

Regular Town Council Meeting
March 15, 2011
Council Chambers
7:00 pm

Minutes & General Account

Regular meeting of the Town Council, March 15, 2011, Council Chambers, Town Hall.

Council Member Present: Mayor Pro Temp Nixon-Roney, Council Member Thomas, Gray and Ragsdale. (Mayor Volz not present)

Staff: Judy Gallman, Paul Blanchard, Matthew Johnson, Martha Wolfe, Beth Koonce, Town Attorney (Town Manager not present)

Visitors: Buddy Mann, Charles Jones, Gene Bridges, Tommy Walls, Kevin Bottomley, Mary Ragsdale, Jim & Julia Rayborn, Shirley de Long, Sarah Glanville, Eleanor Ratterman, Charles Dowdy, Claude Jackson, Jr., Jack Jacobs, Billy Ragsdale, Jane Walker Payne, Mary Browning, Dot Perdue, Roy Whitesell, Billy Harris, Carol Brooks of the Jamestown News, Beth Seagraves of the News & Record, Dick Franks.

1. Mayor Pro Temp Nixon-Roney called the meeting to order. She stated she anticipates Mayor Volz will join us at this meeting a little later. The Town Clerk stated that the Mayor and the Town Manager are at a County Commissioners meeting and will join us as soon as possible.
2. Jamestown Community Reflections – Mayor Pro Temp Nixon-Roney asked for a moment of silence for the earthquake and tsunami victims.
3. Approval of minutes from the regular meeting February 15, 2011 and closed session meeting February 15, 2011 - Council Member Gray made a motion to approve both sets of minutes as written. Council Member Ragsdale made a second to the motion. The motion passed by unanimous vote.
4. Public Hearing to consider amendment to Greensboro-Jamestown Joint Annexation Agreement – Matthew Johnson addressed the Council. He stated the annexation agreement is an agreement the Town has with other municipalities that defines where future annexation and growth can occur. The Town currently has an annexation agreement with both Greensboro and High Point, both agreements expire in 2018. Johnson stated the changes proposed in the Greensboro Annexation were requested by the property owners.

Johnson said the Greensboro City Council is considering this same agreement at their Council meeting tonight. Per Johnson, if the Council agrees to move forward, the Council will need to

pass a Resolution and hold a public hearing to set initial city zoning and to swap the different parcels.

Johnson displayed a map which showed the Town's current ETJ area, the Town's current city limits, annexed Greensboro properties, the proposed Jamestown By-Pass route and a proposed road that Koury Corp. would like to build. The proposed road name would be Grand Village Parkway. The proposed shift in the line is displayed on the map by a blue line.

Johnson directed attention to the map and stated that the 35.6 acres is zoned commercial. A large portion of this property is within the road right-a-way. This is the parcel that is proposed to go to the Greensboro side of the annexation line. We are trying to make this an equitable swap of land. There is approximately 17 acres that is considered unusable due to the road right-a-way. There is approximately 12 acres that is currently in the Jamestown line that will go to the Greensboro side.

Johnson stated since the acreage of the parcels is not equal the Town researched for other parcels to include in the annexation agreement to make the exchange of parcels equitable. The property proposed to exchange from Greensboro annexation side to Jamestown's annexation side is Chadwick Drive, Mr. & Mrs. Cooper. The Coopers' house is the only property in this subdivision that is on Greensboro's side of the line. The other parcel of property is owned by Mary Lea Partnership. Mrs. Lea agrees to be on Jamestown's side of the annexation line. At this time, the referenced property is zoned residential. Jordan's Creek Subdivision property adjoins Mrs. Lea's property. Jordan's Creek is inside the city limits of Jamestown. These parcels equal approximately 35 acres. If approved this proposed annexation agreement will replace the current agreement with a new expiration date of 2041.

