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**MINUTES OF THE  
SUMMERFIELD TOWN COUNCIL  
SUMMERFIELD COMMUNITY CENTER  
NOVEMBER 10, 2011  
6:30 PM**

**NOTE: The official minutes are a CD recording of the meeting. The following is a summary of the events of the meeting.**

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, led by Boy Scout Troop 103.

**INTRODUCTIONS:**

**Council:**

Mark Brown, Mayor  
Dena Barnes  
Alicia Flowers  
Dianne Laughlin  
Bob Williams

**Staff:**

Michael Brandt, Town Manager  
Dana Luther, Finance Officer  
William Hill, Town Attorney  
Valarie Halvorsen, Town Clerk

Brown noted Wray was stuck in traffic and would be late. Barnes made a motion to formally excuse Wray until such time as he arrived. The motion was seconded by Williams and carried unanimously.

**CONSENT AGENDA:**

Brown recommended several changes to the agenda, including the following, moving item 5F Proclamation – Veterans` Day to 13B, adding items 10A Presentation by Summerfield Fire Department Chief Johnson, 11E Modified Duke Energy Lighting Contract for SCP Parking lot, 11F Discussion of Code Enforcement, 11G Discussion of Discharge of Firearms in Town Limits, 12B Discussion of Manager Hiring Process, and moving the Closed Session to follow Business From the Manager.

Barnes made a motion to approve the Consent Agenda *as amended*, including the meeting agenda, minutes of the October 11, 2011 meeting, minutes and Closed Session minutes of the October 25, 2011 Special Call meeting, Financial Report, Finance Officer Budget Amendment #2 FY 2011-2012, and Finance Officer Budget Amendment #6 FY 2010-2011. The motion was seconded by Williams and carried unanimously.

**SPEAKERS FROM THE FLOOR**

Elizabeth McClellan, 7103 Lentz Ct, thanked all for their votes, stating she was looking forward to serving the Town and its citizens.

Gail Dunham, 5805 Snow Hill Dr, asked that there be a dedicated microphone for Brown and suggested revision of the Ethics Policy to specifically address conflicts of interest.

Rich Lipinski, 5850 Stanley Huff Rd, spoke about discharging of firearms in the Town limits, noting the Town passed an Offenses Against Public Peace and Order Ordinance in 1999 which prohibits discharging of firearms within 1000 feet of an occupied dwelling without permission from the owner or occupant, and in 1996, the Town adopted Guilford County statutes, which prohibits discharging of firearms within 150 yards of an occupied dwelling. He is concerned with lack of enforcement.

Becky Strickland, 3220 Pleasant Ridge Rd, made a public records request regarding items submitted to NCDOT, and requested that the request be incorporated into the minutes (see Appendix A).

## **COMMITTEE REPORTS:**

- A. Finance:** Luther stated the committee would not meet in November or December.
- B. Historical:** Linda Southard stated the committee would not meet in November, other than to decorate Town Hall November 11, 2011.
- C. Parks & Rec:** Sherrie Joseph thanked Williams for all his hard work over the years as both a council member and a community volunteer and committee liaison, and congratulated McClellan.
- D. Public Safety:** Rich Lipinski said the committee discussed their wish that the Senior Program move from their committee and roads in which portions are not in the NC Secondary Road system.
- E. Founders' Day:** No report.
- F. SFD Rd/Development Ord.:** Brandt stated the next meetings were November 14<sup>th</sup> and November 15<sup>th</sup>. Flowers asked that a correction be made to the SRSAP committee minutes.

## **PRESENTATION – Summerfield Fire Chief Chris Johnson**

### **Discussion of Guilford County Fire Service Evaluation**

Johnson discussed the draft report, noting the following: there are over 150 errors/inaccuracies, consolidation would cost an estimated 40 million dollars (versus the 12 million in current costs), 65% of the firefighters are volunteers, following the recommendations in the report would likely result in a higher ISO rating which would increase rates paid by homeowners for insurance, the report does not address community outreach or mutual aid agreements, and notes the report has nothing good to say about the current community based system. He encouraged council and citizens to contact county commissioners to voice their opinions, and stated the final report was to be presented to the commissioners during a meeting at 4pm November 17, 2011.

