



1 **MOVED by Mayor Hice to approve the Consent Agenda with the noted corrections to the**  
2 **April 7 minutes, seconded by Mayor Pro Tem Smith. APPROVED 5-0**  
3

4 **Public Hearing**

5 Town Administrator/Clerk Carmany explained that NCDOT requested that the Town remove the  
6 metal stakes and yellow roping from the right-of-way near the soccer fields and the Pleasant Garden  
7 Community Center. Mark Aldridge, a traffic engineer with NCDOT, suggested that the Town adopt  
8 a no parking/towing enforced zone in that area. Mrs. Carmany drafted an ordinance amendment to  
9 include Chapter 50 giving the Town Council the authority to designate no parking/towing enforced  
10 zones and specifically listing the proposed zones on Alliance Church Road and Ryegate Drive.

11  
12 Councilman Wyrick questioned if the ordinance was necessary for the Guilford County Sheriff's  
13 Department to have authority to enforce the no parking zones. Town Attorney Hill said the marked  
14 zones would certainly draw more of their attention and he would check on the authority question.

15  
16 Mayor Hice read aloud the public hearing procedures.

17  
18 **Speakers in favor:** *Bob Strickland of 1343 Ryegate Drive* said he was not particularly in favor or  
19 against the ordinance. He asked if the ordinance would be enforced, particularly on July 4. Mayor  
20 Hice explained that Sgt. Rick Lawrence had pointed out safety concerns at last year's event and  
21 asked that the Town do something to address the problem with cars parking in the right-of-way and  
22 children walking in the roadway.

23  
24 **Speakers opposed:** There were no speakers in opposition to the ordinance.

25  
26 **MOVED by Mayor Hice to close the public hearing, seconded by Mayor Pro Tem Smith.**  
27 **APPROVED 5-0**  
28

29 **MOVED by Mayor Hice to adopt the no parking/towing enforced ordinance, seconded by**  
30 **Councilwoman Johnson.** Councilman Wyrick stated he would be voting against the ordinance  
31 because he was opposed to more regulations taking away the rural atmosphere. He felt there were  
32 few problems with parking during the soccer games and that the traffic cones worked well. Mayor  
33 Hice said she would support it because it puts the Town in compliance with the NC General Statutes  
34 regarding NCDOT right-of-way; the traffic cones are not in compliance with NCDOT regulations  
35 either. Mayor Pro Tem Smith said the ordinance would correct the situation with the metal stakes  
36 and let people know what their rights were. Councilwoman Johnson said the safety factor of parking  
37 on both sides of the road was of concern to her. The motion was **APPROVED 4-1** (*Yes – Hice,*  
38 *Johnson, Smith and Wallace; No – Wyrick*)  
39

40 **CHAPTER 50: No Parking/Towing Enforced Zones**

41 Section

42 50.01 Designation of No Parking/Towing Enforced Zones

43 50.02 Listing of No Parking/Towing Enforced Zones

44 50.03 Enforcement

45 **§ 50.01 DESIGNATION OF NO PARKING/TOWING ENFORCED ZONES.**

46 The Town Council shall establish such no parking/towing enforced zones in specific locations within  
47 the town limits as are deemed necessary to protect the safety and well-being of motorists and  
48 pedestrians.

1 **§ 50.02 LISTING OF NO PARKING/TOWING ENFORCED ZONES.**

2 The designated no parking/towing enforced zones are as follows:

3  
4 **RYEGATE DRIVE (NO PARKING ON ONE SIDE OF STREET)**

5 On the south side of SR 3417 (*Ryegate Drive*) from a point 475 feet west of SR 3738 (*Alliance*  
6 *Church Road*), eastward to SR 3738 (*Alliance Church Road*). Any vehicles parked, left standing or  
7 disabled, whether attended or unattended, on the right-of-way of SR 3417 (*Ryegate Drive*) within the  
8 limits described shall be subject to being towed without notice as determined by the Town of  
9 Pleasant Garden.

