Lewisville Town Council Regular Meeting Agenda

February 9, 2023 - 7:00 PM

Lewisville Town Hall 1st Floor Council Chambers 6510 Shallowford Road

1. Call to Order:

- A. Roll Call
- B. Invocation Retired Pastor Tom Lee, Lewisville United Methodist Church
- C. Pledge of Allegiance Council Member Jane Welch
- D. Adoption of Agenda

2. Consent Agenda

- A. Resolution 2023-006 Financial statements for the six months ended December 31, 2022 (Attachment #1)
- B. Approval of Called Meeting Minutes December 29, 2022 (Attachment #2)
- C. Approval of Closed Session Minutes December 29, 2022
- D. Approval of Agenda Briefing Minutes January 5, 2023(Attachment #3)
- E. Approval of Regular Meeting Minutes January 12, 2023 (Attachment #4)
- F. Revised 2023 budget calendar (Attachment #5)

3. Introductions, Recognitions, Presentations and/or Proclamations

- A. Presentations
 - i. I'm One of the Reasons Lewisville is a Great Place to Live
 - a. Tim Lasley (Attachment #6)
 - ii. Sheriff's Office
- B. Introductions
 - i. Public Works Director

4. Public Forum

- A. Residents should register with the Town Clerk and limit their comments to three (3) minutes.
- B. Written comments are also available.

5. Appointment(s)

- A. Committees
 - i. Appointment Order 2023-001 Christi Ritter Lewisville Beautification Committee (Attachment #7)
 - ii. Appointment Order 2023-002 Matthew O'Connor– Public Safety Advisory Committee (Attachment #8)

6. Public Hearing(s)

- A. L-103 Conditional district rezoning request 7.45 acres off future extension of Great Wagon Road (PIN 5875-87-6070) from RS-20 to RM-8-C by Luke Dickey; Stimmel Associates, PA (Attachment #9)
 - i. Staff presentation
 - ii. Public hearing
 - iii. Council discussion
 - iv. Consideration of Ordinance 2023-005 (Attachment #10)

- B. L-105 Conditional district rezoning request 1138 Lewisville-Clemmons Road from RS-9-C to RM-5-C by Ron Davis with Allegro Investment Properties, LLC (Attachment #11)
 - i. Staff presentation
 - ii. Public hearing
 - iii. Council discussion
 - iv. Consideration of Ordinance 2023-006 (Attachment #12)

7. Old Business – None

8. New Business

- A. Ordinance 2023-007 Amending Budget Ordinance 2022-001- Increase community policing contract for mid-year salary raises and possible inflationary overages in other items \$60,166 (Attachment #13)
- B. Ordinance 2023-008 Amending Budget Ordinance 2022-001- Increase right-of-way maintenance in Powell Bill \$20,000 (Attachment #14)
- C. Resolution 2023-007— Awarding contract for asphalt patch on Tullyries Lane \$10,960 (Attachment #15)
- D. Resolution 2023-008 Awarding contract for sidewalk repairs \$13,620 (Attachment #16)
- E. Ordinance 2023-009 Amending Planning Board and Zoning Board of Adjustments charter (Attachment #17)
- F. Resolution 2023-0009 Scheduling public hearing for Willow Run Municipal Service District charter amendment (Attachment #18)
- G. Consideration of facility fee exemptions
 - i. Resolution 2023-010 Winston-Salem Forsyth County Schools (Attachment #19)
 - ii. Resolution 2023-011 West Forsyth Christian Preschool (Attachment #20)
 - iii. Resolution 2023-012 Indo US Cultural Association (Attachment #21)

9. Administrative Reports

- A. Clerk's Report
 - i. Town & State Dinner February 22, 5 PM Raleigh Convention Center
 - ii. CityVision April 25-27 Concord
 - a. Let Town Clerk know no later than February 23 if plan to attend

10. For the Good of the Order

- A. Public Comments
 - i. Residents should limit their comments to three (3) minutes.
 - ii. Written comment forms are also available.
- **B.** Council Comments

11. Adjournment



RESOLUTION 2023-006 OF THE LEWISVILLE TOWN COUNCIL ACCEPTANCE AND APPROVAL OF MONTHLY DISBURSEMENTS

WHEREAS, the Finance Officer has presented the Town Council with the Revenue Statement Summary and the Encumbrances and Expenditure State Summary of figures for the six months ended December 31, 2022; and

WHEREAS, the Finance Officer did not report any unusual expenditures.

NOW, THEREFORE BE IT RESOLVED THAT the Lewisville Town Council accepts the Revenue Statement Summary and the Encumbrances and Expenditure Statement Summary for the six months ended December 31, 2022 and incorporated herein.

Adopted this the 9th day of February 2023 by the Lewisville Town Council.

ATTEST:	Mike Horn, Mayor
Dora K. Moore, Town Clerk	

Town of Lewisville Financial Budget to Actual Report - General Fund Six Months Ended December 31, 2022

General Fund

		Re	venue Year to			Percentage
188	Budget	4	Date		Uncollected	Collected
\$	2,883,926.00	\$	1,784,679.18	\$	1,099,246.82	61.88%
	1,057,280.00		430,851.83		626,428.17	40.75%
	1,399,596.00		726,242.73		673,353.27	51.89%
			-		=	0.00%
	5,340,802.00	\$	2,941,773.74	\$	2,399,028.26	55.08%
	6,789,612.98					· ·
\$ '	12,130,414.98					
	\$	\$ 2,883,926.00 1,057,280.00 1,399,596.00 - 5,340,802.00	Budget \$ 2,883,926.00 \$ 1,057,280.00 1,399,596.00 5,340,802.00 \$ 6,789,612.98	\$ 2,883,926.00 \$ 1,784,679.18 1,057,280.00 430,851.83 1,399,596.00 726,242.73 	Budget Date \$ 2,883,926.00 \$ 1,784,679.18 \$ 1,057,280.00 \$ 1,399,596.00 \$ 726,242.73 \$ 5,340,802.00 \$ 2,941,773.74 \$ 6,789,612.98	Budget Date Uncollected \$ 2,883,926.00 \$ 1,784,679.18 \$ 1,099,246.82 1,057,280.00 430,851.83 626,428.17 1,399,596.00 726,242.73 673,353.27 5,340,802.00 \$ 2,941,773.74 \$ 2,399,028.26 6,789,612.98

Departments	Budget	1000755	expenditures Year to Date	HOLD !	ncumbrances Year to Date	A HERE	nencumbered and Unspent Balance	Percentage of Budget Spent or Encumbered
Governing Body	\$ 2,286,623.00	\$	161,612.79	\$	6,667.64	\$	2,118,342.57	7.36%
Administration	916,853.18		361,238.64		39,985.38		515,629.16	43.76%
Finance	266,245.00		139,073.70		329.72		126,841.58	52.36%
Debt Service	232,400.00		232,400.00		(<u>*</u>)		-)	100.00%
Planning & Zoning	465,975.00		107,006.37	•	8,736.43		350,232.20	24.84%
Beautification	119,302.00		72,671.77		44,763.52		1,866.71	98.44%
Community Policing	786,980.00		197,574.56		244.89		589,160.55	25.14%
Public Safety	16,450.00		280.00		-		16,170.00	1.70%
Public Works	508,896.00		235,042.67		55,627.52		218,225.81	57.12%
Streets	250,585.00		16,534.34		7,616.92		226,433.74	9.64%
Powell Bill	385,357.00		18,992.60		1,200.00		365,164.40	5.24%
Storm Water	183,176.00		40,469.36		84,728.59		57,978.05	68.35%
Solid Waste	917,000.00		372,698.99		-		544,301.01	40.64%
Recycling	8,595.00		176.94		-		8,418.06	2.06%
Parks and Recreation	565,977.80		182,425.63		173,344.13		210,208.04	62.86%
Transfers to Capital Projects Funds	3,300,000.00		=		(a)		3,300,000.00	0.00%
Transfers to Capital Reserves	920,000.00		920,000.00		(=)		- · · · · · · · · · · · · · · · · · · ·	100.00%
Total	\$ 12,130,414.98	\$	3,058,198.36	\$	423,244.74	\$	8,648,971.88	28.70%

General Fund Balance 7/1/2022	\$ 7.943.	133 05
Year-to-Date Increase (Decrease) FY 6/30/2023		124.62)
General Fund Balance 12/31/2022	\$ 7,826,7	

Town of Lewisville Financial Budget to Actual Report - Willow Run Municipal Service District Six Months Ended December 31, 2022

Willow Run Municipal Service District

Revenues	Budget	R	evenue Year to Date	ı	Jncollected	Percentage Collected
Revenues	\$ 36,610.00	\$	26,134.24	\$	10,475.76	71.39%
Total	\$ 36,610.00	\$	26,134.24	\$	10,475.76	71.39%
Appropriation from Fund Balance	\$ - \$36.610.00					

	Budget	Section 1	penditures ear to Date	TO STAIL	umbrances ar to Date	S. Carry M.	encumbered nd Unspent Balance	Percentage of Budget Spent or Encumbered
Expenditures	\$ 36,610.00	\$	1,200.00	\$		\$	35,410.00	3.28%
Total	\$ 36,610.00	\$	1,200.00	\$	-	\$	35,410.00	3.28%

MSD Fund Balance 7/1/2022	\$ 192,445.34
Year-to-Date Increase (Decrease) FY 6/30/2023	24,934.24
MSD Fund Balance 12/31/2022	\$ 217,379.58

Town of Lewisville Other Funds December 31, 2022

Capital Reserve Funds												
	Balance 7/1/2022	Transfers In	Transfers Out	Investment Earnings	Balance 12/31/2022							
GWR ROW/Construction Capital Reserve	\$ 1,051,083.99	\$ -	\$ -	\$ 14,600.19	\$1,065,684.18							
Sidewalks, Bike Paths, and Greenways Capital Reserve	132,269.89	25,000.00	-	2,178.11	159,448.00							
Municipal Buildings/Land Capital Reserve	130,369.89	-	-	1,810.91	132,180.80							
Public Works Facility Capital Reserve	330,120.65	495,000.00	/ -	11,333.31	836,453.96							
Parks & Recreation Capital Reserve	-	400,000.00	-	5,391.29	405,391.29							
Total	\$ 1,643,844.42	\$ 920,000.00	\$ -	\$ 35,313.81	\$ 2,599,158.23							

	Capital Projects Funds													
	Balance 7/1/2022	Revenue	Revenue Expenditures		Transfers Out	Investment Earnings	Balance 12/31/2022							
GWR ROW/Construction Capital Project	\$ 735,968.24	\$ -	\$ -	\$ -	\$ -	\$ 10,223.05	\$ 746,191.29							
JWP Maintenance Facility/Playground Expansion Capital Project	20,661.31			-	-	286.99	20,948.30							
Gateway Project Capital Project	191,785.19		-	-	-	224.62	192,009.81							
Community Center Capital Project	274,674.25		-	-	-	2,219.00	276,893.25							
Roundabout at Lewisville-Vienna Road and Robinhood Road Capital Project	217,065.93	14,308.96	(17,886.20)	÷	9	3,583.95	217,072.64							
Total	\$ 1,440,154.92	\$ 14,308.96	\$ (17,886.20)	\$ -	\$ -	\$ 16,537.61	\$ 1,453,115.29							

American Rescue Plan Act Special Revenue Fund

American Rescue Plan Act funding received

\$ 4,024,471.50

Transferred to General Fund to reimburse for general government services - revenue replacement - Fiscal Year 2021-2022

(1,208,168.14)

Investment earnings

38,453.69

American Rescue Plan Act Special Revenue Fund - Cash Balance 12/31/2022

\$ 2,854,757.05

Lewisville Town Council Special Meeting Minutes

December 29, 2022 - 6:30 PM

Lewisville Town Hall 1st Floor Conference Room - 6510 Shallowford Road

Mayor Horn opened the special called meeting on December 29, 2022 at 6:30 PM. In attendance were Mayor Mike Horn (remote), Mayor Pro Tem Jeanne Marie Foster, and Council Members Fred Franklin, Melissa Hunt, Ken Sadler, and Jane Welch. Also in attendance were Town Manager James Ayers, Assistant Town Manager/Planner Stacy Tolbert, Town Clerk Dora Moore, Finance Director Pam Orrell, Town Attorney Bowen Houff, Attorney Elliot Fus, and Attorney Andy Santaniello. Council Member David Smitherman was absent.

Council Member Hunt moved to enter into closed session related to the attorney-client privilege pursuant to NCGS 143-318.11(a)(3) at 6:30 PM. The motion was seconded by Council Member Welch and approved unanimously.

Council returned to open session at 7:25 PM.

Ordinance 2022-067 – Amending Budget Ordinance 2022-001 – Mediation settlement - \$1,975,000 - Council Member Sadler moved to approve Ordinance 2022-067. The motion was seconded by Council Member Hunt and approved unanimously. (Ordinance 2022-067 is herein incorporated by reference into the minutes.)

Resolution 2022-073 – Mediated settlement agreement between Town of Lewisville and Solomon development, LLC - Council Member Sadler moved to approve Resolution 2022-073. The motion was seconded by Council Member Hunt.

Council Member Welch shared the following statement – "After voting for denial twice, it is very upsetting to vote in favor of a monetary settlement. The alternative could mean years of possible attorney fee costs, and even more money from the town. I have been incensed; with the hours of discussion this council has devoted to this issue; and in the emotional drain taken. INCENSED!!!"

Council Member Franklin echoed Council Member Welch's comments stating he feels he made the right vote at the time. He further stated this has been the worst thing in his twenty-two years of service and feels it was the best decision for the Town and residents. He thanked the mediation team for their efforts.

Mayor Pro Tem Foster noted the unprecedented challenges the Town faced during the pandemic while operating under an extended state of emergency; therefore, she believes her duty to the Town residents requires a vote in the affirmative. By not voting for the agreement, Mayor Pro Tem Foster expressed concern that existing and future board and committee members may be less inclined to volunteer due to perceived risk.

Mayor Horn stated this is the one vote in his twenty-two years that he will remember as being unfortunate. He also wants boards and committees to make their decisions based on what they feel is best for the Town and the Town stand behind them.

Council Member Franklin called the vote to question.

The Council voted unanimously to approve Resolution 2022-073. *(Resolution 2022-073 is herein incorporated by reference into the minutes.)*

Mayor Horn thanked staff for their perseverance and their caliber of professionalism.

Having no further business to discuss, Council Member Sadler made a motion to adjourn at 7:37 PM. The motion was seconded by Council Member Franklin and approved unanimously.

ATTEST:	Mike Horn, Mayor
Dora K Maara Tayun Clark	
Dora K. Moore, Town Clerk	

Lewisville Town Council Briefing and Action Meeting Minutes January 5, 2023 – 6:30 PM

Lewisville Town Hall 2nd Floor Conference Room 6510 Shallowford Road

1. Call to Order:

- A. Mayor Horn opened the meeting at 6:30 PM. In attendance were Mayor Mike Horn (remote), Mayor Pro Tem Jeanne Marie Foster and Council Members Fred Franklin, Melissa Hunt, and Jane Welch. Also attending were Town Manager James Ayers, Assistant Town Manager/Planning Director Stacy Tolbert, Finance Director Pam Orrell, Town Clerk Dora Moore, Facilities Manager Brian Moore, and Attorney Elliot Fus. Council Member David Smitherman was absent.
- B. <u>Adoption of Agenda</u> Council Member Franklin moved to approve the agenda. The motion was seconded by Council Member Hunt and approved unanimously.
- C. Council Member Ken Sadler joined the meeting remotely at 6:33 PM.

2. Introductions, Recognitions and Presentations for January 5, 2023 – None

3. Items Requiring Council Direction

- A. <u>North Carolina League of Municipalities (NCLM) voting delegate for biennium legislative goals</u> Council Member Welch nominated Mayor Horn to serve as the voting delegate for the biennium legislative goals. The motion was seconded by Council Member Hunt and passed unanimously.
- B. Nomination I'm One of the Reasons Lewisville is a Great Place to Live Council Member Welch shared her nomination request for Maureen Barton to receive the I'm One of the Reasons Lewisville is a Great Place to Live award. Council Member Welch stated that Mrs. Barton has coordinated the annual Christmas parade for 23 years and is a long-time member of the Lewisville Civic Club. Council consensus was to give this award to Mrs. Barton at the January 12 meeting. (Nomination form is herein incorporated into the minutes.)

4. Items Requiring Action at Briefing

- A. Ordinance 2023-003 Amending 2022-001 Budget Ordinance Replenish Parks & Recreation Department Contingency Fund \$10,000 Mr. Ayers emailed the Council on December 16 reporting the need to hire sheriff's deputies for an event hosted by Tim Sutton Ministries at the Mary Alice Warren Community Center (MAWCC) due to projected participants well above the initially projected 150. Contingency funds were used to hire the deputies. To avoid this situation in the future, the event rental process will be updated requiring event organizers to pay for deputies and giving the Town enforcement options should attendance projections differ from event application. Staff is requesting the Council to approve replenishing the contingency fund with \$10,000. Mayor Pro Tem Foster moved to approve Ordinance 2023-003. The motion was seconded by Council Member Welch and passed unanimously. (Ordinance 2023-003 is herein incorporated by reference into the minutes.)
- B. Ordinance 2023-004 Amending 2022-001 Budget Ordinance Increase MAWCC maintenance and repairs \$25,000 Contingency funds were also used to due to emergency repairs from a sewer back-up at MAWCC. Mr. Ayers notified Council on December 29 of the issue. The plumber had to excavate through the hall floor outside the family restrooms to access a defective section of pipe, which caused the issue. Plumbing repairs have been completed and tile replacement is hoped to be done soon. Staff is requesting \$25,000 to increase the MAWCC repair and maintenance line item. Mr. Ayers has also submitted formal notice to the contractor regarding

the construction defect. Council Member Franklin moved to approve Ordinance 2023-004. The motion was seconded by Council Member Hunt and passed unanimously. (Ordinance 2023-004 is herein incorporated by reference into the minutes.)

5. Old Business – None

6. Administrative Reports

A. Manager

- i. <u>Council Retreat January 27-28</u> The 2023 Council retreat will be at MAWCC. Dinner will be served at 5:30 PM on January 27 with session being 6:00-9:00 PM. On January 28th, the morning will begin with breakfast at 8:30 AM and the session will be 9:00 AM-2:00 PM with a working lunch. Topics will focus on projects, programs and people.
- ii. <u>Public Works Director position</u> Mr. Ayers reported an offer was extended in December to a Public Works Director candidate and the Town is awaiting background check, etc. He also reported that Public Works employee Bryan Grimsley has resigned as Maintenance Technician and a job posting will be forthcoming for that position.
- B. Attorney
- C. Public Works
- D. Planning
- E. Finance
- F. Clerk
 - i. <u>Town & State Dinner</u> February 22, 5 PM, Raleigh Convention Center Let Mrs. Moore know by February 1 if you would like to attend.
 - ii. CityVision April 25-27 Concord
- G. Community Center Facilities & Programming Manager Mr. Moore announced the Shallowford Foundation extended their program grant for the Mary Alice Warren Community Center and he is currently working with them on upcoming programs. A new yoga class begins this week, a new shag instructor begins in February, and rental inquiries for upcoming months are being received. He also reported a lot of large events were held in December. Council Member Hunt shared that she has spoken with Sergeant Stringer about a potential safety class and she feels quarterly meet and greet events with the officers or Sheriff would be beneficial to the community. Council Member Franklin inquired about a blood drive being held at MAWCC due to some of the other area host facilities being too small.

7. Agenda Items for Regular Meeting on January 12, 2023

- A. Tentative Agenda
 - i. Consent Agenda
 - a. Resolution 2023-001 Financial statements for the five months ended November 30, 2022
 - b. Approval of Agenda Briefing Minutes December 1, 2022
 - c. Approval of Regular Meeting Minutes December 8, 2022
 - d. Approval of Closed Session Minutes December 8, 2022
 - ii. Introductions, Recognitions, Presentations and/or Proclamations
 - a. Presentations
 - 1. Sheriff's office
 - ii. Appointment(s)
 - iii. Public Hearings

- a. L-104 Site plan amendment and amendment of uses 771 Williams Rd from HB-C to HB-C requested by Stephen Long c/o Williams Rd HQ, LLC
 - 1. Staff presentation
 - 2. Public hearing
 - 3. Council discussion
 - 4. Consideration of Ordinance 2023-002
 - A. Mrs. Tolbert reported that last year Council approved rezoning and site plan for Advance Appliance, who decided not to construct on the site. The property has been sold and the new owners are requesting site plan and use amendments, no zoning change. At their November 9 meeting, the Planning Board unanimously recommended approval to Council. Although the property is not in the downtown overlay, elevation plans have been provided and they are using a lot of the downtown overlay material even though it is not required. The ground level could possibly house a deli, wine tasting, and office spaces. The second floor will have realty offices and weekend and evening realtor school sessions will be offered; hence the school designation request. As required, everyone within 500 feet of the property boundary were notified of both public hearings. A sign has been posted and newspaper ads ran. Only a few people attended the Planning Board public hearing where they expressed some concern with traffic mitigation but feel the proposal is a betterment and had no negative feedback. Council Member Franklin expressed concern about sewage. Mrs. Tolbert noted the property has perked in three different locations and the property owner will work with Forsyth County.
- iv. Technical Review(s)
- v. Preliminary Site Plan Approvals
- vi. Evidentiary Hearings
- vii. Old Business
- viii. New Business
 - a. Resolution 2023-002 Qualifications-Based Selection exemption
 - Projects under \$50,000 can be exempted from the Request for Qualifications (RFQ) process for architectural, engineering and related services. This would make it easier to procure professional services such as an architect for the Town Hall Annex assessment or a surveyor for property being acquired.
 - b. Moser property Lewisville-Vienna Road
 - 1. An attempt to donate .046-acre tract on Lewisville-Vienna Road previously owned by Dianne Jones Moser to the Town was reported by Mr. Ayers. Although the Town is grateful when property owners consider donating their property to the Town, the Town must determine if acquisition is beneficial to the Town. Due to the very small size of this lot and it is not adjacent to existing Town-owned property, Mr. Ayers recommended the donation be declined.
 - Resolution 2023-003 L-103 To set a public hearing on February 9, 2023 for conditional district rezoning request of 7.45 acres off future extension of Great Wagon Road (PIN 5875-87-6070) from RS-20 to RM-8-C by Luke Dickey; Stimmel Associates, PA
 - Mrs. Tolbert reported forty-four townhomes are proposed. Current access is off Belnette Drive; however, once the Great Wagon Road is completed, access will be off the Great Wagon Road.
 - 2. Council Member Hunt feels the townhomes will be an asset to the community.

- 3. Council Member Franklin stated the Council at the time of construction will need to seriously consider usage of the Fred Moser property.
- d. Resolution 2023-004– L-105 To set a public hearing on February 9, 2023 for conditional district rezoning request for 1138 Lewisville-Clemmons Road from RS-9-C to RM-5-C by Ron Davis with Allegro Investment Properties, LLC
 - 1. Mrs. Tolbert reported this property backs up to Kaplan and twin homes are proposed.
 - 2. Previously, a site plan amendment was done when the developer was considering single-family homes. An emergency exit is still required.

iii. For the Good of the Order

- a. Council Member Sadler requested recusal from the January 12 meeting due to vacation.
- b. Mayor Pro Tem Foster also requested recusal from the January 12 meeting due to vacation.
- c. Mayor Horn shared that the Shallow Ford Foundation gave the Town \$500 that can be used for anything at MAWCC. He also reported that they extended the program grant in the amount of \$15,000 for 2023. The 2022 grant was \$25,000.
- iv. Adjournment Council Member Franklin moved to adjourn the meeting at 7:33 PM. The motion was seconded by Council Member Hunt and approved unanimously.

ATTEST:		Mike Horn, Mayor	
Dora K. Moore	e, Town Clerk		

Lewisville Town Council Regular Meeting Minutes

January 12, 2023 - 7:00 PM

Lewisville Town Hall Council Chambers 6510 Shallowford Road

1. Call to Order:

- A. Mayor Horn opened the meeting at 7:00 PM. In attendance were Mayor Mike Horn and Council Members Fred Franklin, Melissa Hunt, David Smitherman, and Jane Welch. Also attending were Town Manager James Ayers, Assistant Town Manager/Planning Director Stacy Tolbert, Finance Director Pam Orrell, Town Clerk Dora Moore and Town Attorney Elliot Fus. Mayor Pro Tem Jeanne Marie Foster and Council Member Ken Sadler were absent.
- B. Invocation Retired Pastor Tom Lee, Lewisville United Methodist church
- C. Pledge of Allegiance Council Member David Smitherman
- D. Adoption of Agenda Council Member Franklin moved to approve the agenda as presented. The motion was seconded by Council Member Hunt and approved unanimously.

2. Consent Agenda

- A. Consent agenda items
 - i. Resolution 2023-001– Financial statements for the five months ended November 30, 2022
 - ii. Approval of Agenda Briefing Minutes December 1, 2022
 - iii. Approval of Regular Meeting Minutes December 8, 2022
 - iv. Approval of Closed Session Minutes December 8, 2022
- B. Council Member Welch moved to remove approval of the December 1, 2022 minutes from the consent agenda and to approve the remaining consent agenda items. The motion was seconded by Council Member David Smitherman and approved unanimously.
- C. Council Member Hunt moved to approve the amended December 1, 2022 minutes to reflect Council Member Welch's proposed correction:

For the Good of the Order

A. Council Member Welch inquired about the uniformity of the Christmas lights along Shallowford Road in terms of and when they were last replaced.

The motion was seconded by Council Member Welch and approved unanimously. (Resolution 22023-001 is herein incorporated by reference into the minutes.)

3. Presentations, Introductions and/or Proclamations

A. Presentations

i. Forsyth County Sheriff's Office - Sergeant Stringer shared current call statistics noting that in December the Town's officers answered 67% of the calls. This is reflective of the new officer funded by the Town. Sergeant Stringer thanked all who attended the Sheriff's event at the Lewisville Library the past evening. Sergeant Stringer also cautioned people not to drive through standing water and warned them of gift card and jury duty scams. Council Member Franklin inquired if porch pirates were an issue during the Christmas season. Sergeant Stringer answered there were not a lot because doorbell cameras help deter the activity. There were some calls but no increase in calls.

2022													
TYPE OF INCIDENT	JAN	FEB	MAR	APRIL	MAY	JUNE	JULY	AUG	SEPT	ост	NOV	DEC	TOTAL
Total calls for service	531	532	590	586	492	559	586	612	776	775	801	813	7653
Security Check	258	253	275	297	177	245	285	293	517	494	498	556	4148
Traffic Arrest / Violation	26	17	61	39	19	25	37	44	55	24	28	26	401
Alarm	15	21	14	22	21	21	23	26	14	17	12	7	213
Priority Call Response Time	6.4	5.5	7.6	5.6	5.3	4.9	5	5.7	5	4.7	4.4	5.1	65.2
2021													
TYPE OF INCIDENT	JAN	FEB	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
Total calls for service	700	516	590	658	528	727	672	601	568	645	655	637	
Security Check	408	266	294	337	274	387	346	295	287	313	391	281	
Traffic Arrest / Violation	50	39	53	67	15	53	47	49	36	97	46	47	
Alarm	16	39	22	23	26	14	19	17	10	16	6	20	
Priority Call Response Time	5.2	5.7	4.8	5	5	5.5	5	5	5	4.5	4.2	5	

ii. <u>I'm One of the Reasons Lewisville is a Great Place to Live</u> – Mayor Horn and Council Member Welch presented the *I'm One of the Reasons Lewisville is a Great Place to Live* award to Maureen Barton. Council Member Welch nominated Mrs. Barton stating: 'Maureen has lived in Lewisville over 35 years. She is a long-time member of the Lewisville Civic Club and has been in charge of the Town's Christmas parade for 23 years. What a gift to our Town and surrounding communities!' Mrs. Barton was humbled by the recognition and thanked current and past Town Councils for their support with the parade and understanding the changes made over the years. She also thanked volunteers from the Civic Club and Lewisville Arts Council for their service as well as her family who were volunteered by her to help with the parade. (A copy of Mrs. Barton's certificate and the nomination form are herein incorporated into the minutes.)

4. Public Forum

A. Susan Frey, 165 Will Austin Court, shared concern that the new zoning hearing notification signs are not as noticeable due to the muted colors and short height. She requested the Town reconsider using the old signs or at least a taller, bolder sign.

5. **Appointment(s)** – None

6. Public Hearing(s)

A. L-104 – Site plan amendment and amendment of uses - 771 Williams Rd from HB-C to HB-C requested by Stephen Long c/o Williams Rd HQ, LLC

i. Staff presentation

a. Mrs. Tolbert reported that 771 Williams Road backs up to the US 421 off-ramp and is outside the downtown overlay area. The property was rezoned by Council in 2021 upon request by then property owners Advance Appliance. The new owners are requesting use and site plan amendments, no rezoning. Although not required, elevations were offered for the 2-story building. The Planning Board recommended approval to council at their November 9 meeting. (Staff presentation is herein incorporated into the minutes.)

ii. Public hearing

a. Opponents

- 1. Nancy Steffan, 305 Westeba Road Lane, expressed concern about the beautiful trees being cut down. She also feels the traffic noise will increase with the new business.
- 2. Russell Courchine, 310 Westeba Road Lane, also expressed concern regarding traffic noise increasing due to the new business.
- 3. Aaron Hutmacher, 315 Doub Road, inquired if sidewalks should be installed due to proximity to the gateway project. He also inquired about lighting and how security will

be controlled in the parking lot. He further inquired about a greenway connecting Williams Road to the Town and parks.

b. Proponents

- 1. Rodney Bentley, 8008 Riverview Drive, Clemmons, is with Salem Contracting and the applicant. Mr. Bentley stated they are open to installing sidewalks along the property line if desired by the Town. He explained that Keller Williams Elite will have their offices on the upper floor and will offer real estate classes twice a week that are typically held during weekdays; however, evening and weekend classes cannot be ruled out. General retail business will be located on the lower level. The parking lot size is designed to accommodate the school as well potentially 3 retail businesses and it will be lit.
- 2. The first floor exterior will have a combination of stone and board and batten or hardy synthetic siding will be on the second floor. Metal roofs will be over the porches and architectural shingles will be on the main roof. The rear elevation will have glass, rollup doors to accommodate outdoor seating for a restaurant.

iii. Council discussion

- a. Council Member Franklin stated the site plan appears to allow for sidewalks but he doesn't feel they should be insisted at this time. Mrs. Tolbert also feels there is plenty of right-ofway for sidewalks.
- b. Council Member Welch inquired about the trees. Mrs. Tolbert reported there will be a buffer all around the property due to a required visual buffer for abutting residential property. Only trees needing to be removed will be removed.
- c. Council Member Smitherman inquired if septic will be an issue for serving food. Mrs. Tolbert stated that would be handled by Forsyth County Environmental Health.
- d. Council Member Hunt asked if the Gateway project stopped at the roundabout and Mrs. Tolbert confirmed that it does.
- iv. <u>Consideration of Ordinance 2023-002</u> Council Member Hunt moved to approve Ordinance 2023-002. The motion as seconded by Council Member Fred Franklin and passed unanimously. (*Ordinance 2023-002 is herein incorporated by reference into the minutes.*)
- 7. Technical Review(s) for Compliance None
- 8. Preliminary Site Plan Approval(s) None
- 9. Evidentiary Hearing(s) None
- 10. Annexation Request(s) None
- 11. Old Business None

12. New Business

A. Resolution 2023-002 - Qualifications-Based Selection exemption — Projects under \$50,000 can be exempted from the Request for Qualifications (RFQ) process for architectural, engineering and related services. This would make it easier to procure professional services such as an architect for the Town Hall Annex assessment or a surveyor for property being acquired. Council Member Welch moved to approve Resolution 2023-002. The motion was seconded by Council Member Hunt and approved unanimously. (Resolution 2023-002 is herein incorporated by reference into the minutes.)

- B. Moser property donation Lewisville-Vienna Road An attempt to donate .046-acre tract on Lewisville-Vienna Road previously owned by Dianne Jones Moser to the Town was reported by Mr. Ayers. Although the Town is grateful when property owners consider donating their property to the Town, the Town must determine if acquisition is beneficial to the Town. Due to the very small size of this lot and it is not adjacent to existing Town-owned property, Mr. Ayers recommended the donation be declined. Council Member Hunt moved to decline acceptance of the property donation. The motion was seconded by Council Member Franklin and motion passed unanimously. Mayor Horn stated the Town is extremely fortunate and grateful that the Moser family has been very generous with land donations to the Town over the years. Unfortunately, this particular piece of property does not have a useful purpose for the Town and would only be a liability.
- C. Resolution 2023-003 L-103 To set a public hearing on February 9, 2023 for conditional district rezoning request of 7.45 acres off future extension of Great Wagon Road (PIN 5875-87-6070) from RS-20 to RM-8-C by Luke Dickey; Stimmel Associates, PA Council Member Franklin moved to approve Resolution 2023-003. The motion was seconded by Council Member Smitherman and approved unanimously. (Resolution 2023-003 is herein incorporated by reference into the minutes.)
- D. Resolution 2023-004—L-105 To set a public hearing on February 9, 2023 for conditional district rezoning request for 1138 Lewisville-Clemmons Road from RS-9-C to RM-5-C by Ron Davis with Allegro Investment Properties, LLC Council Member Smitherman moved to approve Resolution 2023-004. The motion was seconded by Council Member Welch and approved unanimously. (Resolution 2023-004 is herein incorporated by reference into the minutes.)
- E. Resolution 2023-005— Authorizing Town Manager to sign finalized settlement agreement between Town of Lewisville and Solomon Development, LLC Mayor Horn read the following statement:

Many of our residents are aware of the apartment building on Shallowford Square that was proposed by Solomon Development in 2020

Following an extensive process by our planning board to review this project including public hearings in which many of you attended, the council did not approve the proposed project.

Last year, Solomon Development notified the town of its intention to sue the town for \$8 million in compensatory and punitive damages and attorney fees for not approving the apartment project.

Additionally, Solomon notified the council of its intention to sue the individual council members who voted not to approve the project as well as certain Planning Board members.

The town and Solomon engaged in several months of negotiations in an effort to avoid going to court. Our goal was to settle Solomon Development's claims against both the town and the individual council and planning board members.

We were unable to reach an agreement with Solomon Development, so as a next step, the town requested a third-party mediation in an attempt to resolve the matter. Participating for the town in the mediation were Mayor Mike Horn and Council Members Ken Sadler and Melissa Hunt. Participating for Solomon Development were Jeff Zenger and Julie Zenger. All parties had retained legal counsel who also participated in the negotiations and the mediation.

The mediation occurred in December of last year resulting in an agreement that the town will pay Solomon Development approximately \$2 million dollars which includes acquiring the property that was the subject of the dispute.

After many hours of discussion among council members, and at the advice of our attorneys, the council reluctantly agreed to this settlement to avoid a jury trial of in which a favorable verdict for the town was uncertain and which could also have resulted in compensatory and punitive damages significantly greater than the settlement that was reached.

Neither the town or any town official has agreed that any mistakes were made in the decision to not approve the project. However, by agreeing to the settlement the council believes it is fiscally responsible in order to avoid the cost of several years of litigation and the potential for greater liability from a jury decision. It will also be beneficial to own the property near Shallowford Square that is being acquired as part of the settlement.

I am confident that I speak for those council members, who voted not to approve the proposed apartment building project at its proposed location on the Square, that we acted in what we believe was in the best interest of the town and our residents.

While not requiring an increase in our resident's property taxes to pay this settlement, this settlement will have a significant impact on our general fund balance having both short and long-term implications for our town and residents.

Mayor Horn moved to approve Resolution 2023-005. The motion was seconded by Council Member Hunt and approved unanimously. (Resolution 2023-005 is herein incorporated by reference into the minutes.)

13. Administrative Reports

- A. <u>Upcoming Town events and holidays</u> Manager Ayers announced Town offices will be closed January 16 for Martin Luther King Jr. Day.
- B. Manager's Report None
- C. Planner's Report None
- D. Attorney's Report None
- E. Clerk's Report
 - i. Council retreat January 27-28
 - ii. Town & State Dinner February 22, 5 PM Raleigh Convention Center
 - a. Let Town Clerk know by February 1 if plan to attend.
 - iii. CityVision April 25-27 Concord
- F. Community Center Facilities & Programming Manager's Report None
- G. Approvals at Special Called Meeting on December 29, 2022
 - i. Ordinance 2022-067– Amending Budget Ordinance 2022-001 Mediated settlement agreement \$1,975,000
 - ii. Resolution 2022-073 Mediated settlement agreement between Town of Lewisville and Solomon Development, LLC \$1,975,000
- H. Approvals at the Briefing and Action Meeting on January 5, 2023
 - i. Ordinance 2023-003 Amending 2022-001 Budget Ordinance Replenish Parks & Recreation Department Contingency Fund - \$10,000

ii. Ordinance 2023-004 – Amending 2022-001 Budget Ordinance – Increase MAWCC maintenance and repairs - \$25,000

14. For the Good of the Order

- A. Public comments
 - i. Susan Frey, 165 Will Austin Court, thanked the Council for what they do for the Town stating it does not go unnoticed and is appreciated.
- B. Council comments
 - i. Council Member Franklin stated his agreement with Mrs. Frey related to the zoning hearing signs and noted they are inadequate.
- 15. **Adjournment** Council Member Hunt moved to adjourn the meeting at 8:01 PM. The motion was seconded by Council Member Franklin and approved unanimously.

ATTEST:	Mike Horn, Mayor	
Dora K. Moore, Town Clerk		

	CURRENT CA	ALENDAR	
	2023 BUDGET	CALENDAR	
	<u>Date</u>	<u>Time</u>	<u>Notes</u>
Draft budget presented to Council at Council meeting	April 13, 2023	7:00 PM	
Budget workshop	April 17, 2023	6:00 PM	
Budget workshop	May 1, 2023	6:00 PM	
Budget workshop (part of briefing)	May 4, 2023	6:30 PM	
Budget workshop	May 8, 2023	6:00 PM	
Budget ordinance final review at briefing	June 1, 2023	6:30 PM	
Budget public hearing at regular Council meeting	June 8, 2023	7:00 PM	
	PROPOSED C	ALENDAR	
2023	BUDGET CALENDAR -	PROPOSED	REVISIONS
	<u>Date</u>	<u>Time</u>	<u>Notes</u>
Draft budget presented to Council at Council meeting	April 13, 2023	7:00 PM	
Budget workshop	April 17 20, 2023	6:00 PM	Give more time for Council review
Budget workshop	May 1, 2023	6:00 PM	
Budget workshop (part of briefing)	May 4, 2023	6:30 PM	If needed
Budget workshop	May 8, 2023	6:00 PM	Delete because it's between 5/4 & 5/11 meetings
Budget public hearing at regular Council meeting	May 11, 2023	7:00 PM	Give more time for public input & Council/staff response
Budget ordinance final review at briefing	June 1, 2023	6:30 PM	
Budget approval at regular Council meeting	June 8, 2023	7:00 PM	



Presented to

Tim Lasley

for outstanding contributions to the Town of Lewisville and residents

Lewisville Town Council

Mayor Mike Horn February 8, 2023

Nomination Form for

I'm One of the Reasons Lewisville is A Great Place to Live

Purpose of the Award

The "I'm One of the Reasons Lewisville is A Great Place to Live" award is presented to selected individuals who are making Lewisville a great place to live. An individual may be nominated for any reason as long as it can be clearly demonstrated that their activities or other contributions have improved the quality of life for residents or in the town in general.

Nominations should be submitted to staff who will validate the nominee's information and present the information to Council at its next scheduled briefing. If selected to receive the award, the nominee and their nominator will be recognized at a regularly scheduled meeting of the Lewisville Town Council or other official town meeting or event.

Nomination Information (This form may be updated on-line.)
Date: 1/31/23
Nominator Information Name of Nominator: Mike Horn
Contact telephone number: 336-414-4497
Contact email: mikeh@hornstronach.com
Nominee Information
Name of Nominee: Tim Lasley
Address of Nominee: 6355 Yadkinville Rd, Pfafftown, NC 27040
Telephone Number of Nominee: (336) 945-6577.
Contact email: Timlasley@gmail.com
Reason for the Nomination: Longevity of owner Wilson's Garage,
Vienna Volunteer Fire Department Fire Chief, Long-Time Leader and Volunteer
Boy Scouts, Member Vienna Civic Club, Leadership with Brookstown
Methodist Church, Decades as a community volunteer.
Form may be returned via email to: <u>townclerk@lewisvillenc.net</u> or mailed to: Town Clerk, PO Box 547, Lewisville, NC 27023.
FOR OFFICE USE BELOW:
Date received 3-203 Presented to Council: Approval Date:



TOWN OF LEWISVILLE 2023-001 APPOINTMENT ORDER LEWISVILLE BEAUTIFICATION COMMITTEE

WHEREAS, the Town Council established the Lewisville Beautification Committee in October 1991; and

WHEREAS, the Lewisville Beautification Committee is a planning agency in the planning organization charter; and,

WHEREAS, the Town Council has determined that the Lewisville Beautification Committee serves a vital community function.

NOW, THEREFORE, BE IT RESOLVED THAT THE LEWISVILLE TOWN COUNCIL appoints the following to serve on the Lewisville Beautification Committee through March 31, 2024:

	Christi Ritter	Member		
Appointed this the 9 th	day of February 2023	3 by the Lewisville T	own Council.	
ATTEST:			Mike Horn, Mayor	
Dora K. Moore, Town	Clerk			



TOWN OF LEWISVILLE 2023-002 APPOINTMENT ORDER PUBLIC SAFETY ADVISORY COMMITTEE

WHEREAS, the Town Council established the Lewisville Public Safety Advisory Committee in November 1996; and

WHEREAS, the Town Council has determined that the Public Safety Advisory Committee serves a vital community function.

NOW, THEREFORE, BE IT RESOLVED THAT THE LEWISVILLE TOWN COUNCIL appoints the following to serve on the Public Safety Advisory Committee through March 31, 2024:

	Matthew O'Connor	Member	
Appointed this the 9 th (day of February 2023 by the	Lewisville Town Council.	
ATTEST:		Mike Horn, Mayor	
Dora K. Moore, Town (Clerk		

CONDITIONAL DISTRICT REZONING STAFF REPORT

Arden Townhomes

DOCKET: L-103

STAFF: Adam Barr, Planner

Petitioner: Luke Dickey; Stimmel Associates, PA Ownership: James, Russel, Keith, & Joseph Wilson

REQUEST OF REZONING:

From: RS-20 (Residential Single Family, minimum lot size of 20,000 sq. ft.)
To: RM-8-C (Residential Multi Family, maximum 8 units per acre)

PIN#(s): 5875-87-6070 Acreage: 7.45 acres

LOCATION:

Street: Off the future extension of Great Wagon Road, west of David McKee St, and east of

Shallowford Rd.

Jurisdiction: Town of Lewisville

PROPERTY SITE/IMMEDIATE AREA:

Existing Structures on Site: The site is currently vacant.

Adjacent uses:

- North Single family residences, zoned RS-20
- * East Single family residences, zoned RS-20.
- * South Hayworth Miller, Textures Salon, Shallowford Animal Hospital, zoned LD1-S; Lewisville Drug, zoned LD1-S
- West The Oaks at Lewisville shopping center, zoned HB

GENERAL AREA:

Character/Maintenance: This area is located in the Downtown Overlay District which includes residential, commercial, and recreational uses.

PHYSICAL FEATURES:

Topography: The site slopes gently from the southeast to the northwest.

Vegetation/habitat: The majority of the property is wooded.

Impact on Existing Features: Impacts are to be expected. The wooded areas are likely to be removed.

WATER AND SEWER FACILITIES:

Public water and sewer are proposed with the construction of the Great Wagon Road. Site will have direct access once constructed.

TRANSPORTATION:

Direct Access to Site: Great Wagon Rd

Street Classification(s): Likely to be a Minor Thoroughfare

Average Daily Traffic Count/Estimated: Not available.

HISTORY/RELEVANT ZONING CASES:

- * L-99001; RS-20 to RS-9-S Planned Residential Development Crafton Creek (Single-Family Residential Housing); 50 homes; west side of Lewisville-Clemmons Road; 13.34 acres.
- * L-029; RS-9 to RM-5-S & RM-12-S Shallowford Reserve Development for multiple residential uses approved 08/14/2003; south side of Shallowford Rd and near Summerglen Drive; 27.2 acres.

CONFORMITY TO PLANS:

<u>Lewisville Tomorrow Comprehensive Plan</u> – The Comprehensive Plan's Future Land Use Map identifies the subject property as belonging to the Downtown preferred place type. The Downtown area consists of unique commercial ventures with thoughtful respect to the historic, small town character of Lewisville. This area is intended to combine small town urban characteristics by blending civic uses, retail and entertainment attractions, employment opportunities, open space, and mixed-use residential areas in intentional ways.

<u>UDO</u> – With the site being inside the boundary of the Downtown Overlay District, submitted with the application is also elevations. These elevations show compliance with the standards of the UDO, including the use of the appropriate roofing and siding, and the inclusion of a buffer yard for their perimeter. While not being consider large scale building, the structures still comply with the building height variance standards. The plans are not showing utilization of on street parking for credits.

<u>Legacy Development Guide</u> - <u>Legacy</u> recommends increasing residential densities along growth corridors and in activity centers where serviceable land is located. This property is located in the Growth Management Area (GMA) 1 a City/Town Center, which is intended to promote a dense, mixed-use and pedestrian-oriented urban form and is the hub for government and private employment.

ANALYSIS:

The applicant is requesting a change from RS-20 zoning to RM-8-C; as a conditional request, a preliminary subdivision has been submitted for review by staff and the Board. The preliminary subdivision includes a development with 44 units distributed across 10 structures, showing access off Great Wagon Road.

RM-8 is primarily intended to accommodate low density, pedestrian-oriented sites and communities containing duplexes, twin homes, multifamily, and townhouse residential buildings with three or four units, and similar residential uses at a maximum overall density of 8 units per acre. This RM-8 district is appropriate for GMAs 2 and 3 and may be suitable for GMA 4 and Metro Activity Centers where public water and sewer area available. RS-20 is generally considered to accommodate single family detached dwellings in suburban areas. This district is typically used for single-family development where public water is available. This RS-9 district is appropriate in GMAs 2 and 3.

Legacy designates the area within which the project lies as GMA-1 "City/Town Center." This acknowledges opportunities made available by having access to public water/sewer and proximity to existing thoroughfares such as Shallowford Rd and the Great Wagon Rd. The proposed RM-8-C zoning

would support the uses in the nearby town center. It would complement the existing commercial uses in the area because of the higher density than surrounding residential uses.

The town's 2022 Comprehensive Plan designates this area as "Downtown". Part of the intent of this area is to support multifamily residential and mixed-use development at appropriate scales. This area also seeks to create a grid street network and provide multimodal options that connect to surrounding residential areas.

Town staff is of the opinion that the request is consistent with the Town's *Comprehensive Plan, Legacy, and the Downtown overlay standards* for the area and complements the uses in the downtown. The developer has or will need to follow the major subdivision requirements in Chapter D Section 4, including but not limited to the requirements below:

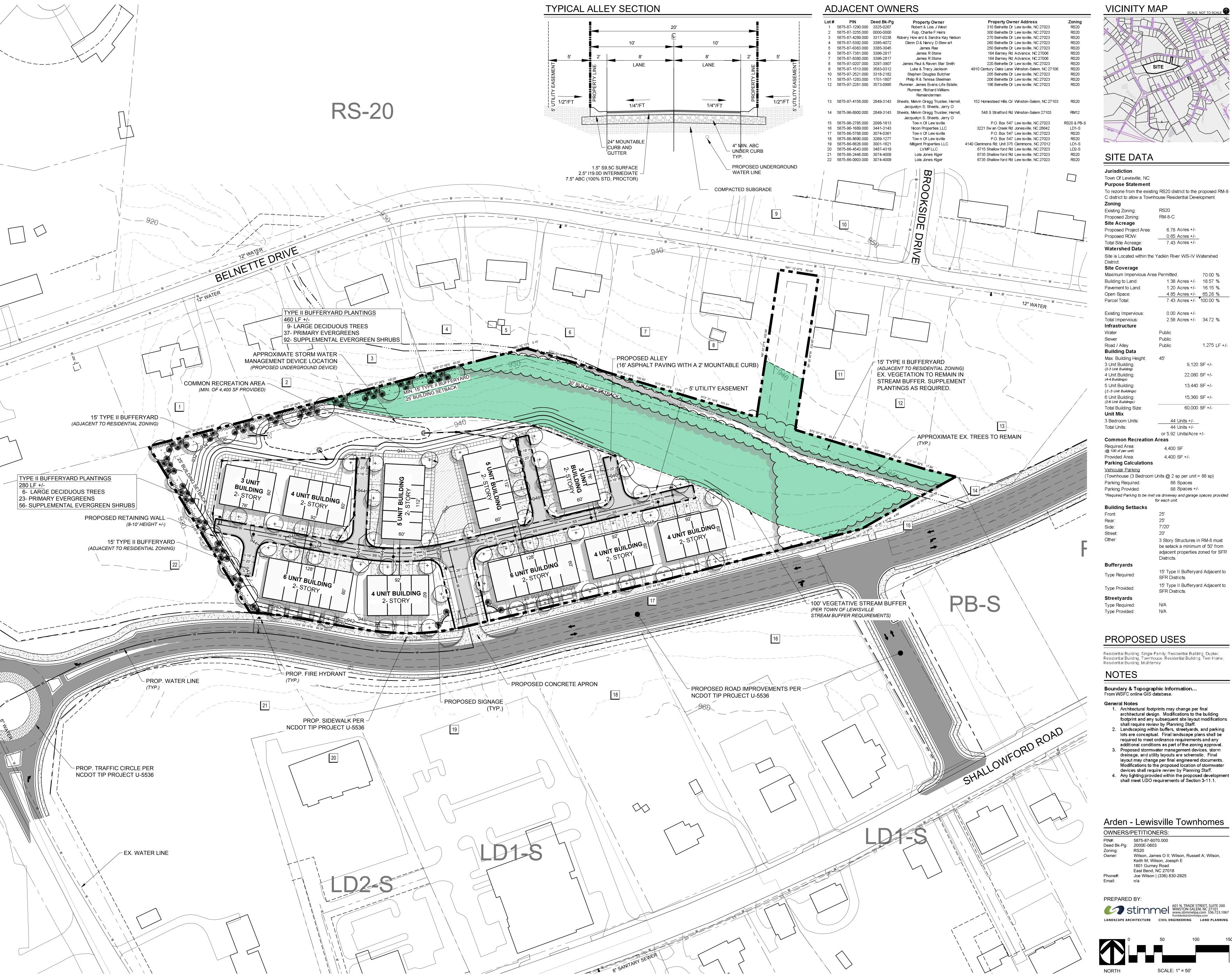
- 1. Erosion control permits shall be obtained through The City of Winston-Salem.
- 2. Stormwater management permits, if required, must be obtained through the Town of Lewisville before issuing building or zoning permits.
- 3. TRC Comments must be remedied.

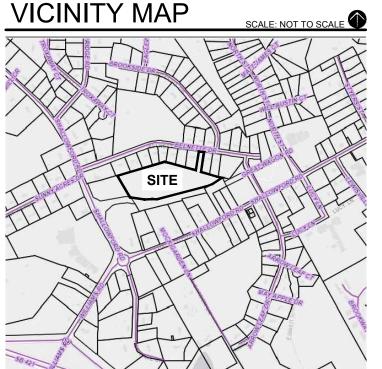
FINDINGS:

- 1. The request is for conditional zoning; a preliminary draft site plan has been submitted and a specific use requested. If the property is later subdivided, the Planning Board and the Town Council will be required to review and approve the subdivision plan.
- 2. The requested zoning would allow residential development at densities higher than most nearby properties. However, the requested density is supported by existing infrastructure and anticipated and encouraged by the Town's Comprehensive Plan.
- 3. The proposed zoning district would not introduce a use(s) or density of development incompatible with the existing nearby residential development.

RECOMMENDATION:

The site has available infrastructure to support the density of development that is being proposed. Statements found in both the *Lewisville Comprehensive Plan* and *Forsyth County Legacy Plan* encourages higher density within a suburban/urban environment along growth corridors or in activity centers. Given these findings and other supporting information found in this report, staff recommends the rezoning to the Planning Board.





PLANS FOR:

CLIENT:

SUBMITTAL

Justin Mendenhall

Winston-Salem, NC 27113

E: justin@ardenhomes.com

Arden Homes

11/02/2022

DATE

SUBMITTAL DATE

© STIMMEL ASSOCIATES, P.A.

Rezoning

Submittal

PROJECT NO:

P.O. Box 5323

P: (336)659-9503

PRE-SUBMITTAL

REVISED SUBMITTAL

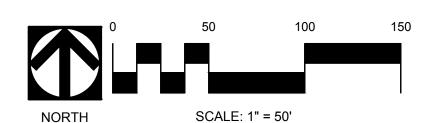
Submittal Date

11/02/2022

22-083 LD, GH

PreSubmittal Date

DESCRIPTION





P: 336.723.1067 F: 336.723.1069

E: frontdesk@stimmelpa.com

www.stimmelpa.com

PROJECT NAME & LOCATION:



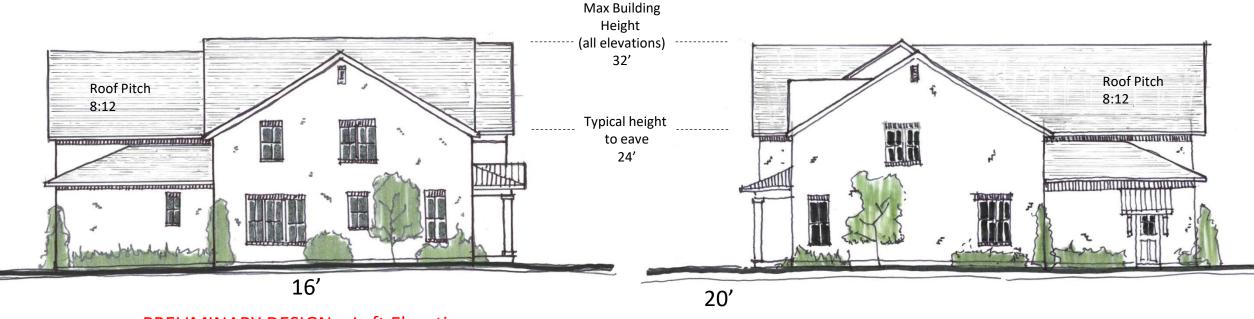
LEWISVILLE TOWNHOMES

PRELIMINARY DESIGN – Street Elevation Initial Elevations (4 Unit Building)

Great Wagon Road ProjectArden Homes

NOTES:

- 1. All elevations to be no higher than 32' from finished grade to apex of roof.
- Roofing material will be Architectural Shingle or Metal
- 3. All sides will be brick with cement board accents
- Roof pitch of primary roof to be a maximum of 8 feet of rise in 12 feet of run
- 5. Eave height may vary depending on grade, but eave will be no higher than 24 feet from finished sidewalk grade



PRELIMINARY DESIGN – Left Elevation

PRELIMINARY DESIGN – Right Elevation

LEWISVILLE TOWNHOMES

Great Wagon Road ProjectArden Homes

NOTES:

- 1. All elevations to be no higher than 32' from finished grade to apex of roof.
- 2. Roofing material will be Architectural Shingle or Metal
- 3. All sides will be brick with cement board accents
- 4. Roof pitch of primary roof to be a maximum of 8 feet of rise in 12 feet of run
- Eave height may vary depending on grade, but eave will be no higher than 24 feet from finished sidewalk grade



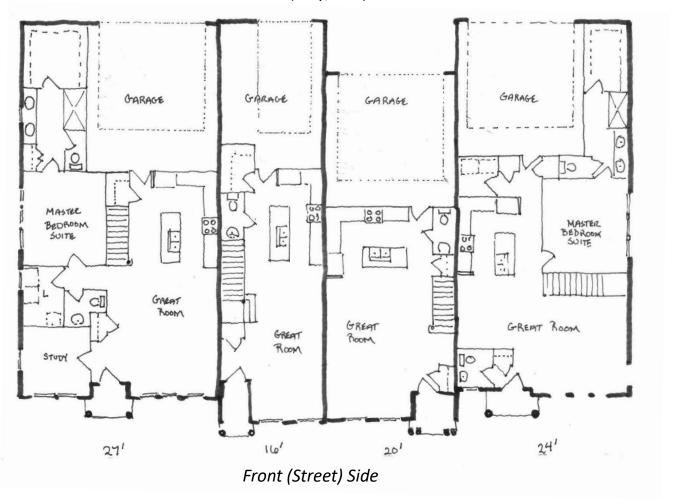
LEWISVILLE TOWNHOMES

PRELIMINARY DESIGN – Rear/Alley Elevation Initial Elevations (4 Unit Building)

> **Great Wagon Road Project Arden Homes**

- All elevations to be no higher than 32' from finished grade to apex of roof.
- Roofing material will be Architectural Shingle or Metal
- All sides will be brick with cement board accents
- Roof pitch of primary roof to be a maximum of 8 feet of rise in 12 feet of run
- Eave height may vary depending on grade, but eave will be no higher than 24 feet from finished sidewalk grade

Rear (Alley/Lane) Side



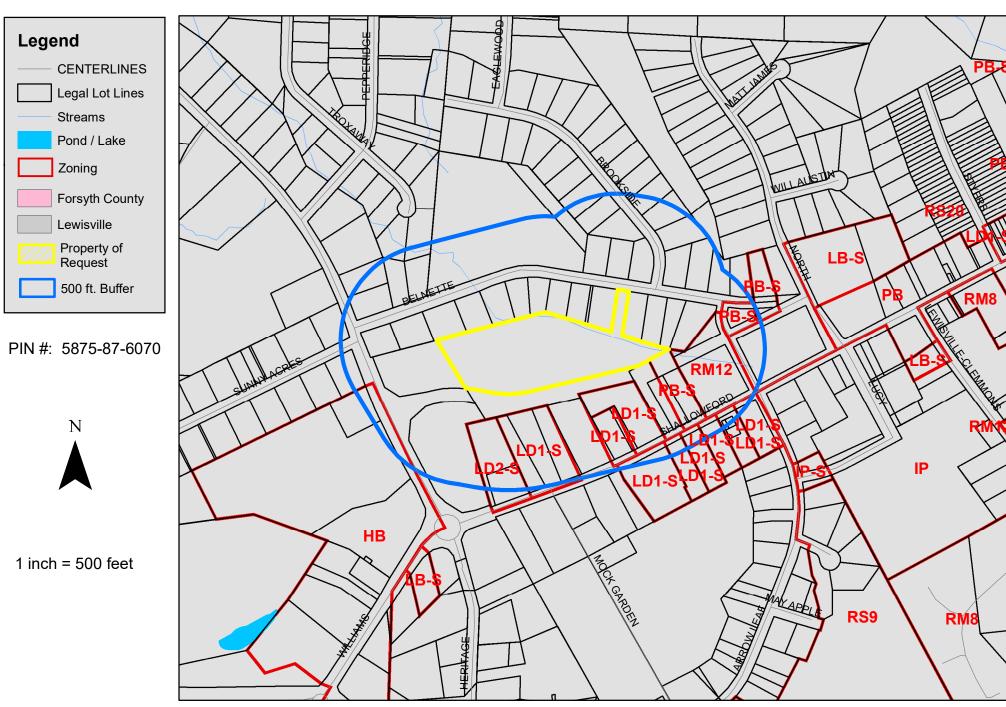
LEWISVILLE TOWNHOMES

PRELIMINARY DESIGN

Initial Floor Plans

Great Wagon Road ProjectArden Homes

L-103 Arden Townhomes REZ



This map and analysis are provided "As Is" without warranty of any kind, either express or implied. The information containted in this map is for informational purposes only and was not prepared for, and is not suitable for legal, engineering, or surveying purposes. Use of these materials constitutes acceptance of this disclaimer of liability.

Created by: Stacy Tolbert



ORDINANCE 2023-005 OF THE LEWISVILLE TOWN COUNCIL AMENDING THE ZONING ORDINANCE OF THE UNIFIED DEVELOPMENT ORDINANCES AND ZONING MAP OF THE TOWN OF LEWISVILLE

Conditional District Rezoning from RS-20 (Residential Single family, minimum lot size 20,000 sq. ft) to RM-8-C (Residential Multi-Family, maximum 8 units per acre)

(Zoning Docket L-103)

Future extension of Great Wagon Road, west of David McKee Street and east of Shallowford Road

WHEREAS, the Town of Lewisville published notification of this conditional zoning request on January 22, 2023 and January 29, 2023; and

WHEREAS, the Town of Lewisville has received an affidavit of publication for the aforementioned dates; and

WHEREAS, sign posting of the property occurred on November 1, 2022; and

WHEREAS, these procedures have been performed and certified by Town staff in accordance with North Carolina land use regulations found in NCGS 160D-601; and,

WHEREAS, the Lewisville Town Council accepts the staff report; and

WHEREAS, the Lewisville Planning Board held a public hearing and rendered its recommendation of approval to Council at their December 14, 2022 meeting; and

WHEREAS, the Lewisville Planning Board has favorably recommended approval of the request to the Town Council; and

WHEREAS, the uses requested are allowed under RM-8-C (Residential Multi-Family, maximum 8 units per acre) zoning district; and

WHEREAS, higher density residential is encouraged in this area by the *Lewisville Tomorrow Comprehensive Plan*.

NOW, THEREFORE, BE IT ORDAINED that the Lewisville Town Council finds the proposed conditional district rezoning is consistent with and conforms to the goals and recommendations of the *Lewisville Tomorrow Comprehensive Plan, Legacy Development Guide* and *Lewisville Greenway and Pedestrian Connections Plan*. Further, we find that the action to be taken is reasonable and in the public interest and therefore approve the zoning map amendment and site plan.

BE IT FURTHER ORDAINED AS FOLLOWS:

Dora K. Moore, Town Clerk

Section 1:	The Town of Lewisville Official Zoning Map of the Town of Lewisville, North Carolina are hereby amended.
Section 2:	The property is 7.45 acres, PIN 5875-87-6070, located off the future extension of Great Wagon Road, west of David McKee Street and east of Shallowford Road as shown on the attached site plan.
Section 3:	This ordinance shall be effective from and after its adoption.
Adopted this th	e 9 th day of February 2023 by the Lewisville Town Council.
ATTEST:	Mike Horn, Mayor

CONDITIONAL DISTRICT REZONING STAFF REPORT

Longwood Village

DOCKET: L-105

STAFF: Adam Barr, Planner

Petitioner: Ron Davis with Allegro Investment Properties, LLC

Ownership: Kaplan Partners

REQUEST OF REZONING:

From: RS-9-C (Residential Single Family, minimum lot size of 9,000 sq. ft.)
To: RM-5-C (Residential Multi Family, maximum 5 units per acre)

PIN#(s): 5885-70-8928 (portion) & 5885-81-0388

Acreage: 13.57 acres

LOCATION:

Street: 1138 Lewisville-Clemmons Rd

Jurisdiction: Town of Lewisville

PROPERTY SITE/IMMEDIATE AREA:

Existing Structures on Site: The site has two existing homes on the property as well as some accessory structures.

Adjacent uses:

- * North Single family residences, Fountain Brook Development, zoned RS-20
- * East Single family residence, 1175 Lewisville-Clemmons Rd, zoned RS-9; Family Medical Office, zoned HB-S; both located across Lewisville-Clemmons Rd.
- South Shallowford Presbyterian Church, zoned RS-9; Kaplan Partners, zoned HB-S
- West Kaplan Partners, zoned HB-S

GENERAL AREA:

Character/Maintenance: This area is somewhat of a transition zone between residential usage and commercial usage.

PHYSICAL FEATURES:

Topography: The site slopes gently from the east to the west away from Lewisville-Clemmons Rd. Vegetation/habitat: The majority of the property is wooded.

Impact on Existing Features: Impacts are to be expected. The wooded areas are likely to be removed as well as the structures on the property due to the request develop 38 residential lots.

WATER AND SEWER FACILITIES:

Public water and sewer are available to the site.

TRANSPORTATION:

Direct Access to Site: Lewisville-Clemmons Rd

Street Classification(s): Lewisville-Clemmons Major Thoroughfare

Average Daily Traffic Count/Estimated: 11000 (source: NCDOT AADT 2017)

HISTORY/RELEVANT ZONING CASES:

- * L-048; RS-20 Planned Residential Development Fountain Brook (Single-Family Residential Housing); approved 05/11/2006; west side of Lewisville-Clemmons Road north of and adjacent to Kaplan Partners; 13.38 acres; Planning Board and staff recommended approval.
- * L-078; RS-20 to RS-9-S (Single-Family Residential Housing) approved 04/13/2017; south side of Lewisville-Clemmons Rd and near Lalanda Drive; 10+/- acres; Planning Board and staff recommended approval.
- * L-095 HB-S & RS-20 to RS-9-S approved on June 15, 2020; the current proposed properties were approved for a single-family residential development with 38 lots; Planning Board and staff recommended approval.
- * L-099 A site plan amendment was approved on October 14, 2021 for the current proposed properties. Environmental constraints led to an adjustment to 34 lots and a change in street design; Planning Board and staff recommended approval.

CONFORMITY TO PLANS:

<u>Lewisville Tomorrow Comprehensive Plan</u> – The Comprehensive Plan's Future Land Use Map identifies the subject property as a Neighborhood Center preferred place type. Neighborhood Center areas are smaller-scale mixed-use areas located near existing or planned neighborhoods.

<u>Lewisville Comprehensive Plan Update 2015</u> - The Plan describes this area as being an area where higher density uses are appropriate, particularly where sewer is available. This area is shown as an activity center on Map 9 of the comprehensive plan.

The Plan also contains a number of "Recommended Actions." In the chapter on Land Use, recommendations include; allowing higher density where appropriate, preserving the character of town, and promoting high density development in areas supported by infrastructure.

<u>Legacy Development Guide</u> - <u>Legacy</u> recommends increasing residential densities along growth corridors and in activity centers where serviceable land is located. This property is located in the Growth Management Area (GMA) 3 which gives opportunity for pedestrian-friendly designs and street standards requiring sidewalks.

The Legacy 2030 Update also identifies this area around the intersection of Lewisville-Clemmons Road & Styers Ferry Road, at the US 421 interchange, as an activity center but also identifies the area as an area for suburban neighborhoods.

ANALYSIS:

The applicant is requesting a change from RS-9-C zoning to RM-5-C; as a conditional request, a preliminary subdivision has been submitted for review by staff and the Board. The preliminary subdivision includes a development with 60 units (29 twin homes and 2 single-family homes) with access off Lewisville-Clemmons Road.

RM-5 is primarily intended to accommodate low density, pedestrian-oriented sites and communities containing duplexes, twin homes, multifamily, and townhouse residential buildings with three or four units, and similar residential uses at a maximum overall density of five units per acre. This RM-5 district is appropriate for GMAs 2 and 3 and may be suitable for GMA 4 and Metro Activity Centers where public water and sewer area available. RS-9 is generally considered to accommodate high density single family detached dwellings in urban areas. This district is typically used for single-family development where public sewer is available. This RS-9 district is appropriate in GMAs 2 and 3 and may be suitable for metro activity centers where public water and sewer are available.

Legacy designates the area within which the project lies as GMA-3 "Suburban Neighborhood." This acknowledges opportunities made available by having access to public water/sewer and proximity to existing thoroughfares such as Lewisville-Clemmons Road and US421. The proposed RM-5-S zoning would support the uses in the nearby activity center. The proposed rezoning, if approved, would allow a variety of residential use in and around the activity center at Lewisville Clemmons Rd/Styers Ferry Rd/US 421. Although the use may differ from some of the existing uses in the area, the proposed land use is appropriate for the area. It would complement the existing commercial uses in the area because of the higher density than surrounding residential uses.

The town's 2022 Comprehensive Plan designates this area as "Neighborhood Center". Part of the intent of this area is to incorporate different types of housing that can support the commercial area and reinforce nearby established neighborhoods. These areas can be surrounded by smaller lot, single-family residential and townhomes that emphasize connectivity to and integration with its surrounding area.

Town staff is of the opinion that the request is consistent with the Town's *Comprehensive Plan and Legacy* for the area and complements the uses in the activity center. The developer has or will need to follow the major subdivision requirements in Chapter D Section 4, including but not limited to the requirements below:

- 1. Erosion control permits shall be obtained through The City of Winston-Salem.
- 2. Stormwater management permits, if required, must be obtained through the Town of Lewisville before issuing building or zoning permits.
- 3. TRC Comments must be remedied.

FINDINGS:

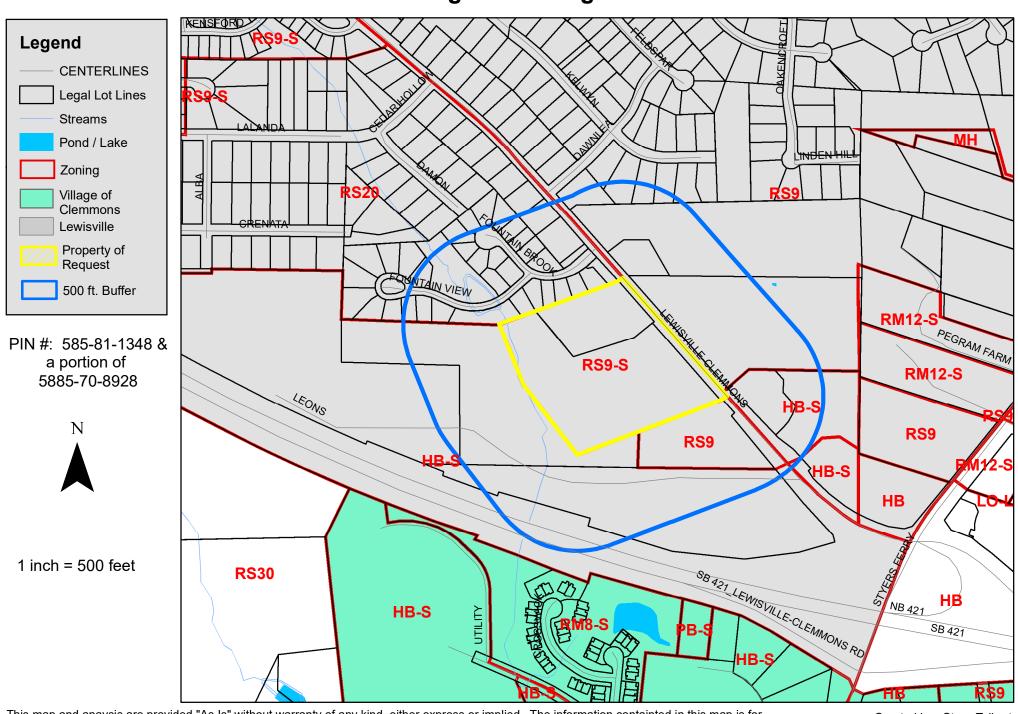
- 1. The request is for conditional zoning; a preliminary draft site plan has been submitted and a specific use requested. If the property is later subdivided, the Planning Board and the Town Council will be required to review and approve the subdivision plan.
- 2. The requested zoning would allow residential development at densities higher than most nearby properties. However, the requested density is supported by existing infrastructure and anticipated and encouraged by the Town's Comprehensive Plan.
- 3. The proposed zoning district would not introduce a use(s) or density of development incompatible with the existing nearby residential development.

RECOMMENDATION:

The site has available infrastructure to support the density of development that is being proposed. Statements found in both the *Lewisville Comprehensive Plan* and *Forsyth County Legacy Plan* encourages higher density within a suburban/urban environment along growth corridors or in activity centers. Given these findings and other supporting information found in this report, staff recommends the rezoning to the Planning Board.



L-105 Longwood Village Twin Homes REZ



This map and analysis are provided "As Is" without warranty of any kind, either express or implied. The information containted in this map is for informational purposes only and was not prepared for, and is not suitable for legal, engineering, or surveying purposes. Use of these materials constitutes acceptance of this disclaimer of liability.

Created by: Stacy Tolbert

LONGWOOD VILLAGE

Make yourself a home here....

To: Stacey Tolbert Town Planner Lewisville, NC

Re: Longwood Village Community Meetings Report

Please find attached a petition in support the upcoming rezoning request for 13.57 acres located at 1138 Lewisville Clemmons Road and 6794 Leon's Way from RS-9-S to RM-5-S. The petition is signed by the businesses located in the shopping center at 1235 Lewisville-Clemmons Road and across Styers Ferry Road in Lewisville Crossing Center. I had no negative comments from any of the store owners and every retailer owner I was able to meet with signed the petition in support.

I have also spoken with the Pastor of New Day Community Church (Rev. Ronald Garner) and explained what we are proposing to build and offered to meet with their Boards and/or members to answer any questions. I dropped off a site plan today for his review but don't anticipate any opposition. We have been working with Shallowford Presbyterian Church on trading easements for the project and will be following up with them if we get approvals for the project.

I met with Phillis Dalton, 1175 Lewisville Clemmons Road, and explained what we are proposing. I spoke with her son Jeff Dalton a few days later and his main concern was the quality of the homes and how they would look from their side of the road. I explained to him that we would be heavy buffering and landscaping the entire length of the road frontage and that the homes would drop down similar to Fountain Brook vastly reducing view of the homes. In my most recent conversation with Jeff (12-12) he says they are not in opposition to what we are proposing.

I met with Edward Harrel, 811 Fountain Brook Lane, who backs up to the site. He had many concerns with quality, density, and the economic impact of the homes we are proposing to build. He now seems to be comfortable with our plans after several follow up discussions. Our homes, despite being twins, will be of similar quality and pricing as the homes in Fountain Brook. We will be targeting "move down" customers in Lewisville, people who want to stay in the community, live in a high-quality brick home, and have the burden of exterior maintenance handled by the HOA.

I have also spoken with Jackie Daniels, 789 Fountain Brook Lane, who is the current Fountain Brook HOA President and provided her with the details of our proposed project and provided her with my contact information for distribution to the Fountain Brook community. She did not express any positive or negative opinions of our proposed project. I offered to meet with her, or the Fountain Brook Community and I have not had any other calls from her or the other residents at this time.

We look forward to presenting our community to the Lewisville Planning Board on December 14th and have enjoyed working with you on this proposed community.

Please forward this letter and Petition to you Planning Board Members, Council Members, and Mayor Horn as appropriate.

Thank you,

Ron Davis

12-13-2085

336-462-07705

arplic@aol.com

LONGWOOD VILLAGE

Make yourself a home here....

Petition to Rezone and Subdivision Plan Approval

Petition Summary	Rezoning and approval of Longwood Village Subdivision Plan, Lewisville, NC
Action Petitioned For	We, the undersigned urge our leaders to rezone the property hereafter know as Longwood Village from
	RS9-S to RM5-S and approve the preliminary site plan.

Signature	Address/E-Mail/Phone Number	Comment	Date
My	1347 Censivill- Clemans Rol, Caris	ille	9/30/22
Brail Inter	1305 Lewisulb clemons rd	Leuisulu	2/30/22
Cuy Setwen			9/30/22
Vh/KK	1310 leasesille Chemina Ro	(10/4/22
Complacelmen	1355 Lawrylle - Clemmon		10/5/22
har	1341 Levisville Clemans	Lewisville	1015/22
Jense Comod	1329 Lewisville-Clemnas	Leursville	10/5/22
Robel Attold	1313 Leursville Cleminus Rd	Ceursnile	10/5/22
Detel	5054 STYLIN FENNY	Leviville	10/5/22
Matthew March	1310 Levisier CLEMMENRO	LEWBVILLE	10/5/22
0.1	5690 STYERS FERRY RD	LEWISYILLE	10/5/22
	5070 Styris Erry BO	Leuasoille	10/5/22
	0 0	557 5 557 5	
	Break States Cer Setwen Let States Compared most Spreak Corned John Hout March Starsservon	1347 Censivill- Clemans Rot, Lanis Break Status 1305 Lewis in 16 Clemans Rot Ley Satura 1305 Lewis ville Clemans Rot 1310 /es 51/6- Clemans Rot 1310 /es 51/6- Clemans Rot 1341 Lewis Will Clemans 1341 Lewis Wille Clemans 1341 Lewis VILLE- Clemans 1341 Lewis VILLE- Clemans 1341 Lewis VILLE- Clemans 1374 Lewis VILLE- Clemans 1375 Lewis	1347 Cewiville Clemans Rot, Carinille Break Syntam 1305 Lewisiallo Clemanous Rot Ley Saturan 1305 Lewis illo Clemanous Rot [310 /excs./Co. Clemanous Rot Complaced more 1355 Lewis with Clemanous 1341 Lewis ville Clemanous 1341 Lewis ville Clemanous Lewis ville Jane Como d 1329 Lewis ville Clemanos Lewis ville April Hotelt 1313 Lewis ville Clemanos Rot Matthew March 1310 Lewis ville Clemanous Matthew March 1310 Lewis ville Clemanous Lewis ville Matthew March 1310 Lewis ville Clemanous Lewis ville Lewis ville Lewis ville



ORDINANCE 2023-006 OF THE LEWISVILLE TOWN COUNCIL AMENDING THE ZONING ORDINANCE OF THE UNIFIED DEVELOPMENT ORDINANCES AND ZONING MAP OF THE TOWN OF LEWISVILLE

Conditional District Rezoning from RS—9-C (Residential Single family, minimum lot size 9,000 sq. ft) to RM-5-C (Residential Multi-Family, maximum 5 units per acre)

(Zoning Docket L-105)

1138 Lewisville-Clemmons Road

WHEREAS, the Town of Lewisville published notification of this conditional zoning request on January 22, 2023 and January 29, 2023; and

WHEREAS, the Town of Lewisville has received an affidavit of publication for the aforementioned dates; and

WHEREAS, sign posting of the property occurred on November 1, 2022; and

WHEREAS, these procedures have been performed and certified by Town staff in accordance with North Carolina land use regulations found in NCGS 160D-601; and,

WHEREAS, the Lewisville Town Council accepts the staff report; and

WHEREAS, the Lewisville Planning Board held a public hearing and rendered its recommendation of approval to Council at their December 14, 2022 meeting; and

WHEREAS, the Lewisville Planning Board has favorably recommended approval of the request to the Town Council; and

WHEREAS, the uses requested are allowed under RM-5-C (Residential Multi-Family, maximum 5 units per acre) zoning district; and

WHEREAS, higher density residential development is encouraged in this area by the *Lewisville Tomorrow Comprehensive Plan*.

NOW, THEREFORE, BE IT ORDAINED that the Lewisville Town Council finds the proposed conditional district rezoning is consistent with and conforms to the goals and recommendations of the *Lewisville Tomorrow Comprehensive Plan*, *Legacy Development Guide* and *Lewisville Greenway and Pedestrian Connections Plan*. Further, we find that the action to be taken is reasonable and in the public interest and therefore approve the zoning map amendment and site plan.

BE IT FURTHER ORDAINED AS FOLLOWS:

Section 1: The Town of Lewisville Official Zoning Map of the Town of Lewisville, North Carolina are hereby amended.

Section 2: The property is 13.57 acres, PIN 5885-70-8928 (portion) and 5885-81-0388, located at 1138 Lewisville-Clemmons Road as shown on the attached site plan.

Section 3: This ordinance shall be effective from and after its adoption.

Adopted this the 9th day of February 2023 by the Lewisville Town Council.

ATTEST:	Mike Horn, Mayor
Dora K. Moore, Town Clerk	



STAFF REPORT

ITEM:	ORDINANCE 2023-007
SUBJECT:	BUDGET AMENDMENT TO INCREASE THE BUDGET FOR THE COMMUNITY POLICING CONTRACT
	THE COMMUNITY POLICING CONTRACT
PREPARED BY:	PAM ORRELL, FINANCE DIRECTOR
DATE SUBMITTED:	2/2/2023

BACKGROUND/SUMMARY:

On January 5, 2023 the Forsyth County Commissioners approved mid-year salary adjustments within the Sheriff's Department to counteract rising vacancy numbers and a labor market that continues to be extremely tough and competitive. As a result, the County estimates that the increase to our community policing contract for the current year will be approximately \$7,640. Also, the cost of mileage continues to be high, as they have to recruit from distances further away, and there are inflationary impacts, especially with uniform costs, small equipment and supplies. The County suggests that the Town of Lewisville may want to amend their own budget for these factors so there are no budget violations at the end of the year. The estimated revised budget for the community policing contract is as follows:

Original budget from Sheriff's Department	\$ 736,420
Estimated mid-year salary adjustments	\$ 7,640
Contingency 10%	\$ 74,406
Estimated revised budget	\$ 818,466
Current budget	\$ 758,300
Budget Amendment	\$ 60,166

STAFF RECOMMENDATION AND REQUESTED ACTION:

Staff is requesting that Council approve Ordinance 2023-007 in the amount of \$60,166 to increase the budget for the community policing contract.

FISCAL IMPACT:

The budget amendment is in the amount of \$60,166 and is to be appropriated out of General Fund Balance.

ATTACHMENT(S):
Ordinance 2023-007 - Amending Budget Ordinance 2022-001 — To increase the budget for the community policing contract.



TOWN OF LEWISVILLE Budget Amendment Ordinance 2023-007 Amending Budget Ordinance 2022-001

FINANCE DEPARTMENT USE ONLY
Budget Amendment # 23
Pam Orrell, Finance Officer

CODE	ACCOUNT DESCRIPTION	<u>AMOUNT</u>	<u>CODE</u>	ACCOUNT DESCRIPTION	<u>AMOUNT</u>
	Community Policing -			General Fund - Fund Balance	
10-10-5100-6000	Contracted Services	\$ 60,166.00	10-00-3990-9000	Appropriated	\$ 60,166.00
		\$ 60,166.00			\$ 60,166.00
EXPLANATION:				ct for the mid-year salary	
				sible inflationary overage	s in
	other items such as supp	olies and small	equipment.		
RECOMMENDED	BY: Pam Orrell, Town Fir	nance Director			
Approved and ef	fective upon adoption thi	s the 9th day o	f February 2023 by	the Lewisville Town Cou	ncil.
ATTEST:				Mike Horn, Mayor	
Dava V. Maarra 7	Tarring Claude				
Dora K. Moore, T	own cierk				



STAFF REPORT

ITEM:	ORDINANCE 2023-008
SUBJECT:	BUDGET AMENDMENT TO INCREASE RIGHT-OF-WAY MAINTENANCE
	MAINTENANCE
PREPARED BY:	PAM ORRELL, FINANCE DIRECTOR
DATE SUBMITTED:	2/9/2023

BACKGROUND/SUMMARY:

For the streets that are owned by the Town of Lewisville, we budget for the maintenance of their right-of-way's. These expenditures are paid out of Powell Bill funds provided by the State. Right-of-way maintenance includes bush hogging, flail mowing, and the removal of fallen trees due to wind storms or snow storms. The budget as originally adopted as of 7/1/2022 for right-of-way maintenance was \$33,500. Of that approximately \$20,500 is used for mowing. The remaining budget of \$13,000 is needed for fallen tree removal. The portion for fallen tree removal is almost depleted. With five months remaining in the fiscal year, and with the possibility of snow storms and spring wind storms, I am requesting that the budget for right-of-way maintenance be increased by \$20,000.

STAFF RECOMMENDATION AND REQUESTED ACTION:

Staff is requesting that Council approve Ordinance 2023-008 in the amount of \$20,000 to increase the budget for right-of-way maintenance to be paid out of Powell Bill funds.

FISCAL IMPACT:

The budget amendment is in the amount of \$20,000 to be appropriated out of General Fund Balance.

ATTACHMENT(S):

1) Ordinance 2023-008 - Amending Budget Ordinance 2022-001 - To increase the budget for right-of-way maintenance to be paid out of Powell Bill funds.



AMOUNT

CODE

ACCOUNT DESCRIPTION

TOWN OF LEWISVILLE Budget Amendment Ordinance 2023-008 Amending Budget Ordinance 2022-001

CODE

FINANCE DEPARTMENT USE ONLY

Budget Amendment # 24

Pam Orrell, Finance Officer

AMOUNT

ACCOUNT DESCRIPTION

10-00-5650-6212	Powell Bill - Right-of-Way Maintenance	\$	20,000.00	10-00-3990-9000	General Fund - Fund Balance Appropriated	\$	20,000.00
						<u> </u>	
						<u> </u>	
						 	
						 	
		\$	20,000.00			\$	20,000.00
DECOMMENDED	BY: Pam Orrell, Town F	inanc	o Director				
RECOMMENDED	bi. Faiir Offeli, Towiri	manc	e Director				
Approved and ef	fective upon adoption th	nis the	e 9th day o	f February 2023 by	/ the Lewisville Town Cou	ncil.	
ATTEST:					Mike Horn, Mayor		
					iviike muili, iviayul		
Dora K. Moore,	Town Clerk	_					
Dora K. WIOOFE,	OWIT CICIK						



STAFF REPORT

ITEM:	RESOLUTION 2023-007
SUBJECT:	CONTRACT WITH RUSSELL CONSTRUCTION COMPANY FOR
	ASPHALT PATCH ON TULLYRIES LANE
PREPARED BY:	PAM ORRELL, FINANCE DIRECTOR
DATE SUBMITTED:	2/2/2023

BACKGROUND/SUMMARY:

An area the size of 33 feet x 15 feet on Tullyries Lane needs an asphalt patch. Staff has received a quote from Russell Construction Company to perform the repair work which will be paid out of Powell Bill funding. As the contract exceeds \$10,000, Council approval is required.

STAFF RECOMMENDATION AND REQUESTED ACTION:

Staff is requesting that Council approve Resolution 2023-007 to approve the contract with Russell Construction Company for an asphalt patch on Tullyries Lane for \$10,960.

FISCAL IMPACT:

The contract is for an amount not to exceed \$10,960 and will be paid for out of Powell Bill revenues (General Fund).

ATTACHMENT(S):

Resolution 2023-007 – Awarding contract for asphalt patch on Tullyries Lane

Contract with Russell Construction



RESOLUTION 2023-007 OF THE LEWISVILLE TOWN COUNCIL AWARDING CONTRACT FOR ASPHALT PATCH ON TULLYRIES LANE

WHEREAS, a 33' x 15' area on Tullyries Lane needs an asphalt patch; and,

WHEREAS, Russell Construction Company has been selected to complete the project per the attached agreement.

NOW, THEREFORE BE IT RESOLVED, THAT THE LEWISVILLE TOWN COUNCIL approves and authorizes the Town Manager to execute an agreement with Russell Construction Company in the amount of \$10,960.

Adopted and effective this the 9th day of February 2023 by the Lewisville Town Council.

ATTEST:		Mike Horn, Mayor	
Dora K. Moore, Town Clerk	_		

\$ 10,960

TOWN OF LEWISVILLE, NORTH CAROLINA P.O. Box 547 Lewisville, NC 27023 336-945-5558

AGREEMENT

Asphalt Patch Tullyries Lane

Contractor Name/Address/Phone/Email Russell Construction Company Al Russell P.O. Box 97 Advance, NC 27006 336-998-5375 office 336-399-5271 cell alrussellconst@hotmail.com

This agreement is entered into this 26th day of January, 2023 by and between **Russell Construction Company** (the "Contractor") and the Town of Lewisville, a municipal corporation of the State of North Carolina, (the "Town"). The Town and Contractor may collectively be referred to as "Parties" hereinafter.

The Town and the Contractor, for the consideration stated herein, agree as follows:

1. Scope of Work

The Contractor agrees to perform for the Town the following services: The Contractor, Russell Construction Company, shall furnish the necessary materials, equipment, supervision, and labor to complete the work as outlined in the attached quote which is attached to and made a part of this Agreement.

2. Specifications

The Contractor shall provide services in accordance with all governing agency regulations and shall be held to the same standard and shall exercise the same degree of care, skill and judgment in the performance of services for the Town as is ordinarily provided by a similar professional under the same or similar circumstances at the time in North Carolina. Upon request by the Town, the Contractor will provide plans and specifications prior to engaging in any services under this Agreement. The Contractor hereby acknowledges that it is fully licensed to perform the work contemplated by this Agreement. In the event of a conflict between any provided plans and specifications and this Agreement, this Agreement shall control.

3. Time of Commencement and Completion

Contractor shall commence the work required in this Agreement as soon as possible, and the Contractor shall complete entire work no later than March 10, 2023. If the Contractor has not satisfactorily commenced or completed the work within the times specified, the Town may declare such delay a material breach of contract and may pursue all available legal and

equitable remedies. Any changes to the schedule(s) provided in this Agreement must be agreed to in writing by the Town and the Contractor.

4. Consideration and Payment of Services

In consideration of the above services, the Town will pay the Contractor the total sum of \$10,960.00 to be paid within 30 days from receipt of the invoice. The Town shall pay the Contractor's invoices at the times set forth in this Agreement unless a bona fide dispute exists between the Town and the Contractor concerning the accuracy of said invoice, the services covered thereby, or the performance of Contractor's obligations under this Agreement.

5. Indemnification

To the extent permitted by law, the Contractor agrees to defend, pay on behalf of, indemnify, and hold harmless the Town of Lewisville, its elected and appointed officials, employees, agents, and volunteers against any and all claims, demands, suits or losses, including all costs connected therewith, for any damages which may be asserted, claimed or recovered against or from the Town of Lewisville, its elected or appointed officials, employees, agents, and volunteers by reason of personal injury, including bodily injury or death and/or property damage, including loss of use thereof resulting from the negligence of the Contractor.

6. Applicability of Laws and Regulations

The Contractor shall adhere to all laws, ordinances, and regulations of the United States, the State of North Carolina, the County of Forsyth, and the Town of Lewisville in the performance of the services outlined in this Agreement and any attached specifications. This Agreement shall be governed by the laws of the State of North Carolina.

7. E-Verify Compliance

The Contractor shall comply with the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes (E-Verify). The Contractor shall require all of the Contractor's subcontractors to comply with the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes (E-Verify).

8. Independent Contractor

The Contractor agrees that he/she is an independent contractor not under the control or supervision of the Town and therefore not eligible for worker's compensation or other Town employee benefits. The Contractor shall be wholly responsible for the methods, means, and techniques of performance. Contractor does not make this agreement under any duress.

9. Anti-Human Trafficking

The Contractor warrants and agrees that no labor supplied by the Contractor or the Contractor's subcontractors in the performance of this Agreement shall be obtained by means of deception, coercion, intimidation or force, or otherwise in violation of North Carolina law, specifically Article 10A, Subchapter 3 of Chapter 14 of the North Carolina General Statutes, Human Trafficking.

10. Quality and Workmanship

All work shall be performed to the satisfaction of the Town. The work shall not be considered complete nor applicable payments rendered until the Town is satisfied with the services provided.

11. Insurance

The Contractor shall maintain in full force and effect throughout the term of this Agreement and throughout any extension or renewal thereof the following types of insurance in at least the limits specified below:

- a. Workers' Compensation Insurance at or above the Statutory Minimum.
- b. Employer's Liability Insurance in the minimum amount of \$500,000.
- c. General Liability Insurance in the minimum amount of \$1,000,000.
- d. Automobile Insurance in the minimum amount of \$1,000,000.

The Contractor shall provide certificates of insurance showing proof of the above coverages. The Contractor shall provide notice of cancellation, non-renewal or material change in coverage to the Town of Lewisville within 10 days of their receipt of notice from the insurance company. Notwithstanding the foregoing, neither the requirement of the Contractor to have sufficient insurance nor the requirement that the Town is named as an additional insured, shall constitute waiver of the Town's governmental immunity in any respect, under North Carolina law.

12. Pre-Project Safety Review Meeting

When specified by the Town, the Contractor shall attend a pre-project safety review meeting with the contacting Town representative prior to the start of work.

13. Default

In the event of substantial failure by the Contractor to perform in accordance with the terms of this Agreement, the Town shall have the right to terminate this Agreement upon seven (7) days written notice in which event the Contractor shall have neither the obligation nor the right to perform further services under this Agreement.

14. Termination for Convenience

The Town shall have the right to terminate this Agreement for the Town's convenience upon thirty (30) days written notice to Contractor. The Contractor shall terminate performance of services on a schedule acceptable to the Town. In the event of termination for convenience, the Town shall pay the Contractor for all services satisfactorily performed.

15. Delay Beyond the Control of the Parties

Neither Contractor nor Town shall be in default of the provisions of this Agreement for delays in performance due to forces beyond the control the Parties. "Forces Beyond the Control of the Parties" shall mean, but is not limited to, delay caused by fire, acts of God, flood, earthquakes, storms, lightning, epidemic, war, riot, strike, pandemic, civil disobedience, and/or governmental order or regulation.

16. Nonwaiver for Breach

No breach or non-performance of any term of this Agreement shall be deemed to be waived by either party unless said breach or non-performance is waived in writing and signed by the Parties. No waiver of any breach or non-performance under this Agreement shall be deemed to constitute a waiver of any subsequent breach or non-performance and for any such breach or non-performance each party shall be relegated to such remedies as provided by law.

17. Construction

Should any portion of this Agreement require judicial interpretation, it is agreed that the Court or Tribunal construing the same shall not apply a presumption that the terms hereof shall be more strictly construed against any one party by reason of the rule of construction that a document is to be more strictly construed against the party who prepared the documents.

18. No Representations

The Parties hereby warrant that no representations about the nature or extent of any claims, demands, damages, or rights that they have, or may have, against one another have been made to them, or to anyone acting on their behalf, to induce them to execute this Agreement, and they rely on no such representations, that they have fully read and understand this Agreement before signing their names, and that they act voluntarily and with full advice of counsel.

19. Severability

In the event for any reason that any provision or portion of this Agreement shall be found to be void or invalid, then such provision or portion shall be deemed to be severable from the remaining provisions or portions of this Agreement, and it shall not affect the validity of the remaining portions, which portions shall be given full effect as if the void or invalid provision or portion had not been included herein.

20. Counterparts

This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, and all of which together shall constitute one instrument.

21. Modification

This Agreement contains the full understanding of the Parties. Any modifications or addendums to this Agreement must be in writing and executed with the same formality as this Agreement.

22. Binding Effect

The terms of this Agreement shall be binding upon the parties' heirs, successors, and assigns.

23. Assignment

The Contractor shall not assign, sublet, or transfer any rights under or interest in (including, but without limitation, monies that may become due or monies that are due) this Agreement without the written consent of the Town. Nothing contained in this paragraph shall prevent

the Contractor from employing such independent consultants, associates, and subcontractors as it may deem appropriate to assist the Contractor in the performance of services rendered.

24. Non-Appropriation

Notwithstanding any other provisions of the Agreement, the Parties agree that payments due hereunder from the Town are from appropriations and monies from the Town Council and any other governmental entities. In the event sufficient appropriations or monies are not made available to the Town to pay the terms of this Agreement for any fiscal year, this Agreement shall terminate immediately without further obligation of the Town.

25. Electronic Signature

Pursuant to Article 40 of Chapter 66 of the North Carolina General Statutes (the Uniform Electronic Transactions Act) this Agreement and all documents related hereto containing an electronic or digitized signature are legally binding in the same manner as are hard copy documents executed by hand signature. The Parties hereby consent to use electronic or digitized signatures and intend to be bound by the Agreement and any related documents. If electronic signatures are used the Agreement shall be delivered in an electronic record capable of retention by the recipient at the time of receipt.

26. Notice

A letter properly addressed and sent by mail, certified mail, or registered mail to any party at the addresses provided below shall constitute sufficient notice whenever written notice is required for any purpose of this agreement. Notice will be considered sent either when received at the appropriate address or deposited in the United States mail.

Town of Lewisville P.O. Box 547				
Lewisville, NC 27023				
336-945-5558				
330-343-3330				
James Ayers				
Town Manager				
Date				
Russell Construction Company				
Al Russell				
P.O. Box 97				
Advance, NC 27006				
Signature				
Date				

This instrument has been preaudited in the manner required by the Local Government	ıt
Budget and Fiscal Control Act.	

Pam Orrell, Finance Officer



Russell Construction Company PO Box 97

Advance, NC 27006 Office: (336) 998-5375 Cell: (336) 399-5271

alrussellconst@hotmail.com

January 18, 2023

David Matthews Town of Lewisville PO Box 547 Lewisville, NC 27023

RE: Asphalt Patch Tullyries Lane

David,

We propose to furnish all the necessary material, equipment, supervision, and labor to perform the following work as outlined below.

EXCAVATION: Area to be patched is 33' x 15'. Area will be sawed. Asphalt, stone base, and wet dirt will be removed to a depth of 3'. All waste material will be legally dumped off site. **(\$3,120.00)**

STONE REPLACEMENT: Install fabric underlayment, 18" of surge stone (compacted), and 16" CABC (compacted). **(\$5,200.00)**

ASPHALT: Install 2 1/2" of asphalt surface mix. (\$2,640.00)

TOTAL QUOTE: \$10,960.00*

NOTES:

- 1. This is a not to exceed price. Upon excavation, if above is reduced, a credit will be applied.
- 2. Road will need to be closed while work is performed.

Respectfully submitted,

Albert B. Russell, PE Russell Construction Co.



STAFF REPORT

ITEM:	RESOLUTION 2023-008
SUBJECT:	CONTRACT WITH RUSSELL CONSTRUCTION COMPANY FOR SIDEWALK AND DRAINAGE REPAIRS ALONG SHALLOWFORD ROAD AT LEWISVILLE UNITED METHODIST CHURCH
PREPARED BY:	PAM ORRELL, FINANCE DIRECTOR
DATE SUBMITTED:	2/2/2023

BACKGROUND/SUMMARY:

A 22' x 25' area of the sidewalk along Shallowford Road at Lewisville United Methodist Church has suffered water damage and needs repair. As the contract amount of \$13,620 exceeds \$10,000, Council approval is necessary.

STAFF RECOMMENDATION AND REQUESTED ACTION:

Staff is requesting that Council approve Resolution 2023-008 to approve the contract with Russell Construction Company for sidewalk and drainage repairs along Shallowford Road at Lewisville United Methodist Church for \$13,620.

FISCAL IMPACT:

The contract is for an amount not to exceed \$13,620 and will be paid for out of the Storm Water Department of the General Fund.

ATTACHMENT(S):

Resolution 2023-008 – Awarding contract for sidewalk repairs

Contract with Russell Construction



RESOLUTION 2023-008 OF THE LEWISVILLE TOWN COUNCIL AWARDING CONTRACT FOR SIDEWALK REPAIRS

WHEREAS, the Public Works Department monitors Town sidewalks for hazards; and

WHEREAS, a 22' x 25' area of sidewalk located along Shallowford Road at Lewisville United Methodist Church has suffered water damage; and,

WHEREAS, Russell Construction Company has been selected to complete the project per the attached agreement.

NOW, THEREFORE BE IT RESOLVED, THAT THE LEWISVILLE TOWN COUNCIL approves and authorizes the Town Manager to execute an agreement with Russell Construction Company in the amount of \$13,620.

Adopted and effective this the 9th day of February 2023 by the Lewisville Town Council.

ATTEST:	Mike Horn, Mayor
Dora K. Moore, Town Clerk	

10-00-5700-6001 \$ 13,620

TOWN OF LEWISVILLE, NORTH CAROLINA P.O. Box 547 Lewisville, NC 27023 336-945-5558

AGREEMENT

Sidewalk and Drainage Repairs along Shallowford Road at Lewisville UMC

Contractor Name/Address/Phone/Email Russell Construction Company Al Russell P.O. Box 97 Advance, NC 27006 336-998-5375 office 336-399-5271 cell alrussellconst@hotmail.com

This agreement is entered into this 26th day of January, 2023 by and between **Russell Construction Company** (the "Contractor") and the Town of Lewisville, a municipal corporation of the State of North Carolina, (the "Town"). The Town and Contractor may collectively be referred to as "Parties" hereinafter.

The Town and the Contractor, for the consideration stated herein, agree as follows:

1. Scope of Work

The Contractor agrees to perform for the Town the following services: The Contractor, Russell Construction Company, shall furnish the necessary materials, equipment, supervision, and labor to complete the work as outlined in the attached quote which is attached to and made a part of this Agreement.

2. Specifications

The Contractor shall provide services in accordance with all governing agency regulations and shall be held to the same standard and shall exercise the same degree of care, skill and judgment in the performance of services for the Town as is ordinarily provided by a similar professional under the same or similar circumstances at the time in North Carolina. Upon request by the Town, the Contractor will provide plans and specifications prior to engaging in any services under this Agreement. The Contractor hereby acknowledges that it is fully licensed to perform the work contemplated by this Agreement. In the event of a conflict between any provided plans and specifications and this Agreement, this Agreement shall control.

3. Time of Commencement and Completion

Contractor shall commence the work required in this Agreement as soon as possible, and the Contractor shall complete entire work no later than March 10, 2023. If the Contractor has not satisfactorily commenced or completed the work within the times specified, the Town may declare such delay a material breach of contract and may pursue all available legal and

equitable remedies. Any changes to the schedule(s) provided in this Agreement must be agreed to in writing by the Town and the Contractor.

4. Consideration and Payment of Services

In consideration of the above services, the Town will pay the Contractor the total sum of \$13,620.00 to be paid within 30 days from receipt of the invoice. The Town shall pay the Contractor's invoices at the times set forth in this Agreement unless a bona fide dispute exists between the Town and the Contractor concerning the accuracy of said invoice, the services covered thereby, or the performance of Contractor's obligations under this Agreement.

5. Indemnification

To the extent permitted by law, the Contractor agrees to defend, pay on behalf of, indemnify, and hold harmless the Town of Lewisville, its elected and appointed officials, employees, agents, and volunteers against any and all claims, demands, suits or losses, including all costs connected therewith, for any damages which may be asserted, claimed or recovered against or from the Town of Lewisville, its elected or appointed officials, employees, agents, and volunteers by reason of personal injury, including bodily injury or death and/or property damage, including loss of use thereof resulting from the negligence of the Contractor.

6. Applicability of Laws and Regulations

The Contractor shall adhere to all laws, ordinances, and regulations of the United States, the State of North Carolina, the County of Forsyth, and the Town of Lewisville in the performance of the services outlined in this Agreement and any attached specifications. This Agreement shall be governed by the laws of the State of North Carolina.

7. E-Verify Compliance

The Contractor shall comply with the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes (E-Verify). The Contractor shall require all of the Contractor's subcontractors to comply with the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes (E-Verify).

8. Independent Contractor

The Contractor agrees that he/she is an independent contractor not under the control or supervision of the Town and therefore not eligible for worker's compensation or other Town employee benefits. The Contractor shall be wholly responsible for the methods, means, and techniques of performance. Contractor does not make this agreement under any duress.

9. Anti-Human Trafficking

The Contractor warrants and agrees that no labor supplied by the Contractor or the Contractor's subcontractors in the performance of this Agreement shall be obtained by means of deception, coercion, intimidation or force, or otherwise in violation of North Carolina law, specifically Article 10A, Subchapter 3 of Chapter 14 of the North Carolina General Statutes, Human Trafficking.

10. Quality and Workmanship

All work shall be performed to the satisfaction of the Town. The work shall not be considered complete nor applicable payments rendered until the Town is satisfied with the services provided.

11. Insurance

The Contractor shall maintain in full force and effect throughout the term of this Agreement and throughout any extension or renewal thereof the following types of insurance in at least the limits specified below:

- a. Workers' Compensation Insurance at or above the Statutory Minimum.
- b. Employer's Liability Insurance in the minimum amount of \$500,000.
- c. General Liability Insurance in the minimum amount of \$1,000,000.
- d. Automobile Insurance in the minimum amount of \$1,000,000.

The Contractor shall provide certificates of insurance showing proof of the above coverages. The Contractor shall provide notice of cancellation, non-renewal or material change in coverage to the Town of Lewisville within 10 days of their receipt of notice from the insurance company. Notwithstanding the foregoing, neither the requirement of the Contractor to have sufficient insurance nor the requirement that the Town is named as an additional insured, shall constitute waiver of the Town's governmental immunity in any respect, under North Carolina law.

12. Pre-Project Safety Review Meeting

When specified by the Town, the Contractor shall attend a pre-project safety review meeting with the contacting Town representative prior to the start of work.

13. Default

In the event of substantial failure by the Contractor to perform in accordance with the terms of this Agreement, the Town shall have the right to terminate this Agreement upon seven (7) days written notice in which event the Contractor shall have neither the obligation nor the right to perform further services under this Agreement.

14. Termination for Convenience

The Town shall have the right to terminate this Agreement for the Town's convenience upon thirty (30) days written notice to Contractor. The Contractor shall terminate performance of services on a schedule acceptable to the Town. In the event of termination for convenience, the Town shall pay the Contractor for all services satisfactorily performed.

15. Delay Beyond the Control of the Parties

Neither Contractor nor Town shall be in default of the provisions of this Agreement for delays in performance due to forces beyond the control the Parties. "Forces Beyond the Control of the Parties" shall mean, but is not limited to, delay caused by fire, acts of God, flood, earthquakes, storms, lightning, epidemic, war, riot, strike, pandemic, civil disobedience, and/or governmental order or regulation.

16. Nonwaiver for Breach

No breach or non-performance of any term of this Agreement shall be deemed to be waived by either party unless said breach or non-performance is waived in writing and signed by the Parties. No waiver of any breach or non-performance under this Agreement shall be deemed to constitute a waiver of any subsequent breach or non-performance and for any such breach or non-performance each party shall be relegated to such remedies as provided by law.

17. Construction

Should any portion of this Agreement require judicial interpretation, it is agreed that the Court or Tribunal construing the same shall not apply a presumption that the terms hereof shall be more strictly construed against any one party by reason of the rule of construction that a document is to be more strictly construed against the party who prepared the documents.

18. No Representations

The Parties hereby warrant that no representations about the nature or extent of any claims, demands, damages, or rights that they have, or may have, against one another have been made to them, or to anyone acting on their behalf, to induce them to execute this Agreement, and they rely on no such representations, that they have fully read and understand this Agreement before signing their names, and that they act voluntarily and with full advice of counsel.

19. Severability

In the event for any reason that any provision or portion of this Agreement shall be found to be void or invalid, then such provision or portion shall be deemed to be severable from the remaining provisions or portions of this Agreement, and it shall not affect the validity of the remaining portions, which portions shall be given full effect as if the void or invalid provision or portion had not been included herein.

20. Counterparts

This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, and all of which together shall constitute one instrument.

21. Modification

This Agreement contains the full understanding of the Parties. Any modifications or addendums to this Agreement must be in writing and executed with the same formality as this Agreement.

22. Binding Effect

The terms of this Agreement shall be binding upon the parties' heirs, successors, and assigns.

23. Assignment

The Contractor shall not assign, sublet, or transfer any rights under or interest in (including, but without limitation, monies that may become due or monies that are due) this Agreement without the written consent of the Town. Nothing contained in this paragraph shall prevent

the Contractor from employing such independent consultants, associates, and subcontractors as it may deem appropriate to assist the Contractor in the performance of services rendered.

24. Non-Appropriation

Notwithstanding any other provisions of the Agreement, the Parties agree that payments due hereunder from the Town are from appropriations and monies from the Town Council and any other governmental entities. In the event sufficient appropriations or monies are not made available to the Town to pay the terms of this Agreement for any fiscal year, this Agreement shall terminate immediately without further obligation of the Town.

25. Electronic Signature

Pursuant to Article 40 of Chapter 66 of the North Carolina General Statutes (the Uniform Electronic Transactions Act) this Agreement and all documents related hereto containing an electronic or digitized signature are legally binding in the same manner as are hard copy documents executed by hand signature. The Parties hereby consent to use electronic or digitized signatures and intend to be bound by the Agreement and any related documents. If electronic signatures are used the Agreement shall be delivered in an electronic record capable of retention by the recipient at the time of receipt.

26. Notice

A letter properly addressed and sent by mail, certified mail, or registered mail to any party at the addresses provided below shall constitute sufficient notice whenever written notice is required for any purpose of this agreement. Notice will be considered sent either when received at the appropriate address or deposited in the United States mail.

Town of Lewisville P.O. Box 547 Lewisville, NC 27023 336-945-5558
James Ayers Town Manager
Date
Russell Construction Company Al Russell P.O. Box 97 Advance, NC 27006
Signature
Date

This instrument has been preaudited in the manner	r required by the Local Government
Budget and Fiscal Control Act.	

Pam Orrell, Finance Officer

Russell Construction Company PO Box 97

Advance, NC 27006 Office: (336) 998-5375 Cell: (336) 399-5271

alrussellconst@hotmail.com

January 18, 2023

David Matthews Town of Lewisville PO Box 547 Lewisville, NC 27023

RE: Sidewalk and Drainage Repair

Shallowford Road @ Lewisville UMC

David,

We propose to furnish all the necessary material, equipment, supervision, and labor to perform the following work as outlined below.

DEMOLITION: Remove 22'-25' of existing concrete sidewalk, and metal flume. Saw ends for clean tie on.

DRAINAGE: Excavate into existing slope and remove approximately 3' of existing PVC drain pipe. Hand build blind box to tie existing pipe to proposed metal flume. Set metal flume to grade.

CONCRETE WORK: Form and pour a 5' (wide) x 22'-25' (length) concrete sidewalk at a minimum of 4' deep. Concrete to be 3000 psi.

SEED: Repair seed disturbed area.

TOTAL QUOTE: \$13,620.00*

*NOTES:

1. Fabrication of metal flume is 3-4 weeks.

Respectfully submitted,

Albert B. Russell, PE Russell Construction Co.



STAFF REPORT

ITEM:	ORDINANCE 2023-009
SUBJECT:	PLANNING BOARD & ZBOA CHARTER CHANGE – TERM LIMITS
	LIMITS
PREPARED BY:	DORA MOORE, TOWN CLERK
DATE SUBMITTED:	FEBRUARY 2, 2023

BACKGROUND/SUMMARY:

The Planning Board and Zoning Board of Adjustments charter currently reflects term limits. At the January 2023 Council retreat, Council requested the charter be updated to reflect no term limits.

The ordinance presented to Council is redlined on pages 1 and 2 so Council can review the proposed change.

The proposed revision presented to Council only addresses term limits. All board and committee charters are currently being reviewed and additional proposed changes will be shared with Council in the coming months.

STAFF RECOMMENDATION AND REQUESTED ACTION:

Staff recommends Ordinance 2023-009 be approved by Council.

FISCAL IMPACT:

None

ATTACHMENT(S):

1) Ordinance 2023-009 – Amending Planning Board and Zoning Board of Adjustments charter



ORDINANCE 2018023-2023-009 AMENDING THE TOWN OF LEWISVILLE TOWN CODE CHAPTER 10 PLANNING ORGANIZATION CHARTER

WHEREAS, the General Statutes of North Carolina, Chapter 160A, Article 19 provides for the establishment and operation of a municipal planning board; and

WHEREAS, the Town Council has previously adopted an ordinance establishing its Planning Board and Zoning Board of Adjustment; and

WHEREAS, the Beautification Committee is named as a member of the Planning Organization; and

WHEREAS, the Town Council needs the active assistance and constant cooperation of many civic-minded citizens residents in their efforts to serve the best interests of the people and to direct development of the Town; and

WHEREAS, the ordinance has been amended to include membership and vacancies as described in Ordinance 2006024 and the expiration of terms from December 31 and extending to the next occurring March 31; and

WHEREAS, Council has clarified when newly appointed board members are seated and amended Chapter 10 of the Town Code to reflect the change.

WHEREAS, Council has determined that term limits are not necessary.

NOW THEREFORE BE IT ORDAINED THAT THE LEWISVILLE TOWN COUNCIL amends Chapter 10 to provide for an alternative for the election of the Chair and Vice Chair of the Planning Board and Zoning Board of Adjustmenteliminate term limits for the Planning Board and Zoning Board of Adjustments.

SECTION 1. Scope of Planning.

Every action and program of every component of the Town of Lewisville involves planning, in a broad sense of the term. For purposes of this ordinance, the term is restricted to activities and programs involving physical, economic, and social development of the town.

SECTION 2. Planning Agencies.

The following are designated as planning agencies assigned responsibilities under this ordinance: The Town Council, the Planning Board, the Zoning Board of Adjustment, the Lewisville Beautification Committee, and the Office of the Town Manager.

SECTION 3. Town Council.



ORDINANCE 2018023-2023-009 AMENDING THE TOWN OF LEWISVILLE TOWN CODE CHAPTER 10 PLANNING ORGANIZATION CHARTER

In its legislative capacity, the Town Council adopts policies, ordinances, and amendments; appropriates funds; approves acquisitions, construction, and disposition of public facilities; and oversees administration of the town. In its quasi-judicial or administrative capacity, it issues special-use permits or conditional-use permits specified for its review under the zoning ordinance (G.S. 160A-381), and gives final approval to plats of proposed subdivisions (G.S. 160A-373).

SECTION 4. Town Planning Board.

The Town Planning Board of the Town of Lewisville is hereby created, in accordance with the following provisions.

A. Membership and Vacancies.

From and after July 1, 2004 the Planning Board shall consist of seven (7) members. From the period beginning on July 1, 2003 until June 30, 2004 the Planning Board shall consist of five (5) members with an additional two (2) members who shall serve as ex-officio members. The ex-officio members shall have no voting authority and shall not be treated as Planning Board members for the purpose of determining the outcome of votes, the presence of a quorum or any other purpose. Except for the two (2) ex-officio members prior to July 1, 2004, who shall be residents of the Vienna annexation area, all members of the Planning Board shall be etitizens residents and residents of the Town of Lewisville and shall be appointed by the Town Council. Members will be appointed for terms of three (3) years, except for the first appointment of the two (2) new members of the Planning Board when the size of the Planning Board is increased to seven (7) on July 1, 2004. The terms of these two (2) new members shall be for the following periods: one of the new members will serve from July 1, 2004 to December 31, 2006 and the other new member will serve from July 1, 2004 to December 31, 2007. Vacancies occurring for reasons other than expiration of terms shall be filled as they occur for the period of the unexpired term.

Commencing with terms expiring in December, 2005, upon the expiration of the term of a Planning Board member, such Planning Board member shall be limited to a maximum of three (3) consecutive terms from and after December, 2005, and shall be ineligible for reappointment to the Planning Board for a period of three (3) years thereafter; provided, however, if, at the end of the term of a Planning Board member who is not eligible for reappointment due to the limit on consecutive terms, no different—replacement applies for the position or obtains the required vote to be elected to the position, then such a member may be appointed for one (1) additional term.—In 2006, Council determined that the terms should end on March 31 rather than December 31, and extended all terms of then serving members from the date their terms would have expired to the next occurring March 31. New terms shall commence on April 1. Board members shall be appointed by and serve at the pleasure of the Council, each to serve an unlimited number of three (3)-year terms.



ORDINANCE 2018023-2023-009 AMENDING THE TOWN OF LEWISVILLE TOWN CODE CHAPTER 10 PLANNING ORGANIZATION CHARTER

Members may be removed by the Town Council.

B. <u>Organization, Rules, Meetings, and Records</u>.

(1) At the first scheduled meeting following April 1 or, based on the Board's meeting schedule, the first scheduled meeting following appointments made at the March Council meeting, whichever comes first, the Planning Board shall meet and elect a chair, vice chair and create and fill such offices as it may determine. The term of the chair, vice chair and other officers shall be one year, with eligibility for reelection. The Board shall adopt rules of attendance of its members and for transaction of its business and shall keep records of its members' attendance and of its resolutions, discussions, findings, and recommendations, which shall be public records. The Board shall hold at least one meeting monthly, and all of its meetings shall be open to the public. There shall be a quorum of four (4) members for the purpose of taking any official action.

C. General Powers and Duties.

It shall be the duty of the Planning Board, in general:

- (1) To acquire and maintain in current form such basic information and materials as are necessary to understanding of past trends, present conditions, and forces at work to cause changes in these conditions;
 - (2) To identify needs and problems growing out of those trends;
 - (3) To determine objectives to be sought in development of the area;
 - (4) To establish principles and policies for guiding action in development of the area;
- (5) To prepare and recommend to the Town Council and from time to time, recommend amendments and revisions to a comprehensive and coordinated plan for the physical, social, and economic development of the area;
- (6) To prepare and recommend to the Town Council ordinances promoting orderly development along lines indicated in the comprehensive plan and advise it concerning proposed amendments of such ordinances;
- (7) To determine whether specific proposed developments conform to the principles and requirements of the comprehensive plan for the growth and improvement of the area and ordinances



ORDINANCE 2018023-2023-009 AMENDING THE TOWN OF LEWISVILLE TOWN CODE CHAPTER 10 PLANNING ORGANIZATION CHARTER

adopted in furtherance of such plan;

- (8) To keep the Town Council and the general public informed and advised as to these matters; and
 - (9) To perform any other duties that may lawfully be assigned to it.

D. Basic Studies.

As background for its comprehensive plan and any ordinances it may prepare, the Planning Board may gather maps and aerial photographs of physical features of the area; statistics on past trends and present conditions with respect to population, property values, the economic base of the area, and land use; and such other information as is important or likely to be important in determining the amount, direction, and kind of development to be expected in the area and its various parts.

In addition, the Planning Board may make, cause to be made, or obtain special studies on the location, the condition, and the adequacy of specific facilities, which may include, but are not limited to, studies of housing; commercial and industrial facilities; parks, playgrounds, and other recreational facilities; public and private utilities; and traffic, transportation, and parking facilities.

All Town officials shall, upon request, furnish to the Planning Board such available records or information as it may require in its work. The Board or its agents may, in the performance of its official duties, enter upon lands and make examinations or surveys and maintain necessary monuments thereon.

E. Comprehensive Plan.

The Planning Board shall prepare and submit to the Town Council for its consideration and possible adoption, a comprehensive plan, with the accompanying maps, plats, charts, and descriptive matter, showing the Planning Board's recommendations to the Town Council for the development of said territory, including, among other things, the general location, character, and extent of streets, bridges, boulevards, parkways, playgrounds, squares, parks, aviation fields, and other public ways, grounds, and open spaces; the general location and extent of public utilities and terminals, whether publicly or privately owned or operated, for water, light, sanitation, transportation, communication, power, and other purposes; the removal, relocation, widening, narrowing, vacating, abandonment, change of use, or extension of any of the foregoing ways, building, grounds, open spaces, property, utilities, or terminals; and the most desirable pattern of land use within the area, including areas for farming and forestry, for manufacturing and industrial uses, for commercial uses, for recreational uses, for open spaces, and for mixed uses. The Planning Board shall use as its basis the plan previously informally adopted by the Town



ORDINANCE 2018023-2023-009 AMENDING THE TOWN OF LEWISVILLE TOWN CODE CHAPTER 10 PLANNING ORGANIZATION CHARTER

Council.

The plan and any ordinances or other measures to effectuate it recommended by the Planning Board shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the town and its environs that will, in accordance with present and future needs, best promote health, safety, morals, and the general welfare, as well as efficiency and economy in the process of development; including, among other things, adequate provision for traffic, of the healthful and convenient distribution of population, the promotion of good civic design and arrangement, wise and efficient expenditure of public funds, and the adequate provision of public utilities, services, and other public requirements.

F. Subdivision Regulations.

The Planning Board shall prepare and submit to the Town Council for its consideration and possible adoption, regulations controlling the subdivision of land in accordance with the provisions of Part 2 Article 19 of Chapter 160A of the General Statutes as amended. It shall review, from time to time, the effectiveness of such regulations and may make proposals to the Town Council for amendment or the improvement of those regulations and their enforcement.

In accordance with the provisions of any regulations that are adopted, the Planning Board may review subdivision plats that are submitted and make recommendations to the Town Council concerning such plats.

G. Zoning Ordinance.

The Planning Board shall prepare and submit to the Town Council for its consideration and possible adoption a zoning ordinance in accordance with the provision of Part 3 Article 19 of Chapter 160A of the General Statutes as amended.

The Planning Board may initiate, from time to time, proposals for amendment of the zoning ordinance, based upon it studies and comprehensive plan. In addition, it shall review and make recommendations to the Town Council concerning all proposed amendments to the zoning ordinance.

H. Public Facilities.

The Planning Board shall review with the Town Manager and other town officials and report its recommendations to the Town Council concerning the location, extent, and design of all proposed public structures and facilities; the acquisition and disposition of public properties; and the establishment of



ORDINANCE 2018023-2023-009 AMENDING THE TOWN OF LEWISVILLE TOWN CODE CHAPTER 10 PLANNING ORGANIZATION CHARTER

building lines, mapped street lines, and proposals to change existing street lines. The Board shall include transportation planning in its purview. It shall also make recommendations concerning other matters referred to it by the Town Council.

K. Economic Development.

The Planning Board may prepare and amend from time to time an economic development program for submission to the Town Council, as authorized by Section 158-13 of the General Statutes.

L. <u>Miscellaneous Powers and Duties</u>.

The Planning Board may conduct such public hearings as may be required to gather information for the maintenance of the comprehensive plan. Before proposing any changes to such plan to the Town Council, it shall hold at least one public hearing thereon.

The Planning Board shall have power to promote public interest in and an understanding of its recommendations, and to that end it may publish and distribute copies of its recommendations and may employ such other means of publicity and education as it may elect.

Members or employees of the Planning Board, when duly authorized by the Board, may attend planning conferences, meetings of planning associations, or hearings on pending planning legislation, and the Planning Board may authorize payment in accordance with Town policy and within the Planning Board's budget.

M. Report

The Planning Board shall, in July of each year, submit in writing to the Town Council, a report of its activities and an analysis of its expenditures to date for the previous fiscal year and any other reports upon request by Council.

N. Funding

- (1) The Board shall submit an annual budget request to the Town Manager by February 28th of each year.
 - (2) The Board's budget shall include:
- (a) The costs of items and/or contracts required to implement anticipated Board recommended projects.



TOWN OF LEWISVILLE ORDINANCE 2018023-2023-009 AMENDING THE TOWN OF LEWISVILLE TOWN CODE CHAPTER 10 PLANNING ORGANIZATION CHARTER

- (b) The costs of items and/or contracts required to sustain previous contracts and project.
- (c) Expenditures must follow the town financial procedures.
- (d) Expenditures must be approved in meetings and reflected in meeting minutes.
- (3) Advisory Council and Special Committees.

The Planning Board may establish an unofficial Advisory Council and may cooperate with that Council to the end that its investigations and plans may receive full consideration, but the Board may not delegate to such Advisory Council any of its official powers and duties.

The Planning Board may from time to time establish special committees to assist it in studying specific questions and problems.

SECTION 5. Town Manager.

The Town Manager and his/her assigned and/or contracted staff shall assist the Town Council, the Planning Board, the Zoning Board of Adjustment, the Lewisville Beautification Committee, and other appropriate agencies with studies, advice, and preparation plans.

SECTION 6. Zoning Board of Adjustment.

The Zoning Board of Adjustment is charged with hearing appeals from the Zoning Administrator's decisions; granting in specified circumstances special exceptions, special-use permits, or conditional-use permits under the zoning ordinance; and issuing variances under the zoning ordinance, all pursuant to provisions of Part 3 of Article 19 of Chapter 160A of the General Statutes and the zoning ordinance.

In 2006, Council determined that the terms should end on March 31 rather than January 1, and extended all terms of then serving members from the date their terms would have expired to the next occurring March 31. New terms shall commence on April 1.

Chair: The Board membership shall select from among themselves a Chair.

- i. The Chair shall serve for one year.
- ii. The Chair shall be selected at the first scheduled meeting after April 1 or, based on the Board's meeting schedule, the first scheduled meeting following



ORDINANCE 2018023-2023-009 AMENDING THE TOWN OF LEWISVILLE TOWN CODE CHAPTER 10 PLANNING ORGANIZATION CHARTER

appointments made at the March Council meeting, whichever comes first.

- b. Vice-Chair: The Board membership shall select from among themselves a Vice-Chair.
 - i. The Vice-Chair shall serve for one year.
 - ii. The Vice-Chair shall be selected at the first scheduled meeting after April 1 or, based on the Board's meeting schedule, the first scheduled meeting following appointments made at the March Council meeting, whichever comes first.

SECTION 7. Lewisville Beautification Committee.

The Lewisville Beautification Committee develops and carries out voluntary programs, policies, and resolutions to improve community appearance and advises governmental agencies on aesthetic matters, pursuant to its charter.

SECTION 8. <u>Inspection Service</u>.

Inspection services provided by town staff or contracted staff shall enforce the zoning ordinance, the sign ordinance, and other ordinances as assigned by the Town Council and the Manager. The designated staff shall be responsible for issuing the appropriate permits, certificates, and orders for the purpose of appropriately maintaining the public welfare and safety.

SECTION 9. Transition.

Notwithstanding the foregoing, the County of Forsyth shall retain all planning authority and jurisdiction within the Town limits until the Town of Lewisville and the County of Forsyth have agreed in accordance with Town of Lewisville Ordinance Number 1, that such authority and jurisdiction have been transferred to and assumed by the Town of Lewisville.

SECTION 10. Appointment of the Initial Board (Procedures).

Notwithstanding the foregoing, the following special provisions shall apply only to the appointment of the initial Lewisville Planning Board:

1. Members.

The Town Council shall select the five members of the Board from a pool of Lewisville CitizensResidents who have applied for a position as a Lewisville Planning Board member.



ORDINANCE 2018023-2023-009 AMENDING THE TOWN OF LEWISVILLE TOWN CODE CHAPTER 10 PLANNING ORGANIZATION CHARTER

2. Terms of Office.

A. Reference Section 4. <u>Town Planning Board</u>, paragraph A. <u>Membership and Vacancies</u>, the five initial members will serve for approximately one, two, or three years as appointed. One (1) of the initial members shall be appointed for a term of one year; two (2), for two years; and two (2), for three years. Their successors shall be appointed for terms of three years. The one-year term shall expire December 31, 1995, the two-year terms shall expire December 31, 1996, and the three-year terms shall expire December 31, 1997.

3. Chair.

Reference Section 4. <u>Town Planning Board</u>, paragraph B. <u>Organization, Rules, Meetings and Records</u>, the initial Chair shall be appointed by the Town Council whose term as Chair shall expire on December 31, 1995. Subsequent Chairs shall be selected as described in Section 4, paragraph B, of this ordinance.

Ordinance 10-94 Establishing Lewisville Planning Organization - 22 Sept 1994
Ordinance 11-94 - Amendment 1 - 26 Oct 1994
Ordinance 2003011 - Amendment 2 - June 12, 2003
Ordinance 2005001 - Amendment 3 - August 11, 2005
Ordinance 2006023 - Amendment 4 - July 13, 2006
Ordinance 2006024 - Amendment 5 - July 13, 2006
Ordinance 2014051 - Amendment 6 - October 9, 2014
Ordinance 2015019 - Amendment 7 - February 12, 2015
Ordinance 2016005 - Amendment 8 - March 10, 2016

Ordinance 2018023 – Amendment 9 – March 8, 2018

Adopted this 8th-9th day of March, 2018February 2023 by the Lewisville Town Council.

Mike Horn, Mayor	

ATTEST:



TOWN OF LEWISVILLE ORDINANCE 2018023-2023-009 AMENDING THE TOWN OF LEWISVILLE TOWN CODE CHAPTER 10 PLANNING ORGANIZATION CHARTER

Joyce C. McWilliams Walker Dora K. Moore, Town Clerk





ITEM:	RESOLUTION 2023-009
SUBJECT:	WILLOW RUN MUNICIAPL SERVICE DISTRICT CHANGE –
	TERM LIMITS
PREPARED BY:	DORA MOORE, TOWN CLERK
DATE SUBMITTED:	FEBRUARY 9, 2023

BACKGROUND/SUMMARY:

The Willow Run Municipal Service District charter currently reflects term limits. At the January 2023 Council retreat, Council requested the charter be updated to reflect no term limits.

Per the Willow Run Municipal Service District's charter, a public hearing must be held for any proposed changes. Resolution 2023-009 schedules the required public hearing for March 9, 2023 at 7 PM.

STAFF RECOMMENDATION AND REQUESTED ACTION:

Staff recommends Resolution 2023-009 be approved by Council.

FISCAL IMPACT:

None

ATTACHMENT(S):

1) Resolution 2023-009



RESOLUTION 2023-009 OF THE LEWISVILLE TOWN COUNCIL SETTING A PUBLIC HEARING RELATED TO AMENDING THE WILLOW RUN MUNICIPAL SERVICE DISTRICT

WHEREAS, the Town Council established the Willow Run Municipal Service District per North Carolina General Statute 160A-536(a)(5) in June 2002; and,

WHEREAS, changes to the Municipal Service District ordinance require a public hearing; and,

WHEREAS, the Town Council would like to eliminate term limits.

NOW, THEREFORE BE IT RESOLVED, THAT THE LEWISVILLE TOWN COUNCIL sets a public hearing to be conducted Thursday, March 9, 2023 at 7 PM at the Lewisville Town Hall Council Chambers to receive comments concerning the amendment to the Willow Run Municipal Service District ordinance and its administration under Chapter 39 of the Lewisville Town Code.

ATTEST:	Mike Horn, Mayor
Dora K. Moore, Town Clerk	



ITEM:	FACILITY FEE EXEMPTION REQUEST
TIEW.	PAGILITI FEE EXEMITION REQUEST
SUBJECT:	WINSTON-SALEM/FORSYTH COUNTY SCHOOLS
PREPARED BY:	DORA MOORE, TOWN CLERK
TREI MRED D1.	DORA MOORE, TOWN CLERK
DATE SUBMITTED:	FEBRUARY 9, 2023

BACKGROUND/SUMMARY:

The Winston-Salem/Forsyth County Schools (WSFCS) has requested consideration of an in-kind facility use exemption at the Mary Alice Warren Community Center (MAWCC). WSFCS has scheduled a 2-day, multi-room training event. Currently, WSFCS is on the Town's facility use exemption list which would provide them with reduced user fees for MAWCC. However, WSFCS is requesting these fees be waived for this event.

The training event will be April 19-20, 2023, 8 AM-4 PM (plus setup and breakdown) and would utilize multiple rooms at MAWCC.

STAFF RECOMMENDATION AND REQUESTED ACTION:

If desired by Council, a one-time, in-kind fee exemption is recommended. This would mean that Winston-Salem/Forsyth County Schools would not pay any fees for their April 19-20, 2023 training event.

FISCAL IMPACT:

No fees will be charged to WSFCS.

ATTACHMENT(S):

1) Resolution 2023-010



RESOLUTION 2023-010 OF THE LEWISVILLE TOWN COUNCIL FACILITY FEE EXEMPTION FOR WINSTON-SALEM/FORSYTH COUNTY SCHOOLS

WHEREAS, a Facility Use Exemption Policy for parks and recreation facilities is outlined in Town Code Chapter 16-14; and,

WHEREAS, Winston-Salem/Forsyth County Schools is listed as an exempt facility user under section 16-14(J); and,

WHEREAS, Town Code Chapter 16-18(E) outlines user fees for exempted users at the Mary Alice Warren Community Center; and,

WHEREAS, Winston-Salem/Forsyth County Schools is requesting an in-kind fee exemption for a two-day, multi-room training exercise on April 19 and 20, 2023 at the Mary Alice Warren Community Center.

NOW, THEREFORE BE IT RESOLVED, THAT THE LEWISVILLE TOWN COUNCIL approves a one-time, in-kind fee exemption for the Winston-Salem/Forsyth County Schools to utilize the Mary Alice Warren Community Center for training on April 19 and 20, 2023.

ATTEST:	Mike Horn, Mayor
Dora K. Moore, Town Clerk	



ITEM:	FACILITY FEE EXEMPTION REQUEST		
SUBJECT:	WEST FORSYTH CHRISTIAN PRESCHOOL		
PREPARED BY:	DORA MOORE, TOWN CLERK		
DATE SUBMITTED:	FEBRUARY 9, 2023		

BACKGROUND/SUMMARY:

West Forsyth Christian Preschool has submitted an application and documentation requesting consideration for facility use fee exemption of Mary Alice Warren Community Center (MAWCC). The preschool has scheduled a silent auction/gallery hop at MAWCC on April 21, 2023. The purpose of the event is to raise funds for preschool and playground improvements.

Multi-rooms at MAWCC have been reserved for the event.

STAFF RECOMMENDATION AND REQUESTED ACTION:

If desired by Council, a one-time facility use fee exemption is recommended. This would allow West Forsyth Christian Preschool to utilize the Mary Alice Warren Community Center on April 21, 2023 per the user fee guidelines in Town Code Chapter 16-18(E) and the Town's current fee schedule.

FISCAL IMPACT:

Reduced fees per Town Code Chapter 16-18(E).

ATTACHMENT(S):

- 1) Resolution 2023-011
- 2) West Forsyth Christian Preschool facility use exemption request application



RESOLUTION 2023-011 OF THE LEWISVILLE TOWN COUNCIL FACILITY FEE EXEMPTION FOR WEST FORSYTH CHRISTIAN PRESCHOOL

WHEREAS, a Facility Use Exemption Policy for parks and recreation facilities is outlined in Town Code Chapter 16-14; and,

WHEREAS, Town Code Chapter 16-18(E) outlines user fees for exempted users at the Mary Alice Warren Community Center; and,

WHEREAS, West Forsyth Christian Preschool holds an annual Silent Auction/Gallery Hop to raise funds to improve their preschool and playground; and,

WHEREAS, West Forsyth Christian Preschool has reserved multiple rooms at the Mary Alice Warren Community Center for their annual Silent Auction/Gallery Hop on April 21, 2023; and,

WHEREAS, West Forsyth Christian Preschool is requesting a one-time facility user fee exemption at Mary Alice Warren Community Center per Chapter 16-18(E) for a Silent Auction/Gallery Hop on April 21, 2023.

NOW, THEREFORE BE IT RESOLVED, THAT THE LEWISVILLE TOWN COUNCIL approves a one-time facility user fee exemption per Town Code Chapter 16-18(E) for West Forsyth Christian Preschool to utilize the Mary Alice Warren Community Center on April 21, 2023.

ATTEST:	Mike Horn, Mayor	
Dora K. Moore, Town Clerk		



ITEM:	FACILITY FEE EXEMPTION REQUEST		
SUBJECT:	INDO US CULTURAL ASSOCIATION		
PREPARED BY:	DORA MOORE, TOWN CLERK		
DATE SUBMITTED:	FEBRUARY 9, 2023		

BACKGROUND/SUMMARY:

The Indo US Cultural Association has submitted an application and documentation requesting consideration for facility use fee exemption of Mary Alice Warren Community Center (MAWCC). The association has scheduled a kick-off event at MAWCC on February 25, 2023.

Multiple rooms at MAWCC have been reserved for the event.

STAFF RECOMMENDATION AND REQUESTED ACTION:

If desired by Council, a one-time facility use fee exemption is recommended. This would allow the Indo US Cultural Association to utilize the Mary Alice Warren Community Center on February 25, 2023 per the user fee guidelines in Town Code Chapter 16-18(E) and the Town's current fee schedule.

FISCAL IMPACT:

Reduced fees per Town Code Chapter 16-18(E).

ATTACHMENT(S):

- 1) Resolution 2023-012
- 2) Indo US Cultural Association facility use exemption request application



RESOLUTION 2023-012 OF THE LEWISVILLE TOWN COUNCIL FACILITY FEE EXEMPTION FOR INDO US CULTURAL ASSOCIATION

WHEREAS, a Facility Use Exemption Policy for parks and recreation facilities is outlined in Town Code Chapter 16-14; and,

WHEREAS, Town Code Chapter 16-18(E) outlines user fees for exempted users at the Mary Alice Warren Community Center; and,

WHEREAS, the Indo US Cultural Association has reserved multiple rooms at the Mary Alice Warren Community Center for an event on February 25, 2023.

NOW, THEREFORE BE IT RESOLVED, THAT THE LEWISVILLE TOWN COUNCIL approves a one-time facility user fee exemption per Town Code Chapter 16-18(E) for the Indo US Cultural Association to utilize the Mary Alice Warren Community Center on February 25, 2023.

ATTEST:	<u></u>	Mike Horn, Mayor
Dora K. Moore, Town Clerk		