

1 **Town of Pleasant Garden**
2 January 13, 2009
3 Kirkman Municipal Building
4

5
6 **Minutes**
7 Town Council Regular Monthly Meeting
8

9
10 **In attendance**

11 Mayor Anne Hice
12 Councilwoman Chris Johnson
13 Mayor Pro Tem Nancy Jo Smith
14 Councilman Wallace
15 Councilman Bob Wyrick
16

17 **Also in attendance**

18 Sandy Carmany / Town Administrator/Clerk
19 Linda Baker, Assistant Clerk
20 Town Attorney Vaughan
21

22 **Audience**

23 22
24

25 **Call to Order**

26 Mayor Hice called the meeting to order at 7:03pm.
27

28 Mayor Hice welcomed everyone.
29

30 Councilwoman Johnson delivered the invocation.
31

32 Mayor Hice led the Pledge of Allegiance.
33

34 **Roll Call**

35 Town Administrator/Clerk Carmany called the roll, and all members were in attendance. A quorum
36 was present.
37

38 Mayor Hice recognized Scoutmaster Mark Wilcox and members of Boy Scout Troop 368 from
39 Alamance Presbyterian Church who were working on the citizenship and community merit badge.
40

41 **Approval of Agenda**

42 **MOVED by Councilman Wallace to approve the agenda, seconded by Mayor Hice.**
43 **APPROVED 5-0.**
44

45 **Public Hearing**

46 *Technical amendment to Article 3, Section B of the Flood Damage Prevention Ordinance:* Mayor
47 Hice read an explanation of the proposed amendment to the Flood Damage Prevention Ordinance
48 regarding a FEMA concern about the date of the flood maps. The proposed amendment read as
49 follows:
50

1 **ARTICLE 3. GENERAL PROVISIONS**

2
3 **SECTION B. BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS.**

4 The Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS)
5 agreement between the State of North Carolina and FEMA in its Flood Insurance Study (FIS) for
6 Guilford County dated June 18, 2007 and the accompanying Flood Insurance Rate Map Panels for
7 the Town of Pleasant Garden (7861, 7871, 7881, 7860, 7870, 7880, 7769, 7779, 7789), which are
8 adopted by reference and declared to be a part of this ordinance.

9 The initial Flood Insurance Rate Maps are as follows for the jurisdictional areas at the initial date:
10 Guilford County Unincorporated Area, dated June 4, 1980.

11
12 Mayor Hice opened the Public Hearing. There were no speakers signed up in favor or in opposition
13 to the amendment.

14
15 **MOVED by Mayor Hice moved to close the public hearing, seconded by Mayor Pro Tem**
16 **Smith. APPROVED 5-0.**

17
18 **MOVED by Mayor Hice to adopt the proposed amendment to the Flood Damage Prevention**
19 **Ordinance as presented, seconded by Councilman Wallace. APPROVED 5-0.**

20
21 Mayor Pro Tem Smith noted that residents could get information about the referenced flood maps at
22 Town Hall.

23
24 **Consent Agenda**

25 Mayor Hice reviewed the items on the Consent Agenda which included the approval of the minutes
26 of December 9, 2008 Regular Meeting and the December 22, 2008 Special Meeting.

27
28 **MOVED by Councilman Wallace to approve the Consent Agenda, seconded by Mayor Hice.**
29 **APPROVED 5-0.**

30
31 **Presentation**

32 *Town Hall Site Plan:* Mayor Hice noted that Paul Kron of the Piedmont Triad Council of
33 Governments had been working on the Town Hall Site Plan for over a year. Mr. Kron shared a
34 PowerPoint presentation (*copy attached*) that highlighted the process used to develop the proposal
35 before the Town Council that included a site analysis and base map, citizen surveys, a steering
36 committee, and a public workshop. He reviewed concept maps that included a multi-purpose
37 building, an outdoor amphitheater, improved athletic fields with restrooms and handicapped parking,
38 an expanded Farmers Market with restrooms, walking trails, and an additional driveway. Mr. Kron
39 explained ways to provide parking with pervious surfaces and efforts to be more environmentally
40 friendly; grants may be available to assist with the costs. The final plan is a hybrid of the various
41 concepts, and Mr. Kron noted the proposed implementation timeline. Mayor Hice said extra
42 meetings would likely be needed to review the proposal and determine its phases.

