

**MINUTES OF THE
SUMMERFIELD TOWN COUNCIL
SUMMERFIELD COMMUNITY CENTER
July 5, 2005
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 by Dena Barnes at 6:32.

The invocation was led by Linda Southard and Council led the Pledge of Allegiance

INTRODUCTIONS:

Dena Barnes, Mayor
Bob Williams
Carolyn Collins
Jane Doggett
Mike Stewart

Michael Brandt, Town Administrator
Bill Trevorrow, Town Attorney
Dianne Laughlin, Town Clerk

Mark Brown had announced he would not be present tonight at the June 20th meeting.

CONSENT AGENDA:

- A. MEETING AGENDA**
- B. APPROVE MINUTES OF JUNE 7, 2005**
- C. FINANCIAL REPORT**
- D. FROG'S LEAP DAM REHAB AGREEMENT**
- E. RESOLUTION ADOPTING GUILFORD COUNTY HAZARD MITIGATION PLAN**
- F. ADOPTION OF RESOLUTION AND AGREEMENT IN NC INTERLOCAL RISK MANAGEMENT AGENCY (Worker's Compensation insurance program administered by the NCLM)**

Town Attorney Bill Trevorrow asked to add an Ordinance to Amend the Summerfield Town Charter for pre-clearance to the Justice Department to: Other Business. He asked it not be placed in the Consent Agenda so there would be a recordable vote. Brandt asked to add the unsealing of Closed Session Minutes to the Consent Agenda and to move Frog's Leap Dam Rehab Agreement to Business from Town Administrator.

A motion was made by Carolyn Collins to approve the consent agenda with the following changes: **Move Frog's Leap Dam Rehab Agreement to Business from Town Administrator; add the Unsealing of Closed Session Minutes; and add Ordinance to Amend the Summerifeld Town Charter to Other Business.** The motion was seconded by Jane Doggett and carried unanimously.

ANNOUNCEMENTS: There were no announcements.

COMMITTEE REPORTS:

A. Community Relations: Laughlin reported the Committee will not meet again until September.

B. Conservation: Doggett suggested this committee be put on hiatus until further notice.

C. Finance: Ronnie Stafford reported the Committee met on June 13, discussing choices for Town Auditor and Finance Officer. They recommended Rouse, Rouse, Penn and Rouse as Auditors and Kathryn Johnson as Finance Officer, pending a background check by Town Attorney Bill Trevorrow. Their next meeting will be August 22nd.

D. Historical: Linda Southard reported they have received a certificate stating the Town Historic District has been added to the National Register of Historic Places and they plan to frame it and present it to the Town. There will be no meeting in July.

E. Parks & Rec: Sue Beeson reported they are looking forward to construction beginning soon.

F. Public Safety: No Meeting

G. Thoroughfare: Brandt reported NCDOT will hold a public meeting to discuss the widening of Hwy. 220 from Horse Pen Creek Road to Winfree Road on July 26 at the Center for Creative Leadership. He reported there will be an informal drop-in session from 4:30 to 7:00 pm, with a formal hearing beginning at 7 pm. He also reported DOT plans to replace the bridge on Lewiston Road in April 2006 which will close the bridge for about 90 days until construction is complete.

H. Town Core: This committee is on hiatus until the fall.

I. Water Resource: Robert Gordon reported their next meeting will be on July 21, 9:00 am at Town Hall. They plan to hold another public hearing in August concerning water options for the Town.

BUSINESS FROM TOWN PLANNER: There was no business from the Town Planner, so he was excused from tonight's meeting.

BUSINESS FROM TOWN ADMINISTRATOR:

ABC Board:

Brandt reported that the Town needs to make a decision on setting up an ABC Board due to referenda passage by the voters on May 17. He stated they could do nothing or they could join with another board like the Town of Oak Ridge did. He reported he has had discussions with both Forsyth and Greensboro ABC Board members and both are willing to make presentations on their services. He reported that Greensboro ABC didn't offer Oak Ridge a seat on the Board, but they may be willing to offer one to Summerfield. Brandt stated that Rockingham County has an ABC board, but he has not spoken to them and doesn't know if they would be interested in joining with the Town. Brandt reported that Forsyth ABC generally builds a free standing facility while Greensboro ABC usually rents space, usually in a shopping center.

There was discussion about limitations as to places an ABC store could go, with Hwy. 220 being the natural choice, but the ABC boards might like to look at locations when would not compete with an existing location. Brandt reported he would try to get interested parties to make presentations at the August Council meeting.

