



Town of Clayton
Regular Town Council Meeting Agenda
Monday, May 1, 2023 at 6:00 PM
Council Chambers, Town Hall
111 E. Second Street

THE PUBLIC MAY VIEW THE LIVE COUNCIL MEETING ON THE TOWN'S YOUTUBE CHANNEL:
<https://www.youtube.com/TownofClaytonNC>

1. CALL TO ORDER

- a. Call to Order
- b. Pledge of Allegiance
- c. Invocation

2. ADJUSTMENT OF THE AGENDA

- a. **POTENTIAL ACTION:** Approve or Adjust the Agenda

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. Minutes
 - April 17, 2023 - Regular Session

Presenter: Heidi Holland, Town Clerk

[April 17, 2023 - Regular Session](#)

POTENTIAL ACTION: Approve Consent Agenda as Presented

4. ADMINISTRATIVE ITEMS

5. INTRODUCTIONS AND SPECIAL PRESENTATIONS

- a. Employee Introductions
 - Chris Heffron, Instrumentation Control Technician

Presenter: James Blalock, Maintenance Superintendent, Water Resources

- Barry Alston, Plan Reviewer

Presenter: Robert Yarborough, Building & Trades Inspections Director
- b. Building Safety Month Proclamation
- Presenter:* Mayor McLeod to Present to Inspection's Department
- [Building Safety Proclamation](#)
- c. Annual Professional Municipal Clerks Week Proclamation
- Presenter:* Mayor McLeod to Present to Clerk's Office
- [Municipal Clerk Week Proclamation](#)
- d. International Firefighters' Day Proclamation
- Presenter:* Mayor McLeod to Present to Fire Department Staff
- [International Firefighters' Day Proclamation](#)

- e. Water Resources Professionals Week Proclamation
Presenter: Mayor McLeod to Present to Water Resources
[National Drinking Water Week Proclamation](#)
- f. Economic Development Week Proclamation
Presenter: Mayor McLeod to Present to Economic Development
[Economic Development Week Proclamation](#)
- g. World Facilities Management Day
Presenter: Mayor McLeod to Present to Dolores Gill
[World Facilities Management Proclamation](#)

6. PUBLIC HEARINGS

7. OLD BUSINESS

- a. Clayton Community Park Update
Presenter: Tim Robbins, Project Manager

8. NEW BUSINESS

- a. Clayton Area Ministries (CAM) Lease Amendment
Presenter: Lee Barbee, Interim Deputy Town Manager & Fire Chief
[Lease Amendment](#)
[Resolution #2023-24](#)

POTENTIAL ACTION: Approval of Lease Amendment

POTENTIAL ACTION: Approval of Resolution #2023-24

- b. American Rescue Plan Act (ARPA) - Asset Inventory and Assessment (AIA) Grant Acceptance and Budget Amendment - Water Distribution and Wastewater Collection System Master Plans
Presenter: Joshua Baird, PE, CFM - Engineering Director
[American Rescue Plan Act \(ARPA\) - Asset Inventory and Assessment \(AIA\) Grant Acceptance and Budget Amendment - Water Distribution and Wastewater Colle.Pdf](#)

POTENTIAL ACTION: Resolution #2023-25 to Accept Funding for Water Distribution System Master Plan

POTENTIAL ACTION: Resolution #2023-26 to Accept Funding for Wastewater Collection System Master Plan

POTENTIAL ACTION: Adoption of Ordinance #2023-05-01

- c. Clayton Center Roof Replacement and Pointing of Masonry Walls Bid Award
Presenter: Shannon Poole, Engineering Technician
[Clayton Center Roof Replacement and Pointing of Masonry Walls Bid Award - Engineering - Pdf](#)

POTENTIAL ACTION: Approval of Bid Award

9. STAFF REPORTS

- a. Town Manager
- b. Town Attorney

- c. Town Clerk
- d. Other Staff

10. OTHER BUSINESS

- a. Informal Discussion & Public Comment
 - Individuals have three (3) minutes to address the Town Council.
 - Groups will designate a spokesperson. The spokesperson will have five (5) minutes to address the Town Council.
- b. Council Comments

11. CLOSED SESSION

12. ADJOURNMENT

- a. Adjourn
 - POTENTIAL ACTION:** Motion To Adjourn



Town of Clayton
Regular Town Council Meeting Minutes
Monday, April 17, 2023 at 6:00 PM
Council Chambers, Town Hall
111 E. Second Street

Council Present: Mayor Jody McLeod Mayor Pro Tem Jason Thompson Council Member Porter Casey Council Member Avery Everett Council Member Andria Archer Council Member Michael Sims 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 Jonathan Jacobs, Assistant Engineering Director Nathanael Shelton, Communications Officer Patrick Pierce, Economic Development Director Allen Turnage, Electric Director
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1. CALL TO ORDER

a. Call to Order

Mayor McLeod called the meeting to order at 6:03 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. Rich Cappola adjusted the agenda as follows:

ADD: 3g. ElectriCities Oath (Allen Turnage)

Approve or Adjust the Agenda

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

3. CONSENT AGENDA

a. Minutes

- March 6, 2023 - Closed Session
- March 20, 2023 - Regular Session
- March 30, 2023 - Council Retreat
- March 31, 2023 - Council Retreat
- April 3, 2023 - Work Session
- April 3, 2023 - Regular Session
- April 3, 2023 - Closed Session

Presenter: Heidi Holland, Town Clerk

b. Triangle J Council of Governments (TJCOG) Charter Amendment

Presenter: Rich Cappola, Town Manager

c. Resolution 2023-21 to Accept Public Utilities into The Town of Clayton Public Utility System for Maintenance – Ashcroft 2, Phase 1A

Presenter: Jonathan K. Jacobs, PE, CFM - Assistant Engineering Director

d. Resolution 2023-22 to Accept Public Utilities into The Town of Clayton Public Utility System for Maintenance – Ashcroft 1, Phase 8

Presenter: Jonathan K. Jacobs, PE, CFM - Assistant Engineering Director

e. Resolution 2023-23 to Accept Public Utilities into the Town of Clayton Public Utility System for Maintenance – O'Neil Overlook

Presenter: Jonathan K. Jacobs, PE, CFM - Assistant Engineering Director

f. Main Street Designation

Presenter: Patrick Pierce, Economic Development Director

g. ElectriCities Oath (Allen Turnage) (Added to the Agenda)

Approve Consent Agenda as Presented

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

4. ADMINISTRATIVE ITEMS

5. INTRODUCTIONS AND SPECIAL PRESENTATIONS

a. Downtown Parking Taskforce

Presenter: Ruth Anderson, Taskforce Member

Patrick Pierce, Economic Development Director, introduced Ruth Anderson, who was present tonight to provide an update. Shared were the members of the taskforce. A ribbon cutting ceremony was held today to open three parking lots, which would provide 85 new spaces, and would be open to public use.

These lots are:

- Compare Foods (24 hours a day, 7 days a week)
- First Federal Bank (Monday – Friday, 6:00 p.m. – 6:00 a.m. and all-day Saturday and Sunday)
- True Line Surveying (Monday – Friday, 6:00 p.m. – 6:00 a.m. and all-day Saturday and Sunday)

Public parking signs would be put in these new areas. A video and social media campaign will go out to the public soon as well as an interactive downtown map. The next steps would be to pursue new partnerships, enhance pedestrian signage to and from parking lots, and create a better downtown map for mobile and online.

Ms. Anderson thanked Mayor McLeod for the vision of creating this taskforce. She thanked the group of the taskforce members that were involved. Mayor McLeod thanked Mr. Pierce, Ms. Anderson and the taskforce team.

- b. National Lineman Appreciation Day Proclamation
Presenter: Mayor McLeod to Present to Electric Department

Allen Turnage, Electric Director, was present with his staff to accept this proclamation. Mayor McLeod read the proclamation and presented it.

Mr. Turnage shared the stats of his department. He stated they have surpassed 8,000 meters in the Town. His staff has been staying busy and have been keeping as much work in-house as possible. He thanked Council for this recognition.

- c. National Library Week Proclamation
Presenter: Mayor McLeod to Present to Library Staff

Joy Garretson, Library Staff, members of the Library Advisory Board and Friends of the Library, were present tonight to accept this proclamation. Ms. Garretson spoke about the library and programming. Shared were stats on library visits and programs.

Mayor McLeod read the proclamation and presented it to Ms. Garretson, her staff and board members.

- d. Administrative Professionals Day Proclamation
Presenter: Mayor McLeod

Dolores Gill spoke on Administrative Professionals Day. Kelly Young, Lara Keating-Lopez and Penny Adams were present. Mayor McLeod read the proclamation into the record and presented it to staff.

- e. Earth Day Proclamation
Presenter: Mayor McLeod to Present to Citizens' Climate Lobby

Debra Hooker and members of the Citizens' Climate Lobby were present. She stated they are happy and excited to accept this proclamation. Mayor McLeod read the proclamation and presented it to the members of the Citizens' Climate Lobby.

