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September 14, 2010

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**MINUTES OF THE
SUMMERFIELD TOWN COUNCIL
SUMMERFIELD COMMUNITY CENTER
SEPTEMBER 14, 2010
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 6:32 pm by Mark Brown.

The invocation was led by Linda Southard, followed by the Pledge of Allegiance.

INTRODUCTIONS:

Council:

Mark Brown, Mayor
Dena Barnes
Alicia Flowers
Dianne Laughlin
Bob Williams
John Wray Jr.

Staff:

Michael Brandt, Town Manager
William Hill, Town Attorney
Chris Anderson, Town Planner
Valarie Halvorsen, Town Clerk

CONSENT AGENDA:

Brown recommended the following changes: removing 12C Consideration/Approval of Exclusive Beverage Rights Agreement with Coca-Cola, removing consideration of Public Safety Committee Applicant, and adding consideration of reappointing Finance Committee member Jane Wilson.

Flowers noted she did not feel she should vote for approval of the August 10 and September 1, 2010 meeting minutes as she was not present at the meetings.

Flowers made a motion to approve the Consent Agenda *as amended*, including the meeting agenda, Closed Session minutes of July 14, 2009 meeting, Financial Report, and NCDOT Secondary Road Addition Resolution. The motion was seconded by Barnes and carried unanimously.

Barnes made a motion to approve the minutes of the August 10 and September 1, 2010 meetings and Closed Session minutes of August 10, 2010, and September 1, 2010. The motion was seconded by Williams and passed with a vote of 4, with Flowers abstaining.

ANNOUNCEMENTS

Flowers announced a blood drive at St Paul's Church September 27, 2010 from 2:30 pm to 7:00 pm.

PROCLAMATION – Constitution Week

Brown read the proclamation, which is hereby incorporated into these minutes:

WHEREAS, September 17, 2010 marks the two hundred twenty-third anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, it is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary, to the patriotic celebrations which will commemorate the occasion, and the utmost importance that all citizens fully understand the provisions and principles contained in the Constitution in order to support, preserve, and defend it against all encroachments; and

WHEREAS, it gives us the opportunity to recall the high ideals and devotion to liberty of the men who framed our Constitution and to commemorate the many blessings enjoyed by our nation; and

WHEREAS, the freedoms guaranteed to American citizens, whether by birth or through naturalization, should be recognized during Constitution Week, as designated by the President of the United States, and in accordance with Public Law 915.

NOW, THEREFORE, I, Mark E. Brown, Mayor of the Town of Summerfield, do hereby proclaim the **week of September 12 – September 18, 2010**, to be designated as

“CONSTITUTION WEEK IN SUMMERFIELD, NORTH CAROLINA”

and encourage the citizens of Summerfield to take time during this week to reflect upon and to be appreciative of the many benefits of our Constitution and American citizenship.

Proclaimed this the 14th day of September 2010.

SPEAKERS FROM THE FLOOR (limited to 5 min.)

Roxanne Gilgallon, 7500 Dickinben Dr. asked for volunteers for the upcoming Halloween Event.

Beth Kaplan, 7979 Highfill Rd. stated the Summerfield Athletic Park grand opening was a great event, and stated reasons she feels the town should keep the current Council/Manager form of government.

Gail Dunham, 5805 Snow Hill Dr. feels the Town Manager has too much power and hides decisions from the public and asked for more public participation in decision making. She further requested that the organizers of the Halloween event stay under budget, and stated she was against raising taxes to pay for the “party tsar” position.

Dwayne Crawford, 1106 NC Hwy 150 West, said during spring budget meetings it was stated the “party tsar” position would not be needed if park events were not funded and Council chose to fund events. He feels the term “party tsar” is an appropriate descriptor. Crawford said the Council/Manager form of government was supposed to increase efficiency, but since implementation spending and projects have increased and cost savings have decreased.

