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June 10, 2008

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**AGENDA OF THE
SUMMERFIELD TOWN COUNCIL
SUMMERFIELD COMMUNITY CENTER
JUNE 10, 2008
6:30 PM**



1. **CALL TO ORDER**
2. **INVOCATION**
3. **PLEDGE OF ALLEGIANCE**
4. **INTRODUCTIONS**
5. **CONSENT AGENDA:**
 - A. **MEETING AGENDA**
 - B. **APPROVE MINUTES OF MAY 13, 2008 MEETING**
 - C. **FINANCIAL REPORT**
6. **ANNOUNCEMENTS**

Proclamation – Appreciation of Northern Guilford Middle School Band
7. **SPEAKERS FROM THE FLOOR (limited to 5 min. on non-agenda items)**
8. **COMMITTEE REPORTS:**

A. Community Relations	E. Public Safety
B. Finance	F. SYC
C. Historical	G. Comprehensive Plan
D. Parks & Rec	
9. **PUBLIC HEARINGS:**
 - A. **Petition to close and remove from dedication the public right of way adjacent to the property located at 1000 NC Hwy 150 W being Guilford County tax map #10-06-0356-0-0774-00-013 in Center Grove township. (Continued from May 13 meeting)**
 - B. **2008-2009 Fiscal Year Operating Budget**
10. **BUSINESS FROM TOWN MANAGER**
 - A. **Discussion/approval of Miller Architecture ball field planning/construction management contract**
 - B. **Discussion/approval of Comprehensive Plan Consultant contract**
 - C. **Discussion/approval of Park Landscape contract**
 - D. **Discussion/approval of audit contract**
 - E. **Discussion/approval of Memo of Agreement for Fishing Pier**
 - F. **Re-approval of Manager contract based on Finance Officer suggested changes**
 - G. **Update on shared water use at Summerfield ball field property**
11. **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); and

C) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged.

- 12. BUSINESS FROM COUNCIL**
 - A. Update from committee chair meeting regarding volunteers and ethics statement**
- 13. OTHER BUSINESS (if any)**
- 14. COMMENTS FROM THE COUNCIL**
- 15. ADJOURN**

**MINUTES OF THE
SUMMERFIELD TOWN COUNCIL
SUMMERFIELD COMMUNITY CENTER
JUNE 10, 2008
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 6:30 pm by Mark Brown.

The invocation was led by Linda Southard, followed by the Pledge of Allegiance.

INTRODUCTIONS:

Council:

Mark Brown, Mayor
Dena Barnes
Alicia Flowers
Becky Strickland
Bob Williams
John W. Wray Jr.

Staff:

Michael Brandt, Town Manager
Dana Luther, Finance Officer
William Hill, Town Attorney
Craig Harmon, Town Planner
Valarie Halvorsen, Town Clerk

CONSENT AGENDA:

Brown recommended reversing agenda items 10A and 10C, stopping at 9:45 pm and going into Closed Session, and then continuing any business left until June 19, 2008 at 6:30 pm, including an additional Closed Session.

Strickland asked Luther about the final figure for Founders' Day, which Luther stated the to date figure was \$18,226.66. She stated the entire budget was not used due to not printing a program this year. Strickland also asked about expenses for lighting reviews. Brandt stated the cost is recouped through the site plan fee. Strickland asked Luther to check into the financial filings of vendors who bill the town.

Wray made a motion to approve the Consent Agenda, including the meeting agenda as amended, minutes of the May 13, 2008 meeting, the May 13, 2008 Closed Session minutes, and the Financial Report. The motion was seconded by Barnes and carried unanimously.

ANNOUNCEMENTS

Proclamation – Appreciation of Northern Guilford Middle School Band

Brown asked Dr. VanMiddleton, band director to come forward. He thanked her for the participation of the band at town events, presented her with a plaque and read the Proclamation, which is hereby incorporated and made a part of these minutes:

WHEREAS, The Northern Guilford Middle School Band has enthusiastically participated in several Town of Summerfield events, including Founders' Day and Volunteer Appreciation, and;

WHEREAS, They are tireless in their efforts to enrich gatherings and events with their music, and;

NOW, THEREFORE, I, Mark E. Brown, Mayor of the Town of Summerfield, do hereby express our sincere appreciation and thanks to the **NORTHERN GUILFORD MIDDLE SCHOOL BAND**, and urge all citizens to be aware of their valuable contributions in our community.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the Town of Summerfield, North Carolina this 10th day of June, 2008.

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

Kim Parker, 7207 Henson Farms Way, said she applied for committee membership and never heard anything back, except for a thank you acknowledgement in the mail. She feels there should be a way to rotate new members onto committees.

