

Regular Meeting of the Town Council  
April 21, 2015

Council Chambers

6:30 pm

Minutes & General Account

Council Members Present: Mayor Volz, Council Members Thomas, Montgomery, Nixon-Roney (Council Member Ragsdale absent)

Staff Present: Chuck Smith, Paul Blanchard, Judy Gallman, Carrie Spencer, Martha Wolfe and Beth Koonce, Town Attorney,

Visitors Present: Art Wise, Mr. & Mrs. Richard Kreis, Joyce Volz, Charles Dowdy, Mickey Peeler, Carol Brooks of the Jamestown News, Leo Thomas, Cpt. Lemonds, Guilford County Sheriff's Office.

1. Call to Order – Mayor Volz called the meeting to order.
2. Community Reflections – Mayor Volz announced the following community events:
  - April 24, 2015 – Arbor Day Event – Wrenn Miller Park 4:00 pm
  - April 25, 2015 – Litter Sweep 9:00 – 11:00 am
  - May 7<sup>th</sup>, 2015 – Guilford County Community Watch Program – Civic Center 6:30 pm
  - May 24<sup>th</sup>, 2015 – Town of Jamestown Lions Club & Jamestown Veterans Committee Memorial Day Parade 3:00 pm
  - May 25<sup>th</sup>, 2015 – Jamestown Veterans Committee holding a Wreath Laying Ceremony at the Veterans Monument 8:00 am
  - May 25<sup>th</sup>, 2015 – Town Hall closed for Memorial Day. Recycling will be picked up
  - May 30, 2015 – The Town of Jamestown Community Yard Sale – Wrenn Miller Park 7:00 am – 1:00 pm

The Mayor asked for a moment of silence.

3. Approval of minutes from the March 17<sup>th</sup>, 2015 Regular & Closed session meetings – Council Member Montgomery made a motion to approve the minutes from the March 17<sup>th</sup>, 2015 Regular & Closed session. Council Member Thomas made a second to the motion. The motion passed by unanimous vote.
4. Public Hearing to consider amendment to the LDO and permitted use table regarding tobacco related uses (cigar bar, hookah cafe, and vapor lounge) – Carrie Spencer stated this public hearing is to consider text amendment 2015-01 regarding tobacco related uses. The Town's current ordinance allows one use for tobacco stores and it is allowed in most zoning districts. It has been considered a retail use.

However, the landscape for tobacco related uses is changing and warrants new definitions and land use considerations. Spencer stated that Federal law is still deciding on whether vapor use is tobacco use.

The State law has decided to restrict electronic cigarettes to minors. They have also made the call that there are potential health risks with electronic cigarettes.

This text amendment does not relate to retail sale of tobacco at gas stations, grocery store, etc. It refers to businesses whose main purpose of which is the sale of tobacco, tobacco products and accessories for such products with a 75% total revenue from the sale of these products. We are requesting to regulate the land use, which is where the business can be located not regulating the activity.

- Because of the health risks and concerns the staff & Planning Board agreed to recommend buffering areas where minors congregate. Spencer displayed a map showing the current & proposed districts allowing tobacco stores with the proposed buffers. The proposed buffers consist of :
- 1/2 mile in any direction from any other tobacco related use
- May not be located within ¼ mile from any church or place of worship, school, Public Park or playground.

The recommended zoning districts for the permitted use is in the Commercial & Industrial districts.

The text amendment #2015-01 proposes new definitions as follows:

- Cigar bar
- Premises
- On-premises consumption
- Tobacco product
- Tobacco derived product
- Vapor product
- Tobacco shop retail
- Tobacco shop with lounge

The Mayor recognized Art Wise, Planning Board Chair. Mr. Wise stated the Planning Board felt it best to take a conservative approach to this and set the parameters. Therefore, the Planning Board recommended approval of the text amendment 2015-01 as presented.

Council Member Nixon-Roney asked if there was a current business that would be in non-compliance if this amendment were to pass. Spencer stated there was 1 vapor lounge in operation. This business would be grandfathered unless they increase or change their usage. This business owner is actually looking at other locations.

Council Member Montgomery clarified that the “freestanding structure” requirement applies to smoking/vaping on-site. This does not apply to retail.

