

**MINUTES OF THE
SUMMERFIELD TOWN COUNCIL
SUMMERFIELD COMMUNITY CENTER
July 11, 2006
6:30 PM**

NOTE: The official minutes of this meeting 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 6:33 pm by Mark E. Brown, Mayor. Tonight's meeting will consist of the following: Committee Reports; Discussion of Turkey Shoot permits; Text Amendments; Park Maintenance Contract for Lawn Care (Clean and Green Inc.); Request for Proposal for Comprehensive Plan; Approval of new Bell South Contract for phone service; Authorization for enrollment in State of NC 401 (k) program; Discussion of changes to Summerfield Personnel Policy Manual; Authorization to approve construction service agreement for repair for Brittan Building with Thomas G. Lowdermilk; Consider of adoption of an ordinance stipulating expense approval for the operation of the Town of Summerfield, North Carolina for fiscal year 2006-2007; and Park expenditures.

The invocation was led by Evon Rumley, Town Clerk and the Pledge of Allegiance was led by Town Council.

INTRODUCTIONS:

Mark E. Brown, Mayor	Michael Brandt, Town Administrator
Dena Barnes, Mayor Pro Tem	Robin Smith, Town Planner
Carolyn Collins, Councilwoman	Evon Rumley, Town Clerk
Dwayne Crawford, Councilman	Jim Secor III, Town Attorney
Becky Strickland, Councilwoman	Dana Luther, Finance Officer
Bob Williams, Councilman	

CONSENT AGENDA:

Town Council considered the consent agenda, which included the minutes of May 2nd; the meeting agenda, finance report, a budget amendment, and the new employment contract for Michael Brandt, Town Administrator.

Dwayne Crawford, Councilman inquired whether discussion of a turkey shoot was going to include a public hearing and Michael Brandt, Town Administrator suggested moving the turkey shoot item 11 to be moved to item 9 since most people in the audience seemed to be present for that discussion.

Employment agreement contract for Michael Brandt, Town Administrator was presented to the board for discussion. After discussion from council a motion was made by Carolyn Collins, Councilwoman to approve the employment agreement contract for Michael Brandt, Town Administrator. The motion was seconded by Dena Barnes, Mayor Pro Tem. The motion was passed 4-1 with Becky Strickland, Councilwoman again the contract.

Dena Barnes, Mayor Pro Tem made a motion to amend the agenda, seconded by Carolyn Collins, Councilwoman and carried unanimously.

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

Kyle Brooks, 1831 Crossroad Dr.; a member of Boy Scout Troop 107, told the council he was looking for

something to do in the park for his Eagle project. Mark E. Brown, Mayor asked him to speak to George Holub, the volunteer park project manager, and Michael Brandt, Town Administrator for suggestions.

COMMITTEE REPORTS:

- A. Community Relations:** No report
- B. Finance:** Ronnie Stafford stated that the town had reinvested \$2 million in a CD for three months at 5.41 percent. The now has \$7.9 million invested. The next meeting is August 21, 2006.
- C. Historical:** Bill Gordon stated the group is awaiting delivery of plaques for the houses in the historic district.
- D. Parks & Rec:** George Holub, volunteer park project manager, stated the delivery of the park restroom should be the second week of August. As soon as installed, an official park opening will be held. The committee will discuss signage at the next meeting. Once the signs are installed, the playground will be opened. Michael Brandt, Town Administrator was scheduled to discuss finances later in the meeting, but some of the contingency fund approved by council would likely be needed.
- E. Public Safety:** No report
- F. SYC:** Erin McLean, Newly-elected President of the Youth Council, stated the group recently had a party and awards ceremony. The group's cookbooks, their biggest project this year, are in and are on sale on \$16.
- G. Thoroughfare:** No report

BUSINESS FROM TOWN PLANNER:

Discussion of Turkey Shoot permits:

Mark E. Brown, Mayor stated some citizens notified him of problems with noise and other issues at the Wildlife Club's turkey shoot. With more than 7,000 citizens, he felt there may be a need to look at whether this and any other turkey shoots in the town should be more closely monitored. Robin Smith, Town Planner and William (Bill) Hill, Town Attorney was asked to look into the issue. Other residents brought a petition in support of the turkey shoot, and a Wildlife Club representative was present to answer questions.

