

Regular Meeting of the Town Council  
September 20<sup>th</sup>, 2011  
7:00 pm  
Council Chambers

Minutes & General Account

Regular meeting of the Town Council, September 20, 2011, Council Chambers, Town Hall.

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

Staff Present: Chuck Smith, Matthew Johnson, Paul Blanchard, Michael Hutcheon, Martha Wolfe and Beth Koonce, Town Attorney.

Ragsdale High School Representative: Gloria Adedoyin

Visitors Present: Wes Armstrong, Mary Browning, Kat Manzella, Gene Bridgers, Joyce Volz, Tiffany Jones of the News & Record, Rebecca Lasley, Shirley Haworth, Dot Perdue, Don Geddie, Tommy Walls, Robert Wenzel, Tom Tervo, Wes Cashwell, Lynn Montgomery, Charles Dowdy, Carol Brooks of the Jamestown News, Charlie Dye, Kerry Miller, Jim and Julia Rayborn.

1. Call to Order – Mayor Volz called the meeting to order.
2. Community Reflections – The Mayor first recognized Rebecca Lasley for being named the Citizen of the Month by the Jamestown Rotary Club.

Mayor Volz reminded the public of the following events coming up:

9/29– Candidates forum at Pennybyrn from 7:00 pm – 9:00 pm  
10/1 – Jamestown Rotary Club Horseshow  
10/2– Bicentennial Celebration Mendenhall House  
10/15 – Jamestown Swing (See Kerry Miller to volunteer)  
10/21 – Haunted Halloween – JBA

Mayor Volz then asked for a moment of silence.

3. Approval of minutes from the 8/15/2011 Special Meeting, 8/15/2011 Closed Session and 8/16/2011 Regular Meeting. Council Member Gray made a motion to approve the minutes of 8/15/11 Special Meeting, 8/15/11 Closed Session and the 8/16/11 Regular Meeting as presented. Council Member Thomas made a second to the motion. The motion passed by unanimous vote.
4. Public Hearing to consider request to rezone the property located at 107 Ragsdale Rd. from SFR (Single Family Residential) to C/MST (Commercial/Main Street Transitional) - Matthew Johnson presented the Planning Department report for case # 2011-01 for the property located at 107 Ragsdale Rd. rezoning request from SFR to C/MST approximately 2 +- acres. Johnson stated this is the former site of Moore's Mill, a grist mill on the Deep River.

Currently, the property is being used as SFR. It is bordered to the North by Highland Containers, East by Viking Polymer and to the West by vacant SFR & MFR land. To the south of the property lies River Walk & River Walk West subdivision.

The property is located in the Town's primary growth area per the LDP and within the industrial district of the future land use map. Currently the property is serviced by water & sewer. The applicant is requesting the rezoning to renovate the Mill building for kayakers and canoes to "put-in" on the Deep River. The applicant also plans low impact retail development or offices on the property. They hope to rezone the property allowing commercial and retail uses that will complement the access of the Deep River which would bring visitors to Jamestown for ecotourism and shopping opportunities.

The Town makes its land decisions based on the 2020 Land Development Plan. Some of the 2020 LDP Policies that may impact the subject property are:

**Growth Management Policies:**

- 1.1 Revitalize downtown Jamestown to be the center of community life & to provide opportunities for development of new retail, office & community service uses.
- 1.2 Rejuvenate and beautify Main Street to create a more inviting and pedestrian friendly atmosphere with a wider variety of services and retail uses.
- 1.6 Encourage the design of new activity centers to provide a wide mixture of uses and to serve as pedestrian-friendly community destinations and gathering areas.
- 1.7 Encourage the development of new commercial uses within designated activity centers to be energy efficient aesthetically pleasing and pedestrian friendly and the renovation, maintenance and creative re-use of existing commercial buildings to provide more retail, business and office uses in convenient locations.

**Planning Coordination:**

- 2.4 Building cooperative partnerships with local institutions, agencies and businesses to expand community amenities and services, to create jobs, to maintain a strong tax base, to encourage new development that fits our small town character and to prevent conventional strip development along major road corridors.

**Community Appearance –**

- 3.2 Create a downtown "village" feel along Main Street that enhances our community character and is used as a selling point to attract entrepreneurship and visitors to our community.
- 3.3 Maintain a strong sense of community pride as each new land use fits into our vision for the future.
- 3.8 Enhance historic district guidelines to preserve and build upon the historical integrity, character and ambiance of our community. Seek historic designation for historic places not currently designated.

