

**AGENDA OF THE
SUMMERFIELD TOWN COUNCIL
SUMMERFIELD COMMUNITY CENTER
MAY 8, 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 APR 10, and APR 30, 2007**
 - C. **FINANCIAL REPORT**
 - D. **BUDGET AMENDMENTS**
 - i. **Finance Officer Budget Amendment #4, no net increase in funds**
 - ii. **Finance Officer Budget Amendment #5, no net increase in funds**
6. **ANNOUNCEMENTS**
 - A. **Proclamation – Volunteer Day**
 - B. **Proclamation – Emergency Medical Week**
7. **SPEAKERS FROM THE FLOOR (limited to 5 min. on non-agenda items)**
8. **COMMITTEE REPORTS:**

A. Community Relations	B. Finance
C. Historical	D. Parks & Rec
E. Public Safety	F. SYC
9. **PUBLIC HEARINGS:**
 - A. **Armfield land dedication – consider acceptance of land dedication from Summerfield Properties, LLC (Armfield Development) along Brookbank Road.**
10. **BUSINESS FROM MAYOR:**
 - A. **Continued discussion of Council/Manager vs. Council/Mayor form of government.**
11. **BUSINESS FROM TOWN ADMINISTRATOR:**
 - A. **Presentation regarding potential athletic field sites.**
12. **BUSINESS FROM COUNCIL:**
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);**

- 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;**
and;

- C) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged.**

14. OTHER BUSINESS (if any)

15. ADJOURN

**MINUTES OF THE
SUMMERFIELD TOWN COUNCIL
SUMMERFIELD COMMUNITY CENTER
MAY 8, 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 6:30 pm by Mark Brown.

The invocation was led by Linda Southard; 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
Dana Luther, Finance Officer
Valarie Halvorsen, Town Clerk
William Hill, Town Attorney

CONSENT AGENDA:

A motion was made by Dena Barnes to approve the Consent Agenda. This includes the Meeting Agenda; approval of minutes from Apr. 10 (corrected), and April 30, 2007; the monthly Financial Report; and Budget Amendments 4 and 5. The motion was seconded by Carolyn Collins and passed 5 to 1, with Becky Strickland opposed.

ANNOUNCEMENTS

Brown announced a Public Open House for citizen review of budget requests on Monday May 14, 2007 at 6:30pm.

Proclamation – Volunteer Day

Brown read the proclamation designating Monday, May 21, 2007 as a Volunteer Appreciation Day, which is hereby incorporated and made a part of these minutes.

Proclamation

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

WHEREAS, many citizens of this community contribute to the well-being of fellow residents and the welfare of all our citizens by giving tirelessly of their time and energy to make a real difference in the lives of children,

adults and the elderly without desire for recognition, remuneration or personal gain; and

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

NOW, THEREFORE, I, Mark E. Brown, Mayor of the Town of Summerfield, do hereby declare Monday, May 21, 2007, as **VOLUNTEER APPRECIATION DAY** in our Town, and urge all citizens to be aware of the contributions made by our committees and volunteer workers and to give recognition to these individuals and organizations for their valuable contributions in the quality of life in our community.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the Town of Summerfield, North Carolina this 8^h day of May, 2007.

A motion was made by Strickland to approve the proclamation, seconded by Barnes, and carried unanimously.

Proclamation – Emergency Medical Week

The proclamation designating the week of May 21 – 25, 2007 as Emergency Medical Week was read by Brown and is hereby incorporated and made a part of these minutes.

PROCLAMATION

WHEREAS, emergency medical services is a vital public service; and

WHEREAS, the members of emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and

WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, emergency medical services teams consist of emergency physicians, emergency nurses, emergency medical technicians, paramedics, firefighters, educators, administrators, and others; and approximately two-thirds of all emergency medical services providers are volunteers; and

WHEREAS, Americans benefit daily from the knowledge and skills of these highly trained individuals; and

WHEREAS, it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating Emergency Medical Services Week; and

NOW, THEREFORE, I Mark E. Brown, Mayor, Town of Summerfield, NC in recognition of this event do hereby proclaim the week of May 21-25 2007 as

EMERGENCY MEDICAL SERVICES WEEK

And encourage the community to observe this week with appropriate programs, ceremonies, and activities.

