

**TOWN COUNCIL MEETING
October 5, 2020**

I. ROLL CALL

A regular meeting of the Jamestown Town Council was held on October 5, 2020. This meeting was held pursuant to Executive Order No. 20-05, executed by Governor Gina Raimondo and was teleconferenced via Zoom. The public access code to participate by phone was 1 (301) -715-8592 or 1(312) - 626- 6799 or 1(646) - 558- 8656. To participate by computer or mobile app: <https://zoom.us/j/86595982095> Meeting ID: **865 9598 2095** Town Council Members present were as follows: Michael G. White, Mary Meagher, Nancy A. Beye, William J. Piva, Jr. and Randy White. Also present Town Administrator Jamie A. Hainsworth, Finance Director Christina D. Collins, Town Solicitor Peter D. Ruggiero, Chief of Police Edward A. Mello, and Town Planner, Lisa Bryer, Town Clerk, Erin F. Liese and Denise Gamon, Town Clerk's Assistant

II. CALL TO ORDER, PLEDGE OF ALLEGIANCE

Town Council President White called the meeting of the Jamestown Town Council to order at 6:30 P.M. in the Jamestown Town Hall, Rosamond A. Tefft Council Chambers at 93 Narragansett Avenue, and led the Pledge of Allegiance.

III. ACKNOWLEDGEMENTS, ANNOUNCEMENTS, PRESENTATIONS, RESOLUTIONS AND PROCLAMATIONS

Please Note in Accordance with Section 42-46-6 (b) the Council May Review, Discuss and/or take Action and/or Vote on the following items:

A) Resolutions:

- 1) Resolution 2020-15: Authorizing Issuance of Bonds and Notes for Improvement, Replacement, Construction, Repair, Reconstruction and/or Restoration of Roadways in Jamestown

A motion was made by Vice President Meagher with second by Councilor White to waive the reading of the Resolutions. . Vote: President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor Piva, Aye; Councilor, White, Aye

A motion was made by Vice President Meagher with a second by Councilor Piva to approve Resolution 2020-15: Authorizing Issuance of Bonds and Notes for Improvement, Replacement, Construction, Repair, Reconstruction and/or Restoration of Roadways in Jamestown. Vote: President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor Piva, Aye; Councilor, White, Aye

- 2) Resolution 2020-16: Authorizing Issuance of Bonds and Notes for Fire Department Purposes

A motion was made by Vice President Meagher with second by Councilor Beye to approve the Resolution 2020-16: Authorizing Issuance of Bonds and Notes for Fire Department Purposes. Vote: President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor Piva, Aye; Councilor, White, Aye

- 3) Resolution 2020-17: Authorizing Issuance of Bonds and Notes for South Pond Dam Repairs

A motion was made by Councilor White with second by Vice President Meagher to approve the Resolution 2020-16: Authorizing Issuance of Bonds and Notes for Fire Department Purposes. Vote: President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor Piva, Aye; Councilor, White, Aye

Councilor Piva recused himself from the Public Hearing

IV. PUBLIC HEARINGS, LICENSES AND PERMITS

The Town Council will review each license application and vote on it individually. All approvals for licenses and permits are subject to the resolution of debts, taxes and appropriate signatures as well as, when applicable, proof of insurance. Please Note in Accordance with Section 42-46-6 (b) the Council May Review, Discuss and/or take Action and/or Vote on the following items:

B) Public Hearings:

- 1) Discussion and Possible Action on Proposed Amendments to the Zoning Ordinance related to Building Height, Proposed amendment of Sections 82-302 and 82-317. This amendment seeks to limit building height in any zoning district from exceeding 35' in height due to required elevation provisions of flood zone requirements (Public Hearing continued from August 17, 2020 and September 21, 2020)

A motion was made by Vice President Meagher with second by Councilor Beye to open the Public Hearing on proposed Amendments to the Zoning Ordinance related to Building Height, Proposed amendment of Sections 82-302 and 82-317. This amendment seeks to limit building height in any zoning district from exceeding 35' in height due to required elevation provisions of flood zone requirements (Public Hearing continued from August 17, 2020 and September 21, 2020)

Michael Swistak, of 143 Narragansett Avenue, Chair of the Planning Committee, spoke with regards to the Comprehensive Plan. The Town Council, Planning and Zoning have a strong obligation to defend the Comprehensive Plan until it is modified or changed. The Town Council is the ultimate body that approves the Comprehensive Plan which is then submitted to the State. We are obligated to review the Comprehensive Plan every 10 years.

