

Town of Pleasant Garden
October 13, 2009
Kirkman Municipal Building

Minutes
Town Council Regular Monthly Meeting

In attendance

Mayor Anne Hice
Councilwoman Chris Johnson
Mayor Pro Tem Nancy Jo Smith
Councilman Wallace
Councilman Bob Wyrick

Also in attendance

Sandy Carmany, Town Administrator/Clerk
Linda Baker, Assistant Clerk
Blair Carr, Town Attorney

Audience

20

Call to Order

Mayor Hice called the meeting to order at 7:00pm and reminded everyone the purpose of the meeting was to conduct town business.

Mayor Hice welcomed everyone.

Councilwoman Johnson delivered the invocation.

Mayor Hice led the Pledge of Allegiance.

Roll Call

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

Mrs. Carmany said Councilman Wallace had phoned to say he would be delayed 15-20 minutes in arriving to the meeting.

**MOVED by Mayor Hice to excuse Councilman Wallace from the meeting until he arrived.
APPROVED 4-0**

Approval of Agenda

Mayor Hice noted several changes to the agenda which included Blair Carr serving as Town Attorney instead of Bill Hill, Henry Tripp presenting the Zoning Board report instead of Alan Carroll, and the addition of Item 10Biii for the approval of 2009-10 Budget Amendment 4.

MOVED by Mayor Hice to approve the agenda with the changes as listed. APPROVED 4-0

Consent Agenda

Mayor Hice reviewed the items on the Consent Agenda which included the approval of the minutes of the September 1, 2009 Regular Meeting and the codification of Session Law 2009-167 (SB 540) changing the staggering of terms for the members of the Town Council in the Town Charter and Ordinances.

MOVED by Mayor Hice to accept the Consent Agenda. APPROVED 4-0

Public Comment

Mayor Hice reviewed the guidelines for the public comment period. There were no speakers.

Second Reading on Town Ordinance amendment

Mayor Hice read the proposed change to Chapter 30.01 of the Town Ordinances into the record and explained that a second reading was required because the 3-2 vote for approval at the previous meeting was short of the required 2/3 majority. She noted Town Attorney Hill's opinion that the Organization Meeting would have to occur on the first meeting in December due to provisions in the General Statutes no matter the decision made on the ordinance amendment.

CURRENT ORDINANCE:

GENERAL PROVISIONS

§30.01 ANNUAL ORGANIZATION MEETING.

The annual organization meeting of the Town Council shall be conducted on the second Tuesday in December each year. (Ord. 2, passed 1-27-98)

PROPOSED AMENDMENT:

GENERAL PROVISIONS

§30.01 ANNUAL ORGANIZATION MEETING.

The annual organization meeting of the Town Council shall be conducted on the first Tuesday in December each year. (Ord. 2, passed 1-27-98)

MOVED by Mayor Pro Tem Smith to approve the ordinance amendment. Councilmembers discussed with Attorney Carr the need to change the ordinance, to modify the proposed amendment, or to totally delete the language from the ordinances. Ms. Carr advised that the motion that was approved at the September meeting must be acted upon; if it were to fail, another motion could be entertained. **FAILED 0-4**

MOVED by Mayor Pro Tem Smith that the annual organization meeting of the Town Council shall be held as required in NC G.S. 160A-68 on the first meeting in December. APPROVED 4-0

Reports

A. *Town Administrator/Clerk Carmany* presented the monthly report (*copy attached*). The soccer program was going well; reports were turned in for two accidents. Councilman Wyrick asked about the safety netting that had been erected behind the goals on the field; Mrs. Carmany responded she had authorized the work, but the volunteer who performed the work failed to ask for a purchase order for the cost of the lumber.

Mrs. Carmany referred to a letter from Time Warner Cable informing the Town that the monthly rate for Internet service would increase from \$99 to \$129 corresponding to an improvement in the bandwidth and speed. However with the signing of a 3-year service contract, the cost would drop to \$79/month. There was no objection to proceeding with the 3-year service contract.

The construction contract for the US 421 – Woody Mill Road interchange should be let in November 2010. The interchange for US 421 – Neelley Road is not on the current 5-year construction list but did rank #8 in the local MPO needs assessment ranking.

Paperwork for the trademarking of the Town Seal has been completed and the Town Attorney has reviewed it, both for the color version and the black-and-white version. It will now be sent to the NC Department of the Secretary of State for processing.

Town Administrator/Clerk Carmany said she had been contacted by citizens seeking information on bona fide farm status and the animal control ordinance during the past week. Although previous councils adopted both programs in the past, there were no references to either one in the Town Ordinances or in the Development Ordinance. She suggested that either the language for both issues or a reference to them be inserted into the appropriate document; councilmembers agreed the text should be inserted into the ordinances. Bona fide farms are exempt from having to obtain a building permit for the construction of farm buildings; Attorney Carr was asked to research whether those buildings would be subject to electrical and plumbing inspections.

