

1 **Town of Pleasant Garden**
2 March 11, 2008
3 Kirkman Municipal Building

4
5 **Minutes**
6 Town Council Regular Monthly Meeting
7

8 **In attendance**

9 Mayor Anne Hice
10 Councilwoman Chris Johnson
11 Mayor Pro Tem Nancy Jo Smith
12 Councilman Rick Wallace
13 Councilman Bob Wyrick
14

15 **Also in attendance**

16 Sandy Carmany / Interim Town Clerk
17 Don Vaughan / Town Attorney
18 Kim Payne/Acting Finance Director
19 Lynn Willis / *Pleasant Garden Post*
20

21 **Audience**

22 40+
23

24 **Call to Order**

25 Mayor Hice called the meeting to order at 7:00pm.
26

27 Councilwoman Johnson delivered the invocation.
28

29 Mayor Hice led the Pledge of Allegiance.
30

31 **Roll Call**

32 Interim Town Clerk Carmany called the roll, and all members were in attendance. A quorum was
33 present.
34

35 **Approval of Minutes**

36 **MOVED by Mayor Pro Tem Smith to approve the minutes of the February 12, 2008 meeting,**
37 **seconded by Councilwoman Johnson. APPROVED, 5-0.**
38

39 **MOVED by Mayor Pro Tem Smith to approve the minutes of the February 18, 2008 meeting.**
40 **APPROVED, 5-0.**
41

42 **Approval of Agenda**

43 **MOVED by Mayor Hice to approve the agenda, seconded by Mayor Pro Tem Smith.**
44 **APPROVED, 5-0.**
45

46 **Public Comment**

47 *Larry Proctor of 4957 Friendly Farms Road* introduced himself as an at-large candidate for the
48 Guilford County Commission and explained why he is running for that office.

1
2 *Alan Marshall of 2318 Carlford Road* read a quote from the *Declaration of Independence* referring to
3 the consent of the governed. He is unhappy with Town Council's action to withdraw support for the
4 recall petition [HB1195] at the last meeting and is leading a petition drive to get the Town Council to
5 reconsider that action. He has collected approximately 180 signatures since he started on March 1.
6 (*copy attached*) People are tired of the Town Council fighting and arguing instead of working for the
7 Town. He requested that the Town Council vote on it tonight with an amendment to Section 6-11.
8

9 *Jean Greeson of 700 Ritters Lake Road* apologized for her remarks about Terry Lee and the Town
10 Council at the public hearing earlier in the evening. She agreed with Alan Marshall's remarks and
11 pointed out that members currently serving on the Town Council might not be there in the future and
12 might want to use the recall provision to get rid of future councilmembers. She criticized the three
13 women members of the Town Council and suggested they learn more about government. She also
14 objected to using Randy Billings and other "outsiders" to advise on Town Council matters.
15

16 *Dr. Peter Rojeski of 1427 Talbot Road* expressing his displeasure about the sign-up form used at the
17 previous public hearing, noting that some people spoke twice at the hearing. There was nothing on the
18 form indicating this was permissible and cited it as an example of the Town Council not doing things
19 well. He asked that the councilmembers learn to work together.
20

21 **MOVED by Mayor Hice to close the public comments**, seconded by Mayor Pro Tem Smith.
22 **APPROVED, 5-0.**
23

24 **Consent Agenda**

- 25 A. *Amendment to the Resolution of Intent for the National Flood Insurance Program: Interim*
26 Clerk Carmany explained that the original resolution erroneously designated the Guilford
27 County Planning and Development Department. The wording should be corrected to appoint
28 the mayor as the official person with the authority to carry out the program who in turn
29 contracts with the Planning Department to do the work. "Guilford County Planning and
30 Development Department" should be deleted in two places and "Mayor of Pleasant Garden
31 inserted."
32 B. *Motion from the Recreation Board about speed limit and safety signs on Alliance Church*
33 *Road:* In response to safety concerns on the soccer fields near the road, the Recreation Board
34 has requested that the speed limit be lowered on Alliance Church Road from Town Hall to the
35 intersection with Neeley Road to 35MPH with signs saying "Children at Play" to be erected.
36

37 **MOVED by Councilwoman Smith to approve the Consent Agenda**, seconded by Mayor Hice.
38 **APPROVED, 5-0.**
39

