

MINUTES OF
CITY OF CREEDMOOR – BOARD OF COMMISSIONERS
REGULAR MEETING
SEPTEMBER 22, 2009
7:00 P.M.

PRESENT:

Mayor Darryl D. Moss, Mayor Pro-tem Tim Karan, Commissioner Jimmy Minor, Commissioner Otha Piper, Jr., Commissioner Larry Robinson and Commissioner Herman Wilkerson. Also present was Mr. Tom Mercer, City Manager, Sandra Harper, City Clerk and Attorney Tom Currin.

Mayor Moss called the meeting to order at 7:00 p.m. in the Commissioner's Room at City Hall and welcomed everyone.

INVOCATION:

Mayor Moss

PLEDGE OF ALLEGIANCE:

Commissioner Wilkerson

REQUESTS TO ADDRESS THE BOARD:

No one was scheduled to address the Board.

MINUTES:

Moved by Commissioner Piper and seconded by Commissioner Karan to approve the minutes of August 10, 2009, August 25, 2009 and September 14, 2009. The motion received a unanimous vote.

APPROVAL/ADDITIONS TO AGENDA:

Moved by Commissioner Wilkerson and seconded by Commissioner Robinson to adopt the agenda as presented. The motion received a unanimous vote.

PUBLIC COMMENTS:

No one wished to speak so Mayor Moss closed the public comments section.

MANAGER'S REPORT:

Mr. Tom Mercer, City Manager/Finance Officer said that the Music Festival was good weather, good food and a good time. He expressed thanks to all that participated.

Mr. Tom Mercer, City Manager expressed that the BP Family Fare on Main Street opened Thursday, August 27, 2009 and a ribbon cutting was being planned; however no specific date has been established.

Mr. Tom Mercer, City Manager/Finance Officer expressed that a Draft Strategic Plan was prepared and presented at the August 20, 2009 Town Hall meeting. He noted that a Public Safety section has been added and submitted to the Planning Board for recommendation.

Mr. Tom Mercer, City Manager/Finance Officer advised that a USDA meeting was held August 27, 2009 in reference to the stimulus package. They supplied the City with a check list to be covered for USDA and advised that it will be December before any money is awarded. Mr. Tom Mercer, City Manager/Finance Officer said that he, Dan Boone and Attorney Currin have met to review the check list items.

Mr. Tom Mercer, City Manager/Finance Officer advised that Mr. Jim Winston, City Auditor confirmed that they are to begin the 2008-2009 audit the week of October 12, 2009.

Mr. Tom Mercer, City Manager/Finance Officer gave an update of the sidewalk and curbs. Precision Safe Sidewalks, Inc. conducted a test last Friday, September 18, 2009 to cut and grind sidewalks and curbs that have moved more than ¼” from flush for ADA compliance. They will take inventory next week for all of the downtown sidewalks and submit a proposal.

Mr. Tom Mercer, City Manager/Finance Officer expressed that the City has been in the process of shutting down the lagoon. There have been tests run and we are waiting to receive paperwork from NCDENR. The site bid was awarded to Harris Utility Construction in the amount of \$5,200.

Mr. Tom Mercer, City Manager/Finance Officer said that the sewer line smoking has been completed and the City is presently pursuing grant funding. He advised that the manhole inspections are to start next week and are to be photographed and cataloged on a matted print.

Mr. Tom Mercer, City Manager/Finance Officer advised that the bids for the Fleming Street project and the Cotton Street project, with the exposed sewer pipes, were awarded to Harris Utility Construction in the amount of \$9,300.

Mr. Tom Mercer, City Manager/Finance Officer expressed that the LGC has approved the City’s application for a loan for the Joe Peed Booster Extension from Construction Grants & Loans. The City is trying for a zero interest rate. The pre-bid meeting has been scheduled for September 30, 2009 at 10:00 a.m. and the bid opening is scheduled for October 22, 2009 at 10:00 a.m.

Commissioner Wilkerson asked about the process for filling in the lagoon.

Mr. Tom Mercer, City Manager/Finance Officer said that they had two core samples taken to find out the quality of the earth underneath. The walls are to be crushed; sludge will be removed, the area will be covered and cemented.

OLD BUSINESS:

Department Head Reports:

Provided in the Board packets were the monthly reports from the various departments.

