



**Town of Clayton
Regular Town Council Meeting Agenda
Monday, February 15, 2021 @ 6:00 PM
Council Chambers**

THE TOWN OF CLAYTON WILL FOLLOW GUIDELINES FROM THE CENTERS FOR DISEASE CONTROL AND THE NORTH CAROLINA DEPARTMENT OF HEALTH AND HUMAN SERVICES WITH REGARD TO SOCIAL DISTANCING.

BELOW PLEASE FIND CHANGES TO THE COUNCIL MEETING FORMAT:

THE CURRENT TOWN COUNCIL MEETING WILL BE HELD IN PERSON.

ANY MEMBER OF THE PUBLIC THAT WISHES TO ADDRESS THE COUNCIL, MAY DO SO IN PERSON, HOWEVER YOU ARE ASKED TO CONTACT THE TOWN CLERK IN ADVANCE OF THE MEETING.

IF YOU DO NOT WISH TO ATTEND THE MEETING IN PERSON BUT DO WISH TO SHARE ANY PUBLIC COMMENT WITH THE COUNCIL, PLEASE FORWARD YOUR COMMENT(S) TO THE TOWN CLERK NO LATER THAN NOON THE DAY OF THE MEETING. PLEASE INCLUDE YOUR NAME AND ADDRESS. PUBLIC COMMENT(S) RECEIVED WILL BE READ INTO THE RECORD BY THE TOWN CLERK.
EMAIL: KMOFFETT@TOWNOFCLAYTONNC.ORG

THE PUBLIC MAY VIEW THE LIVE COUNCIL MEETING ON THE TOWN'S YOUTUBE CHANNEL:
[HTTP://YOUTUBE.COM/C/TOWNOFCLAYTONNC1869](http://youtube.com/c/townofclaytonnc1869)

BELOW PLEASE FIND ADDITIONAL INFORMATION REGARDING PROCEDURES FOR IN-PERSON MEETINGS:

- ALL persons attending must wear a mask.
- We will be following proper social distancing at all times.
- We will have a separate entrance door and separate exit door.
- Entrance AND Exit will be main door on Second Street.
- Any member of the public attending will be asked to wait in the lobby until item they wish to address is ready for discussion and asked to leave the Chambers once item is complete.
- Lobby will be set to encourage social distancing.
- Chairs will be at least 6' from each other.
- We will have TWO staff members attending the meeting(s) to ensure smooth transition with those attending the meeting.
- One person will serve as LOBBY staff and the other will serve as CHAMBER staff.
- The meeting will be shown on the monitor in the lobby. (YouTube)
- All council or board members will be socially distanced in the council chambers and wearing face masks.*
- Staff will be socially distanced and seated within the council chambers. Face masks will be worn.*
- Hand sanitizer will be available, both in the lobby and council chambers.
- Podium/microphone will be sanitized after each speaker.

**Masks may be lowered when speaking.*

1. CALL TO ORDER

Pledge of Allegiance and Invocation

2. ADJUSTMENT OF THE AGENDA

3. CONSENT AGENDA

(Items on the consent agenda are considered routine in nature or have been thoroughly discussed at previous meetings. Any member of the Council may request to have an item removed from the consent agenda for further discussion.)

a. DRAFT Minutes

- January 19, 2021 - Regular Session

[January 19 2021 DRAFT Minutes](#)

b. Amended Resolution #2021-01- COVID Policy & Employee Leave

[COVID 19 Annual Leave Policy RED LINE VERSION to Include Immediate Family](#)

[COVID Resolution RED LINE VERSION To Include Immediate Family Resolution 2020-01 Amended](#)

c. 2020-142-ANX - Certification of Sufficiency
Buckhorn Branch Annexation

[Certificate of Sufficiency](#)

POTENTIAL ACTION: Adoption of Consent Agenda as Presented

4. ADMINISTRATIVE ITEMS

5. INTRODUCTIONS AND SPECIAL PRESENTATIONS

a. Introduction of Employees

Presenters: Ann Game, Customer Service Director & Dale Medlin, Electrical System Director

- Ewa Capabianco, Customer Service Representative
- Jacob Robinson, ELT 1

[Cover](#)

b. Introduction of TJCOG Volunteer

Presenter: Patrick Pierce, Economic Development Director

- Alex Halloway - Mapping Volunteer

c. 2021 Sculpture Trail Selection

Presenter: Sara Perricone, Chair - Public Art Advisory Board

[Cover](#)

[Clayton Sculpture Trail 2021 - FINAL SELECTIONS](#)

d. Life Saving Award

Presenter: Greg Tart, Acting Police Chief

6. PUBLIC HEARINGS

a. 2020-113-PDD - Ashcroft 2

Presenter: Planning Department

POTENTIAL ACTION: Continue to March 1, 2021 Council Meeting

- b. 2020-114-SD - Ashcroft 2 (Quasi-Judicial)

Presenter: Planning Department

POTENTIAL ACTION: Continue to March 1, 2021 Council Meeting

- c. Development Agreement - Ashcroft 2

Presenter: Planning Department

POTENTIAL ACTION: Continue to March 1, 2021 Council Meeting

- d. Chapter 160D

Presenter: Planning Department

Documentation for This Item Will Be Available No Later Than Monday, February 15, 2021.

POTENTIAL ACTION: Adoption of Ordinance #2021-02-02

- e. Amendment to Comprehensive List of Fees & Charges (As Related to 160D)

Presenter: Planning Department

[Newspaper Ad](#)
[Ordinance](#)

POTENTIAL ACTION: Adoption of Ordinance #2021-02-03

7. OLD BUSINESS

- a. Land Acquisition - Easements

Presenter: Joshua Baird, Town Engineer

[Cover](#)

[Exhibit A-1 - Map of Easement - Williams](#)

[Exhibit A-2 - Map of Elec Easement - Glennie Rea](#)

[Exhibit A-3 Map of Sewer Easement - Glennie Rae Corp](#)

[Exhibit A-4 Map of Easement - PSNC](#)

[Resolution](#)

POTENTIAL ACTION: Adoption of Resolution #2021-08

- b. Award Construction Contract - Little Creek Outfall Project

Presenter: Joshua Baird, Town Engineer

[Cover](#)

[Recommendation of Award](#)

[Bid Tabulation](#)

[Bid Summary](#)

[Resolution](#)

POTENTIAL ACTION: Adoption of Resolution #2021-09

- c. AMI Program Update

Presenter: JD Solomon, Town Manager

- d. Parks & Recreation Partial Re-Opening
Presenter: Scott Barnard, Parks & Rec. Director

8. NEW BUSINESS

- a. Establishment of Board of Adjustment
Presenter: JD Solomon, Town Manager
[Ordinance](#)

POTENTIAL ACTION: Adoption of Ordinance #2021-02-04

9. STAFF REPORTS

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

10. OTHER BUSINESS

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

11. ADJOURNMENT

- a. Adjourn the Meeting

POTENTIAL ACTION: Motion to Adjourn

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



Town of Clayton
Regular Town Council Meeting Minutes
Tuesday, January 19, 2021 @ 6:00 PM
Council Chambers

COUNCIL PRESENT:

Mayor McLeod
Mayor Pro Tem Thompson
Council Member Grannis
Council Member Holder
Council Member Bunn
Council Member Everett

STAFF PRESENT:

JD Solomon, Town Manager
Francis Raspberry, Town Attorney
Kimberly Moffett, Town Clerk
Rich Cappola, D/Town Manager
Dale Medlin, Electric System Director
Ann Game Customer Service Director
Lee Barbee, Fire Chief
Joy Garretson, Library Director
Robert McKie, Finance Director
Heidi Holland, Deputy Town Clerk

COUNCIL ABSENT:

1 CALL TO ORDER

Pledge of Allegiance and Invocation

- a) Mayor McLeod called the meeting to order at 6:01 p.m. and led everyone the Pledge of Allegiance and offered the Invocation.

2 ADJUSTMENT OF THE AGENDA

- a) Item 8b regarding Development Agreements was removed from the agenda and will be presented at a meeting in the near future.

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**
- December 21, 2020 - Regular Meeting
 - December 21, 2020 - Closed Session
 - January 4, 2021 - Regular Meeting
- b) **Budget Amendments**
- c) **Proclamation - All in Red Week**

ACTION: Adoption of Consent Agenda as Presented

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

4 ADMINISTRATIVE ITEMS

5 INTRODUCTIONS AND SPECIAL PRESENTATIONS

6 PUBLIC HEARINGS

7 OLD BUSINESS

- a) Town Hall Parking Lot Expansion – Utility Undergrounding
Presenters: Joshua Baird, Town Engineer & Dale Medlin, Electric Distribution System Director

Mr. Baird was present and shared updated details regarding the underground utilities in the Town Hall parking lot project. Several meetings have been held with some of the providers to include Spectrum and Century Link. It is estimated the total cost for undergrounding will be \$150,000 and the time frame for project completion would be 4-6 months. The contractor is open to coordinating with everyone to get the parking lot open as soon as possible. Mr. Baird stated a budget amendment is not required at this time, as there is funding available in the Enterprise Fund.

Council Member Bunn questioned why Spectrum and Century Link could not provide a definitive time frame. Mr. Medlin stated it was due to their extremely heavy workload. Mr. Medlin stated his team would be expediting their part of the project.

Council Member Grannis asked what other costs or items might need to be adjusted. Mr. Baird stated remobilization, delays, idle equipment, etc.

Mayor McLeod questioned the possibility of design change. Mr. Baird stated that some of the parking aisles were designed around existing electrical poles and any small change would just make a more symmetrical design.

ACTION: Approval to Move Forward with Project to Include any Change Orders Required

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

- b) No Parking / Loading Zone - Portion of Second Street
Presenter: Rich Cappola, Deputy Town Manager

Mr. Cappola was present. He stated a meeting was held amongst several stakeholders involved with this project. An agreement has been reached. He stated on January 11th, during peak hours, representatives from My Girlfriends Place and Horne Memorial Church met with town staff on Second Street to discuss details. He shared details about the agreement and further stated it would be revisited by June 15th as we move forward with the Town Hall Parking Lot project.

Chief Barbee stated he was in agreement with the decisions reached. Council Member Holder stated he felt this was just a band aid, but was willing to wait and take another look once the parking lot project was completed.

Mr. Paul Black, owner of My Girlfriends Place, was present and stated he was happy for all the efforts. Mr. Cappola clarified there is a driveway access to the north of the Yellow House that the business does not utilize. The yellow stripe would be removed from that access to provide one more parking spot for My Girlfriends Place.

ACTION: Adoption of Ordinance #2021-01-08

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

8 NEW BUSINESS

- a) Return Check Policy - Amendment
Presenter: Ann Game, Customer Service Director

Ms. Game was present and stated it was requested to amend the current "return check" policy to state: Upon receipt of the second returned check or other insufficient funds notice, the customer will be advised that all bills must be paid in cash, certified check, or money order for a minimum of five (5) years and will be given another copy of the written policy. At the end of the five (5) year time period, the customer can request this restriction to be removed at the discretion of the Utilities & Billing Director.

