



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

The meeting was called to order at 6:30m by Tim Sessoms, followed by the Pledge of Allegiance. The following were present:

Council

Tim Sessoms, Mayor
Dena Barnes
Mike Adams
Alicia Flowers
Dianne Laughlin
Elizabeth McClellan

Staff

Scott Whitaker, Town Manager
William Hill, Town Attorney
Katrina Whitt, Finance Officer
Valarie Halvorsen, Town Clerk

CONSENT AGENDA

Sessoms recommended adding an item 13 entitled "Exemption for survey services."

Barnes motioned to approve the consent agenda, including the meeting agenda, minutes of the 4/8 meeting, and the financial report. The motion was seconded by Adams and carried unanimously.

ANNOUNCEMENTS

Whitaker invited all to the upcoming weekend's Founders' Day event, stated a kid's fishing derby and music-in-the-park event would take place June 28, and noted there was opportunity for public input from 5/7 to 6/6 in the 2014 Human Services Transportation Plan.

RECOGNITION OF SUMMERFIELD FIRE DEPARTMENT BY TOWN OF PLEASANT GARDEN

Pleasant Garden Mayor Carla Strickland and Fire Chief Ray Smith presented the Summerfield Fire Department and Fire Chief Chris Johnson with a plaque commemorating their appreciation of the assistance received with handling calls following a severe ice storm 3/6-7.

PUBLIC COMMENTS

Gail Dunham of 5805 Snow Hill Drive wanted to see an overview of projects that included all costs, when paid, and to whom. She discussed investment options as well.

Adrian Williamson of 3901 Lewiston Road felt it would cost less money to pay for the US 220 tunnel than for trails and asked about the lighting system at SAP.

Dwayne Crawford of 1106 NC 150 West advised council to consider contracting with Guilford County for planning services.

PUBLIC COMMENTS RE: FY2014-15 BUDGET

Gail Dunham of 5805 Snow Hill Drive stated potential condemnation costs for trail development were not in the budget and asked council to give their opinions on condemnation. She said only



55% of the last few years' budgets had been spent, requested a copy of the town truck log sheet, discussed staff technology, how staff time is spent, and the clearing of the Gordon property.

Dwayne Crawford of 1106 NC 150 West felt there should be no town tax due to the large fund balance and the small amount of revenue the tax brings in.

Adrian Williamson of 3901 Lewiston Road reiterated his earlier remarks about trails, felt staff pay increases should be limited, and urged council to consider maintenance costs with all projects.

COMMITTEE / EVENT REPORTS

- A. **Finance:** Whitt said during the 4/21 meeting there was discussion of investment options, which will continue at the next meeting.
- B. **Historical:** Linda Southard thanked the *Northwest Observer* for their article about the Founders' Day history tent and invited all to visit.
- C. **Public Safety:** Whitaker stated the next meeting is 9/17 (summer hiatus unless needed).
- D. **Trails and Open Space:** Whitaker said the committee had changed their regular meeting date from the second to the fourth Wednesday of each month and welcomed public participation.
- E. **Founders' Day:** The final committee meeting would be 3pm 3/15 at town hall.

BUSINESS FROM TOWN MANAGER

- A. **N-Focus negotiations (Development Ordinance review/edits and employee hire):** Whitaker discussed that the topic involved two recent contracts with N-Focus: one for interim planning needs and the other for Development Ordinance review/edits. Within the interim planning contract was a clause that guaranteed N-Focus a payment of three months of the contracted employee's salary in the event that the town were to hire the employee within 180 days of contract termination. The town ultimately hired the interim planner.

The Development Ordinance contract contained a not-to-exceed amount of \$13,200 for the scope of work. The contractor's staff committed more hours to the ordinance project than was anticipated and the additional work was in excess of \$9,600, although it was not contractually owed. The payment due for the "hire-away" was estimated to be in excess of \$14,000.

