

**AGENDA OF THE
SUMMERFIELD TOWN COUNCIL
SUMMERFIELD COMMUNITY CENTER
JULY 10, 2007
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 JUNE 12, JUNE 20, and JUNE 28, 2007**
 - C. **FINANCIAL REPORT**
 - D. **BUDGET AMENDMENTS**
 - i. **Finance Officer Budget Amendment #7 (2006-2007 Budget), no net increase in funds.**
 - ii. **Town Council Budget Amendment #13 (2006-2007 Budget), as approved during the June 28, 2007 Special Call Meeting**
 - iii. **Town Council Budget Amendment #1 (2007-2008 Parks & Recreation)**
6. **ANNOUNCEMENTS**
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. **PRESENTATION: Paula Slonaker PTCOG Haw River/Jordan Lake Watershed Protection Rules**
10. **PUBLIC HEARINGS:**
 - A. **Rezoning Case #03-07 LB to CU-LI.** The parcel is located at 1000 NC Hwy 150 W in Center Grove Township, Guilford County tax map # 10-603, block 774, parcel 13, being at the Northwest corner of the intersection of Hwy 150 W and Lake Brandt Rd. The parcel is owned by Belco, Inc. and is approximately 1.45 acres.
11. **BUSINESS FROM MAYOR:**
 - A. **Resolution on Referendum for Council/Manager Referendum**
 - B. **Discussion of Council-Manager Information Session**

- C. Town of Summerfield 2007-08 Fiscal Year Spending Resolution
- D. Discussion of Active Recreation Committee

12. **BUSINESS FROM TOWN ADMINISTRATOR:**

- A. Authorization to contract with various companies to provide appropriate due diligence for athletic field site.

13. **BUSINESS FROM COUNCIL:**

14. **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);

15. **OTHER BUSINESS (if any)**

16. **ADJOURN**

**MINUTES OF THE
SUMMERFIELD TOWN COUNCIL
SUMMERFIELD COMMUNITY CENTER
July 10, 2007
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.

The invocation was led by Dena Barnes; followed by the Pledge of Allegiance.

INTRODUCTIONS:

Council:

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

Staff:

Michael Brandt, Town Administrator
Valarie Halvorsen, Town Clerk
William Hill, Town Attorney

CONSENT AGENDA:

Brown suggested several changes to the agenda: under Business From the Mayor, item A, change the wording from Resolution on Referendum for Council/Manager Referendum to read Resolution of Intent to Consider an Ordinance Amending the Town Charter to Change the Form of Government from Mayor-Council to Council-Manager; the addition of item A1 to discuss the recent Board of Election change relating to this referendum; the addition of item E to discuss the recent Board of Election change relating to the Special Election; the addition of item F as Notification of Expenses Approved by the Mayor; and under Business From Administrator item B to discuss establishing a Section 125 plan.

A motion was made by Barnes to approve the Consent Agenda. This includes the amended Meeting Agenda; approval of minutes from June 12, June 20, and June 28, 2007 as corrected; the monthly Financial Report; and Budget Amendments 1, 7, and 13. The motion was seconded by Williams, and carried unanimously.

ANNOUNCEMENTS

Brandt stated the awning would be installed in the playground area of the park in the next week or so, requiring the park to be closed for a few days, and that signs would be posted at that time.

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

Alicia Flowers, 7401 Whitacre Ct, spoke of the recent Board of Election change eliminating the planned Special election. She felt the process by which Wray was appointed to fill the vacant council seat was flawed, that the interpretation of information was incorrect, and felt that more people would have applied for the vacancy if they had known it would be to fill out the entire term. She stated she was not implying that Mr. Wray was at fault, but asked him "in the interest of fairness to all of us involved to resign and reapply" and asked the mayor and council to

“declare the vote null and void and advertise and accept new applications for Mr. Crawford’s vacant council seat”.

Bea Curtis, 3251 Pleasant Ridge Rd, spoke of her concern with development, and the loss of Summerfield as a small community. She also discussed traffic and pollution from cars and the need for land used to grow crops.

Mark Mortensen, 6110 Percheron Trail, stated he liked the current form of government and does not think it should be changed, but if it is changed, he would like it to be required that the manager be a resident of Summerfield.

