



REGULAR MEETING OF THE VILLAGE OF CLEMMONS COUNCIL March 8, 2021

The Village of Clemmons Council met on Monday, March 8, 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 three citizens in attendance. There was one individual that spoke during public comments:

-Allen Daniel, 100 Fernworth Court, Clemmons, NC – expressed his thoughts regarding various ordinances within the Village and the lack of enforcement due to lack of manpower.

Approval of the Minutes

Council Member Rogers moved to approve the minutes of the February 22, 2021 regular meeting as presented. The motion was seconded by Council Member Cameron and unanimously approved.

Approval of the Agenda

Mayor Wait requested Item 1. under Manager's Report be moved to the upcoming Retreat agenda. Council Member Cameron requested the addition of Item 5. "Rotary" under Manager's Report. Council Member Barson requested the addition of Item 6. "Adopt-a-Street Program Discussion" under Manager's Report.

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

Announcements

- A. *Proclamation – March 20-28, 2021 as Forsyth Creek Week* – Mayor Wait read a Proclamation declaring March 20-28, 2021 as Forsyth Creek Week (attached hereto as Exhibit A and incorporated as a part of the minutes).

Business – Action Items

- A. *C-SPA-20-002 Site Plan Review (3711 Clemmons Road – located between Village Hall and Piedmont Federal Savings Bank)*. Planner Rahimzadeh made a presentation to Council of the site plan amendment request for 3711 Clemmons Road. He stated the Petitioner is requesting a site plan amendment to allow for additional parking and an ADA handicap ramp. The total trip generation is approximately 72 per day with the a.m. peak being 15 and the p.m. peak being 17. The change does not hit the threshold for any stormwater mitigation. Planning

Board recommended approval. Staff is requesting and NCDOT recommended the easternmost (not requiring) closure of the access point but the applicant did not meet that request.

Council Member Rogers made a motion to approve C-SPA-20-002 with the Petitioner closing the easternmost driveway as NCDOT recommended. The motion was seconded by Council Member Cameron. Council discussion followed.

Council asked the Petitioner if they would agree to the driveway closure as recommended. They were not willing to close the driveway as requested.

Council Member Rogers withdrew his motion.

Council Member Rogers made a motion to deny C-SPA-20-002. The motion was seconded by Council Member Barson. Council discussion with additional conversations to be held.

Council Member Rogers withdrew his motion.

Council consensus was to table the discussion for C-SPA-20-002 and consideration to their next regular meeting on March 22, 2021.

B. Ordinances.

1. *2021-03 Preventing and Abatement of Public Nuisances on Private Property* (attached hereto as Exhibit B and incorporated as a part of the minutes).

Council Member Rogers made a motion to adopted Ordinance 2021-03 Preventing and Abatement of Public Nuisances on Private Property as presented. The motion was seconded by Council Member Cameron and unanimously approved.

2. *2021-04 Defining and Prohibiting Abandoned, Hazardous and Junked Motor Vehicles within the Village of Clemmons* (attached hereto as Exhibit C and incorporated as a part of the minutes).

Council Member Rogers made a motion to adopt Ordinance 2021-04 Defining and Prohibiting Abandoned, Hazardous and Junked Motor Vehicles within the Village of Clemmons as presented. The motion was seconded by Council Member Cameron and unanimously approved.

Business – Review and Items for Future Action

- C. Marketing & Communications Director's Report/Events Update.
- Clemmons Quaranclean CleanUp – March–May – Details and registration on website
 - Medicine Drop - March 22, 2021 10am–1pm – Clemmons Fire Department (5931 James Street)
 - Clemmons Farmers Market's Easter Pop-Up Market – Saturday, April 3, 2021 from 8:30am–11:30am (Jerry Long YMCA)

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

our events.

D. Manager's Report.

1. *Report from Mayor Wait and Council Member Binkley regarding FCSO Monthly Reports* – moved to Council Retreat Agenda on March 30, 2021.
2. *FCSO – Clemmons' Annual Statistical Report for 2020* – report was presented.
3. *Budget Amendment 21-S-6 for Wash Bay Pump* – Public Works Director explained to Council the need for a wash bay pump as the funds that were in the budget for a pump had to be used for a ground water pump when an issue was found starting the project.

Council Member Rogers made a motion to approve Budget Amendment 21-S-6 for Wash Bay Pump in the amount of \$34,000 (attached hereto as Exhibit D and incorporated as a part of the minutes). The motion was seconded by Council Member Barson and unanimously approved.

4. *Update on Sharpe Brothers Contract* – Public Works Director Gunnell advised Council that with the paving of additional streets in the fall and the increased milling cost for Glengarriff, we are currently over budget by approximately \$120,000 which will impact spring paving.
5. *Rotary* – Council Member Cameron advised that the Rotary is planning an event on May 18, 2021 recognizing heroes in the community (first responders) with a drive-by lunch. They are expecting approximately 300 people and each will be given lunch and a goodie bag. A flyer will be handed out listing all donors. The Rotary is requesting monetary donations along with in-kind donations. They would like to have the event listed on the Village of Clemmons website. A brief discussion was held regarding the application process the Village of Clemmons has in place for any donation requests.

Council consensus was to direct Staff to speak with a Rotary representative to gain more insight and determine if they would need to proceed with the application process for donations.