43
44 **Public Comment**

45 Mayor Hice reviewed the guidelines for the public comment period.

46
47 *Alan Marshall of 2318 Carlford Road* said we have heard many times the need to follow town
48 ordinances, but it appears to apply only when it is convenient. He noted that the primary charge to
49 the Recreation Board in the ordinances is to provide a variety of recreational activities for residents
50 and read definitions of “primary,” “charge,” and “recreation.” He questioned why the soccer

1 program was removed from the Recreation Board's responsibilities and said the soccer program was
2 not clearly defined in the ordinances.

3
4 *Steve Brandt of 6384 Walter Wright Road* said actions speak louder than words, and the actions of
5 Mayor Hice, Councilwoman Johnson, and Mayor Pro Tem Smith serve as an example. He
6 questioned the ethical aspect of the December 22 Special Meeting where previous decisions were
7 changed. He felt that the Recreation Board was no longer a recreation board with no recreational
8 activities left with the removal of the soccer program from its responsibilities. Previous problems
9 with registration and membership of the Recreation Board have been adequately addressed. Few
10 events are left for the Board to handle, and it is difficult for board members to be committed in a bad
11 atmosphere. Time was called.

12
13 **MOVED by Mayor Hice to close the public comment period, seconded by Mayor Pro Tem**
14 **Smith. APPROVED 5-0.**

15
16 **Reports**

17 *A. Town Administrator/Clerk Carmany* reported that the carpets and linoleum floors in Town Hall
18 had been cleaned and the broken tiles in the men's restroom repaired. The new magnolia tree was
19 planted on December 19. The Census Bureau will be conducting testing and training in the Council
20 Chambers. Soccer registration will begin on January 15, and the spring season will run from April
21 18 – June 6. Councilmembers are requested to submit suggestions for directions to the 2009 boards
22 to be discussed at the February 10 Town Council meeting. (*copy attached*)

23
24 Councilman Wallace requested that an official thank you from the town be sent to the Kirkman
25 family for their donation of the magnolia tree.

26
27 *B. Financial/Budget:* Finance Officer Carmany presented the financial report for the period ending
28 December 31, 2008 (*copy attached*). The General Fund had a balance of \$1,101,854.28 and the
29 Capital Reserve Fund had a balance of \$1,866,471.80 for a total of \$2,968,326.08. She reviewed the
30 Check Register and the Budget vs. Actual report with nothing extraordinary to report except that
31 interest rates were very low. The budget is at the halfway point as of December 31 so everything
32 would be expected to be around the 50% point.

33
34 *C. Legal Update:* Town Attorney Vaughan reported that the new governor has directed that state
35 government emails be retained for 10 years.

36
37 *D. Piedmont Triad Council of Governments:* Mayor Hice reported that air quality was the main
38 topic of the December meeting of PTCOG; copies of the information are available for review. Town
39 Administrator/Clerk Carmany noted that the EPA should be releasing the new designations for
40 nonattainment areas on March 12, 2009.

41
42 *E. Solid Waste Committee:* Mayor Hice reported that proposed changes to the updated Guilford
43 County Solid Waster plan have been completed. She was grateful the Town chose to participate in
44 the county plan three years ago so it was not necessary to create our own. Susan Heim will come in
45 April to present the revised plan for approval; there are very few changes. The E-Cycling event will
46 be held at Town Hall on March 14 at 9:00am-2:00pm, and volunteers are needed to assist. The event
47 is for residents of Guilford County only, and Mayor Hice is seeking coupons to hand out as a thank
48 you to the people who attend.

1 **Old Business**

2 *(none)*

3
4 **New Business**

5 *A. Approval of members of the Healthy Living Committee:* Mayor Hice noted that Billie Hall had
6 withdrawn her name from consideration.

