

**REGULAR MEETING OF
THE VILLAGE OF CLEMMONS COUNCIL
October 26, 2015**

The Village of Clemmons Council met on Monday, October 26, 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, Roark and Rogers. 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 51 citizens in attendance. There was one individual signed in to speak.

PJ Lofland, 1460 Lake Cottage Road, Clemmons, NC – expressed concerns over property rights and some of the requirements with the Overlay Plan.

Approval of the Minutes

Council Member Rogers moved to approve the minutes of the October 13, 2015 regular meeting as presented. The motion was seconded by Council Member Cameron and unanimously approved.

Approval of the Agenda

Council Member Lawry requested a change to the agenda moving Business Item C. “Closed Session” to the end of the Business portion of the meeting.

Manager Kirby requested an addition to the agenda under Manager’s Report “2. 2 Homes on Hwy 158”.

Council Member Lawry made a motion to approve the agenda as amended. The motion was seconded by Council Member Denny and failed by a 2-3 vote with Council Members Cameron, Roark and Rogers voting in opposition.

Council Member Rogers requested to leave Business Item C “Closed Session” in place and add under Manager’s Report “2. 2 Homes on Hwy 158”.

Council Member Rogers moved to approve the agenda as amended. The motion was seconded by Council Member Cameron and approved by a 3-2 vote with Council Members Denny and Lawry voting in opposition.

Announcements

Council Member Cameron provided an update on the Monster Dash & Goblin Hop stating approximately 500+ people were in attendance. She thanked staff for their support of the event.

- A. Mayor Nelson recognized and presented certificates to scholarship nominees from

West Forsyth High School. Assistant Principal David Small was also in attendance.

1. Davidson College
 - a. Bryan Scholarship (*Jonah Baker*)
 - b. John M. Belk Scholarship (*Austin Kisner*)
 2. UNC Chapel Hill
 - a. Morehead-Cain Scholarship (*Omsai Meka, Chad Raines*) - *Vanessa Schoning & Ashley Smith were also nominated but not in attendance*
 3. NC State University
 - a. Park Scholarship (*Jonah Baker & Austin Sharpe*)
 - b. Centennial Scholarship (*Erin Bendig & Emily Hale*)
- B. Appreciation to Village of Clemmons for the Partnership and Shared Goals between the Village of Clemmons and WSFCS - Chair, Dana Caudill-Jones and Superintendent, Dr. Beverly Emory expressed their appreciation to the Mayor, Council and Staff for the partnership and support that has developed between the Village of Clemmons and the WSFCS in the Clemmons area.

Business

- A. Recognition of Employee - Manager Kirby, Public Works Director Gunnell and Director of Operations Gearren recognized Public Works employee, Lenny Owens as the recipient of the 2015 American Public Works Association's Fleet Technician of the Year Award for the NC Chapter.
- B. Call for a Public Hearing on November 9, 2015 at 7 p.m. for the Philip and Johanna Hoehns (Hanes) House as Local Historic Landmark Designation (Tax Block 4208, Tax Lot 036B and 040H) – property owners, Thomas A. Gray and Paul P. Zickell

Council Member Rogers made a motion for a Public Hearing to be held on Monday, November 9, 2015 at 7 p.m. at Village Hall for the Philip and Johanna Hoehns (Hanes) House as Local Historic Landmark Designation (Tax Block 4208, Tax Lot 036B and 040H) – property owners, Thomas A. Gray and Paul P. Zickell. The motion was seconded by Council Member Cameron and unanimously approved.

- C. Closed Session for property acquisition discussion in accordance with NCGS 143-318.11(a)(5). Council Member Cameron 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 Roark and unanimously approved.

At 8:20 p.m., Mayor Nelson stated that by unanimous vote Council chose to reconvene the open session. No action was taken.

Council Member Rogers made a motion to purchase a 3 acre tract of land on Stadium Drive owned by Hubbard Realty for \$624,000.00 for the new library site. The motion was seconded by Council Member Cameron and unanimously approved with Council Member Denny adding a comment for the record that he was in favor of the land purchase but not in favor of building a roadway.

- D. Text Amendment C-UDO-72 – Due to this business item being tabled from the previous meeting, Planner Ledbetter described the intent of Zoning Text Amendment C-UDO-72 would be to facilitate implementation of the general intent of the Lewisville-Clemmons Road Strategic Area (south) to promote the redevelopment of the area into a mixed use commercial/office/residential (Attached hereto as Exhibit A and incorporated into the minutes). The amendment is intended to foster development that improves traffic/safety, intensifies land use and economic value, to promote a mix of uses, to enhance the livability of the area, to enhance pedestrian connections, parking conditions, and to foster high-quality buildings and public spaces that help create and sustain long-term economic vitality. The code highlights are vision, intent, requirements, triggers and secondary text amendments.

