

**MINUTES OF THE  
SUMMERFIELD TOWN COUNCIL  
SUMMERFIELD COMMUNITY CENTER  
JANUARY 3, 2006  
6:30 P.M.**

**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 by Mayor Mark Brown at 6:30 pm.

The invocation was led by Linda Southard and the Pledge of Allegiance was led by Council.

**INTRODUCTIONS:**

Mark Brown, Mayor  
Dena Barnes  
Carolyn Collins  
Bob Williams  
Becky Strickland  
Dwayne Crawford

Michael Brandt, Town Administrator  
Bill Bruce, Town Planner  
Dianne Laughlin, Town Clerk  
Bill Trevorrow, Town Attorney

A motion to approve the Consent Agenda, including the Minutes of December 6<sup>th</sup>; **holding approval of the minutes of Dec. 1<sup>st</sup> and 20<sup>th</sup> until February 7<sup>th</sup> to make some additions/changes**; the monthly Financial Report and Resolutions to add Corbin Woods Dr., Cedar View Dr. and Meadow Run Dr. to the NCDOT State Maintenance System; and adoption of Town Council Business Meeting Dates; changing Item 15 (Closed Session) to reference Planner instead of Attorney, was made by Becky Strickland. The motion was seconded by Dwayne Crawford and carried unanimously.

**ANNOUNCEMENTS:**

Mayor Brown announced a January 11<sup>th</sup> hearing will be held at the County Commissioners Meeting Room in Greensboro on changing the name of US 220 to Battleground from an area around Hamburg Mill Road.

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

Gail Dunham, 5805 Snow Hill stated she had two requests: On September 20<sup>th</sup>; amended September 27<sup>th</sup> she had asked to review all records and information on the "911 Tower Park"; she stated that had not been received and that the minutes from September 20<sup>th</sup> should indicate no public comment was allowed. She spoke to the "Public Comments" guidelines and the letter the ACLU sent concerning certain observations in these guidelines. She asked Mayor Brown and Mayor ProTem Barnes to provide evidence proving where citizens had screamed, hollered, told blatant lies and made personal attacks on council members' characters as had been reported and she doesn't think this is true as she has listened to the recordings. Barnes asked for clarification of what Dunham was requesting.  
Dunham clarified her request.

**AUDITORS REPORT (ROUSE, ROUSE, PENN & ROUSE)**

Rex Rouse reported on the Town's audit or the year ending June 30, 2005. He read page one of his report and reference page 28 for figures showing the Town's total assets are up. He reported the Fund Balance is up; and total revenues up from \$504,542 to \$2,122,243, including franchise

taxes, planning and inspections fees; and investment earnings; with a fund balance of \$7,510,652, up from \$6,381,650 in 2004, and liabilities of \$17,641. He stated the total expenditures were \$977,238; with the town collecting \$912,142 in property taxes, which includes motor vehicles. Rouse reported that was 99.44% of the amount levied, stating this was a very good ratio. He reported that recent outsourcing of accounting duties will help make internal controls about as strong as possible for a small town.

Rouse thanked staff for their cooperation in compiling information needed to complete the audit.

**COMMITTEE REPORTS:**

**A. Community Relations:** Welborn reported the theme for Founders Day this year would be “Summerfield, USA”. She spoke to a car show at the Post Office; an apple pie baking contest; and many exciting projects to celebrate our 10<sup>th</sup> Annual Founders Day. She stated sponsorship packages were available.

**B. Finance:** There was no meeting in December.

**C. Historical:** There was no meeting in December.

**D. Parks & Rec:** Brown read the committee meeting minutes, stating that the playground equipment should be installed in March; with a change order with Bar Construction completed for the purchase of a bathroom facility; the road behind the bridge needs a 5-degree grade to comply with ADA; some park benches might be made from some oak logs and that Eagle Scouts should be in the process of building picnic tables. It was reported there was about a 25% return on the surveys; with two committee member reporting they didn’t receive a survey. Next meeting will be Thursday, Jan. 12<sup>th</sup>.

