

**MINUTES OF THE
SUMMERFIELD TOWN COUNCIL
SUMMERFIELD COMMUNITY CENTER
April 4, 2006
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 6:35 pm by Mayor Mark Brown.

Linda Southard led the invocation, followed by the Pledge of Allegiance, led by Town Council.

INTRODUCTIONS:

Mark Brown, Mayor
Dena Barnes, Pro Tem
Carolyn Collins
Bob Williams
Dwayne Crawford
Becky Strickland

Michael Brandt, Town Administrator
Robin Smith, Town Planner
Dianne Laughlin, Town Clerk
William Hill, Town Attorney
Dana Luther, Finance Officer

CONSENT AGENDA:

A motion was made by Dwayne Crawford and seconded by Dena Barnes to approve the Consent Agenda as corrected and amended; which included the minutes of Feb. 11 (holding the minutes from March 7th until the May 2nd meeting), the monthly financial report. The motion carried unanimously. Line Item Budget Adjustments are as follows:

Town Council Budget Amendment #6:

1) Adjust amounts between line items as follows:

7011201: Community Services-Public Safety Committee-Public Safety Operating Expenses-Community Project increase \$0.00 to \$1,800.00

3010202: Administration-Operating Expenses-Copier Lease increase \$2,400.00 to \$3,900.00

4012301: Legal-Legal Services-Contract Legal Services decrease \$57,000.00 to \$53,700.00

***NO NET INCREASE IN TOTAL FUNDS**

Town Council Budget Amendment #7:

1) Adjust amounts between line items as follows:

6011401: Community Resources-Parks & Rec Committee-P&R Capital Outlay-SC Park Phase 1 increase \$550,000.00 to \$575,000.00

8013402: Community Planning-Thoroughfare Committee-Thoroughfare Comm Capital Outlay-Road Paving Millbrook decrease \$143,000.00 to \$71,500.00

1010701: Transfer from Fund Balance-Transfer from Fund Balance decrease \$180,452.95 to \$133,952.95

The vote during the September 6, 2005 council meeting provided for an additional \$25,000.00 for capital outlay on the SC Park Phase I. The agreement with the NCDOT to pay half of the costs of paving Millbrook Road resulted in a savings to the Town of \$71,500.00. As a result, the corresponding net amount will be a decrease of \$46,500.00 in the amount needed to be transferred from fund balance to cover current budget year expenditures.

Finance Officer Budget Amendment #3:

As provided in the approved 2005-06 Budget Ordinance, the Finance Officer has the authority to transfer money between line-item accounts in order to balance the line-item budget. The following actions were taken on March 24, 2006:

1) 8010000 Community Planning-Zoning Board-Zoning Board Services 8011300

8011304: Planning Advisory Service increase \$600.00 to \$700.00

8011302: Per Diem and Travel decrease \$1,500.00 to \$1,400.00

2) 2010000 Governing Body Expenses-Services 2010300

2010303: Volunteer Appreciation increase \$800.00 to \$1,200.00

2010301: Education decrease \$4,000.00 to \$3,600.00

NO NET INCREASE IN FUNDS; ALL FUNDS REMAIN WITHIN “ZONING BOARD SERVICES” AND “GOVERNING BODY SERVICES” FUNCTIONAL AREAS

Strickland requested the Financial Report include an up-to-date account in the future, which, after exchange with the Finance Office, was determined to be the check register detail.

ANNOUNCEMENTS:

Mayor Brown congratulated Town Administrator Michael Brandt for his graduation from the 52nd Annual Administrator’s Course.

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

There were no speakers from the floor.

COMMITTEE REPORTS:

A. Community Relations: Laughlin reported they are still working on Founders Day to be held May 20. It was reported there are 155 entries signed up for the parade so far.

B. Finance: No meeting

C. Historical: Linda Southard reported they are ordering 17 cast iron plaques for the Historic District Housed; costing approximately \$2400.00. They are also looking at banners to define the Historic District.

D. Parks & Rec: George Holub reported the next meeting would be on April 20; at which they will take up the budget for Phase II of the park, along with park rules and regulations. He reported the playground equipment is here and on Apr. 28, 29 and 30th volunteers will meet to put it together; that a new sign would go up on the Community Center on Wednesday, identifying the building and address. Holub reported that the County EMS Dive Team would do a practice dive into the lake on Wednesday at 7 PM at no liability to the town.

E. Public Safety: No report

F. SYC: The Youth Council raised over \$1000.00 for St. Jude’s Hospital and plan to have a cookbook ready for sale at Founders Day.

