



C O U N C I L M I N U T E S M A R C H 1 3 , 2 0 1 8 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. Phyllis Coates, former pastor of Peace United Methodist Church, provided the invocation, followed by the Pledge of Allegiance. The following were present:

Council

Gail Dunham, Mayor
 Dena Barnes, Mayor Pro-tem
 John O'Day
 Teresa Pegram
 Todd Rotruck
 Reece Walker

Staff

Scott Whitaker, Town Manager
 Dee Hall, Finance Officer
 Carrie Spencer, Planning Director
 William Hill, Town Attorney
 Lance Heater, Town Clerk

CONSENT AGENDA

Upon motion by Rotruck, seconded by Barnes and approved unanimously, the consent agenda was approved. It included the meeting agenda, open and closed minutes for 2/13, open session minutes for 2/20, and the financial report for the period ending 2/28.

ANNOUNCEMENTS

Dunham announced that Council would hold a special called meeting on 3/17 at the Community Center for the purpose of continuing UNC School of Government training related to roles and expectations within the council-manager form of government and that a special called meeting would be held 3/20 at Town Hall for the purpose of conducting a budget work session.

PUBLIC COMMENTS

John Doggett, 7962 Highfill Road, spoke against an online editorial which called for the removal of Beth Kaplan from the UDO Committee.

Rich Colter, 8005 Smithstone Court, was recognized by the Mayor for leading a group which had collected trash in Summerfield Community Park, and described geocaching activities, noting that several geocaching locations were located in the park.

Gail Stanley, 6009 Morganshire Drive, criticized what she characterized as disrespectful behavior on the part of incumbent Council members and the Manager and also asked that Planned Development be removed from the UDO draft.

Frank Ficca, 6300 Westcott Drive, reviewed part of a 2015 property condition assessment report on the Martin House and questioned whether a building permit should have been obtained prior to certain repairs being made on the property.

Geoffrey Gregg, 6108 Percheron Trail, stated that Town expenditures had exceeded revenues for several years and expressed opposition to this. He also expressed opposition to the Town funding restoration of the Gordon Building and Martin House.



Cheri Pikett, 7804 Robinson Road, spoke in favor of the Council reviewing the Manager's personnel file prior to renewal of his contract. She also supported the removal of committee members who speak disrespectfully to Council members.

Dwayne Crawford, 1106 NC Highway 150 West, read from the minutes of the former Public Safety Committee relating to the depiction of a "strained relationship" between that Committee and the fire department, stating that it was only between the Chief and himself.

Priscilla Olinick, 3100 Pleasant Ridge Road, noting that the Development Ordinance was not aligned with the Comprehensive Plan, stated that this made the Town vulnerable to legal challenges and urged the elected officials and staff to complete the edits to the Development Ordinance.

Elizabeth McClellan, 7103 Lentz Court, expressed concern that the Development Ordinance update had not been completed. She also supported the opening of the Manager's personnel file for the purpose of Council completing a performance review. She stressed the need for equal treatment of committee members. She stated that when she was on Council, she was told that the Martin House was secure and stable; however, the report cited by Frank Ficca indicated to her that it was not.

Doug Stanley, 6009 Morganshire Drive, expressed concern regarding expenditures for the Gordon Building, Martin House, trails and open spaces, Summerfield Athletic Park, and Town Hall.

Bill North, 3090 Pleasant Ridge Road, criticized work done in the Martin House as unfinished yet paid for and expressed opposition to the plans put forth for the Gordon Building.

Dana Luther, 5406 Deer Trail Road, questioned the policy on employee longevity pay, expressed opposition to the lack of policy on security cameras, reviewed and criticized historical expenses related to the UDO rewrite, expressed opposition to the proposals regarding the Gordon Building and Martin House, and deficit spending.

COMMITTEE / BOARD/EVENT REPORTS

- A. **Finance:** Hall said the committee had met 2/19 and recommended changes to the Cash Management and Investment Policy.
- B. **Historical:** Linda Southard reported the committee would be meeting 3/29.
- C. **Trails and Open Space:** Jane Doggett reported the committee would be meeting 3/21.
- D. **UDO Review:** Spencer noted that all policy areas had been reviewed except housing and water.
- E. **Founders' Day:** Whitaker reported the event was scheduled for 5/18-19 and individuals interested in being a parade participant, vendor, sponsor, or volunteer should contact town hall.

