

MINUTES OF  
CITY OF CREEDMOOR – BOARD OF COMMISSIONERS  
WORK SESSION  
NOVEMBER 9, 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. Absent was Tom Mercer, City Manager

**QUORUM:**

Mayor Moss called the meeting to order at 7:00 p.m. and welcomed everyone. Mayor Moss announced that Mr. Tom Mercer, City Manager/Finance Officer was out of town; however he was available via phone.

**INVOCATION:**

Mayor Moss

**PLEDGE OF ALLEGIANCE:**

Commissioner Robinson

Mayor Moss commented that the new flags on Main Street look nice.

Mr. Tom Mercer, City Manager/Finance Officer expressed via speaker phone that the flags were bought at a discount and are guaranteed to be the longest lasting flags.

**SPECIFIC ACTION ITEMS:**

**Water/Sewer Rules & Regulations:**

Ms. Korena Weichel, Administrative Services Manager expressed that in the Board packets were the Water/Sewer Rules and Regulations that were adopted July, 2009. The North Carolina Legislature adopted HB 1330, which requires a language change that specifies what Municipalities are allowed to do to collect debt. The changes are highlighted on page 8 under Suspension of Service. She noted that there is also language added under Enforcement; Civil Penalties.

Moved by Commissioner Karan and seconded by Commissioner Piper to adopt the revised Sewer Rules and Regulations. The motion received a unanimous vote.

Mayor Moss asked Ms. Korena Weichel, Administrative Services Manager to talk about the Red Flag Rules.

Ms. Korena Weichel, Administrative Services Manager advised that the Red Flag Rules are part of the Federal FACT Act, which is Protection of Identity Theft. As a Municipality that extends credit to water customers we fall under the Red Flag Rules. Ms. Weichel expressed that there are certain steps to follow for staff to verify each person's identity. She noted that the Board had previously adopted the Red Flag Rules.

Mayor Moss asked Ms. Weichel to explain recent incidents where Fire Chief Ray and Ms. Mildred Goss had to present identification.

Ms. Korena Weichel, Administrative Services Manager explained that this issue came up when staff was manually moving over the water accounts to the Logics system and there was a lot of missing data. Ms. Weichel said that when a person comes in and the information is not on file staff has been requesting the data to update the accounts. She expressed that if a citizen wants to pay a bill and does not have the coupon nor do they know the amount of the bill staff can not give out any information on that account. Ms. Weichel noted that this has also been posted on the City's website.

Commissioner Wilkerson asked if citizens only have to give the last four digits of the social security number and Mayor Moss replied that they are requesting the full social security number to update the City's data system.

**Resolution of Support And Administration For The Pedestrian Planning Grant Program:**

Ms. Scottie Wilkins, Business Development & Transportation Project Manager expressed that the City recently adopted a Pedestrian Greenway Plan for Creedmoor and this resolution will take us a step further with that planning activity. This would also allow us to be more comprehensive in the planning of the details in that plan and the next step of prioritizing the different trails/greenways/pedestrian facilities that are on that plan. Ms. Scottie Wilkins, Business Development & Transportation Project Manager said that this would also include the public involvement component. She said that this is a small grant of \$30,000 and the City's match is 20%, (\$6,000.00) which is based upon population. Ms. Wilkins expressed that this resolution states that the City supports the grant application and authorizes the City Manager to sign and submit the application to NCDOT and any additional information that may be required.

Moved by Commissioner Wilkerson and seconded by Commissioner Minor to adopt the Resolution of Support And Administration For The Pedestrian Planning Grant Program. The motion received a unanimous vote.

Ms. Scottie Wilkins, Business Development & Transportation Project Manager gave an update of the repaving of North Main Street. She advised that she spoke with the contractor and they will be coming in this week to do patching and next week they will begin the resurfacing. She expressed that she submitted information to the Butner-Creedmoor News for notification to citizens.

Commissioner Minor asked that Ms. Wilkins also notify 911 so that they can notify Emergency Services and the Fire Department.

## **COMMITTEES:**

### **Energy, Environment & Natural Resources:**

Commissioner Karan said that the Board was given a breakdown of how the committee tried to address the car wash issue. He expressed that he wanted to go on record as saying that as chairman of the EENR committee he does not support the undertaking of waiving the capacity fees for Andrews Ford. He said that as the Board reviews this particular case and the word gets out on the street as to what the Board did for Andrews Ford there will be a line asking for the same. Commissioner Karan said that previously there were others that had the same situation that did not get their fees waived.

