

MINUTES OF  
CITY OF CREEDMOOR – BOARD OF COMMISSIONERS  
WORK SESSION  
AUGUST 10, 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 were Tom Mercer, City Manager and Sandra Harper, City Clerk. Attorney Tom Currin arrived at 7:00 p.m..

**QUORUM:**

Mayor Moss called the meeting to order at 5:30 p.m. in the Commissioner's Room at City Hall.

**INVOCATION:**

Mayor Moss

**PLEDGE OF ALLEGIANCE:**

Commissioner Piper

**SPECIFIC ACTION ITEMS:**

**Resolution Accepting and Endorsing the Solid Waste Management Plan:**

Mr. Tom Mercer, City Manager/Finance Officer presented the Resolution Accepting and Endorsing the Solid Waste Management Plan for 2009 for the City of Creedmoor/Granville County. He expressed that in accordance with GS § 130A-309.09A(b) the City must either individually or in cooperation with the County Plan update the Ten-Year Comprehensive Solid Waste Management Plan every three years. The City has chosen to piggy-back the County Plan.

Mayor Moss read the resolution to the Board.

Moved by Commissioner Karan and seconded by Commissioner Piper to adopt the Resolution Accepting and Endorsing the Solid Waste Management Plan of 2009 for the City of Creedmoor/Granville County. The motion received a unanimous vote.

**Hester Road Water Lines:**

Mr. Tom Mercer, City Manager/Finance Officer gave the Board a handout for consideration of the Hester Road project. He expressed that the total length of the project is 11,500 feet at a cost of \$376,000. Mr. Tom Mercer, City Manager/Finance Officer said that under consideration is to change the Highway 15 portion of 7,400 feet from an 8" line to a 12" line at an additional cost of \$79,528. He noted that he was hoping to have additional information for this meeting; however, Mr. Dan Boone of the Wooten Company is on vacation for two weeks.

Mayor Moss expressed that this is a joint project with the County to help the homeowners on Hester Road that have had major water issues for several years.

Commissioner Minor said that he thought that the Board had already made this decision.

Mr. Tom Mercer, City Manager/Finance Officer said that they have received good bids and the price is down; however he did not check to see if this has been voted upon.

Mayor Moss asked the City Clerk to search through the minutes at this time to make sure that the Board has not already voted upon this issue.

Commissioner Robinson said that he looked on line from last November until present and was unable to find where the Board voted on the line change.

Upon research by the City Clerk it was determined that the Board needs to vote on the upgrade to the Hester Road line from an 8" line to a 12" line.

Commissioner Robinson asked if placing a 12" line would cause problems with flushing due to minimum users.

Commissioner Minor replied partially; however, the line is not as long as the other problem line.

Mr. Steve Colenda, City Inspector advised that automatic flushing has been included in the engineering design.

Commissioner Karan said that the City is in discussion of the upsizing of the line, which is headed towards Oxford and inquired about negotiations.

Mr. Tom Mercer, City Manager/Finance Officer advised that he spoke with Mr. Mark Donham, City Manager, Oxford and they are interested; however he requested information and the information will be forwarded to him within the next two weeks. He expressed that if the Board goes with the 12" line it will be a different contractor because the low bid was for the 8" line.

Commissioner Karan said that with the placement of a sewer pipe for discharge being placed towards Oxford it is a great opportunity for growth in that that direction.

Moved by Commissioner Minor and seconded by Commissioner Wilkerson to authorize \$79,528.00 to upsize from an 8" line to a 12" line for the Hester Road project contingent upon pre-audit approval.

**Lake Rogers Boating:**

Mr. Tom Mercer said that he was given the Lake Holt Ordinance to review and revise for Creedmoor. He gave the Board a handout of the physical size of Lake Rogers and things to consider.

Commissioner Minor said that a few years ago gas motorboats were allowed on Lake Rogers and the lake was full of boats on Saturdays. He noted that citizens are looking for recreation and this would be good revenue for the City. Commissioner Minor inquired about a seasonal pass.

Mr. Tom Mercer, City Manager/Finance Officer said that the seasonal pass pricing was included in the ordinance.

Commissioner Karan made the suggestion that each person that receives a boat launch permit be given a copy of the rules and to require a signature of receipt. He also suggested the utilization of a window decal showing the identification numbers and the year as a tracking mechanism for enforcement.

Mayor Moss requested that the City Manager correspond with Marlowe and Company to make sure that there are no environmental issues to interfere with the restoration dollars to be received by the City.