COMMITTEE REPORTS:

- A. **Community Relations:** No report.
- B. **Finance:** Ronnie Stafford, Chair reported the committee has not met for several months and did not plan on meeting for several more months. He stated on July 5 the committee invested \$2,106,261 for 6 months that can be withdrawn at any time.
- C. **Historical:** No report.
- D. **Parks & Rec:** Sue Beeson, Chair, stated they met last Thursday, are progressing with Phase II of the park and the ballfields, and are looking for more committee members. They are still selling the engraved bricks and the walkway is beautiful.
- E. **Public Safety:** No report.
- F. **SYC:** No report.
- G. **Comprehensive Plan:** Brandt stated they met last night, are planning a citizen academy in September, and thanked the Henson Farms neighborhood clubhouse for hosting the meeting.

PRESENTATION: Paula Slonaker PTCOG Haw River/Jordan Lake Watershed Protection Rules

The presentation was not held due to the absence of Ms. Slonaker.

PUBLIC HEARINGS:

Rezoning Case #03-07 LB to CU-LI. The parcel is located at 1000 NC Hwy 150 W in Center Grove Township, Guilford County tax map # 10-603, block 774, parcel 13, being at the Northwest corner of the intersection of Hwy 150 W and Lake Brandt Rd. The parcel is owned by Belco, Inc. and is approximately 1.45 acres.

Michael Brandt discussed the case, stating the conditions offered for rezoning are to use the property for a landscape/horticultural company and storage. He stated the CU-LI zoning is the only appropriate zoning for this type of use.

Brandt listed the types of businesses that were excluded or not permitted in this zoning. He stated the “brick store” building located on the property is an historic landmark and will require written consent and approval of the Guilford County Historical Preservation Committee for any changes to that building, and that a specific site plan is not required.

Strickland asked about the fact that there was not a requirement to preserve the historic structure, which seems to be at odds with the written consent requirement.

Brandt replied that any work done to the historic structure itself and any additional structures would require the written permission, but there is nothing preventing the owner from removing the structure completely, in which case the property would no longer have historic designation or status.

As to staff comment, the positive aspects are it is consistent with surrounding zoning and land use; the conditions are very specific to control usage; compatible with existing structures and surrounding properties; the site is located in an area long identified as commercial; it is compatible with the long range plan; and public comment has been positive. The negative aspects are that light industrial zoning will be introduced to the area; there is no specific condition offered to require preservation of the brick store building; and there is a potential for more traffic.

He stated the Zoning Board had reviewed the plan and approved recommending the rezoning unanimously.

Strickland requested being provided with the Zoning Board minutes prior to Town Council meetings in order to review the cases, and stated this is a request she had made more than once.

Brown opened the public hearing at 7:01 pm, stating 30 minutes would be allotted to hear proponents and 30 minutes for opponents, with a five minute limit for each speaker.

Proponents

Pete Bryant, 3405 Kenmore St Greensboro is the owner of Southern Exposure Landscape Management and the petitioner. He stated his intent is to display services, to showcase work, and to provide storage space for equipment and supplies. He spoke of the building plan, that it is similar to surrounding architecture, and his intent is to incorporate the new building into the property with the brick store building by using similar materials and architecture. Bryant wants to keep the brick store building as the focus of the property.

Strickland asked what material would be used for driveways and parking lots. Bryant responded gravel. Brandt then stated paved parking is required. Strickland said that would present storm water run off issue, to which Brandt replied that gravel would also.

With no other speakers for or against the rezoning case, Brown declared the public hearing closed at 7:11 pm.

Strickland complimented Mr. Bryant on his impressive presentation.

Strickland made a motion to approve Rezoning Case #03-07 LB to CU-LI. The motion was seconded by Collins and carried unanimously.

BUSINESS FROM MAYOR:

Resolution of Intent on Referendum for Council/Manager Referendum

Hill made note of a change in wording on page 2 paragraph 2 of the original resolution. The last line of that paragraph was changed from "TO BE HELD ON THE FIRST TUESDAY IN NOVEMBER OF THE YEAR 2007." to now read "TO BE HELD ON THE FIRST TUESDAY FOLLOWING THE FIRST MONDAY IN NOVEMBER OF THE YEAR 2007."

Brown read the resolution, which is hereby incorporated and made a part of these minutes:

RESOLUTION OF INTENT

**A RESOLUTION OF INTENT TO CONSIDER AN ORDINANCE
AMENDING THE TOWN CHARTER OF THE TOWN OF
SUMMERFIELD, NORTH CAROLINA TO CHANGE THE FORM OF
GOVERNMENT FROM MAYOR-COUNCIL TO COUNCIL-MANAGER.**

WHEREAS pursuant to the provisions of N.C.G.S. §160A-101, the Town Council of Summerfield, North Carolina desires to put an issue before the voters of the Town of Summerfield, during a Special Election for adoption or rejection of an Ordinance Amending the Town Charter of the Town of Summerfield to change the form of government from a Mayor-Council form of government under N.C.G.S. §§160A-101(9)a. and 160A-155 et seq. to a Council-Manager form of government under N.C.G.S. §§160A-101(9)b. and 160A-147 et seq.

