

1 **Town of Pleasant Garden**  
2 July 7, 2009  
3 Kirkman Municipal Building  
4

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

9 **In attendance**

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

16 **Also in attendance**

17 Sandy Carmany, Town Administrator/Clerk  
18 Linda Baker, Assistant Clerk  
19 William Hill, Town Attorney  
20

21 **Audience**

22 15  
23

24 **Call to Order**

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

27 Mayor Hice welcomed everyone.  
28

29 Councilman Wallace delivered the invocation.  
30

31 Mayor Hice led the Pledge of Allegiance.  
32

33 **Roll Call**

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

37 **Approval of Agenda**

38 **MOVED by Mayor Hice approve the agenda with the addition of Agenda item 11D AED/  
39 defibrillator policy.** Councilman Wallace asked about the Town Council training listed on the  
40 agenda, noting that no money was included in the 2009-10 budget for such training. Town Attorney  
41 Hill responded he would be conducting the training and the Town did incur expense for his  
42 preparation time.  
43

44 **MOVED by Councilman Wallace to amend the motion to strike the Town Council training  
45 from the agenda since no money in the budget for it.** The amendment was **APPROVED 5-0.**  
46

47 The original motion as amended was **APPROVED 5-0.**

1 **Consent Agenda**

2 Mayor Hice reviewed the items on the Consent Agenda which included the approval of the minutes  
3 of the May 28, 2009 Budget Work Session and Special Meeting, the June 2, 2009 Regular Meeting,  
4 the June 22, 2009 Special Meeting, and a resolution in support of the 2010 Census. She noted a  
5 correction to be made to the minutes of the June 22, 2009 Special Meeting on lines 43, 45 and 49 of  
6 page one; it should read "Budget Amendment 5" instead of "Budget Amendment 4."

7  
8 **MOVED by Mayor Hice to approve the Consent Agenda with the noted correction to the June**  
9 **22 minutes. APPROVED 5-0**

10  
11 **RESOLUTON:        Census 2010**

12  
13 **WHEREAS**, an accurate census count is vital to our community and residents' well-being by  
14 helping planners determine where to locate schools, daycare centers, roads and public transportation,  
15 hospitals and other facilities, and it is used to make decisions concerning business growth and  
16 housing needs; and

17  
18 **WHEREAS**, more than \$300 billion per year in federal and state funding is allocated to states and  
19 communities based on census data; and

20  
21 **WHEREAS**, census data ensure fair Congressional representation by determining how many seats  
22 each state will have in the US House of Representatives as well as the redistricting of state  
23 legislatures, county, and city councils, and voting districts; and

24  
25 **WHEREAS**, the 2010 Census creates jobs that stimulate economic growth and increase employment  
26 opportunities in our community; and

27  
28 **WHEREAS**, the information collected by the census is protected by law and remains confidential  
29 for 72 years.

30  
31 **NOW THEREFORE BE IT RESOLVED** by the Town Council of the Town of Pleasant Garden  
32 that it will support and partner with the US Census Bureau to ensure a full and accurate count in the  
33 Town of Pleasant Garden in 2010.

34  
35 In support of this effort, we will:

- 36       1. Support the goals and ideals for the 2010 Census and will disseminate 2010 Census  
37       information to encourage those in our community to participate.
- 38  
39       2. Encourage people in the Town of Pleasant Garden to place an emphasis on the 2010 Census  
40       and participate in events and initiatives that will raise overall awareness of the 2010 Census  
41       and ensure a full and accurate count.
- 42  
43       3. Support census takers as they help our community complete an accurate count.
- 44  
45       4. Create or seek opportunities to collaborate with other like-minded groups in our community,  
46       such as Complete Count Committees, to utilize high-profile, trust voices to advocate on  
47       behalf of the 2010 Census
- 48  
49

1 **Public Comment**

2 *Bill Greene of 5504 Stonebridge Road* said he read the Town newsletter and wanted to note that the  
3 Town did not necessarily do all the work for last year's blood drive/health fair. The Pleasant Garden  
4 Lions Club, American Red Cross, Ron Surgeon, and Johnny Tart also contributed to the event. He  
5 said the Town did not need to spend \$3,000 for another one because the Pleasant Garden Lions Club  
6 would do it for free.

