

MINUTES OF
CITY OF CREEDMOOR
BOARD OF COMMISSIONERS MEETING
JANUARY 17, 2023
6 P.M.

Present in Person at City Hall Boardroom

Mayor Robert Wheeler, Mayor Pro Tem Emma Albright, Commissioner Edward Gleason, Commissioner Georgana Kicinski, and Commissioner Robert Way. Also present in the Boardroom were City Manager Michael Turner, Executive Assistant Sarah Spruill, Finance Director Candy Bowman, Community Development Director Michael Frangos, City Attorney Kevin Hornik, Lieutenant Eugene Harris, and City Clerk Barbara Rouse.

Absent:

None

Call to Order and Invocation

Mayor Wheeler called the meeting to order at 6:00 p.m. and Commissioner Kicinski offered the invocation.

Pledge of Allegiance

Mayor Pro Tem Albright led the Pledge of Allegiance.

Roll Call

Roll call by the City Clerk determined that a quorum was present.

Approval of Agenda

Mayor Wheeler added Item, 5.i., Budget Amendment #7 [funding for Chief King's retirement dinner] to the agenda. Commissioner Kicinski made a motion to approve the agenda as amended. The motion was approved by a vote of 4-0.

Discussion Item | Budget Amendment #6

Finance Director Candy Bowman presented the Board with Budget Amendment #6, a request for Fund Balance Appropriation for the Parks and Recreation Department for Emergency HVAC repairs at the Creedmoor Community Center on July 20, 2022, and August 4, 2022, noting that the amendment had been rounded to \$18,000 due to the existing balance in line item # 60-5420-0399 [Other Contracted Services]. Mayor Wheeler questioned the need for repairs on the relatively new units, City Manager answered they were a little over a year old. Mayor then asked if there was a warranty on the units and City Manager said he did not think so but would look further into it. He added that the staff was looking into purchasing a preventative maintenance contract for the units from other vendors. After some discussion Commissioner Kicinski asked whether the units installed were refurbished and how to find out if so. City Attorney Hornik said that he would have to look at the original contract to see if the units were new or used at the time of purchase. There being no other questions or comments, Mayor Pro Tem Albright made a motion to approve Budget Amendment #6, Fund Balance Appropriation for Park and Recreation Department for Emergency HVAC repairs. The motion was approved by a vote of 4-0.

Discussion Item | City of Creedmoor FY-2022 Audit Presentation by Jay E. Sharpe, CPA, CFE

Finance Director Candy Bowman reported to the Board that during the last several months she had submitted all required documentation and follow-up requests for information to the auditors. She then introduced Jay E. Sharpe of Sharpe Patel, PLLC, to present the City's FY 2022 Annual Fiscal Audit. Sharpe explained to the Board what the role of the auditor was in the budget process. He explained that NC General Statutes require all incorporated towns and cities to have annual financial audits and that the audit process is overseen by the Local Government Commission [LGC]. He explained to the Board that the auditor's responsibility is to express an opinion on the financial statements, conduct an audit per appropriate auditing standards, and plan and perform the audit to obtain reasonable assurance about whether the financials are free from material mistakes. Sharpe then told the Board that the scope and timing of the audit were a little bit off track but the

fieldwork for the audit has now been completed, financial statements have been prepared and the audit had been submitted to the LGC with no material weaknesses or significant deficiencies noted. He then presented an audit adjustment, and accounting policy changes for GASB 87 leases, which he clarified was a state and nationwide change. Sharpe then presented the FY22 General Fund Revenues: of \$4,602,744 and Expenditures: of \$3,819,939. He said that the City was in an outstanding financial position with its revenues going up in each of the last three years. He said that the City's General Fund balance had also gone up almost a million dollars [\$958,300] since 2019 with a \$9,783,593 balance as of the end of June 30, 2022, holding a cash reserve of over 2 years' worth of fund balance in place or approx. 863 days' [2022] worth. Sharpe then presented the Property Tax Revenue: \$2,259,690 and the Other Taxes and Licenses Revenue: \$1,388,234 and he said both have gone up every year since 2017 [slight increases every year] while tax rates have remained steady for the last four years. Presented next were the FY22 Stormwater Fund Operating Revenues: \$296,916 and Expenses: 360,675, with the Stormwater fund holding 682 days of capital reserve. He then took some questions from the Board. Mayor Wheeler thanked the Finance Director for her hard work on the audit.