Frogs Leap Dam Rehab Agreement:

Councilman Michael Stewart asked Council if he could be excused from this portion of the meeting since he recently sold property to the developer of Frog's Leap.

A motion was made by Jane Doggett to excuse Michael Stewart from this portion of the meeting as per his request. The motion was seconded by Carolyn Collins and carried unanimously.

Brandt reported this matter has been ongoing for fifteen months, with the council already extending the developer's deadline to July 15th. He reported the Corp of Engineers has taken an inordinate amount of time to approve the work and he recommended Council approve an additional thirty days until August 15 to allow this work to be completed. Brandt reported that work is presently being done at the site and the lake has been drawn down so repairs could be done on the dam, with neighbors keeping an eye on the situation. He stated no Certificates of Occupancy would be issued on Phase II of the project until the work is completed. Brandt stated the town could draw down on a letter of credit held by the Town to do the work, but he thought the work would be finished by the end of July.

Ken Johnson, developer, stated he agreed to the terms laid out by Brandt, and would answer any questions.

After some discussion, a motion was made by Jane Doggett to extend the agreement until August 15th. The motion was seconded by Bob Williams and carried unanimously.

Town Hall Renovations:

Brandt spoke to partitions in the upstairs meeting room at Town Hall to provide two closed offices, a conference room and an open area for the Planning Dept. and he hopes the project will be completed by the end of July. The computer person will be out of town for two weeks and this will slow progress a little.

Auditors:

Brandt reported that the contract with auditors Rouse, Rouse, Penn and Rouse has been reviewed by Bill Trevorrow and is presently being review by Sam Anders, the Town's former Finance Officer. According to Mr. Trevorrow a clause about timeliness may be added and the contract should be ready to sign in August.

Finance Officer:

Brandt reported that the Finance Committee recommended Kathryn Johnston, who passed her background check with flying colors. The last negotiations with her were to establish a fee of \$45.00 for the first 20 hours each month, and it would drop to \$40.00 per hour all over twenty hours. Brandt reported this is a little higher than what Sam Anders charged, but Sam's is a blended rate including his staff. Brandt told council he needs their permission to proceed with these negotiations. When questioned, Brandt stated he expected the hours to be 20 hours per month except during the audit and budget seasons. There was discussion that she was relocating

to the area and could start anytime and Brandt read a glowing reference from David Fleming who was the investigator in her background check.

After some discussion, a motion was by Jane Doggett to proceed with negotiations with Kathryn Johnston. The motion was seconded by Bob Williams and carried unanimously.

Brandt closed his remarks by asking Council to consider some off-site storage for town records in case of fire. He reported the official minutes (tapes and cd's) are currently stored in the old safe that was donated to the town. It was reported a fire proof file cabinet would cost around \$1100 but would not be big enough for all the records presently stored.

CLOSED SESSION:

CONSIDER THE QUALIFICATIONS, COMPETENCE, PREFORMANCE, 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). (Robin Smith. Assistant Planner/Enforcement Officer)

A motion was made by Carolyn Collins at 6:58 pm to recess to Closed Session as provided under NCGS 143-318.11(A)(6). The motion was seconded by Jane Doggett and carried unanimously.

Council reconvened at 7:19 pm.

Barnes reported they had evaluated Robin Smith.

A motion was made by Jane Doggett to remove Robin Smith from probation to permanent status and to give her a 3 percent raise, with yearly reviews given each July. The motion was seconded by Carolyn Collins and passed unanimously.

BUSINESS FROM COUNCIL

A. Consider appointments to Committees and Zoning Board:

There was discussion about applications received for the Zoning Board, Finance Committee, and Public Safety Committee. Barnes reported that usually the Council appoints an interview committee which includes the committee chair, a Council representative and sometimes members of the respective Committee. The Town Clerk is to try to set up the interviews before the next Council meeting.

BUSINESS FROM MAYOR:

Barnes reported that the County Commissioners had recently voted to close the Northwest Planning Office in Oak Ridge and she stated TREBIC and the Greater Greensboro Builders Association are asking the decision be reversed. There was discussion that this will place an inconvenience on residents, who wish to do something simple, as adding a deck, as well as developers. Fax sheets will be available at Town Hall if anyone would like to comment on this issue and send it to the Commissioners before their July 7th meeting.

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

Rich Schlobohm spoke concerning two five-acre parcels of property near the corner of Lake

Brandt Road and Highway 150, with signs saying they are for sale for commercial uses. He stated he is reporting to Council, in advance, that he and his neighbors are opposed to additional property in that area being zoned commercial. He stated a letter and petition are forthcoming.

