

**MINUTES OF THE
SUMMERFIELD TOWN COUNCIL
SUMMERFIELD COMMUNITY CENTER
FEBRUARY 1, 2005
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 by Mayor Dena Barnes at 6:35 PM

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

INTRODUCTIONS:

Dena Barnes	Bill Trevorrow, Town Attorney
Bob Williams	Michael Brandt, Town Administrator
Carolyn Collins	Bill Bruce, Town Planner
Mark Brown	Dianne Laughlin, Town Clerk
Jane Doggett	
Michael Stewart	

CONSENT AGENDA:

A motion was made by Jane Doggett to approve the Consent Agenda as amended including the following: Approval of the minutes of January 4, 2005, amended with the removal of Carolyn Collins name and correction on Page 2 to 1000 residents using Aqua NC instead of contaminated sites; monthly financial report; Amend agenda and minutes of December 7th and December 20th to read Adoption of a Cable Regulatory Ordinance for the Town of Summerfield. The motion was seconded by Bob Williams and carried unanimously.

ANNOUNCEMENTS: There were no announcements.

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

Rich Schlobohm, 6162 Lake Brandt Road, stated he represented homeowners in the area where he lives. After reading from a prepared statement citing concerns about traffic, water, litter and light pollution, he presented a petition to the Council signed by approximately 75 residents in opposition to a possible commercial development by JDH Capital of Charlotte. He reported that the developers plan to build a large shopping center; with rumors of them purchasing a group home and ten other acres on which to build.

Becky Strickland, 3220 Pleasant Ridge Road, addressed her remarks to Town Attorney Bill Trevorrow, referencing his recent memorandum, suggesting there was no legal way for Council to build a building and lease part of it out. She requested the exact statute allowing the building to be built, to which Trevorrow stated that in his memo he gave the reference NCGS 160(a) 209. He also stated that NC Constitutional Provision Article 5, Section 2, Subsection 1, is the clear authority on this matter. He invited Strickland to call him at his office but she reported she thought the public should hear his answers.

Jean Plybon, 7403 Whitacre Court, ask what the cost would be if the Municipal Building were built without a basement. She stated she didn't think an area 10 miles square needed enhanced police protection because crime rates haven't gone up.

Mayor Barnes spoke to other towns which have police forces and how much they cost and Councilman Collins stated that Summerfield is 25 square miles and that eventually we will have to provide these services because a Town is required by law to offer services.

Ginny Lockhardt, stated that the crime rate is based on population and that the Sheriff's Department shows that the crime rate has dropped in Guilford County since 1994. Lockhart asked for a show of hands from those present that do not want a municipal building to which Councilman Williams stated there are 7100 residents not present at the meeting to speak.

Mayor Barnes asked Captain Jeff Bruce, District 1 Substation, if he would come forward and answer questions from the citizens. Bruce reported that the Sheriff's Department pays rent at Stony Creek District 2 office, but they do not pay rent for District 1 office and he didn't know if they paid rent at the GTCC office. He didn't know how much the rental payment was at Stony Creek. He reported that even though the crime rate has decreased, they have had an increase of 8000 calls but manpower has not increased. He reported that citizens call about anything suspicious since the 9/11 episode and that's good. In response to a question by Councilman Stewart, Bruce stated he is "bottle necked" at the current location and that a Summerfield office would be centrally located, which could lower response times, and he stated that they would continue to give good service to the Town no matter where they are located. Captain Bruce stated that he supervises 33 people and that sometimes they might all be in the office and sometimes they might not have to come into the office. He reported that they have an office manager from 8 to 5 and detectives who work 8 to 5.

Dwayne Crawford, 1106 Hwy 150, stated that he was the recent victim of a robbery and that the Sheriff's department was therein 9 minutes. He presented 325 more Regress of Grievances petitions to the Council stating that is a total of 600 petitions who don't want to pay for the substation.

Gail Dunham, 5805 Snow Hill Drive, stated that the County should pay for the Substation. Stating she spoke on behalf of "Concerned Citizens", she requested various documents; presenting Council and the Town Administrator with a copy of her requests. She asked for proof of insurance liability coverage for 2002-2004. She spoke to Dillon's rule, stating all elected officials must perform by these rules. She reported that their meeting is on Thursday night at Henson Farms Community Building and that everyone is invited to attend.

