

**MINUTES OF THE
SUMMERFIELD TOWN COUNCIL
SUMMERFIELD COMMUNITY CENTER
May 3, 2005
6:30 P.M.**

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 6:32 pm by Mayor Dena Barnes.

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

INTRODUCTIONS:

Dena Barnes	Michael Brandt, Town Administrator
Bob Williams	Dianne Laughlin, Town Clerk
Carolyn Collins	Bill Bruce, Town Planner
Mark Brown	Bill Trevorrow, Town Attorney
Jane Doggett	
Michael Stewart	

CONSENT AGENDA:

A motion was made by Jane Doggett to approve the consent agenda, which included the meeting agenda; the Minutes of April 5, 2005 (with minor additions); unseal closed sessions minutes from April, May, June, August, September, October, November, December 2003; January, March, April, June, August 2004 and March 2005; Resolution adding Springsong Court to the NCDOT secondary road maintenance system and Resolution of intent of road closing (to be heard June 7, 2005). The motion was seconded by Bob Williams and carried unanimously.

ANNOUNCEMENTS:

Dena Barnes announced the new recycling facilities on Bishop Road. She offered condolences to Councilperson Jane Doggett and to former Mayor John Wray on the passing of their mothers and she acknowledged the presence of former Mayor Bill Peterson.

**PROCLAMATIONS: NATIONAL DAY OF PRAYER, MAY 5, 2005 AND
NATIONAL CLERK'S WEEK, MAY 1-7, 2005**

Mayor Barnes read the proclamations into the record. These proclamations are hereby incorporated by reference and made a part of these minutes.

**Proclamation
Day of Prayer**

WHEREAS, Civic prayers and national days of prayer have a long and venerable history in our constitutional republic, dating back to the First Continental Congress in 1775; and

WHEREAS, The Declaration of Independence, our first statement as Americans of national purpose and identity, made "the Laws of Nature and Nature's

God” the foundation of our United States of America and asserted that people have inalienable rights that are God-given; and

WHEREAS, The Supreme Court has affirmed the right of state legislature to open their sessions with prayer and the Supreme Court and the U.S. Congress themselves begin each day with prayer; and

WHEREAS, In 1988, legislation setting aside the first Thursday in May in each year as a National Day of Prayer was passed unanimously by both Houses of Congress and signed by President Ronald Reagan; and

WHEREAS, The National Day of Prayer is an opportunity for Americans of all faiths to join in united prayer to acknowledge our dependence on God, to give thanks for blessings received, to request healing for wounds endured, and to ask God to guide our leaders and bring wholeness to the United States and her citizens; and

WHEREAS, It is fitting and proper to give thanks to God by observing a day of prayer in the Town of Summerfield when all may acknowledge our blessings and express gratitude for them, while recognizing the need for strengthening religious and moral values in our State and nation;

NOW, THEREFORE, I, Dena H Barnes., Mayor of the Town of Summerfield, do hereby proclaim the **first Thursday in May 2005**, to be designated as

“A DAY OF PRAYER IN SUMMERFIELD, NORTH CAROLINA”

and encourage the citizens of Summerfield to observe the day in ways appropriate to its importance and significance.

Proclaimed this the 3rd day of May 2005.

**TOWN OF SUMMERFIELD
PROCLAMATION
MUNICIPAL CLERKS WEEK**

WHEREAS, The Office of the Municipal Clerk, a time honored and vital part of local government exists throughout the world; and, the Office of the Municipal Clerk is the oldest among public servants; and

WHEREAS, The Office of the Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels, and

WHEREAS, Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all, and the Municipal Clerk serves as the information center on functions of local government and community, and

WHEREAS, Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, province and international professional organizations, and

WHEREAS, it is with much appreciation that we recognize the accomplishments of the Office of the Municipal Clerk.

