

MINUTES OF
CITY OF CREEDMOOR – BOARD OF COMMISSIONERS
REGULAR MEETING AND PUBLIC HEARINGS
AUGUST 22, 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:

Commissioner Ray

Mayor Moss announced that there was an incident at South Granville High School today and the school was evacuated. Mayor Moss asked Chief Pollard and Captain Williams to come forward and give an update.

Captain Dennis Williams said that the school received a suspicious letter this afternoon in reference to a bomb threat. Captain Williams said that he talked with school staff and they informed Mr. Tom Williams, Granville County Schools Superintendent. He said that the decision was made to dismiss class. Captain Williams said that it took approximately twenty-five minutes to get everyone out of the building, get students on the bus and in their cars safely. He noted that there were no casualties. Captain Williams said that the City received help from the Granville County Sheriff's Department, which assisted in directing traffic and blocking off the parking lots. He said that Durham County was called in and they brought their K-9 bomb unit to check the building and fortunately nothing was found. Captain Williams said that the Police units were at the scene from approximately 1:15 p.m. until 6:45 p.m. He said that this incident would be an ongoing investigation to find out exactly what happened.

Mr. Robert A. Schaumleffel, Jr., City Manager introduced Captain Dennis Williams, Assistant Police Chief and welcomed him to the Creedmoor Police Department. Captain Williams received a round of applause.

Mayor Moss announced that he met with Mr. Franklin Freeman, Sr. Policy Advisor for Governor Easley at 3:00 p.m. yesterday and presented him with the Partnership for Working Toward Inclusive Communities Resolution and the Unity Resolution that have recently been adopted. He said that at that meeting he expressed the City's support of our neighbors in Butner, their efforts to incorporate and the community of Butner voting to decide whether they actually want to incorporate. Mayor Moss said that he received a very good response from that meeting.

PUBLIC HEARINGS:

Petition for Voluntary Annexation – 29.38 acres located on West Highway 56:

Mr. Dave Roesler, Planning Director gave a brief overview of the Petition for Voluntary Annexation of the 29.38 acres. He advised that at the June 25, 2006 meeting, the Board of Commissioners continued the Public Hearing until this date and there was nothing to add at this time.

Mayor Moss opened the Public Hearing.

Mr. Joe Lyle, of 3609 Willow Bluff Drive, Raleigh addressed the Board to represent the petitioner. He advised that he was the Development Director for Millridge Companies, and Lake Glad Partners. He noted that they had recently purchased this property from Rockland Parkway Partners, LLC. which previously presented the petition. Mr. Lyle said that he had the opportunity to meet with Mr. Dave Roesler, Planning Director for the City of Creedmoor to discuss this project. He said that the developers were proposing commercial development on the 29.38 acres after annexation and presented to the Board a color copy of the proposed project. Mr. Lyle said that a meeting was held yesterday with some of the adjoining property owners and positive feedback was received. He said that some of those property owners were present this evening.

Mr. Lyle gave a brief overview of the conceptual diagram of the traffic pattern of the project. He said that they were proposing limited access onto Hwy. 56. There would be one full access driveway, which is on the road that is called the Parkway.

Commissioner Mangum inquired about road size.

Mr. Lyle said that there was no information as to road size at this level of the project.

Mr. Robert Schaumleffel, Jr., City Manager advised that staff talked with the developer and expressed that there should be one main entrance only and a North and South service route.

Commissioner Ray inquired about the number of lanes for roads on this project.

Mr. Lyle said that the entrance starts as two lanes of entry and four lanes of exit and narrows down to two lanes running in each direction. He said that this plan would be reviewed by the Department of Transportation.

Commissioner Mangum asked if Lake Road was to become a divided highway.

Mr. Lyle said that the City's Planning Director made the recommendation for a divided highway.

Mr. Dave Roesler, Planning Director addressed the Board and said that road was a very important entranceway into the City of Creedmoor and should be as attractive as efficient. The proposal was discussed with DOT and they are in agreement that this would be a twenty-foot wide landscaped median. He said this would accommodate left turn lanes and a signalized intersection. Mr. Roesler said that the signalized intersection would be lined up with the secondary access to Chappell Point. He said the main access was one-quarter of a mile northwest, which is adequate distance for an arterial road such as NC Hwy. 56.

Commissioner Mangum inquired about developments that Millridge Companies had recently completed in the area.

Mr. Lyle said that they are basically out of Wake Forest and have developments in Raleigh and various areas of Wake County. He noted that they have also recently purchased the Kerr-Tar Association Hub Site in Oxford. Mr. Lyle said that they have several other developments under construction in Oxford and they own property located on East Lyon Station Road (Stubbs farm) to be developed. He advised that St. Ives Subdivision of Wake Forest, which homes start at \$450,000.00 was under construction and they also have a subdivision at Briar Creek.

Commissioner Robinson asked about a traffic study.

Mr. Lyle replied that there was no traffic study at this level. He said that once they move forward with this project and the adjoining project the Department of Transportation would become a key role in the approval process. He noted that they would also have to come back before this Board for Site Plan approval.

Commissioner Mangum asked if Millridge owns the residential portion.

Mr. Lyle said that Millridge was the new owners of the residential portion, which contains 194 acres.

Mr. Dave Roesler said that he had two discussions with the District Engineer from the Department of Transportation located in Durham and there is a list of improvements for this project.

Mr. Lyle said that he also participated in the DOT planning meeting in Oxford along with Mr. Roesler and there was discussion about this project as well as county wide improvements. He said that they attended this meeting to try to develop a good relationship with the City and DOT as they work closely on this project.

Commissioner Piper asked if they had any foresight as to how this project would affect the Thoroughfare Plan for the City of Creedmoor.

Mr. Joe Lyle said that he talked with Mr. Dave Roesler, Planning Director and it was also discussed at the DOT meeting and this plan is slightly different but offers much more.

He advised that they would put in the Parkway road completely through the project, which would take that burden away from the City. Mr. Lyle said that the road would accommodate this subdivision and the improvements on Hwy. 56 along with Lyon Station Road. He noted that this had been master planned to also coordinate with the subdivision across the street and DOT was in agreement.

