



## **REGULAR MEETING OF THE VILLAGE OF CLEMMONS COUNCIL August 23, 2021**

The Village of Clemmons Council met on Monday, August 23, 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 and Wrights. Council Member Rogers participated remotely via Zoom. 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 11 citizens in attendance. There were six individuals signed up for public comments:

- Betsy Nowell, 166 Old March Road, Advance, NC – expressed her disagreement with everything about the proposed Tanglewood Events Center.
- Linda Turley, 3438 Tanglebrook Trail, Clemmons, NC – read a prepared statement to Council that she had read at the Forsyth County Commissioner’s meeting regarding her opposition to the proposed Tanglewood Events Center.
- Lanny Farmer, 3467 Tanglebrook Trail, Clemmons, NC – read a letter from Frances Pugh of 7544 Riverside Court, Clemmons, NC to Council as she was not able to be in attendance at the meeting expressing her opposition to the proposed Tanglewood Events Center and the inconveniences of the Tanglewood Festival of Lights. Mr. Farmer also expressed his opposition to the proposal stating it would be detrimental to the citizens of Clemmons.
- Sheri Sandy, 3450 Tanglebrook Trail, Clemmons, NC – expressed her opposition to the proposed Tanglewood Events Center and her disagreement with the survey going out to those people not affected by the project.
- Everhard Mueller-Heubach, 4099 Craver Land Road, Clemmons, NC – expressed his opposition to the proposed Tanglewood Events Center stating it is an irresponsible waste of taxpayers’ money and spoke regarding equestrian events held in public venues.
- Charles Sherrill, 115 Spillsbury Court, Clemmons, NC – expanded on others’ comments and expressed his opposition to the proposed Tanglewood Events Center.

### **Approval of the Minutes**

Council Member Barson moved to approve the minutes of the August 9, 2021 regular meeting as presented. The motion was seconded by Council Member Cameron and unanimously approved.

### **Approval of the Agenda**

Mayor Wait requested the addition of “Website Project Update” under the Marketing and Communications Director’s Report.

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

### **Announcements**

Mayor Wait announced the Village of Clemmons will be closed for Labor Day on Monday, September 6, 2021 (Trash pickup will be delayed 1 day – pickups will be Tuesday–Saturday).

### **Business – Action Items**

A. Call for Public Hearings.

1. Zoning Map Amendment of real property owned by Gateway West Apartments, LLC from RS-40 (Residential, Single Family) to RM-18-S (Residential, Multifamily - Special) addressed 2070 Lewisville-Clemmons Road, described by the Forsyth County Tax Offices as PIN number 5883-99-1851. Said property contains a total of 5.88 acres, more or less (**Zoning Docket C-240**).

Council Member Cameron made a motion to call for a public hearing on Zoning Map Amendment of real property owned by Gateway West Apartments, LLC from RS-40 (Residential, Single Family) to RM-18-S (Residential, Multifamily - Special) addressed 2070 Lewisville-Clemmons Road, described by the Forsyth County Tax Offices as PIN number 5883-99-1851. Said property contains a total of 5.88 acres, more or less (**Zoning Docket C-240**) at their next meeting on September 13, 2021 at 6:00 p.m. The motion was seconded by Council Member Wrights and unanimously approved.

2. Zoning Map Amendment of real property owned by 2020 MOJO, LLC from PB-S (Pedestrian Business – Special) to PB-S (Pedestrian Business – Special) described by Forsyth County Tax Offices as PIN number 5883-95-5532. Said property contains 1.351 acres, more or less (**Zoning Docket C-243**).

Council Member Rogers made a motion to call for a public hearing on Zoning Map Amendment of real property owned by 2020 MOJO, LLC from PB-S (Pedestrian Business – Special) to PB-S (Pedestrian Business – Special) described by Forsyth County Tax Offices as PIN number 5883-95-5532. Said property contains 1.351 acres, more or less (**Zoning Docket C-243**) at their next meeting on September 13, 2021 at 6:00 p.m. The motion was seconded by Council Member Barson and unanimously approved.