**Quality of Life**

- 4.1 Preserve Jamestown's natural, cultural and historic resources as the cornerstones of our identity including preservation of the public school (library), the Mendenhall Plantation and other important properties.
- 4.2 Preserve and utilize the Deep River corridor as an untapped natural "gem" for recreational and educational benefits (Paddle and hiking trail).
- 4.3 Maintain & improve air quality by recruiting environmentally friendly industry that encourage pedestrian friendly mixed use land use patterns, sidewalk, bike lanes and greenways, etc.

#### 4.8 Preserve, protect & creatively re-use our historic buildings, properties to enhance our community.

Johnson stated again the property is currently zoned residential and is surrounded by industrial zoning. Staff discussions with residents have been mainly positive, especially regarding the preservation of the Mill. The applicant held a neighborhood meeting March 28, 2011. Approximately 35 letters were sent out to property owners within 500 ft. and only 4 – 5 residents attended the meeting.

Johnson stated this property is a unique opportunity to begin work on the Deep River Paddle Trail. This property is private ownership and the owner will regulate the access to Deep River from this property. Johnson stated that preservation, business growth, and recreational opportunities for Jamestown are the keys to this rezoning.

Johnson stated at the August 8<sup>th</sup>, 2011 Planning Board meeting the Board did vote unanimously to recommend to the Council to rezone the property as requested. The Planning Department also recommends approval of the rezoning as requested.

Kerry Miller, Planning Board Chair, stated the Planning Board was impressed with Mary Froelich's presentation. They felt it was the type project we want in Jamestown. After Board deliberations, they voted unanimously to recommend the rezoning as requested.

Mayor Volz called the applicant/owner, forward. Ms. Froelich stated her grandmother was Tom Ragsdale's older sister. Froelich stated several different family members have lived in the property. Mary bought the property from Emily Ragsdale about 2 years ago. Froelich stated she has made application to the National Register of Historic Places. She stated she has applied to the State Preservation Office and they have approved the property as worthy of being on the National Register. She is supplying the State Office with the requested information for the process. The Historic Registry designation will give tax credits for a business developed on the property, but this will also limit what can be done on the property. We will have to keep a low foot print and make only minor alterations to the property.

Mayor Volz opened up the Public Hearing. He asked if there was anyone present that wished to speak in favor of the rezoning to please come forward.

Charles Dowdy, 214 Misty Waters Lane – Dowdy said he attended the Planning Board meeting for this rezoning case. He suggested to Emily Ragsdale several years ago and now to Molly Froelich, that there are programs at GTCC where students can do the carpentry work on a viable project and receive credit for their class. This project would be a great candidate for that program. He feels it is a fantastic project.

Wes Armstrong, Greensboro – Armstrong said he has been working with Molly on this project. He feels this project offers the Town of Jamestown a real chance to diversify the types of people you bring to your Town. This is an economic strategy – across the State hiking & paddle trails become economic engines that drive the revitalization of the Town. This will bring people to Town to spend their money. He hopes Council will look favorably on the rezoning request.

Mary Browning, #8 Cedar Creek, Mrs. Browning said that Mary Froelich asked her to look into the history of the Mill. Experts looked at and estimated a date of 1825 as the year built. Molly plans to invest her money to develop something useful and productive while restoring the Mill. Mary Browning asked Council to please pass this rezoning request.

Mayor Volz asked if there was anyone present that wished to speak in opposition to this rezoning. No one spoke.

Mayor Volz closed the Public Hearing. He asked for Council discussion. All Council agreed this was an exciting project. There is a lot of community support for this project. Council Member Nixon-Roney made a motion to approve the rezoning request from SFR to C/MST the property located at 107 Ragsdale Rd. Council Member Ragsdale made a second to the motion. On a roll call vote:

Council Member Nixon-Roney voted aye  
Council Member Thomas voted aye  
Council Member Gray voted aye  
Council Member Ragsdale voted aye  
The motion passed by unanimous vote.

5. Public Hearing to consider a minor amendment to the Land Development Ordinance Article 12, Section 12.12.6 “No Parking in Right-of-Way” – Matthew Johnson said this is a minor text amendment in the LDO. This text amendment is to clarify current language within our ordinance. The following text amendment is requested:

“12.12-6 No Parking in Right-of-Way – Off-Street parking shall not extend into the public Right-of-Way or into an easement for a public sidewalk on private property.”

