



C O U N C I L M I N U T E S M A Y 1 4 , 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 Bill Young of the Cowboy 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 (absent)
 John O'Day
 Teresa Pegram
 Reece Walker

Staff

Scott Whitaker, Town Manager
 Lance Heater, Town Clerk
 William Hill, Town Attorney (arrived 6:47pm)

Upon motion by O'Day, seconded by Barnes and carried unanimously, Dianne Laughlin was excused from the meeting due to illness.

CONSENT AGENDA

Upon motion by Barnes, seconded by O'Day and by a vote of 3-1 (Pegram opposed), the consent agenda was approved. This consisted of the meeting agenda (as amended to remove Item 12A), open session minutes for 4/9 Council budget amendment #5.

ANNOUNCEMENTS

Whitaker noted upcoming events as follows: Founders' Day on 5/17-18, Movie in the Park on 5/24 and the special called Council meeting scheduled for 5/30 to hear a presentation on the proposed FY19-20 budget from the Town Manager. Dunham detailed upcoming Zoning Board UDO work sessions as well as the public hearing on the FY19-20 budget scheduled for 6/11. Walker noted that NC DOT had responded to Council's request to study speed limits on Lake Brandt Road, stating that the issue had been studied in October 2018 and therefore would not be studied again at this time.

EMERGENCY SERVICES REPORTS

A. Summerfield Fire District: In April there were 19 fire calls, 53 EMS calls and 24 other calls for a total of 96 incidents. In response to a question from Pegram, Fire Chief Johnson stated that he did not have statistical information for calls located solely within the Town of Summerfield.

B. Guil. Co. Sheriff's Dept.: There were 158 calls for service in Summerfield in April. Overall crime reports decreased 5% from 4/18 to 4/19.

***Town Attorney Hill arrived at this point in the meeting.**

COMMITTEE / BOARD / EVENT REPORTS

A. Finance: The Committee met 4/15 and reviewed the preliminary budget draft.

B. Historical: Gary Brown reported on the 4/25 meeting of the Committee.



- C. Trails & Open Space:** Jane Doggett reported on Committee activities during April. In response to a question from Dunham, Doggett stated that the Committee was still working on the Trails Map and it was not yet finalized for presentation to Town Council.
- D. Founders' Day:** Whitaker reported on the 5/9 meeting of the Committee and stated there was still room for additional parade entries.
- E. Zoning Board:** Richard Feulner reported on the Board's progress in developing the draft UDO, stating that a printed copy of the draft should be available by mid June. Feulner recommended that a legal review of the draft be conducted prior to any public hearings and that he anticipated public hearings would not be conducted until after Labor Day.

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 April.

PUBLIC COMMENTS

Dwayne Crawford, 1106 NC-150 West, asked for a statutory citation which allowed the Town to engage outside counsel and to pay legal fees in the *Rotruck v. Laughlin* case.

PUBLIC COMMENTS RE: FY2019-20 BUDGET:

Dwayne Crawford questioned the salary level of the Town Manager, citing comparative salaries for NC local government managers.

COUNCIL AND MANAGER RESPONSE TO COMMENTS

Hill stated that the Town relied on an opinion from outside counsel firm Nelson Mullins that the *Rotruck v. Laughlin* suit was not against Laughlin as a person, but as someone occupying a seat, which is an official capacity. Hill stated that in his opinion, it is a claim against the Town, which had a duty to defend the case.

BUSINESS FROM TOWN MANAGER

- A. Bid award for SCP parking lot improvements project:** Whitaker reported that \$200,000 was included in the budget for the project. \$38,140 was the estimated cost for engineering. The bid opening was conducted 5/14 and the apparent low bidder was Bar Construction with a bid of \$143,214.19. Whitaker noted that with a 55 day construction timeline, it was expected that the project would not be completed by 6/30, and therefore half of the project cost would need to be included in the next budget year. Upon motion by Walker, seconded by O'Day and carried unanimously, the contract was awarded to Bar Construction in the amount of \$143,214.19.
- B. Reports, updates, or comments:** Whitaker reported that the Town received 2 bids for the US-220 sidewalk project, therefore it would need to be readvertised and rebid. The new bid opening date is 5/23. Whitaker also reported that 1) the SAP Shelter project was progressing and should be completed during the current fiscal year; 2) pole banners had been replaced on Oak Ridge Road,



Summerfield Road and SAP; 3) the Town would be selling 3 Dell desktop computers as surplus; and 4) the Board of Adjustment members had attended BOA training on 5/8.

