

**REGULAR MEETING OF
THE VILLAGE OF CLEMMONS COUNCIL
June 27, 2016**

The Village of Clemmons Council met on Monday, June 27, 2016, at 7 p.m. The meeting was held at the Village Hall, Clemmons, North Carolina. The following members were present: Mayor Pro Tem Combest, Council Members Cameron, Farmer, Rogers and Wrights. Attorneys Warren and David Kasper were also present. Mayor Nelson was absent.

Call to Order & Pledge of Allegiance

Mayor Pro Tem Combest called the meeting to order at 7 p.m. and Boy Scout Troop 736 with Sr. Troop Leader, Grayson Fowler, led the Pledge of Allegiance.

Public Comments

There were 12 citizens in attendance. There were no individuals signed in to speak.

Approval of the Minutes

Council Member Rogers moved to approve the minutes of the June 13, 2016 regular meeting as presented. The motion was seconded by Council Member Farmer and unanimously approved.

Approval of the Agenda

Manager Kirby requested the following items be added to the agenda: "VI. Business C. Planner's Report 2. ECS RFQ and 3. Report on Library RFQs; E. Manager's Report 4. Resolution 2016-R-14 Acceptance of Street Responsibility (Willoughby Grove Road); and G. 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. Recognition of Wanda Davidson's Retirement - Mayor Pro Tem Combest read and presented a Certificate of Appreciation to Wanda Davidson, Public Works Administrative Assistant for the past 17 years and thanked her for her dedicated service to the Village of Clemmons and its citizens.

- B. Certificates of Appreciation.
 1. Joanna Lyall, Zoning Board of Adjustment - Mayor Pro Tem Combest read the Certificate of Appreciation to Joanna Lyall for her three years of service on the Zoning Board of Adjustment.
 2. Timothy Hall, Stormwater Advisory Board - Mayor Pro Tem Combest read the Certificate of Appreciation to Timothy Hall for his six years of service on the Stormwater Advisory Board.

- C. Mayor Pro Tem Combest announced that the Village Offices will be closed Monday, July 4, 2016 for Independence Day. He also advised that trash and recycling pickup will be a day later next week due to the holiday.

Business

A. Proposals for Village Point Drive – The remaining budget for the construction of Village Point Drive is \$3,762,101.50. The following quotes were received and the one from Triangle Grading & Paving, Inc. was recommended.

Company	Quote
Smith-Rowe LLC	\$3,513,334.24
Sparks Construction Inc.	\$4,299,611.50
Triangle Grading & Paving	\$3,183,936.71

Council Member Rogers made a motion to accept the bid from Triangle Grading & Paving for \$3,183,936.71 for the construction of Village Point Drive. The motion was seconded by Council Member Cameron and unanimously approved.

B. Attorney's Report – Attorney Warren Kasper advised his office is currently in the process of identifying property owners for collection on false alarms and letters will be sent to them within the next two weeks. He also advised he would not be in attendance at the July 11, 2016 Council meeting and that David Kasper would be serving in his place. He provided an update that once the survey information from Beeson Surveying on the library site has been reviewed, the closing on the land will take place.

C. Planner's Report.

1. Discussion on HB483 (Land Use Regulatory Changes) – Planner Ledbetter provided an update on the impact of House Bill 483. She advised that essentially a large portion of HB483 is driven by developers which would usurp any municipal powers from a planning and zoning perspective. She stated that any zoning decision or ordinances can be challenged in a court of law in Superior Court and possibly modified or changed. She noted other components of the bill relate to voluntary (no longer could require) conditions placed on development, the effects of notice of violations issued by the municipality by placing the burden of proof on the Village as well as the complainant, and it modifies the appeal process for zoning decisions as it is currently laid out in the general statutes. Council discussed ensued with Council Members Cameron verbalizing her opposition to HB483. Council Member Rogers stated that he agreed with Council Member Cameron and he spoke with a representative from NCLM and the information that was presented from Planner Ledbetter to Council was the most up-to-date information on HB 483 (Version IV). Mayor Pro Tem Combest echoed the opposition stating this potentially could lead to a lawsuit for every single zoning case, be very costly to the Village and prohibits the any input from neighbors and citizens. He recommended Council oppose HB483 in the strongest possible way. He then read Resolution 2016-R-15 Opposing House Bill

483 (attached hereto as Exhibit A and incorporated as a part of the minutes).

