

Regular Meeting of the Town Council
January 17, 2023
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, Judy Gallman, Faith Wilson, Tom Terrell (Land Use Attorney), and Beth Koonce (Town Attorney)

Visitors Present: Tricia Payne, Lee Johnson, Kathy Ferretti, Lew Ferretti, Kathy Krufft, Faith Marshall, Nicki Stewart, Jeffrey Craig, Lynn DePasquale, Gary Haynes, Donna Williams, Bob Williams, Gary Forbis, Michelle Forbis, Tom Tervo, Deputy Stewart, Brad Yodar, Rayan Moats, Robert Dischinger, Sara St. Clair, Enise Murphy, Mack Andrews, Marc Isaacson, Carl Burgess, Pam Burgess, Bobbie Huggins, Jessica O'Dawe, Gary Heeter, Eric Bond, Lisa Keck, Patricia Gray, Richard Kirkman, Kevin Keslar, Krisdena Reeser, Lee Richmond, Sherrie Richmond, Shanna Moore, Ben Hadley, Danielle King, Katie Heineman, Beth Hammer, Brent Ayers, Susan Dickenson, Tim Dickenson, Robert Frederick, Teresa Caine, Jim Tobin, Julliann Tobin, Susan Myers, Katie Gumerson, Ed Stafford, Janina Austin, & 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.

Council Member Rayborn requested that the "Presentation of Resolution to Sharen Apple, Accounting Manager/HR, for her retirement" be removed from the agenda. She also requested that the item "Approval of Pay Classification for Grants Manager/Financial Analyst" be added to the Consent Agenda.

Council Member Rayborn made a motion to approve the agenda as amended. Council Member Wolfe 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 December 20th Regular Town Council Meeting
- Analysis of Financial Position of the Town of Jamestown
- Analysis of the Financial Position of the Jamestown Park & Golf Course
- Notification of Advances

- Budget Amendment #9
- Approval of amendment to contract with Jamestown Historic Society for historical services
- Approval of amendment to contract with Jamestown Public Library for library services
- Budget Amendment #10
- Approval of Pay Classification for Grants Manager/Financial Analyst

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

(Budget Amendment #9 & Budget Amendment #10)

Public Comment-

- Robert Frederick, 500 Wyndwood Drive- Frederick suggested that all votes regarding the public hearings on the agenda should take place after all four public hearings were closed. He noted that the hearings were interconnected. He said that otherwise it would appear that the decision on the Development Agreement was a “done deal.”

Old Business-

- Public Hearing for the consideration of a text amendment to the Land Development Ordinance (LDO) regarding the Planned Unit Development (PUD) zoning district- Johnson stated that the Town had received a request for some minor amendments to the PUD zoning district. He said that the proposed amendment was necessary to allow for a higher quality development by authorizing a development agreement to address issues which were a bit ambiguous in the LDO. He added that the Town was nearing the end of an almost three-year long process to bring a higher quality development than would have been allowed. Johnson stated that the amendment would permit the Town to request higher performance from developers. He noted that the Planning Board held a public hearing on January 9th for the consideration of the amendment and voted to recommend approval to the Town Council. He said that the amendment did result from the work that was done on the Development Agreement, but it would apply to other PUD zoning districts.

Tom Terrell, Land Use Attorney, came forward. He said that he had been consulting with the Town for a little over two years. He reiterated that the text amendment was born from the work that was being done on the Development Agreement. Terrell added that it created a better tool for the Town to use for projects going forward. He stated that PUD zoning allowed a lot of flexibility for potential developments, but it also required higher quality because it allowed municipalities to create a new set of regulations for specific properties. He noted that the current PUD district language needed to be slightly broadened because it was being applied to such a large piece of property. He added that the amendment would expand the flexibility allowed in order to create a higher quality development. Terrell explained the “higher quality” component that was included in the amendment. He recommended that Council approve the amendment.

Mayor Montgomery called the applicant forward.

Marc Isaacson, DR Horton’s attorney, came forward. He stated that his address was 804 Green Valley Road, Greensboro. Isaacson agreed with everything that Terrell had stated. He added that

the DR Horton team had reviewed the LDO, the Development Agreement, and the site specific plan concurrently and had discovered several areas that were either ambiguous or conflicting. He stated that the text amendment was necessary to provide additional flexibility and to allow the Development Agreement to set specific standards.

Mayor Montgomery opened the public hearing to anyone that would like to speak regarding the proposed text amendment.

