

Regular Meeting of the Town Council
December 21, 2010
6:00 pm

Council Chambers

Minutes & General Account

Regular meeting of the Town Council, December 21, 2010, Council Chambers, Town Hall

Council Members Present: Mayor Volz, Council Members Nixon-Roney, Thomas, Gray & Ragsdale

Staff Present: Kathryn Billings, Chuck Smith, Judy Gallman, Matthew Johnson, Martha Wolfe and Beth Koonce, Town Attorney

Visitors Present: Carol Brooks of the Jamestown News, Jane Payne, Sarah Glanville, Buddy Mann, Tommy Walls, Al Munns, Jennifer Smith, Ray Pifer, Mark Scott, Lynn Montgomery, L. C. Straughn, D. W. Cook, Joyce Volz, Keith Lackey, Cheryl Harvey, Vickie Capes and John Capes

1. Call to Order – Mayor Volz called the meeting to order.
2. Community Reflections – Mayor Volz stated this is the Christmas Season. He wished everyone a Merry Christmas and a Happy New Year and hopes all remain safe. He asked for everyone to bow their heads for a moment of silence.

Mayor Volz then asked Kathryn Billings, Town Manager, to please come forward. He then read and presented a Resolution Honoring her years of service to the Town of Jamestown.

(Resolution)

3. Approval of minutes from the November 16, 2010 meeting. Council Member Gray 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. Public Hearing to consider amendments to Article 19 Watershed Protection Ordinance of the Town of Jamestown Land Development Ordinance. Matthew Johnson stated that in April 1999, the Randleman Lake Watershed was one of the first areas to come under the Division of Water Quality rules to protect water side vegetative buffers. Recently, the State Environmental Management Commission revised the rules to make them easier to understand and bring them in line with other protection programs developed.

The DWQ held a Public Hearing in High Point on November 19, 2009 to gather public comments on the proposed rules. The changes include a table to clearly define uses and activities that are exempt, activities that can be done as long as impacts are minimized and potentially allowable activities with the approval of DWQ. Other changes include a variance application process for prohibited activities. DWQ will review these rules and local ordinance in a periodic review of the Town's watershed.

Johnson said that staff took the model ordinance sent by DWQ and incorporated it into the Town's Development Ordinance. This was recommended by DWQ. Johnson said these changes generally do not affect the typical homeowner; it is geared more toward the developer. DWQ has recommended local approval of these rules by the end of the year.

Mayor Volz opened the Public Hearing. He asked if there was anyone that wished to speak in favor of the ordinance changes. No one spoke. Mayor Volz then asked if there was anyone that wished to speak in opposition of the ordinance changes. No one came forward.

There being none, Mayor Volz asked the Council if they had any discussion. Council Member Thomas stated, we are following the recommendation of the Division of Water Quality. He made a motion to approve the amendments to Article 19 Watershed Protection Ordinance of the Town of Jamestown as recommended by Division of Water Quality. Council Member Ragsdale made a second to the motion. On a roll call vote:

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

The motion passed by unanimous vote.

5. Public Comment Period –

Al Munns, 301 Yorkleigh Lane was the first speaker. Mr. Munns said he is a 25 year resident. The rear of his property ends under the Duke Energy transmission lines. During the years he has lived here, he has seen Duke Energy at their best and their worst. The worst has been the direct result of the mistakes and poor judgment on the part of crews Duke Energy paid to maintain the right-of-way beneath those lines. Those crews repeatedly demonstrated their ability to do the wrong thing. All the praises that Duke Energy sings about the virtues of herbicides assumes the best case scenario of perfect mixtures that are perfectly applied. The people actually doing the herbicide spraying do not even know what MSDS stands for. They do understand what the full body protection suit they wear while spraying stands for. Duke's website contends that they provide door hanger tags three (3) days in advance of tree cutting crews, but they can't do that for herbicide application because their crews move so quickly. If Duke can provide a 4 weeks notice for Chapel

Hill/Carrboro they can do it in other towns. Neither their billing inserts nor their website even mention that customers have the option of refusing the use of herbicides on their right-of-way. Neither does it mention that there is a form to be completed to refuse spraying. Citizens of Jamestown deserve the right to know, with some certainty, when crews will be spraying with herbicides. They deserve the right to know that they have the option of not having herbicides used. They need to be able to exercise that option in ways other than calling a toll free number. Duke Energy's primary advocacy must logically be for their stockholders. Jamestown's Council has a Code of Ethics promising an important advocacy capacity on behalf of the citizens. An advocacy that is needed to get the real word out about the practices of Duke Energy in the maintenance of its right-of-way.

