

MINUTES OF  
CITY OF CREEDMOOR – BOARD OF COMMISSIONERS  
WORK SESSION  
February 8, 2010  
5:30 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 was Tom Mercer, City Manager, Sandra Harper, City Clerk and Attorney Lori Dutra.

**QUORUM:**

Mayor Moss called the meeting to order at 7:00 p.m. and welcomed everyone.

**INVOCATION:**

Mayor Moss

**PLEDGE OF ALLEGIANCE:**

Commissioner Stallings

**SPECIFIC ACTION ITEMS:**

Mayor Moss noted that he was making changes to the agenda under Department Head Reports. He asked the City Clerk to give a brief overview this evening as to her role as City Clerk. Mr. Robert Holloway, Paddington Subdivision is present to speak before the Board in reference to recreation. Mayor Moss expressed that Mr. Ron Greger is not present this evening; however he contacted Commissioner Wilkerson in reference to development fees. Commissioner Wilkerson may want to speak on this issue under his report. Mr. Greger wishes to address the Board at the Regular Board meeting scheduled for February 23, 2010.

Commissioner Wilkerson expressed that he received a call from Mr. Ron Greger requesting help in the reduction of development fees. He recommended that Mr. Greger call the City Clerk to be placed on the agenda.

**CMAQ Federal Contract for Cross City Trail:**

Ms. Scottie Wilkins, Business Development & Transportation Project Manager gave an overview of the CMAQ Federal Contract. She expressed that the City was fortunate to be awarded the 80/20 grant. This is a 1.5 mile extension of sidewalk and greenway for the downtown area from Highway 56 East to the Kayser Roth facility and Food Lion Shopping Center.

Mr. Tom Mercer, City Manager said that the contract has received pre-audit approval.

Moved by Commissioner Wilkerson and seconded by Commissioner Stallings approval of the CMAQ Federal Contract agreement. The motion received a unanimous vote.

**Rural Business Enterprise Grant (RBEG):**

Ms. Scottie Wilkins, Business Development & Transportation Project Manager gave an overview of the RBEG. She expressed that this is a great opportunity for the City to support local business owners. Ms. Wilkins said that this is a grant from the USDA Rural Development. This will give the City the chance to give low interest loans to small business owners or an entrepreneur trying to start a small business in the community. The City is asking \$99,000 and there is no match required; however if the City does contribute toward the grant there will be extra points given to help get the project awarded. There is a local contribution of \$26,000 for a total of \$125,000 for loans. The low interest loans will be paid back to the City over a predetermined length of time. The money will again be used as a revolving loan in the same manner.

Mr. Tom Mercer, City Manager said that this is to augment a person that is trying to find additional funding to expand within the community. He noted that this would be a three year loan. Mr. Tom Mercer, City Manager advised that there is currently \$22,000 in the business development fund and \$4,000 would be taken from the General Fund for a total contribution of \$26,000.

Commissioner Stallings inquired about the revolving funds.

Mr. Tom Mercer, City Manager expressed that this money will be shown as a grant and the money as outstanding. The terms and conditions of the contract will be stated and the parties receiving the loans will have to put up collateral. Mr. Mercer said that the City is trying to help local businesses and is not competing with the banks.

Commissioner Stallings inquired about what happens to the money if there is not enough new growth or new businesses.

Ms. Scottie Wilkins, Business Development & Transportation Project Manager replied that after the grant cycle is over the money belongs to the City.

Commissioner Karan expressed that the original idea of the Downtown Development Fund was to give the opportunity for the local businesses to have a place to go to receive short term low interest loans.

Commissioner Minor said that this will also be an incentive for new businesses to come into Creedmoor.

Moved by Commissioner Minor and seconded by Commissioner Wilkerson to support the application to the Rural Business Enterprise Grant. The motion received a unanimous vote.

Mayor Moss asked Ms. Scottie Wilkins, Business Development & Transportation Project Manager about the timeframe that feedback needs to be forwarded to Ms. Shelby Powell in reference to the NC Hwy. 56 corridor.

Ms. Scottie Wilkins advised that she needs to provide the Project Oversight Committee members and the Core Management Group members to her by tomorrow.

Mayor Moss said that he will forward the information to the Transportation Committee and feedback will be provided as soon as possible.

