

**NOT APPROVED**



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

**July 13, 2020**

**AGENDA**  
**REGULAR MEETING OF THE**  
**VILLAGE OF CLEMMONS COUNCIL**  
**JULY 13, 2020 at 6:00 p.m.**

- I. Call to Order & Pledge of Allegiance – Mayor Wait
- II. Public Comments
- III. Minutes - Approval of Minutes – June 22, 2020 Regular Meeting
- IV. Changes and/or Approval of the Agenda
- V. Announcements
- VI. **Business – Information/Review Items for Future Action**
  - A. Marketing & Communications Director's Report
    - 1. Events Update
  - B. Manager's Report
    - 1. Breckinridge Stormwater CIP Bids
    - 2. Budget Amendments
      - a. 21-G-1 to Re-appropriate encumbrances approved in prior year but not completed
      - b. 21-S-1 to Re-appropriate encumbrances approved in prior year but not completed
  - C. Attorney's Report
    - 1. State of Emergency Declaration Discussion
  - D. Planner's Report
- Business – Action Items**
  - E. Public Hearings
    - 1. Zoning Map Amendment of real properties under multiple owners from RS-15 and RS-9 to RM5-S and RS-9 described in the Forsyth County Tax Offices as PIN number 5892-58-2261, 5892-57-8680 and 5892-57-0376 - Zoning Docket C-235
    - 2. Zoning Map Amendment of real property owned by HRP CLEMMONS, LLC from HB-S to HB-S (Highway Business – Special) addressed 2468 Market Center Drive and described by the Forsyth County Register of Deeds Book 71 page 167 - Zoning Docket C-236
  - F. Council Comments
- VII. Adjournment



DRAFT

**REGULAR MEETING OF  
THE VILLAGE OF CLEMMONS COUNCIL  
June 22, 2020**

The Village of Clemmons Council met on Monday, June 22, 2020, 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 6:06 p.m. and led the Pledge of Allegiance.

**Public Comments**

There were approximately seven citizens in attendance. There was one individual comment received via email and read by Clerk Shortt from Brenda Smith (attached hereto as Exhibit A and incorporated as a part of the minutes).

**Approval of the Minutes**

Council Member Cameron moved to approve the minutes of the June 8, 2020 regular meeting as presented. The motion was seconded by Council Member Barson and unanimously approved.

**Approval of the Agenda**

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

**Announcements**

Mayor Wait announced that the Village of Clemmons offices would be closed on Friday, July 3, 2020 for the Independence holiday. Trash collection will be on regular schedule.

**Business – Information/Review Items for Future Action**

- A. Marketing and Communications Director's Report – Clerk Shortt read Marketing and Communications Director Ford's update on the following items and events:
- Medicine Drop on Monday, July 20 from 9AM – Noon at the James Street Fire Station. This will be a drive thru service with everyone remaining in their vehicle. Residents can dispose of expired, unwanted, or unused prescription drugs and over-the-counter medications.
  - Jerry Long YMCA Dirty Dozen Race and Bash has been rescheduled to be held on Saturday, October 31, 2020.
  - This Saturday, June 27, 2020, the Farmers Market will be celebrating "Sweet Summertime" with the first 50 shoppers receiving an individually packaged Chocolate Chip cookie from Crescent Goodies.
  - The latest Community Connection survey was promoted last week. To date, 489 responses have been received.

B. Manager's Report.

1. *Financial Report for May 2020* – report was presented.
2. *Sheriff's Department Report for May 2020* – report was presented.
3. *Capital Project Ordinance CPO-LCR-2020-1 for Lewisville-Clemmons Road Connectivity* – Manager Buffkin advised Council this involves the Market Center Drive Project. Finance Director Stroud stated this reflects changes in budget for cost estimates phase II & III, the Department of Commerce Grant received and removing the Sewer Reserve Funds (attached hereto as Exhibit B and incorporated as a part of the minutes).

Council Member Rogers moved to approve CPO-LCR-2020-1 for Lewisville-Clemmons Road Connectivity. The motion was seconded by Council Member Barson and unanimously approved.

4. *Audio Upgrade Quote* – Manager Buffkin advised Council a quote had been received from Strategic Connections for the audio system upgrade.

Council consensus was to direct Staff to obtain an additional itemized audio upgrade quote for consideration.

C. Attorney's Report – nothing to report.

D. Planner's Report.

1. *June 16, 2020 Draft Planning Board Meeting Minutes* – draft minutes were presented.

**Business – Action Items**

- E. Public Hearing - Zoning Map Amendment of Kazakos Brothers Clemmons LLC from LO-S to GB-S (General Business – Special) located at 2225 Lewisville Clemmons Road - Zoning Docket C-230 - Planner Rahimzadeh provided an overview of the zoning request and site plan. He advised this property is approximately 2.67 acres and the rezoning request is for one additional use of storage services retail. He pointed out there is low trip generation during peak hours. Staff recommends approval and Planning Board approved unanimously.

Mayor Wait opened the public hearing.

There were two Proponents to speak:

- Sean Jones, 7622 Bentley Road, Greensboro, NC – advised they are a family-owned company in business since 1992 and currently have 20 self-storage buildings in NC and SC that are Class A buildings with climate control and an office look (there are no outside roll up doors). He clarified for Council that all auctions are handled online, the hours of accessibility would be 5:00am – 10:00pm everyday and there would be an office staff member present Monday - Friday 9:00am – 6:00pm and Saturday from 9:00am – 5:00pm.
- Doug Stimmel, 3845 Tangle Oak Drive, Clemmons, NC – advised the building

is approximately 76,000 sq. feet and there will be five parking spaces with this proposed use along with two entry gates (Knox Box access). He stated that the Petitioner made adjustments to the roofline (per Planning Board's input) to match what is in the small area guide and changed the brilliant yellow color of the AAA logo.

There were no Opponents to speak.

There being nobody else wishing to speak, Mayor Wait closed the public hearing.

