

## Index: Minutes, Summerfield Town Council January 10, 2012

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|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
| Approval of the minutes and Closed Session minutes of the December 13 and December 21, 2012 meetings, Financial Report, R-2012-001 Secondary Road Addition-William Bailey Road, R-2012-002 Speed Limit Modification SR2121 (Greenlawn Dr), and R-2012-003 Speed Limit Modification SR2125 (Rhondan Rd) (passed unanimously)                                                                                                                                                                          | Page 1 |
| Rescind O-1999-004 Offenses Against Peace and Order (passed unanimously)                                                                                                                                                                                                                                                                                                                                                                                                                             | Page 3 |
| Replace O-1996-001 with O-2012-001 An Ordinance and Resolution Providing that Ordinances and Actions Having the Effect of Ordinances of Guilford County Shall Be Applicable Within the Town and Jurisdictional Limits of the Town of Summerfield, Except as Otherwise Specified (passed unanimously)                                                                                                                                                                                                 | Page 3 |
| The written minutes of a meeting are formally designated as the official minutes of meetings and to amend the Records Retention and Disposition Schedule to retain recordings of meetings for a five year period (passed unanimously)                                                                                                                                                                                                                                                                | Page 4 |
| Approval of Scout Horan's project proposal (passed unanimously)                                                                                                                                                                                                                                                                                                                                                                                                                                      | Page 4 |
| By consensus – Scout projects to be approved by Council, with Scout in attendance if possible                                                                                                                                                                                                                                                                                                                                                                                                        | Page 4 |
| Motion to table Consideration/Approval of New SAP Fee Schedule (passed 4 to 1, McClellan opposed)                                                                                                                                                                                                                                                                                                                                                                                                    | Page 4 |
| Appoint Don Wendelken to Parks & Rec (passed unanimously)                                                                                                                                                                                                                                                                                                                                                                                                                                            | Page 4 |
| Appoint Bob Williams to Parks & Rec (passed 3 to 2, Flowers and McClellan opposed)                                                                                                                                                                                                                                                                                                                                                                                                                   | Page 4 |
| Appoint Don Wendelken to Public Safety (passed unanimously)                                                                                                                                                                                                                                                                                                                                                                                                                                          | Page 5 |
| Reappoint Trudy Whitaker to Zoning Board (passed unanimously)                                                                                                                                                                                                                                                                                                                                                                                                                                        | Page 5 |
| Reappoint Dick Feulner to Zoning Board (passed unanimously)                                                                                                                                                                                                                                                                                                                                                                                                                                          | Page 5 |
| Appoint Don Wendelken to Founder's Day (passed unanimously)                                                                                                                                                                                                                                                                                                                                                                                                                                          | Page 5 |
| Appoint Dail Perry to Founders' Day (passed unanimously)                                                                                                                                                                                                                                                                                                                                                                                                                                             | Page 5 |
| By consensus - Council agreed that the trail should be constructed with screenings rather than pavement, and construction should continue as far as possible toward the end of Guilford County's portion of the trail, which terminates near Deboe Road; that initial contact regarding securing of easements should be made by a staff, SPARC, or Council member who knows the property owner; and that negotiation for easements should be conducted by staff with assistance from Guilford County | Page 5 |
| By consensus - Spencer and McClellan to speak with the NC Horse Council and the Guilford County Inspections Department about this issue and report back, and directed that the issue be placed on the January 23, 2012 Special Call meeting agenda                                                                                                                                                                                                                                                   | Page 6 |

**MINUTES OF THE  
SUMMERFIELD TOWN COUNCIL  
SUMMERFIELD COMMUNITY CENTER  
JANUARY 10, 2012  
6:30 PM**

The meeting was called to order at 6:30 pm by Mark Brown.  
The invocation was led by Linda Southard, followed by the Pledge of Allegiance.

**INTRODUCTIONS:**

**Council:**

Mark Brown, Mayor  
Dena Barnes  
Alicia Flowers  
Dianne Laughlin  
Elizabeth McClellan  
John Wray

**Staff:**

Dana Luther, Interim Town Manager/Finance Officer  
Carrie Spencer, Interim Town Planner  
William Hill, Town Attorney  
Valarie Halvorsen, Town Clerk

Brown welcomed Mike Mills and Patty Eason, representatives of NCDOT District 7.

**CONSENT AGENDA:**

Brown suggested moving item 11C Discussion of MOA with NCDOT to item 11A, which was agreed to by consensus.

Wray made a motion to approve the Consent Agenda *as amended*, including the meeting agenda, minutes and Closed Session minutes of the December 13, 2011 meeting, minutes and Closed Session minutes of the December 21, 2011 Special Call meeting, and Financial Report. The motion was seconded by Laughlin and carried unanimously.

