



**Public hearing/action re: Animal Control Ordinance revisions**

*Attachment(s): yes*

MEETING DATE: FEBRUARY 11, 2014

**STAFF COMMENTS / RECOMMENDATION:**

Guilford County revised their Animal Control Ordinance to prohibit unattended tethering of dogs. They have asked municipalities they serve to approve the change as well. The revision consists of adding the following definition: "Tethering: tying out or fastening a dog outdoors on a rope, chain, or other type of line for holding a dog. This shall not include tying out or fastening of a dog outdoors on an attending leash." The addition of Section 5-15 (i) is attached for your consideration.

**NOTES:**

**TOWN COUNCIL COMMENTS / ACTION:**

- (i) *Tethering.* It shall be unlawful for any person to restrain a dog using a chain, wire or other type of tethering device in a manner prohibited by this subsection.
- a. No person shall tether, fasten, chain tie, or restrain a dog, or cause such restraining of a dog, to a tree fence, post, dog house, or other stationary object. During periods of tethering that are not unlawful under this subsection, any tethering device used shall be at least ten feet in length and attached in such a manner as to prevent strangulation or other injury to the dog or entanglement with objects
  - b. No Person shall tether, fasten, chain, tie, or restrain a dog, or cause such restraining of a dog, to a cable trolley system, that allows movement of the restraining device. During periods of tethering that are not unlawful under this subsection, the length of the cable along which the tethering device can move must be at least ten feet, and the tethering device must be of such length that the dog is able to move ten feet away from the cable perpendicularly and attached in such a manner as to prevent strangulation or other injury to the dog and entanglement with objects. During periods of lawful tethering under this subsection, tethers must be made of rope, twine, cord, or similar material with a swivel on one end or must be made of a chain that is at least ten (10) feet in length with swivels on both ends and which does not exceed ten (10) percent of the dog's body weight. All collars or harnesses used for the purpose of the lawful tethering of a dog must be made of nylon or leather.
  - c. No person shall tether a dog with a chain or wire or other device to, or cause such attachment to, any collar other than a buckle type collar or body harness.
  - d. No person shall tether with a chain or a wire or other device to, or cause such attachment to, a head harness, choke-type collar or pronged collar to a dog.
  - e. No person shall tether with a chain, wire or other device to a dog where the weight of the tethering device and the collar combined exceeds ten (10) percent of the dog's body weight.
  - f. No person shall tether with a chain or wire or other device a dog in such a manner that does not allow the dog access to adequate food, water and shelter.
  - g. No person shall tether a sick, diseased and/or injured dog, or puppy (a dog that is one year of age or younger).
  - h. Notwithstanding the provisions of 5-15 (i)a &b of this subsection, a person may, subject to the provisions of subsections 5-15 (i) c-h, and subject to the requirement that any stationary tethering device used, shall be at least ten feet in length, and subject to the requirement that for any cable trolley system used the length of the cable along which the tethering device can move must be at least ten feet, and the tethering device must be of such length that the dog is able to move ten feet away from the cable perpendicularly, may:

- i. Tether and restrain a dog while actively engaged in:
  - 1. Usage of the dog in shepherding or herding livestock, or
  - 2. Use of the dog in the business of cultivating agricultural products, of the restraining is reasonably necessary for the safety of the dog, or
  - 3. Use of the dog in a lawful hunting activities if the restraint is reasonably necessary for the safety of the dog, or
  - 4. Use of the dog at a dog training or performance events, including but not, limited to the field trials and obedience trials where tethering does not occur for a period exceeding seven consecutive days, or
  - 5. Camping or other recreation where tethering is required by the camping or recreational area where the dog is located, or
- ii. 6. Any activity where a tethered dog is in visual range of its Owner or Keeper, and the Owner or Keeper is located outside with the dog. After taking possession of a dog that appears to be a stray dog and after having advised animal control authorities of the capture of dog, tether and restrain the dog in accordance with the provisions for a period not to exceed seven (7) days as the person having taken possession of the dog is seeking the identity of the dog.
- iii. Walk a dog with a handheld leash.



**Public hearing/action re: Public Nuisance Ordinance revisions**

*Attachment(s): yes*

MEETING DATE: FEBRUARY 11, 2014

**STAFF COMMENTS / RECOMMENDATION:**

N-Focus drafted this ordinance and following a public hearing and meeting held 1/27/14, the Board voted unanimously to recommend approval of this ordinance as amended during discussions. A red-lined version of the ordinance is attached in order to show the differences between N-Focus' draft/intent and the ZB's recommendations, along with the draft ZB minutes.

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**NOTES:**

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**TOWN COUNCIL COMMENTS / ACTION:**

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PUBLIC NUISANCE ORDINANCE

AN ORDINANCE AFFECTING THE REGULATION OF PUBLIC HEALTH AND SAFETY MATTERS; PUBLIC NUISANCES, **AMENDING REPLACING SUMMERFIELD** ORDINANCE O-1999-001, PUBLIC NUISANCES ORDINANCE, ~~THE TOWN OF SUMMERFIELD~~

**WHEREAS**, Article 8 of Chapter 160A of the North Carolina General Statutes, N.C.G.S. 160A-174, et seq., delegates to municipalities the authority to exercise the general police power; and

**WHEREAS**, Article 8 of Chapter 160A of the North Carolina General Statutes, N.C.G.S. 160A-193, authorizes municipalities to summarily remedy, abate or remove public health nuisances; and

**WHEREAS**, the Town Council of the Town of Summerfield finds that it is in the public interest to amend Ordinance O-1999-001, Public Nuisance Ordinance, to provide more specificity as to the requirements for regulating Public Nuisances.

**WHEREAS**, the Town Council of the Town of Summerfield, after due notice, conducted a public hearing on the 11<sup>th</sup> day of February 2014, upon the question of an Ordinance in this respect.

**THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SUMMERFIELD, NORTH CAROLINA;**

**PART ONE.** That Ordinance O-1999-001, Public Nuisance Ordinance of the Town of Summerfield, North Carolina, is hereby amended and rewritten in its entirety to read as follows:

**“PUBLIC NUISANCE CONDITIONS, PRIVATE PROPERTY”**

**(A) Administration.**

For the purpose of this ordinance, the term "nuisance" shall mean or refer to any condition or any use of property or any act or omission affecting the condition or use of property which threatens or is likely to threaten the safety of the public; adversely affects the general health, happiness, security or welfare of others; or, is detrimental to the rights of others to the full use of their own property and their own comfort, happiness and emotional stability because of decreased property values and the unsightliness and decreased livability of neighborhoods.

