

**MINUTES OF THE
SUMMERFIELD TOWN COUNCIL
SUMMERFIELD COMMUNITY CENTER
SEPTEMBER 5, 2006
6:30 PM**

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

The meeting was called to order at 6:33 pm by Mark E. Brown, Mayor with around 30 citizens attending. Tonight's meeting will consist of the following: Consent Agenda; Meeting Agenda; Approve Minutes of June 12, June 22, July 11; Financial Report; Contract between Summerfield and Prudential Insurance Company for the administration of Supplemental Retirement System (401k); Adopt Town Finance Policy 101 as amended; Budget Amendments; Committee Reports; Business From Town Planner – (Recommendation from Zoning Board regarding amendments to Nuisance Ordinance Recommendation from Zoning Board regarding Agricultural Tourism Amendment; Resolution of intent to close Trainer Drive); Business From Town Administrator – (Approve Contract for emergency shelter wiring; Public Safety Committee recommendations for speed limit changes and school safety lights, review and consider for adoption Vehicle Use Policy, Discussion of website development, Recommendation to increase credit card limit to \$5,000, New Agenda forms, Update on NPDES phase II requirements; Discussion of Solid Waste Contract extension w/Republic Waste Inc. vs. RFP for new service); Business from Mayor (Announcement of Special Call meeting September 26, 2006; Request for Proposals for Comprehensive Plan, Roll of Committees in Town Government, Organizational Development of Town Government, Parks and Recreation request to hire independent contractor for parks and recreation/special projects; continued discussion of PUD Ordinance); Closed Session.

The invocation was led by Linda Southard, and the Pledge of Allegiance was led by Town Council.

INTRODUCTIONS:

Mark E. Brown, Mayor	Michael Brandt, Town Administrator
Dena Barnes, Mayor Pro Tem	Robin Smith, Town Planner
Carolyn Collins, Councilwoman	Evon Rumley, Town Clerk
Dwayne Crawford, Councilman	William (Bill) Hill, Town Attorney
Becky Strickland, Councilwoman	Dana Luther, Finance Officer
Bob Williams, Councilman	

CONSENT AGENDA:

After minor corrections, the consent agenda (including the meeting agenda, approval of June 12th and June 22nd, & July 11th, 2006 meeting minutes, (August 1st minutes has been deferred to September 26th called meeting), finance report, and FY 2005-2006 Budget Amendments as followed:

2005-06 Town Council Budget Amendment 14:

Debit Unreserved Fund Balance	\$40,000.00	
Credit Fund Balance Reserved for SC Park Phase I		\$13,239.80
Credit Fund Balance Reserved for Encumbrances		\$26,760.20

2006-07 Town Council Budget Amendment 2: Adjust amounts between line items as follows:

6011401: Community Resources-Parks and Rec Committee-P&R-Capital Outlay increase from \$27,000.00 to \$67,000.00
1010704: Transfer from Fund Balance Reserved for Encumbrances increase from \$30,000.00 to \$56,760.20

1010705: Transfer from Fund Balance Reserved for SC Park Phase I increase from \$0.00 to \$13,239.80

2006-07 Town Council Budget Amendment 3: Requested auditor adjustments to revenue line items:

1010102: 1% Local Gov. Sales & Use Tax (39) decrease from \$164,300.00 to \$65,720.00

1010103: ½ % Supplemental Local Gov. Sales & Use Tax (40) increase from \$0.00 to \$32,860.00

1010104: ½ % Additional Local Gov. Sales & Use Tax (42) increase from \$0.00 to \$32,860.00

1010107: ½ % Local Option Sales & Use Tax (44) increase from \$0.00 to \$32,860.00

1010202: Franchise Tax on Electric Power decrease from \$215,000.00 to \$190,000

1010205: Excise Tax on Piped Natural Gas increase from \$0.00 to \$8,000

1010206: Sales Tax on Telecommunication Services increase from \$0.00 to \$17,000

NO NET INCREASE OR DECREASE IN REVENUE ESTIMATES

Dena Barnes, Mayor Pro Tem made a motion to approve the consent agenda, seconded by Dwayne Crawford, Councilman, and carried unanimously.

