



**Town of Clayton
Regular Town Council Meeting Minutes
Monday, December 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:

JD Solomon, Town Manager
Rich Cappola, Deputy Town Manager
Chip Hewitt, Town Attorney
Kimberly Moffett, Town Clerk
Robert Yarborough, Building Codes
Enforcement Supervisor
Jose Perez, Building Codes Inspector
Robert McKie, Finance Director
Johnny Stanley, Purchasing Agent
Jeff Caines, Planner
Haley Hogg, Senior Planner
Joy Garretson, Library Director
Heidi Holland, Deputy Town Clerk

COUNCIL ABSENT:

1 CALL TO ORDER

Pledge of Allegiance and Invocation

- a) Mayor McLeod call the meeting to order at 6:01 p.m. He led everyone in the Pledge of Allegiance as well as offering the Invocation.

2 APPOINTMENT OF ATTORNEY

- a) Appointment of Temporary Town Attorney

ACTION: Appointment of Chip Hewitt to Serve as Town Attorney

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

3 ADJUSTMENT OF THE AGENDA

- a) Mr. Solomon requested addition of closed session pursuant to NCGS 143-318.11(a)(5)

4 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) NCDEQ - Updated Resolution Regarding SRF Funding

- b) **Pre-Warranty Acceptance**
 - The Walk at East Village Phase II
 - The Walk at East Village Amenity Center
- c) **Resolution Naming Portion of Mountains-to-Sea Trail in Honor of Skip Browder**
- d) **Draft Minutes**
 - December 7, 2020 DRAFT Minutes - Regular Session
 - December 7, 2020 DRAFT Minutes - Closed Session

ACTION: Adoption of Consent Agenda as Presented

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

5 ADMINISTRATIVE ITEMS

6 INTRODUCTIONS AND SPECIAL PRESENTATIONS

- a) **Presentation to Browder Family**
 - Naming of Portion of Mountains-to-Sea Trail in Honor of Skip Browder

Will, a member of Johnston County Planning Board was present and offered his thanks to the Town for honoring Skip Browder. He shared his appreciation for all the years of dedication that Mr. Browder provided to all of Johnston County.

Mayor McLeod shared his sentiments regarding this item. Mayor McLeod read a Resolution in honor of Mr. Browder. Following the reading, he presented a framed copy of the Resolution to the Browder Family.

Mr. Solomon shared his personal sentiments, remembrance and gratefulness to and of Skip Browder. He stated when he finds himself in certain tough situations he asks himself "What would Skip do?".

Mayor McLeod stated that former JC Commissioner Jeff Carver was with us this evening and offered his thanks for his many years of leadership and service to Johnston County.

- b) **Recognition of Employee(s)**

Presenter: Robert Yarborough, Senior Building & Trade Codes Official

 - Jose Perez - Received Level 1 Certifications
 - Building
 - Plumbing
 - Mechanical
 - Electrical

Mr. Yarborough introduced Jose Perez who started with the Town of Clayton in July 2015. Mr. Perez was one of the first participants in the Build An Inspector Program. He has successfully received his final Level 1 Certifications for building, plumbing, mechanical and electrical certifications. He offered his thanks and appreciation for the opportunity. Mayor McLeod offered his thanks for his dedication and commitment.

- c) **Recognition of Employee Retirement**
Presenter: Robert McKie, Finance Director
- Johnny Stanley - Purchasing Agent

Mr. McKie was present and shared information about Mr. Stanley and his years of employment with the town. Mr. Stanley offered his thanks to the council for allowing him to part of the town for the past almost 17 years. Mayor McLeod presented Mr. Stanley with a plaque of Recognition and thanked him for his years of service.

