

Lewisville Town Council
Briefing and Action Meeting Minutes
March 5, 2020 - 6:00 p.m.
Conference Room 201 - Lewisville Town Hall - 6510 Shallowford Road

1. **Call to Order:**

- a. Mayor Horn called the meeting to order at 6:00 p.m. Council members present were Jeanne Marie Foster, Fred Franklin, Melissa Hunt, Ken Sadler, and David Smitherman. Council Member Jane Welch was out of town. Also present were Town Manager Hank Perkins, Attorney Bo Houff, Planner Stacy Tolbert, Acting Public Works Director Ryan Moser and Town Clerk Joyce Walker. In addition Planning Board Chair Tom Lawson and Planning Board Vice Chair Joseph Hamby were also present. Sgt. P. J. Stringer arrived at 6:03 p.m.
- b. Adoption of Agenda
 - i. **Ordinance 2020015** was added to *Items Requiring Action at the Briefing* after the agenda had been emailed to Council.
 - ii. Council Member Franklin moved to approve the amended agenda. The motion was seconded by Council Member Smitherman and approved unanimously.

2. **Guests, Introductions, Recognitions and Presentations for March 5, 2020**

- a. None.

3. **Items That Require Council Direction**

- a. Continued discussion on transportation planning (from 2-1 Planning meeting)
 - i. Mr. Perkins reminded everyone of a previous conversation on transportation planning where everyone was asked to think of future transportation needs.
 - (1) These projects are funded through an 80/20 split by the MPO.
 - (2) He had previously cited Robinhood Road to Lewisville-Vienna Road; Lewisville-Vienna Road; Bradford Place to the future beltway; the future beltway to the Lewisville downtown.
 - (3) Mrs. Foster asked that the Planning Board be included in the transportation planning.
 - (4) Mr. Perkins offered to provide the transportation PowerPoint to the Planning Board.
 - (5) Mayor Horn suggested that the Planning Board look at the needs, suggested locations, and then bring the information to Council.
 - (a) Mrs. Tolbert advised that the Planning Board has a full agenda of work but will keep in mind as they work through other projects.
- b. Update on boards and committees
 - i. Mrs. Foster provided a handout on a process to make the boards and committees function better.

Boards and Committees Review - Update March 5, 2020

Submitted to Council by JM Foster 3-5-20

Review of need to address Board and Committees

At the retreat 2/1/20, Jeanne Marie requested to work with staff on issues related to assessing and enhancing Boards and Committees. Council agreed that Jeanne Marie and Mike move forward on “evaluating boards

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and committees, their functions and confluence between groups”. This suggestion was based on several separate but related items coming before Council at the January 2020 briefing and February 1st retreat:

Sustainability resolution submitted by Gus Preschle and supported by Recycling member/s.

Direction by Council to have Recycling Committee review resolution and recommend name change and charter edits consistent with sustainability.

Term Limit discussion and subsequent suggestion that all Board and Committee charters be reviewed for consistency, clarity and accountability measures.

Activities/Opportunities Surfaced to date

Jeanne Marie and Mike met and agreed on next steps. Jeanne Marie will take the lead with staff on the project and keep Council informed.

Staff has been work with the recycling committee to update their charter and name; they have been reviewing other boards’ charters/term limits, etc.; and the recycling committee is also continuing to review the resolution presented by Mr. Preschle;

Charters have inconsistency with formatting, language inconsistent with appropriate scope, and need to update term limits based on Council directive;

Boards and Committees are in process of receiving reappointments which surfaces need to develop uniform processes and procedures for recruiting, interviewing, orienting, retaining and training members; and

Comprehensive Planning will tap Boards and Committees so scope clarity from Council is timely.

