

**REGULAR MEETING OF  
THE VILLAGE OF CLEMMONS COUNCIL  
February 8, 2016**

The Village of Clemmons Council met on Monday, February 8, 2016, at 7 p.m. The meeting was held at the Village Hall, Clemmons, North Carolina. The following members were present: Mayor Nelson, Council Members Cameron, Combest, Farmer, Rogers and Wrights. Attorneys Warren and David Kasper were also present.

**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**

There were approximately 25 citizens in attendance. There were three individuals signed in to speak.

-PJ Lofland, 1460 Lake Cottage Road, Clemmons, NC – stated it was Council’s legal fiduciary duty to table any property acquisition at this time.

-C. Robin Dean, 3523 Lawrence Street, Clemmons, NC – expressed his opinion that last week’s Town Hall Meeting informal Q&A session works better than the three minutes allotted for public comments with no two-way conversation.

-Bill Lawry, 1731 Harper Spring Drive, Clemmons, NC – stated regarding the purchase of the property for the library site, he recommends tabling the land acquisition and that County funds should be spent for the land as they indicated in the Bond and a suit should be started against the County for performance as this is against fiduciary responsibility.

**Approval of the Minutes**

Council Member Rogers moved to approve the minutes of the January 25, 2016 regular meeting as presented. The motion was seconded by Council Member Cameron and unanimously approved.

**Approval of the Agenda**

Manager Kirby requested the following items be added to the agenda: Under Planner’s Report “Highway 158 Sidewalk Contract”, under Manager’s Report “Southwest Little League”, and “Business Item I. Closed Session for Discussion under Attorney-Client Privilege in accordance with NCGS 143-318.11(a)(3)”.

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

**Announcements**

- A. **Public Art Commission Appointment Application** – Marketing/Communications Director Shannon Ford advised of the application deadline of Monday, February 15, 2016 for the Village of Clemmons. Council will decide at their meeting on Monday, February 22, 2016 if and whom they may want to nominate for appointment consideration to the County Commissioners. The deadline for nominations to the County Commissioners is March 9, 2016.

**Business**

A.

**Public Hearings**

1. *Zoning Map Amendment for Cam Finley (DCB Clemmons, LLC – property owner) for Clemmons Office Complex located on 1.87 acres at 1121 S. Peace Haven Road at Jessie Lane (Zoning Docket C-208)* - Planner Ledbetter explained the zoning request and reviewed the site plan. The petitioner is requesting to rezone from RS-40 to PB-S (restaurant (without drive-through), retail store, special or miscellaneous, banking and financial services (Without drive through), health services, miscellaneous, medical and surgical offices, offices miscellaneous, professional office, service business A, service business B, services, personal, veterinary services, recreation services, indoor, church or religious institution, neighborhood, library, public, museum or art gallery, nursing care institution, police or fire station and post office) as described from the point beginning; BEGINNING AT A 1" PIPE FOUND ON THE NORTHERN RIGHT-OF-WAY LIMITS OF PEACE HAVEN ROAD, HAVING NORTH CAROLINA GRID (NAD 83) COORDINATES OF N=836,827.85', E=1,589,572.86', ALSO BEING S77°53' 51"E 184.13' FROM A ½" REBAR FOUND, ALSO ON THE NORTHERN RIGHT-OF-WAY LIMITS OF PEACE HAVEN ROAD, THENCE FROM SAID BEGINNING POINT S03°42' 17"E 32.57' TO A POINT WITHIN THE LIMITS OF PEACE HAVEN ROAD; THENCE S79°08' 37"W 139.84' TO A POINT WITHIN SAID ROAD; THENCE S86°42' 37"W 60.08' TO A POINT WITH SAID ROAD; THENCE N03°22' 23"W 22.60' TO A ½" REBAR FOUND ON THE AFOREMENTIONED NORTHERN RIGHT-OF-WAY LIMITS OF PEACE HAVEN ROAD; HAVING NORTH CAROLINA GRID NAD 83 COORDINATES OF N=836,788.12', E=1,589,376.32'; THENCE RUNNING WITH THE EASTERN LINE OF LOTS 33 THRU 36 OF THE VILLAGE CLUB SUBDIVISION, AS RECORDED IN PLAT BOOK 37, PAGE 147 AT THE FORSYTH COUNTY PUBLIC REGISTRY; N03°22' 23"W 399.91' TO A ¾" PIPE FOUND, HAVING NORTH CAROLINA GRID NAD 83 COORDINATES OF N=837,187.34', E=1,589,352.79'; THENCE RUNNING WITH THE SOUTHERN LINE OF DELLA POSEY CRAVER AS RECORDED IN D.B. 1819, PG. 3878, AT THE FORSYTH COUNTY PUBLIC REGISTRY; N88°22' 22"E 196.51', TO A ½" REBAR FOUND; HAVING NORTH CAROLINA GRID NAD 83 COORDINATES OF N=837,192.92'; N=1,589,549.22'; THENCE RUNNING WITH THE WESTERN RIGHT-OF-WAY LINE OF JESSIE DRIVE A 55' PUBLIC RIGHT-OF-WAY S03°42' 17"E 365.83' TO THE POINT AND PLACE OF BEGINNING. Planner Ledbetter stated this property is 1.87 acres, the Petitioner is seeking rezoning for Medical Office use with some secondary uses, and presented the staff report to the Board. Planning Board unanimously recommended approval and that is Staff's recommendation as well (attached hereto as Exhibit A and incorporated as part of the minutes).

