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September 11, 2007

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**AGENDA OF THE
SUMMERFIELD TOWN COUNCIL
SUMMERFIELD COMMUNITY CENTER
SEPTEMBER 11, 2007
6:30 PM**



1. **CALL TO ORDER**
2. **INVOCATION**
3. **VFW POST 7999 FLAG ENTRY**
4. **PLEDGE OF ALLEGIANCE**
5. **INTRODUCTIONS**
6. **CANDIDATE INTRODUCTIONS**
7. **CONSENT AGENDA:**
 - A. **MEETING AGENDA**
 - B. **APPROVE MINUTES OF AUGUST 14, and AUGUST 23, 2007**
 - C. **FINANCIAL REPORT**
 - D. **BUDGET AMENDMENTS**
 - i. **Town Council Budget Amendment #13(2006-2007 budget) as adjusted**
 - ii. **Town Council Budget Amendment #14 (2006-2007 budget)**
 - iii. **Town Council Budget Amendment #1 (2007-2008 budget) as adjusted**
 - E. **RESOLUTION ADDING MINGLEWOOD TRAIL TO THE NC SECONDARY ROAD SYSTEM**
8. **ANNOUNCEMENTS**
9. **SPEAKERS FROM THE FLOOR (limited to 5 min. on non-agenda items)**
10. **COMMITTEE REPORTS:**

A. Community Relations	E. Public Safety
B. Finance	F. SYC
C. Historical	G. Comprehensive Plan
D. Parks & Rec	
11. **PUBLIC HEARINGS:**
 - A. **Rezoning Case #04-07 CU-OSRD to CU-OSRD**, owned by Summerfield Properties, LLC. The property is located at 6846 Banning Rd, being Guilford County tax map # 13-654, block 971, parcel 7 and a portion of 7312-Rear Henson Forest Dr., being Guilford County tax map # 13-654, block 971, parcel 201. These parcels, located in Bruce Township, make up approximately 370 acres. The rezoning is to request a change in the previously approved conditions.
 - B. **Rezoning Case #07-07 RS-30 to CU-OSRD**, owned by J Bar D Construction Co, Inc. The properties are located at 3505-3507 Oak Ridge Rd, being Guilford County tax map # 10-654, block 983, parcel 15 and 3511 Oak Ridge Rd, being Guilford County

tax map # 10-654, block 983, parcel 30. The properties, located in Bruce Township, make up approximately 18.89 acres.

C. Old Business: Continued Public Hearing for Development Ordinance Text Amendment to add "Special Events Facility" standards

12. BUSINESS FROM MAYOR:

A. Discuss VFW Monument

B. Consider adoption of Ordinance changing the Summerfield form of government to Council/Manager subject to referendum per 160A-102.

13. BUSINESS FROM TOWN ADMINISTRATOR:

A. Local Government Commission approval to borrow funds for Athletic Field purchase and construction

B. Historic Committee request for donation to Boy Scout Project

14. CLOSED SESSION:

A. 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);

15. BUSINESS FROM COUNCIL

A. Reappointment of Zoning Board Members

16. OTHER BUSINESS (if any)

17. ADJOURN

**MINUTES OF THE
SUMMERFIELD TOWN COUNCIL
SUMMERFIELD COMMUNITY CENTER
September 11, 2007
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 6:34 pm by Mark Brown.

The invocation was led by Linda Southard. Mark Brown spoke of remembering the tragedy of September 11, 2001. The VFW 7999 presented the flag, and led the Pledge of Allegiance.

INTRODUCTIONS:

Council:

Mark Brown, Mayor
Dena Barnes, Pro Tem
Carolyn Collins
Bob Williams
John W Wray Jr.

Staff:

Michael Brandt, Town Administrator
Dana Luther, Finance Officer
William Hill, Town Attorney
Valarie Halvorsen, Town Clerk

Wray made a motion to formally excuse Becky Strickland from the meeting. The motion was seconded by Williams and carried unanimously.

CANDIDATE INTRODUCTIONS

Brown introduced the candidates: Dena Barnes, Doug Canavello, Carolyn Collins, Alicia Flowers, Roxanne Gilgallon, Clancy Laizure, Richard Lovett, Don Wendelken, Bob Williams, George Waldrep, and Mark Brown.

Brown made an announcement that due to the long agenda, what we don't get to tonight will be continued until a Special Call meeting on September 19, 2007 at 6:30 pm at the Summerfield Community Center.

CONSENT AGENDA:

A motion was made by Barnes to approve the Consent Agenda. This includes the Meeting Agenda, approval of minutes from August 14, and August 23, 2007, Budget Amendments #1 and #13, and #14, the Resolution Adding Minglewood Trail to the NC Secondary Road System, and moving item 12B, Council /Manager form of government to 11D, directly following the public hearings, and moving the closed session to 11E, following the Council/Manager form of government item.

