

**Regular Meeting of the Town Council**  
**August 20, 2019**  
**6:30 pm in the Civic Center**  
**Minutes & General Account**

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

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

**Visitors Present:** Jane Payne, Vernon Queen, Connie Queen, Cory Rayborn, Katherine Stamey, Denise Bowie, Seth Heath, Sarah Glanville, Matt Gahrman, Richard Clapp, Harriet Hall, Renee Nichols, Pamaila Burgess, Michael Young, Rich Salyards, Tammy Salyards, Dee Fink, Chuck Little, Tracie Grant, William McLean, Robert Frederick, & Carol Brooks

**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 and asked that everyone keep Mike and Marge McCarty in their thoughts.
- Approval of Agenda- Mayor Montgomery asked if anyone would like to change, add, or delete any items on the agenda.

Cole requested to allow time for the introduction of an employee following the public comment period. He also requested to add item "V-D. Discussion of Recycling Services."

Council Member Wolfe made a motion to approve the agenda with the requested changes for the August 20<sup>th</sup> Town Council meeting. Council Member Capes 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 July 5, 2019 Special meeting
- Approval of minutes from the July 16, 2019 Regular meeting
- Approval & Sealing of minutes from the July 16, 2019 Closed Session
- Proclamation Fall Litter Sweep 2019
- Analysis of financial position of the Town of Jamestown
- Analysis of financial position of the Jamestown park & Golf Course
- Budget Amendment #5

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

(Proclamation Fall Litter Sweep 2019 & Budget Amendment #5)

**Public Comment-** Nobody signed up.

**Introduction of Jamestown Sheriff Department District 3 Captain & Lieutenant-** Captain Holder and Lieutenant Wiseman introduced themselves to Council. Captain Holder noted that they had recently been appointed to the district and stated that they were happy to serve Jamestown. He also encouraged citizens to keep their vehicles locked in order to prevent larcenies.

Council welcomed them to the area.

**Old Business-**

- Consideration of approval of Budget Amendment #6 & NCDOT Supplemental Funding Agreement for the East Main Street Sidewalk Project- Cole stated that there was a revised supplemental agreement regarding the East Main Street Sidewalk Project included in the Council packet. He noted that the agreement showed an increase in funding for the project in the amount of \$665,966. He stated that the agreement only pertained to the Base Bid. He requested that Council approve Budget Amendment #6 so that Gallman could pre-audit the supplemental agreement. He noted that Council could then approve or deny the agreement with NCDOT.

Council Member Wolfe said that she would like to thank NCDOT for the additional funding and highlighted the importance of the project.

Council Member Wolfe made a motion to approve Budget Amendment #6 for additional funding from NCDOT for the East Main Street Sidewalk Project. Council Member Capes made a second to the motion. The motion passed by unanimous vote.

Gallman pre-audited the NCDOT Supplemental Agreement.

Council Member Wolfe made a motion to approve the supplemental agreement for the additional funding. Council Member Capes made a second to the motion. The motion passed by unanimous vote.

(Budget Amendment #6)

- East Main Street Sidewalk Project Alternate Bids & Budget Amendment #7- Blanchard stated that there were two Alternate Bids for consideration that NCDOT would not be funding. He noted that the two bids would allow for the installation of curb and gutter in areas that were not included in the base bid. He said that the total of both Alternate Bids was \$236,007.50. He noted that Budget Amendment #7 would need to be approved if Council approved the Alternate Bids on the project.

Gallman stated that Budget Amendment #7 would transfer \$236,007.50 from the General Fund to the East Main Street Capital Project Fund.

Council Member Capes made a motion to approve Budget Amendment #7 and Alternate Bids 1 and 2. Council Member Wolfe made a second to the motion. The motion passed by unanimous vote.

(Budget Amendment #7)

- Recommendation to accept the lowest, responsive responsible bidder for the East Main Street Sidewalk Project- Blanchard stated that the next step in the process would be for Council to award the contract to the lowest, responsive responsible bidder and then approve the contract. He noted that there was also a resolution that needed to be approved and submitted to NCDOT.

