

Regular Meeting of the Town Council
April 19, 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: Matthew Johnson, Katie Weiner, Paul Blanchard, Anna Hawryluk, Judy Gallman, Faith Wilson, Scott Coakley, Jamey Claybrook, Elizabeth Greeson, & Beth Koonce, Town Attorney

Visitors Present: Marc Isaacson, Tom Terrell, Bob Collicut, Karen Lisenby, Shanna Moore, & 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- Council Member Wolfe 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 to add a resolution honoring David Treme to the agenda after the first public comment period and to add the “Discussion of Budget Amendment #17 and the contract for the construction of the Recreation Maintenance Facility” as the last item under “New Business.”

Council Member Rayborn made a motion to approve the agenda with the requested changes. Council Member Straughn 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 March 15th Regular Town Council meeting
- Approval of minutes from the March 25th Special Town Council meeting
- Analysis of the financial position of the Town of Jamestown
- Analysis of the financial position of the Jamestown Park & Golf Course
- Notification of Advances
- Budget Amendment #16
- Appointment of Mayor Montgomery to be the Council Representative on the Bike/Pedestrian Committee

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 #16)

Public Comment- Nobody signed up.

Resolution honoring David W. Treme- Mayor Montgomery presented the resolution to David Treme, former Interim Town Manager, and thanked him for his service.

(Resolution honoring David W. Treme)

Proclamation Spring Litter Sweep April 2022- Mayor Montgomery presented the proclamation to Elizabeth Greeson and thanked her for organizing the event.

Greeson gave Council an overview of the Spring Litter Sweep which was held on April 9th. She thanked the civic groups and community members that participated. Greeson highlighted that Katherine, Council Member Rayborn's daughter, was the youngest participant. She presented Council Member Rayborn with a certificate to give to Katherine's Girl Scout troop.

Council thanked Greeson for all of her hard work.

(Proclamation Spring Litter Sweep April 2022)

Old Business-

- Public Hearing on Question of Annexation pursuant to G.S. 160A-31 for 2221 Guilford College Road, 5300 Mackay Road, 2207 Guilford College Road, and 5303 Mackay Road- Hawryluk stated that the public hearing for the consideration of annexation was opened at the November 16th Town Council meeting. She noted that the three public hearings on the agenda regarding the properties located at 2221 Guilford College Road, 5300 Mackay Road, 2207 Guilford College Road, and 5303 Mackay Road were dependent upon one another. She said that the majority of the discussion regarding the hearings would take place during the annexation portion. Hawryluk introduced Tom Terrell, land use attorney.

Tom Terrell came forward. He stated that the proposed D.R. Horton project would have an incredible impact on the Town of Jamestown. Therefore, he said it was appropriate for the process to take a longer amount of time for consideration. He noted that conversations with the developer had begun in July 2021. He added that there had been candid discussions about the history of the property and the expectations that the Town had for the potential project. Terrell highlighted that there had been a clear understanding that D.R. Horton would have to provide a high-quality development. They had responded that they would need a certain amount of density in order to meet those standards. Terrell said that there had been a week of public input sessions held so that the community could communicate their preferences. He noted that those suggestions were used to draft a development agreement. He said that currently the Town and the developer were unable to make commitments to one another regarding certain cost-sharing items. However, there were still ongoing discussions regarding the details of the development agreement. He added that he was aware that Marc Isaacson, D.R. Horton's representative, would be asking for a continuation and he believed that would be an appropriate action.

Council Member Straughn asked Terrell if he felt that the developer was being cooperative with the Town. Terrell stated that he believed the Town would receive what they were asking for, but that the cooperation had not yet reached his expectations. He added that he was disappointed in D.R. Horton's response to the development agreement. He noted that their response was not a reflection of the initial conversations that were held, but he had reminded the developer of the standards that were shared with them at the beginning of the process. Council Member Straughn said that he was disappointed considering the time, effort, and money that the Town had committed to the process. Terrell agreed with Council Member Straughn. He added that he was confident that there would be more cooperation moving forward.

Mayor Montgomery called the applicant forward to speak.

Marc Isaacson stated that he was respectfully requesting a continuation of the hearings associated with the D.R. Horton project to the June 23rd Town Council meeting. He added that they had been working on the items included in the development agreement for several months, but there were still several key components that were open-ended. He highlighted that the developer needed additional information on the outcome of the Hazen and Sawyer sewer system study. He added that it would be fiscally irresponsible for the developer to enter into an agreement without all the information. Isaacson added that they were making progress. He said that they would review the results of the study and then finalize the details of the agreement.

Council Member Straughn asked if the results of the sewer study was the largest issue. Isaacson said that it was their biggest concern.

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

Nobody spoke.

Mayor Montgomery opened the floor to Council for discussion.

