

Town of Pleasant Garden
January 5, 2010 at 7:00pm
Kirkman Municipal Building

Minutes
Regular Meeting

*This document is a compilation.
The electronic recording of this meeting constitutes the official minutes.*

In attendance

Mayor Bill Greene
Councilwoman Chris Johnson
Mayor Pro Tem Nancy Jo Smith
Councilwoman Carla Strickland
Councilman Bob Wyrick

Also in attendance

Sandy Carmany, Town Administrator/Clerk
Linda Baker, Assistant Clerk
William Hill, Town Attorney

Audience

45

Call to Order

Mayor Greene called the meeting to order at 7:00pm.

Mayor Greene welcomed everyone to the meeting on behalf of the Town Council.

Reverend Michael J Barrett from Pleasant Garden Baptist Church had not arrived. Mayor Greene delivered the invocation. Reverend Barrett arrived later and also gave an invocation.

Boy Scout Troop 368 led the Pledge of Allegiance.

Roll Call

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

Approval of Agenda

MOVED by Councilwoman Johnson to remove “Item 12B. Councilmember access to the town server” from the agenda due to lengthy discussion in the past. After councilmembers discussed the issue, Councilwoman Johnson rescinded her motion. **MOTION WITHDRAWN**

MOVED by Councilman Wyrick that pursuant to Town Ordinance chapter 30.03, “Item 11B. Discussion of 2010 committees” be removed from the agenda as all former committees ceased to exist as of December 1, 2009. Anyone interested in continuing the activities of these committees should present a request to the appropriate town board. Town Attorney Hill confirmed that the 2009 committees no longer existed. There was discussion about the use of stand-

alone or ad hoc committees and their activities. **APPROVED 3-2** (*Yes – Greene, Strickland and Wyrick; No – Johnson and Smith*)

MOVED by Councilman Wyrick to accept the agenda as amended. APPROVED 5-0

Consent Agenda

MOVED by Mayor Greene to approve the Consent Agenda which included the approval of the minutes from the December 1, 2009 Regular Meeting, the December 1, 2009 Organization Meeting, and the December 9, 2009 Special Meeting as presented by Town Administrator/Clerk Carmany. APPROVED 5-0

Presentations

2009 Christmas Parade trophy winners: Mayor Greene introduced Steve Brandt, chairman of the 2009 Recreation Board. Mr. Brandt thanked members of the Recreation Board for their work and introduced Mae Surgeon, Councilwoman Johnson, and Mayor Greene who served as judges for the Christmas Parade.

Mr. Brandt presented the trophy for Best Performance to the Shriners Scooter Patrol, the Oasis Shrine Temple represented by Terry Cox. Mr. Cox thanked the Town and accepted the trophy on behalf of the Shriners. He explained that the Shriners participate in parades at their own personal expense to raise money for children with orthopedic problems and burns in the Shriners hospitals.

Mr. Brandt presented the trophy for Best Float to the Snowball Queen and King Float to Judy Wyrick of Picture Perfect.

Recognition of Snowball King and Queen essay contest winner: Mr. Brandt presented a framed copy of his essay to Hunter Byrd and noted that Gabriele Jackson was unable to attend the meeting. A framed copy of the essays will be hung at Town Hall and at Pleasant Garden Elementary School. Mrs. Wyrick said that the trophy would be presented to Principal Sarah Matthews to encourage more students to participate in the essay contest.

Mr. Brandt presented the Chairman's Trophy to Scout Troop 368 and leader Mark Wilcox. Mr. Wilcox noted that February 8 will be the 100th anniversary of scouting.

Mayor Greene called a 5-minute recess at 7:31pm.

Mayor Greene called the meeting back to order at 7:36pm.

Presentation on soccer field driveway and parking layout options: Paul Kron of the Piedmont Triad Council of Governments reviewed the Town Hall Site Plan/Master Plan development process and the recommendations in the plan. He has worked with Kris Bass of North Carolina State University to identify grant opportunities for managing the stormwater run-off for the driveway and parking areas at the soccer fields when they are brought up to code. Mr. Kron presented four options for the site improvements and provided a rough estimate of the costs to implement them. (*copy attached*)

MOVED by Mayor Greene to authorize Paul Kron to work with Town Administrator/Clerk Carmany, Kris Bass and other appropriate persons to prepare the grant application for the Town Council's review and consideration. APPROVED 5-0

Public Comment

Mayor Greene reviewed the guidelines for the public comment period.

