



Town of Clayton
Town Council Regular Meeting Minutes
Monday, October 7, 2024 at 6:00 PM
Council Chambers, Town Hall
111 E. Second Street

Council Present:

Mayor Jody McLeod
Council Member Porter Casey
Council Member Andria Archer
Mayor Pro Tem Michael Sims
Council Member Gretchen Williams
Council Member Ruth Anderson*

**Joined Remotely*

Council Absent:

None

Staff Present:

Rich Cappola, Town Manager
Jim Cauley, Town Attorney
Heidi Holland, Town Clerk
Dolores Gill, Deputy Town Manager
Robert McKie, Finance Director
Greg Tart, Police Chief
Nathanael Shelton, Communication Director
David Ranes, Fire Chief
Joshua Baird, Water Resources Director and Interim
Engineering Director

1. CALL TO ORDER

a. Call to Order

Mayor McLeod called the meeting to order at 6:00 p.m. Mayor McLeod noted for the record Council Member Anderson is joining virtually tonight.

b. Pledge of Allegiance

Mayor McLeod led the Pledge of Allegiance.

c. Invocation

Mayor McLeod provided the Invocation.

2. ADJUSTMENT OF THE AGENDA

- a. Mr. Cappola adjusted the agenda as follows:
Add to 12a, Closed Session to discuss a legal matter in accordance with NCGS 143-318.11(a)(3) and the presenter of item 8b. would be Dolores Gill, Deputy Town Manager.

Approve or Adjust the Agenda

RESULT:	CARRIED 5-0
MOVER:	Andria Archer
SECONDER:	Michael Sims
YES:	Porter Casey, Andria Archer, Michael Sims, Gretchen Williams, and Ruth Anderson*
NO:	None

3. CONSENT AGENDA

- a. Minutes
 - September 16, 2024 - Regular Session
 - September 16, 2024 - Closed Session

Presenter: Heidi Holland, Town Clerk
- b. Harvest Festival MOU

Presenter: Amy Shearin, Economic Development
- c. Hocutt-Ellington Memorial Library Technology Lending Policy

Presenter: Mel Poole, Circulation Supervisor
- d. Resolution To Accept Public Utilities into The Town of Clayton Public Utility System for Maintenance – O’Neil Overlook

Presenter: Michael Worner, Engineering
- e. Resolution To Accept Public Utilities into The Town of Clayton Public Utility System for Maintenance – Spinning Mill Phase 2 Water Line

Presenter: Michael Worner, Engineering
- f. Resolution to Acquire Easements for the Walmart Pump Station Abandonment Project

Presenter: Joshua Baird, Interim Engineering Director

Approve Consent Agenda as Presented

RESULT:	CARRIED 5-0
MOVER:	Andria Archer
SECONDER:	Porter Casey
YES:	Porter Casey, Andria Archer, Michael Sims, Gretchen Williams, and Ruth Anderson*
NO:	None

4. ADMINISTRATIVE ITEMS

- a. Clayton4U

Presenter: Nathanael Shelton, Communication Director

Mr. Shelton shared this episode of Clayton 4U which featured the upcoming Harvest Festival and provided a history of the event.

5. INTRODUCTIONS AND SPECIAL PRESENTATIONS

- a. National Community Planning Month Proclamation

Presenter: Council Member Archer to Present to the Planning Department

Council Member Archer read the proclamation and presented it to the Planning Department.

- b. National Arts and Humanities Month Proclamation

Presenter: Council Member Casey to Present to Cultural Arts

Council Member Casey read the proclamation and presented it to Cultural Arts.

- c. Public Power Week Proclamation

Presenter: Mayor Pro Tem Sims to Present to the Electric Department

Mayor Pro Tem Sims read the proclamation and presented it to the Electric Department. Mayor McLeod read a letter from a Town citizen expressing their appreciation for recent prompt service from the Electric Department.

- d. National Day of Service Proclamation

Presenter: Mayor McLeod to Present to Trish Perna, TWCC President

Mayor McLeod read the proclamation and presented it to Trish Perna, TWCC President.

- e. Little Library Project

Presenter: Sara Perricone and Joe Slaton, Public Art Advisory Board

Sara Perricone and Joe Slaton, of the Public Art Advisory Board, were present to speak on this project, which is the latest Public Art Advisory Board project, the Little Free Library. Mr. Slaton shared the history of this concept. This library would be placed in Town where people are able to leave a book, take a book. Shared was the specific Little Free Library the board purchased. The board would assemble this and paint it themselves. The board plans to serve as the Little Free Library's steward, they would monitor, maintain and keep it stocked. Mr. Slaton stated the board would like to have this library at the Clayton Area Ministry, with Council's permission. Council Member Casey, liaison to the Public Art Advisory Board, thanked Mr. Slaton and Ms. Perricone for coming tonight. Mayor McLeod asked if anyone had any objections about the location; Council was in consensus of this location.