BUSINESS FROM MAYOR AND COUNCIL

A. Town v. Daniel, Hopkins, Daniel: Hill referred to a consent order contained in the Council packet which had been signed by the defendants in the case. Hill requested a motion to authorize him to sign the order. Hill responded to a number of questions from Pegram regarding the matter. Pegram made a motion to dismiss the case which died for a lack of a second. Upon motion by O'Day, seconded by Barnes and carried by a vote of 3-1 (Pegram opposed), Council authorized Hill to execute the order.

B. Attorney updates: 1) Rotruck v. Laughlin; 2) Halvorsen v. Town: Hill reported 1) the *Rotruck v. Laughlin* case had been dismissed by Judge Hall; and 2) the *Halvorsen v. Town* suit had been settled for a nominal sum of \$10,000 by the NC League of Municipalities, the Town's insurance carrier. Pegram made a motion to allow for Council members to have a confidential examination of Halvorsen's personnel file. The motion died for lack of a second. O'Day noted that he might support such a motion if Halvorsen provided a signed release (such document to be approved by the Town Attorney).

C. Reports, updates, or comments: Dunham stated that she would represent the Town on the Citizens Advisory Committee relating to a noise update study as requested by a letter from the PTI Airport Authority Executive Director. There was a discussion regarding the process for appointing this position. Upon motion by Walker, seconded by O'Day and carried by a vote of 3-1 (Pegram opposed), Council voted to post the volunteer opportunity on the Town's website.

CLOSED SESSION

Walker made a motion at 8:17pm to go into closed session for the purpose of (1) consulting 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); (2) addressing the amount of compensation and other material terms of an employment contract as provided under NCGS 143-318.11(a)(5); and (3) considering the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual employee as provided under NCGS 143-318.11(a)(6). This motion was seconded by O'Day and carried unanimously.

Walker made a motion to return to open session at 9:35pm, seconded by Barnes, which carried unanimously.

Dunham stated that Town Council had decided to post a notice for an opening for the Town Attorney position and that Hill would continue in that role at his current rate of compensation.

Upon motion by O'Day, seconded by Walker and carried by a vote of 3-1 (Pegram opposed), the Town Manager's salary was increased by 3% effective 6/12/19.

Upon motion by O'Day, seconded by Barnes and carried by a vote of 3-1 (Pegram opposed), an amendment to the Town Manager's employment contract was approved. It changed the first sentence of Section 4(B) of the contract to read as follows: "In the event Employee is terminated by the Council before expiration of the aforesaid term or extended term of employment and during



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such time that Employee is willing and able to perform his duties under this Agreement, then in that event Employer agrees to pay Employee lump sum cash payment equal to ~~six (6)~~ **twelve (12)** months aggregate salary, benefits and deferred compensation.”

OTHER BUSINESS

Walker made a motion to add items to the 5/30 special called meeting as follows: 1) consideration of an appointment to the PTAA Citizen Advisory Committee related to the Noise Compatibility Planning Study as requested in a letter from the PTAA Executive Director; and 2) bid award for the US-220 sidewalk project. This motion was seconded by O’Day and carried by a vote of 3-1 (Pegram opposed). These items were in addition to the previously-announced item of hearing a presentation from the Town Manager of the FY19-20 budget proposal.

Upon motion by Walker, seconded by Barnes and carried unanimously, the meeting was adjourned at 9:51pm.

Gail Dunham, Mayor

Lance G. Heater, Town Clerk