Discussion Item | Presentation by Bond Counsel Robert M. Jessup, Jr. - Process and Issuance of General Obligation Bonds

City Attorney Kevin Hornik reminded the Board that at the January 3, 2023, Regular meeting, the Board instructed him to contact a reputable Bond Counsel and ask for a formal presentation to the Board regarding General Obligation (GO) Bonds to possibly fund City's Capital Improvement Projects. Attorney Hornik then introduced Robert 'Bob' M. Jessup, Jr., of Sanford Holshouser, Lawyers, and Advisors, who presented a PowerPoint to the Board which explained the process for borrowing money using General Obligation Bonds. Mr. Jessup explained that there were three ways local governments could borrow money; revenue bonds, installment financing, and general obligation bonds. After some general discussion, Jessup continued his presentation and told the Board that the informal process of figuring out what they [the Board] want to propose would be the starting point and that each separate general purpose [project] for the bonds would have to be the subject of a separate ballot question and finally that the formal authorization process would take three separate Board actions plus a public hearing and it must be completed by August. Lastly, he explained that the significant timing question in proceeding with a bond issue after a referendum centered around the progress of the projects that would be financed. After the presentation, Jessup took more questions from the Board. No action was taken.

Discussion Item | Little Architect Update/Sanderford Street Traffic

Community Development Director Michael Frangos reminded the Board that on November 10, 2022, at a Special Session, they [the Board] voted to proceed with parallel parking on Sanderford Street within the existing 40-foot wide right-of-way. Frangos said the focus at this meeting was the Board's desire to make Sanderford Street a westbound one-way street and prohibit two-way traffic, adding that representatives from NCDOT have indicated that this is a City decision since Sanderford is a city-maintained roadway. Frangos then presented the most recent preliminary site plan to the Board and he answered questions. After some further discussion, the BOC was in consensus that the issue of Sanderford Street had been resolved at an earlier BOC meeting therefore no action was taken.

Discussion Item | Verizon 5G Upgrade to Monopole

Community Director Michael Frangos told the Board that the First Amendment to the Structural Lease Agreement presented to the Board, authorized Verizon to upgrade the co-located equipment on the City's monopole to 5G [adding more equipment onto the actual monopole] and he then clarified that this does not affect any other lease consideration, fee, or term. He continued to say that the Tower Owner Consent Letter (TOCL) also presented to the Board, simply assured the leaser, that to our [the City's] current knowledge, the monopole was lawfully constructed according to National Environmental Policy Act (NEPA) requirements and doesn't impact any historic properties in the area. City Attorney Hornik stated that he had examined the agreement as well as Dr. Kramer, his firm's cell expert attorney. After some conversation, Commissioner Gleason made a motion to authorize Mayor Wheeler to sign Structural Lease Amendment; and City Manager Turner to sign Tower Owner Consent Letter. The motion was approved by a vote of 4-0.

Discussion Item | Whitehall Subdivision HOA requests for Speed Bumps

City Manager Michael Turner told the Board that Mr. Patrick Vieheilig, who represented Whitehall Subdivision Home Owners Association, had made an application to request the approval and installation of speed bumps on Whitehall Drive between 300 and 302, and on Mayview Drive between 437 and 441 for the safety of homeowners and children. Turner told the Board that the concerns listed were sent to the Creedmoor Police Department. Chief King reported that he had no concerns. The Public Works Department reported that speed bumps were problematic for snow and ice clearing and removal operations and the Creedmoor Volunteer Fire Department reported that they [the speed bumps] slow emergency vehicle response, and could potentially cause damage to fire apparatus due to increased strain and/or torque on water

delivery systems. Mayor Wheeler then asked Mr. Joshua Hudson [204 Whitehall], Whitehall HOA President, up to the podium to introduce himself. Mayor Wheeler spoke about the history of speed bump requests in the City and said that only one was ever approved and put in. Mr. Hudson explained to the Board that because of the ingress and egress of Whitehall Drive [direct access to Highway 50], cars use it as a pass-through, especially during the morning and evening commute hours. Commissioner Way then asked Lieutenant Eugene Harris if he could get back to the Board on the number of complaints, violations, warnings, and/or citations for speeding in the Whitehall subdivision as well as possibly adding more patrols during the most heavily trafficked times [morning and evening commutes]. After some extensive discussion by the remaining Board members, Mr. Hudson then spoke on behalf of himself as a father and behalf of the residents of the subdivision. He told the Board that there are at least 30 children on his road alone and all of those children are at risk. He spoke about “speed humps” as compared to “speed bumps” as a buffer and possibly adding a chicane [traffic calming method that slows vehicles by shifting their horizontal path]. After some further discussion, Mayor Wheeler said they would get together with Chief King and the new Chief to see what options are available to remedy the situation and he asked City Manager to get a group together to explore it further. Mayor Wheeler and the Board then thanked Mr. Hudson.

