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October 14, 2008

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**MINUTES OF THE
SUMMERFIELD TOWN COUNCIL
SUMMERFIELD COMMUNITY CENTER
OCTOBER 14, 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 allowing speakers from the floor to also speak about park related issues, rather than the usual 5 minutes on non-agenda items, and Strickland and Wray expressed their feeling that it is a great idea. Hill suggested approving this in a separate motion.

Wray made a motion to allow speakers from the floor to also speak about park related issues. The motion was seconded by Strickland, who noted it would have been better if the public had been made aware that they would have an opportunity to speak on this matter. The motion passed unanimously. Brown also asked council to consider removing agenda item 11B-Council Discussion of Summerfield Recreation Association. Brandt stated it was placed on the agenda with the understanding that the case was going to court on October 2. The actual court date is October 28, and on advice of Hill, the matter should not be discussed prior to the court hearing. Strickland feels the matter should not be discussed until after sentencing. Hill noted he does not know whether the matter will conclude on October 28. It was decided by consensus to continue the matter to the October 28, 2008 meeting.

Strickland had several questions about the Financial Report, which were answered by Luther.

Barnes made a motion to approve the Consent Agenda, including the meeting agenda as amended, minutes of the September 9, 2008 meeting, and the Financial Report. The motion was seconded by Williams and carried unanimously.

ANNOUNCEMENTS

Brown stated there would be an additional meeting on October 28, 2008 at 6:30 pm, due to the large volume of business this month: announced the annual Stokesdale Christmas parade; and discussed the 2009 NCLM calendar, which features Summerfield prominently.

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

Anne Pino, 7409 Summer Wind Ct, spoke of enjoying the park with her family and thanked council for being forward thinking in the planning and construction. She is looking forward to the completion of the amphitheater as a space for members of the community to congregate and meet each other and feels it is a great opportunity for the town. She thanked council for approving it and acquiring the grant.

Strickland asked Pino if she knew she would be allowed to speak on this issue tonight and Pino said she did not, but had read in the paper that it would be discussed during the meeting.

Beth Kaplan, 7979 Highfill Rd, thanked staff and Comprehensive Plan committee members for hosting the town meeting on September 29 and noted it was well attended by the community. She feels there is no need for further discussion of Phase II of the park and comparing this to the revision of the ethics statement issue is false, as the ethics issue was not final yet, as no money had been spent, policies implemented, and the statement was flawed. She noted the park has been heard, discussed, voted on, and is under construction, and then gave a timeline of all relevant dates and events relating to the process. Kaplan feels that opponents had plenty of time during the process to make their feelings known, and by revisiting this council is kowtowing to a small number of people.

Gail Dunham, 5805 Snow Hill Dr, formally requested public hearings be held relating to any change to the bid or cost of park projects: informed council and community members of a public meeting about commercially supplied water hosted by AQUA NC in Greensboro on December 9; and wanted to know why the park gates were paid for prior to completion. She also spoke of open meetings and public comment, and feels that every person should be able to speak about any item they choose, and spoke of issues raised at the Comprehensive Plan Town meeting, unsafe parking, and tree removal.

Jeff Johnson, 6106 Bascom Dr, spoke of the inconsistency in revisiting the ethics statement issue based on 35 emails and not revisiting the park issue when there were 600 petition signers. He spoke of his concern for openness and inclusion and feels that folks are not being heard, that there was no advance notice that there would be an opportunity to speak about this tonight, and feels that all should have a legitimate opportunity to have their voices heard.

Barnes noted that public hearings must be advertised in advance and cannot be placed on the agenda arbitrarily by the mayor or council. Strickland noted that Brown could have elected to make this a public hearing last month, in time to be properly advertised and noticed.

COMMITTEE REPORTS:

- A. **Community Relations:** No report.
- B. **Finance:** Luther discussed recent investment and stated the next meeting was October 20, 2008.
- C. **Historical:** Linda Southard said the next meeting date is October 30, 2008, and discussed a picture of the Winfree family which was donated by the Wray family.
- D. **Parks & Rec:** Sue Beeson said the committee is working on planning events for the park and invited all to attend committee meetings to share their ideas.
- E. **Public Safety:** Brandt stated the generator had been inspected and repaired, including an oil change, new battery, and new tires.

