

Jody L. McLeod  
**MAYOR**

Bruce Thompson  
**TOWN ATTORNEY**

Steve Biggs  
**TOWN MANAGER**



Bob Satterfield  
R.S. "Butch" Lawter, Jr.  
Art Holder  
Jason Thompson  
**COUNCIL MEMBERS**

Michael Grannis  
**MAYOR PRO TEM**

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## **TOWN COUNCIL MEETING**

**MAY 05, 2014**

### **AGENDA**

#### **MAYOR AND TOWN COUNCIL**

**MAYOR JODY L. MCLEOD  
MAYOR PRO TEM MICHAEL GRANNIS  
COUNCILMAN BOB SATTERFIELD**

**COUNCILMAN ART HOLDER  
COUNCILMAN R.S. "BUTCH" LAWTER, JR.  
COUNCILMAN JASON THOMPSON**

#### **TOWN STAFF**

**STEVE BIGGS, TOWN MANAGER  
SHERRY L. SCGGINS, TOWN CLERK  
BRUCE THOMPSON II, TOWN ATTORNEY**

**AGENDA**  
**THE REGULAR MEETING OF THE CLAYTON TOWN COUNCIL**

**MONDAY, MAY 05, 2014**  
**6:30 PM**

**THE CLAYTON CENTER**  
**COUNCIL CHAMBERS**

1. **CALL TO ORDER**  
Pledge of Allegiance & Invocation – Mayor Jody L. McLeod
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 from the April 21, 2014, work session meeting.
  - b. Community event requests for the following:
    - HeartChase 2014 slated for Saturday, May 17, 2014
    - Clayton Harvest & Music Festival slated for September 17-21, 2014
  - c. Proclamation: May 2014 as “Older Americans Month.”
  - d. Proclamation: May 4-10, 2014, as “Municipal Clerks Week.”
  - e. Warranty acceptance for the following:
    - Asphalt pavement installed in Mitchiner Hills Subdivision, Phase 2;
    - Public water, sewer, & associated storm drainage utilities for RWAC, Phases 2D & 2F (Ravens Ridge);
    - Public water utility for Riverwood Ranch Boulevard Extension; and
    - Public water, sewer, & associated storm drainage utilities for RWAC, Phases 6D-1 (Alpine Valley)
  - f. Ordinance enacting and adopting a supplement to the Code of Ordinances for the Town of Clayton.
4. **INTRODUCTIONS AND SPECIAL PRESENTATIONS**
5. **PUBLIC HEARINGS**
6. **OLD BUSINESS**
  - a. Proposal to revise the Façade Grant.
  - b. Status report on Town of Clayton Greenway projects.

7. **NEW BUSINESS**
  - a. Resolution – Providing for the Issuance of a \$650,000 Electric System Revenue Bond, Series 2014.
  - b. Discussion of FY 14-15 insurance renewal and selection of plan.
  
8. **STAFF REPORTS**
  - a. Town Manager
  - b. Town Attorney
  - c. Town Clerk
    - Calendar of Events
  - d. Other Staff
  
9. **OTHER BUSINESS**
  - a. Informal Discussion & Public Comment.
  - b. Council Comments.
  
10. **ADJOURNMENT**

**TOWN OF CLAYTON  
TOWN COUNCIL  
AGENDA COVER SHEET**

**Agenda Item: 3a**

**Meeting Date: 5/05/14**

**TITLE: DRAFT MINUTES FROM THE APRIL 21, 2014, WORK SESSION MEETING.**

**DESCRIPTION: Attached.**

**RELATED GOAL: Legislative**

**ITEM SUMMARY:**

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
05-05-14	Approval.	DRAFT minutes from the 4/21/2014 meeting.

**MINUTES  
CLAYTON TOWN COUNCIL  
APRIL 21, 2014**

The second regular meeting of the Clayton Town Council for the month of April was held on Monday, April 21, 2014, at 6:30 PM at Town Hall, 111 East Second Street.

**PRESENT:** Mayor Pro Tem Michael Grannis, Councilman Bob Satterfield, Councilman R. S. "Butch" Lawter Jr., and Councilman Art Holder.

**ABSENT:** Mayor Jody L. McLeod and Councilman Jason Thompson

**ALSO PRESENT:** Steve Biggs, Town Manager; Katherine Ross, Town Attorney; Sherry Scoggins, Town Clerk; Bruce Naegelen, Downtown Development Coordinator; Emily Beddingfield, Planner; Tim Simpson, Public Works & Utilities Director; Stacy Beard, Public Information Officer; Tommy Roy, Information Services Technician

**ITEM 1. CALL TO ORDER**

Mayor Pro Tem Michael Grannis called the meeting to order at 6:33 PM. Mayor Pro Tem Michael Grannis gave the invocation.

**ITEM 2. ADJUSTMENT OF THE AGENDA**

The following Adjustments of the Agenda were requested:

- Table Item 4a
- Add as Item 5d, Presentation of Ordinance Enacting and Adopting a Supplement to the Code of Ordinances for the Town of Clayton

It was the consensus of the Town Council to proceed with the agenda as adjusted.

**ITEM 3. ACTION AGENDA**

Councilman Art Holder motioned to approve the action agenda as presented; Councilman Butch Lawter seconded the motion. The motion carried 4-0 with the following action agenda items approved at 6:35 PM:

- Item 3a. Draft minutes from the April 7, 2014, regular meeting; and April 7, 2014, closed session meeting.

**ITEM 4. INTRODUCTIONS & SPECIAL PRESENTATIONS**

Item 4a. Introduction of new Town of Clayton employee(s).

This item was tabled.

Item 4b. Recognition of Premier Athletics.

Mayor Pro Tem Michael Grannis read the following proclamation into the record:

**TOWN OF CLAYTON  
RECOGNITION OF PREMIER ATHLETICS**

**WHEREAS**, Premier Athletics began as a class project concept for two MBA program students at the University of Tennessee in the early 1990's; and

**WHEREAS**, the first "Premier Cheerleading" gym opened in Knoxville, Tennessee in 1994; and

**WHEREAS**, Premier Athletics expanded its operations and opened a gym in Clayton, North Carolina in June 2001; and

**WHEREAS**, from the humble beginnings of its first season of a few class students and three all star teams, Clayton Premier Athletics is celebrating its 13<sup>th</sup> season with 28 teams in both Cheer and Dance; and

**WHEREAS**, growth necessitated a second location in Clayton and in 2012 the Little Explorers Program for pre-school aged participants to learn tumbling and gymnastics opened; and

**WHEREAS**, Clayton Premier Athletics sent its first cheer team to Cheerleading Worlds in 2008 and its first dance team to Dance Worlds in 2010; and

**WHEREAS**, over 200 national titles have been won; and.

**WHEREAS**, April 25-28, 2014, five dance teams will participate in the Dance Worlds, and May 2-5, 2014, one cheer team will participate in the Cheer Summit.

**NOW THEREFORE**, the Honorable Mayor and Town Council of the Town of Clayton recognize the dedication and commitment of Premier Athletics in its mission of teaching self confidence, promoting athletes to do their best, and encouraging athletes to have fun and applaud the efforts and accomplishments of the athletic participants.

**FURTHERMORE**, the Honorable Mayor and Town Council of the Town of Clayton wish the athletes the best while participating in Dance Worlds and Cheer Summit.

Duly proclaimed this 21<sup>st</sup> of April 2014, while in regular session.

Mayor Pro Tem Michael Grannis presented the proclamation to Ms. Stacy Rowe and Ms. Carly Byman of Premier Athletics.

Item 4c. Presentation by the Public Art Advisory Board on the Downtown Sculpture Trail.

Public Art Advisory Board Chairman Jason Hardy stated this is the second year for the Downtown Sculpture Trail. He stated a selection committee assisted with this year's pieces and the members of the selection committee were: Liz McLaurin, Suzette Rodriguez, Ramona Cash, David Ford, Sara Perricone, and LoriAnn Stretch. He stated there were 22 submissions by 13 artists this year. He provided a PowerPoint presentation of the pieces and the placement of each; herewith attached and incorporated into the record.

Based on question by Council, Chairman Hardy stated the transition of pieces has begun. He added there will be an unveiling and presentation of the pieces during the MillStock Music and Arts Festival.

Based on question by Council, Chairman Hardy stated the piece slated for the Front Street roundabout will be installed when the construction equipment is removed, possibly the end of June.

Mayor Pro Tem Michael Grannis polled the Council as to whether the piece slated for the Town Hall with the anatomical features would be a problem. None of the Council members present expressed a concern.

Item 4d. Presentation of FY 14-15 work plan for the Downtown Development Association.

Downtown Development Association (DDA) Chairman Richard Rairigh stated his appreciation to the members of the DDA and the Main Street Conference staff. He stated the mission of the DDA is to be the lead advocate for Downtown Clayton. He stated the Town of Clayton received the designation as a Main Street Community in 2006. He stated the Town of Clayton hosted the Main Street Conference in 2012. He stated the DDA has four committees: Organization, Promotion, Design, and Economic Restructuring. He provided a PowerPoint presentation giving an overview of the work plan for FY 14-15 include goals, objectives, and strategies for the DDA; herewith attached and incorporated into the record.

Mayor Pro Tem Michael Grannis stated his thanks to the DDA.

Item 4e. Presentation of the following community event requests:

- HeartChase 2014 slated for Saturday, May 17, 2014
- Clayton Harvest & Music Festival slated for September 17-21, 2014

Downtown Development Coordinator Bruce Naegelen provided a PowerPoint presentation of the HeartChase request slated for Saturday, May 17, 2014; herewith attached and incorporated into the record. He stated the following are requested for this event:

- Temporary closure of Fayetteville Street between Main and Second Streets from 5 AM to 2 PM
- Temporary closure of Town Square parking lot from 5 AM to 2 PM

Based on question by Council, Downtown Development Coordinator Bruce Naegelen stated the activities are slated for the sidewalk and not in the street. He stated there will be volunteers to watch for traffic for those who are participating in the run.

It was the consensus of the Council to place this item on the consent agenda.

Downtown Development Coordinator Bruce Naegelen provided a PowerPoint presentation of the Clayton Harvest & Music Festival request slated for September 14 – 22, 2014; herewith attached and incorporated into the record. He stated the following are requested for this event:

- September 14-22, 2014
  - Closure of **Horne Square & parking lot** *all day and night*
- September 16, 17, 2014
  - Closure of **Town Square Parking Lot** *5:00 am – 11:00 pm*
- September 19-21, 2014
  - Closure of **Town Square Parking Lot** *from 5:00 am on 9/19 to 6:00 pm on 9/21*
- September 19-21, 2014
  - Closure of **Fayetteville Street from Main to Second** *from 5:00 am on 9/19 to 6:00 pm on 9/21/14*
- September 20, 2014
  - Closure of **Main Street from O'Neil St to Second St** *5:00 am – 6:00 pm*
  - Closure of **Lombard Street from Main to Second Street** *5:00 am – 6:00 pm*

It was the consensus of the Council to place this item on the consent agenda.

Item 4f. Presentation of revision to the Façade Grant.

Town Manager Steve Biggs stated the request is to table this item to the next Council meeting. He stated the Town received a request to revise the percentage used for the façade grant match because the program has not been successful this fiscal year. He stated this will allow time to gather information on the impact of the changes to the program.

Based on question from Council, Town Manager Steve Biggs stated the maximum amount of the match per project is \$5,000.

Based on question from Council, Downtown Development Coordinator Bruce Naegelen stated a couple of years ago the maximum match per project was increased to \$6,250.

**ITEM 5. ITEMS SCHEDULED FOR THE REGULAR MEETING AGENDA**

Item 5a. Presentation of proclamation: May 2014 as “Older Americans Month.”

It was the consensus of the Council to place this item on the consent agenda.

Item 5b. Presentation of proclamation: May 4-10, 2014, as “Municipal Clerks Week.”

It was the consensus of the Council to place this item on the consent agenda.

Item 5c. Presentation of warranty acceptance for the following:

- Asphalt pavement installed in Mitchiner Hills Subdivision, Phase 2;
- Public water, sewer, & associated storm drainage utilities for RWAC, Phases 2D & 2F (Ravens Ridge);
- Public water utility for Riverwood Ranch Boulevard Extension;
- Public water, sewer, & associated storm drainage utilities for RWAC, Phases 6D-1 (Alpine Valley)

It was the consensus of the Council to place this item on the consent agenda.

Item 5d. Presentation of ordinance enacting and adopting a supplement to the Code of Ordinances for the Town of Clayton.

It was the consensus of the Council to place this item on the consent agenda.

**ITEM 6. ITEMS CONTINGENT FOR THE REGULAR MEETING**

No items contingent for the regular meeting were presented to the Council.

**ITEM 7. ITEMS FOR DISCUSSION**

No items for discussion were presented to the Council.

**ITEM 8. OLD BUSINESS**

Item 8a. Status of items for the inspections department:

- Restoration of position
- Amending the fees

Town Manager Steve Biggs stated the Town continues to advertise for the building inspector position.

Town Manager Steve Biggs stated an analysis of the Town's inspections fees shows the Town of Clayton as being low. He stated the Town is considering updating the fees and will bring a proposal to Council during its budget work session.

Council requested this information in advance of the budget work session.

## **ITEM 9. STAFF REPORTS**

Item 9a. Town Manager

Town Manager Steve Biggs polled the Council on a date for the budget work session. He stated the Council typically holds this meeting the last week of May.

Mayor Pro Tem Michael Grannis stated Monday, May 26, 2014, is the Memorial Day Holiday and Tuesday, May 27, 2014, is the Planning Board meeting.

