

**REGULAR MEETING OF
THE VILLAGE OF CLEMMONS COUNCIL
JUNE 9, 2014**

The Village of Clemmons Council met on Monday, June 9, 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

Mayor Nelson called the meeting to order at 7 p.m.

Pledge of Allegiance

Mayor Nelson led the Pledge of Allegiance.

Public Comments

Robin Dean, 3523 Lawrence Street, Clemmons, talked about the need to relocate the Clemmons Post Office and asked for Council's support. He suggested moving the post office to the Kinnamon Village Shopping Center.

Approval of the Minutes

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

Approval of the Agenda

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

Announcements

Mayor Nelson stated he received a letter from the president of the Lewisville-Clemmons Chamber of Commerce thanking the Council for its participation in Clemmons Community Day.

Mayor Nelson read and presented a Certificate of Achievement for Excellence in Financial Reporting to Finance Officer Ann Stroud.

Council Member Cameron thanked the staff at Public Works for putting the flags out.

Council Member Rogers recognized the West Forsyth Varsity Baseball Team for winning their first 4-A Championship and the first-year coach, Brad Bullard. Coach Bullard played on the 2002 team that got to the finals that year.

Mayor Nelson added that the team received an invitation to tonight's meeting, but the award banquet was tonight which took precedence.

Business

A. Budget Ordinance and Stormwater Utility Rate for Fiscal Year 2014-2015.

1. *Public Hearing to adopt the Budget Ordinance and Stormwater Utility Fee Rate.* Manager Looper gave an update on the amendments that reduced the budget presented at the May 27, 2014 Council meeting by \$67,195. The General Fund Budget total is \$5,892,710 and the Stormwater Enterprise Fund Budget is \$1,029,450. The budget keeps the tax rate at 11.5-cents and the Stormwater Utility Fee at \$5.00 per month (\$60.00 annually). Appropriations from the General Fund total \$970,375 and the Enterprise Fund total \$286,700. Manager Looper stated that fund balance is not being used for operating expenses, just capital projects. Further, it is not jeopardizing our emergency savings. Staff answered questions from Council.

Mayor Nelson opened the public hearing.

Edward Brewer, 4545 Bridgewater Drive, Clemmons, former Clemmons Mayor, requested that Council restore the funding for membership in the National League of Cities (NLC) and the travel budget. He stated we have always belonged to these organizations and the cost is a small fraction of the total budget. Attending these conferences allows attendees to bring back ideas from other cities.

Robin Dean, 3523 Lawrence Street, Clemmons, stated various issues that have budget consequences and his concern over the Council's decisions.

Susan Jones, 176 Waddington Road, Clemmons, read a letter stating her concern over Council's proposed travel budget cuts. She cited the value in membership and attendance in these organizations (NCLM and NLC) make for networking and problem solving knowledge for our Council which is beneficial to our town.

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

2. *Adoption of the Budget Ordinance and Stormwater Utility Fee Rate.* Council Member Cameron provided letters of support from various government officials for membership in both the NLC and the NCLM and travel reimbursement to their conferences and meetings. She stated that the NLC has agreed to drop our membership fee from \$1,600 to \$750 and the NCLM has agreed to reimburse Clemmons \$400 per meeting, up to four meetings for her to serve on the NLC Board of Directors. She reminded Council that before she applied to run for the Board of Directors, she asked permission from the Council last year explaining it would entail attendance at two conferences and one extra meeting. Council gave her their permission to run for that office. She was chosen and now questions what changed in one year. She added that she, like Mayor Nelson, has served on many local boards and committees over the past 20 years and has never asked for any reimbursement, but attendance at conferences and meetings for these organizations are part of her job and should be reimbursed. She then restated the importance of these organizations and the need for active participation.

Discussion followed. Council Member Rogers agreed with Council Member Cameron. Mayor Nelson and Council Members Roark, Denny and Lawry disagreed on the need for the NLC membership and travel reimbursement citing reasons such as questioning the value in being a member of a national organization, the NLC's agenda and saving taxpayer money. Council Member Cameron stated without membership in the NLC, travel reimbursement to attend their conferences and meetings is a moot point.

Council Member Rogers pointed out that the unassigned General Fund continues to grow (projected to be \$5.2 million at the end of this fiscal year). The expense has been reduced dramatically and is money well spent. Discussion continued.

Council Member Lawry stated that as far as the membership in the NLC he thought they should call the question. He then stated he called for the wrong question and called the question on the adoption of the budget. Council Member Denny seconded the question. Mayor Nelson referred to Attorney Kasper for clarification on the proceedings. Council Member Rogers asked for a short recess. Mayor Nelson did not acknowledge his request. Since there was not a motion on the floor, Council Member Cameron moved to amend the budget to include \$3,700 travel for the NLC, \$750 reinstating our membership in the NLC, \$2,000 travel for the NCLM, and \$300 for Town Hall Day. The motion was seconded by Council Member Rogers which failed by a 2 to 3 vote with Council Members Denny, Lawry and Roark voting in opposition.