Proclaimed this the 8th day of May, 2007.

John Wray made a motion to approve the proclamation, seconded by Bob Williams, and carried unanimously.

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

None.

COMMITTEE REPORTS:

A. Community Relations: Brown spoke on behalf of Tammy Welborn, reminding everyone of Founder's Day on May 19. He stated this year's event will be bigger than ever, and anyone who wanted to volunteer should contact Tammy Welborn.

B. Finance: Ronnie Stafford stated the committee met on April 30 and discussed the \$923,560.27 CD that will be maturing on May 15, 2007. He spoke of a letter received from a citizen requesting no property tax in the FY 07-08 budget, but the committee agreed unanimously to recommend continuation of a property tax. The committee also discussed the Armfield land donation and unanimously agreed to recommend the 30 acre option.

C. Historical: Linda Southard stated the committee is excited about Founder's Day, it is the biggest ever, with 19 tables in the history tent and lots of participation from civic organizations. She also stated they are working on a budget.

D. Parks & Rec: Sue Beeson commended Brown for his participation in the weight loss challenge and congratulated him for losing 10.5 lbs. The committee has turned in their budget to Brandt, and has no recommendation yet on the athletic field sites. Parks & Rec will have a table at Founder's Day; the bricks and trees are in at the park; engraved bricks will be installed by Founder's Day; and the park looks great.

E. Public Safety: No report.

F. SYC: Terry McLean (for Reece Walker) stated the committee is working with the Red Cross to organize a blood drive. There is a need for 45 people to commit in order to get a date set. The committee is hosting the Hospitality tent at Founder's Day. On July 18, they will be serving dinner to campers at Camp Carefree and are seeking volunteers.

PUBLIC HEARINGS:

Armfield land dedication – consider acceptance of land dedication from Summerfield Properties, LLC (Armfield Development) along Brookbank Road.

Brandt gave some background information: at the time of the 2003 rezoning, it was required that the applicant donate 90 acres for a public park, whose location and use was not yet designated.

This 90 acre area is difficult to access and not suitable for significant park development. He discussed three options: accepting the original 90 acre tract; accepting 30 acres along either side of Brookbank Rd with a grant commitment of \$250,000 to Summerfield (\$50,000 each year) to be used for parks and recreation capital projects (these funds can provide only 41% of project cost); or to reject these proposals with the property reverting back to the developer. Of these choices, the Zoning Board, Public Safety, and Finance Committees all recommend the 30 acre tract with the \$250,000 grant. (Brandt noted the Public Safety Committee did not have a quorum.)

Strickland asked if there were any immediate plans for the property. Brandt responded no, but there is a requirement to submit a master plan within 2 years, but no construction is required at that time. Strickland asked if this was included in the comprehensive plan. Brandt responded no. Strickland asked what the Town's liability would be if we accept the land. Brandt stated we are liable because it will be public land. Strickland asked what it would add to our insurance. Brandt said nothing, because we have a flat rate.

Brown opened the public hearing at 6:48 pm. There were no speakers signed up to speak.

John Plybon asked how the 220 connector would interfere. Brandt showed him the area on the map.

Brown closed the public hearing at 6:55 pm.

Wray asked if the land would be open for all to use or just the Armfield neighborhood residents. Brandt replied that as a public park it was open to all. Brown stated the 30 acres looked like the best use of the land.

Collins made a motion to accept the 30 acre property and the \$250,000 grant. The motion was seconded by Williams and carried unanimously.

Barnes asked if the lots abutting the park had been platted yet. Brandt stated only a few were. Barnes asked if this proposal would bother current residents. Jim Brady stated it would not, as the lots were not yet platted.

BUSINESS FROM MAYOR:

A. Continued discussion of Council/Manager vs. Council/Mayor form of government.

Brown stated he talked with George Gilbert, Elections Supervisor with the Board of Elections who advised him to get on the ballot, he would need the information by mid July. If it is decided to hold a public hearing, it would need to be during the June Town Council meeting to give the attorney enough time to do the necessary paperwork for the Board of Elections.

Strickland asked if this public hearing would be held at the same time as the budget public hearing. She further stated this should be a public forum and referendum rather than a Town Council issue.