Bill Trevorrow stated that Dillon's rule speaks to three issues to which a municipal corporation possesses and can exercise powers and no others: 1) Those powers granted in express words; 2) Those powers necessarily or fairly implied in or incident to the powers expressly granted and; 3) those powers essential to the accomplishment of the declared objects and purposed of the municipal corporation. Trevorrow stated that in his opinion, these are being followed.

There was a break at 7:35 PM; reconvening at 7:58 PM.

Michael Brandt stated that some of the issues raised need to be reviewed and that Council has up to March 1st to award the contract. He suggested a Special Meeting could be held if necessary and if that should be the case, it would announced on the Website and posted at the Town Hall, with every effort made to publicize the meeting in local newspapers.

COMMITTEE REPORTS:

A. Community Relations: Tammy Welborn reported that the committee will meet on Thursday, 6 pm, at the Town Hall and continue plans for Founders Day and invited volunteers.

B. Conservation: No meeting

C. Finance: Betsy Ingram read from the committee's minutes, reporting discussion of investment of maturing CD's, a proposed "Cash Management Policy" and the need to advertise for CPA firms for the Town's annual audit. She reported that Brandt will do research on a computer system and an internal audit system.

D. Historical: Linda Southard announced that on Saturday, February 4th, there will be a general meeting of the Historical District, with Paul Lambeth explaining the procedures and Nora Campbell will have a slide presentation. All this is the final step before the presentation to Raleigh on the Feb. 10.

E. Parks & Rec: It was reported that a public meeting was held for Phase II of the Park on January 20th and another matching grant from the state has been submitted.

F. Public Safety: No meeting

G. Thoroughfare: There will be more discussion at the "Business from Town Planner".

H. Town Core: It was announced that the next meeting would be Tuesday, at 6:30 PM.

I. Water Resource: It was announced that there would be further comments from the Town Administrator; and that the Committee would meet Feb.17, 9AM at Town Hall.

RESOLUTIONS:

A. Consider Resolution requesting the Guilford County Board of Elections to add a referendum to a future ballot; date of which is to be determined by the Board of Elections; for a vote to change the method of election of the Mayor of the Town of Summerfield. (via citizen petition)

Michael Brandt presented the Resolution, stating it would be on a special ballot May 17th.

Ronnie Stafford stated he wasn't sure he wanted to vote for someone who couldn't represent him with their vote; because this is only leverage he has. He stated he would like to be represented by all the Council.

Dena Barnes spoke to changes that have evolved since the Town charter was adopted.

She said that traditionally the Council had elected the person with the most votes as the mayor, thereby carrying out the will of the citizens. She stated that council would have changed the way the mayor is elected if they had been approached, but she is opposed to the mayor not being able to vote.

Bill Trevorrow stated the only way to remove an elected mayor would be to wait until the next election or reasons of malfeasance. He noted the mayor would be elected for two years, while Council members would serve for four years.

There was discussion about the number of precincts, and Mayor Barnes stated that this would be discussed with the Board of Elections and they would choose the precinct(s).

After further discussion, a motion was made by Jane Doggett to adopt the resolution for a vote to change the method of election for the Mayor of the town of Summerfield. The motion was seconded by Mark Brown and passed unanimously. This resolution is hereby incorporated by reference and made a part of these minutes:

RESOLUTION REQUESTING THE GUILFORD COUNTY BOARD OF ELECTIONS TO CALL AND CONDUCT A SPECIAL ELECTION ON MAY 17, 2005 FOR A VOTE PURSUANT TO A VALID INITIATIVE PETITION TO AMEND THE SUMMERFIELD TOWN CHARTER TO REQUIRE THE TOWN OF SUMMERFIELD HOLD MAYORAL ELECTIONS EVERY TWO YEARS ALLOWING VOTERS TO ELECT THE TOWN MAYOR

WHEREAS, pursuant to North Carolina General Statute 160-A-104, town citizens have initiated a referendum on proposed charter amendment; and

WHEREAS, pursuant to North Carolina General Statute 160A-104, Guilford County Board of Elections has found and certified 1,000 names of qualified registered voters affixed to an initiative petition for a charter amendment which exceeds the required ten percent of the number of registered voters in the Town of Summerfield now certified by the State Board of Elections as 5815 registered voters; and

WHEREAS, a valid initiative petition has been received by the Summerfield Town Council; and

WHEREAS, pursuant to North Carolina General Statute 160A-104, Council, upon receipt of the valid initiative petition is required to call a special election on the question of adopting the charter amendments proposed by the initiative petition; and

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL FOR THE TOWN OF SUMMERFIELD that pursuant to North Carolina General Statute 163-287, the Guilford County Board of Elections is hereby requested to call and conduct a Special Election May 17, 2005, for the purpose of amending the Summerfield Town Charter to require the Town of Summerfield to hold mayoral elections every two years allowing voters to elect the town mayor.