6. PUBLIC HEARINGS

- a. Project Life Dust Development Agreement
(Continued from March 20, 2023 Regular Meeting)
Presenter: Patrick Pierce, Economic Development Director

Mr. Cappola asked for this item be continued to the May 15, 2023 meeting.

7. OLD BUSINESS

8. NEW BUSINESS

9. STAFF REPORTS

- a. Town Manager

Mr. Cappola provided an update on Scott Barnard, Parks & Recreation Directors accident. The Town has asked Matt Lorion to step in as Acting Director in the meantime. He stated we would continue to keep Mr. Barnard in our thoughts and prayers.

Mr. Cappola provided dates for upcoming events in the Town. He stated National Lineman Appreciation Day is tomorrow, April 18th. Clayton Earth Day Clean Up will be held April 22nd. The Isaacs will be at The Clayton Center April 23rd. The Town will be participating in Bring Your Kids to Work Day on April 27th. April 28th will be Moving Night and an Arbor Day celebration at Municipal Park. April 29th, at Fire Station One, would be the event, Autism Awareness Month: Accept. Understand. Love, which would be held from 10:00 a.m. - 12:00 p.m.

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

10. OTHER BUSINESS

- a. Informal Discussion & Public Comment
- Individuals have three (3) minutes to address the Town Council.
 - Groups will designate a spokesperson. The spokesperson will have five (5) minutes to address the Town Council.

- b. Council Comments

Mayor Pro Tem Thompson stated it seems like in the last few weeks the Town has been receiving positive feedback about events happening in The Clayton Center. He stated he thinks The Clayton Center staff has been doing an outstanding job.

Council Member Sims announced he has been working with Chief Tart, Matt Sutphin, and Amy Shearin to organize a Community Basketball Tournament between the Police Department and Fire Department. This would be held on May 13th at Municipal Park. Coke is a sponsor and would be providing free drinks, ice cream and hot dogs. He introduced his nephew who was present at tonight's meeting. He stated he

wanted to see how local government operates. Mayor McLeod stated he is glad he is here.

Council Member Casey spoke about the Clayton Earth Day Cleanup which would be held on April 22. Supplies could be picked up at the Farmer's Market. He stated you could sign up to volunteer online. He thanked staff for helping to coordinate this event.

11. CLOSED SESSION

12. ADJOURNMENT

a. Adjourn

With nothing further, the meeting was adjourned at 6:38 p.m.

Motion To Adjourn

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

Duly adopted by the Town Council this 1st day of May 2023, while in regular session.

Jody L. McLeod
Mayor

ATTEST:

Heidi L. Holland, CMC, NCCMC
Town Clerk



Town of Clayton
Proclaiming May 2023 as Building Safety Month

WHEREAS, the Town of Clayton is committed to recognizing that our growth and strength depends on the safety and essential role of our homes, buildings and infrastructure; and

WHEREAS, our confidence in these structures that make up our community is achieved through building and fire prevention officials, and others in the construction industry who work to ensure the safe construction of buildings; and

WHEREAS, these officials are members of the International Code Council, that brings together local and state officials who are experts and implement the codes to protect us in the buildings where we live, learn, work and play; and

WHEREAS, Building Safety Month is sponsored by the International Code Council to remind the public about the role of our communities' local code officials who assure us of safe and sustainable buildings that are essential to our prosperity; and

WHEREAS, "Building Safety Starts with You", the theme for Building Safety Month 2023, raises awareness about planning for sustainable construction, building safety, and understanding disaster mitigation, to all of our benefit; and

WHEREAS, each year, in observance of Building Safety Month, people are asked to consider the commitment to improve building safety at home and in the community, and to acknowledge the service provided by our local building and fire officials in protecting lives and property; and

NOW, THEREFORE, on behalf of the Clayton Town Council, I, Jody McLeod, Mayor of the Town of Clayton, do hereby proclaim the month of May 2023 as Building Safety Month. Accordingly, I encourage our citizens to join us as we observe Building Safety Month.

Proclaimed this the 1st day of May 2023.

Jody L. McLeod
Mayor

Town of Clayton
54th Annual Professional Municipal Clerks Week
Proclamation

WHEREAS, The Office of the Professional Municipal Clerk, a time honored and vital part of local government exists throughout the world; and

WHEREAS, The Office of the Professional Municipal Clerk is the oldest among public servants; and

WHEREAS, The Office of the Professional Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels; and

WHEREAS, Professional Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all; and

WHEREAS, The Professional Municipal Clerk serves as the information center on functions of local government and community; and

WHEREAS, Professional Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Professional Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, provincial, county and international professional organizations; and

WHEREAS, It is most appropriate that we recognize the accomplishments of the Office of the Professional Municipal Clerk; and

NOW, THEREFORE, on behalf of the Clayton Town Council, I, Jody McLeod, Mayor of the Town of Clayton, do recognize the week of April 30 through May 6, 2023, as Professional Municipal Clerks Week, and further extend appreciation to our Professional Municipal Clerks, Town Clerk Heidi Holland and Deputy Town Clerk Sam Johnson-Phillips, and to all Professional Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

Proclaimed this the 1st day of May, 2023.

Jody L. McLeod
Mayor

***Town of Clayton
International Firefighters' Day
Proclamation***

WHEREAS, Firefighters dedicate their lives to the protection of life and property; and sometimes that dedication is in the form of countless hours volunteered over many years, in others it is many selfless years working in the industry; in all cases it risks the ultimate sacrifice of a firefighter's life; and

WHEREAS, International Firefighters' Day (IFFD) is a time where the community can recognize and honor the sacrifices that firefighters make to ensure that their communities and environment are as safe as possible; it is also a day in which current and past firefighters can be thanked for their contributions; and

WHEREAS, International Firefighters' Day is observed each year on the 4th of May on where we remember the past firefighters who have died while serving our community or dedicated their lives to protecting the safety of us all; and show our support and appreciation to the firefighters worldwide who continue to protect us so well throughout the year; and

WHEREAS, Hailing from all walks of life, they are our mothers, fathers, brothers, sisters, aunts, uncles, grandparents, neighbors, and friends. They protect us without wanting of recognition or reward. In our time of need they are there with courage, compassion and loyalty. They are the essence of the true meaning of community.

NOW, THEREFORE, on behalf of the Clayton Town Council, I, Jody McLeod, Mayor of the Town of Clayton, do hereby proclaim May 4, 2023 as International Firefighters' Day. Accordingly, I encourage our citizens to observe this day in recognition of the patriotic service and dedicated efforts of our fire and emergency services personnel.

Proclaimed this the 1st day of May, 2023.

Jody L. McLeod
Mayor

***Town of Clayton
Water Resources Professionals Week
Proclamation***

WHEREAS, water is one of our most valuable economic, environmental, and recreational resources; and

WHEREAS, safe drinking water sustains the life, health, and safety of our citizens; and

WHEREAS, we are fortunate to have clean, quality water services in the Town of Clayton; and

WHEREAS, abundant water supplies attract industry and investment, and create jobs; and

WHEREAS, proper transport and treatment of wastewater contributes to healthy communities, and improved water quality for streams, rivers, and lakes; and

WHEREAS, water resources professionals maintain and operate the infrastructure, facilities, and services that are vital to sustainable and resilient communities, public health, high quality of life, and the well-being of the people of The Town of Clayton; and

WHEREAS, water resources professionals are valuable personnel for their continued efforts to protect our citizens and critical infrastructure; and

WHEREAS, Town of Clayton water resources professionals include certified operators, maintenance personnel, laboratory staff, wastewater collection crews, biosolids workers, industrial waste pretreatment personnel, and others; and

WHEREAS, Water Resources Professionals Week, which aligns with National Drinking Water Week, serves as a unique opportunity for water resources professionals and the communities they serve to join together to recognize the vital role these professionals play in our daily lives.

NOW, THEREFORE, on behalf of the Clayton Town Council, I, Jody McLeod, Mayor of the Town of Clayton, do hereby proclaim May 7 – 13, 2023 as Water Resources Professionals Week. Accordingly, I encourage our citizens to observe this week by renewing our efforts to conserve water, protect our water sources from pollution and maintain our home water systems.

Proclaimed this the 1st day of May, 2023.

Jody L. McLeod
Mayor

Town of Clayton
Economic Development Week
May 8 – 12, 2023
Proclamation

WHEREAS, economic developers promote economic well-being and quality of life for their communities by creating, retaining, and expanding jobs that facilitate growth, enhance wealth, and provide a stable tax base; and

WHEREAS, economic developers stimulate and incubate entrepreneurship in order to help establish the next generation of new businesses, which is the hallmark of the American economy; and

WHEREAS, economic developers are engaged in a wide variety of settings including rural and urban, local, state, and federal governments, public-private partnerships, chambers of commerce, college, universities, and a variety of other institutions; and

WHEREAS, economic developers engage in a wide variety of activities to facilitate the growth and well-being of their communities, working across jurisdictions, departments and disciplines; and

WHEREAS, economic developers attract and retain high-quality jobs, develop vibrant communities, nurture their downtowns and neighborhoods, and improve the quality of life in their towns and regions; and

WHEREAS, the Town of Clayton, North Carolina first established its Economic Development Department in 2018; and

NOW, THEREFORE, on behalf of the Clayton Town Council, I, Jody McLeod, Mayor of the Town of Clayton, do hereby proclaim the week of May 8 through May 12, 2023, as Economic Development Week, and remind individuals of the importance of this community celebration which supports expanding career opportunities and making lives better.