Council Member Wolfe made a motion to award the contract to the lowest, responsive responsible bidder depending on concurrence with NCDOT. Council Member Capes made a second to the motion. The motion passed by unanimous vote.

Gallman pre-audited the contract.

Council Member Wolfe made a motion to award the contract to Atlantic Contracting Company, Inc. Council Member Rayborn made a second to the motion. The motion passed by unanimous vote.

Council Member Wolfe made a motion to approve the resolution to accept the low bid for the construction of the East Main Street Sidewalk Project. Council Member Capes made a second to the motion. The motion passed by unanimous vote.

(Resolution to accept the lowest bidder for the East Main Street Sidewalk Project)

- Public Hearing-
  - **Public Hearing to consider LDO Text Amendment Request to amend Article 3 “Definitions” as it relates to the definition of “Limited Agriculture”-** Johnson stated that staff had received a request to amend the Land Development Ordinance (LDO) text in Article 3 “Definitions” as it related to the definition of “Limited Agriculture.” He noted that he had received an anonymous complaint about trash and odor coming from the property on 2216 Guilford College Road. Johnson said that upon investigation, he discovered a large pile of rubbish on the property. He went to the door to speak to the residents about the complaint and observed that the door was blocked by an enclosed fence that housed several pigs. Johnson stated that he made several phone calls to the owners, attempted to set up meetings, and sent a written notice stating that the rubbish needed to be cleaned up. He also notified the owners that pigs were not allowed in Town limits. Johnson noted that the debris was removed from the property. However, the residents did not make any efforts to comply with the ordinance in regard to the keeping of swine.

Johnson stated that Mrs. Herron had submitted a request for a text amendment to the definition of “Limited Agriculture.” He noted that the definition excluded the keeping of livestock. He said that the proposed amendment would exclude miniature pigs from enforcement. It would also allow anyone on properties zoned as residential, residential main street transitional, and agricultural to keep an unlimited number of pigs up to 300 lbs in size on the property. He noted that those zoning areas included about sixty percent of the Town of Jamestown. He said that the amendment seemed unreasonable to staff. Johnson requested that Council deny the amendment as written and that they give staff direction on further guidelines on the keeping of livestock. He noted that Sarah Glanville, the Planning Board Chair, was present and would present the Planning Board’s recommendation to Council.

Glanville stated that the Planning Board met in July and held a public hearing on the issue. She noted that the Planning Board deliberated and decided to recommend that Council deny the amendment as written. She said that the Planning Board further recommended that Town staff continue research on the issue and propose ordinance language that would be more appropriate.

Lori Herron, the applicant, came forward to speak about the amendment. She said that the amendment would only affect the definition of "Limited Agriculture." Herron stated that she did not consider her pigs as livestock. She noted that she considered them to be her pets. She said that she was not requesting that people be allowed to have an unlimited number of pigs. She highlighted that she wanted miniature pigs to be considered pets and not livestock. She noted that she took very good care of her pigs and that they were all emotional support animals. Herron stated that the family had ten pigs in total.

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

- Mike Young, 2216 Guilford College Road- Young stated that the family contacted Town staff about the pigs twenty years ago and they did not have any problem with them. He did not understand why the issue was coming up again. He noted that the pigs were their pets.
- Tracie Grant, 3319 Bent Chase Road- Grant said that she had been friends with the Herron family for a while and that they took very good care of the pigs. She noted that Lori Herron had a seizure one night and one of the pigs alerted her that it was happening.
- Dee Fink, 315 Guilford Road- Fink stated that the Herron family took care of their property and were very generous people. She said that they loved their pigs. She requested that Council allow them to keep them as pets.

Mayor Montgomery asked if there was anyone else that would like to speak in support of the amendment. There was no one. She opened the floor to anyone that would like to speak in opposition.

- Renee Nichols, 919 Fairidge Drive- Nichols said that she opposed any change to the definition of "Limited Agriculture." She added that she believed that the request was excessive and was not in the best interest of the community for a variety of reasons. She was concerned about the decline of property values, the creation of a public nuisance, and waste management for the animals. Nichols noted that pigs could carry diseases that could impact humans. She also stated that it was the responsibility of those that had emotional support animals to ensure that they were not breaking any local ordinances before obtaining the animals.
- Rich Salyards, 105 Potter Drive- Salyards noted that he felt bad for the Herron family, but he was not in favor of the amendment. He said that the change could open the door

to others that would not take good care of their animals. He added that he would not want pigs living next to him.

