

**Lewisville Town Council
Regular Meeting Agenda
July 9, 2020 - 6:00 p.m.**

**Digitally originating in Council Chambers 1st floor - Lewisville Town Hall
6510 Shallowford Road**

1. **Call to Order**
 - a. Invocation: Bo Houff
 - b. Roll Call
 - c. Adoption of Agenda

2. **Consent Agenda**
 - a. Consent Agenda for approval
 - i. [Resolution 2020047](#) - Acceptance and Approval of Monthly [Financials for the eleven months ending May 31, 2020](#)
 - ii. Approval of Council Briefing an Action Meeting [Minutes - June 4, 2020](#)
 - iii. Approval of Council regular meeting [Minutes - June 11, 2020](#)
 - iv. Approval of Council continued meeting [Minutes - June 15, 2020](#)

3. **Introductions, Presentations, Recognitions and/or Proclamations**
 - a. **Introductions, Recognitions, Presentations and/or Proclamations**
 - i. Introductions
 - (1) Forsyth County Sheriff's Office

4. **Public Forum**
 - a. Citizens should register with the Town Clerk and limit their comments to three (3) minutes.
 - b. Written comment forms are also available.

5. **Appointments**
 - a. Triad Alcohol Beverage Control Board
 - i. [Timothy Dubois](#)
 - ii. [Ed Smith](#)

6. **Public Hearings**
 - a. None.

7. **Evidentiary Hearings**
 - a. None.

8. **Annexation Requests**
 - a. None.

9. **Preliminary Site Plan Approvals**
 - a. None.

10. **Unfinished Business**
 - a. None.

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11. New Business

- a. [Resolution 2020048](#) - setting a public hearing for Thursday, August 13, 2020, to receive comments on UDO L-096 Site Plan Amendment to Special Use Permit for property fronting the Great Wagon Road
 - i. Set date for allowing 24 hours written comments to be received as authorized by Session Law 2020-3
- b. [Ordinance 2020030](#) - amending the Great Wagon Road ROW/Construction Capital Reserve Fund
- c. [Ordinance 2020031](#) - amending Municipal Buildings and Land Capital Reserve Fund
- d. [Ordinance 2020032](#) - amending the Municipal Storm Water Capital Reserve Fund
- e. [Ordinance 2020034](#) - amending Budget Ordinance 2020001 in the amount of \$273,192.⁰⁰ to increase the appropriation for debt service in order to retire the Town Hall mortgage early
- f. [Ordinance 2020035](#) - amending Budget Ordinance 2020001 in the amount of \$23,313.⁰⁰ to re-appropriate funds for the contract with PTRC for storm water mapping. The work on the contract began in 2019-2020 and has carried over into 2020-2021
- g. [Resolution 2020050](#) - awarding **contract** to LaBella Associates of Charlotte in an amount not to exceed \$13,700.⁰⁰ for a pavement condition study of all asphalt roads in the town

12. Administrative Reports

- a. Upcoming [Events at Shallowford Square](#) and Town Holidays
- b. Manager's Report
 - i. Reminder:
 - (1) Thursday, July 16, 2020, 6:00 p.m. - public hearing meeting to receive comments on debt issuance for property at 7632 Warren Park Drive
 - (2) Monday, July 20, 2020, 6:00 p.m. - meeting to allowing the 24 hours to receive written comments on the public hearing as authorized by Session Law 2020-3
 - (3) Thursday, July 23, 2020, 6:00 p.m. - meeting to approve minutes from July 16th and 20th
- c. Clerk's Report
 - i. None.
- d. **Approvals at the Briefing and Action Meeting on July 2, 2020**
 - i. [Ordinance 2020033](#) - amending Budget Ordinance 2020001 in the amount of \$7,099.⁰⁰ to re-appropriate funds for the contract with Blue Stream Environmental, LLC. which began in 2019-2020 and has carried over into 2020-2021

13. For the Good of the Order:

- a. Public Comments
 - i. Citizens should limit their comments to three (3) minutes.
 - ii. Written comment forms are also available.
- b. Council Comments/Discussion
- c. Adjournment

**RESOLUTION 2020047 OF THE LEWISVILLE TOWN COUNCIL
PERTAINING TO
ACCEPTANCE AND APPROVAL OF MONTHLY DISBURSEMENTS**

WHEREAS, the Finance Officer has presented the Town Council with the preliminary Revenue Statement Summary and the Encumbrances and Expenditure Statement Summary of figures for the eleven months ending May 31, 2020; and

WHEREAS, the Finance Officer did not report any unusual expenditures.

NOW, THEREFORE, BE IT RESOLVED THAT THE LEWISVILLE TOWN COUNCIL accepts the preliminary monthly Revenue Statement Summary and the Encumbrances and Expenditure Statement Summary for the ten months ending May 31, 2020 and incorporated herein.

Resolved and effective upon adoption, this the 9th Day of July, 2020 by the Lewisville Town Council.

Mike Horn,
Mayor

ATTEST:

Joyce C. McWilliams Walker
Town Clerk

**Town of Lewisville
Financial Budget to Actual Report - General Fund
Eleven Months Ended May 31, 2020**

General Fund

Revenues	Budget	Revenue Year to Date	Uncollected	Percentage Collected
Property Tax Collections	\$ 2,413,350.00	\$ 2,407,160.17	\$ 6,189.83	99.74%
Sales Tax Revenue	840,890.00	651,346.40	189,543.60	77.46%
Other Revenues	1,326,580.00	982,991.31	343,588.69	74.10%
Total	4,580,820.00	\$ 4,041,497.88	\$ 539,322.12	88.23%
Appropriation from Fund Balance	348,229.43			
	<u>\$ 4,929,049.43</u>			

Departments	Budget	Expenditures Year to Date	Encumbrances Year to Date	Unencumbered and Unspent Balance	Percentage of Budget Spent or Encumbered
Governing Body	\$ 288,426.00	\$ 203,543.57	\$ 5,094.20	\$ 79,788.23	72.34%
Administration	621,358.43	488,627.20	7,450.61	125,280.62	79.84%
Student Leadership	1,675.00	975.00	-	700.00	58.21%
Finance	225,508.00	193,852.82	-	31,655.18	85.96%
Debt Service	202,400.00	202,378.77	-	21.23	99.99%
Planning & Zoning	230,528.00	144,089.39	2,642.23	83,796.38	63.65%
Beautification	57,245.00	48,094.92	3,202.00	5,948.08	89.61%
Community Policing	652,045.00	473,936.77	97.66	178,010.57	72.70%
Public Safety	9,450.00	5,407.50	-	4,042.50	57.22%
Public Works	372,894.00	268,047.68	6,168.33	98,677.99	73.54%
Streets	251,320.00	45,794.81	115,370.17	90,155.02	64.13%
Powell Bill	398,115.00	156,391.82	196,609.00	45,114.18	88.67%
Storm Water	173,907.00	105,760.94	43,678.13	24,467.93	85.93%
Solid Waste	811,941.00	635,825.58	-	176,115.42	78.31%
Recycling	2,255.00	1,587.34	-	667.66	70.39%
Parks and Recreation	224,982.00	121,651.49	4,219.20	99,111.31	55.95%
Transfers to Capital Reserves	405,000.00	405,000.00	-	-	100.00%
Total	<u>\$ 4,929,049.43</u>	<u>\$ 3,500,965.60</u>	<u>\$ 384,531.53</u>	<u>\$ 1,043,552.30</u>	78.83%

General Fund Balance 7/1/2019	\$ 6,681,115.98
Year-to-Date Increase (Decrease)	540,532.28
General Fund Balance 5/31/2020	<u>\$ 7,221,648.26</u>

Town of Lewisville
Financial Budget to Actual Report - Willow Run Municipal Service District
Eleven Months Ended May 31, 2020

Willow Run Municipal Service District

Revenues	Budget	Revenue Year to Date	Uncollected	Percentage Collected
Revenues	\$ 31,760.00	\$ 34,026.07	\$ (2,266.07)	107.13%
Total	<u>\$ 31,760.00</u>	<u>\$ 34,026.07</u>	<u>\$ (2,266.07)</u>	107.13%
Appropriation from Fund Balance	\$ 28,280.00			
	<u>\$ 60,040.00</u>			

	Budget	Expenditures Year to Date	Encumbrances Year to Date	Unencumbered and Unspent Balance	Percentage of Budget Spent or Encumbered
Expenditures	\$ 60,040.00	\$ 17,364.31	\$ 28,280.00	\$ 14,395.69	76.02%
Total	<u>\$ 60,040.00</u>	<u>\$ 17,364.31</u>	<u>\$ 28,280.00</u>	<u>\$ 14,395.69</u>	76.02%

MSD Fund Balance 7/1/2019	\$ 176,708.50
Year-to-Date Increase (Decrease)	<u>16,661.76</u>
MSD Fund Balance 5/31/2020	<u>\$ 193,370.26</u>

**Town of Lewisville
Other Funds
May 31, 2020**

Capital Reserves Funds

Storm Water Capital Reserve	\$ 534,445.55
GWR ROW/Construction Capital Reserve	934,160.23
Sidewalks, Bike Paths, and Greenways Capital Reserve	98,142.18
Municipal Buildings/Land Capital Reserve	827,833.88
Total Capital Reserve Fund Balances	<u>\$ 2,394,581.84</u>

Capital Projects Funds

GWR ROW/Construction Capital Project	\$ 734,599.90
JWP Maintenance Facility/Playground Expansion Capital Project	20,622.84
Gateway Project Capital Project	207,592.31
Heritage Drive Regional Storm Water Pond #1 Capital Project	17,180.23
Community Center Capital Project	205,402.05
Roundabout at Lewisville-Vienna Road and Robinhood Road Capital Project	257,533.19
Total Capital Projects Fund Balances	<u>\$ 1,442,930.52</u>

DRAFT (Amended 07-03-2020)
Lewisville Town Council
Briefing and Action Meeting Minutes
June 4, 2020 - 6:00 p.m.

Digitally originating via ZOOM in Council Chambers 1st floor - Lewisville Town Hall
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1. Call to Order:

- a. Mayor Horn opened the meeting being simultaneously streamed electronically at 6:00 p.m. Council members attending electronically were Jeanne Marie Foster, Fred Franklin, Melissa Hunt, Ken Sadler, David Smitherman, and Jane Welch. Also attending electronically were Town Manager Hank Perkins, Attorney Bo Houff, Town Planner Stacy Tolbert, Finance Director Pam Orrell, Acting Public Works Director Ryan Moser and Town Clerk Joyce Walker.
- b. Approval of Agenda
 - i. Council Member Franklin moved to approve the agenda. The motion was seconded by Council Member Smitherman and approved unanimously with a roll call vote of ayes from Council Members Foster, Franklin, Hunt, Sadler, Smitherman, Welch and Mayor Horn.

2. Guests, Introductions, Recognitions and Presentations for June 4, 2020

- a. None.

3. Items That Require Council Direction

- a. Appointment to the Triad Municipal ABC Board
 - i. Council members discussed appointing a resident to the Triad ABC Board and after discussion, it was the consensus to instruct staff to advertise for the position.
- b. Discussion of [debt issuance](#) for new Community Center and amount of borrowing
 - i. Mrs. Orrell explained the process needed to get permission from the Local Government Commission (LGC) in order to have debt issued and provided a PowerPoint presentation (**See Attached**) to further explain the process.
 - ii. Council discussed the “soft” increased costs which included:
 - (1) Options which were previously discussed.
 - (2) Needed changes for the kitchen.
 - (3) Items needed for security.
 - iii. Council was advised that costs might fluxuate and some decisions can be made when bids are opened regarding to do or not to do some of the options.
 - (1) These decisions should have no impact on the PARTF grant request.
 - iv. Funding sources were reviewed and were advised that moving approximately \$2 million from the General Fund will still have sufficient funds for operational purposes.
 - (1) In the year of transfer, available fund balance as a percentage of General Fund expenditures will drop to approximately 64% which is still indicative of a healthy fund balance.
 - (a) In the years to follow, the percentage should slowly rise.
 - (2) For illustration purposes, 3% interest was used to calculate interest for the

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- life of the loan.
 - (3) Staff was asked to see if consolidating the current Town Hall loan and the loan for the new Community Center would save on interest payments.
 - (4) The Town will continue to have a healthy *General Fund* fund balance and **likely** only **reasonably** needs to borrow **up to** \$2 million.
 - (5) It was reiterated by the Mayor that **taxes do not need to be increased** because the Town will be building a new Community Center.
 - v. The time line to meet the review date by the LGC was discussed.
 - (1) After discussion, Council decided to set the Public Hearing for debt issuance for July 16, 2020 at 6:00 p.m. As authorized by Session Law 2020-3, written comments may **be** received up to 24 hours following the close of the Public Hearing. Council chose July 20, 2020 at 6:00 p.m. as the date to conclude consideration of the public hearing.
 - (2) This public hearing will provide financing information on the new Center.
 - vi. When a revised rendering of the building and floor plans is received, it will be placed on the Town's web site and Channel 6.
4. **Items Requiring Action at Briefing**
- a. **Ordinance 2020025** - amending Budget Ordinance 2019001 in the amount of \$3,860.⁰⁰ to contract with KDT Grading, Inc. to abandon two (2) wells at 312 Lewisville-Vienna Rd
 - i. Council Member Smitherman moved to approve Ordinance 2020025. 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. Ordinance 2020025 is herein incorporated by reference into the minutes.
 - ii. Council members were advised the well on Shallowford Road is still unresolved.
 - b. **Ordinance 2020027** - amending Budget Ordinance 2019001 in the amount of \$200,000.⁰⁰ to transfer from the General Fund to the Gateway Project Capital Projects Fund for design and ROW purchase
 - i. Council Member Franklin moved to approve Ordinance 2020027. 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. Ordinance 2020027 is herein incorporated by reference into the minutes.
 - c. **Resolution 2020045** - awarding **contract** to Spectrum Enterprise Services for internet, managed WiFi, and telephone service for the new Community Center
 - i. Mr. Perkins reviewed the information from the contract and advised that it was necessary to sign the contract now so that the building can be prewired.
 - (1) The building will have a dedicated fiber line with cloud based phones and managed WiFi.

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- (a) Staff will check on the WiFi spillover to the outside and how far out it extends.
 - (2) The wiring will need to be integrated into plans for the building before construction begins.
 - (3) Billing for the 3-year contract begins when service in the building becomes activated.
- ii. Council Member Hunt moved to approve Resolution 2020045. The motion was seconded by Council Member Smitherman and approved unanimously with a roll call vote of ayes from Council Members Foster, Franklin, Hunt, Sadler, Smitherman, Welch and Mayor Horn. Resolution 2020045 is herein incorporated by reference into the minutes.
- d. Public Hearing
 - i. [Staff Presentation](#) - L-097 rezoning property at 7632 Warren Park Drive from RS-40 to IP
 - (1) This rezoning was heard by the Planning Board on June 1st and was unanimously approved by roll call vote on June 3rd as authorize by Session Law 2020-3.
 - (2) A map of the property being rezoning was provided to give context to the location.
 - (3) Letters were sent to property owners within 500 feet of the property being rezoned.
 - (4) This property is adjacent to Jack Warren Park (JWP).
 - (5) Mrs. Tolbert provided highlights of the following staff report:

GENERAL USE DISTRICT REZONING STAFF REPORT

7632 Warren Park Drive

DOCKET: L-097
STAFF: Stacy Tolbert, Town Planner

Petitioner: Town of Lewisville
Ownership: Town of Lewisville

REQUEST OF REZONING:

From: RS-40 (Residential Single Family, minimum lot size of 40,000 sq. ft.)
To: IP (Institutional Public)
PIN#: 5885-14-9288
Acreage: 15 acres

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LOCATION:

Street: 7632 Warren Park Drive
Jurisdiction: Town of Lewisville

PROPERTY SITE/IMMEDIATE AREA:

Existing Structures on Site: The site is currently vacant. Structures have been removed.

Adjacent uses:

- * North – Existing Jack Warren Park, zoned IP, owned by the Town of Lewisville
- * East – abuts Lewisville-Clemmons Rd, Single Family residences, zoned RS-9
- * South – Single Family Residences, zoned RS-20
- * West - Existing Jack Warren Park, zoned IP, owned by the Town of Lewisville

GENERAL AREA:

Character/Maintenance: This area is an area of recreational and residential uses.

PHYSICAL FEATURES:

Topography: The area to be rezoned is generally level ground that slopes to the west of the property.

Vegetation/habitat: The area to be rezoned is open space, previously a residence was on the property but has been demolished.

Impact on Existing Features: Impacts are expected to be minimal.

WATER AND SEWER FACILITIES:

The site is to be served by public water and public sewer.

TRANSPORTATION:

Direct Access to Site: Lewisville-Clemmons Rd
Street Classification(s): Lewisville-Clemmons Rd, major collector

HISTORY/RELEVANT ZONING CASES:

- * L-037 Rezoning from PB to IP; Town of Lewisville; The property was rezoned to IP for the construction of Town Hall; Staff and Planning Board recommended approval.
- * L-046 Rezoning from RS-20 to IP; Town of Lewisville; The property was rezoned to IP for the construction of the existing Jack Warren Park.

CONFORMITY TO PLANS:

Lewisville Unified Development Ordinance – The Institutional Public (IP) District is intended to accommodate public and institutional uses which have a limited land use impact or traffic generation potential upon surrounding uses. The district is intended to accommodate smaller, less intensive public and institutional uses

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which have concentrated service areas and are located in or near residential areas, or larger, less intensive recreational or institutional facilities in rural areas.