Proclaimed this the 1st day of May, 2023.

Jody L. McLeod
Mayor

Town of Clayton
World Facilities Management Day
Proclamation

WHEREAS, World Facilities Management Day is a day of celebration and recognition for facility managers and the entire facility management profession; and

WHEREAS, it's a time to celebrate the behind-the-scenes heroes of the built environment and share well-deserved thanks for keeping our facilities healthy, safe and productive; and

WHEREAS, facility managers are expected to take on the right methods to create a sustainable facility environment and must ensure that the facility is well-protected; and

WHEREAS, facility managers must ensure that laws and regulations are up-to-date and that all the legal requirements met are some of the other responsibilities of facility managers and must stay up-to-date regarding trends and technology in facilities management; and

NOW, THEREFORE, on behalf of the Clayton Town Council, I, Jody McLeod, Mayor of the Town of Clayton, do hereby proclaim May 10, 2023 as World Facilities Management Day. Accordingly, I encourage our citizens to observe this day and appreciate, recognize, and celebrate the services provided by the people working in facilities management.

Proclaimed this the 1st day of May, 2023.

Jody L. McLeod
Mayor

NORTH CAROLINA
JOHNSTON COUNTY

THIS **LEASE AMENDMENT** is made and entered into this ____ day of _____, 2023, by and between TOWN OF CLAYTON, as Landlord, and CLAYTON AREA MINISTRIES, INC, of Clayton, North Carolina, as Tenant:

WITNESSETH:

WHEREAS, the Landlord has heretofore entered into a Lease (the "Lease") with the Tenant, dated April 24, 2018, a copy of which is attached hereto as Exhibit A and incorporated herein by reference, for that certain described building located at 780 Durham Street, Clayton, North Carolina and identified and referenced therein as the "Premises"; and

WHEREAS, the parties desire to amend said Lease to incorporate the terms as set forth herein.

NOW THEREFORE, for and in consideration of the mutual covenants contained herein, the parties hereto agree that the Lease is amended as follows:

1. TERM AND RENEWAL: The Landlord and Tenant agree that the term of the tenancy as set forth in paragraph H of the Lease shall be extended through midnight on April 24, 2033 and that, thereafter, Tenant shall have the option to renew the Lease for two (2) consecutive terms of five (5) years each with each renewal period being expressly subject to Landlord's right to terminate as set forth in paragraph 3 of this Lease Amendment.

2. RENT: Rent shall be paid throughout the term and any renewal term at the same amount as provided in paragraph I of the Lease.

3. TERMINATION. At any time after April 24, 2032, Landlord may terminate the Lease upon providing Tenant with 365 days' advance written notice. Further, from April 24, 2038 through October 24, 2038, Landlord shall have the right to terminate the Lease upon 180 days' advance written notice. Notice shall be given to the Tenant's notice address as set forth in paragraph E of the Lease.

4. OTHER MODIFICATIONS.
- a. Paragraph 2B is amended to add the following: Tenant's use of the Premises shall be limited to those public purposes that are consistent with the Tenant's non-profit status.
 - b. Paragraph 18 of the Lease is deleted.
 - c. Except as specifically modified herein, the terms and conditions set forth in the Lease attached hereto shall remain in full force and effect.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the parties hereto have duly executed this Lease Amendment and have hereunto set their seals this the day and year first above written.

LANDLORD
TOWN OF CLAYTON

By: _____

Name: Rich Cappola

Title: Town Manager

ATTEST: _____
Heidi Holland, Town Clerk
(SEAL)

TENANT
CLAYTON AREA MINISTRIES, INC.

By: _____ (SEAL)

Name: _____

Title: _____

STATE OF NORTH CAROLINA
COUNTY OF JOHNSTON

I, _____, a Notary Public in and for said County and State, do hereby certify that Heidi Holland, who is personally known by me, came personally before me this day and acknowledged that she is the Town Clerk of the Town of Clayton, a North Carolina Municipal Corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its Town Manager, sealed with its corporate seal and attested by herself as its Town Clerk.

Witness my hand and official seal, this ____ day of _____, 2023.

Signature: _____

Notary Public

Printed Name: _____

(SEAL)

My Commission Expires: _____

STATE OF NORTH CAROLINA
COUNTY OF JOHNSTON

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: _____.

Witness my hand and official seal, this ____ day of _____, 2023.

Signature: _____

Notary Public

Printed Name: _____

(SEAL)

My Commission Expires: _____

**RESOLUTION AUTHORIZING AMENDMENT TO
LEASE OF PROPERTY TO CLAYTON AREA MINISTRIES**

WHEREAS, The Town of Clayton (the "Town") has an existing lease agreement with Clayton Area Ministries Inc., for certain property located in Johnston County, North Carolina with a current street address of 780 Durham Street, Clayton, NC, formerly known as the Clayton SPCA Building; and

WHEREAS, the Town has determined the property will not be needed by the Town for the foreseeable future and that it is in the best interest of the Town to continue to lease the property to Clayton Area Ministries, Inc.; and

WHEREAS, the Town has given the required public notice pursuant to N.C.G.S. §160A-272 and §160A-179 by publishing notice of the proposed lease amendment and the terms thereof; and

WHEREAS, the parties desire to amend said Lease to incorporate the terms as set forth in the Lease Amendment instrument in the form presented to Town Council.

NOW THEREFORE, the Town Council for The Town Of Clayton hereby resolves that the Town shall lease the described property on the terms set forth in the Lease Amendment and appropriate officials of the Town are authorized to execute same on behalf of the Town.

Duly adopted this the 1ST day of May, 2023 while in regular session.

Jody L. McLeod
Mayor

ATTEST:

Heidi Holland, CMC, NCCMC
Town Clerk



Regular Town Council Meeting Agenda Cover Sheet

Meeting Date

May 1, 2023

Agenda Location

NEW BUSINESS

Item Title

American Rescue Plan Act (ARPA) - Asset Inventory and Assessment (AIA) Grant Acceptance and Budget Amendment - Water Distribution and Wastewater Collection System Master Plans

Presenter(s)

Joshua Baird, PE, CFM - Engineering Director

Suggested Action

Adoption of Resolution - Resolution to accept funding for Water Distribution System Master Plan

Suggested Action (2): Adoption of Resolution - Resolution to accept funding for Wastewater Collection System Master Plan

Suggested Action (3): Adoption of Ordinance - Budget Amendment

Strategic Priorities Alignment



☐
Think Clayton
(Administrative)



☐
Think Arts &
Culture



☐
Think
Downtown



☐
Think
Economic
Development



☐
Think Land
Use &
Housing



☐
Think
Mobility



☐
Think Parks,
Recreation
& Natural
Resources



☒
Think Public
Services &
Infrastructure

Public Hearing: No

If Approved, Will Document Require Recordation? No

Does This Item Require a Communication Plan?

☐ Public Hearing (Required by GS)

☐ Newspaper Notice (Required by GS)

☐ Public Hearing (Not Required by GS)

☐ Newspaper Notice (Not Required by GS)

- ☐ Public Forum/Input Session
- ☐ E-News Distribution
- ☐ Social Media
- ☐ Special Mailing

- ☐ Press Release
- ☐ Website
- ☐ Survey
- ☐ None Required

Summary

In May 2022, Town Staff submitted two applications for a American Rescue Plan Act (ARPA) - Asset Inventory and Assessment (AIA) Grant to complete a Water Distribution Master Plan and a Wastewater Collection System Master Plan. Staff requested a total of \$400,000 for both master plans. In August of 2022, the Town received notification of the intent to fund the entire \$400,000 for both master plans. Town staff recently received the formal grant acceptance package and recommend acceptance of the grants for water and sewer master plan. Town staff request adoption of two resolutions to accept the grant funds and approval for applicable documents to be executed accepting the grant offer. Further, staff request approval of a budget amendment to set up the funding such that the funds can be encumbered under a contract. The budget amendment has a net effect on the budget due to the offsetting grant revenue. Staff also request adoption of budget amendment to set up funding for the master plans.

