

**REGULAR MEETING OF  
THE VILLAGE OF CLEMMONS COUNCIL  
FEBRUARY 10, 2014**

The Village of Clemmons Council met on Monday, February 10, 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, Roark and Rogers. No Council member was absent.

**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**

Pat Way, 3635 North Lakeshore Drive, Clemmons, as President of the Friends of the Clemmons Library she stated she will be presenting their budget request by the end of the month. She proceeded to give a brief presentation on how the community benefits from the funds granted by the Village. She also mentioned a public input session will be held to gather the community's desires regarding the new library, so far a date has not been set. Ms. Way thanked the Council for their continued support.

Kay Stocking, 4665 Elk Valley Court, Clemmons, addressed two issues of concern from the last Council meeting regarding the posting of signs banning concealed weapons in Village Hall. Both issues raised her awareness for how much she loves calling Clemmons home. Understanding anyone can speak during Public Comments, she personally did not take kindly to the man from Greensboro bullying and threatening her Council and community with a lawsuit to get his way. The other issue was regarding a difference of opinions which she stated is normal, but questioned what purpose is served by being condescending to the one that disagrees with us. Ms. Stocking stated she respected Mr. Lawry's opinion despite disagreeing with him. The manner in which he delivered his opinion was arrogant and disrespectful to anyone who didn't see eye-to-eye with him, the result being divisive. She asked that moving forward there would be a focus on unity and working together.

**Approval of the Minutes**

Council Member Rogers moved to approve the minutes of the January 27, 2014 regular meeting. The motion was seconded by Council Member Lawry and unanimously approved.

**Approval of the Agenda**

Council added "Update on Clemmons Tanglewood Farmers Market" and "Update on Village Point Greenway" to the Planner's Report.

Council Member Cameron moved to approve the amended agenda. The motion was seconded by Council Member Roark and unanimously approved.

**Announcements**

None.

**Business**

A. Public Hearing on Zoning Map Amendment of Village Pointe, LLC and Gibraltar Commercial IV, LLC from PB-S (Pedestrian Business – Special Use) to GB-S (General Business – Special Use to include Restaurant with Drive-Through). The property is located at Lewisville-Clemmons Road approximately 245’ from the intersection of Towncenter Drive and Allegacy Way to the north. (Zoning Docket C-201) Planner Ledbetter presented the zoning map amendment keeping all the uses from PB-S to GB-S and adds the Drive-Through Restaurant use. She reviewed the vicinity of the site and its access including both the right-in, right-out on Lewisville-Clemmons Road and the future signalized intersection at Allegacy and Towncenter Drive which takes you either through the Panera parking lot or Jesse Lane. Ms. Ledbetter reviewed the site highlighting surrounding development and various aspects of the site to provide a pedestrian-friendly development. With the improvements associated with the Parr apartments site and the signalized intersection, the Traffic Impact Analysis shows this site operating at an adequate level of service; however, there is a condition to have these improvements in place prior to obtaining the Certificate of Occupancy. She reviewed the building’s elevations. Staff and Planning Board recommended approval.

Mayor Nelson entertained a motion to open the public hearing. Council Member Cameron so moved. The motion was seconded by Council Member Lawry and unanimously approved.

Doug Stimmel, with Stimmel & Associates, 3845 Tangle Oak Drive, stated he represented Dairi-O and offered background information on the company and owner, Jeff Speaks. He stated what is being asked for tonight has been significantly reduced since what was approved in 2006. The request just adds the drive-through. Mr. Stimmel stated he was available to answer any questions.

There being no one else to speak, Mayor Nelson closed the public hearing with 25 people in attendance. He then entertained a motion for the rezoning case.

Council Member Rogers moved to adopt the statement of conformity as stated in the Staff Review and recommended approval of the zoning request consistent with that statement for Zoning Docket C-201. (Ordinance and Conditions are attached hereto as Exhibits A and B, respectively, and are incorporated herein by reference.) The motion was seconded by Council Member Denny and unanimously approved.

B. Public Hearing on Zoning Text Amendment to amend Chapter B, Article VI, Section 6-1.4 Zoning Board of Adjustment to comply with the new state requirements concerning the operating, variance and appeal procedures for the Zoning Board of Adjustment. (Text Amendment C-UDO-70) Planner Ledbetter stated this amendment is the result of a Senate Bill that became effective in October 2013. It brings our Unified Development Ordinance in concert with State law. The amendment defines hardship and voting variance request. It gives guidance on appeals, interpretations, and subpoena power. Attorney Kasper added that Planner Ledbetter’s summation was excellent and added further information. Discussion followed.

