

Lewisville Town Council Regular Meeting Minutes
May 13, 2021 - 6:00 p.m.
Digitally originating in Council Chambers 1st floor - Lewisville Town Hall
6510 Shallowford Road

Town of Lewisville, Regular Meeting

Please click the link below to join the webinar:

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1. Call to Order

- a. Mayor Pro Tem Jeanne Marie Foster opened the meeting being simultaneously streamed electronically at 6:08 p.m. (without Facebook access) and with Mayor Horn's access via telephone. Mrs. Foster will be calling the roll for all items during the meeting. Council members attending electronically were Jeanne Marie Foster, Fred Franklin, Melissa Hunt, Ken Sadler, David Smitherman, Jane Welch and Mayor Mike Horn. Also attending electronically were Town Manager Hank Perkins, Attorney Bo Houff, Town Planner Stacy Tolbert, Town Clerk Joyce Walker and Sgt. Stringer.
- b. The Invocation was provided by Bo Houff and the Pledge of Allegiance by Dr. Sadler.
- c. Adoption of Agenda
 - i. Mayor Horn recognized the addition to item #3 as 3.a.ii., added after the agenda was emailed. This addition was requested by Council Member Smitherman to recognize National Police Week.
 - ii. Mayor Horn also asked to switch a number of other items so that he could continue to participate in the meeting as long as digitally possible: Item #5 Appointments was moved to Item #10; Item #6 Preliminary Site Plan Approvals was moved to #5; Item #7 Evidentiary Hearings was moved to #6; Item #8 Public Hearings was moved to #9; #9 Technical Review was moved to #7; and #10 Unfinished Business was moved to #8.
 - iii. With those changes, Council Member Hunt moved to approve the agenda as amended. The motion was seconded by Council Member Franklin and approved unanimously with a roll call vote of ayes from Council Members Foster, Franklin, Hunt, Sadler, Smitherman, Welch and Mayor Horn.

2. Consent Agenda

- a. Consent Agenda for approval
 - i. [Resolution 2021029](#) - Acceptance and Approval of Monthly [Financials for the nine months ending March 31, 2021](#)
 - ii. Approval of Town Council Meeting [Minutes - March 11, 2021](#)
 - iii. Approval of Town Council Briefing Meeting [Minutes - April 1, 2021](#)
 - iv. Approval of Town Council Closed Session [Minutes - April 1, 2021](#)
 - v. Approval of Town Council Meeting [Minutes - April 8, 2021](#)

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- vi. Approval of Town Council Closed Session [Minutes - April 8, 2021](#)
 - vii. Approval of Town Council Budget Meeting #1 [Minutes - April 12, 2021](#)
 - viii. Approval of Town Council Budget Meeting #2 [Minutes - April 19, 2021](#)
 - ix. Approval of Town Council Special Called Meeting [Minutes - April 28, 2021](#)
 - x. Approval of Town Council Closed Session Meeting [Minutes - April 28, 2021](#)
 - b. Council Member Welch moved to approve the Consent Agenda. The motion was seconded by Council Member Sadler and approved unanimously with a roll call vote of ayes from Council Members Foster, Franklin, Hunt, Sadler, Smitherman, Welch and Mayor Horn. Resolution 2021029 is herein incorporated by reference into the minutes.
3. **Introductions, Presentations, Recognitions and/or Proclamations**
- a. **Introductions, Recognitions, Presentations and/or Proclamations**
 - i. Introductions
 - (1) Forsyth County Sheriff's Office - Introduction of new lieutenant
 - (a) Council was advised that the new lieutenant over Community Policing, Robby Shinault, had a family emergency and was unable to attend the meeting.
 - (b) Lt. Bryan Hall, previously over Community Policing, is now Captain Hall.
 - ii. Recognitions
 - (1) National Police Week - May 9th through May 15th
 - (a) Council Member Smitherman read an acknowledgment written by Attorney General Garland recognizing and supporting the work of all law enforcement and citing May 9th through May 15th as National Police Week.
 - (b) Mayor voiced by acclamation the support of National Police Week by the Lewisville Town Council.
 - iii. Presentations
 - (1) Public Safety Report - Cpl. Stringer
 - (a) Sgt. Stringer provided current call statistics:
 - (i) Calls for *Service* - 473
 - (ii) *Security Checks* - 298
 - (iii) *Traffic Violations/Arrests* - 67
 - (iv) *Alarms* - 23
 - (v) *Priority Call Response* times - 6 minutes
 - (b) Sgt. Stringer did not see anything significant that stood out.
 - (c) He did remind everyone to remember to turn in tags and get a **receipt** before cancelling or switching insurance.
 - (i) Sgt. Stringer was thanked for providing this information and it was suggested that these short pieces of information be provided at each meeting to assist residents.
 - (ii) It was also suggested that adding a *Sheriff's Corner* to the newsletter would be helpful with this information also.
 - iv. Proclamations
 - (1) [Proclamation 2021003](#) - proclaiming May 13, 2021 as Volunteer

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Firefighter Day in the Town of Lewisville

- (a) Council Member Franklin moved to approve Proclamation 2021003. The motion was seconded by Council Member Hunt and approved unanimously with a roll call vote of ayes from Council Members Foster, Franklin, Hunt, Sadler, Smitherman, Welch and Mayor Horn. Proclamation 2021003 is herein incorporated by reference into the minutes.
- (b) This recognized both the Lewisville Fire Department and the Vienna Fire Department

4. Public Forum

- a. The Public Forum was electronically opened at 6:27 p.m.
 - i. Susan Frey, 165 Will Austin Court. I know you've all listened to my comments and read my many emails on the Solomon Project, and I appreciate that. It saddens me that a developer who has built some very nice buildings here and is familiar with our wonderful town and its vision, seems, for some reason unwilling to, at least, follow the spirit of our town's plans. I'm not going to go through the list of UDO sections where I believe the project is not in compliance. I've already provided those to you. I just have two items that I want to mention.
 - (1) First, I'll simply stress again that the residential lot is not in the DTO and that it abuts other non-DTO residential properties. And unless the plan currently on the town web site is not accurate, I believe the setbacks shown on that side of the lot are not in compliance with the UDO.
 - (2) And second, the Downtown Overlay District, Chapter B, Article 2-1.6 H3(c), which I will not read the whole thing, it's lengthy, I'll just read this: "The town may, at its discretion, consider site plans varying from setbacks and other dimensional requirements." And it goes into a lot of different reasons, but it says, "Site plans varying from the requirements may only be approved upon a written finding specifically articulating how the site plan fulfills the intent and purpose of the requirements, as well as or better than with strict compliance with the requirements, and that such site plan is in harmony with the Lewisville Comprehensive Plan."
 - (a) If this is approved, I would ask for such an explanation. And, as always, I appreciate all the time and care that you put into governing and protecting our town. Thank you. And now Dan Frey would like to speak also.
 - ii. Dan Frey, 165 Will Austin Court. I'm making a final plea to the town council to deny the Solomon site plan as presented.
 - (1) My chief objection is the number of stories. Regardless of the arguments of the petitioner's attorney and architect, I maintain that the common understanding of the word story, it is generally accepted that the vertical inhabitable space between a floor and a ceiling is considered a storied unit. There are four levels in this proposed structure and each level should be considered its own story. As an example, when I traveled on business, I often had occasion to book a suite at the Embassy Suites near the

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Philadelphia Airport. Its web site describes it as an all-suite hotel with a five-story atrium. Each level of suites is mezzanine style, inside perimeter of the hotel, and the center of each level was open from the ground floor all the way up to the roof structure. Using the petitioner's definition, this would be described as a one-story building which one might say is an absurd or illogical observation.

