

**Regular Meeting of the Town Council**  
**July 17, 2018**  
**6:30 pm in the Civic Center**  
**Minutes & General Account**

**Council Members Present:** Mayor Montgomery, Council Members Nixon, Wolfe, Capes, and Rayborn

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

**Visitors Present:** Connie Queen, Lynette Hodgin, Wray Hodgin, Richard Volz, Terri Volz, Mallory Quick, Brian Baillargeon, Darlene Fete, Shelley Kiker, Wade Gabel, Kerry Urbine, Keith Volz, Mark Tabaczynski, Andrew Braman, Kurt Collins, Lindsay Wright, Tony Capra, Karen Gerringer, Jay Lowrey, Lucus Horner, Jolanda VanBree, Wid Painter, Kelly Irvin, Mike Coles, Sarah Glanville, Eddie Oakely, Lynn Tice, Liza Tice, Jacob Tice, ME Johnston, Char-Lee Smith, Doug Polley, Robert Frederick, Pam Fleming, Toni Wiker, Jamie Hall-Erath, & Captain Pruitt.

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

- Pledge of Allegiance- Mayor Montgomery called the Jr. Girl Scout Troop #2113 forward to lead the pledge of allegiance.
- Moment of Silence- Mayor Montgomery called for a moment of silence.
- Approval of Agenda- Mayor Montgomery asked if Council had any changes that they would like to make to the agenda.

Cole requested that the first “Public Comment” section of the agenda be moved to occur after the “Consent Agenda” section of the agenda. He also requested to remove the item “Jamestown Park & Golf Course Quarterly Report” from the agenda.

Council Member Wolfe said that she would like to pull the “Approval of minutes from the June 19, 2018 meeting” from the consent agenda in order to make a correction.

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

- Approval of minutes from the June 19, 2018 meeting- Council Member Wolfe stated that she would like to make a correction to page four of the regular minutes under “Public Hearings.” She said that the minutes stated that “He noted that Council had recommended to change the ordinance restrictions on noise to begin at 12:30 am through 7:00 am on Fridays, Saturdays, and New Year’s Day.” She said that she would like to change the wording to state that a local business had requested the change to the noise ordinance and not Council.

Council Member Capes made a motion to approve the minutes from the June 19, 2018 meeting with the change in wording. 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 and sealing of closed session minutes from the June 19, 2018 meeting
- Analysis of financial position of the Town of Jamestown
- Analysis of financial position of the Jamestown Park & Golf Course
- Budget Amendment #1
- Budget Amendment #2

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

**Public Comment-**

- Robert Frederick, 706 Ragsdale Rd. - Frederick stated that he was there to request that the Council work towards silencing the train. He said that many communities in the U.S. had banned the sound of train horns at night. He noted that there was a noise ordinance in place that prevented establishments from having live music past a certain time at night, but the train was much louder than the music. He also stated that there was research that indicated negative impacts of loud noises on health. He encouraged Council to silence the train.

**Old Business-**

- Consideration of approval of award of Recycling Contract and Budget Amendment- Blanchard gave an overview of the proposals submitted by North Davidson Garbage Services (NDGS) and Republic Services. He noted that there were no bids that included picking up recycling left at the curb in plastic bags. He said that Republic would charge \$5.04/per cart/per month and North Davidson would charge \$5.36/per cart/per month if the Town provided the carts. Republic would charge \$5.98/per cart/per month and North Davidson would charge \$6.00/per cart/per month if the vendor owned the carts. Blanchard also stated that North Davidson took one holiday per year and Republic took six holidays per year.

Blanchard recommended that Council authorize the Town Manager to negotiate a contract with NDGS. He said that the Town had a history with NDGS and they had been willing to pick up recycling in plastic bags in the past. There had also been no unresolved complaints with the service they had provided. He stated that with everything considered, including the holiday impacts, he believed the Town should negotiate a contract with NDGS.

