

**MINUTES OF THE  
SUMMERFIELD TOWN COUNCIL  
SPECIAL MEETING  
SUMMERFIELD TOWN HALL  
AUGUST 9, 2004  
6:30 PM**

**NOTE: The official minutes are a tape recording of the meeting. The following is a summary of the events of the meeting.**

The meeting was called the meeting to order at 6:35 pm by Mayor Dena Barnes.

**INTRODUCTIONS:**

Dena Barnes, Mayor	Bill Trevorrow, Town Attorney
Bob Williams	Michael Brandt, Town Administrator
Carolyn Collins	Susan Smith, Town Planner
Jane Doggett	Dianne Laughlin, Town Clerk
Mark Brown	
Michael Stewart	

Mark Kirschner, Guilford County Planning Department, was also present.

**DISCUSSION OF MITIGATION AND ISSUE OF PROPERTY VIOLATION AT  
STONEBRIDGE SUBDIVISION HIGHWAY 150:**

Dena Barnes read from the following statement: The Town of Summerfield has taken a leadership role in conservation since its incorporation. In fact, the citizens who first took the steps that led to incorporation of our town were fighting an environmental issue against having a rock quarry allowed in the center of our community. We have a history of trying to protect our natural resources including water quality not only for our town, but other neighboring towns, our county and our state.

We hoped that we had taken the necessary actions to make our concerns clear to the public about what we value in our town. When we face an issue like the one that comes before us tonight we are frustrated due to the lack of understanding that must have occurred.

While our Long Range Land Use Plan was in the beginning stages we attempted to work with developers and citizens alike to find middle ground that would be acceptable to everyone and still give the citizens their stated desires. Their wishes are in black and white – but are they being read? They certainly don't appear to have been understood.

Tonight we must try to see what can be done to remedy this situation. It cannot be fixed with an apology, however sincere it might be, but calls for action that will satisfy the citizens we represent, those living in the Town of Summerfield. At this time we will ask

staff to state the violation or violations that have occurred and begin to discuss our options.

Brandt stated that the developer has violated the area approved in the zoning and that last week Premier Communities, Bill Trevorrow, Town Attorney, Susan Smith, Town Planner, and himself met to discuss ways to correct this violation. He reported that re-forestation was submitted as a possible solution. He asked that the developer, the Council or a third party decide. He referred to his recommendations which were in the hands of the Council.

Jane Doggett asked, in reforestation, who would develop and oversee the plan and Brandt stated that the developer could chose who they wanted since they would be paying. Brandt reported that their engineer, Michael Westcott has done this sort of work and he discussed various possible “overseers” such as the Conservation Council or the Piedmont Land Conservancy, preferring not to use a HOA and a possible escrow account for the funding of this project.

Michael Stewart asked if the violation order would be rescinded and how many acres above the allowed had been disturbed.

Brant reported that .82 acres was in the Environmental Assessment and that an additional .35 acres had been disturbed.

Jane Doggett reported that citizens were present who would like to speak on the matter and Carolyn Collins stated that they had some useful information.

Bob Campbell, resident, referred Gary Bradley as a woody plant specialist who may be someone to whom the Council would like to talk.

Trudy Whitacre asked if the Town Administrator proposals were written and a break was taken at 6:40 pm to distribute various copies of this proposal for review.

The meeting reconvened at 6:55 pm at which time there was discussion about how to replant the areas disturbed.

**Proponents:** Michael Westcott, engineer for the developer, stated that the developer feels they are not in violation, but stated they will work with the town and the Town Council to remedy any problems. He stated that he would like to see a sub-committee formed to suggest resolutions.

Michael Stewart asked for clarification as to when the notice would be rescinded and what the violation is and Brandt replied it was a zoning limit violation and that .35 acres over the allowed area had been cleared and that the map from last weeks meeting is an unapproved preliminary map.

There was discussion about the violation being in the primary conservation area and how they could have avoided the violation.

Stewart asked if they had a grading permit and if so, how did they get it and Brandt replied that they did but that they have also violated the permit.

