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January 8, 2008

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**AGENDA OF THE
SUMMERFIELD TOWN COUNCIL
SUMMERFIELD COMMUNITY CENTER
JANUARY 8, 2008
6:30 PM**



1. **CALL TO ORDER**
2. **INVOCATION**
3. **PLEDGE OF ALLEGIANCE**
4. **INTRODUCTIONS**
5. **CONSENT AGENDA:**
 - A. **MEETING AGENDA**
 - B. **APPROVE MINUTES OF DECEMBER 11 and DECEMBER 19, 2007, and DECEMBER 19, 2007 CLOSED SESSION MINUTES**
 - C. **FINANCIAL REPORT**
 - D. **RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION PURSUANT TO G.S. 160A-31**
6. **ANNOUNCEMENTS**
 - A. **Council workshops are scheduled for Thursday January 24th at 9:30 am (Policies and Procedures) and Monday January 28th at 9:30 am (Budget Retreat) both meetings will be held at the Summerfield Community Center.**
7. **SPEAKERS FROM THE FLOOR (limited to 5 min. on non-agenda items)**
8. **COMMITTEE REPORTS:**

| | |
|-------------------------------|------------------------------|
| A. Community Relations | E. Public Safety |
| B. Finance | F. SYC |
| C. Historical | G. Comprehensive Plan |
| D. Parks & Rec | |
9. **PUBLIC HEARINGS:**
 - (A) **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.**
 - (B) **Rezoning Case #10-07 AG to CU-RS-40. Owned by Oak Ridge Developers, Inc. The property is located at 1093-1099 NC Hwy 150 W, being Guilford County tax map # 06-337, block 786, parcel 09. The property, located in Center Grove Township, includes approximately 11.84 acres.**
10. **BUSINESS FROM MAYOR**
11. **BUSINESS FROM TOWN ADMINISTRATOR**
 - A. **Update on Haw River Watershed Re-classification**

- B. Request to support 2008 Community Waste Reduction and Recycling Grant Application with participating local governments**
- C. Status of Code Enforcement contract**
- D. Staff update regarding rezoning case information**

12. 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);

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.

13. BUSINESS FROM COUNCIL

- A. Consider Appointment of Interim Town Manager**

14. OTHER BUSINESS (if any)

15. ADJOURN

**MINUTES OF THE
SUMMERFIELD TOWN COUNCIL
SUMMERFIELD COMMUNITY CENTER
January 8, 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 6:32 pm by Mark Brown.

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

INTRODUCTIONS:

Council:

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

Staff:

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

Brown stated there was a request from the applicant to again continue Rezoning Case #09-07 until the March 11, 2008 meeting due to the applicant's current physical condition. Strickland stated she was told the continuance was requested in order to hold discussions with neighboring property owners. She noted that those in the audience to speak on the issue have come twice, and feels the Public Hearing should proceed. Flowers asked if there was a limit to the number of continuances granted and Brown replied he was not aware of any limitation, but feels that during the December meeting, it should have been continued for 60 days, rather than 30 days, due to the seriousness of Mrs. Beeson's injuries.

Wray made a motion to continue Rezoning Case #09-07 to the March 11, 2008 meeting. The motion was seconded by Barnes.

Flowers asked if those present to speak about the case would be allowed to be heard. Hill advised against it, as the applicant was not present to rebut or respond. Barnes stated those wishing to speak should be able to make arrangements to attend the March 11, 2008 meeting. Strickland said if it was removed from the agenda it would no longer be an agenda item, therefore, they should be able to sign up as a speaker from the floor. Hill asked those present if anyone would be unable to attend the March meeting. One person responded he was unsure if he could attend on that date.

Wray suggested continuing the matter for 60 days and not allowing another continuance after this one. Brown agreed. Brown called for a vote on the motion to continue Rezoning Case #09-07 to the March 11, 2008 meeting. The motion passed 3 to 2, with Strickland and Flowers opposed.

CONSENT AGENDA:

Brown suggested a slight change in the agenda under Business From Council, adding item A. Ordinance Amending Town Charter to a Council Manager form of Government, and moving Consider Appointment of Interim Town Manager to item 13B. Flowers wanted to make sure that prior to approving the Closed Session minutes of December 19, 2007, that it was noted she abstained from voting on those issues due to not being on the Council during that time period.

Barnes made a motion to approve the Consent Agenda as amended, including the minutes of the December 11, 2008 meeting, December 19, 2007 meeting, Closed Session minutes of the December 19, 2007 meeting, the Financial Report, and the Resolution Fixing Date of Public Hearing on Question of Annexation Pursuant to G.S. 160A-31. The motion was seconded by Williams and carried 4 to 1, with Strickland opposed.

ANNOUNCEMENTS

Brown announced two Council workshops, both at 9:30 am at the Community Center: Budget Workshop January 24, 2008 and Policies & Procedures Workshop on January 28, 2008. He also announced a public meeting at 7:00 pm on January 22, 2008 at Oak Ridge Town Hall to discuss well and well water issues. All are invited.

