

Regular Meeting of the Town Council
June 16, 2020
6:30 pm in the Civic Center
(only 10 people allowed in meeting at a time in accordance with social gathering restrictions due to Covid-19)
Minutes & General Account

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

Staff Present: Kenny Cole, Matthew Johnson, Katie Weiner, Judy Gallman, Paul Blanchard, Beth Koonce, Town Attorney

Visitors Present: Lori Herron, Katie Gumerson, Connor Tobin, Gary Forbis, Peter Rogaski, Vagn Hansen, & Nick Lowe

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

- 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 would like to change, add, or delete any items on the agenda.

Council Member Capes made a motion to approve the agenda. 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 May 13, 2020 Special Meeting
- Approval of minutes from the May 19, 2020 Regular Meeting
- Approval of minutes from the May 27, 2020 Special Meeting
- Approval & Sealing of the Closed Session minutes from the May 27th Special Meeting
- Analysis of financial position of the Town of Jamestown
- Analysis of financial position of the Jamestown Park & Golf Course
- Budget Amendment #19
- Budget Amendment #20
- Update on Sidewalk Projects

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 #19 & Budget Amendment #20)

Public Comment-

- Lori Herron, 2216 Guilford College Road- Herron stated that Mr. Young asked her to speak on his behalf. She spoke about the condemnation proceedings at 301 Lee Street. She referenced General Statute 160A-411 and spoke about the qualifications of Matthew Johnson. She added that there was nobody present when an inspection of the property was conducted. Herron claimed that the property owner at 301 Lee Street was not properly notified before the permit

in place was revoked. She noted that there had been some work done on the property within the allotted timeframe. Herron stated that a framing inspector had inspected the home and had not found any structural defects that would require condemnation. She added that the house had been gutted. She said that the house had been padlocked and did not pose a safety, health, or fire risk. Herron said that there was not a valid reason for condemnation.

Old Business-

- Public Hearing to consider a text amendment to the Land Development Ordinance (LDO) to add a new zoning district, "Planned Unit Development" (PUD) to Article 8 "Zoning Districts"- Johnson stated that the Planning Board had unanimously recommended the approval of the PUD text amendment at the November 18th Town Council meeting. He added that the first public hearing that Council had held on the issue was at their January 21st meeting. He added that the public hearing was continued several times and that Council had held a special meeting specifically to discuss the issue. He noted that he did not have any new information to add, but a consultant from Benchmark was going to present some more information on PUDs after the public hearing had concluded.

Mayor Montgomery opened the public hearing to anyone that would like to speak about the issue.

Peter Rogaski, 224 Jordan Ridge Way- Rogaski thanked Council for allowing him to speak. He stated that he opposed the PUD text amendment. He said that he believed the amendment was for the convenience of large-scale developers. Rogaski noted that the amendment would reduce the need for multiple hearings and would likely produce negative, unintended consequences. He added that it would allow the developer to circumvent community needs and increase the density of housing for PUD developments. He noted that more complex and detailed PUD amendments could provide some protection against the potential negative impacts. He stated he had serious concerns about the implementation of the PUD amendment without careful consideration of how it may affect the residents of the community and the Town as a whole.

Katie Gumerson, 4648 Jamesford Drive- Gumerson stated that she was speaking on behalf of Terry Austin at 209 Woodmont Road. She said that Austin did not feel comfortable speaking due to the current circumstances. She described Austin's involvement in a contentious redistricting process that was conducted by the Guilford County School Board. She noted that Council had not answered the questions regarding the PUD that had been formally submitted to them a few months ago. She encouraged Council to respond to the questions that had been posed to them by the members of the Jamestown United group.

Connor Tobin, 601 Forestdale Drive- Tobin stated that he was a graduating senior from Ragsdale High School. He added that he was very involved in the community. He encouraged Council to preserve green spaces. He said that he believed the addition of a large development would be detrimental to the small-town feel of Jamestown. He added that everyone should embrace what the Town currently offered.

Gary Forbis, 101 Newberry Street- Forbis stated that several citizens had posed questions to Council that had not been answered. He said that he did not understand why PUDs had been removed from the ordinance in the past. Forbis added that the process needed to be more transparent. He stated that if the development was done poorly that the Town would never be

the same again. He encouraged Council to postpone the vote until more people could be present at the meetings.

Council Member Capes asked Johnson to clarify why the PUD option had been removed from the LDO in the past. Johnson stated that it had accidentally been removed. He noted that it was a mistake due to oversight.

Mayor Montgomery closed the public hearing. She opened the floor to Council for discussion. She also noted that Vagn Hansen from Benchmark Planning was present to give an overview on PUDs and to answer any questions that Council may have.