Mayor Hice recognized for the record the arrival of Councilman Wallace at 7:30pm.

B. Financial/Budget: Finance Officer Carmany presented the financial report as of September 30, 2009. The General Fund balance was \$1,154,565 and the Capital Reserve Fund balance was \$1,936,411 for a total of \$3,090,976. She reviewed the check registers, budget versus actual report, and analysis of the interest earnings. \$2,200 was received for sponsorships for the fall soccer season. The one bright spot in revenues was for planning and inspection fees which were double the budgeted amount. The Finistar interest rate dropped to .46% as of October 1.

Revised Budget Amendment 1: Mrs. Carmany explained the need to revise amend the budget to allocate a donation that had been received for refreshments.

**MOVED by Mayor Pro Tem Smith to approve revised 2009-10 Budget Amendment 1.
APPROVED 5-0**

**Ordinance Adopting the Budget of the Town of Pleasant Garden for Fiscal Year 2009-10
Amendment 1**

By the request of the Finance Officer:

Increase the following expense budget line item by the amount shown:

Recreation	8550.00	Special Events Other	\$100.00
		TOTAL	\$100.00

Increase the following revenue budget line item by the amount shown:

Miscellaneous Income	4500.01	Event Revenue/Donations	\$100.00
		TOTAL	\$100.00

Purpose: To appropriate the \$100 donated by Matt Rio of State Farm Insurance Agency for refreshments for the August 5 presentation on Social Security. The event was approved by the Town Council on June 16, 2009 but no money was budgeted at that time for the event. A revision is necessary to increase the donations line in order to keep the budget balanced.

Additional direction on investment options: Finance Officer Carmany reported she was unable to proceed on the Town Council's motion at the September meeting regarding the purchase of a three-year CD because there was a \$500,000 limit on the face amount of the CD and the approved motion did not leave any flexibility in dealing with the additional \$120,000. She reviewed a chart showing quotes on interest rates she had obtained that morning from two banks.

MOVED by Councilman Wyrick to put \$150,000 of the Finistar account into a 12-month Community One CD at the rate of 1.05% or the prevailing rate, \$150,000 into a Bank of America 24-month CD, and the balance of approximately \$320,741 into a 36-month Community One CD at the rate of 3.01%. There was discussion regarding the appropriate length of time to invest the money and the available interest rates. **FAILED 1-4** (*Yes – Wyrick; No – Hice, Johnson, Smith and Wallace*)

MOVED by Councilman Wallace to separate the \$620,000+ into two different CDs at Community One at 3.01% for 3 years – one at \$500,000 and the remainder into the second CD. APPROVED 5-0

2009-10 Budget Amendment 4: Mrs. Carmany explained that the price quote for the trophies for the fall soccer season was higher than the budgeted amount. There was money left over in the jerseys/uniform line item that could be reallocated for the trophies.

MOVED by Mayor Pro Tem Smith to approve 2009-10 Budget Amendment 4 and make the transfer. Councilman Wyrick inquired about the Financial Policy and the bid process for purchases less than \$5,000. **APPROVED 5-0**

Ordinance Adopting the Budget of the Town of Pleasant Garden for Fiscal Year 2009-10 Amendment 4

By the request of the Finance Officer:

Increase the following expense budget line item by the amount shown:

Soccer Program	8810.08 Trophies	\$250.00
	TOTAL	\$250.00

Decrease the following expense budget line item by the amount shown:

Soccer Program	8810.01 Jerseys/uniforms	\$250.00
	TOTAL	\$250.00

Purpose: The price quote submitted by Awards of Excellence for the fall soccer trophies and sponsor plaques exceeds the amount approved in the adopted budget by \$229. Actual costs for the soccer jerseys were \$1,464 less than budgeted. Those unused funds can be moved to cover the cost of the additional costs for the trophies.

Councilman Wyrick requested that the section of the Financial Policy that deals with this type of purchase be placed on the November agenda for discussion.

C. Legal Update: Town Attorney Carr clarified that the General Statutes require a 2/3 majority or greater for a change in the Town Ordinance to become effective immediately. The 3-2 vote at the September meeting was not sufficient, but the 4-0 vote to change the ordinance this evening met those requirements.