Next steps

- Assessment of boards and committee members’ experience via informal survey/focus groups
 - Do our volunteers feel like they are doing meaningful work
 - Do our volunteers feel like they are making a difference and contributing to our community
 - Do our volunteers feel appreciated
- Assessment of staff experience working with and serving on Boards and Committees
- Review of best practices; existing policies, procedures and programming successfully implemented within other like municipalities
- Recommendations to Council based on grass roots input

Expected Outcomes

- Charter updates, reformatting and amendments
- Policy and Procedure Manual for Boards and Committees

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- ii. After reviewing the handout and discussing, Council was in agreement to move forward with the process.
- c. Community Center options
 - i. Mr. Perkins provided a handout from ADW that explained the options for the new community center starting with last page first, middle and finally the top page, which included the latest costs for the site and building construction sub-totals as well as soft costs (items that will not be included in construction) that totaled \$658,000.⁰⁰.
 - (1) It was pointed out that front dormers were added to emit more light and Council members liked that addition.
 - (2) Chains were used as downspouts.
 - (3) There was also a list of eight (8) alternates that were not included in the construction sub-total (base bid of \$4,389,770.⁰⁰) that totaled \$247,300.⁰⁰ and which needed Council approval for inclusion or exclusion for construction. **(See attached.)**
 - (a) After reviewing each option individually, Council Member Franklin felt that the eight (8) options should be included in the construction costs bringing that figure to \$4,637,070.⁰⁰. Council members concurred.
 - (i) There was discussion on the generator.
 - (ii) Base bid will include wiring for a generator and at bid opening, it will be determined whether to purchase or rent a generator.
 - (b) Total project cost of the project would be \$5,295,070.⁰⁰.
 - (4) Previously, it was determined that conduit would be placed for electric automobile charging stations. After consideration, that was removed since gas stations and other places will be wiring for this.
 - ii. There was discussion on debt service and how the building will be paid for.
 - (1) Mr. Perkins indicated that staff had run a scenario on debt service after the first feasibility study using an interest rate of 5% but would need more information from the LGC.
 - iii. Council members agreed to meet on Monday, March 16, 2020 at 5:30 p.m. in the second floor conference room to discuss all aspects of the community center including financing.
 - (1) Mayor Horn advised that there will be a meeting with the Advisory Group on March 23rd that will also include a PARTF session.
 - (2) Staff will ask LBC to either move to a different room for their meeting or change the date since they normally meet in the second floor conference room.
- d. Pedestrian Connection Overlay waiver
 - i. Mrs. Tolbert stated that the Chair and vice chair of the Planning Board were invited to briefing to get direction on the PCO waiver that the previous Council directed the board to amend.
 - (1) There is a location on Robinhood Road that has bad slopes and

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grading which allowed for a waiver to be granted to the school system not build a sidewalk for the Lewisville Middle School Project.

- (a) The UDO allows that a fee be paid whenever a waiver is granted because of topography.
 - (b) The previous Council directed the Planning Board to draft a text amendment that would exempt public entities from making any payments.
 - (c) The Planning Board wanted to know if the directive is the same from the current Council.
- (2) The Planning Board members had debated the issue and felt that no one should be exempt from making payments as required by the UDO and that government entities should be held to a higher standard.
- (a) The section of the UDO on the PCO was reviewed to determine time frames on when fees were to be paid.
 - (i) No time frame is mentioned.
 - (b) Mr. Lawson and Mr. Hamby were present to provide insight into an alternative offered by the Planning Board that might be more beneficial to the Town, i.e. Alternative Compliance.
 - (c) The discussion centered around whether the UDO should be changed to allow a waiver of the fee for the school system.
 - (d) It was noted that a public hearing was set while waiting on clarity from the current Council.
 - (e) Language on the original directive and alternative compliance will be in the staff report.
- (3) Some Council comments:
- (a) The schools should be looking for funding to assist in the payment and the town shouldn't be trying to fix the problem.
 - (b) Historically, we honor those prior directives; however, consistency should remain for all.
 - (c) Making exceptions mean rules loose validity.
- (4) After discussion, Council members' were not in favor of exempting government entities and the directive to staff is to hold their public hearing for the PCO on alternative compliance on the school site.
- (a) More direction will be crafted into the language for the Alternative Compliance.

