

Lewisville Town Council
Regular Meeting Agenda - Amended
March 10, 2016 - 7:30 p.m.
Town Hall - 6510 Shallowford Road - Room 110

1. Call to Order

- a. Mayor Mike Horn called the meeting to order at 7:30 p.m. Council Members present were Fred Franklin, Robert Greene, Sandra Mock, Ken Sadler, Ed Smith and Jeff Zenger. Also present were Town Manager Hank Perkins, Attorney Bo Houff, Planner Marty Myers, Public Works Director George Hauser and Town Clerk Joyce Walker. Jeff Hunter, Inspections Department, was also present.
- b. Invocation was led by Reverend Tom Lee, Lewisville United Methodist Church, retired, and the Pledge of Allegiance by Council Member Robert Greene.
- c. Adoption of Agenda
 - i. Council Member Smith moved to approve the agenda. The motion was seconded by Council Member Mock and approved unanimously.

2. Consent Agenda

- a. Consent Agenda Items for Action:
 - i. [Resolution 2016016](#) - Acceptance and Approval of Monthly [Financials for January 2016](#)
 - ii. Approval of Council Briefing and Action [Minutes - February 4, 2016](#)
 - iii. Approval of Council Meeting [Minutes - February 11, 2016](#)
 - iv. [Resolution 2016010](#) - accepting the request of Jesse Kio not to be reappointed to the Lewisville Public Safety Advisory Committee
 - v. [Resolution 2016011](#) - accepting the request of William Lorentz not to be reappointed to the Lewisville Recycling Committee
 - vi. [Resolution 2016012](#) - accepting the request of Wayne Turner not to be reappointed to the Lewisville Recycling Committee
 - vii. [Resolution 2016013](#) - acknowledging the end of term limits of Ken Wernick from the Lewisville Parks, Recreation and Cultural Development Board
 - viii. [Resolution 2016014](#) - acknowledging the request of Randolph C. Henning not to have his name considered for reappointment to the Lewisville Planning Board
 - ix. [Resolution 2016015](#) - acknowledging the end of term limits of Ronald Hutton from the Lewisville Zoning Board of Adjustment
- b. Council Member Zenger moved to approve the Consent agenda. The motion was seconded by Council Smith and approved unanimously. Resolution 2016016, Resolution 2016010, Resolution 2016011, Resolution 2016012, Resolution 2016013, Resolution 2016014, and Resolution 2016015 are herein incorporated by reference into the minutes.

3. Introductions, Presentations and/or Proclamations

- a. Presentations
 - i. Mayor Horn presented a plaque to Bessie Stogias Family in recognition of Gus Stogias and the Liberty Restaurant's 30 years in business in Lewisville.

4. Public Forum

- a. Mayor Horn opened the Public Forum at 7:37 p.m.

Lewisville Town Council
Regular Meeting Agenda - Amended
March 10, 2016 - 7:30 p.m.
Town Hall - 6510 Shallowford Road - Room 110

- i. Merrikay Brown, 7335 Bullard Road, Clemmons, 27012, president of the Lewisville Historical Society provided an information packet on the history and architecture of the house on the property recently donated to the Town by Mr. Fred Moser. She also provided a position paper on the house and asked the Council to create a preservation fund as a permanent part of the ongoing budget.
- b. Having no other speakers, the Public Forum was closed at 7:41 p.m.