7  
8 **MOVED by Mayor Hice to close the public comment session. APPROVED 5-0**

9  
10 **Reports**

11 *A. Town Administrator/Clerk Carmany* presented the monthly report (*copy attached*). The attorney  
12 has filed for clearance from the US Department of Justice for the charter revisions changing the  
13 staggering of the terms of councilmembers. Mrs. Carmany pointed out photographs of the spring  
14 2009 soccer teams that were sponsored by the Town; registration for the fall season opened on July 1  
15 and on-site registrations were scheduled at Town Hall on July 25, August 1, and August 8. The  
16 repairs to the building approved by the Town Council at the last meeting have been completed. The  
17 Board Appreciation Dinner has been planned for Thursday, November 12.

18  
19 The defibrillator has been delivered and assembled; Marie Byrd is prepared to conduct CPR and  
20 AED training once dates have been identified. Councilman Wyrick requested that Ed Hampton of  
21 Southeastern Emergency Equipment be involved in the training since he is familiar with the AED  
22 and had offered his services at no charge.

23  
24 Two wildlife officers visited Town Hall to find out if the Town had any ordinances prohibiting  
25 hunting or firing of guns within the Town limits. A resident has requested permission to shoot deer  
26 that are destroying his vegetable garden. The officers will issue a bow-hunting permit due to the  
27 closeness of occupied dwellings in the area.

28  
29 *B. Financial/Budget:* Finance Officer Carmany presented the updated Fund Balance Report for the  
30 period ending June 30, 2009. The General Fund had a balance of \$1,142,886 and the Capital  
31 Reserve Fund had a balance of \$1,913,403 for a total of \$3,056,289. Interest for the Finistar  
32 accounts recently dropped to .70%. The anticipated end-of-the-year balance was estimated to be  
33 between \$50,000 and \$55,000.

34  
35 Councilman Wyrick asked if Performance Pontiac of the Carolinas had reimbursed the town for the  
36 trophies for the June 27 car show as they had in the past. Finance Officer Carmany responded that  
37 she had not received anything from them this year and would check previous years' records.

38  
39 Mrs. Carmany explained that 2008-09 Budget Amendment 6 was needed to clean up some of the line  
40 items in preparation for the audit that is scheduled to begin the first week of August.

41  
42 **MOVED by Mayor Hice to approve Budget Ordinance Amendment 6. APPROVED 5-0**

43  
44 **Ordinance Adopting the Budget of the Town of Pleasant Garden for Fiscal Year 2008-09**  
45 **Amendment 6**

46  
47 By the Request of the Finance Officer:

48  
49

1	<b>Increase the following budget line items by the amounts shown:</b>		
2	Operations	5001.01 Building/Office Cleaning	\$ 350.00
3	Operations	5003.00 Repairs & Maintenance	\$ 300.00
4	Operations	5319.00 Mileage Reimbursement	\$ 15.00
5	Operations	5502.06 Newsletters printing	\$ 160.00
6	Soccer	8820.12 Background checks ( <i>spring</i> )	<u>\$ 300.00</u>
7		TOTAL	\$ 1,125.00

9	<b>Decrease the following budget line items by the amounts shown:</b>		
10	Operations	5004.00 Heat & Maintenance	\$ 350.00
11	Operations	5999.00 GF Contingency/disaster	\$ 300.00
12	Operations	5316.00 Continuing Education – Staff	\$ 15.00
13	Operations	5501.01 Newspaper notices	\$ 160.00
14	Soccer	8820.03 8820.07 Referees/linesmen ( <i>spring</i> )	<u>\$ 300.00</u>
15		TOTAL	\$ 1,125.00

17 **PURPOSE :** Administrative adjustment of accounts -- overages in four accounts; no funds  
 18 originally allocated for soccer background checks in the 2008-09 budget

20 *C. Legal Update:* Town Attorney Hill reported he had been busy on working on the personnel  
 21 policy revisions and a policy on the use of the AED. He thanked the Recreation Board for working  
 22 with him on the issue regarding vendors at the Independence Day event. The submittal has been  
 23 made to the US Department of Justice for clearance on the town charter amendment for the  
 24 staggering of councilmembers' terms.

