

**Regular Meeting of the Town Council  
October 15, 2019  
6:30 pm in the Council Chambers  
Minutes & General Account**

**Council Members Present:** Mayor Montgomery, Council Members Nixon, Wolfe, Capes, & Rayborn

**Staff Present:** Matthew Johnson, Judy Gallman, Paul Blanchard, Katie McBride, Ross Sanderlin, & Beth Koonce, Town Attorney

**Visitors Present:** Sister Lucy Hennessy, Alex Toye, Sarah Glanville, & Carol Brooks

**Call to Order-** Mayor Montgomery called the meeting to order.

- Pledge of Allegiance- Mayor Montgomery led everyone in the Pledge of Allegiance.
- Moment of Silence- Mayor Montgomery called for a moment of silence.
- Approval of the Agenda- Mayor Montgomery asked if anyone would like to change, add, or delete any items on the agenda.

Johnson requested to add item "II-G. Budget Amendment #13" to the consent agenda.

Council Member Wolfe requested to add item "IX. Closed Session per General Statutes 143-318.11 to discuss matters relating to attorney client privilege."

Council Member Nixon made a motion to approve the agenda for the October 15<sup>th</sup> Town Council meeting. Council Member Rayborn made a second to the motion. The motion passed by unanimous vote.

**Consent Agenda-** The consent agenda included the following items:

- Approval of minutes from the September 17, 2019 Regular meeting
- Analysis of financial position of the Town of Jamestown
- Analysis of financial position of the Jamestown Park & Golf Course
- Budget Amendment #10
- Budget Amendment #11
- Budget Amendment #12
- Budget Amendment #13

Council Member Nixon made a motion to approve the consent agenda. Council Member Capes made a second to the motion. The motion passed by unanimous vote.

(Budget Amendments #10, #11, #12, & #13)

**Public Comment-** Nobody signed up.

**Old Business-**

- Update on Sidewalk Projects- Blanchard gave Council an update on the ongoing sidewalk projects. He noted that there had been a groundbreaking ceremony for the East Main Street

Sidewalk Project at the construction site earlier that day. He added that the revised supplemental agreement had been submitted with all the required signatures at the ceremony.

Blanchard stated that he met with the contractor of the East Fork Pedestrian Bridge Project at the construction site on September 26<sup>th</sup>. He noted that a road closure would be required in order to complete the construction of the bridge. He added that drawings of the project should be submitted to NCDOT in the coming weeks.

Council Member Wolfe discussed the details of the progress of the East Fork Pedestrian Bridge Project with Blanchard.

- Public Hearing to consider rezoning request 2019-02: Request to rezone property located at 111, 113, 115, 121, and a portion of parcel #176232 from Single-Family Residential (SFR) to Conditional Zoning- Civic (CZ-CIV) for Maryfield, Inc. - Johnson gave an overview of the rezoning request. He noted that the parcels that were under consideration for rezoning were originally purchased by Maryfield for future expansion. He noted that the parcels were currently zoned as SFR and were vacant. Johnson added that the property was located in the Town's primary growth area. He stated that Maryfield had requested the rezoning in order to construct a twenty-four bed, single-story, short term stay facility. He noted that the applicant's intention was for the addition to be a cohesive part of Pennybyrn's campus. Johnson gave an overview of the specific requests that the applicant had made regarding the construction of the short-term stay facility. He noted that staff had requested that the applicant include a landscaping buffer between the campus and any properties zoned as SFR. Johnson said that the rezoning was technically inconsistent with the Comprehensive Plan. However, he stated that he believed the request would be consistent with the intent of the Comprehensive Plan. He noted that Council would have to amend the Comprehensive Plan if they chose to approve the rezoning request.

Sarah Glanville, Planning Board Chair, presented the Planning Board's recommendation to Council. She stated that the Planning Board held a public hearing in September regarding the rezoning. She noted that there were no citizens that spoke in opposition of the request. Glanville said that the Board believed that the rezoning would be consistent with the intent of the Comprehensive Plan and that the short-term stay would offer a valuable service to the citizens of Jamestown. She said that the Planning Board recommended that the Town Council approve the rezoning request as written.