Jane Payne, 105 Burrows, Parkwood Subdivision. Payne stated that she is one of the homeowners in Parkwood that is against the Colonial lights. They are not bright enough. As I understand it, there would only be lights where the Cobra street lights are located. Per Payne, the Colonial lights in Forestdale Subdivision are not bright enough. We are concerned about the safety of our neighborhood. We are also concerned about adding unnecessary expenses where we do not need to. We suggest that we wait until there is a better way to use Colonial lights so they will put out more light and make better use of the Town's monies.

6. Attorney preliminary report on the process for implementing staggered terms for the Town Council. Beth Koonce stated she worked with the Town Clerk on this subject. Koonce prepared an outline that lists the procedure for implementing staggered terms. Koonce handed out the procedural outline to the Council. She stated the way to begin is that the Council discusses a Resolution of Intent to amend the Town Charter. Then Council votes to have a Public Hearing. The Public Hearing is scheduled for the next regular Council meeting after the Resolution of Intent has been approved. At the Public Hearing, no vote is taken at that meeting. It is a Public Hearing only. The vote is scheduled for the following Council meeting. If the Ordinance amendment is approved to create staggered terms, it does not become effective until either:

There is a vote in a special election by the registered voters in Jamestown to approve it or the Council can publish notice of the adoption of the ordinance. If 30 days then passes without the Town Clerk receiving a referendum petition, then the ordinance amending the Charter becomes effective. A referendum petition is a petition signed by a minimum of 5,000 residents qualified to vote or 10% of the total number of qualified voters, whichever is less. If a qualified referendum petition is received, a special election must be held. If the process goes through and no referendum petition is received the Town Charter is amended to provide staggered terms. At the next election, all Council Members are up for reelection. The top two (2) vote getters for Council will serve a 4 year term. In the next election, the bottom two (2) vote getters will run for reelection and the two (2) winners will serve a 4 year term.

If a special election is called for, one will have to be held within 90 days of the approval of the charter amendment. Koonce stated she could work out the time requirements with the Town Clerk if the Council wants to move forward. Koonce made the assumption that Council would hold a special election. The Council would still have a regular election every 2 years; however, not all Council Members would be up for election at the same time. The office of the Mayor could serve for 2 or 4 years. A separate amendment would be required to extend the Mayor's term to 4 years. The major effect would be that Council Members would eventually serve a 4 year term.

Council Member Gray requested to table this matter for further study. The Council Members agreed.

7. Report on financial cost for installation of colonial street lights in Parkwood Subdivision. Chuck Smith gave a report on Colonial lights of Parkwood Subdivision which consists of Stafford Oak Rd., Brantmere Ct. and Burrows Rd. This report is given as a result of a petition request filed at the November 16th, 2010 Council meeting. The petition request was specifically for the traditional lamp posts to be installed. To achieve this, the existing Cobra style lamp posts would have to be removed to install traditional lights. The Town Clerk stated she attempted to verify the names and ownership of all the signatures which Yvonne Thomas presented. There are a total of 34 property owners in the Parkwood Subdivision. The Clerk stated that:

- Messages were left at 6 addresses, but received no return call
- 1 property had a non-published number
- 4 property owners who signed the petition, now say they are uncertain because they understand it will be less lighting
- 13 signed and confirmed they are in favor of the traditional lights
- 3 disconnected phone numbers and could not be reached
- 6 asked to be deleted or had not sign the petition
- 1 vacant lot

A majority of the neighborhood would be 17 property owners. As it stands now, there is a majority agreeing to change the lighting to the traditional lighting, however, this does not take into account the homeowners who could not be reached.

Smith said the petition that was circulated did not specify that the Cobra lights would have to be removed. When the Town Clerk contacted the owners, she specified to the property owners that the Cobra lights would have to be removed and the same number of traditional lights would be installed in the same locations and same number of lights as the Cobra lights. Some owners asked to change their position to not in favor when they realized the Cobra lights would be removed.