Mr. Dave Roesler, Planning Director said that there had been discussions with CAMPO along with DOT about the possibility of changes to the City's current Thoroughfare Plan that will affect Wake County as well as Granville County.

Commissioner Mangum said that one of the things that DOT had informed this Board about was that the Old Weaver Trail loop would have to be closer in for it to be effective to relieve the traffic on Hwy. 56. She noted that the Parkway road as presented in the plans a couple of months ago was not the road that should connect to our Thoroughfare Plan. She commented that the plan that was presented to the Board would never work with the City's Thoroughfare Plan.

Mr. Joe Lyle said that there was a discussion at the DOT meeting that there are serious environmental concerns of bringing that outer loop through the Core of Engineers land that comes in behind the lake and drainage that continues down to Falls Lake at Old Weaver Trail. He said that the transportation plan needs a fresh look as to how to avoid some of those environmental issues. He said that the conversation at that DOT meeting revolved around the need for an inner loop and an outer loop. He said that they would like to accommodate the City but there has been no final decision by DOT.

Mayor Moss said that he attended a CAMPO meeting last week and Mr. Lyndo Tippit of the Department of Transportation announced that he was initiating a study of Hwy. 50 and was proposing that they take a look at a traffic route from I-540 to I-85. He said that this might minimize the work needed for Hwy. 50 and also may eliminate the need for the southwestern portion of the loop.

Commissioner Karan said that he was the Transportation Infrastructure Chair person for the City and reminded everyone that the DOT Thoroughfare Plan was not just one road but was an eight road upgrade. He advised that the plan was to four-lane Hwy. 56 W. on that side of town, three-lane East Hwy. 56, and to have six-lanes by I-85 between the Creedmoor-Butner interchanges.

Ms. Freida Allgood, 1676 Hwy. 56 W. addressed the Board to represent several adjacent property owners of the proposed annexation site. She informed the Board that the adjacent property owners were considering selling their property to the Millridge Companies and noted that they see it as an advantage for the community. She said that the community is losing money because people are driving out of Granville County to do their shopping and to go to restaurants. Ms. Allgood said that she felt that this project was a positive opportunity for Granville County and emphasized that being so close to I-85 would bring more businesses inside of Granville County. She said that her son had moved out of Granville County and her daughter is in High School and she also plans to move away. Ms. Allgood said that we need opportunities for our children to keep them in this community.

Commissioner Ray asked if the property owners she was representing were adjacent property owners to the 29 acres or across the street.

Ms. Allgood replied that their property adjoins the property in question. She said that she was supportive of the project and that the developers are interested in purchasing their land for expansion.

Commissioner Ray emphasized that the commercial property would be within the jurisdiction of Creedmoor but the residential section would be outside of Creedmoor. Commissioner Ray said that he had concern about the transition of the Road from the 29 acre commercial section into the residential portion of the project. He stated that as a public safety issue this could be a nightmare and asked why they chose not to bring the 194 acres into the City.

Mr. Lyle replied that they had an in-house lengthy discussion on this subject and found that there were a lot of obstacles. He said they ran the financial projections and marketing survey and purchased the property based on those projections. He said they spent in excess of \$250,000.00 to \$300,000.00 in planning and engineering fees. Mr. Lyle said that if they annex the entire property every penny of that money would be lost and they would have to start over again. He said they have been talking with several people from our market studies to determine who would be potential purchasers. He said they make certain projections on the time limit to hold this property due to paying interest on the money borrowed and if they start over again that money would be lost. Mr. Lyle said that the City's engineering standards are different from the County's standards and if the project was in the City we would lose money because we would have to widen the roadways by 20 feet. Mr. Lyle said that they had talked briefly of bringing this project to the City of Creedmoor and asking if they would accept it as presented. He said that they had talked with the City Manager and City Planning Director about the needs of the City and they want to be a good neighbor. He said there may be room to look at some other options but they would need to have a completely different type of plan if they were to start over again. He said that his company had invested millions of dollars in Granville County and they stand behind their projects. He said they want to accommodate a win-win situation. Mr. Lyle said that he welcomed the opportunity to talk with the City to see if they could find a compromise but did not know if they could make it work financially.

Commissioner Ray said that he understood that the project would have to lose some lots if the roads are widened but looking at the whole picture, I represent the citizens and have to look out for their best interest. He said that he appreciated the honesty of Mr. Lyle and the willingness to work with the City; however, with the proposed new law Creedmoor may be forced to take this residential area into its ETJ and he had to look at the potential cost to the City in the long run. Commissioner Ray contended that he would like to see the developers bring a plan to the Board with compromises that the Board could consider. He emphasized that developers had cost the City money in the past and he felt the Board should take their time making a decision.

Mr. Lyle said that they are actively trying to purchase the adjacent parcels that are considered donut holes at this time.

Commissioner Piper said that he felt Mr. Lyle wanted to work with the City to make this a comprisable project and inquired about the prices of the proposed houses in the residential area.

Mr. Lyle replied that the prices for the homes would be from \$150,000.00 up to \$350,000.00.

Commissioner Mangum said that she felt this plan was a great improvement over the previous plan and noted that she liked that they had creative ideas. She said that her concern was that this was the entranceway into the City and was going to be connecting to a large residential area. Commissioner Mangum noted that as mentioned earlier, if the property remains in the County the project could be built to a lesser quality because Creedmoor has higher standards. Commissioner Mangum said that when the roads are smaller and the lots are smaller this is obviously a lower quality community. She said that she had concerns because the City is investing in our community by making something nice and Millridge is looking to save money by connecting it to something that is not as nice.

Mr. Lyle said that Commissioner Mangum had a valid concern and he understood. He said that Creedmoor does not have a subdivision at the quality that they build. Mr. Lyle said that he would gladly take the Board to see some of their subdivisions to show that they are better than anything that has been built in Creedmoor. He noted that they spend a tremendous amount of money on entranceways and they have greenway trails and recreation centers. He said that they are trying to build a community not just a subdivision.

Mr. Robert A. Schaumleffel, Jr., City Manager asked if they would commit to building a project with a price range of housing that is similar to Oxford Park and offer amenities.

Mr. Lyle said that he would absolutely commit to sidewalks, greenways and recreation.