There was discussion between Council Member Rayborn and Blanchard about whether or not the companies would be willing to pick up the recycling on a weekly basis.

Council Member Wolfe stated that it seemed that NDGS would be willing to provide a sixty-five gallon cart to citizens that lived in homes and townhomes would have the option of a recycling bin. She noted that the bins would only be offered to those in townhomes because of space limitations. Blanchard said that was correct.

Cole reiterated that there was no one that submitted a proposal that would allow for the pickup of plastic bags.

There was discussion between Council and staff about the details of the proposals.

Cole stated that a budget amendment needed to be approved before Council could authorize him to negotiate a contract.

Council Member Wolfe made a motion to approve the budget amendment in the amount of \$26,500. Council Member Nixon made a second to the motion. The motion passed by unanimous vote.

Council Member Nixon made a motion to authorize the Town Manager to negotiate and prepare a contract with North Davidson Garbage Services. Council Member Capes made a second to the motion. The motion passed by unanimous vote.

- Discussion of ongoing sidewalk projects- Blanchard gave Council an update on the ongoing sidewalk projects in Jamestown. He stated that the comments, plans, and specifications had been addressed for the East Fork Pedestrian Bridge. He noted that the bid dates had not been let yet.

He said that all the plan comments had been addressed for the East Main Street project. However, there were some forms that needed to be updated.

Council Members spoke with Blanchard about the upcoming deadlines for the projects.

- Public Hearings
  - **Public Hearing to consider an amendment to the Town Code of Ordinances: Chapter 94: Noise**- Cole said that the proposed noise ordinance amendment had been discussed at the previous meeting. He stated that the current ordinance restricts noise violations from 11:00 pm through 7:00 am daily. The proposed amendment would restrict noise from 12:30 am to 7:00 am on Fridays, Saturdays, and New Year's Eve. He noted that Council recommended revising the amendment to apply only to property with frontage along Main Street from Teague Drive to Ragsdale/Dillon Road.

Council Member Montgomery opened the public hearing to anyone that would like to speak against the amendment.

Stephen Smith, 506 Mendenhall Rd- Smith stated that he was against the amendment and could hear the music from Main St. at his house. He said that there is music that plays at High Point City Lake Park and that they cut the music off at 8:00 pm. Smith stated that they had more respect for the citizens than certain businesses on Main St. did. He said that there was no decibel limitation on the live music and there was no way to enforce the ordinance.

Tony Wiker, 106 Lee St. - Wiker said that she loves live music. However, most of the venues that she's been to require the band to play indoors or switch to acoustic after a certain time. Wiker also stated that the speakers at the Deck faced her neighborhood and the music was louder at her house than on Main St. She said that the windows in her home shake because of the noise. Wiker noted that several working class families lived in her neighborhood and had to get up early on Saturdays and Sundays. There were also several elderly people that lived in her neighborhood that needed rest.

Darlene Fete, 200 Ladyslipper Ln. - Fete stated that she concurred with everything Wiker had said. She noted that on Friday and Saturday nights her windows rattled and she could hear the music inside her home. She stated that she was also tired and believed that most people wanted peace and quiet when they were home. She encouraged Council to vote against the amendment unless the music was moved inside after hours or the musicians played acoustically. She also noted that there was no buffer between The Deck and residential areas.

Kelly Irvin, 211 Oakdale Rd. - Irvin stated that she had similar feelings about the music and was opposed to the amendment. She noted that she was a small business owner and appreciated the traffic that the small businesses brought to the community. However, she believed that there needed to be a balance between residents and businesses. She said that she wanted Jamestown to grow, but could not enjoy her own property because of the noise from The Deck. Irvin stated that the music always continued past current time limits and that it was too loud.

Wray Hodgin, 505 Oakdale Rd. - Hodgin stated that the noise was extremely loud at night. He said that if it was preventing him from sleeping, then it was too loud. He noted that the current ordinance needed to be enforced.