3. Zoning Text Amendment to amend multiple sections in Chapter C Environmental Ordinance of the Unified Development Ordinances to strengthen stormwater requirements for public health, welfare, and safety (**Zoning Docket C-UDO-85**).

Council Member Cameron made a motion to call for a public hearing on Zoning Text Amendment to amend multiple sections in Chapter C Environmental Ordinance of the Unified Development Ordinances to strengthen stormwater requirements for public health, welfare, and safety (**Zoning Docket C-UDO-85**) at their next meeting on September 13, 2021 at 6:00 p.m. The motion was seconded by Council Member Wrights and unanimously approved.

- B. Resolution 2021-R-11 Directing the Clerk to Investigate a Petition Received Under NCGS 160A-31 - Voluntary Annexation Request of Mid-Atlantic Commercial Properties, LLC for William Lindsay Vogler, Jr. and Robert A.

Vogler (Tax Pins: 5884-87-2893; 5884-88-6079; 5884-88-8007; 5884-98-0192; 5884-97-0932; and 5884-98-0002) and Milo & White Investments, LLC (Cary White) (Tax Pin: 5884-87-2577) and Impulse Energy II, LLC (Stanley F. Forester, Manager) (Tax Pin: 5884-87-3358) and Impulse Energy II, LLC (Tax Pin: 5884-88-4274), consisting of 35.20 acres, more or less.

Council Member Barson moved to approve Resolution 2021-R-11 as presented (attached hereto as Exhibit A and incorporated as part of the minutes). The motion was seconded by Council Member Cameron and unanimously approved.

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

- C. Marketing & Communications Director's Report/Events Update.
- Clemmons Farmers Market – Saturdays from 8:30am-11:30am (Jerry Long YMCA – runs through October 24, 2021)
  - Movie Night in the Village – Saturday, September 18, 2021 (Night at the Museum) at Jerry Long YMCA sponsored by Wake Forest Baptist Health Davie Medical Center begins at sunset
  - Dirty Dozen & Clemmons Bash – Saturday, September 25, 2021 (Jerry Long YMCA)
  - Monster Dash & Goblin Hop – Sunday, October 24, 2021 (raindate 10/31) from 2pm-4pm (Village Point Greenway) – currently looking for businesses for tables and sponsors
  - Forsyth County's Proposed Events Center at Tanglewood Survey is located on the Forsyth County website at [www.forsyth.cc/parks](http://www.forsyth.cc/parks) through September 12, 2021
  - Website Project Update – changes are being made to the website to revamp the format of the Developments Page and the Project List along with the Capital Improvement Projects Page for Stormwater so visitors to the site will have the most up-to-date information on projects

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

- D. Manager's Report.
1. Financial Summary Report for July 2021 – report was presented.
  2. FCSO Report for July 2021 – report was presented.
  3. Ordinance 2021-15 Grant Ordinance to Replace Special Revenue Ordinance for ARP Funds – Finance Director Stroud advised as more information is coming out regarding these funds the recommendation is to replace the Special Revenue Ordinance with a Grant Ordinance. She stated the Grant Ordinance does reflect the exact amount to be received (half of which has been received).

Council Member Cameron moved to approve Ordinance 2021-15 Grant Ordinance to Replace Special Revenue Ordinance for ARP Funds (attached hereto as Exhibit B and incorporated as a part of the minutes). The motion was seconded by Council Member Rogers and unanimously

approved.

4. *Unsealing of Closed Session Minutes related to Attorney-Client Privilege in accordance with NCGS 143-318.11(a)(3) and Property Acquisition in accordance with NCGS 143-318.11(a)(5) - (October 28, 2019 – August 23, 2021).*

Council Member Barson moved to unseal Closed session minutes related to Attorney-Client Privilege in accordance with NCGS 143-318.11(a)(3) and Property Acquisition in accordance with NCGS 143-318.11(a)(5) - (October 28, 2019 – August 23, 2021). The motion was seconded by Council Member Cameron and unanimously approved.