It was the consensus of the Council to hold a budget work session on Wednesday, May 28, 2014, beginning at 5 PM at the Clayton Law Enforcement Center, Training Room. It was agreed that if the meeting needed to be recessed, the Council would reconvene on Thursday, May 29, 2014, at 5 PM at the Clayton Law Enforcement Center, Training Room.

Item 9b. Town Attorney

Town Attorney Katherine Ross stated no additional report.

Item 9c. Town Clerk

Town Clerk Sherry Scoggins stated Thursday, April 24, 2014; two second grade classes of Riverwood Elementary will visit the Clayton Center.

Item 9d. Other Staff

No other staff presented a report.

## **ITEM 10 OTHER BUSINESS**

**Item 10a. Informal Discussion & Public Comment.**

Mr. Jim Davenport stated he is a candidate for Sherriff of Johnston County. He stated he has 32 years of police officer experience, has a degree in criminal justice, and has experience as a Marine Sergeant. He stated his goal is to enhance public safety, to enhance working with all the communities within the County, to increase drug interdiction, and to be more involved with a teen driving initiative.

**Item 10b. Council Comments.**

Councilman Art Holder stated he is not being critical of the Town’s current Main Street program. He stated he thinks we are doing a great job. He stated the Town of Clayton has two Main Streets – the Downtown Main Street and the US 70 Business HWY main street. He stated US 70 Business HWY is being overlooked. He stated he does not know how to include those businesses in the conversations and encourages the Council to discuss this.

**ITEM 11. ADJOURNMENT**

With there being no further business brought before the Council, Councilman Bob Satterfield motioned to adjourn. Councilman Butch Lawter seconded the motion. Motion carried unanimously at 7:37 PM.

Duly adopted by the Clayton Town Council this \_\_\_\_ day of May 2014, while in regular session.

ATTEST:

\_\_\_\_\_  
Jody L. McLeod,  
Mayor

\_\_\_\_\_  
Sherry L. Scoggins, MMC  
Town Clerk

**TOWN OF CLAYTON  
TOWN COUNCIL  
AGENDA COVER SHEET**

Agenda Item: 3b

Meeting Date: 5/05/14

**TITLE: COMMUNITY EVENT REQUESTS FOR THE FOLLOWING:**

- HEARTCHASE 2014 SLATED FOR SATURDAY, MAY 17, 2014; AND
- CLAYTON HARVEST & MUSIC FESTIVAL SLATED FOR SEPTEMBER 17-21, 2014.

**DESCRIPTION:** HeartChase:

- Temporary closure of Fayetteville Street between Main and Second Streets from 5 AM to 2 PM
- Temporary closure of Town Square parking lot from 5 AM to 2 PM

Clayton Harvest & Music Festival:

- September 14-22, 2014
  - Closure of Horne Square & parking lot - *all day & night*
- September 16, 17, 2014
  - Closure of Town Square Parking Lot *5:00 am – 11:00 pm*
- September 19-21, 2014
  - Closure of Town Square Parking Lot *from 5:00 am on 9/19 to 6:00 pm on 9/21*
- September 19-21, 2014
  - Closure of Fayetteville Street from Main to Second *from 5:00 am on 9/19 to 6:00 pm on 9/21/14*
- September 20, 2014
  - Closure of Main Street from O’Neil St to Second St *5:00 am – 6:00 pm*
  - Closure of Lombard Street from Main to Second Street *5:00 am – 6:00 pm*

At its April 21, 2014, Council meeting, it was the consensus of the Council to place this item on the consent agenda.

**RELATED GOAL:** Cultural & Recreational

**ITEM SUMMARY:**

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
04-21-14	Presentation.	Staff reports (2).
05-05-14	Approval.	Staff reports (2).



Town of Clayton  
Planning Department  
111 E. Second Street, Clayton, NC 27520  
P.O. Box 879, Clayton, NC 27528  
Phone: 919-553-1545  
Fax: 919-553-1720

## SPECIAL EVENTS COMMITTEE REPORT

**Permit Application Number:** 2014-6  
**Event Name:** HeartChase 2014  
**Event Date(s):** May 17, 2014  
**Location:** Town Square & Downtown Sidewalks

**Downtown/Town Limits/ETJ:** Downtown

**Applicant:** American Heart Association  
**Contact:** James Lipscomb, (919) 422-4704 (cell) [james@myhtr.com](mailto:james@myhtr.com)

**Committee Meeting:** March 27, 2014

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### ORGANIZATION INFO:

**Name of Organization:** American Heart Association  
**Organization Address:** 3131 RDU Center Drive, Suite 100, Morrisville NC 27560  
**Organization Contact:** Michelle Gray **Phone:** (919) 819-2949 [michelle.gray@heart.org](mailto:michelle.gray@heart.org)

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### EVENT INFORMATION

**Location:** Town Square  
**Event Address:** 110 W Main Street  
**Event Start Time:** 8:00 am **Event End Time:** 2:00 pm

**Road Closures:** Yes

**Set Up Time:** 7:00 am **Clean Up Ends:** 3:00 pm **Estimated Attendance:** 300 people

### Description of Event:

Fundraising event for the American Heart Association. 3<sup>rd</sup> year of the event. Town Square will be the start/end point of the event, but participants will “race” to sponsored check-points along downtown sidewalks to partake in heart-healthy activities. The final leg will be a “run” along Fayetteville Street from Four Oaks Bank/HTR Commercial to Wilson Street and back. (see full route description on 3<sup>rd</sup> page of report and on map. (3.1 miles)

A “Fitness Challenge” will take place on Town Square & Fayetteville Street between Main & Second.

1.25 Mile HeartWalk (route description also on 3<sup>rd</sup> page and on map)

The following information is a summary from the Special Event Permit Application. Additional detail may be found on the application.

**YES/NO**

**Tents & Membrane Structures**

Yes Tents? Size(s): 10' x 10'  
 ? Membrane Structures?

**Power Sources**

No Generators:  
 Yes TOC power source(s): Town Square

**Voice/Music Amplification**

Musical Entertainment: # of Bands:  
 Temporary Stage # of Stages:  
 Yes Amplified Sound Start Time: 8:00 am End Time: 2:00 pm

n/a **Hazardous Materials**

Propane, butane, gasoline, diesel tanks, helium cylinders:  
 Portable Heaters  
 Deep fat fryers  
 Fireworks, lasers, torches, candles or other pyrotechnics

n/a **ALCOHOL**

Sold/Served Type:  
 Name of person/organization responsible:  
 Times of Alcohol Sales:  
 Permit Received

n/a **VENDORS**

Mechanical rides Type:  
 Food Vendors  
 Temporary Food Event Sponsor Form received?

**TOWN SERVICES**

**Trash**

3 # Trash Roll-Out Carts

3 # Recycled Roll-Out Carts

Delivery Location(s): Town Square  
 Delivery date: Friday, May 16 Pickup Date: Monday, May 19

**Cleanup**

n/a Portable Toilets  
 Delivery date: Pickup date:  
 Yes Event Area Cleanup: Organization is responsible for cleanup

n/a **Safety & Security**

Security required for:  
 # off-duty Hours/Dates required:  
 Overnight Security Hours/Dates required:

yes **Site Plan**

**EVENT BOUNDARY & ROAD TRAFFIC PLAN**

Yes Using Public Streets  
Yes Parade, March/Walk, Vehicles, Vendors, Foot/Bike Race, Other  
300 # of expected participants  
# vehicles participating  
# of animals participating in the event  
Type of animals –

**Boundary** – W Main from O’Neil to Fayetteville; Fayetteville to Second; Second to O’Neil and O’Neil to W Main. (Town Square, parking lot and Fayetteville Street)

**ROAD CLOSURE REQUEST**

Fayetteville Street from Main to Second Street 6:00 am – 2:00 pm

300 # of participants expected

**Event Route – Heart Chase (3.1 miles)**

Refer to map

Start on Fayetteville Street at Second Street intersection:  
Run down Fayetteville Street to 1st CHS drive way and turn into their parking lot (Possible 1st Stop)  
Run across parking lot turning at the baseball field and head up hill towards the Fire Department.  
Run thru / around the Fire Department (Possible 2nd Stop) to Horne Street turning right to go towards Ellington Street  
Turn left on Ellington and go to Clayton News Star parking lot (Possible 3rd Stop)  
Leave CNS heading up Second Street to Parking Lot of Town Square (Possible 4th Stop Woodall’s Fitness)  
Leave Town Square Parking Lot continuing east on Second Street to Hocutt Ellington Library (Possible 5th stop)  
Leave Library continuing on Second Street to Annie V’s / Clayton PD (Possible 6th Stop)  
Continue on Second Street towards Super 10 Parking Lot (Possible 7th Stop)  
Continue on Second Street towards DPM studios (Possible 8th Stop)  
Continue on Second Street towards City Florist (Possible 9th Stop)  
Cross over to North Side of Main Street turning left to head West continue to First Federal Bank (Possible 10th Stop)  
Continue on Main Street to HTR Parking Lot (Possible 11th Stop)  
Continue on Main Street to Clayton Mart Parking Lot (Clayton Chiropractic Stop) (Possible 12th Stop)  
Continue on Main Street to Four Oaks Bank parking lot (Possible 13th stop)  
Turn right from Main Street to North Fayetteville running to Wilson Street where the Participants will turn around and run back down Fayetteville Street to Finish Line at HTR Commercial / Four Oaks Bank driveways.

**Event Route – Heart Walk (1.25 miles)**

Refer to map

Start at Town Square go down 2nd Street to City Florist then turn and follow Main back down to the finish line at Fayetteville Street.

## Road Closure/Detour Plan

*Refer to maps*

## USE OF TOWN OWNED PROPERTIES

Signed Use Policy & Procedures received for:

Pending    *Town Square*  
n/a         *Horne Square*  
              *Other*

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## COMMITTEE DISCUSSION & COMMENTS

- Discussion about participants crossing streets
  - Volunteers will assist participants at cross streets

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## COMMITTEE CONDITIONS

- Copy of permission letter from Clayton High School

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## COMMITTEE ACTIONS:

- **Committee recommends: APPROVAL**
- Committee report will be submitted to Town Clerk by April 11, 2014 for road closure presentation on the April 21 2014 Town Council Work Session Agenda
- Council may approve road closure request during Regular Session on May 5, 2014
- Special Event Permit will be issued by Planning Department upon
  - Town Council approval of requests
  - Proof of all conditions being met

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## TOWN COUNCIL CONSIDERATIONS

Fayetteville Street from Main Street to Second Street	5/17/14	5:00 am – 2:00 pm
Closure of Town Square Parking Lot	5/17/14	5:00 am – 2:00 pm

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## TOWN COUNCIL ACTION/COMMENTS

- April 21, 2014:
- May 5, 2014:

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## DOCUMENTATION TO BE RECEIVED

- Permission letter from Clayton High School
- Town Square Rules of Use

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## POST EVENT REVIEW

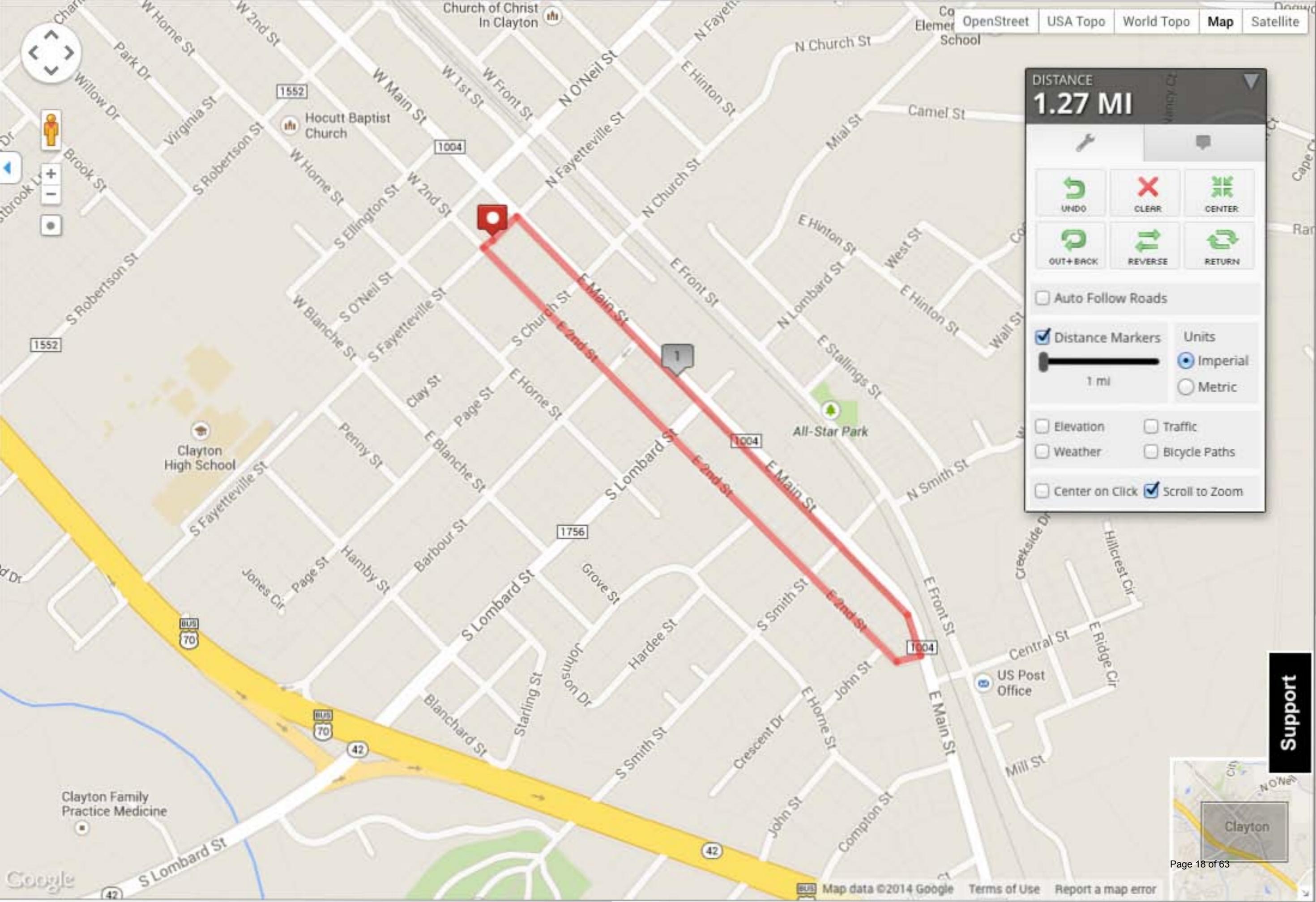
**Scheduled:** May 29, 2014

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**SUBMIT SPECIAL EVENT PERMIT APPLICATION by February 7, 2015**





