new construction that has taken place since May of 2019 do have the new meter installed, however, they will not be activated until we complete our test phase. A phone number has been established and will be published for any questions regarding this program. A total of 16,000 meters will be changed out. We have now received a shipment of electric meters and to date there have been no problems reported. The Communications Department is very involved in this project as well. Ms. Game reported visiting numerous other municipalities who currently utilize this system and gained a good amount of information and feedback. She stated there will so much data received, there will likely be a need for a full time data analyst for this project. Ms. Game stated we are on target and project is progressing very well.

Council Member Grannis asked if we had worked with anyone in Electricities for any input. Ms. Game stated she had not, however, Ms. Beard stated they had been helpful on the communications side with sharing information and templates. Council Member Grannis asked when we could expect the reduction of the charge that is currently included on bills. Ms. Game stated she anticipated it was a 15 year payout period and it would be up to council to make any change. Ms. Games shared some of the information/reports that could be provided from this system. Ms. Medlin provided details about New World System, which is our billing/utility software.

Mayor McLeod thanked Ms. Game for the information and update.

10 OTHER BUSINESS

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

Council Member Grannis reported that he attended an Electricities meeting last week and shared details about rate projections. He stated we are on schedule and feel that it will allow the town to be able to look at various rates and more easily allow for necessary decisions related to our electric system.

11 CLOSED SESSION

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

Closed Session pursuant to attorney-client privilege related to Shenandoah Homes lawsuit.

ACTION: Motion to Go Into Closed Session

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

12 ADJOURNMENT

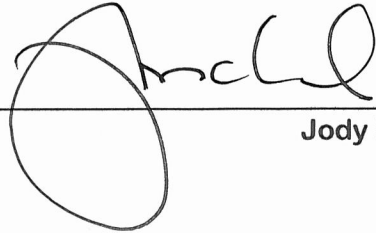
a)

With there being nothing further the meeting was adjourned at 8:26 p.m.

ACTION: Motion to Adjourn

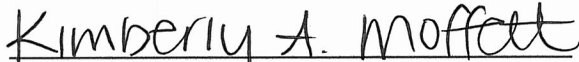
Motion: Council Member Bunn
Second: Council Member Grannis
Vote: Unanimous

Duly adopted this the 3rd day of February, 2020 while in regular session.



Jody L. McLeod
Mayor

ATTEST:



Kimberly A. Moffett, CMC, NCCMC
Town Clerk

