

**MINUTES OF THE
SUMMERFIELD TOWN COUNCIL
SUMMERFIELD COMMUNITY CENTER
November 14, 2006
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.

Mayor Mark Brown called the meeting to order at 6:31 pm, asking those who wish to speak at the public hearings or Speakers from the Floor to please sign-up at the table. He requested all cell phones and pagers be turned off.

Brown announced that Dena Barnes would be late if she was able to attend the meeting at all.

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

INTRODUCTIONS:

COUNCIL

Mark E. Brown, Mayor
Carolyn Collins
Dwayne Crawford
Becky Strickland
Bob Williams

STAFF:

Michael Brandt, Town Administrator
Robin Smith, Town Planner
Dana Luther, Finance Officer
Dianne Laughlin, Recorder
William Hill, Town Attorney

CONSENT AGENDA:

After some discussion concerning corrections in the October 3rd minutes, Mayor Brown asked they be pulled from this agenda. Strickland questioned the property taxes on the town truck and was told by the Finance Officer that it was their understanding that the Town was not exempt and Brandt stated that he would check into it further.

Brandt requested Item 12B “Presentation by Analog Digital Solutions” software be continued until the December 6 meeting.

After brief discussion, a motion was made by Dwayne Crawford to approve the Consent Agenda, including the minutes of September 26, the financial report and finance officer budget amendment. The motion was seconded by Carolyn Collins and carried unanimously.

After some discussion about the absence of Barnes, a motion was made by Bob Williams to excuse Barnes from the meeting. The motion was seconded by Dwayne Crawford and carried unanimously.

ANNOUNCEMENTS:

Reece Walker with SYC invited everyone to the Christmas tree lighting on Saturday, Nov. 18th, 6 PM at the Town Hall.

Michael Brandt announced the Parks & Rec. survey would be on-line through Dec.1, 2006.

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

Beth Kaplan, 7979 Highfill Road, thanked the Parks and Rec. Committee and the Piedmont Council of Gov't. for the Workshop held on November 4th, stating there were some great and interesting ideas gained from working closely with the town's people.

Alicia Flowers, 7401 Whitaker Court, stated that in 2005 Mayor Barnes reported the Town needed to hire a part-time clerk to help with large number of requests for copies at Town Hall.

Flowers stated two residents volunteered to do the work but neither of them was contacted. She said she would give the Town Clerk her name again and hope to hear from them before 1 ½ years. Mrs. Flowers questioned if the copying was preventing the Mayor or Council members or the Town Administrator from doing their jobs. Flowers spoke to an article in the NorthWest Observer mentioning her spouse, Robert Flowers, as a member of the steering committee for the Concerned Citizens and stated he had never made a request for copies of anything. She also stated if Mayor Brown's accusations were correct, that people were being harassed, then it should be reported to the proper authorities.

Gail Dunham, 5805 Snow Hill Drive, addressed Bob Flowers and his paintings benefiting the town. Dunham said it was wrong for public officials to slander private citizens. She referenced Dwayne Crawford's donation of \$1200.00 to the park to encourage community participation. She stated the park meeting held on Nov. 4th did not encourage public participation because there was no notification at the October Council meeting and the only way people found out about it was through the website and stated they (council) do not have backing for an amphitheatre. She questioned the attendance of four council members at a function (November 4 PTCOG Workshop) which wasn't advertised as a public meeting. Dunham reported asking for a legal opinion from the town attorney regarding the statutory authority of the mayor to make decisions without the Town Council; and commented she had to ask the Town Attorney for a copy of the Town Charter before she finally got one.

COMMITTEE REPORTS:

a. Community Relations: No report

b. Finance: Stafford reported on two maturing CDs, one being \$900,000, and the other being \$1,600,000, and stated the committee recommended investing one of the CD's so that it could be easily accessible to purchase land for ball fields. Stafford reported they will have a special meeting on November 20 and their next regular meeting will be held on January 15 at 7 pm.

c. Historical: No report

d. Parks & Rec: Sue Beeson stated they had a great workshop on November 4th and that the survey was on-line or at the Town Hall. She reported they are looking at Phase 2 of the park.

e. Public Safety: No report

f. SYC: Reece Walker reported SYC participated in Kids Voting; planted bulbs in the park; planned activities for the tree lighting at Town Hall; held a mock rezoning case and planned to participate in the Stokesdale Christmas parade

g. Thoroughfare: No report

Brandt asked to remove the Thoroughfare Committee from the agenda in the future because it has been inactive for quite some time.