Funding Source

N/A

Corresponding Documentation

[Clayton AIA-D-ARP-0083 LOIF 220817](#)

[Clayton AIA-D-ARP-0083 LOX 230413](#)

[Clayton AIA-D-ARP-0083 GO 230413](#)

[Clayton AIA-W-ARP-0082 LOIF 220817](#)

[Clayton AIA-W-ARP-0082 LOX 230413](#)

[Clayton AIA-W-ARP-0082 GO 230413](#)

[ARPA-Engineering Services Procurement Certification](#)

[Sales Tax Certification studies](#)

[ARPA AIA-MRF-Reimbursement-Form-Updated 5-18-22 FINAL](#)

[Resolution ARPA-AIA Water](#)

[Resolution ARPA-AIA Wastewater](#)

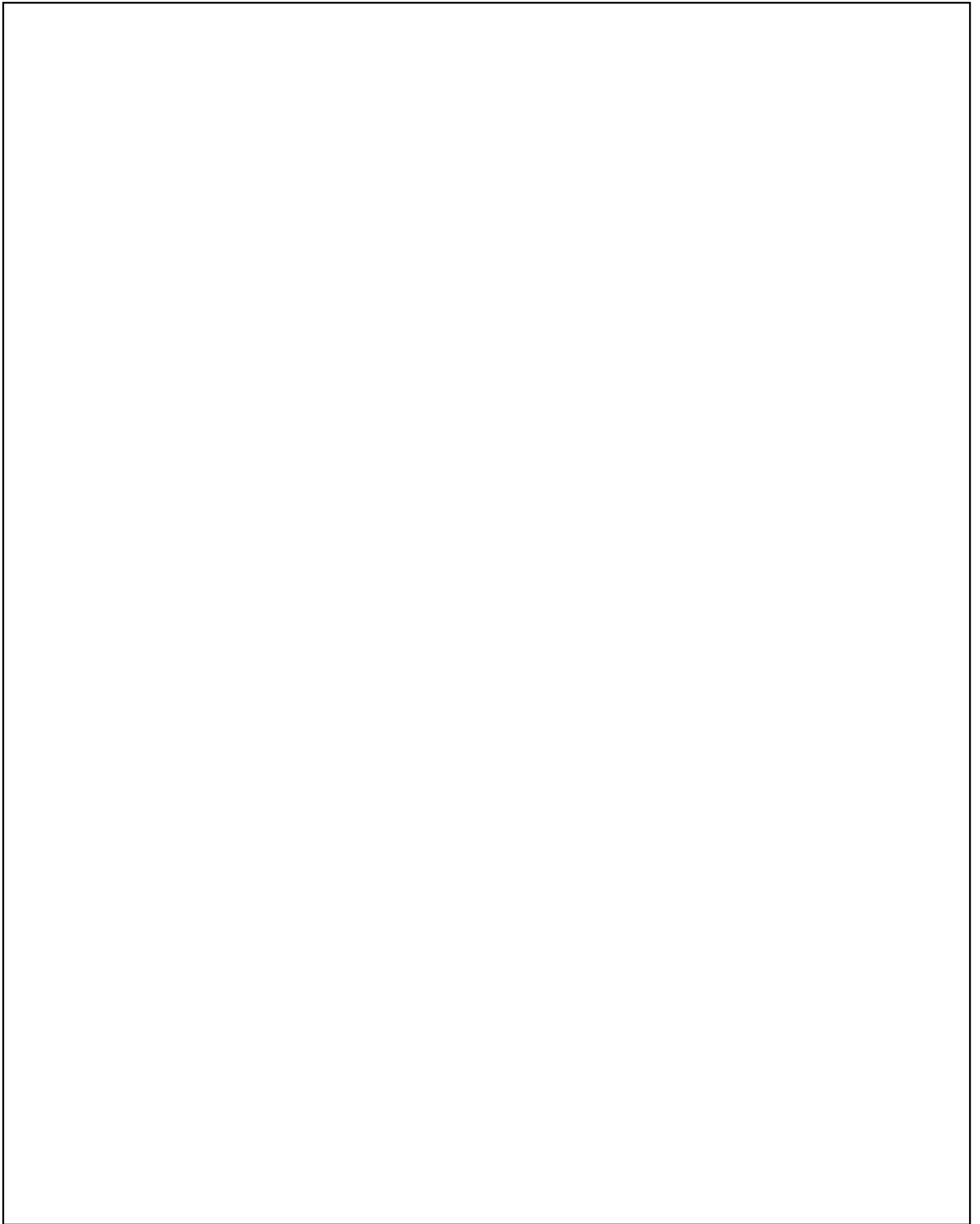
[Water & Sewer Fund Budget Amendment AIA Grant Award Revised May 1, 2023](#)

Submitted By: Joshua Baird, Engineering

Reviewed By:

Rich Cappola, Town Manager
Heidi Holland, Town Clerk

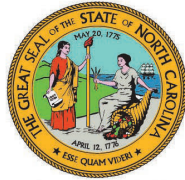
Approved - Apr 26 2023
Approved - Apr 26 2023



ROY COOPER
Governor

ELIZABETH S. BISER
Secretary

SHADI ESKAF
Director



NORTH CAROLINA
Environmental Quality

August 17, 2022

The Honorable Jody McLeod, Mayor
Town of Clayton
PO Box 879
Clayton, NC 27528

SUBJECT: Asset Inventory and Assessment Grant
Letter of Intent to Fund
Water System Master Plan
May 2022 Application Cycle
Project No. AIA-D-ARP-0083

Dear Mayor McLeod:

The Division of Water Infrastructure (DWI) has reviewed your application to the Asset Inventory and Assessment (AIA) grant program, and the State Water Infrastructure Authority (SWIA) has approved your project as eligible to receive a grant. The total grant amount will be \$150,000 with neither a required match nor grant fee.

The first milestone for the AIA grant is the submittal of a preliminary project scope that includes a cost estimate and schedule for each major task by September 30, 2022. Please email this to your DWI project manager, Linda Culpepper at linda.culpepper@ncdenr.gov. Upon the Division's review and acceptance of this information, we will send the grant agreement and information package for your signature and approval.

Please contact us if you plan to proceed with study work prior to receipt of the Division's grant offer, as such work may later be determined to be ineligible. Additionally, ensure you review past work completed or underway to develop the current scope of work needed.

Upon receipt of your letter of intent to fund, please fill out the attached Federal ID & Unique Entity ID (UEI) form, attached and email it to Pam Whitley at pam.whitley@ncdenr.gov.

We look forward to working with you on this project. If you have questions, please email Linda Culpepper, at linda.culpepper@ncdenr.gov.

Sincerely,

A handwritten signature in black ink that reads "Shadi Eskaf".

Shadi Eskaf, Director
Division of Water Infrastructure

EC: Mary Brice, HDR, mary.brice@hdrinc.com
Mark Hubbard, PE
ARPA-AIA File



North Carolina Department of Environmental Quality | Division of Water Infrastructure
512 N. Salisbury Street | 1633 Mail Service Center | Raleigh, North Carolina 27699-1633
919.707.9160

ROY COOPER
Governor
ELIZABETH S. BISER
Secretary
SHADI ESKAF
Director



April 13, 2023

The Honorable Jody McLeod, Mayor
Town of Clayton
PO Box 879
Clayton, NC 27528

SUBJECT: Offer & Acceptance for American Rescue
Plan Funding
Town of Clayton
Water Distribution System Master Plan
Project No. AIA-D-ARP-0083
UEID No. ZFG6SS4UQWV6

Dear Mayor McLeod:

The Town of Clayton has been approved for American Rescue Plan (ARP) funding from the State Fiscal Recovery Fund in the amount of **\$150,000** for an Asset Inventory and Assessment (AIA) study. Projects funded from the State Fiscal Recovery Funds established in S.L. 2021-180/S.L. 2022-74 must meet applicable federal law and guidance for the ARP funds.

Enclosed are two (2) copies of an offer-and-acceptance document, extending ARP funding in the amount of \$150,000. This offer is made by the Division of Water Infrastructure (DWI), subject to the assurances and conditions set forth in the enclosed offer-and-acceptance document. Funds will not be disbursed unless this offer is accepted.

Upon your acceptance, please submit the following items to Pam Whitley, Division of Water Infrastructure (DWI), 1633 Mail Service Center, Raleigh, North Carolina 27699-1633:

1. A resolution (sample copy attached), adopted by the governing body, accepting the offer, and making the applicable assurances contained therein;
2. One (1) copy of the original offer-and-acceptance document, executed by the Authorized Representative for the project, along with the signed "Standard Conditions and Assurances" for ARP Projects. **Please retain the second copy for your files.**
3. Sales Tax Certification, if applicable (attached)
4. ARPA Engineering Services Procurement Certification (attached)



North Carolina Department of Environmental Quality | Division of Water Infrastructure
512 N. Salisbury Street | 1633 Mail Service Center | Raleigh, North Carolina 27699-1633
919.707.9160

All work associated with this project must be completed within 24 months of the date of this letter. Once the subject project has commenced, the enclosed "reimbursement request form" must be completed and submitted with all reimbursement requests. You are free to reproduce this form should additional copies be needed.

In addition, a memorandum requesting your federal identification number was included with the Letter of Intent to Fund. You must complete and submit this form and all executed contracts or service agreements no later than the time when you choose to submit your first request for reimbursement. Reimbursement requests and executed contracts or agreements should be sent to Shane Beeson, your Viable Utility Unit Project Manager, at the address noted.

On behalf of the Department of Environmental Quality, I am pleased to extend this offer of ARP funds, made available by the North Carolina Fiscal Recovery Fund. Should you have any questions concerning this offer of funding, or any of the stipulations outlined in this letter, please contact Shane Beeson at shane.beeson@ncdenr.gov or 919-707-9160.