Gary Evers of 6443 Walter Wright Road asked that the Town of Pleasant Garden participate in the urban deer archery season. Other towns already participate in this program to safely aid in controlling deer populations. In order to participate, the Town must submit a letter of intent to the NC Wildlife Resources Commission to participate by April 1 along with a map clearly defining the area included in the season, special restrictions, and prohibited areas. It does not eliminate the requirement to obtain landowners' permission nor does it obligate landowner participation. NC wildlife officers would enforce all the requirements.

Jean Greeson of 700 Ritters Lake Road asked if the Snowball Queen and King float in the Christmas parade was a town float or Councilman Wyrick's float. No entry fee was paid but it had Picture Perfect's ad on the back. She said it was not fair if favoritism was shown.

Mark Wilcox of 2503 Ridgepoint Circle asked if the Recreation Board or soccer committee had been consulted about the proposed layout of the fields in the Town Hall Site Plan.

Nancy Martin of 6802 Rustic Wood Court said it was sad to be discussing a project that was a pleasure for the children and the town. Everything for the Snowball Queen and King float was done at an open meeting that anyone could have attended. She asked citizens to handle issues in a positive manner in the future. Town Attorney Hill advised there was no town policy prohibiting a councilmember or anyone from sponsoring or placing a float in the parade; the Recreation Board has the option to recommend a policy. There was no conflict of interest because Councilman Wyrick did not receive any pecuniary gain.

Reports

A. *Town Administrator/Clerk Carmany* reviewed the monthly report. Soccer registration will begin on February 1. The NC Secretary of State's office registered the color and the black-and-white versions of the town seal; the registrations are good for ten years. Mrs. Carmany referred to the draft budget process timeline and asked about the timing of the public input session.

MOVED by Councilman Wyrick to hold public budget input meetings as follows: February 2 at 6:30pm prior to the regular scheduled Town Council meeting, March 2 at 6:30pm prior to the regular scheduled Town Council meeting, and April 6 at 6:30pm prior to regular scheduled meeting. APPROVED 5-0. The meetings will be publicized on the town website and in the town newsletter.

MOVED by Mayor Greene to change the date for the outer agency funding requests from March 31 to April 16 to give those organizations time to get their paperwork submitted. APPROVED 5-0

MOVED by Councilman Wyrick to schedule council workshop for budget work sessions on February 11, March 18 and April 22 at 7:00pm. APPROVED 5-0

Councilman Wyrick left the council chambers at 8:50pm and returned at 8:53pm.

Town Administrator/Clerk Carmany reported on NCDOT's snow removal plan. Pleasant Garden's secondary roads fall within Phase III with a goal of having them cleared and open within 48 hours

after the snowfall has stopped. Pleasant Garden Road and Neelley Road are cleared first, followed by Alliance Church Road, Appomattox, Nesbitt, Tabernacle, and Steeplechase.

Councilwoman Johnson asked about the cost of the extra grounds maintenance work and if the contract with Still's Lawn Service should be renegotiated. Mrs. Carmany responded it cost a total of \$800 for three phases to remove dead vegetation, plant pansies, and place new mulch in the flower beds in the parking lot behind Town Hall, in front of the welcome sign at Nesbit Road, and around the sign in front of Town Hall. Mayor Greene stated the work was needed to improve and maintain the appearance of the facility and image of Pleasant Garden.

Councilwoman Johnson asked how the soccer program would be handled in the spring season in the absence of a soccer committee. Town Administrator/Clerk Carmany responded that Brent Lewis and his volunteers would continue to assist, and Mayor Greene noted that the Recreation Board would meet before the beginning of the season.

