

**REGULAR MEETING OF
THE VILLAGE OF CLEMMONS COUNCIL
July 13, 2015**

The Village of Clemmons Council met on Monday, July 13, 2015, 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.

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 150-175 citizens in attendance. Twelve individuals signed up and eleven commented:

Kathleen Falin, 7030 Stancliff Road, Clemmons, NC – dismayed at idea of renovating current library – there will be 4 elections held in 2016 and would be disastrous for patrons and voters.

Fred Falin, 7030 Stancliff Road, Clemmons, NC – dismayed due to 2010 bond issue was for a new library not a renovated library.

Jack Ingle, 6840 Greenbrook Drive, Clemmons, NC – would like to see an adaptive reuse of the current library such as a community or senior center.

Joel Schanker, 7920 Lasley Forest Road, Lewisville, NC – resides in Lewisville but “lives” in Clemmons – utilizes library once a week and expressed concerns for safety.

Lee Reynolds, President of Friends of the Clemmons Library, 7618 Rolling Oak Court, Clemmons, NC – stated in the opinion of the Executive Board, expansion of the current library is unacceptable as the facility is inadequate, there are parking/traffic issues and the population of Clemmons will not remain fixed.

Art Fravenhofer, 3080 Upland Drive, Clemmons, NC – stated very seldom utilizes library so did not care if renovated or new site but after speaking with others now supports the building of a new library.

JoEllen Weeks, 175 Village Haven Circle, Clemmons, NC – stated ease of access to information is what libraries are all about and the current site is a big obstacle to the ease of access to information and if Clemmons wants to save the library then Clemmons needs to move the library.

Kay Stocking, 4665 Elk Valley Court, Clemmons, NC – expressed concerns that the choice of renovating the current site is being ram-rodged down the throats of the citizens and citizens need more of a choice. She stated that the main reason this option is supported by most Council members is the cost or lack thereof and that bond money spending might yield better results.

Tan Ersoy, 375 Brookton Drive, Clemmons, NC – expressed his concern that the library needs to serve the community for 30-50 years so the public needs to see all options to make a decision.

Al Harbury, 6606 Village Brook Trail, Clemmons, NC – stated the three Council members pushing for the expansion of the current library site have shown lack of transparency for the renovation of the site. He stated that a single business entity is benefitted which is tied to Mr. Broyhill.

Mae Rodney, 8000 Bridgewood Road, Clemmons, NC – stated libraries are a vital part of the community and versatility is needed which cannot be done in the library's present location. She stated this is not saving money but limiting children's access to learning.

With nobody else signed up to speak under Public Comments, Mayor Nelson requested counsel from Attorney Warren Kasper on allowing each individual the opportunity to speak that would like to speak as the rules for Public Hearing adopted by Council will limit that opportunity due to there being 71 people signed up to speak. Attorney Kasper advised that in the past with a crowd this size, each side would designate a spokesperson to present. Mayor Nelson advised the rules for Public Hearing would be discussed upon entering into the Business portion of the meeting.

Approval of the Minutes

Council Member Rogers moved to approve the minutes of the June 22, 2015 regular meeting as presented. The motion was seconded by Council Member Denny and unanimously approved.

Approval of the Agenda

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

Announcements

Council Member Rogers provided an update on Clemmons Community Night with the Dash on Saturday, July 11, 2015, stating that it was a great game and fireworks display and over 100 tickets were purchased. Council Member Rogers thanked Marketing/Communications Director Shannon Ford for coordinating the event for the Village of Clemmons.

Mayor Nelson introduced and welcomed the newest Sgt. Robert Burrow to the citizens in attendance and thanked for his service to the Clemmons community.

Business

A. Public Hearing on Expanding the Existing Library Site.

Mayor Nelson opened the public hearing advising that there would be 15 minutes for proponents and 15 minutes for opponents to speak with each side having 6 minutes for rebuttal. Council Member Lawry referred to Item 5 under the Rules for Public Hearings stating that changes can be made at the discretion of the Board. Attorney Kasper confirmed changes to the rules could be made with a 75% vote which would be 4 Council members in favor of the change. Council Member Lawry made a motion to extend the time allocating 45 minutes to each side followed by 15 minutes for rebuttal

from each side. Council Member Denny seconded the motion. Discussion followed. The motion failed 3-2 with Council Members Lawry and Denny in favor, Council Member Roark made no vote which is a "yes" vote and Council Members Cameron and Rogers opposed. Council Member Cameron made a motion to extend the time allocating 30 minutes to each side followed by 6 minutes for rebuttal from each side. Council Member Roark seconded the motion and unanimously approved.

