

Regular Meeting of the Town Council
February 15, 2011
Council Chambers
7:00 pm

Minutes & General Account

Regular meeting of the Town Council, February 15, 2011, Council Chambers, Town Hall

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

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

Ragsdale High School Representative: Gloria Adedoyin

Visitors Present: John Capes, Vicki Capes, Buddy Mann, Ronnie Hancock, Sarah Glanville, Carol Brooks of the Jamestown News, Beth Seagraves of the News & Record, Wes Cashwell, Jeff Thomas, Rich Salyards and Tom Tervo.

1. Call to Order – Mayor Volz called the meeting to order.
2. Jamestown Community Reflections – Mayor Volz informed everyone that Parkside Family Medicine donated a bench to the Town of Jamestown. The dedication ceremony was this morning. The bench is located on Main Street along the sidewalk fronting High Point Bank.

The Mayor informed the public that Retired Fire Chief Vernon Ward's mother died. Our thoughts and prayers are with him. The Mayor also recognized that Billy Edwards, long time attorney in Jamestown, passed away; our condolences to his family.

The Mayor said that Jamestown News reporter; Carol Brooks' mother fell and broke her hip. She is recovering at Shannon Gray Rehabilitation Facility. We wish her a speedy recovery.

Mayor Volz then asked for a moment of silence.

3. Approval of minutes from the January 18, 2011 meeting. Council Member Ragsdale 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 amendment to the Town of Jamestown Land Development Ordinance with regard to Conditional Use Permit for Bed & Breakfast in SFR zoning

district – Matthew Johnson addressed the Council. This first item is to consider an ordinance update to allow bed & breakfast uses within a SFR district. During the annual review of the Land Development Ordinance, it came to his attention that Bed & Breakfast uses were not permitted with SFR zoning district which is typically where you would find those types of uses. We do not have a request for this usage now however, it seemed appropriate to include this usage to the Permitted Use Table. The Bed & Breakfast would require a conditional use permit; therefore any and all requests for a Bed & Breakfast would come before the Town Council. The Planning Board met last night and did unanimously approve this ordinance amendment.

Mayor Volz opened the Public comment portion of the Public Hearing and asked if there was anyone that wished to speak in favor of the amendment. No one came forward to speak. Mayor Volz then asked if there was anyone that wished to speak against the ordinance. No one came forward to speak.

Council Member Ragsdale made a motion to approve the Land Development Ordinance amendment to include a bed & breakfast use within a SFR zoning district following the issuance of a conditional use permit. Council Member Gray made a second to the motion. On a roll call vote; Council Member Nixon-Roney voted aye, Council Member Thomas voted aye, Council Member Gray voted aye and Council Member Ragsdale voted aye. The motion passed by unanimous vote.

5. Public Hearing to consider amendment to Town of Jamestown Land Development Ordinance Article 24 “Property Maintenance & Nuisance Abatement” to include provisions for the Town to abate nuisances and charge property owners. Matthew Johnson stated the second item is to consider a minor amendment to the language within the LDO regarding nuisance abatement procedures. This amendment helps clarify nuisance abatement on private property. The amendment includes provisions for the Town to abate nuisances and bill the property owners. This is a clarification to ensure the Town’s authority to perform such work.

Mayor Volz opened the hearing to the Public Comment portion. He asked if there was anyone present that wished to speak in favor of the amendment. There was no one. Mayor Volz asked if there was anyone that wished to speak against the amendment. No one spoke.

Council Member Nixon-Roney made a motion to approve the amendment to the LDO that modifies/clarifies that the Town has the authority to abate a nuisance and bill the property owners should it become necessary. Council Member Thomas made a second to the motion. On a roll call vote:

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

Council Member Ragsdale voted aye.

The motion passed by unanimous vote.

6. Public Hearing to consider amendment to the Town of Jamestown Book of Ordinance Article VII – Miscellaneous Ordinances – Section P “An Ordinance with Respect to the Control of Animals “to adopt revised Guilford County Animal control Ordinance.

Wolfe stated that Guilford County provides Jamestown with animal control services. Guilford County has updated their ordinance and requested the Town to do the same. This ordinance update will allow Guilford County animal control to provide the same rules and regulations within the city limits of the Town of Jamestown as they do within the County.

