

Regular Meeting of the Town Council
September 21, 2010
Council Chambers
7:00 pm
Minutes and General Account

Regular meeting of the Town Council, September 21, 2010, Council Chambers, Town Hall.

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

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

Visitors Present: Corrie Tauer of Haden Stanziale, Joyce Volz, Shirley de Long, Beth Seagraves of the News & Record, Jim Mooney, Tom Tervo, NE Triche, Cheryl Harvey, Keith Lackey, Vic & Patsy Gilliland, Buddy Mann, Yvonne Lowe, Harriett Reid, Charles Jones, Alan Dewey, Carol Brooks of the Jamestown News, Ray Pifer, Lawrence Straughn, Mark Scott and Larry Lain.

1. Call to Order – Mayor Volz called the meeting to order.
2. Jamestown Community Reflections – Mayor Volz commented that the US Flags along Main Street are in observance of Constitution Week.

Mayor Volz reported that the street repaving project is complete and the streets look great. The crosswalks look wonderful as well.

Mayor Volz called for a moment of silence.

3. Approval of minutes from the Special Meeting August 2, 2010, Executive Session August 2, 2010, Council Work Session, August 17, 2010, Regular Meeting August 17, 2010 and Closed Session August 17, 2010. Council Member Gray made a motion to accept all minutes as written. Council Member Nixon-Roney made a second to the motion. The motion passed by unanimous vote.
4. Public Hearing to consider an amendment to the Permitted Use Table to add “day care” use within an industrial district. Matthew Johnson stated this is a Public Hearing to consider an amendment to the Permitted Use Table of the LDO. The proposed amendment is to allow a “day care” use in an industrial district.

The Planning Director stated that Day Care Centers are licensed by the State of North Carolina to provide care to children and/or adults for periods not to exceed 24 hours, the Day Care Centers may include businesses such as “after school” care, tutoring centers, behavioral reform centers and similar uses. Industrial zoning districts incorporate a wide variety of uses and should not exclude such a use as “day care.”

Per Johnson, the applicant wishes to expand her current business to include Psycho Social Rehabilitation located at 200D Hillstone Drive to 213 Hillstone Drive to further provide educational counseling services for children and adults.

Johnson said as the Enforcement Officer I must determine that the land uses meet Permitted Use Table requirements. It is my opinion that allowing this text amendment by right within an industrial district is practical.

Johnson stated on August 9th, 2010, the Planning Board met and held a Public Hearing to consider the amendment. A policy of the 2020 LDP is to encourage industrial uses which are environmentally friendly and general limited to specific areas. The renovation and adaptive reuse of empty industrial buildings is strongly encouraged. Based on these policies, the Planning Board did vote unanimously to recommend approval to the Council.

Mayor Volz asked the applicant, Harriet Reid, to please come forward and address the Council. Ms. Reid is the Executive Director for the Preparing Adults and Children to Excel Inc. (PACE). Ms. Reid also introduced Yvonne Lowne, who is the medical doctor for the agency. They work with several agencies to provide support for the children and adolescents and adults. They currently provide Therapy, Psycho Social Rehabilitation and Substance Abuse Intensive Outpatient, case management and medication management. They have been located here since 2008.

We have grown to two (2) spaces; 200 E & A Hillstone. Now we occupy 213 Hillstone. The State asked us to provide support to children and adolescents that have challenges. Their desire now is to have a day care program for adults and children, whereby children in the community within a 35 miles radius can come to class at the agency and help them pass grade level. They are nationally accredited. (3 year accreditation) they have a medical doctor, psychiatrist and therapist. They offer a variety of services. They plan an open house in October. They also provide a service; "Driving Miss Daisy". This is a service provided to senior citizens. They drive seniors to doctor's appointments, grocery shopping, wedding, funerals, etc.

Mayor Volz asked if there was anyone from the Public that wanted to speak in favor or in opposition to the amendment to the LDO. No one spoke.

Mayor Volz asked the Council if they had any questions. Council Member Thomas said it sounds like a good program.

Council Member Ragsdale made a motion to amend the Permitted Use Table to allow "Day Care" use in the industrial zoning district. 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
Council Member Ragsdale voted aye

The motion passed by unanimous vote.