10  
11 **ALLIANCE CHURCH ROAD (NO PARKING ON BOTH SIDES)**

12 On both sides of SR 3738 (*Alliance Church Road*) from a point 0.12 mile north of SR 3418 (*Neelley*  
13 *Road*), northward to a point 0.04 mile south of SR 3414 (*Talbot Road*). Any vehicles parked, left  
14 standing or disabled, whether attended or unattended, on the right-of-way of SR 3738 (*Alliance*  
15 *Church Road*) within the limits described shall be subject to being towed without notice as  
16 determined by the Town of Pleasant Garden.

17  
18 **§ 50.02 ENFORCEMENT.**

19 Deputies of the Guilford County Sheriff's Department are hereby authorized to enforce the  
20 provisions of this ordinance in addition to State Highway Patrol officers.

21  
22 **Public Comment**

23 Mayor Hice reviewed the guidelines for the public comment period. There were no speakers. Mayor  
24 Hice closed the first comment period.

25  
26 **Reports**

27 A. *Town Administrator/Clerk Carmany* presented the monthly report (*copy attached*). She reported  
28 that Senate Bill 540 to change the election cycle of councilmembers to two at each election would be  
29 introduced in committee on May 12 at noon. Mrs. Carmany is serving on the Intergovernmental Task  
30 Force on the consolidation of city and county planning and inspections services.

31  
32 A committee substitute has been introduced on the Jordan Lake Rules that is more favorable to local  
33 governments but opposed by the environmentalists. A cap on expenditures may be proposed, but it  
34 would still be very expensive to the Town; Mrs. Carmany did not include any costs for  
35 implementation in the draft budget. Only part of Pleasant Garden is within the Jordan Lake  
36 watershed; if the Town has to spend money to implement the Rules, the Town Council will have to  
37 decide who will pay for those costs -- all citizens or only those in the watershed. The existing  
38 development rules were modified to give additional time to achieve compliance and do not require  
39 acquisition of private property for mitigation efforts. The bill moved out of the house environmental  
40 committee with no recommendation and must be approved by the House by May 14 to comply with  
41 the crossover deadline. Senator Vaughan will spearhead efforts in the Senate to further modify the  
42 Rules and get them approved.

43  
44 NCDOT is sending the paperwork to change the speed limit back to 45MPH on Appomattox Road  
45 between Rosswood Road and Neelley with a 35MPH limit during school hours.

46  
47 B. *Financial/Budget*: Finance Officer Carmany presented the updated Fund Balance Report for the  
48 period ending April 30, 2009 that included the interest paid to the accounts on April 30 (*copy*

1 *attached*). The General Fund had a balance of \$1,126,277 and the Capital Reserve Fund had a  
2 balance of \$1,892,147 for a total of \$3,018,424. Interest rates continue to fall. There were no  
3 questions about the check register or the budget versus actual report. Mrs. Carmany projected that  
4 there will be approximately \$51,000 left over in the 2008-09 budget at the end of the fiscal year.  
5

6 *C. Legal Update:* Town Attorney Hill reported that a demand for payment of \$30,800 had been  
7 served on the owners of 4526 Pleasant Garden Road for code violations; civil penalties or criminal  
8 prosecution can be pursued at the Town Council's direction.  
9

10 The council should be aware of HB1134 – The Open Government Act. It applies to public records  
11 requests and local governments' responses to them and requires the award of attorneys' fees to any  
12 person who substantially prevails in an action against a local government for noncompliance. An  
13 open government unit would be established in the Attorney General's office. Other bills on  
14 annexations and local government tort reform are being considered. Councilman Wallace requested  
15 that Town Attorney Hill review NCLM's weekly legislative bulletins and provide information to  
16 councilmembers on matters that could affect Pleasant Garden.  
17

18 *Board of Adjustment Training:* Town Attorney Hill conducted a short training session with the  
19 councilmembers on Board of Adjustments procedures. The actions are quasi-judicial and decisions  
20 must be based on the facts, not personal considerations.  
21

22 Councilman Wyrick left the council chambers at 8:04pm.  
23

24 *D. Recreation Board:* Chairman Steve Brandt reported that the Recreation Board met twice in April  
25 for a special budget work session and the regular meeting. Ellen Whitlock from Senior Resources  
26 presented ideas for possible new programs, and the board is in the early stages of planning a 5K/10K  
27 Run and children's race. Two canine teams will give demonstrations at Pet Day.  
28