Mayor Nelson called for a 5 minute recess before hearing from each side. After the brief recess, Mayor Nelson advised that the Public Comment portion of the Public Hearing would take place and he would go down each list allowing anyone wishing to speak the opportunity and individuals could defer their time to a designated individual if they chose.

The Proponents spoke first expressing thoughts and opinions of why the current site should be expanded/renovated. Reasons stated were: site is a historical part of Clemmons, no cost to the taxpayers, lower income residents who reside near current site have the ability to walk or ride a bike there, cost of a new site is unknown, "waste, fraud and abuse" as "free is better", land is being donated to expand the library, Mr. Ed Broyhill has been a major contributor to the library and establishing the historic district, parking expansion, walkways/sculptured garden areas, active social gathering areas, logistics would be put into the design plan to allow for expansion while shifting operations in order to keep library open during construction, improved parking, circulation and access, infill development function and the current building should not be considered for the use of a detention center or police station. The spokesperson for the Proponents were:

PJ Lofland, 1460 Lake Cottage Road, Clemmons, NC
Frank Samuelson, 6641 Belfield Court, Clemmons, NC
Tammie Maat, 6727 Clemmons Castleton Drive, Clemmons, NC
Tom Jones, 6131 Stadium Drive, Clemmons, NC
Walt Emery, 6758 Forest Oak Drive, Clemmons, NC
Nat Swanson, 4432 Woodlark Court, Clemmons, NC
Ed Broyhill, 3540 Clemmons Road, Clemmons, NC
Luke Dickey, Stimmel & Associates, Winston-Salem, NC (conceptual design)
Rence Callahan, Walter Robbs Callahan & Pierce Architects PA, Winston-Salem, NC
John Davenport, John Davenport Transportation, Winston-Salem, NC (traffic engineer)
Norman Sloan, 1416 Glen Oaks Road, Clemmons, NC

The Opponents followed expressing their concerns in regards to expanding/renovating the existing library site. Concerns expressed were: private businessman bringing forth the site plan and the need to consider the American Library Association recommendations, emergency vehicle access, landlocked at current site, traffic study was presented as how library affects traffic but consideration should be how traffic affects the library, alternate site(s) should be brought to the public for consideration, current building is neither famous or important in history, need showplace library to entice additional building, free is not always the best decision, parking spaces do not add up to the plan

presented and space available, Forsyth County or the Sheriff's Department have no knowledge of a plan for the current building to be utilized as a police station or detention center/holding cell, attempting to wedge everything the citizens want into a space that is not adequate, paying for the bond so need to do it right, Council has a unique opportunity to select the best site which is not the current site, conceptual plan invades the school system property which they have no plans to release and the safety aspect of the parking arrangement. Questions were raised by library volunteers to include: where will the construction vehicles park during renovation, where will supplies be delivered and stored, how many times will equipment have to be moved during the renovation process. The spokespeople for the Opponents were:

Margie Wessels, 2002 Muirfield Place, Clemmons, NC
Mary DeZellar, 1850 Adare Drive, Clemmons, NC
JoEllen Weeks, 175 Village Haven Circle, Clemmons, NC
Betty Telford, 7961 Abelia Way, Clemmons, NC
Van Loneland, 3702 Peony Way, Clemmons, NC
Allen Daniel, 100 Fernworth Court, Clemmons, NC
James Florack, 3546 Tanglebrook Trail, Clemmons, NC
Bridget Florack, 3546 Tanglebrook Trail, Clemmons, NC
Ed Brewer, 4545 Bridgewater Drive, Clemmons, NC
Al Harbury, 6606 Village Brook Circle, Clemmons, NC
Linda Preschle, 7711 Lasater Road, Clemmons, NC
Lee Reynolds, 7618 Rolling Oak Court, Clemmons, NC

Mayor Nelson called for a 5 minute recess and the meeting reconvened at 9:16 p.m. with 6 minutes each for rebuttals from proponents and opponents.

Proponent Rebuttal:

-Luke Dickey stated based on the conceptual site plan there are 171 parking spaces located between the existing Broyhill and library properties.

