

MINUTES OF
CITY OF CREEDMOOR – BOARD OF COMMISSIONERS
REGULAR MEETING
APRIL 28, 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 Minor

PUBLIC HEARING:

American Legion – Zoning Change from R-5 to Special Use District-B-2:

Mayor Moss opened the Public Hearing at 7:06 p.m.

Mr. Dave Roesler, Planning Director was sworn in by Mayor Moss.

Mr. Dave Roesler, Planning Director addressed the Board and gave an overview of the initiated petition to rezone the American Legion property consisting of 0.96 acres from Residential-4 to Special Use District-Buisness-2. The property is located on Legion Street. Mr. Roesler advised that all residents within 500 feet of the property were sent notification. The Planning Board at their April 16, 2009 meeting voted 7-0 to recommend that the Board of Commissioners approve the Mixed Use District Overlay Zone (MU), the Mixed Use Overlay Zone Ordinance and the NC Highway West Development Criteria.

Mr. James Ward, Dogwood Avenue addressed the Board and expressed that the property was to remain an American Legion as long as it was used as such; however, if the use is changed it reverts back to the Rogers' estate.

Mayor Moss explained that the property was to remain an American Legion and that the City was not changing the use. Mayor Moss assured Mr. Ward that the ownership of the property would remain with the American Legion.

Mr. Dave Roesler, Planning Director expressed that the American Legion would like to have the flexibility to rent the building for weddings, receptions or other events for supplemental income. He noted that the current residential zoning would not allow them to do so. Mr. Roesler expressed that they would have to make a request to the City for a Special Use Permit and all property owners would be notified.

No one else wished to speak so Mayor Moss closed the Public Hearing.

REQUESTS TO ADDRESS THE BOARD:

No one was scheduled to address the Board.

MINUTES:

Moved by Commissioner Karan and seconded by Commissioner Piper to approve the minutes of March 24, 2009 and the April 13, 2009 Work Session. The motion received a unanimous vote.

APPROVAL/ADDITIONS TO AGENDA:

Moved by Commissioner Karan and seconded by Commissioner Wilkerson to add to the agenda Item 12-d as American Legion – Zoning Change. The motion received a unanimous vote.

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

PUBLIC COMMENTS:

Ms. Sheila Rogers of 202 Dogwood Drive commended the Board for the wonderful job of reducing the penalties for the financial settlement with the IRS.

No one else wished to speak so Mayor Moss closed the Public Comments Section.

RESOLUTIONS & PROCLAMATIONS:

Moved by Commissioner Piper and seconded by Commissioner Robinson to adopt the Resolution Recognizing G.C. Hawley High School National Alumni Association 9th Biennial Reunion. The motion received a unanimous vote.

Moved by Commissioner Karan and seconded by Commissioner Minor to adopt the Resolution on Statutes Governing Annexation. The motion received a unanimous vote.

Ms. Kathryn Daniel addressed the Board and expressed that she was representing Nucor, America's largest steel mill located in North Carolina. She expressed that they are trying to rally people to commit to spending economic recovery money on American goods and services, whenever possible.

Moved by Commissioner Karan and seconded by Commissioner Robinson to adopt the Resolution on the Spending of Federal Economic Renewal Grants. The motion received a unanimous vote.

Moved by Commissioner Piper and seconded by Commissioner Minor to adopt the Resolution In Support Of Quality Physical Education. The motion received a unanimous vote.

Moved by Commissioner Wilkerson and seconded by Commissioner Robinson to adopt the Resolution in Support Of Eliminating Secondhand Smoke In North Carolina's Worksites and Public Places. The motion received a unanimous vote.

Mayor Moss expressed that previously he had asked the Board to adopt Proclamations; however, as he researched he found it is not necessary to do so. He said that to improve efficiency he would like the City Manager to draft a policy for future proclamations.

Moved by Commissioner Piper and seconded by Commissioner Karan to adopt the Proclamations for A National Day of Prayer, Municipal Clerks Week and Law Enforcement Officers Week. The motion received a unanimous vote.

MANAGER'S REPORT:

Mr. Tom Mercer, City Manager presented Budget Amendment No. 2 for 2008-2009.

Moved by Commissioner Robinson and seconded by Commissioner Karan to approve Budget Amendment No. 2 for 2008-2009.

Mr. Tom Mercer, City Manager/Finance Officer expressed that his report was included in the Board's packet in reference to important events, water, sewer, refuse collection, Lake Rogers, water/sewer stimulus applications, conservation, public buildings and transportation/greenways/sidewalks.