**SPEAKERS FROM THE FLOOR**

Don Wendelken, 3406 Windswept Dr, spoke about "robo-calls", stating his intent was to inform citizens about meetings and increase involvement. He noted anyone who did not want to receive the calls should call him at 336-202-0488.

Becky Strickland, 3220 Pleasant Ridge Rd, stated she has been asking for seven years if her property was located in the Town Core area, which is now the area within the Summerfield Road Special Area Plan, and has received conflicting answers. She requested that Luther and Hill provide her with an official letter "stating once and for all whether my property at 3220 Pleasant Ridge Road is located within the boundaries of the Town Core plan proposed for presentation by Mr. Harbeck on January 23." She further spoke of agenda item 13A Discussion of Land Availability for Town Hall, stating when this was previously discussed, regarding the Friddle property, discussions were done in Closed Session, where it was decided by consensus to not move forward with any land purchases. Strickland stated the issue was not deliberated or voted on in Open Session as required by state statute and open government laws; she requests that formal deliberation and voting take place on the Friddle property, which is still on the table, be undertaken prior to discussion of any other available property.

Rich Lipinski, 5850 Stanley Huff Rd, feels that there seems to be a "hole" in enforcement, or a lack of responsibility for enforcement. He noted the new Code Enforcement officer says he will not enforce the Peace and Order Ordinance, and neither will the Guilford County Sheriff's Department. He feels there is a need to "close the gaps."

**COMMITTEE REPORTS:**

**A. Finance:** Ronnie Stafford stated the January meeting has been moved from the 16<sup>th</sup> to the 30<sup>th</sup>, during which the committee would start working on the budget.

- B. Founders' Day:** Brown stated this year marks the bicentennial of the Town changing its name from Bruce's Crossroads to the Town of Summerfield, which will be the theme of this year's event.
- C. Historical:** Linda Southard stated the January meeting has been moved from January 26<sup>th</sup> to January 19<sup>th</sup>.
- D. Parks & Rec:** Conrad Hayter stated the next meeting is February 2<sup>nd</sup> during which the committee would continue discussing the A&Y Greenway and begin working on the budget.
- E. Public Safety:** Roxanne Gilgallon said the next meeting is January 18<sup>th</sup> and the committee is working on their goals for the year. She asked citizens to contact the committee with any safety concerns.
- F. Development Ord.:** Barnes stated the next meeting was January 24<sup>th</sup>.

**PUBLIC HEARING**

**Consideration of Issuing New Town Ordinance Adopting Guilford County Ordinances and Rescinding Town Ordinance O-1999-004 Offenses Against Peace and Order**

Brown gave some brief background information. This item was first discussed during the November 16, 2011 Special Call meeting, during which Hill recommended issuing a new Town Ordinance adopting the Guilford County Ordinances, and rescinding O-1999-004 as it has been deemed unenforceable as written. Hill enumerated problems he found with O-1999-004 in addition to the discharging firearms issue, noting the Guilford County Ordinance is better crafted and enforceable, while the Summerfield Ordinance is subjective and offers no clarity on how it is to be enforced.

*Brown opened the Public Hearing at 6:54pm*

Ernie Shue, Lariat Dr, stated he has been a Summerfield resident for 22 years and is a hunter. He said hunters practice gun safety and follow all rules and regulations, and he is unaware of any hunting accident in this area. He further stated local hunters have donated thousands of pounds of meat to the needy through the Hunters for the Hungry program.

Tim Friddle, 7044 Summerfield Rd, a 6<sup>th</sup> generation hunter, is a proponent of rescinding O-1999-004 and feels the Guilford County Ordinance should be sufficient.

Stuart Smith, 5440 Ashbey Lane, says he enjoys hunting, fishing, and hiking with his family and is teaching his children about gun safety. He feels that hobbyists should be safe, ethical, and strive against disturbing others. He said Captain Byrd of the Sherriff's Department came to his property and deemed his shooting area safe and legal.

Cynthia Brown, 2913 Pleasant Ridge Rd, says there has been lots of growth and increased density in her 31 years as a resident, O-1999-004 is not enforceable by the Sherriff's Department unless the gunfire is seen by them. She is not against hunting, but is advocating for common sense, decency and safety, particularly since she personally experienced bullets hitting near her house when a neighbor was shooting on his property.

Chip Parson, 5876 Stanley Huff Rd, believes in rights including the right to use your property how you see fit, including discharging firearms on your own property; and feels that all should be reasonable as Stuart Smith has been.

Joe Leggio, 5415 Ashbey Lane, a 19 year resident says safety and noise are two separate topics, and the issue at hand is noise. He favors retaining the Town Ordinance, which is more restrictive, and asked if it can be made enforceable rather than rescinding it.

