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October 13, 2009

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**MINUTES OF THE
SUMMERFIELD TOWN COUNCIL
SUMMERFIELD COMMUNITY CENTER
OCTOBER 13, 2009
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 6:31pm by Mark Brown. He thanked the volunteers for their hard work and made special mention of Catherine Rankins, Parks and Recreation Committee member, who passed away unexpectedly during the spring.

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, Town Manager
Dana Luther, Finance Officer
William Hill, Town Attorney
Valarie Halvorsen, Town Clerk
George Holub, Parks & Rec Supervisor

Brown introduced candidates for office: Richard Lovett, Dianne Laughlin, Jeff Johnson, Becky Strickland, John Wray, Don Wendelken, and himself, Mark Brown.

CONSENT AGENDA:

Barnes made a motion to approve the Consent Agenda, including the meeting agenda, minutes of the September 8, 2009 meeting, Financial Report, and Finance Officer Budget Amendment #2. The motion was seconded by Wray and carried unanimously.

PROCLAMATION

Brown read the proclamation honoring volunteers, which is hereby incorporated into these minutes:

WHEREAS, a basic ingredient in the foundation of this nation is the voluntary acceptance of initiative and responsibility by private citizens and voluntary organizations, a fact largely responsible for the progress and development of our great country; and

WHEREAS, many citizens of this community contribute to the well-being of fellow residents and the welfare of all our citizens by giving tirelessly of their time and energy to make a real difference in the lives of children, adults and the elderly without desire for recognition, remuneration or personal gain; and

WHEREAS, for many years these individuals and organizations have worked quietly, often unnoticed and unappreciated by the general public;

NOW, THEREFORE, I, Mark E. Brown, Mayor of the Town of Summerfield, give recognition and appreciation to all volunteers, and urge all citizens to be aware of the contributions made by our committees and volunteer workers and to give recognition to these individuals and organizations for their valuable contributions in the quality of life in our community.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the Town of Summerfield, North Carolina this 13th day of October, 2009.

ANNOUNCEMENTS

- Oct 15 – Guilford County Board of Commissioners-5:30pm Breast Cancer Resolution
- Oct 17 – Petrified Woods – 6:00pm Halloween Event Summerfield Community Park
- Oct 21 – Northwest Observer Candidate Forum 7:00pm Summerfield Community Center
- Nov 14 – Tabitha Ministries fund raising auction 11:00am Oak Ridge Presbyterian Church

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

Jeanne Plybon, 7403 Whitaker Ct thanked council for the Tax Holiday and for approval of Phase I of SAP.

Nina Smith, 5108 Meyers Fork Rd spoke in support of the SAP. She feels it will be an asset to the town and the children and wants to see it completed. Smith said she would like to see a nice sit-down restaurant in Summerfield in her lifetime, and urged all voters to consider the voting record and conduct of each candidate when voting.

George Waldrep, 7230 Strawberry Rd encouraged all to vote, endorsed Jeff Johnson and Becky Strickland, and stated he is in favor of low taxes, fiscal responsibility, property rights, and does not want Summerfield to become a tax and spend government. He feels that council members should have experience and background and represent all Summerfield citizens.

Pat Vreeland, a representative of Kids Voting thanked council for the CBO grant in support of the Kids Voting program, which provides civic enrichment for youth. She said it is an important and excellent program to invest in and Summerfield Elementary usually has the highest percentage of participation.

Rich Schlobohm, 6162 Lake Brandt Rd thanked council members for their services, particularly Strickland who represents the interests of the homeowners and residents. He stated Strickland is fair, wise, and responsive with information. He further thanked council for the tax holiday.

Gail Dunham, 5805 Snow Hill Dr thanked Strickland for her service and discussed the following: all meetings should be posted in a timely and legal manner, rezoning open houses should be posted as public meetings, the budget public meeting should be held prior to the council meeting to vote on the budget with documents and information provided, the Sellar's survey should be utilized, an ethics ordinance is needed, there should be transparency in government, there should be more fiscal responsibility, and there should be no more personal attacks.

