



Town of Clayton
Regular Town Council Meeting Agenda
Tuesday, September 3, 2019 @ 6:00 PM
Council Chambers

1. CALL TO ORDER

Pledge of Allegiance and Invocation

2. ADJUSTMENT OF 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. **DRAFT Minutes**

- August 19, 2019 - Regular Meeting
- August 19, 2019 - Closed Session

[August 19 2019 DRAFT Minutes](#)

b. **Warranty Acceptance - Asphalt**

- Ashcroft Subdivision, Phase 2

[Ashcroft Phase 2 Asphalt](#)

POTENTIAL ACTION: Adoption of Consent Agenda as Presented

4. ADMINISTRATIVE ITEMS

5. INTRODUCTIONS AND SPECIAL PRESENTATIONS

a. **Employee Introduction**

Presenter: Ann Game, Customer Service Director

- Terry Williams, Meter Reader

b. **Clayton 101 - "Walking Tour"**

Presenter: Dana Wooten, Clayton Chamber of Commerce

[Cover](#)

c. **Clayton Rotary Park**

Presenter: Marty Bizzell, Clayton Rotary

[Cover](#)

[Clayton Rotary Park Map](#)

6. PUBLIC HEARINGS

a. **General Obligation Bond**

Presenter: Robert McKie, Finance Director

[Newspaper Ad - Calling for Public Hearing](#)

[DRAFT Newspaper Ad - Bond Order as Adopted](#)

[Resolution Adopting Bond Order and Calling for Referendum](#)

POTENTIAL ACTION: Adoption of Resolution #2019-38

7. OLD BUSINESS

8. NEW BUSINESS

- a. Inter-Local Agreement - Johnston County Utilities Bulk Wastewater
Presenter: James Warren, Wastewater Treatment Facility Superintendent
[Cover](#)
[Agreement](#)
[Exhibit A](#)
[Exhibit B](#)

POTENTIAL ACTION: Authorize Execution of Agreement

- b. Introduction of Jacobs Engineering - Design Consultants for New Water Reclamation Facility
Presenter: Rich Cappola, Public Works Director
[Cover](#)

POTENTIAL ACTION: None - Informational Only

9. STAFF REPORTS

- a. Town Manager
b. Town Attorney
c. Town Clerk
d. Other Staff
 - Update - 220 East Main Street - Upset Bid Process
Presenter: Dave DeYoung, Economic Development Director
 - Town of Clayton 150th Birthday - Ghost Walk
Presenter: Stacy Beard, Communications Director

10. OTHER BUSINESS

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

11. CLOSED SESSION

- a. Closed Session Pursuant to NCGS 143-318.11(a)(3) - Attorney Client Privilege

POTENTIAL ACTION: Motion to Go Into Closed Session

12. ADJOURNMENT

- a. Adjourn the Meeting

POTENTIAL ACTION: Motion to Adjourn

Quasi-Judicial (evidentiary) – These hearings are different from other public hearings in that they resemble a court hearing where testimony is presented and the Town Council acts like a court of law. During evidentiary hearings, the Town Council receives only sworn testimony and other credible evidence. In addition, the Town Council must make findings of fact based upon the evidence presented. Citizens may give testimony in an evidentiary hearing after they have taken an oath.



Town of Clayton
Regular Town Council Meeting Minutes
Monday, August 19, 2019 @ 6:00 PM
Council Chambers

COUNCIL PRESENT:

Mayor McLeod
Council Member Satterfield
Council Member Holder
Council Member Thompson
Council Member Bunn

STAFF PRESENT:

Adam Lindsay, Town Manager
Nancy Medlin, D/Town Manager
Katherine Ross, Town Attorney
Kimberly Moffett, Town Clerk
Rich Cappola, Public Works Director
Haley Hogg, Planner
Dave DeYoung, Economic Development Director
Blair Myhand, Police Chief
Joy Garretson, Library Director
Stacy Beard, Communications Director

COUNCIL ABSENT:

Mayor Pro Tem Grannis

1 CALL TO ORDER

Pledge of Allegiance and Invocation

- a) Mayor McLeod called the meeting to order at 6:00 p.m. He led everyone in the Pledge of Allegiance and offered the Invocation.

2 ADJUSTMENT OF THE AGENDA

- a) Mr. Lindsay stated that employee Terry Williams was unable to attend this evening and will be introduced at a future meeting. A Resolution in support of Bennett Jones was added as Item 6d. Mr. Lindsay will provide the update on 220 West Main Street and addition of Police Chief Myhand to provide a report.

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) Draft Minutes
- August 5, 2019 - Regular Session
 - August 5, 2019 - Closed Session

ACTION: Adoption of Consent Agenda as Presented

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

4 ADMINISTRATIVE ITEMS

- a) Resolution Awarding Service Weapon & Badge to Lt. John Parker
30 Years of Service to the Clayton Police Department
Presenter: Blair Myhand, Police Chief

ACTION: Adoption of Resolution #2019-35

Motion: Council Member Thompson

Second: Council Member Bunn

Vote: Unanimous

5 INTRODUCTIONS AND SPECIAL PRESENTATIONS

- a) Employee Introductions
Presenters: James Blalock - Utility Maintenance Supervisor, Dale Medlin - Electric Department Director and Robert Yarborough - Senior Building Inspector
- Stephen Norris - Water & Sewer Preventative Maintenance Crew Leader
 - Travis Rose - Electric Line Technician
 - Pedro Arruda - Building Code Officer

Mr. Blalock introduced Stephen Norris who was recently promoted as the Maintenance Crew Leader. Mr. Norris thanked council and staff for support. Mr. Medlin introduced Travis Rose as the new Electric Line Technician . Mr. Rose stated he was happy to be here and be able to follow in his dads footsteps. Mr. Cappola introduced Pedro Arruda as the new Building Inspector. Mr. Arruda stated he was happy to be here and happy part of the team. Council welcomed everyone to the team.

- b) Library Advisory Board Annual Update
Presenter: Stephanie Satkowiak, Library Advisory Board Chair

Ms. Satkowiak, who serves as chair of the Library Advisory Board, was present and provided an update. She shared information regarding the board members and meetings. She shared information about collaborations to include Friends of the Library, Teen Advisory Board, Parks and Recreation, Rotary, Woman's Club, Public Art Advisory, school partnerships, preschools, and the Center for Active Aging and more. She stated the board helps to provide feedback on collections and programming. She shared information about a recent project involving an 8th grade essay contest that was judged by the Teen Advisory Board. She shared information about grants received during the past year to include LSTA Planning Grant . She provided information about the focus groups, visiting sessions and information received from the library needs study . She shared concerns about space in current library with focus on safety. She shared the recommendations of the board which include a new library building to meet the needs of our community. She stated it was desired to keep the library in the heart of downtown with a building that reflected the history of our community while incorporating modern needs and best practices. Also shared was potential of partnerships

with private developers. Looking ahead the board would like additional board training, more interaction with Teen Advisory Board, addition of library staff presentations to board, goals, provide input for and complete request for proposal for this fiscal year, continue with leveraging resources and move library forward to serve needs of our growing community.