Kurt Collins, 113 Gannaway- Collins stated that he was not anti-business by any means and wanted the businesses on Main St. to thrive. He said the issue was the noise level. He cited several sections of the Land Development Ordinance to illustrate that the noise levels were too high and not fitting with the small town character of Jamestown. He said that he would like for the people in favor of the amendment to address how decreasing the restrictive times would benefit their business.

Michael Coles, 211 Oakdale Rd. - Coles said that he concurred with everyone that had spoken before him. He stated that the trains in Jamestown were loud, but the noise did not last all night.

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

Mayor Montgomery opened the public hearing to anyone that would like to speak in favor of the amendment.

Wade Gabel, 305 Misty Waters Ln. - Gabel stated that they did do decibel readings at The Deck. He gave Council Members a handout with some data listed. He said that when the bands stop playing at The Deck that customers leave and go somewhere else. He offered to buy decibel readers for the Town to use for enforcement. He stated that he wanted to be a good neighbor.

There was discussion between Gabel and Council Members about the data he had submitted and potential compromises.

Eddie Oakley, 508 Mendenhall Rd. - Oakley said that he wanted to speak in favor of the amendment because he had seen Jamestown become a destination. He stated that people traveled to Jamestown for the music and for the excellent restaurants. Oakley noted that this brought revenue to the Town and improved the retail during the daytime. He said that visitors needed to be encouraged to stay as long as possible to help businesses grow.

Keith Volz, 601 O'Neill Dr. - Volz stated that sixteen years ago Council was faced with some tough decisions. There were a lot of empty store fronts on Main St. and citizens were worried that Jamestown would be completely bypassed. The Town began to look at the different options for growth and decided that Jamestown should become a destination area. Volz stated that the Town started to focus on improving Main St. He noted that Southern Roots became Jamestown's anchor business and that The Deck was also very successful. The revitalization of the town had several positive impacts. He stated that the amendment was not aimed at one business, but the entire community. It would encourage strong businesses that would allow for growth in a positive direction.

Tony Capra, 112 Riverwalk- Capra stated that his heart went out to everyone on both sides of the issue, but he hoped there could be a compromise reached with the business owners. He said that he had lived here since 1976 and had seen the town grow. His parents had owned a deli in Jamestown for years. He noted that he believed that the benefits of the amendment outweighed the negative impacts. Capra said that he knew that there was no way to make everyone happy, but he hoped that both sides could compromise.

Lucas Horner, 102 Gannaway St. - Horner complimented everyone for being civil and for their ability to have a constructive debate. He stated that people had always had a positive reaction when he told them that he lived in Jamestown, but he had noticed it had become a destination for visitors. He said that he believed he lived closer to The Deck than anyone else and that he could only faintly hear the music. Horner noted that Jamestown should make an effort to keep visitors in Town if possible. He said that economic growth was a positive thing and he supported the ordinance.

Mallory Quick- Quick said that he had a transportation service and he did a lot of business at The Deck. He stated that he loved The Deck and the people there. He had brought presidents of companies to the establishment and he was for the amendment.

Robert Smith, Vickery Chapel Rd. - Smith stated that he was a local musician that played at The Deck. He said that he had been playing at The Deck for years. He said that Gabel paid the bands based on a percentage and he received substantially more money now than in the past. Smith said that a lot of their fans came to Jamestown to hear them perform and have consistently asked why they stop playing so early.

Lindsay Wright, 104 Gannaway St. - Wright said that she grew up in Jamestown and did not visit often after she left. She decided to move back and had recently purchased a home in town. She noted that she had seen the positive impacts of the growth of Jamestown and could not hear the music from The Deck.

George Erath, 210 Misty Waters Ln. - Erath stated that he loved seeing the rejuvenation of Jamestown and was proud to live in town. He said that he had just recently moved from Whittington Hall and that the football games at Ragsdale High School were louder than the noises coming from The Deck. He said that he lived in Riverwalk now and that the train was a lot louder than the noise from Main St.