**(B) Declaration of Public Nuisance**

The following enumerated and described conditions, or any combination thereof, are hereby found, deemed, and declared to constitute a detriment, danger and hazard to the health, safety, morals and general welfare of the inhabitants of the Town. They are hereby found, deemed and declared to be public nuisances wherever the conditions may exist within the corporate limits as

now or hereafter established. The creation, maintenance or failure to abate any nuisances is hereby declared unlawful:

1. Any weeds or other vegetation having an overall height of more than twelve (12) inches above the surrounding ground provided that the following shall not be considered to be a part of this condition:
  - a. trees and ornamental shrubs, cultured plants, flowers and growing and producing vegetable plants;
  - b. natural vegetation on undeveloped property that is not a threat to the character of surrounding properties;
  - c. active farming or agricultural uses;
  - d. those lands dedicated and accepted by the town as flood plain and open space, which are established in order to preserve natural green ways and/or natural connecting networks along flood ways, streams and creeks;
  - e. It shall be the duty of every person occupying, owning or having control of property abutting on a street or highway that utilizes a portion of the unused street or highway right-of-way as a yard or any other use to maintain said right-of-way in the same character and manner as the abutting use.
2. Any accumulation of trash, garbage, food waste and other trash which is the result of the absence of, or overflowing of, or improperly closed trash or garbage containers, that attracts or is likely to attract mice and rats, flies and mosquitoes or other pests.
3. An open or unsecured storage or collection place for chemicals, acids, oils, gasoline, flammable or combustible materials or flammable or combustible liquids, poisonous materials or other similar harmful or dangerous substances, gasses or vapors.
4. An open place, collection, storage place or concentration of combustible items such as mattresses, boxes, paper, automobile tires and tubes, garbage, trash, refuse, brush, old clothes, rags, or any other combustible materials collection.
5. An open storage place for old worn out, broken or discarded materials such as machinery, car parts, junk, tire rims, furniture, stoves, refrigerators, appliances, cans and containers, household goods, plumbing or electrical fixtures, old rusty metal, fencing materials or other similar materials.
6. Any accumulation of garbage, rubbish, trash, tree stumps or junk causing or threatening to cause a fire hazard, or causing or threatening to cause the accumulation of stagnant water, or causing or threatening to cause the inhabitation therein of rats, mice, snakes, mosquitoes, or vermin prejudicial to the public health.

7. Any **significant, concentrated** accumulation of animal or vegetable matter, **excluding compost piles**, that is offensive by virtue of odors or vapors or by the inhabitation therein of rats, mice, snakes, or vermin of any kind which is or may be dangerous or prejudicial to the public health.
8. The open storage of any ice box, furniture, refrigerator, stove, glass, building materials, building rubbish or similar items. The use of carports, open porches, decks, open garages and other outdoor areas that are visible from the street as a storage or collection place for boxes, appliances, furniture (not typical outdoor or yard furniture), tools, equipment, junk, garbage, old worn out broken or discarded machinery and equipment, cans, containers, household goods or other similar condition that increase the likelihood of a fire; may conceal dangerous conditions; may be a breeding place or habitat for mice, rats or other pests; or, create an unattractive condition or visually blighted property
9. A collection place for lumber, bricks, blocks, nails, building hardware, roofing materials, scaffolding, masonry materials, electrical supplies or materials, plumbing supplies or materials, heating and air conditioning supplies or materials or any other type of old or unusable building supplies (especially those with nails, staples or sharp objects and edges) unless such conditions are temporary in nature and caused by a current construction project in progress pursuant to a lawfully issued building permit.
10. Any building or other structure which has been burned, partially burned or otherwise partially destroyed and which is unsightly or hazardous to the safety of any person, is a continuing fire hazard or which is structurally unsound to the extent that the Code Administrator or his designee can reasonably determine that there is a likelihood of personal or property injury to any person or property entering the premises. **excluding structures on property that is zoned Agricultural.**
11. The placement, storage or use of upholstered sofas, couches, chairs or other indoor type furniture, appliances, seats removed from motor vehicles or other furniture not intended for outdoor use by the manufacturer, use on any open porch, carport, stoop, deck, veranda, terrace, patio or other outdoor area that is visible from nearby streets and sidewalks.
12. A collection place, pool or pond of stagnant or foul water or persistent dampness caused by overflowing septic tanks, manmade dams, open ditches, overflowing pipes, foundation trenches or other impoundments of any kind.
- ~~13. — Barns or farm animal pens, pastures or enclosures for farm animals which are not kept sanitary and clean or otherwise become a collection place for animal waste and which because of the conditions associated therewith attract rats, mice, flies or other pests or emit foul odors that can be detected or noticed on adjacent properties or are otherwise not kept in a sanitary condition.~~

14. Dog lots, pens, pet enclosures of all kinds, outdoor areas where dogs or other pets are chained or kept or areas where dogs and cats are permitted to roam which become a collection place for dog, cat or pet waste and excrement and which attract flies or other pests, emit foul odors which can be detected or noticed on adjacent property or are not kept in a sanitary condition.
15. A collection place for sewage and sewage drainage or the seepage from septic tanks, broken or malfunctioning plumbing and sewer pipes or any other seepage of dangerous, hazardous or poisonous liquids.
- ~~16. A collection place for tree limbs, dried brush, dead vegetation, stumps or other decayed wood and materials or other similar rubbish.~~
17. Any discharge into or polluting of any stream, creek, river or other body of water or the discharge of any dangerous substance or any other material likely to harm the water or any vegetation, fish or wildlife in or along the water or the storage of such harmful materials and substances in a manner so that it is likely that such streams, creeks, rivers or other bodies of water will become polluted or adversely affected in any manner.
- ~~18. Any condition which blocks, hinders, or obstructs in any way the natural flow of branches, streams, creeks, surface waters, ditches, or drains, with the purpose of eliminating standing water. to the extent that the premises is not free from standing water.~~
19. Any conditions or use of property, which results in the emission of pollutants and particles into the atmosphere or causes noxious odors, vapors and stenches to be discharged into the air.
20. Nuisance vehicle: A vehicle on public or private property that is determined and declared to be a health or safety hazard, a public nuisance, and unlawful, including a vehicle found to be:
  - a. A breeding ground or harbor for mosquitoes, other insects, rats or other pests; or
  - b. A point of heavy growth of weeds or other noxious vegetation which exceeds eight (8) inches in height ; or
  - c. In a condition allowing the collection of pools or ponds of water; or
  - d. A concentration of quantities of gasoline, oil, or other flammable or explosive materials as evidenced by odor; or
  - e. An area of confinement which cannot be operated from the inside, such as, but not limited to, trunks or hoods; or
  - f. So situated or located that there is a danger of it falling or turning over; or
  - g. A collection of garbage, food waste, animal waste, or any other rotten or putrescent matter of any kind; or

- h. One which has sharp parts thereof which are jagged or contain sharp edges of metal or glass;
  - i. Any other vehicle specifically declared a health and safety hazard and a public nuisance by the Town Council.
21. Any condition detrimental to the public health which violates the rules and regulations of the County Health Departments.

