

Regular Meeting of the Town Council
January 21, 2014
Council Chambers

6:30 PM

Minutes & General Account

Council Members Present: Mayor Volz, Council Members Thomas, Montgomery, Nixon-Roney and Ragsdale

Staff Present: Chuck Smith, Paul Blanchard, Judy Gallman, Matthew Johnson, Martha Wolfe and Beth Koonce, Town Attorney.

Visitors Present: Mark Dyce, Cherrel Dyce, Kathy Medlin, Brandon Heacox, Joyce Volz, Toni Jacques, Juliet Jacques, Mike Dye, Michael Lewis, Floyd Smith, Dean Ebert, Burke Lewis, Captain Tim Sawyer, Fire Chief Steve Allred and Deputy Chief Jeff Thomas of the PSFD and Carol Brooks of the Jamestown News

1. Call to Order – Mayor Volz called the meeting to order.
2. Community Reflections – Mayor Volz welcomed Cub Scout Pack #3 to the Council meeting. The Mayor invited the Cub Scouts to lead the Pledge of Allegiance.

Mayor Volz announced the following community reflections:

- Martha Hall, wife of former Mayor Harold Hall, passed away on January 9th, 2014
- Loose Leaf pickup ends the week of February 17, 2014, after that date, leaves must be bagged in clear bags for pickup.
- Rabies Clinic scheduled at Town Hall on March 8th, 2014

Mayor Volz asked for a moment of silence.

3. Approval of minutes from December 17th, 2013 regular council meeting – Council Member Montgomery made a motion to approve the minutes as presented. Council Member Nixon-Roney made a second to the motion. The motion passed by unanimous vote.

4. Continuance of Public Hearing to consider a Master Signage Plan for the Forestdale Shopping Center – Mayor Volz called on Matthew Johnson to begin the Public Hearing. Johnson stated the Town's Ordinance provides for the Council, at its discretion, to approve a Master Signage Plan for specific types of properties in Town. This particular location meets the criteria for Commercial/Industrial/Institutional development containing 3 or more acres. This permits creativity in design and placement. Basically anything on the subject property regarding signage can be considered in the Master Signage Plan. The Planning Board did consider the Master Signage Plan. Johnson stated both the applicant and Art Wise, Vice Chair of the Planning Board, are present at this meeting. Johnson said the Planning Board did have some recommendations that included two conditions for the Master Signage Plan.

- Not exceed 14' in height
- The sign be constructed of brick veneer

A rendering of the proposed sign was included in the Council packets.

Johnson turned the meeting over to the applicant, Burke Lewis, Hackney Realty. Mr. Lewis stated he represents the firm that manages Forestdale Shopping Center. Mr. Lewis stated they are submitting this application for 2 reasons.

1. Aesthetic – The existing sign is not very attractive. The proposed signage will be an immense improvement. They initially submitted a sign designed of aluminum material, but based on feedback from the Planning Board, they re-designed the signage of brick veneer. They agreed the brick construction is more consistent with the aesthetics and historic elements here in Jamestown.

2. Enhance the functionality of the sign - Currently the sign is a single panel for the Food Lion Store only. The submitted signage has 10 additional panels for the small shop tenants. We have been hearing from the small shop tenants how critical it is to increase their visibility to the Main Road. The lay-out of the Shopping Center is such that some tenants are virtually hidden from the road. The management company wants to respond to the tenants needs and give them the visibility they need to bring in more businesses and be successful. We want to do this in a tasteful manner that is consistent with Town regulations. We think we have accomplished that with the sign design proposed. We respectfully request approval of the sign submitted.

Council Member Nixon - Roney clarified that the current sign is 14' and the proposed sign is 14'. The applicant confirmed.

Art Wise, Planning Board Vice-Chair, reported that the Planning Board met to consider this Master Signage Plan. The Planning Board was pleased that the company was very cooperative to change the construction design to brick. Stylistically that fits in very well with the community. The Planning Board felt that the sign was a positive. There was one Planning Board Member present that did not like the 14' height. Their opinion was to have every sign in Town 12' or less. However, the current sign is 14' and this proposed design fits in well with the size and proportions of the property. The Planning Board did approve the Master Signage Plan by a **majority** vote.

The applicant added that the problem with the 12' height is that cars parked beside the sign in the available parking spaces obstruct the visibility of the 5 panels on the lower portion of the sign. That would defeat the purpose of the sign for visibility for tenants.

