



## Town of Summerfield – Council Minutes

Summerfield Community Center

December 11, 2012 | 6:30PM | 5404 Centerfield Road

*Town Council: Mayor Mark F. Brown*

*Mayor Pro-Tem Dena Barnes*

*Alicia Flowers*

*Dianne Laughlin*

*Valarie Halvorsen (Clerk)*

*Elizabeth McClellan*

*Scott Whitaker (Manager)*

*John W. Wray, Jr.*

The meeting was called to order at 6:30pm by Mark Brown.

The invocation was led by Linda Southard, followed by the Pledge of Allegiance. The following were present:

### Council

Mark Brown, Mayor  
Dena Barnes  
Alicia Flowers  
Dianne Laughlin (arrived at 6:49pm)  
Elizabeth McClellan  
John Wray

### Staff

Scott Whitaker, Town Manager  
William Hill, Town Attorney  
Dana Luther, Finance Officer  
Valarie Halvorsen, Town Clerk

Brown announced Laughlin would be a few minutes late. Barnes made a motion to formally excuse Laughlin until her arrival. The motion was seconded by Wray and carried unanimously.

### CONSENT AGENDA

Brown recommended removing agenda items 11C (Revision of O-2009-003 Ordinance Establishing Founders' Day Committee), and 11D (Appointment of 2013 Founders' Day Committee members), and bringing the items back to the January meeting after questions by Council were answered.

Wray made a motion to approve the consent agenda as amended, including the meeting agenda, minutes of the 11/13/12 meeting, and the financial report. The motion was seconded by Barnes and carried unanimously.

### PUBLIC COMMENTS

Gail Dunham, 5805 Snow Hill Drive, discussed the following: her feeling that the budget has been grossly overinflated each year except one; requested that every meeting be noticed on the Town website to avoid illegal meetings; and expressed thanks to staff, Flowers, McClellan, and Dwayne Crawford for their hard work on the Christmas Tree Lighting.

Don Wendelken, 3406 Windswept Drive, discussed the following: the importance of working together with newly-elected county commissioners; his hope that newly-hired Parks & Recreation Manager will take into account the wants of the community; and he encouraged community involvement in the Town.

### COMMITTEE/GROUP REPORTS

- A. **Finance:** Luther stated the committee would not meet in December.
- B. **Historical:** Linda Southard stated the committee would not meet in December.
- C. **Public Safety:** Don Wendelken stated the committee would not meet in December.
- D. **Summerfield Christmas Tree Lighting:** Whitaker said the event was a great success, with an estimated 200 to 300 in attendance.

## AUDIT REPORT PRESENTATION FROM ROUSE, ROUSE, PENN & ROUSE, LLP

Rex Rouse presented the report, noting the following changes from 2011 to 2012: increases in total assets, liabilities, and total revenues (largely due to sale tax increase), decreases in fund balance and expenditures, and resolution of debt. Regarding the Statements on Auditing Standards letter, Rouse noted there were no difficulties in conducting the audit and no deficiencies found. He thanked Luther for her diligence, particularly for writing the report herself, which saved the Town about \$1000.

Council thanked Rouse for his services.

Barnes made a motion to admit Laughlin to the meeting at 6:55 pm, which was seconded by Wray and carried unanimously.

## PUBLIC HEARING: REZONING CASE #04-12 R

Brown stated a protest petition had been received and certified, therefore, a three-fourths vote of Council would be required.

Town Manager Whitaker presented the case noting the following: the request was to rezone property located at 7418 and 7419-7467 Auburn Road from AG/SR to CU-RS-40/SR; the Zoning Board voted 4 to 1 to recommend approval of the rezoning, and discussed the 7 conditions offered.

Flowers asked for a definition of clear-cutting; Hill responded it was not well defined.

*Brown opened the Public Hearing at 7:11 pm.*

### Proponents

David Tolin, 7418 Strader Road, said his family has owned the property for decades and that development will consist of well-designed homes. He discussed the conditions and how they fit with the Comprehensive Plan, noting that some conditions were a result of discussing concerns with neighbors. The condition of maximum of 8 lots on tract #1 is a 35% reduction in density from the previous plan. The buffer will provide a permanent vegetative screen to shield adjoining property owners and at least 45% of the total land will remain natural. Tolin stated the conditions offered are in keeping with the purpose and intent of the Comprehensive Plan.

Mackie Chandler 1301 NC 150, stated the Tolins are good people who do what they say they will, and that the proposed development will be an asset to the community.

Brian Freedman, 12 Kelvington Court in Greensboro, states the family is of good character and he supports the rezoning request.

### Opponents

Rick Lindsay, 7417 Strader Road is concerned with density, well, septic, and environmental impacts, and feels the proposal does not fit well on Strader Road. He feels allowing this rezoning will lead to others and Strader Road will lose its rural character.

LeAnn Pegram, 2365 Fairway Drive, Winston-Salem, owns adjoining property at 7516 Strader Road. She feels there must be a balance between rural property and development. She stated Strader Road is the last vestige of rural character in Summerfield and is concerned with the environmental impacts of development, particularly regarding well, septic, woodlands, and natural features.

Hill stated well and septic issues are addressed by Guilford County.

Todd Sheppard, 7502 Somersby Drive, appreciates the conditions offered by the Tolins, but is concerned with density and the feeling that approval of this rezoning request will lead to other requests.

