

**Regular Meeting of the Town Council  
February 16, 2021  
6:00 pm in the Civic Center  
Minutes & General Account**

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

**Council Members Absent:** Council Member Straughn

**Staff Present:** Dave Treme, Matthew Johnson, Katie Weiner, Paul Blanchard, Ross Sanderlin, & Beth Koonce, Town Attorney

**Visitors Present:** Kenneth Clouser, Tom Tervo, Amanda Hodierne, Zach Tran, Tom Terrell

**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- Absent
  - 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 stated that Council Member Straughn was absent due to contracting the Coronavirus. Mayor Montgomery called for a moment of silence and asked that everyone keep Council Member Straughn in their thoughts.
- Approval of Agenda- Mayor Montgomery asked if anyone would like to change, add, or delete any items on the agenda. There were no changes requested.

Council Member Capes made a motion to approve the agenda for the February 16<sup>th</sup> Town Council meeting as presented. Council Member Rayborn made a second to the motion. The motion passed by unanimous vote.

**Consent Agenda-** The consent agenda included the following items:

- Approval of minutes from the January 19, 2021 Regular Meeting
- Approval of minutes from the January 28, 2021 Special Meeting
- Approval & Sealing of Closed Session minutes from the January 28, 2021 Special Meeting
- Resolution to support the naming of Jamestown Bypass
- Appointment of Tom Tervo and John Firesheets to the AARP Livable Communities Committee
- Approval of Budget Calendar for fiscal year 2021/2022
- Financial Position of the Town of Jamestown
- Financial Position of the Jamestown Park & Golf Course
- Notification of Advances
- Budget Amendment #17

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 unanimous vote.

(Resolution to support the naming of Jamestown Bypass, Budget Calendar for fiscal year 2021/2022, & Budget Amendment #17)

**Public Comment-** Nobody signed up.

**Old Business-**

- Discussion regarding Nonprofit Contracts- Treme stated that Council had discussed the nonprofit contracts at their January 19<sup>th</sup> meeting. He noted that Council had provided grants to nonprofits in the past. However, the Town was now required to contract with nonprofits in order to provide specific services. He stated that staff had met with the representatives of those organizations. He added that staff was recommending that Council approve a contract with the YMCA in the amount of \$16,450 for the following programs: yoga in the park, safety around water, and spring sports. Treme stated the recommended contract with JYL was in the amount of \$8,800 in order to provide spring sports programs. He added that staff was also requesting that Council authorize the Finance Director to enter into the contracts for the services to be provided.

Council Member Wolfe stated that she appreciated the cost per participant breakdown that the nonprofits had provided.

Council Member Wolfe made a motion to provide the \$16,450 to the YMCA for the yoga in the park, safety around water, and spring sports programs, to provide \$8,800 to JYL for the spring sports programs, and to allow the Finance Director to create and enter into a contract for the services specified. Council Member Capes made a second to the motion. The motion passed by unanimous vote.

- Consideration of approval of rate change at Jamestown Park & Golf Course- Sanderlin presented an overview of the proposed rate changes for the Jamestown Park & Golf Course. He stated that he had researched the current rates at surrounding golf courses. He noted that he had also reached out to customers to gauge their opinion on rates. Sanderlin stated that he would like to raise weekday rates by \$1, weekend rates by \$2, and cart fees by \$1. He said that he would utilize social media to publicize the increase so that the public would be made aware of the change as soon as possible.

Mayor Montgomery asked when the new rates would be implemented. Sanderlin stated that staff planned to increase the price on March 1<sup>st</sup>.

Council Member Wolfe asked Sanderlin if he was concerned that the Jamestown Park & Golf Course would lose any business to Oak Hollow. Sanderlin stated that he was confident that they would retain their customer base.

Council Member Wolfe made a motion to approve the rate changes at Jamestown Park & Golf Course as presented to be effective March 1<sup>st</sup>. Council Member Rayborn made a second to the motion. The motion passed by unanimous vote.

- Public Hearing on Question of Annexation pursuant to G.S. 160A-31 for 2221 Guilford College Road, 5300 Mackay Road, 2207 Guilford College Road, & 5303 Mackay Road- Johnson stated that Council had opened the public hearing for the proposed annexation at their previous meeting. He recommended that the public hearing be continued to the March 16<sup>th</sup> Town Council meeting.

