

MINUTES OF
CITY OF CREEDMOOR – BOARD OF COMMISSIONERS
REGULAR MEETING
NOVEMBER 24, 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 Robinson

Mayor Moss referred to the new ethics legislation and read the following:

General Statute § 138A-15 mandates that the Mayor inquire as to whether any Board member knows of any known conflict of interest or appearance of conflict with respect to matters before the Board. If any member knows of a conflict of interest or appearance of a conflict, please so state at this time.

Mayor Moss said that this statement will be read at each meeting and asked the Clerk to place this information on each upcoming agenda.

PUBLIC HEARING:

Creedmoor Strategic Plan:

Mr. Dave Roesler, Planning Director addressed the Board and gave an overview of the proposed Creedmoor Strategic Plan. He expressed that in November, 2008 the Board of Commissioners asked staff to investigate a proposed strategic plan for the City. The strategic plan identifies key growth strategies that enable the City to provide quality services to meet the long term needs of the community. The Planning Department led a collaborative approach that included the City's Planning Board, The Creedmoor Collaborative workgroup and local citizens. The Planning Board met monthly and a set of goals and objectives were

identified with specific recommendations for implementation. The issue areas included the following:

- Traffic and transportation
- Provision of public utilities
- Preservation of open space
- Recreational opportunities
- Economic Development
- Cultural opportunities
- Overcrowded School Facilities
- Public Safety
- Intergovernmental cooperation

Mr. Dave Roesler, Planning Director advised that there is a set of recommended implementation strategies for each issue area, goals and objectives are included in the proposed plan. He added that where appropriate, possible funding sources are suggested that will help implement the recommended strategies. Included in the document is a section on Planning & Growth Management Tools which suggests growth management “tools” that provide ways to achieve desirable growth results while efficiently providing future city services.

The Planning Board met on August 20, 2009 in connection to the Mayor’s Town Hall Meeting and conducted a public information meeting on the draft strategic plan. Comments and suggestions that were made at that meeting were incorporated in the Planning Board’s final review of the plan. At the October 8, 2009 meeting the Planning Board voted 7-0 to recommend that the Board of Commissioners schedule a Public Hearing and that they adopt the proposed Creedmoor Strategic Plan or send back to the Planning Board with further direction.

Mayor Moss publicly thanked members of The Creedmoor Collaborative (TCC) and the Business Advisory Council in addition to the Planning Board for the tremendous work on this plan. Mayor Moss recognized Mr. John Wilkerson and Mr. Jay Rich in attendance for their dedication to the TCC.

Mayor Moss opened the Public Hearing and no one wished to speak so he closed the Public Hearing.

Mayor Moss expressed that after adoption of this document the discussion will continue at the January Board Retreat.

REQUESTS TO ADDRESS THE BOARD:

Ms. Jayme Currin – American Dream Properties:

Ms. Jayme Currin, American Dream Properties, 1688 Sunset Road, Oxford, North Carolina was sworn in by Mayor Moss.

Ms. Jayme Currin, American Dream Properties addressed the Board in regards to the Special Use Permit that was approved for her business at 106 N. Durham Avenue. She noted that one of the requirements was the paving of the driveway. Ms. Currin expressed that she met with Mr. Mike Harris, NCDOT at the Oxford office and he drew the map and she sent in the application. NCDOT notified her that they do not accept hand drawn maps. Ms. Currin advised that she hired Ms. Dorothy Currin to do the survey. Ms. Dorothy Currin notified her that she has a shared driveway. Ms. Jayme Currin then contacted Mr. Dave Roesler, Planning Director and he got angry and said that this was ridiculous and NCDOT was a mess and he would get back with her. She expressed that she did not hear back from him for eighteen months. Ms. Jayme Currin noted that she is not in a position to put the driveway in at this time; nevertheless, she realizes that it is her responsibility to do so. Ms. Jayme Currin said that her Special Use Permit specifies that the property can only be sold to a Realty Company and she requested that the Board consider changing it to also include other businesses such as an office for a surveyor, attorney, accountant or another business that would not promote an absorbent amount of public. This would allow her to place this building on the market and have a reasonable chance to sell in today's market. She said that she could use the proceeds of the sell to pave the driveway or would the Board consider giving her six months to have this done.