Jamie Hall-Erath, 210 Misty Waters Ln. - Erath said that she owned a small business in town and had lived in Jamestown over fifty years. She stated that she supported the ordinance and also believed that it had become a destination location for people in the area. Erath said that the businesses on Main St. had really revived Jamestown and she supported the amendment.

Doug Polley, 408 Oakdale Rd. - Polley said that he could hear some music from The Deck, but he could not tell what the songs were. He stated that the noise was not that loud and he had never heard any music inside his house.

Char Lee Smith, 116 Byrnwood Dr. - Smith stated that she had lived in Jamestown for a long time and had seen the positive impacts of its growth. She said that she loved being able to walk to several businesses in town. Smith stated that she worked in the mortgage business and people wanted to move to Jamestown. She was in favor amendment.

Brian Baillargeon, 203 Newberry St. - Baillargeon said that he bought a house in Jamestown about seven years ago. He said that he loved the Town and attributed everything that has really changed to the downtown scene. He noted that the value of his home had almost doubled. He stated that homes in the area were selling in days and had lots of interested buyers. Baillargeon said that he could hear the music, but it wasn't bad. He believed that people wanted to come to town because of the downtown area.

Jake Tice, 705 Guilford Rd. - Tice stated that he had been a resident of Jamestown for twenty-nine years and owned the Healthy House 56 on Main St. He said that he had been at his store several evenings when The Deck had live music and he could not hear it. He thought it was very important for Jamestown to do anything possible to support local businesses. He noted that he was completely in favor of the amendment.

Mayor Montgomery asked if there was anyone else that would like to speak in favor of the amendment. There was no one. She closed that portion of the public hearing.

Cole said if there were certain limits placed on the ordinance that it could be difficult to enforce. He noted that it may get complicated if there were decibel level limits set for the downtown area.

There was discussion between Council and Captain Pruitt, an officer from the Guilford County Sherriff's Department, about the enforcement of the noise ordinance. He noted that if Jamestown were to include a decibel level limit that there would need to be a study conducted to determine what the limit should be.

There was discussion between the Council Members about including a decibel level limit within the amendment to the noise ordinance.

There was discussion about the procedures of enforcement of the current noise ordinance between Council Members and Captain Pruitt.

Council Member Wolfe stated that she had read the amendment and believed that the amendment should be limited to "Friday, Saturday, and New Year's Eve." She said that it currently said "Friday, Saturday, and New Year's Day."

Council Members discussed the details of the amendment and a potential compromise.

Council Member Nixon stated that she was in favor of the amendment. She had counted more people that were in favor of the change and had also been contacted by several citizens who approved of the amendment.

Council Member Capes said that he had seen the town develop and grow. He noted that Council had an obligation to take care of residents and also to make responsible decisions that would allow for Jamestown to develop at the right pace.

Council Member Wolfe stated that it was important to figure out how to coexist. There needed to be a balance between the commercial and residential. She agreed that businesses had been the catalyst for the rejuvenation of Jamestown, but that it had also resulted because of careful planning around growth.

There was discussion between Council Member Nixon and Council Member Wolfe about the time limit in the ordinance.

Council Member Rayborn stated that there were several residents that had spoken in opposition of the change at the initial public hearing. She also noted that Jamestown had become a destination area with the current ordinance in place.

There was discussion amongst Council Members about the potential ramifications of the amendment.

Council Member Nixon made a motion to extend the time limit on the noise ordinance to 12:30 am for Fridays and Saturdays. She also made a contemporaneous motion to discuss how to put a decibel limit on the noise and if it were feasible.

Council Member Wolfe asked if the extension could be limited to 12:00 am as a compromise. Council Member Nixon stated that she would be fine with that.

Council Member Nixon made a motion to approve the resolution in order to extend the time limit on the noise ordinance to 12:00 am for Fridays, Saturdays, and New Year's Eve . Council Member Wolfe made a second to the motion.

