

MINUTES OF  
CITY OF CREEDMOOR – BOARD OF COMMISSIONERS  
REGULAR MEETING  
APRIL 22, 2008  
7:00 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 was Mr. Robert A. Schaumleffel, Jr., City Manager, Sandra Harper, City Clerk and Attorney Tom Currin.

Mayor Moss called the meeting to order at 7:00 p.m. in the Commissioner's Room at City Hall.

Mayor Moss introduced Mr. Chance Wilkinson in attendance this evening. Mr. Wilkinson is an Oxford City Commissioner and is currently running for District Court Judge.

**INVOCATION:**

Mayor Moss

**PLEDGE OF ALLEGIANCE:**

Commissioner Piper

**REQUESTS TO ADDRESS THE BOARD:**

Mr. Rick Grote, 9319 Dupree Point, Raleigh addressed the Board on behalf of the Weisgerber Group to clarify the issue of the recreation area at Paddington Subdivision. Mr. Grote said that the mylar met the requirements of both the Planning Board and Board of Commissioners at the time of recording. He expressed that as they were going through the Planning Board for the Highlands they were trying to get the mylar recorded for Paddington and there was an overlap which caused confusion as to what was required for the recreation space for the Highlands at Paddington. Mr. Grote said that later as Paddington was built out the Highlands was delayed for economic reasons.

Commissioner Minor advised that he was on the Planning Board at that time and according to the City's Recreation Ordinance an active playground must be in place before the first Certificate of Occupancy permit is issued. He expressed that according to the minutes "future active recreation" should have been corrected on the plat before recording the mylar. There is also a Special Use Permit for this subdivision which states that there must be active

recreation. Commissioner Minor said that the minutes also state that there was to be a gravel road going to the active recreation.

Mr. Grote said that he realized that Commissioner Minor differs in opinion; however, all he had to go on was the recording of the mylars after they were extensively investigated before recording and signed by the previous Planning Director.

Commissioner Karan said that he was also on the Planning Board before becoming a Commissioner five years ago and one of the things that they reviewed was the one-thirty-fifth of an acre per lot issue for active recreation space and for the first thirty-five houses a pool was not an acre.

Mayor Moss referred this issue to the Community and Economic Development Committee and the City Attorney.

#### **MINUTES:**

Moved by Commissioner Karan and seconded by Commissioner Piper to direct the City Clerk through the City Manager to start using a more concise minute format. The motion received a unanimous vote.

Moved by Commissioner Karan and seconded by Commissioner Piper that the City Clerk and the IT Department research and report findings to the City Manager of a digital recording device to support the concise minute format and that the device be purchased through the approval of the Finance Department and to implement the device at the next meeting. The motion received a unanimous vote.

Moved by Commissioner Karan and seconded by Commissioner Wilkerson to approve the minutes of the February 14, 2008 Town Hall Meeting, the minutes of March 25, 2008 and the minutes of April 9, 2008. The motion received a unanimous vote.

#### **APPROVAL/ADDITIONS TO AGENDA:**

Moved by Commissioner Karan and seconded by Commissioner Piper to approve the agenda with the addition of Item a-1 under Old Business - Resolution in Support of Traffic Signals and Turn Lanes at Highway 56/Crescent Drive/Hawley School Road. The motion received a unanimous vote.

#### **PUBLIC COMMENTS:**

Dr. Bill McKeller, 309 Central Avenue, Butner addressed the Board representing the Granville County Non-violent Action Team (GNAT) and gave an overview of the packet of information he sent the Board last week. He thanked the Board for their continued support opposing the National Bio-Agro Defense Facility (NBAF). Mr. McKeller said that other information could be obtained at [www.nobio.org](http://www.nobio.org).

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

**MANGER'S REPORT:**

Mr. Robert A. Schaumleffel, Jr., City Manager asked that Mr. Dan Boone of the Wooten Company give the Board an update on the Lake Rogers dredging project.

Mr. Dan Boone addressed the Board and said that they are continuing productive discussions with the low bidder for the project. He said that he does not have a recommendation for the Board this evening; however he hopes to provide more information at the next meeting.