Ben Miles Jr., 5144 Harvest Rd, says Summerfield has long been a hunting community and noted that situations in which some new residents "move to a nuisance".

Richard Needham, 6001 Trotter Ridge Rd. never imagined that the right to discharge firearms would be questioned in this rural area.

Vance Whicker, 5310 Fitzhugh Trail, is a lifelong hunter, and spoke of a neighbor's deer stand that is 15 feet from his property, and in close proximity to a walking trail used by many. He successfully discussed with his neighbor his feeling that it was not safe and asked that residents consider their neighbors and work together to come up with reasonable rules.

Rich Lipinski, 5850 Stanley Huff Rd, says the issue is not about hunting or the right to bear arms, but safety. He says the Guilford County Ordinance is subjective and does not want the Town Ordinance rescinded.

Don Wendelken, 3406 Windswept Dr, says the issue is that the Town Ordinance is unenforceable, that the Sheriff's Department will enforce the County Ordinance, but Summerfield may have to hire it's own police to enforce Summerfield Ordinances.

*Brown closed the Public Hearing at 7:21 pm*

Following brief discussion of the unenforceability of the Town Ordinance, Flowers made a motion to rescind O-1999-004 Offenses Against Peace and Order. The motion was seconded by Barnes and carried unanimously.

Flowers made a motion to rescind O-1996-001 and adopt O-2012-001 An Ordinance and Resolution Providing that Ordinances and Actions Having the Effect of Ordinances of Guilford County Shall Be Applicable Within the Town and Jurisdictional Limits of the Town of Summerfield, Except as Otherwise Specified. It was noted that the 1996 and the 2012 Ordinances were similar, but the 2012 Ordinance does not include adopting the portion of Guilford County's Ordinance dealing with land use. The motion was seconded by McClellan and carried unanimously.

*Recess from 7:30 pm to 7:47 pm*

**PRESENTATION – ORIENTAL SHRINE CLUB**

Representatives of the Oriental Shrine Club presented the Town with a plaque "In Appreciation For Your Continued Support of Shriners Hospitals For Children" which was accepted by Brown.

**BUSINESS FROM INTERIM TOWN MANAGER**

**A. Discussion of MOA with NCDOT – 220 Widening**

Spencer thanked NCDOT for working with the Town on the changes which included the size of the tunnel, maintenance responsibility, and the open-ended time limit on connecting to the Mountains-to-Sea Trail (which includes the A&Y Greenway) for 100% funding. The estimated maintenance cost is \$2,000 to \$3,000 per year, and the goal is to partner with Guilford County for maintenance which may be done by non-profit groups. Mike Mills, NCDOT District 7 Engineer, stated DOT would install the conduit, junction boxes, and the lights in the tunnel.

Barnes made a motion to approve the MOA with NCDOT for 220 widening. The motion was seconded by Wray.

Following brief discussion of construction time frames and fencing, Hill and Luther noted the motion should address the tunnel only.

Barnes made a motion to rescind her previous motion, which was seconded by Wray and carried unanimously.

Barnes made a motion to approve the MOA with NCDOT regarding construction of a multiuse underpass for the Atlantic & Yadkin Greenway under US 220 just south of SR 2117 (Summerfield Road). The motion was seconded by McClellan and carried unanimously.

Spencer asked Council for approval to research tunnel enhancement options, some of which may result in additional costs to the Town, which was granted by consensus.

**B. Comments/Update From Town Manager**

No updates at this time

**C. Discussion of Minutes Procedures in Records Retention and Disposition Schedule**

Halvorsen stated the current practice was that the recorded audio was designated as the "Official Minutes" of meetings. The NC Department of Cultural Resources Records Management Division strongly recommends that typed minutes be designated as the official minutes, noting that the Records Retention and Disposition Schedule adopted by Council January 12, 2010 states that recordings of meetings will be destroyed when the written minutes are approved.

Following brief discussion, Flowers made a motion that the written minutes be formally designated as the official minutes of meetings and to amend the Records Retention and Disposition Schedule to retain recordings of meetings for a five year period. The motion was seconded by McClellan and carried unanimously.

**D. Consideration/Approval of Boy Scout Project in SAP and Process**

Luther asked Council for direction on the approval process.

Flowers made a motion to approve the project requested by Scout Horan. The motion was seconded by Wray and carried unanimously.

By consensus, it was decided that Scout projects should be brought to Council for approval, and it is preferred that the Scout comes to the meeting to present the project if possible. Council directed staff to amend item 8 of the Volunteer Service Project Procedure as stated above.

**E. Consideration/Approval of New SAP Fee Schedule**

Following much discussion on operating costs and income derived from rental fees, Laughlin made a motion to table the issue. The motion was seconded by Wray and carried 4 to 1, McClellan opposed.

By consensus, Council directed staff to gather more information and have the Finance Committee review the issue.

