

**MINUTES OF THE
SUMMERFIELD TOWN COUNCIL
SUMMERFIELD COMMUNITY CENTER
NOVEMBER 9, 2004
6:30 PM**

NOTE: The official minutes are a tape 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 Mayor Dena Barnes.

The invocation was led by Linda Southard.

The Pledge of Allegiance was led by Town Council.

INTRODUCTIONS:

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|-----------------|------------------------------------|
| Dena Barnes | Bill Trevorrow, Town Attorney |
| Carolyn Collins | Michael Brandt, Town Administrator |
| Mark Brown | Bill Bruce, Town Planner |
| Jane Doggett | Susan Smith, Town Planner |
| Michael Stewart | Dianne Laughlin, Town Clerk |

Councilman Bob Williams announced at the October meeting he would not be present at the November meeting.

CONSENT AGENDA:

- A. MEETING AGENDA**
- B. APPROVE MINUTES OF SEPT. 28, OCTOBER 5 & 26, 2004**
- C. FINANCIAL REPORT**

A motion was made by Jane Doggett to approve the Consent Agenda which includes the minutes of September 28, October 5 and 26 and the Monthly Financial Report. The motion was seconded by Mark Brown and passed unanimously.

Dwayne Crawford asked if the consent agenda contained a budget amendment for the municipal building and it was stated that discussion would be held under Business from Town Administrator.

ANNOUNCEMENTS: Mayor Barnes stated that she was glad the election was over, but sorry that Trudy Wade lost. She announced that Paul Gibson and John Parks were elected as Commissioners at Large.

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

John Plybon spoke to Amendment One, stating that he tried to find out something about this amendment before the election but was unable to find anything; he stated that the Council should have educated the voters on the amendment, but did not. He said all the papers told about the pros of the amendment. He said he would like to see Council pass a resolution stating that they will not initiate a bond issue without public referendum.

Dwayne Crawford stated that at the October 10th meeting, there was discussion about the North West Observer's news articles representing the mainstream public. He stated that he disagreed because divisions of the classes can be derived from the pages in the Northwest Observer. He also stated that the current Council practices elitist thinking and political tactics. He made reference to the last meeting at which it was reported that Council instructed the Town Administrator to find money and now Amendment One has unleashed the power of governments and he acknowledged that he agreed with Mr. Bynum that Council should stop at this level and pass a resolution as requested by Plybon. He spoke to the petition on a separate mayoral election, stating that he instigated this effort and he asked Council to change the Charter to this effect to avoid the expense of a primary. He stated that he did not wish to see this issue drawn out, so that it could affect the 2005 elections.

Barnes stated that Council would be happy to discuss and have a public hearing on this and that they would do so in a timely manner.

COMMITTEE REPORTS:

- A. Community Relations:** Tammy Welborn reported that they met and discussed continuing plans for 2005 Founders Day. She stated the SYC "Just for the Fun of It" horse show had been a big success and that out of the proceeds, the Youth Council plans to give two \$100.00 Lowe's Food gift coupons to needy families. She announced that the annual tree lighting will be on November 20th and everyone is invited.
- B. Conservation:** No report.
- C. Historical:** Linda Southard spoke to the "A Stitch in Time" display at the Town Hall Museum, with all the quilts on display belonging to Summerfield residents. She reported that over 200 people, including parents, teachers and students had visited the display.
- D. Parks & Rec:** Michael Brandt reported that plans are still under review.
- E. Public Safety:** It was reported that there wasn't a quorum present, but they did discuss the proposed truck route for Summerfield Road, and agreed to give this project to the Thoroughfare Committee. Councilwoman Collins stated that there are some "peeping toms" in town and she asked citizens to be alert and report anything suspicious to the Sheriff's Department.
- F. Thoroughfare:** Gordon reported that MPO had nothing of interest to Summerfield and that they would meet on November 17 at 1:45 to discuss the pros and cons of the truck traffic on Summerfield Road. He reported that DOT says the route Bill Gordon presented could work. Ginny Lockhardt spoke concerning heavy traffic and speeders in the area of Pleasant Ridge and Stanley Huff Road, asking that the speed limit be lowered to 45 MPH. Barnes stated that the Town could request that the limit be lowered and also more law enforcement coverage in the area.
- G. Town Core:** Carrie Spencer stated they met and that George Holub has applied to replace Debbie Hoffman as the Park & Rec representative on the committee. She also reported that she had another applicant, Joyce Shores, and is recommending these two for the Town Core Committee. She suggested meeting dates to help expedite the completion of the Ordinance revision. She suggested November 29, December 6, and Dec 13 with the meeting starting at 6:30 PM. She spoke to a conflict in one of the town's resolutions that was hindering the Town Core committee and asked they consider changing it at the December 7th meeting. Barnes asked for clarity in that three Council members are already on the Town Core Committee and Bob Williams