Mayor Volz opened the Public Comment Portion of the Public Hearing. He asked for anyone present that was in favor of the proposed Master Signage Plan to please come forward, give your name and address. Please adhere to the 3 minute time limit. Seeing none, Mayor Volz asked for anyone present that is opposed to the Master Signage Plan to please come forward, give your name and address. Please adhere to the 3 minute time limit. Seeing none, Mayor Volz closed the Public Comment Portion of the Public Hearing. He opened up to the Council for discussion.

Council Member Montgomery stated the tenants need to have signage at the Shopping Center. Council Member Ragsdale made a motion to accept the Master Signage Plan presented for the Forestdale Shopping Center with the conditions being; not to exceed 14' in height and to be constructed of brick. Council Member Montgomery made a second to the motion. On a roll call vote:

Council Member Ragsdale voted aye

Council Member Montgomery voted aye

Council Member Nixon-Roney voted aye

Council Member Thomas voted aye

The motion passed by unanimous vote.

5. Public Hearing to consider various minor Land Development Ordinance changes to reflect new legislation adopted by the NC General Assembly – Matthew Johnson stated there are 4 amendments to the Land Development Ordinance proposed. Johnson requested the Council consider text amendments 2014-01 – 2014 -03 together and text amendment 2014-04 separately. Johnson explained.

Text Amendment 2014 – 01 – relates to the Board of Adjustments and rights to appeal for variances. The General Assembly struck the “reasonable use” language from the statutes. The General Assembly further amended that a majority vote of the members is required to decide all matters except the granting of a variance. A variance still requires a four-fifths super majority vote.

Text Amendment 2014-2 – relates to Telecommunication Towers. The proposed amendment brings the Town’s ordinance up to date with the new laws of the General Assembly. Basically, the Town of Jamestown shall conform to G. S. 160A-400.50 to G. S. 160A-400.53 with respect to review of requests to collocate wireless telecommunication facilities and minor modifications to those facilities. Johnson stated staff is requesting to set a fee equal to the amount of a “Development Clearance Certificate” for any collocation or minor modification plan reviews.

Text Amendment 2014-3 – relates to definition of a Bed & Breakfast which has been amended to read eight (8) or fewer rooms, and rents a room in a bed and breakfast inn for fewer than seven (7) consecutive days.

Additionally, this amendment deals with discontinuation of non-conforming uses. This states the Town is required to bring enforcement action within 10 years of the discontinuation of any non-conforming use, or it may continue without any interference from the Town. Additionally, the Town may prevent any non-conforming use from restarting a terminated use for 10 years from the time of expiration of the use.

Text Amendment 2014-04 – Relates to the Watershed Requirements. The amendment related to the definition of gravel. The General Assembly reversed its definition of gravel to now being considered a pervious surface. As it pertains to the Town’s ordinance, one may consider gravel as a pervious surface from the adoption of this ordinance forward and will not penalize anyone that has been using gravel as a built upon area for calculation purposes.

Also amends lots of record less than one (1) acre which were existing prior to the effective date of the watershed ordinance (July 1, 1993 in all watersheds except Randleman, where the effective date is January 1, 2000) are not part of a larger common plan of development and are impacted by permanent easements or rights-of-way which render the “effective” lot size less than 20,000 sq. ft. of developable area may qualify for the exemption as described.

Mayor Volz opened the Public Hearing to receive public comments on the proposed text amendments 2014-01 – 2014-03. He asked for those in favor to please come forward. Seeing none, asked if there was anyone opposed to the amendments. Seeing none, Mayor Volz closed the Public Comment Portion of the Public Hearing.

Art Wise, Planning Board Vice-Chair, stated the Planning Board voted unanimously to comply with the amendments the N. C. General Assembly enacted.

Council Member Nixon-Roney made a motion to approve text amendments 2014-01-2014-03 as presented. Council Member Thomas made a second to the motion. On a roll call vote:

Council Member Ragsdale voted aye
Council Member Montgomery voted aye
Council Member Nixon-Roney voted aye
Council Member Thomas voted aye

The amendments approved unanimously.

Text Amendment 2014-04 - Mayor Volz opened the Public Comment Portion of the Public Hearing and asked if there was anyone in favor of the text amendment to please come forward. Seeing none, Mayor Volz asked for anyone in opposition to please come forward. Seeing none, Mayor Volz closed the Public Comment Portion of the Public Hearing.