Council took a break from 7:59 p.m. to 8:05 p.m.

4. Unfinished Business:

- a. Vienna Village follow-up
 - i. Mr. Perkins provided background on Vienna Village's continued request about speeding on their section of Yadkinville Road (a DOT road) and having the

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speed limit lowered for the safety of the residents crossing the road that live across the street.

- (1) A request to the DOT from Bermuda Run was cited as approved for having their speed limit lowered.
 - (a) Bermuda Run was contacted and it was noted that there was an additional motive for the request.
 - (i) The request was to get driveway approvals so by lowering the speed, the driveways could be approved.
 - (ii) However, it was noted that driving behavior was not changed by lowering the speed.
 - (iii) There was also a caution: beware of unintended consequences, i.e. requests from other locations to do the same.
- ii. Council Member Foster advised that she has driven the area and noted there is a 35mph sign there to slow for a curve.
- iii. Sgt. Stringer advised that Deputy Southard was in the area today between 12:45 p.m. and 2:45 p.m.
 - (1) He clocked 183 cars with an average of 47.4 mph and issued one (1) ticket that was clocked at 61 mph.
 - (2) Sgt. Stringer advised that you may be opening a can of worms with limited people crossing the road.
 - (3) Vienna Village can hire their own deputy under contract for traffic enforcement.
 - (4) Signs may only be effective for a short amount of time.
- iv. Mrs. Hunt advised that there is a person visually impaired and that there may be a sign that will be helpful in this instance and there may be another way to explore avenues without reducing speed.
- v. Mr. Perkins advised that rapid flashers, at a cost of \$5,000.⁰⁰ for each side of the road paid for by Vienna Village, was an alternative noted by the DOT; however, sidewalks would also be needed.
- vi. Mrs. Foster suggested looking at the whole town as a safety issue.
- vii. There was a question about the Town's liability.
 - (1) Attorney Houff advised that the Town has no liability since the road belongs to the DOT.
 - (a) He also noted that it is not the Town's road to control although the Town has done much by having deputies to monitor the speed.
 - (2) Sgt. Stringer noted that at least 85% of the traffic "hustle" is spent on Yadkinville Road.
- viii. After discussion, Council members were not in favor of lowering the speed limit to 35 mph.
- ix. Council Member Franklin advised that the answer to the sign issue lies in the MUTCD document.

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- x. Council Member Foster asked for an inventory of possible places in the same situation in the Town.
- xi. After additional discussion, staff was instructed to go to Mr. Couch again and if the answer is again *NO*, then go to his boss for an answer.

