

**MINUTES OF THE
SUMMERFIELD TOWN COUNCIL
SUMMERFIELD COMMUNITY CENTER
May 17, 2006
6:30 P.M.**

NOTE: The official minutes of this meeting 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 E. Brown, Mayor; this is the second meeting of the month for Administrative business, committee reports and speakers from the floor at 6:30 pm at the Summerfield Community Center; Tonight's meeting will consist of the exchange of land and obligations for the Town of Summerfield.

Dena Barnes, Mayor Pro Tem led the invocation, followed by the Pledge of Allegiance led by Town Council.

INTRODUCTIONS:

Mark E. Brown, Mayor	Michael Brandt, Town Administrator
Dena Barnes, Mayor Pro Tem	Robin Smith, Town Planner
Carolyn Collins, Councilwoman	Evon Rumley, Town Clerk
Dwayne Crawford, Councilman	William Hill, Town Attorney
Becky Strickland, Councilwoman	
Bob Williams, Councilman	

CONSENT AGENDA:

A motion was made by Becky Strickland, Councilwoman to approve the consent agenda which included the minutes of March 7th; the motion was seconded by Dwayne Crawford, Councilman and passed unanimously.

ANNOUNCEMENTS:

Mark E Brown, Mayor stated the first two incidents of vandalism in the Summerfield Park had occurred. He stated someone had bent the bolts holding one of the benches in place and the Portal-John was turned over. He asked the neighbors to help keep watch over the property.

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

Ken Yarborough, 6158 Lake Brandt Rd., stated he had e-mailed council members in an attempt to get a better understanding of rezoning and how they are approved. He and several neighbors still felt the rezoning of property on Lake Brandt Road was too far from the intersection, and said he was confused on what is considered a minor commercial node. He said he was glad to see council planned to discuss a resolution halting development on Lake Brandt Road until a comprehensive plan was in place.

Don Norman said he and his wife appreciated the proposed resolution to halt commercial development in the Lake Brandt area where they live.

COMMITTEE REPORTS:

A. Community Relations

Bob William, Councilman stated the Founders' Day event was Saturday, May 20, 2006. He stated many activities were planned and about 200 entrants have registered for the parade.

B. Finance

Michael Brandt, Town Administrator stated the committee will discuss the budget at their meeting on May 22, and their input will be the basis for the draft budget will be submitted to the town clerk by June 1.

C. Historical

A raffle of a Bob Flowers painting will be held at Founders' Day.

D. Parks & Rec

George Holub, Park Manager volunteer, stated construction had slowed down due to a delay in the manufacture of the restroom, plants and trees are being planted. He also stated the playground equipment needed to be removed from the trailer, as the trucking company needs it back, although they are willing to work with the town. He said he wanted to put the equipment inside a construction fence and cover it with a tarp if it was covered by insurance against vandalism. He stated park gates are up, and bollards are being made to limit entry by cars into some areas.

Jerry Friddle donated time and material to clean up the trail by the tower and put down mulch, which would have cost the town \$3,000 to \$4,000. Becky Strickland, Councilwoman questioned the options if the insurance did not cover the playground equipment, and Michael Brandt, Town Administrator, said he would recommend renting a storage unit or pod until it could be installed.

E. Public Safety

The meeting, scheduled for the same night as this meeting, was canceled. Ron Washburn said new members are welcome, and encouraged interested parties to fill out an application.

F. SYC

Summerfield Youth Council had no business.

G. Thoroughfare

The town and the Metropolitan Planning Organization held a meeting on May 8 on the possible realignment of Highway 150 and more than 30 people attended. Michael Brandt, Town Administrator stated some people were very concerned about the possible rerouting, including residents of the Rabbit Hollow Road area. Some comments were received about rerouting the road further south to join Auburn Road with Bunch Road.

FINANCIAL REPORT REVIEW

Dana Luther, Finance Officer, stated this month's financial report included the check detail per Becky Strickland, Councilwoman request. She discussed with the finance committee whether the report should have a cut-off date reports at the end of each month or a "point in time" cut-off, as was currently done and depended on the date of the council meeting. Town Council did recommend continuing with the same procedure, as done now. Dana Luther, Finance Office stated the way the current report is being done is the most up-to-date method. She stated Stokesdale has an end-of-month cut-off, but their meetings are not until the third week of the month. She stated Oak Ridge also uses a month end cut-off, but since they meet on the first week of the month, there is not much time for council to review ahead of time. The town is currently working with Sun Trust to get online access to their account.

