

MINUTES OF
CITY OF CREEDMOOR – BOARD OF COMMISSIONERS
WORKSESSION

July 9, 2008

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 Sandra Harper, City Clerk and Attorney Lori Dutra. Absent were Commissioner Larry Robinson and Mr. Robert A. Schaumleffel, Jr., City Manager

QUORUM:

Mayor Moss called the meeting to order at 7:00 p.m. in the Commissioner's Room at City Hall. He announced that Commissioner Robinson was on vacation this week.

INVOCATION:

Mayor Moss

PLEDGE OF ALLEGIANCE:

Commissioner Minor

SPECIFIC ACTION ITEMS:

Tax Audit:

Mayor Moss referred to an e-mail from the Finance Director that said that she spoke with Mr. Ritter last Thursday and the checks that the City returned were received and the money was moved to the appropriate accounts. The City's records from 2003, 2006 were shown to be charged out, which have been forwarded to the Appeals Division. Mr. Ritter advised that they are awaiting a decision in regards to the W2 forms, civil penalties and exam related penalty relief. Mayor Moss noted that Mr. Ritter would follow-up July 21, 2008.

Mr. Tom Mercer noted that Attorney Dutra would be giving an update on the Lake Rogers Dredging Project. He explained that there was an issue in regards to a thirty-day notification by the Environmental Protection Agency that expires on July 16, 2008.

Mayor Moss said that there would be a timed release of the funding by the Environmental Protection Agency.

Attorney Dutra said that she spoke with Clarence Lockamy of the Wooten Company this morning about the EPA grant, which is the final funding of the Lake Rogers project. The environmental assessment came back with the FONSI. They have to allow the comment period to expire before they can take final action on the grant. This period expires on the 16th of July. At that time the EPA can move forward to fund the grant. Mr. Lockamy said that it would probably be 30 days after July 16th. Attorney Dutra said that the consideration for this Board is to allow the contractor to proceed under the contract and to what extent. The City needs to make sure that the comment period has expired so that there is no impact on permitting. Attorney Dutra said that the contractor could proceed only into the areas outlined by Mr. Clarence Lockamy, which would include clearing the dewatering sights and staying outside of any stream buffers. She said that the contracts from the Wellons Foundation for the easements should arrive by tomorrow.

Moved by Commissioner Karan and seconded by Commissioner Piper authorizing that the City move forward to allow the notice to proceed on a limited basis. The motion received a unanimous vote.

COMMITTEE REPORTS:

Public Comments:

Mr. Butch Harris of Butner addressed the Board to speak about a water bill issue. He said that the location of the property was his Mother's estate located at 121 North Street. He noted that he had already met with the City Manager about this issue. Mr. Harris advised that he had the water turned off in November of 2007 and the meter reading was 695710. He had the water turned back on in May of 2008 and the reading was 739250. The reading totaled 43,540 gallons and the bill was \$532.34. Mr. Harris expressed that the next reading was the first of June and only 30 gallons was used.

Moved by Commissioner Wilkerson and seconded by Commissioner Piper that Mr. Harris pay the minimum water charge. The motion received a unanimous vote.

Finance Administration & Intergovernmental:

Mayor Moss asked that Attorney Dutra give a report of her findings in reference to the reissuance of a water discount for the Creedmoor Fire Department retirees as it would relate to ERISA.

Attorney Dutra gave an overview of the ERISA retirement and benefit plan. She said that if the IRS raised an issue that the City needed to clearly explore before taking action. She cautioned the Board about differentiating rates without a clear basis. Attorney Dutra expressed that at a minimum you must have a fundamental supportable basis for allowing a discount to a certain class person. She said that this would have to be clearly justified; however she has not seen any comments from the IRS.

Commissioner Minor emphasized that these Firemen retired from the City Fire Department. At that time there was a City Fire Department and a Volunteer Fire Department. Commissioner Minor said that the City makes donations to service organizations and suggested that they make a donation to the CVFD and the Fire Department would disburse the discount.

Ms. Lenessa Hawkins, Finance Director said that if the City gives a donation to the Fire Department the City would need a letter from them stating the public purpose for which the funds were used.

Commissioner Wilkerson said that the LGC commented that it could be done and the only concern was that personnel would have to send out a 1099 or a W2.

Ms. Lenessa Hawkins, Finance Director said that the State changed the way that the Fire Departments are reporting. She asked Mr. Tim Ritter and the LGC for guidance. She said that they are not an employee; however it would be a benefit that the City would extend. Ms. Hawkins said that it must be reported and Mr. Ritter suggested that if the City pursues the discount to be cautious and keep the number minimal. She said that an option would be to send out a 1099 or place the total amount of the discount on the last water bill and it would be the responsibility of the individual to report the amount. Ms. Hawkins said that because of previous problems a 1099 would need to be sent out. She said that this would have to be tracked by month and the individual would have to report it as income.

Mayor Moss said that this would remain an action item.

Public Safety:

Attorney Dutra presented the CVFD contract.

Moved by Commissioner Piper and seconded by Commissioner Karan to accept the Creedmoor Volunteer Fire Department Contract. The motion received a unanimous vote.