Mayor Moss expressed that staff and Ms. Jayme Currin have been put in an interesting situation with everyone trying to do the right thing. He said that Commissioner Minor has been pushing the Planning Director to follow up and get that driveway completed as stated in the Special Use Permit. Mr. Dave Roesler, Planning Director understanding the situation has been trying to work with Ms. Currin. Mayor Moss said that Legislature passed a bill allowing developers three extra years to finalize things because of the economy and Ms. Currin has a similar situation. He expressed that he does not feel anyone is at fault and hopes that the Board will consider her situation.

Commissioner Minor said that it has been three years since the Special Use Permit was granted and he has no problem waiting six more months. He expressed that the Special Use Permit should be revoked if the driveway is not completed within the six month time frame.

Mayor Moss requested that there be a three month follow up to review the status.

Commissioner Karan questioned the specifics of the Special Use Permit.

Mr. Dave Roesler, Planning Director replied that he is unsure if they can broaden the definition; however, Ms. Currin can ask for a modification to the Special Use Permit to add other offices to maintain the character of the property.

Commissioner Karan expressed that the property behind her is listed as a storage building on the City's map.

Commissioner Minor said that there was a circle drive on the other property.

Ms. Jayme Currin said that the property owners are making toys in that building. She said that she was considering putting up a fence to separate the property. Ms. Currin also noted that an oil truck pulled up there today and when she has her driveway put in the truck will be damaging.

Mr. Dave Roesler, Planning Director advised that looking at the aerial the shared driveway is in the public right-of-way.

Ms. Jayme Currin said that she was not aware of the smaller area and Dave Roesler said that he was going to talk with NCDOT about this and she did not receive any information regarding this subject.

Mr. Dave Roesler, Planning Director said that she should have received a letter from NCDOT. He said that he would send Ms. Currin a copy of that letter.

Commissioner Karan asked the Planning Director to look into the use of the storage building behind the property owners that share the drive. He expressed that on Sunday there was twenty plus cars at that location.

Commissioner Minor said that the property in question about the storage building may not be zoned residential because at one time it was being used as a trucking company.

Mayor Moss asked that the Planning Director send a note to the Board on the results of his findings on the storage building usage. He added that there will be a follow up in February (3 months) and a follow up in May (6 months) for the paving of the driveway.

Ms. Jayme Currin expressed that she will have everything ready by February.

Ms. Suzanne Smith- Hazardous Industry Ordinance:

Ms. Suzanne Smith, Planning Board Chairman addressed the Board and expressed that the Planning Board members are reviewing incentives to ensure clean cost effective industry in this area. She noted that the Planning Board's goal is to start with Creedmoor and work with Butner and Stem and spread this throughout Granville County. Ms. Smith made reference to the many times that this area has been sited for less than desirable industries and the amount of effort it takes to stop these industries. There are ways to regulate this type of development that will make us a less desirable area. She said that this can be done by zoning. Ms. Smith expressed that the City would be breaking new ground; however the benefits economically for Creedmoor and Granville County are worth the effort. Ms. Smith referred to the Thermochem accident and expressed that this could have been prevented. She advised that they had been piling stock materials illegally and the state inspectors were overwhelmed and did not inspect in a timely manner. This can be avoided by incorporating the cost of

coverage to have City inspectors on site. Ms. Smith said that the Planning Board wants the Commissioners to know what they are proposing and to get their input. She said that if there are regulations in place that require responsible industry with monitoring of construction it will save the taxpayers money in the long run. Ms. Smith referred to NBAF and expressed that once the numbers were known it would have been an extremely expensive venture for the community. Ms. Smith emphasized that they are not trying to zone out industry they want to make sure that whatever comes to the community is responsible, clean, make the community money and not cost money. She expressed that the Planning Board wants the Board to know that they are going to be pursuing a Hazardous Industry Ordinance over the next few months and ask for their support.