**BUSINESS FROM TOWN COUNCIL**

**A. Appoint Don Wendelken to Parks & Recreation Committee**

Flowers made a motion appointing Don Wendelken to the Parks & Recreation Committee, seconded by McClellan, which carried unanimously.

**B. Appoint Bob Williams to Parks & Recreation Committee**

Wray made a motion appointing Bob Williams to the Parks & Recreation Committee, seconded by Laughlin, which passed 3 to 2, Flowers and McClellan opposed.

**C. Appoint Don Wendelken to Public Safety Committee**

Flowers made a motion appointing Don Wendelken to the Public Safety Committee, seconded by McClellan, which carried unanimously.

**D. Reappoint Trudy Whitaker and Dick Feulner to Zoning Board**

Flowers made a motion reappointing Trudy Whitaker to the Zoning Board, seconded by Laughlin, which carried unanimously.

Flowers made a motion reappointing Dick Feulner to the Zoning Board, seconded by Laughlin, which carried unanimously.

**E. Appoint Don Wendelken and Dail Perry to Founders' Day Committee**

Flowers made a motion appointing Don Wendelken to the Founders' Day Committee, seconded by Laughlin, which carried unanimously.

Flowers made a motion appointing Dail Perry to the Founders' Day Committee, seconded by Barnes, which carried unanimously.

**F. Preliminary Discussion of Trails**

Spencer provided information about past and current trail planning:

- A&Y Feasibility Study: After a Memorandum of Understanding (MOU) was signed in August 2010, the Greensboro Urban Area Metropolitan Planning Organization (GUAMPO) contracted with a private consultant for a public study that includes the A&Y Greenway through the towns of Summerfield and Stokesdale. Owners of properties along the rail bed were directly invited to participate in the Study. The study includes recommendations for trail alignment, funding, and maintenance issues. The contractor will present the study to both Town Councils at their regular February meetings.
- 2010-2011 Town Budget priorities include construction of a section of the A&Y Greenway trail generally following the A&Y rail bed. Members of staff and SPARC are meeting with county trail planners to discuss the process of requesting easements from property owners along the trail. Discussion will also cover trail design and the potential to enter into an agreement with the county as they construct their own sections outside the Town.
- Summerfield Elementary School: Staff has met with the school, PTA, and DAR to address concerns about the trail route in front of the school and along the DAR property.
- Summerfield Road Special Area Plan: The plan, to be presented to council on January 23, includes walkway, bikeway, and trail planning in and around the Summerfield Road area.
- October 2010 Resolution by Town Council supporting the Mountains to Sea Trail.

Future plans would include additional sections that continue the A&Y Greenway through the Town, which would necessitate the negotiation of easements. Spencer asked for direction in securing easements and construction and maintenance options.

By consensus, Council agreed that the trail should be constructed with screenings rather than pavement, and construction should continue as far as possible toward the end of Guilford County's portion of the trail, which terminates near Deboe Road; that initial contact regarding securing of easements should be made by a staff, SPARC, or Council member who knows the property owner; and that negotiation for easements should be conducted by staff with assistance from Guilford County.

*Break from 10:04 pm to 10:10 pm*

**BUSINESS FROM THE MAYOR**

**A. Discussion of Land Availability for Town Hall**

Brown noted the potential need for additional property to be used as emergency septic repair area for the Town Hall building. He stated the Gordon property, which includes the old hardware store building would be marketed for sale in the near future, and additional property beside Town Hall may be available.

**B. Update on Equestrian Facility Legislation**

Brown stated the legislation exempts inspections of buildings of equestrian facilities with the exception of bleachers. McClellan is concerned about safety. Brown asked Spencer and McClellan to speak with the NC Horse Council and the Guilford County Inspections Department about this issue and report back, and directed that the issue be placed on the January 23, 2012 Special Call meeting agenda.

Brown read the reasons for entering into Closed Session as follows:

**CLOSED SESSION:**

**A) consider the 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 employee as provided under NCGS 143-318.11(a) (6).**

Laughlin made a motion to enter into Closed Session at 10:22 pm. The motion was seconded by Wray and carried unanimously.

Barnes made a motion to return to Open Session at 10:52 pm. The motion was seconded by Wray and carried unanimously.

**OTHER BUSINESS**

Wray referenced an 87 page response to a Public Records request prepared by Hill, asking the total cost of producing the documents, including staff time, attorney time, research, and printing. Luther stated staff time is not tracked, but attorney time spent will be itemized on the next invoice. Wray requested tracking costs of fulfilling Public Records requests.

With no further business before the Town Council, a motion was made at 10:59 pm by Laughlin to adjourn. The motion was seconded by McClellan and carried unanimously.



Mark E. Brown, Mayor



Valarie Halvorsen, Town Clerk