



C O U N C I L M I N U T E S      M A R C H 1 2 , 2 0 2 4 , 6 : 3 0 P 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 6:32pm 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 Director
- Sarah Tibbetts, Clerk
- Bob Hornik, Town Attorney

APPROVAL OF CONSENT AGENDA

Sessoms asked Council to consider moving closed session up on the agenda since a representative was present for attorney Mark Moore. DeVaney motioned to move closed session from item 15 to in between items 10 and 11, to approve the 1/26-27 retreat minutes with the amendment to state that the Council would revisit the Republic Services contract 6 months before the expiration date to get quotes in time to change services if needed, and to move the open and closed session minutes for 2/13 and the open for 2/29 to the April agenda for approval. Robinson added an amendment to remove item 14.I. from the agenda, which DeVaney accepted. The motion was seconded by Clay and carried unanimously.

ANNOUNCEMENTS

Whitaker stated the dates for the Founders’ Day event were 5/17-18 and the town was accepting applications for sponsors and vendor booths. Town hall would be closed 3/29 for Good Friday. DeVaney announced a local church, cake bake-off and judging 5/18 at noon. She also reminded that she is still accepting design ideas for the town welcome sign. DeVaney stated that she attended the Guilford County Commissioners retreat and asked for funding for various town projects, such as phase 2 of SAP ballfields and renovations to existing parks. She asked commissioners to consider donating Laughlin School to the town if Guilford County Schools surplus the property and suggested various community uses and a black history museum.

EMERGENCY SERVICES REPORTS

- A. Summerfield Fire District:** In February, the Summerfield Fire District ran 16 fire-related calls, 53 EMS-related calls, and 33 “other” calls for a total of 102 December incidents. They also installed 4 child safety seats.
- B. Guil. Co. Sheriff’s Dept.:** In February, the Sheriff’s Office responded to a total of 271 calls within Summerfield’s town limits resulting in 21 formal case reports being filed.

ATTACHMENTS FOR COUNCIL’S INFORMATION

Council received the following information with no action taken: committee/board minutes and the February financial report.



### **PUBLIC COMMENTS (including budget-related comments)**

Teresa Perryman, 7401 Greenlawn Drive, spoke against the water plans and the A&Y Greenway stating citizens do not want it.

Church Brown, 6204 Moores Creek Drive, spoke against the decision not to renew Whitaker's contract, stating it was vindictive and personal. He complimented Whitaker's faithful service and stated that Council's actions would cost the town money and possibly its town charter.

Lexie Cline, 7966 Highfill Road, spoke against the recent Council actions stating they were fast-tracking the town to disaster. She spoke highly of Whitaker and was against letting him go.

Joe Shelton, 7726 Penns Grove Road, spoke against Hamilton's actions and treatment of the mayor and staff. He felt Council's actions toward each other and others were wrong and embarrassing.

Mary Horlacher, 7012 Blacksmith Court, asked Council to treat each other better, stated to Sessoms that he sets the tone and tolerance for the town, and felt everyone needed to be respectful. She felt that de-annexation would be destructive to the town and citizens.

Beth Kaplan, 7979 Highfill Road, spoke against Council's decision not to pay the manager a severance after years of loyal service to the town.

Kyle Stalls, 7823 Wilson Farm Road, volunteered his time and efforts to create a media piece that could be used for PR to summarize the de-annexation facing the town.

Gail Dunham, 5805 Snow Hill Drive, asked Council to vote against the A&Y Greenway, stated concerns about the water tank and it not protecting existing wells, and spoke about the grant money secured for Bandera Farms Park.

Priscilla Olinick, 3100 Pleasant Ridge Road, thanked the Council, stated it was time to do something about de-annexation, and volunteered her time to help. She felt Council was getting nothing done and that it was time to work together and stop bickering and pointing fingers.

Patti Stokes, 6911 Maynard Road, stated she was disheartened by the Council vote to not renew Whitaker's contract. She felt he was highly competent and respectful to all even when he had been publicly disrespected. Stated added that Council was not giving any helpful direction, was blaming others, and it was time to work together, stop bickering, and citizens were ready to rally and help where needed.

Cara Dohner, 2644 Lunsford Road, stated she was running for District 5 for the Guilford County School Board and her focus was on mental health for children.

Dwayne Crawford, 1106 NC Highway 150-W, requested a press release that could be sent to other towns and offered his time to assist.

John Blust, 5630 David Christian Place, Greensboro, thanked citizens for their votes, and stated he is willing to work on de-annexation. He explained that every citizen should be heavily contacting their state representatives daily.

Danny Nelson, 2500 Pleasant Ridge Road, reiterated the need for everyone to email representatives and felt that de-annexation affects every town in the state. He was concerned that the water system would lay the groundwork for developers and apartments.