- (2) Secondly, the impact of allowing this project to be completed will be the loss of the small town character envisioned for the town's development. While I agree that this is subjective, it still remains a vital aspect of our town's vision. Thank you.
- iii. Blaine Brinton, 1955 Conrad Sawmill Road, Pfafftown. And I'm calling in again for the -- my thing really is the junk yard there at the corner of Conrad Sawmill Road and Robinhood, and it's been going on for now for four years. Lewisville is responsible for protecting our property values and the guy running the junk yard there, he rents the place there, he's not gonna care one bit [Inaudible] what his location looks like. It just -- it's getting worse each month. He's got vehicles and trailers and junk on the right of way. He doesn't have fencing all the way around his property. He's been throwing in brush to serve as fencing, but that doesn't work. He's having landscapers dump brush up on Robinhood Road and then he rolls it down his hill there. There's more junk being hauled into his compound. And he's now been working on his vehicle [Inaudible] right of way. I think Sgt. Stringer went up there to [Inaudible] he had their car put up in the air with his mini excavator working on his car. And I -- I don't understand how he gets away with all this. It's been -- like I said, it's been three or four years now. And my last comment is, with everybody getting the vaccines now, I just wonder if the city council's going to consider going back to live meetings soon.

MAYOR: And that's very good. We appreciate your comments. Thank you very much. And, yes, we were considering going back to live meetings here shortly. Don't change channels. We'll have more on that shortly. Hank, do we have anybody else wishing to speak?

- iv. Jeffrey Hunolt, 106 Matt James Court. I've been against this whole apartment deal, whatever, since the beginning, but, you know, just opinion: We get this apartment here and it will drive our property values down. I will move and I will rent my house out to whomever can give me give me \$500 a month pay for it and -- yeah, that's just it.
- v. This is Vicky McKeever. I'm at Blaine's house. Vicky McKeever. I'm at 1930 Conrad Sawmill Road. I do have a question that I would like to ask Hank Perkins. This is pertaining to the matter that Mr. Brinton was talking about there at the corner of Conrad Sawmill and Robinhood Road. I would like for -- I presume it's Hank Perkins. I would like for someone to explain why a zoning inspector has not been contacted, you know, about this issue that we're having up here, but basically I just would like an explanation as to why that's not happened. That, to me, looks

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like that was what should may have been one of the first things that was done.

Mayor Horn responded: Ms. McKeever, we appreciate your question. The public forum is, as you know, an opportunity for us to listen to you and hear your comments. Let me say we have had a zoning inspector out there, but if you'd like to pick this conversation up specifically with our manager, give him a call anytime. Nine o'clock to five o'clock you can call Town Hall and he'll be glad to discuss this in detail with you.

- b. Mayor Horn commented: We always appreciate your comments and, once again, you can send written comments to townclerk@lewisvillenc.net.
- c. Having no other digitally raised hands, the Public Forum was closed at 6:37 p.m.

5. Preliminary Site Plan Approvals

- a. None.

6. Evidentiary Hearings

- a. None.

7. Technical Review(s)

- a. [Resolution 2021021](#) - Lewisville Technical Review for Compliance (LTCR) for Solomon Development case L-PBR 2021001
 - i. TOLBERT: Okay. I'm going to share my screen. Where's it at? Can everybody see that where it says "Solomon Development"? Okay. **(See attached PowerPoint)**
 - (1) So, before you is LPBR 2021001 Solomon Development.
 - (a) The request includes 39 multi-family units combined with a restaurant, situated in a two-story building.
 - (b) Each unit is proposed to have a mezzanine or a loft area.
 - (c) Parking is to be below grade in a parking deck and, also, in a lot to the rear of the building.
 - (d) It's to be served by public water and sewer.
 - (e) The total acreage for the two lots is 1.56 acres.
 - (f) It fronts on the Great Wagon Road and vehicular access is proposed to be off of North Street.
 - (2) In the previous plan that we have seen many times, there was no changes made to the proposal on the site plan.
 - (a) The number of units remained the same.
 - (b) The parking calculations and impervious surface remain the same due to the footprint of the building being the same, the parking lot being the same, and then also the site access also remains from North Street.
 - (c) One change that was made is, the architect has stated that the building is now two stories instead of four that was originally proposed.
 - (d) The building height was decreased to meet the overall height requirement of 48 feet.
 - (e) There was an elevator shaft and some other items that were

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removed from the roof of the building in order for it to come under the 48 feet maximum height.

- (i) And, if you recall, the way that we calculate building height is the average of all four sides of the building, so the building is a little less than 48 due to the rear of the building, the basement, if you will, where the parking is to enter, so the maximum, the average is 48 feet. It does not go above that.
 - (ii) And then, also, it does say in the Downtown Core Area and the Downtown Overlay and our Unified Development Ordinance that, for building height the maximum building height for buildings and structures shall be two-and-a-half stories with a maximum height of 48 feet. And in the Downtown Gateway Area, of course, this is in the Core area, but in the Gateway area it's three to four stories with a max height of 48 feet.
- (3) You can see before you -- what the green means is just that it's in the Yadkin River WS-4 watershed. The area for the request is where the yellow hashed mark is. This is a visual just so you can see the difference in the zoning. Everywhere that you see this purple is zoned PB. This shade of purple is zoned LB which is "light business", and then, you know, the yellow is residential, the green is institutional, and red is highway business. So, you can just state -- this gives you a visual of the different zoning districts downtown.
- (4) This before you is the Site Plan. Again, this Site Plan hasn't changed over time, other than the elevations changing in order to refer to two stories instead of four stories. You can see the elevations here.
- (5) And then, just for the record, the properties included are identified as Tax PIN numbers 5875 97 8451, as well as 5875 97 7671.
- (6) And the planning board held their technical review on this matter on February 10th and voted 4:3 to recommend approval of the request to the town council. I can take any questions that you have.
- ii. MAYOR: Very good. Council members, as you're aware, we've been reviewing this particular project for a number of months, including the most recent revision of it. Does anyone have any questions for Stacy?
- (1) FRANKLIN: Mayor, I do. This is Fred.
- iii. MAYOR: Yeah, Mr. Fred. Mr. Franklin. Go ahead.
- (1) FRANKLIN: Yeah, yeah. It's about parking. I want to get a little better understanding about the parking for this building.
- (a) TOLBERT: Okay.
- (2) FRANKLIN: All right. I realize that there's, you know, there's a required amount based upon the structure and its use, so they came up with 69 parking spaces required for the residential piece and 32 for the restaurant piece.
- (a) TOLBERT: Um-hmm.

