

**NOT APPROVED**



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

**October 12, 2020**

**AGENDA**  
**REGULAR MEETING OF THE**  
**VILLAGE OF CLEMMONS COUNCIL**  
**OCTOBER 12, 2020 at 6:00 p.m.**

- I. Call to Order & Pledge of Allegiance – Mayor Wait
- II. Public Comments
- III. Minutes - Approval of Minutes – September 28, 2020 Regular Meeting
- IV. Changes and/or Approval of the Agenda
- V. Announcements
- VI. **Business – Information**
  - A. Marketing & Communications Director's Report
    - 1. Events Update
    - 2. Policy Concerning Requests for Village Donation or Sponsorship from Outside Organizations and Agencies
  - Business – Action Items**
  - B. Waste Management Bulk Pickup Contract
    - 1. Budget Amendment 21-G-2 for an Additional Bulk Pickup
  - C. SWAB Ordinance Amendment Options
    - 1. Tree Save Requirement Discussion
  - Business – Review and Items for Future Action**
  - D. Manager's Report
    - 1. Lasater Road CIP Clarification
    - 2. Tanglebrook 2 CIP Removal Request
  - E. Attorney's Report
  - F. Planner's Report
  - G. Closed Session to Discuss Property Acquisition in accordance with NCGS 143-318.11(a)(5)
  - H. Council Comments
- VII. Adjournment



DRAFT

**REGULAR MEETING OF  
THE VILLAGE OF CLEMMONS COUNCIL  
September 28, 2020**

The Village of Clemmons Council met on Monday, September 28, 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 6:00 p.m. and led the Pledge of Allegiance.

**Public Comments**

There were five citizens in attendance. There were four individuals that spoke during public comments:

-Jonathan Jarvis, 1482 S. Peacehaven Road, Clemmons, NC – stated he is a neighbor of Kenny French who was affected by the August 6, 2020 storm event and voiced his concerns of the handling of the stormwater by the Village of Clemmons. He urged Council to address before it is too late. Mayor Wait advised the culvert in that area is currently being analyzed by a third-party consultant.

-Allen Daniel, 100 Fernworth Court, Clemmons, NC – referred to an email that he had sent to Council and Staff and thanked for their responses regarding the development of Tanglewood Forest. He requested that the Village of Clemmons do away with RS9 zoning and require developers to start at grade and go down.

-David Lamoureux, 3711 Stancliff Road, Clemmons, NC – expressed his concerns regarding stormwater drainage as it runs from the street behind and across his property and enters his crawlspace causing foundation issues. He stated he was told that the Village of Clemmons does not handle issues on private property but at the last meeting an option was discussed as this could be an option to address as a 50/50 cost share. Mayor Wait clarified that at the discussion at the stormwater worksession was that there was direction to Staff to draft a policy for Council to consider regarding private property but currently there is no mechanism in place.

-David Cross, 165 Huron Court, Clemmons, NC – expressed his frustration and disappointment with the retail/commercial business in the Village of Clemmons that stemmed from a discussion he had with someone new to the area. He would love to see a cultural or community recreation center or amphitheater in the area. Council Member Cameron pointed out the amphitheater that a scout had built for this Eagle Scout project that is located at Clemmons Elementary School and supported by Clemmons Rotary.

**Approval of the Minutes**

Council Member Cameron moved to approve the minutes of the September 14, 2020 regular meeting as presented. The motion was seconded by Council Member Rogers and unanimously approved.

**Approval of the Agenda**

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

**Announcements**

There were none.

**Business – Information/Review Items for Future Action**

- A. Marketing and Communications Director’s Report.
  - 1. Events Update – Clerk Shortt read the following events update provided by Marketing and Communications Director Ford:
    - The Fall Medicine Drop will be held Saturday, November 7<sup>th</sup> at the Public Works Facility from 9AM – Noon. This will be drive-by only.
    - Anyone interested in participating in the Fall Clemmons Cleanup can select a date between now and November 30 to coordinate a drop off of materials and road assignment to help Keep Clemmons Clean. All information, guidelines and registration can be found on the Clemmons website at [www.clemmons.org/cleanup](http://www.clemmons.org/cleanup). Groups are already participating and helping to “Keep Clemmons Clean.”
    - Due to the ongoing Covid-19 pandemic and to prevent spread of the virus we have made the difficult decision to cancel the Monster Dash and Goblin Hop for 2020. We are already planning for next year. We will miss seeing everyone but look forward to a bigger and better 2021 event. Stay safe and see you next October!