Brown asked for a vote to put this on the June 12 meeting agenda. Wray stated this should be done as soon as possible to give Hill enough time to do his part. Hill agreed, saying it takes time to properly word the documents. Strickland asked why there was such urgency. Brown replied the public has expressed an interest in this issue, and putting this on the regular ballot would save a lot of money, versus having to pay for a special election. Wray agreed the regular election is the most appropriate time as there will be more voter turnout. He further stated now that there is more staff it makes sense to have a town manager.

Collins made a motion to set the public hearing during the June 12, 2007 Town Council regular meeting. The motion was seconded by Williams and carried on a 5 to 1 vote, with Strickland opposed.

BUSINESS FROM TOWN ADMINISTRATOR:

A. Presentation regarding potential athletic field sites.

Brandt gave an update on the ball field acquisition process: sites A and B are currently under Right of First Refusal, and access to site C has been granted by the owner. The open house site visits were successful and the Parks & Rec committee was looking at the feedback received from those who visited.

Brandt described the properties:

Site A – Hudson James Rd, 24 acres, not in Summerfield but annexable. This site had 35 visitors and no one that gave feedback selected this site as their preference. The land is the least expensive, but the grading costs would be substantial.

Site B – 220 site beside Gas Town, just under 30 acres, creek and woods, trail potential, good parking layout, probably the most expensive site (appraised at \$35,000 per acre). While well liked overall, many were concerned about traffic now and in the future. The DOT may reroute Summerfield Rd into Summerhaven Rd and create a break in traffic here, but there will be no break to turn south until past Winfree Rd. DOT does not want to put a traffic light here but can do a study if we request it. There will be a need for turn lanes now and in the future costing about \$200,000 which is an unanticipated cost for this site.

Site C – Friddle Property, 28 acres, potential for 8 fields, lots of parking. Of those who gave feedback, this was the most preferred site, but there were concerns about traffic. The DOT says there are more choices at this site coming and going to help disperse traffic than at site B. This site will also require turn lanes, but there is a possibility of sharing the cost with developer already there. Another traffic issue is the 150 extension. We do not know the exact location, but the DOT states if it was decided today it would be about 15 years before construction starts.

Brandt stated he had ordered and received preliminary environmental studies on each site: Site A – no issues or problems; Site B – concerns about old gas station, but this was downstream, so contamination issues are not likely, appears environmentally stable, but soil compatibility and water availability have not been assessed; Site C – contamination in area due to an underground storage tank, further study is needed.

Williams asked if an offer would have to be made on site C to move forward on that site. Brandt responded yes. Collins asked about the price per acre of site C. Brandt stated a few years ago it was around \$25,000 per acre and may still be that price or a little higher. Strickland asked if Ms Lawing lived adjacent to the property. Brandt was not sure if she lived adjacent, but that she does own surrounding properties. Wray stated he was highly impressed with site C due to the vegetation and asked how many trees would need to be felled. Brandt stated the intent is to follow the creek as a boundary and to protect as many trees as possible, that most of the trees are in the drainage way and buffer area, so most of the site is clear now. Wray noted the difficulty (traffic wise) of exiting from site B. Brandt noted site B would require more tree removal than C. Strickland asked if there were plans for septic within the 28 acres. Brandt stated we are not there yet but yes, within the 28 acres. Strickland asked if there was an underlying probability that the land will be used for septic for the town core and stated she would not vote for site C unless the majority adopted a Resolution that none of the purchase would be for a septic field for the entire town core area. Brandt replied that we have to design up front with that use in mind. Strickland

asked if there was a need for rezoning. Brandt replied it is not required but recommended. Brown stated he liked site B because of the layout, but site C was best overall due to traffic concerns and less need for tree clearing.

Brandt asked council for direction, and specifically what other information he could gather in order to help council make a decision. Strickland stated she did not want to spend more money on site C because Sally Lawing has the Right of First Refusal and it would be a waste of taxpayer money to do so at this time. Williams stated we could only make an offer on it and then see where we stand. Strickland asked if surrounding residents visited. Brandt replied he assumed they did, but did not ask for addresses on sign in sheets. Wray stated the information indicates that most visitors favored site C, the public and council seems to like this site as well, and he is concerned that someone else will make an offer on the property and we will miss the opportunity. Brandt stated council could direct him to enter into negotiations with any of the properties, and can discuss it in closed session. Collins asked about the possibility of a big problem with run off. Brandt stated the well would be arbores first and then it would go to a filtration system. Wray asked if the state would be conducting a quarterly water sample test, and Brandt replied yes. Collins stated she favored site C. Brown asked about the 30 day Right of First Refusals on sites A and B and Brandt stated they were in effect and could be extended.