NOW, THEREFORE, BE IT RESOLVED, THAT PURSUANT TO THE PROVISIONS OF N.C.G.S. §160A-102, THE TOWN COUNCIL OF THE TOWN OF SUMMERFIELD, GUILFORD COUNTY, NORTH CAROLINA, HEREBY ANNOUNCES ITS INTENT TO PUT BEFORE THE VOTERS OF THE TOWN OF SUMMERFIELD DURING A SPECIAL ELECTION AN ORDINANCE AMENDING THE TOWN CHARTER TO THE TOWN OF SUMMERFIELD TO CHANGE THE FORM OF GOVERNMENT FROM A MAYOR-COUNCIL FORM OF GOVERNMENT UNDER N.C.G.S. §§160A-101(9)a. AND 160A-155 ET SEQ. TO A COUNCIL-MANAGER FORM OF GOVERNMENT UNDER N.C.G.S. §§160A-101(9)b. AND 160A-147 ET SEQ.

IT IS ALSO HEREBY RESOLVED THAT IT IS THE INTENT OF THE TOWN COUNCIL THAT ANY SUCH ORDINANCE CHANGING THE FORM OF

GOVERNMENT OF THE TOWN OF SUMMERFIELD SHALL BECOME EFFECTIVE ONLY IF APPROVED BY A VOTE OF THE VOTERS OF THE TOWN OF SUMMERFIELD IN A SPECIAL ELECTION CALLED FOR THAT PURPOSE.

BE IT, THEREFORE, FURTHER RESOLVED THAT IT IS THE INTENT OF THE TOWN COUNCIL OF THE TOWN OF SUMMERFIELD THAT THE GUILFORD COUNTY BOARD OF ELECTIONS CONDUCT THIS SPECIAL ELECTION AT THE SAME TIME AS THE REGULARLY SCHEDULED ELECTION TO BE HELD ON THE FIRST TUESDAY FOLLOWING THE FIRST MONDAY IN NOVEMBER OF THE YEAR 2007.

BE IT, THEREFORE, FURTHER RESOLVED THAT IT IS THE INTENT OF THE TOWN COUNCIL OF THE TOWN OF SUMMERFIELD THAT THIS ORDINANCE CHANGING THE FORM OF GOVERNMENT FROM MAYOR-COUNCIL TO COUNCIL-MANAGER SHALL BE PRESENTED TO THE VOTERS OF THE TOWN OF SUMMERFIELD BY WAY OF A PROPOSITION TO APPROVE THE ORDINANCE, WHICH SAID PROPOSITION SHALL BE PRINTED ON THE BALLOT AND PRESENTED TO THE VOTERS AT THE TIME OF THE AFOREMENTIONED ELECTION.

BE IT, THEREFORE, FURTHER RESOLVED THAT IT IS THE INTENT OF THE TOWN COUNCIL OF THE TOWN OF SUMMERFIELD TO COMPLY WITH THE PROVISIONS OF N.C.G.S. §160A-102 TO CALL A PUBLIC HEARING ON THE PROPOSED CHARTER AMENDMENT, THE DATE OF SAID HEARING TO BE NOT MORE THAN FORTY-FIVE (45) DAYS AFTER THE ADOPTION OF THIS RESOLUTION OF INTENT.

Strickland suggested the word "majority" be inserted in the first line at the top of page 2 "EFFECTIVE ONLY IF APPROVED BY A VOTE OF THE VOTERS OF THE TOWN." Hill stated it could be added but felt it unnecessary because in order for anything to be approved there must be majority. Brown agreed with Hill.

Wray made a motion to approve the Resolution of Intent. The motion was seconded by Williams and passed on a 4 to 1 vote, with Strickland in opposition.

Discussion of the recent Board of Election change relating to this referendum

Hill explained that the Board of Elections initially said there had to be an ordinance in place and delivered to the Board of Elections by July 15, 2007 in order to have the council-manager issue on the November ballot. On Friday July 6, 2007 Hill received an email from George Gilbert, Board of Elections Supervisor, that he had some concerns about the issue. Hill determined that the "safest route" would be to do a Resolution of Intent, hold a second public hearing on the issue within 45 days of this meeting and then pass the ordinance not more than 90 days before the election. He stated this is covered under GS 160A-287, and it was ok to handle it this way per the General Counsel of the State Board of Elections.