Mayor Montgomery asked anyone that would like to speak regarding the proposed annexation to come forward. Nobody spoke.

Council Member Capes made a motion to continue the public hearing to the March 16<sup>th</sup> meeting at 6:00 pm in the Civic Center without further advertisement. Council Member Rayborn made a second to the motion. The motion passed by unanimous vote.

- Public Hearing for rezoning request for 2221 Guilford College Road, 5300 Mackay Road, 2207 Guilford College Road, & 5303 Mackay Road from Agricultural (AG) to Planned Unit Development (PUD)- Johnson said that the public hearing for the rezoning request had also been continued at their meeting last month. He stated that staff recommended that Council continue the public hearing until the March 16<sup>th</sup> Town Council meeting.

Mayor Montgomery asked anyone that would like to speak about the proposed rezoning to come forward.

- Tom Tervo, 2 Langholm Court- Tervo said that he believed that the PUD was a good tool for the Town of Jamestown. However, he stated that the Castleton Village development was too dense. He suggested that Council generate a list of minimal, acceptable standards that the developer must meet. He added that he thought this would be necessary in order for the public to be satisfied. Tervo stated that he had provided a summary of his thoughts to the Town Clerk that would be distributed to Council after the meeting.
- Amanda Hodierne, 804 Green Valley Road- Hodierne stated that she was speaking on behalf of the applicant. She asked Council for an update on what they would like to be accomplished before the March 16<sup>th</sup> meeting. She stated that she would like to work towards the goals that Council had in mind for the proposed rezoning. She also requested that Council inform her on the direction that was given to the land use attorney that had been hired to assist Council with their consideration of the rezoning request.

Council Member Wolfe made a motion to close the public hearing. Council Member Capes made a second to the motion. The motion passed by unanimous vote.

Council Member Rayborn made a motion to deny the rezoning request for 2221 Guilford College Road, 5300 Mackay Road, 2207 Guilford College Road, & 5303 Mackay Road form Agricultural (AG) to Planned Unit Development (PUD). 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 Rayborn- Aye

The motion passed by unanimous vote.

Council Member Wolfe made the following motion:

“I move that the following statement be adopted to support the Town Council’s unanimous denial of zoning map amendment petition 2020-01:

Based upon our review of zoning map amendment petition 2020-01, including the input received from the Planning Board, analysis from our consultants, and, most importantly, the comments and thoughtful feedback provided by the residents of Jamestown, the Town Council has determined that the proposed rezoning petition, as submitted, is inconsistent with the Town’s adopted Comprehensive Plan. Through our review, the Council has identified a number of significant deviations from the vision, goals, and policies established in the Comprehensive Plan. Areas of obvious inconsistency that were identified through our review of the submitted petition and associated PUD Master Plan include:

- An overall lack of consideration for the preservation and protection of the natural and cultural resources that are present within the site.
- Disregard in the proposed design for the unique aspects of Jamestown’s built environment that contribute to its strong sense of place and define the character of the community.
- Inadequate provision of public parks and open space to meet the recreational needs of future residents of the development and community as a whole.
- Proposed site development and architectural patterns that will create a monotonous urban landscape and detract from the long-term value and livability of the neighborhood.
- The absence of an integrated mix of housing types that are needed to ensure the long-term success of the proposed development and the community as a whole.
- A general development concept, in terms of both the physical layout of the site and the composition of the land use mix, does not meet the Town’s expectation for a Traditional Neighborhood Development (TND).

The Town Council’s determination of inconsistency with the adopted Comprehensive Plan is further supported by the following observations and analysis of the petition and associated PUD Master Plan:

The overwhelming majority of the open space designated in the PUD Master Plan consists of floodplain, required riparian buffers, land subject to utility easements (including right-of-way for high voltage electric transmission lines), and otherwise inaccessible or undevelopable lands. The lack of consideration in the Master Plan for the preservation of developable upland tracts to provide more opportunities for passive recreation, maintain the diversity of wildlife habitat on the site, and preserve important aspects of the scenic beauty of the property is contrary to a number of goals and policies established in our Comprehensive Plan.