Lewisville Comprehensive Plan Update 2015 - The Plan describes this site as being an area of parks, open spaces, institutional and residential uses. In the chapter on Land Use, recommendations include developing Lewisville in accordance with Map 9 Preferred Land Use. Lewisville in the year 2035 will continue to be committed to preserving and enhancing its character as a residential community. A variety of land uses will work together in a harmonious and sustainable fashion providing citizens with needed services for achieving a high quality of life.

Legacy Development Guide – This property lies within the Growth Management Area 3 (Suburban Neighborhoods). This area encourages the creation of new parks and greenways and development expands. Rezoning the property to IP meets the intent and goals of the Legacy.

ANALYSIS:

The applicant is requesting a change from RS-40 to IP zoning; as a "general use" request. The intent of the request is to rezone the property for future development by the Town of Lewisville. If approved, the property will be combined with the existing Jack Warren Park property. The lot size and dimensions are summarized below:

	RS-40	IP
Minimum Lot Size -	40,000 sq. ft.	10,000 sq. ft.
Minimum Lot Width -	100 ft	65 ft
Minimum Front Yard -	35 ft	25 ft
Minimum Rear Yard -	40 ft	10 ft

The proposed IP zoning would support the uses in the nearby properties which are currently zoned IP and RS-20.

Town staff is of the opinion that the request is consistent with the Town's Comprehensive Plan for the area and complements the uses in the surrounding neighborhoods and properties.

FINDINGS:

1. The request is for general use zoning. No site plan has been submitted and no specific use requested. If the property is later developed, the Planning Board and the Town Council will be required to review and approve the plan.
2. The uses allowed under IP are similar and supportive of the surrounding properties that are residential in nature.
3. The uses allowed under IP Zoning are public or institutional in nature, such as local government, educational, church, or recreational in nature.

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4. The proposed zoning district would make the zoning of the land consistent with long-term plans of the Town.

STAFF RECOMMENDATION:

Statements found in both the Lewisville Comprehensive Plan and Forsyth County Legacy Plan encourages medium density as well as institutional, parks and open space uses. Given these findings and other supporting information found in this report, staff recommends the rezoning.

- (6) This is a General Use rezoning; therefore, no site plan is attached and all uses must be considered for use.
- (7) The Public Hearing was opened at 7:12 p.m.
- (8) Having no speakers, the Public Hearing was closed at 7:13 p.m.
 - (a) Everyone was reminded that written comments may be received up to 7:13 p.m. the next day (24 hours following the close of the Public Hearing as authorized by Session Law 2020-3).
 - (b) Those written comments may be sent to the Town Clerk.
- (9) Mrs. Tolbert advised the Council that Planning Board wanted Council to be aware of a concern expressed by Mr. Herb Dunn regarding a possible stormwater run-off issue onto his property. Mr. Dunn wanted to be sure stormwater run-off wouldn't inundate his septic field.
 - (a) The Town will have the engineer reviewing the stormwater plan to contact Mr. Dunn.
- ii. Set date for Council Consideration of [Ordinance 2020026](#) as authorized by Session Law 2020-3
 - (1) Council selected their regular meeting date, June 11, 2020 to provide for the receipt of written comments 24 hours following the close of the Public Hearing as authorized by Session Law 2020-3.
- e. Recombination of Jack Warren Park property and the property at 7632 Warren Park Drive
 - i. Once the two properties are combined, Jack Warren Park will be a total of 31.186 acres.
 - ii. In connection with the rezoning, a new deed will need to be written to combine the two properties.
 - (1) Council Member Hunt moved to approve the recombination of the properties and to have the document executed by the Town Manager. The motion was seconded by Council Member Welch and approved with a roll call vote of ayes from Council Members Foster, Franklin, Hunt, Sadler, Smitherman, Welch and Mayor Horn.

5. **Unfinished Business:**

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- a. None.
6. **Administrative Reports:**
- a. **Manager's Report**
 - i. Update on pedestrian signage policy
 - (1) Staff is reviewing policies from other jurisdictions and will provide to Public Safety Advisory Committee (PSAC) for review once the policy is written.
 - (2) Council discussed having a time-line at the meeting next week for having the policy ready for review.
 - (a) One suggestion was to have a third disinterested party to assist in writing the policy.
 - ii. Contingency report on underground storage tank removal
 - (1) Mr. Perkins reported that \$500.⁰⁰ was used from the contingency fund to excavate and remove a fuel oil tank from a town property. There was no leakage from the tank.
 - iii. Independence Day celebration report
 - (1) Mr. Perkins advised that he is not in a position to provide a decision on cancelling the Independence Day Celebration since the State is still in Phase II of the pandemic Executive Order. That decision will be brought to Council at the meeting on June 11th.
 - iv. Mr. Perkins provided a floor plan of the new Community Center to advise of the location for door locks and security cameras.
 - (1) This plan will allow for minimum staff to be available but will keep the building secured.
 - b. **Staff Reports**
 - i. Attorney
 - (1) None.
 - ii. Public Works
 - (1) Shavings to the sidewalks are underway.
 - (2) Mr. Moser advised that he has received a quote for \$800.⁰⁰ to remove and grind the stumps on the trees that are buckling the sidewalks.
 - iii. Planning
 - (1) None.
 - iv. Finance
 - (1) None.
 - v. Clerk
 - (1) There will be a meeting of the Special Projects Review Committee following the Council's Briefing and Action meeting tonight to approve past minutes.

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Council took a break from 7:51 p.m. to 8:00 p.m.

7. **Agenda Items for Regular Meeting on June 11, 2020**

a. Tentative Agenda

i. Consent Agenda

- (1) [Resolution 2020037](#) - Acceptance and Approval of Monthly [Financials for the ten months ending April 30, 2020](#)
- (2) Approval of Council Briefing an Action Meeting [Minutes - May 7, 2020](#)
- (3) Approval of Council Budget Meeting [Minutes - May 7, 2020](#)
- (4) Approval of Council Budget Meeting [Minutes - May 11, 2020](#)
- (5) Approval of Council meeting [Minutes - May 14, 2020](#)
- (6) [Resolution 2020039](#) - accepting the resignation of John McPherson from the Triad Municipal ABC Board

ii. **Introductions, Recognitions, Presentations and/or Proclamations**

iii. Public Hearings

- (1) [Ordinance 2020001](#) - Fiscal Year 2020-2021 budget
 - (a) Staff is to have the budget placed on-line.
 - (b) Set date for Council Consideration of Ordinance as authorized by in Session Law 2020-3 to allow 24 hours to receive written comments - Monday, June 15, 2020 - 6:00 p.m.
- (2) [Ordinance 2020028](#) - L-095 - Longwood Village - rezoning from HB-S and RS-20 to RS-9-S
 - (a) Set date for Council Consideration of Ordinance as authorized by in Session Law 2020-3 to allow 24 hours to receive written comments - Monday, June 15, 2020 - 6:00 p.m.

Note: After inquiring, Mrs. Foster received confirmation that Council members want an updated version of the draft Planning Document provided at the May 14th meeting. The document will be improved based on feedback from Council members and staff prior to its inclusion in future Town Council meeting packets. The final document will be managed by town staff.

iv. New Business

- (1) [Resolution 2020034](#) - authority to [contract](#) for three years with the Forsyth County Sheriff's Office
- (2) [Resolution 2020035](#) - awarding [contract](#) for placement of Christmas decoration to Elite Landscape Service & Nursery, Inc. Of Pfafftown in an amount not to exceed \$11,863.⁰⁰
- (3) [Resolution 2020036](#) - awarding [contract](#) to Sir Speedy to print six newsletters for the Town in an amount not to exceed \$12,915.⁰⁰

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- (4) [Resolution 2020038](#) - awarding contract to Yards by Us for Grounds Maintenance for areas and amounts described in the contract incorporated by reference into the resolution
 - (5) [Resolution 2020040](#) - authorizing the [contract](#) for Town Hall Janitorial Services to Executive Cleaning Services in an amount not to exceed \$7,800.⁰⁰
 - (6) [Resolution 2020041](#) - authorizing the [contract](#) for Jack Warren Park, Shallowford Square, Town Hall Annex and the G. Galloway Reynolds Community Center janitorial service to Executive Cleaning Services in an amount not to exceed \$14,544.⁰⁰
 - (7) [Resolution 2020042](#) - authorizing the 3-year [contract](#) for neighborhood street sweeping in the fixed annual amount not to exceed \$23,746.⁰⁰ for those locations and periods as noted in the contract
 - (8) [Resolution 2020043](#) - authorizing the 3-year [contract](#) for en masse notifications by Lewisville Connect to residents in a fixed annual amount not to exceed \$5,955.⁰⁰ as specified in the attached contract
 - (9) [Resolution 2020044](#) - awarding [contract](#) for maintenance of Town's shrubs, trees and flower beds for an amount not to exceed \$63,090.⁰⁰
- b. Approval of Tentative Agenda for regular meeting on [June 11, 2020](#)
- i. Council Member Welch moved to approve the tentative agenda for the June 11, 2020 meeting. The motion was seconded by Council Member Sadler and approved with a roll call vote of ayes from Council Members Foster, Franklin, Hunt, Sadler, Smitherman, Welch and Mayor Horn.
 - ii. Everyone was reminded that consideration of the public hearing for the property at 7632 Warren Park Drive will be continued to June 11th.
8. **For the Good of the Order:**
- a. Council Discussion
 - i. Public access (i.e. public comments)
 - (1) There was discussion on public access to Town Hall and how to logistically accomplish this.
 - (a) Allowing access is something to start thinking about.
 - (2) Attorney Houff reminded everyone that Zoom has allowed more people to attend council meetings than in-person and it seems to work well.
 - (3) Mrs. Foster will be getting back to board and committee members to find out their feelings on face to face meetings.
 - (4) Staff was asked to check with the League on how other towns are handling meetings, especially when public hearings are involved since they require two meetings.
 - ii. Town Hall open house

DRAFT (Amended 07-03-2020)
Lewisville Town Council
Briefing and Action Meeting Minutes
June 4, 2020 - 6:00 p.m.

Digitally originating via ZOOM in Council Chambers 1st floor - Lewisville Town Hall
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- (1) Everyone was asked to think about having a special open house for citizens; however, there was a reminder that everyone needs to have masks.
- iii. Mr. Smitherman asked Council members to think about continuing future meetings at 6:00 p.m.

9. Adjournment

- a. At 8:43 p.m., having no other business to discuss, Council Member Franklin moved to recess the meeting. The motion was seconded by Council Member Foster and approved unanimously by a roll call vote of ayes from Council Members Foster, Franklin, Hunt, Sadler, Smitherman, Welch and Mayor Horn.

Mike Horn, Mayor

ATTEST:

Joyce C. McWilliams Walker, Town Clerk

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June 11, 2020 - 6:00 p.m.
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1. Call to Order

- a. Mayor Horn opened the meeting being simultaneously streamed electronically at 6:00 p.m. Council members attending electronically were Jeanne Marie Foster, Fred Franklin, Melissa Hunt, Ken Sadler, David Smitherman, and Jane Welch. Also attending electronically were Town Manager Hank Perkins, Attorney Bo Houff, Town Planner Stacy Tolbert, Finance Director Pam Orrell, and Town Clerk Joyce Walker.
- b. Invocation was led by Attorney Bo Houff.
- c. Adoption of Agenda
 - i. Item k, Ordinance 2020029, was added to 11. New Business.
 - ii. Mrs. Foster asked to have the May 14, 2020 minutes approval moved to the June 15, 2020 meeting for approval.
 - iii. With those amendments, Council Member Sadler moved to approve the agenda. 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 2020037](#) - Acceptance and Approval of Monthly [Financials for the ten months ending April 30, 2020](#)
 - ii. Approval of Council Briefing an Action Meeting [Minutes - May 7, 2020](#)
 - iii. Approval of Council Budget Meeting [Minutes - May 7, 2020](#)
 - iv. Approval of Council Budget Meeting [Minutes - May 11, 2020](#)
 - v. Approval of Council meeting [Minutes - May 14, 2020](#) (moved to June 15, 2020 for approval)
 - vi. [Resolution 2020039](#) - accepting the resignation of John McPherson from the Triad Municipal ABC Board
- b. Council Member Welch moved to approve the Consent Agenda (without May 14, 2020). The motion was seconded by Council Member Foster and approved unanimously with a roll call vote of ayes from Council Members Foster, Franklin, Hunt, Sadler, Smitherman, Welch and Mayor Horn. Resolution 2020037 and Resolution 2020039 are herein incorporated by reference into the minutes.

3. Introductions, Presentations, Recognitions and/or Proclamations

- a. **Introductions, Recognitions, Presentations and/or Proclamations**
 - i. None.

4. Public Forum

- a. Mayor Horn opened the Public Forum at 6:09 p.m.
- b. Having no electronically raised hands to speak, Mayor Horn closed the Public Forum at 6:10 p.m.

5. Appointments

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- a. None.
6. **Public Hearings**
- a. Fiscal Year 2020-2021 budget
 - i. Staff Presentation
 - (1) Mr. Perkins read highlights of the Budget Message that was previously provided to Council in April.

Town of Lewisville
2020-2021 Budget Highlights

The proposed budget for the General Fund is \$4,751,485 (an increase of 2.04% over the prior year's budget as adopted for July 1, 2019).

The budget as proposed includes maintaining the current tax rate of 17.7 cents per \$100 of valuation.

This budget is balanced with \$230,510 in fund balance from the General Fund.

The Town of Lewisville also collects a levy for a municipal service district. The budget as proposed includes maintaining the current tax rate of 5 cents per \$100 of valuation.

According to the Forsyth County Tax Appraisers, the total tax value for the Town of Lewisville for the upcoming fiscal year is estimated at \$1,426,177,776. This produces estimated Ad Valorem tax revenue of \$2,448,605.

Town Services

Budgeting for the economic uncertainty of our municipal revenues, brought about by the COVID-19 pandemic, and the increase in our service costs has been a challenge. However, the Town of Lewisville stays committed to the continuation of all of its existing services for the upcoming fiscal year to include, parks and recreation, finance, administration, planning and zoning, public works, residential garbage and recycling, storm water management, community policing, and beautification. All services are proposed to continue at current service delivery levels for the upcoming fiscal year.

Capital Reserve Funds

The Town has 4 capital reserve funds. Currently, annual appropriations to all of these funds total \$405,000 per year.

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At the Town Council capital planning session, held on February 1st, the Council re-affirmed its desire to proactively support the development of the downtown area, and road and sidewalk improvements throughout the Town, as well as its desire to develop future capital facilities such as the new community center.

During fiscal year 2017-2018 the Town Council learned that the NC Department of Transportation plans to assume financial responsibility for the remaining work to be done on the Great Wagon Road to include design, right-of-way acquisition, and construction. As construction of the Great Wagon Road progresses, we anticipate that the Town of Lewisville will participate financially with the NC Department of Transportation on enhancements such as sidewalks, trees, and streetlights, as well as the design and installation of water and sewer infrastructure. As mentioned earlier, budgeting for the 2020-2021 fiscal year has been made more difficult with uncertain revenues levels and rising service costs. As such, the budget, as proposed suspends its annual contribution to the GWR ROW/Construction Capital Reserve Fund of \$115,000. Doing so will allow the Town to maintain its current service levels in the new fiscal year in light of uncertain revenue estimates.

The budget as proposed also reduces the annual contribution to the Storm Water Capital Reserve Fund from \$95,000 to \$25,825. This amount allows the reserve to reach its desired goal of \$560,000.

Transfer to the Municipal Buildings/Land Capital Reserve is proposed to remain unchanged at \$170,000.

Transfer to the Sidewalks, Bike Paths, and Greenways Capital Reserve is proposed to remain unchanged at \$25,000.

Thus proposed funding in this budget for all capital reserves is \$220,825.

Projects for the Upcoming Fiscal Year

The Town will continue design work on the Gateway Project along with right-of-way and construction work in the coming fiscal year.

The Town will continue design work, right-of-way, and construction of a BMP (Best Management Practice) wet pond for storm water treatment in the downtown area of the Town of Lewisville. The pond will be located just southwest of the intersection of Shallowford Road and Heritage Drive.

The Town has also been awarded funding for the construction of a single lane roundabout at Robinhood Road and Lewisville-Vienna Road.

And finally, the Town is working with an architect firm on the design of the new community center. The Town plans to begin construction on the new community center in the upcoming fiscal year.

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- (a) Funds from the General Fund balanced the budget.
 - (b) The Willow Run Municipal Service District (WRMSD) maintained the same rate.
 - (2) Mrs. Orrell noted there have been no changes to the message.
 - ii. Public Hearing
 - (1) Mayor Horn opened the Public Hearing at 6:18 p.m.
 - (2) Having no electronically raised hands to speak, Mayor Horn closed the Public Hearing at 6:19 p.m.
 - iii. Council Discussion
 - (1) No discussion.
 - iv. Date set for Council Consideration of [Ordinance 2020001](#) is Monday, June 15, 2020 at 6:00 p.m. as authorized by Session Law 2020-3.
- b. L-095 - Longwood Village - rezoning from HB-S and RS-20 to RS-9-S located off Lewisville-Clemmons Road
- i. Staff Presentation
 - (1) Mrs. Tolbert advised Council that the Planning Board held their public hearing on March 11, 2020.
 - (a) There was only one concern brought forward by the public at the public hearing..
 - (b) Planning Board members were concerned about the change from commercial zoning to residential zoning; however, it was noted that nothing had been done in 25 years under commercial zoning.
 - (2) Mrs. Tolbert provided a PowerPoint presentation with maps of the area showing the location of the request and highlights of the following staff report, noting that a specific site plan accompanies this request.

