

MINUTES OF  
CITY OF CREEDMOOR – BOARD OF COMMISSIONERS  
REGULAR MEETING  
JULY 28, 2009  
7:00 P.M.

**PRESENT:**

Mayor Darryl D. Moss, Mayor Pro-tem Tim Karan, Commissioner Jimmy Minor, Commissioner Otha Piper, Jr., and Commissioner Herman Wilkerson. Also present was Mr. Tom Mercer, City Manager, Sandra Harper, City Clerk and Attorney Tom Currin. Absent was Commissioner Larry Robinson.

Mayor Moss called the meeting to order at 7:00 p.m. in the Commissioner's Room at City Hall and welcomed everyone.

Mayor Moss announced that Commissioner Robinson was on vacation this week.

**INVOCATION:**

Mayor Moss

**PLEDGE OF ALLEGIANCE:**

Commissioner Karan

**PRESENTATIONS:**

**To Honor Robert Layton:**

Mayor Moss introduced Mr. Robert Layton and expressed that he has been elected as the FFA Vice President for a one year term. Mayor Moss said that the City is very proud of Robert and grateful for the example he is setting in the community. Mr. Robert Layton introduced his family and Mayor Moss recognized Mr. Jason Davis, FFA Coordinator and Mr. Wil Baxley, FFA Intern in attendance. Mayor Moss presented Mr. Robert Layton with a Creedmoor City pin. Mr. Robert Layton received a round of applause.

**Sandra Harper, City Clerk – Master Municipal Clerk Designation:**

Mayor Moss expressed that the City Clerk has completed demanding education requirements over the years and she has achieved the designation of Master Municipal Clerk awarded by the International Institute of Municipal Clerks, Inc. Mayor Moss presented her with the International Institute of Municipal Clerks plaque and MMC pin. Ms. Sandra Harper introduced her family that was present for the event. Mayor Moss said that the City is proud of Sandra's accomplishment. Ms. Sandra Harper received a round of applause.

**KaBoom Presentation:**

Commissioner Karan presented Mayor Moss with an encased basketball with the KaBoom emblem for Playful City USA 2009. He advised that there are four other cities that have recently received this award. Commissioner Karan expressed proudly that until 2009 Creedmoor was the only recipient of this award.

**REQUESTS TO ADDRESS THE BOARD:**

**Mr. Michael McFadden – Granville Greenways:**

Mr. Michael McFadden, Chairman of the Greenway Technical Coordinating Committee addressed the Board and presented two items of business. He expressed that Commissioner Wilkerson’s initial term of one year on the Granville Greenways Advisory Council (GGAC) has expired and requested that he be reappointed to a new term of three years. Mr. McFadden advised that the GGAC and Granville County have endorsed this reappointment.

Moved by Commissioner Piper and seconded by Commissioner Minor to reappoint Herman Wilkerson to the Granville Greenways Advisory Council for a three-year term. The motion received a unanimous vote.

Mr. Michael McFadden said that the second item was for the Board to approve updating the Granville County Greenway Master Plan and integrate the Creedmoor Greenway and Pedestrian Plan (MAPS) into the updated Granville County Greenway Plan.

Moved by Commissioner Minor and seconded by Commissioner Wilkerson to approve updating the Granville County Greenway Master Plan and integrate the Creedmoor Greenway and Pedestrian Plan into the updated Granville County Greenway Plan. The motion received a unanimous vote.

**MINUTES:**

Commissioner Wilkerson asked to abstain from voting because he had computer problems and was unable to obtain the minutes via e-mail.

Moved by Commissioner Piper and seconded by Commissioner Minor to approve the minutes of June 23, 2009 and July 13, 2009. The motion received a unanimous vote.

**APPROVAL/ADDITIONS TO AGENDA:**

Moved by Commissioner Karan and seconded by Commissioner Minor to approve the agenda. The motion received a unanimous vote.

**PUBLIC COMMENTS:**

Mr. John Wilkerson, 308 South Main Street, Creedmoor addressed the Board and expressed that the foot traffic has greatly increased on South Main Street. He encouraged that the City continue the pursuit of sidewalk development in Creedmoor.

Ms. Mildred Goss, 322 Aiken Avenue, Creedmoor addressed the Board and expressed that the Creedmoor Chamber of Commerce has begun the planning stages for the Holiday events. The Tree Lighting is scheduled for Friday, December 4, 2009 at 7:00 p.m. and the Christmas Parade is scheduled for Saturday, December 5, 2009 at 11:00 a.m. Ms. Goss said that the Chamber would need the Police Department's assistance for the parade.