**E. Public Safety:** No report

**F. SYC:** Walker stated the SYC had given \$340 to needy families in December; that they are planning a Cook Book Fundraiser and asked that recipes be left at Town Hall. He stated they were planning a St. Jude’s Hospital fundraiser; date to be announced.

**G. Town Core:** Carrie Spencer stated they had met and prepared a brief for the Town Council. She asked Council to review and endorse the plan. She asked to be included as an agenda item in February as she didn’t want the project to lose momentum. There was discussion about the meetings so far not being open to the public, even though property owners in the Town Core had been invited to the meetings. Brown stated that after the report is received by Council, they will decide how to proceed in accordance with state laws.

**H. Thoroughfare:** No report.

**I. Water Resource:** Brandt reported that the questions raised at the December 1<sup>st</sup> meeting will be on the website soon.

**PUBLIC HEARINGS:**

**(OLD BUSINESS)**

**A. SIGNAGE (Town Entrance and Sponsorship):**

Tammy Welborn, Community Relations Chair, stated the committee would like to continue the “Welcome to Summerfield” sign project which was stated by George Holub and Paul Milam at the request of Mayor Brown and Mayor Pro tem Barnes.

A motion was made by Carolyn Collins to rescind the November Town Council motion to accept the Welcome signs as presented by Holub. The motion was seconded by Dena Barns and carried unanimously.

It was reported that Holub indicated he no longer wanted to continue with the sign project and Welborn thanked Holub and Milam for recognizing this need and starting the project.

Welborn reported that DOT said some signs are allowed in the right-of-way; but materials, size, landscaping and lighting must be approved; more rigid materials require signs to be placed further from road.

Brown stated the Community Relations Committee has handled several community projects nontax dollars and that they can mull this over until February; that they were being asked to approve a concept, not the actual signs; that the signs would be viewed in February.

There was discussion about the current signs saying “City” instead of “Town” and Brandt reported there is no distinction on this matter with NCDOT. Crawford also had concerns about vandalism; stating a sign that looks too good might be an easy target.

Citizens with sign design ideas were requested to have them at Town Hall by January 27<sup>th</sup>.

The “Welcome To” concept will be presented at the next Town Council meeting.

Welborn continued with the Founders Day sponsorship and spoke to a temporary sign with sponsor names on it, and stating “10<sup>th</sup> Annual Founders Day” being placed at the Town Hall parking lot on Hwy 150 (Oak Ridge Road) for two weeks and be moved to the school after that, to remain through Founders Day. She reported she had already had approval from the school for this idea.

Carolyn Collins stated she thought this was a good idea and made a motion to put a temporary sponsorship sign at Town Hall for two weeks and then to be moved to the school. The motions was seconded by Bob Williams and carried unanimously.

Crawford reiterated his concerns about businesses being associated with the Town.

**(NEW BUSINESS)**

**A. REZONING CASE #8-05: AG to RS-40: The property is located at 1050 and 1054 NC Highway 150 West, being tax map numbers 6-337, Block 785, Parcel 15 and Parcel 3, in Center Grove Township. The properties are separately owned by Marilee W. Slack and Alexander Mitchell, Jr, respectively, totaling approximately 13.34 acres. The applicant, Ricktana, LLC, has an offer to purchase the properties.**

Bill Bruce presented the case, reading from the staff report. He spoke to concerns of neighbors as environmental issues and traffic concerns. Bruce stated the spring on the property will be preserved. Staff recommends approval and the Zoning Board recommended approval by a vote of 3 to 2.

**In Favor:**

Bill Greco, Land Solutions, stated they have completed all steps and everything seems to be favorable to this rezoning request; that it is consistent with surrounding properties. He reported DOT would decide on turning lanes.

Collins asked how many lots and what is the location of the stream to which Greco replied there would be ten lots maximum and that the spring is at the rear of the property in the conservation area.