ANNOUNCEMENTS:

Mark E. Brown, Mayor stated the Oak Ridge Lions Club & Bank of North Carolina is hosting a Tom Brown Memorial golf tournament on September 29 with the proceeds to be used for sight-and hearing-impaired.

He also stated the Town Council will have a called meeting Tuesday, September 26 at 6:30 pm at the Summerfield Community Center.

Michael Brandt, Town Administrator stated a grand opening celebration of the park's first phase is scheduled for Saturday, Sept. 9 from 4 pm to 7 pm.

SPEAKERS FROM THE FLOOR (limited to 5 min. on non-agenda items):

Stewart Albright, Superior Court judge, introduced himself and stated he would like the continued support of the people in Summerfield.

Sue O'Hale, District Court judge candidate, introduced herself, volunteered information regard this position and would appreciate a vote this fall from all the people.

Berkley Blanks, Sheriff of Guilford County candidate, introduced himself and would be running in November elections.

COMMITTEE REPORTS:

A. Community Relations: No report

B. Finance: Michael Brandt, Town Administrator stated the deposit at Oak Ridge Money Market; at the committee's last meeting on August 21, 2006, a discussion was held on investments and they received an update on finances. The Finance committee has asked the Town Council for input on their future role.

He also stated the contract to hire a person for the Parks & Rec will be on the September 26 agenda for Town Council.

- C. Historical:** Linda Southard stated the plagues have arrived in Town Hall building. She stated they are ready to be placed on the individual homes. The Historical committee hopes to have a ceremony, on a Sunday afternoon in October, to present the plagues.
- D. Parks & Rec:** Sue Beeson, Chair stated a park opening celebration is September 9, 2006 from 4 until 7:30 p.m. Music, a fire truck, greyhounds, face painting, and many other activities are planned. Hot dogs, cake and ice cream will be served at the free event. George Holub, volunteer park project manager stated the lights were in the playground area, guardrails up, mulch had been donated, and August 18th bathrooms were delivered and Jay Copeland's crew of people helped clean up around the park also.
- E. Public Safety:** Mark E. Brown, Mayor stated the discussion of request to lower speed limit on Hamburg Mill Road from 45 mph to 35 mph. He stated paving is ongoing on Summerfield Road, and the Lewiston Road Bridge is expected to remain out until at least the end of August 2006.

Ron Marshburn stated the Public Safety committee is looking into having a household hazardous waste day where residents can dispose of things that should not go into the landfill. He also stated the Town council had approved a \$2,500 cost for a defibrillator for the town, and a purchase could be added to ones from other organizations, such as the fire department, county EMS, to get a price break.
- F. SYC:** Reese Walker stated the Summerfield Youth Council will be having a September 10, 2006 Retreat and the group has activities planned for the park grand opening. Delane and Randy Williams have agreed to serve as the adult leadership members.
- G. Thoroughfare:** No report

BUSINESS FROM TOWN PLANNER:

a. Recommendation from Zoning Board regarding amendments to Nuisance Ordinance

Robin Smith, Town Planner presented the case, reading from the Staff Report.

PUBLIC NUISANCES ORDINANCE

Sec. 1-1 Nuisances prohibited; enumeration.

The following enumerated and described conditions are found, deemed and declared to constitute a detriment, danger and hazard to the health, safety, morals and general welfare of the inhabitants of the Town of Summerfield and are found, deemed and declared to be public nuisances wherever the same may exist and the creation, maintenance, or failure to abate any nuisance is hereby declared unlawful.

- 1) Any condition which constitutes or may become a breeding ground or harbor for rats, mosquitoes, harmful insects, or other pest.
- 2) A place of dense growth of weeds or other noxious vegetation over twelve (12) inches in height within the boundaries of any lot or parcel with residential or commercial development except for:
 - a) Active farming or agricultural use; and
 - b) Those lands dedicated and accepted by the town as flood plain and open space, which are established in order to preserve natural green ways and or natural connecting networks along flood ways, streams, creeks, and **wetlands.**

3) Any excessive accumulation of rubbish, trash or junk. Debris and discarded items shall not be allowed to accumulate within the yard or unenclosed porches.

