

Town of Black Creek
Regular Board Meeting and Public Hearing
November 10, 2009

Time: 7:30 p.m.

Place: Black Creek Town Meeting Room

Present: Mayor Howard Moore, Commissioners: Lucas, Franks, Godwin, Smith,
And Dawson.

Quorum Present: Yes

Public Hearing

I: Mayor Moore declared Public Hearing open for comments from the audience. This public hearing is being held to hear comments from the public on proposed out door burning ban in the city limits of Black Creek. Notice of this public hearing has been posted and advertised in the Wilson Daily Times on November 2, 2009 as required by law. A copy of the proposed burning ban has been in the town hall for review. Any comments?

Candy Minshew: My personal opinion is to continue to let us burn in the town limits. I rather let the ordinance stay like it is. That is just my opinion. I don't see where there is that much burning in town except in the fall of the year when someone might burn leaves. I just prefer it stay like it is.

Trent Lucas: I agree with Candy; I would like to keep it the same as it is so we can burn leaves and limbs. The problem with not burning we will sheet our leaves up and they are going to set there all week, and the town does not pick up but once a week. Are you going to pick up more than once a week? Or are you going to stay with Mondays? I am going to have to drag my wet leaves out there on Mondays and are they going to have to set side of the road for 3 days like limbs and stuff do now. A lot easier to rake them up and burn them. I am like Candy I don't see the town smoked up everyday or anything like that. I like to see it stay like it is.

Audience: I am Trent Lucas's neighbor, this is my first meeting. I would like it to stay like it is. I have 10 or 12 pine trees in my back yard, 3 magnolias and 2 gum trees. It is something falling out of them all the time. Little limbs, sweet gum balls or something all the time. As far as carrying all this to the streets everyday or every week; I built me a burn box in the back and just throw the stuff in it and burn the stuff every 2 or 3 weeks. As far as trying to put this stuff on the streets every week, I don't see any sense in it.

Mayor Moore: Anybody in audience want to say anything about burning?

Did we get any letters or phone calls Ms. Aycock? No, stated Ms. Aycock.

Mayor Moore: I declare this public hearing closed. We will begin with our regular board meeting.

Regular Board Meeting

- II: Mayor Moore declares regular board meeting open. First thing on agenda is to approve our October 13, 2009 minutes. Has everybody had a chance to read minutes, any discussion on minutes on how they were written? Commissioner Godwin: It is just a trivial thing. On page 10, how do you spell Christmas? Mayor: Is something spelled wrong? Commissioner Godwin: They have XMAS. It is just a trivial thing to me; I would like to see them spell Christmas out. Don't take Christ out of it. That's all I got. Motion to approve minutes: 1st Commissioner Godwin, 2nd Commissioner Franks. Motion carried unanimously.
- III: Approve to pay bills: Any discussions on bills? Commissioner Lucas to pay, 2nd Commissioner Dawson. Motion carried unanimously.
- IV: Ordinance on Burning Ban inside of City Limits: Mayor Moore: You heard the comments from the public hearing. Commissioner Franks: I am going to vote to leave it the same. Commissioner Smith: Personally, I would like to look at it and if we are going to do something we need to look at the ordinance a little more I think. I have heard the comments and I will have to agree with him, we have burnt stuff before, the main thing I see, like I said in the workshop about fields and tree farms stuff like that and not able to do that. So, I think we should think about it more. Mayor Moore: Some more discussions? Commissioner Lucas: The only thing I got and I agree with them burning leaves and stuff and I have no problem, but when you start burning plastic, and everything else. Gates: It is illegal to burn plastic. Commissioner Lucas: Well, we need to do something about it. Gates: All you have to do is call 911. Commissioner Lucas: Because that happened in my neighborhood. You can't stand it. Commissioner Godwin: That was a tough one! Gates: If you change it this will put more work on the town, and a lot more time invested. Time is money. Commissioner Dawson: If you have a lot of leaves and limbs you will have to have a lot of sheets to put all this stuff in. Audience: That is what I was talking about. I may burn stuff every 2 or 3 weeks, I just collect and burn in my burning box. Commissioner Smith: Where is the problem at? Tell me the problems we have had burning. Commissioner Lucas: My problem is on the corner. Commissioner Godwin: There have been some on Branch St. and some on Charles St. Whether you do anything now or not sooner or later you will have to do something. If nothing else the smoke, what you call the Green House Gases and all that, I am the one that brought it up. Audience: What about the people with outside fireplaces and all that? You can buy them at Lowe's and Home

