

Regular Meeting of the Town Council  
January 17, 2012  
Council Chambers  
7:00 pm

Minutes & General Account

Regular meeting of the Town Council, January 17, 2012, 7:00 pm, Council Chambers, Town Hall.

Council Members Present: Mayor Volz, Council Members Montgomery, Nixon-Roney, Thomas & Walls.

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

Visitors Present: Buddy Mann, Joyce Volz, Ralph & Amanda Holmes, Eddie Oakley, Ken Baynes, Kevin Bottomley, John Capes, Keith Lackey, Loretta King, Jo Anne Hassell, Wes Cashwell, Vivian Robinson, and Carol Brooks of the Jamestown News.

1. Call to Order – Mayor Volz called the meeting to order.
2. Community Reflections – Mayor Volz welcomed the new Council Members to the Board. He shared with the Public and the Council that several of our neighbors have recently passed away. He asked to please remember the friends and family of Bennie Morton, Wilma McGill and Bette Johnson. The Mayor asked that we bow our heads for a moment of silence.
3. Approval of minutes from the December 6<sup>th</sup>, 2011 Special meeting and the December 20<sup>th</sup>, 2011 Regular meeting. Council Member Nixon-Roney made a motion to accept the minutes as presented. Council Member Thomas made a second to the motion. The motion passed by unanimous vote.
4. Accept donation from local artist Vivian Robinson - Mayor Volz called Mrs. Robinson forward. She displayed the watercolor she painted of the Old Mill on Dillon Road and also the Potter House. Council Member Nixon-Roney made a motion to accept the gracious donation of Vivian Robinson. Council Member Thomas made a second to the motion. The motion passed by unanimous vote. Council Member Nixon-Roney stated Ms. Robinson is a great photographer as well.
5. Appoint delegate and alternate to HPMPO – Mayor Volz stated he will continue as the delegate. He appointed Council Member Nixon-Roney as the alternate.
6. Appoint delegate and alternate to PTRC – Mayor Volz will continue to serve as the Town's delegate. He asked for a volunteer to serve as an alternate. Council Member Walls volunteered to serve in this alternate position.

7. Appoint Council liaison to the Planning Board – Mayor Volz appointed Lynn Montgomery to serve in this position.
8. Appoint Council liaison to the Parks & Recreation Committee – Mayor Volz appointed Council Member Brock Thomas to this Committee.
9. Appoint Council liaison to the Main Street Revitalization Project – Mayor Volz appointed Council Member Walls to this position.
10. Appoint Council liaison to the Guilford County Schools – Mayor Volz appointed Council Member Nixon-Roney to this position.
11. Public Hearing to consider rezoning from CZ-C (Conditional Zoning-Commercial) to CZ-C (Conditional Zoning-Commercial) for the property located at 1002 Gardner Hill Drive to allow electronic gaming businesses – Matthew Johnson stated this Public Hearing is to consider the rezoning request of 1002 Gardner Hill Drive, approximately .85+- of an acre parcel to rezone conditional zoning commercial to conditional zoning commercial to allow electronic gaming businesses such as sweepstakes style businesses. This site is located near the High Point Road and Guilford College Rd. in the small strip shopping center behind Sheetz. The property is bordered to the North by Industrial, to the East by Industrial – vacant land to the West by GTCC and to the South by Guilford College Road and High Point Rd. as commercial zoned land of both Jamestown and Greensboro.

The property is located in our secondary growth area, per our 2020 Land Development Growth Strategy map. It is located in the suburban residential portion of the Future Land Use map. The property is currently served with Jamestown sewer and receives water from Greensboro.