Robin Smith, Town Planner stated William (Bill) Hill, Town Attorney had discussed this situation, and she spoke to other planners in the state. She stated the most correct way to handle the issue would be to change turkey shoots from a permitted use in agricultural districts to requiring a Special Use Permit. The issue would then be heard in a quasi-judicial setting by the Board of Adjustment and would allow citizens to speak. The normal one-time fee for a Special Use Permit is \$850. She proposed that amount be assessed the first year, and a \$100 re-permitting fee be assessed in subsequent years. New hours of operation and setbacks might also be recommended, but types of guns allowed and no alcohol use are already being addressed.

Council discussion:

Bob Williams, Councilman questioned how large the property and where the turkey shoots were held, and Robin Smith, Town Planner stated she did not know; any change would apply to any turkey shoot. Bob Williams, Councilman asked how long the event had been held, and Robin Smith, Town Planner stated around 40 years but needed to verify that. Mark E. Brown, Mayor stated that changes would apply to all turkey shoots, and that he hoped this would lead to a public hearing for an ordinance amendment.

Dwayne Crawford, Councilman stated an amendment might address the setbacks and hours of operation, it would not address other issues like drinking alcohol and spinning tires. Becky Strickland, Councilwoman asked if an off-duty sheriff could be required, and Robin Smith, Town Planner stated the town attorney had advised against that. Mark E. Brown, Mayor asked council if a public hearing should be scheduled in August. Bob Williams, Councilman stated he did not feel the council had enough information on the turkey shoot to make a decision, but was told again that any changes made would address all turkey shoots, not just the one on Winfree Road. He wanted to know if the town had issued an event permit and was told yes. Mark E. Brown, Mayor stated he would ask Mr. Parrish of the Wildlife Club to attend the next meeting, and the council agreed to hold a public hearing at the August 1, 2006 meeting in which citizens will have an opportunity to speak.

PUBLIC HEARINGS:

NEW BUSINESS:

- A. Text Amendment to Article 5-13.1 (E) of the Summerfield Development Ordinance.** *Subdivisions should be designed to prohibit disturbance, other than pervious trails not to exceed 5’ in width, within all required primary conservation area open space dedication and to avoid or limit disturbance in secondary conservation area.*

Robin Smith, Town Planner presented the case, reading from the Staff Report. Staff recommends approval of the Text Amendment request to Article 5-13.1. The zoning board voted unanimously to recommend the text amendment stated that the primary conservation area open space should not be disturbed other than for pervious trails less than 5 feet wide and disturbance in secondary conservation areas should be avoided or limited.

No one spoke for or against the change. Discussion was held among members with Robin Smith, Town Planner. William (Bill) Hill, Town Attorney considered the previous language too restrictive and might be construed as the town “taking” property.

Dwayne Crawford, Councilman made a motion to accept the text amendment, seconded by Bob Williams, Councilman and carried unanimously.

- B. Text Amendment to Article 6-4.49 (B) 1) of the Summerfield Development Ordinance.** All junked motor vehicles as defined by the ordinance must be located 200 feet from the road and 100 feet from all remaining property lines or be located in a permanent structure.

Robin Smith, Town Planner presented the case, reading from the Staff Report. Staff recommends approval of the Text Amendment request to Article 6-4.49 and the zoning board unanimous voted to recommend the change to junked motor vehicles in agriculturally-zoned areas must be 200 feet from property lines or be enclosed in a permanent structure.

Dwayne Crawford, Councilman asked the definition of a junked vehicle and visibly from the public eye. Robin Smith, Town Planner stated the idea is that we push back 200 feet from the frontage of the road, 100 feet from other others, and to keep out of direct view of neighbor or people driving by. Town Council members had discussion about the restrictions. Robin Smith, Town Planner stated junked Motor vehicles by one person could be their father's car of 50 years ago. She also stated the number one violation is junked motor vehicle and this is a residential area now.

Mike Stewart stated he wanted a better definition of junked motor vehicles because he had a neighbor with a rock climbing vehicle and the motor vehicle does not have any tags.

Robin Smith, Town Planner stated the definition was confusing but, did not think that will change the intent of what the text amendment was trying to do. Michael Brandt, Town Administrator stated the actual junked motor vehicle statue and Summerfield need to abide by what the state says. Dwayne Crawford, Councilman stated the definition of junked motor vehicle was a vehicle with no current license plate, partially dismantled or wrecked. Dena Barnes, Mayor Pro Tem asked Robin Smith, Town Planner to look at the definition to make this easier to understand.

Carolyn Collins, Councilwoman made a motion to accept the text amendment, seconded by Bob Williams, Councilman. The motion passed 4-1, Carolyn Collins, Bob Williams, Dena Barnes, Becky Strickland, for with Dwayne Crawford, Councilman against this motion.

