



**MINUTES OF THE  
SUMMERFIELD TOWN COUNCIL  
SUMMERFIELD COMMUNITY CENTER  
March 11, 2008  
6:30 PM**

**NOTE: The official minutes 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 6:30 pm by Mark Brown.

The invocation was led by Linda Southard, followed by the Pledge of Allegiance.

**INTRODUCTIONS:**

**Council:**

Mark Brown, Mayor  
Dena Barnes  
Alicia Flowers  
Becky Strickland  
Bob Williams  
John W. Wray Jr.

**Staff:**

Michael Brandt, Interim Town Manager  
Dana Luther, Finance Officer  
William Hill, Town Attorney  
Craig Harmon, Town Planner  
Valarie Halvorsen, Town Clerk

**CONSENT AGENDA:**

Barnes made a motion to approve the Consent Agenda, including the minutes of the February 7, February 12, February 18, and the February 28, 2008 meetings, and the Financial Report. The motion was seconded by Wray and carried unanimously.

**ANNOUNCEMENTS**

Brown announced that due to a full agenda, the current meeting will be continued to Monday March 31, 2008, 6:30 pm at the Summerfield Community Center.

Brandt announced upcoming events relating to the Great American Clean Up on April 4, 2008 at the Agricultural Center on Burlington Road and April 5, 2008 in Greensboro and High Point, with an Earth Day celebration to follow at the Kathleen Clay Edwards library branch.

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

Polly Sizemore, 505 Miltwood, introduced herself and announced she was coming up for reelection as a district court judge and would appreciate Summerfield residents' votes.

Virginia Lee, 7415 Ida Lee Ln, apologized to Kim Parker for any perceived slight based on comments made about the Beeson Rezoning (Case #09-07). She expressed being upset that Strickland "rose and clapped" following Parker's comments at the last meeting.

Strickland replied that she did not rise.

**COMMITTEE REPORTS:**

A. **Community Relations:** No report.

- B. **Finance:** Dana Luther stated the next meeting is March 17, 2008, and that budgets were underway.
- C. **Historical:** Linda Southard stated the next meeting would be the last Thursday of the month (3/27/08).
- D. **Parks & Rec:** Sue Beeson reported the committee met last Thursday (3/6/08) and brick sales are coming to a close.
- E. **Public Safety:** Ron Marshburn reported the committee met last month and discussed the following issues: fire department water needs and the possibility of reactivating the Water Committee as an ad hoc committee under Public Safety, speeding concerns and perhaps partnering with the Guilford County Sherriff's Department to create a speeding plan, and committee members volunteering to do safety inspections in the park and future ball fields. The next meeting is March 19, 2008.
- F. **SYC:** No report.
- G. **Comprehensive Plan:** Harmon stated the committee was in the process of setting up interviews for a new consultant, 2 co-chairs were elected, and the next meeting is tentatively planned for the second week in April.

Luther was excused at 6:46 pm.

**PUBLIC HEARINGS:**

**Rezoning Case #09-07 AG & RS-40-MH to CU-HB,** owned by R.L. and Joan Beeson, and Kevan Combs. The property is located at 3668, 3672, and 3674 Oak Ridge Rd, being Guilford County tax map # 10-654, block 972, parcels 11, 17, and 19. The property, located in Bruce Township, include approximately 25.12 acres.

Harmon described the request and conditions, and the existing (primarily residential) and proposed (commercial) usage of the property. The surrounding properties are primarily zoned residential. Comments by the three residents who attended the Public Open House were all negative. Staff conclusions are as follows: Positive – the HB zoning district would be compatible with the commercially zoned property directly to the north of this one, future major intersection; Negative – most of the surrounding property is currently residential, many unknowns remain regarding the design of the future interchange.

Harmon noted the Zoning Board voted unanimously to deny the request, and that a valid protest petition had been filed by the owners of the 7 bordering properties on December 11, 2007. Because of the filing of the protest petition, a 4/5's majority vote of council will be required for approval of the rezoning request.

