

Regular Meeting of the Town Council  
May 20, 2008  
7:00 pm

Minutes & General Ledger

Regular Meeting of the Town Council, May 20, 2008, Council Chambers, Town Hall.

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

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

Visitors Present: Doug West for the First Baptist Church of Jamestown, Glenn Lawrence, Steve Lawrence, Carol Brooks of the Jamestown News, Rick Salyards, Adria Hairiston of the Greensboro News & Record.

1. Call to Order – Mayor Volz called the meeting to order.
2. Invocation – Rev. Doug West, First Baptist Church of Jamestown, gave the invocation.
3. Approval of minutes from April 15, 2008 meeting – Council Member Gray made a motion to approve the minutes as presented. Council Member Thomas made a second to the motion. The motion passed by unanimous vote.
4. Public Hearing to consider rezoning request from R12 to B2 the property located at 101 Potter Drive. Matthew Johnson stated the property is 101 Potter Drive and is located at the corner of W. Main Street and Potter Drive. The current zoning is R12 and the request is to rezone to B2. The property consists of approximately ½ acre lot with a single family residential dwelling on the lot. The property to the West is zoned CUB1A which is currently occupied by Stafford-Osborne Insurance Agency. Across the street to the south is R9 residential zoning and to the north is R12 residential zoning. To the east is Jamestown Elementary School PI zoning.

The property is located in the Town Primary Growth area per our 2020 Land Development Plan. The lot is located in the suburban residential area of the future land use map and adjacent to the Town Core. The property is located in the Oakdale General Watershed area and the National Register Historic District.

Johnson stated that suburban residential areas are areas with existing subdivision or some new low-to-medium density, single family residential neighborhoods in the Town of Jamestown current or future water-sewer service area. Further defined, new neighborhoods would be required to provide paved streets, pedestrian friendly with sidewalks, street trees, greenway trails and neighborhood parks.

Johnson further explained the property is adjacent to our Town Core. The Town Core as defined in the 2020 Land Development Plan states the Town Center is defined as

a medium to large scale, mixed use activity center located in the historic downtown area to serve as the center of community life – such as:

- Variety of medium to medium high commercial, offices, institution and residential use

- Contains historic resources worthy of protection and enhancement

- Preservation of historic property encourage

- Pedestrian – friendly “village” concept

- New development design encouraged pedestrian oriented mix of 2 & 3 story buildings located close to the street.

- Sidewalk, street trees, on-street, side or rear parking

Johnson read the applicant’s letter which stated he is the executor of his mother’s estate. Since her death, he had been deciding whether to make the property into a rental house or to sale the property. He is requesting a rezoning of the property to B2 commercial. Other business outlets have opened near the property on Main St. Mr. Lawrence believes a third party, such as a bank or doctor’s office would be appropriate in this location. A small retail operation would also be appropriate. Any of these would be a benefit to the Town as a whole.

Johnson explained the existing R12 zoning which is primarily a moderate density single family residential detached dwelling development with maximum overall density of 3 dwellings per acre. The rezoning request is B2. The B2 district is intended to promote moderate shopping and services close to residential areas and is typically located near the intersection of thoroughfares in areas developed with residences. The subject meets these criteria.

Johnson highlighted some of the 2020 Land Development Plan polices which may affect the site.

- Growth Management Policy
- Community Appearance Policy
- Quality of Life Policy

At this time, Johnson turned the meeting over to the applicant, Steven Lawrence. Mr. Lawrence thanked the Council for the opportunity to present his request for the commercial rezoning of the property at the corner of W. Main Street and Potter Drive. Lawrence said he grew up in Jamestown and graduated from Ragsdale High School. He now lives in Ashville.

This is his Mother’s house. She passed away about 1 ½ years ago. The house was built in 1960, brick ranch with a basement. In making the decision to seek rezoning consideration was made to current businesses along Main Street. New businesses have opened along Main Street and he feels this proposal fits with this framework. From the convenience store across the street to the Jamestown Elementary School to the new drug store just before the bridge, Main Street is growing.

Currently the Stafford-Osborne Insurance Agency is located beside the property. It is zoned limited commercial. It is also a brick ranch renovated into an office. That property has a double entrance onto Main Street with parking in the front. The front of the property is approximately 98’. Actually, one of the driveways of 302 W. Main Street is about 7’ onto his property. The depth is similar to his lot. The subject lot is

a larger lot. Lawrence displayed a plot plan for visualization. The lot is 102' long on Main Street. Offsets from the street are important. He said from the edge of Main Street to the house is 56'. It is 30' on Potter Drive. From the property line at the Insurance Agency to the house, is 46' and 33' in the back.