-Paul Hendrick, Attorney for Old Clemmons School, stated Mr. Broyhill donated the property for the library years ago and the renovation to the current site will meet the zoning and parking space requirements. He stated with the additional square footage the library would serve Clemmons for years to come. He advised that he had spoken with Dudley Watts, Forsyth County Manager, who stated Clemmons would have to buy and pay for any land for a new library site.

-Nat Swanson stated that it had been intimated that he was going to gain from Mr. Broyhill's proposal. He stated he is not interested in selling his property. He also stated to the citizens in attendance that people were asking "where are the alternatives?" and advised them the Council cannot disclose that information as those are Closed Session discussions and must be constrained. He advised that price is not the whole thing and Mr. Broyhill's proposal will work. He requested that everyone take a look at what Mr. Broyhill has proposed.

Opponent Rebuttal:

-Allen Daniel stated that the current library site is not feasible. He stated that from a voting standpoint, 1200 people a day show for early voting and in 2016 there will be 4 elections. He added that he would like to see a Visitor's Center at the current library location with the Stagecoach displayed in a large front window. He stated that he went to the site and aerial photo of the proposed plan and does not count the number of parking spaces that are being claimed.

There being no one else wishing to speak, Mayor Nelson closed the public hearing. Council Member Rogers made a motion and requested a hand and voice vote to reject the proposal that would remodel or expand the library at the existing location. The motion was seconded by Council Member Cameron. Discussion followed. Council Member Rogers read a written statement that "this decision rests wholly with the Council which the citizens have entrusted this Council to make decisions in the best interest for the residents and businesses of the Village of Clemmons and the surrounding areas and cannot belabor in the task but must act in a proficient and decisive manner which will set the course for our community well into the future." He stated, "This Council has been handed a task which I take very seriously to deliver not only to our citizens but also those outside our Village limits a facility that will be adaptable and expandable on the site selected. Since 1986, Village Councils have worked hard to save money in an account to be used for future needs. Some will say that they are saving money but the money they are speaking of is not money they have saved but money that wise men and women from previous Councils had the wherewithal to prepare us for this duty that we have now been given. Money is a consideration, not an issue. The scare tactic of a tax increase is despicable. We approved the budget with no tax increase and we have no debt, nothing, zero, zilch, nada. Let's move on with our obligation to deliver the best possible site for a new library, we did not vote for a used one. The current site falls well short. Thank you." Council Member Cameron read from a list of terms she heard used throughout the evening which included: dismayed, unacceptable, dangerous, precarious, deplorable, unfortunate, limiting opportunities, silly, catastrophic. She stated this is not a referendum against Mr. Broyhill and applauds what he did with the Old Clemmons School and is proud of that. The citizens have elected each one of them to make decisions and as was pointed out, other sites have been considered but is unable to go into the details as those were in Closed Session discussions and were in negotiations on another piece of property until those negotiations were broken off when Mr. Broyhill's site came up again and there are still a lot of unanswered questions as to whether or not the County's requirements will be met. She stated a library with safe access, close and ample parking, can fulfill our current needs, take us into the future and can be expanded. She stated there is one question to ask "Is this the best place in the Village to put a library?" and the answer is "no". She stated if the answer is "no" then it doesn't matter if it's free. If we go somewhere else, we will most likely have to purchase a piece of property. She asked Finance Officer Ann Stroud to take out all of the money that is earmarked for something else and what is left to "spend". The answer was \$1.5 million. We don't have to go into debt to purchase property, we have it in the bank to be used in situations like this. We have spent thousands of dollars from that account to get millions of dollars in grants for sidewalks and greenways. We need to use it on this or something else but this is the only