Commissioner Minor inquired about the building violations located on Highway 15.

Mr. Dave Roesler, Planning Director advised that he had sent out eight (8) violations and one was returned. He noted that the letter in reference to the old Alamo Steak House was not returned.

OLD BUSINESS:

Department Head Reports:

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

Mayor Moss thanked Chief Benware for the placement of the speed reading machine.

Chief Benware advised that it was currently placed on Woodland Drive, Pine Valley Subdivision.

Traffic Schedule Adoption:

Chief Benware said that the Traffic Schedule was an effort to consolidate the stop signs, parking, speed limits and the other regulations that pertain to streets. Included in the Board's packet was the Traffic Schedule, which includes the suggested changes. He expressed that once the ordinance has been amended to reference the Traffic Schedule; thereafter, changes could be passed by resolution.

Commissioner Minor inquired about West Lake Road between Highway 15 and N. Main Street being closed to trucks.

Mr. Steve Colenda City Inspector advised that the City would need approval from NCDOT.

Mayor Moss referred this item to the Transportation/Infrastructure Committee to draft a letter to NCDOT.

Attorney Currin suggested that the Traffic Schedule become effective July 1, 2009, change the existing code, post on the City's website and send to publisher for codification.

Commissioner Minor inquired about the penalty increases being transferred to the fee schedule.

Chief Benware expressed that the penalty fee schedule currently reads "up to \$50.00" and his preference was to place a dollar amount per violation type.

Attorney Currin expressed that the City's violation has a statutory cap amount. He noted that District Court Judges have adopted a schedule that specifies that a person can pay a citation outside of court. Attorney Currin said that if a case goes before the Judge he can fine up to \$50.00; however the fine will go to the school system and not the City.

Chief Benware said that the penalties should be changed to civil penalties allowing citizens to pay at City Hall and the money would go to the City's General Fund.

Attorney Currin said that the City may have more expense of collecting from people that refuse to pay the penalties; whereas, there would be no expense for the court system to collect the criminal penalties.

Moved by Commissioner Minor and seconded by Commissioner Robinson to instruct the City Manager, City Attorney, City Planner and Police Chief to draft an ordinance with the necessary language to change the code and adopt the Traffic Schedule to become effective July 1, 2009. The motion received a unanimous vote.

NEW BUSINESS:

Granville Greenways:

Moved by Commissioner Piper and seconded by Commissioner Minor to adopt the Memorandum of Understanding Creating the Granville Greenways Advisory Council. The motion received a unanimous vote.

Identity Theft Detection & Prevention Program:

Mr. Tom Mercer, City Manager/Financial Officer expressed that the City must have in place an Identity Theft Detection & Prevention Program by May 1, 2009. He said that training would be given to the Utility Billing Department.

City Initiated Re-zoning – Mixed Use (NC Hwy. 56 West):

Mr. Dave Roesler, Planning Director expressed that several months ago the Board asked staff and the Planning Board to investigate the possibility of the City initiating a change in zoning for the Dull property located on Highway 56 West. Staff reported back to the Board recommending a more comprehensive zoning approach for properties located on the west side of NC Highway 56 from the Lake Glad commercial property to Ledge Creek. Notification letters were sent to property owners within the designated re-zoning area to invite them to the January Planning Board meeting to participate in the discussion. The Planning Board discussed the proposal with the recommended change in zoning for the south side of NC Highway 56 from Lake Rogers to the City's corporate boundary with Butner. The Planning Board by a vote of 7-0 recommended a Mixed-Use Overlay District zoning, Mixed Use Overlay Zoning Ordinance and the NC 56 Highway West Development criteria to guide development. Mixed use requires commercial, office and residential uses. Mr. Dave Roesler, Planning Director said that this would encourage property owners and developers to get together to create a viable project. He noted that property owners within 500 feet of the property in question would be notified of the Public Hearing.

Moved by Commissioner Wilkerson and seconded by Commissioner Karan to schedule the Public Hearing for Tuesday, May 26, 2009. The motion received a unanimous vote.

American Legion – Zoning Change from R-5 to Special Use District-B-2:

Commissioner Karan expressed that the City was trying to allow the American Legion to have an additional revenue source. He said that the roof needs replacing and there are no funds available for repairs. Commissioner Karan noted that the City does not intend to allow events that would cause obnoxious noise and annoy the neighbors. He said that the City was trying to be a good neighbor and assist the Veterans.

Commissioner Robinson expressed that he felt good about the fact that they have to come back before this Board and request a Special Use Permit. He said the only concern relayed to him by citizens was that they want to make sure that there will not be late night events. Commissioner Robinson said that when a Special Use Permit is granted the Board could place a curfew.

