

Regular Meeting of the Town Council
November 21, 2023
6:00 pm in the Civic Center
Minutes & General Account

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

Council Members Absent: Council Member Rayborn

Staff Members Present: Town Manager Matthew Johnson, Director of Public Services Paul Blanchard, Deputy Finance Officer Heather Lunsford, Interim Town Clerk Nancy Avery, Town Attorney Beth Koonce.

Visitors Present: Bill Rothermel, Sherrie and Lee Richmond, Jane W. Payne, Jamie Hall, Sarah Glanville.

Call to Order: Mayor Montgomery called the meeting to order at 6:00 pm.

Roll Call – Interim Town Clerk Avery took roll call as follows:

- o Council Member Wolfe – Present
- o Council Member Capes – Absent
- o Mayor Montgomery – Present
- o Council Member Straughn – Present
- o Council Member Rayborn – Absent

Interim Clerk Avery stated that a quorum was present to open the meeting but there was not a majority of voting members present to conduct business.

Pledge of Allegiance – Mayor Montgomery led in the Pledge of Allegiance.

Moment of silence – Mayor Montgomery called for a moment of silence.

Recess - Mayor Montgomery stated the two absent Council members were in traffic and called for a 15 minute break at 6:03 pm to give them time to arrive.

Mayor Montgomery resumed the meeting at 6:17 pm and asked the clerk to call the roll.

Clerk Avery called the roll as follows:

- o Council Member Wolfe – Present
- o Council Member Capes – Present
- o Mayor Montgomery – Present
- o Council Member Straughn – Present
- o Council Member Rayborn – Absent

Clerk Avery stated a quorum and majority of voting members was present.

Approval of the agenda

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

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Consent Agenda

The Consent Agenda included the following items:

- Approval of minutes from October 24, 2023, 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
- Budget Amendment # 10

Council Member Wolfe made a motion to approve the Consent Agenda as presented. Council Member Capes made a second to the motion. The motion passed by a unanimous vote.

(Budget Amendment # 10)

Public Comment

Sherrie Richmond, 601 Tangle Drive, stated that John (Capes) and Lawrence (Straughn) both have had different insights into the changes that we are looking forward to. They have both done a remarkable job remaining cool and calm and thinking through all kinds of situations and how to make it the best that we can have for Jamestown. She thanked them both for that saying they always had the best interest at heart for Jamestown.

Jamie Hall, 210 Misty Waters Lane, said she owns the Emerge Skin Studio in town and serves as the president of the Jamestown Business Association (JBA). She thanked the Mayor and Council for everything they have done on behalf of herself and the JBA. The last couple of years have been very challenging. The JBA is getting ready for the Christmas on Main event. Bethany Medical and Dr. Lenny Peters is sponsoring it this year. Christmas on Main is a holiday stroll in Jamestown. It highlights the local businesses of Jamestown. It is a family fun time for shopping, food, music, and it of course encompasses the spirit of Christmas. The event is every Wednesday night in December before Christmas. The dates this year are December 6th, 13th and 20th. Each Wednesday night it starts at 5:30 pm to 8:00 pm. We have had a fabulous response this year. We have 32 stops and is the biggest one we have ever had. It will span the entire length of Main Street, so we had to get two trolleys this year. We will have photo spots this year. We encourage everyone to post their own photos on our Christmas on Main Facebook group page. We are going to have three contests: one each Wednesday night; the ugly sweater contest, a coloring contest, and Finders Keepers solve the riddle contest. Pick up your stamp cards at any participating merchant. Get the stamp at each of the 32 stops, drop your completed stamp card off at Town Hall. You can leave it in the slot if it is after business hours. You will be entered to win one of the gift baskets that we have that will be filled with gifts from the participating merchants. For more detailed information go to the JBA website which is Jamestown Business Association.