The applicant's reason for the request is that they wish to continue operating a business at this site. The business opened without the Town's knowledge. The owner requested of the Town possible ways for the business to remain open; thus the request for rezoning. According to the letter of reasonableness, the applicant is providing a service that does seem to be in demand and is not creating any adverse conditions to the property. The applicant did place conditions on this rezoning request as follows:

- I. Uses Permitted – All uses listed as Permitted in the Commercial (C ) zoning district shall be permitted in this district. Additionally, the use listed as “Electronic Gaming” shall be a permitted use in this zoning district, subject to the additional standards listed below:
- II. Separation – No electronic gaming operation shall be located within a ½ mile in any direction from any other electronic gaming operation. This required separation shall apply whether the above uses are principal or accessory uses. All measurements in this section shall be from the outer building walls of the proposed use to the nearest property line of the above specified uses, and such measurement shall be in a straight line without regard to the intervening structures.

- III. Hours of operation – access and visibility – No electronic gaming operation shall engage in business prior to 8:00 am or after 12:00 midnight, Monday – Saturday and not prior to 12:00 pm or after 12:00 midnight on Sunday. During hours of operation electronic gaming operations shall be open for direct, unobstructed access by police, fire and emergency response personnel, all entrance doors shall remain unlocked while patrons are on the premises. All electronic gaming operations terminals, computers, machines and/or gaming stations shall be open and visible from the exterior front of the establishment.
- IV. Age restrictions – No person or entity engaged in Electronic Gaming Operations shall allow, permit or condone any person under the age of eighteen (18) to be upon the premises while patrons are engaged in Electronic Gaming Operations.
- V. Signage – Signage shall meet all the requirements of Article 17 Signage and/or the Master Sign Plan for Gardner Hill Station and the following requirements. No signs shall be posted on the windows of the property which are visible from the exterior of the development. No neon or other effects which simulate the appearance of neon nor any flashing, chasing, undulated, or other variable lighting effects shall be used in connection with any use hereunder where such lighting effect would be visible from the exterior of the establishment. All rules of the electronic games shall be displayed prominently within the establishment.
- VI. Maximum number of terminals – the maximum number of terminals, computers, machines and/or gaming stations permitted within an Electronic Gaming Operations is twenty-five (25)
- VII. The site shall otherwise conform to the Town of Jamestown Land Development Ordinances and General Ordinances.

Johnson stated the decisions for rezoning are made based on the Town’s 2020 Land Development Plan and all other adopted plans and policies of the Town. Johnson listed some of the 2020 LDP policies that might impact the proposed site.

**Growth Management Policies**

1.3 Carefully plan for appropriate land development along interchanges of the future Jamestown By-Pass preventing automobile oriented strip development at interchanges of Vickrey Chapel, Harvey and Dillon Rd.

1.15 Carefully balance individual property rights with the good of the whole community by expecting new development to use the best design features of our favorite existing areas and by providing adequate buffers between incompatible uses.

1.17 Encourage everyone in our community to use these land development plan goals and policies as guidelines for making smart growth decisions to strategically locate land development in the most appropriate places, to use existing and future infrastructure investments efficiently, to reduce costly suburban sprawl and to help maintain and enhance the community assets that make Jamestown special.

**Planning Coordination:**

2.1 Take into account the future growth plans of surrounding jurisdictions (e.g. Guilford County Southwest Area Plan, proposed High Point & Greensboro By-Pass) so Jamestown's land use planning and growth management approaches are as compatible and mutually supported as possible. Provide plan documents and outreach to neighboring jurisdiction.

2.4 Build cooperative partnership with local institutions, agencies and businesses to expand community amenities and services, to create jobs, to maintain a strong tax base, to encourage new development that fit our small-town character, and to prevent conventional strip development along major road corridors.

2.5 Encourage inclusion of Jamestown in county-wide economic development efforts to attract and recruit new retail and service uses to meet its local needs and to expand local jobs, and tax base when appropriate.

Johnson said the current zoning is commercial but does not permit electronic gaming. The State has been considering this issue for some time. The State General Assembly tried to close the loopholes on this type of business. There was conflicting rulings by the judges. We are waiting for the State to make a ruling on this as to the legality of the sweepstakes businesses.