## **COMMITTEES:**

### **Finance Administration & Intergovernmental:**

Commissioner Karan expressed that he is working with the EENR Committee in conjunction with the establishment of Ready to Serve Fees. The issue of playgrounds ties into this issue. He said that the City is trying to mirror a sister city in Maryland and referred to the draft Playground and Maintenance Agreement. Commissioner Karan advised that Maryland is one of the most progressive states with regard to new communities and public/private enterprises. Unfortunately, North Carolina is not that progressive and we have the inability to ask for monetary donations, however, we can ask that the HOA deed the easement long-term to the City for a recreation facility. The City would assume the liability for maintaining the property. This could be used for trails or playground equipment. This is a great opportunity for the City to provide recreation without having to purchase real estate. Commissioner Karan noted that parks are not only for children they are also a place for local citizens to walk to on a nice day to socialize. Commissioner Karan expressed that Mr. Robert Holloway President of Paddington Home Owners Association is present to speak to the Board about the possibility of taking advantage of this agreement.

Commissioner Minor suggests that the City speak with Representative Crawford about helping with public/private partnerships.

Attorney Dutra advised that with the current laws the City would need to have a long-term lease agreement or an outright donation of property where the City would be responsible for maintenance, security and liability. This must be a public park and not restricted to homeowners.

Commissioner Karan said that the City would be using quality equipment with the highest standards. He noted that Mr. Jay Rich is also present from Whitehall Subdivision and he may want to give his comments.

Mr. Robert Holloway, President of the Paddington Subdivision Home Owners Association, 2115 Queens Way Court addressed the Board and gave an overview of the subdivision's HOA. He noted that St Lawrence Homes filed bankruptcy and is not maintaining or building in the development. Mr. Holloway presented a map of the subdivision and advised that the subdivision is willing to lease 11 acres to the City for a minimum of a 20 year lease. He said that the Board of Directors is looking at the viability of the subdivision. Mr. Holloway said that 11 acres could provide for walking trails, basketball and a playground.

Mayor Moss feels that St. Lawrence should not be relieved of their responsibility. Mayor Moss said that an agreement is a separate issue and a step in the right direction.

Commissioner Piper asked if the citizens of Paddington are in support of what he is presenting this evening.

Mr. Robert Holloway said that this has only been discussed with the HOA. He said that they wanted to present this to the City to get feedback before talking with homeowners.

Commissioner Minor expressed that there were other subdivisions that were built before the recreational requirement. He feels that it would be a disservice to other citizens of Creedmoor because Paddington had the requirement and did not comply. He referred to Hunters Ridge and said that they are in the same situation.

Mayor Moss said that the Board should take into consideration that the historical section of Creedmoor may have potential landowners that want to provide a similar agreement.

Commissioner Karan said that he approached Home Owners Associations because they have a deeded responsibility to care for open space within a certain geographical area. He understands that there are three Home Owners Associations; Whitehall, Paddington and Golden Pond. He said that Davenport has an HOA; however they have no common area other than the maintained right-of-way in front of the neighborhood. He referred to the Blight Spot to Bright Spot , KaBoom and Playful City USA program and said that any person or entity can donate a piece of land to use as recreation. Not all land is viable for recreation; however a small piece of land could be used for a gazebo or a garden area. He said that this type of agreement is a great segue into any future fees or responsibilities that the Board wants to put into place. Commissioner Karan said that he appreciates the Board's consideration of this issue.

Commissioner Wilkerson expressed that St. Lawrence may have filed bankruptcy in Creedmoor; however they are doing well in Durham.

Attorney Dutra advised that this issue has been an ongoing discussion between the Planning Department, Weisgerber Group, and the City Attorney. She noted that the Weisgerber Group holds the permits and are in violation. The Weisgerber Group wants to develop the property across the road and she feels it is a good idea to continue the effort to pursue recreation.

Mayor Moss said that he was forming an ad hoc committee with the Community & Economic Development Chair and Commissioner Karan for review of this issue.

Mr. Randy Jay Rich, 417 Mayview Drive addressed the Board and said that he is the Vice-Chair for the Whitehall Subdivision Home Owners Association. He expressed that they have two lakes, trails and land available at the back side of the subdivision. Mr. Rich expressed that they would also welcome this opportunity.

Commissioner Wilkerson asked if Whitehall Subdivision has playground equipment and Mr. Rich replied that there is no playground equipment installed at Whitehall.

Mayor Moss said that committee meetings were scheduled after the January Retreat and with new legislation he was seeking guidance from the Attorney.

Attorney Dutra said that the Board is permitted to always meet with two or more members as long as it is a public meeting. Two Commissioners and the City Manager is not in violation. Attorney Dutra said that she will research to see if some of the interpretation has changed. She noted that two Commissioners and the City Manager meeting on budgetary matters is not a public meeting. Attorney Dutra said that committee meetings should be scheduled to give public notice.

**Public Safety:**

Commissioner Piper had nothing to report at this time.

