



Town of Clayton
Town Council Regular Meeting Minutes
Monday, October 21, 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

Staff Present:

Rich Cappola, Town Manager
Jim Cauley, Town Attorney
Heidi Holland, Town Clerk
Dolores Gill, Deputy Town Manager
Lee Barbee, Deputy Town Manager
Courtney Tanner, Deputy Town Manager
Nathanael Shelton, Communication Director
David Ranes, Fire Chief
Conrad Olmedo, Planning Director
Scott Barnard, Parks & Rec Director
Louis Duffie, Asst. Program Manager

Council Absent:

None

1. CALL TO ORDER

- a. Call to Order

Mayor McLeod called the meeting to order at 6:02 p.m.

- 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 to add a Closed Session 12a. To Discuss a Legal Matter in Accordance with NCGS 143-318.11(a)(3).

Approve or Adjust the Agenda

RESULT: CARRIED 5-0

MOVER: Porter Casey

SECONDER: Andria Archer

YES: Porter Casey, Andria Archer, Michael Sims, Gretchen Williams, and Ruth Anderson

NO: None

3. **CONSENT AGENDA**

- a. Minutes
 - October 7, 2024 - Work Session
 - October 7, 2024 - Regular Session
 - October 7, 2024 - Closed Session

Presenter: Heidi Holland, Town Clerk
- b. 2025 Holiday Schedule
Presenter: Heidi Holland, Town Clerk
- c. 2025 Council Meeting Schedule
Presenter: Heidi Holland, Town Clerk
- d. Final Acceptance of Public Water & Sewer Utilities for Academy Pointe, Phases 1 & 2
Presenter: Chris Rowland, Engineering
- e. Resolution Directing Clerk to Investigate: 2024-57-ANX - WC 8121 US 70 Bus Industrial
Presenter: Conrad Olmedo, Planning Director
- f. Authorizing A Sale of Item of Surplus Property
 - 2015 Bucket Truck

Presenter: Allen Turnage, Electric Director
- g. Sale of Personal Property to Another Governmental Unit
 - 2018 F550 AT41M Bucket Truck

Presenter: Allen Turnage, Electric Director

Approve Consent Agenda as Presented

RESULT:	CARRIED 5-0
MOVER:	Andria Archer
SECONDER:	Michael Sims
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 Clayton Center in honor of National Arts and Humanities Month.

5. **INTRODUCTIONS AND SPECIAL PRESENTATIONS**

- a. DDA Council Annual Report
Presenter: Christi Thompson, DDA Board Chair

DDA Board Chair Christi Thompson shared the purpose of the board as well as the nine current board members. In addition, she shared the 4 sub-committees. This past year, the board implemented vibrancy grants which included 20 A-frame signs to help promote and support vibrancy, supported the implementation of the social district, implemented and won an award for the downtown map, and supported and helped define the Downtown Master Plan.

Throughout the 23-24 season, the board distributed over \$21,000 in façade grants which supported and led to an investment of nearly \$70,000 in façade improvements. The 501c3 raised over \$16,000 in sponsorship dollars that was put back into community events and downtown initiatives. She spoke about the 2nd Annual BBQ Challenge, where over 600 tickets were sold. The board hosted the first Fall in Love with Downtown Awards Night and would hold the 2nd annual one on February 18, 2025.

They hosted the Downtown Clayton Concert Series where two local openers were added to the series which has contributed to an increase in attendance. She stated the board is currently looking for new members; the application process for that is open.

Mayor McLeod reiterated the board is looking for new applicants and stated this board creates tremendous tangible results. He acknowledged the tremendous work this board has done.

6. PUBLIC HEARINGS

- a. Town of Clayton 2024 Parks & Recreation Master Plan
Presenters: Scott Barnard, Parks and Recreation Director and Sara Burroughs, FLA, SageDesign

Mr. Barnard introduced Sara Burroughs with SageDesign. He stated she has led this effort with Town staff, Advisory Board members, and the public. This is a rich plan largely due to the involvement of all citizens who have contributed.

