



**Agenda Packet - DRAFT
Village of Clemmons Council
Regular Meeting**

March 9, 2020

**AGENDA
REGULAR MEETING OF THE
VILLAGE OF CLEMMONS COUNCIL
MARCH 9, 2020 at 6:00 p.m.**

- I. Call to Order & Pledge of Allegiance – Mayor Wait
- II. Public Comments
- III. Minutes
 - A. Approval of Minutes – February 24, 2020 Regular Meeting
 - B. Approval of Minutes – Closed Session Minutes related to Attorney-Client Privilege in accordance with NCGS 143-318.11(a)(3); Property Acquisition in accordance with NCGS 143-318.11(a)(5); and Personnel Matters in accordance with NCGS 143-318.11(a)(6) - (September 25, 2017 – October 14, 2019)
- IV. Changes and/or Approval of the Agenda
- V. Announcements
 - A. Proclamation – Forsyth Creek Week - March 21-29, 2020
- VI. **Business – Information/Review Items for Future Action**
 - A. Marketing & Communications Director's Report
 - B. Manager's Report
 - 1. Idols Road Project Update
 - 2. Greenbrook & Mendelssohn CIP Projects
 - C. Attorney's Report
 - D. Planner's Report

Business – Action Items

 - E. Council Comments
 - F. Closed Session to Discuss Property Acquisition in accordance with NCGS 143-318.11(a)(5) and to Discuss Personnel Matter in accordance with NCGS 143-318.11(a)(6)
- VII. Adjournment



DRAFT

**REGULAR MEETING OF
THE VILLAGE OF CLEMMONS COUNCIL
February 24, 2020**

The Village of Clemmons Council met on Monday, February 24, 2020, at 6 p.m. The meeting was held at the Village Hall, Clemmons, North Carolina. The following members were present: Mayor Wait, Council Members Barson, Binkley, Cameron, Rogers and Wrights. Attorney Elliot Fus was also present.

Call to Order & Pledge of Allegiance

Mayor Wait called the meeting to order at 6 p.m. and led the Pledge of Allegiance.

Public Comments

There were approximately 10 citizens in attendance. There were no individuals signed in to speak.

Approval of the Minutes

Council Member Rogers moved to approve the minutes of the February 10, 2020 regular meeting as presented. The motion was seconded by Council Member Barson and unanimously approved.

Approval of the Agenda

Council Member Wrights moved to approve the agenda as presented. The motion was seconded by Council Member Barson and unanimously approved.

Announcements

Mayor Wait recognized Council Member Rogers on becoming a grandfather for the first time. Council Member Rogers' son and daughter-in-law welcomed a son on February 21, 2020.

- A. *Proclamation – March 2020 as March for Meals Month* – Mayor Wait read a Proclamation declaring March 2020 as March for Meals Month (attached hereto as Exhibit A and incorporated as part of the minutes).

Business – Information/Review Items for Future Action

- A. *Marketing and Communications Director's Report* – Marketing and Communications Director Ford provided an update on the following items and events:
- The month of February is “Neighbors Helping Neighbors” – donation to be made to Clemmons Food Pantry. She publicly thanked everyone for their participation.
 - March 6, 2020 from 7pm – 9pm at Southwest Elementary School will be March Madness in Clemmons with a Lip Sync Battle competition between various participants. Admission is free but tangible donations will be accepted for the Davie County Department of Social Services Foster Care. The emcee will be WXII's Kenny Beck.

- Forsyth Creek Week events are upcoming beginning with Family Fishing Fun on Saturday, March 21, 2020 at Village Point Lake.
- March 23, 2020 will be Operation Medicine Drop from 10am – 1pm at Clemmons Fire Department (James Street location).
- Bulk Pickup will be the last two weeks of March. The west side of Clemmons will begin the week of March 16 and the east side collection will begin the week of March 23.

Marketing and Communications Director Ford advised that the Lewisville-Clemmons Chamber is recognizing the in-kind contributions of the Public Works staff toward sponsorship of Community Day. The Village of Clemmons is now a Corporate sponsor which includes a vendor tent and table. Staff recommended using this for the Stormwater Department.