The Planning Board met on October 10, 2011. The Planning Board found that the rezoning request was not consistent with the Land Development Plan. The vote was 3-1 to recommend denial of the request to the Council. Kerry Miller was unable to be at this meeting. However, included in the Council Packets are the Planning Board checklist and the Statement of Consistency regarding this rezoning case #2011-02.

Council Member Nixon-Roney asked the rationale behind the Planning Board member who cast the favorable vote for the rezoning. Johnson said that the Planning Board Member was Art Wise. His rationale was that the State lottery is allowed in many places. He did not see this requested use as any different as the lottery use.

At this time, Mayor Volz called on the applicant to come forward. The owner of the property was not present. The tenant, Adrian Gonnevillle, stated he has been in business at this location for 5 months. There are only 2 other businesses there; Textbooks and Yogurt Shop. Each of the businesses feed off each other. He would like to be able to stay. His business is maintaining. Mayor Volz asked the Council if they had any questions for the applicant.

Council Member Thomas stated he visited the location earlier today. The tenant said he is trying to attract a higher end clientele and is keeping the establishment in nice condition. The tenant prefers the 12:00 pm closing condition.

Council Member Walls asked if parking is an issue for his customers. The tenant stated there has been no problem thus far. Mr. Stratton, Owner, says he will use the vacant lot next door to pave or gravel for excess parking.

Council Member Walls asked about video surveillance around the property. The tenant stated he is getting ready to purchase a webcam.

Council Member Walls asked the Planning Director if there is another one of these facilities downtown. Johnson stated there are 2 similar operations that opened prior to the adoption of the ordinance by the Town. They are essentially a non-conforming use. The tenant stated he heard there is a proposal forthcoming from the State to start taxing the machines. The State will receive 25% of the revenues.

Council Member Nixon-Roney asked if they had any incidents there yet. The tenant said he had a break-in. He has since placed a steel bar on the back door and will be purchasing a surveillance system. He does not have an alarm system. Smoking is allowed in the place of business.

Mayor Volz opened the Public Hearing for Public Comment. He asked for anyone in favor of the rezoning request to please come forward to speak.

Brian Guarino, Manager, of the bookstore next door – Mr. Guarino stated he is fine with the business being located next door. In fact, his text book store is doing well. So, the business next door has not hurt him. Parking has not been an issue. At the last meeting, the owner, John Stratton, did say he was looking at adding approximately 17 parking spaces by the Sprinkles Yogurt Shop business. He does have an alarm system in his store. He knows Sheetz has a high tech surveillance system. The Textbook store is open from 8:00am to 8:00 pm unless it is in the middle of a semester then they are open 8:00 am to 5:00 pm. He stated he has often worked late at the store past midnight, he has never seen anyone at the sweepstakes business after midnight. He has never seen anyone that appeared to be under 18 years of age go into the business.

Mayor Volz asked if there was anyone else that wished to speak. Being none he asked for anyone that wished to speak in opposition of the rezoning change to please come forward. No one came forward. Mayor Volz closed the Public Comment portion of the hearing.

Mayor Volz asked for questions and discussion from the Council. Council Member Walls asked the tenant how he verifies age of a customer. The tenant stated he checks their driver's license and does not allow anyone under 18 years of age to enter. He does not serve alcohol. He serves complementary sodas and snacks.

Council Member Montgomery stated she would like to go back through the history of the LDO. In May 2010 the Planning Board with the two (2) operations opened in Jamestown saw a problem. The Planning Board did not want to wait for the State to make a decision on the electronic gaming industry. At that time, the Planning Board chose to allow the electronic gaming businesses to be allowed in industrial zoning districts. That way we would not have to consider rezoning of other locations. In June 2010 the Council approved this recommendation and electronic gaming businesses

were added to the Permitted Use Table in the industrial zoning district with a conditional use permit required. December 2010 the State has not made any decision about the electronic gaming industry. In October 2011, this rezoning case came before the Planning Board. The Planning Board again said this use does not fit with the LDO. There is a place for this type operation which is in the industrial zoning district.

