

**REGULAR MEETING OF
THE VILLAGE OF CLEMMONS COUNCIL
JANUARY 12, 2015**

The Village of Clemmons Council met on Monday, January 12, 2015 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, Roark and Rogers. No Council member was absent.

Call to Order & Pledge of Allegiance

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

Public Comments

Robin Dean, 3523 Lawrence Street, Clemmons, North Carolina, questioned why after 16 years of dedicated service Village Manager Gary Looper resigned. He understood if it was for a personal reason, but if it is a result of Council-related issues, taxpayers deserve an explanation. He closed by thanking Mr. Looper for his excellent service.

Approval of the Minutes

Council Member Lawry asked that “D. NCLM Advocacy Goals. Rather than submitting in written form his thoughts and voting recommendations on the advocacy goals, Council Member Lawry reviewed each goal publicly.” be changed to read, “**D. NCLM Advocacy Goals. With the Council’s concurrence, Councilman Lawry reviewed the proposed NCLM Advocacy Goals as preparation for Councilwoman Cameron’s representing Clemmons at the Bi-Annual NCLM Advocacy Goals Conference. Council took the opportunity to discuss several goals.**”

Council Member Rogers made a motion to approve the minutes, as amended by Council Member Lawry, of the December 8, 2014 regular meeting. The motion was seconded by Council Member Roark. The motion passed by a 4 to 1 vote with Council Member Cameron voting in opposition.

Approval of the Agenda

Council amended the agenda to change the “personnel matter” in the closed session to “personnel matters.”

Council Member Roark moved to approve the agenda as modified. The motion was seconded by Council Member Denny and unanimously approved.

Announcements

None.

Business

A. Site Plan Review for Hampton Chase located on 5.6 acres off the west side of Hampton Road approximately 200 feet from the intersection of Hamptonburg and Hampton Road (C-14-002). Planner Ledbetter presented the site plan review. The site includes 16 lots and has a

density of 2.85 units per acre. Ms. Ledbetter highlighted the location of a stub to vacant property and the stormwater management facility. The plan meets the tree save requirements per the UDO and rather than providing an open space dedication (this development could not meet the minimum requirement), they chose to do the payment in lieu option. The site provides sidewalks and street trees along one side of the road. This site is zoned RS-9, so permitted by right, it can be subdivided as long as it meets the subdivision requirements of the UDO. There is no public hearing associated with this case. Planning Board's review resulted in the petitioner agreeing to delineate and provide riprap to channel the stormwater to the pond. This will be required for the stormwater management permit. Conditions were provided in the site plan review packet. She noted one correction for Item e. under building permits – "... a negative access along Lewisville-Clemmons Road ..." should read Hampton Road.

Council Member Rogers questioned the use of a wet pond versus a bio-cell.

Greg Garrett, Shugart Enterprises, 221 Jonestown Road, Winston-Salem, North Carolina, stated two previous communities they built in Clemmons has bio-cells. They prefer the bio-cells, but they are expensive. To build a bio-cell for Hampton Chase it would cost \$2,500 to \$3,000 per lot, so the decision was made to build the wet pond as provided in Clemmons' ordinance.

Harris Gupton, Shugart Enterprises, described the wet pond including the topography and tree buffer.

Council Member Lawry moved to approve the site plan for Hampton Chase. The motion was seconded by Council Member Roark and unanimously approved. (Conditions are attached hereto as Exhibit A and are incorporated herein by reference.)

B. Appeal by Debra Meginnis of her Notice of Encroachment Violation. Attorney Warren Kasper gave background information leading up to Ms. Meginnis' appeal. Council was advised that they cannot grant a waiver based on this state law. The only option Council has is to grant an encroachment; however this option creates a potential liability.

Council Member Cameron made a motion to reject the appeal. Attorney Kasper said it would be appropriate to first hear the appeal.

Debbie Meginnis, 610 Schaefer Court, Clemmons, North Carolina stated her mailbox has been there for three years and replaced a mailbox that was vandalized three times. She said the ordinance actually states "violation of this section which constitutes a nuisance and safety hazard shall (not will) be subject to abatement by the village..." Pictures of other residents who have similar situations were provided. Further she stated the anonymous complaint was not from any of the four homes on her cul-de-sac. She asked that if Council chooses to enforce an ordinance, it should be enforced fairly and not randomly picked. Since the speed limit is only 25 mph, the ordinance should be revisited to determine situations where a safety hazard exists. Ms. Meginnis stated it would be a waste of taxpayer money for staff to monitor every tree, shrub or mailbox.

Mayor Nelson stated there is a motion on the table. The motion was seconded by Council Member Roark. Council Member Lawry stated that he thought we should grant an

encroachment. In response to Council Member Lawry's concern over liability, Attorney Kasper stated Council can require the homeowner to indemnify the Village and hold the Village harmless. Discussion followed. Mayor Nelson called for a vote on the motion. The appeal was rejected by a 4 to 1 vote with Council Member Lawry voting in opposition.