B. Manager's Report.

1. *Financial Report for January 2020* – report was presented.
2. *Sheriff's Department Report for January 2020* – report was presented. Mayor Wait requested the new reporting format that has been previously discussed with the Sheriff's Office.
3. *Speed Limit Evaluation for State Roads Discussion* – Manager Buffkin advised Council that Jonathan Guy (Kimley-Horn) reviewed all Village and state-maintained streets and made two recommendations for modifications to speed limits: 1) Amp Drive north to Peacehaven Road; and 2) Highway 158 west to Yadkin River. The change on Highway 158 from 45 mph to 35 mph can only be done up to the Asbury Place neighborhood as, beyond that point, the municipal boundaries continuing west are the middle of Highway 158. The Village of Clemmons cannot dictate a speed limit outside of the boundaries. Manager Buffkin advised that he confirmed with Jonathan Guy that those two segments were the only recommendations they could make at this point.
4. *Library Project Update* – Manager Buffkin provided an update to Council stating that the Village's portion of the library project is fairly well completed and the conversion of the erosion control pond to a permanent stormwater device needs to be finalized. Duke Energy has marked utilities and street lights will be installed. Council Member Cameron added that she had spoken to Damon Sanders-Pratt, Forsyth County Assistant Manager, and the estimated completion date is January 2021 (dependent upon weather).
5. *Unsealing of Closed Session Minutes related to Attorney-Client Privilege in accordance with NCGS 143-318.11(a)(3); Property Acquisition in accordance with NCGS 143-318.11(a)(5); and Personnel Matters in accordance with NCGS 143-318.11(a)(6) - (September 25, 2017 – October 14, 2019).*

Council Member Rogers moved to unseal Closed session minutes related to Attorney-Client Privilege under NCGS 143-318.11(a)(3); Property Acquisition in accordance with NCGS 143-318.11(a)(5); and Personnel Matters in accordance with NCGS 143-318.11(a)(6) - (September 25, 2017 – October 14, 2019). The motion was seconded by Council Member Cameron and unanimously approved.

- C. Attorney's Report – nothing to report.
- D. Planner's Report.
 - 1. February 18, 2020 Draft Planning Board Meeting Minutes – draft minutes were presented.

Business – Action Items

Council Member Binkley asked to be excused from the discussion of Business Item E. as he is a teacher with WS/FCS.

Council Member Rogers made a motion for Council Member Binkley to be excused for Business Item E. and abstain from the discussion and vote. The motion was seconded by Council Member Cameron and unanimously approved.

- E. Resolution 2020-R-2 Concerning the Proposed Forsyth County Additional 1/4 Cent Sales Tax For Teacher Pay - Resolution 2020-R-2 Concerning the Proposed Forsyth County Additional 1/4 Cent Sales Tax For Teacher Pay was presented.

Council Member Cameron moved to adopt Resolution 2020-R-2 Concerning the Proposed Forsyth County Additional 1/4 Cent Sales Tax For Teacher Pay (attached hereto as Exhibit B and incorporated as a part of the minutes). The motion was seconded by Council Member Wrights and passed with a 3-1 vote. Council Member Barson voted in opposition.

- F. Resolution 2020-R-3 Blanket Resolution for Street Dedications – Resolution 2020-R-3 Blanket Resolution for Street Dedications was presented.

Council Member Rogers moved to adopt Resolution 2020-R-3 Blanket Resolution for Street Dedications (attached hereto as Exhibit C and incorporated as a part of the minutes). The motion was seconded by Council Member Barson and unanimously approved.

- G. Budget Amendment – Capital Project Ordinance CPO-HWY158-2020-1 – Budget amendment to amend Highway 158 Sidewalk and Tanglewood Greenway Project for reallocation of Sidewalk 158 Stadium to Kinnamon Village and Intersections Improvements Grants to the Highway 158 Sidewalk and Tanglewood Greenway Capital Project in the amount of \$630,400 was presented.

Council Member Rogers made a motion to approve Budget Amendment CPO-HWY158-2020-1 to amend Highway 158 Sidewalk and Tanglewood Greenway Project for reallocation of Sidewalk 158 Stadium to Kinnamon Village and Intersections Improvements Grants to the Highway 158 Sidewalk and Tanglewood Greenway Capital Project in the amount of \$630,400 (attached hereto as Exhibit D and incorporated as a part of the minutes). The motion was seconded by Council Member Cameron and unanimously approved.

