



## **REGULAR MEETING OF THE VILLAGE OF CLEMMONS COUNCIL February 11, 2019**

The Village of Clemmons Council met on Monday, February 11, 2019, at 6 p.m. The meeting was held at the Village Hall, Clemmons, North Carolina. The following members were present: Mayor Pro Tempore Barson, Council Members Binkley, Combest, Lofland, and Wrights. Attorney David Kasper was also present. Mayor Wait and Attorney Warren Kasper were absent.

### **Call to Order & Pledge of Allegiance**

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

### **Public Comments**

There were approximately 50 citizens in attendance. There were 11 individuals signed in to speak:

-Mary Cameron, 7927 Abelia Way, Clemmons, NC – referenced a discrimination complaint and settlement agreement involving the Village of Clemmons expressing that the statement issued was untrue that “no current Council members were involved” as Council Member Lofland spoke as a citizen at the meeting on April 13, 2015. She stated that her concern regarding that rezoning request, as she served as a member of that Council, was safety and Council Member Lofland’s statements at that meeting do not reflect her views or should not speak for the residents of the Village of Clemmons.

-Cami Sharick, 5657 Buckhorn Road, Lewisville, NC – expressed her concerns regarding the danger of students at West Forsyth High School crossing Lewisville-Clemmons Road from Friends Baptist Church due to the parking issues (lack of space and cost) with the high school.

-Allen Daniel, 100 Fernworth Court, Clemmons, NC – expressed his opposition to the Tanglewood Business Park citing the environmental impact the park would have on the Village of Clemmons.

-Joan Fleishman, 3612 Squirewood Drive, Clemmons, NC - expressed her opposition to the Tanglewood Business Park citing the negative impact on housing values and potential for increased crime related to the zoning classification the park would have on the Village of Clemmons.

-Philip Stamey, 7020 Lanvale Drive, Clemmons, NC - expressed his opposition to the Tanglewood Business Park citing the negative impact and urged Council to vote against the park and not give any consideration.

-Donna Kamper, 3645 Edgemoor Court, Clemmons, NC - expressed her opposition to the Tanglewood Business Park citing not many positives for Clemmons West and the Village of Clemmons (increased traffic, decreased home values) and requested Council to reject the park.

-Mark Beckman, 3722 Squirewood Drive, Clemmons, NC – urged Council to remain firm against the intrusion of the park as there are massive amounts of uncertainty.

-Frank Miller, 3500 Birkdale Lake Court, Clemmons, NC – stated he has no issues with growth but it needs to be managed growth (which this project lacks planning and tax valuation considerations).

-Charles Sherrill, 115 Spillsbury Court, Clemmons, NC – expressed his personal opposition to

the park and thanked Planner Ledbetter and Council Members Combest and Barson for their efforts to date but urged Council to reject and not accept any quid pro quo for zoning considerations by the County.

-Judith Houver, 7078 Whitby Avenue, Clemmons, NC – advised that she had spoken at the public meeting (8/17/2017) of the County Commissioners who dismissed her concerns regarding the proposed business park. She thanked Council for all of their efforts.

-Mike Rogers, 110 Stanwell Court, Clemmons, NC – stated that any Tanglewood Business Park decisions should be based on facts (not opinions or emotions) and addressed the settlement agreement signed at the last Council meeting and the handling of the comments made by Council Member Lofland and previous Council Member Lawry regarding the discrimination complaint.

### **Approval of the Minutes**

Council Member Wrights moved to approve the minutes of the January 28, 2019 regular meeting as presented. The motion was seconded by Council Member Binkley and unanimously approved.

### **Approval of the Agenda**

Manager Buffkin requested the addition of Business Item B.4. “Ad-hoc Transportation Committee Member Resignation”.

Attorney David Kasper recommended moving Item VIII. “Retreat Objectives Discussion with Chris Aycock, Facilitator” before Item VII. “Adjournment of Regular Meeting”.