Mayor Montgomery called the applicant forward to present the rezoning request.

Ellis Martin, the applicant's attorney, stated that the rezoning request would allow Pennybyrn to expand the services that they provide to residents. He added that the campus was a great asset to the community and requested that Council approve the rezoning.

Sister Lucy Hennessy came forward, and stated that she was speaking on behalf of Pennybyrn. Hennessy said that the Sisters at Pennybyrn had been serving the Jamestown, High Point, and Greensboro communities since 1947. She said that they were pleased to be located in Jamestown and to be serving the elderly population. She noted that they were currently serving approximately 350 residents every day. She stated that the rehab center would enable the Sisters to care for those that came to Pennybyrn to recover from a hospital stay or an acute episode. She added that it would further allow them to assist people with the restoration of

their strength and return home as quickly as possible. She stated that the rezoning request would enable Pennybyrn to serve the community in a new and a special way. She thanked the Town Council for their time.

Alex Toye, the project engineer, came forward to address the Town Council. He gave an overview of the project and the design plans for the transitional facility. He asked Council if they had any questions.

Council Member Wolfe spoke with Toye about the requested variance in regard to the construction of the sidewalk on the property. Toye explained the topographical issues that made the extension of the sidewalk difficult.

Mayor Montgomery opened the public hearing to anyone that would like to speak in favor of the rezoning. There was no one.

Mayor Montgomery opened the public hearing to anyone that would like to speak in opposition of the rezoning. There was no one. Mayor Montgomery closed the public hearing and opened the floor to Council for discussion.

Council Member Nixon said that she believed that Pennybyrn had been an incredible asset to the community.

Council Member Wolfe stated that Pennybyrn had purchased the parcels as a part of their Master Plan. She noted that the rezoning seemed reasonable to her because of the growth trends in the surrounding area even though it would be inconsistent with the Comprehensive Plan. She added that the short-term recovery facility would provide a great service to the citizens of Jamestown and the people in the surrounding communities.

Council Member Wolfe made a motion to approve the rezoning request for parcels 111, 113, 115, 121, and a portion of #176232 from Single-Family Residential to Conditional Zoning-Civic with the conditions as presented. Council Member Capes made a second to the motion.

McBride took a roll call vote as follows:

Council Member Wolfe- Aye  
Council Member Capes- Aye  
Council Member Nixon- Aye  
Council Member Rayborn- Aye

The motion passed by unanimous vote.

Council Member Wolfe made the following motion regarding zoning case 2019-02:

“1. Even though the proposed zoning amendment is inconsistent with the adopted Town of Jamestown 2020 Land Development Comp Plan, a change in conditions in meeting the development needs of the community have occurred since plan adoption. These changes include rezoning three Single Family Residential (SFR) parcels to Conditional Zoning-Civic (CZ-CIV).

Furthermore, the Council finds that the proposed zoning amendment meets the development needs of the community because it coordinates land development with surrounding jurisdictions so that future land development in Jamestown fits well into regional context, maintains & enhances the quality of life for citizens in and around Jamestown.

AND

2. The proposed zoning amendment is reasonable. The Council considers the proposed zoning amendment to be reasonable because:

- A. The report of the Town staff finding the proposed zoning amendment to be reasonable is adopted by reference.
- B. The Council further finds that the proposed zoning amendment is reasonable because the amendment takes into account the future growth plans of surrounding jurisdictions so that Jamestown's land use planning and growth management is compatible.

AND

3. The proposed zoning amendment is in the public interest. The Council considers the proposed zoning amendment to be in the public interest because:

- A. The report of the Town staff finding the proposed zoning amendment to be in the public interest is adopted by reference.
- B. The Council further finds that the proposed zoning amendment is in the public interest because the project will have adequate landscaping buffers between parcels zoned CZ-CIV and SFR to ensure screening to SFR and new sidewalk extension will be constructed which is in keeping with Jamestown's pedestrian friendly goal. The project will also provide medical services to Jamestown residents and the surrounding community."