6. *Local Adopt-a-Street Program Discussion* – Council Member Barson inquired about Council's openness to Staff bringing a proposal for a local Adopt-a-Street Program (municipal-maintained streets) for their consideration. There would be signs placed on existing posts with the adopter's name and they would pledge to clean the street a certain number of times per year. The Village would provide trash bags and vests and would pick up and dispose of the collected trash.


Council consensus was to direct Staff to draft a proposal for a local Adopt-a-Street Program (municipal-maintained streets) for consideration at their next regular meeting on March 22, 2021.

- E. Attorney's Report – Attorney Fus advised Council he has been continuing work on addressing property acquisition issues and review of the VOIP extensive contract terms. He stated he had worked with Piedmont Natural Gas on a stormwater agreement.
- F. Planner's Report – Planner Rahimzadeh advised Council that the Planning Board will be meeting next week and he is currently preparing for the upcoming Retreat.
- G. Stormwater Engineer's Report.
 - 1. Current CIP List Ranking – Stormwater Engineer Kimbrell presented to Council the Current CIP List Ranking (attached hereto as Exhibit E and incorporated as a part of the minutes). He advised the updated cost with everything on the list is approximately \$8.2 million and mentioned that Doublegate was ranked 20th and that it was in the process of being designed and constructed, since FEMA agreed to let the Village of Clemmons complete design, permitting, and construction of the entire reach of that stream and provide only one CLOMR analysis (saving about \$35,000) for that entire reach.
- H. Council Comments – Council Member Cameron reminded everyone of the Clemmons Library selling bricks at a cost of \$250 for three lines and forms are online or can be picked up at the library. Council Member Rogers advised Col. Al Dillon's (former Village Manager) wife, Charlotte, passed away last week and the Village sends condolences to the family.
- I. Closed Session to Discuss Property Acquisition in accordance with NCGS 143-318.11(a)(5) and to Discuss Personnel Matter in accordance with NCGS 143-318.11(a)(6) - Council Member Cameron moved to go into closed session to Discuss Property Acquisition in accordance with NCGS 143-318.11(a)(5) and to Discuss Personnel Matter in accordance with NCGS 143-318.11(a)(6) at 7:12 p.m. The motion was seconded by Council Member Binkley and unanimously approved.

At 7:51 p.m., Mayor Wait stated that by unanimous vote Council chose to reconvene the open session with no action taken.

Adjournment

Council Member Cameron moved to adjourn the meeting at 7:51 p.m. The motion was seconded by Council Member Barson and unanimously approved.



John Wait
Mayor

ATTEST:



Lisa Shortt, NCCMC
Village Clerk

Proclamation
Declaring March 20 - March 28, 2021
as FORSYTH CREEK WEEK
in the Village of Clemmons, North Carolina

WHEREAS, water is our most valuable natural resource; and

WHEREAS, only tap water delivers public health protection, fire protection, support for our economy, and the quality of life we enjoy, and

WHEREAS, any measure of a successful society – low mortality rates, economic growth and diversity, productivity, and public safety – are in some way related to access to safe water; and

WHEREAS, we are all stewards of the water infrastructure upon which future generations depend; and

WHEREAS, each citizen of our community is called upon to help protect our source waters from pollution, to practice water conservation, and to get involved in local water issues.

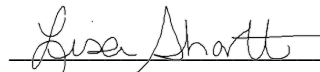
NOW, THEREFORE, be it resolved that by virtue of the authority vested in me as Mayor of the Village of Clemmons, I do hereby proclaim March 20 – March 28, 2021 as FORSYTH CREEK WEEK in Clemmons and encourage all citizens to become active participants in FORSYTH CREEK WEEK activities.

This the 8th day of March, 2021.



John L. Wait
Mayor

Attest:



Lisa M. Shortt
Village Clerk



AN ORDINANCE AMENDING THE CODE OF ORDINANCES FOR THE VILLAGE OF CLEMMONS WITH RESPECT TO THE PREVENTION AND ABATEMENT OF PUBLIC NUISANCES ON PRIVATE PROPERTY

Ordinance Number 2021-03

WHEREAS, pursuant to N.C Gen. Statute §160A-174 a municipality may by ordinance define, prohibit, regulate or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the municipality; and

WHEREAS, pursuant to N.C. Gen. Statute §160A-193 a municipality has the authority to summarily remove, abate, or remedy everything in the municipal limits, or within one mile thereof, that is dangerous or prejudicial to the public health or public safety.

NOW, THEREFORE, BE IT ORDAINED by the Village Council of the Village of Clemmons, North Carolina that the Code of Ordinances of the Village of Clemmons be amended as follows:

That the ordinance, **Chapter 92: Nuisances**, is hereby rewritten to read as follows:

Section 1. Definitions.

For the purposes of this chapter the following definitions shall apply unless the context clearly indicates a different meaning.

Appliance. Any machinery and all instruments used in operating it, a mechanical thing, device or apparatus. The machine or instrument does not have to be operational.

Building Material (also called Construction and Demolition Material). Brick, stone, carpet, plumbing materials, plaster, concrete, asphalt, roofing, floor coverings, gutters, wooden pallets, or other material or substances accumulated as a result of construction, repairs, or additions to existing structures or accessory structures or demolition of such.

Business Trash. Any accumulation of incidental waste products, garbage, other than household trash, which is associated with the operation of stores, offices, and commercial establishments.