7
8 **MOVED by Mayor Hice to nominate Coley Hooker, Susan McNabb, David Surgeon Jr., and**
9 **Dr. Scott Walrond to be on the Healthy Living Committee to plan some healthy living events**
10 **this year that the Town can sponsor, seconded by Mayor Pro Tem Smith.**

11
12 Councilman Wyrick asked how this committee came about and if there were advertisements for
13 these committee members. Mayor Hice responded she mentioned this at the December meeting and
14 asked for volunteers. Councilman Wallace said this is a good thing and it was previously discussed,
15 but he was not aware of opportunity to appoint members. He asked if background checks were
16 complete, and Town Administrator/Clerk Carmany responded that some were not because the
17 volunteer application forms had not been returned. Mayor Pro Tem Smith observed that other
18 persons could be appointed to this committee following the same process she used to appoint
19 members to the One City, One Book committee. Councilwoman Johnson asked that this committee
20 be publicized on the town website and local newspapers.

21
22 **Moved by Councilwoman Johnson to table the approval of these names until the completion of**
23 **the background checks and to advertise for more members to give anyone the opportunity to**
24 **join the committee at the February meeting, seconded by Mayor Hice.** Councilman Wallace
25 asked if it is a town policy that members of all committees be a resident of the Town; Dr. Elkins is
26 not a resident but would be a good member to have on the committee. Town Administrator/Clerk
27 Carmany read from Chapter 32.01 of the Town Ordinance that requires all board and task force
28 members to be residents; Town Attorney Vaughan said this was close to an ad hoc committee. The
29 statement printed on the volunteer application form covers boards, task forces and committees. **The**
30 **motion to table was approved 5-0.**

31
32 *B. Approval of members of the Soccer Committee:* Mayor Hice asked if Town Administrator/Clerk
33 Carmany had received any additional information on the persons listed for appointment. She
34 responded she had not.

35
36 **Moved by Councilman Wyrick to table until the proper information and registration and**
37 **everything needed is received, seconded by Mayor Pro Tem Smith.** There was discussion about
38 this committee being publicized the same as the others, adding committee appointments to the
39 agenda of the February 3 budget meeting, the timeline for the soccer season and registration, and the
40 committee being subject to the provisions of the Open Meetings Law. **Councilman Wyrick**
41 **withdrew his motion.**

42
43 **MOVED by Mayor Pro Tem Smith to approve Brent Lewis, Chris Culler and Pete Cox who**
44 **are registered voters in Pleasant Garden contingent upon their background checks, seconded**
45 **by Mayor Hice.** There was discussion about adding the committee appointments to the February 3
46 agenda and allowing for additional applications, not making committee appointments on a
47 contingency basis, accommodating the soccer committee's need to begin working immediately on
48 the spring season, and some of the proposed members not meeting the appointment requirements.
49 **APPROVED 3-2** (*Yes – Hice, Johnson, and Smith; No – Wallace and Wyrick*).

1 C. *Revision of Personnel Policy regarding employee retirement plan participation:* Town
2 Administrator/Clerk Carmany explained that the current Personnel Policy states that town employees
3 will be enrolled in the Local Government Employee's Retirement System. After checking Town
4 records and contacting the state retirement system, she found that the Town of Pleasant Garden was
5 not enrolled in the program. The current employees are not interested in participating in the
6 retirement system at this time and have requested that the Town Council amend the Personnel Policy
7 to allow for that. The proposed amendment is as follows:
8

9 **ARTICLE VII. EMPLOYEE BENEFITS**

10 **Section 4. Retirement Benefits**

11 If a majority of employees vote to do so, each employee in a budgeted, permanent position, working
12 a minimum of 1,000 hours per year, will be enrolled in the Local Government Employees'
13 Retirement System. Employees will contribute, through payroll deduction, six percent (6%) of their
14 gross salary each month to the system. The Town will contribute a maximum of three percent (3%)
15 of the gross payroll each month to the system.
16

17 **MOVED by Mayor Pro Tem Smith to approve the proposed amendment to the Personnel**
18 **Policy, seconded by Councilman Wallace. APPROVED 5-0 .**
19