- b. **Text Amendment to Table 4-3-1, Permitted Use Schedule, of the Summerfield Development Ordinance.** Change the use of Junked Motor Vehicles in the AG zone from "P" (Permitted Use) to "D" (Development Standards)

Robin Smith, Town Planner presented the case, reading from the Staff Report. Staff recommends approval of the request and the Zoning Board recommended approval unanimous. She stated request to amend table from P for permitted use to D for development standards. The amendment would change junked motor vehicles from being permitted in an AG district to development standards being required.

Rich Schlobohm stated he wanted to address junk in general. He stated in a recent rezoning case on Lake Brandt Road near his home, not only junk motor vehicles, old buses, junked tractors, boats, wave-runners, and old seats; this mainly can be an annoyance of the neighbors.

Dena Barnes, Mayor Pro Tem made a motion to accept the text amendment to Table 4-3-1, seconded by Becky Strickland, Councilwoman and carried unanimously.

10. BUSINESS FROM TOWN ADMINISTRATOR:

- a. **Park Maintenance Contract for Lawn Care (Clean and Green Inc.) (Brandt)**

Michael Brandt, Town Administrator presented the contract, reading from the staff report. He reported the town advertised for lawn care for the Summerfield town park and received three bids. He stated Clean and Green Services, Inc., were the winners with the total sum of \$9,750 for general lawn maintenance. He also stated the services for mulch and bush hogging not to exceed \$978. A background check had been done and a statement from the Secretary of State's office said the firm was current on its required annual report filings.

Becky Strickland, Councilwoman made a motion to award the bid to Clean and Green Inc contingent upon required documents and filings being up-to-date, seconded by Bob Williams, Councilman and carried unanimously.

b. Request for Proposals for Comprehensive Plan (Brandt, Smith)

Michael Brandt, Town Administrator presented a draft Request for Proposals for review and advertising for proposals would be done if okayed by the town council. He stated a subcommittee of council would need to review any proposals received, with the help from staff.

Dwayne Crawford, Councilman made a motion to approve, seconded by Dena Barnes, Mayor Pro Tem and carried unanimously.

c. Approval of new Bell South Contract for phone service (Brandt)

Michael Brandt, Town Administrator presented the contract, reading from the staff report. He stated this contact with Bell South would allow four lines instead of three and would allow staff members to each have specific voice mailboxes. He stated this would provide a better system at about the same cost as is currently being paid. By signing up for a three-year contract, the town will get a discount.

Dwayne Crawford, Councilman made a motion to approve, seconded by Bob Williams, Councilman and carried unanimously.

d. Authorization for enrollment in State of NC 401(k) program (Brandt)

Michael Brandt, Town Administrator presented the enrollment plan for the 401(k) program to council. The resolution would allow eligible employees to be part of the state's supplemental retirement income 401(k) plan.

Dwayne Crawford, Councilman made a motion to approve, seconded by Carolyn Collins, Councilwoman. The motion passed 4-1, Carolyn Collins, Bob Williams, Dena Barnes, Dwayne Crawford, for with Becky Strickland, Councilwoman against this motion.

e. Discussion of changes to Summerfield Personnel Policy Manual

Michael Brandt, Town Administrator presented the changes to Personnel Policy for council. He stated under the current plan, employees were working 35 hours per week and was accumulating a significant amount of comp time. Since the employees were not able to use it all, they were ending up donating time to the town. He proposed changes included changing to a 40-hour workweek and removing com time.

Dana Luther, Finance Officer stated around 200 hours between two employees (Michael Brandt, Town Administrator and Robin Smith, Town Planner). Jim Secor, Town Attorney stated the town might allow the employees to be paid for the time accrued. Dana Luther, Finance Officer stated paying staff for their accumulated time most likely would be cost prohibitive. The policy had to be addressed during the annual audit, and the elimination of the assistant planner position had resulted in excessive comp hours earned by employees.

Michael Brandt, Town Administrator stated the manual also added inclusion in the state 401(k) plan, and a match of up to 3 percent by the town was established. That amount could be adjusted through the budge process.

