

Index: Minutes, Summerfield Town Council
December 9, 2008

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**MINUTES OF THE
SUMMERFIELD TOWN COUNCIL
SUMMERFIELD COMMUNITY CENTER
DECEMBER 9, 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 6:31pm 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 suggested the following changes to the agenda: continuing Watershed Modification Case #02-08 WM to the January 13, 2009 meeting, and moving the Republic Waste Franchise Discussion to just before the Presentation of Summerfield Athletic Park Master Plan.

Wray made a motion to approve the Consent Agenda, including the meeting agenda as amended, minutes of the November 11, 2008 meeting, and the Financial Report. The motion was seconded by Barnes and carried unanimously.

ANNOUNCEMENTS

US Census Bureau Jobs

Brown noted the US Census Bureau would be hiring 15,000 people in this region to do census work and information would be available at Town Hall for anyone interested.

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

Beth Kaplan, 7979 Highfill Rd thanked council and the mayor for having the foresight to plan for the park and athletic fields. She feels it is important for the town to supply this, she feels her tax money was used wisely as matching fund grants were procured, volunteers were utilized, and feels that the projects have helped the economy by helping folks keep working.

Dwayne Crawford, 1106 NC Hwy 150 West, distributed a copy of George Orwell's *Animal Farm and 1984* to each council member. He asked council to consider a referendum to change the form of government back to Mayor-Council from the recently changed Council-Manager, and cited the lack of a search for a professional manager. Additionally, he feels the change will make council members less likely to end runs around other council members. He also distributed

a letter written in 1998 by former mayor Bill Peterson and discussed population growth of the town, which he feels is limited compared to the growth of the budget.

Hill noted a change in type of government cannot be considered for 2 years after the last change.

COMMITTEE REPORTS:

- A. **Community Relations:** Brown stated Founders' Day was scheduled for May 16, 2009 and the committee was being reorganized.
- B. **Finance:** Luther noted the December 15 meeting was cancelled and the next meeting would be January 26, 2009 to discuss CD programs and CBOs.
- C. **Historical:** Linda Southard stated they did not meet in November and would probably not meet in December. Flowers asked if there was any advertisement about the camera display at town hall and Southard replied it was mostly word of mouth.
- D. **Parks & Rec:** Sue Beeson said they are talking about events in the park and need volunteers.
- E. **Public Safety:** Ron Marshburn stated they had been discussing water supplies for fire protection and will discuss first aid kits for the park at the next meeting.
- F. **SYC:** No report
- G. **Comprehensive Plan:** Harmon said there was no December meeting, and the regularly scheduled meeting would begin in January, on the first Monday of each month.
- H. **Athletic Advisory:** Brandt stated the issues were on the agenda for discussion later in the evening.

PRESENTATION – AUDIT REPORT

Rex Rouse of Rouse, Rouse, Penn. & Rouse discussed the report, making specific note of the following: assets and the fund balance are down; revenue has increased primarily due to receiving the PARTT grant, ABC revenue, and State Cable franchise distribution, all of which were at zero last year; expenditures are also up due to the election, planning salaries, ball field land acquisition, and phase II of the park; the land acquisition and park work has also increased capital assets.

Rouse also cited 2 weaknesses as noted in the SAS 112 letter: internal control (which is significantly mitigated by outsourcing CPA duties), and the new SAS 109 risk assessment requirement, which has been discussed and is being addressed. He further noted that Summerfield had only one adjusting journal entry, with the average being 10 for most towns this size, and that Luther wrote the report herself saving the town about \$1000, therefore Rouse only had to audit the report rather than write it himself. He recommended funding education for Luther to get a CAFR certification, that she is very competent and extremely qualified and that this is some of the best and most thorough work he has seen in 48 years of conducting audits.

Strickland commended Luther on her work and suggested a round of applause. Brandt noted the town was lucky to have someone as qualified and competent as Luther, to which Brown agreed.

PUBLIC HEARINGS

A. Watershed Modification Case #01-08 WM Request for minor modification to the Watershed Critical Area (WCA) Tiers 2 and 3. Owned by George Rilling, Summerfield Veterinary Hospital. The property is located at 4318 US Highway 220N being Guilford County tax map 01-0035, block 0853, parcel 018, in Bruce township.