Council Member Thomas asked the Planning Director for his recommendation. Per Johnson, he is moving away from Staff recommendation as it should be the Planning Board's recommendation. Council Member Thomas stated he visited the property today. He stated technically it is a Jamestown address; however, it does not feel like Jamestown. He stated at other locations in Town one can buy lottery tickets, alcohol, etc. The neighbors do not have a problem with the business located there. He does not see this location as being in the heart of Jamestown. We do not know what businesses will be located in this area. Recently, two more businesses have closed in Jamestown. Here we have someone trying to make a go of a business. The business is not loud; it is located between a text book shop and Yogurt Shop. I personally don't have a problem with it. He appreciates the Planning Board's recommendation, but based on the location he agrees with it.

Council Member Montgomery stated the Town has just recently approved the land swap with City of Greensboro and we do not know what development will occur in this area. In keeping with our Land Development Plan we should protect our areas so that they do feel like Jamestown. This will be a gateway coming into Jamestown; we want that feel to be continued not just in downtown but through the whole area.

Council Member Thomas did not feel the subject area is perceived as Jamestown. Council Member Walls asked how can we head off the next person that moves into an area and set up a business. Johnson stated the Town does not have business or privilege licenses requirement. It is difficult to stop a business opening if we do not service the property with water/sewer. If we service the property with water/sewer; we have a zoning compliance form for the business to complete. At that time, we would know the nature of the business prior to opening. If we have a business license requirement, this would require every business in the city limits to sign up for a license. At the particular location in question, the owner of the shopping complex pays the water/sewer bill for the entire building. So, the Town would not have access to the tenant's information. One master Greensboro meter services water to all tenants. Jamestown services the sewer. The Town is only notified when Greensboro sends the Town billing information.

Council Member Nixon-Roney stated she visited the area as well. It appears to be nicer than other businesses of this same use. However, once the Council votes to accept or deny this use in this location, we can only set the conditions upon which the business must operate. There are good points on both sides of this rezoning case. The State may at some point make a decision on this type of business. Also, while the State may see

some tax benefit, the Town will not realize much if any of the revenue. She agrees with Council Member Thomas this area is not perceived as being in Jamestown.

Council Member Walls stated it is not illegal for this man to run his business. It does bring some revenue to the Town and we are trying to encourage business in Town. The area does not feel like Jamestown. Council Member Thomas compared the electronic gaming business to an adult version of the Wii™ video games. Council Member Montgomery stated since October the tenant has done nothing to conform to the conditions he committed to doing. Council briefly discussed conditions. Council Member Nixon-Roney stated she is concerned about the ½ mile radius. She would like to see this expanded to maybe one mile radius. Johnson asked if the Council wanted to suggest this amendment of the conditions to one mile. Council Member Nixon-Roney said she was open to suggestions from the Council as to appropriate distance. Council Member Walls also stated he would lean to a greater separation as well.

Council Member Montgomery said less than 2 years ago Council said we do not want this type of business so why do we want it now. Council Member Montgomery said the man can move this business to the proper zoning district. Council Member Thomas does not see why there is a problem with it. Council Member Nixon-Roney said one of the things that concerned her when we amended the ordinance was that there was no closing time. Once the midnight closing time was added, she agreed to the use. To her the area seems semi-industrial.

Mayor Volz stated when Council was deciding on the electronic gaming businesses a few years ago, the State was ruling on the legality of the industry. Now, it seems like the State is leaning toward taxing the businesses and not ruling as to the legality. Council Member Nixon-Roney said the rezoning requests are done on a case-by-case basis. I personally consider the location when considering a business.

The Council discussed the conditions. Per tenant, the Planning Director said the “Open” neon sign which is currently displayed is permissible. This is the only blinking light he has on the property.