Mayor Volz opened the Public Comment portion of the Public Hearing. The Mayor asked if there was anyone present that would like to speak in favor of the text amendment regarding tobacco related uses. Please come forward give you name and address. Please adhere to the 3 min. time limit. There was no one that wished to speak.

Mayor Volz asked for anyone present that wished to speak in opposition to the text amendment to please come forward. Give you name and address, please adhere to the 3 min. time limit. There was no

one that wished to speak. Mayor Volz closed the Public Comment portion of the public hearing. He opened to the Council for discussion. Council Member Montgomery stated as the Council Representative on the Planning Board, she knows the Town Planner and the Planning Board did a lot of research on the statues and laws regarding tobacco and tobacco uses. She did not see anything she objects to in the proposed amendment. Council Member Nixon-Roney felt the proposed amendment looked well thought out. The distance requirements seem to ensure there will not be an excessive number of tobacco related businesses in one area.

Council Member Nixon-Roney made a motion to approve the text amendment 2015-01 as presented and recommended by the Planning Board. Council Member Montgomery made a second to the motion. On a roll call vote:

Council Member Montgomery voted aye

Council Member Nixon-Roney voted aye

Council Member Thomas voted aye

The Text amendment #2015-01 was approved.

#### Statement of Consistency

Council Member Nixon-Roney made a motion to adopt a finding that text amendment #2015-01 regarding tobacco related uses is consistent with Jamestown's 2020 Land Development Plan and is reasonable and in the public interest for the following reasons:

It is consistent with our Land Development Plan. It is reasonable with the buffering restrictions and therefore moved to approve text amendment #2015-01 as presented. Council Member Montgomery made a second to the motion. The motion was approved by unanimous vote.

#### 5. Public Comment Period

Richard Kreis, 304 Wiltshire Drive - Mr. Kreis read a prepared statement as follows: He has lived at this address for the last 23 years. He is here to discuss the hole they have had in their yard for the last 11 years. They have a 48" storm sewer pipe running directly through their yard under the retaining wall and under the driveway. This empties into a creek. Our problem started in the latter part of 2003 or early part of 2004 when 16 railroad ties got stuck in the pipe causing flooding in properties across the street from them. The Town of Jamestown came out and removed these ties. About 3 to 4 months after this we noticed a hole in the front yard and notified the Town of Jamestown. They sent a supervisor out who told us they would handle it and repair the problem. A few days later a crew showed up with a truck full of dirt with a backhoe. They filled the hole. They also went into the sewer pipe and preformed some repairs. We later found out the repairs consisted of chicken wire and concrete. We were told at that time if the hole reappeared to contact the Town of Jamestown and they would handle it. A few months later the hole reappeared. We contacted the Town of Jamestown again. They came out again to look at it. A few weeks later we received a call from the Town Hall telling us that they would not repair the storm sewer pipe. A week or so later we received notification from the Town's Attorney that they (Kries) were responsible for the repairs. A few days later we received a letter from the Town's insurance company saying the claim by the Town to repair the sewer pipe was turned down. We have fought with the Town over a period of at least 10 years. We feel that the storm sewer pipe that runs through our property should be maintained by the Town since it services a minimum of 250 properties or more. What is really irritating is that not 1 drop of rain water that hits our property runs into the sewer pipe. We have been told by the Town of Jamestown that the way the pipe was

constructed was improper and it should have never been installed that way. They (Kreis) feel in this case, the Town should have gone after the contractor who built the subdivision and not them. They were not even here when the house was originally built. They tried to work with the Town to resolve the problem over the years. But each time the Town wanted to put a manhole cover in the middle of our front yard. That was not acceptable to them. A week ago a contractor was hired by the Town to dig a hole in the yard to install a 6 X 8 manhole base, manhole ring and manhole cover. Due to unforeseen problems and rain, this was originally to be started again today. Unfortunately, the Town told the contractor to fill the hole and wait until Tuesday to repair. The contractor told the Town that if they filled the hole it would cause a backup of water and cause some flooding. Sunday we had several down pours and two of his neighbors were flooded. What my wife and I are here for tonight is to get this issue handled once and for all. We still deeply feel that the storm sewer pipe in the front yard should be maintained by the Town since the storm sewer services so many properties in our Town and not one drop of water from their property goes into the pipe. Thank you for listening.

The Mayor asked the Town Manager and Public Services Director to look at this situation.