29 Planning for the June 27 Independence Day celebration is moving along well; the event will begin at  
30 5:00pm and will include the live band *Street Feet*, inflatables and the balloon man. Glow-in-the-dark  
31 bracelets and non-toxic tattoos and small flags will be given away; the Explorers and Sheriff's  
32 deputies will assist with parking. Mr. Brandt will meet with the Pleasant Garden Community Center  
33 board regarding vendors and other activities.  
34

35 Councilman Wyrick returned to the council chambers at 8:08pm.  
36

37 **MOVED by Mayor Pro Tem Smith to appoint Mary Ann Yow as the chairperson of the**  
38 **Veterans Appreciation Day committee and Henry Tripp as the chairperson of the 5K/10K**  
39 **Run, seconded by Mayor Hice. APPROVED 5-0**  
40

41 *E. Healthy Living Committee:* Mayor Hice reported that the committee is planning a Kids Health  
42 and Safety Day on July 28. It will include a bike rodeo with free helmets until noon and will be  
43 limited to 20 kids. The Guilford County Health Department will provide TDAP immunizations for  
44 sixth graders. The Optimists Club will do electronic fingerprinting, and presentations will be made  
45 on water, fire and ATV safety, first aid, and other topics. Dental and vision screenings will be  
46 conducted and information on lead poisoning will be provided. Councilman Wyrick said this was the  
47 first he had heard of this event. Mayor Hice responded the plans were made at the committee  
48 meeting the previous week and the information was shared in the minutes of that meeting.

1 Mayor Hice said she was working on a grant to help with the costs of the Kidneyville Cruiser at the  
2 Health Fair and Blood Drive scheduled for October 3.

3  
4 *F. Reading Grows Community:* Mayor Pro Tem Smith said the event was excellent on Sunday,  
5 May 3. Author Tommy Hays came from Asheville and gave two readings of his book. There was  
6 music, contra dancing, a program on Alzheimer's, a story circle, and seven artists/craftsmen. There  
7 will be a follow-up meeting at the end of month, possibly to organize a book discussion group.

8  
9 *G. Piedmont Triad Council of Governments meeting:* Mayor Hice previously distributed the  
10 materials from the meeting. Town Administrator/Clerk Carmany reported that the 2010 census is  
11 moving forward and everyone is encouraged to cooperate.

### 12 **Old Business**

13  
14 *A. Contract for removal of dead magnolia tree:* Mayor Hice confirmed with Assistant Clerk Baker  
15 that Mr. Schields would cut down the tree and clean up the area around it.

16  
17 **MOVED by Councilwoman Johnson to approve the agreement with Schields Tree Service to**  
18 **remove the dead magnolia tree, seconded by Mayor Hice. APPROVED 5-0**

19  
20 *B. Grounds maintenance contract:* Town Administrator/Clerk Carmany said that Attorney Blair Carr  
21 had inserted the points that were raised at the previous meeting about additional areas to be  
22 landscaped and removal of references to the Idol Field. The renewal is for three years with no cost  
23 increase in 2009-10 and 3% increases in the following two years.

24  
25 **MOVED by Mayor Hice to approve the contract with Still's Lawn Service for 2009-2012,**  
26 **seconded by Councilwoman Johnson. APPROVED 5-0**

27  
28 *C. Councilmember Travel and Expenses Policy:* Mayor Hice reviewed the two options compiled  
29 from input from councilmembers.

30  
31 **MOVED by Councilman Wallace to approve Option 2, seconded by Councilman Wyrick.**  
32 Councilwoman Johnson asked when the funding amounts would be determined, and Town  
33 Administrator/ Clerk Carmany responded it would be done during the budget process. **APPROVED**  
34 **3-2** (*Yes – Hice, Wallace and Wyrick; No – Johnson and Smith*)

35  
36 *D. Newspaper Notices/Advertising Policy:* Mayor Hice reviewed the options suggested by  
37 councilmembers regarding the publication of legal notices, monthly public notices, and advertising  
38 of special events. There was discussion about a motion adopted in 1997 requiring publication of  
39 legal notices in both the *News & Record* and the *Pleasant Garden Post* and whether that action was  
40 still in effect. Other concerns included the naming specific publications in a policy and the need to  
41 go with the best price and what is best for town citizens.

