

Lewisville Town Council
Briefing and Action Meeting Minutes
December 1, 2022 – 6:30 PM
Mary Alice Warren Community Center
Great Wagon Room

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, Assistant Town Manager/Planning Director Stacy Tolbert, Finance Director Pam Orrell, Town Clerk Dora Moore, and Attorney Bo Houff. Council Member David Smitherman was absent.
- B. Adoption of Agenda – Council Member Welch moved to approve the agenda. The motion was seconded by Council Member Hunt and approved unanimously.

2. Introductions, Recognitions and Presentations for December 1, 2022

A. Presentation

i. Voluntary Agricultural District

- a. Mrs. Tolbert reported that since her tenure with the Town some residents have expressed interest in voluntary agricultural districts (VAD). Contrary to what staff reported to Council last month, Forsyth County will allow municipalities to be a part of their VAD by executing a memorandum of understanding. This would be less burdensome on Town staff.
 - b. Russell Bailey, 7628 Grapevine Road – Mr. Bailey shared he is interested in a VAD because he has a small homestead and he feels the VAD is beneficial to the Town by preserving rural heritage farmland.
 - c. Mrs. Tolbert shared zoning restrictions are not applied to VADs. The designation protects heritage farms and agricultural properties by restricting the ability of adjoining properties from filing nuisance claims.
 - d. Sandra Mock, 290 Mock Garden Lane – Mrs. Mock has a bon-a-fide farm. Participation as a VAD is a ten-year commitment. The designation allows property owners to apply for grants, provides GIS identification, and gives them a sign so neighbors (and potential neighbors) are alerted of the designation and farm activity. Mrs. Mock also believes the designations are advantageous to the Town in preserving open land.
 - e. Mrs. Tolbert noted participation in VAD is voluntary and all farms are not required to participate.
 - f. Mr. Bailey noted there are properties in the Lewisville area that have had the VAD designation since prior to the Town's incorporation.
 - g. Council consensus was given to secure a memorandum of understanding with Forsyth County.
- ii. Earth Day event funding request – Per the Environmental, Conservation and Sustainability Committee's (ECSC) plan of work, the committee is planning a community Earth Day event for April 29, 2023. Manager Ayers shared that \$1,000 in funding is proposed to cover expenses for a banner, disc jockey, LED bulbs, and some contingency. Gretchen Roberts, ECSC Vice Chair, stated the event would be held in conjunction with the Terracycle event and would help educate the community on sustainability. LED bulbs will be given to attendees. Thus far, the Sierra Club, Yadkin River Company, Bee Keepers, and Elderberry Creek Farm and Nursery have agreed to participate. Council Member Welch requested the committee try to secure

an organization like greeNest, who collects usable household items versus the items being placed at the curb or thrown away. Council Member Franklin hopes the EV charging stations will be in place by the event as well. Council consensus was given for a budget amendment be placed on the December 8, 2022 agenda.

3. **Items Requiring Council Direction – None**

4. **Items Requiring Action at Briefing**

A. Williams Road Gateway Project

- i. Mrs. Tolbert gave a brief history of the project explaining there were six bid openings due to no bids being received. Since the project’s funding approval in 2017, project cost has increased significantly. Due to the increased cost, supplemental funding in the amount of \$1,687,483 was requested from the Metropolitan Planning Organization (MPO) and awarded by the Technical Advisory Committee (TAC) on November 17, 2022. Mrs. Tolbert noted the Town does have a twenty percent match.
- ii. Ordinance 2022-064 – Amending Gateway Project Capital Project Ordinance - \$2,364,080 – Due to the project cost increase, the Gateway Project Capital Project Ordinance needs to be amended to reflect the cost increase. Council Member Franklin moved to approve Ordinance 2022-064. The motion was seconded by Council Member Sadler and passed unanimously. *(Ordinance 2022-064 is herein incorporated by reference into the minutes.)*
- iii. Ordinance 2022-065– Amending Budget Ordinance 2022-001 – Transfer to Gateway Project Capital Projects Fund - \$3,300,000 – Mrs. Orrell noted the Town must spend the money for the project and is then reimbursed for same. To be in compliance, she requested the full project amount be allocated; however, only what is needed will be transferred this fiscal year. She further noted that another budget amendment may be needed in 2023-2024 fiscal year. Mayor Pro Tem Foster moved to approve Ordinance 2022-065. The motion was seconded by Council Member Welch and passed unanimously. *(Ordinance 2022-065 is herein incorporated by reference into the minutes.)*
- iv. Resolution 2022-070 – Gateway Project construction contract – Branch Civil, Inc.- \$2,848,572 – Council Member Franklin moved to approve Resolution 2022-070. The motion was seconded by Council Member Sadler and passed unanimously. *(Resolution 2022-070 is herein incorporated by reference into the minutes.)*
- v. Resolution 2022-071 – Authorizing CEI services contract for Gateway Project – Kimley-Horn - \$448,514.79 – Council Member Franklin moved to approve Resolution 2022-071. The motion was seconded by Council Member Sadler and passed unanimously. *(Resolution 2022-071 is herein incorporated by reference into the minutes.)*
- vi. Resolution 2022-072 – Preliminary design contract amendment #2 for Gateway Project - Kimley-Horn - \$21,828.10 – Mrs. Tolbert reported the amendment to the preliminary contract is due to the additional bid phases that totaled six and a habitat assessment for the northern long-eared bat. Council Member Welch moved to approve Resolution 2022-072. The motion was seconded by Mayor Pro Tem Foster and passed unanimously. *(Resolution 2022-072 is herein incorporated by reference into the minutes.)*
- vii. Letter of Support – CMAQ funding request for Shallowford Road sidewalks – Mayor Horn shared that CMAQ (Congestion Mitigation and Air Quality Improvement) funding is available. It is proposed that the Town apply for 3,200 feet of 5-foot sidewalks with curb and guttering on one side of Shallowford Road from the Lowes Foods entrance to about the Shallowford Reserve entrance. The application was submitted on November 30 due to the deadline. Staff did not commit to which side of Shallowford Road the sidewalk and curb and guttering would be constructed. If approved, funding would be in fiscal year 2024 with anticipated construction

