

**MINUTES OF THE
SUMMERFIELD TOWN COUNCIL
SUMMERFIELD COMMUNITY CENTER
MARCH 31, 2008
(Continued from March 11, 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, Interim Town Manager
Dana Luther, Finance Officer
Torin Fury for William Hill, Town Attorney
Valarie Halvorsen, Town Clerk

CONSENT AGENDA:

Brandt suggested removing the Closed Session from the agenda. Wray made a motion to approve the Consent Agenda which consists of the meeting agenda, as amended. The motion was seconded by Barnes and carried unanimously.

PRESENTATIONS:

VFW Presentation to erect Monument in Summerfield Community Park

Brown gave background information about the project including the various locations that were suggested and considered.

Brown introduced Richard Beeson who had been representing the VFW in this effort to speak. Beeson stated that due to some personal reasons and because he was not a veteran, it was time for another spokesman to represent the group and turned the floor over to Danny Nelson, a VFW member and veteran.

Danny Nelson expressed his feeling that he was misled by the town on the availability of the preferred memorial location. He stated all of the perceived obstacles mentioned in regard to the preferred site (erosion, tree damage, additional bathrooms, spacing issues, septic repair area, etc) were not insurmountable and many had been addressed. He feels that town staff is only interested in creating more obstacles rather than working with the VFW to help move the project forward. He asked council to vote on the site one way or another tonight to eliminate further delays, that the VFW would erect the monument with or without help and cooperation from the town.

Jim Billups of Anderson & Associates said they have been working with the VFW on this project on engineering and landscape design aspects. He feels that the issues raised by the town can be worked through.

Nelson stated the 30 x 50 shelter encroached into the septic repair area, which is near the area the mayor originally told Mr. Beeson the memorial could be located. Nelson said the town now is unwilling to grant approval to the site due to it being in the septic repair area. He feels that this site has the best visibility and the veterans deserve no less.

Brown discussed the flags and stakes depicted in the pictures. He spoke of a meeting between himself, Sue Beeson, Michael Brandt, and Richard Beeson to discuss what Brown thought were agreed upon items including tree replacement, additional bathroom costs, ADA access, and a bank fund to maintain the memorial. It was later determined that additional bathrooms would not be required by Guilford County.

Richard Beeson stated the VFW was willing to comply with all 10 items listed, with the exception of the bank fund to maintain the memorial. He stated the VFW would maintain the memorial and that all funds raised would be properly accounted for through the help of a CPA.

Brown stated his concern about the upkeep was not for the near future, but the distant future, and recognized Mrs. Marshall, who helped plan the Stokesdale memorial. She discussed the bank fund Stokesdale uses to replace flags and other maintenance.

James Lee, 1807 Yarborough Dr, Greensboro asked all veterans and VFW members to stand and introduce themselves. Many speakers expressed their wish that council approve the preferred monument site.

Sue Beeson, Parks & Recreation co-chair stated the committee has worked with the VFW and the town, and they wholeheartedly support the memorial. They want to ensure that the location chosen will be the best location to ensure that the beauty of both the park and the memorial are preserved. The committee's main concern with the VFW preferred location is crowding. She noted that a master plan for the park has been in place for several years and any requested changes should fit in to that plan appropriately and serve to enhance the beauty of the park. The committee recommended hiring a landscape architect to review the memorial plan and the available sites to help the town and the VFW come to an agreement on where the monument would look best in the park, and that the town and the VFW share the cost.

Strickland asked if there were plans for anything else at the VFW preferred location and if not, wanted to know what the problem was with approving the location. Brandt replied it was not a problem that it was up to council to make the decision. He stated the location has appropriate soil quality to be used as a septic repair area in the future if needed and if that area is chosen for the memorial site, the future septic repair area will have to be relocated.

After some discussion Strickland said she feels the VFW should be able to build the monument where ever they wanted to. Brand said the issue was not that the town or staff did not want the memorial, but rather an issue of selecting the most appropriate place to honor veterans that would fit in best with other park structures because once it is in place the location cannot be changed. Roy Lee and Leon Baker, speaking from the floor feel the site is ideal for accessibility and visibility, especially for disabled folks who may want to visit the memorial.

