

**NOT APPROVED**



**Agenda Packet - DRAFT  
Village of Clemmons Council  
Regular Meeting**

**June 14, 2021**

**AGENDA  
REGULAR MEETING OF THE  
VILLAGE OF CLEMMONS COUNCIL  
JUNE 14, 2021 at 6:00 p.m.**

- I. Call to Order & Pledge of Allegiance – Mayor Wait
- II. Public Comments
- III. Minutes - Approval of Minutes – May 24, 2021 Regular Meeting & June 3, 2021 Special Meeting (Budget Workshop)
- IV. Changes and/or Approval of the Agenda
- V. Announcements
- VI. **Business – Action Items for Consideration**
  - A. Public Hearings
    1. Zoning Text Amendment to amend multiple sections in Chapter A Definition Ordinance, Chapter B Zoning Ordinance, and Chapter D Subdivision Ordinance of the Unified Development Ordinances per changes to North Carolina General Statutes (C-UDO-83)
    2. Zoning Text Amendment to amend multiple sections in Chapter C Environmental Ordinance of the Unified Development Ordinances to strengthen stormwater requirements for public health, welfare, and safety (C-UDO-84)
  - B. Budget Ordinance and Stormwater Utility Fee Rate for Fiscal Year 2021-2022
    1. Public Hearing to adopt the Budget Ordinance and Stormwater Utility Fee Rate
  - C. Village Boards Appointments
    1. Planning Board (3)
    2. Zoning Board of Adjustment
      - a. Regular seats (2)
      - b. Alternate seat (1)
- Business – Information and Presentation of Review Items for Future Action or Immediate Consideration\*\***
  - D. Marketing & Communications Director's Report / Events Update
    - Clemmons' Farmers Market – Saturdays from 8:30am-11:30am (Jerry Long YMCA – runs thru October 24, 2021)
    - E-Recycle – Saturday, June 26, 2021 from 9:00am-3:00pm (Public Works Facility)
  - E. Manager's Report
    1. Parking Lot Parameters Discussion
    2. CCUC – Parr Sewer Extension Agreements
    3. Peter Clemmons House Historic Marker Dedication – July 21, 2021
    4. Harper Road Property Disposition
    5. Bid Proposals – Market Center Drive Phase IB
  - F. Attorney's Report

- G. Planner's Report
    - 1. Ordinance 2021-09 Amending Clemmons Code Chapter 31: Departments, Boards and Commissions
    - 2. Winston-Salem Urban Area Metropolitan Planning Organization: Bicycle and Pedestrian Study
  - H. Stormwater Engineer's Report
    - 1. Ordinance 2021-11 Amending Clemmons Code Chapter 51: Stormwater Utility
    - 2. Staff Recommendation for Use of ARP Funding
  - I. Council Comments
- VII. Adjournment



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## **REGULAR MEETING OF THE VILLAGE OF CLEMMONS COUNCIL May 24, 2021**

The Village of Clemmons Council met on Monday, May 24, 2021, at 6 p.m. The meeting was held at the Village Hall, Clemmons, North Carolina. The following members were present: Mayor Wait, Council Members Barson, Binkley, Cameron, Rogers and Wrights. Attorney Elliot Fus was also present.

### **Call to Order & Pledge of Allegiance**

Mayor Wait called the meeting to order at 6:00 p.m. and led the Pledge of Allegiance.

### **Public Comments**

There were ten citizens in attendance. There were no individuals that spoke during public comments.

### **Approval of the Minutes**

Council Member Rogers moved to approve the minutes of the May 10, 2021 special and regular meeting as presented. The motion was seconded by Council Member Barson and unanimously approved.

### **Approval of the Agenda**

Mayor Wait recommended the following changes to the agenda: Item VI.B. moved to the very end of the meeting; add Item VI.J. "Closed Session for Attorney-Client Privilege in Accordance with NCGS 143-318.11(a)(3)"; and add Item C. under Announcements.

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

### **Announcements**

- A. Stormwater Technician Emily Harrison and Mayor Wait recognized the 2020 Clemmons Community Spring Cleanup T-shirt Design Winners, Clay Payne & David Medina-Galvan (5<sup>th</sup> grade students at Morgan Elementary School – currently in 6<sup>th</sup> grade) by presenting them with a certificate and a numbered Hattie Butner Stagecoach print.
- B. Mayor Wait announced the Village of Clemmons offices will be closed on Monday, May 31, 2021 in observance of Memorial Day (Trash pickup will be delayed 1 day).
- C. Council Member Cameron announced that the current Clemmons Library will be closing on May 29, 2021 and moving to the new library location June 1 – June 9, 2021. There will be a soft opening of the new Clemmons Library on June 10, 2021 with the ribbon cutting being held at 10:30am on June 17 and formal opening at noon.

**Business – Action Items**

- A. Call for Public Hearings.
1. *Zoning Text Amendment to amend multiple sections in Chapter A Definition Ordinance, Chapter B Zoning Ordinance, and Chapter D Subdivision Ordinance of the Unified Development Ordinances per changes to North Carolina General Statutes - C-UDO-83.*

Council Member Cameron moved to call for public hearing on Zoning Text Amendment to amend multiple sections in Chapter A Definition Ordinance, Chapter B Zoning Ordinance, and Chapter D Subdivision Ordinance of the Unified Development Ordinances per changes to North Carolina General Statutes - C-UDO-83 on Monday, June 14, 2021 at the Regular Village Council Meeting. The motion was seconded by Council Member Binkley and unanimously approved.

2. *Zoning Text Amendment to amend multiple sections in Chapter C Environmental Ordinance of the Unified Development Ordinances to strengthen stormwater requirements for public health, welfare, and safety - C-UDO-84.*

Council Member Rogers moved to call for public hearing on Zoning Text Amendment to amend multiple sections in Chapter C Environmental Ordinance of the Unified Development Ordinances to strengthen stormwater requirements for public health, welfare, and safety - C-UDO-84 on Monday, June 14, 2021 at the Regular Village Council Meeting. The motion was seconded by Council Member Cameron and unanimously approved.

- B. Zoning Map Amendment for Carlos Pereira from RS-15 & LO-S to RM-12-S (Residential Building, Multifamily) located at 3462 Clemmons Road - PIN number 5893-30-8703 and 5893-30-9990 – approx. +/- 8 acres - Ordinance 2021-07 (Zoning Docket C-234) – moved to end of agenda.

- C. Fiscal Year 2021-2022 Budget.
1. *Resolution 2021-R-07 Acceptance of American Rescue Plan Act of 2021 Grant Funds - (attached hereto as Exhibit A and incorporated as part of the minutes).*

Council Member Cameron moved to adopt Resolution 2021-R-07 for Acceptance of American Rescue Plan Act of 2021 Grant Funds. The motion was seconded by Council Member Barson and unanimously approved.

2. *Adoption of Special Revenue Budget Ordinance 2021-08 - (attached hereto as Exhibit B and incorporated as a part of the minutes).*

Council Member Rogers moved to approve Ordinance 2021-08 Special Revenue Budget (American Rescue Plan) as presented. The motion was seconded by Council Member Barson and unanimously approved.

3. *Presentation of the Budget – In accordance with North Carolina General Statutes, Manager Buffkin presented the Fiscal Year 2021-2022 General Fund Budget for \$8,914,030 and Stormwater Enterprise Budget for*

\$1,528,450. The property tax rate is calculated \$0.15 per \$100 valuation and Stormwater Utility Fee is reflected at \$90.00 per year per Equivalent Residential Unit. The budget can be viewed at Village Hall or on the Village's website. A brief discussion was held.

Council consensus was to hold another budget workshop in early June prior to their next regular meeting.

4. *Call for a Public Hearing on June 14, 2021 at 6 p.m. to adopt the Budget Ordinance and to set the Stormwater Utility Fee Rate.*

Council Member Cameron moved to call for the public hearing on June 14, 2021 at 6 p.m. to adopt the Budget Ordinance and to set the Stormwater Utility Fee Rate. The motion was seconded by Council Member Rogers and unanimously approved.

**Business – Information and Presentation of Review Items for Future Action or Immediate Consideration\*\***

D. Marketing & Communications Director's Report / Events Update.

- Clemmons' Farmers Market – Saturdays from 8:30am-11:30am (Jerry Long YMCA – runs thru October 24, 2021)
- E-Recycle – Saturday, June 26, 2021 from 9:00am-3:00pm (Public Works Facility)

Details are available on the Village website and Facebook page regarding all of our events.

E. Manager's Report.

1. *Financial Summary Report for April 2021* – report was presented.
2. *FCSO Report for April 2021* – report was presented.
3. *TAC Update* – Mayor Wait provided an update stating there were two items on the agenda of which neither had a direct impact on the Village of Clemmons.
4. *Resolution 2021-R-08 Opposing SB 349/HB 401 Proposed Legislation on Planning and Zoning\*\** - (attached hereto as Exhibit C and incorporated as part of the minutes).

Council Member Cameron moved to adopt Resolution 2021-R-08 Opposing SB 349/HB 401 Proposed Legislation on Planning and Zoning. The motion was seconded by Council Member Barson and unanimously approved.

5. *Ordinance 2021-12 Establishing a Filing Fee for the Non-Partisan Municipal Elections for the Village of Clemmons, Pursuant to NCGS 163-294.2\*\** - (attached hereto as Exhibit D and incorporated as a part of the minutes).

Council Member Cameron moved to approve Ordinance 2021-12 Establishing a Filing Fee for the Non-Partisan Municipal Elections for the Village of Clemmons, Pursuant to NCGS 163-294.2 as presented. The motion was seconded by Council Member Barson and unanimously approved.

F. Attorney's Report.

1. *Attorney's Contract Renewal\*\** - Attorney Fus presented to Council the contract renewal with Blanco Tackabery for their consideration which is up for renewal through June 30, 2022.

Council Member Barson made a motion to renew the attorney contract through June 30, 2022 with Blanco Tackabery (attached hereto as Exhibit E and incorporated as a part of the minutes). The motion was seconded by Council Member Wrights and unanimously approved.

Attorney Fus advised regarding Market Center Drive, he has been in contact with Dr. Shipley's counsel who stated he thinks they have come to an agreement regarding rights-of-way and has requested the paperwork. He has also been in contact with the former Kmart owners' counsel who advised the lender and tenants are currently reviewing the dedication documents and Attorney Fus is continuing to work on getting that secured.

G. Planner's Report.

1. *Draft Planning Board Meeting Minutes from May 18, 2021* – minutes were presented.
2. *Ordinance 2021-09 Amending Clemmons Code Chapter 31: Departments, Boards and Commissions* – Planner Rahimzadeh advised this will be presented for consideration after the adoption of C-UDO-83.

Planner Rahimzadeh advised he is currently looking at a couple of software packages to be considered for digitizing site plan submittal and review (IDT Plans) and permitting (Cityworks). He is securing an amount but estimates each to be approximately \$50k. He also recommended a Clemmons Pedestrian Plan be considered this next year due to the cost being \$50k and possibly considering a Clemmons Bike Plan the following year. He provided Council with a six-month workflow for Planning.

H. Stormwater Engineer's Report.

1. *Ordinance 2021-11 Amending Clemmons Code Chapter 51: Stormwater Utility* – Stormwater Engineer advised this will be presented for consideration after the adoption of the 2021-2022 budget.

I. Council Comments – there were none.

J. Closed Session for Attorney-Client Privilege Discussion in accordance with NCGS 143-318.11(a)(3) - Council Member Cameron moved to go into closed session for Attorney-Client Privilege Discussion in accordance with NCGS 143-

318.11(a)(3) at 6:50 p.m. The motion was seconded by Council Member Barson and unanimously approved.

At 7:28 p.m., Mayor Wait stated that by unanimous vote Council chose to reconvene the open session with no action taken.

- K. Zoning Map Amendment for Carlos Pereira from RS-15 & LO-S to RM-12-S (Residential Building, Multifamily) located at 3462 Clemmons Road - PIN number 5893-30-8703 and 5893-30-9990 – approx. +/- 8 acres - Ordinance 2021-07 (Zoning Docket C-234).

Council Member Binkley made a motion to rescind the denial decision regarding Zoning Docket C-234 on June 8, 2020. The motion was seconded by Council Member Wrights and passed 3-1 with Council Member Rogers voting in opposition and Council Member Cameron abstaining.

Council Member Binkley made a motion to approve the rezoning request for Zoning Docket C-234 for Carlos Pereira from RS-15 & LO-S to RM-12-S (Residential Building, Multifamily) located at 3462 Clemmons Road - PIN number 5893-30-8703 and 5893-30-9990 – approx. +/- 8 acres and adopt Ordinance 2021-07 and the zoning amendment statement provided by Staff (Ordinance 2021-07 attached hereto as Exhibit F and incorporated as a part of the minutes). The motion was seconded by Council Member Wrights and passed 3-1 with Council Member Rogers voting in opposition and Council Member Cameron abstaining from voting stating “I am doing so in order to comply with the agreement that was approved by both parties to ensure the Village will not suffer any future financial hardship from the Petitioner, I am abstaining”.

**Adjournment**

Council Member Barson moved to adjourn the meeting at 7:33 p.m. The motion was seconded by Council Member Cameron and unanimously approved.

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John Wait  
Mayor

ATTEST:

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Lisa Shortt, NCCMC  
Village Clerk





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**SPECIAL MEETING OF  
THE VILLAGE OF CLEMMONS COUNCIL  
June 3, 2021**

The Village of Clemmons Council met on Thursday, June 3, 2021, at 3 p.m. The meeting was held at the Village Hall, Clemmons, North Carolina. The following members were present: Mayor Wait (arrived at 3:10 p.m.) and Council Members Barson, Binkley, Cameron, Rogers and Wrights. Staff members present were: Manager Buffkin, Finance Officer Stroud, Planner Rahimzadeh, Public Works Director/Village Engineer Gunnell, Stormwater Engineer Kimbrell, Clerk Shortt and Marketing and Communications Director Ford.