Garbage. A by-product of animal or vegetable foodstuffs resulting from the handling, preparation, cooking, and consumption of food or other matter which is subject to decomposition, decay, and/or the generation of noxious or offensive gases or odors, or which during and/or after decay may serve as breeding or feeding material for flies, insects, and/or animals.

Hazardous Waste. Potentially dangerous by-products which cannot be handled, treated, or disposed of without special precautions. Hazardous waste includes ignitable, corrosive, reactive, and toxic wastes such as acetone, gasoline, industrial metal, alkaline cleaners, acids, cyanide, chlorine, arsenic, pesticide wastes, paint, caustics, infected materials, offal, fecal matter (human and animal) and explosives.

Household Trash. Accumulation of sweepings, rags, or other matter of any kind, other than garbage and recyclables, which is usually attendant to housekeeping.

Industrial Waste. All waste, including solids, semi-solids, sludges and liquids created by factories, processing plants, or other manufacturing enterprises (sometimes referred to as special waste, as it requires special handling).

Junk. Any item creating a littered condition including, but not limited to household or office furnishings, household appliances, mattress, box springs, lawn equipment, machinery, or other similar items which are either in a wholly or partially rusted, wrecked, dismantled, or inoperative condition.

Litter. All discarded dead animals and man-made materials, including, but not limited to, solid waste materials, building materials, industrial materials, and hazardous waste.

Premises. Lots, including sidewalks, rights-of-way, easements, grass strips, or curbs up to the edge of the pavement of any public street.

Recyclables. Newspapers and accompanying inserts, magazines, junk mail, cardboard, glass, food and beverage containers, plastic soft drink and liquor bottles, spiral paper cans and yard waste.

Rubbish. Useless waste or any material thrown away as worthless.

Solid Waste. Solid waste is defined as accumulations consisting of any combination of business trash, garbage, household trash, bulky items, yard waste, recyclables and junk.

Trash. Defined herein as either household trash or business trash.

Yard Waste. Grass, weeds, leaves, tree trimmings, plants, shrubbery pruning, and such other similar materials which are generated in the maintenance of yards and gardens, which are separate from other solid waste materials and placed in a designated recycling collection area. Yard waste shall not include trees, tree limbs, brush and other material resulting from commercial tree trimmers and/or commercial lawn-care services.

Section 2. Jurisdiction.

The provisions of this ordinance shall apply within the corporate limits of the Village of Clemmons.

Section 3. Declaration of a public health nuisance.

The following conditions shall constitute a nuisance to public health or safety and shall be prohibited within the municipality's jurisdiction:

1. *Neglect of Property.* It shall be unlawful for any person to endanger the public health, safety or welfare through the neglect of property by causing or allowing the accumulation of appliances, building materials, construction and demolition

material, business trash, garbage, hazardous waste, household trash, industrial waste, junk, litter, recyclables, rubbish, solid waste, trash, yard waste or potentially dangerous devices to be discarded, abandoned, or remain on or emanate from any such property.

2. *Unauthorized accumulation of solid waste, trash, recyclables, garbage, junk, rubbish or building material.*
 - (a) It shall be unlawful for any person to allow or cause the accumulation of solid waste, trash, recyclables, garbage, junk, rubbish or building material which produces offensive, noxious or foul odors or vapors or which provides refuge or sustenance for rats, mice, snakes, or other vermin.
 - (b) It shall be unlawful for the owner and/or occupant of any property to cause or allow the accumulation of solid waste, trash, recyclables, garbage, junk, rubbish or building material causing or threatening to cause a fire hazard or causing or threatening to cause the accumulation of stagnant water.
3. *Unauthorized accumulation of litter.* It shall be unlawful for any person to scatter, cast, throw, blow, place, sweep, or deposit any litter in such a manner that it may be carried or deposited upon any street, sidewalk, alley, body of water, sewer, parkway, lot, public property, or private property.
4. *Dilapidated condition on premises.* It shall be unlawful for any person to have on their premises material that creates a littered condition, such as but not limited to, lawn furniture, appliances, machinery, equipment, building materials, automotive parts, tires, fencing, or any other items which are in a wholly or partially rusted, wrecked, junked, dismantled, or inoperative condition and which are not completely enclosed within a building or dwelling.
5. *Uncontrolled growth of weeds or grass.* It shall be unlawful for the owner and/or occupant of a property to allow grass, weeds or other overgrowth vegetation to exceed a height greater than twelve (12) inches above the surrounding ground provided that the following shall not be considered to be overgrowth vegetation: trees and ornamental shrubs; cultured plants; natural vegetation on undeveloped property that is not a threat to the character of surrounding properties; and flowers and growing and producing vegetable plants. It shall be the duty of the of the owner and/or occupant to cut and remove all grass, weeds and other overgrowth vegetation as often as necessary to comply with the provisions of this section.
6. *Unauthorized accumulation of hazardous or toxic materials and chemicals.* It shall be unlawful to accumulate hazardous or toxic materials and chemicals in an open place.
7. *Obstruction of Municipality or State Rights-of-Way.* It shall be unlawful for the owner and/or occupant of any property to cause or allow any trees or shrubbery that shall interfere with or endanger the use of the public streets; interfere with or obstruct illumination of street lights; obscure sight distance or create a traffic

hazard; interfere with the visibility of any traffic control device or sign; obstruct or impair the free passage of pedestrians on sidewalks or other municipality or state rights-of-way at a vertical clearance of less than seven (7) feet; or endanger the life, health, safety or property of the public.