- H. Major Subdivision Preliminary Site Plan Review for Greenfield Park by Penny Engineering for property located at 6191 Parkfield Lane, PIN 5893-33-5641, consisting of approximately 4.1 +/- acres and zoned RS-15 (residential single-family) - Zoning Docket C-19-005 – Planner Rahimzadeh advised this a major preliminary subdivision site plan review not a rezoning consideration. He stated the proposal is 4.1 acres and it is for 9 lots. He stated it does meet the UDO checklist and was approved unanimously by the Planning Board.

Council Member Cameron made a motion to approve the preliminary major subdivision for Greenfield Park – Zoning Docket C-19-005. The motion was seconded by Council Member Barson and unanimously approved.

- I. Preliminary Site Plan Review for Whiteheart Construction for property located at 3843 Clemmons Road, PIN 5882-88-8656, consisting of 0.739 acres and zoned LO-S (office) - Zoning Docket C-001b - Planner Rahimzadeh advised the property was rezoned to Limited Office – Special Use in 1991. The petitioner is requesting to amend the existing site plan to expand the building footprint (876 square foot addition). The Village of Clemmons has secured right-of-way and payment-in-lieu from the petitioner for the Clemmons Road sidewalk project. He advised all requirements of the UDO have been met and was approved unanimously by the Planning Board.

Council Member Wrights made a motion to approve the preliminary site plan for Whiteheart Construction – Zoning Docket C-001b. The motion was seconded by Council Member Rogers and unanimously approved.

- J. Council Comments – Council Member Rogers expressed his appreciation for Sam Gaither (former Village of Clemmons employee) who was recently promoted to Major and is serving his second deployment overseas. His family currently resides in Charleston, SC.

Adjournment

Council Member Rogers moved to adjourn the meeting at 6:53 p.m. The motion was seconded by Council Member Binkley and unanimously approved.

John Wait
Mayor

ATTEST:

Lisa Shortt, NCCMC
Village Clerk

**CLOSED SESSION MEETING OF
THE VILLAGE OF CLEMMONS COUNCIL
MARCH 26, 2018**

The Village of Clemmons Council met in closed session for discussion under attorney-client privilege in accordance with NCGS 143-318.11(a)(3). The following members were present: Mayor Wait, Council Members Barson, Binkley, Combest, Lofland and Wrights. The following staff members were present: Attorneys David and Warren Kasper, Manager Buffkin and Clerk Shortt.

Discussion under attorney-client privilege in accordance with NCGS 143-318.11(a)(3)

Attorney Warren Kasper updated Mayor and Council on pending litigation involving Legal Aid and the filing of an administrative complaint which was filed in December 2015. The allegations are that during the Public Hearing, held on Monday, April 13, 2015 involving the zoning case for The Retreat at Clemmons, in which former Council Member Bill Lawry and Village of Clemmons resident P.J. Lofland made highly offensive comments regarding income levels and low-income housing which should not have been made in a zoning case as that should have no consideration on a zoning decision made by Council. He advised of the actions taken to date which include a written response to the complaint and the hiring of outside Counsel, Tom Terrell with Smith Leatherwood, who recommended the case be settled by paying the demand (\$95,000) as we were wrong and unable to defend it. Attorney Kasper explained that the next step from the NC Human Relations Commission would be to issue a Right-to-Sue letter (providing an opinion as to whether there was any violation of the NC Fair Housing Act). Attorney Kasper stated that HUD declined to render an opinion. He advised that the Village's insurance adjuster made a settlement offer that was rejected and the grant program is no longer available to the developer so there is no favorable funding for that particular project at this point. He explained that Legal Aid believes in the provision of fair housing and that affordable housing is a just cause. It was also pointed out that now that the process is started, Legal Aid will have to see it out to the end. Once the Right-to-Sue letter comes out, they decide whether to fight in federal court. Attorney Kasper advised the demand has been reduced to \$85,000 and insurance has the right to determine if the case is settled. Attorney Kasper stated that the adjuster does not see any liability on behalf of the Village. Council consensus was to direct Attorney Kasper to conduct a conference call with the adjuster and the adjuster's boss.