By consensus, Council directed Halvorsen to draft of Resolution in support of keeping the community based fire department system in place.

## **BUSINESS FROM TOWN MANAGER**

### **A. Approval of Zoning Board By-Laws**

Following brief discussion, Barnes made a motion to approve the Zoning Board By-Laws. The motion was seconded by Flowers and carried unanimously.

### **B. Approval of Board of Adjustment By-Laws**

Barnes made a motion to approve the Board of Adjustment By-Laws. The motion was seconded by Flowers and carried unanimously.

### **C. Consideration/Approval of MOA with NCDOT**

Brandt stated it was his interpretation of a 2009 letter that the NCDOT had agreed to pay 100% of the pedestrian culvert. NCDOT is currently agreeing to pay 80%; however, as the culvert is part of the A&Y Greenway which is of regional importance, perhaps 100% payment can be negotiated. Newly elected Greensboro Mayor Robbie Perkins sent a letter of support to Secretary Conti regarding this issue; a response has not been received as of yet. Brandt is concerned that due to time constraints on the part of NCDOT, they may decide to not install the culvert at all. It was decided by consensus to discuss this issue further during the upcoming (November 16, 2011) Special Call meeting.

#### **D. Discussion of Changes to State Statute Regarding Regulation of Equestrian Facilities**

Brandt stated recent State Law Changes now classify "farm buildings" that are used for equine activities (Equestrian Facilities) to be exempt from most building codes. The exact provision is in 143-138 (b4). However, this only applies outside of municipal jurisdiction. Therefore all building codes are required inside Summerfield municipal limits. Staff recommends that the Council consider requesting a "local bill" during the next legislative session to have this portion of state law also apply to Summerfield. Equestrian Facilities would still have to meet zoning and sign ordinance standards, but would not be subject to most building code standards, allowing for equal status under state law.

Barnes made a motion supporting the recommendation, with intent to apply for a local bill as stated above. The motion was seconded by Williams and carried unanimously.

#### **E. Modified Duke Energy Lighting Contract for SCP Parking Lot**

Brandt stated currently, Summerfield has a 10 year contract with Duke Energy for the parking lot lights at SCP. Staff would like replace 3 poles with double headed poles to provide more lighting on the loop trail and around the Community Center. This requires a new contract with Duke Energy. The total additional cost over ten years will be \$2,279 or \$18.99 a month. The total 10 year contract is \$21,780; therefore requires Town Council approval. Laughlin asked how these amounts would be affected by the proposed Duke Energy rate increases. Luther interprets the amounts as flat rates affected only by kilowatt hours used.

It was decided by consensus to verify any affect rate increases would have on monthly fees and discuss further during the upcoming (November 16, 2011) Special Call meeting.

#### **G. Discussion of Discharge of Firearms in Town Limits**

Following brief discussion, by consensus Council authorized Hill to review and redraft as necessary O-1999-004 Offenses Against Public Peace and Order, to meet with the Guilford County Sherriff's Department about enforcement, and to draft a resolution that separately affirms incorporation of Guilford County's regulations concerning firearms discharge.

#### **F. Discussion of Code Enforcement**

Brandt recommended contracting for Code Enforcement services and paying for this using available funds budgeted for Planning Department wages. Luther noted a budget amendment would be needed. Council approved this by consensus.

#### **H. Report on meetings or activities**

Brandt attended an MPO meeting and the A&Y Greenway open house.

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.**

Williams made a motion to enter into Closed Session at 8:15 pm. The motion was seconded by Flowers and carried unanimously

Barnes made a motion to return to Open Session at 8:26 pm. The motion was seconded by Flowers and carried unanimously.