Gail Dunham, 5805 Snow Hill Drive, is concerned with the process, feels environmental issues have not been properly addressed and well and septic should be considered by the Town.

#### Rebuttal

David Tolin stated the development plan was adjusted based on concerns of neighbors and he will personally see that development is held to high standards.

*Brown closed the Public Hearing at 7:44 pm*

#### Board Discussion

Hill reminded council that a 75% majority was required.

McClellan noted the applicant made a lot of concessions and while she values property rights, she was concerned with rezoning the property due to the definition of AG that states the purpose "to concentrate urban development in and around area growth centers, thereby avoiding premature conversion of farmland to urban uses." Laughlin noted there were large undeveloped tracts surrounding the property and she does not feel there will be a domino effect of additional rezoning requests. Brown noted the applicant could develop without the rezoning; he values property owner rights, and urged Council to approve the request. Flowers noted while she would like Summerfield to always remain the same, it cannot. She feels the Tolins went out of their way to address the concerns of neighbors and made many concessions. Wray stated if the request meets all criteria then it should be approved. He feels the Tolins exceeded the requirements and listened to and worked with their neighbors.

Wray made a motion to approve Rezoning Case #04-12 R AG/SR to CU-R5-40/SR based on conditions proposed by the applicant, the recommendation for approval by the Zoning Board, and the fit of the proposal with Policy Area #3 of the Comprehensive Plan. Barnes offered a friendly amendment to add the word "conservation" to "easement" in condition 7; Wray agreed. The motion was seconded by Laughlin and carried 4 to 1, Barnes opposed.

*Break from 8:01 to 8:10*

#### BUSINESS FROM TOWN MANAGER

##### **A. Introduction of Parks and Recreation Manager Jeff Goard**

Whitaker introduced Goard, noting he has a BS degree in Physical Education/Sports Management and 14 years of Parks & Recreation experience.

##### **B. Designation of new check signer**

Whitaker noted one of the revisions to the Cash Management and Investment Policy was to replace the position of Finance Committee Chairman with "designated Town Council member" as an authorized check signer. A specific Council member needs to be named; Flowers has volunteered.

Wray made a motion designating Flowers as an authorized check signer. The motion was seconded by Laughlin and carried unanimously.

**C. Revision of O-2009-003 Ordinance Establishing Founders' Day Committee**

*Removed from agenda*

**D. Appointment of 2013 Founders' Day Committee**

*Removed from agenda*

**E. Adoption of Continuity of Operations Plan (COOP)**

Whitaker stated a COOP is part of emergency planning that provides a way for organizations to ensure that they are able to continue providing essential functions in the event of an emergency, and what would need to be done in three phases of operation – Activation and Relocation, Alternate Facilities Operations, and Reconstruction.

Flowers made a motion to adopt the Continuity of Operations Plan. The motion was seconded by Barnes and carried unanimously.

**F. Update of Development Ordinance rewrite**

Whitaker stated the draft Development Ordinance rewrite presented in July needed revising. By consensus, Council agreed that Whitaker should make the simpler edits and present Council with a red-lined draft. More substantial edits would follow after a Town Planner is hired.

**G. Budget amendment for interim planning**

Whitaker estimates the interim planner will be needed until mid-January; the request is for \$7,500.

McClellan made a motion to approve a budget amendment for interim planning in the amount of \$7,500. The motion was seconded by Barnes and carried unanimously.

**H. Reports, updates, or comments**

Whitaker stated drainage issues at SAP were being addressed, the school fence has been erected and he was waiting on the amount due from the school system, and progress was being made on trail concerns.

**BUSINESS FROM MAYOR AND COUNCIL**

**A. Discussion of Brookbank Road property/proposed Armfield Park**

Approximately 29.2 acres were donated to the Town by the Edward M. Armfield, Sr. Foundation and was intended to be used as a Town park. The developing I-73 corridor and Brookbank Road relocation have changed the dynamics of the property such that it is not as conducive for park facilities. The Armfield Foundation has given permission to sell the property without any stipulations or legal ramifications and the Town and Foundation have signed an agreement acknowledging this.

Barnes made a motion to ratify the mutual agreement and release, seconded by Flowers and carried unanimously.

**CLOSED SESSION**

Brown stated the reasons for entering into closed session were to instruct the public body's staff or negotiating agents concerning the price and other material terms concerning real property or material terms of an employment contract as provided under NCGS 143-318.11(a)(5); and to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual employee as provided under NCGS 143-318.11(a)(6)

Barnes made a motion to enter into Closed Session at 8:41 pm, seconded by McClellan and carried unanimously.

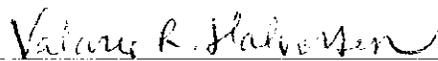
Laughlin made a motion to return to Open Session at 10:06 pm, seconded by Barnes and carried unanimously.

#### OTHER BUSINESS

Brown announced that per Whitaker's employment contract, his annual salary would increase from \$72,000 to \$75,000, effective 6 months from the date of his hiring.

With no further business before the Town Council, a motion was made at 10:07 pm by Wray to adjourn. The motion was seconded by Laughlin and carried unanimously.

  
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Mark E. Brown, Mayor

  
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Valarie R. Halvorsen, Town Clerk