



Minutes of
City of Creedmoor
BOARD OF COMMISSIONERS
Regular Meeting
December 14, 2010
7:00 p.m.

PRESENT

Mayor Darryl D. Moss, Mayor Pro-Tem Herman Wilkerson, Commissioner Jimmy Minor, Commissioner Otha Piper, Jr, Commissioner John Stallings, and Commissioner Ralph Seagroves. Also present were Mr. Tom Mercer, City Manager, Ren Wiles, Finance Officer/City Clerk, Korena Weichel, Deputy City Clerk, and Attorney Tom Currin.

INVOCATION & PLEDGE OF ALLEGIANCE

Mayor Moss called the meeting to order and offered the invocation. Commissioner Minor led the Pledge of Allegiance.

Mayor Moss expressed appreciation for the recently completed work to repair sheetrock and paint the Commissioner's Chambers. He also acknowledged the presence of Stem Mayor Alford at tonight's meeting.

PRESENTATION TO BOARD

John Wilkerson, 308 S Main St, representing his daughter, Jennifer, presented each Board member with homemade chocolates.

ADOPTION OF AGENDA

The Mayor called for the approval of the agenda. Moved by Commissioner Stallings to adopt the agenda with the following additions: (1) Add closed session for acquisition of property; and (2) Continuation of meeting to finalize *Resolution 2010-R-19 Water Distribution and Sanitary System Improvements* on Friday December 17, 2010 at 2:00 pm; Seconded by Commissioner Piper. The motion received a unanimous vote.

SWEARING IN CEREMONIES

Magistrate Robert Pearce administered the oath of office to newly appointed Commissioner Ralph D. Seagroves and new Mayor Pro-Tem Herman Wilkerson.

ELECTION OF SGWASA REPRESENTATIVE

Moved by Commissioner Minor to appoint Mayor Pro-Tem Wilkerson to be the Board's SGWASA representative along with Commissioner Minor; Seconded by Commissioner Stallings. The motion received a unanimous vote.

PUBLIC HEARINGS

Before opening the hearing for item (A), Mayor Moss asked Attorney Currin to update the Board on the status of the proposed action. Attorney Currin announced that the property owners have requested that no further action be taken on this matter until such time as they contact the Board again.

A. Proposed Action: Intent to Withdraw Portion of Mack Street between W Lake Road & W Wilton Avenue

Mayor Moss opened the public hearing for comment, asked if anyone wished to speak in favor of or in opposition to the proposed action, and, as no one came forward, he then closed the public hearing.

Prior to opening each of the following public hearings, Mayor Moss requested that John Ganus, Code Enforcement Officer, give an overview of the ordinance revisions. Mr. Ganus summarized the proposed revisions to each specific ordinance before the public hearings were opened and stated that the City's Planning Board had reviewed each

revised ordinance and unanimously recommended for approval. The results of each hearing were as follows:

B. Proposed Ordinance 2010-O-15: Chp 10 General Penalties

Mayor Moss opened the public hearing for comment, asked if anyone wished to speak in favor of or in opposition to the proposed action, and, as no one came forward, he then closed the public hearing.

C. Proposed Ordinance 2010-O-16: Chp 90 Abandoned, Junked, and Nuisance Vehicles

Mayor Moss opened the public hearing for comment and asked if anyone wished to speak. The following persons came forward to speak:

- David Fletcher, 305 N Durham Avenue. Mr. Fletcher asked if a specific vehicle on his property would be subject to the new ordinance and also what is defined by the City as a "junk vehicle"; Mayor Moss advised him that this was not the forum to ask questions and that questions would be considered later in the meeting under "Old Business".
- Bobby Ray, 205 Church Street. Mr. Ray spoke to request clarification on who would determine if a car was a "junk" car.
- John Green, 204 Lyon Street. Mr. Green stated he also had concerns regarding interpretation and enforcement and questions regarding antique cars on his property.

D. Proposed Ordinance 2010-O-17: Chp 96.08 Public Nuisance Conditions, Private Property

Mayor Moss opened the public hearing for comment, asked if anyone wished to speak in favor of or in opposition to the proposed action, and, as no one came forward, he then closed the public hearing.

E. Proposed Ordinance 2010-O-18: Chp 151 Minimum Housing Standards

Mayor Moss opened the public hearing for comment, asked if anyone wished to speak in favor of or in opposition to the proposed action, and, as no one came forward, he then closed the public hearing.

F. Proposed Ordinance 2010-O-19: Chp 157 Non-Residential Building or Structure Standards

Mayor Moss opened the public hearing for comment, asked if anyone wished to speak in favor of or in opposition to the proposed action, and, as no one came forward, he then closed the public hearing.

ADOPTION OF MINUTES

Motion by Mayor Pro-Tem Wilkerson to approve the Board Meeting Minutes dated November 23, 2010; Seconded by Commissioner Stallings. The motion received a unanimous vote.

