

**MINUTES OF THE
SUMMERFIELD TOWN COUNCIL
SUMMERFIELD COMMUNITY CENTER
OCTOBER 3, 2006
6:30 PM**

NOTE: The official minutes of this meeting 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 6:35 pm by Mayor Mark E. Brown with approximately 30 citizens attending. Tonight's meeting will consist of the following: Consent Agenda; Meeting Agenda; Approve Minutes of September 5; Closed Session; Parks and recreation request to hire independent contractor for parks and recreation/special projects cont. from September 26, 2006 meeting (M. Brandt, S. Beeson); Cont. discussion of PUD Ordinance cont. from September 26, 2006 meeting (M. Brown, R. Smith); PUBLIC HEARINGS - Rezoning Case #10-06 1054 NC Highway 150 West, being Guilford County tax map #06-337, block 785, and parcel 3. The parcel, located in Center Grove Township, is approximately 6.8 acres. The parcel is owned by Alexander Mitchell, Jr. The applicant, Carolina Spotlight Properties, is requesting a rezoning from AG (Agricultural) to RR (Rural Residential); Text Amendment to add Agricultural Tourism Facility to the Summerfield Development Ordinance. Revisions required to Articles 6-4.9 and 4-4.1, and Table 4-3-1. Addition of definition in Article 2-1.7. Effective date of November 1, 2006; Amendment to the Summerfield Public Nuisance Ordinance Change to Section 1-1.2)b) and addition of Section 1-1.3). Effective date October 3, 2006; Discuss 2007 Town Council Meeting Schedule for the 2007 calendar year (M. Brandt); Renew Contract for Professional Engineering Services with Cavanaugh & Associates, P.A. for planning and watershed review; Enter into contract agreement with HadenStanziale P.A. for Master Plan Update of Summerfield Community Park not to exceed \$10,000; Enter into contract agreement with Piedmont Council of Governments for Summerfield Community Park Phase II PARTF grant request for 2007. Amount not to exceed \$4,500; Consider adjustment to Thomas Lowdermilk contract for restoration and repairs of Town Hall in the amount of \$856.00; Appoint delegate to the North Carolina League of Municipalities Annual League Business Meeting to be held in conjunction with NCLM Conference October 17, 2006.

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

INTRODUCTIONS:

Mark E. Brown, Mayor	Michael Brandt, Town Administrator
Dena Barnes, Mayor Pro Tem	Robin Smith, Town Planner
Carolyn Collins, Councilwoman	Evon Rumley, Town Clerk
Dwayne Crawford, Councilman	William (Bill) Hill, Town Attorney – sick
Becky Strickland, Councilwoman	Attorney arrived late (6:40 pm) Left early (9:20 pm)
Bob Williams, Councilman	Dana Luther, Finance Officer

CONSENT AGENDA:

Becky Strickland stated she was still opposed to old business items 11 a & b from September 26 meeting. She is concerned about leaving 11 a & b on the agenda. Mayor Brown stated with the closed session coming up this could be affected by this meeting. Crawford questioned the closed session regarding items 11 a & b. Michael Brandt stated the agenda could be modified. Barnes stated the agenda could be amended by Town Council when necessary. Crawford stated he had never seen this done and he questioned this process. Mayor Brown, asked the Town Attorney to clarify the affect of leaving items 11 a & b in the consent agenda. Crawford asked if they could leave items 11 a & b on the consent agenda and discuss the two items later.

On the finance report, Strickland asked about a \$320 check to IMC, Inc. for cleaning the pond at the park, and stated the Secretary of State's Web site showed 52 corporations with that acronym. Dana Luther stated she would find out which corporation this is.

After minor corrections to the consent agenda, including the meeting agenda and approval of September 5, 2006 minutes, the monthly finance report, and placing the Closed Session as the first item, Carolyn Collins made a motion to approve the consent agenda. The motion was seconded by Bob Williams. The motion passed 4-1 with Carolyn Collins, Bob Williams, Dena Barnes, and Dwayne Crawford in favor; Becky Strickland opposed.

ANNOUNCEMENTS:

William Hill, Town Attorney announced he would be having back surgery on Oct. 17, but expects to be present for the November Town Council meeting. Jim Secor, attorney would be the fill in during his absence.