Mayor Moss expressed that he and Chief Benware spoke earlier today about event planning and the Police Department assistance. He said that Chief Benware stated that the Police Department has indicated that they want to be more involved in upcoming events for security and public safety purposes.

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

#### **MANAGER'S REPORT:**

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.

Mr. Tom Mercer, City Manager/Finance Officer expressed that the audit package has been sent to the USDA and he has requested a meeting as soon as possible to review the status of the requested funding. He noted that the preliminary engineering drawings have been approved on the 9.6 million dollars for water/sewer.

Mr. Tom Mercer, City Manager/Finance Officer said that the new water/sewer/trash pickup rates will be sent out on the August 1<sup>st</sup> billing.

Mr. Tom Mercer, City Manager noted that they have smoked 95% of the sewer lines and plan for completion within ten days.

Mr. Tom Mercer, City Manager/Finance Officer expressed that the City has mowed a two-mile radius of area along the roads that have high grass.

Mr. Tom Mercer, City Manager expressed that a work order has been placed with NCDOT for the cross walks on Main Street.

Commissioner Karan inquired about the Hester Road water line.

Mr. Tom Mercer, City Manager/Finance Officer advised that the Hester Road water line would have approximately 25 customers. The County has bid that out and the City is reviewing whether to stay with the 8" line or pay the difference for a 12" line. Mr. Mercer expressed that he has all the detail drawings available for viewing and that this would be an agenda item for discussion at the next meeting.

Mayor Moss advised that he sent the City Manager an e-mail in reference to the Weisgerber Group and their allocation status.

Commissioner Minor expressed that they have not complied with the recreational requirements.

Commissioner Karan said that the parcel that the Weisgerber Group is inquiring about does not have a recorded plat; therefore, they are not eligible for allocation at this time.

Mayor Moss referred this issue to the City Manager and City Attorney.

#### **OLD BUSINESS:**

##### **Department Head Reports:**

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

Chief Benware addressed the Board to say that he did not have good news on the COPS grant. He advised that there was nine-billion dollars requested for a one-billion dollar grant. Chief Benware said that he was not very optimistic because the City's crime rate is low in comparison to other cities.

#### **NEW BUSINESS:**

##### **Budget Amendment #1 – FY 2009-2010:**

Moved by Commissioner Karan and seconded by Commissioner Piper to adopt Budget Amendment #1 for fiscal year 2009-2010. The motion received a unanimous vote.

##### **Clean Water Management Fund Grant:**

Mayor Moss said that this was a three step process this evening; 1) to adopt the Clean Water Management Trust Fund grant, 2) Adopt the Resolution By Governing Body of Applicant for the drinking water state revolving fund, and 3) Discuss a contract with the Trust for Public Land for the Fontaine Development. The property acquisition will be discussed in Closed Session.

Attorney Currin referred to the North Carolina Clean Water Management Trust Fund Grant Agreement. This is an agreement that has been developed by the Clean Water Trust Fund as