Playground Agreement:

Commissioner Karan said that the Board of Commissioner's at the last meeting discussed a Playground Use and Maintenance Agreement with Home Owner's Associations. This was developed for Greenbelt, Maryland which is a sister city with the KaBoom Playful City USA project. This offers Home Owner's Associations (HOA) an opportunity to assign a portion of their management of playgrounds to the City for the purpose of having public access. He expressed that this agreement would be tweaked by the City Attorney to meet the needs of Creedmoor. Commissioner Karan said that this would only pertain to subdivisions that comply with the one-thirty-fifth of an acre rule. He said that there are currently only two HOA's within the City that meets that requirement. Commissioner Karan noted that the City could possibly encourage other community neighborhoods to form HOA's and come up with the same type of agreement. He expressed that there was also the availability for citizens to donate land to the City to provide a park.

No action was taken at this time.

NEW BUSINESS:

National League of Cities Voting Delegate/Alternate:

Moved by Commissioner Karan and seconded by Commissioner Wilkerson to designate Mayor Darryl Moss as the voting delegate and Commissioner Tim Karan as alternate voting delegate at the National League of Cities 2009 Conference to be held in San Antonio, Texas. The motion received a unanimous vote.

Proposed Change to Fee and Rate Schedule:

Mr. Tom Mercer, City Manager/Finance Officer expressed that there are realtors and appraisers that request water service for a house temporarily for one day. To accommodate this request it takes staff one trip to turn-on the water and one trip to turn-off the water. He advised that the proposal is a \$10.00 per use or a \$50.00 annual fee for this service.

Commissioner Wilkerson asked if the person requesting the service would be paying this fee and also receiving a bill for the water usage.

Mr. Tom Mercer, City Manager/Finance Officer said that there would not be much water usage and the fee would be for staff having to go out to turn on the water and back out to turn it off. He advised that language could be added to the application that the applicant would be responsible for the water usage. Mr. Tom Mercer, City Manager/Finance Officer expressed that staff would do a before and after meter reading to show consumption of water.

Commissioner Wilkerson expressed that he would vote for this as long as the applicant is responsible for the water usage.

Upon discussion, moved by Commissioner Karan and seconded by Commissioner Piper to approve the change to the Fee and Rate Schedule. The motion received a unanimous vote.

Fiscal Year 2009-2010 Budget Amendment No. 2:

Moved by Commissioner Minor and seconded by Commissioner Robinson to approve the Fiscal Year 2009-2010 Budget Amendment No. 2. The motion received a unanimous vote.

MAYOR'S REPORT:

Mayor Moss announced that the population estimate for the City of Creedmoor is 3,283 and this is a substantial increase.

Mayor Moss commended staff on the "About Us" brochures and said that they are available to citizens at City Hall.

Mayor Moss announced a reminder of the Kerr-Tar Council of Government dinner scheduled for Thursday, September 24, 2009 at 6:30 p.m.

Mayor Moss advised that he attended the National League of Cities for the Advisory Committee in Washington, DC. He expressed frustration of awaiting stimulus money for the community; however, the money is being distributed very slowly. Mayor Moss expressed that the money is to be disbursed over a ten year period.

Mayor Moss gave an update on the great report of the City's fiscal conditions in 2009. He said that the fiscal conditions that weakened the City were due to the national economic recession. Mayor Moss noted that there was 1) decline in housing values; 2) restricted credit market; 3) slow consumer spending and 4) rise in unemployment. Mayor Moss advised that a large percentage of Finance Officers have said that their cities would be less capable of meeting fiscal needs compared to 2008. He expressed that the City of Creedmoor has kept their revenues up and local economy moving. Mayor Moss read an article where cities are responding by finding new revenue sources. Cities are creating new fees, increasing development fees and increasing property tax rates. He also commented that the State will be

increasing sales tax and income tax rates. Mayor Moss expressed that the City of Creedmoor was fortunate not to have to increase property tax rates; however, we did create fees and increase development fees, which are costs that are not passed to citizens. These fees also paid for the City's AMR system.

Mayor Moss announced that Howard Marlowe of Howard Marlowe & Company, the City's Washington, DC lobbyist will be at City Hall Thursday, October 8, 2009. Howard Marlowe was successful in convincing Representative Miller to write a letter to FEMA on behalf of the Creedmoor Fire Department for a new Public Safety building.

