

**AGENDA OF THE
SUMMERFIELD TOWN COUNCIL
SUMMERFIELD COMMUNIYT CENTER
FEBRUARY 13, 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 DEC. 14, 2006; JAN. 9, JAN. 11 & JAN 25, 2007**
 - C. **FINANCIAL REPORT**
 - D. **RESOLUTION TO ADD EARL FORBES DRIVE EXTENSION TO THE STATE MAINTENANCE SYSTEM**
6. **ANNOUNCEMENTS**
7. **AUDIT REPORT (Rex Rouse)**
8. **SPEAKERS FROM THE FLOOR (limited to 5 min. on non-agenda items)**
9. **COMMITTEE REPORTS:**

A. Community Relations	B. Finance
C. Historical	D. Parks & Rec
E. Public Safety	F. SYC
10. **OLD BUSINESS: (Cont. from Jan. 9, 2007)
located at 6846 Banning Road, being Guilford County tax map #13-654, Block 971, parcel 7 and portion of 7312-Rear Henson Forest Dr., being Guilford Count tax map #13-654, block 970, parcel 201. These parcels located in Bruce Township, make up of approximately 400 acres. The rezoning is to request a change in the previously approved conditions.**
11. **Subdivision Case 2006-30-S: The Vineyards at Summerfield.
Appeal Zoning Boards Denial of Waiver: Pursuant to Section 9-1.2(A) (6) and Section 5-12 of the Summerfield Development Ordinance, the Zoning Board on 12/20/06 considered a waiver for the property located at 6999 Toscana Trace in Bruce Township, being Guilford County Tax Map 13-01-0035-H-0852-00-108, Block 0852, Parcel(s) 108. The Zoning Board denied a waiver to Section 7-3.4(C)2 of the Summerfield Development Ordinance to allow pipe installed in drainage ditch to remain.**

12. **BUSINESS FROM TOWN ADMINISTRATOR:**
 - A. Contractor vs. Employee discussion
 - B. Discuss Zoning Board vacancy
 - C. Discuss interim positions on Board of Adjustment & Finance Committee.
 - D. Response to January 9, 2007 Freedom of Information Request
 - E. Update on State Cable Franchise effect on local government revenues.
 - F. Approve CDBG Scattered Site Housing Program participation

13. **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). *and;*

 - B) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public board in negotiation: 1) the price and other material terms of a contract; or proposed contract for the acquisition of real property by purchase, option, exchange, or lease;

14. **BUSINESS FROM COUNCIL**
15. **BUSINESS FROM MAYOR**
16. **OTHER BUSINESS (if any)**
17. **ADJOURN**

**MINUTES OF THE
SUMMERFIELD TOWN COUNCIL
SUMMERFIELD COMMUNITY CENTER
FEBRUARY 13, 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 6:32 PM by Mayor Mark Brown.
The invocation was led by Linda Southard; followed by the Pledge of Allegiance.
There were approximately 70 people in attendance.

INTRODUCTIONS: (Council)

Mark E. Brown, Mayor
Dena Barnes, Mayor Pro Tem
Carolyn Collins, Councilwoman
Dwayne Crawford, Councilman
Becky Strickland, Councilwoman
Bob Williams, Councilman

Staff:

Michael Brandt, Town Administrator
Dana Luther, Finance Officer
Susan Moore, for Bill Hill, Town Attorney
Dianne Laughlin, Interim Town Clerk

A motion was made by Dena Barnes to approve the Consent Agenda as corrected and amended by moving Closed Session to Item 12 and omitting Item 11G. The agenda included Minutes of Dec. 14, 2006; Jan. 9, 11, and 25, 2007; the monthly Financial Report; and a Resolution to add Earl Forbes Drive Ext. to the State Maintenance System. The motion was seconded by Bob Williams and carried unanimously.

ANNOUNCEMENTS:

Barnes announced the Polar Plunge at High Point City Lake on February 17 at 12 Noon; with proceeds to benefit Special Olympics.

Brown reported the Town of Oak Ridge has invited Summerfield Town Council to attend the dedication service for their new Town Hall on Thursday March 1 at 6 pm with the ceremony preceding their regular meeting.