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- (3) FRANKLIN: You know, it's like a total of 101. Then you get the 30 percent reduction which brings it down to, I think, somewhere around 70, you know, 71 or '2, somewhere in that range. And he has a total of 61 spaces that are off-street with his what's behind the building and what is in the parking garage. There are 61 total spaces. Okay?
- (a) TOLBERT: Um-hmm.
- (4) FRANKLIN: So, he's counting on having to have on-street parking, okay
-
- (a) TOLBERT: Um-hmm.
- (5) FRANKLIN: -- make this project viable. So, with that in mind, I'd like to draw attention to where it talks about credits. And I think that I'm in Article 2 and then I'm at a "C" here. I apologize, but ... It talks about, "On-street parking satisfying the off-street parking requirements is permitted provided the following requirements are met." It says, "Sites eligible for credit below shall not generally be located on streets classified as 'collectors' or 'thoroughfares.' However, the North Carolina Department of Transportation or other applicable agency may consider locations on collectors or thoroughfares on a case by case basis." So, my question is, has DOT -- this is a DOT road and it's going to be either as is described here, a collector or a thoroughfare or, as in your report, you describe it as a local arterial.
- (a) TOLBERT: Right.
- (6) FRANKLIN: So, it's going to be a busy street. Has the DOT signed off on this?
- (a) STACY: No, sir. This is actually a town street, the town maintain-- the Great Wagon Road is a town street. It is not a state road.
- (7) FRANKLIN: Okay. Well, to my knowledge, I don't as an elected official, I don't know that the elected body has signed off on that. We –
- (a) TOLBERT: I'm not sure I understand your question.
- (8) FRANKLIN: Well, it says, "However, the North Carolina DOT or other applicable agency."
- (a) TOLBERT: Right. That would be part of the approval tonight would be that him being -- the ordinance allows the on-street parking to be allowed as credits just like the Town Hall has on-street parking that's allowed as credits and a lot of other numerous businesses downtown, but that would be part of his approval tonight, because he is utilizing those spaces that he would be required to build as part of the project if the project gets approved.
- (9) FRANKLIN: Well, let me continue on. Still under "credits", it says, "All parking shall be angled or parallel", which it was drawn that way on his site planning, but, it says, "it must be approved by the elected body, the NCDOT or other agency, whichever is applicable." My questions is, has his parking on street that is applicable to this project being approved on

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technical matters ever been approved by any of these agencies or elected bodies? That should be a "yes" up or no. I mean, up or down, yes or no.

- (a) TOLBERT: Well, it's a "no", however there's never been a plan that called for on-street parking that's come before the elected body for this particular property.
- (10) FRANKLIN: Well –
 - (a) TOLBERT: That's –
- (11) FRANKLIN: -- and then that leads me to the next question. It says, "Credit for on-street parking shall not exceed 35 percent of the total off-street parking. So, if he did not have access to that -- or, excuse me, including that -- I've lost my train of thought there, but my point is, I think he's went over that 35 percent threshold even claiming that to make his parking viable. And I may be wrong about that. I've been trying to generate my math here.
 - (a) TOLBERT: Our ordinance allows up to 35 percent credit for on-street parking and he is only utilizing 30 percent of that, not the full 35 percent.
- (12) FRANKLIN: I don't know about that. But anyhow.
- iv. MAYOR: Thank you, Mr. Franklin. Council members, any additional questions for Stacy?
 - (1) SADLER: Were all of these issues around parking vetted during the planning board considerations?
 - (a) TOLBERT: Yes, they were.
 - (2) SADLER: Thank you.
 - (3) FRANKLIN: I'm sorry. Stacy, explain that last point to me again, how it can be assumed that he has approval for these parking spaces and that they're -- and that they're contiguous. Because they're currently on the opposite side of the street.
 - (a) TOLBERT: Right. What you see before you on the Site Plan is what DOT has designed for the Great Wagon Road construction in the near future.
 - (4) FRANKLIN: Which, again, is going to be a DOT road, right?
 - (a) TOLBERT: No. In my understanding, it's what is currently there and it will continue to be a town road.
 - (b) PERKINS: That is correct. It's going to be built, maintained by the DOT for 12 months for the purposes of letting sort of like a guaranty of that to, you know, for maintenance, and then, once 12 months has elapsed, they're going to turn it back over to the town for the purposes of maintenance. It is our road, but the DOT is going to maintain it for the first year after the GWR is constructed.
 - (5) FRANKLIN: Okay. Well, I'm glad we clarified that, but that tells me that at least it'll get plowed when the snow falls versus Shallowford Road.
- v. MAYOR: Anything else, Mr. Franklin? Council members, anything else?
 - (1) HUNT: Mayor, this is Melissa Hunt.
- vi. MAYOR: Ms Hunt.

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- (1) HUNT: Thank you for your presentation, by the way, Stacy. In your presentation you mention that the architect stated that it's two stories. What's your assessment of the two stories? Was that also your assessment? I just notice that you stated the architect was the –
 - (a) TOLBERT: Right. It is signed and sealed by a licensed North Carolina architect and he is stating that it is two stories. I don't have the licensure to say differently.
 - (2) HUNT: Okay. Thank you.
 - (3) SADLER: Does that mean that if he certifies it, that he's held to that standard?
 - (a) TOLBERT: I would think so, yeah. I mean, like, generally when a licensed engineer or surveyor, architect, puts their seal on the line, then, you know, that's their seal that they are having to uphold with what they are, you know, stating or, you know, when they have a plat or when they do work or something like that. Their seal is, kind of, what is -- you know, they're putting their stamp on it like that's what they stand by.
 - (4) SADLER: And in more general terms that would mean that he would be putting his license in jeopardy if he were to hold something to be accurate that was not and knowingly did that?
 - (a) TOLBERT: Yes, sir, I would think so.
 - (5) SADLER: Thanks.
 - (6) FOSTER: I've got a question. Go ahead, Melissa.
 - (7) HUNT: Sure. And, Stacy, your assessment from reviewing the UDO as a planner and a professional is that that also is what you're basing -- you're basing that recommendation off of the two stories that he did as a professional engineer; is that correct, or –
 - (a) TOLBERT: Yes. Yes, that's correct.
 - (8) HUNT: Okay. Thank you.
 - (9) FOSTER: Ms. Foster has a question.
- vii. MAYOR: Yes, ma'am.
- (1) FOSTER: Thank you. Stacy, the section in which the two-and-a-half stories is referenced, where is that?
 - (a) TOLBERT: It's in the downtown overlay under "building height."
 - (2) FOSTER: Okay. And, correct me if I'm wrong, that is a descriptor where it's talking about building height; and is it also in that section where there's discussion around mass and scale and a reference to human and pedestrian scale?
 - (a) TOLBERT: Yes, that's also in the Downtown Overlay. Um-hmm.
 - (3) FOSTER: Okay. So, two-and-a-half stories could be referenced, at least, to my interpretation, as an objective provision to help describe human scale and pedestrian scale?
 - (a) TOLBERT: I would agree, Jeanne Marie. I think the only thing that -- that is about the only objective thing that we have to go on in our ordinance currently, because building scale, mass,

