

**REGULAR MEETING OF
THE VILLAGE OF CLEMMONS COUNCIL
March 28, 2016**

The Village of Clemmons Council met on Monday, March 28, 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 five citizens in attendance. There was one individual signed in to speak.

- Roseann L'Esperance, 6001 Blue Bonnet Lane, Winston-Salem, NC – expressed concerns over dogs running loose throughout neighborhood and attacking other animals, stating she would like to see the Village of Clemmons provide outreach/education to the residents. Council Member Cameron requested Marketing/Communications Director Ford post a reminder on Facebook page.

Approval of the Minutes

Council Member Combest moved to approve the minutes of the March 14, 2016 regular meeting as presented. The motion was seconded by Council Member Wrights and unanimously approved.

Approval of the Agenda

Council Member Cameron requested the addition of Business Item A. "Forsyth County Sheriff's Office CALEA Accreditation Process Discussion". Attorney Warren Kasper requested the removal of Closed Session from the agenda. Council consensus was to keep Closed Session on the agenda.

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

Announcements

- A. Proclamation – April 2 – 10, 2016 as Forsyth Creek Week – Mayor Nelson read a Proclamation declaring April 2 – 10, 2016 as Forsyth Creek Week (attached hereto as Exhibit A and incorporated as part of the minutes).

Business

- A. Forsyth County Sheriff's Office CALEA Accreditation Process Discussion – Council Member Cameron advised that the Forsyth County Sheriff's Office would be going through the process to receive their CALEA Accreditation. She stated that comments from municipalities are being accepted on Wednesday, March 30, 2016 at 6:00 p.m. or from 1:00 – 3:00 p.m. via phone. Council

consensus was for Council Member Cameron to coordinate comments to be submitted with Village Manager Kirby and call in on Wednesday afternoon.

B. Call for Public Hearings

1. *Zoning Map Amendment for Concord Crossing from RS-40 to RM-5-S (residential building, single family residential and residential building, townhomes) (Zoning Docket C-212)*

Council Member Rogers made a motion for a Public Hearing to be held on Monday, April 11, 2016 at 7 p.m. at Village Hall for Zoning Map Amendment for Concord Crossing (Zoning Docket C-212). The motion was seconded by Council Member Wrights and unanimously approved.

2. *Zoning Map Amendment for Chick-fil-a from HB-S (recreational services, indoor, restaurant (w/o drive-through service), restaurant (w/ drive-through service), office, miscellaneous, professional office, banking and financial services, services, business A, services business B, services, personal, building contractors, general, building contractors, heavy, ABC store, building material supply, convenience store, food or drug store, furniture and home furnishing store, general merchandise store, hardware store, nursery, lawn, and garden supply store, retail, and retail store, specialty or miscellaneous) to HB-S (recreational services, indoor, restaurant (w/o drive-through service), restaurant (w/ drive-through service), office, miscellaneous, professional office, banking and financial services, services, business A, services business B, services, personal, building contractors, general, building contractors, heavy, ABC store, building material supply, convenience store, food or drug store, furniture and home furnishing store, general merchandise store, hardware store, nursery, lawn, and garden supply store, retail, and retail store, specialty or miscellaneous) (Zoning Docket C-213)*

Council Member Farmer made a motion for a Public Hearing to be held on Monday, April 11, 2016 at 7 p.m. at Village Hall for Zoning Map Amendment for Chick-fil-a (Zoning Docket C-213). The motion was seconded by Council Member Cameron and unanimously approved.