Mayor Montgomery asked if there was anyone else that would like to speak in opposition of the amendment. There was no one. She closed the public hearing and opened the floor to Council for discussion.

Council Member Capes stated that he had attended the Planning Board's public hearing on the issue. He said that there were a lot of people that had attended the meeting that were very vocal about their opinion on the subject. He added that he understood the family's attachment to their pets, but he did not believe that the ordinance needed to be amended.

Council Member Wolfe noted that she had received an email from Susan Stringer, a local business owner. She stated that Stringer was out of Town, but that she was very much against the amendment. Council Member Wolfe said that she was sympathetic to the Herron family, and that the Council's decision about the amendment request was not personal. She added that it was Council's responsibility to determine the welfare for the whole community. Council Member Wolfe highlighted that it would impact about sixty percent of the Town. She noted that she did not believe the amendment request was reasonable. She said that she agreed with the Planning Board's recommendation to deny the amendment.

Council Member Nixon stated that she had received numerous emails from citizens that were in opposition of the amendment. She said that she felt bad for Ms. Herron and that Council took the matter very seriously. She added that there had been some discussion about limiting the number of pigs. Council Member Nixon stated that there would be a large impact to the community if even one pig were allowed per property. She said that she agreed with the Planning Board's recommendation to deny the request.

Council Member Rayborn noted that the issue had been discussed in one way or another since February. She said that she had spoken with several citizens and people had been overwhelmingly against allowing any number of pigs. She stated that she agreed that the amendment request should be denied.

Council Member Wolfe made a motion to deny the text amendment to the definition of "Limited Agriculture." Council Member Capes 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- Aye

The motion passed by unanimous vote.

Council Member Wolfe made the following motion:

"I move that the proposed text amendment 2019-01 is not consistent with the adopted Town of Jamestown 2020 Land Development Comp Plan because:

- The report of the Town staff finding the proposed 2019-01 amendment to be unreasonable is adopted by reference.
- The Council further finds that the proposed 2019-01 text amendment is unreasonable because it would allow for an unlimited number of pigs (up to 300 lbs. each) to be kept on residentially zoned property, Agriculture and Residential/Main Street properties which is approximately sixty percent of the Town's total land area.
- This requested text amendment does not provide a careful balance of individual property rights with the good of the whole community and therefore unreasonable.  
AND

The proposed 2019-01 text amendment is not in the best welfare and public interest because:

- The report of the Town staff finding the proposed 2019-01 text amendment to be against the public interest is adopted by reference.
- The Town Council further finds that the proposed 2019-01 text amendment is not in the welfare or public interest because the keeping of an unlimited number of pigs on residentially zoned property could infringe upon the neighboring property owners and such an amendment does not maintain or enhance Jamestown's special community characteristics."

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

Council Member Wolfe asked Council if they would like to determine a specific deadline for the removal of the pigs from the property. Council Members discussed placing a deadline on the property owners for the removal of the pigs.

Koonce requested that Council extend the time limitation to allow for a thirty day appeal opportunity for the applicant.

Council Member Wolfe made a motion that the applicant had thirty days to appeal the decision and, pending that outcome, they would have fourteen days to remove the animals before civil penalties would begin. Council Member Capes made a second to the motion. The motion passed by unanimous vote.

#### **New Business-**

- Presentation of Award of Financial Reporting Achievement from the Government Finance Officers Association (GFOA) to Judy Gallman- Mayor Montgomery stated that each year the GFOA presented a Certificate of Financial Achievement to those that had done an outstanding job on financial reporting. She highlighted that Gallman had received the award for twelve years in a row. Mayor Montgomery noted that the award was the highest form of recognition in governmental accounting and financial reporting. She thanked Gallman for all her hard work.