ACTION: Adoption of Resolution #2021-02

Motion: Council Member Everett
Second: Mayor Pro Tem Thompson
Vote: Unanimous

- b) ~~Development Agreements~~
~~*Presenters:* Chad Essick, Poyner Spruill and Russell Killen, Parker Poe~~
- c) AFG Grant
Presenter: Matt Sutphin, Deputy Fire Chief

Deputy Chief of Operations, Matt Sutphin, shared details about this grant which would be used for installation of sprinkler systems at both stations. There would be a 10% match, which would be an approximate cost of \$17,500 to the town.

ACTION: Approval for Staff to Proceed with Application Process

Motion: Mayor Pro Tem Thompson
Second: Council Member Holder

Vote: Unanimous

d) Library Grants

Presenter: Joy Garretson, Library Director

Ms. Garretson was shared details regarding a grants she planned to apply for. The first grant is LSTA Planning Grant and is for strategic planning. The consultant would be Karen Dash. Total cost depending on face to face versus virtual meetings would be \$11,400. This grant would cover 75% and the town would cover 25% of the total cost.

The second grant is National Endowment of the Arts: Big Read. One book would be selected to be read across Clayton. Along with that, numerous events would be held. The book chosen is The House on Mango Street by author Sandra Cisneros. She shared details regarding partnerships. This grant awards between \$5,000 - \$20,000. Current estimates are approximately \$10,000 from NEA, \$4,800 direct or donated costs, and \$5,200 in-kind contributions.

Council Member Grannis stated council truly appreciated Joy's enthusiasm and dedication and offered his thanks. Mayor Pro Tem Thompson also offered his appreciation.

ACTION: Approval for Staff to Proceed with Application Process

Motion: Council Member Bunn

Second: Council Member Everett

Vote: Unanimous

e) Uniform Guidance Policy

Presenter: Robert McKie, Finance Director

Mr. McKie provided information regarding a policy that would allow us to incorporate the Uniform Guidance Policy into our own policies. He shared details regarding the different policies based on the type of project.

Council Member Grannis asked how often we run into Sole Source procurements. Mr. McKie replied historically, not a significant amount of federal but a decent amount of local.

Council Member Holder asked if this would save the town any money. Mr. McKie stated he did not believe it would not.

ACTION: Adoption of Resolution #2021-03

Motion: Council Member Grannis

Second: Council Member Holder

Vote: Unanimous

- f) **MWBE Policy Update**
Presenter: Rich Cappola, Deputy Town Manager

Mr. Cappola stated this is an update to our MWBE (Minority and Women-Owned Business Enterprise) policy regarding minority business participation.

Council Member Everett asked why the goal is to only revisit this every 5 years. Town Attorney stated it is a federal standard. Council Member Everett asked if we could increase this. Town Attorney stated he was not aware of any reason why we could not. Council Member Grannis asked about 10-day window frame regarding sub-contractor opportunities. Mr. Cappola stated this is very limited to one type of procurement, which is very rare. Mr. Solomon stated these types of projects are usually very widely known and a 10-day time frame is very appropriate. Council Member Grannis read concerns from a citizen, Ms. Mosley, regarding the 10% and the question/concern of the citizen was previously addressed in that the percentage amount is a federal guideline. The second question from Ms. Mosley was if there were inclusion efforts set for projects with bids below the monetary threshold, Mr. Cappola stated there are efforts to promote and advertise. This policy update will formalize more and make it easier to include. For smaller jobs, there is a self-performed caveat, for smaller jobs some of the contractors are able to complete all tasks within that project. There is an allowance for them to be able to perform those jobs without having to include others.

Council Member Holder asked how percentages were measured. Mr. Cappola stated that information is included on the application and he could go back and pull some history. Council Member Grannis stated he appreciates all the work on this.

ACTION: Adoption of Resolution #2021-04

Motion: Council Member Grannis
Second: Mayor Pro Tem Thompson
Vote: Unanimous

- g) **Title 6 - Non Discrimination Policy**
Presenter: Rich Cappola, Deputy Town Manager

Mr. Cappola stated this is an update to current procurement policies. The NCDOT's Office of Civil Rights is requiring that all municipalities enact a formal Title VI Policy which states that no person, based on race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. Additional categories of protection have been enacted including sex, sexual orientation, low-income, limited English proficiency, age, disability and religion/creed.

ACTION: Adoption of Resolution #2021-05

Motion: Council Member Everett

Second: Council Member Bunn
Vote: Unanimous

- h) COVID-19 Update
- Parks & Recreation Department and Library
- Presenter:* JD Solomon, Town Manager

Mr. Solomon and Ms. Garretson provided information regarding COVID Update. Both Parks & Recreation and the Library would like to begin to open again, possibly as soon as February 15. Ms. Garretson provided information regarding municipalities that are now open as well as those that are still closed. She stated this fluctuates greatly. She stated many towns do not share on their websites information regarding Precautions in Place. Also shared was neighboring Library openings. Libraries currently open are Harnett, Lee, Fuquay-Varina and Wake Forest. Of the 35 public library systems surveyed statewide; 9 remain closed, 22 are open with limited hours/reduced capacity, and 4 are fully open with regular hours.

Library Reopening Plan:

Library opening procedures could include: daily temperature check for staff with sign in attestation, no temperature check for patrons, patron signage/checklist and open limited capacity and hours. Masks and social distancing required.

Parks & Recreation Opening Plan:

Parks & Recreation opening procedures could include offering some classes, opening the walking track, modified and/or reduced capacity for open gym, spring sports to begin April 10, and allowance of facility rentals and holding of tournaments.

Mr. Solomon stated this was for information only and we would continue to gather information. We have had limited clusters and he felt it was due heavily to the fact that our facilities have been closed. He further stated we don't want to be the lead and it would be best to open on a 30-60 day basis and go from there. He stated there are no easy answers. The intent is for a phased plan opening. Council Member Holder feels opening prematurely is a big mistake. Council Member Grannis shared his concerns. Ms. Garretson stated new advice is that the virus is not transmitted via surfaces but rather is an airborne virus. She further stated all books are being disinfected.

Mayor McLeod stated he has not been getting pressed and was wondering where this was coming from. Ms. Garretson stated patrons ask constantly when the Library will re-open. She further stated that Mr. Barnard is also being asked from residents.

9 STAFF REPORTS

- a) Town Manager

Mr. Solomon spoke about our community being safe and of being very proud of our police department. He wanted to ensure as we move forward in the next few weeks that it is understood what a great job our officers are doing. He stated Acting Chief of Police Greg Tart has done a great job and has helped us through some tough times. He showed a portion of the report that has been received from the outside investigation. There is a 400-page summary with an additional 1500 pages of exhibits and testimony. He stated receipt of this report is the first step and we will now do an internal review which may trigger some smaller investigations. We are estimating the timeframe to be 30-60 days. He stated there is only a limited amount of information that can be released and reminded everyone is entitled to privacy due to personnel protection. He stated he was disheartened by what he has read in the report. He stated there is a SBI criminal investigation going on as well. He stated he will not kick this down the road and will get this right with the assistance of Chief Tart. He further stated there were many positive comments about Clayton in general and a mutual belief of goodness of fellow police officers.

Mayor McLeod confirmed where we are in the process in that staff would now go through the reports and if required get clarification. Mr. Solomon stated yes staff along with Town Attorney would move forward. Mayor McLeod asked what would occur following that. Mr. Solomon stated a final report would be provided once all the above was complete. Mayor McLeod thanked Mr. Solomon for the clarification.

Mr. Solomon shared his priorities for 2021 as follows:

1. Police Department
2. Relationship with Fire and Police Departments
3. Healing of the Fire Department
4. Policies in General
5. Personnel Policies
6. Contract Management
7. Capital Program
8. AMI Program
9. Parks & Recreation Bond Program
10. IT Contract
11. Town Owned Facilities Maintenance
12. Water Sewer Master Plan
13. Two Mega Projects Coming Before Council Shortly
14. Development Agreements
15. Staffing

He stated we will get back to our roots. He stated the house that Steve Biggs built would get back to its foundation. He discussed re-establishing open communication and the need to have realistic plans. He discussed being responsive to the community. He stated it doesn't mean citizens would get all they want, but they would know where we stand. He stated Clayton deserves to have the best and the town will do what is required to be on the right and best road. He stated he came back because he loves Clayton. He stated the problems were bigger than they needed to be. He stated 2021 will be a year of

challenges, and while they may take a toll personally it will always be what is best for Clayton to continue that Clayton is a great place to live and work.

b) Town Attorney

Town Attorney stated he was happy to be here this evening.

c) Town Clerk

d) Other Staff

- DDA Update

Presenter: Jennifer Gallimore, Economic Development Specialist

Ms. Gallimore provided an update regarding the DDA Advisory Board. She shared highlights of the past year which included the installation of Historic District Signage, relaunch of Advocates Program, reestablished safe Meet-up spot for e-commerce exchanges in Downtown, and created a Joint Greenway Committee with Recreation Advisory Board.

There was discussion on “Downtown Days” Promotion, Small Business Saturday(s), Next Generation Apparel ‘Shop Local’ fundraising campaign, Christmas Tree Lighting & Storefront Decorating Contest, Annual Awards, and Social Media growth.

Council Member Grannis offered thanks for all the hard work. Council Member Bunn also offered his appreciation.

10 OTHER BUSINESS

a) Informal Discussion & Public Comment

Mr. Edwin Aldridge, Clayton citizen who serves on Fire Advisory Board, JC Economic Development Board and is also a member of the church board was present. He offered his support of Mr. Solomon as Town Manager. He asked that we all unite for the betterment of the town.

Ms. Shirley Kelly, stated she is a mother, wife and professional and citizen of Clayton. She shared her concerns that she had been hired for a full-time job in Johnston County as a teacher. She shared her pride about her children and their accomplishments in school. She stated they were in the 2nd grade when they moved to Riverwood and are now students at Hampton University. She stated she feels as she had been silent for too long. She was concerned about the process and hiring of the Town Manager. She was concerned that based on her research, Mr. Solomon does not live in the ETJ. She again stated she wanted policy and procedure be followed. She offered her appreciation for being allowed to share her thoughts.

Ms. Torciano shared her concerns regarding Second Street parking and concerns with church pick up. She would like to see at least two car lengths on the corners for safety and vision concerns. She would like to see some parking allowed in the designated loading zone, since school is only in part of the day. She stated she was not able to hear the live stream of the meeting

clearly while waiting in the lobby. Mr. Solomon stated this is a temporary situation with regard to the loading zone and it begins 30' from curb. She stated this could be enforced by the Police Department. Mr. Solomon agreed and stated this was the best compromise at this time and it will be evaluated as we move along in the process.

Mr. Sims was present and stated he has been a citizen of Clayton since 2000. He provided his background which included being a marine, senior account executive with Pepsi and supervisor of a Walmart store. Additionally, he has served on numerous volunteer boards. He shared his concerns of perception to the public. He further stated a process should have been followed with regard to the hiring of Mr. Solomon. He shared his concerns about changing an Ordinance to fit the person rather than the person fitting the Ordinance. He wished Mr. Solomon the best and offered his thanks for being allowed to speak.

Mr. Barry Woodard, lifelong citizen of Clayton was present. He offered his thanks to Mr. Sims. He shared a bit of history regarding Steve Biggs and stated he was a visionary. He stated he made some tough decisions and everyone worked together. He stated folks want to be part of Clayton. He stated that the future of Clayton is so important and we are growing based on the sacrifices of many folks. He stated Clayton is a diverse group of people that have worked here their whole lives, those who moved here and business stakeholders. He stated he was here to support Mr. Solomon and felt we needed to move forward together.