EMERGENCY SERVICES REPORTS

- A. **Summerfield Fire District:** In February, the Fire District ran 23 fire-related calls, 60 EMS calls and 20 other. Call total was 103 incidents; 17 car seats and 3 smoke detectors were installed. The annual Easter Egg Hunt is scheduled for 3/25 and the Stop, Drop & Roll 5k is scheduled for 4/7. There was a reminder to check dryer vents for fire hazards.



- B. Guil. Co. Sheriff's Dept.:** District 1 responded to 121 calls in Summerfield in February. All crimes declined 51% from February 2017.
- C. Guil. Co. Emergency Services:** No report.

PUBLIC HEARING/ACTION REGARDING SPECIAL USE PERMIT AMENDMENT TO DEVELOPMENT ORDINANCE

The Mayor declared the public hearing open. There being no persons present to speak regarding this matter, upon motion by Rotruck, seconded by Barnes and carried by unanimous vote, the public hearing was closed. Spencer noted that two of the uses in the Development Ordinance that require Special Use Permits have Development Standards in Article 6-4 that require an annual renewal. Article 3-13.4, however, states that a Special Use Permit shall be binding upon the property unless changed or amended by a new or amended Special Use Permit. Spencer stated the conflict between these sections of the ordinance has created confusion and that statutory changes for quasi-judicial permits have clarified and validated the perpetually binding ordinance over that of annual renewal. Upon motion by Rotruck, seconded by Walker and carried by unanimous vote, Council approved the text amendment which eliminated the annual renewal requirement for special events facilities and turkey shoots because the request was consistent with the Town's adopted Comprehensive Plan and was reasonable and in the public interest because these uses will continue to be subject to all other provisions of their Special Use Permits.

BUSINESS FROM TOWN MANAGER

- A. Republic Services (recent trash/recycling complaints):** Whitaker stated that he had invited Tony Krasienko, Municipal Services Manager, and Bobby Needham, Division Manager, from Republic Services to be present to respond to concerns from citizens regarding trash and recycling collection. Krasienko reviewed efforts to re-route its services, which have resulted in shortfalls in service during the re-routing process. Krasienko and Needham responded to a number of questions from Council and members of the audience and stated that trash and recycling pickup would again be collected on the same day beginning the week of 4/16.
- B. Trails & Open Space Committee appointment:** Barnes reported that she and O'Day had interviewed Jennifer Hodge, 5803 Francis Marie Court, and made a motion, seconded by Walker, to appoint Hodge to the Committee to fill an unexpired term ending 6/19. The motion carried unanimously.
- C. Revision of Cash Management and Investment Policy:** Whitaker noted the policy had last been amended by Council in December. He stated staff had requested that the North Carolina Department of State Treasurer review the policy and offer suggestions that would further fine-tune and update it. The Finance Committee reviewed suggested changes and recommended approval as presented. Upon motion by Barnes, seconded by Walker and carried by unanimous vote, the revisions were approved.
- D. Council budget amendment #4 (FY17-18):** Hall noted that it was unlikely that these expenses would result in an overall increase in the actual transfer from fund balance over what was originally budgeted because large capital projects budgeted had been put on hold and would not be expended as budgeted. Dunham stated that she would prefer that the additional expenses be



covered through transfers from existing expenditure line items and not be funded through an increase in the transfer from fund balance. Hall explained this wasn't always possible given the constraints of the adopted budget and budget ordinance. Upon motion by Barnes, seconded by Walker and carried by unanimous vote, Council approved a total increase in expenditures of \$12,390 to be taken from the undesignated fund balance to be used as follows: \$1,600 Governing Body Training/Education; \$2,790 SAP Entrance Development; and \$8,000 SAP Grounds Improvement.

