

**REGULAR MEETING OF
THE VILLAGE OF CLEMMONS COUNCIL
September 26, 2016**

The Village of Clemmons Council met on Monday, September 26, 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 14 citizens in attendance. There were five individuals signed in to speak:

- Ken Ridings, 5605 Cardinal Way, Greensboro, NC – is a business owner along a portion of Lewisville-Clemmons Road and wants clarification on the proposed median to be constructed as his tenants are concerned about the impact a median could have on their businesses.
- Nat Swanson, 236 Bermuda Run Drive, Bermuda Run, NC – expressed his concerns of a median being constructed on Lewisville-Clemmons Road.
- Holly Groce, 1841 Curraghmore Road, Clemmons, NC – representing Hip Chics and expressed concerns of a proposed median on Lewisville-Clemmons Road as the business prides itself on providing quality service at a convenience to its customers.
- Linda Miller, PO Box 1066, Clemmons, NC – representing Fraleigh’s Boutique and expressed concerns over a proposed median on Lewisville-Clemmons Road stating the ease of accessibility for the majority of their customer base would be impacted.
- C. Robin Dean, 3523 Lawrence Street, Clemmons, NC – expressed concerns regarding traffic flow and safety on Lewisville-Clemmons Road.

Approval of the Minutes

Council Member Rogers moved to approve the minutes of the September 12, 2016 regular meeting as presented. The motion was seconded by Council Member Cameron and unanimously approved.

Approval of the Agenda

Manager Kirby requested the addition of the following two items: Under Manager’s Report Item “5. Report on Tanglewood Festival of Lights 2016” and under Planner’s Report Item “2. Village Point Drive Site Plan”.

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

Announcements

Manager Kirby announced an illness of Tom Lynch which may require unexpected absences of Sr. Administrative Assistant, Patty Fife.

Council Member Cameron expressed her appreciation to Staff for the fantastic job they did in

presenting during Clemmons 101.

Business

- A. Marketing/Communications Director's Report.
1. Events Update – Manager Kirby provided an update on the following upcoming events:
 - Harvest Fest will be in conjunction with the Farmer's Market on Thursday, October 6, 2016 from 4-7PM at Village Hall.
 - Registrations from businesses and organizations is currently taking place for Monster Dash & Goblin Hop which is scheduled for Sunday, October 23, 2016 from 2-5PM at the Greenway.
 - He advised that there were approximately 1400 people in attendance at the last movie night of 2016.
- B. Manager's Report.
1. Recognition Guidelines and Recommendations – Mayor Nelson polled Council to determine if there was a need to establish a policy for levels of recognition presented by Council. After some discussion, it was decided by Council to leave things as they are currently which is for the Mayor or Council Members to inform the others if there is someone they wish to recognize and the level of recognition will be agreed upon at that time.
 2. Financial Summary Report for August 2016 – Manager Kirby presented the report.
 3. 30th Anniversary of Village of Clemmons – November 8, 2016 – Manager Kirby reminded of the upcoming anniversary date of the Village of Clemmons' incorporation.
 4. TAC Update (Council Member Rogers) – Manager Kirby stated that per TCC there is \$200m over the next 10 years allocated to this region to give to the division, which consists of five counties. He advised that it would probably be the latter part of 10 years before funded/started. Council Member Rogers advised that the Lewisville-Clemmons Road median went from 9th on the list to 3rd on the list because the project had received 100 points which would equate to \$21,232,000. This would be for a median project on Lewisville-Clemmons Road between I-40 and Highway 158 designated as H090522 and has gone through TCC and TAC and is recommended by Division 9 and Winston-Salem's MPO Staff. He advised that 3.0 public input sessions were conducted in 2014 and there will be significant opportunity for citizens and local officials to participate in the project development process. He stated that a feasibility study was completed in October 2010 outlined seven different alternatives to improve Lewisville-Clemmons Road from Peacehaven Road to Highway 158 (all median-divided). At that time, based on the results, any median-divided alternative would provide safety and operational benefit by alleviating left turns along that section. The processes that will be followed if selected are: if the project is selected for funding, an engineering firm is selected by NCDOT for the design, public meetings

are held regarding the desires of residents and business owners, the design is developed, the project goes back out for public review, final adjustments are made and the construction process begins. He stated that by assigning points to the project now, it does not mean the project will be accepted by the state. It will go back to NCDOT for review and evaluation once again and at that point would be ranked and sent back to TAC in January 2018 as to whether or not it is a recommended project. According to Pat Ivey, this would be done in the second half of the 2018-2027 10-year cycle and would beginning no earlier than 2023. Council Member Combest stated based on comments from citizens both for and against a median, he started doing some research. He then presented statistical information gathered from the Village of Clemmons' Transportation Plan during the 2004-2007 timeframe and the Federal Highway Safety Program. He stated that the results indicate from the comparison of raised versus paved medians that medians are essential for maintaining safety and business viability as growth continues based on the data.

