

MINUTES OF
CITY OF CREEDMOOR – BOARD OF COMMISSIONERS
REGULAR MEETING
MARCH 28, 2006
7:30 P.M.

PRESENT:

Mayor Darryl D. Moss, Mayor Pro-tem Tim Karan, Commissioner Angela Mangum, Commissioner Otha Piper, Jr., Commissioner Kent Ray and Commissioner Larry Robinson. Also present was Robert A. Schaumleffel, Jr., City Manager, Sandra Harper, City Clerk and Attorney Tom Currin.

QUORUM:

Mayor Moss called the meeting to order at 7:30 p.m. in the Commissioner's Room at City Hall.

INVOCATION:

Mayor Moss

PLEDGE OF ALLEGIANCE:

Three students from Gorman Christian Academy led the Pledge of Allegiance.

REQUESTS TO ADDRESS THE BOARD:

Mayor Moss introduced Mr. Marty Lewis and Mr. Johnny Dwiggins, of the National Guard.

Mr. Marty Lewis addressed the Board and said that he was with the North Carolina Committee for Support for the Guard and Reserve (ESGR). He asked the Board to join the thousands of public and private sector employers that support their Guard and Reserve employees by adopting the Statement Of Support For The Guard And Reserve.

Mr. Johnny Dwiggins addressed the Board and said that it was a great honor for himself and Mr. Lewis to represent the Department of Defense and the 1.2 million great young American Patriots that serve as citizen soldiers in the Guard and Reserve and among them are approximately 21,500 in North Carolina. He said that they have mobilized about 15 thousand of the 21,000 here in North Carolina. Mr. Dwiggins said that the North Carolina National Guard is the most heavily attached Military Unit in America today. He said that the ESGR work with the Army National Guard, Army Reserve, Air Force Reserve, Marine Core, Navy and the Coast Guard. Mr. Dwiggins said that they provide training and if necessary mediation. He noted that they are truly the employees' advocate within the Department of Defense. Mr. Dwiggins said that on behalf of the Secretary of Defense and all the great American Patriots he brings greetings and thanked

the Board for their tremendous support. He said that there are five levels of support that employers across America can receive and the City of Creedmoor has achieved the highest level, which consists of five golden stars.

Moved by Commissioner Piper and seconded by Commissioner Karan to adopt the Statement of Support For The Guard And Reserve. The motion received a unanimous vote.

Mayor Moss said that he felt that it was very important to show our support and signed the official Statement of Support For The Guard and Reserve.

Mr. Hanzel Green – 104 North Street:

Mr. Robert Schaumleffel, City Manager said that he and Mr. Bob Jones, Public Service Director met with Mr. Green about one month ago at his home about the draining issues on his property. Mr. Schaumleffel presented pictures and said that there was a drainage swell that cuts across Mr. Green's property. He said that Mr. Green wanted to address the Board to see if there was anything that the City could do to help. Mr. Schaumleffel, City Manager said that they happened to find the sewer line which was another concern and that Mr. Green without knowing buried his propane tank over top of the sewer line.

Mr. Hanzel Green addressed the Board and said that it appeared that the drain was sitting on his property and had not been properly finished. Mr. Green also presented pictures to the Board and said that he felt that the drain needed to be filled in. He said that he had 32 feet of property and the drain was about 16 feet and runs through the middle of his property. He said that he would like to do something to make it look nice.

Mayor Moss said that the City's policy was that we do not do work on private property.

Attorney Currin said that there was an easement recorded in March of 1998 by Mr. Timothy Saulsman as owner of the three lots to the City. He said that this easement exists across all three lots and establishes a ten foot sanitary sewer easement. Attorney Currin said that this was surveyed by Mr. Jim Wilson, RLS and was a recorded plat in Book 21, Page 182. Attorney Currin expressed that the general rule about surface water was that as it leaves one owner and goes onto the tract down stream the upstream parcel owner has a right to accelerate the water but not a right to relocate the flow.