Ms. Burroughs thanked Council for their commitment to this process over the past year. She stated this is a very actionable plan with over 1,000 points of engagement. Tonight, she would discuss the outcomes from the work session on October 7, 2024 and how the plan was constructed.

The plan is organized to line with the Town's community goals. The plan is focused on creating a connected community, economic vitality, environmental stewardship, celebration of arts and culture, and health and wellness.

The plan is broken into several different areas to make sure it aligns with State and National best practices: facilities, connectivity, programs, staff, and land acquisition and park development. She stated our community is really engaged in parks; 87% feel very strongly about the positivity that parks bring to the Town. That number is above the national average benchmark and very

important to recognize. Also high on the metric scale is that 97% of the survey respondents felt parks add value.

Discussed were key elements in the plan. Our residents shared they would like to see additional opportunities for outdoor adventure and recreation and the ability to access the Neuse River. Another important element is growth and the impact it has on the community. Discussed were the three highlighted trails recommended in the plan as priorities. The community would like to have Municipal Park and Sinclair Park accessible to downtown, East Clayton Park into the Neuse River and downtown, and ability to get from the Community Center across 70 and into downtown. There is a strong desire to continue those connections for the opportunity to get in town and out of town, either as a pedestrian or on a bicycle.

Special events are something our community is really engaged with and would like to see more of. She stated there are a lot of programs wait listed because of the strong demand. There is a direct relationship between the programs that could be offered and the staff. The Town needs to make sure as it continues to grow, we have the staff necessary for the services and programs.

Council Member Casey stated he appreciated the plan; he asked how she sees the Town financially being able to make some of these items come to fruition. Ms. Burroughs stated in the plan there is an outline of tools available for funding and because of the immediate near-term and long-term needs, the Town would need to take a variety of those approaches in order to meet the Town's demands.

Mayor McLend stated Ms. Burroughs and her company have been amazing partners to work with. He thanked staff from the Parks and Recreation Department and stated they all do an outstanding job with the funding they have, the vision they share, and the way they execute it all. He is appreciative that the results from the surveys showed how much the citizens appreciate parks and recreation.

Next steps are to come to the October 28, 2024 Planning Board meeting for their recommendation and back to council for adoption at their November 4, 2024 regular meeting.

Mayor McLend stated this has been noticed as a public hearing, he asked if anyone wished to speak. With no one wishing to speak, the public hearing was closed.

Close Public Hearing and Table To the November 4, 2024 Meeting for Action per Recommendation from Planning Board

- b. 2024-92-RZ Triangle Coffee Shop
Presenter: Audrey Duchesne, Senior Planner

Mr. Olmedo stated this is a conventional rezoning request from Office Institutional (CFI) to Downtown Neighborhood Core (DTNC). The property is .13 acres; the applicant would like to use this site for a commercial use. This request went before the Planning Board on September 24, 2024 with their recommendation of approval. Staff recommends approval as well. Public noticing has been properly done. He stated the applicants are present.

Council Member Archer asked when it is just a rezoning like this, are you just looking at if the parcel fits with the adjacent parcels, does it make sense for that zoning to be there rather than the proposed or suggested use, Mr. Olmedo stated that is correct. He stated when staff had their pre-application meeting with the applicants, they did an analysis and decided should it be a conditional rezoning request or could this be something that could be a limited use. Staff felt comfortable to proceed with a conventional rezoning. He stated the Future Land Use Map supports it with the downtown core. Rezoning this parcel would make the block all zoned Downtown Neighborhood Core.

Mayor McLeod stated for clarification, this is the only parcel that is not like the adjoining parcels, Mr. Olmedo stated correct. Mr. Olmedo shared the proposed zoning map of the parcels. Council Member Archer stated to be clear, any kind of questions of the future use, building, codes, and parking, aren't considered in a rezoning decision; it's a conversation but they are not part of the analysis of reaching a decision. Mr. Olmedo stated that is correct.

Mayor McLeod stated this has been noticed as a public hearing and wished if anyone wished to speak.