26 Mr. Hill explained HB524 that would change the requirements for municipal annexations; he advised  
 27 not passing a resolution regarding this legislation since the town charter prohibits involuntary  
 28 annexations. The secondary road bill appears to be stuck in committee and is not moving. The  
 29 Jordan Lake Rules did pass and are much less cumbersome than originally proposed; retrofitting is  
 30 gone and other additional requirements will be phased in, giving some financial relief. An Open  
 31 Government Act applying to public records requests would award attorney's fees to the plaintiff if  
 32 he/she prevails. The Local Government Code of Ethics Act will require each local government to  
 33 adopt a code of ethics and each member must receive two hours of training within one year of  
 34 election.

36 Mayor Hice asked about the status of the code enforcement issue at 4526 Pleasant Garden Road.  
 37 Town Attorney Hill responded that it is back with the county; he will email an update to  
 38 councilmembers.

40 *D. Zoning Board:* Chairman Alan Carroll reported on the two issues at the June 15 meeting. The  
 41 first was a subdivision on Spur Road dividing seven acres into two 3.5 acre lots. The road will be  
 42 built and a church will be constructed on the front lot. This road is grandfathered and will not have  
 43 to be built to state standards.

45 The second issue was political campaign sign placements. The Board requested that a letter be  
 46 drafted to send to local candidates to draw attention to the fact that signs should be placed only on  
 47 private property with permission and not in road right-of-ways or on town property. It does not  
 48 change any of the rules, but provides a clear summary of the current requirements.

1 Councilman Wyrick asked why candidates' signs were being targeted and not realtor and other signs;  
2 some sign owners have not removed previously-identified illegal signs. Mr. Carroll responded that  
3 the campaign signs were more prevalent and easier to address. Councilman Wyrick said some of the  
4 Town's signs were in the right-of-way; Councilwoman Johnson requested that Town Administrator/  
5 Clerk Carmany measure the location of those signs.

6  
7 Town Attorney Hill advised against the Town getting into enforcement due to the legal issues and  
8 advised that NCDOT or county authorities be contacted to handle any problems. That is why  
9 Attorney Carr previously described the letter as "a bark without a bite."

10  
11 **MOVED by Mayor Pro Tem Smith to adopt the policy that no political campaign signs may be**  
12 **placed on Town property except when Town Hall is being used as a polling place.**  
13 **APPROVED 3-2 (Yes – Hice, Johnson and Smith; No – Wallace and Wyrick)**

14  
15 There was discussion about the wording of the letter but there was no agreement on any changes.  
16 **MOVED by Councilwoman Johnson that the letter informing all candidates that file for**  
17 **Pleasant Garden offices for the 2009 election of the rules regarding political signs be sent as is.**  
18 **APPROVED 3-2**

19  
20 *E. Recreation Board:* Chairman Steve Brandt reported on the June 18 meeting of the Recreation  
21 Board. The Police Explorers will assist with Pet Day event parking; planning for the Christmas  
22 Parade will begin at the July meeting. Matt Rio of State Farm Insurance donated money to offset the  
23 cost of refreshments at the August 5 presentation about Social Security. The Independence Day  
24 celebration went well and Sgt. Lawrence reported the traffic flow was the best he had ever seen.

25  
26 Mr. Brandt requested that the council draft an ordinance to legally restrict outside commercial  
27 enterprises at any town-sponsored event to give the Town appropriate control and to have the  
28 ordinance in place no later than Pet Day on October 10. No action was taken on this request.