Harmon discussed the case, reading from the staff report. He noted this was an unusual situation as the property was split between two different watershed tiers and at the time of original development and currently, the state standard limits development to 12%. The county and city requirements used to be the same but since that time City/County rules were changed limiting development to 2.5% and 4%. The request is to allow the property to use the state requirement of 12% development which will allow for a small expansion of the business. He further noted the Zoning Board voted 5 to 0 to recommend approval based on the following findings of fact and conditions:

1. a) The applicant can't get reasonable return if he cannot expand his business. Watershed restrictions prevent expansion.
- b) It is the ordinance itself that has produced the hardship.
- c) The applicant's property has topographical hardships because it is in the Watershed Critical Area, and is dissimilar to the surrounding property.
- d) The applicant did not create the hardship.
- e) The applicant's property contains geographical conditions that are not widespread.
2. The modification will preserve the spirit of the Watershed Critical Ordinance. And that the development of the new surfaces be 100% mitigated for watershed quality protection, and that the Zoning Board review the Site Plan.
3. The modification will uphold the water quality purpose behind the ordinance thereby ensuring public health and welfare.

Williams asked Harmon if he had a recommendation and Harmon noted the applicant did nothing wrong, that the rules were changed on them and they could definitely use the additional space.

Brown opened the Public Hearing at 7:19 pm.

Proponents

Andrea Bush, the office manager, Dr. Ballard, and Dr. Thomas spoke in favor of approval, noting the expansion is greatly needed.

Hill noted one of the findings of fact was that the modification be the minimum to allow reasonable use of the property and asked if this was the case. Bush replied affirmatively.

Jane Doggett, 7986 Highfill Rd, and Michael Stewart, 1328 NC Hwy 150, both noted Summerfield Vet's contribution to the community, the need for expansion, that it was a minimum request, and requested approval

Opponents – None

Brown closed the Public Hearing at 7:25 pm.

Flowers asked about the possibility of setting a precedent and Harmon replied that it was highly unlikely as this was an unusual situation and there are no other commercial properties split between watershed tiers 2 and 3 that he is aware of. Brandt stated the City of Greensboro was notified as they are the water user and they did not reply. Hill stated in addition to the findings of fact, any motion would also need to state that it is the minimum possible deviation from the ordinance that would allow reasonable use of the property.

Flowers made a motion to approve Watershed Modification Case #01-08 WM for the property located at 4318 US Hwy 220 North based on the Zoning Board findings of fact listed above which she recited, and that it is the minimum deviation from the ordinance. The motion was seconded by Williams. In reference to finding of fact 1 a). Strickland suggested that the applicant was already getting a reasonable return from the property and this request would result in an enhancement of such return and wanted the distinction made for the record. The motion passed unanimously.

B. Watershed Modification Case #02-08 WM (Continued to January 13, 2009 meeting)

NEW BUSINESS

A. Subdivision Waiver 2008-9-S Ruth Reenstra. Appeal Zoning Board decision. The property is located at 5078 Bunch Rd. being Guilford County tax map #: 01-035-Block 0920 Parcel 014. The property is owned by Ruth Reenstra, is 4.91 acres, and zoned RS-40. The applicant requests a waiver to Development Ordinance Subdivision Standards 5-13.2 (G), which specifies a maximum flagpole length of 300 feet for flagpole lots.

Harmon noted this was an appeal of the Zoning Board denial for lack of finding of physical hardship, equal or better performance, or unintentional error. Of those three reasons for granting a waiver, Harmon feels the only possibly applicable one is equal or better performance. The first time it went before the Zoning Board there was a procedural error, so it was remanded back and now being appealed to Town Council.

Brown noted that there was no Public Hearing for a Subdivision Waiver per the development ordinance, but the applicant was free to speak to the facts of the case only.

Art Reenstra, 5605 Whispering Pines Dr, spoke on behalf of the property owner, his mother Ruth Reenstra, stating they were requesting the waiver to get full use of the property while keeping with the character of the neighborhood. He noted that without the waiver other options would include a private road or building a house at the front of the property, both of which are detrimental and out of character of the neighborhood. He noted that they seem to be allowed to do the most destructive thing, but not allowed to do the simplest thing.

Hill noted that council is bound by the ordinance and must find based on one of the three standards. Reenstra feels the ordinance prevents Ruth from utilizing the property at its highest and best use and that they are open to conditions on lot size and turning radiuses. Strickland asked about the difference between granting this and the watershed modification just granted, and wants to make sure the standards are applied the same to all. Brown stated there was not basis for comparison as they were two totally different issues.