Commissioner Minor expressed that in his opinion this was a different situation. He said that there may be others that have a special situation that may be considered.

Commissioner Karan said that as we move forward, the City Attorney has drafted language that would be a foot note in the current capacity fee structure and read the following:

For any car wash which has been in business for a period of not less than ten (10) years, the applicant may request that the capacity fee be based upon the actual average daily water usage per bay calculation using the three month billing period with the largest water use for a car wash within 12 months immediately prior to the application.

He said that this eliminates the 500 gallons per bay per day charge in the current fee schedule.

Attorney Currin expressed that if the business has been in business for at least ten years rather than using the assumption that each new car wash car bay per day would use 500 gallons there would be justification for using the actual average daily use that they have had in the preceding twelve months. If they have been in business for that length of time it is not likely to go up or down that much; however; a new business would have to be based on an assumption of 500 gpd. Attorney Currin expressed that the suggestion from the committee as presented by the chairman is to use the three highest months of the preceding twelve months to get the average. This would apply to anyone in this circumstance. The gentleman that brought this issue to your attention has a daily flow of 150 gallons per day per bay in using

the three highest months of the twelve months immediately prior to the application. This is a little less than 1/3 of the \$12,000 capacity fee if the Board adopts this change.

Mayor Moss inquired about notification to the NCDENR and Mr. Steve Colenda, City Inspector replied that he had called and told them that this issue was continued to this evening.

Commissioner Minor asked if there were any other car washes operating within the City that has been in business for ten years and Mr. Steve Colenda replied no.

Commissioner Karan advised that looking at the three highest months the capacity fee would be \$3,869.00 instead of the \$12,000. He expressed that Mr. Cross would still have to pay a \$2,700 connection fee, \$425 sewer tap and \$69 for a building/plumbing permit.

Mr. Cross said that he would contact the City tomorrow morning to let staff know what he decides to do.

Commissioner Karan expressed that as the EENR Chairman he recommends that the City use average calculations in lieu of a set capacity only in the instance of car washes that have been in business continually for ten years.

Moved by Commissioner Karan and seconded by Commissioner Robinson to adopt an amendment to the City's Capacity Fees with regard to sewer for car washes by adding a head note to the entry "Car Wash" by the entry 500 gallons per day per bay indicating that for car washes which have previously been in operation for a continuous time period of ten (10) years that the applicant may elect to use the actual average daily usage per day measured as follows:

For any car wash which has been in business for a period of not less than ten (10) years, the applicant may request that the capacity fee be based upon the actual average daily water usage per bay calculation using the three month billing period with the largest water use for a car wash within 12 months immediately prior to the application.

The motion received a unanimous vote.

Mayor Moss thanked Mr. Joel Cross for his patience this evening.

Commissioner Karan congratulated everyone on the election and said that he looks forward to working with Mr. John Stallings. He said he was also happy for Ms. Mildred Goss and Mr. Jay Rich as everyone ran a really clean and good race. He said that he is looking forward to working with Commissioner Elect John Stallings.

**Finance Administration and Intergovernmental:**

Commissioner Robinson had nothing further to report:

**Public Safety:**

Commissioner Minor referenced the SGWASA meeting scheduled for tomorrow evening. He expressed that Powers of Attorney is on the agenda and read the adoption of the regulations. Commissioner Minor said that he has concerns of stormwater. He referred the language to Attorney Currin.

Attorney Currin expressed that in regards to discharge of pollutants Creedmoor as a user has always been subject to the rules and regulations for sewer and they are now extending that. He noted that if water gets into the sewer they have the right to do so.

Commissioner Minor said that he feels that at some point SGWASA will tax Creedmoor for stormwater.

Commissioner Karan said that another way to view this is that they could be setting themselves up for possibly contracting to take over a couple of towns rather than those towns having to go through the new stormwater Neuse River basin rules.

Mayor Moss expressed that there was a Falls Lake new development stormwater subcommittee meeting scheduled for today; however it was cancelled. He said that he would forward the e-mail to Commissioner Karan and Commissioner Minor for review before the SGWASA meeting.

Commissioner Minor expressed that he attended the Granville County Board meeting and they spoke of Shalag Industries, Ltd. that is a new business from Israel to be located in Oxford. This business is a \$17 million dollar investment and they approved approximately \$21 million in grant funding and the contract to administer the grant. The Granville County Board approved the engineering services for the CMAQ project. They also approved switching to BB&T for payroll and banking.