5. Public Comment Period – Shirley de Long registered to speak, however, requested permission to defer to the Public Comment Period at the end of the meeting. Permission granted by the Mayor.
6. Resolution Honoring Vic Gilliland – Mayor Volz read and presented to Vic Gilliland a Resolution honoring him for his service on the Planning Board, the Town Council and the Guilford County Sheriff's Dept.

(Resolution)

7. Wrenn Miller Park Master Plan – Corrie Tauer, HadenStanzial presented to the Town Council a power point presentation describing the preliminary master plan for the Wrenn-Miller Park. The site is located across the street from the Town Hall and consists of approximately 1 ½ acres and is highly visible from Guilford Rd. The Park will be accessed along the existing sidewalk with parking at the Town Hall.

HadenStanziale presented 3 park concept plans to the Public on May 3, 2010. The Community Meeting was well attended. The Public got to vote on elements they wanted in the Park. Popular items to be included in the Park:

- Tables
- Shelters
- Butterfly gardens
- Rain gardens
- Amphitheater
- Security fence around the Park
- Brick Donation Program

HazenStanziale came up with three (3) designs from the input received. The plan also includes mapping and cost estimates which are required to apply for the PARTF grant.

Johnson stated he would like for the Town Council to adopt the Plan. Johnson advised that the Parks & Recreation Advisory Board adopted the Plan on September 13, 2010. Also, Johnson submitted a “Wrenn-Miller Park Sponsorship Program” which allows a citizen to give a gift in honor or memory of someone special. A plaque is included with the installation of a donated item. Items available for purchase as donations: tables, garden spaces, gazebo, bench, trash cans, and commemorative bricks. This sponsorship is a 50/50 match. The Commemorative Bricks will be the same as the brick sidewalks in the same pattern; “Old Towne”. The bricks will cost \$50.00 each or one can purchase large lime stone paver which will have a higher price.

We would like to start putting this sponsorship program on the website and facebook. Johnson and Tom Tervo plan to do presentations at civic groups in Town. When a donation comes in, the funds will be earmarked for future purchases for the park. This sponsorship program would show great community support when applying for a PARTF grant and help offset our match.

Council Member Nixon-Roney stated she would love to see a fountain in Jamestown or a Round-A-Bout creating a town square. High Point is doing a Round-a-bout now. If we apply for the PARTF grant could we attach that to the PARTF grant project? Place the round-a-bout at the entrance of the Park.

Johnson stated he did not think it would apply to the grant. The grant can only apply to a project within the boundaries of the site. It would not help with traffic features either. He said this idea would have to be discussed with NCDOT.

Council Member Nixon-Roney also suggested holding a contest for people to design monuments to add to the Park. Also contact local artists to design sculptures for the Park.

Council Member Nixon-Roney made a motion to accept the Wrenn-Miller Park Master Plan and the Wrenn Miller Park Sponsorship Program. Council Member Thomas made a second to the motion. The motion passed by unanimous vote.

8. Resolution Adopting the Guilford County Multi-Jurisdictional Hazard Mitigation Plan – Martha Wolfe stated in 2005 the Council passed a Resolution adopting the Guilford County Multi Jurisdictional Hazard Mitigation Plan. This Hazard Mitigation Plan was the result of a requirement by FEMA that states any local government must have a hazard mitigation plan approved in order to receive any FEMA public assistance funds.

Since Guilford County is the lead agency on Emergency Services for the County, Jamestown and other small municipalities participated in the Plan with the County. The plan must be updated every 5 years. This is the 5th year update renewal for the plan.

Council Member Nixon-Roney made a motion to accept the Resolution Adopting Guilford County Multi-Jurisdictional Hazard Mitigation Plan. Council Member Ragsdale made a second to the motion. The motion passed by unanimous vote.

(Resolution)

9. Motor Vehicle removal pursuant to Article 24 – Nuisance Abatement and Property management Code Section 24.5 of the LDO located at 188 Robbins Ave. – The Planning Director Stated that there are 2 vehicles, white Ford pickup and green Ford car, located in the yard of this property. The vehicles appear to be inoperable, no license tags, flat tires and no inspection sticker. This classifies both as a nuisance and junked vehicle. The occupant, Thomas Rogers, has been given 2 notices from the Town; August 5th and August 27th, 2010. Mr. Rogers has not responded to our request. The Planning Director cannot locate a telephone number for Mr. Rogers. However, Mr. Rogers has signed for each of the certified notices. So, he is aware of the request to remove vehicles.