PUBLIC HEARINGS:

- A. CONSIDER RESOLUTION FOR ROAD CLOSURE REQUEST (NCDOT): Trainer Dr. Begin all of Trainer Drive State Road Number 2122, as shown on Guilford County Tax Map 1-37, from its intersection with Centerfield Road to a point approximately 0.17 miles southeast to its intersection with Summerfield Road.**

Smith reported DOT has requested Trainer Drive (the road which is the driveway in front of Summerfield School) be removed from the State Maintenance System and this request had been advertised 4 weeks in a row as required by state statute.

No one spoke in favor or opposed to this request. The public hearing was closed at 6:55 pm.

Williams asked why they requested this and Brandt stated Summerfield Elementary School made the request to NCDOT because they want better maintenance, which they plan to do themselves; and this would allow them to modify the road, change the parking, etc.

After some discussion a motion was made to approve the Resolution to close Trainer Drive by Carolyn Collins. The motion was seconded by Bob Williams and carried unanimously.

This Resolution is hereby incorporated by reference and made a part of these minutes.

RESOLUTION TO CLOSE A PUBLIC STREET

WHEREAS, a petition has been filed, pursuant to G.S. 160A-299, requesting the Summerfield Town Council to close and remove from dedication the following described street in Bruce Township:

Begin all of Trainer Drive, state road number 2122, as shown on Guilford County Tax Map 1-37, from its intersection with Centerfield Road to a point approximately 0.17 miles southeast to its intersection with Summerfield Rd.

WHEREAS, said request has been advertised pursuant to G.S. 160A-299;

NOW, THEREFORE, BE IT RESOLVED, that it is the intent of this Council to close said drive to public use, and remove it from Dedication.

OLD BUSINESS:

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

Brandt presented the proposed meeting schedule for calendar year 2007; reminding Council their regular meeting date will now be held on the second Tuesday in an effort to move meetings away from the Monday holidays. Brandt reported the meeting dates have been cleared with the Community Center for availability.

After some discussion, a motion was made by Becky Strickland to approve the meeting dates as presented. The motion was seconded by Bob Williams and carried unanimously.

There was a break from 7:40 pm until 7:50 pm.

BUSINESS FROM TOWN ADMINISTRATOR:

a. Review and discuss Summerfield Properties LC Conditional Zoning offer of land for public park within Armfield neighborhood. (M. Brandt)

Brandt reminded Council the original rezoning of this property included 90 unidentified acres of Public Park within the development. Brandt explained the first proposed area was a 90 acre tract near the projected location of I-73; containing some floodplain, a creek and some steep slopes; all unsuitable for active recreation. Brandt reported the next conversation was about 10 to 12 acres of land across from the clubhouse; and the areas now in discussion include the southwest corner of the Armfield property; with 16 acres of that being in the floodplain and another 24 acres which adjoins the City of Greensboro's watershed. Brandt stated three soccer fields could fit on the property, but more land is needed for baseball fields.

Jim Brady stated he has spoken with Mayor Holiday of Greensboro and is willing to host a meeting with him and the SRA and Town Staff about extending the fields onto Greensboro property. He spoke to drainage being very important to a playing field and stated the Armfield Foundation has agreed to grant up to \$50,000.00 per year for five years for parks and recreation capital expenses, with a right to name the park when built. Mike Brady explained that Summerfield Properties, LLC, would cede to Summerfield to name their own park; perhaps after a second beneficiary and that Summerfield Properties would need to approve plans for the parks; with Attorneys Hill and Higgins working out the wording.

Council discussed having a Public Hearing to receive any land that is offered along with an Acceptance Meeting. By consensus, Council gave Michael Brandt direction to move forward by getting documents put together, hopefully, by the December meeting.

b. Presentation by Scott Redmond, Triad Web Solutions, for proposed website redesign (M. Brandt, D. Crawford)

Redmond reported he met with Brandt and Crawford; showing his plan manual regarding making the Town website more appealing and easier to use. He reported complaints that the current website wasn't consistent. He discussed issues of seasonal images; blogs; public information; FAQ; online event calendars; online forms; meeting dates; and minutes, with expansion possibilities in the future.

Crawford spoke to concerns about the website operation if anything happened to Redmond and was assured the website could be downloaded within an hour; that a guide with online management content would be given to the Town. Strickland stated she didn't want the NWO blog on the town website and was told the town could subscribe to what they want and didn't want.

