

**MINUTES OF THE
SUMMERFIELD TOWN COUNCIL
SPECIAL MEETING
SUMMERFIELD COMMUNITY CENTER
JULY 6, 2004
6:30 P.M.**

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

Dena Barnes called the meeting to order at 6:33 PM.

Linda Southard led the invocation.

Town Council led the Pledge of Allegiance.

Council and Staff Present:

Dena Barnes
Bob Williams
Mark Brown
Michael Stewart
Jane Doggett
Carolyn Collins

Bill Trevorrow, Town Attorney
Michael Brandt, Town Administrator
Dianne Laughlin, Town Clerk
Susan Smith, Town Planner
(Smith arrived at 7:10 pm)

CONSENT AGENDA:

A motion was made by Michael Stewart to approve the Consent Agenda including the minutes of June 1, 2004 meeting, the monthly financial report, Ordinance Stipulating Expense Approval for the Operation of the Town of Summerfield, (said Ordinance is hereby incorporated by reference and made a part of these minutes), North Carolina for the Fiscal Year 2004-2005 the following changes: Add Tom Moreau of TMA Architects for presentation of plans for Municipal/Sheriff's Substation Building to Item #9. The motion was seconded by Carolyn Collins and passed unanimously.

**AN ORDINANCE STIPULATING EXPENSE APPROVAL
FOR THE OPERATION OF THE TOWN OF SUMMERFIELD
NORTH CAROLINA FOR FISCAL YEAR 2004 – 2005**

Be it ordained by the Town Council for the Town of Summerfield, North Carolina:

I. That the Mayor is authorized to make expenditures from the General Fund for items not specifically provided for by the currently approved Summerfield Town Fiscal Year budget in amounts not to exceed \$2,000.00 for each expenditure. Any such expenditure shall be reported to the Town Council no later than its next regularly scheduled meeting.

II. That the Mayor is authorized to establish fees within the various departments and agencies for miscellaneous services and items such as copies, maps, books, etc., according to guidelines that may be administratively determined or that may be established by Town Council.

- A. That in compliance with the Public Records Law, the Council establishes the following fees to receive copies of such records:
 - 1. At the Town Offices - \$.25 per page

III. That the Mayor shall have authority to execute the following contracts, provided they comply with applicable laws and procedures and are within specifically approved budgeted funds:

- A. Any lease agreement for one year or less not to exceed \$5,000 in total funds obligated.
- B. Any contract for apparatus, supplies, materials, equipment, services or resolution of a claim obligating less than \$2,000 in Town Funds, including those committing no funds;
- C. Any contract for construction or repair work obligating less than \$10,000 in Town Funds including those committing no funds;
- D. Amendments within budgeted funds to Council approved contracts when the amendment requires less than a \$2,000 increase in expenditures of Town Funds; and,
- E. Grant agreements for Town Funds within budgeted amounts.

At the Mayor's discretion, any lease or contract described herein may nevertheless be submitted to the Council. The Mayor or Mayor Pro-Tem may execute contracts duly approved by the Council. Council action approving a contract shall be deemed to authorize the expenditure therefore and the necessary budget amendments.

IV. That proposed projects where the estimated professional fee is in an amount less than \$5,000 for architectural, engineering and surveying services are hereby exempted from the requirements of Article 3D of Chapter 143 of the General Statutes, in accordance with G.S. 143-64.32. In addition, other particular projects less than \$5,000 may be exempted from the requirements of said Article 3D by the Mayor, in a manner, which states the reasons therefore, and the circumstances attendant thereto in each instance, as authorized by G.S. 143-64.32.

V. That the General Fund undesignated fund balance should not be lower than twelve percent of the General Fund budgeted expenditures, which exceeds the Local Government Commission's recommended minimum of eight percent.

