

Special Meeting of the Town Council
Monday, June 29, 2009
7:00 pm

Minutes & General Account

Special meeting of the Town Council, June 29, 2009, Council Chambers, 7:00 pm.

Council Member Present: Mayor Volz, Council Member Thomas, Gray & Lain

Staff Present: Kathryn Billings, Matthew Johnson, Martha Wolfe, Beth Koonce, Town Atty.

Visitors Present: Will Ragsdale, Kerry Miller, Carol Brooks of the Jamestown News, Casey Mott, Capt. Steve Collins of the Guilford County Sheriff Dept.

1. Mayor Volz called the meeting to order.
2. Public Hearing regarding Special Event Ordinance – Beth Koonce, Town Attorney, stated the Town Manager, the Planning Director and she drafted the proposed Special Event Ordinance. As written, a special event application is required. The Town Manager has the responsibility to decide if a special event permit is required. If a permit is required then the Ordinance describes the process an applicant must follow to acquire a special event permit.

Included in this Ordinance is the use of alcohol. At present, the Ordinance for the Town of Jamestown does not allow public consumption of alcohol. The alcohol section is divided into two (2) articles. The first article deals with the question can alcohol be part of the special event. The second article allows public consumption of alcohol on public streets with specific time and area as approved in the special event permit.

Koonce said this is the first time that the Town of Jamestown has had a special event ordinance. Her suggestion is to adopt this Ordinance and after several special events have occurred, revisit this ordinance to be sure it is addressing everything the Town wants it to cover. It gives the Town Manager a good framework for issuing these permits.

Koonce said she tried to make the Ordinance flexible enough to address each specific situation. The Special Event Ordinance from The City of Greensboro and Mt. Airy were used as models for the Jamestown Ordinance.

Mayor Volz stated the presence of police officers at a special event will keep people aware of their consumption. Koonce stated part of the application states the applicant must provide Police, EMT and the proper ABC permits. The Town does not regulate the ABC permitting. Alcohol permits are issued by the ABC authorities.

Council Member Gray wanted to verify that the consumption of alcohol would have to be in the confines of that particular person's ABC permit. Koonce said that is correct. However, the special event permit will list the specific area where alcohol can be sold and consumed.

Council Member Gray asked if the Town has any liability for alcohol sold to minors. Koonce stated that would be an ABC violation and is the responsibility of the ABC permit holder. Billings stated that the Town would require insurance be in place for the special event.

Mayor Volz stated the Public Hearing is now open to the Public and asked if anyone present wished to speak.

Will Ragsdale, 411 E. Main Street, stated after reading the Ordinance he felt it was well written. However, he asked the Council to consider opening up the approval process to the Town Council. He feels it is a lot of responsibility for one (1) person and most of the responsibility falls on the Town Manager. He asked that we establish some protocol where everything is reviewed by the Town Council or even better have a Committee of folks from the Town to review street festivals.

Koonce stated the staff discussed this process. The reason it was drafted giving the Town Manger the authority over special events is that it would be easier for the applicant to come to one (1) person. There is a review process in place in case an appeal is filed.

Koonce suggested added some language in Article 7 to add "approved by the Town Council." The Town Manager said one of the items in the original Ordinance states the Town Council has to decide if the Town will partner with the special event. The Council will be the decision making body to waive cost to the Town such as law enforcement, EMS, closing streets, trash pickup etc. Otherwise, the special event applicant would pickup these costs to the Town. So, the permit would come before the Town Council to make this decision.

Koonce stated the Ordinance was crafted to streamline the process for an applicant and not have to wait to get on the Council agenda. This would require more time for the applicant. Council Member Gray stated that it seems the most streamline approach is to have the applicant go before the Town Manager and if denied, then the applicant may go before the Town Council with an appeal.

Koonce stated as drafted, the appeal goes to a review committee. However, we can change this and have the appeal process go to the Town Council. Will Ragsdale states as written, this puts a lot of control under one (1) person. It is important that the Town Council approve it. Council Member Thomas said the Ordinance states the application must be filed not less than 60 days before the date of the proposed event.

Koonce suggested in Article 5, change the appeal process to go to the Town Council instead of the Review Committee. That way if the Town Council disagrees there is an opportunity for the Council to vote on the special event. Council Member Thomas stated he feels there needs to be a means of checks and balances and changing the appeals process to go before the Town Council is a good idea.

The Town Manager said she can only think of 3 or 4 times a year when a special event permit would be requested. All the non-profit agencies involved in these special events would want to ask the Town to pick up the cost of Town services. So, the permit application will ultimately come before the Town Council for this request.

Koonce advised at this point the only change in the proposed Ordinance is amending Article Five item (c) to read "An applicant may appeal the denial of a special event permit to the Town Council" Council Member Gray felt this Ordinance is the first step, we should adopt it, monitor it and amend it if needed.