Commissioner Ray inquired about curb and gutter.

Mr. Lyle said that it was not recommended because water quality is better in subdivisions without curb and gutter.

Commissioner Ray said that he was not disputing that sometimes it is best not to use curb and gutter because each project varies but Creedmoor has a subdivision that now has major problems because based upon DENR's recommendation they did not use curb and gutter. He said that he would like the commitment from Mr. Lyle to guarantee that he would build a quality development.

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

Re-zoning – Special Use District Business-2:

Mr. Dave Roesler, Planning Director addressed the Board and said that a petition was received to amend the Official Zoning Map from Residential-2 to Special Use District Business-2 (SUD-B2). The property contains 29.68 acres and is located on the south side

of NC Highway 56, approximately 1,500 feet northwest of Lake Rogers. At the June 25, 2006 Board of Commissioners meeting, the Board scheduled a public hearing for this evening.

The Planning Board reviewed the application at their May 11, 2006 meeting and June 8, 2006 meeting. By a 7-1 vote, the Planning Board recommended approval of the application requesting Special Use District Business-2.

The Planning Board based their recommendation on the basis that Special Use District Zoning and issuance of a special use permit, would provide the process to adequately recognize that any commercial activity in this location would be carefully planned; designed and constructed so as to minimize transportation impacts; provide compatible uses to adjoining properties, and enhance the entranceway into Creedmoor.

Mayor Moss opened the Public Hearing.

Ms. Vickie Bass, 1673 NC Highway 56 addressed the Board and inquired about the procedure for notification of this Public Hearing.

Ms. Sandra Harper, City Clerk said that a notification was published two times in the Butner-Creedmoor News. The dates of publication were August 10, 2006 and August 17, 2006 for the rezoning of the 29.68 acres.

Ms. Vickie Bass said that the specific parcels were not identified, the property owners were not notified and the property was not posted.

Mr. Dave Roesler, Planning Director said that at the time of this application the City's procedure was that only adjacent property owners receive notification. He said that staff reviewed the process and it was modified to only property owners within 500 feet should receive notification. He said that he received self addressed envelopes from the developer and those notifications were mailed out.

Ms. Bass said that the notifications did not occur and asked that the Board table this Public Hearing and that proper procedures be performed.

Mayor Moss said that this was a Public Hearing and should the Board make the decision to take action on this issue there would be discussion and they may choose or not choose to add this to the agenda. He also noted that her comments would be taken into consideration.

Commissioner Karan asked which property owners did not receive notification.

Ms. Bass said that the property owner was present and they may come forward to speak.

Ms. Bass said that for the record, she lives across the street from the proposed property and was disappointed that there was no communication with the opposite side of the road regarding this project. She said that she not only represented the Bass property but also the Green property and the Suit property, which are all in opposition to the project due to lack of information.

Ms. Carolyn Harris, 210 College Street, Oxford addressed the Board to represent the Coley family. She said that the Coley family did not receive information regarding this rezoning.

Commissioner Karan asked if she was an adjoining property owner.

Ms. Harris replied that the Coley family was in the middle and across the road from the proposed property.

Commissioner Ray said that the City has in the past notified property owners across the street from a proposed rezoning property.

Attorney Currin said that generally in the past they were notified. He also noted that the point of notification was to give everyone involved an opportunity to attend the public hearing and it appeared that the owners were aware of the meeting because they were present.

Mr. Joe Lyle representing Millridge addressed the Board and presented for the record a copy of the petition and the property owners that were notified. He also apologized for any property owner that did not receive a notification.

Mr. Dave Roesler, Planning Director said that he had available the Granville County Tax map of adjoining property owners. He emphasized that letters were sent to all listed property owners for the April meeting but did not resend the letters for this continued meeting.

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

Tractor Trailer Motor Vehicles in Residential Areas:

Mr. Dave Roesler, Planning Director addressed the Board and gave an overview of the proposed text change for restrictions for tractor-trailer traffic and parking in residential areas. He noted that the concerns were that local streets are not geometrically designed for steady large truck traffic. Daily large truck traffic on residential streets lead to greatly increased City maintenance costs due to the unanticipated weight placed on these streets. Mr. Roesler explained that in addition to maintenance, parking and or storage of tractor-trailer trucks within residential neighborhoods detracts from the appearance of neighborhoods and allows for increased vehicle noise.

Mr. Roesler advised that the Planning Board met July 13, 2006 and by unanimous vote recommended approval of the proposed text change to the City of Creedmoor Code of Ordinances Section 72.22, Tractor Trailer Parking Restricted.

Mayor Moss opened the Public Hearing.

Ms. Terry Hamilton, 2791 Barry Court addressed the Board and said that she was one of the citizens that had a problem with the designated residential parking area of Golden Pond. She said that when they first purchased property in the Golden Pond Subdivision

she was told that the designated parking area would be for boats and things of that nature. However, in the past two years there has been weekly parking of a semi-truck. Ms. Hamilton said that she was in support of the proposed text change for restricted tractor-trailer parking.

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

REQUESTS TO ADDRESS THE BOARD:

Mayor Moss advised that Mr. Jim Overstreet was to speak this evening for area fishing representatives but was unable to attend this evening.

Mayor Moss announced that City employees Elaine Thorpe and Sherry Harrell recently attended and passed the Tax Administration Program at the IOG and Sandra Harper, City Clerk achieved her second level for Master Municipal Clerk.

Mr. Robert A. Schamleffel, Jr., City Manager announced that Mayor Moss was recently presented with the Service to Humanity Mankind Award and it would be placed at City Hall.

MINUTES:

Moved by Commissioner Piper and seconded by Commissioner Ray approval of the minutes of the May 10, 2006 Budget Work Session, May 16, 2006 Budget Work Session, July 6, 2006 Emergency Meeting and the July 25, 2006 Regular Board Meeting. The motion received a unanimous vote.

APPROVAL/ADDITIONS TO AGENDA:

Commissioner Ray said that he would like to table the voluntary annexation until next month for further discussion between the developer and the City in regards to the donut-hole properties. He commented that Mr. Lyle talked about the possibility of purchasing other adjoining properties.