Council Member Thompson offered his thanks for the presentation and for the dedication of all the board members. Mayor McLeod offered his thanks to the entire board for their service.

6 PUBLIC HEARINGS

- a) 2019-144-ANX - Town of Clayton Regional Wastewater Pre-Treatment Facility
Presenter: Planning Department

ACTION: Continued to September 16, 2019

- b) Recreation Open Space - Amending Fees & Charges
Presenters: Scott Barnard - Parks & Recreation Directory

Mr. Barnard shared information regarding update of fees for Recreation Open Space. Also shared were possible proposed fees moving forward into January 2021.

This was noted as a public hearing and those wishing to speak were asked to step to the podium. Reid Smith offered thanks to staff and council for the effort and work that went into this item. He asked that fees be collected at time of recordation. Mr. Cappola stated currently fees are scheduled to be collected at time of plat.

No one else coming forward to speak, the hearing was closed and the item turned over to council for their deliberation.

ACTION: Adoption of Ordinance #2019-08-03

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

- c) 2019-110-SUP - Amelia Pointe (Quasi-Judicial)
Presenter: Planning Department

Attorney Ross shared information regarding process of a Quasi-Judicial hearing to include types of testimony to be considered. Additionally all those wishing to offer testimony must do so under oath. Oath of affirmation was issued to all by the Town Clerk.

Ms. Hogg stated that both 2019-110-SUP and 2019-145-SD would be presented together, however action on each item would need to be taken separately.

This project consists of 18 single-family townhomes and is on 1.88 acres that are currently vacant on the corner of Shotwell and Amelia Church Roads. The proposed subdivision would consist of the 18 units with access via Shotwell Road. A Traffic Impact Analysis was not required. It was stated that sidewalk would be provided along Amelia Church and Shotwell Road with the sidewalk along Shotwell connecting north to an existing greenway trail.

Shared were dimension standards and proposed setbacks. Also shared were architectural elevations which showed an exterior of gray and white with rear patio and a more modern look than other recent projects.

Project is consistent with Comprehensive Plan, Surrounding Land Uses and the applicant has addressed Findings of Fact for both the Special Use Permit and Subdivision.

If approved staff recommends conditions of approval be placed upon both applications as outlined in staff reports.

There were no questions for staff. Applicant, Nathan Evans was present. He shared details about the project and time spent on the upscale and modern design, which he stated was inspired by all the new growth in Clayton. He stated he was happy to address and questions. No questions for staff

David Pazlansky, attorney, was present and stated he has been in practice since 1992 was present for any questions.

Donnie Adams project engineer was present. He shared his credentials and stated he believed that all Findings of Fact had been met for both the Special Use Permit and Subdivision.

Council Member Bunn confirmed the applicant was in agreement with conditions as recommended by staff and Mr. Evans asked if applicant was okay with recommendations as made by staff. Mr. Evans stated he was in agreement with conditions as recommended by staff.

Council had a brief discussion regarding location of sidewalks.

With no one further wishing to speak, the item was turned over to council for discussion and deliberation. Council Member Satterfield stated he felt this was a great and unique project.

ACTION: Approval of 2019-110-SUP with Conditions as Listed in Staff Report

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

- d) 2019-145-SD - Amelia Pointe - Preliminary Plat (Quasi-Judicial)
Presenter: Planning Department

ACTION: Approval of 2019-145-SD with Conditions as Listed in Staff Report

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

7 OLD BUSINESS

8 NEW BUSINESS

- a) Budget Amendments
Presenter: Robert McKie, Finance Director

Mr. McKie shared information regarding budget amendments. He stated that amendments were for purchase of additional water and sewer capacity from Johnston County, provided startup funding for design services related to the new water reclamation facility as well as capital budget ordinances or the AMI and Neuse River Facility.

ACTION: Adoption of Ordinance # 2019-08-04
Adoption of Ordinance # 2019-08-05
Adoption of Ordinance # 2019-08-06
Adoption of Ordinance #2019-08-07
Adoption of Ordinance #2019-08-08

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

- b) Temporary Road Closure - Rosemary Street
Presenter: Rich Cappola, Public Works Director

Mr. Cappola stated the developer of Academy Pointe Subdivision requested to close Rosemary Street for approximately one year during the construction of the project. He stated all involved parties were in agreement that this was the best solution.

ACTION: Approve Temporary Closure of Rosemary Street

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

- c) Delegation Mini Brooks Act Exemption
Presenter: Rich Cappola, Public Works Director

Mr. Cappola presented and shared about the Mini Brooks Act which requires local governments to hire all architects, engineers, and surveyors based on

their qualifications. Price is considered only after the most qualified firm is selected. Section §143-64.32, allows units of local government to exempt in writing particular projects from the Act where the estimated professional fee is less than (\$50,000)

It was requested Town Council delegate the Town Manager or his/her Designee the Town Council's authority under NCGS §143-64.32 to exempt specific projects from the Mini-Brooks Acts on a project-by-project basis, where the estimated professional fee is less than Fifty Thousand Dollars (\$50,000). This would allow the town to save time and administrative effort when selecting firms for certain projects, as well as leverage existing contracts or project-specific knowledge that will increase efficiency and effectiveness.

ACTION: Adoption of Resolution #2019-36

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

ACTION: Authorize Town Manager to Grant Exemptions

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

d) Resolution Leadership Clayton High School

Mayor McLeod stated it was the desire of the council to issue a Resolution in support of Bennett Jones. Mayor McLeod read the Resolution.

ACTION: Adoption of Resolution #2019-37

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

9 STAFF REPORTS

a) Town Manager

Mr. Lindsay shared an update regarding the upset bid process of 220 East Main Street. He stated as of today, the current bid was slightly over \$89,000.

b) Town Attorney

c) Town Clerk

d) Other Staff

- Update - Police Department
Presenter: Blair Myhand, Police Chief

Chief Myhand shared an update regarding the Pack the Police Car event that was recently held. He stated it was a great turnout with school supply donations. He stated the donations would be delivered to local schools in the next couple of days. Chief Myhand stated an application for demonstration was received and approved. The protest is in support of Bennett Jones and will be held on Thursday, August 22, 2019. He stated organizers have stated it would be a peaceful event with possibly 1200 in attendance. Chief Myhand stated officers would be on hand to ensure safety for all.

10 OTHER BUSINESS

a) Informal Discussion & Public Comment

Reid Smith offered thanks for approval of temporary street closure of Rosemary Street. Offered thanks to staff for assistance in moving this item quickly. He shared his idea to request to rename the street. Mayor McLeod offered his thanks for the awareness and increased public safety and stated traffic has slowed down through the area.

b) Council Comments

11 CLOSED SESSION

a) Closed Session Pursuant to NCGS 143-318.11(a)(3) - Attorney/Client Privilege

ACTION: Motion to Go Into Closed Session

Motion: Council Member Satterfield

Second: Council Member Holder

Vote: Unanimous

12 ADJOURNMENT

a) Adjourn the Meeting

Council returned from Closed Session. With there being nothing further, the meeting was adjourned at 7:21 p.m.

