

Regular Meeting of the Town Council
Tuesday, May 18, 2010
7:00 pm
Minutes & General Account

Regular meeting of the Town Council, May 18, 2010, Council Chambers, Town Hall.

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

Ragsdale High School Representative: Denzell Faison

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

Visitors Present: Jo Anne Mann, Susan Joyner, Mary Dalton, Jane Payne, Marci Joyner, Barbara Morgan, Tammy Wolford, Jo Ann Hassell, Loretta King, Vickie Beeson, Larry & Joyce Burns, Connie Queen, Lynn Montgomery, Wes Cashwell, Al & Deloris Dewey, Craig & Susie Frazier, Chad & Jessica Misenheimer, Kelvin Boyette, Jim McGill, Barry Neal, Rich Salyards, Elizabeth Kennedy, Deepa Reddy, Doris Young, Jim & Julia Rayborn, Shirley Nicholson, Carol Hay, Mary Browning, Joyce Volz, Beth Seagraves, Hugh Cates, Richard Hay, Emily Ragsdale, Carl Galloni, Rich & Theresa Campbell, Sarah Glanville, Dot Perdue, Stan & Kay Calvarese, Mary Fay Bodenheimer, Linda Marsh, Leon Marsh, Eddie Oakley, Cheryl Harvey, Carl Weekly, Ruth Clark, Janet Gill, Norma Knight, Patrice Faison, Yvonne Thomas, Bob Tester, Katie LeMere, Carol Brooks of the Jamestown News, Edward Faison, Sabrina Schumaker, Joyce Graverson, Jeff & Rita Welborn, John McKenzie, Howard W. Fleming, Jr., Darren Webb, Ralph Proscia, George Ragsdale, Patty & Mike Myers, Elizabeth Murray, Ed Ingle, Kerry Lineberry, Jeff Close, Rebecca Mann, Robert Lesley, T. Kordell Quick, Jan & Carmen Galloni, and Beverly Foster.

1. Call to Order – Mayor Volz called the meeting to order.
2. Jamestown Community Reflection – Mayor Volz announced that Dr. Kathy Rogers, Principal of Ragsdale High School, has been honored with the Bob Deaton Principal of the Year Award.

Mayor Volz also recognized Boy Scout Troop #8 which was in attendance.

Mayor Volz than asked the Public to take a few moments of silent prayer for the troops that are in harm's way, all those that served and all that gave the supreme sacrifice.

3. Approval of minutes from April 20, 2010 meeting – Council Member Nixon-Roney made a motion to approve the minutes as presented. Council Member Gray made a second to the motion. The motion passed by unanimous vote.
4. Public Hearing to consider rezoning request from Main Street (MS) to Conditional Zoning – Commercial/Main Street Transitional (CZ-C/MST) approximately 3.7 acres +- property located at 301-303 W. Main St.

Council Member Will Ragsdale asked to recues himself from the voting on this case due to a financial interest in the property. Council Member Thomas voted to recues Council Member

Ragsdale from voting on Case #2010-01. Council Member Nixon-Roney made a second to the motion. The motion passed by unanimous vote and Council Member Ragsdale left the room.

Matthew Johnson, Planning Director, stated the Public Hearing is for a proposed rezoning request of 3.7 acres located at 301-303 W. Main St. from Main Street (MS) to Conditional Zoning-Commercial/Main Street Transitional (CZ-C/MST). Per Johnson, the applicant has added some conditions to the rezoning. They are as follows:

1. Architectural standards must complement the Town's Quaker history, paying homage to the character of Jamestown. The building shall be primarily brick. Architectural features and fenestration must compliment existing historic structures in Jamestown, and shall incorporate the spirit of the Potter Log House in its design. Where possible, materials from the existing Potter Log House shall be salvaged and reused in the construction of the new restaurant and signage.
2. Signage shall conform to the existing sign regulations but shall utilize muted colors (corporate logos shall be muted color versions), and sign frames and encasements shall match the historic architectural theme. Plans for the signage shall be included in the TRC submittal package with architectural elevations. No flags shall be placed on the property other than one US Flag and/or one state flag. Awnings and incidental signage shall be in muted "earth" tones. As orange is one of the proposed signature colors for the new business, it may be used sparingly in accents on the building, but shall not be the dominant color of any particular features on the building.
3. Architectural elevations (Full-color renderings of each of the building's elevations) shall be submitted to TRC for review and compliance with zoning conditions at site plan review. Plans and elevations shall show materials, color, etc. – and how the building shall reuse materials from the existing Potter House in its construction. Additionally, plans and elevations shall show signage details and shall explain how developer will match zoning conditions.
4. A garden/hedge wall shall replace the existing brick wall along Main Street. This landscaping feature is one of the key features which distinguish this property from surrounding properties. This wall shall be reinstalled during construction of the site with a similar (and historically-themed) brick or stone retaining wall. Elevations and renderings of this wall shall be included with the TRC architectural submittal package.
5. Developer shall install street lighting along the private drive to enhance provide safety lighting along the street. Lights shall be "full-cutoff fixtures" per Jamestown LDO.
6. No buffer will be required along the "Access Drive" where it is contiguous with the Blue Ridge Companies property (approx. 0.7 acres to West). Along the remaining portion of the Western property line (extending South to the NCRR ROW and adjacent to the Lennox Square properties), a Type C Buffer yard shall be required along the property line at the point that any disturbance or construction commences on the proposed "Lot B" to further shield the Lennox Square residential area from commercial uses. Developer shall make every effort to retain existing trees/shrubs inside landscape buffer by installing a Tree Conservation Area to prevent impacts to existing trees.

7. A Type D buffer yard shall be installed/maintained along the Eastern property line to provide a minimal buffer between existing commercial uses to the East.
8. Uses on this property shall be limited to restaurant with drive-thru window.
9. Restaurant will be built with a brick veneer exterior.
10. A drive-thru and associated stacking lane shall be permitted in the front setback of the building, thus allowing parking behind the building without pedestrian conflicts. A hedge with a minimum height of 2' will screen the drive thru from the Main Street view.
11. Brick sidewalk will be placed on the road frontage at Main Street.
12. Area outside of "limits of construction" as shown on site plan shall remain "undisturbed".
13. HVAC and mechanical equipment on roof shall be screened from view.
14. Additional landscaping shall be required along drive thru to further shield "service entrance" from view of Main Street.
15. Restaurant shall not be in continuous operation (i.e. – shall not be open 24 - Hours)

Johnson stated that the Council could request additional conditions or remove conditions anytime before the vote.

The Planning Director displayed a map showing the location of the property. He stated the property is currently vacant with remnants of the Potter House on the property. He has just been informed that the Potter House remnants are currently being removed from the property. The property is bordered to the North by SFR, the East by Commercial property, and the West by Lennox Square property and to the South by the Rail Road and vacant land.

