

**AGENDA OF THE
SUMMERFIELD TOWN COUNCIL
SPECIAL CALL MEETING
SUMMERFIELD COMMUNITY CENTER
APRIL 30, 2007
6:30 P.M.**

1. **CALL TO ORDER**
2. **INTRODUCTIONS**
3. **CONSENT AGENDA:
A. MEETING AGENDA**
4. **PRESENTATION FROM THE NC LEAGUE OF MUNICIPALITIES ON THE
COUNCIL / MANAGER FORM OF GOVERNMENT**
5. **APPOINTMENT OF A NEW TOWN COUNCIL MEMBER**
6. **CLOSED SESSION: 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)**
7. **ADJOURN**

**MINUTES OF THE
SUMMERFIELD TOWN COUNCIL
SPECIAL CALL MEETING
SUMMERFIELD COMMUNITY CENTER
APRIL 30, 2007
6:30 P.M.**

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 6:32 pm by Mark Brown.

INTRODUCTIONS:

Council:

Mark Brown, Mayor
Dena Barnes, Pro Tem
Carolyn Collins
Becky Strickland
Bob Williams

Staff:

Valarie Halvorsen, Town Clerk
Jim Secor, III Attorney Assistant

CONSENT AGENDA:

A motion was made by Carolyn Collins to approve the Consent Agenda. The motion was seconded by Bob Williams, and carried unanimously.

**PRESENTATION FROM THE NC LEAGUE OF MUNICIPALITIES ON THE
COUNCIL / MANAGER FORM OF GOVERNMENT**

Mark Brown introduced Robert (Rob) Shepherd, Jr. of the NCLM and stated Summerfield had been a member of the League since incorporation. Brown further stated that neither Mr. Shepherd nor the NCLM make any recommendation or preference on what type of government municipalities choose, they were only providing information.

Shepherd introduced himself and reiterated that the NCLM does not take a formal position on this issue. He said North Carolina recognized two forms of governing, the mayor-council form and the council-manager form. In the mayor-council form, the administrator's duties are granted by the governing body. In the council-manager form, the manager's duties are provided by G.S. 160A-148, and include the following: appoint and suspend officers and employees not elected by the people; direct and supervise all departments, offices, and agencies; attend all council meetings and make recommendations; see that all laws, ordinances, resolutions, and regulations are faithfully executed; prepare and submit a budget, report on finances and administrative activities, and any other reports requested by council.

Shepherd stated one of the major differences between these forms is the broad power given to the manager to direct and supervise the day to day operations and implement policies of the governing board while having full authority to hire and fire. He then discussed the pros and cons of each form.

Mayor-council form **pros:** best for smaller, more rural areas; historic tradition; closest to the purest form of representative government. **Cons:** diffusion of power; lack of strong leadership;

lack of professional administration; possible political manipulation; large demands on mayor and council; and need to clearly define roles and relationships.

Council-manager form **pros:** more businesslike; powers of elected officials and manager are separated; elected officials can focus on policy; manager is typically professionally trained.

Cons: managers are not responsive to citizens; may be new to area (not a local) and not understand community and its needs; longevity of managers is 5-7 years.

Shepherd stated two very important questions need to be thought about when considering changing to a council-manager form of government: Is the governing body willing to make policy decisions and leave implementations to a manager? Is the governing body willing to give up personnel authority?

Strickland asked if the manager could be hired or fired by a simple majority, or a super majority. Shepherd replied a simple majority, but most managers have employment contracts that stipulate the reasons they can be terminated, such as criminal wrongdoing.

Shepherd stated a change of charter is required to change form of government. There are three ways to do this: amendment by ordinance with no referendum; council initiated referendum; and citizen initiated referendum. Strickland asked who would word the referendum if it was citizen initiated. Shepherd replied he believed the town attorney and Board of Elections would be involved with that. He further stated once the charter is amended by the methods stated above, the plan must remain in force for a period of 2 years before it could be changed again.

Strickland asked if the finance officer could be excluded from the manager's authority over personnel. Shepherd replied occasionally yes, but that it is not typically done that way. Strickland stated administrative employees may not feel free to voice concerns due to the fear of being fired by the manager. Shepherd said that is true under both forms of government. He further stated the manager is responsible to the Mayor and council but makes personnel decisions on his own. These decisions are sometimes averse to the wishes of mayor and council. He also stated there is a code of ethics a manager must follow.