Council Member Farmer moved to adopt Resolution 2016-R-15 Opposing House Bill 483 as presented. The motion was seconded by Council Member Cameron and unanimously approved. Council directed Staff to scan and email a copy of the signed resolution to legislative members expeditiously as this bill will be voted on soon.

2. *ECS RFQ* – Planner Ledbetter advised that as part of the Village Point Drive contract, daily construction administration oversight is required. A request for qualifications for these services was sent out. Staff recommends the RFQ from ECS for Council’s consideration and requested authorization for Staff to negotiate with ECS and draft a contract.

Council Member Cameron made a motion to authorize Staff to negotiate with ECS and draft a contract for construction administration oversight for Village Point Drive. The motion was seconded by Council Member Farmer and unanimously approved.

3. *Report on Library RFQs* – Planner Ledbetter advised that on July 20, 2016 from 10:00 a.m. – 4:30 p.m. at Village Hall, members from the Forsyth County Manager’s office, Village Staff and Council Member Cameron will be interviewing four architecture firms for design of the library.

D. *Marketing/Communications Director’s Report.*

1. *Events Update* – Marketing/Communications Director Ford advised of upcoming events scheduled for the Village:
June 30 – Coffee with a Cop from 4:30 – 6:00 p.m. at Dairio
July 2 – Free Yoga Class at the Farmer’s Market “Namaste the Market Way” at 10:00 a.m. (Sunrise Yoga)
July 22 – Movie Night in the Village featuring “Inside Out”

E. *Manager’s Report.*

1. *Revision to 2016 Holiday Schedule per Personnel Policy* – Manager Kirby advised that an additional day was added at the Christmas holidays to the calendar upon the approval of the Personnel Policy. This year the additional day is Tuesday, December 27, 2016 (attached hereto as Exhibit B and incorporated as a part of the minutes).

Council Member Farmer moved to approve the revised holiday calendar as presented. The motion was seconded by Council Member Wrights and unanimously approved.

2. *Financial Summary Report for the Month Ending May 31, 2016.* The report was presented.

3. *Saleh Sadiq – Appeal No Driveway Permit* – Saleh Sadiq, 3090 Diaz Lane, Clemmons, NC, spoke to Council regarding an appeal for fines incurred due to a driveway violation. He requested a variance to the current driveway ordinance as he stated the modification made to his driveway was done prior to his purchasing of the home and it was part of the real estate contract as a condition of closing. Council Member Farmer questioned the petitioner stating that photos indicate that when the closing transaction took place on November 20, 2015, the driveway was asphalt and clearly showed the widening which is outside of the approved measurements, and stated sometime between then and now, the asphalt has been replaced with concrete (with the Sadiq's being the homeowners). Discussion and clarification of the violation and solution between Council, Manager Kirby, Assistant Manager Gunnell, the petitioner, and Attorney Kasper ensued.

Council Member Farmer made a motion requiring the petitioner bring the area in question into compliance with Village standards by July 29, 2016 and with that being the case then all associated fines are relieved; however, if that is not the case, Public Works crews will be onsite Monday, August 1, 2016 to make all necessary repairs and the petitioner will be responsible for all fines and costs related to the repairs. The motion was seconded by Council Member Wrights and unanimously approved.

4. *Resolution 2016-R-14 Acceptance of Street Responsibility (Willoughby Grove Road)* - Resolution 2016-R-14 Acceptance of Street Responsibility (Willoughby Grove Road) was presented (attached hereto as Exhibit C and incorporated as a part of the minutes).