Flowers asked Nelson and Beeson if this was the only site they would consider and Beeson answered it is the only site the VFW is considering. Mr. White stated it was the overwhelming favorite of the members.

Williams said he was all for the memorial, but feels that a better location could be found.

Wray feels the monument should be out front where everyone can see it and supports the VFW preferred location, but also understands the concerns of the Parks & Recreation committee.

With the preferred location, which is nestled in a small grove of trees, Barnes is concerned about leaves as well as the crowding issue. She does not want attention to be taken away from the memorial due to the other things in the same location. Alternately, she feels that the memorial should be very visible and easily accessible to all.

Flowers commended the speakers on their informative presentation, and thanked Brandt for his input. She feels that all issues raised have been addressed and supports the VFW preferred site.

Flowers made a motion to approve the site chosen by the VFW for the memorial. The motion was seconded by Strickland and carried unanimously.

Break from 8:28 to 8:37pm.

TOWN MANAGER REPORT:

Review and approve Purchasing Policy

Brandt went over the changes that had been agreed upon by council. Flowers made a motion to approve the Purchasing Policy. The motion was seconded by Williams and carried unanimously.

Review and approve Community-Based Organizations Funding Policy

Brandt stated he had made the council suggested modifications to the policy. Luther outlined specific changes made per previous council discussions. Barnes made a motion to approve the Community-Based Organizations Funding Policy. The motion was seconded by Flowers and carried unanimously.

Review and approve General Procedure Ordinance for Town Committees

Following much discussion, it was decided to amend section C. 1.) ii. as follows: a. Members that have served less than two years may serve an additional three terms. B. Members that have served two to four years may serve an additional two terms, and c. Members that have served more than four years may serve an additional one term. Brandt discussed other, previously agreed upon changes. Strickland asked about a town policy for committee minutes. Brandt stated the policy would be completed soon.

Flowers made a motion to approve the Ordinance Establishing the General Rules of Procedure for Summerfield Committees as amended. The motion was seconded by Barnes. Strickland asked for a hard copy of the discussed changes before voting on the issue, and suggested continuing the matter until the next meeting as a substitute motion. The substituted motion failed for lack of a second. The motion approving the ordinance passed 4 to 1, with Strickland opposed.

Review and approve Parks and Recreation Committee Ordinance

Flowers made a motion to approve the ordinance. The motion was seconded by Wray and carried unanimously.

Review findings from Town Attorney regarding changes to the Town Charter related to filling vacant seats and recall elections

G.S. 106A-101 does not specifically enumerate filling vacancies or recall elections. There is no case law dealing with filling vacant seats. Torin Fury says they are of the opinion that the general rule about filling vacancies outlined in the statute does not apply to the Town of Summerfield because when the charter was enacted by the General Assembly, the Legislators specifically approved a vacancy provision that deviated from a strict application of the provisions in G.S. 160A-63. There is no provision in Chapter 160A regarding the recall of elected officials. As such, Torin Fury suggested that the two items (filling vacant seats and recall elections) be addressed at the same time as a legislative amendment.

Strickland asked about the possibility of also restricting term limits and creating voting districts within Summerfield. Fury responded that it was certainly possible and could be done in conjunction with this if that is what council wants to do. Brandt asked council to direct him on which items to submit to the General Assembly, noting that different items are appropriate to submit for specific sessions.

After some discussion about term limits, Brown suggested making a motion on the filling vacancies issue tonight and discussing the other issues at a later time, as they each warranted more council discussion. Strickland made a motion to direct Brandt to move forward on the filling vacancies issue. The motion was seconded by Flowers and carried unanimously.

Direct staff regarding acquisition of 4310 US 220 North (Summerfield Rail/Trail Parking lot).