**Call to Order**

Mayor Pro Tempore Wrights called the meeting to order at 3:05 p.m.

**Business – Special Meeting (Budget Workshop)**

Manager Buffkin and Finance Officer Stroud provided Council an adjusted overview of the draft budget for fiscal year 2021-2022 based on discussions at the budget presentation meeting (attached hereto as Exhibit A and incorporated as a part of the minutes).

Finance Officer Stroud indicated that the entire tax increase presented would go toward paving streets. Council Member Rogers clarified there is sufficient cash flow for this to take place.

Council consensus was to make the following changes to the adjusted budget:

- Add \$35,000 (which is \$15,000 to remove the razor wire from the top of the fencing and \$20,000 for landscaping) to Public Works
- Add \$4,000 (which is to have the two vehicles wrapped in Clemmons markings) to Public Works
- Remove the purchase of the Tahoe from the budget (stating Stormwater should utilize a pickup truck and vehicle can be rented if needed for travel)
- Leave the cellphones as it currently stands but remove Council cellphone reimbursement
- Add \$25,000 (which is for IDT Plans and CityWorks permitting software) split 50/50 between Planning and Stormwater

**Adjournment**

Council Member Rogers moved to adjourn the meeting at 4:04 p.m. The motion was seconded by Council Member Barson and unanimously approved.

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John Wait  
Mayor

ATTEST:

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Lisa Shortt, NCCMC  
Village Clerk



BE IT ORDAINED by the Village Council of the Village of Clemmons, North Carolina at its regular meeting the 14<sup>th</sup> day of June, 2021 at 6:00 p.m. that the following estimated fund revenues and expenditures by function, together with a certain fee and charges schedules, and with certain restrictions and authorizations are hereby appropriated and approved for the operation of the village government and its activities for the fiscal year beginning July 1, 2021 and ending June 30, 2022.

**SECTION 1. GENERAL FUND**

**Estimated Revenues**

**Ad Valorem Taxes:**

Ad Valorem, Current Year	\$ 3,509,405	
Ad Valorem, Registered Motor Vehicles	372,435	
Ad Valorem, Prior Year	7,000	
Interest Current	7,300	
Interest Prior	<u>495</u>	
<b>Total</b>		<b>\$3,896,635</b>

**Other Taxes:**

Gross Receipt tax on leases	3,800	3,800
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**Unrestricted Intergovernmental:**

Natural Gas Sales Tax	36,900	
Electricity Sales Tax	700,000	
Telecommunications Sales Tax	51,500	
Video Programing Sales Tax	171,400	
Sales Tax Distribution	933,000	
Beer and Wine Tax	86,275	
ABC Distribution	<u>456,000</u>	
<b>Total</b>		<b>2,435,075</b>

**Restricted Intergovernmental**

Powell Bill	472,275	
MPO Bike & Pedestrian	40,000	
MPO Kinnamon Study	160,000	
Solid Waste Disposal Tax	14,675	
Local Occupancy Tax	25,000	
Tourism Occupancy Tax	<u>25,900</u>	
<b>Total</b>		<b>737,850</b>

**Permits and Fees**

Public Works Permits and Fees	3,500	
Planning & Zoning Fees	12,000	
Community Garden	525	
Farmers Market	<u>3,000</u>	
<b>Total</b>		<b>19,025</b>



**Investment Earnings**

Investment Earnings	1,800	
Investment Earnings-Powell Bill	<u>100</u>	
<b>Total</b>		1,900

**Donations and Sponsorships**

Clemmons Events Sponsorships		3,000
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**Sales & Services**

Sale of Capital Assets	50,000	
Mowing NCDOT	<u>6,000</u>	
<b>Total</b>		56,000

**Fund Balance Appropriated**

Appropriated Fund Balance	977,853	
Appropriated Fund Balance-restricted		
cultural, economic & recreational	35,000	
Appropriated Fund Balance-restricted tourism	24,347	
Appropriated Fund Balance-restricted streets	720,000	
Appropriated Fund Balance-assigned	<u>1,100,000</u>	
<b>Total Fund Balance Appropriated</b>		2,857,200

**Total General Fund Revenues** **\$ 10,010,485**

**Appropriated Expenditures**

Governing Board		\$ 76,875
Administration		971,825
Public Safety		1,758,360
Public Works		2,610,310
Streets		2,098,135
Planning & Zoning		597,615
Clemmons Events and Marketing		121,365
Parks and Recreation		9,500
Capital Outlay		651,500
Major Capital Repairs		15,000
Transfers to Capital Projects		<u>1,100,000</u>

**Total General Fund Expenditures** **\$ 10,010,485**



**SECTION 2. STORMWATER FUND**

**Estimated Revenues**

Stormwater Fee	\$ 1,412,600
Stormwater Permit	8,000
Investment Earnings	350
Sponsorships Cleanup	1,000
Cost Share Program	100,000
Charges for services	<u>6,500</u>
<b><u>Total Enterprise Fund Revenue</u></b>	<b><u>\$ 1,528,450</u></b>

**Appropriated Expenditures**

Stormwater Utility Operations	\$ 799,865
Capital Outlay & Capital Improvement Plan	<u>728,585</u>

<b><u>Total Enterprise Fund Appropriations</u></b>	<b><u>\$ 1,528,450</u></b>
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**Section 3. Special Revenue Grant Ordinance**

The following multi-year special revenue fund was adopted under separate ordinance.

American Rescue Plan Fund	\$ 6,110,000
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**Section 4. Capital Projects**

The following capital projects have been adopted under a separate project ordinance and transfers to Sidewalk 158 to Tanglewood and Market Center Drive are included in this annual budget.

Sidewalk-158 to Tanglewood	\$ 3,679,500
Market Center Drive Project	\$ 2,078,400
Sidewalk Harper I-40 to Morgan	\$ 664,000

**Section 5. Levy of Taxes**

There is hereby levied, for fiscal year 2022, and Ad Valorem Tax Rate of \$.15 per One Hundred Dollars (\$100.00) valuation of taxable property as listed for taxes as of January 01, 2021, for the purpose of raising the revenue from current taxes as set forth in the foregoing estimates of revenues, and in order to finance the foregoing applicable appropriations.

**Section 6. Levy of Taxes**

There is hereby levied, for the fiscal year 2022, a Tax on Gross Receipts derived from retail short-term motor vehicle leases or rentals of one and one-half percent (1 ½ %) of gross receipts from the short-term lease or rental of vehicles to the general public as defined in Section 105.871.1 of the North Carolina General Statutes.

**Section 7. Fees Schedule**

There is hereby established for the fiscal year 2022, various fees as listed in Attachment A.



**Section 8. Purchase orders & Capital Outlay**

All purchase orders will be pre-audited in accordance with the Local Government Budget and Fiscal Control Act and issued on all purchases greater than \$500. All purchases greater than \$5,000 will be properly capitalized according to the Village's policies.

**Section 9. Finance Officer – Special Authorization**

- A. The finance officer may transfer amounts between objects of expenditure within a department without limitation and without a report being requested.
- B. The finance officer may transfer amounts of up to \$10,000 between departments of the same fund with an official report on such transfers at the next regular meeting of the Village Council.
- C. The finance officer may not transfer amounts between funds or from any contingency appropriation within a fund.

**Section 10. Budget Ordinance Utilization**

- A. This ordinance shall be the basis of the financial plan for the Village of Clemmons during fiscal year 2021. The finance officer shall administer the budget and ensure that the operating officials are provided guidance and sufficient details to implement their appropriate portion for the budget
- B. The Finance Officer shall establish and maintain all records which are in agreement with this ordinance and the Local Government Budget and Fiscal Control Act of the State of North Carolina (Chapter 159 of the General Statutes).
- C. The Finance Officer will provide a monthly report to the Village Council.

**Section 11. Re-appropriation of Funds Encumbered in FY 2021**

Operating funds encumbered in the financial records as of June 30, 2021, are hereby re-appropriated to Fiscal Year 2022.

**Section 9. Budget Ordinance Copies**

Copies of the Budget Ordinance shall be furnished to the Finance Officer, the Budget Officer and Tax Supervisor of this Village for their direction in the carrying out of their duties.

Adopted this \_\_\_\_\_ day of June, 2021

Attest:

\_\_\_\_\_  
Lisa M. Shortt, NCCMC  
Village Clerk

\_\_\_\_\_  
John L. Wait  
Mayor



**FEE SCHEDULE JULY 1, 2021 Exhibit A**

The following fee schedule is adopted for the fiscal year beginning July 1, 2021 and ending June 30, 2022. The Village Manager shall have the authority to set a fee not otherwise listed and shall have authority to make interpretations of any fee listed on this schedule.

**Administration, Finance, and All Department**

Sunshine List	\$10.00
Clemmons Code of Ordinances view or purchase	<a href="http://www.amlegal.com/clemmonsnc">www.amlegal.com/clemmonsnc</a>
Clemmons Unified Development Ordinances view or purchase	<a href="https://library.municode.com/nc/clemmons/codes/unified_development_code">https://library.municode.com/nc/clemmons/codes/unified_development_code</a>
Copies in excess of 5 pages	\$00.10 a page
Color copies in excess of 5 pages	\$00.20 a page
Copy of Blue Print or Site Plan	Cost
Returned Check Fee	\$36.00
Street & Alley Closing Application	\$50.00

**Public Safety and Public Works**

Residential Driveway Permit (New/Reconstruction (inspection required))	\$40.00/\$20.00
Commercial Driveway Permit (inspection required)	\$100.00
False Alarms	Per separate ordinance
Parking Ticket	Per separate ordinance

**Code Enforcement Rates:** Minimum charge one hour

Message Board	\$12.00 per hour
Backhoe	\$55.00 per hour
Loader	\$100.00 per hour
Tandem Dump Truck	\$60.00 per hour
Single Axle Dump Truck	\$45.00 per hour
Tub Grinder	\$95.00 per hour
Tractor with side mower	\$95.00 per hour
Tractor with flail mower	\$65.00 per hour
Zero turn mower	\$35.00 per hour
Weed eater	\$10.00 per hour
Chain saw	\$10.00 per hour
Street Cleaning	Cost
Street Sweeper	\$100.00 per hour + fuel
Administration	\$50.00 per hour
Labor including benefits	\$30.00 per hour



**STORMWATER FUND**

Per Equivalent Residential Unit per Month/ Annual \$7.50/90.00

Residential Tiers	Lower Range	Upper Range	Scaling Factor	ERU Fee
1	0	2000	0.95	\$85.50
2	2001	4000	1	\$90.00
3	4001	6000	1.5	\$135.00
4	6001	Infinite	2	\$180.00

Stormwater Permit fees adopted under separate ordinance.



**CLEMMONS PLANNING FEE SCHEDULE\***

CATEGORY	ACREAGE						
	0-10		10.1 -25	25.1 -50	50.1 -100	100.1+	
	2 or less	2.1 - 10					
<b>REZONINGS &amp; SUBDIVISIONS</b>							
SPECIAL USE ZONING (except MX-S or MRB-S) or SPECIAL USE PERMIT	\$1,000	\$2,000	\$2,500	\$3,000	\$3,500	\$3,500 + \$25 per additional acre	
GENERAL USE ZONING (except C)	\$1,000	\$1,200	\$1,300	\$1,400	\$1,500	\$1,500 + \$25 per additional acre	
SITE PLAN AMENDMENT	\$1,000	\$1,500	\$2,000	\$2,500	\$3,000	\$3,000 + \$25 per additional acre	
MULTIFAMILY	\$1,000	\$1,500	\$1,750	\$2,000	\$2,250	\$2,250 + \$100 per additional acre	
	<b>0-10</b>						
MX-S or C (Campus)	\$2,500		\$3,500	\$4,500	\$6,000	\$6,000 + \$100 per additional acre	
MRB-S	\$7,500		\$20,000	\$20,000	\$25,000	\$25,000 + \$250 per additional acre	
FINAL DEVELOPMENT PLAN	\$1,000		\$1,500	\$2,000	\$2,500	\$2,500 + \$50 per additional acre	
PLANNING BOARD REVIEW	\$500		\$750	\$1,000	\$1,250	\$1,250 + \$25 per additional acre	
<b>MINOR MODIFICATIONS</b>							
Single Family Residential under 25 acres					\$25		
Single Family Residential Minor Subdivision					\$100		
Single Family Residential Preliminary Major Subdivision					\$200		
Multifamily/Commercial/Industrial/Institutional under 3 acres					\$200		
Multifamily/Commercial/Industrial/Institutional 3 acres or greater					\$400		
<b>OVERLAY APPROVAL FEES</b>					\$50		
<b>ZONING TEXT AMENDMENT</b>			<b>MAJOR SUBDIVISION</b>				
All			\$1,500				
<b>TIA REVIEW</b>			<b>MINOR SUBDIVISION</b>				
Consultant Actual cost not to exceed \$2,000			\$125 per lot				
Fee for review of the traffic impact analysis by the Village's consultant			<b>NON-RESIDENTIAL PLAT APPROVAL</b>				
<b>ANNEXATION</b>			\$125 per lot				
All			\$ 400				
			<b>FINAL PLAT APPROVAL</b>				
			1-5 lots				\$125
			6-20 lots				\$250
			21-50 lots				\$500
			51+ lots				\$750

\* Fees may cover the costs of proper notification procedures per applicable laws. If applicable, fees may be reduced up to half in instances that satisfy such criteria stated in the type of development application. In no instances shall fees be reduced below the cost of proper notification procedures per applicable laws.



The following are upcoming vacancies on various boards and the desire for reappointment. New applicants for the various board positions are below.

