

Regular Meeting of the Town Council
June 23, 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, and Beth Koonce, Town Attorney.

Visitors Present: Robert Coon, Karen Lisenby, Elizabeth Greeson, Mary Fay Bodenheimer, Dennis Forbis, Jamie Forbis, Jenna Johnson, Lee Johnson, Sherrie Richmond, Karen Gunter, Brad Yoder, Robert Frederick, Trish Kirby, Janina Austin, Donna Peterson, Shanna Moore, Peggy Levi, Ryan Moats, Dave Wilson, Lyda Carpen, Andrea Spencer, Rebecca LaPlante, Ted Kallam, Elizabeth Van Horn, Cynthia Smith, Charles LaBella, Betty LaBella, William Yaner, Judith Bruce, Patricia Gray, David Steele, & 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 Straughn led everyone in the Pledge of Allegiance.
- Moment of Silence- Mayor Montgomery called for a moment of silence.
- Approval of Agenda- Mayor Montgomery asked if anyone had any changes to make to the agenda.

Council Member Rayborn requested to remove the item “Amendment to American Rescue Plan (ARP) Grant Project Ordinance” from the consent agenda and to add the item “Resolution honoring Marlane Conway, High School Representative” to the consent agenda.

Council Member Rayborn made a motion to approve the June 23rd Town Council agenda with the requested changes. Council Member Wolfe 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 11th Special Town Council Meeting
- Approval of minutes from the May 17th Regular Town Council Meeting
- Resolution directing the Clerk to investigate a petition received under G.S. 160A-31
- 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 #20
- Alliance Code Enforcement Quarterly Report
- Resolution honoring Marlane Conway, High School Representative

Council Member Wolfe made a motion to approve the consent agenda. Council Member Capes made a second to the motion. The motion passed by unanimous vote.

(Resolution directing the Clerk to investigate a petition received under G.S. 160A-31, Budget Amendment #20, Resolution honoring Marlane Conway)

Public Comment-

- Robert Frederick, 500 Wyndwood Drive- Frederick did not believe that the public hearing for the budget should be held on the same night as those regarding the DR Horton property. He was concerned about the projects included in the budget and the tax rate. He encouraged others to speak during the public hearings.

Consideration of adoption of American with Disabilities Act (ADA) Transition Plan- Johnson stated that the Town had decided to complete a comprehensive assessment of facilities, programs, and policies to determine their compatibility with ADA standards. He added that the Plan outlined interventions that would bring the facilities into compliance. He introduced Ted Kallam, WithersRavenel Representative, to present information on the proposed ADA Plan.

Kallam stated that the project objective was to ensure that all community members had access to municipal facilities, programs, activities, and services. He noted that local governments with fifty or more employees were required to adopt an ADA Transition Plan. Kallam said that they had considered public input, barriers to accessibility, CIP/funding, and ongoing governance when drafting the Plan. He presented examples of possible improvements to be considered. He noted the staff members that would be responsible for the coordination and administration of the Plan.

Council Member Wolfe discussed the details of the ADA Transition Plan with Kallam. She noted that the address listed for the Civic Center was incorrect.

Council Member Wolfe and Council Member Rayborn spoke with Kallam about the historic status of the Jamestown Public Library as it related to ADA standards.

Council Member Wolfe requested that a footnote be added to the section regarding the Pincroft Sedgefield Fire Department that stated that improvements may not be made until potential renovations to the fire department were complete. She thanked the WithersRavenel team for their work on the Plan.

Mayor Montgomery asked if the Plan could be amended as standards were improved. Kallam said that it was a living document that should be updated annually.

Council Member Straughn discussed whether the facilities would be grandfathered in since they were compliant at the time of their construction. Kallam stated that they would not be considered grandfathered.

Council Member Rayborn made a motion to continue the consideration of the ADA Transition Plan to the July 19th Town Council meeting. Council Member Straughn made a second to the motion. The motion passed by unanimous vote.

Presentation of Town of Jamestown's marketing video- Johnson introduced Dave Wilson and Lyda Carpen with Tigermoth Creative. They had created some marketing materials for the Town including a video, a messaging guide, and several graphics. Wilson and Carpen presented the video to Council.