Mayor Moss expressed that the City would be having its annual Board Retreat on January 9, 2009 and invited her to attend for additional discussion of the proposed ordinance.

Commissioner Karan said that he did not see anything in the Strategic Plan in reference to hazardous industry.

Ms. Suzanne Smith, Planning Board Chairman said that this was more of a zoning issue.

Mr. Dave Roesler, Planning Director said that this would fit into a number of the goals for the Strategic Plan. He said that he researched this topic and there is no definition and no set of standards. Mr. Roesler said that the City will need to come up with a definition for a hazardous type industry and possibly set it up as a Special Use Permit with a set of standards.

Commissioner Minor said that he feels that the Ordinance should be kept short and sweet. He noted that Creedmoor has a very small industrial zone area.

Ms. Suzanne Smith, Planning Board Chairman said that she realizes that Creedmoor has very little property that will be affected by this; however the City is affected by what everyone else does. She feels that if Creedmoor does the work it will be a gift to the other communities. Ms. Smith said that the Board is welcome to mold this to fit the individual community. She expressed that if Creedmoor can get Butner and Stem to participate that hopefully it will spread throughout the county. Ms. Smith said that there were businesses that planned to come to the community and did not because of NBAF. She said that she wants to make sure that this community grows economically stronger instead of being the place to develop industry that no one else wants.

Mayor Moss referred to the Strategic Plan of Dean Freeman, Secretary of the Department of Environmental and Natural Resources. He noted that he will make a copy for the Planning Board.

Mayor Moss thanked Ms. Smith for her presentation.

Mr. James Winston – 2008/2009 Financial Audit:

Mr. Jim Winston, Winston, Williams, Creech, Evans & Company, LLP addressed the Board to give the June 30, 2009 audit presentation.

Mr. Winston commented that the City has hired a good Finance Officer. He said that he has known Ren Wiles for a number of years. He said that he has talked with Mr. Wiles about the finances of Creedmoor and what has been accomplished. The City has made a phenomenal improvement since January, 2009. Mr. Winston expressed that he presented the June 30, 2008 audit in June of 2009 and he is happy to say that the June 30, 2009 audit is being presented on time this year.

Mr. Winston advised that the GASB #34 places the Government's books as if it were a business. Mr. Jim Winston presented the following:

Overview:

- ◆ Creedmoor has received an unqualified opinion on their June 30, 2009 financial statements.

GASB # 34 Highlights:

- ◆ Statement of Net Assets

	<u>2008</u>	<u>2009</u>
Total Assets:	\$9,620,220	\$10,877,094
Total Liabilities:	1,525,752	1,331,791
Net Assets:	<u>\$8,094,468</u>	<u>\$ 9,545,303</u>

Statement of Activities:

Revenues	\$ 5,080,763	\$ 6,024,704
Expenditures	<u>4,325,437</u>	<u>4,492,950</u>
Change in Net Assets	\$ 755,326	\$ 1,531,754
Beginning Net Assets	<u>7,339,142</u>	<u>8,013,549</u>
Ending Net Assets	\$ 8,094,468	\$ 9,545,303

Governmental Fund Revenues:

- ◆ Advalorem Taxes
- ◆ Unrestricted Intergovernmental
- ◆ Permits & Fees
- ◆ Investment Earnings
- ◆ Other Taxes License
- ◆ Restricted Governmental

- ◆ Sales & Services
- ◆ Miscellaneous

General Fund Revenues:

- ◆ Original Budget \$ 3,269,222
- ◆ Final Budget \$ 3,296,878
- ◆ Actual \$ 3,199,284

Governmental Fund Expenditures:

- ◆ General Government
- ◆ Transportation
- ◆ Culture & Recreation
- ◆ Interest
- ◆ Public Safety
- ◆ Environment Protection
- ◆ Debt Principal

General Fund Expenditures:

- ◆ Original Budget \$ 3,040,826
- ◆ Final Budget \$ 3,321,706
- ◆ Actual \$ 2,818,541