Council Member Cameron made a motion to adopt the consistency statement and approve the request for Zoning Docket C-230. The motion was seconded by Council Member Binkley. The motion passed 4-1 with Council Member Wrights voting in opposition as he stated he tries to stick to the land-use plan pretty strongly and with the feel of that area, he does not know that it is the appropriate location for that type of facility. (Ordinance 2020-03 attached hereto as Exhibit C and incorporated as a part of the minutes)

- F. *Budget Ordinance and Stormwater Utility Fee Rate for Fiscal Year 2020-2021.*  
1. *Adoption of Budget Ordinance 2020-05 and Stormwater Utility Fee Rate.*

Council Member Rogers moved to adopt the 2020-2021 Budget Ordinance (2020-05) and the Stormwater Utility Fee Rate as presented (attached hereto as Exhibit D and incorporated as a part of the minutes). The motion was seconded by Council Member Barson and unanimously approved.

- G. *Village Boards Appointments.*
1. *Planning Board (3).* The following applicants were eligible and applied for positions on the Planning Board: W. Alan Byrd, Gregory Conlon, Brad Hunter, Donovan Hylarides, Tressa Krenzer, Carolyn Miller, Karen Summers, Ronald Wertheim and Robert Wooden. By ballot, Council appointed Brad Hunter, Tressa Krenzer and Carolyn Miller to the Planning Board. Their terms expire June 30, 2023 (attached hereto as Exhibit E and incorporated as a part of the minutes).
  2. *Zoning Board of Adjustment (2 regular seats).* The following applicants were eligible and applied for positions on the Zoning Board of Adjustment: Michael Blankenship, W. Alan Byrd, Tressa Krenzer, Robert Manak, Karen Summers, Ronald Wertheim and Robert Wooden. By ballot, Council appointed Robert Manak and Ronald Wertheim to regular seats on the Zoning Board of Adjustment. Their terms expire June 30, 2023 (attached hereto as Exhibit E and incorporated as a part of the minutes).
  3. *Stormwater Advisory Board (2).* The following applicants were eligible and applied for the positions on the Stormwater Advisory Board: Michael Blankenship, Gilbert Butler, Daniel Butner and Kevin Farmer. By ballot, Council appointed Daniel Butner and Kevin Farmer to the Stormwater

Advisory Board. Their terms expire June 30, 2023 (attached hereto as Exhibit E and incorporated as a part of the minutes).

4. *Triad Municipal ABC Board (1)*. The following applicants were eligible and applied for the positions on the Triad Municipal ABC Board: Welborn Alexander, Eric Blanks, Lisa Eddington, Keith Green, Donavan Hylarides and Thomas Pritchard. By ballot, Council appointed Keith Green to the Triad Municipal ABC Board. His term expires June 30, 2023 (attached hereto as Exhibit E and incorporated as a part of the minutes).

H. Call for Public Hearing.

1. *HRP CLEMMONS, LLC from HB-S to HB-S (Highway Business – Special) addressed as 2468 Market Center Drive contains a total of .802 acres, more or less – Zoning Docket C-236.*

Council Member Cameron moved to call for public hearing on Zoning Map Amendment for HRP CLEMMONS, LLC from HB-S to HB-S (Highway Business – Special) addressed as 2468 Market Center Drive – Zoning Docket C-236 on Monday, July 13, 2020 at the Regular Village Council Meeting. The motion was seconded by Council Member Barson and unanimously approved.

- I. Closed Session to Discuss Personnel Matters in accordance with NCGS 143-318.11(a)(6) - Council Member Barson moved to go into closed session to discuss Personnel Matters in accordance with NCGS 143-318.11(a)(6) at 7:25 p.m. The motion was seconded by Council Member Rogers and unanimously approved.

At 9:19 p.m., Mayor Wait stated that by unanimous vote Council chose to reconvene the open session with no action taken.

- J. Attorney Contract Renewal – Attorney Fus presented to Council the contract renewal with Blanco Tackabery for their consideration which is up for renewal through June 30, 2021.

Council Member Rogers made a motion to not renew the attorney contract through June 30, 2021 with Blanco Tackabery. The motion was seconded by Council Member Cameron. The motion failed 2-3 with Council Members Barson, Binkley and Wrights voting in opposition.

Council Member Barson made a motion to renew the attorney contract through June 30, 2021 with Blanco Tackabery (attached hereto as Exhibit F and incorporated as a part of the minutes). The motion was seconded by Council Member Wrights. The motion passed 3-2 with Council Members Cameron and Rogers voting in opposition.

- K. Council Comments – there were none.

**Adjournment**

Council Member Cameron moved to adjourn the meeting at 9:24 p.m. The motion was seconded by Council Member Rogers and unanimously approved.

---

John Wait  
Mayor

ATTEST:

---

Lisa Shortt, NCCMC  
Village Clerk

DRAFT

**Breckingridge Lane Drainage Project Bid Opening - Friday, June 26, 2020 @ 10:00am**

Company Name/ Address	Received Date/Time	Representative Name & Contact Info.	TOTAL BID
<b>RCJ Contracting</b> 4895 Charnel Rd. East Bend, NC 27018	6/26/2020 9:44am via phone	Randy Nelson 336-345-6541 <a href="mailto:rnelsonranch@aol.com">rnelsonranch@aol.com</a>	<b>\$84,000.00</b>
Hennings Construction Company, LLC 9154 Hwy 67 East Bend, NC 27018	6/26/2020 8:36am via email	Britt Hennings 336-699-2444 <a href="mailto:rodney@henningsconstruction.com">rodney@henningsconstruction.com</a>	\$98,000.00

**Lowest qualified bid**

Bid amount	\$84,000.00
20% contingency	\$16,800.00
<b>Total</b>	<b>\$100,800.00</b>

VILLAGE OF CLEMMONS  
BUDGET AMENDMENT  
FOR THE FISCAL YEAR ENDING JUNE 30, 2021

**BE IT ORDAINED** by the Village Council of the Village of Clemmons, North Carolina at a regular meeting on July 13, 2020 to re-appropriate encumbrances approved but not completed in the Fiscal Year Ending June 30, 2020 and building repairs for accident that we received insurance reimbursement last fiscal year but the repairs will be during the current fiscal year. See Attached.