Town Planner, Lisa Bryer reviewed the proposed amendment, referencing the Comprehensive Plan.

Discussion ensued on the building height

Zoning Ordinance Amendments related to Building Height July 8, 2020

Amend the Zoning Ordinance Definitions as follows:

Sec. 82-103. Definitions.

The following words [terms] shall have the following meanings [in this chapter]:

...

(26) *Building height.* ~~The vertical distance from lowest point of original grade on any of the four sides of the building or structure to the top of the highest point of the roof. (see also *Height definition in Section 317*)~~ For a vacant parcel of land, building height shall be measured from the average, existing-grade elevation where the foundation of the structure is proposed. For an existing structure, building height shall be measured from average grade taken from the outermost four

(4) corners of the existing foundation. In all cases, building height shall be measured to the top of the highest point of the existing or proposed roof or structure. This distance shall exclude spires, chimneys, flag poles, and the like. For any property or structure located in a special flood hazard area, as shown on the official FEMA Flood Insurance Rate Maps (FIRMs), or depicted on the Rhode Island coastal resources management council (CRMC) suggested design elevation three foot (3') sea level rise (CRMC SDE 3 SLR) map as being inundated during a one-hundred-year (100) storm, the greater of the following amounts, expressed in feet, shall be excluded from the building height calculation:

(i) The base flood elevation on the FEMA FIRM plus up to five feet (5') of any utilized or proposed freeboard, less the average existing grade elevation; or

(ii) The suggested design elevation as depicted on the CRMC SDE 3 SLR map during a one-hundred-year (100) storm, less the average existing grade elevation. CRMC shall reevaluate the appropriate suggested design elevation map for the exclusion every ten (10) years, or as otherwise necessary.

Sec. 82-317. - Community floodplain ordinance for special flood hazard areas.

A. Definitions. Unless specifically defined below, words and phrases used in this ordinance pertain to floodplain management, have the same meaning as they have in common usage and give this ordinance its most reasonable application.

Accessory structure. A structure which is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

Area of shallow flooding. A designated AO, AH, AR/AO, AR/AH, or VO zone on a community's flood insurance rate map (FIRM) with a one-percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined.

Area of special flood hazard. See definition for "special flood hazard area."

Base flood. The flood having a one-percent chance of being equaled or exceeded in any given year, also referred to as the 100-year flood, as published by the Federal Emergency Management Agency (FEMA) as part of a flood insurance study (FIS) and depicted on a flood insurance rate map (FIRM).

Base flood elevation (BFE). The elevation of the crest of the base flood or 100-year flood. The height, as established in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum where specified), in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas.

Basement. Any area of the building having its floor subgrade (below ground level) on all sides.

Building. See definition for "structure."

Coastal A zone. Area within a special flood hazard area, landward of a V zone or landward of an open coast without mapped V zones. The principal source of flooding must be astronomical tides, storm surges, seiches, or tsunamis, not riverine flooding. During the base flood conditions, the potential for breaking wave heights shall be greater than or equal to 1.5 feet.

Cost. As related to substantial improvements, the cost of any reconstruction, rehabilitation, addition, alteration, repair or other improvement of a structure shall be established by a detailed written contractor's estimate. The estimate shall include, but not be limited to: the cost of materials (interior finishing elements, structural elements, utility and service equipment); sales tax on materials, building equipment and fixtures, including heating and air conditioning and utility meters; labor; built-in appliances; demolition and site preparation; repairs made to damaged parts of the building worked on at the same time; contractor's overhead; contractor's profit; and grand total. Items to be excluded include: cost of plans and specifications, survey costs, permit fees, costs to correct code violations subsequent to a violation notice, outside improvements such as septic systems, water supply wells, landscaping, sidewalks, fences, yard lights, irrigation systems, and detached structures such as garages, sheds, and gazebos.