Flowers told Parker she was appointed as an ex-officio member of the Comprehensive Plan committee. Parker said she was told third-hand by someone who was at that meeting. Brandt apologized, stating she should have received a letter from the town. Southern, chair of the Historical committee, stated it was her understanding that committees had no authority to appoint members, that the authority rested with Council. Brandt agreed, stating there is not a clear process in place at this time but a process would be created.

Don Wendelken, 3406 Windswept Dr, stated he was supporting Mike Stone and Pat McCrory in the upcoming election.

John Doggett 7962 Highfill Rd, reminded everyone about the Public Demo of Emergency Communications in the park June 28th and 29th. He invited the community to come by.

Dwayne Crawford, 1106 NC Hwy 150 W, said he gathered signatures of 585 registered voters on a petition to cease any construction or plans for the proposed amphitheater and he wants them to be heard.

COMMITTEE REPORTS:

- A. **Community Relations:** No report.
- B. **Finance:** Ronnie Stafford, chair reported investments have stayed the same and the next meeting was scheduled for July 21, 2008.
- C. **Historical:** Linda Southard, chair thanked all Founders' Day participants and said they did not meet in May and the next meeting will be June 26, 2008.
- D. **Parks & Rec:** No report.
- E. **Public Safety:** No report.
- F. **SYC:** Reese Walker stated they enjoyed Founders' Day and were winding down for the year.
- G. **Comprehensive Plan:** Brandt stated the committee will decide what to do next based on council actions tonight.

PUBLIC HEARINGS:

Petition to close and remove from dedication the public right of way adjacent to the property located at 1000 NC Hwy 150 W being Guilford County tax map #10-06-0356-0-0774-00-013 in Center Grove township. (Continued from May 13 meeting)

Brown stated this had been referred back to the Zoning Board following last month's Public Hearing for another look. It was readvertized as a Public Hearing for tonight.

Blair Carr, from Town Attorney Bill Hill's office discussed the legal findings as follows: when the previous property owner subdivided, he made right of way dedications to the town. Since NCDOT maintains the roadways, the dedication goes to them. The General Statutes contain a provision that no

street or alley, including right of way controlled by DOT may be closed unless the DOT consents. Since the DOT declines to close or abandon the right of way council has no authority on this issue. There is no need for a Public Hearing because council has no power to rule on it.

Pete Bryant, 2013 Creekmoor Ct, petitioner discussed the detrimental effect not allowing the abandonment would have on the use of his property and the historic building and asked about the possibility of some sort of contingency or statute amendment.

Following much discussion and the reiteration of the fact that it was out of council's hands, it was determined that the petitioner needed to appeal to Mr. Mills at the DOT. Flowers made a motion that the town sends a letter of support of the petitioner's project and his protection of the historical building to NCDOT. The motion was seconded by Barnes and carried unanimously.

2008-2009 Fiscal Year Operating Budget

Brown opened the Public Hearing at 7:26 pm

Jeff Johnson, 6106 Bascom Dr, stated due to the worsening economy a 10% tax reduction is not enough, that there are lots of non-essential expenses that should be cut or deferred so there is no town tax. He said Summerfield citizens are cutting back and so should the town.

Carolyn Collins, 7504 Somersby Dr discussed a letter by Strickland printed in the Greensboro News & Record and feels that it was written with the goal of reelection in mind. Collins feels the stipends are not necessary, that council should be willing to serve the town voluntarily, and that stipends were introduced based on a recommendation by the Finance committee when Strickland was elected to council. Collins also discussed the recent purchase of chairs for council and staff, which she feels was at the instigation of Strickland. She feels the budget is strong and based on committee, staff, community and council recommendations and priorities and noted it includes a 10% tax reduction. Taxes are needed for future needs such as water. She supports the budget and encourages others to do so as well.

Kim Parker, 7207 Henson Farms Way is opposed to the budget and feels the large fund balance reserve should be used to reduce tax. She thanked council for their hard work and urged them to go back to the drawing board with the budget to look for additional cuts.

Beth Kaplan, 7979 Highfill Rd appreciates the hard work that went into developing the budget, does not support the tax reduction, urged moving forward with projects already started, such as the ball fields, and encourages creation of Senior programs. Kaplan supports maintaining a healthy fund balance to prepare for future expenses, such as those that may come with the Jordan Lake rules. She supports planning for the future and the proposed budget as presented.

Mike Stewart, 1328 Hwy 150 supports the budget and feels cutting taxes now will result in having to raise taxes later.

Gail Dunham 5805 Snow Hill Dr stated these are tough economic times, that those interested in projects could donate money rather than everyone being taxed, there are many things that could be reduced, such as the amphitheater, there is a large inventory of unsold homes, urged deferring some project expenses until the next fiscal year. Brown told Dunham her time was up. She did not yield the floor.