4) An open place of concentration of combustible items such as mattresses, boxes, paper, automobile tires and tubes, garbage, trash, refuse, brush, old clothes, rags, or any other combustible materials or objects of a like nature.

5) An open place of collection of garbage, food wastes, or any other rotten or putrescible matter of any kind.

6) Any furniture, appliances, or metal products of any kind or nature openly kept which have jagged edges of metal or glass, or areas of confinement.

7) Buildings occupied and vacant, and other non-residential structures that constitute a health or safety hazard or both to the citizens of the Town of Summerfield as a result of conditions creating a fire hazard: bad condition of walls, overloaded floors, defective construction, delayed or abandoned construction (defined as construction without substantial progress for any period of ninety (90) consecutive calendar days), decay, unsafe wiring or heating system, inadequate means of egress, dangerous conditions creating a threat to children, frequent use by vagrants, as living quarters or other reasons, or the attraction of insects or rodents.

8) Motor vehicles abandoned, within the meaning N.C.G.S. 160A-303, on public streets or public or private property or found in violation of the Summerfield Development Ordinance.

9) Wind blown trash collecting in or on properties or premises and/or leaving the boundaries of said property or premises by airborne means.

10) Trash, refuse, garbage, broken glass, or general litter in, on, or around commercial parking lots.

11) Building materials, new or used, stored or placed in open areas visible from the roadways or neighboring property for a period of sixty (60) consecutive calendar days unless it can be shown the materials will be used in construction of a properly permitted building on the subject property in less than a total of one hundred twenty (120) days.

12) Storage of materials, inventories, vehicles, equipment, etc in areas visible from roadways or a neighboring property unless the subject property has the proper zoning, licenses, and permits for such a commercial activity.

13) Any condition detrimental to the public health, which violates the rules and regulations of the county health department.

Robin Smith, Town Planner stated this had been discussed by the Zoning Board, but no recommendation had been made. The board felt the issues should be presented to the council for input before a public hearing was held. She stated one of the most common complaints she received was from residents who said their neighbors are allowing trash to accumulate and this is bring down the property values of the homes in the neighborhood. She stated she would like to see a stronger, more upfront ordinance to keep your yard clean.

There was discussion and comments among the Town Council members. Robin Smith, Town Planner stated people have cars sitting around the front yard, grass growing around the items and the neighbors wait until it is bad before they call.

Becky Strickland, Councilwoman asked about the burning building materials, and Robin Smith, Town Planner stated that this issue would be regulated by the fire department. She also stated she believed the

department would require them to extinguish a fire if there were a number of violations by the same contractor, they could be fined. William (Bill) Hill, Town Attorney suggested a video be taken as evidence of the area if the nuisance ordinance on trash was being enforced. Robin Smith, Town Planner stated she felt the ordinance might take care of some problems with junked cars.

A public hearing at the Zoning Board will be held on September 25 and then come back before the Town Council at the October meeting.

b. Recommendation from Zoning Board regarding Agricultural Tourism Amendment

Robin Smith, Town Planner presented the case, reading from the Staff Report. She stated the agritourism ordinance had been under discussion for some time and included the ordinance from Rockingham County as a version for the council to review. Guilford County, Stokesdale and Oak Ridge all have such ordinances.

Robin Smith discussed with the Town Council the following: The proposed Agricultural Tourism Facility Text Amendments. She stated a minor facility includes the production and sales of the product and offers tours. A major facility includes the use or similar uses that will enhance the over-all property in relation to tourism and subject to issuance of a special use permit. Minimum Area: Minor-Three Acres (3) someone selling what is on the property; Major-Five Acres (5) light signs. Changes required to the Summerfield Development Ordinance: Table of Permitted Uses: (1) Agricultural Tourism (Minor); (2) Insert "D" under AG district; (3) Agricultural Tourism (Major); (4) Insert "S" under AG district; (5) Insert Land Use Code (LUC) = 2.