Carolyn Collins, Councilwoman made a motion to approve, seconded by Bob Williams, Councilman. The motion passed 4-1, Carolyn Collins, Bob Williams, Dena Barnes, Dwayne Crawford, for with Becky Strickland, Councilwoman against this motion.

f. Authorization to approve construction service agreement for repair of Brittian Building with Thomas G. Lowdermilk (Brandt)

Michael Brandt, Town Administrator presented the contract, reading from the staff report. Jim Secor, attorney, passed out to council, the contract for materials and services to be reviewed. Michael Brandt, Town Administrator stated the brickwork on the town hall has deteriorated and needed repairs. He had tried to get bids on the project, but not many people do that type of work. He stated Tom Lowdermilk had bid to do the project for \$14,860 based on an estimated 160 hours of labor. If more time is needed, the issue would have to be approved by mutual consent. Tom Lowdermilk did work on the building during its reconstruction in 2000, and has done work on other historic buildings. Jim Secor, Town Attorney recommended adding a 12-month warranty on the work done.

Becky Strickland, Councilwoman made a motion to approve, seconded by Bob Williams, Councilman and carried unanimously.

g. Consider of adoption of an ordinance stipulating expense approval for the operation of the Town of Summerfield North Carolina for fiscal year 2006-2007

Michael Brandt, town administrator, presented the ordinance for town operation, reading from the staff report. The ordinance was tabled at the last meeting for further review. Jim Secor, attorney, stated council members had given concerns and upon review, attorneys had not found any problems with it as it applied to the constitution, state statute, or town charter. The only problem they could find was where the ordinance allowed the mayor to approve expenses up to \$2,000 “for items not specifically provided for in the budget; but felt it was okay to allow the mayor to approve an expenses if it was tied to a line item.

Dana Luther, Finance Officer explained the check register break down for town council, and how expenses are charged into accounts. Michael Brandt, Town Administrator clarified that the ordinance had been present since the town’s early days. The town had moved away from a budget where each expense has to be pre-approved and amounts are now budgeted by category. For example: if money is in the budget, then an expense is considered to be allowed (lawn care for park and emergencies). He stated the only time the mayor had spent money using that authority was when the park property needed mowing recently. The money was budgeted for lawn care; a contract had not been approved. Dana Luther, Finance Officer stated she and Michael Brandt, Town Administrator were meeting to update policies and make sure procedures are in place.

Carolyn Collins, Councilwoman made a motion to approve, seconded by Bob Williams, Councilman. The motion passed 4-1, Carolyn Collins, Bob Williams, Dena Barnes, Dwayne Crawford, for with Becky Strickland, Councilwoman against this motion.

h. Park expenditures

Michael Brandt, Town Administrator stated the budgeted amount for the park was \$575,000, with a contingency fund of \$25,000 set up. Money will be needed for extra items, including signage, two water fountains, and \$3,000 to \$5,000 worth of accessory items to finish up.

Dena Barnes, Mayor Pro Tem made a motion to approve spending money in the contingency fund with the total park expenditures not to exceed \$575,000, seconded by Carolyn Collins, Councilwoman and carried unanimously.

Council Discussion:

Bob Williams, Councilman asked for an update on purchase of property for ball fields. Michael Brandt, Town Administrator stated he was still in contact with the Armfield developers (layout of potential soccer fields and ball fields), and had met with a few property owners. He recommended establishing a committee at the next Parks and Recreation committee meeting, and a couple of options at the August council meeting.

Becky Strickland, Councilwoman asked the status of storm water requirements for the area. Michael Brandt, Town Administrator stated the town does not have to meet them until it is reclassified. If the town has at least 10,000 citizens at the 2010 census, it will be reclassified then, and we will automatically have to come into compliance with storm water rules by then. The local Council of Governments might be asked to do a presentation at the council's September business meeting.

Business from Mayor:

Mark E. Brown, Mayor recommended reappointing of Trudy Whitacre to the Zoning Board. Becky Strickland, Councilwoman made a motion to reappoint Trudy Whitacre seconded by Dwayne Crawford, Councilman and carried unanimously.

Mark E. Brown, Mayor stated the resignation of Bill Peterson to BOA. He stated the four alternates for the BOA committee, and their applications will be reviewed at next Town Council meeting, August 1, 2006.

Finally, Mark E. Brown, Mayor stated Tuesday, August 1, he will be late for Town Council meeting. The Summerfield Civitan Club will receive their charter on August 1 and have a ceremony at West Market Street, United Methodist Church Fellowship Hall in Greensboro. He stated he would attend, and would get to the council meeting as soon as possible.

7. OTHER BUSINESS

With no further business before Town Council a motion was made to adjourn by Bob Williams, Councilman at 9:01 pm. The motion was seconded by Dwayne Crawford, Councilman and carried unanimously.

Mark E. Brown, Mayor

Evon Rumley, Town Clerk