Sincerely,

DocuSigned by:

99AEF363909A40E...
for Shadi Eskaf, Director
Division of Water Infrastructure, NCDEQ

Enclosures: Offer-and-Acceptance Document (2 copies)
Resolution by Applicant's Governing Body to Accept an Offer of Funding
Sales-Tax Certification Form
Reimbursement Request Form
ARPA Engineering Services Procurement Certification

CC: Mary Brice, PE, HDR; [mary.brice@hdrinc.com]
Jennifer House (via email)
Victor D'Amato, PE (via email)
Corey Basinger (via email)
Shane Beeson (via email)
FILE: ARP Project File (**COM_LOX**)



North Carolina Department of Environmental Quality | Division of Water Infrastructure
512 N. Salisbury Street | 1633 Mail Service Center | Raleigh, North Carolina 27699-1633
919.707.9160

STATE OF NORTH CAROLINA
DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF WATER INFRASTRUCTURE

Funding Offer and Acceptance

Legal Name and Address of Award Recipient

Town of Clayton
PO Box 879
Clayton, NC 27528

Project Number:

AIA-D-ARP-0083

Recipient's UEID#:

ZFG6SS4UQWV6

Drinking Water ☒	Wastewater ☐	Both ☐	Total Grant Offered
Distressed ☐	Not Distressed ☒		
ARP Training Grant	☐		
ARP Asset Inventory & Assessment Grant (AIA)	☒		\$150,000
ARP Merger/Regionalization Feasibility Grant (MRF)	☐		

Project Description:

Total Financial Assistance Offer:

\$ 150,000

Water Distribution System Master Plan

**ARP-funded projects are exempt from both the grant fee and match requirements.*

Pursuant to North Carolina General Statute 159G:

- The applicant is eligible under Federal and State law,
- The project is eligible under Federal and State law, and
- The project has been approved by the Department of Environmental Quality as having sufficient priority to receive financial assistance,

The Department of Environmental Quality, acting on behalf of the State of North Carolina, hereby offers the financial assistance described in this document.

For The State of North Carolina:

Shadi Eskaf, Director, Division of Water Infrastructure
North Carolina Department of Environmental Quality

<i>Stephanie Suter for Shadi Eskaf</i>	4/13/2023
Signature	Date

On Behalf of:

Town of Clayton

Name of Representative in Resolution:

The Honorable Jody McLeod

Title (Type or Print):

Mayor

I, the undersigned, being duly authorized to take such action, as evidenced by the attached CERTIFIED COPY OF AUTHORIZATION BY THE APPLICANT'S GOVERNING BODY, do hereby accept this Financial Award Offer and will comply with the Assurances and the Standard Conditions.

.....	
Signature	Date

STANDARD CONDITIONS FOR ARP GRANTS

1. Acceptance of this Funding Offer does not exempt the Recipient from complying with requirements stated in the U.S. Treasury's [Final Rule](#) for the Coronavirus State and Local Fiscal Recovery Funds (SLFRF) and the [SLFRF Compliance and Reporting Guidance](#) not explicitly referred to in this document and any future requirements implemented by the U.S Treasury.
2. Acquisition of Real Property must comply with all applicable provisions of the Uniform Relocation and Real Property Acquisition Policies Act of 1970 (PL 92-646), as amended. The Recipient shall certify that it has or will have a fee simple or such other estate or interest in the site of the project, including necessary easements and rights-of-way, to assure undisturbed use and possession for the purpose of construction and operation for the estimated life of the project using a certification form provided by DEQ.
3. Specific MBE/WBE (DBE) forms and instructions are provided that are to be included in the contract specifications. These forms will assist with documenting positive efforts made by recipients, their consultants, and contractors to utilize disadvantaged businesses enterprises. Such efforts should allow DBEs the maximum feasible opportunity to compete for subagreements and subcontracts to be performed. Documentation of efforts made to utilize DBE firms must be maintained by all recipients, and construction contractors, and made available upon request.
4. Subrecipients shall fully comply with Subpart C of 2 CFR Part 180 entitled, "Responsibilities of Participants Regarding Transactions Doing Business with Other Persons," as implemented and supplemented by 2 CFR Part 1532. Recipient is responsible for ensuring that any lower tier covered transaction, as described in Subpart B of 2 CFR Part 180, entitled "Covered Transactions," includes a term or condition requiring compliance with Subpart C. Recipient is responsible for further requiring the inclusion of a similar term or condition in any subsequent lower tier covered transactions. Subrecipients may access suspension and debarment information at: <http://www.sam.gov>. This system allows subrecipients to perform searches determining whether an entity or individual is excluded from receiving Federal assistance.
5. Projects with a total cost of \$10,000,000 or more must meet U.S. Treasury requirements for prevailing wage rates, project labor agreements, and related requirements. Recipients can either certify meeting the requirements or provide plans and reports as the [SLFRF Compliance and Reporting Guidance](#) specifies.
6. The Uniform Guidance 2 CFR 200.317 through 2 CFR 200.327 gives minimum requirements for procurement, with 2 CFR 200.319(b) addressing engineering services procurement guidelines. ARP-funded projects must also adhere to North Carolina State law, specifically NC General Statute 143-64.31, Article 3D Procurement of Architectural, Engineering, and Surveying (A/E) Services. NCGS 143-64.32 cannot be used to exempt Recipients from a qualification-based selection for A/E. The State provides applicable certification forms that must be completed prior to receiving funds for any engineering services covered under this funding offer.
7. Local government units designated as distressed must complete associated requirements of statute §159G-45(b).
8. Funds made available by the ARP that are not disbursed to the entity accepting the funds in this document by December 31st, 2026, will no longer be available for the project. Unused Federal funds will revert from the State of North Carolina to the U.S. Treasury.

STANDARD ASSURANCES FOR AIA GRANTS

1. The Recipient acknowledges that no disbursements will be made until applicable service agreements or contracts are submitted. The description of work listed on invoices must be included in the scope of work shown on the agreements or contracts.
2. The Recipient is responsible for paying for ineligible project costs as determined by the Division.
3. The Recipient agrees to establish and maintain a financial management system that adequately accounts for revenues and expenditures. Adequate accounting and fiscal records will be maintained during the construction of the project and these records will be retained and made available for a period of at least three (3) years following completion of the project.
4. All ARP funds shall be expended solely for carrying out the approved project, and an audit shall be performed in accordance with G.S. 159-34. Partial disbursements will be made promptly upon request, subject to adequate documentation of incurred eligible costs, and subject to the Recipient's compliance with the Standard Conditions and Assurances of this Award. The Recipient agrees to make prompt payment to its contractor, and to retain only such amount as allowed by North Carolina General Statute. Requests for reimbursement must be made using the Division's reimbursement form.
5. All funds provided pursuant to North Carolina General Statute 159G must be expended solely for carrying out the approved project, and an audit shall be performed in accordance with G.S. 159-34, as amended. **The Recipient must expend all of the requisitioned funds for the purpose of paying the costs of the project within three (3) banking days following the receipt of the funds from the State.** Please note that the State is not a party to any contract(s) and the Recipient is expected to uphold its contract obligations regarding timely payment.
6. The Recipient must provide summaries of project progress every other month during the project or as otherwise directed by the Division.
7. The Recipient must provide a digital copy of the final report in a universally readable format including GIS shape files as applicable.
8. The Recipient must provide an executive level summary of the work performed, any conclusions made, and the next steps to be taken as a result of this work.
9. The Recipient must provide approved minutes or a resolution confirming the final report has been presented to the recipient's governing board.
10. A maximum of 95% of the grant will be paid prior to receipt of the documentation described in Standard Assurance Nos. 7, 8, and 9. After receipt of this documentation, the final reimbursement request will be processed.

Acknowledgement of Standard Conditions and Assurances

The Recipient hereby gives assurance to the Department of Environmental Quality that the declarations, assurances, representations, and statements made by the Applicant in the Application; and all documents, amendments, and communications filed with the Department of Environmental Quality by the Applicant in support of its request for financial assistance will be fulfilled.

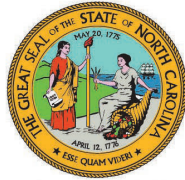
.....
Signature

.....
Date

ROY COOPER
Governor

ELIZABETH S. BISER
Secretary

SHADI ESKAF
Director



NORTH CAROLINA
Environmental Quality

August 17, 2022

The Honorable Jody McLeod, Mayor
Town of Clayton
PO Box 879
Clayton, NC 27528

SUBJECT: Asset Inventory and Assessment Grant
Letter of Intent to Fund
Collection System Master Plan
May 2022 Application Cycle
Project No. AIA-W-ARP-0082

Dear Mayor McLeod:

The Division of Water Infrastructure (DWI) has reviewed your application to the Asset Inventory and Assessment (AIA) grant program, and the State Water Infrastructure Authority (SWIA) has approved your project as eligible to receive a grant. The total grant amount will be \$250,000 with neither a required match nor grant fee.