There was discussion about minutes and attachments and up to date calendars being accessible to the public and website maintenance.

After some discussion, a motion was made by Dwayne Crawford to enter into contract negotiations with Scott Redmond of Triad Web Solutions; with contract being brought back to Council, Brandt and Crawford; with Town Attorney review. The motion was seconded by Becky Strickland and carried unanimously.

c. Consider adoption of Republic Waste Services Franchise Agreement for residential solid waste collection for the period January 2007-December 2008. (M. Brandt)

Brandt stated Staff recommends approval of the franchise agreement between Summerfield and Republic Waste Service for an additional two year period, with the following significant changes:

- 1) Removal of the cap on the rate of increase based on the CPI Index; in exchange a fuel surcharge will not be charged;
- 2) A \$25.00 collection fee for returned checks is allowed by Republic;
- 3) Extended requirements for pre-payment for services when a household does not pay on time;
- 4) Continued provision of white goods pick-up free of charge; and
- 5) A \$2.00 charge for an additional 96-gallon container.

Brandt reported the increase will be effective January 1, 2007 and continue through December, 2008; with an increase to \$15.11 per month; paid quarterly.

William Hill, Town Attorney stated Republic has complied with the insurance requirements listed on page 8 of the contract.

Crawford stated residents should be made aware of the change before they receive a statement. There was discussion of the cost for an ad in the NWO, the News and Record, a newsletter or a post card. Prices varied from \$600.00 to \$12,000.00.

A motion was made by Dwayne Crawford to identify a means to notify residents of the change, spending up to \$1,000; giving Michael Brandt the discretion as how to handle that; and to adopt the two year extended contract with Republic Waste. The motion was seconded by Bob Williams and carried unanimously.

d. Authorize staff to hire environmental specialist and land design firm to investigate potential sites for athletic fields. (M. Brandt)

Brandt asked Council for approval to contract with an environmental specialist to perform phase I environmental reviews of potential athletic field sites; and allow staff to consider a consultant to

provide basic layouts of athletic fields on potential park sites, to determine if potential sites are suitable for park usage and athletic fields. Brandt stated a consulting engineer or land planner will be necessary to make these determinations and he would have the necessary contracts ready at the December meeting; with funding for these activities coming from budgeted P&R Capital Outlay.

Brandt reported that he was looking at the Friddle property on Summerfield Road: approximately 25 acres; which is generally flat; not immediately adjacent to significant residential development; with Friddle possibly helping with some of the site work. However, Brandt reported, there is a first right of refusal on this property, which would have to be settled before moving forward; and the Hwy 150 extension from Auburn Road might one day come through one corner of the property.

Attorney Hill stated he was concerned about moving ahead with the Friddle property until he has reviewed the first right of refusal document; and he stated Friddle could write the person a letter, asking for their thoughts on this matter. Hill also stated he would need help with environmental concerns.

Strickland suggested moving forward with an offer to purchase the property on Highway 220; conditional upon no environmental issues. Brandt reported there was once an auto yard in that location, and that we could lose some acreage to the I-73 corridor.

Williams recommended they continue to look at both properties. Brandt asked Council to move forward on the Simaan (Hwy. 220) property and continue to explore the Friddle property. After some discussion, Hill recommended to council that Brandt be given the latitude to move forward on the properties with Council and Hill's advice. Williams stated he is comfortable with Browns statement that the 220 property is only for sell to the town. By consensus Council approved moving forward, looking at both properties, with a possible special session needed before the regular Dec. 5 council meeting to further discuss the issues.

e. Resolution approving back payment of 401(k) retirement funds for participating staff (M. Brandt)

Brandt read the Resolution into the record entitling eligible staff to 401(k) payments for July-October 2006 and to set the towns match at 3% through June 30, 2007. This resolution is incorporated by reference and made a part of these minutes:

RESOLUTION DIRECTING THE TOWN OF SUMMERFIELD, NORTH CAROLINA TO PROVIDE MATCHING FUNDS FOR EMPLOYEE 401(k) RETIREMENT ACCOUNTS FOR THE PERIOD JULY 2006-OCTOBER 2006 AND TO SET MONTHLY MATCH AT 3% OF GROSS SALARY FOR THE PERIOD NOVEMBER 2006-JUNE 2007.

