



**AGENDA OF THE
SUMMERFIELD TOWN COUNCIL
SUMMERFIELD COMMUNITY CENTER
NOVEMBER 11, 2008
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 October 14 and October 28, 2008 meetings
 - C. Financial Report
6. **ANNOUNCEMENTS**
 - A. Proclamation Commemorating Veterans' Day November 11, 2008
 - B. Public Open House for review/comment of the Draft Master Plan for Summerfield Athletic Park, Tuesday, November 18, 2008 6:15-8:30; Summerfield Elementary School Special Multi-Purpose room.
 - C. Summerfield Holiday Tree Lighting Ceremony, Saturday, November 22, 2008 6:00 pm-8:00 pm; Summerfield Town Hall.
7. **SPEAKERS FROM THE FLOOR (limited to 5 min. on non-agenda items)**
8. **COMMITTEE REPORTS:**

A. Community Relations	E. Public Safety
B. Finance	F. SYC
C. Historical	G. Comprehensive Plan
D. Parks & Rec	H. Athletic Advisory
9. **BUSINESS FROM COUNCIL**
 - A. Consider ordinance to Prohibit Sex Offenders from Entering Town Parks and Recreational Facilities
 - B. Consider adoption of official Town Council meetings for 2009 calendar year
10. **BUSINESS FROM TOWN MANAGER**
 - A. Update on lease of 4310 US 220 property for trail parking
 - B. Update on development of Master Plan for Summerfield Athletic Park
 - C. Discuss re-establishment of Founders' Day Committee

11. **BUSINESS FROM THE MAYOR**
 - A. Discussion of Assisting Town of Stokesdale with Loan of Equipment for December Holiday Parade
 - B. Discussion of Homelessness Advocacy
12. **OTHER BUSINESS (if any)**
13. **COMMENTS FROM THE COUNCIL**
14. **ADJOURN**

Town Calendar (Scheduled Town Meetings, Subject to Change)

November

6th Parks & Recreation
11th Town Council
18th Athletic Advisory Open House
19th Public Safety
20th Historical
22nd Tree Lighting
24th Zoning Board

December

4th Parks & Recreation
9th Town Council
15th Finance
17th Public Safety
18th Historical
22nd Zoning Board

**MINUTES OF THE
SUMMERFIELD TOWN COUNCIL
SUMMERFIELD COMMUNITY CENTER
NOVEMBER 11, 2008
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, led by members of VFW Post #7999.

INTRODUCTIONS:

Council:

Mark Brown, Mayor
Dena Barnes
Alicia Flowers
Becky Strickland
Bob Williams
John W. Wray Jr.

Staff:

Michael Brandt, Town Manager
Blair Carr for William Hill, Town Attorney
Valarie Halvorsen, Town Clerk

CONSENT AGENDA:

Brown suggested adding item 10D D Republic Waste Discussion. Strickland noted there were only 4 voting members present and 5 voting members absent at the October 2, 2008 Parks and Recreation meeting, therefore there was no quorum and any actions taken should be rendered null and void. Carr agreed, clarifying that each person with voting potential must be counted towards the quorum.

As to the financial report, Strickland noted that each month Brown was being reimbursed for mileage and meal expenses and requested that Brown report to council each month on what the money is being spent on specifically. Brown noted those document submissions are public record and anyone was welcome to copies. He further noted the expenses are related to carrying out the mayoral duties by attending meetings outside of Summerfield and the like. Strickland reiterated her request that Brown report on it each month.

Barnes made a motion to approve the Consent Agenda, including the meeting agenda as amended, minutes of the October 14 and October 28, 2008 meetings, and the Financial Report. The motion was seconded by Wray and carried unanimously.

ANNOUNCEMENTS

A. Proclamation Commemorating Veterans' Day November 11, 2008

Brown read the proclamation, which is hereby incorporated and made a part of these minutes:

WHEREAS, America was founded on the principles of liberty, opportunity and justice for all; and

WHEREAS, America has called on her men and women in uniform to protect our national security, to preserve our rights and freedoms and to keep our democracy safe; and

WHEREAS, on Veterans Day we recognize the men and women of our Armed Forces who have valiantly defended these values throughout our Nation's History; and

WHEREAS, on Veterans Day we also remember and pay tribute to the millions of patriots whose courage and sacrifice have secured our freedom and defended our values around the globe; and

WHEREAS, Veterans Day is Tuesday, November 11, 2008.

