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September 11, 2012

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Town of Summerfield – Council Minutes

Summerfield Community Center

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

Town Council: Mayor Mark L. 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 6:30 pm by Mark Brown.

A moment of silence was followed by presentation of the colors by Summerfield VFW Post 7999, who led the Pledge of Allegiance.

A moment of silence was observed in honor of the victims and rescuers of 9/11.

Council

Mark Brown, Mayor

Dena Barnes

Alicia Flowers

Elizabeth McClellan

John Wray

Staff

Scott Whitaker, Town Manager

William Hill, Town Attorney

Dana Luther, Finance Officer

Valarie Halvorsen, Town Clerk

Bill Duston, Interim Town Planner

McClellan made a motion to formally excuse Laughlin. The motion was seconded by Flowers and carried unanimously.

Brown noted the agenda had been revised prior to the meeting to remove the Closed Session and proposal from David Couch, which had been withdrawn.

CONSENT AGENDA

Barnes made a motion to approve the Consent Agenda, including the meeting agenda, minutes of the 8/14, 8/23 and 8/29 meetings, the Financial Report, and Speed Limit Modification Ordinances. The motion was seconded by Wray and carried unanimously.

ANNOUNCEMENTS

Flowers announced a blood drive at Saint Paul Catholic Church on 9/24 from 2:30 to 7:30 pm. Whitaker announced that the Summerfield Rock Gym is now officially listed on the National Register of Historic Places.

PUBLIC COMMENTS

Don Wendelken, 3406 Windswept Drive, appreciated the moment of silence for 9/11 but felt that God and prayer should be part of the remembrances, noting that it is God who bonds us and keeps us going forward. Wendelken prayed aloud.

COMMITTEE / GROUP REPORTS

- A. **Finance:** Luther stated the next meeting would be 9/17, during which the committee would continue to investigate investment options and discuss the investment policy.
- B. **Historical:** No report.
- C. **Public Safety:** Wendelken stated the committee did not meet in August.

Luther was excused at 6:39 pm.

PUBLIC HEARINGS

A. Rezoning Case #02-12

Interim Planner Bill Duston presented the case noting the following: the request is to rezone property located at 4909 Auburn Road from AG/SR to CU-HB/SR; the Zoning Board voted 3 to 0 to recommend approval of the rezoning with the conditions offered by the applicant.

Brown opened the public hearing at 6:46 pm.

Proponents

Applicant Dr. Rod Brown, stated he lives and practices in Summerfield and wants to continue to serve the needs of Summerfield residents. He proposed to construct a 4500-square-foot brick building with three medical offices, and is working with engineers to ensure that all rules regarding water and soils are followed.

Flowers asked Brown why the request was to rezone to HB rather than LB and Brown responded HB was most congruent with the surrounding properties.

The following speakers generally noted Brown's good character and intentions, described him as a person who was true to his word, and their feeling that the proposed use is appropriate and a good fit for the property: Chris Van Vlack, 7004 Mustang Court; Beth Kaplan, 7979 Highfill Road; Mary Jane Gordon, 305 Grassy Meadow Court, Greensboro; Jane Doggett, 7986 Highfill Road; Dr. Dean Meylor, 2237 Scalesville Road; and Don Wendelken, 3406 Windswept Drive.

Carolyn Collins, 7405 Somersby Drive, stated her parents lived in the house for 58 years and the area is more commercial now than in the past. She felt it is a good use for the property.

Opponents

Gail Dunham, 5805 Snow Hill Drive was supportive of Brown and local business but felt LB is more appropriate than HB. She was concerned with the process, noting the questions she asked at the Open House weren't answered and she felt that CVS wasn't properly notified of the rezoning. Attorney Hill replied that notice was proper and advised Council that it was a non-issue.

Susan Fields, 7105 and 7107 Summerfield Road, was concerned with septic and potential odor and felt a three-office unit is too large for the lot. She recommended zoning to LB with one office rather than HB with three offices. Hill advised Council that septic should not be a consideration for the rezoning.

With no other speakers, Brown closed the public hearing at 7:15 pm.

Flowers asked Hill if conditioning the rezoning to doctors' offices was permissible and Hill responded yes, if the applicant wished to do so. She further stated the area is not all commercial, that there are residences there as well. Wray agreed that there are some residences, but there is commercial use behind, beside, and across the street from the property and he feels the requested use fits with the surrounding area. Wray further stated septic and related items are to be addressed during the site plan process. McClellan felt the use is appropriate and fits in with the surrounding uses.

Wray made a motion to approve Rezoning Case #02-12 AG/SR to CU-HB/SR with the conditions approved by the Zoning Board, based on being in harmony with the surrounding area and the Comprehensive Plan. The motion was seconded by Barnes and carried unanimously.