McBride took a roll call vote as follows:

Council Member Wolfe- Aye  
Council Member Capes- Aye  
Council Member Nixon- Aye  
Council Member Rayborn- Nay

The motion passed by a 3 to 1 vote.

#### **New Business-**

- Request to set Public Hearing date for ordinance updates- Johnson requested that a public hearing date be set for the August 21, 2018 Regular Town Council meeting for ordinance updates.

Council Member Capes made a motion to set the public hearing date for the ordinance updates to the August 21<sup>st</sup> Regular Town Council meeting. Council Member Rayborn made a second to the motion. The motion passed by unanimous vote.

- Consideration of setting date for Fall Council Retreat- Cole stated that he would like to set a date for a Fall Council Retreat in September. He asked Council to set a date for September 1<sup>st</sup>, 8<sup>th</sup>, or 15<sup>th</sup>. He had selected those dates as a result of the availability of the facilitator from the UNC School of Government.

There was discussion of which date would work best with everyone's schedule.

Council recommended selecting a Thursday night in September to have the Council Retreat. The dates they selected were September 6<sup>th</sup>, 13<sup>th</sup>, and 20<sup>th</sup>.

Cole stated that he would confirm a date with the facilitator and let Council know when the retreat would be as soon as possible

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

- Manager's Report- Cole noted the following in his manager's report:
  - Cole said that he would like to thank Republic Waste for submitting a bid for a recycling contract with the Town of Jamestown. He stated that he appreciated the time and effort that they put into it.
  - July 21<sup>st</sup>- The Mendenhall Homeplace would hold their annual Village Fair from 10:00 am until 4:00 pm. It would be a free event.
  - August 3<sup>rd</sup>- Entries for the Jamestown Flag contest would be due. Submissions could be emailed to [jtownflag@gmail.com](mailto:jtownflag@gmail.com)
  - August 7<sup>th</sup>- National Night Out would be held at Wrenn Miller Park. The Band AM rOdeO would be playing. The event would begin at 6:00 pm and last until 10:00 pm. There would be food trucks at the event.
  - August 17<sup>th</sup>- The JBA would be showing Secret Life of Pets in Wrenn Miller Park as a part of their Movies in the Park series. The proceeds would benefit the Ruff Love Rescue. The event would begin at 5:00 pm and last until 10:00 pm. There would be food trucks on site.



Mayor Montgomery added that August 4<sup>th</sup> was the Jamestown Pig Pickin' and the proceeds would benefit family services. She noted that tickets were still available.

- Council Member Committee Reports-
  - Council Member Wolfe stated that she had attended the TAC meeting and learned that the Jamestown Bypass contract had been let and was expected to start in the fall. They had completed 60% of the right-of-way acquisition.
  - Council Member Capes said that the Parks and Recreation Committee did not have a meeting and that discussions were continuing about the Oakdale Cotton Mill Revitalization.
  - Council Member Rayborn stated that the Planning Board had approved the minutes and the ordinance updates at their last meeting.
  - Mayor Montgomery said that she had attended the PTRC meeting. It was basically a business meeting and they had approved the agendas for the coming year.
- Flag Design Competition Update- Sarah Ulrich, High School Representative, was absent.

**Public Comment-** Nobody signed up.

**Other Business-** Council Member Wolfe stated that she would like Council's feedback on moving the first public comment period on the agenda to occurring directly after the approval of the consent agenda. Cole said that could be addressed within the Rules and Procedure Policy.

Council Member Capes asked Cole if the announcement of upcoming events could be moved to the beginning of the meeting instead of the end. Cole said that he was open to that idea.

Council Member Wolfe thanked Matthew Johnson, Scott Coakley, and Mike Shaul for their hard work during the Music in the Park event. She also noted that the Special Occasion Band was great.

Council Member Capes thanked McBride for working to complete the Council packets earlier in the month.

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

The meeting ended at 8:42 pm.

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Mayor

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Town Clerk