Strickland asked Harmon how many subdivisions had been approved since the 2003 traffic study. Harmon replied that quite a few had been approved and the town was looking into the issue of acquiring more up to date traffic counts.

Barnes asked about the landscape buffer offer and Harmon explained that the offer was to double the amount of foliage in the buffer rather than to double the size of the buffer itself. He gave an example: if there was a requirement for 3 shrubs every 100 feet, 6 shrubs would be planted instead. He further noted that landscape design would have to be approved by the Town.

Brown opened the public hearing at 7:03 pm.

**Proponents:**

Bill Greco, 7622 Bentley Rd Greensboro, spoke on behalf of the petitioner and thanked all for their patience and understanding with the previous continuances. He discussed the request, conditions, and stated there is commercial use on the properties currently. The applicant wants to rezone for estate planning purposes; there are no current plans for selling or development of the property. He further stated that commercial zoning is suitable to the location and the Land Use Plan and other documents support such use. Greco does not feel that there will be much traffic impact, that the request is reasonable and compliant with all ordinances and plans, and urged council to support it.

Renee Weidel, 7000 Belford Rd, stated the area will eventually be used as commercial and there is an opportunity now to restrict the uses. She agrees with Greco that traffic additions will not have a big impact. She supports the rezoning within the guidelines of the Long Range Plan.

Joan Beeson, 3668 Oak Ridge Rd, the applicant, stated there is no intent to do anything harmful to the town, that she worked with Brandt to ensure correctness, and was asking for support and approval.

Richard Beeson, 3672 Oak Ridge Rd, said he and his family are not developers; they only want to protect their own interests of the property that has been in the family for more than 70 years. There is no intent to sell or develop any of it; they want to rezone for estate planning purposes and due to the highway coming in the future. He stated property across the street was already zoned commercial and the adjoining properties were not adversely affected. During the process, all neighbors have been treated respectfully. Beeson apologized to anyone who was inconvenienced by the continuances due to his mother's injuries. He asked for council's approval of the rezoning and thanked them for their consideration.

Virginia Lee, 7415 Ida Lee Ln, feels that the Beeson family should be able to exercise their personal right and property rights by doing what they want to with the property, as long as it complies with the Long Range Plan and ordinances.

Whitney Lee, Dickinben Rd, is in favor of the rezoning. She feels that commercial use would be preferable to residential, as the schools are already overcrowded and cannot absorb any more students.

Roxanne Gilgallon, 7500 Dickinben Rd, is in support of the Beeson's right to rezone and feels that the Beeson family would never do anything that was not in the best interest of the town.

**Opponents**

Bob Jones, president of the Henson Farms Home Owners Association, stated 80% of neighborhood residents, 66 of 81 families, have signed a petition asking the council to deny the rezoning based on the following concerns: increased traffic, possible uses under HB zoning, the highway is not coming anytime soon, and there is no urgency because the Comprehensive Plan is not complete. He noted the Zoning Board had voted unanimously for denial and asked council to follow their decision.

Kim Parker, 7207 Henson Farm Way, stated safety for the children was her main concern, that commercial development was not in the best interest of the town and other commercial properties are empty. Commercial development brings crime and loitering and increased traffic, and does is not congruent with the rural charm of the town.

Brian Hitney, 7205 Henson Farm Way, does not doubt the Beeson family's good intentions, but intentions don't matter. He addressed the comments that action is needed now to prevent undesirable uses and feels that could also be addressed in the future, and as to comments that the property across the street

is commercially zoned, the GB zoning is vastly different from the proposed HB zoning and more commercial development is not needed at this time. There have been 2 petitions filed against it and the Zoning Board recommended denial unanimously, and the HB zoning is not appropriate for the town at this time.