With no further questions of staff, Mayor Nelson entertained a motion for the zoning text amendment. Council Member Lawry so moved. The motion was seconded by Council Member

Roark and unanimously approved. The Clerk drew attention to the public hearing requirement. Attorney Kasper concurred.

Mayor Nelson opened the public hearing. There being no one to speak, Mayor Nelson closed the public hearing and entertained the motion again.

Council Member Lawry stated he made the same motion. (Zoning Text Amendment C-UDO-70 is attached hereto as Exhibit C and incorporated herein by reference.) The motion was seconded again by Council Member Roark and unanimously approved. Manager Looper clarified with Council that the motion was to approve the zoning text amendment, which it was.

C. Grant Requests.

1. *Lewisville-Clemmons Chamber of Commerce.* Dana Bryson, Vice Chair of the Lewisville-Clemmons Chamber of Commerce, presented the request for \$5,000 for Clemmons Community Day. Ms. Bryson presented information on the Chamber, as well as on the event. The 5<sup>th</sup> Annual Clemmons Community Day will be held on Saturday, April 26 from 10 a.m. until 2 p.m. The Clemmons Food Pantry will once again benefit from the canned food donations as a result of this event. The Chamber will use the funds requested to cover expenses for advertising, provide adequate facilities and entertainment. Discussion followed.

With no further questions or comments, Mayor Nelson entertained a motion. Council Member Cameron moved to approved granting \$5,000 to the Lewisville-Clemmons Chamber of Commerce for the 5<sup>th</sup> Annual Clemmons Community Day. The motion was seconded by Council Member Roark and unanimously approved.

2. *Southwest Forsyth Little League (SWFLL).* Council Member Rogers requested he be recused from discussion since he has a financial interest in SWFLL. Council Member Cameron moved to recuse Council Member Rogers. The motion was seconded by Council Member Roark, and unanimously approved. Council Member Rogers took a seat in the audience.

Jon Marzano, Capital Campaign Chair and Board Member of SWFLL, presented the request for \$25,000 to complete capital improvement projects at their complex and to help install lighting on Field 2 at Wilson Park. He gave an overview of their program, the growth they've experienced, and a couple of different economic impact reports that relate to the overall program and this specific project. Chuck Deluca offered a few remarks on the Challenger program that started in 2005, the Little League World Series, and future plans for a Jamboree program with Winston-Salem Dash. Lighting this field brings extra practice time and game time to their complex rather than renting space elsewhere.

With no other discussion or questions, Mayor Nelson entertained a motion. Discussion followed on how the grant should be paid. Council Member Cameron moved to allocate \$25,000 to Southwest Forsyth Little League payable through submission of invoices. The motion was seconded by Council Member Denny and unanimously approved. Council was asked to clarify that the work be done during this fiscal year otherwise this will need to be readdressed during the next fiscal year. Jon Marzano stated the work will be completed and receipts forwarded to the Village by June 30, 2014. The fund balance that is restricted for culture or tourism is \$230,000.

This year's budgeted amount is approximately \$50,000 for tourism and another \$24,000 for culture. If budgeted amounts are exceeded by tonight's grants, a budget amendment will be brought to Council.

Council Member Rogers rejoined Council.

3. *Village Inn Event Center.* As a follow-up to Dana Bryson's presentation at the last Council meeting, she highlighted how people coming to Clemmons for events like the Southwest Forsyth Little League stay at her hotel and pay the Occupancy Tax that supports the grants being offered tonight. She provided figures showing the growth of this fund even with the grants Council gives to support various organizations and events. Ms. Bryson restated her request for \$25,000.

Council Member Cameron made a motion to grant \$25,000 to the Village Inn Event Center. The motion was seconded by Council Member Rogers and unanimously approved.

D. Discussion on Website Redesign. Councilman Lawry argued for a detailed Request for Proposal (RFP) to be presented to all the candidate website development companies so that the Council and the Village would know when the project was completed whether it was completed to specification (including information, media, ease of navigation, ease of information management, training for staff, development and hosting costs, etc.). Manager Looper and various Council members responded that this was not necessary and that since he found no fault with the GovOffice examples that the project should move forward. They indicated that there would be several rounds of input from Council and others to make sure the project proceeded to a successful conclusion.