	Desire to be Reappointed?
<b>Planning Board – 3 positions</b>	
Rob Cockrum	Yes
Martin Majorel	No
Edee Wilcox	No
<b>Zoning Board of Adjustment – 3 positions (2 Regular / 1 Alternate)</b>	
Connor Groce (Alternate)	No – did not receive a reply
Christian Griffith	Yes
Anabelle McElroy	Yes

Applicants:

Planning Board **3 positions**

Rob Cockrum – currently serves

David Corn – no preference

Kevin Farmer

Karen Summers – 2<sup>nd</sup> choice

Zoning Board of Adjustment **3 positions (2 Regular / 1 Alternate)**

David Corn – no preference

Lanny Farmer

Christian Griffith – currently serves

Anabelle McElroy – currently serves

Karen Summers – 1<sup>st</sup> choice

# Village of Clemmons Volunteer Boards

Email address \*

rcpost36@hotmail.com

Applying for: \*

- Planning Board
- Zoning Board of Adjustments
- Stormwater Advisory Board
- Ad Hoc Transportation Committee

Name: \*

Rob Cockrum

Resident Address: (must reside within the Corporate limits of Clemmons) \*

190 Coghill Drive

Mailing Address:

190 Coghill Drive

Contact Phone Number: \*

336-817-7495

High School Attended:

Robert B Glenn

College/Degree/Studies:

App State, Masters, Lenoir Rhyne Univ BS- Exercise Physiology

Employer/ Job Title:

Wake Forest Baptist Medical Center- Manager Invasive Cardiology

Description of Work Experience: \*

Managed EP and Cath Labs, budgets, staffing, planning.

Civic Service Experience: \*

Community coach for local HS and American Legion

Do you have Local Government Experience? \*

No

Do you attend Village Council Meetings? \*

Never      1      2      3      4      5      Regularly

                      

Please highlight your knowledge level regarding current issues affecting Clemmons: \*

I have lived in the Clemmons area for 20 years and was raised in WS. I see planning, expansion and quality of living as critical to the community.

Statement on why you wish to serve: \*

I would like to help other leaders develop and plan for changes in the community. Clemmons is the most wonderful place to live in our area and would like to be apart of the future. The current leadership has done a tremendous job of changing and updating and would like to help ensure that future generations can enjoy the Village. I can hopefully provide and new set of eyes on issues and can try to provide input that will help the community. My professional career has helped me develop in many aspects from planning, budgeting and develop relationships that may benefit our area. It would be a pleasure and honor to serve my community in any fashion. Thank you!

## Lisa Shortt

---

**From:** noreply@civicplus.com  
**Sent:** Friday, May 7, 2021 3:23 PM  
**To:** Lisa Shortt; Shannon Ford  
**Subject:** Online Form Submittal: Board Application

### Board Application

I acknowledge that all information submitted in this application becomes a public record and will be searchable online. The Village is not able to remove information from the public record once it has been posted.

I Agree

---

First Name & Middle Initial	David A
Last Name	Corn
Address	730 Chestnut Way
City	Winston-Salem (mailing address) Clemmons
State	NC
Zip Code	27103
Email Address	dcorn01@aol.com
Primary Phone	336-782-5346
Alternate Phone	<i>Field not completed.</i>
Residency within the municipal boundaries is required for membership on most Village advisory bodies. How long have you lived in the Village of Clemmons?	1 to 3 Years

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The Council encourages you to visit a meeting of the group that you are interested in serving on. Please choose no more than two groups from the following list to which you would like to apply.

---

Which Board is your first choice?	<i>Field not completed.</i>
Which boards would you like to apply for? You may select up to 2.	Planning Board, Zoning Board of Adjustment
How did you find out about this opportunity?	Email
If you are not chosen for this board, are you open to being called upon for a sub-committee or ad hoc board?	Yes
<b>Interests &amp; Experiences</b>	
What perspective(s) do you bring to the board(s), committee(s) or task force(s) to which you are applying?	I am currently a member of the Traffic Committee but we have not met in over a year and should be about finished when we do finally meet. I have enjoyed working with Scott and Nasser and my fellow committee members and hope we have done some good for our community.
Please provide a brief summary of any other relevant qualifications (skills, abilities, interests and/or experience) you bring.	I served as a member of the NC 911 Board for 6+ years and was Vice-Chairman of the Board as well as Chair of several Committees. I also worked for the Board designing and helping to gain approval and funding for Next Generation 911, a statewide public safety network. The Board dispenses \$80+ million in support of 911 service in NC. This past year I volunteered as a poll worker at the Clemmons library during early voting and was the Chief Judge at the Southwest Elementary School Precinct in Clemmons on election day.
Please provide a statement of why you wish to serve. Please be advised that any information submitted becomes a public record and may be searchable online.	I am retired. I would like to be useful. I would like to put my skills to work in a positive way to benefit the community in which I live.
You May Attach a Supporting Document	<i>Field not completed.</i>
Ethics Guidelines for Town Advisory Boards & Committees	I Agree
Applications will be kept on file from July 1st to June 30th of the same fiscal year. Please reapply each fiscal year if you are still interested in serving on an Advisory	

**Lisa Shortt**

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**From:** noreply@civicplus.com  
**Sent:** Friday, June 11, 2021 10:51 AM  
**To:** Lisa Shortt; Shannon Ford  
**Subject:** Online Form Submittal: Board Application

## Board Application

I acknowledge that all information submitted in this application becomes a public record and will be searchable online. The Village is not able to remove information from the public record once it has been posted. I Agree

First Name & Middle Initial	Kevin M
Last Name	Farmer
Address	3840 N Lakeshore Dr
City	Clemmons
State	NC
Zip Code	27012
Email Address	kevin.maxwell.farmer@gmail.com
Primary Phone	(919) 402-3270
Alternate Phone	<i>Field not completed.</i>
Residency within the municipal boundaries is required for membership on most Village advisory bodies. How long have you lived in the Village of Clemmons?	4 to 9 Years

The Council encourages you to visit a meeting of the group that you are interested in serving on. Please choose no more than two groups from the following list to which you would like to apply.

Which Board is your first choice?	Planning Board
Which boards would you like to apply for? You may select up to 2.	<i>Field not completed.</i>
How did you find out about this opportunity?	Advisory Board or Council Member
If you are not chosen for this board, are you open to being called upon for a sub-committee or ad hoc board?	Yes
<b>Interests &amp; Experiences</b>	
What perspective(s) do you bring to the board(s), committee(s) or task force(s) to which you are applying?	<p>I believe in government, but not a government where the mechanisms and language of the governing process are mysterious entities hidden from the view of the governed. More often than not, I find that's just a matter of habit, a culture of business as usual, and not something more nefarious. But if people don't understand how things work, then they will always believe someone is conspiring against them, that government is not working for them.</p> <p>I understand the frustrations many have with government. As a board member of the Lasater Lake Owners Association (LLOA), I am well aware that the consequences of a lack of regulation in one place, or changes to current regulations, can negatively impact another. LLOA will spend tens of thousands of dollars over the course of the next few years on dredging, a direct result of lax development rules upstream. At the same time, we've had to wade through myriad, often contradictory rules when dealing with our own dredging projects on the lake. It's been very frustrating.</p>
Please provide a brief summary of any other relevant qualifications (skills, abilities, interests and/or experience) you bring.	I served as a member of the Clemmons Stormwater Board for two years, so I have prior experience serving on a community board. In addition, I know and understand politics and elected representatives, having engaged in grassroots political organizing for the last 20 years. I also have a good understanding how government is supposed to function, and how it often falls short of its potential, usually due to a lack of communication. I love digging in to the mechanics/logistics involved with solving complex problems, and note that I would be a valuable member of the board when we engage in some of the research/planning projects called for in the board's duties and responsibilities.

Please provide a statement of why you wish to serve. Please be advised that any information submitted becomes a public record and may be searchable online.

I enjoy serving my community. I am an excellent problem solver and enjoy digging into codes, statutes, and systems in order to find out how they work. I've looked over past meeting minutes and have been excited to find that service on the Planning Board requires more than a body in a chair, that working knowledge of Unified Development Ordinance, the Clemmons Community Compass and other guiding principles seem to be a requirement. I look forward to digging in and doing real and substantial work for the good of my community.

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You May Attach a Supporting Document

*Field not completed.*

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Ethics Guidelines for Town Advisory Boards & Committees

I Agree

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Applications will be kept on file from July 1st to June 30th of the same fiscal year. Please reapply each fiscal year if you are still interested in serving on an Advisory Board, Committee or Task Force and have not yet been appointed.  
*You may submit your application or print and return to:  
Village of Clemmons  
3715 Clemmons Road  
Clemmons, NC 27012*

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*Field not completed.*

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## Lisa Shortt

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**From:** noreply@civicplus.com  
**Sent:** Saturday, May 22, 2021 11:07 PM  
**To:** Lisa Shortt; Shannon Ford  
**Subject:** Online Form Submittal: Board Application

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

### Board Application

I acknowledge that all information submitted in this application becomes a public record and will be searchable online. The Village is not able to remove information from the public record once it has been posted.

I Agree

First Name & Middle Initial	Karen
Last Name	Summers
Address	577 Drumheller Rd
City	Clemmons
State	NC
Zip Code	27012
Email Address	karen_summers@hotmail.com
Primary Phone	336-575-2643
Alternate Phone	<i>Field not completed.</i>
Residency within the municipal boundaries is required for membership on most Village advisory bodies. How long have you lived in the Village of Clemmons?	Greater Than 10 Years

The Council encourages you to visit a meeting of the group that you are interested in serving on. Please choose no more than two groups from the following list to which you would like to apply.

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Which Board is your first choice?	Zoning Board of Adjustment
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Which boards would you like to apply for? You may select up to 2.	Planning Board, Zoning Board of Adjustment
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How did you find out about this opportunity?	Website
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If you are not chosen for this board, are you open to being called upon for a sub-committee or ad hoc board?	Yes
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### Interests & Experiences

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What perspective(s) do you bring to the board(s), committee(s) or task force(s) to which you are applying?	I have been an educator for my adult life, teaching in local universities and community colleges and WSFCS.
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Please provide a brief summary of any other relevant qualifications (skills, abilities, interests and/or experience) you bring.	I've served as board secretary for my child's school PTA, and I have worked as a writer/copy editor
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Please provide a statement of why you wish to serve. Please be advised that any information submitted becomes a public record and may be searchable online.	Now that I have the time to do so, I want to become more involved in my community.
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You May Attach a Supporting Document	<i>Field not completed.</i>
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Ethics Guidelines for Town Advisory Boards & Committees	I Agree
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Applications will be kept on file from July 1st to June 30th of the same fiscal year. Please reapply each fiscal year if you are still interested in serving on an Advisory

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Board, Committee or Task Force and have not yet been appointed.  
*You may submit your application or print and return to:*  
*Village of Clemmons*  
*3715 Clemmons Road*  
*Clemmons, NC 27012*

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X

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**Lisa Shortt**

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**From:** noreply@civicplus.com  
**Sent:** Sunday, May 16, 2021 9:57 PM  
**To:** Lisa Shortt; Shannon Ford  
**Subject:** Online Form Submittal: Board Application

## Board Application

I acknowledge that all information submitted in this application becomes a public record and will be searchable online. The Village is not able to remove information from the public record once it has been posted.  I Agree

First Name & Middle Initial	Lanny L
Last Name	Farmer
Address	3467 Tanglebrook Trail
City	Clemmons
State	NC
Zip Code	27012
Email Address	Lanfarm@triad.rr.com
Primary Phone	336-713-1845
Alternate Phone	<i>Field not completed.</i>
Residency within the municipal boundaries is required for membership on most Village advisory bodies. How long have you lived in the Village of Clemmons?	Greater Than 10 Years

The Council encourages you to visit a meeting of the group that you are interested in serving on. Please choose no more than two groups from the following list to which you would like to apply.

Which Board is your first choice?	Zoning Board of Adjustment
Which boards would you like to apply for? You may select up to 2.	Zoning Board of Adjustment
How did you find out about this opportunity?	Other
Please Name	<i>Field not completed.</i>
If you are not chosen for this board, are you open to being called upon for a sub-committee or ad hoc board?	Yes
<b>Interests &amp; Experiences</b>	
What perspective(s) do you bring to the board(s), committee(s) or task force(s) to which you are applying?	Formerly served on Zoning, Planning, and Village Council
Please provide a brief summary of any other relevant qualifications (skills, abilities, interests and/or experience) you bring.	Love for our Village
Please provide a statement of why you wish to serve. Please be advised that any information submitted becomes a public record and may be searchable online.	Enjoy being involved in the growth and development of Clemmons
You May Attach a Supporting Document	<i>Field not completed.</i>
Ethics Guidelines for Town Advisory Boards & Committees	I Agree
<p>Applications will be kept on file from July 1st to June 30th of the same fiscal year. Please reapply each fiscal year if you are still interested in serving on an Advisory Board, Committee or Task Force and have not yet been appointed.  <i>You may submit your application or print and return to:</i></p>	

**Lisa Shortt**

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**From:** noreply@civicplus.com  
**Sent:** Friday, August 23, 2019 9:43 PM  
**To:** Lisa Shortt; Shannon Ford  
**Subject:** Online Form Submittal: Board Application

## Board Application

I acknowledge that all information submitted in this application becomes a public record and will be searchable online. The Village is not able to remove information from the public record once it has been posted.

I Agree

First Name & Middle Initial	Christian A.
Last Name	Griffith
Address	4470 Clarksburg Rd.
City	Clemmons
State	NC
Zip Code	27012
Email Address	cgriffith0626@att.net
Primary Phone	8043383635
Alternate Phone	<i>Field not completed.</i>
Residency within the municipal boundaries is required for membership on most Village advisory bodies. How long have you lived in the Village of Clemmons?	1 to 3 Years

The Council encourages you to visit a meeting of the group that you are interested in serving on. Please choose no more than two groups from the following list to which you would like to apply.