5. **Items Requiring Action at Briefing**

- a. **Ordinance 2020010** - amending Budget Ordinance 2019001 in the amount of \$2,215.⁰⁰ to budget for purchase of 500 lapel pins with Town of Lewisville seal at a cost of \$745.⁰⁰, to budget \$250.⁰⁰ for musical entertainment at the volunteer lunch on May 2, 2020 and to budget \$1,220.⁰⁰ to cater a meal for the volunteers at the May 2nd event
 - i. Council Member Franklin moved to approve Ordinance 2020010. The motion was seconded by Council Member Hunt and approved unanimously. Ordinance 2020010 is herein incorporated by reference into the minutes.
 - ii. Council members will have shirts for the event.
- b. NCLM City Vision Annual conference
 - i. **Ordinance 2020012** - amending Budget Ordinance 2019001 in the amount of \$13,500.⁰⁰ to provide for 6 council members and 3 staff to attend the NCLM Annual City Vision Conference in Wilmington
 - (1) Council Member Hunt moved to approve Ordinance 2020012. The motion was seconded by Council Member Smitherman and approved unanimously. Ordinance 2020012 is herein incorporated by reference into the minutes.
 - (a) Mayor Horn and Council Member Franklin will not be attending.
 - ii. Discussion of May briefing meeting date change
 - (1) Council members discussed the need to change the briefing meeting date since they will be attending the City Vision Conference and decided to meet for the briefing on Monday, May 11, 2020 since that date has already been set aside for a budget meeting.
 - (a) Staff will add the meeting calendar changes to the regular meeting agenda for next week.
 - iii. Delegate selection
 - (1) Mayor Horn moved to have:
 - (a) Primary delegate - Mayor Pro Tem Jeanne Marie Foster and
 - (b) Alternate delegate - Town Manager Hank Perkins.
 - (2) The motion was seconded by Council Member Smitherman and approved unanimously.
 - c. Grant application assistance
 - i. **Ordinance 2020011** - amending Budget Ordinance 2019001 in the amount of \$20,000.⁰⁰ to contract with McGill Associates of Hickory for professional planning services for the PARTF Grant application assistance
 - (1) Council Member Foster moved to approve Ordinance 2020011. The motion was seconded by Council Member Smitherman and approved unanimously. Ordinance 2020011 is herein incorporated by reference into the minutes.

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- ii. [Resolution 2020012](#) - Authorizing the Town Manager to award the contract to McGill Associates for an amount not to exceed \$20,000.⁰⁰ to provide planning services for the PARTF Grant application
 - (1) Council Member Hunt moved to approve Resolution 2020012. The motion was seconded by Council Member Smitherman and approved unanimously. Resolution 2020012 is herein incorporated by reference into the minutes.
- d. Continue membership with the Forsyth County Home Consortium
 - i. Council Member Franklin moved to continue membership in the Consortium. The motion was seconded by Council Member Foster and approved unanimously.
- e. [Ordinance 2020015](#) - amending Budget Ordinance 2019001 in the amount of \$5,692.43 to replace Annex upstairs air handler, one exterior unit and repair of upstairs duct work
 - i. Council Member Franklin moved to approve Ordinance 2020015. The motion is seconded by Council Member Foster and approved unanimously. Ordinance 2020015 is herein incorporated by reference into the minutes.

6. Administrative Reports:

- a. Manager's Report
 - i. Lewisville Connect
 - (1) There is an opportunity to take a 3-yr contract at the same price.
 - (a) Everyone was okay with renewing for three (3) years.
 - ii. Bike and Pedestrian grant studies
 - (1) Mr. Perkins recommended updating the Town's Pedestrian Plan, in consultation with the Planner, to do the update through the MPO, depending on their funding availability.
 - (2) Mr. Perkins will find out particulars and report to Council.
 - iii. Community engagement for PARTF grant
 - (1) Presentations have been scheduled for March 17th and 19th for two civic groups and March 23rd at 6:30 p.m. at Town Hall for a general meeting with the public and the community center advisory group.
 - (2) There will also be surveys and emails directing residents to the Town's web site.
 - (3) Council may have to have a special meeting to approve the plans and to go forward with the application.
- b. Staff Reports
 - i. Attorney
 - ii. Public Works
 - (1) Sidewalk repairs
 - (a) Mr. Moser is working on a proposal to have sidewalks shaved to prevent trip hazards.
 - (b) Some sidewalks are in such condition that they may have to be removed and replaced.
 - (c) Once all information is received, Council will be presented with a budget amendment.

