



**AGENDA OF THE
SUMMERFIELD TOWN COUNCIL
SUMMERFIELD COMMUNITY CENTER
JUNE 19, 2008
(Regular Meeting Continued from June 10, 2008)
6:30 PM**



1. **CALL TO ORDER**
2. **INTRODUCTIONS**
3. **CONSENT AGENDA:**
 - A. **MEETING AGENDA**
4. **ANNOUNCEMENTS**
5. **BUSINESS FROM TOWN MANAGER**
 - A. Discussion/approval of audit contract (continued from June 10th)
 - B. Discussion/approval of Miller Architecture ball field planning/construction management contract (continued from June 10th)
 - C. Discussion/approval of Memo of Agreement for Fishing Pier (continued from June 10th)
 - D. Discussion/approval of Expense Approval Ordinance (new item)
 - E. Discussion of Haw River Watershed Classification (new item)
 - F. Discussion of Jordan Lake Watershed Rules (new item)
 - G. Budget Amendments:
 - 1) Finance Officer Budget Amendment #5 Adjustment to increase Advertising line item.
 - 2) Town Council Budget Amendment #3: adjustment to increase Election Services line item.
6. **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); and
 - C) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged.
7. **BUSINESS FROM COUNCIL**
 - A. Update from committee chair meeting regarding volunteers and ethics statement
8. **OTHER BUSINESS (if any)**
9. **COMMENTS FROM THE COUNCIL**
10. **ADJOURN**

**MINUTES OF THE
SUMMERFIELD TOWN COUNCIL
SUMMERFIELD COMMUNITY CENTER
JUNE 19, 2008
(Continued from June 10, 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 6:30 pm by Mark Brown.

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
William Hill, Town Attorney
Valarie Halvorsen, Town Clerk

CONSENT AGENDA:

Brandt recommended removing item 5C Discussion of Fishing Pier, as more information is coming in.

Barnes made a motion to approve the Consent Agenda, including the meeting agenda as amended. The motion was seconded by Wray and carried unanimously.

ANNOUNCEMENTS

Flowers stated Connie Bush would be holding a blood drive in honor of her husband Tom on Tuesday June 24, 2008, 8:00 am to 6:30 pm at St Paul's Church on Horse Pen Creek Rd.

BUSINESS FROM TOWN MANAGER

Discussion/approval of audit contract (continued from June 10th)

Brandt stated it was a standard contract and requested council approval. Strickland asked what the actual cost would be. Luther replied \$6325 for the audit and \$1865 for the preparation of financial statement work, which could be discounted by \$1000 if she did a portion of the paperwork herself, which would be quicker, cheaper and easier.

Wray made a motion to approve the \$7190 audit contract. The motion was seconded by Strickland and carried unanimously.

Discussion/approval of Miller Architecture ball field planning/construction management contract (continued from June 10th)

Brandt spoke with Miller Architecture and they agree to have a contract ending date one year from the date it is signed. As to the travel expenses, the town is outside of their local travel area, which is designated as 30 miles round trip from Winston Salem, so travel expenses would stand (estimated at 18 trips), which together with costs for prints and reproducibles is estimated to be \$1500. As to splitting the work/contract into two parts, it was priced as a package and breaking it into two parts may result in

increased costs, but if it is left as a whole, the town has right to terminate at any time if not happy with the work.

Strickland asked about the provision for renegotiating the lump sum after a year. Brandt replied it can be removed. Strickland asked for a total amount. Brandt stated it was a total lump sum of \$81,500, which includes \$15,000 for the Master Plan and \$66,500 for engineering work, plus a not to exceed amount of \$1,500 for expenses.

Barnes made a motion to approve the contract with Miller Landscape Architects with \$15,000 for the Master Plan and \$66,500 for engineering work, plus a not to exceed amount of \$1,500 for expenses. The motion was seconded by Wray and carried unanimously.

Discussion/approval of Expense Approval Ordinance

Brandt explained that the intent of the proposed changes was to ensure that all documents were consistent with each other, and to eliminate the need to re-issue the ordinance each year. The proposed changes include the following: fee establishment authority, contract and lease execution authority, and emergency expenditure authority all changed from the Mayor to the Manager, and changing contract and lease expenditure approval amounts from \$5,000 to \$10,000.

Strickland and Flowers feel the expenditure approval amounts for both leases and contracts should remain \$5,000. Luther stated a contract approval amount of \$5,000 would hinder ball field and park construction. Following much discussion, Strickland noted she was opposed to this document, no matter what the amounts were, and had been opposed for years.