Council consensus to reconvene Regular Session at 8:32 p.m.

Minutes of the March 26, 2018 closed session meeting were taken by Village Clerk Shortt and approved _____.

John L.Wait
Mayor

ATTEST:

Lisa M. Shortt, Village Clerk

**CLOSED SESSION MEETING OF
THE VILLAGE OF CLEMMONS COUNCIL
JUNE 25, 2018**

The Village of Clemmons Council met in closed session to discuss personnel matters in accordance with NCGS 143-318.11(a)(6). The following members were present: Mayor Wait, Council Members Barson, Binkley, Combest, Lofland and Wrights.

Discuss personnel matters in accordance with NCGS 143-318.11(a)(6)

Review of Village Manager.

Minutes of the June 25, 2018 closed session meeting were approved _____.

John Wait
Mayor

**CLOSED SESSION MEETING OF
THE VILLAGE OF CLEMMONS COUNCIL
JULY 9, 2018**

The Village of Clemmons Council met in closed session to discuss property acquisition and economic development in accordance with NCGS 143-318.11(a)(5) and NCGS 143-318.11(a)(4). The following members were present: Mayor Wait, Council Members Barson, Binkley, Combest, Lofland and Wrights. The following staff members were present: Attorneys David and Warren Kasper, Manager Buffkin, Planner Ledbetter and Clerk Shortt.

Discussion of property acquisition and economic development accordance with NCGS 143-318.11(a)(5) and NCGS 143-318.11(a)(4)

A discussion was held about the possibility of acquiring the property which is owned by Forsyth County that is known as the proposed Tanglewood Business Park.

Council consensus to reconvene Regular Session at 8:30 p.m.

Minutes of the July 9, 2018 closed session meeting were taken by Village Clerk Shortt and approved _____.

John L. Wait
Mayor

ATTEST:

Lisa M. Shortt, Village Clerk

**CLOSED SESSION MEETING OF
THE VILLAGE OF CLEMMONS COUNCIL
SEPTEMBER 24, 2018**

The Village of Clemmons Council met in closed session for discussion to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee in accordance with NCGS 143-318.11(a)(6). The following members were present: Mayor Wait, Council Members Barson, Binkley, Combest, Lofland and Wrights. The following staff members were present: Manager Buffkin and Clerk Shortt.

Discussion to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee in accordance with NCGS 143-318.11(a)(6)

Council Member Barson stated there have been issues with current counsel sometimes making it hard to differentiate personal vs. legal opinions. She recommended taking a look at other options. Council Member Combest suggested taking a look at all ongoing contracts (including and beginning with the Village Attorney's contract), establishing a shelf life and presenting the opportunity to "re-compete". Mayor Wait expressed his concerns with the handling of certain projects. Council Member Lofland agrees that others should have opportunity to bid for the contract. Council Members Wrights and Binkley expressed that before beginning this process, a meeting should be held with current counsel discussing the issues and any questions they may have and provide an opportunity for improvement. Council Member Combest advised that conversation could take place during the open consideration timeframe.

Council consensus to reconvene Regular Session at 8:06 p.m.

Minutes of the September 24, 2018 closed session meeting were taken by Village Clerk Shortt and approved _____.

John L. Wait
Mayor

ATTEST:

Lisa M. Shortt, Village Clerk

**CLOSED SESSION MEETING OF
THE VILLAGE OF CLEMMONS COUNCIL
NOVEMBER 13, 2018**

The Village of Clemmons Council met in closed session for discussion under attorney-client privilege in accordance with NCGS 143-318.11(a)(3). The following members were present: Mayor Wait, Council Members Barson, Binkley, Combest, Lofland and Wrights. The following staff members were present: Attorney David Kasper, Manager Buffkin and Clerk Shortt.

Discussion under attorney-client privilege in accordance with NCGS 143-318.11(a)(3)

Mayor Wait and Attorney Kasper advised Council of a conversation with Pat Flannigan (insurance attorney) in which Mr. Flannigan stated a settlement offer is pending the approval of the Council. A discussion was held and Council agreed to the settlement offer as long as there was language indicating this is no acceptance of blame. Council consensus was to direct the Attorney to negotiate a written settlement agreement stating there no acceptance of blame by the Village of Clemmons and Mayor Wait could sign.