8. *Burned or partially burned buildings and structures.* Any building or other structure which has been burned, partially burned or otherwise partially destroyed and which is unsightly or hazardous to the safety of any person, is a continuing fire hazard or which is structurally unsound to the extent that the municipality building official can reasonably determine that there is a likelihood of personal or property injury to any person or property entering the premises.
9. *Storm or erosion damaged structures and resulting debris.* The existence of any of the following conditions associated with storm or erosion damaged structures or their resultant debris shall constitute a public nuisance.
 - a. Damaged structure in danger of collapsing.
 - b. Damaged structure or debris from damaged structures where it can reasonably be determined that there is a likelihood of personal or property injury.
10. *Conditions Violating Health Department Rules.* Any condition detrimental to the public health, which violates the rules and regulations of the Forsyth County Health Department.
11. *Any other conditions constituting a nuisance.* In addition to the conditions set out in this section, any other condition declared by the Clemmons Village Council to pose a threat to the public's health or safety, also shall constitute a nuisance and shall be prohibited within the municipality's jurisdiction.

Section 4. Administration and Enforcement Responsibility.

The Village Manager or their designee(s) are hereby charged with the administration and enforcement of this ordinance.

Section 5. Complaints and investigations.

The Village Manager or their designee(s) shall, upon notice from any citizen or public official of the existence of any of the conditions described in Section 3, investigate to determine whether conditions exist as to constitute a public nuisance as declared in Section 3.

Section 6. Notice to abate public health nuisance.

- (A) Upon a determination that such conditions constituting a public health nuisance exist, the Village Manager or their designee(s) shall notify, in writing, the owner/responsible party as shown on the most recent Forsyth County tax records, occupant, and/or person in possession of the premises in question of the

conditions constituting such public health nuisance and shall order the prompt abatement thereof within fifteen (15) days from the date the notice is served upon the responsible person(s). Service of such notice shall be by any one of the following methods.

1. By delivery to any owner personally or by leaving the notice at the usual place of abode of the owner with a person who is over the age of sixteen (16) years and a member of the family of the owner.
2. By depositing the notice in the United States Post Office addressed to the owner at his last known address with postage prepaid thereon.
3. By posting and keeping posted, for ten (10) days, a copy of the notice, in placard form, in a conspicuous place on the premises on which the violation exists, when notice cannot be served by method (1) and (2).

Within the fifteen (15) day period mentioned above, the owner, occupant, and/or person in possession of the premises where the nuisance exists may appeal the findings of the Village Manager or their designee(s) by giving written notice of appeal to the Village Clerk, the appeal to stay the abatement of the nuisances until a final determination by the Village Council. In the event no appeal is taken, the Village may proceed to abate the nuisance.

- (B) The Village Council in the event an appeal is taken as provided in Section 6 (A) may, after hearing all interested persons and reviewing the findings of the Village Manager and/or their designee(s), reverse those findings, but if the Village Council determines that the findings of the Village Manager and/or their designee(s) are correct and proper it shall adopt an ordinance specifically declaring that the condition on the property to be a danger and hazard to the health, safety, morals, and general welfare of the inhabitants of the Village and a public nuisance and directing the Village Manager and/or their designee(s) to cause the conditions to be abated.
- (C) An owner of real property whereupon, in the previous calendar year, the Village of Clemmons gave notice of violation at least three (3) times during the previous calendar year to abate a nuisance pursuant to Chapter 92 of this ordinance, shall be deemed a chronic violator. In accordance with N.C Gen. Statute §160A-200.1, a chronic violator as defined herein shall be notified by the Village Manager and/or their designee(s) if property owned by the chronic violator is determined to be in violation of Chapter 92 of this ordinance, and the Village may take action to remedy the violation without further notice during the calendar year in which annual notice is given and the expense of such action including any administrative fees shall become a lien upon the property and shall be collected as unpaid taxes. The initial annual notice required herein shall be served by registered or certified

mail and shall be complete upon delivery or deposit of the notice along with the appropriate fees under the care of the United States Postal Service.

- (D) Abatement of a public nuisance shall consist of taking whatever appropriate steps are reasonably necessary to remove the condition or conditions which result in the declaration of a public nuisance. Without limitation the Village Manager and/or their designee(s), in ordering the abatement of a public nuisance, may require the removal of debris, rubbish, accumulations of animal or vegetable matter, growth of weeds and grass, burned or partially burned buildings, the isolation of the condition to be abated so that access cannot be gained by persons or property which may be injured by the nuisance or such other steps which are reasonably necessary to abate the nuisance.

Section 7. Failure of owner to abate public health nuisance.

If any person, having been ordered to abate such a public nuisance, fails, neglects, or refuses to abate or remove the condition constituting the nuisance within fifteen (15) days of being provided notice pursuant to Section 6 of such order, he shall be subject to prosecution for violation of this Ordinance in accordance with law and each day that such failure continues shall be a separate offense. In addition, the Village Manager and/or their designee(s) may have the condition described in the notice abated, removed or otherwise corrected and all expenses incurred thereby shall be chargeable to and paid by the owner of the property.

The actual cost incurred by the municipality in removing or otherwise remedying a public nuisance shall be charged to the owner of such lot or parcel of land, and it shall be the duty of the Village Clerk to mail a statement of such charges to the owner with instructions that such charges are due and payable within thirty (30) days from the receipt thereof.