Commissioner Karan said that he felt it was unfair to hold up a voluntary annexation to see if we can get people to voluntarily annex into the City.

Commissioner Ray said that he was asking to wait until further discussion in regards to the project to see if this is something that we really want to do. He noted that there may be other property owners that choose to voluntarily annex into the City as well.

Commissioner Robinson said that just because it is annexed into the City does not give them the permission to build on that site.

Attorney Currin stated that the City already has zoning jurisdiction over this area. He said the only change would be that once taken into the City the owner has to pay taxes.

Commissioner Piper said that he is not against the project but he did want to give the additional property owners an opportunity to become a part of the annexation. He said that he had concerns of the property owners that said they did not receive notification.

Attorney Currin said that the notifications were for the rezoning. He said that he had reviewed the situation and it appeared that the notifications were in compliance and that the City had substantially done more notifying than they were required to do. In a good faith effort many people in the area were notified and there was no legal deficiency.

Moved by Commissioner Ray and seconded by Commissioner Piper to table the Voluntary Annexation of the 29.38 acres located on West Hwy. 56 until the September 26, 2006 meeting for further discussion. The motion received a 3-2 vote.

Aye Votes: Commissioner Mangum, Commissioner Piper and Commissioner Ray

No Votes: Commissioner Karan and Commissioner Robinson

Moved by Commissioner Karan to table all City business for thirty days. The motion failed for a lack of a second.

Moved by Commissioner Karan and seconded by Piper to add under New Business Item 11-b as Rezoning – Special Use District Business-2. The motion received a unanimous vote.

Moved by Commissioner Karan and seconded by Commissioner Piper to add under New Business Item 11-c as Tractor-Trailer Motor Vehicles in Residential Areas. The motion received a unanimous vote.

Moved by Commissioner Karan and seconded by Commissioner Ray to add under New Business Item 11-d as Discussion of ETJ Expansion. The motion received a unanimous vote.

Mayor Moss added Item 11-e as Recreation Usage Fee.

Moved by Commissioner Karan and seconded by Commissioner Ray to adopt the agenda. The motion received a unanimous vote.

PUBLIC COMMENTS:

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

MANAGER’S REPORT:

Mr. Robert A. Schaumleffel, Jr., City Manager addressed the Board and said that he provided the Board with a memo dated August 17, 2006 and asked if they had questions on any of the 14 items of his report.

Commissioner Karan inquired about the City’s water/sewer calculations.

Mr. Schaumleffel said that he did not have that information with him but would get it to him.

Commissioner Karan said that the City was looking at a 400 lot subdivision, a 300 lot subdivision and a 103 lot subdivision and asked if the developers are being told to go through SGWASA.

Mr. Schaumleffel advised that he, Bob Jones, Public Service Director, Steve Colenda, City Inspector and Dave Roesler, Planning Director had discussions on this issue and found that two to three developments could be accomplished with the City's existing capacity with the approval of the booster station. He said that this would give the City approximately three years to prepare for the long range solution of connecting to the City of Oxford. He said that although he had been contacted several times for discussion about the Dove Road project no plan had been presented to him; therefore, this was not included. Mr. Schaumleffel expressed that the three subdivisions that had been discussed with the Board were Brassfield, Goldston and the Whitfield properties, two of which have already been voluntarily annexed into the City.

Commissioner Karan said that his point was that in negotiations with developers they should be made aware of the water/sewer availability.

Mr. Schaumleffel, City Manager said that the developers have asked about water/sewer capacity and staff has been upfront with them about this issue.

Commissioner Karan said that there was less than 100,000 gallons of sewer capacity available.

Mr. Schaumleffel advised that the developers were aware of the situation and that the booster station would add the availability to handle the additional developments until such time the City makes the connection to the City of Oxford.

Commissioner Karan said that he was talking about the actual capacity.

Mr. Schaumleffel said that staff had ongoing dialogue with the City's engineering firm and the City is committed to the Goldston property and the Whitfield property, which was annexed into the City. He noted that Brassfield would be presented to the Board next month as a voluntary annexation.

Commissioner Karan said that his calculations show that the City is averaging 260 gpd average daily flow and the City has already allocated 299,000 gpd, which does not include the two subdivisions mentioned. He said that at 360 the same number comes up to 410,000 gallons and our general capacity is 550,000 gallons. Commissioner Karan said that the City is looking at 100,000 gallons of water/sewer availability and the City has already lost by not putting any projects forward to try to retrieve allocation from SGWASA and may lose out again. He said that the County has already taken 100% of the original 270,000 gallons available through SGWASA. He emphasized that the 400,000 gallons made available was already half gone. Commissioner Karan had concern that the City would not be able to negotiate a 400 lot subdivision with less than 100,000 gallons of sewage.

Commissioner Ray asked that Mr. Schaumleffel review the letter from SGWASA that indicated that 500,000 gallons of water/sewer would be available to Creedmoor. He said this should be in addition to the allocation that the City already has.

Commissioner Karan said that he was the Chairperson for the Transportation Committee and he knew nothing about it until receiving the list last week pertaining to the paving of specific streets. He asked Mr. Schaumleffel if he was going to ask for the Board's input on this issue.

Mr. Schaumleffel said that it was not paving projects but was preventative maintenance. He said that the maintenance was for the main part of the City and he was focusing on areas of complaints from citizens. Mr. Schaumleffel said that he would provide the Board with an updated list of the dollars to be spent.

Mr. Schaumleffel said that he received a letter from the County a few months ago requesting additional connections to the Wilton Water System. He said that he also received a letter from the NC Department of Natural Resources saying that they were notified that the Wilton Food Mart had deficiencies. Mr. Schaumleffel said that this property was across the street from the previous location approved by the Board earlier this year.

Commissioner Karan asked if the City had found a contract from the County that they can charge us wheeling fees on the pipe from Butner.

Ms. Eleanor Fowler, Finance Director said no.

Commissioner Karan said that although the County owns the water line, the City controls the taps on the Wilton water line and asked if the City had any discussions pertaining to ownership of the line.

Mr. Schaumleffel said that the discussion would take place; however, because of other major issues it had not been addressed.

Commissioner Karan asked if the City had the ability to reap a capacity fee for allocation usage from those who tap onto the water line.