would like to be a part of that committee. Bill Trevorrow, Town Attorney, stated that they should be very cautious with too many of them attending meetings. He stated they could attend but could not participate verbally if there is a quorum present.

H. Water Resource: Gordon stated they would meet on November 18th at 9AM; still looking at options.

PUBLIC HEARINGS:

NEW BUSINESS:

**A. CONSIDER INITIATION OF A CABLE TELEVISION
FRANCHISE AGREEMENT BETWEEN THE TOWN AND TIME
WARNER CABLE (first hearing)**

David Harris, Piedmont Triad Council of Government, introduced himself and stated that Buck Yarborough, Director of Government and Public Affairs with Time Warner was also present to answer questions. He acknowledged that it is processed in the Federal Statutes that the public should be allowed to speak on any cable matter at this first hearing. He reported they would listen to what the residents had to say and come back in 30 to 90 days to consider the agreement. He reported that Franchise agreements take two public readings by NC Statute.

There was discussion as to how much of Summerfield has Time Warner Cable capabilities and Yarborough stated they would ride the streets and hope to find a vast majority but that some roads don't have enough people living there to warrant connections.

Al Colanero, Strader Road, stated that he just paid Duke Power \$1500.00 to get poles buried and he asked if poles were necessary; that he didn't want poles; to which Yarborough stated they usually follow whatever the utilities do because they don't have poles and they must travel in the right of way; getting written permission for private property.

Becky Strickland asked if the fee would affect her and Jennie Lockhart asked about the benefits and risks. Yarborough explained that up to now, Guilford County has been receiving these fees, but if this agreement passed, the Town of Summerfield will receive the fees. He reported there are no risks.

Crawford asked how much it would cost the town and Harris explained the formula of how the Town would pay and it would cost approximately \$500.00 annually.

Bill Trevorrow stated that he wanted to be sure everyone understood this had nothing to do with rate increases which are decided by Time Warner and he stated that there must be a regulatory time between this reading and the adoption of the Ordinance. He stated that the Town would receive five percent of the monthly cable bill.

There was a break from 7:25 PM until 7:37 PM.

B. SUBDIVISION CASE # 2004- 294: Armfield Phase 2*. Located off of Brookbank Road in Bruce Township. Zoned CU-OSR. Being a portion of Guilford County Tax Map 10-654 Block 971, Parcel 7 and consisting of

27 lots, open space, common area, and road dedication for a total of approximately 101.3 acres. Greensboro (Reedy Fork) watershed WS III.

Susan Smith presented the case, reading from the Staff report. She stated that approval involved a reconfiguration of the Master Sketch.

Carrie Spencer asked to clarify the Zoning Boards recommendation, stating that they asked for a twenty foot corridor for entrance into future park land and they asked that three lots be reconfigured to allow contiguous open space, and that building be 500 feet from the pavement.

In Favor: Bill Greco, Land Solutions, stated they had no problem removing those lots and have made the open space larger by removing 2200 feet of street. He indicated an area on the plan that is a swamp and stated they would not build anything there.