Council Member Lawry moved to approve the budget ordinance as presented (attached hereto as Exhibit A and incorporated herein by reference). The motion was seconded by Council Member Roark and passed by a 3 to 2 vote with Council Members Cameron and Rogers voting in opposition.

Council Member Roark moved to approve the fiscal year 2014-2015 Stormwater Utility Fee Rate. The motion was seconded by Council Member Lawry. Council Member Rogers stated he would like to reduce the Stormwater fee by 50-cents per month (\$6.00 per year) based on cost reductions of projects. Mayor Nelson stated he had a motion and second for the current Stormwater Utility Fee without any reduction. Mayor Nelson called for a vote. The motion failed by a 2 to 3 vote with Council Members Denny, Lawry and Rogers voting in opposition.

Manager Looper suggested the Mayor entertain a new motion and vote for clarity. Mayor Nelson asked the attorney if this situation pertains to the 'call the question' language that was just being discussed. Attorney Kasper stated there is a rule that will terminate debate, but requires a two-thirds vote and a motion on the floor. In this situation, Attorney Kasper recommended a new motion.

Council Member Cameron made a motion to keep the Stormwater Utility Rate as it was presented in the current budget. The motion was seconded by Council Member Denny and passed by a 3 to 2 vote with Council Members Roark and Rogers voting in opposition.

B. Appointments to Various Village Boards. Council Member Lawry stated he did not think we had a big enough pool of applicants and suggested Council hold off appointing anybody to any of the boards for at least 30 days so we can resolicit for applicants for all positions.

Council Member Cameron made a motion to amend the policy this time and to place Joanna Lyall on the Planning Board ballot and Ted Warren on the Triad Municipal ABC Board ballot. The motion was seconded by Council Member Roark and passed by a 4 to 1 vote with Council Member Lawry voting in opposition.

Council Member Lawry moved that Council extend and resolicit for 30 days all the openings. The motion was seconded by Council Member Denny and failed by a 1 to 4 vote with only Council Member Lawry voting in favor of his motion.

1. *Planning Board.* The following applicants applied for positions on the Planning Board: Eric Blanks, Michael L. Combest, Joanna Lyall, Raymond McDowell, and Debbie Taylor. By ballot, Council appointed Michael L. Combest, Raymond McDowell, and Debbie Taylor to the Planning Board. Their terms expire June 30, 2017. (Tally Sheet and Ballots are attached hereto as Exhibit B and incorporated as a part of the minutes.)

2. *Zoning Board of Adjustment.* The following applicants applied for positions on the Zoning Board of Adjustment: Eric Blanks, Daniel Parks, and Chris Safley. By ballot, Council appointed Daniel Parks and Chris Safley to the Zoning Board of Adjustment as regular members. Their terms expire June 30, 2017. (Tally Sheet and Ballots are attached hereto as Exhibit C and incorporated as a part of the minutes.)

3. *Stormwater Advisory Board.* The following applicant applied for the position on the Stormwater Advisory Board: Eric Blanks. Council Member Rogers moved to appoint Eric Blanks to the Stormwater Advisory Board. The motion was seconded by Council Member Roark and unanimously approved. Mr. Blanks' term expires June 30, 2017.

4. *Triad Municipal ABC Board.* The following applicant applied for the Triad Municipal ABC Board: Eric Blanks and Ted Warren. Since Mr. Blanks was appointed to the Stormwater Advisory Board, his name was removed from this ballot. Council Member Roark moved to appoint Ted Warren to the Triad Municipal ABC Board. The motion was seconded by Council Member Rogers and unanimously approved. Mr. Warren's terms expires on June 30, 2017.

C. Resolutions for Tax Collection by the Forsyth County Tax Collector. These two resolutions are an administrative action to authorize Forsyth County Tax Office to collect taxes for Clemmons for the current year and for the past 10 years.

1. *Collection of 2014 Taxes.* Council Member Rogers moved to adopt the Resolution Order of the Council for Collection of 2014 Taxes in accordance with G.S. 105-321 and G.S. 153A-156 (attached hereto as Exhibit D and incorporated as a part of the minutes). The motion was seconded by Council Member Cameron and unanimously approved.

2. *Collection of 2013 and Prior Years' Taxes.* Council Member Rogers moved to adopt the Resolution Order of the Council for Collection of 2013 and Prior Years' Taxes

(attached hereto as Exhibit E and incorporated as a part of the minutes). The motion was by Council Member Roark and unanimously approved.