Attorney Currin advised that the City had control over a tap and do not have to allow another tap. He said that there was a contract with the County saying that the line was constructed for the use of the school.

Commissioner Karan asked if there was anything stated in the contract that would prohibit the City from collecting capacity fees from the tap.

Attorney Currin advised that the Board would need to adopt a fee and add it to the fee schedule.

Commissioner Karan said that he wanted to make sure that the City was being treated fairly.

Mayor Moss said that the fees were waived for the school and the Churches.

Moved by Commissioner Piper and seconded by Commissioner Karan approval of the Wilton Food Mart connection to the Wilton Water line. The motion received a unanimous vote.

Mr. Schaumleffel advised that the City needed to enter into an agreement with the Wooten Company for an additional \$15,000.00 in regards to the USDA loan.

Mr. Dan Boone of the Wooten Company addressed the Board and said that the long range study report would answer some of Commissioner Karan's concern. He said that the contract looks at the long range aspect of putting together a report in USDA format that would allow the City to apply for funding through USDA. This may be a combination that would also in the future connect the City of Creedmoor to the City of Oxford, which would also be a phasing of the current water/sewer taps. He said that this could be done in connection with the Booster Pumping Station interim Phase II to increase the sewer capacity to Butner from around 300,000 gpd to 450 gpd without any increase in force main line size. He said the contract was to proceed with the USDA funding application and the report necessary for long range water/sewer needs and to connect to the City of Oxford.

Mayor Moss announced that Congressman Miller, Senator Dole and Senator Burr were helpful in getting the City a waiver on the USDA loan.

Moved by Commissioner Ray and seconded by Commissioner Piper authorizing approval of the contract with the Wooten Company for an additional \$15,000.00 to proceed with the USDA funding application and report. The motion received a unanimous vote.

Mr. Robert Schaumleffel said that he attended a local Government Commission meeting along with Bob Jones, Public Works Director and Dan Boone to talk about the City's interim long range projects totaling approximately 7 million dollars. He said that the LGC suggested that the City do so with a G.O. Bond. Mr. Schamuleffel said that the City needed to do the proper notifications and the LGC must receive the paper work by January, 2007.

Mayor Moss asked that the City Manager provide to the Board information within the next ten days for review in reference to the G. O. Bonds so that the Board would be prepared at the next meeting.

Mr. Schaumleffel gave the Board a handout of pictures at Whitehall that shows that a resident has dammed up one of the City's waterway areas. He said that the Maintenance crew had been working hard to clean up the utility easements and there was a need for better access to these areas. He noted that the City had an inquiry from an adjoining property owner about the purchase of the property where the old lift station was located that is currently owned by the City.

Mr. Schaumleffel presented pictures of pavement that shows damage caused by waste trucks at dumpster locations in public right-of-ways.

Mr. Schaumleffel announced that the State has made it mandatory that anyone living within Granville County must pay for a fishing license as of January, 2007.

Mr. Schaumleffel said that Ms. Eleanor Fowler, Finance Director would present the Tax Settlement.

Ms. Eleanor Fowler read the Tax settlement as follows:

Tax Settlement 2005-2006:

On August 22, 2006 the Tax Collector was charged with collecting taxes in accordance with in the amount of \$1,328,518.46 for the fiscal year 2005-2006.

Prepayment for 2005	-0-
Advalorem Taxes	\$1,158,332.76
Prior Years Taxes	20,577.80
Interest and Penalties	11,802.44
Granville County Vehicle Tax	137,805.46
Granville County Prior Years	-0-
Total	\$1,328,518.46

Charge To Tax Collector:

Moved by Commissioner Karan and seconded by Commissioner Robinson that the Tax Collector is charged with collecting taxes in the amount of \$194,090,251.00 for fiscal year 2006-2007. Elaine Thorpe Deputy Tax Collector is authorized to collect taxes as permitted in the Machinery Act of North Carolina.

Valuations for 2006 as follows:

Real Property	\$187,482,886.00
Personal Property	7,577,104.00
Less Elderly Exemption	(969,739.00)
Total Valuation	<u>\$194,090,251.00</u>

-5- Aye Votes

-0- No Votes

Ms. Eleanor Fowler also presented a resolution electing to become a member of Interlocal Risk Financing Fund of North Carolina for Interlocal Agreement for a Group Self-Insurance Pool For Property and Liability Risk Sharing. She also presented the Board with a resolution electing to become a member of the North Carolina Interlocal Risk Management Agency for a Group Self-Insurance Pool For Workers' Compensation Risk Sharing.

Moved by Commissioner Piper and seconded by Commissioner Karan to adopt the *Resolution for Interlocal Agreement For A Group Self-Insurance Pool For Workers' Compensation Risk Sharing* and the *Resolution For Interlocal Agreement For A Group Self-Insurance Pool For Property And Liability Risk Sharing*. The motion received a unanimous vote.

OLD BUSINESS:

Department Head Reports:

Provided in the Board packets were monthly reports from the Water Plant and Police Department.

Water Plan Improvements Presentation – The Wooten Company:

Mr. Vance Brook and Mr. Chris Thompson addressed the Board and gave an overview of the recommendations for Water Treatment Plant Disinfectants/Disinfection Byproducts Preliminary Report. The City of Creedmoor contracted with the Wooten Company (TWC) to study its water system in order to minimize the production of disinfection by-products (DBPs) and improve overall water quality from the City's own water treatment plant (WTP) and its bulk water purchases from the Town of Butner. As part of its work, the Wooten Company made several visits to the Water Treatment Plant to review the plant's operations, assist plant personnel with bench-scale jar testing of treatment chemicals, and help conduct full-scale pilot testing of alternative chemicals.

The preliminary Engineering Report provided support for recommendations that are split into two categories.

Mr. Chris Thompson gave a Power Point presentation regarding the estimated costs. The first set of recommendations is intended specifically to reduce the level of DBPs at the plant and in the City's distribution system. The second set of recommendations is meant to improve the City's overall water quality and plant operations.

Mr. Thompson also presented a Report On Additional Water Treatment Plant Upgrades for the City of Creedmoor. He said the work culminated in the Water Treatment Plant Disinfectants and Disinfection Byproducts Preliminary Engineering Report (D/DBP PER) was submitted to the City under a separate cover.

