

Lewisville Town Council
Regular Meeting Minutes
January 10, 2019 - 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, Marci Gallman, Robert Greene, Sandra Mock, Ed Smith and Jeff Zenger. Also present were Town Manager Hank Perkins, Attorney Bo Houff, Planner Stacy Tolbert, Communications Specialist Gennie Taylor, Finance Officer Pam Orrell, and Town Clerk Joyce Walker. Cpl. PJ Stringer was recognized being present.
- b. Invocation was given by Attorney Bo Houff and the Pledge of Allegiance by Council Member Marci Gallman.
- c. Adoption of Agenda
 - i. Mayor Horn advised that 10. c., Conrad Farm sidewalk request, has been added since the Briefing. He also called attention to 11. f., Clemmons challenge, has been added.
 - ii. With those items added, Council Member Zenger moved to approve the agenda. The motion was seconded by Council Member Mock and approved unanimously.

2. Consent Agenda

- a. Consent Items for Approval
 - i. [Resolution 2019001](#) - Acceptance and Approval of Monthly [Financials for November, 2018](#)
 - ii. Approval of Joint Town Council and Planning Board [Minutes - November 3, 2018](#)
 - iii. Approval of Council Briefing and Action [Minutes - December 6, 2018](#)
 - iv. Approval of Council Meeting [Minutes - December 13, 2018](#)
- b. Council Member Franklin moved to approve the Consent Agenda. The motion was seconded by Council Member Gallman and approved unanimously. Resolution 2019001 is herein incorporated by reference into the minutes.

3. Introductions, Presentations, Recognitions and/or Proclamations

- a. [Resolution 2019002](#) - Recognizing the service of Sheriff William T. (Bill) Schatzman and his support of community policing and public safety for sixteen years for the Town of Lewisville
 - i. Council Member Smith moved to approve Resolution 2019002. The motion was seconded by Council Member Zenger and approved unanimously. Resolution 2019002 is herein incorporated by reference into the minutes.

4. Public Forum

- a. Mayor Horn opened the Public Forum at 7:40 p.m.
 - i. Terry and Jennifer Simmons, 7500 Pine Trails Road, Pfafftown, greeted Council. Mr. Simmons read the following statement:

Until 4 weeks ago my wife and I had never met any of you and you had not met us. All of you seem to be very nice and cordial and most of you seem genuinely concerned about our issue at hand. And I was impressed when four of the town's members came out and looked at our problem. At last Thursday nights meeting we were told that after the towns investigation of our stormwater complaint, that there was nothing

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the town could do based on the storm water system was functioning as designed, that part of the problem was the water from the street running across our driveway and that State Statute prohibits towns from spending tax payer dollars on private property. Our question on whether the town could take over ownership of the closed right of way was never answered. The only suggestions given were, that we might want to seek legal council and for me to contact Jeff Zenger for some ideas. Jeff was e-mailed last Friday with my contact information and I have yet to hear from him. As tax payers of Lewisville, we are provided with certain services such as garbage collection, road repair for roads that are maintained by Lewisville and stormwater piping. The storm water piping in our yards and under our driveways should be no different than the 42" pipe that is under our road. They are there for one purpose, to divert storm water into and down the creek. Our question now is, if Lewisville maintains the culvert piping in our yards shouldn't Lewisville maintain the piping under the roads? It all falls into the 30 foot right of way that Lewisville should look after. After all this damage has occurred over the past five months, I can now see large pieces of concrete that I have never seen before. After doing some research I found out that when these drain pipes are put into creeks these days, they construct what is called a headwall to the discharge side of the pipe. One of its main purposes is to slow the water down and to help prevent erosion. I believe what was installed on this creek bank in 1974 is what is referred to as a splash; more or less a poured concrete pad, part of which caught the runoff from the creek banks and rain water from a culvert. The other part of the pad was poured underneath the discharge side of the pipe to slow the water down and prevent all of this erosion that has occurred. All of this concrete is now deteriorated and broken up and thus serving no purpose. As we know, nothing lasts forever and things have to be maintained, but by who? If a tax payer is not required to repair their own street and take his garbage to the dump surely, they are not required to maintain or repair their own storm water piping. Again, this creek is the drainage ditch for our whole area including the farm on Yadkinville Highway and the old fire department. When we get these heavy rains that creek roars like a class 5 rapid. That much water at one time and no protection on the outgoing pipe is what has ultimately undermined the creek bank and caused all this damage, not runoff from the surrounding homes like has been suggested. Prior to us being annexed many years ago who looked after these storm drains? The county or the state? And after being annexed should Lewisville have not taken over responsibility for such things? There is an old saying that You Can Not Fight City Hall. My wife and I do not want to fight city hall, all we want is some help and some type of resolution to this problem and we have failed to get any and we are sick of worrying about it. If Lewisville cannot do anything about this what about at a county or state level? We don't know! As elected officials of a town council you are suppose to speak the voice of your community and to help your citizens. We do not feel this is being done at least in our case. I bet you if we could poll the community of Lewisville that 99.5 % of its residents would agree that town revenue should be used to pay for this and my wife and I should not be expected to come out of pocket for upwards of \$40,000, that we don't have, to take care of this sink hole issue, for something we don't own, this so called private property next to us that no one really owns but that has diminished our property value. At any time, we could lose our driveway, then what? If this was happening next to your home you would feel the exact same way. Once again, I beg you to help us. Thank You

b. The Public Forum was closed at 7:44 p.m.