Recess from 7:23 pm to 7:31 pm.

B. Rezoning Case #04-12

Interim Planner Bill Duston presented the case noting the following: the request was to rezone property located at 7418 and 7419-7467 Auburn Road from AG/SR to RS-40/SR; the Zoning Board voted 3 to 1 to recommend denial of the rezoning based on Policy Area #3 (Preserving Community Character) of the Comprehensive Plan; and following the Zoning Board Public Hearing, the applicant offered additional conditions for consideration: 1) maximum number of residential lots on tract #1 will be 10, 2) there will be no direct driveway access to Strader Road from tract #1, and 3) tract #2 will not be subdivided.

Brown opened the Public Hearing at 7:45 pm.

Proponents

Kitty Bowman, a realtor, stated the project was being designed by professionals, the proposed homes would be all brick and not identical, and one builder would be used for construction. Hill advised Council they were only to consider the conditions offered.

Applicant David Tolin, 7418 Strader Road, said his family had owned the property for more than 35 years and the plan was to develop well-planned, nice homes. He believes the proposal fits with the Comprehensive Plan, noting the condition of a 10-lot maximum, reduces density 25% from the 14 lots that would be allowed with the request. He stated trees would only be removed for the lane, driveways, and houses and septic would be placed around existing trees. He also stated a Homeowners Association would be established to maintain the lane, entrance, and 20-foot landscape buffer. Tolin stated he spoke with an attorney who said there was a three-pronged test for rezoning: that there should be no harm to public safety, the rezoning should be compatible with nearby properties, and it should keep with the Comprehensive Plan and environs of the Town; as the property abuts RS-30 and RS-40, the proposal is consistent with nearby properties.

Hill noted that representations are not conditions.

Brent Sievers with Fleming Engineering, 700 Carnegie Place in Greensboro, described the property and buffer areas and stated he and the owners would work with the Town engineer on Jordan Lake requirements.

Jim Beeson, 5401 Thacker Dairy Road, said that tract #2 will only be used for some of the septic, the soils meet state criteria, and all setback rules will be followed.

Fred Tolin, 6901 Maynard Road, said this was a father-son project, there would be no spec homes and no construction would begin until lots are sold. He noted trees are very important, there would be a 20-foot buffer around the property, and they wanted to construct a project everyone could be proud of.

Opponents

Gail Dunham, 5805 Snow Hill Drive, was concerned with the process and felt this rezoning request and the previous one are both in excess of what is needed by the applicants. She feels water and septic and the proposed use should be considered during rezoning deliberations.

LeAnn Pegram, 2365 Fairway Drive, Winston Salem, owns the 12-acre tract at 7516 Strader Road. While she appreciates the rights of property owners, she felt there must be a balance between rural property and development. She stated Strader Road is the last vestige of rural character in Summerfield and does not want it to be lost to another subdivision.

Jerry Wright, 7514 Somersby Drive, said the surrounding property is mostly agricultural and asked Council to deny the request based on the goals of the Comprehensive Plan.

Todd Sheppard, 7502 Somersby Drive, also appreciates property rights, but is concerned with the environmental impacts of the proposed development.

Candy Wright, 7514 Somersby Drive, does not want to lose what makes Summerfield special and stated there are lots of already plotted unsold lots available.

Rick Lindsay, 7417 Strader Road, is concerned with the impact on water and the environment, and wants to preserve the rural character of the area.

Melvin Jackson, 7212 Somersby Drive, moved to Summerfield for peace and quiet and said there are other vacant developments available.

Rebuttal

David Tolin feels the concerns are mostly about density, which the condition of a maximum of 10 lots addresses.

LeAnn Pegram does not want to see a "zombie subdivision" on Strader Road.

With no other speakers, Brown closed the Public Hearing at 8:36 pm.

Following a brief discussion by Council about the additional conditions offered after the Zoning Board Public Hearing, Flowers made a motion to remand Rezoning Case #04-12 AG/SR to RS-40/SR to the Zoning Board. The motion was seconded by McClellan and carried 3 to 1, Barnes opposed.

Recess from 8:42 pm to 8:55 pm.

BUSINESS FROM TOWN MANAGER

A. CBO Grant Request-Kid's Voting of Guilford County

Whitaker stated the Finance Committee voted to recommend approval of the request for \$750. Flowers asked why the amount had increased from the previous year and Whitaker stated the organization would not receive state funding this year.

McClellan made a motion to approve the \$750 grant request to Kid's Voting of Guilford County. The motion was seconded by Barnes and carried unanimously.

B. NC ABC Commission Resolution

Whitaker stated a business must have two forms to obtain a permit to sell alcohol: an Inspection Zoning Compliance form, and a Local Government Opinion form. The Local Government Opinion form must be completed by a designated official named in a resolution; it has been determined that Summerfield has no such designated official. Whitaker recommended that the *position* of Mayor or Manager be appointed as the designated official.