Proprietary Funds:

- ◆ Total Revenue
- ◆ Operating Expenditures
- ◆ Non-operating Rev. (Exp.)
- ◆ Change in Net Assets

Fund Balance:

	<u>2008</u>	<u>2009</u>
◆ Governmental	\$ 1,879,005	\$ 2,259,748
◆ Proprietary	\$ 4,845,747	\$ 5,915,360

General Fund Balance:

- ◆ State Statute
- ◆ Powell Bill
- ◆ Subsequent Year Expenditures
- ◆ Undesignated

Cash:

- ♦ \$ 4,124,660 - 2007
- ♦ \$ 4,552,868 - 2008
- ♦ \$ 4,365,618 - 2009

Adjusted Tax Levy:

- ♦ 2007 - \$ 1,550,009
- ♦ 2008 - \$ 1,770,618
- ♦ 2009 - \$ 1,696,416

Tax Collection Percentages:

- ♦ 2007 - 93.63%
- ♦ 2008 - 95.81%
- ♦ 2009 - 94.66%

Mr. Jim Winston said that the numbers were up and that the City had a very good year. He emphasized that the progress that has been made this year shows that the City is on the right track. He expressed that he feels confident that with the improvements that have been made the segregation of duties and the lack of preparation of financial statements that have been written will go away. Mr. Winston advised that the report was submitted to the LGC today and as soon as he receives it back he will forward it to the City.

Mayor Moss thanked Mr. Winston for his presentation this evening.

Mr. Dan Boone – Water/Sewer Infrastructure:

Mr. Tom Mercer, City Manager expressed that when he was given the position of City Manager the first priority was the financial which has improved and the second priority was the water/sewer situation. He said that the water/sewer has been under review and staff has been working with Mr. Dan Boone of the Wooten Company. Mr. Tom Mercer, City Manager advised that he and Commissioner Minor met yesterday with Mr. Dan Boone to review the history of the water/sewer needs for the City of Creedmoor and he was here this evening to give a presentation.

Mr. Dan Boone of The Wooten Company expressed that this evening he was focusing primarily on the City's wastewater system. Secondly, Mr. Boone said that he would like to present the USDA Phase 1 water and sewer projects. He expressed that he would also give an overview of the smoke testing and lastly, an overview of the wastewater treatment system.

Mr. Boone presented the following:

Wastewater System Overview:

- USDA Phase 1
 - Exhibit A-7
 - Existing Wastewater Features
 - Proposed Wastewater Improvements
- Phase 2
 - Exhibit A-8
 - Existing Water Features
 - Proposed Water Improvements
- USDA Project Cost Estimate
 - Wastewater System Improvements - \$ 5.7 million
 - Water System Improvements - \$ 3.8 million
 - TOTAL PROJECT - \$ 9.5 million

Smoke Testing Program:

- Smoke Testing Results
- Estimate of Probable Project Cost – Sewer System Renovation
- Estimated Total Project Cost \$501,700.00

Wastewater Treatment System:

- Scope of Plan
 - Prepare an Evaluation of Alternative Analysis
 - Speculative Limits
 - Established basis of Flow
 - Standardizes Alternatives Investigated
 - Establishes Cost Estimates
 - Submit to DWQ
 - Procure Funding Package
 - Schedule

Table 1.

- Speculative Effluent Limitations for Proposed City of Creedmoor WWTP Discharging to Tar River at U.S. Highway 15
 - Effluent Characteristics
 - Speculative Effluent Limits
- Exhibit 1-9 City of Creedmoor Historic & Projected Population
- Schematic Flow Diagram – Proposed Wastewater Treatment Plan
- Estimate of Probable Project Cost – Wastewater Treatment Plant Improvements \$11,877,500.00

Next Steps:

- Submit for Permitting (2010)
- Arrange Funding (2010)

- USDA
 - Funding Eligibility
- Construction Grants and Loans
- Prepare Plans and Specifications (2011)
- Construction (2015)

Mayor Moss thanked Mr. Dan Boone for his presentation. He said that a brief recap was that Phase 1 is the current work to be done with the USDA grant and Phase 2 is the wastewater long range option. Mayor Moss said that this is critical to the long range success to the community. He expressed that design standards and construction are important. He said that he feels that this project will create an increase in efficiency, reduce maintenance cost and better installation. Mayor Moss expressed that the number one complaint has been water rates and hopefully there will be cost savings in the long run. He noted that this discussion will continue at the January Board Retreat.