Dick Franks, Koury Corporation, was present to speak. He stated Grandover was developed in the 1990's. This end of Grandover has not been developed due to the uncertainty of the location of the Jamestown Bypass. Once NCDOT finally established the right a way for the road, they discovered that the existing Jamestown – Greensboro annexation line would cut right through the prime part of this commercial parcel. We realized when we build something there is a good probability that the annexation line would go through the middle of stores and buildings. This will create a tax problem and permitting problems. Koury Corp. approached Jamestown and Greensboro to see if they could work out an equitable way to move that line over toward the bypass. This relocating of the line would eliminate a single parcel being split between the two jurisdictions; Jamestown & Greensboro. The realignment of the annexation line allows Jamestown and Greensboro authority over a whole parcel and not split between the two municipalities.

Koury Corporation has been working with NCDOT regarding the traffic situation. NCDOT has not taken into consideration the schools and GTCC traffic. Koury Corp. plans to build a road connecting the By-Pass to Guilford College Rd. This will help traffic coming from Business I85.

The main reason for this realignment request is so we will not have parcels divided by territorial lines. He asked for Council's favorable consideration on this matter.

Mayor Pro Temp asked if there were any questions. Council Member Ragsdale questioned if the line should follow the By-Pass and he questioned the length of the term of the agreement. Johnson stated that the original annexation agreement with Greensboro was for a 30 year term which is the same as the proposed agreement. Johnson stated the expiration date for both High Point and Greensboro annexation agreement is 2018. Johnson stated that High Point will probably be looking at renewing their agreement in a few years. Mayor Pro Temp Nixon-Roney stated she was not comfortable moving forward at this time. This is new to us. She would like to take this under advisement.

At this time, Mayor Pro Temp Nixon-Roney opened the Public Hearing. She first asked for any one in favor of the Greensboro –Jamestown Joint Annexation Agreement to please come forward. No one spoke. Mayor Pro Temp Nixon Roney then asked for anyone that would like to speak in opposition to the Greensboro-Jamestown Joint Annexation Agreement to please come forward.

Buddy Mann, 100 Ragsdale Ct., said he had two (2) items he was opposed to. First, is it financially swapping the land? He wants to know if it is good for Jamestown. He hasn't seen any numbers. And second, per Mann the annexation laws have been changed in Raleigh. Will you be able to annex that property in the future? You may have an agreement but maybe the laws will be so that you cannot annex it. We don't know what's going to happen. Mann felt the Council should wait until they pass the laws in Raleigh. Mann stated that he is against it. We must watch out for the bottom line for Jamestown.

Tommy Walls, 303 Yorkleigh Lane, acknowledged he agrees with Mr. Mann. If the rules and the laws are going to change within the year, we ought to wait.

Mayor Pro Temp Nixon-Roney asked if anyone else would like to comment at this time. Seeing none, she closed the Public Hearing. The Planning Director clarified that this amendment request is not an annexation. This is not related to the laws currently being discussed in Raleigh. Per Johnson, the time that we would look at annexation of this property is when the developer goes to develop it and requests water & sewer. That is a requirement of our current water/sewer policy. That would be the appropriate time to consider annexation. We are just looking at the lines, where Jamestown and Greensboro could potentially grow.

It is important to note, it is always more acceptable if jurisdictions can cooperate with each other to correct problems. A spirit of cooperation helps future municipal relationships.

Beth Koonce, Town Attorney added that voluntary annexations will always be available. What are being debated now are rules concerning involuntary annexation. In her opinion, this annexation agreement would set the boundaries for what properties we could annex into the

Town if interested in the future. This allows the Town the ability to plan for the future. She does not feel the situation in Raleigh is particularly germane to this issue.

Mayor Pro Temp Nixon-Roney would like to table this matter to be sure she understands the agreement. Council Member Thomas agreed. He stated he understands how it makes sense for Koury Corp. but wants to be sure the Council is making the right decision for Jamestown.

Council Member Ragsdale made a motion to continue the Public Hearing to the April 19, 2011 meeting. Council Member Thomas made a second to the motion. The motion passed by unanimous vote and the Public Hearing was continued to April 19, 2011 meeting.

5. Public Hearing to consider adoption of Discharge of Firearm Ordinance. – At this point, Mayor Volz and the Town Manager arrived at the meeting. Mayor Volz thanked the Mayor Pro Temp for presiding over the meeting; Mayor Volz then took over the Chair and led the meeting.

