



C O U N C I L M I N U T E S J A N U A R Y 9 , 2 0 2 4 , 6 : 3 0 A 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 6:31pm by Sessoms. DeVaney provided the invocation, followed by the Pledge of Allegiance led by Robinson.

The following were present:

Council

Tim Sessoms, Mayor
Lynne Williams DeVaney, Mayor Pro-tem
Heath Clay
John Doggett
Jonathan Hamilton
Janelle Robinson

Staff

Scott Whitaker, Manager
Dee Hall, Finance Officer
Brad Rentz, Planning Manager
Sarah Tibbetts, Clerk
Bob Hornik, Town Attorney (remote)

APPROVAL OF CONSENT AGENDA

DeVaney motioned to approve the consent agenda as presented, the motion was seconded by Hamilton and carried unanimously. The consent agenda consisted of the open session minutes for 12/12/23 and 12/16/23.

ANNOUNCEMENTS

Whitaker stated the Council’s Strategic Planning Retreat would take place at Town Hall on 1/26 at 5:00pm and continue 1/27 at 8:30am.

EMERGENCY SERVICES REPORTS

- A. Summerfield Fire District:** In December, the Summerfield Fire District ran 15 fire-related calls, 68 EMS-related calls, and 55 “other” calls. The total for December was 138 incidents.
- B. Guil. Co. Sheriff’s Dept.:** In December, the Sheriff’s Office responded to a total of 238 calls within Summerfield’s town limits resulting in 19 formal case reports being filed.

ATTACHMENTS FOR COUNCIL’S INFORMATION

Council received the following information with no action taken: committee/board minutes and the December financial report. Robinson asked for the committees to submit their draft minutes in time for the Council packets, and if they aren’t ready in time, they should be added to the following month’s packet.

PUBLIC COMMENTS

Nathan Hardiman, 7491 Summerhill Drive, stated he was recently elected as the HOA President for Summerwoods neighborhood and wanted to introduce himself to the new Council members.

Dwayne Crawford, 1106 NC-150 West, stated he felt there were unresolved issues with the 10/5/23 OSM-V text amendment and claimed that the town violated a NCGS and the UDO ordinance.



COUNCIL, MANAGER, AND/OR ATTORNEY RESPONSE TO COMMENTS

Hamilton thanked Crawford for bringing this matter to the Council's attention and stated he would discuss it with the town attorney.

AUDIT REPORT PRESENTATION (C. RANDOLPH CPA, PLLC)

Cindy Randolph presented the audit via Zoom due to inclement weather preventing her from traveling. Hall provided copies printed from the electronic file and stated that bound copies were being mailed. Randolph thanked Council, Whitaker, and Hall for the opportunity to complete the yearly audit. She stated that Hall does a fabulous job with the town's finances and noted her thoroughness. Randolph submitted the audit to the Local Government Commission and it had been approved. She reviewed audit highlights. Sessoms thanked Randolph for her presentation and Hall for her hard work, noting 7 perfect audits in a row.

PUBLIC HEARING/ACTION RE: REZONING CASE RZ-04-2023 (requested change: RS-30, BN & Town Core Overlay [TCM & TCR] to CZ-BN; location: 4957, 4959, 4961, 4963 US-220 N.; parcels: 146709, 146700, 236990, 236991)

Rentz presented the staff report to Council and walked them through their packet and attachments. He said that some neighbors attended the required Informational Meeting and voiced concerns about a commercial business being in their backyard. Rentz stated that the Planning Board voted 3-2 to recommend denial of the rezoning request stating it was not Appropriate Limited Commercial Development, was not Community Character Preservation, and it does substantially hurt abutting property values. He said the Planning Department recommended approval stating it is in congruence with the Comprehensive Plan, specifically Policy 1.2 regarding Outside Lighting and Signage and Policy 1.5 regarding Residential Buffers. Whitaker briefly spoke about a 1999 resolution that reflected Council's opposition to commercial uses along US-220 at the time, and also about a related 2003 resolution that affirmed the same but redefined a reduced distance along US-220 (Scalesville Road on the north end to Auburn Road on the south end).

The applicant, Bill Greco with Land Solutions, spoke next on behalf of the property owners. Greco thanked staff's efforts with the case and packets. The applicant and owners had tried hard to address neighbors' concerns mentioned at the Informational Meeting and the Planning Board hearing. He cited increasing the Planting Yard as an example. Greco claimed no residential interest had been shown for these parcels over the years and that the owner planned to combine all four parcels into a single parcel, which would also help with buffers and Planting Yard requirements. He referenced citizens fear of a "domino effect" and felt it was not a real possibility at this location.

Sessoms asked Greco when he found out about the 1999 resolution and Greco stated he found out about it in 1999 around the time the CVS project began.

DeVaney commented on the fire department's request to have an entrance/exit onto Oak Ridge Road and had concerns about the increased traffic at that location.

