



C O U N C I L M I N U T E S F E B R U A R Y 1 2 , 2 0 1 9 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 6:30pm by Gail Dunham. Pastor Danny Janes, of Liberty Wesleyan Church, provided the invocation, followed by the Pledge of Allegiance. The following were present:

Council

Gail Dunham, Mayor
 Dena Barnes, Mayor Pro-tem
 Dianne Laughlin
 John O'Day
 Teresa Pegram

Staff

Scott Whitaker, Town Manager
 Dee Hall, Finance Officer
 William Hill, Town Attorney
 Lance Heater, Town Clerk

O'Day made a motion to excuse Reece Walker from the meeting due to illness. This was seconded by Barnes and carried unanimously.

CONSENT AGENDA

Upon motion by O'Day, seconded by Barnes and carried by a vote of 3-1 (Pegram opposed), the consent agenda was approved. It consisted of the meeting agenda, open session minutes of 1/8, 1/15 and 1/24, Council budget amendment #2 and a secondary road resolution for Strader Court.

ANNOUNCEMENTS

Whitaker noted that the Historical Committee would be holding two public information workshops to be conducted by Ray Parrish 1/21 and 1/28 at the Community Center. Whitaker also announced that Republic Services would be holding a solid waste and recycling presentation 3/5, also at the Community Center.

EMERGENCY SERVICES REPORTS

- A. **Summerfield Fire District:** During January there were 40 fire-related calls, 59 EMS calls and 70 other calls for a total of 169. The department warned about the dangers of burns from hot water and reminded those of the upcoming Stop, Drop & Roll 5K event 3/20.
- B. **Guil. Co. Sheriff's Dept.:** During January there were 129 Summerfield calls (2 were part-one).

COMMITTEE / BOARD / EVENT REPORTS

- A. **Finance:** The Finance Committee did not meet in January.
- B. **Historical:** Gary Brown reported on the activities of the Committee during January, which included a laser video project that had been completed for the Saunders Inn.
- C. **Trails & Open Space:** Jane Doggett reported on the activities of the Committee during January and voiced support for the sidewalk project from the tunnel under US-220 to Summerfield Road.



D. Founders' Day: Whitaker reported that planning for the 5/17-18 event was proceeding well.

ATTACHMENTS FOR COUNCIL'S INFORMATION

Council received the following information, with no action being taken: committee minutes, event after-action reports, and the financial report for January.

PUBLIC COMMENTS

Beth Kaplan, 7979 Highfill Road, expressed support for the sidewalk project from the US-220 tunnel to Summerfield Road, citing it as being consistent with the Summerfield Comprehensive Plan.

Danny Nelson, 2500 Pleasant Ridge Road, distributed copies of NCGS 1-521 and asked that it be attached to the minutes by reference. Nelson stated that the statute prohibited public funds to be expended for payment of counsel fees in the lawsuit of Rotruck v. Laughlin. Hill disagreed with this interpretation of the statute.

Dwayne Crawford, 1106 NC-150 West, spoke in support of Danny Nelson's position and asked to see the Non-Disclosure Agreement that Council members were being asked to sign and questioned whether any other towns requested such an agreement from Council members.

PUBLIC COMMENTS RE: FY2019-20 BUDGET

No persons having signed up to speak under this section, Dunham asked Whitaker for budget-related comments. Whitaker reviewed items discussed during the 1/25-26 Council retreat, stating that the meeting was the beginning of budget planning activities for the Town. Whitaker noted that major topics included tablets for Council members, permanent meeting space for the Town, and requests from Parks & Recreation for equipment and an additional seasonal employee.

Dwayne Crawford reminded Council that a previous budget had included a provision for citizens to apply for a Comprehensive Plan amendment. Such an application was made; however, Council took no action on it and directed the fee be refunded. Crawford asked that Council take action on the application prior to adopting a new UDO.

Dunham stated that she was supportive of trails, but cost needed to be considered in relation to the proposed sidewalk project.