Council Member Straughn said that Terrell was doing an excellent job representing the Town. He highlighted that the Town was doing its best to be amenable to the builder and was not seeking to consistently postpone the decision.

Council Member Capes made a motion to continue the public hearing to the June 23rd Town Council meeting without further advertisement. Council Member Rayborn made a second to the motion. The motion passed by 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)- Mayor Montgomery opened the public hearing to anyone that would like to speak regarding the rezoning request.

Nobody spoke.

Council Member Capes made a motion to continue the public hearing to the June 23rd Town Council meeting without further advertisement. Council Member Rayborn made a second to the motion. The motion passed by unanimous vote.

- Public Hearing for consideration of Development Agreement for D.R. Horton property- Mayor Montgomery opened the public hearing to anyone that would like to speak about the development agreement.

Nobody spoke.

Council Member Rayborn made a motion to continue the public hearing to the June 23rd Town Council meeting without further advertisement. Council Member Capes made a second to the motion. The motion passed by unanimous vote.

- Public Hearing regarding an amendment to the Land Development Ordinance (LDO) regarding the definition of "Planning Director" in Article III "Definitions" of the LDO- Hawryluk said that staff had prepared an update to Article III of the LDO in order to clarify the definition of "Planning Director." She said that there was not currently a Planning Director. Therefore, the definition had been amended to state that the Town Manager or their designee would be the person responsible for administering the ordinances in the event that the position of Planning Director was vacant. The amendment also stated that any references to "Planning Director" would be interchangeable with the Town Manager. Hawryluk added that the Planning Board considered the amendment at their March 14th meeting and had voted unanimously to approve it.

Council Member Straughn asked Koonce if she had reviewed the language and was satisfied with the amendment. She said she had reviewed it and that it was appropriate.

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

Nobody spoke.

Mayor Montgomery closed the public hearing and opened the floor to Council for discussion.

Council Member Wolfe said that she was in favor of the amendment because it clarified the definition.

Council Member Wolfe made a motion to approve the amendment to the definition of "Planning Director." Council Member Straughn 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 make a motion that the proposed amendment to Article III Definitions of the Town of Jamestown LDO to clarify how and to whom duties are assigned in the absence of a Planning director be approved based on the following:

1. The proposed zoning text amendment is consistent with the adopted Envision Jamestown 2021 Comprehensive Plan of the Town of Jamestown. Because periodic updates to the zoning texts are necessary based on 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 Envision Jamestown 2021 Comprehensive Plan.

AND

2. The proposed zoning text amendment is reasonable because the proposed amendment corrects any previous errors and adds 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 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 citizens of the Town of Jamestown.”

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

New Business-

- Presentation of PARTF grant application for the Town of Jamestown- Coakley presented information to Council regarding the Town of Jamestown’s application for the Parks and Recreation Trust Fund (PARTF) grant. He said that the Town would be required to provide a 50% match for the total cost of the project if the grant were received. He added that local governments had three years to complete the project. Coakley stated that staff had met with the Parks and Recreation Committee on March 7th to discuss the options and potential points associated with each option. He said that the Parks and Rec Committee and staff recommended the option that including funding to create a dog park, natural play area, nature trail, two shelters, the renovation of the basketball courts and relocation of the volleyball courts. He noted that relocation of the volleyball courts would allow the Town to prepare for the addition of an all-inclusive playground in the future.

He said that staff had also met with local civic groups, the Jamestown Business Association (JBA) and Rotary Club, to present information on the application. Coakley noted that a community meeting was held on April 13th to gain public support. He said that the total cost estimate for the project was \$409,914. He noted that the Town’s match would be \$204,957 without the 5% contingency. Coakley requested that Council support the PARTF application as presented.

Council Member Capes said that he had attended the community meeting. He stated that staff had done an excellent job getting the public involved and he thanked them for their efforts.

Council Member Straughn asked if the Town would be without a playground until the project were completed. Coakley said that the playground would remain where it was and would not be affected by the grant. They also discussed the details of a natural play area.

Council Member Wolfe stated that she was excited about the possibility of an all-inclusive playground in the future.

Council Member Wolfe made a motion to support the PARTF application as presented. Council Member Straughn made a second to the motion. The motion passed by unanimous vote.

- Presentation of the Preliminary Budget & CIP FY 2022/2023- Gallman presented an overview of the preliminary budget. She noted that the budget was still in an early stage and would likely change. She stated that staff was recommending a 3.75% cost of living adjust, 0-3% merit raises based on performance evaluations, and a 0.5% increase in employer rate of contribution to 401(K). She noted that new positions included in the budget were as follows: Planning Tech, Groundskeeper I, Assistant Public Services Director, Revenue Collections/Billing Manager, and Human Resources Analyst. Gallman presented information on water, sewer, and solid waste rates. She noted that there was a \$2.50 increase in the monthly fee for garbage and recycling. She briefly spoke about the capital improvement projects included in the budget.