Mr. Piper asked how close Mr. Green's house was to the sewer line.

Mr. Bob Jones, Public Service Director advised that it was approximately 10 feet. Mr. Jones also said that the tank sitting on top of the sewer line could be a problem if the City needed to work on that line.

Mayor Moss had concerns of safety issues with the tank being on top of the sewer line and inquired about liability.

Attorney Currin said that it would be an advantage to the property owner to move the tank because the City has the right to dig that up.

Commissioner Mangum said that the way the laws are written it seemed that Mr. Green could put a pipe in and put fill over it as long as he does not redirect the water.

Attorney Currin said that Mr. Green would have to get permission to put his pipe on the City's right-of-way.

Mr. Schaumleffel, City Manager said that he would have to be careful because of the sanitary storm.

Mr. Green thanked the Board and said that all he was asking was that they take a look at the situation.

Mayor Moss said that this was an issue that could not be solved this evening but assured Mr. Green that the City would commit to taking another look and analyzing the situation.

MINUTES:

Moved by Commissioner Piper and seconded by Commissioner Karan to approve the minutes of the February 16, 2006 Town Hall meeting and the February 28, 2006 Regular meeting and Public Hearing. The motion received a unanimous vote.

APPROVAL/ADDITIONS TO AGENDA:

Moved by Commissioner Mangum and seconded by Commissioner Karan approval of the agenda as written. The motion received a unanimous vote.

PUBLIC COMMENTS:

Mr. Sherman Connelly of 443 Mayview Drive addressed the Board and said that he was the President of the Whitehall Subdivision Home Owner's Association and he spoke of the concern of an increase in traffic through the subdivision. He said there was also concern of large dump trucks driving through Whitehall Drive onto Mayview Drive to get to the new Davenport Subdivision that is now under construction. Mr. Connelly said that the HOA was requesting that the City erect "NO Truck Traffic" signs. He said that as growth continues there would be an even bigger traffic problem and he had concern for the safety of the children.

Attorney Currin referred to the Code of Ordinance Schedule V. Prohibited Truck Routes; Weight Restrictions, which states that it shall be unlawful for any person to drive or operate a loaded truck over or upon any of the streets as designated: Aiken Street, Charles Street, Church Street, Cotton Street, Dogwood Avenue, Fleming Street, Helen Street, Lyon Street, Mack Street, Mill Street, North Street, Park Avenue, Peachtree Street, Pine Street, Rogers Avenue and Young Street.

Mayor Moss referred this issue to the Street Committee and also asked the City Manager to call the developer of the Davenport Subdivision in reference to the construction truck traffic.

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

MANAGER’S REPORT:

Mr. Robert A. Schaumleffel, Jr., City Manager gave the Board a hand out and an update on ten current issues as follows:

1. Mr. Schaumleffel gave the Board a copy of the resume for Mr. David Roesler and said that he had offered him the position of Planning Director and a salary of \$50,000. Mr. Schaumleffel said that he had an extensive background in City Planning. He noted that besides planning and development Mr. Roesler would be handling code enforcement with the help of Mr. Steve Colenda, City Inspector. Mr. Schaumleffel commented that code enforcement had been a concern with the growth of the community. He said that the current title of the position is City Planner and he recommended a name change to Planning Director.

Moved by Commissioner Piper and seconded by Commissioner Mangum approval of the title change of the position to Planning Director and the \$50,000 salary. The motion received a unanimous vote.

Mayor Moss introduced Mr. Roesler, Planning Director and welcomed him.

2. Mr. Schaumleffel gave the Board an update of the selection process for the Finance Director position. He said that he had selected four finalists for the position. Mr. Schaumleffel noted that the Slavin Group was conducting background checks on the finalists and he planned to interview the candidates within the next few weeks.
3. Mr. Schaumleffel gave a handout of the proposed Budget Calendar for 2006-2007.