Council consensus to reconvene Regular Session at 8:52 p.m.

Minutes of the November 13, 2018 closed session meeting were taken by Village Clerk Shortt and approved _____.

John L. Wait
Mayor

ATTEST:

Lisa M. Shortt, NCCMC
Village Clerk

**CLOSED SESSION MEETING OF
THE VILLAGE OF CLEMMONS COUNCIL
NOVEMBER 26, 2018**

The Village of Clemmons Council met in closed session for discussion under attorney-client privilege in accordance with NCGS 143-318.11(a)(3). The following members were present: Mayor Wait, Council Members Barson, Binkley, Combest, Lofland and Wrights. The following staff members were present: Attorneys Warren and David Kasper, Manager Buffkin and Clerk Shortt.

Discussion under attorney-client privilege in accordance with NCGS 143-318.11(a)(3)

Manager Buffkin and Attorney Warren Kasper presented Council with a written settlement offer from Pat Flannigan (insurance attorney). A discussion was held regarding the language which was included in the agreement stating no acceptance of blame by the Village of Clemmons along with a requirement of elected officials to take Fair Housing training from Human Relations Commission or an approved training program for a period of three years beginning within the next 60 days. Council Member Combest was opposed to this training as he stated this was punitive and it is an episodic rather than systematic requirement.

Council consensus was to direct Mayor Wait, Council Members Combest and Wrights, Manager Buffkin and Attorney Kasper to conduct a conference call ASAP with Mr. Flannigan to negotiate down the training requirement as there are currently no details on location, time, cost, etc. and taking into consideration Council Member Combest's concerns. Council is hoping to have this resolved by the December 10, 2018 regular meeting.

Council consensus to reconvene Regular Session at 9:31 p.m.

Minutes of the November 26, 2018 closed session meeting were taken by Village Clerk Shortt and approved _____.

John L. Wait
Mayor

ATTEST:

Lisa M. Shortt, NCCMC
Village Clerk

**CLOSED SESSION MEETING OF
THE VILLAGE OF CLEMMONS COUNCIL
December 17, 2018**

The Village of Clemmons Council met in closed session for discussion under attorney-client privilege in accordance with NCGS 143-318.11(a)(3). The following members were present: Mayor Wait, Council Members Barson, Binkley, Combest, Lofland and Wrights. The following staff members were present: Attorneys Warren and David Kasper, Manager Buffkin and Clerk Shortt.

Discussion under attorney-client privilege in accordance with NCGS 143-318.11(a)(3)

Attorney Warren Kasper advised that Pat Flannigan was not inclined to have a conference call per Council's direction on November 26, 2018. He also advised that the training is included in the HUD guidelines for their consolation agreements and he has not seen a final settlement agreement draft.

Council consensus was to direct Attorney Kasper to obtain a draft of a final settlement agreement and secure the details on the frequency and duration of the training that would be conducted by Mr. Bolden at no cost to the Village

Council consensus to reconvene Regular Session at 8:11 p.m.

Minutes of the December 17, 2018 closed session meeting were taken by Village Clerk Shortt and approved _____.

John L. Wait
Mayor

ATTEST:

Lisa M. Shortt, NCCMC
Village Clerk

**CLOSED SESSION MEETING OF
THE VILLAGE OF CLEMMONS COUNCIL
January 14, 2019**

The Village of Clemmons Council met in closed session for discussion under attorney-client privilege in accordance with NCGS 143-318.11(a)(3). The following members were present: Mayor Wait, Council Members Barson, Binkley, Combest, Lofland and Wrights. The following staff members were present: Attorneys Warren and David Kasper, Manager Buffkin and Clerk Shortt.

Discussion under attorney-client privilege in accordance with NCGS 143-318.11(a)(3)

Attorney Warren Kasper advised that Pat Flannigan provided a draft of a final settlement agreement which contains the following:

- \$150,000 settlement amount (paid by the insurance company includes \$5,000 deductible paid by the Village of Clemmons)
- Fair-housing training for three years to be conducted by Mr. Bolden at the Village of Clemmons free of charge (each session is 90 minutes)

Council consensus was to direct Attorney Kasper to obtain a signed final settlement agreement from other parties involved and to direct Mayor Wait to sign in open session once secured.