ACTION: Motion to Adjourn

Motion: Council Member Holder

Second: Council Member Satterfield

Vote: Unanimous

Duly adopted this the 3rd day of September, 2019 while in regular session.

Jody L. McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk



TOWN OF CLAYTON
Engineering & Inspections
111 E. Second St., P.O. Box 879
Clayton, NC 27528
Phone: 919-553-5002
Fax: 919-553-1720

MEMORANDUM

To: Kimberly Moffett, Town Clerk

From: Chris Rowland, Construction Project Administrator 

Copy: Donnie Adams, Adams & Hodge Engineering
Karen Durham, Engineering & Inspection Coordinator

Date: August 16, 2019

Subject: Ashcroft Subdivision, Phase 2 Asphalt Pavement

Please place a warranty acceptance request for the subject infrastructure on the next available agenda. An inspection of the final lift has been performed and found to be acceptable. Following acceptance, the roadway section will be subject to a one-year warranty period. Following the warranty, a final inspection will be done and all deficient items corrected by the developer prior to final acceptance.



Town Council Agenda Cover Sheet

Meeting Date

September 3 2019

Agenda Location

Introductions & Special Presentations

Item Title

Clayton 101: Bus Tour and Talk of the Town

Presenter

Dana Wooten, Clayton Chamber of Commerce

Summary/Description

Clayton 101 is a bus tour of the newly-formed 8 districts of Clayton, NC highlighting each of their amenities (parks, trails, industry, retail, etc.).

Town districting resulted from the collaborative efforts of CCOC's Economic Development Committee and the Town of Clayton's Economic Development Department

As a response to Clayton's recent and projected growth, the Clayton 101 tour provides new and current residents with town history and community education. The tour also instills and fosters community pride by highlighting all the great things Clayton has to offer its residents.

Talk of the Town was added to the Clayton 101 concept to highlight the Downtown district.

The walking tour provides general **community education** and encourages residents to see all the **downtown retail, restaurants, night life, art & culture**, and other amenities Clayton has to offer.

A **new guidebook** called Clayton 101: Talk of the Town was added to CCOC's community app, *The Clayton Connection*, in order to facilitate the walking tour and to help provide revenue for CCOC through additional Clayton 101 sponsorship benefits. The app is heavily promoted during the bus tour as well.

Requested Action

Informational Only

Funding Source (If Applicable):

N/A

Cost: N/A Yes ☐ No ☒

Additional Documents to be Included in Agenda Packet

Power Point

Meeting Timeline

Click or tap here to enter text.



Town Council Agenda Cover Sheet

Meeting Date

September 3 2019

Agenda Location

Introductions & Special Presentations

Item Title

Clayton Rotary Park

Presenter

Marty Bizzell, Clayton Rotary

Summary/Description

For over nine decades the members of the Rotary Club of Clayton have given countless hours and tens of thousands of dollars to making the Town of Clayton a better community. However, there is nothing significant that signifies that Rotary is active as a service organization in the Town of Clayton.

The 150th Anniversary of the Town was a good incentive for the Rotary Club to make its name more prominent in the Town. With the generosity of Rotarian Josh Davis, who has provided a long term lease of the land, the Rotary Club of Clayton, with the financial assistance of the Rotary Club of Central Johnston, Rotary Club of Clayton Mid-Day, and Rotary District 7710, are establishing the Clayton Rotary Park at 1218 W Main St., Clayton.

The flowering plants and trees will bring pollinators to the area and provide a place of beauty and tranquility to the Town of Clayton.

Requested Action

Informational Only

Funding Source (If Applicable):

N/A

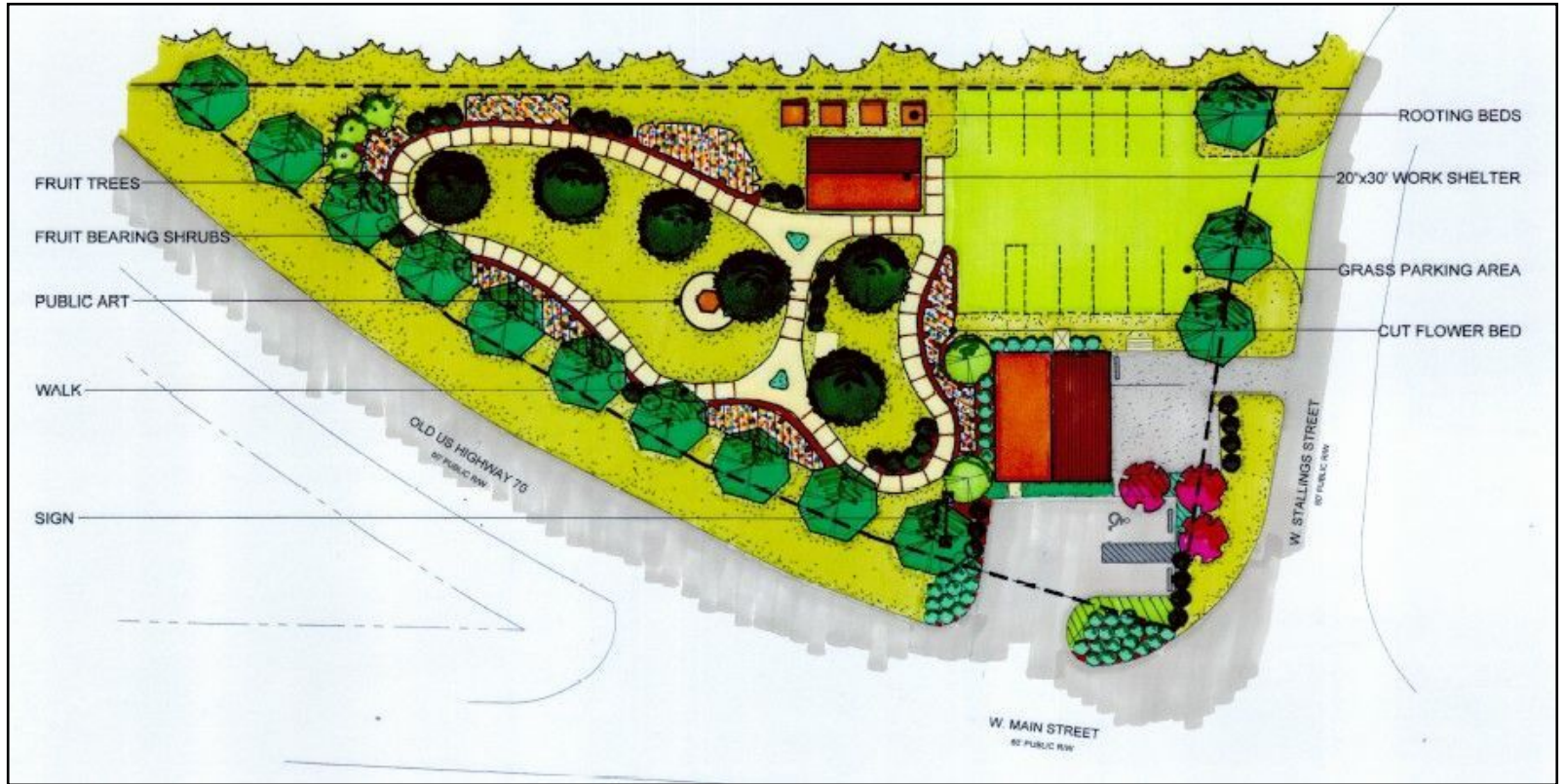
Cost: N/A Yes ☐ No ☒

Additional Documents to be Included in Agenda Packet

Also provided as **Clayton Rotary Park. jpg** is a landscape architects drawing of the proposed park.