The motion was seconded by Collins, and carried unanimously.

ANNOUNCEMENTS:

Brandt stated there would be a NorthWest Guilford Area Plan update meeting at Oak Ridge Town Hall on September 20, 2007 from 4:00 to 7:00 pm, that is open to the public. He also reminded candidates that political signs are not to be placed in the right of way, that there have been citizen complaints.

Brown announced the second annual Oak Ridge Lions Club Tom Brown memorial golf tournament.

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

Gail Dunham, 5805 Snow Hill Dr, asked about an amount of \$124,000 for "Municipal Building Construction in Progress" and wanted more information about it, stating she does not remember any public meetings about building a municipal building. Luther responded these expenses were incurred years ago and included all park and building construction, that the assets have now been delineated on the balance sheet to make it clearer.

Tom Mizelle, 7501 Henfree Dr, announced the Civitan Club would be hosting a citizen's educational forum to present information on the upcoming form of government referendum on Wednesday September 26 at 6:30 pm at the Community Center. All citizens are invited.

Steve Adkins, 7591 Cassidy Way, representing Friends of Summerfield discussed the meeting times and mission and values of the group.

Alicia Flowers, 7401 Whitaker Ct, spoke of the 6th anniversary of the September 11, 2007 events and urged reflection on how we treat each other and our neighbors.

COMMITTEE REPORTS:

- A. **Community Relations:** No report.
- B. **Finance:** Ronnie Stafford, Chair discussed investments and announced the next meeting will be on September 18, 2007.
- C. **Historical:** Linda Southard stated they were working on lots of projects, including hosting a speaker from the Women of the Armed Forces in Town Hall on November 8, 2007 who will display uniforms.
- D. **Parks & Rec:** Sue Beeson said they had welcomed Bob Flowers as a new member and are still looking for additional members and volunteers, as well as selling bricks.
- E. **Public Safety:** No report.
- F. **SYC:** No report.
- G. **Comprehensive Plan:** Brandt stated they were halfway through the citizen's academy and thanked all of the participants.

Brown excused Luther at 6:56 pm.

PUBLIC HEARINGS:

Rezoning Case #04-07 CU-OSRD to CU-OSRD, owned by Summerfield Properties, LLC. The property is located at 6846 Banning Rd, being Guilford County tax map # 13-654, block 971, parcel 7 and a portion of 7312-Rear Henson Forest Dr., being Guilford County tax map # 13-654, block 971, parcel 201. These parcels, located in Bruce Township, make up approximately 370 acres. The rezoning is to request a change in the previously approved conditions.

Brandt presented the case, reading from the staff report, describing the zoning requirements, site information, compatibility with the Long Range Plan, conditions, and staff conclusions. He stated the

case was originally presented last year as case #11-06, and was denied by both the Zoning Board and Town Council. The Zoning Board unanimously denied the current case in a 3 to 0 vote.

Brown opened the Public Hearing at 7:07 pm.

Proponents

Jim Brady, 1915 Church St, managing partner of Summerfield Properties LLC asked Bill Hill to remind all that the issue tonight is only the rezoning, that neighborhood covenants and issues with Aqua NC have no bearing on tonight's proceedings. He stated OSRD zoning is to provide a diversity of housing, this plan is 26% below the allowable density, open space is 25% above the requirement, all environmental requirements have been met, there is an approved master plan, and this rezoning only impacts 30 acres which is one tenth of the entire acreage.

Wray asked about the twin homes. Brady responded they are meant to blend into the neighborhood and there are restrictive covenants in place.

Dale Perry, 6209 McKibbin Circle, said he telephoned the neighbors to find out if they were for or against the proposal and 20 were for it, 8 against, and 11 did not answer. He said the basic concern was about covenants, and spoke of the monetary and land donation from Armfield to the Town.

Hill reminded all that they should only speak on their own behalf, and not reference those that were not present.

John Van Kemp, 7275 Wyatt Dr, stated he is a strong believer in growth and covenants to protect property. He feels this is a positive plan that will increase the tax base and diversity.

Opponents

Kevin Reinert, 7355 Henson Forest Dr, wants to keep low density, large lots, stating that is why he purchased his home. He is concerned with property values, the amount of water and septic used by twin homes, traffic issues, and property owner's rights.

Lynda Williams, 6767 Brookbank Rd, is concerned with the increased use and need for water and energy, higher traffic levels, school overcrowding, and fewer resources for all to share.

Mark Mortenson, 6110 Percheron Trail, spoke of the effects of subprime mortgages, with Summerfield looking more and more like Greensboro, and the Council should follow the Zoning Board's recommendation and deny the request.

Elizabeth McClellan, 7301 Lentz Ct, said she moved here from a similar, rural type neighborhood in Houston and wants Summerfield to maintain its rural character. She is against twin homes, increased traffic, and this rezoning case.