**Transportation Infrastructure:**

Commissioner Wilkerson said that he heard on the television that Hillsborough turned down their thoroughfare money from NCDOT and asked if any of the money would be available to Creedmoor.

Ms. Scottie Wilkins, Business Development & Transportation Project Manager, said that she would have to research if funding would be available to Creedmoor. She expressed that it depends upon the source of funding; state or federal. Ms. Wilkins said that she would have to find out if it was allocated for a certain highway division. She expressed that if Hillsborough is in a different division that money may go back to NCDOT; however it will go back to the division where the money was allocated.

Mayor Moss said that there is a joint meeting scheduled for March 31, 2010 between the Durham/Chapel Hill MPO and CAMPO. Hillsborough is a member of the Durham/Chapel Hill MPO and he plans to attend the joint meeting. He suggests that they inquire at that meeting about the funds.

Commissioner Wilkerson expressed that if there is funding available that Creedmoor should take advantage of receiving some of the money.

Ms. Scottie Wilkins, Business Development & Transportation Project Manager, said that a portion of the loop is in the top 25 for CAMPO funding. Ms. Scottie Wilkins, Business Development & Transportation Project Manager reiterated that this was at the MPO level. She noted that because it is approved at the MPO level does not mean it will be approved at the NCDOT level. Nevertheless, because it is at the MPO level it is more likely to be funded. February 22, 2010 NCDOT will reveal their first prioritization based upon the new method. Hopefully, we will see Creedmoor in that announcement.

Commissioner Wilkerson referred to the greenway that they are putting in next to Treyborn at Old Highway 75. He said that it is nicely done.

Mayor Moss requested that Chief Beware and Captain Williams meet with Commissioner Piper to update him on the Offender Focus Initiative.

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

Commissioner Stallings inquired about the progress of the Alamo Steak House property on North Durham Avenue.

Mr. Dave Roesler, Planning Director advised that they are in the process of condemnation. He has asked legal council for advice. Mr. Roesler said that there was a hearing scheduled for a building inspection and the certified letters have been returned. Attorney Dutra is going to pursue legal action to serve the property owners.

Commissioner Stallings asked if the Planning Department has taken any action to clean up Ward Street.

Mr. Dave Roesler, Planning Director expressed that this was private property; however he would take a look at the property.

Mayor Moss announced that there is a meeting scheduled with Duke Energy for Thursday, February 11, 2010 at 9:00 a.m. in reference to the master plan for street lights.

Mr. Tom Mercer, City Manager said that Duke Energy sent him a GPS of the location of all the power poles; however, it was in a different format and he was unable to view it. He said that they are to resend the information and he will forward it to the Board.

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

Commissioner Minor said that he forwarded information to the Board in reference to the landfill. He has not been able to review all the information; however he will give an overview at the next meeting.

Commissioner Minor expressed that the ready-to-serve fees should be reviewed and available for the upcoming budget meetings. Commissioner Minor referred to the forthcoming water/sewer report of water used for the year.

Commissioner Minor inquired about the bond for the top coat at Paddington Subdivision and Steve Colenda, City Inspector replied that the top coat has been finished.

Commissioner Wilkerson asked if the no parking signs were placed at Crescent Heights and Mr. Steve Colenda, City Inspector replied that the signs were up.

Chief Benware said that there have been no problems as to the parking on Crescent Drive after placement of the signs.

Mayor Moss asked that the City Clerk give a short presentation of the duties as City Clerk.

Sandra Harper, City Clerk said that the position of City Clerk is one of the oldest in local government. General Statute §160A-171 mandates that there shall be a City Clerk who shall give notice of meetings of the Council, keep a journal of the proceedings of Council, be the custodian of all City records and shall perform any other duties that ay be required by law or Council. She gave a brief overview of her duties as City Clerk. She noted that there is a large Reference Guide for the North Carolina Municipal Clerks and she would be glad to make a copy for the Board at their request.

Mayor Moss said that he asked the City Clerk to give a brief presentation of her duties because as of two years ago each department has been reevaluated to continue to improve the organization. He noted that she is a Certified Municipal Clerk and has also accomplished the status of Master Municipal Clerk. He thanked the City Clerk for her presentation.

Commissioner Wilkerson asked why the City Clerk does not attend the Department Head meetings and Mr. Tom Mercer, City Manager said that she is not a Department Head.

Mayor Moss said that the modification was made two to three years ago when the Organizational Chart was changed.

Mayor Moss said that Mayor Pro-tem Minor and Commissioner Karan will be representing the City at the Granville County Board Retreat scheduled for February 12 and February 13, 2010.

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

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Mayor

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City Clerk