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September 9, 2008

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**MINUTES OF THE
SUMMERFIELD TOWN COUNCIL
SUMMERFIELD COMMUNITY CENTER
SEPTEMBER 9, 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: 31 pm by Mark Brown.

The invocation was led by Linda Southard, followed by the Pledge of Allegiance.

INTRODUCTIONS:

Council:

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

Staff:

Michael Brandt, Town Manager
Dana Luther, Finance Officer
Blair Carr, for William Hill, Town Attorney
Craig Harmon, Town Planner
Valarie Halvorsen, Town Clerk

CONSENT AGENDA:

Brown suggested removing item 10D Discussion of non-profit funding checklist and item 9A Rezoning Case 02-08 from the agenda. Strickland stated in July Brown said the amphitheater issue would be put back on the agenda and has not been on the August or September agendas. Carr noted Brown has authority to place items on agenda but does not have to do so. Strickland requested further discussion of this issue under Other Business.

Wray made a motion to approve the Consent Agenda , including the meeting agenda as amended, minutes of the August 12 meeting, the August 12, 2008 Closed Session minutes, the Financial Report, and Town Council Budget Amendment #4. The motion was seconded by Williams and carried 4 to 1 with Strickland opposed.

ANNOUNCEMENTS

A. Proclamation – Constitution Week

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

WHEREAS, September 17, 2008 marks the two hundred twenty-first anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, it is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary, to the patriotic celebrations which will commemorate the occasion, and the utmost importance that all citizens fully understand the provisions and principles contained in the Constitution in order to support, preserve, and defend it against all encroachments; and

WHEREAS, it gives us the opportunity to recall the high ideals and devotion to liberty of the men who framed our Constitution and to commemorate the many blessings enjoyed by our nation; and

WHEREAS, the freedoms guaranteed to American citizens, whether by birth or through naturalization, should be recognized during Constitution Week, as designated by the President of the United States, and in accordance with Public Law 915.

NOW, THEREFORE, I, Mark E. Brown, Mayor of the Town of Summerfield, do hereby proclaim the week of September 17 – September 23, 2008, to be designated as

“CONSTITUTION WEEK IN SUMMERFIELD, NORTH CAROLINA”

and encourage the citizens of Summerfield to take time during this week to reflect upon and to be appreciative of the many benefits of our Constitution and American citizenship.
Proclaimed this the 9th day of September 2008.

B. Book Presentation from DAR Regent Etta Reid

Reid presented the book *Roster of Revolutionary War Gravesites* to the Town of Summerfield, noting it was a gift from DAR State Regent Dianna Woods. The book is intended to be used as a resource book and should remain in Town Hall at all times for the use of the community.

C. Certificate Presentation to Girl Scout Troup 1321

Brown asked the members of Girl Scout Troup 1321 to come forward, thanked them for the great job they did on their project, and presented them with a certificate on behalf of the Town Council for the design and completion of the outdoor checkerboard game station under the large shelter in the park.

D. Special Town Meeting "What is Your Vision for Summerfield?" Monday September 29, from 7:00-9:00 pm, Summerfield Elementary School

Harmon announced the meeting encouraging all to attend and give input. He noted signs and posters had been posted around town as a reminder.

Flowers thanked staff for the hard work that went into this effort.

Brown noted there were Constitution bookmarks available provided by Etta Reid.

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

Roxanne Gilgallon, 7500 Dickinben Dr, invited and encouraged community members to utilize the park. She noted at first she was unsure about the amphitheater, but now was eagerly anticipating its completion. She also spoke of "Solutions vs. Swords" and hoped speakers would try to offer solutions for negatives rather than just swinging swords.

Shirley Jennings, 5800 Francis Marie Ct, said there had been recent break ins in Henson Farms which abuts the park, and feels the suspects are entering through the park. She suggested consideration of this when creating park rules. She agrees with Gilgallon and asks others to try and listen more to each other.

Dwayne Crawford, 1106 NC Hwy 150 West, stated he had been accused of deceptions and telling lies and then read from a Freedom of Information Act request he made of the town asking for information about the park survey, methodology, measurement tools, usage, and other information that went into the data supply for the \$46,000 contract to write the grant, and was told that the information did not exist. He feels that contracts are being awarded and money is being spent based on the absence of credible facts.

Brandt spoke in response to Crawford clarifying the costs associated with the grant, survey, plans and other items, noting the total was \$26,000, not \$46,000 and also stated there was a usage study online and in the Northwest Observer.

