



REGULAR MEETING OF THE VILLAGE OF CLEMMONS COUNCIL April 12, 2021

The Village of Clemmons Council met on Monday, April 12, 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 was one citizen in attendance. There were no individuals that spoke during public comments.

Approval of the Minutes

- A. March 22, 2021 Regular Meeting.

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

- B. March 30, 2021 Special Meeting - Retreat.

Council Member Cameron moved to approve the minutes of the March 30, 2021 special meeting (retreat) as presented. The motion was seconded by Council Member Barson and unanimously approved.

Approval of the Agenda

Mayor Wait requested the removal of Item A. "Public Hearing" as the Petitioner has requested it be postponed until the May 10, 2021 meeting.

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

Announcements

There were none.

Business – Action Items

- A. Public Hearing – Zoning Map Amendment for real properties owned by TMP of Clemmons, LLC, known as vacant parcels used Animal Ark Veterinary Services located at 3507 Lawrence Street and described by the Forsyth County Register as PIN 5892-39-5645 and PIN 5892-39-5563 from RS-15 (Residential, Single Family) to LB-S (Limited Business - Special). Property contains a total of .43 acres, more or less (Zoning Docket C-239) – Postponed the public hearing until

the May 10, 2021 regular meeting (Petitioner requested).

- B. C-SPA-20-002 Site Plan Review (3711 Clemmons Road – located between Village Hall and Piedmont Federal Savings Bank). Planner Rahimzadeh advised Council the Petitioner has agreed to the condition of closing the easternmost driveway as previously discussed at the March 8, 2021 meeting.

Council Member Rogers made a motion to approve C-SPA-20-002 with the condition of the Petitioner closing the easternmost driveway. The motion was seconded by Council Member Cameron and unanimously approved.

- C. Ordinance 2021-05 Regarding Village of Clemmons' Participation in Drainage Projects Across Private Property (50-50 Cost Share Program) (attached hereto as Exhibit A and incorporated as a part of the minutes). The program will begin with the 2021-2022 budget year.

Council Member Cameron made a motion to adopt Ordinance 2021-05 Regarding Village of Clemmons' Participation in Drainage Projects Across Private Property (50-50 Cost Share Program) as presented. The motion was seconded by Council Member Barson and unanimously approved.

Business – Review and Items for Future Action

- D. Marketing & Communications Director's Report/Events Update.
-Clemmons Quaranclean CleanUp – March–May – Details and registration on website – to date, there has been over 100 participants and 100 bags of trash picked up
-E-Recycle – Saturday, June 26, 2021 from 9:00am-3:00pm (Public Works Facility)
-The Pop-up Easter Market was a success with 27 vendors and 550 customers participating. Opening day for the Clemmons Farmer's Market is Saturday, May 8, 2021
-The Adopt-a-Street Program is now on the Village of Clemmons' website

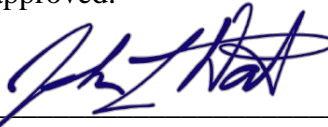
Details are available on the Village website and Facebook page regarding all of our events.

- E. Manager's Report.
1. Financial Summary Report for January 2021 – report was presented.
 2. Financial Summary Report for February 2021 – report was presented. Council Member Cameron requested a clear breakdown of cellphone expenses.
 3. Clemmons Rotary Sponsorship Request – request was presented for Council's consideration at their next regular meeting. Staff's recommendation for support is through in-kind services.