**Opposed:**

Doug Watkins, 6211 Reata Drive, stated he voice his concerns at the open house and at the Zoning Board hearing. He asked they let the property remain AG. He spoke to the rural character of Summerfield and stated he had traffic concerns.

There was discussion about turning lanes, open space and conservation area.

Dwayne Crawford motioned to approve the request from AG to RS-40, but the motion failed for lack of a second.

Dena Barnes motioned to deny the request from AG to RS-40. The motion was seconded by Carolyn Collins and carried 4 to 1. Crawford voted no.

There was a break from 8 pm until 8:12 pm.

**B. REZONING CASE #9-05: AG to RS-40: The property is located at 6150 Lake Brandt Road, being tax map number 6-356, Block 774, Parcel 38, in Center Grove Township. The property, approximately 2.5 acres, is owned by Kelley B. Root.**

Bruce presented the case reading from the staff report. He stated Staff and Zoning Board recommended approval.

**In Favor:** None

**Opposed:** None

After some discussion, a motion was made by Carolyn Collins to approve the request to rezoning from AG to RS-40. The motion was seconded by Bob Williams and carried unanimously.

**BUSINESS FROM TOWN PLANNER:**

Bruce reported information to be discussed at the joint workshop of the Town Council and Zoning Board was included in the Councils package and he asked if more info was needed.

There was discussion that the dates and times conflicted with some of the Zoning Board and Council schedules. It was decided by consensus to cover as much material as possible on Thursday, January 5<sup>th</sup> and move to Saturday if necessary.

Collins stated she would be late for the Thursday meeting.

Bruce reported he had been asked to do research by a council member concerning reinstalling gas pumps at Shorty Wilson's store on Pleasant Ridge Road and he is now sharing that info with the entire council. He stated his research indicated the primary restriction is because the area is in a watershed critical area. He stated the Town could remove minimum requirements and that it would take action to allow underground tanks.

Crawford asked if the property was grandfathered and Bruce stated that if there had been no activity for one year, the grandfather clause is no long applicable.

Brown reported that there has been long running civil action regarding this property and stated that in June or July of 2004 he had stopped by the Attorney Generals Office but the man he needed to speak with wasn't in.

There was discussion about the tanks being in the ground and how the store has been a fixture in Summerfield for many years. Barnes asked how this ruling came about in the first place and was told we were following Guilford County's advice. Collins stated his intention was to have gas all the time. Brandt recommended the owner come and talk with staff; that since ongoing activity

shows attempts, he may be grandfathered; that paper effort should apply. Council asked that Wilson provide documentation of his attempts to remedy the situation.

Crawford stated he was the one who made the request for this research.

**BUSINESS FROM TOWN ADMINISTRATOR:**

**A. Authorization for Change Orders for Summerfield Community Park (cont from 12/6/05)**

Brandt stated they are still looking for a level of approval for Purchase Orders under budgeted items for the park. Brandt recommended up to \$10,000 for mayoral approval and up to \$3000 for the Town Administrator in order to keep from disrupting the flow of work on the park. Strickland asked if this meant not coming back council and Brandt stated the cap is set and that every month and update will be given. Barnes stated that Dana Luther, Finance Officer, would monitor the expenditures and give monthly reports.

A motion was made by Dena Barnes to adopt the authorizations as presented by Michael Brandt at the December 1, 2005 meeting, with updates presented each month. The motion was seconded by Bob Williams and carried 3 to 2. Crawford and Strickland voted no.

There was discussion about change orders and Strickland stated that she didn't like change orders because they always meant more money.

George Holub, park project manager, stated the last change order saved the town \$38,000 on a restroom facility, and that a demolition dump had been found on the site and he was able to negotiate clean up for half of what it would have cost because the equipment was already at the location.

Strickland why no one knew about this dump and what else had been found and Holub reported on a sewer line running from the school that would have to be cleaned up.