After a lengthy discussion Council chose GovOffice to redesign the website. Prior to approving the contract, Council asked that a representative from GovOffice call each Council member so they can provide their input for the website. In addition Council would like to hold an input session so constituents can share what they'd like to see on our website and its functionality. Council will provide their available dates for this input session.

E. Discussion on Marketing Plan. At tonight's meeting there were three groups (Chamber, SWFLL, and Village Inn Event Center) doing their own marketing for Clemmons. Council Member Cameron was nominated to bring together representatives from these groups and others to create a collaborative marketing effort.

F. Leaf and Limb Review Committee Discussion. Before forming a committee to review leaf and limb issues, Council Member Roark volunteered to meet with Public Works Director Kirby to see if there are problems that need addressing.

G. Budget Key Concepts. Manager Looper reviewed the budget process. Council was asked if they had any big ticket items or changes to service levels so staff can be better prepared for handouts/discussion at the retreat. There were no items offered. Council was advised of a possible County grant for next budget year to share cost for additional deputies. Discussion followed regarding current deputy staffing and law enforcement statistics.

H. Closed Session Minutes Discussion. Council Member Lawry moved that they open the closed session minutes. Council Member Cameron stated to open them with the exception of eight sets of the minutes dealing with the same subject that she felt ought to remain closed. Mayor Nelson stated he had a motion on the table and asked if he hears a second. Council Member Lawry's motion was seconded by Council Member Roark. The motion was opened for discussion. Council Member Cameron stated these land acquisition closed minutes should remain closed for now to maintain our creditability. Nothing would be gained by opening them now. With no further discussion, Mayor Nelson called for a vote on the motion. The motion passed 4 to 1 with Council Member Cameron voting in opposition. The following are the dates of the minutes that were opened:

March 27, 2009	July 25, 2011
May 26, 2009	January 9, 2012
January 25, 2010	March 30, 2012
June 14, 2010	May 1, 2012
September 13, 2010	May 29, 2012
October 11, 2010	July 9, 2012
November 8, 2010	August 13, 2012
December 13, 2010	January 14, 2013
February 14, 2011	January 28, 2013
March 18, 2011	May 28, 2013
April 11, 2011	July 8, 2013
June 27, 2011	July 22, 2013

I. Attorney's Report.

1. *Independent Contractor Agreement.* Attorney Kasper provided an updated contract for his services. It reflects the name of their new firm, hourly rate, and his membership and participation in the NC Association of Municipal Attorneys. He answered questions from Council members and asked that they approve the agreement.

Council Member Roark made a motion to accept Independent Contractor Agreement. The motion was seconded by Council Member Denny and unanimously approved.

J. Planner's Report.

1. *Update on Clemmons Tanglewood Farmers Market.* This project is moving forward. The committee is seeking volunteers from civic and religious organization to help with the market. Anyone interested should contact her.

2. *Update on Village Point Greenway.* Request for Qualifications (RFQs) for the CEI (contract administration) has been sent out. RFQs can be submitted through the end of February. They will be reviewed and a point system will be applied to them. A recommendation will be brought to Council for approval. The construction document has been approved by NCDOT. They are advertising for contractors that are NCDOT certified to bid on this project. The bid opening is scheduled for February 28, 2014 at 9 a.m. at Public Works.

K. Manager's Report.

1. *Retreat Discussion.* Manager Looper asked for Council to clarify and focus on the agenda items for the retreat so staff and the facilitator will be better prepared. Discussion followed.

L. Council's Comments. None.

M. Closed Session to discuss a Personnel Matter in accordance with G.S. 143-318.11(a)(6). Council Member Roark moved to go into closed session at 9:17 p.m. to discuss a personnel matter. The motion was seconded by Council Member Denny and unanimously approved.

Mayor Nelson asked for a motion to go back into open session at 10:06 p.m. Council Member Denny so moved. The motion was seconded by Council Member Rogers and unanimously approved.

Mayor Nelson stated no action was taken other than a 4 to 1 vote to go past 10 p.m. with Council Member Rogers voting in opposition.

**Adjournment**

Mayor Nelson entertained a motion to adjourn this meeting. Council Member Rogers so moved. The motion was seconded by Council Member Lawry and unanimously approved. The meeting adjourned at 10:07p.m.

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Nickolas B. Nelson  
Mayor

Attest:

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Marsha E. Sucharski, CMC, NCCMC  
Village Clerk