Mayor Moss said that Attorney Currin was to prepare a draft ordinance form. He said this would be placed on the August 25, 2009 agenda. He expressed that any suggestions that the Board has are to be e-mailed to the City Manager to incorporate the changes.

**Public Safety Matter – Mayor Moss:**

Mayor Moss said that he sent the Board an e-mail in reference to an incident that happened last week. He inquired about the response procedure during a dispatch call to the Police Department.

Mr. Tom Mercer, City Manager/Finance Officer expressed that during a radio procedure to rescue dispatch, law enforcement should automatically be dispatched with rescue when rescue is responding to a call where a potential hazard exists for rescue personnel; Shootings, stabbings, assaults, domestics, overdoses, attempted suicides and motor vehicle collisions.

Mayor Moss said that there was a call last week to his parent's house and the City did not respond. He expressed that they should have. He said that he wants the procedure clarified because he advises citizens to call the Police Department at 528-1515.

Commissioner Minor expressed that the dispatch call from Mayor Moss's parents house was a non medical emergency, which was not life threatening.

Mr. Tom Mercer, City Manager/Finance Officer advised that it depends on the nature of the call. The Police Department also responds to citizens that are locked out of their cars or need a jump start. Mr. Tom Mercer, City Manager/Finance Officer expressed that the dispatchers and officers are trained to ask if the person making the call wants EMS or an officer sent out and if they refuse it is hard to determine what to do.

Commissioner Minor said that sometimes a person may not be in a good state of mind and there has to be a judgment call.

Mr. Tom Mercer, City Manager/Finance Officer expressed that the judgment call depends upon whether there was screaming or something in the background to detect a potential hazard.

Chief Benware expressed that he spoke with EMS about a generic scenario of a person that has fallen and their response was that EMS should absolutely be the ones to call. He noted that there have been several cases where a person does not realize they are injured and a person that has not been trained to ask the right questions to respond medically can exasperate the situation. Chief Benware said that if EMS needs additional help they call the Police Department; however EMS would instruct the officers on how to proceed. He said that this has been a standard procedure in Police Departments because of the medical liability. Chief Benware said that the Police Department is not trained to make medical determinations. He said that the Police Department could have responded to that call; however, the officer would have called for EMS and stood by until they arrived to evaluate.

Mayor Moss noted that the last sentence on the tape was Ms. Carson asking Ms. Moss if she would like EMS and she replied no.

Chief Benware expressed that Ms. Moss basically said that if she needed the Police Department she would call back.

Mr. Tom Mercer, City Manager/Finance Officer inquired if Captain Williams in his previous job had a similar situation.

Chief Benware replied yes. He noted that Captain Williams was instructed not to respond; nevertheless, he did and this caused issues.

Mayor Moss expressed that he has lived in Creedmoor all of his life and it has been his belief that the City has a long standing policy to respond to all calls. He said that he agrees that the

Police Department is not trained for EMS, not trained to help citizens get into their cars nor have they been trained in auto mechanics. Mayor Moss said that he recently forwarded an e-mail to the Board from a lady that asked what do citizens get in return for paying high taxes and water bills. He reiterated concern of how the Police Department should respond.

Commissioner Minor said that when a call is received the Police Department should respond to see what type of situation exists.

Mr. Tom Mercer, City Manager/Finance Officer spoke of concerns of responding to a call when a citizen has refused help.

Commissioner Minor expressed that when a citizen calls to say that they have fallen and are unable to get up the Police Department should respond and request that EMS be called. He said to call the Fire Department and they would take care of the situation.

Commissioner Piper said that he spent 30 years on the EMS squad and most of the time when they arrived there was a Police Officer at the scene. He said that he understands the liability issue; however, if the Police are at the scene they can make a judgment call as to whether EMS needs to be called.

Commissioner Robinson said that he does not make it a policy to discuss politics at home; however, after receiving the e-mail he asked his wife how she felt about the situation. He said that his wife replied that if her Mother was alive and had an accident she would have been upset if the Police did not respond. She also commented that there are a lot of elderly citizens in the community that need help from time to time.

Chief Benware said that his point is that the Police Department is not the proper agency and that EMS personnel should be called because they are the trained individuals for these types of situations. He said that he feels that they waste time by sending the Police and then calling EMS to respond. Chief Benware said that this is a Board decision and they will follow the chosen procedure.

Commissioner Robinson said that when a person needs help lifting someone EMS should be sent if this is not something the Police Department should do. He expressed concern that some type of help should have been there.