No one present spoke in opposition.

A motion was made to approve Subdivision Case #2004-294 as recommended by the Zoning Board, by Jane Doggett. The motion was seconded by Carolyn Collins and carried unanimously.

After Councilman Brown asked for clarification on some points, there was discussion about the Zoning Boards requests and Greco stated that the houses are already approximately 475 feet from the road and that they could cut off thirty feet tips of those front lots.

C. SUBDIVISION CASE # 2004- 293: Armfield Phase 3*. Owned by Summerfield Properties LLC Located off of Brookbank Road in Bruce Township. Zoned CU-OSR. Being a portion of Guilford County Tax Map 10-654 Block 971, Parcel 7 and consisting of 23 lots, open space, common area, and road dedication for a total of approximately 52 acres. Greensboro (Reedy Fork) watershed WS III.

Susan Smith presented the case, reading from the Staff report. She reported that this plan shows the offsite septic easements with a large one in open space. She reported the Zoning Board recommended approval with the condition that there is access to the future park.

Michael Stewart motioned to approve Subdivision Case #2004-293 and Jane Doggett seconded. The motion carried unanimously.

D. SUBDIVISION CASE # 2004- 292: Armfield Phase 4*. Owned by Summerfield Properties LLC Located off of Brookbank Road in Bruce Township. Zoned CU-OSR. Being a portion of Guilford County Tax Map 10-654 Block 971, Parcel 7 and consisting of 8 lots, open space, common area, and road dedication for a total of approximately 45.52 acres. Greensboro (Reedy Fork) watershed WS III.

Smith presented the case, reading from the Staff report. She stated that the Zoning Board recommended denial by a vote of 4 to 1. She also pointed out that one of the offsite septic easements is on offered park land.

Doggett stated that this is not consistent with the Master Plan.

In Favor: Bill Greco, Land Solutions, stated that he is working with Michael Brandt, Town Administrator, and the ad hoc park investigation committee and the park will be addressed later. He stated that he had met with Brandt, Smith, and Bruce and made revisions as per previous minutes and this is his third version. He stated that the original request was to move three lots off Brookbank Road and they had moved those back. He reported they want to keep the houses compact; moving the septic tanks further back. He acknowledged these were not started homes and that they have met all zoning conditions and ordinance requirements, asking for approval.

Stewart asked how much of the road was shortened and Greco stated he was not sure of the exact amount. There was discussion about how far the houses were moved back and the scenic view. Greco reported they had moved the houses seventy feet from the edge of the pavement and that it would be hard to develop 600 acres without some of the houses being seen.

There was discussion about the slope on the back lots, offsite septic and conservation of trees.

Hess asked if the two lots could be recouped in another phase and Greco replied that moving those two lots is not good business; that a road can't be built to pick up three lots.

After further discussion, a motion was made by Michael Stewart to approve Subdivision Case #2004-292. The motion was seconded by Dena Barnes. The motion carried three to two. Doggett and Collins opposed approval.

E. SUBDIVISION CASE # 2004-295: Armfield Phase 5*. Owned by Summerfield Properties LLC Located off of Brookbank Road in Bruce Township. Zoned CU-OSR. Being a portion of Guilford County Tax Map 10-654 Block 971, Parcel 7 and consisting of 23 lots, open space, common area, and road dedication for a total of approximately 42.752 acres. Greensboro (Reedy Fork) watershed WS III.

****These agenda items will necessitate re-approval of the Master Plan (#2004-291, showing a total of 285 lots on 577.81 total acres) for the subdivision. Planner recommends the Board and Council take one vote for each of Phases 2, 3, 4, and 5. If all are approved, the Master Plan will be approved. If any are not approved, the Master Plan would need to be revised to reflect all approved changes only.***

Smith presented the case, reading from the Staff report. She reported the Zoning Board recommended approval with the following conditions: align lot 134 to adjoining lot 135 and move lot 136 out of primary conservation area.