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- pedestrian friendliness, is not defined.
- (4) FOSTER: Other than contextually, the reference to two-and-a-half stories helps to underscore what's meant by keeping –
- (a) TOLBERT: Right.
- (5) FOSTER: --right [Inaudible] that are appropriate. So, two-and-a-half story goes hand-in-hand with –
- (a) TOLBERT: Yes, ma'am.
- (6) FOSTER: -- [Inaudible]. Thank you.
- (a) TOLBERT: In other parts of town in pedestrian business zoning the maximum height is 60 feet –
- (7) FOSTER: Right.
- (a) TOLBERT: -- so the 48 feet and 2-1/2 stories is meant to bring that down, so it would be different in the downtown rather than the 60 feet that would be allowed in other parts of town.
- (8) FOSTER: Thank you.
- (a) TOLBERT: Um-hmm.
- (9) SADLER: I guess I'm a little confused by question. If someone could clarify the relevance of that for me?
- (10) FOSTER: Are you talking to me, Dr. Sadler, Jeanne Marie?
- (11) SADLER: Whoever can answer these -- what I think I heard, and I may have misheard, was that two-and-a-half stories has something to do with human scale; and I'm just trying to make sure that that's what I heard and that's what was intended or not.
- (12) FOSTER: That -- yeah. And since I asked the question, it's my read that the two-and-a-half story is an objective descriptor for defining scale. And later on human scale, I think pedestrian scale is referenced, but the building's mass, scale, etcetera; and there also being reference to two-and-a-half stories, to my interpretation, that is a descriptor for the intent for scale and mass.
- (13) SADLER: I understand that aspect. I don't understand how it relates to human scale as an objective measure.
- (14) FOSTER: I'm not sure how to answer your question. But perhaps we can talk about that during the discussion. I was asking Stacy if those were part of the Downtown Overlay or what the section was in the Ordinance.
- (15) SADLER: Well, let me ask Stacy that question. Is it relevant, is a two-and-a-half story reference relevant to human scale?
- (a) TOLBERT: In our Ordinance, it doesn't technically define human scale in the "definitions" chapter, but it does say that human scale, and then there's a parentheses, it says, you know, how one is to feel when they're at close proximity to the building. Not necessarily across the road or on the other end of town or something like that. That is what our Ordinance defines human scale as. I would think that, since, in the section where it talks about building mass and scale and pedestrian friendliness, we don't have anything specifically that states exactly what those measurements mean, I

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think the closest thing that we have to measuring one of those would be in building height which the maximum is 48 feet and two-and-a-half stories.

- (16) SADLER: Well, someone made mention of another part of town where the requirement is 60 feet.
- (a) TOLBERT: That is correct. In other parts outside of downtown, for the same zoning that this property has, someone would be allowed to build a building that is 60 feet tall instead of just 48 feet tall.
- (17) SADLER: So, do the same statements regarding human scale and so forth occur in relationship to that?
- (a) TOLBERT: The only place that our ordinance really talks about human scale is in the Downtown Overlay. And other parts in the nonresidential standards for other parts of town it does not talk specifically about human scale.
- (18) SADLER: Okay. Thanks.
- (a) TOLBERT: Um-hmm.
- (19) MAYOR: Council members, anyone else?
- (20) FOSTER: Yes, I have another question, unless we're going to ultimately open this up for discussion when we go for a vote. So, I'm just looking to make sure I'm clear about process.
- (21) MAYOR: Yeah, I mean, I think ordinarily, Jeanne Marie, before anything is even discussed you have to have a motion and a second.
- (22) FOSTER: Right.
- (23) HOUFF: You, of course, don't have to have a vote. But I think if we are through with asking Stacy questions, then we would need a motion and a second on this particular matter either to approve or deny and then we would open for discussion.
- (24) FOSTER: Right. So, I'd like to ask one more question, Stacy, then.
- (a) TOLBERT: Yes, ma'am.
- (25) FOSTER: Thank you. This has to do with this site having a multi-family component and a residential component. And the –
- (a) TOLBERT: What do you mean? And a restaurant component?
- (26) FOSTER: Residential. Meaning the RS-20. The –
- (a) TOLBERT: Oh, okay. I gotcha. I understand. Um-hmm.
- (27) FOSTER: -- the property. Right. So, it's one site, but yet there are two very different components, right? So, for the front part or the Great Wagon Road facing part of the site it is a multi-family use zoning.
- (a) TOLBERT: Um-hmm.
- (28) FOSTER: Is that fair? And part of the requirement for that, now, correct me if I'm not saying this right, is the egress and -- oh, I want to address the egress piece that you walked through before around why an exception was made to allow for the parking to be accessed not through the multi-family part which is a requirement, but, rather, through the North Street part of the site which goes through the residentially zoned portion. So, that's, I

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think –

- (a) TOLBERT: Right.
- (29) FOSTER: -- if you could just address that briefly, yeah.
- (a) TOLBERT: There's two kind of things with that. First and foremost is, the Ordinance does say that it must travel through the multi-family site, but it does not say that it must originate through the multi-family site. And I think the council discussed that a little bit when the first rendition was before us. And then the second thing is, for there to be a driveway cut in that block of the Great Wagon Road would be a nonconforming driveway cut, because it would not meet the distance requirements from other driveways or other -- the intersection, if you will. And so the Ordinance asked us to take the best management practice, if you will, for driveway cuts, and since this particular site has an alternative opportunity to have their driveway cut elsewhere being off of the North Street, that is what the Ordinance asked us to choose instead of choosing somewhere where a driveway cut would be nonconforming.
- (30) FOSTER: But to be clear, the Ordinance says that we can choose to do that if it's a viable alternative, if it's determined to be a viable alternative, right?
- (a) TOLBERT: Um-hmm.
- (31) FOSTER: Okay. So, in your estimation, it was a viable alternative to –
- (a) TOLBERT: Right, because it -- for the reason we have those distances for intersections is for safety reasons.
- (32) FOSTER: Right. But with it being a residentially zoned piece of property –
- (a) TOLBERT: Um-hmm. Right. That's allowed in the Ordinance because of it being for the multi-family use. You're allowed to have parking on an adjacent residential lot as long as it abuts within -- for a distance of at minimum 25 feet. That's why the parking is allowed to be on that site.
- (33) FOSTER: Right. I'm talking the egress. So, your interpretation is that it doesn't have to originate. Say that part again where you say it doesn't have to originate, but –
- (a) TOLBERT: Right. It is connected. You will travel through the site in order to get to the parking underneath and the parking in the rear on the lot, but it doesn't say in the Ordinance that it must originate through the multi-family site.
- (34) FOSTER: Right. Okay. Thank you.
- (a) TOLBERT: Um-hmm.
- (35) MAYOR: Thank you. Any other questions for Stacy?
- (36) SADLER: For the public, would you define what "egress" means, Stacy?
- (a) STACY: "Ingress" and "egress" means, like, pretty much entrance and exit through the parking lot, where you would enter into it or where you would exit; just like ingress and egress of a building would be where you pass to go indoor or outdoor of the building.