Commissioner Minor gave an update of the Fire Department grant. This is a staffing grant and he is going to request two firefighters for twelve hours per day. The grant is 100% for the first year and the funding goes down each year. The grant requires that the City fund the officer for an additional year. Commissioner Minor said that this grant requires extensive paperwork and before he proceeds he will present this at the monthly Fire Department business meeting for approval. He said that the two part time positions would total approximately \$86,000. Commissioner Minor expressed that if the Fire Department agrees to proceed with the grant he would like this Board's support.

**Transportation Infrastructure:**

Commissioner Wilkerson asked the status of the drainage ditch project at Mack Street.

Attorney Currin said that each individual home owner and Pete's Body Shop owner have signed permanent easements. One of the home owners has recently planted a row of Leland cypress and requested that if the City injures the trees that they be replaced with 24" Leland cypress.

Commissioner Wilkerson expressed that the homeowner planted the Leland cypress approximately seven feet away from the ditch. He said there is room enough for the backhoe to get through that area without damaging the Leland cypress.

Attorney Currin said that the language he drafted has been approved by the land owners and read the following:

The City of Creedmoor and its agents and employees will avoid damaging the row of Leland cypresses planted by the grantors near grantors rear lot line. In the event that any of the trees are damaged the grantee will replace the damaged trees with Leland cypress approximately 24" tall at no cost to the grantors.

Moved by Commissioner Wilkerson and seconded by Commissioner Piper that if the Leland cypress are destroyed the grantees will replace the damaged Leland cypress with 24" tall trees. The motion received a unanimous vote.

Attorney Currin advised that another matter is that Mr. Edwards has had a temporary easement in his hands for several weeks. Mr. Edwards indicated that he would like to have an opportunity to review the document before making a decision and that he would contact us. Attorney Currin said that his office has called him to request a response to granting the City a temporary easement across the corner of his lot. He noted that if we do not hear from Mr. Edwards that Commissioner Wilkerson has made arrangements to go across Mr. Bowman's property; however we prefer to go directly from Highway 15 straight up the hill.

Commissioner Wilkerson expressed that one of the homeowners said that if there is dirt remaining on his property he would smooth it out with his tractor. Commissioner Wilkerson recommended that the dirt that is dug out of the ditch be loaded onto the dump truck and hauled away. He noted that with winter weather on its way he would like this project to begin as soon as possible.

Attorney Currin said that he would record the easements.

Commissioner Wilkerson reminded everyone of the grease collection at the City gym Saturday, November 28, 2009 from 10:00 a.m. until 12:00 p.m. He asked Mr. Harry Coleman of the Butner-Creedmoor News to advertise this event in the paper.

### **Community and Economic Development:**

Commissioner Piper had nothing further to report:

Mayor Moss said that he would like to congratulate Commissioner Piper and Commissioner Elect John Stallings on the election. He said that he is looking forward to working with Mr. John Stallings. Mayor Moss jokingly said that this is unique as the City will have former Mayor Piper and former Mayor Stallings along with the current Mayor on this Board.

Mayor Moss announced that the NCLM will be holding a briefing at City Hall December 10, 2009 from 3:00 p.m. until 6:00 p.m. He said that the Mayor of Wake Forest suggested having the meeting in Creedmoor.

Mayor Moss announced that the Organizational meeting will be held December 15, 2009 at 7:00 p.m.

Mayor Moss announced that the City's Holiday Dinner is scheduled for Thursday, December 17, 2009 at 6:00 p.m. at South Granville Country Club.

Mayor Moss announced that the Board Retreat is scheduled for Saturday, January 9, 2009. He said that the agenda will be forthcoming.

Commissioner Wilkerson inquired about an upcoming transportation meeting and Ms. Scottie Wilkins, Business Development & Transportation Project Manager replied that there is a Granville County Comprehensive Transportation meeting scheduled for tomorrow morning at the EMS building in Wilton at 2:00 p.m. and she plans to attend.

Mayor Moss announced that DHHS Secretary Lanier Cansler will be the guest speaker here at City Hall Friday, November 13, 2009 at 8:00 a.m. along with Representative Crawford for the Granville County Chamber of Commerce Government Relations meeting.

Ms. Scottie Wilkins, Business Development & Transportation Project Manager gave an update on the NC 50 corridor study. The Capital Area MPO has sent out bids to get applicants for the study and ten proposal packets have been received. She advised that she is on the interviewing committee and according to the schedule the interviews will begin Friday. The study will take place during most of the year 2010.

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

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Mayor

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City Clerk