

SEPTEMBER 8, 2015
CLOSED SESSION MINUTES REVIEW AND OPINION – WLH

<u>July 14, 2015</u>	CANNOT BE RELEASED
<u>May 12, 2015</u>	CANNOT BE RELEASED
<u>April 14, 2015</u>	CANNOT BE RELEASED
<u>March 10, 2015</u>	CANNOT BE RELEASED
<u>February 10, 2015</u>	CANNOT BE RELEASED
<u>June 10, 2014</u>	Release with redactions (No change from 2014 review)
<u>May 13, 2014</u>	Release with redactions (No change from 2014 review)
<u>February 11, 2014</u>	Release with redactions (No change from 2014 review)
<u>January 14, 2014</u>	Release with redactions (No change from 2014 review)
<u>November 12, 2013</u>	Can release full minutes – no redactions (Revised from 2014 review)
<u>October 8, 2013</u>	Can release full minutes – no redactions (Revised from 2014 review)
<u>August 13, 2013</u>	Can release full minutes – no redactions (Revised from 2014 review)
<u>July 9, 2013</u>	Release with redactions (No change from 2014 review)
<u>May 14, 2013</u>	Release with redactions (No change from 2014 review)
<u>March 12, 2013</u>	CANNOT BE RELEASED (No change from 2014 review)
<u>December 18, 2012</u>	CANNOT BE RELEASED (No change from 2014 review)
<u>December 11, 2012</u>	CANNOT BE RELEASED (No change from 2014 review)
<u>November 13, 2012</u>	Release with redactions (No change from 2014 review)
<u>September 25, 2012</u>	CANNOT BE RELEASED (No change from 2014 review)
<u>April 4, 2012</u>	Can release full minutes – no redactions (Revised from 2014 review)
<u>March 21, 2012</u>	Can release full minutes – no redactions (Revised from 2014 review)
<u>March 13, 2012</u>	Can release full minutes – no redactions (Revised from 2014 review)
<u>July 12, 2011</u>	Release with redactions (No change from 2014 review)
<u>June 14, 2011</u>	Release with redactions (No change from 2014 review)
<u>December 19, 2007</u>	Release with redactions (No change from 2014 review)
<u>August 14, 2007</u>	Release with redactions (No change from 2014 review)



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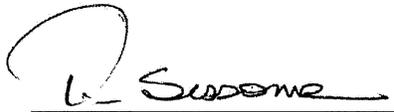
C L O S E D S E S S I O N M I N U T E S J U N E 1 0 , 2 0 1 4

Present: Tim Sessoms, Dena Barnes, Mike Adams, Alicia Flowers, Dianne Laughlin, Elizabeth McClellan.

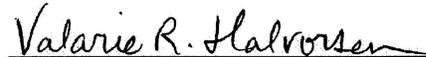
* NOTE: In open session, Barnes made a motion at 9:01pm to recess to closed session as provided under NCGS 143-318.11(a)(3). The motion was seconded by McClellan and passed unanimously.



By consensus, Council reconvened to open meeting at 9:55pm.



Tim Sessoms, Mayor



Valarie R. Halvorsen, Town Clerk

Council: Mayor Tim Sessoms, Mayor Pro-tem Dena Barnes, Mike Adams, Alicia Flowers, Dianne Laughlin, Elizabeth McClellan

Staff: Scott Whitaker (Manager), Jeff Goard (P&R Manager), Valarie Halvorsen (Clerk), Julie Reid (Planner), Katrina Whitt (Finance Officer)



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C L O S E D S E S S I O N M I N U T E S M A Y 1 3 , 2 0 1 4

Present: Tim Sessoms, Dena Barnes, Mike Adams, Alicia Flowers, Dianne Laughlin, Elizabeth McClellan.

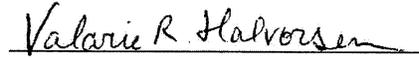
* NOTE: In open session, McClellan made a motion at 8:07pm to recess to closed session as provided under NCGS 143-318.11(a)(3). The motion was seconded by Barnes and passed unanimously.



By consensus, Council reconvened to open meeting at 8:33pm.