- E. Date or venue change re: scheduled 5/8 Council meeting:** Whitaker stated that the 5/8 meeting was in conflict with the primary election, as the community center is a polling location. Upon motion by Walker, seconded by Rotruck and carried by unanimous vote, Council rescheduled the meeting to 5/10 at the community center.
- F. Reports, updates, or comments:** Whitaker reported the following: 1) load testing of the town generator had been performed that day at Summerfield United Methodist Church; 2) Parks & Recreation Director Jeff Goard had re-stripped the parking lots at SAP, thereby avoiding the cost of using a contractor; 3) Timmons Group was working on the final mapping for the water study project and it was considering how to present the final results to the 4 participating jurisdictions; 4) the Town would participate with the Summerfield Merchants Association in their welcome box project for new residents; and, 5) Planner Sean Taylor had resigned to accept a position with the Town of Oak Ridge. In response to earlier concern expressed regarding the need for a building permit for work done on the Martin House, Whitaker noted that the 2015 property assessment report referenced by Frank Ficca had been provided to Council prior to purchase and had been provided subsequently to others as requested. Whitaker stated that a building permit would be obtained for the Martin House, noting that the work had originally not been of a scope that warranted a permit, but that it had become more extensive, thereby requiring one.

BUSINESS FROM MAYOR AND COUNCIL

- A. Martin House, Gordon Building, intersection master planning:** Dunham stated that Whitaker had reported to the Finance Committee that these projects were at a standstill until Council could provide further direction. Dunham requested that Council members provide input on these issues for the purpose of budget planning. In response to a question from Pegram, Whitaker stated that he had not explored the installation of a well on the Martin House property because the plan all along had been to utilize the next-door well on the Gordon Building parcel via a line to be run under Summerfield Road. Walker stated that his vision for the Martin House would be to preserve it. Walker said the Gordon Building would make a good place for meeting space, but that the cost of renovation which had been put forth was too great. In response to a request from the Mayor, Linda Southard, Historical Committee Chair, said the Committee would prefer to see the Martin House used as a museum with office space as a part. Rotruck voiced support for an open house for the properties to determine if the public wanted to make the investments to retain and reuse them. Dunham stated she supported obtaining official approval from Guilford County for the well and septic service for the Martin House and in the meantime, conduct an open house and utilize community expertise to make recommendations. Whitaker stated he needed clarity because he had been recently directed to not spend any funds on these buildings. He stated that Council needed to be clear about what they wanted him to do



and what budget he would have to work with. O'Day asked for, and Rotruck concurred, that Whitaker get written confirmation from the County regarding the plans for well and septic for the Martin House. In response to concerns expressed by Dunham, Whitaker stated the 2015 property condition report indicated the Martin House was stable and the items in the report regarding the flooring had been addressed. O'Day asked that Whitaker get information on what it would take to provide septic service for the Gordon Building using the existing system on the northern tract (acreage) across NC-150, while still providing the flexibility to use the majority of that property for another use or sale. Regarding the intersection, Dunham suggested that any further investigation be tabled until the use of the Martin House and Gordon Building was determined. Spencer suggested that a meeting be held between NCDOT, WithersRavenel, staff, and other interested parties to informally discuss the project.

- B. Open house for Martin House and Gordon Building:** In response to a question from O'Day, Hill stated that if an open house were held, all persons entering the properties would need to sign a waiver absolving the Town from liability. Hill reported that the Town's liability insurance would cover an event, but that the carrier suggested that safety precautions should be taken, such as roping off areas which should not be entered. Walker expressed support for Whitaker's suggestion that a video of the properties be created which would be presented at a public meeting and posted on the Town's website and Facebook page. After discussion regarding the scheduling of an open house, it was agreed it would be on the April Council agenda.

The meeting was recessed at 9:50pm and reconvened at 9:58pm.

Upon motion by Barnes, seconded by Rotruck and carried by a vote of 4-1 (Walker voting against), Council recessed the meeting to be reconvened 3/20 at Town Hall following the scheduled budget planning session.

MEETING RECONVENED MARCH 20, 8:15PM, AT TOWN HALL

Dunham called the meeting to order. All members of Council were present. In addition, Attorney Hill, Manager Whitaker, Finance Officer Hall, and Clerk Heater were present.