**(C) Complaint; Investigation of Public Nuisance**

1. When any condition in violation of this Ordinance is found to exist, the Code Administrator or such persons as may be designated by the Town Council shall give notice to the owner of the premises to abate or remove such conditions within ten (10) days. Such notice shall be in writing, shall include a description of the premises sufficient for identification and shall set forth the violation and state that, if the violation is not corrected within ten (10) days, the town may proceed to correct the same as authorized by this ordinance. Service of such notice shall be by any one of the following methods.

(a) By delivery to any owner personally or by leaving the notice at the usual place of abode of the owner with a person who is over the age of sixteen (16) years and a member of the family of the owner.

(b) By depositing the notice in the United States Post Office addressed to the owner at his last known address with regular mail postage prepaid thereon.

(c) By posting and keeping posted, for ten (10) days, a copy of the notice, in placard form, in a conspicuous place on the premises on which the violation exists, when notice cannot be served by method (a) and (b).

2. A chronic violator is a person who owns property whereupon, in the previous calendar year, the town gave notice of violation at least three times under any provision of the public nuisance ordinance. The town may notify a chronic violator of the town's public nuisance ordinance that, if the violator's property is found to be in violation of this chapter, the town shall, without further notice in the calendar year in which notice is given, take action to remedy the violation. The expense of such action shall become a lien upon the property and shall be collected as unpaid taxes. The notice shall be sent by registered or certified mail. When service is attempted by registered or certified mail, a copy of the notice may also be sent by regular mail. Service shall be deemed sufficient if the registered or certified mail is unclaimed or refused, but the regular mail is not returned by the post office within 20 days after the mailing. If service by regular mail is used, a copy of the notice shall be posted in a conspicuous place on the premises affected.

**(D) Abatement Procedure**

If the owner of any property fails to comply with a notice given pursuant to this ordinance, within ten (10) days after the service of such notice, he shall be subject to prosecution for violation of this ordinance in accordance with law and each day that such failure continues shall

be a separate offense. In addition, the Town may have the condition described in the notice abated, removed or otherwise corrected and all expenses incurred thereby shall be chargeable to and paid by the owner of the property and shall be collected as taxes and levies are collected. All such expenses shall constitute a lien against the property on which the work was done.

**(E) Procedure is Alternative**

The procedure set forth in this ordinance shall be in addition to any other remedies that may now or hereafter exist under law for the abatement of public nuisances. In addition to the remedies provided for herein, any violation of the terms of this ordinance shall subject the violator to the penalties and remedies as set forth in General Penalties; Enforcement of Ordinances; Continuing Violations Ordinance of the Town of Summerfield”

**PART TWO.** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

**PART THREE.** If any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

**PART FOUR.** The enactment of this ordinance shall in no way affect the running of any amortization provisions or enforcement actions, or otherwise cure any existing violations.

**PART FIVE.** This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this 11<sup>th</sup> day of February 2014.

\_\_\_\_\_  
Tim Sessoms, Mayor

ATTEST:

Approved as to form:

\_\_\_\_\_  
Valarie Halvorsen, Town Clerk

\_\_\_\_\_  
William L. Hill, Town Attorney



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Z O N I N G   B O A R D   M I N U T E S

JANUARY 27, 2014, 7:00PM, SFD COMMUNITY CENTER

Hess opened the meeting at 7:03pm. The following were present:

**Zoning Board**

Nancy Hess, Chair  
Dick Feulner  
Jeff Davis  
Trudy Whitacre

**Staff**

Scott Whitaker, Town Manager  
Valarie Halvorsen, Town Clerk

CONSENT AGENDA

Feulner motioned to approve the consent agenda including the meeting agenda and approval of the 12/18 minutes. The motion was seconded by Trudy Whitacre and carried 3 to 0 (Davis abstained).

PUBLIC HEARING re: Public Nuisances Ordinance revisions

Code Enforcement Officer John Ganus discussed an alternate draft of Section (C) Complaint: Investigation of Public Nuisance, which would address chronic violators. This section was approved by consensus. The following changes were approved by consensus for items in Section B:

- 5. Addition of "materials such as" to "...old worn out, broken or discarded materials such as..."
- 6. Addition of "tree stumps" to "...garbage, rubbish, trash, tree stumps, or junk..."
- 7. Rewording to read "Any significant concentrated accumulation of animal or vegetable matter, excluding compost piles, that is offensive..."
- 10. Addition of "...excluding structures on property that is zoned Agricultural" to the end.
- 13. Deletion.
- 16. Deletion.
- 18. Replacement of "to the extent that the premises is not free from standing water" with "with the purpose of eliminating standing water"

Feulner motioned to recommend approval of the Ordinance as amended by the board. The motion was seconded by Davis and carried unanimously.

With no further business before the board, the meeting was adjourned at 9:13pm.

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Nancy Hess, Chair

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Valarie Halvorsen, Town Clerk

Council: Mayor Tom Sessoms, Dena Barnes, Mike Adams, Alicia Flowers, Dianne Laughlin, Elizabeth McClellan

Zoning Board: Nancy Hess (Chair), Jeff Davis, Dick Feulner, Kathy Rooney, Trudy Whitacre, and alternate Scott Henson

**Public hearing/action re: Abandoned, Nuisance, & Junked Vehicles Ordinance**

*Attachment(s): yes*

MEETING DATE: FEBRUARY 11, 2014

**STAFF COMMENTS / RECOMMENDATION:**

N-Focus drafted this ordinance and following a public hearing and meeting held 12/18/13 by the Zoning Board, the Board voted 3 to 2 to recommend approval of this ordinance as amended. The motion involved omission of all references to "abandoned vehicles." A red-lined version of the ordinance is attached in order to show the differences between N-Focus' draft/intent and the ZB's recommendations. The pertinent ZB minutes are as follows:

*Code Enforcement Officer John Ganus of N-Focus in Kannapolis, NC stated the draft ordinance granted enforcement powers, would allow abatement of violations, and outlined definitions and the process for abatement. He stated it is consistent with North Carolina General Statutes and further explained how it would provide the town with police powers regarding abatement.*

*Following much discussion about the statutory definition of an "abandoned vehicle," enforcement actions against such a vehicle, and other aspects of the proposed ordinance, Hess motioned to recommend approval of the ordinance omitting all references to "abandoned vehicles." The motion was seconded by Feulner and carried 3 to 2 with Henson and Trudy Whitacre opposed.*

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**NOTES:**

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**TOWN COUNCIL COMMENTS / ACTION:**

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*(Ordinance will be reformatted following adoption.)*