- F. **SYC:** Reese Walker announced the 2nd annual Haunted History Mystery Tour on October 18, 2008 and invited all. He also stated there was a need for volunteers. Williams and Whitney Lee noted there were indoor games and activities for younger children.
- G. **Comprehensive Plan:** Harmon said there was a great turnout for the town meeting and the committee met last night to begin reviewing the data. Brandt noted such data would be posted to the town web site.
- H. **Athletic Advisory:** Brandt stated the committee continues to meet and hopes to host a public open house in early November to present preliminary plans created with Miller Landscape Architecture.

There was a brief discussion of the legality of videotaping public meetings, and Hill stated it was allowed per G.S. 143-318.14A.

PUBLIC HEARINGS:

Rezoning Case #02-08: CU-GB and SR to CU-GB and SR (Scenic Corridor District). (Continued from August 12, 2008) Owned by Hillsdale Village, LLC. The property is located at 1007, 1077, and 1013 NC Hwy150 W (Hillsdale Village: the intersection of NC Hwy 150 W and Lake Brandt Rd). being Guilford County tax map # 06-356, block 774, parcels 04, 17, 18, 86, and 87. The property, located in Center Grove Township, includes approximately 23.0 acres.

Harmon discussed the case, noting the request was to increase the retail space from 30,000 to 34,000 square feet. Public comment was generally positive, staff comment was positive, and it was recommended for approval based being well suited for commercial use and there were few environmental features. The Zoning Board voted unanimously to recommend approval.

Strickland noted the traffic count is woefully out of date and cited her repeated request that the town purchase a traffic counter in order to get accurate information. Harmon noted it was in the current budget and was being followed up on.

Brown opened the Public Hearing at 7:32 pm.

Proponents

John Stratton, applicant/developer, 2904 Lawndale Dr. discussed the development, noting that so far it is 100% occupied. He is proud of the project and the success of the tenants. Initially the plan was to keep the house, but it was beyond repair based on structural integrity. The house was removed and they want to replace it with a building with a little more square footage. He said they have their own commercial well and septic, monitored by Guilford County and the capacity is high enough to support current and future tenants. He feels it has been very positive for Summerfield, very successful, and has added tax value.

Terry McLean, 6108 Lake Brandt Rd asked about the possibility of lowering the speed limit in that area.

Roxanne Gilgallon, 7500 Dickinben Dr. asked about wells and vacancies.

Stratton stated the well is commercial, permitted by the state, and is monitored daily for usage relative to the well and septic capacity, and that each tenant had low flow fixtures inside. As to vacancies, he stated he did not want to see any vacancies either as he has a huge investment in the success of the buildings and the tenants.

Opponents

Hearing none. Brown closed the Public Hearing at 7:46 pm.

Strickland asked Brandt and Harmon to get a traffic counter prior to bringing any more rezoning cases forward so there would be an accurate count.

Strickland made a motion to approve rezoning case #02-08 based on all previously approved conditions, not to exceed 34,000 square feet. The motion was seconded by Wray and carried unanimously.

Break from 7:47 to 7:56

NEW BUSINESS

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 discussed the case and stated that as this waiver was denied by the Zoning Board, the Council becomes the appeal board on this issue. The reason for denial was the board did not find it met one of the three criteria for granting a waiver which are listed in the ordinance as 1. Physical Hardship, 2. Equal or Better Performance, or 3. Unintentional Error. There was much discussion, including the fact that while this was not a Public Hearing members of the public were improperly allowed to address the Zoning Board, and the Reenstras were not present at the Zoning Board meeting to refute any objections or statements made by speakers.

Following much discussion, Strickland made a motion that Subdivision Waiver 2008-9-S be remanded back to the Zoning Board based on errors in the process and procedure, in accordance with the ordinance as it currently exists. The motion was seconded by Williams and carried unanimously.

