Town of Clayton
Regular Town Council Meeting Minutes
Tuesday, September 6, 2022 at 6:00 PM
111 E Second Street, Council Chambers

Council Present:	Staff Present:
Mayor Jody McLeod, Council Member Jason Thompson, Council Member Porter Casey, Council Member Avery Everett, Council Member Andria Archer, and Council Member Michael Sims **Council Absent:** None	Rich Cappola, Interim Town Manager, Sherry Scoggins, Interim Town Clerk, Heidi Holland, Deputy Town Clerk, Jim Cauley, Town Attorney - CauleyPridgen, Dolores Gill, Deputy Town Manager, Lee Barbee, Fire Chief, Robert McKie, Finance Director, Greg Tart, Police Chief, Jonathan Jacobs, Assistant Town Engineer, Joshua Baird, Town Engineer, Nathanael Shelton, Communication Director, Aaron Prichard, Planner II, Ben Howell, Planning Director, Scott Barnard, Parks & Rec Director, Kenya Walls, Human Resources Director, and Tim Robbins

1. CALL TO ORDER

a. Call to Order

Mayor McLeod called the meeting to order at 6:00 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. Approval or Adjustment of the Agenda

Approve or Amend the Agenda

RESULT:	**CARRIED 5-0**
MOVER:	Andria Archer
SECONDER:	Avery Everett
YES:	Avery Everett, Andria Archer, Jason Thompson, Porter Casey, and Michael Sims
NO:	None

3. CONSENT AGENDA

a. Minutes
- August 15, 2022 Minutes (Regular Session)
- August 15, 2022 Closed Session (2 Sets)

Presenter: Heidi Holland, Town Clerk; CMC and NCCMC

b. Resolution 2022-59 Directing the Clerk to Set the Date for Public Hearing for Annexation 2022-112-ANX Barber Mill Townhomes, located at Barber Mill Road and Grovewood Drive
Presenter: Bruce Venable, Planner I

c. Approved Positions Listed in the Adopted Budget Ordinance for FY 2023
Presenter: Robert McKie, Finance Director

d. Resolution 2022-60 to Accept Public Utilities into the Town of Clayton Public Utility System for Maintenance – Cameron Crossing, Phases 2 & 3
Presenter: Jonathan Jacobs, Assistant Town Engineer

e. Resolution 2022-61 to Accept Public Utilities into the Town of Clayton Public Utility System for Maintenance – Parkview Subdivision, Phases 4 & 6
Presenter: Jonathan Jacobs, Assistant Town Engineer

f. Resolution 2022-62 to Accept Streets into the Town of Clayton Street System for Maintenance – Parkview Subdivision, Phases 8 & 9
Presenter: Jonathan Jacobs, Assistant Town Engineer

g. Resolution 2022-63 to Accept Public Utilities into the Town of Clayton Public Utility System for Maintenance – Parkview Subdivision, Phases 8 & 9
Presenter: Jonathan Jacobs, Assistant Town Engineer

h. Resolution 2022-64 to Accept Public Utilities into the Town of Clayton Public Utility System for Maintenance – Parkview Subdivision, Phases 10 & 11
Presenter: Jonathan Jacobs, Assistant Town Engineer

Approve, Deny or Amend Consent Agenda as Presented

RESULT:	**CARRIED 5-0**
MOVER:	Jason Thompson
SECONDER:	Andria Archer
YES:	Jason Thompson, Andria Archer, Porter Casey, Avery Everett, and Michael Sims
NO:	None

4. ADMINISTRATIVE ITEMS

a. Personnel Actions
Presenter: Mayor McLeod

Mayor McLeod introduced and swore in Heidi Holland as the new Town Clerk.

Mayor McLeod introduced and swore in Rich Cappola as the new Town Manager. Mr. Cappola spoke on the big projects that having been going on in Clayton. He discussed his ideas for the future to provide better services for Clayton's citizens. Council thanked Mr. Cappola and shared their thoughts on his hiring.

Mayor McLeod called for a five minute break.