The first milestone for the AIA grant is the submittal of a preliminary project scope that includes a cost estimate and schedule for each major task by September 30, 2022. Please email this to your DWI project manager, Linda Culpepper at linda.culpepper@ncdenr.gov. Upon the Division's review and acceptance of this information, we will send the grant agreement and information package for your signature and approval.

Please contact us if you plan to proceed with study work prior to receipt of the Division's grant offer, as such work may later be determined to be ineligible. Additionally, ensure you review past work completed or underway to develop the current scope of work needed.

Upon receipt of your letter of intent to fund, please fill out the attached Federal ID & Unique Entity ID (UEI) form, attached and email it to Pam Whitley at pam.whitley@ncdenr.gov.

We look forward to working with you on this project. If you have questions, please email Linda Culpepper, at linda.culpepper@ncdenr.gov.

Sincerely,

A handwritten signature in black ink that reads "Shadi Eskaf".

Shadi Eskaf, Director
Division of Water Infrastructure

EC: Mary Brice, HDR, mary.brice@hdrinc.com
Mark Hubbard, PE
ARPA-AIA File



North Carolina Department of Environmental Quality | Division of Water Infrastructure
512 N. Salisbury Street | 1633 Mail Service Center | Raleigh, North Carolina 27699-1633
919.707.9160

ROY COOPER
Governor
ELIZABETH S. BISER
Secretary
SHADI ESKAF
Director



April 13, 2023

The Honorable Jody McLeod, Mayor
Town of Clayton
PO Box 879
Clayton, NC 27528

SUBJECT: Offer & Acceptance for American Rescue
Plan Funding
Town of Clayton
Wastewater Collection System Master Plan
Project No. AIA-W-ARP-0082
UEID No. ZFG6SS4UQWV6

Dear Mayor McLeod:

The Town of Clayton has been approved for American Rescue Plan (ARP) funding from the State Fiscal Recovery Fund in the amount of **\$250,000** for an Asset Inventory and Assessment (AIA) study. Projects funded from the State Fiscal Recovery Funds established in S.L. 2021-180/S.L. 2022-74 must meet applicable federal law and guidance for the ARP funds.

Enclosed are two (2) copies of an offer-and-acceptance document, extending ARP funding in the amount of \$250,000. This offer is made by the Division of Water Infrastructure (DWI), subject to the assurances and conditions set forth in the enclosed offer-and-acceptance document. Funds will not be disbursed unless this offer is accepted.

Upon your acceptance, please submit the following items to Pam Whitley, Division of Water Infrastructure (DWI), 1633 Mail Service Center, Raleigh, North Carolina 27699-1633:

1. A resolution (sample copy attached), adopted by the governing body, accepting the offer, and making the applicable assurances contained therein;
2. One (1) copy of the original offer-and-acceptance document, executed by the Authorized Representative for the project, along with the signed "Standard Conditions and Assurances" for ARP Projects. **Please retain the second copy for your files.**
3. Sales Tax Certification, if applicable (attached)
4. ARPA Engineering Services Procurement Certification (attached)



North Carolina Department of Environmental Quality | Division of Water Infrastructure
512 N. Salisbury Street | 1633 Mail Service Center | Raleigh, North Carolina 27699-1633
919.707.9160

All work associated with this project must be completed within 24 months of the date of this letter. Once the subject project has commenced, the enclosed "reimbursement request form" must be completed and submitted with all reimbursement requests. You are free to reproduce this form should additional copies be needed.

In addition, a memorandum requesting your federal identification number was included with the Letter of Intent to Fund. You must complete and submit this form and all executed contracts or service agreements no later than the time when you choose to submit your first request for reimbursement. Reimbursement requests and executed contracts or agreements should be sent to Shane Beeson, your Viable Utility Unit Project Manager, at the address noted.

On behalf of the Department of Environmental Quality, I am pleased to extend this offer of ARP funds, made available by the North Carolina Fiscal Recovery Fund. Should you have any questions concerning this offer of funding, or any of the stipulations outlined in this letter, please contact Shane Beeson at shane.beeson@ncdenr.gov or 919-707-9160.

Sincerely,

DocuSigned by:

99AEF363909A40E...
for Shadi Eskaf, Director
Division of Water Infrastructure, NCDEQ

Enclosures: Offer-and-Acceptance Document (2 copies)
Resolution by Applicant's Governing Body to Accept an Offer of Funding
Sales-Tax Certification Form
Reimbursement Request Form
ARPA Engineering Services Procurement Certification

CC: Mary Brice, PE, HDR; [mary.brice@hdrinc.com]
Jennifer House (via email)
Victor D'Amato, PE (via email)
Corey Basinger (via email)
Shane Beeson (via email)
FILE: ARP Project File (**COM_LOX**)



North Carolina Department of Environmental Quality | Division of Water Infrastructure
512 N. Salisbury Street | 1633 Mail Service Center | Raleigh, North Carolina 27699-1633
919.707.9160

STATE OF NORTH CAROLINA
DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF WATER INFRASTRUCTURE

Funding Offer and Acceptance

Legal Name and Address of Award Recipient

Town of Clayton
PO Box 879
Clayton, NC 27528

Project Number:

AIA-W-ARP-0082

Recipient's UEID#:

ZFG6SS4UQWV6

Drinking Water ☐	Wastewater ☒	Both ☐	Total Grant Offered
Distressed ☐	Not Distressed ☒		
ARP Training Grant ☐			
ARP Asset Inventory & Assessment Grant (AIA) ☒			\$250,000
ARP Merger/Regionalization Feasibility Grant (MRF) ☐			

Project Description:

Total Financial Assistance Offer:

\$ 250,000

Wastewater Collection System Master Plan

**ARP-funded projects are exempt from both the grant fee and match requirements.*

Pursuant to North Carolina General Statute 159G:

- The applicant is eligible under Federal and State law,
- The project is eligible under Federal and State law, and
- The project has been approved by the Department of Environmental Quality as having sufficient priority to receive financial assistance,

The Department of Environmental Quality, acting on behalf of the State of North Carolina, hereby offers the financial assistance described in this document.

For The State of North Carolina:

**Shadi Eskaf, Director, Division of Water Infrastructure
North Carolina Department of Environmental Quality**

<i>Stephanie Suter for Shadi Eskaf</i>	4/13/2023
Signature	Date

On Behalf of:

Town of Clayton

Name of Representative in Resolution:

The Honorable Jody McLeod

Title (Type or Print):

Mayor

I, the undersigned, being duly authorized to take such action, as evidenced by the attached CERTIFIED COPY OF AUTHORIZATION BY THE APPLICANT'S GOVERNING BODY, do hereby accept this Financial Award Offer and will comply with the Assurances and the Standard Conditions.

Signature	Date
-----------	------

STANDARD CONDITIONS FOR ARP GRANTS

1. Acceptance of this Funding Offer does not exempt the Recipient from complying with requirements stated in the U.S. Treasury's [Final Rule](#) for the Coronavirus State and Local Fiscal Recovery Funds (SLFRF) and the [SLFRF Compliance and Reporting Guidance](#) not explicitly referred to in this document and any future requirements implemented by the U.S Treasury.
2. Acquisition of Real Property must comply with all applicable provisions of the Uniform Relocation and Real Property Acquisition Policies Act of 1970 (PL 92-646), as amended. The Recipient shall certify that it has or will have a fee simple or such other estate or interest in the site of the project, including necessary easements and rights-of-way, to assure undisturbed use and possession for the purpose of construction and operation for the estimated life of the project using a certification form provided by DEQ.
3. Specific MBE/WBE (DBE) forms and instructions are provided that are to be included in the contract specifications. These forms will assist with documenting positive efforts made by recipients, their consultants, and contractors to utilize disadvantaged businesses enterprises. Such efforts should allow DBEs the maximum feasible opportunity to compete for subagreements and subcontracts to be performed. Documentation of efforts made to utilize DBE firms must be maintained by all recipients, and construction contractors, and made available upon request.
4. Subrecipients shall fully comply with Subpart C of 2 CFR Part 180 entitled, "Responsibilities of Participants Regarding Transactions Doing Business with Other Persons," as implemented and supplemented by 2 CFR Part 1532. Recipient is responsible for ensuring that any lower tier covered transaction, as described in Subpart B of 2 CFR Part 180, entitled "Covered Transactions," includes a term or condition requiring compliance with Subpart C. Recipient is responsible for further requiring the inclusion of a similar term or condition in any subsequent lower tier covered transactions. Subrecipients may access suspension and debarment information at: <http://www.sam.gov>. This system allows subrecipients to perform searches determining whether an entity or individual is excluded from receiving Federal assistance.
5. Projects with a total cost of \$10,000,000 or more must meet U.S. Treasury requirements for prevailing wage rates, project labor agreements, and related requirements. Recipients can either certify meeting the requirements or provide plans and reports as the [SLFRF Compliance and Reporting Guidance](#) specifies.
6. The Uniform Guidance 2 CFR 200.317 through 2 CFR 200.327 gives minimum requirements for procurement, with 2 CFR 200.319(b) addressing engineering services procurement guidelines. ARP-funded projects must also adhere to North Carolina State law, specifically NC General Statute 143-64.31, Article 3D Procurement of Architectural, Engineering, and Surveying (A/E) Services. NCGS 143-64.32 cannot be used to exempt Recipients from a qualification-based selection for A/E. The State provides applicable certification forms that must be completed prior to receiving funds for any engineering services covered under this funding offer.
7. Local government units designated as distressed must complete associated requirements of statute §159G-45(b).
8. Funds made available by the ARP that are not disbursed to the entity accepting the funds in this document by December 31st, 2026, will no longer be available for the project. Unused Federal funds will revert from the State of North Carolina to the U.S. Treasury.