By consensus, the public hearing will be held during the regularly scheduled Town Council meeting on August 14, 2007.

Discussion of Council-Manager Information Session

Brown stated that while Council had voted to hold an information session, Mr. Hill advised that it must be very general in nature so as not to be seen as being for or against the issue. Based on that, Brown stated he approached the Civitan Club and they may host an information session, though there are not plans yet. Brown asked if council agreed to forgo hosting the aforementioned info session.

Strickland asked Brown where the Civitan Club would obtain their information and who would be answering the questions. Brown responded that he mentioned some organizations that would have such information but left it up to them to do their own research on the issue. Brown asked Hill for his thoughts on it and he responded he thought it was fine for the Civitan Club, or any other outside organization to host.

Barnes said Hill had stated he could put some general information together for an information session and Brown replied that he did, but it would be better for an outside organization to conduct it and for Council to keep "hands off". Strickland asked how we would keep our hands off of it if we are having a public hearing August 14, that the public would not be able to ask any questions at that time but would have to hold questions until whatever organization decides to host a information session. Hill stated it would be appropriate for council to voice their opinions at the public hearing, but not outside of the public hearing, such as at an information session. Strickland replied that at the last council meeting council was told they could not give their opinions on the issue.

Brandt recommends that the town not sponsor any information sessions as it could be viewed that the mayor, council, or staff were trying to influence the decision one way or another. He stated citizens could seek answers and information from many organizations and the internet, that he did not want to direct citizens to organizations as it may be seen as leading, that these organizations can provide better information.

Strickland stated her concern that citizens get full information, needed to make a decision.

There were several audience comments and questions including one member stating they did not have internet access to retrieve information. Hill stated the Institute of Government, Carolina Council of Governments, The John Locke Foundation, and the ALCU were potential resources. Brown mentioned there had been articles in local papers and a presentation by the NCLM during the April 30 Special Call meeting. Strickland stated there was a CD made of the meeting and copies were available at Town Hall.

Town of Summerfield 2007-08 Fiscal Year Spending Resolution

Brown asked Brandt if it was necessary to read the ordinance. Strickland stated the people should be aware of the spending limits it contains. Brown read the ordinance that is hereby incorporated and made a part of these minutes:

**AN ORDINANCE STIPULATING EXPENSE APPROVAL
FOR THE OPERATION OF THE TOWN OF SUMMERFIELD
NORTH CAROLINA FOR FISCAL YEAR 2007 - 2008**

Be it ordained by the Town Council for the Town of Summerfield, North Carolina:

I. That the Mayor is authorized to make expenditures from the General Fund for items not specifically provided for by the currently approved Summerfield Town Fiscal Year budget in an amount not to exceed \$2,000.00 for each expenditure. Any such expenditure shall be reported to the Town Council no later than its next regularly scheduled meeting.

II. That the Mayor is authorized to establish fees within the various departments and agencies for miscellaneous services and items such as copies, maps, books, etc., according to guidelines that may be administratively determined or that may be established by Town Council.

A. That in compliance with the Public Records Law, the Council establishes the following fees to receive copies of such records:

1. At the Town Offices - \$.10 per page
2. Copies of CD recordings- \$2.00 per CD

III. That the Mayor shall have authority to execute the following contracts, provided they comply with applicable laws and procedures and are within specifically approved budgeted funds:

- A. Any lease agreement for one year or less not to exceed \$5,000 in total funds obligated.
- B. Any contract for apparatus, supplies, materials, equipment, services or resolution of a claim obligating less than \$2,000 in Town Funds, including those committing no funds;
- C. Any contract for construction or repair work obligating less than \$10,000 in Town Funds including those committing no funds;
- D. Amendments within budgeted funds to Council approved contracts when the amendment requires less than a \$2,000 increase in expenditures of Town

Funds; and,

E. Grant agreements for Town Funds within budgeted amounts.

At the Mayor's discretion, any lease or contract described herein may nevertheless be submitted to the Council. The Mayor or Mayor Pro-Tem may execute contracts duly approved by the Council. Council action approving a contract shall be deemed to authorize the expenditure therefore and the necessary budget amendments.