COMMITTEE REPORTS:

A. **Community Relations:** No report.

B. **Finance:** Ronnie Stafford, Chair, noted the next meeting is September 15, 2008.

C. **Historical:** Linda Southard, Chair, said at their last meeting the committee discussed the following projects: getting the gym on the National Register of Historic Places, redoing/updating

brochures, and looking for a curator to catalogue donated items. The next meeting is September 25, 2008.

- D. **Parks & Rec:** Sue Beeson, Chair, stated they were focusing on park event ideas.
- E. **Public Safety:** Bob Williams noted that contrary to the minutes, he did not act as chair at the last committee meeting.
- F. **SYC:** Reese Walker stated the next meeting is Monday September 15, 2008, 6:30pm at Scalesville Rd Baptist Church.
- G. **Comprehensive Plan:** Harmon re-announced the September 29, 2008 Town Meeting.
- H. **Athletic Advisory:** Brandt stated information would be given later in the meeting.

PUBLIC HEARINGS:

Rezoning Case #02-08: CU-GB and SR to CU-GB and SR (Scenic Corridor District). (This case was continued by the Zoning Board and will not be heard tonight)

Rezoning Case #03-08: AG to RR. Owned by Robert Eric Johannesen. The property is located at 1127 NC Hwy 150 W (approximately 1000 ft west of the intersection of NC Hwy 150W and Strawberry Rd), being Guilford County tax map #06-337 Block 840 Parcel 02. The property, located in Center Grove Township, includes approximately 3.912 acres.

Harmon discussed the case, reading from the Staff Report. He noted it was recommended for approval unanimously by the Zoning Board, with the condition that any subdivision be limited to 2 lots, rather than the allowable 3 lots. Following much discussion, Carr stated the 2 lot condition cannot apply because the case was advertized as a general rezoning rather than a conditional rezoning.

Harmon stated the case came forward because per Guilford County, there was not enough land for Mr. Johannesen to build an apartment over the garage, which would be an accessory dwelling. However, if the zoning was changed to RR it would be acceptable.

Brown opened the Public Hearing at 7:20 pm.

Eric Johannesen, 1127 NC Hwy 150 W, stated his goal was not to subdivide the lot; he just wants to add the apartment over the garage for his mother in law and requested approval of his request.

Brown closed the Public Hearing at 7:26 pm.

Flowers made a motion to approve Rezoning Case #03-08, AG to RR. The motion was seconded by Williams and carried unanimously.

Harmon was excused from the remainder of the meeting.

BUSINESS FROM TOWN MANAGER:

A. Discussion of Senior Services by Senior Resources of Guilford County

Ellen Whitlock, Executive Director of Senior Resources gave an update on current programs and activities offered and noted that the survey return rate of 21% was an excellent response rate. She discussed the survey results at length, particularly noting the large number of citizens who stated they

were unaware of the programs currently offered. She recommended advertising the programs using the budget overage and also recommended adding an evening event for those who are still working during the day.

Following much discussion, it was decided to hold a luncheon with local clergy to describe the current programs so the information could be disseminated to congregations.

Break from 7:56 pm to 8:04 pm.

B. Discussion/approval of Finance Officer Contract for Services

Brandt clarified that hourly rate was \$50 rather than \$45, and stated the contract had been reviewed by himself, Luther, and Hill and was ready for approval.

Wray made a motion to approve the contract. The motion was seconded by Flowers and carried unanimously.

C. Discussion of Draft Finance Committee Ordinance

Luther noted the ex-officio section should be removed, as the committee would not have any ex-officio members. Strickland feels the title should say "reaffirming" rather than "establishing", as the committee has been established for many years. Carr stated "establishing" is correct as this is the first time it will be established by ordinance.

There was a lengthy discussion of the number of members and the need to establish a set number of members for quorum purposes. Carr stated if there are 8 seats, whether any are vacant or not, 5 would need to be present for a quorum. By consensus, it was decided to send it back to the committee for further input.

D. Discussion of non-profit funding checklist for approval of funds

Removed from agenda

E. Parks and Recreation update

i. Discussion of NC Fish and Wildlife Community Fishing Program

Brandt described the program and gave background information. He stated the Memorandum of Agreement template provided by NC Fish and Wildlife was used as a guide to rewrite the document and send to them, but there is no guarantee it will be accepted. Brandt asked council for direction on whether this was a program they wished to pursue or not.

Strickland feels that it would be a duplication of services as there are at least ten intensively managed community fishing programs in Guilford County and two such fishing programs located within 1.5 miles of Summerfield town limits. She is also concerned about associated costs for a boat and other equipment and personnel costs.