Mayor Moss announced that there is a Candidates Forum scheduled for October 6, 2009 at City Hall. There will be a meet & greet along with light refreshments beginning at 6:00 p.m. and the forum will begin at 7:00 p.m. Butner and Stem candidates will also be participating. Mayor Moss announced that the northern part of the county has scheduled a Candidates Forum for October 1, 2009.

COMMISSIONER REPORTS:

Commissioner Minor inquired about the notice of violations within the City.

Mr. Dave Roesler, Planning Director advised that he has sent out violation letters and received a handful of returns. He said that he was having difficulty with the out of town property owners. Mr. Dave Roesler, Planning Director said that he has also posted certain properties with citations. He advised that he has talked with the City Attorney's office to see what action should be taken to make these property owners respond.

Commissioner Minor commented that he felt the Earthscape Landscape building should be condemned.

Mr. Dave Roesler, Planning Director said that there was a process that must be followed.

Attorney Currin advised that the previous owner of that property, now deceased, in years past was notified on several occasions of violations. He noted that condemnation was started and the previous owner appeared before the Board to show the amount of money that he had spent on the building and advised of his plans for the property. The Board stopped the condemnation. Attorney Currin said that the previous owner had plans to use the building as a steakhouse and placed structural steel; however in his opinion the building has at all times during the past 20 years been structurally questionable.

Commissioner Minor said that the roof is caving and a tree is growing through this property.

Commissioner Piper expressed that he is in agreement with Commissioner Minor that the property owners need to do something about the violations or legal action should be taken.

Mr. Dave Roesler, Planning Director said that he has sent three violation letters to three different addresses to the property owner of this building and has not received a response. He expressed that the regular mail letters do not come back; however certified mail comes back as refused. Chief Benware has been helpful by allowing his officers to deliver to the property owners within the City.

Commissioner Minor expressed that the Quick Stop was also in desperate need of repair.

Attorney Currin said that there were two different standards for residential and commercial. Real estate that is residential has to abide by the residential code and commercial is much more lax. A commercial building only has to be closed to keep the intruders out.

Mr. Dave Roesler, Planning Director advised that the property owner of the Quick Stop has begun cleanup and was told to remove the sign by a certain date.

Commissioner Robinson noted that there has been activity at the old Alamo Steak House property. He said that the van has been removed and they have cleaned up the trailer filled with junk.

Mr. Steve Colenda, City Inspector said that buildings could be condemned under the building code; however he only has the authority to post the property.

Mr. Dave Roesler, Planning Director said that the process of notification to the property owner has been sent giving him an opportunity to provide a schedule for repairs to bring the property into compliance. He said that if they do not become compliant it will be a Board decision to take action.

Attorney Currin expressed that there has to be a finding that certain conditions exist and that the property is a nuisance.

Commissioner Wilkerson expressed that there are two houses on Main Street down from Eakes Funeral Home that need attention.

Commissioner Minor said that those properties have recently been sold.

Commissioner Minor asked about the availability fee for meters on vacant lots within the City.

Mr. Tom Mercer, City Manager/Finance Officer said that is planned for October, 2009.

Commissioner Wilkerson expressed that the sidewalks in front of Dr. Lewis's office need repair.

Mr. Tom Mercer, City Manager/Finance Officer advised that both sides of Main Street from the light at Hwy. 56 to the light at Church Street are to be evaluated.

Commissioner Wilkerson asked that Chief Benware give an update of the trouble at the VFW last Friday evening.

Chief Benware said that the Police Department responded to a fight in the parking lot area. He said that he did not have the details because there were officers from the County and the City Police Officers have been off-duty for the past few days. Chief Benware said that he feels that the building was over capacity and spoke with the City Inspector to get an idea of the building code. He suggested that this be considered for language within the Special Use Permit.

Mr. Dave Roesler, Planning Director advised that the American Legion never applied for a Special Use Permit. He expressed that Mr. Billy Aiken of the American Legion was issued a temporary permit with conditions for a couple of events that were already scheduled. Mr. Dave Roesler, Planning Director advised that he did not have the dance scheduled. He said that Mr. Aiken was told that he would need to apply for a permit for other functions and that they could do a blanket permit for certain events. Mr. Dave Roesler, Planning Director said that he would send him a letter stating that the American Legion could not have any more functions until they apply for a Special Use Permit.

