



REGULAR MEETING OF THE VILLAGE OF CLEMMONS COUNCIL January 24, 2022

The Village of Clemmons Council met on Monday, January 24, 2022, at 6 p.m. The meeting was held at the Village Hall, Clemmons, North Carolina. The following members were present: Mayor Rogers, Council Members Barson, Cameron, Combest, Taylor and Wrights. Attorney Elliot Fus was also present.

Call to Order & Pledge of Allegiance

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

Public Comments

There were six citizens in attendance. There were two individuals that spoke during public comments:

-Carl Baraukas, 6180 Ridgecrest, Clemmons, NC – expressed his concerns regarding speeding along Ridgecrest and requested Council consider having a couple of signs placed for no truck traffic or raise the fine

-Charles Sherrill, 115 Spillsbury Court, Clemmons, NC – pointed out his concerns regarding the draft resolution for creating an Environmental Committee

Approval of the Minutes

Council Member Cameron moved to approve the minutes of the January 10, 2022 regular meeting as presented. The motion was seconded by Council Member Barson and unanimously approved.

Council Member Cameron moved to approve the minutes of the January 14, 2022 special meeting as presented. The motion was seconded by Council Member Taylor and unanimously approved.

Approval of the Agenda

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

Announcements

Mayor Rogers made the following announcement:

-Village of Clemmons Council Special Meeting (Retreat) will be held Thursday, January 27, 2022 from 9:00am – 4:00pm

Business – Action Items

- A. Budget Amendments
 1. *22-G-6 to Estimate Revenues and Appropriate Funds for the Parr and City-County Utilities Sewer Agreements*

Council Member Barson moved to reject Budget Amendment 22-G-6 to rescind our approval of

the sewer extension Interlocal Agreement with the Winston-Salem/Forsyth County Utilities Commission and the related sewer agreement with The Lake at Belmont, LLC and to direct the Attorney to immediately notify the Commission and The Lake at Belmont, LLC of our withdrawal of the agreements prior to any execution of those agreements by the other party. Mayor Rogers questioned the agenda item being for the budget amendment and not specifically the agreements. Attorney Fus recommended Council choose a path to move forward as the budget amendment is directly associated with the agreements and to make their intent clear. The motion was seconded by Council Member Wrights. Discussion was held.

Council Member Combest requested input from Planner Rahimzadeh as he had responded to questions from Council Member Cameron via email (attached hereto as Exhibit A and incorporated as a part of the minutes). Attorney Fus clarified clause within the agreement which puts a limit on the expense to the Village of Clemmons which would come out of the sewer fund. Council members discussed “pumping the brakes” and setting a timeline to take a deeper look at the agreements and project itself to gain further information. Attorney Fus pointed out that the agreements have not been signed to this point and “what if the cost comes in greater than \$1.1 million?”; the proposed agreement (has not been signed yet) with Parr does have a provision in it that says if we terminate our agreement with the Commission (which we can do if the costs come in over \$1.1 million), then our agreement with him is null and void. His recommendation is if Council is thinking of reversing course on this, we should reach out to the Commission telling them where we stand. Mayor Rogers stated we should reach out to Mr. Parr as well in case he wants to proceed with the lift station. Attorney Fus clarified additional Council discussion about notifying the Commission that we are temporarily putting that contract on hold, we are saying you cannot accept it right now, it is not pulled but we are telling you not to accept it.

Council Member Barson amended her motion to reject Budget Amendment 22-G-6 and rescind our approval of the sewer extension Interlocal Agreement with the Winston-Salem/Forsyth County Utilities Commission and the related sewer agreement with The Lake at Belmont, LLC until the second February meeting and to direct the Village Attorney to immediately notify the Commission and The Lake at Belmont, LLC of this decision. The motion was seconded by Council Member Combest and unanimously approved.

Council Member Wrights stated if this deal is a terrible deal for Clemmons, then we need to get out of it. Council Member Taylor stated this time until the second meeting in February will give Council time to evaluate if this is a bad deal for the Village of Clemmons. Council Member Combest addressed a concern that he heard of the possible perception that we are backtracking stating “this is pretty clear that this is a two-step process, for the deal to be final, we have to approve the budget amendment and not acting on that is not acting out of good faith, it is simply saying that Council is going to do all the same careful considerations or more than before because now we are spending money”.