VI. That the Town Administrator has the authority to transfer amounts up to \$10,000.00 between accounts to keep fund balances above the minimum amount requirements in the General Fund and to keep amounts available for necessary invoice expenditures in the General Fund; reporting to the Council no later than its next regularly scheduled meeting; and

VII. That the Town Administrator is authorized to make expenditures from the General fund for items not specifically provided for by the currently approved Summerfield Town Fiscal Year budget in amounts not to exceed \$500.00; reporting to the Council no later than its next regularly scheduled meeting; and

VI. The effective date of this ordinance is July 1, 2004 and it shall expire on June 30, 2005.

Adopted this the sixth day of July 2004

ANNOUNCEMENTS: None

SPEAKERS FROM THE FLOOR: (Limited to 5 minutes on non-agenda items)

Dwayne Crawford, reading from prepared comments, spoke to a 2002 survey, stating that the park was an item on the survey and that the majority of the comments on the surveys were opposed to the park. He asked Council to reconcile the budget without the park consideration because according to his findings, residents were opposed to the park. He spoke to sheriff's services and response time, stating that Guilford County Sheriff's Department already had one of the fastest response times in the country. He spoke to Guilford County charging 1% to collect new property taxes for Summerfield and to Council passing the budget against those in attendance at the meeting. He distributed copies of his comments to the Council.

COMMITTEE REPORTS:

- A. Community Relations:** Dianne Laughlin reported that at their last meeting, Betsy Snow, who has served wonderfully as chair for the past four years, resigned and Tammy Welborn accepted the position.
- B. Conservation Council:** Jane Doggett reported there was no meeting
- C. Finance:** Betsy Ingram reported that the committee will start meeting quarterly or as requested since a lot of the business they were transacting is now being done by the Town Administrator. Elizabeth Ingram was approved to remain as chairperson and Jim Matherly was approved as secretary.
- D. Historical:** Linda Southard stated they met on June 24th, and referenced a letter sent to NWO by committee member, Willie Laughlin, asking residents to contact the committee to compile information about the Town's history and to study their genealogy. The information gathered will be stored at Town Hall for reference. She reported a fall display which will include Revolutionary War attire and old quilts.
- E. Parks & Rec.:** Mylene Duffy spoke in the absence of Debbie Hoffman reporting on the donations received so far in the feet of fun campaign which equals approximately \$3800.00. She stated they would be planning a ground breaking ceremony. She took exception to Crawford's earlier comments on the 2002 survey, stating that this survey was one of her first projects when deciding to be come involved in her town, and that his numbers were not correct.
- F. Public Safety:** No Meeting.
- G. Text Committee:** No Meeting
- H. Thoroughfare:** Gordon reported that the next MPO meeting would be on Wednesday, July 7th.
- I. Water Resource:** Gordon reported that they are still conducting talks and will meet on July 15, 9 A.M at the Town Hall.

PRESENTATION OF DESIGN FOR MUNICIPAL BUILDING: (Tom Moreau, TMA Architects) Moreau stated that he was hired to design the municipal building/sheriff's substation. He reported that he will be present at a public meeting on Wednesday, July 21st at 6:30 pm at the Town Hall to hear public comments and suggestions and that these ideas will be taken back to the building committee for consideration. He spoke to the site location being that of the old train station, thus the design of the building. He reported a creek on the property and stated they are trying to cover as little of it as possible and state regulations will have the final say in that area.

He described the proposed building as to offices, storage, and conference rooms. He displayed four sheets with various views of the building outside and inside floor plans.

CONSIDER PROCLAMATION FOR AUGUST AS “FILL THE BOOT MONTH”
(Fran McMeekin, Muscular Dystrophy Association)

Mayor Barnes read the proclamation and it was received by Fran McMeekin who stated that MDA had been working with the Summerfield Fire Department for over four years. She encouraged citizens to support the firemen and help them achieve this year’s goal of \$10,000. The proclamation is hereby incorporated by reference and made a part of these minutes:

WHEREAS, the Summerfield Firefighters have been working with the Muscular Dystrophy Association in their fight against neuromuscular disease; and,

WHEREAS, the Summerfield Firefighters collected \$8420.00 in 2003 for the MDA’s “Fill the Boot” Campaign; and

WHEREAS, Firefighters locally and nationally are the largest contributor to the MDA, collecting more than 18 million dollars in 2003 to help fight the forty-three neuromuscular diseases associated with the MDA. NOW, THEREFORE, be it resolved that the Town Council of the Town of Summerfield does hereby proclaim the month of August 2004 as:

SUMMERFIELD FIRE DISTRICT
“FILL THE BOOT DAYS”

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the Town Summerfield, North Carolina this 6th day of July 2004.