Luther was excused at 6:45 pm.

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

Roxanne Gilgallon, 7500 Dickinben Dr, asked Council if it would be possible to announce the procedure for speaking from the floor at each meeting, so those unfamiliar with the process would have an opportunity to be heard. She stated First Baptist Church would be happy to accept any donated canned food collected during Council meetings and she would bring any donations to the church. Regarding a previous question about traffic lights posed by Don Wendelken, she spoke with DOT and was informed that it is complex and costly to install a new traffic signal. She further stated the DOT may be willing to make a presentation to the citizens about the process.

Kim Parker, 7207 Henson Farms Way, a new resident of Summerfield, expressed her disappointment and displeasure with Council for again continuing Rezoning Case #09-07 without any prior notification by the town to the neighbors and others affected. She is opposed to the rezoning and will attend the March 11, 2008 meeting.

Dwayne Crawford, 1106 NC Hwy 150 W, discussed the Council/Manager issue, stating there were 4 major reasons cited for the change: to make government more efficient, to stop Council members from doing end runs on the other members, that Summerfield is a large town, and that Council members will be more responsive to the citizens due to the alleviation of managerial duties. He feels that these goals will not be reached with this change.

COMMITTEE REPORTS:

- A. **Community Relations:** No report.
- B. **Finance:** Ronnie Stafford, Chair, stated the next committee meeting is January 21, 2008 and briefly discussed investments.
- C. **Historical:** Linda Southard, Chair, said there was no meeting held in December, that the historical banners had arrived and would be installed when Duke Power finished telephone pole work. She thanked Bill Gordon for all his hard work in orchestrating this project.
- D. **Parks & Rec:** Sue Beeson, Chair, stated their last meeting was January 3, 2008, and that work was being done on the picnic shelters and outdoor classroom. Sherry Joseph announced that the final phase of the engraved brick ordering would be done by the end of the month. She thanked Council, staff, and businesses for their support of this project.

E. **Public Safety:** Ron Marshburn, Chair, stated there was no meeting held in December; the next meeting would be January 16, 2008.

F. **SYC:** Reese Walker stated they are beginning preparation for Founder's Day.

G. **Comprehensive Plan:** Michael Brandt said the next meeting would be January 16, 2008.

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.

*****THE PUBLIC HEARING WAS CONTINUED TO THE MARCH 11, 2008 MEETING*****

Rezoning Case #10-07 AG to CU-RS-40. Owned by Oak Ridge Developers, Inc. The property is located at 1093-1099 NC Hwy 150 W, being Guilford County tax map # 06-337, block 786, parcel 09. The property, located in Center Grove Township, includes approximately 11.84 acres.

Harmon described the property and the request, reading from the staff report. He noted the positives, which are it fits well with the surrounding uses and it fits well with the surrounding lot sizes. The negative aspect is an increase in traffic to the heavily traveled Strawberry Rd/NC 150 intersection. Harmon noted that there is not a current traffic count for NC 150. Public comments were positive, with the exceptions being concern for drainage in the southeast corner and the traffic issue.

Initially there were several conditions by the developer including no driveways on 150, only 3 driveways on Strawberry Rd, a cul-de-sac on Strawberry Rd, and the open space in a different area. Those conditions were replaced by the following: Locate open space at the southeast corner of the property and make it a public dedication. The Zoning Board voted unanimously to recommend approval.

Strickland asked about getting current traffic counts, which has been an issue in the past, as well as currently. Harmon responded the town has started looking into obtaining equipment to conduct the counts itself and the associated costs.

Brown opened the Public Hearing at 7:13 pm.

Proponents

Tony Johnson, 3395 Traver Ct, the owner/developer, said it is a responsible and reasonable plan, that the proposal is respectful of the neighbors, and the Zoning Board voted unanimously to recommend it. The cu-de-sac will help the traffic issue and the drainage issue. He thanked Council for their consideration.

Don Wendelken, 3406 Windswept Dr, stated traffic is always an issue, but since there are only going to be eight homes it will not impact traffic very much. It will not be a problem because there is good traffic flow through the area.

Opponents

Dwayne Crawford, 1106 NC 150 W, said he is not opposed, but there are lots of accidents at that intersection.

Brown closed the Public Hearing at 7:20pm.

Barnes made a motion to approve Rezoning Case #10-07 AG & RS-40-MH to CU-HB, with the condition that the open space be located at the southeast corner of the property and make it a public dedication based on the following goals of the Long Range Plan: to preserve natural resources and scenic areas, to allow safe and efficient transportation, and to preserve the individual property owner's rights. The motion was seconded by Wray and carried unanimously.

