

**REGULAR MEETING OF  
THE VILLAGE OF CLEMMONS COUNCIL  
September 28, 2015**

The Village of Clemmons Council met on Monday, September 28, 2015, 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, Denny, Lawry and Roark. Mayor Pro Tem Rogers was absent. Attorneys Warren and David Kasper were also present.

**Call to Order & Pledge of Allegiance**

Mayor Nelson called the meeting to order at 7 p.m. and led the Pledge of Allegiance.

**Public Comments**

There were approximately 11 citizens in attendance. There were no individuals signed in to speak.

**Approval of the Minutes**

Council Member Roark moved to approve the minutes of the September 14, 2015 regular meeting as presented. The motion was seconded by Council Member Cameron and unanimously approved.

Council Member Denny moved to approve the Closed Session minutes related to Attorney-Client Privilege Discussions with Attorney Gray Wilson as presented. (Attached hereto as Exhibit A and incorporated as part of the minutes). 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 Lawry and unanimously approved.

**Announcements**

- A. *Next Council Meeting will be held Tuesday, October 13, 2015* – Mayor Nelson advised the next Council meeting will be held on Tuesday, October 13, 2015 at 7:00 p.m. Manager Larry Kirby advised the audience of the passing and funeral arrangements of long-time Clemmons resident, Janet Banzhof. Mrs. Banzhof was a former President of the Clemmons Historical Society.

**Business**

- A. *Preliminary Review of Bluestone Subdivision C-15-002* – Planner Megan Ledbetter advised that the Petitioner has come back with a revised site plan which includes two of the conditions Council discussed at a prior meeting. The Petitioner has agreed to include sidewalk along the linear frontage of the development as well as construct a turn lane based on a 40mph speed per NCDOT design standards. Both NCDOT and Village of Clemmons shall review final plans prior to construction. Public Works Director Mike Gunnell advised that he had discussions with staff members from the Utilities Commission and the Utilities Commission no longer requires the sewer to be extended to the property line. (Attached hereto as Exhibit B and incorporated as part

of the minutes). Mayor Nelson read a statement from Council Member Rogers who was not present but requested his statement be placed on the record. (Attached hereto as Exhibit C and incorporated as part of the minutes).

Council Member Denny made a motion to accept the revised site plan for Bluestone Subdivision C-15-002 which now includes a turn lane as denoted by NCDOT and addition of sidewalk along the linear frontage. The motion was seconded by Council Member Lawry and unanimously approved.

- B. Call for a Public Hearing on October 13, 2015 at 7 p.m. for the Zoning Map Amendment of RPPK, LLC from LO-S Limited Office-Special Use (Professional Office, Office Miscellaneous) to LO-S Limited Office-Special Use. (Zoning Docket C-206)

Council Member Cameron made a motion for a Public Hearing to be held on Tuesday, October 13, 2015 at 7 p.m. at Village Hall for Zoning Map Amendment of RPPK, LLC property – Zoning Docket C-206. The motion was seconded by Council Member Lawry and unanimously approved.

- C. Call for a Public Hearing on October 13, 2015 at 7 p.m. for the Zoning Text Amendment C-UDO-72 to modify the Clemmons Unified Development Ordinance Section 2-1.6 (Overlay and Special Purpose Zoning Districts). (C-UDO-72) -

Council Member Cameron made a motion for a Public Hearing to be held on Tuesday, October 13, 2015 at 7 p.m. at Village Hall for Zoning Text Amendment for C-UDO-72. The motion was seconded by Council Member Roark and unanimously approved.

- D. Agreement with NCDOT for Village Point Drive Construction – TIP # U-5551, Agreement ID # 5689 – Manager Larry Kirby provided an update on the agreement. Attorney Kasper advised having this agreement in place will move the process forward and the agreement with Novant Health is currently being prepared. He advised that Novant will remit payment once invoiced by the Village of Clemmons.