NOW, THEREFORE, I, Mark E. Brown, Mayor of the Town of Summerfield, call upon our citizens to observe this day with appropriate ceremonies in honor of our veterans, both living and deceased, who have served this country so willingly to preserve the principles of justice, freedom and democracy; to fly the flag; and to show our veterans we appreciate their great sacrifice.

Proclaimed this the 11th day of November, 2008.

Brown thanked the VFW for setting the flag and leading the Pledge of Allegiance.

B. Public Open House for review/comment of the Draft Master Plan for Summerfield Athletic Park, Tuesday, November 18, 2008 6:15-8:30; Summerfield Elementary School Special Multi-Purpose room.

Brandt stated there were flyers on the table and encouraged attendance and noted it was a drop in event in which staff and committee members would be available for questions. Flowers asked how this meeting has been advertised and Brandt replied in the newspaper, on the town website, signs around town, and a letter to those who live within a quarter mile of the property.

C. Summerfield Holiday Tree Lighting Ceremony, Saturday, November 22, 2008 6:00 pm-8:00 pm; Summerfield Town Hall.

Brown stated the Summerfield Youth Council was again coordinating this event.

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

Mark Mortensen, 6110 Percheron Trail, spoke of Veteran's Day and gave a short history of his family's military involvement, including reading a letter his grandfather wrote about his war experiences.

Gail Dunham, 5805 Snow Hill Dr, spoke on many topics, including the following: Veteran's Day, the December 9, 2008 AQUA NC meeting in Greensboro, the strain of increased development on the water supply, athletic field plans, Saunders Inn, her feeling that commercial water will result in higher taxes, and the reasons why the park storage building was a mistake.

COMMITTEE REPORTS:

- A. **Community Relations:** No report.
- B. **Finance:** Ronnie Stafford stated the next meeting is December 15, 2008.
- C. **Historical:** Linda Southard says the committee will not meet in November so the next meeting will be in December.
- D. **Parks & Rec:** Sue Beeson noted the committee continues to work on ideas for future park events.
- E. **Public Safety:** Ron Marshburn stated there was no meeting in October and they plan to work on approving bylaws during the next meeting, which is November 19, 2008.
- F. **SYC:** Brown again announced the Tree Lighting event, scheduled for Saturday November 22, 2008 at 6:00 pm.
- G. **Comprehensive Plan:** Brandt said the committee met last week and will meet again on January 4, 2009.

H. Athletic Advisory: Brandt noted the previously announced Public Open House to view the Draft Master Plan on November 18, 2008.

BUSINESS FROM COUNCIL

A. Consider ordinance to Prohibit Sex Offenders from Entering Town Parks and Recreational Facilities

Brandt gave background information on the efforts of other municipalities to pass such local acts, noting that many were overturned on due process issues. This ordinance is based on the Town of Woodfin and City of Greensboro ordinances, of which, the Town of Woodfin's ordinance was successfully defended in court. He stated this is a local act, and therefore does not carry felony charges, and would be enforced by the Guilford County Sherriff's Department. The ordinance would include any areas *maintained* by the Town of Summerfield, not just those that are owned by the town. On December 1 the Lunsford Act, which is a state law, goes into effect and states registered sex offenders may not enter certain areas including playgrounds, but does not specify parks, so this local ordinance would be needed to close that loophole. While the Sherriff's Department will enforce this ordinance if passed, they request that there be consistency among Guilford County towns on this issue. Brandt stated he has contacted the towns and is waiting to hear back from some of them and he is not asking council to pass the ordinance tonight, just to give direction on whether to keep moving forward on this issue or not.

Strickland asked about the look and location of the signage and Brandt replied it would be added to the existing signage listing park rules. Strickland asked if there were any criteria in what constitutes a suspicious person and Brandt replied that anyone may report a suspicious person at any time and the Sherriff's Department would determine if the report was warranted and reasonable. Strickland asked Carr if there had been any litigation relating to this and Carr replied no, not under this statute.

Wray made a motion directing the manager to move forward on this issue. The motion was seconded by Williams and carried unanimously.

B. Consider adoption of official Town Council meetings for 2009 calendar year

Brandt presented the schedule and asked council to look it over. Strickland made a motion to adopt the 2009 schedule of meeting dates. The motion was seconded by Barnes and carried unanimously.

BUSINESS FROM TOWN MANAGER

A. Update on lease of 4310 US 220 property for trail parking

Brandt stated the surveyor had begun work and there should be information available in the next few days; he was working with the DOT; and had applied for the needed minor watershed modification. Strickland asked why it was necessary to spend \$3500 on the survey work when there was no signed lease. Carr replied the survey was needed to get a meets and bounds description of the property. Speaking from the floor, Gail Dunham asked why the town was leasing the property and Brandt stated it was originally to be a purchase with the costs shared by the town, Guilford County, and the City of Greensboro, but that was not an option at this point.