Clayton resident M.L. Mintor was present. His property is the small piece of land beside the proposed coffee shop; it lies between the coffee shop on the corner and the tobacco shop. He shared his parking concerns. He stated he does not have driveway access off the street. It is not designed as a parking area, there is grass along with water and sewer lines going through the property to the street. He stated at times there has been a food truck on the curb that blocks his property. He would like to make sure there would not be any infringement on his property with this new request.

Mayor McLeod stated tonight's request is just for a rezoning; if this rezoning gets approved tonight and there are any future plans for that property, all submittals must go before the Planning Board and the public would have an opportunity to express their concerns. He stated the Town would keep in mind his infrastructure on his property. He stated it would be noted in the record of past damage to his property. Any improvements or modifications would be further discussed should any information come back to the Town after this rezoning. As an adjoining property owner, he would be notified by the Town of any future applications to that property.

There was discussion of food trucks being parked in front of Mr. Mintor's property. He stated if he could have access to his driveway, he does not have a problem with the food trucks. He discussed the sewer clean outs that have been broken in the past. Mayor McLeod stated his concerns are well understood and documented. He asked Mr. Mintor if he has any objections to tonight's rezoning? He stated any future developments on that property would need to come before Council and him being an adjoining property owner, would be notified and he would have an opportunity to speak on his concerns at the meeting discussing that project.

Mr. Cappola confirmed with planning staff that in our new UDO, depending on what use the applicant would be requesting, they may not have to come back before Council. Mr. Olmedo stated that is correct, the permitted use table in the UDO lists all uses allowed by right in the Downtown Neighborhood Core district. Any other use would be a conditional rezoning. This rezoning would allow the property to be used for any permitted uses by right in that zone district.

Mayor McLeod asked how do we protect adjoining property owners? Mr. Cappola stated the permitted use table contains the types of uses the Town sees allowable within different areas of Town and apply the correct zoning to those locations. The uses allowed in the table currently assigned to the DTNC are uses the Planning Board and Council have already discussed being reasonable in those locations. He stated for this property, the applicants want to rezone because they plan on putting a coffee shop there which is allowable in the usage table. The next steps for this would all be administrative.

Mr. Olmedo stated regarding protecting property owners, any use not listed in the usage table would need to go before Council where proper notifications would be mailed and posted. Mr. Mintor discussed the trucks blocking his access during festivals. He stated he has tenants and they need to have access to their apartments both on Main Street and Fayetteville Street.

John Scarpa, Clayton resident, asked that we approve this rezoning because it conforms with surrounding properties.

Mr. Mintor asked if he could have cones around his property during festivals so cars cannot park on his lot? Mayor McLeod stated this would be noted.

With no one else wishing to speak, the public hearing was closed.

Council Member Casey stated he sees no issue with this rezoning and thinks it is a testament that we need more retail space downtown. Council Member Archer echoed Council Member Casey and stated she believes the application has met all the criteria for the rezoning. Mayor Pro Tem Sims stated he does not see any issues with this request but with Mr. Mintor's concerns, he hoped this brings to light these issues. Council Member Williams stated she is in favor as well but wanted to make sure we keep in mind Mr. Mintor's requests.

Council Member Archer motioned to approve this request with Motion #1 in the Consistency Statement.

Adoption of Ordinance #2024-10-01 with Consistency Statement

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

7. QUASI-JUDICIAL HEARING

8. OLD BUSINESS

- a. ECIA Transmission Improvements
Presenter: Louis Duffie, Project Manager

Mr. Duffie stated this past Tuesday three bids were received for the ECIA Transmission and Pump Station Improvements project, which is the last component of the overall program. Moffat Pipe was the apparent low bidder with the price of \$11,002,812.00. This was significantly lower than the engineer's estimate. A letter of recommendation was received from the engineer stating all components of the proposal had checked out. Tonight's request is to award the bid to Moffat Pipe.