Lawrence believes there will be ample room for driveway entrances, parking and he also proposes to close the Potter Drive and only have Main Street access.

A potential buyer could renovate the house to be a doctor, lawyer, dentist or other professional office. He is not proposing a gas or convenience store or any business that would disrupt the residences down the street.

At the Planning & Zoning meeting he became aware of the objections of the Board. He addressed those objections. First the size of the lot was a concern. Lawrence said he feels the insurance office next door operates with less Main Street frontage and with 2 entrances and it is a smaller lot.

Second, the traffic flow for the Jamestown Elementary School occurs mainly in the morning and afternoons. At present, parents park along Potter Drive and pick up their children. In closing the Potter Drive entrance to the lot, it will not affect traffic patterns or inconvenience parents. He feels a professional office with a Main Street entrance produces little traffic increase.

In conclusion, what are the alternatives? The house can remain in its current state and be used as a Main Street rental property or rezoned as a limited commercial site and afford the opportunity for a buyer to restore the house as a professional type building. This would be more beneficial to the Town.

Johnson said the staff feels that if this property were developed in conjunction with the adjacent properties or if there were a specific use to be considered for this site, that this rezoning would be more appropriate. Additionally, the size of the site is self-limiting and many commercial uses would not be appropriate or be able to meet current ordinance requirement and still remain a viable commercial site. Staff opinion is that speculative rezoning can potentially result in an undesirable mixture of uses. If the request were more site specific, perhaps recommendations would be different. However, the Planning Department recommends denial of the request.

Johnson stated that the Planning & Zoning Board met April 14 and they had several concerns.

- Commercial use in residential district
- This is a straight rezoning request
- Traffic
- Small parcel if adjourned with other lots maybe different

The Planning & Zoning Board recommended denial of the request.

Mayor Volz asked if anyone was present in the audience to speak for or against the rezoning. No one spoke

Council Member Gray asked in regard to the putting an access to the property on Main Street, does Jamestown have the authority to do that or is this under the authority of NCDOT. Johnson said this is a State maintained road and DOT would

have to make that decision. Johnson was not sure what DOT would think about it, since the Insurance Agency has an access on Main St. so close to the subject property, DOT may not allow it.

Council Member Nixon-Roney asked if there is a way to limit the use to accommodate the plan better. Johnson said we could go back to the Planning & Zoning Board with another request and be limited to a number of uses. (Examples doctor's office, attorney's office) Johnson said without a specific buyer he is hesitant in doing this. If you rezone for a specific plan and then an interested buyer comes in with a different plan you are locked in with the rezoning.

Johnson feels once the new ordinance rewrites are complete, we should have more options for limited uses but the current ordinance does not. Basically, it is best to try to find a buyer first; the Town feels more comfortable knowing what is intended to be built.

Council Member Thomas asked Mr. Lawrence if he has been approached by a buyer to purchase the property if it were rezoned to a commercial use. Mr. Lawrence said he had not. Council Member Thomas asked if he thought about selling the house as a residential property. Lawrence said no, the funds are not there to really bring the house up to condition to sale as residential property. The house is in need of much repair.

Mayor Volz asked if Lawrence has approached any of the land owners in the area about joining lots together to do a project. Planning & Zoning is amiable to looking at this type project. Lawrence said he talked to the owner of the Stafford-Osborne Agency, Shawn Cummings. Cummings said if he got the property rezoned, then he may be interested in talking about a joint project.

Rich Salyards, 105 Potter Drive, Jamestown, asked if the rezoning requested would allow for a gas station or a drug store to be built on the lot. Johnson said a drug store would not be approved for this site because the lot is too small. Mr. Salyards said he would not be objectionable to a doctor's office, but he would not like to see retail use or a convenience store. He felt it would not be good for the school or the neighborhood.

Mayor Volz asked for any more comments. Council Member Nixon-Roney made a motion to deny the rezoning request as presented. Council Member Thomas made a second to the motion. The motion passed by unanimous vote.

Mayor Volz recommended Mr. Lawrence speak to the Town Planner and the Planning & Zoning Board about other alternatives for this site.