Mayor Nelson opened the public hearing. There were two Proponents signed up to speak:

-Justin Church, 126 Executive Drive, Suite 200, Wilkesboro, NC – advised that three separate meetings were held with adjacent neighborhood to design plan desirable for all parties stating that the landscape plan not only meets but goes beyond the ordinance.

-Nelson Granade, 3735 Squirewood Drive, Clemmons, NC – stated has vested interest in the property and wanted to be sure it was developed in a fashion that worked well within framework of community which is what this developer has brought forth.

There being no one wishing to speak, Mayor Nelson closed the public hearing.

Council Member Rogers made a motion to adopt the statement of conformity to approve Zoning Map Amendment for Cam Finley (Clemmons Office Complex) - Zoning Docket C-208. The motion was seconded by Council Member Combest and unanimously approved.

2. *Zoning Map Amendment for Hankins Companies, LLC (Village Pointe, LLC – property owner) for Village Point Square located on 19.17 acres at Jessie Lane between Clemmons Point Drive and Gentry Lane (Zoning Docket C-209) -* Planner Ledbetter explained the zoning request and reviewed the site plan. The petitioner is requesting to rezone from PB-S (Residential Building, Single Family, Residential Building, Townhouse, Residential Building, Multifamily, Boarding Or Rooming House, Combined Use, Congregate Care Facility, Family Group Home B, Family Group Home C, Life Care Community, Retail and Wholesale Trade , ABC Store , Arts And Crafts Studio, Food Or Drug Store, Furniture And Home Furnishings Store, General Merchandise Store Hardware Store, Nursery, Lawn And Garden Supply Store, Retail, Restaurant (Without Drive-Through) , Retail, Specialty Or Miscellaneous , Shopping Center, Business and Personal Service, Banking And Financial Services, Bed And Breakfast, Building Contractors, General, Funeral Home, Health Services, Miscellaneous, Hotel Or Motel, Medical Or Dental Laboratory, Medical And Surgical Offices, Non-Store Retailer, Offices, Miscellaneous, Offices, Professional , Services, Personal, Testing And Research Lab, Recreational Uses Recreation Services, Indoor, Recreation Services, Outdoor, Recreation Facility, Public, Swimming Pool, Private, Theater, Indoor, Academic Medical Center, Adult Day Care Home, Adult Day Care Center, Child Care (Drop-in), Child Care Institution, Child Care (Sick Children), Child Day Care Center, Child Day Care, Small Home , Church or Religious Institution, Community, Church or Religious Institution, Neighborhood, Club or Lodge, College or University, Government Offices, Group Care Facility A, Group Care Facility B, Habitation Facility C, Hospital or Health Center, Institutional Vocational Training Facility, Library, Public, Museum or Art Gallery, Neighborhood Organization, Nursing Care Institution, Police or Fire Station, Post Office, School, Private, School, Public, School, Vocational or Professional, Stadium, Coliseum, or Exhibition Building, Transportation and Utilities, Broadcast Studio, Park and Shuttle Lot, Parking, Commercial, Utilities) to PB-S (Residential Building, Single Family, Residential Building, Townhouse, Residential Building, Multifamily, Boarding Or Rooming House, Combined Use, Congregate Care Facility, Family Group Home B, Family Group Home C, Life