Council Member Cameron advised that Lewisville-Clemmons Road has been the number one on-going complaint of citizens for years. She stated NCDOT has come up with this solution after looking into alternatives to address traffic issues on Lewisville-Clemmons Road as the safest way to negotiate this road which is of primary importance and if NCDOT wants to come in and install a median down Lewisville-Clemmons Road, they can without any input whatsoever. She stated that she sees this is an opportunity to fix the road with some input with NCDOT paying for it. Mayor Nelson clarified that Staff had not indicated one way or another where to put the points.

Council Member Rogers confirmed that Pat Ivey stated this project funding would not include improvements to the I-40/Lewisville-Clemmons Road interchange.

Council Member Wrights stated the \$21M funding has to go towards a median and the Village of Clemmons would be responsible for cuts and any tree and shrub planting in the median. He stated that the overwhelming concern with citizens in Clemmons is Lewisville-Clemmons Road but a median is not the answer. He pointed out that the overlay plan was established two years ago as a means to address the issues on Lewisville-Clemmons Road and that the businesses along Lewisville-Clemmons Road are in favor of the overlay plan giving the Village of Clemmons \$4M in right-of-way in order to put this plan into action to avoid a median. He voiced that it is his concern that if the Village does this that those businesses will likely not work with the Village in the future.

Council Member Cameron advised this parallel road was never an "in place of" a median stating that the plan is a great plan and needs to go into effect as a working together situation. She advised that parallel roads solves part of the problem of Lewisville-Clemmons Road but not the crash

problem which is left turns and that would be solved by a median. Council Member Farmer stated actually sees those two plans working together very well. He expressed that the one thing he likes about Pat Ivey's plan is all of the public input sessions that will be held allowing everyone an opportunity to express how this will impact them or their business.

Mayor Nelson advised that Lewisville-Clemmons Road has been and continues to be "the project" and that the Council took a direction two years ago to create more options for those businesses which was the idea for the overlay committee. He stated the overlay will not only reduce volume but create more square footage that will see traffic. He expressed his concern that these are traffic engineers interested in traffic and crash rates but not they are not in the business of helping businesses.

Further discussion ensued relating to crash rate data and Planner Ledbetter advised that for the most up-to-date information would take approximately a month and a half to receive from NCDOT.

Council Member Rogers stated that if Council decided to assign the Village of Clemmons' 40 points now, then TAC votes in October to approve the points assigned and it will go back to Raleigh for the SPOT process and then will come back. He advised that just because it goes back to Raleigh that does not mean that it will necessarily be approved but that being higher on the list there is a more likelihood for it to be approved.

A discussion regarding the widening of Highway 158 began and Planner Ledbetter noted that the divisional money cannot be used for Highway 158 as that is considered a regional project and the division has shifted this money away from the regional projects which is a philosophical change under the current administration.

Council Member Combest explained he is understanding two things from this discussion: first is, that this is a lengthy process and the opportunity is there now to possibly secure this funding but if down the road the Village decides not interested in pursuing further there is an opportunity to say no thanks; second is, Council can decide right now that they do not want the money and wait for additional public input and then go back stating they would like the money but the money may not be there. His suggestion is to get the process started then have the public debate and if the public says no then give the money back as there is that option.

Planner Ledbetter reminded Council that in the end she is not sure how much say there is as ultimately this is a NCDOT project and if they want build the project, they will build the project but they could certainly make their voice known.

Mayor Nelson strenuously recommended to Council that there be a policy of unwavering direction that, as a matter of personal opinion, a "just kidding" stance is not taken towards state funding or state projects and partnerships whether or not a resolution is passed or opposed.

Council Member Rogers stated that he is asking from Council whether or

not to assign the 40 points, whether to adopt the resolution or not.