There was discussion about why these items were not known and Holub stated they weren't discovered until grading and clearing had started.

Crawford stated the Civitans used to have a park in the area and it was no longer in existence. He stated he voted in opposition because he felt volunteers could do this work if a charismatic leader was located. He spoke to the 2002 survey and that a past council member had stated that according to the survey, sixty percent of the people didn't want a park if they had to pay for it. Crawford was opposed to using the voter registration list for mailings of a recent survey. Crawford and Strickland referred to the survey as a political mailing list.

Collins stated the volunteers are tired from all the work they've done, citing work done by Crawford's uncle on the town hall, and reaffirmed her thoughts on the park being good for the Town.

Barnes stated she felt that since a contract had been signed and public hearings held, they were obligated to finish the park, and that the town didn't start a tax to build the park.

**B. Volunteer accident insurance coverage update (continued from 12/6/05)**

Brandt stated he has received a quote for \$350 for six months for up forty volunteers. He stated that is in line with the \$2000 that was approved by Council. He reported he is waiting on one more quote and will then get a contract for the mayor to sign.

**C. Recommendation to remove Strader Road from road paving list due to lack of dedication of right-of-way by property owners and reimburse expenses of NCDOT for project spent to-date.**

Brandt reported that several years ago, Strader Road was taken off the “to be paved” list and that last year several residents asked for Strader Road to be put back on “to be paved” list; stating they would donate the right-of-way at the time of dedication and now three have refused to sign; although one-hundred percent of the property owners had originally signed the petition to pave. He spoke to a conversation with Doug Galyon in August, stating that Mr. Galyon would split the cost 50-50 which would save the Town over \$150,000. Brandt stated the residents were contacted and still refuse to sign the right-of-way dedication. Brandt recommended Strader Road be removed from the list and that those budgeted funds be put back in the general fund. Brandt also reported we owe NCDOT for work already done; although he hasn’t received an invoice, he thinks it will be somewhere around \$20,000.

After some discussion, a motion was made by Becky Strickland to take Strader Road off the road paving list due to lack of dedication of right-of-way by property owners; to reimburse expenses to NCDOT and return the monies from this project back into the general fund. The motion was seconded by Carolyn Collins and carried unanimously.

**BUSINESS FROM COUNCIL:** Barnes stated they had a letter from the Public Safety Committee addressing concerns about speed limits on Strawberry Road, Auburn Road and Summerfield Road. Brandt stated it would take action from Council for the town to ask DOT to lower the speed limit. Strickland asked would we have to pay and Brandt replied that we would not. After some discussion, a motion was made by Dena Barnes to request NCDOT to do a study of the speed limits along the roads that the Safety Committee presented. The motion was seconded by Becky Strickland and carried unanimously.

Crawford reported on his search for new audio equipment for the Town and recommended the Council form a committee to do research on this project. There was discussion about existing equipment and the need for more microphones. After some discussion, a motion was made by Dwayne Crawford to form a technology committee, including Crawford. The motion was seconded by Becky Strickland and carried unanimously. He reported he would be able to set up a list serve using his own equipment. Brandt suggested this might be a part of the package we have with Time Warner.

Collins asked about Republic Waste’s contract and it was stated that contract expires in December. She reported that some people are still burning their trash; and she suggested Council look at prices for both universal and like current collections.

There was discussion about the PART 150 study and meetings. Barnes reported she had been attending these meetings but could not attend the one on the 24<sup>th</sup>. She asked if the Mayor would like her to continue or if he wanted to go and Brown asked Barnes to continue going to these meetings.

**BUSINESS FROM MAYOR:**

**A. ACLU Letter Discussion:**

Bill Trevorrow, Town Attorney, stated that civil rights is not a part of his practice and that he had reviewed the policy in depth and agreed the language could be construed as depressing free speech and in accordance with ACLU’s recommendations he suggested deleting the paragraph stating speakers from the floor should not discuss matters concerning the candidacy of those seeking public office; he recommended changes to the paragraph regarding speakers discussing litigation and personnel.