Carpen gave Council an overview of the messaging guide. She stated that it would be a resource for the Town to use for social media, marketing, etc. She highlighted various taglines included and said that the goal was for everything to feel very authentic to the community.

Council Members discussed some of the specific wording included in the messaging guide with Carpen. Carpen stated that the guide provided various options and that Council could choose which ones they wanted to utilize for marketing purposes.

Council Members discussed the graphics with Carpen. Council Member Wolfe said that she appreciated the changes that Tigermoth had made since the Special Meeting. However, she did not feel comfortable approving the graphics as they were. Council Member Capes and Council Member Rayborn both stated that they liked the graphics.

Council Member Capes made a motion to approve the messaging guide, the graphics, and video for official Town use. Council Member Rayborn made a second to the motion. The motion passed by a 3 to 1 vote with Council Member Wolfe voting in opposition.

Old Business-

- Public Hearing on Question of Annexation pursuant to G.S. 160A-31 for properties located at 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 the annexation was opened at the November 16, 2021 Town Council meeting. She said that the Town had received a petition for annexation for the properties located at 2221 Guilford College Road, 5300 Mackay Road, 2207 Guilford College Road, and 5303 Mackay Road. Hawryluk highlighted the three public hearings on the agenda in regard to the properties were dependent upon one another. She added that the applicant had requested that the public hearing be continued to the June 23rd meeting on April 19th. She noted that a major component of that request was for the developer to receive additional information about the Hazen and Sawyer sewer study. Hawryluk said that the study had been completed and that Blanchard would provide additional information about the results.

Blanchard presented an overview of the results of the Hazen and Sawyer sewer study. He noted that it examined existing conditions of the sewer infrastructure to determine any potential necessary improvements. Blanchard said that they had identified some minor inflow and infiltration issues. He added that prior to development of half of the D.R. Horton project that the Town would need to address issues with about ten manholes. He stated that the manholes were not on the property and that they were much further down in the system. Blanchard said that staff planned to add those improvements to the CIP or to address them while doing some of the other ongoing projects. He introduced the Town's Land Use Attorney, Tom Terrell.

Terrell provided a detailed overview of the Town's efforts to work with D.R. Horton to draft a development agreement. He noted that the Town had considered a previous request for annexation and rezoning of the property that had been submitted by Diamondback Investment. Terrell stated that the Town had denied the request because there was a lack quality in the applicant's plan. He highlighted that the denial had nothing to do with the Town's unwillingness to see the land developed. Terrell added that Diamondback had approached the legislature and had attempted to have the property removed from Jamestown's ETJ which the Town had thwarted.

Terrell noted that D.R. Horton had purchased the property from Diamondback. He said that the development team had met with Town staff about the possibility of a new application for annexation and rezoning with the condition that a development agreement would be approved by the Town Council. Terrell stated that David Treme, Interim Town Manager, had drafted a letter to D.R. Horton clearly defining the Town's expectations in regard to the level of quality necessary for the development to be approved. Terrell spoke at length about the ways in which the D.R. Horton team had failed to provide constructive feedback on the development agreement. He also provided examples of their failure to attempt to meet the quality standard that had been discussed in the initial conversations. Terrell said that the Town had learned that the developer had reached out to the legislature to try to persuade them to remove the property from the Town's ETJ. He said that he was extremely disappointed in D.R. Horton's efforts to work with the Town to make the development something that everyone could be proud of once the project was complete.

Terrell stated that the Council could either deny the applicant or allow D.R. Horton 90 days to begin meaningful work on the development agreement. He advised that they give the applicant one more chance to work with Town staff and encouraged D.R. Horton to replace their spokesperson with their attorney, Marc Isaacson.

Council Member Straughn thanked Terrell for providing such a detailed overview of the timeline for the public. Council Member Straughn and Council Member Capes both voiced their disappointment in the lack of effort made by the D.R. Horton development team.