Which Board is your first choice?	Zoning Board of Adjustment
Which boards would you like to apply for? You may select up to 2.	Zoning Board of Adjustment
How did you find out about this opportunity?	Advisory Board or Council Member
If you are not chosen for this board, are you open to being called upon for a sub-committee or ad hoc board?	Yes
<b>Interests &amp; Experiences</b>	
What perspective(s) do you bring to the board(s), committee(s) or task force(s) to which you are applying?	I bring the perspective of a young and involved family who is relatively new to the Clemmons area, however, has been in Winston-Salem for over 15 years. Originally born and raised in Richmond, Virginia.
Please provide a brief summary of any other relevant qualifications (skills, abilities, interests and/or experience) you bring.	<p>Education:</p> <p>2015 Master of Business Administration, Winston-Salem State University</p> <p>2004 Bachelor of Science in Business Administration, Virginia Commonwealth University</p> <p>Employment:</p> <p>Triad Guaranty Insurance Corporation, In Rehabilitation - Assistant Vice President, Loss Mitigation - 2004 to Present</p> <p>Community:</p> <p>Board Member for West Forsyth Christian Preschool</p> <p>15 years in Mortgage Insurance industry working in mortgage default servicing, reporting, collections, and other loss mitigation activities. Includes handling Triad's portfolio of Real Estate Owned (REO) properties.</p>
Please provide a statement of why you wish to serve. Please be advised that any information submitted becomes a public record and may be searchable online.	I understand the importance of being involved and committed to the future of your local community. Having a young family of my own, it is important for me to be a part of the community and ensure that the future of my girls is the best we can give them and their peers. The Village of Clemmons is an amazing community already and I would be honored to serve along side you as the board continues to move Clemmons into a bright and successful future.

You May Attach a  
Supporting Document

*Field not completed.*

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Ethics Guidelines for Town    I Agree  
Advisory Boards &  
Committees

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Applications will be kept on file from July 1st to June 30th of the same fiscal year.  
Please reapply each fiscal year if you are still interested in serving on an Advisory  
Board, Committee or Task Force and have not yet been appointed.

*You may submit your application or print and return to:*

*Village of Clemmons  
3715 Clemmons Road  
Clemmons, NC 27012*

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X

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Please be aware that e-mail and attachments sent to and from this address are subject to the North Carolina Public Records Law and may be disclosed to third parties.



**From:** noreply@civicplus.com  
**Sent:** Tuesday, August 27, 2019 11:21 PM  
**To:** Lisa Shortt; Shannon Ford  
**Subject:** Online Form Submittal: Board Application

## Board Application

I acknowledge that all information submitted in this application becomes a public record and will be searchable online. The Village is not able to remove information from the public record once it has been posted.

I Agree

First Name & Middle Initial	Anabelle
Last Name	McElroy
Address	861 South Peace Haven Road
City	Winston-Salem
State	North Carolina
Zip Code	27103
Email Address	DisneyFantasiafanatic@gmail.
Primary Phone	336-624-4324
Alternate Phone	<i>Field not completed.</i>
Residency within the municipal boundaries is required for membership on most Village advisory bodies. How long have you lived in the Village of Clemmons?	Greater Than 10 Years

The Council encourages you to visit a meeting of the group that you are interested in serving on. Please choose no more than two groups from the following list to which you would like to apply.

Which Board is your first choice?	Planning Board
Which boards would you like to apply for? You may select up to 2.	Zoning Board of Adjustment
How did you find out about this opportunity?	Website
If you are not chosen for this board, are you open to being called upon for a sub-committee or ad hoc board?	Yes
<b>Interests &amp; Experiences</b>	
What perspective(s) do you bring to the board(s), committee(s) or task force(s) to which you are applying?	Experience and working with presentations to planning boards the City of Coral and other municipalities in Florida, project manager in construction gamma former member, director and Community vice-president Coconut Grove JCS. Ability to be a team player and leader. Not afraid to speak my mind but also to listen to others and come positive yet productive resolution.
Please provide a brief summary of any other relevant qualifications (skills, abilities, interests and/or experience) you bring.	Skilled at reading plans understanding and explaining if the request is made. Ability to lead individuals yet be part of the team not afraid to get my hands dirty so to speak.
Please provide a statement of why you wish to serve. Please be advised that any information submitted becomes a public record and may be searchable online.	I would like to make a difference in the town and community that I live in. I feel that I can bring that to the table with my years of experience in community service and my interest in making a difference.
You May Attach a Supporting Document	<i>Field not completed.</i>
Ethics Guidelines for Town Advisory Boards & Committees	I Agree
Applications will be kept on file from July 1st to June 30th of the same fiscal year. Please reapply each fiscal year if you are still interested in serving on an Advisory Board, Committee or Task Force and have not yet been appointed. <i>You may submit your application or print and return to:</i>	

NORTH CAROLINA  
FORSYTH COUNTY

SEWER EXTENSION  
INTERLOCAL AGREEMENT

THIS MUTUAL AGREEMENT (*hereinafter, the "Agreement"*), made and entered into this, the \_\_\_\_ day of \_\_\_\_\_, 2021, by and among the Winston-Salem/Forsyth County Utility Commission, an agency of the City of Winston-Salem and Forsyth County (*hereinafter, the "Commission"*) and the Village of Clemmons (*hereinafter, the "Village"*), (*the Commission and the Village, hereinafter, each, individually, a "Party", and, collectively, the "Parties"*).

**WITNESSETH THAT:**

WHEREAS, the Village of Clemmons wishes to extend sewer to a parcel located at 1930 Lewisville Clemmons Road, Clemmons, North Carolina (PIN #5884-81-0709) for a proposed new development; and

WHEREAS, construction of the sewer extension will also permit development in the surrounding area; and

WHEREAS, the sewer extension will begin approximately at the Harper Road Sanitary Sewer Lift Station located at 2642 Harper Road, Clemmons North Carolina and terminate at the southwest corner of the parcel located at 1930 Lewisville Clemmons Road, Clemmons North Carolina (PIN #5884-81-0709), exact location to be determined during design; and

WHEREAS, the Commission will endeavor to accommodate the Village's input in determining the final size of the sewer extension; and

WHEREAS, upon completion, the sewer extension will become a part of the sewer system that the Commission owns and operates; and

WHEREAS, the Commission has, therefore, agreed to manage the real property acquisition for, and the design, permitting, and construction of, the sewer extension (all of which, hereinafter, will, collectively, be referred to as the "the Project"); and

WHEREAS, the Parties have agreed to share the design, permitting, real property acquisition, and construction costs of the Project (hereinafter, the "Costs");

NOW, THEREFORE, in consideration of the mutual covenants, terms, and conditions contained herein, accruing to the benefit of each of the respective Parties hereto, the Parties do, hereby, agree as follows:

1. Apportionment of Costs. The Parties agree to share the Costs in the following manner:

- a. The Village will pay a sum equivalent to the cost to design, permit, construct, and acquire real property for an eight-inch (8") sewer extension. The cost to design, permit, construct, and acquire real property for an eight-inch (8") sewer extension is currently estimated to be One Million One Hundred Thousand Dollars (\$1,100,000.00). It is understood by all Parties, however, that One Million One Hundred Thousand Dollars (\$1,100,000.00) is an estimated cost, and subject to change. The Commission will determine the Costs and the Village's initial share, thereof, once the Commission selects the winning construction bidder. However, nothing else herein contained to the contrary withstanding, should the Village's initial share differ from the actual Costs the Commission incurs to design, permit, construct, and acquire real property for an eight-inch (8") sewer line, the Village's share of the Costs will be adjusted accordingly, all as the Commission shall, in its sole discretion, determine, at the **conclusion** of the Project (the "Village's Final Share").

For purposes of pre-auditing the Agreement, the Village may use a not-to-exceed sum of One Million One Hundred Thousand Dollars (\$1,100,000.00), but should the Village's initial share of the Costs, as determined by the Commission at the time that it selects the winning construction bid, exceeds this sum, the Village will seek any additional requisite approval from its governing board, at the governing board's next meeting following the Commission's receipt of bids to construct the Project and prior to the Commission's award of a construction contract. If the Village agrees, by way of approval of its governing board, to the payment of the Village's initial share, the Project will proceed. If the Village's governing board does not approve the Village's payment of the Village's initial share, the Agreement and the Project will terminate, and the Commission will not construct the Project. The Village will be responsible for the Costs incurred for the design, permitting, construction, and real property acquisition that the Commission has paid or committed for the Project, to date (the "Pre-Construction Costs"). In the event that the Agreement and/or Project terminate, as per this paragraph, the Commission will have no further liability to the Village, other than for the refund of any monies received or retained from the Village, which have not already been expended or committed, and the Village, hereby, waives any and all other claims for direct, indirect, incidental, consequential, special, exemplary, and punitive damages pertaining to the termination of the Agreement and the failure to construct the Project.

- b. The Commission will pay any remaining Costs in excess of the Village's Final Share. The Commission will select the size of the sewer extension the Commission will install, but will consider, and will use reasonable efforts to accommodate the Village's input regarding the size. The overall Costs of the Project are currently estimated to total One Million Eight Hundred Thousand Dollars (\$1,800,000.00), and the difference between that sum and the currently estimated sum of One Million One Hundred Thousand Dollars (\$1,100,000.00) to design, permit, construct, and acquire real property for an eight-inch (8") sewer extension is Seven Hundred Thousand Dollars (\$700,000.00). However, all parties understand that One Million Eight Hundred Thousand Dollars (\$1,800,000.00) and One Million One Hundred Thousand Dollars (\$1,100,000.00) are estimated sums, and subject to change. The Commission will pay the actual remaining Costs it incurs, which exceed the Village's Final Share, per subsection 1(a), above.

For purposes of pre-auditing the Agreement, the Commission will use a not-to-exceed sum of Seven Hundred Thousand Dollars (\$700,000.00), but should the Commission's final share of the actual Costs exceed this sum, Commission staff will seek the Commission's approval of the additional sum.

2. **Payment.** If the Construction Contract and Project are not terminated per subsection 1(a), above, the Commission will invoice the Village for fifty percent (50%) of the Village's initial share, under subsection 1(a), above, once the earlier of either the Construction Contract or the first purchase order under the Construction Contract is issued or executed. Once the earlier of the two is issued or executed, the Village will be responsible for the Village's Final Share. The Commission will invoice the Village for the difference between the fifty percent (50%) of the Village's initial share for which the Commission already invoiced the Village and the Village's Final Share, upon completion of the construction of the Project. The Commission will deduct all the monies the Village owes to the Commission, as stated in the Agreement, from the Reserve Fund established by the Contract Regarding Sewer System for the Village of Clemmons by and among the Village and the Commission, dated February 1, 1996 (hereinafter, the "1996 Interlocal Agreement"), unless the Village elects to pay via some other means (other than the Reserve Fund). The Village will have thirty (30) days from the date of each invoice to pay the invoice, in full, to the Commission; otherwise, the Commission will deduct the monies owed from the Reserve Fund.
3. **Design, Permitting, Real Property Acquisition, and Construction.** The Commission will contract for the design and construction of the Project, in accordance with applicable laws, statutes, ordinances, rules, and regulations. The Commission will secure appropriate

permits and the requisite real property interests, which real property interests will be secured in the City of Winston-Salem's name.

The Parties agree that the Commission and the City Attorney's Office of the City of Winston-Salem (hereinafter, the "City Attorney's Office") will have complete control over the process of acquiring any easement or other real property interest the Commission deems necessary or desirable for the Project, and any consequent litigation. The Commission will decide what property to acquire and the City Attorney's Office will decide what strategy to take, what witnesses to call, what pre-litigation and litigation expenses to incur, and (together with the Commission) what settlement offers to make, decline, or recommend. It is, however, understood, that if a tentative settlement is reached, such settlement will be subject to the Commission's approval.

The Village, hereby, releases and discharges the Commission, the City of Winston-Salem, and their respective officials, officers, employees, agents, servants, independent contractors, and assigns (hereinafter, the "Releasees") from any and all claims, demands, sums of money, actions, rights, causes of action, obligations, expenses, costs, losses, and liabilities, of any kind or nature, whatsoever, directly or indirectly connected with, or related to, the design, permitting, and construction of the Project, and the acquisition of any easement or other real property interest, whether by gift, purchase, or condemnation, necessary or desirable in connection with the Project. The Village agrees not to file any action with respect to a claim or right released, hereby, and that, in the event that either Party does or both Parties do, that this release may be pleaded as a defense and/or a cross-complaint, counterclaim, cross-claim, or third-party complaint.

4. Acceptance. Once construction of the Project, and all real property acquisitions are completed to the Commission's satisfaction, the Commission will accept the sewer extension and will, thereafter, have the sole right to operate, inspect, maintain, repair, rehabilitate, replace, reconstruct, relocate, remove, and expand the sewer extension and the sole right to permit connections thereto.

Once the Commission has accepted the sewer extension, the Village will not have any claim to, or ownership of, the sewer extension, and will have no right to charge others for connecting to the sewer extension.

5. Connections. Connections to the sewer extension will be made and paid for by subsequent users of the sewer extension. The Commission will not, under any circumstances, and, at no point in time, be obligated to pay for or provide connections to the sewer extension, except as provided by applicable laws, statutes, and/or the Commission's Sewerage System

Policy Resolution. Any connection to, addition to, or extension of, the sewer extension will be made only upon the Commission's written consent.