5. Public comment period – No one registered to speak.
6. Resolution in support of Sound, Fair & Uniform Municipal Annexation Statutes – Matthew Johnson presented a Resolution regarding municipal annexation. He stated recently a small group has been very vocal to the NC General Assembly lobbying against annexation and seeking a 1 year moratorium on municipal annexation. Johnson asked the Council to adopt this Resolution which stated the Town of Jamestown is against the moratorium of lawful

annexation proceedings and supports the underlying sound basic principles of NC Annexation Statues.

Council Member Gray made a motion to accept the Resolution as presented. Council Member Nixon-Roney made a second to the motion. The motion passed by unanimous vote.

7. Set Public Hearing date for amendment to Table 5-72. "Nonresidential District Dimensional Requirement" in the Jamestown Development Ordinance. Matt Johnson asked for a minor adjustment to the table. He asked for a public hearing at the June 17 Council meeting. Council Member Thomas made a motion to approve the Public Hearing date of June 17, 2008 to consider the amendment to this table. Council Member Lain made a second to this motion. The motion passed by unanimous vote.
8. Set Public hearing date for change of special use permit from CU-R12-PUD townhomes to CU-R12-PUD townhomes and condominiums. Johnson said the Council is asked to set a public hearing date for the property at 5299 Mackay Rd. to consider this change in special use. Council Member Lain made a motion to set the public hearing date for June 17 meeting to consider this change in special use. Council Member Thomas made a second to the motion. The motion passed by unanimous vote.
9. Probable Cause Hearing regarding nuisance/junk vehicle at 106-B Robbins Avenue – Johnson said the Town has been asked to remove a vehicle at 106B Robbins Ave. on private property. The Town has posted the car and mailed notices to the owner. Johnson displayed photos of the vehicle to the Council. He explained we need to have a "finding" from the Council that states removing the vehicle would outweigh any negative implications on the vehicle owner. Mayor Volz asked if the Town moves to vehicle, what happens to the car. Johnson explained that the Town contracts with A & M Towing. They would tow and store the car for 30 days. The owner could pay the necessary fees and get his vehicle back. If not, after 30 days it becomes the property of A & M Towing.

Council Member Nixon-Roney asked how long has the vehicle been posted. Johnson said at least 2 weeks. The vehicle owner was notified by registered mail. The owner was notified of this meeting, but did not respond.

Mayor Volz asked if there was anyone present to speak regarding this matter. No one was present. Council Member Gray asked about the license tags. Johnson said the tags and inspection had expired. The owner of the vehicle is the tenant of the property. The property owner requested the vehicle removed. Council Member Lain stated from the picture it appears that the car is legally parked in a parking space and does not appear to constitute a nuisance. Council Member Thomas stated he does not understand why the Town should be the one to restrict on private property. The Council discussed the case and felt the car appeared not to be considered a junked vehicle. They felt this was a questionable request. Johnson offered to contact the owner to get more information. Council Member Lain made a motion to table the request until the June 17 meeting. Council Member Gray made a second to the motion. The motion passed by unanimous vote.

10. Rescind the Resolution to Promote Water Conservation adopted October 16, 2007 – Chuck Smith said he is recommending that the Council rescind the Resolution adopted October 16, 2007 for the purpose of promoting water conservation. The Resolution stated that once the combined water capacity of Oak Hollow and City Lake reach 80%, the water restrictions will be reconsidered. Currently lake capacity is at 94%. We are now at a voluntary water restriction which promotes public awareness of water conservation. The rescinding of this Resolution will allow citizens to once again:
  - Use irrigation meters at regular rate, not double rate
  - No restriction on water use; ex: pressure washing
  - No restriction on how and when citizens may water
  - No restriction on car washing

The Town will continue with Public Education to the citizens. Council Member Nixon-Roney made a motion to rescind the Resolution. Council Member Gray made a second to the motion. The motion passed by unanimous vote.