Additionally public comments received by citizens were read into the record by Town Clerk Moffett. Those comments are made part of the official record and are attached to the minutes.

b) Council Comments

Council Member Everett stated this was not a political stunt but rather he wanted to see the process go through. He stated this was due to perception. He stated outside looking in looks sketchy, he is not saying it is sketchy, but it looks sketchy.

He further stated he had been present at 100% of all meetings and feels there was time for transparent conversations. He shared his concerns about the letter to the JoCo Report. He stated he did not understand why a special meeting needed to be held, when at a previous closed session decisions were made and then changed. He asked that constructive criticism be shared with him directly.

Council Member Holder stated he wished to clear the air. He stated that when a closed session was held regarding Mr. Solomon, it was apparent that the majority wanted him to be permanent town manager, however, several wanted him to go through the full process. He stated there was no secret meeting, all conversations took place one on one. There was a vote of 4-1 in favoring of appointment Mr. Solomon as the Town Manager. He further stated that no change had been made to the Ordinance regarding residency. He stated he

believed there was a definite need for Mr. Solomon to come into the town limits. He stated he felt strongly the decision made was the right one.

Council Member Everett stated just because you can do something doesn't mean you should. He stated after today we will move forward. His concern is appearance and money spent.

Council Member Holder stated the figure of \$18,000 keeps getting thrown around, however, the final amount is \$15,000.

Mayor Pro Tem Thompson stated there had been a lot of conversation these past few weeks regarding transparency. He stated upon reflection he felt we could have done better. His issue/concern was an accusation of secret meeting. He stated he should have rebutted it at that time. He stated that he felt we were facing an emergency and that is why he felt confident with the appointment Mr. Solomon. He provided details regarding his concerns to include that for past 3 years they have been asking for certain specific information that was never provided by the previous manager. Concerns that needed to be addressed included the over budget AMI project, water amounts, tax bond was sitting still, there was no plan for aging facilities. He stated since his appointment Mr. Solomon has provided updates and information on all these items. He further stated that we have used a search firm for three (3) executive positions and of those, two (2) are no longer with the town. He stated his perception is that Mr. Solomon has accomplished more in a few months than what was accomplished in years with the previous town manager. He stated the concerns were we couldn't hit pause on the process of moving forward, as well as the risk of running out of water. He stated taking the time of getting someone new up to date and the bond sitting doing nothing, to name a few just wasn't something we could do. He stated he has heard clearly that residents want more transparency and he is in agreement.

Mayor McLeod offered his thanks to the citizens for the tremendous amount of support shown to him over the last two weeks. He stated it is extremely humbling and he would keep an eye on the prize of what is best for the town of Clayton. He stated a good mayor should always know the pulse of the community. He wanted to clarify the letter written to JoCo report, specifically that Mayor did not call for a special meeting and council is aware that the mayor is not the only one who can call a special meeting. Further he clarified that the mayor does not set the agenda that is handled by the staff. Council members have the ability to add and/or remove anything from the agenda. He stated we do have to move forward. His concern is the job was given to Mr. Solomon without benefit of details being worked out to include, salary, vacation days and residency requirements. Mayor McLeod stated he knows Mr. Solomon is going to be a good manager but still felt strongly that should have applied for the job and followed the process. He thanked all council members for their service.

11 ADJOURNMENT

- a) Adjourn the meeting

With there being nothing further, the meeting was adjourned at 9:17 p.m.

ACTION: Motion to Adjourn

Motion: Mayor Pro Tem Thompson

Second: Council Member Everett

Vote: Unanimous

Duly adopted this the 15th day of February, 2021 while in regular session.

Jody L. McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk

Kimberly Moffett

Public Comment #1

From: Jon Christiano <j.christiano@hotmail.com>
Sent: Thursday, January 07, 2021 8:12 AM
To: Kimberly Moffett
Subject: Fw: Town Manager

Be Advised: This email originated from outside of the Town of Clayton's network. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning. I would like the comments I submitted below to be read aloud during public comment at the next meeting, please.

Sincerely,

Jon Christiano

From: Mayor <Mayor@townofclaytonnc.org>
Sent: Thursday, January 7, 2021 7:46 AM
To: Jon Christiano <j.christiano@hotmail.com>
Subject: Re: Town Manager

Jon,
Thank you for your email.
If you would like for it to be read aloud during public comment at our next meeting and become a part of the minutes please forward your request to the town clerk
kmoffett@townofclaytonnc.org

Thank you again for sharing your thoughts. I appreciate you.

Sincerely
Jody McLeod
Mayor Town of Clayton NC

Sent from my iPhone

On Jan 6, 2021, at 9:27 AM, Jon Christiano <j.christiano@hotmail.com> wrote:

Be Advised: This email originated from outside of the Town of Clayton's network. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I would like to see an objective and professional process followed in the selection of the Town Manager. The motions to appoint Mr Solomon outside of that process seems both

opportunistic and privileged. If he wants the job, he should have applied and been considered on his merits along with other candidates.

Regarding the residency requirement for the Town Manager, this absolutely must remain as a condition of employment. I do not want anyone managing our community who is not subject to the consequences of their actions as a resident. This idea also reeks of favoritism, exposing a conflict of interest on the part of the person(s) making the motion.

Sincerely,

Jon Christiano
213 Mantle Dr
Clayton, NC 27527
508-353-7867

Public Comen
#2

Good evening Town Council,

I am making these comments as a concerned resident of Downtown Clayton.

Before I begin my points, I would like to thank Ms. Moffett for reading my comments. I am unable to attend Council meetings in person and I appreciate this opportunity for my concerns to be read during the "Public Comments" portion of the Council meeting.

My points and concerns are as follows -

1. The Hiring of JD Solomon as Town Manager

As all of you are well aware, there has been quite a stir surrounding the abrupt removal of Adam Lindsay, the "whys," his severance, and his legacy. Citizens of Clayton voiced their opinions on this last year and also voiced their opinions on the salary of, then, Interim Town Manager Solomon. \$24,000 per month is a steep, uncommon, and grotesque salary for anyone working for a Town of this size. On Monday, January 4, 2021, it was decided with a 4 to 1 vote that Mr. Solomon would be made the new Town Manager, with a salary of \$196,000.

- a. Will the \$24,000 Mr. Solomon has been given per month be taken out of his total salary of \$196,000 since he up and decided he wanted the job last minute, or will Town citizens be paying this on top of his payments as Interim Town Manager?
- b. The decision to hire him as you did is a disgrace, plain and simple. With the controversy surrounding this decision, the Town should have followed the rules and laws to the letter, leaving no stone unturned and leaving no space for doubt among Town of Clayton residents or staff. Instead, you chose to hand him the job. You have forever sullied his reputation or even the belief in his true possibilities or his qualifications. Which leads to point number two.

2. Illegal Meeting of Some Members of Town Council

G.S. 143-318 and G.S. 153A-40 in NC Law have very specific rules in regards to how Council can call different types of meetings - from your regular meetings, to emergency meetings, to closed sessions.

- a. *I would like to request to know when an illegal meeting was held that excluded Councilman Everett and Mayor McLeod to discuss the hiring of Mr. JD Solomon. Please do explain.*

3. Request for Repayment of \$18,000 firm fee - to be repayed by Council members Bunn, Thompson, Holder and Grannis

I am requesting that the four of you split the cost of the firm fee to find a new Town Manager and that it be docked from the money you receive from the Town to serve on Council. That is \$4,500 per member.

4. Former Chief of Police, Mr. Blair Myhand

Town citizens have been practically begging to know exactly what happened with Chief Myhand and Council has provided no answers. A week or so ago, Mr. Myhand spoke in his own words in the Hendersonville Lightning regarding his bid to become their next Chief of Police. He has since been made their new Chief of Police.

- a. I would like to request an answer from Town Council given the words he said about a baseless and fruitless investigation against him.
- b. I would also like to know when it was decided that the Chief of Police is expected to subjugate himself to members of Town Council and Town staff when his clear job is to be a public servant, run his law enforcement agency, and lead good officers? Last time I checked, Chief of Police is loyal to his citizens, not obscene bureaucracy or the bloated egos of Council members or Town staff. Chief Myhand had a stellar reputation in this community, on all sides.
- c. I would also like to know the cost of this investigation and which budget line sets aside money for this investigation?

5. Changing the Town Ordinance that requires Town Manager live here

The Town Ordinance 31.03 states "At the time of his appointment he need not be a resident of the town or state, but during his tenure of office he shall reside within the town." Discussion was had in regards to changing the Town ordinance because Mr. Solomon does not live in Clayton. I believe changing this law to suit a Town staff member sets a very negative precedent for the future of Town decisions and I believe the law should absolutely stand and Mr. Solomon should be required to move here. If he does not do so, he should be removed.

6. Decorum of Council meetings

I feel it necessary to issue a reminder that Town Council is a non-partisan entity. When we vote for you, we put aside party lines and politics for the good of the Town.

- a. I am requesting that Town Manager JD Solomon be reminded of this fact. Every meeting, he finds some way to make political comments that are not only unprofessional, they are inappropriate. I am well aware he is the former head of the Johnston County Republican Party, but he is now Town Manager and his political comments have NO place in Council meetings.

7. Outreach Plan and Guidelines For Recruitment and Selection of Minority Businesses

- a. How was this 10% determined?
- b. What are the statistical data points that support offering an insulting low 10% to minority owned businesses?
- c. For Town jobs that fall below the specific monetary threshold, what percentage of those are given to minority owned businesses.

An equal share would have been a guarantee of 50%.

"If you remember, we about ran out of water."

That quote, made by Interim Town Manager Solomon, is from the last Town Council meeting on Monday, January 4, 2021 (time stamp 2:17:42)

- a. Are you referencing drinking water or waste water?
- b. This is not the first time it has been said by Mr. Solomon, so I am wondering why no one is questioning such a serious statement in regards to the Town's resources?
- c. If the Town is at a vital capacity for water, why does the Town continue to approve residential development (other than the obvious desire for the "millions" you'll make off of it).
- d. In Chapter 54 in Clayton Town Ordinances the Town Manager, at his own will, is permitted to adjust rates if there is deemed to be a water shortage or emergency. Knowing this, I am incredibly worried about the overdevelopment of the Town and the stress on our infrastructure, and then knowing that due to the Town's unchecked growth that rates can be raised for a problem residents are not causing. Greed is what is causing these problems.

In closing, I want to say that the actions of some elected officials recently are not only deplorable, they are inexcusable. You are elected officials who sit where you do because you Clayton citizens cast ballots entrusting you with their homes, their families, and their tax funds. I find it a shame to listen to Town staff and Town elected officials **brag** about the financial growth this Town is having while lines at churches for food have doubled and tripled and families are struggling to pay their bills during this Pandemic. I find it a shame to listen to Town staff and Town elected officials **brag** about this financial growth while later questioning if you can even support the hard working Town staff who end up with Covid and need time off - worrying about revenue vs. cost. While you pay the Interim Town Manager \$24,000 per month, you paid a firm to find a new manager \$19,000, paid an undisclosed amount to have the Chief of Police "investigated," while you approved a grotesque salary of \$196,000 to the Interim Town Manager when he becomes Town Manager, and while you paid the former Town Manager a severance package of a full year's salary. I am astounded by the blatant disregard for even taxpayer funds, especially considering the median salary of most of the families who call Clayton home.