Negotiations resulted in a tentative agreement to pay \$9,200 toward the ordinance work actually performed in exchange for a release concerning the higher conversion fee of the interim planning contract. If the negotiated \$9,200 were to be paid from within the Development Ordinance line item, it would not require a budget amendment. The manager and attorney recommendation was to approve the drafted release and disburse as described.

Following discussion of satisfaction with the work done on the Development Ordinance rewrite, original contract terms, and negotiations between the town and N-Focus, Barnes motioned to approve the N-Focus Agreement and Mutual Release. The motion was seconded by Adams and passed 4 to 1 (Flowers opposed).

- B. **Short-term rental of house at 7818 Summerfield Road:** The closing date for the Gordon property was scheduled for May 30, which would result in the town taking possession of a



house that was originally expected to be rented through the end of August 2014. Those tenants had requested to exit from the lease early, all parties agreed, and the house is now vacant.

The newly-hired town planner will be relocating from approximately two hours away and will need to sell a home and find living arrangements closer to Summerfield. Renting the vacant house for a short time period would be feasible, provided that the occupant would maintain renter's insurance and a termination date was established.

Following brief discussion of insurance, liability, and legal concerns, it was decided by consensus to offer the house for rent to the new town planner at the most recent rate of \$725.

- C. **Reports, updates, or comments:** Whitaker introduced Harrison Church who was constructing the "free little library" for Summerfield Community Park. Church gave a project update, stating appropriate books for children and adults had been collected. Church would finish, install, and fill with books soon. Whitaker discussed the following: the Gordon property closing was scheduled for 5/30 and a handout with a 220 widening update was available. Responding to issues asked during public comments, Whitaker stated the town truck was driven at night by the part-time parks attendant and was appropriate and that the SAP lights were on while games are being played and can be operated remotely.

BUSINESS FROM MAYOR AND COUNCIL

Consideration of audit contract: North Carolina law requires that a governing board approve an annual audit contract, which also must be approved by the Local Government Commission (LGC). The audit report is due 10/31, four months after the fiscal year end.

The audit proposal from Rouse, Rouse, Penn & Rouse, LLP was \$8,480 for the actual audit and \$2,495 for the preparation of financial statements, totaling \$10,975. This pricing reflected an increase of \$525 total over last year's audit. If the town prepares the financial statements, footnotes, and supplemental schedules, the fee would be discounted \$1,000, which would total \$9,975. The town will complete this additional work as has been done in the past and the recommendation was to approve this contract with the attorney's approval.

Barnes motioned to approve the audit contract with Rouse, Rouse, Penn and Rouse, seconded by McClellan, which carried unanimously.

CLOSED SESSION

McClellan motioned to recess to closed session at 8:07pm for the following reason: to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee as provided under NCGS 143-318.11(a)(6). The motion was seconded by Barnes and carried unanimously.

Barnes motioned to return to open session at 8:33pm, seconded by McClellan, which carried unanimously.

OTHER BUSINESS

Exemption for survey services: Whitaker noted the need for a survey prior to the Gordon property closing. He explained that the normal process for securing such survey work is statutorily dictated



by NCGS 143-64.31 (often referred to as the "Mini-Brooks Act") and town purchasing policies did not address the process in detail. The required method uses Qualifications-Based Selection (QBS) and Request for Qualifications (RFQ) processes instead of a Request for Proposals (RFP) or competitive bidding process in order to choose an appropriate professional surveyor or firm. However, NCGS 143-64.32 affords municipalities the ability to exempt projects that do not exceed \$50,000 from the QBS process. Whitaker requested an exemption and stated the need for accurately marked boundaries. He reported that staff had already collected information from a number of surveyors and given an exemption, he could order the survey the following day. Whitaker had also discussed the issue with the town attorney, who concurred that the exemption was allowable. Flowers motioned to exempt the Gordon property survey services from the Mini-Brooks Act, seconded by Barnes, and the motion carried unanimously.

With no further business, a motion was made at 8:40pm by Barnes to adjourn. The motion was seconded by Adams and carried unanimously.

Tim Sessoms, Mayor

Valarie R. Halvorsen, Town Clerk