NOW, THEREFORE, I, Dena H. Barnes, Mayor of the Town of Summerfield, do recognize the week of May 1 through May 7, 2005, as Municipal Clerk Week, and further extend appreciation to our Municipal Clerk, Dianne Laughlin, and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent and encourage the community join me in this recognition.

PUBLIC HEARING:

PROPOSED ORDINANCE CABLE TELEVISION AGREEMENT (Franchise Agreement) BETWEEN THE TOWN OF SUMMERFIELD AND TIME WARNER ENTERTAINMENT ADVANCE/NEWHOUSE PARTNERSHIP (First Reading)

Brandt read the agreement and announced the second reading would be June 7, 2005.

Mayor Barnes introduced Dave Harris with the Piedmont Triad Council of Governments and Harris introduced Buck Yarborough of Time Warner Cable.

Harris recalled that Council adopted an Ordinance at their January 4, 2005 meeting to initiate a cable franchise agreement between the Town of Summerfield and Time Warner Cable and this agreement is in accordance with that Ordinance. He reported that this would be a non-exclusive, 15 year Franchise agreement with 5 percent of the franchise fees now being paid to the Town instead of to Guilford County. He stated that cable access would be given to town buildings, fire stations and schools at no charge.

Bill Trevorrow, Town Attorney, stated he and Mr. Harris had talked and he saw no problems with the agreement as presented.

Some residents asked if the franchise fees would go up and Harris stated that 5 percent is being collected from each subscriber and that percentage is set by federal statute and cannot go up and that these rates are the same throughout the area.

Bill Peterson asked fees were collected included future technologies and Harris replies they were collected on television services only.

It was reported that copies of the ordinance are available at Town Hall.

Opposed:

Gail Dunham stated she thought the cable rates were outrageously high, that the increases exceed the cost-of-living and Harris stated that Town Council had no authority to regulate rates or programming. Dunham also stated that customer service with Time Warner was not good and should be improved.

The public hearing session closed at 6:50 pm.

After some discussion, Jane Doggett motioned to approve the Franchise agreement as presented for the first reading. The motion was seconded by Mark Brown and carried unanimously.

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

Becky Strickland, 3220 Pleasant Ridge Road, stated she had more demands for refund for Tax requests, which she presented to the Town Clerk. She stated that not all closed session minutes had been unsealed and gave a list of dates to the Town Clerk of those minutes and she stated that all closed sessions before November 2004 were in violation of the open meeting law. She spoke to Bill Trevorrow, Town Attorney, concerning \$1,000 earnest money which had been paid to Charlie Lowdermilk on the Municipal Building site and also why the Town paid the 2003 property tax on the property. Strickland spoke to the HUD being a federal form and warned there is a 30-year penalty for filing a false federal form.

Ronnie Stafford, 3229 Pleasant Ridge Road, spoke concerning the May 17th referendum, stating the mayor election is a lose/lose situation; that if this passes, once the mayor is elected, they can't vote on any business that comes before the Council and can only control the agenda. He stated he felt like everybody would lose.

Mary Jane Gordon 305, Grassy Meadow Court, stated she supports the Town Council; that ten years ago, wise members decided to become a Town or be taken in by Greensboro. Gordon, stated she lives in Greensboro and is a property owner in Summerfield. She stated that she pays Greensboro taxes and knows how high they are. She told Council she stood behind them; that they were good people, concerned about the Town.

Dwayne Crawford, 1106 NC Hwy. 150W, stated that the wording of the referendum was altered and was not as worded on the petition and he could not support it the way it was worded. He said the petition was meant to affect the 2005 election. Crawford stated he found the discrepancy about thirty days ago and Mayor Barnes asked why he hadn't already called it to Council's attention. Bill Trevorrow stated he was responsible for the change in the wording of the resolution sent to the Board of Elections, but thought the intent was the same. Crawford stated the phrase "after election to office" was added and it altered the meaning. Crawford then spoke to concerns about the ad that ran in US Air Magazine, citing "cheap" land for sale; concerns about Council and Committee members' children working for firms which do work for the town and questioned Mayor Barnes serving on the board of PTCOG. He asked Council, "Who do you serve?" Barnes stated whenever she attends a PTCOG meeting, she represents the Town.