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Krisdena Reeser, 2621 Glass House Road, stated that during the October 24th Town Council meeting, she spoke during public comments after staying to watch a very hyped up but yet very disappointing storm water and drinking water presentation. Shortly after leaving Town Hall she was approached by both Sarah Glanville and Pamaila Burgess. While Sarah's interaction was civil, Pamaila's interaction was threatening and aggressive. She said she hopes the Town will speak with Mrs. Burgess regarding her actions and reinforce the Town of Jamestown Code of Ethics because she will become a liability if she chooses to react to constructive criticism and factual information in this manner. What you do or say is recorded, documented and becomes part of the public record. I can guarantee you this information will be used against you. Regarding the October 24th storm water and drinking water speakers; how did this serve to educate the public about persistent and ongoing issues? The storm water presentation focused mostly on High Point and barely mentioned Jamestown. The drinking water presentation basically focused on Greg Flory requesting more money, \$600,000.00, from the Town for improvements. Yet nothing was spoken about the fact that the City of High Point's Eastside Wastewater Treatment plant and the Town of Jamestown storm water program are both operating with an expired permit. The most damning evidence of the evening was from Councilman Lawrence Straughn, who truly believes PFAS can be filtered out of the water. Had he done his research he would know that PFAS cannot be filtered out of drinking water as even the most expensive equipment available failed to perform the remediation of Seaboard Chemical which continues to contaminate a stretch of Deep River today and eventually makes it into our drinking water. Just ask your town appointed PTRWA representative Rich Glover who is a non - Jamestown resident who has worked on and continues to work on the Seaboard remediation as well as the Harvey Road development and most likely other projects in and around Jamestown. And if residents and community members have not heard Alberdingk Boley once again had a release of untreated wastewater in a purported unnamed tributary reported to Jamestown News the day after municipal elections. Mind you the unnamed tributary is Bull Run in Deep River. Per Councilman John Capes the Town of Jamestown is not responsible for managing the spill. However Guilford accounting and the Town of Jamestown zoning map says something completely different. Alberdingk Boley property resides in the Town's ETJ which means the Town's planning department is responsible for coding and code enforcement. Mind you previously in October 2022, after Alberdingk Fully spilled approximately 16,000 gallons of wastewater NCDEQ's report noted equipment in disrepair. Thirty days later the equipment was still in disrepair. She presumes this equipment was never repaired since the Town had incorrectly absolved themselves from any responsibility regarding Alberdingk Boley. How is it similar unreported events happened last year and now, after much scrutiny the most recent event was reported only to the Jamestown News. Her question is does the Town even have an emergency management plan in place for various scenarios including harmful chemical spills into our drinking water? Thank you.

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Robert Frederick, 500 Wyndwood, stated a year ago almost to the day, an unusual series of events occurred in Jamestown. The events of this unusual story are pulled from the invoices of Tom Terrell, Jamestown's hired Land Use attorney, which he got through a public records request. On November 22, 2022, Terrell began drafting changes to Jamestown's Land Development Ordinance. The next day he completed the draft and sent the proposed changes to the Town Manager and unexpectedly to DR Horton's attorney. Then on November 30th, DR Horton misrepresented Terrell's work as its own. So a billion dollar company took the attorney's work that our tax dollars paid for, that Jamestown's Town Manager had reviewed and represented that work as DR Horton's. Terrell's invoices also record a meeting about a week later on December 5, 2022, between Terrell, Jamestown staff, Jamestown's Council and representatives from DR Horton. What happened at that meeting? Only those present know. He said he only learned about the December 5, 2022, meeting because it was recorded in Terrell's invoices. But because Council was present, the public should have been invited to attend. The public should have known about the meeting in advance. Notes should have been taken. So this December 5, 2022, meeting appears to have violated North Carolina's open meetings law. As we all know, Council then voted a month later this past January to accept DR Horton's changes to the Land Development ordinance, which paved the way for the high density development DR Horton wants to build. A development that will double our population and a development that Jamestown Council ultimately voted to approve. As we have since learned the version of the development agreement Council voted on was authored, backdated and password protected by DR Horton's attorney Mark Isaacson even though it says on the front page that it was prepared by Jamestown's attorney Tom Terrell. Since January, he has been seeking public records to understand Terrell's influence in this manner beyond what his invoices show, but the Town Manager demanded over \$3,000 for these public records citing staffs' time. Public records belong to the public and even says so in Jamestown's Code of Ethics, and Jamestown staff time is already paid for by our taxes. The Town Manager ceased communication on this topic with me in April. None of you (Council) have responded either. And you have had my most recent email to you for two full days now. And so it is this lack of transparency that prompted me to make this statement publicly. Thank you.

Old Business –

Public Hearing for the consideration of adoption of 'Chapter 55: Storm Water Utility Fee' in 'Title Public Works' of the Town's Code of Ordinances - Town Manager Johnson stated this has been discussed for quite a while since at least 2021 and has been discussed as part of the budget talks for a couple of years. The purpose of this fee is to help maintain and upgrade storm water infrastructure and to fund the storm water management directives which are mandated by the State through the Town's NPDES permit. The fee will be applied to all properties located within the corporate limits through the utility billing system. The rate will be \$5 per month for residential customers and is based on an "Equivalent Residential Unit" (ERU) of measure. The

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ERU reflects the average impervious area of residential properties in Jamestown. This value has been calculated at 4,000 square feet. Therefore, each residential customer will be billed one (1) ERU or \$5/month.

Commercial/Industrial customers will be billed based on the actual amount of impervious surfaces located on their property. For example, if a commercial property has 200,000 square feet of impervious area, that total will be divided by 4,000 (1 ERU) to reach the ERU's for that property. In this case, $200,000/4,000=50$ ERUs. $50 \text{ ERUs} \times \$5 = \$250/\text{month}$ for that property.