The property is located in our primary growth area and located in our Town Center on the Future Land Use Map. It is in close proximity to areas that are served by water and sewer and extension of water/sewer to the property would be a requirement for site plan approval.

The rezoning is a conditional zoning district. Johnson explained that conditional zoning is established to provide flexibility to development of property while ensuring development is compatible with surrounding land uses. Conditional zoning provides a degree of certainty in land use decisions that are not possible for re-zoning in a general use district. Additional standards and regulations may be attached to the proposed rezoning to help insure compatibility with surrounding areas.

Johnson explained that the reason for this request is the applicant wishes to develop a restaurant with a drive thru window.

Johnson stated it is important to remember that regarding the Potter House, there is no Federal, State or Local requirements to rebuild or restore the structure. Also, the rezoning request has to be considered by both the Planning Board and the Town Council in terms of land use and not a specific restaurant. The conditional zoning adds conditions on the zoning to help ensure compatibility to

surrounding areas. The applicant must agree with the conditions and once made part of the rezoning they become law.

At this time the Planning Director turned the meeting over to the applicant, George Ragsdale, 404 E. Main Street, partner in Ragsdale Brothers.

George Ragsdale requested the Town Clerk attached to the official minutes a letter dated May 18, 2010, from Thomas E. Terrell, Jr., Attorney with Smith Moore Leatherwood, LLP, regarding Ragsdale Brothers LLC Zoning Case #2010-01.

The Jamestown Rotary Club requested letter dated May 12, 2010 signed by Rotary Club President, Jo Anne Lovette, regarding 301-303 W. Main Street be attached to the official minutes.

George Ragsdale introduced Howard W. Fleming, Jr. with Davenport Transportation Solutions, a licensed transportation engineer.

Ragsdale thanked everyone for coming. It is great that we live in a country where we can all speak our mind and voice our opinions for and against this matter. The property we are discussing tonight will be developed whether it is a Bojangles or something else. Jamestown needs business more than business needs Jamestown. Change is a necessary thing in order to grow and survive.

Ragsdale said they have studied this site for many years and have been approached by many people. They chose to partner up with Bojangles because they were the only business that agreed to the conditions necessary to put a product on Main Street. He loves Jamestown, was born here spent most of his life here. His father and brother live here, they would not do anything to harm Main Street. Bojangles agreed to build something that would fit into the standards we believe are good for Jamestown. They will bring in a positive economic impact of approximately 40 jobs. They will be making an investment of about 2 millions dollars in Jamestown thus increasing the town's tax base. Ragsdale presented the architectural elevations and buildings for everyone to view.

The typical Bojangles does not look like the one planned for Jamestown. Aesthetics are important, building materials are important, proper buffers are important, parking in the rear of the building with the building located close to the front on Main Street is important. The building will not be placed in the middle of a sea of asphalt. The whole exterior of the building will be brick. The brick will match the color of the Main Street brick sidewalk. There will be no orange on the building. It will have copper colored metal awnings. Darren Webb, Bojangles representative, stated in addition to the brick & awnings upgrade, they will also incorporate original stone from the burnt Potter House into the columns; this to pay homage to the historic structure. Ragsdale said that Bojangles was the only business willing to step up and make the changes necessary to construct a building that would fit Jamestown. Ragsdale said some have commented on the McDonald's building in Oak Ridge and how attractive it is. He thinks this Bojangles building will be held to an even higher standard than that building. Ragsdale said the elevation drawings that are displayed tonight will be the final plans submitted to TRC.

Ragsdale said there has been a lot of concern about traffic. Ragsdale said our existing businesses in town really want traffic, while others do not. Ragsdale stated they have spoken with NCDOT. DOT said this project should pose no impact on the traffic. Ragsdale cited there are about 14,500 cars a day that travel Main St. Bojangles is not a destination, it is a convenience. People will not come from High Point

or Greensboro to go to this Bojangles. It will allow people from Jamestown to spend money in Jamestown.

Another concern was proximity to the school and school traffic. Ragsdale displayed a site plan showing a proposed access road to go along with the proposed restaurant. The access road is there to serve 2 purposes. 1) to access the rear of the property, 2) concentrate and move the egress in and out of the site as far away from Potter Drive as possible. From the proposed entrance to Potter Drive is a distance over 250'. Once you go down Potter Drive it is a total of 450' to the school entrance of the parent drop off.

Mr. Fleming, Davenport Transportation Solutions, stated assuming you have left hand turns for the school and Bojangles, which would be opposing, if you allow for some distance between the vehicles, you occupy about 25' per vehicle. So, we are looking at about 10 cars in each direction. Ragsdale stated again that NCDOT does not consider traffic at this site an issue. Ragsdale also stated this access is closer to Forestdale Drive than the elementary school. Mr. Fleming stated this is the type of driveway configuration that NCDOT likes to see. This provides a driveway stem prior to accessing adjacent parcels. It allows for free ingress and cars do not back up out of the driveway. Fleming said there are no real issues with the line of sight. NCDOT will require maintenance of a certain clearance on either side of the driveway to be sure of adequate sight distances.

Ragsdale stated regarding safety at the Jamestown Elementary School, the school has a fence around it. He has never known schools to allow children to go on the road or cross the street without being heavily supervised. The peak hours for Bojangles is 5:30 am – 7:30 am, after that business slows down. So, there is just a small overlap with the school traffic.

Ragsdale went on to say, development is inevitable. We feel like we have really worked hard to make sure this change is done in an appropriate way. It is responsible development. It will be an asset to the Town. As the property is zoned now, there is a plethora of uses that can be put on this property. The property will be developed. The Potter House remains will be taken to another location and restored some time in the future. At present, a grocery store, strip center, restaurant without a drive thru, hotels, Hooters, IHOP, or Shoney's could go on the property. Bojangles wants to do something in the character of Jamestown.

The Mayor called Matthew Johnson forward to finish his report to the Council. Johnson said the Council would need to adopt a statement of zoning consistency with the 2020 LDP. Johnson stated the following LDP Policies may have some impact on the proposed site.

Growth Management Policies

- 1.1 Revitalize downtown Jamestown to be the center of community life and to provide opportunities for development of new retail, office and community service uses.
- 1.2 Rejuvenate and beautify Main Street to create a more inviting and pedestrian-friendly atmosphere with a wide variety of services and retail uses.
- 1.3 Encourage property owners to improve commercial building facades and attract new businesses in the downtown area.
- 1.4 Carefully manage land development patterns along existing and planned major roads to maintain their safety and function and create welcoming, aesthetically pleasing entranceways that reflect our small town character.