**ORDINANCE NUMBER \_\_\_\_\_**

**AN ORDINANCE AFFECTING THE REGULATION OF ~~ABANDONED~~, NUISANCE, AND JUNKED VEHICLES; THE TOWN OF SUMMERFIELD**

**WHEREAS**, Article 8 of Chapter 160A of the North Carolina General Statutes, N.C.G.S. 160A-174, et seq., delegates to municipalities the authority to exercise the general Police power; and

**WHEREAS**, Article 15 of Chapter 160A of the North Carolina General Statutes, N.C.G.S. 160A-303, et seq., authorizes municipalities to regulate, remove and dispose of ~~Abandoned and~~ Junked Vehicles;

**WHEREAS**, N.C.G.S. 160A-193 authorizes municipalities to summarily remedy, abate or remove public health nuisances; and

**WHEREAS**, the Town Council of the Town of Summerfield finds that it is in the public interest to amend Article 6 of the Summerfield Development Ordinance and to enact and establish a new ordinance to provide more specificity as to the requirements for regulating ~~Abandoned~~, Nuisance and Junked Vehicles; and

**WHEREAS**, the Town Council of the Town of Summerfield, after due notice, conducted a public hearing on the 11<sup>th</sup> day of February 2014, upon the question of amending the Town Ordinances in this respect.

**THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SUMMERFIELD, NORTH CAROLINA:**

**PART ONE.** That Article 6, Development Standards, Section 6-4.50, of the Summerfield Development Ordinance, of the Town of Summerfield, North Carolina, is hereby repealed and reserved and the following ordinance is hereby written and enacted in its entirety to read as follows:

**“ORDINANCE \_\_\_\_\_, ~~ABANDONED~~, JUNKED AND NUISANCE VEHICLES**

**(A) Administration.**

~~The authority responsible for public safety and~~ The Code Administrator of the Town shall be responsible for the administration and enforcement of this Ordinance. ~~The public safety authority shall be responsible for administering the removal and disposition of vehicles determined to be “abandoned” on the public streets and highways within the Town.~~ The Code Administrator shall be responsible for administering the removal and disposal of ~~“abandoned,”~~ “nuisance” and “junked” motor vehicles located on private property and on property owned by the Town. The Town may, on an annual or other basis, contract with private tow truck operators or towing businesses to remove, store, and dispose of ~~abandoned vehicles;~~ nuisance vehicles; and junked motor vehicles in compliance with this Ordinance and applicable State laws. Nothing in this Ordinance shall be construed to limit the legal authority or powers of officers of the public safety authority and the Fire Department in enforcing other laws or in otherwise carrying out their duties.

**State law reference: Town authority for removal and disposal of junked and abandoned motor vehicles, G.S. 160A-303 as amended. Town authority for regulation of abandonment of junked motor vehicles, G.S. 160A-303.2 as amended.**

**(B) Definitions.**

For the purpose of this Ordinance, certain words and terms are defined as herein indicated:

~~(1) Abandoned vehicle: As authorized and defined in G.S. 160A-303, an abandoned vehicle is one that:~~

- ~~(a) Is left upon a public street or highway in violation of a law or ordinance prohibiting parking; or~~
- ~~(b) Is left upon a public street or highway for longer than seven (7) days; or~~
- ~~(c) Is left upon property owned or operated by the Town for longer than twenty-four (24) hours; or~~
- ~~(d) Is left upon private property without the consent of the owner, occupant, or lessee thereof for longer than two (2) hours.~~

~~(2)~~ (1) Authorized Official: The ~~supervisory employee of the public safety authority or the~~ Town Code Administrator, designated to order the removal of vehicles under the provisions of this Ordinance.

~~(3)~~ (2) Motor vehicle or vehicle: All machines designed or intended to travel over land or water by self-propulsion or while attached to any self-propelled vehicle.

~~(4)~~ (3) Junked motor vehicle: As authorized and defined in G.S. 160A-303.2, the term junked motor vehicle means a vehicle that does not display a current license plate lawfully upon that vehicle and that:

- (a) Is partially dismantled or wrecked; or
- (b) Cannot be self-propelled or move in the manner in which it originally was intended to move; or
- (c) Is more than five (5) years old and appears to be worth less than five hundred dollars (\$500.00).

~~(5)~~ (4) Nuisance vehicle: A vehicle on public or private property that is determined and declared to be a health or safety hazard, a public nuisance, and unlawful, including a vehicle found to be:

- (a) A breeding ground or harbor for mosquitoes, other insects, rats or other pests; or
- (b) A point of heavy growth of weeds or other noxious vegetation which exceeds eight (8) inches in height; or
- (c) In a condition allowing the collection of pools or ponds of water; or
- (d) A concentration of quantities of gasoline, oil, or other flammable or explosive materials as evidenced by odor; or
- (e) An area of confinement which cannot be operated from the inside, such as, but not limited to, trunks or hoods; or
- (f) So situated or located that there is a danger of it falling or turning over; or
- (g) A collection of garbage, food waste, animal waste, or any other rotten or putrescent matter of any kind; or
- (h) One which has sharp parts thereof which are jagged or contain sharp edges of metal or glass;
- (i) Any other vehicle specifically declared a health and safety hazard and a public nuisance by the Town Council.

~~(C)~~ ~~Abandoned vehicle unlawful, removal authorized.~~

~~(1) It shall be unlawful for the registered owner or person entitled to possession of a vehicle to cause or allow such vehicle to be abandoned as the term is defined herein.~~

~~(2) Upon investigation, the authorized officials of the Town may determine that a vehicle is an abandoned vehicle and order the vehicle removed.~~

~~(D)~~ (C) Nuisance vehicle unlawful, removal authorized.

(1) It shall be unlawful for the registered owner or person entitled to possession of a motor vehicle, or for the owner, lessee, or occupant of the real property upon which the vehicle is located to leave or

allow the vehicle to remain on the property after it has been declared a nuisance vehicle.

(2) Upon investigation, the Town Code Administrator may determine and declare that a vehicle is a health or safety hazard and a nuisance vehicle as defined above, and order the vehicle removed.

**~~(E)~~ (D) Junked motor vehicle regulated, removal authorized.**

(1) It shall be unlawful for the registered owner or person entitled to the possession of a junked motor vehicle, or for the owner, lessee, or occupant of the real property upon which a junked motor vehicle is located to leave or allow the vehicle to remain on the property after the vehicle has been ordered removed.

(2) It shall be unlawful to have more than one junked motor vehicle, as defined herein, on the premises of private property. A single, permitted junked motor vehicle must strictly comply with the location and concealment requirements of this Ordinance.

(3) It shall be unlawful for the owner, person entitled to the possession of a junked motor vehicle, or for the owner, lessee, or occupant of the real property upon which a junked motor vehicle is located to fail to comply with the location requirements or the concealment requirements of this Ordinance.