In the event charges for the removal or abatement of a public nuisance are not paid within thirty (30) days after the receipt of a statement of charges, such charges shall become a lien upon the land or premises where the public nuisance existed and shall be collected as unpaid property taxes, as provided in G.S. 160A-193

Section 8. Alternate remedies.

The procedures set forth in this Ordinance shall be in addition to any other remedies that may now or hereafter exist under law for the abatement of public nuisances and this Ordinance shall not prevent the Village from proceeding in a criminal action against any person, firm or corporation violating the provisions of this Ordinance as provided in G.S. 14-4.

Section 9. Repeal and reenactment of existing nuisance ordinance of the Village of Clemmons

The rewriting of this Ordinance in part carries forth by reenactment some of the provisions of the existing Nuisance Ordinance of the municipality and is not intended to repeal, but rather to reenact and continue in force such existing provisions so that all rights and liabilities that have been accrued are preserved and may be enforced. All provisions of the Nuisance Ordinance which are not reenacted are hereby repealed.

Section 10. Severability.

If any part of this ordinance or the application thereof to any person or condition is held invalid such invalidity shall not affect other parts of this ordinance or their application to any other person or condition, and to this end, the provisions of this ordinance are hereby declared to be severable.

This ordinance shall become effective upon its adoption.

ADOPTED this the 8th of March, 2021 by the Village Council of the Village of Clemmons, North Carolina.

ATTEST:



Lisa Shortt, Village Clerk



John Wait, Mayor



**AN ORDINANCE DEFINING AND PROHIBITING ABANDONED,
HAZARDOUS AND JUNKED MOTOR VEHICLES WITHIN
THE VILLAGE OF CLEMMONS**

Ordinance Number 2021-04

WHEREAS, pursuant to N.C Gen. Stat. §160A-174 a municipality may, by ordinance, define, prohibit, regulate or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the municipality; and

WHEREAS, the Village Council of the Village of Clemmons finds that abandoned, hazardous and junked motor vehicles are detrimental to the appearance of the municipality may be hazardous to health and safety; adversely impacts the value of property throughout the municipality and is detrimental to tourism and the Village's economic well-being.

NOW, THEREFORE, BE IT ORDAINED by the Village Council of the Village of Clemmons, North Carolina, *Title IX: General Regulations Chapter 96: Vehicles* as follows:

Section 1. Intent.

It shall be the intent of this article to promote and enhance the aesthetic appearance of the Village; to protect health and safety within the Village; to protect the property values throughout the Village; and to promote opportunities for economic development of the Village. It is further the intent of this article to promote and enhance the attractiveness of the Village thoroughfares and residential streets, which present public visibility to visitors and to passersby of the Village by controlling and regulating abandoned, hazardous and junked vehicles.

Section 2. Definitions.

For the purposes of this ordinance, certain words and terms are defined as herein indicated:

Abandoned Vehicle: As authorized and defined in §160A-303 of the North Carolina General Statutes, an **Abandoned Motor Vehicle** is a motor vehicle which:

- (1) Has been left upon a street or highway in violation of a law or ordinance prohibiting parking; or
- (2) Is left on property owned or operated by the Village for longer than 24 hours; or
- (3) Is left on private property without the consent of the owner, occupant, or lessee thereof for longer than two hours; or
- (4) Is left on any public street or highway for longer than seven days or is determined by law enforcement to be a hazard to the motoring public.

Approved Motor Vehicle Cover. A ready-fit cover made expressly for motor vehicles which will resist decay, mildew, and ultra-violet sunlight.

Authorizing Official: Any Forsyth County Sheriff's Deputy on duty that day, the Village Manager or his/her designee.

Hazardous Vehicle. A vehicle on public or private property that is determined and declared to be a health or safety hazard, a public nuisance, and unlawful, and including a vehicle found to be:

- (1) A breeding ground or harbor for mosquitoes, other insects, rats or other pests; or
- (2) A point of heavy growth of weeds or other noxious vegetation over eight (8) inches in height; or
- (3) A point of collection of pools or ponds of water; or
- (4) A point of concentration of quantities of gasoline, oil or other flammable or explosive materials as evidenced by odor; or
- (5) One which has areas of confinement, such as trunks, hoods, etc., which cannot be operated from inside the area of confinement; or
- (6) One so situated or located that there is a danger of it falling or turning over; or
- (7) One which is a point of collection of garbage, food waste, animal waste, or any other rotten or putrescent matter of any kind; or
- (8) One which has sharp parts thereof which are jagged or contain sharp edges of metal or glass; or
- (9) Any other vehicle specifically declared a health and safety hazard and a public nuisance by the Clemmons Village Council.

Junked Motor Vehicle: As authorized and defined in §160A-303.2 of the North Carolina General Statutes, the term "**Junked Motor Vehicle**" means a vehicle that does not display a current license plate upon that vehicle and that:

- (1) Is partially dismantled or wrecked; or
- (2) Cannot be self-propelled or moved in the manner in which it originally was intended to move; or
- (3) Is more than five years old and appears to be worth less than five hundred dollars (\$500.00).

Motor Vehicle or Vehicle: All machines designed or intended to travel over land by self-propulsion or while attached to any self-propelled vehicle.

Section 3. Administration.