Care Community, Retail and Wholesale Trade , ABC Store , Arts And Crafts Studio, Food Or Drug Store, Furniture And Home Furnishings Store, General Merchandise Store Hardware Store, Nursery, Lawn And Garden Supply Store, Retail, Restaurant (Without Drive-Through) , Retail, Specialty Or Miscellaneous , Shopping Center, Business and Personal Service, Banking And Financial Services, Bed And Breakfast, Building Contractors, General, Funeral Home, Health Services, Miscellaneous, Hotel Or Motel, Medical Or Dental Laboratory, Medical And Surgical Offices, Non-Store Retailer, Offices, Miscellaneous, Offices, Professional , Services, Personal, Testing And Research Lab, Recreational Uses Recreation Services, Indoor, Recreation Services, Outdoor, Recreation Facility, Public, Swimming Pool, Private, Theater, Indoor, Academic Medical Center, Adult Day Care Home, Adult Day Care Center, Child Care (Drop-in), Child Care Institution, Child Care (Sick Children), Child Day Care Center, Child Day Care, Small Home , Church or Religious Institution, Community, Church or Religious Institution, Neighborhood, Club or Lodge, College or University, Government Offices, Group Care Facility A, Group Care Facility B, Habitation Facility C, Hospital or Health Center, Institutional Vocational Training Facility, Library, Public, Museum or Art Gallery, Neighborhood Organization, Nursing Care Institution, Police or Fire Station, Post Office, School, Private, School, Public, School, Vocational or Professional, Stadium, Coliseum, or Exhibition Building, Transportation and Utilities, Broadcast Studio, Park and Shuttle Lot, Parking, Commercial, Utilities) as described PIN 5883-94-4912; Being all that tract of land containing 16.314 acres, more or less, located in Clemmons Township, Forsyth County North Carolina; and being part of the land described in D.B. 2534 P.G. 4440, and being more particularly described by bearing (Referenced to NCGS NAD 83 (2011) and distances as follows: Beginning at a ½" rebar, in the western Right of Way of Jessie Lane, thence S 03°07'31" E a distance of 91.09', to a ½" rebar, in the western Right of way of the terminus of Jessie Lane; thence N 86°52'48" E a distance of 50.00', to a ½" rebar in the Right of Way intersection of Clemmons Point Drive and Jessie Lane; thence with the northern Right of Way Clemmons Point Drive, the following 6 calls: N 03°07'31" W a distance of 31.76', to a ½" rebar; thence with a curve turning to the right with an arc length of 15.60', with a radius of 10.00', with a chord bearing of N 41°33'08" E, with a chord length of 14.06', to a ½" rebar; thence N 86°13'46" E a distance of 90.67', to a ½" rebar; thence with a curve turning to the right with an arc length of 93.67', with a radius of 125.00', with a chord bearing of S 72°18'09" E, with a chord length of 91.50', to a ½" rebar; thence S 50°50'03" E a distance of 94.77', to a ½" rebar; thence with a curve turning to the left with an arc length of 126.56', with a radius of 225.00', with a chord bearing of S 66°56'54" E, with a chord length of 124.90', to a ½" rebar, in the southwest quadrant of Clemmons Point Drive and Gentry Lane; thence with said Right of Way, with a reverse curve turning to the right with an arc length of 18.41', with a radius of 13.00', with a chord bearing of S 42°29'21" E, with a chord length of 16.91', to a ½" rebar, in the western Right of Way of Gentry Lane; thence with the western Right of Way of Gentry Lane, S 01°54'57" E a distance of 256.23', to a ½" rebar; thence with a curve turning to the right with an arc length of 99.31', with a radius of 175.00', with a chord bearing of S

14°20'26" W, with a chord length of 97.98', to a ½" rebar; thence S 30°35'50" W a distance of 108.85', to a ½" rebar; thence with a curve turning to the right with an arc length of 31.42', with a radius of 33.00', with a chord bearing of S 57°52'19" W, with a chord length of 30.24', to a ½" rebar; thence with a reverse curve turning to the left with an arc length of 148.63', with a radius of 67.00', with a chord bearing of S 21°35'45" W, with a chord length of 119.97', to a ½" rebar, in the northern line of Clemmons Town Center Apartments, LLC., (D.B. 3122 PG. 3896); thence with the northern line of Clemmons Town Center Apartments, LLC., the following 6 calls: thence S 23°53'45" W a distance of 71.06', to a ½" rebar; thence N 89°13'09" W a distance of 81.28', to a ½" rebar; thence N 66°29'20" W a distance of 141.02', to a ½" rebar; thence N 66°29'20" W a distance of 79.54', to a ½" rebar; thence S 62°38'43" W a distance of 313.37', to a ½" rebar; thence S 89°25'45" W a distance of 255.13', to a ½" rebar, in the eastern line of The Village of Clemmons, (D.B. 3012 PG. 1432, Tract 1A, P.B. 57 PG. 65); thence with said line, N 00°28'51" W a distance of 130.24', to a ½" existing iron pipe, to the north line of The Village of Clemmons, (D.B. 3012 PG. 1432, Tract 1A, P.B. 57 PG. 65); thence with said north line, N 82°43'02" W a distance of 62.07', to a ½" rebar, in the eastern Right of Way of Village Point Drive; thence with the eastern Right of Way of Village Point Drive the following 4 calls thence with a curve turning to the left with an arc length of 201.11', with a radius of 575.00', with a chord bearing of N 16°44'55" E, with a chord length of 200.09', to a ½" rebar; thence N 06°43'44" E a distance of 177.40', to ½" rebar; thence with a curve turning to the right with an arc length of 271.62', with a radius of 505.00', with a chord bearing of N 22°08'15" E, with a chord length of 268.36', to ½" rebar; thence N 37°32'46" E a distance of 134.20', to ½" rebar, in the southern line of Gibraltar Commercial IV LLC. (D.B. 3071 PG. 1035); thence with the southern line of Gibraltar Commercial IV LLC. (D.B. 3071 PG. 1035), N 86°13'26" E a distance of 348.74'; which is the point of beginning having an area of 710636.07 square feet, 16.314 acres. Planner Ledbetter stated the Petitioner is seeking a zoning map amendment for the following: 139 room hotel, 34,400 sq. of office, 23,100 sq. of food store, 19,900 sq feet sit down restaurants, 7 multi-family units (townhomes), 35,300 sq. feet retail-general merchandise and 4,600 sq feet of retail miscellaneous and also included is:

- Extension of the existing NB right-turn lane on Lewisville Clemmons Road at Allegacy Way/Towncenter Drive
- Extension of the existing SB right-turn lane on Lewisville-Clemmons Road at Allegacy/Towncenter Drive to 225 feet
- Extension of the proposed EB right-turn lane on Peace Haven Road at Village Club Lane to 150 feet
- Extension of the proposed WB left-turn lane on Peace haven Road at Village Club Lane to 250 feet
- Install an two-way stop at the intersection of Jessie Lane and Towncenter Drive (a future intersection study to be completed once the second phase occurs)

Planning Board unanimously recommended approval and that is Staff's recommendation as well (attached hereto as Exhibit B and incorporated as part of the minutes).