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

Elizabeth Ingram, 7552 Dubach Rd., asked the Summerfield Town Council to consider only properties for the ball parks that have room for parking within the tract. The lack of parking at the current ball fields has created dangerous conditions for children and inconvenience for neighbors.

Gail Dunham, 5805 Snow Hill, represented the Concerned Citizens, gave a letter to the Town Council and Town Attorney for a legal opinion questioning if the mayor has the authority to begin projects that will cost the town thousands or maybe millions of dollars without a vote of the town council and no public comments allowed. In addition, she stated it appeared the council intended to move forward with the next park phase including an amphitheater, ignoring the results of the survey by UNCG, and said the town should notify the county and state if funds from the PARTF grant would go toward reimbursing a volunteer. In the letter she asked the Town Attorney to provide whatever documents or statutes are being used to allow the Mayor to run the Town.

William Hill, Town Attorney stated he would send Gail Dunham a copy of the town charter.

Tom Jarrell, Judicial Court Judge, introduced himself and stated he had been a judge for seven years, qualifications for office, and he would like the continued support of the people in Summerfield.

Ray Riffe, Guilford County Commissioner candidate, introduced himself and told of his qualifications for office for the November elections.

Presentation by Linda Southard, chairperson of Historical Committee to Mayor Brown, representing the Town of Summerfield, for Historic District Plaque for Summerfield Town Hall

Linda Southard, Historical Committee Chair presented a historic district plaque to Brown to be mounted on the town hall to help retain the history of Summerfield.

COMMITTEE REPORTS:

A. Community Relations: No report

B. Finance: Ronnie Stafford, Interim Chair stated there are \$2 million in CDs maturing on Thursday, October 5, 2006; and the committee is getting new interest rates. The next Finance committee meeting will be Monday, October 16, 2006 at 7:00 pm.

C. Parks & Rec: Sue Beeson, Chair reported that the committee is proud to be completing the first phase of the park and is gearing up for the second phase. She planned to attend a grant writing

workshop so the group could apply for another state parks matching grant early next year.

- D. SYC:** Reese Walker stated the Summerfield Youth Council group is considering a name change. They plan to participate in the Bur-Mil festival on Oct. 14. He also stated they plan to hold two car washes for fundraisers.
- E. ABC Board:** Elizabeth Ingram stated she attended the ABC Board and the ABC store have grown since it opened in May, with \$38,255 in June, \$50,881 in July, \$52,978 in August, and \$51,513 in September. Average sales of about \$55,000 per month will be needed to break even. Expense figures are not yet available. The Finance & Auditor report is available at the Town Hall from June 30, 2006.
- F. Public Safety:** No report
- G. Thoroughfare:** No report
- 10. CLOSED SESSION for the purpose of discussing: an honorary degree, scholarship, prize, or similar award; and 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; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee as provided under NCGS 143-318.11.**

Mayor informed attendees regarding the purposes of a closed session.

Barnes made a motion to recess into closed session to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee as provided under NCGS 143-318.11., at 7:10 p.m. The motion was seconded by Bob Williams and carried unanimously.

Council returned to the Meeting Room at 8:00 p.m., at which time Bob Williams made a motion to reconvene the meeting. The motion was seconded by Dena Barnes and carried unanimously.

William Hill, Town Attorney stated that on the mayor's asking a town employee to do research on the PUD ordinance, he found no impropriety on the part of Mayor Mark Brown because, there are no policies or procedures in place to prohibit him from doing so. The Town Council requested that the Town Administrator and the Town Attorney draft a policy on the proper procedures to be followed in the future.

OLD BUSINESS

The Parks & Recreation Committee requests the Town hire an independent contractor for parks and recreation/special projects. Cont. from September 26, 2006 meeting (M. Brandt, S. Beeson)

Parks & Recreation committee had requested hiring an independent contractor and the Finance Committee recommended no monetary compensation for volunteer work performed on Phase I; however, the Committee does recommend that Council discuss volunteer of the year awards and/or dedication opportunities. The Committee also recommends that the Town Administrator be given authority to hire and oversee an independent contractor for special project needs in regards to ball fields, Phase II grant request, and current Phase I operations at \$15/hr. for a maximum of \$2,500.