Depot. Commissioner Godwin: If you go out there and roast marshmallows no one is going to say anything about that. You are talking about these fire pits they put outside? Audience: They have outside wood heaters. Commissioner Godwin: We were not talking about that. Commissioner Smith: I realize what the problem is with say people with 100 ft lots and people with bigger lots and they need to burn, they probably show more courtesy with their neighbors and don't burn when the wind is blowing or when it is going to smoke it up, and some do. I realize that there is people that do stuff without thinking and is offensive to someone. How you regulate this is hard to call. There is always one bad apple spoiling the barrel for everyone else. That is the whole problem with American anyway. We have to pass laws and ordinances for these few who spoil it for everyone else. I understand on both sides where we are coming from. Gates: If you see anyone burning something they are not suppose to be burning call 911. Commissioner Lucas: You can't see it, you can smell it. Gates: If you can smell it you need to call. Audience: That is where I come in; penalize the one who is doing it, and don't make the rest of us pay for the ones who is committing the crime. Mayor Moore: We need to approve it or table it. Someone want to make a motion? Commissioner Godwin: I make a motion to drop it. 2nd Commissioner Franks. Vote carried unanimously.

- V. Auditors Report for 2008-2009: Phyllis Pearson: Pages 5 and 6 is an independent auditors report and that is an unqualified opinion and what that means is we found the financial statements to be fairly stated and in conformance with the General Acceptable Accounting Financial Statements. This is the highest level of auditor's opinion that is issued and it is consistent with what you have received for the last several years in the auditor's opinion. On page 18 is the statement of net assets. Governmental activities has a total of assets \$561,000, and total liabilities of \$36,000 and total net assets of \$525,000. The business type activities which is your electric and water and sewer funds had 6.1 million dollars in total assets, total liabilities was 1 million dollars. Most of that is \$850,000 in notes payable, and total net assets of \$5.1 million dollars. On page 19 is the statement of activities, and this shows the governmental activities spent \$350,000, brought in \$49,000 for charges in services, and operating grants and contributions on \$43,000. There were other additional general fund revenues for \$155,000 property taxes, and \$104,000 local franchise and utility tax that generated \$369,000 in additional revenue so at the end of the year the change in net asset or net income \$112,000 leading to net assets of \$525,000. The water and sewer fund incurred expenses of \$527,000, charges for services \$657,000, the electric fund had expenses of \$1.3 million and charges for services were \$1.4 million. There were other revenues that generated a negative \$32,000 because you transferred \$83,000 out of the utility funds into the general fund to support operations. So at the end of the year the changes in net assets in the business fund \$202,000, and ending net assets of \$5.1 million dollars. Page 20 which is the General Fund Financial Statements, they are on the modified accrual basis and these

statements are significant because they are the decision making statements for any government in North Carolina. The total assets \$358,000, total liabilities are \$28,000, total fund balance is \$330,000. Of the \$330,000 there is \$222,000 unreserved general fund balances and of that you may use portions of that for appropriated fund balance to fund future operations if you so chose. On page 21 is the General Fund Revenues. You brought in \$379,000 on the modified accrual basis, and total expenditures you spent \$387,000, the main difference between the previous statement of activities and the statement of revenues and expenditures is these statements capital outlay and principal on debt service is recognized as expenditures. In the previous statements they are not, these statements will readily reflex the way you budget. You transferred into the General Fund \$83,000 and the change in fund balance is \$75,000 leading to the \$330,000 in fund balances. If you were to look at page 23 this long term comparison of the budget on where you started on your original position, and the final budget and on where you arrived at and then your actual amounts. What is significant about this statement is there is no over expenditures in the variance column in the sense that you have properly amended the budget through out the year so there is not any statutory violations in being over expended. As we go on to the next 2 statements, these are the proprietary funds, water and sewer and electric funds. I am on page 24. The water and sewer fund had \$3.7 million dollars in total assets, and total liabilities \$875,000, and total net asset of \$2.8 million dollars. Of the \$2.8 million, \$1.2 million is unrestricted and you could at your discretion decide to use some of that money for projects. You cannot spend the difference in the amount that is in property. Total assets in the electric fund is \$2.4 million dollars, total liabilities is \$126,000, and total net assets is \$2.3 million. Of the \$2.3 million, \$1.4 million is unrestricted and available for you to use on projects. Page 25, is the operating statement, the water and sewer statement generated \$657,000 in charges and other fees, and on the accrual basis you spent \$492,000 and you had other non-operating revenues and expenses of a negative of \$26,000 and that is the cost of the interest on the debt and there was some additional transfers between the funds leading to the change of net assets of \$115,000 in the water and sewer fund. The electric fund generated operating revenues of \$1.4 million and you spent \$1.3 million and there was \$35,000 in investment earnings and a \$60,000 transfer that went to the General Fund, leading to a change in net assets of \$86,000, and the ending fund balance is \$2.3 million. If you will look in the back of the report of the electric fund there is a statutory finding in that where it has been a rough year for given the wholesale cost of electricity in how it has varied. The budget was not amended and there is a finding that this fund was overspent by \$40,000. This problem happened to most towns is because you could not amend the budget fast enough to reflect what was happening in wholesale cost. Most everyone had this finding this year. I would not say this is a big operation issue because hopefully the market has stabilized and things are better. I am available for questions. Mayor Moore: Anyone have any questions? Any discussions? Does anyone want to make a motion to accept