- a. *Resolution 2016-R-17 to Support NCDOT Request for the Construction of a Median on Lewisville-Clemmons Road - Resolution 2016-R-17 Support NCDOT Request for the Construction of a Median on Lewisville-Clemmons Road* was presented (attached hereto as Exhibit A and incorporated as a part of the minutes).

Council Member Combest moved to adopt Resolution 2016-R-17 to Support NCDOT Request for the Construction of a Median on Lewisville-Clemmons Road. The motion was seconded by Council Member Farmer and approved by a 4-1 vote with Council Member Wrights voting in opposition.

5. *Report on Tanglewood Festival of Lights – 2016* – Manager Kirby advised that, in an effort to alleviate the traffic congestion caused by the Tanglewood Festival of Lights and in coordination with the Forsyth County Sheriff's Department, the Village of Clemmons is implementing a pilot program with the use of colored placards which will be distributed (one per household) to residents in one of the following four neighborhoods: Asbury Place, Old Meadowbrook, Tanglewood Farms and Westridge. By placing the placard on the driver's side dashboard, this will allow residents to turn left off of Harper Road onto Highway 158 or into Old Meadowbrook. He advised that the County is working to speed up the process of credit card payments and at this time there is no pre-purchase of tickets offered by Tanglewood. He stated that the Village of Clemmons is offering a \$50 reimbursement per bus tour to Clemmons hotels for any packages to the Tanglewood Festival of Lights which include an overnight stay at a hotel in Clemmons.

C. *Attorney's Report* – Nothing to report. Attorney Kasper stated he has been working on Stormwater agreements for 3-4 different projects.

D. *Planner's Report.*

1. *Minutes from the September 20, 2016 Planning Board Meeting* – Planner Ledbetter stated the minutes would be emailed to Council and reminded the audio minutes have been emailed.
2. *Village Point Site Plan* - Planner Ledbetter explained to Council that the developer for Clemmons Town Center formerly called Village Point Square is requesting Council's review of a modified site plan. Originally, the site was slated to go back through Planning Board and Council with an anticipated Council review in November. Due to environmental permits, a final site plan needs to be formalized this week. Staff felt the changes were substantial enough for a Council review. Planner Ledbetter went through changes of the site plan including TRC comments that the developer could not provide mitigation for including: reduction in the height of the retaining wall, Right-of-Way dedication to Chris Parr's

development and out to Gentry Lane, shifting of buildings and the removal of the greenway trail. A discussion continued about the changes. Staff, including the Village Attorney, did articulate to Council that due to topography and wetlands, the greenway trail was not feasible and discussed the alternative measure of providing an additional sidewalk to connect to Village Point Drive. Staff told Council they could either choose to continue with the original site plan or direct Staff to Staff change the alternative plan as submitted. Council consensus was to keep the original approved site plan directing that Staff not sign off on the alternative plan.

- E. Economic Development Grant – Manager Kirby advised Council that he had received the Economic Development Grant Agreement from the NC Department of Commerce to be used for downtown revitalization. He stated that it would net the Village of Clemmons approximately \$95,000 and there are matching funds from the Village of Clemmons required.

Council Member Combest moved to accept the Economic Development Grant Agreement from the NC Department of Commerce to be used for downtown revitalization. The motion was seconded by Council Member Wrights and unanimously approved.

- F. Sidewalk Construction Bid Proposals - The following quotes were received for sidewalk construction/improvements at Highway 158 and Middlebrook Drive. Staff recommended to reject the bids and re-bid at a later date as the bids came in at nearly double the engineer’s estimate.

Company	Quote
Country Boy Landscaping, Inc.	\$308,888.88
Hollins Construction Services, Inc.	\$254,735.00
Triangle Paving & Grading, Inc.	\$220,177.00

Council Member Rogers made a motion to reject bid proposals for sidewalk construction/improvements at Highway 158 and Middlebrook Drive. The motion was seconded by Council Member Combest and unanimously approved.

- G. Call for Public Hearing – Zoning Map Amendment for Elms Independent Living (Zoning Docket C-216)

Council Member Cameron moved to call for public hearing on Zoning Docket C-216 on Monday, October 10, 2016 at the Regular Village Council Meeting. The motion was seconded by Council Member Farmer and unanimously approved

- H. Public Hearing – Zoning Text Amendment (C-UDO-75) - Zoning Text Amendment C-UDO-75 to modify the Clemmons Unified Development Ordinance Chapter B, Zoning Ordinance Permitted Use Table in Section B.2.6 (C-UDO-75) – Planner Ledbetter presented the Staff Report for Zoning Text Amendment C-UDO-75.