Flowers made a motion to appoint the Town Manager as the designated official for the NC ABC Board Local Government Opinion form. The motion was seconded by Wray and carried unanimously.

C. Budget Amendment for Interim Planning

Following brief discussion, Barnes made a motion to approve a budget amendment in an amount not to exceed \$6500 for interim planning services. The motion was seconded by Flowers and carried unanimously.

D. Reports, Updates, or Comments

Whitaker reported the following: staffing is in process, the recently purchased dedicated server has arrived and is awaiting installation, there has been a marked increase in requests for planning and code enforcement services, there will be a meeting Wednesday September 12 to discuss concerns with the widening of Highway 220, and repairs to the SCP dam/spillway are complete.

BUSINESS FROM MAYOR AND COUNCIL.

A. Proclamation – Week of Service in Remembrance of 9/11

Brown read the Proclamation, which is hereby incorporated into these minutes:

WHEREAS, on September 11, 2001, the peace and security of our nation was shaken by cowardly terrorist attacks that killed nearly 3,000 innocent and brave people, and September 11, 2011 marked the tenth anniversary of those attacks; and

WHEREAS, while we still continue to recover, the spirit of our citizens have been revitalized, giving way to expressions of patriotism, unity, strength, renewed national pride and a true love of country; and

WHEREAS, the President of the United States, on September 11, 2009, issued the Patriot Day Proclamation officially and permanently designating September 11 as a National Day of Service and Remembrance, and calling upon all interested Americans to participate in this observance through moments of silence, the flying of the flag of the United States at half-staff, and community service and charitable activities in tribute and remembrance.

NOW, THEREFORE, I, Mark E. Brown, Mayor of the Town of Summerfield, do hereby proclaim, in tribute to all of the victims of 9/11 and the many who rose in service in response to the 9/11 terrorist attacks, that the Town of Summerfield will observe the week of September 9 - September 15, 2012, as "**A WEEK OF SERVICE IN REMEMBRANCE OF 9/11**" and encourage the citizens of Summerfield to take time to reflect upon and join this observance and to engage in activities of tribute, solemn remembrance and charitable service.

Proclaimed this the 11th day of September 2012.

B. Proclamation – Constitution Week

Brown read the proclamation, which is hereby incorporated into these minutes:

WHEREAS, September 17, 2012 marks the two hundred twenty-fifth anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, it is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary, to the patriotic celebrations which will commemorate the occasion, and the utmost importance that all citizens fully understand the provisions and principles contained in the Constitution in order to support, preserve, and defend it against all encroachments; and

WHEREAS, it gives us the opportunity to recall the high ideals and devotion to liberty of the men who framed our Constitution and to commemorate the many blessings enjoyed by our nation; and

WHEREAS, the freedoms guaranteed to American citizens, whether by birth or through naturalization, should be recognized during Constitution Week, as designated by the President of the United States, and in accordance with Public Law 915.

NOW, THEREFORE, I, Mark E. Brown, Mayor of the Town of Summerfield, do hereby proclaim the week of **September 16 - September 22, 2012**, to be designated as "**CONSTITUTION WEEK IN SUMMERFIELD, NORTH CAROLINA**" and encourage the citizens of Summerfield to take time during this week to reflect upon and to be appreciative of the many benefits of our Constitution and American citizenship.

Proclaimed this the 11th day of September 2012.

C. Unsealing Closed Session Minutes

Hill listed the Closed Session minutes he recommends to be released in full, with redactions, and not to be released at this time.

Barnes made a motion to release the following sets of Closed Session minutes in full: May 9, 2012, April 30, 2012, April 20, 2012, March 14, 2012, March 9, 2012, March 6, 2012, February 28, 2012, February 15, 2012, February 14, 2012, and November 11, 2011. The motion was seconded by McClellan and carried unanimously.

Barnes made a motion to release the following sets of Closed Session minutes with redactions: April 27, 2012, April 4, 2012, March 21, 2012, January 27, 2012, January 10, 2012, and November 10, 2011.

D. Fall Recycle Event

Brown stated the event was scheduled for November 3, 2012 from 8:00 am to 2:00 pm at Laughlin School.

OTHER BUSINESS

Brown discussed the need for a Special Called meeting for Closed Session, the date, time, and location to be decided and announced soon.

Barnes stated the September 26 MPO meeting had been cancelled.

With no further business before the Town Council, a motion was made at 9:16 pm by Wray to adjourn. The motion was seconded by Barnes and carried unanimously.



Mark E. Brown, Mayor



Valarie Halvorsen, Town Clerk