	Original	Increase	Decrease	Amended
<b>Revenues</b>				
Fund Balance Appropriated	614,979	40,081	-	655,060
Fund Balance Appropriated Restricted Streets	1,008,245	70,848	-	1,079,093
<b>Total Revenues</b>		<u>110,929</u>		
<b>Expenditures</b>				
Public Works (Bld Maintenance)	\$ 2,576,830	\$ 14,881		\$ 2,591,711
Streets (Paving)	1,526,535	70,848		1,597,383
Planning & Zoning-Contract Services Transportation	492,405	25,200	-	517,605
<b>Total Expenditures</b>		<u>\$ 110,929</u>		
For Information Total Budget				
Total Revenues	\$ 7,485,120	\$ 110,929	\$ -	\$ 7,596,049
Total Expenditures	\$ 7,485,120	\$ 110,929	\$ -	\$ 7,596,049

Attest:

Adopted 13<sup>th</sup> day of July

---

 Lisa M. Shortt, NCCMC

---

 John L. Wait, Village Mayor

The following encumbrances were re-appropriated.

Contract	Approved Contract	Billed as of 6/30/2020	Remaining Re-appropriated
Kimley Horn Contract for Transportation Plan Update	25,200	-	25,200
Sharpe Brothers Paving Contract	746,053	675,205	70,848
Insurance Reimbursement received FYE 6/30/2020, repairs FYE 6/30/2021	-		14,881

VILLAGE OF CLEMMONS  
BUDGET AMENDMENT  
FOR THE FISCAL YEAR ENDING JUNE 30, 2021

**BE IT ORDAINED** by the Village Council of the Village of Clemmons, North Carolina at a regular meeting on July 13, 2020 to re-appropriate encumbrances approved but not completed in the Fiscal Year Ending June 30, 2020. See Attached

	Original	Increase	Decrease	Amended
<b>Revenues</b>				
Fund Balance Appropriated	611,210	217,870	-	829,080
<b>Total Revenues</b>		<u>217,870</u>		
<b>Expenditures</b>				
Capital Improvement Plan	685,000	217,870		902,870
<b>Total Expenditures</b>		<u>217,870</u>		
For Information Total Budget				
Total Revenues	\$ 1,437,085	\$ 217,870	\$ -	\$ 1,654,955
Total Expenditures	<u>\$ 1,437,085</u>	<u>\$ 217,870</u>	<u>\$ -</u>	<u>\$ 1,654,955</u>

Attest:

Adopted 13<sup>th</sup> day of July

---

 Lisa M. Shortt, NCCMC

---

 John L. Wait, Village Mayor

The following encumbrances were re-appropriated.

<u>Contract</u>	<u>Approved Contract</u>	<u>Billed as of 6/30/2020</u>	<u>Remaining Re- appropriated</u>
RCJ Springpath CIP	232,870	15,000	217,870

---

## Coates' Canons Blog: New Law Requires Electronic Publication of Local State of Emergency Declarations

By Norma Houston

Article: <https://canons.sog.unc.edu/new-law-requires-electronic-publication-of-local-state-of-emergency-declarations/>

This entry was posted on July 07, 2020 and is filed under Emergency Management, Emergency Ordinances, Emergency Restrictions, State Of Emergency

---

In the most recent legislative session, the General Assembly amended the state's emergency management act to impose new publication requirements on county and city state of emergency declarations (S.L. 2020-83, Sec. 11.7). Prior to enactment of HB593 which amended GS 166A-19.31(d), county and city state of emergency declarations went into effect "upon publication." Although "publication" was not specifically defined (other than to exempt declarations from newspaper publication under GS 1-597), the statute allowed publication to include disseminating reports of the declaration, including restrictions and prohibitions imposed under the declaration, in the mass media or by other methods to communicate the information broadly and quickly to the public. The text of the declaration could be disseminated "as soon as practicable" after it was issued. Now, local state of emergency declarations, and any restrictions or prohibitions imposed under those declarations, do not become legally effective and enforceable until the county or city issuing the declaration does two things: (1) posts a written, signed copy of the declaration "conspicuously" on its website (if the jurisdiction has a website); and (2) submits a written, signed copy of the declaration to the state's WebEOC critical incident management system. What does this change mean for county and city emergency authorities and operations?

The powers granted counties and cities under GS Chapter 166A, the state's emergency management act, have not changed in substance. What has changed is the notice that must be provided before counties and cities may exercise these powers. Prior to the amendment to GS 166A-19.31(d), a county or city could declare a state of emergency and impose restrictions or prohibitions under that declaration without having to immediately memorialize those actions in a written and signed declaration. The law recognized that local officials might need to exercise emergency powers under extraordinary circumstances without access to administrative resources to type and sign a formal declaration or time with which to take these administrative actions in the face of an immediate threat. Sudden events such as tornados, terrorist attacks, explosions, radiological accidents, chemical or other hazardous material incidents, or a sudden eruption of civil unrest (all of which fall within the definition of an emergency under GS 166A-19.3(6)) can occur with little or no warning. In the face of emergencies such as these, local officials might need to take swift action declaring a state of emergency and imposing restrictions to protect public health and safety. While the prior law did require these actions to be memorialized in writing and distributed "as soon as practicable," having a written, signed declaration in place at the moment the emergency was declared was not required for the declaration to be immediately effective and enforceable. Now, it is.

Under the amendment to GS 166A-19.31(d), before a local state of emergency can take effect and be enforceable, the declaration must be:

- Memorialized in writing and signed by the county or city official authorized to do so under the jurisdiction's emergency ordinance, and
- Electronically published in two locations:

(1) The jurisdiction's website (if it has a website); and

(2) The Department of Public Safety's WebEOC critical incident management system.

