

**REGULAR MEETING OF  
THE VILLAGE OF CLEMMONS COUNCIL  
JANUARY 6, 2014**

The Village of Clemmons Council met on Monday, January 6, 2014 at 7 p.m. The meeting was held at the Village Hall, Clemmons, North Carolina. The following members were present: Mayor Nelson and Council Members Cameron, Denny, Lawry and Rogers. No Council member was absent. One Council seat is vacant.

**Call to Order and Pledge of Allegiance**

Mayor Nelson called the meeting to order at 7 p.m. and led the Pledge of Allegiance.

**Public Comments**

Kay Stocking, 4665 Elk Valley Court, stated her concern over what she saw as two hastily called special meetings. She believed appointing Darrell Roark could have waited until tonight's meeting, the same night he would be sworn in. Mayor Nelson advised the audience that there is an opportunity to receive meeting notifications and should contact staff.

**Approval of the Minutes**

Council Member Cameron moved to approve the minutes of the December 9, 2013 regular meeting and the December 26, 2013 special meeting. The motion was seconded by Council Member Denny and unanimously approved.

**Approval of the Agenda**

Council added "Towncenter Drive Right-of-Way Change" to the Manager's Report.

Council Member Rogers moved to adopt the agenda as amended. The motion was seconded by Council Member Lawry and unanimously approved.

**Announcements**

Mayor Nelson read a thank you letter from the YMCA for the \$5,000 grant from the Village.

It was announced that Council Member Rogers has been appointed to the National League of Cities' FAIR Committee and Council Member Cameron to the Board of Directors. Council Member Rogers was also appointed to the North Carolina League of Municipalities' Tax and Finance Committee and Council Member Cameron to the General Government Committee.

**Business**

A. Swearing In Ceremony – The Honorable Judge David Sipprell. Mayor Nelson stated that at the January 2, 2014 meeting Council appointed Darrell Roark to the vacant seat. To prevent the holding of dual offices, a letter of resignation from the Planning Board was received from Darrell Roark (attached hereto as Exhibit A and incorporated herein by reference). Judge Sipprell administered the oath of office to Darrell Roark (attached hereto as Exhibit B and incorporated herein by reference), while wife, Sandra Roark, and father, Grover Roark, held the bible. The audience applauded. Council Member Roark will serve the remainder of Mayor

Nelson's Council seat which is set to expire in December 2015. Council Member Roark took his seat with Council.

B. Mast Arm Signal Poles for the Intersection of Lewisville-Clemmons Road at Allegacy Way. Manager Looper gave a brief history behind tonight's agreements and capital project ordinance. When we receive the agreement signed by NCDOT, Clemmons will bid out the project. The bids will help verify the cost of the project, estimated at \$200,000. Once the mast arm poles and signals are installed, Clemmons will maintain the poles. A lengthy discussion followed with staff answering questions from Council. Council Member Lawry stated he was ambivalent about the need for a traffic signal at this intersection, but was willing to go along with the experts in the room to put one there, but urged due diligence.

1. *State Contingency Agreement with NCDOT for Locally Administered Project, WBS Element: 41350.* The agreement outlines responsibilities of both NCDOT and Clemmons.

Council Member Cameron moved to approve the State Contingency Agreement with NCDOT for Locally Administered Project WBS Element: 41350. The motion was seconded by Council Member Rogers and unanimously approved.

2. *Letter Agreement with Kimley-Horn and Associates, Inc. for Transportation Engineering Services.* The agreement addresses project design and construction oversight.

Council Member Rogers moved to accept the agreement with Kimley-Horn and Associates, Inc. for Transportation Engineering Services (\$24,900). The motion was seconded by Council Member Cameron and unanimously approved.

3. *Capital Project Ordinance CPO-2014-1.* The ordinance documents our expenditure for this project and reimbursement from NCDOT upon its completion (up to \$200,000).