Mark Kirschner stated that the actual grading permit did conform to .82 acres and some of the activity was outside that. He suggested Council might want to look at this issue before this happens again. He reported that he can go out and grade a one acre lot without a permit and that the State has a lot to do with this. He stated that there should be better coordination between planned activities.

There was much discussion about how much land could be graded without a site plan and Kirschner stated that there was nothing in the Development Ordinance that would prohibit a grading permit.

Brandt stated that the site plan would be coming forward at the next Zoning Board meeting and Mike Westcott stated that Staff had led them to believe they could go ahead with their project, to which Mark Kirschner stated that there was an error in communication and that this is a chance for Town Council to look at this case, stating that Staff had indicated that Phase I and II could be approved.

There was discussion about the signing of the various site plans and Smith stated that Nancy Hess, chair of the Zoning Board, signed the Phase I site plan, but had not signed the Phase II site plan.

Dick Feulner, resident, stated that according to the Ordinance, once the property was rezoned, it could not be disturbed without some sort of permit.

Barnes suggested that those present look at the positive side of things. She stated that they could look at changing the Ordinance and improve service to the citizens and that what was done to this property was not what she would have chosen to do, but that she has no rights to tell anyone what to do with their land, noting that more was cleared than was liked or what was stated in the environmental analysis, and that there are options, including working with a sub-committee.

Stewart stated that they were talking about a .35 acre violation and that the developer had the understanding he could grade and Doggett replied that the developer was there when it was approved and knew how much land to grade.

Stewart replied that there was no statement as to the type of road to construct.

Mark Kirschner stated that the preliminary plat form is the place to decide that issue.

Doggett gave her view as to what she thought was going to be approved.

Bill Trevorrow stated that it would appear that the lack of coordination with any preliminary plan doesn't come into play if the County doesn't require one for grading, and that evidently even if there were one, it wouldn't have been looked at anyway.

Stewart stated that he would like it understood that the Town want grading permits being issued without approval stopped tonight and Kirschner stated he understood.

Westcott stated that the Preliminary Plan was issued and then changed to the Sketch Plan. He indicated on the map how the property was labeled and Barnes asked what benefit all this was to Summerfield. Westcott stated that the trailer and buildings would be gone and that that area would become a park area.

There was discussion about who this area would serve; Stonebridge or Summerfield and Doggett stated that the primary conservation has a specific definition and this is not it.

Stewart stated that he preferred not to have a sub-committee; that Town Council will handle this and other Council members agreed.

Trudy Whitacre, resident, stated that there are greater issues of ethics and appearance. She referred to the reforestation plan and stated that when she walked the property, stakes were out and now everything has moved. She reported that the developer gave the Zoning Board the appearance that they would go by the Ordinance, but that this developer has been flagrant and doesn't have a good track record. She referenced the trail at Lake Brandt that wasn't finished and stated that other developers do not need to see him getting a slap on the hands and thinking that the Ordinance means nothing. She asked the Council to take seriously the ethics and overall trust that is involved and that this should cost the developer. She proposed that there should be mitigation from Summerfield and up to the County part, also. She asked for best management for trees to be replanted and stated that this developer should be watched carefully in that they have lost a lot of trust and that their intent is to preserve Summerfield's beauty and wild life.

Anna Voytek, resident, stated that there seems to be more than one set of rules and that Guilford County doesn't care about the Summerfield Zoning Ordinance. She agreed with Council members that this decision shouldn't be put off to a sub-committee. She stated she thought we should be more pro-active.

Dick Feulner suggested a bond be set for ten years to assure that what is wanted for Summerfield is completed.

Rich Taylor, 6092 Pleasant Field Road, developer, took exception to Whitacre's remarks and stated that some people didn't want to see this development happen, but that they have acted appropriately and hope to find a common ground to improve the problem.

Barnes stated that they thought they had made clear what was wanted, that we have people who are strong and compassionate about conservation. She emphasized that two

secondary areas don't equal a primary. She stated that Council realizes it not for them to tell developers what to do outside their (Council's) limits. She referenced an email from the Town Administrator suggesting what he thought were good alternatives.

A recess was taken at 7:55 pm for discussion concerning a solution that everyone could agree upon, and the meeting reconvened at 8:15 pm.