Chief Benware said that his officers would be back to work tomorrow and he would also contact the Sheriff's Department to get a report from the County Officers. He said that they realize there is a problem and they are in the process of taking care of it. Chief Benware expressed that it was also his understanding that an admission fee was charged and to do so they should have applied for a business license. Chief Benware said that the incident happened after the event was ending. He said that the incident carried over into Butner and they called Creedmoor for backup.

Commissioner Wilkerson said that he wants to make sure that these incidents no longer happen. He expressed that he heard part of the incident because there were approximately fifteen cars in the bank parking lot at 11:25 p.m. and about twenty people walking. Commissioner Wilkerson advised that there were also people hanging out of cars and using profanity at the Police Officers. He emphasized that this should not happen in the City of Creedmoor.

Mayor Moss asked when staff was made aware of the incident.

Chief Benware said that he read about it in the incident report on Monday; however he did not have enough information at that time.

Mayor Moss said that he felt time was lost and encouraged that in the future the Police Department inform the Mayor, Board of Commissioners and staff as soon as possible.

Mayor Moss asked that Chief Benware meet with Mr. Tom Mercer, City Manager in reference to the report. Mr. Tom Mercer, City Manager/Finance Officer is to schedule a meeting with the Safety Committee.

Commissioner Karan said that the City may want to encourage Ms. Scottie Wilkins, Business Development & Transportation Project Manager to assist with trying to procure a quiet business for the American Legion building.

Commissioner Karan advised that he was in Washington, DC last week lobbying on behalf of all municipalities within the state. He expressed that at three public meetings he asked that citizens let him know their concerns and suggestions to forward to our Representatives in Washington. Commissioner Karan said that other than this Board, Mr. Jay Rich was the only citizen that shared a concern. He said that he shared Mr. Rich's issues of cap-and-trade with Senator Burr and Congressman Miller. Commissioner Karan expressed that Kay Hagen and staff was unavailable. He said that the primary purpose for his trip was to lobby on behalf of the National League of Cities. Commissioner Karan noted that he serves on the Human Development Committee. He gave an overview of health care costs. Commissioner Karan said that he asked that they please allow North Carolina to continue to be a fair state and not force us into collective bargaining. He gave a handout of the Congressional Reform Proposals Compared chart; 1) Senate Help, 2) Senate Finance and 3) the House Tri-Committee. Commissioner Karan expressed that there are a lot of uninsured individuals in this nation. As a municipality, we want to make sure that they do not use another tax strategy to take away from our ability to levy taxes against our residents. Commissioner Karan said that he would be glad to talk with anyone about the breakdown of the chart. He expressed that there was good information on health care from the Kaiser Family Foundation, which can be found on line at www.kff.org.

Commissioner Robinson expressed that this year's Music Festival was an improvement and commended Commissioner Piper for starting early this year. He also praised all staff for their part in the organization of a great event. Commissioner Robinson said that he was pleased to see staff in the white/blue shirts at the event.

Commissioner Piper expressed that he did not make this year's Music Festival successful by himself and thanked everyone for their participation. He thanked Mr. Harry Coleman of the Butner Creedmoor News for his media coverage in the newspaper. Commissioner Piper said that a positive was that the vendors were impressed with the setup this year. He said that everyone working together made it a successful event.

Mayor Moss expressed that Commissioner Piper deserves a lot of credit for a successful Music Festival by going door to door to get sponsors and door prizes. He acknowledged Mr. Brian Whitfield in the audience that participated as a Gold Sponsor. Mayor Moss said that during the festival they gave public acknowledgement to BB&T for the benches, planters and trash receptacles on Main Street. He said that BB&T has also volunteered for the next playground build. The City is beginning to build a momentum to move the community forward.

Mayor Moss announced that Stovall's Street Festival is scheduled for this weekend. He said that Stovall Commissioner Ricky Sneed has requested a copy of our vendor list. The City has always been happy to help our neighboring cities. Mayor Moss said that there are a couple of Commissioners from the City of Creedmoor that plan to attend the festival.

Moved by Commissioner Wilkerson and seconded by Commissioner Robinson to go into Closed Session on the Matter of Personnel in accordance with G.S. 143-318.11. The motion received a unanimous vote.

Upon return from Closed Session, moved by Commissioner Piper and seconded by Commissioner Robinson to adjourn. The motion received a unanimous vote.

Mayor

Clerk