

**MINUTES OF THE
SUMMERFIELD TOWN COUNCIL
SUMMERFIELD COMMUNITY CENTER
AUGUST 3, 2004
6:30 P.M.**

NOTE: The official minutes are a tape recording of the meeting. The following is a summary of the events of the meeting.

Dena Barnes called the meeting to order at 6:33 PM.

Linda Southard led the invocation.

Town Council led the Pledge of Allegiance.

Council and Staff Present:

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

CONSENT AGENDA:

A motion was made by Jane Doggett to approve the consent agenda, which included the Minutes of June 16, June 24, July 6, July 7, the financial report for July, Approval of meeting dates for the Board of Adjustment and to add Item 12A: Property Violations. The motion was seconded by Carolyn Collins and carried unanimously.

ANNOUNCEMENTS: None

SPEAKERS FROM THE FLOOR: None

COMMITTEE REPORTS:

- A. Community Relations:** No meeting
- B. Conservation:** No meeting
- C. Historical:** No meeting
- D. Parks & Rec:** No meeting
- E. Public Safety:** No meeting
- F. Thoroughfare:** Robert Gordon reported that the MPO plan is available for review at the Town Hall.
- G. Town Core:** Michael Brandt stated that he would discuss this more under Business from Town Administrator.
- H. Water Resource:** Gordon reported they are looking at and reviewing all the facts to help them know how to proceed.

COMMUNITY WATCH PROGRAM PRESENTATION (John Shanas, Guilford County Sheriff's Department)

Deputy Shanas presented a community program regarding property inventory. He presented Council and the audience with a pamphlet that was prepared by the Sheriff's Department that allows a listing of personal property, including item, serial number, manufacturer, model number, etc. to help assist the department should these item be

stolen. He suggested photos of unique items or those which do not have serial numbers and a backup copy of all information.

PIEDMONT GREENWAY PRESENTATION: Charlie Brummitt, president of the Piedmont Land Conservancy gave the presentation, explaining that this will be a regional linear park linking many areas together. He stated that the trail could take 10 years or more to complete, linking about 19 miles of trail from Greensboro to Winston-Salem, going through Summerfield, Oak Ridge and Kernersville, for a total of 23 miles including spurs in some areas. He reported the cost would be about \$270,000 per mile not including the cost of the land, and an estimated \$5,000 per mile, per year for trail maintenance. He stated he plans to seek recommendations from the Parks and Rec committee for approval of the greenway through the town. A resident asked how many miles Summerfield's taxpayers would pay for and she was told about two or three miles with no spurs in Summerfield.

Brummitt stated that construction Haw River State Park was moving slowly.

PUBLIC HEARINGS:

NEW BUSINESS:

- A. REZONING CASE #7-04 – AG to OSRD.** Located on the west side of Lake Brandt Road (SR 2347) approximately 400 feet north of Squirrel Chase Drive in Bruce Township. Being Guilford County Tax Map 1-39, Block 848, Parcel 3, and Parcel 6-335, Block 843, Parcel 1, 10, and 11 totaling approximately 170.25 acres. Owned by G. T. Wilson Heirs, et al. Not located in a water supply watershed.

Councilwoman Jane Doggett asked to be secluded from this hearing as she owns adjoining property. Council unanimously consented to excuse her.

Susan Smith presented the case, reading from the Staff report. She reported that there would be a community well and private septic systems and traffic would be divided between to entrance points. She stated that this property was the subject of two previous applications for rezoning in the later part of 2003 and January 2004 and that both were withdrawn by the applicant. She stated that the RS-40 (approximately 40 acres) portion of this property could be developed without this rezoning and that staff recommends approval of the OSRD request. She reported the Zoning Board unanimously recommended approval.

In Favor: Paul Milam, developer, reported a maximum of 89 homes would be built and that he has tried to minimize the impact on the woodlands and open space. He stated that he has kept lots off the lake and that building on sensitive and steep slope areas have been kept to a minimum and they have preserved animal corridors, leaving more open space than the Ordinance requires. He reported that the RS-40 section of the property would be accessed through Squirrel Chase. He stated that there was no problem getting a permit to the crossing area and they have moved the crossing on the Doggett property at their request.