Council Member Rogers made a motion to approve Zoning Text Amendment C-UDO-72. The motion was seconded by Council Member Cameron and approved by a 4-1 vote with Council Member Lawry voting in opposition.

E. Attorney's Report

1. Contract from Novant Health – Attorney Warren Kasper presented the Agreement that is acceptable from Novant Health for Village Point Drive. The agreement does not provide protection or cover overages. Attorney Kasper stated there are two substantial points in the agreement: (1) Novant's contribution not to exceed \$1.9m – Novant will match dollar for dollar grant money; and (2) upon execution by both parties, there is no backing out and project must be completed – there is an obligation to Novant to complete the road.

2. Discussion of Village Point Roadway – Council Member Rogers asked Attorney Kasper if the Agreement with NCDOT had that same language and Attorney Kasper advised it did not. Mayor Nelson proceeded to question Attorney Kasper as to the reason for the drafted agreement from Novant when the instruction from the previous Council meeting was for him to approach Novant letting them know that there is no deal if the Village of Clemmons would be responsible for any overages. Attorney Kasper advised he was asked by the Manager who had three Council members (Cameron, Roark and Rogers) request an agreement from Novant Health which was acceptable to them to consider. Mayor Nelson requested the record be noted this action was against Council consensus. Council Member Cameron stated she disagreed that there was clear consensus reached. Council Member Denny expressed concern that too many discussions/decisions taking place outside of Council. Council Member Lawry encouraged Council to reject this agreement as he feels the road is premature as there are no definite development plans and would like to revisit some other time. Council Member Roark stated he spoke with someone from NCDOT who feels there is ample money to complete the project which was also Manager Kirby's understanding from a verbal conversation he had with NCDOT.

Council Member Cameron moved to approve the Contract from Novant Health as presented. The motion was seconded by Council Member Rogers and approved by a 3-2 vote with Council Members Denny and Lawry voting in opposition.

F. Planner's Report

1. Budget Amendment 16-G-4 for Transportation Contracted Services – Planner Ledbetter presented the budget amendment in the amount of \$25,000 (Attached hereto as Exhibit B and incorporated into the minutes).

Council Member Rogers moved to adopt Budget Amendment 16-G-4 for Transportation Contracted Services in the amount of \$25,000. The motion was seconded by Council Member Roark and unanimously approved.

2. Consideration of Contract with Kimley-Horn and Associates for the Market Center Roadway Design – Phase I – Planner Ledbetter presented the contract.

Council Member Rogers moved to approve the Contract with Kimley-Horn and Associates for the Market Center Roadway Design – Phase I. The motion was seconded by Council Member Cameron and unanimously approved.

3. Minutes from the October 20, 2015 Planning Board Meeting – Planner Ledbetter presented the minutes.

G. Marketing/Communications Director's Report – Shannon Ford advised of the second “Coffee with a Cop” being held on Thursday, November 5, 2015 from 3:30 – 5:00 p.m. at Krispy Kreme.

H. Manager's Report – Public Works Director Gunnell provided the statistics for the Annual Fall Clean Up stating there were 101 student/adult volunteers from West Forsyth High School, 16 miles of roadway cleaned up equaling 95 bags of trash along with 10 tires. He also advised paving has been completed in the Village and came in \$38k under budget. The last limb pickup will be in November and will resume again in March. Manager Kirby advised that Finance Officer Ann Stroud has been notified the audit is complete and is awaiting documentation from the auditors.

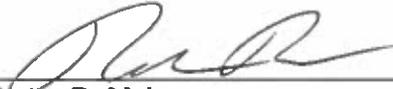
1. Financial Summary Report for Month Ending September 30, 2015 – Manager Kirby presented the report.

2. 2 Homes on Hwy 158 – Manager Kirby advised there are 2 homes on Hwy 158 which Forsyth County could condemn. That process could take approximately 24 months. There is one property owner for both houses who is willing to give the Village of Clemmons permission to proceed with the tear down, closing of the well(s) and fill-in so as to not going through a lengthy process. The cost to tear down the two homes, close the well(s) and fill-in is approximately \$7,600. The Village of Clemmons would then place a 1st contractor's lien on the properties to be reimbursed the expense once the properties sold. Council provided consensus to proceed with the Village of Clemmons handling the process then placing a 1st contractor's lien on the properties to be reimbursed the expense once the properties sold

I. Council Comments – none.

Adjournment

Council Member Rogers moved to adjourn the meeting at 9:07 p.m. The motion was seconded by Council Member Lawry and unanimously approved.



