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April 30, 2008

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**AGENDA OF THE  
SUMMERFIELD TOWN COUNCIL  
SPECIAL CALL MEETING  
SUMMERFIELD COMMUNITY CENTER**

**April 30, 2008  
6:30 pm**



- 1. CALL TO ORDER**
- 2. INTRODUCTIONS**
- 3. AWARD OF CONTRACT**
  - A) Consider award of Professional Services Contract for Engineer/Landscape Architect for Summerfield Athletic Park**
  - B) Consider award of Professional Services Contract for Comprehensive Plan Consultant**
  - C) Consider bid award for Park Construction Contract**
- 4. BUSINESS FROM TOWN MANAGER**
  - A) Discuss and choose final design layout for SCP Park Gate**
- 5. BUSINESS FROM TOWN COUNCIL**
  - A) Consider appointment of new members of Comprehensive Plan Committee**
  - B) Discussion of Resolution of Intent regarding charter change**
- 6. CLOSED SESSION:**
  - 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); and**
  - C) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged.**
- 7. ADJOURN**

**MINUTES OF THE  
SUMMERFIELD TOWN COUNCIL  
SPECIAL CALL MEETING  
SUMMERFIELD TOWN HALL  
April 30, 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.

**PRESENT:**

**Council:**

Mark Brown, Mayor  
Dena Barnes, Pro Tem  
Alicia Flowers  
Becky Strickland  
Bob Williams  
John Wray

**Staff:**

Michael Brandt, Interim Town Manager  
William Hill, Town Attorney  
Craig Harmon, Town Planner  
Valarie Halvorsen, Town Clerk

**Consent Agenda**

Barnes made a motion to approve the Consent Agenda, which consists of the Meeting Agenda. The motion was seconded by Wray and carried unanimously.

**Consider award of Professional Services Contract for Engineer/Landscape Architect for Summerfield Athletic Park**

Brandt stated of the five firms two were interviewed and after discussion between himself, George Holub, and Doug Canavello, it was decided to recommend Miller Landscape Architecture and their subcontractor Cavanaugh & Associates, who currently works with the town on watershed issues. Brandt requested council approval to negotiate a contract with Miller and bring the contract back for council approval. Flowers asked if there was a plan in place for the athletic facility. Brandt replied the firm would assist in creating and designing the facility as part of the process. Flowers asked for a cost estimate. Brandt gave a broad estimate of \$20,000 to \$30,000. Flowers feels it would be best to know if the fields will be used and by whom prior to spending so much money. Brandt replied that the charges for use and contracts for use with organizations are steps to take further along in the process.

Wray made a motion to authorize Brandt to negotiate with Miller Landscape Architecture and their subcontractor Cavanaugh & Associates. The motion was seconded by Williams, and carried unanimously.

**Consider award of Professional Services Contract for Comprehensive Plan Consultant**

Harmon stated the committee interviewed four firms and recommends Glen Harbeck & Associates. Mia Malesovas, committee co-chair, stated that all members agree on the choice. Harmon noted that he has worked with this firm before and was very impressed with their work and thoroughness.

Flowers made a motion to authorize negotiation with Glen Harbeck & Associates as the Comprehensive Plan consultant. The motion was seconded by Barnes and carried unanimously.

**Consider bid award for Park Construction Contract**

Brandt said the initial request for bids resulted in only two bids which were not opened. Upon readvertisement, four bids were received. BAR Construction was the lowest responsible bidder and their

bid of \$475,900 is in line with the estimated cost of construction. Additionally, BAR Construction served as the General Contractor for Phase I park construction and performed up to expectations. Brandt requests authorization to negotiate a contract with BAR. Strickland asked what was meant by "responsible bidder." Brandt replied it indicated they had experience with this type of work, there were no complaints filed against the company, that they were responsible and able to complete the work. Strickland asked for a verification or conformation from BAR that their employees were in and working in the United States legally. Hill stated while that is a matter of federal law, it can certainly be requested, but it is unenforceable by the town. Strickland requested that be a stipulation in the contract.

Gail Dunham, speaking from the floor, stated for the record that she was requesting a public comment period on this issue. Hill replied that a public hearing was not required on this issue. Dunham said she did not ask for a public hearing, but public comment.