Mayor Nelson opened the public hearing. There was one Proponent signed up to speak:

-Luke Dickey with Stimmel & Assoc., 601 N. Trade Street, Suite 200, Winston-Salem, NC – stated how the design of the property will bring in more uses as well as provide a “main street feel” and being pedestrian-friendly. There will be on-street parking, outdoor seating and wide sidewalks with landscaping. He stated the design of the area went along with the topography of the land and there would be no ramping within the parking deck. The entrances will be from either the top level or lower level due to the surface which in total for the project covers a 36 foot fall. There will be extended right turn lanes into the Village Point area.

There was one Opponent signed up to speak:

-Jen Gerwig-Dively, 6330 Armsby Road, Clemmons, NC – stated she is not against the development but is questioning the need for another grocery store and provided statistics related to population vs. sales dollars needed for grocery stores to thrive. Attorney Warren Kasper advised that Council is only considering the zoning map amendment and that market circumstances does not affect zoning.

There was no rebuttal.

Council discussion and questions followed. Council Member Combest expressed his concerns regarding traffic and the need to be stringent by holding to the standards set forth in the UDO relating to the intersection of Jessie Lane and Towncenter Drive only having a two-way stop and currently at a service level E. Council Member Farmer inquired as to whether adding a signal would bring this within the guidelines. Planner Ledbetter advised that currently, NCDOT would not agree to signalization as it is not warranted. Traffic Engineer, Jay Clapp with Ramey, Kemp & Assoc. stated he did not have specific documentation but would think that if signalization was in place, service level D or better would be met. Mr. Clapp stated that identifying mitigation improvements for something which is service level E or F satisfies the requirements of the TIS Manual.

There being no one wishing to speak, Mayor Nelson closed the public hearing.

Council Member Cameron made a motion to adopt the statement of conformity to approve Zoning Map Amendment for Hankins Companies, LLC (Village Point Square) - Zoning Docket C-209. The motion was seconded by Council Member Farmer and approved by a 4-1 vote with Council Member Combest voting in opposition.

3. *Zoning Map Amendment for Carroll Companies (PTX Commercial – property owner) for 3-story storage facility Bee Safe Storage located at the corner of Commercial Park Court and Ramada Drive (Zoning Docket C-210) - Planner Ledbetter explained the zoning request and reviewed the site plan. The petitioner is requesting to rezone from HB-S, RS-15 to HB-S (storage services, retail) Beginning at an existing iron pipe on the western right of way of Commercial Park Court and being a common corner with PTX Commercial, Inc. as recorded*

in Deed Book (DB) 3015 Page (Pg) 764 in the Forsyth County Registry; Thence along the western line of said PTX S 39°36'15" W a distance of 486.12' to an existing iron pipe, a common corner with Teresa Rader Pitts as recorded in DB 2785 Pg 156, Robert B. Barber Jr. & Evelyn C. Barber as recorded in DB 2550 Pg 032 and DB 437 Pg 57, and said PTX, all located in said Forsyth County registry; Thence along the northeastern line of said Barber N 01°22'51" E a distance of 39.08' to a rebar; and N 40°54'29" W a distance of 337.15' to an existing iron rod on the southern right of way of Ramada Drive, said point lies N 47°11'27" E a distance of 103.60' from an existing iron rod in said Barber's line; Thence along said right of way the following three (3) courses and distances: 1) N 47°14'50" E a distance of 156.03' to a rebar; 2) N 48°27'02" E a distance of 156.01' an existing iron pipe; 3) N 49°08'31" E a distance of 143.93' to a point; Thence along said Commercial Park Court right of way S 40°22'38" E a distance of 292.59' to an existing iron pipe, the Point Of Beginning, containing an area of 3.44 Acres, more or less, according to a boundary survey by Fleming Engineering. Planner Ledbetter stated the Petitioner is also providing a substantial tree buffer of approximately 40 feet. Planning Board unanimously recommended approval and that is Staff's recommendation as well (attached hereto as Exhibit C and incorporated as part of the minutes).

Mayor Nelson opened the public hearing. There were two Proponents signed up to speak:

-Al Leonard, 201 N. Elm Street, Greensboro, NC – advised of other similar locations and advised of the security mechanisms in place as well as the facility includes a wine storage concept.

-Brent Sievers, 8518 Triad Drive, Colfax, NC – stated he was available to answer any questions.

Council discussion and questions followed.

There being no one wishing to speak, Mayor Nelson closed the public hearing.

Council Member Farmer made a motion to adopt the statement of conformity to approve Zoning Map Amendment for Carroll Companies (3-story storage facility) - Zoning Docket C-210. The motion was seconded by Council Member Wrights and unanimously approved.