40 **Reports**

- 41 A. *Interim Town Clerk Carmany* stated there are items on this meeting's agenda addressing
42 needed upgrades in the Council Chamber sound and recording system and the Town Hall
43 computer system. Because of concerns about the security and fire alarm system needs to have
44 phone service at all times, she is no longer investigating switching the phone system over to
45 Time-Warner. She noted that a representative from AT&T had contacted her recently and
46 identified some possible cost savings with the current service. The Pleasant Garden Fire
47 Department will be conducting an annual fire inspection of Town Hall by April 1.
48

1 Interim Clerk Carmany reported on the February 18, 2008 meeting of the Greensboro MPO and
2 the status of the proposed interchanges on US 421 with Woody Mill Road and with Neeley
3 Road. Air quality has improved in the Triad region and the EPA should soon declare us in
4 attainment of the 8-hour ozone standard. NCDOT is still facing significant funding shortfalls.
5

6 The 2008-09 budget process will begin soon. If councilmembers have specific services or
7 projects they want to be considered in the budget, that discussion should occur soon so that
8 staff has sufficient time to research any costs. *(copy of full report attached)*
9

10 Interim Clerk Carmany presented a request from the Pleasant Garden Community Center to
11 renew the Town's sign on the Pinto ball field. *(copy attached)*

12 **MOVED by Mayor Hice to renew the Pleasant Garden Community Center ballfield sign**
13 **for one year at a cost of \$250, seconded by Councilwoman Johnson. APPROVED, 5-0.**
14

15 Interim Clerk Carmany shared a letter the Town received from the Department of the State
16 Treasurer concerning a Form LGC-37-07 that should have been filed by October 31, 2007.
17 *(copy attached)* She contacted the auditor and received a price quote of \$1,250-\$2,000 for them
18 to file the report for the Town. Acting Financial Officer Kim Payne has volunteered to file the
19 report for us.
20

- 21 B. *Financial/Budget:* Kim Payne reviewed the Fund Balances, Check Registers, and Operations
22 Budget vs. Actual Income and Expenditures for the period ending February 29, 2008. He noted
23 that everything is in line with projections and he does not anticipate any more changes in the
24 budget. It appeared the cable franchise revenues were down significantly according to direct
25 receipts, but once he discovered the state had rolled those payments in with all the utilities
26 franchise fee payments, the shortfall is not as much as it originally appeared to be.
27

28 Mr. Payne presented Budget Ordinance Amendment 5 *(attached)* that increased some budget
29 line items and decreased others to offset those increases and Budget Amendment 6 *(attached)*
30 that moved money from the Soccer Commissioner line item to a Reimbursable Soccer line item
31 as previously directed by the Town Council.

32 **MOVED by Councilwoman Smith to approve Budget Ordinance Amendments 5 and 6,**
33 **seconded by Mayor Hice. APPROVED, 5-0.**
34

- 35 C. *Legal Update:* Town Attorney Vaughan reported that any items the Town Council would like
36 to present to the General Assembly would have to be considered at the April Town Council
37 meeting in order to have them ready in May when the General Assembly convenes. He noted
38 the current debate in Greensboro about protest petitions for zoning cases; Pleasant Garden
39 already has this power and has used it twice already.
40

41 Councilman Wyrick asked about the status of 2304 Carlford Road. Mr. Vaughan responded
42 that he had sent the owners a demand letter per the Town Council's direction, and he recently
43 received a check from them to settle that matter. He noted that the penalties in code
44 enforcement cases are authorized in the Guilford County Development Ordinance and that the
45 Town Council could change their ordinance if they wanted to do this differently.
46

- 47 D. *Long Range Planning Board:* Chairman Glenn Morgan reported on the February 19 meeting.
48 The Board took no action on the Land Use Plan at that time, but it appears to be moving

1 forward as evidenced by tonight's public hearing and they will get more involved once the
2 Town Council makes its decision.

3
4 Paul Kron has already begun work on the Municipal Complex Plan and Interim Clerk Carmany
5 will serve as the go-between so that nothing falls through the cracks. The Long Range Planning
6 Board will become more involved as the plan progresses.

7
8 The Board discussed the proposed Jordan Lake rules, but since they may not pass as currently
9 presented, they will wait until there is solid information on which to act.