Meeting Timeline

Click or tap here to enter text.



BOND ORDER AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE TOWN OF CLAYTON IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF \$18,000,000 FOR THE PURPOSE OF FINANCING, IN PART, THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF PARKS AND RECREATION FACILITIES IN THE TOWN

WHEREAS, the Town Council (the "Council") of the Town of Clayton (the "Town") has decided to pursue the issuance of general obligation bonds in the maximum aggregate principal amount of \$18,000,000 under the Local Government Bond Act (the "Act") to finance, in part, the acquisition, construction and equipping of parks and recreation facilities in the Town; and

WHEREAS, the Town has filed an application with the Local Government Commission of North Carolina for approval of such bonds as required by the Act;

BE IT ORDERED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON, NORTH CAROLINA:

1. It is hereby determined necessary and expedient for the Town to borrow money, and there is hereby authorized to be issued general obligation bonds of the Town for the purpose of providing money, to finance, in part, the acquisition, construction and equipping of parks and recreation facilities in the Town.

2. The bonds shall be in an aggregate principal amount not to exceed a maximum of \$18,000,000.

3. The bonds shall be general obligations of the Town for the payment of principal of and interest on which its full faith and credit shall be irrevocably pledged and taxes will be levied in an amount sufficient to pay the principal of and interest on the bonds.

4. A sworn statement of debt has been filed with the Clerk to the Town pursuant to G.S. §159-55 and is open to public inspection.

5. This Bond Order will take effect when approved by the voters of the Town pursuant to G.S. §159-61.

The foregoing order has been introduced and a sworn statement of debt has been filed under the Local Government Bond Act showing the appraised value of the Town to be \$1,951,740,682 and the net debt thereof, including the proposed bonds, to be \$32,714,557. The finance officer of the Town has filed a statement estimating that the total amount of interest that will be paid on the bonds over the expected term of the bonds, if issued, is \$8,728,125. The estimate is preliminary, is for general informational purposes only, and may differ from the actual interest paid on the bonds. The assumptions upon which the foregoing estimate is based are set forth in a statement of the finance officer that has been filed with the Clerk to the Town Council and is open to public inspection. There is no assurance that the circumstances included in such assumptions will occur; and the occurrence of certain of such assumptions is beyond the control of the Town. Differences between the actual circumstances at the time the bonds are issued from the assumptions included in the foregoing estimate could result in significant differences between the estimated interest and the actual interest on the bonds. A tax may be levied to pay the principal of and interest on the bonds if they are issued. Anyone who wishes to be heard on the questions of the validity of the bond order and the advisability of issuing the bonds may appear at a public hearing or an adjournment thereof to be held at 6:00 p.m. (or as soon thereafter as the hearing may be held) on September 3, 2019 at the Council Chambers located at 111 E. Second Street in the Town.

By: Kimberly Moffett, Clerk
Town of Clayton, North Carolina

BOND ORDER AUTHORIZING THE ISSUANCE OF GENERAL
OBLIGATION BONDS OF THE TOWN OF CLAYTON IN THE MAXIMUM
AGGREGATE PRINCIPAL AMOUNT OF \$18,000,000 FOR THE PURPOSE
OF FINANCING, IN PART, THE ACQUISITION, CONSTRUCTION AND
EQUIPPING OF PARKS AND RECREATION FACILITIES IN THE TOWN

WHEREAS, the Town Council (the "Council") of the Town of Clayton, North Carolina (the "Town") has decided to pursue the issuance of general obligation bonds in the maximum aggregate principal amount of \$18,000,000 under the Local Government Bond Act (the "Act") to finance, in part, the acquisition, construction and equipping of parks and recreation facilities in the Town (the "Bonds"); and

WHEREAS, the Council has filed an application with the Local Government Commission of North Carolina for approval of such Bonds as required by the Act;

BE IT ORDERED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON, NORTH CAROLINA:

1. It is hereby determined necessary and expedient for the Town to borrow money, and there are hereby authorized to be issued general obligation bonds of the Town for the purpose of providing money, to finance, in part, the acquisition, construction and equipping of parks and recreation facilities in the Town.

2. The bonds shall be in an aggregate principal amount not to exceed a maximum of \$18,000,000.

3. The bonds shall be general obligations of the Town for the payment of principal of and interest on which its full faith and credit shall be irrevocably pledged and taxes will be levied in an amount sufficient to pay the principal of and interest on the bonds.

4. A sworn statement of debt has been filed with the Clerk to the Town pursuant to G.S. §159-55 and is open to public inspection.

5. This Bond Order will take effect when approved by the voters of the Town pursuant to G.S. §159-61.

The foregoing order was adopted on September 3, 2019, and is hereby published this 11th day of September, 2019. Any action or proceeding questioning the validity of the order must be begun within 30 days after the date of publication of this notice. The finance officer of the Town has filed a statement estimating that the total amount of interest that will be paid on the Bonds over the expected term of the Bonds, if issued, is \$8,728,125. The estimate is preliminary, is for general informational purposes only, and may differ from the actual interest paid on the Bonds. The assumptions upon which the foregoing estimate is based are set forth in a statement of the finance officer that has been filed with the Clerk to the Council and is open to public inspection. There is no assurance that the circumstances included in such assumptions will occur; and the occurrence of certain of such assumptions is beyond the control of the Town. Differences between the actual circumstances at the time the bonds are issued from the assumptions included in the foregoing estimate could result in significant differences between the estimated interest and the actual interest on the bonds.

