

**Planning Board Meeting  
July 8, 2019  
6:30 pm  
Civic Center  
Minutes & General Account**

**Planning Board Members Present:** Sarah Glanville, Chair; Art Wise, Vice Chair; Eddie Oakley, Ed Stafford, Russ Walker, Richard Newbill (ETJ), Steve Monroe (ETJ), Robert Lichauer (ETJ), & Sherrie Richmond (ETJ)

**Council Member Representative:** Rebecca Mann Rayborn

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

**Visitors Present:** John Capes, Vernon Queen, Connie Queen, Renee Nichols, Harriet Hall, Charles Starkey, Dari Starkey, Rebecca MacLeod, Fred Plunkett, Richard Glover, Jon Morris, Owen Morris, Susan Stringer, Pam Burgess, JoAnn Currie, Larry Currie, Danielle Herron, Lori Herron, Sam Herron, Tracie Grant, Dave Kame, Ken Wallmeyer, Michael Young, Elizabeth Van Horn, Tammy Salyards, & Rich Salyards.

**Call to Order-** Glanville called the meeting to order. She requested that a Planning Board Member make a motion to recess and relocate to the Civic Center in order to accommodate the size of the audience.

Wise made a motion to recess and relocate to the Civic Center of Town Hall. Monroe made a second to the motion. The motion passed by unanimous vote.

The Planning Board immediately relocated to the Civic Center.

Wise made a motion to resume the July 8<sup>th</sup> Planning Board meeting. Lichauer made a second to the motion. The motion passed by unanimous vote.

**Roll Call-** Johnson took roll call as follows:

Sarah Glanville- Present  
Art Wise- Present  
Eddie Oakley- Present  
Ed Stafford- Present  
Russ Walker- Present  
Richard Newbill- Present  
Steve Monroe- Present  
Robert Lichauer- Present  
Sherrie Richmond- Present

Rebecca Mann Rayborn- Present

**Approval of minutes from the June 10, 2019 meeting-** Stafford made a motion to approve the minutes from the June 10<sup>th</sup> meeting. Wise made a second to the motion. The motion passed by unanimous vote.

**Discussion: Update on Comprehensive Plan Request for Qualifications (RFQ)** - Johnson stated that the Town Council had adopted the annual budget at their June 18<sup>th</sup> meeting. He noted that funding for an

update to the Town's Comprehensive (Comp) Plan was included in the budget. He explained that the Comp Plan was a planning tool which helped guide the decision-making process for the Planning Board and Town Council. He said that it was time for the plan to be updated, and that he would like to begin the process. He noted that staff had prepared a Request for Qualifications (RFQ) for the Planning Board to review. He said that he would like to start advertising the RFQ within the next couple of weeks with the Board's approval.

Lichauer made a motion to approve the advertising of the RFQ. Monroe made a second to the motion. The motion passed by unanimous vote.

**Selection of four Planning Board Members to serve on the Comprehensive Plan Update Steering Committee-** Johnson stated that a Steering Committee would be formed to assist with the Comp Plan update. He said that staff would like to have two regular Planning Board Members and two Extra-Territorial Jurisdiction (ETJ) Planning Board Members volunteer to serve on the Committee. He also encouraged citizens that were interested in serving to apply. Johnson noted that all applicants would be approved by Council before being appointed to the Committee. He requested that two regular Members and two ETJ members volunteer to serve on the Committee.

Planning Board Members discussed the expectations of the Steering Committee Members with Johnson.

Eddie Oakley, Steve Monroe, and Sherrie Richmond volunteered to serve on the Committee.

Wise made a motion to nominate Oakley, Monroe, and Richmond to serve on the Comp Plan Steering Committee. Lichauer made a second to the motion. The motion passed by unanimous vote.