Strickland asked about a manager having authority to award contracts, or overspend on contracts. Shepherd replied only council can award contract, but the manager can brief and advise council. Council can also ask the manager to act on their behalf according to certain parameters. Strickland asked for specific examples. Shepherd did not give specifics, but noted in some smaller towns employees act on their own behalf, alluding to acting without consent of council. Brown asked if there were checks and balances in place in case the manager errs, so council would not be held responsible for manager errors. Shepherd stated the manager is given a yearly evaluation formally, can be informally evaluated, and must produce various reports to council so council can be made aware of what the manager is doing. Strickland asked if the manager was only accountable to the council, not the citizens. Shepherd said ultimately the manager is required to provide services to the citizenry, but the citizens do not vote for him.

Brown suggested putting this issue on the agenda to decide whether or not to hold a public hearing. Strickland said it should be deferred until after budget.

APPOINTMENT OF A NEW TOWN COUNCIL MEMBER

Brown stated of the original 9 applicants, 2 withdrew their applications, Mildred Hoffler-Foushee and David Reich Jr. By consensus, it was agreed that each of the remaining applicants be given three minutes each to make a statement to council.

Alicia Flowers, 7401 Whitacre Ct, discussed her involvement with town citizens fighting the proposed rock quarry, that the voice of the people was heard. Council members should have strong leadership, must put aside differences, have mutual respect, and she supports all of these principles. She concluded stating she trusted the Mayor and council to choose the best person.

Richard Lovett, 7812 Spencer Brook Dr, current Zoning board member stated he had lived here for 4 to 4.5 years and feels that community involvement is very important. He stated personal opinion must be left out in order for council members to make the best decisions for the town. He likes Summerfield and farm communities and does not want it to become like New Jersey, where he moved here from.

Joseph (Joe) Ragsdale III, 5307 Fitzhugh Trail, withdrew his application, citing the large community involvement in Summerfield which he did not expect.

Michael Stewart, 1328 NC 150 West, stated he is a longtime resident and has been a member of several town groups, including previous experience serving on the council. He discussed making mistakes in the past and cited the Rabbit Hollow property, and says he learned from his mistakes. He believes in open and honest government, and town business should be about the town, and conducted respectfully. He believes someone with experience is needed, and stated he is up to date on the issues.

Donald (Don) Wendelken, 3406 Windswept Dr, stated he has lived here 11 years and has been involved with the SRA. He has much leadership experience gained from time in the Marines and as a business owner and feels it is important to inform and keep an open line of communication with the public, as well as to agree to disagree with other council members.

Adrian Williamson, 3901 Lewiston Rd, stated he has lived here for more than 40 years and has experience working with people of different income levels and needs. He says council has a tough balance between the needs of the citizens and the needs of the town.

John Wray Jr, 4914 Rhondan Rd, is a longtime resident, former council member, and former mayor. He stated he did not seek reelection due to having to take care of his parents. He is now retired and can devote his time to council and town matters. He stated he loves Summerfield; there is no other place like it; he is not a politician and speaks from the heart; believes in what is right; has no personal agenda; is open minded; is for the people; and has not changed from when he ran 10 years ago.

Strickland asked Stewart why he named her specifically in relation to the Rabbit Hollow issue, and if Rabbit Hollow was originally intended for ball fields, or for septic. Stewart replied the intention at the time was to purchase the property for ball fields, and alternate uses were discussed later. Strickland asked if it was not a legal requirement to notify the public. Stewart replied the public was not notified based on advice from the town attorney. Strickland stated that is why we no longer have that attorney.

Jim Secor, III Attorney Assistant advised council to move forward with nominations if there were no further questions.

Williams nominated Stewart. There was no second.
Strickland nominated Flowers. There was no second.

Collins nominated Wray. The nomination was seconded by Williams and carried unanimously.

Brown asked Wray to come forward and swore him in with the oath of office.

Barnes thanked all who applied.

Strickland asked for applicants for the Comprehensive Plan Steering Committee.

Brown congratulated Wray.

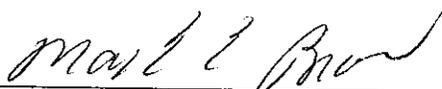
A motion was made at 7:47 by Collins to recess to Closed Session. The motion was seconded by Williams and carried unanimously.

CLOSED SESSION:

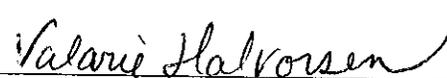
- A) Consider the Qualifications, Competence, Performance, Character, Fitness, conditions of Appointment or Conditions of Initial Employment of an Individual Public Officer or Employee or Prospective Public Officer or Employee, as Provided under NCGS 143-318.11(a) (6)**

A motion was made by Collins to return to open session at 9:15 pm. The motion was seconded by Barnes and carried unanimously.

With no further business before the Town Council, a motion was made at 9:15 pm by Collins to adjourn. The motion was seconded by Wray and carried unanimously.



Mark E. Brown, Mayor



Valarie Halvorsen, Town Clerk