Tim Sessoms, Mayor



Valarie R. Halvorsen, Town Clerk

Council: Mayor Tim Sessoms, Mayor Pro-tem Dena Barnes, Mike Adams, Alicia Flowers, Dianne Laughlin, Elizabeth McClellan

Staff: Scott Whitaker (Manager), Jeff Guard (P&R Manager), Valarie Halvorsen (Clerk), Julie Reid (Planner), Katrina Whitt (Finance Officer)

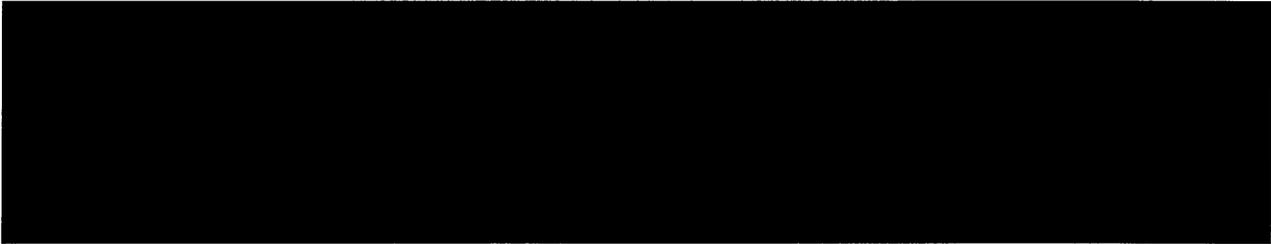


C L O S E D S E S S I O N M I N U T E S F E B R U A R Y 1 1 , 2 0 1 4

Present: Tim Sessoms, Dena Barnes, Mike Adams, Alicia Flowers, Dianne Laughlin, Elizabeth McClellan, Town Manager Scott Whitaker.

* NOTE: In open session, Barnes made a motion at 9:51pm to recess to closed session as provided under NCGS 143-318.11(a)(3). The motion was seconded by McClellan and passed unanimously.

There was discussion about the Gordon property negotiations and contract, including the assessments and testing that had been completed (lead, asbestos, radon, structural). It was decided by consensus to conduct a soil test in the area of the former blacksmith shop, along with a composite test of the broader acreage.



By consensus, Council reconvened to open meeting at 10:13pm.

Tim Sessoms, Mayor

Valarie R. Halvorsen, Town Clerk



C L O S E D S E S S I O N M I N U T E S J A N U A R Y 1 4 , 2 0 1 4

Present: Tim Sessoms, Dena Barnes, Alicia Flowers, Dianne Laughlin, Mike Adams, Town Manager Scott Whitaker, and Town Attorney William Hill.

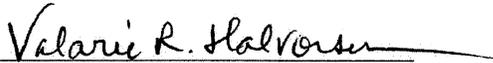
* NOTE: In open session, Barnes made a motion at 7:36pm to recess to closed session as provided under NCGS 143-318.11(a)(3) and (a)(5). The motion was seconded by Flowers and passed unanimously.

There was discussion about the Gordon property, their tenants, the recent media coverage, how the town should respond, and continued negotiations and intentions. Whitaker also updated council on the assessments and testing related to the Gordon property. [REDACTED]

By consensus, Council reconvened to Open Meeting at 8:21pm.



Tim Sessoms, Mayor



Valarie R. Halvorsen, Town Clerk



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C L O S E D S E S S I O N M I N U T E S NOVEMBER 12, 2013

Present: Mark Brown, Dena Barnes, Alicia Flowers, Dianne Laughlin, Elizabeth McClellan, John Wray, Town Manager Scott Whitaker, and Town Attorney William Hill, Mayor-elect Tim Sessoms, Council-elect Mike Adams (Sessoms and Adams were invited to participate in the closed session.)

* NOTE: In open session, Barnes made a motion at 7:55pm to recess to closed session as provided under NCGS 143-318.11(a)(3). The motion was seconded by Wray and passed unanimously.

There was discussion about the Lipinski case, the recent ruling, and whether or not Council would want to pursue further steps or not.

By consensus, Council reconvened to Open Meeting at 8:16pm.

Handwritten signature of Mark Brown in cursive script.

Mark Brown, Mayor

Handwritten signature of Valarie R. Halvorsen in cursive script.

Valarie R. Halvorsen, Town Clerk

Council: Mayor Mark Brown, Dena Barnes, Alicia Flowers, Dianne Laughlin, Elizabeth McClellan, John Wray, Jr.

