

Regular Meeting of the Town Council
June 20, 2017
6:30 pm
Minutes & General Account

Council Members Present: Mayor Volz, Council Members Montgomery, Ragsdale, Nixon, & Straughn

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

Visitors Present: Vernon Queen, Connie Queen, Deloris Dewey, Mary Wainscott, Kenny Guy, Dilva Guy, Louise Miller, Becky Morton, Kathryn Billings, Vivian Stewart, Christine James, John Flynn, Jackie Boylan, Rebecca Mann Rayborn, Fred Allen, Denise Allen, Michelle Harkey, Ralph Proscia, Ben Proscia, Rob Frederick, Kay York, Seth Guise, Carol Brooks, Jamestown News.

1. **Call to Order-** Mayor Volz called the meeting to order.
2. **Community Reflections-** Mayor Volz announced the following community events:
 - Community Yard Sale took place on the 3rd- thanks to everyone that came out to support the event
 - Yoga in Wrenn Miller Park at 6:30pm- free every second Tuesday of the month sponsored by Yoga Mindset & every week on Wednesdays sponsored by the YMCA
 - The readers of Yes! Weekly voted Jamestown Park & Golf Course the best golf course in Guilford County and also the best in the Triad
 - July 4th-Town Hall will be closed that Tuesday. No garbage pickup, but recycling will be collected on Monday the 3rd.

Mayor Volz called for a moment of silence.

3. **Approval of minutes from the May 16, 2017 Regular Town Council meeting-** Council Member Straughn made a motion to approve the minutes from the May 16, 2017 meeting. Council Member Montgomery made a second to the motion. The motion passed by unanimous vote.
4. **Public Hearing to consider a rezoning request from Riverwalk I, LLC for the property located at 3511 RI and 3511 Z Dillon Rd. from Single Family Residential (SFR) to Conditional Zoning Multi Family Residential (CZ-MFR) -** Johnson gave the background information on the rezoning request. Johnson asked Council if they had any questions. Council Member Montgomery asked if the applicant had any influence on the rezoning of the property to SFR in 2009. Johnson stated that they had not. There were no other questions.

Dan Pritchard, Jamestown Engineering- Pritchard spoke on behalf of the applicant. He gave some background information on the property and its history with the applicant. The applicant had not been aware that the property had been rezoned to SFR as a result of the anticipated construction of the Bypass. Pritchard noted that the applicant was willing to reduce the number of proposed townhomes to four units instead of eight units and had also offered to join the Riverwalk Home Owner's Association. He addressed some of the issues that had arisen at the Planning Board's public hearing of the request. He said that the townhomes would not dramatically increase the traffic throughout the neighborhood and the construction timeline

would likely be less than if single family homes were built. Pritchard also noted that the amount of trash generated would not be more than that of two single family homes. He asked Council if they had any questions. There were none.

Johnson stated that the Planning Board had unanimously voted against the rezoning request.

Mayor Volz opened the public hearing to anyone that would like to speak in favor of the rezoning. There was no one. He closed that portion of the public hearing.

Mayor Volz opened the public hearing to anyone that would like to speak against the rezoning.

Seth Guise, Community Manager for Riverwalk West Townhomes- Guise stated that he was representing the residents of Riverwalk. He noted that this rezoning request had made a large emotional impact on residents because they were already upset about the construction of the bypass. The new townhomes would be affecting the same group of residents who were being the most impacted by the bypass. He thanked the applicant and Jamestown Engineering for being open to working with the residents, but they were still against the rezoning. He referred to a letter that had been included in the Council packets that pleaded for the Council Members to consider the emotional impact the rezoning would have on the current residents. He stated that he hoped Council would uphold the Planning Board's decision and thanked them for their time.

Chris James, 223 Misty Waters Ln. - James was concerned about how the townhomes would be constructed in regard to geographic limitations. She said that there was a very steep hill on the property and that it had been previously discussed that garbage trucks would not be able to get up the hill. She stated that she was concerned that emergency vehicles would not be able to access the townhomes unless they drove down Misty Waters Lane.