Jeff Johnson 6106 Bascom Dr spoke of his admiration for the hard work and dedication by his colleagues on the Comprehensive Plan. He is running for office on a platform of openness and a fair voice for all, low tax, fiscal responsibility, full transparency, and has aligned himself with Strickland as she helped him when he needed it.

Beth Kaplan, 7979 Highfill Rd thanked all who participated in and helped with the 5k race, and spoke about Strickland's vote against putting the Council-Manager government change on the ballot, and a letter written "behind the backs of council" about the PARTF grant.

Dwayne Crawford, 1106 NC Hwy 150 W stated he did not hack the Northwest Observer forum and referred to the letter by Strickland, stating it was asking for an audience to discuss the matter.

Rich Lovett, 7812 Spencer Brook Dr spoke of his frustration with the negativity and wants to hear proactive thoughts about how to make Summerfield better. He further stated that as a Zoning Board member he was asked not to attend council meetings and that he spent \$5 on his campaign because he is running to make Summerfield better, not for any personal agenda.

Don Wendelken, 3406 Windswept Dr spoke of being tired of the he said she said and is running because he wants to move forward and to serve the citizens of Summerfield.

COMMITTEE REPORTS:

A. Founders' Day: Brown stated the committee would probably start meeting this month.

- B. Finance:** Luther said the next meeting was October 19th when discussion of budget planning and ideas would be discussed and Strickland would share her thoughts on the CBO process.
- C. Historical:** Linda Southard said the next meeting was October 29th and thanked Joseph Campbell for his work on the DAR monument project.
- D. Parks & Rec:** Sue Beeson said the committee met on October 1st and discussed event planning. The committee is looking forward to the October 17th Halloween event.
- E. Public Safety:** Ron Marshburn stated there was not a quorum at the last meeting, the next meeting was scheduled for October 21st, and there would be discussion later in tonight's meeting about the Bronco Road speed limit issue.
- F. SYC:** Reese Walker invited all to the October 17th Halloween event and the November 21st Tree Lighting.
- G. Comprehensive Plan:** Flowers said the committee met October 5th and discussed the Summerfield Rd (town core) area and historic preservation. The next meeting is November 2nd and they plan on holding an open house in January to present the plan. She commended the committee members on their hard work and dedication.
- H. Athletic Advisory:** Brandt said the next meeting was October 21st at 3:00.

PRESENTATION – Guilford County Health Department Swine Flu Information

Steven Ramsey discussed the following: vaccines are being produced and Guilford County has received 2100 of the about 400,000 requested, therefore the current focus is on vaccinating children first; as to tracking, the focus now is on looking for changes, mutation, resistance, hospitalizations and deaths rather than tracking individual infections; the median age of those infected is 20; the best weapon is immunization; most healthy people who get H1N1 will recover fine; and it is recommended to get vaccinated, use preventative measures such as hand washing, and stay home if sick until 24 hours after the fever breaks.

BUSINESS FROM COUNCIL

A. Discussion of Property Tax Discount Rate for 2010-2011 Fiscal Year

Brandt stated that according to Guilford County Tax Collections, they would be able to collect a different discount rate for Summerfield rate codes, however, any additional or different discounts would only apply to the Town of Summerfield portion of the tax, not to the county or fire district portions. He further noted that staggered discount rates would require a software change and there would be a fee associated with this.

Following a brief discussion it was decided by consensus to investigate the issue further, particularly the cost of offering staggered discounts.