Council consensus to reconvene Regular Session at 8:05 p.m.

Minutes of the January 14, 2019 closed session meeting were taken by Village Clerk Shortt and approved _____.

John L.Wait
Mayor

ATTEST:

Lisa M. Shortt, NCCMC
Village Clerk

**CLOSED SESSION MEETING OF
THE VILLAGE OF CLEMMONS COUNCIL
July 22, 2019**

The Village of Clemmons Council met in closed session for property acquisition discussion in accordance with NCGS 143-318.11(a)(5). The following members were present: Mayor Wait, Council Members Barson, Binkley, Combest, Lofland and Wrights. The following staff members were present: Attorney David Kasper and Manager Buffkin.

Property acquisition discussion under attorney-client privilege in accordance with NCGS 143-318.11(a)(5)

A private citizen, Bobby Ogburn, has communicated to the Village Manager that what is commonly known as “The Peter Clemmons House” is available for the Village to purchase if desired. The house is the second oldest structure in the Village limits and was once owned by the founder of Clemmons. After some discussion, the Council directed staff to look into a possible donation from the property owner, restoration costs and potential public-private partnerships that may make the property more attractive and useful to the Village.

No further action was taken.

Councilmember Barson made a motion to end the close session which was seconded by Councilmember Lofland.

Council consensus to reconvene Regular Session at 7:40 p.m.

Minutes of the July 22, 2019 closed session meeting were taken by Attorney David Kasper and approved _____.

John L. Wait
Mayor

ATTEST:

**CLOSED SESSION MEETING OF
THE VILLAGE OF CLEMMONS COUNCIL
August 12, 2019**

The Village of Clemmons Council met in closed session to Discuss the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee in accordance with NCGS 143-318.11(a)(6). The following members were present: Mayor Wait, Council Members Barson, Binkley, Combest, Lofland and Wrights. The following staff members were present: Manager Buffkin and Clerk Shortt.

Discussion of the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee in accordance with NCGS 143-318.11(a)(6)

Council Member Barson expressed the need for a review and RFQ process for the attorney contract to affirm the employment contract and continuously ensure the best fit for the Village of Clemmons. She advised this enables valued consistency and broad experiences.

A review of submitted RFQs was conducted.

Council consensus was to direct Manager Buffkin to set up interviews with two firms that submitted quotes for services: Kasper & Payne and Blanco Tackaberry.

No further action was taken.

Councilmember Combest made a motion to end the close session which was seconded by Councilmember Barson and unanimously approved.

Council consensus to reconvene Regular Session at 8:30 p.m.

Minutes of the August 12, 2019 closed session meeting were taken by Clerk Shortt and approved

_____.

John L.Wait
Mayor

ATTEST:

Lisa M. Shortt
Village Clerk

**CLOSED SESSION MEETING OF
THE VILLAGE OF CLEMMONS COUNCIL
August 26, 2019**

The Village of Clemmons Council met in closed session to Discuss the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee in accordance with NCGS 143-318.11(a)(6). The following members were present: Mayor Wait, Council Members Barson, Binkley, Combest, Lofland and Wrights. The following staff members were present: Attorney Kasper and Clerk Shortt.

Discussion of the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee in accordance with NCGS 143-318.11(a)(6)

An interview of Attorney David Kasper with Kasper & Payne was conducted. Communications regarding expectations and improvements were also expressed.

Council excused Attorney Kasper and continued with discussion.

No further action was taken.

Councilmember Lofland made a motion to end the closed session which was seconded by Councilmember Binkley and unanimously approved.

Council consensus to reconvene Regular Session at 5:41 p.m.

Minutes of the August 26, 2019 closed session meeting were taken by Clerk Shortt and approved

_____.

John L. Wait
Mayor

ATTEST:

Lisa M. Shortt
Village Clerk

**CLOSED SESSION MEETING OF
THE VILLAGE OF CLEMMONS COUNCIL
September 23, 2019**

The Village of Clemmons Council met in closed session to Discuss the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee in accordance with NCGS 143-318.11(a)(6). The following members were present: Mayor Wait, Council Members Barson, Binkley, Combest, Lofland and Wrights. The following staff members were present: Clerk Shortt.

