

**MINUTES OF THE  
SUMMERFIELD TOWN COUNCIL  
MEETING  
DECEMBER 6, 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 6:31 by Mayor Dena Barnes.

The invocation was led by Linda Southard and the Pledge of Allegiance was led by Council.

**INTRODUCTIONS:**

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

A motion was made by Jane Doggett to approve the Consent Agenda which included the minutes of November 1, 2005 and the Monthly Financial Report. The motion was seconded by Carolyn Collins and carried unanimously.

**ANNOUNCEMENTS:**

Michael Brandt announced that Gov. Easley has proclaimed December 4-10 as Weather Awareness Week. More information is available at [www.guilford.em.com](http://www.guilford.em.com).

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

John Plybon spoke concerning traffic and parking congestion at Northwest High School at 4 pm everyday. He stated there were two accidents today and he asked Council to please look into this problem.

A former co-worker (not a resident of Summerfield) of Councilperson-elect Becky Strickland's, spoke to Strickland's work ethics, integrity, dedication, enthusiasm, ability to empower others and stated she knows Strickland will carry on the work of the Summerfield area.

Gail Dunham, 5805 Snow Hill Drive, congratulated Mark Brown, Dwayne Crawford and Becky Strickland on winning their respective seats on the Council. She thanked Jane Doggett and Michael Stewart for their service on the Council. She spoke to Strickland's number of votes as the largest plurality in any election in the town's history and highly recommended Strickland as Mayor Pro Tem. She stated the voters' registration lists haven't been purged in this area and this allows the percentages not to be correct.

Don Wendelken, stated the election is over and its time for people to put up and stop talking.

**OLD BUSINESS:**

**A. WELCOME SIGN DISCUSSION:** After a recommendation by Mark Brown, it was decided by consensus to move this item forward to the January 3, 2006 meeting.

**B. APPROVAL OF PERSONNEL POLICY (Cont. from Nov. 1):** Brandt stated the policy had been reviewed by staff and that comp-time would not roll-over to anything else. Brandt recommended adoption of the Personnel Policy.

After some discussion, a motion was made by Jane Doggett to adopt the Personnel Policy as presented. The motion was seconded by Michael Stewart and carried unanimously.

Carolyn Collins thanked Jane Doggett for her initiative and work on this policy.

**C. CONSIDER FOR ADOPTION “RESOLUTION TO AUTHORIZE THE MERGER OF SUMMERFIELD AND CITY OF GREENSBORO ABC BOARD”:**

Mayor Barnes read the resolution into there record.

**Public Comments:**

Gail Dunham stated the agreement says multiple stores and the referendum was for “a” store. She stated voters didn’t know they were voting for more than one store. Barnes stated citizens could address the ABC Board at their monthly meeting on any issues.

Bill Trevorror, Town Attorney, stated there would be a lot of discussion before a second store would be built.

Bob Williams stated he was concerned about the clause the states Greensboro will have the final say on location of the store. He stated he thought Highway 220 was the proper location. Trevorror stated they are looking at 220 and would be the ones to sign the lease, thus the reason for this clause.

Carolyn Collins stated she had spoken with Katie Alley of the ABC Board and Alley reported they had considered the Lake Brandt Road area, but have decided Hwy. 220 is the best location.

After some discussion, a motion was made by Michael Stewart to adopt the resolution to merge with the Greensboro ABC Board. The motion was seconded by Carolyn Collins and carried unanimously. Said resolution is hereby incorporated by reference and made a part of these minutes:

**RESOLUTION AUTHORIZING THE MERGER OF THE TOWN’S NEWLY APPROVED ABC SYSTEM WITH THE CITY OF GREENSBORO ABC**

**WHEREAS**, there presently exists an Alcoholic Beverage Control system which serves the City of Greensboro, North Carolina that is governed by a Board of Alcoholic Control ABC Board as provided for in Chapter 291 of the 1951 North Carolina Session Laws, as amended.

