

**Regular Meeting of the Town Council
November 15, 2022
6:00 pm in the Civic Center
Minutes & General Account**

Council Members Present: Mayor Montgomery, Council Members Wolfe, Rayborn, Capes, & Straughn

Staff Members Present: Matthew Johnson, Katie M. Weiner, Paul Blanchard, Ty Cheek, Faith Wilson, & Beth Koonce, Town Attorney

Visitors Present: Lee Johnson, Kevin Keslar, Sherrie Richmond, Lee Richmond, Marc Isaacson, Charlie Hall, Linda Curtis, Pam Karboski, Tom Hall, Cheryl Harvey, Krisdena Reeser, William McLean, Brad Yodar, Steve Auman, Raymond Ellis, Patricia Gray, Richard Kirkman, Stephanie Stephens, Lisa Keck, David Steele, & Carol Brooks

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

- Roll Call- Weiner took roll call as follows:
 - Council Member Wolfe- Present
 - Council Member Capes- Present
 - Mayor Montgomery- Present
 - Council Member Straughn- Present
 - Council Member Rayborn- Present

Weiner stated that a quorum was present.

- 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 Agenda- Mayor Montgomery asked if anyone had any changes to make to the agenda. There were no changes suggested.

Council Member Capes made a motion to approve the agenda for the November 15th Town Council meeting as presented. 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 October 11th Special Town Council Meeting
- Approval of minutes from the October 18th Regular Town Council Meeting
- Analysis of the Financial Position of the Town of Jamestown
- Analysis of the Financial Position of the Jamestown Park & Golf Course
- Notification of Advances
- Budget Amendment #7

Council Member Wolfe made a motion to approve the consent agenda as presented. Council Member Rayborn made a second to the motion. The motion passed by unanimous vote.

(Budget Amendment #7)

Public Comment- Nobody signed up.

Old Business-

- Public Hearing on Question of Annexation pursuant to G.S. 160A-31 for the property located at 4718 Harvey Road- Johnson stated that the annexation and rezoning request for the property located at 4718 Harvey Road were dependent upon one another. He said that NCDOT was still reviewing the Traffic Impact Analysis (TIA) for the property. He noted that the applicant was present to speak about the review process. Johnson recommended that Council continue the public hearing to the December 20th Town Council meeting.

Mayor Montgomery called the applicant forward.

Charlie Hall came forward. He stated that his address was 1007 Battleground Avenue, Greensboro. Hall added that Tom Hall, President of Windsor Homes, was also present. He said that they were waiting on the final report from NCDOT, and that they expected to receive it in the coming weeks.

Mayor Montgomery opened the public hearing to anyone that would like to speak about the annexation request.

- Kevin Kesler, 5505 Heworth Court- Kesler thanked the Jamestown staff for being so easy to work with. He stated that he was concerned about the proposed commercial component of the development. He added that he did not believe that Harvey Road was the appropriate place for retail.

Mayor Montgomery asked if anyone else would like to speak. Nobody came forward. Mayor Montgomery opened the floor to Council for discussion.

Council Member Wolfe stated that she had spoken with Rich Glover and Charlie Hall about the proposed development. She added that the two biggest concerns she had heard from community members were regarding the possible increase in traffic and the commercial area. She noted that Hall told her that they were considering potential alternatives.

Charlie Hall came forward. Hall said that they were considering removing the commercial area from the plan. He also noted that in the initial plan, there were six units that had driveways on Harvey Road. Hall stated that they were working on plans for those six units to be built along a private road that connects to the main entrance instead.

Council Member Wolfe said that it was refreshing to work with a developer that was making attempts to resolve the issues raised by the public.

Council Member Capes made a motion to continue the public hearing to the December 20th Town Council meeting at 6:00 pm in the Civic Center without further advertisement. Council Member Rayborn made a second to the motion. The motion passed by unanimous vote.

- Public Hearing on rezoning request from Windsor Homes for property located at 4718 Harvey Road from Agricultural (AG) to Conditional Zoning-Bypass (CZ-B)- Johnson requested that Council continue the public hearing to the December 20th Town Council meeting.

Mayor Montgomery opened the public hearing to anyone that would like to speak regarding the rezoning request. Nobody came forward.

Mayor Montgomery opened the floor to Council for discussion.

Council Member Capes made a motion to continue the public hearing to the December 20th Town Council meeting at 6:00 pm in the Civic Center without further advertisement. Council Member Rayborn made a second to the motion. The motion passed by unanimous vote.