The attached ordinance will establish the Storm Water Utility Fee and provide the authority for the Town to begin billing for this utility fee on January 1, 2024.

Manager Johnson requested Council establish the rate and provide the authority for the Town to begin billing for this utility fee on January 1, 2024.

He invited Danica Heflin with PTRC Storm Water Smart and Lindsey Lengyel with Blue Stream Environmental to give a little more information on this particular topic. They were kind enough to come this evening to do our storm water symposium. We had several attendees.

Council Member Wolfe said we talked a little bit about how apartments would be handled or townhomes or condominiums.

Council Member Straughn said if the townhome has an individual meter, we will assess that at one ERU or \$5 per month. If it is an apartment complex, for example, and there are multiple units and there is not an individual meter per unit, we will assess them by measuring all of the impervious area, then billing the Property Owners Association, or the homeowners.

Council Member Wolfe stated there is an exemption if you have less than 600 square feet of impervious surface.

Council Member Straughn said the 600 feet is just the national average and North Carolina is 600 feet. His concern was that some parking or driveways are going to be much bigger than others and his is probably smaller than others. He said he had questions about the walkways going from the driveway to the front porch or rear of the house to the driveway, those sorts of things, but Paul (Director of Public Services) explained that it is going to be flat \$5 fee for residences.

Ms. Lengyel stated the UNC School of Finance did a whole storm water dashboard for municipalities in North Carolina. They compared all the municipalities that have a storm water utility fee, and compared what that fee was per month for the ERU amount. There is a standard fee versus a tiered fee. The tier fee being used when there up to two or three or four thousand square feet you paid one fee. If you had above that you might pay a different fee. A lot of the larger communities opted to go with a tiered fee, because they had wide ranges. It impacted a lot of people. A number of smaller communities looked at what the administrative burden was to do

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that, because now you are having to measure every single property. And if you have an addition of a patio or a shed, or if you wanted to expand your driveway, it could bump you into a different tier, which has to be re-measured. We looked at the possibility of a tiered system and found that the administrative burden year in and year out was very high based on the revenue we would get. She said she lived in Greensboro when they enacted this and it was quite a big storm. People were up and down and asked if it did not rain for six months would they have to pay for it. This fee is for compliance of your storm water permit. A lot of the residents believe that this is going to fix a storm water issue or a storm water pipe but most of this is really funding the compliance of your permit. By regulation there are six minimum measures such as public outreach and education; public involvement; litter cleanup; planting a rain garden; illicit discharge detection that involves inspections, reporting, documentation, and construction site cleanup. Most of the erosion control is handled by the county, but there are some components in your new permit that Jamestown will have to do. Then you also have post construction, inspecting all of those storm water devices that your commercial properties and your HOAs have. And lastly is good housekeeping and pollution prevention. That is training your staff on how to identify illicit discharges, how to do dry weather screening at your outfalls, how to ensure that your staff that is doing landscaping has its pesticide license, and proper storage.

Ms. Heflin said she will be at the Christmas on Main event. She asked if there is a storm water related question that Council would like her to ask residents so she can provide feedback. She would be more than happy to have both a paper survey and maybe a postcard with a little QR code on it, where people can go online and ask a question. She said she is curious to see the turn out for the event.

Council Member Wolfe said an open ended question would be best such as what do they know about storm water or would like to know.

Council Member Capes stated the amount of foot traffic during the event depends on the weather. He thinks there would be a lot of benefit to have a QR code on a card that actually leads to a site with a more detailed synopsis.

Council Member Straughn asked Town Attorney Koonce if she reviewed the ordinance and if it is appropriate for Jamestown.

Attorney Koonce replied yes, she reviewed it and statute allows it.

Public Hearing comments:

Mayor Montgomery opened the Public Hearing at 6:54 pm.

Robert Frederick stated he sees this as pretty much a done deal. This \$5 fee is going to be added because it was already passed, essentially this past June in the budget. However, Councilman Straughn made an objection to the storm water fee being passed on to the citizens and that was really the only time that we actually knew that it existed. In the actual budget that was put out in

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the June meeting there is no mention of any fees whatsoever. And the Council's packet from June 20, 2023 mentions no fees at all, and certainly no increases in fees. We knew about the \$30 fee, because that seemed like a lot of money. But the \$5 fee added to it did not seem like a lot. So it never ended up in there. And Council Member said they wanted a less complicated budget so that people can better understand it. He is one of those people. He would like to understand how that money is going to be spent before you (Council) vote to spend it. So going forward we had had a budget message that has not been published in time violating state law, as he understands it. So we need this information in advance. Because we are at a point now in November, where we are considering exactly how to implement something that was passed back in June, about which we should have known about in May, so that we could come to a public hearing and comment on it with our collected thoughts. This is again the transparency issue that came up in this past election, and for which he continues to have concerns. Now, the one thing that Lindsay (Lengyel) just mentioned about how many towns in North Carolina have a fee. But how many towns in North Carolina also have a budget surplus every year? All this is really for you to dedicate some of that money that we have millions of dollars in the bank. And instead of charging \$5 fee for each person for each month, let us just put a little of that aside, because it is not going to end up much. On page 32 of your packet, you already say you are going to start transferring two plus two cents out of every \$100 valuation of taxes, now to the storm water capital project. So there is money available, you just need to reallocate it. Thank you.