By: Kimberly Moffett, Clerk
Town of Clayton, North Carolina

TOWN COUNCIL
OF
TOWN OF CLAYTON, NORTH CAROLINA

Excerpt of Minutes
of Meeting of

September 3, 2019

Present: Mayor Jody McLeod presiding, and

Councilmember: _____

Absent: _____

* * * * *

Councilman _____ introduced the following resolution, the title of which was read:

RESOLUTION ADOPTING BOND ORDER AND CALLING
FOR REFERENDUM ON \$18,000,000 GENERAL
OBLIGATION PARKS AND RECREATION BONDS,
PROVIDING FOR NOTICE OF SUCH REFERENDUM, FORM
OF BALLOT AND PUBLICATION OF BOND ORDER AS
ADOPTED

WHEREAS, on July 15, 2019, the Town Council (the "Council") of the Town of Clayton, North Carolina (the "Town") introduced a bond order entitled "BOND ORDER AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE TOWN OF CLAYTON IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF \$18,000,000 FOR THE PURPOSE OF FINANCING, IN PART, THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF PARKS AND RECREATION FACILITIES IN THE TOWN" (the "Bond Order"), and called for a public hearing with respect to the Bond Order; and

WHEREAS, the Bond Order as introduced and notice of such public hearing was published in *The Johnstonian* on August 21, 2019, as required by N.C.G.S. §§ 159-56 and 159-57; and

WHEREAS, the Council on September 3, 2019 held a public hearing with respect to the Bond Order and now desires to adopt the Bond Order; and

WHEREAS, N.C.G.S. § 159-58 provides for publication of the Bond Order as adopted;

NOW, THEREFORE, the Council for the Town, meeting in regular session on September 3, 2019, does the following:

1. The Bond Order entitled “BOND ORDER AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE TOWN OF CLAYTON IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF \$18,000,000 FOR THE PURPOSE OF FINANCING, IN PART, THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF PARKS AND RECREATION FACILITIES IN THE TOWN” is hereby adopted.

2. The Town Council hereby calls for a referendum with respect to the Bond Order and fixes the date thereof as November 5, 2019.

Shall the order of the Town of Clayton authorizing \$18,000,000 general obligation bonds plus interest, for the purpose of financing, in part, the acquisition, construction and equipping of parks and recreation facilities in the Town, and providing that additional taxes may be levied in an amount sufficient to pay the principal of and interest on such bonds be approved?

4. The Clerk to the Town shall deliver a copy of this resolution to the Johnston County Board of Elections no later than September 6, 2019.

6. This resolution shall take effect immediately.

Councilmember _____ moved the passage of the foregoing resolution and Councilmember _____ seconded the motion, and the resolution was passed by the following vote:

Not Voting: _____

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I, Kimberly Moffett, Clerk for the Town of Clayton, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and complete copy of so much of the proceedings of the Town Council for the Town at a regular meeting duly called and held September 3, 2019, as it relates in any way to the resolution hereinabove referenced and that such proceedings are recorded in Minute Book _____ of the minutes of the Council. Pursuant to G.S. § 143-318.12, a current copy of a schedule of regular meetings of the Town Council for the Town is on file in my office.

WITNESS my hand and the common seal of the Town, this ____ day of September, 2019.

Clerk, Town of Clayton, North Carolina

(SEAL)



Town Council Agenda Cover Sheet

Meeting Date

September 3 2019

Agenda Location

New Business

Item Title

Johnston County Utilities Bulk Wastewater Inter-local Agreement

Presenter

James Warren - Wastewater Treatment Plant Superintendent

Summary/Description

The Town currently owns 1.34 Million Gallons per day (GPD) of capacity within the Johnston County Utilities (JCU) wastewater treatment system. The Town-system flow that is sent to JCU includes wastewater from the East Clayton Industrial Area (ECIA), which will include the future Wastewater Pre-Treatment Facility (WwPTF) currently under construction. This agreement allows flow from the WwPTF to be sent to JCU once it is accepted by the Town.

Requested Action

Approval

Funding Source (If Applicable):

N/A

Cost: N/A Yes ☐ No ☒

Additional Documents to be Included in Agenda Packet

-Agreement

Meeting Timeline

STATE OF NORTH CAROLINA

JOHNSTON COUNTY

**BULK WASTEWATER AGREEMENT
BETWEEN JOHNSTON COUNTY AND TOWN OF CLAYTON**

THIS AGREEMENT is made and entered into this the ____ day of _____, 2019, by and between the Town of Clayton, North Carolina, a municipal corporation, organized and existing under the laws of the State of North Carolina (hereinafter referred to as “Town”) and Johnston County, a body politic organized and existing under the laws of the State of North Carolina (hereinafter referred to as “Johnston County” or “County”).

WITNESSETH

WHEREAS, under Article 20 of Chapter 160A of the North Carolina General Statutes, as amended (the “Interlocal Act”), municipalities and counties are authorized to enter into Interlocal cooperation undertakings with other local governments for the joint exercise of any power, function, public enterprise, right, privilege, or immunity of local governments in North Carolina;

WHEREAS, the Town and County entered into an Interlocal Agreement dated August 2, 1993 (the “1993 Interlocal Agreement”) for the purposes of allowing for the transfer of wastewater between the Town and County;

WHEREAS, the Town and County also entered into a Memorandum of Understanding augmenting the 1993 Interlocal Agreement on March 20, 2008;

WHEREAS, the Town and County also entered an Interlocal Agreement dated September 30, 2014 (the “2014 Interlocal Agreement”);

WHEREAS, the Town currently holds the right to 1.40 MGD of capacity as part of the County’s wastewater transmission system and at the County’s wastewater treatment plant;

WHEREAS, the Town is making improvements to discharge wastewater effluent from a newly constructed Wastewater Pre-treatment Facility (the “WWPTF”) into the County’s wastewater collection system for treatment at the County’s existing Central Johnston County Regional Wastewater Treatment Facility (the “CJCRWWTF”) and/or the County’s proposed future NC 210 Wastewater Treatment Plant (the “210 WWTP”);

WHEREAS, the Town and County desire to set forth their agreement for such services herein.

NOW, THEREFORE, in consideration of the mutual covenants, conditions and terms contained herein, as well as other mutual consideration that both the Town and County agree is sufficient, the parties hereto, intending to be legally bound hereby, agree as follows:

ARTICLE I

PURPOSE

The Purpose of this agreement is to set forth the terms and conditions of agreement between the Town and the County regarding the County’s wastewater collection and treatment services to be provided to the Town for wastewater flow from the WWPTF and the fees for these services. Pursuant to this purpose, the County and the Town hereby agree that the County shall accept and treat wastewater flow discharged by the WWPTF according to the terms and conditions of this Agreement.

ARTICLE II

MEASURING, SAMPLING AND LIMITS OF FLOW

A. The Town hereby acknowledges and agrees that the County has performed an appropriate and acceptable headworks analysis and agrees that the Town shall:

1. maintain a sampling station and flow measuring facility adjacent to the WWPTF effluent pump station within a utility easement located on Town of Clayton property (as identified in Exhibit A).
2. have the flow measuring facility calibrated annually, by a third party, at the Town's expense.
3. allow the County unlimited access with reasonable advance notice to the sampling station and to the flow measuring facility.
4. perform initial sampling for compliance with regulated industrial discharge standards from the NC Department of Environmental Quality and the US Environmental Protection Agency and issue an Industrial User Permit (IUP) to any user of the WWPTF in compliance with such standards.
5. perform sampling and flow measurements for compliance with the County limits for wastewater from the WWPTF listed in Table 1 herein, and for process control. Sampling results and flow measurements shall be provided to the County. Sufficient portions of each sample will be provided to the County, if requested.