Mayor Volz stated at this time, we will hold the Public Hearing for the consideration of the Discharge of Firearms Ordinance. Mayor Volz called on Martha Wolfe, Town Clerk. Wolfe stated at the last Council meeting the Council did adopt the Ordinance to Prohibit Concealed Weapons on municipal properties and the Animal Control Ordinance. The Guilford County Sheriff's Dept. asked the Town Council to look at both of these ordinances and to adopt them which the Council did.

The Discharge of Firearms is another ordinance that the Town of Jamestown did not have approved in the Book of Ordinances. The Sheriff's Dept. asked us to look at approving an Ordinance Regulating the Discharge of Firearms within the City limits of Jamestown.

Wolfe continued saying, the Council has never adopted an ordinance for this. When a deputy is faced with this issue inside the city limits, the deputy is uncertain how to direct person. The Guilford County Ordinance states a person can discharge a firearm within 150' of a dwelling. When she began to look at this, she called the Town Attorney and said I think I really need to have the Council direct us as to what they think is appropriate for the safety and welfare of the citizens of Jamestown. The Town Attorney looked at High Point and Archdale's Ordinances. She was not sure that the Guilford County Ordinance as written applied to Jamestown. She agreed with Wolfe they need guidance as to what the Council would like to prohibit. Koonce said we are asking does the Council want a direct prohibition of firing a firearm within the City limits except in self defense, law enforcement, or shooting range.

The Council had in their packet copies of ordinances from High Point and Archdale. Koonce felt both ordinances were drafted in a way that might have more application to Jamestown than the County Ordinance.

Council Member Ragsdale felt the Archdale Ordinance Sec. 5-4 items (a-d) applied more to Jamestown. The Council discussed the Archdale Ordinance. In this Ordinance a citizen can get

a permit for the purpose of eradicating pests. The Council discussed restricting discharging a firearm within a set measurement of a dwelling, areas appropriate for hunting, and what type firearms would be prohibited. (BB guns, air rifles, bow and arrow) The Town Manager said one thing to consider is the distant to be enforced, it needs to be consistent.

Council Member Ragsdale said Archdale is unique; they are not talking about high powered rifles and no slugs. They are limiting that. Mayor Volz stated this is a Public Hearing. He asked for anyone in favor of this Ordinance to please come forward to speak. No one came forward.

Mayor Volz then asked if there was anyone that would like to comment against the Ordinance to please come forward. No one spoke. Mayor Volz stated seeing none; he closed the Public Comment portion of the Public Hearing.

Mayor Volz asked the Council if they wanted to make any changes to the Ordinance. Wolfe said we are asking for guidance as to what the Council would like to have in an Ordinance. Once we have direction from the Council, we will draft an ordinance for the Council to review. We suggest that the Council continue this Public Hearing to the April meeting and at that time reintroduce the Ordinance.

Council Member Nixon-Roney made a motion to continue the Public Hearing to the April 19, 2011 meeting. Council Member Ragsdale made a second to the motion. The motion passed by unanimous vote. The Public Hearing is continued to April 19, 2011.

6. Public Comment Period – Mary Ragsdale addressed the Council. She stated that the Ragsdale YMCA is a non-profit organization and we have some staff changes. She wanted to introduce the new Executive Director, Kevin Bottomley to the Council. Mary Ragsdale also stated if the Council would like a tour of the YMCA, we would be glad to accommodate.
7. Guilford County Sheriff Dept. Annual Report – Capt. Straughn addressed the Council. He informed them that he and Lt. Piner have been reassigned. The new Lieutenant in charge is Lt. Tim Parker. He is in attendance tonight. The new Captain in charge is Capt. Bob Gordon. Capt. Straughn said it has been an honor to serve the Town and the Town Council. He will still be involved in the Town.

Sergeant John Henderson presented a PowerPoint Presentation to the Council. He went over the department's personnel, the District 3 area, and what the Department has to offer the Town in addition to the 4 deputies contracted to work the Jamestown area. Jamestown has an officer assigned to the Town limits 24/7/365 days. Sgt. Henderson said we answered 1035 calls for service inside the city limits of Jamestown for the year 2010. That number is actually down from 2009 & 2008. Self initiated calls were up from 2010. These are calls that did not come through 911. These were calls from deputies checking on anything suspicious. There were 304 reports taken in Jamestown last year. The Sheriff's office is located at GTCC in the Medlin Campus Center on the bottom floor.