Development. Any manmade change to improved or unimproved real estate, including but not limited to, the construction of buildings or structures; the construction of additions, alterations or substantial improvements to buildings or structures; the placement of buildings or structures; mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment; the storage, deposition, or extraction of materials; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.

Height. The maximum height for buildings and structures erected in Special Flood Hazard areas shall be in accordance with the Dimensional Table of this ordinance (§82-302) minus the difference between the base flood elevation, however established, and the average existing grade.

Expansion to an existing manufactured home park or existing manufactured home subdivision. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Federal Emergency Management Agency (FEMA). The federal agency that administers the National Flood Insurance Program (NFIP).

Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from either the overflow of inland or tidal waters, or the unusual and rapid accumulation or runoff of surface waters from any source.

Flood insurance rate map (FIRM). The official map of a community on which the Federal Emergency Management Agency (FEMA) has delineated both the special flood hazard areas (100-year floodplain) and the insurance risk premium zones applicable to a community. FIRM published after January 1990, may also show the limits of the regulatory floodway.

Flood insurance study (FIS). The official study of a community in which the Federal Emergency Management Agency (FEMA) has conducted a technical engineering evaluation and

determination of local flood hazards, flood profiles and water surface elevations. The flood insurance rate maps (FIRM), which accompany the FIS, provide both flood insurance rate zones and base flood elevations, and may provide the regulatory floodway limits.

Floodproofing. Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. For the purposes of these regulations, the term "regulatory floodway" is synonymous in meaning with the term "floodway."

Freeboard. A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

Functionally dependent use or facility. A use or facility that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities. The term does not include seafood processing facilities, long-term storage, manufacturing, sales or service facilities.

Highest adjacent grade (HAG). The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure. Any structure that is:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(1) By an approved state program as determined by the Secretary of the Interior; or

(2) Directly by the Secretary of the Interior in states without approved programs.

Limit of moderate wave action (LiMWA). An advisory line indicating the limit of the 1.5-foot wave height during the base flood.

Lowest floor. The lowest floor of the lowest enclosed area (including basement).

Manufactured home. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

Manufactured home park or manufactured home subdivision. A parcel or contiguous parcels of land divided into two or more manufactured home lots for rent or sale.

Market value. Market value is the price of a structure that a willing buyer and seller agree upon. This can be determined by an independent appraisal by a professional appraiser; the property's tax assessment, minus land value; the replacement cost minus depreciation of the structure; the structure's actual cash value.

New construction. Structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

New manufactured home park or manufactured home subdivision. A manufactured home park or manufactured home subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain regulations adopted by the community.

Recreational vehicle. A vehicle which is:

- (a) Built on a single chassis;
- (b) Four hundred square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towable by a light duty truck; and
- (d) Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory floodway. See definition for "Floodway."

Sheet flow area. See definition for "Area of shallow flooding."

Special flood hazard area (SFHA). The land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year. SFHAs are determined utilizing the

base flood elevations (BFE) provided on the flood profiles in the flood insurance study (FIS) for a community. BFEs provided on flood insurance rate map (FIRM) are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location. SFHAs include, but are not necessarily limited to, the land shown as zones A, A1-30, AE, AO, AH, and the Coastal High Hazard Areas shown as zones V, V1-30, and VE on a FIRM. The SFHA is also called the area of special flood hazard.

Start of construction. For other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. 97-348), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erections of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure. For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

For insurance purposes, means:

1. A building with two or more outside rigid walls and a fully secured roof that is affixed to a permanent site;
2. A manufactured home; or
3. A travel trailer without wheels, built on a chassis and affixed to a permanent foundation, that is regulated under the community's floodplain management and building ordinances or laws.

For insurance purposes, "structure" does not mean recreational vehicle or a park trailer or other similar vehicle, except as described in paragraph 3. of this definition, or a gas or liquid storage tank.