Mayor Volz asked if there was anyone present that wished to speak in favor of the amendment. No one came forward to speak.

Mayor Volz asked if there was anyone that wished to speak against the amendment. No one came forward to speak.

Council Member Gray made a motion to adopt the revised ordinance for the Town of Jamestown with Respect to the Control of Animals. Council Member Thomas made a second to the motion. On a roll call vote: Council Member Nixon Roney voted aye, Council Member Thomas voted aye, Council Member Gray voted aye, Council Member Ragsdale voted aye. The motion passed by unanimous vote.

7. Public Hearing to consider amendment to the Town of Jamestown Book of Ordinances Article VII Miscellaneous Ordinance to include an “Ordinance to Prohibit Concealed Weapons on Municipal Owned Property”. Wolfe stated in researching the Town of Jamestown Ordinances we discovered the Town has never adopted an ordinance prohibiting concealed weapons on municipal properties. The Town staff would like to place signage on municipal property to prohibit concealed weapons. In order to place such a sign, the Town must adopt an ordinance prohibiting the concealed weapons.

Mayor Volz opened the Public Hearing for public comment. He asked if there was anyone present that wished to speak in favor of this ordinance. No one came forward. Mayor Volz asked if there was anyone that wished to speak against the ordinance. No one came forward to speak.

Council Member Ragsdale made a motion to adopt the Ordinance Prohibiting Concealed Weapons on Municipal Properties. Council Member Nixon-Roney made a second to the motion. On a roll call vote: Council Member Nixon-Roney voted aye, Council Member Thomas voted aye, Council Member Gray voted aye, Council Member Ragsdale voted aye. The motion passed by unanimous vote.

8. Public comment period – Ronnie Hancock, 605 Havershire Drive. Stated he is here tonight to speak about his concern regarding trash, especially on trash day. There is an increasing problem with crows getting in the trash. They rip the trash bags open and trash is scattered throughout the neighborhood making a huge mess and a burden on the neighborhood. He would like to see the Town go to trash containers. He is willing to pay for the container. He also recommended picking up trash once a week and pick up recyclables once a week. This will get the recycling program going. The problem with the volunteer recycling program now is that containers are often too full to leave your recyclables.

This is a problem he is seeking help to resolve. He has lived here 28 years. Plastic bags have been fine until now, the crows are taking over.

9. 2010 Annual report of the PSFD- Deputy Chief Jeff Thomas – Thomas stated this is an annual report for January – December 2010. Thomas said Jamestown and Pinecroft-Sedgefield merged in 2003. Currently, the department has 34 career staff and 58 volunteer staff. Pinecroft-Sedgefield operates 5 stations including station #46 which is Jamestown. The Fire Dept. budget for Town of Jamestown is approximately \$337,000.00. The fire insurance rating for inside the city limits of Jamestown is a class #4 and the remainder of the district is a class #5. The department covers 55sq. miles. For the year 2010, station #46 responded to 554 calls. Station #46 is about the 3rd busiest station. Thomas said he expects the number of calls to increase with the opening of the Shannon Gray Rehabilitation Facility. The Fire Department had 88 calls at Shannon Gray Facility during 2010. The Fire Dept is averaging about 10 calls a month for that facility.

The breakdown of station #46 is as follows:

188 fire calls
333 medical calls
33 auto accidents

The Fire Dept. has a very active fire prevention and education program. They go into the schools, participate in the parades and attend community events. In the year 2010 Station #46 saw almost 3000 adults and children. They held 25 fire prevention and education programs within the Jamestown area. This totaled 101 man-hours for these programs.

On behalf of the Pinecroft-Sedgefield Fire Department, Deputy Chief Thomas thanked the Town of Jamestown for giving them the opportunity to serve the Town.

Council Member Thomas said reports in the past have included response time. How has that been for 2010? Thomas said for department wide has been right at 5 minutes. (5.14 seconds)

Deputy Chief Thomas said he will get the 2010 response time for Jamestown and forward to the Town.

