

MINUTES OF
CITY OF CREEDMOOR – BOARD OF COMMISSIONERS
WORK SESSION
APRIL 13, 2009
5:30 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 Sandra Harper, City Clerk and Attorney Tom Currin.

QUORUM:

Mayor Moss called the meeting to order at 5:30 p.m. in the Commissioner's Room at City Hall.

INVOCATION:

Mayor Moss

PLEDGE OF ALLEGIANCE:

Commissioner Robinson

SPECIFIC ACTION ITEMS:

Mayor Moss asked that Commissioner Robinson, Chair of the Finance, Administration & Intergovernmental Affairs give a report in reference to the good news about the reduction in IRS penalties.

Commissioner Robinson expressed that the City in the beginning owed the IRS \$1.7 million dollars and that amount had been reduced to \$15, 200. He said that there was a letter awaiting the Mayor's signature to finalize the settlement.

Mr. Tom Mercer, City Manager/Finance Officer gave an overview of the reduction in penalties. He said that one-half million dollars of the original penalties was for taxes and the \$1.2 million dollars was for various numbers that were being reviewed by the LGC. He expressed that the final number of \$15,200 was for the late filing of 941's, which was originally designated as no filing. The letter stated that the City has outsourced payroll, recognized separation of financial duties, meetings with the Board bi-monthly and the establishment of procedures. He expressed that the letter also specified that the City must make sure of the timely filing of all information returns including; however, not limited to, forms W-2, 1099, payroll returns including 940, 941 and to deposit all employee tax in a

timely manner. He said that the City was in agreement with the letter and the City would be sending a certified check in the amount of \$15, 200 after signature of the Mayor.

Commissioner Robinson thanked Mayor Moss, Mr. Tom Mercer, City Manager and staff for getting the City to this point. He expressed that Mr. Eric Tony and Mr. Ken Wease of the LGC met with staff to review the City's process. He noted that he also met with them and they were pleased with the City's process; however, they will be sent a copy of the City's statements each month for review.

Mr. Tom Mercer, City Manager, Finance Officer expressed that the LGC was impressed with the changes that the City had made. He thanked Mr. Bill Tatum and Ms. Korena Weichel for their efforts. They received a round of applause.

Mr. Tom Mercer, City Manager/Finance Officer said that Mr. Jim Winston was scheduled to be at City Hall April 20, 2009 for the 2007/2008 audit. Mr. Mercer, City Manager/Finance Officer said that there should be a reduction in fee for future audits.

Mayor Moss expressed that he sent an e-mail today to The Creedmoor Collaborative, Business Advisory Council and the Commissioners in reference to the finalization of this issue. He thanked the community for holding the City's feet to the fire to reach a resolution and also thanked the Board for their patience and their persistence. Mayor Moss also thanked previous Board members, Ms. Angela Mangum and Mr. Kent Ray. He commended Mr. Tom Mercer, City Manager, Finance Officer and staff. Mayor Moss also thanked Attorney Currin for his guidance. Mayor Moss said that he did not want anyone to feel that the City was happy about spending \$15,200; however, he was pleased with a successful settlement.

Commissioner Minor inquired about an overall cost to the City.

Mr. Tom Mercer, City Manager, Finance Officer said that he did not have an overall cost at this time. He expressed that he would have the total available for the next Board meeting.

Commissioner Wilkerson said that the finalization was good news and expressed that there should be funds available from last year's budget to help with this year's budget.

Commissioner Karan expressed that he was glad that the City could put their mistakes behind them and focus on other large projects that have been postponed.

Commissioner Piper expressed thankfulness that this issue was coming to an end. He said that there were future issues that need funding from the upcoming budget and the Board could work towards keeping costs down for the citizens of Creedmoor.

Mayor Moss said that he felt this issue would make the City a stronger organization and commended Mr. Bill Tatum for setting the foundation financially.

Mr. Bill Tatum said that the Board made a good decision in hiring Mr. Tom Mercer as City Manager. He said that Mr. Tom Mercer, City Manager/Finance Officer has a lot of business experience and a good financial team.