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- (37) SADLER: So, an egress is a leaving from its place, right?
- (a) TOLBERT: Yes.
- (38) SADLER: Yeah.
- (39) MAYOR: Council members, any other questions for Stacy?
- (40) SMITHERMAN: Mayor, this is Councilman Smitherman. I have a statement.
- (41) MAYOR: David, at this point we probably are questions for staff, but once we get a motion and a second to either approve or deny, then I think that's the opportunity for more council discussion. Is that okay with you?
- (42) SMITHERMAN: No. It's a statement to address a motion.
- (43) MAYOR: Oh, I see. Okay. I apologize. I thought -- yes, you're prepared to make a motion.
- (44) SMITHERMAN: I am. I wrote it down so I can be straight with it.
- (45) MAYOR: Okay.
- (46) SMITHERMAN: In reference to the Solomon technical review: Originally, we voted to deny this request based on two key factors: Number of stories and overall height. The request was sent back to the planning board for review and re-submission. Mr. Zenger and his attorney reached out to the planning board and asked what options they should consider to make this a better fit for the town. No options were offered by the planning board and the project was resubmitted to them changing the stories to two and overall height to 48 feet. This was approved by the planning board, recommended by the town planner, and sent back to the Council. As elected officials of the Town of Lewisville, sometimes we have to make hard decisions. It is imperative that we vote according to the process that is set in place and the requirements of the UDO. Therefore, I would like to make a motion to approve the application based on the information provided.
- (47) SADLER: I'll second the motion.
- (48) MAYOR: Mr. Smitherman makes the motion and Dr. Sadler makes the second. Council, now is the time for additional discussion among ourselves.
- (49) FOSTER: I –
- (50) MAYOR: Yes, ma'am. Go ahead.
- (51) FOSTER: So, I, first of all, want to make the comment before I make additional more on point comments about the project and the site. For the record, this is May 2021, and this project came before us after May of 2020. And I'll remind everyone -- I don't need to remind everyone -- this has been during the global pandemic of COVID-19, and it has been an extraordinarily difficult time for everyone, and it's been a very unique and unusual project, so I just want to back all the way up, because at some point in time all of this is just going to be on a piece of paper written, and I want to make sure the record reflects that we've been in a state of emergency for quite some time. This time last year we were scrambling. We didn't even know what Zoom meant much less it's now part of our vernacular, etcetera,

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etcetera. People have scrambled to do the right thing, to have good faith to move mountains to try to make communication happen and meetings happen and special meetings called, etcetera, so I just want to acknowledge all of the effort and energy and attention that has gone through just trying to manage the governance of not just the town, but certainly this and many other projects. So, that's number one. My comment has to do with the fundamental that we are required to do, and that is for, under Chapter B, Article 2, Section 3-1.6H(b): "For proposals requiring simply site plan review, but not rezoning or zoning map amendment, the planning board shall recommend approval and the elected body shall approve any plans that meet all" - not two - "all requirements of this Downtown Overlay District and the UDO, and deny such requests that do not meet the requirement." So, I appreciate, as I said, all the effort that went into this. It's been an extraordinary case with lots of moving parts. I appreciate the staff for the energy and attention that went into that. I don't agree with the assessment as it relates to parking, don't agree with the assessment as it relates to, as I was saying, the egress and way that we are allowing for this to be, what is it, Stacy, an alternate -- a viable alternative? I don't think the intent of the UDO is to allow for a viable alternative for a residential property for parking and not meet the requirements of the other components of garbage/trash; and I think Mrs. Frey mentioned that she had sent some materials along those lines. So, the two-and-a-half stories, to your point, Dr. Sadler, as I read and interpret the requirements, I understand that the mass and scale is part of what it is we are supposed to review, and my interpretation is that, two-and-a-half story was the attempt to describe what the mass should be, especially in the Downtown Overlay. And then, finally, as it relates to what I reference with we "shall approve any plans that meet all requirements of the DTO and UDO, and deny any such requests that do not meet the requirements," one of the components that is in the UDO references roof pitch; and although it's referenced in another section of town, as I read, what we're supposed to be looking at for the technical review for compliance, there is an expectation that there will be a roof pitch within the UDO. So, the Downtown Overlay is an additional component because this is a special place, but it still requires the technical review that we look at the entirety of the UDO. So, I'll pause there, because I can also underscore one of my rationales as being what Mrs. Frey called in about earlier, but I'm sure my other colleagues have something to say. Thanks.

(52) WELCH: Can I get a clarification, please, from our attorney Mr. Houff? When we vote on this, if we vote in the "no", that's when we give our reasons; is that correct?

(a) HOUFF: (Muted)

(53) WELCH: Oh, you're muted.

(a) HOUFF: Hadn't done that in a while. I apologize. Yes, you'll need to -- if there is a motion to deny, then that's going to need to include with it the reasons for denial. And a vote that does, in fact,

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deny will need to have -- all four will have to have a majority vote on at least one of those reasons for denial. So, in other words, if there were to be a denial and there were four council people with four different reasons, A, B, C and D, that would not be a sufficient denial. We'd need to have -- so, if it were to be Condition "A" that four people agree is not met, that would be sufficient, but if four council members had four different reasons for denial, that would not -- you need to have a majority to agree upon a reason for denial; that makes sense.

- (54) WELCH: Okay. Then you --
- (55) MAYOR: Well, that's new information to us.
- (56) FRANKLIN: Yeah, absolutely. That's the first time we've heard that.
- (57) WELCH: Yeah.
- (a) HOUFF: Well, we had not talked about that, but that, I mean --
- (58) FRANKLIN: Well, we've taken a previous vote and this didn't come up.
- (a) HOUFF: Well, we had --
- (59) FRANKLIN: What's different from this vote?
- (a) HOUFF: -- [Inaudible] the last time. Pardon?
- (60) FRANKLIN: I said, what is different from the previous vote when it was denied to this vote tonight? Because this has not been discussed with us, Bo.
- (a) HOUFF: I understand. But what I'm saying is, the last vote, I think everybody that voted against it was based on height and the issue didn't arise. But I don't know that it's got -- you know, we'll have to just wait and let it flesh out and see how this goes, but --
- (61) WELCH: So, again, Bo, you said when there's a motion for denial. Well, the motion is for approval, so --
- (a) HOUFF: Right.
- (62) WELCH: -- when I cast my vote, if I vote "no", that is when I make the reasons why, correct?
- (a) HOUFF: No, ma'am. On the motion to -- there's a motion to approve, a simple vote "no" is sufficient for a -- your vote "no" is sufficient. That would be a determination about whether the motion to approve passes.
- (63) WELCH: All right. So, this is the time, then, I can express some of my views, correct?
- (a) HOUFF: Yes, ma'am.
- (64) WELCH: All right. Well, I'd like to take a moment and say why I am not in favor of this project being approved.

Number 1, under the Comprehensive Plan and the Downtown Design Guidelines it does not meet pedestrian scale. That's in Chapter B, Article 2. And that is under definition of the 2-1/2 stories and, you know, the four-story as was in previous. And then, under "Vision", it is not in line with the small-town character. And under Downtown Overlay, it does not protect the unique character and urban design. Now, these last two may

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be interpreted as subjective, but I do think that they are very important and that they do influence what, you know, is approved or not.

Number 2, under the Unified Development Ordinance, Number 1, it is over the maximum height required of two-and-a-half stories. That's in Article B, Article 2, 2-1.56. And, under the Preferred Land Use Map, it does not reflect the desire of the citizens to preserve the town's rural residential character as the predominant land use, a feature of the community. That's under Chapter B, Article 2. And it does not comply with the requirement of off-site parking for multi-family to be only through, and that's underlined, the multi-family site.

And last, it does not meet the requirement to consider the most restrictive interpretations to prevail. And that's 1-7.1 and 1-7.2.

(65) MAYOR: Thank you, Ms Welch. Council members, I want to just back-step for just a second. As I understood our attorney just now, the motion on the floor is to approve and it has a second. We can vote "yea" on the motion which is to approve or we can vote "no" on the motion which is not to approve. In this particular instance we do not have to provide a reason for voting no. Is that correct, Bo?

(a) HOUFF: It is.

(66) MAYOR: Very good. Council members, any additional discussion?

(67) FRANKLIN: Say that one more time.

(68) FOSTER: Yeah, yeah. Please clarify.

(a) HOUFF: "Yes" or "no" on this motion without any reasons.

(69) FOSTER: Because of the way in which the motion was set up, is what you're saying?