**Business – Action Items**

- B. Resolution 2020-R-7 Addressing COVID-19 Preventative Measures at Voting Precincts – Resolution 2020-R-7 Addressing COVID-19 Preventative Measures at Voting Precincts was presented and Mayor Wait read (attached hereto as Exhibit A and incorporated as a part of the minutes).

Council Member Rogers made a motion to adopt Resolution 2020-R-7 Addressing COVID-19 Preventative Measures at Voting Precincts as presented. The motion was seconded by Council Member Barson and unanimously approved.

- C. Village Streets Paving Bids - The following quotes were received and the one from Sharpe Brothers was recommended (attached hereto as Exhibit B and incorporated as a part of the minutes).

Company	Quote
<b>Sharpe Brothers</b>	<b>\$1,267,281.03</b>
Hanes Paving	\$2,373,669.59
APAC Atlantis, Inc.	\$1,296,639.85
Yadkin Valley Paving, Inc.	\$1,488,973.81

Council Member Cameron moved to approve the bid for Village Streets Paving from Sharpe Brothers in the amount of \$1,267,281.03. The motion was seconded by Council Member Wrights and unanimously approved.

- D. *Stormwater CIP List Presentation* – Public Works Director Gunnell presented the preliminary ranked Stormwater CIP Projects for consideration (attached hereto as Exhibit C and incorporated as a part of the minutes). There are five projects that could be added to the CIP List (Glen Oaks, Knob Hill, Lasater, Rolling Oak Court and Moravian Heights). Council Member Cameron stated she was in favor of adding four of the five projects to the CIP List (Glen Oaks, Knob Hill, Rolling Oak Court and Moravian Heights). A brief discussion took place about the ranking system. Mayor Wait clarified with Council Member Cameron that Lasater Road not be added to the CIP List. Public Works Director advised that the culvert is currently being analyzed by a third-party. Council Member Barson clarified that one of the requirements for the CIP List is that the project provide a public benefit (Lasater is one residence). Council Member Cameron stated the need to find projects that will solve the most issues (one project will affect others downstream). Mayor Wait confirmed that Lasater could still be added at a later time but the decision is with the information we currently have.

Council Member Cameron moved to add four projects to the CIP List (Glen Oaks, Knob Hill, Rolling Oak Court and Moravian Heights). The motion was seconded by Council Member Barson and unanimously approved.

- E. *SWAB Role Discussion* – Mayor Wait advised of discussion at the last meeting about a possible reconfiguration of the SWAB and Attorney Fus provided a list of responsibilities of the SWAB. Council Member Roger pointed out that SWAB meets quarterly (with five months between some meetings). He advised that this is also another layer that Staff must go through to get information to Council and the process needs to be streamlined. Council Member Barson stated the dollar figures that are associated with the stormwater projects should be addressed by the elected body immediately and regularly as these are infrastructure issues. She stated the responsibilities can be sectioned off to Council and variances to the Zoning Board of Adjustment. Council Member Cameron stated that with changes being made we need to get things in order before a decision is made.

Council Member Barson moved that direction is given to Staff to bring forth two different options regarding moving forward with the SWAB (either a dissolution or evolution) and what that would look like and require from an ordinance perspective at the next meeting. The motion was seconded by Council Member Rogers and unanimously approved.

### **Business – Review and Items for Future Action**

- F. *Manager's Report.*
1. *Financial Report for August 2020* – report was presented.
  2. *FCSO Report for August 2020* – report was presented. Mayor Wait requested that a yearly trends report be received each month that will help to determine a right-sized police force. Sgt. Geiger provided an update on

Deputy Summers who was injured in an auto accident responding to an alarm call.

3. *Bulk Pickup Contract* – contract was presented for consideration at next meeting. A brief discussion followed which Council members expressed a need for community education in items that can be set out for bulk pickup so there are no residual items left sitting out. Council Member Rogers suggested a contract that includes two events a year (annually in the spring plus an additional one that may be needed after a major storm event or can be scheduled as a regular second collection if no storm event) be brought for consideration at next meeting.

Council consensus was to direct Staff to work with Waste Management to draft a contract that includes two events a year (annually in the spring plus an additional one that may be needed after a major storm event or can be scheduled as a regular second collection if no storm event) be brought for consideration at next meeting.

4. *Title VI Compliance Plan* – plan was presented which includes instructions, complaint form, Resolution 2020-R-8 Adopting a Title VI Policy for the Village of Clemmons Prohibiting Discrimination and the Title VI Nondiscrimination Policy Statement (attached hereto as Exhibit D and incorporated as a part of the minutes). Manager Buffkin advised a Title VI Compliance Plan to prohibit discrimination is a requirement for the receipt of federal funds.