Council Member Cameron moved to adopt Resolution 2016-R-14 Acceptance of Street Responsibility (Willoughby Grove Road) as presented. The motion was seconded by Council Member Wrights and unanimously approved.

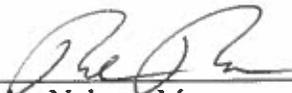
- F. *Council Comments* – Council Member Rogers advised that NCDOT is asking for public comments on potential road projects. There will be a meeting at NCDOT Division 9 Headquarters located at 375 Silas Creek Parkway on Tuesday, July 12, 2016 from 5:00 p.m. – 7:00 p.m. (Diane Hampton is the contact at 336-747-7800). Council Member Rogers advised of the recognition received by Winston-Salem MPO of Michael Burchette for his promotion of environmentally-friendly, active participation through bicycling and walking in the community.
- G. *Closed Session for Discussion under Attorney-Client Privilege in accordance with NCGS 143-318.11(a)(3), to Discuss Property Acquisition in accordance with NCGS 143-318.11(a)(5) and to Discuss Personnel Matters in accordance with NCGS 143-318.11(a)(6)* - Council Member Rogers moved to go into closed session for discussion under attorney-client privilege in accordance with NCGS 143-318.11(a)(3), to discuss property acquisition in accordance with NCGS 143-318.11(a)(5) and to discuss personnel matters in accordance with NCGS 143-

318.11(a)(6) at 8:00 p.m. The motion was seconded by Council Member Farmer and unanimously approved.

At 9:54 p.m., Mayor Pro Tem Combest stated that by unanimous vote Council chose to reconvene the open session. He advised that there was no action taken under attorney-client privilege discussion and there was no action taken under property acquisition discussion. He stated based on an outstanding performance rating of the Manager, Council agreed to increase the Manager's salary by 5% which is an increase of \$4,800. Council Member Cameron moved to approve an increase of 5% to Manager Kirby's salary. The motion was seconded by Council Member Farmer and unanimously approved.

Adjournment

Council Member Rogers moved to adjourn the meeting at 9:59 p.m. The motion was seconded by Council Member Farmer and was unanimously approved.



Nickolas Nelson, Mayor

ATTEST:



Lisa Shortt, Village Clerk

**VILLAGE OF CLEMMONS
RESOLUTION 2016-R-15**

OPPOSING HOUSE BILL 483

WHEREAS, the Village of Clemmons is a public entity established under the laws of the State of North Carolina; and

WHEREAS, the Village of Clemmons' purpose is to secure the health, safety and welfare of all Village Residents; and

WHEREAS, The Village of Clemmons Council provides assurance that development will adhere to Village of Clemmons ordinance requirements and long range planning documents that meet all North Carolina State requirements;

WHEREAS, The Village of Clemmons Council is responsible through its zoning authority, with protecting the property interests of all property owners within the Village.

WHEREAS, the Village is the financial steward of all ad valorem taxes collected from property owners within the Clemmons municipal boundary and HB 483, as proposed will adversely impact bonding requirements used to insure completed construction and maintenance of development infrastructure.

WHEREAS, House Bill 483, as proposed, may result in undue costs of litigation to taxpayers, diminishes protection for neighboring property owners, and weakens performance guarantees for infrastructure; and

WHEREAS, House Bill 483 as proposed will undermine the Village of Clemmons authority for a standardized appeal process, encourage litigation and reduces the Village's authority to promote the vision, goals and objectives for future development within the municipal boundaries as defined by tax payers, both residential and commercial alike.

NOW THEREFORE, be it resolved by the Village of Clemmons Council of the Village of Clemmons, County of Forsyth, State of North Carolina that the Village of Clemmons opposes House Bill 483.

Adopted this 27th day of June, 2016.