Council Member Cameron made a motion to approve NCDOT Agreement ID #5689 – TIP # U-5551 for Village Point Drive Construction. The motion was seconded by Council Member Roark and unanimously approved.

- E. Approval of Contract from Alley, Williams, Carmen and King for Pavement Ranking – Public Works Director Mike Gunnell provided an update on the contract. He advised that this was included in this year's budget and the last ranking was done in 2013.

Council Member Lawry made a motion to approve the Contract from Alley, Williams, Carmen and King for Pavement Ranking. The motion was seconded by Council Member Roark and unanimously approved.

- F. Designate Voting Delegate for 2015 Annual League Business Meeting - Council

Members Cameron and Rogers will be attending the conference.

Council Member Lawry moved that no Council Member be appointed as a voting delegate or alternate voting delegate. The motion was not seconded.

Council Member Cameron moved to appoint Council Member Rogers as the voting delegate with Council Member Cameron as alternate voting delegate. With Council Member Rogers absent, the motion was amended to appoint Council Member Cameron as the voting delegate with Council Member Rogers as alternate voting delegate. The motion was seconded by Council Member Denny. The motion was approved by a 3 to 1 vote with Council Member Lawry voting in opposition.

G. Attorney's Report – Nothing to report.

H. Planner's Report – Minutes from the September 15, 2015 Planning Board were presented.

I. Manager's Report – Manager Kirby provided an update on the following:  
1. Financial Summary Report for August

J. Council Comments – None.

K. Closed Session for property acquisition discussion in accordance with NCGS 143-318.11(a)(5). Council Member Roark moved to go into closed session to discuss property acquisition in accordance with NCGS 143-18.11(a)(5). The motion was seconded by Council Member Cameron and unanimously approved.

At 8:45 p.m., Mayor Nelson stated that by unanimous vote Council chose to reconvene the open session. No action was taken.

#### Adjournment

Council Member Lawry moved to adjourn the meeting at 8:50 p.m. The motion was seconded by Council Member Cameron and was unanimously approved.



Nickolas B. Nelson  
Mayor

ATTEST:

  
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Lisa Shortt, Village Clerk

**CLOSED SESSION MEETING OF  
THE VILLAGE OF CLEMMONS COUNCIL  
APRIL 13, 2015**

The Village of Clemmons Council met in closed session to discuss personnel matters in accordance with NCGS 143.318-11(a)(6). The following members were present: Mayor Nelson and Council Members Cameron, Denny, Lawry and Rogers. Council Member Roark was absent. Attorneys Warren and David Kasper were also present.

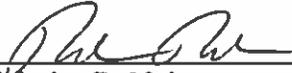
**Business**

Closed Session to discuss personnel matters in accordance with NCGS 143-318.11(a)(6).

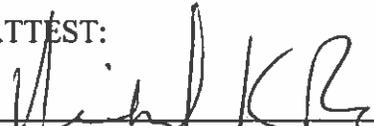
Met with Attorney Gray Wilson and was advised as to ongoing conversations. No action taken.

April 13, 2015 closed session minutes were taken by Mayor Pro Tem Rogers and approved

9/28/2015.

  
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Nickolas B. Nelson  
Mayor

ATTEST:

  
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Mike Rogers, Mayor Pro Tem

**CLOSED SESSION MEETING OF  
THE VILLAGE OF CLEMMONS COUNCIL  
MAY 4, 2015**

The Village of Clemmons Council met in closed session to consult with an attorney in order to preserve the attorney-client privilege in accordance with NCGS 143-318.11(a)(3). The following members were present: Mayor Nelson and Council Members Cameron, Denny, Lawry, Roark and Rogers. No Council member was absent. Attorneys Gray Wilson, Warren Kasper and David Kasper were present.