42  
43 **Moved by Mayor Hice that all legal notices required by law will be published in the *News &***  
44 ***Record* that meets the newspaper of record requirements in the North Carolina General**  
45 **Statutes, seconded by Councilwoman Johnson. APPROVED 5-0**

46  
47 **MOVED by Councilman Wyrick that the administrator place ads when necessary for special**  
48 **events based on rate sheets and go with the lowest price for those ads.** There was no second.

1 Councilman Wallace said whether they liked what was written or not, most citizens in Pleasant  
2 Garden read the *Pleasant Garden Post*. **Councilman Wyrick withdrew his motion.**

3  
4 **MOVED by Councilman Wyrick to continue to use the *Pleasant Garden Post* for advertising of**  
5 **special events, public announcements, the motion tally, and the monthly meeting schedule,**  
6 **seconded by Councilman Wallace.** There was discussion about the frequency of the ads, the use  
7 of other publications as needed, and the use of the Town website, newsletters and signs to get  
8 information to citizens. **FAILED 3-2** (*Yes – Wallace and Wyrick; No – Hice, Johnson, and Smith*)  
9

10 *E. Approval of Town Hall Site Plan:* Mayor Hice spoke about the meeting with Paul Kron on April  
11 27 to review priorities in the plan.

12 **MOVED by Mayor Hice to accept the conceptual plan for the Town Hall site plan as a model,**  
13 **seconded by Councilwoman Johnson.** She noted this would allow the Town Council to consider  
14 the Plan when preparing the Capital Reserve Fund budget. Councilman Wyrick expressed concern  
15 about the cost to implement the plan and other unanswered questions. There was discussion about  
16 the plan being used as a base, the best use of land, moving forward with engineering and design, and  
17 the need to have an approved plan in order to apply for grant funding. **APPROVED 3-2** (*Yes –*  
18 *Hice, Johnson and Smith; No - Wallace and Wyrick*)  
19

#### 20 **New Business**

21 *A. Personnel Policy clarification:* In response to a question from Mayor Hice, Town Attorney Hill  
22 responded he had reviewed the Personnel Policy and found the sections regarding the timing of staff  
23 evaluations and who conducts the evaluation could be interpreted in two ways. After discussion by  
24 councilmembers, he suggested that both sections could be rewritten and merged into one. The Town  
25 Council directed Town Attorney Hill to bring back a recommendation at the June meeting.  
26

27 *B. Email Policy:* Mayor Hice reviewed the background materials and the motion adopted on  
28 February 12, 2008 that all town business be conducted on the town email accounts. Some  
29 councilmembers are not having any problems with the system while others are experiencing  
30 problems and also use their personal email accounts, copying those communications to Town  
31 Administrator/Clerk Carmany and/or the public account. There was discussion about the appropriate  
32 sharing of emails and information with councilmembers, limitations on councilmembers who have  
33 problems with the town email account, and the current policy not requiring that all emails be made  
34 available to the public.  
35

36 **MOVED by Mayor Hice to have Town Attorney Hill to look at the email information**  
37 **thoroughly and work with Town Administrator/Clerk Carmany to come up with a**  
38 **recommendation, seconded by Mayor Pro Tem Smith.** **APPROVED 3-2** (*Yes – Hice, Johnson*  
39 *and Smith; No – Wallace and Wyrick*)  
40

41 *C. Appointment of new member to the Healthy Living Committee:*

42 **Moved by Mayor Hice to appoint Carolyn Coleman to the Healthy Living Committee,**  
43 **seconded by Mayor Pro Tem Smith.** **APPROVED 5-0**  
44

45 *D. Presentation of the draft 2009-10 Budget and scheduling of budget work sessions:* Finance  
46 Officer Carmany handed out copies of the draft 2009-10 Budget notebooks and briefly reviewed the  
47 contents. She noted that every request from each councilmember was included to show the total  
48 costs of those proposals and explained some of the revenue projections. Reports on the revenues and

1 expenses for the past three years were provided for reference, and a projection for the 2008-09  
2 ending balance was included. Mrs. Carmany referenced a recent letter from the State Treasurer's  
3 office pointing out the statutory requirement to adopt a Capital Reserve Fund budget for both the  
4 current fiscal year and 2009-10. She reviewed a proposed schedule for the adoption process that will  
5 include the required public hearing; she requested councilmembers to schedule at least two work  
6 sessions in May. Councilmembers selected May 12 and May 28 at 7:00pm for the budget work  
7 sessions.