SPECIAL USE DISTRICT REZONING STAFF REPORT

Longwood Village

DOCKET: L-095

STAFF: Stacy Tolbert, Town Planner

Petitioner: Ron Davis with Allegro Investment Properties , LLC

Ownership: PIN 5885-70-8928 Kaplan Partners

PIN 5885-81-0388 Lou Ann & Marvin Yow

REQUEST OF REZONING:

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From: HB-S (Highway Business) & RS-20 (Residential Single Family, minimum lot size of 20,000 sq. ft.)
To: RS-9-S (Residential Single Family, minimum lot size of 9,000 sq. ft.)
PIN#(s): 5885-70-8928 (portion of) & 5885-81-0388
Acreage: 13.57 acres

LOCATION:

Street: 1138 Lewisville-Clemmons Rd
Jurisdiction: Town of Lewisville

PROPERTY SITE/IMMEDIATE AREA:

Existing Structures on Site: The site has two existing homes on the property as well as some accessory structures.

Adjacent uses:

- * North - Single family residences, Fountain Brook Development, zoned RS-20
- * East - Single family residence, 1175 Lewisville-Clemmons Rd, zoned RS-9; Family Medical Office, zoned HB-S; both located across Lewisville-Clemmons Rd.
- * South - Shallowford Presbyterian Church, zoned RS-9; Kaplan Partners, zoned HB-S
- * West - Kaplan Partners, zoned HB-S

GENERAL AREA:

Character/Maintenance: This area is somewhat of a transition zone between residential usage and commercial usage.

PHYSICAL FEATURES:

Topography: The site slopes gently from the east to the west away from Lewisville-Clemmons Rd.

Vegetation/habitat: The majority of the property is wooded.

Impact on Existing Features: Impacts are to be expected. The wooded areas are likely to be removed as well as the structures on the property due to the request develop 38 residential lots.

WATER AND SEWER FACILITIES:

Public water and sewer are available to the site.

TRANSPORTATION:

Direct Access to Site: Lewisville-Clemmons Rd
Street Classification(s): Lewisville-Clemmons Major Thoroughfare
Average Daily Traffic Count/Estimated: 11000 (source: NCDOT AADT 2017)

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HISTORY/RELEVANT ZONING CASES:

- * L-048; RS-20 Planned Residential Development Fountain Brook (Single-Family Residential Housing); approved 05/11/2006; west side of Lewisville-Clemmons Road north of and adjacent to Kaplan Partners; 13.38 acres; Planning Board and staff recommended approval.

- * L-078; RS-20 to RS-9-S (Single-Family Residential Housing) approved 04/13/2017; south side of Lewisville-Clemmons Rd and near Lalanda Drive; 10+/- acres; Planning Board and staff recommended approval.

CONFORMITY TO PLANS:

Lewisville Comprehensive Plan Update 2015 - The Plan describes this area as being an area where higher density uses are appropriate, particularly where sewer is available. This area is shown as an activity center on Map 9 of the comprehensive plan.

The Plan also contains a number of "Recommended Actions." In the chapter on Land Use, recommendations include; allowing higher density where appropriate, preserving the character of town, and promoting high density development in areas supported by infrastructure.

Legacy Development Guide - Legacy recommends increasing residential densities along growth corridors and in activity centers where serviceable land is located. This property is located in the Growth Management Area (GMA) 3 which gives opportunity for pedestrian-friendly designs and street standards requiring sidewalks.

The Legacy 2030 Update also identifies this area around the intersection of Lewisville-Clemmons Road & Styers Ferry Road, at the US 421 interchange, as an activity center but also identifies the area as an area for suburban neighborhoods.

Lewisville Unified Development Ordinance (UDO) - Overall, the plan conforms to the requirements of the UDO. For conventional major subdivisions, the UDO requires interconnecting streets, however in this particular development there are no opportunities for streets to be connected. The neighboring development does not have any stub streets, the rear of the property abuts a creek and steeper slopes as well as abuts HB zoned property.

The preliminary plan proposes 27 ft wide streets which only allows for one side on street parking only. The plan also proposes sidewalks on both sides of the street, meeting UDO requirements.

ANALYSIS:

The applicant is requesting a change from HB-S & RS-20 zoning to RS-9-S; as a "special use" request, a

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preliminary subdivision has been submitted for review by staff and the Board. The preliminary subdivision includes a 38 lot development with access off Lewisville-Clemmons Road. Both the RS-20 and RS-9 zoning districts are intended to accommodate residential uses. The HB zoning district is the Highway Business District primarily intended to accommodate retail service and distributive uses. Single family residences are not permitted in the HB zoning district.

The lot size and dimensional differences are summarized below:

	RS-9	RS-20	HB
Minimum Lot Size -	9,000 sq. ft.	20,000 sq. ft.	20,000 sq. ft.
Minimum Lot Width -	65 ft	95 ft	100 ft
Minimum Front Yard -	20 ft	30 ft	40 ft
Minimum Rear Yard -	25 ft	30 ft	20 ft

RS-9 is generally considered to accommodate high density single family detached dwellings in urban areas. This district is typically used for single-family development where public sewer is available. RS-20 is primarily intended to accommodate single-family uses to accommodate single family detached dwellings in suburban areas. This RS-9 district is appropriate in GMAs 2 and 3 and may be suitable for metro activity centers where public water and sewer are available.

The Town's Comprehensive Plan designates the area within which the project lies as GMA-3 "Suburban Neighborhood." This acknowledges opportunities made available by having access to public water/sewer and proximity to existing thoroughfares such as Lewisville-Clemmons Road and US421. The proposed RS-9-S zoning would support the uses in the nearby activity center. The requested density is more than that found immediately abutting the subject property which is RS-20. The proposed rezoning, if approved, would allow single-family use in and around the activity center at Lewisville Clemmons Rd/Styers Ferry Rd/US 421. Although the use may differ from some of the existing uses in the area, the proposed land use is appropriate for the area. It would complement the existing commercial uses in the area because of the higher density than surrounding residential uses.

Town staff is of the opinion that the request is consistent with the Town's Comprehensive Plan and Legacy for the area and complements the uses in the activity center. The developer has or will need to follow the major subdivision requirements in Chapter D Section 4, including but not limited to the requirements below:

1. Erosion control permits shall be obtained through The City of Winston-Salem.
2. Stormwater management permits, if required, must be obtained through the Town of Lewisville before issuing building or zoning permits.
3. TRC Comments must be remedied.

FINDINGS:

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1. The request is for special use zoning; a preliminary draft site plan has been submitted and a specific use requested. If the property is later subdivided, the Planning Board and the Town Council will be required to review and approve the subdivision plan.
2. The uses allowed under either RS-9 or RS-20 are similar in that they are residential.
3. The requested zoning would allow residential development at densities higher than most nearby properties. However, the requested density is supported by existing infrastructure and anticipated and encouraged by the Town's Comprehensive Plan.
4. The proposed zoning district would not introduce a use(s) or density of development incompatible with the existing nearby residential development.

RECOMMENDATION:

The site has available infrastructure to support the density of development that is being proposed. Statements found in both the Lewisville Comprehensive Plan and Forsyth County Legacy Plan encourages higher density within a suburban/urban environment along growth corridors or in activity centers. Given these findings and other supporting information found in this report, staff recommends the rezoning to the Planning Board.

PLANNING BOARD RECOMMENDATION:

The Planning Board voted to recommend approval to the Town Council at their March 11, 2020 Meeting. The vote was 4 in the affirmative and 1, Joseph Hamby, in opposition of the motion to recommend approval of the development. The Planning Board voiced concerns of this property being located in what was previously considered a Neighborhood Activity Center. They were concerned with rezoning what little bit of commercial property we have in Lewisville to a residential district.

-
- (3) All Technical Review Committee (TRC) comments have been remedied through this site plan.
 - (4) Fire Code requires a gravel access when there is only one entrance to the subdivision.
 - (5) There will be sidewalks on both sides of interior roads and a visual buffer at Lewisville-Clemmons Road
 - (6) The site plan has 38 lots which can be supported by available infrastructure.
 - (7) This development is in Growth Management 3, close to an Activity Center and higher density is encouraged in these areas.
 - (8) Erosion control permits will be required.

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- (9) Stormwater permits will be obtained from the Town.
- (10) The approval recommendation to Council from the Planning Board came with a vote of 4-1.
- (11) Questions for the Planner:
 - (a) Plan calls for 38 lots and not 52 which could be supported by the amount of acreage? Proposed storm water pond takes a large amount of area.
 - (b) Topography issues? No.
 - (c) Gated community? No. Roads will be petitioned at a later date for the Town to maintain.
 - (d) Buffer along Lewisville-Clemmons Road? Combination of berm and plantings.
- (12) Steve Causey, Allied Design, 4720 Kester Mill Road, Winston-Salem, 27103, and Ron Davis, 386 Knollwood Street, Winston-Salem, 27103, were permitted into the conversation.
 - (a) There will be as much privacy as possible but will have to work with power lines.
 - (b) There is an 8-10 foot slope off of Lewisville-Clemmons Road so the design would like to incorporate a berm and buffer combination.
 - (c) The proposed streets are public and built to standard.
 - (d) The storm water pond is sized to meet quality and quantity standards, and rough dimensions are about 8,000 cubic feet, 30-40 feet wide, and 68 feet long. The dimensions will be more definitive once design is more specific. It may not be a wet pond. There are a number of other options available that will be reviewed.
 - (e) Trees and buffering at adjoining subdivision?
 - (i) Buffering is not required when there is residential next to residential. The existing subdivision has an existing retaining wall and buffering with trees and plantings.
 - (f) Price points? This is not something that can be discussed; however, it was noted by Mr. Davis that the prices are consistent with the adjoining neighborhood.
- (13) Question to the Planner
 - (a) Were letters sent to surrounding property owners? Yes.
 - (b) Mr. Davis also acknowledged he sent letters to surrounding property owners and visited businesses, churches and the Daltons

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across the street, who were concerned about the buffering at Lewisville-Clemmons Road. They all were supportive of the project.

- (14) Questions for the developer
 - (a) Will the houses be slab on grade or space underneath?
 - (i) That is not yet determined since the hope is to anticipate an older population. Space underneath could have mildew and the elevation to accommodate could pose problems to older adults.
- (15) Question for the Planner
 - (a) Is there an aesthetic for the gravel entry?
 - (i) The Town's ordinance does not require this entrance; however, State Fire Code does since the number of lots exceeds what is needed for a second entrance. The entrance doesn't have to be prominent and the approval will have to come from the NC Department of Transportation.
- (16) Question about Sidewalk to Lewisville-Clemmons Road?
 - (a) Mr. Perkins explained:
 - (i) There is an approved project to place sidewalk on both sides of Lewisville Clemmons Road by the NC Department of Transportation.
 - (b) Mrs. Tolbert also explained:
 - (i) The developer can pay a fee in lieu of building a sidewalk in front of the project and ask for a waiver as noted in the Pedestrian Connections Overlay (PCO).
 - (ii) The developer did ask for a waiver which was approved by the Planning Board, who can grant that waiver.
 - (iii) The payment can be used for part of the Town's 80/20 payment when the project begins.

ii. Public Hearing

- (1) Mayor Horn opened the Public Hearing at 6:48 p.m.
 - (a) Fabio Anello, 725 Fountain Brook Ln, Lewisville, was concerned about noise from the development such as barking dogs and asked if there would be any blasting. He enjoys the quiet.
 - (i) Allied Design was asked to respond noted that no rock has been observed so excavation should be accomplished without blasting which would be a last resort.

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- (ii) The HOA covenants will manage noise and should be addressed ASAP.
 - (b) Ken Craven, 717 Fountain Brook Ln, Lewisville, said that he purchased his home thinking the adjacent property would be RS-20 and not RS-9 but would rather see this project instead of a gas station or apartment complex. He also indicated the letter presented by the developer was incorrect.
 - (c) Angela Craven, 717 Fountain Brook Lane, Lewisville, wanted to know about the gravel driveway currently on the site plan since it was not on the original plan. Will it stay gravel? Will it be blocked and only accessed by emergency vehicles.
 - (i) Allied Design noted that the County Fire Marshall indicated this all-weather access needed to be added and it straddles 2 lots with an access easement. It can be gated but it is not required to be gated. The entrance will be as obscure as possible so that it will not be used as a second entrance.
 - (ii) Attorney Houff noted if there is something placed to block the gravel entrance, a site plan amendment will be required.
 - (2) Having no other electronically raised hands to speak, Mayor Horn closed the Public Hearing at 7:01 p.m. and reminded everyone that they can send written comments to the Town Clerk within the next 24 hours.
 - iii. Council Discussion
 - (1) No discussion.
 - iv. Date set for Council Consideration of [Ordinance 2020028](#) is Monday, June 15, 2020 at 6:00 p.m. as authorized by Session Law 2020-3.
7. **Evidentiary Hearings**
a. None.
8. **Annexation Requests**
a. None.
9. **Preliminary Site Plan Approvals**
a. None.
10. **Unfinished Business**

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- a. [Ordinance 2020026](#) - L-097 rezoning property at 7632 Warren Park Drive from RS-40 to IP and adjoins Jack Warren Park (continued for 24 hours after the close of public hearing, June 4, 2020, as authorized by Session Law 2020-3 to receive written comments)
- i. The public hearing for this rezoning was held on June 4, 2020 with June 11, 2020 selected as the date to allow for the receipt of written comments.
 - (1) No member of staff has received written comments in the 24 hours following the close of the public hearing.
 - ii. Mrs. Tolbert was asked to clarify the information on the staff report regarding General Use. Since the Town owns the property, a use has been determined for its use and it has gone through the process to make sure it meets all the requirements since this is a use by right.
 - (1) Mrs. Tolbert was asked to clarify the information on the Staff Report.
 - iii. Mr. Houff further explained that General Use is usually requested when a site plan has not been prepared.
 - iv. Mayor Horn also explained that at some point in the future, the Town may enter into a public/private partnership with other uses that currently haven't been contemplated and the change/addition would not have to come back for a site plan amendment process.
 - v. Council Member Sadler moved to approve Ordinance 2020026. The motion was seconded by Council Member Hunt and approved with a roll call vote of six (6) *ayes* from Council Members Franklin, Hunt, Sadler, Smitherman, Welch and Mayor Horn and one (1) *nay* from Council Member Foster. Ordinance 2020026 is herein incorporated by reference into the minutes.

11. New Business

- a. Debt issuance for the new Community Center
- i. [Resolution 2020046](#) - Setting Thursday, July 16, 2020 at 6:00 p.m. as the public hearing date for debt issuance
 - (1) Council Member Franklin moved to approve Resolution 2020046. 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 2020046 is herein incorporated by reference into the minutes.
 - ii. Continue discussion to Monday, July 20, 2020 for Council consideration to allow 24 hours to receive written comments as authorized by Session Law 2020-3.
 - iii. Hold special meeting on Thursday, July 23, 2020 to approve minutes for debt issuance.

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Prior to the approval of the following resolutions, Council Member Franklin suggested they be approved at tonight's meeting contingent upon approval of the budget for the next fiscal year (2020-2021) rather than carry them to the June 15th meeting. Council members concurred.

- b. [Resolution 2020034](#) - authority to [contract](#) for three years with the Forsyth County Sheriff's Office
 - i. Council Member Franklin moved to approve Resolution 2020034 contingent upon approval of the 2020-2021 FY Budget. The motion was seconded by Council Member Smitherman and approved unanimously with a roll call vote of ayes from Council Members Foster, Franklin, Hunt, Sadler, Smitherman, Welch and Mayor Horn. Resolution 2020034 is herein incorporated by reference into the minutes.
- c. [Resolution 2020035](#) - awarding [contract](#) for placement of Christmas decorations to Elite Landscape Service & Nursery, Inc. of Pfafftown in an amount not to exceed \$11,863.⁰⁰
 - i. Council Member Hunt moved to approve Resolution 2020035 contingent upon approval of the 2020-2021 FY Budget. The motion was seconded by Council Member Foster and approved unanimously with a roll call vote of ayes from Council Members Foster, Franklin, Hunt, Sadler, Smitherman, Welch and Mayor Horn. Resolution 2020035 is herein incorporated by reference into the minutes.
- d. [Resolution 2020036](#) - awarding [contract](#) to Sir Speedy to print six newsletters for the Town in an amount not to exceed \$12,915.⁰⁰
 - i. Council Member Welch moved to approve Resolution 2020036 contingent upon approval of the 2020-2021 FY Budget. 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. Resolution 2020036 is herein incorporated by reference into the minutes. Resolution 2020036 is herein incorporated by reference into the minutes.
- e. [Resolution 2020038](#) - awarding [contract](#) to Yards by Us for Grounds Maintenance for areas and amounts described in the contract incorporated by reference into the resolution
 - i. Council Member Franklin moved to approve Resolution 2020038 contingent upon approval of the 2020-2021 FY Budget. The motion was seconded by Council Member Sadler and approved with a roll call vote of six (6) *ayes* from Council Members Foster, Franklin, Hunt, Sadler, Welch and Mayor Horn and one (1) *nay* from Council Member Smitherman. Resolution 2020038 is herein incorporated by reference into the minutes.
- f. [Resolution 2020040](#) - authorizing the [contract](#) for Town Hall Janitorial Services to Executive Cleaning Services in an amount not to exceed \$7,800.⁰⁰
 - i. Council Member Smitherman moved to approve Resolution 2020040 contingent upon approval of the 2020-2021 FY Budget. The motion was seconded by Council

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Member Foster and approved unanimously with a roll call vote of *ayes* from Council Members Foster, Franklin, Hunt, Sadler, Smitherman, Welch and Mayor Horn. Resolution 2020040 is herein incorporated by reference into the minutes.