Our plan calls for the integration of public parks throughout all neighborhoods. The proposed Master Plan falls well short of this, with large sections of the proposed PUD, as shown in the included Recreation/Open Space Plan, devoid of adequate public spaces for neighbors to gather and recreate in close proximity to their homes. From an overall perspective, the proposed Recreation/Open Space plan

focuses heavily on the provision of private vs. public recreation opportunities, with the most significant investment of financial and developable land resources devoted to the private recreational amenity area versus providing greater opportunities for the Jamestown community as a whole to recreate with their neighbors.

As the oldest settled town in Guilford County, our Comprehensive Plan puts special emphasis on the preservation of the cultural resources that help to define the history and character of our community. One of these important cultural assets, the Futtrell-Mackey-Armstrong House, is situated prominently on the Johnson property. While the opportunity exists for the developer to contribute to the preservation of the heritage of our community and integrate this historically significant structure into the overall development plan, the PUD Master Plan instead offers to allow a third party to remove it to a location off of the property. The only contemplated alternative to its relocation from the site appears to be the demolition of this irreplaceable piece of our community's history so that it will not be in the way of "progress."

As presented for the Council's consideration, the PUD Master Plan proposes the creation of 714 essentially identical lots for the development of single-family detached dwellings. The lack of variety in the size and dimension of these proposed lots will produce a large, virtually homogenous, stock of single-family housing that fails to meet our Comprehensive Plan's policy to promote the creation of a well-balanced mixture of housing types to meet the needs of a diverse community.

Our Comprehensive Plan speaks to the desired quality and character of new development in our community. As presented in the PUD Master Plan, the illustrative renderings for both the detached single-family homes and the proposed townhomes do not mesh well with the architectural character of Jamestown, nor do they inspire confidence that what will be built will be of the "quality" contemplated by our plan. Although the PUD Master Plan does provide for some degree of variation in the architectural styling of single-family homes, the ubiquity of front-loaded garages that will dominate half (or more) of the frontage of each of these homes will result in a monotonous architectural landscape that is the antithesis of our plan's vision for creating quality neighborhoods that are consistent with the overall character of Jamestown.

With regard to the proposed townhome sections of the PUD, there does not appear to be any contemplation of variety in architectural style, with the illustrations provided in the Master Plan showing a repetitive architectural pattern that will create a set of interchangeable commodities rather than a series of neighborhoods of distinct character. To be clear, this is not a statement regarding the size or price of homes that are proposed. As our plan states, we need to build and maintain a diverse housing stock that appeals to individuals and families of all income levels, ages and lifestyles. Building hundreds of practically identical homes will not help us to achieve that goal.

From a broader land use consistency perspective, the Council does not feel that the Castleton Village PUD Master Plan meets the exemplary standards for Traditional Neighborhood Development (TND) that are set forth in our Comprehensive Plan, including both physical design and the mixture of land uses proposed for the site. As the largest remaining potential development site in Jamestown, the Town has long desired to ensure that the end result of the development of the property will be consistent with the character of the community and become an enduring and iconic part of the fabric of Jamestown. By designating the property for TND on the Future Land Use Map, the Town has expressed a desire to entertain large-scale development proposals that provide for the thoughtful, context-sensitive, development of the site. Unfortunately, the design proposal, as submitted with this petition, does not

deviate from a typical conventional suburban development pattern in a meaningful way, and certainly does not meet the high standards that the Town expects for the development of the property as a TND.

In addition to the Town's Comprehensive Plan, we must also consider the consistency of the proposed petition with the plan of development established through the regulations contained in the Jamestown Land Development Ordinance. Our ordinance sets forth a number of criteria that are to be used by the Planning Board and Council when evaluating a zoning map amendment for a Planned Unit Development. Among this criteria, are several that we have found the proposal before us to fall short of meeting.

First, the ordinance states that "cul-de-sacs shall be minimized to the greatest extent possible." Although the number of cul-de-sacs has been reduced from the original submission, they remain in many parts of the development plan for reasons that can only be determined to be related to maximizing the yield of the site rather than providing the most efficient transportation and development layout possible. This includes utilizing them within areas designated on the master plan for townhome development, which we feel to be generally incongruous with cul-de-sacs from a sound urban design perspective.

The PUD regulations also state that the development plan is required to demonstrate "architectural and design criteria that provide higher quality than routine developments." As noted elsewhere in the consistency statement, the architectural renderings and development conditions in the submitted plan do not provide a design outcome that exceeds the average architectural quality that we would expect to see from any reasonable market-rate development proposal in the region; in fact, we would assess the proposed townhome designs to be below what we would expect to see in a similarly situated developments of this scale.