Mayor Volz opened the Public Hearing. He asked if there was anyone present that wished to speak in favor of the text amendment. There was no one that spoke. Mayor Volz asked if there was anyone that wished to speak in opposition to the text amendment. There was none. Mayor Volz closed the Public Hearing. He asked for Council discussion.

Council Member Ragsdale made a motion to approve the minor amendment to section 12.12-6 No Parking in Right-of-Way as presented. 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.

6. Public Hearing to consider a minor amendment to the Land Development Ordinance Article 17, Section 17.12 “Nonconforming Signs” – Matthew Johnson stated the current ordinance stated once a sign was altered, relocated, moved (anything beyond maintenance) then it needs to be brought into compliance with current ordinance. The proposed language to be added is as follows:

“An exception shall be made for signs which must be relocated as the direct results of a government action (such as, but not limited to the acquisition of street right-of-way, eminent domain action or installation of infrastructure). Such an exception will be subject to review by the Planning Director, who will work to help property owners bring their signs into compliance if no reasonable alternative exists, the Planning Director may allow a sign to be relocated to an acceptable location on the same property. Signs which are permitted to be relocated shall not be altered in such manner to constitute a change in the sign. Changes in the sign beyond maintenance as defined shall result in the sign being brought into compliance. Appeals may be made to the Board of Adjustment per the procedures in the Land Development Ordinance.” The reason for the text amendment request is mainly due to property located in the new By-Pass route. The Town does not want to add to the burden of a business located in this route by requiring their sign be brought into compliance.

Mayor Volz opened the Public Hearing and asked if there was anyone in favor of the text amendment to Article 17.12 Nonconforming signs. There was none. Mayor Volz asked for anyone in opposition to come forward to speak. No one spoke.

Mayor Volz closed the Public Hearing and asked Council for final discussion.

Council Member Nixon-Roney made a motion to approve the text amendment to Article 17. Section 17.12 “Non-Conforming Signs” as presented. Council Member Ragsdale made a second to the motion. One a roll call vote, Council voted as follows:

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 Comment Period –

Kat Manzella – 6326 Stonewick Drive – She is here representing the nonprofit organization “Kisses 4 Kate” which helps children with cancer. Last year they held a 5K run starting here at the Town Hall. They had over 350 participants. They have submitted a special event permit for another 5K event for the November meeting. She just wanted to let the Council know that they are working on this event. They would like to expand this event and title it ‘Kisses 4 Kate 5K Jamestown Festival’. The Festival will include arts & crafts, food vendors, radio, state with local musical talent. Their goal is to double what they did last year and also to make this an annual event and grow with Jamestown.

Manzella said as a result of the first 5K Run, we were able to implement a new program at Brenner’s Children Hospital “Beads of Courage” therapy program for 85 children. Chuck Smith added that the date for the event is November 19<sup>th</sup>, 2011. This special event permit will be on the November Agenda.

Gene Bridgers – 4 Havershire Ct. – Regarding the automatic water meter system, Mr. Bridgers prepared a hand-out for the Council. Mr. Bridgers stated that the Public Service Director, Paul Blanchard, has been very helpful in supplying information. Bridgers is opposed to this system. He stated he interviewed 100 residents and 99% are against the Automatic Water Meters.

Jim Rayborn – 404 Mendenhall Rd. – He suggested the Town Manager set aside some time weekly or monthly to meet with citizens to discuss their problems and concerns. Much like the former Mayor, Billy Ragsdale, did. This could apply to the Council Members as well.

8. Resolution to adopt Interlocal Agreements on Public Libraries – Chuck Smith presented 3 separate agreements:

- A. Resolution between Town of Jamestown and Old Jamestown School Association, Inc. d/b/a Jamestown Public Library. This agreement has already been reviewed by the Library Board and signed. This agreement establishes a relationship with the Town and library, so that the Town can enter agreements with Guilford County on the funding of the Library. This agreement has also been reviewed by the Town Attorney and the Town Manager.

Council Member Ragsdale made a motion to approve the Resolution for the agreement between the Town of Jamestown and the Old Jamestown School Association. Council Member Gray made a second to the motion. The motion passed by unanimous vote.