- Tricia Payne, 304 Jordan Ridge Way- Payne thanked Council for letting her speak. She stated that three years ago, everyone was having the same discussions about the proposed Diamondback development. She said that everyone had collectively agreed that the Diamondback project was not appropriate for Jamestown. She noted that, initially, it seemed that DR Horton would provide a better development, but that vision had eroded. Payne compared the two proposals and stated that they were basically the same. She wanted to know why the DR Horton development was more appealing.
- Sara St. Clair, 3826 Hunt Chase Drive- St. Clair said she had several concerns about the text amendment. She noted that the Planning Board asked several questions during their meeting, but they still voted to recommend that Council approve it. She thought that DR Horton should be required to complete a tree survey. She asked if DR Horton had skipped other surveys as well.
- Krisdena Reeser, 2621 Glasshouse Road- Reeser said that the Development Agreement that was posted on the Town's website had been updated multiple times before the public hearing. She also said that the Town was disregarding the LDO and had not included updated regulations for the Randleman watershed. She claimed that the Town was "changing the rules in the middle of the game." Reeser said that the Town would have no other choice but to deny the annexation, rezoning, and Development Agreement for the DR Horton properties if the text amendment were approved.
- Robert Frederick, 500 Wyndwood Drive- Frederick spoke about the difference in the use of "may" and "shall" in the text amendment. He reiterated that the Town was "changing the rules in the middle of the game." He said he was concerned that Council would be able to overturn LDO considerations and technical standards by their determination of what constitutes higher quality. Frederick stated that the Attorney General was aware that Council was considering an amendment that would allow them to bypass some aspects of the LDO. He also said that 160D was a new law and that Terrell did not have that much experience with it. He stated that Council was putting the Town in legal jeopardy.
- Brent Ayers, 2120 Guilford College Road- Ayers said that the amendment gave the developer more flexibility and the Town less control. He stated that the amendment was not specific enough. He encouraged them to look at the developer's motivation for submitting the request.
- Susan Dickenson, 608 Havershire Drive- She said she met with some of the Council Members six months ago about her concerns regarding Bull Run. She spoke about the

floodplain. She stated that Council had ignored her when she had reached out. She did not understand why the Randleman Watershed regulations were not in the LDO.

Mayor Montgomery asked if there was anybody else that would like to speak regarding the text amendment. Nobody came forward. Mayor Montgomery closed the public hearing and opened the floor to Council for discussion.

Council Member Wolfe asked Terrell for clarification about the last sentence of "Section 8.4-5.1 Planned Unit Development." She noted that it was her understanding that the Town could consider PUD rezoning requests in the future that did not have a development agreement associated with it. He stated that her interpretation was correct.

Council Member Wolfe also requested to amend the last sentence of "Section 8.3 Description of Zoning Districts." She requested to change the word "freedom" to "flexibility" in regard to creating development standards.

Council Member Straughn thanked the citizens for their involvement and engagement. He said that Council and staff had endured countless emails that were difficult to read. He noted that he decided early on that he would not react to negative emails. Council Member Straughn said that he loved Jamestown and he appreciated the members of the community. He added that he understood that there may be fear associated with change. He thanked the Planning Board for their work on the consideration of the project, staff for working diligently to ensure that DR Horton would build a quality development, and the Town's legal team for guiding everyone throughout the process. He noted that DR Horton had worked with staff in several ways when they did not have to. He added that they had requested to be governed by Jamestown and that they had put forth a Development Agreement with many items that indicated that the development could be a positive thing for the Town. He noted that it had been a very long process and that Council had been involved since the beginning. Council Member Straughn said that the DR Horton development could forever change the landscape of Jamestown and he did not take his decision lightly.

Council Member Straughn made a motion that the proposed amendment to the Town's Land Development Ordinance be approved as amended, to be effective immediately. Council Member Capes made a second to the motion.

Weiner took a roll call vote as follows:

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

The motion passed by unanimous vote.

Council Member Rayborn made the following motion:

"I move that we find the proposed LDO amendment to be consistent with the adopted Comprehensive Plan of the Town of Jamestown for the following reasons:

1. The Town's LDO, itself an expression of our Comprehensive Plan, provides for a Planned Unit Development (PUD) zoning district with extensive flexibility, and the proposed text amendment clarifies the flexibility extended to developers and eliminates ambiguities in sections of the LDO.
2. Greater flexibility for the development of a PUD district, especially through a negotiated development agreement, better enables the Town to seek and a developer to provide the following, consistent with the Comprehensive Plan's Guiding Principles:
 - a. Higher design standards and higher construction quality, consistent with Guiding Principle 1;
 - b. Protection of established neighborhood and a variety of housing, consistent with Guiding Principle 2;
 - c. Greater pedestrian and neighborhood connections, consistent with Guiding Principle 3;
 - d. Creation of neighborhood scale parks resulting from wider options for street and block design, consistent with Guiding Principle 6;
 - e. Better preservation of open space and protection of environmentally sensitive areas by granting flexibility to place density in the appropriate places, consistent with Guiding Principle 11.

The amendment to the Town's LDO is also reasonable and in the public interest because:

1. The text amendment strengthens the Town's role in managing large-sized developments that significantly affect the Town's resources and its residents.
2. The text amendment strengthens and enhances the benefits of PUD zoning and clarifies that development flexibility is positive and clarifies that it is a tool for achieving higher quality land use planning and development.
3. New Section 5.5: Development Agreements clarifies the role of detailed, negotiated agreements which furthers the Town's bargaining position during the development process."