B. Update on development of Master Plan for Summerfield Athletic Park

Brandt again announced the Open House meeting date and time and stated plans were available for viewing on the website. Flowers asked about the possibility of emailing the meeting information to those who gave an email address on the sign in sheets for the September Comprehensive Plan Town Meeting. Brandt and Brown agreed that it was a good idea.

C. Discuss re-establishment of Founders' Day Committee

Brandt reminded council of previous discussions on this matter and recommended reconstituting the Community Relations Committee as the Founders' Day Committee, which would have 7 to 10 members that would oversee different tasks and volunteers. Brandt recommended having Brown chair the committee and Carrie Spencer providing staff support. Following brief discussion, it was decided by consensus that Brandt would draft an ordinance establishing the committee and bring to council for review during the December meeting.

D. Discussion of Republic Waste Services

Brandt recommended keeping or extending the current agreement and asked council to review the information now and stated it would be brought back to council in December for a decision.

BUSINESS FROM THE MAYOR

A. Discussion of Assisting Town of Stokesdale with Loan of Equipment for December Holiday Parade

Brown noted Summerfield borrows equipment from Stokesdale for Founders' Day and recommends allowing (if needed) Stokesdale to borrow cones, barrels, and perhaps the town truck for use during their holiday parade. He noted Stokesdale typically uses a Guilford County truck, but it may not be available this year. There was discussion about the need for a Memorandum of Agreement to protect the town from liability, the difference between this and the Mutual Aid Agreement, and the potential costs involved. Carr noted the memorandum need only be signed by the managers of each town, but Stokesdale does not have a manager, which would necessitate going before their board. Due to time constraints would not be feasible. Carr noted the equipment could be loaned without an agreement in place, but she strongly recommends against it.

B. Discussion of Homelessness Advocacy

Brown stated Jane Doggett agreed to represent Summerfield at a homelessness advocacy seminar. She gave information on the project, which is a model program to end chronic homelessness in 10 years. This project has seen success in other municipalities and seems to be succeeding here as well. She noted additional information was available on a CD. The organization requests that its contact information be placed on the websites of local municipalities, to which, council agreed by consensus.

OTHER BUSINESS (if any)

Strickland asked about the following: the status of the traffic counter purchase and Brandt stated there was an upcoming meeting with a vendor; the status of the ethics issue and Brandt stated it was on his list; and the Mayor's power to control the agenda, which will be discussed following Comments From Council.

COMMENTS FROM THE COUNCIL

Strickland spoke of being contacted by a citizen regarding the proposed Minimum Housing Code discussed at the last meeting. She feels there were misrepresentations made to the citizen by the Mayor and would like to clarify the record. Strickland read a transcript of a November 10, 2008 voice mail message from the Mayor to the unnamed citizen, which had a total recording time of 48 seconds, which is hereby incorporated and made a part of these minutes:

"Hey.... This is Mark Brown. It's Monday morning. I hope you're doing well. Uh, you're probably aware that the majority of the council did not like the ordinance thing we've been talking about for years-for a year now, trying to get developed and, um, Michael told me someone from your road was going to be there to chastise the Council about it, and I wanted to ... uh, and I'm tickled to hear that because Becky and I fought over that thing last month, and um, but anyway... If you could, I'm at 681-6730. If you could just give me a call if you get a minute, I wanted to make sure that you're aware of it to begin with and then go from there. Thank you."

Strickland then read a response to this voice mail message, which is hereby incorporated and made a part of these minutes:

"After talking to this individual, rumors had already been circulating that 'Becky' was the reason this Ordinance did not go to public hearing. Just to remind you what happened as reflected in the Oct. 28 minutes and the audio (and Mr. Crawford has the videotape of the meeting). I expressed concern with the timing and the expense of additional staff because Brandt said on May 28 he foresaw no additional personnel this budget year, expressed due process issue concerns, and felt that the ordinance was 'back door eminent domain' for slum and blight that may be used to target homes that some may feel are unattractive, or to eliminate the very little affordable housing that is currently available in town.

While a long way from being completed or funded, the Town Attorney felt it appropriate to have council discussion at that time so there would be time to hold public hearings as well. Brandt said the point of tonight's discussion was to find out council's feelings on it, and if it was unwanted or unneeded, there would be no further work on it.