Brown suggested that “speakers” be put at the beginning of the agenda.

Strickland stated she felt the entire policy should be discarded and start from scratch.

A motion was made by Dena Barnes at 9:02 to recess to closed session to 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). (Planner)  
The motion was seconded by Carolyn Collins and carried unanimously.

Council reconvened at 9:15.

Mayor Brown reported that Bill Bruce had submitted a letter of resignation as of January 27<sup>th</sup>. Bruce stated it was not an easy decision for him, but he was offered a good opportunity with Guilford County in their revamped Planning Department.

**OTHER BUSINESS (if any)**

Brown asked Strickland if she still had concerns about the town attorney, and Strickland stated she did. When asked to elaborate, she stated that at the Mar. 19, 2005 retreat, Council expressed they were not receiving sound legal advise; she stated she had concerns for the Town and personally that if there is a lawsuit, there won't be sound legal representation, and that Trevorrow had been allowed to continue in his position. She continued that Trevorrow falsely executed the HUD settlement statement on the property purchased by the Town at 7300 Summerfield Road; that she had asked for the statute which permitted the town to pay for a county building and he never responded; and she stated that at the Zoning Board and BOA hearings, he often fumbled through legal issues; that Michael Brandt had to answer legal questions. She spoke to concerns about the errors in the town's development ordinance not being corrected and the Speakers from the Floor policy being in violation of the first amendment.

Barnes stated there was confusion about the ownership of the structure for the substation; that it was not being given to the county and the Town of Summerfield would retain ownership or the building.

Crawford stated he also understood council members at the March 2005 retreat to say they were not getting sound legal advice. Bob Williams stated at the they were asked at the beginning of the retreat for a list of things they wanted for the Town and one thing was sound legal advice and Michael Stewart (former councilman) stated that he recalled they discussed hiring a land use attorney and specialized attorney as needed.

Strickland, speaking directly to Trevorrow, stated that based on what she had seen for the past 18 months, she has no confidence in his abilities as the Town Attorney.

There was discussion about Mayor Brown, Michael Brandt, Becky Strickland and Bill Trevorrow meeting to discuss Stricklands concerns or possible discussion them at a Council Retreat. Bill Trevorrow stated that what ever is bothering Ms. Strickland needs to be resolved soon; that a reputation is at stake here. He asked for a vote of confidence from the Council.

Brown stated that according to NCLM, Mr. Trevorrow could not be discussed in Closed Session as he is a contract employee. Brown stated that he felt they have received good advice for years from Trevorrow and that he (Trevorrow) was Board certified and has had no complaints or problems.

Brandt suggested they have the Mayor, Strickland and Bill Trevorrow schedule a time to sit and talk.

Crawford suggested for an up or down vote of confidence.

A motion was made by Dena Barnes to give a vote of confidence for the Town Attorney. The motion was seconded by Carolyn Collins.

Strickland offered a sub-motion to seek another Town Attorney in view of her lack of confidence in the current one. Crawford offered an amendment to Strickland's motion: to explore other opportunities for legal Counsel with a vote of confidence for Mr. Trevorrow. The motion failed for lack of a second.

Williams stated that Mr. Trevorrow needed an up or down vote for confidence and this is not happening.

Brown called for a vote on Barnes motion for a vote of confidence for the Town Attorney.

The motion carried 3 to 2. Crawford and Strickland voted no.

Trevorrow thanked Council for the vote of confidence and stated he had always tried to do his best.

Brandt stated they need to set up a workshop for a Saturday in February and he asked Council to e-mail him suggested dates.

With no further business before the Town Council, a motion was made at 10:55 pm by Carolyn Collins to adjourn. The motion was seconded by Bob Williams and carried unanimously.

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Mark Brown, Mayor

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Dianne Laughlin, Town Clerk