BE IT FURTHER RESOLVED that pursuant to North Carolina General Statute 163-287 the said ballot for the Special Election vote shall state the proposition for voting as follows:

Shall the Town of Summerfield Charter be amended to require Summerfield hold Mayoral elections allowing Summerfield voters to elect the Town Mayor by making one of the existing six council member seats the mayor seat; (a) at the next regular election in 2005, one mayor and two council members shall be elected. The person receiving the highest number of votes for the mayor seat will be elected mayor for a two year term. The two persons receiving the highest number of votes for the council member seats shall each be elected to Town Council for a four-year term; after election to office, the Mayor will not have the right to vote on any matter before the Council except to break a tie vote.

_____ For

_____ Against

BE IT FURTHER RESOLVED that a copy of this Resolution be filed with the Guilford County Board of Elections within ten (10) days of adoption.

Adopted this 1st day of February, 2005.

B. Consider Resolution requesting the Guilford County Board of Elections to add a Referendum to the a future ballot; date of which is to be determined by the Board of Elections; for a vote to allow mixed beverages in the boundaries of the Town of Summerfield.

Brandt read the resolution, and discussed when it was first presented.

Ginny Lockhardt stated that remaining rural is important and we don't want bars like the ones which were in Stokesdale years ago.

Carrie Spencer stated that Summerfield has an Ordinance is in place and must be followed.

Bill Bruce, Town Planner, stated that the Town Core Committee had recently discussed Hwy. 220 being a good location because of the traffic volume.

After some discussion, a motion was made by Jane Doggett to adopt the resolution for a vote to allow mixed beverages in the boundaries of the Town of Summerifeld. The motion was seconded by Bob Williams and passed unanimously. This resolution is hereby incorporated by reference and made a part of these minutes:

RESOLUTION REQUESTING THE GUILFORD COUNTY BOARD

**OF ELECTIONS TO ADD A REFERENDUM TO THE MAY 17, 2005 BALLOT
FOR A VOTE TO ALLOW MIXED BEVERAGES IN
THE BOUNDARIES OF THE TOWN OF SUMMERFIELD**

WHEREAS, North Carolina General Statute 18B-600(a)(4) permits and authorizes a Referendum Election within the corporate boundaries of the Town of Summerfield for the purposes of the Summerfield Town citizens voting on the issue of Mixed Beverages; and

WHEREAS, the Summerfield Town Council deems it suitable to permit a Referendum before the citizens of the Town of Summerfield to vote either **FOR** or **AGAINST** Mixed Beverages to be allowed in the Town of Summerfield; and

WHEREAS, pursuant to the authority contained in North Carolina General Statutes 18B-600(e) and 18B-601(c), the Guilford County Board of Elections is hereby requested to add a Referendum to the Special Election to be held on May 17, 2005, to enable a vote before the citizens of the Town of Summerfield on the issue of allowing Mixed Beverages within the boundaries of the Town of Summerfield.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF SUMMERFIELD that pursuant to the authority contained in General Statutes 18B-600(e) and 18B-601(c), the Guilford County Board of Elections is hereby requested to add a Referendum to the Special Election to be held on May 17, 2005, to enable a vote for Mixed Beverages within the boundaries of the Town of Summerfield.

BE IT FURTHER RESOLVED that pursuant to General Statute 18B-602(h) the said ballot for the Referendum vote shall state the proposition for voting as follows:

To permit the sale of Mixed Beverages in hotels, restaurants, private clubs, community theaters, and convention centers.

____ **For**
____ **Against**

BE IT FINALLY RESOLVED that a copy of this Resolution be filed with the Guilford County Board of Elections within ten (10) days of its adoption.