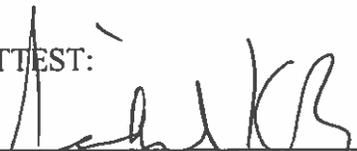
**Business**

Closed Session to consult with attorney in order to preserve the attorney-client privilege in accordance with NCGS 143-318.11(a)(3).

Met with Attorney Gray Wilson and was advised as to ongoing conversations. No action taken.

Minutes of the May 4, 2015 closed session meeting were approved 9/28/2015.

  
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Nickolas B. Nelson  
Mayor

ATTEST:  
  
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Mike Rogers, Mayor Pro Tem

**CLOSED SESSION MEETING OF  
THE VILLAGE OF CLEMMONS COUNCIL  
MAY 11, 2015**

The Village of Clemmons Council met in closed session to discuss personnel matter in accordance with NCGS 143-318.11(a)(6). The following members were present: Mayor Nelson and Council Members Cameron, Denny, Lawry, Roark and Rogers. Attorneys Warren and David Kasper were also present.

**Business**

Closed Session to discuss personnel matters in accordance with NCGS 143-318.11(a)(6).

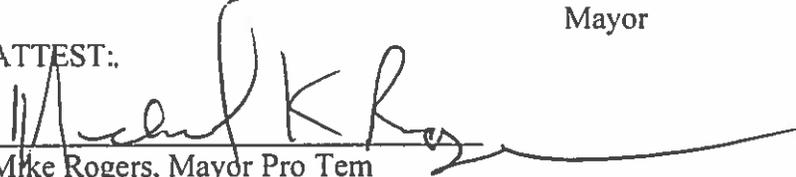
Met with Attorney Gray Wilson and was advised as to ongoing conversations. No action taken.

May 11, 2015 closed session minutes were taken by Mayor Pro Tem Rogers and approved

9/28/2015.

  
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Nickolas B. Nelson  
Mayor

ATTEST:

  
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Mike Rogers, Mayor Pro Tem

**CLOSED SESSION MEETING OF  
THE VILLAGE OF CLEMMONS COUNCIL  
MAY 26, 2015**

The Village of Clemmons Council met in closed session to discuss personnel matter in accordance with NCGS 143-318.11(a)(6). The following members were present: Mayor Nelson and Council Members Denny, Lawry, Roark and Rogers. Council Member Cameron was absent. Attorneys Warren and David Kasper were also present.

**Business**

Closed Session to discuss personnel matters in accordance with NCGS 143-318.11(a)(6).

Met with Attorney Gray Wilson and was advised as to ongoing conversations. No action taken.

May 26, 2015 closed session minutes were taken by Mayor Pro Tem Rogers and approved

9/28/2015

  
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Nickolas B. Nelson  
Mayor

ATTEST: /

  
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Mike Rogers, Mayor Pro Tem

**CLOSED SESSION MEETING OF  
THE VILLAGE OF CLEMMONS COUNCIL  
JUNE 8, 2015**

The Village of Clemmons Council met in closed session to discuss under attorney-client privilege in accordance with NCGS 143-318.11(a)(3). The following members were present: Mayor Pro Tem Rogers and Council Members Denny, Lawry and Cameron. Mayor Nelson and Council Member Roark were absent. Attorneys Warren and David Kasper were also present.

**Business**

Closed Session to discuss personnel matters in accordance with NCGS 143-318.11(a)(3).

Met with Attorney Gray Wilson and was advised as to ongoing conversations. No action taken.

June 8, 2015 closed session minutes were taken by Mayor Pro Tem Rogers and approved

9/28/2015.

  
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Nicholas B. Nelson  
Mayor

ATTEST;

  
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Mike Rogers  
Mayor Pro Tem

**CLOSED SESSION MEETING OF  
THE VILLAGE OF CLEMMONS COUNCIL  
JUNE 22, 2015**

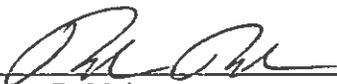
The Village of Clemmons Council met in closed session for discussion under attorney-client privilege in accordance with NCGS 143-318.11(a)(3). The following members were present: Mayor Pro Tem Rogers and Council Members Cameron, Denny, Lawry and Roark. Mayor Nelson was absent.