- B. County Housing Authority – Dan Cornelius with Forsyth County Housing, which is now referred to as Housing and Community Development for Forsyth County, presented to Council. He advised as to the funding sources as well as the uses for the assistance stating that there is a focus on rehabilitation from “maintenance mode” to attempting to do away with the serious safety issues. He provided statistics on assistance provided to Village of Clemmons residents in the last ten years rehabilitating nine homes totaling approximately \$220,000. He also advised that Down Payment Assistance is available to qualified first-time homebuyers in the amount of up to \$15,000. The families must secure a first mortgage and are required to put down \$1,500 on the purchase of a home less than \$130,000. Manager Kirby stated the Village of Clemmons budgets \$2,000 per year to

receive this assistance for qualifying citizens/properties.

C. Attorney's Report

1. Contract on Real Property - Attorney David Kasper presented the Offer to Purchase and Contract Real Property for 3721 Clemmons Road, Clemmons, NC (Heirs of Elizabeth M. Wrights, Seller).

Council discussion followed. Issues raised were price being paid and possible usage for the property as far as future plans. Manager Kirby advised of funds available in Committed Fund Balance which were placed into the budget for the purpose of the possible expansion of Village Hall.

Council Member Combest made a motion to deny the Contract on Real Property for 3721 Clemmons Road, Clemmons, NC (Heirs of Elizabeth M. Wrights, Seller). The motion was seconded by Council Member Wrights and failed by a 2-3 vote with Council Members Cameron, Farmer and Rogers opposed.

Council Member Cameron made a motion to approve Contract on Real Property for 3721 Clemmons Road, Clemmons, NC (Heirs of Elizabeth M. Wrights, Seller). There was no second and the motion failed.

Attorney Warren Kasper provided an update on on-going discussions regarding the library site. He stated that the size of the tract has increased by 1/3 acre due to surveying done by an engineer in order to get alignment needed for entrance off of Stadium Drive. The purchase price remains unchanged and anticipate closing in 60-90 days pending approval from Forsyth County Commissioners. He stated will be asking the County Commissioners not to build a roadway but to make a pro-rata contribution toward the construction of the roadway which is the same dollars being spent to build a driveway from Stadium Drive to the back of the site. He stated as far as storm water, a single storm water management pond be built with the library site paying a pro-rata share (approximately \$30,000) and the balance to be paid by the Village of Clemmons Storm Water Fund. Mr. Hubbard has agreed to dedicate the entire right-of-way from Stadium Drive to Cook Avenue (approximate appraised value is \$80,000) in an even exchange for the Cook Avenue property which is under contract for \$74,000 and will cost approximately \$5,000 for demolition. The Village of Clemmons has agreed to install water and sewer lines out of the Storm Water Fund.

D. Planner's Report

1. Highway 158 Sidewalk Contract – Planner Ledbetter presented a review of the cost proposal for the Highway 158 Sidewalk/Yadkin River Greenway Project funded through the STDPA Process. She advised that a few years ago the total grant amount of funding for the project was \$1.4 million with the cost match to the Village of Clemmons being approximately \$280,000. The contract has been reviewed and approved by the State for the man hours and engineering costs in the amount of \$228,865.31.

Council Member Farmer made a motion to approve the contract for the Highway 158 Sidewalk/Yadkin River Greenway Project. The motion was seconded by Council Member Combest and unanimously approved.

- E. Marketing/Communications Director's Report – Marketing/Communications Director Ford provided an update on Coffee with a Cop being held at IHOP on Tuesday, February 9, 2016 from 5:00-6:30 p.m. She also reminded everyone that the theme for the month of February is Neighbors Helping Neighbors and the partnership with Clemmons Food Pantry.
- F. Christmas Decoration Purchase – Manager Kirby provided an update on the Christmas decorations and what will be needed next year.
- G. Manager's Report
  - 1. Southwest Little League – Manager Kirby advised Council of Southwest Forsyth Little League now chartering with Babe Ruth League, Inc. and no longer affiliated with Little League. They are looking to possibly sponsor the World Series in 2017 at a cost of approximately \$45,000. Representatives from their corporate offices will be here Spring 2016 to consider site selection. Manager Kirby requested a letter be drafted with Mayor and Council's support.
- H. Council Comments – Council Member Farmer requested to revisit Agenda Item C.1. Contract on Real Property as there was no second on the motion made by Council Member Cameron and the motion failed. He requested a conclusive vote. Attorney Warren Kasper advised the item could be revisited if Council so desired as the meeting was still in progress.

Council Member Farmer made a motion to revisit Agenda Item C.1. Contract on Real Property. The motion was seconded by Council Member Combest and unanimously approved.

Council Member Cameron made a motion to approve Contract on Real Property for 3721 Clemmons Road, Clemmons, NC (Heirs of Elizabeth M. Wrights, Seller). The motion was seconded by Council Member Farmer and approved by a 3-2 vote with Council Members Combest and Wrights opposed.

Council Member Cameron made a motion to approve Budget Amendment 16-G-5 for Purchase of Real Property in the amount of \$144,000.00 (Attached hereto as Exhibit D and incorporated as a part of the minutes). The motion was seconded by Council Member Farmer and unanimously approved.

- I. Closed Session for Discussion Under Attorney-Client Privilege in accordance with NCGS 143-318.11(a)(3) - Council Member Farmer moved to go into closed session for discussion under attorney-client privilege in accordance with NCGS 143-18.11(a)(3) at 9:35 p.m. The motion was seconded by Council Member Rogers and unanimously approved.