Substantial damage. Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement. Any combination of repairs, reconstruction, rehabilitation, alterations, additions or other improvements to a structure, taking place within any 12-month period, in which the cumulative cost equals or exceeds 50 percent of the market value of the structure

([G.L. 1956,] §§ 23-27.3—106.1). This term includes structures that have incurred "substantial damage", regardless of the actual repair work performed. For purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either: (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or (2) any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Variance. A grant of relief by a community from the terms of the floodplain management ordinance that allows construction in a manner otherwise prohibited and where specific enforcement would result in unnecessary hardship.

Violation. Failure of a structure or other development to be fully compliant with the community's floodplain management ordinance. A structure or other development without required permits, lowest floor elevation documentation, flood proofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

B. Statement of purpose. The purpose of this ordinance is to ensure public safety; minimize hazards to persons and property from flooding, to protect watercourses from encroachment, and to maintain the capability of floodplains to retain and carry off floodwaters. The Town of Jamestown elects to comply with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-488, as amended).

C. Applicability.

1. Special flood hazard areas. The special flood hazard areas are herein established as a floodplain overlay district. The district includes all special flood hazard areas within the Town of Jamestown designated as zones A, AE, AH, AO, A99, V, or VE on the Newport County Flood Insurance Rate Map (FIRM) and Digital FIRM issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Newport County FIRM that are wholly or partially within the Town of Jamestown are panel numbers 44005C0059J, 44005C0067J, 44005C0069J, 44005C0078J, 44005C0088J, 44005C0157J, 44005C0159J and 44005C0176J dated September 4, 2013 (as periodically amended). The exact boundaries of the district may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Newport County Flood Insurance Study (FIS) report dated September 4, 2013. The zoning enforcement officer is responsible for floodplain management. The FIRM and FIS report and any revisions thereto are incorporated herein by reference and are on file with the town clerk, planning board, and building official.

2. Administrative provisions.

Building permit. All proposed construction or other development within a special flood hazard area shall require a permit.

The National Flood Insurance Program Special Flood Hazard Area requires permits for all projects that meet the definition of development, not just "building" projects. If the construction or other development within a special flood hazard area is not covered by a building permit, all other nonstructural activities shall be permitted by either the Rhode Island Coastal Resources Management Council and/or the Rhode Island Department of Environmental Management as applicable. Therefore if another state agency issues a permit, the local building official must have the opportunity for input and keep a copy of the respective permit in their files.

Prior to the issuance of a building or development permit, the applicant shall submit evidence that all necessary permits and approvals have been received from all government agencies from which approval is required by federal or state law.

A permit fee (based on the cost of the construction) may be required to be paid to the Town of Jamestown and a copy of a receipt for the same shall accompany the application. An additional fee may be charged if the code enforcement officer and/or board of appeals needs the assistance of a professional engineer.

Disclaimer of Liability. The degree of flood protection required by the ordinance is considered reasonable but does not imply total flood protection.

Severability. If any section, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court, the remainder of the ordinance shall not be affected.

Abrogation and greater restriction. This ordinance shall not in any way impair/remove the necessity of compliance with any other applicable laws, ordinances, regulations, etc. Where this ordinance imposes a greater restriction, the provisions of this ordinance shall control.

Enforcement. The building official shall enforce all provisions as applicable in reference to G.L. 1956, §§ 23-27.3—108.1.

Penalties. Every person who shall violate any provision of this code shall be subject to penalties put forth in G.L. 1956, §§ 23-27.3—122.3.

D. Notification of watercourse alteration. In a riverine situation, the building official shall notify the following of any alteration or relocation of a watercourse:

- Adjacent communities
- Bordering states (optional)

- NFIP State Coordinator
Rhode Island Emergency Management Agency
645 New London Avenue
Cranston, RI 02920

Risk Analysis Branch
Federal Emergency Management Agency, Region I

99 High Street, 6th Floor
Boston, MA 02110

The carrying capacity of the altered or relocated watercourse shall be maintained.