**Business**

Closed Session for discussion under attorney-client privilege in accordance with NCGS 143-318.11(a)(3).

Met with Attorney Gray Wilson and asked that he continue negotiations with a limit set. Need to finalize ASAP. No action taken.

Minutes of the June 22, 2015 closed session meeting were taken by Mayor Pro Tem Rogers and approved 9/28/2015.

  
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Nicholas B. Nelson  
Mayor

ATTEST:

  
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Mike Rogers  
Mayor Pro Tem

**CLOSED SESSION MEETING OF  
THE VILLAGE OF CLEMMONS COUNCIL  
JULY 14, 2015**

The Village of Clemmons Council met in closed session to discuss personnel matters in accordance with NCGS 143.318-11(a)(6). The following members were present: Mayor Nelson and Council Members Cameron, Denny, Lawry, Roark and Rogers.

**Business**

Closed Session to discuss personnel matters in accordance with NCGS 143.318-11(a)(6).

Met with attorney Grey Wilson. Mr. Wilson provided Council with a proposed settlement agreement. Mr. Wilson felt the proposed provisions were unrealistic and that he would express that sentiment to Ms. Sucharski's attorney.

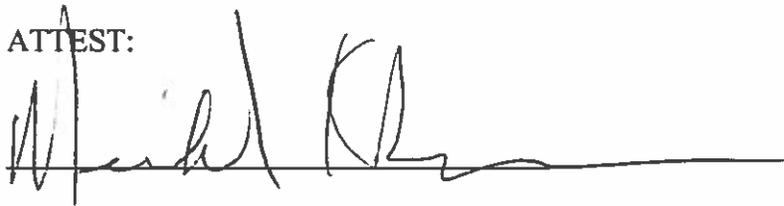
July 14, 2015 closed session minutes were taken by Mayor Nelson and approved

9/28/2015.



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Nickolas B. Nelson  
Mayor

ATTEST:



**CLOSED SESSION MEETING OF  
THE VILLAGE OF CLEMMONS COUNCIL  
JULY 20, 2015**

The Village of Clemmons Council met in closed session to discuss personnel matters in accordance with NCGS 143.318-11(a)(6). The following members were present: Mayor Nelson and Council Members Cameron, Denny, Lawry, Roark and Rogers.

**Business**

Closed Session to discuss personnel matters in accordance with NCGS 143.318-11(a)(6).

Met with attorney Grey Wilson. Mr. Wilson provided Council with a revised proposed settlement agreement. There were several items that needed to be revised including the release of all future claims including retirement benefits. Council agreed that one check would be out to Marsha Sucharski and her attorney. Council agreed the Village would not pay for her attorney fees. Also, Clemmons would not pay taxes and liabilities owed to the state or federal government after the settlement payment was made to Marsha.

July 20, 2015 closed session minutes were taken by Mayor Nelson and approved

9/28/2015

  
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Nickolas B. Nelson  
Mayor

ATTEST:

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**CLOSED SESSION MEETING OF  
THE VILLAGE OF CLEMMONS COUNCIL  
August 10, 2015**

The Village of Clemmons Council met in closed session to discuss personnel matters in accordance with NCGS 143.318-11(a)(6). The following members were present: Mayor Nelson and Council Members Cameron, Denny, Lawry, Roark and Rogers.

**Business**

**Closed Session to discuss personnel matters in accordance with NCGS 143.318-11(a)(6).**

Met with attorney Grey Wilson. Mr. Wilson began the meeting. Marsha Sucharski refused to include the release for future retirement claims. Council discussed what retirement program she would have participated in. Larry Kirby, Manager, was brought in and he indicated there is a state policy and that is the only one he is aware of that she would have participated in as an employee. That information is limited based on state law.

