

Regular Meeting of the Town Council
February 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: Interim Town Manager Treme, Town Manager Matthew Johnson, Director of Public Services Paul Blanchard, Town Planner Anna Hawryluk, Finance Director/CPA Judy Gallman, Accounting Specialist Faith Wilson, Town Attorney Beth Koonce, Interim Town Clerk Nancy Avery

Visitors Present: Carol Brooks, Marlane Conway, Sarah Glanville, Yousef Sansour, Ron Cross, Gwen Flood

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

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

Avery stated that a quorum was present.

- Pledge of Allegiance- Member Straughn 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 would like to change, add, or delete any items on the agenda.

Member Wolfe made a motion to approve the agenda with the addition to the consent agenda as item J, Proclamation declaring March 18th as Arbor Day. Member Capes made a second to the motion. The motion passed by a unanimous vote.

Consent agenda – the Consent Agenda included the following items:

- A.** Minutes from the January 21, 200 Town Council Retreat
- B.** Minutes from the January 25, 2022 Regular Town Council Meeting
- C.** Minutes from December 16, 2022 Special Town Council closed session minutes
- D.** Minutes from January 25, 2022 Town Council closed session minutes
- E.** Analysis of the financial position of the Town of Jamestown
- F.** Analysis of the financial position of the Jamestown Park and Golf Course
- G.** Notification of Advances
- H.** Budget Amendment #14
- I.** Conflict of Interest Policy and Disclosure form
- J.** Proclamation declaring March 18th Arbor Day

Member Straughn made a motion to approve the Consent Agenda. Member Capes made a second to the motion. The motion passed by a unanimous vote.

Public Comments – none

GCSD Annual Report

Captain Yousef Sansour introduced himself as the new Captain in District 3 of the Sheriff's Department that covers the Town of Jamestown. He said he started out in Jamestown, then moved on to work for the FBI for a while, then came back to the Sheriff's Department. He has been in law enforcement since 1998. The top activities within the Town that patrol division handled last year were:

- 410 traffic stops
- 298 911 calls
- 208 burglar alarms
- 80 suspicious activity
- 79 suspicious vehicle calls
- 46 welfare and family assist calls

The Town is quiet as a whole and we work to keep it that way. The highest call volume days are Tuesday and Wednesday. Busiest hours of service are from 10 am to 6 pm. The department looks at this trend and schedules manpower necessary to handle volume. We try to work with the community as best as possible, but at the end of the day we are law enforcement.

Old business

Public Hearing regarding several updates to the Land Development Ordinance

Hawryluk stated changes and recommended updates were presented to provide clarification and to bring the Town's code into compliance with the N.C General Statute 160D changes. Amendments to Chapter 17 regulating Signs closed a loophole on temporary signage language adding a time cap. Previously there was nothing. The Planning Board met last night and reviewed minimum housing code language. They requested an update to the language for heating systems to make our code language match the language in General Statute 160D word for word and that change is included in the document before you tonight. Alliance Code Enforcement (ACE) provided the suggested language additions for Article 24 on minimum housing and they are based on the International Property Maintenance Code (IPMC). Brandon Emory is here tonight to answer any questions.

Member Straughn asked Attorney Koonce about language on the second page of minimum housing, item 24.4-2, when we say the State Building Code and IPMC are adopted. If we adopt the IPMC should we word it the way it is worded or can we just take leave and word it anyway we want to when it comes to each individual code?

Attorney Koonce responded that she is satisfied with the proposed language as it is because it references later adopted versions which means that it does not have to come back to this Council for adoption also.

Member Straughn asked if the IPMC is written as a, b, c and we do not write it as a, b, c, we say we are adopting it, is that a problem because it is worded differently from how the actual IPMC words it. An example is section 24.4-8 number 1 under a references windows and skylights and allows an exception, but we are not allowing that exception. There are other examples of this. How can this be rectified?

Attorney Koonce said Council could add some language to 24.4-2 to say the current version is hereby adopted and add qualifying language that refers to any revisions we made. She asked Hawryluk if the State Building Code and/or IPMC language is more elaborate than ours.

Hawryluk replied that most of the statements are not exactly written using the same language, but was written using simpler language that is in the same spirit. She referenced changes in section 304.1-1.

Attorney Koonce said she is not sure that we would have to reference IPMC at all if we are not using the same language.

Member Straughn stated the majority of our proposed language does not include State Building Code and loosely references the IPMC. He wants the Planning Board to dig into each part of the code, which is a loose version of the Minimum Housing Code. Another example is that there is a reference to drainage that includes a retention pond, but we left that out and are not allowing for it. He thinks we are leaving a lot of holes. He believes this should be gone over individually. It is not the exact code but a general reference of it.

Attorney Koonce said if there are conflicting things depending upon a situation, then that could be a problem.