Wray made a motion to approve the Ordinance Stipulation Expense Approval for the Operation of the Town of Summerfield with A. the lease expenditure approval amount not to exceed \$5,000, and B. contract expenditure approval amount not to exceed \$10,000. The motion was seconded by Barnes and passed 3 to 2, with Strickland and Flowers opposed.

Brandt asked council if they wished to approve the amended purchasing policy language. As those documents were not distributed it was decided to look at that issue during the July 8, 2008 meeting.

Discussion of Haw River Watershed Classification

Brandt gave an overview of the issue, stating the Haw River is not currently a protected watershed but there is a proposal to change it to a class III level. He stated the feeling is the Jordan Lake rules should be done first and then this reclassification could be done if necessary. Brandt proposed sending a letter of opposition, the text of which is hereby incorporated and made a part of these minutes:

The jurisdiction of Summerfield does hereby oppose the actions by the NC Department of Environmental and Natural Resources (NC DENR) reclassification from "Water Supply - V" to a "Water Supply - III" of the Haw River watershed that is defined by the City of Greensboro's emergency intake. The reclassification process is not a responsible or efficient use of Summerfield's staff or resources at this time.

The Town is already dedicating these assets to comply with the NC DENR's pending Jordan Lake Rules, and the watershed and land use management changes this legislation promises. Many of the reclassification needs appear to be met adequately through compliance with this pending legislation, and Summerfield would like to see the benefit the Jordan Lake Rules have upon this emergency supply watershed before dedicating further staff and time to a potentially redundant end. Summerfield recognizes the need and benefits of sustainable watershed management, and intends to work with the NC DENR towards this end, but Summerfield will not, at this time, commit itself to a reclassification of land use within a surface water watershed, when it already is committing itself to a parallel effort within the same hydrologic unit on behalf of the same NC state agency.

The Town of Summerfield states this position in accordance with the City of Greensboro, the Town of Oak Ridge, the City of Reidsville, the Town of Stokesdale, Guilford County, Rockingham County, and the Piedmont Triad Council of Governments. For further questions regarding this statement, please contact Town Manager Michael Brandt at (336) 643-8655.

Flowers made a motion directing the manager to send the letter of opposition. The motion was seconded by Williams and carried unanimously.

Discussion of Jordan Lake Watershed Rules

Brandt stated the rules would change Jordan Lake to critical watershed status and existing development, as well as new development, will have to meet unheard of standards in order to meet the proposed nitrogen and phosphorus level criteria. At a meeting last week it was stated that the understanding of the rules was incorrect, that the new numbers will result in a decrease in our requirements as we are considered a non-point source and low density. The claim is that new development won't have to do anything more than what is required now, but for older and existing development we may have to go back and put in watershed devices in order to meet the new requirements. He stated Summerfield will be responsible for a 5% to 8% reduction in nitrogen and phosphorus at the lake and to do so we will actually have to make a 40% reduction because we are so far from Jordan Lake and the water flows through Greensboro and other water systems after Summerfield where nitrogen and phosphorus will be added. Brandt spoke with Mr. Gannon who is the state representative overseeing this process and he is willing to meet with council and with councils of other towns in a joint meeting.

Brandt noted the state rules commission has approved this but if there are 10 jurisdictions that are in opposition then it must go to the state legislature for approval. If the rules are adopted the implementation is quick and we would have about two years to make a plan to come into compliance and to begin showing results. If the plan does not work the state has a right to make the towns do more, so the commitment is open-ended. The state has recommended controlling the levels of nitrogen and phosphorus, which is typically introduced from fertilizer run-off, by regulating fertilizer use and make up via local ordinances, which would require enforcement and possibly additional staff. This run off mainly comes from agricultural areas and the rules for these areas appear to be much less stringent and voluntary in nature.

Wray stated most of the pollutants come from the New Hope River. Brown asked about setting up a meeting with Mr. Gannon and Brandt feels the more information we can get, the better, and feels we should set up a meeting in the next two months and advertising it as a public meeting. Strickland asked if the NCLM had taken a stance on this issue and Brandt replied they do not seem to be involved by PTCOG was heavily involved and feel that it is a very important issue for our region.

Speaking from the floor, Dwayne Crawford noted that North Carolina politics seemed to be controlled by the eastern portion of the state, where most of the agriculture takes place, and asked if this was politically motivated. Barnes asked Brandt to contact NCLM and get their input. Brandt noted while there were still many unknowns, there was a large amount of information about this on the PTCOG website for anyone interested in learning more.