DISTANCE  
**1.27 MI**

UNDO CLEAR CENTER

OUT+BACK REVERSE RETURN

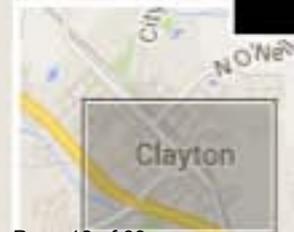
Auto Follow Roads

Distance Markers Units  
 1 mi  Imperial  Metric

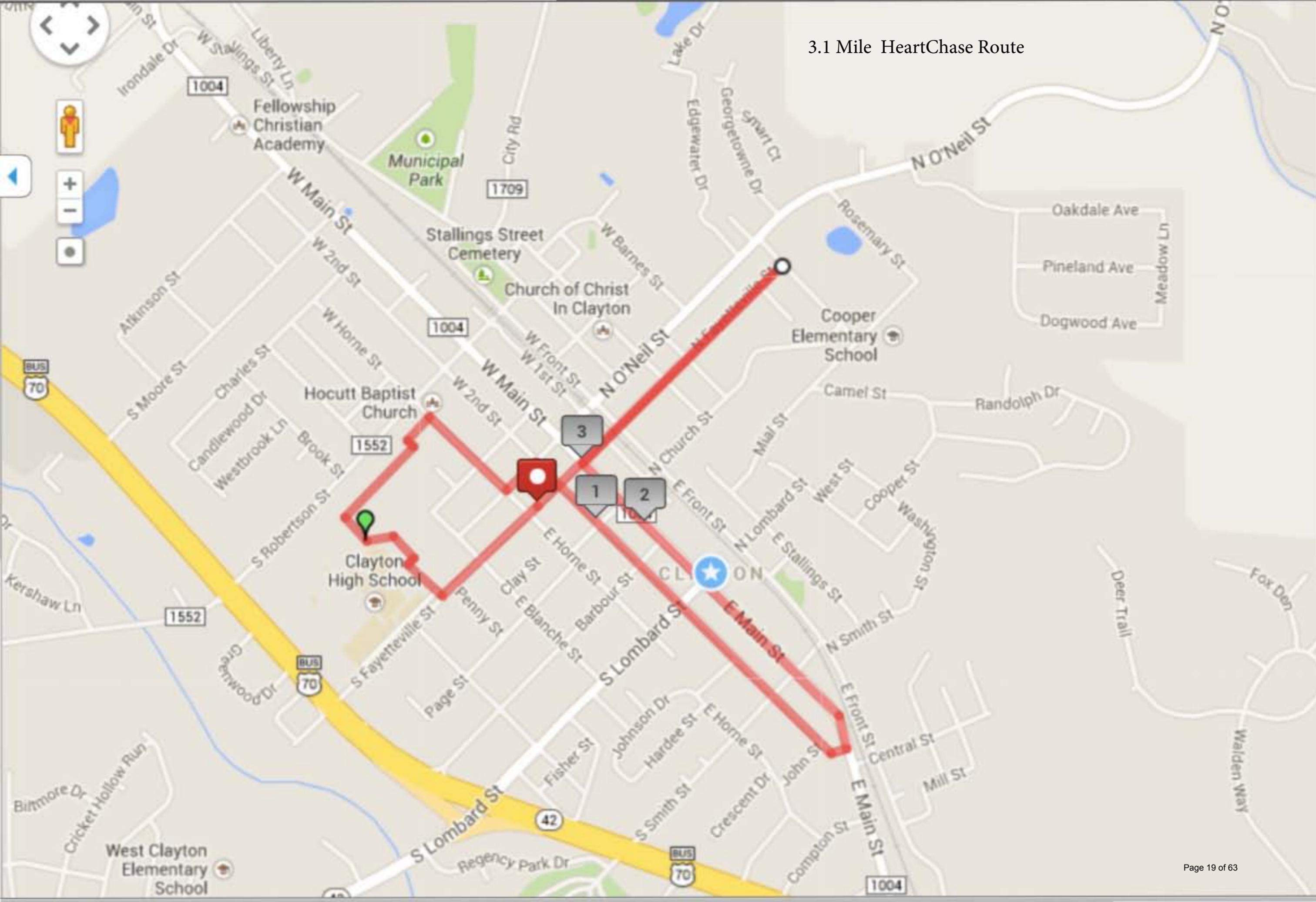
Elevation  Traffic  
 Weather  Bicycle Paths

Center on Click  Scroll to Zoom

Support



3.1 Mile HeartChase Route





Town of Clayton  
Planning Department  
111 E. Second Street, Clayton, NC 27520  
P.O. Box 879, Clayton, NC 27528  
Phone: 919-553-1545  
Fax: 919-553-1720

## SPECIAL EVENTS COMMITTEE REPORT

**Permit Application Number:** 2014-8  
**Event Name:** Clayton Harvest & Music Festival  
**Event Date(s):** September 17 – September 21, 2014  
**Location:** Main Street (from Second Street to O'Neil Street)

**Downtown/Town Limits/ETJ:** Downtown

**Applicant:** Clayton Chamber of Commerce  
**Contact:** Hannah Pellas (919) 553-6352 (office) (919) 628-9271 (cell)  
[Hannah@claytonchamber.com](mailto:Hannah@claytonchamber.com)

**Committee Meeting:** March 27, 2014

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### ORGANIZATION INFO:

**Name of Organization:** Clayton Chamber of Commerce  
**Organization Address:** 301 E Main Street PO Box 246 Clayton, NC 27520  
**Organization Contact:** Jim Godfrey, Executive Director **Phone:** (919) 553-635

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### EVENT INFORMATION

**Location:** Main Street area from Smith St to O'Neil St, including Horne Square, Town Square  
**Event Address:** Downtown area along Main Street  
**Event Start Time:** Various around 5:00 pm **Event End Time:** Various around 11:00 pm

**Road Closures:** Yes, Saturday only

**Set Up Time:** Tuesday, Sept. 16 **Clean Up Ends:** Monday, Sept. 22  
**Estimated Attendance:** 20,000 people primarily on Saturday

### Description of Event:

- The 2014 Clayton Harvest & Music Festival is the premier annual event in Clayton.
- Includes, but not limited to: carnival rides, food vendors, vendor booths selling various items, concerts and community talent showcases and contests
- The festival takes place in various locations in downtown Clayton: Horne Square, Town Square and the length of East Main Street.
- This is a fund-raising event for the Clayton Chamber of Commerce
- This is an annual event the Town of Clayton has partnered with for many years
- Clayton Idol on Wednesday, 9/17 at Town Square
- Zaxby's Movie Night on Friday, 9/19 at Town Square
- Possible Food Truck Rodeo on Fayetteville (between Main & Second) on Saturday 9/20

The following information is a summary from the Special Event Permit Application. Additional detail may be found on the application.

**YES/NO**

**Tents & Membrane Structures**

Yes Tents? Size(s): 10' x 10'  
? Membrane Structures?

**Power Sources**

Yes Generators: used by vendors  
Yes TOC power source(s): Town Square, Horne Square, Library, and Community Garden

**Voice/Music Amplification**

Yes Musical Entertainment: # of Bands: 2  
Yes Temporary Stage # of Stages: 2  
Yes Amplified Sound Start Time: 7:00 pm End Time: 10:30 pm (Saturday)

**Hazardous Materials**

No Propane, butane, gasoline, diesel tanks, helium cylinders:  
No Portable Heaters  
Yes Deep fat fryers  
No Fireworks, lasers, torches, candles or other pyrotechnics

**ALCOHOL**

Yes Sold/Served Type: beer/wine  
Name of person/organization responsible: pending at this time (permit required)  
Yes Times of Alcohol Sales: 7:00 pm – 10:30 pm  
**NO** Permit Received

**VENDORS**

Yes Mechanical rides Type: Carnival rides  
Yes Food Vendors  
**NO** Temporary Food Event Sponsor Form received?

**TOWN SERVICES**

**Trash**

? # Trash Roll-Out Carts  
? # Recycled Roll-Out Carts  
Delivery Location(s): Various  
Delivery date: Wed. Sept 17 Pickup Date: Monday, Sept 22

**Cleanup**

Yes Portable Toilets  
Delivery date: Wed. Sept 17 Pickup date: Monday, Sept 22  
Event Area Cleanup: Organization is responsible for cleanup  
Pending Solid Waste Plan – Chamber will purchase small trash cans for easier trash disposal

**Safety & Security**

Yes Security required for: alcohol, stage security (volunteers)  
? # off-duty Hours/Dates required: unknown at this time  
Yes Overnight Security Hours/Dates required: unknown at this time

Yes **Emergency Services Plan** (see Committee Discussion)

Yes **Site Plan**

**EVENT BOUNDARY & ROAD TRAFFIC PLAN**

Yes Using Public Streets  
Vendors Parade, March/Walk, Vehicles, Vendors, Foot/Bike Race, Other  
200+ # of expected participants  
200 # vehicles participating Car Show – *Cars will face west from Second Street to Lombard*  
- Cars will exit S Lombard Street – Cars east of Smith Street will exit to US 70 Business. Car show organizers will control pedestrians from accessing east of Lombard while cars are exiting.  
? # of animals participating in the event  
Type of animals – dogs/cats will be at vendor booths

**Boundary** – Main Street from O’Neil Street to Second Street including Horne Square and Town Square

**ROAD CLOSURE REQUEST**

Main Street from O’Neil Street to Second Street 5:00 am – 6:00 pm 9/20/14  
Lombard Street from Main Street to Second Street 5:00 am – 6:00 pm 9/20/14  
Fayetteville Street from Main Street to Second Street 5:00 am 9/19 – 6:00 pm 9/21/14  
Town Square **9/17** 5:00 am – 10:00 pm; 5:00 am **9/19** to 6:00 pm **9/21/14**  
20,000 # of participants expected

**Event Route**  
*Same as above*

**Road Closure /Detour Plan**  
*Refer to map*  
pending Traffic Control Plan – barricades will be coordinated by PD

**USE OF TOWN OWNED PROPERTIES**  
Signed Use Policy & Procedures received for:  
Pending *Town Square*  
pending *Horne Square*  
*Other*

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**COMMITTEE DISCUSSION & COMMENTS**

- Emergency Access
  - Space will be open for emergency vehicle access to Main Street at
    - N Church Street
    - S Lombard Street
    - North & South O’Neil Street
  - Jason Dean (CFD) will prepare and distribute EMS map
- Command Post
  - Located at N Lombard & dead end
- Temporary Water access
  - Public Works needs Locations
  - Waste handling one-time drop
- NCDOT Message Board
  - Jeffra noted an opportunity for use of additional message boards
  - She will send contact info to Bruce for coordination with boards on US 70

- Electric & water costs for carnival rides will be charged to the Chamber of Commerce
  - Account to be set up by Chamber
- **Committee will meet with event organizers again in APRIL 2014 for continued communications**

## COMMITTEE CONDITIONS

Committee members recommend approval of the event with the following conditions:

- Damage deposit \$250.00 will be required from carnival/rides vendor
- Ride vendor needs to locate rides away from emergency access areas on First St Extension
- Chamber will provide Ride Layout Plan to committee
- Copies of all permits issued by State, County or Town need to be submitted to TOC Planning Department prior to August 22, 2014

## COMMITTEE ACTIONS:

- **COMMITTEE RECOMMENDS APPROVAL**
- Committee report will be submitted to Town Clerk by April 11, 2014 for road closure presentation on the April 21 2014 Town Council Work Session Agenda
- Council may approve road closure request during Regular Session on May 5, 2014
- Special Event Permit will be issued by Planning Department upon
  - Town Council approval of requests
  - Receipt of NCDOT Letter of Approval for road closures
  - Proof of all conditions being met

## TOWN COUNCIL CONSIDERATIONS

Closure of Main Street from O'Neil Street to Second Street	9/20/14	5:00 am – 6:00 pm
Lombard Street from Main Street to Second Street	9/20/14	5:00 am – 6:00 pm
Fayetteville Street from Main Street to Second Street	9/20/14	5:00 am – 11:00 pm
Closure of Horne Square & Parking Lot	9/14/14 – 9/22/14	all day and night
Closure of Town Square Parking Lot	9/16, 9/17, 9/19 & 9/20	5:00 am – 11:00 pm

## TOWN COUNCIL ACTION/COMMENTS

- April 21, 2014:
- May 5, 2014:

## DOCUMENTATION TO BE RECEIVED

- Ride Layout Plan
- Fire Access Map
- Solid Waste Plan
- Street Closure Plan with who's responsible for barricade placement and pickup

## POST EVENT REVIEW

**Scheduled:** September 25, 2014

•

**SUBMIT SPECIAL EVENT PERMIT APPLICATION by April 10, 2015**

**Space Assignments:**

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# Clayton Harvest Festival

## Vendor space layout

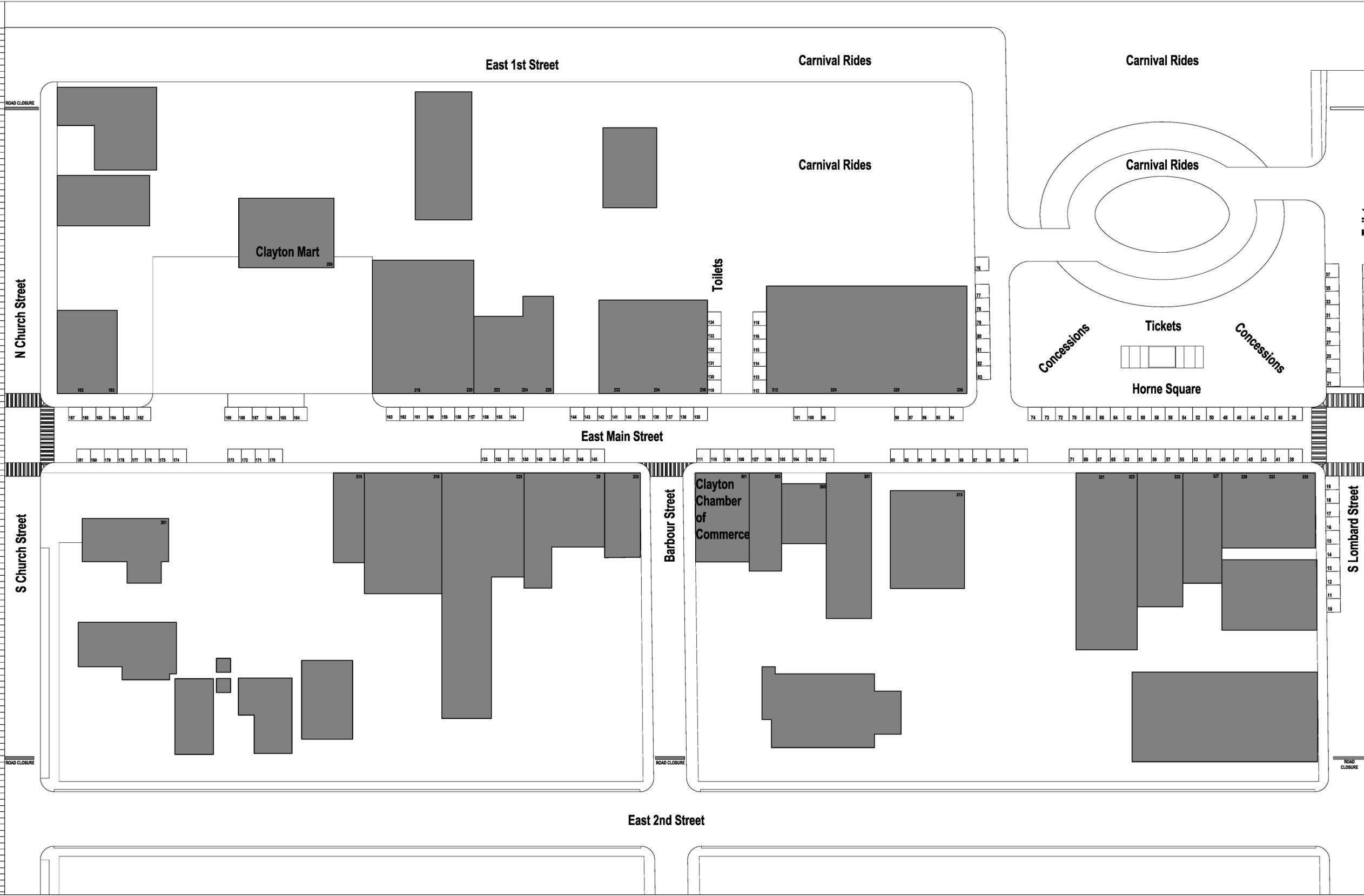
Main Street from  
O'neil to Church Streets



prepared by:  
**McClentlic Architectural Design**  
P.O. Box 763 Clayton, NC 27528  
ph: 339-987-0437 www.mccclentlicdesign.com

Space Assignments continued:

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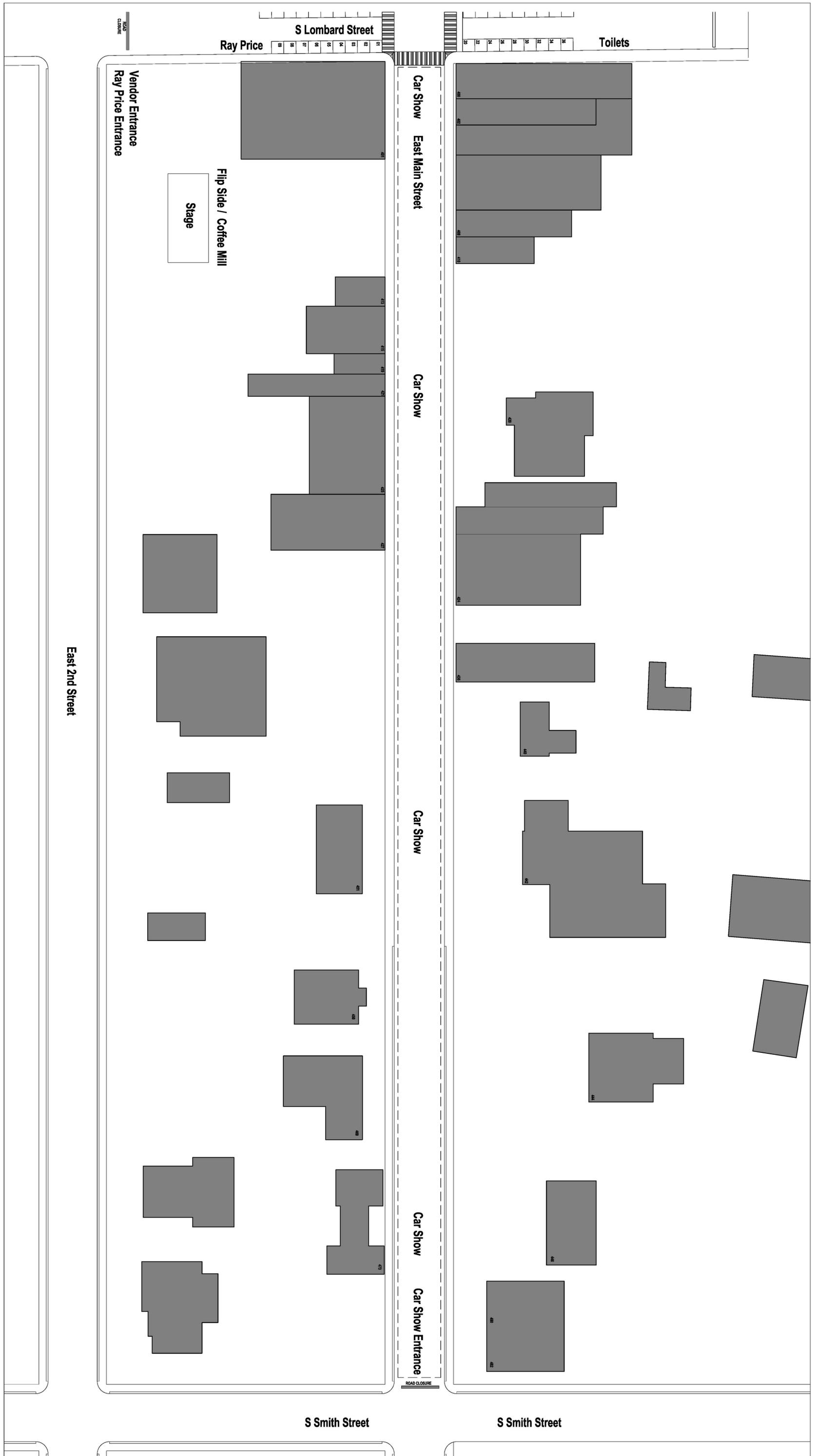


# Clayton Harvest Festival Vendor space layout

**Main Street from  
Church to Lombard Streets**

prepared by:  
**McClentics Architectural Design**  
P.O. Box 763 Clayton, NC 27528  
ph: 339-987-0437 www.mccenticsdesign.com





# Clayton Harvest Festival Vendor space layout

Main Street from  
Lombard to Smith Streets



prepared by:  
**McClentic Architectural Design**  
P.O. Box 763 Clayton, NC 27528  
ph: 339-987-0437 www.mcclenticdesign.com

**TOWN OF CLAYTON  
TOWN COUNCIL  
AGENDA COVER SHEET**

**Agenda Item: 3c**

**Meeting Date: 5/05/14**

**TITLE: PROCLAMATION: MAY 2014 AS "OLDER AMERICANS MONTH."**

**DESCRIPTION: May 2014 is "Older Americans Month."**

Friday, May 16, 2014, the Town of Clayton Recreation Department and the Community and Senior Services of Johnston County will co-host activities in the Council Chambers at the Clayton Town Hall from 10:00 AM to 12:00 noon.

This request is for Council review and instruction.

At its April 21, 2014, Council meeting, it was the consensus of the Council to place this item on the consent agenda.

**RELATED GOAL: Cultural & Recreational.**

**ITEM SUMMARY:**

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
04-21-14	Presentation.	Proclamation.
05-05-14	Approval.	Proclamation.

**TOWN OF CLAYTON  
PROCLAIMING MAY 2014 AS OLDER AMERICANS MONTH**

**WHEREAS**, the Town of Clayton joins the State of North Carolina and the Nation in declaring May as Older Americans Month; and

**WHEREAS**, in 1963 the “Older Americans Act” was adopted by the United States Congress; and

**WHEREAS**, America’s aging population reached a turning point in 2006 as one of our nation’s largest generations, the baby boomers, started turning 60 – becoming eligible for programs under the Older Americans Act; and

**WHEREAS**, May has traditionally been celebrated with tributes to older persons through ceremonies, events, fairs, and other activities at Senior Centers and other locations; and

**WHEREAS**, the Administration for Community Living has announced that the theme for Older Americans Month 2014 is “*Safe Today, Healthy Tomorrow*,” and

**WHEREAS**, older Americans are productive, active, and influential members of society, sharing essential talents, wisdom, and life experience with their families, friends, and neighbors; and

**WHEREAS**, in recognition of Older Americans Month, the Town of Clayton and the Community and Senior Services of Johnston County will co-host activities in the Council Chambers at the Clayton Town Hall on Friday, May 16th, 2014, from 10:00 AM until 12:00 PM, for the young at heart aged 55 and older.

Now, therefore, let it be proclaimed by the Honorable Mayor and Town Council of the Town of Clayton that the month of May is recognized as “**Older Americans Month**.” Let it also be proclaimed that all citizens in the Clayton area are encouraged to join in this celebration.

Duly proclaimed this 5th day of May 2014, while in regular session.

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Jody L. McLeod,  
Mayor

**TOWN OF CLAYTON  
TOWN COUNCIL  
AGENDA COVER SHEET**

**Agenda Item: 3d**

**Meeting Date: 5/05/14**

**TITLE: PROCLAMATION: MAY 4-10, 2014, AS “MUNICIPAL CLERKS WEEK.”**

**DESCRIPTION: Proclamation.**

**This request is for Council review and instruction.**

**At its April 21, 2014, Council meeting, it was the consensus of the Council to place this item on the consent agenda.**

**RELATED GOAL: Administration.**

**ITEM SUMMARY:**

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
04-21-14	Presentation.	Proclamation.
05-05-14	Approval.	Proclamation.

**Town of Clayton**  
**Proclaiming May 4-10, 2014, as Municipal Clerks Week**

**Whereas, The Office of the Municipal Clerk, a time honored and vital part of local government exists throughout the world, and**

**Whereas, The Office of the Municipal Clerk is the oldest among public servants, and**

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

**Whereas, Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all, and**

**Whereas, The Municipal Clerk serves as the information center on functions of local government and community, and**

**Whereas, Municipal Clerks continually strive to improve the administration of the affairs of the Office of the 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 Municipal Clerk.**

**Now, Therefore, the honorable Mayor and Town Council of the Town of Clayton recognize the week of May 4 through May 10, 2014, as “Municipal Clerks Week,” and further extend appreciation to our Municipal Clerk, Sherry L. Scoggins, and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.**

**Duly adopted this 5th day of May 2014, while in regular session.**

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**Jody L. McLeod,**  
**Mayor**

**TOWN OF CLAYTON  
TOWN COUNCIL  
AGENDA COVER SHEET**

**Agenda Item: 3e**

**Meeting Date: 5/05/14**

**TITLE: WARRANTY ACCEPTANCES FOR THE FOLLOWING:**

- **ASPHALT PAVEMENT INSTALLED IN MITCHINER HILLS SUBDIVISION, PHASE 2;**
- **PUBLIC WATER, SEWER, & ASSOCIATED STORM DRAINAGE UTILITIES FOR RWAC, PHASES 2D & 2F (RAVENS RIDGE);**
- **PUBLIC WATER UTILITY FOR RIVERWOOD RANCH BOULEVARD EXTENSION;**
- **PUBLIC WATER, SEWER, & ASSOCIATED STORM DRAINAGE UTILITIES FOR RWAC, PHASES 6D-1 (ALPINE VALLEY)**

**DESCRIPTION: Warranty acceptances - attached.**

This request is for Council review and instruction.