29  
30 Councilmembers complimented the Recreation Board on the successful Independence Day event.  
31 Many people observed and enjoyed the fireworks from other locations.

32  
33 *F. Healthy Living Committee:* Mayor Hice presented updated information on the July 28 Kids Day.

34  
35 *G. PTCOG meeting:* Mayor Hice reported that the presentation at the June meeting focused on  
36 regionalism. Town Administrator/Clerk Carmany announced that Executive Director Randy Billings  
37 will be retiring in June 2010 and Assistant Director Ginger Booker in March 2010.

38  
39 *G. MPO meeting:* Town Administrator/Clerk Carmany reviewed the MPO staff response to the  
40 Southeast Guilford Community Association concerning their request for bicycle lanes and sidewalks  
41 in southeastern Guilford County, some of which are located inside the town limits. The MPO does  
42 not have funding for the projects at this time, but the Town will have to agree to sponsor the projects  
43 and provide matching funds for them to move forward.

44  
45 The State Board of Transportation may revamp the seven-year Transportation Improvement Program  
46 process to guarantee that projects listed on it would be constructed within five years. MPO staff will  
47 be bringing back options within 90 days for small-town representation on the Transportation  
48 Advisory Committee.

1 **Old Business**

2 *A. Personnel Policy clarification:* Town Attorney Hill explained that two versions of the personnel  
3 policy clarification had been prepared, one with the full Town Council performing the Town  
4 Administrator/Clerk’s evaluation and one with the Mayor performing the evaluation. Clarifications  
5 were made to the timing of evaluations, definition of “probationary period” and to the preferred use  
6 of comp time/overtime.

7  
8 **MOVED by Councilman Wyrick to adopt Version 1 in its entirety that allows the Town**  
9 **Council to conduct the performance evaluation.** Mayor Pro Tem Smith suggested the timing of  
10 merit pay increases be changed at a later time to become effective on the employee’s anniversary  
11 date instead of in January. **APPROVED 5-0**

12  
13 *B. Staff comp time:* Mayor Hice read the explanation about accrued staff comp time and whether it  
14 should be awarded as additional time off or as additional pay in the 2008-09 fiscal year.

15  
16 **MOVED by Mayor Pro Tem Smith to pay the comp time as additional salary out of the 2008-**  
17 **09 budget.** Councilman Wyrick asked if the Town Administrator/Clerk position was FSLA exempt  
18 or not exempt based on the significant decision-making provision, especially financial decisions.  
19 Town Attorney Hill requested time to research the federal FSLA and state labor board regulations.  
20 In light of the question, Mayor Pro Tem Smith **rescinded** her motion.

21  
22 **MOVED by Mayor Hice to table Mrs. Carmany’s decision to the August meeting and to pay**  
23 **Assistant Clerk Baker \$297.63 out of the 2008-09 budget. APPROVED 5-0**

24  
25 *C. Personnel Policy – Base Compensation Adjustment:* Mayor Hice read from Article II, Section  
26 3A of the personnel policy that requires an annual Base Compensation Adjustment. No money was  
27 allocated in the 2009-10 budget for this. Councilman Wyrick pointed out that the definition on an  
28 earlier page used the word “may” instead of “will.”

29  
30 **MOVED by Councilman Wyrick to change “will receive” to “may receive” in Article III,**  
31 **Section 3A to be consistent and clarify the ambiguity. APPROVED 5-0**

32  
33 **New Business**

34 *A. Request for the sale of shrimp and beef at the Farmers’ Market:* Mayor Hice received inquiries  
35 from two prospective vendors who wished to sell shrimp and/or beef at the Farmers’ Market.