Smith went onto give the Council a financial report on the lighting replacement. The Cobra style that is now up, the Town pays a lease rate to Duke Energy at \$1,095.00 per year for nine (9) lights. If we were to replace those lights with a traditional style light, we would pay \$1,675.00 per year for nine (9) lights. That is an increase of \$580.00.

Smith stated that Duke Energy provided these facts. The Cobra lights use a 150 watt bulb. If the light poles are changed we would go back with the same wattage. The purpose of the street lights provided by the Town is for pedestrian use, not for vehicular use. The current pole length is 25' high. The traditional lighting pole is 12' high. The style of fixture would be changed to the upright fixture of the traditional lights. This will create a light loss factor of 28%. The bulb will be a high pressure sodium bulb, the same as we use now.

Council Member Nixon-Roney asked if we could send a letter to the 35 people in the Parkwood Subdivision requesting they go to see the traditional lights in other neighborhoods to compare with the Cobra lights they now have. Council Member Thomas suggested we table this until we know more from the property owners. Smith stated he will send a letter to the property owners describing the details of the lighting. He will report back to the Council at the January meeting.

8. Council discussion regarding Duke Energy's right-of-way maintenance practices – Mayor Volz stated some neighbors on Yorkleigh Lane whose property adjoins Duke Energy's transmission lines easements have objected to the practice of spraying herbicides in the right-of-way areas. The Mayor said as a result of this, the Council asked staff to get involved in the process. Town Staff accomplished following:
 - I. Staff requested Duke Energy provide information to our citizens regarding their right-of-way practice and the use of herbicides.
 - II. As a result, Duke Energy held a community meeting on November 11th, 2010 in the Ragsdale Civic Center.
 - III. Staff requested Duke Energy post "No Spray" signage along Yorkleigh Lane section of their transmission line easement.
 - IV. Staff requested Duke Energy replant vegetation along stream area affected by late summer spraying. This was completed in early December.
 - V. Staff confirmed with Duke Energy that they will continue to provide information on the right-of-way maintenance practices by annual mailings to customers.
 - VI. Staff requested the Town Attorney review Duke Energy's legal right to maintain the power easements and confirm that regulatory agencies approve Duke's right-of-way practices and the use of herbicides.
 - VII. Staff requested Duke Energy provide a link to their utilities right-of-way information website and provide a contact number for our customers to call for assistance.
 - VIII. Staff requested and received verbal confirmation that Duke Energy will give Staff a courtesy notification when scheduling spray on the transmission line easements in the Jamestown corporate limits. The Town will then notify citizens via website, facebook, posting at Town Hall and notice on water bills when feasible.

Of that amount Cash Reserves are:

Randleman Reservoir	\$1,467,143.86
Powell Bill	\$ 321,919.31
Debt Balances	\$177,468.99

Total Revenue and expenditures are in-line with were they should be this time of year.

In the detailed financial statement for November 30th , 2010, the Town did pass through the Library Grant from Guilford County. The final bill on the Town audit was paid and some additional sign posts were purchased. Some design work on the irrigation project was done. The rest is mainly normal reoccurring expenses.

12. Public Comment Period –

Tommy Walls, 303 Yorkleigh Lane, thanked the Council for working out the 4 weeks notice from Duke Energy when herbicide spraying will occur. Per Walls, these herbicides are harmful and EPA said the people have a right to know what we are being exposed to. Mr. Walls also thanked the Town Manager for her work on the stream restoration.

13. Other Business – Mayor Volz thanked Cookie Billings for her service to the Town and the Council over the years. Mayor Volz also thanked the Council for their work this last year. It was a challenging year. He is looking forward to 2011 and looking forward to working with the new Town Manager.

Council Member Nixon-Roney agreed it has been a challenging year. She would like to see in 2011 the Council get together and prioritize some things.

Council Member Thomas thanked Cookie Billings for her leadership. Council Member Gray thanked Cookie for all she has done for the Town and the citizens. She will be sorely missed. Council Member Gray thanked Billings for the staff she has put together.

Billings thanked everyone for their comments. She has great appreciation for both Mayors and all Council Members she has worked with. She appreciates the sacrifice the Council members have made. Billings said she loves her staff. They are a group of educated and motivated people that work well together.

Mayor Volz thanked the citizens for bringing their concerns to the Council this year.

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 6:55 pm.