6. The parties acknowledge the 1996 Interlocal Agreement, which remains in full force and effect. Nothing in this Agreement is intended to modify the terms of the 1996 Interlocal Agreement, except that, to the extent that any term or provision of this Agreement contradicts or is inconsistent with any term or provision of the 1996 Interlocal Agreement, the terms of this Agreement shall control with regard to the Project, only.
7. This Agreement cannot be amended or modified, except by another written document duly signed and executed by all the Parties, hereto.
8. Provisions for Interlocal Agreements. This Agreement will endure until the conclusion of the Project or the earlier termination of the Agreement, as specified herein. No joint agency is established by virtue of this Agreement and the undertaking evidenced in this Agreement does not require the appointment of additional personnel. Any real property secured, hereunder, will remain in the City of Winston-Salem's name following the expiration or earlier termination of this Agreement.
9. Iran Divestment Act. The Village, hereby, certify that it is not on the North Carolina State Treasurer's list of persons engaging in business activities in Iran, prepared pursuant to NCGS §147-86.58.
10. Divestment From Companies That Boycott Israel. The Village, hereby, certifies that it is not on the North Carolina State Treasurer's list of companies engaged in a boycott of Israel, in violation of NCGS 147-86.80 et. seq.
11. This Agreement may be executed in any number of counterparts, each of which, when executed and delivered shall constitute a duplicate original, but all counterparts together shall constitute a single agreement.

**[SIGNATURES APPEAR ON THE FOLLOWING PAGE.]**

VILLAGE OF CLEMMONS

By: \_\_\_\_\_ (SEAL)

Signature

\_\_\_\_\_  
Print Name

Village Manager

Attested By:

AFFIX SEAL

By: \_\_\_\_\_

Signature

\_\_\_\_\_  
Print Name

Village Clerk/Secretary

This Instrument has been pre-audited in the  
Manner required by the Local Government  
And Fiscal Control Act

Approved as to form and legality:

By: \_\_\_\_\_

Signature

\_\_\_\_\_  
Print Name

Chief Finance Officer

By: \_\_\_\_\_

Village Attorney

**[SIGNATURES CONTINUE ON THE FOLLOWING PAGE.]**



WINSTON-SALEM/FORSYTH COUNTY UTILITY COMMISSION

By: \_\_\_\_\_ (SEAL)  
Lee Garrity, City Manager

Attested by:

By: \_\_\_\_\_  
Sandra Keeney, City Clerk

This Instrument has been pre-audited in the  
Manner required by the Local Government  
And Fiscal Control Act

Approved as to form and legality:

By: \_\_\_\_\_  
Lisa Saunders, Chief Finance Officer

By: \_\_\_\_\_  
Angela Carmon, City Attorney

Ordinance Number 2021-09

**AN ORDINANCE AMENDING THE VILLAGE OF CLEMMONS CODE OF ORDINANCES  
CHAPTER 31: DEPARTMENTS, BOARDS AND COMMISSIONS**

BE IT ORDAINED by the Village of Clemmons Council Clemmons Ordinance Chapter 31 is amended as follows:

CHAPTER 31: RESERVED

~~CHAPTER 31: DEPARTMENTS, BOARDS AND COMMISSIONS~~

~~COMMUNITY APPEARANCE COMMISSION~~

~~§ 31.01 ESTABLISHMENT.~~

~~—There is hereby created and established “The Village of Clemmons Community Appearance Commission,” hereinafter referred to as the Commission, composed of nine members appointed by the Village Council. All members shall be residents of the village's planning and zoning jurisdiction at time of appointment. The Village Council shall endeavor to appoint a Commission which represents a broad cross section of the community.  
(Ord. 88-03, passed 9-19-88; Am. Ord. 2001-15, passed 11-12-01)~~

~~§ 31.02 MEMBERSHIP QUALIFICATIONS AND TERMS OF OFFICE.~~

~~—(A) Where possible, appointments shall be made in such a manner as to maintain on the Commission at all times a majority of members who have had special training or experience in a design field, such as architecture, landscape design or architecture, horticulture, land-use planning or a closely related field.~~

~~—(B) The terms of office of the members shall be three years, except that the Village Council may stagger the length of the terms of the initial appointees so that all terms do not expire simultaneously.~~

~~—(C) Vacancies occurring for reasons other than expiration of terms shall be filled for the period of the unexpired term. Members, including a member who has served a portion of an unexpired term, shall be eligible for reappointment for a full three year term. There shall be no limit to the number of consecutive terms to which the Council may appoint or reappoint a member.~~

~~—(D) Members of the Commission shall serve without pay, but may be reimbursed for actual expenses incidental to the performance of their duties within the limits of funds available to the Commission.~~

~~(Ord. 88-03, passed 9-19-88; Am. Ord. 96-2, passed 3-11-96)~~

~~§ 31.03 ORGANIZATION.~~

- ~~—(A) The Appearance Commission, within 30 days of its appointment, shall meet and elect a Chairperson, Vice Chairperson, Secretary and Treasurer.~~
  - ~~—(B) The Commission shall maintain a record of its members' attendance, its actions, findings, and recommendations, which record shall be open to the public.~~
  - ~~—(C) A quorum of five members shall be necessary to take any official action authorized or required by this chapter.~~
  - ~~—(D) The Commission shall hold at least 11 meetings per year. All its meetings shall be open to the public.~~
  - ~~—(E) Any member who fails to attend at least five of the 11 scheduled meetings for the calendar year may be removed and replaced by the Council. Any member of the Commission may be removed and replaced by the Council for just cause.~~
  - ~~—(F) Election to the office of Chairperson, Vice chairperson, Secretary and Treasurer shall be for a term of one year. If necessary to complete the incumbent's term, the three year appointment shall be extended.~~
  - ~~—(G) The Treasurer shall prepare and report to the Commission the proposed budget and record of expenditures at each meeting attended by a quorum.~~
- ~~(Ord. 88-03, passed 9-19-88; Am. Ord. 92-00, passed 2-17-92; Am. Ord. 96-2, passed 3-11-96)~~

#### ~~§ 31.04 RESPONSIBILITIES AND DUTIES.~~

- ~~—The Community Appearance Commission shall have the following responsibilities and duties:~~
- ~~—(A) To initiate, promote and assist in the implementation of programs of general community beautification.~~
- ~~—(B) To be available to coordinate the activities of individuals, agencies, and organizations, public and private, whose plans, activities and programs bear upon the appearance of the village.~~
- ~~—(C) To provide leadership and guidance in matters of area or community design to individuals and private organizations, upon request by these individuals, the Planning Board, or the Village Council.~~
- ~~—(D) (1) To provide leadership and guidance in matters of area or community design and appearance to public organizations and agencies; to require from the proper officials or any public agency or body, including agencies of the state and its political subdivisions, its plans for public buildings, facilities, or projects to be located within the village.~~
- ~~—(2) To review these plans and to make recommendations regarding their aesthetic suitability to the Planning Board and Village Council. All plans shall be reviewed by the Commission in a prompt and expeditious manner, and all recommendations with regard to any public project shall be made in writing. Copies of the recommendation shall be transmitted promptly to the Planning Board or Village Council.~~
- ~~—(E) To make studies of the visual characteristics of the village, including surveys and inventories of an appropriate nature, and to recommend standards and policies of design for the entire area, any part thereof, or any project to be undertaken to the Planning Board and/or the Village Council as requested.~~
- ~~—(F) To encourage the review of projects proposed by the private sector, including the overall development plans, architectural design, and site/landscape plans. Upon request by individuals or groups of the private sector, the Commission shall be available to assist in the planning review process.~~

~~—(G) To formulate and recommend to the Planning Board for its consideration, amendments and ordinances (including the zoning ordinance, subdivision ordinance, and other local ordinances regulating the use of property) that will, in the opinion of the Commission, serve to enhance the appearance of the village and its surrounding areas.~~

~~—(H) To direct the attention of the village officials (Village Manager) to needed enforcement of any ordinance that may in any way affect the appearance of the village.~~

~~—(I) To conduct public meetings and hearings, giving reasonable notice thereof. (Eleven meetings required per year).~~

~~—(J) To establish a process for the recognition of contributions to the appearance of the community by public agencies or by the private sector.~~

~~—(K) In order to promote the public interest in and to develop understanding of its recommendations, studies and plans, the Commission may prepare such studies and reports as will advance the cause of improved municipal appearance. Upon approval by the Village Council, the Commission may publish and distribute these studies and findings to the public. (Ord. 88-03, passed 9-19-88; Am. Ord. 95-12, passed 7-10-95)~~

#### ~~§ 31.05 ANNUAL REPORT.~~

~~—The Commission shall, no later than April 15 of each year, submit to the Village Council a written report of its activities, a statement of its expenditures for the current fiscal year, and its requested budget for the next fiscal year.~~

~~(Ord. 88-03, passed 9-19-88)~~

#### ~~§ 31.06 ADVISORY COUNCIL; COMMITTEES.~~

~~—The Commission may, from its own membership, establish any temporary or standing committees needed to assist it in the study of specific questions and problems and to implement its work program.~~

~~(Ord. 88-03, passed 9-19-88)~~

#### ~~§ 31.07 STAFF AND TECHNICAL SERVICES.~~

~~—The Commission may recommend to the Village Council suitable arrangements for the procurement or provision of staff or technical services for the Commission.~~

~~(Ord. 88-03, passed 9-19-88)~~

#### ~~§ 31.08 RECEIPT AND EXPENDITURE OF FUNDS.~~

~~—The Commission may receive contributions from private agencies, foundations, organizations, individuals and state or federal government, or any other source in addition to any sums appropriated for its use by the Village Council. It may accept and disburse these funds for any purpose within the scope of its authority.~~

~~(Ord. 88-03, passed 9-19-88; Am. Ord. 92-00, passed 2-17-92)~~

#### ~~§ 31.09 RECUSAL REQUIREMENTS; CONFLICT OF INTEREST.~~

~~—(A) All members of the Commission including the Chairperson shall have voting power on all matters of business. However, village officials have a duty to protect the integrity of~~

governmental decisions and preclude the appearance of a conflict of interest. Therefore, Commission members shall be excused from voting on any matter where the outcome being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. This impact occurs whenever the member, or his or her spouse:

—(1) Has more than 10% ownership or other interest in an entity that could reasonably be a party to the matter under discussion;

—(2) Derives any income or commission directly associated with the matter under discussion;  
or

—(3) Acquires property as a result of the matter under discussion.

—(B) The recusal requirement shall apply to any matter which the Commission has the authority to approve studies or reports, and to matter where recommendations are forwarded to the Planning Board or governing board, and such recommendations could reasonably include the contractual use of Commission members, whose use might create a conflict of interest.

—(C) Additionally, Commission members shall announce their conflict of interest at the point of the agenda when the Commission begins consideration of the item. At that point, the member will state the point of conflict and ask to be excused from voting. An affirmative vote equal to a majority of all the members present shall be required to approve the request. A failure to vote by a member who is physically present in the meeting, or who has withdrawn without being officially excused by a majority vote of the remaining members present, shall be recorded as an affirmative vote. Any Commission member excused from voting shall also be prohibited from participating in any Commission discussion from which he or she is excused.

—(D) Commission members excused from voting and participating in discussion on a matter under consideration shall temporarily remove himself or herself from the proximity of the Board and be allowed to address the Board as a member of the audience, if desired. This applies to work sessions and regular meetings.

(Ord. 2005-09, passed 8-8-05)

## HISTORIC PROPERTIES COMMISSION

### § 31.20 CREATION:

—Pursuant to the authority conferred by G.S. §§ 160A-400.1 through 160A-400.14, the County Board of Commissioners, the Board of Aldermen of the City of Winston-Salem, the Board of Aldermen of the Town of Kernersville and the Village Council of the Village of Clemmons, by concurrent ordinances, do hereby create and establish a joint County/City/Town/Village Commission to be known as the Forsyth County Joint Historic Properties Commission. In establishing the Commission and making appointments to it, the local governing boards shall seek the advice of such state or local historical agencies, societies or organizations as they may deem necessary.

(Ord. 90-5, passed 12-17-90)

### § 31.21 PURPOSE:

—The purpose of the Commission is to safeguard the heritage of the county, the city, the town, and the village by preserving any property therein that is deemed and found by the Commission to be of special significance in terms of its historical, prehistorical, architectural or cultural

importance and to promote the use and conservation of such property for the education, pleasure, and enrichment of the residents of the county, city, town, village, and state as a whole.  
(Ord. 90-5, passed 12-17-90)

#### ~~§ 31.22 MEMBERSHIP.~~

~~—(A) Appointment. The Commission shall consist of ten members, four to be appointed by the Board of County Commissioners, four to be appointed by the Board of Aldermen of Winston-Salem, one to be appointed by the Board of Aldermen of Kernersville, and one to be appointed by the Village Council of the Village of Clemmons.~~

~~—(B) Qualifications. All members of the Commission shall be residents of the County, and a majority of the members shall have demonstrated special interest, experience or education in history, architecture, archeology or related fields. The Board of County Commissioners shall designate at least one architect licensed in the state, and the Board of Aldermen of Winston-Salem shall designate at least one architectural historian, in accordance with regulations required by Certified Local Government Status.~~

~~—(C) Tenure. Each appointee shall serve overlapping terms of four years. No appointee shall serve more than two full consecutive terms.~~

~~—(D) Vacancy. A vacancy shall be filled by the governing body making the original appointment. The appointee shall fill the unexpired term and shall be entitled to serve two full consecutive terms, if so appointed.~~

~~—(E) Officers. The Commission shall elect a Chairperson and other officers as are necessary to conduct its affairs.~~

~~—(F) Compensation. The members of the Commissions shall serve without compensation.~~  
(Ord. 90-5, passed 12-17-90)

#### ~~§ 31.23 MEETINGS.~~

~~—(A) Occurrence. All meetings shall be held in accordance with the North Carolina Open Meetings Law.~~

~~—(B) Quorum. A quorum to do business shall consist of at least a majority of the appointed membership.~~

(Ord. 90-5, passed 12-17-90)