BUSINESS FROM MAYOR AND COUNCIL

- C. Acceptable behavior of committee members:** Hill reviewed the Manager's role with regard to the Consolidated Committee Ordinance in a situation where a complaint is filed against a committee member, which was to review, investigate, and make a recommendation to Council. In this instance, the Manager reviewed a complaint lodged against UDO Review Committee member Beth Kaplan and recommended that the Mayor, Mayor Pro-tem, and Kaplan meet to review appropriate committee member behavior and a path forward. The specific complaint was



regarding section L-2 of the Ordinance which cites “verbally or physically abusive behavior toward the public, members, staff or Council.” Rotruck stated that there was a higher standard of behavior expected of committee members than that of the general public. Rotruck stated that Kaplan was asked to stop in December, but that the behavior instead accelerated. Whitaker stated that he had received two requests: one from Dunham and one from Rotruck (the first was

initiated by Dunham 1/2 and followed up by Rotruck 2/23). Whitaker stated that he had investigated, that Planning Director Spencer had spoken with Kaplan briefly in December, and stated his recommendation that the Mayor, Mayor Pro-tem, and Kaplan meet. Dunham stated that she did not have time in her schedule to attend such a meeting. Pegram cited what she described as unequal treatment of committee members under the Ordinance. O’Day stated that, in his opinion, Kaplan’s comments did not rise to the level of “abusive.” There was much discussion among Council members regarding the definition of abusive behavior/language, whether the same standards applied to the Mayor and Council members, equal enforcement of policies, and freedom of speech. Barnes made a motion as follows: “As Council is in receipt of a complaint against a committee member, when weighing the actions of the accused versus the work of the individual as a UDO Committee member, it is deemed appropriate to give her an oral reprimand while allowing her to serve and continue the work of the committee.” This motion died for lack of a second. Pegram made a motion to remove Kaplan from the Committee due to two complaints of verbal abuse of Council members as a committee member. This motion was seconded by Rotruck. Walker made a substitute motion to “take no action, remembering the Mayor’s unwillingness to meet with the accused party to work towards a positive outcome.” This motion was seconded by Barnes and passed 3-2 with Pegram and Rotruck voting against.

- D. Town hall security cameras:** Whitaker noted that security cameras had been removed from Town Hall. In response to a question from Dunham, Whitaker stated that he had received two public records requests for video from the cameras and they were in the process of being filled. Pegram stated that there should have been a policy regarding the cameras prior to them being installed. There was a general discussion regarding the need for a policy, reasons for installation, and reasons for removal. In response to a question, Hill stated that neither the installation nor the removal of the cameras was illegal.

CLOSED SESSION

Barnes made a motion at 9:45pm to enter into closed session to consult with an attorney and in order to preserve the attorney-client privilege as provided under NCGS 143-318.11(a)(3). This was seconded by Walker and carried unanimously.

Barnes made a motion at 10:08pm to return to open session. This was seconded by Rotruck and carried unanimously.

OTHER BUSINESS

Dunham stated that the Manager’s contract stated that he must comply with statutes, ordinances, etc. and the Council had not given him permission to not seek required permits for work done on the Town’s behalf. Whitaker stated that with the exception of the Martin House building permit



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which he had already addressed, all required permits for work done on the Town's behalf had been obtained. In response to a question, Hill confirmed that all required permits had been obtained.

In response to an inquiry from Dunham, it was the consensus of Council that a policy on longevity increases would be developed by the staff by August.

In response to a question from Dunham, Planning Director Spencer stated that the Timmons Group had asked the Town to identify priority growth areas and asked for a long-term projection on

housing density in order to properly size water lines in the regional water feasibility study. Spencer said that she had stated that, in her professional opinion as a planner, she didn't anticipate any density changes anywhere except perhaps in specific places where the density would be no more than two units per acre.

Walker made a motion to take no action with regard to the security cameras; however, if the Manager decides to re-install them in town hall, the Town will maintain a database of 30 days of recordings in accordance with the Town's records retention policy (which mirrors State law). This motion was seconded by O'Day. A friendly amendment was made and seconded to provide notification in the event of re-installation. Rotruck made a substitute motion that in the event cameras are re-installed, a policy needs to be developed with regard to them. This motion was seconded by Pegram and failed 2-3 (O'Day, Walker, and Barnes voting against). The original motion was approved 3-2 (Pegram and Rotruck voting against).

Upon motion by Walker, seconded by Rotruck and carried by unanimous vote, the meeting was adjourned.

Gail Dunham, Mayor

Lance G. Heater, Town Clerk