### 8 9 **Public Comment**

10 *Pam Lemieux of 5102 Foxview Drive* asked if she understood correctly that meeting notices would  
11 not be published in the *Pleasant Garden Post* in the future. Town Administrator/Clerk Carmany  
12 responded that the motion to continue those ads failed; she has already paid for monthly meeting  
13 notice ads through June 30. Mayor Hice said that legal notices would be published in the *News &*  
14 *Record*.

15  
16 *Alan Marshall of 2318 Carlford Road* said he would like to see policies under consideration for  
17 adoption to be published prior to the council meeting. If people are having trouble with emails, they  
18 should use paper and pencil and write it down. Councilmembers talk to each other, not to the  
19 citizens who are left in the dark. He noted that the action of one council does not become obsolete  
20 until later rescinded. Town Administrator/Clerk Carmany responded that copies of agenda materials  
21 and the budget is always available to the public at Town Hall; she can also email information to  
22 anyone who would like to have it.

23  
24 **MOVED by Mayor Hice to close the public comment period, seconded by Councilwoman**  
25 **Johnson. APPROVED 5-0**

### 26 27 **Staff Comment**

28 none

### 29 30 **Council Comment**

31 *Councilman Wallace* thanked everyone for coming. He said it was necessary to adopt the no  
32 parking/towing enforced ordinance because people won't take the responsibility and not park where  
33 they shouldn't. He asked if the Town would enforce the \$30,000 fine on the Pleasant Garden Road  
34 property and noted the need to be consistent. He based his evaluation of the staff on the stated goals.  
35 There are many possibilities in the Town Hall Site Plan, and he was not ready to accept and support  
36 a direction he did not believe in. He asked if everyone would follow the email policy and if personal  
37 computers would be available for inspection. Councilmembers must attend conferences/classes to  
38 gain needed information. This Town Council is coming down to the end of its tenure, and getting  
39 along is not likely to happen at this point. He urged Pleasant Garden citizens to participate in the  
40 National Day of Prayer. He said that the Town has a good Recreation Board and the Reading Grows  
41 Community event was a success on Sunday. He thanked Town Attorney Hill for being present.

42 *Councilwoman Johnson* thanked everyone for coming and asked that everyone keep the Town and  
43 the country and its soldiers in mind during the National Day of Prayer.

44  
45 *Councilman Wyrick* expressed thanks to those who were there and wished the place was full. He saw  
46 the ugly head of personal vendettas and politics again tonight. There is no communication on this  
47 council and a lot of *ex parte* meetings are going on. He has spoken with staff and they understood

1 his intent and comments. He will get copies of everything that comes in one way or the other in order  
2 to do the job he was elected to do. He had the right to speak and would continue to do so. He  
3 advised Mr. Marshall he could request a complete copy of the agenda packet, the budget book and  
4 other materials. Town business cannot legally be conducted by email and he does not respond in  
5 those cases.

6  
7 *Mayor Pro Tem Smith* said she had a different opinion than Councilman Wyrick regarding the  
8 receipt of information; she would prefer to get it once a week as a summary instead of bits and pieces  
9 as it comes along. The town ordinances were changed when revised ordinances were adopted in  
10 2006 and the Town Council a rescinded policy regarding boards on January 11, 2009. She  
11 congratulated Town Administrator/Clerk Carmany on her graduation from the UNC School of  
12 Government course.

13  
14 *Mayor Hice* thanked all for coming and expressed hope in the future they would be able to talk to  
15 people without putting someone else down. She reminded council members of the Elected Officials  
16 Breakfast on May 11. She invited everyone to a small celebration after the meeting for Mrs.  
17 Carmany's graduation.

18  
19 **Adjournment**  
20 **MOVED by Mayor Hice to adjourn the meeting, seconded by Councilwoman Johnson.**  
21 **APPROVED 5-0**

22  
23 The meeting was adjourned at 10:03pm.  
24  
25

26  
27  
28 \_\_\_\_\_  
29 Clerk Date  
30  
31  
32  
33  
34 \_\_\_\_\_  
35 Mayor