**Public Hearing: LDO Text Amendment Request to amend Article 3 "Definitions" as it relates to the definition of "Limited Agriculture"**- Johnson stated that he received an anonymous complaint about trash and odor coming from the property at 2216 Guilford College Road. He drove by the property and confirmed that there was a large pile of rubbish in the yard. Johnson went to the door to speak with the owners about the issue. As he approached the door, he observed an enclosed fence that housed several pigs. Johnson sent the property owner notice of the citations. He requested that the trash be removed within ten days and that the pigs be rehomed within 30 days. Johnson stated that the rubbish was removed in the allotted time, but the owners requested an extension to rehome the pigs. They were granted an additional 60 days to remove the pigs from their property. The property owner, Lori Herron, attended the Mays 21<sup>st</sup> Town Council meeting and requested that Council allow her to keep the pigs. They encouraged her to apply for an amendment to the Land Development Ordinance.

Johnson noted that Herron submitted a request for a text amendment. If approved, the amendment would allow anybody in areas zoned as single-family residential, residential Main Street transitional, and agricultural to keep an unlimited number of pigs as long as they were each 300 lbs or less. Johnson said that most municipalities do not allow citizens to keep "miniature" or "potbellied" pigs within their limits. He stated that when pigs were allowed, municipalities typically limited them to two per property.

Johnson stated that staff recommended that the Planning Board deny the text amendment as written. He also requested that the Planning Board make a recommendation to Council to allow staff to rewrite the amendment in a way that would better define the requirements of keeping potbellied pigs in residentially owned areas.

Planning Board Members discussed the details of the text amendment and potential repercussions of its approval with Johnson.

Glanville called Lori Herron forward to speak about the proposed amendment.

Herron stated that she was seeking to clarify that miniature pigs were not livestock. She said that she did not consider her pigs as livestock and that she never intended to have so many. The family had ten pigs in total. Herron stated that she considered them to be her pets. She distributed pictures and information differentiating potbellied pigs from farm pigs to the Planning Board. She noted that she took very good care of the pigs and that they were emotional support animals.

Glanville opened the public hearing to anyone that would like to speak for or against the amendment.

Renee Nichols, 909 Fairridge Drive - Nichols stated that she began gathering information about the request when she became aware of the amendment. She said that she had seen the story about Herron and her pigs on the local news. She stated Herron had claimed that the pigs were emotional support animals. However, it was her responsibility to check the local ordinances in order to ensure that the animals were allowed within the local jurisdiction.

Sam Herron- Herron stated that Lori Herron was his mother. He noted that the pigs were pets and that the family did not consider them as livestock. He stated that the pigs were buried when they died. Herron said that that the pigs did get dirty, but they were cleaned when necessary. He added that the family loved them dearly.

Tracie Grant, High Point- Grant said that she was friends with the Herron family. She stated that the family's pigs were not livestock. She gave a picture of the pigs to the Planning Board Members. Grant noted that the Herron family took really good care of the pigs and that they had all been spayed or neutered. She said that the pigs were pets, and that she had even stopped eating pork because of her positive interactions with them.

Dave Kame, 200 Arlington Drive- Kame said that he had lived in Jamestown for over twenty years. He stated that he had owned german shepherds for years, but he would never have twelve of them. He added that he would also never expect his neighbors to understand that he loved all twelve. He submitted a letter to the Planning Board that had been written by Lori Herron. Kame noted that it was an emotional plea. He said that his property was adjacent to the Herron's property, and he highlighted the negative impacts that had resulted from living next to ten pigs.

Charles Starkey, 202 Arlington Drive- Starkey said that his property was adjacent to Lori Herron's property. He stated that he and his wife were pet owners and appreciated her love of animals. Starkey noted that he was not opposed to people having potbellied pigs as pets. However, he believed that the text amendment was overly broad and could potentially lead to problems in the Town of Jamestown. He said that the ordinance needed to be balanced between the needs and wants of all citizens.

Elizabeth Van Horn, 604 Thornwood Road- Van Horn stated that she did not believe anyone was questioning Lori Herron's love for her animals. However, she saw a video on the news and that the animals were pigs whether the family wanted to call them livestock or not. She was concerned about the environment and stated that the ordinances were in place to protect all citizens. She encouraged the Planning Board to limit the number of pigs and to use ordinances from other municipalities for guidance.

Fred Plunkett, 204 Edwards Lane- Plunkett said that he owned an undeveloped property behind Lori Herron's home. He stated that someone could potentially have a hog farm if the amendment allowed an unlimited number of pigs. He noted the nuisance factor for nearby residents and the potential negative impacts on their property value. Plunkett added that the amendment would affect more areas than just the Herron's property. He requested that the Planning Board deny the amendment.