Dwayne Crawford, Councilman stated maybe having a cut-off date earlier in the month, but Dana Luther, Finance officer stated the bank statement would not be received at this point, so the report would not be accurate. Becky Strickland, Councilwoman stated the last checks were not shown closer to the council meeting date, and Dana Luther, Finance Officer stated a more up-to-date report could be printed but, it would not match the rest of the financial statement. Becky Strickland, Councilwoman stated she wanted the most current information available to know where the checks are going. Mark E. Brown, Mayor stated May was unusual, due to the two meeting, and did not see the need for paying Luther an additional two to three hours, to print the check detail report.

Dena Barnes, Mayor pro-tem stated Luther was doing an excellent job, and that all the items had to be approved in the budget, before checks were written or they had to be approved by Mark E. Brown, Mayor. Dena Barnes, Mayor Pro-tem stated the town has a finance committee, finance officer, auditor and mayor looking at the town expenses and did not see the need for Luther to print the special check detail report, but this can be done if a council member wanted it. Michael Brandt, Town Administrator states Luther is in the office at town hall a least once a week and would not take much time. Becky Strickland, Councilwoman stated that her request for additional information is no reflection on Luther's job, but wanted to know how the people's money was being spent. Dana Luther, Finance Officer stated before anything is paid she is responsible for looking at the budget; therefore before going over the budgeted amount, she would ask council to amend the budget. Mark E. Brown, Mayor stated the cost of Dana Luther, Finance Office time, and she needed to stay with the current method.

BUSINESS FROM TOWN ADMINISTRATOR:

Immigration memo (Bill Hill):

Michael Brandt, Town Administrator asked William (Bill) Hill, Town Attorney to consider the issue. A memo was presented to town council in regard to the Immigration memo. Hill stated Summerfield does not have its own Municipal Law Enforcement Agency and the Guilford County Sheriff's Office provides law enforcement services for the town of Summerfield. William (Bill) Hill, Town Attorney stated that as a matter of law, enforcement of immigration is a federal responsibility and state and local governments do not have any authority. He stated the following: A bill currently before the legislature would authorize law enforcement to enforce immigration laws "to the extent allowed by federal law." The council could pass a resolution but, it does not have its own law enforcement agency; before doing so, council should confer with the sheriff. The town also could consider a resolution, saying firms who contract with the town must certify that they do not employ illegal aliens and contracts would be subject to termination. We also should consider a resolution saying, people who contract with the town need to be certified; that they do not employ illegals; and if they chose to will be subject to termination. The town of Summerfield can have a resolution, but enforcing this would be the problem. If the contractor is caught, they would be subject to termination.

Mark E. Brown, Mayor stated that cocaine, marijuana, and illegal aliens are all illegal. Dwayne Crawford, Councilman stated he would like to see a public stand on this issue. He also stated illegals are illegal, and commented on the Illegal Immigration Act. He stated if we hire a contractor to do work and the contractor hires illegal to do the work, we would like to have a policy in place for us to do our part; saying we do not contract and we do not hire contractors, who contractor with people who hired illegal's.

Dwayne Crawford, Councilman stated there is a Web site to verify if a person is in this country legally, which include Insurance and Social Security number. Carolyn Collins, Councilwoman stated she agreed that immigrants should go through the proper channels, but she was not sure a resolution would accomplish anything, especially since the town does not have a police department. William (Bill) Hill, Town Attorney stated it is not illegal to give a driver's license if everything is in order; also if the resolution is passed it would take time to put this into a formal and written policy. He recommended a written policy and resolution.

Michael Brandt, Town Administrator stated our responsibility ends, when the paper is signed by contractor, and therefore, we do not have any legal authority going forward. He stated the contractor would have to ensure the employees and subcontractor, but that some people might refuse to sign the contracts. He stated this will cost extra money for the town of Summerfield and we the town might not find somebody to sign, because of the things in the contract. Dwayne Crawford, Councilman, stated to the council, to state the wording in a way that contractors will do the right thing. Becky Strickland, Councilwoman stated also, they would sign if they are not doing anything wrong.

Elizabeth Edmonds spoke in favor, saying the town should do what they know is right. Michael Brandt, Town Administrator stated there will be times we cannot find a contractor, because of this situation. He also stated this will cost the town more money and I want the citizens to know.