B. Finance Report: Finance Officer Carmany reported balances of \$1,152,648.81 in the General Fund, \$1,958,561.08 in the Capital Reserve Fund for a total of \$3,111,209.89. There was a question as to where the contribution to the David Lawrence professorship was charged. The refund of \$3,200 for Sales & Use taxes paid by the Town in 2009 was received. Interest on General Fund accounts increased because of the 3-year CD at BB&T; interest in the Capital Reserve Fund dropped when those CDs renewed at a lower rate.

C. Town Attorney: Town Attorney Hill clarified the code enforcement issue at 4526 Pleasant Garden Road where accumulated fines were approximately \$30,000. The residents moved out and the property was cleaned up. The Town Council has the option of pursuing criminal prosecution, seeking injunctive relief, or dropping the issue since no liens were approved. The clean-up purpose has been achieved. There was discussion about the likelihood of collecting the fines, other potential uses for the property, and the precedent of the town not following through with its processes. No action was taken.

Mayor Greene called for a 10-minute recess at 9:21pm.

Mayor Greene called the meeting back to order at 9:30pm.

D. Piedmont Triad Council of Governments: Mayor Greene referred to his written report on the December 16 meeting of the Piedmont Triad Council of Governments. (*copy attached*)

Old Business

A. Appointment of council liaisons to town boards and other assignments: Mayor Greene announced the council liaisons to the town boards: Long-Range Planning Board, Councilmember Wyrick; Recreation Board, Councilwoman Strickland; and Zoning Board, Councilwoman Johnson.

Mayor Greene will serve as the voting delegate to the Piedmont Triad Council of Governments with Councilwoman Strickland as the alternate. Town Administrator/Clerk Carmany will be the staff delegate.

Councilwoman Strickland will be the town's representative for the Ten Year Plan, Partnering to End Chronic Homelessness in Guilford County.

Mayor Pro Tem Smith will be the representative to the Guilford County Solid Waste and Recycling Committee.

Councilman Wyrick will represent the town at meetings of the Greensboro MPO.

B. Discussion of 2010 committees: (deleted from the agenda)

C. Approval of E-cycling date:

MOVED by Mayor Pro Tem Smith to approve Saturday, March 27 for the E-cycling event at Pleasant Garden Town Hall. APPROVED 5-0

New Business

A. Purchase of new computer: Mayor Greene explained that he was using the mayor's office every day and needed the use of a computer. He suggested a new computer be purchased to replace the oldest computer in the building and place the older computer in the mayor's office.

MOVED by Mayor Pro Tem Smith that assistant clerk's computer storage capacity be upgraded if needed, the town purchase a computer for the mayor's office with WiFi capabilities and Windows2007, and that the funds for the computer purchase and upgrade come from those transferred last month to the council's travel line item 5402.00. There was discussion about the appropriate type of computer to be purchased, its placement, and from where to take the funds. **FAILED 1-4** (*Yes – Smith; No – Greene, Johnson, Strickland, and Wyrick*)

MOVED by Councilman Wyrick to purchase a new computer for the mayors' office either a laptop or a PC based on the data supplied by Cypress Networks from the contingency fund line item per Budget Amendment #8. He suggested that Cypress check the assistant clerk's computer for a possible upgrade later. **APPROVED 3-2** (*Yes – Greene, Johnson and Wyrick; No – Strickland and Smith*)

B. Councilmember access to town server: Town Attorney Hill said he believed councilmembers had the right to any town record that exists including the town computer server, but cautioned about problems such as introduction of viruses, prohibitions on dissemination of personnel information housed on the server, and destruction of records inadvertent or otherwise which could be a crime. The clerk as custodian of the records has the obligation to keep the records safe. Councilmembers cannot be denied access but should be knowledgeable of the risks therein and take the necessary precautions to prevent destruction or alteration of the records.

There was extensive discussion about the privacy of councilmembers' personal computers, when and how town records are accessed, the desire to have immediate access to information at any time, the integrity and security of the records, technology and procedures to protect the records, and an opinion from Freyda Blustein at the School of Government.

MOVED by Councilman Wyrick to allow access for all councilmembers to the server except for items that are not for public record such as personnel records to be redacted in some way or be marked in some way. FAILED 2-3 (*Yes -- Greene and Wyrick; No – Johnson, Smith and Strickland*)

C. Council goals/assignments for town boards: Mayor Greene recommended that councilmembers give their suggestions to Town Administrator/Clerk Carmany and have her compile them for discussion at the council retreat on January 16 or call a special meeting.