G. Town Core: Carrie Spencer reported they would have some business later on in the meeting tonight.

H. Thoroughfare: Gordon reported a meeting on April 26th at 1:45 pm.

CONSIDER RESOLUTION TO APPROVE GUILFORD COUNTY SOLID WASTE MANAGEMENT PLAN UPDATE 2006 (Presentation by Susan Heim)

Susan Heim, Guilford County's Environmental Services Coordinator presented the plan, reporting that the state mandates each municipality have a solid waste plan and update it every three years; this was first done in 2000, 2003 and now in 2006. She reported that the White Street landfill will stop accepting waste at the beginning of the fiscal year and that there will be a landfill on Burnt Poplar Road. There will also be one on Bishop Road operated by Republic Waste. She stated there are no viable sites in Guilford County to start a new landfill, and that other options are being explored.

Crawford asked about incineration and Heim reported it would be about 6 or 8 times more expensive than a landfill. Crawford also suggested the "Pay as You Throw" idea and Heim stated that may be considered in the future.

After further discussion, a motion was made by Dena Barnes to adopt the resolution to approve the Guilford County Solid Waste Management Plan Update 2006. The motion was seconded by Bob Williams and carried unanimously.

PUBLIC HEARINGS: (NEW BUSINESS)

A. Rezoning Case #01-06. AG to LO. The property is located at 6161 Lake Brandt Road, being Guilford tax map # 06-356, Block 774, Parcel 11, owned by Kenneth Matthews, and represented by Matt Devaney. The parcel is approximately 5 acres and is located in Center Grove Township. (Con't. from March 7, 2006) *

***A VALID PROTEST PETITION HAS BEEN FILED FOR THIS REZONING WHICH WILL REQUIRE A 4/5s MAJORITY VOTE TO APPROVE**

Robin Smith, Town Planner, presented the case, reading from the staff report. She stated that the 2003 Commercial Needs Assessment identified the Lake Brandt Road/Highway 150 intersection as a minor commercial node, which should include low impact office and commercial space and that three of the four corners have been or are currently being developed commercially. Smith reported a protest petition has been filed with the Town with four property owners signing; which means there will have to be a super majority vote of 4 out of 5 to approve the rezoning. Smith reported that the Zoning Board unanimously recommended denial of the request and she reported Staff recommends approval with reservations.

Strickland asked about Staff's "reservations" and Smith stated it could start commercial down Lake Brandt Road and the first re-zoning is always the most difficult.

In Favor:

Matt Devaney, 7503 Strawberry Road, stated he grew up in Summerfield and appreciates the Town; doesn't want to be contentious; but will provide a good, needed service and realizes he must pass regulations; that his request meets all nine points in the Long Range Plan including public safety, preserving natural resources, owner's rights and allowing a range of commercial development with lower impact as described by the Commercial needs assessment.

Jean Plybon, 7403 Whitacre Court, stated this is a good, small business; and that small businesses could help relieve the tax burden. She stated that his building will be pretty, with not much traffic; that a library could be put there and that would impede the neighborhood.

Rod Brown, President Northwest Merchants Assoc., stated he agreed with Dr. Devaney's plan and he felt more medical and dental services will be needed as the town continues to grow. Brown stated that Devaney's office in Oak Ridge is low impact and attractive. Brown reported he currently has an office in the Old Food Lion Shopping Center but that the strip mall does not lend itself well to medical practices.

Elaine Bulleck, 6181 Lake Brandt, stated she is in favor.

Gary Gentry, 3401 Annry Drive, stated he supported the rezoning.

Wilson Browning, 6769 Brookbank Road, stated he agrees with everything that has been said.

Linda Williams 6767 Brookbank Road stated we need the services Dr. Devaney will provide.

Mark Matthews stated this property was a business long ago and that this business would be an asset to the community.

Opposed:

Ken Yarboro, 6158 Lake Brandt Road, stated he has a great respect for Dr. Devaney and that Ken Matthews has rights; but the neighbors do too. He stated this is not in the best interest of the neighborhood; speaking to traffic concerns and business location.

Rich Schlobohm, 6162 Lake Brandt Road, stated he had presented a petition signed by 46 residents in opposition to this rezoning. He spoke to the Zoning Board's decision to deny the request. Schlobohm stated that with the current smaller scale businesses at the crossroads, they were left with the impression that the development would not go down Lake Brandt Road. He stated Highway 220 was a more appropriate place for businesses; that Dr. Devaney's plans are not offensive, but would lead to more business down Lake Brandt Road.