Council Member Capes 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 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 annexation, rezoning, and Development Agreement were dependent upon one another. He added that the bulk of the information would be presented during the annexation portion. However, he noted that they were separate public hearings and the public would have the opportunity to speak during each.

Johnson said that there were technically eight parcels now for consideration of annexation. He noted that the annexation public hearing was advertised correctly and that no additional land had been added to the request. He said that Guilford County split the parcels up and added additional parcel numbers. He stated that the parcels were as follows: 2221 Guilford College Road (Parcel #159144), 5300 Mackay Road (Parcel #159105), 5303 Near Mackay Road (Parcel

#158765), 2207 Guilford College Road (Parcel #159106), 2207 ZZ Guilford College Road (Parcel #234679), 2207 Guilford College Road (Parcel #234678), 808 Guilford Road (Parcel #234677), and 808 ZZ Guilford Road (Parcel #234680). He noted that the total amount of land was approximately 467 acres per the survey.

Johnson stated that the proposed rezoning was from Agricultural (AG) to Planned Unit Development (PUD) with the condition that a Development Agreement be approved concurrently with the request. Johnson presented images of the property and noted the zoning of neighboring areas. He stated that the property was mostly vacant. He noted that the land was currently located in the Mackay-Guilford Future Land Use classification. Johnson added that the Public Services Director had thoroughly reviewed the request and had determined that it could be served by Jamestown public utilities for both water and sewer. He said that the reason the applicant had submitted the request was to develop a high-quality community that had numerous housing types and site features that were not permitted in the Agricultural district.

Johnson presented an overview of the timeline of the process of the consideration of the requests. He stated that Diamondback submitted a rezoning request for the property in February 2020. He noted that the Planning Board reviewed that request between August and November. He said that the Town hired Tom Terrell, Land Use Attorney, in January 2021. Council reviewed the request from Diamondback and denied the request in February 2021. Johnson stated that DR Horton bought the property in July 2021. He added that the Town hired Seth Harry, Community Planning Consultant, in August 2021, and he held public engagement sessions for a week in September 2021. Johnson stated that DR Horton submitted an application for consideration in October 2021. He noted that the feedback that was received from the public engagement sessions helped shape the discussions with DR Horton. He presented the map that resulted from those sessions and noted the similarities between the two.

Johnson explained why the developer had requested to rezone the property to a PUD district. He noted the flexibility the district provided for a unique, high-quality development. He added that the associated Development Agreement was essentially a contract that was subject to the terms specified within the Agreement.

Johnson stated that Council had several decisions before them. He noted that the property was brought into the Town's extraterritorial jurisdiction (ETJ) forty years ago in anticipation of future development. He stated that the property was on the Town's side of an annexation agreement entered into with the City of Greensboro in 1991. He said that an application for annexation was submitted by the owner, Council directed the Town Clerk to investigate the petition, the Town Clerk worked with the Town Attorney to determine that the application was sufficient, and proper notice was given that a hearing would be held regarding the annexation.

Johnson said that the Council must determine whether it would be appropriate to rezone the property to a PUD. He added that Council must also decide if the application was consistent with the Town's Comprehensive Plan. He noted that staff had reviewed the application and believed that it was consistent with the Comp Plan and that the PUD district was the most appropriate to yield a high-quality, mixed-use development. He said that staff recommended the approval of the rezoning request with the recommendation that Council consider the Development Agreement as a condition of approval. Johnson stated that the Planning Board voted

unanimously to recommend that Council approve the request subject to the Development Agreement at their November 8, 2021 meeting.

Tom Terrell came forward.

Terrell stated that municipalities could exercise powers regarding zoning and land-use within its ETJ boundaries. He reiterated that the property had been within the Town's ETJ for forty years and was subject to an intergovernmental agreement with the City of Greensboro. He added that the annexation petition was nothing more than a request from the property owner to move the tax parcels to be within the Town's municipal boundaries. Terrell said that he saw no logical reason for Council to deny the annexation request.

Terrell spoke about the rezoning application. He said that a zoning map amendment was different than a PUD rezoning. He said that a typical rezoning application for something like residential, industrial, etc. came with a predetermined set of uses and standards that could be applied. He noted that a PUD zoning district was essentially a blank slate. Terrell stated that the developer proposed its own standards when applying for a PUD district. He noted that these components included things such as height limitations, architectural standards, etc. He said that he believed that there would be unanimity in the planning community that a PUD district would be most appropriate for such a large tract of land. Terrell stated that the PUD would be governed by a site-specific master development plan and the Development Agreement. He recommended that Council either approve the rezoning and the Development Agreement or deny both because it would be difficult for them to exist individually. Terrell reiterated that the Development Agreement resulted from the feedback received at the public engagement sessions.

