

**Regular Meeting of the Town Council  
September 20, 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 M. Weiner, Paul Blanchard, Anna Hawryluk, Judy Gallman, Faith Wilson, Karen Strausser, Ty Cheek, & Beth Koonce, Town Attorney

**Visitors Present:** Maria Ashburn, Marlee Rindal, Dennis Forbis, Jamie Forbis, Ben Rafte, Brad Yoder, Debby Beach, Karen Lisenby, Rusty Meehan, Gail Meehan, & 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 Rayborn 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 Wolfe requested to pull the item “Resolution Fixing Date of Public Hearing on Question of Annexation pursuant to G.S. 160A-31” and the item “Set a public hearing date for rezoning request for 4718 Harvey Road from Agricultural (AG) to Conditional Zoning-Bypass (CZ-B)” from the consent agenda. She requested to add them to the agenda after the “Proclamation declaring September 17<sup>th</sup>-23<sup>rd</sup> as Constitution Week in the Town of Jamestown.”

Council Member Wolfe made a motion to approve the agenda for the September 20<sup>th</sup> Town Council meeting as amended. Council Member Straughn 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 August 16<sup>th</sup> Regular Town Council Meeting
- Approval & Sealing of the August 16<sup>th</sup> Closed Session Minutes
- Approval of minutes from the August 18<sup>th</sup> Special Town Council Meeting
- Approval & Sealing of the August 18<sup>th</sup> Closed Session Minutes
- Certificate of Sufficiency
- Resolution to close East Fork Capital Project Fund
- Proclamation Fall Litter Sweep 2022

- 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 #4
- Budget Amendment #5

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

(Certificate of Sufficiency, Resolution to close East Fork Capital Project Fund, Proclamation Fall Litter Sweep 2022, Budget Amendment #4, & Budget Amendment #5)

**Public Comment-**

- Maria Ashburn, 101 Cloverbrook Court- Ashburn stated that she had lived in Jamestown for a year and a half. She said that she loved Jamestown. She noted that she was not aware of the details of the rezoning of the Johnson property, but she knew it was a big deal. She stated that she learned that all the Council Members had roots in Jamestown and that she had faith in them to make the right decision. Ashburn added that she trusted them to do a good job and thanked them for their service.

**Proclamation declaring September 17<sup>th</sup> 23<sup>rd</sup> as Constitution Week in the Town of Jamestown-** Mayor Montgomery presented the Proclamation declaring September 17<sup>th</sup>-23<sup>rd</sup> as Constitution Week to Deborah Beach, Daughters of the American Revolution Representative.

(Proclamation declaring September 17<sup>th</sup>-23<sup>rd</sup> as Constitution Week in the Town of Jamestown)

**Resolution Fixing Date of Public Hearing on Question of Annexation pursuant to G.S. 160A-31-**

Hawryluk stated that the Town received a petition for annexation of the property located at 4718 Harvey Road. She said that a Resolution directing the Clerk to investigate the petition was approved at the June 23<sup>rd</sup> Town Council meeting and that the Council had adopted the Certificate of Sufficiency. She recommended that Council adopt the Resolution setting a date for a public hearing for the consideration of the annexation of 4718 Harvey Road for the October 18<sup>th</sup> Regular Town Council meeting.

Council Member Wolfe made a motion to adopt the Resolution Fixing the date for the Public Hearing on Question of Annexation of 4718 Harvey Road for the October 18<sup>th</sup> Town Council meeting at 6:00 pm in the Civic Center. Council Member Capes made a second to the motion. The motion passed by unanimous vote.

(Resolution Fixing Date of Public Hearing on Question of Annexation pursuant to G.S. 160A-31)

**Set a public hearing date for rezoning request for 4718 Harvey Road from Agricultural (AG) to**

**Conditional Zoning-Bypass (CZ-B) -** Hawryluk said that a petition for rezoning had been received and reviewed by the Planning Board. She recommended that Council set a public hearing date for the consideration of the rezoning of 4718 Harvey Road for the October 18<sup>th</sup> Regular Town Council meeting at 6:00 pm in the Civic Center.

Council Member Wolfe made a motion to set the public hearing date for the consideration of the rezoning of 4718 Harvey Road for the October 18<sup>th</sup> Town Council meeting at 6:00 pm in the Civic Center. Council Member Straughn made a second to the motion. The motion passed by unanimous vote.

**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 said that the public hearing was originally opened at the November 16, 2021 Town Council meeting. She stated 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. She added that the first three public hearings on the agenda were all dependent upon one another. Hawryluk said that the majority of discussion would take place during the annexation hearing.

She stated that the hearing was continued at the June 23<sup>rd</sup> meeting to allow for DR Horton to have an additional opportunity to respond to the draft of the development agreement. She added that staff had received significant feedback from DR Horton since that meeting and that staff believed that a complete draft would be available in the near future. Hawryluk recommended that Council continue the hearing to the October 11<sup>th</sup> Special Town Council meeting in order to give the agreement the time, attention, and public input it deserved.

Tom Terrell, the Town's Land Use Attorney, came forward. Terrell said that he told the Town Council and Town staff that the development agreement negotiation would be a complicated process. He added that significant progress had been made on the agreement. He noted that the Town was focused on ensuring that the agreement resulted in a quality product. He thanked DR Horton for working with the Town. Terrell stated that there were still some details to work out, but he believed that a final draft would be completed soon.

Council Member Straughn said that he was glad to hear that DR Horton had been more willing to cooperate with Town staff.

Mayor Montgomery called the applicant forward.

Ben Rafte, DR Horton legal representative, came forward. He said that the development agreement was very detailed. He added that DR Horton and Town staff were working diligently to finalize specific aspects of the agreement. He added that it had always been DR Horton's objective to provide affordable, quality housing. He requested that Council continue the hearing until the October 11<sup>th</sup> Special Town Council meeting.