Becky Strickland spoke concerning comments which were made at the June 7th meeting about “Conditional Re-Zoning” and she had “Demand for Refund of Illegal Tax Levy” forms from Robin Templeman and Melanie Harless to present to the Clerk.

There was discussion from the floor concerning previously-rezoned property on Highway 150 and requirements for buildings to blend in with the style of other in the area.

Brand reported the Summerfield Village, the Bank of Oak Ridge and all properties along Highway 220, Highway 150 and Summerifeld Road must meet specific criteria.

OTHER BUSINESS (if any)

Bill Trevor spoke to the Ordinance of Pre-Clearance for the Justice Department which he had asked be added to the agenda. He explained this is a requirement as per Sect 5 of the Voting Rights Act. He reported a conversation in which George Gilbert had suggested at least 90 days be allowed for this process.

After some discussion, a motion was made by Jane Doggett to adopt the Ordinance to Amend the Summerfield Town Charter After a Special Election On May 17, 2005 to Require the Town of Summerfield Hold Mayoral Elections Every Two Years Allowing Voters to Elect the Town Mayor and to Change the Right of the Mayor to Vote only to Break a Tie Vote. The motion was seconded by Carolyn Collins and passed unanimously. Said Ordinance is hereby incorporated by reference and made apart of these minutes:

**ORDINANCE TO AMEND THE SUMMERFIELD TOWN CHARTER
AFTER A SPECIAL ELECTION ON MAY 17, 2005
TO REQUIRE THE TOWN OF SUMMERFIELD HOLD MAYORAL ELECTIONS
EVERY TWO YEARS ALLOWING VOTERS TO ELECT THE TOWN MAYOR AND
TO CHANGE THE RIGHT OF THE MAYOR TO VOTE ONLY TO BREAK A TIE**

VOTE

WHEREAS, pursuant to North Carolina General Statute'160-A-104, town citizens initiated a referendum on proposed charter amendment to require the election of a mayor every two years and to change the right of the Mayor once elected and qualified to vote only to break a tie vote; and

WHEREAS, pursuant to North Carolina General Statute 160A-104, Guilford County Board of Elections found and certified 1,000 names of qualified registered voters affixed to the initiative petition for a charter amendment which exceeds the required ten percent of the number of registered voters in the Town of Summerfield now certified by the State Board of Elections as 5815 registered voters; and

WHEREAS, the valid initiative petition was received by the Summerfield Town Council; and

WHEREAS, pursuant to North Carolina General Statute 160A-104, Town Council, upon receipt of the valid initiative petition was required to call a special election on the question of adopting the charter amendments proposed by the initiative petition; and

WHEREAS, such special election was held by the Guilford County Board of Elections on May 17, 2005, at which time a majority of the votes cast in the special election were in favor of the proposed initiative Petition changes.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL FOR THE TOWN OF SUMMERFIELD that pursuant to North Carolina General Statute § 160A-104, the Charter for the Town of Summerfield be amended by this Ordinance to require the Town of Summerfield to elect the Town Mayor by holding mayoral elections every two years and to change the right of the Mayor to vote only to break a tie vote.

BE IT FURTHER ORDAINED that pursuant to the vote in favor of the proposed Town Charter changes the Summerfield voters shall elect the Town Mayor by making one of the existing six council member seats the mayor seat; (a) at the next regular election in 2005, one mayor and two council members shall be elected. The person receiving the highest number of votes for the mayor seat will be elected mayor for a two year term. The two persons receiving the highest number of votes for the council member seats shall each be elected to Town Council for a four-year term; after election to office, the Mayor will not have the right to vote on any matter before the Council except to break a tie vote.

BE IT FURTHER ORDAINED that a copy of this Ordinance be filed with the North Carolina Secretary of State, and the Legislative Library.

Adopted this 5th day of July, 2005.

Town Clerk Dianne Laughlin reported a member of the Summerfield Youth Council was present and had asked to be included in the Committee Reports in the future to report on the group's projects and activities. By warm consensus, Council approved the idea.

In reference to earlier remarks by Becky Strickland, Carolyn Collins stated she had neither motioned nor seconded the approval of Re-Zoning at Lake Brandt Road and Hwy. 150. She stated that she had voted in favor and made the statement it was a good plan but she also realized the site plan was not a condition of the rezoning and she said the plan met our goals.

With no further business before the Town Council, a motion was made at 7:45 pm by Jane Doggett to adjourn. The motion was seconded by Carolyn Collins and passed unanimously.

Dena Barnes, Mayor

Dianne Laughlin, Town Clerk