WHEREAS, the State of North Carolina, by action of the 1984 General Assembly, has adopted the Supplemental Retirement Income Plan of North Carolina pursuant to which the State of North Carolina, its departments, agencies, and instrumentalities are authorized to provide a supplemental retirement income plan to conform with Section 401(k) of the Internal Revenue Code of 1954 as amended or the Internal Revenue Code of 1986 as each may apply, and

WHEREAS, the governing body of Summerfield realizes the necessity of providing its employees with the benefits of the Supplemental Retirement Income Plan of North Carolina;

WHEREAS, The Town of Summerfield joined the Supplemental Retirement Income Plan of North Carolina, NC 401(k) Plan in July, 2006;

WHEREAS, The 2006-07 budget set aside funds to provide an employer dollar for dollar match of up to 3% of gross annual salary for each employee that is regularly scheduled to work one

thousand (1,000) or more hours annually;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of Summerfield in regular session,

1. That the Town Council of Summerfield has authorized the following maximum dollar for dollar amount matches to apply toward the period July 1, 2006- October 31, 2006 for the following employees:

Evon Rumley, Town Clerk, a match up to \$373.70
Robin Smith, Town Planner, a match up to \$457.14
Michael Brandt, Town Administrator, a match up to \$630.86
2. That the Town Council of Summerfield has authorized dollar for dollar match up to a three percent (3.00%) match of gross annual salary for the period November 1, 2006- June 30, 2007.
3. Future annual match percentages may be included as part of the budget ordinance as approved by the Summerfield Town Council during it annual budget adoption.

Upon Motion of Carolyn Collins and seconded by Dwayne Crawford the above resolution was introduced and approved on the 14th day of November, 2006.

This motion carried 3 to 1. Strickland voted in opposition.

A motion was made at 9:45 pm by Dwayne Crawford to recess to **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, as Provided under NCGS 143-318.11(a)(6)**. The motion was seconded by Bob Williams and carried unanimously.

A motion was made to reconvene to open meeting at 10:35 pm by Bob Williams. The motion was seconded by Dwayne Crawford and carried unanimously.

BUSINESS FROM COUNCIL:

Strickland stated she would like to get a written answer to Gail Dunham's second request for a legal opinion regarding the mayor's alleged abuse of power when asking Robin Smith, Town Planner, to work on a Planned Unit Development. Hill reported he could not have done that without Councils instruction; and he has spoken with Ms. Dunham.

Strickland motioned to have the Town Attorney answer in writing the request in writing as best possible. The motion failed for lack of a second.

Crawford motioned to have the Attorney address the request through page three; since this is a weak mayor type of government and since no policy exists. The motion failed for lack of a second.

Collins stated Dunham's allegation in the next to the last paragraph of the request, suggests that Mayor Brown had asked for approval on a PUD study from Barnes, Williams and herself outside a public meeting, and is totally false.

After some discussion, Mayor Brown asked Attorney Hill to repeat his answer.

Hill stated he was presented with the question of abuse of power in regards to the Mayor's requesting Robin Smith to work on PUD ordinances. Hill stated he found no misuse of power because there is no policy in place.

Strickland read a prepared statement stating she voted yes to the contract with HadenStanziale Contract on Oct. 3, 2006, but stated she would not have voted yes if she had known Dr. Sellers UNCG survey was not a part of the contract; stating in the future she will ask for complete copies of all contracts. She made a motion to add an addendum to the HadenStanziale Contract directing the firm to consider the entire UNC-G Summerfield Parks and Recreation Needs Assessment of March 7, 2006 as primary input and meeting with Staff, Council and the Recreation Committee be considered as secondary input. The motion failed for lack of a second. (See Attachment 1) Strickland apologized publicly that she voted without all the information.

Town Attorney, Bill Hill, stated we could ask for an addendum by the company and see what their response will be. He stated we can't add an addendum after the contract is signed.

Brandt stated he done nothing improper and it concerned him the way these remarks are being stated. He reported the company had copies of the UNCG survey while updating the Masterplan; and that no effort was made to hide that from their work. The Master plan is specific to Phase II.

Crawford made a sub-motion for the Town to direct HadenStanziale to consider UNCG as part of their contract. After some discussion, Crawford withdrew his sub-motion, but added the study should have been in the contract. Brandt stated he "respectfully disagreed".

BUSINESS FROM MAYOR: Mark Brown administered the Oath to Michael Stewart to serve on the Board of Adjustment.

With no further business before the Town Council, a motion was made to adjourn at 10:36 by Bob Williams. The motion was seconded by Dwayne Crawford and carried unanimously.

Mark E. Brown, Mayor

Dianne Laughlin, Interim Town Clerk