B. Discussion of Hwy 220 Widening Project

Brandt read from a letter 8 areas of concern:

1. The Town of Summerfield does not agree that the controlled-access fence proposed for this facility is appropriate or warranted. The fence is not in keeping with the rural nature and openness of the community and would be considered an eye-sore for many in the community. Considering the technology available today to determine the exact location of a right-of-way line and alternative methods of providing notice to the public and protecting against encroachment, the fence is unnecessary.
2. The proposed pedestrian bicycle tunnel is too long and not large enough to adequately serve the needs of the community. This tunnel is a vital crossing point not just for a local trail network but is also part of the planned North Carolina Mountains-Lo-Sea

route. The tunnel could be adjusted by using wing walls and head walls- thus providing a shorter tunnel and more daylight penetration. In addition, the tunnel must be at least ten (10) feet high and a minimum of fourteen (14) feet wide to serve the needs of pedestrians and bicyclists. The Town also requests that the tunnel be provided with conduit and that lighting be installed for the safety of the users.

3. In order to best utilize the pedestrian/bike tunnel, the Town requests an encroachment agreement be permitted to extend the connecting trail through NCDOT right-of-way to the approaching trail connections. See attached plan for more detail.

4. Town requests that intersections be kept open to the fullest extent possible during construction and that the Town be consulted regarding the phasing plan proposed by NCDOT and any private construction company.

5. Every effort should be made to not further delay the construction of this project, and to ensure that it is fully funded and finished in a timely manner.

6. Summerfield requests that traffic light studies be performed for the following intersections: lower Summerfield Road US 220, Joseph Hoskins US 220, and upper Summerfield Road US 220. Each of these intersections will be impacted by the widened road with increases in traffic that may necessitate traffic lights.

7. Summerfield is considering lowering the speed limit on US 220 from 50-55 mph to 45 mph to provide more safety and to match the speed limit south of the lakes.

8. The Town requests that when I-73 is constructed (MTIP R-2413) that US 220 be re-routed to follow the new alignment around Summerfield. This re-routing would reduce the amount of through traffic and encourage trucks to use I-73 instead of a business route with traffic lights, local traffic, and reduced speed limits through Summerfield into Greensboro.

It was recommended to add "at state expense" to the end of #2. Following a brief discussion it was decided by consensus to investigate the costs of hiring a traffic engineer to review these issues and any other concerns, and to hold off sending the letter at this time.

Break from 8:07 to 8:20pm.

BUSINESS FROM TOWN MANAGER

A. Discussion of Procurement of Architectural, Engineering, and Surveying Services

Brandt noted the following: Currently, state law requires that all architectural, engineering, and surveying services be provided by best qualified applicant regardless of cost. This prevents the Town from considering the cost of the service as a criterion for determining appropriate provider. State law allows for an exemption of this requirement for projects under \$30,000. I request that the Manager be responsible for the determination of the exemption. All other standards of local/state bid rules, and approval authority remain in effect and are not changed by this request. Flowers and Strickland stated they do not want to delegate that power to the manager. Brandt requested that this be adopted as a policy.

Wray made a motion to approve giving the manager power to waive GS143-64.31 for Architectural, Engineering, and Surveying Services when the fee is estimated to be less than \$30,000. The motion was seconded by Williams, and carried 3 to 2, with Flowers and Strickland opposed.

B. Discussion / Approval of Historical Committee Request to Donate \$100 to DAR Memorial Restoration Eagle Scout Project (requires budget amendment)

Speaking from the floor, Etta Reid stated the project cost Joseph Campbell close to \$3,000 and requested giving him \$100 from funds raised by the committee from raffle sales to help offset the cost.

Flowers made a motion to approve the request. The motion was seconded by Williams and carried unanimously.

C. Review/Approve RP Murray Phase 2 Contract

Brandt stated the addendum was based on the vote made during last month's meeting; however, the playground was inadvertently left out and would need to be put back in. The playground estimated cost is \$20,160. The original estimate of \$50,000 for septic is now estimated at \$30,000 to \$40,000. There was discussion of other features and costs as well. Brandt requested approval of the addendum of Phase I and of Phase II with the addition of the playground.

Strickland made a motion to approve the SAP Phase I contract addendum as amended. The motion was seconded by Flowers and carried unanimously.

Wray made a motion to approve the SAP Phase II contract addendum as amended. The motion was seconded by Williams. Flowers asked if the penalty still applied to timely work completion and Brandt replied affirmatively, noting the new date of March 15. Flowers says she still feels that Phase II should be postponed. The motion passed 3 to 2 with Flowers and Strickland opposed.