3. *Zoning Map Amendment for Summit Medical Surgical Center from PB-S (arts crafts studio, food or drug store, furniture and home furnishing store, general merchandising store, restaurant (without drive-through services), retail store (specialty or miscellaneous), banking and financial services, funeral home, health services (misc.), medical or dental laboratory, medical surgical offices, office (misc.) professional office, services(personal), recreation services (indoor), theater(indoor) and museum or art gallery) to PB-S (arts crafts studio, food or drug store, furniture and home furnishing store, general merchandising store, restaurant (without drive-through services), retail store (specialty or miscellaneous), banking and financial services, funeral home, health services (misc.), medical or dental laboratory, medical surgical offices,*

office (misc.) professional office, services(personal), recreation services (indoor), theater(indoor) and museum or art gallery) (Zoning Docket C-214)

Council Member Cameron made a motion for a Public Hearing to be held on Monday, April 11, 2016 at 7 p.m. at Village Hall for Zoning Map Amendment for Summit Medical Surgical Center (Zoning Docket C-214). The motion was seconded by Council Member Combest and unanimously approved.

C. Public Hearing

1. *Resolution 2016-R-05 Ordering the Closure of Kinnamon Court between Peace Haven Road and Synergy Lane* - Council was advised that their Resolution of Intent to close this portion of Kinnamon Court has been published in the newspaper for four consecutive weeks. Further, the abutting property owners, Wake Forest University Health Sciences and Clemmons Medical Park LLC, the petitioners, were also notified. Notice was also posted on the street. After holding tonight's public hearing, Council can consider closing this portion of Kinnamon Court.

Mayor Nelson opened the public hearing. There were no Proponents or Opponents signed up to speak.

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

Council Member Rogers moved to approve the closing of the portion of Kinnamon Court between Peace Haven Road and Synergy Lane. (Resolution 2016-R-05 attached hereto as Exhibit B and incorporated as a part of the minutes.) The motion was seconded by Council Member Farmer and unanimously approved.

D. *Voluntary Annexation Request of Peacehaven Development LLC for Concord Crossing*

1. *Certificate of Sufficiency* - Sufficiency of the petition was presented. (attached hereto as Exhibit C and incorporated as a part of the minutes.)
2. *Resolution 2016-R-06 Fixing Date of Public Hearing for April 11, 2016 on Question of Annexation Pursuant to NCGS 160A-31*

Council Member Cameron called for a public hearing on the question of annexation pursuant to NCGS 160A-31 on April 11, 2016 at 7 p.m. (Resolution 2016-R-06 attached hereto as Exhibit D and incorporated as a part of the minutes.) The motion was seconded by Council Member Rogers and unanimously approved.

- E. *Ordinance 2016-07 Enacting and Adopting Supplement 20 to the Code of Ordinances* - The ordinance enacts and adopts Supplement 20 which contains State legislation current through 2015 and Local legislation current through Ordinance 2015-02, passed July 14, 2015 (attached hereto as Exhibit E and incorporated as a part of the minutes.)

Council Member Rogers moved to approved An Ordinance Enacting and Adopting Supplements to the Code of Ordinances for the Village of Clemmons. The motion was seconded by Council Member Wrights and unanimously approved.

- F. *Determining Cost of Village Services per Household Discussion* – Council Member Cameron stated that reflecting on the topic of growth and citizen communication, she asked for consideration by other Council members to place an item on the agenda for discussion at the Village Retreat related to the cost per household for all services provided by the Village. After discussion, Council consensus was that this was an important discussion item to be added.
- G. *Attorney's Report* – Nothing to report.
- H. *Planner's Report*
1. *Minutes from the March 15, 2016 Planning Board Meeting* – Minutes were presented.
 2. *STP-DA Small Roadway Classification Process* - Planner Ledbetter deferred to Council Member Combest to provide an update. Council Member Combest introduced the federal funding projects and thanked everyone for working well together to explore the federal classification process. He explained the Village received favorable recommendations for 3 projects: Harper Road sidewalk, Highway 158 sidewalk and upgrades to 4 intersections (reconfiguration of Harper Road/Interstate, Allegacy/Town Center, Highway 158/Lewisville-Clemmons and Stadium and Market Center. Planner Ledbetter explained the process for federal classification and the requirements for major collectors. The process takes considerable steps. Council directed Staff to work on classifying the overlay project as well as any other major collector/streets in the Village for the 2018 funding cycle. Mayor Nelson questioned why the Village was not aware of the requirements for federal classification for small roadway projects. Planner Ledbetter explained that the Village was unaware of the requirements and did not find out the overlay Phase I and II projects would not qualify until after the Village projects were submitted, reviewed and ranked.
- I. *Marketing/Communications Director's Report*
1. *Medicine Drop* - Marketing/Communications Director Ford advised that on April 4 from 10am – 1pm will be the Medicine Drop at the Clemmons Fire Department.
 2. *DiscoverClemmons.com* - Marketing/Communications Director Ford advised the site it up and running.
- J. *Manager's Report* -
1. *Sheriff's Report for February 2016* – Assistant Manager/Public Works Director Gunnell presented the report.
 2. *Retreat Agenda* – Assistant Manager/Public Works Director Gunnell presented the retreat agenda.