a result of their approval of the request last November to consider the Fontaine project as a City project with the primary purpose of developing this area for recreation while preserving it environmentally. The double purpose of active recreation from that section is not affected by the conservation easement. He added that the donation of the conservation easement to the state in return for clean water funds makes the Clean Water Management Fund an active partner in this project with the City to the extent of up to 47% of the projected total contract price. The result is a grant to the City by the Clean Water Management Fund in the sum of two million eighty-one thousand dollars maximum. The grant specifies that there will be matching funds provided by the City, the Trust for Public Lands and donors of property sufficient to match the funds that are to be made available by the Clean Water Trust Fund for the total project cost. Attorney Currin referred to page 11 of the document showing the Initial Project Budget, which represents expenditures of up to four million eight hundred twenty six thousand and three hundred dollars. Attorney Currin gave an overview of the process to proceed. He noted that to be considered the City must have accepted the agreement of the approved funding of up to two-million eighty one thousand dollars in clean water funds and have it available at the budget meeting. In return for the two-million eighty-one thousand dollars the City will grant them a conservation easement on the majority of acreage in the property. The properties that the City will be acquiring are identified as exhibit "A" on page 8. The City will grant them a conservation easement that will extend to all but four and five acres on the south side of the road. The remaining acres on the south side of the road will be to establish a nature preserve conservancy area subject to restrictions. For the north side of the road a portion of that area will also be included in the conservation easement with similar restrictions; however; approximately 70 to 80 acres will be unrestricted, remain titled to the City and used for active recreational purposes. Attorney Currin advised that there may be a \$50,000 contribution available related to the Neuse River. He expressed that this evening the Board will be considering a resolution to approve an application for a different type of state funds, which are loan funds. He expressed that within the Public Water Supply Section of DENR there is a group that administers Federal EPA money that is on an annual basis in a fund known as the Drinking Water State Revolving Fund. This is for a twenty-year loan at a flat rate of 1% interest. Attorney Currin noted that there is a 2% upfront loan origination fee. He expressed that because it is a loan it requires the approval of the Local Government Commission. Attorney Currin said that the Board first needs to adopt and authorize the Mayor to sign the State of North Carolina Clean Water Management Trust Fund Grant Agreement based upon the project dollars and second, pass the resolution to allow the City to proceed with the grant application for the funds from Public Water Supply. To receive funds from Public Water Supply requires that the City have a surface water protection plan. Attorney Currin expressed that the third component is the contract to purchase the property. Currently, the City does not have an agreement in writing binding on the parties to purchase this property. The Trust for Public Lands is an agency that has worked very hard to try to put this deal together and they stand between the City and the Fontaine group to broker an agreement to make this happen. Attorney Currin expressed that the final terms of the agreement will properly be discussed in Closed Session as the City continues to reach a final agreement with Fontaine Group and TPL for a dollar amount. Attorney Currin expressed that it is important to the City and the citizens that the land be acquired at a reasonable cost. Attorney Currin advised that the Board gave the Mayor and

City Attorney the authority to obtain a new third party appraisal and that will not be available until mid August. He said that the Board is going to assume that the Legislature is going to put money into the Clean Water Management Fund and also assume that the City will be eligible for that grant, which may be available as early as August 10, 2009. Attorney Currin advised that the resolution to submit on the Public Water Supply Drinking Water State Revolving Fund application is due August 1, 2009.

Moved by Commissioner Karan and seconded by Commissioner Minor to adopt the Clean Water Management Trust Fund Grant Agreement. The motion received a unanimous vote.

Attorney Currin read the resolution on the Public Water Supply Drinking Water State Revolving Fund Loan Application.

Moved by Commissioner Piper and seconded by Commissioner Minor to adopt the Resolution authorizing the Mayor to execute all the documents necessary to make the application for the Drinking Water State Revolving Fund Loan for the balance of the monies needed for the project. The motion received a unanimous vote.

Mayor Moss introduced Mr. Fredrick Lewis, Trust for Public Land (TPL) and Mr. Jeff Fisher that was in attendance this evening.

Attorney Currin said that he has a letter of engagement from Brooks Appraisal, Oxford and requested that the Mayor execute the document.

**Resolution – Deferred Compensation Plan:**

Moved by Commissioner Karan and seconded by Commissioner Minor to adopt the § 457 North Carolina Public Employee Deferred Compensation Plan. The motion received a unanimous vote.

**Resolution – Joe Peed Intermediate Booster Pump Station:**

Moved by Commissioner Minor and seconded by Commissioner Karan to adopt the Resolution By Governing Body Of Application for the Joe Peed Intermediate Booster Pump Station. The motion received a unanimous vote.

**MAYOR’S REPORT:**

Mayor Moss expressed that because Commissioner Robinson is absent the Manager’s evaluation will be deferred until the next meeting.

Mayor Moss reminded everyone that the Alive After Five is scheduled for Thursday, August 27, 2009 at 5:30 on Main Street, Creedmoor. The band will be the Fantastic Shakers.

Mayor Moss expressed that Commissioner Piper has been working diligently on the Music Festival scheduled for Saturday, September 19, 2009. He advised that he has several bands lined up for the event.

Mayor Moss expressed that BB&T has chosen to do a substantial project in downtown Creedmoor. BB&T will be funding new benches, new planters and new trash bins along Main Street. Ms. Jennifer Dixon, a Creedmoor resident is employed by BB&T and she submitted Creedmoor as part of the BB&T Light House project and it was approved. BB&T volunteers will come out and assemble the items. Mayor Moss expressed that he is very proud of Ms. Dixon and was thankful of her thoughtfulness for her hometown.

Mayor Moss gave an update of the Falls Lake rules. House Bill 1099 will be considered Thursday or Friday of this week. The Environmental Management Commission must have the rules in place by January 15, 2011. This will eliminate any additional discharge into Falls Lake. He expressed that this will limit SGWASA from obtaining additional allocation to go into Falls Lake.

