

Lewisville Town Council
Regular Meeting Agenda
AUGUST 10, 2023 – 7:00 PM
Lewisville Town Hall 1st Floor Council Chambers
6510 Shallowford Road

1. Call to Order:

- A. Roll Call
- B. Invocation – Council Member Jane Welch
- C. Pledge of Allegiance – Council Member David Smitherman
- D. Adoption of Agenda

2. Consent Agenda

- A. Resolution 2023-032 – Financial statements for the year ended June 30, 2023 – PRELIMINARY AND UNAUDITED – [\(Attachment #1\)](#)
- B. Approval of Agenda Briefing Minutes – July 6, 2023 [\(Attachment #2\)](#)
- C. Approval of Closed Session Minutes – July 6, 2023
- D. Approval of Regular Meeting Minutes – July 13, 2023 [\(Attachment #3\)](#)
- E. 2023 Meeting Schedule revision [\(Attachment #4\)](#)

3. Introductions, Recognitions, Presentations and/or Proclamations

- A. Presentations
 - i. UDO (Unified Development Ordinance) rewrite kickoff – Kimley-Horn
 - ii. Annual Comprehensive Financial Report for the fiscal year ended June 30, 2022 – “Certificate of Achievement for Excellence in Financial Reporting” [\(Attachment #5\)](#)

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. Old Business – None

6. Appointments

- A. Appointment Order 2023-008 – Miriam Selby – Lewisville Beautification Committee [\(Attachment #6\)](#)
- B. Appointment Order 2023-009 – Andrew Flanagan – Zoning Board of Adjustment – Alternate [\(Attachment #7\)](#)

7. Technical Review

- A. Resolution 2023-033 – Lewisville Technical Review for Compliance (LTRC) for Beroth Circle subdivision – L-PBR 2023001 [\(Attachment #8\)](#)

8. New Business

- A. Ordinance 2023-030 – Capital Project Ordinance – Lewisville-Vienna Multipurpose Path [\(Attachment #9\)](#)
- B. Ordinance 2023-031 – Amendment to Budget Ordinance 2023-001 – Transfer from Sidewalks, Bike Paths & Greenways Capital Reserve Fund to the Lewisville-Vienna Multipurpose Path Capital Projects Fund - \$188,100 [\(Attachment #10\)](#)

- C. Ordinance 2023-032 – Sidewalks, Bike Paths & Greenways Capital Reserve Ordinance Amendment - \$188,100 ([Attachment #11](#))
- D. Ordinance 2023-034 – Amendment to Budget Ordinance 2023-001 – Transfer from General Fund to the Lewisville-Vienna Multipurpose Path Capital Projects Fund - \$165,191 ([Attachment #12](#))
- E. Resolution 2023-034 – Advertising Electronic Auction by Electronic Means Only ([Attachment #13](#))
- F. Ordinance 2023-033 – Disposal of Surplus Property ([Attachment #14](#))
- G. Ordinance 2023-035 – Capital Project Ordinance Amendment – Jack Warren Park Improvements ([Attachment #15](#))
- H. Resolution 2023-035 – Jack Warren Park Improvements (PARTF) – McGill & Associates contract ([Attachment #16](#))

9. Administrative Reports

- A. Upcoming events and closings
 - i. August 19 – Tell Me Lies – Fleetwood Mac Tribute Band – 7-8:30 PM
 - ii. September 4 – Labor Day – Town Offices Closed
 - iii. September 9 – Chicago Reload – Chicago Tribute Band – 7-9 PM
- B. Clerk’s Report
 - i. Blood Drive update
 - ii. Summer Student Leadership session – August 15 – 9 AM-4 PM

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 2023-032 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 year ended June 30, 2023 (preliminary and unaudited); 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 year ended June 30, 2023 (preliminary and unaudited) and incorporated herein.

Adopted this the 10th day of August 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
Fiscal Year Ended June 30, 2023**

PRELIMINARY AND UNAUDITED

General Fund

| Revenues | Budget | Revenue Year to Date | Revenue Over (Under) Budget | Percentage Collected |
|---|-------------------------|------------------------|-----------------------------|----------------------|
| Property Tax Collections | \$ 2,883,926.00 | \$ 2,945,933.03 | \$ 62,007.03 | 102.15% |
| Sales Tax Revenue | 1,057,280.00 | 1,115,942.51 | 58,662.51 | 105.55% |
| Other Revenues | 1,399,596.00 | 1,564,114.72 | 164,518.72 | 111.75% |
| Transfer from ARPA Special Revenue Fund | - | 1,105,602.57 | 1,105,602.57 | - |
| Subtotal | 5,340,802.00 | \$ 6,731,592.83 | \$ 1,390,790.83 | 126.04% |
| Appropriation from Fund Balance | 7,232,903.98 | | | |
| Total | \$ 12,573,705.98 | | | |

| Departments | Budget | Expenditures Year to Date | Encumbrances Year to Date | Unencumbered and Unspent Balance | Percentage of Budget Spent or Encumbered |
|-------------------------------------|-------------------------|---------------------------|---------------------------|----------------------------------|--|
| Governing Body | \$ 2,301,547.00 | \$ 2,201,400.53 | \$ - | \$ 100,146.47 | 95.65% |
| Administration | 912,283.18 | 707,609.43 | - | 204,673.75 | 77.56% |
| Finance | 270,815.00 | 259,680.90 | - | 11,134.10 | 95.89% |
| Debt Service | 232,400.00 | 232,400.00 | - | - | 100.00% |
| Planning & Zoning | 455,975.00 | 220,770.77 | - | 235,204.23 | 48.42% |
| Beautification | 119,302.00 | 111,918.45 | - | 7,383.55 | 93.81% |
| Community Policing | 847,146.00 | 570,386.94 | - | 276,759.06 | 67.33% |
| Public Safety | 16,450.00 | 1,726.90 | - | 14,723.10 | 10.50% |
| Public Works | 508,896.00 | 424,132.12 | - | 84,763.88 | 83.34% |
| Streets | 250,585.00 | 33,709.60 | - | 216,875.40 | 13.45% |
| Powell Bill | 405,357.00 | 54,592.60 | - | 350,764.40 | 13.47% |
| Storm Water | 183,176.00 | 82,249.23 | - | 100,926.77 | 44.90% |
| Solid Waste | 917,000.00 | 873,014.84 | - | 43,985.16 | 95.20% |
| Recycling | 8,595.00 | 2,930.89 | 4,000.00 | 1,664.11 | 80.64% |
| Parks and Recreation | 617,881.80 | 459,551.68 | 1,113.52 | 157,216.60 | 74.56% |
| Transfers to Capital Projects Funds | 3,606,297.00 | 1,582,914.00 | - | 2,023,383.00 | 43.89% |
| Transfers to Capital Reserves | 920,000.00 | 920,000.00 | - | - | 100.00% |
| Total | \$ 12,573,705.98 | \$ 8,738,988.88 | \$ 5,113.52 | \$ 3,829,603.58 | 69.54% |

| | |
|---|-------------------------------|
| General Fund Balance 7/1/2022 | \$ 7,943,133.05 |
| Year-to-Date Increase (Decrease) FY 6/30/2023 | <u>(2,007,396.05)</u> |
| General Fund Balance 6/30/2023 | <u>\$ 5,935,737.00</u> |

Town of Lewisville
 Financial Budget to Actual Report - Willow Run Municipal Service District
 Fiscal Year Ended June 30, 2023

PRELIMINARY AND UNAUDITED

Willow Run Municipal Service District

| Revenues | Budget | Revenue Year to Date | Revenue Over (Under) Budget | Percentage Collected |
|---------------------------------|---------------------|----------------------|-----------------------------|----------------------|
| Revenues | \$ 36,610.00 | \$ 43,281.56 | \$ 6,671.56 | 118.22% |
| Subtotal | 36,610.00 | \$ 43,281.56 | \$ 6,671.56 | 118.22% |
| Appropriation from Fund Balance | - | | | |
| Total | \$ 36,610.00 | | | |

| | Budget | Expenditures Year to Date | Encumbrances Year to Date | Unencumbered and Unspent Balance | Percentage of Budget Spent or Encumbered |
|--------------|---------------------|---------------------------|---------------------------|----------------------------------|--|
| Expenditures | \$ 36,610.00 | \$ 3,062.19 | \$ - | \$ 33,547.81 | 8.36% |
| Total | \$ 36,610.00 | \$ 3,062.19 | \$ - | \$ 33,547.81 | 8.36% |

| | |
|---|-----------------------------|
| MSD Fund Balance 7/1/2022 | \$ 192,445.34 |
| Year-to-Date Increase (Decrease) FY 6/30/2023 | 40,219.37 |
| MSD Fund Balance 6/30/2023 | <u><u>\$ 232,664.71</u></u> |

**Town of Lewisville
June 30, 2023**

PRELIMINARY AND UNAUDITED

| Capital Reserve Funds | | | | | |
|--|--------------------------|----------------------|---------------|------------------------|---------------------------|
| | Fund Balance 7/1/2022 | Transfers In | Transfers Out | Investment Earnings | Fund Balance 6/30/2023 |
| GWR ROW/Construction Capital Reserve | \$ 1,051,083.99 | \$ - | \$ - | \$ 39,452.89 | \$ 1,090,536.88 |
| Sidewalks, Bike Paths, and Greenways Capital Reserve | 132,269.89 | 25,000.00 | - | 5,896.58 | 163,166.47 |
| Municipal Buildings/Land Capital Reserve | 130,369.89 | - | - | 4,893.49 | 135,263.38 |
| Public Works Facility Capital Reserve | 330,120.65 | 495,000.00 | - | 30,840.16 | 855,960.81 |
| Parks & Recreation Capital Reserve | - | 400,000.00 | - | 14,845.38 | 414,845.38 |
| Total | \$ 1,643,844.42 | \$ 920,000.00 | \$ - | \$ 95,928.50 | \$ 2,659,772.92 |

| 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 - FY 2021-2022 | (1,208,168.14) |
| Transferred to General Fund to reimburse for general government services - revenue replacement - FY 2022-2023 | (1,105,602.57) |
| Investment earnings | 94,156.54 |
| American Rescue Plan Act Special Revenue Fund - Cash Balance 6/30/2023 | \$ 1,804,857.33 |

**Town of Lewisville
June 30, 2023**

PRELIMINARY AND UNAUDITED

| Capital Projects Funds - Since Inception | | | | | | | | |
|---|------------------------|-------------------------|------------------------|---------------|----------------------|-----------------------|------------------------|-------------------------|
| | Revenue | Expenditures | Transfers In | Transfers Out | Investment Earnings | Loan Proceeds | Fund Balance 6/30/2023 | Budget |
| GWR ROW/Construction Capital Project | \$ 221,684.95 | \$(1,093,360.03) | \$ 1,563,000.00 | \$ - | \$ 72,268.21 | \$ - | \$ 763,593.13 | \$ 1,563,800.00 |
| JWP Maintenance Facility/Playground Expansion Capital Project | - | (35,481.33) | 55,000.00 | - | 1,752.11 | - | 21,270.78 | \$ 55,000.00 |
| Gateway Project Capital Project | 797,220.37 | (1,036,968.63) | 1,591,667.00 | - | 32,844.27 | - | 1,384,763.01 | \$ 3,874,874.00 |
| Community Center Capital Project | 100,000.00 | (4,789,472.19) | 2,947,137.00 | - | 9,589.53 | 2,000,000.00 | 267,254.34 | \$ 4,947,137.00 |
| Roundabout at Lewisville-Vienna Road and Robinhood Road Capital Project | 216,609.67 | (271,293.09) | 560,297.00 | - | 16,813.22 | - | 522,426.80 | \$ 2,801,485.00 |
| Total | \$ 1,335,514.99 | \$(7,226,575.27) | \$ 6,717,101.00 | \$ - | \$ 133,267.34 | \$2,000,000.00 | \$ 2,959,308.06 | \$ 13,242,296.00 |

Lewisville Town Council
Briefing and Action Meeting Minutes
July 6, 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, Mayor Pro Tem Jeanne Marie Foster and Council Members Fred Franklin, Melissa Hunt, Ken Sadler, and Jane Welch. Also attending were Town Manager James Ayers, Finance Director Pam Orrell, Town Clerk Dora Moore, Public Works Director Jon Hanna, and Attorney Elliot Fus. Council Member David Smitherman was absent.
- B. Adoption of Agenda – Council Member Franklin moved to approve the agenda with the inclusion of Mahjong at Mary Alice Warren Community Center (MAWCC) added to ‘For the Good of the Order.’ The motion was seconded by Council Member Hunt and approved unanimously.

2. Items Requiring Council Direction

- A. I’m One of the Reasons Lewisville is a Great Place to Live – Yvonne Hall has nominated Zeke Mock to receive the I’m One of the Reasons Lewisville is a Great Place to Live award. Ms. Hall notes Mr. Mock’s service to the town specifically as an advisor to the Lewisville Beautification Committee stating there would be no public gardens in Jack Warren Park without Mr. Mock. Council consensus was to recognize Mr. Mock at the July 13 meeting. *(Nomination form is included with the minutes.)*

3. Items Requiring Action at Briefing – None

4. Old Business – None

5. Administrative Reports

- A. Manager
 - i. Programming discussion – Manager Ayers noted that with a full year of programming at MAWCC, staff is beginning to have questions and concerns about programming such as can instructors charge a fee, who pays instructors, and more. Manager Ayers shared a spreadsheet that listed the programs, if rental fee is paid, if a participation fee is charged, and more. Considerable discussion was held on whether instructors could charge for participation and/or materials. Also to be considered is if the program is sponsored by the Shallowford Foundation. Example was discussed of exercise instructor requesting free use of pavilion for fee-paying class. Consensus was to not allow this exemption. Staff will research what other municipalities with similar programs are doing.
- B. Clerk
 - i. Municipal elections – Candidate filing for municipal elections begins at 12 PM Friday, July 7 and closes at 12 PM Friday, July 21. Filing fee is \$5.
 - ii. National Night Out – A National Night Out event will be held at Shallowford Square on August 1 at 6 PM. This is a free community event to include free hot dogs (served by the Vienna Civic Club), public safety vehicles, and more.
 - iii. Blood drive – August 9, 1-5 PM at Mary Alice Warren Community Center
 - iv. Summer Student Leadership – Currently, five students have registered for the Summer Student Leadership scheduled for August 15. Mrs. Moore shared that Representative Zenger has offered to conduct a session. In evaluating the session’s intent and since it is only a one-day

session, the Council would like staff to maintain focus on the day-to-day operations in the Town of Lewisville.

6. Tentative Agenda Items for Regular Meeting on July 13, 2023

- A. Consent Agenda
 - i. Resolution 2023-031 – Financial statements for the eleven months ended May 31, 2023
 - ii. Approval of Agenda Briefing Minutes – June 1, 2023
 - iii. Approval of Closed Session Minutes – June 1, 2023
 - iv. Approval of Regular Meeting Minutes – June 8, 2023
- B. Introductions, Recognitions, Presentations and/or Proclamations
 - i. Introduction
 - a. Veronica Leasure
 - ii. Recognition
 - a. US Congressional Award Gold Medal recipients
 - 1. Mayor Horn noted that four Lewisville young adults received this prestigious Congressional Award – Sarina Horner, Yasmin Horner, Cole Pollock and Madeline Pollock.
 - iii. Presentations
 - a. Lewisville-Clemmons Chamber of Commerce special events – Denise Heidel
 - 1. Ms. Heidel will present to Council the idea of a family game night at MAWCC that would promote membership and Lewisville businesses.
 - b. Sheriff's Office
- C. New Business
 - i. Ordinance 2023-024 – Establishing Capital Project Ordinance – Jack Warren Park Improvements - \$481,125
 - ii. Ordinance 2023-025 – Closing Capital Project Ordinance – Jack Warren Park Maintenance Facility/Playground Expansion - \$21,270.28
 - iii. Ordinance 2023-026 – Amending Budget Ordinance 2023-001 – Transfer from Parks & Recreation Capital Reserve Fund to Jack Warren Park Improvements Capital Projects Fund - \$459,854.22
 - iv. Ordinance 2023-028 – Amending the Parks & Recreation Capital Reserve Fund – Transfer to the Jack Warren Park Improvements Capital Projects Fund - \$459,854.22
 - v. Ordinance 2023-029 – Amending Grant Project Ordinance for the American Rescue Plan Act of 2021; Coronavirus State and Local Fiscal Recovery Funds

7. For the Good of the Order

- A. Council Member Welch shared that a lot of residents are interested in CPR classes. Manager Ayers explained Lewisville Fire Department is planning to hold a CPR class but have had difficulty acquiring manikins.
- B. Council Member Welch also noted a lot of bicyclists park at Shallowford Square and Town Hall Annex and inquired what could be done to manage. Staff noted that when there are rentals, respective parking areas are coned off for the rental. This is also done at the Galloway building.
- C. Council Member Hunt noted the new gate at Jack Warren Park looks good. She inquired if fencing in the prior location will be removed. Mr. Hanna has requested proposals for removal of the old fencing as well as installing new fencing where needed.
- D. Mayor Horn shared it was possible to have a group at next week's meeting regarding Roger's Trees & Nursery on Shallowford Road. It was noted that this property is impacted by the Great Wagon Road project. Manager Ayers shared a timeline with Council related to NCDOT's property acquisition.

E. Mayor Horn shared a letter he has received from a Mahjong group that meets at MAWCC. The group of about 60 people meets each Monday. Twenty-five cents is wagered for each hand. A complaint was received from a participant regarding the wager request. After speaking with the Forsyth County Sheriff's Office, Manager Ayers contacted the group to let them know they could not place wagers. This resulted in the letter with 23 signatures to Mayor Horn. Attorney Fus agreed that this would be considered gaming. Council consensus was to allow the Mahjong group to use the facility with no wagering per the Town Attorney's guidance.

8. **Adjournment** – Council Member Welch moved to adjourn the meeting at 8:07 PM. The motion was seconded by Council Member Hunt and approved unanimously.

ATTEST:

Mike Horn, Mayor

Dora K. Moore, Town Clerk

DRAFT

Lewisville Town Council
Regular Meeting Minutes
July 13, 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, Mayor Pro Tem Jeanne Marie Foster and Council Members Fred Franklin, Melissa Hunt, Ken Sadler, David Smitherman, and Jane Welch. Also attending were Town Manager James Ayers, Assistant Town Manager/Planning Director Stacy Tolbert, Town Clerk Dora Moore, Communications Specialist Veronica Leasure and Town Attorney Elliot Fus.
- B. Invocation – Council Member David Smitherman
- C. Pledge of Allegiance – Council Member Ken Sadler
- D. Adoption of Agenda – Mayor Pro Tem Foster moved to approve the agenda. The motion was seconded by Council Member Hunt and approved unanimously.

2. Consent Agenda

- A. Resolution 2023-031 – Financial statements for the eleven months ended May 31, 2023
- B. Approval of Agenda Briefing Minutes – June 1, 2023
- C. Approval of Closed Session Minutes – June 1, 2023
- D. Approval of Regular Meeting Minutes – June 8, 2023
 - i. Council Member Sadler moved to approve the consent agenda items. The motion was seconded by Council Member Franklin and approved unanimously. (*Resolution 2023-031 is herein incorporated by reference into the minutes.*)

3. Presentations, Introductions and/or Proclamations

- A. Introduction
 - i. Communications Specialist – Manager Ayers introduced Veronica Leasure as the Town’s new, full-time Communications Specialist. Ms. Leasure earned her bachelor’s degree from Catawba College, where she majored in Integrated Marketing Communications and Multimedia Production. Ms. Leasure most recently worked for WXII 12 News/Hearst TV.
- B. Recognition
 - i. US Congressional Award Gold Medal recipients – Mayor Horn recognized Sarina Horner (unable to attend), Yasmin Horner, Cole Pollock and Madeline Pollock for receiving the US Congressional Award, the highest honor bestowed upon a youth.
 - ii. I’m One of the Reasons Lewisville is a Great Place to Live - Mayor Horn presented Zeke Mock with the I’m One of the Reasons Lewisville is a Great Place to Live award. In nominating Mr. Mock for the award, Yvonne Hall cited Mr. Mock’s many years of work with the Beautification Committee. Mayor Horn echoed Ms. Hall’s comments and noted Mr. Mock’s dedication to the town. (*Certificate is included with the minutes.*)
- C. Presentations
 - i. Lewisville-Clemmons Chamber of Commerce – Denise Heidel presented the Council with a proposal for a Family Game Night at the Mary Alice Warren Community Center on January 27, 2024. Businesses in the Chamber would sponsor a game and this would serve as a fundraiser for the Chamber. Winston-Salem/Forsyth County Schools are supportive of the proposed event. The goal is to bring an event to Lewisville that makes an impact and supports the community. Currently, Chamber membership is 17% Lewisville, 40% Clemmons and 40%

Winston-Salem businesses. Another possible way to engage and promote Lewisville businesses is a weekly leads group. Council Member Smitherman moved to allow the Lewisville-Clemmons Chamber of Commerce to use up to three rooms at the Mary Alice Warren Community Center on January 27, 2024 for a Family Game Night. The motion was seconded by Mayor Pro Tem Foster and approved unanimously. *(Powerpoint is included with the minutes.)*

- ii. Forsyth County Sheriff’s Office – Sergeant Stringer introduced Lieutenant Dwayne Little to Council. Sergeant Stringer then shared current call statistics and cautioned motorists to slow down while driving through Town especially when there are events at Shallowford Square. Mayor Pro Tem Foster inquired how mental health calls are handled. Sergeant Stringer stated the Forsyth County Sheriff’s Office has taken great strides in terms of crisis negotiation and noted officers are only legally allowed to do certain things.

| 2023 | | | | | | | | | | | | | |
|-----------------------------|-----|-----|-----|-------|-----|------|------|-----|------|-----|-----|-----|-------|
| TYPE OF INCIDENT | JAN | FEB | MAR | APRIL | MAY | JUNE | JULY | AUG | SEPT | OCT | NOV | DEC | TOTAL |
| Total calls for service | 872 | 676 | 751 | 758 | 754 | 800 | | | | | | | 4611 |
| Security Check | 570 | 396 | 136 | 446 | 442 | 518 | | | | | | | 2508 |
| Traffic Arrest / Violation | 49 | 47 | 51 | 75 | 41 | 35 | | | | | | | 298 |
| Alarm | 17 | 23 | 23 | 22 | 15 | 16 | | | | | | | 116 |
| Priority Call Response Time | 5.2 | 3.6 | 5.2 | 5.3 | 5 | 5.5 | | | | | | | 29.8 |
| | | | | | | | | | | | | | |
| | | | | | | | | | | | | | |
| 2022 | | | | | | | | | | | | | |
| TYPE OF INCIDENT | JAN | FEB | Mar | April | May | June | July | Aug | Sept | Oct | Nov | Dec | Total |
| Total calls for service | 700 | 532 | 608 | 586 | 492 | 559 | | | | | | | |
| Security Check | 258 | 253 | 275 | 297 | 177 | 245 | | | | | | | |
| Traffic Arrest / Violation | 26 | 17 | 61 | 59 | 19 | 25 | | | | | | | |
| Alarm | 15 | 21 | 14 | 22 | 21 | 15 | | | | | | | |
| Priority Call Response Time | 6.4 | 5 | 5.5 | 5 | 5.2 | 5 | | | | | | | |

4. Public Forum

- A. Susan Linker, 814 Reynolds Road – Ms. Linker shared her concerns about Roger’s Tree & Nursery having to move due to the lot being sold to the North Carolina Department of Transportation (NCDOT). She expressed hope that the Town will request NCDOT to allow Roger’s to remain at their location through December 2023 noting Roger’s has beautified the Town for a long time.

5. New Business

- A. Ordinance 2023-024 – Establishing Capital Project Ordinance – Jack Warren Park Improvements - \$481,125 – Council Member Franklin moved to approve Ordinance 2023-024. The motion was seconded by Council Member Smitherman and approved unanimously. *(Ordinance 2023-024 is herein incorporated by reference into the minutes.)*
- B. Ordinance 2023-025 – Closing Capital Project Ordinance – Jack Warren Park Maintenance Facility/Playground Expansion - \$21,270.28 – Council Member Welch moved to approve Ordinance 2023-025. The motion was seconded by Council Member Hunt and approved unanimously. *(Ordinance 2023-025 is herein incorporated by reference into the minutes.)*
- C. Ordinance 2023-026 – Amending Budget Ordinance 2023-001 – Transfer from Parks & Recreation Capital Reserve Fund to Jack Warren Park Improvements Capital Projects Fund - \$459,854.22 – Council Member Hunt moved to approve Ordinance 2023-026. The motion was seconded by Mayor Pro Tem Foster and approved unanimously. *(Ordinance 2023-026 is herein incorporated by reference into the minutes.)*
- D. Ordinance 2023-028 – Amending the Parks & Recreation Capital Reserve Fund – Transfer to the Jack Warren Park Improvements Capital Projects Fund - \$459,854.22 – Council Member Franklin moved to approve Ordinance 2023-028. The motion was seconded by Council Member

Smitherman and passed unanimously. (*Ordinance 2023-028 is herein incorporated by reference into the minutes.*)

- E. Ordinance 2023-029 – Amending Grant Project Ordinance for the American Rescue Plan Act of 2021; Coronavirus State and Local Fiscal Recovery Funds – The amendment is equal to the value of salaries and benefits. Council Member Welch moved to approve Ordinance 2023-029. The motion was seconded by Council Member Franklin and passed unanimously. (*Ordinance 2023-029 is herein incorporated by reference into the minutes.*)

6. Administrative Reports

A. Upcoming events and closings

- i. July 22 – Beggars Banquet – Rolling Stones Tribute Band – 7-9 PM
- ii. August 1 – National Night Out – 6-8 PM
- iii. August 5 – Songs of the South – Alabama Tribute Band – 7-9 PM

B. Clerk’s Report

- i. Candidate filing for municipal elections closes at 12 PM Friday, July 21. Filing fee is \$5.
- ii. Blood Drive – August 9 – 1-5 PM – MAWCC
- iii. Summer Student Leadership – August 15 – 9 AM-4 PM
 - a. Currently, thirteen students have registered. Eight live inside Town and five live outside.

7. For the Good of the Order

A. Public comments – None

B. Council comments

- i. Council Member Franklin stated this is his fourth consecutive term on Council and he does not plan to file for reelection.
- ii. Council Member Franklin encouraged everyone to give blood on August 9.
- iii. Council Member Hunt asked staff to see if the Lewisville-Clemmons Chamber of Commerce would publicize the Town’s student leadership.

8. **Closed Session pursuant to NCGS 143-318.11(6)** – Mayor Pro Tem Foster moved to enter into closed session at 7:56 PM pursuant to NCGS 143-318.11(6). The motion was seconded by Council Member Welch and approved unanimously.

Council returned to open session at 8:30 PM.

9. **Adjournment** – Council Member Sadler moved to adjourn the meeting at 8:30 PM. The motion was seconded by Council Member Smitherman and approved unanimously.

ATTEST:

Mike Horn, Mayor

Dora K. Moore, Town Clerk

Revised December 8, 2022
 Revised June 8, 2023
 Revised August 10, 2023



TOWN OF LEWISVILLE 2023 MEETING SCHEDULE

| | TIME | PLACE | DAY | JAN | FEB | MAR | APR | MAY | JUN | JUL | AUG | SEP | OCT | NOV | DEC |
|-------------------------------------|---------|-------|---|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| Beautification Committee | 07:00pm | TH | MON | N/A | 20 | 20 | 17 | 15 | N/A | N/A | N/A | 18 | 16 | 20 | 4 |
| LV Utilities Committee | 06:30pm | TH | WED | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| Parks and Recreation Board | 06:30pm | TH | MON | 9 | 13 | 13 | 10 | 8 | 12 | 10 | 14 | 11 | 9 | 13 | 11 |
| Planning Board Meeting (Room 110) | 06:30pm | TH | WED | 11 | 8 | 8 | 12 | 10 | 14 | 12 | 09 | 13 | 11 | 08 | 13 |
| Planning Board Work Session | 06:30pm | TH | WED | 25 | 22 | 22 | 26 | 24 | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| Public Art Advisory Committee | 05:00pm | TH | MON | | | | | | | | 14 | 11 | 09 | 13 | 11 |
| Public Safety Committee | 05:30pm | TH | TUE | 3 | 7 | 7 | 4 | 2 | 6 | N/A | 1 | 5 | 3 | 7 | 5 |
| Environmental Committee | 06:30pm | TH | TUE | 10 | 14 | 14 | 11 | 9 | 13 | 11 | 8 | 12 | 10 | 14 | 12 |
| Special Projects Review Comm | 06:30pm | TH | THU | 5 | 2 | 2 | 6 | 4 | 1 | 6 | 3 | 7 | 5 | 2 | 7 |
| T C Briefing & Action Meeting | 06:30pm | TH | THU | 5 | 2 | 2 | 6 | 4 | 1 | 6 | 3 | 7 | 5 | 2 | N/A |
| Town Council Meeting (Room 110) | 07:00pm | TH | THU | 12 | 9 | 9 | 13 | 11 | 8 | 13 | 10 | 14 | 12 | 9 | 14 |
| Willow Run Mun. Svc. District Board | 06:30pm | TH | TUE | 17 | N/A | 21 | N/A | 16 | N/A | N/A | 15 | N/A | 17 | N/A | N/A |
| Zoning Bd. of Adjustment (Room 110) | 06:30pm | TH | TUE | 24 | 28 | 28 | 25 | 23 | 27 | 25 | 22 | 26 | 24 | 28 | N/A |
| Council Retreat | | MAWCC | January 27 -5:30 PM; January 28 - 8:30 AM | | | | | | | | | | | | |

All meetings are held in conference room 201 unless otherwise noted. Room 110 is the Council Chambers.

Additional meetings and changes in the meeting schedule will be advertised on Channel 6 and the Town's website.

Special Projects Review Committee - Only meets when there is a request to be heard by the committee. The meeting follows the Town Council Briefing.

Zoning Board of Adjustment - Only meets as needed.

Planning Board Meeting - If no public hearing is scheduled, Planning Board meets in Town Hall conference room 201.

DISABLED PERSONS REQUIRING SPECIAL ACCOMMODATIONS MAY CONTACT TOWN HALL AT LEAST 72 HOURS
 IN ADVANCE OF THE MEETING TO REQUEST SPECIAL ASSISTANCE (336-945-5558).

Location Legend: MAWCC - Mary Alice Warren Community Center; TH - Town Hall



STAFF REPORT

| | |
|-----------------|--|
| ITEM: | PRESENTATION |
| SUBJECT: | CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING FOR THE ANNUAL COMPREHENSIVE FINANCIAL REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2022 |
| PREPARED BY: | PAM ORRELL, FINANCE DIRECTOR |
| DATE SUBMITTED: | 8/10/2023 |

BACKGROUND/SUMMARY:

The program for the Certificate of Achievement for Excellence in Financial Reporting was established by the Government Finance Officers Association of the United States and Canada in 1945 to encourage and assist state and local governments to go beyond the minimum reporting requirements of generally accepted accounting principles, and to prepare annual comprehensive financial reports that evidence the spirit of transparency and full disclosure, and then to recognize individual governments that succeed in achieving that goal.

The goal of the program is not to assess the financial health of participating governments, but rather to ensure that users of their financial statements have the information they need to do so themselves.

Reports submitted to the program are reviewed by selected members of the professional staff of the GFOA (Government Finance Officers Association) and the Special Review Committee (SRC), which comprises individuals with expertise in public sector financial reporting and includes financial statement preparers, independent auditors, academics, and other finance professionals.

We did enter our Annual Comprehensive Financial Report into the program for the fiscal year ended June 30, 2022 and I am pleased to report that we have been awarded the certificate.

This is the 18th year that the Town has been awarded this honor.

STAFF RECOMMENDATION AND REQUESTED ACTION:

No action required.

FISCAL IMPACT:

None

ATTACHMENTS:

1. Copy of Certificate of Achievement for Excellence in Financial Reporting
2. News Release from Government Finance Officers Association of the United States and Canada



Government Finance Officers Association

Certificate of
Achievement
for Excellence
in Financial
Reporting

Presented to

**Town of Lewisville
North Carolina**

For its Annual Comprehensive
Financial Report
For the Fiscal Year Ended

June 30, 2022

Christopher P. Morrill

Executive Director/CEO



GOVERNMENT FINANCE OFFICERS ASSOCIATION
NEWS RELEASE

FOR IMMEDIATE RELEASE

6/28/2023

For more information contact:
Michele Mark Levine, Director/TSC
Phone: (312) 977-9700
Fax: (312) 977-4806
Email: mlevine@gfoa.org

(Chicago, Illinois)—Government Finance Officers Association of the United States and Canada (GFOA) has awarded the Certificate of Achievement for Excellence in Financial Reporting to **Town of Lewisville** for its annual comprehensive financial report for the fiscal year ended June 30, 2022. The report has been judged by an impartial panel to meet the high standards of the program, which includes demonstrating a constructive "spirit of full disclosure" to clearly communicate its financial story and motivate potential users and user groups to read the report.

The Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management.

Government Finance Officers Association (GFOA) advances excellence in government finance by providing best practices, professional development, resources, and practical research for more than 21,000 members and the communities they serve.



**TOWN OF LEWISVILLE
2023-008 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:

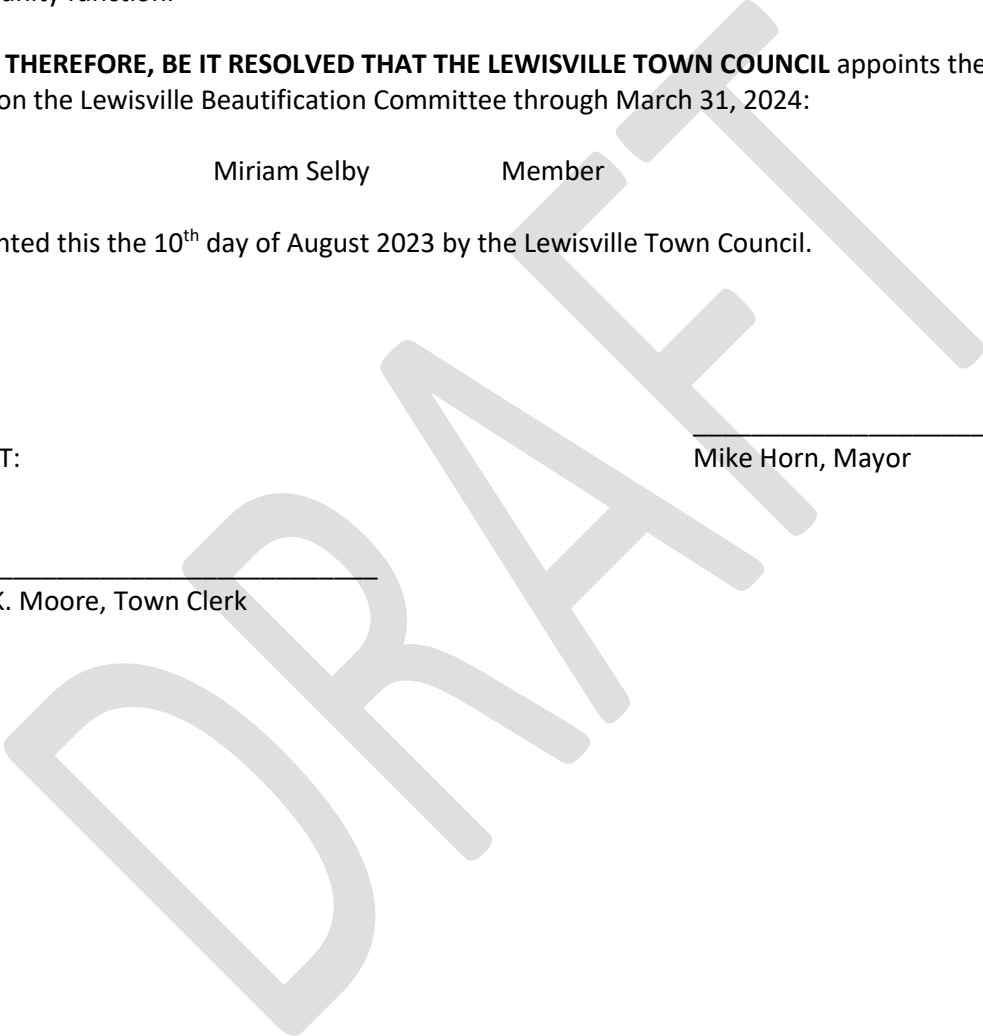
Miriam Selby Member

Appointed this the 10th day of August 2023 by the Lewisville Town Council.

ATTEST:

Mike Horn, Mayor

Dora K. Moore, Town Clerk





**TOWN OF LEWISVILLE
2023-009 APPOINTMENT ORDER
ZONING BOARD OF ADJUSTMENT**

WHEREAS, the Town Council established the Lewisville Zoning Board of Adjustment to address zoning cases as part of the Town’s Planning Organization; and,

WHEREAS, a vacancy has occurred on the Zoning Board of Adjustment.

NOW, THEREFORE, BE IT RESOLVED THAT THE LEWISVILLE TOWN COUNCIL appoints the following to serve on the Zoning Board of Adjustment through March 31, 2024 as an alternate member:

Andrew Flanagan

Appointed this the 10th day of August 2023 by the Lewisville Town Council.

ATTEST:

Mike Horn, Mayor

Dora K. Moore, Town Clerk

DRAFT



**RESOLUTION 2023-033 OF THE LEWISVILLE TOWN COUNCIL
TECHNICAL REVIEW FOR COMPLIANCE – SITE PLAN APPROVAL
ISSUED BY THE LEWISVILLE TOWN COUNCIL FOR ZONING CASE L-PBR 2023-001**

WHEREAS, the Lewisville Planning Board reviewed the attached site plan regarding the construction of a subdivision on Beroth Circle at their June 14, 2023 meeting; and

WHEREAS, this site plan includes twenty-seven (27) lots on approximately 33.88 acres; and

NOW, THEREFORE BE IT RESOLVED by the Lewisville Town Council that:

Section 1. The properties included in the site planned attached herein consists of 33.88 acres; and

Section 2. The developer has or will need to follow major subdivision requirements in Chapter D Section 4 of the Unified Development Ordinances; and

Section 3. This resolution shall become effective from and after its adoption.

Adopted this the 10th day of August 2023 by the Lewisville Town Council.

ATTEST:

Mike Horn, Mayor

Dora K. Moore, Town Clerk

STAFF REPORT

Beroth Circle Subdivision

DOCKET: L-PBR 2023001

STAFF: Adam Barr, Planner

Petitioner: Beroth Circle, LLC c/o Winfield Beroth

Ownership: Thomas Jasper Beroth

REQUEST: Preliminary Major Subdivision

A major subdivision in the RS-30 zoning district. The meeting requires technical review for compliance by the Planning Board and final approval by the Town Council.

PIN#(s): 5886-49-2775

Acreage: 33.88 Acres

LOCATION:

Street: Beroth Cr

Jurisdiction: Town of Lewisville

PROPERTY SITE/IMMEDIATE AREA:

Existing Structures on Site: The site currently has a single-family home on the property.

Adjacent uses:

- * North – Assisted living facility, zoned Institutional and Public (IP-S)
- * East – Existing single-family residences that access off Beroth Cr, zoned RS-30.
- * South - Existing single-family residences that access off Beroth Cr, zoned RS-30.
- * West - Existing single-family residences that access off Manoa Rd, zoned RS-30.

GENERAL AREA:

Character/Maintenance: The area is made up of single-family dwellings on small to medium sized lots. The area surrounding this 27-lot development is made up of established neighborhoods.

PHYSICAL FEATURES:

Topography: The site is predominately flat.

Vegetation/habitat: The property is used for agricultural purposes.

Watershed: The property is currently within the Yadkin River WS IV watershed.

WATER AND SEWER FACILITIES:

Public water is available to the site. The site will be served by private septic fields.

TRANSPORTATION:

Direct Access to Site: Beroth Cr

Street Classification(s): Local arterial

Average Daily Traffic Count/Estimated: Closest measurement is Shallowford Rd at 4,100 ADT or Robinhood Rd at 2,000 ADT.

CONFORMITY TO PLANS:

Lewisville Unified Development Ordinance (UDO) - A site plan has been submitted for review of compliance with the Unified Development Ordinance. The site plan has been reviewed by staff and persons from the Technical Review Committee including the following agencies: Planning, Inspections, Addressing, Fire, Utilities, Stormwater, NCDOT, and Erosion Control. The proposal is for a 27 lot, preliminary major subdivision for single-family homes. Overall, the proposal meets the requirements of the UDO.

Lewisville Comprehensive Plan - The Plan describes this area as the Neighborhood Residential future land use. Neighborhood Residential accounts for many of the suburban-style, lower-density residential areas that have been built during the past 20 years.

Legacy Development Guide - *Legacy* recognizes this area as being in GMA-3 Suburban Neighborhoods. *Legacy* states GMA-3 areas should be used for increasing overall residential density. Subdivisions in GMA-3 cater to specific housing styles and price ranges. The proposed subdivision does fall into this category.

ANALYSIS:

The applicant is requesting a preliminary major subdivision approval in RS-30 zoning. The preliminary major subdivision plat does adhere to the RS-30 standards. Major Large Lot

subdivisions within the Yadkin River WS-IV watershed area with a minimum lot size of 40,000 square feet do not require curb and gutter. Sidewalks are only required in residential subdivisions where curb and gutter are required.

Town staff is of the opinion that the request is in general conformance with the Town's *Comprehensive Plan and Legacy* for the area. The developer has or will need to follow the major subdivision requirements in Chapter D Section 4, remedy the comments made by the TRC and obtain any required permits.

RECOMMENDATION:

Town staff is of the opinion that the request meets the standards of the Unified Development Ordinance. 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 the diversification of housing stock in ways that are sensitive to established residential areas.

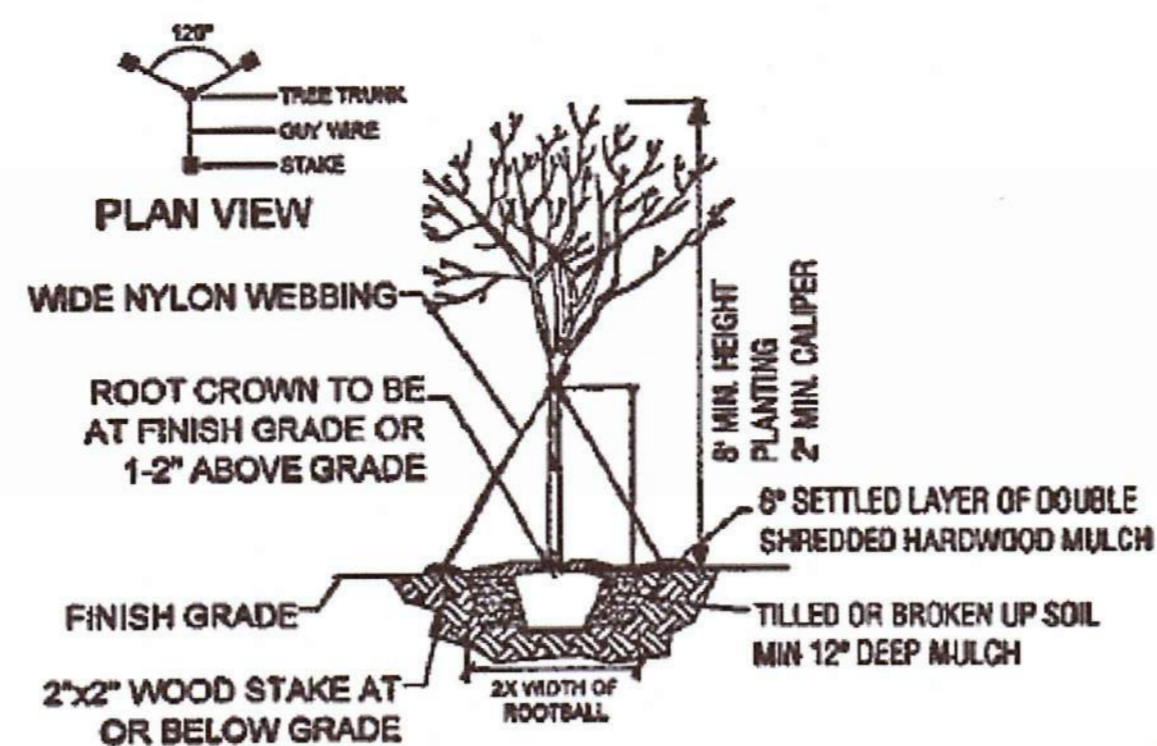
PRELIMINARY NOT FOR
CONSTRUCTION



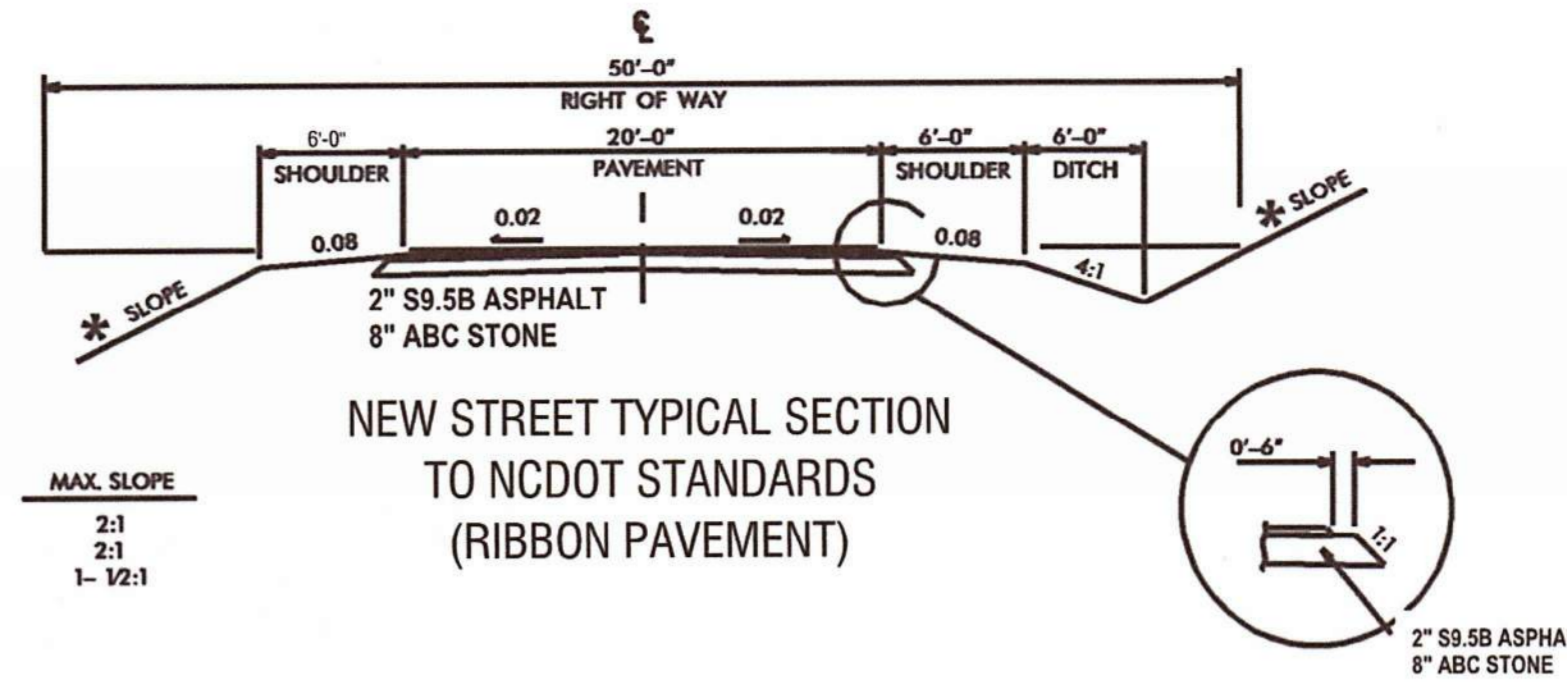
© 2023 LaBella Associates

**BEROTH CIRCLE
SUBDIVISION**

BEROTH CIRCLE, LLC
2511 OLIVET CHURCH ROAD
WINSTON-SALEM, NC 27106



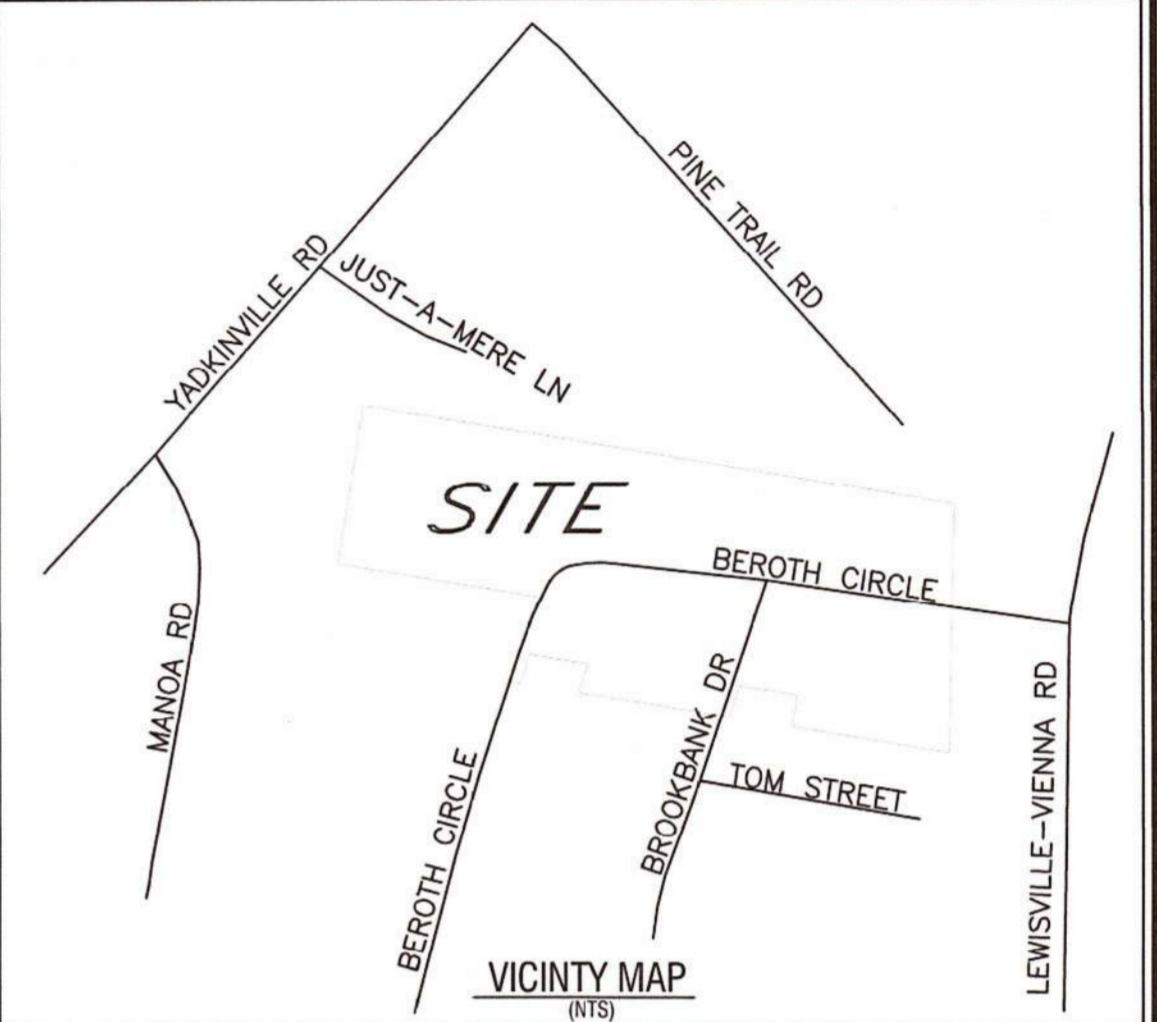
Deciduous Tree Planting Detail



SITE COVERAGE CALCULATION:
PAVED OR GRAVEL SURFACE TO LAND: (EXISTING HOUSE, SHEDS, SIDEWALK & DRIVE) = 8260.15 SF / 0.19 AC
OPEN SPACE TO LAND: VEGETATED STREAM BUFFERS = 74,077.65 SF / 1.70 AC
PROPOSED ROAD = 17045.91 SF / 0.39 AC

PARKING CALCULATION:
2 SPACES/LOT X 27 LOTS = 54 SPACES PROVIDED
NOTE: NO ON STREET PARKING ALLOWED DUE TO STREET WIDTH ONLY BEING 20 FT.

- USE: PROPOSED SINGLE FAMILY RESIDENTIAL HOME SITES
- NEW PUBLIC STREET
- PROPOSED LOTS WILL BE SERVED BY SEPTIC FIELDS & PUBLIC WATER.
- PROPOSED CUL-DE-SAC STREET (CORA MAE LANE) IS 580 LINEAR FEET. DRIVEWAY PERMITS WILL NEED TO BE OBTAINED FOR LOTS ALONG BEROETH CIRCLE - THIS STREET IS TOWN MAINTAINED.
- STREET TREES TO BE PLACED AT A RATE OF 1 TREE PER 45 FEET OF STREET CENTERLINE. CRAPE MYRTLES & EASTERN RED BUDS WILL BE USED. ONE TREE PER LOT WILL ALSO BE REQUIRED.
- STREET TREES SHALL BE PROVIDED FROM CURB, SIDEWALK OR EDGE OF PAVEMENT, WHICHEVER CREATES THE GREATEST SETBACK. SMALL VARIETY TREES MUST BE SET BACK A MINIMUM OF 4 FEET. MEDIUM TREES MUST BE SET BACK A MINIMUM OF 6 FEET. LARGE VARIETY TREES PROHIBITED TO BE PLANTED AS STREET TREES.

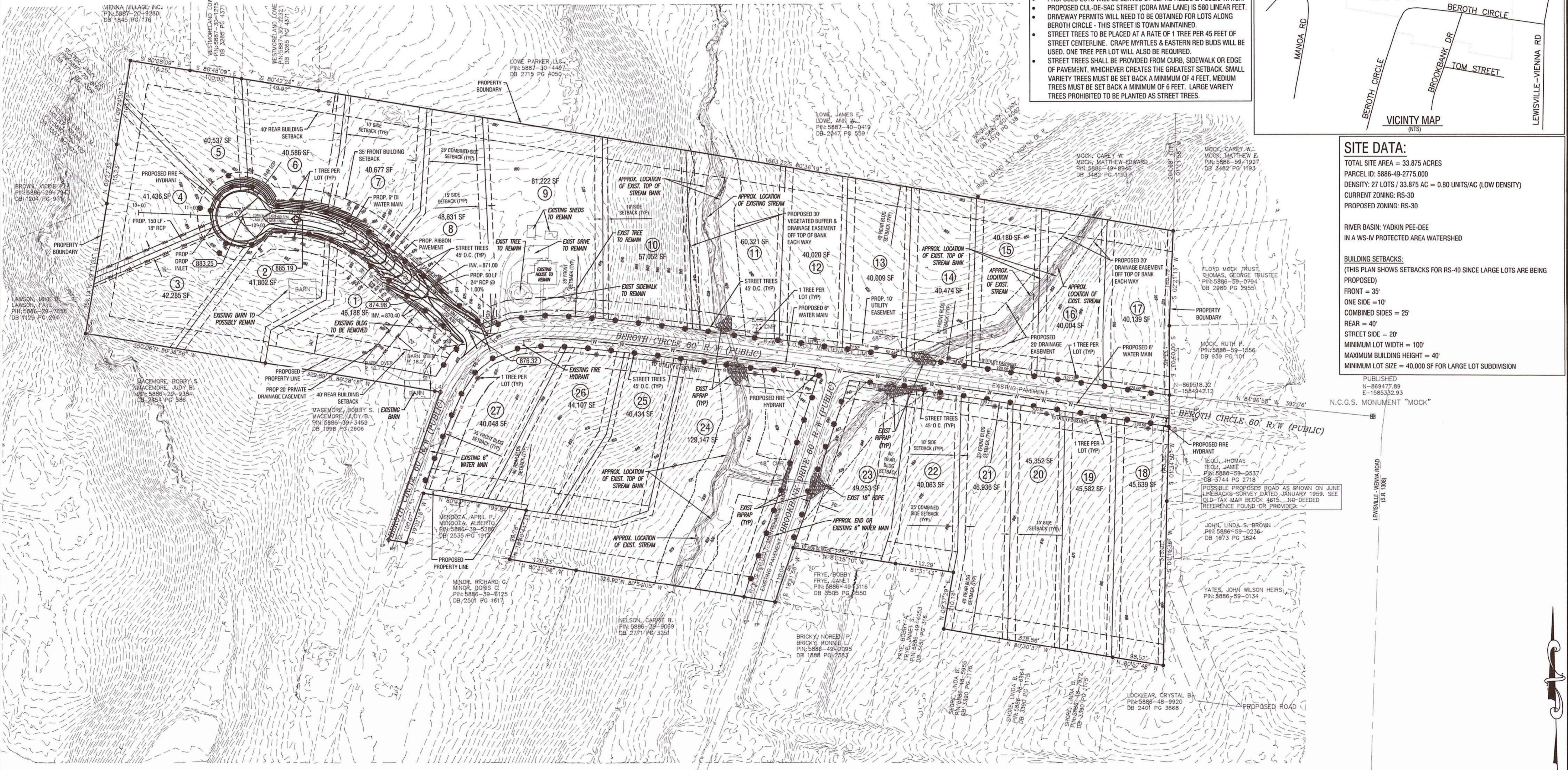


SITE DATA:

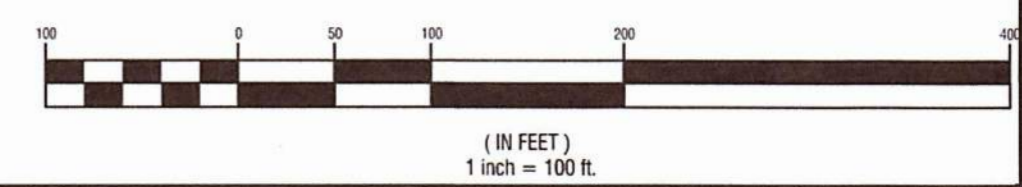
TOTAL SITE AREA = 33.875 ACRES
PARCEL ID: 5886-49-2775.000
DENSITY: 27 LOTS / 33.875 AC = 0.80 UNITS/AC (LOW DENSITY)
CURRENT ZONING: RS-30
PROPOSED ZONING: RS-30

RIVER BASIN: YADKIN PEE-DEE
IN A WS-IV PROTECTED AREA WATERSHED

BUILDING SETBACKS:
(THIS PLAN SHOWS SETBACKS FOR RS-40 SINCE LARGE LOTS ARE BEING PROPOSED)
FRONT = 35'
ONE SIDE = 10'
COMBINED SIDES = 25'
REAR = 40'
STREET SIDE = 20'
MINIMUM LOT WIDTH = 100'
MAXIMUM BUILDING HEIGHT = 40'
MINIMUM LOT SIZE = 40,000 SF FOR LARGE LOT SUBDIVISION



GIS INFORMATION FROM FORSYTH COUNTY. FIELD BOUNDARY & TOPOGRAPHIC SURVEY INFORMATION PROVIDED BY COE FORESTRY & SURVEYING RECEIVED ON 4/29/23.



| | | |
|------------------------------|----------|------------------------------|
| 1 | 04/21/23 | LEWISVILLE PLANNING COMMENTS |
| NO. | DATE | DESCRIPTION |
| REVISIONS | | |
| PROJECT NUMBER: | | 2231574 |
| DRAWN BY: | | BWS |
| REVIEWED BY: | | PAS |
| ISSUED FOR: | | |
| PRELIMINARY SUBDIVISION PLAN | | |
| DATE: | | 3/20/23 |
| DRAWING NAME: | | |

**PRELIMINARY
SUBDIVISION PLAN**

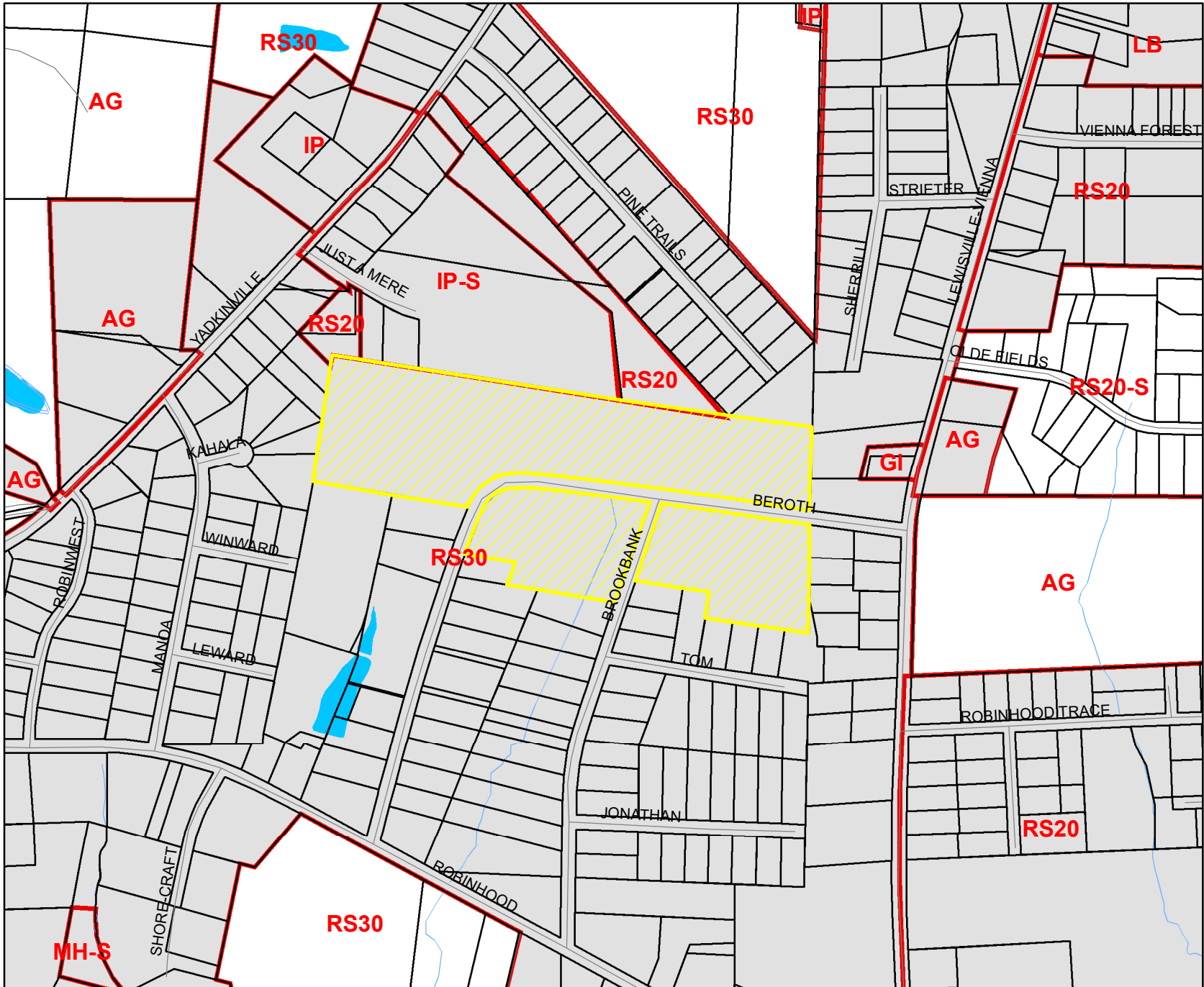
DRAWING NUMBER:

C 1.0

L-PBR 2023001 Beroth Circle Subdivision

Legend

- CENTERLINES
- Legal Lot Lines
- Streams
- Pond / Lake
- Zoning
- Lewisville
- Property of Request



PIN #: 5886-49-2775



1 inch = 575 feet

This map and analysis are provided "As Is" without warranty of any kind, either express or implied. The information contained 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



STAFF REPORT

| | |
|-----------------|---|
| ITEM: | <ol style="list-style-type: none"> 1. ORDINANCE 2023-030 2. ORDINANCE 2023-031 3. ORDINANCE 2023-032 4. ORDINANCE 2023-034 |
| SUBJECT: | <ol style="list-style-type: none"> 1. CAPITAL PROJECT ORDINANCE – LEWISVILLE-VIENNA MULTIPURPOSE PATH 2. BUDGET AMENDMENT – TRANSFER FROM SIDEWALKS, BIKE PATHS, & GREENWAYS CAPITAL RESERVE FUND TO LEWISVILLE-VIENNA MULTIPURPOSE PATH CAPITAL PROJECTS FUND 3. AMENDMENT TO SIDEWALKS, BIKE PATHS, & GREENWAYS CAPITAL RESERVE ORDINANCE 4. BUDGET AMENDMENT – TRANSFER FROM GENERAL FUND TO LEWISVILLE-VIENNA MULTIPURPOSE PATH CAPITAL PROJECTS FUND |
| PREPARED BY: | PAM ORRELL, FINANCE DIRECTOR |
| DATE SUBMITTED: | 8/3/2023 |

BACKGROUND/SUMMARY:

The Town has been awarded a federal CMAQ (Congestion Mitigation & Air Quality) grant to construct approximately 1.9 miles of a multi-use path along Lewisville-Vienna Road. The proposed path will connect single family housing to the existing sidewalk network. The Town Manager has signed the agreement with the NC Department of Transportation for the locally administered project with the following breakdown:

| | | |
|----------------------|--------------|------|
| CMAQ - Federal Funds | \$ 1,413,162 | 80% |
| Town Match | \$ 353,291 | 20% |
| Total Estimated Cost | \$ 1,766,453 | 100% |

With this agreement in place, the staff is ready to proceed with the RFQ (Request for Qualifications) for the design services. As such, staff is recommending approval of the capital project ordinance titled **Lewisville-Vienna Multipurpose Path Capital Projects Fund** with the following budget for expenditures and revenues:

| | |
|---------------------------------|---------------------|
| EXPENDITURES | |
| Preliminary Engineering | \$ 154,325 |
| Right-of Way/Utility Relocation | \$ 100,000 |
| Construction | \$ 1,512,128 |
| Total Expenditures | \$ 1,766,453 |

| | |
|---|---------------------|
| REVENUES | |
| Transfer from Sidewalks, Bike Paths, & Greenways Capital Reserve Fund | \$ 188,100 |
| Transfer from General Fund | \$ 1,578,353 |
| Total Revenues | \$ 1,766,453 |

STAFF RECOMMENDATION AND REQUESTED ACTION:

1. Staff is requesting that Council approve Ordinance 2023-030 to establish the Lewisville-Vienna Multipurpose Path Capital Projects Fund.
2. Staff is requesting that Council approve Ordinance 2023-031 which is a budget amendment to transfer \$188,100 from the Sidewalks, Bike Paths, & Greenways Capital Reserve Fund to the newly created Lewisville-Vienna Multipurpose Path Capital Projects Fund.
3. Staff is requesting that Council approve Ordinance 2023-032 to amend the Sidewalks, Bike Paths, & Greenways Capital Reserve Ordinance for the transfer of \$188,100 to the newly created Lewisville-Vienna Multipurpose Path Capital Projects Fund.
4. Staff is requesting that Council approve Ordinance _____ which is a budget amendment to transfer \$165,191 from the General Fund to the Lewisville-Vienna Multipurpose Path Capital Projects Fund.

FISCAL IMPACT:

See Background/Summary Section Above.

ATTACHMENTS:

1. Ordinance 2023-030 Capital Project Ordinance – Lewisville-Vienna Multipurpose Path
2. Ordinance 2023-031 Amending Ordinance 2023-001 – Budget amendment to transfer \$188,100 from the Sidewalks, Bike Paths, & Greenways Capital Reserve Fund to the Lewisville-Vienna Multipurpose Path Capital Projects Fund
3. Ordinance 2023-032 Amending the Sidewalks, Bike Paths, & Greenways Capital Reserve Ordinance.
4. Ordinance 2023-034 Amending Ordinance 2023-001 – Budget Amendment to transfer \$165,191 from the General Fund to the Lewisville-Vienna Multipurpose Path Capital Projects Fund.



**ORDINANCE 2023-030 OF THE TOWN OF LEWISVILLE
ESTABLISHING CAPITAL PROJECT ORDINANCE
LEWISVILLE-VIENNA MULTIPURPOSE PATH**

BE IT ORDAINED by the Lewisville Town Council that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby established and adopted:

Section 1. The project authorized is the construction of approximately 1.9 miles of a multi-use path along Lewisville-Vienna Road. The proposed path will connect single-family housing to the existing sidewalk network. The project will be financed 80% by the Federal Highway Administration under a CMAQ (Congestion Mitigation & Air Quality) grant up to and not to exceed the maximum award amount of \$1,413,162. The remaining 20% of the costs will be financed with transfers from the Town's General Fund and the Sidewalks, Bike Paths, and Greenways Capital Reserve Fund.

Section 2. The officers of this unit are hereby directed to proceed with the capital project within the terms of the contracting agreements and budget contained herein.

Section 3. The following amounts are appropriated to complete this project:

| | | |
|---------------------------------|-----------------|------------------------|
| Preliminary Engineering | 55-00-5600-6002 | \$ 154,325.00 |
| Right-of-Way/Utility Relocation | 55-00-5600-6001 | \$ 100,000.00 |
| Construction | 55-00-5600-6000 | \$ 1,512,128.00 |
| Total Expenditures | | \$ 1,766,453.00 |

Section 4. The following revenues are anticipated to be available to complete this project:

| | | |
|---|-----------------|------------------------|
| Transfer from Sidewalks, Bike Paths, & Greenways Capital Reserve Fund | 55-00-3980-0003 | \$ 188,100.00 |
| Transfer from General Fund | 55-00-3980-0000 | \$ 1,578,353.00 |
| Total Revenues | | \$ 1,766,453.00 |

Section 5. The Finance Director is hereby directed to maintain within the Capital Projects Fund sufficient detailed accounting records to satisfy the requirements of the contract agreements and state regulations.

Section 6. The Town Manager shall have the authority per G.S. 159-15 to transfer appropriations from one line item to another line item within the capital project ordinance. The Town Manager shall have the authority to approve and execute contracts and contract amendments in amounts not to exceed \$50,000.

Section 7. The Finance Director is directed to report, on a monthly basis, on the financial status of this project.

Section 8. Copies of this capital project ordinance shall be furnished to the Town Clerk, Budget Officer and Finance Director for direction in carrying out this project.

Adopted this the 10th day of August 2023 by the Lewisville Town Council.

Mike Horn, Mayor

ATTEST:

Dora K. Moore, Town Clerk



TOWN OF LEWISVILLE
 Budget Amendment Ordinance 2023-031
 Amending Budget Ordinance 2023-001

| |
|------------------------------|
| FINANCE DEPARTMENT USE ONLY |
| Budget Amendment # 3 |
| Pam Orrell, Finance Director |

| CODE | ACCOUNT DESCRIPTION | AMOUNT | CODE | ACCOUNT DESCRIPTION | AMOUNT |
|-----------------|--|---------------|-----------------|--|---------------|
| 23-00-3980-0001 | Sidewalks, Bike Paths, & Greensways Capital Reserve Fund - Transfer to Lewisville-Vienna Multipurpose Path Capital Projects Fund | \$ 188,100.00 | 23-00-3990-9000 | Sidewalks, Bike Paths, & Greensways Capital Reserve Fund - Fund Balance Appropriated | \$ 188,100.00 |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | \$ 188,100.00 | | | \$ 188,100.00 |

EXPLANATION: To transfer \$188,100 from the Sidewalks, Bike Paths, & Greenways Capital Reserve Fund to the Lewisville-Vienna Multipurpose Path Capital Projects Fund.

RECOMMENDED BY: Pam Orrell, Town Finance Director

Approved and effective upon adoption this the 10th day of August 2023 by the Lewisville Town Council.

ATTEST:

 Mike Horn, Mayor

 Dora K. Moore, Town Clerk



**ORDINANCE 2023-032 OF THE TOWN OF LEWISVILLE
AMENDING THE
SIDEWALKS, BIKE PATHS & GREENWAYS CAPITAL RESERVE FUND**

WHEREAS, the Lewisville Town Council adopted Resolution 2006036 on June 8, 2006 authorizing the establishment of the Sidewalks Construction Capital Reserve Fund; and,

WHEREAS, this fund will remain operational for a period not to exceed ten years (beginning July 1, 2006 and ending June 30, 2016) or until a cumulative sum not to exceed \$250,000 has been received; and,

WHEREAS, the Lewisville Town Council will appropriate or transfer an amount of no less than \$25,000 each year from the General Fund to this fund; and,

WHEREAS, Resolution 2006036 was corrected to Ordinance 2006047 on June 4, 2009; and

WHEREAS, Resolution 2007008 changed the name to Sidewalks/Bike Paths Capital Reserve Fund and also was amended by Ordinance 2006047 on June 4, 2009; and,

WHEREAS, Town Council has suspended annual transfer of \$25,000 from the General Fund to the Sidewalks/Bike Paths Construction Capital Reserve Fund during Fiscal Year 2009-2010; and,

WHEREAS, Town Council, upon review of the proposed budget for FY 2010-2011, suspended the annual transfer of \$25,000 from the General Fund to the Sidewalks/Bike Paths Construction Capital Reserve Fund during Fiscal Year 2010-2011; and,

WHEREAS, Town Council, upon review of the proposed budget for FY 2011-2012, suspended the annual transfer of \$25,000 from the General Fund to the Sidewalks/Bike Paths Construction Capital Reserve Fund during Fiscal Year 2011-2012; and,

WHEREAS, the Town Council suspended the annual transfer of \$25,000 from the General Fund to the Sidewalks/Bike Paths Construction Capital Reserve Fund during FY 2012-2013; and,

WHEREAS, the Town Council suspended the annual transfer of \$25,000 from the General Fund to the Sidewalks/Bike Paths Construction Capital Reserve Fund during FY 2013-2014; and,

WHEREAS, on June 12, 2014, the Lewisville Town Council approved the appropriation or transfer of an amount of no less than \$25,000 each year from the General Fund to this fund for FY 2014-2015 and continue annual transfers to June 30, 2016 or until a cumulative sum not to exceed \$250,000 has been received; and,

WHEREAS, the Lewisville Town Council has been informed that the Lewisville-Vienna Sidewalk

Extension Grant Project costs have increased, and,

WHEREAS, the Capital Reserve Fund for Sidewalks/Bike Paths has an accumulated amount of \$102,648.15 as of August 31, 2014; and,

WHEREAS, the purpose of the Capital Reserve Fund for Sidewalks/Bike Paths is to construct new sidewalks/Bike Paths; and,

WHEREAS, Section 3 was amended in October 2014 to transfer \$100,000 to the Lewisville-Vienna Sidewalk Extension Grant Project from the Capital Reserve Sidewalks/Bike Paths; and,

WHEREAS, the Town Council has been informed that there has been a change to the engineering for the drainage pipe in the Lewisville-Vienna Sidewalk Project; and,

WHEREAS, The Lewisville Town Council will continue to appropriate or transfer an amount of no less than \$25,000 each fiscal year from the General Fund to the Capital Reserve Fund to June 30, 2025 or until an accumulative sum not to exceed \$250,000 has been received; and

WHEREAS, in June, 2015, the Town Council transferred \$1,667 to the Lewisville-Vienna Sidewalk Extension Grant Project from the Capital Reserve Sidewalks/Bikepaths; and,

WHEREAS, Town Council has directed staff to close the Greenways Capital Reserve Fund and to transfer all monies into the Sidewalks/Bikepaths/Greenways Capital Reserve Fund; and,

WHEREAS, the amount being transferred is \$100,127.24 and any future dividends; and,

WHEREAS, also at its meeting in July 2015 the Town Council ordained that the Sidewalks/Bikepaths Capital Reserve Fund be renamed the Sidewalks/Bikepaths/Greenways Capital Reserve Fund; and,

WHEREAS, there is a need to fund Supplemental Agreement #2 for drainage measures for the Grant Project Lewisville-Vienna Sidewalk Extension in the amount of \$6,379.59; and,

WHEREAS, \$6,379.59 was transferred into the Grant Project - Lewisville-Vienna Sidewalk Extension for construction in August, 2015; and,

WHEREAS, the Town Council will continue to appropriate or transfer an amount of no less than \$25,000 each fiscal year from the General Fund to the Capital Reserve Fund to June 30, 2025 or until the fund reaches a balance of \$250,000; and,

WHEREAS, there was a need to fund the purchase of right of way and/or utilities, preliminary engineering, and construction for the Gateway Project and \$125,546.44 was transferred to the Gateway Project Capital Projects Fund; and,

WHEREAS, there is a need to fund the purchase of right-of-way and/or utilities, preliminary engineering, and construction of the Lewisville-Vienna multi-use path extension.

NOW THEREFORE BE IT ORDAINED that Ordinance 2017-025 be amended to transfer \$188,100 to the Lewisville-Vienna Multipurpose Path Capital Projects Fund.

Adopted this the 10th day of August 2023 by the Lewisville Town Council.

Mike Horn, Mayor

ATTEST:

Dora K. Moore, Town Clerk

DRAFT



TOWN OF LEWISVILLE
 Budget Amendment Ordinance 2023-034
 Amending Budget Ordinance 2023-001

| |
|------------------------------|
| FINANCE DEPARTMENT USE ONLY |
| Budget Amendment # 4 |
| Pam Orrell, Finance Director |

| CODE | ACCOUNT DESCRIPTION | AMOUNT | CODE | ACCOUNT DESCRIPTION | AMOUNT |
|-----------------|---|---------------|-----------------|---|---------------|
| 10-20-5600-4995 | General Fund - Streets - Transfer to Lewisville- Vienna Multipurpose Path Capital Projects Fund | \$ 165,191.00 | 10-00-3990-9000 | General Fund - Fund Balance Appropriated | \$ 165,191.00 |
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| | | | | | |
| | | | | | |
| | | | | | |
| | | \$ 165,191.00 | | | \$ 165,191.00 |

EXPLANATION: To transfer \$165,191 from the General Fund to the Lewisville-Vienna Multipurpose Path
Capital Projects Fund.

RECOMMENDED BY: Pam Orrell, Town Finance Director

Approved and effective upon adoption this the 10th day of August 2023 by the Lewisville Town Council.

ATTEST:

 Mike Horn, Mayor

 Dora K. Moore, Town Clerk



STAFF REPORT

| | |
|-----------------|---------------------------------------|
| ITEM: | ORDINANCE 2023-033 |
| SUBJECT: | DISPOSAL OF SURPLUS PERSONAL PROPERTY |
| PREPARED BY: | DORA MOORE, TOWN CLERK |
| DATE SUBMITTED: | AUGUST 10, 2023 |

BACKGROUND/SUMMARY:

The Town's current policy addressing the disposal of surplus property has a threshold of \$5,000. North Carolina General Statutes (NCGS) 160A-266 permits the disposal of surplus property less than \$30,000 by the town manager. The ordinance before Council represents a threshold increase from \$5,000 to \$30,000 in personal property disposal. The ordinance format is a recommendation from the School of Government.

STAFF RECOMMENDATION AND REQUESTED ACTION:

Staff recommends Ordinance 2023-033 be approved by Council.

FISCAL IMPACT:

ATTACHMENT(S):

Ordinance 2023-033 – Disposal of Surplus Personal Property



**ORDINANCE 2023-033 OF THE TOWN OF LEWISVILLE
DISPOSAL OF SURPLUS PERSONAL PROPERTY**

NOW THEREFORE BE IT ORDAINED by the Lewisville Town Council:

Section 1. The Town Manager is hereby authorized to dispose of any surplus personal property owned by the Town of Lewisville, whenever he or she determines, in his or her discretion, that:

- a) The item or group of items has a fair market value of less than thirty thousand dollars (\$30,000); and,
- b) The property is no longer necessary to the conduct of public business; and,
- c) Sound property management principles and financial considerations indicate that the interests of the Town of Lewisville would be best served by disposing of the property.

Section 2. The Town Manager may dispose of any such surplus personal property by any means which he or she judges reasonably calculated to yield the highest attainable sale price in money or other consideration, including but not limited to the methods of sale provided in Article 12 of North Carolina General Statutes (NCGS) Chapter 160A. Such sale may be public or private, and with or without notice and minimum waiting period.

Section 3. The surplus property shall be sold to the party who tenders the highest offer, or exchanged for any property or services useful to the Town of Lewisville if greater value may be obtained in that manner, and the Town Manager is hereby authorized to execute and deliver any applicable title documents. If no offers are received within a reasonable time, the Town Manager may retain the property, obtain any reasonably available salvage value, or cause it to be discarded. No surplus property may be donated to any individual or organization except by resolution of the Lewisville Town Council.

Section 4. The Town Manager shall keep a record of all property sold under authority of this Ordinance and that records shall generally describe the property sold or exchanged, to whom it was sold or with whom exchanged, and the amount of money or other consideration received for each sale or exchange. The Town Manager may convey title, if applicable, to any property sold.

Section 5. Town staff, elected officials, and members of their immediate households shall not be permitted to purchase surplus property from the Town of Lewisville.

Section 6. This Ordinance is enacted pursuant to the provisions of NCGS 160A-266.

Section 7. This Ordinance shall become effective upon adoption.

Adopted this the 10th day of August 2023 by the Lewisville Town Council.

Mike Horn, Mayor

ATTEST:

Dora K. Moore, Town Clerk

DRAFT



STAFF REPORT

| | |
|-----------------|--|
| ITEM: | RESOLUTION 2023-034 |
| SUBJECT: | RESOLUTION 2023-034 - ADVERTISING ELECTRONIC AUCTIONS BY ELECTRONIC MEANS ONLY |
| PREPARED BY: | DORA MOORE, TOWN CLERK |
| DATE SUBMITTED: | AUGUST 10, 2023 |

BACKGROUND/SUMMARY:

North Carolina General Statutes (NCGS) 160-270(c) authorizes municipalities to conduct public auctions of real and personal property by electronic auctions. NCGS further authorizes electronic auctions can be advertised by electronic means only. Staff believes advertising of electronic auctions by electronic means increases efficiency in advertising and saves tax payer's dollars.

STAFF RECOMMENDATION AND REQUESTED ACTION:

Staff recommends Resolution 2023-034 be approved by Council.

FISCAL IMPACT:

Cost savings due to not advertising in a newspaper.

ATTACHMENT(S):

Resolution 2023-034 – Authorizing Advertising of Electronic Auctions by Electronic Means Only



**RESOLUTION 2023-034 OF THE TOWN OF LEWISVILLE
AUTHORIZING ADVERTISING OF ELECTRONIC AUCTIONS BY ELECTRONIC MEANS ONLY**

WHEREAS, NCGS 160-270(c) authorizes the Town of Lewisville to conduct public auctions of real or personal property by electronic auctions procedures and to advertise electronic auctions by electronic means only; and,

WHEREAS, the Town of Lewisville finds that advertising electronic auction sales of real and personal property by electronic means only increases the efficiency of property disposal by this method and saves tax payer's dollars.

NOW THEREFORE BE IT RESOLVED that the Lewisville Town Council approves the following:

1. All sales of real and personal property by electronic public auction may be advertised by electronic means only.
2. Electronic advertisements of the sale of personal property shall be posted at least 10 calendar days prior to the date on which bidding for the property opens.
3. Electronic advertisements of the sale of real property shall be posted at least 30 calendar days prior to the date on which bidding for the property opens.
4. Electronic advertisements shall be posted on the Town of Lewisville's website and, where feasible, by any other electronic means through which notice of electronic auction may be broadly advertised.
5. Electronic advertisement shall identify and provide a general description of the property to be sold, the date and time at which electronic bidding opens, the electronic address where information about the property to be sold can be found, the electronic address where electronic bids may be posted, a reference to the resolution authorizing the sale where applicable, and any other relevant terms and conditions of sale.

Adopted this the 10th day of August 2023 by the Lewisville Town Council.

Mike Horn, Mayor

ATTEST:

Dora K. Moore, Town Clerk



STAFF REPORT

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|-----------------|--|
| ITEM: | ORDINANCE 2023-035 |
| SUBJECT: | AMENDMENT TO CAPITAL PROJECT ORDINANCE – JACK WARREN PARK IMPROVEMENTS |
| PREPARED BY: | PAM ORRELL, FINANCE DIRECTOR |
| DATE SUBMITTED: | 8/10/2023 |

BACKGROUND/SUMMARY:

On July 13, 2023, the Lewisville Town Council established the Jack Warren Park Improvements Capital Project Ordinance. The Town was awarded a PARTF grant as follows for the project:

| | |
|-------------|------------|
| PARTF Grant | \$ 230,940 |
| Town Match | \$ 250,185 |
| Total | \$ 481,125 |

Town staff have completed the RFQ (Request for Qualifications) phase and have chosen to contract with McGill Associates, P.A. for the following services:

| | | |
|--------|---|------------|
| Task 1 | Surveying and Construction Document Phase | \$ 76,300 |
| Task 2 | Bidding and Award Assistance | \$ 9,000 |
| Task 3 | Construction Phase Services | \$ 31,200 |
| | Total | \$ 116,500 |

The Capital Project Ordinance approved by Council on July 13 only budgeted \$76,980 for these services. Thus, we are requesting an amendment to the Capital Project Ordinance in the amount of \$39,520 to increase the budget for these services. Staff recommends that the revenue for the increase in cost come from the Parks & Recreation Capital Reserve. See the table below for a comparison of the original budget to the proposed amended budget.

| | Original Budget | Amendment | Amended Budget |
|---------------------------|----------------------|---------------------|----------------------|
| EXPENDITURES: | | | |
| Design/Engineering | \$ 76,980.00 | \$ 39,520.00 | \$ 116,500.00 |
| Nature Trail | \$ 124,900.00 | \$ - | \$ 124,900.00 |
| 18-Hole Disc Golf Course | \$ 60,000.00 | \$ - | \$ 60,000.00 |
| Outdoor Event Space | \$ 200,000.00 | \$ - | \$ 200,000.00 |
| Contingency | \$ 19,245.00 | \$ - | \$ 19,245.00 |
| Total Expenditures | \$ 481,125.00 | \$ 39,520.00 | \$ 520,645.00 |

| | | | |
|---|----------------------|---------------------|----------------------|
| REVENUES: | | | |
| Transfer from Parks & Recreation Capital Reserve Fund | \$ 459,854.22 | \$ 39,520.00 | \$ 499,374.22 |
| Transfer from JWP Maintenance Facility/Playground Expansion Capital Projects Fund | \$ 21,270.78 | \$ - | \$ 21,270.78 |
| General Fund | \$ - | \$ - | \$ - |
| Total Revenues | \$ 481,125.00 | \$ 39,520.00 | \$ 520,645.00 |

STAFF RECOMMENDATION AND REQUESTED ACTION:

- Staff is requesting that Council approve Ordinance 2023-035 to amend the Jack Warren Park Improvements Capital Project Ordinance in the amount of \$39,520.

FISCAL IMPACT:

See Background/Summary Section Above.

ATTACHMENTS:

- Ordinance 2023-035 Amendment to Capital Project Ordinance – Jack Warren Park Improvements



**ORDINANCE 2023-035 OF THE TOWN OF LEWISVILLE
AMENDING CAPITAL PROJECT ORDINANCE
JACK WARREN PARK IMPROVEMENTS**

WHEREAS, the Lewisville Town Council established the Capital Project Ordinance 2023-024 for the addition of amenities to the existing Jack Warren Park; and

WHEREAS, appropriations were made in the amount of \$481,125 for this project; and

WHEREAS, the Town desires to enter into a contract with McGill Associates, P.A. for surveying and construction document phase services, bidding and award assistance, and construction phase services; and

WHEREAS, due to rising costs, the amount budgeted for these services is not adequate and there is a need to amend the budget.

NOW THEREFORE BE IT ORDAINED that the Town of Lewisville desires to amend Sections 3 and 4 of Ordinance 2023-024 and the following amounts are appropriated by amendment to Ordinance 2023-024 to complete this project:

Section 3. The following amounts are appropriated to complete this project:

| | | |
|---------------------------|-----------------|---------------------|
| Design/Engineering | 54-00-6120-6000 | \$ 39,520.00 |
| Total Expenditures | | \$ 39,520.00 |

Section 4. The following revenues are anticipated to be available to complete this project:

| | | |
|---|-----------------|---------------------|
| Transfer from Parks & Recreation Capital Reserve Fund | 54-00-3980-0004 | \$ 39,520.00 |
| Total Revenues | | \$ 39,520.00 |

Section 5. The Finance Director is hereby directed to maintain within the Capital Projects Fund sufficient detailed accounting records to satisfy the requirements of the contract agreements and state regulations.

Section 6. The Town Manager shall have the authority per G.S. 159-15 to transfer appropriations from one line item to another line item within the capital project ordinance. The Town Manager shall have the authority to approve and execute contracts and contract amendments in amounts not to exceed \$50,000.

Section 7. The Finance Director is directed to report, on a monthly basis, on the financial status of this project.

Section 8. Copies of this capital project ordinance shall be furnished to the Town Clerk, Budget Officer and Finance Director for direction in carrying out this project.

Adopted this the 10th day of August 2023 by the Lewisville Town Council.

Mike Horn, Mayor

ATTEST:

Dora K. Moore, Town Clerk



STAFF REPORT

| | |
|-----------------|---|
| ITEM: | RESOLUTION 2023-035 |
| SUBJECT: | CONTRACT FOR ENGINEERING & RELATED SERVICES FOR JACK WARREN PARK IMPROVEMENTS |
| PREPARED BY: | JAMES AYERS, TOWN MANAGER |
| DATE SUBMITTED: | 8/10/2023 |

BACKGROUND/SUMMARY:

The Town of Lewisville followed North Carolina General Statute 143-64.31, known as the “Mini-Brooks Act,” to procure engineering and related professional services as needed to design, bid, and monitor construction for the Jack Warren Park Improvements Project. A Request for Qualifications (RFQ) was issued on April 14th. Four responses were received by the deadline on May 23rd from McGill Associates (Hickory, NC), Kimley-Horn (Charlotte, NC), Summit Design (Hillsborough, NC), and Alfred Benesch & Company (Charlotte, NC). The firms’ qualifications were assessed by a team, and staff entered into negotiations with the highest-rated firm in accordance with the law.

McGill Associates was selected for the design of this project, and a suitable scope of work and fees were negotiated. The total fee will be \$116,500, which includes design phase, bidding, and construction phase services. Compliance with Parks and Recreation Trust Fund (PARTF) requirements is included in the scope of work. The project schedule from start of work through design and bidding will be thirty-six (36) weeks followed by the construction phase work to be performed following bidding and selection of a construction contractor.

STAFF RECOMMENDATION AND REQUESTED ACTION:

Staff recommends approval of the Contract with McGill Associates for Engineering & Related Services for the Jack Warren Park Improvements.

FISCAL IMPACT:

Included in the budget as amended under the Jack Warren Park Improvements Capital Project Ordinance.

ATTACHMENT(S):

Resolution 2023-035 and Agreement for Engineering and Related Services for Jack Warren Park Improvements



**RESOLUTION 2023-035 OF THE TOWN OF LEWISVILLE
AUTHORIZING CONTRACT FOR JACK WARREN PARK IMPROVEMENTS (PARTF)**

WHEREAS, the Town of Lewisville was awarded a Parks and Recreation Trust Fund (PARTF) for improvements at Jack Warren Park; and,

WHEREAS, the Town of Lewisville procured engineering related professional services as needed to design, bid, and monitor construction per NCGS 143-64.31; and,

WHEREAS, four responses were received and McGill Associates of Hickory, NC was the highest rated firm.

NOW THEREFORE BE IT RESOLVED BY THE LEWISVILLE TOWN COUNCIL that the Town Manager is authorized to sign a contract with McGill Associates for engineering and related services for the Jack Warren Park Improvements project (PARTF) in an amount not to exceed \$116,500.

Adopted this the 10th day of August 2023 by the Lewisville Town Council.

Mike Horn, Mayor

ATTEST:

Dora K. Moore, Town Clerk

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

AGREEMENT

ENGINEERING AND RELATED SERVICES – JACK WARREN PARK IMPROVEMENTS

Contractor Name/Address/Phone/Email

McGill Associates
1240 19th Street Lane NW, Hickory, NC 28601
(828) 328-2024
Mike Norris <Mike.Norris@mcgillassociates.com>

This agreement is entered into this 10th day of August, 2023 by and between McGill Associates (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 services as shown in Exhibit A attached hereto.

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 Contractor shall complete work from start to bid phase within thirty-six (36) weeks of commencement. 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 \$116,500 with invoices to be paid within 30 days from receipt of the invoice according to

progress of the work per the breakdown in Exhibit A. 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 \$1,000,000.
- c. General Liability Insurance in the minimum amount of \$2,000,000.
- d. Automobile Insurance in the minimum amount of \$2,000,000.
- e. Professional Liability Insurance in the minimum amount of \$2,000,000.

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 sub-contractors 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

McGill Associates
1240 19th Street Lane NW
Hickory, NC 28601
828-328-2024

Authorized Signature

Date

Enclosures: Exhibit A – Scope of Work and Fees
 Exhibit B – Fee Schedule
 Exhibit C – PARTF Grant Site Plan

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

Pam Orrell, Finance Officer

DRAFT

EXHIBIT A

Scope of Work and Fees

Pursuant to your request, McGill Associates (McGill) is pleased to provide this proposal to the Town of Lewisville (Client) to provide professional services for improvements at Jack Warren Park. We further understand that the project generally consists of the construction of the following elements to be implemented by the Town, as shown on the PARTF Grant Site Plan.

- Prefabricated Amphitheater
- Sidewalk
- 18-Hole Disc Golf
- Nature Trail
- Paved Walking Trails

Based on our understanding of the project scope, McGill proposes to provide Construction Document Plans for the project elements listed above. Construction Documents consist of drawings and specifications adequate for a contractor to obtain competitive construction bids and are utilized to construct the works or to assemble/prepare install the components.

McGill proposes to provide the following **Scope of Basic Services**:

Task 1: Surveying and Construction Document Phase

1. Meet with representatives from Town Staff to initiate communications, define schedules, discuss approvals, gather initial data and information, and to fully determine the requirements for the project.
2. Conduct initial field investigations, evaluate existing conditions, and consult with the Town Staff to recommend and finalize required park facilities and amenities. Wetland delineation and permitting are not included in the scope of work and will be considered an additional service.
3. Perform necessary topographical surveying for the proposed project elements. Collect relevant data necessary to design the project including existing utilities, aboveground structures, and topography. Trees 24" DBH will be identified on the survey, within the project limits, as well as any other areas of interest as mutually agreed upon during the initial field investigation with Town Staff.
4. Schematic Design: Using the survey information, prepare a schematic site plan of the proposed park improvements based on the PARTF grant site plan. Submit the schematic site plan to the town for review and comment. Conduct a work session with the Town Council to discuss layout of park improvements and selection of products and materials such as the amphitheater and site furnishings.
5. Design Development: Prepare design development drawings based on schematic site plan comments received during review. Finalize prefabricated structures and design selections to be incorporated into the project and finalize any changes to recreational elements to be

included in the final construction documents. A preliminary opinion of probable cost will be included at this planning level to take a broad review of potential costs. This estimate will be revised during the construction document process.

6. Submit design development plans to Town Staff for review. Meet with Staff to review the design development plans and preliminary opinion of probable cost.
7. McGill will address and incorporate Town Staff comments from the Design Development Plan into Construction Document Plans.
8. Construction Documents: Prepare final construction drawings including but not limited to site layout, grading/drainage plans, erosion control, landscape plans, and associated details.
9. Submit Construction Documents for interim review at 40% and 80% to Town Staff for review and provide an Opinion of Probable Construction Cost. Meet with Staff to review the plans and Opinion of Probable Cost. Attend one informal Council workshop session with the 40% submittal as needed.
10. Prepare contractor bidding forms, technical specifications, and final drawings for use as contract documents.
11. Submit final project plans and specifications to Town Staff for review and update the Opinion of Probable Construction Cost related to the final design.

Permitting

1. Prepare applications and submit project to NCDEQ for Sedimentation and Erosion Control Permit as necessary.
2. Incorporate agency review comments into the final project plans and specifications.

Task 2: Bidding and Award Assistance

1. Provide assistance to Town Staff for bidding and award of construction documents for the proposed park improvements.
2. Prepare Bid Documents.
3. Distribute Bid Documents and issue Addenda, as necessary.
4. Administer bid opening (one bid cycle).
5. Assist Town Staff with Recommendation of award for the project.
6. Distribute complete Construction Contract packages to the Town's selected contractor.

Task 3: Provide Construction Administration

1. Attend a preconstruction meeting with the Owner and Contractor to review the requirements of the project and establish anticipated schedules.

2. Review and approve shop drawings, diagrams, illustrations, brochures, catalog data, schedules and samples, and receive, review, and respond to requests for information.
3. Review and approve Applications for Payments and make recommendations for payment to the Owner.
4. Provide a Construction Field Representative (CFR) to observe the progress and quality of the executed work and determine in general if the work is proceeding in accordance with the Contract Documents. As part of this contract, field observation will be provided for up to 10 hours per month by a CFR for an anticipated construction period of five (5) months.
5. Attend monthly construction progress meetings with the Owner, Contractor, and all other applicable parties to ensure discussion of all matters related to the project. The anticipated duties are defined as an average of 10 hours per month for a period of five (5) months. Services beyond an average of 10 hours per month, or a duration beyond the anticipated five (5) months will be considered additional services in accordance with this agreement and will be billed on an hourly basis.
6. Conduct a final inspection with applicable parties to determine if the project has been completed in accordance with the Contract Documents and if the Contractor has fulfilled all of his obligations thereunder so that the engineer may approve to the Owner final payment to the Contractor.
7. Submit two (2) sets of "Record" drawings to Owner.
8. Assist the Town with coordination and requirements related to the Contractor requirements and Municipal Agreement with the North Carolina Parks and Recreation Trust Fund (PARTF) agreement. This will include preparing reimbursement requests on behalf of the Town to the Recreation Resource Service.
9. Prepare PARTF As-built Site Plan for final closeout documentation with the Town and Recreation Resource Service.

Basis for Compensation:

Based on our understanding of the project, we propose to provide the Scope of Work detailed in this proposal for the following maximum not to exceed fees inclusive of all reimbursable expenditures.

| | |
|--|--------------------|
| Task 1: Surveying and Construction Document Phase: | \$76,300.00 |
| Task 2: Bidding and Award Assistance: | \$9,000.00 |
| Task 3: Construction Phase Services | \$31,200.00 |

Additional Services:

Please note that the following services are not included in this proposal and will be considered Additional Services that can be provided, if necessary, in accordance with the attached Basic Fee Schedule.

1. Revisions to design plans or technical specifications when such revisions are inconsistent with approvals or instruction previously given by the Owner or are due to causes beyond the control of McGill.
2. Additional services resulting from significant changes in general scope of the Project or its design including, but not limited to, changes in size, complexity, Owner's schedule, or character of construction.
3. Providing any other services not otherwise included in this Agreement or not customarily furnished in accordance with the generally accepted Engineering practice.
4. Construction surveying, which we assume to be the responsibility of the Contractor.
5. Architectural, Electrical, Structural, or Geotechnical services during design or construction beyond the scope of services with exception of the structural footings and electrical for the amphitheater.
6. Providing geotechnical and subsurface investigations, archeological surveys and any other environmental site surveys necessary for the construction of the project.
7. Preparation of Environmental Assessments, Wetland Delineation, or Environmental Information Documents.
8. Providing field surveys and legal descriptions to assist the Owner in obtaining any right-of-way easements or real property from private bodies, entities, or persons necessary for satisfactory construction of the project.
9. Providing Construction Phase Services for the project beyond what is listed in the scope of services.
10. Payment of regulatory permit application fees and payment of bid advertisement costs.
11. Preparing necessary drawings to acquire state-approval for water and sewer service extensions.
12. Services in connection with change orders to reflect changes requested by the Owner if the resulting change in compensation for Basic Services is not commensurate with the additional services rendered.
13. Additional or extended services during construction made necessary by prolongation of the construction contract or default by the Contractor under any prime construction contract if such construction contract is delayed beyond the original completion date.
14. Preparing to serve and/or serving as an expert witness in connection with any public hearing, arbitration proceeding or legal proceeding, other than as specified in the Basic Services above.
15. Soliciting bids for elements to be supplied by Owner.

16. Preparing structural design of retaining wall and/or certification if required. Design of low retaining walls a maximum 3.0' in height will be included as necessary in the construction package.
17. Offsite engineering for water supply, utilities, and drainage.
18. Preparation of transportation studies and/or offsite roadway design.

Owner Responsibilities

1. The Owner shall designate a representative authorized to act in his behalf with respect to the Project. The Owner or his representative shall provide full information on the site, examine documents submitted by McGill and shall render decisions pertaining thereto promptly, to avoid unreasonable delay in the progress of McGill's work.
2. Assist the ENGINEER by placing at his disposal in a timely manner all available information pertinent to the Project including previous documents and any other data relative to the evaluation, design, and construction of the Project.
3. Designate a person to act as OWNER's representative with respect to the work to be performed under this Agreement; and such person shall have complete authority to transmit instructions, receive information, interpret, and define OWNER's policies and decisions pertinent to the services in this Agreement.
4. Guarantee access to and make all provisions for the ENGINEER to enter upon public property as required for the ENGINEER to perform the services under this Agreement, provided the same does not unreasonably interfere with the operation of the existing facilities.
5. Examine all studies, reports, sketches, estimates, specifications, drawings, proposals and other documents presented by the ENGINEER and render decisions and comments pertaining thereto within a reasonable time so as not to delay the services of the ENGINEER.
6. Obtain any right-of-way easements from public bodies, entities or persons necessary for satisfactory construction of the Project.
7. Obtain any subsurface geotechnical investigations or other types of testing and analysis needed for the Project.
8. Pay for permit fees, and all costs incidental to advertising for bids, and receiving bids or proposals from licensed Contractors.
9. Provide such legal, accounting and insurance counseling services as may be required for the Project, and such auditing services as may be required to ascertain how or for what purpose any Contractor will or has used the monies paid to him under the construction contract.
10. Give prompt notice to the ENGINEER whenever the OWNER observes or otherwise becomes aware of any defect in the Project.

EXHIBIT B

Fee Schedule

McGill's Hourly Rates

| Professional Fees | I | II | III | IV |
|---|----------|-----------|------------|-----------|
| Senior Principal | \$250 | | | |
| Principal – Regional Manager – Director | \$ 215 | \$220 | \$ 235 | \$240 |
| Practice Area Leader | \$ 190 | \$200 | \$ 215 | \$225 |
| Senior Project Manager | \$200 | \$ 210 | \$ 215 | \$220 |
| Project Manager | \$ 170 | \$ 180 | \$ 185 | \$ 190 |
| Project Engineer | \$ 130 | \$ 140 | \$ 155 | \$ 165 |
| Engineering Associate | \$ 115 | \$ 120 | \$ 125 | \$ 130 |
| Planner – Consultant – Designer | \$ 120 | \$ 130 | \$ 150 | \$ 165 |
| Engineering Technician – GIS Analyst | \$ 110 | \$ 120 | \$ 125 | \$ 135 |
| CAD Operator | \$ 85 | \$ 95 | \$ 105 | \$ 110 |
| Construction Services Manager | \$ 140 | \$ 150 | \$ 170 | \$ 185 |
| Construction Administrator | \$ 105 | \$ 120 | \$ 130 | \$ 140 |
| Financial Services Manager | \$ 125 | \$ 135 | \$ 145 | \$ 155 |
| Grant Administrator | \$ 115 | \$ 125 | \$ 135 | \$ 145 |
| Construction Field Representatives | \$ 90 | \$ 105 | \$ 110 | \$ 120 |
| Environmental Specialist | \$ 90 | \$ 100 | \$ 105 | \$ 110 |
| Administrative Assistant | \$ 75 | \$ 80 | \$ 90 | \$ 105 |

Expenses

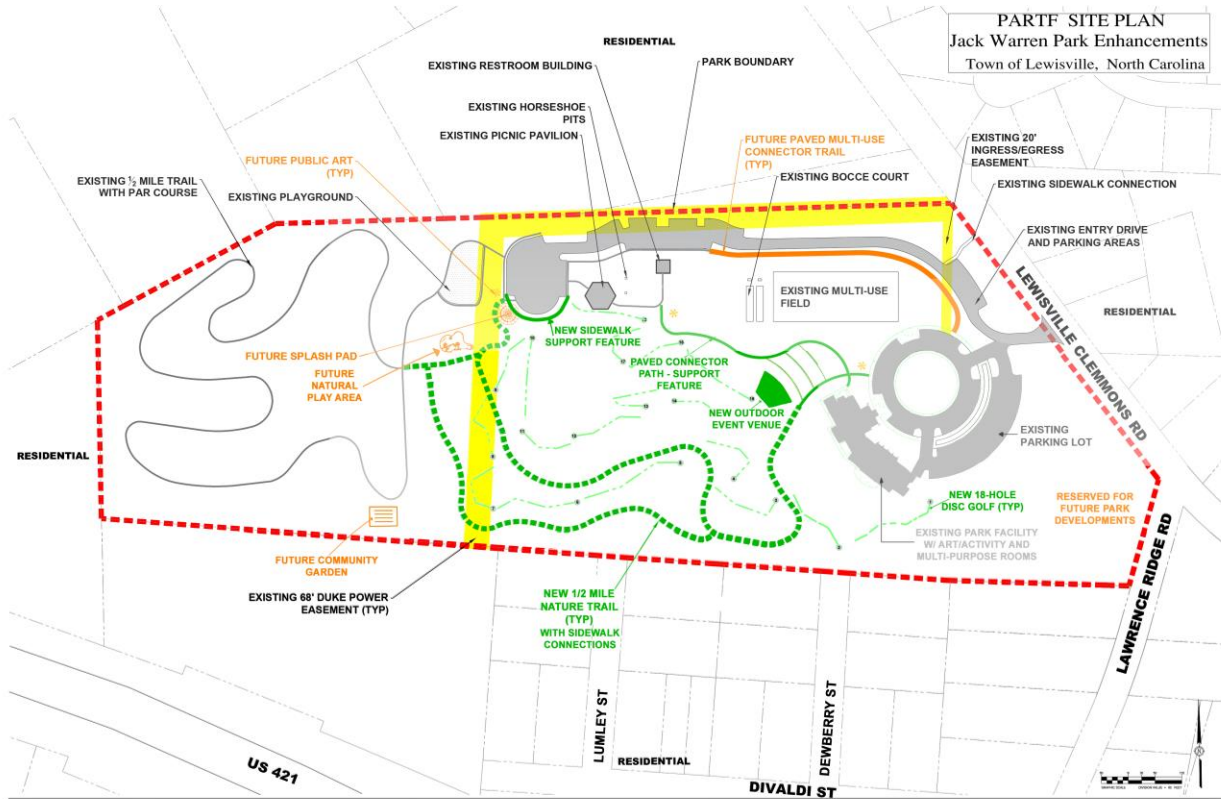
- Mileage – \$0.70/mile
- Flow Monitoring Equipment:
 - Pressure Flow Meter – \$400/week
 - Gravity Flow Meter – \$1,000/deployment
- Telephone, reproduction, postage, lodging, and other incidentals shall be a direct charge per receipt.

Associated Services

Associated services required by the project, such as soil analysis, materials testing, etc., shall be at cost plus ten (10) percent.

EXHIBT C

PART Grant Site Plan



04/05/2022

- Legend**
- Park Boundary (31 Acres)
 - Existing Park Facility
 - Easement
 - PARTF Requested
 - Future Phase