Council Member Thomas made a motion to approve the rezoning request from CZ-C to CZ-C the property located at 1002 Gardner Hill Drive to allow electronic gaming businesses in Town. Council Member Walls made a second to the motion. The Planning Director asked for verification of condition 2) Separation – Council Member Thomas stated his motion is for the condition as presented in the rezoning request which is for ½ mile radius.

Mayor Volz said there is a motion on the floor and has been seconded. Being no further discussion roll call vote resulted:

Council Member Montgomery voted nay  
Council Member Nixon-Roney voted nay  
Council Member Thomas voted aye  
Council Member Walls voted aye

Due to a tie vote, the Mayor is required to vote. Mayor Volz voted aye. The vote was 3-2 in favor of the rezoning request. Since this rezoning request is an amendment to an ordinance, to be finally adopted on the date on which it is first introduced, an affirmative vote equal to or greater than two-thirds of the actual membership of the Council is required. Therefore, a second reading of the ordinance amendment is required. The Council will hold a second reading and final vote at the February 21<sup>st</sup>, 2012 meeting.

Council Member Nixon-Roney made a motion to hold a Public Hearing, if required, on February 21<sup>st</sup> for a second reading of the rezoning request for the property located at 1002 Gardner Hill Drive from CZ-C to CZ-C to allow electronic gaming business. Council Member Montgomery made a second to the motion. The motion passed by unanimous vote.

12. Public Hearing continued to consider an Ordinance Creating Jamestown Historic Preservation Commission – Mayor Volz stated due to a family emergency, the presenters have requested this Public Hearing be continued until the February 21, 2012 Council meeting. Council Member Nixon-Roney said she spoke with Mary Browning. Ms. Browning thought Council was just considering creating the Commission. However, Council Member Nixon-Roney said that her recollection was that the Council was to consider creating the commission and adopting the ordinance. She directed the Council to read the last page of the proposed ordinance, there is strong language on what the Commission can and cannot do. We need to review this. Council requested the Town Clerk re-send the ordinance to each member. Council Member Nixon-Roney made a motion to continue the Public Hearing to Consider an Ordinance Creating Jamestown Historic Preservation Commission until the February 21, 2012 Council meeting at 7:00 pm. Council Member Thomas made a second to the motion. The motion passed by unanimous vote.
13. Public Comment Period – No one registered to speak.
14. Annual Pinecroft Sedgfield Fire Department Presentation – Jeff Thomas, Deputy Fire Chief, presented the annual report for the Fire Department year 2011. Thomas also introduced Captain Tim Sawyer. Thomas gave a brief history stated in 2003 Jamestown and Pinecroft-Sedgfield Fire Dept. joined. Currently employed are 34 career staff and approximately 50 volunteer staff. They operate 5 stations including Station 46 which is Jamestown.

The total operating budget for current year is approximately 2.8 million dollars with approximately \$380,000.00 coming from Jamestown. The current fire insurance rating

for properties inside town limits is class 4. Thomas gave a hand out to the Council. He said for year 2011- there was a total of 570 calls for Station 46. Jamestown is about the third busiest station. These calls are broken down as fire calls, medical calls and auto accidents. 2005 Shannon Gray Ct. is a busy location for the Fire Dept. They responded to 154 calls last year with 138 of those calls being medical calls. Monday is the busiest day of the week for calls at the Jamestown Station.

Thomas reviewed some of the activities the Fire Department conducted for Fire Prevention. In Jamestown, the Department saw approximately 1610 adults & children, held 17 programs which took about 70 man-hours.

Following is a list of annual activities held by the Fire Department:

Hydrant testing twice a year

Hose testing

Ladder testing

Pump testing

SCBA testing (Breathing apparatus)

Apparatus maintenance

Pre-Plan and Pre-Plan updates

Meter testing and calibration

Activities for Muscular Dystrophy Assoc. – “Fill the Boot” Drive raised \$3,491.31

Hot Dog sales - \$1341.82

Camp Carefree – fed the campers and staff

Annual barbeque in October

Raffle sale in spring

Fire Department continues to purchase Thermal Imaging Camera for engines. We hope to have the camera on all engines in the future.