#### ~~§ 31.24 RULES OF PROCEDURE.~~

~~—The Commission is authorized to adopt bylaws, rules, guidelines, regulations, and operating procedures necessary to conduct the affairs for the Commission and not inconsistent with the provisions of state law, the codes of Forsyth County, the City of Winston-Salem, the Town of Kernersville, and the Village of Clemmons. The Commission may establish committees and task forces essential to meeting its goals.~~

(Ord. 90-5, passed 12-17-90)

#### ~~§ 31.25 COMMISSION POWERS.~~

~~—The Commission shall have all powers conferred and perform all duties designated by state law.~~

(Ord. 90-5, passed 12-17-90)

~~§ 31.26 ADMINISTRATION.~~

~~—(A) Staff support. The Commission is authorized to request the Director of the City-County Planning Board to designate a staff member to assist the Commission in carrying out its purposes. The staffs of the county, city, town, and village shall provide support services as needed by the Commission.~~

~~—(B) Finances. The Board of Commissioners, the Boards of Aldermen, and the Village Council may appropriate funds to the Commission in accordance with state law, authorize the Commission to accept gifts and grants, and approve yearly budgets. The Commission may enter into contracts when authorized by the governing boards. The Commission may accept gifts or grants in furtherance of its goals. The funds shall be managed and disbursed in accordance with the budgets.~~

~~—(C) Annual report. The Commission shall submit an annual report to the governing boards and such other reports as may be requested by them. The annual report shall include, but not be limited to, the progress of the Commission, problems encountered, recommendations for improving the effectiveness of the Commission, and fiscal information.~~

(Ord. 90-5, passed 12-17-90)

MUNICIPAL PLANNING BOARD

~~§ 31.35 MEMBERSHIP AND VACANCIES.~~

~~—(A) The Planning Board shall consist of nine members who reside within the town limits and who shall be appointed by the Village Council and the Mayor.~~

~~—(B) The appointments shall be made according to the following terms:~~

~~—(1) Three members for three years.~~

~~—(2) Three members for two years.~~

~~—(3) Three members for one year.~~

~~—(C) Their successors shall be appointed for terms of three years. Vacancies occurring for reasons other than expiration of terms shall be filled for the period of the unexpired term. Vacancies shall be filled by the governing body responsible for original appointment. Members shall be eligible for reappointment for a maximum of two consecutive full three-year terms at which point they will not be eligible for reappointment for at least one year.~~

~~—(D) The Village Council may remove and replace any member for just cause.~~

(Ord. 89-03, passed 6-19-89; Am. Ord. 94-01, passed 2-21-94)

~~§ 31.36 ORGANIZATION, RULES, MEETINGS AND RECORDS.~~

~~—(A) Within 30 days after appointment, the Planning Board shall meet and elect a Chairperson, Vice-chairperson and Secretary and create and fill such other offices as it may deem necessary. The term of the Chairperson and other officers shall be one year, with eligibility for reelection. The Board, subject to the approval of the Village Council, may adopt rules for transaction of its discussions, findings, and recommendations, which record shall be a public record. The Board shall meet at least six times per year and all of its meetings shall be open to the public. A quorum~~

shall consist of five members for the purpose of taking any official action required by this subchapter.

~~—(B) All members of the Board including the Chairperson shall have voting power on all matters of business. However, village officials have a duty to protect the integrity of governmental decisions and preclude the appearance of conflict of interest. Therefore, Board members shall be excused from voting on any zoning map or text amendment petition where the outcome being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. This impact occurs whenever the member, or his or her spouse:~~

~~—(1) Has more than 10% ownership or other interest in an entity that is party to the petition;~~

~~—(2) Derives any income or commission directly associated with the petitions; or~~

~~—(3) Acquires property as a result of the petition.~~

~~—(C) Additionally, Board members shall announce their conflict of interest at the point of the agenda when the Board begins consideration of the item. At that point, the member will state the point of conflict and ask to be excused from voting. An affirmative vote equal to a majority of all the members present shall be required to approve the request. A failure to vote by a member who is physically present in the meeting, or who has withdrawn without being officially excused by a majority vote of the remaining members present, shall be recorded as an affirmative vote. Any Board member excused from voting shall also be prohibited from participating in any Board discussion from which he or she is excused.~~

~~—(D) Board members excused from voting and participating in discussion on a matter under consideration shall temporarily remove himself or herself from the proximity of the Board and be allowed to address the Board as a member of the audience, if desired. This applies to work sessions and regular meetings.~~

~~(Ord. 89-03, passed 6-19-89; Am. Ord. 2005-10, passed 8-22-05)~~

#### ~~§ 31.37 POWERS AND DUTIES.~~

~~—(A) It shall be the function and duty of the Planning Board to make comprehensive surveys and studies of existing conditions and probable future developments and prepare such plans for physical, social and economic growth, as will best promote the public health, safety, morals, convenience or the general welfare as well as efficiency and economy in the development of the village.~~

~~—(B) In general, the Planning Board shall have the power and duty to:~~

~~—(1) (a) At the direction of, or with the approval of the Village Council, to make studies of the area within its jurisdiction and surrounding areas;~~

~~—(b) Determine objectives to be sought in the development of the study area, and work in conjunction with the Appearance Commission on community design and appearance;~~

~~—(c) Prepare and adopt plans for achieving objectives.~~

~~—(2) To facilitate the ability to gather information pertinent to the drafting, establishment, and maintenance of a community development plan, the Board may conduct such public hearings as are necessary.~~

~~—(3) To appoint committees from within the Planning Board and Appearance Commission membership and to authorize expenditures, as it may see fit, subject to limitations of funds provided for the Planning Board by the Village Council.~~



~~— (4) (a) To develop and recommend policies, ordinances, administrative procedures (including cost analysis), and the means for carrying out these plans;~~

~~— (b) To exercise any function in the administration of these plans that the Village Council may direct.~~

~~— (5) To review and make recommendations to the Village Council upon the extent, location, and design of all public structures and facilities, on the acquisition and disposal of public properties, on the opening, abandonment, widening, extension, narrowing or other changes to streets or other public ways, on the construction, extension, expansion or abandonment of utilities whether publicly or privately owned. However, in the absence of a recommendation from the Board after the expiration of 30 days from the date on which the question was submitted in writing to the Board, the Village Council may take final action.~~

~~— (6) To enter into and carry out contracts with any other city, county, or regional council or planning agency under which it agrees to furnish technical assistance to the other local governments or planning agency, for pay or other services rendered, as allowed by the Village Council. The Planning Board, as allowed by the Village Council, may enter into and carry out contracts with any other city, county, or regional planning agency under which it agrees to pay the other local government or planning agency for technical planning assistance.~~

~~— (7) To perform any other duties that the Village Council may direct.~~

~~— (8) In order to promote public interest in and understanding of its recommendations, the Planning Board, upon approval of the Village Council may publish and distribute copies of its recommendations, and it may use other means of publicity and education to these same ends, as is concurrently agreed with by the Village Council.~~

~~— (9) Members may attend planning conferences or meetings of planning institutes or hearings on pending planning legislation, and the village may pay reasonable expenses within the Planning Board budget as appropriated.~~

~~(Ord. 89-03, passed 6-19-89; Am. Ord. 95-15, passed 8-14-95)~~

#### ~~§ 31.38 ANNUAL REPORT OF ACTIVITIES AND ANALYSIS OF EXPENDITURES.~~

~~— The Planning Board shall, annually, submit to the Village Council a written report of its activities, and an analysis of the expenditures to date for operation during the ensuing year.~~

~~(Ord. 89-03, passed 6-19-89; Am. Ord. 95-15, passed 8-14-95)~~

#### MISCELLANEOUS

#### ~~§ 31.40 — PROCEDURES FOR DISPOSING OF PERSONAL PROPERTY VALUED AT LESS THAN \$5,000.~~

~~— (A) The Finance Officer is hereby authorized to dispose of any surplus personal property owned by the village, wherever he or she determines, in his or her discretion, that:~~

~~— (1) The item or group of items has a fair market value of less than \$5,000;~~

~~— (2) The property is no longer necessary for the conduct of public business;~~

~~— (3) Sound property management principles and financial considerations indicate that the interests of the village would best be served by disposing of the property.~~

~~— (B) The Finance Officer may dispose of any such surplus personal property by any means which he or she judges reasonably calculated to yield the highest attainable sale price in money~~

or other consideration, including but not limited to the methods of sale provided in Article 12 of N.C. Gen. Stat. Chapter 160A. Such sale may be public or private, and with or without notice and minimum waiting period.

~~—(C) The surplus property shall be sold to the party who tenders the highest offer, or exchanged for any property or services useful to the village if greater value may be obtained in that manner, and the Finance Officer is hereby authorized to execute and deliver any applicable title documents. If no offers are received within a reasonable time, the Finance Officer may retain the property, obtain any reasonably available salvage value, or cause it to be disposed of as waste material. No surplus property may be donated to any individual or organization except by resolution of the Council.~~

~~—(D) The Finance Officer shall keep a record of all property sold under authority of this section and that record shall generally describe the property sold or exchanged, to whom it was sold, or with whom exchanged, and the amount of money or other consideration received for each sale exchange.~~

~~(Ord. 98-03, passed 2-9-98)~~

#### ~~§ 31.41 DELEGATING AUTHORITY TO PURCHASE APPARATUS, SUPPLIES, MATERIALS OR EQUIPMENT.~~

~~—(A) Grant of Authority. Subject to the restrictions and conditions hereinafter provided, when purchasing apparatus, supplies, materials or equipment for use by the village, in the addition to such authority as may be provided by law and/or otherwise delegated by the Council, the Manager shall have the authority to:~~

~~—(1) Prepare, or cause to be prepared, plans and/or specifications setting forth a complete description of the item(s) to be purchased and the characteristics, features and/or requirements therefor;~~

~~—(2) Include, where appropriate, in specifications for the item(s) to be purchased an opportunity for bidders to purchase as trade-in specified personal property owned by the village;~~

~~—(3) Advertise, or otherwise secure bids, for such item(s), if required under applicable law;~~

~~—(4) Award contracts for the purchase of the item(s) and, where applicable, award contracts for the purchase of the item(s) and the sale of trade-in property; and award contracts for the performing services;~~

~~—(5) Reject bids;~~

~~—(6) Readvertise to receive bids;~~

~~—(7) Waive bid bond or deposit requirements;~~

~~—(8) Waive performance and payment bond requirements; and~~

~~—(9) Execute and deliver the purchase contracts.~~

~~—(B) Report.—At the first meeting of the Council following the award of contract(s) pursuant to this section, the Manager shall submit a report to the Council summarizing the bids received and the contract(s) awarded. Such report shall be included in the minutes of the meeting at which it is received.~~

~~—(C) Extent of Authority. Except in cases of sole source purchases to G.S. § 143-129(f) and cases of purchases from established contracts pursuant G.S. § 143-129(g), unless otherwise provided by law, the provisions of this section shall apply to the purchase of apparatus, supplies,~~

materials or equipment requiring the estimated expenditure of municipal funds in an amount not to exceed \$5,000 for any one item or group of similar items.

~~—(D) No limitation of other authority. The provisions of this section are not intended to limit, restrict, or revoke, in any manner, authority otherwise granted and/or delegated to the Manager by statute, law or action of the Council.~~

~~—(E) Appropriation required. No purchase shall be made by the Manager under authority of this section unless an appropriation for such purpose has been authorized in the annual budget, or by supplemental appropriation or budget appropriation amendment duly adopted by the Council.~~

~~—(F) Application of General Statutes. In acting pursuant to the authority delegated by this section, the Manager shall comply with the requirements of G.S. Chapter 143, Article 8, as from time amended, modified, supplemented, revised or superseded, to the same extent as would have otherwise applied to the Council.~~

~~(Ord. 98-9, passed 4-27-98; Am. Ord. 2000-18, passed 10-9-00)~~

#### ~~§ 31.42 PROCUREMENT OF ARCHITECTURAL, SURVEYING AND ENGINEERING SERVICES.~~

~~—(A) The Village Council does hereby exempt village projects from the procurement procedures set out in G.S. Chapter 143, Article 3D, for architectural, engineering and surveying services when the estimated professional fee on any project is in an amount less than \$50,000 and amount will automatically adjust to match G.S. § 143-64.32 limits.~~

~~—(B) The Village Manager is hereby authorized to negotiate and sign contracts for architectural, engineering and surveying services when the funds to pay for the contracted services are properly appropriated. Limits shall remain the same as set forth in this section with the Village Manager having authority to amend the dollar amount if and when the dollar amount is adjusted by G.S. § 143-64.32.~~

~~(Ord. 2000-17, passed 10-9-00; Am. Ord. 2017-02, passed 3-13-17)~~

#### ~~STORMWATER ADVISORY BOARD~~

#### ~~§ 31.55 MEMBERSHIP AND VACANCIES.~~

~~—(A) The Stormwater Advisory Board shall consist of seven members. All members shall reside within the Village of Clemmons corporate limits. The Board shall be appointed by the Village Council.~~

~~—(B) The terms of Board members shall be a maximum of three years. The terms of the initial members shall be staggered so that all terms do not expire simultaneously.~~

~~—(1) The appointments of initial members shall be made according to the following terms:~~

~~—(a) Two members for terms expiring June 30, 2010;~~

~~—(b) Two members for terms expiring June 30, 2009; and~~

~~—(c) One member for terms expiring June 30, 2008.~~

~~—(2) The two newly created positions shall be made according to the following terms:~~

~~—(a) One member for a term expiring June 30, 2020; and~~

~~—(b) One member for a term expiring June 30, 2021.~~

~~—(3) Ex officio members shall include one representative from the Village Council and one representative from the Planning Board, whose representative will be determined by each board annually for the July through June time frame. Ex officio members shall not serve as chair person or other Board officials. The Clemmons Stormwater Administrator shall attend all meetings as an advisor, with functions to include agenda preparation and coordination of meeting minutes with the Board Secretary. The Village Manager or Assistant Manager will be available to attend any meeting and provide advice or assistance needed by the Board.~~