With no further questions from Council Sessoms opened the public hearing at 7:36pm.

Don Wendelken, 3406 Windswept Drive, spoke about the fire department's concern over having one entrance and one exit and stated he was neither for nor against the rezoning.



Betsy North, 3092 Pleasant Ridge Road, spoke against commercial businesses being in the backyards of those who live on Summerfield Road and asked Council to vote against the rezoning.

Priscilla Olinick, 3100 Pleasant Ridge Road, stated she felt a domino effect would occur by allowing this rezoning to be approved.

Betty Chandler, 7708 Summerfield Road, asked Council to vote against the rezoning request and cited security concerns from easier access to her property if a business existed behind her home.

John Broyhill, 7712 Summerfield Road, stated he was in opposition to the rezoning and felt it ignored the Town Core Overlay and the Scenic Corridor Overlay.

Dwayne Crawford, 1106 NC-150 West, stated he was neither for or against but spoke briefly about the Council's intent with the 1999 and 2003 resolutions against commercial uses along US-220.

With no further public comments, Sessoms closed the public hearing at 7:53pm.

Hamilton motioned that case RZ-04-2023 be denied stating it was not consistent with the town's adopted Comprehensive Plan due to it not being Appropriate, Limited Commercial Development, as well as Community Character Preservation, and it did not align with the 1999 and 2003 Council resolutions, and it is not reasonable and in the public interest because it does substantially hurt the adjoining or abutting property values. The motion was seconded by DeVaney and carried 4-1 with Doggett opposed.

BUSINESS FROM TOWN MANAGER

- A. Water: Phase One proposal (Freese & Nichols):** Whitaker said that he, Rentz, Robinson, and Clay had a 1/5 meeting with Freese & Nichols. Clay gave meeting highlights and referenced project deadlines. He described that the original plan for fire water and potable water would require a much larger tank and system but a reduction in the tank and line sizes for an initial fire-water-only approach could still provide the capability of converting the system into potable water in the future. He had concerns about future maintenance and only a one-year warranty on the system. Bryan Jann with Freese & Nichols was present and answered Council questions. After a long discussion between the engineer, staff, and Council, Clay and Hamilton felt they needed more time to discuss the Phase One scope and confirmed that if held off another month it would not delay the project too much. DeVaney motioned to continue forward with the smaller tank size and smaller 8-inch transmission lines so the lines could extend further, with a not to exceed price of \$575,600. The motion was seconded by Doggett, but failed 2-3 with Robinson, Clay, and Hamilton opposed. It was then settled that the topic would go back on the agenda for the February Council meeting. Council thanked Jann for his time, patience, and presentation.
- B. Town welcome sign proposal:** Whitaker gave a brief history of the sign's development, site selection, and design approval. He noted that considerable work had been invested into the project. He explained that the project was bid out in 2022, but prices surpassed the budget at the time, so it had been budgeted for the current fiscal year and approval would allow completion on time. The recent RFP process yielded one qualified proposal from The Carolina Signsmith at a cost of \$78,027 and Whitaker recommended approval. He said the budget was \$75,000, so he offered that Council could direct him to negotiate, if needed. DeVaney and Hamilton stated they didn't like the sign design and felt it didn't fit the feel of the town. DeVaney asked about other



vendors and ways to cut costs on the project and motioned to revisit the design and cost. The motion was seconded by Hamilton, and Robinson added she would like to see community input. The motion carried 4-1 with Doggett opposed. DeVaney stated she would take the lead and report back.

- C. **FY2024-25 budget calendar:** DeVaney motioned to approve the budget calendar as presented, the motion was seconded by Clay and carried unanimously.
- D. **Speed limit reduction to 45 mph by ordinance (*Lake Brandt Rd.*):** Whitaker explained this was a NCDOT request and not initiated by the town. DeVaney motioned to approve the ordinance with NCDOT for the speed limit reduction and the motion was seconded by Doggett. Robinson requested that NCDOT be asked to put speed limit signs on the road as well, and the motion passed unanimously.
- E. **Reports, updates, or comments:** Whitaker reported that new printers/copiers were installed in town hall and that there was no longer a fax line. Hall stated it was rarely used and the town would save money by eliminating it. The line had been converted to an additional phone line, which would be more beneficial. Whitaker stated the P&R Director was working on the SCP bridge replacement project and announced that the Gordon Hardware building closed 1/8 through PNC. Whitaker stated that the town's TCC seat was unsettled based on feedback from represented jurisdictions and he would report any updates.