Jeff Johnson, 6106 Bascom Dr, said he moved to Summerfield for the great schools, large lot sized, and low commercial development and feels this rezoning would threaten the reasons that most people chose to live here. He feels that it would do substantial harm to property values, and just because the highway connector is coming does not mean the property should be rezoned commercial. He asked council to deny the request and therefore prevent Summerfield from becoming a smaller version of Greensboro.

Johnny Hatchett Jr, 5904 Snow Hill Dr, chose to live here because of the rural charm and is strongly opposed to the rezoning.

Jimmy Guess, 6107 Bascom Dr, listed 6 reasons why he feels the council should deny the request: it is a negative change, it is not keeping with the current atmosphere of the community, it is an invitation to crime, too close to houses, traffic, and the rights of one family versus the rights of the majority.

Ann Dodd, 7101 Lentz Ct, also referenced the rights of two land owners versus the rights of dozens, perhaps hundreds, of land owners and believes the Beeson family has good intentions but HB zoning opens up lots of undesirable options. She intends to move if the rezoning is approved and asked council to deny the request.

Gail Dunham, 5805 Snow Hill Dr, feels the rezoning would not be fair to the rest of the community because property values will suffer, that it is too close to the houses, that there are problems with the process and flow of information and asked council to deny the request.

Tom Perkinson, 5804 Snow Hill Dr, stated safety is the main issue, I-73 will be a major thoroughfare and commercial development would be an invitation to anyone coming off the highway, which would bring criminal potential to the adjoining neighborhood.

Robert Nin, 6308 Blue Aster Trace, stated the traffic problem and the ensuing consequences that would come from commercial development are being grossly underestimated.

Dwight Santiago, 6212 McKibbon Circle, said the 150 intersection is already dangerous and asked why there is an urgency to rezone. He further stated the Zoning Board's unanimous recommendation to deny should be respected and heeded and safety and environmental impacts are big concerns.

### **Rebuttal**

Bill Greco disputed the argument that anything was 25 feet from homes; he stated it was not possible and easily verified. The reason the Land Use Plan and ordinances are in place is to guide council on making these decisions, rather than the decision being made based on which sides brings the most people in support. As to the safety issue, the scenic corridor guidelines dictate structures necessary for safety, an issue which is not applicable at this time, but rather during a site plan review. The property has an existing pond to be used by the fire department for water, and any building and developing is subject to watershed regulations. The focus of the decision needs to be on compatibility with adopted plans and the reasonableness of the request.

Strickland asked if a potential site plan had been created. Greco replied no, that his point was that was a future consideration and the issues raised are more appropriate for that point in time.

Wray asked about the size of the buffer and Greco replied there was 50 ft from the existing buffer to the closest property.

Hill reminded council that the decision must be based on the ordinance and compliance with that ordinance, that site plan issues would be addressed at a later time.

Richard Beeson discussed his December statements about willingness to meet with the neighbors, and during a January meeting only 3 of the 7 who signed a petition against the rezoning were present. They have tried to work with the neighbors by excluding over 60 potential uses and it seems that they are unwilling to work with the family. He asked council to approve the request and allow the family to exercise their property rights.

### **Opponent Rebuttal**

Kim Parker, 7207 Henson Farms Way, stated many neighbors did not want to meet with the Beeson family because they felt the family would not budge and she understands that site plans and other things would also have to be approved down the road, but this is the only chance for the neighbors' voices to be heard. She said they had asked for a larger sized buffer, not additional trees and shrubs, to limit the size of the potential building or parking spaces and none of that has been done. She feels that it is inappropriate to nestle commercial development within a residential area. She urged council to do what is in the best interest of the town and feels that this rezoning is not. Parker reiterated that while the Beeson family may have good intentions, intentions do not matter, as the next owner may not have good intentions.

Jeff Johnson contested Greco's statement about the space between the properties and said if it is not 25ft away, it is not much further.

Bob Jones again stated that 80% of the neighbors were opposed and the combination of I-74 and HB zoning would bring criminal activity.