Johnson came forward. He gave an overview of the way that the rezoning process works. He highlighted that the Town was legally required to consider rezoning applications that were submitted. However, he said that Council did have the authority to deny requests that did not meet the Town's standards or was not a proper fit. Johnson stated that D.R. Horton and the previous developer had attempted to circumvent the process by going to the legislature. He said that staff would continue to treat the applicant with respect and attempt to collaborate. However, he noted that it was imperative that the public know that staff and Council was working diligently to protect the Town's interest on all fronts while being reasonable to the applicant.

Mayor Montgomery called the applicant forward to speak.

Ryan Moats came forward. He said that he was representing D.R. Horton and that his address was as follows: 4150 Mendenhall Oaks Parkway, High Point, NC 27265. He stated that D.R. Horton respectfully disagreed with the vast majority of the things that Terrell had said. He added that D.R. Horton's attorney was not able to attend and that they would feel more

comfortable having further discussions about the project with him present. Moats requested that Council continue the public hearing.

Council Member Straughn asked Moats what gave D.R. Horton the right to attempt to take the property out of Jamestown's ETJ. Moats said that he would prefer to answer the question with his attorney present.

Council Member Capes said that the Town had been acting in good faith in order to collaborate with D.R. Horton. He reiterated that the developer's attempt to remove the property from the ETJ was inappropriate. He asked for an explanation. Moats said that he would prefer to have his attorney present while having discussions about the application.

Council Member Wolfe asked if 90 days would be a sufficient amount of time for D.R. Horton to be prepared to discuss the project. Moats said he believed it would be enough time, but he needed to confirm with his team.

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

- Janina Austin, 403 Thornwood Road- Austin said that everybody present took the time to come to the meeting and it was unfortunate that D.R. Horton's attorney was not there. She urged Council to deny the request because the developer had been wasting the Town's time and continued to be disrespectful.
- William Yaner, 4629 Jamesford Drive- Yaner said that the quality of life portrayed in the marketing video was in direct contrast with the potential development. He noted that the video was excellent and he thanked Council for standing up to D.R. Horton.
- Elizabeth Van Horn, 604 Thornwood Road- Van Horn stated that the marketing video was beautiful and spoke about a deeply rooted sense of place. She added that it evoked the Town's history and captured the small town feel of Jamestown. Van Horn noted that a large development was not an appropriate fit. She said that the Town needed a plan that respects the people and considered the potential environmental impacts. She encouraged Council to consider the possibility of a better plan for the property.
- Cynthia Smith, 122 Gannaway Street- Smith said that she moved to Jamestown because it was a less populated area. She added that she was concerned about access to healthcare and services if the property were developed. She recommended that Council deny the request.
- Donna Peterson, 105 Tandy Court- Peterson stated that she was interested in the AARP designation that the Town had received. She highlighted the importance of promoting age-targeted housing for the older community. Peterson said that she did not think that the development agreement addressed that need.
- Trish Kirbey, 131 Thora Drive- Kirbey thanked Council for standing up to D.R. Horton. She reiterated the discrepancy between the video and the potential development. She said that she moved to Jamestown because it was a small town, and that she hoped it stayed that way.

Mayor Montgomery opened the floor to Council for discussion.

Council Member Straughn said that he was extremely disappointed at the lack of progress made by the development team. He added that the Town had spent time and money in order to ensure that the project was a reflection of the Town's expectation for a high-quality development. He stated that it was disheartening that the applicant was not prepared to speak even though the Town had been cooperative throughout the entire process.

Council Member Capes stated that he struggled with allowing an extension. However, he agreed with Council Member Straughn that the Town had invested money into the process. He noted that he also did not want to give the developer any opportunity to persuade the legislators that the property should be removed from the ETJ.

Council Member Wolfe said that the Town's Land Use Attorney had strongly recommended that Council allow 90 days for the developer to make one last effort to work with the Town. Council Member Rayborn agreed that an extension should be given based on Terrell's advice.

Mayor Montgomery commended the Town staff and Council for continuing to take the high road by conducting themselves as professionals.

Council Member Wolfe made a motion to continue the public hearing to the September 20th Town Council meeting at 6:00 pm in the Civic Center without further advertisement. Council Member Capes made a second to the motion. The motion passed by unanimous vote.

