

**AGENDA OF THE
SUMMERFIELD TOWN COUNCIL
SPECIAL CALL MEETING
SUMMERFIELD COMMUNITY CENTER
MAY 31, 2007
6:30 PM**

- 1. CALL TO ORDER**
- 2. INTRODUCTIONS**
- 3. CONSENT AGENDA:
A. MEETING AGENDA**
- 4. CONTINUED DISCUSSION OF ATHLETIC FIELD SITES**
- 5. PRESENTATION OF BUDGET TO TOWN COUNCIL**
- 6. APPOINTMENT OF COMPREHENSIVE PLAN STEERING COMMITTEE**
- 7. 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);**
 - B) to establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public board in negotiation: 1) the price and other material terms of a contract; or proposed contract for the acquisition of real property by purchase, option, exchange, or lease;**
- 8. ADJOURN**

**MINUTES OF THE
SUMMERFIELD TOWN COUNCIL
SUMMERFIELD COMMUNITY CENTER
MAY 31, 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 6:32 pm by Mark Brown.

INTRODUCTIONS:

Council:

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

Staff:

Michael Brandt, Town Administrator
Dana Luther, Finance Officer
Valarie Halvorsen, Town Clerk
Susan Moore for Bill Hill, Town Attorney

CONSENT AGENDA:

Brown suggested moving item 5, Continued Discussion of Athletic Field Sites before the Presentation of the Budget, item 4. A motion was made by Dena Barnes to amend the agenda to switch items 4 and 5 and to approve the Consent Agenda. The motion was seconded by Carolyn Collins and carried unanimously.

CONTINUED DISCUSSION OF ATHLETIC FIELD SITES

Brown stated it appears as though the majority of council was interested in the Marshall/220 site at this time. He suggested that if council was to decide to do a motion tonight that it have the following four parts: direct staff to enter into negotiation with the property owner, find an additional traffic exit, work with DOT on traffic issues, and to utilize a consultant if necessary.

John Wray stated he had visited the sites several times since the last meeting and had talked to citizens about the issue on Founder's Day. His concern with the Marshall property is the traffic and safety issues. The Summerfield Road site will require less preparation and there are fewer trees that would need to be cut down. To use Winfree Road for an addition exit for the Marshall property would require purchasing additional land and probably cost \$500,000 to \$800,000 more than the other site, but that is the only way to make it safe. This is taxpayer money that could be used otherwise. He recommended the Summerfield Road site for the following reasons: less expense, less preparation, less tree removal, better light and sound buffer, and it just looks like a better site overall.

Strickland asked if everyone got a copy of the Sally Lawing Letter (which indicated she planned to exercise her Right of First Refusal on the Friddle property).

Wray stated he still thinks the town needs to make an offer, that it is the best piece of property seen so far and if Ms Lawing does buy the property, "at least we tried", the Right of First Refusal should not stop us.

Williams stated he was publicly criticized by a former council member for being involved as he owns property on Summerfield Rd and therefore recused himself from voting. He stated for the record his property does not adjoin the Friddle property, his interests were not personal, but simply for the town, and the majority of citizens are for this property. "I feel the town would be making a mistake by passing it up".

Collins agreed with the points made by Wray.

Strickland stated Sally Lawing was adamant about exercising her Right of First Refusal and Mr. Friddle would be the only one to profit from this deal. She said time is of the essence, the 220 property is her first choice and the process will move faster than the Friddle site.

Wray said he was only looking out for the kids.

Strickland replied that is why Brown put conditions on the 220 site.

Barnes feels the Friddle property is perfect but is in an established residential area and there will be light trespass. The 220 site will probably work; it is larger and we can get it quicker. She stated she has no problem making an offer, but due to the Sally Lawing letter, we need to look at the 220 site.

Wray advised making an offer on the Friddle property, and if it falls through, then to look at the 220 site, stating he would take the time to work with the DOT to make it safe. He said he wouldn't be able to go home and sleep at night if we did not try for the Friddle property, and someone ended up getting killed (due to traffic) at the 220 site. He said there is no way to please everybody, but we have to do the right thing for the Town, so we should make an offer on the Friddle property first.