Gail Dunham stated the continuance of the matter without notice to the homeowners was not acceptable. She says applicants don't have the right to do anything they want with their property when it affects others and asked for more documents to be made public regarding cases such as this.

Brian Hitney says a 25ft landscape easement is not the same thing as a conservation buffer.

Tom Perkinson stated he is very passionate about the safety and crime issues.

Brown closed the Public Hearing at 8:25 pm.

Hill reminded everyone that since a protest petition had been filed and certified as correct, a 4/5's majority vote of council will be required for approval of the rezoning request.

Wray felt all speakers made good points. He recalled years ago asking for a moratorium on development until the Long Range Plan was complete, so council would know how the citizens felt. The plan was reviewed by the citizens and approved by the citizens. Additionally, a consultant was brought in to create a Commercial Needs Assessment, again, to get citizens input how they want the town to be developed. He feels he must support the rezoning based on the Long Range Plan and Commercial Assessment that was based on citizen input.

Barnes stated it was a difficult decision to make and whatever the outcome someone would be unhappy. She noted the Beeson's brought this up in 2000 and many of the opponents were not living here then. If the interstate comes, the property does not seem like it would be any good for residential use.

Strickland referenced the protest petition, saying it gives opposing citizens a say, it is a very tough decision, there are many unknowns about I-74, most of the surrounding property is residential, it would be a premature conversion from farmland to commercial as the highway may not come for 10 years, and it is unsure where it will start. There are too many unknowns and too many citizens impacted. Preserving the rural character of Summerfield is important and traffic and safety issues are concerning.

Wray made a motion to approve the requested rezoning based on the findings that it will preserve the individual property owner's rights, it will not have any more impact on the schools, and it will insure that public safety will not be affected by the rezoning, and it is reasonable and in the public interest. The motion was seconded by Williams. The vote was 3 to 2, with Strickland and Flowers opposed. The motion fails due to lack of a 4/5 majority vote.

*Break from 8:38 to 8:55*

**Rezoning Case #04-07 CU-OSRD to CU-OSRD**, owned by Summerfield Properties, LLC. The property is located at 6846 Banning Rd, being Guilford County tax map # 13-654, block 971, parcel 7 and a portion of 7312-Rear Henson Forest Dr., being Guilford County tax map # 13-654, block 971, parcel 201. These parcels, located in Bruce Township, make up approximately 370 acres. The rezoning request is to modify already approved conditions from case #02-03, increasing the density from 290 lots to 314 lots and other zoning condition modifications. The case is being heard under Court Order 07 DVS-10561, which remanded the case to Town Council for further review/action after the applicant removed the zoning condition for twin home development.

Hill announced that anyone wishing to speak who did not speak previously on this matter would need to be sworn in, and those who did speak previously would be asked to verify the truthfulness of their prior testimony before speaking tonight. Hill read from the following statement which is hereby incorporated into these minutes:

This hearing is Summerfield Properties/Armfield's request to amend the conditions presented in their initial Conditional Use Rezoning in 2004. As many of you may recall, this matter was heard on September 11, 2007 at which time the Council denied Armfield's request. Summerfield Properties, as is their legal right, appealed the decision to the Superior Court of Guilford County. At that time, the Honorable Stuart Albright decided that there was insufficient evidence in the record on the applicant's proposal to remove twin homes, for him to make a decision. Copies of Judge Albright's Order are on the table for anyone who would like to review it.

You may recall that this condition, that is to remove any twin homes, was offered at the end of the hearing but before the final vote. The applicant is allowed to propose such a condition under North Carolina Law.

Pursuant to the Court's Order, our hearing tonight is limited to information on the last condition; that being removal of the twin homes. Please bear in mind that the Council has a complete copy of the record of the prior proceedings, to include all material in the rezoning packet and a transcript of the prior hearing of September 11, 2007. The Council may consider that material in their deliberations and decision tonight. However, the "new" information to be offered tonight is limited to the final condition-that is removal of the twin homes.