- Public Hearing on Question of Annexation pursuant to G.S. 160A-31 for the properties located at 2221 Guilford College Road, 5300 Mackay Road, 2207 Guilford College Road, and 5303 Mackay Road- Johnson stated that the public hearings for the properties located at 2221 Guilford College Road, 5300 Mackay Road, 2207 Guilford College Road, and 5303 Mackay Road were all intertwined. He said that staff continued to work with DR Horton on the Development Agreement. He added that staff planned to post the final draft of the Agreement on the Town's website by December 15th. Johnson recommended that Council continue the public hearing to the January 17th Town Council meeting.

Mayor Montgomery asked the applicant if he had any information to add.

Marc Isaacson came forward. He stated that his address was 804 Green Valley Road, Greensboro. He thanked Council for their patience and reiterated that everyone was working diligently to resolve some technical issues within the Agreement. He noted that there were certain requirements in the Land Development Ordinance that were impractical to apply to such a large property.

Mayor Montgomery opened the public hearing to anyone that would like to speak.

- Cheryl Harvey, 206 Knollwood Drive- Harvey stated that she was having a difficult time hearing the speakers that were addressing Council. She said that she had friends across the state that were fighting against DR Horton because of their numerous lawsuits. She stated that they had a record of not upholding their warranties. Harvey encouraged Council to research DR Horton's pending lawsuits.
- Raymond Ellis, 301 Shadowlawn Drive- Ellis said that he had lived in Town for over 30 years. He noted that he had read about the pending lawsuits DR Horton was facing. He added that he had not spoken to anybody that was in favor of the proposed development. Ellis stated that he was concerned about the apartments, the small homes, and the poorly designed neighborhoods.
- Krisdena Reeser, 2621 Glasshouse Road- Reeser stated that Jamestown United had been created to preserve a quaint, charming, small-town community. She said that community members had united for a common cause. She stated that they had faced criticism from Town staff and elected officials. Reeser claimed that she had been

purposely muted at a previous meeting when she spoke. She also stated that Jamestown United had been accused of being racist. She was offended by the nature of the comments being posted on social media.

Mayor Montgomery asked if anyone else would like to speak. Nobody came forward.

Mayor Montgomery opened the floor to Council for discussion.

Council Member Capes made a motion to continue the public hearing to the January 17th Town Council meeting at 6:00 pm without further advertisement. Council Member Rayborn made a second to the motion. The motion passed by unanimous vote.

- Public Hearing on rezoning request from DR Horton for properties located at 2221 Guilford College Road, 5300 Mackay Road, 2207 Guilford College Road, and 5303 Mackay Road- Johnson requested that Council continue the public hearing to the January 17th Town Council meeting.

Mayor Montgomery opened the public hearing to anyone that would like to speak. Nobody came forward.

Mayor Montgomery opened the floor to Council for discussion.

Council Member Capes made a motion to continue the public hearing to the January 17th Town Council meeting at 6:00 pm in the Civic Center without further advertisement. Council Member Rayborn made a second to the motion. The motion passed by unanimous vote.

- Public Hearing for consideration of Development Agreement for DR Horton properties- Johnson requested that Council continue the public hearing to the January 17th Town Council meeting.

Mayor Montgomery opened the public hearing to anyone that would like to speak regarding the Development Agreement. Nobody came forward.

Mayor Montgomery opened the floor to Council for discussion.

Council Member Capes made a motion to continue the public hearing to the January 17th Town Council meeting at 6:00 pm in the Civic Center without further advertisement. Council Member Rayborn made a second to the motion. The motion passed by unanimous vote.

- Public Hearing for the consideration of amendments to the solid waste ordinance- Blanchard presented information on the amendments to the solid waste ordinance to Council. He noted that the current ordinance was from April 2014. He stated that Smith Gardner conducted a study on the solid waste program in August 2021. He noted that they made recommendations that included picking up garbage with automated equipment and allowing Town staff to collect recycling. Blanchard said that the current budget reflected their recommended changes. He stated that operation changes were discussed last spring during the budgeting process. He noted that staff would inform citizens about operational changes including holiday scheduling, utilization of new equipment, changes to routes, etc. through a public information campaign.

Blanchard stated that it was difficult for sanitation staff to finish the route on Tuesdays because of the amount of garbage they were collecting. He noted that it was also very hard to retain staff to work on the back of the garbage truck because it was such a dangerous job. He added that each worker was picking up about 11,000 lbs a day on Tuesdays. Blanchard said that Smith Gardner had recommended that the Town begin using an automated truck that could pick up totes for the safety of staff.