3. *Financial Summary Report for February 2016* – Assistant Manager/Public Works Director Gunnell presented the report.

K. *Council Comments* – Council Member Rogers advised of a thank-you letter he received from Vaughn Upshaw for attendance at the Essentials of Municipal Government course and advising that due to scholarships awarded, the Village of Clemmons saved in excess of \$1,600.

Attorney Kasper advised Council of the Supplemental Agreement received from NCDOT regarding Village Point Drive for their review. This supplemental agreement changes the method but not the project or cost.

L. *Closed Session for Discussion Under Attorney-Client Privilege in accordance with NCGS 143-318.11(a)(3)* – Council Member Cameron moved to go into closed session for discussion under attorney-client privilege in accordance with NCGS 143-18.11(a)(3) at 7:57 p.m. The motion was seconded by Council Member Rogers and unanimously approved.

At 8:21 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 8:21 p.m. The motion was seconded by Council Member Cameron and unanimously approved.



Nickolas B. Nelson
Mayor

ATTEST:



Lisa Shortt, Village Clerk

*Proclamation
Declaring April 2 - 10, 2016
as FORSYTH CREEK WEEK
in the Village of Clemmons, North Carolina*

WHEREAS, water is our most valuable natural resource; and

WHEREAS, only tap water delivers public health protection, fire protection, support for our economy, and the quality of life we enjoy, and

WHEREAS, any measure of a successful society – low mortality rates, economic growth and diversity, productivity, and public safety – are in some way related to access to safe water; and

WHEREAS, we are all stewards of the water infrastructure upon which future generations depend; and

WHEREAS, each citizen of our community is called upon to help protect our source waters from pollution, to practice water conservation, and to get involved in local water issues.

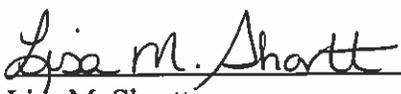
NOW, THEREFORE, be it resolved that by virtue of the authority vested in me as Mayor of the Village of Clemmons, I do hereby proclaim April 2 - 10, 2016 as FORSYTH CREEK WEEK in Clemmons and encourage all citizens to become active participants in FORSYTH CREEK WEEK activities.

This the 28th day of March, 2016.



Nickolas B. Nelson
Mayor

Attest:



Lisa M. Shortt
Village Clerk



Resolution Number 2016-R-05
A Resolution Ordering the Closing of that Portion of Kinnamon Court
Between Peace Haven Road and Synergy Lane

WHEREAS, on the 22nd day of February, 2016, the Village Council of the Village of Clemmons directed the Village Clerk to publish the Resolution of Intent of the Village Council to consider closing that portion of Kinnamon Court between Peace Haven Road and Synergy Lane, in the Clemmons Courier once each week for four successive weeks, such resolution advising the public that a meeting would be conducted in the Village Hall on March 28, 2016; and