(4) Subject to the provisions of subsection (5), the Town Code Administrator may order the removal of a junked motor vehicle found in violation of this Ordinance to a storage garage or area. No such vehicle shall be removed from private property without the written request of the owner, lessee, or occupant of the premises unless the Code Administrator finds in writing that the aesthetic benefits of removing the vehicle outweigh the burdens imposed on the private property owner. Such finding shall be based on a balancing of the monetary loss of the apparent owner against the corresponding gain to the public by promoting or enhancing community, neighborhood, or area appearance. The following, among other relevant factors, may be considered:

- (a) Protection of property values;
- (b) Promotion of tourism and other economic development opportunities;
- (c) Indirect protection of public health and safety;
- (d) Preservation of the character and integrity of the community; and
- (e) Promotion of the comfort, happiness and emotional stability of the area residents.

(5) Permitted concealment or enclosure of junked motor vehicles:

(a) One junked motor vehicle, in its entirety, may be located in the rear yard, as defined in the Summerfield Development Ordinance, provided the junked motor vehicle is entirely concealed from public view from a public street and/or abutting premises by an acceptable covering for not more than sixty (60) calendar days. Junked motor vehicles kept on the premises more than sixty (60) calendar days shall be kept inside a completely enclosed building. The Code Administrator has the authority to determine whether any junked motor vehicle is adequately concealed as required by this provision. The covering must remain in good repair and must not be allowed to deteriorate.

(b) Any one or more junked motor vehicles kept for a period exceeding sixty (60) calendar days shall be kept within a completely enclosed building, as defined in the Summerfield Development Ordinance.

**~~(F)~~ (E) Removal of ~~abandoned~~, nuisance, or junked motor vehicles; pre-towing notice requirements.**

(1) Except as set forth in ~~(G F)~~ below, a ~~an-abandoned~~, nuisance, or junked motor vehicle which is to be removed shall be towed only after notice to the registered owner or person entitled to possession of the vehicle. In the case of a nuisance vehicle or a junked motor vehicle, if the names and addresses of the registered owner or person entitled to the possession of the vehicle, or the owner, lessee, or occupant of the real property upon which the vehicle is located can be ascertained in the exercise of reasonable diligence, the notice shall be given by first class mail. The person who mails the notice(s)

shall retain a written record to show the name(s) and address(es) to whom and to which mailed, and the date mailed. If such names and addresses cannot be ascertained ~~or if the vehicle to be removed is an abandoned motor vehicle~~, notice shall be given by affixing on the windshield or some other conspicuous place on the vehicle a notice indicating that the vehicle will be removed by the Town on a specified date (no sooner than seven (7) days after the notice is affixed). The notice shall state that the vehicle will be removed by the Town on a specified date, no sooner than seven days after the notice is mailed or affixed, unless the vehicle is moved by the owner or legal possessor prior to that time.

(2) With respect to ~~abandoned vehicles on private property~~, nuisance vehicles and junked vehicles to which notice is required to be given, if the registered owner or person entitled to possession does not remove the vehicle but chooses to appeal the determination that the vehicle is ~~abandoned~~, a nuisance vehicle or in the case of a junked motor vehicle that the aesthetic benefits of removing the vehicle outweigh the burdens, such appeal shall be made to the Board of Adjustment in writing, heard at the next regularly scheduled meeting of the Board of Adjustment, and further proceedings to remove the vehicle shall be stayed until the appeal is heard and decided.

#### ~~(G)~~ (F) Exceptions to prior notice requirement.

The requirement that notice be given prior to the removal of a ~~an abandoned~~, nuisance, or junked motor vehicle may, as determined by the authorized official, be omitted in those circumstances where there is a special need for prompt action to eliminate traffic obstructions or to otherwise maintain and protect the public safety authority and public welfare. Such findings shall, in all cases, be entered by the authorized official in the appropriate daily records. ~~Circumstances justifying the removal of vehicles without prior notice include:~~

~~(1) Vehicles abandoned on the streets. For vehicles left on the public streets and highways, the Town Council hereby determines that the immediate removal of such vehicles may be warranted when they are:~~

- ~~(a) Obstructing traffic;~~
- ~~(b) Parked in violation of an ordinance prohibiting or restricting parking;~~
- ~~(c) Parked in a no-stopping or standing zone;~~
- ~~(d) Parked in loading zones;~~
- ~~(e) Parked in bus zones, or~~
- ~~(f) Parked in violation of temporary parking restrictions;~~

~~(2) Other abandoned or nuisance vehicles. (combine following text with remaining paragraph above)~~

With respect to ~~abandoned or~~ nuisance vehicles left on Town-owned property other than the streets or highways, and on private property, such vehicles may be removed without giving prior notice only in those circumstances where the authorized official finds a special need for prompt action to protect and maintain the public health, safety, and welfare. By way of illustration and not of limitation, such circumstances include vehicles blocking or obstructing ingress or egress to businesses and residences, vehicles parked in such location or manner as to pose a traffic hazard, and vehicles causing damage to public or private property.

#### ~~(H)~~ (G) Removal of vehicles; post-towing notice requirements.

Any ~~abandoned~~, nuisance, or junked motor vehicle which has been ordered removed may, as directed by the Town, be removed to a storage garage or area by a tow truck operator or towing business contracted to perform such services for the Town. Whenever such a vehicle is removed, the authorized Town official shall immediately notify the last known registered owner of the vehicle with such notice to include the following;

- (1) The description of the removed vehicle;

- (2) The location where the vehicle is stored;
- (3) The violation with which the owner is charged, if any;
- (4) The procedure the owner must follow to redeem the vehicle; and
- (5) The procedure the owner must follow to request a probable cause hearing on the removal.

The Town shall attempt to give notice to the vehicle owner by telephone; however, whether or not the owner is reached by telephone, written notice, indicating the information set forth in subsections (1) through (5) above, shall also be mailed to the registered owner's last known address, unless this notice is waived in writing by the vehicle owner or his agent.

If the vehicle is registered in North Carolina, notice shall be given within twenty-four (24) hours. If the vehicle is not registered in the State, notice shall be given to the registered owner within seventy-two (72) hours from the removal of the vehicle.

Whenever an ~~a abandoned~~ nuisance or junked motor vehicle is removed, and such vehicle has no valid registration or registration plates, the authorized Town official shall make reasonable efforts, including checking the vehicle identification number to determine the last known registered owner of the vehicle and to notify him of the information set forth in subsections (1) through (5) above.

