

**MINUTES OF THE
SUMMERFIELD TOWN COUNCIL
SUMMERFIELD COMMUNITY CENTER
JANUARY 4, 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 at 6:30 PM by Mayor Dena Barnes.
The invocation was led by Linda Southard and the Pledge of Allegiance was led by Council.

INTRODUCTIONS:

Dena Barnes	Bill Trevorrow, Town Attorney
Bob Williams	Michael Brandt, Town Administrator
Michael Stewart	Bill Bruce, Town Planner
Mark Brown	Dianne Laughlin, Town Clerk
Jane Doggett	

Carolyn Collins was absent because of illness.

CONSENT AGENDA:

A motion was made by Jane Doggett to approve the Consent Agenda, which included the approval of the minutes of December 7 and 20, 2004; the monthly financial report; adoption of Multi-Jurisdictional Hazard mitigation plan; Resolution for Cross Hook Court to be added to the DOT State Maintenance System, with the following corrections; Item F should be deleted, it doesn't need to be acted upon this month, and change the verbiage in the Public Hearing portion (Item A) to read: Adoption of a Cable Regulatory Ordinance for the Town of Summerfield. The motion was seconded by Bob Williams and passed unanimously.

ANNOUNCEMENTS:

Sgt. Inman reported that a suspect has been named and charged in recent residential burglaries and that a suspect has been arrested and is in custody for the robbery of the Bank of Oak Ridge in Summerfield. She warned residents to be leery of Tsunami donation request scams. She recommended personally picking an agency and calling them with information. Councilman Williams thanked Sgt. Inman for delivering packages from some citizens to a needy family in Summerfield.

Mayor Barnes read a letter from Councilperson Collins, who was not present due to her husband's recent surgery. The letter spoke to concerns about a recent mailing from "Concerned Citizens" and Collins stated she was shocked by the content of the letter, which she felt misrepresented the facts concerning a mayoral election, property taxes and the municipal building. She also stated the Council did not deserve or accept the attacks on their motives or integrity.

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

Ginny Lockhardt presented Mayor Barnes with 1000 petitions and certification from the Board of Elections. She requested Council act on this tonight so that it could be placed on a March ballot with the ABC referendum.

Bill Trevorrow, Town Attorney, stated this would require a resolution and must be coordinated with George Gilbert with the Board of Elections and he would take care of it.

Dwayne Crawford reported that he had received 275 responses from the petition for redress of grievances. He read the petition that had been sent to registered voters and presented the responses to the Council.

Bill Trevorrow stated that Council should take this under advisement; Mr. Crawford has stated his expectations.

Mark Mortensen, SRA coach, reported that the scoreboard at Summerfield School was broken and he would like to see it repaired. He spoke to flags being flown at half-mast in honor of the tsunami victims. Mortensen stated that water was not urgency for the Town; that it would bring in unwanted development and we would become like Greensboro.

Michael Stewart stated that 1000 persons in Summerfield are currently using Aqua NC as their water provider. He reported that there are ten contaminated wells on Summerfield Road (a map is at the Town Hall with location of contaminated wells) and that connection to water lines would not be mandatory. Stewart stated that it was a good economic plan to use the current provider for the town.

Becky Strickland stated she agreed with the memo prepared by Bill Trevorrow, speaking to the redress of grievances which was mailed to residents and copies of which were made available at the Town Council meeting. She read from a prepared statement which spoke to concerns of the legality of the recently imposed property tax, the \$1.00 per year rental for the Sheriff's Substation and other concerns; stating in her opinion Council had overstepped its limits.

Trevorrow suggested that this statement be presented to Council due to the content of the statement, for their review.

Strickland completed reading her statement after some discussion about time limits for "Speakers from the Floor", and she gave copies of her statement to the Mayor and to Sandra Smith with the Northwest Observer. She stated that Council has 90 days to respond her accusations and that citizen have three years to file suit, in which illegal taxes" could be recouped along with six percent interest, plus costs.