Hansen said that Johnson had contacted him in February to see if he would be interested in helping the Town explore the Planned Unit Development amendment. He added that Benchmark had sent out a survey regarding the issue. He stated that he was going to present some general information on PUDs and would also try to answer any questions that Council may have.

Hansen said that PUDs were used to regulate land use in communities. He stated that they typically were utilized in order to create a more cohesive development framework. Hansen gave an overview of the history of PUDs and also presented several example of PUDs in other communities. He added that there were different ways to approach the mixed-use developments. He said that the plan would have to go through an approval process by the Planning Board and Town Council. Hansen stated that generally development standards for PUDs were set forth during the conceptual development plan. He noted that any major change or amendment to the development would require that the entire plan go through the same legislative process again before a change could be made.

Council Member Wolfe asked if some development standards could be specified in the ordinance. Hansen said that the Council could decide to do that. However, he cautioned that if Council made the ordinance too narrow that it could limit their options for development in the future.

Hansen discussed the process of PUD project plan adoption and potential impacts of the scope of the ordinance with Council.

Hansen also spoke about the potential increase of control that Council could have regarding the architectural style of the development through the use of a PUD. He gave an overview of the negotiation process between the developer and the Town. Hansen presented several examples of PUDs throughout the state.

Mayor Montgomery asked Hansen about whether the approved concept plan for a development would be legally binding. He stated that it would be. He added that the entire plan would have to go through the approval process again if a developer wanted to change an aspect of the plan.

Council also discussed whether or not it would be wise to explicitly list restrictions for PUDs within the ordinance itself. Hansen advised against that and explained the benefits of having flexibility within the ordinance.

Council Member Wolfe said that she was concerned that the PUD amendment was not restrictive enough. She noted that Council had not discussed the potential implications that the amendment may have if other properties, besides the Johnson property, became PUDs.

Council Member Rayborn said that she liked the idea that the developer would be encouraged to address a specific list of requirements before they brought the plan to the Planning Board for approval. She added that the Planning Board and Council would then have the opportunity to approve or deny what they had presented.

Council Member Wolfe spoke about the negotiation process between the Town and the developer. She said that she was concerned about whether or not the Town would be in a compromised position legally if the negotiation came to a standstill and the Council denied the developer's plan.

Koonce stated that she believed Council was in that position with any zoning case. She said that there was always a risk that a petitioner may attempt to take the Town to court if Council denies a request. She said that she did not want Council to deny the text amendment based on the idea that the Town may potentially face future litigation. She noted that the text amendment would give Council a chance to have more input on the development of larger tracts of land.

Hansen presented the results of the survey that Benchmark had conducted. He said that the survey was comprised of five questions and that they had received about two hundred responses. Hansen noted that the survey focused on the Johnson development. He added that a slight majority of the respondents liked at least one aspect of the proposed plan. He stated that there was some concern about housing density, overcrowding in schools, commercial development, and increased traffic.

Mayor Montgomery called for a brief recess.

Mayor Montgomery called the meeting back to order.

Council Member Wolfe stated that the Council had been considering the PUD since February. She noted that many of the Council Members had attended the presentation by Diamondback regarding the Johnson property development. She added that the presentation was not very well-received. She said that a lot of dialogue had occurred afterwards. Council Member Wolfe stated that she had witnessed a lot of personal attacks towards the developer and Town staff. She noted that the attacks were disrespectful and were not representative of what makes Jamestown special. However, she said that Council had a job to do. She added that the Johnson property was not the only area that could be affected by a PUD amendment. Council Member Wolfe said that Council needed to discuss limiting commercial development to a certain percentage and density within the ordinance itself. She stated that the ordinance needed some additional definitions.

Council Member Capes said that he had spent hours speaking with people that were concerned and attempting to answer their questions. He added that he had attempted to be engaged in social media, but determined that it was not a useful forum for a productive discussion. Council Member Capes stated that the Johnson property was located in a potential growth area within the Comprehensive Plan that was currently in place. He also noted that the PUD option was not

deliberately taken out of the ordinance in the past. He said that he felt that Council was at a point in which they had discussed the topic enough. He stated that he was in favor of the amendment.

Council Member Straughn said that he wanted to echo Council Member Wolfe's comments. He said that he had spent many hours on the issue and had met with numerous citizens about the amendment. He also noted that some of the commentary he had seen on social media had been very divisive. Additionally, he highlighted that some of the people that had written posts were not taxpaying citizens of Jamestown. However, he added that he was appreciative of everyone's input. He noted the multiple ways in which he had obtained additional information regarding PUDs in general. He said that he believed that density, architectural materials, and prevention of clear-cutting should be addressed within the ordinance. He stated that he would be willing to vote in favor of the PUD if those major concerns were addressed.