BUSINESS FROM MAYOR & COUNCIL

- A. **Potential legislative de-annexation (*update, moving forward*):** Hamilton stated that he had followed through with recent Council directives. He reached out to Ward & Smith (lobbyist) prior to contract termination but did not hear back. He planned to let Council know more at the next meeting.
- B. **Legal matters (*general updates*):** Hamilton stated he felt some documents claiming attorney-client privilege may not qualify, so and would like to speak with Hornik soon.
- C. **Public records re: de-annexation:** Hamilton and Hornik will be working on this together and Hamilton will report back at a future date.
- D. **King & Co. lobbyist contract:** Hamilton stated the contract needs re-working and did not wish to approve it yet. Hamilton would like to work with Hornik and modify the agreement to better protect the town. DeVaney stated she would like to add this to the retreat agenda. Council agreed by consensus that they would extend the contract another month and Hamilton would reach out to Sebastian King about it.
- E. **FY23-24 Council budget amendment #6:** Hall explained the amendment request. Doggett motioned to approve it, the motion was seconded by Robinson and carried unanimously.
- F. **Code of Ethics of the Town Council of Summerfield policy:** DeVaney desired to see uniformity regarding Council, boards, and committees. Whitaker addressed where the various ethics regulations for these are memorialized (UDO, ordinances, and policies) and that depending on the changes desired, a UDO text amendment and involved formal process might be needed. Clay told Rentz to address the Board of Adjustment ethics soon. Following much discussion, Council decided to table the topic. Hamilton asked Hornik to draft a policy where no



family/relative could give recommendations to a Council member, such as a member of the Planning Board.

- G. Public Comments policy:** Clay stated he originally wanted to extend the public comment period time but after calling around to surrounding jurisdictions learned that Summerfield's 3-minute policy is well aligned with others. He stated that the public can speak with Council at any time and the town's website has a "contact us" link. He commended staff for quickly making related updates.
- H. Consolidated Committee Ordinance, Finance Committee review of all contracts:** DeVaney stated she would like the Finance Committee to read all contracts that come before the town and Council. She would like it to review financial obligations and give recommendations. Hall stated she could forward contracts, but the Chair had expressed concerns about potential contract delays and stated the Committee would not want to be held accountable for any potential legal advice. Hamilton asked Hall to send all contracts to the Finance Committee for review.
- I. A&Y Greenway (South) (update):** DeVaney asked for updates on the project timeline and costs. Whitaker stated the right-of-way conversations were being scheduled, Kimley-Horn's work was progressing, and NCDOT was an active part of the process. Hall stated the town had not yet paid any right-of-way costs.
- J. Bandera Farms Park: Engineering, Construction Plans, & Construction Administration contract (update):** DeVaney wanted the Finance Committee to recommend how other towns could contribute financially. Robinson wanted it to also consider how to pay for overage costs and still felt the project will be about \$1M over budget. Hamilton suggested Robinson attend the next Finance Committee meeting. Robinson asked Whitaker that no changes be made to the project that would increase costs without Council addressing it first. After a lengthy discussion, Hamilton asked Whitaker to send Council every change that would result in a financial increase. Hamilton motioned for Whitaker to notify Council of a price increase with every modification to be approved by Council. The motion was seconded by Robinson. Doggett stated he was against this motion as it doesn't let the Manager do his job and would potentially delay timelines for the project. Clay stated he was against the motion and that accountability needs to be given to the Manager. He suggested a threshold of \$5,000 with anything above that amount to be forwarded to Council for approval. Hamilton and Robinson accepted the amendment. The motion carried 3-2 with DeVaney and Doggett opposed. Whitaker stated he will send every email to Council going forward and he will be happy to answer any questions.
- K. UDO text amendment needs:** DeVaney stated she wants to continue to work on cleaning up the UDO by completing minor improvements needed.
- L. UDO text amendment re: Scenic Corridor Area Overlay (update):** DeVaney stated she would like to move forward with this amendment that had been tabled. Rentz reminded Council of a past discussion about a workshop or planning session with Council and the Planning Board to help move the processes forward.
- M. Planning Tech/Enforcement Officer position:** DeVaney requested the item in case the public did not know the position was filled. Whitaker stated that Daniel Bare had been hired in November and the job advertisement listed duties and was in the packet materials. Whitaker then answered Council questions.



N. Reports, updates, or comments: Sessoms urged Council members to submit their agenda items to the Manager or Clerk in a timely manner, along with enough topic explanation and supporting information to allow staff to prepare the agenda materials. He requested adequate information to help meetings run as efficiently as possible.

OTHER BUSINESS

Robinson wanted to start receiving weekly Friday updates from the Manager and Planning Department, which Rentz and Whitaker agreed to. Clay asked if it were possible to get agenda packets a week in advance before a meeting and Whitaker stated that timeline would be difficult. Whitaker asked if Council would be open to holding work sessions to work through agenda items prior to monthly meetings stating that other towns use this method and it can be effective.

ADJOURNMENT

Hamilton motioned to adjourn the meeting, the motion was seconded by DeVaney, and carried unanimously. The meeting was adjourned at 11:47pm.

Tim Sessoms, Mayor

Sarah Tibbetts, Town Clerk