Fred Allen, 315 Misty Waters Ln. - Allen said that one of the things that had attracted him to Jamestown was the beauty of the Town. He was concerned about overdevelopment of Jamestown.

Norris Guy, 316 Misty Waters Ln. - Guy was concerned about the placement of the garbage that would be generated by the townhomes. He noted that if it were left at the end of the road that it could potentially attract vermin.

There was a brief discussion about the trash placement between the Council and Johnson.

Mayor Volz asked if there was anyone else that would like to speak against the rezoning. There was no one. He closed that portion of the public hearing.

The Council discussed the conditions of the rezoning request with Dan Pritchard. Pritchard stated that the trash produced by the townhomes would be left at the right-of-way for pickup just like all the other trash in town. He noted that the applicant might be open to building a receptacle for the trash.

Mayor Volz asked Vernon Queen, President of the Riverwalk Home Owner's Association, if he would like to respond to Pritchard's remarks.

Vernon Queen, 116 Misty Waters Ln. - Queen stated that single family homes would not produce as much trash as multifamily homes. He also said that the receptacle would be placed too close to the current resident's homes. Additionally, Queen was concerned about the narrow width of the road.

There was discussion amongst Council Members about the rezoning request. Council Member Montgomery was concerned about the trash and the accessibility of the road. Council Member Nixon noted that she could see the issue from both sides. However, she felt that the current residents had bought their properties based on the existing environment surrounding the townhomes and the new additions would disrupt that.

Council Member Nixon made a motion to deny the rezoning request for 3511 RI and 3511 Z Dillon Rd. Council Member Straughn made a second to the motion.

McBride took a roll call vote as follows:

Billy Ragsdale- Aye
Lynn Montgomery- Aye
Georgia Nixon- Aye
Lawrence Straughn- Aye

The motion passed by unanimous vote.

5. **Consideration of approval of Consistency/Inconsistency Statement-** Council Member Nixon made a motion that:

“The Town Council of the Town of Jamestown hereby finds that the proposed zoning amendment listed in case #2017-02 is inconsistent with the 2020 Land Development Plan because the Council feels that the request does not meet the objectives listed in the Plan with respect to growth management, planning coordination, community appearance and public services and would not be in the best interests of the public at this time”

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

6. **Public Hearing for the proposed Budget for fiscal year 2017/2018-** Gallman stated that the proposed budget had been made available to the public at Town Hall, the library, and on the Town's website. Gallman asked Council if they had any questions. There was brief discussion between Council Members and Gallman.

Mayor Volz opened the public hearing to anyone that would like to speak in favor of the budget as proposed.

Kathryn Billings, 309 Winrow Dr.-Billings complimented Town staff on the process they went through to prepare the budget. She noted that Gallman was very professional and thoughtful throughout the entire process. She spoke about the small tax increase in the budget. Billings was in favor of the increase because it improves public safety and maintains the good working relationship that the Town has with Pineroft-Sedgefield fire department. She also stated that she was in favor of the Town's continued support of the Jamestown Public Library and the

Historic Society. She stated that she hoped that all the Council Members would vote in favor of the tax increase. Billings thanked Council for their time.

Mayor Volz asked if anyone else would like to speak in favor of the budget. There was no one. He closed that portion of the public hearing.

Mayor Volz opened the public hearing to anyone that would like to speak against the budget.

Robert Frederick, 706 Ragsdale Road- Frederick was concerned about the cost-of-living adjustment for staff. He thought that the percentage was too high in comparison to statistics used by other entities. He was also concerned about the some of the line items within the budget and the Town's general transparency to citizens.

Mayor Volz asked if anyone else wanted to speak in opposition. There was no one. He closed that portion of the public hearing.