At its April 21, 2014, Council meeting, it was the consensus of the Council to place this item on the consent agenda.

**RELATED GOAL: Administration.**

**ITEM SUMMARY:**

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
04-21-14	Presentation.	Proclamation.
05-05-14	Approval.	Proclamation.

# TOWN OF CLAYTON OPERATIONS CENTER

"SERVICE"

ELECTRIC SERVICE  
(919) 553-1530

VEHICLE MAINTENANCE  
(919) 553-1530



"ENVIRONMENT"

PUBLIC WORKS  
(919) 553-1530

WATER RECLAMATION  
(919) 553-1535

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## MEMORANDUM

To: Sherry Scoggins, Town Clerk

From: Chris Rowland, Construction Inspector 

Date: March 20, 2014

Cc: Dave DeYoung, Planning Director  
Jerry Sauls, Poole Paving

Subject: Mitchiner Hills Subdivision, Phase 2

The asphalt pavement has been installed within the subject development. Please schedule Council action for the acceptance of this work, subject to a one-year warranty period. Following the warranty period, pavement and base course conditions will be evaluated and any identifiable faults corrected by the developer prior to final acceptance.

# TOWN OF CLAYTON OPERATIONS CENTER

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VEHICLE MAINTENANCE  
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"ENVIRONMENT"

PUBLIC WORKS  
(919) 553-1530

WATER RECLAMATION  
(919) 553-1535

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## MEMORANDUM

To: Sherry Scoggins, Town Clerk

From: Chris Rowland, Construction Inspector 

Copy: Donnie Adams, DC Adams Engineering  
David DeYoung, Planning Director

Date: April 10, 2014

Subject: RWAC, Phases 2D & 2F (Ravens Ridge)

Please place a warranty acceptance request for the subject public water, sewer, & associated storm drainage utilities on the next available agenda. Record drawings have been reviewed and accepted. Following acceptance, the utilities will be subject to a one-year warranty period. Following expiration of said warranty, a final inspection will be done and all deficient items corrected prior to final acceptance.

# TOWN OF CLAYTON OPERATIONS CENTER

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VEHICLE MAINTENANCE  
(919) 553-1530



"ENVIRONMENT"

PUBLIC WORKS  
(919) 553-1530

WATER RECLAMATION  
(919) 553-1535

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## MEMORANDUM

To: Sherry Scoggins, Town Clerk

From: Chris Rowland, Construction Inspector 

Copy: Donnie Adams, DC Adams Engineering  
David DeYoung, Planning Director

Date: April 10, 2014

Subject: Riverwood Ranch Boulevard Extension

Please place a warranty acceptance request for the subject public water utility on the next available agenda. Record drawings have been reviewed and accepted. Following acceptance, the utility will be subject to a one-year warranty period. Following expiration of said warranty, a final inspection will be done and all deficient items corrected prior to final acceptance.

# TOWN OF CLAYTON OPERATIONS CENTER

"SERVICE"

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VEHICLE MAINTENANCE  
(919) 553-1530



"ENVIRONMENT"

PUBLIC WORKS  
(919) 553-1530

WATER RECLAMATION  
(919) 553-1535

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## MEMORANDUM

To: Sherry Scoggins, Town Clerk

From: Chris Rowland, Construction Inspector *CR*

Copy: Donnie Adams, DC Adams Engineering  
David DeYoung, Planning Director

Date: April 10, 2014

Subject: RWAC, Phases 6D-1 (Alpine Valley)

Please place a warranty acceptance request for the subject public water, sewer, & associated storm drainage utilities on the next available agenda. Record drawings have been reviewed and accepted. Following acceptance, the utilities will be subject to a one-year warranty period. Following expiration of said warranty, a final inspection will be done and all deficient items corrected prior to final acceptance.

*Rec'd at - July 2014*

**TOWN OF CLAYTON  
TOWN COUNCIL  
AGENDA COVER SHEET**

**Agenda Item: 3f**

**Meeting Date: 5/05/14**

**TITLE: ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT TO THE CODE OF ORDINANCES FOR THE TOWN OF CLAYTON.**

**DESCRIPTION: Ordinance – attached.**

**At its April 21, 2014, Council meeting, it was the consensus of the Council to place this item on the consent agenda.**

**[The on-line Town of Clayton Code of Ordinances is current.]**

**RELATED GOAL: Legislative.**

**ITEM SUMMARY:**

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
04-21-14	Presentation.	Proclamation.
05-05-14	Approval.	Proclamation.

**TOWN OF CLAYTON  
ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT  
TO THE CODE OF ORDINANCES FOR THE TOWN OF CLAYTON**

**WHEREAS**, American Legal Publishing Corporation of Cincinnati, Ohio, has completed the 2014 S-9 Supplement to the Code of Ordinances of the Town of Clayton, which supplement contains all ordinances of a general nature enacted since the prior supplement to the Code of Ordinances of this municipality from February 4, 2013, to December 2, 2013; and

**WHEREAS**, American Legal Publishing Corporation has recommended the revision or addition of certain sections of the Code of Ordinances which are based on or make reference to sections of the North Carolina code; and

**WHEREAS**, it is the intent of the Town Council to accept these updated sections in accordance with the changes of the law of the State of North Carolina;

**NOW, THEREFORE, BE IT ORDAINED** by the Town Council of the Town of Clayton, State of North Carolina:

Section 1. That the 2014 S-9 Supplement to the Code of Ordinances of the Town of Clayton as submitted by American Legal Publishing Corporation of Cincinnati, Ohio, and as attached hereto, is hereby adopted by reference as if set out in its entirety.

Section 2. That this ordinance shall take effect and be in force from and after its date of passage.

Duly adopted by the Clayton Town Council this 5th day of May 2014, while in regular session.

ATTEST:

\_\_\_\_\_  
Jody L. McLeod  
Mayor

\_\_\_\_\_  
Sherry L. Scoggins, MMC  
Town Clerk

**TOWN OF CLAYTON  
TOWN COUNCIL  
AGENDA COVER SHEET**

**Agenda Item: 6a**

**Meeting Date: 5/05/14**

**TITLE: PROPOSAL TO REVISE THE FAÇADE GRANT.**

**DESCRIPTION:** The request is to increase the reimbursement on a flexible percentage rate between 50% and 75% on a case by case basis.

At the April 21, 2014, Council meeting, staff requested to table this item for two weeks in order to compile additional information relating to this item.

This request is for Council review and action.

**RELATED GOAL:** Administration.

**ITEM SUMMARY:**

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
04-21-14	Presentation.	Memorandum.
05-05-14	Discussion.	



Town of Clayton  
Planning Department  
111 E. Second Street, Clayton, NC 27520  
P.O. Box 879, Clayton, NC 27528  
Phone: 919-553-1545  
Fax: 919-553-1720

---

TO: Town Council Members, Mayor Jody McLeod  
FROM: David DeYoung, Planning Director  
Bruce Naegelen, Downtown Development Coordinator

DATE: April 28, 2014

SUBJECT: Request for Revision of Downtown Façade Improvement Grant Formula  
with Supplemental Information

### **Background**

The Downtown Façade Improvement Grant was initiated in FY07/08. The program provides a 50% reimbursement of eligible expenses in façade improvements for commercial buildings in the downtown district.

Twenty-two (22) façade projects have been completed as of June 30, 2013. A total of \$55,810 in public funds has been invested in the program spurring private investment of \$307,523 in façade and other associated improvements. The program has returned \$5.51 in private investment for every \$1.00 invested by the Town of Clayton.

Of the approximately 70 buildings/storefronts from Robertson Street to Mosaic Community Garden, there are approximately 20 storefronts/buildings remaining that could stand some level of façade improvement. 52% of the Main Street facades have been improved (22 past FIG projects + 20 potential projects = 42 facades). There has been an average of 3.6 projects per year. One year with 6 projects, two with 5, one with 3 and two with 1.

### **Consideration**

Some of the remaining projects could require extensive facade improvements and others have owners who may not be generating enough revenue to afford improvements at the 50% shared level. A greater reimbursement level could make a difference with some of the potential projects

### **Conclusion**

In an effort to achieve the façade improvements desired to improve the appearance in downtown Clayton we are requesting that the reimbursement rate in the Downtown Façade Improvement Grant Program be increased to 75%. The change would take effect upon approval from Town Council for the balance of the current fiscal year. *(Please see attached sheet of "committed" and "prospective" improvements at 75% rate).*

**Façade Grant 2013/14**

<b>Committed</b>	<b>Improvement</b>	<b>Approx Value</b>	<b>Proposed Grant Value</b>
222 E Main St	sign/awning paint	\$ 1,250.00	\$ 937.50
408 E Main St	projecting sign/facade paint	\$ 1,000.00	\$ 750.00
<b>Prospective</b>			
423 E Main St	Paint/Awning/Sign Brackets	\$ 5,000.00	\$ 3,750.00
234 E Main St	paint/awning/sign bracket/glass	\$ 1,500.00	\$ 1,125.00
406 E Main Street	door/canopy improvement	\$ 3,500.00	\$ 2,625.00
		<b>\$ 12,250.00</b>	<b>\$ 9,187.50</b>

*\$13,000 budgeted*

**TOWN OF CLAYTON  
TOWN COUNCIL  
AGENDA COVER SHEET**

**Agenda Item: 6b**

**Meeting Date: 5/05/14**

**TITLE: STATUS REPORT ON TOWN OF CLAYTON GREENWAY PROJECTS.**

**DESCRIPTION: Update on the following projects:**

- CCC Connector
- Sam's Branch Grade Separated Crossing
- Sam's Branch Phase II - Design

This is being presented as information and does not require Council action.

**RELATED GOAL: Cultural & Recreational.**

**ITEM SUMMARY:**

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
05-05-14	Discussion.	

**TOWN OF CLAYTON  
TOWN COUNCIL  
AGENDA COVER SHEET**

**Agenda Item: 7a**

**Meeting Date: 5/05/14**

**TITLE: RESOLUTION – PROVIDING FOR THE ISSUANCE OF A \$650,000  
ELECTRIC SYSTEM REVENUE BOND, SERIES 2014.**

**DESCRIPTION: Attached.**

**This request is for Council review and action.**

**RELATED GOAL: Finance.**

**ITEM SUMMARY:**

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
05-05-14	Discussion.	Resolution.

**TOWN OF CLAYTON  
SERIES RESOLUTION PROVIDING FOR THE ISSUANCE OF A  
\$650,000 ELECTRIC SYSTEM REVENUE BOND, SERIES 2014**

**WHEREAS**, the Town of Clayton, North Carolina (the “Issuer”) has determined that the issuance of the bonds herein authorized to finance the cost to provide service to new customers, including extension of electric distribution lines and the required infrastructure (the “Project”) will benefit and be in the best interests of the Issuer; and

**WHEREAS**, on June 17, 2008, the Governing Body (the “Governing Body”) of the Issuer adopted a bond order (the “Bond Order”) entitled:

**BOND ORDER AUTHORIZING THE ISSUANCE OF ELECTRIC SYSTEM REVENUE BONDS TO PROVIDE FUNDS TO CONSTRUCT IMPROVEMENTS TO THE ELECTRIC SYSTEM; PROVIDING FOR THE ISSUANCE OF ADDITIONAL REVENUE BONDS; PROVIDING FOR THE ISSUANCE OF REVENUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF REVENUE BONDS; PROVIDING FOR THE CREATION OF CERTAIN SPECIAL FUNDS; PLEDGING TO THE PAYMENT OF THE PRINCIPAL OF AND THE INTEREST ON THE REVENUE BONDS AND NOTES CERTAIN REVENUES OF THE ELECTRIC SYSTEM; SETTING FORTH THE RIGHTS AND REMEDIES OF HOLDERS; AND SETTING FORTH THE DETAILS OF CERTAIN RELATED MATTERS; and**

**WHEREAS**, the Bond Order authorizes the issuance of Additional Bonds (as defined in the Bond Order) in accordance with Section 3.02 thereof in order to finance System Improvements (as defined in the Bond Order); and

**WHEREAS**, the Governing Body of the Issuer proposes issuing Additional Bonds in order to finance the Project, which constitutes System Improvements;

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Issuer:

**ARTICLE I  
DEFINITIONS**

**Section 1.01. Meaning of Words and Terms.** Unless otherwise required by the context, capitalized words and terms used herein which are defined in the Bond Order shall have the meanings assigned to them therein, and the following capitalized words and terms shall have the following meanings:

“Bond Order” means the Bond Order adopted by the Governing Body on June 16, 2008, authorizing and securing the issuance of Bonds, including the Series 2014 Bond, together with all orders amendatory hereof and all orders supplemental hereto as herein permitted.

“Bond Registrar” means the Finance Officer of the Issuer, as designated by Section 2.01.

“Business Day” means a day that is not a Saturday or a Sunday and is a day that the Bond Registrar is open for the conducting of business.

“Closing” means the delivery of and payment for the Series 2014 Bond.

“Closing Date” means the date of the Closing.

“Interest Payment Date” means each June 1 and December 1, beginning December 1, 2014.

“Project Fund” means the fund created and so designated by Section 4.02.

“Purchaser” means Carter Bank & Trust.