- F. Attorney's Report – Attorney Fus reported that he attended the winter conference of municipal attorneys, assisted with the cost-share program ordinance and has been working on property and drainage easement acquisitions.
- G. Planner's Report – Planner Rahimzadeh advised Council he has been in contact with Urban 3 for them to provide a quote on a visualization and cost-benefit analysis for the Village of Clemmons. He is also attempting to arrange for the Forsyth County Tax Assessor to come speak at a meeting to provide insight on tax collection and its distribution.
- H. Council Comments – Council Member Barson referenced an email from Lewisville's Mayor Horn and asked if there was any interest in Mayor Wait partnering with other municipalities regarding proposed bills as far as a resolution being drafted. Council members will meet individually with Planner Rahimzadeh to discuss the proposed legislation and Mayor Wait will look into it further. Mayor Wait asked Council to begin thinking of available dates beginning the week of May 3, 2021 to hold a special meeting for a budget workshop.

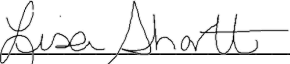
Adjournment

Council Member Rogers moved to adjourn the meeting at 6:27 p.m. The motion was seconded by Council Member Barson and unanimously approved.



John Wait
Mayor

ATTEST:



Lisa Shortt, NCCMC
Village Clerk

VILLAGE OF CLEMMONS**AN ORDINANCE REGARDING VILLAGE PARTICIPATION IN DRAINAGE PROJECTS
ACROSS PRIVATE PROPERTY****Ordinance Number 2021-05**

WHEREAS, the Village maintains a stormwater management program which is designed to protect surface water quality by controlling the level of pollutants in, and the quantity and flow of stormwater; and

WHEREAS, pursuant to Section 51.09 of the Clemmons Code of Ordinances, the Village is only responsible for the portions of the drainage system which are located in Village-maintained street rights-of-way and permanent storm drainage easements; and

WHEREAS, to further the goals of the stormwater management program, the Village wishes to create options for sharing costs for drainage projects across private property.

NOW, THEREFORE, BE IT ORDAINED by the Village Council of the Village of Clemmons, North Carolina, that the following Section 51.12 be added to the Code of Ordinances:

§ 51.12 VILLAGE PARTICIPATION IN DRAINAGE PROJECTS ACROSS PRIVATE PROPERTY.

The Village may participate in the correction of private storm drainage problems which occur on private property as follows:

(A) *Single owner problems.* Single owner private storm drainage problems may be addressed when the following conditions are met:

- (1) Public right-of-way runoff must be carried.
- (2) The property involved in the project must be zoned residential and must be improved with one single-family residential dwelling unit. Examples of qualifying properties are single-family homes, and individual condominiums units or townhouses. Examples of non-qualifying properties are duplexes and apartment buildings or complexes.
- (3) The property owner must have been issued a Village of Clemmons Stormwater Management Certificate of Occupancy for at least two years prior to the request for assistance.
- (4) The Village Manager, or their designee, in their sole discretion, must determine that the drainage condition is an immediate threat to the structural integrity of the dwelling, causing flooding of the dwelling, causing severe erosion of the drainageway (factors considered may include size of drainageway, linear footage of erosion, slope of drainageway, frequency of erosion causing events and location of eroded area in relation to residences), denying or threatening to deny access to property that would be accessible but for the degradation of the drainageway, or impeding the flow of water due to fallen brush and vegetative debris.

Flooding of poorly placed structures in low lying areas does not immediately qualify the applicant for this program.

(5) The action taken must significantly improve conditions described in subsection (A)(4) of this section.

(6) Minimum size pipe shall be 15-inch and a Village of Clemmons approved material.

(7) The total matched amount contributed by the Village of Clemmons shall be 50% of the total project cost, not to exceed \$5,000 per property.

(8) The proposed project, in the opinion of the Village Manager, or their designee, shall not be a threat to the downstream property.

(9) All storm drainage improvements constructed under this policy shall be deemed to be the property and responsibility of the private property owner, and such improvements shall not become part of the storm drainage system of the Village.

(10) After review and approval by the stormwater department, the request must be approved by the Village Council.