As a result of field visits, facility inspections, and discussions with plant staff while performing D/DBP PER, additional items at the City's Water Treatment Plant were found to be in need of rehabilitation or replacement. This report describes these observed

deficiencies and makes recommendations on how to proceed with improvements. The total estimated costs for all recommendations are as follows:

- Capital Costs \$710,000.00
- Annual O&M Costs \$ 27,800.00

Note:

1. Costs – except for the Dredge Lake Rogers line item – are preliminary and in 2006 dollars
2. Costs shown to Dredge Lake Rogers is a preliminary budget cost from a previous study.
3. Do not use any costs for construction.

Potential Sources of Funding:

- USDA Rural Development
 - Grant/Loan
 - GO Bond
 - Approved by citizens
 - Potentially backed by USDA
 - Packaged as part of much larger project

Mr. Dan Boone of the Wooten Company addressed the Board and commented that the City had a problem with trihalomethanes and he was encouraged by the results of this report which shows that the City can successfully meet the regulated EPA level. He praised the operators of the Water Treatment Plant for working hard to achieve the EPA level to deliver water to the citizens of Creedmoor.

Mayor Moss said that without water/air none of us would be here today. He echoed the comment from Mr. Boone about the Water Treatment Plant staff working hard to have good water available to the citizens of Creedmoor.

Hunting on Municipal Property:

Duck Hunting:

Mayor Moss said that historically the City had a duck hunting permit fee and this no longer exists on the fee schedule. Mayor Moss explained that this decision was made by the Board this year during the budget process. He expressed that the City has a No Fire Arms Ordinance and the lake is in the City limits of Creedmoor. Mayor Moss said that Mr. Dave Pollard was present and would like to speak to the Board about Duck Hunting on his property.

Mr. Dave Pollard, Durham, North Carolina addressed the Board and said that he had been hunting 47 years on his property that borders the right side of Lake Rogers. He introduced his family members and said that they have a lot of fun on this property hunting and observing. He also introduced a few friends in attendance that hunt each season with his family. Mr. Pollard emphasized that there are no shells fired on City

property and by Federal law they have to retrieve all birds that are shot and they sometimes have to remove the birds from Lake Rogers. He noted that he loves Creedmoor and it is like home because he has hunted on this property since he was 16 years old. He expressed that over the years the duck hunters had paid \$60,000 to \$80,000 to the City for permits. Mr. Pollard advised that Mr. Stanley Stubbs is present this evening and he owns approximately 600 acres on Ledge Creek by I-85. He said they hunt on his property and always clean up and are good neighbors to Creedmoor. Mr. Pollard said that he would appreciate the Board's consideration of the continuation of the seasonal duck hunting.

Mayor Moss asked Attorney Currin about the liability to the City on this issue. He also asked if the duck hunters had to purchase a permit because they hunt on their own land.

Attorney Currin addressed the Board and said that the City has the ability to not regulate hunting on the lake but by statute are given the ability to regulate hunting both in the City limits and on any property owned by the City outside of the City limits. He advised that for many years the City has regulated hunting on the lake and charged a fee. Attorney Currin said that previous Boards felt that it is unlawful to discharge a weapon inside the City limits; however, the weapons are not being discharged in the City limits. Attorney Currin continued by saying nevertheless, the City still has the right to regulate if this Board so chooses.

Mayor Moss said that the duck hunters have been allowed to duck hunt for 19 years or more and the City has never received a complaint. He said that one of the reasons for the deletion of the duck hunting permits on the fee schedule was due to the upcoming dredging of Lake Rogers. Mayor Moss pointed out that it would not be fair to take Mr. Pollard's money and they not be allowed to hunt.

Commissioner Robinson said that this issue was discussed and one of the concerns was that the City now has recreation for peddle boat rental and fishing boats. which increases citizen activity on the lake. He noted that once the leaves start to turn in the fall the activity on the lake may increase even more. Commissioner Robinson said that the Board would like to have a happy balance for the citizens and the duck hunters and asked Mr. Pollard the specific time frame for duck hunting.

Mr. Dave Pollard said that he was in agreement that the lake is for the citizens of Creedmoor. He also advised that they would happily stay out of the way of the lake dredging. Mr. Pollard said the only time they would be hunting on the lake would be November, December and January when the water is extremely cold. He said during the cold months it would be a liability to the City because it is very dangerous due to the water temperature and the stumps that are in the lake. Mr. Pollard said that he was only asking for three months and he felt that the citizens of Creedmoor could use the lake the other nine months for peddle boats and fishing.

Commissioner Mangum said that her family loves to kayak. She emphasized that once they went to the lake with the idea that they would be able to enjoy a day of kayaking and it was chained off. She said that they were unable to enjoy the lake as citizens because it was closed for duck hunting. Commissioner Mangum said that

during those months the water is not a problem. She noted that her neighbors also kayak. Commissioner Mangum said that her family and her neighbors are as professional in their boats as the duck hunters. She emphasized that they have special gear and are not afraid of cold water. Commissioner Mangum said that Mr. Pollard felt that his family should have control of the lake for three months and the 2,000 to 3,000 tax paying citizens in this area be denied access. She said this is not a compromise unless you would want to pay to rent the lake for your 12 family members. She asked if he was aware of all the children that are now in our area that needs a place to play. Commissioner Mangum said that if the children do not play baseball they have one place to go and that is the park. She asked how close to the park do the duck hunters want to be shooting so that 12 people have fun. Commissioner Mangum said that there were other places that these 12 people can go. She said that it was not just children but there were also couples that enjoy going out on the lake. Commissioner Mangum said that the City has this beautiful lake and all people should be able to enjoy it. She said that she could enjoy the lake on a December morning just like she could enjoy it in April. Commissioner Mangum said that it is very important that we have a safe place for everyone to go. She said 50 years ago it was a different story because there were less people here. Commissioner Mangum said it is different now and it is unfair for 12 people to have the lake to themselves.

Commissioner Karan asked about fishing on the lake this year.

Mr. Robert Schaumleffel, City Manager said that they did a study of other lakes and they have a 12 month season for fishing. He said that the decision was made to modify the fee schedule to have year-round fishing unless we find it unfeasible.