**WHEREAS**, the Board and the governing bodies of the City of Greensboro and the Town of Summerfield (“Town”) have each determined that it is in the public interest to have a Consolidated System in The City of Greensboro (“Greensboro”) as permitted by the merger provisions of Chapter 18B of the General Statutes of North Carolina; and

**WHEREAS**, the powers of the Board shall be those specified in Chapter 18B of the General Statutes of North Carolina as amended; and

**WHEREAS**, it is contemplated that the Town of Summerfield as a municipality located within Guilford County does desire to establish ABC store(s) within the municipal limits of the Town of Summerfield and become part of the Greensboro ABC System; and

**WHEREAS**, the Greensboro ABC Board and the Town of Summerfield will jointly examine the location and placement of the initial proposed ABC Store within the Town on property adjacent to Highway US 220 with appropriate vehicular access for the general site location to Highway US 220; however, the final decision as to placement location of such ABC

Store within the Town will be made by the Greensboro ABC Board. Any additional store locations will be reviewed and examined on a case by case basis by both parties.

**WHEREAS**, the Consolidated System of Greensboro and Summerfield will generate greater revenues for each participating municipality (as well as Guilford County, which will share in the net proceeds of Greensboro and Summerfield) than would separate systems inasmuch as considerable savings are achieved through combined managerial, administrative, financial, warehousing, and law enforcement functions; and

**WHEREAS**, the Greensboro ABC system maintains separate records for each ABC store in the end that the gross revenues, expenses and net revenues for each store and the combined store(s) within the Town of Summerfield may be readily determined. The Greensboro ABC Board will retain 30% of the profits and the remaining amount will be distributed to the town of Summerfield. All net profits derived from Summerfield ABC store(s), after distributions required by state and federal law, are to be distributed on a quarterly basis to the governing body of Summerfield in which the store(s) generating such profit is located. The Summerfield ABC store(s) will become a part of the Greensboro ABC system. The governing body of the town of Summerfield shall appoint one (1) ex officio member to the Greensboro ABC Board to serve a three (3) year term as a non-voting member of such board. The appointee must be a resident of Summerfield, and must be known for his or her good character, ability, and business acumen, and may serve a maximum of two three-year terms commencing on July 1 of the first year and ending on June 30 of the third year, except and provided the first Summerfield appointee shall serve an interim term from date of appointment until June 30, 2006 and upon re-appointment or new appointment every three (3) years thereafter.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF SUMMERFIELD:**

1. That the merger of the Town's newly approved ABC System with the Greensboro ABC System as set out herein is hereby approved.
2. That upon like approval by the City Council of the City of Greensboro, the North Carolina Alcoholic Beverage Control Commission is hereby requested to approve said merger under the terms and conditions set out above.
3. That either the Town of Summerfield or the Greensboro ABC Board may withdraw and terminate the merger agreement at the end of five (5) years or both parties may agree to extend the merger agreement upon mutual consent. At any other time, the merger agreement may be dissolved with the approval of the North Carolina Alcoholic Beverage Control Commission.
4. That in the event of termination and withdrawal from the merger by either party, the Greensboro ABC Board shall appoint an independent Certified Public Accountant (CPA) or a CPA firm to conduct an audit of the financial records of the Consolidated System and

make a determination as to those assets and/or liabilities which are attributed to the Greensboro Consolidated ABC Board and the Town of Summerfield, respectively.

Adopted this 6th day of December, 2005.

**BUSINESS FROM THE MAYOR (CEREMONIAL)**

Mayor Barnes thanked Bob Williams for serving as mayor pro tem. She presented a plaque to Jane Doggett and Michael Stewart and thanked them for their years of service on the Council.

Stewart stated he appreciated everything and that this council was the most honest, trustworthy group of people he has ever worked with and that they have the best interest of the town at heart and Doggett stated it has been an honor to serve.

Mayor Elect Brown presented Dena Barnes with a gaveled plaque in appreciation of her service as mayor and councilmember.

**CALL RECESS TO RETIRE OLD COUNCIL:**

Mayor Barnes called a recess at 7pm to retire the old Council.