There was discussion amongst the Council Members about the minor tax increase resulting from providing emergency services.

Council Member Montgomery made a motion to approve the budget as presented. Council Member Nixon made a second to the motion. The vote was as follows:

Council Member Ragsdale- Aye
Council Member Montgomery- Aye
Council Member Nixon- Aye
Council Member Straughn- Nay

7. **Resolution adopting a CIP program for the Town of Jamestown for fiscal years 2017/2018 to 2021/2022-** Gallman presented the Resolution adopting a CIP program for the Town of Jamestown.

Council Member Montgomery made a motion to approve the resolution. Council Member Nixon made a second to the motion. The motion passed by unanimous vote.

8. **Public Hearing for amendment to the Land Development Ordinance (LDO): Article 2.13-2: Fences and Walls-** Johnson presented the amendment to the LDO. The amendment would prohibit galvanized fences unless it were covered by nylon coating or screened by a decorative fence or shrubbery.

There was discussion amongst Council and Johnson about the screening requirement of galvanized fences.

Mayor Volz opened the public hearing to anyone that would like to speak in favor of the amendment. There was no one. He closed that portion of the public hearing.

Mayor Volz opened the public hearing to anyone that would like to speak in opposition of the amendment. There was no one. He closed that portion of the public hearing.

Council Member Ragsdale made a motion to approve the amendment. Council Member Montgomery made a second to the motion.

McBride took a roll call vote as follows:

Billy Ragsdale- Aye
Lynn Montgomery- Aye
Georgia Nixon- Aye
Lawrence Straughn- Aye

The motion passed by unanimous vote.

Council Member Nixon made a motion that the LDO amendment was consistent with the LDO because it meets the objectives listed in the plan with respect to aesthetics, cost effectiveness, and general aesthetics of the Town. Council Member Montgomery made a second to the motion. The motion passed by unanimous vote.

9. **Public Hearing for amendment to the LDO: Article 2.19-11: Parking of Oversized/Commercial Vehicles in Residentially Zoned Areas-** Johnson gave the background information on the amendment. It would prohibit oversized vehicles from parking in residentially zoned areas for numerous reasons.

Johnson noted that there were some minor issues with the language of the amendment that needed to be addressed. He recommended that Council continue the public hearing without further advertisement to the July 18th Regular Town Council meeting.

Council Member Nixon made a motion to continue the public hearing to the July 18th Town Council Meeting. Council Member Straughn made a second to the motion. The motion passed by unanimous vote.

10. **Public Hearing for amendment to the LDO: Tattoo & Body Piercing Studios-** Johnson gave an overview of the amendment. It would allow for tattoo and body piercing studios to open in the Town's industrial and commercially zoned districts. There would be conditions placed on the businesses. One of the conditions was that there could be no similar uses located within half a mile radius of one another. The restrictions mirrored those placed on tobacco use businesses.

There was discussion about the amendment's restrictions. Council Member Nixon stated that she would like to see the distance requirement be increased to three-fourths of a mile. Council talked about this option and the potential repercussions of the change.

Council Member Nixon made a motion to increase the distance requirement to three-fourths of a mile for the purpose of the public hearing.

Mayor Volz opened the public hearing to anyone that would like to speak in support of the amendment. There was no one. Mayor Volz closed that portion of the public hearing.

Mayor Volz opened the public hearing to anyone that would like to speak in opposition of the amendment.

Rebecca Mann Rayborn, 801 Ragsdale Rd. - She stated that she was in favor of increasing the mileage restriction between tattoo and body piercing studios. She asked if it would be possible to increase the 250 ft. distance requirement between these business and churches, public parks, playgrounds, etc.

Mayor Volz asked if there was anyone else that would like to speak in opposition. There was no one. He closed that portion of the public hearing.

Johnson stated that he understood the concerns that citizens have, but he wanted to be sure not to prohibit these types of stores by default.

Council discussed the proposed amendment.