There was much discussion of what the Ordinance would entail by Michael, you, and me separately, how it would be used and enforced and against whom, and how it compared and contrasted to the current Nuisance Ordinance and state building code requirements, and residential vs. non-residential structures. As a representative of all the people, I felt it was and is too intrusive into people's lives and property, and gives too much police powers to the government. I don't recall anyone else on Council saying much of anything except John Wray.

You Mayor Brown made comments not included in the Minutes in support of the Ordinance using a war story from the Sheriffing days. John Wray made comments and then made a Motion directing staff to move forward with the Minimum Housing Ordinance to prepare for a Public Hearing in February 2009. THE MOTION DIED FOR A LACK OF A SECOND. So--there were three other people on this Council besides me who could have seconded that motion and brought it to further discussion and vote. None of you did, yet afterwards some of you allowed and fully encouraged citizens to think it was all Becky Strickland's fault.

Mayor Brown, I was not the reason this ordinance did not go to public hearing as those rumors have been spread, there was no 'fight' between you and me over this Ordinance on Oct. 28 as you related on the telephone. Your voice mail left on this citizen's phone is just another one of your many passive-aggressive behind-my-back attempts for the past three years to try to turn the citizens and voters against me and my work on Council. I'm sure just like in your phone message, it would 'tickle you to death' for the citizens to come out again and rail against me in open session. You encourage it every chance you get. What you did was unethical as Mayor and a deliberate attempt to undermine my credibility with the citizens as a Council member. It is unfortunate that we do not have an Ethics Ordinance yet because this person you called is extremely upset that she was lied to by the Mayor yesterday.

I realize that you or anybody else in this room can talk or write about me as a public official positively or negatively; it goes with the territory and I accepted that long ago. Your voice is protected by the First Amendment which I fully embrace-BUT if you are going to talk about my official actions on council, you had better tell the truth and have the facts and documentation to back it up or I'll call you on it at every meeting.

What is even more disturbing to me than the blame-laying, however, is your message that 'the majority of council did not like the ordinance thing we've been talking about for years-for a year now.'

The first time I ever saw this Code of knew anything about it even being in the works was at the July 8, 2008, Town Council meeting, 3 months ago, and only 6 weeks after the Town Manager said he projected no new personnel for this budget year. So if this part of your message to this citizen is true and this ordinance has been in development for a year now, then why did I as a council member not know about it until 3 months ago and why did staff not tell me about it even if you did not?

If your message left on this citizen's telephone is true, then again you and staff have deliberately left me out of the loop until the last minute because you knew I would not agree with you. Again, it is unethical of you as a Mayor to deliberately exclude me and I also question staff's actions in this matter also. Either way, Mr. Mayor, you have either lied to this citizen or you have been keeping Town business from me in a Council-Manager form of government I remind you, not a Mayor-Council

form of government anymore. Either way, you've got some explaining to do to this Council and these citizens and I demand and deserve that now.

I further ask that this statement be made an official part of the Town Council meeting record of Nov. 11, 2008 and denoted as Attachment #2."

Brown stated the citizen contacted him in February and felt her situation could not be handled by the Nuisance Ordinance, so staff did some research on Minimum Housing Codes. He does not feel he has anything to apologize to Strickland about and the purpose of his call to the citizen was to keep her informed of the status, which he has done all along. Strickland wanted to know why she was not previously informed about this "a year ago" and Brown replied while the citizen may have approached him about it almost a year ago, staff did not start researching it until about July.

Carr discussed Strickland's inquiry about the Mayor's power to control the agenda, noting the law states the Mayor is the "presiding officer" presiding over all meetings and it is the responsibility of the presiding officer to set what he believes to be the order of business, or the agenda, for the meeting and council has the power to change that agenda in any way they choose by majority vote at the beginning of the meeting for the current agenda, or at any other time for a future agenda, again by majority vote. Carr stated council ultimately controls the agenda via their voting ability. Flowers asked about asking the Mayor to place something on the agenda and Carr and Brandt said the request can be made, but he does not have to do so based on a request, that the best way to ensure something gets on the agenda is by a majority council vote. Strickland asked that the Mayor put aside his personal feelings for her, because when she requests an item be put on the agenda it is for the citizens, not for herself.

Wray announced that the defibrillators had arrived and were programmed ready for use. Each one includes a brochure and instructions that are very simple to follow. Carolyn Collins stated she was a CPR instructor and could show anyone who wished how to operate the equipment. Wray noted he was working with the Manager to plan for a CPR course at some point in the future.

With no further business before the Town Council, a motion was made at 8:27 pm by Williams to adjourn. The motion was seconded by Barnes and carried unanimously.



Mark E. Brown, Mayor



Valarie Halvorsen, Town Clerk