“Rate Adjustment Event” means any determination by the Internal Revenue Service, any federal administrative agency or any court (a) that the Issuer has taken an action, or failed to take an action, with the result that the interest on the Series 2014 Bond is includable in gross income of the owners thereof for federal income tax purposes, or (b) that the Series 2014 Bond is not a “qualified tax-exempt obligation” within the meaning of Section 265 of the Code as a result of (i) any action the Issuer takes, or fails to take, or (ii) any representation made by the Issuer being a misrepresentation.

“Regular Record Date” means the Business Day next preceding any Interest Payment Date.

“Series 2014 Bond” means the \$650,000 Town of Clayton, North Carolina, Electric System Revenue Bond, Series 2014 issued pursuant to the Bond Order and this Series Resolution.

**Section 1.02. Rules of Construction.** Words of the masculine gender shall be deemed and construed to include correlative words of the feminine and neuter genders. Unless the context shall otherwise indicate, words used herein shall include the plural as well as the singular number. References herein to particular articles or sections are references to articles or sections of this Series Resolution unless some other reference is indicated.

## **ARTICLE II AUTHORIZATION, FORM, ISSUANCE AND DELIVERY OF THE SERIES 2014 BOND**

**Section 2.01. Authorization and Issuance of Series 2014 Bond.** The Issuer hereby authorizes the issuance of the Series 2014 Bond designated “Town of Clayton, North Carolina Electric System Revenue Bond, Series 2014” in the aggregate principal amount of \$650,000 for the purpose of providing funds, together with any other available funds, to (a) pay the costs of the Project and (b) pay the other costs and expenses incurred in connection with the issuance of the Series 2014 Bond. The Series 2014 Bond shall be issued under and pursuant to the Constitution and the laws of the State, including the Act, the Bond Order and this Series Resolution, subject to the conditions set forth herein and therein. The Series 2014 Bond constitutes Additional Bonds under the Bond Order.

The Finance Officer of the Issuer is hereby appointed as Bond Registrar for the Series 2014 Bond pursuant to the provisions of the Bond Order and this Series Resolution.

**Section 2.02. Form of Series 2014 Bond.** The definitive Series 2014 Bond shall be initially issued as one fully registered bond without coupons numbered R-1 in the aggregate principal amount of \$650,000, and shall be initially registered in the name of the Purchaser. The

definitive Series 2014 Bond shall be substantially in the form set forth in Exhibit A attached hereto and made a part hereof, with such appropriate variations, omissions and insertions as are permitted or required by the Bond Order or this Series Resolution. Notwithstanding anything in the Bond Order to the contrary, the Series 2014 Bond may be transferred in the manner specified in the Bond Order, but may not be exchanged for any denomination other than the outstanding principal amount thereof.

Notwithstanding any other provisions of the Bond Order or this Series Resolution to the contrary, the Bond Registrar shall not register the transfer of the Series 2014 Bond to any person other than a bank, insurance company or similar financial institution unless such transfer has been previously approved by the Commission. The provisions of this paragraph may not be amended without the prior written consent of the Commission.

**Section 2.03. Details of Series 2014 Bond.** The Series 2014 Bond shall be dated the Closing Date, shall bear interest at a rate of 1.50% per annum (computed on the basis of a 360-day year consisting of twelve 30-day months), except as provided below, with interest being payable semi-annually in arrears on each Interest Payment Date, and principal payable annually, with all unpaid principal and accrued interest due and payable on June 1, 2019 (the “Maturity Date”) (subject to the right of prior redemption), all as set forth in the form of the Series 2014 Bond included in Exhibit A attached hereto and made a part hereof.

From and after a Rate Adjustment Event, the annualized interest rate used to calculate the interest on the Series 2014 Bond shall change to such rate as the then current Holder of the Series 2014 Bond may reasonably determine shall be appropriate to provide such Holder with the same tax equivalent yield as it enjoyed prior to the Rate Adjustment Event; provided, however, that such Holder shall provide to the Issuer a description of the methodology used to determine such tax equivalent yield. Upon each Rate Adjustment Event, the schedule for payment of principal interest on the Series 2014 Bond shall be adjusted from and after the date of such Rate Adjustment Event to reflect level annual debt service payments for the remaining term of the Series 2014 Bond based on the new interest rate to be borne by the Series 2014 Bond. The Issuer shall additionally pay to such Holder or to any prior Holder any taxes, interest, penalties or other charges assessed against or payable by such Holder or prior Holder and attributable to a Rate Adjustment Event, notwithstanding the repayment of the entire principal amount of the Series 2014 Bond or any transfer or assignment of the Series 2014 Bond.

Both principal of and interest on the Series 2014 Bond shall be paid by wire transfer of immediately available funds or by check mailed to the Holder thereof in the manner specified by the Holder of the Series 2014 Bond to the Issuer.

**Section 2.04. Terms and Condition for Issuance of Series 2014 Bond.** The Series 2014 Bond shall be executed substantially in the form and in the manner herein and in the Bond Order set forth and shall be deposited with the Bond Registrar for authentication, but before the Series 2014 Bond shall be authenticated and delivered to the State Treasurer for redelivery to the Purchaser, there shall be filed with the Bond Registrar and the Purchaser, in addition to the items required to be delivered pursuant to Section 2.08 of the Bond Order, the following:

(a) an opinion of bond counsel to the Issuer to the effect that the Series 2014 Bond has been validly issued in accordance with the provisions of the Bond Order and this Series Resolution in form and substance satisfactory to the Purchaser;

(b) an opinion of the counsel to the Issuer in form and substance satisfactory to the Purchaser and bond counsel to the Issuer; and

(c) such other documentation or opinions as may reasonably be requested by the Bond Registrar, the Purchaser or bond counsel.

When the documents mentioned in Section 2.08 of the Bond Order and subsections (a) to (c), inclusive, of this Section shall have been filed with the Bond Registrar and the Purchaser, and when the Series 2014 Bond shall have been executed and authenticated as required by the Bond Order and this Series Resolution, the Series 2014 Bond shall be delivered to or upon the order of the State Treasurer for redelivery to or upon the order of the Purchaser, but only upon the deposit with the Bond Registrar of the purchase price of the Series 2014 Bond.

Simultaneously with the Closing and the deposit of the proceeds of the Series 2014 Bond with the Bond Registrar, the Bond Registrar shall cause the proceeds of the Series 2014 Bond in the amount of \$650,000 (representing the par amount of Series 2014 Bond) to be deposited to the credit of the Project Fund.

### **ARTICLE III REDEMPTION OF SERIES 2014 BOND**

#### **Section 3.01. Redemption of Series 2014 Bond.**

(a) The principal installment of the Series 2014 Bond shall not be subject to redemption prior to its maturity or payment dates except as provided in this Article and in Article IV of the Bond Order.

(b) The principal installments of the Series 2014 Bond are subject to redemption prior to their stated payment dates, at the option of the Issuer, from any moneys that may be available for such purpose, in whole or in part on any date at a redemption price equal to 100% of the principal amount of the Series 2014 Bond to be redeemed, plus accrued interest to the redemption date, without premium or penalty.

(c) In connection with any partial redemption of the principal installments of the Series 2014 Bonds in accordance with this Section, such redemption shall be applied in inverse order of the maturing principal installments unless otherwise agreed to by the Holder in writing, and the schedule for payment of principal and interest on the Series 2014 Bond shall be modified accordingly from and after the redemption date to reflect such partial redemption.

**Section 3.02. Redemption Notice.** At least ten (10) days but not more than sixty (60) days prior to the redemption date of any principal amount of the Series 2014 Bond to be redeemed, the Bond Registrar shall cause a notice of any such redemption signed by the Bond Registrar to be mailed, first class, postage prepaid, to the Holder of the Series 2014 Bond. A copy of such notice shall also be given by first class mail, postage prepaid, to the Commission; provided, however, that failure to give such notice to the Commission or any defect therein shall not affect the sufficiency of the proceedings for redemption.

Each such notice shall set forth the designation and date of the Series 2014 Bond, the date fixed for redemption, the principal installments and amounts of the Series 2014 Bond to be redeemed, the Redemption Price to be paid, the address and phone number of the Bond Registrar and the date of the redemption notice.

Any notice of redemption may state that the redemption to be effected is conditioned upon the receipt by the Bond Registrar on or prior to the redemption date of moneys sufficient to pay the principal of and premium, if any, and interest on the principal installments of the Series 2014 Bond to be redeemed and that if such moneys are not so received such notice shall be of no force or effect and such principal installments of the Series 2014 Bond shall not be required to be redeemed. In the event that such notice contains such a condition and moneys sufficient to pay the principal of and premium, if any, and interest on such principal installments of the Series 2014 Bond to be redeemed are not received by the Bond Registrar on or prior to the redemption date, the redemption shall not be made, and the Bond Registrar shall within a reasonable time thereafter give notice, in the manner in which the notice of redemption was given, that such moneys were not so received.

#### **ARTICLE IV ACCOUNTS, REVENUES AND FUNDS; OTHER COVENANTS**

**Section 4.01.** Payment of Series 2014 Bonds. The Issuer shall, subject to the provisions of Section 5.04 of the Bond Order, cause the Net Revenues deposited in the Revenue Fund to be used to pay the principal of, premium, if any, and interest on the Series 2014 Bond on each Interest Payment Date or any redemption date for the Series 2014 Bond.

**Section 4.02.** Establishment of Project Fund; Disbursement of Money in Project Fund.

(a) The Issuer hereby establishes the “Town of Clayton, North Carolina Series 2014 Project Fund” (the “Project Fund”) on its books. The Project Fund shall be established with and held by the Issuer pursuant to this Series Resolution. Money deposited in the Project Fund in accordance with Section 204 shall be applied to pay the costs of the Project and the costs and expenses incurred in connection with the issuance of the Series 2014 Bond. If the moneys held in the Project Fund and any other moneys provided by the Issuer are insufficient to pay all of the costs of the Project and costs and expenses incurred in connection with the issuance of the Series 2014 Bond, the Issuer shall provide any balance of the funds needed to complete the acquisition, construction and equipping of the Project. Any moneys remaining in the Project Fund after completion of the acquisition, construction and equipping of the Project, as evidenced by a written certificate of completion executed by an Issuer Representative and delivered to the Purchaser stating that the Project has been completed and there are no mechanic’s or other liens against the Project for labor or materials furnished in connection with the Project, may be applied on the next Interest Payment Date to repayments of interest and principal installments of the Series 2014 Bond until such time as such moneys are expended.

**Section 4.03. Investment of Money.** Money held for the credit of the Project Fund established hereunder shall be continuously invested and reinvested by the Issuer in Qualified Investments to the extent practicable. Any such Qualified Investments shall mature not later than the dates when the money held for the credit of the Project Fund will be required for the purposes intended. The Issuer shall sell or reduce to cash in a commercially reasonable manner a sufficient amount of such Qualified Investments whenever it is necessary to do so in order to provide money to make any payment from the Project Fund.

**Section 4.04. Payment of Principal, Interest and Premium and Pledge of Net Revenues.** The Issuer covenants that it will promptly pay the principal of and the interest on the Series 2014 Bond issued under the provisions of this Series Resolution at the place, on the dates and in the manner provided herein and in the Series 2014 Bond, and any premium required for the retirement of the Series 2014 Bond in whole or in part by purchase or redemption, according to the true intent and meaning thereof. The Issuer further covenants that it will faithfully perform at all times all of its covenants, undertakings and agreements contained in this Series Resolution and the Bond Order, or in any Series 2014 Bond executed, authenticated and delivered hereunder or in any proceedings of the Issuer pertaining thereto. The Issuer represents and covenants that it is duly authorized under the Constitution and laws of the State, particularly the Act, to issue the Series 2014 Bond authorized hereby and to pledge the Net Revenues in the manner and to the extent herein and in the Bond Order set forth; that all action on its part for the issuance of the Series 2014 Bond has been duly and effectively taken; and that such Series 2014 Bond in the hands of the Holders thereof is and will be a valid and binding special obligation of the Issuer payable according to its terms. The Series 2014 Bond shall be secured pari passu as to the pledge of Net Revenues and shall be entitled to the same benefit and security under the Bond Order as all other Bonds issued or incurred thereunder and then outstanding.

## **ARTICLE V OTHER COVENANTS**

**Section 5.01. Tax Covenants.** The Issuer covenants to do and perform all acts and things permitted by law in order to assure that interest paid on the Series 2014 Bond which was excludable from the gross income of its Holders for federal income taxes on the date of its issuance shall continue to be so excludable.

The Issuer hereby represents that it reasonably expects that the Issuer, all entities issuing obligations on behalf of the Issuer and all subordinate entities of the Issuer will not issue in the aggregate more than \$10,000,000 of tax-exempt obligations (not counting private-activity bonds except for qualified 501(c)(3) bonds as defined by the Code) during the calendar year that the Series 2014 Bond is being issued. The Issuer hereby designates the Series 2014 Bond as a “qualified tax-exempt obligation” for purposes of Section 265(b)(3) of the Code.

## **ARTICLE VI THE TRUSTEE**

**Section 6.01. Designation of Trustee.** The Issuer may at any time, with the approval of the Commission, appoint a Trustee to administer the provisions of the Bond Order and this Series

Resolution and may adopt such supplements to the Bond Order and this Series Resolution as shall be necessary or desirable to effectuate such appointment.