36  
37 **MOVED by Mayor Hice not to change the guidelines for the Farmers’ Market to allow the sale**  
38 **of meat and shrimp.** There was extensive discussion about the Town’s current guidelines, health  
39 department regulations and inspections, previous requests to sell eggs, less stringent requirements at  
40 other Farmers’ Market in the area, the short shelf life of these products, the lack of personnel to  
41 enforce regulations, and liability issues. **APPROVED 3-2** (*Yes – Hice, Johnson and Smith; No –*  
42 *Wallace and Wyrick*)

43  
44 *B. Next steps for Reading Grows Community/library:* Mayor Pro Tem Smith said the library survey  
45 results were passed on to the Greensboro Public Library’s director for consideration and  
46 development of a proposal for library usage in the Town for the Town Council’s future  
47 consideration.

1 C. *Changes to the Senior Luncheon program:* Mayor Hice and Town Administrator/Clerk Carmany  
2 reported on the meeting with the staff of Senior Resources to identify potential cuts to the Senior  
3 Luncheon program to stay within the 2009-10 budget. Mrs. Carmany noted that Ellen Whitlock and  
4 Mayor Hice will attend the July 21 event to gather input from the program participants.  
5

6 **MOVED by Councilman Wyrick to table consideration of this until the August meeting and**  
7 **not present the options to Senior Luncheon participants until the Town Council has discussed**  
8 **them.** There was discussion about the council's decision to cut the funding in the budget. **FAILED**  
9 **3-2** (*Yes – Wallace and Wyrick; No – Hice, Johnson, and Smith*)  
10

11 **MOVED by Mayor Pro Tem Smith that the Mayor attend the Senior Luncheon along with Ms.**  
12 **Whitlock to meet with the people with the understanding that the Town Council is in the**  
13 **process of deciding about this program and welcomes their input.** There was discussion about  
14 other councilmembers' opportunity to hear the discussion in the meeting with Senior Resources.  
15 **APPROVED 3-2** (*Yes – Hice, Johnson and Smith; No – Wallace and Wyrick*)  
16

### 17 **AED policy**

18 Town Attorney Hill prepared a policy for the use and training of the defibrillator/AED. Mayor Hice  
19 noted the device would not be used until people have been trained.  
20

21 **MOVED by Mayor Hice to adopt the Town of Pleasant Garden's Automated External**  
22 **Defibrillator (AED) policy as written.** Councilman Wallace asked if the blanks in the form should  
23 be filled before adoption. It was agreed the location of the cabinet would be above the fire  
24 extinguisher on the north wall at the lobby reception desk near a telephone subject to the approval of  
25 the Pleasant Garden Fire Department. **APPROVED 5-0**  
26

### 27 **Town of Pleasant Garden Automated External Defibrillator (AED) Policy**

#### 28 **Purpose:**

29 To provide guidance in the management of administration of the AED program. The goal of this  
30 Policy is to ensure that AEDs installed are safely maintained and used, and to promote training and  
31 easy access to installed AEDs.  
32

#### 33 **Policy Statement**

34 The Town of Pleasant Garden is committed to providing a safe and healthy environment for its  
35 citizens and employees. Publicly accessible Automated External Defibrillators (AED) have proven to  
36 significantly increase the chances of survival of persons who experience Sudden Cardiac Arrest,  
37 provided the AED's are properly equipped, located, maintained and used. The AED program at was  
38 developed using the guidelines American Heart Association and/or the American Red Cross.  
39

#### 40 **Background**

41 Sudden Cardiac Arrest occurs when the heart's electrical system malfunctions and the heart itself  
42 stops beating. It's unpredictable and can happen to anyone, anywhere, anytime. It is fatal unless  
43 treated quickly. The only effective treatment is early defibrillation. Defibrillation is an electrical  
44 shock that re-starts the heart. A machine called a defibrillator administers the shock.  
45

46 Traditionally, defibrillators have only been in ambulances and hospitals. But today the technology  
47 exists to have affordable defibrillators available wherever people gather. On-site personnel, with  
48 minimal training can operate these defibrillators.  
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**Liability and Good Samaritan Laws:**

North Carolina General Statutes 90-21.14 and 90-21.15 provide immunity from liability for any persons maintaining and/or using the AED provided they have been properly trained.