### **COUNCIL, MANAGER, AND/OR ATTORNEY RESPONSE TO COMMENTS**

DeVaney wanted to clarify that her request to Guilford County for Laughlin was not a request for ARPA funding but that it be given to the town at no cost if surplus.



Sessoms stated that when you work with someone for so long and have so much respect as he has for Whitaker, it's hard to set it aside. He strongly recommended that Council begin negotiations with Whitaker and see if he would stay. He suggested a Council motion, or in absence of such a motion, to at least agree to let Whitaker go now with a 9-month severance when his contract expires in June so he can take care of family matters. Doggett motioned to pay Whitaker a year severance if the Council is not going to renew his contract, the motion died for a lack of a second.

### **BANDERA FARMS PARK (Pond presentation)**

Lisa Roberts with Pond and Co. gave a presentation of their recent work and plans for the design of the park, which listed key features of park amenities. Whitaker stated the slideshow would be uploaded to the town's website. Palmer McIntrye with the Piedmont Land Conservancy spoke briefly about the multiple grants the town had secured and described how such an amazing park would benefit not only the town but the entire region.

### **CLOSED SESSION**

DeVaney motioned to move to closed session 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) and NCGS 143-318.11(a)(5). The motion was seconded by Janelle and carried unanimously.

DeVaney motioned to return to open session at 9:03pm, the motion was seconded by Hamilton and carried unanimously.

DeVaney motioned to hire the Maynard Nexsen law firm to represent the town regarding NAACP concerns, the motion was seconded by Hamilton and carried unanimously.

Hornik noted that no discussion of employment contracts took place even though NCGS 143-318.11(a)(5) was cited for the closed session.

DeVaney stated she would like the public to know that a statement would be forthcoming from the attorneys. Council agreed by consensus that Hamilton would continue to be the liaison between Council and attorneys.

### **PUBLIC HEARING/ACTION RE: REZONING CASE RZ-02-2024 (requested change: Residential [RS, formerly RS-30] to Conditional Zoning Neighborhood Business [CZ-NB]; location:4917 Rhondan Rd.; parcel: 147096)**

Rentz presented the requested change to rezone one parcel from the Residential District (RS, formerly RS-30) to the Conditional Zoning Neighborhood Business District (CZ-NB). Parcel number 147096 was located at 4917 Rhondan Road and totaled ±0.43 acres. He stated the Planning Department felt it was compatible with the Comprehensive Plan (and that Policy Areas 1.1, 1.2, and 1.5 were addressed with the proposed conditions) due to its Appropriate, Limited Commercial Development stating this rezoning request proposes changing a residentially-zoned property to a commercially-zoned property, this parcel was previously used as a church (religious institution, a permitted use in the RS district), and that the Planning Department had recommended approval as proposed by the applicant.

The applicant, Ryan Chabon, spoke next and thanked Council and staff for their time and consideration. He presented a slideshow showing how he plans to use the building as a music studio and how he will soundproof the building to limit noise pollution for neighbors as well as for the business.



*Sessoms opened the public hearing at 9:18pm.*

Gail Dunham, 5805 Snow Hill Drive, stated she felt this would be a great addition to the community.

Greg Chabon, 8204 Fox Brian Court, Greensboro, stated he was the father of the applicant, and stated that approval would be supporting young, local entrepreneurs.

Melissa Shelar, 4916 Rhondan Road, lives in the neighborhood and thought it would be a great addition.

Priscilla Olinick, 3100 Pleasant Ridge Road, asked the applicant if he would be willing to add time constraints as an approval condition.

*Sessoms closed the public hearing at 9:22pm.*

Sessoms opened the floor for Council discussion. Robinson stated she walked the neighborhood and knocked on neighbors' doors and didn't get a single complaint or opposition. She motioned to approve case RZ-02-2024 stating that is was consistent with the town's adopted Comprehensive Plan because of its Appropriate, Limited Commercial Development and its Community Character Preservation, and that it would be reasonable and in the public interest because it does not substantially hurt adjoining or abutting property values. DeVaney offered an amendment to removed Police Substations from the permitted uses, which Robinson accepted. DeVaney seconded the amended motion, and the motion was carried unanimously.

**PUBLIC HEARING/ACTION RE: REZONING CASE RZ-03-2024 (requested change: Agricultural [AG] to Residential [RS]; location: 7968 Winfree Rd.; parcel: 147293)**

Rentz presented the requested change to rezone one parcel from the Agricultural (AG) district to the residential (RS) district. The parcel totals ±3.69 acres and is located at 7958 Winfree Road with the parcel number 147293. He stated that although the intent of the property owner is not a binding factor in a rezoning decision, the Planning Department still recommends approval of this rezoning given its Community Character Preservation by allowing agricultural land to be subdivided for the potential use of family.