5. **Appointments**

a. None.

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6. **Public Hearings**
 - a. None.
7. **Evidentiary Hearings**
 - a. None.
8. **Site Plan Amendments**
 - a. None.
9. **Unfinished Business**
 - a. None.
10. **New Business**
 - a. **Ordinance 2019002** - amending Budget Ordinance 2018001 in the amount of \$3,080.⁰⁰ for taxes on gifted property
 - i. Council Member Zenger moved to approve Ordinance 2019002. The motion was seconded by Council Member Smith and approved unanimously. Ordinance 2019002 is herein incorporated by reference into the minutes.
 - b. **Ordinance 2019003** - amending Budget Ordinance 2018001 in the amount of \$30,000.⁰⁰ to increase the budget for snow and ice removal
 - i. Council Member Smith moved to approve Ordinance 2019003. The motion was seconded by Council Member Gallman and approved unanimously. Ordinance 2019003 is herein incorporated by reference into the minutes.
 - c. Conrad Farm sidewalk request
 - i. **Ordinance 2017003** (LPBR 2017002) approved the Special Use Permit for the Conrad Farm Subdivision.
 - ii. The developers are ready to record the final plat; however, there were some very specific requirements stated in the ordinance for which a clarification is needed.
 - (1) The first item is: **PRIOR TO THE SIGNING OF FINAL PLATS:** Developer shall build sidewalks in accordance with the Town of Lewisville's requirements.
 - (a) The UDO allows for the bonding of streets and sidewalks.
 - (b) The developer would like to work with the Public Works Director, the Finance Officer and Planner to develop the cost of the bond.
 - (c) The reason for this request is because sidewalks are damaged when built before the house is constructed or the driveway cut is made and it must be replaced.
 - (d) The developer is requesting sidewalks be put in after the house is constructed and driveway locations made.
 - (i) After discussion, Council Member Zenger recommended approval of the request. It was the consensus of the Council to allow the bonding of the sidewalks.
 - (2) The second item for clarification is: **PRIOR TO THE SIGNING OF FINAL PLATS:** All documents including covenants, restrictions, and homeowners association agreements shall be recorded in the office of the Register of Deeds.
 - (a) Covenants are not enforced by the Town although the Town does

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like to see those documents.

- (b) The Plat Book and Page Number are recorded on the covenants after the final plat is signed.
- (c) The Town is asking for a draft copy of the covenants until the document is recorded at which time a recorded copy will be provided to the Town since this document refers to the lots governed by the Homeowners Association. (Timing issue.)
 - (i) Council Member Franklin asked for assurances about the septic tail lines across the street are maintained by the HOA.
 - (ii) Attorney Houff indicated that will be item for review and also that no lots are sold before the final plat is registered so that the homeowner will be bound by the CCR and HOA agreements.
 - (iii) After discussion, it was the consensus of Council to allow the request.

11. Administrative Reports

- a. Upcoming [Events at Shallowford Square](#) and Town Holidays were reviewed.
- b. **Approvals at the Briefing and Action Meeting on January 3, 2019**
 - i. Approval of [budget meeting](#) calendar
 - ii. Approval of request from the Lewisville Historical Society to extend the term for agreements to December 31, 2019 for the Nissen House
 - iii. Authorized the town manager to renew the town's participation in urban archery until otherwise instructed not to participate by the Town Council
- c. Bulky Item pickup begins on January 14, 2019 and will continue until complete.
- d. Council work session - Saturday, February 2, 2019 - 8:00 a.m. - Council Chambers
- e. *2nd Annual Town and State Dinner* on February 20, 2019 in Raleigh following afternoon educational sessions
- f. Clemmons challenge
 - i. This is an event sponsored by Clemmons.
 - (1) The first challenge is a lip sync on March 1st at Southwest Elementary School.
 - (a) Council Member Gallman volunteered for this challenge.
 - (2) The second challenge is a dodge ball tournament sponsored by the YMCA.
 - (a) Information on the date and time is forthcoming and is a benefit for school age children.
 - (b) There may be some staff people interested in this challenge.

12. For the Good of the Order:

- a. Public Comments
 - i. Mayor Horn opened Public Comments at 8:00 p.m.
 - ii. Having no speakers, Public Comments were closed at 8:01 p.m.
- b. Council Comments
 - i. Boy Scout Anderson was recognized. He had written a letter asking the Town to

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consider having a dog park. Anderson was advised on how to bring the request to Council for consideration.

- ii. Mayor Horn recognized the presence of members from Historical Society, noting there will be an exciting announcement coming before Council in March.
- c. Adjournment
 - i. Having no other business to discuss, Council Member Zenger moved to adjourn the meeting at 8:04 p.m. The motion was seconded by Council Member Smith and approved unanimously.

Mike Horn, Mayor

ATTEST:

Joyce C. McWilliams Walker, Town Clerk