Adoption of Bid Award and Adoption of Resolution #2024-108

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

9. NEW BUSINESS

- a. Real Property Surplus
• 1992 E-ONE Fire Pumper
Presenter: Lee Barbee, Deputy Town Manager

Lee Barbee thanked Chief Raney for allowing him to do this presentation. Shared was history on this engine. One of his first tasks when he became Fire Chief in 1991 was to order a new engine which was this one. In the last year, this engine was deemed surplus. When Chief Raney became Fire Chief, he began the decommission of it and sent it over to Public Works where they used it for a while. When he found out Public Works was looking to put it on the surface

block, he had staff call our VFI agent, who knows a lot of departments in need. We found out Marshallberg Volunteer Fire Department, with a population of just over 450, was in need of an engine. The request tonight is to donate this truck to Marshallberg. If approved, this would be the fourth truck the Town has donated during Chief Barbee's tenure.

Council Member Anderson thanked him for bringing this opportunity to them. Mayor McLeod stated this goes back to the title, Marshallberg Volunteer Fire Department. He stated he remembered when the Town was a volunteer department and knows what it's like to have less and need more. He is happy the Town is able to help that community provide the level of service they deserve.

Adoption of Resolution #2024-106

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

10. STAFF REPORTS

a. Town Manager

Mr. Cappola thanked Council for their support for the Town's support to send staff out West, we have not had any additional requests. He stated the Communications Department has been working with the County and NCDOT regarding the renaming of the roads. NC42 West is being renumbered by NCDOT to NC36 and as part of that, the Town and County voted to name that stretch of road Veterans Parkway. The other road, 70 Business, would drop Business and just be 70. As part of that process, the Town and County agreed to name that roadway Clayton Boulevard.

There is a lot involved with those two renaming efforts. Between the Town and County, there are upwards of a few thousand properties that need to be notified. Their numbers would not change but they would have to update from NC42 to Veterans Parkway. The go live date for the post office to be able to change that would be February 10, 2025. Staff would work over the next couple months to communicate this.

He introduced the new Deputy Town Manager Courtney Tanner who comes from Wake Forest and brings over 20 years of experience. He stated the Town is very fortunate to have her come to us at this time. She would be overseeing engineering, planning, inspections, and the development services group that supports those three departments. She thanked all for this opportunity and stated she is excited to learn more about Clayton; she looks forward to working

with everyone. Mayor McLeod stated it speaks highly of her to land this job and she should be proud of her accomplishments.

He reminded all of the upcoming Council retreat to be held in Raleigh on October 29-30, 2024.

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

11. OTHER BUSINESS

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

Council Member Casey stated later this week would be the beginning of the Harvest Festival. He stated for the first time Council would have a booth there and invited all to stop by. Mayor Pro Tem Sims expressed gratitude to the staff and everyone involved in coordinating and delivering supplies to the western part of the state.

12. CLOSED SESSION

- a. To Discuss Purchase of Real Property in Accordance with NCGS 143-318.11(a)(5) and To Discuss A Legal Matter in Accordance with NCGS 143-318.11(a)(3).

Motion To Go Into Closed Session

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

Motion To Return To Open Session

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

13. ADJOURNMENT

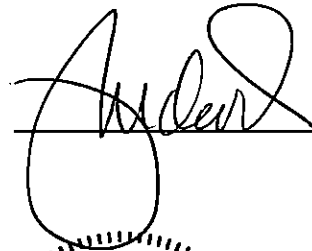
a. Adjourn

With nothing further, the meeting was adjourned at 8:06 p.m.

Motion To Adjourn

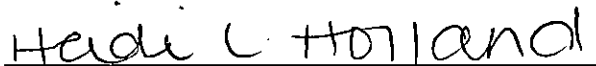
RESULT:	CARRIED 5-0
MOVER:	Michael Sims
SECONDER:	Porter Casey
YES:	Porter Casey, Andria Archer, Michael Sims, Gretchen Williams, and Ruth Anderson
NO:	None

Duly adopted this 4th day of November 2024, while in regular session.



Jody L. McLeod
Mayor

ATTEST:


Heidi L. Holland, CMC, NCCMC
Town Clerk