1.7 Encourage the development of new commercial uses within designed activity centers to be energy efficient, aesthetically pleasing and pedestrian friendly and the renovation, maintenance, and creative re-use of existing commercial building to provide more retail businesses and office uses in convenient locations.

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 buffer between incompatible uses.

Community Appearance Policy

3.2 Create a downtown “Village” feel along Main Street that enhances our community character and is used as a selling point to attract entrepreneurs and visitors to our community.

3.3 Maintain a strong sense of place and community pride as each new land use fits into our vision for the future – adding quality and value and enhancing our community character and quality of life.

3.4 Carefully consider the appearance and design of new buildings and site development to ensure a good fit, and to maintain and improve the appearance of our community, and to create a greater sense of harmony and compatibility among various uses throughout our community.

Quality of Life Policies

4.1 Carefully preserve Jamestown’s numerous, natural cultural and historic resources as the cornerstone of its identity – including preservation of the Old School, Mendenhall Plantation and other important properties.

4.8 Preserve, protect and creatively re-use our historic buildings and properties to enhance our community’s civic assets.

Johnson continued by saying the property is mostly vacant and mostly forested. The current applicant held a neighborhood meeting on February 22, 2010. About 40 people attended. A lot of discussion occurred from nearby residents centered on traffic impact, historical preservation of the Potter House and the appearance of the proposed building. The Council must vote on land use change request which is restaurant with drive-thru. Council may consider appearance standards, building materials, amenities, such as sidewalk, buffer and sign regulations and other items directly associated with development for the conditions.

Staff believes the conditional zoning district that is requested allows flexibility for both the applicant and the community. This is a chance to tailor make a zoning district for this particular development.

The Planning Board met March 8th of this year. They had a split vote; the tie vote by the Board Chair resulted in a favorable recommendation for the rezoning to go to the Council.

Conditional zoning was selected to allow these conditions be placed on the rezoning project to ensure the project conforms to the desires of the 2020 Comprehensive Land Development Plan. Johnson stated the conditions placed on the rezoning are the 15 conditions he read at the beginning of the Public Hearing.

From the land use aspect the project is a commercial use that is proposed to be built amongst other commercial uses. So, this seems very logical. That could easily be grounds for approval of the

rezoning. The addition of the conditions placed on the property help ensure more aesthetically pleasing product that acts the way we like it to.

Based on the information contained in the staff report, the Planning Department recommends approval but highly encourages the Council and residents to request conditions be placed on the zoning to ensure a quality development which would complement the surrounding community.

Johnson stated that the Town has received a protest petition. Regarding a protest petition, General Statutes state, a protest petition must be signed by owners by either a twenty (20%) or more of the area being approved in the change or by 5% of a 100' buffer extending along the entire boundary of each discrete or separate area proposed for rezoning. A street right of way shall not be considered in computing the 100' buffer area as long as that street right of way is 100' wide or less.

A lot of the property located in this area in commercial. However, a lot of folks that live at Lennox Square condominiums have input on this. The protest petition received on this case has been validated by the Town Clerk as of May 6th, 2010. The Town Clerk stated that one owner did call and withdraw her name from the petition today. That leaves a total of 9 property owners that signed the protest petition. The Planning Director stated according to our computation, at least six signatures is required for the petition to be valid. Due to the protest petition and the formal recues of Will Ragsdale, the Council would have to vote unanimously to enact a rezoning.

Council Member Thomas asked if staff talked to NCDOT regarding the traffic concerns with the project. Johnson stated he had an email conversation with Lane Hall, NCDOT District 7 engineer. Per NCDOT, it is not a concern. They do not feel it will adversely impact traffic along Main St. There is a proposed access road which prevents stacking on Main St. Main St. is a state maintained road and controlled by NCDOT.

Mayor Volz stated now is the time to open up the Public Comment Period of the Public Hearing. The Mayor asked for speakers in favor of the proposed rezoning to speak first. He asked for each speaker to please come to the podium state your name and address.

Kelvin Boyett – 115 Ganaway St. (Townhomes) Mr. Boyette stated the Ragsdales have proven by their building and their renderings that they will build aesthetically pleasing buildings in the heritage of the Town. He lives close to the proposed Bojangles. He will be able to see if from his back deck. We are in very tough economic times yet we have the opportunity to partner with a company such as Bojangles to invest two million dollars in our Town. Many towns are scrambling for money. In addition, they will bring approximately \$3500.00 additional property tax base. The property owners have chosen the only restaurant chain that has proven to be a viable corporate steward for the Town. Boyette stated he chose to live in Jamestown. He walks to Church, Grocery Store and Restaurants. Hopefully when he gets done walking his kids to school, he can get a chicken biscuit on the way home. Please vote for it.

Carl Galloni, 5534 River Rd., stated he was speaking also on behalf of his wife, Jan. They own two small businesses in Town, Galloni Triad Door Service and River Twist Gift, Garden and Design. He stated they have friends that are both for and against this rezoning. He does not understand why everyone is so against a drive-thru. He quoted an email he read – “Most of the people working at Bojangles will be High School drop outs looking to make extra money to buy drugs with”. This kind of thinking hurts our Town. Galloni told of a girl he knew that went to Ragsdale High School, 16

years old, varsity cheerleader, and honor roll student. She got a job at a fast food restaurant working a drive thru window. Working at this drive thru window she learned responsibility, efficiency, and courtesy. She took these traits and became a successful young professional. She did all this by the age of 21. Not bad for a drive thru employee.

Galloni continued - the Town has spent a lot of money deciding how we want this Town to look. We all want this Town to be something we are proud of. He feels a drive thru window is ok. Galloni stated a few years ago when the Food Lion Shopping Center was built Council approved the building without any conditions on how it would look. He appealed to the Council to set the standards high for this Bojangles building and we can all be proud of the project. Galloni was not in favor of the proposed building design, but he again appealed to the Council to set the standards high for this Bojangles and not let this opportunity slip by. Galloni ended by saying, "Thank you Bojangles for thinking of us. We would love to have you here."

Dot Perdue 723 Guilford Rd. – Perdue stated she had a business in Jamestown for 38 years. She also does a lot of volunteer work in Jamestown such as, Save the Old School Association, served on the Guilford County Historic Commission for 8 years as the Town's representative, Treasurer for the Old Jamestown School Association and is on the Board of Trustee's for the Jamestown Library. She is also a member of the Planning Board. However, she is here tonight because she is a citizen of Jamestown and cares about Jamestown. She has known the Ragsdale family for years. She & George Ragsdale hung the first Christmas wreath on the doors of the Jamestown Library. The Ragsdales are good citizens of Jamestown and would not do anything to harm Jamestown or to make it look less desirable. She feels the Ragsdales will only improve the Town. The Ragsdales have listened to the people. They have moved the Potter House to a place where it will be saved. When the proposed Paddle Trail Project is completed, one will see the restored Potter House and restored old Mill House along Deep River. She feels that is very commendable of the Ragsdales. She would like to ask one question. "Is there anyone that you had rather see develop the land than the Ragsdales?" I think in all fairness if you answer this question, then the answer would be the same as mine.