- g. [Resolution 2020041](#) - authorizing the [contract](#) for Jack Warren Park, Shallowford Square, Town Hall Annex and the G. Galloway Reynolds Community Center janitorial service to Executive Cleaning Services in an amount not to exceed \$14,544.⁰⁰
 - i. Council Member Sadler moved to approve Resolution 2020041 contingent upon approval of the 2020-2021 FY Budget. 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. Resolution 2020041 is herein incorporated by reference into the minutes.
- h. [Resolution 2020042](#) - authorizing the 3-year [contract](#) for neighborhood street sweeping in the fixed annual amount not to exceed \$23,746.⁰⁰ for those locations and periods as noted in the contract
 - i. Council Member Welch moved to approve Resolution 2020042 contingent upon approval of the 2020-2021 FY Budget. 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. Resolution 2020042 is herein incorporated by reference into the minutes.
- i. [Resolution 2020043](#) - authorizing the 3-year [contract](#) for en masse notifications by Lewisville Connect to residents in a fixed annual amount not to exceed \$5,955.⁰⁰ as specified in the attached contract
 - i. Council Member Foster moved to approve Resolution 2020043 contingent upon approval of the 2020-2021 FY Budget. 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. Resolution 2020043 is herein incorporated by reference into the minutes.
- j. [Resolution 2020044](#) - awarding [contract](#) by Eco Logic for maintenance of Town's shrubs, trees and flower beds for an amount not to exceed \$63,090.⁰⁰
 - i. Council Member Foster moved to approve Resolution 2020044 contingent upon approval of the 2020-2021 FY Budget. The motion was seconded by Council Member Smitherman and approved unanimously with a roll call vote of *ayes* from Council Members Foster, Franklin, Hunt, Sadler, Smitherman, Welch and Mayor Horn. Resolution 2020044 is herein incorporated by reference into the minutes.
- k. [Ordinance 2020029](#) - amending Budget Ordinance 2019001 in the amount of \$6,045.⁰⁰ to replace the downstairs A/C unit in the Town Hall Annex because the compressor failed on a 20-year old unit
 - i. Council Member Smitherman moved to approve Ordinance 2020029. The motion

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was seconded by Mayor Horn and approved unanimously with a roll call vote of *ayes* from Council Members Foster, Franklin, Hunt, Sadler, Smitherman, Welch and Mayor Horn. Ordinance 2020029 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 in recognition of Independence Day.
- b. Manager's Report
 - i. Independence Day celebration discussion
 - (1) Because of the COVID-19 situation this celebration has been cancelled since the Town will not be in compliance with the State's requirements on mass gatherings.
- c. Clerk's Report
 - i. None.
- d. **Approvals at the Briefing and Action Meeting on June 4, 2020**
 - i. [Ordinance 2020025](#) - amending Budget Ordinance 2019001 in the amount of \$3,860.⁰⁰ to contract with KDT Grading, Inc. to abandon two (2) wells at 312 Lewisville-Vienna Rd
 - ii. [Ordinance 2020027](#) - amending Budget Ordinance 2019001 in the amount of \$200,000.⁰⁰ to transfer from the General Fund to the Gateway Project Capital Projects Fund for design and ROW purchase
 - iii. [Resolution 2020045](#) - awarding [contract](#) to Spectrum Enterprise Services for internet, managed WiFi, and telephone service for the new Community Center
 - iv. Approval to move forward with the recombination of Jack Warren Park property and the property at 7632 Warren Park Drive
 - (1) The document has been executed and recorded.
- e. Council Member Franklin asked that the contract items approved above have their approval reaffirmed at the meeting on the 15th.

13. For the Good of the Order:

- a. Public Comments
 - i. Mayor Horn opened the Public Comments at 7:40 p.m.
- b. Having no electronically raised hands to speak, Mayor Horn closed the Public Comments at 7:41 p.m.
- c. Council Comments
 - i. Council Member Smitherman asked if something could be aired on Channel 6 regarding the holiday. He also asked to reach out to see if anyone has a video of

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last year's event.

- (1) Mayor Horn suggested a message (to be determined) be recorded.
- ii. Mrs. Welch asked about the reports from the deputies and whether there would be a deputy available to attend Council meetings.
 - (1) Mr. Perkins will have to check with the Sargeant on the report's progress and the availability of a deputy.
 - (2) Dr. Sadler suggested an executive summary be placed on line; however, this format will also need to be discussed with the Sargeant..
 - (3) PSAC receives a copy of the report monthly and a deputy as well as a member from the fire department will also be in attendance.
- iii. Council Member Hunt asked about the status of the planning document that was provided to Council in May.
 - (1) Mrs. Foster noted that she had asked for the minutes from the May 14th meeting be removed from the Consent Agenda to provide additional information from the discussion as well as more clarity and review of the format. She said her understanding was that the Council was in agreement but what was not clear was when the report (document) would be presented monthly. Would it be a part of the regular or briefing meeting?
 - (2) Dr. Sadler suggested there only needed a review of current pertinent projects. Briefings would be the most appropriate time.
 - (3) Mr. Perkins suggested that the document presented to Council was formatted because of certain items that were time sensitive.
 - (4) Mrs. Hunt's thought was where was a project in the process to keep residents abreast of what was going on with a construction project as well as being transparent.
 - (a) Mrs. Tolbert reminded everyone that once a project leaves Council, she doesn't necessarily know where the project stands. Permits are issued by various agencies and the Town doesn't have that information.
 - (5) Mr. Perkins also reminded everyone that there are many things going on in the Town and which have nothing to do with the Town.
 - (6) Mrs. Foster indicated she will be meeting with staff shortly to work on the document and there may be an opportunity to provide follow-up and manage the information.
 - (7) Mayor Horn suggested that there needs to be additional thought in how to provide this information.
- iv. Mayor Horn read the following statement in consultation with members of Council:

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The last few months have been unlike anything most of us have experienced in our lives. We've seen how something that can only be detected through a microscope can become a pandemic and bring our strong nation to its knees.

We've seen how a long simmering cauldron of racism and injustice can boil over into the streets all across our country. And we've seen the worst and the best of who are as a people.

When several of our council members asked me if we were going to share any thoughts on this tonight, I was apprehensive. How could I as one member of a council of seven, with as many perspectives and opinions as we have, produce a statement on which we could all agree.

I've known some of this council for a quarter century and some I'm just getting to know.

I'm just starting to learn who we are as a group and what we can become.

Finding a way to speak with one voice seemed a fraught filled task.

There's lot I don't know about my fellow council members, but there are some fundamental principles that I believe we share.

First, throughout this pandemic we had the courage to make decisions that are in the best interest for the health and welfare of our residents. We share the pain of those who have lost family or friends. And we also share the concern about our residents who are out of work and how our business community is weathering this economic storm.

We are proud of our community policing deputies and all that they do, but we also share a belief that acts of injustice based on race, or any other factor, are unacceptable.

We agree in the guarantees of the Bill of Rights that protect free speech and the right of assembly to the extent that exercising these rights are peaceful and do not result in violence, injury, damage to property or threaten the health and safety of others.

We hold sacred the words in the Declaration of Independence, that all men are created equal and that discrimination, prejudice and racism have no place in a free society.

Our community has a history of caring about one another. It's during times such as this that we demonstrate our huMANity, reaffirm our concern for the needs of others and remain resolved in our commitment to just

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and fair treatment for all.

- d. Adjournment
 - i. Having no other business to discuss, at 8:00 p.m., Council Member Smitherman moved to recess the meeting to June 15, 2020 at 6:00 p.m. The motion was seconded by Council Member Foster 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

ATTEST:

Joyce C. McWilliams Walker, Town Clerk

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(Continued) Meeting Minutes
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1. Call to Order

- a. ZOOM technical issues prevented Mayor Horn from entering the meeting. Mayor Pro Tem Jeanne Marie Foster opened the meeting being simultaneously streamed electronically at 6:00 p.m. Council members attending electronically were Fred Franklin, Melissa Hunt, Ken Sadler, David Smitherman, and Jane Welch. Also attending electronically were Town Manager Hank Perkins, Attorney Bo Houff, Town Planner Stacy Tolbert, Finance Director Pam Orrell, and Town Clerk Joyce Walker.

2. Approval of Minutes

- a. Approval of Council meeting [Minutes - May 14, 2020](#)
- i. Council Member Sadler moved to approve the amended May 14, 2020 minutes. The motion was seconded by Council Member Hunt and approved unanimously with a 6-0 roll call vote of ayes from Council Members Foster, Franklin, Hunt, Sadler, Smitherman, and Welch.

Mayor Horn was admitted to the meeting at 6:04 p.m. and the meeting was turned over to the Mayor.

3. Unfinished Business

- a. Council Consideration of [Ordinance 2020001](#) for Fiscal Year 2020-2021 budget (continued from Thursday, June 11, 2020 as authorized by in Session Law 2020-3 to allow for receipt of written comments 24 hours following the close of the public hearing)
- b. Staff members advised that no written comments had been received by the Town through 6:19 p.m. June 12, 2020.
- i. Having no other comments or discussion, Council Member Foster moved to approve Ordinance 2020001. The motion was seconded by Council Member Hunt and approved unanimously with a 7-0 roll call vote of ayes from Council Members Foster, Franklin, Hunt, Sadler, Smitherman, Welch and Mayor Horn.
- ii. Reaffirmation of approval of Resolutions 2020034, 2020035, 2020036, 2020038, 2020040, 2020041, 2020042, 2020043 and 2020044 that were approved on June 11, 2020 contingent upon the approval of Budget Ordinance 2020001
- (1) Council Member Franklin moved to reaffirm the approval of Resolutions 2020034, 2020035, 2020036, 2020038, 2020040, 2020041, 2020042, 2020043 and 2020044 that were approved on June 11, 2020 contingent upon the approval of Budget Ordinance 2020001. 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.
- c. Council Consideration of [Ordinance 2020028](#) for L-095, Longwood Village rezoning from HB-S and RS-20 to RS-9-S located off Lewisville-Clemmons Road (continued from

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Thursday, June 11, 2020 as authorized by in Session Law 2020-3 to allow for receipt of written comments 24 hours following the close of the public hearing)

- i. Staff members advised that no written comments had been received by the Town through 7:01 p.m. June 12, 2020.
- ii. Staff was asked about the split vote from members of the Planning Board.
 - (1) The vote was because business zoning would be lost.
 - (2) Mr. Franklin also commented that he, too, did not like to see business zoning lost; however, he thought this was a good project and would be the right use of the property.
- iii. Having no other comments or discussion, Council Member Sadler moved to approve Ordinance 2020028. The motion was seconded by Council Member Smitherman and approved unanimously with a roll call vote of ayes from Council Members Foster, Franklin, Hunt, Sadler, Smitherman, Welch and Mayor Horn.

4. For the Good of the Order:

- a. Council Comments
 - i. Mayor Horn thanked staff for providing a clean budget.
 - ii. Council Member Franklin noted that this was an abnormal way to approve the budget and thanked Council for reaffirming the contracts so they can be enacted on July 1st.
 - iii. Council Member Foster also thanked staff and asked about starting the budget process earlier so the boards and committees have an opportunity to get information to staff as well as staffing issues.
 - (1) Mr. Perkins clarified: not accelerating the process but bringing big items that required research so that Council can give direction at the February meeting.
 - (2) Mayor Horn reminded everyone that staffing falls under the manager.
 - (3) Mr. Franklin also reminded everyone that the only employee Council can hire or fire is the manager.
 - (4) Council Member Sadler suggested having a fall retreat to get information from boards and committees.
 - (5) Mayor Horn suggested additional discussion on this in the future.
 - iv. On a separate item, Mrs. Foster also said there is no tree ordinance on the books.
 - v. Mrs. Hunt complimented the staff also and asked everyone to sing *Happy Birthday* to Stacy Howard.
- b. Adjournment
 - i. Having no other business to discuss, Council Member Smitherman moved to adjourn the meeting at 6:38 p.m. The motion was seconded by Council Member Foster and approved unanimously with a roll call vote of ayes from Council Members Foster, Franklin, Hunt, Sadler, Smitherman, Welch and Mayor Horn.

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Mike Horn, Mayor

ATTEST:

Joyce C. McWilliams Walker



TOWN OF LEWISVILLE
 PO BOX 547
 LEWISVILLE, NC 27023
 (O) 336-945-5558 (F) 336-945-5531

APPLICATION FOR LEWISVILLE BOARD/COMMITTEE

Full Name: Timothy Donald Dubois
 Address: 609 Pepperidge Rd.
 City/State/Zip: Lewisville, NC 27023
 Day Phone: (336)414-3885 Evening Phone: Same Cell: Same
 Email: tdubois@gmail.com
 I am interested in serving on the following Board/Committee: ABC Board

EMPLOYMENT AND EDUCATION

Employer: <u>Sláinte Trading Company, LLC</u> Address: <u>609 Pepperidge Rd.</u> <u>Lewisville, NC 27023</u> Phone: <u>(336)414-3885</u> Email: <u>tdubois@gmail.com</u> Occupation: <u>General Manager</u>	Graduate? Y/N Major High School: <u>2004, Skowhegan Maine.</u> College: <u>2017, B.S.B.A - Business Administration and Law</u> Graduate School: <u>n/a</u> Other: <u>Please see resume.</u>
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Are you a current board/committee member? Yes No
 Board/Committee: _____ Original Appointment Date: _____
 Are you requesting reappointment? Yes No

Please submit a separate application for each board/committee appointment requested.

Please refer to attached Resolution 2005015: Policy - Application process for boards and Committees

Signature: [Signature] Date: 6/13/2020
 Please attach a brief resume with information detailing why you wish appointment to the board or committee and return to: Town Clerk, Town of Lewisville, PO Box 547, Lewisville, NC 27023 or fax to 945-5531 Attention: Town Clerk.

FOR OFFICE USE ONLY

Date Received: _____ Interview Required: Yes No
 Interview Date: _____ Appointed: Yes No
 Recommendation: _____

Timothy D. Dubois

609 Pepperidge Rd.
Lewisville NC, 27023

Email: tddubois@gmail.com
Phone: (336) 414-3885

PROFILE:

I was a paramedic who retired to start his own small business. I love living in Lewisville, and would like to get more involved in the community.

WORK EXPERIENCE:

General Manager, Sláinte Trading Company, LLC; 2020 – Present.

Sláinte Trading Company, LLC is a new business entity within the state of North Carolina, whose mission is to help people sell their craft, including custom-made guitars.

CCEMT-P, Wake Forest Baptist Health; Winston Salem, NC — 2016-2020

Treatment of patients within the Emergency Department.

CCEMT-P, AirCare; Winston Salem, NC — 2010-2016

Evaluation, treatment and transport of critical care and emergent patients via rotor-wing air, and ground ambulance. Day to day competencies includes autonomous practice in the review of medical records and diagnostics, and the undertaking of corrective treatment measures when required. Duties also include the training/evaluation of new RN and paramedic employees, and at times, assisting senior physicians in the education of new physicians within the emergency department and cadaver lab.

NREMT-P, Forsyth County Emergency Services; Winston Salem, NC — 2007-2016

Response to 911 initiated requests for advanced life support treatment and transport of patients in emergent conditions. Served as preceptor in the education of new-hire paramedics, as well as student interns.

NREMT-B, Cataldo Ambulance; Boston, Ma — 2005-2007

Basic life support response to 911 initiated requests, as well as intra-facility and convalescent transfer requests.

EDUCATION:

Western Carolina University; Cullowhee, NC — 2014-2017, B.S.B.A. Business Administration and Law (Magna Cum Laude).

- Paralegal Certificate (WCU/UNC/Center For Legal Studies), Completed April, 2015.

Northeastern University; Boston, MA — 2006-2007, Paramedic Certificate.

Berklee College of Music; Boston, MA — 2004-2006, Contemporary Writing and Production. No degree.

OTHER:

I fronted a musical group called "The T. D. Dubois Band". We recorded and released an album, as well as provided support for several national acts in live performance. These days, I make things out of wood, while taking care of my wife (an ER nurse) and our three children. I write a blog (www.beerandbabyformula.com) which receives 2,000 views a month, and have also been pursuing a writing career.

Joyce Walker

From: Tim Dubois <tdubois@gmail.com>
Sent: Saturday, June 13, 2020 9:46 PM
To: townclerk@lewisvillenc.net
Subject: 2020 ABC Board Vacancy
Attachments: tdduboisapplication_abcboard.pdf

To whom it is concerned,

I'm a resident, and new business owner in Lewisville. I'd like to be more involved in my community. I noticed the post on the town's website, and would like to apply to the open ABC Board position. You will find my application and resume attached below.

Please let me know if there's anything else I can do.

Best regards,
-Tim Dubois



TOWN OF LEWISVILLE
 PO BOX 547
 LEWISVILLE, NC 27023
 (O) 336-945-5558 (F) 336-945-5531

APPLICATION FOR LEWISVILLE BOARD/COMMITTEE

Full Name: Harold E. Smith, Jr.

