

**MINUTES OF THE
SUMMERFIELD TOWN COUNCIL
SUMMERFIELD COMMUNITY CENTER
JANUARY 6, 2004
6:30 P.M.**

NOTE: The official minutes are a tape recording of the meeting. The following is a summary of the events of the meeting.

Dena Barnes called the meeting to order at 6:35 P.M.

Linda Southard led the invocation.

Barnes led the Pledge of Allegiance.

Council and Staff Present:

Dena Barnes

Jane Doggett

Mark Brown

Carolyn Collins*

Michael Stewart

Bob Williams

Bill Trevorrow, Town Attorney

Dianne Laughlin, Town Clerk

Michael Brandt, Town Administrator

Susan Smith, Town Planner

*Collins arrived at 6:45.

CONSENT AGENDA:

A motion was made by Jane Doggett to approve the Consent Agenda, including the minutes from December 2, 2003, the Financial Report, Resolution to Enact a Tax Shelter of Employee's Contributions Payable as Member of the North Carolina Local Governmental Employees' Retirement System, Resolution Enrolling in North Carolina Local Governmental Employees' Retirement System and Approval of Town Holidays 2004.

Sec: Bob Williams

Passed Unanimous

ANNOUNCEMENTS:

Mark Brown announced that the American Red Cross would be holding Disaster Shelter workshops on Saturday February 7th and on Saturday March 20th at 9:00 AM at the Summerfield Fire Department. He asked that interested parties contact Town Hall to register.

SPEAKERS FROM THE FLOOR:

- Dwayne Crawford, 1106 NC Hwy. 150W, stated that he has a petition to collect signatures on May 4th to get the first 1% sales tax removed. He requested that the Town Council pass a Resolution in favor of this action.
- Joe Anderson, 5020 Shoreline Drive stated that he supported Mr. Crawford's petition and asked the Council to support his efforts.
- Barbara Dixon stated that she supports the repeal of the 1% sales tax.

- Brian Nelson, 1106 NC Hwy 150W stated that he supports Mr. Crawford's efforts and asked that the Town Council pass a Resolution. He stated that it was a voting issue for him.
- Karissa Nadeau, 2430 Pleasant Ridge Road, read a prepared statement, giving each member of the Council a copy, stating that the steps the Council has taken so far have been to no avail and that they need to take a different course of action to show Guilford County that money is important to the citizens of Summerfield. She asked Council to take decisive action in this matter.

COMMITTEE REPORTS:

- A. Community Relations:** Dianne Laughlin reported that they will meet on Thursday, January 15th at 6 PM.
- B. Conservation:** Jane Doggett reported that they have moved their meeting date to the 3rd Thursday each month and that they are still exploring areas of conservation in Summerfield. She stated that they are looking forward to Michael Brandt's presenting information on the budget process.
- C. Finance:** Betsy Ingram reported that Michael Brandt led a review of the proposed budget process and that they recommend not to fill the vacancy left by the resignation of Frank Pirozzi. They recommend the town send two representatives to the Water System Workshop at \$180.00 per person, plus mileage.
- D. Historical:** Linda Southard reported on the success of the "Old Tool Display" and shared thank you cards from the teachers and students.
- E. Parks & Rec:** Robert Gordon reported that they had met with architect Mark Robinson and are continuing work on a matching grant. Next meeting is on the 20th at the Town Hall at 7 PM.
- F. Public Safety:** There was no official meeting, but Susan Smith reported that she had spoken with Craig Whittington of the EMS and Jerry Coble, Guilford County Fire Marshall concerning non-standard signs and the dangers they pose. Craig Whittington stated that builders have put up some very decorative signs, but that they don't meet standards for reflectors and breakaway capabilities. He reported that he would like to keep the signs standard because the non-standard signs are hard to read. Jerry Coble stated that he was concerned that the signs could not be seen at night and that the signs are presently on private property which means a tree or bush could be planted in front of them and that the County nor NCDOT has any control them.
Susan Smith stated that the street signs and stop signs are installed in one subdivision at the present and that they don't meet DOT's regulation for break-away and reflection. Smith stated that a proposed form has been formatted to request approval of these signs and that a developer has completed one of these forms and is slated to come before the Council in February to ask that decorative signs be allowed. She asked Council to review the form to be sent to NCDOT. Bob Williams asked if the street have been turned over to NCDOT and Rich Taylor stated that DOT would not take them over until all standards are met. Susan Smith reported that

zoning violations would move forward if the Town Council doesn't take action. Michael Brandt suggested that the form be sent to NCDOT for their review and consideration, and then move forward with Council action.

- G. Text Committee:** Next meeting on Tuesday, January 27th at 7 PM.
- H. Thoroughfare:** Gordon reported that there was no meeting in December due to the holidays but they plan to attend an MPO meeting on January 22nd at 3:00 PM.
- I. Water Resource:** Gordon reported that their next meeting will be held on January 16th at 9:00 AM at Town Hall.