Staff: Scott Whitaker (Manager), Jeff Gougeon (P&R Manager), Valarie Halvorsen (Clerk), Katrina Whitt (Finance Officer), (Planner position vacant)



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C L O S E D S E S S I O N M I N U T E S O C T O B E R 8, 2013, 6:30PM

Present: Mark Brown, Dena Barnes, Alicia Flowers, Dianne Laughlin, Elizabeth McClellan, John Wray, Town Manager Scott Whitaker, and Town Attorney William Hill

* NOTE: In open session, Barnes made a motion at 10:35pm to recess to closed session as provided under NCGS 143-318.11(a)(3) and NCGS 143-318.11(a)(5). The motion was seconded by Wray and passed unanimously.

There was discussion about a possible moratorium on development until the Uniform Development Ordinance rewrite could be completed. Whitaker, Hill, and Interim Planner Julie Reid were instructed to work on the ordinance with a year-end goal for draft completion.

The latest Gordon property bid was \$399,000. The title search was in progress but was not yet completed. There was discussion about offer conditions/contingencies and the feasibility of purchasing before current tenants were vacated. The directive was for the manager to continue negotiations.

By consensus, Council reconvened to Open Meeting at 11:10pm.



Mark Brown, Mayor



Valarie R. Halvorsen, Town Clerk



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C L O S E D S E S S I O N M I N U T E S AUGUST 13, 2013, 6:30PM

Present: Mark Brown, Dena Barnes, Alicia Flowers, Dianne Laughlin, Elizabeth McClellan, John Wray, Town Manager Scott Whitaker, and Town Attorney William Rozell

* NOTE: In open session, Wray made a motion at 8:30pm to recess to closed session as provided under NCGS 143-318.11(a)(5). The motion was seconded by McClellan and passed unanimously.

Tim Friddle had approached Mayor Brown and offered to sell to the town approximately 47 acres near Summerfield Road at \$15,500/acre. Council discussed the property and was not inclined to act, although Brown agreed to investigate a "right of first refusal" thought to be held by Sally Lawing.

The Gordon property was discussed and Whitaker recapped that it includes 8 tracts totaling approximately 16 acres; the asking price is \$598,000; the total tax value is \$432,000; and the cost to remove the mobile homes and frame building had been estimated to be approximately \$22,000. There was discussion about issues relating to removal of the mobile homes, the displacement of tenants, and the need for written assurance from NCDOT that a septic easement across 150 would be granted. By consensus, council authorized the manager to offer \$350,000 contingent upon satisfaction with the results of an environmental assessment.

By consensus, Council reconvened to Open Meeting at 9:12pm.

for Dena Barnes, Mayor
Mark Brown, Mayor
pro Tem

Valarie R. Halvorsen
Valarie R. Halvorsen, Town Clerk



C L O S E D S E S S I O N M I N U T E S J U L Y 9, 2013, 6:30PM

Present: Mark Brown, Dena Barnes, Alicia Flowers, Dianne Laughlin, Elizabeth McClellan, John Wray, Town Manager Scott Whitaker, and Town Attorney William Rozell

* NOTE: In open session, Laughlin made a motion at 8:00pm to recess to closed session as provided under NCGS 143-318.11(a)(3), NCGS 143-318.11(a)(5), and NCGS 143-318.11(a)(6). The motion was seconded by Wray and passed unanimously.

SAP Field House building repairs: A settlement check for \$10,000 was received from RP Murray and a \$1,000 check is expected soon from Bilco. Whitaker had not yet received a repair proposal, but was expecting an amount in the \$20,000 to \$25,000 range. An open-session motion would be made to accept the funds.

Litigation: Whitaker and Hill had an upcoming meeting at the request of Mr. Lipinski and his attorney for the purpose of discussing a possible solution regarding the fence and litigation. Court of Appeals paperwork had been filed, which was the last step of the legal process.

Property negotiations: Whitaker was attempting to acquire a septic easement across Oak Ridge Road for the Gordon property. It would require NCDOT's permission.

Whitaker and Hill were excused at 8:20pm.



By consensus, Council reconvened to Open Meeting at 8:37pm.