Address: 134 Oak Leaf Lane

City/State/Zip: Lewisville NC 27023

Day Phone: 3369452710 **Evening Phone:** 3369452710 **Cell:** 3367825565

Email: hsmithjr@triad.rr.com

I am interested in serving on the following Board/Committee: Triad Municipal ABC Board

EMPLOYMENT AND EDUCATION

Employer: _____	Graduate? Y/N Major
Address: _____	High School: <u>Y</u>
Phone: _____	College: <u>Y Political Science</u>
Email: _____	Graduate School: _____
Occupation: <u>Retired</u>	Other: _____

Are you a current board/committee member? Yes No

Board/Committee: _____ **Original Appointment Date:** _____

Are you requesting reappointment? Yes No

Please submit a separate application for each board/committee appointment requested.

Please refer to attached Resolution 2005015: Policy - Application process for boards and Committees

Signature: _____ **Date:** 06/09/2020

Please attach a brief resume with information detailing why you wish appointment to the board or committee and return to: Town Clerk, Town of Lewisville, PO Box 547, Lewisville, NC 27023 or fax to 945-5531 Attention: Town Clerk.

FOR OFFICE USE ONLY

Date Received: 6-10-2020 **Interview Required:** Yes No

Interview Date: _____ **Appointed:** Yes No

Recommendation: _____

June 10, 2020

Distinguished Lewisville Mayor and Town Council,

I would like to be considered for the Triad Municipal ABC Board member vacancy. The responsibility to manage the local Lewisville ABC store using the authority to set policy and adopt rules, while conforming to ABC laws and Commission rules, aligns well with my past experience. I served on Lewisville Planning Board 7 years and Lewisville Town Council for 8.

I wish to remain active in serving Lewisville and this opportunity would allow me to fulfill that passion. I would appreciate your consideration for this appointment.

Sincerely,

Ed Smith

**RESOLUTION 2020048 OF THE LEWISVILLE TOWN COUNCIL
SETTING A PUBLIC HEARING TO RECEIVE COMMENTS
ON UDO L-096 SITE PLAN AMENDMENT TO SPECIAL USE PERMIT**

WHEREAS, the Lewisville Planning Board held its public hearing on June 1, 2020; and

WHEREAS, Chapter 160A-364 of the North Carolina General Statutes provide that public notice be given when adopting or amending ordinances pertaining to planning and development; and

WHEREAS, General Statute 160A-364 requires that a notice of a public hearing be published twice in a newspaper having general circulation in the municipality not less than 10 days nor more than 25 days before the date fixed for the public hearing; and

WHEREAS, General Statute 160A-384 (a) *Methods for Procedure* states “The city council shall provide for the manner in which zoning regulations and restrictions and the boundaries of zoning districts shall be determined, established and enforced, and from time to time amended, supplemented or changed, in accordance with the provisions of this Article.”;

NOW, THEREFORE, BE IT RESOLVED THAT THE LEWISVILLE TOWN COUNCIL sets a public hearing to be conducted electronically at 6:00 pm in the Lewisville Town Hall, 6510 Shallowford Road, on Thursday, August 13, 2020 for the purpose of receiving public comment concerning this request. As authorized by 2020-3, written comments may received up to 24 hours following the close of the public hearing.

Adopted this the 9th Day of July, 2020 by the Lewisville Town Council.

APPROVED: _____
Mike Horn, Mayor

ATTEST: _____
Joyce C. McWilliams Walker, Town Clerk

STAFF REPORT

Zenger_Shallowford Square

DOCKET: L-096
STAFF: Stacy Tolbert, Town Planner

Petitioner: Jeff Zenger, Solomon Development LLC
Ownership: Solomon Development, LLC

REQUEST OF AMENDMENT:

Zoning: PB-S (Pedestrian Business)
Uses Allowed: Combined Use Multi-Family
PIN#: 5875-97-7671 & 5875-97-8451
Acreage: 1.56 Acres

LOCATION:

Street: Great Wagon Road
Jurisdiction: Town of Lewisville

PROPERTY SITE/IMMEDIATE AREA:

Existing Structures on Site: The site is currently vacant.

Adjacent uses:

- * North - Single family residence, 204 North St, zoned RS-20
- * East - Single family residences, 196 Will Austin Ct & 135 Belnette Dr, zoned RS-20
- * South - property fronts Great Wagon Rd and Shallowford Square
- * West - Single family residence, 155 Belnette Dr, zoned RS-20

GENERAL AREA:

Character/Maintenance: This area is located in the Downtown Overlay District which includes residential, commercial and recreational uses.

PHYSICAL FEATURES:

Topography: The site slopes gently from the south to west but is predominately flat.

Vegetation/habitat: The property is covered with natural vegetation including grasses and some trees.

Impact on Existing Features: Impacts are to be expected, However the main building is to be placed on the front property where there are not many trees.

WATER AND SEWER FACILITIES:

Public water and sewer are available to the site.

TRANSPORTATION:

Direct Access to Site: Great Wagon Road and North Street, to be accessed off North Street.

Street Classification(s): Local arterial

Average Daily Traffic Count/Estimated: Closest measurement is Shallowford Rd at 10,000 adt (source: NCDOT AADT 2017)

HISTORY/RELEVANT ZONING CASES:

- * L-083; RS-9 to RM-12-S (Multi Family Residential) approved 05/10/2018; west side of Styers Ferry Rd adjacent to this property for Phase I of this same project including an apartment complex of 60 units; Planning Board and staff recommended approval.

CONFORMITY TO PLANS:

Lewisville Unified Development Ordinance (UDO) - There are a few instances in the UDO where some regulations do not support other regulations throughout the ordinance. For instance, the property is located within the Downtown Overlay District where properties zoned PB are not required to have any building setbacks. However, in other parts of the UDO, bufferyard and building setback requirements differ from that of the Downtown Overlay and if applied, would make the properties downtown un-buildable. These requirements include 15 foot landscaped bufferyards and 40 ft building setbacks from residential properties. As staff, I do not feel these regulations support the intent of the Downtown Overlay. Staff's interpretation of the ordinance is to allow properties in the Downtown Overlay that are zoned PB to maintain the zero build-to line and to install plantings around the perimeter of the property to accomplish a separation between existing uses. In the Downtown Overlay, landscape requirements are mentioned which include plantings along the front facade of buildings but no specific requirements are detailed for side and rear property lines. Elevations have been submitted for the project and are included in the packet material. The applicant meets the elevation requirements including building height in the Downtown Overlay of 48 feet, color scheme and roof pitch. Overall, the proposal meets the requirements of the UDO.

Lewisville Comprehensive Plan Update 2015 - The Plan describes this area as being where higher density uses are appropriate, particularly where sewer is available. This area is located in the downtown area of Lewisville where it is recommended by the Comprehensive Plan to have a mixture of office, retail and residential uses. This area would be suitable for a multifamily mixed-use development to include a restaurant due to ease of access to surrounding complementary uses.

The Plan also contains a number of "Recommended Actions." In the chapter on Land Use, recommendations include; support of design standards in the development of downtown, allow for higher density zoning surrounding the downtown area, and require parking for multi-family to be to the rear of the structures or screened from the road.

Legacy Development Guide - *Legacy* encourages a mixture of office, retail and housing along Growth Corridors that do not contribute to "strip development." The property is located in Growth Management Area 2 but abuts Growth Management Area 1 which is Town Centers. In Town Centers, it is encouraged to have more residential development at higher densities while promoting deck parking over surface parking.

ANALYSIS:

This property was zoned PB-S in 2000 and was zoned for combined use - multi family. In the Unified Development Ordinance, the definition of a combined use is a principle building which is used for any combination of dwelling units(s), including single family, duplex and multifamily, and any other use(s) permitted in the zoning district. This particular request is to amend the site plan that was originally approved to allow for a multifamily mixed-use development and a restaurant on the main floor of the building. A restaurant without drive-thru service is a use allowed by right in the PB (Pedestrian Business) zoning district.

PB is primarily intended to accommodate office, retail, service, institutional and high density residential uses which customarily serve community and convenience business needs of smaller communities and urban nodes in the city and county. The district is intended to encourage the development of attractive, identifiable small towns, and to accommodate the pattern of building in the business concentrations surrounding the central core of municipalities.

Town staff is of the opinion that the request is consistent with the Town's *Comprehensive Plan* and the Forsyth County Legacy Plan for the area and complements the uses in the downtown overlay district.

FINDINGS:

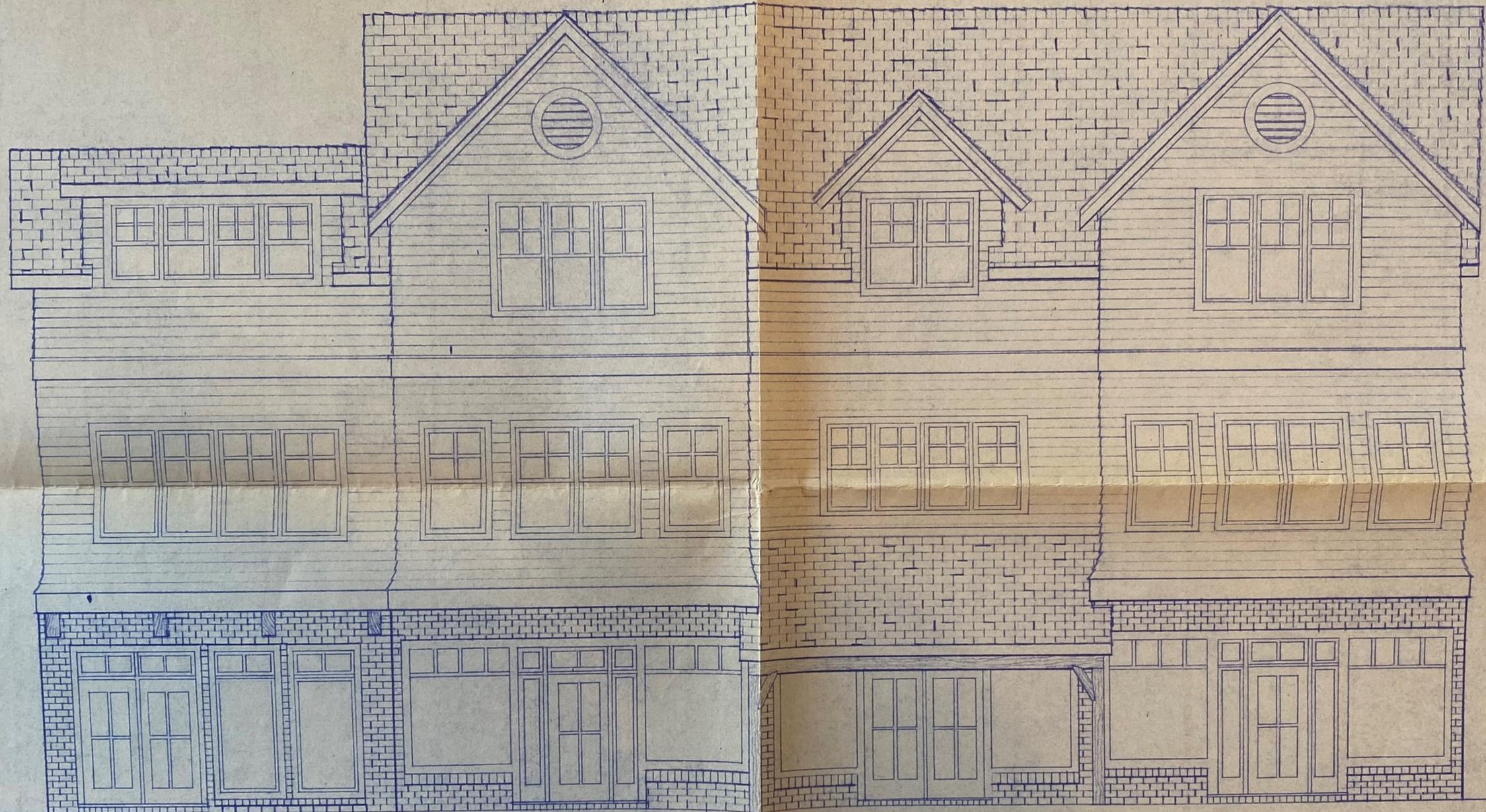
1. The request is for site plan amendment; a preliminary draft site plan has been submitted and the uses are allowed under the current zoning of PB-S, combined use.
2. The underlying zoning will not change for the property. The original site plan approved will change if the site plan amendment is approved.
3. The site plan amendment allows for uses already approved for this property and the proposal meets the requirement of the downtown overlay district and other non-residential development standards.
4. The proposed zoning district would not introduce a use(s) or density of development incompatible with the existing nearby residential development.

RECOMMENDATION:

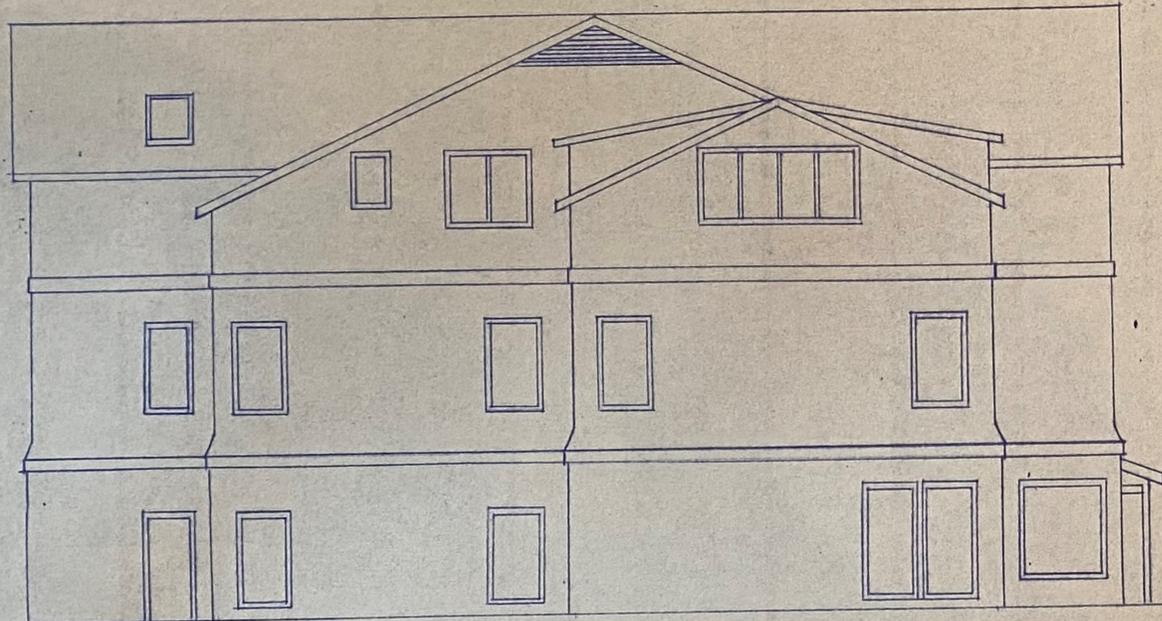
The site has available infrastructure to support the density of development that is being proposed. Statements found in both the *Lewisville Comprehensive Plan* and *Forsyth County Legacy Plan* encourages higher residential density that promotes pedestrian connectivity and availability in a downtown center. Given these findings and other supporting information found in this report, staff recommends approval of the amendment to the Planning Board.

TOWN COUNCIL RECOMMENDATION:

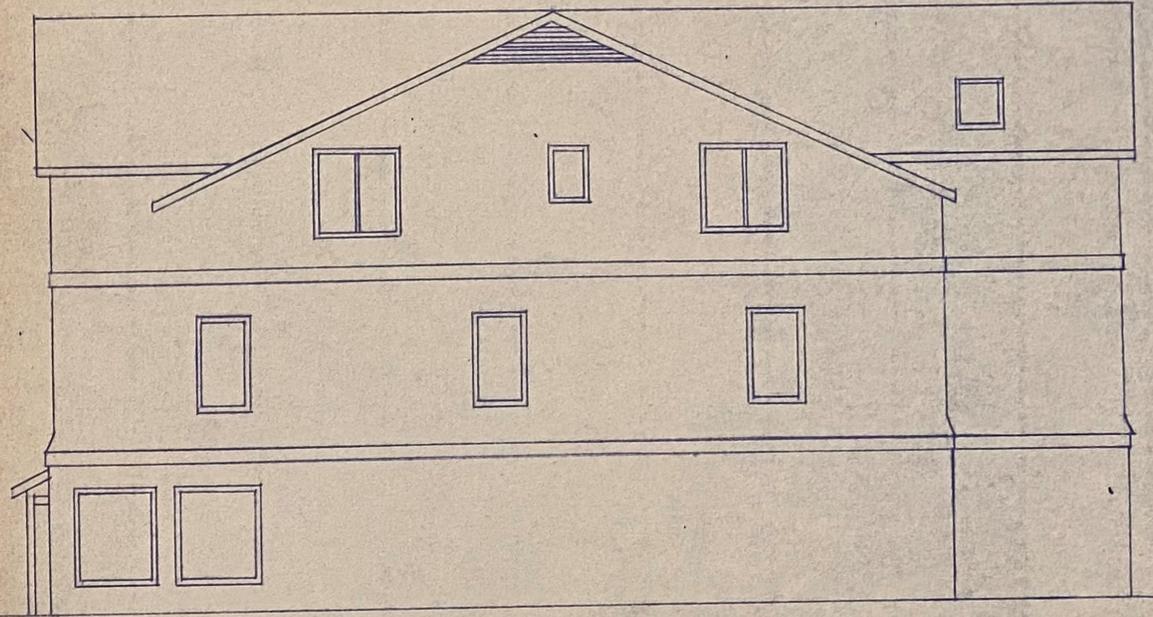
The Planning Board voted 6-1 to recommend denial of the request to the Town Council.