Blanchard said that the amendments to the solid waste ordinance included revisions to the definitions of several terms. He noted that the largest change was that citizens would begin putting their trash out in rollout containers. He added that recycling collection would remain mostly the same. Blanchard stated that bulky items would be picked up at least once a month.

Council Member Wolfe asked if staff would pick up items that were thrown away as a result of remodeling projects such as toilets, sinks, carpet, etc. Blanchard said that sanitation workers would collect those items. He noted that the driver would be able to pick up items like deck umbrellas that would not fit into a cart. He added that the driver would make a note of anything that they could not physically pick up and notify other staff that a bulky item needed to be collected at a certain address.

Council Member Wolfe asked if yard waste would still be collected. Blanchard stated that those items would be collected. However, he said that Town staff did not have the ability to clean up after contractors if there were large trees cut down, excessive debris, etc.

Council Member Straughn spoke with Blanchard about solid waste collection at Airbnb's. Blanchard said that staff considered short-term rental locations to be residential homes and they would be serviced.

Council Member Straughn asked if staff would collect leaves if they were blown by a contractor. Blanchard stated that staff would continue to pick up leaves whether they were placed at the curb by a contractor or a homeowner.

Council Member Straughn asked for clarification about the collection of garbage that resulted from remodeling projects. He wanted to know how long bulky items would be along the curb if citizens missed the bulky item pickup day. Blanchard said that staff would determine where the bulky items were located and that they would be collected at least once a month. He noted that the intent was to provide the same level of service to citizens even though there would be changes to operations. He added that it may not be reasonable to run a bulky item pickup route every week if there were not items to collect.

Council Member Straughn continued to speak with Blanchard about the details of yard waste and bulky item pickup. Blanchard stated that the public service employees take pride in their work and reiterated that the goal was to provide the same level of service to citizens.

Mayor Montgomery spoke with Blanchard about current guidelines for bulky item pickup.

Council Member Straughn noted that the ordinance stated that no owner or occupant could refuse service or citation. Koonce said that the paragraph allowed the Town to collect fees that

resulted from penalties through litigation if necessary. She stated that it set a presumption that the solid waste service was valid if a citation were issued.

Koonce noted that she had made a couple of grammatical suggestions to Blanchard. She specified her corrections and added that they were not substantive changes.

Mayor Montgomery opened the public hearing to anyone that would like to speak regarding the solid waste ordinance.

- Raymond Ellis, 301 Shadowlawn Drive- Ellis stated that some people in the community were not able to roll the toters to the end of their driveways. He noted that people liked the recycling toters, but nobody was in favor of having toters for garbage collection. He said that Jamestown currently had the best garbage pickup in the state and he did not want that to change. He said that things were working perfectly as they were.
- David Steele, 101 Pearce Drive- Steele said that he did not think anything should change regarding solid waste collection. He noted that he was amazed at the level of service provided to the citizens when he moved to Jamestown. He reiterated that everything was working well. Steele also spoke about the number of tractor trailers that drove on Guilford Road. He stated that he biked to work and it was very dangerous with the amount of large trucks driving through Jamestown. He thanked Council and staff for their hard work.
- Cheryl Harvey, 206 Knollwood Drive- Harvey said she had lived in Jamestown all her life except for when she left for school. She added that the trash pickup was fabulous. She stated that some of the older people in the community could not roll the toters to the curb. She said that there needed to be accommodations for those people. She wanted garbage collection to remain the same and encouraged Council to reconsider. Harvey reiterated that she could not hear in the audience.

Mayor Montgomery asked if anyone else would like to speak. Nobody came forward.

Mayor Montgomery opened the floor to Council for discussion.

Council Member Rayborn said that there was a need for further education on the changes to solid waste pickup. She stated that staff would assist those that were not physically able to get their toters to the curb. She noted that utilizing toters for solid waste pickup had been discussed for over a decade. Council Member Rayborn said that she had spoken with a lot of people that were in favor of toters as well as those that did not want them. She highlighted that the ordinance was not hastily thrown together and that more education would be provided to minimize confusion. She encouraged anyone that was concerned to reach out to Council Members and Town staff. She noted that she had spoken with staff about a few items that needed clarification and they were addressed. Council Member Rayborn stated that automated pickup would be a much safer option for the Town's sanitation workers.

Council Member Straughn stated that it was necessary to use automated equipment in order make things safer for the sanitation workers. However, he said that toters littered the streets in Greensboro and that it was going to be a difficult transition. He noted that collection days would

be reduced from twice a week to once a week. Council Member Straughn stated that he was not in favor of the ordinance as it was written and he believed it was a reduction in services for citizens.