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**SEAT NEW MAYOR AND COUNCIL MEMBERS: OATH OF OFFICE OFFICIATING:  
HONORABLE LAWRENCE McSWAIN, CHIEF DISTRICT COURT JUDGE**

Mayor-elect Mark Brown and Council members-elect Dwayne Crawford and Becky Strickland took their seats at the Council table.

Judge McSwain congratulated new council members and gave words of encouragement and advice to them for the upcoming years. He then administered the Oath of Office to the two Council-elect and reaffirmed Council members Dena Barnes, Bob Williams and Carolyn Collins; who have two years to serve on their current terms.

McSwain then administered the Oath of Office to Mayor-elect Mark Brown, stating that he had known Brown for many years and thought the Town had made an excellent choice for their first elected mayor.

**ELECTION OF MAYOR PRO TEM:**

A motion was made by Dwayne Crawford to nominate Becky Strickland as Mayor Pro Tem. The motion was seconded by Becky Strickland.

Bob Williams nominated Dena Barnes as Mayor Pro Tem. His motion was seconded by Carolyn Collins.

**Council Discussion:**

Crawford stated he had known Strickland for 18 months and found her to be diligent, hard working, level headed and felt she would do a good job.

Williams stated he had worked with Barnes and thought her experience would be an asset to the new mayor; Collins stated Barnes has vast knowledge of the town and has served well amidst criticism.

Strickland stated that in the past the person who received the highest number of votes was mayor and the next highest was pro tem, and she spoke to the election in May as putting Barnes out of office.

Barnes stated she didn't take the election in May personally, but considered that the people wanted to elect their own Mayor. She stated she had received 889 votes in 2003 but the results were not comparable because of staggered terms now in place. Barnes stated she thought Strickland would be an excellent choice, but lacks experience and she felt Brown should have

someone with experience to help him in his new position as mayor; she stated she hoped no one would take offence if she voted for herself.

Brown spoke to the government being revamped and that they could look at the way the ProTem is elected. He reported that High Point elects their ProTem every year. Mayor Brown called for a vote.

Dwayne Crawford and Becky Strickland voted in favor of Strickland for pro tem. The motion failed two to three; Williams, Barnes and Collins voted in opposition.

Bob Williams, Dena Barnes and Carolyn Collins voted in favor of Barnes for pro tem. The motion carried three to two; Crawford and Strickland voted in opposition.

**RECESS (30 minutes for refreshments and pictures):**

Mayor Brown called for a thirty minute recess for refreshment and pictures at 7:15 pm.

Council reconvened at 7:45 pm.

**CONSENT AGENDA:**

**A. MEETING AGENDA:**

Strickland stated this is the longest agenda she's seen since she's been coming to the meetings and she couldn't in good conscience vote to approve it.

A motion was made to approve the meeting agenda by Dena Barnes. The motion was seconded by and carried four to one. Becky Strickland opposed.

**COMMITTEE REPORTS:**

**A. Community Relations: Tammy Welborn:** Welborn reported plans for the 10th Annual Founders Day are underway and the committee wants to offer sponsorships for Founders Day to area businesses. One of the benefits of this would be the business name would be placed on a sign erected at the parking area across the street from town hall for one year. The sponsorship would pay for t-shirts, signs, banners and advertising. She reported that SunTrust Bank paid \$3,000 to sponsor the parade in 2005. She asked Council to approve the plan so that they could approach businesses that are getting their budgets ready for next year.

There was discussion about the length of time the sign would remain onsite and how the sign would be classified. Mayor Brown stated he felt that signage was a big issue in Town and he didn't want the town to be the biggest violator. Brown suggested moving this discussion to January to give Staff more time to work on it.

**B. Finance: Ronnie Stafford-**Stafford reported on two CDs which were maturing and stated they also discussed two financial possibilities, CDARS and Finistar. Stafford reported the Auditors would give their report in January.

**C. Historical: Linda Southard-**Southard reported they are looking into signage for structures in the Historical District.

**D. Parks & Rec: George Holub-**Holub reported construction is doing fine and they hope the rain doesn't stop the grading.