Don Wendelkin, 3406 Windspray, stated a dentist office should not be across from homes and residences. He asked Council to look at both sides.

William Hill, Town Attorney, stated the new state law says Council's decision must show consistency with the Long Range Plan and Commercial Needs Assessment, and must be accompanied by a written explanation. Smith clarified the Needs Assessment says a minor node should be 660 feet to 1320 feet or a five minute walk from the corner; as listed in the Best Management Practices Appendix, pages 3-6.

A motion was made by Dena Barnes to approve Rezoning Case #01-06: AG to LO; stating she feels the area is in the commercial node; with commercially-zoned property behind it; and that the LO zoning could benefit residences by making an end to the commercial area. The motion was seconded by Bob Williams.

Crawford stated that with the LO zoning, a lot of businesses could go in besides a dentist office and Smith concurred that there were no conditions with this rezoning.

Brown reminded Council that there must be a 4/5 majority to approve the case.

Carolyn Collins voted in opposition and then changed her vote in favor. The motion carried 4 to 1. Strickland voted no.

Collins motioned to pass a resolution to prohibit additional commercial development past what had been approved until a comprehensive plan is in place. The motion was seconded by Crawford. Attorney Hill reminded Council that the resolution would be non-binding, as it could be changed by the next council.

Collins withdrew her motion and by consensus, Council agreed to allow staff to try to address this issue and bring it back to the next meeting.

DISCUSSION OF COMPREHENSIVE PLAN/TOWN CORE SMALL AREA PLAN:

Mayor Brown stated that it had been suggested by the Town Core Committee to have a small area plan, with public hearings, to get public involvement on how to develop the Town Core area. Brown reported

there had also been discussion about a Comprehensive Plan for the entire town and that a decision should be made so as to include it in the upcoming budget.

Strickland stated there seemed to be more opposition to a small area plan, and that the Town Core Committee should be disbanded, based on Councils decision, and have a Committee for the comprehensive plan; or reconvene the Long Term Plan Committee.

Bill Hill stated that based on state law, it would be best to adopt a Comprehensive Plan.

There was discussion about the time line and cost. Brandt reported that if we went through IOG, it could take 12 to 18 months; compared to 1 to 3 months with a private firm; with the private firm costing more.

Jane Doggett stated the Long Term Plan definitely needs revisions; that a Comprehensive Plan would benefit the entire town.

There was discussion about development during the time the Comprehensive Plan was being worked on, and Smith stated a moratorium might have to be placed on some areas; some residents stated development should continue under the old rules until something new is adopted. Brandt stated it would be important to develop something with legal merit so that the development community understands what the town is trying to accomplish.

A motion was made by Becky Strickland to direct staff to generate numbers for a comprehensive plan; and everything it entails. The motion was seconded by Carolyn Collins and carried unanimously.

Brown asked if the Town Core Committee should continue to meet and Strickland recommended they not meet because they spend money. Spencer reported they have not spent any money.

After some discussion, a motion was made by Dwayne Crawford to put the Town Core Committee on hiatus. The motion was seconded by Bob Williams and carried unanimously.

BUSINESS FROM TOWN ADMINISTRATOR:

Update on Armfield Park Dedication:

Brandt reported that he and Bill Hill had met with the Armfield development representatives and suggested they would like to do an exchange of approximately 12 acres on Brookbank Road for the 90+ acres of passive park land offered by Armfield. Armfield's time line is as follows: by the end of April, they will show the Town a plan; by the end of May, they would have cost; and by the end of June, they would know about funding. Brandt stated this field, if accepted, would be unlighted; for daytime use only but would double the current number of fields.

A. Parks and Recreation Recommendations:

Brandt spoke to the recent survey done by Dr. Sellers of UNCG; indicating there is a need for ball fields. He asked Council to make a motion to run an ad for land for active recreation; stating that the \$8 million in the bank he felt it unreasonable not to address the needs of the community. He suggested a budget item for next year of the \$200,000 currently in the budget, plus \$200,000 for land for active ball fields. He reported the Town is looking at a partnership with SRA to be the official Recreation Association rather than the Town having to create one and recommended giving \$5,000 to SRA that is needed for ball field improvements.

Crawford stated the SRA has always found a way to do what was needed and that the \$8 million could be spent far into the future to keep taxes low. He stated there was leadership in the community that should step forward and teach our youth we can do things independent of going to our neighbors and getting money through the back door.