Thomas asked if there were any questions. Buddy Mann asked what is the status of the county-wide study recently conducted on merging all the fire departments. Thomas said Guilford County management approved this study. It was intended to have consultants tell us where the departments are presently and where we need to be in the future. We have been assured that the County is not going to take over the Fire Departments. The Fire Dept. is embracing this study to see what things we can take away from this study to help us improve to provide the best services to the citizens.

15. Consideration of bid award for water meter replacement & radio read upgrade project and contract - Chuck Smith said that Mickey Rainer, Sensus, is here to answer product questions. Jeff Greeson, Operations Manager, is present as well. Smith stated on December 6<sup>th</sup> 2011, an information session was held in the Council Chambers from 4:30-6:30 pm. Representatives from Sensus & Town Staff were available to answer questions. Citizen turnout was sparse. Later that night, at a Special Town Council meeting, staff gave a PowerPt. Presentation regarding the water meter change out and radio read meters project. Staff demonstrated the need to replace aging and high usage

water meters. We have shown the system is used in other N.C. communities. Town staff visited Gibsonville. Gibsonville is similar to Jamestown and they use this system. Safety is the Town's first priority.

Smith continued by saying at the December Special Council meeting the Public Services Crew time savings was well discussed. Customer service will improve with the ability to detect leaks, water usage history, monthly billing, and water conservation. Smith said the staff recommendation is included in the Council packets. Smith is requesting the Council consider awarding the water meter replacement and radio read upgrade project and contract for the amount of \$449,812.08 to Ferguson Waterworks. The Town would receive \$28,438.44 in sales tax reimbursement. The total payout would be \$421,373.64.

Mayor Volz asked Council if they had any questions. Council Member Walls questioned if we go to monthly billing, what is the expense. (Postage, paper & staff time) He has not seen a business case to compare to show the cost savings in man hours, what the meter readers will be doing or how much time allocated to new jobs. Smith said the Public Service employees would be freed up to do a variety of tasks that the Town is required to do; sanitation, water/sewer, street, maintenance and storm water.

Council Member Nixon-Roney said she has been studying this since July. She is satisfied that she has done her due diligence. I am very concerned for the safety of the employees. I understand the pros & cons. I make a motion that we approve and award the bid to Ferguson Waterworks in the amount stated of \$449,812.08. Council Member Thomas made a second to the motion. Mayor Volz called for a vote. Council Member Montgomery, Council Member Nixon-Roney & Council Member Thomas voted in favor of the motion. Council Member Walls voted against the motion. The motion passed by a 3-1 majority vote.

Mickey Rainer thanked the Council for their business, support and confidence.

16. Resolution for Approval of the Local Water Supply Plan – Paul Blanchard presented the Resolution for the Local Water Supply Plan. This is requested by DENR. The plan is updated every year, and approved by Resolution every 5 years as required by the State of North Carolina. Council Member Walls asked about asbestos cement pipes usage & safety. Blanchard stated asbestos is an air borne issue. Actually, it is a good quality pipe however; they do not make it anymore. If such a pipe needed to be replaced, we would abandon the pipe and run new pipe parallel to the old pipe.

Council Member Thomas made a motion to accept the Resolution for Approving the Local Water Supply Plan as presented. Council Member Nixon-Roney made a second to the motion. The motion passed by unanimous vote.

(Resolution)

17. Set Public Hearing date to consider the rezoning request from MS (Main St) to CZ-MS (Conditional Zoning-Main Street) Multifamily dwelling for property located at 202 R1

Ragsdale Rd. Council Member Nixon-Roney made a motion to set a Public Hearing date on February 21, 2012 to consider a rezoning request from MS to CZ-MS the property located at 202 R1 Ragsdale Rd. Council Member Walls made a second to the motion. The motion passed by unanimous vote.