PUBLIC HEARINGS:

OLD BUSINESS:

A. Consider Resolution for closing and removing from dedication, an easement; Being all of an existing 20-foot utility easement located to the west and north of the lot at 8561 Hudson-James Road and shown on a plat recorded in Book 72, Page 183, Guilford County Register of Deeds.

Michael Brandt presented the case stating the location of easement.

In Favor: James Hodges, property owner 8561 Hudson-James Road, stated that the utility companies have released the easement and that a tool shed is all that is there.

Opposed: David Thacker, 8533 Hudson-James Road, stated that he is a joint property owner, and is speaking for his mother, Ann Thacker. He stated that the easement goes to a sawmill road that been there for fourteen years. He reported that possible sale of this in the future may be affected by the closing. He stated that this should have been a private issue between the families but it has become public.

Brandt stated that the closing of a utilities easement should not affect a private easement.

Bill Trevorrow asked if the request were being made to satisfy a violation and Brandt stated that it was not related.

James Hodge stated that the Planning Staff told him he need to get the easement closed and that's why he's taking this action.

After assuring the property owners this would not affect the sale of the property, a motion was made to adopt the Resolution by Michael Stewart and seconded by Bob Williams. The motion carried unanimously and the Resolution is hereby incorporated by reference and made a part of these minutes:

**RESOLUTION ADOPTED BY
SUMMERFIELD TOWN COUNCIL
CLOSING AND REMOVING FROM DEDICATION A
EASEMENT**

WHEREAS, a petition was filed, pursuant to G.S. 160A-299, requesting that the Town Council close and remove from dedication all of a 20-foot utility easement located to the west and north of the lot and shown in Plat Book 72, Page 189, Guilford County Register of Deeds, Bruce Township, Town of Summerfield.

WHEREAS, pursuant to a resolution of intent to close said easement adopted by this Council on June 1, 2004, notice was published in the Greensboro Record once a week for two consecutive weeks that a hearing would be held concerning said petition on July 6, 2004 at 6:30 P.M. in the Summerfield Community Center, 5405 Centerfield Drive, Summerfield, North Carolina; and

WHEREAS, it appears that all owners of property adjoining said easement have signed the petition or have been notified of the closing thereof; and

WHEREAS, after inquiry by the Mayor, all interested persons were provided an opportunity to be heard on the request contained in the petition; and

WHEREAS, after all interested persons were heard, it appears to the satisfaction of this Council that the removal of said easement from dedication is not contrary to the public interest and that no individual owning property in the vicinity of said easement will be deprived of any reasonable means of ingress or egress to his property;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The following described easement in Center Grove Township, Summerfield is hereby closed and removed from dedication to the public use:

BEING all of an existing 20-foot utility easement located to the west and north of the lot at 8561 Hudson-James Road and shown on a plat recorded in Book 72, Page 183, Guilford County Register of Deeds.

2. A certified copy of this resolution, together with a copy of the published notice of this hearing, are hereby ordered recorded in the Office of the Register of Deeds of Guilford County, North Carolina.

I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE COPY OF A RESOLUTION ADOPTED BY SUMMERFIELD TOWN COUNCIL AT A MEETING HELD ON JULY 6, 2004.

B. CONSIDER CHANGES TO SUMMERFIELD DEVELOPMENT

ORDINANCE: 4-10 Open Space Residential District (OSRD): 4-10.4 (J) Open Space and 5-13 Subdivision Standards 5-13.1 General and Environmental Regulations: 7.1 Water Supply Watershed Districts 7-1.7 (A) Clustering and (B) Performance Requirements, 7-1.11 Modifications- General: (B) Minor Watershed Modifications.