Mr. Bob Jones, Public Service Director said that the water temperature has to be equal to 100° or higher for the peddle boats to go out on the lake. He commented that fishing in the winter is just as good as in the summer because people eat fish year-round.

Mr. Dave Pollard said that he appreciated Commissioner Mangum's comments and respects that her family likes to spend time together kayaking on the lake; however, he owns the land and Commissioner Mangum does not own the lake. He said that they pay a fee, which helps fund recreation. Mr. Pollard said that he has donated a lot to this community for the school systems and such items as baseball bats, trophies and baseball uniforms. He said that Little River, Lake Jordon, Falls of the Neuse, Lake Wheeler and Lake Michie allow hunting. Mr. Pollard said that it makes a dangerous situation when people are hunting 50 feet away from boating. He said that he would accommodate the Board's decision.

Commissioner Ray questioned for liability purposes, if hunting is allowed would the City be required to close the entire lake, could the park stay open and would boats be permitted on the lake.

Attorney Currin said that the current regulations allow duck hunting no closer than 400 yards from the damn. He said that the act of retrieving the ducks from the lake is part of it.

Moved by Commissioner Mangum that Lake Rogers remain open year-round for recreational use for the citizens of Creedmoor with the exception of two consecutive weeks that the lake be closed for duck hunters. The motion died for the lack of a second.

Mayor Moss said that the concern is a safety issue. He asked if they could come to the establishment of a 200 to 300 yard boundary line.

Commissioner Karan said that the Falls of the Neuse allows duck hunting until 12:00 noon on Monday, Wednesday, Thursday and Saturdays.

Mr. Pollard said they do not hunt after 11:00 a.m. because you have to give the ducks a rest. He said they take liability of their guns as they hunt on their property. He said they hunt on Tuesday, Thursday, Saturdays and Holidays.

Mr. Bob Jones, Public Service Director commented that if the lake is closed employees would be out of work.

Commissioner Ray said that Mr. Pollard owned the land and they would be hunting on this land. He said that no one wants to be told what they can do on their own land. Commissioner Ray said that the duck hunters pay a fee to go out on the lake to retrieve the ducks.

Moved by Commissioner Ray that during November, December and January on Tuesday, Thursday, Saturday and Holidays from 7:00 a.m. until 12:00 p.m. that the lake be closed for duck hunting except for the days of dredging Lake Rogers. The motion died for the lack of a second.

Mayor Moss said that the Board would pause on this issue for a few minutes and return to this item after consideration of the bow hunters.

Commissioner Piper suggested having two meetings per month.

Mayor Moss said that the Board would discuss this at a later time this evening.

Bow Hunting:

Mayor Moss said that the City had recently purchased land from The Tar River Conservancy, which has not been annexed into the City at this time. He said that there were bow hunters present that would like to request to continue to hunt on this property.

Mr. Ronnie Whitfield of 642 Wood Way, Wake Forest addressed the Board and said that he and some friends had a lease agreement with the Wellons Corporation for the last eleven years. He said that three years ago the Wellons Corporation donated 134 acres of land to the Tar River Land Conservancy and they continued to lease this land for hunting. Mr. Whitfield said that they deer hunt with a bow and duck hunt, squirrel hunt, rabbit hunt and turkey hunt with a gun. He said that with the lease they

provide the land owner and the hunting club with liability insurance. Mr. Whitfield said that the property recently purchased by the City is between two other properties that the club hunts upon and would like the Board to consider continuing to lease this property to the hunt club.

Mayor Moss said that he would like for Mr. Whitfield to provide the Board with a copy of the lease for review before making a decision.

Mr. Whitfield said that he would provide the City with a copy by Friday.

Commissioner Karan said that he had been approached by another gentleman about hunting on this land. He said that as a citizen and tax payer of Creedmoor he enjoyed hunting and would also like to ask that he be granted the right to hunt on this land.

Mayor Moss said the situation seemed to be growing and there were other factors to consider.

There was no action taken at this time.

Upon return to the discussion of the Duck Hunting issue, moved by Commissioner Ray and seconded by Commissioner Robinson to open the lake on Tuesday, Thursday and Saturdays from 7:00 a.m. until 12:00 p.m. for duck hunting during the months of November, December and January except for the days of the dredging of Lake Rogers. The motion received a 3-2 vote.

Aye Votes: Commissioner Karan, Commissioner Ray and Commissioner Robinson

No Votes: Commissioner Mangum and Commissioner Piper

OLD BUSINESS:

Consideration Of A Second Monthly Board Meeting:

Mayor Moss said that SGWASA meets the second Tuesday of each month and he would like for the Board to review the calendar before assigning a specific day to avoid any conflicts. He then asked the Board to consider changing the starting time to 7:00 p.m. for all future monthly Board meetings.

Moved by Commissioner Ray and seconded by Commissioner Robinson that each monthly Board meeting begin at 7:00 p.m. starting with the September 26, 2006 Board meeting. The motion received a unanimous vote.

The consideration of a second monthly Board meeting was deferred until next month.

Attorney Currin asked that the City Clerk change the time and post the regular meeting.

Ms. Sandra Harper, City Clerk said that she would be glad to do so.

NEW BUSINESS:

Proposed Community Appearance Ordinance:

Moved by Commissioner Ray and seconded by Commissioner Karan to schedule the Public Hearing for September 26, 2006 at 7:00 p.m. The motion received a unanimous vote.

Rezoning – Special Use District Business-2:

Attorney Currin said that he reviewed the Public Notice Provision listings and Mr. Roesler's certification. He informed the Board that both the names in question appeared on the list of the mail notices and good faith effort was made for them to be included. He noted that the law says that in the absence of intended failure to be notified that a certification by the mailer is presumed to be correct. He emphasized that it was obvious that the community was well informed by the number of people here this evening for this public hearing.

Commissioner Ray inquired about the posting of the property.

Attorney Currin said that it was not necessary if a mailing notification occurred. He said if the City elects not to do the mailing and there are four advertisements the property does not have to be posted.

Moved by Commissioner Karan and seconded by Commissioner Robinson to rezone the 29.38 acres located on Hwy. 56 West to Special Use District Business-2. The motion received a unanimous vote.