**E. Public Safety: Ron Marshburn-**Marshburn stated they discussed to areas of congestion they will bring before Council in January. He reported a meeting they have planned for Wednesday, December 14, to meet with reps from the three towns and with the Guilford County Emergency Management to discuss disaster actions. He spoke to Winter Awareness and recommended residents have prescriptions and medication, flashlights, radios and blankets in case of emergency and stated Summerfield United Methodist Church on Scalesville Road is a certified disaster center. Their regular meeting scheduled for Dec. 21<sup>st</sup> has been cancelled.

**F. SYC: Reece Walker-**Walker stated the Youth Council plans a fund raiser for St. Jude's Children's Hospital in January, with date to be announced. He thanked those who help with the tree lighting and with Kids Voting, including Mayor Barnes and Mayor Pro-Tem Bob Williams.

**G. Thoroughfare: Robert Gordon-**Gordon reported the Committee is working with the MPO to set up dates for public meetings.

**H. Town Core: Bill Bruce-** Bruce reported the next meeting is scheduled for Tuesday, Dec. 13<sup>th</sup>, 7 pm at Town Hall.

**I. Water Resource: Robert Gordon-** Gordon reported there was a public meeting on December 1<sup>st</sup> and are awaiting word from the Utilities Commission on Oak Ridges agreement with Aqua.

Strickland stated that since Aqua-America is publicly traded, Council members should disclose if they own stock in Aqua or any of its subsidiaries or contractors.

There was discussion about how Town money is invested.

#### **PUBLIC HEARINGS:**

##### **A. NEW BUSINESS:**

**Subdivision Case #2005-7-S (preliminary plat approval, waiver requested): Owned by Jeremy Wayne Strickland and Lindsey Nicole Strickland. Located at 4463 Hamburg Mill Road in Bruce Township and consisting of two lots totaling approximately 3.25 acres; being Guilford County tax map #1-33A; Block 902, Parcel 12. The parcel is located in Tier 4 of the Greensboro GW-III Watershed Critical Area. The Stricklands are requesting a waiver to Article 5-13.1(c) to dismiss the requirement for additional right-of-way dedication per the Thoroughfare Plan:**

Bill Bruce, Town Planner, presented the case reading from the staff report. He reported that this would normally be considered a minor subdivision. He stated the Zoning Board recommended denial of this request 4 to 1, and the case is being appealed to Town Council. Bruce reported according to the Ordinance, parcels subdivided along thoroughfares must dedicate 20 feet of additional right-of-way and in order for Council to grant the waiver, grounds of physical hardship, equal or better performance, or unintentional error must be found. There was further discussion about DOT requirements.

Bruce stated an error was made by staff, but was found and reported to the surveyor and to the applicant. He stated it was the applicants responsibility to look at the laws and that a precedent could be set with this case. Brandt reported there were two other cases which had come before Council and both had been denied.

Becky Strickland stated she was not related to the applicants.

**In Favor:** Nickie Strickland, applicant, stated the property was being divided to give to their children. She reported she and her husband had already spent around \$2300 before learning of the requirement and they would lose about a quarter of an acre of property for right-of-way while still being required to pay for the entire tract. She stated she never would have started the project if she had known they would lose this acreage. She said her husband called Town Hall and talked to Robin Smith and no one mentioned right-of-way. She stated they were told they must have a livable structure, dig a well and put in another septic system. Strickland reported her husband couldn't be present tonight. She stated they could have claimed

hardship also, because even though they would lose land, Wachovia would not lower the payments.

Lindsey Strickland, daughter of applicant, stated this has been very time consuming and expensive. She agreed with her mother's assessment of what has happened and stated she felt they had been slighted.

**Opposed:** Jane Doggett stated where the 20 feet is dedicated now or in 20 years, it isn't going away; the state will take it now or then.

The public hearing portion closed at 9:02.

**Council Discussion:** After asking questions, Collins was told any improvements would remain until the right of way area was needed, and until then the owner could have use of the property, but not own it.

Strickland stated there were grammatical errors in the Ordinance making it hard to understand; that \$5000 had been paid to a lawyer to write this Ordinance in March of 2005 and no one with authority proofread it; and since an error was made by staff, she felt the town should take accountability for its actions. She stated the Zoning Board had a hard decision to make and that she realized the error was unintentional.