Council Member Rogers made a motion to adopt Resolution 2020-R-8 Adopting a Title VI Policy for the Village of Clemmons Prohibiting Discrimination as presented. The motion was seconded by Council Member Cameron and unanimously approved.

- G. *Attorney's Report* – Attorney Fus advised Council that he has been working with Staff on follow up of stormwater issues from last meeting and a draft for the 50/50 cost share drainage idea. He mentioned that he had received a phone call this afternoon from some new attorneys in the Allegro Investment litigation (Attorneys John Vermitsky and John Taylor from Morrow Porter Law Firm in Winston-Salem). They are taking over responsibilities for the original lawyers who filed that lawsuit who had a conflict of interest. Attorney Fus referred him to Attorney Pat Flannigan who is handling the lawsuit for us.
- H. *Planner's Report* – Planner Rahimzadeh advised Council that the reassignment of variance requests from the SWAB to the Zoning Board of Adjustment has started with the Planning Board hearing the text amendment at their October meeting.
- I. *Council Comments* – Council Member Barson clarified with Manager Buffkin that Stormwater Engineer will be prepared to present options to Council at the next meeting regarding SWAB.

**Adjournment**

Council Member Cameron moved to adjourn the meeting at 7:10 p.m. The motion was seconded by Council Member Barson and unanimously approved.

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John Wait  
Mayor

ATTEST:

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Lisa Shortt, NCCMC  
Village Clerk

DRAFT

POLICY CONCERNING REQUESTS FOR VILLAGE DONATION OR SPONSORSHIP FROM OUTSIDE ORGANIZATIONS AND AGENCIES

I. POLICY:

A. Intent.

The purpose of the Policy is to provide a framework to evaluate requests for both In-Kind Donation/Sponsorship as well as Monetary Donation/Sponsorship with the intent of diligently administering taxpayer funds. Pursuant to NC law, the Village Council has the legislative and discretionary authority to allocate public funds to public purposes. By way of this Policy, Village Council desires to provide a procedure to assist the Village in reviewing donation or sponsorship requests received by the Village from various outside organizations and agencies.

The intent of the Village Council is that Monetary Donation/Sponsorship be given by the Village infrequently and considered on criteria driven a case-by-case basis. Village Council instead seeks to support outside organizations and agencies which are located in the municipal boundaries or which provide public benefit and enhance the quality of life for Clemmons citizens through the allocation of In-Kind Donation/Sponsorship to support those outside organizations and agencies making a positive impact in the Village of Clemmons.

In essence, by way of this Policy, the Village Council wishes to discourage monetary donations and instead, and as stewards of taxpayer money, support outside organizations and agencies by the contribution of In-Kind Donation/Sponsorship.

B. Scope.

The Village of Clemmons often receives requests for donation and/or sponsorships from various outside organizations and agencies. This Policy shall apply to requests the Village receives for donations or sponsorships and provides a procedure to evaluate such requests.

C. Definitions.

1. "In-Kind Donation/Sponsorship" means the Village contribution of in-kind goods or resources in return for certain benefits to the Village including acknowledgement, recognition, and/or promotional consideration.
2. "Monetary Donation/Sponsorship" means the Village contribution of money in return for certain benefits to the Village including acknowledgement, recognition, and/or promotional consideration.
3. "Applicant" means an outside organization or agency seeking donation and/or sponsorship from the Village.

D. Criteria/Eligibility.

1. Applicant must be located in the Village of Clemmons and/or provide public benefit to enhance the quality of life for citizens of the Village of Clemmons.
2. Individuals shall not be eligible for Village donation and/or sponsorship.
3. The Village shall not provide Monetary Donation and/or Sponsorship to nonprofit organizations or entities with taxing authority unless the Applicant provides a significant

exchange of services for the community's benefit to be determined at the discretion of Village Council.

4. The following organizations or agencies shall not be eligible for Village donation and/or sponsorship:

- a. Religious or political groups;
- b. Groups that discriminate on the basis of race, color, gender, religion, disability, sexual orientation, marital status or national origin; and
- c. For-profit and corporate entities.

5. In order for an Applicant to receive monetary funding, the Applicant must provide the Village a significant exchange of services for the community's benefit, to be determined at the discretion of Village Council.