Discussion of the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee in accordance with NCGS 143-318.11(a)(6)

An interview of Attorney Elliot Fus, Bo Houff and Amy Lanning with Blanco Tackabery Attorneys and Counsellors at Law was conducted.

Council excused Attorneys Fus, Houff and Lanning and continued with discussion.

No further action was taken.

Councilmember Wrights made a motion to end the closed session which was seconded by Councilmember Barson and unanimously approved.

Council consensus to reconvene Regular Session at 5:37 p.m.

Minutes of the September 23, 2019 closed session meeting were taken by Clerk Shortt and approved _____.

John L.Wait
Mayor

ATTEST:

Lisa M. Shortt
Village Clerk

**CLOSED SESSION MEETING OF
THE VILLAGE OF CLEMMONS COUNCIL
OCTOBER 14, 2019**

The Village of Clemmons Council met in closed session to Discuss Property Acquisition in accordance with NCGS 143-318.11(a)(5) and to Discuss the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee in accordance with NCGS 143-318.11(a)(6). The following members were present: Mayor Wait, Council Members Barson, Binkley, Combest, Lofland, Wrights and Clerk Shortt. Manager Buffkin was in attendance for the first portion of closed session.

Discussion of Property Acquisition in accordance with NCGS 143-318.11(a)(5)

Mayor Wait updated Council on a meeting that took place on October 3, 2109 between Preservation NC, Forsyth County Historical Society, Clemmons Community Foundation and the owner of the Peter Clemmons house, Bobby Ogburn. Mr. Ogburn is exploring options for the home and Mayor Wait advised that it has been altered several times. Mayor Wait is needing to determine the next step Council would like to take in regards to the property.

Council consensus was to direct Manager Buffkin to obtain an appraisal and contractor estimate to get the home in usable condition to review. Council Member Lofland suggested Manager Buffkin contact Stevie Cole and will provide him with his contact number.

Council excused Manager Buffkin.

Discussion of the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee in accordance with NCGS 143-318.11(a)(6)

An internal discussion regarding legal counsel service providers was held.

Council Member Barson made a motion to end the closed session which was seconded by Council Member Lofland and unanimously approved.

Council consensus to reconvene Regular Session at 7:52 p.m.

Minutes of the October 14, 2019 closed session meeting were approved

_____.

John L. Wait
Mayor

ATTEST:

Lisa M. Shortt
Village Clerk

Proclamation
Declaring March 21 - March 29, 2020
as FORSYTH CREEK WEEK
in the Village of Clemmons, North Carolina

WHEREAS, water is our most valuable natural resource; and

WHEREAS, only tap water delivers public health protection, fire protection, support for our economy, and the quality of life we enjoy, and

WHEREAS, any measure of a successful society – low mortality rates, economic growth and diversity, productivity, and public safety – are in some way related to access to safe water; and

WHEREAS, we are all stewards of the water infrastructure upon which future generations depend; and

WHEREAS, each citizen of our community is called upon to help protect our source waters from pollution, to practice water conservation, and to get involved in local water issues.

NOW, THEREFORE, be it resolved that by virtue of the authority vested in me as Mayor of the Village of Clemmons, I do hereby proclaim March 21 – March 29, 2020 as FORSYTH CREEK WEEK in Clemmons and encourage all citizens to become active participants in FORSYTH CREEK WEEK activities.

This the 9th day of March, 2020.

John L. Wait
Mayor

Attest:

Lisa M. Shortt
Village Clerk





STATEMENT OF WORK #1

This Statement of Work is incorporated and governed by the Master Agreement dated February 25, 2020 between LJB Inc. (“JEWELL-LJB”) and the Village of Clemmons (“Client”).

PROJECT BACKGROUND

JEWELL - LJB is pleased to offer our professional engineering services to develop construction plans for culvert replacements at Greenbrook Drive and Mendelssohn Drive. Preliminary hydrologic and hydraulic analyses, and conceptual plans, have been previously developed by JEWELL-LJB as part of the Capital Improvement Project (CIP) planning effort for the Village of Clemmons in 2008-2009, and recently were further refined for compliance with newer U.S. Army Corps of Engineers (Corps) and North Carolina Department of Environmental Quality (DEQ) culvert design requirements. In late 2019, the potential impacts of loss of flood storage associated with the culvert replacements was evaluated based on hydraulic modeling, and this analysis was summarized in a letter to Mike Gunnell dated 11/18/2019. The culvert locations were visited and photographed in site visits done in April 2019 in conjunction with visits to 2019 CIP review locations. Survey of the Clemmons West culvert replacement locations was done by MLA Design in 2019 and the base CAD drawings have been developed.