5. Public Hearings

- a. Zoning Case L-077, 6606 Shallowford Road, (1) amending the site plan by the addition of a wooden fenced area and (2) expansion of a garage on the property
 - i. Staff Presentation
 - (1) Mr. Myers provided background on the request that was to be brought to the Town Council on December 10, 2015 requesting a site plan amendment for the fencing on the property. He read the following background information:

A rezoning application for case L-077 was made by Mr. Hansley on September 8th 2015. He requested that he be allowed to erect a wooden type fence in the front yard area of 6606 Shallowford Road. He provided six examples that would be suitable and asked that the Planning Board review each on its merit and appropriateness for use in the front yard area. The case was briefed to the Planning Board at their meeting on September 23^d. A public hearing was set for October 28, 2015. At the hearing, the Planning Board reviewed the staff report and exhibits provided by the applicant. The Board moved to recommend the amendment of the site plan to permit the construction of a wooden fence in the front yard area with conditions. These conditions were read from the staff report:

- 1. Use of the fenced in area shall be supportive of and accessory to the primary business and shall not create nuisances to adjoining properties (noise, odor or visual) or the balance of the downtown district.
- 2. No outdoor storage shall be permitted within the area to be enclosed by the proposed wood fencing.
- 3. All pre-existing zoning violations, including screening of dumpster from view from street by appropriate door or gate, are to be remedied to the satisfaction of town staff before Building Permits and/or Certificates of Occupancy will be issued.
- 4. All applicable building and public safety codes relative to the re-purposing/upfit of the structure shall comply will all local, state and federal requirements.
- 5. The new fencing must be kept in good repair.
- 6. The fence shall be not taller than four (4') feet in height and if painted, only the colors white or black shall be permitted. (He noted that the colors of black and white do not conform with the UDO language which calls for natural hues such as greens, browns, etc..)

There was no opposition to the request at the hearing.

Prior to bringing the case before the Town Council, the applicant asked staff to consider the vertical expansion of the garage located behind the business located at the same address. Mr. Hansley suggested that he would like to add a second story to the garage and was prepared to have the structure surveyed to see

Lewisville Town Council
Regular Meeting Agenda - Amended
March 10, 2016 - 7:30 p.m.
Town Hall - 6510 Shallowford Road - Room 110

if it could support a second story. The engineer validated that the existing structure could accommodate a second floor. Town staff asked Town Council for permission to return L-077 to the Planning Board to permit their review of this new proposal.

Information pertaining to the proposed expansion was presented to the Planning Board at a Public Hearing on January 27, 2016. At the hearing, the Planning Board reviewed the staff report and exhibits provided by the applicant. The Board moved to recommend the amendment of the site plan to permit the vertical expansion of the existing garage with conditions. These conditions were read:

1. Constructed improvements must be in accordance with existing overlay and zoning requirements and the adaptive reuse of the structure be in harmony with its surroundings.
2. The outward architecture shall be complementary to the existing structure on the site and shall be compatible with nearby structures and of similar scale.
3. All applicable building and public safety codes relative to the re-purposing /upfit of the structure shall comply with all local, state and federal requirements.
4. The increase in impervious surface from 32.5 % to 33.3 % constitutes an approximate increase of 300 +/- square feet of impervious surface requiring a stormwater permit and engineered BMP.

There was no opposition to the request at the hearing.

- (2) Mr. Myers provided a copy of the amended site plan. He advised that Inspections reviewed the engineered drawings and agreed with the findings that the existing structure could handle a second floor. He also said that there are 13 parking spaces, more than are needed for the property. He also mentioned that the applicant had agreed to place the gates on the dumpster although that has not yet been done.
 - (3) Mr. Myers advised Council that the applicant had been working with the County on the project and had erroneously been given information that the gates were not required. This has been researched by Lewisville attorney and staff and City/County Inspections staff and have found requirements in the UDO that make adding the gates a compliant item regardless of the approval of the rezoning.
 - (4) Concerns were also expressed about the double gated entrance gated entrance to the yard and its purpose.
 - (5) Council members discussed previous inspection reviews and citations. One of the items discussed had never been fulfilled, i.e. gates placed on the dumpster pad.
 - (a) Jeff Hunter, Inspections Department, confirmed that previous citations have been corrected and fines paid.
- ii. Public Hearing
- (1) Mayor Horn opened the Public Hearing at 8:06 p.m.
 - (a) William Wilkins, 6580 Shallowford Road, owner next to the address

Lewisville Town Council
Regular Meeting Agenda - Amended
March 10, 2016 - 7:30 p.m.
Town Hall - 6510 Shallowford Road - Room 110

in question, read the following statement against approval from Dr. Summer, who could not attend which he followed by his own statement against approval:

-----Original Message-----

From: Leigh Summer [<mailto:lesummer1@yahoo.com>]

Sent: Thursday, March 10, 2016 6:57 PM

To: Will Wilkins

Subject: Property rezoning

I hope you get this before the meeting.