Ken Yarboro stated he hated to spend the money, but agreed the town needs to take a stand on the issue.

Dwayne Crawford, Councilman asked William (Bill) Hill, Town Attorney to draft a resolution, per the discussion, and present at the next council meeting. The second motion was given by Becky Strickland, Councilwoman with a preferred resolution. The motion passed unanimously.

Contact with petitioners/opponents of rezoning amendments (Bill Hill):

Michael Brandt, Town Administrator also asked William (Bill) Hill, Town Attorney to address this issue. He explained the difference between different types of decisions council is asked to make. For example, when making legislative decisions, such as rezoning matters, communications with all parties are not only appropriate but encouraged. Council and board members should just avoid any appearance that they are being unduly influenced before they hear both sides, and zoning board members are subject to additional limitations imposed by their bylaws. However, when council or board members act in a "quasi judicial" capacity, such as for variances, special use permits and appeals, members should not have private communications outside of regular meetings.

Becky Strickland, Councilwoman stated to William (Bill) Hill, Town Attorney she would like to have copies of the cases. She asked if council members are obligated to speak to parties, and William (Bill) Hill, Town Attorney said no, although they should be open to input from citizens. She then asked if she could speak with neighbors but not a developer, and William (Bill) Hill, Town Attorney said yes. Bob Williams, Councilman asked how to handle if someone asked how a case should be presented, and Michael Brandt, Town Administrator suggested council recommend they talk to staff.

Planning Intern:

Michael Brandt, Town Administrator stated the person for this job would be out of town until June, but they should be able to go from a 20 hour work week schedule to a 30 hour work week schedule. Becky Strickland, Councilwoman questioned the pay benefits for the planning intern. Michael Brandt, Town Administrator stated he should be able to offer them the same total number of hours but allow them to work 30 hours per week instead of 20 without pay benefits or retirement.

Appointment of BOA Alternates (Thomas Mizzelle and Michael Horan)

Thomas Mizelle and Michael Horan have been appointed to the Board of Adjustment as alternates. Dwayne Crawford, Councilman made a motion to approve the alternates. Dena Barnes, Mayor Pro Tem seconded the motion. The motion passed unanimously.

Newsletter update:

Michael Brandt, Town Administrator stated the newsletter had been mailed and should be received prior to May 20. He stated the updated 2006 tax records mailing list was used, and about 3,100 newsletters were mailed.

Armfield Park:

Michael Brandt, Town Administrator stated Armfield Development had made an offer to exchange the land and obligations to the Town of Summerfield for a soccer field, little league field, parking and restrooms. When the town suggested exchanging 90+ acres of passive park land for about 6 acres with athletic fields, Armfield provided another plan with an additional baseball and soccer field. Michael Brandt, Town Administrator stated that it was important to recognize the developers were doing what they were supposed to, and questioned whether the latest plan was adequate to move forward or if the council felt it was not good enough.

Mark E. Brown, Mayor asked if the lower baseball and soccer field was in the area of one of the proposed routes of Highway 150 and Michael Brandt, Town Administrator stated yes. Bob Williams, Councilman asked about the area used for the Armfield clubhouse septic field, and Summerfield Recreation Association, President Jay Copeland said they play on septic fields now. Carolyn Collins, Councilwoman stated it would not be good to have children exposed should the septic system fail, then asked when Highway 150 might be rerouted. Michael Brandt, Town Administrator stated if the DOT approves a route; it would take years to get through the required environmental assessments and then purchase the land. DOT doesn't have money for such projects, so are generally inclined to wait until land is developed and have developers pay for it. Carolyn Collins, Councilwoman stated she felt the town should take whatever they could get for athletic fields.

Bob Williams, Councilman questioned if it might be feasible for the town to purchase property and approach the Armfield developers about developing it. Jay Copeland, President of SRA stated since the fields could be unlit, they could only be used on Saturday s and perhaps one game on weekday afternoons, which would provide little relief for 80 teams. Bob Williams, Councilman pointed out that the proposed park area could not be used for houses, since it is part of the development's open space. Michael Brandt, Town Administrator noted that soccer fields were being shown, but there is currently no soccer program in the town. Jay Copeland, President of SRA said soccer fields were easier to build and maintain than baseball fields, and stated there was a desire for a soccer program. Michael Brandt, Town Administrator suggested the council give a okay to the concept but allow him, the SRA and the developer to talk and see if they are would be willing to do some kind of swap. Carolyn Collins, Councilwoman questioned the lighting at Armfield, and Michael Brandt, Town Administrator said athletic field lighting could be very expensive, and the developers might allow lighting but do not want to pay for it.