After some discussion about easements, a motion was made to approve Subdivision Case #2004-292 with the recommendation made by the Zoning Board by Jane Doggett. The motion was seconded by Michael Stewart and carried unanimously.

Bill Greco referenced the original approval which allowed for 75 lots per each twelve month period. He reported that in 2004, they developed 70 lots. He stated that if they develop 80 lots in 2005, this would be a total 150 lots in 24 months which would still meet the agreement. Council agreed. No action was needed. Susan Smith asked if Council was okay with that arrangement and was told they were.

F. CONSIDER NON-STANDARD STREET SIGNS (Armfield Subdivision, Phase 1A & 1B, owned by Summerifeld Properties, LLC)

Smith presented the request, stating that the request had been received by Staff, but that only Town Council could approve this change. She reported that the request doesn't include the phases that were approved tonight, unless a notation is made that Staff can move forward, with minor changes in addressing, without returning to Town Council.

Jane Doggett asked for clarification as to what is being requested and was told it was just the pole.

Barnes stated that they could approve non standard street signs for the entire development tonight if it meets with Guilford County sign blades and breakaway poles requirements.

Greco replied that would be good and he wouldn't have to bring this back to Council again.

After some discussion, a motion was made by Jane Doggett to approve the request for non-standard street signs for the entire Armfield property using blades from Guilford County. The motion was seconded by Carolyn Collins and passed unanimously.

BUSINESS FROM TOWN PLANNER: Bill Bruce requested a joint Council and Zoning Board work session for November 15th at 6:30 at the Town Hall in order to work on changes and additions the Development Ordinance. He stated he would like to have a draft by the December meeting in order to have it approved by the February 1, 2005 deadline. He stated he hoped to have two more work sessions in the next six weeks. Council approved the workshop and also stated it would be called a "Special Meeting" in case any action should be taken.

BUSINESS FROM TOWN ADMINISTRATOR:

Michael Brandt stated that the Town should move forward on the position of an assistant planner/enforcement officer. He suggested hiring a contract employee to handle enforcement issues as they come up to save money and be a stop-gap measure for six to nine months. The suggested pay would be approximately \$20.00 per visit and maybe up to \$75.00 if legal action is required. He suggested hiring a part-time employee, perhaps a student about to graduate or someone who doesn't want full time work, to fill the assistant planner position, with the understanding that the position could become full time in the future; this all depending on Council's pleasure. He reported that as of January 1, 2004, we lose all planning from Guilford County. He stated that inspections will still come through Guilford County.

Al Colanero asked about the status of this person and Brandt replied this would be for zoning enforcement only, not a peace officer status.

Dwayne Crawford asked about cost sharing with other local towns and Brandt replied he has been talking with the Towns of Oak Ridge and Stokesdale and that both have shown an interest, but for now they plan to continue having their enforcement handled by the county.

Brandt reported that Guilford County had received two ponds in Polo Farms as a result of legal action and had recently had to spend over \$100,000 for repair work on the dam. He reported that the Polo Farms Homeowners Association did not want to assume ownership, so the county has offered the ponds to Summerfield. He reported that he had met with watershed engineers, who suggested the ponds might be used for parks, etc. He reported that there is a connection to the trail system, but it serves no other purpose. He recommended that ownership of the ponds not be accepted.

After some discussion, the Council agreed by consensus not to accept ownership of the ponds.

Budget Amendments:

- Brandt stated that the computer would not allow monies to be pulled from different accounts to separate such items as salary, worker's comp, health insurance, etc. He asked to bring the balance to zero and move items to the heading Administration, increasing that total accordingly.

After some discussion, a motion was made by Jane Doggett and seconded by Carolyn Collins to accept this change in the budget. The motion carried unanimously.

- Brandt reported that during the budget process, the Municipal Building costs were not fully known. He reported that the building has increased from 3,000 square feet to 10,500 square feet and that there has been a sharp price increase in the building industry and it will only get worse. The cost now is at \$1.4 million, but that amount is being reduced by volunteer labor, trustee's labor, and donations. He reported that although there will be \$200,000 to \$300,000 in reductions because of this, the Town still must show it's ability to pay the entire amount. He stated this amount will cover two budget years and asked for a budget amendment of \$750,000.