11. Announcement of Grant Award – Kathryn Billings stated Matt Johnson and Martha Wolfe have been busy working on grant applications this year. She gave the following updates:

The Town received the Tree Preservation Grant and the Parks & Recreation Committee is currently working on this ordinance

Received the Pedestrian Master Plan grant in the amount of \$24,000.00

The Town did not receive the PARTF grant however; there is a second round in July for this grant. The Town is hopeful to get grant approval in this final round

12. Presentation of the Town of Jamestown budget for fiscal year 2008-2009 and set public hearing date for proposed budget – Kathryn Billings said building the budget is a full employee process. The Finance Director works on the budget all year long. In January or February she asks the Department heads to think about what they will need in the upcoming year and what the long range plans are for their department. The Department Heads go to their employees and ask their opinions on needs for the department. By April, the Town Manager and the Finance Director get the numbers together and draft a proposed budget to give to the Council in May. Part of this process is to request the Council set a public hearing date for the June meeting for considering approval of the budget. This gives a month for the public and the Council to view the proposed budget and ask questions.

Billings presented a proposed budget ordinance with additional wording, Section V, which authorizes the budget officer to transfer appropriations as follows:

- a.) Transfer amounts between lines expenditures within a department without limitation and without a report being required. These changes should not result in increases in recurring obligations such as salaries.
- b.) May transfer amounts between departments including contingency appropriations, within the same fund and give report to the Governing Board.
- c.) May not transfer amounts between funds, except as approved by Governing Board in the Budget Amendment ordinance as amended.

Billings reported that the overall proposed budget including all funds is 1% higher than the 2007/2008 budget. For the 2008/09 budget, the Park Fund will be eliminated and the golf course will be reported as a component of the General fund. Better suited in this fund.

In looking at the expenses in the budget, operating expenses are supplies, utility costs, gas and other related products.

Capital Costs would be capital projects or capital equipment. The Randleman Treatment Plant is a capital project as well as:

1. Slip lining sewer lines
2. Replacing water lines
3. Eliminate Scientific Pump Station
4. Purchase lots for community park
5. Construction wash pit for equipment & trucks
6. Main Street sign posts and banners

Areas of debt service:

1. Eastside treatment plant
2. Garbage truck
3. Fire Station
4. Leaf Truck
5. Athletic field

Areas of Lease Agreement:

1. Maintenance equipment ex: mowers
2. Golf Carts

Areas of Contracted Services:

1. Development Ordinance Consultants
2. Pedestrian Master Plan
3. Elevator maintenance contract
4. Computer software
5. Law Enforcement Contract
6. Fire protection contract
7. High Point & Greensboro water & sewer

Areas of Personnel Cost:

1. People – salaries, retirement, health insurance. The town is not requesting any new positions for the next fiscal year. Recommended are 2.6% COLA and 1.5% increase in the 401K contribution by the Town. 0 – 2% merit increase based on employee elevation.

The proposed budget requests a €0.02 increase in the budget to €0.37 on \$100.00 evaluation. The town is still low for the services we provide. This calculates as \$20.00 increase on a \$100,000.00 home.

There are some rates increased and fees proposed as follows:

Curb side sanitation fee goes from \$5.00 to \$7.00 a month

Increases in planning fees – mostly directed toward developers  
Water/sewer rate increase 7% for in-town and 20% on out of town. This increase to be effective October 1, 2008. This gives time to notify citizens of the increase.

Irrigation fees for in and out of town at 1 ½ times the water rate

\$3.60 per unit in-town

\$7.20 per unit out of town

Billings asked if there were any questions. Council Member Lain questioned the GIS/mapping fees. Johnson stated this was for large map requests etc. Council Member Lain questioned the \$50.00/hr. (½ minimum) Council Member Lain had not seen this before. Johnson stated he will get Council Member Lain a copy of the planning fees.

The budget is available at the Town Hall for the public to inspect.

Council Member Lain asked about Gibson Park. Billings said that Gibson Park fees are collected by Guilford County. Council Member Lain asked about the fire department decrease. Billings said roof repairs were done last year. Council Member Lain asked the loan balance of the fire station. Gallman said the balance is approximately \$212,000.00 we have about 2 years remaining to pay on the loan.

Council Member Thomas made a motion to set June 17 as the Public Hearing date for the proposed budget. Council Member Gray made a second to the motion. The motion passed by unanimous vote.

Council Member Nixon-Roney reminded the Council she will be unable to attend the June meeting.

13. Resolution Recognizing Michael Patrick Bryan Curtis – Mayor Volz read and presented a Resolution to Michael for his service as the High School Representative.