Paul Milam, Khaki Place, stated that he had received a copy of the petition and was disturbed at the misrepresentation. Milam called it a disgrace for the Town of Summerfield and stated that it is based on misrepresentation. Milam commended Council on the long hours they serve without pay. Milam stated that he would give his card to the Summerfield Recreation Assoc. and would pay to fix the broken scoreboard if the school doesn't. Milam asked Council to look at changing the Ordinance so that developers would be able to build more affordable housing, and he agreed that a water system is needed.

Deloris Smith, Deboe Road, stated she approved of Crawford's petition. She reminded Council they had approved a septic field next to her house that she felt would contaminate her water. Smith reported that Earl Davis, Guilford County Erosion Control

Officer, had walked the area, but never got back in touch with her and she stated she is against getting water from anyone.

Stewart stated that the areas they referenced as contaminated were where old gas and oil stations used to be.

Brandt stated he would look into this matter for Ms. Smith. Paul Milam, developer, stated Brandt had contacted him and he had sent a seeder out and had tried to contact Ms. Smith on two occasions.

John Plybon asked if Council had considered his request for a Resolution stating they would not impose Amendment One on Summerfield residents and Bill Trevorrow repeated his statement that a resolution to oppose a constitutional revision would imply that the Town Council was proposing not to follow the law and that would not be proper. Barnes stated that a town is not mandated to use the Amendment but it is now available. Councilman Brown stated he voted against Amendment One, but a resolution would not prevent future Councils from using it.

Darryl Cosiach, resident, thanked citizens for caring about the Town. He stated he called Jane Doggett and Mr. Brown and their explanation makes sense, that the problem was with Guilford County taking the sales tax revenue. He stated a town should act like a town and that we need the Sheriff's presence. Cosiach stated it was a shame they sent this letter and he hoped other citizens will call the Council for the other side of the story.

Joe Shelton, resident, stated he didn't like the politics of this but that citizens are voicing an opinion. He stated he signed the petition to object to the property tax and a building that went from a cost of \$750,000 to a cost of \$1.4 million dollars.

Councilman Stewart replied that this building has been in the plans since 2001 and is not being paid for by property taxes. He reported that \$300,000 paid in the past to Guilford County for planning will come back into the town to help pay for the building. Mayor Barnes stated that the money to pay for the building is in savings that was received from sales tax. She reported sales tax was no longer available to municipalities, because the County Commissioners took that money from towns when the Governor Easley took it from the counties.

Shelton suggested that a vast number of people do not understand and that both sides should check their attitude at the door.

Robert Gordon, resident, stated that tax money is not being used to construct the Municipal Building. He reported that there has been talk about a building since 1999. He spoke to the open house at the Town Hall to discuss the building and only six people came.

Robert Flowers, resident, stated that four years ago the Council had reported their primary concern was water and if it was, why didn't they keep the minimum lots to five acres. He stated that Council thought residents were apathetic, but they actually felt alienated and he stated he would spend 10 times his property taxes on an attorney if necessary to stop Council's actions.

Betsy Ingram, resident, stated they moved to Summerfield 5 or 6 years ago and had a vision as a quiet growing community. She spoke to presenting Council with information that led to getting her road paved and how they cooperated with her. Ingram stated she

had spoken with a citizen who had signed the petition, who said they didn't really understand it but was in a hurry and signed it anyway. She asked citizens not to tear the town apart and that citizens should work for what is best for the town. Ingram stated the town has an attorney who gives legal advice and would tell Council if they are doing something wrong.

William Glaze, resident, stated that an excise tax was put on tires at the beginning of World War II and that although the war ended in 1945, the tax is still there. He stated the projected tax is reasonable and he asked Council to be careful.

COMMITTEE REPORTS:

A. Community Relations: Dianne Laughlin reported they will have their first meeting of the year on Thursday to begin work on Founders Day. She thanked SYC for giving \$200.00 to a needy family at Christmas.

B. Conservation: No Meeting.

C. Historical: Linda Southard reported they would meet on January 27th at Town Hall.

D. Parks & Rec: Sue Beeson reported that Phase I of the park is progressing and that Bob Williams and George Holub will meet with Guilford County to get permits, etc. She announced a Community Meeting to be held on Thursday, January 20th at the Town Hall from 6:30 PM to 9:00 PM, and the public is invited to attend this meeting to discuss Phase II of the park.