Approve Contract for Town Manager

RESULT:	**CARRIED 5-0**
MOVER:	Jason Thompson
SECONDER:	Avery Everett
YES:	Jason Thompson, Avery Everett, Porter Casey, Andria Archer, and Michael Sims
NO:	None

Approve Town Clerk

RESULT:	**CARRIED 5-0**
MOVER:	Andria Archer
SECONDER:	Avery Everett
YES:	Avery Everett, Andria Archer, Jason Thompson, Porter Casey, and Michael Sims
NO:	None

5. INTRODUCTIONS AND SPECIAL PRESENTATIONS

a. Employee Introduction
Presenter: Kenya Walls, Human Resources Director
- Deane Mills, Safety Officer

Presenter: Joshua Baird, Engineering Director
- Tim Robbins, Project Manager

Kenya Walls introduced Deane Mills as the new Safety Officer. He has 20 years military experience and was the Safety Officer in Coco, FL. He stated it was a privilege to be here. Mayor McLeod stated he was happy to have him here.

Joshua Baird introduced Tim Robbins, new Project Manager. He has been here since May and was previously with the Town of Benson in the Public Works Dept. and was with NCDOT for 12 years. Mr. Robbins stated he appreciates the opportunity. Mayor McLeod welcomed Mr. Robbins.

6. PUBLIC HEARINGS

a. Public Hearing for Rezoning Request for 2022-69-RZ for Jason & Vilamon Carroll
Presenter: Aaron Prichard, Planner II
Continued from the August 15, 2022 Meeting

Mr. Prichard stated the request is for a rezoning from B3 to B1. This small parcel is 0.077 acres on E. Main Street and is currently vacant. Applicant is seeking to set up a possible retail store. He stated this is consistent with 2045 Comprehensive Plan, with the Future Land Use Map and is in the downtown support area.

Mr. Prichard shared factors to consider.

- The site is within the Downtown Overlay Zoning District and Downtown Support Future Land Use category.
- This is a spot zoning. While not illegal in North Carolina, spot zonings should be evaluated with greater scrutiny to determine whether they are reasonable and in the public interest.
- The lot is currently nonconforming in accordance with UDC § 155.110(C) in terms of both minimum lot size and minimum lot width at the front setback line. Granting the rezone would remove this nonconformity.
- The applicant will still need to have a site plan approved by Town staff and the structure will need to pass Town Building Code before a Certificate of Occupancy may be issued.
- The two lots which this lot currently abuts are vacant – the one to the north is town-owned and currently stores materials for planned utility extensions, while the one to the south has no structure on it.

He stated staff makes no formal recommendation on the proposed rezoning request. Staff believes there are several factors to consider and would like to present them as clearly as possible for the Town Council so they may form a recommendation after weighing all relevant factors.

He stated the uniquely small size of the parcel is the reason for the rezoning. Should this be approved, it will be conforming, right now it is not conforming. The applicant would still need to have a site plan approved by staff and will need to pass a building code. He stated with this being construed as a spot zoning, staff makes no formal recommendation on this request. He stated because this is a rezoning there is a requirement for a statement of consistency and reasonableness.

Council Member Everett asked why would you say spot zoning is bad practice, Mr. Prichard it could be construed as dealing on ad hoc basically, when you pass zoning regulations you are supposed to consider general cases. This is not illegal in North Carolina. it is just something to consider with a bit more scrutiny. Attorney Cauley stated he has looked at this and it's not illegal.

Mayor McLeod stated this has been noted as a public hearing, asked if anyone wished to speak. With no one wishing to speak it was turned over to council for deliberation.

Mr. Prichard stated the planning board did approve this request.

Council Member Casey stated it's consistent with the Comprehensive Plan and he's in favor of this. Council Member Archer stated this particular rezoning would also confirm with growth plan, she stated she supports this.