Sarah Glanville, 804 Ragsdale Rd., Ms. Glanville had a question about signage; are the Bojangles signs interior lighted or are they painted with exterior lighting on it. Per Darren Webb, they will be standard backlit signs.

Question #2 – Is there anything in the regulations about having a giant pole neon lighted sign. Per the Planning Director, yes the Town of Jamestown has a very specific sign ordinance and the proposed restaurant would have to adhere to the sign regulations.

Ms. Glanville also asked about the hedge. The size of 2' is not very high. Ragsdale said the road is about 4' below the site and then you have the brick wall. The hedge will grow on top of the brick wall. The 2 feet is a minimum when planted. Their intent will be for the hedge to go and enhance the building not to mask it. She questioned again about the signage and if the Town could require them to not have a backlit sign. Johnson stated the Council could add that as a condition. Johnson feels the Town sign ordinance would work very well.

Eddie Oakley, 508 Mendenhall Rd., stated he serves on the Planning Board. Oakley said he goes out Forestdale Drive onto Main Street many times a day. He said he studied the Ordinance for commercial businesses on Main St. before he gave his approval. He also believes the Council will

put the stipulations on how the project will be developed and built. Also put boundaries that will not be intrusive to the East or West or in front of the Potter Drive area. He feels we need this type of investment on Main Street. The prior Council approved the Drug Store and Auto Parts Store. These buildings were not built to the standards the Ragsdale's plan for the Bojangles building. Per Oakley if we ensure the building is built with the conditions placed on it this can be a good thing for Jamestown. He hopes that the Council will approve it.

Rob Lesley – 101 W. Main Street, stated he is a business owner in Jamestown. He feels this building will look better than other buildings in Town. It would be nice to go somewhere and get breakfast in Town. There are not many places in Town to get breakfast. He is for a Bojangles coming in. He feels Main Street needs more businesses. He is in favor of it.

John McKenzie, 216 Ladyslipper Lane, stated he has been in Jamestown since 1988. He has seen a lot of changes. We are in the deepest recession in the history of the US. To me it is just a matter of dollars and cents. A two million dollar investment by a great corporation is a positive thing. Bojangles is one of the best fast food corporations in the US. They were a great corporate sponsor of NASCAR. They will be a great corporate partner for the Town of Jamestown. There is a service station built on Main St. in Blowing Rock. Blowing Rock has a very strict zoning code. Certainly if a service station can survive in Blowing Rock, then certainly a new building that looks this nice is going to do well in Jamestown. The plans for restoring the Potter House will be fabulous and will be an asset to Jamestown. Bojangles has gone the extra mile to make this building design fit into the Town. We do need a pro-business approach to Jamestown not anti-business. This business will put people to work by adding 40 jobs and bring income into Town. We need to get some life going in the Town or it will die. There are uses that can be built on the site now; a bar or less desirable uses. He would like to see the Town grow and businesses come to Town. We can still be a Blowing Rock. We can be a quaint little village. If you are worried about the traffic, he asked the Council to petition the State to lower the speed limit on Main Street to 15 mph. He asked the Council to seize this opportunity to welcome a new corporate partner to the Town of Jamestown.

Joyce Volz, 601 O'Neill Drive – She was on the Jamestown Historic Sign Board for 10 years. She was treasurer for the Historic Society for 9 years. She wrote the check for the historic sign on this property, it was not inexpensive. Her question is "What happens to the sign?" Ragsdale felt the sign could stay in its present location much like the Beard's Hat Shop sign. By leaving the sign, it reflects the historic significance of the location. He thinks in the future they would commission an additional sign to commemorate the Old Mill House and the Potter House.

Yvonne Thomas – 200 Stafford Oak Rd., Here question is why would people be pulling into Bojanlges when they do not go to Mrs. Winners? Daren Webb, stated he is not real familiar with Mrs. Winners. He has visited the business as they studied Jamestown as a potential market. He hopes to think that their service is a little lacking and food quality not as good as Bojanles. Bojangles is committed to providing the best chicken biscuit and sweet tea as they can. Hopefully they will out do Mrs. Winners.

Jeff Welborn lives on Bales Chapel Road. He was born and raised in Jamestown. He knows and respects the Ragsdale family. If anyone here has any hesitation at all about the Ragsdale family, then you don't know them the way he does. If you don't love Bojangles chicken then you are not from around here. He and his wife go to Bojangles at least once a week and have to drive to

Archdale or out Hwy. 68 close to the airport. He would rather give his money to Jamestown. He is for the rezoning.

Mayor Volz stated now is the time for people to speak that are opposed to the rezoning.

Richard Hay, stated he lives near the proposed site. This is a nice building, but what would be better for this site is an office building. He hopes the developer will do something better than a chicken and burger joint. As you come down the hill from Scientific on the right is the old Robbins-Tilden house, then the Coffin House and the telephone company is real pretty, the Park is real pretty, and then there is the Historic Society. At the bottom of the hill, there is a drug store and auto parts house. The Planning Board has failed us. Part of what they were to do was to match new building to existing buildings. As you come up the hill, you have the Magnolia Day Spa, the Jamestown Elementary School is pretty, the old Jamestown High School is pretty and the Food Lion Shopping Center is pretty nice. Do we need a chicken – burger joint here? I do not think we do. This is another step closer to being a High Point Rd. He asked the Council to not change the zoning and hopes the developers can knock a home run with a different idea.

Mary Browning – #8 Cedar Creek, stated she has been watching this site deteriorate for 5 years. She feels there are a lot of things wrong with this zoning request. I do hope you reject it. We were told that people in Jamestown were of higher than average income and better than average education. They did not move to Jamestown for fast food. It was for a nice, solid, comfortable, historic, peaceful community that we were all proud to live in. The thing we have heard on this request so far, the Planning Director, who is doing his job and doing it well, imposed a lot of conditions on his approval. The Planning Board made up of people she knows and respects approved this request. She feels this is a situation where we must bow to the neighbors. They do not want it. Council should respect that. Try to put yourself in the other guy's shoes and vote for the people in that neighborhood and vote against this rezoning request.