D. Long-Range Planning Board: Long-Range Planning Board member Alan Marshall reported on the September 15 meeting and the presentation by Cy Stober of the Piedmont Triad Council of Governments on how the Jordan Lake Rules would affect Pleasant Garden. The law requires an 8% reduction in nitrogen levels and a 5 % reduction in phosphorous by 2017. Each local government must adopt a Stage 1 Adaptive Management Plan by December 31. Requirements will be similar to the Phase II Stormwater standards that will entail stricter regulations on new development and a mandatory undisturbed 50-foot buffer on all streams. Stage 2 will go into effect if the reduction goals are not met by 2017; this would affect existing development if changes are made to that development. He reviewed the five areas that must be covered in the adaptive management plan; most of the work will be covered under the existing contract with Guilford County. The Town will ultimately be held responsible for monitoring illicit discharges on private property owners on their own property. Credits can be earned for improvements, including Voluntary Agricultural Districts, which have been completed since the baseline was established in 2006.

Town Administrator/Clerk Carmany followed up with a report on her attendance at the state workshop on October. She recently received the state's model for the Stage 1 Adaptive Management Plan which must be completed and adopted by December 31, 2009. The Town Council must adopt a Riparian Stream Buffer Ordinance by March 10, 2010 and a stormwater ordinance by August 2011, both of which can be copied from the county's ordinances.

Mrs. Carmany reported that the county attorney had advised that the county did not have the jurisdiction to sign off on the Memorandum of Understanding approved by the Town Council and it should be taken to the state for approval. Attorney Carr said she disagreed with that interpretation, and the Town Council directed her to research the question.

Councilman Wyrick asked what the Town's recourse would be for property owners who do not comply with the requirements of the rules and/or work to abate their issue and what authority the Town would use to do so. Attorney Carr responded that the Town will probably have to use the court system to go after the land owner to recoup any fines the Town might receive. Ms. Carr will research that information.

Councilman Wallace asked that the buffer maps be obtained from the county if possible for the Town Council's review at the next meeting.

E. Zoning Board: Zoning Board member Henry Tripp reported on the September 21 meeting of the Zoning Board. Three cases were heard, one of which was a rezoning request from PI to RS-40 on the east side of Davis Mill Road to correct split zoning on a single lot. There were no speakers for or against the request, and the rezoning was approved. There were two subdivision plats on McClintock Road which were requests from the same family on land zoned agricultural; both plats

met all requirements and were approved. Mr. Tripp said that no complaints had been received regarding the placement of political signs.

F. Recreation Board: Chairman Steve Brandt reported on the September 22 meeting of the Recreation Board. Pet Day went smoothly with 214 rabies vaccinations administered and 14 micro-chips implanted. The event was featured on News2 at least three times over the weekend.

Veterans Appreciation Day will be held on Sunday, November 8 at 2:00pm at the Pleasant Garden Fire Department and will feature Vietnam War veterans. There will be two speakers this year, an Army nurse and a helicopter pilot during that war.

Planning for the Christmas Parade is proceeding with some minor tweaks being made. It is hoped there will be more entries than last year's 86. The Board is reaching out to the community more and fifth graders are excited about the Snowball King and Queen essay contest.

The October Recreation Board meeting was rescheduled to October 14 and a working session on the Christmas Parade will be held on October 29.

Mr. Brandt expressed concern about the proposed vendor ordinance because it did not address vendors setting up displays and creating a commercial atmosphere at town events. He requested the Town Council to add a policy to the ordinance to prohibit the distribution of materials to more closely serve the Recreation Board's purpose for the ordinance.

G. Healthy Living Committee: Mayor Hice reported on the Blood Drive/Health Fair held on Saturday, October 3. The total cost of the event was \$424.58. Volunteers from GTCC, the Guilford County Sheriff's Explorers, Guilford County Health Department, and Southeast High School participated.; Dr. Scott Walrond conducted oral cancer screenings. Thirty-nine units of blood were collected and 8-12 potential donors were turned away. 29 diabetes and cholesterol tests were performed, and 29 flu shots were administered by staff from Pleasant Garden Family Practice.

H. Reading Grows Community: Mayor Pro Tem Smith reported on Community Readers which is meeting on the second Monday and second Friday of each month at no cost to the Town. Wanda Linz is facilitating the discussion groups and serving as the mediator between the Town and the Greensboro Public Library by picking up the books. Mrs. Smith read aloud an email she sent on May 26 that explained the proposed plan to contract with the Greensboro Public Library for library services in Pleasant Garden. No money had been spent out of this line item.

Councilman Wyrick asked if allowing the Book Club to meet in Town Hall opened the door for other activities such as teaching chess in Town Hall and suggested that clarification was needed.

Councilwoman Johnson supported the idea of other programs being held in the building and offered to assist Councilman Wyrick if he chose to do so.