- d) **Recognition of Long Term Advisory Board Members**
Presenters: Haley Hogg, Senior Planner & Joy Garretson, Library Director
- Frank Price - Planning Board Member
 - Elizabeth Barber - Library Advisory Board Member

Ms. Hogg shared appreciation to Mr. Price who has been a member of the Planning Board since 1994. Mr. Price shared his memories of the many years to include wonderful memories of Skip Browder. He stated he appreciated being a part of the board for these many years. Mr. Solomon shared his appreciation for Mr. Price as well. He stated he had worked with Mr. Price as a member of the Planning Board. He offered his thanks. Mayor McLeod presented Mr. Price with a plaque for appreciation of his many years of service.

Ms. Garretson was present and shared information regarding Elizabeth Barber who has been a member of the Library Advisory Board since 1991. She stated Ms. Barber is a warmhearted and very caring resident. Mayor McLeod shared his personal memories of her and stated while Ms. Barber was not comfortable being acknowledged publicly she deserved much appreciation. A gift was presented to Ms. Garretson on behalf of Ms. Barber.

7 PUBLIC HEARINGS

- a) **2020-62-SUP - Champion West - Special Use Permit (Quasi-Judicial)**
Presenter: Jeff Caines, Planner

Attorney Hewett provided details regarding the process of a quasi-judicial versus a legislative process. He stated that anyone wishing to offer testimony and present evidence and must do so after being administered the oath of affirmation. He further advised that Findings of Fact must be met.

Ms. Moffett issued the Oath of Affirmation to those wishing to offer testimony.

Mr. Jeff Caines, Planner with the Town of Clayton, stated he would be presenting both the SUP and SD applications as one presentation. He stated the SUP would be to allow townhomes in the R-6 zoning area. It would be for a total of 23 townhome lots with the property size being 2.338 acres. Currently the property is vacant and it is located West of Champion Street. Shared were surrounding areas and current zonings. Mr. Caines also shared details regarding the proposed setback and site plan details. He stated the main access would be off the existing Champion Street access road. There

would be individual trash collection, sidewalk and buffer plantings as part of the plan. Shared was an architectural rendering of the project as well as the typical elevation view.

The project is consistent with Comprehensive Plan 2040 and surrounding land uses. The applicant has addressed the Findings of Fact for both SUP and SD as outlined in staff reports.

Staff recommended approval with conditions as indicated in staff report. The applicant has reviewed all recommended conditions and signed in agreement. He stated there are no unique conditions recommended.

Council Member Grannis asked about Findings of Fact #4, and if staff was satisfied with the response provided by the applicant. Mr. Caines stated yes staff was satisfied with the applicant's response.

Council Member Grannis asked about Findings of Fact #1, he asked what was meant by "success" point. Mr. Caines stated the "success" point is related to the main circle of the project. He stated that this plan has been reviewed and though it is not ideal, it is believed this is the most successful point to this development.

Council Member Grannis asked about Findings of Fact #2, he asked if staff was satisfied with the open space provided. Mr. Caines stated it did meet requirements and criteria and therefore they are satisfied.

Council Member Grannis asked about Findings of Fact #3 regarding the Class "C" buffer. Mr. Caines stated a Class "C" buffer is a landscape buffer that is required to basically shield out property from other properties. Ms. Hogg stated this would be a courtesy buffer as it is not required due to it being R6 against R6. She stated there was a request to the applicant for a 5' courtesy buffer although it is not required by code. The Class "C" buffer stated in the staff report was a typo.

Mayor Pro Tem Thompson questioned about parking. Mr. Caines stated it would be a private street. The applicant has proposed 3 parking spots per townhome to include garage. Mayor Pro Tem Thompson wanted to ensure there would be no issues with emergency vehicles being able to get through on the streets. He stated he was satisfied.

Mr. Donnie Adams of Adams & Hodge Engineering, 314 E Main Street was present and stated he was happy to go over each Finding of Fact and answer any questions. Mr. Adams provided his credentials and stated he has been a professional engineer for over 20 years.

Attorney Pryzwansky was also present and stated he was there to serve as moderator if required. Nathan Evans was also present.