The office number is 336-845-6691. The web address www.citizenobserver.com is an address where a citizen can sign up to receive alerts of crime in the area. Mayor Volz welcomed Lt. Parker and thanked Capt. Straughn for his service.

8. Presentation of proposed Jamestown Historic Commission – Mayor Volz introduced former Mayor, Billy Ragsdale, to give the presentation. Ragsdale stated that he represents the Jamestown Historic Group. Ragsdale read and presented a proposal by the Jamestown Historic Group requesting the Council enact an Ordinance Creating a Jamestown Historic Preservation Commission.

The mission of the Historic Preservation Commission will be to safeguard the heritage of the Town of Jamestown by preserving local historic sites which embody important elements of its social, economic, archeological or architectural history. The Town Council will appoint the members to the Commission. The proposal stated the Commission would be responsible for the following:

- Establish a local preservation program
- Educate the public, historic property owners and potential property owners about the importance of historic properties.
- Research historic sites & structures
- Adopt guidelines for new construction, alterations, additions, moving & demolition of designated historic landmarks
- Incorporate local, state, federal and private resources to aid in the study of local history and promote preservation.
- Provide assistance when historically significant structures and archaeological sites are endangered.

Ragsdale identified the members of the Jamestown Historic Preservation group as: Dot Perdue, Mary Browning, Jane Payne, Bill Harris, Carol Brooks and Billy Ragsdale

Ragsdale said tonight this group would like the Council's blessing to proceed with this project. They plan to contact some other entities that have done this and get assistance from their experience. A lot of work has been done to get to this point. We want this to be very cohesive with the Town and with the Planning Board.

Mayor Volz said he is an advocate of having this historic group. He thinks it would be an asset to the Town to know where our roots are and help preserve them. The Mayor said the Council wants to be sure that people that are in those areas are well aware of what it means to be a part of a historic district. Mayor Volz stated he offered to Mary Browning earlier, to write a letter to each person within those 2 areas identified and invite them to a meeting. Then have Mary Browning describe this Historic Commission and districts. Mayor Volz also wants Matt Johnson, Planning Director, to give a portion of the meeting. This way we get a consensus from the neighbors as we move forward.

Ragsdale stated this group would not be a government agency. They would only give guidelines. Before having a meeting as the Mayor described, the group would like to meet with a representative from Salisbury. Salisbury has a great Historic group there. They would like to have them come and give us a blueprint before we go much further. Once we have our outline complete, then we will have a meeting of the property owners within the designated areas. Ragsdale said the request tonight is for the Council to agree for this group to proceed with its work.

Council Member Ragsdale said for them to do the homework and research and see what other people are doing would be great. We will then have a good baseline and understand the process. Billy Ragsdale said once all the work was done, then we will come back and ask for the Council to set up the Commission and appoint the members. Mayor Volz stated again he wants all the people to hear this and understand it right from the beginning. He wants to start this off on the right foot.

9. Resolution Dissolving the PTCOG and providing for distribution of assets and obligations – Mayor Volz stated the first resolution is to dissolve PTCOG and the next item #10 is a Resolution to create the Piedmont Triad Regional Council. This new Council will include Winston-Salem. This is actually the way the Council of Government was set up years ago. The merging of the two regional Councils would yield efficiency of any State and County monies received. We are combining forces and assets. Council Member Ragsdale made a motion to approve the Resolution to Dissolve the PTCOG and providing for distribution of assets and obligations. Council Member Thomas made a second to the motion. The motion passed by unanimous vote.

(Resolution)

10. Resolution Establishing Formation and Membership in the Piedmont Triad Regional Council. Council Member Ragsdale made a motion to accept the Resolution for Formation and Membership in the Piedmont Triad Regional Council. Council Member Thomas made a second to the motion. The motion passed by unanimous vote.