Attorney Fus confirmed an email was immediately sent to the Utilities Commission advising of Council's position.

2. *22-G-7 for Forsyth County Sheriff's Department Contract Due to Across-the-Board 5% Increase in County Salaries in Order to Counteract Rising Vacancy Numbers and a Tough Labor Market*

Council Member Cameron made a motion to approve Budget Amendment 22-G-7 for Forsyth County Sheriff's Department Contract Due to Across-the-Board 5% Increase in County Salaries in Order to Counteract Rising Vacancy Numbers and a Tough Labor Market in the amount of \$29,950 (attached hereto as Exhibit B and incorporated as a part of the minutes). The motion was seconded by Council Member Taylor and unanimously approved.

3. *22-G-8 for Increase of Interim Village Manager's Salary*

Council Member Combest made a motion to approve Budget Amendment 22-G-8 for Increase of Interim Village Manager's Salary in the amount of \$3,150 (attached hereto as Exhibit C and incorporated as a part of the minutes). The motion was seconded by Council Member Barson and unanimously approved.

Business – Review and Items for Future Action

- B. *Marketing & Communications Director's Report/Events Update.*
 - E-Recycle has been rescheduled for Saturday, April 9 from 9:00am – 3:00pm at the Public Works Facility
 - Clemmons Farmers Market is currently accepting applications for full time, part time, and daily, farm, prepared foods/baked goods, and craft vendors for the 2022 season. An informational meeting for vendors will be held at Village Hall on Saturday, February 12 at 9:00am
 - Ages 4 up to 99 are invited to participate in the Betty White Loves Clemmons Lego Contest. Entries must be dropped off to Village Hall on February 11 and/or February 12
 - During the month of February, we will begin our month-long campaign of Neighbors Helping Neighbors – a month-long educational and collection campaign for the Clemmons Food Pantry. Weekly themes include Capture My Heart (Top 12 Wanted Items), Soup'er Bowl Food Drive, Let's Celebrate, and Feed a Family. We will end the month with a celebration at the Clemmons Food Pantry on February 26 with tours, a kid's train, and more

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

1. *Presentation from Sandi Scannelli, President & CEO of Shallow Ford Foundation* – Tim Bell, Board Chairman of Shallow Ford Foundation introduced Sandi Scannelli who shared details about the Foundation's work. She provided a history of the Foundation and expressed a need for a community center (venue) and the desire to form a public/private partnership with the Village of Clemmons. This would enable Clemmons

residents to focus on their generosity and inspires flourishing philanthropy to the community that they love. Council Member Combest spoke saying that a statement of intent is what they are seeking at this time and Ms. Scannelli advised that statement of intent would be that a community center is a priority for the Village of Clemmons. Council Member Combest proposed a statement that is only a sense of the Council, not a formal motion: "I would propose that the Council resolve that it is the intent of the Council to develop a community center for the Village of Clemmons and that the Council authorizes the Manager to direct the Staff to coordinate directly with the Foundation to begin the process of developing options relating to the development of a community center as discussed". He added, "I would like to stress this does not imply support for or intent to select any specific location or building or venue or otherwise. It is simply a statement of intent to say that we intend to develop a community center that adds to the already developed network that incorporates with the YMCA and reinforces the YMCA, does not compete with it and does not compete with the library but part of that support network of a type, location and size to be determined". Council Member Cameron stated she agrees with Council Member Combest and the idea of a community center but is unsure we can commit and get into that deeply at this point with not knowing what is coming in the future. She would feel much better about it if there is no time limit set. She does not want to raise expectations unnecessarily and this to be viewed as a top priority because right now it cannot be a top priority, but it can be an "intent". Council Member Barson is in complete agreement with Council Member Combest and is 100% on board with giving her intent in supporting this endeavor. Council Member Taylor is in agreement with the intent and is in agreement with Council Member Cameron as far as not agreeing to any type of binding agreement but intent on exploring options of looking at what this could be and what a timeline could look like and how that may evolve. He would be committed to that intent. Council Member Wrights stated he would be on board and would like to see a community center in Clemmons. He is questioning what that might look like as Lewisville has had property owners donate large portions of land to certain projects which helps make things more feasible, but it would be nice if we could find a way to make it work. Ms. Scannelli advised the next steps would be putting a committee together to explore what the options are and to actually do that without delay. This would be made up of representatives from the Village who would serve on that and explore the possibilities. She feels the community will be energized about an idea once the Village takes action but people may be reluctant unless it is fully embraced by the Village. The Foundation is happy to be the philanthropic partner that helps uncover those opportunities. Council Member Cameron stated we can totally embrace the concept, but it is the money portion that might be the hiccup.