5. *Disposition of Records per the Retention Schedule* – presented for informational purposes (attached hereto as Exhibit C and incorporated as a part of the minutes).
  6. *Sewer Agreement between Village of Clemmons and Parr Investments* – Manager Buffkin advised this is a draft version and still awaiting verification from Mr. Parr. The Utilities Commission is ready to move forward. There is an amendment attached as the original cost was from 2016 and the contribution amount would be fractional versus a set amount.
- E. *Attorney's Report* – Attorney Fus updated Council there appears to be agreement on the document for rights-of-way dedication for Market Center Drive from the former Kmart property owners (out for signature of four parties) so should be wrapped up soon. Mr. Fus stated has attended Planning Board and Zoning Board of Adjustment meetings and done associated work with each of those.
- F. *Planner's Report.*
1. *Draft Planning Board Meeting Minutes from August 17, 2021* – draft minutes were presented.
  2. *General Updates*
    - a. Griffindell Subdivision – Planner Rahimzadeh advised Greg Garrett contacted him today and is wanting Council to consider Griffindell Subdivision. He stated there have been no changes with the proposal or site plan since it was last presented to Council and it would be Council's discretion if they would like to consider it at this time. The feedback the petitioner received from NCDOT was both a left-turn and right-turn lane requirement (not a right-in/right-out). Mayor Wait noted he had received approximately 15-20 emails in opposition of this project. Mr. Garrett wanted to let Council know they have been considering every possible option but were unable to feasibly make any changes to the proposal. The one thing they are able to do is install the curb and gutter.

Council Member Rogers made a motion to deny the site plan for Griffindell Subdivision (Zoning

Docket C-21-001). The motion was seconded by Council Member Barson. Council Member Wrights stated he understands the concerns with the developer only having one way in and one way out and due to not having an ordinance that requires a secondary entrance, he could not support this decision and being consistent. The motion passed 3-2 with Council Members Binkley and Wrights voting in opposition.

- b. Parking Lot Parameters – Planner Rahimzadeh provided Council with a memo as a follow up to a discussion that had taken place in June. He referenced the memo and his recommendation of the establishment of an ad-hoc committee which would be akin to an environmental committee but would be a mix (changes in the UDO to parking as well as landscaping of parking spaces). He would like to advertise in the hopes of getting traffic engineers, landscape architects, and at least one certified forester (registered in NC) on the committee. He would also request a minimum of 18 months to draft a proposal to present to Council. He also recommended that we use what we have available to us which is the International Transportation Engineer’s Parking Generations Manual and the Urban Institute’s Shared Parking Modeling Calculations (which is cited in our UDO). He will also advocate for electronic-vehicle parking standards. The memo includes a full list of recommendations (attached hereto as Exhibit D and included as a part of the minutes).

Council consensus was to direct Staff continue to move forward with implementing the recommendations included in the memo to Council regarding Parking Lot Parameters utilizing an ad-hoc committee that would also serve as an environmental sustainability committee.

- c. Subdivisions – Planner Rahimzadeh updated Council on the process of Staff signing off on minor subdivision approvals and Council handling major subdivisions and Council’s concerns of the process rather than the regulation. His recommendation is that instead of getting more into the process, he could research ordinances on connectivity and implementing a connectivity ordinance which would set standards for subdivisions and zoning that could not be circumvented.

Council consensus was to direct Staff continue to move forward research ordinances on connectivity and implementing a connectivity ordinance which would set standards for subdivisions and zoning that could not be circumvented.