Following some discussion, Williams made a motion to direct Brandt to move forward with the program. The motion was seconded by Wray. After some discussion, the motion passed 4 to 1, with Strickland opposed.

ii. Phase II park construction update

Holub gave updates on various park projects: grading to be rebid, the clearing line at the amphitheater has been moved back to preserve trees, surface erosion has been addressed, the weed/vegetation problem in the lake is larger than anticipated and may require chemical treatment, the bio-cell/rain garden will catch runoff water, re-surveying of sediment ponds was done last week, and fencing will be installed for safety.

iii. Athletic field planning update

Brandt stated the newly formed committee met with Miller Landscape Architecture last week and looked at various options and discussed concerns. There was discussion about types of fields and who would use the fields, which has not yet been determined, however, Brandt noted for baseball and softball, the fields would be used by SRA, and there was interest by soccer and lacrosse organizations, which are always looking for field space.

F. Discussion of insuring property at 5200 US 220

Brandt stated it would cost approximately \$450 per year to insure the house as is, without an appraisal, and the cost for an appraisal would be around \$750, which may be useful or needed information in the future.

Flowers made a motion to approve insuring the house on the property at 5200 US 220 N at an approximate cost of \$450 to \$500 per year. The motion was seconded by Williams and carried unanimously.

BUSINESS FROM COUNCIL:

A. Review/Appoint Committee Applicants

Brandt noted Mr. Horshok's application for the Athletic Advisory committee would not be considered during this meeting, and some applicants were already serving on at least one committee. There is currently no rule limiting the number of committees one can serve on simultaneously. Strickland feels it should be limited to two. Flowers noted the Comprehensive Plan Steering Committee and Athletic Advisory Committee are both temporary in nature.

Wray made a motion to appoint Jeff Chalmers to the Parks & Rec committee, Carolyn Collins and Alice Patterson to the Historical committee, and Jane Wilson to the Public Safety committee. The motion was seconded by Barnes and carried unanimously.

B. Discussion to move regularly scheduled November meeting from November 11 (Veterans' Day) to another day of the month

As this day is a working day and Town Hall will be open, it was decided by consensus not to move the meeting date.

Brown and Carr noted there was a Closed Session scheduled, but due to the absence of Hill and the fact that the information is all public record, there would be no need for a Closed Session.

Brandt stated the alleged embezzlement would not be discussed on advice of Hill until after the court case, which is scheduled for October 28, 2008.

OTHER BUSINESS:

Williams asked about the status of the 220 property that could possibly be used as a parking area. Brandt replied he is still waiting on Guilford County and the state for more information. Williams noted the parking situation is getting worse. There was discussion of the town purchasing the property itself or looking into leasing the property. By consensus, council directed Brandt to look into a lease option.

Strickland feels Brown is intentionally ignoring the 600 plus registered voters who signed a petition in opposition to the amphitheater by not putting the issue on the agenda. She then read extensively from a transcript of the July meeting relating to this issue, including her request to have it put on the agenda, and noted it has not been on the August or September agendas, although Brown agreed to do so. Brown stated Mr. Crawford was well aware when he submitted the petition that the town had a signed contract with the general contractor, and discussion of this politically motivated issue is not a priority for the council, as

there are other items for the council to deal with at this time. Strickland feels that 600 voters are a priority and enough to warrant revisiting the issue especially considering that 35 emails were enough to revisit the ethics statement on the committee application. She feels it would be unethical not to discuss it. Brown replied that due to there being a signed construction contract and the fact that this has been discussed for years that the project should move forward. Strickland said the matter should be addressed in an open meeting, particularly because Brown said it would be. Brown invited Strickland to make a motion to put it on the October agenda and Strickland replied Brown already stated it would be on the agenda back in July and feels he is going back on his word and feels he is "sweeping 600 people under the rug."

Strickland made a motion that the amphitheater construction issue be placed on the October agenda for discussion by council based on the valid petition signed by 600 plus voters, noting they had a right to be heard. The motion was seconded by Flowers.

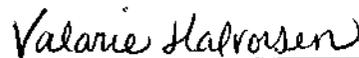
Flowers feels the 600 people need to be addressed, whether anything changes or not. Barnes feels the way all this came about is distasteful, but she understands that people may feel that they are not being heard. Her concern is the division of the town this has created and thinks what is in the best interest of the town should be considered. Flowers agreed with Barnes and stated this is not about Dwayne Crawford, but about 600 citizens who deserve to be heard.

Brown called for a vote. Barnes said did not want to vote and was told that she must. The motion passed 3 to 2, with Wray and Williams opposed.

With no further business before the Town Council, a motion was made at 9:47 pm by Williams to adjourn. The motion was seconded by Barnes and carried unanimously.



Mark E. Brown, Mayor



Valarie Halvorsen, Town Clerk