Brandt stated the potential property acquisition was included in the current year fiscal budget and in order to move the process along, staff is requesting that council approve a budget amendment and authorize him to get an appraisal of the property with a cost not to exceed \$3000. Strickland asked if this was the same property that the city and county were going to help the town buy. Brandt replied affirmatively. Strickland asked about the possibility of recouping the appraisal cost if the city and county join with the town in purchasing the property. Brandt feels that is a possibility.

Wray made a motion to direct staff to seek an appraisal of 4310 US 220 North, known as the Marshall property, with a cost not to exceed \$3000. The motion was seconded by Williams and carried unanimously.

BUSINESS FROM TOWN COUNCIL:

Appointment of Committee Members

Finance Committee

Brown stated there were two vacancies and three applicants: David Reich Jr, Jane Wilson, and Gail Dunham. He stated it is a very important committee as they guide council on financial matters. He discussed each applicant and recommended Reich and Wilson. Wray referenced an email from Brown which Strickland and Flowers said they did not receive. Flowers asked why Reich's application was 2 ½ years old. Luther explained that there was not a vacancy at that time and when that is the case the applications are held until there is a vacancy and applicants are considered at that time. Flowers asked if all the applicants could be appointed and Luther explained the committee should not be too large as it would hamper their processes. She said that one member resigned and another is no longer able to attend a sufficient number of meetings, leaving two vacancies.

Strickland asked why Reich and Wilson did not include any credentials as Dunham did. Based on the information given she feels Dunham is the most qualified and thinks she should be considered for one of the seats. Flowers agrees and feels the choice should be based on what is best for the town, not based on personality issues and Dunham's resume is very impressive. Strickland asked if the Finance Committee had a recommendation and Luther said they were not directed to do so but could in the future if council wishes. There was discussion of updating the application and requesting resumes in the future, especially for Finance Committee applicants. Barnes agreed that resumes would be helpful.

Barnes made a motion to appoint David Reich Jr and Jane Wilson and to update the application and ask for resumes from future applicants. The motion was seconded by Wray. Flowers feels Dunham should be on the committee. Williams stated he does not want her on the committee based on her "attempt to undermine phase II of the park." Barnes said her motion was based on who she thought would help move the budget process and other financial considerations along. Wray stated his second was based on which applications came in first. Strickland feels that Dunham should be on the committee as she seems to be the most qualified. The motion passed 3 to 2 with Flowers and Strickland opposed.

Historical Committee

Brown stated MaryJane Gordon had served as a voting member for quite some time but may not have ever been asked to fill out an application and did not know it was required. Brandt stated that Gordon did not live in the town limits and according to the committee ordinance could only serve in an ex-officio capacity. He asked if council wanted to make an exception for her. Barnes feels that would be acceptable. Strickland disagreed, stating now that there is a policy it needs to be followed.

Barnes made a motion to appoint MaryJane Gordon as an ex-officio member of the Historical Committee. The motion was seconded by Flowers and carried unanimously.

Public Safety Committee

Flowers feels the applicant, Jason Marshburn, is very qualified. Flowers made a motion to appoint Marshburn to the Public Safety Committee. The motion was seconded by Williams and carried unanimously.

Appointment of voting member to Comprehensive Plan Committee (request by Councilperson Flowers)

As per the newly passed ordinance, Flowers stated she resigned as a voting member from the Comprehensive Plan Steering Committee due to the fact that she is now on Town Council. She requested council appoint her as an ex-officio member and appoint Anne Nusskern from an ex-officio to a voting member.

Barnes made a motion to accept Flowers and all other council members’ resignations as voting members of committees and appoint Flowers as an ex-officio member of the Comprehensive Plan Steering Committee. The motion was seconded by Wray and carried unanimously.

Flowers made a motion to move Anne Nusskern from an ex-officio to a voting member of the Comprehensive Plan Steering Committee. The motion was seconded by Strickland and carried unanimously.

With no further business before the Town Council, a motion was made at 10:06 pm by Wray to adjourn. The motion was seconded by Barnes and carried unanimously.

Mark E. Brown, Mayor

Valarie Halvorsen, Town Clerk