STANDARD ASSURANCES FOR AIA GRANTS

1. The Recipient acknowledges that no disbursements will be made until applicable service agreements or contracts are submitted. The description of work listed on invoices must be included in the scope of work shown on the agreements or contracts.
2. The Recipient is responsible for paying for ineligible project costs as determined by the Division.
3. The Recipient agrees to establish and maintain a financial management system that adequately accounts for revenues and expenditures. Adequate accounting and fiscal records will be maintained during the construction of the project and these records will be retained and made available for a period of at least three (3) years following completion of the project.
4. All ARP funds shall be expended solely for carrying out the approved project, and an audit shall be performed in accordance with G.S. 159-34. Partial disbursements will be made promptly upon request, subject to adequate documentation of incurred eligible costs, and subject to the Recipient's compliance with the Standard Conditions and Assurances of this Award. The Recipient agrees to make prompt payment to its contractor, and to retain only such amount as allowed by North Carolina General Statute. Requests for reimbursement must be made using the Division's reimbursement form.
5. All funds provided pursuant to North Carolina General Statute 159G must be expended solely for carrying out the approved project, and an audit shall be performed in accordance with G.S. 159-34, as amended. **The Recipient must expend all of the requisitioned funds for the purpose of paying the costs of the project within three (3) banking days following the receipt of the funds from the State.** Please note that the State is not a party to any contract(s) and the Recipient is expected to uphold its contract obligations regarding timely payment.
6. The Recipient must provide summaries of project progress every other month during the project or as otherwise directed by the Division.
7. The Recipient must provide a digital copy of the final report in a universally readable format including GIS shape files as applicable.
8. The Recipient must provide an executive level summary of the work performed, any conclusions made, and the next steps to be taken as a result of this work.
9. The Recipient must provide approved minutes or a resolution confirming the final report has been presented to the recipient's governing board.
10. A maximum of 95% of the grant will be paid prior to receipt of the documentation described in Standard Assurance Nos. 7, 8, and 9. After receipt of this documentation, the final reimbursement request will be processed.

Acknowledgement of Standard Conditions and Assurances

The Recipient hereby gives assurance to the Department of Environmental Quality that the declarations, assurances, representations, and statements made by the Applicant in the Application; and all documents, amendments, and communications filed with the Department of Environmental Quality by the Applicant in support of its request for financial assistance will be fulfilled.

.....
Signature

.....
Date

NC DEQ Division of Water Infrastructure Professional Engineering Services Procurement

Section 602(b)(14) of the Clean Water Act requires projects receiving Clean Water State Revolving Fund funding to comply with engineering procurement guidelines. North Carolina Session Law 2021-180 authorizes the Division of Water Infrastructure (Division) to award grant funds from the American Rescue Plan Act (ARPA) State Fiscal Recovery Fund for drinking water, wastewater, and stormwater infrastructure projects. The Uniform Guidance 2 CFR 200.317 through 2 CFR 200.327 gives minimum requirements for procurement, with 2 CFR 200.319(b) addressing engineering services procurement guidelines.

To comply, you must follow North Carolina General Statute 143-64.31, Article 3D Procurement of Architectural, Engineering, and Surveying Services. You cannot exempt yourself using NCGS 143-64.32. Complete and sign this form and provide the information indicated to ensure that engineering services for your project are eligible for reimbursement.

Applicant: [Click or tap here to enter text.](#)

Project Name: [Click or tap here to enter text.](#)

Division Funding Number: [Click or tap here to enter text.](#)

- 1) List the basic services being provided: (i.e., planning, design, inspection etc.)
[Click or tap here to enter text.](#)
- 2) Describe the method of announcement for the project.
[Click or tap here to enter text.](#)
- 3) List the firms the announcement was discussed with or that proposals were received from in order of quality.
[Click or tap here to enter text.](#)
- 4) Was a contract negotiated with the best qualified firm? ☐ Yes ☐ No (Check one)
If no, explain why.
[Click or tap here to enter text.](#)

NOTE: Documentation of Qualification-Based-Selection of Engineering Services shall be provided to the Division upon request (to include announcement and qualifications requested).

By signing below, I [Click or tap here to enter text.](#), the Authorized Representative designated for this project in the project application, attest that the contract pricing, as seen in the attached contract(s), contains pricing that is fair and reasonable based on scope, complexity, professional nature, and the estimated value of the services being provided and the firm selected, was selected based on their qualifications.

(signed name, title and date)

(DWI staff use only – Check and initial here if debarment status checked and firm is NOT debarred ☐ _____)

Clean Water Act, Section 602(b)(14)	(14) a contract to be carried out using funds directly made available by a capitalization grant under this title for program management, construction management, feasibility studies, preliminary engineering, design, engineering, surveying, mapping, or architectural related services <u>shall be negotiated in the same manner as a contract for architectural and engineering services is negotiated under chapter 11 of title 40, United States Code, or an equivalent State qualifications-based requirement (as determined by the Governor of the State).</u> From: water resources reform and development act guidance.pdf (epa.gov) <i>The requirements of 40 U.S.C. 1101 et seq. are:</i> • <i>Public announcement of the solicitation (e.g., a Request for Qualifications);</i> • <i>Evaluation and ranking of the submitted qualifications statements based on established, publicly available criteria (e.g., identified in the solicitation); o Evaluation criteria should be based on demonstrated competence and qualification for the type of professional services required (e.g., past performance, specialized experience, and technical competence in the type of work required);</i> • <i>Discussion with at least three firms to consider anticipated concepts and compare alternative methods for furnishing services;</i> • <i>Selection of at least three firms considered to be the most highly qualified to provide the services required; and</i> • <i>Contract negotiation with the most highly qualified firm to determine compensation that is fair and reasonable based on a clear understanding of the project scope, complexity, professional nature, and the estimated value of the services to be rendered;</i> ▪ <i>In the event that a contract cannot be negotiated with the most highly qualified firm, negotiation continues in order of qualification.</i>
Uniform Guidance 2 CFR 200.319(b)	Competition. The non-Federal entity must conduct procurements in a manner that prohibits the use of statutorily or administratively imposed state or local geographical preferences in the evaluation of bids or proposals, except in those cases where applicable Federal statutes expressly mandate or encourage geographic preference. Nothing in this section preempts state licensing laws. When contracting for architectural and engineering (A/E) services, geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.
NC General Statute 143-64.31	Procurement of Architectural, Engineering, and Surveying Services (NC “Mini-Brooks”) ...It is the public policy of this State... and Local Governmental Units..., to announce all requirements for architectural, engineering, surveying, construction management at risk services, design-build services,..., to select firms qualified to provide such services on the basis of demonstrated competence and qualification for the type of professional services required without regard to fee other than unit price information at this stage, and thereafter to negotiate a contract for those services at a fair and reasonable fee with the best qualified firm. If a contract cannot be negotiated with the best qualified firm, negotiations with that firm shall be terminated and initiated with the next best qualified firm. ...

NC General Statute 143-64.32	<u>NOTE: CWSRF and ARPA funding:</u> NCGS 143-64.32 cannot be used to exempt a local government unit from abiding by NCGS 143-63.31. This is because there is no minimum dollar exemption allowed in the Federal Brooks Act, the Clean Water Act Section 602(b)(14), or 2 CFR 200.319. Written exemption of particular contracts. Units of local government or the North Carolina Department of Transportation may in writing exempt particular projects from the provisions of this Article in the case of proposed projects where an estimated professional fee is in an amount less than fifty thousand dollars (\$50,000). (1987, c. 102, s. 2; 2013-401, s. 2.)
21 NCAC 56.0701(f)	SECTION .0700 – RULES OF PROFESSIONAL CONDUCT, adopted in accordance with NC General Statute 89C-20 (Board Rules for Professional Engineers, etc.) (f) A licensee shall solicit or accept work only on the basis of qualifications and: (1) Shall not offer to pay, either directly or indirectly, any commission, political contribution, gift, or other consideration in order to secure work, exclusive of securing salaried positions through employment agencies; (2) Shall compete for employment on the basis of professional qualification and competence to perform the work. The licensee shall not solicit or submit proposals for professional services containing a false, fraudulent, misleading, deceptive or unfair statement or claim regarding the cost, quality or extent of services to be rendered; (3) Shall, with regard to fee bidding on public projects, comply with the provisions of G.S. 143-64.31 et seq., (or for federal projects, the Brooks Act, 40 U.S. Code 541 et seq.) and shall not knowingly cooperate in a violation of any provision of G.S. 143-64.31 et seq. (or of 40 U.S. Code 541 et seq.); ...