Council Member Nixon made a motion to approve the amendment with the increased distance of three-fourths of a mile between businesses with a similar use. Council Member Montgomery made a second to the motion.

McBride took a roll call vote as follows:

Billy Ragsdale- Aye
Lynn Montgomery- Aye
Georgia Nixon- Aye
Lawrence Straughn- Aye

The motion passed by unanimous vote.

Council Member Nixon made a motion that the amendment was consistent with the Land Development Plan of the Town of Jamestown because Council feels that the amendment does meet the goals of the plan in regard to growth management, planning coordination, community appearance, and public services and would be in the best interest of the public with the change. Council Member Montgomery made a second to the motion. The motion passed by unanimous vote.

11. **Public Hearing for amendment to the LDO: Winery, Brewery, or Distillery-** Johnson presented an overview of the amendment. He stated that staff recognizes that there is a growing interest in these types of businesses and would like to prepare for these requests in the future. He explained the definitions within the amendment for commercial and accessory uses.

Council discussed the details of the amendment with Johnson.

Mayor Volz opened the public hearing to anyone that would like to speak in favor of the amendment. There was no one. Mayor Volz closed that section of the public hearing.

Mayor Volz opened the public hearing to anyone that would like to speak in opposition of the amendment. There was no one. Mayor Volz closed that section of the public hearing.

Council discussed the potential restrictions that could be placed on the amendment. Council Member Nixon stated that she would like to have more time to consider the amendment.

Council Member Nixon made a motion to continue the public hearing without further advertisement to the July 18th Regular Town Council meeting. Council Member Montgomery made a second to the motion. The motion passed by unanimous vote.

12. **Public Hearing for amendment to the LDO: Article 10.1-24: Limited Agriculture-** Johnson gave the background information on the amendment. Johnson stated that he had received some complaints from citizens and that this amendment would help to address those issues.

Council discussed the potential inspections of chicken coupes. They also spoke about whether those that already own small farm animals would have to comply with the new regulations. Johnson stated that they would have to comply with the new restrictions.

Mayor Volz opened the public hearing to anyone that would like to speak in support of the amendment. There was no one. Mayor Volz closed that portion of the public hearing.

Mayor Volz opened the public hearing to anyone that would like to speak in opposition of the amendment.

Robert Frederick, 706 Ragsdale Rd. - Frederick asked if there would be a fine in place that would help enforce the amendment. He felt that a fine would be a useful addition to the amendment.

Mayor Volz asked if anyone else would like to speak in opposition. There was no one. Mayor Volz closed that section of the public hearing.

Council Member Nixon made a motion to approve the amendment. Council Member Straughn made a second to the motion.

McBride took a roll call vote as follows:

Billy Ragsdale- Aye
Lynn Montgomery- Aye
Georgia Nixon- Aye
Lawrence Straughn- Aye

The motion passed by unanimous vote.

Council Member Nixon made a motion that the amendment was consistent with the Land Development Plan because the amendment does meet the objectives in the plan with respect to planning coordination, community appearance, and public services and would be in the best interest of the public. Council Member Montgomery made a second to the motion. The motion passed by unanimous vote.

13. **Public Comment-**

Robert Frederick, 706 Ragsdale Rd. - Frederick was concerned that the Council agendas were too long and that they discouraged public involvement. He also noted a typo on the Town's website. He felt that there was an effort being made to reduce transparency.

Kathryn Billings, 309 Winrow Dr. - Billings welcomed the new Town Manager, Kenny Cole. She stated that she could not hear Council throughout the meeting because they were quiet and speaking to one another. She was concerned that the rest of the citizens were not able to hear them. She also expressed her disappointment that Council did not unanimously vote in favor of the budget. Billings said that she was unsure what the concerns were that led to the vote against the budget because she could not hear the discussion.