Nicholas B. Nelson
Mayor

ATTEST:



Lisa Shørtt, Village Clerk

**C-UDO-72
AN ORDINANCE AMENDING
THE *UNIFIED DEVELOPMENT ORDINANCE* FOR
THE VILLAGE OF CLEMMONS**

Preamble

Pursuant to the authority conferred by G.S. 160A-381, as amended and for the purpose of promoting the health, safety, morals, or general welfare of the inhabitants of the village.

BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF CLEMMONS THAT THE *UNIFIED DEVELOPMENT ORDINANCE* BE AMENDED AS FOLLOWS:

Text Amendment

Section 1. Chapter B, Article II Section 2-1.6 (Overlay and Special Purpose Zoning Districts) of the Unified Development Ordinance is amended as follows:

Chapter B – Zoning Ordinance

Article II – Zoning Districts, Official Zoning Maps and Uses

2-1.6 Overlay and Special Use Purpose Zoning Districts-Purpose Statements and Regulations

(E) Lewisville Clemmons Road (South Overlay District)

(A) Vision.

The Lewisville-Clemmons Road Corridor Overlay District intent would be to facilitate implementation of the *general* intent of the Lewisville-Clemmons Road Strategic Area (south) to promote the redevelopment of the area into a mixed use commercial/office/residential. It is intended to foster development that improves traffic/safety, intensifies land use and economic value, to promote a mix of uses, to enhance the livability of the area, to enhance pedestrian connections, parking conditions, and to foster high-quality buildings and public spaces that help create and sustain long-term economic vitality.