The declaration, and any restrictions or prohibitions imposed under the declaration, cannot go into effect until both electronic publication requirements are satisfied. These requirements also apply to any subsequent amendments to a declaration that impose new restrictions or prohibitions or modify existing ones previously imposed. For example, a county issues a state of emergency declaration three days in advance of a major hurricane; the declaration is subject to the new electronic publication requirements. Two days before the hurricane's expected impact the county orders a

---

mandatory evacuation; the evacuation order (which is technically an amendment to the original declaration) is subject to the new electronic publication requirements. After the storm passes the county imposes a curfew due to widespread damage and power outages; the curfew order (again, another amendment to the original declaration) is subject to the new electronic publication requirements. And so on throughout the event until the state of emergency declaration itself is rescinded – all subsequent modifications to the original declaration must satisfy the new electronic publication requirements in order to be legally effective and enforceable.

Where the local jurisdiction has advance warning of the emergency, as in the hurricane example described above, the administrative burden imposed by the new electronic publication is minimal. In fact, it has become common practice for counties to post their state of emergency declarations on their websites and in WebEOC. Some counties also post city declarations in WebEOC. However, counties and cities should evaluate their emergency operations plans to ensure procedures are in place to satisfy the new electronic publication requirements in emergency situations for which there is no advance warning, such as tornados, terrorist attacks, explosions, radiological accidents, chemical or other hazardous material incidents, or a sudden eruption of civil unrest. Counties and cities also should make plans to address other challenges they might face in any emergency, including:

- Power and internet outages (which might impede administratively processing and electronically publishing a written, signed declaration),
- Blocked roads or unsafe travel conditions (which might impede obtaining the local official's signature on the declaration), and
- Evacuation contingencies (which might result in officials and staff not being readily available to administratively process and electronically publish the declaration).

Under the new law, regardless of the immediacy or severity of the emergency event, local declarations are not effective or enforceable until the new electronic publication requirements are satisfied.

In some emergency events, a city will consent to being included under a county's state of emergency declaration. In this instance, it appears that the new electronic publication requirements will be satisfied if the county electronically publishes the declaration on behalf of the city because the county is the issuing jurisdiction (although there is no harm in the city also posting the declaration on the city's website). A city that issues a declaration independent of the county must publish a written, signed copy of the declaration on the city's website (if it has one). In either instance, the city must rely on the county to post the declaration in WebEOC.

Counties and cities may continue to use other methods to communicate their declarations broadly and quickly. Doing so serves the public by making it aware of the imminent or present danger and any restrictions, prohibitions, or other directives included in the declaration. However, these broad communications mechanisms, while important, do not satisfy the new electronic publication requirements.

The amendments to GS 166A-19.31(d) went into effect on July 1, 2020. The electronic publication requirements apply to any new declarations issued on or after July 1, 2020 as well as any amendments or modifications to preexisting declarations. However, the legislation does not address whether the new electronic publication requirements apply to declarations issued *prior* to July 1, 2020 that a county or city wishes to continue to enforce *after* July 1st. If a county or city wishes to enforce a restriction or prohibition imposed prior to July 1<sup>st</sup>, it is prudent to comply with the new electronic publication requirements to avoid a legal challenge to those pre-July 1<sup>st</sup> restrictions and prohibitions on that basis.

What if a local state of emergency declaration does not include any restrictions or prohibitions? Is it still subject to the new electronic publication requirements? GS 166A-19.31(d) states that "prohibitions and restrictions imposed by a declaration. . . shall take effect in the emergency areas immediately upon publication of the declaration." It's not clear which "declaration" the statute applies to – only an amendment to a declaration that imposes a specific restriction, or the original declaration itself that triggers emergency powers to impose restrictions (either immediately in that declaration or by subsequent amendment to the original declaration)? It is possible to interpret the statute's electronic publication requirements to not apply to a state of emergency declaration which does not impose any restrictions or prohibitions. Under this theory, the same would be true for an amendment to the original declaration terminating it at the end of the emergency event. However, given that the statute is subject to varying interpretations and in an abundance of caution to ensure the legal validity of the original declaration upon which subsequent amendments imposing restrictions or prohibitions are based, I recommend erring on the side of caution and complying with the electronic publication



---

requirements even for declarations that do not specifically impose restrictions or prohibitions (at least not at the time issued).

## Links

- [www.ncleg.gov/EnactedLegislation/SessionLaws/PDF/2019-2020/SL2020-83.pdf](http://www.ncleg.gov/EnactedLegislation/SessionLaws/PDF/2019-2020/SL2020-83.pdf)
- [www.ncleg.gov/Sessions/2019/Bills/House/PDF/H593v7.pdf](http://www.ncleg.gov/Sessions/2019/Bills/House/PDF/H593v7.pdf)
- [www.ncleg.gov/EnactedLegislation/Statutes/HTML/BySection/Chapter\\_166A/GS\\_166A-19.31.html](http://www.ncleg.gov/EnactedLegislation/Statutes/HTML/BySection/Chapter_166A/GS_166A-19.31.html)
- [www.ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter\\_166A/GS\\_166A-19.3.pdf](http://www.ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter_166A/GS_166A-19.3.pdf)



## **THIRD DECLARATION OF STATE OF EMERGENCY GOVERNOR'S STAY AT HOME ORDERS**

**WHEREAS** the novel coronavirus disease-2019 (COVID-19) is a disease spreading across the globe causing flu-like symptoms, but with a significantly higher rate of death, particularly among those who are elderly or medically vulnerable; and

**WHEREAS** COVID-19 is believed to have begun in Wuhan, China, in late 2019, the first case was detected in the United States on January 21, 2020, and the first case was confirmed in North Carolina on March 3, 2020; and

**WHEREAS** on January 31, 2020, Secretary Alex M. Azar, II, declared COVID-19 to be a public health emergency in the United States; and