Mark Brown, Mayor



Valarie R. Halvorsen, Town Clerk



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C L O S E D S E S S I O N M I N U T E S M A Y 1 4 , 2 0 1 3 , 6 : 3 0 P M

Present: Mark Brown, Dena Barnes, Alicia Flowers, Dianne Laughlin, Elizabeth McClellan, John Wray, Town Manager Scott Whitaker, and Town Attorney William Hill

* NOTE: In open session, Barnes made a motion at 7:58pm to recess to closed session as provided under NCGS 143-318.11(a)(3) and NCGS 143-318.11(a)(5). The motion was seconded by Wray and passed unanimously.

SAP Field House Building repairs: Hill recommending discussing the issue with insurance carriers of RP Murray and Doggett Construction.

Lipinski case: Hill gave an update regarding the Lipinski lawsuit against the Town.



Gordon property: There was discussion about the feasibility of using the property for a town hall or annex. Whitaker was directed to investigate individual concerns and report back.

By consensus, Council reconvened to Open Meeting at 9:07pm.

Mark Brown, Mayor

Valarie R. Halvorsen, Town Clerk



Town of Summerfield – Closed Session Minutes

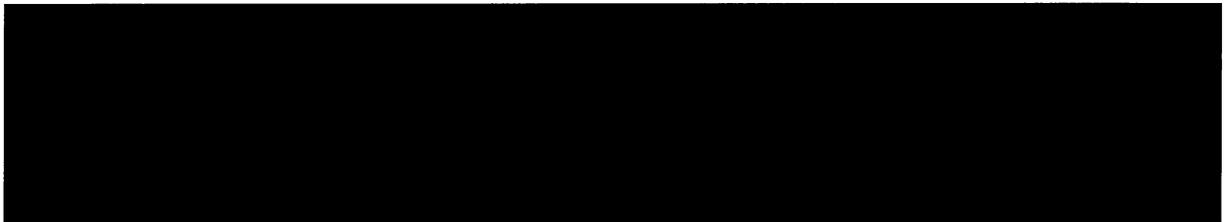
*Town Council: Mayor Mark F. Brown
Mayor Pro-Tem Dena Barnes
Alicia Flowers
Dianne Laughlin
Elizabeth McClellan
John W. Wray Jr.
Valarie Halvorsen (Clerk)
Scott Whitaker (Manager)*

Summerfield Town Hall | 4117 Oak Ridge Road
November 13, 2012 | 6:30PM

Present: Dena Barnes, Alicia Flowers, Dianne Laughlin, Elizabeth McClellan, John Wray, Town Manager Scott Whitaker, Town Attorney Will Rozell

* NOTE: In open session, Laughlin made a motion to recess to closed session as provided under NCGS 143-318.11(a)(3) and NCGS 143-318.11(a)(5) at 9:17 pm. The motion was seconded by McClellan and passed unanimously.

There was discussion about the repairs needed at the SAP Field House and the results of the mediation and potential litigation. The outcome was that drainage issues needed to be addressed immediately and that monitors would be placed on the building to monitor further settling; Atlantic Coast Engineering submitted a proposal. Barnes stated the company is owned by her cousin but she has no fiduciary interest in it. Council directed Whitaker to move forward on contracting with Atlantic Coast Engineering as needed.



Rozell gave an update on the Lipinski case.

By consensus, Council reconvened to Open Meeting at 10:12 pm.



Dena Barnes, Mayor Pro Tem



Valarie Halvorsen, Town Clerk

**TOWN OF SUMMERFIELD
CLOSED SESSION
MINUTES
April 4, 2012**

Present: Mark Brown, Dena Barnes, Alicia Flowers, Elizabeth McClellan, John Wray, Town Attorney William (Bill) Hill, Interim Town Manager/Finance Officer Dana Luther

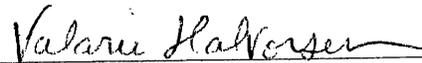
* NOTE: In open session, Barnes made a motion to recess to closed session as provided under NCGS 143-318.11 at 9:10 pm. The motion was seconded by Flowers and passed unanimously.

There was discussion of Town Manager applicants, personnel matters, and legal matters related to the Summerfield Athletic Park Field House and prayer at meetings.

By consensus, Council reconvened to Open Meeting at 9:47 pm.