IV. That proposed projects where the estimated professional fee is in an amount less than \$5,000 for architectural, engineering and surveying services are hereby exempted from the requirements of Article 3D of Chapter 143 of the General Statutes, in accordance with G.S. 143-64.32. In addition, other particular projects less than \$5,000 may be exempted from the requirements of said Article 3D by the Mayor, in a manner, which states the reasons therefore, and the circumstances attendant thereto in each instance, as authorized by G.S. 143-64.32.

V. That the General Fund undesignated fund balance should not be lower than thirty percent of the General Fund budgeted expenditures, which exceeds the Local Government Commission's recommended minimum of eight percent.

VI. That the Finance Officer has the authority to transfer between financial accounts to keep funds available above the minimum depository amount requirements in the checking account and to keep amounts available for necessary invoice expenditures in the General Fund; reporting to the Council no later than its next regularly scheduled meeting; and

VII. That the Town Administrator is authorized to make expenditures from the General fund for items not specifically provided for by the currently approved Summerfield Town Fiscal Year budget in amounts not to exceed \$500.00; reporting to the Council no later than its next regularly scheduled meeting; and

VIII. The effective date of this ordinance is July 1, 2007 and it shall expire June 30, 2008.

Strickland stated she thought \$10,000 was too much to be left up to the Mayor or any one person and therefore she would be voting against it as she did last year. Brown stated things come up during the month that cannot wait three days to take care of.

Wray made a motion to approve the ordinance. The motion was seconded by Williams.

Barnes stated it is something that is done every year and complies with statutes. Wray said it hasn't been a problem in the past and there is an audit yearly to account for the money spent. Strickland replied the audit does not say how the money is being spent at the time of the expenditure, and just because it has been done for the last 10 years does not mean it should continue for the next 10 years. Barnes stated this is a guideline in place to avoid having to have an emergency meeting when something comes up, that it is good to have.

Brown called for a vote. The motion to approve the ordinance passed 4 to 1, with Strickland opposed.

Discussion of Active Recreation Committee

Brown stated Brandt had suggested forming an Active Recreation Committee of citizens to look at recreation issues, especially dealing with the upcoming ball fields, and asked council if they would like to advertise for volunteers. Williams asked if this would be an advisory committee. Brown replied it would be like the other committees. Strickland asked how members would be selected. Brown replied however council chose to select them. Strickland stated she hoped it would not be secret ballot.

Wray thought it was a good idea to form the committee and to advertise for volunteers in the Greensboro News and Record and the NorthWest Observer, that volunteers are Summerfield's most valuable resource, and there were a lot of well qualified potential members in Summerfield. Strickland stated months ago council had decided to establish committee rolls and regulations on how they would be comprised and terms to be served and that was dropped. Brown said it was not dropped, just put aside due to time constraints.

Brown asked if council wished to do a motion to authorize the formation of the committee and ask for volunteers. Strickland felt the role of any committee should be defined first so the applicants would know what they were applying for. Barnes stated the volunteers could come together and come up with a mission statement or goal list.

Wray made a motion to authorize forming an Active Recreation Committee. The motion was seconded by Williams and passed 4 to 1, with Strickland opposed.

Discussion of Special Election

Brown stated the Board of Elections had recently changed their ruling on how to proceed with the vacated council seat. Hill stated when Crawford resigned his seat the town administrator and himself sought information on how to proceed. After looking at the town charter section 3.4, subsequent amendments, and GS 160A-63, we were advised by the Board of Elections and Institute of Government that someone must be appointed to fill the seat until the next election, and a special election would need to be held to fill the seat for the remaining two years of the term, as that was the intent of the resolution. On Friday July 6, 2007 at 11:30 pm (30 minutes prior to the start of municipal election filing) Mr. George Gilbert of the Board of Elections contacted Hill and told him the resolutions did not change section 3.4 of the charter and said he was told by General Counsel of the State Board of Elections that the provisions of the charter override GS 160A-63. So therefore, due to a change of interpretation by the Board of Elections, there can be no special election and Mr. Wray must fill out the remainder of the term. Hill apologized for any inconvenience, but stated he knew of nothing else he could have done about the situation.

Brown stated this was not the only misinformation given by the Board as there was also a change in interpretation on the Council-Manager issue. Wray said he found out about it on Friday when he went to file for the seat in question. Wray stated Mr. Gilbert informed him he had just found out that there would be no special election and that Wray was "stuck" in the seat for two more years. He felt that the attorney and administrator did nothing wrong and did everything they could to obtain the correct information, that they do not need to apologize for anything, as they were given bad information.