(11) The property owner, upon the project being approved by the Village Council, must pay to the Village 50 percent of the estimated project cost, including clearing and grubbing, purchasing and installation of pipe, and dirt to cover the pipe, and enter into an agreement satisfactory to the Village attorney for the completion of the project, or, in lieu of such payment, must enter into an agreement satisfactory to the Village attorney, which shall be in the form of a note and deed of trust with an interest rate as provided by law for assessments, the payment schedule of which shall not exceed five years. Should any project exceed the amount that the Village will match, the property owner will be solely responsible for those additional costs.

(12) No action or inaction of the Village pursuant to this section shall impose upon the Village of Clemmons, its agents, officers, or employees, any responsibility or liability of any kind, past or future, relating to any person or property. The property owner shall agree to covenant to and hold the Village harmless from any death, personal injury, or property damage resulting from the work.

(13) The property owner must sign a right of entry agreement form to allow access to the work area and a hold harmless agreement. The Village will be held harmless for any damages to private property as long as reasonable care is exercised.

(B) *Multiple owner problems.* Multiple owner problems may be addressed when the following conditions are met:

(1) Public right-of-way runoff must be carried.

(2) The properties involved in the project must all be zoned residential, at least 75 percent of the properties must be developed for residential uses and each dwelling unit must be

individually deeded to a person. Examples of qualifying properties are single-family homes, condominium units, townhouses and property used as a common area for multiple property owners, though owned by a single entity, such as a home owner's association. Examples of non-qualifying properties are duplexes and apartment buildings or complexes.

(3) Each property must have been issued a Village of Clemmons Stormwater Management Certificate of Occupancy for at least two years prior to the request for assistance.

(4) The drainage condition must be judged by the Village Manager, or their designee, to involve flooding of a dwelling or dwellings, or must represent an immediate threat to the structural integrity of a dwelling, represent severe erosion of the drainageway (factors considered may include size of drainageway, linear footage of erosion, slope of drainageway, frequency of erosion causing events and location of eroded area in relation to residences), or impede the flow of water due to fallen brush and vegetative debris. Flooding of poorly placed structures in low lying areas does not immediately qualify the applicant for this program.

(5) The action taken must significantly improve conditions described in subsection (B)(4) of this section.

(6) Minimum size pipe shall be 15-inch and a Village of Clemmons approved material.

(7) The total matched amount contributed by the Village of Clemmons shall be 50% of the total project cost, not to exceed \$5,000 per property.

(8) The proposed project, in the opinion of the Village Manager, or their designee, shall not be a threat to the downstream property.

(9) After review and approval by the stormwater department, the request must be presented to the Village Council for its approval and determination that funds are available.

(10) If all owners of the properties involved request the improvement, payment of the owners' shares shall be made in the same manner as provided for payment by single property owners in subsection (A) of this section. In that event, all storm drainage improvements shall be deemed to be the property of and the responsibility of the private property owners and shall not become a part of the storm drainage system of the Village.

(11) If fewer than all of the owners of all properties involved in the project request the improvement, the Village Council may authorize the project as a special assessment project pursuant to the provisions of Chapter 160A, Article 10 of the N.C. General Statutes. In such circumstances, the requesting property owners shall provide the Village with both construction and/or permanent easements in amounts sufficient for the project, in the opinion of the Village manager, and the costs of the project shall include the cost of acquisition or condemnation, if necessary, of similar easements across the property of non-requesting property owners. The cost of acquisition or condemnation shall be included in the project costs for purposes of proration between the Village and the property owners. The assessments in such cases shall be for 50 percent of the estimated project cost. Such assessment projects will only be undertaken where closed system storm drainage improvements are undertaken. In such cases, the permanent easement and all improvements included within the project shall be deemed to be

the property and responsibility of the Village, such improvements shall become a part of the storm drainage system of the Village, and no private property owner shall have any interest therein.

This ordinance shall be effective upon its adoption.

ADOPTED this the 12th day of April, 2021 by the Village Council of the Village of Clemmons, North Carolina.



John L. Wait, Mayor

ATTEST:



Lisa Shortt, Village Clerk