WHEREAS, the Village Council on the 22nd day of February, 2016, ordered the Village Clerk to notify all persons owning property abutting on that portion of Kinnamon Court between Peace Haven Road and Synergy Lane, as shown on the Forsyth County tax records, by registered or certified mail, enclosing with such notification a copy of the Resolution of Intent; and

WHEREAS, the Village Clerk has advised the Village Council that she sent a letter to each of the abutting property owners advising them of the day, time and place of the meeting, enclosing a copy of the Resolution of Intent, and advising the abutting property owners that the question as to closing that portion of Kinnamon Court between Peace Haven Road and Synergy Lane would be acted upon, said letters having been sent by registered or certified mail; and

WHEREAS, the Village Clerk has advised the Village Council that adequate notices were posted on the applicable street(s) as required by G.S. 160A-299; and

WHEREAS, after full and complete consideration of the matter and after having granted full and complete opportunity for all interested persons to appear and register any objections that they might have with respect to the closing of said Street in the public hearing held on March 28, 2016; and

WHEREAS, it now appears to the satisfaction of the Village Council that the closing of said street is not contrary to the public interest, and that no individual owning property, either abutting the street or in the vicinity of the street or in the subdivision in which the street is located, will as a result of the closing be thereby deprived of a reasonable means of ingress and egress to his property;

NOW, THEREFORE, subject to the reservation of easements to the Village of Clemmons for utility purposes as shown on a map recorded in Book of Maps 50, page 109 in the Office of the Forsyth County Register of Deeds, the portion of Kinnamon Court lying and being between Peace Haven Road and Synergy Lane is hereby ordered closed, and all right, title, and interest that may be vested in the public to said area for street purposes is hereby released and quitclaimed to the abutting property owners, save and accept the utility easements here and above reserved, in accordance with the provisions of G.S. 160A-299.

The Mayor and the Village Clerk are hereby authorized to execute quitclaim deeds or other necessary documents in order to evidence vesting of all right, title and interest in those persons owning lots or parcels of land adjacent to the street or alley, such title, for the width of the abutting land owned by them, to extend to the centerline of the herein closed street (with provision for reservation of easements to the Village of Clemmons for utility purposes) in accordance with the provision of G.S. 160A-299(c).

The Village Clerk is hereby ordered and directed to file in the Office of the Register of Deeds of Forsyth County a certified copy of this resolution and order.

Upon motion duly made by Councilmember Rogers and duly seconded by Councilmember Farmer, the above resolution was duly adopted by the Village Council at a meeting held on the 28th day of March, 2016, in the Village Hall.

Upon call for a vote the following Council members voted in the affirmative:

Council Member Rogers
Council Member Farmer
Council Member Cameron
Council Member Combest
Council Member Wrights

and the following Council members voted in the negative:

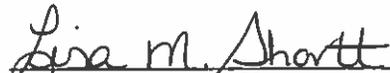
None

This the 28th day of March, 2016.



Nickolas B. Nelson
Mayor

ATTEST:



Lisa M. Shortt
Village Clerk

NORTH CAROLINA
FORSYTH COUNTY

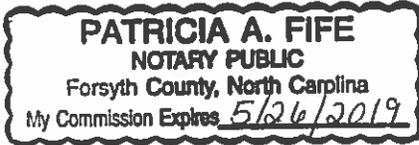
I hereby certify that the foregoing is a true and accurate copy of a resolution duly adopted by the Village Council of the Village of Clemmons, North Carolina, at a meeting held March 28, 2016 at the Village Hall in the Village of Clemmons.

Lisa M. Shortt
Lisa M. Shortt
Village Clerk

NORTH CAROLINA
FORSYTH COUNTY

I, PATRICIA A. FIFE, a Notary Public, do hereby certify that Lisa M. Shortt, Village Clerk, personally appeared before me this day and acknowledged the due execution of the foregoing certification, for the purposes therein expressed.

WITNESS my hand and notarial seal this 29th day of MARCH, 2016.