Strickland stated the “error has potentially altered the policy making decisions of this town for the next two years”. Wray was appointed based on options presented to the public and council at the time and she feels the outcome would have been different if it was known that the person appointed would serve out the entire term. She felt many others would have applied and some would not have withdrawn their applications if they had known it would be for the full term. She stated her choice was based on misleading information and the people were denied constitutional rights to be represented by an elected official of their choice. Strickland further stated it was a very serious error on the part of the attorney and administrator and Wray should willingly resign and the appointment process should begin again, that Wray is here by mistake after November 6.

Wray stated he did not take the appointment without intent to run for re-election, that he was unaware of the error until he went down to file. He stated he is not a quitter and gave some examples of that, said he did not take this position to resign but to fill a term, to serve the community, and would serve until the end of the term.

Barnes says there are three 4 year terms available to anyone who wishes to run for council, that the town did not change because of this mistake, our town is what we make it each time we meet and make decisions, citizens that don't agree with the decisions can let council know and vote them out at the next election. She further stated she was personally offended by “the manner in which Mrs. Strickland has belittled our town attorney and our town administrator” and she feels that they are doing the best job they can.

Strickland said it is not personal, but business and she does not feel like she attacked Mr. Hill or Mr. Brandt, that the whole process has been flawed, and it is very serious. She is concerned about receiving incorrect information.

Barnes replied it is unreasonable to expect the town's part time attorney to be perfect and quoted from an email from Strickland, Barnes read “I did not feel you and Michael did all you could to ensure accurate information to the council and the public at large, how do you defend that inaction”. Strickland replied they were remiss in not going to the state board for information.

Brown stated he did not think the attorney and administrator could have done anything else, that the fault resided with the Board of Elections, and the council should move forward.

Notification of Expense Approval by Mayor

Brown stated the water heater at Town Hall went out and due to the fact that hot water is rarely used, instant hot water heaters were installed in each of the two bathrooms. There was a bill for a plumber and a bill for an electrician, together totaling around \$1500.

BUSINESS FROM TOWN ADMINISTRATOR:

Authorization to contract with various companies to provide appropriate due diligence for athletic field site.

Brandt stated there is only a 60 day window on the Marshall property and it would be necessary to hire surveyors, soil evaluators, and perhaps others to inspect and do other work on the property.

Collins made a motion to authorize Brandt to contract with companies for the work at the athletic site. The motion was seconded by Williams and carried unanimously.

Discussion of setting up a Section 125 Plan

Brandt referenced a memo from Dana Luther about setting up a Section 125 plan, which provides insurance premium deductions pre-tax for Social Security, Medicare, federal, and state taxes. There is no cost to the town, and would result in a savings of about \$46 per month on the town's matching payment amount.

Strickland said she did not want to vote on it as she had just received the memo tonight and had not had a chance to read over it yet.

Collins made a motion to approve the Section 125 plan and it was seconded by Williams.

Strickland asked that the record reflect she was opposed to it due to not having time to read or consider it as she just received it.

Brown called for a vote. The motion carried 4 to 1 with Strickland opposed.

BUSINESS FROM COUNCIL:

Collins asked everyone to use water conservatively and responsibly as we do not know how much water we have.

Strickland spoke of the appointments to the Comprehensive Plan Steering Committee, that it was done in secret, that it was later determined by the lawyer that it should not have been done that way, and stated the ballots were available at Town Hall.

Brown read the reasons for entering into closed session as follows:

CLOSED SESSION:

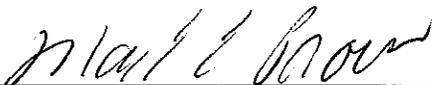
- A) consider the qualifications, competence, performance, character, fitness, conditions of appointment or conditions of initial employment of an individual public officer or employee or prospective public officer or employee as provided under NCGS 143-318.11(a) (6);**

Barnes made a motion at 8:31pm to enter into closed session based on the above reasons. The motion was seconded by Wray and carried unanimously.

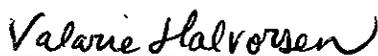
Barnes made a motion at 8:47pm to return to open session. The motion was seconded by Wray and carried unanimously.

Strickland made a motion to remove Valarie Halvorsen, Town Clerk, from probationary status and to raise her salary from \$15.90 per hour to \$16.70 per hour. The motion was seconded by Wray and carried unanimously.

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 Barnes and carried unanimously.



Mark E. Brown, Mayor



Valarie Halvorsen, Town Clerk