At 10:04 p.m., Mayor Nelson stated that by unanimous vote Council chose to reconvene the open session. No action was taken.

**Adjournment**

Council Member Farmer moved to adjourn the meeting at 10:06 p.m. The motion was seconded by Council Member Cameron and unanimously approved.

  
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Nicholas B. Nelson  
Mayor

ATTEST:

  
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Lisa Shortt, Village Clerk

**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 Cam Finley (Clemmons Office Complex)

Ordinance Number 2016-02

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 RS-40 to PB-S** (restaurant (without drive-through), retail store, special or miscellaneous, banking and financial services (Without drive through), health services, miscellaneous, medical and surgical offices, offices miscellaneous, professional office, service business A, service business B, services, personal, veterinary services, recreation services, indoor, church or religious institution, neighborhood, library, public, museum or art gallery, nursing care institution, police or fire station and post office). (**Zoning Docket C-208**)

**Legal Description for Cam Finley**

The property is described as described from the point beginning; BEGINNING AT A 1" PIPE FOUND ON THE NORTHERN RIGHT-OF-WAY LIMITS OF PEACE HAVEN ROAD, HAVING NORTH CAROLINA GRID (NAD 83) COORDINATES OF N=836,827.85', E=1,589,572.86', ALSO BEING S77°53' 51"E 184.13' FROM A ½" REBAR FOUND, ALSO ON THE NORTHERN RIGHT-OF-WAY LIMITS OF PEACE HAVEN ROAD, THENCE FROM SAID BEGINNING POINT S03°42'17"E 32.57' TO A POINT WITHIN THE LIMITS OF PEACE HAVEN ROAD; THENCE S79°08'37"W 139.84' TO A POINT WITHIN SAID ROAD; THENCE S86°42'37"W 60.08' TO A POINT WITH SAID ROAD; THENCE N03°22'23"W 22.60' TO A ½" REBAR FOUND ON THE AFOREMENTIONED NORTHERN RIGHT-OF-WAY LIMITS OF PEACE HAVEN ROAD; HAVING NORTH CAROLINA GRID NAD 83 COORDINATES OF N=836,788.12', E=1,589,376.32'; THENCE RUNNING WITH THE EASTERN LINE OF LOTS 33 THRU 36 OF THE VILLAGE CLUB SUBDIVISION, AS RECORDED IN PLAT BOOK 37, PAGE 147 AT THE FORSYTH COUNTY PUBLIC REGISTRY; N03°22' 23"W 399.91' TO A ¼" PIPE FOUND, HAVING NORTH CAROLINA GRID NAD 83 COORDINATES OF N=837,187.34', E=1,589,352.79'; THENCE RUNNING WITH THE SOUTHERN LINE OF DELLA POSEY CRAVER AS RECORDED IN D.B. 1819, PG. 3878, AT THE FORSYTH COUNTY PUBLIC REGISTRY; N88°22' 22"E 196.51', TO A ½" REBAR FOUND; HAVING NORTH CAROLINA GRID NAD 83 COORDINATES OF N=837,192.92'; N=1,589,549.22'; THENCE RUNNING WITH THE WESTERN RIGHT-OF-WAY LINE OF JESSIE DRIVE A 55' PUBLIC RIGHT-OF-WAY S03°42'17"E 365.83' TO THE POINT AND PLACE OF BEGINNING.

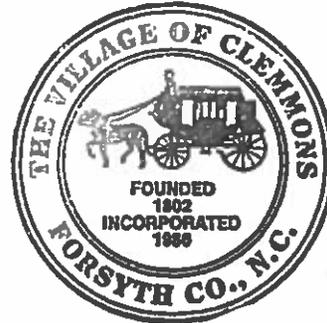
Section 2. This ordinance shall be effective from and after its adoption.

Adopted this the 8th day of February, 2016.

  
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Nickolas B. Nelson  
Mayor

ATTEST:

  
\_\_\_\_\_  
Lisa M. Shortt  
Village Clerk



**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 Hankins Companies, LLC (Village Point Square)

Ordinance Number 2016-03

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 PB-S (Residential Building, Single Family, Residential Building, Townhouse, Residential Building, Multifamily, Boarding Or Rooming House, Combined Use, Congregate Care Facility, Family Group Home B, Family Group Home C, Life Care Community, Retail and Wholesale Trade , ABC Store , Arts And Crafts Studio, Food Or Drug Store, Furniture And Home Furnishings Store, General Merchandise Store Hardware Store, Nursery, Lawn And Garden Supply Store, Retail, Restaurant (Without Drive-Through) , Retail, Specialty Or Miscellaneous , Shopping Center, Business and Personal Service, Banking And Financial Services, Bed And Breakfast, Building Contractors, General, Funeral Home, Health Services, Miscellaneous, Hotel Or Motel, Medical Or Dental Laboratory, Medical And Surgical Offices, Non-Store Retailer, Offices, Miscellaneous, Offices, Professional , Services, Personal, Testing And Research Lab, Recreational Uses Recreation Services, Indoor, Recreation Services, Outdoor, Recreation Facility, Public, Swimming Pool, Private, Theater, Indoor, Academic Medical Center, Adult Day Care Home, Adult Day Care Center, Child Care (Drop-in), Child Care Institution, Child Care (Sick Children), Child Day Care Center, Child Day Care, Small Home , Church or Religious Institution, Community, Church or Religious Institution, Neighborhood, Club or Lodge, College or University, Government Offices, Group Care Facility A, Group Care Facility B, Habitation Facility C, Hospital or Health Center, Institutional Vocational Training Facility, Library, Public, Museum or Art Gallery, Neighborhood Organization, Nursing Care Institution, Police or Fire Station, Post Office, School, Private, School, Public, School, Vocational or Professional, Stadium, Coliseum, or Exhibition Building, Transportation and Utilities, Broadcast Studio, Park and Shuttle Lot, Parking, Commercial, Utilities) to PB-S (Residential Building, Single Family, Residential Building, Townhouse, Residential Building, Multifamily, Boarding Or Rooming House, Combined Use, Congregate Care Facility, Family Group Home B, Family Group Home C, Life Care Community, Retail and Wholesale Trade , ABC Store , Arts And Crafts Studio, Food Or Drug Store, Furniture And Home Furnishings Store, General Merchandise Store Hardware Store, Nursery, Lawn And Garden Supply Store, Retail, Restaurant (Without Drive-Through) , Retail, Specialty Or Miscellaneous , Shopping Center, Business and Personal Service, Banking And Financial Services, Bed And Breakfast, Building Contractors, General, Funeral Home, Health Services, Miscellaneous, Hotel Or Motel, Medical Or Dental Laboratory, Medical And Surgical Offices, Non-Store Retailer, Offices, Miscellaneous, Offices, Professional , Services, Personal, Testing And Research Lab, Recreational Uses Recreation Services, Indoor, Recreation Services, Outdoor, Recreation Facility, Public, Swimming Pool, Private, Theater, Indoor, Academic Medical Center, Adult Day Care Home, Adult Day Care Center, Child Care (Drop-in), Child Care Institution, Child Care (Sick Children), Child Day Care Center, Child Day Care, Small Home , Church or Religious Institution, Community, Church or Religious Institution,**

Neighborhood, Club or Lodge, College or University, Government Offices, Group Care Facility A, Group Care Facility B, Habitation Facility C, Hospital or Health Center, Institutional Vocational Training Facility, Library, Public, Museum or Art Gallery, Neighborhood Organization, Nursing Care Institution, Police or Fire Station, Post Office, School, Private, School, Public, School, Vocational or Professional, Stadium, Coliseum, or Exhibition Building, Transportation and Utilities, Broadcast Studio, Park and Shuttle Lot, Parking, Commercial, Utilities). **(Zoning Docket C-209)**

### **Legal Description for Hankins Companies, LLC**

The property is described as described from the point beginning; PIN 5883-94-4912 Being all that tract of land containing 16.314 acres, more or less, located in Clemmons Township, Forsyth County North Carolina; and being part of the land described in D.B. 2534 P.G. 4440, and being more particularly described by bearing (Referenced to NCGS NAD 83 (2011) and distances as follows: Beginning at a ½" rebar, in the western Right of Way of Jessie Lane, thence S 03°07'31" E a distance of 91.09', to a ½" rebar, in the western Right of way of the terminus of Jessie Lane; thence N 86°52'48" E a distance of 50.00', to a ½" rebar in the Right of Way intersection of Clemmons Point Drive and Jessie Lane; thence with the northern Right of Way Clemmons Point Drive, the following 6 calls: N 03°07'31" W a distance of 31.76', to a ½" rebar; thence with a curve turning to the right with an arc length of 15.60', with a radius of 10.00', with a chord bearing of N 41°33'08" E, with a chord length of 14.06', to a ½" rebar; thence N 86°13'46" E a distance of 90.67', to a ½" rebar; thence with a curve turning to the right with an arc length of 93.67', with a radius of 125.00', with a chord bearing of S 72°18'09" E, with a chord length of 91.50', to a ½" rebar; thence S 50°50'03" E a distance of 94.77', to a ½" rebar; thence with a curve turning to the left with an arc length of 126.56', with a radius of 225.00', with a chord bearing of S 66°56'54" E, with a chord length of 124.90', to a ½" rebar, in the southwest quadrant of Clemmons Point Drive and Gentry Lane; thence with said Right of Way, with a reverse curve turning to the right with an arc length of 18.41', with a radius of 13.00', with a chord bearing of S 42°29'21" E, with a chord length of 16.91', to a ½" rebar, in the western Right of Way of Gentry Lane; thence with the western Right of Way of Gentry Lane, S 01°54'57" E a distance of 256.23', to a ½" rebar; thence with a curve turning to the right with an arc length of 99.31', with a radius of 175.00', with a chord bearing of S 14°20'26" W, with a chord length of 97.98', to a ½" rebar; thence S 30°35'50" W a distance of 108.85', to a ½" rebar; thence with a curve turning to the right with an arc length of 31.42', with a radius of 33.00', with a chord bearing of S 57°52'19" W, with a chord length of 30.24', to a ½" rebar; thence with a reverse curve turning to the left with an arc length of 148.63', with a radius of 67.00', with a chord bearing of S 21°35'45" W, with a chord length of 119.97', to a ½" rebar, in the northern line of Clemmons Town Center Apartments, LLC., (D.B.3122 PG. 3896); thence with the northern line of Clemmons Town Center Apartments, LLC., the following 6 calls: thence S 23°53'45" W a distance of 71.06', to a ½" rebar; thence N 89°13'09" W a distance of 81.28', to a ½" rebar; thence N 66°29'20" W a distance of 141.02', to a ½" rebar; thence N 66°29'20" W a distance of 79.54', to a ½" rebar; thence S 62°38'43" W a distance of 313.37', to a ½" rebar; thence S 89°25'45" W a distance of 255.13', to a ½" rebar, in the eastern line of The Village of Clemmons, (D.B. 3012 PG. 1432, Tract 1A, P.B.57 PG. 65); thence with said line, N 00°28'51" W a distance of 130.24', to a ½" existing iron pipe, to the north line of The Village of Clemmons, (D.B. 3012 PG. 1432, Tract 1A, P.B.57 PG. 65); thence with said north line, N 82°43'02" W a distance of 62.07', to a ½" rebar, in the eastern Right of Way of Village Point Drive; thence with the eastern Right of Way