Brandt presented the changes one at a time for discussion. The first change 4-10: Open Space Residential District (OSRD): Recommended changes are for Special Purpose lots clarity, requiring limited disturbance; and there are two changes to the public dedication of open space; 1) strike the last line, there will be no percentage basis and if the Public Body does not accept the land it will be returned to the Homeowners Association and 2) if there is not such an association, one must be formed.

There were no proponents or opponents present to speak.

There was discussion about parking considerations and Williams stated that the offer should be looked at on a case by case basis.

At audience request, Brandt explained what the Ordinance does and afterwards there was discussion about how Council can decide how land is being used and that there must be a public hearing. Someone spoke to concerns about notice being given of plans for land donated to the Town and Brandt explained that the Ordinance makes residents aware of use of land give to the Town.

Barnes closed the Public Hearing on this portion of the Ordinance changes at 7:45 pm.

After some discussion a motion was made by Bob Williams to approve the changes as stated and seconded by Mark Brown. The motion carried unanimously.

Brandt presented the next change: 7-1.7 (A) Water supply Watershed District. Brandt explained that this change would have to go through Finding of Fact to make modifications. Mark Brown stated that there may be such a case coming forward in October.

As requested by someone in the audience, Brandt gave the definition of what watershed area. He reported that state law requires us to protect water supply and he explained how to apply for modification, stating that this is not based on arbitrary decision.

There were no proponents or opponents present to speak.

Barnes closed the Public Hearing portion at 7:50 pm.

After further discussion, a motion was made by Mark Brown to approve the changes as read with an October 1, 2004 implementation date. Brandt asked for clarification of the motion and it was explained the motion meant 7-1.11B; waiver standards will stand, lifting C2 to B2 and keep in place A-E: Qualifications. The motion was seconded by Michael Stewart and carried unanimously.

There was discussion about the Zoning Board reviewing request and making a recommendation to the governing body.

Brandt presented the next change: Article 9, Administration reporting that presently the Ordinance states the term for a Zoning Board member is three years and that the change will state the member shall serve at the pleasure of the Council

There were no proponents or opponents present to speak.

Barnes closed the Public Hearing portion at 7:55 pm.

After further discussion, a motion was made by Jane Doggett to approve the change to the Ordinance as stated. The motion was seconded by Michael Stewart and carried unanimously.

B. NEW BUSINESS:

A. REZONING CASE #4-04 –AG and RS-30 to OSRD. Located on the south side of Oak Ridge Road (NC 150 WEST) approximately 800 feet east of Whitaker Drive (SR 2113) in Bruce Township. Being Guilford County Tax Map 10-654, Block 983, Parcel 26; and, Block 1037, Parcels 2 and a portion of 15, approximately 131.22 acres. Owned by Kenneth H. Taylor et al. Greensboro Watershed.

Susan Smith announced this case had been withdrawn by the applicants.

B. REZONING CASE #5-04 to RS-30 to LB. Located on the east side of Summerfield Road (SR 2117) approximately 300 feet north of Myers Fork Road (SR 2210) in Bruce Township. Being Guilford County Tax Map 1-37-A, Block 906, Parcel 5, approximately 2 acres. Owned by H. B. Hoskins Heirs. Greensboro Watershed.

Susan Smith, Town Planner, presented the case, reading from the staff report.

In Favor: Paul Milam, Henson Forest Developer, stated that they want to use the house for a real estate office. He reported that they have four employees and that they plan to restore and improve the house; that they will conform to any Ordinances necessary.

Opposed: None

Barnes closed the public hearing portion at 8:05.

Michael Stewart asked for the Zoning Board's recommendation and Smith stated they recommend approval.

There was discussion about what other business could be put in that location and Jane Doggett stated that some uses are prevented because of the location of the Scenic Corridor and the Town Cord District.

After further discussion, a motion was made by Jane Doggett to approve the request and seconded by Bob Williams. The motion carried unanimously.

Councilman Brown commended the Milams for their efforts in restoring this lovely old house.

C. SITE PLAN #147484/147485 – Summerfield Elementary School Temporary Classrooms – Zoned PI, Public Institutional. Located at 7515 Trainer Road in Bruce Township. Being Guilford County Tax Map 1-37, Block 906, Parcel(s) 33, approximately 26.639 acres. Owned by Guilford Co. Board of Education. Greensboro Watershed.