- 10
11 E. *Recreation Board*: Chairman Brent Lewis reported that new member Steven Brandt was
12 welcomed at the February 26 meeting. Information about the upcoming Litter Sweep will be
13 posted on the Town website and advertised in the *Pleasant Garden Post*. They are seeking
14 volunteers to pick up litter on multiple days; supplies are available at Town Hall. The Board
15 will follow up with thank yous.

16
17 The Volunteer Appreciation Dinner will be held on May 16 outside in the picnic shelter. The
18 event will be catered; they are currently looking at three potential food suppliers.

19
20 Plans are proceeding for the Independence Day celebration and the Board is working on time
21 issues with that event.

22
23 The soccer field safety issue will hopefully be addressed with the Town Council approving the
24 motion to request reduction of the speed limit to 35MPH. 520 children have registered to play
25 soccer at this point, and drafts will be held on March 17 and 18 at the Pleasant Garden
26 Community Center due to conflicts with Zoning Board and Long Range Planning Board
27 meetings at Town Hall those evenings. Mark Wilcox has donated a copier for their use. Mr.
28 Lewis asked that a decision be made soon on hiring a part-time or temporary person to work at
29 Town Hall and assist with the soccer program duties.

- 30
31 F. *Zoning Board*: Chairman Alan Carroll reported on the February 25 meeting where the Board
32 voted to extend the temporary waivers for the Town Hall soccer fields. It is apparent the need
33 is still there and the Town Council needs time to address. He noted the importance of having a
34 good audio recording of their meetings, not necessarily video. Town Attorney Vaughan noted
35 that the current requirement to videotape meetings is a policy, not an ordinance, and can be
36 changed.

- 37
38 G. *Other Reports -- Piedmont Triad Council of Governments*: Councilman Wallace reported that
39 the Town of Biscoe was featured at the February 20, 2008 meeting that Councilwoman Johnson
40 and Councilman Wyrick also attended. The speaker from the Piedmont Triad International
41 Airport updated them on economic development activity around the airport such as Airbus with
42 its \$10 fares, Fed Ex, and Honda Jet. New roads are being built to improve access in the area.

43
44 *Solid Waste Committees*: Mayor Hice reported that the Guilford County clean-up event will be
45 held on Friday, April 4 from 9:00am-3:00pm at the Agricultural Cooperative Extension on
46 Burlington Road where all types of waste will be accepted, including tires, hazardous waste, e-
47 waste, appliances, cell phones, and insecticides. Inmates will be working with the event, and
48 volunteers are needed to help direct the traffic flow.

1 **Presentation**

2 *Marty Heim of Marty Designs* reviewed the history of her involvement with the Town Hall computer
3 system that began in spring 2006 with the former mayor to correct problems with the Assistant Clerk's
4 computer. Since that time, she has identified multiple issues including lack of virus protection, the
5 ability for outsiders to "see" all the Town's computers and files, lack of a true server on the system,
6 and failing hard drives. Cypress Networks made the necessary repairs on a number of occasions. At
7 some point, the Town's files will be lost and unrecoverable. Ms. Heim noted that she has taken
8 "ownership" for the computer system and anyone she recommends has already gotten past "Marty
9 101" to earn that recommendation. She has recommended Nate and Cypress Networks to many of her
10 clients in the last 120 days. *(copy of complete remarks attached)*

11
12 *Nate Boozer of Cypress Networks* noted that the Town currently has a personal computer with a server
13 operating program on it. A true server has multiple hard drives to provide redundancy and back up
14 data; it can literally save itself. A new server has a general life span of 5-7 years; in response to a
15 question from Councilman Wyrick, Mr. Bowman said it could last longer depending on the usage. He
16 described the advantages of the system he has proposed including the sharing of information among
17 computers and the ability to have remote access, password protection and fax capability. *(proposal*
18 *attached)* There will be a battery back-up system that will allow the server to close programs and shut
19 down properly when the power goes off as well as firewall and virus protection. The server would be
20 located in a secure, locked area. Councilman Wyrick asked several technical questions about the
21 system and Mr. Bowman provided that information. Mayor Hice asked if the Mayor's computer
22 would be usable as a computer once it is not functioning as a server and Mr. Bowman responded "yes."
23 Councilwoman Smith asked if she would be able to remotely access the system from an Apple
24 computer, and Mr. Bowman responded, "Yes, with an application added to the Apple computer."
25 Mayor Hice asked if the clerk's laptop computer would work with this system and Mr. Bowman
26 responded that it would and would be auto-synchronized. In response to another question from Mayor
27 Hice, he confirmed that the computers could be turned off every night for energy efficiency purposes
28 once the new system is installed.