Robin Smith, Town Planner stated the proposal for Summerfield Town is slightly different in that minor, three-acre facilities would be permitted to allow vegetable stands. She stated this change would make smaller parcels more usable for agricultural purposes.

Becky Strickland, Councilwoman stated the ordinance would make agricultural property retail; issues like public restrooms, water would need to be considered. Robin Smith, Town Planner stated the proposal would provide options other than just selling land and subdividing it, and it would have stronger stipulations than regular commercial use.

Robin Smith will make changes to Agricultural Tourism Facility: A dual-use facility where agricultural products are grown or raised on-site and are process, blended, made, stored, or sold, that also offers tours to the public and may provide samples or sales of agricultural products or an agricultural experience. The Zoning Board did request Robin Smith to speak with the Northwest Observer before the public hearing in order to publicize the proposed addition to the Development Ordinance and this was reported to Town Council with discussion among the board members. Robin Smith stated this should be handled the same way and a brand new amendment issued.

c. Resolution of intent to close Trainer Drive

Robin Smith, Town Planner stated the town had received a letter from the DOT requesting that Trainer Drive (driveway of the Summerfield Elementary School) be removed from public dedication. The Resolution of Intent to close a public street is:

WHEREAS, a petition has been filed, pursuant to G.S. 160A-299, requesting the Summerfield Town Council to close and remove from dedication the following described street in Bruce Township:

Being all of Trainer Drive, state road number 2122, as shown on Guilford County Tax Map 1-37, from its intersection with Centerfield Road to a point approximately 0.17 miles southeast to its intersection with Summerfield Road. (See attached map)

NOW, THEREFORE, BE IT RESOLVED, that it is the intent of this Council to close said drive to the public use, and that a public hearing on this question will be held on the 3rd day of October, 2006 at 6:30 P.M. in the Summerfield Community Center, Summerfield, North Carolina, at which time the Council will hear all interested parties and make a final determination as to whether the street shall be closed and removed from Dedication.

Robin Smith, Town Planner stated a closing of a public street would be needed by council, and the issue would then be advertised for four consecutive weeks, then brought back before the council in October. Becky Strickland, Councilwoman asked about the walking track in front of the school. Michael Brandt, Town Administrator stated that Trainer Drive was maintained by the state; the drive would still belong to the public, but maintenance would be done by the county, not the state.

Mark E. Brown, Mayor stated the Resolution of Intent was to close the public street by October 3rd, 2006. Bob Williams, Councilman made a motion to approve the Resolution of intent to close Trainer Drive, seconded by Dwayne Crawford, Councilman, and carried unanimously.

9. BUSINESS FROM TOWN ADMINISTRATOR:

a. Approve Contract for emergency shelter wiring (R. Marshburn, Public Safety)

Michael Brandt, Town Administrator stated that another town emergency shelter site was needed in addition to the one at Summerfield United Methodist Church. The Center United Methodist Church agreed to allow a shelter and require the wiring to be done by the town. Kallam Electric received the lowest Bid for \$6,200. He stated during the budget process, it was decided \$7,500 had been approved.

Dwayne Crawford, Councilman made a motion to accept the bid from Kallam Electric pending receipt of requested documentation, seconded by Carolyn Collins, Councilwoman, and carried unanimously.

b. Public Safety Committee recommendations for speed limit changes and school safety lights

Michael Brandt, Town Administrator stated the Public Safety Committee had recommended the council request a DOT study to be done regarding the speed limit on Hamburg Mill Road plus a study on the installation of a traffic signal at the intersection of Hamburg Mill and Pleasant Ridge Roads. He stated the speed limit should be 35 mph on unmarked roads; even though the town is asking for a recommendation by the DOT, the council does have the ability to set speed limits. The Public Safety Committee also requested the DOT to install flashing lights in the school zone around Summerfield Elementary; plus speed limit amount to be done on Pleasant Ridge Road between Oak Ridge Road and Bunch Road and Brookbank Road between Oak Ridge Road and the Armfield subdivision. Ron Marshburn, Public Safety Committee, stated he was informed the DOT only does studies on certain areas.