Commissioner Wilkerson expressed that he talked with a family that lives by the American Legion and in the past there have been dances held and there was loud music; however, they ignored it because they knew that the event would end by a reasonable time.

Moved by Commissioner Minor and seconded by Commissioner Karan to re-zone the American Legion property consisting of 0.96 acres from Residential-4 to Special Use District-Buisness-2. The motion received a unanimous vote.

BUDGET WORK SESSION:

Mr. Tom Mercer, City Manager/Finance Officer addressed the Board and gave a power point presentation as follows:

DOING MORE & DOING IT BETTER, FOR LESS

- GENERAL REVENUE COMPARISON

	<u>FY 08 – 09</u>	<u>FY 09-10</u>
Revenue	\$2,974,904	\$2,954,300
Expense	\$2,974,904	\$2,954,300

****NO TAX INCREASE****

- GENERAL FUND REVENUE

- Have not included real estate increases on new commercial Developments such as: CVS, Cardinal Bank, or the BP station.
- NCLM projects total revenues statewide for local option sales tax will be as much as 1% lower than total revenues for FY08-09
- Number of building permits issued will be the same next year.
- Telecommunications sales tax revenues are expected to be up 10-11% for FY08–09 in part because of a rate increase in April, 2008. Projected statewide growth of 5-6% for FY 09-10.
- Beer and wine tax revenues are estimated to be up by 2 – 2.5% with slightly higher growth in FY09–10 *if no changes in state taxes are made*; any tax increase is likely to lower demand. If a 5% surcharge were adopted, expect growth of less than 1%.
- GENERAL REVENUE EXPENSE ASSUMPTIONS
 - Benefit increase of 6 – 8% from NCLM
 - Gasoline prices up \$.60/Gallon
 - Fill only 2 of the 4 open staff positions
 - Outsource mowing & Landscaping
 - Add Transportation & Development Project Manager
 - 3% wage increase for employees
- WATER
 - SGWASA water base charge to increase from \$6,385 to \$10,627/month effective July 1, 2009
 - SGWASA water volume charge to increase from \$2.95 to \$3.55 per 1,000 gallons
- SEWER
 - SGWASA sewer/wastewater base charge to increase from \$12,688 to \$20,669/month effective July 1, 2009
 - SGWASA sewer/wastewater volume charge to increase from \$3.30 to \$3.70 per 1,000 gallons

NOTE: This will roughly amount to an \$11/month average increase per account.

- Powell Bill

- Distribution will be down by approximately 11% from that of October, 2008 because distributions are based largely on the volume of motor fuel taxed by the state and on the value of vehicles purchased and titled in NC; the current recession has caused a dramatic slowdown in vehicle purchases and decreased demand for gasoline.
- 75% of Powell Bill allocation is based on population and 25% is based on city-maintained street system miles.
- Recreation
 - Revenue reflects one less cell tower customer
 - Unused revenue from prior year will be put back into General Fund
- Capital Improvement Funds
 - Still need to be reconciled; will be supplied during work session on Monday, May 11, 2009

Mayor Moss expressed that there were two burnouts that the City had not anticipated.

Mr. Tom Mercer, City Manager expressed that the City of Creedmoor had flushed more water than it had in many years. He said that the City had checked approximately 40% of the wastewater system.

Commissioner Wilkerson inquired about using a meter on the hydrants during flushing for credit and the City Manager replied that this issue was discussed today among staff; however he had not spoken with SGWASA.

Commissioner Karan expressed that SGWASA recently voted to take over the County payment for the school system for flushing. He noted that SGWASA was eating the \$20,000 per month to dump water on the ground for maintenance of the line placed by the County.

Mr. Tom Mercer, City Manager/Finance Officer advised that the City auditors would be at City Hall on Thursday, April 30, 2009 and would audit the 2007-2008 fiscal year along with reviewing grants and capital projects.

Mr. Tom Mercer, City Manager/Finance Officer presented the Board with the budget enclosed in a notebook, which included prior year's budget, current year budget, year to date numbers, end of year numbers and the estimated next year's budget . He advised that he had taken the IT/HR/Risk Management and placed this together as one budget under Administrative Services. Mr. Tom Mercer, City Manager/Finance Officer said that secondly, to identify allocations for water/sewer; he first determined the cost to run the individual departments, and then allocated the cost of support to each of the respective Enterprise Funds. He advised that the codes are being standardized and there is a process and procedure to be followed. Mr. Tom Mercer, City Manager/Finance Officer said that he sees no need for

a tax increase at this time. He said that the State had not figured out the numbers; therefore, he had to make assumptions. Mr. Tom Mercer, City Manager said that he felt confident with the numbers that the City can control. He said that he would like to meet with each Chair and Vice Chair of each committee before the May 11th Work Session. He requested that each Board member send him an e-mail of questions or changes so that the budget process would run efficiently.