Terrell explained what a development agreement was and when it was appropriate to utilize one. He noted that they defined standards for large, multi-phase projects. He stated that the Development Agreement submitted for consideration had a lifespan of 40 years. He said that it controlled every aspect of the development except for rules adopted by the HOA which could not be inconsistent with the agreement. Terrell added that there were several things negotiated that would be positive from the Town that resulted from the Seth Harry visioning process. He noted that some of those items were as follows: rear-loaded homes, a two-acre park lined with canopy trees, a large reduction of cul-de-sacs which provided connectivity, sidewalks along both sides of the street, a roundabout, and pedestrian sheds. He noted that there were other positive aspects of the agreement that did not result from the public engagement sessions. He listed those as follows: a 50 foot vegetative buffer between Fox Hollow, understory trees, no vinyl siding throughout the development, DR Horton agreeing to pay for 50% of a sanitation truck, sidewalks along Mackay and Guilford College, berms on Mackay and Guilford College, the integration of a white fence along Guilford College, and increased landscaping on end units. He said that the Town had made the following concessions during the negotiation: expedited issuance of permits, the hiring of a third-party inspector that DR Horton would pay for to help move the project along, an expedited upgrade to a sewer outfall, the raising of several manholes, and modification of street standards that would allow solid waste to be picked up in alleyways to allow for rear-loaded homes. He noted that the examples that he provided were not exhaustive.

Terrell highlighted that staff and Council had worked very hard to get the Development Agreement to its current state. He also addressed the inaccurate claims regarding density, Seth Harry's work history, and public notice of the hearings. Terrell stated that he helped David Owens draft 160D. He was also the Chair of the Drafting Committee for six years until 160D was unanimously adopted and signed into law. He noted that he was very aware of the provisions in that legislation. He also clarified that municipalities always used gross density for zoning decisions. Terrell highlighted that the Development Agreement could not legally override existing environmental laws.

Council Member Straughn thanked Terrell for explaining those aspects of the Development Agreement and the process. He added that he hoped that his presentation helped ease the minds of those claiming that Council was not following the law. He said he appreciated Terrell and Koonce for their assistance throughout the process. He also asked Terrell about the Commercial aspect of the request. Terrell stated that the Town's Comprehensive Plan suggested that the property incorporate mixed uses. He said that many citizens complained about the proposed commercial aspects. Therefore, Council had requested that the commercial component be removed.

Mayor Montgomery called the applicant forward.

Marc Isaacson, DR Horton's attorney, came forward. He said that members of the DR Horton team were present. He provided an overview of the process that had led to the current Development Agreement. He stated that DR Horton had attended the public engagement sessions and had taken citizens' suggestions into consideration. He spoke about the site specific master plan. Isaacson stated that the Development Agreement process took several months because the Town wanted a high-quality development and DR Horton had made several assurances that they could provide one. He stated that the following items were included in the Agreement: nine types of housing, sidewalks along public roadways, sidewalks throughout the community, and open spaces. He noted that DR Horton would also provide a landscaping and signage plan for future Town approval. Isaacson said that DR Horton needed assurances from the Town including availability of utilities and expedition of permits. He noted that the Town staff and DR Horton had worked diligently to resolve any challenges that arose throughout the process. He stated that DR Horton wanted to preserve the history of the land through the incorporation of historical aspects in the amenity center. He said that he believed that the process had resulted in a high-quality project plan. Isaacson thanked Council for their patience and staff for their assistance over the last several months.

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

- Tricia Payne, 304 Jordan Ridge Way- Payne said she agreed with a lot of what Terrell said. She noted that there were claims on the internet about "backdoor meetings" regarding who would be paying for services. She encouraged Council to deny the annexation request or to continue it to another date. She wanted to know who was paying for the infrastructure.
- Jeffrey Craig, 111 Jordan Creek Drive- Craig said that he was tired of coming to speak about the requests. He stated that DR Horton only cared about their profits and Council

needed to be concerned with the future of the Town. He added that the development did not fit with the community and encouraged Council to deny the request.