- Public Hearing on rezoning request from D.R. Horton for properties located at 2221 Guilford College Road, 5300 Mackay Road, 2207 Guilford College Road, and 5303 Mackay Road from AG (Agricultural) to PUD (Planned Unit Development) - Hawryluk stated that a petition for rezoning had been received and reviewed by the Planning Board. She noted that the public hearing was opened at the January 25th Town Council meeting for the consideration of the rezoning of the parcels from agricultural to planned unit development. She said that the rezoning request would also include the adoption of a development agreement.

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

Nobody came forward. Mayor Montgomery opened the floor to Council for discussion.

Council Member Rayborn made a motion to continue the public hearing to the September 20th Town Council meeting at 6:00 pm in the Civic Center without further advertisement. Council Member Capes made a second to the motion. The motion passed by unanimous vote.

- Public Hearing for consideration of Development Agreement for D.R. Horton Property- Hawryluk reiterated that a petition for a rezoning request had been received and that the request would include a development agreement.

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

Nobody came forward. Mayor Montgomery opened the floor to Council for discussion.

Council Member Capes made a motion to continue the public hearing to the September 20th Town Council meeting at 6:00 pm in the Civic Center without further advertisement. Council Member Straughn made a second to the motion. The motion passed by unanimous vote.

Mayor Montgomery called for a ten minute recess at 8:00 pm.

Mayor Montgomery called the meeting back to order at 8:10 pm.

- Public Hearing for the consideration of adoption of the Proposed Budget and CIP FY 2022/2023- Gallman said that the proposed budget was prepared in accordance with G.S. 159 and the Local Government Fiscal Control Act. She highlighted that all funds within the budget were balanced. Gallman added that all revenues and expenditures were identified. She presented information on the Town's capital improvement program and the proposed tax rate of \$0.485/\$100. She noted increased fees for water and sewer rates.

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

- Robert Frederick, 500 Wyndwood- Frederick said that staff was overestimating expenses and underestimating revenues. He was upset that the Town was not spending the money in its reserves because he believed it was losing value. He stated that he thought the tax rate should be lowered.

Mayor Montgomery asked if anyone else would like to speak. Nobody came forward. Mayor Montgomery closed the public hearing and opened the floor to Council for discussion.

Council Members thanked staff for their hard work on the budget.

Council Member Straughn said that he was usually of the opinion that lower taxes were better. However, he noted that the Town had to be prepared to provide services that cost more money.

Council Member Rayborn stated that the cost of materials had increased and the Town was fortunate to be able to meet the needs of the community as a result of being fiscally responsible.

Council Member Rayborn made a motion to approve the proposed budget and CIP for fiscal year 2022/2023. 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.

(Resolution adopting a Capital Improvement Program for the Town of Jamestown for fiscal years 2022/2023 to 2026/2027)

- Consideration of adoption of the Town of Jamestown's updated Strategic Plan- Johnson said that the Town of Jamestown's Strategic Plan was designed to be a multiyear representation of the Town's mission. He added that it aimed to serve as a roadmap for staff and Council for the next three to five years. He said that Council and staff met on June 6th to discuss and review the Plan. He said that the version included in the packet reflected the input received from Council. Johnson requested that Council adopt the Strategic Plan for 2022.

Council Member Capes made a motion to adopt the Town of Jamestown's Strategic Plan. Council Member Rayborn made a second to the motion. The motion passed by unanimous vote.

New Business-

- Consideration of approval of special event permit request- Johnson said that Friends for an Earlier Breast Cancer Test was the nation's only nonprofit breast cancer organization exclusively focused on identifying an earlier detection test. He stated that they were proposing to host a 5k, dog walk, and 1 mile fun run to benefit their cause. He said that the applicant had been working with the Town to secure the use of Wrenn Miller Park as a site for their 2022 event. Johnson noted that there were a few outstanding questions related to the use of NCDOT roadways, but staff felt that they could be resolved in the upcoming weeks. He requested that Council approve the special event permit request with the requirement that the event was subject to conditions imposed by NCDOT.

Council Member Wolfe asked that they also provide a copy of their liability insurance.

