



Minutes of  
City of Creedmoor  
BOARD OF COMMISSIONERS  
**July 27, 2010**  
7:00 p.m.

**PRESENT**

Mayor Darryl D. Moss, Mayor Pro-Tem Jimmy Minor, Commissioner Tim Karan, Commissioner Otha Piper, Jr., Commissioner John Stallings and Commissioner Herman Wilkerson. Also present were Mr. Tom Mercer, City Manager, Ren Wiles, Finance Officer/City Clerk, and Attorney Tom Currin.

**INVOCATION & PLEDGE OF ALLEGIANCE**

Mayor Moss called the meeting to order and offered the invocation. Commissioner Stallings led the Pledge of Allegiance.

**ADOPTION OF AGENDA**

The Mayor called for the approval of the agenda. Moved by Commissioner Stallings to adopt the agenda. Seconded by Commissioner Piper. The motion received a unanimous vote.

**REQUESTS TO ADDRESS THE BOARD**

The Mayor noted that there were two requests to address the Board.

- Reverend Veronica Pegram, 202 Peachtree Lane. Rev Pegram described the open drug trafficking that she observes and the traffic hazards in the neighborhood of Pecan Hill. She indicated that there are citizens interested in forming a Community Watch program and voiced concerns about traffic volume and speed in the neighborhood. She questioned if speed bumps could be installed. She also questioned the ownership of a house next to a church, asking if that was a city-owned residence. The Mayor referred this to the Public Safety Committee and promised Board and administrative help in responding to these issues.
- Mr. Jeff Fisher of Unique Places, a consultant to the developers of the Fontaine property, presented a plan as a Win-Win-Win alternative to the current stagnant project, benefiting the developer, the City and those interested in protecting Falls Lake. In summary, the original plans presented to the City were for a housing development of approximately 330 homes. Mr. Fisher's revised plan includes approximately 150 homes to be built, with a significant portion of the land retained in its natural state to protect the Falls Lake watershed. Previously the City had received a commitment from the NC Clean Water Management Trust Fund (CWMTF) for \$2M to help fund the original project, however because the project did not proceed those funds were never used. This proposal will go back to the CWMTF, with a reduced funding request of \$1.7M. City Attorney Currin pointed out that Mayor Moss had outlined this proposal in a letter dated July 24, 2010 to Mr. Will Summer of the CWMTF. Mr. Fisher stated several times that in the current economic situation, renewed funding is not guaranteed.

Motion by Commissioner Minor to support the plan for the Fontaine project presented by Mr. Jeff Fisher. City Attorney Currin clarified that the Mayor had included this plan and reduced funding request to CWMTF in his letter of July 24<sup>th</sup>, mentioned above, and that what the Mayor was now seeking was Board approval of the proposal in said letter. The Mayor agreed that this was his intent and Commissioner Minor modified his motion to support the Mayor's proposal. Seconded by Commissioner Piper. The motion received a unanimous vote.

## **ADOPTION OF MINUTES**

Motion by Commissioner Karan to approve the Board Minutes of June 22, 2010 Regular Meeting and July 12, 2010 Work Session. Seconded by Commissioner Stallings. Motion received a unanimous vote.

## **PUBLIC COMMENTS**

The Mayor presented the opportunity to address the Board on any issue. No one chose to speak tonight.

## **CITY MANAGER'S REPORT**

City Manager Mercer, recognizing the full agenda, asked the Board if anyone had specific questions for him at this time. No one did. Manager Mercer then directed the discussion to the resolution banning hunting within city limits to Attorney Currin who then recommended the Board take a long-term approach in deciding what the policy should be for hunting in city limits, including duck hunting on Lake Rogers. The Mayor called for Board input. Commissioners Minor, Karan, Piper, and Wilkerson joined in the discussion. Attorney Currin restated an earlier comment that if the Board wishes to eliminate duck hunting within city limits, there are some sections of the City Code of Ordinances that will need modification to remove implications that duck hunting is allowed. Mayor referred this to the Manager and the Public Safety Committee for review and report at the August 9<sup>th</sup> Work Session meeting.