Commissioner Minor inquired about the issue of golf carts.

Mayor Moss advised that our current ordinance does not allow golf carts on City streets. If the Board would so choose to allow golf carts it would require action by Legislation.

Chief Tim Benware said that there are street legal golf carts that meet NCDOT approval. They must be licensed, have a registration, headlights, signals, break lights, horn and seatbelts as any other street vehicle. The golf course type requires an act by legislation and a written City ordinance. The golf course type would be a liability to the City.

Commissioner Wilkerson said that the citizen that called about the golf cart was considering purchasing one that is a NCDOT approved vehicle.

Commissioner Wilkerson said that he would notify the citizen and tell them that as long as it is a NCDOT approved vehicle it is allowed on City streets.

Transportation Infrastructure:

Commissioner Wilkerson said that the sidewalk on S. Highway 50 has an area that a water meter has sunk approximately 2” and needs to be raised.

Mr. Steve Colenda said that he would make sure that this is taken care of.

Commissioner Wilkerson said that he rode down Lyon Street to glance at the part of the street that is caving. It appeared that the part caving is above the pipe that was placed under the street. He said that he was running behind schedule that day and did not get out of the car; however, he would go back to take a closer look and report his findings to the Board.

Community & Economic Development:

Commissioner Piper said that the Music Festival was scheduled for Saturday, September 20, 2008. He expressed that he planned to schedule a meeting for next week to discuss the activities.

Mayor Moss announced that there was a meeting scheduled with the Chamber for Thursday, July 17, 2008 at City Hall to discuss the Alive-After-Five event.

Commissioner Wilkerson said that it was mentioned at the last meeting that citizens would like to see the fireworks program start again next year. He said that he had the privilege to attend a meeting with the Mayor, City Manager and two Commissioners of Butner and they were in favor of having a Fourth of July fireworks event. Commissioner Wilkerson said that the communication had begun and if the City of Creedmoor was willing to coordinate the event we could contact Butner, Stem and the County about sharing the cost for a Fourth of July event next year.

Commissioner Piper said that he appreciated Commissioner Wilkerson communicating with Butner about the fireworks because several citizens have approached him this past week to say that they really enjoyed the firework events that Creedmoor had in the past.

Energy, Environment & Natural Resources:

Commissioner Karan said that Attorney Dutra had the Memorandum of Understanding for the Hester Road water line project. The City agreed to pay the extra cost to upgrade the line from an 8” line to a 12” line. Once the work is completed the line will be deeded to the City and the maintenance will be the responsibility of the City.

Moved by Commissioner Karan and seconded by Commissioner Piper to approve the Memorandum of Understanding between the City of Creedmoor and Granville County. The motion received a unanimous vote.

Commissioner Karan expressed that SGWASA has requested that the City pursue the automatic pumps at the lake to eliminate personnel coverage on the weekends.

Mr. Tom Mercer, Administrative Services Director advised that the price for the automated switchgear for the secondary pump at Kayser Roth was \$11,877.18.

The Finance Director gave pre-audit approval for the purchase out of the Capital Fund.

Commissioner Karan announced that the National Night Out/Day of Play was scheduled for the first week of August. He expressed that \$800 would be taken out of the Recreational Fund for expansion of this event.

Mr. Steve Colenda advised that there was a \$3,000 plug placed at the 24" drain line at the dam today. He said that he was monitoring it to make sure it stays inflated.

Mayor Moss said that he serves on the NC Environmental Management Commission and also serves on the Water Allocation Committee. He was happy to report that Kerr Lake was reported as one of the placeholders for inner basin transfers at the request of Creedmoor. Mayor Moss said that he was informed today that the EMC will approve or deny the transfer requests and he serves on this Board.

Commissioner Wilkerson expressed that he would like for the leak on Mack Street to be repaired as soon as possible.

Mayor Moss said that there was a terrible smell by South Granville High School and Food Lion.

Steve Colenda said that the dome was placed by the Food Lion and it would come back up some place else. The force main discharge is by the Food Lion. Mr. Colenda noted that there was a chemical feed at Golden Pond. He said that there was also a continuing problem at the Mt. Energy School pump station. Mr. Colenda said that he has had several conversations with the County about the Mt. Energy pump station and nothing has been done.

Commissioner Wilkerson said that February 11, 2008 they were provided pricing for the placement of street lights on Ascot Street, Crescent Heights and Wilson Way. He said that Ascot Street to date did not have street lights. Commissioner Wilkerson said that he called Duke Power and they would be out tomorrow to place the lights at Ascot Street.

Moved by Commissioner Piper and seconded by Commissioner Karan to go into Closed Session on the Matter of Personnel in accordance with GS 143-318.11. The motion received a unanimous vote.

Upon return to Regular Session, The Board announced that they voted to hire Tom Mercer as the new City Manager. There was a tie vote and in the absence of Commissioner Robinson Mayor Moss broke the tie. The motion passed by a 3-2 vote.

Aye Votes: Commissioner Karan, Commissioner Piper and Mayor Darryl Moss

No Votes: Commissioner Jimmy Minor and Commissioner Wilkerson

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

Mayor

City Clerk