**~~(H)~~ (H) Right to probable cause hearing before sale or final disposition of vehicle.**

After the removal of ~~a an-abandoned-vehicle~~ nuisance ~~vehiele~~ or junked motor vehicle, the owner or any person entitled to possession is entitled to a hearing for the purpose of determining if probable cause existed for removing the vehicle. A request for hearing must be filed in writing with the county magistrate designated by the chief district court judge to receive such hearing requests. The Magistrate will set the hearing within seventy-two (72) hours of receipt of the request, and the hearing will be conducted in accordance with the provisions of G.S. 20-219.11, as amended.

**~~(I)~~ (I) Redemption of vehicle during proceedings.**

At any stage in the proceedings, including before the probable cause hearing, the owner may obtain possession of the removed vehicle by paying the towing fees, including any storage charges, or by posting a bond for double the amount of such fees and charges to the tow truck operator or towing business having custody of the removed vehicle. Upon regaining possession of a vehicle, the owner or person entitled to the possession of the vehicle shall not allow or engage in further violations of this Ordinance.

**~~(J)~~ (J) Sale and disposition of unclaimed vehicle.**

Any ~~abandoned~~ nuisance or junked motor vehicle which is not claimed by the owner or other party entitled to possession will be disposed of by the tow truck operator or towing business having custody of the vehicle. Disposition of such a vehicle shall be carried out in coordination with the Town and in accordance with Article 1 of Chapter 44A of the North Carolina General Statutes.

**~~(K)~~ (K) Conditions on removal of vehicles from private property.**

As a general policy, the Town will not remove a vehicle from private property if the owner, occupant or lessee of such property could have the vehicle removed under applicable State law procedures. In no case will a vehicle be removed by the Town from private property without a written request of the owner, occupant or lessee, except in those cases where the vehicle is a nuisance vehicle or is a junked motor vehicle, which has been ordered, removed by the Town Code Administrator. The Town may require any person requesting the removal of ~~a an-abandoned~~ nuisance or junked motor vehicle from private property to indemnify the Town against any loss, expense or liability incurred because of the removal, storage, or sale thereof.

**~~(M)~~ (L) Protection against criminal or civil liability.**

No person shall be held to answer in any civil or criminal action to any owner or other person legally entitled to the possession of a ~~an abandoned~~ nuisance, or junked motor vehicle, for disposing of such vehicle as provided in this Ordinance.

**~~(N)~~ (M) Exceptions.**

Nothing in this Ordinance shall apply to any vehicle: (1) which is located in a *bona fide* “automobile graveyard” or “junkyard” as defined in N.C.G.S. 136-143, in accordance with the “Junkyard Control Act,” N.C.G.S. 136-141, et seq., (2) which is in an enclosed building, (3) which is on the premises of a business enterprise being operated in a lawful place and manner, or (4) which is in an appropriate storage place or depository maintained in a lawful place and manner by the Town.

**~~(O)~~ (N) Unlawful removal of impounded vehicle.**

It shall be unlawful for any person to remove or attempt to remove from any storage facility designated by the Town, any vehicle that has been impounded pursuant to the provision of this Ordinance unless and until all towing and impoundment fees, which are due, or bond in lieu of such fees, have been paid.

**~~(P)~~ (O) Alternative Remedies.**

Nothing in this Ordinance, nor any of its provisions, shall be construed to impair or limit in any way the power of the Town to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise, nor shall enforcement of one remedy provided herein prevent the enforcement of any other remedy or remedies provided herein or in other ordinances or laws. In addition to the remedies provided for herein, any violation of the terms of this Ordinance shall subject the violator to the penalties and remedies, as set forth in the General Penalties; Enforcement of Ordinances; Continuing Violations Ordinance of the Town of Summerfield.”

**PART TWO.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

**PART THREE.** This Ordinance shall become effective upon its adoption by the Town Council of the Town of Summerfield, North Carolina.

**PART FOUR.** If any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

**PART FIVE.** The enactment of this ordinance shall in no way affect the running of any amortization provisions or enforcement actions, or otherwise cure any existing violations.

**PART SIX.** This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this 11<sup>th</sup> day of February 2014.

\_\_\_\_\_  
Tim Sessoms, Mayor

ATTEST:

Approved as to form:

\_\_\_\_\_  
Valarie Halvorsen, Town Clerk

\_\_\_\_\_  
William L. Hill, Town Attorney



**Zoning Board reappointments/appointment  
(Jeff Davis, Scott Henson, Dwayne Crawford)**

*Attachment(s): yes*

*MEETING DATE: FEBRUARY 11, 2014*

**STAFF COMMENTS / RECOMMENDATION:**

The terms of Zoning Board members Jeff Davis (voting member) and Scott Henson (alternate) expire this month. Both have indicated their willingness to continue service. Dwayne Crawford has requested membership as a Zoning Board alternate and his application is attached.

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**NOTES:**

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**TOWN COUNCIL COMMENTS / ACTION:**

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Town Hall: POB 970, 4117 Oak Ridge Road, Summerfield, NC 27358  
ph: 336-643-8655 / fax: 336-643-8654 / [www.summerfieldgov.com](http://www.summerfieldgov.com)

Z O N I N G   B O A R D   R O S T E R      U P D A T E D   D E C E M B E R   2 0 1 3

Nancy Hess, Chairperson  
7726 Twin Leaf Trail  
Summerfield, NC 27358  
Ph. 643-6079 cell: 215-1820  
[nancyhess.kw@gmail.com](mailto:nancyhess.kw@gmail.com)  
Member since: 7/97  
Reappointed: 8/13 (5<sup>th</sup> term)  
Term Exp: 7/16

Richard L. (Dick) Feulner, Vice-Chair  
3507 Windswept Drive  
Summerfield, NC 27358  
Ph: 643-5680  
[DFeulner@triad.rr.com](mailto:DFeulner@triad.rr.com)  
Member since: 6/03  
Reappointed: 1/12 (4<sup>th</sup> term)  
Term Exp: 2/15

Trudy Whitacre  
5115 Bunch Road  
Summerfield, NC 27358  
Ph: 643-2131  
[tkwhitacre@triad.rr.com](mailto:tkwhitacre@triad.rr.com)  
Member since: 3/00  
Reappointed: 1/12 (5<sup>th</sup> term)  
Term Exp: 2/15

George (Jeff) Davis  
3100 Annry Dr  
Summerfield, NC 27358  
Ph. 643-3204 Wk. 298-4653  
[GJD8650@aol.com](mailto:GJD8650@aol.com)  
Appointed: 1/11 (1<sup>st</sup> term)  
(Reappointed from alt. to voting member 11/11)  
Term Exp: 2/14

Kathy Rooney  
7130 Rabbit Hollow Rd  
Summerfield, NC 27358  
Ph: 643-7878  
Cell: 209-0378  
[info@rolfingassociates.com](mailto:info@rolfingassociates.com)  
Member since: 11/07  
Reappointed: 8/13 (3<sup>rd</sup> term)  
(reappointed from alternate to regular member 8/10/10)  
Term Exp: 7/16