E. Use regulations.

1. Reference to existing regulations. The special flood hazard areas are established as a floodplain overlay district. All development in the district, including structural and nonstructural activities, whether permitted by right or by special permit must be in compliance with the following:

- Rhode Island State Building Code (As established under G.L. 1956, § 23-27.3);
- Coastal Resources Management Act, Rhode Island Coastal Resources Management Council (G.L. 1956, [§ 46-23](#))
- Endangered Species Act, Rhode Island Department of Environmental Management (G.L. 1956, § 20-1-2)
- Freshwater Wetlands Act, Rhode Island Department of Environmental Management (G.L. 1956, § 2-1-18)
- Minimum Standards Related to Individual Sewage Disposal Systems, Rhode Island Department of Environmental Management (G.L. 1956, §§ 5-56, 5-56.1, 23-19.15, 23-19.5, 23-24.3, 42-17.1, and 46-13.2)
- Water Quality Regulations, Rhode Island Department of Environmental Management (G.L. 1956, §§ 42-17.1 and 42-17.6 and 46-12)

Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.

2. Other use regulations.

a) Within zones AH and AO on the FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

b) Within zones AO on the FIRM, new and substantially improved residential structures shall have the top of the lowest floor at least as high as the FIRM's depth number above the highest adjacent grade and nonresidential structures shall be elevated or floodproofed above the highest adjacent grade to at least as high as the depth number on the FIRM. On FIRMs without a depth number for the AO zone, structures shall be elevated or floodproofed to at least two feet above the highest adjacent grade.

c) In zones A1-30 and AE, along watercourses that have a regulatory floodway designated on the Newport County FIRM encroachments are prohibited in the regulatory floodway which would

result in any increase in flood levels within the community during the occurrence of the base flood discharge.

d) All subdivision proposals must be designed to assure that:

i. Such proposals minimize flood damage;

ii. All public utilities and facilities are located and constructed to minimize or eliminate flood damage; and

iii. Adequate drainage is provided to reduce exposure to flood hazards.

e) Detached accessory structures in zones A, AE, A1-30, AO, and AH (i.e., garages, sheds) do not have to meet the elevation or dry floodproofing requirement if the following standards are met:

a. The structure has a value less than \$1,000.00.

b. The structure has unfinished interiors and must not be used for human habitation. An apartment, office or other finished space over a detached garage is considered human habitation and would require the structure to be elevated.

c. The structure is not in the floodway.

d. The structure is not used for storage of hazardous materials.

e. The structure is used solely for parking of vehicles and/or limited storage.

f. The accessory must be wet floodproofed and designed to allow for the automatic entry and exit of floodwater.

g. The accessory structure shall be firmly anchored to prevent flotation, collapse and lateral movement.

h. Service facilities such as electrical, mechanical and heating equipment must be elevated or floodproofed to or above the base flood elevation.

i. The structure must not increase the flood levels in the floodway.

f) Existing contour intervals of site and elevations of existing structures must be included on plan proposal (optional for b, c, d, e communities).

g) No person shall change from business/commercial to residential use of any structure or property located in the floodway of a special flood hazard area so as to result in a use or expansion that could increase the risk to the occupants.

h) The space below the lowest floor:

i. Free of obstructions as described in FEMA Technical Bulletin 5 "Free of Obstruction Requirements for Buildings Located in Coastal High Hazard Area in Accordance with the National Flood Insurance Program;" or

ii. Constructed with open wood lattice-work, or insect screening intended to collapse under wind and water without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting piles or columns; or

iii. Designed with an enclosed area less than 300 square feet that is constructed with nonsupporting breakaway walls that have a design safe loading resistance of not less than ten or more than 20 pounds per square foot.

3. Base flood elevation and floodway data.

1) Floodway data. In zones A, A1-30, and AE, along watercourses that have not had a regulatory floodway designated, the best available federal, state, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

2) Base flood elevation data. Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or five acres, whichever is the lesser, within unnumbered A zones.

3) Base flood elevations in A zones. In the absence of FEMA BFE data and floodway data, the best available federal, state, local, or other BFE or floodway data shall be used as the basis for elevating residential and nonresidential structures to or above the base flood level and for floodproofing nonresidential structures to or above the base flood level.

(Ord. of 3-1-2010(2); Ord. of 8-5-2013, § 1(Exh. A))

Town Planner, Lisa Bryer reviewed the proposed amendment, referencing the Comprehensive Plan.