Attorney Pryzwansky read Findings of Facts and presented Donnie Adams as an expert.

Mr. Adams addressed Findings of Fact #1 and stated they provided the best and safest location for entrance.

Council Member Grannis confirmed that the statement provided was safe and accurate. Mr. Adams confirmed it was still true and further added the plan had changed since the submittal but the statement was still true and accurate. Council Member Grannis stated Mr. Adams also stated that streets are designed to be safe for pedestrians and vehicles by providing adequate separation traffic control and lighting. Mr. Adams stated in regards to lighting, this is a Town of Clayton service area and he would be working with the town providing electrical layout to typical town standards. He stated as far as separation goes, this property has frontage along Champion Street and there will be a sidewalk provided along Champion Street. In the subdivision there will be curbs, gutter and sidewalks to separate pedestrians from the traffic.

Council Member Grannis asked about traffic control, Mr. Adams stated there would be signage and stop signs at the entrance but there would be no traffic signal.

Attorney Pryzwansky read Findings of Fact #2. Mr. Adams stated he believed it met all criteria and is compliance with Comprehensive Plan 2040.

Council Member Grannis asked where the location of passive and active open spaces would be. Mr. Adams stated there would be open space throughout the project. He stated it starts at the front, with the previous mentioned buffer, and there is a large open space behind the guest parking area. He stated these are also passive open spaces and felt this was a good decision with there being so many active open space opportunities close to downtown .

Attorney Pryzwansky read Findings of Fact #3. Mr. Adams stated property value was provided by a real estate professional and was included in package. Additionally, an adjacent property owner has submitted full approval of this project. Per Town Attorney, a letter from property owner would be hearsay and not permissible.

Attorney Pryzwansky read Findings of Fact #4. Mr Adams stated this project complies with the UDO and is consistent with Comprehensive Plan 2040.

Council Member Grannis asked if there would be garages. Mr. Adams stated, yes each unit would have a garage with 2 outside parking spaces in front and additional guest parking area. Council Member Grannis asked the length of driveway, Mr. Adams stated there is a 25' setback. Council Member Grannis shared his concern about parking on both sides of street and not having room for emergency vehicles.

Owner/Applicant/Developer Nathan Evans, was present and addressed the language that would be in the HOA documents to prohibit both sides of the street parking. He further stated signage could be provided as well. Mr. Evans stated he worked with Head Start folks to acquire some of their land and stated

he had a letter from Ms. Watson, another neighbor, and stated he met with many neighbors prior to coming to hearing this evening.

No one wished to speak in opposition.

With no one further wishing to speak, this item was turned over to council at 7:16 p.m. for their discussion.

ACTION: Approval of 2020-62-SUP with conditions as listed in Staff Report

Motion: Mayor Pro Tem Thompson

Second: Council Member Holder

Vote: Unanimous

b) 2020-61-SD - Champion West - Subdivision (Quasi-Judicial)

Presenter: Jeff Caines, Planner Director

ACTION: Approval of 2020-61-SD with conditions as listed in Staff Report as well as addition of new condition to include Installation of No Parking Signage on Streets and inclusion of no parking language in HOA documents