Council Member Cameron moved to approve the Capital Project Ordinance for \$200,000 (attached hereto as Exhibit C and incorporated herein by reference). The motion was seconded by Council Member Rogers and unanimously approved.

C. Attorney's Report. Nothing new to report.

D. Planner's Report. Nothing new to report. Council Member Cameron asked if rain barrels were a possibility for the community garden to help reduce water expense.

E. Manager's Report.

1. *Financial Summary Report for Month ending November 30, 2013.* The report was presented.

2. *TAC Grant Funding Process.* This process was provided for illustrative purposes to show the amount of time involved in these projects.

3. *Direction on Firearms Ordinance.* Initially our ordinance was amended last year in an attempt to bring it into conformity with a recent change to a State statute which

disallowed local governments from regulating concealed weapons on certain aspects of recreational property (Greendale Park). There was a lot of discussion at that time about other aspects of our local ordinance that Council might want to consider.

Attorney Kasper stated that Clemmons is in conformity. Subsequent to Council taking this action, Mayor Nelson, Council Member at the time, made a couple of useful language suggestions including the use of "like" to enumerate some of the items described in G.S. 14-269(a) and to add a specific exemption recognizing the common use of pocket knives of less than five inches in length to our ordinance § 130.02 (B). He asked for input from Council on these and any other changes they would like to make to the Firearms Ordinance. He noted the restriction of discharging a firearm within 300 feet of a dwelling, which was questioned recently by a citizen, is reasonable. Council Member Lawry objected to any ordinance that adds any greater restriction than that of the State statute. Lawry asked to table this matter until the next meeting. Since Council Members Lawry and Roark were new on Council and have not participated in previous discussions regarding firearms, Council agreed to table this issue.

4. *Direction on Website Design Process.* Background information was provided on work completed by staff to create a pool of companies to choose from to redesign our website. Council was encouraged to review information previously given to them and visit the various websites designed by these companies for a future discussion.

5. *Retreat Planning.* Prior to contacting a facilitator, Council was asked to decide on a date, location and general purpose of the retreat. Council chose to hold their retreat on March 20-21, 2014 at the Catholic Center in Hickory. It was suggested that Council members attending the Essentials of Municipal Government classes in Asheville talk to two of the suggested facilitators that will be there. A couple purposes for the retreat included team building and budget research were offered. The facilitator and purpose will be determined at the next meeting.

6. *Towncenter Driver Right-of-Way Relocation.* In June 2013, Council accepted dedication of right-of-way from Gibraltar for the future construction of Towncenter Drive and also from Village Pointe LLC for the same purpose. The dedications included a statement between Gibraltar and Village Pointe LLC that said the alignment and profile of future Towncenter Drive shall be minimized to the greatest extent possible so as to not interfere with any building area of future development parcels. The dedication also noted that street location may be moved slightly in the site plan approval process of future site plans and/or in the engineering of the roadway. An engineering firm has been contracted to design this roadway with the hopeful intention that it would be built in the near future depending on other considerations. With a more detailed study, they have found that the intersection cross-section actually needs to be shifted north approximately 25 feet. We are affected because we own this right-of-way. Two proposals from Village Pointe, LLC were offered: a 70' right-of-way to accommodate a future center turn lane, and a 60' right-of-way without center turn lanes. Illustrations were presented to show the impact of both proposals. Council had no objection to the shift in right-of-way, but preferred the 70-foot right-of-way proposal.

F. Council's Comments. Council Member Cameron asked Council if they would like to pursue a policy for filling vacant seats. Council indicated they would like the Manager to provide a policy for future discussion.

Council Member Roark thanked the Council for their vote of confidence in appointing him to the Council.

**Adjournment**

Council Member Denny moved to adjourn the meeting at 8:42 p.m. The motion was seconded by Council Member Roark and unanimously approved

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Nickolas B. Nelson  
Mayor

Attest:

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Marsha E. Sucharski, CMC, NCCMC  
Village Clerk