Brown stated intensity of use or spill over use was his main reason for switching, that the Parks & Rec committee voted to recommend the 220 site, and safety is addressed as important.

Brandt said he had not heard back from DOT, but the main concern is if Right of Way is available, there is the possibility of funds available for the purchase of Right of Way and possible access from property owners. He further stated the Friddle property appears to be less expensive and good, clean land, but the challenge is that it is within an existing community. The Marshall property is not within an existing community and the traffic issue seems solvable.

Wray stated sound barriers could be added as the crowd grows. He said his only concern with the Friddle property is that Oak Street is not suitable for a high volume of traffic and should only be open to emergency vehicles. He further stated if the SRA is to maintain the fields they must use their own equipment and it would be difficult to transport.

Strickland responded it had not been decided that the SRA will maintain the fields.

Strickland requested the Sally Lawing letter to be made an official attachment to these minutes as attachment 1. (See attachment 1 for Sally Lawing letter)

Wray made a motion to authorize Brandt to enter into negotiations on the Friddle property. The motion was seconded by Collins.

Strickland stated she is opposed to wasting anymore taxpayer money or time on this property. Wray stated it would cost more to prepare the 220 site.

Brown called for a vote on the motion. Wray and Collins voted in favor and Barnes and Strickland were opposed. Brown then voted in opposition. *Motion fails.*

Barnes made a motion to look at the 220 site, for further access, to authorize Brandt to enter into negotiations, and to continue working with DOT on traffic concerns. The motion was seconded by Strickland with the condition that the money is for fields only, and the land will not be used for well and septic for the town core.

Brown asked Moore if this was ok legally, as council had been told on a prior occasion that all possible uses for a property must be listed. Moore asked Strickland if it was intended as a friendly amendment and Strickland replied yes.

Williams stated we never know what is going to happen in the future, that a water tower could be a possibility, and he does not want to tie his hands.

Barnes stated she would prefer to withdraw her motion because she felt it was not a second, but a substitute motion.

Strickland asked Moore about the legality of buying a property for one purpose but then using it for another. Moore stated council can vote to change the usage. Brown asked if incorrect information was given previously. Moore replied that to her knowledge, once a government or entity acquires a property there can be alternate decisions made on the use of that property. Strickland withdrew her conditional second but stated, for the official record, she hoped this property will not be used for well and a septic field for the Town Core area as she felt this issue may arise in the future, and seconded Barnes motion.

Brown called for a vote on the motion. Barnes and Strickland voted in favor, with Wray and Collins opposed. Brown voted in favor so the motion passed.

PRESENTATION OF BUDGET TO TOWN COUNCIL

Brandt stated the budget process started with meetings, and committee reviews and requests. He then went over the budget, including revenue and expenditures. Revenue – Property tax is recommended to remain at .039; beer & wine is expected to stay flat; utilities are 4% more than last year; there is a downturn in the investment market; fewer planning fees are being collected; donations are steady; there is a significant fund balance; total revenue is \$2,972,289.00.

Expenditures – There are many committee requests (detailed in the budget); requested raise for mayor/council pay from \$200/\$150 per month to \$250/\$200; more money is requested for volunteer appreciation; Parks & Rec is the largest budget category, comprising about 2/3 of the total budget. Summary – total budget \$2,972,289.00; over 2 million for capital projects; largest budget yet; still leaves about 6.5 million in the fund balance. The town is in a good financial position to fund projects with no future foreseeable tax increase. Brown thanked Brandt for his presentation. Copies of the budget are available at Town Hall.