Art Wise, Planning Board Vice-Chair, approved this amendment and felt it was a good change.

Council Member Nixon-Roney made a motion to approve text amendment 2014-04 as presented. Council Member Montgomery made a second to the motion. On a roll call vote:

Council Member Ragsdale voted aye
Council Member Montgomery voted aye
Council Member Nixon-Roney voted aye
Council Member Thomas voted aye

The motion passed by unanimous vote.

6. Public Hearing to consider an amendment to the Ordinance for the Town of Jamestown with Respect to the Control of Animals – Chuck Smith stated that Guilford County Animal Control enforces our Town Ordinance. The Town Ordinance has always mimicked the County ordinance. The County made text amendments to their ordinance. The Town Manager is requesting the Town Council approve the amendments to the Ordinance as presented. The major amendments deal with tethering of animals and updates to enforcement of dangerous or vicious animals restricted.

Mayor Volz opened the Public Comment Portion of the Public Hearing. He asked for anyone in favor to please come forward. Joyce Volz, 601 O’Neill Drive, asked in regard to animal control, what legal means a citizen has if they see an animal charging them or a child. What legally can one do to protect themselves without getting charged with anything? Council Member Nixon-Roney stated one must be extremely careful. Obviously, you do have to act in the moment and do what is right for the child. However, the action may come into question later. There was no one else to speak in favor of the amendment. Mayor Volz then asked if there was anyone opposed to the amendment to please come forward. Seeing none, Mayor Volz closed the Public Comment Portion of the Public Hearing.

He opened back to the Council for discussion. Council Member Ragsdale made notice of a typographical error correction to Section 5-12-B2.

Council Member Montgomery made a motion to approve the amendments to the Ordinance for the Town of Jamestown with Respect to the Control of Animals. Council Member Thomas made a second to the motion. One a roll call vote:

Council Member Ragsdale voted aye
Council Member Montgomery voted aye
Council Member Nixon-Roney voted aye
Council Member Thomas voted aye

The motion passed by unanimous vote.

7. Public Comment Period – None

8. Annual Report by Pinecroft Sedgefield Fire Department and Resolution – Deputy Chief Jeff Thomas introduced Fire Chief Steve Allred and Captain Tim Sawyer. Deputy Chief Thomas presented the 2013 annual report. He stated Jamestown and Pinecroft Sedgefield Fire Department merged in 2003. PSFD now contracts with Jamestown to provide fire protection. Currently PSFD has 33 career staff and 41 volunteers.

PSFD's annual budget is approximately 2.8 million and of that approximately \$397,000.00 come from the Jamestown contract. Currently the insurance rating for properties inside the city limits of Jamestown is a class 4 and outside the city limits is a class 5.

In 2013 Jamestown Station #46 ran 580 calls. These calls consisted of: 142 fire calls, 403 medical calls and 35 auto accidents. Of the medical calls, 30% or approximately 120 calls were to Shannon Gray Rehab Center. Deputy Chief Thomas further reported that the busiest day for calls in Jamestown was Friday and the slowest day was Saturday.

A total of \$161,000.00 property was exposed to fire with a loss of \$1100.00 yielding \$160,000.00 property saved by the Fire Department.

The Station conducted fire prevention programs for Jamestown. The firefighters saw 1341 adults and kids, during the 31 programs. This was a total of 275 man hours.

Deputy Chief thanked the Council for allowing them to provide fire protection for the citizens of Jamestown.

On a personal note, Deputy Chief Thomas said this will be the last time he makes the annual presentation. He is retiring in 11 days. At this time, Mayor Volz stated the Town would like to recognize Jeff Thomas for his career. Mayor Volz read and presented a Resolution in Honor of the Retirement of Jeffrey E. Thomas. Deputy Chief Thomas received a standing ovation.

(Resolution)

9. Review of the Ordinance to address Annoying and Disturbing Noises – Chuck Smith stated at the November 19th, 2013 meeting there was a general discussion of this ordinance. Lt. Pruitt of the Guilford County Sheriff Dept. was present and spoke regarding the ordinance. At that time, the Council requested to bring this ordinance back for discussion at the January meeting.

Mayor Volz stated the citizens and businesses deserve to be heard. Mayor Volz said at the November meeting, Wade Gable, owner of The Deck, was present. It seems there was one band that preformed last September that was extremely loud. Mayor Volz felt since this was brought to the attention of the business owner, he will monitor the volume of the bands. Mayor Volz suggested we re-visit this ordinance in the spring and see if the noise is an issue.