Wray made a motion to award the contract for construction of Phase II of the Summerfield Community Park to BAR Construction, who was the lowest responsible bidder. The motion was seconded by Williams. Wray amended his motion to add the verification of employee legality stipulation. The amended motion was seconded by Williams and carried unanimously.

### **BUSINESS FROM TOWN MANAGER**

#### **Discuss and choose final design layout for SCP Park Gate**

George Holub described the options which included splitting the gate at different places to allow for pedestrian and vehicle entry, and choices of metal detailing to be added to the finished gate. Strickland asked if this would only be a gate or if the entire park would be fenced in. Holub stated the park would not be fenced in. Strickland questioned the cost of \$16,175, stating it is too much money for a gate and Holub said that included the gate and the stone columns. He stated the Parks & Rec committee prefers and recommends the middle split with a sun and a moon decorative metal work in the center. Flowers asked about the cost of the decorative metal work and Holub said that they were being donated, so there was no cost. Brown recommended adding bollards to protect the gates from potential vehicle damage, as was done in Bur Mill Park.

Speaking from the floor, Dwayne Crawford asked about the purpose of the gates. If it is just to keep vehicles out a functional gate can be erected at a much lower cost and would cost much less to repair in the event of any damage.

Strickland stated she would not vote in favor of the gate. After some discussion it was decided by consensus to approve the middle split design and to wait to decide about decorative metal embellishments until after the gate is completed and installed.

### **BUSINESS FROM TOWN COUNCIL**

#### **Consider appointment of new members of Comprehensive Plan Committee**

Harmon gave information about current committee membership, member attendance, a map indicating which quadrants of town that current and perspective members live, and new applicants.

Flowers noted there are now 19 voting members rather than the typical 20, and made a motion to promote Dwayne Crawford from an ex-officio to a voting member of the committee. The motion was seconded by Strickland. The motion *failed*, with Wray, Barnes and Williams opposed.

Flowers made a motion to appoint all five applicants (Ernie Showfety II, Kim Parker, Jeffrey Johnson, Alice Patterson, and Matt DeVaney) as ex-officio members of the Comprehensive Plan Steering Committee. The motion was seconded by Strickland.

Williams noted the majority of members came from one quadrant and there was discussion of having committee representation from other quadrants of town. Flowers stated those are the only people who volunteered and it would be difficult if not impossible to force participation of those not interested. There was discussion of asking for recommendations from the community and advertising for volunteers from the less represented areas of town. Flowers noted the volunteer fair was advertised extensively in all areas of town. Strickland stated that Dwayne Crawford, who council just turned down as a voting member of the committee, lived in one of the less represented areas of town.

Brown called for a vote on the motion on the floor to appoint all five applicants. The motion passed 4 to 1, with Williams opposed.

Harmon recommended removing Erin McLean and Steve Stalker as ex-officio members, as McLean will soon be leaving for college soon, and Stalker has not been to any meetings that he is aware of.

Flowers made a motion to remove McLean and Stalker as ex-officio members of the Comprehensive Plan Steering Committee. The motion was seconded by Williams and carried unanimously.

**Discussion of Resolution of Intent regarding charter change**

Brandt briefly clarified the reason for the charter change regarding filling town council vacancies, which is to make the town charter follow the same procedure as outlined in state law (G.S. 160A-63).

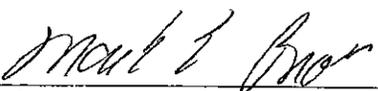
**CLOSED SESSION:** Brown read the reasons for entering into Closed Session as follows:

- 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); and**
  
- C) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged.**

Barnes made a motion to enter into Closed Session at 7:30 pm. The motion was seconded by Wray and carried unanimously.

Barnes made a motion to return to Open Session at 8:21 pm. The motion was seconded by Williams and carried unanimously.

With no further business before the Town Council, a motion was made at 8:21 pm by Barnes to adjourn. The motion was seconded by Flowers and carried unanimously.

  
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Mark E. Brown, Mayor

  
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Valarie Halvorsen, Town Clerk