institution in the entire Village that potentially touches every citizen. A decision needs to be made tonight, either send this site to the County Commissioners who will review the site and decide if it is suitable and meets the requirements. The County will be the one to design the site if it is acceptable or Council needs to get back to selecting a new site. Council Member Lawry advised that Council has been meeting in Closed Session for months reviewing different sites. He stated that he had proposed a cattle call be put out to the citizens of Clemmons regarding any property they knew of that would be a good site for a library and was told no that a few would be considered. He stated that he then asked to hear from the Village via survey and was told no. He advised that the proposal from Mr. Broyhill was considered at the last moment but this was not the first time a proposal from Mr. Broyhill was looked at. He stated the first proposal from Mr. Broyhill had a lot of moving parts and we could not put the possibility of losing the library on one of those moving parts. He asked Mr. Broyhill to come back with a no moving parts proposal which is what he did. He stated that if the County had the design and construction set up, the library could be started on tomorrow. He stated there is no County requirement for the Village to provide 3 acres and that it can be done on any reasonable site and the bonds that the citizens voted for would allow for site selection, refurbishing, renovating, rebuilding and expanding. He advised this is what is currently going on with the Central Library in downtown Winston-Salem as they have a skeleton library crew while movement is taking place during the construction to allow for the library to remain open. He stated that the Village of Clemmons prides itself on not having any debt and not having to spend money that does not have to be spent and until Mr. Broyhill proposed his site, were looking at spending \$1 million. He advised of the Overlay Committee which has been working to deal with the traffic on Lewisville-Clemmons Road and they will be presenting projects in the near future. He asked the question "do we pay \$1 million for a library or go forward with that in its full scope?" He stated that he is confident if the library is renovated/expanded at its current location then Clemmons will get a good library and traffic is a consequence of civilization. Council Member Rogers stated the \$1.5 million that Council Member Cameron alluded to does not take into account the \$3 million that is left in the bank as a safety net. Council Member Denny advised that the \$3 million is in an emergency fund. Mayor Nelson asked if Staff could identify any site that was discussed that would have cost \$1 million without divulging confidential information. Attorney Kasper answered stating that any property he has negotiated the purchase price of, any site looked at, does not reach \$1 million. He then stated that it is true that when or if you choose to do the infrastructure that you can add to that cost and it would be in the neighborhood of \$1 million but the required infrastructure and purchase price of any site looked at would not reach \$1 million. Council Member Cameron stated that any required infrastructure funds could come from funds marked specifically for that purpose and gave the example of Stormwater and if roads were needed that money could come from the Powell Bill funds from the State. Council Member Denny stated that if money is taken out of the Powell Bill fund for roads for a library then it would take away from the funds available to do projects around Clemmons. He stated that when another property was being considered there was never a specific cost provided for the roads and he and another Council Member were not in favor of putting in the roads stating he was for the land but totally against putting in any roads. He stated the Broyhill site then came about at no cost to the

taxpayers and that is when he jumped over to the Broyhill site. He stated that there is information out there that people know about that was discussed in Closed Session that should not be out there and he is for the Broyhill site. Council Member Roark stated there is an argument for both sides and did not feel the vote should be made but put off and the argument of both sides heard and considered. He stated he represents all people those sitting in the room and those outside of the room. Council Member Cameron advised that she personally has not heard from a single citizen in the Village of Clemmons to leave the library where it is and she does not want to waste the goodwill with the County Commissioners and another 6 months with this decision. She advised that the County sent out a timetable which indicates them picking someone to design the site and start construction in 2016. Mayor Nelson asked Attorney Kasper to identify the General Statute discussing privately deciding on a vote without the audience being able to visually or audibly hear the discussion going on between Council Members. Attorney Kasper stated that if Council is voting then each person must be identifiable as to how they vote and if it is inaudible then it is treated as a "yes" vote. Mayor Nelson then advised Council Member Lawry not to discuss with another Council Member about a vote without the other members, audience or staff being able to hear what is being said. Council Member Lawry apologized stating it was a procedural question he had. Council Member Rogers asked Council Member Lawry if he would like to share what was said. Council Member Lawry stated that Council Member Roark had indicated to him earlier in the evening that he was interested in tabling this discussion so he suggested that they reject Council Member Cameron's motion and bring up the motion to table the discussion. The motion to reject the proposal that would remodel or expand the library at the existing location failed by a 3-2 vote with Council Members Denny, Lawry and Roark in opposition.

Council Member Denny made a motion to table the Council discussion and allow anyone who wanted to speak at the Public Hearing but did not have an opportunity to be able to speak during the Public Comments portion of the next regularly scheduled Council meeting. The motion was seconded by Council Member Roark and approved by a 3-2 vote with Council Members Cameron and Rogers in opposition.

Council Member Rogers made a motion to continue the meeting past 10:00 p.m. The motion was seconded by Council Member Cameron and unanimously approved.

Mayor Nelson made a recommendation to recess the meeting and reconvene at Village Hall on Tuesday, July 14, 2015 at 6:00 p.m.

Council Member Rogers made a motion to modify the agenda to start the meeting on Tuesday, July 14, 2015 with Agenda Item J. Closed Session for attorney-client privilege discussion in accordance with NCGS 143-318.11(a)(3) and personnel matter in accordance with NCGS 143-318.11(a)(5). The motion was seconded by Council Member Lawry and unanimously approved.