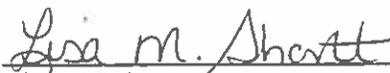
of Village Point Drive the following 4 calls thence with a curve turning to the left with an arc length of 201.11', with a radius of 575.00', with a chord bearing of N 16°44'55" E, with a chord length of 200.09', to a ½" rebar; thence N 06°43'44" E a distance of 177.40', to ½" rebar; thence with a curve turning to the right with an arc length of 271.62', with a radius of 505.00', with a chord bearing of N 22°08'15" E, with a chord length of 268.36', to ½" rebar; thence N 37°32'46" E a distance of 134.20', to ½" rebar, in the southern line of Gibraltar Commercial IV LLC.(D.B. 3071 PG.1035); thence with the southern line of Gibraltar Commercial IV LLC.(D.B. 3071 PG.1035), N 86°13'26" E a distance of 348.74'; which is the point of beginning, having an area of 710636.07 square feet, 16.314 acres.

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

Adopted this the 8th day of February, 2016.

  
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Nickolas B. Nelson  
Mayor

ATTEST:

  
\_\_\_\_\_  
Lisa M. Shortt  
Village Clerk



**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 Carroll Companies (3-story storage facility)

Ordinance Number 2016-04

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 **HB-S, RS-15 to HB-S** (storage services, retail). (**Zoning Docket C-210**)

**Legal Description for Carroll Companies**

The property is described as described from the point beginning; Beginning at an existing iron pipe on the western right of way of Commercial Park Court and being a common corner with PTX Commercial, Inc. as recorded in Deed Book (DB) 3015 Page (Pg) 764 in the Forsyth County Registry; Thence along the western line of said PTX S 39°36'15" W a distance of 486.12' to an existing iron pipe, a common corner with Teresa Rader Pitts as recorded in DB 2785 Pg 156, Robert B. Barber Jr. & Evelyn C. Barber as recorded in DB 2550 Pg 032 and DB 437 Pg 57, and said PTX, all located in said Forsyth County registry; Thence along the northeastern line of said Barber N 01°22'51" E a distance of 39.08' to a rebar; and N 40°54'29" W a distance of 337.15' to an existing iron rod on the southern right of way of Ramada Drive, said point lies N 47°11'27" E a distance of 103.60' from an existing iron rod in said Barber's line; Thence along said right of way the following three (3) courses and distances: 1) N 47°14'50" E a distance of 156.03' to a rebar; 2) N 48°27'02" E a distance of 156.01' an existing iron pipe; 3) N 49°08'31" E a distance of 143.93' to a point; Thence along said Commercial Park Court right of way S 40°22'38" E a distance of 292.59' to an existing iron pipe, the Point Of Beginning, containing an area of 3.44 Acres, more or less, according to a boundary survey by Fleming Engineering, Inc.

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

Adopted this the 8th day of February, 2016.

  
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Nickolas B. Nelson  
Mayor

ATTEST:

  
\_\_\_\_\_  
Lisa M. Shortt  
Village Clerk



VILLAGE OF CLEMMONS  
BUDGET AMENDMENT  
FOR THE FISCAL YEAR ENDING JUNE 30, 2016

BE IT ORDAINED by the Village Council of the Village of Clemmons, North Carolina at a regular meeting on February 8, 2016 that the following Budget Amendment is adopted to amend the budget for purchase and clearing of land and building next to Village Hall.

	Original Budget	Previous Amendment	Increase (Decrease)	Revised Budget
<b>Appropriations:</b>				
Capital Outlay	\$ 557,780	\$ -	\$ 144,000	\$ 701,780
<b>Revenue:</b>				
Fund Balance	\$ 571,451	\$ 66,160	\$ 144,000	\$ 781,611
<b>Total Budget:</b>				
Total Revenues	\$ 5,908,395	\$ 105,615	\$ 144,000	\$ 6,158,010
Total Expenditures	\$ 5,908,395	\$ 105,615	\$ 144,000	\$ 6,158,010

*K. Ann Stroud*

K. Ann Stroud, CPA  
Village Finance Officer



Nickolas B. Nelson  
Village Mayor

Attest:

*Lisa M. Shortt*

Lisa M. Shortt, Village Clerk