## **OLD BUSINESS**

### **A. Ordinance, Water Shortage Response Plan**

Manager Mercer reported that this generally mirrors the plan in place from SGWASA. Commissioner Minor pointed out that in the interest of quick response, the Director (City Manager) may activate the plan. The Mayor asked for the Board's opinion. Motion by Commissioner Minor to approve the Water Shortage Response Plan. Seconded by Commissioner Stallings. Discussion about how the appeal process for citizens who may be cited for excessive water use during shortages. Differing viewpoints about how this will be implemented became evident. Motion by Commissioner Wilkerson to table the motion. Seconded by Commissioner Stallings. Attorney Currin asked Commissioner Wilkerson if he was tabling the motion to a "time certain" or if it was an open ended tabling, which would require three commissioners to vote to bring the issue off the table. The motion received a unanimous vote.

### **B. Statewide Emergency Management Mutual Aid and Assistance Agreement**

This was held over from a previous meeting for additional review. Motion by Commissioner Minor to accept. Seconded by Commissioner Karan. The motion received a unanimous vote.

### **C. Southern Creedmoor Small Area Plan**

Overview provided by City Planner Roesler who pointed out that there are two separate actions at hand. The first is a resolution to adopt the Southern Creedmoor Small Area Plan as an amendment to the City's Comprehensive Development Plan. The second action is an ordinance to amend the City of Creedmoor's zoning atlas to create a mixed use overlay district for the areas designated within the Southern Creedmoor Small Area Plan. As a mixed use plan, this is expected to attract higher quality developers. He reiterated that this is another layer of development options.

Motion by Commissioner Minor to adopt the Southern Creedmoor Small Area Plan. Seconded by Commissioner Piper. The motion received a unanimous vote.

Motion by Commissioner Minor to adopt the ordinance amending the zoning atlas for the mixed use overlay district for the area designated by the Southern Creedmoor Small Area Plan. Seconded by Commissioner Stallings. The motion received a unanimous vote.

### **D. Paddington Building Permits**

New builders want to build in the Paddington Subdivision but the City's position is that the prior group has/had a special use permit requiring the Weisgerber Group to provide a play area for children. Such an area has not yet been provided. Prior board action was to cease issuing building permits until such time as the play areas were constructed. Commissioner Minor, Attorney Currin, and Planner Roesler discussed the known facts to this point, the City's interpretation of the situation and possible action alternatives that the City has at its disposal.

- Mr. Rick Owens of St. Lawrence Homes and Mr. Curtis McCurry of Timberstone Homes came to speak. Mr. Owens provided a recap of the St. Lawrence involvement in this project since October 2007 and acknowledges that additional recreation facilities need to be built, but he represents that neither St. Lawrence Homes nor Timberstone Homes can afford to install the necessary facilities. Mr. McCurry suggests as a compromise the addition of a special use fee to the building permits. The intent is that the fees would generate enough funds to provide for the required recreation facilities. Attorney Currin questioned the number of remaining lots and the nature of the lot ownership in light of the St. Lawrence Homes bankruptcy. Commissioners Minor, Karan, and the Mayor asked logistic questions related to this proposal. Attorney Currin expressed the view that "... not all parties involved are at the table now." Commissioner Karan pointed out that the facilities will become the property of the respective Home Owners Association. Mr. Owens and McCurry asked that, if an agreement could be brought to the Board of Commissioners providing security to fund the construction of the recreation facilities, would the Board be satisfied. They emphasized that they wish to work with the Board of Commissioners to make progress on this development project and inquired about the possibility of reaching an agreement at this meeting. Attorney Currin pointed out that action could be taken in two weeks at the August 9<sup>th</sup> Work Session meeting. The Mayor and Commissioner Wilkerson encouraged Mr. Owens and McCurry to work with the appropriate Home Owners Association in order to present a plan at the next meeting. The Mayor and Attorney Currin emphasized that if such a plan were formulated before the next meeting, it should be delivered to the City Manager who would redistribute to the Board and staff so that action could be taken at the next opportunity. Mr. Owens made one last appeal for "a few" permits to be made available so that progress could be made in the development. The Mayor asked the Board if anyone wished to make a motion. No one made a motion to allow permits to be issued.