Peggy McPartlan, 7707 Tannery Rd, said she is not a direct neighbor, but is concerned as a Summerfield citizen. She stated there are numerous homes for sale in town, many more so than in Stokesdale and Oak Ridge. Overcrowded streets, storm water run-off, and school capacity are all issues. She states we can slow down development and asked Council to deny the request to preserve the rural character that the residents want to keep.

Gail Dunham, 5805 Snow Hill Dr, wanted to know if I-73 would consume the open space shown on the map. She is concerned with the process as this has already been denied once, and feels the numerous

public hearings and open houses have created conflict. She further stated high density and duplexes are against what the citizens want.

Dwight Santiago, 6212 McKibbin Circle, asked Council to honor the unanimous, multiple denials of the Zoning Board, that the town should not be held liable for previous mistakes by the developer. He states he is against twin homes, which are out of character with the neighborhood and is against greater density. He again asked Council to follow the Zoning Board and deny the rezoning.

Dwayne Crawford, 1106 NC 150 West, stated if Council approves this rezoning they will be setting a precedent.

Aveline Quinlan, 7364 Henson Forest Dr, says the density will increase from 0.50 to 0.58, that she did not buy into twin homes and she is concerned for the safety of her children due to increased traffic this would bring. She is also concerned with school overcrowding and requests this rezoning to be denied again to preserve the rights of property owners.

Rebuttal, proponents

Jim Brady stated his appreciation of concerns but growth will happen and they are trying to change with the market and this is a responsible plan that complies with the Long Range Plan and OSRD zoning requirements. The traffic and school issues are important, but developers cannot be responsible for school systems. He feels this is the best plan and requests consideration and approval to move forward.

Rebuttal, opponents

Peggy McPartlan asked Council to give the rights of the citizens equal or more weight than those of the developers; that developers come and go, but the citizens are stuck with the outcomes for years.

Mark Mortenson said home prices in Summerfield are declining, a national phenomenon, and the citizens should not be responsible for bailing out developers.

Dwight Santiago stated OSRD is a guideline, not a requirement, and discussed the traffic issue on Brookbank Rd. He further stated the traffic survey Brady discussed is outdated.

Bob Flowers, 7401 Whitaker Ct, said the Zoning Board voted unanimously to deny and if Council does not follow their recommendation he doesn't see why we have a Zoning Board.

Dwayne Crawford said before he resigned from the Council he made it known to staff that this would be precedent setting if it passed.

Aveline Quinlan responded to Brady saying he is correct that developers cannot be held responsible for school systems, she wants her rights as a resident to be considered and again stated she is worried about protecting property values and again recommends against the rezoning.

Brown closed the Public Hearing at 8:18 pm.

Barnes commended all the speakers on their eloquence and thanked them all for coming.

Wray discussed the importance of controlled growth and said he had heard the same concerns voiced at most rezoning hearings over the last 10 years. He said we must focus on what is good for the community, that twin homes allow folks to remain in their neighborhoods when larger homes are no longer appropriate. He is in favor of the rezoning.

Collins stated she is still disinclined to approve the case, even though Brady's presentation was appreciated.

Wray spoke of safety and school issues, stating the school board says it does not build schools and wait for people to come fill them, that they build when there is a need, and the same with roadways. He said Summerfield will change and we have the opportunity to control it.

Williams said Brady offered property to the school board to construct a school when this first came up and the board declined the offer, that the rezoning meets the OSRD requirements, twin homes are needed, he is disappointed that more residents did not attend the public hearing, and he supports the rezoning.

Barnes is not opposed to twin homes but is concerned with the change to what current residents bought into.

Wray made a motion to approve the rezoning, seconded by Williams. The vote was 2 to 2 (Collins and Barnes opposed). Brown said he supported the original rezoning based on upholding the rights of the developer, but could not support it this time, based on safety issues and the concerns of surrounding property owners. He voted to deny. The motion did not pass.

Brady offered a condition to remove the twin homes. Collins stated that would not change her vote. Brown asked Hill about the legality of the developer offering additional conditions at this time. Hill stated "the developer has offered conditions; he is allowed to do that by statute". Brady said this would reduce the density to 314 units from 334 which may address some of the homeowner's concerns.

Williams made a motion to approve the rezoning with the additional condition removing the twin homes, bringing the number of units to 314, which is still way under the OSRD requirement. The motion was seconded by Wray. The vote was 2 to 2 with Collins and Barnes opposed. Mayor Brown voted to deny. The motion failed.

Collins made a motion to deny Rezoning Case #04-07 based on the following reasons from the goals of the Long Range Plan: to preserve natural resources and to preserve the individual property owner's rights. The motion was seconded by Barnes and passed 3 to 2, with Mayor Brown voting in favor of the motion, Wray and Williams opposed.