#### E. Procedure for Requests.

1. The Village Council may appropriate a certain amount of funds in the budget on an annual basis for Monetary Donations and/or Sponsorships to various outside organizations and agencies.
2. Any outside organization or agency that meets the criteria and eligibility requirements as set forth above and which seeks Village donation and/or sponsorship must submit an application to the Village in the form attached to this Policy as Exhibit A.
3. An outside organization or agency seeking Monetary Donation and/or Sponsorship in relation to a specific event of the organization or agency shall submit a complete application no later than one hundred and twenty (120) days prior to the event.
4. Applications may be submitted at any time during the year provided, however, available funding may be depleted prior to the expiration of each calendar year. An application related to an event shall not be submitted to the Village more than 365 days before such event.
5. If awarded a donation and/or sponsorship by the Village, an outside organization or agency shall be required to enter into an agreement with the Village. The form and content of the agreement shall be subject to approval of the Village Council. For most awards, the form and content of the agreement shall clearly identify the reason for the donation and/or sponsorship and the public purpose served. All agreements shall be approved by the Village Manager. Agreements shall be prepared and administered by the Village Manager or designee.
6. Village donation and/or sponsorship of an outside organization or agency shall not constitute a precedent for contributions in subsequent years.

#### F. Exceptions.

The majority of the Village Council shall approve exceptions to this Policy including requests for donation and/or sponsorship from non-profit/501(c)(3)s or entities with taxing authority.

APPLICATION:

Required Materials:

- Proof of your organization's not-for-profit status
- Program/event marketing materials (may submit materials from previous occurrences of the same event)
- Copy of the organization's and/or event's general liability insurance
- Requested timeline for funding/in-kind services
- Program/event schedule
- Program/event budget details (for monetary donation requests)
- Document outlining the financial breakdown detailing how the requested funds would be utilized for programs, services, materials and/or other items. (for monetary donation requests)

Name of Organization:

Contact Person:

Mailing Address:

Phone Number:

Email Address:

In-Kind or Monetary Request:

Amount of Funding Requested:

In-Kind Services Requested:

Please describe the proposed project for which a donation is being requested. Please specify if the event will encourage opportunities for overnight stays and how.

Describe the individuals or groups of citizens that will be served by this project.

Has your organization received fund from the Village of Clemmons in the past? If so, how much and how were the funds utilized?

Please explain how your organization measures the success of its programs. (Performance Measures)

FOURTH AMENDMENT TO  
CONTRACT BETWEEN  
THE VILLAGE OF CLEMMONS, NORTH CAROLINA  
AND  
WASTE MANAGEMENT OF CAROLINAS, INC.

THIS FOURTH AMENDMENT, made this \_\_\_\_\_ day of \_\_\_\_\_, 2020, to the Agreement dated April 23, 2007, as amended on March 17, 2008, April 24, 2012 and November 14, 2016 (the “Agreement”) by and between the Village of Clemmons, North Carolina (the “Village”), and Waste Management of Carolinas, Inc., a North Carolina corporation (the “Contractor”).

WHEREAS, the Village and Contractor desire to modify the scope of services to add an annual bulky waste curbside event ; and

WHEREAS, the Village and Contractor desire to document the compensation to be paid to Contractor for this additional service;

NOW, THEREFORE, the Village and Contractor agree as follows:

Section 1. Bulky Waste Collection. Effective as of the date of this Amendment, the Scope of Services of the Agreement shall be amended to add an annual bulky waste curbside collection event from residential customers. The event shall last for a period of fourteen calendar days. The date of the event shall be coordinated and agreed upon by the Village and Contractor. The following descriptions are lists of items eligible for collection as well as items which do not qualify for bulky waste collection.

Bulky Waste Items Eligible for Collection - Household furniture, lawn furniture, carpet, extra-large rugs, bicycles, toilets, grills (no propane), mattresses and box springs (limit of 2 sets per household), White Goods - Stoves, refrigerators, freezers (doors must be removed), water heaters, dishwashers  
All items must be in plain view and may not be bagged or boxed. Items must be placed within three feet of the curb. Pursuant to North Carolina law, all refrigerators and freezers must have a certification tag stating the freon has been removed.

Items Ineligible for Collection - Televisions, computers, mirrors or glass of any kind, household waste, yard waste, dead animals, tires, hazardous waste of any type, chemicals, paint, microwaves, electronic waste, car motors, clothing, shoes, books, general recycle items, liquid waste, batteries, motor oil and any equipment containing oil or gas. Lumber scraps, construction debris (C&D Material), bagged trash, cardboard and cardboard boxes.

The Village may add a second Bulky Waste collection event by giving Contractor at least sixty (60) days' advance written notice. The rate for any second event shall be an additional charge equal to the rate in effect for the single event described below.

Section 2. Rates for Bulky Waste Collection Services. The initial rate for the Bulky Waste Collection Service shall be Seventeen Thousand, One Hundred and Eighty-Seven and 50/100 Dollars (\$17,187.50). This rate shall be subject to the annual C.P.I. adjustment as provided in the Agreement. Payment shall be due within thirty days of the invoice date for this service.