Richard Salyards, 105 Potter Drive stated he lives within the 450' buffer of Bojangles or whatever fast food. As far as the traffic at the entrance of the school, he knows the traffic is there. He tries to come in and out several times a day. While he appreciates the fact that Bojangles is done with breakfast by 7:30 am, that is not necessarily true and school is not necessarily done by that time either. There is a fence around the school, but a lot of kids walk to the school and they come to school prior to that time. It is your responsibility for their safety. He does not want a drive thru window within 450' of his house. This is a bedroom community. Southern Roots is a very nice restaurant and people are coming to this restaurant from High Point and Greensboro. He is still not convinced that the additional traffic will not be a problem. He would like to see another nice restaurant there. He stated shame of me for not being involved in local matters earlier. He is involved now and will attend all meetings. This does not have to be a Bojangles.

Lynn Montgomery - #6 Langholm Ct. One of the things I think we are missing here is we are talking about rezoning. There are already areas in Jamestown were a Bojangles can get the land. We don't need it in our Main Street District. Main Street district exists for a reason. She has been involved in the meetings for the last few years. I have listened to the consultants and to the people of Jamestown. I have worked on those committees. I have not see a fast food restaurant recommended as something we need in our Main St. section. The current zoning is set to protect and maintain the integrity of the downtown area. This property is very important to maintaining that boundary. One of the things that bother me about this proposed restaurant is that the rear

elevation faces our downtown. The renderings look very nice. Montgomery then showed a picture of the back of a Bojangles from Charleston, SC. Also, she did homework on the tax basis. The average Bojangles Restaurant in Guilford County has a property tax value of \$750,000.00 the difference between the property taxes paid now and what that would generate is \$2300.00 per year, which is less than \$200.00 per month. Traffic is very busy. We just heard that 50% of the restaurant business is in the morning. We have been told that there are only 300 trips per day. According to the table 1 of the trips generation rate summary a fast food restaurant generates 700 trips per 1000 sq. ft. of area. I am not concerned with the number of trips as much as the number of turns. Look at over 700 turns every morning. These are the reasons I hope the Council will disapprove this rezoning area with conditional rezoning.

Stan Calvarese – 103 Forestdale Drive stated from his home he sees the Advance Auto. When he first moved here it was peaceful and quite. That is why he moved here. To see another business move into the same area just ruins the Main Street. The problems I see are traffic and noise pollution. He wishes Council to vote against it. Bojangles would be good somewhere else maybe near Mrs. Winners. He feels this is a bad location for it. He thinks the Advance Auto and the apartments are a bad location and this would be the third bad location. He prayerfully requests that you vote no to the rezoning request.

Hugh Cates – 105 Knollview Ct. He feels the addition of Bojangles leads us closer to a High Point Rd. He stated he walked Main Street from one end to the other. He counted 23 spots open and vacant for rent, not counting the vacant spaces in the two shopping centers or the building that houses State Farm. I am not opposed to economic development. I am opposed to economic development that does not fit Jamestown. We have been told for years that Jamestown is unique, it is a bedroom community. To be unique we need to think and act unique. He does not see this as unique. I see this as cookie cutter all over again. He had the opportunity to serve as the Council for two terms. I served on the Planning Board for 10 or 12 years. In all those years, I have never seen the Council either zone or annex any area that had citizens against the zoning or annexation. The Planning Director stated tonight that there is an opposition that has been filed against this. I trust that the Council will continue their tradition and vote this rezoning down.

Carol Hay, 607 W. Main St, stated we live in the oldest historic home in Town. We go out every Monday morning and pick up trash. We do not need any more trash in Jamestown. We do not need a Bojangles across from the school; we want our kids to eat healthy. We should think long and hard before doing this. Traffic at present is backed up from the bridge to Scientific St. She cannot get out of her driveway due to the traffic. She stated her husband's family has been in that one spot for 5 generations. I hope that you will reconsider what Jamestown wants. Her husband's mother, Martha Hay, worked hard at keeping the Historic section going. She summed up her remarks - we love the Park, we love the school they are protected, keep our kids healthy.

Mayor Volz closed the public comment portion of the public hearing. He asked the applicant to speak to any of the questions raised during the public comment.

Ragsdale thanked all for the comments both for and against. He will try to address points he heard.

- The hedge is proposed to enhance not hide the building.
- Build an office building on this location. There are approximately 23 vacant buildings for lease in Town. He did look at other options but decided to partner with Bojangles because they were

the only business willing to build something appropriate for Jamestown. So, why build an office building when there are vacant spaces in town.

- About a year ago, he and his brothers and father bought a building on Main Street and restored it for a restaurant which turned out very nice. He would not build something that would be a detriment to that business. The problem with restoring existing buildings is that they are very obsolete and need a lot of work. He is very proud of the restaurant they have and in the preservation and rehabilitating of this structure to a new use.
- Traffic is a fact. The building is 250' away from Potter Drive. People will not turn down Potter Drive to go to Bojangles.
- The rezoning is requested to allow the drive thru window. The properties adjacent to and across the road from the site allow a drive thru with the exception of the property to the east. These properties do not have the restrictions placed on them as this rezoning.
- Taxes, while the amount of property tax is not a huge number, the Town will receive a portion of the 7% sales tax. Also 35 jobs will be brought to the area. These dollars are important.
- The current zoning would allow many uses that are less desirable. Such as auto parts store. (they have been approached by this type business)
- It takes a lot of capital and a creative mind to do something with an existing building. The project they did downtown contained no public funds and took lots of capital to restore the building. It will take many many years before they get that capital back. However, they felt it was a good investment for Jamestown.
- Someone remarked there had never been opposition to a rezoning case. Ragsdale said he personally had 3 rezoning case and he had plenty of opposition. (Ex: Townhomes on the river and Townhomes on Gannaway)
- Nutrition – Ragsdale stated he has 2 children and he believes in good nutrition. Nutrition is the responsibility of the parent and not society. Chicken is protein and Bojangles has salads and other healthy alternatives. It is up to the parent what they child eats.
- Ragsdale stated that he lives on Main Street. He picks up trash and sees it on other streets in Town. People driving through Town litter. He does not feel that the Bojangles will add to the litter.

Ragsdale addressed the Council and asked if there were any questions he could answer for them. His hope is to make everyone happy. We have reached out to the neighbors. He sent letters out to neighbors and only had 2 people contact him. He met with them while they did not agree on everything; they came closer than they were. He does feel this will benefit Jamestown.

Ragsdale again stated there are many things that can go on this property that are less desirable. He showed pictures of Chucky Cheese, hotels, grocery store, dollars store, Shoney's, Hooters, parking lot or another aluminum large retail building.

Mayor Volz opened the meeting to the Council for discussion on the rezoning case. Council Member Gray asked if the developers would be requested to provide a retention pond for this site. Ragsdale said a water quality device would be discussed with the TRC Committee. On the site plan provided there is a spot in the rear for a water quality control device. He is personally in favor of a bio-cell. He thinks it is more efficient and appealing but that is a matter for the TRC. There is approximately 2 ½ acres undisturbed in the property.