Susan Smith prevented the case, reading from the Staff report. She stated that the Zoning Board did not have a super majority vote and that is why this case has come before Town Council.

In Favor: Rodney Wilds, new principal at Summerfield Elementary School, stated that Summerfield already has 720 students and is growing and that more room is needed in order to provide the best educational environment and adequate space. He encouraged Council to approve this addition.

Doris Clark, assistant Principal for three years, stated that every year they go through the process of needing more space. She reported they need space for teachers training, guided library for staff and space for special tutors to give classes.

Eric Hoekstra, Guilford County Schools, stated that he had received a request from Principal Wilds to install two units at the school for the school year 2004-2005.

Barnes closed the public hearing portion at 8:17 PM.

Carolyn Collins asked how many total units are at the school and Closter stated that there are twelve and the additional two would be fourteen.

After discussion about the need for these units, Carolyn Collins made a motion, under protest, to approve Site Plan #147484/147485 for the kids. The motion was seconded by Bob Williams and carried unanimously.

Collins asked the residents of Summerfield to become vocal with the School Board about the need for a new school building in Summerfield. She stated that the last new building was in 1983 and that more room is a necessity for our kids.

D. SITE PLAN #147474 – Laughlin Elementary School Temporary Classrooms Approval with landscaping waiver requested. Zoned PI, Public Institutional. Located at 7911 Summerfield Road in Bruce Township. Being Guilford County Tax Map 6-372, Block 1118 S, Parcel(s) 30, 31, approximately 11.173 acres. Owned by Guilford Co. Board of Education. Not located in a water supply watershed.

Susan Smith presented the case, reporting that the Zoning Board recommended denial for this case, based on their interpretation of the Ordinance. She reported they have two plans as they are appealing the landscaping waiver, and have decided not to screen property where a fence was located.

In Favor: Eric Hoekstra, Guilford County Schools, stated that the distances are such, they think a fence is not warranted.

Opposed: No one spoke in opposition.

Michael Stewart asked if the walkway would be covered and it was reported that there will be a wooden deck that's covered.

Mark Brown asked if there was a building there previously and it was stated that this would be the fourth.

Stewart stated that he would not like to see screening at a school where someone could hide.

After further discussion, a motion was made to approve Site Plan #147474, with the waiver, by Michael Stewart and seconded by Mark Brown. The motion carried unanimously.

A. SUBDIVISION CASE #2004-130 – Adler Road Subdivision – request for subdivision approval with waiver to Article 5-13.2(C) (length-depth ratio). Zoned AG. Located on west side of Adler Road, south of Scalesville Road in Bruce Township. Being Guilford County Tax Map 6-335, Block 841 N, Parcel(s) 8, approximately 10.5 acres. Owned by Bluegrass Properties LLC. Not located in a water supply watershed.

Susan Smith presented the case, reading from the staff report and stating the applicants were not in attendance at the Zoning Board meeting because of the timing and that they have submitted a new parcel that is slightly different.

Bill Trevorrow asked that if, but for the waiver, does the plat meet the Ordinance and Smith stated they can do it as presented without the waiver.

Trevorrow stated that as a general principal, waivers should be granted in very limited circumstances to avoid the affect of fracturing the Ordinance.

In Favor: Corey Welker, Fleming Engineers, 1061 Weldon Smith Road, Lawsonville, NC, stated that the adjoining property owners have their houses well off the road and that they wish to avoid a flag lot configuration..

Barnes stated that the Council doesn't look at anything the Zoning Board has not seen, referencing afore comments by the Town Planner. She asked if this should be sent back to the Zoning board.

Smith, Brandt and the applicants had discussion about the second plan.

Brandt stated that the second plan would meet the requirement without the waiver and accomplish the goals.

Andrea Smith, owner, 3007 Steepleton Colony Court, Greensboro, stated that they feel the plan they have presented is the best way to equally divide the property without doing harm to trees and land and keep continuity with surrounding houses. She referred to the neighbors and location of their houses and stated that there are things they can do without going through this process, but would like the plan to be approved as presented.