Opposed: David and Eva Wilcox, 3404 Squirrel Chase, adjoining property owners, stated they had concerns about safety at the entrance onto Lake Brandt Road because of the speed of the autos in that area; that this would cause disruption of the homes of the

wildlife in the area; that if blasting were used on a vein of rock at the entrance, who was liable for any damage and they had concerns about the water supply on the existing 14 homes water supply if a community well is dug. They spoke to preserving peace and tranquility in the area.

Rebuttal: In Favor: Paul Milam stated that Lane Hall, NCDOT and Michael Westcott, engineer, are working to make some adjustments to the entrances for safety features. He reported that the entrance into Squirrel Chase will be closed to construction traffic; that there is some rock in one of the areas and that geological testing will be done for feasibility and stated that they don't usually blast, but if they do, they use a core drill and the fire marshal would have to be involved. He acknowledged that a 24-hour draw down test of 100 gallons per minute would be done on a well site and if any well in the area is affected, they will not issue a permit for the well.

Rebuttal: Opposed: Wilcox asked if this test had ever affected a well and Milam said it had not happened to them.

After further discussion, a motion was made by Mark Brown to approve Rezoning Case #7-04. The motion was seconded by Bob Williams and passed unanimously.

B. SUBDIVISION CASE #2004-149 (Preliminary plat approval): The Woodlands at Lake Brandt Road. Located at the terminus of Squirrel Chase Drive in Bruce Township. Being Guilford County Tax Map 6-335, Block 843, Parcel 8 and consisting of 27 lots, common area, and road dedication for a total of approximately 39.21 acres. Owned by Henson Realty LLC. Not located in a water supply watershed.

Susan Smith presented the case, reading from the staff report. She stated this should have read Sketch Plan that the Preliminary plat will come later. She stated that in her opinion, everything proposed appears to conform to the Ordinance in all respects. She stated that Staff recommends not to allow construction traffic until all 50 lots are recorded.

Doggett asked for clarification of the three lots that are not part of the Subdivision and Smith pointed to the areas on the map.

In Favor: Paul Milam, developer, stated he was present to answer any questions and stated that they have exceeded the open space rule by 9 percent. He stated that he would use signs for construction traffic to avoid disturbing Squirrel Chase neighbors.

Opposed: David Wilcox asked about the 50-lot entrance requirement and was told that for reasons of public safety, Guilford County has a long term requirement to add another entrance when more than 50 homes will be built.

After further discussion, a motion was made by Jane Doggett to approve Subdivision Case #2004-149. The motion was seconded by Michael Stewart and carried unanimously.

BUSINESS FROM TOWN PLANNER:

Susan Smith, Town Planner, stated that nearby resident on Highway 150 East had complained about logging trucks entering the highway. She reported that further investigation showed what she believed to be primary and secondary conservation area being clear cut at the Stonebridge subdivision. She reported that a Notice of Violation was issued and that Staff had revoked the preliminary plat approval. She asked Councils direction on what is desired for a remedy. She reported the original plan called for 80 feet to be cleared but that it appears that 162 feet have been cleared, and that NCDOT has said the developer would need to build up the road level at the entrance by 11.5 feet as their requirement is 3 to 1 slope.

Jane Doggett stated that she had visited the property and was horrified at the literal rape she saw of this of piece of property and voiced concerns if it could be put back into woodlands. She called it an abomination.

Smith stated that conversations with the county erosion control officer and the county attorney indicated a reforestation plan, but that it would take a period of time to get it established.

Michael Westcott, engineer for the developer, reported that the NCDOT requires a distance in which Highway 150 can be seen from both direction, requiring them to fill in more than 11 feet. He stated that they tried to make it clear that primary conservation areas would remain undisturbed except for what was required by DOT and that there had been no intention to deceive the council or anyone. He then proposed a plan which would take the amount of the primary conservation area which had been disturbed, double it and set aside that amount for passive recreation area as secondary conservation. Doggett and Collins said that primary conservation areas are considered such because of environmental concerns and that those are gone because of the actions take by the developer.

There was discussion about the definition of “limited disturbance of conservation areas”.

Williams suggested that they go back and listen to the minutes of that meeting to see what had been promised by Premier Communities.

Doggett stated that if the Town had not called them on this, the Town would have lost open space that the developers need to be held to our standards, no matter what the reason and Collins stated that if the developers are going to be in this area, they need to refresh themselves on what the definitions in our Ordinance mean.