B. The County hereby agrees that it shall:

1. be responsible for any supplementary analyses beyond or in lieu of the analysis required herein to be performed by the Town.
2. maintain a flow measuring facility located on the existing 12" force main, which receives flow from the WWPTF pump station (as identified in Exhibit B).

3. have the flow measuring facility calibrated annually, by a third party, at the County's expense.
 4. allow the Town unlimited access with reasonable advance notice to the flow measuring facility
- C. Limits for wastewater quality are as identified in Table 1 below.

Table 1. – Limits for Wastewater from the Pre-treatment Plant

Parameter	Local Limit (mg/L)
Biochemical Oxygen Demand (BOD)*	250
Chemical Oxygen Demand (COD)*	500
Total Suspended Solids (TSS)*	250
Total Dissolved Solids (TDS)*	2,100
Total Nitrogen (TN)*	20
Ammonia*	25
Total Phosphorus (TP)*	8
Arsenic**	N/A
Cadmium**	N/A
Copper**	N/A
Cyanide**	N/A
Lead**	N/A
Mercury**	N/A
Nickel**	N/A
Silver**	N/A
Chromium (total)**	N/A
Zinc**	N/A

*Compliance with limits shall be on a weekly average basis, with a minimum of three samples per week.

**Monitoring shall be conducted quarterly for the first 12 months. The County will re-evaluate potential limits if any sample exceeds the County's "Sewer Use Ordinance" limits in the first 12 months.

D. Wastewater flow from the WWPTF shall be limited to a weekly average daily amount of 500,000 gallons and a peak daily amount of 750,000 gallons. Wastewater discharged from the Town into the County's collection system at the East Clayton Industrial Area (combined flow, including Grifols effluent and the WWPTF effluent) shall be at a maximum hour rate of 1,800 gallons per minute.

ARTICLE III SERVICE CHARGES

A. The County shall assess charges to the Town at the bulk rate approved by the Johnston County Board of Commissioners and published as part of the "Johnston County Water and Sewer Policies," as it may change from time to time. The flow from the WWPTF shall be included in calculating the 1.40 gpd of capacity limit the Town currently holds for flow in the County transmission system and treatment plant.

B. The County will invoice the Town monthly for the commodity charges associated with flow received from the WWPTF. The Town shall pay the County the invoice amount within 30 days from the date the Town receives the invoice. Bulk user commodity charges shall be reviewed annually by the County and adjusted to a new bulk rate, if necessary, by the Board of Commissioners.

C. Flow received from the WWPTF shall be determined based on flow measured at the County's flow metering facility (see Exhibit B) minus flow received from the existing Grifols wastewater pump station facility.

D. The provisions of this Agreement shall replace and/or control over any inconsistent provisions of other agreements between the Town and County regarding treatment charges applicable to wastewater flow from the Town to the County and any such inconsistent

provisions are hereby amended or nullified; provided however that the remainder of such agreements not inconsistent with the provisions of this Agreement shall remain in full force and effect.

E. It is the intent of the Town to send all wastewater effluent from the WWPTF to the County, up to an average of 500,000 gallons per day; provided however that The Town shall have the right to divert part or all of the flow to the Town system for treatment upon providing to the County 18 months advance written notice as provided herein. In the event the Town diverts part of its flow, this Agreement shall remain in effect. In the event the Town diverts all its flow, this Agreement shall be terminated.

ARTICLE IV MAINTENANCE OF FACILITIES

The Town agrees to operate and maintain the sampling station (located as identified in Exhibit A), flow measuring station (located as identified in Exhibit A) and the WWPTF effluent wastewater pump station that discharges into the County's collection system according to prevailing engineering and regulatory standards.

The County agrees to operate and maintain the existing flow meter located on the existing 12" force main (as identified on Exhibit B), which will receive flow from the WWPTF effluent pump station.

ARTICLE V MISCELLANEOUS

A. **Regulations.** Both Town's and County's obligations hereunder shall be subject to such restrictions, limitations and prohibitions, as may be applicable, as a result of contracts or agreements with or lawful rules and regulations promulgated by, any State or Federal

Department or Agency having jurisdiction over the Town or County, and their operation of their respective waste water systems.

B. **Limitation of Liability and No Third Party Rights.** This Agreement does not and is not intended to confer any rights or remedies upon any person other than the signatories, and no party hereto shall be liable under this Agreement to any third party. Neither party shall be liable for failures of the facilities of the other party that are subject to this Agreement.

C. **Force Majeure.** It shall not be considered a breach of this contract and neither the Town nor the County shall not be responsible for an inability to perform or any delays, damages, costs, expenses, liabilities or other consequences that may arise as a result of force majeure. A “force majeure” is defined as any event arising from causes beyond the reasonable control of the Town or County, including but not limited to fire, flood, acts of God, terrorism, war, natural disaster, tornado, hurricane, civil strikes or labor disputes, riots, system failure, broken pipes, or other actions causing an inability to perform beyond the reasonable control of the Town or County. A failure to perform due to a force majeure shall be remedied with all possible dispatch but shall not constitute a breach so long as such remedy is diligently being pursued.

D. **Amendment.** This Agreement may be amended through a supplementary agreement approved in writing by the Town and the County.

E. **Severability.** If any section of this Agreement is deemed to be illegal or otherwise unenforceable, it is the intent of the parties hereto that all other provisions of this Agreement shall remain in full force and effect.

F. **Transfer or Assignment.** Neither the Town nor the County may assign its rights or obligations under this Agreement, or sub-contract any part of this Agreement, without prior written approval from the other party.

G. **Mediation.** Any claim, dispute or other matter in question arising out of or related to this Agreement shall be subject to mediation as a condition precedent to the institution of legal or equitable proceedings by either party. The Parties agree that the mediation will be conducted and governed by the North Carolina Rules Implementing Statewide Mediated Settlement Conferences in Superior Court Civil Actions, and N.G.G.S. Sect. 7A-38.1(c) except as specifically provided otherwise herein. The parties shall share the mediator's fee and any filing fees equally. The mediation shall be held in Johnston County, unless another location is mutually agreed upon. Agreements reached in mediation shall be enforceable as settlement agreements in any court having jurisdiction thereof.

H. **Governing Law.** This Agreement is to be governed by and interpreted in accordance with the laws of the State of North Carolina.

I. **Successors and Assigns.** This Agreement shall be binding upon and shall inure to the benefit of the Parties and the successors and assigns of each.

J. **Counterparts.** This Agreement may be executed in any number of counterparts, each of which shall constitute an original, and all such counterparts shall together constitute one instrument.