Motion: Council Member Grannis

Second: Mayor Pro Tem Thompson

Vote: Unanimous

8 OLD BUSINESS

a) Town Hall Parking Lot - Electric Information Update

Presenter: JD Solomon, Interim Town Manager

Mr. Solomon provided an update on this issue regarding the numbers for the electrical line in the new Town Hall Parking Lot. The additional cost for the electric as well as Century Link and Spectrum fiber lines would be approximately \$137,000 and would extend the project by 3-4 months. What is not included in the price is the cost for any general contractors. This would impact other items to include congestion on Second Street. The money would come from unrestricted reserves. Mr. Solomon stated his personal opinion is he would like to see electrical lines underground. Mayor McLeod stated he believed it was important to do this now. Council Member Bunn agreed this needs to be done and feels we would regret it if we did not. Council Member Grannis confirmed that it would take 3-4 months. Mr. Solomon stated that was correct and provided details regarding why it would take this amount of time. Council Member Grannis asked if that could be expedited. Dale Medlin stated 3 months was lean and provided additional details that additional entities would need to be involved in this project. He stated the majority of the work would be done by staff. Council Member Grannis agreed that the project needed to be completed at this time. Council Member Holder asked why this project needed to be completed. Mayor McLeod stated he felt that this whole project would not be top quality with having these poles as a distraction in the middle of the campus. Council Member Bunn stated there was some high power lines located on top of those poles and shared concerns of a problem that could happen if someone were to hit a pole and knock them down. Mr. Solomon

stated he preferred to bring back a budget ordinance to the next meeting. Council Member Holder stated he would like to see costs for hiring an outside company to see if that could cut down time frame.

b) Mid-Year Budget Review

Presenters: JD Solomon, Interim Town Manager & Rich Cappola, Deputy Town Manager

Mr. Solomon and Mr. Cappola presented this item and shared a Power Point presentation. Council Member Grannis confirmed that we are experiencing growth that is requiring us to bring on new folks to include a contract administrator, etc. Mr. Solomon stated that everyone felt that COVID would slow everything down but everything in Clayton has grown 15-20% during the pandemic. He spoke about three key decisions which includes the hiring of a Fire Department Emergency Services Coordinator, Two (2) New Patrol Officers and Transition Janitorial Services In-House (3 Positions).

Council Member Holder confirmed the figures provided are for half year budget, Mr. Solomon confirmed. Council Member Grannis asked how confident Mr. Solomon was with figures regarding State deferred monies. Mr. Solomon stated in the worst case assumption, he did not believe the state would take all of the sales revenue away. He believed they could take the incremental amount. The worst case would be at last year's level. He stated he believed the trend now is between 15%-19%. Mayor Pro Tem Thompson offered his thanks and stated this analysis is extremely helpful and stated this is a good message to staff and residents that the budget is being looked at consistently and appropriate adjustments are being made. Council Member Grannis offered his thanks as well.

Mayor McLeod requested additional information regarding Loss of Interest Earning.

ACTION: Approval of Mid-Year Review Per the Approved Fiscal Budget

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

ACTION: Approval of Modifications to the Approved Fiscal Budget

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

c) Downtown Tree Removal Refund

Presenter: Rich Cappola, Deputy Town Manager

Mr. Cappola provided an update regarding this item. He provided background and is bringing back requested information. A total to date of \$4,750 had been received and is kept in separate reserve fund. Staff is looking for direction to move forward with refunding the monies to individuals that have paid in the past and adjust our policies to not charge this fee.

ACTION: Approval to Refund Fees Collected

Motion: Council Member Grannis

Second: Council Member Bunn

Vote: Vote 4-1 : Against Holder

9 NEW BUSINESS

- a) **CISA Risk and Vulnerability Assessment**
Presenter: Rich Cappola, Deputy Town Manager

Mr. Cappola shared details about the assessment of our network which could be provided at no charge by Cyber and Infrastructure Security Agency (CISA) . They (CISA) would come in and advise of any vulnerabilities within our network and provide information regarding any additional requirements.

ACTION: Authorize Staff to Proceed with Assessment

Motion: Council Member Bunn

Second: Council Member Everett

Vote: Unanimous

- b) **Amend Code of Ordinance - Chapter 74**
No Parking Along Portion of East Second Street
Presenter: Rich Cappola, Deputy Town Manager

Mr. Cappola provided information regarding the request for no parking. He shared details about inability for emergency vehicles to get through with vehicles being parked on both side of the street.

He stated an alternative approach would be to indicate this area as a Loading Zone rather than No Parking. Mr. Solomon added numerous complaints have been received about severe congestion at during the church day care pick up times.

A motion was made by Council Member Everett to move forward with adoption of Ordinance, with no second, this motion died.