## **ARTICLE VII SUPPLEMENTAL RESOLUTIONS**

**Section 7.01. Modification Without Consent of Holders.** The Issuer may, from time to time and at any time, without the consent of any Holders of the Bonds, execute and deliver such resolutions supplemental hereto (which supplemental resolutions shall thereafter form a part hereof) as shall be substantially consistent with the terms and provisions of this Series Resolution and shall not materially and adversely affect the interest of the Holders:

(a) to cure any ambiguity or formal defect or omission, to correct or supplement any provision herein that may be inconsistent with any other provision herein, to make any other provisions with respect to matters or questions arising under this Series Resolution or to modify, alter, amend, add to or rescind, in any particular manner, any of the terms or provisions contained in this Series Resolution, as is substantially consistent with the terms and provisions of this Series Resolution and does not materially and adversely affect the interest of the Holders ;

(b) to grant or to confer upon the Holders any additional rights, remedies, powers, authority or security that may lawfully be granted to or conferred upon the Holders;

(c) to add to the covenants and agreements of the Issuer in this Series Resolution other covenants and agreements thereafter to be observed by the Issuer or to surrender any right or power herein reserved to or conferred upon the Issuer; or

(d) to permit the qualification of this Series Resolution under any federal statute now or hereafter in effect or under any state blue sky laws, and, in connection therewith, if the Issuer so determines, to add to this Series Resolution or any supplemental series resolution such other terms, conditions and provisions as may be permitted or required by such federal statute or blue sky laws.

At least thirty (30) days prior to the execution and delivery of any supplemental series resolution for any of the purposes of this Section, the Bond Registrar shall cause a notice of the proposed supplemental series resolution to be mailed first-class, postage prepaid, to the Commission and to the Holder of the Series 2014 Bond. Such notice shall briefly set forth the nature of the proposed supplemental series resolution and shall state that copies thereof are on file at the principal office of the Bond Registrar for inspection by the Holders of the Series 2014 Bond. A failure on the part of the Bond Registrar to mail the notice required by this Section shall not affect the validity of such supplemental series resolution.

**Section 7.02. Modification of Series Resolution With Consent of Holder.** Subject to the terms and provisions contained in this Section, and not otherwise, the Holder of the Series 2014 Bond shall have the right, from time to time, anything contained in this Series Resolution to the contrary notwithstanding, to consent to and approve the adoption by the Issuer of such supplemental series resolutions as shall be deemed necessary or desirable by the Issuer for the purpose of modifying, altering, amending, adding to or rescinding, in any particular, any of the terms or provisions contained in this Series Resolution or in any supplemental series resolution.

Nothing herein contained, however, shall be construed as making necessary the approval by the Holder of the Series 2014 Bond of the execution and delivery of any supplemental series resolution as authorized in Section 601.

The Bond Registrar shall, at the expense of the Issuer, such expense to be paid from the Revenue Fund or from any other available moneys, cause notice of the proposed supplemental series resolution to be mailed, postage prepaid, to the Commission and the Holder of the Series 2014 Bond as of the date such notice is mailed. Such notice shall briefly set forth the nature of the proposed supplemental series resolution and shall state that copies thereof are on file at the principal office of the Bond Registrar for inspection by such Holder.

Whenever, at any time after the date of the mailing of such notice, the Issuer receives an instrument in writing purporting to be executed by the Holder of the Series 2014 Bond, which instrument shall refer to the proposed supplemental series resolution described in such notice and shall specifically consent to and approve the adoption thereof in substantially the form of the copy thereof referred to in such notice, thereupon, but not otherwise, the Issuer may adopt such supplemental series resolution in substantially such form, without liability or responsibility to such Holder.

If the Holder of the Series 2014 Bond has consented to and approved the adoption thereof as herein provided, to the extent permitted by law, the Holder shall have no right to object to the adoption of such supplemental series resolutions, to object to any of the terms and provisions contained therein or the operation thereof, to question the propriety of the adoption thereof, or enjoin or restrain the Issuer from adopting the same or from taking any action pursuant to the provisions thereof.

Upon the adoption of any supplemental series resolution pursuant to the provisions of this Section or Section 601, this Series Resolution shall be and be deemed to be modified and amended in accordance therewith, and the respective rights, duties and obligations under this Series Resolution of the Issuer, the Bond Registrar and the Holder of the Series 2014 Bond shall thereafter be determined, exercised and enforced in all respects pursuant to the provisions of this Series Resolution, as so modified and amended.

**Section 7.03. Responsibilities of Issuer Under this Article.** The Issuer shall be entitled to exercise its discretion in determining whether or not any proposed supplemental series resolution or any term or provision therein contained is desirable, after considering the purposes of such instrument, the needs of the Issuer and the rights and interests of the Holder of the Series 2014 Bond.

## **ARTICLE VIII MISCELLANEOUS PROVISIONS**

**Section 8.01. Manner of Giving Notice.** All notices, demands and requests to be given to or made hereunder by the Issuer, the Commission or the Bond Registrar shall be given or made in writing and shall be deemed to be properly given or made if sent by United States registered or certified mail, return receipt requested, addressed as follows:

- (a) As to the Issuer or Bond Registrar

Town of Clayton, North Carolina  
Post Office Box 879  
Clayton, North Carolina 27528-0879  
Attention: Finance Officer

- (b) As to the Local Government Commission

North Carolina Local Government Commission  
325 N. Salisbury Street  
Raleigh, North Carolina 27603-1385  
Attention: Secretary

- (c) As to the Purchaser

Carter Bank & Trust  
Post Office Box 1776  
Martinsville, Virginia 24115-1776  
Attention: Vice President

Any such notice, demand or request may also be transmitted to the appropriate above-mentioned party by telegram or telephone and shall be deemed to be properly given or made at the time of such transmission if, and only if, such transmission of notice shall be confirmed in writing and sent as specified above.

Any of such addresses may be changed at any time upon written notice of such change sent by United States registered or certified mail, postage prepaid, to the other parties by the party effecting the change.

**Section 8.02. Substitute Mailing.** If, because of the temporary or permanent suspension of postal service, the Issuer, the Commission or the Bond Registrar shall be unable to mail any notice required to be given by the provisions of this Series Resolution, such party shall give notice in such other manner as in the judgment of such party shall most effectively approximate mailing, and the giving of notice in such manner shall for all purposes of this Series Resolution be deemed to be in compliance with the requirement for the mailing thereof.

**Section 8.03. Issuer, Bond Registrar and Holder Alone Have Rights Under Series Resolution.** Except as herein otherwise expressly provided, including, without limitation, nothing in this Series Resolution, express or implied, is intended or shall be construed to confer upon any person, firm or corporation, other than the Issuer, the Bond Registrar and the Holder of the Series 2014 Bond, any right, remedy or claim, legal or equitable, under or by reason of this Series Resolution or any provision being intended to be and being for the sole and exclusive benefit of the Issuer, the Bond Registrar and the Holder of the Series 2014 Bond.

**Section 8.04. Application to the Commission.** The Local Government Commission of North Carolina is hereby requested to sell the Series 2014 Bond at private sale and without advertisement pursuant to G.S.159-123 to the Purchaser.

**Section 8.05. Effect of Partial Invalidity.** In case any one or more of the provisions of this Series Resolution or the Series 2014 Bond shall for any reason be held to be illegal or

invalid, such illegality or invalidity shall not affect any other provisions of this Series Resolution or the Series 2014 Bond, but this Series Resolution and the Series 2014 Bond shall be construed and enforced as if such illegal or invalid provisions had not been contained therein. In case any covenant, stipulation, obligation or agreement contained in this Series Resolution or the Series 2014 Bond shall for any reason be held to be in violation of law, then such covenant, stipulation, obligation or agreement shall be deemed to be the covenant, stipulation, obligation or agreement of the Issuer to the full extent permitted by law.

**Section 8.06. Effect of Covenants; Governing Law.** All covenants, stipulations, obligations and agreements of the Issuer contained in this Series Resolution shall be deemed to be covenants, stipulations, obligations and agreements of the Issuer to the full extent permitted by the Constitution and laws of the State. This Series Resolution is executed and delivered with the intent that the laws of the State shall govern this construction.

**Section 8.07. Headings.** Any heading preceding the text of the several articles hereof, any table of contents or marginal notes appended to copies hereof, shall be solely for convenience of reference and shall not constitute a part of this Series Resolution, nor shall they affect its meaning, construction or effect.

**Section 8.08. Further Authority.** The officers, attorneys, employees and other agents of the Issuer are hereby authorized to do all acts and things required of them by this Series Resolution for the full, punctual and complete performance of all of the terms, covenants and agreements contained in the Series 2014 Bond and this Series Resolution.

The Mayor, the Town Manager, the Finance Officer and the Clerk, or any of them or their deputies, are further authorized and directed (without limitation except as expressly provided herein) to take such action and to execute and deliver such documents, certificates, agreements or other instruments as they, with the advice of counsel, may deem necessary or appropriate to effect the transactions contemplated by the Order and this Series Resolution.

**Section 8.09. Payment Due on Holidays.** If the date for making any payment or the last day for performance of any act or the exercising of any right as provided in this Series Resolution is not a Business Day, such payment may be made or act performed or right exercised on the next Business Day with the same force and effect as if done on the date provided in this Series Resolution.

**Section 8.10. Multiple Counterparts.** This Series Resolution may be executed in multiple counterparts, each of which shall be regarded for all purposes as an original, and such counterparts shall constitute but one and the same instrument.

**Section 8.11. Series Resolution Effective.** This Series Resolution shall take effect upon its adoption.

Councilman \_\_\_\_\_ moved the passage of the foregoing resolution and  
Councilman \_\_\_\_\_ seconded the motion and the resolution was passed by  
the following vote:

Ayes: Councilmen \_\_\_\_\_

Nays: Councilmen \_\_\_\_\_  
Not voting: Councilmen \_\_\_\_\_

\* \* \* \* \*

I, Sherry L. Scoggins, 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 May 5, 2014, 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 May, 2014.

\_\_\_\_\_  
Sherry L. Scoggins  
Clerk  
Town of Clayton, North Carolina

(SEAL)

FORM OF SERIES 2014 BOND

R-1

\$650,000

United States of America  
State of North Carolina

TOWN OF CLAYTON, NORTH CAROLINA  
ELECTRIC SYSTEM REVENUE BOND  
SERIES 2014

The Town of Clayton, North Carolina (the “Issuer”), a municipal corporation in existence under the laws of the State of North Carolina, for value received, hereby promises to pay, but solely from the sources and in the manner hereinafter provided, to CARTER BANK & TRUST, or registered assigns or legal representative, the principal sum of SIX HUNDRED FIFTY THOUSAND DOLLARS (\$650,000) in annual installments of principal on the days and in the years and amount set forth in Schedule A attached hereto and made a part hereof, and to pay, but solely from such sources, interest from the date hereof on the unpaid portion of such principal sum until payment thereof (computed on the basis of a 360-day year consisting of twelve 30-day months) at the rate of 1.50% per annum (subject to adjustment as provided below), such interest being payable semiannually in arrears on June 1 and December 1 of each year, beginning December 1, 2014, as set forth in Schedule A attached hereto (each such date being an “Interest Payment Date”).

Payment of the final installment of principal shall be made only upon the presentation and surrender hereof at the principal office of the Finance Officer of the Issuer (the “Bond Registrar”). The interest so payable and punctually paid or duly provided for on any Interest Payment Date will be paid to the person in whose name this bond is registered at the close of business on the Regular Record Date for such interest, which shall be the Business Day next preceding such Interest Payment Date. Any such interest not so punctually paid or duly provided for shall forthwith cease to be payable to the registered owner on such Regular Record Date, and may be paid to the person in whose name this bond is registered at the close of business on a special record date for the payment of such defaulted interest to be fixed by the Bond Registrar, notice whereof being given to the registered owners not less than ten (10) days prior to such special record date, or may be paid at any time in any other lawful manner not inconsistent with the requirements of any securities exchange on which the Bonds (hereinafter mentioned) may be listed and upon such notice as may be required by such exchange, or as more fully provided in the Bond Order (hereinafter defined). All such payments shall be made in such coin or currency of the United States of America as at the time of payment is legal tender for payment of public and private debts. Both principal of and interest on the Series 2014 Bond shall be paid by wire transfer of immediately available funds or by check mailed to the Holder thereof in the manner specified by the Holder of this bond.

From and after a Rate Adjustment Event, the annualized interest rate used to calculate the interest on this bond shall change to such rate as the then current Holder of this bond may

reasonably determine shall be appropriate to provide such Holder with the same tax equivalent yield as it enjoyed prior to the Rate Adjustment Event; provided that such Holder shall provide to the Issuer a description of the methodology used to determine such tax equivalent yield. Upon each Rate Adjustment Event, the schedule for payment of principal interest on this bond shall be adjusted from and after the date of such Rate Adjustment Event to reflect level annual debt service payments for the remaining term of this bond based on the new interest rate to be borne by this bond. The Issuer shall additionally pay to such Holder or to any prior Holder of this bond any taxes, interest, penalties or other charges assessed against or payable by such Holder or prior Holder and attributable to a Rate Adjustment Event, notwithstanding the repayment of the entire principal amount of the Series 2014 Bond or any transfer or assignment of this bond.

This bond is a duly authorized revenue bond of the Issuer designated “Town of Clayton, North Carolina Electric System Revenue Bond, Series 2014” issued under and pursuant to the Constitution and laws of the State of North Carolina, including the Act, an order of the Issuer adopted on June 16, 2008 (the “Bond Order”), and a Series Resolution adopted on May 5, 2014 (the “Series Resolution”), authorizing the issuance of this bond. This bond is being issued for the purpose of providing funds, together with any other available funds, to (a) pay the costs of acquiring, constructing and equipping the Project (as defined in the Bond Order and the Series Resolution) and (b) pay the costs and expenses incurred in connection with the issuance of this bond. Capitalized terms used herein and not otherwise defined have the meanings given such terms in the Bond Order and the Series Resolution.