MINUTES:

Moved by Commissioner Wilkerson and seconded by Commissioner Piper to approve the minutes of October 27, 2009 and November 9, 2009. The motion received a unanimous vote.

APPROVAL/ADDITIONS TO AGENDA:

Moved by Commissioner Karan and seconded by Commissioner Wilkerson 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 had nothing further to report.

OLD BUSINESS:

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

Stormwater Management Ordinance:

Mr. Dave Roesler, Planning Director addressed the Board and gave an overview of the proposed Stormwater Management Ordinance. He advised that the City of Creedmoor was notified on October 21, 2009 by NC Division of Water Quality that Creedmoor was under consideration as a National Pollutant Discharge Elimination System (NPDES) Phase II Stormwater Program community. He expressed that the final designations may be made in

December or January. Mr. Dave Roesler, Planning Director feels that Creedmoor will be designated due to the City's location to Falls Lake and the Neuse River watershed. He advised that if the City is designated it must comply with Phase II stormwater program requirements that contain the following 6 measures:

1. Public Education
2. Public Involvement
3. Illicit Discharge Detection and Elimination
4. Construction Site Runoff Controls
5. Post-Construction Controls
6. Pollution Prevention and Good Housekeeping

Mr. Roesler expressed that he will be developing a more detailed and annotated outline that will address each of the Phase II Stormwater Program measures.

Mr. Dave Roesler said that the City has a detailed Stormwater Design Manual and a Stormwater Management Ordinance that was prepared in June, 2006 and the City has been using this as part of staff's review of proposed major development projects. He said that he would like to have a formal adoption of the Stormwater Management Ordinance.

Mr. Dave Roesler advised that at the November 12, 2009 Planning Board meeting the Board voted 8-0 to recommend that the Board of Commissioners schedule a public hearing to solicit comments on the proposed ordinance and that they adopt the ordinance.

Moved by Commissioner Karan and seconded by Commissioner Piper to schedule the public hearing for the Stormwater Management Ordinance for January 26, 2009. The motion received a unanimous vote.

MAYOR'S REPORT:

Mayor Moss announced that a Legislative Briefing has been scheduled for December 10, 2009 to be held by the NC League of Municipalities in the Commissioner's room at Creedmoor City Hall. The business meeting begins at 3:30 p.m. and the social begins at 5:00 p.m. There will be a reception and refreshments will be served following the meeting.

Mayor Moss announced that the Board of Commissioners Organizational Meeting is scheduled for Tuesday, December 15, 2009 at 7:00 p.m. He said that there will be a farewell ceremony for Commissioner Robinson and a welcome to Commissioner Elect John Stallings back to the Board. Mayor Moss expressed that there will be a reception following the ceremony.

Mayor Moss announced that the Holiday Dinner is scheduled for Thursday, December 17, 2009 at the South Granville Country Club.

Mayor Moss announced that the January Retreat is scheduled for Saturday, January 9, 2010; however, the location has not been determined.

Mayor Moss gave a power point briefing of the National League of Cities Conference that he and Commissioner Karan attended in San Antonio, Texas. The presentation was the ESRI report of Creedmoor's demographic, income and population. He noted that Paddington, Southerbys, Davenport and Pine Valley Phase II subdivisions were not included. The report was from the 2000 census data. The report also showed that in the year 2014 the estimated population will be 3,600. The retail market place profile showed that approximately \$30 million dollars is leaving the community annually. He used the examples of furniture, automobile and appliances that are purchased outside of Creedmoor. However, the profile did show that the community is doing well in the food services area. Mayor Moss said that he would e-mail the report to the Board.