PUBLIC COMMENTS

- David Fletcher, 305 N Durham Avenue. Mr. Fletcher stated that he is the owner of a building targeted by the City for demolition. He informed the Board of his plans to get the building cleaned up and has received from the City's Building Inspector a list of 19 items to address. He stated his intention was to work with the City and hoped to move forward.
- John Green, 204 Lyon Street. Mr. Green complained that the ditches on Lyon Street were not being cleaned out and were not operational. He expressed his dissatisfaction that the City is too concerned with cleaning up old cars and believes, as a means to beautify the City, this project should be given priority instead.
- James Fletcher, II, 3907 Gorman Church Rd, Durham. Mr. Fletcher asked what standards represent junk automobiles versus antique automobiles and inquired as to who decides what is trash.

CITY MANAGER'S REPORT

A. Request to Set Quarterly Meeting Schedule for Board of Adjustment (February, May, August, and November)

Manager Mercer reminded all that, up until this time, the Board of Adjustment meetings have been scheduled on an "as needed" basis; staff wish to set a schedule to have regular quarterly meetings on the first Monday of February, May, August, and November to facilitate better communication and processes.

Motion by Commissioner Stallings to approve the quarterly meeting schedule for the Board of Adjustment; Seconded by Commissioner Piper. The motion received a unanimous vote.

B. 2011 Fireworks Contract

Manager Mercer presented the 2011 Fireworks Contract from Pyrotechnico. The pricing remains at \$10,000 based on a Saturday, July 2nd program date. Mayor Pro-Tem Wilkerson has been in discussions with the town of Butner and feels confident that they will once again share the cost of the program with us.

Motion by Commissioner Piper to approve the 2011 Fireworks contract; Seconded by Commissioner Minor. The motion received a unanimous vote.

C. FY10 Audit Update

Finance Officer Wiles gave an overview of highlights from the fiscal year 2010 audit which was recently submitted to the Local Government Commission. A common benchmark for rating a town's financial condition is how much fund balance is available to be appropriated compared to how much has been spent in the year; he reported that Creedmoor's Fund Balance is currently at 71.26% for this last fiscal year. Group average for towns the size of Creedmoor's is 70.08%. Water & Sewer Funds are both showing a strong financial condition and the tax collection rate is at a very good 96.92%. The auditing firm of Winston, Williams, Creech & Evans will be present at the January 10, 2011 Work Session to give a full presentation to the Board.

D. Request for Approval to Invest with Finistar

Finance Officer Wiles reported on arrangements to lower bank fees by streamlining the City's accounts, and as a result, the City currently enjoys a surplus above the mandatory balance requirements each month. Staff wish to use this amount to invest with Finistar Investment Group at a higher interest rate. Mayor Pro Tem Wilkerson asked about the risks associated with this investment approach. Mr. Wiles responded that any invest over the amount of \$250,000 is covered by FDIC and in addition, Finistar has an approved network of NC banks so that any investment over this amount would automatically be distributed among the network in order to stay below the insured level. These monies would remain liquid and would be accessible within 24 hours if needed.

Motion by Commissioner Piper to authorize investment of City funds with Finistar; Seconded by Commissioner Minor. The motion received a unanimous vote.

E. Ordinance 2010-O-20: Conservation Easement for Fontaine Property

Finance Officer Wiles explained the project ordinance for the Fontaine property project was to establish the authorization for the receipt of donations and the purchase of the land. In addition, the ordinance lays out the estimated City portion of \$88,800 and authorizes moving the money from the General Fund to the General Capital Project Fund. Mayor Moss clarified that the \$88,800 is technically for 'in-kind' services and, for the purpose of this budget amendment, the City needs to convert it into actual dollars although it is not likely that the full amount will be spent due to "sweat equity" and other considerations; any remaining unused portion will be transferred back to the General Fund. The City of Raleigh has approved a \$150,000 donation for the project.

Motion by Commissioner Minor to adopt the Conservation Easement for Fontaine Property; Seconded by Commissioner Stallings. The motion received a unanimous vote.

Motion by Commissioner Minor to adopt Budget Amendment 3-FY11 to move the \$88,800 from the General Fund to the General Capital Project Fund for the conservation easement; Seconded by Commissioner Stallings. The motion received a unanimous vote.

OLD BUSINESS

A. Intent to Withdraw a Portion of Mack Street between W Lake Road and W Wilton Avenue

No action taken.

B. Ordinance 2010-O-15: Chp 10 General Penalties

Motion by Commissioner Minor to adopt the Chp 10 General Penalties Ordinance; Seconded by Commissioner Piper. The motion received a unanimous vote.

C. Ordinance 2010-O-16: Chp 90 Abandoned, Junked, and Nuisance Vehicles

Mayor Moss restated the earlier questions raised during the public hearing portion which dealt with the definition of abandoned junked vehicles and who would enforce the ordinance. Mr. Ganus pointed to the first and second pages of the ordinance which answers these questions directly with wording from the general statutes. A discussion regarding vehicle registration followed. Mr. Ganus clarified that every vehicle will be taken on its own individual condition, compared against the ordinance, and in discussion with the property owner in most cases. The procedures for a notice of violation along with time and conditions to bring into compliance were also outlined. Enforcement for vehicles parked on City streets would be handled by the Police Department and those on private property by the Code Enforcement Officer.