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

### **Announcements**

- A. Unsealing of Closed Session Minutes related to Attorney-Client Privilege in accordance with NCGS 143-318.11(a)(3) relating to Conciliation Agreement signed January 28, 2019

Council Member Combest made a motion to direct Clerk Shortt and Attorney Kasper to unseal and review Closed Session Minutes prior to the next Regular Council Meeting related to Attorney-Client Privilege in accordance with NCGS 143-318.11(a)(3) relating to Conciliation Agreement signed January 28, 2019. The motion was seconded by Council Member Wrights and unanimously approved.

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

- A. Marketing and Communications Director’s Report - Marketing and Communications Director Ford was unable to attend the meeting. Mayor Pro Tempore Barson provided an update of the upcoming events.
- B. Manager’s Report.
  1. Library Update – Manager Buffkin provided an update on the library timeline as follows (weather-dependent):
    - February 20 – utility installation completion (water and sewer)
    - February 27 – grade for stone under curb and gutter completion
    - March 11 – installation of stone and curb and gutter completion

- March 25 – installation of stone and remaining sidewalks completion
- April 5 – asphalt paving completion
- April 24 – seeding and street trees completion

He advised that the County will hold their bid opening on Friday, February 15, 2019. The projected completion date is 2022.

2. *Tanglewood Business Park* – Council Member Combest read a prepared statement to provide an update on where the Village currently stands relating to Idols Road Development (attached hereto as Exhibit A and incorporated as part of the minutes). Mayor Pro Tempore Barson commented on the diligent work the Village Staff has done (specifically Manager Buffkin, Planner Ledbetter and Public Works Director Gunnell) and their commitment to partnering on this project.
3. *Student Crossing at West Forsyth High School* – Manager Buffkin advised Council of the issue of students parking at Friends Baptist Church and crossing Lewisville-Clemmons Road (which there currently are no designated crosswalk areas) to get to the high school. He stated that there appears to be limited and restricted parking (fee charged) at the school and the church is allowing students to park there at no charge. It is a large concern for students crossing and drivers traveling on Lewisville-Clemmons Road.

Council consensus was to direct Manager Buffkin to speak with the administration at West Forsyth High School, WSFCS School Board, NCDOT, Friends Baptist Church and River Oaks Community Church to come up with solutions to alleviate this problem and report back to Council.

4. *Ad-hoc Transportation Committee Member Resignation* – Manager Buffkin advised that Charles Sherrill has tendered his resignation from the Ad-hoc Transportation Committee.

Council Member Combest made a motion to accept Charles Sherrill's resignation from the Ad-hoc Transportation Committee effective immediately and refill the vacancy. The motion was seconded by Council Member Lofland and unanimously approved.

C. *Attorney's Report* – nothing to report.

D. *Planner's Report*.

1. *Internet Sweepstakes Discussion* – Planner Ledbetter provided Council with a draft text amendment regarding internet sweepstakes businesses for their review and direction to have the Village of Clemmons Planning Board begin the investigation and implementation process.

Council consensus was to direct Planner Ledbetter to have the Village of Clemmons Planning Board begin the investigation and implementation process of a text amendment addressing internet sweepstakes businesses.

Planner Ledbetter advised Council of the upcoming Village of Clemmons Planning Board meeting on Tuesday, February 19, 2019 which the Comprehensive Plan Update Draft will be presented. There will be a walk-in session at 6:00 p.m. followed by an informal presentation at 6:30 p.m. and a public hearing at 7:00 p.m.