Council Member Montgomery asked if we have additional conditions we might want to place on the property at what time we should introduce them. Johnson said it would be helpful to submit those conditions now. The applicant must agree to the conditions as well. Council may add conditions up to the time of the vote.

18. Monthly report on Jamestown Golf Course – Smith stated that Michael Hutcheon is ill tonight. Smith gave the report. Smith said Hutcheon is excited about a new marketing tool at the Course. Soon he will be able to send out text messages for coupons, etc. Smith said that December was a good month, especially compared to December 2010. We had great weather for December. Hutcheon also sold some annual passes and a range pass. Hutcheon continues to reduce PT hours and cut 30 hours over last year's number.

They continue to build their calendar for spring and are booking several repeat tournaments from last spring. The Town staff plan to meet with the 1<sup>st</sup> Tee Program personnel in the near future. We are in the process of reviewing the agreements. The Town is looking at a 10 year commitment to the program.

Judy Gallman then went over a comparison of the Golf Course operations from December 2010 to 2011. Revenues are up this December. Expenditures were up about 11% this year over last year. One big factor was increase in the price of fuel and fertilizer.

Gallman also compared year to date from 2010 to 2011. Revenues are about the same and expenditures for 2011 are just about 2% higher. Rounds of golf played are slightly lower than 2011.

19. Approval of Certification for the Wrenn-Miller Park Development Application – Matthew Johnson said he would like to submit another application for a PARTF grant. This application represents a lot of work by the Staff. We have raised about \$6,000.00 in private funds in sponsorships. The total amount of the grant request is \$265,376.00. The PARTF grant is a 50% match with the Town's matching funds being \$132,688.00.

Council Member Walls asked what happens if we decide not to support this application. Johnson said if Council does not support this application then we will not submit it. Johnson said we are in a contract with the State. We have 5 years to develop the Park. We are in the 3<sup>rd</sup> year with 2 years left to start that development. There is no guarantee we will receive this grant. This is a very competitive process. We should ask for all the funds we need up front. We do not necessarily have to use all the monies received.

Council Member Nixon-Roney feels this will be a great focal point for the Town. People have repeatedly said Parks are reasons they move to areas. Sponsorships continue to come in. Council Member Nixon-Roney suggested soliciting businesses again regarding sponsorships and donations. Council Member Nixon-Roney made a motion to approve the Certification of the Wrenn-Miller Park Development Application. Council Member Montgomery made a second to the motion. The motion passed by unanimous vote.

20. Budget amendment – Judy Gallman presented budget amendment #5, which the Council discussed in the earlier work session. She highlighted again the components of the budget amendment as follows:

- Library Grant pass through from Guilford County	\$55,000.00
- Salaries Sanitation Dept. to pay out	
Vacation for retiring employee	\$ 2,500.00
- Fire Station maintenance	\$ 2,000.00
- To Cancel budget for repayment of	
Advance to Water/Sewer Fund	\$77,000.00
- Transfer of other funds to forgive	
The loan from the Water/Sewer Fund to the	
General Fund	\$779,981.00
Total Budget Amendment	\$916,481.00

Council Member Thomas made a motion to approve budget amendment #5 as presented in the amount of \$916,481.00. Council Member Montgomery made a second to the motion. The motion passed by unanimous vote.

21. Analysis of Financial Position of the Town of Jamestown – Judy Gallman presented the financial report for the month ending December 31, 2011. The summary report consisted of:

Cash Balance – approximately 7 million dollars

Reserved Amounts:

- Powell Bill - approximately \$420,000.00
- General Capital reserve approximately \$91,000.00
- Water/Sewer Capital Reserve approximately \$326,000.00
- Randleman Reservoir Approximately \$1,300,000.00

Debt balances:

- General fund approximately \$86,000.00

Total revenues & expenditures

The Town is half way through our fiscal year. All things being equal we should be at 50% of our budget. Funds are as follows:

- General Fund – revenues 53% expenditures 46%
- Water/Sewer Funds – revenues at 43% expenditures at 35%

Regarding the detail financial report for December 31, 2011, Gallman stated that most are normal re-occurring revenues and expenditures. We did purchase a snow plow for street maintenance.