E. Public Safety: No Meeting.

F. Thoroughfare: No Meeting.

G. Town Core: Bill Bruce stated he would have more on this during Business from Town Planner.

H. Water Resource: Brandt reported that a draft agreement between the Town and Aqua NC has been received from their attorney and that it will be posted on the website for viewing. He stated their attorney drafted this and many changes will be made. Gordon asked if any citizens with comments to get them to the committee before their January 20th meeting.

PUBLIC HEARINGS:

A. ADOPTION OF A CABLE REGULATORY ORDINANCE FOR THE TOWN OF SUMMERFIELD (Second Reading)

Dave Harris, Piedmont Triad Council of Governments, in answer to various questions presented in the past, stated that the Town Council is not authorized and has no control to dictate cable service or cable prices; that is handled by the FCC and the Utilities Commission. He applauded Sen. John McCain's plans to look at rate regulations. He reported that if the Ordinance and Franchise agreement are approved, franchise fees would come to the Town of Summerfield instead of to Guilford County.

Crawford spoke to Voiceover IP not being available to 643 and 644 areas and asked Harris if he could do something about that. Harris stated that Town Council has no authority over phone and Internet services.

There were questions about how much money Summerfield would receive from this and Harris reported Time Warner would look at that and would not release that information until the franchise agreement is negotiated and approved and that there was no cost to the Town except for the \$500 annual fee that the Town pays PTCOG.

After some discussion, a motion was made to adopt the Cable Franchise Ordinance by Bob Williams. The motion was seconded by Jane Doggett and passed unanimously.

BUSINESS FROM TOWN PLANNER:

A. Consider adoption of Summerfield Development Fee Schedule.

Bill Bruce presented a new development fee schedule and asked Council to consider adopting the new schedule, stating that there was an increase from \$750 to \$850 for rezoning cases because there will be extra public sessions and extra mailings in the future so that citizens, the developer and property owners can meet with staff, see the plans and ask questions. The increase is to cover staff time and mailing expenses for this extra step. A decrease in planning fees for minor subdivision was also proposed.

Councilman Brown asked if we should start right out with an increase and Brandt explained this increase would include having the planner walk the site, which presently the County does not include. Brandt also suggested monitoring the fee for a few months and then adjusting it if needed.

After some discussion, a motion was made by Jane Doggett to adopt the fee schedule as presented and seconded by Michael Stewart. The motion carried unanimously.

B. Allow for Staff to approve development bulletins as they are created.

Bruce asked Council to consider allowing staff to approve development bulletins as they are created. He explained that a development bulletin is in language easier to understand than the Development Ordinance.

A motion was made by Jane Doggett to allow the Planning Department to be permitted to approve development bulletins as presented by the Town Planner. The motion was seconded by Mark Brown and passed unanimously.

Bruce stated he hoped to have copies available soon at Town Hall.

C. Review Summerfield Development Ordinance Article 3 (adoption in February)

Bruce stated he was not asking Council for approval tonight, but will ask for a vote in February. He discussed the changes, stating that the recommended changes were made bold in the copy.

There was discussion about who has rights to visit property and Brandt stated the Zoning Board has rights to visit the site and can ask the Enforcement Officer to enter the site if necessary. They spoke to increasing the turnaround time from 7 days to 6 weeks to insure all information and forms are complete before presenting them to the Zoning Board and Town Council. There was discussion about service hopefully being better from the Town Hall than it was through the County Planning Department.

It was stated that Patrick Downs' comments have been incorporated in this issue and Bill Trevorrow will review these recommended changes.

D. Discussion of proposed Town Core Ordinance Amendments (set future public meeting date, possible adoption in March).

January 24 and January 25 were decided as dates for public meetings at the Town Hall to allow citizens to comment on the recommended Ordinance and Town Core changes. Bruce suggested Council could attend as this was for educational and training. Bill Trevorrow agreed.