Gail Dunham, 5805 Snow Hill Drive, gave copies of ethics disclosure forms which had been completed by the steering committee of the Concerned Citizens and suggested Council members and committee members, other that social committees should complete the forms as well. Dunham spoke to Aqua NC's water rates have going up more than 50% since June and she compared them with Enron. She also reported poor service and maintenance from the company. She suggested there be a public meeting to discuss water for Summerfield be held at the Elementary School. She spoke to taxes and the proposed budget.

Recess from 7:28 pm until 7:36 pm.

COMMITTEE REPORTS:

A. Community Relations: Laughlin reported volunteers are needed and also participants for the Apple Pie Baking Contest. Delane Williams reported there are more than 200 entrants in the parade and Howard Coble will serve as Grand Marshall.

B. Conservation: No Meeting

C. Finance: Dena Barnes reported that the committee had recommended Ronnie Stafford to serve as Interim Chair and will sign checks for the Town as needed. She reported they will run an ad in the News and Record for a Finance Officer. Councilman Stewart asked if he should abstain from voting since he and Stafford had worked for the same company and the Town Attorney told him no. A motion was made by Jane Doggett for Ronnie Stafford to serve as Interim Chair of the Finance Committee and sign checks as needed. The motion was seconded by Carolyn Collins and passed unanimously.

D. Historical: Linda Southard reported there would be seventeen groups under the History Tent at Founders Day and invited everyone to come out.

E. Parks & Rec: Next meeting will be May 12, 7 pm at the Town Hall.

F. Public Safety: No Meeting

G. Thoroughfare: Bill Bruce reported the next MPO meeting would be on May 25th and I-73 would be discussed and he reported on road projects reporting right-of-way acquisitions for US 220 widening would begin in 2007 and construction would begin in 2009-2011. He reported a hearing on the widening of US 220 would be in June and that some road projects have been pushed back because of funds being diverted to other parts of the state. Bruce reported we have a functioning traffic signal at Summerfield and Oak Ridge Roads and curbing and guttering is under construction.

H. Town Core: Bruce reported the Committee plans to have a space at Founders Day; recruit new members and start meeting again in the fall.

I. Water Resource: Gordon reported that there will be a meeting to discuss options for water on May 31st, location to be announced. He requested questions be sent to Town Hall so that information can be obtained.

Ginny Lockhardt asked how council member would vote on water and sewer since several of them own property other than their residences in the Town Core; stating she thought this to be a conflict of interest. Barnes stated that the idea to bring water to the Town Core was because of the contaminated wells and sewer hasn't been discussed. It was stated that 11 to 15 sites are contaminated. Barnes stated there was confusion about the water system and the Town Core; that they are two different issues. Dunham spoke to two contaminated wells on the municipal building site but was corrected that these wells were not contaminated but did not meet current codes and had to be closed.

There was discussion about Stokesdale's water system and a \$3 Million grant they received to cover construction costs.

BUSINESS FROM TOWN PLANNER:

Bruce reported there isn't adequate room for public meetings on the second floor of the town Hall due to the Planning Department expansion and he asked that the Zoning Board and Board of Adjustment meeting be moved to the Community Center; causing a change of meeting dates for the Zoning Board to the fourth Monday of each month beginning in June. There was discussion about the heat and air conditioning, computer terminal hook-ups and arrangement of the upstairs.

After some discussion, a motion was made to accept the recommendation of the Town Planner to change the meeting dates and location of the Zoning Board to the Community Center and to change the meeting location of the Board of Adjustment to the Community Center. The motion was seconded by Carolyn Collins and passed unanimously.

Recess from 8:10 pm until 8:27 pm.