This item was continued from the Sept. 26 meeting. Sue Beeson, Chair of the Parks and Recreation Committee stated the committee voted at their Aug. 10 meeting to fully support this request.

Becky Strickland stated on Aug. 10, it appeared 10 committee members were present and 10 absent, so a quorum was not present to allow them to vote. Sue Beeson, Chair stated some people were no longer on the committee, and the Aug. 10 vote was unanimous. Strickland again stated a quorum was not present. Beeson stated the committee had grown because some Conservation Committee members had joined as a subgroup, and she could identify them. Strickland stated Beeson was not addressing the quorum question, and Beeson reiterated that all present at the Aug. 10 meeting voted in favor of hiring. Strickland then recommended council take no action until a public hearing could be held, as the town would be “growing government” without public participation.

Mark Brown stated he, Michael Brandt and others had seen that issues and projects would need to be handled on a regular basis, and the matter could be handled this way with a budget amendment. Dwayne Crawford inquired about duties, and Brandt stated the position would coordinate small projects, and oversee ongoing matters such as door repainting, etc. Crawford asked if the person would help complete Phase I of the park, and Brandt stated there may be some small items, such as installing additional signs. The \$2,500 maximum would allow the town to gauge the value and determine what is needed.

Crawford asked how the town would determine who is hired and whether this item was addressing long-term park maintenance. Brandt stated contracts have been issued for items like lawn maintenance, but the town may need to look at things like restroom cleaning/maintenance. Once determined, those items will be added to next year’s budget. Brandt’s recommendation is to hire George Holub, volunteer park project manager.

Carolyn Collins made a motion to hire George Holub, volunteer park project manager, as an independent contractor to oversee small projects for Phase II at Summerfield Community Park and for special projects contractor for parks and recreation at \$15/hr. and not to exceed \$2,500. The motion was seconded by Bob Williams and carried 4-1. Carolyn Collins, Bob Williams, Dena Barnes, Dwayne Crawford voted in favor and Becky Strickland opposed this motion.

b. Cont. discussion of PUD Ordinance cont. from September 26, 2006 meeting (M. Brown, R. Smith)

Mayor Brown stated the citizens are interested in an alternate zoning option and had gathered information that had been used by other small towns (August, 5, 2006 Town Council meeting Paul Milam asked the council to consider adding a Planned Unit Development to the development ordinance as he had received several calls from citizens interested in the concept. Information he had gathered indicated all Guilford County municipalities have a similar ordinance). He had asked Robin Smith, Town Planner for help, and stated that comments and vote could be put before a public hearing (Smith was asked to check into the ordinance and create one for the town). Brandt asked if a public hearing could be planned for the November 14, 2006 meeting.

Strickland commented that the town is getting bids for the comprehensive plan, which will address many issues. She spoke to the comprehensive plan and the e-mails between Michael Brandt, Town Administrator and Paul Milam. She stated this was premature information and if a PUD was done now this would mess up the comprehensive plan; plus would have environmental issues. Strickland argued against the ordinance, which could allow both commercial and residential development on the same tract.

Williams stated a PUD ordinance would be a step toward potential affordable housing in Summerfield and should be pursued, stating a PUD ordinance allows certain things: RS40, Business, Commercial;

lighting; more homes; more businesses; more dense development; up front planning and where everything would go.

Crawford stated the PUD ordinances can meld residential and commercial development, requiring more intensive planning.

Robin Smith stated PUDs are normally walkable and contain neighborhood businesses targeted toward those who live there and that density would primarily be dependent on water and what type septic is available; stating the town would have more control over property development. Phase I of a PUD would have to be completed before going to Phase II; based pm water available, septic system; and individual package plan.

Crawford stated more control would be good because a developer couldn't say one thing and develop something else, however he felt it was premature to develop a PUD ordinance before the comprehensive plan.

Strickland stated if the comprehensive plan showed PUDs were not wanted but one had already been approved, the town would be stuck because an ordinance change could not be retroactive and Crawford stated this item should be tabled until the comprehensive plan was completed. Williams stated it should be taken to the public.

Brandt reported the comprehensive plan should show what the community wants and not include specific zoning elements.