AUDIT REPORT (Rex Rouse):

Rex Rouse, Sr. summarized the audit by stating this is an unqualified opinion and was pleased to report the Fund Balance had increased from \$7,510,652.(June 30, 2005) to \$8,429,285.00 (June 30, 2006). He reported the town is in good financial condition; citing it at the top of the state for towns of its size. Rouse reported Guilford County Tax Department has a collection rate of 99.3 percent (\$527,116.00) for the town, which is a very good rate. He stated he was pleased to report the number of audit adjustments was only 10 this year; compared to 20 last year; and he attributed this to the fact that we now have an external Finance Officer. Rouse stated that expenditures was up \$576,320.00, with over \$500,000.00 of that due to outlay of funds for the Park. He reported most of the amounts due from Governments to the Town is the PARTF Grant amount. Copies of this Audit Report are available for viewing at Town Hall.

Crawford requested an electronic copy of the report and Rouse stated he would send one.

There was discussion about the uncollected property taxes and Rouse stated Guilford County makes every effort to collect these; that Summerfield doesn't seem to have a problem with uncollected property taxes.

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

Fred Brown told Council they are working for constituents and voters and not developers.

Jay Copeland, SRA President, stated the Town needs to move ahead with the purchase of the Friddle property on Summerfield Road. He spoke to the fact that the current ball field property belongs to Guilford County and with the lack of room it leaves some kids to have to wait for High School sports to become involved. Copeland talked about how team sports benefit children. He also had concerns about the lack of affordable housing which would cause growth to come from outside of Summerfield instead of keeping our young adults in the community.

Alicia Flowers addressed the recent vandalism at the park in which some bolts were removed from the playground equipment and how Mr. Holub's vigilance kept anything serious from happening. She spoke concerning an article in the NorthWest Observer, calling it vengeful and hateful; adding she hoped this type of insinuation was not acceptable.

Steve Atkins, 7591 Cassidy Way, stated the Friends of Summerfield held their first meeting and it was well attended with good, positive attitudes. He reported a member will speak to the Council each month to report on their activities and to rebut inaccurate information.

Dwayne Crawford, reminded Atkins not to make accusations without facts, referencing an assumption he had made regarding a referendum before he was elected.

COMMITTEE REPORTS:

A. Community Relations: Tammy Welborn reported the date for Founders Day is May 19th from 9 am until 3 pm; with the parade starting at 10:00 am. Welborn stated there would be several changes in the activities this year, and announced if anyone wants to place an ad in the program to see her. Next meeting will be March 6th, at the Town Hall.

B. Finance: Ronnie Stafford stated they met on January 15th and had looked at shorter terms with smaller amounts to be invested. He stated that since its incorporation, the Town has earned over \$1,338,032 in interest.

C. Historical: No Report

D. Parks & Rec: Sue Beeson reported the committee unanimously voted the Friddle property on Summerfield Road is the most suitable tract for ball fields and requested council direct Brandt to begin negotiations; stating the committee would consider all properties if others are available.

E. Public Safety: Ron Marshburn stated the alternate site emergency shelter at Center United Methodist Church has been completed. Marshburn reported the committee would like for the Town to consider sponsoring an annual Household Hazardous Waste station.

Marshburn reported on the death of a man who was taken ill while walking the trails and could not be located by EMS. The Public Safety Committee has proposed setting up GPS tracking stations along the trails to prevent future problems. Marshburn spoke to attending the pandemic flu meeting, with the mayors of Summerfield, Oak Ridge, and Stokesdale as contacts for this group.

F. SYC: Reese Walker reported the SYC won 1st place in the Stokesdale parade. He stated they would be planting 3000 bulbs in the park on Feb. 24 and are planning a Barbecue fundraiser in April.

PUBLIC HEARINGS:

Brown explained the procedure during this part of the meeting, stating that the Public Hearing portion of the meeting was now open, and that proponents and opponents would each be given 30 minutes to present their cases; with 10 minutes for each side for rebuttal.

OLD BUSINESS: (Cont. from Jan. 9, 2007)

A. Rezoning Case #11-06 CU-OSRD to CU-OSRD. The property is located at 6846 Banning Road, being Guilford County tax map #13-654, Block 971, parcel 7 and portion of 7312-Rear Henson Forest Dr., being Guilford Count tax map #13-654, block 970, Parcel 201. These parcels located in Bruce Township, make up of approximately 400 acres. The rezoning is to request a change in the previously approved conditions.