Council consensus was to state they have unanimous enthusiastic intent in looking for a future partnership with the Shallow Ford Foundation for finding and building a community center.

Ms. Scannelli clarified they do not want to own the community center so that is where it is the public/private partnership.

Council consensus was to direct Staff to coordinate directly with the Foundation to begin the process of developing options that will achieve the development of the community center.

C. Manager's Report.

1. *FCSO Report for December 2021* – report was presented. Interim Manager Gunnell introduced Sgt. Jody Chatham as he has been assigned to the Village of Clemmons.

D. Finance Director's Report.

1. *Financial Summary Report for December 2021* – report was presented.

E. Attorney's Report – Attorney Fus advised Council he has provided advice and counsel on the manager transition and the prior discussed sewer agreements. He also has approaching court dates next week two hearings: Greek Empire, LLC and Creasy eminent domain.

F. Planner's Report.

1. *Resolution 2022-R-1 Creating an Environmental Committee* – Planner Rahimzadeh presented Council with a draft resolution for the creation of an environmental committee. A brief discussion was held and will be further discussed at the upcoming retreat. Council members will speak individually offline with the Planner.

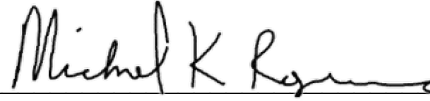
G. Council Comments – Council Member Barson spoke to the speed concerns voiced from the citizen who resides on Ridgecrest. Interim Manager Gunnell advised that speed signs will be placed on Ridgecrest to collect data. Council Member Taylor expressed his appreciation to the Public Works Staff for their excellent work during the weather events.

H. Closed Session for Attorney-Client Privilege in accordance with NCGS 143-318.11(a)(3) and Discussion of Personnel Matter in Accordance with NCGS 143-318.11(a)(6) - Council Member Cameron moved to go into closed session for Attorney-Client Privilege in accordance with NCGS 143-318.11(a)(3) and for Discussion of Personnel Matter in accordance with NCGS 143-318.11(a)(6) at 7:17 p.m. The motion was seconded by Council Member Barson and unanimously approved.

At 8:40 p.m., Mayor Rogers stated that by unanimous vote Council chose to reconvene the open session with no action taken.

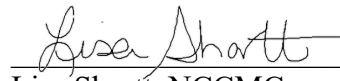
Adjournment

Council Member Barson moved to adjourn the meeting at 8:41 p.m. The motion was seconded by Council Member Cameron and unanimously approved.



Mike Rogers
Mayor

ATTEST:



Lisa Shortt, NCCMC
Village Clerk

Lisa Shortt

Subject: FW: Parr Appts**From:** Mike Gunnell <mgunnell@clemmons.org>**Sent:** Monday, January 24, 2022 4:36 PM**To:** Nasser Rahimzadeh <nasser@clemmons.org>; Chris Wrights <cwrights@clemmons.org>; Mary Cameron <mcameron@clemmons.org>; Michelle Barson <mbarson@clemmons.org>; Mike Rogers <mrogers@clemmons.org>; Bradley Taylor <btaylor@clemmons.org>; Mike Combest <mcombest@clemmons.org>**Cc:** Lisa Shortt <lshortt@clemmons.org>; Elliot Fus <eaf@blancolaw.com>**Subject:** RE: Parr Appts

To all,

I would like to clarify one item in the response you just received. The Winston-Salem agreement has Scott Buffkin signature and was signed by him on 01/11/22. A signed copy from the Winston-Salem Utility Commission has not been returned to the Village as of today. The agreement with The Lake at Belmont, LLC (Chris Parr), has not been signed by either the Village or Mr. Parr. Copies of each agreement are placed at your respective Council Chamber seats.