Dwayne Crawford made a motion to table the discussion until after the comprehensive plan, which could take 12 to 18 months. The motion was seconded by Becky Strickland. The motion failed by a 2-3 vote, with Becky Strickland, Dwayne Crawford in favor and Carolyn Collins, Bob Williams, and Dena Barnes opposed.

Bob Williams made a motion to hold a legal public hearing on the PUD ordinance for the citizens in November; seconded by Carolyn Collins. The motion passed 3-2 with Carolyn Collins, Bob Williams, and Dena Barnes in favor and Becky Strickland and Dwayne Crawford opposed.

Brandt stated the hearing will be on the November agenda if it can be prepared by staff in that time.

BUSINESS FROM TOWN PLANNER:

PUBLIC HEARINGS:

A. Rezoning Case #10-06 1054 NC Highway 150 West, being Guilford County tax map #06-337, block 785, and parcel 3. The parcel, located in Center Grove Township, is approximately 6.8 acres. The parcel is owned by Alexander Mitchell, Jr. The applicant, Carolina Spotlight Properties, is requesting a rezoning from AG (Agricultural) to RR (Rural Residential)

Smith reported the Zoning Board unanimously approved a motion to recommend the rezoning to the Town Council based on the goals of the Long Range Plan. Included in the motion was the request that the preliminary plat be submitted to the Zoning Board for approval if the requested rezoning is granted.

AG (Agricultural) to RR (Rural Residential) The property is located at 1054 Highway 150 West. This 6.8 acres is owned by Alexander Mitchell, Jr., and the applicant is Carolina Spotlight Properties. Smith stated that if rezoned, a maximum of four houses would be allowed. Property is zoned for residential use on all four sides and the Zoning Board unanimously recommended approval. Carolina Spotlight recently

had an adjoining property rezoned to Rural Residential, and if approved, would develop the two properties.

Smith stated the parcel has a gentle rolling topography. It is heavily wooded and has several wet weather drainage ways. NC Hwy 150 West is classified as a Major Thoroughfare with an existing right-of-way of 60 feet. Traffic counts from 2004 show 5100 trips per day along NC Hwy 150 West at Lake Brandt Rod. NCDOT is currently engaged in an improvement project at the intersection of HWY 150 and Lake Brandt Rd. Once completed, this will have little impact on this parcel, but at this time it has exacerbated the challenge of accessing HWY 150. Projected Traffic Generation: The maximum number of lots permitted on this site is four. At an average of ten trips per day, this development may produce an additional 40 trips per day. As the authority charged with issuing driveway permits in Summerfield, the state Department of Transportation will make the ultimate decision as to whether sight distance is adequate for a subdivision street to intersect at this point. The site is generally well suited for a larger lot development. As stated, it is heavily wooded, and does possess wet weather drainage ways which drain into a creek that begins on the parcel located at 1058 HWY 150 W.

Compatibility with Adopted Plans – The Town of Summerfield Long Range Plan – The RR (Rural Residential) district was established by the Summerfield Long Range Plan to accommodate minor subdivisions in agricultural districts. Two of the nine goals listed within the Long Range Plan are the assurance of a range of housing opportunities for Summerfield residents and preserving individual property owner’s rights, which include the rights of the current owners of this parcel.

Public Comment – Public Open Houses are not required for Rural Residential rezoning, but because of the recent rezoning of 1050/1052 HWY 150 West, the applicant agreed to meet with any concerned surrounded property owners. Only two people, representing one household, attended the open house. The planning department has not received any other public comment regarding this rezoning.

Staff Comment – The preservation of rural character is an important priority of the Long Range Plan, especially through the preservation of open spaces and wooded areas that serve the dual purpose of providing scenic vistas as well as preserving natural resources. The low-density development of 60,000 square foot lots will only allow a four lot subdivision, though the environmental features may limit that to three.

The parcel located at 1050/1052 HWY 150 west was rezoned to Rural Residential in June of this year and the Zoning Board approved the preliminary plat on July 24, 2006. While the applicant can not be held to this, he has expressed utilizing the same road for both parcels to form a more appealing design as opposed to creating two four (4) lot developments. Staff recommends, if the rezoning is approved, the Zoning Board request approval authority over the preliminary plat.

Staff Conclusions: This is low density development that complements surrounding subdivision and adjacent property owned by applicant can integrate development of both parcels.