Chief Benware expressed that they were ready to send EMS and they probably would have also sent a Police Officer; however they refused EMS help.

Mayor Moss expressed that his Mother did what he has told her to do for a long time. He said that protecting and service is the Police Department's responsibility. Mayor Moss said that they would no loner debate this issue this evening and referred this to the Public Safety Committee, the City Manager, Chief Benware and himself to resolve this issue.

**Fontaine Recreation Project:**

Mayor Moss referred to the letter he received today from Granville County for consideration to collaborate with the City on this project. He said that the land is within the City limits and this project will be a win-win situation for both the City and Granville County. The County has begun their due diligence process; however, there is no formal proposal at this time. Mayor Moss expressed that Mr. Brian Alligood, County Manager said that they would contact the City at the appropriate time of their decision. He expressed that Attorney Currin has been working on documentation of the Clean Water grant and the Drinking Water Revolving loan package.

Mr. Fredrick Lewis, Trust for Public Land (TPL) advised the Board that the Clean Water Management Trust Fund Trustees will meet on September 8th and requested that this be an agenda item for the Board of Commissioner's late August meeting to assign the funds. He expressed that if the Clean Water Management Trust Fund Trustees do not vote on this project at their September 8th meeting there is a chance that the funds may no longer be available.

Commissioner Karan said that the Board needs to consider whether they are going to endorse the County funding the park. He said that the land will be within the City limits and the Planner can pursue the specifics of the development in this jurisdiction. The park would be owned and managed by the County.

Commissioner Minor had concerns of where the County will be getting the money to fund this park.

Mayor Moss said that the City is being asked by the County to sign over to them the two-million dollar grant and the \$50,000.00. He said that the Board needs to be cautious on the timing because they are uncertain as to what the County will decide.

Mr. Jeff Fisher said that it is his understanding that this project is in limbo. He said that they are uncertain as to whether the City has the capacity to take on this project. Mr. Fisher said that they went to Granville County to discuss their concerns about the capacity. He said that they have been working on this project for approximately one and one-half years and they are running out of time. He expressed the need to allocate the funds as soon as possible or they may lose the two-million dollars because Beverly Purdue has cut the Clean Water Management Fund allocations. Mr. Fisher expressed that Granville County has not said they will take on this project. He said that as part of Granville County's independent analysis they want to know that if they buy this property Creedmoor will assign or insure that the money will be available if they take on the project.

Mayor Moss said that this was not mentioned in the letter and the City needs to hear it from Granville County.

Mr. Jeff Fisher, TPL read a sentence from Granville County stating that before too much effort is invested in conducting due diligence they would like to know that Creedmoor will

agree to assign any and all grant fund sources that has been pursued for this project to the County. Mr. Fisher said that he needs to be able to answer that question. He requested that the City please give them that contingency to make this project happen. Mr. Fisher said that if there is willingness we will work out the details.

Commissioner Minor said that he wants to know what the County's intentions are.

Mr. Jeff Fisher, TPL expressed that the County said that they are ready to run the whole project to build a park. The City of Creedmoor will have a say in what happens in that park because it is within the City's zoning jurisdiction. The funds will come from park grants, the Land Water Conservation and the Drinking Water Clean Water Supply loan to give twenty-years to pay. He said that there is a lot of distrust between these two entities. Mr. Fisher said that he can not fix everything that has happened in the past; however the moment is now.

Mayor Moss re-read the sentence stated by Granville County that before to much effort is invested in conducting due diligence the Board would like to know if Creedmoor would assign its rights in any and all grant loan sources that it has pursued for this project to the County.

Commissioner Minor inquired about ownership of the land and Mayor Moss replied that it is his understanding that the County's intentions are to own the land.

Mayor Moss said that he feels that the City has nothing to lose.

Commissioner Karan said that he feels that the City needs to receive the funds from the Clean Water Management and assign it over to the County. He said that if the City needs to give the money back, we will do so.

Mayor Moss noted that the City is paying for the appraisal.

Commissioner Karan said that at the Wilton Slopes this Thursday the Board could meet with the County Representatives and ask what their intentions are. He expressed that he feels that it is great that the County wants to partner with the City on this project. Commissioner Karan said that they met with other representatives to walk the site earlier this year and the County was talking about a rain garden and a living science room.