May you do better.

To Councilman Everett and to Mayor McLeod - I publicly apologize on behalf of your fellow Council members for the disrespect you were given. You are both doing your jobs as you were elected to do them and I appreciate you.

Thank you, again, to Ms. Moffett for reading my words and for the time given for Public Comment.

Candice Mosley Russell
Downtown Clayton Resident

Town of Clayton Policy & Procedure Statement



Policy Number	HR - 2021-01A
Department	Human Resources
Subject	COVID 19 - Advanced Annual Leave
Approved By	Town Council Resolution #2021-01A
Effective Date	January 1, 2021 - June 30, 2021
Revision Date(s)	February 15, 2021

Purpose:

To assist employees with leave during the COVID 19 Pandemic.

Definitions:

Overview:

Policy:

Effective January 1, 2021 through June 30, 2021, Town of Clayton employees who are eligible for and have exhausted all paid annual (i.e., vacation) leave but are required to remain out of work due to a COVID-19 diagnosis, exposure and/or pending diagnostic results, for either themselves and/or immediate family, may borrow up to 5 days of paid annual leave. These days will be coded as vacation and will reflect a negative balance in the employee's accrual allotment.

If employment terminates while having a negative vacation balance, the employee will owe reimbursement to the Town and it will be recouped from any final payments due to the employee.

Town of Clayton
Temporary Changes Related to Employee Accrued Leave

WHEREAS, COVID-19 (Coronavirus) is a severe respiratory illness that is spread from human to human, is highly contagious, and can cause severe injury or death; and

WHEREAS, COVID-19 has been declared a Public Health Emergency of International Concern by the World Health Organization; and

WHEREAS, the President of the United State has declared the COVID-19 outbreak a National Emergency and the United States Department of Health and Human Services the a public health state of emergency in the United States for COVID-19 under section 319 of the Public Health Services Act; and

NOW, THEREFORE, be it resolved by the Town Council of the Town of Clayton that the following policy (HR – 2021-01) shall be in place, effective January 1, 2021 – June 30, 2021:

1. Effective January 1, 2021 through June 30, 2021, Town of Clayton employees who are eligible for and have exhausted all paid annual (i.e., vacation) leave but are required to remain out of work due to a COVID-19 diagnosis, exposure and/or pending diagnostic results, for themselves and/or immediate family members as defined in the Town of Clayton Personnel Policies, may borrow up to 5 days of paid annual leave. These days will be coded as vacation and will reflect a negative balance in the employee's accrual allotment.
2. If employment terminates while having a negative vacation balance, the employee will owe reimbursement to the Town and it will be recouped from any final payments due to the employee.
3. These temporary changes will remain in place until June 30, 2021 or modified by the Clayton Town Council.

Duly adopted this the 15⁴ day of January, February 2021 while in regular session.

Jody L. McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk

Town of Clayton
Temporary Changes Related to Employee Accrued Leave

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Duly adopted this the 15th day of February 2021 while in regular session.

Jody L. McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk

ANNEXATION PETITION 2020-142-ANX

Buckhorn Branch

Parcel: 166800-64-8874, 166811-55-8386, and 166800-54-8289

Owners: Buckhorn Branch Developers, LLC

Contiguous; 83.433 +/- acres

CERTIFICATE OF SUFFICIENCY

To the Town Council of the Town of Clayton, North Carolina:

I, Kimberly A. Moffett, Town Clerk, do hereby certify that I have investigated the petition attached hereto and have found as a fact that said petition is signed by all owners of real property lying in the area described therein, in accordance with G.S. 160A-58.1.

In witness whereof, I have hereunto set my hand and affixed the seal of the Town of Clayton, this the 15th day of February, 2021 while in regular session.

Kimberly A. Moffett, CMC, NCCMC
Town Clerk



Town Council Agenda Cover Sheet

Meeting Date

February 15, 2021

Agenda Location

Introductions & Special Presentations

Item Title

Introduce New ELT I

Presenter

Dale Medlin

Summary/Description

To introduce Jacob Robinson new ELT I for the Electric Department

Requested Action

Informational Only

Funding Source (If Applicable):

N/A

Cost: N/A Yes ☐ No ☒

Additional Documents to be Included in Agenda Packet

Meeting Timeline

Click or tap here to enter text.



Town Council Agenda Cover Sheet

Meeting Date

February 15, 2021

Agenda Location

Introductions & Special Presentations

Item Title

2021-2022 Sculpture Trail Selections

Presenter

Sara Perricone, Town of Clayton Public Art Advisory Board Chair

Summary/Description

Clayton's reputation as an arts community is growing! With the help of Jim Davis, owner of Sculpture in the Landscape, more than 80 different sculptures were entered for consideration in the 2021-22 Clayton Sculpture Trail. This is a record-setting number for this annual rotating outdoor exhibit now going into its 8th year!

Sara Perricone, chairwoman of the Public Art Advisory Board, will present the newest selections, chosen by a subcommittee of the board, to be installed in March. This year selections have been narrowed down to seven sculptures, three being large, dramatic sculptures with a cost of \$3000 to the artist and four medium size sculptures with a cost of \$1500.

The Public Art Advisory Board's selection committee for this year's trail was comprised local artists, residents, business owners, elected officials, civic leaders and Town staff.

For lending us their work, each artist will be eligible to compete in a People's Choice vote, in which the public selects the winner of an additional \$1,000 award. We also proudly feature the artists' work in videos and on brochures that are distributed to businesses and organizations throughout the area.

Requested Action

Informational Only

Funding Source (If Applicable):

Budgeted Line Item

Cost: N/A Yes ☒ No ☐

Additional Documents to be Included in Agenda Packet

Clayton Sculpture Trail 2021 - FINAL SELECTIONS

Meeting Timeline

Click or tap here to enter text.

Clayton Sculpture Trail 2021

FINAL SELECTIONS

PRESENTED BY:

sculpture in the landscape

JANUARY 26, 2021



**RED
RHYTHM
#16**

12.7' x 6' x 8'
Painted Aluminum

A-8





CONTINUUM

13' x 6' x 5'

Stainless Steel

A-12



MIDSUMMER

17' x 10' x 6'

Painted Steel

A-25

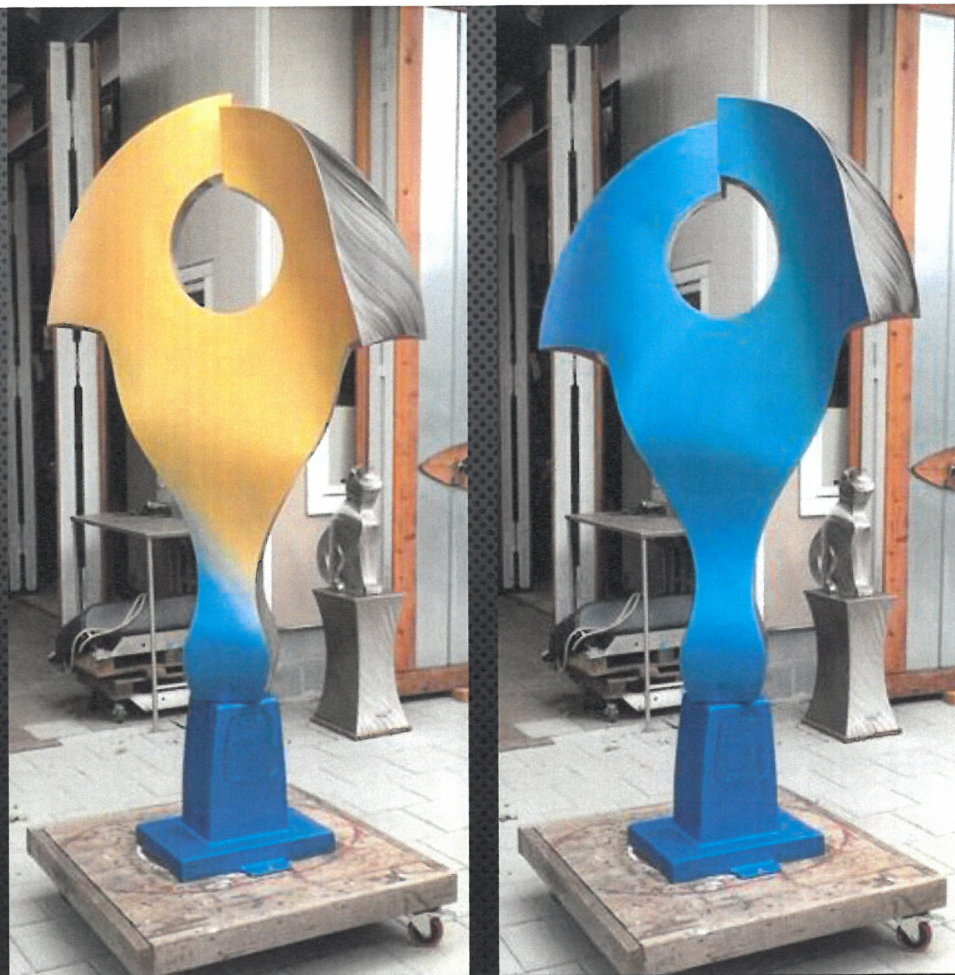


SOME LIKE IT HOT

7.5' x 4.5'
Kinetic

Stainless and Painted Steel

B-13





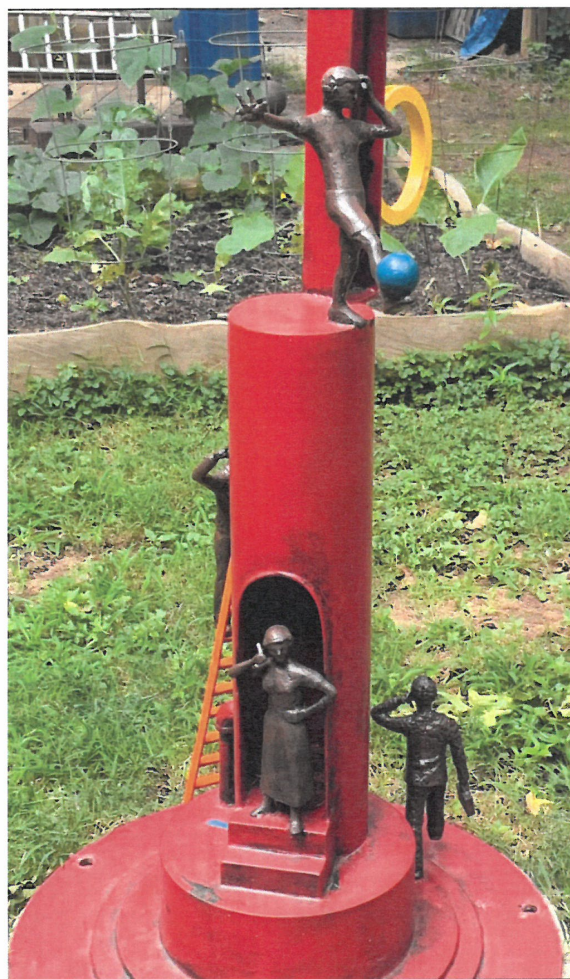
VALKYRIE

9.7' x 9.7' x 8'