29
30 *Kevin Smith of Cypress Networks* reviewed the three service plan options in the packet and compared
31 them to having a fireman – being available to "put out fires." The options consist of Plan A for
32 \$2,000/month for 20 hours of support monthly, \$1,000/month for 10 hours of support monthly, and
33 Plan C as the "no-plan plan" with a minimum of one hour per month for \$95/hour.

34
35 Town Attorney Vaughan was asked to interpret the Financial Policy and how it applied to this
36 proposal. He responded that there are conflicts between *Section V. Purchasing and Contracting*
37 *Policy, I. Contracting, 4. Contracts for Professional Services, # c* that requires a minimum of three
38 professionals be contacted and *# d* that exempts contracts for normal operations of the town such as
39 phone, internet and utilities. This proposal falls into a gray area between these two policies and it is up
40 to the Town Council to determine which way to go. In response to further questions as to what
41 "contacted" and "essential services" mean, he noted that the Town's policy is stricter than the
42 requirements in the General Statutes. The intent of the Policy is not clear, and the Town Council can
43 decide how they want to interpret it.

44
45 Councilman Wallace asked Acting Financial Director Kim Payne if the labor costs for installation of
46 the system would be an allowable expense under "office equipment." Mayor Hice asked if this could
47 be considered a capital expense. Councilman Wyrick identified several line items in the budget from
48 which this expense could be covered.

1 **MOVED by Mayor Hice to purchase the hardware equipment in the Cypress Networks proposal**
2 **under Provision 4d, Professional Service Contracts, of the Town's Financial Policy and to direct**
3 **Kim Payne to identify the source of funds within the budget to include the \$1500 engineering fee,**
4 **seconded by Mayor Pro Tem Smith. APPROVED, 5-0.**

5
6 **MOVED BY Councilman Wallace to start out with Service Plan C,** seconded by Councilman
7 Wyrick. Councilwoman Johnson clarified that this is the "as needed" plan with an hourly fee being
8 charged for any work, including the routine monthly maintenance. **APPROVED, 5-0.**

9
10 **Old Business**

11 A. *Budget Amendment...* this item was addressed in Mr. Payne's financial report earlier in the
12 meeting.

13
14 B. *Council Chambers microphone and recording system:* Mayor Hice asked councilmembers to
15 review the information previously submitted by Jim Mills of Analog Digital Solutions and by
16 Audio & Light. Councilman Wyrick stated that he had talked with Mr. Mills and with a
17 number of the references he had provided; he was unable to find anyone with any negative
18 comments about the system. *(copy attached)*

19
20 **MOVED by Councilman Wyrick to purchase the following recording equipment from Analog**
21 **Digital Solutions for use at all Town of Pleasant Garden public meetings:**

22 **FTR Hearings 3.3 Basic Software Audio Recording Package**

23 **1. 1-FTR Hearings Basic 3.3 System for Audio Digital Recording Software**

24 **W/Wordlink, Record Reformatter, Record Annotator**

25 **2. 1-Headset with extended cable for PC use**

26 **3. 1_USB1 USB Foot Control for transcription**

27 **4. 1-FTR Player Plus 3.3**

28 **5. 1-ADSUB1 Microphone (for off site and on site recording)**

29 **6. 1-Annotator, WordLink and Player Software package**

30 **7. 1-Lot Phone Support and Software Support (date to be set) with installation and**
31 **training**

32 **Total System 3.3 Basic Delivered and Installed Per System**

33 **Cost \$2,984.00**

34 **This system does not include the video option but could be upgraded at a later time.**

35
36 **There will be no more video-taping of Town Council meetings required once the system is**
37 **installed.** Seconded by Councilman Wallace.