Mayor Moss said that the good news was that the General Fund is strong and there would not be a tax increase; however the bad news was that there would be a water/sewer increase. He noted that Mr. Tom Mercer, City Manager planned to utilize the Finance Committee and asked that the Board members e-mail the City Manager for questions or changes before the May 11th meeting. Mayor Moss asked that each committee schedule a date as soon as possible to meet with the City Manager.

Mr. Tom Mercer, City Manager/Finance Director gave an overview of the budget notebooks as organized by dividers.

Commissioner Piper expressed that the City Manager and staff had done an excellent job on this year's budget.

Commissioner Karan said that he was excited to see a complete visual budget packet this year.

Mr. Tom Mercer, City Manager/Finance Officer expressed that the City could accrue money in the budget for future loan payments in anticipation of stimulus funding.

Commissioner Minor said that the capital projects need to be identified for setting aside money.

Mr. Tom Mercer, City Manager/Finance Officer commended Ms. Korena Weichel for her assistance.

Mayor Moss announced that his quarterly Mayor's Letter was posted on the City website.

Commissioner Piper said that he met with Mike Satterwhite of Champs and everything was ready for the Creedmoor Car Show scheduled for May 2, 2009 from 9:00 a.m. until 2:00 p.m.

Commissioner Robinson commended Mr. Tom Mercer, City Manager/Finance Officer and staff for their hard work on the budget. He reiterated that it would save time for each Commissioner to review the budget and e-mail the City Manager with their comments.

Commissioner Karan expressed that he would be attending the National Obesity Summit in Washington, DC next week. He said that he would be representing Creedmoor at this conference to help improve health and lifestyle and to promote greenways/recreation.

Commissioner Karan inquired about statutory vested rights provisions for water/sewer allocation for developments that have not had any recent activity. Commissioner Karan said that there are developers with road frontage wanting to develop mixed-use that are awaiting approval of water/sewer.

Attorney Currin gave an overview of the process and said that it was based on prior approval. He also gave an overview of “ready to serve fees”. Attorney Currin cautioned that if these developments are sent “ready to serve fees” and they pay they would be vested.

Commissioner Wilkerson asked about the straightening of street signs.

Mr. Steve Colenda said that he was told this evening to order the signs on Thursday and they would be in within five days.

Commissioner Minor inquired about the sidewalks from Southern States to the Post Office.

Mr. Tom Mercer, City Manager/Finance Officer said that he received two additional quotes; 1) \$17,336 and 2) \$10,489.

There was discussion of the type of design, whether it would be rounded or square corner top. Mr. Tom Mercer, City Manager/Finance Officer said that this item had not been budgeted and he would have to research what fund the money should be taken from.

Mayor Moss referred this item to the City Manager for review to present at the May 11th meeting.

Commissioner Wilkerson inquired about the status of training from ADS to make CD’s from the audio recording system.

Ms. Sandra Harper, City Clerk replied that Mr. Jim Mills would be at City Hall May 11, 2009 for training.

Commissioner Minor asked about the Ordinance for boats on Lake Rogers. This will be presented at the May 11, 2009 Work Session meeting.

Commissioner Karan suggested that the concession at Lake Rogers would be an excellent opportunity for DECA students to learn about business or for a local Church auxiliary to sell hot dogs, etc.

Mayor Moss said that he had already offered this opportunity to South Granville High.

Commissioner Wilkerson asked Mr. Dave Roesler, Planning Director to speak about the CMAQ grant.

Mr. Dave Roesler, Planning Director addressed the Board and said that this would be a \$500,000 grant with a 20% City match. The sidewalks would begin at RBC Bank by CVS, down Hwy. 56, along the Elementary School driveway to the trails to the High School into the older section of Pine Valley, Creedmoor Crossing Shopping Center and access to Kayser Roth. Mr. Roesler expressed that the City would be applying for a Federal Highway Bill for the Creedmoor Connector. He noted that the City had a volunteer grant writer and the information would be submitted tomorrow.

Moved by Commissioner Wilkerson and seconded by Commissioner Piper to adjourn. The motion received a unanimous vote.

Mayor

City Clerk