Powder Coated Steel

B-14





A QUESTION of BALANCE

10' x 3' x 3'

Steel

B-28





GUARDIAN

9.5' x 2' x 2'

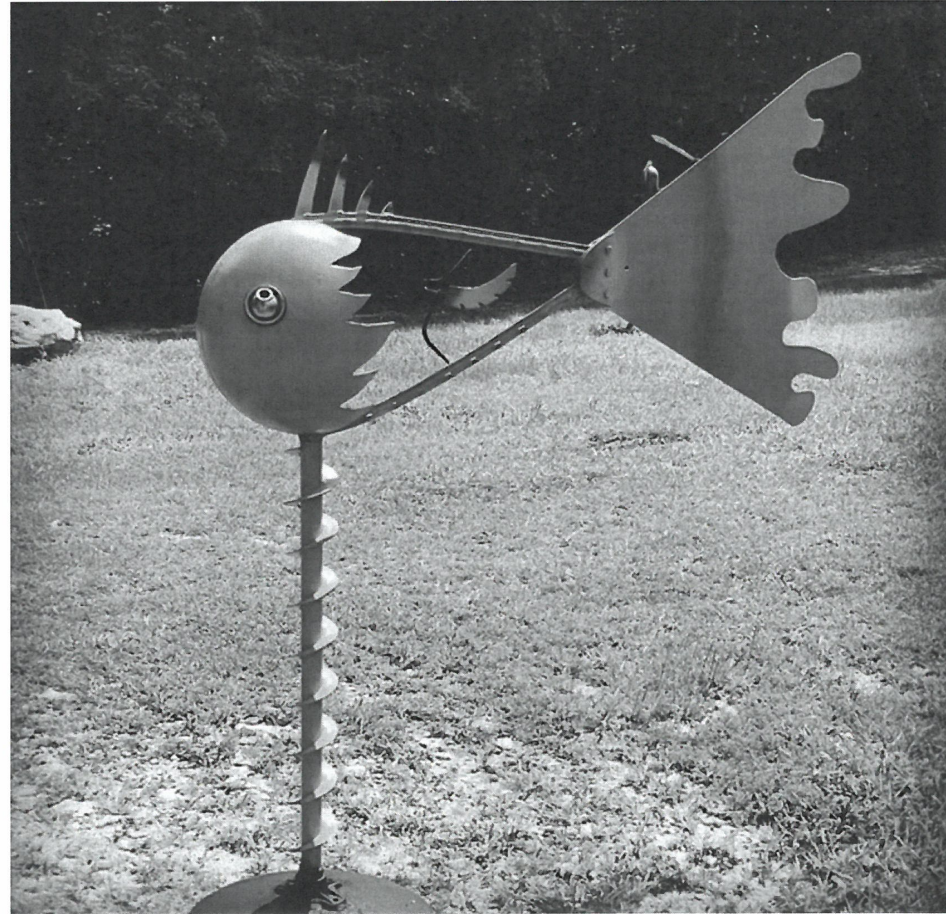
Steel, Stainless Steel

B-32



Flying Goldfish

by Jason Morris



2 feet wide – ^{5.6'}~~7.3~~ feet high – 150 lbs - \$2800

Horne
Square

PUBLIC NOTICE

In accordance with NC GS 160A-314, the Clayton Town Council will hold a public hearing on Monday, February 1, 2021, at 6:00 PM in the Council Chambers at the Clayton Center, 111 E Second Street, to consider an amendment to the Comprehensive List of Fees and Charges related to the Planning Department. Copies of the proposed fees are available in the Planning office and the Town Clerk's office for review by the public.

The public is invited to attend.

Samantha Wullenwaber, Planning Director
919-553-5002

The Johnstonian Newspaper

Please advertise on the following dates:

January 20, 2021

January 27, 2021

Affidavit of publication required.

Town of Clayton
Amendment to the Comprehensive List of Fees and Charges

BE IT HEREBY APPROVED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON, NORTH CAROLINA, THAT THE COMPREHENSIVE LIST OF FEES AND CHARGES WILL BE AMENDED TO INCLUDE THE FOLLOWING:

PLANNING DEPARTMENT FEES:

AMEND Site Plan – <i>Now One Category</i> Minor & Major / acre	\$500 + \$5
REPLACE Planned Development Conditional Zoning w/Associated Mater Plan \$5 / acre	\$1000 +
ADD under Rezoning: Conditional Zoning	\$500

Duly adopted this the 15th day of February, 2021 while in regular session.

Jody McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk



Town Council Agenda Cover Sheet

Meeting Date

February 15, 2021

Agenda Location

Old Business

Item Title

Land Acquisition Related to Town Infrastructure Projects

Presenter

Joshua Baird – Town Engineer

Summary/Description

Two Town infrastructure projects within the corridor between NC 42 West and Little Creek WRF are ready to move into construction phases, however, staff have been unable to obtain all required easements. The first project is sanitary sewer project to replace an aging pipe and increase the size to allow for future capacity. The second is an electric and fiber project to increase the resiliency and capacity of the Town's electric system. A significant portion of the sewer work is within existing easements, however due to a large gas main and installation of a larger pipe, additional permanent and temporary construction easements are required. The electric work is adjacent to existing right-of-way and existing Duke Energy high voltage lines. Town staff and a land acquisition firm have obtained a portion of the required easements but not all. Staff and the acquisition firm have made multiple attempts to negotiate and obtain the remaining easements, however, no settlement has been reached on three different properties. Timing of construction is critical and cannot slide as other projects related to conversion of Little Creek WRF to a pump station in the same vicinity are lined up behind these two projects. Town staff request Council approve the resolution authorizing Town staff and attorneys to proceed with condemnation of the remaining easements on three properties.

Requested Action

Approval/Denial

Funding Source (If Applicable):

N/A

Cost: N/A Yes ☐ No ☒

Additional Documents to be Included in Agenda Packet

Resolution to Condemn

Exhibit A-1 - Map of Easement – Williams

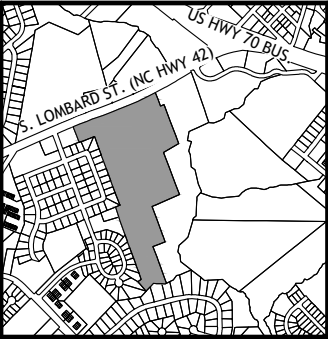
Exhibit A-2 - Map of Elec Easement - Glennie Rea

Exhibit A-3 Map of Sewer Easement - Glennie Rae Corp

Exhibit A-4 Map of Easement - PSNC

Meeting Timeline

Click or tap here to enter text.

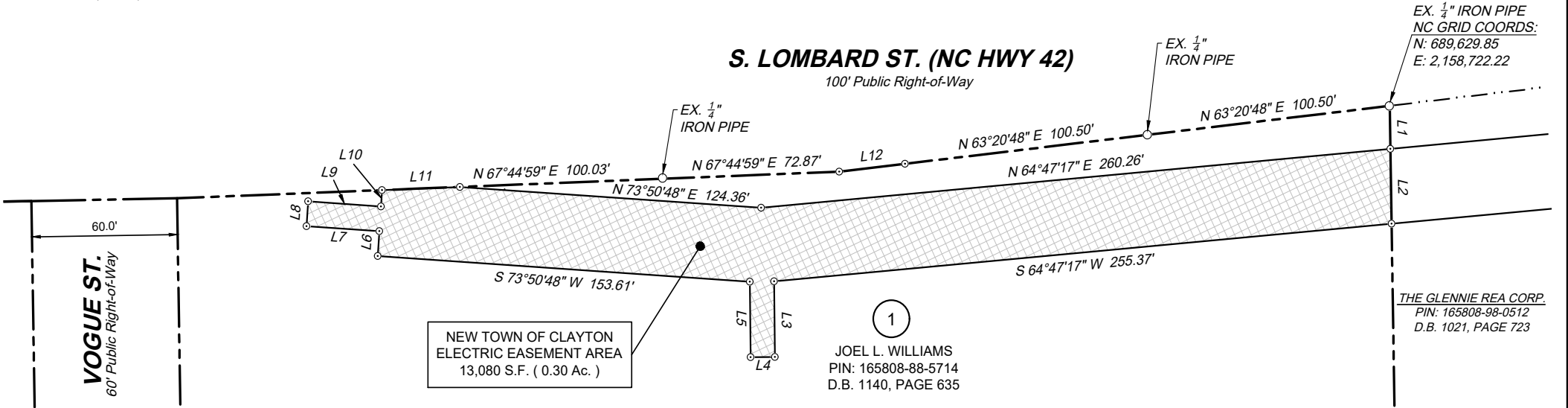
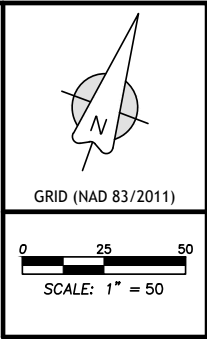


Vicinity Map
(No Scale)

LEGEND & NOMENCLATURE:

- Ex. property corner
- Calculated point
- Set property corner
- Property Boundary
- - - Road Right-of-Way
- - - Road Center Line
- - - New Electric Easement
- Electric easement area
- Electric easement area (within R/W)
- B.M.
- D.B.
- Pg.
- S.F.
- Ac.
- Book of Maps
- Deed Book
- Page
- Square Feet
- Acres

LINE	BEARING	DISTANCE
L1	N 20°55'36" W	17.29'
L2	S 20°55'36" E	30.08'
L3	S 20°40'58" E	30.35'
L4	S 69°19'02" W	10.00'
L5	N 20°40'58" W	30.35'
L6	N 16°09'12" W	10.00'
L7	S 73°50'48" W	30.00'
L8	N 16°09'12" W	10.00'
L9	N 73°50'48" E	30.00'
L10	N 16°09'12" W	6.59'
L11	N 67°44'59" E	32.08'
L12	N 63°20'48" E	27.29'



This is not a certified survey and has not been reviewed by a local government agency for compliance with any applicable land development regulations.