- Sara St. Clair, 3826 Hunt Chase Drive- St. Clair thanked Yes Weekly for including the article about the misconceptions being spread about the Development Agreement. She spoke about Terrell's responses. She stated that she was confused about whether the development was high density or not. St. Clair wanted to see proposed renderings and encouraged Council to consider citizen's concerns.
- Faith Marshall, 107 Jordan Creek Drive- Marshall said that she read about DR Horton building "casitas." She noted that those were three-generation homes built on one platted lot. She stated that the "casitas" would negatively impact her home value. She thanked Council for their time.
- Nicki Stewart, 307 Jordan Crossing- Stewart asked Council why they would support a high-density development that was devoid of character. She said that DR Horton was not required to perform environmental impact studies. Stewart stated that DR Horton's plan was not better than the Diamondback proposal that was denied. She claimed that the plan violated watershed regulations. She was concerned about the impacts on her home value.
- Krisdena Reeser, 2621 Glasshouse Road- Reeser said she did not know which properties were being considered because of the change in parcel numbers. She stated that there were several issues with the process. She was very upset that there were recycling totes on part of the property that she thought was vacant. Reeser stated that the order of the public hearings did not make sense.
- Susan Dickenson, 608 Havershire Drive- Dickenson spoke about the math she had done to calculate the density. She offered to meet with anyone that was interested to further explain the math.
- Robert Frederick, 500 Wyndwood Drive- Frederick stated that he was confused. He said that he did not understand the process because of the text amendment that just took effect. He was upset that the Development Agreement was not complete. He played audio clips from previous meetings.

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

Council Member Wolfe stated that the property had been in the Town's ETJ since 1986. She noted that the property was designated within the Town's jurisdiction in the Annexation Agreement the Town had with the City of Greensboro from 1991. She added that it was included in the Town's Comprehensive Plan and listed on the Future Land Use Map as the Mackay-Guilford district. Council Member Wolfe said that the property had always been intended to be annexed into the Town if the property owner requested annexation. She said that she supported the annexation.

Council Member Straughn asked Koonce if she had any information to add. Koonce stated that she had reviewed the procedure of the process. She highlighted that she had full confidence that staff had followed the law. She stressed that Terrell was instrumental in the 160D legislation and she hoped that it would give citizens comfort that it had been thoroughly reviewed. She also stated that the Development Agreement could be amended that night and that the hearings were advertised properly. Koonce stated that those changes were allowed by statute and that staff attempted to provide every possible draft of the Agreement to the public as quickly as they could.

Council Member Rayborn made a motion to adopt the Ordinance to Extend the Corporate Limits for the Annexation of 2221 Guilford College, 5300 Mackay Road, 5303 Mackay Road, 2207 Guilford College Road, 2207 ZZ Guilford College Road, 2207 Guilford College Road, 808 Guilford Road, and 808 ZZ Guilford Road. Council Member Capes made a second to the motion.

Weiner took a roll call vote as follows:

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

The motion passed by unanimous vote.

(Ordinance to Extend the Corporate Limits for the Annexation of 2221 Guilford College, 5300 Mackay Road, 5303 Mackay Road, 2207 Guilford College Road, 2207 ZZ Guilford College Road, 2207 Guilford College Road, 808 Guilford Road, and 808 ZZ Guilford Road)

Mayor Montgomery called for a ten minute recess at 7:45 pm.

Mayor Montgomery called the meeting back to order at 7:55 pm.

- 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- Mayor Montgomery asked staff and Terrell if they had any information to present. They stated that they had no information to present at that time.

Mayor Montgomery asked Isaacson if he had any information to present. He said he did not.

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

- Robert Frederick, 500 Wyndwood Drive- Frederick said he had reached out to David Owens regarding public notice requirements. He read the response he received from Owens.
- Katie Gumerson, 4648 Jamesford Drive- Gumerson said that DR Horton's plan did not look like the one produced by the Seth Harry sessions. She stated that nobody wanted apartments. She added that she wanted land to be donated for a school. Gumerson said that nobody listened to her.

- Susan Dickenson, 608 Havershire Drive- Dickenson spoke about the Growth Management Workshops regarding the Comprehensive Plan Update. She noted that the Guiding Principles in the Comp Plan did not reflect what she had discussed with the consultant. She spoke about the conversations she had on Facebook about the proposals.
- Krisdena Reeser, 2621 Glasshouse Road- Reeser said that the Certificate of Sufficiency for the annexation was approved before the rezoning request was submitted. She spoke about the responsibilities of Guilford County and Guilford County Commissioners to maintain and build schools. She said that there was a typo on the affidavit for the mailed notice. She highlighted the change to the parcel numbers. Reeser reiterated that she had seen recycling totes on one area of the property. She said the Town's transparency was dismal.
- Tricia Payne, 304 Jordan Ridge Way- She thanked Council for listening to everyone speak. She encouraged Council to postpone the decision on the rezoning request to a future meeting in order to assure that they were following proper procedure.

Mayor Montgomery asked if anyone else would like to speak about the request. Nobody came forward. Mayor Montgomery closed the public hearing and opened the floor to Council for discussion.

Council Member Rayborn stated that the rezoning request was consistent with the residential communities adjacent to the property.

Council Member Capes said that many people had requested that the decision be postponed. He added that postponing just to delay the decision would not serve a purpose. He stated that the Town had been working with DR Horton for almost two years after denying a request submitted by the previous developer. Council Member Capes noted that the Town staff and attorneys had spent hundreds of hours on the project after the public engagement sessions. He said that Council had followed the process closely and it was time to make a decision.