Grey Wilson was asked directly "If a lawsuit would/could arise from this agreement if both parties signed?" Mr. Wilson's answer was, "no." A subsequent question was asked, "Is it possible?" Mr. Wilson's answer was yes.

Councilwoman Cameron suggested that we do not sign the agreement until the retirement clause was removed.

Councilmember Lawry suggested we add the word "restitution" so we didn't have to participate in tax liability.

Based on the fact that Marsha Sucharski continues to renegotiate the agreement, Councilman Rogers and Mayor Nelson suggested discontinuing the settlement based on the fact that she could sue the Village regardless of the agreement.

Grey Wilson indicated that the release for retirement planning claims was boilerplate based on what Brett Helms communicated to him.

Consensus was gathered on revoking the settlement agreement and counsel agreed 4-1 to move forward on settlement negotiations. Mike Rogers being the dissenting vote. Mayor Nelson disagreed with the settlement based on the fact that Larry Kirby made the appropriate decision to fire a hostile employee and that the Mayor supported Kirby's decision.

Grey Wilson was instructed to negotiate settlement. Discussion concluded.

August 10, 2015 closed session minutes were taken by Mayor Nelson and approved  
9/28/2015.

  
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Nickolas B. Nelson  
Mayor

ATTEST:

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**CLOSED SESSION MEETING OF  
THE VILLAGE OF CLEMMONS COUNCIL  
August 24, 2015**

The Village of Clemmons Council met in closed session to discuss personnel matters in accordance with NCGS 143.318-11(a)(6). The following members were present: Mayor Nelson and Council Members Cameron, Denny, Lawry, Roark and Rogers.

**Business**

Closed Session to discuss personnel matters in accordance with NCGS 143.318-11(a)(6).

Atty. Grey Wilson began the meeting with updating Council on revisions made to the settlement agreement between the Village of Clemmons and Marsha Sucharski. There was a revision made to the retirement clause in her retirement program was related to the Local Governmental Employee Retirement System.

Councilwoman Cameron suggested that we move forward with the provision and settlement agreement based on how it was written. Councilmember Rogers objected to the settlement terms. Grey Wilson instructed Council that if they were to approve the agreement that they wait up to seven days to sign it after Marsha stores he had signed the agreement.

Manager Kirby was asked to enter the room and comment on any requests from staff perspective on budget amendment procedures. He responded.

Consensus from Council Member Cameron, Lawry, Denny and Roark was to move forward with the settlement agreement.

August 24, 2015 closed session minutes were taken by Mayor Nelson and approved

9/28/2015.

  
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Nickolas B. Nelson  
Mayor

ATTEST:

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- 1) SITE PLAN TITLE AND NUMBER: C-15-002
- 2) TYPE OF DEVELOPMENT: Preliminary Subdivision Review
- 3) ACREAGE: 20.4 acres
- 4) ZONING: Existing: RS-9(no zoning change requested)
- 5) # UNITS/LOTS: 57 lots;
- 6) DENSITY, IF RESIDENTIAL: 2.79 units/acre
- 7) LOCATION OF DEVELOPMENT: The site is located approximately 1800 linear feet from the intersection of Middlebrook Drive and Idols Road. Property address 6575 Idols Road
- 8) SITE PLAN PREPARER: Allied Design  
Steve Causey  
4720 Kester Mill Road  
Winston-Salem, NC 27103

OWNER AND/OR AGENT: Property Owner: REO Funding Solutions, LLC  
PO Box 56607  
Atlanta, GA 30343

Developer: Grant Oates  
434 Brookstown Avenue  
Winston-Salem, NC 27101  
336-399-7648  
wgoates@gmail.com

- 10) CONDITIONS: (These conditions are additional requirements for development. All other city or county code regulations still apply.)