Susan Stringer, 607 Thornwood- Stringer stated that there was a letter in the Planning Board's packet that came from a website that allowed people to purchase letters for emotional support animals. She said that there was a note at the bottom of the letter that said that it was the patient's responsibility to ensure that local ordinances allowed certain animals. Stringer stated that she owned a business and that she made sure that everything was in compliance before opening her store. She added that she did not understand why the family had not read the ordinances before adopting the pigs. She was also concerned about potential health hazards and lessened property values that may result from having that many pigs.

Rich Salyards, 105 Potter Drive- Salyards said that he did not know the Herron family and did not want them to take anything personally. He said that he had lived in Town for twenty-seven years. He noted that he would not want his neighbors to have ponies, pigs, cows, llamas, etc. Salyards added that making an exception would be a slippery slope. He said that he understood how the Herron family felt about their animals, but he would not want that many pigs next to his home. He stated that he hoped the Planning Board voted against the amendment.

Richard Glover, 108 Bramble Drive- Glover stated that he owned the property that was adjacent to the Herron's home. He noted that he was not the person that filed the initial complaint, but that the Herron's property stayed in a state of disrepair. Glover added that the pigs did not make matters any better. He stated that he did not live at the property, but he did rent it out to tenants. He said that the Herron's property negatively impacted his ability to find quality people to lease to.

Glanville asked if there was anyone else that would like to speak. There was no one. Glanville closed the public hearing and opened the floor to the Planning Board Members for discussion.

Monroe asked Johnson if he saw restrictions on the number of potbellied pigs allowed by other municipalities while doing research on the issue. Johnson stated that most of the municipalities limited the number of pigs to two per property. He also noted that he thought it would be beneficial for the Planning Board to allow staff to rewrite the amendment so that it would encompass the issue of potbellied pigs along with limitations on other types of animals.

Glanville asked if there was any more discussion. There was none.

Lichauer made a motion to deny the amendment and recommend that the Town Council send it back to staff so that the amendment could be rewritten. Richmond made a second to motion.

McBride took a roll call vote as follows:

Ed Stafford- Aye  
Eddie Oakley- Aye  
Russ Walker- Aye  
Art Wise- Aye

Richard Newbill- Aye  
Robert Lichauer- Aye  
Sherrie Richmond- Aye  
Steve Monroe- Aye

The motion passed by unanimous vote.

Stafford made the following motion:

“I make a motion that the proposed zoning amendment be rejected based on the following:

1. The proposed zoning amendment is not consistent with the adopted comprehensive plan of the Town of Jamestown. The Planning Board finds that the proposed zoning amendment is inconsistent with the comprehensive plan because it does not carefully balance individual property rights with the good of the whole community (Policy 1.15).
2. The proposed zoning amendment is not reasonable. The Planning Board considers the proposed zoning amendment to be unreasonable because:
  - A. The report of the Town staff finding the proposed zoning amendment to be unreasonable is adopted by reference.
  - B. The Board further finds that the proposed zoning amendment is unreasonable because it would allow for unlimited number of pigs up to 300 lbs to be kept on residentially zoned properties.
3. The proposed zoning amendment is not in the public interest. The Board considers the proposed zoning amendment to be against the public interest because:
  - A. The report of the Town staff finding the proposed zoning amendment to be against the public interest is adopted by reference.
  - B. The Board further finds that the proposed zoning amendment is against the public interest because the keeping of an unlimited number of pigs on a residentially zoned property could infringe upon the rights of neighboring property owners who may consider such use agricultural in nature. “

Walker made a second to the motion. The motion passed by unanimous vote.

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

Johnson requested to reschedule the Planning Board’s regularly scheduled meeting from September 9<sup>th</sup> to September 16<sup>th</sup>.

Stafford made a motion to change the Planning Board’s September meeting date from September 9<sup>th</sup> to September 16<sup>th</sup>. Oakley made a second to the motion. The motion passed by unanimous vote.

**Adjournment-** Wise made a motion to adjourn. Lichauer made a second to the motion. The motion passed by unanimous vote.

The meeting ended at 7:44 pm.