TAYLOR
LAND CONSULTANTS, PLLC
License No P-0829
5448 Apex Peakway, #165
Apex, NC 27502
(919) 337-7998



EASEMENT ACQUISITION EASEMENT

Grantor: **JOEL L. WILLIAMS**
Grantee: **TOWN OF CLAYTON**
Site Address: **1001 S. LOMBARD ST.**
PIN: **165808-88-5714**
Source of Title: **D.B. 1140, PAGE 635**
Township: **CLAYTON**
County: **JOHNSTON**
State: **NC**
Date: **FEBRUARY 13, 2020**

NOTES:

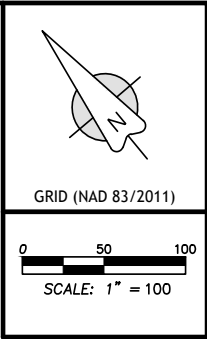
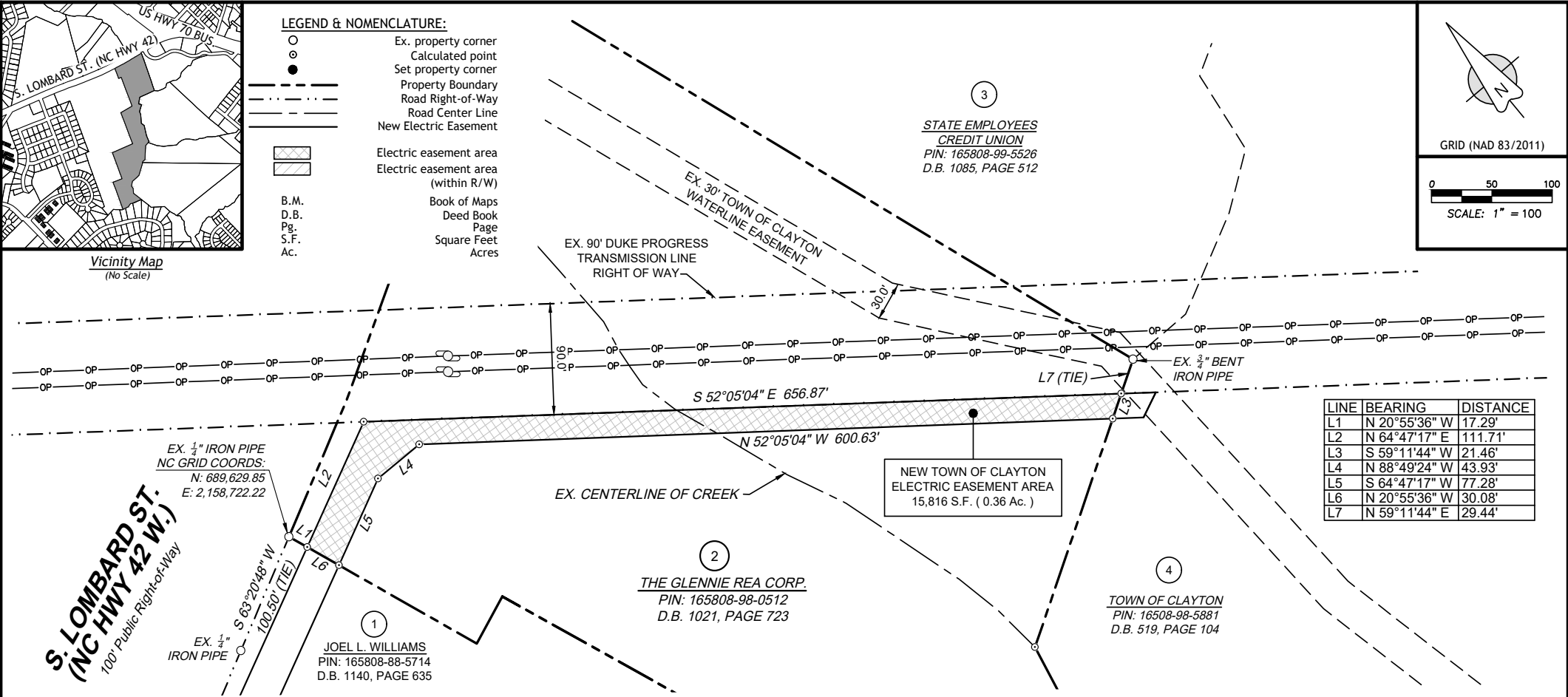
- 1) Surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence or any other facts that an accurate and current title search may disclose.
- 2) Grid north established using NC Real Time Newtork



Vicinity Map
(No Scale)

LEGEND & NOMENCLATURE:

- Ex. property corner
- Calculated point
- Set property corner
- Property Boundary
- - - Road Right-of-Way
- - - Road Center Line
- - - New Electric Easement
- ▨ Electric easement area
- ▨ Electric easement area (within R/W)
- B.M.
- D.B.
- Pg.
- S.F.
- Ac.
- Book of Maps
- Deed Book
- Page
- Square Feet
- Acres



LINE	BEARING	DISTANCE
L1	N 20°55'36" W	17.29'
L2	N 64°47'17" E	111.71'
L3	S 59°11'44" W	21.46'
L4	N 88°49'24" W	43.93'
L5	S 64°47'17" W	77.28'
L6	N 20°55'36" W	30.08'
L7	N 59°11'44" E	29.44'

This is not a certified survey and has not been reviewed by a local government agency for compliance with any applicable land development regulations.



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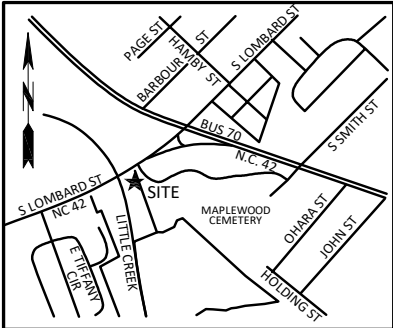


EASEMENT ACQUISITION EASEMENT	
Grantor:	THE GLENNIE REA CORP.
Grantee:	TOWN OF CLAYTON
Site Address:	N/A
PIN:	165808-98-0512
Source of Title:	D.B. 1021, PAGE 723
Township:	CLAYTON
County:	JOHNSTON
State:	NC
Date:	MARCH 13, 2020

NOTES:

1) Surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence or any other facts that an accurate and current title search may disclose.

2) Grid north established using NC Real Time Newtork



VICINITY MAP (NOT TO SCALE)

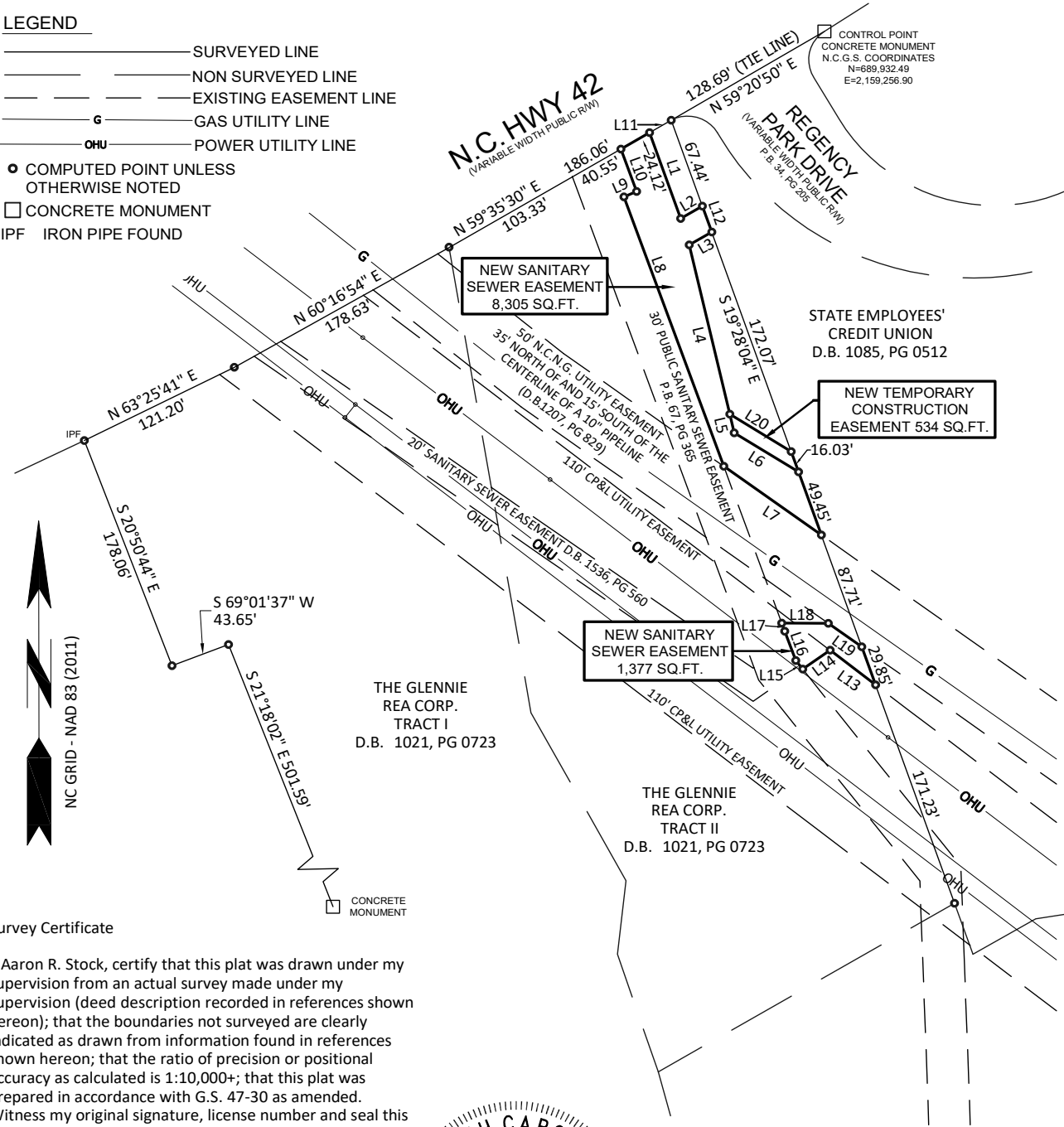
LEGEND

- SURVEYED LINE
- NON SURVEYED LINE
- EXISTING EASEMENT LINE
- GAS UTILITY LINE
- POWER UTILITY LINE
- COMPUTED POINT UNLESS OTHERWISE NOTED
- CONCRETE MONUMENT
- IPF IRON PIPE FOUND

LINE TABLE		
Line #	Length	Direction
L1	67.32'	N 19°26'19" W
L2	18.12'	S 59°58'25" W
L3	18.85'	N 59°58'25" E
L4	128.60'	N 13°12'10" W
L5	14.17'	N 13°12'10" W
L6	54.67'	N 58°04'12" W

Line #	Length	Direction
L7	86.87'	N 54°13'19" W
L8	211.93'	N 19°53'17" W
L9	9.93'	N 66°53'58" W
L10	33.39'	N 19°58'14" W
L11	18.11'	N 59°35'30" E
L12	20.34'	N 19°28'04" W
L13	41.67'	S 52°01'28" E

Line #	Length	Direction
L14	24.21'	N 54°51'12" E
L15	8.02'	N 38°06'03" W
L16	23.16'	N 20°09'40" W
L17	6.27'	N 19°53'16" W
L18	33.59'	S 89°50'17" E
L19	29.80'	S 54°13'19" E
L20	52.19'	S 58°04'12" E



Survey Certificate

I, Aaron R. Stock, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in references shown hereon); that the boundaries not surveyed are clearly indicated as drawn from information found in references shown hereon; that the ratio of precision or positional accuracy as calculated is 1:10,000+; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, license number and seal this 3rd day of February, A.D., 2021.

Furthermore, I certify that the survey is of a proposed easement for a public utility as defined in G.S. 62-3.

Aaron R. Stock.
Professional Land Surveyor L-5113



NOTES

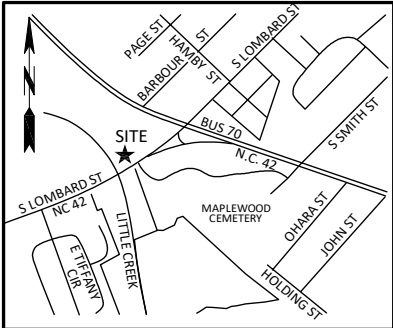
- Distances shown hereon are horizontal grid measurements, in US Survey Feet, unless stated otherwise. Combined Factor is 0.9999102606.
- Areas are by Coordinate Computation.
- This survey was prepared without the benefit of a title report and is subject to all matters a full title search would disclose.