PUBLIC HEARINGS:

- A. SITE PLAN: Consideration for placement of Sidewalk.
Lisa Crews Tea House. Located at 7026 Summerfield Road.**

Susan Smith presented the case, stating that the Site Plan had been approved unanimously but there were concerns about where to have the side walk installed. Smith reported that the Zoning Board had unanimously approved the site with a waiver of the sidewalk installation with sufficient notice from Town Council.

There was discussion about the Right of Way and it was stated that NCDOT determines the placement of sidewalks.

Carrie Spence asked if the proposed Town Core Committee could take up this issue and Michael Brandt stated that the wording was put in the Ordinance, but wasn't followed up.

Smith stated that Crews needs a waiver of the sidewalk so that she can get the permits she needs to move forward.

Bill Trevorrow stated that there should be an understanding with the property owner that this link of sidewalk would be constructed when requested and that this should be a part of the motion.

Lisa Crews stated that she had no problem with putting in the sidewalk in the future, but that presently she did not have the funds.

A motion was made by Bob Williams and seconded by Carolyn Collins to grant a waiver to the sidewalk requirement on this Site plan with the condition the property owner will install the sidewalk when requested by the Town, with reasonable time given to comply. Passed Unanimous

- B. REZONING CASE #19-03: AG and RS-30 to CU-RS-40. Located on the north side of NC 150 West approximately 600 feet east of High Meadows Road in Center Grove Township. Being Guilford County Tax Map 6-358, Block 718, Part of Parcels 8, 13, and 23.**

Approximately 4.57 acres. Owned by Brenda P. Winfree, Etal.
Susan Smith presented the case, reading from the Staff report. Carrie Spencer read a brief statement reporting on the Zoning Board's

recommendation of denial. Smith explained what “non-buildable” lots meant; stating that some had existing buildings and some were in a no-perk status.

Proponents:

John Higgins, attorney for Premier Communities, stated that Guilford County Planning Board unanimously approved rezoning the adjacent 55 acres and reminded Council that they should only address the 4.5 acres that are within the town limits of Summerfield and he stated that existing trees on the property are cedar and pine and that the road visibility issue would be addressed. He explained the preliminary plat plans that Rich Taylor distributed to Council, stating that a road cannot go through land zoned Agricultural to get to a residential area.

Rich Taylor, Premier Communities, stated that this was a new company and he reported that the Guilford County Planning Board had approved the adjacent sixty acres with 33 lots. He stated that three lots would come from the Summerfeld acreage and that this is the only area that should be considered. He reported on a badly leaking septic system and a mobile home that would be moved. He stated that the entrance is best were they have recommended and that they are planning low density housing. He distributed four pictures showing how the site presently appears, including a picture of the mobile home that will be moved and he stated that they would take care to leave every hardwood.

A letter was presented that had been sent to John Bates from Lisa Streat concerning the 55 acre tract in Guilford County stating that she was not in a position to donate the land to a park nor to sell it at a below fair market price.

Opponents:

Ann Voytek, 7815 High Meadows Road, stated that she owns 33 acres, which there is a conservation easement, adjacent to the back two-thirds of the Winfree property and that she is against this re-zoning because of the multiple small streams on their property that feed into Mears Fork Creek and she feels the environment of this property cannot support 33 lots. She stated that she attended the meeting of the Guilford County Planning Board in opposition to this rezoning request.

John & Moni Bates, Summerfield Conservation Council, stated that they had concerns about the street access and the location of the property because of its locality to Mears Fork Creek. They stated they received the letter from Ms. Streat, but that no one has asked her to donate or sale her property. Ms. Bates spoke to soil, hydrology, and slope concerns she has about the property and stated that the pond on the Voytek property would become a construction retention pond with permanent run-off and continual erosion. She reported that there have been no land “takings” with any organization with which she has been involved and that they had agreed that there would be none.

She encouraged the Council to be proactive in land protection for the Town of Summerfield.

Rebuttal:

Proponents: Rich Taylor stated that he agreed with the proactive approach but that this was not the venue to discuss the donation of land. He reported that his company is installing a water main and gas lines between other subdivisions to accommodate this property and that it would benefit the Town of Summerifeld because any home owner along this route could have access to these utilities if they requested it. Taylor stated that approximately 300 residences are already hooked up to these utilities and that his company has gone to great expense and that they have a good track record.

Gary Westcott stated that they would be meeting with the Corp of Engineers and that various permits would be required. He asked Council to look at the context and stated that it was a property owner's decision to sell their land and John Higgins stated that they were required to use proper erosion control and that they want to maintain their good reputation.

Rebuttal:

Opponents: Moni Bates stated that she had walked the property and that there has been serious erosion on the north part of the property. Voytek stated that she had nothing against the developer, and that this piece of property does not need to be developed.

Robert Gordon stated that he was in favor of the re-zoning and that the land is eroding because proper care been not been taken. He reported that DOT stated they would require turning lanes if needed.