(a) HOUFF: Right. A motion to approve you can vote against it and just say "no" or you can vote "yes." You don't have to provide a reason, because this is a motion to approve.

(70) FOSTER: Sure.

(a) HOUFF: If the motion to approve fails, then we're left with a next possible motion.

(71) FOSTER: Sure. But the point of discussion at this time is to share views and positions because that could or may impact the vote of individual council members, correct?

(a) HOUFF: Yes, ma'am.

(72) MAYOR: That's correct.

(a) HOUFF: But when your vote is cast "yes" or "no."

(73) HUNT: Bo, can you clarify, if it's denied and it comes back as a denial, then at that point's when we have to have an agreement as to why it's denied?

(a) HOUFF: If -- well, I hesitate to anticipate the motion, but if there is a motion to deny, the motion to deny should state the reasons for that motion. And then --

(74) MAYOR: Bo, I'm -- I'm sorry. Go ahead.

(a) HOUFF: I would say, the motion to -- if there is a -- we're in a

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motion to approve, but if this were to fail and if there were a motion to deny, that motion should include with it the reasons for the motion to deny. And then –

- (75) MAYOR: But there does not necessarily need to be a motion to deny.
(a) HOUFF: Well, if you have a motion, yes, because the Downtown Overlay says the council shall approve all site plans that meet the requirements and shall deny all motions that don't; so you would need to have a motion.
- (76) MAYOR: Okay. Very good.
(a) HOUFF: Mere failure of the approval we're kind of in limbo; we don't have any ruling at that point.
- (77) MAYOR: Gotcha.
- (78) SADLER: I have a question.
- (79) MAYOR: Council members, the question has been called on the motion to approve Resolution 2021021, the approval for technical review compliance for the Solomon Development case. Ms Foster, will you take the roll, please. You're voting on the motion to approve.
- (80) FOSTER: The motion to approve: Dr. Sadler.
(a) SADLER: I.
- (81) FOSTER: Mr. Smitherman.
(a) SMITHERMAN: I.
- (82) FOSTER: Ms. Foster. Is a nay. Mr. Franklin.
(a) FRANKLIN: No.
- (83) FOSTER: Ms Welch.
(a) WELCH: No.
- (84) FOSTER: Ms Hunt.
(a) HUNT: No.
- (85) FOSTER: Mayor.
(a) MAYOR: No.
- (86) FOSTER: Mayor, would you like to wrap up?
- (87) MAYOR: I think that is a 5:2 not approving the motion. So, council members, what we would need to do now, and I'm going to just warn everyone, and if I have to run here, I will, but in 15 minutes I have to catch a plane, so that's my time frame. But don't let that hinder discussion on this. We now have the floor open for a motion to deny as we're required to have.
- (88) WELCH: So move.
(a) HOUFF: And this is the time when you would state the reasons, Ms Welch.
- (89) WELCH: Okay. And then I might ask, also, if the Mayor would stay after me, since he has to leave so soon. All right. My reasons were –
- (90) MAYOR: Certainly.
- (91) WELCH: -- Number 1, in the Comprehensive Plan –
- (92) FOSTER: Excuse me, Jane.
- (93) WELCH: Yes.

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- (94) FOSTER: Joyce is making some motions. Ms Walker's making motions.
- (95) CLERK: I'm sorry. Everybody was kind of talking. Who actually made the motion to deny and who was the second, please?
- (a) HOUFF: No. She's still stating her motion to deny and it was Jane.
- (96) CLERK: Oh. I'm sorry. I thought it worked the other way. Okay.
- (a) HOUFF: No. She's making her motion and it'll include the reasons with it.
- (97) CLERK: Okay. Thanks.
- (98) WELCH: And you probably already have them, Joyce, so I'll go through them a little quickly again.
- Number 1. In the Comprehensive Plan and the Downtown Design Guidelines, it is not pedestrian scale. Chapter B, Article 2. Under "Vision," it is not in line with small-town character and it, under the Downtown Overlay, does not protect the unique character in urban design.
- Number 2. Under the Unified Development Ordinance, 1, it's over the maximum height required of two-and-a-half stories. Chapter B, Article 2. On No. 2 under that, under Preferred Land Use Map, it does not reflect the desire of the citizens to preserve the town's rural residential nature as a predominant land use feature of the community. Chapter B, Article 2. And then, does not comply with the requirement of off-site parking for multi-family to be only through the multi-family site.
- And last, it does not meet the requirement to consider most of the restrictive interpretations to prevail. 1-7.1, 1-7.2.
- (99) MAYOR: There's a motion on the floor to deny. Is there a second?
- (100) FRANKLIN: I'll second that, if I might ask for an amendment, Jane?
- (101) WELCH: Okay.
- (102) FRANKLIN: I'd also like to include that I do not think it meets the parking requirements as far as the allocated spaces are concerned, because I do not believe it has been approved to include those calculations by either the elected body or the North Carolina DOT, specifically, in writing at this point in time. And those are critical to finding the technical review of this is a compliance. So, anyhow I'd like to add that to your motion; and, with that, I will second it.
- (103) WELCH: I accept that.
- (104) MAYOR: Very good. There's a motion. There is a motion and an amended motion and a second. Any further discussion on this at this point?
- (105) SADLER: I'm a little confuse–
- (106) MAYOR: If not, Ms. Foster –
- (107) SADLER: I have a question.
- (108) MAYOR: Yes, sir.
- (109) SADLER: Just for clarification, 'cause I think I heard the attorney say something about what the process should be for all those who are voting to deny. I just want to make sure that I'm clear about what will follow now if

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folks vote "no."

- (a) HOUFF: Well, if there's a "no" vote on this motion, you won't need any reason, because it's effectively a motion to approve it. For those who are voting "yes", if they disagree with one or more of the reasons that Ms Welch and Mr. Franklin have stated, then they should make that known, otherwise a "yes" vote on this motion agrees with the motion in its totality including all the reasons against it. But anyone who votes "no" on this motion doesn't have to state a reason.
- (110) SADLER: All right. Thank you.
- (111) WELCH: All right. So, for clarity, Bo, the council has already voted "no" with the motion for approval. So, now we are left with just, it seems, those who are voting for this motion of not to be approved. They're the only ones that have to state why; is that correct?
- (a) HOUFF: No. Right now you have a motion that you made and stated your reasons, and then Mr. Franklin added one or two additional reasons and asked you to amend your motion, which you did, and so that's been seconded; and so anyone -- if you vote "yes", you're voting that you agree with the reasons stated in your motion, as amended, to deny. Everybody votes, because it's a motion being voted on by town council. Everybody votes.
- (112) FOSTER: Got it.
- (113) FRANKLIN: But at this point in time it's simply straight up "yes" or "no", right?, as far as the motion?
- (a) HOUFF: Yes, sir. A "yes" vote includes the reasons that were stated in the motion.
- (114) FRANKLIN: Right.
- (115) FOSTER: Right. So –
- (116) FRANKLIN: I would call the question and so the Mayor gets the opportunity to vote 'fore he has to catch that plane.
- (117) MAYOR: Thank you. Very good. Ms Foster, if you will go ahead and –
- (118) FOSTER: Sure. Mr. Franklin.
- (a) FRANKLIN: I'm going to vote "yes" on this motion.
- (119) FOSTER: Okay. All right. Ms Welch.
- (a) WELCH: Yes.
- (120) FOSTER: Ms Hunt.
- (a) HUNT: I.
- (121) FOSTER: Dr. Sadler.
- (a) SADLER: No.
- (122) FOSTER: Mr. Smitherman.
- (a) SMITHERMAN: No.
- (123) FOSTER: Ms Foster is "yes." Mayor Horn.
- (124) MAYOR: Yes.
- (125) FOSTER: Okay. So, would you like to take it up from here?
- (126) MAYOR: Certainly. I think at this particular point the motion passes by

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5:2 with Mr. Smitherman and Dr. Sadler voting in opposition.