### **Business – Action Items**

#### **E. Public Hearing –**

1. *Zoning Map Amendment for Ollie Cherry from LO-S to PB-S (restaurant without drive-through service) located at 3890 Littlebrook Drive, Clemmons, NC – Zoning Docket C-229.*
  - a. *Zoning Map Amendment for Ollie Cherry from LO-S to PB-S (restaurant without drive-through service) located at 3890 Littlebrook Drive, Clemmons, NC - Zoning Docket C-229 - Planner Ledbetter explained the zoning request and reviewed the site plan and staff report. The petitioner is requesting to rezone from LO-S to PB-S (restaurant without drive-through service) located at 3890 Littlebrook Drive, Clemmons, NC; being described as follows: PIN number 5882-89-9019 BEGINNING at a bent 1.5” existing iron pipe, said pipe being located in the northwest corner of Onell Jessup Baker, Deed Book 2137, Page 1809 (Forsyth County Register of Deeds) and also being in the South line of Wek Rental Investments, LLC, Deed Book 2767, Page 276, and the northeast corner of the herein described tract, THENCE from said POINT OF BEGINNING South 12 degrees 50 minutes 00 seconds East for a distance of 370.56 feet to a point; THENCE South 73 degrees 08 minutes 00 seconds West for a distance of 29.04 feet to a point; THENCE North 72 degrees 16 minutes 15 seconds West for a distance of 86.49 feet to a point; THENCE North 11 degrees 13 minutes 20 seconds West for a distance of 325.20 feet to a point; THENCE North 75 degrees 00 minutes 30 seconds East for a distance of 5.67 feet to a ¾” existing iron pipe; THENCE North 75 degrees 00 minutes 30 seconds East for a distance of 88.70 feet to the POINT OF BEGINNING; Together with and subject to covenants, easements, and restrictions of record, if any. Said property contains 0.81 acres more or less. She stated that Planning Board recommended unanimous approval of the site plan and zoning request with the following conditions: Developer shall install a dumpster enclosure of complimentary material on three sides of the proposed dumpster location with an opaque fence; Developer shall verify that the required plantings for the required Type II bufferyard standards are planted as well as the required 10’ streetyard along the western property line. That is Staff’s recommendation as well (attached hereto as Exhibit B and incorporated as part of the minutes).*

Mayor Pro Tempore Barson opened the public hearing. There were no Proponents signed up to speak.

There were no Opponents signed up to speak.

Mayor Pro Tempore Barson closed the public hearing.

Council Member Wrights made a motion to adopt the statement of conformity to approve Zoning Map Amendment for Ollie Cherry from LO-S to PB-S (restaurant without drive-through service) located at 3890 Littlebrook Drive, Clemmons, NC – Zoning Docket C-229 (Ordinance 2019-01). The motion was seconded by Council Member Lofland and unanimously approved.

F. Council Comments – there were none.

A brief recess was held prior to the next agenda item.

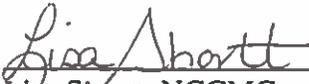
**Retreat Objectives Discussion with Chris Aycock, Facilitator** – Mr. Aycock presented his ideas on how he plans to lead and facilitate the upcoming retreat to Council. The retreat will start at 9 a.m. and wrap up around 4 p.m.

**Adjournment**

Council Member Wrights moved to adjourn the meeting at 8:00 p.m. The motion was seconded by Council Member Lofland and unanimously approved.

  
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Michelle N. Barson  
Mayor Pro Tempore

ATTEST:

  
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Lisa Shortt, NCCMC  
Village Clerk

Idols Road Development: For Village Council Meeting 11 Feb 2019

First, I'd like to thank the residents who came and spoke this evening on this critical issue. And this issue, this development is critically important to the Village of Clemmons.

1. We have been engaged with Forsyth County officials to determine if and if so, how the Village of Clemmons should actively support commercial development in the Idols Road/Tanglewood area for nigh on two years. I want to stress that we're working two issues...if and if so, how. We undertook this effort for several compelling reasons.

One of the most compelling is understanding that this development to a large degree portends the future for our Village. That is, this commercial park will develop outside our current municipal boundaries, but in all likelihood will have a major impact on all of us in many ways, the big four being: neighboring property values, traffic, tax revenue, and community character.

Because of that impact, this council has an obligation to try and influence and shape the development of this park, and the similar developments that are bound to follow --- commercial and residential.

2. To that end, the council has been working with our Forsyth County counterparts. And we've made significant progress. For example, the Tanglewood Business Park began zoned General Industrial and partly RS40. After the council raised several concerns, the County aimed to rezone to Limited Industrial. Then, after considering additional input and concerns about impact on neighboring property values, traffic on Middlebrook and 158 and Lewisville-Clemmons, our County and Village worked together to develop a zoning district that is tailored to meet the needs and fit the characteristics of the Tanglewood/Idols Road Corner.

They developed a "Corporate Park Zoning" district that adds many high- end business and light manufacturing uses, and eliminates the most problematic warehousing and industrial ones. If the County Commissioners approve this zoning, it will address all the concerns we had, and can be the positive, productive, profitable development we all seek. (I want to stress here that we fully understand the park must actually develop in accordance with developed zoning standard. As in every endeavor, the proof is in actual execution).