Brown stated that according to DOT Hamburg Mill Road is a major thoroughfare as well as Pleasant Ridge and that sooner or later some work will be done at that intersection.

Crawford asked what was the intent of the Ordinance and Bruce replied a major component is that each new lot makes ten more cars on the road and the burden is put on the sub-divider instead of the state, city, etc., since they are the ones creating the problem. There was much discussion about major or minor consideration for thoroughfares.

Becky Strickland stated she had spent several hours listening to the CDs of the Zoning Board hearing and moved to grant the waiver request as unintentional error based on Section 5-12.2© Subsection C. The motion was seconded by Bob Williams. Dwayne Crawford offered a friendly amendment, but Strickland stated she didn't want it as part of her motion.

The motion carried three to two. Barnes and Collins voted no to approval.

There was a break from 9:20 to 9:27 pm.

**NEW BUSINESS:**

**A. Presentation of Guilford County Inspection fee schedule (Greg Niles, Guilford County Planning Director)**

Niles presented the new fee schedule which take effect January 1, 2006 and asked Council to adopt it. He explained the fees would be the same county wide. He reported this plan would do away with the refunds or payments the towns were dealing with in the past under the old, complex system.

There was discussion about the old schedule and system and it was reported the old system would run for two more years before being unplugged. There was also discussion about towns possibly charging for a clearance certificate, which in the past has been no charge.

**In Favor:**

John Turner, VP of TREBIC stated he supported the schedule, because it would cost the same to build in Summerfield as it would to build anywhere else in the County; unlike the old plan

that charged more for Summerfield. He spoke to five issues with the new plan that would be beneficial.

Mike Stewart stated the town had been “molested” by the county because fees were double in Summerfield, but with this plan, fees would be the same everywhere.

Don Wendelken asked how often the fees would be revised and Niles reported the increases would be deliberate and planned before changes would be made.

After further discussion, a motion was made by Dena Barnes to adopt the new fee schedule as presented, effective January 1, 2006. The motion was seconded by Bob Williams and carried unanimously.

Brandt reported this would have no effect on the 05-06 budget, and that fee structures would be looked at in the next fiscal year.

**BUSINESS FROM TOWN PLANNER:**

**A. Discussion of Text Amendments needed to conform to Senate Bill 518 (City/County Planning Clarification) and Senate Bill 814 (Modernize City/County Planning) scheduled to become effective January 1, 2006.**

**B. Discussion of Dark Sky (Lighting) Ordinance:**

There was discussion as to setting two or three days in early to mid January for a joint meeting with Council and Zoning Board members to discuss these two issues.

By consensus, Council set the dates of January 5<sup>th</sup>, 9<sup>th</sup>, and 12<sup>th</sup> for these joint meetings. There was discussion about making one of the dates a “Special Meeting” and it was decided the 12<sup>th</sup> would be considered as such if needed. This would have to be an advertised meeting.

**BUSINESS FROM TOWN ADMINISTRATOR:**

**A. Authorization for change-orders and approval of sub-contractor contracts for construction of Summerfield Community Park Phase 1:**

Brandt requested a change order for \$37,122 be added to Bar Construction Companies bid to purchase a modular bathroom facility for the park. After some discussion, a motion was made by Carolyn Collins to authorize the change order to Barr Construction Company for \$37,122 for Bathrooms for the Park. The motion was seconded by Dena Barnes and carried unanimously.

**B. Discuss Finance Committee recommendations regarding signatory authority and assistant finance officer appointment.**

Brandt explained that the Town Administrator, the Finance Committee Chair and the Mayor have signatory authority on the Towns accounts, and the Finance Committee had recommended a fourth person be added and that an assistant Finance Officer be appointed.

Strickland stated she was present at the Finance Committee meeting and the Mayor ProTem was not in the motion as signature authority.

After some discussion, Dwayne Crawford motioned to have the Mayor ProTem sign checks. The motion was seconded by Bob Williams and carried 4 to 1. Becky Strickland voted no; citing reasons previously stated.