**WHEREAS** on March 10, 2020, Governor Roy Cooper declared a state of emergency in North Carolina; and

**WHEREAS** on March 13, 2020, President Trump declared the COVID-19 pandemic to be a national emergency; and

**WHEREAS** on March 16, 2020, the undersigned declared a state of emergency in Clemmons, North Carolina, but did not enact any restrictions at that time; and

**WHEREAS** on March 25, 2020, the undersigned signed a Second Declaration of State of Emergency and Shelter in Place Order that enacted mandatory travel restrictions, business restrictions, and gathering and distancing requirements within the Village; and

**WHEREAS** on March 27, 2020, Governor Roy Cooper signed Executive Order 121, which limited travel, restricted business activities, and mandated certain gathering and distancing rules, but permitted local orders to remain effective to the extent they did not conflict with the Governor's order; and

**WHEREAS** on April 9, 2020, Governor Cooper signed Executive Order 131, which enacted strict gathering, distancing, and disinfecting restrictions that businesses must follow if they remain open for customer traffic, such restrictions specifically superseding any conflicting local restrictions; and

**WHEREAS** the undersigned has conferred with local health officials and confirmed that they continue to support aggressive measures to slow the spread of COVID-19 within Clemmons in order to preserve precious supplies to treat those with COVID-19 and other serious illnesses and injuries; and

**WHEREAS** current projections by healthcare experts show that if gathering and distancing rules as well as business restrictions, such as those enacted by the Governor, are followed through mid to late May, then North Carolina's healthcare system will likely have enough capacity to handle the expected surge of serious cases of COVID-19 requiring acute medical care; and

**WHEREAS** the mandates of Executive Orders 121 and 131 are substantially similar to, and in some instances more restrictive than, the mandatory restrictions in Second Declaration of State of Emergency and Shelter in Place Order currently in effect in the Village; and

**WHEREAS** Executive Order 131 expressly directs that its purpose is to create uniformity across the State of North Carolina, and the undersigned believes that such uniformity is in the best interest of Clemmons; and

**WHEREAS** as a result of the above-described public health emergency, I have determined that there still exists an imminent threat of, or existing conditions have caused or will cause, widespread or severe damage, injury, or loss of life or property, and public safety authorities may be unable to maintain public order or afford adequate protection for lives or property; and

**WHEREAS** declaring a State of Emergency and imposing the restrictions and prohibitions ordered herein, if any, is necessary to maintain order and protect public health, safety, and welfare, and to secure property.

**NOW, THEREFORE,** pursuant to the authority vested in me as the Mayor of the Village of Clemmons under N.C.G.S. § 166A-19.31 and Chapter 33 of the Clemmons Code of Ordinances, and after consulting with the Village Council, I hereby declare and proclaim the following:

**Section 1.** The previously ordered States of Emergency in Clemmons, declared on March 16, 2020, and March 25, 2020, are hereby reaffirmed and amended as follows.

**Section 2.** The restrictions in the Second Declaration of State of Emergency and Shelter in Place Order signed on March 25, 2020, including those in Sections 3 and 4 of such order, shall expire at 12:01 a.m., Thursday, April 16, 2020. At that time, the Village of Clemmons will no longer have separate shelter-in-place restrictions, and only Governor Cooper’s stay-at-home order, Executive Order 121, and any subsequent orders from the Governor, including the additional requirements of Executive Order 131, shall apply within the Village.

**Section 3.** The emergency area shall be within the corporate limits of the Village of Clemmons.

**Section 4.** I encourage all residents, visitors, businesses, and establishments within the Village of Clemmons to follow any and all directives and recommendations set forth by the United States Government and its designated agencies, the North Carolina Governor’s office, the North Carolina Department of Health and Human Services (NCDHHS), the Forsyth County Department of Public Health, and any other government agency having proper jurisdiction to address this emergency within the Village of Clemmons.

Such recommendations include, but are not limited to:

- A. Any person within the Village using a facemask in such circumstances as recommended by the CDC or the NCDHHS;
- B. Any business conducting activity:
  - a. Creating and maintaining a protective barrier between store employees and customers at the point of sale, if applicable;
  - b. Making hand-sanitizer available to employees and customers and encouraging hand-washing to the extent recommended by the CDC or the NCDHHS;
  - c. Posting signage to remind employees and customers to maintain social distancing; and
  - d. Continuing virtual, curbside, delivery, or other methods that facilitate a contact-free transaction.

**Section 5.** I hereby order all Village of Clemmons’ contracted law enforcement officers, emergency response personnel, and all other Village employees subject to our control to cooperate in the enforcement and implementation of the provisions of this Declaration, all applicable local

ordinances, state, and federal laws, and the Village of Clemmons Emergency Operations Plan.

**Section 6.** I hereby order this declaration: (a) to be distributed to the news media and other organizations calculated to bring its contents to the attention of the general public; (b) to be filed with Clerk to the Village of Clemmons; and (c) to be distributed to others as necessary to ensure proper implementation of this declaration.

**Section 7.** This amended declaration shall take effect immediately and shall remain in effect until modified or rescinded.

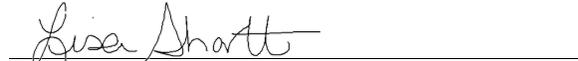
**DECLARED** this the 15<sup>th</sup> day of April, 2020, at 2:30 p.m.



---

John Wait  
Mayor, Village of Clemmons

**ATTEST:**



---

Lisa Shortt, NCCMC  
Village Clerk



STATEMENT OF ZONING CONSISTENCY WITH ADOPTED PLANS

C-235

Per G.S. §160A-383 Purposes in view.

Zoning regulations shall be made in accordance with a comprehensive plan. Prior to adopting or rejecting any zoning amendment, the governing board shall adopt one of the following statements which shall not be subject to judicial review:

- (1) A statement approving the zoning amendment and describing its consistency with an adopted comprehensive plan and explaining why the action taken is reasonable and in the public interest.
- (2) A statement rejecting the zoning amendment and describing its inconsistency with an adopted comprehensive plan and explaining why the action taken is reasonable and in the public interest
- (3) A statement approving the zoning amendment and containing at least all of the following
  - a. A declaration that the approval is also deemed an amendment to the comprehensive plan. The governing board shall not require any additional request or application for amendment to the comprehensive plan
  - b. An explanation of the change in conditions the governing board took into account in amending the zoning ordinance to meet the development needs of the community.
  - c. Why the action was reasonable and in the public interest.