BUSINESS FROM COUNCIL:

A. Council Discussion of Phase II Construction Project

Brown stated there has not been a comprehensive update on dates and timelines during the last several months and then read from a prepared statement, which is hereby incorporated and made a part of these minutes:

"In mid 1999 the Summerfield Town Council appointed a Parks & Recreation committee. The committee set to work looking at parks and recreation issues in the town. The committee advanced the idea of a community park on the property leased by Summerfield Community Center Inc from Guilford County. It had been a goal of the Summerfield Community Center Inc for years to create a park on the property. In January 2001 the Town Council reached an agreement with Community Center Inc and Guilford County to sublease the approximate 50 acres to

Summerfield to be used as a park. For those not familiar with Community Center Inc. this is an incorporated entity that at that time was made up of the Summerfield Grange, the Summerfield Garden Club, and the Summerfield Civitans and is currently made up of the Summerfield Grange and the Summerfield Garden Club. During the years 2001-2002 the Town Council approved a proposal by the Parks Committee to hire the landscape architects Mark Robinson & Associates to create a master plan for the park and funded the master plan creation. The artist's rendering behind me depicts Mark Robinson & Associates' depiction of ideas advanced by Parks Committee through 2002. Those ideas included the gates, the amphitheater or events lawn as it has been called, and other items. The idea of a grassed, stepped, raised area with a stage that we call the amphitheater dated back that far. The Parks Committee, with the endorsement of the town Council, worked for two years or more during that 2002-2003 period submitting a successful application for a State of North Carolina Parks and Recreation Trust Fund grant to aid in the construction of what we know as Phase 1 of the Park, which was completed and dedicated in September 2006. This was a 50/50 grant with the Town of Summerfield citizens funding \$150,000 and Guilford County funding \$100,000 of the amount and PART F funds paying the other half. In early 2006, the Town of Summerfield contracted with UNOC-G and Dr. Sellars for a town wide survey assessment of parks and recreation needs. In June 2006 the Summerfield Town council agreed to fund Phase 2 of the Summerfield Community Park which included funding to support a new grant application for further North Carolina Parks and Recreation Trust Fund help. During the period of October 2006 through January 2007, the company Haden-Stanziale Inc was contracted with to update the park master plan with support from the Summerfield Parks & Recreation Committee and a paid consultant with the Piedmont Triad Council of Government. During the period of October 19, 2006 through December 1, 2006, an online survey and newspaper advertisements were used to provide citizen opportunities to comment on the Phase 2 park plans. A public workshop was offered to allow citizen input on the park plans in November 2006. The workshop was legally advertised as well as having coverage in the Northwest Observer. In January 2007, the master plan update was approved by the Town Council. The Council approved the submission of a PART F grant application for another 50/50 split of construction funds for Phase 2 of the park. This approval encumbered the Town of Summerfield to guarantee the town's part of the 50/50 split which the Town did guarantee. In May 2007, the Town of Summerfield was approved for its PART F funding from the State of North Carolina for Phase 2 of the park. In June 2007 during the annual town budget process, the Town Council approved in its budget the full funding for its half of the Phase 2 construction which had been guaranteed with the January 2007 PART F grant submission. A public hearing is always held prior to any budget vote and was held for the budget that included the Phase 2 appropriation. From September 2007 until now, various contracts for engineering, planning, and construction have been awarded. In May 2008, the town Council voted unanimously to approve a major contract with BAR Construction for the development of the major portions of the Phase 2 construction, which includes amphitheater, bathrooms, playgrounds, and other items. That contract is being fulfilled as we speak and depending on weather, should be complete in roughly 90 days."

Flowers asked about the 90 days to completion and Holub verified that timeframe, noting it depended on the weather.

Strickland then read from a prepared statement:

"At the September 9, 2008 Town Council meeting, employee George Holub said the contract with BAR for the amphitheater had to be renegotiated for various reasons having to do with the lay of the land, runoff, etc. I don't recall exactly what was said without the audio. In light of the massive documented opposition to this project and long term maintenance costs why can't BAR's contract be renegotiated again to accommodate the hundreds of concerns surrounding the cost and upkeep of the amphitheater as presented. Can't BAR just develop an outdoor event area and parking and still get the contract and get their money? This is my understanding of an outdoor event area (shows picture). This is at the Blandwood House where they have music in the park. It is just flat land that is grassed and sloped. People bring their lawn chairs and blankets, 2 to 3 acres of gently sloping land, cleared, seeded and grassed, keep the trees where they can be kept, people come with their blankets or lawn chairs, after initial grading and installation nothing to be maintained except the grass and gravel parking. It is not too late to do this and would be in compliance with Dr. Sellars' survey. People want a passive park not something that is cost prohibitive to construct and financially burdensome to maintain for the next 20 to 30 years. An open area with no terraced or stone seating to worry about maintaining and water runoff, and use of portable sound equipment for events and other portable equipment as needed. Back when we were discussing this in May of this year, the May presentation, I asked and Alicia Flowers agreed that each committee be directed to go back and look at their budget requests and find a 2% to a 5% reduction to decrease expenditures. The rest of the council did not agree. Alicia and I were in the

minority again, which is nothing new. Now however, with the current economic crisis, we have hard copies from the NCLM, which I find very ironic that they are actually advising municipal officials to consider reducing expenditures for the current fiscal year with the expectation of lower consumption based revenues. Such reduction, says the league, may be easier to make now with almost $\frac{3}{4}$ of the fiscal year remaining than they would be if delayed until after the revenue situation becomes clearer. We can start with the amphitheater. It is not too late. It is budgeted for almost one million dollars, the grant covers up to half of that. If the town doesn't build it, you don't need the grant and you won't be passing along a perpetual maintenance burden each year and something which the people as a whole don't support. In the August 6, 2002 Summerfield Parks Master Plan report, architect Mark Robinson & Associates, and this is quoted, alerted those present at the Steering Committee which included councilman Mark Brown, Bob Williams, then councilwoman Jane Doggett, and subsequently elected councilman Mike Stewart this is what he said: 'Anchor dreams about the best possible park with realistic perspectives on the cost of development and maintenance.' Keeping this warning in mind, he noted there is virtually no flat land on the site, slopes under 5% are only found on the spines of the western ridges and in narrow strips along the railroad embankment and roadway. Most of the site is moderately to very steep, with slopes of 5 to 10% on ridges north and east of the pond, slopes of 10 to 20% around the lake and stream valley, a very steep slopes, greater than 20% along streams in many areas. For reference purposes he noted the preferred maximum slope for parking lots and walks is 5%, handicap ramp slope at 8.33%. In other words, he warned that every aspect of a park development on this site would be a challenge. It certainly has been because there is something every month. Council should have heeded Mr. Robinson's warnings but did not. Council should have considered the common good of the citizens as a whole but did not. As a result there has been nothing but costly problems month after month after month with Phase 2 development because of known problems with topography and storm water runoff.

Brown noted that the renegotiation was due to over engineering and the cost will actually go down. Flowers stated if a contract can be renegotiated for one thing it should be able to be renegotiated for others as well. Williams said he disagrees with Strickland's assertion that the majority is against it. Flowers stated she doesn't know that the majority is against it, but council heard from 600 citizens and feels a similar scaled back project should be investigated. Brandt stated the description Strickland read into the record is essentially what is being constructed and that tree removal was necessary for watershed devices, which are required by ordinance and Robinson felt this site was well suited for the proposed use, and any sound systems would be portable and brought in for a specific event. He feels there has been a misunderstanding from the beginning about what the amphitheater would encompass and maintenance would be minimal, as it is essentially a bowl of grass that would have to be mowed. Flowers feels the main problem is a lack of communication, and much discussion about the communication issue followed. Flowers thanked everyone for engaging in the discussion.

B. Council Discussion of Summerfield Recreation Association
(removed from this agenda)

C. Review/Appoint Committee Applicants

Brandt stated the Athletic Advisory Committee recommended appointing Joseph Marion, noting he is a coach in the SRA, and Gail Taylordean, who is involved with United Soccer. Hill discussed the distinction between being a coach and being a board member of an athletic organization and both Hill and Brandt discussed their involvement with local sports organizations, noting that at some point the town will probably enter into discussion with these organizations regarding use of the fields. Flowers recalled that in the past Brandt stated he did not want any SRA member on the committee. Strickland agreed with her recollection and stated she is sure they are fine people, but not appropriate for this committee. Brandt says he may have said that but intended to say that *board members* should be excluded, and that those who have shown interest and have the necessary knowledge and expertise are going to be those who are