Mr. Robert A. Schaumleffel, Jr., City Manager said that the Department budget requests should be returned to the City Manager by April 16, 2008. He said that he would distribute the budget to the Commissioners on May 16, 2008.

Mayor Moss announced the Budget Workshop Meeting dates.

**OLD BUSINESS:**

**Tax Audit:**

Mayor Moss read the letter he received from Ms. J.E. Duncan, Revenue Officer of the Department of the Treasury Internal as follows:

City of Creedmoor  
Darryl D. Moss, Mayor

We have granted your request to remove the Failure to File, Failure to Pay, and Failure to Deposit penalties for the Form 941 tax periods ending 03/31/2000; 06/30/2000; 12/31/2000; 9/30/2001; 12/31/2001; 06/30/2002; 09/30/2002; 12/31/2002; 03/31/2003; 06/30/2003; 09/30/2003; 12/31/2003; 06/30/2006; 09/30/2006.

However, we do not grant your request for removal of the penalties for the Form 941 periods ending 12/31/2006 and 03/31/2007. You have the right to request an appeal of our decision, and enclosed is a letter which explains the appeals process. The basis for our decision is the City's failure to follow the procedures of normal business care and prudence. You were first contacted by the Internal Revenue Service concerning problems with federal tax issues in 2004 but the Finance Director later informed the Board of Commissioners that "the matters had been resolved". When contacted a second time by the Service in June of 2006 and discovered that the tax issues were not resolved, the City did not take immediate action to determine the true scope of the tax problems and internal accountability issues.

If you have any questions or need more information, please contact me at the address or telephone number listed below.

Sincerely,

J.E. Duncan  
Revenue Officer

Mayor Moss expressed that the situation is still in flux and the situation may change. Mayor Moss gave the Board a handout and an overview of a spreadsheet that shows the year 2000 through the year 2007. He advised that the City has two new employees to help with finance as suggested by the LGC. Mayor Moss expressed that with an Internal Control Policy in place and the personnel changes that the City has made, we are doing what we have been asked to do and our efforts are being recognized.

**Resolution in Support of Traffic Signals and Turn Lanes at Highway 56/Crescent Drive/Hawley School Road:**

Moved by Commissioner Piper and seconded by Commissioner Robinson to adopt the Resolution in Support of Traffic Signals and Turn Lanes at Highway 56/Crescent Drive/Hawley School Road. The motion received a unanimous vote.

**Department Head Reports:**

Ms. Lenessa Hawkins presented the Board with Budget Amendments.

Moved by Commissioner Robinson and seconded by Commissioner Minor to adopt the Budget Amendments as presented. The motion received a unanimous vote.

**Yorkshire – Master Plan Preliminary Plat:**

Mr. Dave Roesler, Planning Director addressed the Board and said that Yorkshire was presented at the April 9 and March 25, 2008 Board meetings and there were several issues raised by the Board regarding the proposed Neighborhoods of Yorkshire development and these issues have been addressed.

Upon discussion, the following suggested changes were made to the Resolution by the City Attorney as follows:

- #4. Add a new sentence; “Said plans shall include a street constructed to connect with the roadway in Pine Valley Subdivision.”
- #32. Under Silt Control delete “Brassfield Road” and insert “any City or County street or road.”
- #33 Add a new sentence; “Water lines shall be extended into and connect at Pine Valley Development as well as to Moss Road and Sam Moss Hayes Road.”

Moved by Commissioner Wilkerson and seconded by Commissioner Robinson to approve the application for the Master Plan Preliminary Plat and adopt the Resolution Approving An Application For A Master Plan Preliminary Plat For The Neighborhoods Of YorkShire with the recommended changes by the City Attorney. The motion received a unanimous vote.

**Resolution – Felony Expungement:**

There was no action taken.

**NEW BUSINESS:**

**Zoning Map Amendment Petition – Lewis Dull Property:**

Moved by Commissioner Karan and seconded by Commissioner Piper to schedule a Public Hearing for May 27, 2008 at 7:00 p.m. for the Zoning Map Amendment Petition for the Lewis Dull Property located on NC Hwy. 56. The motion received a unanimous vote.