Following are three statements for Village Council to consider. Any of the statements may be used, partially or in its entirety, by Village Council.

**CONSISTENCY STATEMENT**

Clemmons Village Council finds the action to amend the Village's Official Zoning Map regarding PIN #: 5892-58-2261, 5892-57-8680, and 5892-57-0376 from RS-15 (Residential Single Family) and RS-09 (Residential Single Family) to Residential Multifamily – Special (RM-5 – S) and Residential Single Family (RS-09) to be consistent with the Village of Clemmons Community Compass (2040). The Clemmons Community Compass (2040) designates all tax parcels as Neighborhood Residential. Neighborhood Residential areas are composed of existing and future single-family detached and attached neighborhoods with variable density based on proximity to major corridors and activity centers. The Village's RM-5 – S and RS-09 zoning maintain appropriate density and keep in lockstep with the Neighborhood Residential future land use zone thus maintaining consistency with the Clemmons Compass. Therefore, reasonable and in the public interest.

**INCONSISTENCY STATEMENT**

Clemmons Village Council finds the action to amend the Village's Official Zoning Map regarding PIN #: 5892-58-2261, 5892-57-8680, and 5892-57-0376 from RS-15 (Residential Single Family) and RS-09 (Residential Single Family) to Residential Multifamily – Special (RM-5 – S) and Residential Single Family (RS-09) to be inconsistent with the Village of Clemmons Community Compass (2040). The Clemmons Community Compass (2040) designates all tax parcels as Neighborhood Residential. Neighborhood Residential areas are composed of existing and future single-family detached and attached neighborhoods with variable density based on proximity to major corridors and activity centers. The current zone of RS-15 and RS-9 better adheres to Neighborhood Residential and will better assist Clemmons Compass reach its intended goals; this is in contrast to the proposed map amendment as RM-5 is too high of a density for the area, given the lack of a clear activity center and questionable proximity to a major corridor. Therefore, rejection is reasonable and in the public interest.

**ZONING AMENDMENT STATEMENT**

Clemmons Village Council finds the action to amend the Village's Official Zoning Map regarding PIN #: 5892-58-2261, 5892-57-8680, and 5892-57-0376 from RS-15 (Residential Single Family) and RS-09 (Residential Single Family) to Residential Multifamily – Special (RM-5 – S) and Residential Single Family (RS-09) to be inconsistent with the Village of Clemmons Community Compass (2040); however, given the change in conditions such increase demand in housing preference the Village's RS-09 and RM-5 – S zones for the aforementioned tax parcels shall be deemed reasonable and in the public interest by increasing the range of housing opportunities per the fourth goal of Clemmons Community Compass. The aforementioned map amendment shall amend the Village of Clemmons Community Compass (2040) from Neighborhood Residential to Multi-Family Residential.

**ORDINANCE AMENDING THE VILLAGE OF CLEMMONS ZONING ORDINANCE  
OF THE UNIFIED DEVELOPMENT ORDINANCES (UDO) AND  
ZONING MAP OF THE VILLAGE OF CLEMMONS, NORTH CAROLINA**

Zoning Petition of real properties under multiple owners

Ordinance Number 2020-04

BE IT ORDAINED by the Village of Clemmons Council as follows:

Section 1. The Village of Clemmons Ordinance of the Unified Development Ordinance (UDO) and the Official Map of the Village of Clemmons are hereby amended by changing the zoning classification **from RS-15 and RS-9 to RM5-S and RS-9 (Zoning Docket C-235)**

**Legal Description for real properties under multiple owners**

The property is described in the Forsyth County Tax Offices as PIN number 5892-58-2261, 5892-57-8680 and 5892-57-0376 and BEING described as:

TRACT 1: Commencing at a point in the western line of Patsy B. Canter, identified as subject Parcel No. 5892-58-2261, in Forsyth County Records, and identified as Tract 1 on the Rezoning and Preliminary Site Plan entitled "Old Mill"; said point also being in the southern right of way line of Haywood Street, and having North Carolina Grid Coordinates of N: 828,550.99 usft, E: 1,594,909.31 usft; Continuing thence with the western line of Patsy B. Canter, Parcel No. 5892-58-2261, N0°56'34"E 57.61' to a point in the northern right of way line of Haywood Street, said point marking the northwest corner of subject Parcel No. 5892-58-2261, the southwest corner of Parcel No. 5892-58-0627 and the southeast corner of Parcel No. 5892-48-8710; thence, running from said point, east along the northern boundary line of subject property the next six calls S89°33'33"E 260.01'; thence S56°00'30"E 118.50'; thence S59°54'21"E 127.14'; thence S78°38'45"E 253.97'; thence N81°21'51"E 256.41'; thence N62°15'25"E 52.17' to a point, marking the northeast corner of subject Parcel No. 5892-58-2261, said point being in the southern line of Parcel No. 5892-58-9620, and also being the northwest corner of Parcel No. 5892-68-2241; thence continuing south, from said point, along the eastern property line of subject Parcel No. 5892-58-2261 and subject Parcel No. 5892-57-8680, also being the western property line of Parcel No. 5892-68-2241 the next five calls S8°30'24"E 264.19'; thence S9°17'56"E 230.53'; thence S9°44'37"E 174.50'; thence S15°22'27"E 134.98'; thence S14°01'02"E 143.80' to a new point in subject Parcel No. 5892-57-8680; thence continuing east along a new line in subject parcel N88°49'18"E 187.51' to a point in the eastern boundary line of subject Parcel No. 5892-57-8680 also being the western boundary line of Parcel No. 5892-67-3486; thence, running from said point, south along the eastern property line of subject Parcel No. 5892-57-8680, S0°15'41"E 632.18' to a point, marking the southeast corner of subject Parcel No. 5892-57-8680, said point being the northeast corner of Parcel No. 5892-46-8463, and also being the southern most point of Parcel No. 5892-67-3486; thence, running from said point, west along the southern property line of subject Parcel No. 5892-57-8680, S88°26'24"W 873.83' to a point, marking the southwest corner of subject Parcel No. 5892-57-8680, said point being a point in the northern line of Parcel No. 5892-46-8463, and also being the southeast corner of Parcel No. 5892-57-0016; thence, running from said point, north along the western property line of subject parcel N10°38'51"E 317.97' to a point in the western property line of subject parcel and being the northeast corner of Parcel No. 5892-57-0016, and also being the southeast corner of Parcel No. 5892-57-0376; thence, continuing north along the western line of subject parcel, being a new proposed zoning line, and also being the eastern property line of Parcel No. 5892-57-0376,