Following a heated exchange, Brown called for the next speaker.

Terry McLean 6180 Lake Brandt Rd thanked council and staff for the lowered tax rate and said she knew what her tax dollars were being spent on here, unlike the taxes she pays to Guilford County.

Don Wendelken 3406 Windswept Dr, discussed economic cycles that change every couple of years, that we are in the middle of one, he is fine with the budget and thinks it is great that some want more taxes, while he does not. He thanked council and staff for a fine job.

Dwayne Crawford, 1106 NC Hwy 150 W said water has been mentioned several times and suggested sinking several test wells to determine our actual water supply.

Jane Doggett 7986 Highfill Rd says this is a reasonable and doable budget and there was a need to consider providing services for citizens. She thanked council and staff for a job well done.

Brown closed the Public Hearing at 7:55 pm

Strickland, in response to Collins and Kaplan, stated she never voted for a stipend and not acting with reelection in mind. As to the chairs, she offered to purchase her own chair but was told at the time that it could not be stored at the Community Center. She is not against spending money, doesn't think the high gas prices will change by next year, and feels projects can be deferred for a year.

Flowers, addressing Collins, said she is not planning to run for reelection so that has no bearing on her stance on the stipend issue and were no recommendations to cut park projects, senior services or ball fields. She then read from a prepared statement discussing the burden of rising prices on citizens and the need to set an example by cutting back, and to abide by the town mission statement.

Strickland noted that Collins was on the council when the stipend was voted in with the budget.

Brandt discussed fire inspections required by state statute, an issue that was raised by Strickland at a previous meeting and a discrepancy between the budgeted amount and amount in his contract for associations and dues.

Flowers asked Brandt's opinion on selling the Summerfield Rd lot and he feels it should not be sold at this time, as a decision needs to be made for its use. Flowers asked how long it would take to make a decision on what to do with the property and Brandt stated that is council's decision. Strickland feels it should be sold as it is not appropriate for a town hall and a Sheriff substation has been located elsewhere.

Wray feels that all speakers, including Dunham brought up very good points but 3.5 is still a low rate. He agrees with Crawford about the need for a water study, which will cost money. Lowering the tax rate will reduce the fund balance and therefore we won't have funds needed for the future. He feels the defibrillators are important and the ball fields were promised to the kids.

Following some discussion, Brown urged council to adopt the budget as presented. Flowers and Strickland urged council to make cuts.

Wray made a motion to approve the 2008-2009 Fiscal Year Operating Budget as presented by Brandt. The motion was seconded by Williams.

Strickland asked about the \$75,000 budgeted for the Stone House and Brandt replied Guilford County is considering the cost share but Greensboro is unable to do so this year.

Brown called for a vote. The motion passed 3 to 2, with Strickland and Flowers opposed.

Break from 8:24 pm to 8:32 pm

BUSINESS FROM TOWN MANAGER:

A. Discussion/approval of Park Landscape contract

Brandt said while many firms picked up bid packets there were two bids and recommended Brockman Lawn Care, as that bid was significantly lower. Barnes made a motion to approve the contract with Brockman for an amount not to exceed \$6,000 for basic services for bid one and optional services not to exceed \$1,000, and not to exceed \$25,000 for basic services for bid two and optional services not to exceed \$2,500. The motion was seconded by Wray and carried unanimously. Strickland stated since it has been built it must be maintained. The motion passed unanimously.

B. Discussion/approval of Comprehensive Plan Consultant contract

Brandt stated the Comprehensive Plan Steering Committee recommended Glen Harbeck & Associates with a contract amount of \$119,000 plus expenses (estimated at \$6,000). He recommended that the contract be let in two pieces with the task one consisting of a meeting between the consultant, Zoning Board, Comprehensive Plan committee, council, and staff. If council does not feel the consultant is the right fit then the rest of the contract would not be executed. This would allow council to evaluate the work before spending a lot of money. Some of the documents and data from the last consultant will be used.

Following some discussion, Flowers made a motion to approve the entire contract, not to exceed \$119,000 and not to exceed \$6,000 in expenses, with the ability to cancel after task one which is not to exceed \$7,500. The motion was seconded by Barnes and carried unanimously.

C. Discussion/approval of Miller Architecture ball field planning/construction management contract

Brandt stated the proposed contract is broken into two items: the Master Plan for \$15,000, and construction administration for \$65,000 for a total of \$80,000. There may be an additional amount of \$1,500 for septic system analysis, which Brandt recommends doing, and the contract allows for additional as needed services on an hourly basis. Strickland is concerned with the contract wording which reserves the right to renegotiate the lump sum amounts and raise hourly rates one year after this proposal. She recommends keeping it under a year and Brandt replied he does not expect it to take more than one year. Strickland feels it should be a closed end contract and Brandt recommended 364 days from date of signature.