Budget Calendar:

- Department Budget Requests Returned to City Manager - April 17, 2006
- Meet individually and collectively with all departments - April 17-21, 2006
- Finalize City Manager’s 2006-2007 Budget Document - May 1, 2006
- Distribute 2006-2007 Budget to the BOC - May 10, 2006
- Advertise for the Public Hearing on 2006-2007 Budget - May 10, 2006
- Work Session Dates for the 2006-2007 Budget: May 10, 2006
May 16, 2006
May 30, 2006
- Continue May 23rd, 2006 BOC meeting: June 5, 2006

Public Hearing on Proposed 2006 – 2007 Budget: June 6, 2006

Dates for additional Workshop Sessions if needed: June 13, 2006
June 20, 2006

Adoption of the 2006 – 2007 Budget: June 27, 2006

Commissioner Karan noted that the scheduled date of May 9th was the SGWASA meeting night. By consensus of the Board May 9th was changed to May 10, 2006.

Moved by Commissioner Karan and seconded by Commissioner Piper to adopt the Budget Calendar as presented for 2006-2007. The motion received a unanimous vote.

4. Mr. Schaumleffel said that he had given the Board a copy of the correspondence between the City of Creedmoor and the Granville County Manager's office pertaining to the Mt. Energy Pump Station.
5. Mr. Schaumleffel also distributed for the Board's review a copy of a letter from Thomas J. Williams, Superintendent of Schools requesting a waiver of impact fees for the classroom addition at South Granville High School.

Commissioner Karan referred to the last request for a waiver and said that the City started this process and the school system did not follow through.

Commissioner Ray said that he was not in favor of giving the school a waiver. He noted that the City did start this process previously and as Commissioner Karan said the school stormed off and did not follow through. He said that he also did not agree with the assumption that the classroom addition would not increase the water and sewer capacity as stated in the letter.

Commissioner Karan said that Mr. Schaumleffel, City Manager was currently working with Mr. Dudley Watts, County Manager in regards to all the City water/sewer contracts. He also referred to the wheeling fees that are being charged to the City of Creedmoor by Butner for our dredging project. He said that he felt that the City should not always have to make concessions. Commissioner Karan said that the City should have an open discussion with the County and make them aware that the wheeling fees that are being imposed on the City was having an impact on his school system.

Commissioner Piper commented that he agreed with Commissioner Karan and Commissioner Ray. He said that the Board should stand firm on this issue because the fees that are passed to the City are a burden to our tax payers.

Commissioner Ray expressed that the County hired an engineering firm and these fees were in place when they asked for estimates. He noted that the City could not absorb all of these costs.

6. Mr. Schaumleffel said that in accordance with GS 105-369(a)(c) the City of Creedmoor shall schedule a date for posting and advertising liens on real property.

He noted that the Finance Director suggested the date of April 20, 2006 to advertise in the Butner-Creedmoor News. The delinquent tax letters have already been sent to the property owners notifying them of the upcoming advertisements.

Moved by Commissioner Karan and seconded by Commissioner Robinson to authorize the Deputy Tax Collector to advertise the delinquent tax list April 20, 2006. The motion received a unanimous vote.

7. Mr. Schaumleffel said that he was continuously working on several residential developments for the community. He noted that he would keep the Board updated as the developments get closer to becoming a reality. He said that staff was additionally working on several commercial projects and as they proceed toward formal presentation he would provide the Board detailed information.
8. Mr. Schaumleffel said that Commissioner Ray had requested to re-evaluate the issue of development fees. He gave the Board a handout of the adopted fee schedule of June, 2005 before the latest revision. He noted that the acreage fee was eliminated and the capacity fee was maintained along with an increase of connection charge. Mr. Schaumleffel suggested that if the Board makes the decision to revise the fee schedule that the developers be given considerable notice.

Commissioner Ray said that the Board probably did not have enough time to review the issue and suggested that this be tabled until next month's meeting. He noted that he wanted this issue to be addressed at budget time. Commissioner Ray said that he had received phone calls from various developers that had concerns about the fees and he wanted to give them a chance to give their input. He emphasized that the bottom line was that it is costing the City and someone has to pay.