38
39 During discussion, it was noted that this is the cheapest version of the system but it can be upgraded;
40 the contract includes a service agreement for the first year after which it is \$350/year. Concern was
41 expressed about the quality of the sound system in the Council Chambers and the fact that neither the
42 Town Clerk nor Town Attorney has microphones. Information from current users indicates the system
43 picks up everyone's voices.

44
45 Councilman Wallace called for the vote. **APPROVED, 5-0**

46
47 *C. Renewal of Adopt-A-Highway/Litter Sweep contract:* The Recreation Board has made plans to
48 move ahead with the Litter Sweep activities this spring. The Adopt-A-Highway contract with the

1 NC Department of Transportation expired in February 2007.

2
3 **MOVED by Councilman Wallace to renew the contract for the Adopt-A-Highway program,**
4 seconded by Mayor Hice. **APPROVED, 5-0.**

5
6 *D. Early Voting/Effects on Town Boards' Meeting and Staff Schedules:* Interim Town Clerk
7 Carmany explained that the previous Town Council had agreed that the Council Chambers in
8 Town Hall could be used as an Early Voting Site during the 2008 presidential election. The
9 Council Chambers would not be available for other use during that time; the October meetings
10 of the Zoning Board and Long Range Planning Board are scheduled for that week. In addition,
11 Town Hall must be open on Saturday, October 18 as well as until 6:30pm Monday-Friday of the
12 following week at which time staff is not normally present. The Board of Elections is aware of
13 these possible conflicts and needs assurance that the Council Chambers will be available for
14 their use. Councilmembers agreed that it is a convenience for citizens for Town Hall to an
15 Early Voting Site; they instructed Interim Town Clerk Carmany to inform the Board of
16 Elections that the issues will be worked out and they may use Town Hall for Early Voting.

17
18 **New Business**

19 *A. 2008-09 Landscaping Contract:* The current contract for grounds maintenance and
20 landscaping expires on March 31, 2008.

21 **MOVED by Councilman Wallace to extend the current contract for another three months and**
22 **issue another RFP,** seconded by Councilwoman Johnson. **APPROVED, 5-0.**

23
24 *B. Request from the Pleasant Garden Heritage and Preservation Committee to use Town Hall*
25 *facilities for the May 18, 2008 dedication of the Veterans Memorial:* Eddy Patterson of 6009
26 Spring Forest Court stated that Town Hall was needed mainly for rest room facilities and set-up
27 of refreshments as well as potential temporary storage for 120 portable chairs. Councilman
28 Wyrick volunteered to open and close the building for this event.

29 **MOVED by Councilman Wallace to make Town Hall available to the Pleasant Garden Heritage**
30 **and Preservation Committee on May 18,** seconded by Councilman Wyrick. **APPROVED, 5-0.**

31
32 Interim Town Clerk Carmany requested guidance from the Town Council on a related matter. She has
33 received a request from a local couple who have tentatively reserved the Picnic Shelter for their
34 wedding reception on Saturday, May 10; they would like to have Town Hall open that afternoon to
35 have access to the rest rooms. She noted there does not appear to be a council policy on the use of the
36 building. Councilmembers identified several problems with opening up the building for this use for
37 everyone.

38
39 **MOVED by Councilman Wallace to diplomatically tell the couple Town Hall would not be**
40 **available for their use,** seconded by Councilman Wyrick. **APPROVED, 5-0.**

41
42 **Public Comment**

43 *Martha Jo C. Jones of 6815 Branson Mill Road* stated she maintains the Internet Technology for her
44 office and asked questions about Cypress Networks, if they had been researched and their status with
45 the Better Business Bureau checked. She felt the Town Council should have consulted other
46 professionals before awarding the contract to Cypress Networks earlier in the meeting.

1 *Mark Wilcox of 2503 Ridgepoint Circle* expressed concern about a previous speaker using the Public
2 Comments part of the agenda to promote his candidacy; this has happened in the past and is likely to
3 happen again. He agreed with Dr. Rojeski's remarks that neither of the Land Use Plan proposals
4 addresses the issues of the public. He supports the council recall provision [HB1195] and requested
5 councilmembers to do what is needed to get it back into the General Assembly for action. He asked
6 why Town Attorney Vaughan is allowed to present during the Staff Comment period. He agreed that
7 the Town did not need a fulltime service plan and questioned why the contract was awarded without
8 three quotes.