Discussion Item | Public Comment Rules

City Attorney Kevin Hornik reminded the Board that they had previously discussed [January 3, 2023 meeting] amending the rules and procedures regarding the process by which individuals could sign up to give public comment at the regular BOC meetings. He said he had prepared and circulated [via email] an Ordinance amending the Boards Rules and Procedures, inserting language into rule 32. b(2). He continued by saying the language inserted had been discussed at the last meeting. He then said there was a second discussion about the rules and procedures that on whether or not the Board wanted to direct the City Attorney to prepare another Ordinance amending the rules and procedures regarding the use of public comment time to advocate for a political candidate or an election that is not within the scope of the BOC. Continuing, he told the Board that the law states that because the public comment period is a designated, limited public forum, boards can limit the content for which individuals can use the public comment. Hornik furthered the point by saying that it effectively gave the Mayor the power to cut off any public comment either by a candidate or a supporter of that candidate, running in an election that is not within the Board’s authority. Commissioner Kicinski then made a motion to direct the City Attorney to prepare an Ordinance amending the Rules of Procedure as discussed. The motion was approved by a vote of 4-0. Commissioner Way then made a motion to approve the Ordinance, amending the Rules and Procedures, rule 32,b(2) by adding specific language, as presented by City Attorney. The motion was approved by a vote of 4-0.

Discussion Item | DEI Town Hall

City Attorney Hornik said that there needed to be some input from the Board to peruse further the scope of the upcoming DEI Town Hall. The first issue Hornik said, was which public body was hosting the DEI Town Hall [DEI or BOC] as he noted the choice would dictate what public notice would have to go out as well as some bearing on the conduct of the meeting, and he instanced “who will be calling the meeting to order”, the Mayor or DEI Chair. He continued that there also needed to be some ground rules establishing reasonable public expectations of what will happen during the Town Hall. The Mayor called Ms. Thelma Thomas-Mungo, DEI Chair, to the podium to discuss the forgoing issues with the Board.

Mayor Wheeler called for a 5-minute recess at 8:05 p.m. The Mayor reconvened the meeting at 8:10 p.m.

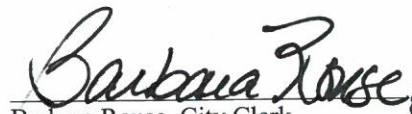
Mayor Wheeler then addressed DEI Chair Thomas-Mungo about the Town Hall meeting, addressing the agenda she presented as well as some of the questions that will be presented to the Board at the Town Hall. After some back and forth between the Mayor and Ms. Mungo, City Attorney Hornik asked if it would be possible to have the final list of questions submitted to the BOC 48 hours before the meeting. He said this way the Board can look them over and he will also be able to review them as well. Ms. Thomas-Mungo said she could accommodate that request. More discussion about the Q&A part of the Town Hall was had to further define the parameters of the questions and answers. City Attorney suggested Ms. Thomas-Mungo send him any remarks she was preparing for the Town Hall so he could look them over to clarify. He said that the public would need to understand that there are some questions that the Mayor and Commissioners possibly couldn’t provide specific answers to due to different circumstances. Commissioner Kicinski asked if the event was going to be recorded and Ms. Thomas-Mungo said that it will be. After some further discussion, the Mayor thanked Ms. Thomas-Mungo for answering their questions. No action was taken.

Discussion Item | Budget Amendment #7

Finance Director Candy Bowman presented the Board with Budget Amendment #7 and she explained that this amendment was necessary to fund the retirement dinner for PD Chief Keith King. Commissioner Kicinski explained that on August 25th, 2022, she asked the Board about having a retirement dinner for Chief King and she recalled a Board vote on it, but, she said, because it was done in closed session without the Clerk present, no one recorded the action, and therefore it was back before the Board tonight for a vote. Commissioner Kicinski then made a motion to approve spending, not to exceed \$5,000, for a retirement dinner for the outgoing PD Chief King. Mayor added that because the motion was made in a closed session and needed to be made in an open session he felt it wise to present it again for a vote at this meeting. With the motion on the floor, Mayor Wheeler called for a vote. The motion was approved by a vote of 4-0. Commissioner Way then made a motion to approve Budget Amendment #7. The motion was approved by a vote of 4-0.

Adjournment

There being no further business to come before the Board, Mayor Pro Tem Albright made a motion to adjourn the meeting at 8:45 p.m. The motion was approved by a vote of 4-0.


Barbara Rouse, City Clerk




Mayor Robert V. Wheeler