Mayor Volz suggested the Town and the Street Festival Committee meet after the special event to get feedback on the Ordinance regulations and how they preformed for the event.

Billings stated they plan to get all the paper work in for the “Jamestown Swing” event and come back to the Town Council for approval of the Town absorbing the costs of Town services. The subject special event is scheduled for August. Since time is of the essence, this permit application will be on the July Council agenda.

Council Member Thomas made a motion to approve the proposed Special Event Ordinance with the amendment to Article 5 to read “(c) An applicant may appeal the denial of a special event permit to the Town Council. The appeal must be in writing and delivered to the Town Manager, or designee, within 30 days of the denial of the special event permit.” Council Member Gray made a second to the motion. On a roll call vote:

Council Member Thomas voted aye

Council Member Gray voted aye

Council Member Lain voted aye

The motion passed by unanimous vote.

3. Budget amendment – Kathryn Billings stated the electrical system at the Park and Golf Course was installed 35 years ago. Excluded are the soccer fields which were built just a few years ago, so they are not on the same electrical system. The entire Park was served by one (1) connection on E. Fork Rd. That connection is where Duke Energy’s responsibility ends. Everything else was underground and owned by the Town of Jamestown. Part of our planning process was to address infrastructure that is aging and nearing replacement. Unfortunately, our electrical system is not going to wait for the plan. We had an electrical line touch a metal cable which shorted and caused all the electricity at the Park to go out. The staff investigated temporary fixes but that still involved using the old buried electrical cable which we did not feel was safe. Two different electric companies and Duke Energy advised replacing the electrical system.

Duke Energy Regional Director of Customer Relations, Ronnie Taylor, has been very helpful in this emergency situation. Billings complemented Taylor on his quick response. Duke sent two (2) electrical engineers to work on the best solutions for replacing the electrical system. We have also selected an electrical contractor from Winston-Salem. They too have been very responsive and cognitive of the emergency situation. We have pulled in generators to operate the Club House, Cart Barn, Maintenance Shed, and Pump Station. We have to maintain the grass at the Golf Course and keep the irrigation running.

Due to the staff cut backs and elimination of part-time people, we have enough money in the current 08/09 budget to fund the generators and electrical consultants. No budget amendment is requested for 08/09. But we did receive a quote on replacing the system. Billings stated she has never had to request a budget amendment prior to the beginning of the fiscal year. However, it is a major expense for us. Duke Energy and Sammy Phillips Electrical Company have all recommended allowing Duke to bring the lines to us now and separate this line. From then on, Duke Energy will own the lines and they will maintain them. The Town will no longer have that liability.

There are electrical lines that run above ground on E. Fork Rd. at the Park. They will bring in a line to serve the shelters and bathroom areas that will go underground at the site. They have a separate

connection at the ball field and go underground to serve the restrooms. At this time, we are not going to connect the baseball lights. We are going to look at all options.

The Maintenance Shed will have a separate connection and leave the transformer on E. Fork Rd. then go underground to feed the maintenance area. For the Park Clubhouse area and the Cart Barn, the electrical will be above ground until it reaches the Clubhouse area. Duke will place some additional poles beside the parking lot at the back ball fields and cross into the parking lot at the Golf Course. In the middle section two (2) additional poles will be placed. The lines will be above ground at this point, and then the lines will be placed underground to the pump house. The only difference you will see is the one above ground line. This is the faster solution and is the least expensive solution. Staff has been working long hard hours to continue to run the Park and Golf Course on generators. The only real change in the electrical design is the above ground electrical from the baseball field to the center of the parking lot. Billings feels confident we have received good advice from Duke Energy. This electrical system and the irrigation system were both intended to be included in the Master Renovation Plan for the Park; however, the electrical system cannot wait.

Billings asked the Council to consider this budget amendment to allow her to get the project started as soon as possible. Billings said these funds will come from the reserves account. (Capital long term good of the Park).

Council Member Thomas asked if there was any liability to the person that hit the cable. Billings said when removing the wall, all lines had been located, but there was a piece of rebar that had been inserted into the wall when installed. The rebar went just between the two electrical cables. It was just luck it did not touch anything when it was installed. When we pushed the wall, it touched the cables. It was just an accident that no one could have known. Council Member Thomas asked if this work will be disruptive to the golfers. Billings said no, they are still able to play golf. The Pro Shop staff has been very accommodating and doing a great job. Jay Gardner and staff put in lots of hours and continue to do so.

Council Member Lain stated we might consider with Duke running lines and installing additional poles in the Parking lot to add a couple more lights in the parking area.

Council Member Thomas made a motion to approve budget amendment #1 in the amount of \$147,607.00. Council Member Lain made a second to the motion. The motion passed by unanimous vote.

Council Member Gray made a motion to adjourn. Council Member Thomas made a second to the motion. The motion passed by unanimous vote. The meeting ended at 7:40 pm.