**PRIOR TO THE ISSUANCE OF GRADING PERMITS:**

- a. The Developer shall obtain a stormwater management permit from the Village of Clemmons Stormwater Administrator.
- b. Developer shall meet the tree protection standards during construction as required in Chapter B.3-4 Landscaping and Tree Preservation Standards for the new large variety trees planted to meet the requirements of the ordinance.

**PRIOR TO THE ISSUANCE OF BUILDING PERMITS:**

- a. An Environmental Grading and Erosion Control permit will be required if more than 10,000 sq. ft. of area is disturbed during construction. An Erosion and Sedimentation Control Plan should be submitted for review at least 30 days prior to the intended start date of construction
- b. The Developer shall submit a utility plan for review
- c. *Developer shall obtain NCDOT and Village of Clemmons Driveway permits. The Village of Clemmons shall review the road improvement plans and approve prior to the issuance of the driveway permits by both NCDOT and the Village to verify it meets the turn lane standard as stated: shall install a turn lane along Idols Road with 50 feet of storage designed for a 40mph speed.*
- d. Developer shall submit a payment in lieu fee to the Village of Clemmons prior to final plat approval.
- e. Developer shall record a final plat in the office of the Register of Deeds. Final plat shall show proposed public streets rights-of-way, property lines, tentative building locations, payment in lieu dedications or open space calculations and all access and utility easements, and public access and maintenance easements for any sidewalks located along public streets which are outside of the public right-of-way.

- f. The Developer shall provide a 20' sanitary sewer easement and a 10' construction easement both to be located out of the 60' undisturbed stream buffer. The Developer shall demonstrate by plans that the proposed future sanitary sewer route shall be adequate to serve Hunters Run Subdivision.*

**PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:**

- a. Developer shall obtain a stormwater occupancy permit from the Village of Clemmons Stormwater Administrator
- b. Developer shall install a turn lane along Idols Road with 50 feet of storage designed for a 40mph speed.

**OTHER REQUIREMENTS:**

- a. All proposed utilities shall be located underground.
- b. Develop shall bond or provide a letter credit for the required sidewalk. 100% of the sidewalk shall be installed within 2 years from the issuance of the first house building permit, excluding the model home.
- c. Developer shall install a mail kiosk in an area outside of the public ROW for the development. No individual mailboxes shall be allowed

Proposed Bluestone Development

It concerns me that the developer came to the Council on September 14th with the intention of disregarding our staff's recommendations and adopted UDO requirements. Did he think that we would just roll over and disregard the safety of our citizens, ignore our Unified Development Ordinance and the general welfare of current and future residents? It is now my understanding that the developer has agreed to install the left and right turn lanes on Idols Road and comply with the Unified Development Ordinance required sidewalk. I thank him for that.

However, the sewer line is being contested. Does he not understand that when this line is installed in the future it has the potential to disrupt the lives of 57 homes in Bluestone? The need to access the property will bring in heavy machinery and an unknown number of outside contractors in their neighborhood. Besides the very likelihood of mud, dust, and dirt, there is the concern of where the vehicles and heavy machinery transports will park during this time and the required materials will be stored.

This sewer line is to be located in an easement around the required storm water pond. The storm water pond will be the neighborhood homeowner's responsibility to maintain. If this line is constructed post development, then the HOA will then be the ones who will have to deal with any issues arising out of this utility line installation. It could possibly compromise the integrity of the pond during the installation of the line. Why place this burden on 57 new family residents in our community.

Several years ago, Shugart Enterprises came to the Council with their site plan for this property and it was approved with the sewer line being required. We must be proactive and forward thinking and not looking back at mistakes that could and should be avoided.

What has changed since the previous property owner's site plan approval that we would not require this sewer line to be installed on this new site plan?

Bottom line, you never have to apologize for doing the right thing.

A handwritten signature in black ink, appearing to read "Michael R.", with a long horizontal flourish extending to the right.