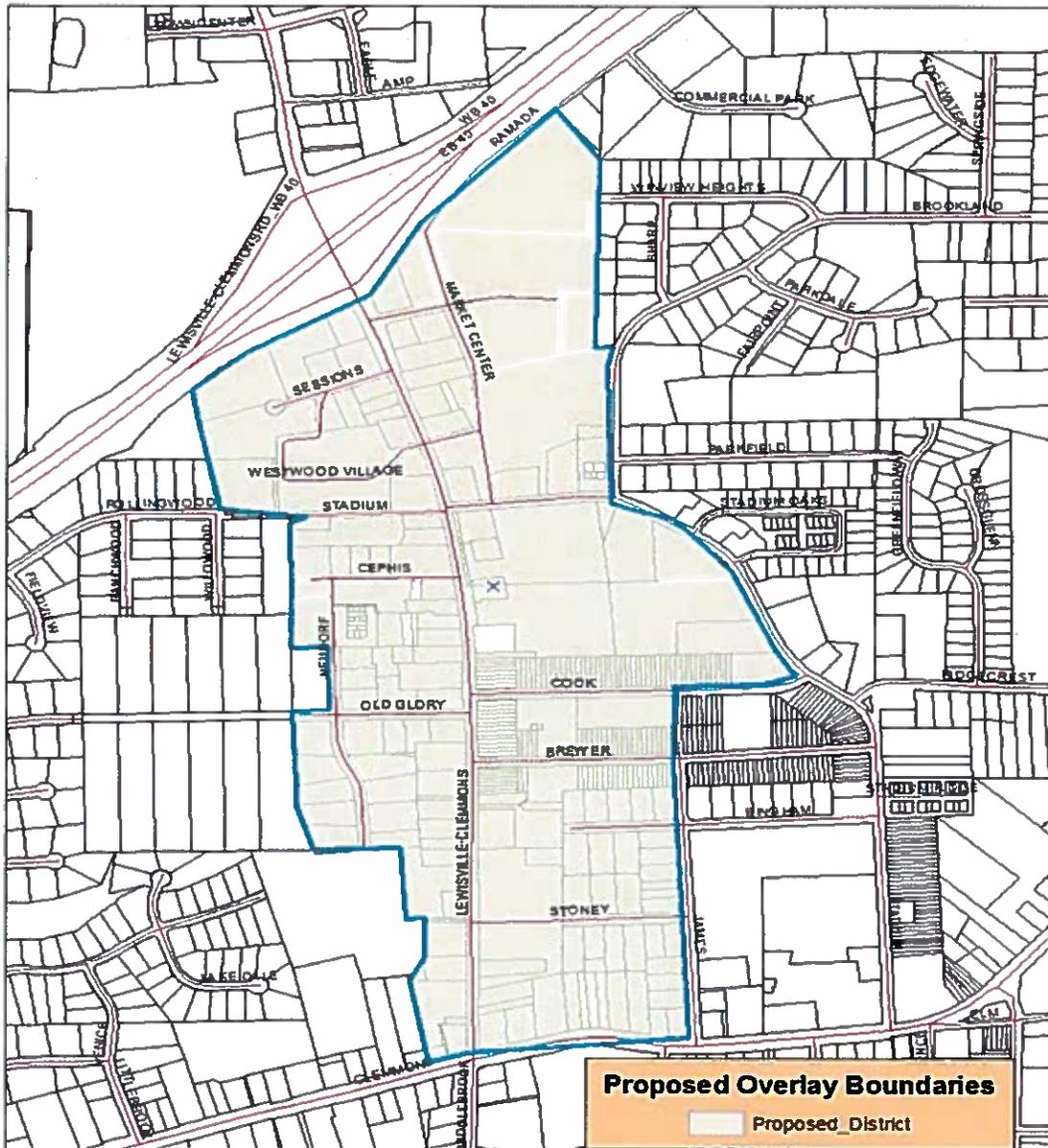
(B) Intent

Lewisville-Clemmons Road is expected to continue carrying significant traffic volumes making development along the corridor highly visible to the traveling public. Therefore, the main objectives of this proposed district is to:

1. Develop visible interconnected alternate traveling routes to provide the motoring public choices in trip destination
2. Strategically close some driveways along the corridor for safety measures and develop cross access opportunities where appropriate
3. Establish high standards for buildings and landscaping improvements with a cohesive street tree plan and consistent standards for building design
4. Establish a safe pedestrian network for residents and visitors to access numerous sites by foot
5. Promote businesses along the corridor by the development of a wayfinding signage program and other applications

Geographic Boundary

The proposed geographic boundary begins at the interchange (I-40/Lewisville-Clemmons Road) and continues south to the intersection of Lewisville-Clemmons Road and Middlebrook. The map shown below provides the specific geographic boundaries by parcel lines.



(C) Application and Exemptions

1. These standards apply to sites (including principal and accessory buildings) that are within the Lewisville-Clemmons Road Corridor Overlay district unless otherwise specified herein, and apply to all permitted uses allowed within the district.
2. Farm uses are exempt from these requirements provided they meet the base zoning district requirements.
3. Existing single family units are exempt from these requirements provided they meet the base zoning district requirements.

NOTE: Items to be deleted are indicated with a ~~strikeout~~; items to be added are indicated with an underscore
 C-UDO-72 September 2015

4. Expansions to buildings that exist on the date this ordinance is adopted are exempt from the requirements of this ordinance.
5. New development, building expansions and demolition/rebuilds that are 25% or greater or cumulative additions 25% or greater of the original building footprint shall conform to all requirements of this section. All other requirements noted in this ordinance shall apply to the 25% or great building expansion requirements unless specified below.
6. The streetyard requirements as identified in section B.3-4.3(B):
 - a. Additions to existing sites that are equal to or greater than five (5) percent of the sites' existing building square footage or the addition of one-thousand (1,000) sq. feet or more of building or,
 - b. When ten (10) or more parking spaces are added to a site with no building or,
 - c. Facade changes to ten(10) percent or more of any building wall facing a vehicular way intended for public travel regardless of ownership (e.g. adding or eliminating doors, windows, closings, openings or increased wall area)
7. Right-of-way shall be required to be recorded as shown in "Exhibit A" with a zoning change of use permit as shown in Exhibit A.
8. Any new roadway connectors as shown in "Exhibit A" shall be required with new development and/or by the Village of Clemmons, NC.
9. Driveway Closures. RESERVED
10. Newly created sidewalks as shown in "Exhibit A" shall be required under the same requirements of Section E above.