(127) FOSTER: Correct.

(128) MAYOR: Okay. Very good. Folks, moving on to unfinished business. And I do apologize that, folks, I would not be leaving this meeting if it wasn't critical that I be on this flight.

8. Unfinished Business

- a. [Ordinance 2021022](#) - Amending Chapter 17 of the Lewisville Town Code relating to junked, abandoned and hazardous motor vehicles

Council member Franklin advised that he may have to leave the meeting.

Mayor Horn also advised the same.

Attorney Houff reminded everyone if either leave voluntarily, any votes taken will be “yes” votes.

- i. Mayor Horn noted that the town could require higher standards and reviewed a few items that have been amended for discussion.

Mayor Horn announced he had to leave the meeting.

Council Member Franklin left at 7:25 p.m. as noted above.

- ii. Mr. Perkins shared his screen showing changes to Chapter 17 and reviewed the changes suggested by Mayor Horn. He also noted that most of the language is identified in the General Statutes.
- iii. It was noted that the town’s ordinance cannot be in conflict with State laws.
- iv. DOT involvement was also discussed if the offense occurs on a DOT road.

It was recognized at this time that Council Member had electronically returned to the meeting at 7:50 p.m.

- v. There was discussion on whether the ordinance could be immediately enacted.
- vi. Mr. Perkins advised that he is working with a towing company when vehicles are identified for towing.
- vii. Sgt. Stringer noted that he would have the county attorney review due to the involvement of the Sheriff’s Office and the Community Policing officers.
- viii. This ordinance is similar to the one passed by the Village of Clemmons
- ix. After additional discussion, it was the consensus of the Council to wait for the county attorney’s review..

9. Public Hearings

- a. [Ordinance 2021018](#) - public hearing to receive comments on UDO L-163 amending the UDO to create detailed requirements for the planting of street trees in residential developments
- i. Staff presentation
- (1) Mrs. Tolbert provided a PowerPoint presentation providing highlights and changes to the existing ordinance as well as reasons for making these changes. **(See attached PowerPoint)**

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- (2) The Lewisville Beautification Committee assisted in providing information on planting, tree size, etc.
- (3) This will be for new developments.
- (4) Staff report follows:

STAFF REPORT

DOCKET # UDO L-163

REQUEST

This text amendment was drafted by staff at the request of the Town's Public Works Department and Planning Board with the recommendations from the Lewisville Beautification Committee. The request is to amend portions of Chapter B Article 3 and Chapter D Article 4, of the Unified Development Ordinance (UDO) to create detailed requirements for the planting of street trees in residential developments.

BACKGROUND

The Lewisville Public Works Department has continued to maintain the Town's streets, street trees and sidewalks in residential neighborhoods. Street trees were planted in older neighborhoods and as the trees mature, safety issues are emerging. These issues include tree limbs hanging into the travel way of cars, causing cars to have to go into the on-coming travel lane. The street trees are also causing issues for the sidewalks. The root systems of the planted trees cause the sidewalks to buckle creating a trip hazard for pedestrians. This text amendment is a way to mitigate issues caused by street tree plantings.

ANALYSIS

Currently, our UDO requires large variety trees be planted on both sides of the street in conventional subdivisions at a rate of one tree per every 45 linear feet centerline. When awareness was made of the issues caused by street trees, Staff met with the Lewisville Beautification Committee (LBC) for recommendations. The LBC recommended altering the size requirements of large, medium and small variety trees. The LBC also recommended setback requirements based on the variety of tree planted. Staff has drafted this UDO text amendment based on those recommendations.

SUMMARY

This text amendment will place new requirements in the UDO that not only guide developers on what trees to plant and where to plant them in major developments. The requirements will also help staff better streamline the process of approving where the trees will be placed along the street. The purpose is to have the street tree planting schedule and plan be a thought during the design of the project, not an afterthought.

The exact language to be added and/or amended to the UDO is attached.

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- ii. Public Hearing
 - (1) The Public Hearing was electronically opened at 8:23 p.m.
 - (2) Having no electronically raised hands to speak, the Public Hearing was closed at 8:25 p.m.
- iii. Council Discussion
 - (1) None.
- iv. Set date for Council Consideration of **Ordinance 2021018**
 - (1) Council Member Franklin moved to set the consideration date for the June 3, 2021 briefing meeting. The motion was seconded by Council Member Hunt and approved unanimously by a roll call vote of ayes from Council Members Franklin, Hunt, Sadler, Smitherman, Welch and Mayor Pro Tem Foster (with Mayor Horn's vote counted as aye).

10. **Appointments**

- a. **Appointment Order 2021003** - appointing Ellen Lee to the Lewisville Beautification Committee
 - i. Council Member Franklin moved to approve Appointment Order 2021003. The motion was seconded by Council Member Welch and approved unanimously by a roll call vote of ayes from Council Members Franklin, Hunt, Sadler, Smitherman, Welch and Mayor Pro Tem Foster (with Mayor Horn's vote counted as aye). Appointment Order 2021003 is herein incorporated by reference into the minutes.
- b. **Appointment Order 2021004** - appointing Ed Smith to the Triad Municipal Alcoholic Beverage Control System Board for a 3-year term beginning July 1, 2021 and ending June 30, 2024
 - i. Council Member Smitherman move to approve Appointment Order 2021004. The motion was seconded by Council Member Sadler and approved unanimously by a roll call vote of ayes from Council Members Franklin, Hunt, Sadler, Smitherman, Welch and Mayor Pro Tem Foster (with Mayor Horn's vote counted as aye). Appointment Order 2021004 is herein incorporated by reference into the minutes.
- c. **Appointment Order 2021005** - appointing T. Lynn Fulton as an alternate to the Lewisville Zoning Board of Adjustment for a term of 3 years ending June 30, 2024
 - i. Council Member Hunt moved to approve Appointment Order 2021005. The motion was seconded by Council Member Franklin and approved unanimously by a roll call vote of ayes from Council Members Franklin, Hunt, Sadler, Smitherman, Welch and Mayor Pro Tem Foster (with Mayor Horn's vote counted as aye). Appointment Order 2021005 is herein incorporated by reference into the minutes.

Council took a break between 8:30 p.m. and 8:38 p.m.

Council Member Franklin was recognized as leaving the meeting at 8:35 p.m. and not returning.

11. **New Business**

- a. **Resolution 2021037** - Accepting the Tree and Bench dedication proposal for Jack Warren Park
 - i. This policy allows the dedication of trees and benches as proposed by the Lewisville Beautification Committee.