Break from 8:38 until 8:48pm

Rezoning Case #07-07 RS-30 to CU-OSRD, owned by J Bar D Construction Co, Inc. The properties are located at 3505-3507 Oak Ridge Rd, being Guilford County tax map # 10-654, block 983, parcel 15 and 3511 Oak Ridge Rd, being Guilford County tax map # 10-654, block 983, parcel 30. The properties, located in Bruce Township, make up approximately 18.89 acres.

Brandt presented the case and stated the applicant is offering public trails, which qualifies for an additional 2 lots, bringing the total to 16 if accepted. He said it is compatible with the Long Range Plan and was approved unanimously by the Zoning Board.

Brown opened the Public Hearing at 8:55pm

Proponents

Bo Dowdy, owner and developer, PO Box 6417, High Point, wants to preserve the rural character of the property as well as the scenic corridor along Highway 150 and requests the OSRD zoning to be approved.

Bill Greco of Land Solutions in Greensboro stated he was available to answer questions or concerns.

Opponents

Bill Powers, 7527 Dubach Rd, is concerned with the high density, saying it could lead to fire safety issues due to the closeness of the homes. He is opposed to the rezoning.

Rebuttal-proponents

Bill Greco stated the density is within the ordinance requirement, there is generous open space with the least impact, and asked for the support of the Council.

Bo Dowdy said he could have requested RS-30 but chose OSRD to preserve the open space.

Rebuttal – opponents

Bill Powers said this rezoning will change the number of homes within 600 feet of his front door from 3 to 17 and he considers that high density.

Brown closed the Public Hearing at 9:05 pm.

Collins asked where the septic fields would be located. Greco responded the entire property is suitable, but they will be directly behind the homes, that the land perked excellently.

Crawford spoke from the floor, reminding everyone that only the rezoning was under consideration, not maps or locations.

Barnes asked if there was a limit to the number of homes and Brandt replied the standard is .73 units per acre which allows for 14 units, but 2 would be added for the offering of public trails. Williams asked how the Zoning Board voted and Brandt replied they approved it unanimously.

Williams made a motion to approve Rezoning Case #07-07 based on the following reasons from the Long Range Plan: to preserve natural resources and scenic areas, it meets the OSRD requirements, and to preserve the individual property owner's rights. The motion was seconded by Collins and carried unanimously.

Old Business: Continued Public Hearing for Development Ordinance Text Amendment to add "Special Events Facility" standards

Brandt discussed the changes, which were brought about by concern for the Community Center brought up at the last meeting. An exemption was added excluding the Community Center from the regulation unless it closes for more than one year or becomes a for-profit facility.

Brown opened the Public Hearing at 9:15 pm.

Proponents

Danielle Jenks, 4404 Liguira Ct, stated this will be good for Summerfield and there is a need for this type of facility. She requested Council's approval.

Michael Stewart, 1328 Hwy 150, thanked Council on behalf of the Community Center for their consideration of their needs.

Brown closed the Public Hearing at 9:17 pm.

Wray stated he is happy with the changes, specifically the exemption and exclusion that relates to the Community Center. Wray made a motion to approve the Text Amendment to add "Special Events Facility" standards. The motion was seconded by Williams and carried unanimously.

BUSINESS FROM MAYOR:

Consider adoption of Ordinance changing the Summerfield form of government to Council/Manager subject to referendum per 160A-102.

Barnes made a motion to pass the ordinance to amend the Town Charter of Summerfield as set forth in the Resolution of Intent dated July 10, 2007. The motion was seconded by Wray and carried unanimously.

Wray made a motion to pass notice of election asking the Board of Elections to put this issue on the November 2007 ballot as described in the Resolution of Intent. The motion was seconded by Williams and carried unanimously.

Brandt stated the Justice Department was required to report back by September 24, 2007, however they have indicated they don't have any issues with this.

Brown read the reason for going into closed session as follows:

CLOSED SESSION:

- A. 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);**

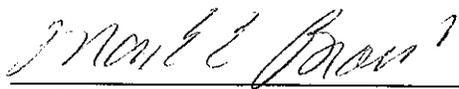
Barnes made a motion to enter into closed session based on the above reasons. The motion was seconded by Williams and carried unanimously.

Collins made a motion to return to open session. The motion was seconded by Barnes and carried unanimously.

Wray made a motion to adjourn following the closed session and to continue the meeting on September 19, 2007, with the additional agenda item of authorizing the Town Administrator to expend funds for Phase II of the Park. The motion was seconded by Williams and carried unanimously.

Collins made a motion to return to open session. The motion was seconded by Williams and carried unanimously.

With no further business before the Town Council, a motion was made at 10:28 pm by Wray to adjourn. The motion was seconded by Collins and carried unanimously.



Mark E. Brown, Mayor



Valarie Halvorsen, Town Clerk