10. Preliminary Annexation Update Report – Matthew Johnson stated he presented the preliminary annexation report at the January Council meeting. Johnson stated he followed up with Guilford County Sheriff’s Dept. and spoke with Capt. Straughn. He provided a figure of \$30,000.00 annually for law enforcement for the areas discussed in the preliminary annexation report. In further review, an amount of \$74,000.00 is our best estimate for fire protection extended to these areas. Given the updated numbers, the first year projection will yield a loss of approximately \$160,000.00. Many factors can cause a change in this projected amount. He recommends as things change revisit this report in the future. However, right now it doesn’t appear to be a good sound fiscal decision. If the decision is made to not pursue annexation, Jamestown does still retain planning jurisdiction over this area.

Council Member Nixon-Roney stated the timing does not seem right. She feels the Town needs to work on a recycling program. Council Member Ragsdale stated it is good to have information on our options, but it does not seem to be the time to pursue. Council Member Gray thanked the staff for their hard work in preparing the report. However, he agrees it is not the time to pursue. Council Member Thomas agreed. The Council agreed not to pursue this annexation issue any further at this time.

11. Set Public Hearing date to consider amendment to Greensboro-Jamestown Joint Annexation Agreement – Matthew Johnson stated Jamestown has a joint annexation agreement with Greensboro and one with High Point. The pending construction of the Bypass has created an issue with some of the properties within this area. We are requesting a Public Hearing for the March 15, 2011 meeting to address these property line boundaries and to extend the joint annexation agreement with City of Greensboro for another 30 years. Council Member Nixon-Roney made a motion to set a Public Hearing date for March 15, 2011 to consider approving an amendment to and extension of the Greensboro – Jamestown Joint Annexation Agreement. Council Member Ragsdale made a second to the motion. The motion passed by unanimous vote.
12. Set Public Hearing date for consideration of adopting Guilford County’s “Discharge of Firearms Ordinance”. Council Member Gray made a motion to set a Public Hearing Date for March 15, 2011 to consider adoption of Guilford County’s Ordinance Discharge of Firearms. Council Member Thomas made a second to the motion. The motion passed by unanimous vote.
13. Terms of Parks & Recreation Committee – Martha Wolfe said the Parks & Recreation Committee is a seven (7) member committee serving a two (2) year term. There is also a Council representative on this committee. The Committee does not meet every month. Wolfe explained the current chair of the committee was appointed late in the

year after the resignation of the Board chair. Staff is requesting while Tom Tervo is in his second term, to reappoint him to serve another term as the Board Chair.

Wolfe went onto explain the following individual terms of current Parks & Recreation Board members:

Member Fred Kelly has served two (2) terms and as the bylaws are now written, he cannot serve another term.

Member Linda Schumacher has served one (1) term, however she is not interested in serving another term

Member Al Bartko and Member Lynn Patterson have both served one (1) term and both are interested in serving another term

Shanna Moore is eligible for appointment to serve her first full term.

If the Council approves these reappointments, there will remain two (2) vacancies for active members on the Committee. Lawrence Straughn is the current alternate on the Parks & Recreation Board. The staff recommends appointing Lawrence Straughn to serve as an active member of the Board. After these appointments and reappointments, the Parks & Recreation Board will have one (1) active member vacancy and one (1) alternate vacancy.

Wolfe further suggested extending the Parks & Recreation term from 2 years to 3 years. This request will allow a member to stay on the Board another year. Council discussed this option. Council Member Nixon-Roney made a motion to amend the Town of Jamestown Parks & Recreation Committee Policy "Sec. 3 Appointment of Committee - to read: The Terms of office for the member shall be for 2 years; Members may serve three full terms; after that, they may not return for at least two years." Council Member Thomas made a second to the motion. The motion passed by unanimous vote.

Council Member Nixon-Roney made a motion to appoint Lawrence Straughn to serve as an active member serving his first term. Council Member Ragsdale made a second to the motion. The motion passed by unanimous vote.

Wolfe advised that the following members are eligible for reappointment of another term:

Tom Tervo – through 12/2012

Al Bartko – through 12/2012

Lynn Patterson - through 12/2012

Shanna Moore – through 12/2012

Council Member Thomas made a motion to reappoint these members to serve another two year term through 2012. Council Member Ragsdale made a second to the motion. The motion passed by unanimous vote.