Mayor Moss said that he is a member of the Advisory Board of the League and his participation focused upon Federal funding for local programs, partnering to rebuild the Nation's infrastructure, health care, supporting local energy efficiency/conservation efforts, strengthening and stabilizing the housing market, safe communities, collective bargaining and immigration.

Mayor Moss announced that again, the City of Creedmoor is listed as a Playful City USA for 2009 on page 60 in the "Play Matters" book by KaBoom.

Mayor Moss referred to Mr. Dee Freeman, Secretary of DENR and his strategic plan for 2009-2013. Mayor Moss expressed that it is amazing how closely the City of Creedmoor is lining up as a community to help Mr. Freeman achieve these objectives. He referred to Falls Lake Rules and an article in the N&O today that mentioned Creedmoor.

Mayor Moss wished everyone a Happy Thanksgiving.

COMMISSIONER REPORTS:

Commissioner Minor gave the Board a handout and presented the numbers for the SAFER staffing grant. The grant for one person is 2,080 hours (40 hrs. per week); however, there is also a shared position of 11.2 hours per day. Commissioner Minor said that he is proposing that the City have four (4) part time personnel to allow two (2) Firefighters on duty for 12 hours per day five days per week in the amount of \$94, 643.03. He presented the cost of \$8,680 for outfitting the personnel. The grant is 100% funded for two years and requires that the City fund 100% of salary for the third year. Commissioner Minor said that the Fire Department voted at the last business meeting to apply for the grant as long as the City will pay the associated cost. He advised that the deadline for the grant application is December 16, 2009.

Commissioner Karan inquired about the percentage of the total Fire Department that is paid by the County and Commissioner Minor replied that the amount received is \$50,000 annually, which is used partially for the fire truck payment.

Mayor Moss referred this issue to the Finance, Administration & Intergovernmental Committee for a recommendation at the December Board meeting.

Commissioner Minor said that he attended the Granville County Board meeting this month. He said that they voted to require all employees to participate in direct deposit. Commissioner Minor said that the County Board also gave out the Governor's Awards and Commissioner Pete Averette received one for his outstanding volunteer service with the Tar River Association. There was a presentation on the Five County Mental Health Program and there was a 1.3 million dollar decrease and there was a 144% increase in services. They are currently only taking the most severe cases.

Commissioner Minor expressed that his understanding is that the Alamo property was posted for condemnation for violation of non compliance and that the owner will be notified to appear before the Board.

Mr. Tom Mercer, City Manager advised that the Building Inspector said that the paperwork will be sent out on Monday.

Commissioner Wilkerson expressed that he would not be able to attend the December 10, 2009 Legislative Briefing meeting.

Commissioner Karan expressed that he is a member of the Health and Development Steering Committee for the League and his participation focused upon the health care package. He referred to the Kaiser Family Foundation website (www.kff.org) for the most updated information. Commissioner Karan gave an overview of the prescription discount card plan at no cost to the City to provide to local citizens. He said that CVS is one of the participants that provide this service.

Commissioner Karan expressed that he also focused on the sustainability area. He referred to the American Recovery for tax reimbursement up to \$1,500 for home energy improvements.

Commissioner Karan reported that KaBoom did not have the annual \$40,000 Playmates ceremony for new members due to the economy. He said that the numbers have grown to over 100 members and Creedmoor was one of the first 36 members. He referred to the shared agreement with Home Owners Associations that has been previously discussed and there are now shared agreements between Cities and schools.

Mayor Moss announced that Council Member James Mitchell of Charlotte will be the 2010 President of the National League of Cities and this is a great honor.

Commissioner Robinson said that he had nothing further to report.

Commissioner Piper thanked staff for their hard work over the last twelve months on the audit.

Commissioner Piper wished everyone a Happy Thanksgiving.

Moved by Commissioner Minor and seconded by Commissioner Robinson to go into Closed Session on the Matter of Property Acquisition in accordance with GS §143-318.11. The motion received a unanimous vote.

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

Mayor

City Clerk