The applicant, Amanda Stafford, spoke next. She explained the desire to subdivide her parents' land so that her and her brother could have equal parts. Since the property is zoned agricultural, it could not be split, which is why she was requesting the rezoning.

*Sessoms opened the public hearing at 9:31pm.*

*With no public comments, Sessoms closed the public hearing at 9:31pm.*

Clay motioned that case RZ-03-2024 be approved as presented, stating the request is consistent with the town's adopted Comprehensive Plan due to its Community Character Preservation and its Attractive Community Appearance, and stated it is reasonable and in the public interest because it does not substantially hurt adjoining or abutting property values and will be in harmony with the area which it is to be located and the general plans for the land use and development of the Town of Summerfield and its environs. The motion was seconded by DeVaney carried unanimously.

**BUSINESS FROM TOWN MANAGER**

- A. A&Y Greenway (South) (routing recommendation from TOS Committee, update):** Whitaker reminded that at the last meeting it was suggested that the TOS Committee have an opportunity to discuss the older alignment idea for the A&Y to be fully on Summerfield Road. At the TOS Committee meeting, there was a motion to recommend that Council move the alignment up the



east side of Summerfield Road that was approved unanimously. Whitaker asked Council to consider the Committee's recommendation and stated he had spoken to Kimley-Horn about the change, they would have to resurvey the section and likely rework the existing sidewalk, and that they needed Council direction before proceeding. DeVaney had questions about the right-of-way (ROW) process. Whitaker explained that an agency partnering with Kimley-Horn was handling all ROW aspects initially. Robinson stated she had spoken with homeowners on Summerfield Road and not a single owner spoken wanted the trail, regardless of its construction within State ROW. Clay stated he sees children playing, walkers, and bicycles on Summerfield Road often and feels the greenway will make the community safer, as well as help with connectivity. He was in favor of the project and would like to see surveys begin and ROW conversations start.

Clay motioned to direct Kimley-Horn to modify the scope of contract CON-2023-004 to reflect a major alignment change to the southern section of the A&Y Greenway (South) project—a move away from the wooded, watershed alignment specified in all previous work. The desired new alignment would require surveying, design, and engineering from the US-220 pedestrian tunnel to parcel 145998 on Summerfield Road and would involve crossing to the east side of Summerfield Road near the Summerfield Road Trailhead so that the greenway will remain on the east side of the road until the crossing near Myers Fork Road. The motion was seconded by Doggett. Robinson wanted to table the topic for more verification about the municipal agreement with NCDOT and Hamilton wanted to table it as well. The motion passed 3-2 with Robinson and Hamilton opposed.

- B. Reports, updates, or comments:** Whitaker stated his desire to be on record about Council's dealings with his employment situation. He stated that since the 2/13 meeting when Council gave notice of non-renewal of his contract, there had been no contract or employment discussions despite his requests. He was told it would be addressed during the closed session that had just occurred. Whitaker referenced the dispute about his contract's end date being June of 2024 or 2025. He desired to resolve the situation amicably through honest discussions with Council (instead of attorney involvement) but had not been afforded an opportunity to date. Whitaker referenced his 3/9 request for mediation and that it should occur per his contract within 30 days. He said that desired engagement about contract and employment, even apart from mediation. Hamilton stated the Council would briefly discuss this under item F on the agenda. Clay stated he reached out to Whitaker to converse, and Whitaker was not receptive to that communication, which Whitaker disagreed with. Robinson stated she had also reached out to Whitaker. Robinson also asked why the Friday manager report emails had ceased, stating she wanted the reports to continue. Whitaker responded that the last update reported about a greenway meeting with David Couch and Sessoms, and Council berated him publicly for the meeting. He did not wish to continue giving reports to be used against him in public settings but would consider sending future reports again.

### **BUSINESS FROM MAYOR & COUNCIL**

- A. Bandera house rental/lease agreement:** The Finance Committee reviewed the lease agreement for the Bandera house per Council's request. The Committee unanimously recommended that Council review the comps gathered from similar rentals in the triad and consider increasing the current rent of \$500 a month to offset some of the future Bandera Park construction costs. Hall





stated the comps were not gathered from homes in Summerfield due to there not being a lot of rental homes on the market. Majority of Council did not wish to increase the price of rent due to the renter being a public servant and working for the fire department. Robinson stated for the record the renter is a friend of hers and asked if she should be recused from voting, which Hornik stated was not a conflict of interest. Hamilton motioned to renew the contract as is for another year. The motion was seconded by Clay. Doggett stated that within 6 months of the lease renewal, Council should discuss the rental amount before a new contract is signed in 2025, which all members were in favor of. Motion passed unanimously.