- Consideration of appointment of Comprehensive Plan Steering Committee Members- Johnson stated that staff was in the process of preparing to update the Town's Comprehensive (Comp) Plan. He noted that it provided an essential foundation for guiding future development. He said that staff was requesting that Council appoint a Comprehensive Plan Steering Committee (CPSC) to assist with the update. Johnson added that the following Planning Board Members had volunteered to serve on the Committee: Ed Stafford, Eddie Oakley, Steve Monroe (ETJ), and Sherrie Richmond (ETJ). He stated that staff had also requested that citizens within the community apply to be appointed to the Committee. He said that eight people had volunteered to serve. Johnson requested that all eight citizens be appointed to the CPSC along with the four Planning Board Members.

Council Member Wolfe stated that she was happy that so many people were interested in serving.

Council Member Wolfe made a motion to appoint Ed Stafford, Eddie Oakley, Steve Monroe, Sherrie Richmond, Denise Bowie, Jane Walker Payne, Katherine Stamey, Matthew Gahrman, Rich Salyards, Josh Apel, Pamaila Burgess, and Cory Rayborn to the CPSC. Council Member Capes made a second to the motion. The motion passed by unanimous vote.

Johnson stated that there were Council Member representatives that serve on the Town's other Boards and Committees. He requested that Council appoint someone to serve as the Council Member liaison to the CPSC.

Council Member Wolfe volunteered to serve as the Council Member representative on the CPSC.

Council Member Capes made a motion to appoint Council Member Wolfe to serve on the CPSC. Council Member Rayborn made a second to the motion. The motion passed by unanimous vote.

- Update on Fall Litter Sweep- Greeson updated Council on the Fall Litter Sweep. She noted that the Town and the citizens that had volunteered for the Spring Litter Sweep had received a certificate from NCDOT acknowledging their efforts. She stated that the upcoming Fall Litter Sweep would take place on September 21<sup>st</sup> at 9:00 am. She said that volunteers would be gathering at the Food Lion in Jamestown. She encouraged everyone to participate.

Council thanked her for organizing the event.

- Discussion of Recycling Services- Cole stated that staff were notified by North Davidson Garbage Services (NDGS) that they had sold their collection program to Waste Industries. He noted that Seth Heath, General Manager of Waste Industries, was present to answer any questions that Council may have.

Heath thanked Council for the opportunity to provide services to the Town of Jamestown. He said that Waste Industries wanted to be involved in the community. He added that he was always open to feedback on how to improve the services they provide.

Council Member Wolfe asked Heath if Waste Industries would honor the contract that the Town had with NDGS. He replied that the contract would be honored, and he noted that the recycling pickup day would remain the same for citizens.

**Manager/Committee Reports-**

- Manager Report- Cole presented his monthly report to Town Council. He noted that work would begin on the East Main Street Sidewalk Project shortly. He added that staff had received a notification that a scour analysis was no longer needed for the East Fork Pedestrian Bridge. Cole said that he had contacted the owner of the Oakdale Cotton Mill and was waiting for him to return his call.
- Council Member Committee Reports-
  - Council Member Wolfe stated that she had attended the TAC meeting in June. She said that Mike Fox, the Chairman of the Board of Transportation, told the Committee that NCDOT had experienced a large number of expenses over the past year. Fox informed them that there may be delays in street projects in the future as a result of those expenses.
  - Council Member Rayborn said that she had attended the Planning Board meeting. She noted that the Planning Board Members had discussed the CPSC and had nominated Ed Stafford to serve on that Committee.

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

**Other Business-** Council Member Wolfe said that she had been approached by a citizen at the post office a few weeks ago. They told her that they wanted to thank Council for the great job they were doing. The citizen also highlighted how friendly the sanitation Town staff were and said they were grateful for them.

Council Members Wolfe and Nixon thanked Johnson and Coakley for their hard work on the Music in the Park events.

Council Member Wolfe asked Council to consider working with NCDOT to do another speed limit study. Council discussed beginning the process of conducting the study.

Mayor Montgomery stated that there had been a fire on Gannaway Street during the previous Council meeting. She noted that the Pincroft Sedgefield Fire Department responded within three minutes. She praised the firemen for saving a photo album at the victim's home.

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

The meeting ended at 7:56 pm.

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Mayor

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Town Clerk