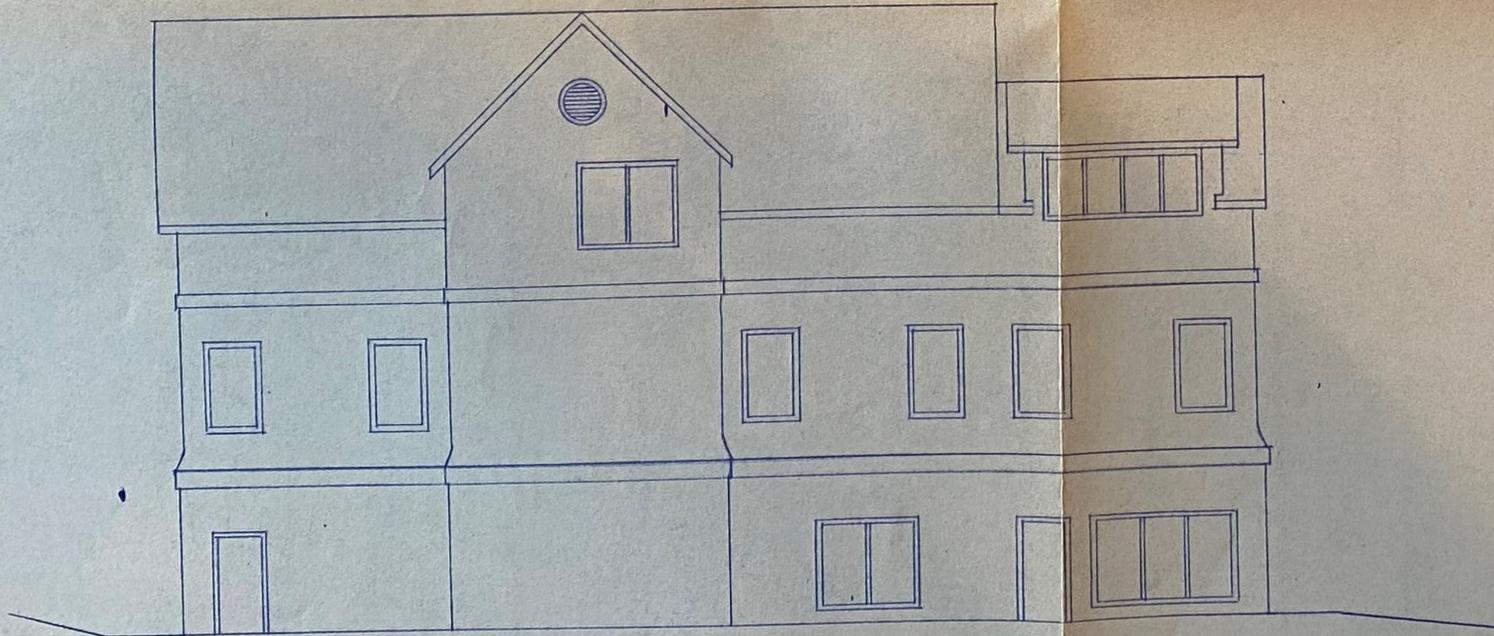
L.L. WILCOX CONST. CO., INC.		
SCALE: 1/4" = 1'	APPROVED BY:	DRAWN BY:
DATE: 01-07-00		REVISED:
GREAT WAGON ROAD BUILDING		
		DRAWING NUMBER



LEFT ELEVATION



RIGHT ELEVATION



REAR ELEVATION

L.L. WILCOX CONSTR. CO., INC.		
SCALE: 1/8" = 1'	APPROVED BY:	DRAWN BY:
DATE: 01-10-00		REVISED:
GREAT WAGON ROAD BUILDING		
ELEVATIONS		DRAWING NUMBER

PATRICK & DARA VANGUILDER
204 NORTH STREET
LEWISVILLE, NC 27023
BLOCK 4612D LOT 36

RS-20

BARBARA W. HEPLER
155 BELNETTE DR
LEWISVILLE, NC 27023
BLOCK 4442 LOT 18

HOBART & PENNY GROSE
135 BELNETTE DR
LEWISVILLE, NC 27023
BLOCK 4442 LOT 16

RS-20

RS-20

RS-20

WATERSHED - TADKIN RIVER WS-IV

WATERSHED CALCULATIONS:	ACRES	SF	%
TOTAL SITE AREA	.749	32,623.2	100%
EXISTING IMPERVIOUS AREA	.131	5,707	17.5%
LANDSCAPE MAINTENANCE	.618	26,916.2	82.5%
TO BE ADDED (70% OF REMAINDER)	.433	18,841.3	57.1%
EXISTING IMPERVIOUS	.131	5,707	17.5%
TOTAL ALLOWABLE IMPERVIOUS	.564	24,548.3	75.2%

IMPERVIOUS AREA CALCULATION:

PERCENTAGE TO LAND:	43.0%
PERCENTAGE TO BUILDING:	13.1%
TOTAL IMPERVIOUS:	56.1%

ATTACHMENT A
SPECIAL USE DISTRICT PERMIT
FOR FB-S (COMBINED USE MULTI-FAMILY)
APPROVED BY THE LEWISVILLE TOWN COUNCIL
ON THE 9TH DAY OF MARCH 2000

The attached site plan on the 9th Day of March 2000 provided the property is developed in accordance with the provisions of the Zoning Ordinance of the Unified Development Ordinances as adopted by the Town of Lewisville, North Carolina, and (4) the following additional conditions:

PERMITS
A water management study submitted for review by the Public Works Department of the City of Lewisville, North Carolina.

EROSION CONTROL PERMITS
A permit shall be obtained from the erosion control officer.

FIRE DEPARTMENT PERMITS
All fire department permits shall be approved by the County/City Fire Department in writing to the Inspections Division.

SMOKE ALARMS
Smoke detectors shall be installed in accordance with the County Fire Department.

PRIVACY FENCE
A 6' tall vinyl privacy fence, with 2" diameter brick columns 6' on center, along the southern portion of the site plan. The length of this fence will measure approximately 60'.

PEDESTRIAN CONNECTIONS
The site shall grant a 25' cross access easements along the northern property line for future alley.

PEDESTRIAN CONNECTIONS
As shown on the site plan to provide pedestrian connections from the building to the new public line @ The Great Wagon Road also being installed by this developer.

LIGHTING
Light placement and style with the Town of Lewisville per a letter of approval from the Town of Lewisville.

SCREENING
Screens shall be permitted along the frontage on The Great Wagon Road.

SCREENING
Screens shall be made of wood, vinyl, or brick materials.

SCREENING
Screens shall be screened from views from the street.

SCREENING
Screens shall be of "shoebox" type or otherwise shielded to prohibit direct light onto adjacent properties.

SCREENING
Screens shall be in accordance with the color palette adopted in the Downtown Master Plan per a letter of approval from the Town of Lewisville.

John A. Whitson
John A. Whitson
Town Manager



SITE DATA

ZONING:
EXISTING = RS20
PROPOSED = FB-S
PROPOSED USE:
COMBINED USE MULTI-FAMILY
SITE SIZE:
TOTAL PARCEL ACREAGE: .749 +/- AC

PARKING CALCULATIONS:
A BALANCE BETWEEN THE ULTIMATE SELECTED USES AND ACTUAL BUILDING SQUARE FOOTAGE WILL BE ACHIEVED IN ORDER TO MEET THE TOTAL PARKING REQUIREMENTS FOR THE SITE.

POTENTIAL PARKING SCENARIO:

1ST FLOOR RETAIL	= 2,100 GLA / 500 = 6
1ST FLOOR RESTAURANT	= 1,200 GLA / 75 = 16
2ND FLOOR OFFICE	= 3,444 GLA / 300 SF = 12
3RD FLOOR CONDOS	= (see breakdown below)
2 - 3 BEDROOM	= 2 X 2.00 = 4
1 - 2 BEDROOM	= 1 X 1.75 = 2

SUB-TOTAL = 40
30% DISCOUNT ALLOWED IN FB ZONE = -12
REQUIRED SPACES = 28
SPACES PROVIDED = 29

INFRASTRUCTURE:
WATER: PUBLIC
SEWER: PUBLIC
STREETS: N/A

BUFFER YARD:
ADJOINING ZONING: FB-S ADJOINING ZONING: RS-20
TYPE REQUIRED: N/A TYPE REQUIRED: TYPE II
WIDTH PROVIDED: N/A WIDTH PROVIDED: 15'
FENCE OPTION: N/A FENCE OPTION: N/A

STREET YARDS:
TYPE REQUIRED: N/A
TYPE PROVIDED: N/A

SURVEY BY:
BOUNDARY INFORMATION TAKEN FROM SURVEY BY CAVANAUGH & ASSOCIATES, P.A. - DATED 9/9/98

TOPOGRAPHIC INFORMATION TAKEN FROM FORSYTH COUNTY CITY/COUNTY PLANNING BOARD AERIAL TOPO MAPPING, SHEET NO. 576254

NOTE:
BUILDING MATERIALS:
1ST FLOOR - BRICK (FINEHALL OLD HAMPTON OVERSIZED TUMBLER)
2ND FLOOR & ABOVE - GREY VINYL SHINGLE SIDING
ROOF - CERTAINTED "HORIZON" ARCHITECTURAL WEATHER WOOD COLOR
EXTERIOR TRIM AND WINDOW MULLIONS - WHITE

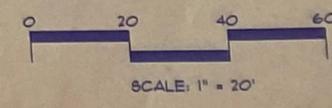
WILCOX-LEWISVILLE

OWNER/PETITIONER:

TAX BLOCK 4442 LOT 17
WILCOX CONSTRUCTION CO., INC.
PO BOX 153
LEWISVILLE, NC 27023
TEL: (336) 714-1760

LANDSCAPE ARCHITECTS/
LAND PLANNERS/
CIVIL ENGINEERS:

STIMMEL ASSOCIATES, P.A.
LANDSCAPE ARCHITECTURE • LAND PLANNING • CIVIL ENGINEERING
305 WEST FOURTH ST., SUITE 1-A WINSTON-SALEM, NC 27101
PHONE (336) 723-1067 FAX (336) 723-1069



STIMMEL ASSOCIATES, P.A.
LANDSCAPE ARCHITECTURE
LAND PLANNING
CIVIL ENGINEERING
305 WEST FOURTH ST., SUITE 1-A
WINSTON-SALEM, NC 27101
PHONE (336) 723-1067
FAX (336) 723-1069

SEALS:
STIMMEL ASSOCIATES, P.A.
CORPORATE
SEAL
NORTH CAROLINA
REGISTERED PROFESSIONAL ENGINEER
NO. 12345
EXPIRES 12/31/2004

PROJECT:
WILCOX-LEWISVILLE

DATE:
10/15/00

SCALE:
1" = 20'

PROJECT NO.:

DATE:

BY:

CHECKED BY:

APPROVED BY:

DATE:

PROJECT:

SCALE:

DATE:

BY:

CHECKED BY:

APPROVED BY:

DATE:

PROJECT:



Steven M. Lloyd
 Architect
 5762 Tomahawk Road
 Winston-Salem, NC 27106
 Telephone (336) 448-8091
 steven@lloydarchitecture.com



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Project:

Proposed

**Zenger
 Apartment
 Building**

Lewisville, NC

Project Number:
 07-2020

Issue Date:
 --/~/2020

Revisions:
 △ --/~/2020

Sheet Title:
 BUILDING
 ELEVATIONS
 COLOR

Sheet Number:

A5.1



1 SOUTH (FRONT) ELEVATION
 A2 1/8" = 1'-0"



2 EAST ELEVATION
 A2 1/8" = 1'-0"





Steven M. Lloyd
 Architect
 5762 Tomahawk Road
 Winston-Salem, NC 27106
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Project:

Proposed

**Zenger
 Apartment
 Building**

Lewisville, NC

Project Number:
 07-2020

Issue Date:
 --/--/2020

Revisions:
 △ --/--/2020

Sheet Title:
 BUILDING
 ELEVATIONS
 COLOR

Sheet Number:

A5.2



1 WEST ELEVATION
 A2 1/8" = 1'-0"



2 NORTH ELEVATION
 A2 1/8" = 1'-0"







Zenger - Shallowford Square Project

LEGEND

-  Property of Request
-  Zoning
-  Parcels
-  Centerline
-  Yadkin River WS-IV Watershed
-  Streams
-  500 ft Buffer

PIN #(s): 5875-97-8451
5875-97-7671



1 inch = 375 feet



This map and analysis are provided "As Is" without warranty of any kind, either express or implied. The information contained in this map is for informational purposes only and was not prepared for, and is not suitable for legal, engineering, or surveying purposes. Use of these materials constitutes acceptance of this disclaimer of liability.

Created by: Stacy Tolbert

**ORDINANCE 2020030 OF THE LEWISVILLE TOWN COUNCIL
AMENDING
THE GREAT WAGON ROAD ROW/CONSTRUCTION CAPITAL RESERVE FUND**

WHEREAS, the Lewisville Town Council adopted Resolution 2005024 creating a capital reserve fund for the acquisition of right-of-way for the Great Wagon Road on April 7, 2005 and transferred from the General Fund \$277,000 with future transfers to be in the amount of \$200,000; and

WHEREAS, the capital reserve fund was amended on May 12, 2005 to transfer \$150,000 each year beginning with FY 2005-2006 and transferred \$150,000 during FY 2005-2006 and transferred \$150,000 during FY 2006-2007; and

WHEREAS, at its budget meeting on May 3, 2007 requested to amend the capital reserve fund transfer amount to \$100,000 for FY 2007-2008 budget appropriation and each year thereafter; and

WHEREAS, the Great Wagon Road Capital Reserve Fund was corrected from a resolution to an ordinance; and

WHEREAS, the establishing resolution was amended to Ordinance 2010028 on June 10, 2010; and

WHEREAS, the following sections are corrected to read:

- Section 2. The fund will remain operational for a period not to exceed ten years, (beginning July 1, 2004 and ending June 30, 2017) or until a cumulative sum not to exceed one million, three hundred and eighty six thousand (\$1,386,000) has been received.

- Section 3. The Lewisville Town Council will appropriate or transfer an amount of \$277,000 in Fiscal Year 2004-2005, \$150,000 in FY 2005-2006, \$150,000 in FY 2006-2007, \$100,000 in FY 2007-2008, \$100,000 in FY 2008-2009, \$0 in FY 2009-2010, \$0 in FY 2010-2011, \$100,000 in FY 2011-2012, \$100,000 in FY 2012-2013 and will appropriate a transfer no less than \$100,000 each year from the General Fund to this Fund until FY 2016-2017 when the final amount of \$9,000 will be transferred, except for the transfer for fiscal year FY 2009-2010 and FY 2010-2011 being suspended.

- Section 4. Also this was amended in April 2009 (FY 2008-2009) to transfer \$800,000 to the Great Wagon Road Capital Project Fund.

- Section 5. The Town will transfer \$50,000 to the Great Wagon Road Capital Projects ROW. Fund during FY 2011-2012 to complete funding for grant construction design and surveying costs and in December 2011 (FY 2011-2012) also transferred \$18,000 to the Great Wagon Road Capital Project.

- Section 6. Due to a need to increase funding for the STP-DA Capital Project GWR/ROW/ Construction Project, the Town will transfer \$99,000.⁰⁰ from the Great Wagon Road

**ORDINANCE 2020030 OF THE LEWISVILLE TOWN COUNCIL
AMENDING
THE GREAT WAGON ROAD ROW/CONSTRUCTION CAPITAL RESERVE FUND**

ROW/Construction Capital Reserve Fund into the Great Wagon Road ROW/
Construction Capital Project.

WHEREAS, Town Council, transferred \$100,000.⁰⁰ for FY 2012-2013, 2013-2014 and 2014-2015 to the Great Wagon Road Capital Reserve Fund from the General Fund; and

WHEREAS, the Town Council at its meeting on June 13, 2013, amended the Great Wagon Road ROW Capital Reserve Fund to Great Wagon Road ROW/Construction Capital Reserve Fund; and

WHEREAS, the Town Council at it meeting on June 12th, 2014, amended the Great Wagon Road ROW/Construction Capital Reserve Fund; and

WHEREAS, on November 6, 2014, the Lewisville Town Council amended Ordinance 2014063 Section 3 to read: The Lewisville Town Council will appropriate or transfer an amount of \$277,000 in Fiscal Year 2004-2005, \$150,000 in FY 2005-2006, \$150,000 in FY 2006-2007, \$100,000 in FY 2007-2008, \$100,000 in FY 2008-2009, \$100,000 in FY 2011-2012, \$100,000 in FY 2012-2013, \$100,000 in FY 2013-2014, \$100,000 in FY 2014-2015 and will appropriate a transfer no less than \$100,000 each year from the General Fund to this Fund until FY 2017-2018 when the final amount of \$9,000 will be transferred, except for the transfer for fiscal year FY 2009-2010 and FY 2010-2011 being suspended; and

WHEREAS, at the Town Council briefing meeting on May 5, 2016, the Lewisville Town Council requested the Capital Reserve Fund be amended as follows:

Section 2. The fund will remain operational for a period not to exceed ten years, (beginning July 1, 2004 and ending June 30, 2017) or until a cumulative sum not to exceed one million, three hundred and eighty six thousand (\$1,386,000) has been received. The ordinance is amended to remain operational for an additional period of ten (10) years beginning July 1, 2016 and ending June 30, 2026 or until the fund reaches a balance of one million five hundred thousand dollars (\$1,500,000.⁰⁰)

Section 3. The Lewisville Town Council will appropriate or transfer an amount of \$277,000 in Fiscal Year 2004-2005, \$150,000 in FY 2005-2006, \$150,000 in FY 2006-2007, \$100,000 in FY 2007-2008, \$100,000 in FY 2008-2009, \$100,000 in FY 2011-2012, \$100,000 in FY 2012-2013, \$100,000 in FY 2013-2014, \$100,000 in FY 2014-2015 and will appropriate a transfer no less than \$100,000 each year from the General Fund to this Fund until FY 2017-2018 when the final amount of \$9,000 will be transferred, except for the transfer for fiscal year FY 2009-2010 and FY 2010-2011 being suspended. The Lewisville Town Council will appropriate or transfer an amount of \$125,000.⁰⁰ in FY 2016-2017.