Member Wolfe said the Town has the right to create its own ordinances. We often use models done by other towns. That does not mean we have to adopt the IPMC word for word. We adopt what is applicable to the Town.

Member Straughn said he thinks we need to have minimum housing standards and we should do due diligence on each one.

Treme said we are modeling the ordinance after the IPMC. For instance, he doubts that there are any retention ponds in the Town. There may be other environmental regulations that do not apply to the Town. We did not feel that everything in the IPMC applied to the Town as we are a small town. He agrees with the attorney that we should take out IPMC reference. We used other ordinances from similar sized towns when working on this document. This Board's philosophy is to have a common sense solution. What we are doing is similar to what other communities are doing.

Member Wolfe said we did not want to get so specific with restrictions so there could be a more simple solution to things.

Member Straughn said his experience has always been going with the letter of the law rather than the spirit of the law.

Member Capes asked to hear Brandon Emory's (Alliance Code Enforcement) point on this.

Mr. Emory first clarified that 160D General Statute allows a community to create specific ordinances to regulate minimum housing. That is where we took our direction. Federal law allows states to be more restrictive than federal law. We are not trying to reinvent the wheel and we do not want to create case law or push the boundaries so much that the Town ends up in court. The main influence is the IPMC. Most ordinances are a hodgepodge because there is usually an issue that needs to be addressed. This is not the building code and we are not creating one. We are looking at this for things such as safety issues. We changed some language mainly because people reading the code are citizens and we wanted to put it in a format that is understandable to those without an attorney or law enforcement mindset. We tried to conform it to the Town and not be so restrictive. The new NC General Statute 160D put more restrictions on building inspector requirements, which resulted in less things being done by code enforcement. We wanted to streamline and put the Town in the best possible position to handle issues within the Town without having to bring in the County Building Inspector or other resources. We need this because of existing issues in development and currently we cannot take any action without bringing in the County's Building Inspections Department. This code gives us the ability to do this and that is why this ordinance is needed. This is tried and true stuff. When we come across a situation that the ordinance does not address, we can come back and amend it. The ordinance is a living document because it changes.

Member Straughn asked about the situation where a homeowner is using a window without a screen for ventilation and the person refuses to comply.

Mr. Emory said we are not driving around looking for these types of things. Most situations arise from a renter having problems with a landlord that will not repair or address these requirements. The language is talking about the interior of a house, not the outside. The interpretation could be if a window is going to a screened-in porch, then that could be determined to have a screen. We tried to write it to fairly be enforced with all citizens.

Hawryluk introduced the Planning Board Chair Glanville who stated the Planning Board met last night and reviewed the document for a second time and unanimously voted to adopt Minimum Standard code as presented.

Mayor Montgomery opened the Public Hearing at 6:40 pm.

As there was no one wishing to speak, the Mayor closed the hearing at 6:41 pm.

Member Rayborn stated she appreciates what the attorney brought up about taking out the IPMC reference. She took it as a reference and is fine with leaving it in or taking it out.

Member Capes said he is fine with leaving it in as reference point.

Member Straughn said he thinks we need one, but disagrees with the way this one is written.

Member Wolfe said we were looking for ordinances to help with the commercial district and minimum housing. She thinks this accomplishes the goals we set. She has reviewed it several times and she is comfortable with it.

Member Rayborn made a motion to adopt the LDO amendments as presented. Member Capes made a second to the motion.

Avery took a Roll Call vote as follows:

Council Member Wolfe - yes
Council Member Capes - yes
Council Member Straughn - no
Council Member Rayborn - yes

The motion passed by a three to one (3-1) vote with Member Straughn against.

Member Wolfe read the consistency statement as follows:

“Finding Proposed Amendments Consistent with Comprehensive Plan

1. Zoning text amendment is consistent with the comprehensive plan because updates to zoning texts are necessary based upon changing conditions, regulations and laws;
2. 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 easily interpreted and applied;
AND
3. The proposed zoning text amendment is in the public interest because it will prevent the emergence of blighting influences in the residential, downtown and commercial districts through proactive code enforcement and promote consistence and equitable application of the regulations that promote the general health, safety and welfare of the people of Jamestown”.

Member Wolfe made a motion to adopt the proposed zoning text amendment to Article 24 Nuisance Abatement Property Management Code & Minimum Housing Code, 24.0 Non-Residential Building Code, Minimum Standards for Non-Residential Buildings & Structures and Article 17 Sign Regulations as presented. Member Rayborn made a second to the motion. The motion passed with a three to one (3-1) vote with Member Straughn against.

Public Hearing on Question for Annexation pursuant to G. S. 160A-31 for 2221 Guilford College Road, 5300 Mackay Road, 2207 Guilford College Road, and 5303 Mackay Road

Hawryluk said this is not ready yet for discussion and asked Council to continue to the March 15th meeting without further advertisement.