D. Right-of-Way Disposition Request for Tract on Valley Oak Drive. Manager Looper presented a property request from a resident for property that backs up to Valley Oak Drive behind West Forsyth High School (currently public right-of-way). The property line of this resident's property, which is for sale, is anywhere from 65 feet to 85 feet from the edge of the roadway. The owner is receiving numerous inquiries why the rear property line is so far from the edge of the road. It was not certain how much property the resident was interested in acquiring. The value of the land was estimated at \$3,500-\$4,500. Since this property could be used to stage construction equipment and material while the Stormwater Department works on a project, Council chose not to move forward with this request.

E. Agreement with Forsyth County and the Forsyth County Sheriff's Office for Community Policing. Manager Looper presented the contract. The Sheriff's Office requested a three-year contract, but there is no advantage. Even with a three-year contract the annual costs are estimates. There is a \$17,000 increase over the March estimates. Council Member Lawry stated he talked to Chief Deputy Brad Stanley about the statistical reporting and he was fine with Clemmons adding this to the contract. The method of reporting Part I and Part II crimes will change when they begin using the latest statistical technique used by the Department of Justice. The Manager was directed to request an amended contract with statistical data being provided by the Sheriff's Office.

F. Attorney's Report. Council was advised that he will not be available for the next meeting, but Attorney David Kasper will be filling in for him.

G. Planner's Report. Nothing new to report.

H. Manager's Report.

1. *NCLM Regulatory Technical Assistance Fund (REG-TAF).* The REG-TAF is a voluntary annual joint action program that is separate from the League dues and was created to protect municipalities' collective interests by hiring external technical support for water quality and electric regulatory issues. The League's membership asked the League to organize this annual voluntary joint action program after the success of two previous League member-supported joint action programs – the Municipal Environmental Assessment Coalition (MEAC) and the North Carolina Municipal Energy Group (NC-MEG). The suggested voluntary contribution is \$556.49. Deadline to participate is August 1, 2014.

After discussion, Council agreed to table this until the first meeting in July.

2. *Village Point Lake Greenway Update.* The re-bids for this project were presented to Council. After NCDOT review, what appeared as the lowest responsive bid by Vannoy has been declared as nonresponsive because of a lack of good faith effort for inclusion of Disadvantaged Business Enterprises (DBE). Therefore, NCDOT has accepted as meeting those requirements the second lowest bid, The Hurley Group. The additional cost of \$9,000 is included in the amount approved by TAC and the amount to

which Clemmons has committed. No more funding is required. Council consented to The Hurley Group.

3. *SPOT 3.0 Qualitative Point Assignment.* To formalize and acknowledge in public our inputs for the 40 point assignment, Manager Looper presented the regional project being the widening of Hwy 158 and the divisional project being Idols Road. Since this action was contrary to a motion made at the May 27, 2014 meeting, a lengthy discussion ensued.

Talking points supporting this change included:

- Council not required to vote on the 40 point assignment; TAC Representative's responsibility
- As a result of research, Fire Chief Brooks advised the Mayor that putting a median down Lewisville-Clemmons Road would decrease response time and safety
- Time constraint for submittal
- A median on Lewisville-Clemmons Road is not the best solution to the safety problem, but one that can be provided by NCDOT with their financial constraints

Talking points opposing this change included:

- By a 4 to 1 vote Council decided on the Lewisville-Clemmons Road project
- Action to change project taken outside the purview of the public
- Council did not unanimously agree on change
- Response time and safety information not new; same information presented for medians at the intersection at Lewisville-Clemmons Road/Middlebrook Drive and Hwy 158 (accident rate dropped 35%) and the median on Lewisville-Clemmons Road from Peacehaven Road to Hwy 421
- Pat Ivey with NCDOT Division 9 recommended the installation of a median down Lewisville-Clemmons Road to enhance safety not impede any safety or rescue vehicle
- At this year's retreat, Council discussed an overlay district for Idols Road and Lewisville-Clemmons Road; decided to concentrate efforts on Lewisville-Clemmons Road; a committee with property owners along Lewisville-Clemmons Road has started working on this project
- Lewisville-Clemmons Road was a hot topic at the Candidate's Forum and will be again in 2015

Council Member Cameron suggested in the future everyone doing their homework and having their questions answered before a public meeting so the public's business can be conducted in public.

I. Council Comments. Council Member Rogers stated that our actual budget reduction for travel is \$6,800 and not \$20,000 that's being advertised and the \$1,500 NLC membership is actually \$750.

Council Member Roark recognized Finance Officer Stroud for her research and saving the Village a considerable amount of money while still maintaining a high level of health insurance.

Adjournment

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

Nickolas B. Nelson
Mayor

Attest:

Marsha E. Sucharski, CMC, NCCMC
Village Clerk