20 *D. Policy Regarding Service on Boards adopted on May 11, 2004:* Mayor Hice said this policy
21 addressing the behavior of board members was found in the records when staff was preparing
22 materials for board orientation. It appeared it was not being enforced.
23

24 **MOVED by Mayor Hice moved to rescind the policy with the understanding the material is**
25 **covered in board orientation, seconded by Mayor Pro Tem Smith. APPROVED 5-0.**
26

27 *E. Approval of change from probationary status to permanent status of the Assistant Clerk:* Assistant
28 Clerk Linda Baker completed her six-month probationary period on December 30, 2008 and received
29 a good rating on her performance appraisal.
30

31 **Moved by Mayor Hice to remove Assistant Clerk Linda Baker from probationary status and**
32 **designate her to permanent employee status, seconded by Councilman Wallace. APPROVED**
33 **5-0.**
34

35 *F. Approval of funding request for Elected Officials Breakfast:* Mayor Hice said all members of the
36 Town Council had attended at least one of the Elected Officials Breakfasts where the school system
37 provided the food and absorbed the costs. Five other towns have agreed to chip in \$50 each to help
38 with the costs of future meetings. The next meeting will be held in March.
39

40 **MOVED by Mayor Hice to approve \$50 from the Town to help cover the costs of the Elected**
41 **Officials Breakfast, seconded by Councilman Wallace. APPROVED 5-0.**
42

43 *G. Contract/working agreement for Town Attorney:* Town Attorney Vaughan presented a revised
44 contract/working agreement as requested to clarify his position as an independent contractor.
45

46 **MOVED by Councilman Wallace to approve the contract as presented, seconded by**
47 **Councilman Wyrick. Failed 2-3 (Yes – Wallace and Wyrick; No – Hice, Johnson, and Smith).**
48

49 **MOVED by Councilwoman Johnson to approve Mr. Vaughan's contract on an interim basis**
50 **through the date of February 11, 2009. The Council directs the Town Administrator/Clerk to**

1 **develop and publicize a detailed RFP for the position of Town Attorney of Pleasant Garden as**
2 **soon as possible, seconded by Mayor Hice.** Councilman Wyrick asked about a meeting with Mr.
3 Vaughan on December 5, 2008 by Mayor Hice and Councilwoman Johnson and memo summarizing
4 that meeting prepared by Town Administrator/Clerk Carmany of which other councilmembers were
5 unaware. Mayor Hice responded they were doing preparatory work and requesting other information
6 pertaining to Mr. Vaughan's duties. Councilwoman Johnson noted that other councilmembers have
7 submitted items to the council for consideration without prior notice and that councilmembers are
8 entitled to have contact with the Town Attorney as needed without notifying other councilmembers.
9 Councilman Wallace offered apologies to Town Attorney Vaughan and said his record showed he
10 has done fantastic job. Mayor Pro Tem Smith noted councilmembers were aware this contract was
11 on the agenda. Councilwoman Johnson said the contract was not detailed enough and did not
12 provide enough information about the potential substitutes when Mr. Vaughan was not available; Mr.
13 Vaughan is welcome to submit a RFP. **The motion was APPROVED 3-2 (Yes – Hice, Johnson,**
14 **and Smith; No – Wallace and Wyrick).**

15
16 *H. Appointment of new member to the Recreation Board:*

17 **MOVED by Mayor Hice to appoint Nancy Martin to the 2009 Recreation Board, seconded by**
18 **Councilman Wallace. APPROVED 5-0.**

19
20 **Public Comment**

21 *Henry Tripp 2101 Macon Glen Drive* said he wanted to be sure the Town Council never appointed
22 anyone who didn't live in Pleasant Garden to a board of any type. He saw too much of this in
23 Greensboro with college students who voted and left. We have enough good people here so please
24 stick with Pleasant Garden residents.

25
26 *Alan Marshall of 2318 Carlford Road* quoted Mayor Hice about having to follow the ordinances and
27 added his own caveat "unless it suits me to do otherwise." Provisions about boards and committees
28 have been addressed differently depending on which councilmember was making a proposal.