Thanks,
Mike

From: Nasser Rahimzadeh <nasser@clemmons.org>**Sent:** Monday, January 24, 2022 2:26 PM**To:** Chris Wrights <cwrights@clemmons.org>; John Wait <jwait@clemmons.org>; Mary Cameron <mcameron@clemmons.org>; Michelle Barson <mbarson@clemmons.org>; Mike Rogers <mrogers@clemmons.org>; Scott Binkley <sbinkley@clemmons.org>**Cc:** Mike Gunnell <mgunnell@clemmons.org>**Subject:** RE: Parr Appts

Follow up responses:

- First set of questions: Have any papers been signed yet? Can we back out of this deal? What are the consequences? Would the apartments be built any way and with what kind of sewer?
- Second set of questions: We have approx. \$5.5 million in the sewer fund. Do you foresee us using any or all of that in the near future? Can it be used for anything else? Can the UC take any of that for other projects if we don't use it?
- Third set of questions: f we continue with the agreement with Parr, how much more could we be required to pay and would that, in your opinion, be money well spent?
- Fourth set of questions:

From: Mary Cameron <mcameron@clemmons.org>**Sent:** Monday, January 24, 2022 9:38 AM**To:** Nasser Rahimzadeh <nasser@clemmons.org>**Cc:** Mike Gunnell <mgunnell@clemmons.org>**Subject:** Parr Appts

I have a few questions about the Parr Apartment project and this subject may be brought up for discussion tonight. I know the answer to some of these questions but not all. Please send the ans. to all Council Members.

- Have any papers been signed yet? Can we back out of this deal? What are the consequences? Would the apartments be built any way and with what kind of sewer?
 - o The papers have been signed as of 01/21/2022.
 - o It may be feasible to back out. Recommend this question be answered by our legal counsel.
 - o Consequences may include damaging Clemmons reputation.
 - o Yes, in its early rezoning phase, The Lake at Belmont pursued both the Village of Clemmons and Forsyth County. Original plans showed a private sewer pump station. Water is accessible off of Lewisville-Clemmons Road.
- We have approx. \$5.5 million in the sewer fund. Do you foresee us using any or all of that in the near future? Can it be used for anything else? Can the UC take any of that for other projects if we don't use it?
 - o The funds can only be used for water/sewer projects and has been used as a carrot for annexation.
 - o It is unlikely that we can spend 5.5 million in a short period of time.
 - o The funds cannot be spent except for water/sewer projects. The fund is built from a fee tacked onto the citizens of Clemmons water/sewer public utility bills, I question the legal ability for the UC to take any funds we do not grant permission for.
- If we continue with the agreement with Parr, how much more could we be required to pay and would that, in your opinion, be money well spent?
 - o It is unclear as to how much more we would be required to pay, but the Village would have to pay for any overages beyond the initial agreed to amount.
 - o The development falls inside the Lewisville-Clemmons North strategic planning area. One priority is to reduce the pace of commercial and higher-intensity development along Lewisville Clemmons Road Corridor. Developments of scale desire access to public water/sewer. In addition to the Strategic Planning Area, many properties have the mixed-use residential and neighborhood residential designation. It is unlikely to have large developments (including mixed-use ones) without public utilities. Expanding sewer will likely increase the chances of development along Lewisville-Clemmons Road North.
- Lewisville is obviously interested in Blanket Bottom. How buildable is that area?
 - o The entirety of the Blanket Bottom area is in the watershed and so is the bulk of Clemmons.
 - o Topography is variable with declines around bodies of water and streams.
 - o The Blanket Bottom floodplain and floodway is smaller in size than Muddy Creek.
 - o Lasater Road Annual Average Daily Trips(AADT) for 2020 was between 1,800 to 3,000 and Harper Road was between 3,300 and 2,500. Paralleling Harper and Lasater is Lewisville-Clemmons Road. LC Road between US 421 and Peacehaven had an AADT of 25,500 to 20,000.
 - o The only thing that Blanket Bottom lacks is connection from west to east and the Styers Ferry/Peacehaven connector Bridge scored low in the STIP 5.0 and was not on the STIP 6.0. The likelihood of a west to east connector is dubious.
 - o Since the beginning of my tenure, I have witnessed developments in Blanket Bottom under Clemmons or the County. It seems quite buildable.
- Realistically, would you say that Blanket Bottom is about the only area where we can expand and grow?
 - o Clemmons will have trouble expanding south of Idols Road with large subdivisions and industrial uses making contiguous annexation unlikely.
 - o The Village could see some expansion towards Fraternity Church Road off of South Stratford Road as there are large parcels. One concern is Muddy Creek floodplain/floodway and the second is Winston's perception of our advances, if we were to annex along South Stratford.
- If we withdraw from this agreement and Mr. Parr builds the apartments anyway using a Lift station, what would that mean for further expansion in the Blanket Bottom area? Would we still have to spend money to take sewer into that area?
 - o Mr. Parr would have to piggy back off of existing water/sewer infrastructure. This could slow down growth for any developments that sought to connect to sewer along the Blanket Bottom pump station and the Parr property.
 - o If the Village desires to add sewer capacity to the Blanket Bottom area, we will certainly still have to pay for it.