Carolyn Collins, Councilwoman made a motion to ask the DOT to study the areas proposed, seconded by Dwayne Crawford, Councilman, and carried unanimously.

c. Review and consider for adoption Vehicle Use Policy (M. Brandt)

Michael Brandt, Town Administrator stated he had drafted a policy on who could use the town vehicle, which was taken from the municipalities' policies. He felt the town council should look at addressing the driver responsibility and requirements to drive the truck. The new proposed policy would state drivers of the vehicle must have a valid N.C. driver's license and they are obligated to notify the town if their license has been revoked. He stated a revocation of a license could occur many months after a particular event, and action may need to be taken more quickly. This policy stated says the driver could be dismissed if they fail to follow the policy, and while a staff member or volunteer might be able to be dismissed, it would be difficult to dismiss a council member. He also recommended a change in the language to address different classes who might drive the town vehicle.

Michael Brandt, Town Administrator asked if drivers need to have no violations within a certain period of time, and William (Bill) Hill, Town Attorney recommended a three-year clean driving record, but if a ticket is received and a driver safety course is taken at GTCC, it would be up to the Town Council whether to reinstate driving privileges.

Carolyn Collins, Councilwoman asked about DWIs, and William (Bill) Hill, Town Attorney suggested going back seven years.

Becky Strickland, Councilwoman asked if something could be added which says no smoking is allowed in the town vehicle at any time, and Michael Brandt, Town Administrator agreed that was needed. Dwayne Crawford, Councilman said he had concerns about tying the vehicle use policy to a disciplinary policy, and asked if a citizen would be removed from a committee if they get a ticket. Strickland said their driving privileges of the town vehicle could just be revoked, and Michael Brandt, Town Administrator said it could be up to council whether to take further action.

Becky Strickland, Councilwoman stated there was nothing in the policy which said the vehicle must be returned to town hall at the end of each day not unless it was being used for public safety. Michael Brandt, Town Administrator stated the policy should make it clear, but occasionally be advantageous for an employee to take the vehicle for overnight travel or take it home overnight. He stated he would recommend changes to the policy and put the issue on the agenda for the special Sept. 26 meeting.

d. Discussion of website development (M. Brandt)

Michael Brandt, Town Administrator stated the current Web site is a burden to maintain, and the current webmasters had stated they were no longer interested in the job. He stated the League of Municipalities offers a Web site to municipalities through govoffice.com. This site is used by the Town of Oak Ridge. He also stated he had also deal with several local firms who do Web site development, and included information presented by Summerfield resident Scott Redmon, who has done many local Web sites. Michael Brandt, Town Administrator stated he had not discussed pricing with Redmon, but guessed govoffice.com would be a better deal cost-wise; however, he said there may be value in having a local person handle the Web site, which might make it worth the additional cost to have this person living close to the town.

Dena Barnes, Mayor Pro Tem asked if Michael Brandt, Town Administrator anticipated using online payments. He stated not immediately, but in the future the town might want to consider accepting planning fees online. Mark E. Brown, Mayor asked Dwayne Crawford, Councilman for his opinion, and he stated the bandwidth on the govoffice.com site should be checked and he would look into the matter, which will be discussed again later. Michael Brandt, Town Administrator suggested council go to

govoffice.com to look at examples. Mark E. Brown, Mayor and Michael Brandt, Town Administrator recommended to the council to leave open (Table) for 30 days.

e. Recommendation to increase credit card limit to \$5,000 (D. Luther)

Dana Luther, Finance Officer stated the town credit card had a \$3,000 maximum spending limit, which has been reached twice in the last few months. She stated as a result of charges being denied, volunteers had used their personal funds and asked for reimbursement. This keeps the town from having the sales tax refunded on the purchases. Dana Luther, Finance Officer recommended the credit limit be increased to \$5,000. Currently the town has three credit cards – the mayor (Mark E. Brown, Mayor) and town administrator (Michael Brandt, Town Administrator) each have one with a \$2,000 spending limit, and the town clerk (Evon Rumley, Town Clerk & Office Manager) has one with a \$1,000 spending limit. However, the total of all three cards cannot exceed \$3,000.