Motion by Mayor Pro Tem Wilkerson to adopt the Abandoned, Junked, and Nuisance Vehicles Ordinance; Seconded by Commissioner Stallings. The motion received a unanimous vote.

D. Ordinance 2010-O-17: Chp 96.08 Public Nuisance Conditions, Private Property

Motion by Commissioner Minor to adopt the Public Nuisance Conditions, Private Property; Seconded by Mayor Pro Tem Wilkerson. The motion received a unanimous vote.

E. Ordinance 2010-O-18: Chp 151 Minimum Housing Standards

Motion by Commissioner Minor to adopt the Minimum Housing Standards; Seconded by Commissioner Piper. The motion received a unanimous vote.

F. Ordinance 2010-O-19: Chp 157 Non-Residential Building or Structure Standards

Motion by Commissioner Minor to adopt the Non-Residential Building or Structure Standards Ordinance; Seconded by Commissioner Piper. The motion received a unanimous vote.

At this point, Mayor Pro Tem Wilkerson asked the Board to revisit the discussion on the fireworks contract and to request support from Stem, as Mayor Alford was in attendance. Mayor Alford agreed that Stem would give financial support for the fireworks again this year.

G. Paddington Update

Manager Mercer informed the Board that the Paddington HOA has agreed to working with Timberstone Homes on Play Area #2. A one-hundred twenty percent (120%) bond is in place to cover what the contracted price is for the playground. To date, Timberstone Homes has purchased six building permits. He reiterated that occupancy permits will not be issued unless the playground has been completed or the City has taken the 120% bond to contract the work.

H. Alamo, 4-Way Quick Stop, Burned Building on Hwy 56 Updates

Mr. Ganus reported that hearings were held earlier in the day with the property owners of the Alamo & Burned Building on Hwy-56 property owners. After discussions, a "Findings of Fact & Order" was issued giving each of the property owners sixty days to repair or demolish the structures. As of yet, a case has not been initiated on the Quick Stop but will be immediately as a result of the new ordinance revisions passed.

NEW BUSINESS

A. Resolution 2010-R-18: Granville County Multi-Jurisdictional Hazard Mitigation Plan

Manager Mercer presented the proposed resolution to the Board and stated that all the local municipalities have joined with the County to be part of their Multi-Jurisdictional Hazard Mitigation Plan. A resolution is needed to signify that Creedmoor agrees also to join with the County in this plan.

Motion by Commissioner Stallings to adopt the *Granville County Multi-Jurisdictional Hazard Mitigation Plan*; Seconded by Commissioner Piper. The motion received a unanimous vote.

B. Resolution 2010-R-19: Water Distribution and Sanitary System Improvements Plan

Action on this item withheld until the Continuation Meeting on Friday, December 17, 2010.

C. Resolution 2010-R-20: Water Supply Plan

Finance Officer Wiles summarized this action as a technical resolution for support of the City's water supply plan updated and filed with NC DENR by the Wooten Company.

Motion by Commissioner Stallings to adopt the Water Supply Plan; Seconded by Commissioner Minor. The motion received a unanimous vote.

MAYOR'S REPORT

Mayor Moss quoted from an email correspondence he had received from Marlowe & Company which stated that \$500,000 for the Creedmoor Community Center was in the draft Omnibus Appropriations Package awaiting the Senate to muster 60 votes to pass it. They indicated that, if that happens, the House would likely approve it, which would clear it for the President. However, if the Senate did not get the 60 votes, the outcome of the funding would be certain." All on the Board agreed that this was good news and look forward to making further progress.

COMMISSIONERS COMMENTS

1. Public Safety

No report.

2. Energy, Environment, & Natural Resource

Commissioner Minor thanked the staff for all the hard work on the easement acquisitions.

3. Community & Economic Development

Commissioner Stallings thanked the staff of the Public Works Department for their hard work to repair water leak in middle of the busiest street in town and the Fire Department for working in the cold weather.

4. Finance, Administration, & Intergovernmental

No report.

5. Transportation Infrastructure

No report.

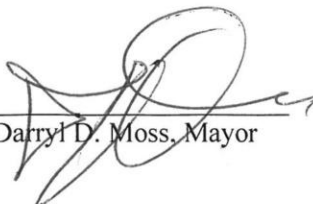
Motion by Mayor Pro-Tem Wilkerson to appoint Commissioner Stallings as the Mayor Pro-Tem beginning with the December 2011 Board Meeting; Seconded by Commissioner Seagroves. The motion received a unanimous vote.

For consistency purposes, Mayor Moss asked the FAIR committee to look into the appropriate process for appointing the Mayor Pro-Tem.

Motion by Commissioner Stallings to go into closed session for property acquisition, per G.S. 143-318.11; Seconded by Commissioner Piper. The motion received a unanimous vote.


CONTINUATION

Upon returning from closed session at approximately 9:45 p.m., moved by Commissioner Piper to continue the meeting until Friday, December 17, 2010 at 2:00 p.m.; Seconded by Commissioner Stallings. The motion received a unanimous vote.



Darryl D. Moss, Mayor

ATTEST:



Korena L. Weichel, Deputy City Clerk