Brandt brought the business forward, stating the Public Hearing was closed by Council during the last meeting, but Council may reopen it if they so desire. Brandt reported there are changes in the conditions for the request including items 4, 7, and 8. Brandt reminded Council that this is a Conditional Use rezoning request, under state law, Council and applicant may discuss and determine appropriate conditions that will insure the rezoning meets the Long Range Land Use Plan and meets the health, safety, and welfare of the citizens of Summerfield; and any conditions proposed by the applicant or imposed by the Council must be approved by both parties before Council may vote on the matter. Brown asked if Council wished to reopen the Public Hearing.

After some discussion, a motion was made by Becky Strickland to reopen the Public Hearing on case 11-06. This motion was seconded by Dwayne Crawford, and carried unanimously.

Proponents:

Diane Hicks, 7819 Spencer Brook Dr, thanked Armfield for their careful planning with quality and high standards. She reported she thought the Covenants and Restrictions would keep high standards in the future. Hicks further stated that she believed Mr. Brady has gone out of his way to set guidelines. She stated affordable housing means different things to different people.

Haywood Cochran, 2016 Murfield Court, Elon, NC, stated that he is a member of the group that is requesting the changes, and he thinks that the restrictions are appropriate, and they are still 20% below the Town's ordinance restrictions.

Don Brady, 3109 Madison Ave, Greensboro, agreed with Mr. Cochran, and stated that he feels bad about the negative forces, but plans to do what is right.

Heather Neilson, Hunting Lodge Rd, Pleasant Garden, spoke to a question from Strickland regarding an article that appeared in the Rhino Times, stating the information was misconstrued, that the lowest selling price was \$500,000, not \$400,000 as stated in the article.

Jim Brady, 1511 Allendale Rd, Greensboro, stated that they had worked diligently with the Town on the issues, trying to get the development back on track. He reported on bad decisions that were made by the previous developer and stated this plan would bring affordable housing that would attract young adults.

Dale Parrot, McKibbon Cir, stated that variety was needed, and while he was not totally for Twin Housing, he preferred this developer's plans.

Opponents

Mark Mortensen, 6110 Percheron Trail, stated that he and his family had moved here for the schools and the character of the community. He advised Council to be aware of scare tactics and reminded them that the Zoning Board had voted against this project.

Fred Brown, 2913 Pleasant Ridge Rd, stated this rezoning should never have been approved; he spoke to water concerns, traffic concerns, and stated this is not right for the area.

Gail Dunham, 5805 Snow Hill Dr, stated she thought Council should have sent this back to the Zoning Board; that Robin Smith continued to negotiate with developers after the Zoning Board voted to deny. She spoke to concerns about water, and that the Town should not have to bail builders out of their losses.

Renee Weidel, adjoining property owner, stated this would set a precedent and she dittoed all comments of those who spoke in opposition.

Dwight Santiago, 6212 McKibbon Cir, spoke to concerns about the impact on the property values in the neighborhood, traffic, and overcrowded schools, and recommended denial or postponement until they can prove how they plan to proceed.

Rebuttal

Proponents:

Jim Brady stated they would move forward with good faith and open communication, stating the original environmental studies allowed up to 401 homes. However, they had originally asked for 290, and now are asking for 343 homes, still under the original number of allowable sites. He reported they took the Zoning Board recommendations and changed them for presentation to the Council. He stated they would take the Twin Homes off the table if that would help to move this

project forward. He reported the park land has been deeded back to Armfield, but is still available to the Town, and they are prepared to deliver \$250,000 to build soccer fields.

Opponents:

Gail Dunham stated that you can't assume anything, and that the zoning needs to be clarified; increased density will not make development easier.

Mark Mortensen stated everything is getting confused again just like in 2003, and that they should not be given a second chance; he recommended denial.

Fred Brown said that he had heard so many changes that he did not know what was going on, that the details were complicated, that Council should send it back to the Zoning Board, or vote no.

Dwight Santiago stated he was disturbed about the offers, and recommended Council deny or if proper, send it back to the Zoning Board.

Public Hearing was closed at 8:40 pm.

Council Discussion:

Brandt recapped Jim Brady's offer to drop multi-family housing from the conditions, and also the conditions on the number of houses.

Susan Moore, attorney, stated Council can change conditions if both parties agree, without going back to the Zoning Board. She also stated that in Mr. Hill's opinion (Town Attorney) that this plan does meet the ordinance guidelines.