Michael Swistak, of 143 Narragansett Avenue, Chair of the Planning Committee, spoke with regards to the Comprehensive Plan. The Town Council, Planning and Zoning have a strong obligation to defend the Comprehensive Plan until it is modified or changed. The Town Council is the ultimate body that approves the Comprehensive Plan which is then submitted to the State. We are obligated to do that every 10 years.

Discussion ensued

A motion was made by Vice President Meagher with second by Councilor White to approve proposed Amendments to the Zoning Ordinance related to Building Height, Proposed amendment of Sections 82-302 and 82-317. This amendment seeks to limit building height in any zoning district from exceeding 35' in height due to required elevation provisions of flood zone requirements (Public Hearing continued from August 17, 2020 and September 21, 2020) Vote: President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor, White, Aye

A motion was made by Vice President Meagher with second by Councilor White to leave the Public Hearing. Vote: President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor, White, Aye

***Councilor Piva rejoined the meeting**

V. COUNCIL, ADMINISTRATOR, SOLICITOR, COMMISSION/COMMITTEE COMMENTS & REPORTS

Please Note in Accordance with Section 42-46-6 (b) the Council May Review, Discuss and/or take Action and/or Vote on the following items:

- A) Town Administrator's Report: Jamie A. Hainsworth:
- 1) Rhode Island Department of Environmental Management, Town of Jamestown, Conanicut Marine Services, Inc. Agreement.-FYI No Action
 - 2) Motor Vehicle Tax Update- FYI No Action
 - 3) Application for State Funding Grant "Take It Outside" FYI No Action
 - 4) Beavertail Lighthouse Property becoming Surplus-FYI No Action
 - 5) Water Use Restrictions Advertise-FYI No Action
 - 6) Vacancy of Executive Assistant- FYI No Action
 - 7) Rhode Island Slave History Medallion- FYI No Action
 - 8) Request of Jamestown Estates Homeowners Association, Sewer line Westwind Drive-FYI No Action
 - 9) Center for Tech and Civic Life Elections Grant-FYI No Action

Town Administrator Hainsworth reported on the \$40,000 grant awarded to the Town for the "Take It Outside" initiative with the focus on the Village and businesses.

He announced Aileen Flath has been hired as the Executive Assistant after receiving over 50 applications for the position.

The Rhode Island Slave History Medallion, has received a generous private donation of \$2,500 and the first medallion will be placed at East Ferry, with a dedication the beginning of December.

There will be no organized events by the Town this year for Halloween. Encourage people to stay in their own neighborhoods and be safe.

Councilor Piva referenced a letter from Robert Powers regarding the sewer line on Westwind Drive, a brief discussion ensued.

Vice President Meagher acknowledged Town Clerk, Erin F. Liese for obtaining a grant of \$5,000 to help with 'Early Voting'

Councilor Beye recused herself from Unfinished Business

VI. UNFINISHED BUSINESS

Please Note in Accordance with Section 42-46-6 (b) the Council May Review, Discuss and/or take Action and/or Vote on the following items:

- A) Upcoming Meetings and Sessions – dates and times
- 1) Town Council Regular Meeting Schedule: October 19, 2020 and November 2, 2020

2) Town Council Workshop Schedule: October 6, 2020

***Councilor Beye rejoined the meeting**

A motion was made by Vice President Meagher with second by Councilor Piva to cancel the Town Council Workshop scheduled for October 6, 2020. Vote: President White, Aye; Vice President Meagher, Aye; Councilor Piva, Aye; Councilor, White, Aye

VII. NEW BUSINESS

Please Note in Accordance with Section 42-46-6 (b) the Council May Review, Discuss and/or take Action and/or Vote on the following items:

- A) Jamie A. Hainsworth Town Administrator's Performance Review for Discussion and/or Potential Action and/or Vote; which may include a compensation and/or benefit increase or alteration

President White on the Town Administrator's Performance Review; Since the beginning of his employment with the Town, Jamie Hainsworth, Town Administrator has demonstrated that he is capable of and was successful in performing the following at the highest level of efficiency. His quality of work, deadlines met, organization, attitude, ability to overcome challenges and reliability. His relationship with his fellow workers, the Community of Jamestown, and the Town Council has been cordial, efficient and reliable. Leading to the Town of Jamestown as an outstanding example of how a town should be run in a period of crisis. I wish to thank Jamie for his outstanding leadership in the last 6 plus months and find that my evaluation of his performance does not require any more than 1 under performance scale, #5 excellent!