Council Member Straughn stated that the water and sewer increases were pass-throughs. He said that they were a reflection of a rise in the cost that the Town had to pay to purchase water and have sewer treated.

Council Member Wolfe requested job descriptions with duties, responsibilities, and salaries for new positions. She said that the attorney fees included in the line-item budget needed to be increased. She noted that the Main Street Corridor Study should be pushed out until the bypass was completed.

Council Member Straughn discussed the increase in the contracted service for Alliance Code Enforcement with Gallman. Gallman stated that the initial cost was for a trial period and that it increased after that timeframe ended.

Council Member Wolfe said that the additional staffing, Town Hall renovations, and Civic Center renovations were intertwined. She stated that it would be difficult to approve those items until it was determined that the additional positions were needed. She added that there needed to be a discussion about the Club House rates at the Jamestown Park and Golf Course if the Civic Center was going to be used as a Council Chambers. She said that she wanted the Civic Center to be used for elections. Council Member Straughn agreed that the Civic Center should remain a multi-use space. He added that he was aware that there would need to be additional staff if a large development did occur.

Council Member Rayborn stated that she wanted the Civic Center to be a flexible space. She said she was hesitant to invest additional funding into the Civic Center if the internet capabilities could not be improved.

Council Member Capes said that it was important to address staffing needs in order to prepare for future growth. He added that there was a way to better utilize the existing space so that staff had the office space that they need. He stated that he loved the history of the Town, but it was important to have an open-mind about potential change.

Council Member Rayborn said that Council had seen several different components of a larger issue there were interconnected. She stated that the focus should be on immediate solutions and that she was concerned about the space for civic groups. She requested to see a phased approach of the proposed changes because that could provide more insight on how everything would work.

Council Member Wolfe said she would like clarification on trash and recycling pickup. Council Member Straughn agreed. Johnson said that he would provide more details regarding a solid waste policy at a future date. He noted that staff were still working on those details.

Council Member Wolfe said that the repaving of the cart paths and the repaving of the driveway at the Golf Shop should be done at the same time. She added that it may be a good idea to wait to replace the water line on Penny Road.

Council Members discussed if it would be beneficial to set a Special meeting. Weiner said that staff would discuss a potential date and make sure it worked with Council's schedules.

- Request to set public hearing date for the Recommended Budget & CIP FY 2022/2023- Gallman requested that Council set the public hearing date for the recommended budget & CIP for fiscal year 2022/2023 for the May 17th Town Council meeting in the Civic Center at 6:00 pm.

Council Member Wolfe made a motion to set the public hearing date for the recommended budget & CIP for the May 17th Town Council meeting in the Civic Center at 6:00 pm. Council Member Straughn made a second to the motion. The motion passed by unanimous vote.

- Request to set date for public input on American Rescue Plan (ARP) funding and Capital Improvement Projects- Gallman requested that Council set a date for public input on the ARP funding and capital improvement projects.

Council Member Wolfe made a motion to set the date for ARP funding and CIP input session for May 3rd from 4:00 pm to 6:00 pm in the Civic Center. Council Member Straughn made a second to the motion. The motion passed by unanimous vote.

- Discussion of Budget Amendment #17 and contract for the lowest, responsive responsible bidder for the Recreational Maintenance Building- Johnson stated that the construction of a new recreational maintenance building was one of Council's primary goals included in the strategic plan. He said that budget amendment #17 would increase the capital project budget as needed to allow the Town to enter into a contract for the construction of the recreational maintenance facility. He said that the low bid came in from DreamBuilt Construction, Inc at approximately \$450,000 over budget. Johnson added that the majority of the additional funding would come from the general fund appropriated fund balance. He added that a small amount would come from the general capital reserve fund. He stated that the Town had been working

with the low bidder to try to reduce project costs. Johnson said that the final cost of the base bid was \$999,200. He noted that the cost did exclude an alternate bid that had been requested for an HVAC unit that would be placed in the shop area. Johnson said that Claybrook was present to discuss the current conditions of the maintenance building. He added that staff would recommend that Council move forward with the construction of the building.

Claybrook came forward to present information on the status of the building. He said that there were several pieces of equipment that would not fit in the shop that they have to maintain. Claybrook stated that the bathroom was needed improvements. He added that there were no gutters on the building and that the insulation was falling from the ceiling. He said that the metal dust that resulted from the grinding of different pieces of equipment was constantly in the air. Claybrook stated that the new building would have a grinding room with proper ventilation that would also reduce the noise level. He noted that the entire shop was very congested.

Council Member Capes asked when the current shop was built. Claybrook said that he believed it was constructed in the 1970's.