completion in 2026. Estimated cost of the project is \$1,314,667 with a local match of approximately \$262,933. Mayor Pro Tem Foster expressed concern about a 5-foot sidewalk and Council Member Franklin requested decorative lights be considered. Staff will make note of these suggestions but cautioned these items could potentially increase project cost. Council Member Hunt moved to approve the Letter of Support for CMAQ funding. The motion was seconded by Council Member Sadler and passed unanimously. *(Letter of Support and map are herein incorporated into the minutes.)*

5. **Old Business** – None

6. **Administrative Reports**

- A. Manager – Manager Ayers reported staff is deep into the selection process for a Public Works Director and the Town continues to receive applications. He is hopeful to hire someone in December.

Mayor Horn left the room at 7:35 PM and returned at 7:37 PM.

B. Attorney

C. Public Works

D. Planning

E. Finance

F. Clerk

i. Upcoming events

a. Christmas Tree Lighting – December 2, 7 PM

b. Council and staff Christmas lunch – December 7, 12 PM at MAWCC

c. Christmas parade – December 11, 3 PM – Be at staging area by 2:30 PM – Mrs. Moore will share more details with Council via email.

- G. Community Center Facilities & Programming Manager – Mrs. Moore shared the December calendar for the Mary Alice Warren Community Center showing the magnitude of programs, events and rentals for December.

7. **Agenda Items for Regular Meeting on December 8, 2022**

A. Tentative Agenda

i. Consent Agenda

a. Resolution 2022-066 – Financial statements for the four months ended October 31, 2022

b. Approval of Closed Session Minutes – October 6, 2022

c. Approval of Agenda Briefing Minutes – November 3, 2022

d. Approval of Closed Session Minutes – November 3, 2022

e. Approval of Regular Meeting Minutes – November 10, 2022

f. Resolution 2022-067 – Accepting resignation of Jennifer Haydon - Lewisville Beautification Committee

g. Revised 2023 Meeting schedule

ii. Introductions, Recognitions, Presentations and/or Proclamations

a. Presentations

1. Sheriff's office

iii. Appointment(s)

iv. Public Hearings

v. Technical Review(s)

- vi. Preliminary Site Plan Approvals
- vii. Evidentiary Hearings
- viii. Old Business
- ix. New Business
 - a. Resolution 2022-068 – Appointment of Town Attorney Firm
 - 1. Introduction of Elliot Fus
 - b. Resolution 2022-069 - L-104 – To set public hearing for site plan amendment and amendment of uses - 771 Williams Rd from HB-C to HB-C requested by Stephen Long c/o Williams Rd HQ, LLC
 - 1. Mrs. Tolbert shared that 771 Williams Road was rezoned in the past year for Advanced Appliance; however, they have sold the property. The new owner is requesting site plan and use changes, not zoning. The proposed two-story structure will have a deli and retail on the main level with Keller Williams Realtors' offices on the second level. The Planning Board held their public hearing on November 9 with no major community response received.

8. **For the Good of the Order**

- A. Council Member Welch inquired about the uniformity of the Christmas lights along Shallowford Road and when they were last replaced.
- B. Mayor Pro Tem Foster shared about the call to action related to the Forsyth County Humane Society.
- C. Mayor Pro Tem Foster also shared that she has seen a lot of concerns expressed on social media about tannerite.

9. **Adjournment** – Council Member Franklin moved to adjourn the meeting at 7:59 PM. The motion was seconded by Council Member Hunt and approved unanimously.

ATTEST:

Mike Horn, Mayor

Dora K. Moore, Town Clerk