Laughlin made a motion to allow Wray to formally join the meeting in progress. The motion was seconded by Flowers and carried unanimously.

Barnes made a motion to return to Closed Session at 8:28 pm. The motion was seconded by Flowers and carried unanimously.

Wray made a motion to return to Open Session at 9:42 pm. The motion was seconded by Williams and carried unanimously.

Flowers made a motion to appoint Dana Luther as Interim Town Manager beginning December 3, 2011. The motion was seconded by Wray and carried unanimously.

Flowers made a motion to hire Luther as an employee of the Town in the capacity of part time Finance Officer beginning December 3, 2011, and to negotiate employment contracts for both the Interim Manager and Finance Officer positions. The motion was seconded by Barnes and carried unanimously.

#### **BUSINESS FROM TOWN COUNCIL**

##### **A. Appoint Jeff Davis as regular Zoning Board member (from alternate)**

Barnes made a motion to appoint Jeff Davis as a regular Zoning Board member from his current position as alternate. The motion was seconded by Williams and carried unanimously.

##### **B. Discussion of Manager Hiring Process**

Brown discussed recommendations made by Hartwell Wright of the NCI.M. By consensus, it was decided that Bill Hill's staff would continue in the role of administration, that the applications would be confidential, and that a Special Call meeting would be held to review and rate applicants Wednesday November 16, 2011, 6:30pm at Summerfield Town Hall.

##### **C. Report on meetings or activities**

Barnes attended an MPO meeting and the A&Y Greenway open house.

#### **BUSINESS FROM MAYOR**

##### **A. Certificates of Appreciation – Richard Lovett, Susan Fields, Linda Southard**

Brown read the certificates and thanked Richard Lovett for service on the Zoning Board, Susan Fields for service on the Summerfield Road Special Area Plan Committee, and Linda Southard for service on the Founders' Day Committee.

##### **B. Proclamation – Veterans' Day**

Brown read the Proclamation:

**WHEREAS**, November 11, 1918 at 11:00 am hostilities of World War I ended with the signing of the armistice that became known as the "war to end all wars;" and

**WHEREAS**, throughout our history, dedicated and courageous men and women have fought and died to protect the freedoms we hold dear; and

**WHEREAS**, today our nation's military men and women are engaged in hostilities in Iraq and Afghanistan with the same dedication and courage that has sustained our great nation for more than 200 years; and

**WHEREAS**, soldiers, sailors, airmen, marines, coast guardsmen, reservists and national guardsmen bravely embrace the task of preserving freedom in our nation and combating tyranny abroad; their vigilance as watchful protectors of our nation is known worldwide; and

**WHEREAS**, today we pay a special tribute to our nation's veterans, remembering their sacrifices, honoring those living and remembering those deceased.

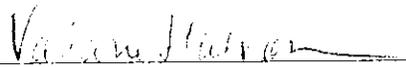
**NOW, THEREFORE, I, Mark E. Brown,** Mayor of Summerfield, North Carolina, do hereby urge all citizens to honor our Veterans this Friday, November 11, 2011 and call upon all Veterans in this great state to wear their medals in observance of Veterans Day so that all North Carolinians will have the opportunity to express appreciation for their service.  
**Proclaimed this the 10<sup>th</sup> day of November 2011.**

**C. Report on meetings or activities**

Brown attended the following meetings: 10/19/11 PTRC, 10/23/11 ~ 10-25-11 NCLM Conference, 10/26/11 Summerfield School Ribbon Cutting: the A&Y Greenway Open House: 11/1/11 Fire Department meeting: 11/7/11 Council Of Aging presentation.

With no further business before the Town Council, a motion was made at 10:16 pm by Wray to adjourn. The motion was seconded by Barnes and carried unanimously.

  
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Mark E. Brown, Mayor

  
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Valarie Halvorsen, Town Clerk