

**Planning Board Meeting
February 14, 2022
Civic Center
Minutes and General Account**

Planning Board Members Present: Sarah Glanville, Ed Stafford, Jane Walker Payne, Russ Walker, Jr, Peggy Levi, Donald Dale, Jr., (ETJ), Robert Coon (ETJ), Sherrie Richmond (ETJ), Kerry Miller (Alternate).

Town Council Representative Present: Rebecca Mann Rayborn

Staff Present: Matthew Johnson, Town Manager; Anna Hawryluk, Town Planner; Nancy Avery, Interim Town Clerk

Visitors Present: Brandon Emory, Alliance Enforcement Code (ACE)

Call to order - Hawryluk called the meeting to order at 6:00 pm.

Election of Chair -Hawryluk said the Rules of Procedures call for election of officers each year. The Chair and Vice Chair will be elected by the regular board members. ETJ members may not vote on the election. She called for nominations for Chair. Richmond made a motion to nominate Glanville. There were no nominations for the second and third call. Hawryluk asked for members in favor of the nomination of Glanville as Chair. Hawryluk closed the nominations. The vote was unanimous.

Election of Vice Chair - Glanville said Ed Stafford is now Vice Chair and as he is not at the meeting yet, she would like to table this until later in the meeting. Levi made a motion to table the Vice Chair election to later in the meeting. Miller made a second to the motion. The motion passed by a unanimous vote.

Roll call - Hawryluk took roll call as follows:

Sarah Glanville - Present
Ed Stafford – arrived at 6:09 pm
Jane Walker Payne - Present
Russ Walker - Present
Donald Dale - Present
Robert Coon. Present
Sherrie Richmond - Present
Kerry Miller – Present
Peggy Levi - present

Council Member Rayborn - Present

There was a quorum present.

Setting regular meeting schedule for 2022

Glanville stated there was a request to change the July meeting date from the 11th to the 18th. Miller made a motion to approve the 2022 Meeting schedule with the change of the July meeting to the 18th. Dale made a second to the motion. The motion was passed by a unanimous vote.

Approval of Minutes

- March 8, 2021
- May 10, 2021
- August 11, 2021
- September 20, 2021
- November 8, 2021

Glanville stated there is one change to the November 8, 2021 minutes in the Public Hearing section correcting Langholm Court. Richmond said her name is misspelled on pages 17 and 18.

Walker made a motion to approve the minutes as corrected. Miller made a second to the motion. The motion passed by a unanimous vote.

Public hearing on Land Development Ordinance updates

Hawryluk stated at the November 2021 meeting, the board was presented with Article 17 and Article 24 Land Development Ordinance (LDO) updates. At that time the Minimum Housing Code and the Minimum Non Residential Code were presented as being from the North Carolina Building Code. Since that presentation, it has been corrected that the code language was from the International Property Maintenance Code (IPMC). This has now been referenced in the LDO updates. Council sent this back to this board for clarification and to address any questions this board may have. Article 12 of 160D (NC General Statute) does give municipalities the authority to adopt and enforce ordinances related to dwellings that are unfit for human habitation. She introduced Brandon Emory with Alliance Code Enforcement (ACE) who wrote Article 24.

Mr. Emory stated the ordinances are put together from things that have been utilized by other towns. Minimum housing code originally derived from the IPMC. The purpose was to establish minimum regulations for maintenance of existing buildings through model code regulations that contain clear and specific property maintenance improvement provisions. This language is universally used across all minimum housing ordinances. Jamestown is unique in that there is no minimum housing ordinance. It does have an unsafe ordinance which addresses similar things but it requires going outside the Town to have a county building inspector enforce it. What this does is allow the Town to handle everything within the Town. When we were brought on board, we made sure we put the Town in the best possible position to identify and handle issues. There is nothing in the ordinances out of the ordinary. It allows code enforcement to act when there is partial collapse, or outside elements are able to get in such as holes in the roof or rotting exterior surfaces or broken windows and things of that nature. It also allows us to deal with some plumbing, ventilation and electrical situations and do inspections with landlord/renter situations, to ensure safe living environments.

Board discussion

Richmond asked if there was a way to move beyond minimum regulations or handle issues when children are in the house.

Mr. Emory replied that there are specific general statutes that regulate what we can do. With some manufactured homes we can require more underpinning or certain exteriors, but for a basic stick built house, we can only use minimum requirements. We cannot force a home owner to do anything, but we can encourage someone and put the Town in the best position to deal with these issues. In the case of an abandoned property, the ordinance allows the Town to abate the matter as it sees fit to either fix the building to minimum regulations or tear it down. In cases where we have opted for violations and the homeowner does not want to do anything, we would have to go to the county building inspector to come in and inspect and provide stronger enforcement. We cannot handle issues related to abused children, but can look at situations where there is no heat or running water issues and get it fixed. The code does give the ability to shut down the property if it is not fixed.