BUSINESS FROM TOWN ADMINISTRATOR

A. Update on Haw River Watershed Re-classification

Brandt discussed the State Department of Natural Resources consideration of classifying the Haw River watershed, which is currently not classified, to a class III drinking water watershed. Currently, the water drawn from the Haw River for drinking is not drawn until the Haw River meets Jordan Lake. This is a separate, but related, issue to the Jordan Lake Watershed rules. The city of Greensboro owns a small dam on the Haw River to be used as an emergency intake to supply Lake Townsend with drinking water. This can only be done if the water levels of Lake Townsend are low enough to warrant it. Brandt stated staff has been meeting with others involved and it will affect Summerfield in relation to allowable density of commercial and industrial development. Once the reclassification takes place, it will not change. He further stated it is unclear how this will affect Summerfield in regards to the Jordan Lake Rules that are coming into effect.

Barnes asked if Brandt felt it would be a good idea to form a committee to look into this issue. Brandt replied he was unsure, perhaps an ad hoc committee could be useful, but at this point we are in a data gathering stage only. He said it is possible that the town could take a different position that citizens or builders.

B. Request to support 2008 Community Waste Reduction and Recycling Grant Application with participating local governments

Brandt asked Council to consider supporting a grant application being proposed by Guilford County and other local governments to purchase recycling containers. The grant is up to \$25,000 to bulk purchase P.E.T. Recycling containers to be used at various government offices and facilities. Purchasing in bulk will save on shipping costs for the containers. The match by the local governments is 10% of the grant request, which would be divided up among all participants.

There was much discussion about the look of the container, the willingness of people to recycle, and the need to reduce landfill waste.

Wray made a motion to allow Brandt to gather more information about this project and to get input from the Parks & Recreation Committee. The motion was seconded by Williams, and passed 4 to 1, with Strickland opposed.

C. Status of Code Enforcement contract

Brandt stated Benchmark is in the process of finishing up code enforcement cases that they started and training Harmon. Serious deficiencies have been found in town ordinances, which have hindered the process of code enforcement. Brandt proposed having Benchmark work with Harmon and Hill to create or amend ordinances and to develop a program to do code enforcement more efficiently. He also discussed the problem of signs being posted illegally on telephone poles and in the right of way, which are removed and brought in by citizens. Other municipalities take action against violators and Summerfield needs to decide if they want to do the same, and if so, we need to work on our ordinances.

Strickland asked why we needed to contract with Benchmark to do this. Brandt replied they are needed to help get the appropriate ordinances in place, and they are experts in this area. Strickland asked for a cost

projection. Brandt stated there is a cap of \$5500 under their contract, and they should be finished by March or April.

D. Staff update regarding rezoning case information

Harmon stated staff is now including the Permitted Use Schedule out with the public notification letters for rezoning cases, with green representing what is currently allowable and yellow representing what will be allowable under the proposed change of zoning. Brandt stated this information is also posted to the website.

Brown said this is far beyond what is required and beyond what is done by other municipalities. Strickland is very pleased to see this process being implemented, as she had recommended it two years ago. Strickland requested that information on the Notice of Public Hearing letter about protest petitions be made clearer.

Elizabeth Ingram, speaking from the floor, thanked staff and Council for implementing this change.

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

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);

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 at 8:08 pm to enter into closed session based on the above reasons. The motion was seconded by Wray and carried unanimously.

Barnes made a motion at 8:44pm to return to open session. The motion was seconded by Williams and carried unanimously.

BUSINESS FROM COUNCIL

A. Ordinance Amending Chapter 5 Section 5.1 of the Town Charter of Summerfield to a Council Manager Form of Government

Wray made a motion to enact the Ordinance. The motion was seconded by Barnes, and carried 3 to 2, with Strickland and Flowers opposed.

B. Consider Appointment of Interim Town Manager

Brown asked Brandt if he would accept the position of Interim Town Manager and he accepted.

Wray made a motion to appoint Brandt as Interim Town Manager. Flowers asked if the motion needed a time specification. Hill stated it was not necessary. The motion was seconded by Williams and carried 4 to 1, with Strickland opposed.

Strickland stated she was not opposed to Brandt, but to the provision in his contract that requires a 4/5 majority of Council in order to terminate him. She said she did not vote for his original contract for this reason, that it is undemocratic as Council is subject to a simple majority of the voters.

OTHER BUSINESS (if any)

Brandt thanked Council for the opportunity. He further stated the town purchased some office furniture from a firm in downtown Greensboro and wanted to thank those who helped transport it: George Holub, Mark Brown, Bob Flowers, Jim Nelson, Jay Copeland, and Scott Crews.

Speaking from the floor, Elizabeth Ingram asked if the town planned to advertise for the Town Manager position. Brown replied that would be discussed further in March.

With no further business before the Town Council, a motion was made at 8:48 pm by Wray to adjourn. The motion was seconded by Williams and carried unanimously.



Mark E. Brown, Mayor



Valarie Halvorsen, Town Clerk