G. Village Engineer’s Report.

1. *SB 105 Update* – Village Engineer Kimbrell updated Council that recently the Stormwater Association and NCLM brought to the attention of municipalities the proposed legislation in the General Assembly under SB 105 that will place restrictions and regulations on local governments on what they are allowed to do and enforce against development in the future

as it relates to stormwater. He read the following portion of the bill from Section II 160D-925. Stormwater control: “Notwithstanding the authority granted under subsection (a) of this section, a local government may not enact, implement, or enforce a local government stormwater control regulation that establishes a stormwater control requirement that exceeds stormwater control requirements necessary to comply with or implement (i) federal or State law, (ii) a condition of a permit, certificate, or other approval issued by a federal agency, or (iii) a condition of a permit, certificate, or other approval issued by a State agency, which condition is required to comply with federal or State law governing stormwater standards. Further, any local government stormwater control regulation that includes a riparian buffer requirement for the protection of water quality shall be subject to the limitations established in G.S. 143-214.23A. Local stormwater control regulations in effect on the date of this act in violation of the limitations of this subsection are void and unenforceable.” He summarized stating we will no longer be able to enforce quantity control regulations and flood protections for our citizens. The State nor the Federal Government enacts quantity or flood mitigation on development, all that is required is water quality treatment which is only the first inch of runoff. They would also limit our riparian buffer request that we just recently placed on Muddy Creek (does not classify for buffers per state and federal requirements – the requirements are more stringent for the Village of Clemmons). This legislation would terminate our right to enforce or impose water quantity regulations on development going forward. He advised he has reached out to a couple of the Senators and other municipalities have as well. He urged everyone to continue to reach out and oppose this proposed legislation. Mayor Wait took a point of privilege stating this is the fourth assault on local government power that he has had to deal with in his short time in office. He commented this is coming from a group that claims they believe in small government but will not step back and let small government do what small government does. He welcomed any of the bill sponsors to speak with him regarding this portion of the bill. He expressed his feelings of being really tired of the legislature thinking they can come in and handcuff the Council on what they can and cannot do. Council Member Rogers stated he has spoken with Senator Joyce Krawiec (a sponsor of this proposed bill who admittedly did not know much about this portion of the bill) and explained to her that 100% of the ARP funds we are receiving is going to mitigate stormwater issues we have now and if they continue to let developers control how things are developed, these problems will persist and become even worse. He expressed high-density infill is going to destroy some of our existing residential neighborhoods and we have to take a stand and let them know. Senator Krawiec advised she would go back and speak with some of her “environmental friends” and see if they could shed some light on this issue for her. Mayor Wait reminded that Senator Krawiec was also a sponsor of a de-annexation bill a couple of years ago.

Council consensus was to appoint Council Members Barson and Rogers to speak with our local delegates about SB 105 and other issues (six total items) that are stripping power from municipalities.

Council consensus was to direct Mayor Wait to discuss SB 105 with other municipalities in Forsyth County and draft a joint resolution expressing opposition to SB 105 and how devastating this would be which will include the names of all elected officials from the municipalities and send it to our representatives and anyone else sponsoring this bill.

Village Engineer Kimbrell expressed that the more people that reach out to legislators on this issue, the better for how this will play out. He highly advised people to research SB 105 and reach out and oppose this proposed legislation at a district and state level.

- H. Council Comments – Council Member Rogers stated he hopes that our citizens see that our battles are not just with developers, they are with our own state legislature and our County Commissioners at times. There are several fronts in which we have to advocate.

### **Adjournment**

Council Member Barson moved to adjourn the meeting at 7:21 p.m. The motion was seconded by Council Member Cameron and unanimously approved.

  
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John L. Wait  
Mayor

ATTEST:

  
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Lisa Shortt, NCCMC  
Village Clerk

**Resolution Number 2021-R-11**

**RESOLUTION DIRECTING THE CLERK TO INVESTIGATE**  
**A VOLUNTARY ANNEXATION PETITION**  
**RECEIVED UNDER N.C.G.S. 160A-31**

WHEREAS, a petition requesting annexation of an area described in said petition was received on November 9, 2020 by the Village Council; and

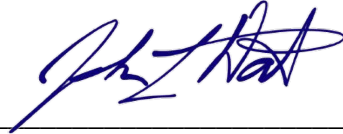
WHEREAS, G.S. 160A-31 provides that the sufficiency of the petition shall be investigated by the Village Clerk before further annexation proceedings may take place; and

WHEREAS, the Village Council of the Village of Clemmons deems it advisable to proceed in response to this request for annexation;

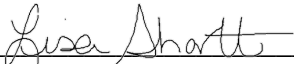
NOW, THEREFORE, BE IT RESOLVED by the Village Council of the Village of Clemmons that:

The Village Clerk is hereby directed to investigate the sufficiency of the above described petition and to certify as soon as possible to the Village Council the result of her investigation.

This the 23rd day of August, 2021.

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

ATTEST:

  
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Lisa M. Shortt  
Village Clerk





**Ordinance # 2021-15**  
**Grant Project Ordinance**  
**American Rescue Plan Act Funds**

BE IT ORDAINED by the Village Council of the Village of Clemmons, North Carolina that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby adopted:

**Section 1:** This ordinance is to establish a budget for a project to be funded by the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (CSLRF). The Village of Clemmons has received the first tranche in the amount of \$3,325,129.78 of CSLRF funds. The total allocation is \$6,650,259.56, with the remainder to be distributed to the Village within 12 months. These funds may be used for the following categories of expenditures, to the extent authorized by state law.

1. Support public health expenditures, by funding COVID-19 mitigation efforts, medical expenses, behavioral healthcare, and certain public health and safety staff;
2. Address negative economic impacts caused by the public health emergency, including economic harms to workers, households, small businesses, impacted industries, and the public sector;
3. Replace lost public sector revenue, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic;
4. Provide premium pay for essential workers, offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors; and,
5. Invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet.

**Section 2:** The following amounts are appropriated for the project and authorized for expenditure:

CSLRF Project	\$6,650,259.56
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**Section 3:** The following revenues are anticipated to be available to complete the project:

CSLRF Funds	\$6,650,259.56
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**Section 4:** The Finance Officer is hereby directed to maintain sufficient specific detailed accounting records to satisfy the requirements of the grantor agency and the grant agreements.



**Section 5:** The Finance Officer is hereby directed to report the financial status of the project to the governing board on a monthly basis.


**Section 6:** Copies of this grant project ordinance shall be furnished to the Budget Officer, the Finance Officer and to the Clerk to Village Council.

**Section 7:** This grant project ordinance expires on December 31, 2026, or when all the CSLRF funds have been obligated and expended by the Village, whichever occurs sooner.

Adopted this 23<sup>rd</sup> day of August, 2021

Attest:

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

  
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John L. Wait  
Mayor

**Destruction of Records per the Village of Clemmons Records Retention Policy**

The policy recommends that the items destroyed be entered into the minutes.

The following records were destroyed.

<i>Standard Item</i>	<i>Title</i>	<i>Records Destroyed</i>	
2	1 Accounts Payable	FYE June 30, 2016	Destroy in office 3 years after payment
2	24 Financial Journals & Ledgers	FYE June 30, 2016	Destroy in office after 3 years
2	2 Cash Receipts	FYE June 30, 2016	Destroy in office 2 years after collection
2	1 Accounts Payable	FYE June 30, 2015	Destroy in office 3 years after payment
2	24 Financial Journals & Ledgers	FYE June 30, 2015	Destroy in office after 3 years
2	2 Cash Receipts	FYE June 30, 2015	Destroy in office 2 years after collection
8	11 Insurance Policies	7/1/2005-7/1/2006	Destroy in office 10 years after superseded
8	11 Insurance Policies	7/1/2006-7/1/2007	Destroy in office 10 years after superseded
8	11 Insurance Policies	7/1/2008-7/1/2009	Destroy in office 10 years after superseded
8	11 Insurance Policies	7/1/2009-7/1/2010	Destroy in office 10 years after superseded