Traffic Schedule:

Commissioner Minor gave an overview of the Traffic Schedule. He expressed that Chief Benware did an excellent job on the detailed spreadsheet. Commissioner Minor asked that the Board thoroughly review the Traffic Schedule for adoption at the next meeting.

Motor Boats on Lake Rogers:

Commissioner Minor recommended that gas motor boats be allowed on the lake with a restrictive 10 mph speed and a no boat zone 200' from the pier to accommodate fishing and paddle boats.

Attorney Currin said that at the time the Ordinance was adopted there was a concern of the gas polluting the City's water source. He said that Lake Rogers is no longer the community's drinking source; however the Board may want to consider the noise, monitoring and the enforcement of speed.

Commissioner Wilkerson said that he felt speed would not be a problem because of the stumps in the lake. He said that he had no objection to gasoline motor boats on the lake.

Commissioner Karan suggested that the Board look at Lake Holt's regulations. He said that they do not allow activities such as swimming or tubing. Commissioner Minor said that they could also consider a sticker requirement.

Commissioner Robinson said that he used to go to Sandling Beach; however, he no longer enjoyed that location because of the noise of motor boats and jet skies. He expressed that at Beaver Dam you can enjoy watching people canoe, swimming and sailing without the noise.

Mayor Moss questioned how this would impact grants.

Attorney Currin said that the City could contact the City's grant writer to see if he felt there would be an impact on the funds the City is currently seeking.

Mayor Moss referred this to the City Manager.

COMMITTEES:

Finance Administration:

Commissioner Robinson had nothing further to report.

Traffic Infrastructure:

Commissioner Wilkerson asked that the City Manager give an update on the sidewalks.

Mr. Tom Mercer, City Manager advised that the City received a quote from Trout and Riggs Construction Company to replace the existing 30" curb and gutter along Highway 50 in front of the Cardinal State Bank from the Southern States property line to the existing fire hydrant in front of the Post Office in the amount of \$7,481.00. The cost to replace the existing 7' wide sidewalk with new 6' wide sidewalk from the Southern States property line to the existing fire hydrant is \$9,855.00. This quote does not include soil and concrete testing, utility adjustments for water/sewer, electric/telephone, fire hydrant relocation, soil removal, markings or survey work. It also does not include the 37 linear feet for curb and gutter to replace the existing driveway entrances in front of the new bank. This could be done; however, it would be at a separate charge.

Upon discussion, Mr. Tom Mercer, City Manager/Finance Officer will have another quote available for the next meeting.

Commissioner Wilkerson asked that the signs be straightened throughout the City.

Mayor Moss said that new signs are on order and as part of the process the City Manager could begin the straightening of signs immediately.

Mr. Steve Colenda, City Inspector advised that the current procedure was that the Police Officers observe as they are patrolling and send a work order for staff to go out to straighten the signs.

Commissioner Wilkerson asked that the Police Department send a work order to straighten the sign at the end of Masonic Street.

Mr. Tom Mercer, City Manager/Finance Officer advised that he had received a quote for new signs and the estimated shipping date was five to seven work days.

Community & Economic Development:

Commissioner Piper said that he had a concern of the eyesore buildings on Highway 15. He said that Mr. Dave Roesler, Planning Director had been working diligently to get the property owners to fix up their property.

Mr. Steve Colenda said that the two businesses that Commissioner Piper inquired about were the previous Alamo Steak House and the Quick Stop. He noted that the Steak House was not repairable and the Quick Stop had a good sound structure and only cleanup was needed.

Mr. Steve Colenda said that he would like to see funds set aside for demolition projects when property owners do not bring their buildings into compliance. Mr. Colenda added that if the City has to pay the cost of demolition the City will assess the taxes.

Mr. Dave Roesler, Planning Director said that he sent violation letters to the property owners within the City and some of the properties are currently in litigation.

Commissioner Piper announced that he and Mayor Moss met to discuss the 2009 Music Festival. They are considering alternatives to the previous "Pig Cooking" contest. Notices are to be mailed out to vendors in May. Commissioner Piper said that he hopes to expand activities for children.