Strickland also asked if production of hard copies would be an extra cost and Brandt stated the cost includes numerous hard copies including preliminary concept plans, conceptual design schemes, and final color rendering of the Master Plan. Strickland asked Brandt to get clarification about the Prints and Reproduces costs noted in the contract.

Strickland asked about the possibility of employing Miller Architecture in phases, as the work will be done in phases. Brandt stated it could be broken into two parts. She is also concerned about the travel allowance.

By consensus, council directed Brandt to get the information to answer Strickland's questions and to bring the matter back to the June 19th meeting.

D. Discussion/approval of audit contract

Luther stated it was a standard contract approved by the state, that Rouse, Rouse, Penn & Rouse had done an excellent job in the past, and she recommends continuing with them rather than going out for RFP's. Barnes made a motion to continue contracting with Rouse, Rouse, Penn & Rouse and not go out for RFP's. The motion was seconded by Wray and carried unanimously.

E. Discussion/approval of Memo of Agreement for Fishing Pier

Brandt explained that this was a cost share between Summerfield (25%) and NC Fish and Wildlife Commission (75%) for development of a Community Fishing Program, with the town responsible for 25%

of program costs including fishing pier and sidewalk construction, feeding system, and fish food. There was also a possibility of needing a small boat to fill the feeders each month and an option of stocking fish. He further stated as this is a waterborne structure, there is no insurance available through our current insurance provider for structural damage, but we are covered on liability. Brandt presented a sample agreement to council, which would be modified for Summerfield.

Strickland asked about the fisheries management plan, which was not attached to the sample. Brandt replied there were three options: to do nothing, to stock catfish, or to conduct a survey to see what kind of fish are currently in the lake and then develop a plan. Strickland requested samples of each plan. Flowers suggested putting the feeders near the shore rather than having someone fill them with a boat. Williams feels someone would with a boat would volunteer to fill the feeder. Strickland has concerns with the lack of information about what will actually be provided by NC Fish and Wildlife and what the town will be obligated to provide, as well as the what town funds approving the contract will obligate. She feels it would be irresponsible of her to vote on a fisheries management plan that she has not even seen, and the agreement only states they will pay 75% of operational costs, with no mention of building costs.

Following some discussion, Brandt was directed to get more information and more details about the costs and obligations, including the fisheries management options and bring it back to the June 19, 2008 meeting.

F. Re-approval of Manager contract based on Finance Officer suggested changes

Luther discussed her recommended changes which included measures to ensure the contract complied with the town personnel policy and wording clarifications.

Wray made a motion to approve the Manager contract with the Finance Officer changes. The motion was seconded by Williams and carried unanimously.

G. Update on shared water use at Summerfield ball field property

Brandt said due to the fact there is no leak detection monitor on the UST, any water system for public consumption would need to be at least 500 ft from the UST, which precludes any site on the Gas Town property. They can drill a well 100 ft away, but it would not be permitted for public consumption, unless they installed the monitoring system. They have chosen not to install the system, which may be due to cost or other unknown factors. Strickland and Flowers feel that Gas Town should install a leak detection monitor. Brandt feels the town has no good reason, other than being a good neighbor, to share well water with Gas Town. Brown would like to know the cost of the monitor, which may be prohibitive to small businesses. Dwayne Crawford, speaking from the floor, noted that the UST regulations were changed in 2002 and set for 2008 so Gas Town should have been fully aware of the upcoming regulation changes. Flowers feels the town should exercise caution in getting involved.

By consensus the remaining agenda items following the Closed Session, Business From Council and Other Business, including Closed Session item C, consultation with attorney, will be continued until the June 19, 2008 meeting. Brown read the reasons for entering into Closed Session as follows:

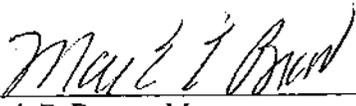
CLOSED SESSION:

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); and

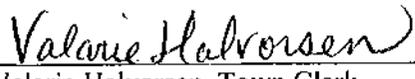
Flowers made a motion to enter into closed session at 9:30 pm. The motion was seconded by Barnes and carried unanimously.

Williams made a motion to return to open session at 9:49 pm. The motion was seconded by Barnes and carried unanimously.

With no further business before the Town Council, a motion was made at 9:50 pm by Wray to continue the meeting until June 19, 2008 at 6:30 pm. The motion was seconded by Williams and carried unanimously.



Mark E. Brown, Mayor



Valarie Halvorsen, Town Clerk