Becky Strickland asked why can't the cost of the Sheriff's substation be charged to the county, because citizens are being taxed twice.

Mayor Barnes reported that when the Town first considered hiring a deputy, they looked at it for a period of years and felt that it would be more feasible to have 30 deputies visible instead of just one, and that the building could be paid for in five years and used for many other things including a planning department, storage for town records, and staff offices.

Betsy Ingram asked Councilman Brown to elaborate on the letter he had written to the Northwest Observer. He stated that at one time there were 30 or 40 patrolman living at the fire station, but the move to BurMil lost that visibility. Brown stated that Mayor John Wray had requested he collect cost estimates on hiring a deputy for 40 hours per week and his observations as a retired law enforcement officer, show that the building would benefit the citizens and pay for itself in a few years, and there would be 24 hour coverage. He reported that at \$75,000 a year, plus having to purchase a patrol car, the substation would cover itself in a few years. He reported that Summerfield is in a perfect geographically perfect location for a sub-station.

Crawford spoke to cost sharing in Districts 2 and 3 and suggested we do the same. He stated that he is opposed to the lease of \$1.00 per year from the Sheriff's Department. He stated that Sheriff BJ Barnes has stated that crime is dropping in North Carolina and nationwide, so why should we pay?

Councilman Stewart stated that we are getting better coverage and Carolyn Collins stated that it's the duty of the Town Council to provide safety for the citizens and she felt this is the most economical way. Crawford stated that the statutes say law enforcement is discretionary, to which Collins replied that municipalities are required to provide services.

Brandt asked Crawford if he would attend meetings and ask Oak Ridge and Stokesdale for contributions, that they had asked for contributions on fighting the landfill and Summerfield had responded with \$10,000. Crawford accepted the challenge, asking that the Council not move full speed ahead on the building during that time. Bill Trevorrow reminded him that he would have to focus on the entire building and not just one part; that it is a multipurpose building.

Ginny Lockhardt stated she appreciated the idea to share costs, but had concerns about ongoing costs, such as maintenance and utilities. Brandt stated he'd had discussions with the sheriff's department and that they would continue to provide trustee labor for lawn work, etc. and possible utility cost sharing. Brandt reported that the trustees have cleared the land over the last two weeks.

Al Colanero stated that we are getting off cheap for what we're building, that the sub-station is not the biggest part of the building.

After some discussion, a motion was made by Jane Doggett to approve a \$725,000 budget amendment for the municipal building. The motion was seconded by Michael Stewart and passed unanimously.

Strickland asked where the money would come from and was told it would come from the undesignated fund balance.

- Brandt reported that an additional \$1100. is needed to insure the proper placement of the traffic signal at Summerfield road and Hwy. 150 increasing the budget item to \$4600.

After some discussion, a motion was made by Jane Doggett to approve the additional \$1100.00 for the final meeting of the traffic signal. The motion was seconded by Carolyn Collins and passed unanimously.

- Brandt reported that an additional \$26,400 would be needed for the paving of Strader Road. He stated that the total cost will now be \$253,000. He reported that DOT just replaced a bridge at a cost of \$120,000. Brandt reported that one-hundred percent of the residents had signed the petition, but would be presented again by DOT for right-of-way adjustments, then we'll see where we stand. He stated the money could be pulled from the Planning Department budget.

Colanero stated that Strader Road needs to be paved because of all the dust and he believes the residents are willing to sign right-of-way agreements.

After some discussion, a motion was made by Carolyn Collins to approve the additional \$26,400 for Strader Road paving. The motion was seconded by Jane Doggett and carried unanimously.

- Brandt spoke to the recently placed ad in the Attaché magazine at a cost of \$14,181 but \$12,600 would be reimbursed by businesses who participated with the actual cost to the town of \$1500.00, leaving us almost 25 percent under budget.