- B. Board appointment/re-appointment (Planning Board):** DeVaney stated that with the removal of Clark Doggett from the Planning Board there was a seat open, and the Board had 3 alternates currently. Doggett motioned to approve Dawayne Crite to the Planning Board for a term expiring 1/26. The motion was seconded DeVaney and carried 4-1 with Clay opposed. DeVaney thanked the alternates for volunteering their time.
- C. Water: Phase One Proposal (update):** Whitaker stated the task authorization had been signed per Council's directive at the last meeting and the work was in motion.
- D. Potential de-annexation & hiring of PR firm (updates):** DeVaney stated she had been looking for PR firms, which would be very expensive as a "crisis PR move." She stated that she spoke with Micheal Holmes with HMA Consulting and he would be willing to help with a quick message if needed, but she did not desire to hire him at the stated cost of \$75K. DeVaney passed out a flyer prototype she created as representative of what she would like to mail. Hamilton asked DeVaney if she would be willing to work with Sebastian King on the mailers. Council discussed the option of purchasing a web URL for an informational website about de-annexation. DeVaney also read a lengthy resolution that she wished for Council to approve and submit to the General Assembly and for other small towns to use. Hamilton asked Hornik to edit the resolution and submit it back to Council so it could be voted on during a future meeting. Hall noted the need for budget amendments for the topics discussed. Hamilton motioned to allow DeVaney to work with Sebastian King with a limit of \$75K to use as the lobbyist directs and with DeVaney's approval. The motion was seconded by Clay and carried unanimously. Hall stated the need for quotes and that Council was not operating under the town's Purchasing Ordinance. There was a discussion among Council, staff, and Hornik about the expenditures, the Mini-Brooks Act, and how to legally follow NCGS requirements.
- E. Release of communications re: de-annexation and OSM-V text amendment:** Robinson stated she sent emails to Hornik asking if they were still deemed as attorney-client privileged. He stated that any release was Council's decision and stated that at the time, the information itself wasn't released because the town was in active negotiations and it would have been foolish to release them. Hamilton questioned if Hornik felt they were public record. Hornik stated they are indeed public record, so Hamilton stated there was no need to vote on releasing them and told Robinson to give them to requestors and to release them to the public for public record requests.
- F. Town Manager position (recruitment):** DeVaney stated Council's intent to move forward with a new process to hire a manager and asked that Clay oversee collecting applications. DeVaney also stated she wanted to hire an employment-law attorney to help with the transition of Whitaker's exit in June 2024 when a new manager would be hired. DeVaney stated that Brian Freedman had recommended Patti Ramseur who was willing to represent the town. Hamilton



motioned to hire Patti Ramseur and have DeVaney be the point person with Clay in charge of manager applications. The motion was seconded by Clay and carried unanimously.

**G. Town Attorney position (recruitment):** All Council members except Sessoms and Doggett had met with Jim Hoffman. Council would give time for all to interview with Hoffman. With a mutually-agreeable contract to be worked out, Robinson motioned that the town hire Jim Hoffman and that Hamilton be appointed to work out the contract details. The motion was seconded by DeVaney and carried unanimously.

**H. IT services vendor (recruitment):** DeVaney stated that since Bill Stone would be retiring, the town would need to find another contracted IT service provider. DeVaney stated she had contacted Gray & Creech and met with the potential vendor about possible services. Whitaker stated that staff already had meetings lined up and would bring a recommendation to Council.

**I. Projects dashboard spreadsheet:** DeVaney asked for this so Council could see the status of every project over its life. Clay stated he was working on this with Hall and should have something at the next meeting.

**J. Summerfield Paw Park wayfinding signage:** DeVaney asked for an update. Whitaker stated the Parks and Rec Director had met with the homeowner at the corner of Summerfield Road and Medearis Street. After discussion, it was decided that a small wayfinding sign would be added to an existing pole that contained the street name.

**OTHER BUSINESS**

DeVaney stated she wanted all the General Assembly email contact information to be posted on the town’s website so citizens could copy and paste easily. Doggett recognized his father, Clark Doggett, for his 6 years of service on the Planning Board, and it was stated he would be acknowledged in April. Sessoms stated that this would be Hornik’s last regular meeting with Council and thanked him for his legal counsel and willingness to always be there and help the town. Sessoms stated his great respect for Hornik and added that other attorneys had always spoken highly of him regarding town issues. He stated that he would be missed.

**ADJOURNMENT**

DeVaney motioned to adjourn the meeting, the motion was seconded by Doggett, and carried unanimously. The meeting was adjourned at 12:03am.

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*Tim Sessoms, Mayor*

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*Sarah Tibbetts, Town Clerk*