COMMITTEE REPORTS:

- A. Finance:** No report.
- B. Historical:** There was no August meeting.
- C. Parks & Rec:** Jane Doggett said the Movie in the Park “The Water Horse” will be September 18 and Music in the Park “The Stanley Allred Project” will be September 25
- D. Public Safety:** No report.
- E. Athletic Advisory:** Brandt thanked all for attending the SAP grand opening and said the committee was winding down, with plans to either disband, or become a sub-committee under Parks & Recreation.

UPDATE FROM COMMUNITY GROUPS

Summerfield Youth Council: No report.

PUBLIC HEARINGS

A. Ordinance Text Amendment #2010-01-TA: Recommended revisions to articles of the Development Ordinance related to signage along Hwy 220 N, as directed by the Summerfield Town Council. Anderson described the case, giving background information on the issue and displaying photos of conforming and non-conforming signs in Summerfield. He stated the Zoning Board had reviewed the information and voted 5-0 to recommend approval of the following modifications for locations along Highway 220 that were zoned as Highway Business or Shopping Center: increase of maximum sign height from 6ft to 10ft, allowances of 50% increase in maximum sign area for building entrances facing away from 220 and 50% increase when signage plan does not utilize allowable wall signage, and recommended forming a committee to study signage as part of the Development Ordinance rewrite.

Brown opened the Public Hearing at 7:12 pm

Proponents:

Kevin Golden, owner Golden Antiques and Treasures, feels other merchants should be allowed the same size sign as Food Lion, especially considering the numerous businesses to be put on the sign.

Opponents:

Terry McLean, 6108 Lake Brandt Rd stated the Comprehensive Plan Steering Committee examined this issue and concluded a "Battleground Avenue" look was undesired. She recommended using the Comprehensive Plan as a guide when making a decision.

Brown closed the Public Hearing at 7:16 pm.

Following much Council discussion about increasing the allowable sign area to 200 square feet, limiting the allowable area per business when multiple businesses are represented on one sign, the prospect of having to revisit the issue again during the Development Ordinance rewrite, and the need to support small businesses in Summerfield, it was decided by consensus to have staff and the Zoning Board further review the issues and bring recommendations back to Council at the October meeting.

Break from 7:49 pm to 7:58 pm

B. Rezoning Case #04-10 AG, RS-30, SR to CU-HB, SR. The properties are located at 5110-5114 US Hwy 200 N and 5116-5122 US Hwy 220 N, being Guilford County tax map #0146915 and #0146862. These parcels, located in Bruce Township, include approximately 5.34 acres and are located approximately 1/3 mile from the intersection of US Hwy 220 N and Oak Ridge Rd. The parcels are owned by Ayers Family Limited Partnership. Anderson described the case, noting the condition that would exclude an ABC store as an allowable use.

Brown opened the Public Hearing at 8:06 pm

Proponents:

Jim Beeson, 5401 Thacker Dairy Rd, stated there is no plan for development at this time, however it seemed to be the right time to request a rezoning for several reasons, including the imminent widening of Hwy 220.

Opponents:

Dwayne Crawford, 1106 NC Hwy 150 West, stated he is not necessarily opposed, but wanted to point out that two owners are chairs of Town committees and the Town had previously disclosed an interest in acquiring property in the area to provide a second access for the Summerfield Athletic Park.

Hill stated committee service by owners is irrelevant and cannot be considered. Flowers noted that she suggested a second access during budget discussions without knowing ownership information and does not see a problem with it now. Brandt clarified for the record that the owners in question had stepped down from their respective committees.

Flowers made a motion to approve Rezoning Case #04-10 AG, RS-30, SR to CU-HB, SR located at 5110-5114 US Hwy 200 N and 5116-5122 US Hwy 220 N, with the condition that would exclude an ABC store as an allowable use. The motion was seconded by Williams and carried unanimously.

C. Rezoning Case #05-10 AG, RS-40, MH, SR to CU-LO, SR. The property is located at 3674 Oak Ridge Rd, being part of Guilford County tax map #0149645. This property, located in Bruce Township, includes approximately 3.593 acres, and is located on the south side of Oak Ridge Rd, approximately 900 feet west of the intersection of Oak Ridge Rd and Brookbank Rd. The parcel is owned by Kevan Combs.