SALES-TAX REIMBURSEMENT CERTIFICATION FORM

(FOR FUNDING PROGRAMS IN THE DIVISION OF WATER INFRASTRUCTURE)

Applicant: _____

Project Number: _____

☐ Check If Applicant is not a unit of government under North Carolina law

If Applicant noted above is a Unit of Government in North Carolina, check the applicable box below.

Sales Tax **IS** deducted in this scenario. Please show this on the disbursement requests.

☐ The project includes sales taxes related to the purchase of equipment or the provision of applicable services, and the unit of government will request reimbursement from the DOR.

Sales Tax **IS NOT** deducted in either of these scenarios.

☐ The project includes sales taxes related to the purchase of equipment or the provision of applicable services, and the unit of government will not request reimbursement from the DOR.

☐ The project will not include sales taxes.

(Printed Name and Title of Authorized Representative)

(Signature of Authorized Representative)

(Date)

Submit to: NC Dept. of Environment & Natural Resources
Division of Water Infrastructure
Pam Whitley, Project Management Branch
1633 Mail Service Center
Raleigh, NC 27699-1633

ARPA AIA/MRF REIMBURSEMENT REQUEST FORM

Division of Water Infrastructure

Period Covered by this Report:

From

Project No.

To

Grant Amount =

Match % Required =

Match amount =

\$ -

****Match and Grant Fee are N/A for ARPA funded projects****

Recipient Organization

Name: Town, City or County etc.

Payment No.

Address:

Page No.

City, State & Zip:

Use additional sheets if needed. Use a "Misc." column if needed.	Consultant Name	Consultant Name	Consultant Name	Consultant Deductions towards Match, if In-Kind or Grant Fee see below
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Classification of	A	B	C	D	Total
Cumulative Totals					\$ -
					\$ -
					\$ -
					\$ -
					\$ -
Total Cumulative to date	\$ -	\$ -	\$ -	\$ -	\$ -
Previously Received					\$ -
Amount Requested	\$ -	\$ -	\$ -	\$ -	\$ -

No Match

In-Kind Contribution	In-Kind Contribution, Grant Fee, and Match are N/A for ARPA funded projects				
Grant Fee					
Total Match *				\$ -	
Percent Complete					

Certification

I certify that to the best of my knowledge and belief the billed costs or disbursements are in accordance with terms of the project and that this request represents the monies due which have not been previously received and that an inspection has been performed and all work is in accordance with the terms and conditions of the award.

You must check ONE of the boxes below or your payment will not be processed:

The funds requested above have already been paid to the respective vendors, consultants & contractors by the award recipient.

☐

OR

The funds requested above have not been paid to the respective vendors, consultants & contractors.

Funds received from the State will be disbursed to these entities within three (3) banking days.

☐

Recipient

Signature of Authorized Representative

Date

Type or Print Name and Title

DWI comments

RESOLUTION BY GOVERNING BODY OF RECIPIENT

WHEREAS, the American Rescue Plan (ARP) funded from the State Fiscal Recovery Fund was established in S.L. 2021-180 to assist eligible units of government with meeting their water/wastewater infrastructure needs, and

WHEREAS, the North Carolina Department of Environmental Quality has offered American Rescue Plan (ARP) funding in the amount of \$150,000 to perform an Asset Inventory and Assessment study detailed in the submitted application, and

WHEREAS, the Town of Clayton intends to perform said project in accordance with the agreed scope of work,

NOW, THEREFORE, BE IT RESOLVED BY THE (GOVERNING BODY) OF THE (UNIT OF GOVERNMENT):

That Town of Clayton does hereby accept the American Rescue Plan (ARP) offer of \$150,000.

That the Town of Clayton does hereby give assurance to the North Carolina Department of Environmental Quality that any Conditions or Assurances contained in the Award Offer will be adhered to.

That Jody McLeod, Mayor, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required by the Division of Water Infrastructure.

Adopted this the 1st day of May, 2023 while in regular session.

Jody L. McLeod
Mayor

ATTEST:

Heidi L. Holland, CMC, NCCMC
Town Clerk

RESOLUTION BY GOVERNING BODY OF RECIPIENT

WHEREAS, the American Rescue Plan (ARP) funded from the State Fiscal Recovery Fund was established in S.L. 2021-180 to assist eligible units of government with meeting their water/wastewater infrastructure needs, and

WHEREAS, the North Carolina Department of Environmental Quality has offered American Rescue Plan (ARP) funding in the amount of \$250,000 to perform an Asset Inventory and Assessment study detailed in the submitted application, and

WHEREAS, the Town of Clayton intends to perform said project in accordance with the agreed scope of work,

NOW, THEREFORE, BE IT RESOLVED BY THE (GOVERNING BODY) OF THE (UNIT OF GOVERNMENT):

That Town of Clayton does hereby accept the American Rescue Plan (ARP) offer of \$250,000.

That the Town of Clayton does hereby give assurance to the North Carolina Department of Environmental Quality that any Conditions or Assurances contained in the Award Offer will be adhered to.

That Jody McLeod - Mayor, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required by the Division of Water Infrastructure.

Adopted this the 1st day of May, 2023 while in regular session.

Jody L. McLeod
Mayor

ATTEST:

Heidi L. Holland, CMC, NCCMC
Town Clerk

Town of Clayton Amendment to the FY 22-23 Budget

BE IT HEREBY ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON
that the following amendments shall be made to the FY 22-23 Budget:

Fund: Water and Sewer Fund

<u>Line Item</u>	<u>Previous Appropriation</u>	<u>Adjustment</u>	<u>Revised Appropriation</u>
Revenue			
300-56-00-48 47	ARP – State Fiscal Recovery Fund		
	-	+400,000	\$400,000
Expenditures			
300-56-60-56 00	Professional Services		
	\$1,024,351	+400,000	\$1,424,351

Explanation:

Amendment necessary to realign the budget to fund the projected cost to complete master plans for the water and sewer system with ARP funds from the State Fiscal Recovery Fund. This amendment is required to comply with G.S. 159-15.

Duly adopted this 1st day of May, 2023 while in regular session.

Jody L. McLeod
Mayor

ATTEST:

APPROVED AS TO FORM:

Heidi L. Holland, CMC, NCCMC
Town Clerk

Jim Cauley
Town Attorney



Regular Town Council Meeting Agenda Cover Sheet

Meeting Date

May 1, 2023

Agenda Location

NEW BUSINESS

Item Title

Clayton Center Roof Replacement and Pointing of Masonry Walls Bid Award

Presenter(s)

Shannon Poole - Engineering Technician

Suggested Action

Other - Approve Award

Strategic Priorities Alignment



☐
Think Clayton
(Administrative)



☐
Think Arts &
Culture



☐
Think
Downtown



☐
Think
Economic
Development



☐
Think Land
Use &
Housing



☐
Think
Mobility



☐
Think Parks,
Recreation
& Natural
Resources



☒
Think Public
Services &
Infrastructure

Public Hearing: No

If Approved, Will Document Require Recordation? Yes

Does This Item Require a Communication Plan?

- ☐ Public Hearing (Required by GS)
- ☐ Newspaper Notice (Required by GS)
- ☐ Public Forum/Input Session
- ☐ E-News Distribution
- ☐ Social Media
- ☐ Special Mailing

- ☐ Public Hearing (Not Required by GS)
- ☐ Newspaper Notice (Not Required by GS)
- ☐ Press Release
- ☐ Website
- ☐ Survey
- ☐ None Required

Summary

On April 25, 2023, staff received sealed bids for Clayton Center Roof Replacement and Pointing of Masonry Walls Project. Certain roof sections above Town Hall and the Clayton Center have reached the end of their useful life. An alternate was included for an additional section of roof is nearing the end of its useful life. Three bids were received, Triangle Roofing Services, Owens Roofing and AAR of NC, Inc. Owens Roofing was the lowest bidder with a base bid in the amount of \$683,742.00. and alternate of \$73,259.00. The lowest bid is within the project budget.

Recommendation

Per Town of Clayton Purchasing Policies and North Carolina General Statutes, Construction projects over \$500,000 require formal bid procedures, which includes award of the contract from Town Council. Town staff and consultant Jeff Spady with 5th Wall Design have verified all the necessary documents are in order and recommend awarding the contract, including the alternate to Owen Roofing, Inc. for a total contract of \$757,001.00. The consultant's recommendation letter will be provided to Town Council prior to the meeting. Proposed contract is based on standard Town construction contract and has been reviewed by contracts office. Contract time is 120 days to substantial completion. Staff request Town Council authorize Town Manager or designee to execute construction contract and any change orders required to deliver the project within budget.

Funding Source

N/A

Corresponding Documentation

[Roof Replacement Bid Tabulations for Bid Opening](#)

Submitted By: Shannon Poole, Engineering

Reviewed By:

Joshua Baird, Engineering Director

Heidi Holland, Town Clerk

Approved - Apr 26 2023

Approved - Apr 26 2023

