

**TOWN OF SUMMERFIELD
CLOSED SESSION
MINUTES
December 19, 2007**

Present: Mark Brown, Dena Barnes, Bob Williams, Alicia Flowers, Becky Strickland, John Wray, William (Bill) Hill, Town Attorney, and Valarie Halvorsen, Town Clerk.

****NOTE:** In open session, Dena Barnes made a motion to recess to closed session as provided under **NCGS 143-318.11 (A) (6)** to discuss naming an interim Town Manager and to **(C)** consult with counsel about Summerfield Properties (AKA Armfield) litigation and Public Records request by the Northwest Observer. There was no discussion. The motion was seconded by Bob Williams and passed unanimously.

Hill stated based on the successful referendum changing from Council/Administrator to a Council/Manager form of government, there was a need to appoint an interim Manager in order to enact the Ordinance Amending the Town Charter. This should be done in a timely manner. He stated there was a need to decide whether to appoint Brandt as Interim Manager, to hire Brandt as Manager, or to advertise for the position. He noted that per Brandt's current contract, he is entitled to severance pay if terminated. Flowers asked when the current contract expired and Strickland replied June of 2008.

Hill stated if Council wished to appoint Brandt to the Interim Manager position, this could be done via an addendum to his current contract.

After some discussion of a possible salary increase, the possibility of the need for an Assistant Manager, and advertising for applicants for the permanent position, it was decided by consensus to offer the Interim Manager position to Brandt, to do an addendum to his current contract, and to further discuss the issue in Closed Session at the March 11, 2008 Town Council meeting.

Summerfield Properties (Armfield) litigation

Present: Mark Brown, Dena Barnes, Bob Williams, Alicia Flowers, Becky Strickland, John Wray, William (Bill) Hill, Town Attorney, Michael Brandt, Town Administrator, and Valarie Halvorsen, Town Clerk.

Hill gave a brief overview of the situation and stated the issue is whether or not the applicant gets the increased density. He stated most people who spoke in opposition were opposed to the twin homes, which were withdrawn. Council members who voted in favor of the rezoning could ask for another Public Hearing and get it put on the agenda again.

Hill stated Council could direct him to listen to what the other attorney had to say, their offer or ideas, and perhaps enter into settlement negotiations. Strickland and Brown feel if it is settled it will set a precedent of "if you sue us, we will cave".

By consensus, it was decided to direct Hill to listen to what the opposing attorney has to say, although Strickland disagreed based on it costing the town additional money in attorney fees.

Public Records request by the Northwest Observer

Crawford and his attorney have demanded a retraction of Northwest Observer articles they deem defamatory. They are planning to sue if this retraction does not happen by December 31, 2007. Hill read Patty Stokes' letter requesting copies of Closed Session minutes, emails relating to Crawford, and the minutes of the Litigation Committee. These items are to be used by the Observer to defend themselves against Crawford's possible defamation suit. Hill stated the question is whether Council wishes to turn these items over voluntarily.

****Section Redacted**** There was also discussion about the fact that the closed session minutes had not been approved, and since Flowers and Wray were not on the council at the time of several of the meetings, they would abstain from voting to approve those minutes.

By consensus, it was agreed to not turn over any documents voluntarily.

By consensus, Council reconvened to Open Meeting at 8:48 pm.



Mark Brown, Mayor



Valarie Halvorsen, Town Clerk