MOVED by Councilwoman Strickland to submit ideas to Town Administrator/Clerk Carmany and evaluate them at the council retreat on January 16. APPROVED 5-0

D. Discussion of Finance Policy:

MOVED by Mayor Greene to table the item and assign Councilwoman Strickland and Councilman Wyrick to work with Town Administrator/Clerk Carmany to look at it in its entirety and report back at the next meeting. There were questions about the problem areas in the policy. Town Attorney Hill advised that meetings of this subcommittee be advertised per the provisions of the Open Meetings Law. **MOTION WITHDRAWN**

Mayor Greene said he would like to table this item until the February meeting and the council concurred.

E. Resolution on NCDOT equity formula: Town Administrator/Clerk Carmany explained the problems with the current equity formula that determines the distribution of transportation funds among the 14 highway divisions in North Carolina.

MOVED by Mayor Pro Tem Smith to approve the resolution in support of evaluating and revising the NC Transportation Equity Formula. APPROVED 5-0

Resolution in Support of Evaluating and Revising the North Carolina Transportation Equity Formula

Whereas, the North Carolina legislature implemented its Transportation Equity Formula as a result of the 1989 Highway Trust Fund Law;

Whereas, significant portions of the highway system envisioned in 1989 have not been completed;

Whereas, the North Carolina Department of Transportation anticipates \$64 billion in unmet transportation needs through 2030;

Whereas, the Transportation Equity Formula makes it more difficult to fund significant, and costly, transportation needs such as replacing the I-85 Bridges over the Yadkin River;

Whereas, the North Carolina Department of Transportation is developing a new objective multi-modal project prioritization process intended to maximize mobility, safety, and infrastructure health; and

Whereas, the Transportation Equity Formula does not consider any of these factors in distributing transportation funds;

Now Therefore, be it resolved that the Town Council of the Town of Pleasant Garden supports reevaluating, revising, and modifying the North Carolina Transportation Equity formula to better meet the current needs of North Carolina Citizens, Businesses, and Travelers.

Public Comment

Dianne Kuhn of 6483 Walter Wright Road suggested that irrigation be considered if the lawn in front of Town Hall is to be improved. Area garden club volunteers and/or the Southeast High School Future Farmers of America could be asked to assist with the maintenance of the flower beds and other public areas to save money.

Staff Comment

none

Comments from councilmembers

Mayor Pro Tem Smith:

MOVED by Mayor Pro Tem Smith that Pleasant Garden Community Readers be provided with space to continue their planned book discussion events through May 2010. Mayor Greene ruled the motion out of order.

Councilwoman Johnson requested that Mayor Pro Tem Smith’s motion be placed on the next agenda. She said she was honored to serve as liaison to the Zoning Board but wished committee and board appointments had been brought forth to the people instead of a list handed to the people.

Councilwoman Strickland had no comments.

Councilman Wyrick thanked everyone for coming out. He said it was not his intent to do away with the soccer committee and the soccer volunteers will continue to work. He noted that there was much ado about nothing re the Snowball King and Queen project and explained Picture Perfect’s choice to be involved in the community by donating art work and other activities. He did not consider his assistance with the trailer as sponsoring it and personally paid the entry fee last week to take care of it. His intent was to do something good for the kids and town and was disappointed that a to-do was made of it. Judy and he will not stop giving and participating in the community.

Mayor Greene thanked everyone for coming out and apologized for the lengthiness of the meeting. He asked that the Town Council revisit the no trespassing policy at the February meeting and see how we can come together to put a policy in place that is right for the people of Pleasant Garden. The sheriff’s department needs a formal policy in place to enforce ordinances.

A sales representative from Blackboard will make a presentation the next day about their telephone notification system. He invited the public to attend if interested and said one other councilperson could come if they would like. Councilman Wyrick said he would like to attend.

Adjournment

MOVED by Mayor Greene to adjourn. APPROVED 5-0

The meeting was adjourned at 10:54pm.

Clerk

Date

Mayor