Brown asked council if they wanted to hold an additional meeting for questions relating to the budget prior to the scheduled public hearing on June 12, 2007. Wray stated two weeks was enough time to go over the budget. Barnes suggested holding a meeting after the public hearing. Strickland stated a meeting should be scheduled before adopting the budget, but after the public hearing. Luther suggested holding on the 12th, following the public hearing. Strickland agreed, stating it would make the process more open. Barnes stated she thought it would be discussed after the public hearing. Brandt stated council had until June 30, 2007 to adopt the budget.

APPOINTMENT OF COMPREHENSIVE PLAN STEERING COMMITTEE

Brown stated there were 23 applicants prior to this meeting, with an additional 4 applications received on this date, for a total of 27 applicants. He asked council if they would like to finalize the criteria tonight, as the kick off meeting is scheduled for June 13, 2007.

Barnes stated she was under the impression the applicants would be appointed during the June 12, 2007 meeting and asked Brandt if there were any guidelines. Brandt responded that no guidelines had been set yet.

Barnes said there needed to be a balance on the committee between those who were long time residents and newer residents, that appointment should be based on the applicant's qualifications, and the make-up should include applicants with well rounded, varied interests.

Brown stated there is one applicant who is neither a resident nor property owner in Summerfield and asked if that person should be omitted. Collins suggested choosing those that qualified from a hat. Barnes suggested selecting alternates as well. Collins stated the newer community members should have the same chance of being selected as the more established residents.

Strickland asked if the application period was closed. Brandt replied it is council's decision. Brown stated he thought it should be closed. Williams suggested leaving it open until the June 12, 2007 meeting. Brown recommended naming a chairman now, but not the voting members. Strickland said the application period should be closed because time would be needed by council to review the applications.

Brown spoke of the presentation from the NCLM during which it was stated that choosing a former governor or someone of that nature was a good choice for a committee chair, and that he and Barnes had someone in mind, they were waiting to find out if he was interested in serving. Strickland asked if there had been discussion outside of meetings about who should be appointed chair. Barnes replied it had been discussed during one of the planning meetings and that she and Brown heard a presentation about this issue during a meeting they attended. She said the chair is a very important position. Strickland said it would have been nice if that had been relayed to the rest of council prior to the meeting tonight, that she is concerned with the process. Barnes stated they are waiting to find out if the person was interested or available to serve.

Strickland asked why the chair had no vote if the other committee members had a vote. Brown replied no rules had been set yet. Strickland suggested selecting co-chairs from the applicants. Barnes agreed, and added the need for guidelines. Brown asked if council wished to select 20 members and 7 alternates now, or if there was a need for alternates at all. Brandt recommended ex-officio members over alternates, and selecting members that vary in age, length of residency, employment backgrounds, geographic location, and gender. Strickland asked if the committee should include no more than 20 members. Brandt replied affirmatively. Strickland suggested that each council member select 3 members. Barnes added the selection of ex-officio members. Collins recommended each council member selecting 4 members, stating there will probably be some duplication in the selections, and Brown could fill the remaining spots. Strickland said that sounded fair. Barnes asked if ex-officio members should be selected now, and Brandt suggested selecting them from those not chosen as committee members. Dana Luther recommended having each council member rank the applicants from 1 to 27, with 1 being their top selection, then sorting in excel to select the members. Williams and Collins both liked this idea. Barnes asked if

the applicants would be appointed during the June 12 meeting, and stated all applicants should be asked to attend the June 13 Comprehensive Plan Steering Committee kick off meeting.

Dwayne Crawford spoke from the floor, asking council if they planned to talk with applicants prior to appointment, as many were unknown to council. Brown replied it would be difficult due to the time crunch. Barnes said council with questions could call those applicants. Brandt suggested a letter to each applicant asking them to attend the June 13 meeting and stating they may be contacted for more information or to answer questions. Gail Dunham spoke from the floor, stating there may a conflict of interest with some applicants. Williams asked what was considered a conflict of interest. Dunham replied those who are builders and developers.

Brown asked Luther when the ranking lists should be turned in. Luther responded as soon as possible.

Brown read the grounds 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);

B) to establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public board in negotiation: 1) the price and other material terms of a contract; or proposed contract for the acquisition of real property by purchase, option, exchange, or lease.