BUSINESS FROM TOWN ADMINISTRATOR:

A. Draft Budget Presentation

Michael Brandt presented the proposed Budget for fiscal year 2005-2006. He reported that this was a presentation and there would be no public comments at this meeting but they would be heard at the meeting on June 7th. Brandt read the Budget message and explained each item. He reported that Guilford County has raised their cost to eighteen percent and that the Town may need to raise fees; comparing costs for various services to other towns. He spoke to the PARTF grant, and proposed a Capital Reserve Fund for Parks and Transportation. This would be a fund where monies would be set aside for future projects. He also spoke to providing garage collection to all residents as a service provided by the town. Brandt proposed lowering the property tax to 7 cents per \$100 of property tax evaluation; down from the 10.5 cents per \$100 of property value currently in place. He reported receiving part of the sales tax distribution for the county and money from a cable franchise agreement made this recommended reduction possible.

Bill Trevorrow stated we should start looking at the contract with Republic Waste about six months in advance and possibly requesting an extension for a fiscal year, if the Town decides to provide garbage service.

Brandt asked residents to look at the Budget, call or e-mail with questions and he reported the Finance Committee will look at it next week at their meeting. He reported the first reading of the budget will be on June 7th, and second reading would be at the June 20th Business meeting.

Brandt reported that we need a bid for Phase I of the park and he has an offer from Westcott Engineering of \$4500.00 to handle getting bids and he recommended putting Westcott under contract so that the bid package could be ready to go out in two weeks. He reported this figure doesn't include shipping, postage, AIA documents, etc.

After some discussion, a motion was made by Bob Williams to approve a contract with Westcott. The motion was seconded by Mark Brown and passed unanimously.

There was some discussion about the bid process and deadline dates for the Personnel Policy which is being prepared by PTCOG.

BUSINESS FROM COUNCIL

A. Update status of Code of Ethics

Bill Trevorrow stated he had been doing some research to get a sense of how other communities have handled ethics policies and he should have models ready at the next meeting.

B. Consider appointments to the Zoning Board

Barnes reported that three people were interviewed for the Zoning Board and she stated they would like to see more applications. Mark Brown stated they had good candidates but feel they need to get more applications. Barnes asked Sandra Smith to place an ad in the Northwest Observer for the Zoning Board, Finance Committee and Public Safety Committee.

Barnes stated they would like to see some new people come in rather than use the same people who are already serving on committees.

C. Consider noise ordinance:

Mark Brown stated that the county has a noise ordinance which is extremely vague and that the town has received a letter from Sheriff B.J. Barnes asking for comments on a proposed noise ordinance which had been presented to the county commissioners. Brown reported the Ordinance seems fair and comprehensive.

There was discussion about Summerfield's Noise Ordinance and Barnes stated if the County Commissioners pass this ordinance, the town may want to look at it so that the noise ordinances are fairly universal across the county.

Brown asked Council to send a letter to the Commissioners in support of the Ordinance. Barnes asked if she should excuse herself as the Sheriff's wife and was told by the Town Attorney that she didn't need to be excused.

A motion was made by Bob Williams to send a letter in support of the proposed noise ordinance to the County Commissioners. The motion was seconded by Carolyn Collins and passed unanimously.

Discussion of Town Finance Officer:

Barnes reported several resumes have been received and Council agreed by consensus that Mayor Barnes and Michael Brandt review the applications and have some Finance Committee members interview candidates, and to ask former Finance Officer Sam Anders if he would sit in on the interviews.

OTHER BUSINESS (if any)

There was discussion about the PTCOG workshop with Council and the strategic planning process. Bruce reported that a Greensboro Day School teacher and her class had done approximately 99 percent of the work and that the Planning Department plans to help complete this project in a couple of weeks. Brandt reported we have an agreement for about \$250,000 for this work to show the location of subdivisions, and it could have cost about \$50,000, had this class not used this as an educational project.

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

Dena Barnes, Mayor

Dianne Laughlin, Town Clerk