She advised that this text amendment is an amendment to the public library section in the Clemmons UDO. She stated that currently the permitted use for a public library allows for a 10,000 square foot facility and this modification would increase that square footage and also would allow for a Planning Board review with the site plan going to them to allow for their review (attached hereto as Exhibit B and incorporated as a part of the minutes).

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

Council Member Cameron made a motion to adopt the statement of conformity as stated in the Staff Review and recommended approval of the zoning request consistent with that statement for Zoning Text Amendment C-UDO-75. The motion was seconded by Council Member Combest and unanimously approved.

- I. Council Comments – There were none.
- J. Closed Session for Discussion of Property Acquisition in accordance with NCGS 143-318.11(a)(5) – Council Member Cameron moved to go into closed session for discussion of property acquisition in accordance with NCGS 143-18.11(a)(5) at 8:50 p.m. The motion was seconded by Council Member Rogers and unanimously approved.

At 9:10 p.m., Mayor Nelson stated that by unanimous vote Council chose to reconvene the open session. No action was taken

Adjournment

Council Member Rogers moved to adjourn the meeting at 9:12 p.m. The motion was seconded by Council Member Wrights and was unanimously approved.



Nickolas B. Nelson, Mayor

ATTEST:



Lisa Shortt, Village Clerk

RESOLUTION
TO SUPPORT NCDOT REQUEST FOR THE CONSTRUCTION OF A MEDIAN ON
LEWISVILLE-CLEMMONS ROAD IN THE VILLAGE OF CLEMMONS

WHEREAS, Lewisville-Clemmons Road, from Clemmons Road (US 158) to Peace Haven Road, was widened by the North Carolina Department of Transportation (NCDOT) to a five (5) lane cross-section several years ago to provide a common-turn lane and additional capacity for the road; and

WHEREAS, Lewisville-Clemmons Road is a high volume major thoroughfare carrying over 41,000 vehicles per day; and

WHEREAS, Lewisville-Clemmons Road has an average of three accidents a month, according to NCDOT's accident records; and

WHEREAS, this section of Lewisville-Clemmons Road contains more than 64 driveway cuts, creating confusing and dangerous travel patterns; and

WHEREAS, the Village of Clemmons supports the NCDOT SPOT ID H090522 point assignment for future improvements on Lewisville-Clemmons Road; and

WHEREAS, if the project is funded NCDOT will construct a 4-lane divided cross-section with a scope finalized after project approval

WHEREAS, the project scope will consider the median's impact on safety, the management of traffic circulation in the corridor, and the maintenance of access to adjoining property owners; and

WHEREAS, the construction of a median on this section of Lewisville-Clemmons Road will complement NCDOT's STIP Project U-3119 which completed a four (4) lane median divided major thoroughfare for Lewisville-Clemmons Road, from Peace Haven Road north to US 421 in the Village of Clemmons.

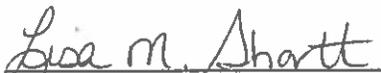
NOW, THEREFORE, BE IT RESOLVED by the Village Council of Clemmons that it supports the NCDOT SPOT priority for the construction of a median on Lewisville-Clemmons Road, from Clemmons Road (US 158) to I-40 in the Village of Clemmons.

Adopted this the 26 day of September, 2016.



Nickolas B. Nelson, Mayor

ATTEST:



Lisa M. Shortt, Village Clerk



Section 2. Chapter B-Zoning Ordinance, Article II, Section 5.41()

Chapter B-Zoning Ordinance Article II-Zoning Districts, Official Zoning Maps and Uses

2-5.41 LIBRARY, PUBLIC

The following conditions apply in the RS and RM Districts:

- (A) AccessThe site shall have direct access to a major or minor thoroughfare.
- (B) Building Size ...The building square footage shall not exceed Twenty-five thousand (25,000) ten-thousand (10,000) square feet.
- (C) Site SizeThe maximum site size shall be five (5) acres.

Section 3. Approved this 26th day of September 2016



Nickolas B. Nelson, Mayor



Attest:



Lisa Shortt
