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May 9, 2012

<p>Approval of the minutes and Closed Session minutes of the March 6, March 28, April 4, April 16, April 20, April 27 and April 30, 2012 meetings, Financial Report, and R-2012-009 Secondary Road Addition – Winterbourne Drive. (passed unanimously)</p>	<p>Page 1</p>
<p>Rezoning Case #01-12 CU-OSRD to CU-AG:</p> <ul style="list-style-type: none"> ○ Motion to recuse McClellan, the applicant (passed unanimously 4 to 0) ○ Motion to approve Rezoning Case #01-12 CU-OSRD to CU-AG, located off Wyatt Drive, a portion of 6846 Banning Road, Guilford County Tax Map #0149612, based on Comprehensive Plan policies and the conditions offered by the applicant (passed unanimously 4 to 0) ○ Motion to readmit McClellan (passed unanimously 4 to 0) 	<p>Pages 2, 3</p>
<p>Motion to approve the SCP Dam-Spillway Repair contract with Page & Associates in the amount of \$114,033.12 (passed unanimously)</p>	<p>Page 4</p>
<p>By consensus, Council authorized Town Attorney to research how church bells and chimes relate to the noise ordinance and report back to Council</p>	<p>Page 4</p>
<p>Motion to approve R-2012-010 Resolution in Support of the Creation of a Summerfield Fire Service District and R-2012-011 Resolution in Support of the Creation of an Oak Ridge Fire Service District with the amended language discussed by Brown (passed unanimously)</p>	<p>Page 4</p>

**MINUTES OF THE
SUMMERFIELD TOWN COUNCIL
SUMMERFIELD COMMUNITY CENTER
MAY 9, 2012
6:30 PM**

The meeting was called to order at 6:35 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
William Hill, Town Attorney
Valarie Halvorsen, Town Clerk
Carrie Spencer, Interim Town Planner
George Holub, Parks & Recreation Supervisor

CONSENT AGENDA:

Barnes made a motion to approve the Consent Agenda, including the meeting agenda, minutes and Closed Session minutes of the March 6, March 28, April 4, April 16, April 20, April 27 and April 30, 2012 meetings, Financial Report, and R-2012-009 Secondary Road Addition -- Winterbourne Drive. The motion was seconded by McClellan and carried unanimously.

ANNOUNCEMENTS

Brown announced that Mr. Scott Whitaker had been hired as the new Town Manager and would begin work June 11, 2012. He thanked Luther for her diligent work as Interim Town Manager.

SPEAKERS FROM THE FLOOR

A. Speakers From the Floor

Gail Dunham, 5805 Snow Hill Dr, spoke of her hope that the new manager be able to manage and not be an event planner and noted there had been 23 Council meetings since the former manager left. She commended Council on their hard work and due diligence, noting that Barnes, Flowers, and McClellan had 100% attendance, and her concern that Wray had only 65% attendance. Regarding the SCP Dam-Spillway repair contract, Dunham asked about expansion in dam size, cost, and tree removal. Regarding proposed sidewalks on Summerfield Rd, Dunham stated her concern that construction may disturb underground utility lines. She also recommended that participants be asked for easements by going door-to-door prior to commencement of any work on the project.

Mark Mortensen, 6110 Percheron Trail stated the federal law that notes flags are to be flown at half-staff until noon on Memorial Day should be changed to half staff from Friday evening through Tuesday morning to ensure more compliance.

B. Public Comment Period for FY2013 Budget

Gail Dunham, 5805 Snow Hill Dr, advised Council not to count on receiving grant money such as PARTF funds, and said it would be wise to focus on completing important projects such as Town Hall repair, SCP dam repair, and SAP work, which was discussed by Council at a previous meeting. She asked that these be the only projects considered, and that they be done correctly. Dunham also acknowledged the difficulty of creating a budget without valuation information from the county, to which Luther replied she had received preliminary valuation information.

COMMITTEE REPORTS:

- A. **Finance:** Luther stated the next meeting is May 21, during which the committee would review the draft budget.
- B. **Historical:** Linda Southard said the committee would not have a formal meeting May 31 as they were preparing for the Veterans Appreciation Event May 28. They are working on Founders' Day, during which several items will be raffled.
- C. **Public Safety:** Roxanne Gilgallon said the next meeting is May 16. Spaces are available for a CPR training class June 16.
- D. **Founders' Day:** Spencer noted \$7300 in services, sponsors, and community partners had been garnered.
- E. **Development Ord.:** Spencer stated she was continuing to work on setting a date for the presentation of the draft document.