A part of the endeavor to shape the Tanglewood Corporate Park, has been evaluation and consideration of a request from Forsyth County officials to the Village of Clemmons to contribute \$1.2 Million to develop sewer infrastructure needed to support the 6 business enterprises expected. As you would expect, we have taken a standard business approach to the request. We have been weighing Return on Investment, Risk-Reward, Opportunity Costs, Cost-Benefit, etc.

I'm pleased to say that our County counterparts have done some great work and analysis, and we are now positioned to compare and weigh likely Costs & Benefits, and make decisions in the way that we all expect any investor to make.

Our Village staff will work with County staff to, again, compare and weigh critical inputs and outputs like initial costs, tax revenues, jobs created, salary, traffic impact, neighboring property value impact. This will let us make the informed, objective, evidence-based decision(s) we've been working to get at this last 24 months or so.

If it turns out this development makes good financial and economic sense--- And good community sense, it can be a big positive. And it can serve as a template for how to work to influence and shape the other developments outside our boundaries that will have a major impact on our well-being...developments that are sure to happen.

If, on the other hand, objective analysis shows that developing this park is cost prohibitive ---financially and Quality of Life wise---it won't be supported.

I assure you that we are all committed to be as skeptical in the final stages of this work as we have been from the start. Likewise, as from the very start, we will be open minded and willing to be informed by unbiased research and rigorous analysis. We have applied hundreds of hours doing in depth and broad research, meeting with county officials, and meeting internally, to shape this development, and are determined to apply as many more as needed to get the right outcome.

**ORDINANCE AMENDING THE VILLAGE OF CLEMMONS ZONING ORDINANCE  
OF THE UNIFIED DEVELOPMENT ORDINANCES (UDO) AND  
ZONING MAP OF THE VILLAGE OF CLEMMONS, NORTH CAROLINA**

Zoning Petition of Ollie Cherry

Ordinance Number 2019-01

BE IT ORDAINED by the Village of Clemmons Council as follows:

Section 1. The Village of Clemmons Ordinance of the Unified Development Ordinance (UDO) and the Official Map of the Village of Clemmons are hereby amended by changing the zoning classification from LO-S to PB-S (restaurant without drive-through service) (Zoning Docket C-229)

**Legal Description for Ollie Cherry**

The property is described as 3890 Littlebrook Drive PIN number 5882-89-9019 BEGINNING at a bent 1.5" existing iron pipe, said pipe being located in the northwest corner of Onell Jessup Baker, Deed Book 2137, Page 1809 (Forsyth County Register of Deeds) and also being in the South line of Wek Rental Investments, LLC, Deed Book 2767, Page 276, and the northeast corner of the herein described tract, THENCE from said POINT OF BEGINNING South 12 degrees 50 minutes 00 seconds East for a distance of 370.56 feet to a point; THENCE South 73 degrees 08 minutes 00 seconds West for a distance of 29.04 feet to a point; THENCE North 72 degrees 16 minutes 15 seconds West for a distance of 86.49 feet to a point; THENCE North 11 degrees 13 minutes 20 seconds West for a distance of 325.20 feet to a point; THENCE North 75 degrees 00 minutes 30 seconds East for a distance of 5.67 feet to a ¾" existing iron pipe; THENCE North 75 degrees 00 minutes 30 seconds East for a distance of 88.70 feet to the POINT OF BEGINNING; Together with and subject to covenants, easements, and restrictions of record, if any. Said property contains 0.81 acres more or less. The above property is the same property as described in Deed Book 2618, Page 515 in the Forsyth County Register of Deeds. For further information see Map Number 12-453, 7669.dwg, dated 03/06/97, last revised 12/06/18, by Allied Land Surveying Co., P.A.

Section 2. This ordinance shall be effective from and after its adoption.

Adopted this the 11th day of February, 2019.

*Michelle Y. Barson*

Michelle Barson  
Mayor Pro Tempore

ATTEST:

*Lisa Shertt*  
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Lisa Shertt  
Village Clerk