K. **Term of Agreement.** The term of this Agreement shall be for a term of twenty (20) years, and thereafter may be renewed or extended for up to two additional terms of ten (10) years each by mutual agreement of the Town and County; provided however that this Agreement may be terminated by the Town as provided in Paragraph III.D herein.

L. **Notices.** All notices or other communications which shall be made pursuant hereto shall be in writing and shall be deemed to be given and received (a) when hand delivered to the address stated below, (b) three (3) days after being mailed to the address stated below, postage prepaid by certified or registered mail of the United States, return receipt requested to the address set forth below:

TO: Town of Clayton

Attn: Town Manager
PO Box 879
Clayton, NC 27520

TO: Johnston County

Attn: County Manager
PO Box 1049
Smithfield, NC 27577

Either party to this Agreement may change its designated person or designated address at any time and from time to time by giving notice of such change to the other.

IN WITNESS WHEREOF, the Mayor of the Town and the Chairman of the Board of Commissioners of the County have each executed this Interlocal Agreement to evidence the agreement of the parties hereto and the Town Clerk and the Clerk to the Board of Commissioners have affixed the seal of the Town and the County, as applicable to this Interlocal Agreement.

[Signatures on Next Page]

TOWN OF CLAYTON, NORTH CAROLINA

[SEAL]

BY: _____
Jody McLeod, Mayor

ATTEST:

Kimberly Moffett
Town Clerk

COUNTY OF JOHNSTON, NORTH CAROLINA

BY: _____
Ted G. Godwin, Chairman

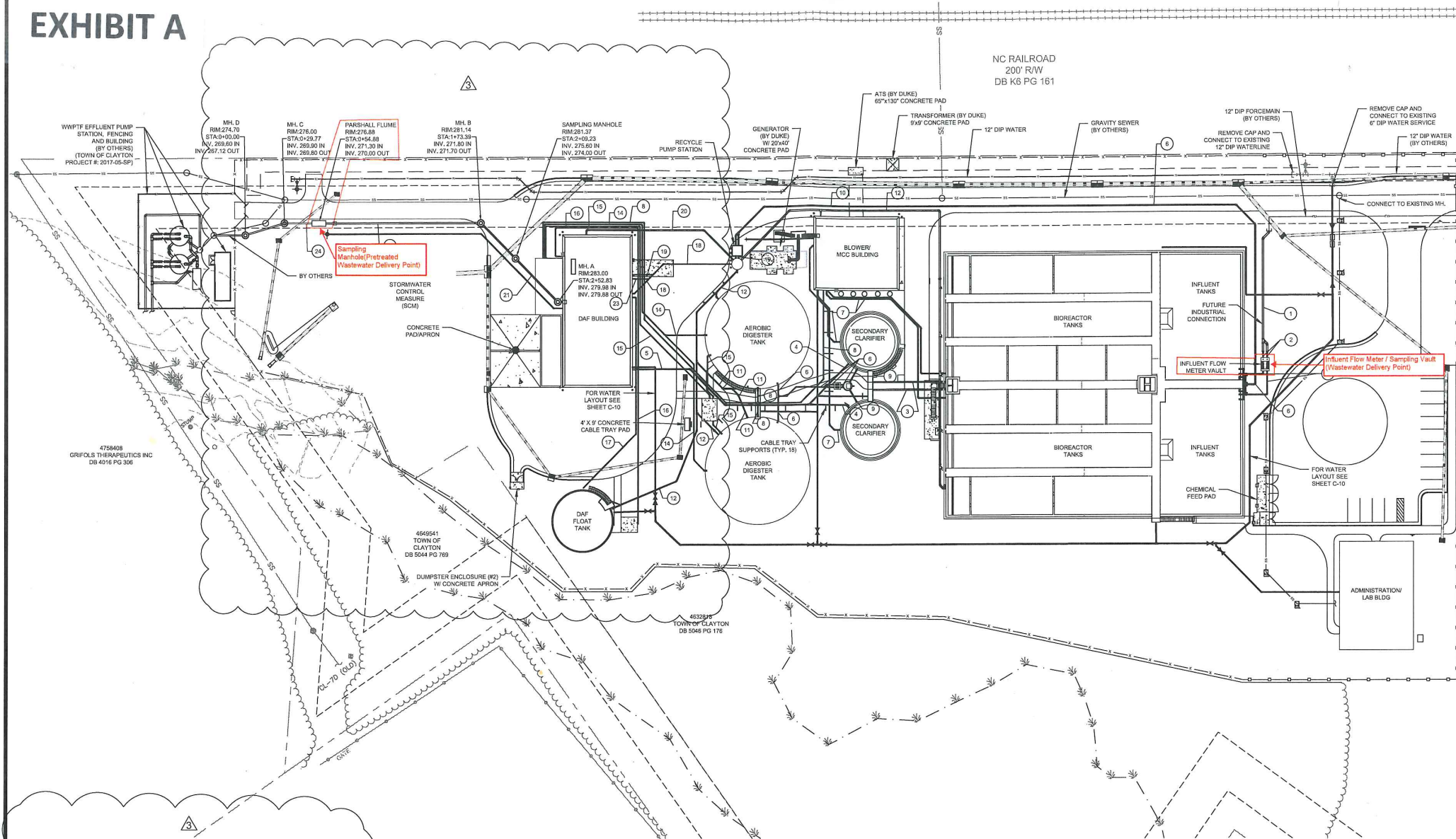
[SEAL]

ATTEST:

Paula G. Woodard
Clerk to the Board

[Signature page to Bulk Wastewater Agreement Between Johnston County and Town of Clayton]

EXHIBIT A



Proposed Inter Unit Piping Plan			
Designation	Size (in)	Material	Description
1	12	DIP	E Q TANK INFLUENT
2	6	DIP	E Q TANK INFLUENT
3	8	DIP	SECONDARY CLARIFIER INFLUENT
4	6	DIP	SECONDARY CLARIFIER EFFLUENT
5	8	DIP	SECONDARY CLARIFIER EFFLUENT
6	4	DIP	SCUM
7	6	DIP	RETURN ACTIVATED SLUDGE
8	4	DIP	WASTE ACTIVATED SLUDGE
9	6	DIP	SCUM
10	8	DIP	RECYCLE PUMP STATION FORCEMAIN
11	6	DIP	SUPERNATANT
12	10	DIP	PLANT DRAIN
13			OPEN
14	4	DIP	AEORIBIC DIGESTER INFLUENT
15	4	DIP	DIGESTED SLUDGE
16	4	DIP	DAF FLOAT SLUDGE
17	4	DIP	DAF FLOAT TANK INFLUENT
18	4	DIP	THICKENER FILTRATE DRAIN
19	4	DIP	THICKENER BYPASS/SLUDGE CONDITIONING TANK DRAIN
20	8	DIP	CENTRIFUGE DRAIN
21	8	DIP	PLANT EFFLUENT
22	10	DIP	PLANT EFFLUENT
23	4	PVC	PLUMBING WASTE
24	10	C-900 PVC	PARSHALL FLUME EFFLUENT

UPDATES/REVISIONS INCLUDE:

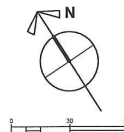
1. REVISED WWPTF EFFLUENT AND ADDED PARSHALL FLUME.
2. ROUTED ALL PIPING TO NEW TANK AND BUILDING LOCATIONS.