The Town Council concurred.

Councilor Beye added how this pandemic has shown us a lot. One thing is it has shown us is what people are made of and that Jamie is everything we thought he was going to be and more.

Town Administrator, Jamie Hainsworth thank the Council for their support and acknowledged the Town Staff.

A motion was made by Vice President Meagher with second by Councilor Beye to approve a 2.5% raise retroactive to July 1, 2020. Vote: President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor Piva, Aye; Councilor, White, Aye

- B) Discussion and Possible Action on Authorization of an Educational Advertisement Regarding Information on the Proposed Charter Change for Consideration of the Voters on the November 3, 2020 General Election Ballot

Discussion ensued on the proposed Charter change

Councilor White would like to enlist the Town Administrator and Town Clerk in trying to execute a plan to educate and provide information to electors on the proposed Charter Change for Consideration of the Voters on the November 3, 2020 General Election Ballot. For thought, advertising in the Jamestown Press providing a link to the Town's website to review the changes to the Charter.

A motion was made by Councilor White with second by Vice President Meagher to approve an Education Advertisement regarding the information on the Proposed Charter Change for Consideration of the Voters on the November 3, 2020 General Election Ballot. Vote:

President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor Piva, Aye; Councilor, White, Aye

A motion was made by Vice President Meagher with second by Councilor Beye to approve the Consent Agenda. Vote: President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor Piva, Aye; Councilor, White, Ay

VIII. CONSENT AGENDA

An item on the Consent Agenda need not be removed for simple clarification or correction of typographical errors. Approval of the Consent Agenda shall be equivalent to approval of each item as if it had been acted upon separately for review, discussion and/or potential action and/or vote. A Consent Agenda item or items may be removed by the Town Council for review, discussion and/or potential action and or vote.

- A) Adoption of Town Council Minutes
 - 1) September 21, 2020 (Regular Meeting)
 - 2) September 21, 2020 (Executive Session)

- B) Minutes of Boards/Commissions/Committees
 - 1) Zoning Board of Review (August 25, 2020)

- C) Ratification of Administrative Event Approvals
 - 1) Friends of Jamestown Library Flu Clinic- October 3, 2020

- D) Award of a Bid for Jamestown Harbor Commission- Three Year Bid for the Service of thirty-six (36) private aids to navigation (PATONS) to Rhode Island Mooring Service in an amount not to exceed \$22,925.00.

- E) Request of Tax Assessor for Specific Abatements & Addenda of Taxes

ADDENDA TO 2020 TAX ROLL		
02-0880-00	Plat 4, Lot 109	\$ 1,418.73
10-0029-42	Plat 11, Lot 33	\$ 3,598.41
13-1365-01	Plat 3, Lot 84	\$ 549.03
TOTAL ADDENDA		\$ 5,566.17

X. OPEN FORUM- To participate you will press *9 to raise your hand.

The meeting moderator will coordinate your participation.

Comments are not limited to items on this agenda. However, items not on this agenda will only be heard and not acted upon by the Town Council. Note: Section 42-46-6 of the Open Meetings Act, and Department of the Attorney General Advisory Opinions relevant to this item on any public body meeting agenda specifically prohibits the Town Council from discussing, considering or acting on any topic, statement or question presented. The Town Council may, if warranted, refer such matters to an appropriate committee, to another body or official, or post the matter for consideration at a properly-noticed, future meeting.

- 1) Scheduled request to address – None
- 2) Non-scheduled request to address

XI. ADJOURNMENT

A motion was made by Vice President Meagher with second by Councilor Piva to adjourn at 7:55 P.M. Vote: President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor Piva, Aye; Councilor, White, Aye

Attest:

Denise Gamon, Town Clerk's Assistant