Mayor Montgomery closed the Public Hearing at 6:57 pm as there were no others speakers.

Council Member Capes stated one thing that stands out to him that keeps coming up is that people talk in terms of June and July as far as when all these things come to a head. But the thing that keeps getting passed by is that these discussions start in January, every year. And that is when our budget starts. That is where the conversations begin. If you do not attend those meetings, especially at the beginning of the year, then you are not talking with all the facts, because you have to be there to understand it, or at least go online and see it and be able to ask questions about it at a much earlier point. There is a lot that leads up to this and goes into it. None of it is arbitrary. And it is definitely geared towards taking care of the business of Jamestown and the people within it. He said he thinks that is important and gets missed a lot.

Council Member Wolfe asked if we want to continue the vote until we have a full Council.

Council Member Straughn said if it is continued, he wants to be able to vote on it.

Mayor Montgomery said it will be on the Old Business section of the December meeting so he can vote on it.

Council Member Wolfe made a motion to continue the Public Hearing to the December 19th meeting at 6 pm without further advertising. Council Member Capes made a second to the motion. The motion passed by a unanimous vote.

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Manager/Committee Reports-

Manager Report – Manager Johnson presented the following report to the Council stating:

- I. Several major projects are currently underway or completed.
 - A. Recreation Maintenance Building – Finalizing interior components. (Council Strategic Plan Goal 5.6). Estimated completion date is late November.
 - B. Golf Course bathrooms – 98% complete. An architectural design issue required us to pivot slightly and we lost a few weeks with that issue, but we are now moving forward. Estimate completion by early December. (Goal 5.10)

II. Loose leaf collection began on Monday, October 23rd. Crews will make continuous rounds throughout the season which will run until February 23, 2024. Please keep piles clear of sticks and other debris. Be sure to place leaves in areas which are away from cars, trash cans, mailboxes, or other obstructions. To date, crews have collected over 40 tons of leaves and have made over three (3) complete circuits around the Town. Leaves tend to fall quickly and our heaviest volumes are likely to occur in the next couple of weeks. Crews will do their best to collect them as quickly as possible.

III. The Jamestown Business Association will be sponsoring the “Christmas on Main” event again this year. On December 6th, 13th, and 20th, businesses will remain open until 8 pm to allow shoppers to come visit local shops and experience food, music, and the spirit of Christmas. More information can be found on the JBA Facebook site at:
<https://www.facebook.com/Jamestownbusinessassociation>.

We are offering an opportunity for children who would like to send a letter to Santa Claus to grab a free letter here at Town Hall, fill it out, and return it to the Santa mailbox that is at Town Hall. Letters will be mailed to Santa on December 8th. As long as you put a return address on the letter yourself, Santa should be able to send his response.

Council Member Wolfe said the Town Hall lobby will be open during Christmas on Main with hot chocolate from 5:30 pm – 8:00 pm.

Council Member Straughn said a person called him saying he is a qualified contractor and could have done the bathrooms at the golf course for less and still made a profit. He explained the bidding process to him as best he could and encouraged folks to get on bid lists. He asked how many bids were received.

Manager Johnson replied that one responsible bid was received.

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Council Member Reports –

Council Member Wolfe said she attended the TRC meeting and there was nothing discussed specific to Jamestown. They will not meet in December.

Council Member Straughn – no report

Council Member Capes – no report

Public Comment

None

Closed Session

Council Member Capes made a motion to go into Closed Session at 7:06 pm as per NCGS 143.318-11 (a) (3) Attorney Client privilege (301 Lee St.) Council Member Straughn made a second to the motion. The motion passed by a unanimous vote.

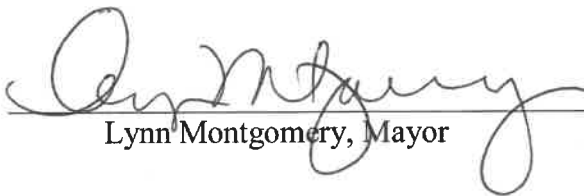
Return to open session

Council Member Wolfe made a motion to return to Open Session at 7:24 pm. Council Member Straughn made a second to the motion. The motion passed by a unanimous vote.


Adjournment

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

The meeting ended at 7:25pm.



Lynn Montgomery, Mayor



ATTEST: Nancy Avery, Interim Town Clerk