Council Member Rayborn stated that she was not in favor of the PUD when she first heard about it. However, she did additional research on PUDs and found that it could be beneficial for the Town of Jamestown. She noted that some of the nicer places that she had visited had used PUDs to make their communities more cohesive. She added that PUDs had been utilized for a long time, but they were not necessarily identified with that terminology. Council Member Rayborn stated that she was excited about the possibility of gaining some senior appropriate housing options in Town. She said that she believed the PUD would give staff, Planning Board, and Council more control over potential developments.

Council Members discussed potential changes to the PUD amendment. Council Member Wolfe stated that she would like to add wording into the amendment to protect healthy, mature trees. She wanted the concept plan to be defined, the commercial aspect of development limited, and the approval process to be explicitly listed.

Mayor Montgomery highlighted the fact that the PUD amendment would be used as a tool. She added that it would not allow any approved uses until Council had formally approved the development plan. She stated that it would give Council an opportunity to provide input on tree/environmental preservation, land uses, types of businesses, site design, community amenities, design of the buildings, cohesiveness throughout the community, open spaces, and a phasing plan. She said that Council would not have control over any of those aspects if a developer wanted to develop a piece of property that did not need to be rezoned. Mayor Montgomery said that the amendment would allow Council to have more control over development in Town.

Council Member Capes made a motion to approve the text amendment as presented. There was no second to the motion. The motion died.

Council discussed possible changes to the text amendment with Johnson. Johnson stated that he would make the following changes to the amendment: add the wording "with special attention paid to preserving heritage and/or mature trees on the site" to section (E)7e, change the phrase "concept plan" to "site specific master plan" in section (E)7a, to change the phrasing in section (D) to "recommended by Planning Board and approved by Town Council," and change the phrasing in section (F)2 to reflect that the master signage plan must be recommended by the Planning Board and approved by the Town Council.

Council Member Capes made a motion to approve the PUD text amendment with the requested changes. Council Member Rayborn 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 Capes made a motion that the text amendment was consistent with the LDO because it encouraged alternative types and patterns of development to reduce development costs, to reduce traffic, to increase convenience and a sense of community, to protect environmentally sensitive areas, and to provide more parks and open space close to where people live and work. Council Member Rayborn made a second to the motion. The motion passed by unanimous vote.

- Public Hearing to consider an amendment to the Town Code of Ordinances: Chapter 52: Operation of Water and Wastewater System- Cole stated that the proposed amendment would bring the Town into compliance with Executive Order 124 by the State of North Carolina. He noted that it would add a section regarding states of emergency to chapter 52 of the Town Code of Ordinances.

Mayor Montgomery opened the public hearing to anyone that would like to speak about the proposed amendment. There was no one. Mayor Montgomery closed the public hearing and opened the floor to Council for discussion. There was none.

Council Member Straughn made a motion to approve the amendment to the Code of Ordinances. 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.

- Public Hearing to consider the Proposed Budget and CIP FY 2020/2021- Gallman presented an overview of the proposed budget to Council. She noted that the budget did include the 2.5 cent property tax increase. She added that the increase was needed as a pass-through for the Pinecroft Sedgfield fire district tax rate increase. She stated that the actual amount for the increase was dependent on the approval of the Guilford County Commissioners.

Gallman also highlighted that water rates would remain unchanged and sewer rates would decrease by approximately 14%. She noted that the motor vehicle tax was not included in the budget. She stated that renovation to the Civic Center and Town Hall had also been removed with the exception of the new Human Resources office and the replacement of the gutters. She added that the budget did include the \$15 minimum full-time employee pay rate plan. She presented the totals for the CIP and the separate funds within the budget. She stated that staff would request that Council approve the budget ordinance at the June 23rd Special Town Council meeting.

Council Members discussed the benefits of having a healthy fund balance with Gallman.

Mayor Montgomery opened the public hearing to anyone that would like to speak about the proposed budget. There was no one. Mayor Montgomery closed the public hearing.

Mayor Montgomery stated that Council would vote on the approval of the budget at the June 23rd Special Town Council meeting at 6:30 pm in the Civic Center.

- Consideration of increased minimum wages for Town Employees and addition/corrections to positions in pay grade classification- Cole stated that Council had requested that staff research the possibility of increasing the Town of Jamestown's minimum wage for full-time employees to \$15 an hour. He noted that staff had created a methodology that would increase the minimum wage and would also prevent compression. He stated that the position of Engineering Tech had been added to the pay grade classification list. Cole said that the pay grade adjustment would also correct two errors that had been found with regard to the Public Services Maintenance Tech I and II positions.

Council Member Wolfe credited Council Member Rayborn for proposing the idea and Council Member Straughn for seeking to prevent compression. She said that she was in favor of the increased minimum wage.