I have the following concerns about the rezoning requested for the property adjacent to ours:

1. The property has currently failed to be kept to current zoning standards, and the pattern of behavior predicts that any construction project can be expected to be a constant disaster state. The owner should be required to meet CURRENT requirements for a respectable period of time... At LEAST 6 months before being allowed to undertake any new endeavors. (Ex. Insufficient dumpster enclosure, constant visible and exposed trash and discarded appliances and furnishings littering grounds) I actually fear the expected protracted construction pit of despair that will occur if the garage expansion is undertaken.
2. The property owners have historically failed to keep their own dogs properly restrained when said dogs are on the property. Our business is the closest retreat for people who have been threatened by the rogue dogs, and has provided shelter for frightened people many times. I do not have faith that any proposed changes will improve the owners casual attitude about the dog restraint.
3. Lewisville intends (theoretically) to maintain a facade of beauty, welcoming, and open community. I can not begin to envision how a 6 foot privacy fence around a front yard space and abutting the picturesque sidewalk in the main section of town advances the cause of bristly or community. Since we have no reason to expect this to be well tended, imagine it in one year - warped boards, raggedy appearing eyesore.

PLEASE consider all of the businesses in the area and the history of this property in making this decision. I will be observing as I decide where to build my own permanent business facility.

Also please consider enacting and ordinance against all fencing in front yard areas of the business district in order to help keep this standard.

Sincerely:

Leigh Summer, MD

Lewisville Laser and Aesthetics

Lewisville Town Council
Regular Meeting Agenda - Amended
March 10, 2016 - 7:30 p.m.
Town Hall - 6510 Shallowford Road - Room 110

After reading Dr. Summer's email, Mr. Wilkins then stated that there was no option when his and other structures were built. Dumpsters had to be screened as a requirement. He noted that all the business properties along Shallowford Road were aesthetically pleasing and Mr. Hansley's is not. He also quoted Mr. Hansley's direct quote as, "I don't like rules and I don't like to follow rules." Mr. Wilkins thought was that not placing the gates shows that he does not like to follow rules and asked the Council not to consider approving the rezoning request.

- (b) Marie Sessums, 115 Ridgeberry Ct, spoke in favor of approval of the ordinance and encouraged Council to approve.
 - (c) Michelle Thompson, 600 Carrington Place, Lewisville, has seen businesses leave the Town and was a proponent of approval of the request to keep the business in the town as long as it is in compliance.
 - (d) Ken Stanley, 1009 Flameleaf CT, spoke in favor of moving the request forward.
 - (e) Tom Lee, 610 Carrington Place, spoke in favor of the request as long as the applicant abides by the rules.
 - (f) John Wells, 7016 Mayleg Road, Clemmons, spoke in favor of the request.
 - (g) William Alexander, 1830 Barnstable Road, Lewisville, said the applicant carried good products and spoke in favor of the request.
- (2) Having no other speakers, the Public Hearing was closed at 8:19 p.m.

iii. Council Discussion

- (1) Council Member Zenger offered a compromise and made a motion to continue L-077 for a period of six (6) months from the date at which everything is brought into compliance with the items discussed (and staff notified). The motion was seconded by Council Member Smith. After discussion, Mr. Zenger restated the motion to include gates added to the dumpster, existing posts removed and trash removed and consistently maintained. The restatement was accepted by Council Member Smith. The motion passed unanimously.

iv. Council Consideration - [Ordinance 2016006](#) held in continuance.