Council Member Straughn thanked DR Horton for their increased communication.

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

- Rusty Meehan, 303 Wiltshire Drive- Meehan asked which details needed to be finalized in the development agreement.

Terrell spoke about some of the details in the development agreement that had not been finalized. He noted that the agreement was on the Town's website for the public to review.

Mayor Montgomery encouraged Meehan to reach out to staff if he had specific questions.

Mayor Montgomery asked if there was anyone else that would like to speak about the annexation. Nobody came forward. Mayor Montgomery opened the floor to Council for discussion.

Council Member Wolfe stated that the public hearing would be continued to the October 11<sup>th</sup> Special Town Council meeting. She noted that members of the public would have more opportunities to speak about the requests.

Council Member Rayborn said that Seth Harry, Community Design Consultant, would be present at the October 11<sup>th</sup> Special meeting.

Council Member Rayborn made a motion to continue the public hearing to the October 11<sup>th</sup> Special 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 Agricultural (AG) to Planned Unit Development (PUD)- Mayor Montgomery asked if Hawryluk had any additional information to add. Hawryluk stated that she had no more information to present on the public hearings for the rezoning or the development agreement.

Council Member Wolfe requested that Hawryluk include a larger schematic plan and the minutes from the Planning Board meetings regarding the requests in the packet for October 11<sup>th</sup>. She also requested that she include the Guiding Principles from the Comprehensive Plan and the Guiding Principles that resulted from the public engagement sessions. Hawryluk said that she would include that information.

Mayor Montgomery opened the public hearing to anyone that would like to speak about the rezoning request. Nobody came forward to speak. Mayor Montgomery opened the floor to Council for discussion.

Council Member Rayborn made a motion to continue the public hearing to the October 11<sup>th</sup> Special 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 the Development Agreement for D.R. Horton properties- 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 Wolfe asked if Hawryluk could include the PUD amendment and the allowed uses for the Main Street and Main Street periphery districts in the packet for October 11<sup>th</sup>. Hawryluk said that she would add that information.

Council Member Rayborn made a motion to continue the public hearing to the October 11<sup>th</sup> Special 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.

- Consideration of approval of Republic Waste Contract for acceptance of solid waste at their transfer station- Blanchard stated that the Town had requested a Disposal Agreement from Republic Services for solid waste. He stated that the Town Attorney had reviewed the agreement and negotiated some minor changes with Republic Services. Blanchard said that the travel time was comparable to the location that the Town had been transporting solid waste. He added that it would save wear and tear on the equipment and that it would also be safer for the employees.

Council Member Wolfe asked if the contract would be effective immediately. Blanchard said that it would be effective as soon as both parties had signed the agreement.

Council Member Wolfe made a motion to approve the contract with Republic Waste Services. Council Member Rayborn made a second to the motion. The motion passed by unanimous vote.

#### **New Business-**

- Consideration of approval of contract for services with the YMCA- Gallman said that the Town wished to provide recreation services to the citizens of the Town of Jamestown. She added that the Town did not have the available staffing levels to provide its own programming. She noted that staff wished to contract with the YMCA to provide those services. Gallman stated that the Town proposed to fund up to \$10,000 for recreational services. She added that the YMCA had provided a list of possible programs with their associated costs. She recommended that Council approve the contract with the YMCA in the amount of \$10,000 for recreational services.

Council Member Rayborn made a motion to approve the contract with the YMCA in the amount of \$10,000 to provide recreational services for Jamestown residents. Council Member Capes made a second to the motion. The motion passed by unanimous vote.

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

- Manager Report- Johnson presented his monthly report to Council. He stated that Chief Carson with Pinecroft Sedgefield Fire Department was in the audience and that Mayor Montgomery had something to present to him. Mayor Montgomery noted that everyone was concerned that the Fire Department did not have a dog. She presented him with Sparky, a stuffed Dalmatian. Chief Carson thanked Council for Sparky and for not giving him a real dog.

He noted that the last Music in the Park event would be held on October 7<sup>th</sup>. He stated that the Town had been awarded a Parks and Recreation Trust Fund (PARTF) Grant in the amount of \$215,205. He thanked Hawryluk and Coakley for their hard work on the application. He said that a draft of the Comprehensive Bicycle and Pedestrian Plan was currently being reviewed by NCDOT. Johnson stated that the AARP Livability Committee would host a Dementia Symposium in conjunction with the Alzheimer's Association in the Civic Center on October 11<sup>th</sup>. He added that staff had selected the National Golf Foundation Consulting firm to assist with the Jamestown Golf Course Strategic Plan. He noted that a new crosswalk had been completed between Mendenhall Homeplace and City Lake Park. He said that the Planning Board would

attend training sessions through the UNC School of Government in September and October. He introduced Ty Cheek, Planning Technician, and Karen Strausser, Human Resources Analyst, to Council as new employees of the Town.

Council welcomed Ty Cheek and Karen Strausser.

• **Council Member Committee Reports-**

- Council Member Wolfe stated that she had attended a short TAC Meeting on August 23<sup>rd</sup>. She said that she went to a Piedmont Authority Regional Transportation meeting on September 14<sup>th</sup>. She added that they were doing a survey called Triad Travel Counts to collect data on how people travel around the area. She said that the survey would be sent out randomly and she encouraged anyone that was selected to participate.
- Council Member Rayborn said that the AARP Livable Communities Committee had a discussion about the Dementia Symposium. She noted that everyone was excited to host that event.

**Public Comment-** Nobody spoke.

**Other Business-** No other business was discussed.

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

The meeting ended at 6:50 pm.

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Mayor

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Town Clerk