Mayor Montgomery opened the Public Hearing 6:46 pm.

Ron Cross of 5600 Wellesley Drive West said he wants to make sure he heard this right and that you said it will be postponed to March.

The Mayor replied that is correct.

As there were no further speakers, the Mayor closed the hearing at 6:49 pm.

Member Wolfe made a motion to continue the Public Hearing on Annexation to the March 15th meeting at 6 pm in the Civic Center without further advertisement. Member Capes made a second to the motion. The motion passed with a unanimous vote.

Public Hearing on rezoning request from D. R. Horton for properties at 2221 Guilford College Road, 5300 Mackay Road, 2207 Guilford College Road, and 5303 Mackay Road from AG (Agricultural) to PUD (Planned Unit Development)

Hawryluk said this is not ready yet for discussion and asked Council to continue to the March 15th meeting without further advertisement.

Mayor Montgomery opened the Public Hearing at 6:47 pm.

As no one wanted to speak, the Mayor closed the hearing at 6:48 pm.

Member Capes made a motion to continue the Public Hearing on the D.R. Horton rezoning request to the March 15th meeting at 6 pm in the Civic Center without further advertisement. Member Straughn made a second to the motion. The motion passed with a unanimous vote.

Public Hearing for consideration of Development Agreement for D. R. Horton property

Hawryluk said this is not ready yet for discussion and asked Council to continue to the March 15th meeting without further advertisement.

Mayor Montgomery opened the Public Hearing at 6:48 pm.

As no one wished to speak, the Mayor closed the hearing at 6:48 pm.

Member Wolfe made a motion to continue the Public Hearing on the Development Agreement to the March 15th meeting at 6 pm in the Civic Center without further advertisement. Member Capes made a second to the motion. The motion passed with a unanimous vote.

Manager's report

Johnson said three new sponsorship benches have been installed; two at the entrance park near Vickery Chapel Road and a third one in front of the Blue House bakery. Hawryluk completed a MOBI Award application through NCDOT that recognizes the role of investments in intermodal transportation such as bike paths in creating vibrant communities. The Town is showcasing the East Fork pedestrian bridge project. Member Straughn asked Johnson to explain about the color of this bridge and why it is not painted. Johnson said that it is made of weathered steel to create the rust colored look. It is designed to stop rust and this is important because the bridge is over one of our drinking water sources. Staff and Council are working hard on the next fiscal year 2022-2023 budget. We are working with goals and outcomes in the strategic plan to implement them. Staff is working to apply for Parks and Recreation Trust Fund (PARTF) grant and will engage with the Parks and Recreation Advisory Board regarding the grant application. This will consist of holding public input meetings. Staff will come back to Council with the application to

request permission to apply. The Town received the 14th Tree City Award. We are working on a succession plan. Loose leaf pickup concludes the end of February.

Over the past year we have been graced with the presence of Interim Town Manager Dave Treme for a little over a year. Johnson thanked Treme for his leadership and friendship.

Treme said this has been an exceptional stop for him. His wife is having surgery over the next several months and he will be her caretaker. He has worked to be the “dash” between the last manager and the excellent one Council just hired. The Town is blessed with an exceptional staff. We have set up an outstanding strategic plan. It has been his honor and pleasure to work with each and every one of you. He puts Jamestown up against any town in what has been accomplished in the last year.

Council committee reports

Member Rayborn said the AARP Livable Communities committee set up workshops for March, April and May via zoom. Examples are Home Fit and Fraud Watch. More information is on the Town’s website. She said Glanville and Stafford were re-elected as chair and vice chair respectively of the Planning Board.

Member Wolfe reported the February DOT MPO meeting was cancelled.

High School Representative Report

Conway said spring sports practices started yesterday. Study abroad is coming this summer. A teacher workday is scheduled for next week and there will be a talent show on February 25th. A family engagement night and student night will be held in March.

Other business

Member Wolfe asked if the staff is planning an event for Arbor Day. Johnson replied that they are and are thinking about engaging with the Ragsdale students.

Johnson said at the December 21st meeting, the budget calendar was adopted that included a budget meeting with Council on March 15th. The Finance Officer has training that day. Staff requests rescheduling of the meeting to Friday, March 25th from 9 am – 3 pm at the Golf Course Club House.

Member Straughn said he is on vacation and would like to call in.

Member Capes made a motion to reschedule the March 15th budget meeting to March 25th from 9am to 3 pm at the Golf Course Club House. Member Wolfe seconded the motion. The motion passed by a unanimous vote.

Adjournment

Member Rayborn made a motion to adjourn at 7:06 pm. Member Straughn made a second to the motion. The motion passed by a unanimous.

Lynn Montgomery, Mayor

ATTEST: _____
Nancy Avery, Interim Town Clerk