The Bond Order provides for the issuance or incurrence from time to time under the conditions, limitations and restrictions set forth therein of additional bonds, notes or other evidences of indebtedness secured pari passu as to the pledge of Net Revenues with this bond and any additional bonds, notes or other evidences of indebtedness issued or incurred pursuant to the Bond Order.

This bond is a special obligation of the Issuer secured by a pledge, charge and lien upon Net Revenues on a pari passu basis with any Outstanding Bonds issued or incurred pursuant to the Bond Order. The Issuer is not obligated to pay the principal of or the interest on this bond except as provided in the Bond Order from Net Revenues or certain other monies made available therefor under the Bond Order, and neither the faith and credit nor the taxing power of the State of North Carolina or any political subdivision thereof or the Issuer is pledged to the payment of the principal of and the interest on this bond.

Reference is made to the Bond Order and the Series Resolution for a more complete statement of the provisions thereof and of the rights of the Issuer and the registered owner of this bond. Copies of the Bond Order and the Series Resolution are available for inspection by the registered owner of this bond at all reasonable times at the principal office of the Bond Registrar. By the purchase and acceptance of this bond, the registered owner hereof signifies assent to all of the provisions of the Bond Order and the Series Resolution.

The Bond Registrar shall keep at its principal office books for the registration of transfer of this bond. The transfer of this bond may be registered only upon such books and as otherwise provided in the Bond Order upon the surrender hereof to the Bond Registrar together with an assignment duly executed by the registered owner hereof or his attorney or legal representative in such form as shall be satisfactory to the Bond Registrar. Upon any such registration of transfer, the Bond Registrar shall deliver in exchange for this bond a new bond registered in the name of the transferee in an aggregate principal amount equal to the principal amount of this bond, containing the same principal installments and bearing interest at the same rate. This bond may not be exchanged for any denomination other than the outstanding principal amount thereof.

Notwithstanding any other provisions of the Bond Order or the Series Resolution to the contrary, the Bond Registrar shall not register the transfer of this bond to any person other than a bank, insurance company or similar financial institution unless such transfer has been previously approved by the Commission.

The principal installments of this bond are subject to redemption prior to their stated payment dates, at the option of the Issuer, from any moneys that may be available for such purpose, in whole or in part (in whole multiples of \$5,000) on any date at a redemption price equal to 100% of the principal amount hereof to be redeemed, plus accrued interest to the redemption date, without penalty or premium.

In connection with any partial redemption of the principal installments of this bond, such prepayment shall be applied in inverse order of the maturing principal installments unless otherwise agreed to by the Holder in writing, and the schedule for payment of principal interest on this bond shall be modified from and after the redemption date to reflect such partial redemption.

At least ten (10) days but not more than sixty (60) days prior to the redemption date of any principal amount of the Bonds to be redeemed, the Bond Registrar shall cause a notice of any such redemption signed by the Bond Registrar to be mailed, first class, postage prepaid, to the registered owner of this bond.

Any notice of redemption may state that the redemption to be effected is conditioned upon the receipt by the Bond Registrar on or prior to the redemption date of moneys sufficient to pay the principal of and premium, if any, and interest on the principal installments of this bond to be redeemed and that if such moneys are not so received such notice shall be of no force or effect and such principal installments shall not be required to be redeemed. In the event that such notice contains such a condition and moneys sufficient to pay the principal of and premium, if any, and interest on such principal installments of this bond to be redeemed are not received by the Bond Registrar on or prior to the redemption date, the redemption shall not be made, and the Bond Registrar shall within a reasonable time thereafter give notice, in the manner in which the notice of redemption was given, that such moneys were not so received.

On the date designated for redemption, notice having been given as aforesaid, the portion of the principal installment of this bond so called for redemption shall become due and payable at the redemption price provided for redemption of such principal installments on such date plus accrued interest to such date.

The registered owner of this bond shall have no right to enforce the provisions of the Bond Order or to institute action to enforce the covenants therein, or to take any action with

respect to any event of default under the Bond Order, or to institute, appear in or defend any suit or other proceeding with respect thereto, except as provided in the Bond Order.

Modifications or alterations of the Bond Order and the Series Resolution or in any supplement series resolution thereto may be made only to the extent and in the circumstances permitted by the Bond Order and the Series Resolution, as the case may be.

This bond, notwithstanding the provisions for registration of transfer stated herein and contained in the Bond Order and the Series Resolution, at all times shall be, and shall be understood to be, an investment security within the meaning of and for all the purposes of Article 8 of the Uniform Commercial Code of North Carolina. This bond is issued with the intent that the laws of the State of North Carolina shall govern its construction.

All acts, conditions and things required to happen, exist and be performed precedent to and in the issuance of this bond and the execution and delivery of the Bond Order and the Series Resolution have happened, exist and have been performed as so required.

This bond shall not be valid or become obligatory for any purpose or be entitled to any benefit or security under the Bond Order or the Series Resolution until it shall have been authenticated by the execution by the Bond Registrar of the certificate of authentication endorsed hereon.

IN WITNESS WHEREOF, the Town of Clayton, North Carolina, by order duly passed by its Governing Body, has caused this bond to be manually signed by the Town Manager and the Town Clerk and its official seal to be impressed hereon, all as of the 15<sup>th</sup> day of May, 2014.

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Town Manager

[SEAL]

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Town Clerk

CERTIFICATE OF LOCAL GOVERNMENT COMMISSION

The issuance of the within bond has been approved under the provisions of The State and Local Government Revenue Bond Act.

\_\_\_\_\_  
Secretary, Local Government Commission

CERTIFICATE OF AUTHENTICATION

This bond is a bond of the series designated therein and issued under the provisions of the within mentioned Bond Order and Series Resolution.

By: \_\_\_\_\_  
Bond Registrar

Date of authentication: \_\_\_\_\_

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

PLEASE INSERT SOCIAL SECURITY NUMBER  
OR OTHER IDENTIFYING NUMBER OF ASSIGNEE

\_\_\_\_\_

\_\_\_\_\_

PLEASE PRINT OR TYPEWRITE NAME AND ADDRESS OF TRANSFEREE

the within bond and all right thereunder, and hereby irrevocably constitutes and appoints \_\_\_\_\_  
\_\_\_\_\_, attorney, to transfer the within bond on the books  
kept for registration thereof, with full power of substitution in the premises.

Dated: \_\_\_\_\_

In the presence of:

\_\_\_\_\_  
NOTICE: Signature must be guaranteed by an  
institution which is a participant in the  
Securities Transfer Agent Medallion Program  
(STAMP) or similar program.

\_\_\_\_\_  
The signature to this assignment must  
correspond with the name as it appears upon  
the face of the within bond in every particular,  
without alteration or enlargement or any  
change whatever.

SCHEDULE A

Payment Date	Principal Amount	Interest Portion	Total Payment	BALANCE
05/15/2014				650,000.00
12/01/2014				650,000.00
06/01/2015	130,000.00	4,875.00	134,875.00	520,000.00
12/01/2015		3,900.00	3,900.00	520,000.00
06/01/2016	130,000.00	3,900.00	133,900.00	390,000.00
12/01/2016		2,925.00	2,925.00	390,000.00
06/01/2017	130,000.00	2,925.00	132,925.00	260,000.00
12/01/2017		1,950.00	1,950.00	260,000.00
06/01/2018	130,000.00	1,950.00	131,950.00	130,000.00
12/01/2018		975.00	975.00	130,000.00
06/01/2019	130,000.00	975.00	130,975.00	0.00
<b>TOTALS</b>	<b>650,000.00</b>			<b>650,000.00</b>

**TOWN OF CLAYTON  
TOWN COUNCIL  
AGENDA COVER SHEET**

**Agenda Item: 7b**

**Meeting Date: 5/05/14**

**TITLE: DISCUSSION OF FY 14-15 INSURANCE RENEWAL AND  
SELECTION OF PLAN.**

**DESCRIPTION: Will be a verbal report the evening of the Council meeting.**

**RELATED GOAL: Administration.**

**ITEM SUMMARY:**

**Date:**

**Action:**

**Info. Provided:**

**05-05-14**

**Discussion.**

**TOWN OF CLAYTON  
TOWN COUNCIL  
AGENDA COVER SHEET**

Agenda Item: 8c

Meeting Date: 5/05/14

TITLE: TOWN CLERK

DESCRIPTION: Calendar of Events

- Planning Board Mtg – Monday, April 28, 2014 @ 6 PM
- Zaxby's Movie Night – Saturday, May 3, 2014 from 6 PM to 10 PM at Town Square
- Council Mtg – Monday, May 5, 2014 @ 6:30 PM
- Clayton Road Race – Saturday, May 10, 2014, from 8 AM to 11 AM, Downtown Clayton beginning at the Clayton Town Hall, 111 E 2<sup>nd</sup> Street
- Ethics Webinar 2014 – Wednesday, May 14, 2014, from 10 AM to 12 noon, Four Oaks Room
- 2014 Legislative Session [the Short Session] – Wednesday, May 14, 2014 at 12 noon
- Town Square Concert Series – Southern Grace – Thursday, May 15, 2014 from 6 PM to 9 PM at Town Square
- Council Mtg – Monday, May 19, 2014 @ 6:30 PM
- Board of Adjustment Mtg – Wednesday, May 21, 2014 @ 6 PM
- Fire Advisory Board Mtg – Thursday, May 22, 2014 @ 7 PM at Fire Station 1, 325 West Horne Street
- Memorial Day Holiday – Monday, May 26, 2014
- Planning Board Mtg – **TUESDAY**, May 27, 2014 @ 6 PM
- Council Budget Work Session – **WEDNESDAY**, May 28, 2014 @ 5:00 PM at Clayton Law Enforcement Center, Training Room; 315 E 2<sup>nd</sup> Street
- Council Mtg – Monday, June 2, 2014 @ 6:30 PM
- NCLM Town Hall Day – Wednesday, June 4, 2014
- MillStock Music & Art Faire – Saturday, June 7, 2014, from 10 AM to 4 PM at Horne Square
- Downtown Development Association Mtg – Monday, June 9, 2014 @ 6:30 PM in room GS 223
- Council Mtg – Monday, June 16, 2014 @ 6:30 PM
- Board of Adjustment Mtg – Wednesday, June 18, 2014 @ 6 PM
- Town Square Concert Series – Brickhouse Band – Thursday, June 19, 2014 from 6 PM to 9 PM at Town Square
- Planning Board Mtg – Monday, June 23, 2014 @ 6 PM
- Independence Day Holiday – Friday, July 4, 2014
- Council Mtg – Monday, July 7, 2014 @ 6:30 PM
- Board of Adjustment Mtg – Wednesday, July 16, 2014 @ 6 PM
- Town Square Concert Series – Steve Owens & Summertime – Thursday, July 17, 2014 from 6 PM to 9 PM at Town Square
- Council Mtg – Monday, July 21, 2014 @ 6:0 PM

- Fire Advisory Board Mtg – Thursday, July 24, 2014 @ 7 PM at Fire Station 1, 325 West Horne Street
- Planning Board Mtg – Monday, July 28, 2014 @ 6 PM
- Council Mtg – August 4, 2014 @ 6:30 PM
- National Night Out – Tuesday, August 5, 2014, from 5:30 PM to 8:30 PM at Town Square
- Council Mtg – August 18, 2014 @ 6:30 PM
- Board of Adjustment Mtg – Wednesday, August 20, 2014 @ 6:00 PM
- Town Square Concert Series – Mostly Crue – Thursday, August 21, 2014 from 6 PM to 9 PM at Town Square
- Planning Board Mtg – Monday, August 25, 2014 @ 6:00 PM
- Labor Day Holiday – Monday, September 1, 2014
- Council Mtg – **TUESDAY**, September 2, 2014 @ 6:30 PM
- Zaxby's Movie Night – Saturday, September 13, 2014 from 6 PM to 10 PM at Town Square
- Council Mtg- Monday, September 15, 2014 @ 6:30 PM
- Board of Adjustment Mtg –Wednesday, September 17, 2014 @ 6:00 PM
- Town Square Concert Series – Nantucket – Thursday, September 18, 2014 from 6 PM to 9 PM at Town Square
- Planning Board Mtg – Monday, September 22, 2014 @ 6:00 PM
- Council Mtg – Monday, October 6, 2104 @ 6:30 PM
- NCLM Annual Conference – October 12-14, 2014; Greensboro, NC
- Board of Adjustment Mtg – Wednesday, October 15 2014 @ 6:00 PM
- Council Mtg – Monday, October 20, 2014 @ 6:30 PM
- Planning Board Mtg – Monday, October 27, 2014 @ 6:00 PM
- Fall Back: 2014 Daylight Saving Time ends – Sunday, November 2, 2014, at 2 AM
- Council Mtg – Monday, November 3, 2014 @ 6:30 PM
- Veteran's Day Holiday – Tuesday, November 11, 2014
- Council Mtg – Monday, November 17, 2014 @ 6:30 PM
- Board of Adjustment Mtg – Wednesday, November 19, 2014 @ 6:00 PM
- Planning Board Mtg – Monday, November 24, 2014
- Thanksgiving Day Holiday – Thursday, November 27, 2014 & Friday, November 28, 2014
- Council Mtg – Monday, December 1, 2014 @ 6:30 PM
- Council Mtg – Monday, December 15, 2014 @ 6:30 PM
- Board of Adjustment Mtg – Wednesday, December 17, 2104 @ 6:00 PM
- Christmas Holiday – Wednesday, December 24, 2014; Thursday, December 25, 2014; & Friday, December 26, 2014

Date:  
05-05-14

Action:  
N/A

Info. Provided:  
Calendar of Events