Lewisville Town Council
Regular Meeting Agenda - Amended
March 10, 2016 - 7:30 p.m.
Town Hall - 6510 Shallowford Road - Room 110

6. **New Business**

- a. Approval of amended Council, boards and committees [meeting calendar](#) was not reviewed.
- b. [Ordinance 2016005](#) - Amending Town Code Chapter 10 Planning Organization Charter to correct the date for budget funding submittal
 - i. Council Member Franklin moved to approve Ordinance 2016005. The motion was seconded by Council Member Mock and approved unanimously. Ordinance 2016005 is herein incorporated by reference into the minutes.
- c. [Ordinance 2016007](#) - amending the Beautification Committee's charter regarding when they can elect their chair and vice chair
 - i. Council Member Mock moved to approve Ordinance 2016007. The motion was seconded by Council Member Smith and approved unanimously. Ordinance 2016007 is herein incorporated by reference into the minutes.
- d. [Ordinance 2016008](#) - amending Budget Ordinance 2015045 in the amount of \$2,500.⁰⁰ for the installation of sprinkler heads at the perennial garden in Jack Warren Park along the walking trail at the request of the Beautification Committee
 - i. Council Member Mock moved to approve Ordinance 2016008. The motion was seconded by Council Member Zenger and approved unanimously. Ordinance 2016008 is herein incorporated by reference into the minutes.
- e. [Ordinance 2016009](#) - amending Budget Ordinance 2015045 in the amount of \$3,206.⁰⁰ to purchase decorative street lamp post as a replacement for one that was damaged
 - i. Council Member Mock moved to approve Ordinance 2016019. The motion was seconded by Council Member Smith and approved unanimously. Ordinance 2016009 is herein incorporated by reference into the minutes.
- f. [Ordinance 2016010](#) - amending Budget Ordinance 2015045 in the amount of \$1,205.⁰⁰ to replace seals on three wall mounted water closets as Shallowford Square and to replace a backwater valve that failed and seals in the rest rooms
 - i. Council Member Franklin moved to approve Ordinance 2016010. The motion was seconded by Council Member Zenger and approved unanimously. Ordinance 2016010 is herein incorporated by reference into the minutes.
- g. [Ordinance 2016011](#) - amending Budget Ordinance 2015045 in the amount of \$1,000.⁰⁰ to remove a tree on Warbler Road that is in the right of way

Lewisville Town Council
Regular Meeting Agenda - Amended
March 10, 2016 - 7:30 p.m.
Town Hall - 6510 Shallowford Road - Room 110

- i. Council Member Smith moved to approve Ordinance 2016011. The motion was seconded by Council Member Mock and approved unanimously. Ordinance 2016011 is herein incorporated by reference into the minutes.
- h. Recognitions
 - i. Mayor Horn recognized Pam Orrell as the new Finance Officer who will be reporting to work on Tuesday, March 15th.
 - ii. He also recognized Student Leadership chair Victor Brown who is under consideration for a full merit scholarship at UNC School of Business.

i. Appointments

i. Boards

(1) [Parks, Recreation and Cultural Development](#) - 3 seats available - 3 applications

(a) Mayor Horn moved to approve Marci Gallman, Wayne Hall and Shaída Horner by acclamation. The motion was seconded by Council Member Sadler and approved unanimously. Members terms are through March 31, 2019.

(2) [Planning Board](#) - 3 seats available - 5 applications

	Franklin	Greene	Horn	Mock	Sadler	Smith	Zenger
Victor Brown							
Susanne Fawley	x	x	x	x	x	x	x
Jeanne Marie Foster	x	x	x	x	x	x	x
Vance L. Horner							
Chester Patterson	x	x	x	x	x	x	x

(3) [Willow Run Municipal Service District](#) - 1 seat available - [At Large](#) - 1 application

(a) Mayor Horn moved to approve Jeffrey Rawls by acclamation. The motion was made by Council Member Smith and approved unanimously.