Commissioner Minor expressed that the new rules may decrease the 5.5 million gallons discharge to 3.5 million gallons.

Mayor Moss announced that he scheduled a Town Hall Meeting for Thursday, August 20, 2009 at 7:30 p.m. This is in conjunction with the Planning Board Meeting on the Strategic Plan. The Creedmoor Collaborative created this Strategic Plan and presented it to the Planning Board. Mayor Moss encouraged everyone interested to attend.

Mayor Moss announced that August 4, 2009 is the scheduled date for the National Night Out.

Chief Benware addressed the Board and expressed that the National Night Out is to be at South Granville High School and there will be free hotdogs and soda in the cafeteria. He said that this year the event will be bigger and better. They will be using the SGHS parking lot for two helicopters and other activities. Chief Benware asked that everyone spread the word about the event.

#### **COMMISSIONER'S REPORT:**

Commissioner Minor announced that the grant for the Fire Department was submitted on schedule. He sent letters of support to Brad Miller, Senator Hagan and Senator Burr. Commissioner Minor said that he received a response from Senator Hagan's liaison and Representative Miller's liaison.

Commissioner Minor inquired about the Lake Rogers Recreation Ordinance. He said that the City was to use the Lake Holt ordinance as a reference. Commissioner Minor read the following:

Means of Propulsion: Speed Limit

Boats operated on Lake Holt may be propelled by means of oars, paddles or other manual propulsion or by outdoor motor. The speed limit shall not exceed five miles per hour, no wake, on Lake Holt in the Boat Dock Area. The speed limit over the remainder of the lake shall not exceed twenty-five miles per hour.

Commissioner Minor said that he would like for the Board to adopt and incorporate into the Creedmoor Ordinances that language and to delete the words Lake Holt and replace with Lake Rogers. The no wake area should be designed as within 100' of the pier.

Attorney Currin is to put the ordinance in proper form to present to the Board for approval at the next meeting.

Commissioner Minor inquired about the status of the American Dream property driveway.

Mr. Dave Roesler, Planning Director said that he spoke with NCDOT about this issue to try to resolve this problem.

Commissioner Wilkerson expressed that he would like to see the streets cleaned before the upcoming Fireman's Day Parade and the Christmas Parade.

Mayor Moss referred this to the City Manager.

Commissioner Minor announced that the Fireman's Day event will remain scheduled for the second Saturday in October. He noted that SGHS changed the date for Homecoming.

Commissioner Karan commended the City Manager, Planning staff, City Inspector and the Wooten Company for their communications in getting the state to allow the City to reduce the amount of gallons required for the dwelling unit down to 88 gallons per bedroom. He expressed excitement because this gives the City a 30% boost on our sewer allocation. Commissioner Karan said that this is not something that DENR allows very often.

Commissioner Karan said that as part of Playful City USA the City has dedicated a Day of Play. He expressed that the past two years a Day of Play was in conjunction with National Night Out and will be the same this year. He expressed disappointment that somehow this year it got left out of the advertising. Commissioner Karan said that he left a message on July 1st to Korena that he would be out of town for three weeks and to make sure to include Playful City USA "A Day of Play" in the advertising. Commissioner Karan said that he thought that sending two e-mails and passing a Resolution for a Day of Play by this Board would have been enough to let people know that the City is having their annual Day of Play. He said that last year they had a juggler and balloon artist. Commissioner Karan said that he wanted to remind everyone that it was also to be Creedmoor's a Day of Play. Commissioner expressed for everyone to come out and enjoy themselves.



Mr. Tom Mercer, City Manager/Finance Officer said that the utility billing had not gone out and they would place an advertisement on the bills for National Night Out and a Day of Play.

Commissioner Piper expressed that we live in a small city; however, we are unique. The City of Creedmoor has a lot of activities forthcoming such as the Alive-After-Five, National Night Out and the Music Festival. He emphasized that it makes him feel good to live in a community where people can come together for free events to socialize and enjoy life.

Commissioner Wilkerson expressed that he would like for the City to offer to citizens a cooking oil collection date. He suggested a pick-up date of November 28th, which is the Saturday after Thanksgiving. Commissioner Wilkerson said that if this is successful he would like to have another pick-up date after Christmas.

Mayor Moss and the Board agreed that this was a great idea.

Moved by Commissioner Wilkerson and seconded by Commissioner Piper 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 to regular session, moved by Commissioner Minor and seconded by Commissioner Robinson to adjourn. The motion received a unanimous vote.

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Mayor

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City Clerk