Attorney Currin said that when the initial fee schedule was increased and implemented approximately three years ago there was a threat of legal action to contest the schedule. He said that the reason that there was no such law suit filed was probably because this was done during the budget process. He said that once this is part of the budget provision and there is a public hearing and adequate notices occur all major complaints are taken away.

Commissioner Mangum had concern of the argument made during the last proposed increase in the fee schedule that no permits were being issued.

Mr. Schaumleffel said that there are more projects at this time compared to last year. He noted that Davenport Subdivision plans to do a second phase. He said that he preferred a steady growth than all projects hitting us at once. Mr. Schaumleffel said that the City has major capital improvements that are needed. He said that he could not speculate how many houses would have been built if they had not decreased the fees. He said that at budget time he would give the Board a revenue projection and actual expenses.

Mayor Moss announced that the developers are going to take advantage of the tax exemption again this year and it would affect the City's tax base.

9. Mr. Schaumleffel advised the Board that he and the Finance Director had started meeting individually with all City employees per the Board's request pertaining to any personal financial issues they might have. He said that due to the Finance Department being short one individual the process was not complete and he hoped that all interviews would be finished next week.
10. Mr. Schaumleffel advised that within the next couple of weeks a survey pertaining to the City's old wastewater disposal site would be complete. He said there were questions that needed to be addressed in relationship to easements for access. He noted that once completed several other areas of this nature need to be researched.

OLD BUSINESS:

Department Head Written Reports:

Provided in the Board packets were monthly reports from the Water Plant, Public Service Director and Police Department.

Planning Board Appointments:

Mayor Moss advised that the Board would do the appointments on a seat by seat basis. He noted that there were two major benefits to doing it this way; 1) eliminates the Commissioners from having to support a slate of nominations, 2) positions the Commissioners to assess potential conflicts of interest. He said that the process would be to have a motion to nominate a seat and a motion to close the nomination. He said that there would also be a motion if a Commissioner wished to abstain from voting on a particular nomination. Mayor Moss said that a motion would be made to make the appointment. He also noted that the vote would be by a hand vote.

Mayor Moss said that there were three seats for City Board Members and they would be in order as follows:

1. Mildred Goss
2. Wayne Cross
3. Tara Lightner

Commissioner Mangum nominated Ms. Mildred Goss for reappointment to her seat.

Commissioner Karan nominated Ms. Tara Lightner for Ms. Goss's seat.

Moved by Commissioner Piper and seconded by Commissioner Mangum to close the nominations for Ms. Goss's seat. The motion passed unanimously.

The vote was unanimous that Ms. Goss be reappointed to her seat on the Planning Board.

Commissioner Piper nominated Ms. Faye Ray for Wayne Cross's seat.

Commissioner Mangum nominated Mr. Wayne Cross for reappointment to his seat.

Moved by Commissioner Piper and seconded by Commissioner Karan to close the nominations for Mr. Wayne Cross's seat. The motion passed unanimously.

Moved by Commissioner Ray and seconded by Commissioner Karan to allow Commissioner Ray to abstain from voting due to a conflict of interest. The motion passed with a unanimous vote.

Mayor Moss called for the vote on the two nominations.

Ms. Faye Ray received two votes from Commissioner Piper and Commissioner Robinson.

Mr. Wayne Cross received two votes from Commissioner Karan and Commissioner Mangum.

Due to the tie vote Mayor Moss announced that no action had been taken on this seat and asked if there was further action to be taken.

Moved by Commissioner Piper and seconded by Commissioner Robinson to appoint Ms. Faye Ray to this seat.

Aye Votes: Commissioner Piper and Commissioner Robinson

No Votes: Commissioner Karan and Commissioner Mangum

Mayor Moss announced that he would vote to break the tie. Mayor Moss voted no. The motion failed.

Moved by Commissioner Karan and seconded by Commissioner Mangum to reappoint Mr. Wayne Cross to his seat.