Still under Public Comment Period:

Mickey Peeler, 115 Village Drive. The Town Clerk handed out information provided by Mr. Peeler. The Town Clerk stated Mr. Peeler has learned there is an opportunity to name the media center at the Ragsdale High School after Mr. T. G. Madison. They are not asking for financial donations. They are asking for support letters for the nomination. The Town Clerk said if the Council is in agreement, she would complete the application and draft a letter of support for the Council to sign.

Mickey Peeler is spearheading this effort. He talked to Mo Green's office and received the nomination form. He has talked to the principal of the High School. It seems no one has any objections. At this time there are no other nominations. Peeler said he feels that with as much as T. G. Madison has done for that High School it would be an appropriate gesture. The media center is state of the art. He feels this is something we should consider and name it for T. G. Madison. The only cost involved is a plaque and they will take care of that. Please write a letter of support. The Council agreed and directed the Town Clerk to proceed with the letter of support.

6. Proclamation National Police Week & Peace Officer's Memorial Day – Mayor Volz read and presented the Proclamation proclaiming May 10<sup>th</sup> -16<sup>th</sup> as National Police Week and May 15<sup>th</sup> as Peace Officers Memorial Day to Capt. Lemonds, Guilford County Sheriff's Office.

(Proclamation)

7. Proclamation National Public Works Week – Mayor Volz called Paul Blanchard, Public Services Director, forward. He read and presented Blanchard with a proclamation proclaiming May 17<sup>th</sup> – 23<sup>rd</sup> as Public Works Week. He thanked Blanchard and the staff of the Public Services Dept. for all their hard work.

(Proclamation)

8. Proclamation Municipal Clerks Week – Mayor Volz read and presented a Proclamation proclaiming May 3<sup>rd</sup> – 9<sup>th</sup> as Municipal Clerks Week to the Town Clerk, Martha Wolfe.

(Proclamation)

9. A Resolution Recognizing Arbor Day – Mayor Volz presented a Resolution to proclaim April 24, 2015 as Arbor Day in the Town of Jamestown. Council Member Nixon-Roney made a motion to approve the resolution. Council Member Thomas made a second to the motion. The motion passed by unanimous vote.

(Resolution)

10. Public Input on eliminating vehicle left turns at intersection of Guilford Rd. & O’Neill Dr. – Mayor Volz called on Paul Blanchard, Public Services Director. Blanchard said he met with Vance Barham, NCDOT to discuss the left turn confusion at the Guilford Rd. & O’Neill Drive intersection. They talked generally about the signage. Blanchard displayed photographs of the street and signage. They discussed moving the center lane sign down toward the church and relocate the speed limit sign so there are not so many signs at 1 place. NCDOT recommended to go ahead and eliminate the left turn out of O’Neill. They recommend a painted island at O’Neill to force the road as right in/right-out. At the stop sign install a no left turn going out onto Guilford Rd. There will be a learning curve while people get used to it.

Mayor Volz asked if there was anyone in the audience that was in favor of this to please come forward. There was no one. Mayor Volz said he has received calls from the neighborhood association saying they were in full support of this and would come to a meeting to express their support. Mayor Volz asked if there was anyone in the audience that wished to speak against it. Margaret Kreis, 304 Wiltshire Drive, said she sees nothing wrong with the left hand turn. The neighborhood association has not brought this before the residents. Mayor Volz said there will be a formal public hearing and the public will have an opportunity to speak.

Mr. Kreis added the reason for wrecks at this area is because people run the traffic light. It is not the turn it is the traffic light that is causing the problem. Council Member Nixon-Roney said the traffic light may need to be check for timing/synchronization. Council Member Nixon-Roney said if this no left turn is approved, it will affect traffic in the neighborhood. More people will turn into the Wyndwood entrance.

11. Set Public Hearing Date to consider an amendment to the Code of General Ordinances Article V. Traffic Control Section R – Prohibiting left turns at the intersection of Guilford Rd. and O’Neill Drive – Mayor Volz stated a formal public hearing is required to vote on the matter. Council Member Nixon-Roney made a motion to hold a public hearing to discuss the no left turns at O’Neill Drive at the May 19, 2015 meeting. Council Member Thomas made a second to the motion. The motion passed by unanimous vote.