Jay Copeland, President of SRA stated the lighting is the biggest key, and there is no area for the storage, for maintenance equipment, hardly any room for spectators, no warm-up area, or no safety fencing. Michael Brandt, Town Administrator stated he, will go to the next level with this project.

BUSINESS FROM TOWN PLANNER:

Consider Resolution for Halting Commercial Zoning on Lake Brandt Road

Robin Smith, Town Planner stated this plan to the town council. Smith read to council the draft resolution which said no commercial rezoning would be allowed south of 6161 Lake Brandt Road, which was rezoned to LO (Limited Office), until a comprehensive plan is adopted. Becky Strickland, Councilwoman questioned if property owners north of this area could request rezoning and Robin Smith, Town Planner stated yes, but the resolution would only refer to property south of that address. Mark E. Brown, Mayor stated the commercial rezoning on Summerfield Road was coming up next month, and wondered if all area of the town might request such request such resolutions, which would in effect be a moratorium. Robin Smith, Town Planner stated there was already one resolution against development on Summerfield Road, although it was adopted by a former council. She also stated a resolution is different from a moratorium as far as how much power it has.

Carolyn Collins, Councilwoman stated she felt each rezoning request should be considered individually, and motioned to adopt the draft resolution. Bob Williams, Councilman seconded the motion. The motion passed unanimously.

BUSINESS FROM COUNCIL:

Becky Strickland, Councilwoman stated she checked the Secretary of State's Web site, and found one company the town does business with is 10 years behind in filing annual reports and paying fees. Michael Brandt, Town Administrator will do some research on business guidelines and report back to the council.

Application for Greensboro ABC board:

After the town received no applications, Mark E. Brown, Mayor stated he contacted several people and received applications. He stated two people had submitted applications: Faye Phillips and Betsy Ingram for the position and felt both would be qualified to serve.

Becky Strickland, Councilwoman made a motion to appoint Faye Phillips and seconded by Dwayne Crawford, Councilman. This motion failed by a 2-3 vote (Becky Strickland, Councilwoman and Dwayne Crawford, Councilman, for; Carolyn Collins, Councilwoman, Bob Williams, Councilman and Dena Barnes, Mayor Pro Tem against).

Carolyn Collins, Councilwoman made a motion to appoint Betsy Ingram and this motion was seconded by Bob Williams, Councilman. The motion carried 4 to 1; Becky Strickland, Councilwoman against and Dena Barnes, Mayor Pro Tem, Carolyn Collins, Councilwoman, Dwayne Crawford, Councilman Carolyn Collins, and Bob Williams, Councilman in favor of this motion. Bob Williams, Councilman and Mark E. Brown, Mayor stated the ABC store will be ready to open by the end of the month.

Consider Resolution for 2006 Clean Water Bond:

Becky Strickland, Councilwoman stated the 2006 Clean Water Bond is a voter issue and council should not tell citizens how to vote. After further discussion, Michael Brandt, Town Administrator stated he did not feel this was something council needed to act on. Dwayne Crawford, Councilman display a map showing where county public water systems were located, and most were in the eastern part of the state. Dena Barnes, Mayor Pro Tem stated she felt it would be a good opportunity to let citizens know a clean water bond would be on the ballot in November 2006. Town Council took no action

OTHER BUSINESS:

William (Bill) Hill, Town Attorney stated he was moving to a new Firm and would no longer be with the old law firm.

Becky Strickland, Councilwoman questioned if another budget open house would be held, and Michael Brandt, Town Administrator stated he was considering one the week after the budget was presented to council on June 6,

and before it was adopted at a meeting later in June. Becky Strickland, Councilwoman asked if that would allow time to make changes, and Michael Brandt, Town Administrator stated after June 6, council can do as they wish with the budget.

OTHER BUSINESS –CLOSING

With no further business before Town Council, a motion was made to adjourn by Dena Barnes, Mayor Pro Tem at 9:05 pm. The motion was seconded by Bob Williams, Councilman and carried unanimously.

Mark E. Brown, Mayor

Evon Rumley, Town Clerk