WHEREAS, at it's meeting on August 9, 2018, the Lewisville Town Council amended Section 2 of this ordinance, effective with the FY 2018-2019 budget, to appropriate or transfer an amount of no less than \$115,000.⁰⁰ each fiscal year from the General Fund to the Capital Reserve Fund to June 30, 2026 or until the

**ORDINANCE 2020030 OF THE LEWISVILLE TOWN COUNCIL
AMENDING
THE GREAT WAGON ROAD ROW/CONSTRUCTION CAPITAL RESERVE FUND**

fund reaches a balance of \$1,500,000.⁰⁰; and

WHEREAS, during discussions for FY 2020-2021 budget, Council determined there would be no transfers to this capital reserve fund.

NOW THEREFORE BE IT ORDAINED that the GWR ROW/Construction Capital Reserve Fund is amended for FY 2020-2021 to suspend funding for FY 2020-2021 to be resumed during FY 2021-2022.

Effective upon adoption this 9th day of July, 2020 by the Lewisville Town Council.

APPROVED: _____
Mike Horn, Mayor

ATTEST: _____
Joyce C. McWilliams Walker, Town Clerk

**ORDINANCE 2020031 OF THE LEWISVILLE TOWN COUNCIL
AMENDING THE
MUNICIPAL BUILDINGS AND LAND CAPITAL RESERVE FUND**

WHEREAS, the Town of Lewisville established a Municipal Building Capital Reserve fund by Resolution 2006035 for the purpose of constructing the municipal building; and

WHEREAS, this fund will remain operational for a period not to exceed ten years (beginning July 1, 2006 and ending June 30, 2016) or until a cumulative sum not to exceed \$1,500,000 has been received; and

WHEREAS, the Lewisville Town Council will appropriate or transfer an amount of no less than \$150,000.⁰⁰ each year from the General Fund to this fund; and

WHEREAS, a transfer was made from the General Fund in the amount of \$150,000 during FY 2006-2007 and \$150,000 during FY 2007-2008; and

WHEREAS, Resolution 2006035 was corrected and suspended for FY 2008-2009 to Ordinance 2006048 on June 4, 2009; and

WHEREAS, the Town Council authorized the transfer of \$130,000.⁰⁰ of the accumulated funds to the Capital Projects Municipal Building Fund for FY 2008-2009 by Ordinance 2008021; and

WHEREAS, Town Council met on June 4, 2009 and determined that this fund may be used for other municipal buildings in the future; and

WHEREAS, Ordinance 2009023 amended the Municipal Building Capital Reserve Fund to Municipal Buildings Capital Reserve Fund; and

WHEREAS, Town Council, upon review of proposed budget for Fiscal Year 2009-2010, suspended the annual transfer of \$150,000.⁰⁰ from the General Fund to this fund during Fiscal Year 2009-2010; and

WHEREAS, Town Council met on February 13, 2010 and determined that this fund may be used for land in addition to future municipal buildings and transferred \$30,253 to Capital Project Municipal Buildings/Town Hall during FY 2009-2010; and

WHEREAS, Section 1. has been amended to read, “The Lewisville Town Council hereby creates a Capital Reserve Fund for the purpose of purchasing land and constructing municipal buildings.”; and

WHEREAS, Town Council, upon review of the proposed budget for Fiscal Year 2010-2011, suspended the annual transfer of \$150,000 from the General Fund to this fund during Fiscal Year 2010-2011 and transferred \$6,300.29 to Capital Projects Municipal Building/Town Hall; and

WHEREAS, Town Council has approved a transfer to the Capital Projects Fund Maintenance Facility Jack Warren Park for construction of the facility in the amount of \$55,000.⁰⁰ for Fiscal Year 2011-2012; and

WHEREAS, Town Council, upon review of the proposed budget for Fiscal Year 2011-2012, transferred

**ORDINANCE 2020031 OF THE LEWISVILLE TOWN COUNCIL
AMENDING THE
MUNICIPAL BUILDINGS AND LAND CAPITAL RESERVE FUND**

\$100,000.⁰⁰ for FY 2011-2012 to the Municipal Buildings and Land Capital Reserve Fund from the General Fund for FY 2011-2012; and

WHEREAS, Town Council, upon review of the proposed budget for Fiscal Year 2012-2013, transferred \$100,000.⁰⁰ for FY 2012-2013 to the Municipal Buildings and Land Capital Reserve Fund from the General Fund for FY 2012-2013; and

WHEREAS, Town Council, upon review of the proposed budget for Fiscal Year 2013-2014, transferred \$100,000.⁰⁰ for FY 2013-2014 to the Municipal Buildings and Land Capital Reserve Fund from the General Fund for FY 2013-2014; and

WHEREAS, on June 12, 2014, the Lewisville Town Council amended Ordinance 2006048 to read:

Section 3. The Lewisville Town Council will appropriate or transfer an amount of no less than \$100,000.⁰⁰ from the General Fund to this fund for FY 2014-2015; and

WHEREAS, Town Council, upon review of the proposed budget for Fiscal Year 2015-2016 transferred \$100,000.00 from the General Fund to this fund; and

WHEREAS, at its meeting on May 5, 2016, upon review of this fund, Council directed Ordinance 2006048 to be amended; and

WHEREAS, at its meeting on May 12, 2016, Town Council amended Sections 2 and 3 as follows:

Section 2. This fund will remain operational for a period not to exceed ten years (beginning July 1, 2006 and ending June 30, 2016) or until a cumulative sum not to exceed \$ 1,500,000 has been received. This ordinance is amended to remain operational for an additional period of ten (10) years beginning July 1, 2016 and ending June 30, 2026 or until the fund reaches a balance of one million five hundred thousand dollars (\$1,500,000.⁰⁰).

Section 3. The Lewisville Town Council will appropriate or transfer an amount of no less than \$100,000.⁰⁰ from the General Fund to this fund for FY 2016-2017.

WHEREAS, on August 9, 2018, Section 2 of Ordinance 2006048 was amended as follows:

Effective with FY 2017-2018, the ordinance is amended to appropriate or transfer an amount of no less than \$170,000.⁰⁰ each fiscal year from the General Fund to the Capital Reserve Fund to June 30, 2026 or until the fund reaches a balance of \$1,500,000.⁰⁰.

NOW THEREFORE BE IT ORDAINED that Section 3 of Ordinance 2006048 is amended as follows:

Amendment 1. The Town Council, at its meeting on April 15, 2019, transferred funds in the amount of \$16,000.⁰⁰ to the Community Center Capital Project Fund.

**ORDINANCE 2020031 OF THE LEWISVILLE TOWN COUNCIL
AMENDING THE
MUNICIPAL BUILDINGS AND LAND CAPITAL RESERVE FUND**

Amendment 2. The Town Council, at its meeting on October 10, 2019, transferred funds in the amount of \$379,000.⁰⁰ to the Community Center Capital Projects Fund.

Amendment 3. The Town Council, at its meeting on November 7, 2019, transferred funds in the amount of \$28,200.⁰⁰ to the Community Center Capital Projects Fund.

Effective upon adoption this 9th day of July, 2020 by the Lewisville Town Council.

APPROVED: _____
Mike Horn, Mayor

ATTEST: _____
Joyce C. McWilliams Walker, Town Clerk

**ORDINANCE 2020032 OF THE LEWISVILLE TOWN COUNCIL
AMENDING THE
MUNICIPAL STORM WATER CAPITAL RESERVE FUND**

WHEREAS, the Stormwater Capital Reserve Fund was established on April 7, 2005 to fund capital needs in the stormwater management program at an expected cost of \$80,000 per year; and

WHEREAS, the Stormwater Capital Reserve Fund began funding during FY 2004-2005 in the amount of \$160,000 and was to continue at \$80,000 per year through June 30, 2010 or until a cumulative sum of \$560,000 was received; and

WHEREAS, the Town Council appropriated and transferred in the amount of \$80,000 from the General Fund to the Stormwater Capital Reserve Fund for FY 2005-2006; and

WHEREAS, the Stormwater Capital Reserve Fund was amended on November 9, 2006 with a change from \$80,000 to \$70,000 for FY 2006-2007; and

WHEREAS, transfers have been made through FY 2006-2007 totaling \$310,000 before interest; and

WHEREAS, the Lewisville Town Council will appropriate \$80,000 for FY 2007-2008 in the Town's General Fund for a Stormwater Department; and

WHEREAS, the Stormwater Capital Reserve Fund was amended for FY 2007-2008 by suspending funding for FY 2007-2008 to be resumed during FY 2008-2009; and

WHEREAS, the Stormwater Capital Reserve Funds accumulated thus far, including current and future interest, will be used for future capital stormwater needs; and

WHEREAS, the Stormwater Capital Reserve Fund was amended for FY 2008-2009 by suspending funding for FY 2008-2009 to be resumed during FY 2009-2010; and

WHEREAS, the Stormwater Capital Reserve Fund was amended for FY 2009-2010 by suspending funding for FY 2009-2010; and

WHEREAS, the Stormwater Capital Reserve Fund was amended for FY 2010-2011 by suspending funding for FY 2010-2011; and

WHEREAS, the Town Council appropriated and transferred funds to the Stormwater Capital Reserve Fund for FY 2011-2012 in the amount of \$25,000 and may proceed in FY 2011-2012 through June 30, 2020 or until a cumulative sum of \$560,000 has been received; and

WHEREAS, the Town Council appropriated and transferred funds in the amount of \$6,500 to the Stormwater Capital Project Stormwater Drainage Repairs Shallowford Lakes Subdivision on July 7, 2011; and

WHEREAS, on November 10, 2011, the Lewisville Town Council transferred \$1,475 to the Capital Project Stormwater Drainage Repairs Shallowford Lakes Subdivision Ordinance 2011022; and

WHEREAS, on June 14, 2012, the Lewisville Town Council transferred \$40,700.⁰⁰ to the Stormwater Capital Project Drainage Repairs - Fairhaven Road Ordinance 2012025; and

**ORDINANCE 2020032 OF THE LEWISVILLE TOWN COUNCIL
AMENDING THE
MUNICIPAL STORM WATER CAPITAL RESERVE FUND**

WHEREAS, the Town Council appropriated and transferred funds in the amount of \$25,000 in FY 2012-2013; and

WHEREAS, the Town Council appropriated and transferred funds to the Stormwater Capital Project - Beroth Circle for repairs in the amount of \$72,330.⁰⁰ on April 3, 2014; and

WHEREAS, the Town Council suspended funding during FY 2013-2014 from the Town's General Fund and may proceed funding in FY 2014-2015 through June 30, 2022 or until a cumulative sum of \$560,000 has been received.

WHEREAS, the Town Council appropriated and transferred funds in the amount of \$25,000 in FY 2014-2015 to the Municipal Storm Water Capital Reserve Fund; and

WHEREAS, the Town Council, at its meeting on April 9, 2015, transferred \$127,000.⁰⁰ to the Capital Project Stormwater Repairs; and

WHEREAS, the Town Council, at its meeting on April 6, 2017, amended this ordinance to continue to appropriate or transfer an amount of no less than \$25,000.⁰⁰ each fiscal year from the General Fund to the Capital Reserve Fund to June 30, 2022 or until the fund reaches a balance of \$560,000.⁰⁰; and

WHEREAS, effective with FY 2017-2018, Council needed to amend the ordinance to appropriate or transfer an amount of no less than \$95,000.⁰⁰ each fiscal year from the General Fund to the Capital Reserve Fund to June 30, 2022 or until the fund reaches a balance of \$560,000.⁰⁰; and

WHEREAS, the Town Council, at its meeting on May 10, 2018, transferred funds in the amount of \$33,600.⁰⁰ to the Heritage Drive Regional Storm Water Pond #1 Capital Projects Fund.

WHEREAS, the Town Council, at its meeting on August 9, 2018, amended the Stormwater Capital Reserve as follows; and

Section 1. The Town Council continues to transfer \$95,000.⁰⁰ each fiscal year from the General Fund to the Capital Reserve Fund to June 30, 2022 or until the fund reaches a balance of \$560,000.⁰⁰.

WHEREAS, during discussions for FY 2020-2021 budget, Council determined that \$25,825.⁰⁰ is the amount to be transferred from the General Fund.

NOW, THEREFORE, BE IT ORDAINED BY THE LEWISVILLE TOWN COUNCIL THAT the Town Council appropriated and transferred funds from the General Fund in the amount of \$25,825.⁰⁰ in FY 2020-2021 to the Storm Water Capital Reserve Fund.

Adopted this 9th day of July, 2020 by the Lewisville Town Council.

**ORDINANCE 2020032 OF THE LEWISVILLE TOWN COUNCIL
AMENDING THE
MUNICIPAL STORM WATER CAPITAL RESERVE FUND**

Mike Horn,
Mayor

ATTEST:

Joyce C. McWilliams Walker
Town Clerk

Town of Lewisville

**Budget Amendment Ordinance 2020034
Amending Budget Ordinance 2020001**

Finance Department Use Only
<i>Budget Amendment Number: # 2</i>
<i>Finance Officer: PAM ORRELL</i>

<i>DEBIT</i>			<i>CREDIT</i>		
<i>CODE</i>	<i>ACCOUNT DESCRIPTION</i>	<i>AMOUNT</i>	<i>CODE</i>	<i>ACCOUNT DESCRIPTION</i>	<i>AMOUNT</i>
	General Fund			General Fund	
10-00-4160-7500	BB&T Installment Loan	\$273,192.00	10-00-3990-9000	Fund Balance Appropriated	\$273,192.00

To increase the appropriation for debt service in order to retire the Town Hall mortgage early

RECOMMENDED By: Pam Orrell
Town Finance Officer

Approved and effective upon adoption, this the 9th day of July, 2020 by the Lewisville Town Council.

APPROVED: _____
Mike Horn, Mayor

ATTEST: _____
Joyce C. McWilliams Walker, Town Clerk

**RESOLUTION 2020050 OF THE LEWISVILLE TOWN COUNCIL
AWARDING CONTRACT FOR PAVEMENT CONDITION SURVEY**

WHEREAS, Town of Lewisville had a pavement condition survey completed on all roads in the town in August 2003 by US Infrastructure of Carolina, Incorporated, Consulting Engineers; and

WHEREAS, US Infrastructure has provided an update to the 2003 report which has been used by the Public Works Department as a basis for in-house surveys; and

WHEREAS, the last pavement condition study was authorized in October, 2016 and completed in 2017; and

WHEREAS, There is a need to review current pavement conditions by engineering professionals; and

WHEREAS, the funds to complete this project have been appropriated in the Annual Budget Ordinance.

NOW, THEREFORE, BE IT RESOLVED BY THE LEWISVILLE TOWN COUNCIL that the Town Manager is authorized to award a contract to LaBella Associates of Charlotte in an amount not to exceed \$13,700.⁰⁰ for a pavement condition study of asphalt roads in the town as provided in the attached contract and proposal.

Resolved, approved and effective upon adoption, this the 9th day of July, 2020 by the Lewisville Town Council.

Mike Horn,
Mayor

ATTEST:

Joyce C. McWilliams Walker
Town Clerk

**TOWN OF LEWISVILLE CONTRACT
PAVEMENT CONDITION SURVEY - 2020**

1 Contractor Billing Name and Address:

LaBella Associates
400 South Tryon Street
Suite 1300
Charlotte, NC 28285
Labellapc.com
(704) 941-2139

2 Scope of Work:

2.1 Contractor shall perform a pavement condition survey which is linked to the Town's GIS centerline database of all asphalt pavement street segments within the Town of Lewisville owned or maintained by the Town (approximately 56 centerline miles). This will involve riding each segment and observing and quantifying pavement distresses in addition to collection of physical inventory data. Details of scope are contained within the contractor's proposal.

2.2 Contractor's proposal is a part of this contract.

3 Independent Contractor:

3.1 The Contractor agrees that he/she is an Independent Contractor not under the control or supervision of the Town and therefore not eligible for Worker's Compensation or other Town Employee benefits. The Contractor does not make this agreement under any duress.

4 Insurance:

4.1 The Contractor shall maintain in full force and effect throughout the term of this Contract and throughout any extension or renewal thereof the following types of insurance in at least the limits specified below:

4.1.1 Workman's Compensation at or above the Statutory Minimum.

4.1.2 Employer's Liability at or above \$1,000,000 (One million dollars).

4.1.3 General Liability at or above \$1,000,000 (One million dollars).

4.1.4 Automobile Liability Combined Single Limit at or above \$1,000,000 (One million dollars).

4.1.5 Products/Completed Operations (Each Occurrence/Aggregate) \$2,000,000/\$2,000,000 (Two million dollars).

4.1.6 Professional liability \$5,000,000 (Five million dollars)

4.1.7 Excess Umbrella Liability is not required.

4.2 Employer's Liability Coverage will be required of the Contractor and any sub-Contractor where any class of employee engaged in work under this Contract is not protected under the Workmen's Compensation Statute.