this report? 1st Commissioner Lucas, 2nd Commissioner Godwin, vote carried unanimously. We think you for the report, Ms. Pearson. Look like Ms. Aycock's and town staff has done another good job for us. Ms. Pearson: Yes, another good job, it is significant there is not a management letter and S-115 letter, which addresses weakness in internal controls. So it was a good audit.

VI. Commissioners:

Lucas: You got what I had for the Christmas Bonuses and it is more than what we use to give when we gave round numbers, so I make a motion that we give the 30% of one week pay, 2nd Commissioner Godwin, vote carried unanimously.

Franks: Greg, did we have a safety meeting? Yes, stated Gates. Franks: We will be talking about getting another full time officer in a month or so.

Godwin: Pass

Smith: Preconstruction meeting how did it go? Gates: Everything is on go. Probably start doing pipe work in January. The filters will be April or May before they are in. I would say early summer or late spring. They build them has you buy them. Mayor Moore: I think the terms of contract is 300 days they have to finish the job. Commissioner Godwin: What about the sewer line across the cemetery? Are we moving on that? Gates: I did get Bartlett to give us a preliminary figure to extend the water and sewer lines to the city limits. It is \$55,000 dollars. Commissioner Godwin: To the property? Gates: To the line, far side of the property. Commissioner Smith: You are going by the property. Gates: You just as well go by. Commissioner Smith: Do we have some grant money? Gates: You do not get a grant for extensions. Things are not going to get cheaper. I guess the question is, are they serious about what they are going to do out there. Commissioner Godwin: That is what we need to know. I don't see running that line if they are not going to do anything. Mayor Moore: I would wait and make sure. Gates: We probably need to pursue it because things are not getting cheaper. Commissioner Godwin: That's right, if they are serious they need to let us know something so we can do something. Mayor Moore: Do you know who to contact to find out if they are serious? Gates: I don't know who to contact. Mayor Moore: Cecil Aycock is the one who approached me and ask me something about it. Gates: There is going to be a change order on the treatment plant. We are going to fix some existing problems. All this is being drawn up now to make plant better, you will see all that. Commissioner Smith: I agree, if that sewer line is cheaper now, we need to do something. Gates: One thing that cost so much is where the sewer line ends at. You got a curve, you will have 3 manholes. I did tell him to keep it has deep as he could. Commissioner Smith: You are keeping it on the cemetery side? Gates: Yes. Commissioner Smith: Then you are going to bore a hole under the road for that service. Gates: They would have to pay for that. Commissioner Smith: That would be the best way not to cut that road.

Mayor Moore: Commissioner Dawson do you have anything? Commissioner Dawson: No, Sir.

Fortson: Pass

Greg Gates: No.

Aycock: I put the promissory note for the backhoe on the desk for your review. We have completed the payments for the note. Also, we have paid for the garbage truck too. Gates: We have only been paying on the garbage truck for two years.

Glenda Barnes: I want to congratulate each of you on re-election to your office again. I want to thank everyone who helped on the Heritage Day, we appreciate it.

Mayor Moore: I was getting ready to thank everyone on the Heritage Day committee; Ellen, town employees and everyone who helped make it a success. It looked like it was going to be cool to start with in the morning, but it warmed up. I think it turned out to be a big success. I would like to thank every one for it.

Commissioner Dawson: We are planning to have a hotdog supper for all the volunteers and the commissioners and spouses. We are working on it and we will let you know.

Mayor Moore: Announced meetings. Christmas Party at 7:00 p.m. on December 11. Recycling starts first week of December. Anybody got anything else.

Barbara Aycock
Secretary to Board

Mayor Howard Moore