Council Member Thomas asked if this is approved what is the next step, can we hold the developer accountable to whatever restrictions we put in place. The Planning Director stated that is correct, but

the applicant would have to agree to the conditions. Council Member Thomas asked if additional landscaping could be placed as a condition. (For example, increasing the size of the 2' hedge). Council Member Thomas wants to know if we need to craft these additional restrictions now before the project is approved or disapproved. Johnson said so far there at 15 conditions that have been approved by the applicant and placed on the rezoning. That is quite significant. These conditions were placed on the zoning to try to address the concerns both at the Planning Board and the Community meeting.

The conditions become law that you must follow. Mayor Volz stated he feels we want the assurance that the building will be built according to the conditions approved. Johnson stated the renderings the applicant has shown are representative of what they would submit to the TRC Committee. The TRC Committee does have the authority to stop a project if it is not developed according to the conditions placed on it and have the developer resubmit plans. Johnson said Council may add additional conditions or remove conditions. Council Member Thomas asked if the Council could add as a condition that they have final approval of the plan. Johnson did not think so; site plan approval is an administrative function, not a Council function.

Beth Koonce, Town Attorney, stated to Council Member Thomas, I think what you are asking is any condition that Council wants to encourage the applicant to offer they can certainly make that clear to the applicant. But, at the point once the zoning is approved with certain conditions, it goes to TRC and TRC is responsible for holding them to the conditions as set out in the zoning request that is approved.

Council Member Nixon-Roney stated she has had more correspondence on this issue verses the golf course. I have tried to keep an open mind. There have been a lot of valid points both for and against this project. I think the Ragsdale Brothers have done a very good job of bringing a product we would be proud of. But I also think some people have expressed the location issue, we do have some other locations. I do not have anything against a drive thru restaurant. I think the location is what most of the people are objecting to. It is not really about what I think; it is about what the people want out of it.

We had other things come to use in the past, the Modlin property a few months ago, I voted a way I may not have agreed with myself, but I voted the way the neighbors wanted. That is what I am struggling with here, weighing the options of what is best for Jamestown and what the people want.

Council Member Thomas agreed valid points have been made on both sides. We appreciate everyone's passion on this case. Council Member Thomas stated it was brought up that businesses are closing and vacant. That is right but we have a partner that is willing to come to Town and invest some money into Town. Businesses are closing yet we have someone willing to come here and be part of the Town. We can also control what we get to a certain extent. We know who we are dealing with. The Ragsdales have been involved in Southern Roots, townhomes and soon to be a coffee shop. They build a quality product. Council Member Will Ragsdale lives just up the road and is raising 4 girls. George Ragsdale is raising his family here. Council Member Thomas stated it gives him peace of mind knowing the developer doing the project has an interest here and will not cut and run. The location is Main Street and Main Street needs business that is his idea for Main Street. All of the Council ran on a partial platform of revitalize Main Street. Now we have a chance to get a business in here, will it save Jamestown, maybe not, but he does not feel a drive thru will be the downfall of Jamestown. There are a lot of less desirable uses that can go there now. I would rather have the chance to control the site.

Council Member Gray said his one and only concern is we came here with one purpose in mind and that is to approve a zoning change that would allow a drive thru. He keeps coming back to the traffic it

would create. This type business relies on both foot traffic and drive thru traffic that circles the building. I have heard that the expected increase in traffic is 300 vehicles. He feels that number is low. His first home was on Main Street on the lot beside the Advance Auto. He watched traffic increase annually. He then lived on Potter Drive just up from the Jamestown Elementary School. The traffic was very active there as well. He cannot imagine that the combination of years gone by that additional traffic through Jamestown would not create a traffic issues in and around the subsequent streets that merge onto Main St. Also, what would become of the building if it were a second generation building? Yet, he keeps coming back to the struggle of traffic and what impact it will have on citizens and businesses moving there.

Hugh Cates asked the Mayor for a point of clarification. If it is voted on tonight are you voting on the elevation rendering? The Planning Director stated the Council is voting on rezoning from Main Street (MS) to Conditional Zoning -Commercial/Main Street transitional (CZ-C/MST) with the addition of the 15 conditions.

Mayor Volz allowed a short comment from a member of the Public.

Mary Faye Bodenhimer, 400 Forestdale Drive, stated she always respected the Ragsdale family. But what she is hearing tonight is "do what I want or else". George Ragsdale responded that he did not make that comment.

Mayor Volz stated any vote by the Town Council must be made with a statement of consistency describing whether the proposed amendment is consistent with the Comprehensive Land Development Plan or any other plan that has been adopted by the Town.

Council Member Thomas made a motion that we rezone the property with the fifteen (15) additional conditions and adds a condition of additional landscaping of 4' minimum height for the hedge as stated in condition #10. Council Member Thomas stated he would like some additional landscaping for the rear of the building. The Town Clerk verified the change in condition #10.

The Council discussed the landscaping in the rear of the property. The present Type D condition requires a 5' buffer as stated in Condition #7. The Planning Director stated the next type of buffer yard would be Type C buffer yard with an average width of 20'. The Planning Director said the Council could request this Type C buffer but the applicant would have to agree with this condition. Council Member Thomas requested this condition be added. The Town Clerk clarified that condition #7 would change to a Type C buffer yard instead of a Type D.

Ragsdale stated he agrees with the concept of additional rear landscaping. He agrees with the intensity of the Type C buffer landscaping but he thinks the width may be a problem. There is not enough room for the Type C width requirement, the planting intensity is agreeable.

The Town Clerk stated for clarification that on condition item #7 is a Type C buffer but a Type D width.

Ragsdale agreed to that condition. They discussed the condition #10 changing from 2' to 4'. Ragsdale would like to ask that this be changed to read that the shrubs would grow to 4' over a certain period of time for example 2 years or 18 months. Johnson said the Council could delegate to the TRC to review landscaping plans to ensure they are the type shrubs that grow to the requested height.

Council Member Thomas withdrew his change on condition #10 and stated it to remain a hedge with a minimum height of 2 feet will screen the drive thru from Main Street. The Town Clerk restated the motion for accuracy. Council Member Thomas made a motion to rezone the property from Main Street to the Conditional Zoning- Commercial/Main Street Transitional with the 15 conditions that were stated with the change in item #7 to read - A Type D buffer yard with a Type C buffer plantings shall be installed along the Eastern property line to provide a minimal buffer between existing commercial uses to the East.

The motion failed for lack of a second.

Council Member Nixon-Roney stated in keeping with the consistency in what she has done in the past which is do what the people want regardless of what I may think personally, I make a motion to not rezone the property. Council Member Gray made a second to the motion.