4.3 All insurance will be by insurers acceptable to the Town and authorized to do business in the State of North Carolina. Prior to the commencement of work the Contractor shall furnish the Town with certificates of insurance or other satisfactory evidence that such insurance has been produced and in force. Said policies shall not thereafter be cancelled, permitted to expire, or be changed without thirty (30) days advance written notice to the Town.

4.4 To the extent permitted by law, all or any part of required insurance coverage(s) may be provided under a plan of self-insurance (acceptable to the Town in its reasonable discretion).

5 Indemnity:

5.1 The Contractor will indemnify and save harmless the Town, its officers, agents, servants, and employees from and against any and all suits, actions, legal proceedings, claims, demands, damages, costs, expenses, and

**TOWN OF LEWISVILLE CONTRACT
PAVEMENT CONDITION SURVEY - 2020**

attorneys' fees resulting from a willful or negligent act or omission of the Contractor, its officers, agents, servants and employees in the performance of this Contract; provided, however, that the Contractor shall not be liable for any suits, actions, legal proceedings, claims, demands, damages, costs, expenses and attorneys' fees arising out of the award of this Agreement or a willful or negligent act or omission of the Town, its officers, agents, servants and employees.

6 Scope of Contract:

- 6.1 Effective Date - This Contract shall become effective on the day of execution.
- 6.2 Term - The term of this contract shall be from date of execution and end September 15, 2020.
- 6.3 ~~Contract Extension—The parties agree that by mutual consent, each expressed in writing and received at least ten (10) days before the termination contract period, that this Contract may be extended for an additional ten (10) days upon the same terms and conditions as set forth in this Contract.~~
- 6.4 Exclusive Right - The Town, as grantor, does not grant the Contractor, as grantee, the exclusive right during the term of this Contract to be the Town's Contractor for pavement condition surveys.
- 6.5 Compliance with Applicable Laws - The parties to this Contract agree that the laws of the State of North Carolina shall govern the validity, construction, interpretation, and effect of this contract. The Contractor shall conduct the specified renovation as provided for by this Contract in compliance with all applicable federal, state and local regulations and laws including the OSHA standards set and enforced by the Department of Labor. This Contract and the work to be done as described herein is also subject to the provisions of all pertinent municipal ordinances which are hereby made a part hereof with the same force and effect as if specifically set out herein.
- 6.6 Bankruptcy - "Insolvent" for the purposes of this clause shall mean the party's inability to pay its debts as they mature.
 - 6.6.1 The party's insolvency, or voluntary or involuntary bankruptcy, shall not constitute prospective unwillingness and/or inability to perform nor a repudiation of this agreement unless the party fails to give a timely and adequate assurance of its ability to perform. Until such assurances are received, the demanding party may suspend, if commercially reasonable, any performance due upon its part unless already paid for. If a party is unable to give adequate assurance, the other party may terminate the Contract with ten (10) days written notice. Assumption of this Contract by a bankrupt debtor's trustee shall initially give rise only to a reasonable sense of insecurity and shall not operate as an automatic repudiation, prospective unwillingness to perform, or a breach of the Contract where the Contractor is in the process of voluntary or involuntary bankruptcy.
 - 6.6.2 The Town shall not be bound to the contract by an insolvent Contractor's trustee or receiver.
 - 6.6.3 In the event of the Contractor's bankruptcy, the Town will have the same remedies as provided for Breach of Contract.
- 6.7 Breach of Contract - If the Contractor fails to comply with applicable Federal, State, or Local Laws or regulations the Contractor will be in default and the Town may immediately terminate the Contract without notice. The Town may seek any or all remedies available at law or in equity. If the Contractor fails to perform, or fails to perform in a satisfactory manner, or to perform in accordance with applicable ordinances, its obligations hereunder, the Town shall have the right to demand in writing adequate assurance from the Contractor that steps have been or are being taken to rectify the situation. Within ten (10) days of receipt of such demand, the Contractor must return to the Town a written statement that explains reasons for non-performance, or delayed, partial or substandard performance during that period and any continuation thereof. Upon receipt of the Contractor's statement or the failure of the Contractor to submit one, the Town may, except under conditions of Force Majeure, terminate this Contract and, shall have any and all remedies available at law or in equity.

**TOWN OF LEWISVILLE CONTRACT
PAVEMENT CONDITION SURVEY - 2020**

- 6.8 Force Majeure -
- 6.8.1 Neither the Contractor nor the Town shall be liable for the failure to perform their duties nor for any resultant damage, loss, etc., if such failure is caused by a catastrophe, riot, war, governmental order or regulation, strike, fine, accident, act of God or other similar contingency beyond the reasonable control of the Contractor or Town.
- 6.8.2 If such circumstances persist for more than ten (10) days or if after their cessation the Contractor is unable to render full or substantial performance for a period of ten (10) days, he or the Town may terminate this Contract upon giving not less than twenty (20) days written notice to the Town.
- 6.9 Arbitration and Award - Any controversy or claim arising out of or relating to this agreement, or breach thereof, shall be settled by arbitration in accordance with the rules of the American Arbitration Association by arbitration in Forsyth County, North Carolina. Judgement upon the award rendered by the arbitrators may be entered in any court having jurisdiction thereof.
- 6.10 Assignment of Contract - No assignment of this Contract or any right accruing under this Contract shall be made in whole or in part by the Contractor, directly or indirectly by sale of stock of the Contractor to an entity unrelated to the Contractor, or other device, without the express written consent of the Town, which consent shall not be unreasonably withheld. The delegation of any Contract duties will require the written consent of the Surety as such a delegation will not relieve the Contractor or his Surety of any liability and/or obligation to perform. In the event of any delegation of duty, the delegate shall assume full responsibility and liability for performance of that duty without affecting the Contractor's liability.
- 6.11 Change of Ownership - In the event that the Contractor's business assets are sold, without the written consent of the Town, the Town maintains the right, to terminate this agreement and, to hold the original owner solely liable. If, however, the Town determines, in its sole discretion, that the new ownership can adequately and faithfully render the services called for in this Contract for the remaining term of the Contract, then the Town may elect to execute a novation, allowing the new ownership to assume the rights and duties of this Contract and releasing the previous ownership of all obligation and liability. The new ownership would then be solely liable for any work and/or claims attendant to this agreement.
- 6.12 Waivers:
- 6.12.1 A waiver by either party of any breach of any provisions hereof shall not be taken or held to be a waiver of any succeeding breach of such provision or as a waiver of any provision itself. No payment or acceptance of compensation for any period subsequent to any breach shall be deemed a waiver of any right or acceptance of defective performance.
- 6.12.2 Where the condition to be waived is a material part of the Contract such that its waiver would affect the essential bargains of the parties, the waiver must be supported by consideration and take the form of a Contract modification as provided for elsewhere in this section.
- 6.13 Illegal and Invalid Provisions - Should any term, provision or other part of this Contract be declared illegal it shall be excised and modified to conform to the appropriate laws or regulations. Should any term, provision or other part of this contract be held to be inoperative, invalid or unenforceable, then such provision or portion thereof shall be reformed in accordance with applicable laws or regulations. In both cases of illegal and invalid provisions, the remainder of the Contract shall not be affected but shall remain in full force and effect.
- 6.14 Joint and Several Liability - If the Contractor is comprised of more than one individual, corporation or other entity, each of the entities comprising the Contractor shall be jointly and severally liable.
- 6.15 Binding Effect - The provisions, covenants, and conditions in this Contract apply to bind the parties, their legal heirs, representative, successors, and assigns.
- 6.16 Amendment of the Contract - No modification or amendment of the terms hereof shall be effective unless written and signed by the authorized representatives of all parties entitled to receive a right or obligated to perform a duty under this Contract. A signed original is to be fastened to the original Contract with signed copies retained by all the parties.
- 6.17 Merger Clause: Previous Agreements Suspended - This agreement constitutes the final and complete agreement and understanding between the parties. All prior and contemporaneous agreements and understandings, whether

**TOWN OF LEWISVILLE CONTRACT
PAVEMENT CONDITION SURVEY - 2020**

oral or written, are to be without effect in the construction of any provision or term of this Contract if they alter, vary or contradict this agreement.

7 Safety of Workers and Accident Exposure:

- 7.1 The Contractor is expected to comply with OSHA standards as they may apply to the Contractor's execution of the requirements of this Contract.
- 7.2 The Contractor shall provide to the town a copy of employee safety policies and procedures.
- 7.3 The Contractor's employee safety policies and procedures must provide for adequate protection of all employees performing duties as a part of this Contract and adequate safety of other individuals at or near the work area.
- 7.4 The Contractor shall conduct its own "frequent" and "regular" inspections at the job site for compliance with its safety program and pertinent OSHA regulations.
- 7.5 The Contractor shall provide in all subcontracts that each subcontractor and their subcontractors strictly adhere to all safety standards, rules, and OSHA regulations pertinent to the type of work being performed.
- 7.6 The Contractor shall provide in all subcontracts that each subcontractor and their subcontractors develop a safety program for work covered by the subcontract.
- 7.7 The Contractor shall provide in all subcontracts that each subcontractor and their subcontractors conduct their own "frequent" and "regular" inspections at the job site for compliance with its safety program and all pertinent OSHA regulations.
- 7.8 The Contractor shall include the following statement in subcontracts: "Subcontractor shall, at its own expense, strictly adhere to all pertinent safety standards, rules and OSHA regulations required or recommended by governmental or quasi-governmental authorities having jurisdiction. The Subcontractor hereby acknowledges that it has its own safety program for all work covered by or performed under this Subcontract. The Subcontractor agrees to conduct its own frequent and regular inspections of all work covered by or performed under this Subcontract at the project site to verify compliance with the Subcontractor's safety program and all applicable safety standards, rules and OSHA regulations. The Subcontractor and Contractor acknowledge and agree that the Contractor has no control, responsibility or authority over the Subcontractor or the Subcontractor's employees or subcontractors with regard to the safety and health conditions relating to or arising out of the Subcontractor's work or the performance of any work covered by this Subcontract. The Subcontractor has the sole responsibility and authority for ensuring that any and all hazardous conditions relating to or arising out of the Subcontractor's work are corrected. With regard to the Subcontractor's work or any work covered by or performed under this Subcontract, the Contractor is not the controlling employer or controlling entity for the purpose of detecting hazardous conditions or ensuring that hazardous conditions are corrected."

**TOWN OF LEWISVILLE CONTRACT
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8 Nondiscrimination:

8.1 Neither the Contractor nor any sub-Contractor nor any Person(s) acting on his behalf shall discriminate against any person because of race, sex, age, creed, color, religion, national origin, or disability.

9 Warranty:

9.1 The Contractor shall warranty all workmanship and materials for up to one year after completion of the project.

9.2 Contractor warrants that the work will be performed in accordance with generally accepted standards associated with the particular professional discipline involved, as practiced by members of such discipline in the same locality and under similar conditions.

10 E-Verify

10.1 The provider and its subcontractors shall comply with Article 2 of Chapter 64 of the North Carolina General Statutes relating to the required use of the federal E-Verify program to verify the work authorization of new hired employees. Failure of the provider to comply with this provision or failure of its subcontractors to comply could render this contract void under North Carolina law. It is the expectation of The Town of Lewisville that the provider will comply with all applicable federal immigration laws in its hiring and contracting practices relating to the services covered by this contract involving Town funds.



June 16, 2020

Mr. Ryan Moser
Public Works Director
Town of Lewisville
P. O. Box 547
Lewisville, NC 27023

**Re: Proposal for Professional Services
Pavement Condition Survey – Town of Lewisville**

Dear Mr. Moser:

LaBella Associates, P.C. (LABELLA) is pleased to submit our proposal to perform a GIS linked pavement condition rating survey for the Town of Lewisville. We look forward to working with you and the Town in managing the investment Lewisville has in its street system.

Scope of Work (GIS-Linked Survey):

LABELLA will perform a pavement condition survey which is linked to the Town's GIS centerline database of all asphalt pavement street segments within the Town of Lewisville owned or maintained by the Town (approximately 56 centerline miles). This will involve riding each segment and observing and quantifying pavement distresses in addition to collection of physical inventory data. The project deliverables are as follows:

- A Pavement Condition Rating (PCR) will be calculated using our pavement management software for each segment based on field observation of the following distresses: alligator cracking, block cracking, reflective cracking, rutting, raveling, bleeding, ride quality, and patching. This data will be recorded on the street centerline segment data provided by Lewisville with any recent/needed additions to be added by LABELLA.
- The field survey will identify errors in the Centerline database or unusual field conditions (e.g. drainage problems) in a comment field in the database product provided to the Town.
- In addition to observing surface pavement distresses, during the field survey LABELLA will quantify the following attributes for each street segment: existing curb and gutter per side (right and left), presence of sidewalk (if any) per side, asphalt height above gutter, and utility cuts. These attributes do not affect the PCR calculation, but serve to provide meaningful information to the Town.
- LABELLA will compile and summarize condition-rating data from the collected field data reflecting the Town maintained street segments. LABELLA will also provide three (3) copies of a report that will identify system pavement condition by major distress and street classification (high or low volume). The report will provide Summary Tables containing recommended maintenance activities and estimated costs by activity based on unit maintenance costs to be supplied by the Town.



- LABELLA will provide three (3) copies of a listing of street segments sorted by PCR order in addition to a report of segments by alphabetical street listing.
- LABELLA will also provide our USI-TPA Microsoft Access computer application which will allow the Town to sort the master database by PCR, street name, and to generate an estimate of maintenance costs for a specific range of PCRs. The application will also allow the Town to query the database for presence of curb and gutter, sidewalk, and asphalt height above gutter. This reporting tool will also allow the Town to generate priority lists for high and low volume streets, crack sealing, and patching, in addition to lists for resurfacing, skin patching, and joint repair.
- LABELLA will also provide the Town with a digital copy of the final GIS shape file in ESRI compatible format along with a database file containing completed pavement condition inventory data, PCRs, recommended maintenance activities and cost information for your records, along with an electronic copy of the written report and any graphs or exhibits.

This proposal makes the following assumptions:

- We estimate that the field data collection will take approximately 3 to 4 work days depending on weather conditions.
- LABELLA will supply Lewisville with our repair matrix so the Town can select the maintenance activities it prefers for the various pavement distresses and severity levels.
- Lewisville will also need to provide LABELLA with current unit maintenance costs for use in our calculations.
- Lewisville will supply LABELLA with a current GIS centerline database (including street centerline, parcel data, Town limits, and street ownership [i.e. Town or State]) for the GIS-linked survey, a listing of new street segments added since the last survey, a listing of the high and low volume streets, and a copy of the most recent Powell Bill map.
- Lewisville maintains approximately 56 miles of streets within its corporate limits. This proposal does not include any evaluation of NCDOT or private streets within the Town limits.

Compensation:

LABELLA will perform the services described above for a GIS linked survey for a lump sum fee of **\$13,700**. LABELLA will invoice the Town monthly for work performed, with final payment due upon the Town's acceptance of the completed project.

Schedule:

LABELLA is available to begin this work immediately following a Notice to Proceed, and we estimate it will take approximately six weeks to complete the project after beginning the field data collection.



Thank you for the opportunity to work with you and the Town of Lewisville. If you have any questions or need additional information, please feel free to contact us at 704-941-2139 or by email at rwilson@labellapc.com.

Sincerely,

LaBella Associates

Robert E. Wilson, P.E.
Project Manager

07/08/2020

**HENRY M (HANK) CHILTON PAVILION AT SHALLOWFORD SQUARE
SCHEDULE OF EVENTS**

1

<u>DATE</u>		<u>TIME</u>	<u>FACILITY</u>	<u>ORGANIZATION AND/OR CONTACT NAME AND PHONE NUMBER</u>		
09/07/2020	Monday		4 LABOR DAY HOLIDAY	TOWN HOLIDAY		
09/12/2020	Saturday	0800	4 concert	TOWN OF LEWISVILLE	howard	945-5558
09/18/2020	Friday	0800	4 movie night	TOWN OF LEWISVILLE	howard	945-5558
09/26/2020	Saturday	0800	4 concert	TOWN OF LEWISVILLE	howard	945-5558

4 = HENRY M (HANK) CHILTON PAVILION @ SHALLOWFORD SQUARE

Town of Lewisville

**Budget Amendment Ordinance 2020033
Amending Budget Ordinance 2020001**

Finance Department Use Only
<i>Budget Amendment Number: # 1</i>
<i>Finance Officer: PAM ORRELL</i>

<i>DEBIT</i>			<i>CREDIT</i>		
<i>CODE</i>	<i>ACCOUNT DESCRIPTION</i>	<i>AMOUNT</i>	<i>CODE</i>	<i>ACCOUNT DESCRIPTION</i>	<i>AMOUNT</i>
	General Fund			General Fund	
10-00-5700-6000	Storm water - Contracted Services	\$7,099.00	10-00-3990-9000	Fund Balance Appropriated	\$7,099.00

To reappropriate funds for the contract with Blue Stream Environmental, LLC. The work on the contract began in 2019-2020 and has carried over into 2020-2021.

RECOMMENDED By: Pam Orrell
Town Finance Officer

Approved and effective upon adoption, this the 2nd day of July, 2020 by the Lewisville Town Council.

APPROVED: _____
Mike Horn, Mayor

ATTEST: _____
Joyce C. McWilliams Walker, Town Clerk