Council Member Capes made the following motion:

"I move that we adopt an ordinance amending the zoning map of the Town of Jamestown by applying zoning in the form of a Planned Unit Development zoning district to recently annexed tax parcels 159144, 159105, 158765, 159106, 234679, 234678, 234677, 234680, which parcels constitute the 467 acres that were advertised for rezoning, and which were recommended for rezoning by the Planning Board.

I further move that the ordinance of rezoning shall be subject to the final version of the site-specific development plan presented as part of this application and reviewed by the Town Council.

This ordinance amending the zoning map and its accompanying site-specific development plan shall also be subject to, defined by, and expressly contingent upon the adoption of an ordinance approving a Development Agreement which shall create, define,

control, and allow the terms, conditions, uses, and provisions of this zoning district and the tax parcels that comprise the PUD rezoning.

And as a further condition of this ordinance amending the zoning map, that if such Development Agreement shall be declared invalid, illegal, or unenforceable, for any reason by any court or other governmental entity, that then the Planned Unit Development District and its site-specific development plan shall have been rendered null and void until such time as another site-specific development plan and set of defined terms through a Development Agreement or other set of terms shall have been adopted by the Town that define the manner in which the Planned Unit Development District shall be governed and developed.”

Council Member Wolfe made a second to the motion.

Weiner took a roll call vote as follows:

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

The motion passed by unanimous vote.

Council Member Wolfe made the following motion:

“I move that the following statement of consistency with the Town’s adopted Comprehensive Plan be adopted to support the decision to apply Planned Unit Development zoning to this tract, subject to the site-specific development plan and Development Agreement which has been presented at this hearing:

1. With its connected phases, extensive sidewalks, landscaping, lighting, architectural controls, and signage provisions, the rezoning is consistent with the Town’s vision statement of maintaining “our small-town charm while growing in a manner that respects our traditional development patterns...and natural resources.” Also consistent with the vision statement is that the substantial connectivity advances the “social and physical connections that unite our Town.”
2. The PUD zoning will foster and facilitate “high-quality growth that is both compatible with the Town’s traditional development pattern and innovative in how it meets the needs of our diverse and dynamic community” by having “design standards that achieve the aesthetic and superior construction quality” and facilitates higher quality public infrastructure, consistent with Guiding Principle 1.
3. The PUD zoning will provide a variety of housing options for citizens, consistent with Guiding Principle 2.
4. The PUD zoning provides for pedestrian interconnectivity, consistent with Guiding Principle 4.

5. The PUD zoning provides for convenient access to a variety of parks and natural open spaces and other recreational opportunities, consistent with Guiding Principle 6.
6. It will foster the “development of a wide range of housing types that meets the needs of current and future residents of all ages, abilities, family compositions, and socioeconomic backgrounds,” consistent with Guiding Principle 10.
7. The site-specific development plan shows that the district will {“protect and preserve riparian areas from encroachment by development to preserve water quality and natural habitats,” consistent with Guiding Principle 11.
8. The Comprehensive Plan’s Future Land Use Map show that the Mackay-Guilford tract should be an integrated, walkable, and mixed neighborhood that contains a wide variety of housing options and a central community focal point, which is supported by this site-specific development and the Development Agreement which was presented for this public hearing.
9. Consistent with the Town’s creation of the Comprehensive Plan through substantial input from citizens, the site-specific development plan reflects citizens’ views and input from a weeklong series of meetings with an urban consultant hired by the Town to channel their input into a workable plan.

The proposed PUD map amendment is reasonable and in the public interest because it is consistent with the Town’s growth plans; it reflects the solicited input from citizens; it contains traffic mitigation as developed by engineers; it has vegetative buffers to protect the views from public roadways and surrounding neighborhoods; it promotes pedestrian and neighborhood connectivity through added sidewalks and fewer cul-de-sacs; it has defined and enhanced landscaping; it will benefit downtown businesses by the proximity of more customers; and because it was supported and recommended by the Town of Jamestown Planning Board”

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

- Public Hearing for the consideration of a Development Agreement for DR Horton property- Mayor Montgomery asked staff and Terrell if they had any information to present. They had nothing to present at that time.

Mayor Montgomery asked the applicant if he had any information to present. He said he did not.

Mayor Montgomery opened the public hearing to anyone that would like to speak regarding the proposed Development Agreement.

- Krisdena Reeser, 2621 Glasshouse Road- Reeser was upset that there were spelling errors in the Development Agreement. She reiterated that she did not understand the order of the public hearings. She stated that the technical standards manual needed to be updated. Reeser suggested that Terrell was working for DR Horton.