Council Member Wolfe said that the cost of the building was much higher than anyone had imagined when conversations had begun about constructing a new maintenance facility. However, she stated that it was extremely important for staff to have a clean, safe, and secure place to work. Council Member Capes agreed that the employees needed better working environment. Council Member Wolfe said that unfortunately there was nothing that could be taken away from the structure that would further reduce the cost.

Council Member Rayborn said that it was obvious that the building needed to be replaced. She added that the price had increased so quickly that it may be a good idea to wait for a year to see if costs stabilize. She spoke with Claybrook about other potential locations for employees to work. Claybrook said that there was no other available work space.

Council Member Straughn said it seemed like employees needed to discontinue working there immediately if it were that unsafe. Claybrook stated that staff made it as safe as they could and tried not to spend any additional time there than necessary. Council Member Straughn was concerned about the increased cost and thought it may be better to wait a year. Council Member Wolfe said that there was no guarantee that prices would come down. Mayor Montgomery agreed with Council Member Wolfe.

Council Member Wolfe asked Gallman if the Town would still be in a good position in regard to fund balance if the amendment were approved. Gallman said that the Town could afford the cost. Mayor Montgomery stated that the reason that fund balance existed was to maintain the Town's assets.

Council Member Straughn and Council Member Rayborn discussed the possibility of including the cost for the HVAC unit if it were needed. Johnson said that it would be possible to add the HVAC unit at a later date.

Council Member Capes made a motion to approve budget amendment #17. Council Member Wolfe made a second to the motion. The motion passed by unanimous vote.

Council Member Capes made a motion to award the contract to the lowest, responsive responsible bidder, DreamBuilt Construction, Inc., in the amount of \$999,200. Council Member Wolfe made a second to the motion. The motion passed by unanimous vote.

(Budget Amendment #17)

Manager/Committee Reports-

- Manager Report- Johnson presented his manager’s report to Council. He noted that there would be a bicycle and pedestrian open house in the Civic Center on April 25th from 5:00 pm to 7:00 pm. He stated that there would be a public input session for the ARP funding and capital improvement projects on May 3rd from 4:00 pm to 6:00 pm in the Civic Center. Johnson highlighted that the East Fork Pedestrian Bridge was being considered for a Mobi Award on May 4th. He recognized the hard work that Blanchard had put into the project and thanked Hawryluk for submitting the application to NCDOT. Johnson noted upcoming Music in the Park event dates. He thanked the Jamestown Veterans Committee for the ceremony that they held in Wrenn Miller Park to recognize Vietnam War veterans.
- Council Member Committee Reports-
 - Council Member Wolfe stated that there was a TAC meeting on March 22nd. She said that they spoke about the Lydia sidewalk project which should be completed by April 30th. She also spoke about some of the funding issues with NCDOT projects. She said that she and Blanchard had met with Wright Archer about the closeout of several Jamestown projects.

Council Member Straughn spoke with Blanchard about his concerns regarding the “no turn on red” at the intersection of East Main Street and Guilford Road.

- Council Member Capes said that there was not a Parks and Recreation meeting. However, he thanked Hawryluk and Coakley for their work on the PARTF grant.
- Council Member Rayborn spoke about the first of a three-part informational series held by the AARP Livable Communities Committee. She encouraged everyone to watch the next two videos on April 28th and May 25th.
- High School Representative Report- Conway was not present.

Public Comment- Nobody spoke.

Other Business- Council Member Wolfe briefly spoke about short-term rental regulations. She said that it would be a good idea for the Planning Board to discuss potential guidelines for short-term rentals. Johnson said that he would speak with Tom Terrell about the issue.

Council Member Straughn discussed the requirement for Alliance Code Enforcement (ACE) vehicles to have identifying decals on their vehicles with Johnson. Council Member Straughn wanted ACE employees to have clearly marked vehicles so that residents were aware of who they were. Johnson said that he would speak with Brandon Emory about the issue.

Closed Session per G.S. 143-318 to discuss matters related to Attorney Client Privilege (301 Lee Street and 2216 Guilford College Road- Council Member Wolfe made a motion to go into closed session per G.S. 143-318 to discuss matters related to attorney client privilege (301 Lee Street and 2216 Guilford

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

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

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

Council Member Wolfe stated that the Town Attorney had informed the Council that the lien for demolition costs that was filed against the property located at 301 Lee Street still remained unpaid.

Council Member Wolfe made a motion to direct the Town Attorney to file a lawsuit to enforce the lien if the amount remained unpaid by the end of April and to authorize the Mayor and/or the Town Manager to sign the complaint on behalf of the Town. Council Member Capes made a second to the motion. The motion passed by unanimous vote.

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

The meeting ended at 8:35 pm.

Mayor

Town Clerk