Approve, Deny or Send Back to the Planning Board for Additional Consideration for Rezoning Ordinance #2022-08-08

Council Member Casey moved to approve this ordinance with the statement of consistency and reasonableness

RESULT:	**CARRIED 5-0**
MOVER:	Porter Casey
SECONDER:	Michael Sims
YES:	Porter Casey, Michael Sims, Jason Thompson, Avery Everett, and Andria Archer
NO:	None

7. OLD BUSINESS

a. NCDOT/Town of Clayton Agreement - U-6223 (Ranch Rd Extension Funding)
Presenter: Tim Robbins, Project Manager

Mr. Robbins spoke on this item. He stated this request is to approve an agreement between the Town and NCDOT. He stated it is a locally administered project for Ranch Road extension that is extending NC 42 East from 70 Business over to Little Creek and down Little Creek, some interchange and improvements are there to tie back into Ranch Road.

He stated they have gone through a process with NCDOT with funding and they have been able to commit funding to this project. He stated the Town has o$1,000,000 budgeted in the general fund as well as $500,000 in the water sewer fund for water line improvements.

Approve, Amend or Deny Agreement and Resolution #2022-68

RESULT:	**CARRIED 5-0**
MOVER:	Andria Archer
SECONDER:	Porter Casey
YES:	Porter Casey, Andria Archer, Jason Thompson, Avery Everett, and Michael Sims
NO:	None

b. Riverwalk on the Neuse Greenway Bridges DB Contract Amendment
Presenter: Jonathan Jacobs, Assistant Town Engineer & Robert McKie, Finance Director

Mr. Jacobs spoke on this item. He stated there are three action items for approval, two are budget amendments and a resolution to amend a design-build contract. He stated in January of this year Council approved a design-build contract with Crowder Construction Company to perform phase one of the Greenway bridge replacements along the Riverwalk on the Neuse. He stated there are three bridges that have been deemed deficient and need to be replaced. The design-build team has completed 60% of the design and has presented a guaranteed maximum price to town staff. Staff has vetted that and worked with administration and finance to determine where the funding gap would be retrieved.

Staff is recommending two additional improvements, resurfacing of the existing Greenway trail between bridges three and five at a cost of $160,000 and stream rehabilitation beneath bridge four.

The contract amendment is to approve a guaranteed maximum price of $38,038,814.66 with an estimated completion date of February 2023. All of the original design-build criteria will remain the same as approved and the two budget amendments are to fund the capital fund to help fund this project by adding an additional $2,000,000 to the capital fund.

Attorney Cauley asked to add to the motion subject to legal review on the contract.

Approve, Amend or Deny Contract
Approve, Amend or Deny Ordinance #2022-09-01
Approve, Amend or Deny Ordinance #2022-09-02
Approve, Amend or Deny Resolution #2022-69

Add to the motion, subject to legal review on the contract.

RESULT:	**CARRIED 5-0**
MOVER:	Jason Thompson
SECONDER:	Andria Archer
YES:	Jason Thompson, Andria Archer, Porter Casey, Avery Everett, and Michael Sims
NO:	None

8. NEW BUSINESS

a. Reimbursement Resolution (Electric Fund and Water/Sewer Fund)
Presenter: Robert McKie, Finance Director

Mr. McKie is asking Council to approve two reimbursement resolutions. These will allow the Town to reimburse itself for expenditures incurred before future debt issuance. This will enhance our being able to facilitate the management of the capital improvement programs and enterprise fund.

Approve, Amend or Deny Resolution #2022-66
Approve, Amend or Deny Resolution #2022-67

RESULT:	**CARRIED 5-0**
MOVER:	Andria Archer
SECONDER:	Porter Casey
YES:	Porter Casey, Andria Archer, Jason Thompson, Avery Everett, and Michael Sims
NO:	None

9. STAFF REPORTS

a. Town Manager

Mr. Cappola stated the Town applied for ARPA Funding for master planning of our utilities a few months back. We were recently notified we were awarded $150,000 towards a Water Master Plan and $250,000 towards a Wastewater Master Plan. There will be a resolution in the next few weeks to accept these funds.