Council Member Holder asked about the distance behind the angled parking and the other side of street and what time of the day the daycare congestion occurred. Mr. Holder suggested we eliminate parking on the other side of street. Council Member Bunn stated he has some concern and feels we need to take no parking all the way up to Fayetteville Street on the other side of street. Mayor McLeod asked if queuing for day care could take place at another location without it having to be on Second Street. Suggestion was made to make Church Street one way and also look at other options for queuing. Mr. Solomon feels we need striping for loading zone. That solution would create a problem with unloading for the Yellow House. Mayor McLeod wants to ensure that local businesses have a way to get their items unloaded. To accommodate, we would include a loading zone by these business.

Mr. Blake from Horne Memorial UMC, stated the church has concerns and how it impacts parking for special events, funerals, and the pre-school pick up and drop off line. He stated they need some time to come up with changes. He stated currently church services are suspended due to COVID. He requested that should any spaces in front of church be marked as a loading zone it would be considered for a limited time frame so it could be re-addressed as we move forward. Mayor McLeod asked if the church would be able to discuss this over the holidays. Mr. Blake stated it might be too short of a time period. Mayor McLeod stated the town is concerned about safety but want to be good neighbors and are trying to balance that all out. Council Member Grannis asked when pre-school would start back up, Mr. Blake is not sure of that date.

Mayor Pro tem Thompson likes the idea of a loading zone on our side and no parking other side of street. He feels this is a good temporary work around.

Council Member Grannis asked if we were to wait until the first meeting in January did they feel this would make the situation any worse. He stated this would allow the church to have more information. Mr. Cappola stated there is an immediate need to proceed due to emergency vehicles not being able to get through with parking on both sides of the streets. The issue would probably be less over the holidays, however, safety concern is of utmost importance.

Mr. Solomon asked for council to approve, however, we would hold off on painting to allow the church to discuss further.

Mr. Holder stated he is ready to propose no parking on the north side and loading zone but would like to allow the church to have additional time to discuss.

ACTION: Table Discussion until January 4, 2020 Meeting for Decision

10 STAFF REPORTS

a) Town Attorney

The Town Attorney wished everyone a Merry Christmas and Happy New Year.

b) Town Manager

Mr. Solomon discussed the Employee of the Year winner, Jamie Ballance, and shared in addition to that award, six employees were awarded with a Pandemic Awards for the good work they have done this year.

As far as COVID, there have been several topics discussed but will put further discussion off until January 2021 to see what the Federal Congress does. He stated staff will come back from the holidays as we are operating now.

In regards to the Water Reclamation Facility, the environmental assessment hearing will be begin Wednesday. The request for proposals for the design

build teams will go out in the next couple of days. This project will be ready to be awarded last January/early February.

- c) Town Clerk
- d) Other Staff

11 OTHER BUSINESS

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

12 CLOSED SESSION

- a) Closed Session Pursuant to NCGS 143-318.11(a)(5) &(6)

ACTION: Motion to Go Into Closed Session

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

13 ADJOURNMENT

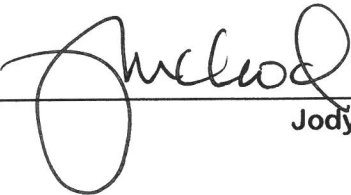
- a) Adjourn the Meeting

With there being nothing further the meeting was adjourned at 9:45 p.m.

ACTION: Motion to Adjourn

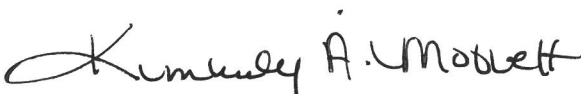
Motion: Council Member Holder
Second: Council Member Grannis
Vote: Unanimous

Duly adopted this the 19th day of January, 2021 while in regular session.



Jody L. McLeod
Mayor

ATTEST:



Kimberly A. Moffett, CMC, NCCMC
Town Clerk