D. Review/Approve Musco Lighting Phase II Contract

Brandt stated this addendum also kept all original provisions in place and noted there was a change in fee structure. The total price is \$411,000 for both phases. Luther stated 3 banks responded to her request for loan bids. Two were not interested and the other offered an interest rate higher than the current CD rate. She feels it would be best to withdraw funds from a CD.

Wray made a motion to approve the Musco Lighting Phase II contract with an amount not to exceed \$41,000. He then amended his motion to approve the addendum not to exceed \$219,000 for Phase II. The motion was seconded by Williams and passed 3 to 2, with Flowers and Strickland opposed.

E. Report on meetings or activities (if any)

Brandt discussed the Jordan Lake Watershed Rules meeting he attended.

Luther was excused.

BUSINESS FROM THE MAYOR

A. Donation of Golf Cart to Town

Brown stated the donation has the caveat that the HAM radio operators be allowed to use it during their annual emergency preparedness event in the park. Flowers made a motion to accept the donation with amount spent on yearly maintenance not to exceed \$100 and to send a thank you card to the Doggett family. She amended the motion from \$100 to \$200 for yearly maintenance. The motion was seconded by Strickland and carried unanimously. Wray offered tires and wheels for the golf cart.

B. Discussion / Approval of Appointing Voting Delegate to NCLM Conference

Barnes made a motion to appoint Brown as the NCLM Conference voting delegate. The motion was seconded by Flowers and carried unanimously.

C. Petition to Reduce Speed Limit on Bronco Lane

Brown stated the request was to reduce the speed limit from 45 to 30. Brandt stated the DOT does not recommend the change but the town has authority to enact it. Speaking from the floor, Bill Camden of 6911 Bronco Lane said 82% of the neighbors were in favor of it and it was a safety issue. Williams asked if he should recuse himself since he lives on Bronco Lane and Hill replied no, as it did not meet the criteria for recusal.

Flowers made a motion to approve reducing the speed limit from 45 to 30 on Bronco Lane. The motion was seconded by both Williams and Strickland. Brown noted that it would be hard to enforce. The motion carried unanimously.

D. Resolution against Duke Energy Rate Increase

Flowers made a motion to approve the resolution. The motion was seconded by Barnes and carried unanimously.

E. Report on meetings and activities (if any)

Brown attended the following meetings: Jordan Lake Rules. Health Department Adolescent Self-Advocacy meeting, and MPO meeting

Brown read the reasons for going into Closed Session as follows:

CLOSED SESSION

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 9:10 pm. The motion was seconded by Flowers and carried unanimously.

Barnes made a motion to return to open session at 9:44 pm. The motion was seconded by Williams and carried unanimously.

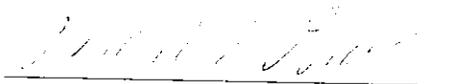
BUSINESS FROM COUNCIL

A. Discuss unsealing Closed Session Minutes

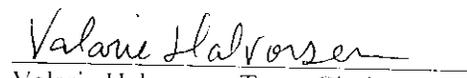
Strickland made a motion to unseal the following Closed Session Minutes: March 5, 2002, January 7, 2003, March 4, 2003, April 1, 2003, July 8, 2003, November 11, 2003, February 3, 2004, May 4, 2004, June 1, 2004, July 6, 2004, September 7, 2004 and October 5, 2004. The motion was seconded by Flowers and carried unanimously.

Strickland stated she asked for all these minutes to be unsealed twice in 2005 and wanted to know why it was not done then. She feels the results of the last two elections would have been different had the minutes been unsealed when requested, and that the meetings were illegal based on what was discussed and decided during them.

With no further business before the Town Council, a motion was made at 9:50 pm by Barnes to adjourn. The motion was seconded by Williams and carried unanimously.



Mark E. Brown, Mayor



Valarie Halvorsen, Town Clerk