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November 10, 2009

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**MINUTES OF THE
SUMMERFIELD TOWN COUNCIL
SUMMERFIELD COMMUNITY CENTER
NOVEMBER 10, 2009
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. Brown introduced Chris Anderson, the new Town Planner

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
Chris Anderson, Town Planner
Dana Luther, Finance Officer
William Hill, Town Attorney
Valarie Halvorsen, Town Clerk
George Holub, Parks & Rec Supervisor

CONSENT AGENDA:

Brown recommended adding item 12B VFW Presentation. Brandt suggested adding item 11F Financial Questions. Strickland asked that the following Consent Agenda items be removed from the Consent Agenda and discussed with 11F: Financial Report and Town Council Budget Amendments #3 FY2008-2009, #2 FY2009-2010, #3 FY2009-2010.

Barnes made a motion to approve the Consent Agenda as amended, including the meeting agenda, minutes of the October 13, 2009 meeting, Closed Session Minutes of the October 13, 2009 and February 3, 2004 meetings, Ordinance Amending Bronco Lane Speed Limit, Resolution Adding Crestfield Road Extension to NC Secondary Road System, and Ordinance Declaring 25mph Speed Limit on All Roads in the Stable Ridge Subdivision. The motion was seconded by Flowers and carried unanimously.

ANNOUNCEMENTS

Strickland announced a November 14 auction by Tabitha Ministries at Oak Ridge Presbyterian Church, and noted the VFW still needs to raise \$8800 to begin construction on the monument.

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

Don Wendelken, 3406 Windswept Dr, congratulated those elected, wished Brown good luck, and expressed his desire that the town move forward in a positive direction.

Jerry Wray, 27 Lakeview Loop Stokesdale asked that the new council treat each other and those in the community with all due dignity and respect.

Whitney Lee 7412 Dickinben Dr, thanked all the voters and wishes for a return to positivity. She discussed email attacks, "ugly, baseless attacks on private citizens" and her feelings that they are unwarranted. She stated Dwayne Crawford had investigated her background and publicized a long ago bankruptcy in an attempt to publicly humiliate her. Lee went on to say the bankruptcy was a result of her son having a life threatening illness, and if Crawford could do it to her, he could do it to anyone.

Gail Dunham, 5805 Snow Hill Dr congratulated those elected. She requested that speakers from the floor be allowed to speak about agenda items, and asked council to be fiscally conservative and to be open and honest about spending and how much things cost.

Virginia Lee, 7415 Ida Lee Ln. encouraged the community to make donations (both monetary and non-monetary) to the VFW monument fund, noting that more veterans are passing each day, and the monument needs to be built now as the veterans don't have 10 years to wait.

Dwayne Crawford, 1106 NC Hwy 150 W, in reference to comments by Whitney Lee, acknowledge he did send out an email to all town council members and some community members about the ethics items discussed for inclusion/exclusion in the volunteer application. He noted that Wray felt it was inappropriate to ask about bankruptcies and voted against that. Crawford indicated Wray did so due to "nepotism" as he is related to Lee and is close to Tom Valent who also has a bankruptcy on his record. He stated it is improper to use a Town Council seat to help others and requested that Wray either make a motion to include the bankruptcy check as a volunteer requirement or to resign his council seat.

COMMITTEE REPORTS:

A. Founders' Day: No report.

B. Finance: Luther said there would be no November or December meetings and budget planning would begin with the January 2010 meeting.

C. Historical: Linda Southard stated there would be no November meeting.

D. Parks & Rec: Jane Doggett announced a workshop on Friday November 13, 6:30 pm at iCoffee 1011 NC 150 West to discuss priorities and focus.

E. Public Safety: Ron Marshburn said the committee met October 21 and recommends appointing Cheri Pickett to the committee. The next meeting is scheduled for November 18.