Patricia A. Fife
Notary Public

My Commission Expires: 5-26-2019

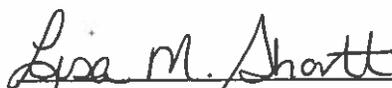
CERTIFICATE OF SUFFICIENCY
FOR CONCORD CROSSING

To the Village Council of the Village of Clemmons, North Carolina:

I, Lisa M. Shortt, Village Clerk, do hereby certify that I have investigated the petition attached hereto and have found as a fact that said petition is signed by all owners of real property lying in the area described therein, in accordance with G.S. 160A-31.

In witness whereof, I have hereunto set my hand and affixed the seal of the Village of Clemmons, this 28th day of March, 2016.





Lisa M. Shortt
Village Clerk

Resolution Number 2016-R-06

RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION PURSUANT TO NCGS 160A-31

WHEREAS, a petition requesting annexation of the area described herein has been received; and

WHEREAS, the Village Council has by resolution directed the Village Clerk to investigate the sufficiency of the petition; and

WHEREAS, certification by the Village Clerk as to the sufficiency of the petition has been made;

NOW, THEREFORE, BE IT RESOLVED by the Village Council of the Village of Clemmons, North Carolina:

Section 1. A public hearing on the question of annexation of the area described herein will be held at the Village Hall at 7 p.m. on April 11, 2016.

Section 2. The area proposed for annexation is described as follows:

Commencing from an Existing Nail in the northern right-of-way of Peacehaven Road and being a common corner of Peacehaven Development, LLC (Deed Book 2541, Page 2488) and GAHC3 Clemmons NC ALF, LLC (Deed Book 3238, Pg. 1481) and said Nail having North Carolina Grid Coordinates of Northing: 836,899.3724 feet, Easting: 1,587,998.8998 feet N 05°23'59" W, 292.17 feet to an Existing Iron Pipe (1") being a common corner of Peacehaven Development, LLC (Deed Book 2541, Page 2488) and GAHC3 Clemmons NC ALF, LLC (Deed Book 3238, Pg. 1481) and being the POINT OF BEGINNING: THENCE with the Village of Clemmons Jurisdiction line N 83°32'58" W, 216.57 feet to an Existing Iron Pipe (3/4") being a common corner of Peacehaven Development, LLC (Deed Book 2541, Page 2488) and Larry B. Jarvis (Deed Book 2990, Page 3644) and William E. Alexander (Deed Book 2005, Page 4345); THENCE continuing with the Village of Clemmons Jurisdiction line and the common line of Larry B. Jarvis (Deed Book 2990, Page 3644) and William E. Alexander (Deed Book 2005, Page 4345) N 86°40'31" W (passing an Existing 1" Pipe at 199.74 feet) a total distance of 377.47 feet to an Iron Rebar Set (5/8") in the eastern right-of-way of Harper Road; THENCE with the right-of-way of Harper Road N 25°35'28" W, 126.44 feet to an Existing Iron Rebar (5/8") being the southwest corner of Choong H. and OK M. Pyon (Deed Book 2681, Page 3537); THENCE with the common line of Choong H. and OK M. Pyon (Deed Book 2681, Page 3537) S 89°22'34" E, 222.03 feet to an Existing Iron Pipe (3/4") being a common corner of Choong H. and OK M. Pyon (Deed Book 2681, Page 3537) and Harry Edward Picciuto and Megan Rene Clemmons (Deed Book 3227, Page 1110); THENCE with the common line of Harry Edward Picciuto and Megan Rene Clemmons (Deed Book 3227, Page 1110) the following three (3) courses and distances: (1) S 86°41'45" E, 223.36 feet to an Iron Rebar Set (5/8"); (2) N 06°24'47" E, 59.80 feet