**ALTERNATES**

Scott Henson  
7900 Winterbourne Dr  
Summerfield, NC 27358  
Ph. 740-4655 Wk. 393-4574  
[hensoncs@sbcglobal.net](mailto:hensoncs@sbcglobal.net)  
Appointed: 2/1 (1<sup>st</sup> term)  
Term Exp: 2/14

*Vacant*, Town Planner  
[townplanner@summerfieldgov.com](mailto:townplanner@summerfieldgov.com)

Valarie Halvorsen, Town Clerk  
[clerk@summerfieldgov.com](mailto:clerk@summerfieldgov.com)



Town Hall: POB 970, 4117 Oak Ridge Road, Summerfield, NC 27358  
ph: 336-643-8655 / fax: 336-643-8654 / [www.summerfieldgov.com](http://www.summerfieldgov.com)

## Z O N I N G   B O A R D   A G E N D A

JANUARY 27, 2014, 7:00PM, SFD COMMUNITY CENTER

1. Call to order
2. Introductions
3. Consent agenda:
  - A. Approval of agenda
  - B. Approval of 12/18/13 minutes
4. Public hearing/action regarding Ordinance Affecting the Regulation of Public Health and Safety Matters; Public Nuisances
5. Other business (as needed)
6. Adjourn

*Council: Mayor Tim Scissons, Mayor Pro-Tem Dena Barnes, Mike Adams, Alicia Flowers, Dianne Laughlin, Elizabeth McClellan  
Zoning Board: Nancy Hess (Chair), Jeff Davis, Dick Feulner, Kathy Rooney, Rudy Whitacre, and alternate Scott Henson*



**I-73 municipal agreement with NCDOT  
(Edgefield Rd. to Haw River)**

*Attachment(s): yes*

*MEETING DATE: FEBRUARY 11, 2014*

**STAFF COMMENTS / RECOMMENDATION:**

Attached for your consideration is a municipal agreement for the design and construction of I-73, which will be a four-lane divided interstate from NC68 to US220 called Project R-2413 A&B. NCDOT requests approval of the agreement prior to the project let date of 2/18/14.

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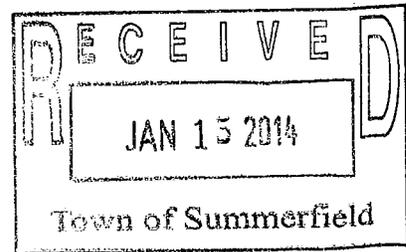
**NOTES:**

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**TOWN COUNCIL COMMENTS / ACTION:**

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STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

PAT MCCRORY  
GOVERNOR

ANTHONY J. TATA  
SECRETARY

January 10, 2014

Mr. K. Scott Whitaker  
Town Manager  
P. O. Box 970  
Summerfield, NC 27358

Dear Mr. Whitaker:

SUBJECT: Municipal Agreement, Project R-2413 A&B  
Town of Summerfield, Guilford County  
**Let Date: February 18, 2014**

Enclosed are duplicate originals of a Municipal Agreement for the design and construction of four-lane divided future interstate from NC 68 to US 220 on new location in Summerfield.

After you have reviewed this Agreement, please present to the proper authority for approval and execution. Please return the partially executed agreement as soon as possible. If I have not received prior to the above let date the project will be moved to a later date. Once signed, both originals should be returned to me for Departmental execution at the mailing address below. One fully executed agreement will be sent back to you for your records.

If revisions are necessary, please email me at [smgarcia1@ncdot.gov](mailto:smgarcia1@ncdot.gov) or call me at (919) 707-6630. I will make the appropriate changes and promptly forward the revised agreement back to you.

Sincerely,

Sarah Garcia  
Contract Officer

Enclosures

cc: Valerie Halvorsen, Town Clerk  
ec: Karen Capps, Teresa Bruton

MAILING ADDRESS:  
NC DEPARTMENT OF TRANSPORTATION  
TRANSPORTATION PROGRAM MANAGEMENT  
1595 MAIL SERVICE CENTER  
RALEIGH NC 27699-1595

TELEPHONE: 919-707-6600  
FAX: 919-212-5711

WEBSITE: WWW.NCDOT.GOV

LOCATION:  
CENTURY CENTER COMPLEX  
ENTRANCE B-1  
1020 BIRCH RIDGE DRIVE  
RALEIGH NC

NORTH CAROLINA

**TRANSPORTATION IMPROVEMENT PROJECT –  
DESIGN-BUILD MUNICIPAL AGREEMENT**

GUILFORD COUNTY

DATE: 01/07/2014

NORTH CAROLINA DEPARTMENT OF  
TRANSPORTATION

TIP #: R-2413 A and B

AND

WBS Elements: 34429.3.S8

TOWN OF SUMMERFIELD

THIS MUNICIPAL AGREEMENT is made and entered into on the last date executed below, by and between the North Carolina Department of Transportation, an agency of the State of North Carolina, hereinafter referred to as the "Department" and the Town of Summerfield, a local government entity, hereinafter referred to as the "Municipality".

**WITNESSETH:**

WHEREAS, the Department has plans to make certain street and highway constructions and improvements within the Municipality under Project R-2413 A & B, WBS Element 34429.3.S8, in Guilford County; said Design-Build Project having an approximate right of way width as shown on file with the Department's office in Raleigh, North Carolina; and,

WHEREAS, the Department and the Municipality have agreed that the municipal limits, as of the date of the awarding of the contract for the construction of the above-mentioned project, are to be used in determining the duties, responsibilities, rights and legal obligations of the parties hereto for the purposes of this Agreement; and,

WHEREAS, this Agreement is made under the authority granted to the Department by the North Carolina General Assembly, including but not limited to, the following applicable legislation: General Statutes of North Carolina, Section 136-66.1, Section 160A-296 and 297, Section 136-18, and Section 20-169, to participate in the planning and construction of a Design-Build Project approved by the Board of Transportation for the safe and efficient utilization of transportation systems for the public good; and,

WHEREAS, the parties to this Agreement have approved the construction of said Project with responsibilities for the Project as hereinafter set out.

NOW, THEREFORE, the parties hereto, each in consideration of the promises and undertakings of the other as herein provided, do hereby covenant and agree, each with the other, as follows:

## **SCOPE OF THE PROJECT**

1. The Design-Build Project consists of the design and construction of a four-lane divided future interstate from NC 68 to US 220 on new location.