Glanville referenced section 24.4-7 Basic Equipment and Facilities, B heating systems, number 1 central electrical hearing system. Stating she thinks there is a typo at ‘every central or electric heating beating system’ – thinks it should read ‘every central or electric heating system’.

Mr. Emory said that is a typo.

Glanville said she looked up the statute for this. She referenced in the LDO update ‘every dwelling unit to a minimum temperature of 68 degrees Fahrenheit measured at a .3 feet above the floor. The statute adds ‘with an outside temperature of twenty degrees Fahrenheit ‘. Someone brought this to her attention, that the language in the LDO should mirror the statute.

Mr. Emory replied that when they inspect the house, they look at the 68 degree requirement regardless of the outside temperature. We can add that language to mirror it verbatim, but we are only looking at whether it is 68 degrees inside the house.

Glanville said her concern is in a landlord/renter issue and the house is inspected on a warm day, then the landlord can say he is in compliance.

Mr. Emory said they would inspect the property same day the complaint is received or as quickly as possible in these situations. Most times we do not get calls like that unless there is an extended period of cold. We look at what a reasonable person would say.

Kerry asked Hawryluk about her title of Town Planner. There is also a Planning Director position. The LDO document says Planning Director. Is that the same position?

Johnson said typically it is the Planning Director and/or designee(s). The positions are in transition. The person addressing the issues would be code enforcement.

Hawryluk said she will address Glanville’s wording concern discussed above. She said she will correct. She also said that not all language is word for word, but has same meaning.

Glanville asked about the section that talks about the procedure for enforcement; Service Complaints. The first procedure states whenever a petition is filed with the inspector or by at least five residents of the Town charging that a dwelling or any dwelling is unfit. She is glad it is five residents instead of just one. She is concerned about some property owners not being able to afford the same standard of others in the neighborhood.

Mr. Emory said this language has been there for years. Code Enforcement will look at any complaint by one person or more. We are not looking for minor things such as whether there are screens on the window (unless there is a ventilation issue) but for major items such as damage to the roof. If we get a call from a renter about problems that the landlord will not fix, we will warn the renter that if we come in, we cannot force anyone to clean up minor issues, and there is the probability that the house could end up being forced to close and not be rentable. We are more interested in electrical, water damage, and heating problems. A good thing about his company is that we have a lot of resources. We work for many towns doing this work. He gave an example of a widow being forced to move out of her house that did not have running water and had an unsafe porch. His company found a contractor willingly to donate time and materials along with a church group willing to fix her property. His company's goal is to go above and beyond to assist.

Public Hearing

Glanville opened the Public Hearing at 6:36 pm

As no one wished to speak, Glanville closed the hearing at 6:36 pm.

LDO updates

Levi made a motion to accept the LDO updates to Articles 17 and 24 as presented with referenced changes to section 24.4-7.

Dale made a second to the motion. The motion passed by a unanimous vote.

Consistency statement

Stafford read the statement of consistency as follows:

1. The proposed zoning text amendment is consistent with the adopted Comprehensive Plan of the Town of Jamestown. The Planning Board further finds that the proposed zoning text amendment is consistent with the Comprehensive Plan because: Periodic updates to the zoning texts are necessary based upon changing conditions, regulations, and laws. Updates establish Town compliance with regulating bodies and ensure that guiding documents are accurately operational for each of the current goals of the Comprehensive Land Development Plan.
2. The proposed zoning test amendment is reasonable. The Planning Board considers the proposed zoning text amendment to be reasonable because:
 - A. The report of the Town staff finding the proposed zoning text amendment to be reasonable is adopted by reference.
 - B. The Planning Board further finds that the proposed zoning text amendment is reasonable because: The text edits correct any previous errors and add clarifying language and formatting to make the documents easier to interpret and apply.

AND

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

- A. The report of the Town staff finding the proposed zoning text amendment to be in the public interest is adopted by reference.
- B. The Planning Board further finds that the proposed zoning text amendment is in the public interest because: Continuous improvement to the guiding documents promotes consistent and equitable application of the regulations that promote the general health, safety, and welfare of the people of Jamestown.

Coon made a motion to adopt the Statement of Consistency. Payne made a second to the motion. The motion passed by a unanimous vote.

Public comment

None

Election of vice chair

Glanville nominated Ed Stafford as Vice Chair. There were no other nominations.

Miller made a motion to elect Ed Stafford as Chair. Payne made a second to the motion. The motion passed by a unanimous vote.

Adjournment

Dale made a motion to adjourn at 6:43 pm. Coon made a second to the motion. The motion passed by a unanimous vote.

The meeting adjourned at 6:43 pm