A third example of deviation from the ordinance standards for a PUD is the apparent lack of meeting the requirement that development proposals demonstrate compliance with the NC Fire Code. The area shown on the plan designated for single-family residential development in the southeastern corner of the site is provided with a single point of external access, despite the requirement in Appendix D (Fire Apparatus Access Roads) of the NC Fire Code for one and two-family residential developments containing more than 30 dwelling units to have multiple points of access. While there is an exception that can be made for residences with approved automatic sprinkler systems, this has not been discussed, nor do we believe that providing such systems has been contemplated by the applicant. The preceding points are intended to offer examples of deviation from consistency with the plan of development established in our Land Development Code, but it is not an exhaustive list of standards that the Council feels that the petitioner's plan unfortunately fails to meet.

In addition to our analysis of whether the proposed zoning map amendment is consistent with our Comprehensive Plan, we must also determine whether the proposal is reasonable and in the public interest. Since the proposed amendment is not consistent with our Comprehensive Plan, the approval of the petition would be neither reasonable, nor in the broader public interest. As noted previously, the property in question represents the most significant remaining opportunity for a major development project within our community. Deviating from our adopted plan in this instance would not be reasonable and its approval would tend to primarily serve the private interests of the applicant rather than the interests of the community as a whole."

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

Mayor Montgomery gave the following statement:

“The citizens of Jamestown should be aware that we did not take the responsibility of making this decision lightly. Our staff, our Planning Board, and our Council have spent hundreds of hours reviewing the latest plan and its previous version, meeting with the developer and its representatives, listening to our citizens, and reflecting on what this land and its development mean for the future of Jamestown.

How this land is developed is one of the most significant decisions that our town will make since our founding in 1816. We are mindful of our duty to make sure it is done correctly. How it is developed will affect the character, the function, the aesthetics, and the identity of Jamestown for generations. We must get it right.

Our vote reflects a strongly felt decision that each of us has reached independently. The application that we denied did not rise to the quality of development that our citizens expect, our town deserves, or that our future demands.

At the same time, we must respect and never disregard the fact that the owners have a right to develop their property. I ask the Johnson family to patiently work with us and moving forward we will do all we can to work with them.”

#### **New Business-**

- Consideration of approval of Budget Amendment #16- Treme requested that Council approve Budget Amendment #16.

Council Member Wolfe made a motion to approve Budget Amendment #16 as presented. Council Member Rayborn made a second to the motion. The motion passed by unanimous vote.

(Budget Amendment #16)

#### **Manager/Committee Reports-**

- Manager Report- Treme presented his monthly Manager’s Report to Council. He stated that there would be a budget retreat on March 19<sup>th</sup> at 9:00 am in the Civic Center. He added that an AARP Livability Committee meeting would be scheduled within the coming weeks. Treme updated Council on the ongoing sidewalk projects. He also noted that interviews for the Golf Course Superintendent were ongoing. He stated that there would be a Comprehensive Plan Steering Committee meeting on February 22<sup>nd</sup> at 4:00 pm.
- Council Member Committee Reports-
  - Council Member Wolfe stated that there was a TAC meeting on January 26<sup>th</sup>. She said that the NCDOT budget was improving. She also noted that she had contacted a NCDOT representative about the storm drainage issue near the Jamestown Public Library.
- High School Representative Report- Scott updated Council about the student schedule at Ragsdale High School. He noted that the date for students to attend school in-person had been pushed back. However, he stated that students were supposed to go back to school the first week of March. He also noted that winter sports were coming to an end.

**Public Comment-** Nobody signed up.

**Other Business-** Council Members briefly spoke about the Mexican restaurant that had opened on West Main Street.

**Closed Session per General Statutes 143-318 to discuss matters related to Personnel-** Council Member Capes made a motion to go into closed session per General Statutes 143-318 to discuss matters related to personnel. Council Member Rayborn made a second to the motion. The motion passed by unanimous vote.

-----**Closed Session**-----

Council Member Capes made a motion to resume open session. Council Member Rayborn made a second to the motion. The motion passed by unanimous vote.

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

The meeting ended at 7:06 pm.

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Mayor

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Town Clerk