F. SYC: Reece Walker stated the Tree Lighting Event was scheduled for 6:00 pm November 21.

G. Comprehensive Plan: Flowers said the committee met on November 2 and discussed limited government, the next meeting is December 7, and January 26 is the tentative date for the open house.

H. Athletic Advisory: Brandt said the next meeting is November 18, 3:30 pm at Town Hall. There will be discussion of construction progress, building design, and sign sponsorship.

PUBLIC HEARING – RZ CASE #04-09 RS-30 TO CU-NB - The parcel is located at 7906 Summerfield Rd in Bruce Township, Guilford County tax map # 01-0037, block 916, parcel 091, being approximately 1200 ft south of the intersection of Summerfield Rd and US Hwy 220 N. The parcel is owned by Norma Maberson and is approximately 0.80 acres.

Brandt described the case, reading from the staff report. Brown opened the Public Hearing at 7:10 pm.

Proponents

Nanette Carter, 3732 Pembroke Terrace, High Point, owner of Hiz & Herz Furniture, stated the previous location was very small and not conducive to appropriately displaying the furniture. She further stated the business has done well in Summerfield and they would like to rezone family property to keep the business in Summerfield and expand the business.

Bill Gordon, 305 Grassy Meadow Ct, owns nearby property and has no objections to the rezoning. He feels it will be a good use of an existing property. He stated he has mixed emotions about the conditions disallowing twin homes and child day care homes (more than 6) as those may be appropriate uses for property in that location.

Flowers asked if the applicant could come back in a few years and ask for those conditions to be allowed. Carr said yes, if it is allowable in the zoning.

Opponents

Gail Dunham, 5805 Snow Hill Dr stated she is not opposed to the rezoning request, but rather the process. She asked if the open house information was publicly posted and Brandt replied affirmatively. Replying to the statement that open houses are usually invitation only, Brandt stated letters are mailed to all property owners within ¼ mile of the proposed rezoning.

Brown closed the Public Hearing at 7:17 pm

Flowers made a motion to approve Rezoning Case #04-09 RS-30 to CU-NB with the seven conditions recommended by the Zoning Board (disallowing the following uses: Construction or Demolition Debris Landfill, Minor, Land Clearing and Inert Debris Landfill, Minor, Maternal Care Home, more than 6 residents, Two Family Dwelling (twin home or duplex), Day Care Center, Adult (6 or more), Day Care Center, Child (6 or more), Laundry or Dry Cleaning Plant). The motion was seconded by Williams and carried unanimously.

BUSINESS FROM COUNCIL

A. Appoint Cheri Pikett to Public Safety Committee

Following a brief discussion, it was decided by consensus that Flowers and Barnes would interview the candidate and the issue would be brought back before council during the December meeting.

B. Discussion of Manager Oversight of Committees Ordinance

Carr discussed all the recommended changes to the document. Strickland suggested the additional condition of violation of the ethics requirement as stated on the volunteer application as a reason for removal from a committee and Brandt feels this section should refer to the committee ordinance which has an ethics statement. There was discussion of delegating authority, creating a standing interview committee from among council members, bringing forth all applications with some level of recommendation, responsibility for committees, and training.

It was decided by consensus to make recommended changes to the proposed ordinance and bring it back to council for discussion/approval in December.

C. Report on meetings or activities (if any)

Flowers stated she, Barnes, and Strickland attended a Council on Aging meeting October 26, the purpose of which was to increase awareness of community based services. Flowers also reported attending the Greensboro Realtors and Builders Association candidate reception.

Break from 8:00 to 8:09 pm

BUSINESS FROM TOWN MANAGER

A. Approval to Hire Traffic Engineer to review US 220 widening plans

Brandt stated the request was for \$8000 to retain Kimley Horn to review proposed plans, including Environmental and Traffic studies, as well as to review locations for turn-arounds and fence placement.

Based on this initial review and work there may be additional services that would be approved at a later date. He noted approval of the \$8000 will require a budget amendment.