Adopted this 1st day of February, 2005

C. Consider Resolution requesting the Guilford County Board of Elections to add a Referendum to a future ballot; date of which is to be determined by the Board of Election; for a vote to enable the location of an ABC store in the boundaries of the Town of Summerfield.

Brandt read the Resolution. Several questions were raised, i.e. who builds and who pays? Councilperson Collins answered the Town will operate and get the proceeds. She also reported that the ABC Board wouldn't talk about anything until it's on the ballot. Brandt reported that, if the resolution is approved, the Town would have to join an ABC Board and move forward with what's best in their opinion.

There were several citizens inquiring about figures for an ABC store, and Bill Trevorrow stated this information is available online.

After some discussion, a motion was made by Jane Doggett to approve the resolution for a vote to enable the location of an ABC store in the boundaries of the Town of Summerfield. The motion was seconded by Bob Williams and passed unanimously.

The Resolution is hereby incorporated by reference and made a part of these minutes:

**RESOLUTION REQUESTING THE GUILFORD COUNTY BOARD
OF ELECTIONS TO CALL AND CONDUCT A SPECIAL ELECTION ON
MAY 17, 2005 TO PLACE ON A BALLOT A REFERENDUM VOTE TO
ENABLE THE LOCATION OF AN ABC STORE IN THE BOUNDARIES OF
THE TOWN OF SUMMERFIELD**

WHEREAS, North Carolina General Statute 18B-600(a)(3) permits and authorizes a Referendum Election within the corporate boundaries of the Town of Summerfield for the purposes of the Summerfield Town citizens voting on the issue of ABC Stores; and

WHEREAS, the Summerfield Town Council deems it suitable to permit a Referendum before the citizens of the Town of Summerfield to vote either **FOR** or **AGAINST** an ABC Store to be located in the Town of Summerfield; and

WHEREAS, pursuant to the authority contained in North Carolina General Statutes 18B-600(d) and 18B-601(c), the Guilford County Board of Elections is hereby requested to add a Referendum to the Special Election on May 17, 2005, to enable a vote before the citizens of the Town of Summerfield on the issue of allowing the location of an ABC Store within the boundaries of the Town of Summerfield.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF SUMMERFIELD that pursuant to the authority contained in General Statutes 18B-600(d) and 18B-601(c), the Guilford County Board of Elections is hereby requested to add a Referendum to the Special Election to be held on May 17, 2005, for a vote on the matter of ABC Stores within the boundaries of the Town of Summerfield.

BE IT FURTHER RESOLVED that pursuant to General Statute 18B-602(g) the said ballot for the Referendum vote shall state the proposition for voting as follows:

To permit the operation of ABC Stores.

For
 Against

BE IT FINALLY RESOLVED that a copy of this Resolution be filed with the Guilford County Board of Elections within ten (10) days of its adoption.

Adopted this 1st day of February, 2005.

At 8:55 pm Councilman Mark Brown asked to be excused to check on his ailing father. A motion was made to excuse Brown by Jane Doggett and seconded by Bob Williams. The motion carried unanimously.

BUSINESS FROM TOWN PLANNER:

A. Review of Town Core Text Amendment and intent for reclassification of Summerfield Town Core (Review only, expected public hearing March 1)

Bill Bruce and Carrie Spencer, Town Core Committee Chair, presented maps with current zonings in the town core and also presented proposed revisions based on recommendations of the Town Core Committee. They proposed to make the Town Core area more compact.

Bruce reported they discussed reducing the lot sizes to RS20 in the Core, if soils are suitable; possibly buildings with the business downstairs and the residence upstairs, suggesting quarter-acre lots. He reported that whatever is done must meet State standards. He stated they would like to put the buildings closer to the street to provide a friendly, walking area and he stated DOT would allow deduction of lane widths because they have found it slows people down. He reported that multi-family units were not received very well at the meeting, but it will come with the rezoning.

Jerry Friddle, Summerfield Road property owner, stated he didn't want to get dropped out because of rezoning in this area and Bruce stated property owners always have the opportunity to request rezoning.

Spencer stated that 275 letters were sent to Town Core residents and about 90 people attended recent meetings that overall the meeting was very informative and friendly.