A motion was made by Bob Williams to advertise for land for active recreation. After some discussion he amended his motion to include: Efforts to make an agreement with SRA to be the Town's recreation department and to give \$5,000 to SRA for ball field improvements.

The motion was seconded by Dena Barnes and carried 4 to 1. Crawford voted no.

Brandt displayed a spreadsheet showing the park expenditures to this point in time; showing change orders and how every effort is being made to save money. He reported that \$13,000 must come out of the \$100,000 Guilford County would be reimbursing the town to cover the cost of the park plan they had drawn up; so the County's amount is now down to \$87,000. He reported that we also secured \$5,000 from EMS and that the County cleared some trees and debris, saving around \$15,000. Brandt reported that although \$575,000 had been budgeted for the park, it looks as if the construction costs will be under \$550,000 and perhaps under \$525,000. Brandt stated this would prove the parks track record when applying for future grant requests.

When Luther made reference to Phase II of the park, Strickland stated she is opposed to Phase II and everybody knows it. She stated she has asked for budget information, but that council has not received a report. There was discussion about the park being a capital improvement and Brandt stated the Town doesn't have a Capital Improvement Plan, so costs are included in the general fund.

Brandt asked the Council to approve increasing the petty cash fund from \$100 to \$300 for advancements for purchases, so that the sales tax on these items can be refunded. He also asked Council to give him authority to increase the park grant reimbursement budget so that construction on the park could go on a daily basis without having to come to Town Council for every expenditure; realizing the project is still capped by the \$575,000. He stated he would be working closely with Mayor Brown on this project.

Strickland stated she did not agree with giving the Mayor that much power with her money in the first place, so she could not go along with this request.

A motion was made by Becky Strickland to increase the petty cash fund to \$300. The motion was seconded by Bob Williams and carried unanimously.

A motion was made by Carolyn Collins to amend the line item in the budget and to add a continuing line to agree with the park figures not to exceed \$575,000. The motion was seconded by Bob Williams. The motion carried 4 to 1. Strickland voted no for reasons stated.

B. Discussion of Summer Intern for Planning Department:

Brandt reported he would like to hire an intern for \$10 an hours for 20 hours per week for approximately 14 weeks, to work with the GIS system, assist Robin Smith, and other work as needed. He stated they would be an employee with payroll taxes, but no health benefits, retirement, etc.; with less than 1000 hours a year. Smith stated UNCG has two master programs with planning concentration and the Town should be able to find a good candidate through these programs.

A motion was made by Dena Barnes to hire an intern for 14 weeks @\$10.00 per hour.

Strickland stated she had asked for accountably for this position from staff and had not received it, so she would not support the recommendation. Brandt explained he had received documentation from Smith; but did not fully understand what Strickland wanted.

The motion was seconded by Bob Williams and carried 4 to 1. Strickland voted no.

D. Lawn Care Contract. Brandt reported the questions about the insurance have been addressed, that the Town has been added as additional insured. The new contract would be \$442.59, including mowing of the Summerfield Road property. It was decided by consensus to vote on this at the May meeting.

A motion was made to recess into Closed Session as provided under NCGS 143-318.11(A) (6), by Dena Barnes at 10:38 pm. The motion was seconded by Dwayne Crawford and carried unanimously.

A motion was made to reconvene at 11:36 by Dwayne Crawford. The motion was seconded by Dena Barnes and carried unanimously.

BUSINESS FROM COUNCIL:

Williams asked which trails are open to the public in the Vineyard development and Brandt reported the only public trail runs from Toscana Drive south to the old rail bed and Strawberry Road; that all other trails in the Vineyard development are private.

Crawford spoke to concerns about the immigrant problems and stated he thought Council should adopt a resolution expressing the Town's position to enforce immigration laws; stating we won't hire illegal immigrants or contract with businesses that do. Strickland agreed and stated this issue is not being addressed at a national level, so why not start at the local level.

BUSINESS FROM MAYOR:

Brown reported he had received a letter from Northwest High School alumni, asking for a resolution to back them in naming the football stadium in memory of former principal, Roscoe Billings. The Town Clerk will draft a resolution to be presented at the May 2nd meeting.

With no further business before the Town Council, a motion was made at 11:48 pm by Carolyn Collins to adjourn. The motion was seconded by Bob Williams and carried unanimously.

Mark E. Brown, Mayor

Dianne Laughlin, Town Clerk