N1°00'44"E 314.81' to a point being the northeast corner of Parcel No. 5892-57-0376; thence, running from said point, continuing on a new proposed zoning line, through Parcel No. 5892-58-2261 N88°59'16"W 293.02' to a point, said point being in the northern property line of Parcel No. 5892-57-0376; thence, running from said point, continuing on a new proposed zoning line, through Parcel No. 5892-58-2261 the next four calls N1°00'44"E 86.32'; thence N1°00'44"E 58.03'; thence N1°00'44"E 539.58'; thence N27°16'32"E 110.67' to a point within Parcel No. 5892-58-2261, said point being in the southern line of a new proposed road, being the continuation of Haywood Street; thence, from said point, running in a northwest direction and along the southern line of the new Haywood Street the following three calls: 1) A curve to the left having a chord bearing and distance of N57°49'52"W 136.48' and a radius of 800.00' and an arc length of 136.64'; thence, 2) N51°40'26"W 210.44'; thence, 3) A curve to the left having a chord bearing and distance of N67°50'55"W 69.88' and a radius of 125.00' and an arc length of 70.83' to the POINT AND PLACE OF BEGINNING, containing 30.08 acres more or less.

TRACT 2: Commencing at a point in the western line of Patsy B. Canter, identified as subject Parcel No. 5892-58-2261, in Forsyth County Records, and identified as Tract 2 on the Rezoning and Preliminary Site Plan entitled "Old Mill"; said point also being in the southern right of way line of Haywood Street, and having North Carolina Grid Coordinates of N: 828,550.99 usft, E: 1,594,909.31 usft; thence continuing southeast along the southern line of a new road being the continuation of Haywood Street and a new proposed zoning line through subject Parcel No. 5892-58-2261 the following three calls: 1) A curve to the right having a chord bearing and distance of S67°50'55"E 69.88' and a radius of 125.00' and an arc length of 70.83'; 2) thence S51°40'26"E 210.44' to a point in the southern right of way of the new proposed continuation of Haywood Street; 3) thence, a curve to the right having a chord bearing and distance of S57°49'52"E 136.48' and a radius of 800.00' and an arc length of 136.64' to a point within Parcel No. 5892-58-2261; thence, running from said point, south along a new proposed zoning line, through Parcel No. 5892-58-2261 the next four calls S27°16'32"W 110.67'; thence S1°00'44"W 539.58'; thence S1°00'44"W 58.03'; thence S1°00'44"E 86.32' to a point, marking the southeast corner of subject Parcel No. 5892-58-2261; thence, running from said point, east along the northern property line of subject Parcel No. 5892-57-0367, S88°59'16"E 293.02' to a point, said point being the northeast corner of subject Parcel No. 5892-57-0376; thence, running from said point, south along the eastern property line of subject Parcel No. 5892-57-0376, S1°00'44"W 314.81' to a point, said point being the southeast corner of subject Parcel No. 5892-57-0376; thence, running from said point, west along the southern property line of subject Parcel No. 5892-57-0376, N85°49'01"W 594.13' to a point in the southern property line of subject parcel, and also being in the northern property line of Parcel No. 5892-57-0016; thence, running from said point, north along a new line, crossing subject Parcel No. 5892-57-0376 and continuing along the western property line of subject Parcel No. 5892-58-2261 the next four calls N0°57'46"E 271.22'; thence N1°06'13"E 457.80'; thence N0°57'59"E 60.00'; thence N0°56'32"E 499.48' to the POINT AND PLACE OF BEGINNING, containing 10.44 acres more or less.

TRACT 3: Commencing at a point in the western line of Yishui Yun, identified as subject Parcel No. 5892-57-0376, in Forsyth County Records, and identified as Tract 3 on the Rezoning and Preliminary Site Plan entitled "Old Mill"; said point also being in the eastern right of way line of Arden Street, and having North Carolina Grid Coordinates of N: 827,541.00 usft, E: 1,594,701.49 usft; thence, running from said point, south along the western property line of subject Parcel No. 5892-57-0376, S0°57'47"W 265.08' to a point, marking the southwest corner of subject parcel, and said point also being in the eastern right of way line of Arden Street;

thence, running from said point, east along the southern property line of subject parcel S85°49'01"E 190.17' to a new corner located in the southern property line of subject parcel and marking the new southeast corner of Tract 3; thence, running from said point, north across subject parcel N0°57'46"E 271.22' to a point, said point being the new northeast corner of Tract 3; thence, running from said point, west along the northern property line of subject parcel N87°40'05"W 189.92' to the POINT AND PLACE OF BEGINNING, containing 1.17 acres more or less.

Section 2. This ordinance shall be effective from and after its adoption.

Adopted this the \_\_\_\_ day of July, 2020.

---

John L. Wait  
Mayor

ATTEST:

---

Lisa Shortt  
Village Clerk



STATEMENT OF ZONING CONSISTENCY WITH ADOPTED PLANS C-236

Per G.S. §160A-383 Purposes in view.