- B. Smith presented Interlocal Agreement with Guilford County regarding funding for Jamestown Public Library. This agreement is to establish the base funding for the Library with Guilford County an amount of \$3.85 per capita. The term of the agreement is a 5 year term.

Council Member Nixon-Roney questioned the item #7 – Termination which provides for either party to terminate the agreement with 12 months prior written notice. The Town Attorney said this is a standard clause of Guilford County's agreements. Council Member Nixon-Roney requested the Town Attorney and Town Manager contact the County to see if they will delete item #7. Council Member Nixon-Roney made a motion to table the Interlocal Agreement regarding funding for the Jamestown Public Library until the October Council Meeting. Council Member Thomas made a second to the motion. The motion passed by unanimous vote.

- C. The Town Manager recommended tabling the next agreement, Interlocal Agreement regarding additional funding for the Jamestown Public Library, until the October meeting.

Council Member Nixon-Roney made a motion to table the Interlocal Agreement with Guilford County regarding additional funding for the Jamestown Public Library. Council Member Ragsdale made a second to the motion. The motion passed by unanimous vote.

9. Discuss initiating Condemnation Proceedings 103 Pearce Drive – Beth Koonce, Town Attorney, reported that the sale date for 103 Pearce Drive has been extended again until October. During this past year, we have had several postponements of the sale. She has been hesitant to advise the Council to go forward with condemnation. She is concerned about the notice provisions which include any mortgage holder. At this point, the sales date is being continued and continued. She cannot guarantee any end is in sight. Koonce has reviewed the Town's statutes and the State statutes on condemnation particularly regarding the notice provision.

The Town ordinance states that the Planning Director does an assessment of the house. Guilford County did an assessment 1 year ago. After that, the Planning Director presents this report to the Council.

Council then makes the decision to proceed or not. If Council votes to proceed, there is a hearing in front of the Planning Director. The owner and lien holder are notified. They can come and present their defense. Then the Planning Director decides whether or not to issue the order to repair or demolish. The Town Attorney feels if Guilford County can meet with the Planning Director and prepare this report, then the proceedings could be brought to the Council in October or November. She feels it will take about 6 months to complete. If the decision by the Planning Director is an order to demolish you have to give the owners at least 60 days to address the issue. If the owner does not address then the Town can move forward. The Town Attorney recommends giving notice at every step of the proceedings. She estimates legal fees to be \$2500 - \$3500. If there is an appeal it goes before the Council. If there is an appeal of Council decision it goes to the Superior Court. There is an estimate from D. H. Griffin of \$15,000.00 to demolish the house. This estimate is 1 year old. The estimate does not include disconnecting the utilities. D. H. Griffin's estimate includes a provision that any of the salvaged material goes to D. H. Griffin. According to the GS, we have to sale those materials and apply that amount to the cost of the proceedings. Council Member Gary asked if the demolition company could act as the Town's agent for the sale of the materials. Koonce thought that would be allowable. The estimate of D. H. Griffin needs to be updated. Council Member Gray asked if during the proceedings the owner of the property were to surface, can we stop the proceedings. Koonce said that the Council can stop the proceedings up to the time we authorize D. H. Griffin on site to demolish the property.

Koonce stated at the end of the process the Town gets a lien on the property that is secondary only to property taxes. We also have a lien on any other property that the owner owns within the Town limits and one mile outside. The Town can foreclose on the lien for our expenses and take title to the lot. The Town will have to decide if they would entertain an offer on the property to offset the expenses involved. Council was concerned about the safety aspect of the property. It has been 2 years since the house fire.

Council Member Nixon-Roney stated she feels the cost to the Town is secondary to the safety of the Town. Council Member Nixon-Roney made a motion that we move forward with condemnation proceedings on 103 Pearce Drive. Council Member Thomas made a second to the motion. The motion passed by unanimous vote.