Council Member Rogers made a motion to recess the meeting until Tuesday, July 14, 2015 at 6:00 p.m. at Village Hall. The motion was seconded by Council Member Cameron and unanimously approved.

Mayor Nelson reconvened the meeting on Tuesday, July 14, 2015 at 6:00 p.m. starting with Agenda Item J. Closed Session for attorney-client privilege discussion in accordance with NCGS 143-318.11(a)(3) and personnel matter in accordance with NCGS 143-318.11(a)(5).

- J. Closed Session for attorney-client privilege discussion in accordance with NCGS 143-318.11(a)(3) and personnel matter in accordance with NCGS 143-318.11(a)(5).

Council Member Rogers made a motion to reconvene the regular meeting. Council Member Denny seconded the motion which was unanimously approved.

- B. Resolution 2015-R-10 Adopting the Northern Piedmont Regional Hazard Mitigation Plan - Resolution 2015-R-10 Adopting the Northern Regional Hazard Mitigation Plan was presented.

Council Member Lawry moved to table the adoption of Resolution 2015-R-10 as presented for further review until next Council meeting.

- C. Resolution 2015-R-11 Adopting the Proposed City-County Public Art Plan - Resolution 2015-R-11 Adopting the Proposed City-County Public Art Plan was presented. (Attached hereto as Exhibit A and incorporated as a part of the minutes.)

Council Member Cameron moved to adopt Resolution 2015-R-11 as presented. The motion was seconded by Council Member Roark and unanimously approved.

- D. Attorney's Report
1. *Discussion of Peddler and Panhandler Ordinances.* Ordinance 2015-02 Amending Chapter 111 Peddlers was presented. (Attached hereto as Exhibit B and incorporated as a part of the minutes.)

Council Member Rogers made a motion to approve Ordinance 2015-02 Amending Chapter 111 Peddlers. Council Member Cameron seconded the motion which was unanimously approved.

- E. Planner's Report – Nothing to report.
- F. Marketing/Communication Director's Report – Staff's recommendation of grant funding was presented to Council members for review prior to next Council meeting.

G. Public Works Equipment Bid Approvals

1. *Grass Hopper Zero Turn Mowers (2)* - The bid for the 2 Grass Hopper zero turn mowers came through a State Contract and came in under the \$28,000 budget. The mowers with necessary equipment were \$26,564.90.

Council Member Lawry moved to approve the purchase of 2 Grass Hopper Zero Turn Mowers through a State Contract for \$24,314.90 (\$26,564.90 with necessary equipment added). The motion was seconded by Council Member Rogers and unanimously approved.

2. *Limb Truck* – The bid for the Limb Truck came through a State Contract and came in under the \$160,000 budget. It will be delivered by Triad Freightliner. The limb truck with tax and necessary equipment was \$154,548.

Council Member Rogers moved to award the purchase of the Limb Truck for \$150,312 from Triad Freighliner through a State contract (\$154,548 with tax and necessary equipment added). The motion was seconded by Council Member Roark and unanimously approved.

3. *Dump Truck* - The bid for the Dump Truck came through a State Contract and came in under the \$132,000 budget. It will be delivered by Triad Freightliner. The dump truck with tax and necessary equipment was \$124,360.

Council Member Roark moved to award the purchase of the Dump Truck for \$120,124 from Triad Freighliner through a State contract (\$124,360 with tax and necessary equipment added). The motion was seconded by Council Member Cameron and unanimously approved.

4. *Ford F150* - The bid for the Ford F150 came through a State Contract and came in under the \$40,000 budget. It will be delivered by Phillips Ford. The Ford F150 with tax and necessary equipment was \$38,763.

Council Member Cameron moved to award the purchase of the Ford F150 for \$35,577 from Phillips Ford through a State contract (\$38,763 with tax and necessary equipment added). The motion was seconded by Council Member Roark and unanimously approved.

5. *Ford Escape SUV* - The bid for the Ford Escape SUV came through a State Contract and came in under the \$40,000 budget. It will be delivered by Phillips Ford. The Ford Escape SUV with tax and necessary equipment was \$24,869.09.

Council Member Denny moved to award the purchase of the Ford Escape SUV for \$21,003 from Phillips Ford through a State contract (\$24,849.09 with tax and necessary equipment added). The motion was seconded by Council Member Roark and unanimously approved.