(D) Permitted Uses

The overlay district provisions apply to any base zoning district set forth in this chapter that exists within the defined overlay area. The following permitted uses are allowed for this proposed geographic area by use category:

1. Residential Uses

Single Family, Townhomes, Multi-family, Congregate Care Facility, Family group care facilities, A, B, and C, Life Care Community

2. Retail and Wholesale Trade

ABC store, Arts and Crafts Studio, Building Materials Supply, Convenience Store, Food/Drug Store, Furniture Store, General Merchandise Store, Hardware Store, Implement Sales and Service, Motorcycle Dealer, Nursery/Lawn/Garden Retail Store, ~~Outdoor Display-Retail,~~ Restaurants (with and without drive-through service), ~~Retail Developments larger than 125,000 square feet~~ Retail Developments larger than 90,000 square feet (use Big Box standards for this use), Retail Misc., Whole Trade A

3. Business and Personal Services

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Banking and Financial Services, Bed and Breakfast, Building Contractors General, Car Wash, Funeral Home, Health Services Misc., hotel/motel, Kennel, Medical Lab, Medical Offices, Motor Vehicle, Leasing/Rental, Repair/Maintenance, Body/Paint Shop, Office Misc., Professional Office, Service Personal, Services, Business A/B, Veterinary Services

4. Recreational Services

Recreation Services, Indoor and Outdoor, Public Recreation Services, Swimming Pool, Private, Theater, Indoor

5. Institutional and Public Uses

Academic Medical Center, Adult Day Care, Adult Day Care Center, Child Care facilities, Religious Institutions, Club or Lodge, College/University, Government Offices, Group Care Facilities, Hospital or Health Center, Library, Museum/Art Gallery, Neighborhood Care Institution, Police/Fire Station, Post Office, School

(E) Standards.

1. Pedestrian Accommodations

- a. All new development shall provide pedestrian walkways between the building and entrance/exits and parking areas, and within parking areas to designated walking areas especially where there is a need to connect dispersed buildings with parking areas
- b. All pedestrian amenities in "Exhibit A" shall meet Section 1 (e) requirements for construction
- c. All new development shall provide canopy shade trees, landscape features and seating or other pedestrian amenities near colonnades, storefronts, and pedestrian routes

2. Cross Access and Right-of-ways

- a. Cross access easements between properties are encouraged, however the Village of Clemmons will proactively rank cross access priorities and negotiate with properties outlined in "Exhibit A" to make cross access requirements.
- b. Public Right-of-ways are required to be dedicated as noted in "Applications and Exemptions (G). The Village of Clemmons shall make necessary improvements to the public right of way from a priority list as property owners voluntarily dedicate outside of the development review process. The priority list shall be kept in the Village of Clemmons Planning Office.

3. Driveway modifications. RESERVED

4. Landscaping.

- a. As noted in "Exhibit A" landscaping as defined in section B.3-4(B) is required to form cohesion to the existing corridor and to delineate connectivity routes.

(F) Overlay Flexibility Standards

1. If a developer and/or property owner cannot meet the requirements set forth in this overlay section a creative design option shall be submitted to the Village of Clemmons Planning Department for review. The Village of Clemmons Planning Board shall review the plan for the consistency of the overall intent of the overlay district set forth in vision and intent section of this amendment.

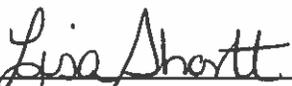
Section 3. This ordinance shall become effective on the date of its adoption.

Adopted this 26th day of October, 2015.



Nickolas B. Nelson, Mayor

Attest:



Lisa Shortt, Village Clerk



NOTE: Items to be deleted are indicated with a ~~strikeout~~; items to be added are indicated with an underscore
C-UDO-72 September 2015

VILLAGE OF CLEMMONS
BUDGET AMENDMENT
FOR THE FISCAL YEAR ENDING JUNE 30, 2016

BE IT ORDAINED by the Village Council of the Village of Clemmons, North Carolina at a regular meeting on October 26, 2015 that the following Budget Amendment is adopted to amend the budget for design of first phase of Lewisville-Clemmons Road Connectivity.

	Original Budget	Previous Amendment	Increase (Decrease)	Revised Budget
Appropriations:				
Planning Transportation			\$ 25,000	
	\$ 205,170	\$ -	\$ 25,000	\$ 230,170
Revenue:				
Fund Balance	\$ 571,451	\$ 42,995	\$ 23,165	\$ 637,611
Planning Fees	\$ 9,000		\$ 1,835	\$ 10,835
Total Budget:				
Total Revenues	\$ 5,908,395	\$ 80,615	\$ 25,000	\$ 6,014,010
Total Expenditures	\$ 5,908,395	\$ 80,615	\$ 25,000	\$ 6,014,010

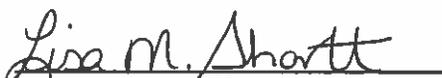


Nickolas B. Nelson
Village Mayor



K. Ann Stroud, CPA
Village Finance Officer

Attest:



Lisa M. Shortt, Village Clerk