Following much discussion about what is currently allowed under RS-40, private roads, setbacks, lot sizes, septic field locations, other flag lots, driveway dimensions, distances from other buildings and property lines, conditions, and a short break, Williams made a motion to approve Subdivision Waiver 2008-9-S if the new line between the property was brought up as far as possible to the existing house, and that no other development can go on that property. Brandt stated there should be the minimum change necessary and the need to keep the first lot as a legal lot and no larger than 3 acres. The motion was clarified to the following: Motion to approve Subdivision Waiver 2008-9-S with the following conditions: that the existing lot be the smallest possible acreage meeting all required setback standards including setbacks from well and septic systems and that the new lot be no greater than 3 acres in size. The motion was seconded by Barnes who asked if it was satisfactory to Hill and Strickland asked if that was what Reenstra was asking for, who replied affirmatively. The motion carried 4 to 1, with Flowers opposed.

B. Continued discussion of Republic Waste Services Franchise Agreement

Brandt noted Republic was offering to extend the current agreement to a 3 or 5 year agreement and if council agrees to the 5 year franchise then Republic would waive the planned CPI price increase for 2009, which is approximately 5% for the first year, and would waive fees for Town Hall, Summerfield Community Park, and future collection at Summerfield Athletic Park. Brown asked about a fuel charge and Brandt stated there is not one at this time. Brown asked what would happen if Guilford County went with universal pick up and Brandt replied that there was an out available to either party. He further noted that new state regulations were not going to allow water bottles in landfills and we may need to consider other or expanded recycling options. Brandt stated he needed to know council's preference of a 3 or 5 year extension for purposes of advertising for the Public Hearings. Wray feels the CPI should be waived for 2 years if the agreement is extended for 5 years. Jimmy Torrey of Republic Waste said that is too far in the future and there were too many unknowns for him to make that concession. Luther recommended adding free pick up for future town properties as well, to which Torrey agreed. By consensus, Council preferred the 5 year extension and Brandt will advertise that for the Public Hearings.

C. Presentation of Summerfield Athletic Park Master Plan

Brandt introduced members of the committee and noted there was the potential to obtain a \$500,000 PARTF grant to help with the costs of this project that would be discussed later. Jeff Cass, committee chair, gave a timeline of the process. Scott Miller of Miller Landscape Architecture described the property, its challenges and constraints, layout, and plan development.

There was discussion of septic location and system options, field locations and sizes, water run-off, lighting, parking, cost opinions and cost estimates, and the possibility of doing some of the construction in smaller stages in order to employ locals and utilize local businesses. Brandt read the citizen comments from the open house and the answers to questions.

Break from 9:39 to 9:46

Flowers asked about the third field and Brandt replied it was a question of money, that it would be more economical to construct it in conjunction with the other fields and with the dirt from the first two fields, that it would not be constructed without allocation of funds from either a PARTF

grant or from council. He further noted that costs could be reduced by pushing back the installation of amenities such as picnic shelters to a later date. Strickland feels that this project has become a "sports complex" to be supported by a town of 3,000 households. Luther noted that so far budget wise only phase I had been approved. Strickland asked if it could be left that way and Brandt replied that was up to council. Flowers recommended surveying the use after completion of phase I. Brandt noted future phases did not have to be approved or developed, but the current growth of recreational sports was leaning towards the use of multipurpose fields for soccer and lacrosse. Luther stated Miller was asked to design the master plan based on getting the most bang for the buck and Flowers feels they did an excellent job. Strickland asked if this should be brought forward with a Public Hearing. Brandt stated there was a public open house that was advertised extensively and Luther stated public input in the form of Public Hearings would be done during budget time.

Wray made a motion to approve the Summerfield Athletic Park master plan as presented. The motion was seconded by Williams. Strickland is in agreement as long as there was no change to the budget. Brandt said that cannot be guaranteed as the entire budget is 3 million to be built in phases, with phase one budgeted at 1.15 million. Luther noted the approval is for the concept, not for the construction and phasing and cost discussions would be tied to the budget. The motion passed 4 to 1 with Strickland opposed.

BUSINESS FROM COUNCIL

A. Continued discussion of Sex Offender Ordinance prohibiting access to town parks and recreation property and facilities

By consensus, there will be a Public Hearing on this item in January.