The Forsyth County Sheriff's Office, the Village Manager or his/her designee shall be responsible for the administration and enforcement of this article. The Forsyth County Sheriff's Office shall be responsible for administering the removal and disposition of vehicles determined to be "abandoned" on the public streets and highways within the municipality and on property owned by the municipality. The Village Manager or his/her

designee shall be responsible for administering the removal and disposition of "abandoned," "hazardous" or "junked motor vehicles" located on private property. The Village may, on an annual basis, contract with private tow truck operators or towing businesses to remove, store, and dispose of abandoned vehicles, hazardous vehicles and junked motor vehicles in compliance with this article and applicable state laws. Nothing in this ordinance shall be construed to limit the legal authority or powers of officers of the Forsyth County Sheriff's Office and/or Fire Department in enforcing other laws or in otherwise carrying out their duties.

Section 4. Abandoned vehicle unlawful; removal authorized.

- (A) Upon investigation, the proper authorizing official of the Village may determine and declare that a vehicle is an abandoned motor vehicle as defined above, and order the vehicle removed.
- (B) It shall be unlawful for the registered owner or person entitled to possession of a motor vehicle to leave, cause or allow a motor vehicle to become an abandoned motor vehicle.

Section 5. Hazardous vehicle unlawful; removal authorized.

- (A) Upon investigation, the proper authorizing official of the Village may determine and declare that a vehicle is a health or safety hazard and a hazardous vehicle as defined above, and order the vehicle removed.
- (B) It shall be unlawful for the registered owner or person entitled to possession of a motor vehicle, or for the owner, lessee, or occupant of the real property upon which the vehicle is located to leave, cause or allow such vehicle to remain on the property after it has been declared a hazardous vehicle.

Section 6. Junked motor vehicle regulated; removal authorized.

- (A) It shall be unlawful for the registered owner or person entitled to the possession of a junked motor vehicle, or for the owner, lessee, or occupant of the real property upon which a junked motor vehicle is located, to leave or allow the junked motor vehicle to remain on the property after the vehicle has been ordered removed.
- (B) Subject to the provisions of subsection (A) of this section, upon investigation, the Village Manager or his/her designee may order the removal of a junked motor vehicle, as defined in this ordinance, from private property to a storage garage or storage area after finding in writing that the aesthetic benefits of removing the vehicle outweigh the burdens imposed on the private property owner. Such finding shall be based on a balancing of the monetary loss of the apparent owner against the corresponding gain to the public by promoting or enhancing community, neighborhood or area appearance. The following, among other relevant factors, may be considered:

- (1) Protection of property values;
 - (2) Promotion of tourism and other economic development opportunities;
 - (3) Indirect protection of public health and safety;
 - (4) Preservation of the character and integrity of the community; and
 - (5) Promotion of the comfort, happiness and emotional stability of area residents.
- (C) Permitted concealment or enclosure of junked motor vehicle.
- (1) One junked motor vehicle, in its entirety, may be located in the rear yard, as defined in the Village of Clemmons Unified Development Ordinance, provided the junked motor vehicle is entirely concealed from public view from a public street and/or abutting premises by an approved motor vehicle covering for not more than sixty (60) calendar days. The Village Manager or his/her designee have the authority to determine whether any junked motor vehicle is adequately concealed as required by this provision. The covering must remain in good repair and not be allowed to deteriorate. The covering or enclosure must be compatible with the objectives stated in the preamble of this ordinance.
 - (2) Any one or more junked motor vehicles kept for a period exceeding sixty (60) calendar days shall be kept within a garage or similar structure that provides a complete enclosure so that the junked motor vehicle(s) cannot be seen from a public street or abutting property. Garages or similar structures mean either a lawful, nonconforming use or a structure erected pursuant to the lawful issuance of a building permit and which has been constructed in accordance with all zoning and building code regulations.

Section 7. Removal of abandoned, hazardous or junked motor vehicles; pre-towing notice requirements; appeals.

- (A) Except as set forth in Section 8 below, an abandoned, hazardous or junked vehicle which is to be removed shall be towed only after notice to the registered owner or person entitled to possession of the vehicle. In the case of a hazardous vehicle or a junked motor vehicle, if the names and mailing addresses of the registered owner or person entitled to the possession of the vehicle, or the owner, lessee, or occupant of the real property upon which the vehicle is located can be ascertained in the exercise of reasonable diligence, notice shall be given by first class mail to all such parties. Such notice shall include notification to the registered owner of the vehicle at his last known address according to the latest registration certificate or certificate of title on file with the North Carolina Division of Motor Vehicles; notice to the owner of real property at the mailing address listed with the Forsyth County Tax Administration office; and notice to the address of the property on which the vehicle is located. The person who mails the notice(s) shall retain a written record to show the name(s) and address(es) to which mailed, and the date mailed. If such names and addresses cannot be ascertained or if the vehicle to be

removed is an abandoned motor vehicle, notice shall be given by affixing on the windshield or some other conspicuous place on the vehicle a notice indicating that the vehicle will be removed by the Village on a specific date no sooner than seven (7) days after the notice is affixed or mailed, unless the vehicle is moved by the owner or legal possessor prior to that time.