Bob Williams, Councilman made a motion to increase the spending limit on town credit cards to \$5,000, seconded by Dena Barnes, Mayor Pro Tem. The motion passed 3-2, Carolyn Collins, Bob Williams, Dena Barnes, for with Becky Strickland, Councilwoman and Dwayne Crawford, Councilman against this motion.

f. New Agenda forms (M. Brandt)

Michael Brandt, Town Administrator mentioned that he had left copies of a new Agenda Form for the Town Council to review. This would include the following: Agenda Item #, Subject, Requested Action, and Review Process, staff recommendation, comments, Town Council Action and comments. This form could be used by either citizen or staff.

g. Update on NPDES phase II requirements (M. Brandt/R. Smith)

Michael Brandt, Town Administrator stated the update on the NPDES phase II before Town council. Becky Strickland, Councilwoman asked for an update on the National Pollutant Discharge Elimination Standards. The Town of Summerfield is exempt because the population is under 10,000; the state legislature has decided that some urban counties need to be included. This basically means Guilford County must implement some level of the NPDES rules. The town currently has watershed areas, generally on the south side of N.C. 150, so these rules will not change. Some standards will have to be followed on the north side of N.C. 150. He stated either the state or the county will handle this, and while it will not affect the town, it will affect the development industry. No action is needed now, but this will become a bigger issue for the town in the future (2010 – 2011)

h. Discussion of Solid Waste Contract extension w/Republic Waste Inc. vs. RFP for new service (M. Brandt)

Michael Brandt, Town Administrator stated the council had approved a franchise agreement with Republic Waste five years ago. He stated the agreement was about to run out, but it allows for one-year extensions. Republic Waste Inc. is willing to continue to handle garbage service for the town; however, if the contract is put out for bid, they have the ability to redo their bid, which could be higher or lower. Mark E. Brown, Mayor and Michael Brandt, Town Administrator will attend a solid waster meeting on the county level. If bids are sought, Michael Brandt, Town Administrator proposed getting one for both current and universal service (the gasoline prices has increased and this could be passed onto citizens). The Town Council generally agreed to get a price from Republic; if they are not agreeable with the price,

the item will quickly be put out for bid. This will come back before the council either September 26 or October meeting.

BUSINESS FROM COUNCIL

Dwayne Crawford, Councilman requested permission to do some minor updates on the current Web site, which would include posting agendas, schedules of meetings and meeting minutes (past minutes, post PDF documents. The Town Council agreed to accept his offer. He stated also he had been checking on technology for recording equipment for the Town Council meetings. He asked for help from any citizens who would like to serve on the Technology Committee.

BUSINESS FROM MAYOR

Mark E. Brown, Mayor stated the Town Council will hold a special called or special meeting on Sept. 26, 2006. The Town Council will discuss bids for the comprehensive plan, the role of committees, organization of town government, the request to hire an independent contractor for parks and recreation/special projects, and continued discussion of a possible Planned Unit Development. Requests were also made to add the vehicle use policy, solid waste contract and approval of Aug. 1 meeting minutes.

CLOSED SESSION

Mark E. Brown, Mayor stated information regarding the closed session. Dena Barnes, Mayor Pro Tem made a motion to recess into the meeting seconded by Dwayne Crawford, Councilman, and carried unanimously.

The council went into closed session to consider the qualification, competence and performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee as provided under NCGS 143-318.11 (a)(6) at 8:35 p.m.

Upon Town Council return at 9:15 p.m., Bob Williams, Councilman made a motion to reconvene the meeting seconded by Dena Barnes, Mayor Pro Tem and carried unanimously.

Bob Williams, Councilman made a motion to remove Robin Smith, Town Planner from her probationary period as of the current date seconded by Dena Barnes, Mayor Pro Tem and carried unanimously.

With no further business before Town Council a motion was made to adjourn by Carolyn Collins, Councilwoman at 9:16 pm. The motion was seconded by Bob Williams, Councilman and carried unanimously.

Mark E. Brown, Mayor

Evon Rumley, Town Clerk