9
10 *Alan Marshall of 2318 Carlford Road* said he was asking again that someone call for a vote to reinstate
11 the recall petition. He noted that just because the Town Council says no doesn't mean it's the end.

12
13 *Jean Greeson of 700 Ritters Lake Road* complained about the sign-in sheet process and stated this was
14 no way to do sign-ins. She was here at the beginning of the meeting, and some people were already
15 signed up to speak. How did that happen?

16
17 **MOVED by Mayor Hice to close the public comment period**, seconded by Councilwoman Johnson.
18 **APPROVED, 5-0.**

19
20 **Staff Comment**

21 *Interim Town Clerk Carmany* explained to Ms. Greeson that two citizens came in earlier in the
22 afternoon and requested to sign up to speak. Anyone coming in early would have been given that same
23 privilege.

24
25 *Town Attorney Vaughan* noted that all candidates would have to be treated the same regarding political
26 speeches. The Town Council could adopt a policy about this if desired. It was noted that there is
27 already a policy requiring that remarks be limited to matters pertaining to the Town.

28
29 **Council Comment**

30 *Mayor Pro Tem Smith* noted that the recall provision [HB1195] was not ever on a Town Council
31 agenda; it came up at the end of a meeting. Provisions 6.2, 6.3, and 6.13 need to be discussed by the
32 Town Council and the public; taking it off the legislative agenda does not mean it can't ever be
33 brought back. It needs to be dealt with in the sunshine.

34
35 *Councilwoman Johnson* thanked everyone for being there.

36
37 *Councilman Wallace* asked that the recall provision [HB1195] be placed on the April agenda to
38 discuss the three issues identified by Mayor Pro Tem Smith. This issue was pursued in response to the
39 mayor referendum and the Town Council gave the Town Attorney instructions several times. It was
40 approved by a unanimous vote originally and "John Q. Public" knew about it. We can work together
41 and make a good choice. Town Attorney Vaughan noted that the letter requesting withdrawal of the
42 bill has already been sent, effectively stopping it. That letter would have to be changed in order to
43 pursue the bill now.

44
45 Councilman Wallace noted there are different opinions on the Land Use Plan and predicted that the
46 Town Council would approve a plan. He asked that the Town Council approve rules for public
47 hearings. The lights are now up at the Pleasant Garden Community Center with money invested by
48 Pleasant Garden and the county. He stated that Cypress Networks has worked here several times in the

1 past and that Marty Heim’s reputation and service are great. Tonight’s actions give staff the
2 professional tools to get the job done. He thanked citizens for attending the meetings.

3
4 *Councilman Wyrick* stated that the recall was addressed in the May 2007 Town Council meeting and
5 was approved 5-0 at that time. It was never done in secret or out of the sunshine. Some of the same
6 ones who approved it are still on the Town Council. A professional wrote the bill; it was generic with
7 our name and town inserted in it, nothing sinister.

8
9 Regarding Cypress Networks, he noted his “knuckles are red and stinging” and he accepted the
10 reprimand from Martha Jo. He later noted he knows computers and did some research on the proposal
11 after requesting to receive it early. He did price two other companies and was satisfied with Cypress
12 Network’s proposal.

13
14 He considered tonight’s public hearing on the Land Use Plan a “dog and pony show” but the Town
15 Council will finally adopt something and move forward. He agreed with Dr. Rojeski that water will be
16 an issue here eventually.

17
18 He felt that misleading statements were abundant tonight and many were exaggerated. He thanked
19 citizens for attending.

20
21 *Mayor Hice* noted that Cypress Networks built the computer in the lobby and their bids beat Dell by
22 several hundred dollars. She talked with Fire Chief Tommy Cole and they went through some of the
23 same things with their computer system. Kim Payne personally replaced the hard drive on the
24 computer in the Finance Office. We need a consistent person for maintenance where crashing
25 computers is a serious problem. She thanked citizens for attending all three meetings this evening.

26
27 **Adjournment**

28 **MOVED by Mayor Hice to adjourn**, seconded by Councilwoman Johnson. **APPROVED, 5-0**

29
30 The meeting was adjourned at 9:40pm.

31
32
33
34
35
36
37 _____
Clerk

_____ Date

38
39
40 _____