

C O U N C I L M I N U T E S NOVEMBER 12, 2013, 6:30PM, SFD COMMUNITY CENTER

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 led by Boy Scout Troup 126. The following were present:

Council

Mark Brown, Mayor
Dena Barnes
Alicia Flowers
Dianne Laughlin
Elizabeth McClellan
John Wray

Staff

Scott Whitaker, Town Manager
William Hill, Town Attorney
Katrina Whitt, Finance Officer
Valarie Halvorsen, Town Clerk

CONSENT AGENDA

Brown recommended removing Closed Session item B.

Barnes motioned to approve the consent agenda as amended, including the meeting agenda, 10/8 open and closed session minutes, financial report, and Chesterbrooke Drive secondary road addition resolution. The motion was seconded by Wray and carried unanimously.

PUBLIC COMMENTS

Lt. Cameron Piner invited all to a November 16 open house event for the new Sheriff substation (2-4pm).

Don Wendelken of 3406 Windswept Drive, congratulated Mayor-elect Tim Sessoms and Council-elect Mike Adams, thanked out-going Mayor Brown and Council member Wray for their service, and asked new members to remember they represented all citizens, not just special interest groups.

Cheri Pikett of 7804 Robinson Road congratulated new Council members and thanked Brown and Wray for their many years of service to the Town.

Paul Voight of 7715 Summerfield Road spoke in detail of neighbors continually burning yard debris and leaving it unattended, taking his firewood without permission, and other transgressions.

John O'Day of 7013 Mustang Court congratulated Tim Sessoms, Mike Adams, and Dianne Laughlin. He said running for a Council seat was a great experience except for the negative campaigning, he learned not to believe everything spoken about candidates, and he felt citizens should talk more to each other, rather than *about* each other.

Dwayne Crawford of 1106 NC 150 West spoke about bullies and civility, noting he felt that a past anonymous *Northwest Observer* forum allowed bullying of some Council members by other Council members, and that the current "Grins and Gripes" is a continuation of the same.

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

Rex Rouse presented the report, noting the following changes from 2012 to 2013: increases in total assets and fund balance and decreases in liabilities, expenditures (largely due to fewer capital improvement expenses), and revenues (largely due to the loss of high-return investment income). Regarding the Statements on Auditing Standards letter, Rouse noted there were no difficulties in conducting the audit and no deficiencies found. He thanked Whitt for her diligence, particularly for writing the report and footnotes herself, which saved the Town about \$1000. He further noted that weaknesses in separation of duties caused by having a small staff were greatly mitigated by the stringent internal controls the Town has in place.

Council thanked Rouse for his services.

COMMITTEE / EVENT REPORTS

- A. **Finance:** Whitt stated the last meeting was October 21 and the committee discussed the likelihood of budgeted trails funds to be used for trail design, coming to a consensus that they are generally supportive of that expenditure if the Trails and Open Space committee recommends design to council. The next meeting is scheduled for January 20. Flowers asked about the cost of the pedestrian tunnel under US 220. Whitaker stated the total cost would not be finalized until the completion of the 220 widening project and the town would be responsible for 20% of the cost tunnel construction if it does not eventually connect to the A&Y Greenway.
- B. **Trails and Open Space:** Paul Lambrecht said some committee and council members walked a proposed trail route recently (not a formal meeting). He spoke of federal funding requirements and added that MPO funds are sometimes available for maintenance.
- C. **Historical:** Linda Southard invited all to view the town hall tobacco display, added that the committee assisted DAR with the Veterans Day event, and said it would not meet in November.
- D. **Public Safety:** Don Wendelken said the committee discussed US 220 concerns during their meeting; the next meeting is November 20.