On a roll call vote:

Council Member Nixon-Roney voted aye

Council Member Thomas voted nay

Council Member Gray voted aye

The rezoning request was denied by a 2 to 1 vote. Mayor Volz read the following statement:

In accordance with the provisions of NC General Statute 160A-383, the members of the Town Council find and determine that the adoption of the recommended text amendments and changes to the zoning map are NOT CONSISTENT with the adopted 2020 Comprehensive Land Development Plan; and The Town Council finds that these policies and map changes are intended to protect individual property values and development rights but do NOT meet the following goals laid out in the 2020 Comprehensive Land Development Plan:

- 1) Continue to value, preserve, and enhance existing residential uses and neighborhoods; maintain the unique small-town character of Jamestown. Infill development is encouraged to efficiently use existing infrastructure, however, new buildings and the renovation of existing buildings should fit the scale and character and add value to existing neighborhoods.
- 2) Maintain a strong sense of place and community pride as each new land use fits into our vision for the future – adding quality and value and enhancing our community character and quality of life.
- 3) Carefully consider the appearance and design of new buildings and site development, to insure a good fit, and to maintain and improve the appearance of our community, and to create a greater sense of harmony and compatibility among various uses throughout our community.

The Town Council finds that the proposed changes (including any conditions agreed to by the Council and the applicant) are NOT consistent with the purpose of the Town of Jamestown Land Development Ordinances whose intent is to provide regulations for the guidelines for its development, in order to protect and promote the health, safety, and welfare of the Town and any of its extraterritorial

jurisdictions in accordance with the General Statutes of the State of North Carolina and the Town of Jamestown Development Ordinances; and

BE IT RESOLVED by the Town Council of the Town of Jamestown, North Carolina, that they DO NOT SUPPORT the text and map amendments proposed and find these amendments are NOT consistent with the Town's 2020 Comprehensive Land Development Plan.

Mayor Volz stated the Public Hearing is now closed.

Council Member Nixon-Roney made a motion to have a short recess. Council Member Gray made a second to the motion. The motion passed by unanimous vote and the Council went into a recess.

Mayor Volz reconvened the meeting. Council Member Ragsdale returned to the meeting.

5. Public Comment Period – Mayor Volz asked if anyone had signed up for Public Comment.

Chuck Smith, 4815 Tumbleweed Drive, Smith wanted to express his gratitude to Mayor Volz, the current Council, former Council Member Lain, Cookie Billings and the Town Staff for making it possible for him to attend the Municipal Administrative Course offered at Chapel Hill, School of Government. This was quite a time commitment by the entire staff as he was gone one week a month from September thru April. He thoroughly enjoyed it. Again, he thanked the Council for this opportunity to attend this class.

Shirley Nicholson – 207 Potter Drive. She stated she worked with the Department of Housing & Development for 25 years as an appraiser and fiscal engineer. She does subdivision analysis and environmental analysis. She now works for the Regional Housing Authority as a consultant.

Her main concern is the rezoning of Potter Drive and other streets, Brookdale, Mendenhall, Forestdale and Knollwood. She stated the property at 206 Potter has just spent quite a bit of money improving his house. In her experience with HUD, they tell you, the property is worth more if it goes commercial, which it might, but you hurt everyone around you. Surrounding properties deteriorate. We would like to have the properties rezone to SFR. She questioned if Gannaway has been rezoned.

Mayor Volz stated this subject was going to be looked at by the Planning Board. Mayor Volz stated he understands her position and invited her to come to the Planning Board meeting.

Hugh Cates – 105 Knollwood – He questioned the process for the rezoning study. The Town Clerk advised that the rezoning study subject is to be discussed under item #9 on the Council Agenda. Cates encouraged the Council to restudy these areas. He is not opposed to economic development, but economic development starts downtown; he does not think it begins with rezoning SFR dwellings for multiple uses. He is opposed to the rezoning.

No one else registered to speak.

6. Presentation of the Budget message and proposed 2010-2011 Town of Jamestown Budget – Kathryn Billings presented the budget message. She stated for this budget the recommended tax rate is .37 ¢ on \$100.00 valuation will bring Jamestown a projected \$1,444,000.00 in general fund revenues. Billings said the budget and budget message will be on the Town website tomorrow. The golf course is reported as a department within the General Fund. We are projecting a decrease in revenues from green and cart fees, but expenditures are 18% less than previous year.

The current available fund (fund balance) in the General fund is approximately 5 months of expenditures. These funds are needed for emergencies and to supplement shortfalls in revenues, such as sales tax revenue.

Establishing a “capital reserve” fund to prepare for the replacement of equipment and property repair is an important strategy to plan for the Town’s needs both today and for the future. In reviewing the proposed Capital Improvement Plan (CIP) it is clear that the coming capital needs cannot be adequately addressed with the current tax rate.

Jamestown’s tax rate provides funding to maintain current services, but is inadequate for capital needs’ sometimes requiring delays in purchases, new services and maintenance needs. In the cases of large necessities, inadequate reserves exist to fund a project or pay debt service for a loan. Creating “capital reserve” funds in the General fund will allow the Town to plan for future needs and to be good stewards of the public properties. Staff recommends that the Council consider a tax rate increase and designate these revenues to build reserve funds for needed projects and purchases. Specifically she wants to address the irrigation system at the Jamestown Golf Course. For a year we have talked about renovation at the course, but what is drastically needed is an irrigation system. The Town Manager said this is something we can no longer put off or discuss. We have a tremendous amount of staff time being spent to just keep the irrigation system going. We have reached the point where we have got to move forward with irrigation. We have informal quotes for irrigation of \$600,000.00 to put back the irrigation system in its present location. Billing stated we have a balanced budget at the current .37 ¢ tax rate which we can provide all services; maintain our facilities except for something major. To be in this year’s budget, it would require a .02¢ tax increase to move forward with a loan to pay for \$600,000.00 irrigation system. The Town would have to get approval to get a loan. LGC requires the Council establish reserve and establish a way to pay for it. The only way to pay for it is taxes and June is the only time the Council can set the tax rate. In the surveys and public meetings held, she heard support to maintain the irrigation system, but not other changes.

Billings stated the expenditures are down considerably in General Fund and Water/Sewer Fund. The Randleman Reservoir has gone up due to the building of the treatment plant. In the rate schedule, clearance certificates are reduced to \$25.00 for accessory buildings less than 144 sq.

ft. Youth rates increased in the baseball fields and soccer fields by a rate of \$5.00 per game. The Adult soccer field rental increase rate is \$10.00.

Billing stated in personnel summary, she is requesting a 2% COLA. It has been 2 years since employees received a COLA increase. Billings also suggested merit pay which would be dependent on the employee's evaluation.