6. *Concrete* - Staff recommended the lowest bid from Lakey's Backhoe Service, Inc. (concrete to be provided and poured by Shoaf Concrete) for the concrete slab around Public Works building project. The project had a \$140,000 budget.

Company	Bid Amount
Yadkin Valley Paving, Inc.	\$33,295.90
Lakey's Backhoe Service, Inc.	\$25,500.00

Council Member Rogers moved to award the bid to Lakey's Backhoe Service, Inc. for \$25,500 for the concrete slab around Public Works building project. The motion was seconded by Council Member Cameron and unanimously approved.

H. Manager's Report

1. *Forsyth County Sheriff's Report for May 31, 2015*. Report was presented. Council Member Cameron requested signs be strategically placed prior to Council meetings where a large crowd is anticipated instructing citizens on sign in procedures for speaking. It was decided that two signs will be placed on each side of the outside entrance area to the Council meeting room.

I. Council Comments – Mayor Nelson stated that he, as an elected official who swore on the Bible to uphold the Constitution believes that his first duty is to ensure the Constitutional rights of the individuals in the community are supposed to be allowed and that includes individuals who would like to speak during Public Comments portion. He stated the reason for this statement is that Council Member Lawry accused him of a coup or some sort of misdoing. He stated that last night the names on the lists had been exhausted and he had called those names for the Public Comments portion. He understands there was some confusion but wants to be sure that again, for the record, everyone knows that his attempt to follow the rules was not an attempt to make a political stance because as he started off saying that his first duty as an elected official is to uphold the Constitution and he believes every individual deserves a chance to speak under their First Amendment Right and there was no censorship for any individual who spoke which was the case when one individual spoke negatively about him which he has that right and he should have the ability to come up and speak like any other person. He believes that his job last night was to make sure that each individual had an opportunity to speak based on the rules that this Council has adopted.

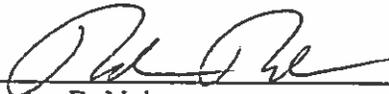
Council Member Rogers read a statement, "The public hearing on the library site, referred to as the Broyhill site or existing library site, is so obviously delinquent in qualifications for a 20,000 square foot building. There is only 1 acre of County owned land. There has been no formal offer to deed any land to Forsyth County; free and clear of any restrictive covenants, whether given or purchased. Misinformation and scare tactics have been spread throughout our community.

1. No cost to taxpayers – Wrong- The bond is financed by all Forsyth County taxpayers.
2. Historic Clemmons Library – Wrong – I have found folks who remember two before this and one still stands. This library does not meet the criteria to be deemed "historic" built in 1983

3. Library building converted to jail cell/detention center – Wrong- County officials and Sheriff's department never heard of this consideration for use of the building.
4. Tax increase – Never even mentioned in any of our discussions, we have monies set aside in the unassigned fund balance for opportunities such as this. That is why it has been saved, not just to boast we have millions of dollars in the bank. The Council set a minimum balance of \$3 million dollars to remain in the account, leaving over \$1.5 million dollars usable for capital projects/purchases. Furthermore, we were advised that this site does not meet the necessary guidelines for Closed Session meetings according to General Statute."

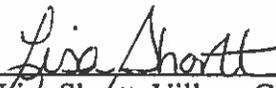
Adjournment

Council Member Roark moved to adjourn the meeting at 7:43 p.m. The motion was seconded by Council Member Rogers and was unanimously approved.



Nickolas B. Nelson
Mayor

ATTEST:



Lisa Shortt, Village Clerk

**RESOLUTION ADOPTING THE
PROPOSED *CITY-COUNTY PUBLIC ART PLAN***

WHEREAS, public art was one of the items that generated the most support during the *Legacy 2030 Comprehensive Plan* public outreach phase; and

WHEREAS, the *Legacy 2030 Comprehensive Plan* recommends a more intentional approach to public art in Forsyth County; and

WHEREAS, public art helps to create a unique sense of place, increases tourism, encourages creative place-making, and can lead to higher local GDP growth; and

WHEREAS, the City-County Planning Board recommended adoption of the *City-County Public Art Plan* on January 22, 2015; and

WHEREAS, the Forsyth County Board of Commissioners adopted the *City-County Public Art Plan* on April 27, 2015; and

WHEREAS, the proposed *City-County Public Art Plan* contains recommendations that define the approach and process for how public art can be encouraged, proposed, funded, placed, and maintained; and

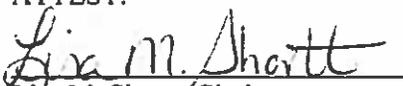
NOW, THEREFORE, BE IT RESOLVED that the Mayor and Village Council hereby adopt the attached *City-County Public Art Plan* and encourage the plan's use to participate in a City-County Public Art Commission that can facilitate public art in the Village of Clemmons.