Under a new policy in the Town of Summerfield, all property owners within ¼ mile of a property proposed for a Rezoning or Special Use Permit shall be notified of the public information session and open house as well as the subsequent public hearing.

Collins asked the location of the development entrance, and Smith stated that issue could not be discussed at a rezoning; which should only address appropriate land use. Smith reported the properties had been requested for rezoning previously. Williams asked how many units were proposed during that hearing and Smith stated RS-40 zoning was requested on both properties, which would have allowed a total of 10 or 11 units; with the requested zoning, a maximum of eight houses would be allowed.

In Favor:

Derek Allen, 230 North Elm Street, Greensboro stated he represented Carolina Spotlight Properties (to rezone a 6.8-acre lot in the Center Grove Township from agricultural to rural residential development) and owner Christian Lotte. The property owner had contacted Lotte about purchasing this property, and Allen said it makes sense to develop the two properties together. At a required open house, only one couple attended. Allen said the property has outlived its agricultural use, and he felt the major reason it should be developed as requested is that it meets the land use plan's recommendation to preserve rural character.

Christian Lotte volunteered to answer questions and asked for approval.

In Opposition: No one spoke in opposition

Dena Barnes made a motion based on the Long Range Plan and the Plat to send this case back to the Zoning Board. The motion was seconded by Bob Williams. The motion passed 4-1, with Carolyn Collins, Bob Williams, Dena Barnes, Dwayne Crawford on favor and with Becky Strickland, opposed to this motion because of public safety, since property access is in a curve.

a. Text Amendment to add Agricultural Tourism Facility to the Summerfield Development Ordinance. Revisions required to Articles 6-4.9 and 4-4.1, and Table 4-3-1. Addition of definition in Article 2-1.7.

Robin Smith stated the addition of the ordinance would be effective Nov. 1, 2006. and she reported that the town's proposed ordinance was different from other agritourism ordinances since it allowed both minor facilities of 3 to 5 acres and major facilities of 5 acres or more.

Smith presented the case, reading from the Staff Report. She stated the agritourism ordinance had been under discussion for some time. Guilford County, Stokesdale and Oak Ridge all have such ordinances. The proposal for Summerfield is slightly different in that minor, three-acre facilities would be permitted to allow vegetable stands. This change would make smaller parcels more usable for agricultural purposes. She stated the agriculture used can be the prime means of livelihood in the northwest area (plus tourism is an important element). The winery is bringing people into Stokesdale that wouldn't normally come into Stonefield Cellars. Agritourism can be used as a development tool. Agritourism enterprises are as varied as the people who own and operate them. The U.S. Department of Agriculture offers a wide variety of information on the subject of farmers who have changed their farms into alternative business venture.

Smith reported that Summerfield's proposed agricultural tourism ordinance would require a special use permit for facilities of five acres or larger. As with all special use permits, a public hearing would be held to determine that the use will not endanger public health or safety and that it will be in harmony with the surrounding area. But unlike other local municipalities, Summerfield farms as small as three acres could also be used for agritourism. This would open up opportunities for such ventures as homegrown produce sales and plant stands, even on relatively small tracts. Smith stated many residents have moved to northwest Guilford County because of the rural atmosphere of the local farms and that makes agritourism even more important because farming speaks of the tradition of Summerfield. As the tobacco farming is phased out, while land values and associated property taxes are increasing, profitable farm ventures are harder than ever to establish. Local decision makers hope that agritourism will offer a viable and flexible alternative for land use. She stated that they were trying to come up with more uses for agricultural land in order to be able to save it from future development. This give more options rather than selling it for

more houses. Smith reported the proposal would create agritourism uses on 3 acres, the smallest amount in the county.

Strickland asked if a public hearing wasn't required, and Smith stated this was the public hearing. Strickland inquired how the ordinance affects small vegetable stands, and Smith stated technically those people are already violating the town ordinance and

Strickland stated the ordinance would make agricultural property retail; issues like public restrooms, water would need to be considered to which Smith replied the proposal would provide options other than just selling land and subdividing it, and it would have stronger stipulations than regular commercial use.

In Favor:

Renee Weidel gave council an article on pumpkin farms, which would fall under the ordinance and reported she plans to grow strawberries, and stated she has several types of animals. Weidel said she had allowed the farm to be used for community events, and the ordinance change would allow her to recoup some of the money. She felt the ordinance would be a benefit to the community.