COUNCIL AND MANAGER RESPONSE TO COMMENTS – *(none)*

BUSINESS FROM TOWN MANAGER

A. Uniform Development Ordinance (UDO) rewrite proposal: Whitaker reviewed the progress of the Zoning Board's effort to review the UDO, noting that the Planning Director had left Town employment at the end of November and that the Zoning Board had requested contracted assistance with completing the review. At the 1/24 meeting, Council considered a presentation for services from McGill Associates, but tabled action pending feedback from the Zoning Board. At the 2/11 Zoning Board meeting, Richard Smith of McGill was present to provide information and receive input from the Zoning Board. Zoning Board members George (Jeff) Davis, Scott



Henson, and Trudy Whitacre were present to support the project and request an additional 6 meetings using the consultant to assist the Board with its UDO review. Whitaker stated that after consultation with the Zoning Board, the request was now for a total of 14 meetings at an estimated cost of \$40,375. A formal proposal from McGill for this amended scope of work would be forthcoming. Whitaker noted that this would require approval of a budget amendment. After discussion, O'Day made a motion to approve the proposal from McGill Associates in an amount not to exceed \$40,375. The motion was seconded by Barnes and approved unanimously.

- B. Trails & Open Space Committee appointment:** Whitaker stated that the action would be a new appointment, not a replacement because the Committee had the minimum requisite number of resident members and that it was the decision of Council whether the appointment would be through 7/21, as most of the Committee members terms expire 7/19. Pegram suggested that the Town notify residents of upcoming Committee openings on the Town website. Upon motion by O'Day, seconded by Laughlin and carried unanimously, Paul Lambrecht, 7707 Summerfield Road, was appointed to a term ending 7/21 on the TOS Committee.
- C. Reports, updates, or comments:** Whitaker reported that 1) wireless internet service was functional for Council and staff at the Community Center; and, 2) staff was researching training opportunities for the Zoning Board and Board of Adjustment.

BUSINESS FROM MAYOR AND COUNCIL

- A. Creek Week proclamation:** The Mayor read a proclamation declaring March 23–31 as “Creek Week” in Summerfield, the text of which encouraged residents to observe the value of clean waterways and to participate in volunteer cleanup events.
- B. Non-disclosure agreements re: closed sessions:** O'Day asked Dunham and Pegram why they hadn't signed NDAs as requested by Attorney Hill. There was discussion regarding the request. Pegram stated she refused to sign on the advice of her attorney. Hill stated his intent with requesting the agreements was to encourage Council to operate as a body and he felt the execution of NDAs would assist Council in working as a body and moving forward. In response to a question, Hill stated that members could not be excluded from attendance at closed sessions for refusal to sign. Pegram stated that she had inquired with UNC-SOG as to whether any other state localities had asked Council members to execute NDAs and the answer she was given was that they were not aware of any. She again stated that she would not sign. Hill stated that his job was to represent and advise Council as a body and he could not do that effectively if individual members divulged information from closed sessions. O'Day asked Dunham and Pegram to sign the document so that all Council members would operate under the same agreement. Dunham stated the document was more oriented toward private corporations than government. She stated that the request stemmed from a 4/23/18 closed session that she described as “a travesty.” She said that Hill had described the actions in that meeting as “appropriate,” which she disputed. There was discussion of a closed session recording that Dunham had made and an edited version she had posted online. In response to a question from O'Day, Hill stated that only the Council as a body could release contents of closed session minutes.
- C. Term of Council seat vacancy appointees (attorney update):** Hill stated that he had spoken to Rep. Hardister, who had put him in contact with the bill drafting staff of the General Assembly



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and it was his intention to provide the documentation necessary for the legislation amending the Charter to be drafted and introduced.

D. Reports, updates or comments: *(none)*

OTHER BUSINESS

Whitaker stated that Freese and Nichols would complete the preliminary engineering steps 1 and 2 for the sidewalk project from the US-220 tunnel to Summerfield Road prior to the March Council meeting and explained the tight deadlines. He asked for approval to move forward with the project once those steps were complete, provided that the projected costs did not exceed a Council agreed-upon amount. The FY2018-19 Budget included \$70,000 for the project and he had confirmed that a total of \$83,334 in grant funding could be applied toward the project. Whitaker stated he had spoken to Council member Walker (not present), who was in favor of approval of up to \$150,000 for the project, provided the grant funds could be used. O'Day made a motion to appropriate \$83,000 in grant funds toward the project, for a total project cost not to exceed \$150,000. The motion was seconded by Barnes and carried by a vote of 3-1 (Pegram opposed).

Hill reported that he and the Town's contracted code enforcement official hoped to meet with the attorney for the defendant in the action of Town of Summerfield v. Harold Daniel, Jewel Hopkins, Lonnie Daniel (case re: junked/abandoned vehicles, storage of junk/debris) in the next week to resolve the matter.

Upon motion by O'Day seconded by Laughlin and carried unanimously, the meeting was adjourned at 8:25pm.

 Gail Dunham, Mayor

 Lance G. Heater, Town Clerk