Also, a request will be coming to Council for additional funding for the Downtown Stormwater Master Plan. He stated we need to have a holistic plan of how to handle the stormwater. If we can be proactive and identify where those opportunities maybe we can hopefully be able to guide developers or redevelopment of the area.

He thanked the Mayor and Council again for the opportunity and the kind words.

b. Town Attorney

c. Town Clerk

d. Other Staff

Downtown Master Plan Update
Presenter: Ben Howell, Planning Director

Downtown Strategic Plan Update
Presenter: Patrick Pierce, Economic Development Director

Downtown Master Plan Update
Mr. Howell stated staff kicked off the Downtown Master Plan update process in July with a meeting on site and then also walked downtown with the consultants to show them areas of interest. The plan update is expected to be complete in the Spring. The plan will include transportation analysis recommendations as well as a market analysis that will look more long-term and also include an architectural analysis.

There will be 7 public engagements stakeholder meetings throughout the next 6-8 months. The plan will also provide language and standards for the UDO update that is being worked on. He stated there are stakeholder meetings scheduled for next Monday and Tuesday. The consultants will be on site all day

Downtown Strategic Plan Update
Patrick Pierce was not able to make this meeting tonight. He will discuss this at a later date.

10. OTHER BUSINESS

a. Informal Discussion & Public Comment

- Individuals have three (3) minutes to address the Town Council.
- Groups will designate a spokesperson. Spokesperson will have five (5) minutes to address the Town Council.

Ben Chapman, Clayton resident, provided a presentation. H stated he wanted to give context and structure for his petition to consider an exclusive non-discrimination policy. He shared information on different cities and counties that have passed this policy. He went into detail as to why he is here. He stated he thinks it's in the best interest of the Town to pass this policy.

Mayor Pro Tem Thompson stated regarding their email conversation since they last spoke, he forwarded all suggestions for the additional wording to our Human Resources Department and MWBE Coordinator and asked for them to give feedback. He stated to hear any objections or suggestions for wording, the next step would be to possibly amend the ordinance or create something new. Attorney Cauley would have to put his final stamp of approval on it and then it would be brought back before Council. He stated Clayton has always had history of doing citizens right. Have never looked at Clayton as discriminatory to anyone. He stated he is in favor of either recrafting or enhancing the ordinance.

Council Member Everett thanked him for coming out again. He thinks this is a good time we start embracing some changes to the ordinance to where it will speak to everyone. We need to reflect the community in our ordinance. Mayor McLeod stated Council will take his suggestions under advisement.

b. Council Comments

11. CLOSED SESSION

a. Closed Session to Discuss Economic Development in accordance with NC GS 143.318-11 (a) (4).

Move to Go Into Closed Session at 7:10 p.m.

RESULT:	**CARRIED 5-0**
MOVER:	Jason Thompson
SECONDER:	Porter Casey
YES:	Jason Thompson, Porter Casey, Avery Everett, Andria Archer, and Michael Sims
NO:	None

Move To Return to Open Session at 8:16 p.m.

RESULT:	**CARRIED 5-0**
MOVER:	Jason Thompson
SECONDER:	Andria Archer
YES:	Jason Thompson, Porter Casey, Avery Everett, Andria Archer, and Michael Sims
NO:	None

b. Closed Session to Discuss Personnel in accordance with NC GS 143.318-11 (a) (6).

This closed session has been removed from the agenda per adjustment to the agenda.

12. ADJOURNMENT

a. Adjournment

Motion to Adjourn at 8:18 p.m.

RESULT:	**CARRIED 5-0**
MOVER:	Jason Thompson
SECONDER:	Avery Everett
YES:	Jason Thompson, Porter Casey, Avery Everett, Andria Archer, and Michael Sims
NO:	None

Duly adopted this the 19th day of September, 2022.

Jody L. McLeod
Mayor

TOWN OF CLAYTON
INCORPORATED
APRIL 1869
CLAYTON, N.C.

ATTEST:

Heidi L. Holland

Heidi L. Holland, CMC, NCCMC
Town Clerk