Opposition: No one spoke in opposition.

Carolyn Collins made a motion to approve a text amendment to the Summerfield Development Ordinance to include agricultural tourism facilities (preserving the farms in Summerfield) because the measure allows for alternative uses for agricultural land, such as roadside vegetable stands. The motion was seconded by Bob Williams and carried unanimously.

a. Amendment to the Summerfield Public Nuisance Ordinance Change to Section 1-1.2)b) and addition of Section 1-1.3). Effective date October 3, 2006.

Summerfield currently has a nuisance ordinance, and Robin Smith submitted a change to the Town's nuisance ordinance addressing excessive trash accumulation, trash and junk which have been allowed to accumulate in yards and on porches and overgrown lawns. She reported property owners often complain that the condition of their neighbor's property is decreasing the value of their land. She would like to see a stronger ordinance to address these complaints. The Zoning Board unanimously recommended approval at their September 25th meeting, and also added wetlands to areas where vegetation over 12 inches tall would not be allowed. In response to a question, she stated investigations are always complaint driven, and the nuisance ordinance is a last-ditch effort to get some properties into compliance. Strickland stated she was in favor of the amendment, but asked who would determine what was excessive. Smith stated that would likely fall to the enforcement officer, and Town Council.

PUBLIC NUISANCES ORDINANCE

Sec. 1-1 Nuisances prohibited; enumeration.

The following enumerated and described conditions are found, deemed and declared to constitute a detriment, danger and hazard to the health, safety, morals and general welfare of the inhabitants of the Town of Summerfield and are found, deemed and declared to be public nuisances wherever the same may exist and the creation, maintenance, or failure to abate any nuisance is hereby declared unlawful.

1. Those lands dedicated and accepted by the town as flood plain and open space, which are established in order to preserve natural green ways and or natural connecting networks along flood ways, streams, creeks, and wetlands.

2. Any excessive accumulation of rubbish, trash or junk. Debris and discarded items shall not be allowed to accumulate within the yard or unenclosed porches.
3. An open place of concentration of combustible items such as mattresses, boxes, paper, automobile tires and tubes, garbage, trash, refuse, brush, old clothes, rags, or any other combustible materials or objects of a like nature.

Smith stated this had been discussed by the Zoning Board, but no recommendation had been made because the board felt the issues should be presented to the council for input before a public hearing was held. Smith stated one of the most common complaints she received was from residents who said their neighbors are allowing trash to accumulate and this is bringing down the property values of the homes in the neighborhood. She reported she would like to see a stronger, more upfront ordinance to keep your yard clean. Smith stated people have cars sitting around the front yard, grass growing around the items and the neighbors wait until it is bad before they call.

There was discussion and comments among the Town Council members.

Strickland asked about the burning building materials, and Smith stated that this issue would be regulated by the fire department. She also stated she believed the department would require the resident or developer to extinguish a fire and if there were a number of violations by the same contractor, they could be fined. Bill Hill, Town Attorney, suggested a video be taken as evidence of the area if the nuisance ordinance on trash was being enforced. Smith stated she felt the ordinance might take care of some problems with junked cars.

In Favor: Robert Gordon said he was basically in favor of the ordinance.

In Opposition: N/A

Carolyn Collins made a motion to approve amendments to the public nuisance ordinance as the measure prevents excessive accumulation of garbage in yards and porches. The motion was seconded by Bob Williams and carried unanimously.

Recess: 9:15 pm 9:22 pm

Mark Brown excused William Hill at 9:20 because of illness.

13. BUSINESS FROM TOWN ADMINISTRATOR:

a. Discuss 2007 Town Council Meeting Schedule for the 2007 calendar year (M. Brandt)

Brandt presented the proposed 2007 Town Council Meeting Calendar. He reported he had discussed and provided direction to staff regarding the calendar. Staff would like consideration be made to move the regular Town Council meeting date to the second Tuesday of the month. The reason for the request: 1) Due to the fact that many holidays fall in either the first or last week of the month, many times staff is required to work on a short schedule to either produce the agenda package or is short a day before the council meeting due to Monday holiday; 2) The Zoning Board currently meets the 4th Monday of the month; there is little turn-around time for staff and zoning board in order to insure information is transmitted to the Town Council. Confirmation of location and availability of town attorney and finance officer would need to be confirmed before any change is implemented. This discussion will be presented at the next meeting, Tuesday, November 14th.

b. Renew Contract for Professional Engineering Services with Cavanaugh & Associates, P.A. for planning and watershed review.