- Patricia Gray, 105 Bellwood Court- Gray was concerned about the future of the Town and the environment. She stated that the Agreement would handcuff the Town and prevent Council from ensuring that DR Horton used sustainable construction materials. She said that DR Horton could build sustainably if they wanted to. Gray encouraged Council to consider amendments to the Agreement.
- Robert Frederick, 500 Wyndwood Drive- Frederick played audio clips of previous Council meetings. He stated that the Development Agreement had been updated and posted on the Town’s website multiple times. He said that Council may be assured that they followed the law, but they needed to consider the “court of public opinion.”
- Janina Austin, 403 Thornwood Road- Austin said that she was frustrated with the Seth Harry workshops because participants had to choose from a list of possible choices. She stated that community members felt disregarded and disrespected. She added that the workshops had not been meaningful. Austin encouraged Council to demand a better Development Agreement. She said that the proposed development was too dense.
- Brent Ayers, 2120 Guilford College Road- Ayers stated that everyone wanted a development with lower density and quality homes. He compared the proposed development to syphilis. He said that community members felt dismissed. Ayers added that he was sorry that some of those with the Town had received harsh emails, but he was glad that others got them. He encouraged Council to deny the Development Agreement.
- Jessica O’Dawe, 231 Shadowlawn Drive- O’Dawe said that her family had moved to Jamestown in 2020. She spoke about her experience living in Town. O’Dawe said that the entire room felt tense. She added that she was sorry that Council had been personally attacked and she understood that everyone had been working on the Development Agreement for several years. She said that it felt like Council was washing their hands of the citizens and it did not feel like the quaint, small town that she loved.
- Susan Dickenson, 608 Havershire Drive- Dickenson spoke about the formula used to calculate the proposed density. She noted that the density was too high and that it was not allowed in the watershed.

Mayor Montgomery asked if anyone else would like to speak regarding the proposed Development Agreement. Nobody came forward. Mayor Montgomery closed the public hearing and opened the floor to Council for discussion.

Council Member Straughn asked Terrell if he would like to respond to the comments. Terrell stated that the apartments had been included in the density calculation. He noted that DR Horton would pay for the water, sewer, electric, etc. infrastructure per linear foot. He added that the Town would hire a third-party inspector to inspect that infrastructure, but DR Horton would pay for their services.

Council Member Rayborn spoke about the term “casitas” and said she had attempted to find examples of floorplans for that type of housing. She stated that she could not find much information, but wanted to clarify that those homes would be built on site.

Council Member Wolfe asked the DR Horton team why it would be a hardship to increase the number of windows on end units. Brad Yoder, DR Horton Representative, stated that an increased number of windows could reduce the functionality of homes by decreasing the interior wall space, counter space, etc. He noted that DR Horton had agreed to increase the landscaping on those units. Council Member Wolfe encouraged them to increase the number of windows on the end units if possible.

Council Member Wolfe requested that DR Horton select native trees when planting landscaping and that they buy from local growers. She also said she was glad to see that pollinators would be considered for plantings because it was important for a healthy ecosystem. She discussed the details of the site-specific master plan, the internal/external sidewalks, and the historical aspects that would be incorporated into the amenity center with the DR Horton team. She thanked DR Horton for removing the commercial aspect of the proposed development and Council Member Straughn for making that request.

Council Member Rayborn asked how many homes would be age-targeted. Yoder stated about 20%.

Council Member Wolfe stated that she had a couple of amendment requests. She noted in "Section 5.5.3 Truck Upgrades" it stated the following: "In consideration of the Town's (1) offer to assist with obtaining right-of-way for Hunt Chase Loop so that DRH can develop 500 apartment units..." Council Member Wolfe requested that the language be changed to "up to 500 apartments." She added that in "Section 6.5.1 Design and Compliance" it stated that "Signage shall demonstrate compliance with the LDO, except that DRH shall have the right to vary signage standards by the terms of this Agreement or by a master signage plan that is consistent with the intent and purpose of the sign standards in the LDO and/or this Agreement." She requested to add "and approved by the TRC" to the end of that section.

Everybody agreed that those amendments were acceptable.

Council Member Wolfe stated that she had struggled with the project. She said that during her teenage years she had lived across the street from the property. Council Member Wolfe stated that the Town had been presented with the project and had to deal with it accordingly. She said that the Johnson family had every right to sell their property and now DR Horton, as the new owner, had every right to develop the land. She added that she could wish and hope that things were different, but that was the reality of the situation. She highlighted that the Town had taken every avenue legally available to require DR Horton to build a quality development. She stated that she believed that the proposal was the best that the Town could get from the developer.

Council Member Wolfe made the following motion:

"I move that we amend the Development Agreement draft to include the following three changes. First, amend section 3.1.11 to add language clarifying that cottages shall be site built and not factory built. As amended, it will read:

3.1.11 Cottages- "Cottages," sometimes referred to by DRH as "Casitas," shall mean units constructed on-site rather than in a factory setting, not constructed on individually platted

lots, and which are to be leased. Cottages shall be considered multi-family uses, even if built as a single-family home.

“Constructed on site and not in a factory setting” is the added language.