BUSINESS FROM TOWN MANAGER

A. Discuss application for NCPARTF grant submission for matching funds to develop Summerfield Athletic Park

Brandt stated two grants had already been received and there was a possibility of a third grant to help offset the costs of fields and facilities for the Summerfield Athletic Park. In a discussion with a PARTF representative, he was informed that it was acceptable to apply for a grant for the same site (considered phase II) while construction was currently ongoing for another portion of the project (considered phase I) provided the facilities were stand alone. Brandt asked council if they were supportive of the idea of developing a phase I construction plan and funding it in addition to submitting a PARTF grant for the other project elements as phase II construction plan, which would in effect be changing the phasing of what would be built when. The objective is to seamlessly keep working on one project, but on paper it would look like two separate projects. He noted there is already 1.15 million budgeted and getting the PARTF grant would add another \$500,000 to that. Strickland asked if this would necessitate a budget amendment of \$500,000 and Brandt feels it would not. Luther stated any budget amendments would negate each other and the current budget would not be affected but the overall budget may be affected.

Flowers made a motion to instruct staff to move forward with trying to get approval for the \$500,000 PARTF grant. The motion was seconded by Williams. Strickland asked Flowers to amend the motion to designate it for construction of what we consider to be phase I, which includes the large ball field. Flowers agreed. The motion passed unanimously.

B. Discuss application for Clean Water Management Trust Fund grant for storm water device construction at Summerfield Community Park

Brandt said representatives from NC State and PTCOG are interested in the proposed rain garden and they have offered to support the town in applying for the grant of up to \$15,000 for construction. NC State and PTCOG staff will write the grant and will oversee construction and monitoring of the site. There are no additional matching funds required and very little staff time as they will write the grant and monitor the project at their own expense.

Williams made a motion authorizing moving forward with the grant application. The motion was seconded by Wray and carried unanimously.

C. Discuss revised Memorandum of Agreement with NC Fish & Wildlife Commission for Fishing Pier at Summerfield Community Park

Brandt described the revised agreement which is only for construction of the pier and sidewalk with no fisheries management plan, and requiring that the pier be available to the public for fishing purposes for 10 years rather than the previously announced time of 5 years. Flowers asked about the cost and Brandt noted the cost share would still be 75% state and 25% town, with an estimated cost to the town of \$5,000.

Wry made a motion to approve the Memorandum of Agreement between NC Wildlife Resources Commission and the Town of Summerfield for the Summerfield Community Park fishing pier and sidewalk. The motion was seconded by Williams and carried 4 to 1, with Strickland opposed.

D. Discussion of personnel changes and duties due to resignation of Town Planner

Brandt announced Harmon was leaving the Town of Summerfield for a position in Fayetteville and thanked him for his work for the town. There was discussion of shifting of duties, naming Carrie Spencer as deputy clerk, and perhaps hiring a temporary part time worker. Brandt does not feel it is a good time to advertize for a new planner and has no plans to do so at this time. Code enforcement duties may be contracted out for the time being. Following a brief discussion, Brown thanked Harmon for his service.

BUSINESS FROM THE MAYOR

Consider purchase of Town of Summerfield lapel pins

Brown asked council to consider the lapel pins, which many NC towns and cities have commissioned. The pins could be given to visiting dignitaries and the like, or sold to the public. The issue will be revisited at a later date.

OTHER BUSINESS (if any)

Flowers read from an email response to a question from Strickland, in order to clear up any misconceptions or confusion:

“If I may make a suggestion to see if this would address what I believe is the heart of Ms. Strickland’s question regarding Mayor Brown’s travel reimbursements, I would suggest that during either Council Comments or Mayor Comments that individuals that have gone to meetings, attended events, or carried out business on behalf of the town give a short report as to what those actions were. That way everyone is updated, those that did not attend can be brought up to speed on the situation, and everyone is better informed. In my opinion this is not a question regarding expenditures it is a question of being informed about what is occurring regarding official town business. Most of these will be very short reports and some may even be covered in other areas of the meeting...”

Flowers noted she feels this is what Strickland intended with her request and Strickland agreed. Brown said he has no problem with that and all the information is public record. Brandt then discussed a meeting he and Barnes attended about the Jordan Lake Rules, and a Solid Waste Management meeting he attended.

COMMENTS FROM THE COUNCIL

Wray thanked the Summerfield Youth Council for their hard work in putting on the Tree Lighting and Halloween events.

With no further business before the Town Council, a motion was made at 11:00 pm by Barnes to adjourn. The motion was seconded by Williams and carried unanimously.



Mark E. Brown, Mayor



Valarie Halvorsen, Town Clerk