to an Iron Rebar Set (5/8") at disturbed 5/8" Pipe; (3) N 02°34'54" E, 50.22 feet to an Existing Iron Bar (1") being the common corner of Harry Edward Picciuto and Megan Rene Clemmons (Deed Book 3227, Page 1110) and Jamil Ryan Spillman (Deed Book 1135, Page 1158); THENCE with the common line of Jamil Ryan Spillman (Deed Book 1135, Page 1158) and Sunil E. and Arshi Paul (Deed Book 1858, Page 2712) N 02°34'42" E, 225.45 feet to an Existing Iron Pipe (1") being the common corner of Sunil E. and Arshi Paul (Deed Book 1858, Page 2712) and Patricia A. Kruth and David A. Liner Revocable Trust (Deed Book 3148, Page 2512); THENCE with the common line of David A. Liner Revocable Trust (Deed Book 3148, Page 2512) S 84°26'42" E, 229.53 feet to an Existing Iron Pipe (3/4") being a common corner of David A. Liner Revocable Trust (Deed Book 3148, Page 2512) and GAHC3 Clemmons NC ALF, LLC (Deed Book 3238, Pg. 1481); THENCE with the common line of David A. Liner Revocable Trust (Deed Book 3148, Page 2512) S 05°43'39" W, 459.87 feet to the POINT AND PLACE OF BEGINNING, containing 149,507 Square Feet or 3.432 Acres more or less. For further reference see Project # PA160107 by ALLIED ASSOCIATES, PA, Dated: February 16, 2016.

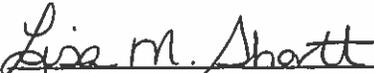
Section 3. Notice of the public hearing shall be published in The Clemmons Courier, a newspaper having general circulation in the Village of Clemmons, at least ten (10) days prior to the date of the public hearing.

ADOPTED this the 28th day of March, 2016.



Nickolas B. Nelson
Mayor

ATTEST:



Lisa M. Shortt
Village Clerk

ORDINANCE NUMBER 2016-07

AN ORDINANCE ENACTING AND ADOPTING SUPPLEMENTS TO THE
CODE OF ORDINANCES FOR THE VILLAGE OF CLEMMONS,
AND DECLARING AN EMERGENCY

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio has completed the 18th Supplement to the Code of Ordinances of the Village of Clemmons, which supplement contains all ordinances of a general and permanent nature enacted since the prior supplement to the Code of Ordinances of this Village of Clemmons; and

WHEREAS, American Legal Publishing Corporation has recommended the revision or addition of certain sections of the Code of Ordinances which are based on or make reference to sections of the North Carolina code; and

WHEREAS, it is the intent of the Village Council to accept these updated sections in accordance with the changes of the law of the State of North Carolina; and

WHEREAS, it is necessary to provide for the daily operation of the municipality and for the immediate preservation of the public peace, health, safety and general welfare of the municipality that this ordinance take effect at an early date;

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE
VILLAGE OF CLEMMONS:

Section 1. That the 20th Supplement to the Code of Ordinances of the Village of Clemmons as submitted by American Legal Publishing Corporation of Cincinnati, Ohio, and as attached hereto, be and the same is hereby adopted by reference as if set out in its entirety.

Section 2. Such supplements shall be deemed published as of the day of its adoption and approval by the Village Council and the Clerk of the Village of Clemmons is hereby authorized and ordered to insert such supplements into the copy of the Code of Ordinances kept on file in the Office of the Clerk.

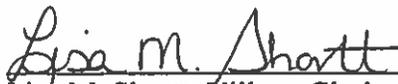
Section 3. This ordinance is declared to be an emergency measure necessary for the immediate preservation of the peace, health, safety and general welfare of the people of this municipality, and shall take effect at the earliest date provided by law.

PASSED AND ADOPTED by the Village Council of the Village of Clemmons this 28th day of March, 2016.



Nickolas B. Nelson, Mayor

ATTEST:



Lisa M. Shortt, Village Clerk