Council Member Nixon-Roney stated the Council clearly has not had enough input on the issue. She has heard from 1 citizen and 1 business. That is not enough for her to warrant any change. If necessary we will discuss the ordinance in the spring. No action taken.

10. Set Public Hearing to consider a rezoning request from Multi-Family Residential (MFR) to Conditional Zoning Multi-Family Residential (CZ-MFR) for the property located at 502 W. Main St. – Matthew Johnson requested the Council set a Public Hearing date for February 18, 2014 to consider a rezoning request for 502 W. Main St. from MFR to CZ-MFR, property known as Jamestown Village Apartments.

Council Member Nixon-Roney made a motion to set a Public Hearing for the rezoning request for February 18, 2014. Council Member Thomas made a second to the motion. The motion passed by unanimous vote.

11. Appoint delegate & alternate to the High Point MPO – Mayor Volz stated he will remain as the delegate to the HPMPO. He appointed Council Member Nixon-Roney as the alternate. She accepted the appointment. Council agreed.

12. Appoint delegate and alternate to the Piedmont Triad Regional Council of Government – Mayor Volz stated he will remain as the delegate to the PTRC of Government. He appointed Council Member Ragsdale as the alternate. Council Member Ragsdale accepted the appointment. Council agreed.

13. Appoint Council liaison to the Planning Board – Mayor Volz appointed Council Member Montgomery to be the Council liaison to the Planning Board. Council Member Montgomery accepted the appointment. Council agreed.

14. Appoint Council liaison to the Parks & Recreation Committee – Mayor Volz appointed Council Member Thomas to serve as the Council liaison to the Parks & Recreation Committee. Council Member Thomas accepted the appointment. Council agreed.

15. Approve meeting schedule for year 2014 – The Town Clerk presented the regular meeting schedule for the year 2014. Council Member Nixon-Roney made a motion to approve the meeting schedule for 2014. Council Member Ragsdale made a second to the motion. The motion passed by unanimous vote.

16. Budget amendment – Gallman presented budget amendment #4 in the amount of \$6500.00. This amendment is required for insurance deductible repairs to the concession building for pipes that burst due to the freezing weather. The budget amendment is also necessary for repairs to the mower used on the recreation fields.

Council Member Montgomery made a motion to accept budget amendment #4 in the amount of \$6500.00. Council Member Ragsdale made a second to the motion. The motion passed by unanimous vote.

(Budget Amendment)

17. Analysis of Financial Position of the Town of Jamestown – Gallman presented the financial statement for the month ending December 31, 2013. Gallman reported in the summary report the Town has cash balance of approximately 8.3 million of that about 2.7 is held in reserves for certain usages. The Town is roughly half way through our fiscal year. Funds are as they should be for this point in the year.

The detailed financial report reflects the purchase of a new snow plow, and purchase of a refrigeration unit at the Grill at the Park.

The Town Manager said the monthly golf report will be included in the financial reports, if that is acceptable to the Council. Council Member Nixon-Roney requested Michael Hutcheon, Golf Course Pro, to attend the Council meeting and give a report every 6 months.

18. Public Comment Period – None

19. Other Business –

Chuck Smith reported that he met with the Planning Director and the Town Clerk this morning to begin compiling the documents for the PARTF grant. They will meet again next week and submit the application.

Smith said included in the Council packet are 2 non-profit written reports from grant recipients; Jamestown Library and Ragsdale YMCA. The report for the Jamestown Historic Society has not been received. All grant recipients will present their 6 months report at the February 18, 2014 Council Meeting.

Still under other business, the Town Manager requested setting a CIP meeting on February 18, 2014 from 5:30 pm – 6:30 pm for citizens to tell the Council what projects they would like included in the CIP. Council agreed.

Council Member Nixon-Roney asked to have this meeting included on the utility statements. Mayor Volz also asked to put on the utility statements for citizens to verify their telephone numbers with the Town.

Still under other business, Mayor Volz encouraged Council and citizens to contact their commissioners regarding the funding of the Jamestown Public Library. It would be best if the Public Library could be a line item in the County budget.

Council Member Nixon-Roney made a motion to adjourn. Council Member Thomas made a second to the motion. The motion passed by unanimous vote. The meeting ended at 7:31 pm.