Section 3. Right to Terminate Bulky Waste Collection Service. Either party may terminate the Bulky Waste Collection Service by notifying the other at least ninety (90) days' prior to the effective termination of this service. The termination of this service shall not affect the remainder of the Agreement which shall remain in full force and effect according to its terms.

Section 4. Modification of Contract. Except as expressly set forth herein or as necessary to carry out the terms of this Amendment and the Agreement, no amendment of the terms of the Agreement is intended hereby and the Agreement and all its terms and conditions shall remain in full force and effect.

Section 5. Entirety. This Amendment is hereby incorporated into the Agreement and together therewith they contain the entire Agreement between the parties as to the matters contained therein. Any oral representations or modifications concerning this Agreement shall be of no force and effect.

IN WITNESS WHEREOF, the parties hereto have set their hands as of this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

VILLAGE OF CLEMMONS, NC

ATTEST:

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

WASTE MANAGEMENT OF  
CAROLINAS, INC.

ATTEST:

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

VILLAGE OF CLEMMONS  
BUDGET AMENDMENT  
FOR THE FISCAL YEAR ENDING JUNE 30, 2021

**BE IT ORDAINED** by the Village Council of the Village of Clemmons, North Carolina at a regular meeting on October 12, 2020 to amend the budget for potential 2<sup>nd</sup> bulk item pickup.

	Original	Amended	Increase	Decrease	Amended
<b>Revenues</b>					
Fund Balance Appropriated	\$ 614,979	\$ 655,060	\$ 16,500	\$ -	\$ 671,560
<b>Total Revenues</b>			<u>\$ 16,500</u>		
<b>Expenditures</b>					
Public Works Solid Waste & Recycling	\$ 1,130,650		\$ 16,500		\$ 1,147,150
<b>Total Expenditures</b>			<u>\$ 16,500</u>		
For Information Total Budget					
Total Revenues	<u>\$ 7,485,120</u>	<u>\$ 7,596,049</u>	<u>\$ 16,500</u>	<u>\$ -</u>	<u>\$ 7,612,549</u>
Total Expenditures	<u>\$ 7,485,120</u>	<u>\$ 7,596,049</u>	<u>\$ 16,500</u>	<u>\$ -</u>	<u>\$ 7,612,549</u>

Attest:

Adopted 12<sup>th</sup> day of October

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 Lisa M. Shortt, NCCMC

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 John L. Wait, Village Mayor

## Wesley Kimbrell

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**From:** Wesley Kimbrell  
**Sent:** Friday, October 2, 2020 12:22 PM  
**To:** 'Linda Turley'  
**Cc:** Mike Gunnell; Emily R. Harrison  
**Subject:** RE: Tanglebrook Trail stormwater pipe

Mrs. & Mr. Turley,

I have received your request, and will begin the process of removing your project from the list. Please keep in mind that we must analyze the reports to ensure that the roadway will not become compromised from the removal of this project. If there are no issues, we will request removal at the next available council meeting and file your formal request away in an archived folder.

Thanks,

**Wesley Kimbrell, PE**

*Stormwater Engineer*

*Village of Clemmons*

*P: (336) 766-9170*

[www.clemmons.org](http://www.clemmons.org)

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**From:** Linda Turley <drlmturley@gmail.com>  
**Sent:** Friday, October 2, 2020 11:47 AM  
**To:** Wesley Kimbrell <wkimbrell@clemmons.org>  
**Subject:** Tanglebrook Trail stormwater pipe

Mr. Kimbrell,

I am formally requesting that the CIP for upsizing the storm water pipe located at 3438 Tanglebrook Trail be reevaluated and removed from consideration. The storm water issues that occur during heavy rains only effects my property and my neighbor as all of the water from both sides of the street flow into my yard and then ends up ponding in my neighbor's yard before finally slowly draining into Tanglewood. The money spent to upsize this pipe does not benefit any of the properties it serves that I am aware of. The houses across the street may have some pooling of rainwater during those heavy storms in the ditches that are next to the road before they either drain through pipe that empties into my yard or it seeps into the ground on their property. I have never witnessed any flooding of neighbor's homes whereas we have experienced water in our garage and during the August 6, 2020 storm, approximately 2 feet of water in our crawl space. We would like to not have a pipe emptying water into our yard, let alone one that is bigger.

It is our hope that this project be removed and ultimately reallocating the money that would have been spent on a project of bigger importance.

Thank you for your consideration.

Feel free to call me if you have any questions (336)624-6670

Regards,  
Linda & (David) Ray Turley  
3438 Tanglebrook Trail  
Clemmons, NC 27012