Anderson described the case, noting the conditions would exclude all uses except Administrative or Management Services, and Stock, Security, or Commodity Broker, and the site layout shall provide cross access to adjacent parcels along Oak Ridge Rd. The Zoning Board voted 4-1 to recommend approval. Brown opened the Public Hearing at 8:24 pm.

Proponents:

Bill Greco of Land Solutions, 7622 Bentley Rd Greensboro, noted the request was for a very limited and appropriate use and requested approval

Brown closed the Public Hearing at 8:32 pm

Following brief discussion about washout and water run-off prevention measures, Flowers made a motion to approve Rezoning Case #05-10 AG, RS-40, MH, SR to CU-LO, SR, located at 3674 Oak Ridge Rd, with the above noted conditions. The motion was seconded by Williams and carried unanimously.

BUSINESS FROM TOWN MANAGER

A. Consideration/approval of Committee Applications and reappointments (Finance – Jane Wilson, Parks & Rec – Scott Wood, Board of Adjustment – Lewis Nash)

Flowers made a motion to reappoint Jane Wilson to the Finance Committee. The motion was seconded by Barnes and carried unanimously.

Barnes made a motion to appoint Scott Wood to the Parks & Recreation Committee. The motion was seconded by Wray and carried unanimously.

Flowers made a motion to appoint Lewis Nash to the Board of Adjustment. The motion was seconded by Laughlin and carried unanimously.

B. Update on Stage 1 Adaptive Management Program for Existing Development - Jordan Lake Nutrient Management Strategy (December 2009 submission approved by state)

Brandt noted last December, Council adopted this program to address quality of water that eventually reaches Jordan Lake. Staff has made corrections recommended by NCDENR and resubmitted the document, which was approved by NCDENR May 13, 2010.

Flowers made a motion to accept the Stage 1 Adaptive Management Program for Existing Development - Jordan Lake Nutrient Management Strategy updated based on NCDENR recommendations. The motion was seconded by Barnes and carried unanimously.

C. Consideration/Approval of Exclusive Beverage Rights Agreement with Coca-Cola

Removed from Agenda

D. Consideration/Approval of Field Usage Agreement between the Town and Greensboro Youth Soccer Association

Brandt noted the agreement was essentially the same as the one with Summerfield Recreation Association with the following exceptions: no tournaments, no concession stand usage, and a flat per player fee of \$12.50.

Wray made a motion approving the Field Usage Agreement between the Town and Greensboro Youth Soccer Association with no concessions, no tournaments, and the flat per player fee of \$12.50. The motion was seconded by Barnes and carried unanimously.

F. Consideration/Approval of Field Usage Agreement between the Town and Guilford United Futbol Club

Brandt stated the agreement was the same as the one with GYSA, except there would be no flat rate, but a per player rate of \$10 for Summerfield residents and \$15 for non-residents.

Barnes made a motion to approve the Field Usage Agreement between the Town and Guilford United Futbol Club. The motion was seconded by Williams and carried unanimously.

BUSINESS FROM COUNCIL

A. Discussion/approval of unsealing Closed Session Minutes

Hill stated the following Closed Session minutes were to be considered for unsealing either in their entirety or with sections redacted, as the purpose of government will no longer be frustrated by keeping them sealed: October 9, 2007, December 19, 2007, January 28, 2008, April 30, 2008, May 13, 2008, June 19, 2008, July 8, 2008, August 12, 2008, May 12, 2009, and October 13, 2009.

Barnes made a motion to approve unsealing the Closed Session minutes as described by Attorney Hill. The motion was seconded by Wray and carried unanimously.

B. Consideration/Approval of NCDOT Offer to Purchase Right of Way and Damages

Brandt noted the NC Department of Transportation has made an offer to purchase Right of Way and Damages for 5200 US Hwy 220 North and 2401 Oak Ridge Road. Staff has worked with DOT on issues regarding utility easements located at 5200 US Hwy 220 and has settled those concerns. NCDOT has informed Manager that it has no plans to further change the right of way purchase on property adjacent to 2401 Oak Ridge Road and would proceed with condemnation to secure the necessary right of way. Council had deferred this decision until NCDOT and Mr. Bill Gordon had concluded their negotiations; however, it is evident that DOT is not intending to change the proposed right of way in this vicinity and therefore staff recommends settling without the additional expense and time of a condemnation hearing.