6. PUBLIC HEARINGS

7. QUASI-JUDICIAL HEARING

8. OLD BUSINESS

- a. **Copper District Elevated Storage Tank - Tentative Award**
Presenter: Joshua Baird, Interim Engineering Director

Mr. Baird stated general statutes and town policies require formal construction bids in excess of \$500,000 to be awarded by the governing body. This item tonight is a construction contract bid award for a 1-million-gallon elevated storage tank on 42 near the hospital in the area of the potential future Copper District.

The project was formally advertised on July 31, 2024 and included a base bid and alternate for a certain vendor of architectural and lighting package associated with the project. On September 5, 2024 the Town only received two bids and were unable to open those bids. The project went out for rebid on September 19, 2024; a second public bid opening was held, receiving only two bids. The apparent low bidder was Phoenix Fabricators and Erectors, LLC with a base bid of \$8,525,336.00 and an alternate at \$0.

Engineering reviewed the bids and issued a recommendation of award and the Town's procurement and contract department has also reviewed the bids and contract. The Town does intend to fund a portion of this project with \$4 million of ARPA funds received a couple years ago. The State Division of Water Infrastructure does have to review the bids; Town Council must adopt a resolution prior to that. This would be subject to the final approval and authority to bid by the Division of Water Infrastructure as well as final legal review of the contract.

Adoption of Resolution #2024-98

RESULT:	CARRIED 5-0
MOVER:	Michael Sims
SECONDER:	Andria Archer
YES:	Porter Casey, Andria Archer, Michael Sims, Gretchen Williams, and Ruth Anderson*
NO:	None

- b. **Legend Park Update**
Presenter: Dolores Gill, Deputy Town Manager

Ms. Gill provided an update and status to the Legend Park site, located on 550 City Road. The North Carolina Department of Environmental Qualities previously identified this site as a preregulatory landfill. A preregulatory landfill is defined by the State as any land area on which municipal solid waste disposal occurred prior to January 1, 1983. This site is one of 680 projects that have been identified in need of remediation.

Over the past four years the Town's engineering department has been coordinating with DEQ staff to assess and test the site and has assisted in

developing a remediation action plan. Specifics of this plan include relocation of waste from the stream area and future drive entrance and a soil cover cap that would go across the remaining trash boundary.

Most of the site is on Town property, however there is a small portion that does extend onto private property. Staff and DEQ have been working with the property owner and they have denied some recent access; that portion would not be in this project. Upon completion of the remediation site, this site could be used as a passive park and continue as a trailhead. It would also be left with a parking area for the Sam's Branch Greenway. This collaboration with DEQ also allows for the drive's entrance construction to be installed by a private developer per approved plans from Villages at Park View.

The public comment process was held and ended September 2, 2024; no public comments were received at that time. The State has moved forward with the funding of this project with a \$2.9 million state fund; no Town funds would be used in this project.

For this project to move forward, the Town has signed a deed restriction boundary plat defining the waste area; all documents were previewed by legal counsel and approved by Council on October 2, 2023. Upon completion of this project, there still would be remaining communication to take place between staff and the NC Parks and Recreation Trust Fund to find solutions for its discontinued use as a ballfield.

DEQ has selected Taracon to oversee this plan and SR&R Environmental to complete the project. Mobilization would begin October 21, 2024 and is expected to last about 12 months. The old press box concession stand, lights, and fencing would all be removed as well as any landfill material that has been identified in the plan. The area would be finished with a grassy area.

To ensure communication with our citizens, a communication plan would be launched this week to notify immediate residents with a door hanger that would display a website and a QR code that would share information on this project. Mark Moore, Project Manager, would serve as the point of contact and would be communicating with the onsite contractor during this entire project. As a safety precaution, this project does require the closure of Legend Park's trailhead bridge. Closure notices would go out this week which would include signage, website, information, QR codes and information posted near the bridge at the O'Neil location. She stated there is a newly developed Greenway information area that would be located on the Town's website that allows citizens to subscribe to receive updates. This new information area would be communicated through social media.

Ms. Gill stated after this project is complete, this space would be reintroduced into the park system to be available in the future to the community.