Wolfe advised there is still one (1) active member vacancy on the Parks & Recreation committee. Several candidates were submitted to the Council. Council Members requested the Town Clerk contact candidates to be sure they were still interested in serving. Also place on the website that there is a position available. Council Member Nixon-Roney made a motion to table this item until the March meeting. Council Member Thomas made a second to the motion. The motion passed unanimously.

14. Resolution Arbor Day 2011 – Matthew Johnson said Jamestown is a certified Tree City USA. We are requesting the Town Council to adopt A Resolution to observe Arbor Day on March 18, 2011. We are anticipating tree plantings at Jamestown Middle School and Hayes-Inman School. We have enlisted help from the Ragsdale High School HOPE Club with the planting. Council Member Nixon-Roney made a motion to approve the Resolution Arbor Day 2011. Council Member Ragsdale made a second to the motion. The motion passed by unanimous vote.

(Resolution)

15. Discussion of staggered terms for the Town Council. Mayor Volz stated at the last meeting we tabled this item until the February meeting so that Council Member Thomas was present for the discussion. Council Member Thomas stated the Town Attorney has satisfied his questions and concerns regarding staggered terms. He sees no need to move forward with this at this time. Mayor Volz stated that was the general consensus of the Council. Mayor Volz said at this time we will leave this issue dormant and thanked the Town Attorney for her work on supplying this information.

16. Financial Statement – Judy Gallman presented the financial reports for the month ending January 31, 2011. She gave the following highlights:

Cash balance approximately 6.5 million – Of that amount approximately \$1,469,000. Is reserved for Randleman
\$321,000.00 for the Powell Bill Fund
\$63,000.00 for General Capital Reserves

Debt Balances as of January 31, 2011
\$165,000.00

Revenues & Expenditures as of January 31, 2011 – We should be at about 58% of annual budget. Gallman said that the Town is where we should be at this time.

Detailed Financial Statement – Gallman presented the detailed financial statement for the period ending January 31, 2011. Council Member Nixon-Roney stated it appears the Town

will be in a position to pay off a lot of its debt within the near future. Council Member Nixon-Roney asked if it would be prudent to pay off this debt amount rather than leaving it in the bank. Gallman said the interest rates are not absorbent. She does not recommend taking those funds out of the General Fund.

17. Public comment – No one registered to speak.

18. Other Business – Council Member Nixon-Roney asked for an update on the burnt property in Whittington Hall subdivision. Beth Koonce, Town Attorney, stated in researching this property, she is not completely certain that Guilford County when they entered the order to either repair or demolish, that the bank holding the mortgagee was properly served. In looking at this title it is very confusing on who the actual lender is. Guilford County served Bank of America. Koonce feels it is actually BAC (Bank of America County Wide) Koonce stated there is evidence in the file which listed another bank as the servicer for this loan pool. Per Koonce, another sale (foreclosure) date has been rescheduled for February. She recommends waiting to see what happens at the sale date. Koonce wants to be sure the lender has been properly notified. Our hope is that from the foreclosure sale we get one owner we can deal with. Koonce asked Johnson to get an estimate on a price to demolish the property. He got an estimate from D. H. Griffin of approximately \$15,000.00. Koonce estimate legal fees from \$2500. - \$5000.00. This is obviously a hardship case. We have to go through the proper proceedings. The sale date for the foreclosure is February 23, 2011. A ten day waiting period is required after the sale date before we know the outcome.

Council Member Nixon-Roney asked the Town Manager to get some numbers together on recycling and trash. Smith said this will be presented at the CIP meeting. Smith commented that we have some new numbers. Council Member Ragsdale asked about a grant the Town was trying to get some time ago. Smith said that was the energy grant through Guilford County. They did not award this grant to Guilford County. Jamestown's loss was about \$300,000.00. He said the Town is looking at another grant to help with the totter purchase. Town staff is seeking all avenues for funding.

Council Member Gray made a motion to go into close session to discuss possible real estate transaction. Council Member Thomas made a second to the motion. The motion passed by unanimous vote.

Council Retires to the Office of the Town Manager

Council Member Nixon-Roney made a motion to resume the regular session. Council Member Thomas made a second to the motion. The motion passed by unanimous vote. Council Member Thomas made a motion to adjourn. Council Member Gray made a second to the motion. The motion passed by unanimous vote. The meeting ended at 9:00 pm.