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- (i) There are also issues with tree roots that cause the problem.
 - (ii) This issue is also being addressed.
 - iii. Planning
 - (1) Connectivity between existing and new subdivisions (from 2-1 Planning meeting)
 - (a) Mrs. Tolbert advised Council that members of the PSAC will be attending the Planning Board meeting on March 25th to discuss and determine if any changes should be made to the UDO.
 - (i) Mrs. Foster advised this may be an opportunity to educate the public on connectivity.
 - iv. Finance
 - v. Clerk

7. **Agenda Items for Regular Meeting on March 12, 2020**

- a. Tentative Agenda
 - i. Consent Agenda
 - (1) [Resolution 2020011](#) - Acceptance and Approval of Monthly [Financials for the seven months ending January 31, 2020](#)
 - (2) Approval of Council Planning meeting [Minutes - February 1, 2020](#)
 - (3) Approval of Council Briefing and Action [Minutes - February 6, 2020](#)
 - (4) Approval of Council Regular Meeting [Minutes - February 13, 2020](#)
 - (5) [Resolution 2020009](#) - Accepting the resignation of Sonsera Kiger from the Lewisville Beautification Committee
 - (6) [Resolution 2020010](#) - Accepting the resignation of Derek Duggins from the Lewisville Utilities Committee
 - ii. **Introductions, Recognitions, Presentations and/or Proclamations**
 - (1) None.
 - iii. [Board and Committee Appointments](#)
 - (1) Boards (by voting tally)
 - (a) Parks, Recreation and Cultural Development - 1 position available
 - (i) Council Member Smitherman advised he will not be voting on the Parks and Rec ballot since his wife has applied.
 - (ii) Ms. Paquette was non-responsive for the interview.
 - (iii) Attorney Houff advised that the spouses for P & R and Planning Board that have applied do not have a technical conflict of interest because there is no financial gain but it may be desirable to say something at the meeting.
 - (b) Planning Board - 3 positions available

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- (c) Willow Run Municipal Service District
 - (i) Area 5 - 1 position available
 - (ii) At-Large - 1 position available
 - (d) Zoning Board of Adjustment
 - (i) Permanent - 3 positions available
 - (ii) Alternate - 1 position available.
 - (2) Committees (by appointment orders)
 - (a) [Appointment Order 2020001](#) - Lewisville Beautification Committee
 - (b) [Appointment Order 2020002](#) - Public Safety Advisory Committee
 - (c) [Appointment Order 2020003](#) - Recycling Committee
 - (d) [Appointment Order 2020004](#) - Lewisville Utilities
 - iv. Public Hearings
 - (1) [Resolution 2020015](#) - Order to close Dexter Drive, the part that appears on the school property
 - (2) [Ordinance 2020014](#) - UDO L-159 Text Amendment adding a community center to definitions, amending the Permitted Use Table, and providing for off-street parking requirements
 - (a) The note shows only 60 parking spaces which is fewer than needed for the new community center.
 - (b) The property will need to be rezoned to general IP so that the project can move forward, possibly as early as May..
 - v. [Ordinance 2020006](#) - amending Chapter 4 of the Lewisville Town Code to place into code the allowance of the sale of alcoholic beverages before noon on Sunday as approved by Council in April 2018
 - b. Approval of Tentative Agenda for regular meeting on [March 12, 2020](#)
 - i. Council Member Smitherman moved to approve the agenda for the March 12th meeting. The motion was seconded by Council Member Hunt and approved unanimously.
8. **For the Good of the Order:**
 - a. Council Discussion
 - i. Mrs. Foster asked for a summer intern for planning and administration.
 - (1) A description is needed.
 - ii. Mayor Horn advised members that the County has been negotiating contracts with the various fire departments and the Lewisville Fire Department does not agree with the contract.
 - (1) The mayor has offered to facilitate and mediate discussions between the County and the Fire Department.
 - (a) Council members were agreeable as long as the Town is not a part of the discussion.
 - iii. Mayor Horn thanked everyone for their thoughtful discussion on the school and its future reflection on policy.

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9. **Adjournment**

- a. Having no other business to discuss, Council Member Smitherman moved to adjourn the meeting at 9:24 p.m. The motion was seconded by Council Member Franklin and approved unanimously.

Mike Horn, Mayor

ATTEST:

Joyce C. McWilliams Walker, Town Clerk