Carolyn Collins motioned to approve Michael Brandt as the Assistant Finance Officer and Dena Barnes seconded. The motion carried unanimously.

**C. Discuss accident insurance coverage for volunteers working on volunteer construction projects within Summerfield Community Park:**

Brandt asked Council to approve an amount not to exceed \$2000 for six months for insurance on volunteers working on the park; stating they are in a potentially hazardous area during this construction. Strickland stated it might be less expensive to hire volunteers as independent contractors.

After some discussion, a motion was made by Dena Barnes to approve up to \$2000, for six month premiums quotes from two insurance companies; notifying the mayor and council; letting the mayor use his discretion to approve. The motion was seconded by Dwayne Crawford and carried unanimously.

**BUSINESS FROM COUNCIL MEMBERS:**

**A. Consider applications for Board of Adjustment and Finance Committee.**

There were three applications for BOA, one for Finance Committee and one for the SYC.

There was discussion about Boards suing each other over decisions and if it were a good idea for a Council member to be a member of the BOA. Bill Trevorror stated that a council member can be the member of only one other board.

A motion was made by Dena Barnes to appoint Michael Stewart, Thomas Mizelle, Horan and Becky Strickland as alternate members of the BOA. The motion was seconded by Bob Williams.

Strickland stated she had a problem voting for anyone she did not know.

A sub-motion was made by Williams to appoint Michael Stewart and Becky Strickland as alternate members of the BOA. The sub-motion was seconded by Barnes and carried unanimously.

The motion to approve Horan and Mizelle was withdrawn and it was decided by consensus to set up interviews with Michael Horan and Thomas Mizelle.

**BUSINESS FROM THE MAYOR**

**A. Discussion of letter received from American Civil Liberties Union regarding recent adoption of Summerfield's "Speakers from the Floor Policy":**

After some discussion about the letter (some Council members had seen it for the first time tonight), a motion was made by Bob Williams for Bill Trevorror to acknowledge the receipt of the letter for the ACLU. The motion was seconded by Dwayne Crawford and carried unanimously.

A motion was made by Dena Barnes at 10:40 pm to recess to closed session to consider qualifications, competence, performance, character, fitness, conditions of appointment or conditions of initial employment of an individual public officer or employee or prospective public officer or employees as provided under NCGS 143-318.11(A) (6). The motion was seconded by Carolyn Collins and carried unanimously.

Council reconvened at 11:00 pm.

Dena Barnes motioned to give the Town Administrator and the Town Clerk bonuses of \$300 each; the Town Planner a bonus of \$150; and the Assistant Planner a bonus of \$100. The motion was seconded by Bob Williams and carried 4 to 1.

Strickland stated that she had worked with the Federal Government for 30 years and believed the government was not a for-profit entity, and felt employees should be given recognition in merit raises, not Christmas bonuses. She stated she knows they work hard but is opposed to giving

bonuses with government money. Becky Strickland voted in opposition to giving staff bonuses as per her statement.

Barnes stated she understood Strickland's position, but Guilford County gives bonuses as does other governments, and the Town has traditionally given staff bonuses.

**OTHER BUSINESS:**

There was discussion about whether to have a retreat in January. Brandt announced a meeting in Greensboro sponsored by NCLM on Thurs. February 16<sup>th</sup> at the Koury Convention Center for Council members at a charge of \$22.00 each; an initiation to PTP economic briefing on January 11 at the Marriott for \$10.00 a piece; and a public finance seminar on Dec. 14 & 15 in Fayetteville.

Crawford suggested looking into better equipment (PA system) and list serve for committees.

Trevorrow suggested considering software for meeting transcription and Brandt stated a technology person is needed to assist staff.

Barnes asked if she could volunteer for the ABC Board and Trevorrow stated he would investigate and let her know.

With no further business before the Town Council, a motion was made at 11:35 pm by Becky Strickland to adjourn. The motion was seconded by Dwayne Crawford and carried unanimously.

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Mark Brown, Mayor

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Dianne Laughlin, Town Clerk