10. Proclamation Honoring the Bicentennial Celebration of the Mendenhall House – Mayor Volz presented the Proclamation to Shirley Haworth, President of the Historic Jamestown Society and to Rebecca Lasley, Director of the Mendenhall House.  
(Proclamation)
11. Proclamation Lyme disease Awareness - Mayor Volz presented the Proclamation for 2011 Lyme disease Awareness Month and encouraged all citizens to be aware of this serious disease.  
(Proclamation)
12. Proclamation Litter Sweep 2011 – Mayor Volz proclaimed September 17<sup>th</sup> - October 1, 2011 as Fall Litter Sweep in Jamestown.  
(Proclamation)
13. Consider approval of special event permit request for Jamestown Rotary Club - Martha Wolfe stated that the Jamestown Rotary Club once again has requested to sponsor the Jamestown Christmas Parade on Sunday December 4, 2011. The Jamestown Rotary Club is requesting the

Town waive fees for the deputies approximately \$350.00 and postage approximately \$120.00 and staff time. Wolfe said that the Town has received all the required information. Wolfe stated since the special event permit was submitted, the Rotary Club has requested additional help from the Public Services Staff in putting up and taking down barricades for traffic. She turned the meeting over to the Town Manager to address. Smith said that the Rotary Club has requested the Town put out and take up the barricades. Smith said for Public Services to help set up traffic control and help before and after the Parade will add approximately \$350.00 - \$400.00 in additional fees. Council Member Ragsdale made a motion to approve the special event permit by the Jamestown Rotary Club for the Jamestown Christmas Parade. Council Member Gray made a second to the motion. The motion passed by unanimous vote.

14. Consider approval of special event permit request for 5<sup>th</sup> Annual Great Pumpkin Run – Wolfe presented the special event permit request for the 5<sup>th</sup> Great Pumpkin Run held on 10/22/11. This event is held at the Jamestown United Methodist Church. All the required information has been submitted. They are not requesting any services through the Town. Council Member Nixon-Roney made a motion to approve the special event permit for the Great Pumpkin Run. Council Member Ragsdale made a second to the motion. The motion passed by unanimous vote.
15. Monthly report of Jamestown Golf Course activity – Mayor Volz said we are adding something new to our monthly Council meetings. Michael Hutcheon will be giving us a monthly report on the activities at the Golf Course. Hutcheon provided a written report and presented a PowerPoint presentation. Hutcheon provided summary of activities to date. He stated the month of September and October is extremely busy. There are several fundraising tournament held at the Jamestown Park for charities.

Hutcheon went over the advertising and marketing plans which have been ongoing. Also, he highlighted new sponsor programs recently launched at the Jamestown Park.

Hutcheon said from an operational perspective the marketing and programs we are participating in are touching all bases. What we need is cooperative weather, a slightly more cooperative economy and we need a green renovation. This facility is 40 years old. We still are successful, but if we want to become profitable again, we need the green renovation project sometime in the next 5 years. We cannot control the weather or economy but we can control infrastructure.

Mayor Volz thanked Hutcheon for attending the meeting. We look forward to his monthly report. Mayor Volz requested his report be put on the Town website.

16. Financial statement – Smith said that Judy Gallman was not present. He presented the financial statement for the month of August 31, 2011. There were not questions by the Council.
17. Public comment Period – No one registered to speak,
18. Other Business – Council Member Thomas said recently at the candidate forum at River Twist some citizens talked with him about their problems of crows getting in their trash. One solution suggested was to allow citizens to put their trash bags in a container and sanitation workers pick the bags up out of the containers. Smith said he would like to research the minutes from

previous Council meetings to see what Council approved regarding trash cans on the street. Smith will report back at the next meeting. Council Member Nixon-Roney feels as debt is paid off (leaf truck, garbage truck, fairgrounds), we need a plan in place to seriously look at recycling issues.

Mayor Volz asked if there was any more business. Martha Wolfe said there were a few more dates to announce for Sept., and October. Thursday September 22, - 10:00am – 2:00 pm– Town Hall Civic Center the Veterans Administration is holding a Rural Health Outreach Program to advise Veterans and spouses of benefits available to them. Also on September 24<sup>th</sup> are the Jamestown Library Barbecue and the Jamestown Lions Club Yesteryear in Motion.

19. Council Member Ragsdale made a motion to go into closed session to discuss a personnel matter. Council Member Nixon-Roney made a second to the motion. The motion passed by unanimous vote. The Council reconvened in the Town Manager's office.

----- Closed Session-----

The Mayor reconvened the Regular Council Meeting in the Council Chambers. Mayor Volz announced that the Council discussed a personnel matter. No action was taken. Council Member Nixon-Roney made a motion to adjourn. Council Member Thomas made a second to the motion. The motion passed by unanimous vote. The meeting adjourned at 9:00 pm