Council Member Capes said that he agreed with Council Member Rayborn's statements.

Council Member Wolfe stated that everybody loved the Public Services Department. She added that she had spoken to as many people that were in favor of toters as those that were opposed to the change. She noted that the crows and animals tearing into the bags were an issue. Council Member Wolfe highlighted that there was an option for staff to assist those that were not physically able to roll their toters to the curb. She added that the sanitation crew currently had to work on the back of the truck in rain, snow, etc. She said that it was difficult to retain employees that worked on the sanitation truck. She noted that the move to automated pickup would increase safety for staff.

Council Member Wolfe asked Johnson if the ordinance could be approved even though there were grammatical changes requested.

Johnson stated that the ordinance could be approved that night and recommended that Council adopt it with the changes.

Council Member Straughn asked when the ordinance had been presented to the public. Johnson said that the current public hearing was the first one held regarding the amendments.

Council Member Capes made a motion to approve the amendments to the solid waste ordinance with the suggested changes. Council Member Rayborn made a second to the motion.

Weiner took roll call as follows:

Council Member Wolfe- Aye
Council Member Capes- Aye
Council Member Straughn- Nay
Council Member Rayborn- Aye

The motion passed with a 3 to 1 vote with Council Member Straughn voting in opposition.

New Business

- Consideration of award of contract to Thomas-James Construction LLC for the construction of bathrooms at the Jamestown Park & Golf Course- Johnson stated that staff would like to recommend the award of contract for the construction of two new bathroom facilities at the Jamestown Park and Golf Course to Thomas-James Construction, LLC in the amount of \$244,471.00. He noted that Thomas-James Construction, LLC was the lowest, responsive, responsible bidder. He added that the contract was included in Council's packet and that it had been reviewed by the Town Attorney. Johnson said that the estimated completion time for the project was 18 weeks.

Council Members discussed the location, timeframe, and the initial budget for the project with Johnson.

Council Member Capes made a motion to award the contract to Thomas-James Construction, LLC in the amount of \$244,471 to construct new bathrooms at the golf course and authorize the Town Manager and Finance Director to execute all documents. Council Member Rayborn made a second to the motion. The motion passed by unanimous vote.

- Consideration of approval of municipal supplemental agreement with the North Carolina Department of Transportation (NCDOT)- Blanchard stated that NCDOT had forwarded a municipal supplemental agreement for the East Main Street Sidewalk Project to staff to provide state and federal funding for certain cost overruns. He added that several items were extended during construction with NCDOT's approval and recommendation causing those line items to exceed the contract amount. He noted that the Town needed to execute the agreement in order to receive those funds. Blanchard stated that the amount of additional funding from the agreement amounted to \$591,054. He requested that Council approve the receipt of the funding.

Council Member Wolfe discussed the details of the reimbursement with Blanchard.

Council Member Capes made a motion to approve the municipal supplemental agreement with NCDOT for the East Main Street Sidewalk Project. Council Member Rayborn made a second to the motion. The motion passed by unanimous vote.

Manager/Committee Reports

- Manager Report- Johnson presented his monthly Manager Report to Council. He stated that loose leaf collection began on October 24th and would run continuously until February 24th. He thanked the Jamestown Veterans Committee for planning to host a Veterans Day flag-raising event at Wrenn Miller Park. Johnson said that the Jamestown Rotary Club would host their annual Christmas Parade on December 4th. He added that Hawryluk would be out of the office for the next few months. He highlighted that Cheek had stepped up in the Planning Department and would be handling planning related issues in her absence.
- Council Member Committee Reports-
 - Council Member Wolfe said that she had attended a TAC meeting on October 25th. She noted that the cleanup after Hurricane Ian and the installment of charging stations along highways was discussed. She stated that the Jamestown Bypass should be completed by the end of November.
 - Council Member Capes stated that Christmas on Main would be held on December 7th, 14th, and 21st.
 - Council Member Straughn said that he had attended a meeting held by Guilford County regarding the opioid epidemic. He stated that possible treatment options for those struggling with addiction was discussed along with ways to fund programs.

Public Comment- Nobody signed up.

Other Business- Council Member Wolfe noted that filming had taken place on November 5th for the solid waste public service announcement video.

Council Member Wolfe discussed the status of the Oakdale Sidewalk Project with Blanchard.

Council Member Wolfe spoke with Johnson about the status of the Oakdale Cotton Mill.

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

The meeting ended at 7:18 pm.

Mayor

Town Clerk