LITTLE CREEK SEWER OUTFALL REPLACEMENT

THE WOOTEN COMPANY
120 North Boylan Avenue Raleigh NC 27608-1423
919.828.0531 Fax: 919.834.3589
License Number: F-0115

PLAT OF EASEMENT SURVEY
PREPARED FOR
TOWN OF CLAYTON
ACROSS THE PROPERTY OF
THE GLENNIE REA CORP.
N.C. HWY 42
TOWN OF CLAYTON JOHNSTON COUNTY NORTH CAROLINA

50 0 100
Scale: 1" = 100'
Date: 02-03-2021
Field Date: 11-16-2020 Drawn By: ARS
Doc. No.: 2756BP-L001
Sheet No.: 1 of 1



VICINITY MAP (NOT TO SCALE)

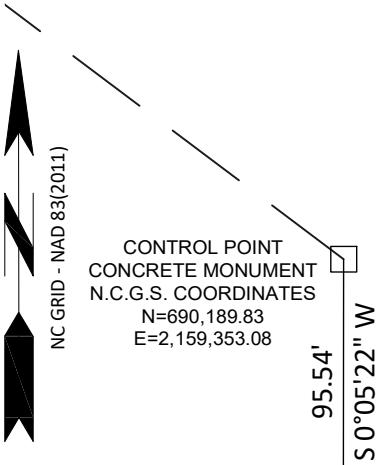
NOTES

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LEGEND

- SURVEYED LINE
- NON SURVEYED LINE
- EXISTING EASEMENT LINE
- COMPUTED POINT UNLESS NOTED OTHERWISE
- CONCRETE MONUMENT
- IPF IRON PIPE FOUND

PS NC I, L.P.
A DELAWARE LIMITED PARTNERSHIP
D.B. 3797, PG 996



VARIABLE WIDTH GREENWAY EASEMENT
D.B. 4600, PG 0448 - P.B. 81, PG 077

NEW TEMPORARY CONSTRUCTION
EASEMENT 1,260 SQ.FT.

NEW SANITARY
SEWER EASEMENT
1,747 SQ.FT.

40' UTILITY EASEMENT
P.B. 55, PG 077

N.C. HWY 42
(VARIABLE WIDTH PUBLIC RW)

N/F STATE EMPLOYEES
CREDIT UNION
D.B. 1085, PG 0512

REGENCY
PARK DRIVE
(VARIABLE WIDTH PUBLIC RW)
P.B. 34, PG 205

THE GLENNIE
REA CORP.
TRACT II
D.B. 1021, PG 0723

Survey Certificate

I, Aaron R. Stock, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in references shown hereon); that the boundaries not surveyed are clearly indicated as drawn from information found in references shown hereon; that the ratio of precision or positional accuracy as calculated is 1:10,000+; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, license number and seal this 3rd day of February, A.D., 2021.

Furthermore, I certify that the survey is of a proposed easement for a public utility as defined in G.S. 62-3.

Aaron R. Stock.
Professional Land Surveyor L-5113



LINE TABLE		
Line #	Length	Direction
L1	24.07'	N 17°02'24" W
L2	70.73'	N 50°39'29" W
L3	23.86'	N 50°39'29" W
L4	40.97'	N 19°54'48" W
L5	69.92'	N 75°26'10" W
L6	44.35'	N 19°54'48" W
L7	96.85'	N 75°26'10" W

LITTLE CREEK SEWER OUTFALL REPLACEMENT

THE WOOTEN COMPANY
120 North Boylan Avenue Raleigh NC 27608-1423
919.828.0531 fax 919.834.3589
License Number: F-0115

PLAT OF EASEMENT SURVEY
PREPARED FOR
TOWN OF CLAYTON
ACROSS THE PROPERTY OF
PS NC I, L.P.
A DELAWARE LIMITED PARTNERSHIP
TOWN OF CLAYTON JOHNSTON COUNTY NORTH CAROLINA

30 0 60
Scale: 1" = 60'
Date: 02-03-2021
Field Date: 11-16-2020 Drawn By: ARS
Doc. No.: 2756BP-L003
Sheet No.: 1 of 1

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CLAYTON
PROVIDING FOR THE ACQUISITION OF
INTERESTS IN REAL PROPERTY**

WHEREAS, the governing body of the Town of Clayton hereby determines that it is necessary and in the public interest to acquire interests in those parcels of land more particularly described on Exhibit A attached hereto and incorporated herein by reference (the "Property" or "Properties") for the public purpose of construction, installation, repair and maintenance of a water and sewer line, an electric line and a fiber cable line for the citizens and utility customers of the Town of Clayton; and

WHEREAS, the Properties are held by the property owners described in Exhibit A attached hereto and incorporated herein by reference (the "Owners"); and

WHEREAS, proper officials of the Town of Clayton have attempted to acquire the appropriate interests in the Properties, and have been unable to agree with some of the Owners thereof, and as a result, the Town of Clayton has been unable to obtain the Properties by voluntary conveyance; and

WHEREAS, the Town of Clayton, acting by and through the Town Council, proposes to exercise the power of eminent domain conferred upon the Town of Clayton by Chapter 40A of the North Carolina General Statutes to condemn such property, if necessary;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CLAYTON:

1. That the Town Attorney is authorized to proceed on behalf of the Town of Clayton to condemn the interests in the property as generally indicated on Exhibit A attached hereto and incorporated herein by reference.
2. That the purpose for which the Properties are being acquired is construction, installation, repair and maintenance of a water and sewer line, an electric line and a fiber cable line and incidental thereto, to provide for such other public services and public uses as may be permissible or desirable within the easement corridors for the citizens and utility customers of the Town of Clayton.
3. That the nature of the rights, title and interests to be acquired in the Properties described herein are permanent easements and temporary construction easement interests as more particularly set forth in Exhibit A.
4. That the Town Attorney for the Town of Clayton is hereby authorized and directed to institute the necessary proceedings, pursuant to Chapter 40A of the General Statutes of the State of North Carolina, to effectuate the acquisition of the interest in the land hereinabove mentioned and that the attorneys for the Town of Clayton are hereby authorized on behalf of the Town of Clayton to give or receive such notice or notices as may by law be

required.

Adopted this the 15th day of February, 2021 while in regular session.

Jody L. McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk

EXHIBIT A

- 1. OWNER:** Joel L. Williams
Parcel ID: 05-H-03-193
PIN Number: 165808-88-5714
DEED BOOK 1140, **PAGE** 635
1001 S. Lombard St.
Clayton, North Carolina

EASEMENT DESCRIPTION

Permanent Utility Easement for Electrical and Fiber Cable installation:

Being the "New Town of Clayton Electric Easement Area of 13,080 S.F. (0.30 Ac.)" as shown on the map dated February 13, 2020 entitled "Easement Acquisition Easement" by Taylor Land Consultants, PLLC for Grantor Joel L. Williams attached hereto as Exhibit A-1 and incorporated herein by reference.

- 2. OWNER:** Glennie Rea Corp.
Parcel ID: 05-H-03-029-S
PIN Number: 165808-98-0512
DEED BOOK 1021, **PAGE** 723
HWY 70
Clayton, North Carolina

EASEMENT DESCRIPTION

Permanent Utility Easement for Electrical and Fiber Cable installation:

Being the "New Town of Clayton Electric Easement Area of 15,816 S.F. (0.36 Ac.)" as shown on the map dated March 13, 2020 entitled "Easement Acquisition Easement" by Taylor Land Consultants, PLLC for Grantor The Glennie Rea Corp. attached hereto as Exhibit A-2 and incorporated herein by reference.

Permanent Utility Easement for Sanitary Sewer:

Being the "New Sanitary Sewer Easement 8,305 SQ. FT." and the "New Sanitary Sewer Easement 1,377 SQ. FT." as shown on the map dated November 16, 2020 entitled "Plat of Easement Survey Prepared For the Town of Clayton Across the Property of The Glennie Rea Corp. N.C. HWY 42" by the Wooten Company attached hereto as Exhibit A-3 and incorporated herein by reference.

Temporary Construction Easement:

Being the "New Temporary Construction Easement 534 SQ. FT." as shown on the map dated November 16, 2020 entitled "Plat of Easement Survey Prepared For the Town of Clayton Across the Property of The Glennie Rea Corp. N.C. HWY 42" by the Wooten Company attached hereto as Exhibit A-3 and incorporated herein by reference.

3. OWNER: PS NC I, LP
Parcel ID: 05-0-18-005-B
PIN Number: 165920-80-8332
DEED BOOK 3797, **PAGE** 996
850 S Lombard ST
Clayton, North Carolina

EASEMENT DESCRIPTION

Temporary Construction Easement:

Being the "New Temporary Construction Easement 1,260 SQ. FT." as shown on the map dated February 3, 2021 entitled "Plat of Easement Survey Prepared For the Town of Clayton Across the Property of PS NC I, L.P. A Delaware Limited Partnership" by the Wooten Company attached hereto as Exhibit A-4 and incorporated herein by reference.

Permanent Utility Easement for Sanitary Sewer:

Being the "New Sanitary Sewer Easement 1,747 SQ. FT." as shown on the map dated February 3, 2021 entitled "Plat of Easement Survey Prepared For the Town of Clayton Across the Property of PS NC I, L.P. A Delaware Limited Partnership" by the Wooten Company attached hereto as Exhibit A-4 and incorporated herein by reference.



Town Council Agenda Cover Sheet

Meeting Date

February 15, 2021

Agenda Location

Old Business

Item Title

Award Construction Contract – Little Creek Outfall Project

Presenter

Joshua Baird – Town Engineer

Summary/Description

On January 28, 2021 staff opened sealed bids for the Little Creek Outfall Project. Staff received a total of 7 bids. Bids included base bid, alternates for further increasing pipe size, and deductions. The two lowest bids were from contractors that did not have adequate licensing per G.S. 87-10 and were deemed not responsive. The two contractors have been notified in writing. The next lowest bid was Providence Construction Services with base bid of \$645,512.85, alternate 1A of \$264,824.80, alternate 1B of \$383,147.00, deduct 1A of \$6,500.00, and deduct 1B of \$10,000.00. Per Town of Clayton Purchasing Policies and North Carolina General Statutes, Construction projects over \$300,000 require Formal Bid procedures, which includes award of the contract from Town Council. Staff and consultant engineer have reviewed the bids and recommend awarding the contract at base bid and Alternate/deduct 1B to Providence Construction Services. Previous Town Council action in early 2020 created and set up a Capital Project Fund for the project. Total contract price with alternate/deduct 1B will be \$1,018,659.85 and is within the existing project budget. Proposed contract is based on standard EJCDC construction contract and has been reviewed by Town attorney. Contract time is 270 days to substantial completion and 300 days to final completion with an intermediate contract time for work inside Little Creek WRF. Staff request Town Council authorize Town Manager or designee to execute construction contract and any change orders required to deliver the project.

Requested Action

Approval/Denial

Funding Source (If Applicable):

N/A

Cost: N/A Yes ☒ No ☐

Additional Documents to be Included in Agenda Packet

Recommendation of Award

Bid Tab

Bid Summary

Meeting Timeline

Click or tap here to enter text.