Mark Brown, Mayor



Valarie Halvorsen, Town Clerk

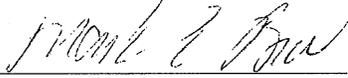
**TOWN OF SUMMERFIELD
CLOSED SESSION
MINUTES
March 21, 2012**

Present: Mark Brown, Dena Barnes, Alicia Flowers, Dianne Laughlin, Elizabeth McClellan,
Town Attorney William (Bill) Hill, Interim Town Manager/Finance Officer Dana Luther

* NOTE: In open session, Flowers made a motion to recess to closed session as provided under
NCGS 143-318.11 at 10:31 am. The motion was seconded by Laughlin and passed unanimously.

The meeting consisted of an interview with a Town Manager applicant and legal issues related to
public records requests.

By consensus, Council reconvened to Open Meeting at 12:30 pm.



Mark Brown, Mayor



Valarie Halvorsen, Town Clerk

**TOWN OF SUMMERFIELD
CLOSED SESSION
MINUTES
March 13, 2012**

Present: Mark Brown, Dena Barnes, Alicia Flowers, Dianne Laughlin, Elizabeth McClellan, John Wray, Town Attorney William (Bill) Hill, Interim Town Manager/Finance Officer Dana Luther

* NOTE: In open session. Flowers made a motion to recess to closed session as provided under **NCGS 143-318.11** at 8:05 pm. The motion was seconded by Barnes and passed unanimously.

There was discussion of Town Manager applicants, legal issues related to public records requests.

By consensus, Council reconvened to Open Meeting at 9:07 pm.



Mark Brown, Mayor



Valarie Halvorsen, Town Clerk

**TOWN OF SUMMERFIELD
CLOSED SESSION
MINUTES
July 12, 2011**

Present: Mark Brown, Dena Barnes, Alicia Flowers, Dianne Laughlin, Bob Williams, John Wray, Town Attorney William (Bill) Hill, Town Manager Michael Brandt

****NOTE:** In open session, John Wray made a motion to recess to closed session as provided under NCGS 143-318.11 at 7:43 pm. The motion was seconded by Dianne Laughlin and passed unanimously.

There was discussion of property located at 7613 Summerfield Rd offered by the owner for purchase by the Town. Council decided not to consider the property after Wray noted the rear of the property may have been used as a landfill at one time.

Brandt stated the Guilford County School Board informed him that Laughlin Elementary School would likely not be used after September and stated the Board is aware of Summerfield's interest in the property.

Hill noted mediation was scheduled for the Beeson lawsuit.



By consensus, Council reconvened to Open Meeting at 8:34 pm.

Mark Brown, Mayor

Dianne Laughlin
for Valarie Halvorsen, Town Clerk

**TOWN OF SUMMERFIELD
CLOSED SESSION
MINUTES
June 14, 2011**

Present: Mark Brown, Dena Barnes, Alicia Flowers, Dianne Laughlin, Bob Williams, John Wray, Town Attorney William (Bill) Hill

NOTE: In open session, John Wray made a motion to recess to closed session as provided under **NCGS 143-318.11 at 8:44 pm. The motion was seconded by Dena Barnes and passed unanimously.

Brown discussed his attendance at a workshop regarding evaluating managers, noting that the form currently in use was rated as good.

There was discussion about Manager goals for the past year and the upcoming year.



By consensus. Council reconvened to Open Meeting at 9:15 pm.

Handwritten signature of Mark Brown in cursive script.

Mark Brown, Mayor

Handwritten signature of Dianne Laughlin in cursive script.

Dianne Laughlin
for Valarie Halvorsen, Town Clerk

**TOWN OF SUMMERFIELD
CLOSED SESSION
MINUTES
December 19, 2007**

Present: Mark Brown, Dena Barnes, Bob Williams, Alicia Flowers, Becky Strickland, John Wray, William (Bill) Hill, Town Attorney, and Valarie Halvorsen, Town Clerk.

****NOTE:** In open session, Dena Barnes made a motion to recess to closed session as provided under NCGS 143-318.11 (A) (6) to discuss naming an interim Town Manager and to (C) consult with counsel about Summerfield Properties (AKA Armfield) litigation and Public Records request by the Northwest Observer. There was no discussion. The motion was seconded by Bob Williams and passed unanimously.