~~—(C) Their successors shall be appointed for terms of three years to coincide with the fiscal years. Vacancies occurring for reasons other than expiration of terms shall normally be filled for the period of the unexpired term. Vacancies shall be filled by the governing body. Members shall be eligible for reappointment for a maximum of two consecutive full three year terms at which point they will not be eligible for reappointment for at least one year.~~

~~—(D) Faithfully attending at least three-fourths of all meetings of the Board during any fiscal year is considered a prerequisite for the maintenance of membership, and the Village Council may remove and replace any member continually delinquent in his or her duty to attend and for other just cause.~~

~~(Ord. 2007-04, passed 2-12-07; Am. Ord. 2018-06, passed 6-11-18)~~

#### ~~§ 31.56 ORGANIZATION, RULES, MEETINGS AND RECORDS.~~

~~—(A) Within 30 days after appointment, the Stormwater Advisory Board shall meet and elect a chairperson, vice chairperson and secretary and create and fill such other offices as it may deem necessary, and to determine the regular meeting schedule. The term of the chairperson and other officers shall be one year, with eligibility for reelection. The Board, subject to the approval of the Village Council, may adopt rules for transaction of its discussions, findings and recommendations, which record shall be a public record.~~

~~—(B) The Board shall meet at least four times per year, or more often if deemed appropriate by the board, and all of its meetings shall be open to the public. A quorum shall consist of three members for the purpose of taking any official action required by this subchapter.~~

~~—(C) Conflict of interest/excusal from voting.~~

~~—(1) All members of the Board including the Chairperson shall have voting power on all matters of business. However, village officials have a duty to protect the integrity of governmental decisions and preclude the appearance of conflict of interest. Therefore, Board members shall be excused from voting on any matter where the outcome being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. This impact occurs whenever the member, or his or her spouse:~~

~~—(a) Has more than 10% ownership or other interest in an entity that could reasonably be a party to the matter under discussion;~~

~~—(b) Derives any income or commission directly associated with the matter under discussion; or~~

~~—(c) Acquires property as a result of the matter under discussion.~~

~~—(2) The recusal requirements shall apply to any matter which the Board has the authority to approve, such as studies or reports, and to matters where recommendations are forwarded to the planning board or governing board, and such recommendations could reasonably include the contractual use of board members, whose use might create a conflict of interest.~~

~~—(3) Additionally, board members shall announce their conflict of interest at the point of the agenda when the board begins consideration of the item. At that point the members will state the point of conflict and ask to be excused from voting. An affirmative vote equal to a majority of all the members present shall be required to approve the request. A failure to vote by a member who is physically present in the meeting, or who has withdrawn without being officially excused by a majority vote of the remaining members present, shall be recorded as an affirmative vote. Any Board member excused from voting shall also be prohibited from participating in any board discussion from which he or she is excused.~~

~~—(4) Board members excused from voting and participating in discussion on a matter under consideration shall temporarily remove his/her self from the proximity of the Board and be allowed to address the Board as a member of the audience if desired. This applies to work sessions and regular meetings.~~

~~(Ord. 2007-04, passed 2-12-07; Am. Ord. 2018-06, passed 6-11-18)~~

~~§ 31.57 POWERS AND DUTIES.~~

~~—(A) Members of the Board shall demonstrate interest in support for the efficiency, effectiveness, goals and mission of the village's stormwater management program.~~

~~—(B) In general, the Stormwater Advisory Board shall have the power and duty to:~~

~~—(1) Review and provide recommendations on the stormwater management plan.~~

~~—(2) Review the Phase II annual report.~~

~~—(3) Provide recommendations regarding the identification and implementation of new stormwater management program activities.~~

~~—(4) Review and provide recommendations on the Post Construction Ordinance.~~

~~—(5) Review and provide recommendations on the Illicit Discharge Detection and Elimination Ordinance.~~

~~—(6) Provide guidance for long range capital improvement planning.~~

~~—(7) Perform other duties as directed or approved by the governing body.~~

~~(Ord. 2007-04, passed 2-12-07; Am. Ord. 2018-06, passed 6-11-18)~~

PASSED AND ADOPTED by the Village of Clemmons Council this the 14th day of June, 2021.

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John L. Wait  
Mayor

ATTEST:

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Lisa Shortt  
Village Clerk



**AN ORDINANCE AMENDING THE VILLAGE OF CLEMMONS CODE OF  
ORDINANCES CHAPTER 51: STORMWATER UTILITY**

BE IT ORDAINED by the Village of Clemmons Council Clemmons Ordinance Chapter 51 is amended as follows:

**CHAPTER 51: STORMWATER UTILITY**

**Section**

- 51.01 Authority
- 51.02 Definitions
- 51.03 Service charges; rates; fee schedules
- 51.04 Exemptions; credits
- 51.05 Billing method; responsible parties
- 51.06 Backbilling
- 51.07 Billing standards
- 51.08 Appeals
- 51.09 Limits of responsibility
- 51.10 Stormwater permit fee
- 51.11 Roadway drainage

**§ 51.01 AUTHORITY.**

(A) Pursuant to Article 14, Section 5 of the North Carolina Constitution and G.S. Chapter 160A, Article 16, the Village of Clemmons Council hereby creates a public enterprise for the purpose of generating revenue to support the Clemmons stormwater management program. The public enterprise shall be referred to as the Clemmons Stormwater Utility.

(B) Pursuant to G.S. § 160A-311, the Village of Clemmons Council hereby determines that the fees generated by the Stormwater Utility will support the stormwater management program which is designed to protect surface water quality by controlling the level of pollutants in, and the quantity and flow of stormwater; and to effectively maintain the structural and natural stormwater and drainage systems.

(C) Pursuant to G.S. § 160A-312, the Village Council assumes the full authority to act on behalf of the enterprise to acquire, construct, establish, enlarge, improve, maintain, own, operate, and contract for the operation of the Clemmons Stormwater Utility and the associated stormwater management program; and assumes full authority to protect and regulate the Stormwater Utility by adequate and reasonable rules, and shall enforce such rules as adopted by ordinances with the remedies available under any provision of law.

(D) Pursuant to G.S. § 160A-314(a1)(2), the fees established under this chapter are made applicable for all property as indicated herein and located throughout and within the corporate limits of the Village of Clemmons as they currently exist and as they may be amended. It is also declared by the Village of Clemmons Council that the rates, fees, and charges imposed under the authority may not exceed the Village's cost of providing the stormwater management program, and that the Village's cost of providing the stormwater management program includes any costs necessary to assure that all aspects of stormwater quality and quantity are managed in accordance with federal and state laws, regulations and rules. All other provisions of G.S. § 160A-314 are adopted by reference to be applicable to the Clemmons Stormwater Utility.

(Ord. 2005-04, passed 4-25-05)

## § 51.02 DEFINITIONS.

For the purpose of this chapter, the following definitions and acronyms shall apply unless the context clearly indicates or requires a different meaning.

**ADJACENT BLKLOT.** A BLKLOT that physically adjoins another BLKLOT having a common boundary line at any point in the parcel. A BLKLOT separated by roads, railroads, or other public rights-of-way is not considered an ADJACENT BLKLOT.

**BLOCK/LOT (BLKLOT).** Taxable parcel as defined in the Forsyth County tax records.

**EQUIVALENT RESIDENTIAL UNIT (ERU).** A measure of the amount of impervious surface area contained on a typical single-family residence in Clemmons. This has been determined to be 3,952 square feet of impervious surface area. An ERU is also the basis for charging a stormwater fee.

**HABITABLE DWELLING UNIT (HDU).** A permanent or semi-permanent (e.g., mobile home) structure, that could provide shelter for one family unit, and has at least one each of the following: sleeping area (bedroom), cooking area (kitchen), and sanitary area (bathroom). A camper trailer would qualify if it is a primary residence and meets the stated criteria.

**IMPERVIOUS SURFACE AREA.** A surface which, because of its composition or compacted nature, impedes or prevents natural infiltration of water into the soil, including but not limited to: roofs, solid decks, driveways, patios, sidewalks, parking areas, tennis courts, streets, or compacted gravel surfaces. (Note: slatted decks, swimming pools, ponds, and lakes are considered pervious.)

**MANUFACTURED HOUSING DEVELOPMENT.** Any BLKLOT maintained, offered, or used for parking two or more manufactured homes, regardless of whether or not a charge is made for such accommodations.

**RESIDENTIAL BILLING CATEGORIES:**

**MULTI-FAMILY RESIDENCE (MFR).** A BLKLOT or complex containing two or more HDUs. Examples: townhouses, condominiums, apartment complexes, duplexes, and mobile home parks.

(1) **MULTI-FAMILY RESIDENTIAL - MULTIPLE OWNERSHIP (MFR-MO).** A collection of BLKLOTS that make up a defined development sharing common areas and private streets where each HDU is owned separately and there is only one HDU per BLKLOT. Examples include townhouses or condominium complexes.

(2) **MULTI-FAMILY RESIDENTIAL - SINGLE OWNERSHIP (MFR-SO).** A BLKLOT or complex where a single entity owns the entire complex or major portions of the complex. In this situation each BLKLOT will have multiple HDUs. Examples include apartment complexes, mobile home parks, and duplexes.

**NON-RESIDENTIAL (NR).** All property other than residential. Examples include commercial, industrial, institutional, governmental, utilities, religious, tax-exempt.

**NON-SINGLE FAMILY RESIDENTIAL (NON-SFR).** Any land use other than single-family residential, except for undeveloped land.

**SINGLE FAMILY RESIDENTIAL (SFR).** A single BLKLOT having only one HDU and having no apparent commercial activity or value. (The term includes manufactured homes that are not located in manufactured housing developments and MRF-MO. For billing purposes, a SFR BLKLOT being used for a commercial purpose does not fit in this category, but will be billed according to the Non-Single Family Residential standard as listed in § 51.07(A)(2). Examples include but are not limited to child day care or family group homes.)

**SAME BLKLOT OWNERSHIP.** The name listed in the Forsyth County tax records is the same for two or more BLKLOTS.

**UNDEVELOPED BLKLOT.** A whole, legally recorded parcel of land having no apparent added developed or miscellaneous value according to the Forsyth County tax records and

with insufficient impervious area to meet the minimum threshold for charging a stormwater fee as defined herein.  
(Ord. 2005-04, passed 4-25-05)

#### § 51.03 SERVICE CHARGES; RATES; FEE SCHEDULES.

(A) The initial stormwater utility shall be first implemented to coincide with the Clemmons fiscal year encompassing July 1, 2005 to June 30, 2006. During August, 2005, and annually thereafter, stormwater fees shall be billed as part of the Forsyth County property tax billing statement. All stormwater service fees collected during each fiscal year shall be deemed revenue applicable for the July - June budget year in which they were billed.

(B) The Forsyth County Tax Collector will be the sole agency authorized to collect Clemmons' stormwater fees.

(C) Stormwater service fees shall apply to all property with the Village limits without regard to ownership, governmental, or non-profit status, except as set forth in § 51.04. Such charges shall be based on the amount of impervious surface area on each parcel as determined by the equivalent residential unit (ERU) standard, identified in § 51.07.

(D) The schedule of, ~~structure of, and fee rates, for the stormwater utility,~~ shall be set forth each year in the annual Village of Clemmons budget ordinance ~~by the Village Council. The stormwater utility shall include the base rate for single-family residential properties and charges for non-single family uses shall be calculated utilizing the ERU basis.~~ All other stormwater related fees shall be set forth in the Village of Clemmons fee schedule as adopted in the annual budget.

(Ord. 2005-04, passed 4-25-05)

#### § 51.04 EXEMPTIONS; CREDITS.

(A) Except as provided in this section, no public or private property shall be exempt from stormwater service charges or receive a credit against such charges.

(B) Undeveloped land, public rights-of-way maintained by the State of North Carolina and the Village of Clemmons, and railroad rights-of-way shall be exempt from stormwater service fees.

(C) Stormwater management is a multi-faceted program extending beyond the physical location and conditions of an individual property's stormwater discharge or runoff. Additionally, stormwater runoff affects recharged groundwater. Therefore, properties not draining into the Village's drainage system are not exempt, nor will receive credits, from the provisions of this chapter simply due to the fact that they are not utilizing the Village's stormwater system.

(Ord. 2005-04, passed 4-25-05)

#### § 51.05 BILLING METHOD; RESPONSIBLE PARTIES.

(A) (1) The billing and collections system for the Utility shall be administered by the Forsyth County Tax Collector as set forth in the agreement between the Village of Clemmons and Forsyth County. Stormwater billing fees will be assigned to BLKLOTs based on property ownership data on file with Forsyth County Tax Collector, and this fee will be included in the annual ad-valorem property tax collection invoices administered annually by the Tax Collector.

(2) The Village of Clemmons will maintain the billing data master account file, and this file will indicate the number of ERUs attributable for each BLKLOT as evidenced by the Tax Collector files as of January 1 of each year prior to the subsequent budget year beginning the following July 1. Stormwater charges will appear on the annual tax bill which will be



mailed to property owners consistent with the annual property tax billing schedule. The property owner is ultimately responsible for payment of the annual stormwater service fee for each BLKLOT and lot as listed on the tax invoice.

(B) Due date. Stormwater fees are due and payable according to the same payment schedule applicable to property taxes as set forth in G.S. § 105-360. Payments are due and payable on September 1 of the fiscal year for which the fees are levied. Fees are payable at face value if paid before January 6 following the due date.

(C) Delinquent fees. Fees paid on or after January 6 following the due date are delinquent and are subject to interest charges as set forth in G.S. § 105-360.