Opposed: No one present spoke in opposition.

Robert Gordon, neighbor, stated that he hasn't seen the plan, but it must be better than cutting the property up even if it doesn't meet width/depth ratios.

There was discussion about covenant restrictions.

A motion was made by Michael Stewart to approve the plan with the waiver, for a more clean-cut development, not zigzagged and that the houses are in good locations. The motion was seconded by Bob Williams.

Jane Doggett stated that she is against approval because it opens up something that does violence to the Ordinance.

Stewart stated that this make better sense to do this instead of what they could do with a fence, etc. He stated that these are five-acre tracts which can't be divided again.

Brown spoke to the history of this site being concerns with the width.

Brandt reported that the goal is to eliminate long tracts in order to avoid long slim lots that can't be used.

Barnes asked to add a friendly amendment to approve on the grounds that physical hardship exists and equal or better performance, adding covenant restrictions with no further sub-dividing on this plat.

Stewart accepted the amendment.

Doggett stated she still had problems because it set a precedent and the attorney said it would be hard to defend in court.

Andrea Smith stated that she understands and agrees, but with this case the option, if divided would go against the belief of Summerifeld.

A vote was taken on the motion with Williams, Stewart and Barnes in favor and Doggett, Collins and Brown opposed. This tie vote constitutes no action.

Stewart stated that this is good planning and Smith stated this is true but the Ordinance says it is a denial. Stewart stated that the house is now at 495 feet and they could consider putting in the requirements to 550 feet not to encroach.

A motion was made by Michael Stewart to approve the waiver; with the land not to be sub-divided again and the house not to be more than 550 feet back from the road.

There was discussion about the location of the house and road frontage.

The motion was seconded by Bob Williams and passed 4 to 2 with Jane Doggett and Carolyn Collins opposed.

BUSINESS FROM TOWN PLANNER: Smith stated that the Town Administrator has met with her concerning the Town having its own Planning Department and that she applauds the efforts of the Town to be independent.

A motion was made at 9:25 by Jane Doggett to recess to Executive Session for personnel and property matters and seconded by Carolyn Collins. The motion carried unanimously.

Council reconvened at 10:05 PM.

BUSINESS FROM TOWN ADMINISTRATOR: Brandt stated that the Finance Committee has requested their meeting date be changed to quarterly or as necessary.

A motion was made by Jane Doggett to change the meeting date of the Finance Committee to quarterly or as needed. The motion was seconded by Michael Stewart and carried unanimously.

Brandt reported on cost for asbestos removal from the property on Summerfield Road. He stated that he received a bid from DH Griffin for \$4000.00 and is waiting on one from EME. He asked Council to give the Mayor authority to approve an amount up to \$5000 for this asbestos removal project.

A motion was made by Carolyn Collins to extend to the mayor the authority to approve an amount up to \$5000.00 for asbestos removal and seconded by Jane Doggett. The motion carried unanimously.

Brandt stated that the property at Rabbit Hollow road must be surveyed by July 19, and this must be done by a professional contractor, with quality, rather than price being the question. He reported he had received a quote for \$110 per hour.

Council agreed to discuss it at the “special meeting” that will be held on July 7th.

Brandt reported that he would be out of the office from July 16 through the 23rd, but will be at the TMA meeting on the 21st.

He reported that he had met with Chief Rick Boykin concerning the burning of the house on Summerfield Road on July 19th. Brandt reported that Boykin has concerns about encroachment on their property if a sloop is put there on the side next to the Fire

Department when the building starts. He reported they also spoke concerning a stub-out for which the fire department would have access.

Brandt reported that Architectural Salvage removed the door and flooring and light switches and Stewart reported that the well inside the house must be filled and abandoned.

Someone in the audience asked that they find some other way besides burning to dispose of the house because the smoke was terrible.

There was discussion that the firemen would receive training through the burning process and EPA requirement of testing of air when the Fire Department burns.

With no further business before the Council, a motion was made at 10:20 pm to adjourn by Jane Doggett and seconded by Bob Williams.

Dena Barnes, Mayor

Dianne Laughlin, Town Clerk