Barnes stated they had looked at the Administrator's suggestions and they like idea #3, which states: The developer removes all existing developed areas from this portion of the tract, mobile home, dog pen and existing garage, and existing gravel driveway (this was stated by the developer during the Zoning Board Hearing). She stated that originally the shed would remain, but now they want it gone.

Steve Stalker, developer, asked if they could leave the roadway until Council see the plan for common area and Barnes stated that the gravel road had to go away.

Stewart stated he had heard common area and gazebo and asked how the trail system would attach to that and Westcott replied that had not been decided yet, but they will work with the committee on this.

Collins stated that idea #5 was good and Williams stated that #5 was the way it should be. Collins stated she wants the trees replaced that are gone. She stated she wants a scenic corridor with the trees replaced.

Barnes reported that the Ordinance stated there will be a vista view for residents to see as they ride by.

There was discussion about the DOT sight requirements.

Stewart suggested they look at the number of trees lost and just what the violation is and Westcott stated that a tree count would be easy to determine by counting stumps.

There was discussion about how to replace the trees and Randleman Dam reforestation.

Barnes stated that they had come together for the good of the Town of Summerfield and that the developer wants what's good for his subdivision.

Bill Trevorrow stated that it seems the process had come to a point where they seem to be going down the same path and that Council has stated what it wants and the developer is willing to cooperate. He suggested Brandt work between the Council and the developer to get what is workable, acceptable and set period of time for all this to come together.

Brandt stated that he needed direction from the Council on how to proceed.

Westcott stated that if he made the roadway smaller, there would be safety issues and he would be the one to be sued if someone were to get hurt. He referenced retaining walls,

guardrails and fences being traffic nuisances and attractive to kids. He stated that most developers use the 3 to 1 slope. He explained how the terrain and radius of roads determine slopes. He stated that 2 to 1 is more difficult to stabilize.

There was further discussion about the size of culverts, maintenance, erosion, and engineer issues with the different slopes and Doggett stated she would back off on the road issue because they didn't want to be the cause of a child being hurt or injured and that she would go along with the others on #5, with the rest in open space; no amenities, just a trail.

There was discussion about the time period, guidelines, and definable goals to which the Town Administration could present to the developer.

Brandt stated that the preliminary plat must go back to the Zoning Board and then back to the Town Council and that the Zoning Board can give process of approval for the plan to be worked out between Town Council and the developer. He stated that the developer could continue to work until the plan is worked out for no more than 30 days and that the preliminary plat would eventually be revoked.

Taylor stated that they feel the plat has been approved and that they didn't need a month to come back, all they need is two weeks and Brandt replied that they don't have plat approval. It was a mistake by the Planning Staff. Stalker stated he didn't find out about any of this until Friday and Brandt replied that is when he was told.

Stewart stated that they need to look and see if it agrees with the Ordinance, that the developer and the County had made mistakes, and that the developer is showing paperwork that they thought they were legal to move forward.

Trevorrow stated that is the developer only needs two weeks, then the Zoning Board is not the answer, that it's Councils decision since the Ordinance had been side-stepped several times.

Brandt suggested they call a Special Joint Meeting of the Town Council and the Zoning Board to hear together the same evidence. Hess stated that if the resolution can't be met by August 17<sup>th</sup>, they would be glad to meet at a special session.

Brandt asked Council to put into writing just what they want and to consider the issue of rescinding the notice of violation tonight and Barnes stated that both sides need be crystal clear on what they expect.

A motion was made by Bob Williams to repeal the notice of violation and seconded by Mark Brown. The motion carried unanimously.

Mark Kirschner apologized for miscommunication and stated that Staff did not have the authority to approve the plat. He stated Staff hears Councils desire for them to change

their process internally and he stated that they will make every effort to coordinate with the Town Ordinance.

Amiel Rasabi, attorney for the developer, stated that for the record, that they have a difference of opinion on the approval of the plat.

Barnes stated that they thought they had an agreement.

With no further business before the Council, a motion was made by Michael Stewart at 9:23 pm to adjourn. The motion was seconded by Bob Williams and carried unanimously.

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Dena Barnes, Mayor

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Dianne Laughlin, Town Clerk