Hill stated based on the successful referendum changing from Council/Administrator to a Council/Manager form of government, there was a need to appoint an interim Manager in order to enact the Ordinance Amending the Town Charter. This should be done in a timely manner. He stated there was a need to decide whether to appoint Brandt as Interim Manager, to hire Brandt as Manager, or to advertise for the position. He noted that per Brandt's current contract, he is entitled to severance pay if terminated. Flowers asked when the current contract expired and Strickland replied June of 2008.

Hill stated if Council wished to appoint Brandt to the Interim Manager position, this could be done via an addendum to his current contract.

After some discussion of a possible salary increase, the possibility of the need for an Assistant Manager, and advertising for applicants for the permanent position, it was decided by consensus to offer the Interim Manager position to Brandt, to do an addendum to his current contract, and to further discuss the issue in Closed Session at the March 11, 2008 Town Council meeting.

Summerfield Properties (Armfield) litigation

Present: Mark Brown, Dena Barnes, Bob Williams, Alicia Flowers, Becky Strickland, John Wray, William (Bill) Hill, Town Attorney, Michael Brandt, Town Administrator, and Valarie Halvorsen, Town Clerk.

Hill gave a brief overview of the situation and stated the issue is whether or not the applicant gets the increased density. He stated most people who spoke in opposition were opposed to the twin homes, which were withdrawn. Council members who voted in favor of the rezoning could ask for another Public Hearing and get it put on the agenda again.

Hill stated Council could direct him to listen to what the other attorney had to say, their offer or ideas, and perhaps enter into settlement negotiations. Strickland and Brown feel if it is settled it will set a precedent of "if you sue us, we will cave".

By consensus, it was decided to direct Hill to listen to what the opposing attorney has to say, although Strickland disagreed based on it costing the town additional money in attorney fees.

Public Records request by the Northwest Observer

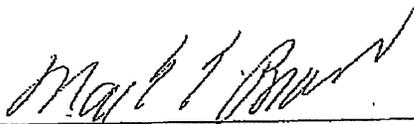
Crawford and his attorney have demanded a retraction of Northwest Observer articles they deem defamatory. They are planning to sue if this retraction does not happen by December 31, 2007. Hill read Patty Stokes' letter requesting copies of Closed Session minutes, emails relating to Crawford, and the minutes of the Litigation Committee. These items are to be used by the Observer to defend themselves against Crawford's possible defamation suit. Hill stated the question is whether Council wishes to turn these items over voluntarily.

[REDACTED]

There was also discussion about the fact that the closed session minutes had not been approved, and since Flowers and Wray were not on the council at the time of several of the meetings, they would abstain from voting to approve those minutes.

By consensus, it was agreed to not turn over any documents voluntarily.

By consensus, Council reconvened to Open Meeting at 8:48 pm.



Mark Brown, Mayor



Valarie Halvorsen, Town Clerk



**TOWN OF SUMMERFIELD
CLOSED SESSION
MINUTES
August 14, 2007**

Present: Mark Brown, Dena Barnes, Bob Williams, Carolyn Collins, Becky Strickland, John Wray, William (Bill) Hill, Town Attorney, and Valarie Halvorsen, Town Clerk.

****NOTE:** In open session, Carolyn Collins made a motion to recess to closed session as provided under NCGS 143-318.11 to consult with counsel at 9:20 pm. There was no discussion. The motion was seconded by Bob Williams and passed unanimously.

Bill Hill discussed a FOIA request from Gail Dunham, dated August 2, 2007, requesting "copies of all 'redacted pages 9-17' and other documents being withheld due to attorney-client privilege." Hill stated these items relate to Dwayne Crawford [REDACTED]

[REDACTED] Statute 132-1 says confidential conversations between a public board or commission and an attorney are not public record. He said he did not want to turn over the documents, and Mrs. Dunham has the option to protest and/or sue.

Strickland said Mrs. Dunham should have to go through the legal process to pursue it. Collins said nothing good can come from turning over the documents. Strickland agreed and stated Hill made the redaction based on law and council should stick with it. Brown agreed. By consensus, Council decided not to release the redacted documents

By consensus, Council reconvened to Open Meeting at 9:48 pm.

Mark Brown, Mayor

Valarie Halvorsen, Town Clerk