Following a brief discussion, Strickland made a motion to hire Kimley Horn for an amount not to exceed \$8000. The motion was seconded by Flowers, and carried 4 to 1, with Williams opposed.

B. Request by Guilford County School System for off-site septic repair system easement at Summerfield Community Park

Brandt stated the request was for approval of the proposed septic system easement for a future repair area which is not expected to be used, but is necessary to allow construction to begin at the elementary school. He further noted the location does not interfere with any current or planned park facilities, and that this is a separate issue from the well. Strickland asked if there would be any affect on the VFW monument and Brandt replied no. Flowers asked about any adverse affects to surrounding property owners and Brandt cannot foresee any.

Wray made a motion to approve the request by the Guilford County School system for an off-site repair system easement at Summerfield Community Park and to move the issue forward to property owner Guilford County. The motion was seconded by Williams and carried unanimously.

C. Provide guidance to Town Manager regarding rental and usage agreements for Summerfield Athletic Park facilities

Brandt asked council's feelings on the following: seeking sponsorships and/or advertising on banners and space on outfield fences, interest in selling naming rights, and establishing a fee structure or developing agreements with recreation associations for field usage in exchange for services. Strickland asked if any organizations had approached the town and Brandt listed several, including SRA, GYSA, TYLL, and GUFC.

It was decided by consensus to have Brandt explore all options.

D. Update on Ethics Ordinance and Training schedule by Town Attorney

Following discussion about the appropriate document format (Ordinance, policy, etc), appropriate trainers, investigation criteria and enforcement, it was decided by consensus to have Carr provide the applicable state statute, a draft/model policy, and information on possible enforcement measures.

E. Report on meetings or activities (if any)

Brandt stated the town must participate in hazard mitigation planning and he will bring a draft plan to council in December or January. Other meetings included Jordan Lake Rules, a forthcoming planning/inspection services meeting, and a forthcoming MPO meeting. He also discussed the 2009 Legislative Updates Webinar he participated in and made particular note of new legislation relating to development approval extensions.

F. Financial Questions

Strickland had several questions about the Financial Report and clarification about current year and prior year budget amendments that were answered satisfactorily by Luther. Luther asked council for authority to transfer funds between Parks & Recreation programs within the line item, stating as an example transferring unused funds from a completed event to another event in order to expand the event or cover unexpected expenditures.

This authority was approved by consensus.

BUSINESS FROM THE MAYOR

A. Report on meetings or activities (if any)

Brown reported on the NCLM Annual Conference in Greenville and a transportation meeting.

B.VFW Presentation

Danny Nelson discussed the trees at the monument location and, based on a report by Davey Tree, requested that the town expend \$775 to remove one maple and two wild cherry trees. The VFW will expend funds for the recommended root trenching and fertilization of the other trees.

Following a brief discussion, it was decided by consensus to take bids for the tree removal.

BUSINESS FROM COUNCIL

Strickland discussed an article in the November 6, 2009 edition of the Northwest Observer about the recent unsealing of closed session minutes. The article cited David Lawrence of the UNC School of Government as stating closed sessions should not include discussion of committee appointments, that this must be done in open session. Based on this, Strickland, referring to a public records request made in 2005 by a private citizen for closed session minutes, made a motion directing the Town Attorney to investigate the following: "the chain of custody, storage, secretion, and discovery of the 13 sets of closed session minutes that were unsealed at last month's and tonight's meeting, but never released to the requester per the public records request." The motion was seconded by Flowers. Brown asked Strickland to clarify exactly what the request was and Strickland replied she wanted the attorney to find out where the records were for 4 ½ years, why the request was not honored by the custodian of the records. Following a brief discussion, Brown called for a vote. The motion passed 4 to 1, with Wray opposed.

With no further business before the Town Council, a motion was made at 10:00 pm by Flowers to adjourn. The motion was seconded by Williams and carried unanimously.



Mark E. Brown, Mayor



Valarie Halvorsen, Town Clerk