Michael Combest
Mayor Pro Tem

ATTEST:



Lisa Shortt
Clerk





2016

EXHIBIT B

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Holidays	
New Year's Day	Fri, January 1, 2016
Good Friday	Fri, March 25, 2016
Memorial Day	Mon, May 30, 2016
Independence Day	Mon, July 4, 2016
Labor Day	Mon, September 5, 2016
Veteran's Day	Fri, November 11, 2016
Thanksgiving	Thu & Fri November 24-25, 2016
Christmas	Fri, Mon & Tues December 23, 26 & 27, 2016



Resolution Number 2016-R-14

**RESOLUTION FOR THE PURPOSE OF
ASSUMING STREET RESPONSIBILITY**

WHEREAS, N.C.G.S. 136-66.1 enables municipalities to assume the maintenance of roads within its jurisdiction, which are not part of the State's transportation network; and

WHEREAS, an offer has been made by Shugart Management, Inc., to dedicate and convey to the Village of Clemmons for public use an easement and right-of-way for the public street named "Willoughby Grove Road"; and

WHEREAS, the improvements to the property have been offered to the Village of Clemmons by dedication for public use by Shugart Management, Inc., owner thereof, and are within the corporate limits of the Village; and

WHEREAS, the improvements to the property listed below have been inspected by Public Works and are eligible to be maintained by the Village of Clemmons;

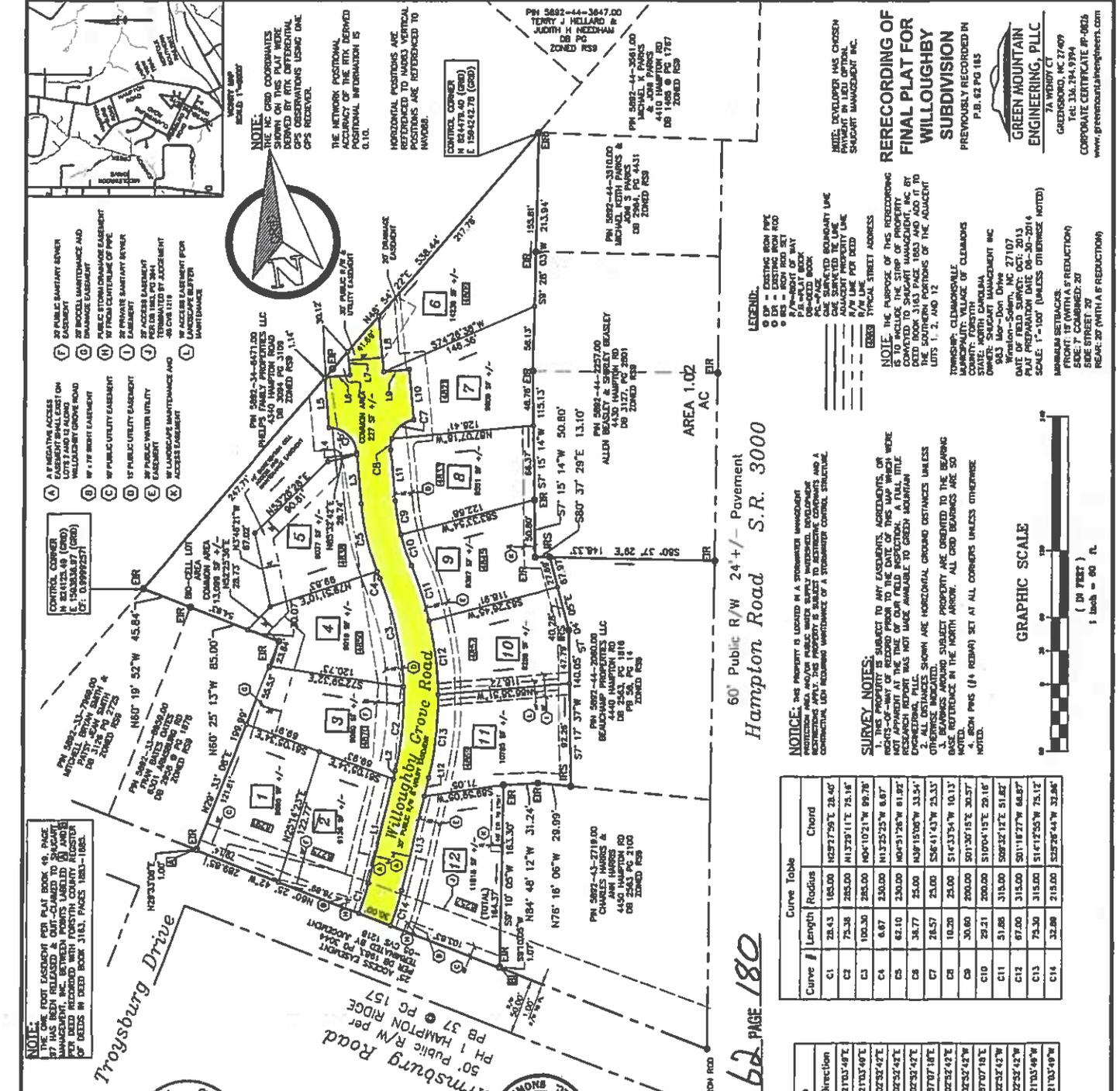
NOW, THEREFORE, BE IT RESOLVED that the Village of Clemmons does accept and will assume maintenance of the improvements to Willoughby Grove Road as highlighted in yellow on the attached plat as recorded October 21, 2014 in Plat Book 62, Page 180 known as a 30' Public ROW in Forsyth County Registry. The Dedication to Public Use document attached to this resolution shall be recorded in the office of the Register of Deeds of Forsyth County, North Carolina by the Village Clerk.