(Insert Resolution)

14. Resolution Establishment and maintenance of the Randleman Reservoir Capital Reserve – Judy Gallman stated this resolution is necessary to change a fund we have in existence. Request to designate this fund a capital reserve fund and rename it to Randleman Reservoir fund. The purpose of this fund is to pay the town's portion of capital cost. The fund will remain operational until the town's portion of the debt is paid in full. We will transfer an amount in this fund from the water/sewer operation fund so the debt payments can be made in a timely manner. These funds are reserved for this purpose to make payments. The debit is a 20 year note, scheduled to begin in 2010. Council Member Gray made a motion to accept the Resolution as written. Council Member Thomas made a second to the motion. The motion passed by unanimous vote.

(Insert Resolution)

15. Resolution of the Town of Jamestown concerning the Town's Obligation under its "Joint Governmental Agreement" among the Town, Piedmont Triad Regional Water Authority and other local governments. Judy Gallman stated

this deals with debt associated with the project 20 year bond. The Town's share of the 2008 bond under the interlocal agreement is 7.64%. The town's share of average annual net debt service is approximately \$135,000.00. The interlocal agreement also calls for the town to pay other amounts toward operation and maintenance of the Authority's water utility facilities. The Town's estimated total average annual payment to the Authority over the next 20 years is approximately \$178,000.00.

Gallman said the Town Attorney has reviewed this agreement and is satisfied with it. Council Member Nixon-Roney asked about item 2 (b) stating the Town is contingently liable to pay up to 150% of its annual debt service requirement upon a failure to pay by any other participant. Kathryn Billings said if one of the partners dropped out we would have to pick up a portion of that debt service. However, this would increase our allocations and we could sale this water to another municipality. Council Member Thomas made a motion to approve the Resolution as presented. Council Member Gray made a second to the motion. The motion passed by unanimous vote.

16. Selection of auditor – Judy Gallman stated she sent 3 requests for proposals for auditing firms. Two proposals were received as follows:

|                     |              |
|---------------------|--------------|
| McGladrey & Pullen, | \$27,500.00  |
| Dixon Hughes,       | \$18,000.00. |

Per Gallman, we are required by law to do this audit. Both are reputable firms and capable of doing the audit. Staff recommends the lowest bid in the amount of \$18,000.00 by Dixon-Hughes. Council Member Nixon-Roney made a motion to accept Dixon-Hughes proposal in the amount of \$18,000.00. Council Member Thomas made a second to the motion. The motion passed by unanimous vote.

17. Budget amendment – Judy Gallman presented budget amendment #11 as follows:

Fund 10 – request amendment to move from contingency to specific line items for website and town seal in the amount \$7,503.75.

Fund 30 to appropriate funds to pay current year Randleman Dam operating cost out of Fund 30 in the amount of \$23,000.00

Fund 31 to move line items from contingency funds to a specific line item for tractor repair in the amount of \$5,000.00.

Council Member Gray made a motion to approve the budget amendment as presented. Council Member Lain made a second to the motion. The motion passed by unanimous vote.

18. Financial Statement – Gallman presented additional reports as of April 30, 2008 to the Council.

Cash Balances - approximately \$6,000,000.00  
Debt Balances – approximately \$600,000.00 in the General Fund  
And \$1,000,000.00 in the Eastside Treatment Plant

Total revenue and expenditures by funds – If you look at month to month we should be at 83% of our budget. We are a little below that. The town still has not received sales tax revenues, reimbursement for Gibson Park and beer & wine revenues.

Gallman presented the financial statement for the month ending April 2008. She highlighted in the water/sewer department some capital funds were used for the purchase of a sewer camera and trailer. Also, the Town has started some water line replacement project and some sewer slip lining projects.

19. Other business – Council Member Thomas thanked Johnson & Wolfe for their work on grant applications. He also commented on the new recycling containers located at the Town Hall. He suggested the newspaper make mention of the improvement. Billings stated that Chuck Smith did a good job at researching this and getting a good price and product for the Town.

Council Member Gray said the new website is active and looks great. Billings stated that Martha Wolfe headed this project.

Mayor Volz stated the new town seal in on the wall. Betty Coleman, Art Nest, did the framing and installation of the seal.

Council Member Lain reported a sad note. He said one of the past Council Members, Bill King, lost his wife a few weeks ago after many years of poor health. Mayor Volz asked the Clerk to record the condolences of the Town Council in the minute book.

Council member Gray made a motion to adjourn. Council Member Lain made a second to the motion. The motion passed by unanimous vote.

The meeting adjourned at 8:37 pm.