Any other words of wisdom?

- One growth management strategy used in North Carolina is an “urban service area,” a geographic area within which urban governmental services are or will be provided and outside of which such services will not be extended. This growth management strategy was used in the 1980s between Orange County, Carrboro, and Chapel Hill. We should be mindful of long term consequences when Clemmons funds water/sewer projects.

Mary

22-G-7

VILLAGE OF CLEMMONS
BUDGET AMENDMENT
FOR THE FISCAL YEAR ENDING JUNE 30, 2022

BE IT ORDAINED by the Village Council of the Village of Clemmons, North Carolina at a regular meeting on January 24, 2022 that the general fund budget be amended to appropriate funds for sheriff's contract due to mid-year across-the-board 5% increase in County salaries in order to counteract rising vacancy numbers and a tough labor market by the Forsyth County Board of Commissions at January 6th meeting.

	Amended	Increase	Decrease	Amended
Revenues				
Fund Balance Appropriated	\$ 1,727,360	\$ 29,950	\$ -	\$ 1,757,310
Total Revenues		<u>\$ 29,950</u>	-	
Expenditures				
Contract Services-Forsyth County	\$ 1,042,798	\$ 29,950	\$ -	\$ 1,072,748
Total Expenditures		<u>\$ 29,950</u>	-	
For Information Total Budget				
Total Revenues	\$ 11,182,105	\$ 29,950	\$ -	\$ 11,212,055
Total Expenditures	\$ 11,182,105	\$ 29,950	\$ -	\$ 11,212,055

Attest:

Adopted 24th day of January, 2022



Lisa M. Shortt, NCCMC



Michael Rogers Mayor

VILLAGE OF CLEMMONS
BUDGET AMENDMENT
FOR THE FISCAL YEAR ENDING JUNE 30, 2022

BE IT ORDAINED by the Village Council of the Village of Clemmons, North Carolina at a regular meeting on January 24, 2022 that the general fund budget be amended to appropriate funds interim manager.

	Amended	Increase	Decrease	Amended
Revenues				
Sales Tax Distribution	\$ 933,000	\$ 3,150	\$ -	\$ 936,150
Total Revenues		<u>\$ 3,150</u>	-	
Expenditures				
Administration Salaries	\$ 418,377	\$ 2,535	\$ -	\$ 420,912
Administration FICA	32,392	195	-	32,587
Administration Retirement Expenses	47,497	290	-	47,787
Administration 401K Match	19,379	130	-	19,509
Total Expenditures		<u>\$ 3,150</u>	<u>\$ -</u>	
For Information Total Budget				
Total Revenues	<u>\$ 11,212,055</u>	<u>\$ 3,150</u>	<u>\$ -</u>	<u>\$ 11,215,205</u>
Total Expenditures	<u>\$ 11,212,055</u>	<u>\$ 3,150</u>	<u>\$ -</u>	<u>\$ 11,215,205</u>

Attest:

Adopted 24th day of January, 2022



Lisa M. Shortt, NCCMC



Michael Rogers Mayor