Adopted this the 27th day of June, 2016.

Michael Combest
Mayor Pro Tem

ATTEST:

Lisa M. Shortt
Village Clerk



NOTE: THE SURVEY FOR PLAT BOOK 180, PAGE 180 HAS BEEN RELEASED OUT-OF-COURT BY SHUGART MANAGEMENT, INC. BETWEEN POINTS LABELED (A) AND (B) PER DEED RECORDED WITH FORKSYTH COUNTY REGISTER OF DEEDS IN DEED BOOK 3163, PAGES 1883-1885.

NOTE: THE RIGHT EASEMENT FOR PLAT BOOK 180, PAGE 180 HAS BEEN RELEASED OUT-OF-COURT BY SHUGART MANAGEMENT, INC. BETWEEN POINTS LABELED (A) AND (B) PER DEED RECORDED WITH FORKSYTH COUNTY REGISTER OF DEEDS IN DEED BOOK 3163, PAGES 1883-1885.



SURVEYOR CERTIFICATION FOR CLOSURE
 I, Victor C. ... certify that this plat was drawn under my supervision from an original survey made by me or under my supervision (said original survey is Book 255, ...)
 I, Victor C. ... certify that this plat was drawn under my supervision from an original survey made by me or under my supervision (said original survey is Book 255, ...)

SURVEYOR CERTIFICATION OF SURVEY CATEGORY
 I, Victor C. ... certify that this plat is a subdivision of land within the limits of a county or municipality that has an ordinance that requires surveys of land to be made by a licensed surveyor or a surveyor-in-training under the supervision of a licensed surveyor.

PLANNING DEPARTMENT REVIEW OFFICER
 FINAL PLAT APPROVAL
 THIS IS TO CERTIFY THAT THIS PLAT MEETS THE RECORDING REQUIREMENTS AND THE PLANNING DEPARTMENT HAS NO OBJECTIONS TO THE RECORDING OF THIS PLAT.