(D) Delinquent fees procedure. Delinquent fees may be collected in the same manner as delinquent property taxes. Interest charges on delinquent fees shall be collected in like manner. Accordingly, the Tax Collector shall proceed to collect such fees and interest by use of any remedy allowed for under G.S. Chapter 105, Article 26. This includes, but is not limited to, the North Carolina State Debt Setoff program as set forth in G.S. Chapter 105A, Article 1, and procedures for attachment and garnishment as designated by G.S. § 105.368.

(E) The creation of tax liens as a remedy for delinquent stormwater fees is hereby authorized as specified in G.S. § 160A-314(a1)(4). This authorization includes all actions reasonably associated with the creation of tax liens, including but not limited to, the advertisement of unpaid fees.

(F) The Village of Clemmons may, at its sole discretion, commence legal actions allowed to collect unpaid debt or impose penalties on such unpaid debt as allowed by law.

(G) Medium of payment. The method of fee payment shall be payable and subject to the allowances and restrictions identified in G.S. § 105-357.

(H) Place for collection. Stormwater fees shall be payable at the office of the Forsyth County Tax Collector and other places designated by the Tax Collector for the payment of such fees. Stormwater fees shall not be collected by the Village of Clemmons or its personnel.

(I) Immaterial irregularities. Immaterial irregularities, as listed in G.S. § 105-94, will not invalidate the fee imposed upon BLKLOTs nor the ability of the Forsyth County Tax Collector to otherwise enforce any other process identified in this chapter.

(Ord. 2005-04, passed 4-25-05; Am. Ord. 2005-12, passed 10-24-05)

#### § 51.06 BACKBILLING.

Failure to receive a bill is not justification for nonpayment. The owner of each parcel of developed land, unless excepted by this chapter, shall be ultimately obligated to pay such fee. If a customer is under-billed or if no bill is sent for developed land, the Village shall backbill for unpaid fees for a period up to three years.

(Ord. 2005-04, passed 4-25-05)

#### § 51.07 BILLING STANDARDS.

(A) Each developed BLKLOT which has impervious surface equal to or greater than 500 square feet shall be billed the appropriate stormwater fee.

(1) Single Family Residence (SFR) BLKLOTs. Each SFR BLKLOT will be billed ~~one ERU~~ based on the amount of impervious area on their property as of January 1 of the subsequent billing year, as identified in § 51.03 (D). Any BLKLOT containing a single manufactured home will be considered as an SFR BLKLOT. Exception: A BLKLOT that is adjacent to an SFR BLKLOT, and is under the same ownership as the adjacent SFR BLKLOT, and does not have an HDU or commercial value/activity, may not be billed. (Examples include adjacent BLKLOTs containing only private driveways or sheds.)

(2) Non-Single Family Residential (Non-SFR) BLKLOTs. All Non-SFR BLKLOTs shall be billed based on the amount of impervious area on the site as of January 1 of the subsequent billing year. The actual impervious surface area will be measured in square feet, and the number of ERUs calculated by dividing the total square feet of impervious area by the ERU amount. The impervious area present on each Non-SFR BLKLOT will be updated annually as needed using best available information.

(B) Billing Basis: SFR and Non-SFR. The basis for determining whether each BLKLOT is billed SFR or Non-SFR will be the underlying zoning district and associated land use as listed by the Forsyth County Planning Permits Department. All BLKLOTs located in RS (Single Family) zoning districts as designated by the Forsyth County zoning map shall be billed as SFR, unless the land use of such SFR zoning districts clearly indicates a Non-SFR use. Examples of such occurrences may include, but are not limited to, legally non-conforming uses or potential zoning inaccuracies/violations. All other BLKLOTs will be billed as Non-SFR BLKLOTs. Mobile homes located in mobile housing developments will be handled in accordance with division (F) below.

(C) The minimum billable fee ~~is one ERU~~ shall be based off of the minimum tier (within the fee structure) as approved by council for all Single Family Residential (SFR) BLKLOTs and one ERU for all Non-SFR BLKLOTs. Fees will be billed in whole ERUs only. Each fractional ERU for Non-SFR BLKLOTs will be rounded up to the next full ERU when the fractional impervious area is equal to or greater than 500 square feet.

(D) Optional billing method for Multi-Family Residential - Multiple Ownership (MFR-MO).

(1) If a homeowners' association, or similar single entity representing the MFR-MO presents a formal written request, the Village Council may amend the billing method during the upcoming budget year. This option allows all of the BLKLOTs represented by the homeowners' association to include all common areas, private streets, plus all dwelling units, to be included in one single calculated impervious area. If approved, a single bill will be sent to the association for payment of the calculated impervious area.

(2) This alternate billing method requires an agreement between, and approved by, the Village of Clemmons and the homeowners' association. It is the sole discretion of the Village Council to approve this alternate billing method, and will be based on a case-by-case determination of the homeowners' association's legal authority to enter into such an agreement with the Village of Clemmons.

(E) Manufactured housing developments (MHDs). This section applies to zoning districts designated as Manufactured Housing Developments in the Forsyth County unified development ordinance. Mobile home parks will be billed based on the total impervious area in the MHD. This area will be updated annually by summing the total of:

(1) All impervious surface area excluding mobile homes and pads; and  
(2) The impervious area of all mobile homes and pads. This will be updated annually by using a random sample (2% of mobile homes in the development) to determine the average mobile home pad impervious surface area, and then multiplying that average surface area times the number of mobile homes or pads present as of January 1 each year preceding the subsequent budget year.

(F) Mixed-Use BLKLOT. BLKLOTs that include a mixture of residential and commercial purposes will be billed as non-residential BLKLOTs. This use is indicated either by the MU zoning district designated by the zoning maps or by a determination by a Forsyth County Permits Inspector that such a combination exists.

(G) The Village Manager has authority to interpret the billing procedures and adjust related billing charges as needed to address circumstances which apply principally to either misinterpretation of this chapter or to miscalculation of billing charges.

(H) Privately owned streets. If the street is in an SFR area, impervious area will not be measured or charged. If the street is in a non-residential area with commercial uses, an MFR-SO, or a manufactured housing development, then the impervious area of the street will be measured and included in the total fee determination for the property. Additionally, MFR-MO BLKLOTs which choose the optional billing method discussed above in division (D) will be treated as Non-SFR and include private streets in the impervious area calculation.

(I) Rules for sites under construction. Prior to public dedication and acceptance by the Village of Clemmons' governing body, SFR streets constructed or graveled to an impervious condition will not be billed a stormwater fee unless the subdivision experiences six months of construction inactivity as of January 1 of each year. Construction activity may be indicated by, but not limited to, any physical construction or permits issued for the site within the last six months for construction purposes.

(Ord. 2005-04, passed 4-25-05)

#### § 51.08 APPEALS.

Any customer who believes the provisions of this chapter have been applied in error may appeal in the following manner:

(A) An appeal must be filed in writing with the Village Manager or his or her designee stating the basis of the appeal. At the discretion of the Village Manager, the appeal shall include information displaying the total property area, the impervious surface area, and any information that is pertinent to the appellant's case.

(B) A technical review shall be performed to determine the accuracy of the information in the Village's impervious surface master account file. **The Village Manager reserves the right to request a certified property survey that shows all impervious areas on the property, at the expense of the customer, for further review.** The Village Manager may adjust the fee or credit the account as long as the adjustment is in conformance with the intent of this chapter. At the conclusion of the review, the Village Manager shall issue a written determination stating whether an adjustment to the stormwater billing is appropriate, and if so, the amount of such adjustment. Decisions by the Village Manager should be concluded within 60 days of receipt of appeal.

(C) Adjustments to fees already paid will be refunded through a check which will be mailed to the offended party no later than 30 days following the approved adjustment. Interest will not be paid by the Village on refunds or overpayments.

(D) No adjustments will be made for more than the two-year period immediately preceding the date that the customer's appeal is received by the Village Manager.

(E) All decisions of the Village Manager shall be served on the customer personally or by registered or certified mail. Service shall be based upon the billing address of the customer as listed in the Forsyth County tax records or other verifiable document.

(F) Appeals will only be eligible when received by the Village within two calendar years of the applicable payment due date. Example: Fiscal year 2005-2006 stormwater bills, mailed in September, are due and payable no later than January 5, 2006. Appeals resulting from this bill must be received no later than January 5, 2008.

(G) Results of appeal requests shall be reported to the elected Village Council.

(H) Appeals of the Village Manager's decision shall be brought to the elected Village Council by the aggrieved party by written request. The request must be received by the Village of Clemmons within 60 days of receipt of notice concerning the Village Manager's decision. A decision by the elected Village Council shall be rendered within 60 days of receipt of the appeal, unless delayed by conditions out of their control. All decisions of the Village Council shall be final.

(Ord. 2005-04, passed 4-25-05)

§ 51.09 LIMITS OF RESPONSIBILITY.

(A) The Village shall be responsible only for the portions of the drainage system which are located in Village-maintained street rights-of-way and permanent storm drainage easements conveyed to and accepted by the elected Village Council. Repairs and improvements to the drainage system shall be in accordance with established standards, policies, and schedules.

(B) The Village's acquisition of storm drainage easements and/or the construction or repair by the Village of drainage facilities does not constitute a warranty against stormwater hazards, including, but not limited to, erosion, flooding, or standing water.

(Ord. 2005-04, passed 4-25-05)

§ 51.10 STORMWATER PERMIT FEE.

	<i>First Disturbed Acre</i>	<i>Additional Disturbed Acres</i>
Initial review fee (1)	\$250	\$ 50
Re-submitted initial plan	\$250	\$ 50
System review fee (2)	\$350	\$150
<u>Add an additional fee of \$1,000 for each quantity BMP</u>		
Re-submitted system plan	\$350	\$150
Non-review administration fee	\$200*	
* Applicable for all projects which disturb less than the applicable thresholds for disturbed areas ( <del>Per Village of Clemmons UDO less than one acre</del> ) and do not require stormwater management reviews. Projects requiring initial reviews do not require administration fees.		
(1) The initial review evaluates the project's stormwater analysis and resultant Village determination of stormwater management system facility requirements, if any. The Village will provide written comments on the application, plus <del>one</del> <b>two</b> ensuing additional reviews to either approve or disapprove the re-submitted analysis. Further reviews <del>are subject to the will be assessed</del> re-submitted <del>plans</del> initial plan fees.		
(2) The system review, if required, evaluates the design adequacy of required stormwater management facilities. The Village will provide written comments on the application, plus <del>one</del> <b>two</b> ensuing additional reviews to either approve or disapprove the re-submitted design. Further reviews <del>are subject to the will be assessed</del> re-submitted system plan fees.		

(Ord. 2008-06, passed 6-9-08; Am. Ord. 2012-10, passed 8-13-12)

§ 51.11 ROADWAY DRAINAGE.

(A) Prohibited acts absent permit. Absent a permit issued by the Clemmons Public Works Director or his or her designee:

(1) It shall be unlawful to block, fill, pipe, alter the grade of or obstruct any drainage way, swale, ditch or drainage device located within the public right-of-way in such manner as to impede or diminish the effectiveness of its intended use.

(2) It shall be unlawful to pipe or fill any existing drainage ditch along public ribbon-paved roadways, other than for permitted driveway access.

(3) It shall be unlawful for any person to connect a private drainage structure to a public drainage structure in the public right-of-way.

(B) Permit. The Clemmons Public Works Director, or his or her designee, in consultation with the Clemmons Stormwater Administrator, may authorize any of the above prohibited acts to be done upon the public right-of-way when it is made to appear that the action authorized, when taken, will not substantially impair roadway drainage, will not impair the structural integrity of public roads, and will not substantially diminish stormwater quality of quantity controls.

(C) Violations; penalties. The following enforcement procedures may be undertaken by the Stormwater Administrator, to enforce provisions of this section.

(1) Criminal penalties. Any person, firm, or corporation violating any provisions of this section shall be guilty of a Class 3 misdemeanor. Upon conviction thereof, such violator shall be subjected to a fine not to exceed \$500, except that no such violation shall be punishable until the expiration of ~~ten~~ five days after notice shall have been issued by the Stormwater Administrator and served upon such violator. Each and every day beyond the initial ~~ten-five~~-day notice period during which such violation continues shall be deemed a separate offense.

(2) Civil penalties.

(a) Assessment of civil penalties. In addition to criminal penalties, any person, firm or corporation violating any provisions of this section shall be subject to a civil penalty of \$100 to be recovered by the jurisdiction in a civil action in the nature of a debt. No civil penalty shall be assessed until the person alleged to be in violation has been notified of the violation by the Stormwater Administrator. Failure to correct the violation within ~~ten~~ five days of the date of service of the notice, or the end of the period of any extension, will result in the assessment of a civil penalty or other enforcement action. For good cause determined by the Stormwater Administrator, the correction period may be extended by him or her. Each day of continuing violation shall constitute a separate violation.

(b) Referral to attorney. If payment is not received within 30 days after written demand for payment is made, the Stormwater Administrator may refer the matter to the jurisdiction's attorney who is authorized to institute a civil action in the name of the jurisdiction in the appropriate division of the General Court of Justice for recovery of the penalty.

(3) Injunctive or other relief.

(a) Referral to attorney. In addition to other remedies provided by law, whenever the Stormwater Administrator has reasonable cause to believe that any person is violating or threatening to violate this section, the Stormwater Administrator may refer the matter to the jurisdiction's attorney.

(b) Other appropriate action. The jurisdiction's attorney, on behalf of the jurisdiction, may in addition to other remedies provided by law, institute injunction, mandamus, abatement or any other appropriate action or actions, proceeding or proceedings to prevent, enjoin, abate, or remove such unlawful erection, construction, reconstruction, alteration, maintenance, or use.

(Ord. 2011-09, passed 10-10-11)

PASSED AND ADOPTED by the Village of Clemmons Council this the 14th day of June, 2021.

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John L. Wait  
Mayor

ATTEST:

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Lisa Shortt  
Village Clerk



DRAFT