AND

I move to amend the Town of Jamestown 2020 Land Development Comp Plan to reflect the rezoning from SFR to CZ-CIV for the parcels 111, 113, 115, 121, and a portion of parcel #176232 Penny road."

Council Member Capes made a second to the motion. The motion passed by unanimous vote.

Council Member Nixon made a motion to amend the Comprehensive Plan. Council Member Rayborn made a second to the motion. The motion passed by unanimous vote.

### **New Business-**

- Proclamation National Breast Cancer Awareness Month October 2019- Mayor Montgomery read the Proclamation declaring October 2019 as National Breast Cancer Awareness Month aloud to everyone that was present at the meeting.

(Proclamation National Breast Cancer Awareness Month October 2019)

- Jamestown Park & Golf Course Quarterly Report- Sanderlin presented his quarterly report to Council. He noted that there had been a twelve percent increase in the number of rounds of golf played in 2019 compared to 2018. He added that the number of Clubhouse rentals for special events had also gone up from two to eight. Sanderlin said that the Golf Course had benefited from much better weather in 2019.
- Consideration of approval of financing for the purchase of a knuckle boom truck- Gallman stated that the purchase of a knuckle boom truck had been included in the Capital Improvement Plan (CIP). She added that the purchase of the truck and the debt payments were included in the current year budget. She stated that she had sent out Requests for Proposals (RFP) to several banks and had received two in response. Gallman said that First Bank and Pinnacle had sent proposals, and she gave an overview of both options. Gallman recommended that Council approve the selection of First Bank in order to avoid paying an origination fee and to take advantage of a lower interest rate.

Council Member Capes made a motion to approve the selection of First Bank for the financing of the knuckle boom truck. Council Member Rayborn made a second to the motion. The motion passed by unanimous vote.

Council Member Capes made a motion to grant authorization to the Finance Director to sign any loan documents and to approve the resolution. Council Member Rayborn made a second to the motion. The motion passed by unanimous vote.

### **Manager/Committee Reports-**

- Manager Report- Johnson presented the Manager's report to Council in Cole's absence. He thanked Council for attending the groundbreaking for the East Main Street Sidewalk Project. He also thanked Blanchard for all the hard work that he had done in order to make the groundbreaking possible. Johnson added that staff had been working on creating lineups for the 2020 Music in the Park events. He also noted that the property owner of the Oakdale Cotton Mill had begun the process of cleaning up several houses that had collapsed.
- Council Member Committee Reports-
  - Council Member Wolfe said that she had attended the TAC meeting. She stated that the Jamestown Bypass was still on schedule and that the completion date was December 2021.

**Public Comment-** Nobody signed up.

**Other Business-** Mayor Montgomery said that Christmas on Main would be held by the downtown merchants and would take place every Wednesday in December. She stated that there would be hot chocolate, people singing Christmas carols, and that Santa would make an appearance.

**Closed Session Per General Statutes 143-318.11(a)(3) to discuss matters related to Attorney Client Privilege-** Council Member Wolfe made a motion to go into closed session per general statutes 143-318 to discuss matters related to attorney client privilege. Council Member Capes made a second to the motion. The motion passed by unanimous vote.

-----Closed Session-----

Council Member Capes made a motion to return to open session. Council Member Nixon made a second to the motion. The motion passed by unanimous vote.

Council Member Wolfe made a motion to direct the Town Attorney to proceed with enforcement of the Town’s ordinance in regard to the removal of swine and to seek finances, an injunction, and any other legal action needed as a result of a code violation at the residence of 2216 Guilford College Road. Council Member Capes made a second to the motion. The motion passed by unanimous vote.

**Adjournment-** Council Member Nixon made a motion to adjourn. Council Member Capes made a second to the motion. The motion passed by unanimous vote.

The meeting ended at 7:56 pm.

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Mayor

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Town Clerk