Brandt stated the item to be considered was the Engineering Services Contract. He requested action to consider approval of Cavanaugh and Associates P.A. for a two year contract to provide professional engineering services for watershed and planning review, for an amount not to exceed \$10,000 per year. Brandt reported the Town Attorney has reviewed the contract and does request certain changes and clarifications. Staff requests that Town Council vote to approve the contract contingent upon satisfaction of Town Attorney that the contract is sound and protects the Town from undo harm or action (The town attorney has requested some changes and clarifications). Brandt explained when the town established its own Planning Department, it was required to hire an engineer since certain issues would no longer be handled by Guilford County. Although only around \$2,000 per year was normally spent, fees would be based on the amount of development and most would be passed on to the developer. If staff, attorney and Cavanaugh can not settle differences then item will be brought back to Town Council for review and further discussion. Town Budget for this line item is \$10,000 for 06-07 Budget Year.

Crawford asked about the dollar amount, and Brandt stated the town went through the Request for Qualification process about 18 months ago and the firm was chosen based on criteria such as availability and cost.

Dwayne Crawford made a motion to renew a \$10,000 contract for professional engineering services with Cavanaugh & Associates for planning and watershed contingent upon final review approval from the Town Attorney. The motion was seconded by Becky Strickland and carried unanimously.

Enter into contract agreement with HadenStanziale P.A. for Master Plan Update of Summerfield Community Park not to exceed \$10,000.

Brandt spoke to the contract for the Summerfield Park Master Plan update and requested action from Town Council approving the contract between the Town and HadenStanziale P.A., with an amount not to exceed \$10,000. The Town Attorney reviewed the contract and requested certain changes and clarifications. Staff requests that Town Council vote to approve the contract contingent upon satisfaction from the Town Attorney stating the contract is sound and protects the town from undo harm or action. Brandt reported the firm is also working on the Oak Ridge Park, and other municipalities spoke highly of the firm. The estimate is \$8,500, but this action provides additional funds should they be needed. The update would allow the town to move forward on the park's second phase. If staff, attorney and HadenStanziale can not settle differences then this item will be brought back to council for review and further discussion will be needed. The Town Budget line-item for this expense is \$12,000.

Hill had been dismissed from the meeting prior to the Town Administrator's report and Strickland reported before leaving the meeting, the Town Attorney stated he had issues with the contract and she understood this item would not be discussed. Brandt stated the vote would be contingent upon the Town Attorney's concerns being addressed before the contract approved final and stated if Town Council did not vote now, they would need to consider holding a special meeting. Barnes suggested Brandt call the Town Attorney to clarify. Brandt spoke with Bill Hill via cell phone, and he then spoke with Council members Crawford and Strickland. Strickland confirmed the Town Attorney had concerns, but stated the vote would specify his concerns be met before the contract is approved. Strickland also stated the UNCG survey recommended the master plan be updated.

Bob Williams made a motion to approve a \$10,000 contract with HadenStanzial for an update to the Summerfield Community Park Master Plan. The motion was seconded by Dena Barnes. The motion passed 4-1. Dwayne Crawford voted in opposition.

D. Enter into contract agreement with Piedmont Council of Governments for Summerfield Community Park Phase II PARTF grant request for 2007. Amount not to exceed \$4,500.

Brandt spoke to the contract for the PARTF grant application for Phase II of Summerfield Community Park, stating it required action by Town Council approving the contract between the Town of Summerfield and the Piedmont Council of Governments to provide professional staff support in the grant application process, for an amount not to exceed the amount of \$4,500. Bill Hill, Town Attorney did review the contract and does request certain changes and clarifications. Staff requests that Town Council vote to approve the contact contingent upon the Town Attorney's satisfaction that the contract is sound and protects the Town from undue harm or action. If staff, attorney and PTCOG cannot settle differences, then the item will be brought back to council for review and further discussion. Brandt stated the town budget line-item for this expense is \$3,000 and staff requests a budget amendment to be approved contingent upon approval of the PTCOG contract. Brandt reported the additional funds would come from other areas, so there would be no net change in the budget.