Aye Votes: Commissioner Karan and Commissioner Mangum

No Votes: Commissioner Piper and Commissioner Robinson

Mayor Moss voted to break the tie and he voted aye. The motion passed by a 3-2 vote.

Mr. Wayne Cross was reappointed to his seat on the Planning Board.

Commissioner Piper nominated Ms. Tara Lightner for reappointment to her seat.

There were no other nominations.

Ms. Tara Lighter received a unanimous vote for reappointment to her seat.

Moved by Commissioner Karan and seconded by Commissioner Robinson to reappoint Ms. Nellie Daniel and Ms. Suzanne Smith as ETJ Planning Board members. The motion received a unanimous vote.

NEW BUSINESS:

Center For Living:

Mayor Moss announced that this was the annual request for the use of the City gym for a summer day camp for students age six to fourteen. Mr. Bernard Holliday, Chairman of the Center for Living has requested June 12th, 2006 through June 30, 2006 from 12:00 noon until 5:00 p.m.

Moved by Commissioner Karan and seconded by Commissioner Mangum approval of the request for the Center for Living to use the City gym June 12, 2006 through June 30, 2006 from 12:00 noon until 5:00 p.m. for summer day camp.

Commissioner Robinson inquired about insurance coverage for the use of the facility and said that in the future he would like to make sure that they are co-insured.

Mayor Moss said that he would inquire about the insurance coverage.

Commissioner Karan amended his motion and seconded by Commissioner Mangum approval of the request for the Center for Living to use the City gym June 12, 2006 through June 30, 2006 from 12:00 noon until 5:00 p.m. for summer day camp and that there be no fee. The motion received a unanimous vote.

Landscaping, Screening and Buffering Standards Ordinance:

CREEDMOOR PLANNING AGENCY
RECOMMENDATIONS

The Creedmoor Planning Agency met on March 9, 2006 with seven members present for consideration of a Landscaping, Screening and Buffering Standards Ordinance.

The Planning Agency, by unanimous vote, recommends to the Board of Commissioners adoption of the Landscaping, Screening and Buffering Standards Ordinance.

Moved by Commissioner Ray and seconded by Commissioner Karan to schedule the Public Hearing for the Landscaping, Screening and Buffering Standards Ordinance for Tuesday, April 25, 2006 at 7:30 p.m. The motion received a unanimous vote.

Planned Unit Development Ordinance:

CREEDMOOR PLANNING AGENCY

RECOMMENDATIONS

The Creedmoor Planning Agency met on March 20, 2006 with six members present for consideration of a Landscaping, Screening and Buffering Standards Ordinance.

The Planning Agency, by unanimous vote, recommends to the Board of Commissioners adoption of the Planned Unit Development Ordinance as presented by the City Attorney.

Moved by Commissioner Ray and seconded by Commissioner Robinson to schedule the Public Hearing for the Planned Unit Development Ordinance (PUD) for Tuesday, April 25, 2006 at 7:30 p.m. The motion received a unanimous vote.

CMAQ Grant:

Commissioner Karan gave an overview of the Congestion Mitigation and Air Quality (CMAQ) grant. He said that the grant was an 80/20% match for a total of \$100,000.00. This money would be for sidewalks and turn lanes. The CMAQ grant would be \$80,000.00 and the City's match would be \$20,000.00

Moved by Commissioner Karan and seconded by Commissioner Ray authorization of the City Manager's signature on the CMAQ grant. The motion received a unanimous vote.

MAYOR'S REPORT:

Mayor Moss announced that he and Commissioner Karan attended the Congress of Cities in Washington, DC. He said that they lobbied for more money towards the Lake Rogers project and the City would be receiving an additional \$50,000.

Mayor Moss announced that South Granville High School's four student Techno Expo was scheduled for Thursday, March 30, 2006 from 4:30 to 6:30 p.m.

Mayor Moss announced that the Annual Easter Egg Hunt for children up to age 8 was scheduled for Saturday, April 8, 2006 at Lake Rogers. He noted that the rain date was scheduled for Monday, April 10, 2006 at 6:00 p.m.