**Resolution - Authorizing The Disposition of Certain Personal Property:**

This resolution would authorize Police Chief Tim Benware to dispose of property in accordance with NCGS 160A-267

Moved by Commissioner Piper and seconded by Commissioner Minor to adopt the Resolution Authorizing The Disposition Of Certain Personal Property By Private Sale. The motion received a unanimous vote.

**Proclamations:**

Moved by Commissioner Piper and seconded by Commissioner Karan to adopt the Proclamation for *Municipal Clerks Week*, the Proclamation for *Youth Gang Awareness and Prevention Month*, the Proclamation for *National Day of Prayer* and the Proclamation for *Seat Belt Awareness Month*. The motion received a unanimous vote.

**MAYOR’S REPORT:**

Mayor Moss announced that this was his month to attend the Granville County Board meetings and that the City’s ETJ appointments were approved by the County.

Mayor Moss made reference to the City’s population expressing one report shows 2,718 and the other report shows 4,496. Mayor Moss expressed that the City is trying to get this resolved.

Mayor Moss said that he has requested to be placed on SGWASA’s next agenda to express the displeasure of this Board over the question of the voting status of the Creedmoor

representatives. He said that he will also respond to the issue of SGWASA no longer wanting to be the City's ORC.

Commissioner Karan advised that he had prepared a resolution in response to SGWASA's actions and read it to the Board.

Moved by Commissioner Karan and seconded by Commissioner Robinson to adopt the Resolution Response To SGWASA. The motion received a unanimous vote.

Mayor Moss will present the Resolution at the May 13, 2008 SGWASA Board Meeting.

### **COMMISSIONER REPORTS:**

Commissioner Robinson said that his committee has reviewed the cut-off procedures for non-payment for water. He said that the residents receive notice in the evening by telephone and that the businesses would be receiving a courtesy call during the day.

Commissioner Karan inquired about the street closing for the car show scheduled for May 17th, 2008. He also asked for maintenance staff coverage for this event.

Chief Benware said that he has received approval for the street closing.

Commissioner Karan announced that he would be representing the City of Creedmoor and the State of North Carolina at the upcoming "We Play National Play" seminar in Charlotte.

Mayor Moss advised that the Tour To Cure was scheduled for June 7th and June 8th and the location for the bicyclist rest stop would be Hawley School. He welcomed volunteers.

Commissioner Wilkerson inquired about the status of the grant for the sidewalk for Hwy. 56 from Food Lion to the school.

Mr. Dave Roesler, Planning Director said that the City probably would not hear anything until the first of June.

Commissioner Wilkerson said that he has received permission for the City to maintain Chief Street from ditch to ditch.

Mayor Moss said that because of this investigation the NCDOT has asked for reimbursement for three-years of Powell Bill money.

Attorney Currin said that he would speak with Commissioner Wilkerson to see what the concerned parties are willing to do in terms of making this more than a case-by-case basis. Attorney Currin suggested that the City consider writing the State and say that this is a public right-of-way, which is being maintained by the City and that Chief Street should remain on the Powell Bill.

Commissioner Wilkerson inquired about the status of the signs for Engine Breaking. He noted that he wanted the signs placed on both entrances of Highway 56.

Commissioner Wilkerson requested that for future events on Main Street a letter of notification be sent to the business owners.

Moved by Commissioner Wilkerson and seconded by Commissioner Piper that for all future events the business owners be given notification by letter. The motion received a unanimous vote.

Commissioner Minor inquired about the estimated cost for the re-grading of the three gravel streets.

Mr. Steve Colenda, City Inspector said that the estimated cost was approximately \$4,000 to place three inches of stone on each gravel street. He said that this does not include Chief Street.

Commissioner Minor expressed that he would like to see a language change to the City's burning ordinance to read "if someone complains the fire must be put out." Commissioner Minor expressed that if it grows on your property you are allowed to burn it.

Mr. Steve Colenda said that the City has leaf pickup; however, citizens must make a request. He said that he has only been issuing burning permits to Developers.

Commissioner Minor said that he would like to eliminate the issuance of burning permits to developers.

Mayor Moss referred this to the Energy, Environment & Natural Resources Committee.

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

Upon return to Regular Session, moved by Commissioner Piper and seconded by Commissioner Karan to adjourn. The motion received a unanimous vote.

---

Mayor

---

City Clerk