After some discussion, a motion was made by Jane Doggett to approve the Attaché Magazine budget amendment. The motion was seconded by Carolyn Collins and carried unanimously.

Councilman Brown stated that when this was originally presented, he voted in opposition, but had he known it was a regional endeavor, he would have been in favor.

- Brandt stated that he received the prospectus for the N.C. Cash Management Fund and recommended lowering the amount of investment into the fund to \$500,000, instead of the \$1 Million, and put the balance into CD's or Money Market, since interest rates in those seem to be creeping back up.
- Brandt recommended hiring attorney Patrick Downs on a contract basis to help with the new development ordinance. He stated Downs has agreed to accept \$125. per hour, half his normal hourly rate. Brandt stated that Bill Trevor is okay with this arrangement. He reported that the project would take approximately 40 hours. Council suggested a cap of \$5,000 and a re-evaluation at that point.

Strickland asked if Downs had any real estate interest in the area and said the proposed rate is very inexpensive for a good attorney. It was explained that a lot of attorneys give municipalities a pro bono rates.

After some discussion, a motion was made by Jane Doggett to approve the contract with Patrick Downs up to \$5,000. The motion was seconded by Carolyn Collins and passed unanimously.

- Brandt reported that a \$75,000 Urban Area Grant will pave the shoulder on the curve on Hwy. 150 near the Armfield development and will put curbs and gutters at the stop light on the north side of Hwy. 150 and Summerfield Road, but will not pay for curbs and gutters on the south side since that property is privately owned. He stated the Town could pay, with Council looking for cost sharing by those property owners, or the area could be left with no curbs and gutters. Brandt stated they would wrap the corners with 50 feet in each direction.

Councilman Stewart asked Bill Gordon if he had any objections to having the curbs and gutters installed, to which Gordon said no, that he had agreed to give 6 inches if it would keep trucks from hitting his building. Gordon stated the curbs would be 6 inches wide and 18 inches deep with gutters in the existing pavement.

After some discussion, a motion was made to pay to have curbs and gutters installed on the south side of Hwy 150 and Summerfield Road, also, for safety and historical considerations at a cost of approximately \$12,000. The motion was seconded by Jane Doggett. The motion carried 4 to 1. Mark Brown opposed for now.

EXECUTIVE 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 NCDG 143-318.11(a)(6).

A motion was made to adjourn to Executive Session as provided under NCDG 143-318.11(a)(6) by Jane Doggett at 10:25 pm and was seconded by Mark Brown. The motion carried unanimously.

The meeting reconvened at 10:45 pm.

BUSINESS FROM COUNCIL: Council announced after an evaluation, they had agreed to give the town clerk a five-percent pay increase. A motion was made by Jane Doggett to give Dianne Laughlin a five-percent pay raise. The motion was seconded by Carolyn Collins and passed unanimously.

After some discussion, a motion was made by Mark Brown to appoint George Holub and Joyce Shores to the Town Core Committee. The motion was seconded by Carolyn Collins and passed unanimously.

Councilman Mark Brown announced that the Stokesdale Holiday Parade will be on December 11th at 2 pm and Councilwoman Carolyn Collins has volunteered to drive her car in the parade.

RECESS TO BOARD OF ADJUSTMENT: Approve Minutes of the June 1, 2004 meeting. (A newly appointed BOA will hold hearings on the 4th Thursday of each

month as considered necessary. There will be a BOA Hearing on November 18 due to Thanksgiving holidays.)

A motion was made at 10:55 pm to recess to Board of Adjustment by Jane Doggett and seconded by Mark Brown. The motion carried unanimously.

Council reconvened at 10:57 pm.

With no further business before the Town Council, a motion was made at 10:58 by Jane Doggett to adjourn. The motion was seconded by Mark Brown and passed unanimously.

Dena Barnes, Mayor

Dianne Laughlin, Town Clerk