Brandt spoke to new state laws that allow negotiations between parties to be made up to the date of the hearing so long as both parties agree.

Crawford spoke to concerns about a precedent being set.

Brown asked where Council stood on the offer to drop the Twin Houses, and if they are willing to accept the current offer.

There was discussion about the Town's guidelines, concerns about traffic, water, and schools, and Twin Homes.

Bob Williams motioned to accept rezoning case 11-06, with changes to table Twin Homes. The developers agreed to this motion. The motion was seconded by Dena Barnes.

A substitute motion was made by Becky Strickland to send case 11-06 back to the Zoning Board. This motion failed for lack of a second.

With Williams' motion still on the floor, Brown called for a vote. Bob Williams and Dena Barnes voted in favor; Strickland, Crawford, and Collins voted in opposition. The motion failed 3 to 2.

Strickland motioned to deny for reasons to assure public safety; allow safe and efficient transportation; and to preserve natural resources and scenic areas. The motion was seconded by Carolyn Collins, and carried 3-2, with Collins, Strickland, and Crawford voting in favor; and Barnes and Williams voting in opposition.

Break from 9:07 to 9:18.

Subdivision Case 2006-30-S: The Vineyards at Summerfield.

Appeal Zoning Boards Denial of Waiver: Pursuant to Section 9-1.2(A) (6) and Section 5-12 of the Summerfield Development Ordinance, the Zoning Board on 12/20/06 considered a waiver for the property located at 6999 Toscana Trace in Bruce Township, being Guilford County Tax Map 13-01-0035-H-0852-00-108, Block 0852, Parcel(s) 108. The Zoning Board denied a waiver to Section 7-3.4(C) 2 of the Summerfield Development Ordinance to allow pipe installed in drainage ditch to remain.

Brandt presented the case, stating the property is located in the Watershed Critical area which protects the drinking water for the City of Greensboro, and that natural drainage standards are in place. Brandt described the natural swell on the property and explained the developer, without seeking permission, put in a pipe and covered it with excess soil from the grading of roads. They want to leave it rather than dig up, reseed, etc. Brandt spoke to other alternatives and stated the waiver is not a finding of fact issue.

Proponents:

Chuck Truby, CPT Engineering, stated he was not present at the Zoning Board hearing, but the contractor was present and tried to explain how this circumstance arose. Truby stated during the cutting of the roads, the excess soil was used to cover the pipe. It has been seeded and has become an extended area of the amenity center. He stated he thought it would harm the Greensboro water supply worse if this were dug up at this point. Truby stated there is one acre of run off, with 700 feet for natural vegetation to clear; approximately 1400 feet plus a pond to clean the water with this arrangement before it gets to Greensboro's water supply. Crawford asked about the storm water and pipe speed water flow and Truby stated there was no erosion with the existing system. Strickland asked if the pipe was in the original plan and Truby stated it was not.

George Bear, Vineyards HOA representative, stated he took the photos which were given to Council and pointed out that the area is in the center of the neighborhood. Bear voiced concerns about this being a safety hazard for the children if it were to be dug up.

Brown asked how to mitigate this problem and Brandt stated they could look at rip-rap to see if that's adequate and to look at erosion downstream. Brandt advised Council that if they choose to approve this waiver, they can request site reviews at the Vineyards expense.

Nancy Hess, Zoning Board Chair, stated there was a letter from the water quality engineer stating that the diameter of the pipe was wrong. She reported the Board did not discuss mitigation as to whether to remove the pipe or leave it. There was discussion about the diameter of the pipe should be 24 inches and it was stated that this is an aesthetic and reasonable request, with the pipe being in place for two years.

Brandt reported on other pipes being in the subdivision as well as other locations in Town such as the Food Lion parking lot being full of pipes.

Crawford stated he thought removal would be worse than what is there currently and he thought they should go with Brandt's suggestion to let the engineer investigate to get equal or better performance.

After some discussion, a motion was made by Dena Barnes to approve the waiver of Section 5-12.2(B) and 5-12.3 of the Summerfield Develop Ordinance conditions; with the Town engineer to set plans as per their professional requirements. The developer will bear the expense of the Town Engineer with respect to complying with this waiver. The motion was seconded by Bob Williams. Strickland stated she was concerned about setting a precedent. The motion carried 4 to 1 with Strickland voting no.