- (B) Appeals. The registered owner or person entitled to possessing a vehicle which has been determined to be an abandoned vehicle on private property, hazardous vehicle or junked motor vehicle who has received a notice pursuant to section 7(A) that the vehicle will be removed may appeal the determination. Any appeal shall be made within ten (10) days upon receipt of the notice for removal of the vehicle as provided in section 7(A). All appeals shall be made to the Village Council in writing filed with the Village Clerk. Appeals held pursuant to this section shall be conducted by the Village Council within forty-five (45) days after the receipt of a request for a hearing, and further proceedings to remove the vehicle shall be stayed until the appeal is heard and decided.

Section 8. Exceptions to prior notice requirement.

- (A) The requirement that notice be given prior to the removal of an abandoned, hazardous or junked motor vehicle may, as determined by the authorizing official be omitted in those circumstances where there is a special need for prompt action to eliminate traffic obstructions or to otherwise maintain and protect the public safety and welfare. Such findings shall in all cases be entered by the authorizing official in appropriate written records.
- (B) Circumstances justifying the removal of vehicles without prior notice include:
- (1) *Vehicles abandoned on the public streets.* For vehicles left on the public streets and highways, the Forsyth County Sheriff's Office, the Village Manager or his/her designee hereby determines that immediate removal of such vehicles may be warranted when they are:
- (a) Obstructing traffic;
 - (b) Parking in violation of an ordinance prohibiting or restricting parking;
 - (c) Parked in a no-stopping or standing zone;
 - (d) Parked in loading zones;
 - (e) Parked in bus zones; or
 - (f) Parked in violation of temporary parking restrictions imposed under any Village ordinance.
- (2) *Other abandoned or hazardous vehicles.* With respect to abandoned or hazardous vehicles left on Village owned property other than the streets and highways and on private property, such vehicles may be removed without giving prior notice in those circumstances where the authorizing official finds a special need for prompt action to protect and maintain the

public health, safety and welfare. By way of illustration and not of limitation, such circumstances include vehicles blocking or obstructing ingress or egress to businesses and residences; vehicles parked in such a location or manner as to pose a traffic hazard, or vehicles causing damage to public or private property.

- (3) *Vehicles left on private property.* A vehicle may be removed that has been left on private property without the consent of the owner, occupant or lessee thereof for longer than two (2) hours and the owner, occupant or lessee has complied with Section 13 of this ordinance, or in those circumstances where there is a finding of a special need for prompt action to eliminate traffic obstructions or to otherwise maintain and protect the public safety and welfare. Such findings shall, in all cases, be entered by the authorized official in the appropriate written records.

Section 9. Removal of vehicles; post-towing notice requirements.

- (A) Any abandoned, hazardous or junked vehicle which has been ordered removed may, as directed by the proper authorizing official of the Village, be removed to a storage garage or area by the tow truck operator or towing business contracting to perform such services for the Village. Whenever such a vehicle is removed, the authorizing Village official shall immediately notify the last known registered owner of the vehicle, such notice to include the following:
 - (1) A description of the vehicle;
 - (2) The place where the vehicle is stored;
 - (3) The violation with which the owner is charged, if any;
 - (4) The procedure the owner must follow to have the vehicle returned to him; and
 - (5) The procedure the owner must follow to request a probable cause hearing on the towing.
- (B) The Village shall attempt to give notice to the vehicle owner by telephone; however, whether or not the owner is reached by telephone, written notice, including the information set forth in subsections (A) (1) through (5) above, shall also be mailed to the registered owner's last known address, unless the notice is waived in writing by the vehicle owner or his agent.
- (C) If the vehicle is registered in North Carolina, notice shall be given within twenty-four (24) hours. If the vehicle is not registered in the state, notice shall be given to the registered owner within seventy-two (72) hours of the removal of the vehicle.
- (D) Whenever an abandoned, hazardous or junked motor vehicle is removed and such vehicle has no valid registration or registration plates, the authorizing Village official shall make reasonable efforts, including checking the vehicle identification number to determine the last known registered owner of the vehicle

and to notify him of the information set forth in subsections (A) (1) through (5) above.

Section 10. Right to probable cause hearing before sale or final disposition of vehicle.

After the removal of an abandoned vehicle, hazardous vehicle or junked motor vehicle, the owner or any other person entitled to possession is entitled to a hearing for the purpose of determining if probable cause existed for removing the vehicle. A request for hearing must be filed in writing with a Magistrate. The Magistrate will set the hearing within seventy-two (72) hours of receipt of the request, and the hearing will be conducted in accordance with the provisions of North Carolina G.S. §20-219.11, as amended.

Section 11. Redemption of vehicle during proceedings.

At any stage in the proceedings, including before the probable cause hearing, the owner may obtain possession of the removed vehicle by paying the towing fee, including any storage charges, or by posting a bond for double the amount of such fees and charges to the tow truck operator or towing business having custody of the removed vehicle. Upon regaining possession of a vehicle, the owner or person entitled to the possession of the vehicle shall not allow or engage in further violations of this ordinance.

Section 12. Sale and disposition of unclaimed vehicle.

Any abandoned, hazardous or junked motor vehicle which is not claimed by the owner or other party entitled to possession will be disposed of by the tow truck operator or towing business having custody of the vehicle. Disposition of such vehicle shall be carried out in accordance with North Carolina G.S. §44A-1 through 44A-6.

Section 13. Conditions on removal of vehicles from private property.