We realize that this rezoning and all rezonings are important to the parties involved. We appreciate the time you have taken to make your opinions hear. However, we can all help this matter proceed more smoothly if we bear in mind that the new information to be considered tonight is limited to the final condition as I have described. In order to ensure that we are proceeding in accordance with the Court's Order, I may, from time to time, have to interject if I feel that information is being offered outside the scope of the Order. I will make every effort not to cut anyone off or appear to be rude, but because we are operating under a Court Order, I may have to be more active than usual. If anyone has any questions of me before we start, I will be happy to address them. Likewise, I will make myself available after the

hearing for anyone who has any questions. Thanks again for your participation in this process and your cooperation.

Brandt presented the case reading from the staff report. He read the conditions, stating numbers 11 and 12 were recommendations by the Zoning Board, and described the property. He discussed the differences between the OSRD Standard from the ordinance, the original Conditional Use Rezoning, the denied rezoning of 11/06, and the requested rezoning with September 11, 2007 amendments. The request is compatible with the following goals of the Long Range Plan: assurance of a range of housing opportunities, preserving individual property owner's rights, and preserve natural resources and scenic areas. No one indicated a strong negative reaction during the public comment meeting of June 5, 2007. Staff conclusions are as follows: Positive – The development continues to provide protection for environmentally sensitive areas and includes additional conditions to protect the pond, and the density is significantly less than surrounding neighborhoods and other OSRD developments in Summerfield; Negative – Additional lots increase the overall density than originally approved, and potential for additional traffic impacting surrounding streets.

Derrick Allen, 230 N Elm St Greensboro, the applicant's attorney, discussed the case, saying the current proposal includes 24 additional units and the removal of the twin homes, 107 lots less than what is permitted under OSRD. He says the list of conditions is impressive and exceeds the OSRD standards.

Strickland asked if Mr. Brady intended to immediately plat 175 lots. Allen replied while the "look back" condition allows for that, they will work with the town on that, but yes, it is allowed under the condition.

Brown opened the Public Hearing at 9:16 pm. The clerk swore in those who testified previously at the September 11, 2007 public hearing, as well as those who did not testify previously.

#### **Proponents**

None at this time.

#### **Opponents**

Renee Weidel, 7000 Belford Rd, asked if the tracts reserved for open space and a park dedication were in the line of the proposed I-73 corridor. Brandt responded the park is not and the open space should not be affected either. Weidel stated that she is neutral about the proposal now that the twin homes have been removed from consideration, but is concerned with setting a precedent.

Dwight Santiago, 6212 McKibbon Circle, is opposed to the "look back" provision and feels that infrastructure will be stressed if this is approved.

Hill reminded all that only new evidence can be considered.

Strickland asked Santiago about his prior testimony about what he bought into. Santiago replied it was originally put forth as 290 lots with lot sizes not less than half an acre. They are now one third of an acre, and there was never any mention of twin homes or higher density at that time. Strickland asked if he was still opposed after the removal of the twin homes and based on the higher density, because that is not what he bought into. He replied affirmatively and proposed allowing the 314 lots with the condition that only 75 could be plotted each year.

Aveline Quinlan, 7364 Henson Forest Dr, is in opposition to the rezoning even with the removal of the twin homes, and like Santiago, also discussed the issue of number of lots and lot sizes. She is opposed to the "look back" provision and is concerned about the ability of schools to absorb *any* additional students.

Hill again reminded all that only the twin home issue can be considered.

Gail Dunham, 5805 Snow Hill Dr, feels that the process is flawed, that Mr. Brady was making changes and negotiating during the public hearing, there are no maps or handouts available to members of the audience, that it should have gone back to the Zoning Board. She further stated any area to be consumed by the highway corridor should not be included in the open space, and that property rights also should include the rights of the current homeowners, not just the developer.

Hill stated he had great respect for Judge Albright, and that the property rights of the applicant are what is being addressed in the Long Range Plan.