COMMISSIONER'S REPORT:

Commissioner Robinson commented on the e-mail from Commissioner Karan and agreed that there should be two monthly meetings. He said he felt that it would be beneficial to have an informational meeting from the Committees before the regular monthly meeting.

Commissioner Robinson said that he received phone calls about the parking at City Hall. He said that he felt the parking up front should be reserved for visitors and the Police Officers should either park in the back or on the gravel lot. He said his preference would be that the Police Officers park on the gravel lot.

Mr. Schaumleffel, City Manager said that he asked the Police Chief to park the cruisers up front so that the Police Officers could get out in a hurry for emergencies. He commented that this was the only municipal building that he knew of that allows civilian traffic to park next to law enforcement vehicles. He said that he felt the additional lot next to the municipality should be landscaped and paved for additional parking. Mr. Schaumleffel said that the drop box had been damaged by a car and he had ordered a replacement. He also noted that he had plans to move the drop box to another location at the back and also eliminate a back entrance into the parking lot.

Commissioner Robinson said that he felt there should be adequate front parking for the citizens of Creedmoor. He said that all improvements should be done at the same time.

Commissioner Ray said that he had concerns of no parking out front for the citizens and suggested eliminating the landscaping and sidewalk at the front of the building and utilize that space for parking.

Commissioner Piper said that it was important to reserve the up front parking for the citizens of Creedmoor. He said that he felt that the Police Officers should park on the gravel parking lot.

Commissioner Mangum said that she sent an e-mail to Commissioner Karan stating that all of the reserved signs should be eliminated. She commented that some municipalities do not provide close parking for their employees and the employees opt to pay to park close to the facility. Commissioner Mangum said that she was not suggesting that anyone pay to park but she felt that the reserved signs take away from the beauty of the facility.

Mr. Schaumleffel said that he would analyze the parking issue. He also said that his main concern was the traffic flow. Mr. Schaumleffel said this had become a safety issue because people are cutting through and speeding in the parking lot. He commented that he also planned to hire a professional landscaper to survey the public right-of-way across the street in front of the municipal building.

Commissioner Karan said that while he was in Washington he attended a seminar about building Democratic Governance, which was concerning citizen's consensus on issues. He noted that here in Creedmoor the same people come to our meetings each month and other people seem to complain after action has been taken. Commissioner Karan said that there needs to be an open dialog between the citizens and this Board. Commissioner Karan said that they need to be more proactive and try to reach out to citizens on such issues as traffic flow, parking and one-way streets.

Commissioner Karan said that he sent an e-mail to Ed Johnson, Scott Walston and Sara Smith the Planning Engineers for DOT and they are going to check their schedules to see what night they would be available to attend a Planning Board meeting to assist with a complete study of our downtown traffic. He noted that Sara Smith and Scott Walston helped with the City's Thoroughfare Plan.

Commissioner Karan said that with budget coming up he would like to see the City participate with a local business to give our employees an added benefit of a reduced cost at the local fitness center.

Commissioner Mangum thanked everyone for being proactive on the issue of parking up front for citizens.

Commissioner Mangum inquired about the status of a light being placed at the Food Lion at Highway 56.

Mr. Bob Jones, Public Service Director said that Duke Power had it on their schedule but he did not have a date.

Commissioner Ray said that he received phone calls about the Antique and Flower Show and said that if the City was not going to have one this year there should be an announcement.

Mayor Moss gave the Board a handout of the 2006 short session of the General Assembly that will convene on May 9, 2006. He asked that the Board read the bulletin that he provided because there are some things that would affect the City.

Moved by Commissioner Piper and seconded by Commissioner Robinson to go into Closed Session for Attorney/Client Privilege in accordance with N.C. GS 143-318.11(a)(3). The motion received a unanimous vote.

Upon return from Closed Session, moved by Commissioner Mangum and seconded by Commissioner Piper to adjourn.

Mayor

City Clerk