There was discussion about the property values and taxes in the area and Brandt stated residential property generally would not change until other houses were built, but the tax department generally values commercial property at a higher rate, but would devalue the tax on the residence so that the tax would be comparable until the property is zoned commercial. Brandt also stated the Town could request from the tax department that the values on fourteen properties be left alone until the properties are used commercially.

Questions were raised about conflicts of interest because Councilmen Williams and Stewart own property on Summerfield Road. Stewart stated he purchased his property before he was elected to Council and Williams stated he recently purchased a house on Summerfield Road, but it is not in the proposed Town Core, and is presently zoned residential.

Bill Gordon asked where the Summerfield Road truck route question stood, and Brandt reported that there wasn't a lot of favorable comments on the truck route and suggested waiting to see about the re-routing of Hwy. 150. Bruce suggested asking for a feasibility study of Hwy. 150. There was further discussion about safety, etc.

Bruce stated there will continue to be changes and he requested this Ordinance change be put on the Agenda for action in March.

Bruce stated he had spoken with Piedmont Area Rapid Transit Authority (PART) concerning the "rail trail". He reported that if the Town is interested, there could be a "park & ride" lot; and he understands that money is available for this project.

Bill Bruce announced that the moratoria on certain types of building activities officially expired this morning at 8 AM and there was only one rezoning request and it was a re-hearing.

BUSINESS FROM TOWN ADMINISTRATOR:

A. Set date for Town Council Budget Workshop (proposed Feb. 5):

A date of Saturday, February 5th, 9:30 until noon was set for a Budget Workshop. Jane Doggett stated she might be a little late, but would be there.

B. Update on Aqua NC agreement for service of water to Summerfield residents

Brandt spoke to a newspaper article, discussing water in Summerfield, had brought concerns from some County Commissioners. He reported that Staff had held a meeting with representatives from the County and Oak Ridge, and they were presented with alternatives; one being a water authority. Brandt reported a Water Authority is entered into by at least two governments and acts as its own authority and can sell bonds, etc., to raise money. He stated that with a Water Authority, the Town would have no more control of the system than they would if they contracted with Aqua NC. Brandt stated he would contact various municipalities, i.e. Pinehurst and Moore County, who have a water authority and get their experiences. He reported Summerfield's choices are: do nothing, sign an agreement with Aqua NC, or consider a municipal water system owned by the Town, or they could create a water district; this option would be voted on by the citizens.

Councilman Stewart stated he felt that Aqua NC was still the best option since they already have 1000 to 1200 customers in the town. Councilman Doggett stated she felt if the Town builds a system, they would have to require mandatory hook-up, or there would be problems like Stokesdale is having. Councilman Williams stated he was reluctant to get into bed with Guilford County because of past experiences with them.

C. Approval of Town Policy 101 "Cash Management Policy"

Brandt reported the policy had been reviewed by the by the Finance Committee and they agree the policy takes what is allowed by state law for investments; codifying it into policy for the Town with main goals of safety, liquidity and yield.

After some discussion, a motion was made to adopt Town Policy 101 "Cash Management Policy" by Jane Doggett and seconded by Carolyn Collins. The motion carried unanimously.

EXECUTIVE SESSION: 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). (Assistant Town Planner)

A motion was made at 10:30 PM to recess to 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 NCGS 143-318.11(A(6) by Jane Doggett and seconded by Carolyn Collins. The motion carried unanimously and Council convened to Closed Session.

Council reconvened at 11:11 PM.

Mayor Barnes reported that there are several applicants who will be interviewed for the Assistant Town Planners position.

Barnes announced that Bill Bruce's probationary six month period has come to an end and she commended him on a job well done.

A motion was made by Jane Doggett, proposing a 3.5% pay raise for Bill Bruce with annual reviews in the future. The motion was seconded by Carolyn Collins and passed unanimously.

BUSINESS FROM MAYOR:

Mayor Barnes asked Bill Trevorrow to find out if she would be required to resign from the Town Council if she plans to run for Mayor.

OTHER BUSINESS (if any):

Barnes announced that no money was given to the Red Cross or anywhere else for Tsunami relief because it did not meet the public interest statute.

With no further business before the Town Council, a motion was made at 11:17 by Jane Doggett to adjourn. The motion was seconded by Carolyn Collins and passed unanimously.

Dena Barnes, Mayor

Dianne Laughlin, Town Clerk