Except as provided in section 6(B), as a general policy, the Village will not remove a vehicle from private property if the owner, occupant or lessee of such property could have the vehicle removed under applicable state laws. In no case will a vehicle be removed by the Village from private property without a written request of the owner, occupant or lessee, except in those cases where a vehicle is a hazardous vehicle or is a junked motor vehicle which has been ordered removed by the Village Manager or his/her designee pursuant to section 6(B). The Village shall require any person requesting the removal of an abandoned, hazardous or junked motor vehicle from private property to indemnify the Village against any loss, expense or liability incurred because of the removal, storage, or sale thereof.

Section 14. Protection against criminal or civil liability.

Any person who removes a vehicle pursuant to this article shall not be held liable for damages for the removal of the vehicle to the owner, lien holder or other person legally entitled to the possession of the vehicle removed; however, any person who intentionally

or negligently damages a vehicle in the removal of such vehicle, or intentionally or negligently inflicts injury upon any person in the removal of such vehicle, may be held liable for damages.

Section 15. Exceptions.

Nothing in this Ordinance shall apply to any vehicle which meets the following conditions:

- (A) The vehicle is located in a bone fide "automobile graveyard" or "junkyard" as defined in G.S. §136-143, in accordance with the *Junkyard Control Act*, G.S. §136-141 et seq.
- (B) The vehicle is in an enclosed building;
- (C) One (1) junked motor vehicle in its entirety, is located in the rear yard as defined by the Village's Unified Development Ordinance for no more than sixty (60) calendar days if the junked motor vehicle is entirely concealed from public view by an approved motor vehicle cover. The approved motor vehicle cover must remain in good repair and must not be allowed to deteriorate.
- (D) The vehicle is on the premises of a business enterprise being operated in a lawful place and manner if the vehicle is necessary to the operation of the enterprise; or
- (E) The vehicle is in an appropriate storage place or depository maintained in a lawful place and manner by the municipality.
- (F) The motor vehicle is used on a regular basis for business or personal use.

Section 16. Unlawful removal of impounded vehicle.

It shall be unlawful for any person to remove or attempt to remove from any storage facility designated by the Village any vehicle which has been impounded pursuant to the provisions of this ordinance unless and until all towing and impoundment fees which are due, or bond in lieu of such fees, have been paid.

Section 17 Severability.

If any part of this ordinance or the application thereof to any person or condition is held invalid such invalidity shall not affect other parts of this ordinance or their application to any other person or condition, and to this end, the provisions of this ordinance are hereby declared to be severable.

This ordinance shall become effective upon its adoption.

ADOPTED this the 8th of March, 2021 by the Village Council of the Village of Clemmons, North Carolina.



John L. Wait, Mayor

ATTEST:



Lisa Shortt, Village Clerk



21-S-6

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, March 8, 2021 to amend the budget for a Wash Bay Pump.

	Original	Amended	Increase	Decrease	Amended
Revenues					
Fund Balance Appropriated	\$ -	\$ -	\$ 34,000	\$ -	\$ 34,000
Total Revenues			<u>\$ 34,000</u>		
Expenditures					
Capital Outlay	\$ -		\$ 34,000		\$ 34,000
Total Expenditures			<u>\$ 34,000</u>		
For Information Total Budget					
Total Revenues			\$ -	\$ -	\$ -
Total Expenditures			\$ -	\$ -	\$ -

Attest:

Adopted 8th day of March, 2021



 Lisa M. Shortt, NCCMC



 John L. Wait, Village Mayor



Fiscal Year 2021-2022
Village of Clemmons Stormwater Management Program
Stormwater Capital Improvement Program - Project Rankings

Last Updated: 3/8/2021

Ranking	Project #:	Project Name	Dependency ¹	CIP Rating	Cost Estimate
1	09-011	Springside North	Greendale	-	\$1,400,000
2	09-015	Tanglebrook		66.33	\$434,053
3	09-016	Greendale		66.31	\$592,291
4	19-041	Springfield Farm		60.96	\$96,314
5	21-049	Woodlark Ct.		50.01	\$152,022
6	11-036	Parkdale	Greendale, Springside, Brookland	47.29	\$256,268
7	21-048	N Lakeshore Dr. 2 (3776)		44.71	\$218,494
8	21-046	Innisfail Ln	Lasater Rd	43.69	\$418,400
9	09-001	Boyer	Knob Hill	41.15	\$324,648
10	09-011	Springside	Greendale	40.25	\$364,883
11	21-045	Bridle Path		39.42	\$130,800
12	21-047	N Lakeshore Dr. 1 (3539)		36.78	\$232,947
13	20-044	Glen Oaks		34.47	\$156,436
14	19-042	Lasater		34.07	\$395,535
15	09-002	Knob Hill		33.47	\$269,026
16	19-040	Rolling Oak Court		29.57	\$101,678
17	09-010	Brookland	Greendale, Springside	28.87	\$300,592
18	10-023	Tanglebrook #3		27.74	\$196,893
19	19-039	Moravian Heights		26.81	\$262,000
20	09-003	Doublegate	Tanglebrook	24.74	\$210,706
21	09-006	Haywood		23.11	\$123,582
22	10-024	Springvalley		21.72	\$150,107

¹ Dependency - This indicates that a downstream project must be performed prior to the rated project. In some cases, verification that the downstream project will not be negatively impacted by the upstream project may remove this dependency.

* Under review by third party consultant.

* In Construction/Bidding/Acquisition Process