## **PLANNING, DESIGN AND RIGHT OF WAY**

2. The Department shall prepare the environmental and/or planning document, obtain any environmental permits needed to construct the Project, prepare the plans and specifications needed to construct the Project. All work shall be done in accordance with Department standards, specifications, policies and procedures.
3. The Department shall be responsible for acquiring any needed right of way required for the Project. Acquisition of right of way shall be accomplished in accordance with the policies and procedures set forth in the North Carolina Right of Way Manual.

## **UTILITIES**

4. It is understood that there are no municipally-owned water and sewer lines to be adjusted or relocated at this time. If during the project it becomes necessary to adjust or relocate municipally-owned water and/or sewer lines a separate Utility Agreement will be prepared at the appropriate time.

## **CONSTRUCTION AND MAINTENANCE**

5. The Department shall construct, or cause to be constructed, the Project in accordance with the plans and specifications of said Project as filed with, and approved by, the Department. The Department shall administer the construction contract for said Project.
6. It is further agreed that upon completion of the Project, the Department shall be responsible for all traffic operating controls and devices which shall be established, enforced, and installed and maintained in accordance with the North Carolina General Statutes, the latest edition of the Manual on Uniform Traffic Control Devices for Streets and Highways, the latest edition of the "Policy on Street and Driveway Access to North Carolina Highways", and Department criteria.
7. Upon completion of the Project, the improvement(s) shall be a part of the State Highway System and owned and maintained by the Department.

## **ADDITIONAL PROVISIONS**

8. It is the policy of the Department not to enter into any agreement with another party that has been debarred by any government agency (Federal or State). The Municipality certifies, by signature of this agreement, that neither it nor its agents or contractors are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any Federal or State Department or Agency.
9. To the extent authorized by State and Federal claims statutes, each party shall be responsible for its respective actions under the terms of this agreement and save harmless the other party from any claims arising as a result of such actions.
10. All terms of this Agreement can be terminated by the Department with a sixty (60) day notice in writing to the Municipality.
11. E-Verify Compliance. Each of the parties covenants that if it enters into any subcontracts in order to perform any of its obligations under this contract, it shall require that the contractors and their subcontractors comply with the requirements of NC Gen. Stat. Article 2 of Chapter 64. In this E-Verify Compliance section, the words contractors, subcontractors, and comply shall have the meanings intended by N.C. Gen. Stat. § 160A-20.1.
12. By Executive Order 24, issued by Governor Perdue, and N.C. G.S. § 133-32, it is unlawful for any vendor or contractor ( i.e. architect, bidder, contractor, construction manager, design professional, engineer, landlord, offeror, seller, subcontractor, supplier, or vendor), to make gifts or to give favors to any State employee of the Governor's Cabinet Agencies (i.e., Administration, Commerce, Correction, Crime Control and Public Safety, Cultural Resources, Environment and Natural Resources, Health and Human Services, Juvenile Justice and Delinquency Prevention, Revenue, Transportation, and the Office of the Governor).

IT IS UNDERSTOOD AND AGREED upon that the approval of the Project by the Department is subject to the conditions of this Agreement.

IN WITNESS WHEREOF, this Agreement has been executed, in duplicate, the day and year heretofore set out, on the part of the Department and the Municipality by authority duly given.

L.S. ATTEST:

TOWN OF SUMMERFIELD

BY: \_\_\_\_\_ BY: \_\_\_\_\_

TITLE: \_\_\_\_\_ TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_ DATE: \_\_\_\_\_

“N.C.G.S. § 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization.”

Approved by \_\_\_\_\_ of the local governing body of the Town of Summerfield as attested to by the signature of Clerk \_\_\_\_\_ of said governing body on \_\_\_\_\_ (Date)

(SEAL)

This Agreement has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

BY: \_\_\_\_\_

(FINANCE OFFICER)

Federal Tax Identification Number

Remittance Address:

Town of Summerfield

DEPARTMENT OF TRANSPORTATION

BY: \_\_\_\_\_

DATE: \_\_\_\_\_

APPROVED BY BOARD OF TRANSPORTATION ITEM O: \_\_\_\_\_ (Date)

**A&Y Greenway design process and RFQ  
(Hwy. 220 pedestrian tunnel to Centerfield Rd.)***Attachment(s): no**MEETING DATE: FEBRUARY 11, 2014***STAFF COMMENTS / RECOMMENDATION:**

A public-driven component of the 2010 Comprehensive Plan is Policy Area 2 entitled "Sidewalk, Bikeway, and Trail System" and an A&Y (Atlantic and Yadkin) Greenway feasibility study was completed in early 2012 related specifically to this greenway. The greenway is a regional effort to develop the A&Y from downtown Greensboro through Summerfield to downtown Stokesdale and beyond, and it has been designated as part of the statewide Mountains-to-Sea Trail.

Review of both the 2010 Comp Plan and A&Y Greenway Feasibility Study would be valuable preparation for the discussion (both are on the town website) as they provide additional insight into trails and greenways. The towns of Summerfield and Stokesdale, Guilford County, the Greensboro Urban Area Metropolitan Planning Organization (GUAMPO), the City of Greensboro, NC Department of Environment and Natural Resources (NCDENR), Summerfield Parks and Recreation Committee (SPARC), Revitalizing Our Ancestors' Dreams in Stokesdale (ROADS), Stokesdale Trails, Paths, and Right-of-Way Committee (STPRC), NC Rails and Trails, Friends of the Mountains-to-Sea Trail, and the Piedmont Land Conservancy provided input regarding the feasibility study.

In early 2012, the town also entered into an agreement with NCDOT to connect the A&Y Greenway to a planned pedestrian tunnel under Highway 220. The town has been working on a proposed southern-section route since fall 2012 that would begin at the tunnel and run west-northwest to the former railbed near Summerfield Elementary. Leadership budgeted \$250,000 and formed a specific Trails and Open Space Committee last summer to further progress based on significant interest in trails, both regionally and specifically within Summerfield. The committee has met regularly to analyze the feasibility study and to determine and recommend a solid route for the southern section. Considerable effort and professional input has been invested since the committee's formation.

The next major step is trail design, which is needed in order to create a true greenway within NCDOT and federal guidelines. Trail development costs are substantial and in order to receive major funding for development/construction, a formal, accepted design is required. The committee has made a recommendation to proceed with the design process (minutes attached elsewhere) and a short presentation will be made showing the general placement of the suggested route. The request is to begin the process of qualifying design vendors and starting the design process, which would involve requesting letters of interest and qualifications from potential design contractors. When that process is completed, a firm price and contract can be presented for Council consideration. Responses from qualified firms would also be kept for potential future work.

*(over)*



*Suggested motion: I motion to allow the Town Manager to work with an MPO representative and a Trails and Open Space Committee representative to solicit qualified design firms and return a contract recommendation to Town Council for the design of the southern section of the A&Y Greenway.*

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NOTES:

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TOWN COUNCIL COMMENTS / ACTION:

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