Update from Community Groups

Lynn Devaney spoke about Bruce Park, noting the walking track relocation and fence installation would take place during summer break. She also discussed signage and the possibility of Boy Scout and Girl Scout groups assisting with installing brick for the greenway section that runs in front of the school.

PUBLIC HEARING

Rezoning Case #01-12 CU-OSRD to CU-AG. Located off Wyatt Drive, a portion of 6846 Banning Road, Guilford County Tax Map #0149612. This section of parcel, located in Bruce Township, includes approximately 47.23 acres and is owned by Brookbank, LLC.

Brown noted that McClellan is the applicant in the case and would need to be recused. Flowers made a motion to excuse McClellan, which was seconded by Laughlin and carried 4 to 0 (McClellan did not vote).

Spencer presented the case, noting the Zoning Board voted unanimously to recommend approval with the conditions offered by the applicant. The following additional uses, allowable under AG, were exempted during the Zoning Board hearing: Manufactured Dwelling, Class AA; Manufactured Dwelling, Class A&B; Junked Motor Vehicle, Migrant Labor Housing; Recycling Collection Point; Satellite Dish/Communication Tower; Ambulance Service (4119); Fire Station (9224), Agricultural Chemicals, Pesticides, or Fertilizers (5191) Wholesale Trade; and Refuse Systems (4953). The request is supported by policies listed in the Town of Summerfield Comprehensive Plan, specifically Policy area 3 – Community Character Preservation. Hill stated that the applicant, sitting Council member McClellan, shall be afforded no more or less consideration than any other citizen.

Brown opened the Public Hearing at 7:11pm

Proponents:

Elizabeth McClellan, applicant, said the exemptions were selected after discussion with adjoining property owners. Her goal is to return the property to farm use through a horse farm, which will provide a rural vista. McClellan stated the rezoning is consistent with Policy area 3 of the Comprehensive Plan, most relative to Policy 3.6: Compatible Farmland Activities and the Keeping of Horses or Other Suitable Livestock shall be generally encouraged as part of the thematic and functional design of new residential areas.

John Van Kemp, 7275 Wyatt Drive, stated McClellan worked diligently to address neighbor concerns, and he is in support of the rezoning.

Mia Malesovas, 7103 Henson Farms Way, said the rezoning will enhance Summerfield's rural character, and is consistent with the Comprehensive Plan, of which she was the committee co-chair.

Peter Heimeman, 5809 Henson Farms Rd. agreed with the other speakers and is in support of the rezoning.

Kevin Pusch, 5706 Snow Hill Dr. has an 18 acre farm that is utilized by homeschoolers as a teaching area, and noted rural areas build community.

Nancy Beaver, 5900 Henson Farms Rd. stated family farms add a lot and she is in support of the rezoning.

Jerome Daley, 7200 Henson Farms Way, is a proponent of anything that increases rural character and lowers density.

Allan Beaver, 5900 Henson Farms Rd. is happy the property will be restored to farm use.

Mickey Cook, 6224 McKibbin Circle, feels McClellan did a great job working with adjacent property owners and feels the rezoning will enhance the area.

David Couch, 6791 Meadow Drive Greensboro, property seller, said this is more appropriately termed a "down zoning", is impressed by McClellan's consideration of neighbors, and feels it is a great use for the property.

Sandi Mackay, 3801 Middlebury Way, is preparing to purchase the property across the street, and while supportive of the rezoning, is concerned with the potential of the next owner to engage in livestock production, which would be allowed under AG. Hill reminded the Council that Ms. Mackay's statements could not be considered in their decision as she does not own property in the area.

With no other speakers, Brown closed the Public Hearing at 7:21pm.

Brown asked Hill to address Mackay's concern. Hill replied regulation of such a use would fall to the appropriate county or state agency, not the Town.

Flowers noted during the Comp Plan process, committee members disagreed about many items with the exception of the importance of preservation of open space and rural character, which this downzoning supports, and she thinks it is wonderful that property which could have been subdivided and developed will return to agricultural use.

Brown and Wray agree with Flowers, with Wray noting he was glad to see the property return to AG, as 12 years ago he was against rezoning it from AG. Laughlin noted the zoning category stays with the property, regardless of the owner; Barnes commended McClellan for her consideration of neighbor concerns.