The General Statues require the Council to make a finding in writing that the aesthetic benefits of removing the vehicle outweighs any monetary loss imposed on the property owner verses the gain to the public by promoting or enhancing community, neighborhood and area appearance.

If the Council agrees to have the vehicles removed, the Town is then required to have a probably cause hearing and file the hearing request with the County Magistrate’s office and hold the hearing within 72 hours.

The Town Ordinance does allow for 1 vehicle in this type condition to be on the property as long as it is not visible from the street. Both these vehicles are visible from the street and the neighbors.

After discussion, Council Member Nixon-Roney stated she would like to err on the side of caution and post the vehicles. Council Member Nixon-Roney made a motion to post the vehicles and grant the owner of 188 Robbins Avenue 15 days to remove the vehicles. Council Member Ragsdale made a second to the motion. The motion passed by unanimous vote.

10. Annexation Process Presentation – Matthew Johnson stated at the last Council meeting the Council requested information regarding the annexation process. The Planning Director gave a brief overview of annexation. Most of the presentation was regarding City initiated, involuntary annexation. This type of annexation must be contiguous. The city must prepare a report telling how we are going to provide water-sewer, police, fire, garbage and street maintenance. Johnson explained the annexation process.

First the Council adopts a Resolution of Intent describing the area intended to annex. The Town must do an annexation report and make this available to the public prior to the first information meeting. The

Town must hold at least one (1) informational meeting and one (1) public hearing. The Council can proceed to adopt annexation coordinates with an effective date of 40 – 400 days. Once the Resolution of Intent is adopted then everything must fall in line according to a rigid time table.

Johnson said there is also an allowance for a Resolution of Consideration. This allows the city to identify areas it is considering long term for annexation. Most cities adopt a Resolution of Consideration for all areas within their ETJ. Failure to adopt a Resolution of Consideration will prevent any city from initiating an annexation ordinance for one (1) year.

The Resolution of Consideration must be in place for one (1) year prior to a Resolution of Intent being adopted. The idea is to give residents plenty of information and time before any planning takes place. This is a renewable document every 2 years.

Johnson said the Council may wish to consider adopting a Resolution of Consideration for all area within our ETJ. Council could then direct the staff to be working on procedures for a certain area and prepare a report for a certain area. Once the report and Resolution of Consideration are in place for one (1) year, an annexation procedure can commence. Johnson said that another option is Council & staff may just begin discussion on annexation at informal public information sessions with property owners in areas the Council feels is appropriate for annexation.

Johnson feels the Resolution of Consideration is probably wise to go ahead and have approved for all of our ETJ. Not all of the Town's ETJ is serviced by water/sewer. So, the areas that are serviced by water/sewer would be researched first due to cost of extension. It will be up to the Council to direct staff which areas they would like the staff to study and report. There are costs associated with the annexation report. There are funds in the Budget for the annexation report.

Council Member Nixon-Roney asked if we identify a piece of property as a potential for annexation, could he do an informal cost analysis without bringing in other staff. Johnson said he could get rough numbers and "Ball Park" an estimate. Council Member Nixon-Roney agrees the Resolution of Consideration is a good idea.

Mayor Volz asked if the Town would have to improve streets of an annexed area. Johnson said that it is not a requirement of the annexation to improve streets. However, the Town will be required to maintain streets and we will get extra Powell Bill Funds for the additional annexed street.

Johnson said if Council has a specific area in mind that they would like to target first, he would be happy to get rough numbers for them. That process will take about 2 months. Council Member Gray asked to put the Resolution of Consideration on the agenda of the October meeting. The Council Members agreed.

Council Member Nixon-Roney requested a map showing the possible areas of annexation. Johnson stated he would prepare a map for the next meeting and will show on the map areas that currently are serviced with water-sewer.

11. Award bid of the elimination of the Scientific Pump Station Project – Chuck Smith said we are in the process of eliminating the Scientific Street Pump Station. The Town has been working on this project for years. The pumps area outdated. We have secured a gravity sewer system from Shannon Gray Ct. to Scientific to serve the entire area. The informal bids received were as follows:

Regional Site Solutions	\$47,747.75
Breece Enterprises	\$60,640.00
Russ, Inc.	\$75,640.00

Since this was an informal bid and under budget, the Town Manager has awarded the bid to go to the lowest bidder, Regional Site Solutions in the amount of \$47,737.75. The budget amount for the project was \$50,000.00.