(Resolution)

11. Status Report update on property located at 103 Pearce Drive – Beth Koonce stated she checked the court file on the foreclosure status of 103 Pearce Drive. At the last meeting, we had hoped there would at least be a Resolution as to who the final owner would be. Then we could possibly move forward with a condemnation proceeding. The sale date has been postponed again. However, the trustee's office stated the reason the sales date was extended was because there was some negotiations between the owners. We are waiting to see if possibly some resolution could be made. This is all speculation at this time. Once again I feel we must wait until the next sale date, May 18th, 2011, to see the outcome.

Council Member Gray asked to be kept apprised of the situation, he is very disappointed in the situation. Council Member Nixon-Roney asked the Town Attorney

to send a letter to Fred Kelly, Whittington Hall Subdivision, HOA President, advising him of the Town's progress on the case and the potential problems and the potential resolutions. Also, advise Mr. Kelly of the new sale date.

12. Appointments to Parks & Recreation Committee – Wolfe stated last month the Council voted to amend the Parks & Recreation Policy to allow a member to serve three (3) full terms. Fred Kelly has served on the board for two (2) terms. His term expires in December. He is now eligible to serve a 3rd term and he would very much like to do so. This reappointment is one request being made of the Council.

At the March Parks & Recreation meeting, Tom Tervo turned in his resignation due to recent employment. We still need an active member and still have a vacancy for an alternate. The Council asked me to check with the citizens that previously had an interest in serving on Parks & Recreation. Wolfe checked with each citizen. One cannot serve at this time due to a teaching commitment that is held on the same night as the meeting date. The other citizens are interested in serving in any capacity.

The request of the Council is to reappoint Fred Kelly to serve his third term. Then appoint one of the citizens as an active member and one as an alternate.

Council Member Nixon-Roney made a motion to reappoint Fred Kelly to serve another term on the Parks & Recreation Committee with an expiration date of 3/2013. Council Member Gray made a second to the motion. The motion passed by unanimous vote.

Council Member Nixon-Roney made a motion to appoint Charles Dowdy to serve on the Parks & Recreation Committee to fill Tom Tervo's unexpired term through December 2012. Council Member Ragsdale made a second to the motion. The motion passed by unanimous vote.

Council Member Nixon-Roney made a motion to appoint Deepa Reedy and Robert Pickett to serve as alternates to the Parks & Recreation Committee. Council Member Ragsdale made a second to the motion. The motion passed by unanimous vote.

13. Appointment of Town Representative to the Guilford County Historic Preservation Commission – Martha Wolfe stated that Mary Browning is the Town's representative on the Guilford County Historic Preservation Commission. This is a 4 year term. Mary's term expires in April 2011. Wolfe asked Ms. Browning if she would be interested in serving another term. Mrs. Browning said she is spending a lot of time on the Jamestown Historic Commission and if that is adopted, she would not be able to do both. The Town Clerk did ask Bill Harris if he would be interested, but he just recently retired from Jamestown Historic Commission and needs to spend time with family. The Town Clerk asked if the Council would like to table this and bring nominees to the April meeting. We need someone who is familiar with Jamestown history.

Council Member Ragsdale made a motion to table this agenda item until the April meeting. Council Member Nixon Roney made a second to the motion. The motion passed by unanimous vote.

14. Appoint Council Member representative to the Town's Non-Profit Grant Committee – Judy Gallman said each year we ask the Council to appoint two Council Members to the Non-Profit Committee to review applications and make recommendations that the Council would approve as part of the budget. Mayor Volz stated that Council Members Frank Gray and Georgia Nixon-Roney have agreed to serve on this committee.
15. Request for Public Records Policy – Chuck Smith stated Council has in their packet a copy of the Request for Public Records Policy. Smith stated we are trying to make this a process to serve everyone fairly and more systematically to request copies of Public Records. This is just for copies. We will note the requested information and date it. This may be done by the staff or the Public. It is optional if the person making the request wants to give their name and phone number. There is no charge for inspection of documents. We determine if there is a cost, (.10€ a copy) we will notify the requesting party in writing advising the request has been received and give a reasonable time table for the response. We will fill out the form and give them a copy. This form is their written confirmation of their request. Per Smith, this is a way for us to make sure what is being requested is handled properly.