12. Reappointment of Parks & Recreation Advisory Committee Members – Martha Wolfe stated Lawrence Straughn and Robert Pickett, both Parks & Recreation Committee members have terms that expire May 2015. Both are eligible to serve another term. Both have agreed to serve another term.

Council Member Montgomery made a motion to reappoint Lawrence Straughn and Robert Pickett to serve another 2 year term to expire May 2017. Council Member Nixon-Roney made a second to the motion. The motion passed by unanimous vote.

13. Consider approval of special event permit request by the Jamestown Lions Club and the Jamestown Veterans Committee to sponsor Memorial Day Parade - Martha Wolfe presented the Council with the special event permit. Wolfe said all the proper paperwork is complete. The Lions Club is asking the

Town to pay for the expense of the law enforcement. The Town has previously paid this fee. Wolfe did make the Council aware that Lt. Pruitt will not be at the Parade this year due to a special assignment. Therefore, the Town will have to hire a Deputy Supervisor in addition to the 5 deputies we normally hire. The Guilford County Sheriff's Office is also charging a \$10.00 administration fee per officer. The total cost for law enforcement is \$504.00. Council Member Nixon-Roney made a motion to approve the special event permit and the law enforcement fee. Council Member Montgomery made a second to the motion. The motion passed by unanimous vote.

14. Set Public Hearing date for amendments to the LDO relating to Telecommunication Facilities or Complexes – Spencer stated there have been changes in the telecommunication industry in Federal/State law and FCC rulings. This is a very technical subject. The Town Council previously agreed to contract with a firm who is an expert in this area. Carolina Telecommunication Services (CTS) has been contracted to create an ordinance that addresses the changes and balances the needs of the industry with our local regulating authority to govern development within our city limits.

Spencer said this has been reviewed by the Planning Board.

Council Member Nixon-Roney made a motion to set a public hearing to consider amendments to the LDO relating to telecommunications facilities for May 19, 2015. Council Member Thomas made a second to the motion. The motion passed by unanimous vote.

15. Update on the Public Services Facility and the Jamestown Park Clubhouse Project – Smith said he would like to request a public hearing date be set for these items. We need to hold a public hearing to give the Council and the Public an update on these plans and costs. The architects for each project will attend the public hearing and provide that information.

Council Member Montgomery made a motion to set a public hearing date for May 19<sup>th</sup> to consider approval of the construction of a new Public Service Facility and renovations of the Jamestown Park Clubhouse Project. Council Member Thomas made a second to the motion. The motion passed by unanimous vote.

16. Consider approval of E. Fork Rd. Pedestrian Bridge & Sidewalk Project Ordinance – Gallman said we are requesting the adoption of this grant project ordinance. This is the E. Fork Rd. sidewalk pedestrian bridge project. She stated this project is located on the North side of E. Fork Rd. between the existing sidewalk and the Bicentennial Greenway Trail. Project to be financed with federal bicycle and pedestrian funds with NCDOT matching funds.

This would be a multi-year budget. Funds appropriated for constructed \$1,200,000.00. The revenues associated with this project are:

Federal STP – EB funds of	\$960,000.00
NCDOT match	\$240,000.00

This project will actually be a separate fund set up in our accounting system. She reports on this fund quarterly.

Council Member Nixon-Roney moved to accept. Council Member Montgomery made a second to the motion. The motion passed by unanimous vote.

(Project Ordinance)

17. Consider approval of E. Main St. Sidewalk Ordinance Project – Gallman said the project also known as the Lydia Sidewalk, will be set up in the same grant project ordinance structure. The project is located along E. Main St. between Yorkleigh Lane and the existing sidewalk east of Teague Drive. This project is being financed with Federal Bicycle & Pedestrian STP- EB funds and NCDOT matching funds.

This would be a multi-year budget and funds appropriated for construction \$850,000.00. The revenues associated with this project are:

Federal STP-EB funds	\$680,000.00
NCDOT match	\$170,000.00

This project will actually be a separate fund set up in our account system. Gallman will report on this fund quarterly.

Council Member Nixon-Roney made a motion to accept. Council Member Montgomery made a second to the motion. The motion passed by unanimous vote.

(Ordinance)

18. Consider approval of Audit Contract for fiscal year 2014-2015 - Gallman presented the contract for the annual audit. The contract is from Dixon Hughes Goodman LLP. Last year's audit was \$19,800.00. The proposed audit contract is in the amount of \$20,400.00 (3% increase).