CERTIFICATE OF CORRECTNESS AND INTEGRITY
 THE UNDERSIGNED HEREBY ACKNOWLEDGE THAT I AM THE OWNER OF THE PLAT AND I HAVE REVIEWED THE PLAT AND I HAVE NO OBJECTIONS TO THE RECORDING OF THIS PLAT.

OWNER'S SIGNATURE
 DATE: 10-14-2014

FORKSYTH COUNTY REGISTER OF DEEDS
 FILED FOR REGISTRATION AT 9:46 AM ON OCTOBER 14, 2014
 AND RECORDED IN PLAT BOOK 62, PAGE 180

FORKSYTH COUNTY, NORTH CAROLINA
 BY: *Randy I. Lovitt*
 COUNTY CLERK

FILED FOR REGISTRATION AT 9:46 AM ON OCTOBER 14, 2014
 AND RECORDED IN PLAT BOOK 62, PAGE 180

FILED FOR REGISTRATION AT 9:46 AM ON OCTOBER 14, 2014
 AND RECORDED IN PLAT BOOK 62, PAGE 180

Curve Table

Curve #	Length	Radius	Chord
C1	28.43	163.00	162.7792° 28.40'
C2	75.30	265.00	113.2911° 75.14'
C3	6.87	230.00	104°10'21" 69.76'
C4	62.10	230.00	104°51'25" 61.92'
C5	38.77	25.00	139°15'09" 13.54'
C6	28.57	25.00	158°11'43" 23.33'
C7	10.20	25.00	114°53'54" 10.13'
C8	30.60	200.00	101°30'15" 30.57'
C9	29.21	200.00	110°04'15" 29.16'
C10	51.06	315.00	100°32'12" 51.07'
C11	67.00	315.00	101°16'27" 66.87'
C12	73.30	315.00	114°12'55" 73.12'
C13	32.08	315.00	155°26'44" 32.08'

Line Table

Line #	Length	Direction
L1	64.84	167°03'49"E
L2	8.05	167°03'49"E
L3	43.37	102°52'47"E
L4	1.06	102°52'47"E
L5	44.33	102°52'47"E
L6	21.68	167°07'18"E
L7	20.91	102°52'47"E
L8	40.86	102°52'47"E
L9	22.50	167°07'18"E
L10	48.13	167°07'18"E
L11	16.84	102°52'47"E
L12	16.84	167°07'18"E
L13	67.17	167°07'18"E

NOTE: THE PROPERTY IS LOCATED IN A STRAIGHTENED UNIMPROVED SECTION OF HAMPTON ROAD. THE PROPERTY IS SUBJECT TO ADJACENT EASEMENTS AND A CONSTRUCTION LOT RECONSTRUCTION OF A STRAIGHTENED CONTROL STRUCTURE.

NOTE: THE PURPOSE OF THIS RECORDED EASEMENT IS TO INCLUDE THE STRIP OF PROPERTY SHOWN BY THE DOTTED LINE TO THE ADJACENT PROPERTY BY DEED BOOK 3163 PAGE 1883 AND ADD IT TO THE SOUTHERN PORTIONS OF THE ADJACENT LOTS 1, 2, AND 12.

NOTE: THE PROPERTY IS LOCATED IN A STRAIGHTENED UNIMPROVED SECTION OF HAMPTON ROAD. THE PROPERTY IS SUBJECT TO ADJACENT EASEMENTS AND A CONSTRUCTION LOT RECONSTRUCTION OF A STRAIGHTENED CONTROL STRUCTURE.

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RECORDING OF FINAL PLAT FOR WILLOUGHBY SUBDIVISION
 PREVIOUSLY RECORDED IN P.B. 62 PG 183
GREEN MOUNTAIN ENGINEERING, PLLC
 GREENSBORO, NC 27409
 Tel: 336.794.9394
 www.greenmountainengineers.com

LEGEND:
 ① DP = EXISTING BORN PIPE
 ② ER = EXISTING HIGH ROAD
 ③ P/W = PORT OF WAY
 ④ P/W = PORT OF WAY
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