Amiel Rossabi, attorney for Premier Communities stated that the preliminary plat had been approved by the Council and that the developer must comply with DOT regulations. He reported that the Town Planner stated the maps which were submitted and the ones which showed the area to be graded did not match, but Westcott stated that same computer file was used to create both. Rossabi stated that the developer was indeed in compliance and that Council had been given inaccurate information by the Town Planner. He stated that obviously this project was not a favorite with the Council but the question was did the developer violate the Ordinance.

Dick Feulner, resident and Zoning Board member, urged Council to be cautious about making a decision tonight. He stated that at the Zoning Board hearing, he recalled the developer stating that less than one acre of land would be disturbed.

Brandt spoke to other methods and slopes being used and Westcott stated that DOT would have to approve methods such as retaining walls. Brandt stated that there was an alternate method available which would limit impact, to which Rossabi stated that Brandt was not an attorney but was trying to give legal advice and that Council should not listen to him. Bob Williams reminded Rossabi that the Town had its attorney present.

Attorney Trevorrow advised Council to continue the issue to determine if there was a violation. He advised them to listen and gather material before making a decision.

Brandt stated that the developer can appeal Council's decision to the Board of Adjustment but that the action must be taken within 15 days. There was discussion to hold a special meeting on August 9, at the Town Hall, at 6:30 pm to discuss the case and will review the recordings of the Town Council and Zoning Board meetings and also have them transcribed verbatim. It was stated that the developer could continue with erosion control measure only.

Attorney Rossabi stated that they would not stop working on the Guilford County portion of the property, and Barnes stated they could continue with erosion control on the Summerfield property.

A motion was made by Dena Barnes to continue this portion of the meeting to August 9, 6:30 pm, at the Town Hall, to discuss mitigation and issues of this property. The motion was seconded by Bob Williams and passed unanimously.

EXECUTIVE SESSION (Legal and Personnel Matters): A motion was made by Jane Doggett and seconded by Bob Williams to recess to Executive Session for Legal and Personnel matters at 8:35 pm. The motion carried unanimously.

Council reconvened at 9:25 pm.

BUSINESS FROM COUNCIL: Mark Brown stated he had received an e-mail about the way Duke Power was trimming trees within the town. There was discussion about the right of way allowed in Duke Powers Franchise agreement and Stewart reported they have a brochure with specifications in it. Sandra Smith reported that they also have the information on their website. Doggett stated that they have some sort of agreement for their property and that Duke Power cannot trim trees on their property.

Barnes suggested that residents look at the area where they plan to plant trees in the future and make sure they will not interfere with the power lines.

Michael Stewart asked if anyone had received an email concerning property in Elm Hurst Estates that needs cleaning and mowing. There was discussion about the property and Brandt stated a copy of the Nuisance Ordinance could be sent to the property owner along with a letter asking if they need help.

BUSINESS FROM TOWN ADMINISTRATOR:

Brandt reported that over thirty applications and resumes have been received for the Town Planner position and that letters have been sent to twelve of them and interview will be set from those responding to the letter.

The Town Administrator stated that the Town Core Committee wants the Council to review the Committees vision statement to create a walkable downtown and that they would like to consider extending the present Town Core boundaries.

Brandt reported that the resolution adopted in April, allowing citizens to vote on an ABC store and liquor by the drink, cannot be held on the first Tuesday of November on even-numbered years because of an existing law on the books. He spoke to possible dates, including a December referendum, but said the Board of Elections frowned on that date. He stated that the referendum must be held at least 60 days after a resolution is passed and no more than 120 days. Council decided to look at the issue further, with the possibility of a spring referendum.

He requested Council to allow him to attend a school on cash management and public investments from August 30 to September 2 at a registration cost of \$325.00.

After some discussion, a motion was made by Jane Doggett to approve the request to allow Brandt to attend the school on cash management and public investments at a registration cost of \$325.00. The motion was seconded by Michael Stewart and passed unanimously.

Brandt stated that two people had complained about their tax bills and didn't think they were in the town limits, but records were found and copies forwarded to them to show that they had signed annexation petitions.

He stated that Council needs to discuss a moratorium on planning and zoning of subdivisions, at public hearing, possibly at their September meeting. He recommended if approved, that it go into effect 30 to 60 days later. He reported that he will generate and Ordinance with a beginning and ending date.

With no further business before the Town Council, a motion was made by Jane Doggett to adjourn at 10:04 and seconded by Carolyn Collins. The motion carried unanimously.

Dena Barnes, Mayor

Dianne Laughlin, Town Clerk