Barnes made a motion at 8:28 pm to enter into closed session based on the above reasons. The motion was seconded by Collins and carried unanimously.

Barnes made a motion at 9:05 pm to return to open session. The motion was seconded by Collins and carried unanimously.

With no further business before the Town Council, a motion was made to adjourn by Barnes at 9:05 pm. The motion was seconded by Wray, and carried unanimously.



Mark E. Brown, Mayor



Valarie Halvorsen, Town Clerk

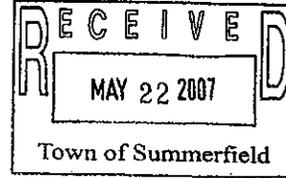
THE LAWING FIRM, P.A.

SALLY A. LAWING
3859 BATTLEGROUND AVENUE, SUITE 210
GREENSBORO, NORTH CAROLINA 27410
TELEPHONE: (336) 288-0808
FACSIMILE: (336) 288-0858
WRITERS EMAIL: sally@lawingfirm.com

May 21, 2007

Mr. Michael Brandt, Town Administrator
Post Office Box 970
Summerfield, North Carolina 27358

Mr. William Hill
Frazier, Franklin Hill & Fury, LLC
500 West Friendly Avenue, Suite 100
Greensboro, North Carolina 27401



RE: Ball Field Site Acquisition

Gentlemen:

It has come to my attention through several sources, including recent newspaper articles, that the Town of Summerfield is continuing to discuss the possible acquisition of land owned by 555 Management, Inc. (known as the "Friddle" property), for the purpose of constructing a large athletic complex with sites for multiple ball fields, parking for hundreds of cars, and lighting for night-time events. I discussed this proposition with Mr. Brandt late last year, so I know that everyone involved is aware that I hold a valid, recorded Right of First Refusal on that property. I thought Mr. Brandt was aware of my opposition to this plan, so I have been somewhat baffled by the renewed interest in this site.

I acquired the Right of First Refusal in 2002, in concert with my first purchase of a tract of land (approximately 16 acres) from Mr. Friddle's 555 Management, Inc. The Right of First Refusal affords me the opportunity to purchase any of the remaining 93 acres, should 555 Management, Inc., wish to accept a good faith offer to buy any of the remaining land.

In the fall of 2006, I purchased an additional 28 acres from 555 Management, Inc., pursuant to the Right of First Refusal. If the Town of Summerfield goes forward with an offer to purchase any of the land covered by the Right of First Refusal, it would be my intention to do the same and again exercise my Right of First Refusal.

Mr. Michael Brandt, Town Administrator
Mr. William Hill
May 21, 2007
Page 2

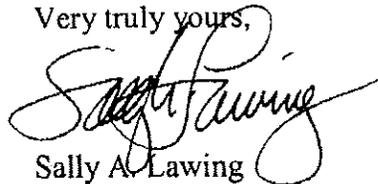
I do not wish to have the park on this site because it will undoubtedly devalue my other acreage and impair my enjoyment of the land surrounding and adjoining my home. I am aware that other nearby landowners have also expressed objections to this site for similar reasons including noise, traffic and light pollution. I believe these are legitimate concerns that the Town should respect.

I have lived in my current home since 1992. While that may not qualify me as an "old-timer," that fact plus my acquisition of nearly 80 acres in Summerfield should entitle my opinion to some consideration.

I do not relish the prospect of being forced to buy this land, which is exactly what I feel I must do to protect my investment and quality of life, but I will do it if required to do so.

My purpose in sending this letter is not to be confrontational, but rather, to let you know where I stand. My hope is that the council will be less frustrated to know this now, rather than later, so that they can look elsewhere for a park site and not lose additional time in the process.

Very truly yours,

A handwritten signature in black ink, appearing to read "Sally A. Lawing". The signature is fluid and cursive, with a large loop at the end.

Sally A. Lawing

SAL:slr