**Authorized AED Users:**

The AED may only be used by any employee, volunteer or responder who has successfully completed an approved CPR/AED training program within the last two years.

**Town Responsibilities:**

- Assign employee(s) to inspect and perform service maintenance of AEDs pursuant to the instructions of the AED manufacturer/provider and assure that inspection and records are retained on site. All maintenance or service issues of an AED are to be documented.
- Following the use of an AED, ensure that all equipment is cleaned and or/decontaminated as specified by the AED manufacturer/provider. Document the use of the AED.
- Register the AED with the appropriate local EMS department.
- Arrange for training and refresher training in AED use for staff and volunteers reasonably expected to use an AED, such that training is conducted in a timely manner and in accordance with written user and service manuals provided by the manufacturer/provider.
- Document and maintain training records and copies of certifications for authorized AED users.

**AED – Trained Employee Responsibilities:**

- Provide prompt CPR/AED according to training if physically able to do so.
- Contact 911 and request Emergency Medical Services.
- Advise 911 Communicator that there is an AED on site.
- Assign someone to meet the responding EMS vehicle and direct the EMS team to the location of the emergency.

**AED Locations:**

Specifically identify location of device: Above the fire extinguisher on the north wall at the lobby reception desk near a telephone subject to the approval of the Pleasant Garden Fire Department

**Equipment:**

- Identify manufacturer and model: Phillips Heartstart FRx 861304
- Electrode Pads for persons 8 years of age and older
- Electrode Pads for persons under the age of 8 (Child/Infant Electrode Pads)
- Additional equipment (if any): Fast Response Kit

**Required Records:**

The following records must be maintained on site:

- Training records for staff/volunteers.
- AED policy.
- AED manufacturer/provider “Instructions for Use”.
- Written inspection records.
- Documentation of any AED use

Adopted this 7<sup>th</sup> day of July, 2009.

1  
2 Assistant Clerk Baker will poll councilmembers and other interested persons regarding dates to  
3 schedule the training.

4  
5 **Public Comment**

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

7  
8 *Henry Tripp of 2101 Macon Glen Drive* said the Red Cross will train strictly on the AED; it is not  
9 necessary to take the CPR course first.

10  
11 *Alan Marshall of 2318 Carlford Road* noted that people were removing furniture from the house at  
12 4526 Pleasant Garden Road earlier in the week.

13  
14 **MOVED by Mayor Hice to close the public comment period. APPROVED 5-0**

15  
16 **Staff Comment**

17 None

18  
19 **Council Comment**

20 *Councilman Wallace* thanked everyone for coming and said he was looking forward to continuing to  
21 work with them.

22  
23 *Councilman Wyrick* also thanked people for coming and noted that the Town Council showed its true  
24 colors tonight.

25  
26 *Mayor Pro Tem Smith* wished everyone a good week.

27  
28 *Councilwoman Johnson* thanked everyone for coming and said she had several phone calls wanting  
29 to know how the town put on the July 4<sup>th</sup> event at no cost to participants. People were thrilled and  
30 loved it.

31  
32 *Mayor Hice* said it was good to see Ron and Brenda Surgeon in the audience and clarified that she  
33 did not place any campaign signs on NCDOT right-of-way. She distributed a packet of information  
34 from the minutes of past meetings regarding the Health Living Committee, the October 3 Blood  
35 Drive/ Health Fair, and the July 28 Kids Day. Councilman Wyrick objected to her interpretation of  
36 his past comments regarding those events.

37  
38 **Adjournment**

39 **MOVED by Mayor Hice to adjourn the meeting. APPROVED 5-0**

40 The meeting was adjourned at 9:25pm.

41  
42  
43 \_\_\_\_\_  
44 Clerk Date

45  
46  
47  
48 \_\_\_\_\_  
49 Mayor