February 3, 2021

Mr. Joshua Baird, PE
Town Engineer
Town of Clayton
111 East Second Street
Clayton, NC 27528

Re: Recommendation for Award
Little Creek Sanitary Sewer Outfall Replacement
TWC No. 2756-BP

Dear Mr. Baird:

Enclosed are the Bid Tabulation and Bid Summary for the bids received on January 28, 2021. Seven (7) bids were received for the Project.

It appeared that the Low Bidder was Axis Utility, Inc of Wake Forest for either Alternate 1A or Alternate 1B. On the Bid Submittal they indicated that their NC Contractor's License No. is 83227 with a Classification of Public Utilities (PU) and a Limitation of "Limited." This information was confirmed based on the license Information obtained from the NC Licensing Board for General Contractors web site as attached. A contractor with a "Limited" license can only perform work on projects not exceeding \$500,000 as indicated in NC GS 87-10 and provided below.

In accordance with NC GS 87-10(a1) (the highlight is mine.)

"The holder of an unlimited license shall be entitled to act as general contractor without restriction as to value of any single project; the holder of an intermediate license shall be entitled to act as general contractor for any single project with a value of up to one million dollars (\$1,000,000), excluding the cost of land and any ancillary costs to improve the land; the holder of a limited license shall be entitled to act as general contractor for any single project with a value of up to five hundred thousand dollars (\$500,000), excluding the cost of land and any ancillary costs to improve the land. The license certificate shall be classified in accordance with this section."

In addition to Axis Utility, Inc, the Bidder Precision Earth and Pipe on the Bid Submittal indicated that their NC Contractor's License No. is 81875 with a Classification of Public Utilities (PU) and a Limitation of "Limited." This information was also confirmed. In addition to the "Limited" license the Bidder indicated in writing on Page 6 next to paragraph 7.01.A Required Bid security: "Not require." They did not include a Bid Bond with the submitted Bid. A Bid Bond is required in accordance with NC GS 143-129(b) for not less than 5% of the proposal.

It is my opinion that the Bids from Axis Utility, Inc and Precision Earth and Pipe must be disqualified for consideration since both contractors Bids were over their license limit of \$500,000 and Precision did not provide a Bid Bond. This should be reviewed and confirmed by the Town's Attorney prior to proceeding with the following engineer's recommendation.

In the attached Summary of Bids, math errors found in the submitted Bids have been corrected in accordance with paragraph 14.01.C. The corrections are highlighted in yellow. The corrections did not change the order of the Bidders from low to high.

120 North Boylan Avenue
Raleigh, NC 27603-1423

919.828.0531
Fax 919.834.3589

Mr. Joshua Baird, PE
Page 2
February, 3, 2021

With the confirmation by the Town's attorney on the disqualification of Axis Utility, Inc, it is the Engineer's opinion that the lowest responsible Bidder is Providence Construction Services, LLC. The Bidder provided the following with their Bid:

- Bid Bond
- Affidavit Listing of Good Faith Efforts
- Identification of Minority Business Participation
- Affidavit to E-Verify
- Iran Divestment Act Certification

The Providence Construction Services, LLC Bid is attached for review by the Town's Attorney.

The Providence Bid was low on both of the Add Alternates and the Associated Deduct Alternate. (Note: Jason Robinson of NC DWR in an email dated January 29, 2021 approved allowing a lower pressure test for the 24-inch and the 30-inch sewer pipe.) The total contract alternates are as follows as provided in detail on the Bid Summary.

- | | |
|--|----------------|
| - Alternate 1A, 24-inch Gravity Sewer Pipe | \$903,837.65 |
| - Alternate 1B: 30-inch Gravity Sewer Pipe | \$1,018,659.85 |

Upon approval of the total project budget, we recommend that the Owner accept the bid and make the award of the Contract for the construction of the Project to the Contractor as listed above.

The project must be awarded by March 29, 2021, without requesting an extension of the bid holding period from the low bidder.

Please notify us after the Owner has awarded the Contract so we may send the Notice of Award to the Contractor and prepare the Contract Documents.

Should you have any questions concerning this recommendation or need additional information, please let us know.

Sincerely,

THE WOOTEN COMPANY


John D. Poetzsch, PE
Senior Project Engineer

Attached:
Bid Tabulation & Bid Summary
Bidder's License Data from NC Contracting Board for
Axis Utility, Inc,
Precision Earth and Pipe
Providence Construction Services, LLC
Bids for the Following
Axis Utility, Inc,
Precision Earth and Pipe
Providence Construction Services, LLC

BID TABULATION
LITTLE CREEK OUTFALL SEWER LINE REPLACEMENT
TOWN OF CLAYTON, NORTH CAROLINA

BID DATE/TIME: Thursday, January 28, 2021 @ 2:00 P.M.

TWC No. 2756-BP

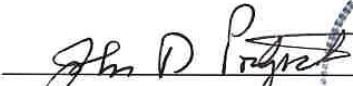
CONTRACTORS	LIC. NO.	CLASS	BID BOND	ADD. NO. 1	ADD. NO. 2	BASE BID	ADD ALT. 1A	ADD ALT. 1B	DEDUCT ALT 1A	DEDUCT ALT 1B	REMARKS
Axis Utility, Inc. 304 Forestville Rd. Wake Forest NC 27587	83227	L: PU	√	√	√	\$452,748.25	\$311,600.00 \$760,348.25	\$400,148.00 \$848,896.25	\$4,000.00	\$4,000.00	Contractor only has a Limited Licensee. This only allows bidding at \$500,000 or less.
JSmith Civil, LLC 3733 US Hwy 117N Goldsboro NC 27530	77634	UL:PU	√	√	√	\$985,518.00	\$445,811.00 \$1,427,329.00	\$591,812.00 \$1,573,330.00	\$4,000.00	\$4,000.00	
Moffat Pipe, Inc. 701 Finger Lakes Drive Wake Forest NC 27587	54906	UL:UC	√	√	√	\$906,538.00	\$333,700.00 \$1,240,238.00	\$465,795.00 \$1,372,333.00	\$0.00	\$0.00	
Precision Earth and Pipe 2000 Brentwood Rd., Suite 9 Raleigh NC 27604	81875	L: PU	See Remarks	√	√	\$697,020.44**	\$361,126.85** \$1,046,148.21	\$545,490.77** \$1,219,579.21	\$11,999.08**	\$22,932.00	Contractor only has a Limited Licensee. This only allows bidding at \$500,000 or less. Also did not include a valid Bid Bond.
Providence Construction Services 114 W. Main Street., Suite 111 Clayton NC 27520	82890	UL:UC	√	√	√	\$645,512.85	\$264,824.80 \$903,837.65	\$383,147.00 \$1,018,659.85	\$6,500.00	\$10,000.00	Apparent Low Bidder on Both Add Alternates.
Ralph Hodge Construction 2101 Miller Road South Wilson, NC 27893	6271	UL:UC	√	√	√	\$716,318.60	\$309,210.00 \$1,025,528.60	\$435,144.00 \$1,151,462.60	\$0.00	\$0.00	
T.A. Loving Company 400 Patetown Rd. Goldsboro NC 27530	325	UL:UC	√	√	√	\$824,023.50	\$299,728.50 \$1,123,752.00	\$336,528.50** \$1,160,552.00	\$0.00	\$0.00	

This is to certify that the bids tabulated herein were publicly opened and read aloud at 2:00 p.m. on the 28th day of January 2021, at the office of the Town Engineer, 111 East Second Street, Clayton, NC 27520, and that all said bids were accompanied by either a certified check or bidder's bond except as otherwise noted.

Note: The red numbers are the total of the Base Bid and the Associated Add Alternate and Deduct Alternate.

**Asterisks indicate that there was a math error in the tabulation of the Bid Items. The error is highlighted in yellow on the Bid Summary.

THE WOOTEN COMPANY
120 N. Boylan Avenue
Raleigh, NC 27603
License No. F-0115


John Poetzsch, P.E.



TWC No. 2756-BP

**TOWN OF CLAYTON
RESOLUTION OF AWARD OF BID
FOR LITTLE CREEK OUTFALL PROJECT**

WHEREAS, the Town of Clayton publicly advertised for bids to be received for Little Creek Outfall Project on January 14, 2021; and

WHEREAS, the Town of Clayton exhibited good faith efforts to notify minority and women owned businesses of said project and encouraged bidding; and

WHEREAS, the BIDS were publicly opened on January 28, 2021; and

WHEREAS, a total of seven bids were received with the lowest qualifying bidder being Providence Construction Services with a total inclusive bid of \$1,018,659.85; and

WHEREAS, Providence Construction Services is properly licensed and experienced in the type of construction involved in this project; and

WHEREAS, based on review of the bids received it is the recommendation that award of the construction contract be granted to Providence Construction Services; and

WHEREAS, the Town of Clayton intends to construct said project in accordance with the approved plans and specifications,

NOW THEREFORE BE IT RESOLVED, BY THE CLAYTON TOWN COUNCIL THAT:

The Town of Clayton award the construction of Little Creek Outfall Project to Providence Construction Services in the amount of \$1,018,659.85.

Duly adopted this the 15th day of February 2021, while in regular session.

Jody McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk

TOWN OF CLAYTON
Amendment to the Code of Ordinances: Chapter 32

BEING HEREBY ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON, NORTH CAROLINA, to amend the Town of Clayton Code of Ordinances Chapter 32 with addition of establish of Board of Adjustment as follows:

BOARD OF ADJUSTMENT

§ 32.010 ESTABLISHMENT

A) *Establishment.* The Board of Adjustment is established pursuant to G.S. § 160A-388 and Chapter 32 of the Town's Code of Ordinances.

(B) *Composition.*

(1) *Number and term.*

(a) The Board of Adjustment shall consist of seven members with four members residing in the corporate limits and three members residing within the town's extraterritorial jurisdiction (ETJ); and each member is to be appointed for three years.

(b) In appointing the original members or in the filling of vacancies caused by the expiration of the terms of existing members, the Town Council may appoint certain members for less than three years to the end that thereafter the terms of all members shall not expire at the same time.

(2) *Membership.*

(a) Membership on the Board of Adjustment shall include representatives from the corporate limits and ETJ.

(b) Any member of the Board of Adjustment representing the ETJ shall be appointed by the Town Council, subject to approval by the Johnston County Board of County Commissioners.

(3) *Attendance.* All members are expected to attend scheduled meetings for the prompt and efficient transaction of business. The clerk to the Board shall maintain the attendance record, including attendance at regular meetings, work sessions and special called meetings. If at any time a member either fails to attend two-thirds of the scheduled meetings during a calendar year or misses three scheduled meetings in succession, the secretary to the Board shall notify the Chairman of the Board. The Chairman of the Board will send a letter of recommendation on this member's attendance to the Town Council liaison and the Town Clerk. The Town Clerk, Town Council liaison, and the Planning Director shall make a decision on this member's continued service to the Board.

§ 32.011 ORGANIZATION.

Proceedings.

(A) *Meetings.* All meetings of the Board of Adjustment shall be held at a regular place and shall be open to the public.

(B) *Minutes.* The Board of Adjustment shall keep minutes of proceedings in a book maintained for that purpose only, showing the vote of each member upon each question, or if absent or failing to vote, an indication of such fact; and final disposition of appeals shall be by recorded resolution, indicating the reasons of the Board, all of which shall be a public record.

(C) *Quorum.* A quorum shall consist of four members.

Duly adopted this the 15th day of February, 2021 while in regular session.

Jody McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk