

Lewisville Town Council
Regular Meeting Minutes
October 12, 2023 – 7:00 PM
Lewisville Town Hall Council Chambers
6510 Shallowford Road

1. Call to Order:

- A. Mayor Horn opened the meeting at 7:00 PM. In attendance were Mayor Mike Horn and Council Members Fred Franklin, Melissa Hunt, 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, Finance Director Pam Orrell, Public Works Director Jon Hanna, Communications Specialist Veronica Leasure, and Town Attorney Elliot Fus. Mayor Pro Tem Jeanne Marie Foster was not in attendance.

Mayor Horn noted that many of the Council and staff were wearing pink for Breast Cancer Awareness Month.

- B. Invocation – Council Member David Smitherman
C. Pledge of Allegiance – Town Council
D. Adoption of Agenda – Council Member Hunt moved to approve the agenda. The motion was seconded by Council Member Franklin and approved unanimously.

2. Consent Agenda

- A. Resolution 2023-044 – Financial statements for two months ended August 31, 2023
B. Approval of Agenda Briefing Minutes – September 7, 2023
C. Approval of Regular Meeting Minutes – September 14, 2023
D. **UNSEAL** Closed Session Minutes – February 3, 2022; March 10, 2022; April 7, 2022; May 5, 2022; June 2, 2022; July 7, 2022; July 14, 2022; August 4, 2022; August 11, 2022; August 22, 2022; September 14, 2022; October 6, 2022; November 3, 2022; December 8, 2022; and, December 29, 2022

Council Member Welch moved to approve the consent agenda items. The motion was seconded by Council Member Franklin and approved unanimously. (*Resolution 2023-044 is herein incorporated by reference into the minutes.*)

3. Presentations, Introductions and/or Proclamations

- A. Presentations
i. Forsyth County Sheriff's Office – Sergeant Stringer introduced the Town's newest officer, Deputy Chris Faw, and Field Services Captain, John Bracken.

Sergeant Stringer also shared current call statistics. With the holiday season and increased online orders, he cautioned residents to take measures to protect themselves against porch pirates. Sergeant Stringer also cautioned residents to always lock their vehicles, even in their driveway, and to never leave valuables visible in a vehicle.

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	734	769	477				6591
Security Check	570	396	136	446	442	518	388	464	207				3567
Traffic Arrest / Violation	49	47	51	75	41	35	30	72	26				426
Alarm	17	23	23	22	15	16	20	7	9				152
Priority Call Response Time	5.2	3.6	5.2	5.3	5	5.5	5	4.1	6				44.9
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	586	612	776				
Security Check	258	253	275	297	177	245	285	293	517				
Traffic Arrest / Violation	26	17	61	59	19	25	37	44	55				
Alarm	15	21	14	22	21	15	23	26	14				
Priority Call Response Time	6.4	5	5.5	5	5.2	5	5	5.7	5				

4. Public Forum

A. Bo Houff and Joyce Walker, Lewisville Civic Club – On behalf of the Lewisville Civic Club, Mr. Houff thanked the Town for allowing the Town Hall Council Chambers to be used for the Candidate Forum on October 19, 7:30-9:30 PM and for the forum to be viewed on Channel 6. Questions for the candidates can be submitted prior to the forum. Mrs. Walker shared that the forum can also be viewed live on ‘The Lewisville Civic Club’ Facebook page.

5. Old Business – None

6. Public Hearings

A. Rezoning – L-106 – Lake at Lissara Phase II Section VII

- Mrs. Tolbert shared a presentation related to Lake at Lissara Phase II Section VII. Portions of the development are already in the Town. A few more lots have been added to the development and the developer is requesting the lots to be rezoned and annexed into the Town. The rezoning request is to rezone the property from RS-40 Forsyth County zoning jurisdiction to RS-40-C Town of Lewisville zoning jurisdiction. The Planning Board voted unanimously on August 9, 2023 to recommend approval. If approved, rezoning would be contingent upon annexation approval. *(Presentation is incorporated as part of the minutes.)*

i. Public Hearing

- a. Lang Wilcox, 1210 Forest Wood Drive – Mr. Wilcox is the developer and presented himself for any questions by Council. Council Member Sadler inquired why a portion of three lots was being requested. Mr. Wilcox stated the property owner wants to retain enough land for their own needs.
- b. Zach Lyon, 9227 Sparrowhawk Court – Mr. Lyon thanked Mr. Wilcox for his work with the development. He inquired if the properties currently outside Town limits would have to be annexed. Mayor Horn answered that no involuntary annexation is permitted. The property owners would have to request to be annexed.

ii. Council discussion – None

- iii. Council consideration – Ordinance 2023-037 – Change planning jurisdiction from Forsyth County RS-40C to Town of Lewisville RS-40 – Lake at Lissara Phase II Section VII
 - a. Council Member Franklin made a motion to approve Ordinance 2023-037, contingent upon annexation. Council Member Ken Sadler seconded the motion and motion passed unanimously. (*Ordinance 2023-037 is herein incorporated by reference into the minutes.*)

B. Evidentiary – L-106 – Lake at Lissara Phase II Section VII

- Mrs. Tolbert noted the Special Use Permit Request is for a Planned Residential Development (PRD) to include five (5) lots fronting an existing private street, Lissara Lodge Drive. A portion of Plemmons Road would be abandoned. The proposal meets the PRD standards in the UDO and the site has available infrastructure to support the development. 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 Planning Board voted unanimously to recommend approval on August 9, 2023 and included the required seven findings of fact per UDO Chapter B, Article VI, Section 6-1.5(D). Along with the seven findings, the Planning Board recommended to include staff’s placed conditions: 1) All comments from the Technical Review Committee shall be remedied; and, 2) A Staff Change shall be completed with the City/County Planning & Development Services Department to reallocate open space required for the County-approved Planned Residential Development to a new location prior to the signing of the final plat.
- Mrs. Tolbert reminded Council that they can issue a special use permit only when they make an affirmative finding as follows:
 - 1. That the use will not materially endanger the public health or safety if located where proposed and developed according to the application and plan as submitted and approved;
 - 2. That the use meets all required conditions and specifications;
 - 3. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and,
 - 4. That the location and character of the use, if developed according to the application and plan submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with *Legacy*.
- Council Member Welch inquired if the Town would be responsible for the lake. Mrs. Tolbert responded that the lake is privately owned and is not included in the Town.
- i. Public Hearing
 - Town Attorney Elliot Fus swore in Lang Wilcox.
 - Lang Wilcox, 1210 Forest Wood Drive – Mr. Wilcox is the developer and presented himself for any questions by Council. He stated that there is a very good safety program in place for the lake.
- ii. Council discussion – None
- iii. Council consideration – Ordinance 2023-038 – Special Use Permit for a Planned Residential Development (PRD) – Lake at Lissara Phase II Section VII
 - a. Council Member Smitherman made a motion to approve Ordinance 2023-038, contingent on the annexation of property, and affirm that the request meets all of the required

conditions. Council Member Ken Welch seconded the motion and motion passed unanimously. (*Ordinance 2023-038 is herein incorporated by reference into the minutes.*)

C. Annexation – Lake at Lissara Phase II Section VII

- Mrs. Tolbert shared the final request is for annexation of the following properties (identified as PIN(s) into the Town of Lewisville:
 - o 5875-29-4961
 - o 5875-29-7983
 - o 5875-39-2826 (portion of)
 - o 5875-29-2768 (portion of)
 - o 5875-29-8707 (portion of)

- i. Public Hearing
 - a. Lang Wilcox, 1210 Forest Wood Drive – Mr. Wilcox is the developer and presented himself for any questions by Council. He thanked the Council for their considerations stating he has enjoyed being a part of the Town.

- ii. Council discussion – None

- iii. Council consideration – Ordinance 2023-036 – Extend the Town of Lewisville corporate limits to include Lake at Lissara Phase II Section VII
 - a. Council Member Franklin made a motion to approve Ordinance 2023-036, annexing 5875-29-4961, 5875-29-7983, 5875-39-2826 (portion of), 5875-29-2768 (portion of), and, 5875-29-8707 (portion of). Council Member Ken Sadler seconded the motion and motion passed unanimously. (*Ordinance 2023-036 is herein incorporated by reference into the minutes.*)
 - b. Mayor Horn thanked Mr. Wilcox for his investment to the Town. He noted that these requests were discussed in detail at the Council’s agenda briefing last week.

7. **New Business**

- A. Ordinance 2023-039 – Declaring road closure for Christmas Parade – Council Member Hunt moved to approve Ordinance 2023-039. The motion was seconded by Council Member Smitherman and approved unanimously. (*Ordinance 2023-039 is herein incorporated by reference into the minutes.*)
- B. Resolution 2023-045 – Cybersecurity and Technical Assistance Memorandum of Agreement with NC League of Municipalities – Council Member Smitherman moved to approve Resolution 2023-045. The motion was seconded by Council Member Hunt and approved unanimously. (*Resolution 2023-045 is herein incorporated by reference into the minutes.*)
- C. Ordinance 2023-040 – Accepting Public Street Maintenance and Dedication – Woodview Ridge Trail and Woodside Forest Trail – Manager Ayers requested Council consideration to accept Woodview Ridge Trail and Woodside Forest Trail in Avalon to the Town’s street maintenance system. Acceptance is conditional upon a completed punch list and bonds received by the Town. Council Member Welch moved to approve Ordinance 2023-040. The motion was seconded by Council Member Franklin and approved unanimously. (*Ordinance 2023-040 is herein incorporated by reference into the minutes.*)
- D. Ordinance 2023-041 – Amend Chapter 27-2 regarding posted speed limit for Woodview Ridge Trail and Woodside Forest Trail – Council Member Franklin moved to approve Ordinance 2023-041. The motion was seconded by Council Member Sadler and passed unanimously. (*Ordinance 2023-041 is herein incorporated by reference into the minutes.*)

- E. Resolution 2023-046 – One-Time Facility Fee Exemption – West Forsyth Christian Preschool – West Forsyth Christian Preschool is requesting an exemption to utilize Mary Alice Warren Community Center (MAWCC) at no charge for their 2024 Gallery Hop and Silent Auction. Council Member Smitherman moved to approve Resolution 2023-046. The motion was seconded by Council Member Welch and passed unanimously. *(Resolution 2023-046 is herein incorporated by reference into the minutes.)*
- F. Ordinance 2023-042 – Amending Ordinance 2023-001 to budget for 6 months of service under Duke Energy Lighting Agreement for Gateway Project - \$9,235.20 – Council Member Franklin moved to approve Ordinance 2023-042. The motion was seconded by Council Member Smitherman and approved unanimously. *(Ordinance 2023-042 is herein incorporated by reference into the minutes.)*
- G. Resolution 2023-047 – Approving Duke Energy Lighting Agreement for Gateway Project for a total cost over the 10-year term of the Agreement of \$184,704.00 – Manager Ayers reported the agreement with Duke Energy is to place twenty-six (26) additional street lights along the Gateway project area. These lights would be owned and maintained by Duke Energy. Banners will not be permitted on these poles. Council Member Hunt moved to approve Resolution 2023-047. The motion was seconded by Council Member Smitherman and passed unanimously. *(Resolution 2023-047 is herein incorporated by reference into the minutes.)*
- H. Ordinance 2023-043 – Amend Gateway Project Capital Project Ordinance - \$219,234.90 – Manager Ayers requested the Gateway Capital Project Ordinance be amended for additional milling and asphalt around the roundabouts at US 421 and to also provide some contingency funds. Council Member Sadler moved to approve Ordinance 2023-043. The motion was seconded by Council Member Hunt and approved unanimously. *(Ordinance 2023-043 is herein incorporated by reference into the minutes.)*
- I. Ordinance 2023-044 – Amend Ordinance 2023-001 to transfer \$219,234.90 from the General Fund to the Gateway Project Capital Project Fund – It was noted that if the contingency funding is not used it can be placed in the General Fund or allocated towards another project. Council Member Franklin moved to approve Ordinance 2023-044. The motion was seconded by Council Member Welch and approved unanimously. *(Ordinance 2023-044 is herein incorporated by reference into the minutes.)*
- J. Resolution 2023-048 – Approving Supplemental Agreement #2 from Branch Civil – Gateway Project - \$119,234.90 – Council Member Smitherman moved to approve Resolution 2023-048. The motion was seconded by Council Member Franklin and approved unanimously. *(Resolution 2023-048 is herein incorporated by reference into the minutes.)*

8. Administrative Reports

- A. Upcoming events and closings
 - i. October 14 – Bourbon Revival – 4:30 - 6:30 PM
 - a. This event includes a volunteer food drive for Lewisville Community Assistance Program (LCAP).
 - ii. Bulky Item Pickup – October 16
 - a. Residents are encouraged to have items at the road by 6 AM on October 16 because only one collection pass will be made through Town.
 - iii. Clean Sweep – October 21 – 9:00 AM – Noon
 - a. This is a joint venture between the Beautification and Environmental Conservation & Sustainability committees. Participants are to meet at the Town Hall Annex by 9 AM.
 - iv. Shalloween – October 21 – 1:00 - 2:30 PM
 - a. Costume judging at 1:30 PM
 - b. Rain location is MAWCC

- v. Special Recycling Event – October 28 – 9:00 AM - 1:00 PM
- vi. CPR Class – November 3, 1:00 PM, MAWCC
 - a. This is a partnership event with the Lewisville Fire Department. This calls is full with 25 participants. The next CPR class will be January 19, 2024.

B. Clerk's Report

- i. Candidate Forum – October 19, 7:30 PM, Town Hall – Sponsored by Lewisville Civic Club
 - a. The forum will also be broadcasted live on Channel 6 and then on a rotation through Election Day.
- ii. Newly Elected Officials Orientation – November 30, 5:30-7 PM, Town Hall

9. **For the Good of the Order**

- A. Public comments – None
- B. Council comments

- i. Council Member Welch shared appreciation for everyone wearing pink for Breast Cancer Awareness Month. She stressed that early detection is important and that this cancer affects both men and women.
- ii. Mayor Horn stated the Shallow Ford Foundation has been generous in funding programs at MAWCC. The Town recently contributed \$5,000 towards a grant opportunity. The grant also requires \$5,000 from the public. Those interested in making a contribution can do so to the Shallow Ford Foundation and earmark the funds for MAWCC. To help with the public fundraiser, Mayor Horn inquired if the Town would like to partner with the Shallow Ford Foundation to host a Holiday Open House at MAWCC on December 15, 5-6 PM. Council Member Welch inquired how often the Town could expect grants. Mayor Horn stated the Town has already received three grant fundings and hopes to receive more in the future. Council consensus was to partner with the Holiday Open House.
- iii. Mayor Horn announced early voting is October 19-November 4 and Election Day is November 7.

10. **Adjournment** – Council Member Smitherman moved to adjourn the meeting at 8:10 PM. The motion was seconded by Council Member Welch and approved unanimously.

ATTEST:

Mike Horn, Mayor

Dora K. Moore, Town Clerk