Michael Stewart spoke to lots that would be split between Summerfield and Guilford County with concerns for future problems and the possibility of annexing that property to avoid this.

Westcott stated that the Martin property is split at this time.

Michael Brandt stated that annexation is not an option; that the building permit would be determined by the location of houses, lighting ordinances etc, would have to comply with the Summerfield Ordinance on the Summerifeld property.

After further discussion, a motion was made by Carolyn Collins to deny the rezoning request as recommended by the Zoning Board and the motion was seconded by Jane Doggett.

Mark Brown stated that he had talked with Ms. Winfree, whose family has owned the property for fifty years, and that she wants to sell the land and he stated that he thinks that should be considered. He spoke to concerns

that a piece of property that size will not be set for long and that he thought Mr. Taylor's company would do a good job. Bob Williams stated that he agreed with Mark Brown.

The motion passed 4 to 2. Brown and Williams voted against denial.

A motion was made by Bob Williams to recess to Executive Session for Property and Personnel matters at 8:50 PM and seconded by Jane Doggett.

Council reconvened at 9:30 PM.

It was announced that interview would be set up for Alternate Zoning Board applicants and Michael Brandt asked the Council to authorize the Mayor or the Mayor Pro Tem to sign a revised contract with Guilford County and the Summerfield Community Center concerning Summerfield Community Park. He reported that there is a problem with the "Back-out" portion of the contract that needs to be changed.

A motion was made by Jane Doggett and seconded by Michael Stewart to authorize the Mayor or the Mayor Pro Tem to sign a revised contract with Guilford County and the Summerfield community Center concerning Summerfield Community Park.

Passed Unanimous.

Brandt reported that a soil analysis was needed from the park and that he had consulted S&EC to do the analysis and requested that Council to authorize the Mayor to sign a service agreement with said company.

A motion was made by Jane Doggett and seconded by Carolyn Collins to authorize the Mayor to sign a Service Agreement with S&EC for soil samples taken from the park.

Passed Unanimous.

BUSINESS FROM THE TOWN ADMINISTRATOR:

Brandt stated that he had received a letter from Sue Atkins, re: the Atkins Landfill, stating there was a fire in the landfill. Brandt stated that he had contacted Ken Carter, Guilford County Health Dept. and James Belle from the State and that they communicated not to accept anything that would fuel the fire, and only to accept clean fill dirt, and that the fire was not necessarily dangerous.

There was discussion about the visibility of the fire and it was stated that it was probably underground and only smoke would be visible sometimes. It was recommended that only fill dirt be allowed with no debris and the closing to continue as scheduled.

Brandt stated that he plans to send a copy of the Budget Process to the Committee chairs along with the Time Line for the reports and he plans to meet with the committee chairs and the Town Council on February 1, 2004 if that date is convenient for everyone. He also suggested a Special Meeting for May 25th to accept the proposed budget.

After some discussion, a motion was made by Michael Stewart and seconded by Carolyn Collins to approve funds of \$185.00 each for three people to attend the Water/Wastewater Seminar on January 28th and 29th.

Brandt spoke concerning an outstanding debt of over \$80,000.00 to Guilford County for Planning and Inspection Fees, stating that the debt is over two years old. Brandt stated that we need to look at other sources for permitting, planning and zoning, considering the amount that is paid to the County for these services. He suggested we review the contract with the County this spring. Mayor Barnes stated that she would mention this at an upcoming Mayors Meeting.

There was discussion about the bill and if it could be made lower and Bill Trevorrow stated that Rob Bencini stated that this bill is a compromise.

Brandt stated that we need a Budget Amendment to pay this debt.

After further discussion, a motion was made by Michael Stewart and seconded by Bob Williams to authorize payment of this outstanding debt to Guilford County. Passed Unanimous.

BUSINESS FROM COUNCIL:

Mark Brown asked for \$100.00 to fund lunch for those taking the Red Cross Emergency Training on February 7th. He stated that he had contracted some restaurants in the area and that they are willing to provide pizza, etc.

A motion was made by Michael Stewart and seconded by Jane Doggett to approve an amount up to \$100.00 for funding for the first Emergency Training session. Passed Unanimous.

Michael Stewart stated that it had cost the Community Center \$250.00 for a permit to have a propane gas tank installed at the Community Center and he asked if Council would consider reimbursing or waiving the fee for them. He stated that since he was a member of the Community Center Committee that he would abstain from the vote.

After some discussion about waiver of fees, a motion was made by Bob Williams and seconded by Carolyn Collins to waive the fee to the Community Center for a site plan required to install a propane gas tank and to refund \$250.00 paid. Passed 5 to 0. Michael Stewart abstained.

With no further business before the Council, a motion was made by Bob Williams and seconded by Jane Doggett to adjourn at 10:17 PM. Passed Unanimous

Dena Barnes, Mayor

Dianne Laughlin, Town Clerk