involved in sports. Hill noted that in general, coaching and being involved requires membership in the organization. Wray, Barnes, Brown and Williams stated they agree with Brandt that committee members need to have sports involvement and knowledge. Flowers feels it would be a conflict of interest and we should look to non Summerfield residents and Strickland agreed, noting she has a lot of concerns about SRA. Brandt feels that non board members should be allowed to serve and as to the perceived conflict of interest, any negotiations could be made by council members rather than the committee. Luther noted that the final decision resides with the council anyway. Wray feels it is unfair to exclude an entire group of people for the "cloud" that hangs over the SRA.

Wray made a motion to appoint Joseph Marion to the Athletic Advisory Committee. The motion was seconded by Williams and carried 3 to 2, with Strickland and Flowers opposed. Strickland noted her previously stated objection.

Wray made a motion to appoint Gail Taylordean to the Athletic Advisory Committee. The motion was seconded by Williams and carried 4 to 1, with Strickland opposed. Strickland noted her previously stated objection.

Wray made a motion to appoint Catherine Rankin to the Parks & Recreation Committee. The motion was seconded by Williams. There was some discussion about how many more members were to be appointed to committees and about members who take leaves of absence. Brown called for a vote on the motion, which passed unanimously.

BUSINESS FROM TOWN MANAGER:

A. Copier Purchase/Lease

Following a brief discussion, including the merits of leasing versus purchasing, maintenance costs and features, Wray made a motion to authorize the purchase of a new copier with a price not to exceed \$8000. The motion was seconded by Strickland and carried unanimously.

B. Discussion of Financial Position of Town

Brandt stated the town is currently in a strong financial position, giving information about investment accounts, tax revenue, and other municipal revenue sources. He noted growth was purposely underestimated during the budget process, as it was clear then the current economic crisis was coming. As a "silver lining" the economic slowdown may actually benefit the town by lowering commodity costs and encouraging more companies to bid on future construction projects, thereby encouraging lower prices.

C. Athletic Field Planning Update

Brandt described the options for the property and the need for a separate point of access. The owners of the property to be used for this purpose, who serve on town committees, may be amiable to a lease or purchase of their property for that purpose. Flowers asked if it was wise to wait and Brandt stated he preferred not to. He stated the Athletic Advisory Committee has met with the consultant twice over the past four weeks and is close to presenting a draft Master Plan for the property. They plan to hold a public open house in late October or early November for public comments and will present the proposed Master Plan to council in December.

D. US 220/Rail-Trail Lease Update

Brandt has spoken to the Marshall family and they have agreed to lease a portion of the property for use as a public access parking lot for trail access for \$500 per month. Brandt would need approval to write up the lease and authorization to begin survey work to determine construction costs. Strickland asked for a cost estimate and Brandt replied \$30,000, but the county and city may donate labor and/or materials.

Flowers would prefer if there was an option to purchase as well. Strickland stated the city and county will be using this as well and should pay their share. Williams feels we will be in a better position if we include the purchase option. Strickland is averse unless the lease expenditure can be put toward purchase. Flowers stated just because the town has an option to purchase does not exclude the city or county from being a part of that.

Flowers made a motion authorizing the Town Manager to move forward with a lease in principle or lease with purchase option of the Marshall property and to spend funds for a survey, planning, and engineering not to exceed \$5,000. The motion was seconded by Williams and carried unanimously.

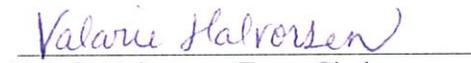
OTHER BUSINESS:

Wray referenced an email from a citizen who is concerned with the potential for predators in the park and would like Hill to look into laws or statutes prohibiting sex offenders from entering the park, as other municipalities have done recently. Hill stated this would probably involve installing signage and he will look into it.

With no further business before the Town Council, a motion was made at 10:16 pm by Wray to continue the meeting until October 28, 2008. The motion was seconded by Williams and carried unanimously.



Mark E. Brown, Mayor



Valarie Halvorsen, Town Clerk