Council Member Nixon-Roney asked if this form would be on the website where someone could fill it out and send it in. Smith said we could have it on the website. Someone could download it, fill it out and bring it into the Town Hall. Smith stated this procedure comes from Roy Cooper's guidelines. It is the same process as Guilford County. Council Member Gray stated this policy assures that you are using your time to the best interest and that information is clear and right before you proceed. Council Member Gray made a motion to accept the request for Public Records Policy. Council Member Ragsdale stated if this is the same protocol as Guilford County uses, he has no problem with it and made a second to the motion. The motion passed by unanimous vote.

16. Approval of audit contract for fiscal year 2010/2011 - Gallman presented a 3 year proposal for conducting the audit for the Town of Jamestown. The proposed fee is \$18,500.00 for this year and goes up slightly over the next 2 years. This amount is less than last year's amount.

Council Member Nixon-Roney made a motion to accept the agreement with Dixon-Hughes for the 3 year audit agreement in the amount of \$18,500.00 for the 1st year, \$18,990.00 for the second year and \$19,400.00 for the third year. Council Member Thomas made a second to the motion. The motion passed by unanimous vote.

17. Financial Statement – Gallman presented the financial report for the month ending February 28, 2011. She reported the following:

Total cash balances for the Town approximately \$6.6 million

Cash balances by funds -

General Fund 2.2 million

Water Sewer Fund approximately 2.9 million

A portion of these funds are reserved for Randleman Reservoir, Powell Bill & General Capital Reserves.

The Town Debt balance is approximately \$155, 00.00.

Gallman proceeded to go over the detailed financial report for February 28, 2011. There were not questions.

18. Public Comment Period –

Charles Dowdy 214 Misty Water Lane offered to get an estimate on remodeling current round Council table to an oval table to accommodate 6 more people.

19. Other Business – Council Member Nixon-Roney asked if the staff has talked with NCDOT regarding adding safety devices on E. Fork Rd. Chuck Smith stated Paul Blanchard and he talked with Paul Ingram of NCDOT. We talked to him about eliminating the passing zone as well as other safety devices. NCDOT is investigating.

Council Member Ragsdale stated as part of the CIP he would like to look at Recycling and how that would impact us. Smith stated that was listed as a “Could do” project. Council Member Ragsdale would like a cost analysis. Smith stated this was listed as a “could do” project because the Town does currently offer recycling at the Town Hall.

Still under other business, Mayor Volz said earlier today Chuck and he attended a County Commissioners’ meeting. This meeting dealt with upcoming budget issues. Mayor Volz made a plea for the Jamestown Library. He asked everyone to ask County Commissioners not to cut funding to the Jamestown Library. They learned that Guilford County will also cut the budget of Gibson Park.

Other business continues - Mayor Volz asked Kerry Miller to come forward. Kerry Miller, Planning Board Chair, addressed the Council. In preparing for the New Year, Miller asked the Planning Board to think about what tools and training, etc., they would need to help them in their positions as Planning Board members.

Miller said last year was a challenging year for Council and the Planning Board. He wants to be sure the Board members have what they need to be effective at their jobs. He said at the Planning Board meeting they had a discussion about this. What came out of that meeting was that Planning Board would like a training session to better define the roles and responsibility of being a Planning Board member. They would like to invite the Council to meet with the Planning Board at this training session. The training session would be conducted by the

Institute of Government. Council agreed that any additional training is always beneficial. Matt & Chuck will investigate setting up the training session.

Other business - Council Member Nixon-Roney stated the Council had asked the previous Town Manager to provide them with regular updates on the Committees and Town Departments. The Council asked the current Town Manager to provide them with regular updates in the future.

Council Member Thomas asked the Planning Director to advise them of the outcome of the City of Greensboro's Council decision from the meeting tonight regarding the proposed annexation agreement.

Mayor Volz thanked everyone for coming.

Bill Harris announced the new Chair for the Historic Jamestown Society is Shirley Haworth. Mr. Harris thanked the Council for their support on the historic markers. Mr. Harris did speak in favor of establishing a Jamestown Historic Commission.

Council Member Ragsdale made a motion to adjourn. Council Member Nixon-Roney made a second to the motion. The motion passed by unanimous vote. The meeting ending at 8:45 pm.