Old Business

A. MOU with Senior Resources of Guilford for the Senior Luncheon Program: Mayor Hice shared the proposed Memorandum of Understanding prepared by Town Administrator/Clerk Carmany working with Ellen Whitlock of Senior Resources and reviewed by Town Attorney Hill.

MOVED by Councilman Wallace to accept the MOU as presented. APPROVED 5-0

Mayor Pro Tem Smith announced there is a new site director for the Senior Luncheon program, Tracy Keaton, who lives in the Forest Oaks community.

At some point before the next budget preparation cycle, a determination should be made whether funding for the Senior Luncheon should be treated as a Community Based Organization or a contract. Attorney Carr suggested that by adopting the MOU, the council was treating this program as a contracted service.

B. Cleaning contract proposals for Town Hall: Mayor Hice pointed out a chart prepared by Town Administrator/Clerk Carmany summarizing the responses received from the businesses interested in providing cleaning services for the Town Hall.

MOVED by Mayor Pro Tem Smith to go with ProServ as of November 1. There were questions about giving notice to the current provider and the cost of paper products being open-ended. Attorney Carr advised a formalized contract could address any concerns. After further discussion, councilmembers informally decided to change the date to November 15 and place a \$25/month maximum on the cost of paper products. The amended motion read as follows:

MOVED by Mayor Pro Tem Smith to go with ProServ as of November 15 with a \$25/month maximum for the cost of paper products. APPROVED 5-0

C. Code of Ethics Policy: Mayor Hice referenced an email forwarded by Town Administrator/Clerk Carmany to councilmembers from Fleming Bell of the UNC School of Government regarding the adoption of the required ethics policy and suggested the Town Council delay taking immediate action until a model policy developed by the School of Government, NCLM and the county commissioners' association was completed in early December. Attorney Carr commented that the ethics policy Town Attorney Hill and she drafted for the Pleasant Garden Town Council was A-1 and statutorily sound. While it was the Town Council's prerogative to decide when to adopt a policy, there was no need to delay its implementation in her opinion. Training opportunities will be made available by the School of Government and NCLM.

MOVED by Councilman Wallace to accept the ethics policy as written. APPROVED 5-0

D. Approval of RFP for audit services: Town Administrator/Clerk Carmany noted that the three-year contract with the current auditor would be completed as of October 31 and shared the RFP for audit services she had developed.

MOVED by Councilman Wallace to accept the RFP as presented. APPROVED 5-0

E. Vendor Policy: Attorney Carr explained that law enforcement would enforce ordinances but not policies. Mayor Pro Tem Smith said that the Town did not have any staff who are "enforcers;" Ms. Carr said state trespassing statutes would apply in some cases. Councilman Wyrick expressed concern about adding another layer of government and requiring permits and Councilwoman Johnson stated agreement with what he said.

MOVED by Mayor Pro Tem Smith that we do not need a vendor ordinance. APPROVED 4-1
(Yes – Hice, Johnson, Smith and Wyrick; No -- Wallace)

New Business

A. Appointment of voting delegate to the NCLM conference: No member of the Town Council was able to attend the conference. Therefore there was no need to designate a voting delegate.

Mayor Pro Tem Smith requested a five-minute break. The Town Council recessed at 9:12pm.

Mayor Hice called the meeting back to order at 9:19pm.

Public Comment

There were no speakers.

Staff Comment

None

Council Comment

Councilman Wyrick thanked everyone for coming and expressed appreciation to everyone and staff for everything they do for the town. He sent best wishes to Town Attorney Hill for a quick recovery.

Mayor Pro Tem Smith commended staff for helping with the Blood Drive and Farmers' Market that went so well this year.

Councilman Wallace thanked Mrs. Carmany and Mrs. Baker for doing a fabulous job. He congratulated candidates Alan Marshall and Carla Strickland for displaying personal integrity and professional ethics in their campaigns. He also congratulated mayoral candidates Anne Hice and Bill Greene but was critical of some of Mr. Greene's statements regarding the lack of leadership on past Town Councils. He compared his stances on various issues to Mr. Greene's and noted he had provided support to Mr. Greene and the Pleasant Garden Lions Club in the past.

Councilwoman Johnson thanked everyone for coming out and urged people to visit candidates' websites and learn about the issues. She said that no Town Council has been perfect, but everyone should attempt to work together and be civil. Mrs. Johnson commended Town Administrator/Clerk Carmany and Assistant Clerk Baker for their work and sent best wishes to Town Attorney Hill.

Mayor Hice said she appreciated everyone coming and thanked the town staff and every citizen that works for the betterment of the Town.

Adjournment

Mayor Hice adjourned the meeting at 9:27pm.

Clerk

Date

Mayor