Council Member Straughn noted that it was time for an update to the pay grade classification.

Council Member Rayborn stated that the ability to compensate the Town's employees fairly should be a point of pride.

Council Member Rayborn made a motion to approve the new pay classification grades as proposed to increase minimum FTE rate from \$14 an hour to \$15 an hour effective June 30, 2020. Council Member Straughn made a second to the motion. The motion passed by unanimous vote.

New Business

- Presentation of the Town of Jamestown's Comprehensive Plan Update- Vagn Hansen with Benchmark Planning presented an overview of the Jamestown Comp Plan update to Council. He stated that they conducted a community survey and had received about 580 responses. He added that about 73% of the respondents lived within the Town limits. He noted that he would be presenting the results of the survey to the Comp Plan Steering Committee at their upcoming meeting. He added that the respondents spent a fair amount of time completing the survey which meant that they had been thoughtful in how they were answering each question. He

noted that the information would be used to help move the process of the update forward. Hansen stated that the Benchmark team was working with the Steering Committee to brainstorm some potential community engagement opportunities. He noted that they had hoped to be further along in the process, but Covid had made things more complicated. Hansen added that Benchmark would continue to work with the Steering Committee in order to meet the Town's goals regarding the update.

- Presentation of Jamestown Park and Golf Course Master Plan- Nick Lowe presented an overview of the Jamestown Park and Golf Course Master Plan on behalf of McAdams Company. He stated that they had gathered public input in order to determine the recreational priorities of the community. He noted that they had examined the existing accessibility and connectivity conditions at the Jamestown Park.

Lowe said that they had broken the park into two different sections. He added that one section would be devoted to fitness and outdoor exercise. He said that the area where the existing ball fields were could potentially be used as an outdoor concert space or a walking loop. He stated that the eastern part of the park would keep its current feel. Lowe said that the plan included a natural playground, a shelter complex, a volleyball court, and a dog park. He said that the Master Plan could be used to help the Town receive a PARTF grant in the future. He added that all the improvements to the park would be about \$4.7 million. He said that Council could pick and choose which aspects of the plan to implement and that changes could be made in stages. Lowe also gave a brief overview of the action plan.

Lowe requested that Council approve and adopt the Jamestown Park and Golf Course Master Plan.

Council Members discussed their need for additional time to consider the Master Plan.

Council Member Capes made a motion to continue the consideration of the Master Plan to the July 21st Town Council meeting. Council Member Rayborn made a second to the motion. The motion passed by unanimous vote.

- Consideration of condemnation of the property located at 301 Lee Street- Johnson stated that staff had informed Council of the condition of 301 Lee Street at their May 21, 2019 meeting. He added that he had received a number of citizen complaints about the property. The County informed him that staff could either move forward with condemnation or issue a building permit to the property owner to allow them the opportunity to bring the home back into compliance. Johnson stated that staff had allowed the property owner, Mr. Young, to obtain a building permit, but he had not made any substantial improvements. He added that Mr. Young had not requested that Guilford County conduct any inspections within six months and his permit expired. Johnson said that staff decided not to allow Guilford County to reissue the permit and began to move forward with the condemnation process. He stated that he had conducted a virtual hearing with the Town Attorney regarding the property on May 14th. He noted that Mr. Young had participated in the meeting and had not taken the opportunity to appeal the condemnation decision. Johnson said that a third party had inspected the property and had determined that the structure should be demolished. He stated that the property owner had ninety days to demolish the structure or the Town would have to begin legal action.

Koonce said that the Mr. Young had ninety days to demolish the structure. She added that she would have to request an order for demolition from Council if he did not address the issue. Koonce stated that the Town would demolish the structure at that point and put a lien on the property.

Manager/Committee Reports-

- Manager Report- Cole said that his Manager report was included in the meeting packet.

Council Members briefly discussed the status of the Oakdale Mill property with Cole. Council Member Rayborn requested that someone inspect the condition of the structures on that property. Cole stated that he would get a quote for the inspection.

- Council Member Committee Reports-
 - Council Member Wolfe stated that the Complete Count Committee had not met, but the deadline for the census had been extended. She said that TAC had met virtually. She noted that NCDOT was experiencing serious budgetary problems. Council Member Wolfe added that the Comprehensive Plan Steering Committee would meet virtually on June 22nd at 4:00 pm.

Public Comment- Nobody signed up.

Other Business- Mayor Montgomery stated that Council had completed the Town Manager’s annual performance evaluation. Council Member Wolfe made a motion to give the Town Manager a 2.3% Cost of Living Adjustment (COLA) and a 1% merit raise. 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 Straughn made a second to the motion. The motion passed by unanimous vote.

The meeting ended at 10:34 pm.

Mayor

Town Clerk