BUSINESS FROM TOWN MANAGER

A. Ratification of rezoning case RZ-01-13 notification letter

Whitaker reminded that the Town was required to provide a notification letter/statement describing whether its approval was consistent with a town-adopted comprehensive plan and any other applicable plan, along with a brief explanation as to why the council considered the approval to be reasonable and in the public interest. Hill indicated the appropriateness of such a statement and that recent case law supported such an approach. By consensus (not all were in agreement), a majority of council had approved a letter earlier in the month that was forwarded to the rezoning applicants, and the statement approval decision needed to be ratified. Whitaker added that the letter also served as a singular document that clearly stated all final excluded uses and conditions for the rezoning. Flowers stated that she still did not agree that the rezoning was reasonable, in the public interest, or supported by the Comprehensive Plan and asked if there was a legal requirement to cite particular sections of the Comprehensive Plan when motioning to approve a rezoning; Hill was not aware of any such requirement.

Barnes made a motion to ratify the rezoning case RZ-01-13 notification letter. The motion was seconded by Wray and carried 3 to 2, Flowers and McClellan opposed.

B. Council budget amendment #3 for unemployment insurance (FY13-14)

Whitaker stated a recent legislative change now requires municipalities to have an unemployment insurance account with the Division of Employment Security. In the past, towns had a choice as to whether or not to purchase unemployment insurance. The request is to allocate \$1600.00 from the budgeted Town Hall exterior improvements line item to cover this newly mandated expenditure.

Wray made a motion to approve Town Council budget amendment #3 (FY13-14), allocating \$1600.00 from Town Hall exterior improvements to fund an unemployment insurance account. The motion was seconded by Laughlin and carried unanimously.

C. Risk Assessment and Internal Control Policy revisions

Whitaker stated POL-2009-003 Risk Assessment and Internal Control Policy needs to be updated for congruency with changes to POL-2003-003 Cash Management and Investment Policy. The need was to replace "Finance Committee Chairman" with "designated Town Council member" throughout.

Flowers made a motion to approve revisions to POL-2009-003 Risk Assessment and Internal Control as recommended. The motion was seconded by McClellan and carried unanimously.

D. Development Ordinance update review/edits contract

To carry out a council directive, Whitaker requested approval to enter into a contract with N-Focus Planning for review and editing of the Development Ordinance Update in an amount not to exceed \$13,200, and to further approve a separate flat fee of \$2500 for legal review by Attorney Hill. He noted \$25,000 had been budgeted for completing the ordinance. McClellan asked when the work would begin; Whitaker responded that it would begin upon execution of the contract.

McClellan motioned to approve contracting with N-Focus for review and editing of the Development Ordinance Update in an amount not to exceed \$13,200, seconded by Barnes, which carried unanimously.

McClellan motioned to approve an expenditure of \$2500 for legal review by Hill, seconded by Laughlin, which carried unanimously.

E. Residential Solid Waste & Recycling Services franchise contract renewal

The solid waste franchise agreement is up for renewal. Whitaker stated that citizen complaints were few, but offered some suggested changes to the upcoming Republic Services contract related to cart uniformity and simplification of yard waste collection procedures. He suggested extending the agreement for one year while surveying citizens concerning their wants/needs. Discussion led to a consensus that substantial changes may not be needed and that Whitaker should continue discussions with Republic and provide a draft contract addendum for consideration during the December 10 meeting.

F. Reports, updates, or comments:

Whitaker reported the following: 1) The recent SummerCycle event was very successful and Whitaker provided collection details; 2) The bid opening for the I-73 project was rescheduled for January 21; 3) The Zoning Board would be considering a draft junked/abandoned motor vehicle ordinance at its November 25 meeting; 4) A November 21 meeting was scheduled concerning Elmhurst's entrance and related noise wall; 5) Town hall repairs were continuing; and 6) Several busloads of Guilford County students had utilized Summerfield Community Park for an organized educational park event.

CLOSED SESSION

Brown read the reason for entering closed session as follows: A) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege as provided under NCGS 143-318.11(a)(3).

Barnes made motion to enter into closed session at 7:55pm. The motion was seconded by Wray and carried unanimously.

Wray made a motion to return to open session at 8:16pm. The motion was seconded by Laughlin and carried unanimously.

With no further business, a motion was made at 8:16pm by Wray to adjourn. The motion was seconded by Barnes and carried unanimously.



Mark E. Brown, Mayor



Valarie R. Halvorsen, Town Clerk