Second, amend section 6.5.1 to clarify that a master signage plan shall be reviewed by the TRC and does not come back through the Planning Board and the Town Council. As amended, it would read:

6.5.1 Design Compliance. Signage shall demonstrate compliance with the LDO, except that DRH shall have the right to vary signage standards by the terms of this Agreement or by a master signage plan that is consistent with the intent and purpose of the sign standards in the LDO and/or this Agreement and approved by the TRC.

“Approved by the TRC” is the added language.

Thirdly, amend section 5.5.3 Truck Upgrades. In consideration of the Town’s (1) offer to assist with obtaining right-of-way for Hunt Chase Loop so that DRH can develop up to 500 apartment units;

“up to” is the added language. “

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

Council Member Capes made a motion to adopt the Ordinance approving a Development Agreement as amended between the Town of Jamestown and DR Horton, INC for DR Horton properties located at 2221 Guilford College Road, 5300 Mackay Road, 5303 Mackay Road, 2207 Guilford College Road, 2207 ZZ Guilford College Road, 2207 Guilford College Road, 808 Guilford Road, and 808 ZZ Guilford Road. Council Member Wolfe made a second to the motion.

Weiner took a roll call vote as follows:

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

The motion passed by unanimous vote.

(Ordinance approving a Development Agreement as amended between the Town of Jamestown and DR Horton, INC.)

Mayor Montgomery called for a ten minute recess at 9:15 pm.

Mayor Montgomery called the meeting back to order at 9:25 pm.

New Business-

- Jamestown Park & Golf Course- Sanderlin presented his quarterly report to Council. He stated that rounds had decreased from the last quarter because of the weather. He added that there

were five Clubhouse rentals in comparison to none last year. He said that staff would begin working with a new POS software system next week.

Council Member Wolfe stated that she thought a brochure would be beneficial for increasing the number of rentals at the Clubhouse.

- Jamestown Park & Golf Course Maintenance Quarterly Report- Claybrook presented his quarterly report to Council. He said that the contractor was making progress on the construction of the golf course maintenance building. He added that staff had put fresh pine needles around the Pro Shop and had been trimming ornamental grasses and trees. Claybrook stated that staff was starting to apply pre-emergent weed control around the course. He noted that they were also in the process of removing dead trees and mulching leaves that had fallen.
- Consideration of approval of amendment to grant Project Ordinance for the Town of Jamestown American Rescue Plan Act Coronavirus Recovery Funding- Gallman stated that the proposed amendment would add a budget line for "Transfer to General Fund" to the Grant Project Fund for the American Rescue Plan Act (ARPA). She noted that the transfer was budgeted in the General Fund, but it was not shown in the budget transfer line of the Grant Project Fund. She requested that Council approve the amendment.

Council Member Wolfe made a motion to approve the amendment to the Grant Project Ordinance for the Town of Jamestown American Rescue Plan Act Coronavirus Recovery Funding. Council Member Straughn made a second to the motion. The motion passed by unanimous vote.

(Amendment to the Grant Project Ordinance for the Town of Jamestown American Rescue Plan Act Coronavirus Recovery Funding)

- Request to set a Special Town Council meeting date for the Annual Budget Retreat- Johnson requested that Council set a Special Meeting date for January 24th at 9:00 am at the Jamestown Park & Golf Course for the annual budget retreat.

Council Member Capes made a motion to set a Special Town Council meeting date for January 24th at 9:00 am at the Jamestown Park & Golf Course for the annual budget retreat. Council Member Rayborn made a second to the motion. The motion passed by unanimous vote.

Manager/Committee Reports-

- Manager Report- Johnson presented his Manager Report to Council. He noted that loose leaf collection was still in progress and would end on February 24th. He said that there would be a budget retreat on January 24th at 9:00 am at the Golf Course. He added that staff had received a draft of the Jamestown Park and Golf Course Strategic Plan. Johnson noted that staff was in the process of scheduling meetings with the consultants to ensure that everything was accurate. He wished Council Member Capes a Happy Birthday! He also said that the Town would be moving to a solid waste collection utilizing trash cans in early April. Johnson stated that staff would be sending notices out to customers in the near future with details about the transition. He played the new sanitation video for Council and the audience. He thanked Council Member Wolfe and the sanitation staff for allowing their children/grandchildren to participate in the video. Johnson said that Mayor Montgomery had lost her father a couple of days ago. He highlighted that he could not think of a more selfless act than her putting the people of Jamestown before her own

needs. He said that everyone's sincere thoughts and prayers were with her and her family at this difficult time.

Council Member Straughn thanked everyone for the hard work that they had put into that night.

- Council Member Committee Reports-
 - Council Member Rayborn stated that the Planning Board had met on January 9th and had recommended that Council approve the proposed text amendment.

Public Comment- Nobody spoke.

Other Business- No other business was discussed.

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

The meeting ended at 9:36 pm.

Mayor

Town Clerk