29
30 **MOVED by Mayor Hice to close the public comment period. APPROVED 5-0.**

31
32 **Staff Comment**

33 *Assistant Clerk Linda Baker* thanked the Town Council for making her a permanent employee.

34
35 *Town Administrator/Clerk Carmany* noted that agendas for Town Council meetings are now being
36 posted on the town's website.

37
38 **Council Comment**

39 *Councilman Wyrick* said this council has proven it is now a council of three people and will be like
40 that for awhile. Certain members are being excluded, but he will not stop in his effort to represent
41 the people who put him there. He did not want to be Mayor Pro Tem but thought it would be a
42 chance to for the council to work together. We talk about things being open, but we find evidence
43 we don't do that.

44
45 *Councilman Wallace* announced that Pleasant Garden Baptist Church is providing an emergency
46 homeless shelter. The Gang Awareness meeting will be held on January 22 at 6:30pm. He invited
47 citizens to come to the budget input meeting on February 3. He thanked the Kirkman family for their
48 donation of the magnolia tree and noted that volunteers provide many of the projects done in the
49 town. He congratulated Senator-elect Vaughan who will be sworn in on January 28; he noted that
50 Mr. Vaughan had provided the only stability in the town for several years as Town Attorney. He

1 voted against the soccer committee appointments because of principles and said not all the members
2 of this committee should have to be Pleasant Garden residents. He announced he will run for mayor
3 this year; there is a need for someone who can work with people on both sides. Each person's ideas
4 and opinions count; he did a great job in his two years as mayor and did not exclude anyone.
5

6 *Councilwoman Johnson* stated her two votes on committee appointments seemed to be opposite of
7 each other, but time was of the essence for the soccer committee while not for the Healthy Living
8 Committee. She thought about Mr. Vaughan's contract a lot; he is a friend and is going to be serving
9 all citizens of NC in addition to his law practice. Mrs. Johnson said she would continue to serve the
10 people who elected her and looked forward to seeing everyone on February 3.

11
12 *Mayor Pro Tem Smith* said she would not be able to attend on February 3 but will listen to a
13 recording of the meeting later. In her mind, the Recreation Board stood as another level to interpret
14 what the Soccer Committee was being told by the Administrator which made it confusing when the
15 Administrator was the one who had to follow legal and financial guidelines. Past Recreation Boards
16 sought other recreational activities to provide and suggested the current Recreation Board explore
17 how it could help the Farmers Market to comply with legal requirements without staff supervision.
18 Mrs. Smith attended the Guilford County Schools legislative agenda meeting. She asked Town
19 Administrator/Clerk Carmany to find information about VITA services available to the community.
20

21 *Mayor Hice* asked councilmembers to provide their individual goals for the Town Council to Town
22 Administrator/Clerk Carmany along with their goals for the boards. She will be pursuing a Citizens
23 Watch Program with the Sheriffs Department in response to a request from a community in Pleasant
24 Garden. The latest PART newsletter cites a service expansion in 2009 down 421 South to Liberty
25 with a stop in Pleasant Garden. Mayor Hice will attend a meeting of the Voluntary Agricultural
26 District board meeting on January 20, and Mayor Pro Tem Smith will substitute for her at the Long
27 Range Planning Board meeting. Jordan Mottram and she planted trees at the entrance to the Nature
28 Trail as part of his Eagle Scout project. She requested councilmembers to submit ideas for the town
29 newsletter to Town Administrator/Clerk Carmany no later than February 1. Mayor Hice shared
30 copies of the information passed out at the school system's legislative agenda meeting. Pleasant
31 Garden Baptist church is offering LifeLine screenings for interested citizens for \$139.
32

33 **Adjournment**

34 **MOVED by Mayor Hice to adjourn the meeting, seconded by Councilman Wallace.**
35 **APPROVED 5-0.**

36
37 The meeting was adjourned at 9:08pm.
38
39
40
41

42 _____
43 Clerk

_____ Date

44
45
46
47
48 _____
49 Mayor