GENERAL NOTES:

1. ALL PROCESS PIPING TO BE CONCRETE LINED

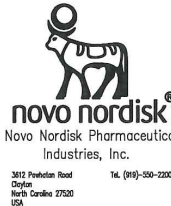
SHEET LEGEND:

	CABLE TRAY SUPPORT
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copyright © 20

3	12/7/18	(ASI-09)	JV	TC
2	08/17/18	UTILITY/CABLE TRAY (ASI-03)	JV	TC
1	07/30/18	PIPE SIZES & DESCRIPTIONS	JV	TC
0	07/16/18	IFC	JV	TC
NO.	DATE	REVISION DESCRIPTION	BY	CHK



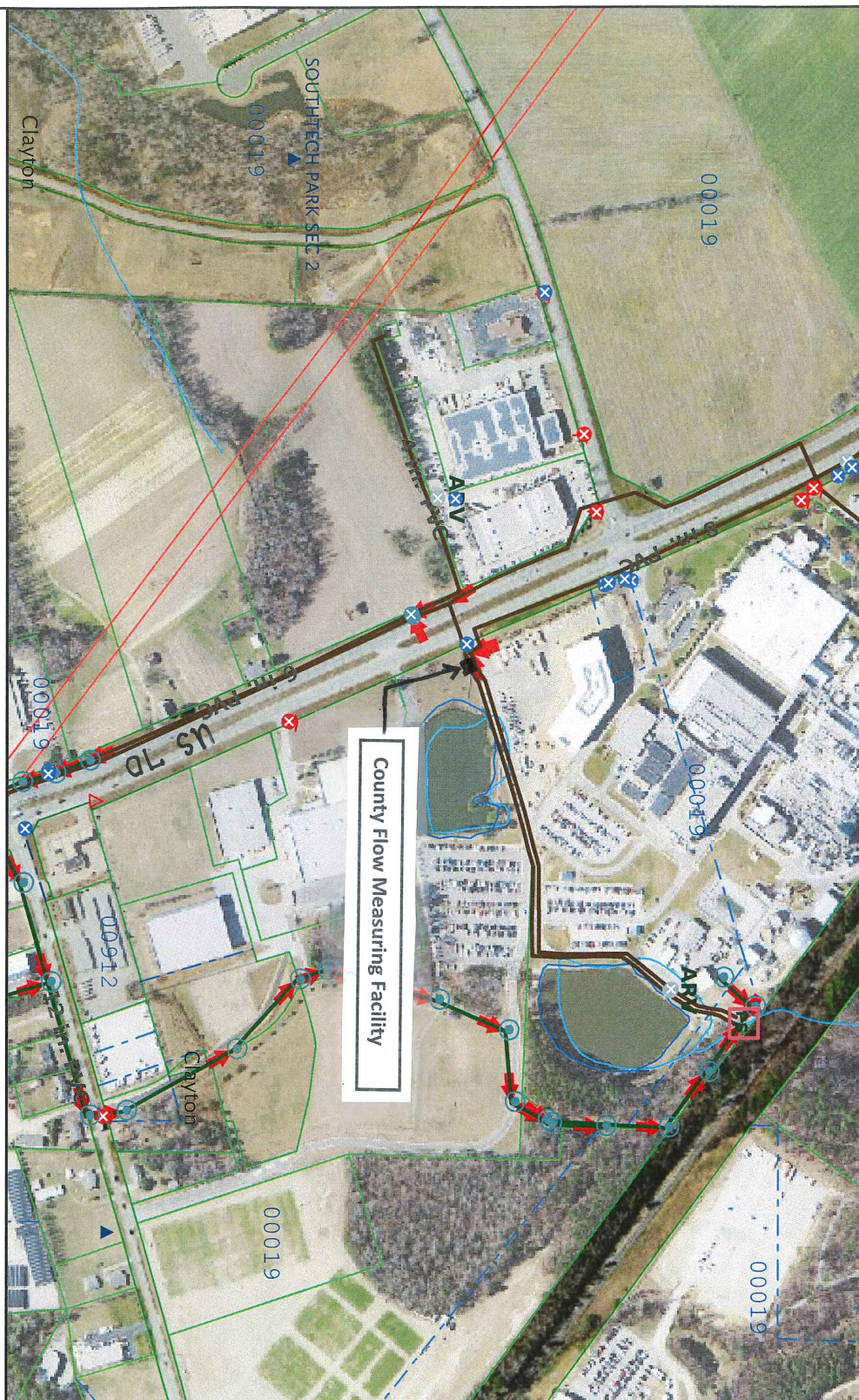
INTER-UNIT
PIPING
PLAN

REGIONAL WWPTF
CLAYTON, NC

SEAL Documented by:  67299 GC 1634 D8 12/7/2016	SEAL
PROJECT MANAGER DCB	DEPARTMENT MANAGER XXX
LEAD DESIGN PROF. TKG	CHECKED XXX
DRAWN JFV	DATE 07/16/2018
DESIGN DRAWING NUMBER C-07	PROJECT NUMBER 63602
INPJF Drawing Number	

EXHIBIT B

*** DISCLAIMER ***
Johnston County assumes no legal responsibility for the information represented here.



Scale: 1:5199 - 1 in. = 433.24 feet

(The scale is only accurate when printed landscape on a 8 1/2 x 11 size sheet with no page scaling.)

Johnston County GIS
August 22, 2019



Town Council Agenda Cover Sheet

Meeting Date

September 3 2019

Agenda Location

New Business

Item Title

New Wastewater Reclamation Facility (WRF) Consultant Selection/Introduction Update

Presenter

Rich Cappola, PE – Director of Public Services

Summary/Description

Town staff has completed the Request for Qualifications (RFQ) process seeking professional engineering services for the new Wastewater Reclamation Facility. Firms/Teams were required to submit a written proposal for services based on the qualifications as required by North Carolina General Statutes. Staff then interviewed four firms/teams utilizing representatives from Town Administration, Public Services, Water Resources, Engineering, Finance, and Economic Development. Based on the group's evaluation of the qualifications and responses to questions, Staff has selected the team led by Jacobs Engineering, with Withers & Ravenel as a partner, as the most qualified firm/team to complete the design, permitting, and construction administration of the project. This is an opportunity for staff to introduce the Key team members they will be hearing from over the next 3-years while staff and the Jacobs/WR team finalize scope and fee negotiations.

Requested Action

Informational Only

Funding Source (If Applicable):

N/A

Cost: N/A Yes ☐ No ☒

Additional Documents to be Included in Agenda Packet**Meeting Timeline**