22. Public comment Period – No one registered to speak.

23. Other Business – Mayor Volz stated during the work session, Council decided to have the Town Attorney give her informational presentation during the other business item of the meeting.

Koonce said decisions Council makes during their meetings can be divided into two (2) categories; legislative and quasi-judicial. Legislative decision is concerning policy. Quasi-judicial decisions are when the Council applies those policies to a specific set of circumstances. Basically, Council will have a quasi-judicial decision when ruling on a special or conditional use permit. This is important because of the type of Public Hearing required, types of evidence considered, how Council obtains that evidence and how that evidence can be presented to the Council.

Legislative is the least formal of the two. The Public Hearing the Council just held regarding electronic gaming is an example of legislative decision. Quasi-judicial decisions deal with conditional and special use permits. Council is basing their decisions on evidence they hear presented at the Public Hearing. The rules for quasi-judicial hearings are stricter than the legislative. Per the law, quasi-judicial decisions state the Council must make their decision based on the information presented at the Public Hearing. This guarantees a fair hearing by all. The Council is not to discuss the case outside of the Public Hearing. If the Council does have outside communications regarding the case, they must disclose that fact at the Public Hearing.

Koonce distributed a hand-out to the Council Members from the Council of Government which explained in more detail the quasi-judicial proceedings. Koonce said the idea is to have all discussions of the Council held at the Public Hearings and not outside the meeting. It is possible for the Town to incur a law suit if someone feels the quasi-judicial procedure has not been followed. Koonce said if someone were to win a law suit against the Town, the remedy is to have the case re-heard by the Council. Koonce advised the Council that the rezoning case on Ragsdale Rd. coming up at next month's meeting is a legislative decision.

Koonce stated emails are public records. If requested for public record, all emails must be regenerated. This is very expensive on staff time. This applies to the Council Members' home computers as well. Koonce said she would rather see the Council hold discussions at the meeting verses email communication. Emails are public records and Council should expect emails sent will be forward to others. Also if a quorum of Council Members are involved in an email, it can be considered a meeting of the Council and subject to Open Meetings law. This also applies to conference calls when a quorum of the Council participates. Koonce felt that distributing of information by staff to the

Council is probably acceptable. Smith reminded the Council that every time we use the Town Attorney's services, the Town is charged.

Council Member Walls asked the Town Attorney about Public Records request and the formatting. The Town Attorney said the issue is sending in Word verses PDF. Documents in Word format can be altered. However, documents sent in PDF format cannot be altered. (at least not easily) The Town tries to accommodate the citizen request regarding public records as accurately as possible.

Still under other business. Council Member Nixon-Roney asked for an update on Pearce Drive. Koonce said all the notices have been sent. To date, no one has responded to the notices. We are still in the 60 day notice period. If no one comes forward, the next step will be to order demolition. A Public Hearing will be held before the Planning Director. This expense will probably be added in the next budget year. Our hope would be to recoup a portion of our expense.

Still under other business. Council Member Nixon-Roney asked Smith about the status of recycling for the citizens of Jamestown. Smith stated he has yet to set up a meeting with the vendor. She requested an update at the next Council meeting. Council Member Nixon-Roney requested the Town Manager send email updates to the Council Members. Smith will send this about every 6 weeks. Smith said depending on the outcome of the recycling proposal. Council will have to revive the CIP.

Council Member Walls said he walked his neighborhood on trash days. The crows are terrible. Garbage is all over the neighborhood. It is unsanitary for the neighbors and the Town employees that must pick it up. He asked to consider the use of garbage cans. Council briefly discussed the problem with garbage. We need to find a solution.

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 9:25 pm.