Doggett recommended a large, readable map with colors showing the districts and suggested a less formal, round table type meeting.

Plybon asked how the changes would be financed and Bruce stated there is no financial obligation, as the town is updating an existing Ordinance, as to density, setback, etc.

Bruce stated the current Ordinance will be in effect until this one is adopted.

BUSINESS FROM TOWN ADMINISTRATOR

A. Approval of contract between Ms. Jeanne Alala and Town of Summerfield for Contract Development Code Enforcement.

Brandt presented the contract, suggesting Council hold a special meeting or take a break and review the contract tonight.

Council decided to break at 9:00 PM to review the contract and reconvened at 9:10 PM.

Brandt presented Alala's qualifications, stating they were asking for a three month period to allow staff to train with an experience agent. He explained that Alala would receive 37cents per mile; \$15.00 per hour; working three hours per day twice a month, and \$15.00 per hour for training. He explained there would be a \$30.00 payment for complaint inspection and \$60.00 for that case if it is valid, for a total of \$90.00 for that case. A Notice of Violation would cost \$30.00 and if it goes to court it would be up to \$120.00 for that case; however he reported that previous experience shows that only one or two cases will get to that point. He reported we would receive a few cases pending from Guilford County. Brandt stated that the contract goes from month to month after the three month period, with a 30 day clause that either party can leave the contract.

Michael Stewart stated that drive-bys are critical for the Zoning Enforcement Officer and Brandt stated she would be picking up on obvious violations, with Staff reviewing and making the final decision. Stewart stated that Ms. Alala conducts herself well and he is pleased with her as the Town's Enforcement Officer.

After some discussion, a motion was made to approve the contract with Jeanne Alala by Michael Stewart. The motion was seconded by Bob Williams and passed unanimously.

B. Notification of contract not to exceed \$500.00 for Ms Cheryl Angel and Town of Summerfield to write 2005 PARTF Park Grant:

Brandt stated he was giving notification to Council of a contract with Ms. Angel not to exceed \$500 to write a 2005 PARTF Park Grant request, and the money would come from an unexpended amount left from the Parks and Rec groundbreaking.

C. Discussion of Resolution for Park:

Brandt stated the local Governing Board must approve the resolution certifying the grant request and also certifying that 50 percent matching funds will be available.

Crawford stated that the money was previously called “Free Money” but it isn’t free, but comes from deed transfer taxes. He also asked if the park funds come from reserves or money received from property taxes. Brandt stated he didn’t have the budget before him, but thinks the funds are from operation expenses out of the general fund.

There was discussion about 25 year maintenance expenses, and Brandt reported this would be true with any capital improvement.

After some discussion, a motion was made by Jane Doggett to certify the resolution and giving approval for Mayor Barnes to sign the resolution. The motion was seconded by Bob Williams and passed unanimously.

BUSINESS FROM COUNCIL:

Jane Doggett proposed making a \$1,000 donation to the Red Cross International Fund for tsunami victims. Bob Williams stated he supported the donation.

Bill Trevorrow stated that there could be an issue with Council donating money for charity, but felt since it was a nominal amount it would be acceptable.

Becky Strickland asked for legal citation for doing this, stating she isn’t opposed, but would like to know the statute.

Mark Brown suggested waiting to hear what scandals arise before making a donation.

After some discussion, a motion was made by Jane Doggett to donate \$1,000 to the Red Cross International Fund for tsunami victims once the legal authority has been satisfied. The motion was seconded by Bob Williams and carried 4 to 1. Brown opposed.

BUSINESS FROM MAYOR:

Mayor Barnes spoke to the communication issue that has been raised, stating that the citizens have been heard. She stated she appreciates being able to vote on the Council and that the petition only allows the Mayor to vote in case of a tie. She emphasized that she wants citizens to understand the issues regarding the Mayoral election. She acknowledged that Council always tries to do the right thing for the citizens of Summerfield.

With no further business before the Town Council, a motion was made by Jane Doggett at 9:23 PM to adjourn. The motion was seconded by Bob Williams and passed unanimously.

Dena Barnes, Mayor

Dianne Laughlin, Town Clerk