Mr. Fredrick Lewis, TPL expressed that the Clean Water Trust has asked that the City give them your intentions at the next meeting on August 25, 2009. He spoke of concerns of another appraisal of the land coming back at a lower price.

Commissioner Wilkerson said that his understanding is that Mr. Lewis was involved in the Wilton Slopes and asked the process. He also inquired about who paid for this project and the cost.

Mr. Fredrick Lewis, TPL said that the money was raised by public money and not paid with County money. He expressed that this is the vision for Granville County on this project as well.

Mayor Moss said that the third party is the County and they are not present to defend themselves. He said that there is a willingness to assign the rights to the money; however, the rights will occur after the City receives the grant.

Moved by Commissioner Karan and seconded by Commissioner Minor that once the Clean Water Management Trust has their meeting in September and awards the funds to the City of Creedmoor the City will approach the County about assigning the money to them to purchase the entire tract. The motion received a unanimous vote.

### **COMMITTEE REPORTS:**

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

There was nothing further to report at this time.

#### **Transportation Infrastructure:**

Commissioner Wilkerson inquired about the status of the letting for the pavement of North Main Street.

Mr. Tom Mercer, City Manager/Finance Officer said that it has not been let. He advised that Ms. Scottie Wilkins, Business Development & Transportation Project Manager has been in contact with NCDOT and it is proposed for September, which will give the City enough time to take care of the 2" lines.

Commissioner Wilkerson spoke of concern that the leak on Elm Street at the Fire Department might be deteriorating the sub base of the highway and that this should be fixed right away.

Mr. Steve Colenda, City Inspector said that this was scheduled for tomorrow morning. He said that the stem broke off the top of the housing.

Commissioner Wilkerson thanked the City Manager for taking care of two water bill issues.

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

Commissioner Piper said that he and Mayor Moss were continuing to work on the Music Festival.

Mr. Tom Mercer, City Manager/Finance Officer advised that Ms. Scottie Wilkins was not in attendance this evening because she was sick today. He expressed that Ms. Wilkins has done a good job with the BB&T funded project for downtown. Mr. Tom Mercer, City Manager



said that there will be seven custom made benches with engraved plaques, seven 32 gallon trash receptacles, twenty-two planter boxes and flowers purchased from Coley Nursery. The total cost for this project donated by BB&T is \$10,312.00. There is a press release scheduled for August 21, 2009. Mr. Tom Mercer, City Manager/Finance Officer expressed that the product delivery date is scheduled for August 28 and the volunteer work day is scheduled for August 29, 2009. A back-up date has been scheduled for September 12, 2009.

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

Commissioner Karan expressed that he has met with Jeff Grote, Weisgerber Group to discuss water/sewer allocation for the tract on the south side of Highway 56 next to the BP station. He noted that he explained to Mr. Grote that there was no recorded final plat for that property; therefore, he would not receive a letter of approval from the City for water/sewer taps.

Commissioner Karan said that there is a SGWASA meeting scheduled for tomorrow night and apparently the new Butner Town Hall complex will be shared by SGWASA. He expressed that the agreement is that SGWASA will help fund the construction of the complex and also pay to rent space.

Commissioner Karan announced that the Creedmoor Play Club will no longer be using the City Gym on Mondays. He said that the group is appreciative for the 18 months use of the building to allow the children to have a place to play.

Commissioner Karan reiterated that the Wilton Slopes Dedication is scheduled for Thursday at 7:00 p.m. The Wilton Slopes is located on Highway 96 at the Tarr River.

### **Public Safety:**

Commissioner Minor inquired if letters have been sent to the citizens that have 1" meters.

Mr. Tom Mercer, City Manager/Finance Officer said that he was informed that everyone has been notified.

Commissioner Minor said that it may not be feasible to pay \$2,000 to place a smaller meter and to consider leaving the meters as is and charging the fee for a small meter.

Mr. Tom Mercer, City Manager/Finance Officer said that he would research this matter.

Mayor Moss announced that the Town Hall Meeting is scheduled for Thursday, August 20, 2009 at 7:30 p.m. in conjunction with the Planning Board Meeting to review the proposed Strategic Plan.

Commissioner Wilkerson asked what the City would be doing with the meters that are being changed out.

Mr. Tom Mercer, City Manager/Finance Officer said that the meters would be sold for surplus. He said that he is hoping to schedule a date for early September.

**Attorney's Report:**

Attorney Currin gave an update of the passage of the Permit Extension Act of 2009 that was introduced by Senator Clodfelter. This will extend a number of permits that were to expire this year.

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