Zoning regulations shall be made in accordance with a comprehensive plan. Prior to adopting or rejecting any zoning amendment, the governing board shall adopt one of the following statements which shall not be subject to judicial review:

- (1) A statement approving the zoning amendment and describing its consistency with an adopted comprehensive plan and explaining why the action taken is reasonable and in the public interest.
- (2) A statement rejecting the zoning amendment and describing its inconsistency with an adopted comprehensive plan and explaining why the action taken is reasonable and in the public interest
- (3) A statement approving the zoning amendment and containing at least all of the following
  - a. A declaration that the approval is also deemed an amendment to the comprehensive plan. The governing board shall not require any additional request or application for amendment to the comprehensive plan
  - b. An explanation of the change in conditions the governing board took into account in amending the zoning ordinance to meet the development needs of the community.
  - c. Why the action was reasonable and in the public interest.

Following are three statements for Village Council to consider. Any of the statements may be used, partially or in its entirety, by Village Council.

#### CONSISTENCY STATEMENT

Clemmons Village Council finds the action to amend the Village's Official Zoning Map regarding a portion of tax parcel 5893-13-5451 as described in plat book 71 page 167 from HB-S (Highway Business – Special) to HB-S to be consistent with the Village of Clemmons Community Compass. The Compass designates the parcel as both mixed-use commercial and falling within the strategic planning area of the Lewisville-Clemmons Road corridor. The Village's HB-S zone along with the Lewisville-Clemmons Road overlay district ensures that the development will be congruous with the future land use as the site will be developed for commercial use along with a strict adherence to the design requirements specified in the overlay district. The Village's HB-S zone will help the future land use plan realize its goal for mixed-use commercial development while respecting the Southern Lewisville-Clemmons Road strategic plan; therefore, approval is reasonable and in the public interest.

#### INCONSISTENCY STATEMENT

Clemmons Village Council finds the action to amend the Village's Official Zoning Maps regarding a portion of tax parcel 5893-13-5451 as described in plat book 71 page 167 from HB-S (Highway Business – Special) to HB-S to be inconsistent with the Village of Clemmons Community Compass. The Compass designates the parcel as both mixed-use commercial and falling within the strategic planning area of the Lewisville-Clemmons Road corridor. The Village's HB-S zone does not respect mixed-use commercial development and the strategic plan area for Lewisville-Clemmons Road as its design lacks a mix of uses, fails to promote interconnectivity and multi-modal transportation options, and utilizes generic architecture with little regard for surrounding aesthetics. The Village's Pedestrian Business zone conforms closer to mixed-use commercial and respects the Lewisville-Clemmons Road corridor strategic area plan juxtapose Highway Business zoning. Therefore, rejection is reasonable and in the public interest.

#### ZONING AMENDMENT STATEMENT

Clemmons Village Council finds the action to amend the Village's Official Zoning Maps a portion of tax parcel 5893-13-5451 as described in plat book 71 page 167 from HB-S (Highway Business – Special) to HB-S to be inconsistent with the Village of Clemmons Community Compass; however, given the change in conditions such as the redevelopment and promotion of infill of South Lewisville-Clemmons Road, the Village's HB-S zone a portion of tax parcel 5893-13-5451 shall be deemed reasonable and in the public interest by revitalizing commercial corridors per the second goal of Clemmons Community Compass. The aforementioned map amendment shall amend the Village of Clemmons Community Compass (2040) from Mixed-Use Commercial to Highway Commercial.

**ORDINANCE AMENDING THE VILLAGE OF CLEMMONS ZONING ORDINANCE  
OF THE UNIFIED DEVELOPMENT ORDINANCES (UDO) AND  
ZONING MAP OF THE VILLAGE OF CLEMMONS, NORTH CAROLINA**

Zoning Petition of HRP CLEMMONS, LLC  
Ordinance Number 2020-06

BE IT ORDAINED by the Village of Clemmons Council as follows:

Section 1. The Village of Clemmons Ordinance of the Unified Development Ordinance (UDO) and the Official Map of the Village of Clemmons are hereby amended by changing the zoning classification **from HB-S to HB-S (Highway Business – Special) (Zoning Docket C-236)**

**Legal Description for HRP CLEMMONS, LLC**

The property is located at 2468 Market Center Drive and BEING a portion of the land owned by HRP Clemmons, LLC (Deed Book 3647, Page 01). and being Tax Pin: 5893-13-5451.00 located in the Clemmons Township, Forsyth County, North Carolina and being more particularly described as follows: COMMENCING at an existing 1/2" rebar having NC Grid NAD 83/2011 coordinates of Northing 833,101.47 feet, Easting 1,591,164.27 feet and being a common corner with Circle K Stores, INC (Deed Book 3339, Page 1363) and said 1/2" rebar being in the eastern right-of-way of Lewisville-Clemmons Road and said 1/2" rebar being the POINT OF BEGINNING: THENCE with the eastern right-of-way of Lewisville-Clemmons Road N 20°24'56" W, 129.45 feet to a new corner; THENCE with a new line the following six (6) calls: (1) N 74°04'00" E, 251.16 feet to a new corner; (2) S 07°13'27" E, 56.39 feet to a new corner; (3) S 07°39'01" E, 45.99 feet to a new corner; (4) S 07°29'02" E, 45.77 feet to a new corner; (5) S 05°19'22" E, 22.76 feet to a new corner; (6) S 84°33'51" W, 68.56 feet to an existing 1/2" rebar being a common corner with Circle K Stores, INC (Deed Book 3339, Page 1363); THENCE with the common line of Circle K Stores, INC (Deed Book 3339, Page 1363) S 84°33'51" W, 150.06 feet to the POINT OF BEGINNING containing 0.802 Acres more or less.

Section 2. This ordinance shall be effective from and after its adoption.

Adopted this the \_\_\_\_ day of July, 2020.

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

ATTEST:

\_\_\_\_\_  
Lisa Shortt  
Village Clerk