SOW #1 includes the following tasks for completion of the culvert design efforts and preparation of construction plans:

PROPOSED SCOPE OF SERVICES

JEWELL - LJB will provide the following services:

1. Develop 60% design plans for review and comment by Village staff. The plans will include a plan/profile for each of the culvert crossings and the proposed grading and improvement plans for upstream and downstream transition and energy dissipation areas. No traffic control or erosion control plans will be included in the 60% design.
2. Submit a Pre-Construction Notification to the Corps and NCDEQ for approval, based on the 60% plans, modified to address input from Village staff.
3. Prepare and submit a No-Rise Certification to the Winston-Salem/Forsyth County Floodplain Administrator demonstrating that the proposed culvert replacements will not increase the Base Flood Elevations along Johnson Creek Tributary 2. We anticipate that a No-Rise Certification can be developed and will advise the Village if circumstances will instead require submittal to NCFMP/FEMA for a request for a Conditional Letter of Map Revision (CLOMR).
4. Develop 90% design plans, inclusive of traffic control, erosion control, and all details required for the construction of the culvert replacements. JEWELL-LJB has assumed that standard NCDOT headwall/wingwall configurations can be adapted for installation at these crossings. Submit plans to Village staff for review and comment.
5. Submit erosion and sediment control plan to NC DEQ regional office for securing an Erosion Control Permit.
6. Develop technical specifications and an engineer’s opinion of probable costs.
7. Finalize construction plans per review comments from regulatory agencies and Village staff.
8. Assist the Village as requested in preparation of bid documents and bid tabulations. Attend a pre-bid meeting. Verify and submit as-built drawings, from surveyor contracted by Village, for drainage and utility pipes and structures.

LJB INC. INITIALS

CLIENT'S INITIALS



PROJECT ASSUMPTIONS/LIMITATIONS

1. All permit fees associated with any applications will be paid by the Village of Clemmons or reimbursed to JEWELL - LJB as a project expense with 15% added.
2. We will use FEMA’s flows for the hydraulic analyses for a No-Rise Certification, though these flows likely differ from the hydrologic analyses developed by JEWELL - LJB in CIP planning, which are more specifically based on watershed conditions.
3. We do not expect that there will be any wetland impacts associated with this project and do not propose to have a jurisdictional determination submitted to the Corps/DEQ unless we have indications they will require it.
4. As stated on the scope, we do not expect that a CLOMR submittal will be required, but if so, this would require a budget adjustment for the additional documentation and more extensive review and permitting process.
5. This scope does not include any effort for a post-project LOMR. For projects where a CLOMR is required or where a No-Rise Certification shows a decrease in the BFEs greater than 0.1 foot, a post-project LOMR submittal will be required by NCFMP. The LOMR review fee is \$8,250 and JEWELL-LJB’s services for a LOMR are typically \$8,000 to \$12,000 depending on the project size and complexity.

BUDGET

We propose to perform this work on a **Time and Expenses** basis in accordance with our billing rate schedule in effect at the time services are performed. Our current billing rate schedule is attached. Our Terms and Conditions of Service document (attached) spells out details under which we will perform these services. We estimate that a budget of **\$45,000** will be appropriate for this work and we will not exceed this budget without Village approval. This proposal is valid for a period of 30 days from the date above.

AUTHORIZATION

This Statement of Work is dated and made effective as of: February 25 , 2020 .

The parties have executed this Statement of Work below by signature of their authorized representatives.

CLIENT

LJB

LJB Inc. _____

By: _____

By:  _____

Name: _____

Name: Roberto Canales, P.E.

Title: _____

Title: Vice-President, Southeast Operations

Date: _____

Date: _____

The person signing on behalf of their respective party represents that he or she is legally authorized to sign on behalf of said party.

LJB INC. INITIALS  _____

CLIENT'S INITIALS _____