C. Funding Request by The Sergei Foundation, Inc. Karen Fullerton, Founder and President of The Sergei Foundation, Inc. made a presentation requesting \$10,000 for the 2015 Triad Dog Games to be held at Tanglewood Park on May 16 and 17, 2015. This non-profit organization was founded in 2009 and services all of North Carolina. Its mission is to save companion pet lives by providing veterinary financial aid to families unable to afford emergency vet care. Ms. Fullerton provided information on this fund raising event and the benefit to Clemmons for having this event at Tanglewood.

Claudia Page, a Lewisville-Clemmons Chamber Board Member and Women Who Care Board Member and a participant in getting the Tanglewood Dog Park built, stated she attended last year's Triad Dog Games and spoke highly of the event. She said this would make a great yearly event and asked Council for their support.

Council Member Rogers made a motion to grant \$1,000 from the Tourism Funds to The Sergei Foundation for the May 16-17 event at Tanglewood Park. The motion was seconded by Council Member Roark and unanimously approved.

D. Budget Amendments.

1. *Contracts related to Borings (15-G-2).* Council Member Rogers moved to approve Budget Amendment 15-G-2 for borings (attached hereto as Exhibit B and incorporated herein by reference). The motion was seconded by Council Member Roark and unanimously approved.
2. *Resignation of Village Manager – Vacation Payout & Severance Package (15-G-3).* As a formality, Mayor Nelson entertained a motion to accept the resignation letter from the Village Manager. Council Member Rogers made a motion to accept the resignation letter from Gary Looper. The motion was seconded by Council Member Roark. The motion was approved by a 4 to 1 vote with Council Member Cameron voting in opposition.

Council Member Rogers made a motion to approve Budget Amendment 15-G-3 to satisfy the severance package of the Village Manager's resignation (attached hereto as Exhibit C and incorporated herein by reference). The motion was seconded by Council Member Roark and unanimously approved.

E. Bids to replace Heating/Air Conditioning System at Public Works. Due to the age and expense to maintain the current heating/air conditioning system at the Public Works facility, \$20,000 was budgeted for its replacement. The following two bids were received and the lowest, responsive bid from Salem Services was recommended for approval.

Company	Bid
Johnson Controls Service	\$15,500
Salem Services	\$12,180

Council Member Roark moved to approve the bid from Salem Services for \$12,180. The motion was seconded by Council Member Denny and unanimously approved.

F. Website Design Revisions. Revisions were presented. Council Member Roark moved to accept the revisions as presented. The motion was seconded by Council Member Rogers and unanimously approved.

G. Retreat Decisions. Council chose to hold the retreat for one day on March 26, 2015.

H. Attorney's Report. A status report was provided on the Knob Hill Drive house. The property owner has until later this month to bring the house into compliance. At that time the Housing Authority, at their expense, can have the house demolished. However, the lender has a lien against the property and will want to seek to recover any value they can out of it by either restoring it or selling it to an investor. The process is expensive and time consuming.

I. Planner's Report.

1. *Minutes from the December 16, 2014 Planning Board Meeting.* Minutes were presented.

2. *Comprehensive Plan Update.* The update is scheduled on the work plan for this year. The Planning Board requested that they take the lead on developing a strategy for updating the document. The strategy recommendations should be finished in February, prior to the March retreat to enable this as a retreat topic. Council agreed that the Planning Board should proceed.

3. *Bike Day in the Village 2015.* There is interest in building on the success of last year's first Bike Day. When a meeting is scheduled with all interested parties, Council will be notified.

J. Manager's Report.

1. *Financial Summary Report for November 2014.* Report was presented.

2. *Law Enforcement Statistics for October 2014 & November 2014.* Statistics were presented.

3. *Christmas Decoration Update.* A total of 89 regular Christmas decorations and 49 LED units were mounted on poles this year. Council budgeted \$30,000 for Christmas decorations and approximately \$12,500 remains in that line item. With Council's approval another 30 Christmas decorations could be purchased with the remaining money.

Council Member Rogers made a motion to approve the remainder of the budget for 30 more holiday decorations. The motion was seconded by Council Member Roark and unanimously approved.

Village Clerk Sucharski asked for concurrence from Council on allowing the Forsyth Community magazine to use the photo of the stagecoach taken by Claudia Page in an article. Council agreed to its use.

K. Council Comments. None.

L Closed Session to discuss property acquisition in accordance with NCGS 143-318.11(a)(5) and personnel matters in accordance with NCGS 143-318.11(a)(6). Council Member Roark moved to go into closed session to discuss property acquisition in accordance with NCGS 143-18.11(a)(5) and personnel matters in accordance with NCGS 143-318.11(a)(6) at 7:57 p.m. The motion was seconded by Council Member Rogers and unanimously approved.

At 9:56 p.m., Mayor Nelson stated that by unanimous vote Council chose to reconvene the open session. The only action taken was to unanimously appoint Larry Kirby as the interim manager.

Adjournment

Council Member Rogers moved to adjourn the meeting at 9:57 p.m. The motion was seconded by Council Member Denny and was unanimously approved.

Respectfully submitted,

Marsha E. Sucharski, CMC, NCCMC
Village Clerk