(4) [Willow Run Municipal Service District](#) - 1 seat available - [District 3](#)

Lewisville Town Council
Regular Meeting Agenda - Amended
March 10, 2016 - 7:30 p.m.
Town Hall - 6510 Shallowford Road - Room 110

- (a) No applications
- (5) [Zoning Board of Adjustment](#) - 1 seat available - permanent member - 1 application
 - (a) Mayor Horn moved to approve Ken Wernick by acclamation. The motion was seconded by Council Member Franklin and approved unanimously.
- ii. Committees
 - (1) [Appointment Order 2016002](#) - appointing members to the Lewisville Beautification Committee
 - (a) Council Member Greene moved to approve Appointment Order 2016002. The motion was seconded by Council Member Smith and approved unanimously. Appointment Order 2016002 is herein incorporated by reference into the minutes.
 - (2) [Appointment Order 2016003](#) - appointing members to the Lewisville Public Safety Advisory Committee
 - (a) Council Member Mock moved to approve Appointment Order 2016003. The motion was seconded by Council Member Franklin and approved unanimously. Appointment Order 2016003 is herein incorporated by reference into the minutes.
 - (3) [Appointment Order 2016004](#) - appointing members to the Lewisville Recycling Committee
 - (a) Council Member Mock moved to approve Appointment Order 2016004. The motion was seconded by Council Member Zenger and approved unanimously. Appointment Order 2016004 is herein incorporated by reference into the minutes.
 - (4) [Appointment Order 2016005](#) - appointing members to the Lewisville Stormwater Advisory & Education Committee
 - (a) Council Member Mock moved to approve Appointment Order 2016005. The motion was seconded by Council Member Zenger and approved unanimously. Appointment Order 2016005 is herein incorporated by reference into the minutes.
 - (5) [Appointment Order 2016006](#) - appointing members to the Lewisville Utilities Committee

Lewisville Town Council
Regular Meeting Agenda - Amended
March 10, 2016 - 7:30 p.m.
Town Hall - 6510 Shallowford Road - Room 110

- (a) Council Member Mock moved to approve Appointment Order 2016006. The motion was seconded by Council Member Smith and approved unanimously. Appointment Order 2016006 is herein incorporated by reference into the minutes.

iii. Mayor Horn thanked all the volunteers who are willing to serve.

7. Unfinished Business

- a. None

8. Administrative Reports

- a. Upcoming [Events at Shallowford Square](#) and Town Holidays were reviewed. He also mentioned that there will be a recycling day at the Square on April 16th.
- b. **Approvals at the Briefing and Action Meeting on March 3, 2016**
 - i. [Ordinance 2015086 Amended](#) - is to correct the typing of SR 1166 to SR 1100 reaffirming the speed limit on that portion of Styers Ferry Road within the boundaries of the Town of Lewisville

9. For the Good of the Order:

- a. Public Comments
 - i. Mayor Horn opened the Public Comments at 8:50 p.m.
 - (1) Michael Hansley, 6606 Shallowford Road, asked if someone comes in front of Council and has the opportunity for financial gain, shouldn't the person recuse themselves? He also stated that everything that had been identified in the past and been taken care of and all fines paid. He said that he did have drawings and engineering confirmations. He said he will put up the gates but won't open another business in the Town.
 - (a) Mr. Houff explained that there has to be direct financial gain.
 - ii. Having no other speakers, Public Comments were closed at 8:53 p.m.
- b. Council Comments
- c. Adjournment

Lewisville Town Council
Regular Meeting Agenda - Amended
March 10, 2016 - 7:30 p.m.
Town Hall - 6510 Shallowford Road - Room 110

- i. Having no other business to conduct, Council Member Zenger move to adjourn the meeting at 8:54 p.m. The motion was seconded by Council Member Mock and approved unanimously.

Mike Horn,

Mayor

ATTEST:

Joyce C. McWilliams Walker

Town Clerk