A motion was made at 10:55 by Dena Barnes to recess to Closed Session to:

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).

And;

B) to establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public board in negotiation: 1) the price and other material terms of a contract; or proposed contract for the acquisition of real property by purchase, option, exchange, or lease;

The motion was seconded by Dwayne Crawford and carried unanimously.

A motion was made at 11:33 pm by Dena Barnes to reconvene to Open Session. The motion was seconded by Bob Williams and carried unanimously.

BUSINESS FROM TOWN ADMINISTRATOR:

A. Contractor v. Employee discussion

Brandt stated that the Attorney, Finance Officer, and Town Administrator have reviewed recent publications and IRS rulings involving the use of independent contractors v. employees. Brandt stated Staff is of the opinion that Council needs to review the duties of the current Parks & Rec. contractor and determine the future needs of the position, and provide direction to staff to develop an appropriate position or hire an independent contractor.

Brandt further stated that based upon a review of the documentation, "independent contractor" may not be the proper designation for an individual serving in that capacity. As the articles state, the decision to classify as a contractor is not one of choice by the hiring employer -- it does not matter that both the

individual and Summerfield want the individual to be a contractor, it is how the IRS and Department of Labor classify the individual.

B. Discuss Zoning Board vacancy

Brandt requests the appointment of a new member to fill the slot vacated by Carrie Spencer. He stated the current alternates are Rick Burguieres, Lisa Kim, and Kenneth Dunham, who were all appointed in September 2005, and Kenneth Dunham has sat the most. Strickland stated she was appointed to the Board of Adjustments as an alternate and Mr. Hill told her it was not appropriate to be on another quasi judicial board, so she resigned. It was suggested to advertise and get more applicants. Crawford stated Mr. Dunham has good hands on experience, and made a motion to appoint him to fill the Zoning Board vacancy, contingent upon acceptance. The motion was seconded by Strickland. The motion carried 4 to 1, with Bob Williams opposed.

C. Discuss interim positions on Board of Adjustment & Finance Committee

Brandt stated two chair positions have been "interim" for some time and he suggested Council make recommendations.

After some discussion, it was decided to remove the interim from the Finance Chair position, making Ronnie Stafford the Chairman and chairman of BOA will be discussed at a later date.

A motion was made by Bob Williams to remove "interim" from the Finance Chair position. The motion was seconded by Dena Barnes and carried unanimously.

D. Response to January 9, 2007 Freedom of Information Request

Brandt reported that it is not his normal practice to directly address statements from "Speakers from the Floor", but in this instance the charges were leveled regarding his integrity and professionalism regarding the hiring of staff and policing the Summerfield Personnel Policies. This letter is incorporated into these minutes by reference as Attachment I.

Susan Moore, sitting Attorney, reiterated one cannot politic or do work for any candidate while on Town time; that the Town vehicle could be used to investigate code violations and other town business, but not for personal or political business.

E. Update on State Cable Franchise effect on local government revenues

Brandt stated this report is to update Council as to recent changes in the Cable Franchise collections. Brandt reported we currently receive our part of the fees from the Cable Company. He spoke to services before the changes, stating the cable company had to provide services for everyone, but now they can choose. Brandt stated the Franchise holders are upset about these new laws because the state calculates differently than do the local companies, but our receipts will remain the same.

F. Approve CDBG Scattered Site Housing Program participation

Brandt reported this program allows the homeowner to repair their homes under certain guidelines.

After some discussion, a motion was made by Carolyn Collins to approve the Certification of the CDBG Scattered Site Housing Program in Summerfield. The motion was seconded by Dena Barnes and carried unanimously.

BUSINESS FROM COUNCIL: Strickland motioned to delegate Michael Brandt, Town Administrator, to make an offer to the candidate they have chosen for Town Clerk position. The motion was seconded by Dena Barnes and carried unanimously.

BUSINESS FROM MAYOR:

Brown stated he had received numerous emails in favor of changing from a Mayor/Council type of government to a Manager/Council type of government. He asked this discussion be an agenda item at the March 13th meeting.

With no further business before the Town Council, a motion was made at 11:40 pm by Bob Williams to adjourn. The motion was seconded by Dena Barnes and carried unanimously.



Mark E. Brown, Mayor



Valarie Halvorsen, Town Clerk