Strickland stated she didn't feel the second park phase was in keeping with the survey for which the town paid \$20,000. Collins asked about timing, and was told the application deadline was January, with funding becoming available in July. Crawford said a survey was prepared by the town in 2002 and was not conclusive; a survey was done by UNCG in 2005, and he stated it was conclusive. He asked if the council would keep asking citizens for input until they heard what they wanted.

Brandt clarified that public meetings are required for the state grant, and he felt it was valid to have more citizen input to address issues that had come up in the needs assessment survey by UNCG.

Strickland stated the survey indicated citizens did not want more in the park if they had to pay more taxes.

There was discussion about the UNCG survey. Barnes stated citizens today might want something different than they did in the past; she felt it was valid to ask their opinions and hold public meetings. Strickland responded 2,730 surveys were mailed and Crawford stated there was a 30 percent return.

After further discussion, Carolyn Collins made a motion to approve a contract between the Town and the Piedmont Triad Council of Governments for the organization's professional support in writing a PARTF grant to the state for Phase II of the Summerfield Community Park contingent upon satisfaction of Town Attorney that the contract is sound and protects the Town. The motion was seconded by Bob Williams. The motion passed 3-2, Carolyn Collins, Bob Williams, Dena Barnes in favor with Becky Strickland and Dwayne Crawford opposed.

Consider adjustment to Thomas Lowdermilk contract for restoration and repairs of Town Hall in the amount of \$856.00.

Brandt spoke to renovations and repairs to Town Hall and requested action approving additional funds for materials to repair Town Hall brickwork. Brandt reported that Thomas Lowdermilk was requesting additional funds to offset the cost of additional saw blades necessary to remove existing mortar, with Lowdermilk making him aware of the situation, by demonstrating the issues he was having with the dulling of the blades. Staff recommends payment of the requested amount, with a requirement that Lowdermilk provide documentation of the cost of the additional blades and Brandt noted additional funds are available within the budget item for Construction Services so no additional funds are requested.

Bob Williams made a motion to provide \$856 to Tom Lowdermilk for unforeseen costs incurred for replacing saw blades when removing mortar while repairing brick at the Town Hall, noting the money was already in the budget and did not require a budget amendment. The motion was seconded by Dwayne Crawford and carried unanimously.

BUSINESS FROM COUNCIL

Dwayne Crawford gave an update on the Town Website and the audio equipment for the Town Council meetings. He stated he had spoken with Scott Redmon, a distant relative of Mark Brown and found that Redmon has done several Web sites, including ones for Guilford County and the Northwest Observer, and has proposed a price of \$150 per page with a minimum of four pages. Crawford stated he would continue to investigate. He also reported a meeting regarding audio recording equipment and stated he and Brandt will be working together on this project.

BUSINESS FROM MAYOR

a. Appoint a delegate to the North Carolina League of Municipalities Annual League Business Meeting to be held in conjunction with NCLM Conference October 17, 2006.

Mayor Brown named the following as delegates to the NCLM annual league conference: Mark Brown, Dena Barnes and Michael Brandt. He stated the requested action was to appoint and have an alternate delegate from those attending the conference. Brown reported he and Dena Barnes would attend the NCLM League of Municipalities Annual Conference in Greensboro on October 15, 16 & 17.

Bob Williams made a motion to approve the delegates appointed for the North Carolina League of Municipalities The motion was seconded by Dwayne Crawford and carried unanimously.

OTHER BUSINESS (if any)

Brandt announced that Robin Smith, Town Planner had submitted a letter of resignation, but had agreed to hold the position through December 15, 2006, unless she should have another urgent job offer.

Bob Williams made a motion to allow Michael Brandt to begin advertising the town's impending vacancy for a planner. The motion was seconded by Carolyn Collins and carried unanimously.

With no further business before Town Council, a motion was made to adjourn by Dena Barnes at 10:05 pm. The motion was seconded by Bob Williams and carried unanimously.

Mark E. Brown, Mayor

Dianne Laughlin, Interim Town Clerk