The Council discussed the contract fee. Council Member Montgomery made a motion to accept the audit proposal as presented. Council Member Thomas stated several years ago he requested getting other proposals. He feels with the work that Gallman does, it should make the auditors' job easier. He does not understand why the fee continues to go up. Plus they are familiar with the Town's financing. It should be easier for them.

Council Member Nixon-Roney and Council Member Thomas asked that next year we seek other proposals in addition to Dixon Hughes Goodman. Council Member Nixon-Roney made a second to the motion. The motion passed by unanimous vote.

19. Resolution Authorizing the Town Manager and Finance Officer to proceed with requests for proposals for Installment Financing Agreements – Gallman presented a Resolution to authorize proceeding with requests for proposals for installment financing for the sanitation truck that is on order. This will allow us to send requests for proposals to banks. This Resolution also gives the Town Manager and Finance Officer the authority to enter into a financing agreement.

Council Member Thomas made a motion to approve the Resolution as presented. Council Member Nixon-Roney made a second to the motion. The motion passed by unanimous vote.

(Resolution)

20. Budget amendment – Gallman handed out a revised budget amendment #10 consisting of:

Kitchen equipment/Pro Shop	\$4000.00
Insurance proceeds from auto accident	
At the park	\$1861.00
Transfer Randleman & W/S Capital	

Reserve Funds	\$396,652.00
Transfer Randleman Reservoir Fund – annual transfer	\$70,500.00
Transfer W/S Capital Reserve Fund	\$341,652.00
Annual depreciation	

Council Member Nixon-Roney made a motion to approve budget amendment #10. Council Member Thomas made a second to the motion. The motion passed by unanimous vote.

(Budget Amendment)

Gallman presented the financial summary report for the month ending March 31, 2015. The Town has cash balances of approximately 10.3 million. Of that amount, approximately 2.7 million is reserved for specific usages.

Gallman presented the detailed financial statement for month ending 3/31/25. We did have some expenditures for the Easter Egg Festival. We made payments to the architect for the Pro Shop. We received insurance proceeds from a vehicle accident claim. There were no questions for Gallman.

21. Public Comment Period – No one signed up to speak.

22. Other business

Council Member Thomas requested a letter be sent to the Home Owners Association and residents in Forestdale East regarding the upcoming public hearing related to the no left turn at O’Neill Drive & Guilford Rd. He wants to be sure this information is out to the public to be aware of the public hearing. Staff will send the notice to residents in the area.

Council Member Nixon-Roney asked for an update on the ABC permit. Smith said we have a temporary permit for on-premise beer & wine. Pete Resh, Golf Pro, will begin ordering soon. Hopefully, within 2 weeks we will have beer on site and bottled Pepsi on site. Also, we will have 2 vending machines on site at holes #4 & #14.

Council discussed patrons bringing in their own beer in coolers on the golf course. This is a practice that had been allowed in the past. Staff needs to research the requirements of the Town’s ABC permit to see if there is a restriction about this. Council discussed installing cameras for security.

Still under other business:

Smith said City of High Point through Hi-Tran is establishing bus stops, concrete pads and connecting sidewalk locations along E. & W. Main St. funded through High Point Transportation Department. Spencer has been working with High Point on this project. The Town is paying the difference to have the connectors done in brick verses concrete. This project eliminates “flag” bus stops and provides designated bus stops.

23. Closed session per G. S. 143-318.11 to discuss matters relating to economic development. Council Member Nixon-Roney made a motion to go into closed session to discuss matters relating to economic



development. Council Member Thomas made a second to the motion. The motion passed by unanimous vote. The Council reconvened in the office of the Town Manager.

-----Closed Session-----

Council Member Montgomery made a motion to resume the regular meeting. Council Member Nixon-Roney seconded the motion. The motion passed by unanimous vote.

Council Member Nixon-Roney made a motion to set a public hearing date for May 19<sup>th</sup>, 2015 for economic development issues to consider approval of an annexation and public utility reimbursement contract with Koury Corporation. Council Member Thomas made a second to the motion. The motion passed by unanimous vote.

Council Member Thomas made a motion to adjourn. Council Member Nixon-Roney made a second to the motion. The motion passed by unanimous vote.

The meeting ended at 8:29 pm.