Joshua Baird shared a map of the site. He stated the strategy for this remediation plan is to take certain areas of waste and relocate them on site and properly cover and cap the existing waste. After the project's completion, the site would be in a somewhat grassy meadow state. Trees would not be allowed to grow up on the site and the Town is to maintain and cut it on a routine basis. The existing parking area would be put back and the Greenway connection would be made back. The area would be cleared down to the stream and it would be ensured from an environmental standpoint that the environment would be protected, and appropriate waste would be away from the stream.

Council Member Archer stated she has been asked by residents about this; she stated this plan is not under the Town's control. When citizens see this unfolding, there are 100's of these sites across the State; this is what happens when waste is put down before regulations. She assured citizens this is for the best environmentally at this time.

9. NEW BUSINESS

- a. FY 2023 Staffing for Adequate Fire and Emergency Response (SAFER) Grant
Presenter: David Raney, Fire Chief

Chief Raney stated earlier this year he informed Council of this grant. He announced the department has been awarded this grant in the amount of \$1,512,151.68. This grant provides full funding for six firefighter positions, including pay benefits, for a period of 36 months. This grant would enable the fire department to increase staffing to have a level of four firefighters on each unit. Having a four-person crew in each unit is essential to achieving an effective response force. With this enhanced staffing, the department would be better equipped to respond immediately to emergencies.

Mayor McLeod extended his thanks to US Senator Ted Budd for his letter of support. He stated he is extremely appreciative for what he has done for the Town of Clayton.

Adoption of Resolution #2024-97

RESULT:	CARRIED 5-0
MOVER:	Porter Casey
SECONDER:	Michael Sims
YES:	Porter Casey, Andria Archer, Michael Sims, Gretchen Williams, and Ruth Anderson*
NO:	None

10. STAFF REPORTS

a. Town Manager

Mr. Cappola stated as we continue to assess the damage in Western North Carolina, we recognize they are in dire need of help. On Saturday, September 28, 2024, the Town sent four men and three trucks to help restore power to the City of Shelby, one of our ElectriCities partners. They spent a week there helping to restore power. This past week, Fire Marshall Tatum was deployed for seven days to an assignment to an incident management team. He would be there for the rest of the week. Chief Ranes and the fire department evaluated staffing and have identified the department could provide an engine and four-man crew if requested; those resources have been offered out. Chief Tart and his staff have been asked to help staff the State EOC in Raleigh. Chief Tart, Capt. Temple, and Capt. Lunger would swap out over the next month or so.

He thanked everyone in the community that took part in the supply drive. An overwhelming amount of donations were received.

- b. Town Attorney
- c. Town Clerk
- d. Other Staff

11. OTHER BUSINESS

a. Informal Discussion & Public Comment

Kay Johnson, Executive Director of Harbor of Johnston County was present. She stated earlier today County Commissioners adopted October 2024 as National Domestic Violence Day. The campaign this year is "I Know Someone". On October 17, 2024, Harbor would be hosting a vigil in Clayton at Town Square beginning at 6:00 p.m. Mayor McLeod asked the Town Clerk to put that event on Council's calendar.

b. Council Comments

12. CLOSED SESSION

a. Motion to Go Into Closed Session

RESULT:	CARRIED 5-0
MOVER:	Porter Casey
SECONDER:	Andria Archer
YES:	Porter Casey, Andria Archer, Michael Sims, Gretchen Williams, and Ruth Anderson*
NO:	None

Motion To Return To Open Session

RESULT:	CARRIED 5-0
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MOVER:	Andria Archer
SECONDER:	Porter Casey
YES:	Porter Casey, Andria Archer, Michael Sims, Gretchen Williams, and Ruth Anderson*
NO:	None

13. ADJOURNMENT

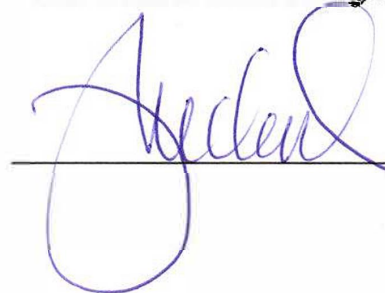
a. Adjourn

With nothing further, the meeting was adjourned at 7:05 p.m.

Motion To Adjourn

RESULT:	CARRIED 5-0
MOVER:	Andria Archer
SECONDER:	Porter Casey
YES:	Porter Casey, Andria Archer, Michael Sims, Gretchen Williams, and Ruth Anderson*
NO:	None

Duly adopted by the Town Council this 21st day of October 2024 while in regular session.



Jody L. McLeod
Mayor

ATTEST:


Heidi L. Holland, CMC, NCCMC
Town Clerk