Commissioner Piper announced that the Creedmoor Car Show was scheduled for May 2, 2009.

Energy, Environment & Natural Resources:

Commissioner Karan said that previously he announced that the City was considering purchasing rain barrels from the Mt. Olive Pickle Company for \$5.00 each. He said that the City would be responsible for the shipment or pickup of the barrels. Commissioner Karan suggested that the City purchase 100 barrels. This is a good green initiative for citizens to use as rain barrels or compost.

Mayor Moss referred this item to the City Manager.

Commissioner Karan presented the Board with cards that are promoted by the Playful City USA campaign. Commissioner Karan presented the 2008 Playful City USA trophy. He commended the Board for taking action to become a Playful City USA. There was a round of applause.

Commissioner Karan announced that the Creedmoor Farmer's Market would reopen Saturday, April 18, 2009 at the old location of Douglas Drive by the Creedmoor gym.

Commissioner Karan said that the Board was going to attend the SGWASA meeting tomorrow night at 7:00 p.m. in Butner.

Public Safety:

Commissioner Minor asked that the City limits signs be moved to the expanded areas.

Commissioner Minor inquired about pursuing a playground for the Paddington Subdivision.

Attorney Currin replied that the City had the option to take action to send this issue to Superior Court to try to require them to comply. He added that they are currently not in the best financial situation as they are not selling lots. Attorney Currin advised that they are

represented by a large firm and there would be a significant amount of time and cost involved. He expressed that they could continue to not issue permits until the playground has been built.

Commissioner Minor inquired about Pine Valley.

Mr. Dave Roesler, Planning Director said that they have been notified by letter that they have not complied with the three conditions for Final Plat. The letter further stated that there had been a large period of time since any activity and the City would make a re-inspection of the public improvements to see if they meet the current requirements.

Commissioner Minor inquired about vested rights for water/sewer.

Mr. Tom Mercer, City Manager/Finance Officer said that the Wooten Company was working on the allocation numbers and they look favorable. He said that he would be making recommendations at the Budget Session meetings.

Commissioner Wilkerson gave the Board handouts in reference to Greenway that must be adopted by the City of Creedmoor, Town of Butner, City of Oxford and the Town of Stovall. He asked that the Board review the documents and make any suggestions or changes available for the next Board meeting.

Commissioner Wilkerson inquired about the proposed speed bumps for Pine Valley.

Commissioner Karan said that the speed bumps are proposed for Darden Drive and Woodland Court.

Mayor Moss expressed that this issue was still being reviewed.

ATTORNEY'S REPORT:

Attorney Currin presented the Board with the Pyrotecnico fireworks contract. He noted that Pyrotecnico did not have any problems with the changes that the City has made. Attorney Currin requested that the Board approve the contract this evening and he would contact Butner to initiate the one-half of the initial deposit of \$5,000.

Commissioner Wilkerson said that the Pyrotecnico expressed to him that the rain date for this event would be the following Friday.

Mayor Moss advised that the City received \$250.00 from the City of Oxford for the fireworks display.

Moved by Commissioner Wilkerson and seconded by Commissioner Minor to approve the Pyrotecnico contract for the fireworks display. The motion received a unanimous vote.

Attorney Currin expressed that the City had completed the necessary paperwork for State approval for the construction and maintenance of the extension of the Joe Peed Road station force main. He gave the Board a handout of a letter dated April 7, 2009 from Ms. June Michaux, Director of State Property Office advising that the Council of State approved the project.

Mr. Tom Mercer, City Manager/Finance Officer said that the Wooten Company was waiting to receive notice from the State on one item on the check list before they can solicit bids.

Moved by Commissioner Karan and seconded by Commissioner Robinson to go into Closed Session on the Matter of Attorney/Client Privilege in accordance with GS 143-318.11. The motion received a unanimous vote.

Upon return to Regular Session, moved by Commissioner Piper and seconded by Commissioner Robinson to continue this meeting until Tuesday, April 14, 2009 to attend the SGWASA meeting. The motion received a unanimous vote.

Mayor

City Clerk