12. Review and discussion of preliminary Town of Jamestown Code of Ethics – Martha Wolfe stated the Town Manager asked her to put together a preliminary Code of Ethics. A General Statute was passed by the State that requires all elected officials to receive 2 hours of ethics training, which all members of the Council have completed. Also, this General Statute requires the Council to adopt a written Code of Ethics by January 1, 2011. Wolfe presented a preliminary code. She stated this does not have to be adopted tonight. The Council has several months to discuss. The deadline for adoption is January 2011. The Town Attorney has reviewed this. Beth Koonce said the Clerk did a good job. The Code follows the General Statute almost exactly. In her opinion, it is ready to approve. Council Member Gray made a motion to approve the Resolution and Code of Ethics as written. Council Member Ragsdale made a second to the motion. The motion passed by unanimous vote.

13. Appointment to the Parks & Recreation Advisory Committee – Mayor Volz said we have a vacancy on the Parks & Recreation Committee. Shanna Moore is the current alternate. She would like to serve on this Committee as an active member. Mayor Volz said Lawrence Straughn has expressed his desire to be involved in the Committee as well.

Council Member Ragsdale made a motion to approve Shanna Moore as an active member on the Parks and Recreation Committee to serve the unexpired term through December, 2010 and to appoint Lawrence Straughn as an alternate to the Parks & Recreation Committee. Council Member Thomas made a second to the motion. The motion passed by unanimous vote.

14. Budget amendment – Judy Gallman presented budget amendment #1 for fiscal year 6/30/11 in the amount of \$12,897.00. The first part of this amendment is to hire an irrigation consultant to design the irrigation plan and prepare bid documents for replacing the irrigation system at the golf course. The second part of the amendment is regarding the fence at the Golf Course on E. Fork Rd. We have received insurance recoveries in the amount of \$2,897.00.

Council Member Gray made a motion to approve budget amendment #1 in the amount of \$12,897.00. Council Member Thomas made a second to the motion. The motion passed by unanimous vote.

(Budget Amendment)

15. Financial Statement – Gallman presented the financial summary for the month ending August 31, 2010.

The total cash balance is approximately 5.6 million and of this amount approximately 1.5 million is reserved for Randleman Reservoir. \$230,000.00 reserved for Powell Bill street improvement. The Town's debt balance is approximately \$199,000.00.

In the detail financial report the General Fund reflects interest on CD's. The Water/Sewer Fund reflects interest on CD's and investment earnings. The Town transferred funds to the

Randleman Reservoir Fund. There was also paid some engineering fees on water line improvements. In January 2011, the next Randleman Reservoir payment is due in the amount of \$67,449.00.

16. Public comment Period – No one registered to speak.
17. Other business – Mayor Volz stated that Charlie Jones, Town Representative on PTRWA, took him on a tour of the water plant. Per the Mayor, it is a state of the art facility, capable of running 12 million gallons of water a day. They will start pumping water October 1st, 2010. Jones said that the Water Authority has received email confirmation that the plan has been approved by the Public Water Supply Section of the State and they hope to start pumping October 1, 2010. October 4th is the grand opening at the Plant. The time is 10:00 am and he invited all the Council to attend.

Still under other business – Martha Wolfe advised the Council that the date for the Pumpkin Run has been changed to October 23, 2010. The Fall Litter Sweep is set for Saturday October 2nd, 2010 at 9:00 am. The Ragsdale High School Key Club will once again be participating in the Town of Jamestown Fall Litter Sweep.

Council Member Gray made a motion to recess the meeting to go into executive session to discuss a personnel matter. Council Member Thomas made a second to the motion. The motion passed by unanimous vote. The Council recessed to the Office of the Town Manager to conduct the Executive Session of the meeting.

Executive Session

Council Member Nixon-Roney made a motion to resume the Regular Meeting of the Town Council in the Council Chambers. Council Member Thomas made a second to the motion. The motion passed by unanimous vote. The Regular session was resumed in the Council Chambers.

Mayor Volz stated that no action was taken during the session.

Council Member Thomas made a motion to adjourn. Council Member Ragsdale made a second to the motion. The motion passed by unanimous vote. The meeting ended at 11:03 pm.