Council Member Capes made a motion to approve the special events request subject to any conditions imposed by NCDOT, the requirement that they provide a copy of their liability insurance, and that the permit be reviewed by Beth Koonce, Town Attorney. Council Member Straughn made a second to the motion. The motion passed by unanimous vote.

- Consideration of approval of Clubhouse Facility Use Guide- Johnson said that a copy of the updated Facility Use Guide for the Jamestown Park Clubhouse was included in the Council packet. He stated that the updates included rate changes to be consistent with costs for cleaning vendors, event host wages, and security detail wages. He added that the policy also provided clarity on what types of activities were permitted/prohibited, policies for refunds of deposits, and limits of liability insurance required.

Council Member Wolfe asked that the contact information for rentals be changed from Town Hall to the Golf Pro Shop. She also requested that a list of approved caterers be included with input from the civic groups.

Council Member Wolfe made a motion to adopt the Jamestown Park Facility Use Guide with the requested changes. Council Member Rayborn made a second to the motion. The motion passed by unanimous vote.

- Discussion of receipt of offer from George Ragsdale for property located at 304 R1 East Main Street (parcel #160253)- Johnson stated that the Town had received an offer to purchase property located at 304 R1 East Main Street from George Ragsdale for \$15,200. He said that it was a landlocked piece of property that the Town owned that had a waterline running through it. He requested direction from Council on how to proceed.

Council Member Capes asked if the Council had to entertain offers on the property. Johnson said that they did not.

Council Member Straughn spoke about potential issues with access to the waterline. Johnson stated that the Town would have to receive easements for access. Council Member Straughn spoke with Koonce about costs associated with the upset bid process.

Council Members agreed that they were not currently interested in selling the property.

Council Member Capes made a motion to direct the Town Manager to not entertain offers on the property. Council Member Rayborn made a second to the motion. The motion passed by unanimous vote.

Manager/Committee Reports-

- Manager Report-Johnson presented his Manager's report to Council. He stated that the Town Council and Planning Board would hold a joint meeting on June 27th to discuss short-term rentals with the Town's Land Use Attorney, Tom Terrell. He noted that Music in the Park would be held on July 1st and would feature the Special Occasion Band. Johnson stated that Town Hall would be closed on July 4th and that the Jamestown Veterans would hold a flag raising ceremony at 11:00 am in Wrenn Miller Park. He highlighted that the Potter Sidewalk project was complete.
- Council Member Committee Reports-
 - Council Member Wolfe said that she had a report from NCDOT regarding East Fork Road. She stated that they planned to install chevrons and reduce the speed limit to prevent future accidents.
 - Council Member Capes stated that there was no Parks and Rec meeting. However, he had participated in a call with Council Member Rayborn, staff, and Preservation NC for the purpose of discussing the Oakdale Cotton Mill. He noted that he was very disappointed with the property owners and their lack of responsiveness. Council Member Rayborn thanked staff for attempting to assist the property owners by putting them in contact with Preservation NC. She was concerned about the people that were renting from the property owners. She stated that the Town had gone out of their way to provide support, but if there was no movement then the code enforcement violations needed to be addressed. Council Member Straughn and Wolfe agreed. Council Members expressed their disappointment that the property owners did not seem interested in options that could help the Oakdale Cotton Mill reach its potential.
 - Council Member Rayborn said that the Planning Board met to consider a proposal from Windsor Homes to rezone 4718 Harvey Road. She stated that they were interested in developing the land to provide a maximum of 95 residential units. She added that the Planning Board continued their consideration of the request to their next meeting.
 - Mayor Montgomery stated that she attended a PTRC meeting last week. She noted that they had discussed the budget.

Public Comment- Nobody spoke.

Other Business- No other business was discussed.

Closed Session per G.S. 143-318 to discuss matters related to Attorney Client Privilege (2216 Guilford College Road) and a Personnel Matter- Council Member Capes made a motion to go into closed session per G.S. 143-318 to discuss matters related to attorney client privilege (2216 Guilford College Road) and a personnel matter. 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 Straughn made a motion to adjourn. Council Member Capes made a second to the motion. The motion passed by unanimous vote.

The meeting ended at 10:02 pm.

Mayor

Town Clerk