14. **Consideration of approval of Guilford County Space Lease Agreement Contract-** Koonce presented the contract. She stated that Guilford County has been utilizing space within the Pinecroft-Sedgefield fire department and the contract offsets fees for fire inspections. Cole stated that the contract had been approved by the Guilford County Board of Commissioners.

Council Member Nixon made a motion to approve the Guilford County space lease agreement contract. Council Member Straughn made a second to the motion. The motion passed by unanimous vote.

15. **Consideration of approval of Oakdale sidewalk design and engineering contract-** Johnson presented the contract. He stated that the Town had been awarded a grant of \$200,000 from NCDOT for design and construction of sidewalks along Oakdale Road. NCDOT had approved the contract. The Town would only be responsible for twenty percent of the sidewalk expenses.

Council Member Ragsdale made a motion to approve the Oakdale sidewalk design and engineering contract. Council Member Straughn made a second to the motion. The motion passed by unanimous vote.

16. **Set Public Hearing date to consider rezoning request for 720 RI W. Main St. from CZ-MFR (Conditional Zoning Multifamily Residential) to CZ-MFR and request for rezoning for 101 Matthews Ln. from C (Commercial) to CZ-MFR-** Johnson requested that Council set a public hearing date for the rezoning of Matthews Ln. for the Regular Town Council meeting on July 18th at 6:30pm.

Council Member Nixon made a motion to set the public hearing date for July 18th at 6:30 pm in the Council Chambers. Council Member Straughn made a second to the motion. The motion passed by unanimous vote.

17. **Resolution requesting the use of NCDOT Contingency Funds-** Johnson stated that NCDOT has approved of \$70,000 of contingency funds to be used to complete a section of sidewalk along East Main Street. They were requesting a resolution of support from the Town of Jamestown in order to utilize those funds.

Council Member Nixon made a motion to approve the resolution of support from the Town Council. Council Member Straughn made a second to the motion. The motion passed by unanimous vote.

18. **Resolution calling for a Regular Election-** McBride stated that there was a resolution in the Council's packet that calls for a regular election. She noted that any person that would like to run for office must file a statement with the Guilford County Board of elections between 12:00 pm Friday, July 7th and 12:00 pm Friday, July 21st. McBride said that there would be a filing fee of

\$10.00 and that the election would be held on Tuesday, November 7th at Town Hall from 6:30 am until 7:30 pm.

Council Member Straughn made a motion to approve the resolution calling for a regular election. Council Member Montgomery made a second to the motion. The motion passed by unanimous vote.

19. **Request for release of easement for property located at 110 Ragsdale Rd.** - Koonce stated that the parking lot in question had been completed and that it was time for the Town to release the easement that had been in place. She was requesting that Council terminate the easement.

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

20. **Budget Amendment-** Gallman presented a resolution that sought to close the capital project fund that had been used to renovate the Golf Course Clubhouse. She wanted to transfer any unexpended balances of the project to the General Fund.

Council Member Montgomery made a motion to approve the resolution. Council Member Nixon made a second to the motion. The motion passed by unanimous vote.

Gallman presented the budget amendment that would transfer those funds back to the General Fund.

Council Member Straughn made a motion to approve the budget amendment. Council Member Nixon made a second to the motion. The motion passed by unanimous vote.

21. **Resolution Appointing the Deputy Finance Officer-** Gallman presented the resolution that would appoint Kenny Cole, Town Manager, as the Deputy Finance Officer.

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

22. **Analysis of Financial Position of the Town of Jamestown-** Gallman gave an overview of the financial position of the Town for the month ending May 31, 2017.

23. **Public Comment-** Nobody signed up

24. **Other Business-** Council Member Nixon suggested that Sharen Apple, Town staff member, address the issues that were brought up regarding the website. Johnson assured Council that he would inform her of the issues.

25. **Adjournment-** Council Member Montgomery made a motion to adjourn. Council Member Straughn made a second to the motion. The motion passed by unanimous vote.

The meeting ended at 8:19 pm.