By consensus, council directed Brandt to set up a meeting with Mr. Gannon for July or August and invited the Oak Ridge and Stokesdale Town Councils.

Budget Amendments:

- 1) Finance Officer Budget Amendment #5 Adjustment to increase Advertising line item.**
- 2) Town Council Budget Amendment #3 Adjustment to increase Election Services line item.**

Brandt stated there were three reasons for the increased cost of election services: more residents, notification costs for mailing precinct closing information, and the change in High Point's election cycle. Luther noted this line item increases about 50% every 2 years. Strickland asked if they sent an itemized bill and Brandt replied no. Luther stated there was somewhat of a breakdown but not enough information for us to validate their figures. Strickland feels that leaves little room for accountability.

Wray made a motion to approve Town Council Budget Amendment #3. The motion was seconded by Barnes. Strickland asked if council had any choice in the matter and Brandt replied no. Strickland asked Luther to request an itemization of the charges. Brown called for a vote and the motion carried unanimously.

Brown read the reasons for entering 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); and

C) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged.

Wray made a motion to enter into closed session at 7:57 pm. The motion was seconded by Barnes and carried unanimously.

Luther was excused.

Barnes made a motion to return to open session at 9:06 pm. The motion was seconded by Wray and carried unanimously.

BUSINESS FROM COUNCIL

Update from committee chair meeting regarding volunteers and ethics statement

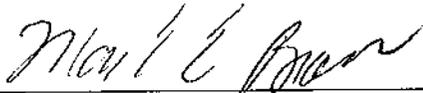
Brandt stated after discussing it with the committee chairs, the general feeling is of discontent and committee members do not understand why this is needed now when it has not been needed in the past, and they feel that along with the term limits imposed by the committee ordinances, the intent is to push people out of community activities. A few stated they would not serve if this became a requirement. He noted all newly appointed members have signed this new version but the main area of concern was the bankruptcy disclosure. There was discussion about suggested wording changes, the professional misconduct issue, and requiring background checks of prospective members in lieu of having them sign the ethics statement.

Flowers and Strickland feel that all applicants, new or continuing/returning, should sign the application with the ethics statement. Strickland feels that now that there are policies and procedures in place they need to be followed and wondered why this was coming back up since it had already been voted on and approved. Wray stated he asked for it to be brought back to council because he is unhappy with the term limit provisions and feels it is inappropriate to ask about bankruptcies. Flowers said there was no motion or vote to revisit this issue and it was passed unanimously. Barnes stated the prevailing side can request reconsideration of any issue voted on. Strickland recommended removing item #6 and requiring a full background check. Brown agrees that background checks are important as many committees have activities involving interaction with children, and noted there are about 550 registered sex offenders in Guilford County. He recommends at minimum a records check. Wray agrees with that, but remains opposed to the bankruptcy issue (item #6), which may become more common in the current economy. Flowers understands that bankruptcies can come from innocuous reasons but also from irresponsibility and feels someone who is irresponsible with their own money would also be irresponsible with the town's money. Strickland said bankruptcies are public record and would be revealed on a background check.

Beth Kaplan, speaking from the floor said if someone is unethical they would just sign the statement and not reveal any negative information so she supports the background check. Wray recommends putting a statement on the application that a background check would be conducted. Flowers wants that statement in addition to item #6 and Brown feels that statement should replace #6. Strickland said the checks should only be done on those appointed, not on each applicant and should include both civil and criminal checks. Brandt suggested the civil check be done on any volunteer who handles money and not on those who do not handle money. Kim Parker, speaking from the floor asked what would happen if money needed to be handled and the only available committee members had not had the civil check. Flowers said it would be easier to require it for everyone rather than picking and choosing. Strickland said each committee does a budget so they are all, in essence, handling money. Barnes stated conducting a background check does not preclude someone from doing something afterwards, but at least the town would be practicing due diligence and recommends adding the background check statement. Flowers wants to require disclosure in such a situation.

By consensus, information on the different types and levels (local, state, and national) of background checks done by others, such as the Fire Department, will be gathered and this issue, as well as the term limit issue, will be revisited during the July meeting.

With no further business before the Town Council, a motion was made at 9:57 pm by Wray to adjourn. The motion was seconded by Barnes and carried unanimously.



Mark E. Brown, Mayor



Valarie Halvorsen, Town Clerk