Flowers made a motion to approve Rezoning Case #01-12 CU-OSRD to CU-AG, located off Wyatt Drive, a portion of 6846 Banning Road, Guilford County Tax Map #0149612, based on Comprehensive Plan policies and including the conditions offered by the applicant. The motion was seconded by Wray and carried unanimously (4 to 0 with McClellan not voting).

Break from 7:30pm to 7:40pm

Barnes made a motion to readmit McClellan to the Council table. The motion was seconded by Flowers and carried 4 to 0, with McClellan not voting.

BUSINESS FROM INTERIM TOWN MANAGER

A. Discussion of Board of Adjustment

Hill stated there was very little business for the Board to consider, but when it does arise, there is often difficulty ensuring a quorum is present. He noted a recent case that has been continued due to lack of a quorum and stated the requestor has been understanding; however, it needs to be resolved in a timely manner. Hill stated Council could choose to abolish the current Board of Adjustment and handle the cases

themselves, or additional alternates need to be found to serve on the board. Following brief discussion, Spencer stated she had one person apply, and Don Wendelken volunteered to serve, therefore the issue was resolved.

B. Discussion of Potential for MPO Funding

Spencer stated there was a potential opportunity to secure funding from the MPO that would cover 80% of the construction costs for the A&Y Connector from the Highway 220 tunnel to the Community Park. The Town would have to fully pay for the initial work (survey and preliminary engineering, which is anticipated to be less than \$50,000) so that when funding becomes available, the project would be "ready to go", which will increase the chance of securing the MPO funding.

Following discussion of securing sidewalk easements (not needed as all affected property is within DOT right of way), options for sidewalk surface material and width, and commitment to provide funds from the MPO, it was decided by consensus to thank the MPO for notifying the Town of the opportunity, which will be considered at a later time following the arrival of the new Town manager.

C. Discussion/Approval of SCP Dam-Spillway Repair Contract

Hill, who wrote the contract, stated the bid amount for the work was \$114,033.12. Flowers asked if the Page & Associates references had been check (Holub replied affirmatively) and who would oversee the project (Luther stated our engineers would oversee). Laughlin asked if the cost was a "not to exceed" amount and Hill replied there may be change orders, which would be reviewed by the engineer and staff prior to approval.

Wray made a motion to approve the SCP Dam-Spillway Repair contract with Page & Associates in the amount of \$114,033.12. The motion was seconded b Barnes and carried unanimously.

Hill was excused at 8:19pm.

BUSINESS FROM TOWN COUNCIL AND MAYOR

A. Discussion of Proposed Change to Noise Ordinance

Brown stated he received a request from a church regarding how church bells and chimes relate to the noise ordinance, and asked Council to authorize the Town Attorney to look into the matter and report back to Council. The request was approved by consensus.

B. Resolutions in Support of the Creation of a Summerfield Fire Service District and Oak Ridge Fire Service District

Brown stated he received a request from the Summerfield Fire Department to establish a Summerfield Fire Service District, and since Oak Ridge Fire & Rescue also serves portions of Summerfield and additional resolution was created in support of an Oak Ridge Fire District. Brown also recommended a rewrite of section 2 for each resolution under Now. Therefore, Be it Resolved to read as follows: 2. That the Town Council of the Town of Summerfield requests that if such a district is created that the portion of geographic territory contained within the corporate limits of the Town of Summerfield that are in the Summerfield (Oak Ridge) Fire District be included within the boundaries of any such fire service district.

Wray made a motion to approve R-2012-010 Resolution in Support of the Creation of a Summerfield Fire Service District and R-2012-011 Resolution in Support of the Creation of an Oak Ridge Fire Service District with the amended language discussed by Brown. The motion was seconded by Flowers and carried unanimously.

D. Discussion of Town Hall Day June 6 in Raleigh

Brown stated the NCLM sponsored Town Hall day is an opportunity to interact with legislators and officials from other Towns, and asked Council to let the Town Clerk know if they wanted to attend.

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); and

C) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged as provided under NCGS 143-318.11(a)(3)

Laughlin made a motion to enter into Closed Session at 8:33 pm. The motion was seconded by Flowers and carried unanimously

Wray made a motion to return to Open Session at 9:31 pm. The motion was seconded by Laughlin and carried unanimously.

Brown announced that as of June 1, 2012 Interim Planner Carrie Spencer would be promoted to Town Planner.

With no further business before the Town Council, a motion was made at 9:32 pm by McClellan to adjourn. The motion was seconded by Barnes and carried unanimously.



Mark E. Brown, Mayor



Valarie Halvorsen, Town Clerk