Adopted on July 13, 2015.



Nickolas B. Nelson, Mayor

ATTEST:



Lisa M. Shortt, Clerk



ORDINANCE NO. 2015-02

AMENDMENT TO CHAPTER 111 OF THE VILLAGE OF CLEMMONS, NORTH CAROLINA CODE OF ORDINANCES

WHEREAS, the Village Council of the Village of Clemmons has enacted regulations related to the door to door selling of goods and services and solicitation of orders to promote the public health, safety and welfare; and

WHEREAS the Village Council of the Village of Clemmons has determined existing village ordinances do not adequately regulate door to door sales by peddlers; and

WHEREAS, the General Statutes of the State of North Carolina grant the Village the authority to regulate businesses and trades, to regulate solicitation and peddling, and to exercise control over the streets and public rights of way; and

NOW, THEREFORE, BE IT ORDAINED by the Village Council of The Village of Clemmons that Chapter 111 of the Village Code of Ordinances is amended as follows:

Any provisions contained in Chapter 111 of the Village Code of Ordinances which purports to permit or regulate "Peddlers" as defined therein is deleted; the remainder of said Chapter is re-designated Section B. A new Section A, as follows, is made a part of Chapter 111:

Section A – Peddlers and Door-to-Door Commercial Solicitation Prohibited at Private Residences

111A-01. Peddler Defined

Peddler: The word "peddler" shall mean any individual whether a resident of the Village or not, traveling either by foot, bicycle, automobile, motor truck, or any other type of conveyance, from place to place, from house to house, or from street to street, in the Village, selling or attempting to sell goods, wares and merchandise and personal property of any nature whatsoever or services for immediate or future delivery. This definition shall not apply to the following persons:

- a. Those who peddle solely to industrial, commercial or professional establishments within the Village;
- b. Those who peddle solely agricultural or forest products which have not been subjected to any manufacturing process; and
- c. Those peddling for schools, educational, fire, police, religious or charitable organizations when the provisions of any applicable business license tax ordinances or permitting procedures have been complied with.

111A-02. Nuisance Finding

The practice of going in and upon private residences in the Village by solicitors, peddlers, hawkers, itinerant merchants or transient vendors of merchandise, books, periodicals, magazines, pictures, prints and/or photographs, not having been requested or invited to do so by the owner or occupant of such private residence, for the purpose of soliciting orders for goods, wares, books, periodicals, magazines, prints, merchandise and/or disposing and/or peddling or hawking the

same and/or for the purpose of selling or contracting for the provision of services, whether they are to provided contemporaneous to the solicitation, or at a later time, are declared to be a nuisance and punishable for a misdemeanor.

111A-03. Unlawful Conduct Prohibited.

It shall be unlawful, unless with the prior permission or invitation of the owner or occupant, for any person to enter upon any privately owned premises in the Village used as a dwelling for the purpose of soliciting orders for the immediate or future delivery of goods, merchandise, or services, specifically including the taking of subscriptions for magazines.

111A-04. Violations

Violations of this Chapter shall be a Class 1 Misdemeanor, and shall be punishable by a fine not to exceed One Hundred Dollars (\$100.00), or by imprisonment for not more than seven (7) days. Each day that a peddler shall violate this section shall constitute a separate offense.

111A-05. Enforcement

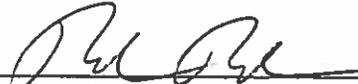
Any law enforcement agent, the Village Manager or his or her designee, upon showing proper credentials, and in the discharge of his or her duties may initiate any appropriate action or proceedings to prevent, restrain, correct, or enforce any violation of this chapter.

111A-06. Effective Date

This amendment shall be effective from and after its adoption.

Adopted, this the 14th day of July, 2015.

Village of Clemmons

By: 
Nickolas Nelson, Mayor

Attest:


Lisa Shortt, Village Clerk