Dwayne Crawford, 1106 NC Hwy 150 West, advised council they could be setting a precedent because the rezoning will allow higher density.

#### **Proponent Rebuttal**

Derrick Allen stated like Hill, he had great respect for Judge Albright who issued the Order dictating the boundaries for tonight's hearing and chooses not to address the comments outside of the twin home issue and objects to the comments outside of the issue.

#### **Opponent Rebuttal**

Dwight Santiago asked Hill if the proposal he made could be considered tonight based on the court Order. Hill feels it cannot be considered. Santiago then stated he wanted to go on the record as being opposed to the rezoning as it was not what he bought into.

Aveline Quinlan is very adamantly against the higher density.

Gail Dunham is opposed, saying it is against the ordinances and feels that the property rights of the current residents should be considered, as Mr. Brady sold to them based on certain property rights. She feels this should be returned to the Zoning Board for a clean plan, and that homeowners were not apprised of meetings during this entire process.

Dwight Santiago asked Allen if he was in a position to speak for Mr. Brady to make modifications to the plan. Allen replied no and stated as the development is built out the homeowners would take over the HOA, which is currently controlled by the developer.

Hill again reminded all to limit comments to the twin home issue.

Evelyn Spath-Mercado, speaking from the floor stated was not a resident but was here visiting her daughter. She was opposed to the rezoning, that the town does not seem prepared for the rapid growth that this would bring and it is not what the residents bought into originally.

Brown closed the Public Hearing at 9:47 pm.

Hill reminded council they can only consider the twin home issue.

Flowers asked Hill if the vote tonight was to approve or disapprove based on the removal of twin homes and that all other conditions stand. Hill replied the vote would be on all conditions, based on new evidence brought forth about the twin home issue.

Strickland made a motion to deny the rezoning as it is not reasonable or in the public interest since people had bought into something that is not able to be built out at this time, and based on the failure to meet the

following goals of the Long Range Plan: assure public safety, allow safe and efficient transportation, preserve natural resources and scenic areas, and the impact on public schools, roads, and other infrastructure. The motion was seconded by Flowers and carried 3 to 2, with Wray and Williams opposed.

*Break from 9:51 to 9:57.*

**TOWN MANAGER REPORT:**

**Discuss request from Guilford County Emergency Services to use the Summerfield Community Park for a 24 hour Emergency Preparedness Exercise.**

Brandt discussed a request from Guilford County Emergency Services to use the Park from June 27 to June 29 to conduct an annual Field Day exercise to test their ability to set-up and run an emergency communication facility.

John Doggett gave a brief presentation about the event which will mainly include the use of Ham radios for communication, and may also include a mobile hospital from Moses Cone and a blood drive. He said the public was encouraged to come out and observe the emergency preparedness exercise.

Barnes made a motion to approve the use of the park for the Field Day exercise from June 27 to June 29. The motion was seconded by Wray and carried unanimously.

Brown read the reason for going into closed session as follows:

**CLOSED SESSION: (If Needed)**

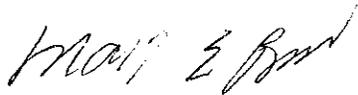
**A) consider the qualifications, competence, performance, character, fitness, conditions of appointment or conditions of initial employment of an individual public officer or employee or prospective public officer or employee as provided under NCGS 143-318.11(a) (6)**

Wray made a motion to enter into closed session at 10:06 pm. The motion was seconded by Williams and carried unanimously.

Barnes made a motion to return to open session at 10:41 pm. The motion was seconded by Williams and carried unanimously.

**RECESS UNTIL MARCH 31, 2008, 6:30 pm.**

With no further business before the Town Council, a motion was made at 10:41 pm by Barnes to recess and *continue* the meeting to March 31, 2008, 6:30. The motion was seconded by Flowers and carried unanimously.



Mark E. Brown, Mayor



Valarie Halvorsen, Town Clerk