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- ii. The Beautification Committee members have identified locations in the park and have had trees planted in various locations. The cost for each tree is \$300.⁰⁰ and includes maintenance and a plaque on the honoree. The trees have already been planted.
 - (1) Some of the tree locations will also have benches which cost \$600.⁰⁰ and includes installation, maintenance and a plaque on the honoree.
 - iii. Council Member Hunt moved to approve Resolution 2021037. The motion was seconded by Council Member Smitherman and approved unanimously by a roll call vote of ayes from Council Members Hunt, Sadler, Smitherman, Welch and Mayor Pro Tem Foster (with Council Member Franklin's and Mayor Horn's votes counted as aye). Resolution 2021037 is herein incorporated by reference into the minutes.
 - b. [Resolution 2021028](#) - setting the public hearing for June 10, 2021 to receive comments on the 2021-2022 budget
 - i. SL 2020-3 will require waiting 24 hours following the close of the public hearing before a vote can be taken.
 - ii. Council Member Smitherman moved to approve Resolution 2021028 and to set June 14, 2021 at 6:00 p.m. as the date and time for voting consideration. The motion was seconded by Council Member Sadler and approved unanimously by a roll call vote of ayes from Council Members Hunt, Sadler, Smitherman, Welch and Mayor Pro Tem Foster (with Council Member Franklin's and Mayor Horn's votes counted as aye). Resolution 2021028 is herein incorporated by reference into the minutes.
 - c. [Ordinance 2021026](#) - Order to collect 2021 taxes by the Forsyth County Tax Collector
 - i. Since the Forsyth County Tax Assessor collects taxes for the Town, this ordinance provides the authority for the Tax Collector to collect the Town's taxes due for 2021.
 - ii. Council Member Smitherman moved to approve Ordinance 2021026. The motion was seconded by Council Member Welch and approved unanimously by a roll call vote of ayes from Council Members Hunt, Sadler, Smitherman, Welch and Mayor Pro Tem Foster (with Council Member Franklin's and Mayor Horn's votes counted as aye). Ordinance 2021026 is herein incorporated by reference into the minutes.
 - d. [Ordinance 2021027](#) - Order to collect 2020 and prior years taxes by the Forsyth County Tax Collector
 - i. This ordinance authorizes the Forsyth County Tax Collector to collect past taxes from 2020 and 10 years previous.
 - ii. Council Member Sadler moved to approve Ordinance 2021027. The motion was seconded by Council Member Smitherman and approved unanimously by a roll call vote of ayes from Council Members Hunt, Sadler, Smitherman, Welch and Mayor Pro Tem Foster (with Council Member Franklin's and Mayor Horn's votes counted as aye). Ordinance 2021027 is herein incorporated by reference into the minutes.
12. **Administrative Reports**
- a. Upcoming [Events at Shallowford Square](#) and Town Holidays
 - i. Town Hall will be closed on May 31, 2021 in celebration of Memorial Day.
 - b. Manager's Report

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- i. There has been a procedural issue with the bid opening for the Gateway Project and the date has been changed.
 - (1) Duke Energy will be doing the street lighting. Staff will be developing the cost estimate so that light installation can happen coincidental with the end of the project.
- c. Planning
 - i. Mrs. Tolbert reminded everyone of the Comprehensive Plan and the Parks and Recreation Master Plan updates - Lewisville Tomorrow - and the on-line survey. There is a link on the web site and Facebook. The data from the survey will assist in the updates to both plans.
- d. Clerk's Report
 - i. None.
- e. **Approvals at the Briefing and Action Meeting on May 6, 2021**
 - i. Recommendation from the Special Projects Review Committee to donate to the Meals on Wheels Program
 - (1) [Ordinance 2021021](#) - amending Budget Ordinance 2020001 in the amount of \$9,000.⁰⁰ to donate to Senior Services for the Meals on Wheels Program to benefit 6 seniors living in the Town of Lewisville
 - ii. Mary Alice Warren Community Center
 - (1) [Ordinance 2021023](#) - amending Capital Project Ordinance of the Lewisville Town Council Community Center Capital Projects Fund to transfer additional funds to increase the budget for AV and furniture in the amount of \$49,390.⁰⁰
 - (2) [Ordinance 2021024](#) - amending Budget Ordinance 2020001 in the amount of \$49,390.⁰⁰ to transfer additional funds from the General Fund to the Community Center Capital Project
 - (3) [Resolution 2021030](#) - awarding security contract to Sage Security Solutions of Mooresville in amount not to exceed \$53,088.⁰⁰ and directing the Manager to execute the contract
 - (4) [Resolution 2021031](#) - awarding audio visual contract to Clark Powell of Winston-Salem in an amount not to exceed \$119,990.⁰⁰ and directing the Manager to execute the contract
 - iii. [Resolution 2021033](#) - declaring surplus items and authorizing the electronic auction of surplus personal property
 - iv. Storm Water detention system at the Annex
 - (1) [Ordinance 2021025](#) - amending Budget Ordinance 2020001 in the amount of \$11,020.⁰⁰ to increase the budget for contract with Industrial Vacuum Services to clean out the storm water detention system at the Annex
 - (2) [Resolution 2021032](#) - awarding contract to Industrial Vacuum Services, Inc. (IVAC) in an amount not to exceed \$18,500.⁰⁰ and directing the manager to execute the contract
 - v. [Resolution 2021034](#) - awarding paving contract to Yadkin Valley Paving of Winston-Salem in amount not to exceed \$156,421.84 for streets noted in accompanying contract

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- vi. [Resolution 2021035](#) - awarding contract to Hill's Paving for the resurfacing of the Town Hall Annex parking lots and asphalt areas in an amount not to exceed \$17,750.⁰⁰
- vii. [Resolution 2021036](#) - approving a 3-year lease agreement for telephone service for Town Hall, the Town Hall Annex and the G. Galloway Reynolds Community Center

13. **For the Good of the Order:**

- a. Public Comments
 - i. Public Comments were electronically opened at 8:57 p.m.
 - (1) Blaine Brinton, 1955 Conrad-Sawmill Road, asked where he can find a copy of Ordinance 2021022..
 - (a) Mrs. Walker advised that the ordinance is posted on the town's web site as part of Council's packet for tonight's meeting. Look for Government/Town Council/Agendas.
 - ii. Having no other electronically raised hands, Public Comments were closed at 9:03 p.m.
 - iii. Written comments may be sent to townclerk@lewisvillenc.net.
- b. Council Comments/Discussion
 - i. Social media policy discussion
 - (1) Council Member Hunt suggested that the town develop a social media policy not just for the Council but also to include boards and committees to ensure that all are professional, ethical and respectful.
 - (a) This could be part of an orientation packet.
 - (b) Currently Attorney Houff visits boards and committees after appointment and provides information statutory authority, their charter requirements, etc.
 - (2) Mr. Perkins advised that there is a policy in the personnel policy that can be reviewed and expanded.
 - (3) Media policies from other municipalities will also be reviewed.
 - (4) After comments and discussion, Mr. Perkins will work with Mrs. Hunt on some of the policies she has reviewed.
 - ii. Mr. Moser advised that bulky item pickup is still going on. Waste Management has had some mechanical and personnel issues. Staff has been in constant contact on getting this completed as soon as possible.
- c. Adjournment
 - i. Having no other business to discuss, Council Member Smitherman moved to adjourn the meeting at 9:15 p.m. The motion was seconded by Council Member Welch and approved unanimously with a roll call vote of ayes from Council Members Foster, Franklin, Hunt, Sadler, Smitherman, Welch and Mayor Horn.

Mike Horn, Mayor

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ATTEST:

Joyce C. McWilliams Walker, Town Clerk