Williams said he did not know if he could vote since he owned property within a quarter mile of the property. Hill responded that you could not vote if you had direct fiduciary interest in the property, but he recommended Williams not vote. Strickland asked if a letter was sent out to property owners within a quarter mile and Brandt replied yes. Strickland stated she did not receive one. Brandt suggested she may be just outside the quarter mile zone, but he would have to check the map. Hill said he would look into the fiduciary interest issue.

Strickland asked about the chances of finding alternate sites. Brandt stated others had been looked at, but they were not suitable. Barnes stated any sites need to be near or in town.

Brown asked Brandt to set up a time to see the Musco lighting system at Northern Middle School, there was still 30 days on site B, and site C seemed to be the preference, and asked if council was ready to talk money. Betsy Ingram suggested moving ahead and negotiating for site C with qualifiers in place. Collins asked Brandt if he had spoken with Ms Lawson lately. Brandt replied not recently and she did not seem to want to talk. Strickland stated site B is the "site of least resistance" at this point and Brandt agreed as per residents, but it would cost more money. Brown is totally against site B without a stop light, stating it would be remiss to not require one. Collins agreed. Brandt said he could make the request to DOT, but did not know how long it would take for a response. Strickland prefers site B as far as location. Wray says from a safety standpoint site B is a traffic disaster waiting to happen, site C would be less trees to disturb, and the majority of the citizens seem to prefer site C. Brown suggested viewing the lighting at Northern Middle School before moving forward. Wray asked when we would have to decide and move forward in order for kids to be playing in the spring, and Brandt was not sure of the answer. Strickland asked if the children could not play on Proehl's fields until ours were ready and Brandt replied Proehl was approached about a year ago and did not respond. Strickland asked whether the SRA had approached Ricky Proehl about playing on his fields and Brandt stated he did not know what the SRA had done. Barnes agreed with Wray about safety and access Brown reiterated site B was not worth it without a traffic light. Wray asked if the issue would be revised at the May 31, 2007 meeting. Brown suggested notifying Parks & Rec, the NorthWest Observer, and the News & Record about the visit to Northern Middle School.

Brandt spoke of the Comprehensive Plan Steering Committee, proposing accepting applications until the May 31 meeting, and based on the numbers then decide on a chair and let MarshWitt hold initial public meetings which may generate more interest and applications.

Brandt spoke of code enforcement, which needed to be done, as several cases may be heading to court. He suggested engaging Benchmark Company to assist in code enforcement, but they are expensive, currently \$53 per hour and will likely go to \$55 per hour. Brown stated we had to have it done.

Barnes made a motion to direct Brandt to enter into negotiation with Benchmark for 90 days of service with 30 day updates. The motion was seconded by Williams and carried unanimously.

BUSINESS FROM COUNCIL:

Barnes gave an update on the newsletter, stating she hoped to have it out by Founder's Day and asked for contributions (if any) ASAP.

Strickland asked if the proposed non-profit form was ever approved and Brandt replied no, we are using what we have now because budget is upon us. Brown asked if Benchmark could perhaps assist with the floodplain mapping and Brandt said he would ask.

A motion was made at 8:20 by Barnes to recess to Closed Session. The motion was seconded by Collins and carried unanimously.

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);**

A motion was made by Williams to return to open session at 8:35 pm. The motion was seconded by Barnes and carried unanimously.

Barnes made a motion to readvertise for the Town Planner position and to increase the hours of the Planning Technician from 30 to 40 hours per week on a temporary basis. The motion was seconded by Wray and carried unanimously.

With no further business before the Town Council, a motion was made at 8:35 pm by Barnes to adjourn. The motion was seconded by Williams and carried unanimously.



Mark E. Brown, Mayor



Valarie Halvorsen, Town Clerk