Tractor Trailer Motor Vehicles in Residential Areas:

Moved by Commissioner Robinson and seconded by Commissioner Karan to adopt the change to the Creedmoor Code of Ordinance Title VII Traffic Code 72.22 Tractor Trailer Parking Restricted. The motion received a unanimous vote.

DISCUSSION OF ETJ EXPANSION:

Moved by Commissioner Karan and seconded by Commissioner Ray to direct the City Attorney to draft an Ordinance to expand the City's ETJ one mile from the current City limits Northeast, South and the legislative mark west. The motion received a unanimous vote.

Attorney Currin said that he would determine the one-mile by the use of property lines for geographic boundaries to run as close as practical to the one-mile. He said that he would enlist the assistance of the City Engineer.

Recreation Facility Usage Fee:

Mayor Moss deferred this until a date uncertain.

MAYOR'S REPORT:

Mayor Moss announced that the City received a letter from Pleasant Grove Church about the opening of their new facility.

Mayor Moss announced that Alive After Five was scheduled for Thursday at 5:30 p.m.

Mayor Moss announced that Commissioner Mangum was working diligently on the Music Festival scheduled date of September 16, 2006.

Mayor Moss announced that the Southern City Magazine had an article written by Mr. Roland Terry of Durham about the value of water and encouraged everyone to read that article.

Mayor Moss announced that the City had the new 55th edition of Granville County Today available and anyone interested was welcome to a copy.

Mayor Moss announced that the Board needed to appoint a voting delegate for the NCLM conference in Greensboro.

Moved by Commissioner Piper and seconded by Commissioner Ray to appoint Mayor Moss as the voting delegate for the City of Creedmoor at the NCLM conference. The motion received a unanimous vote.

COMMISSIONER REPORTS:

Commissioner Mangum said that she was excited about the Music Festival this year. She said she had information to share with the press and would love to talk with them after the meeting. She said that from Noon until 3:00 p.m. there would be music entertainment by local citizens. Commissioner Mangum said that from 3:00 p.m. until 4:00 p.m. there would be a Karaoke hour and from 4:00 p.m. until 6:00 p.m. there would be a Battle of the Bands. She announced that they were looking for sponsorship from local businesses; \$500.00 Gold sponsorship for stage/sound, \$300.00 Silver sponsorship for tents/bands and \$100.00 Bronze sponsorship for judges/musicians. She said that a Community sponsorship was \$25.00. Commissioner Mangum said that sponsors would have advertisement announcements all during the day.

Commissioner Mangum asked the City Clerk to place a notice on the City's Website for the Music Festival.

The City Clerk said she would be glad to do so.

Commissioner Mangum said on a sad note, she felt that the Board had done injustice for the children and the community. She said that the City has a wonderful resource, which is a beautiful lake. Commissioner Mangum noted that the children have limited opportunities for recreation and staff has worked very hard to make something beautiful and very affordable for the children at the lake. She said that what this

Board doesn't realize is that when you close the recreation area for the day, even for one-half day, people see that it is closed and not realize that that it will reopen later in the day. She emphasized that there are so many children that are wishing that they had something to do and this Board just took it away for three months on Saturdays. She stressed that Saturdays might be the only day that they have all day with their Mom and Dad.

Commissioner Ray said that the vote did not close the lake. The citizens can still picnic and use the park and fish from the pier. He emphasized that the only thing they cannot do is get into a boat. Commissioner Ray said that if citizens cannot occupy themselves from 7:00 a.m. until 12:00 p.m. by fishing off the pier or walking through the park then there is a more serious problem. He said that he felt it was a fair compromise to all and allows both parties to use the lake.

Commissioner Mangum stressed that it was a very huge inequity in who gets to use the lake and who does not. She said that twelve people are allowed to use the lake and thousands do not. Commissioner Mangum requested that a very large welcoming sign be placed that meets all codes that says "Lake opens at this time" so that all citizens will be aware of the times that this lake is available to them.

Commissioner Karan said that he understood Commissioner Mangum's concerns for citizens having access to the lake; however, he also felt that the approximate 85 hours for three months that the City would be closing the lake seemed equitable for the \$3,000.00 received in fees. He said that he felt that it was a fair compromise being that the lake was closed seven days per week last year.

Commissioner Karan thanked the Board for having the Candidate's Forum during this quarter Town Hall Meeting.

Commissioner Karan made reference to the \$7,500.00 budgeted for the Downtown Development Corporation and asked the Board to think about a good candidate for that Board. He said that it would be voluntary at this point and would be formed as a real corporation to have the lending abilities to help foster a good economic growth for the downtown area.

Commissioner Karan said that he had comments from a lot of people concerned about why they had to pay extra for their home and drive on insufficient roads. He provided the Board with pictures of the damaged roadways caused by water line leaks.

Mr. Robert Schaumleffel, City Manager said that the City may need to have the community pay an assessment fee. He said that unfortunately 50% of the problems were caused by bad developments and the City is trying to prevent this from happening again.

Commissioner Karan inquired about the status of the CMAQ grant.

Mr. Dave Roesler said that he had talked with the Department of Transportation in Raleigh and the City's application has been forwarded. He said that the sidewalks would start at Whitehall and continue down the West side of Church Street.

Mayor Moss said that Scottie Cornett, Granville County Planning told him that the County received 1.6 million dollars for the Greenway.

Commissioner Karan said that he received a phone call from Ms. June Cross in reference to getting a temporary power pole to the house from Duke Power.

Mayor Moss said that he spoke to Scott Gardner and faxed him the paperwork so it was being taken care of.

Commissioner Piper said that Mr. Dave Pollard had spoken to him in reference to the closing of the lake for duck hunting and if the Board had not been able to make a compromise he would have made a motion to close the lake during the months of December and January and leave November open.

Moved by Commissioner Karan and seconded by Commissioner Piper to go into Closed Session for the Acquisition of Real Property and Personnel in accordance with NCGS 143-318.11.

Upon return from Closed Session, moved by Commissioner Ray and seconded by Commissioner Karan to adjourn. The motion received a unanimous vote.

Mayor

City Clerk