## **NEW BUSINESS**

- A. Consumption of Alcoholic Beverages in Public to be Unlawful  
Motion by Commissioner Minor to adopt said ordinance. Seconded by Commissioner Stallings. Attorney Currin points out that as the ordinance is written, no alcoholic beverages could be carried onto a city street without violation, even if the street crossing was incidental to go from one sanctioned location to another. Attorney Currin passed out a proposed insert to the ordinance, allowing for designation of city streets as part of the event, to avoid such a conflict. Commissioners, Attorney Currin, and Chief Benware discussed the issues. Commissioner Minor amended his motion to include the insert proposed by Attorney Currin. Commissioner Stallings reaffirmed his second of the motion. The motion received a unanimous vote.
- B. Limit Parking Time Within a Particular City Block  
Motion by Commissioner Minor to accept the motion to limit parking time within a particular city block. Seconded by Commissioner Wilkerson. Commissioner Karan questioned if there was already an ordinance addressing this. Chief Benware explained that this prevents someone from moving only one parking space and claiming that "the clock begins again." The motion received a unanimous vote.
- C. Permitting Use of DCI Records for Employment Hiring Purposes  
Motion by Commissioner Wilkerson to accept the ordinance to use DCI records for employment hiring purposes. Seconded by Commissioner Piper. Chief Benware offered a brief technical overview. The motion received a unanimous vote.
- D. Unnecessary Noise  
Motion by Commissioner Stallings to accept the unnecessary noise ordinance. Seconded by Commissioner Piper. Commissioners questioned the effective date on this. Chief Benware indicated that he needed to purchase a noise meter to make the ordinance truly effective. Commissioner Wilkerson questioned how this would apply in the summertime to people mowing the grass or working on the house at 9:00 pm. Chief Benware explained that this was aimed at nuisance events. If a neighbor complained of the noise, past the stated time, his staff would investigate and act. The motion received a unanimous vote.

### **MAYOR'S REPORT**

The Mayor reminded people of upcoming important dates: August 3<sup>rd</sup> National Night Out and National Day of Play; August 13<sup>th</sup> Granville County new teacher breakfast; September 23<sup>rd</sup> Kerr-Tar COG banquet. He reported that reviews are underway for the recent water pressure drop and evaluating the City's actions in response. The Mayor also cited the use of the County Reverse 911 system to notify the citizens of the end of the Boil Water Advisory.

### **COMMISSIONER'S COMMENTS**

Commissioner Karan: Attended a National League of Cities conference and reported on the lobbying efforts of the NLC for healthcare for children from 0 to 24 months of age. He also reported on workforce development efforts in coordinating sites and enrolled the City in the "Let's Move" program and the "Mayor's Challenge." He also reported on the legislative status of collective bargaining. Medicaid support from the federal government is ending. Regarding the American Legion, he noted that they need to hold a public hearing on their special use application. Motion by Commissioner Karan to set the public hearing for August 24<sup>th</sup> at 7:00pm. Seconded by Commissioner Minor. The motion received a unanimous vote.

Commissioner Wilkerson: Passed out a Memorandum of Understanding, creating the Greenway Technical Committee. Motion by Commissioner Wilkerson to adopt the Memorandum of Understanding creating the Greenway Technical Committee. Seconded by Commissioner Stallings. The motion received a unanimous vote.

Commissioner Minor: Expressed his thanks for a recent article outlining the changes in the level of emergency responders in Creedmoor. Because of staff reductions, the emergency responders will now be considered a Quick Response Unit. He encouraged citizens to express their opinions to the local medical center director. Response time is expected to increase.

Commissioner Stallings: No report. Thanked the staff for the meetings and reports.

Commissioner Piper: Echoed his concern over the changing response times noted above.

The Mayor also reported that funding requests in Congress for Creedmoor have support from Senator Hagan. Marlow and Company reports that Senator Burr has not included funding requests for Creedmoor.

### **ADJOURNMENT**

There being no further business before the board, Commissioner Karan made the motion to adjourn at approx. 9:30 pm. Seconded by Commissioner Piper. The motion received a unanimous vote.

  
Darryl D. Moss, Mayor

  
Ren E. Wiles, Finance Officer/ City Clerk