Flowers made a motion to approve the Resolution Consenting to the Sale of Right of Way and Control of Access for 4201 Oak Ridge Road and 5200 US Hwy 220 North to the North Carolina Department of Transportation. The motion was seconded by Williams and carried unanimously.

C. Consideration of Summerfield Road Special Area Plan Committee Membership

Anderson requested Council review the list of potential committee candidates and the project handbook and recommend additional candidates for the committee based on review of the handbook and the objectives outlined therein. A formal request to appoint committee members will be made in October. There are tentative plans to meet on the third Monday of each month for a period of approximately 6 months.

D. Consideration of Summerfield Unified Development Ordinance Committee Membership

Anderson stated this request was the same as the one above, noting there are tentative plans to meet on the third Tuesday of each month for a period of approximately 18 months.

OTHER BUSINESS

Flowers read the following email she received from a citizen: "Dear Mayor and Town Council members, after reading about the removal of Ken Dunham from the Zoning Board in the Northwest Observer, I feel obligated to contact you to ask on what grounds he was removed. Ken is a valued member of our neighborhood community and has served on our Architectural Review Committee for years. He has always brought wisdom, experience, hard work, and diligence to this committee and I would assume to any board or committee he serves on. As a taxpaying member of the community, I feel it is only right to know on what grounds he was removed. I understand from the paper that Dianne brought this vote to the floor, but Dena Barnes, Bob Williams and John Wray voted in favor. Thank you for your time."

Flowers then read her email reply: "Thank you for your email. I too have the same questions and I regret that I was out town and not able to ask them at the meeting. Mr. Dunham has been a valued, long time member of the Zoning Board and has the respect of his fellow members. It was my pleasure to serve with him on the Comprehensive Plan Steering Committee and we all benefited from his knowledge and understanding of the Town's ordinances and Mr. Dunham has always conducted himself in a professional manner. I am puzzled by this turn of events, and like you, I do not understand the logic of this decision. Unfortunately, it is the citizens of Summerfield who are the losers here."

BUSINESS FROM THE MAYOR

A. Consideration/Approval appointing Mayor Brown as delegate to NCLM Annual Conference

Brown encouraged all Council members to participate in the conference. Barnes made a motion to appoint Brown as delegate to the NCLM Annual Conference. The motion was seconded by Flowers and carried unanimously.

B. Report on meetings and activities (if any)

Brown attended a PTGOC meeting August 18 and an ABC Board meeting August 24. Barnes attended an MPO meeting.

CLOSED SESSION

Brown read the reasons for entering into Closed Session:

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, on matters related to property owned by 555 Management, Inc at 7026 Summerfield Road; and; To establish or instruct staff or agents regarding negotiating position on the price and other material terms of a real property acquisition contract.

Wray made a motion to enter into closed session at 9:21 pm. The motion was seconded by Williams and carried unanimously.

Wray made a motion to return to open session at 9:40 pm. The motion was seconded by Williams and carried unanimously.

COMMENTS FROM COUNCIL

Wray thanked the Manager, staff, Athletic Advisory, SRA, and all volunteers and donators for the SAP Grand Opening event.

Anderson stated a citizen complained about the use of Jake brakes by truck traffic on Oak Ridge Rd. There was brief discussion about the inability to enforce a "no Jake brake" ordinance. Speaking from the floor, Bill Gordon recommended revisiting a truck route, such as the one he established for NCDOT approval several years ago. Flowers recommended that the Summerfield Road Special Area Plan Committee look at that issue.

With no further business before the Town Council, a motion was made at 9:54 pm by Williams to adjourn. The motion was seconded by Flowers and carried unanimously.



Mark E. Brown, Mayor



Valarie Halvorsen, Town Clerk