7. Set Public Hearing date for the proposed 2010-2011 budget for the Town of Jamestown. Council Member Nixon-Roney made a motion to hold a Public Hearing on June 15, 2010 for the proposed 2010-2011 budget and Budget Ordinance for the Town of Jamestown. Council Member Gray made a second to the motion. The motion passed by unanimous vote.
8. Set Public Hearing date to consider adoption of amendment to the Land Development Ordinance regarding electronic gaming operation. Matthew Johnson stated electronic gaming/internet sweepstakes operations have been appearing throughout the State and it is not addressed in our Land Development Ordinance. We need to get some clarification on where they will be admissible. He requested a Public Hearing for June 15, 2010 to consider this ordinance amendment. Council Member Gray made a motion to hold a public hearing on June 15, 2010 to consider adoption of amendment to the Land Development Ordinance regarding electronic gaming operations. Council Member Thomas made a second to the motion. The motion passed by unanimous vote.
9. Request to conduct a zoning study for the 100 blocks of Potter Drive, Forestdale Drive and Knollwood from C/MST to SFR and a zoning study for the properties located on Knollwood, Forestdale, Potter Drive, Brookdale and Mendenhall from R/MST to SFR. Matthew Johnson stated we have received some petitions from residents in these areas of Forestdale requesting that the Council consider a rezoning study. These areas were rezoned in July 2009 when we adopted the new Land Development Ordinance. The three districts are now zoned C/MST, R/MST and MSP.

A zoning study can be requested by 51% of the owners in a defined area or by the Planning Board. One May 11th, the Planning Board voted to recommend to the Council that staff initiate a study on the areas on the map provided. Resident petitions have been received from the C/MST and R/MST districts. The MSP district was a request from the Planning Board. Per Johnson, the Council may elect to:

1. Vote to ask staff to initial a study
2. Vote to reduce the size of the area to be studied and then initial a study
3. Elect not to initiate a study of the area

Council Member Gray made a motion to conduct a zoning study on the three areas as drawn on the map. Council Member Thomas made a second to the motion. The motion passed by unanimous vote. Johnson stated he will get the staff report prepared by June 15, 2010.

10. Resolution in support of an application to participate in the NC Small Town Main Street Program – Kathryn Billings stated the Town has an application for the Small Town Main St. Program to complete. Council needs to pass a Resolution in support of the Town making application for this program. If we were to get selected for this program it will supply consultants for our Main St. area and all the Town pays are traveling expenses. Council had asked staff to investigate this program and we are now ready to apply.

Council Member Thomas made a motion to approve the Resolution in Support of an Application to Participate in the NC Small Town Main Street program 2010-2011. Council Member Nixon-Roney made a second to the motion. The motion passed by unanimous vote.

11. Request Special Event Permit for Fourth of July Parade – Billings stated the Jamestown Lions Club will once again sponsor the 4th of July parade in Jamestown. It will actually be held in July 3rd, 2010. The Lions Club asked the Town to provide for law enforcement services for the parade as we did last year. The cost is approximately \$400.00. Council Member Ragsdale made a motion to approve the \$400.00 for law enforcement services for the July Fourth parade. Council Member Gray made a second to the motion. The motion was approve by unanimous vote.

12. Resolution Honoring Denzell Faison - Mayor Volz presented and read a Resolution for Denzell for his service to the Town Council as the High School Representative and also in honor of his High School academic career.

(Insert Resolution)

Denzell thanked the Town Council for this experience. He thanked the Council for looking out for the High School and the Town. He asked Council to please continue looking out for our School.

13. Proclamation National Public Works Week – Mayor Volz stated the week of May 16 – 24th is National Public Works Week.

(Insert Proclamation)

14. Budget amendment – Gallman presented Budget #11 in the amount of \$14,000.00 to complete the Oakdale/Main Street sidewalk project which is located at the corner of Oakdale and Main Street.

Council Member Thomas made a motion to approve budget amendment #11 in the amount of \$14,000.00. Council Member Nixon-Roney made a second to the motion. The motion passed by unanimous vote.

15. Approval of Audit contract for fiscal year 2009-2010. Judy Gallman requested the Council accept the audit contract for the annual audit for 2009-2010 in the amount of \$19,845.00. This is the third year of a three year proposal from Dixon-Hughes. Council Member Gray made a motion to accept the proposal for the audit contract in the amount of \$19,845.00. Council Member Thomas made a second to the motion. The motion passed by unanimous vote.
16. Financial statement – Judy Gallman presented the financial summary reports for the month ending April 30, 2010.
 - Cash balance \$6,480,102.64
 - Debit balance \$228,922.25
 - Revenues & Expenditures expect to be at 83% of budget
 - General Fund revenue at 78% and expenditures at 70%
 - Water/Sewer Revenue at 89% and expenditures at 60%

Gallman reported that accounts look good.

The detailed financial statement for April 2010 shows record property tax collection fees for Guilford County for year to date is \$14,333.00. The Town received recovery from insurance company on fence damage at the golf course in the amount of \$469.47.

17. Personnel update - Billings informed the Council that our Planning Director, Matthew Johnson, participated in a Rotary International Vocational Exchange Program. He just returned from a month long visit to Australia in late April. He will give a presentation at the Jamestown Rotary Club on May 25, 2010 at 6:00 pm. Council is cordially invited to attend.

Billings continued to say, Judy Gallman, Finance Officer, (for the third year in a row) received the Government Finance Officer Association of the US & Canada “Certificate of Achievement for Excellence in Financial Report for the Comprehensive Annual Financial Report” for the fiscal year ending June 30, 2009. Congratulations to Judy.

Billings stated the Public Service Director, Chuck Smith, graduated from the UNC-CH Municipal Administration course in April. He did receive a scholarship to attend this course. Congratulations to Chuck.

Billings also stated that she offered to Chuck Smith the promotion to Assistant Town Manager and he accepted. He will continue as Public Services Director but will be her designee in charge in her absence and assume additional responsibilities as may be directed. This promotion is a grade 25 in our Position Classification Pay Plan. This will include a 5% salary increase to recognize the increase in responsibilities and duties.

18. Appoint ETJ representative to the Planning Board and the Board of Adjustments.

Mayor Volz stated the Town Clerk received a letter of resignation from Heath Carrier as the ETJ Representative on the Planning Board and Board of Adjustments. The Planning Board recommended to the Council to approve the alternate, Richard Newbill, to serve as the ETJ Representative on the Planning Board and the Board of Adjustments. Council Member Gray made a motion to approve Richard Newbill to serve as an ETJ representative on the Planning Board and Board of Adjustment. Council Member Thomas made a second to the motion. The motion passed by unanimous vote.

19. Public Comment Period – No one registered to speak

20. Other Business – Council Member Gray asked for an update on the property in Whittinghall which burned. He asked if we know the status of its repair. Billings stated we would check on the property and report back to the Council.

Council Member Gray 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 10:20 pm.