

MINUTES OF
CITY OF CREEDMOOR – BOARD OF COMMISSIONERS
REGULAR MEETING
MARCH 27, 2007
7:00 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 7:00 p.m. in the Commissioner's Room at City Hall.

INVOCATION:

Mayor Moss

PLEDGE OF ALLEGIANCE:

Josh Dauphinas of Boy Scout Troop #648

REQUESTS TO ADDRESS THE BOARD:

Mayor Moss welcomed Boy Scout Troop #648 this evening. He noted that they would receive a Communications Merit Badge for attending.

Steven Ferrell, 700 22nd Street, Butner addressed the Board and inquired about the progress of a City skateboard park.

Mayor Moss advised that at this point we do not have a skateboard park. He expressed that Commissioner Karan was working diligently on recreation issues for the City. Mayor Moss said that Commissioner Karan recently attended a conference in New Orleans that promotes recreation. He said that Commissioner Karan is working towards getting land and funding for recreation.

Commissioner Karan said that he has delegated the Mayor's Youth Council to engage in the formation of recreation activities. He distributed to Steven Ferrel a brochure that has photographs of various skateboard ramps and asked that the Boy Scouts look at it and offer suggestions.

Zack Kelton, of Butner addressed the Board and inquired about the possibility of a YMCA.

Commissioner Karan said that the YMCA is still ongoing. He advised that there is a ten acre tract of land designated within the Parkway project for this purpose. Commissioner Karan announced that there is a YMCA Steering Committee meeting scheduled for Monday, April 30, 2007 at VGCC South Campus. He said that the local YMCA will be a branch of the Henderson facility.

Mayor Moss thanked Boy Scout Troop #648 and said that their input was greatly appreciated.

Dr. Benjamin Koren – Creedmoor Family Dentistry:

Dr. Benjamin Koren, DDS addressed the Board to obtain permission to place a business sign at the corner of W. Church Street and Main Street. He said that his practice is located at 110 W. Church Street and gave the Board a handout that provides pictures of other business signs in the community. Dr. Koren said that he decided to open a practice here to offer quality dental care to the entire general public and to eliminate citizens having to travel out of the community. He said that his office accepts most major PPO dental plans, participates in dental discount plans and offers no interest financing, NC Health Choice and Medicaid. Dr. Koren said that Creedmoor Family Dentistry has become very active in the community by sponsoring local school aged children programs such as educational field trips, scholarship award programs and sports teams. Dr. Koren expressed that the only sign that they have is posted on the building and due to the owner of the property's provisions and selection of font, it is difficult to read. He noted that there is currently no road sign frontage or common office complex sign. Dr. Koren expressed concern that residents aren't aware that there is a dentist in the community and they are going elsewhere.

Mayor Moss said that the issue is around remote signage. He said that he recently talked with the Planning Director about a similar request for the new law office. He said that the City's ordinance does not allow for remote signage. However, it has been pointed out that there are sign violations within the City in that ordinance.

Mr. Dave Roesler, Planning Director said that currently City and State says that you can not erect a sign in the right-of-way that is not a governmental purpose. He suggests considering a Welcome to Creedmoor sign with removable panels that could be placed in the right-of-way because it would be a governmental purpose. He said that the landlord can place a sign on site.

Commissioner Karan said that he would like to see this referred to the Planning Board. He said that they can consider such options as benches downtown with advertisements.

Mr. Robert A. Schaumleffel, Jr., City Manager said that they may want to consider a rolling sign to provide information for businesses.

Commissioner Ray said that he would like someone to approach the landlord of the complex in reference to placing a sign on site.

Mayor Moss said that there were two action items for this issue; 1) that the landlord be contacted about placing a sign on the premises and 2) this issue is to be referred to the Planning Board for review. Mayor Moss said that staff would communicate back to Dr. Koren within 30 days.

Mr. Don Washington & Mr. William Purvis – Street Closing:

Mr. William Purvis, 421 S. Elms Street and Mr. Don Washington, 812 Crescent Drive addressed the Board to request a street closing of Cozart Street lying north of the right-of-way of Park Avenue. He noted that this section is currently undeveloped.

Commissioner Karan, Chairman of the Transportation Infrastructure Committee said that he took a look at the street in question and does not foresee a problem. He said that this involves three lots and one of the lots is land locked and inquired if this property owner also owns the connecting parcel.

Mr. Purvis replied that it was the same owner of the connecting lot.

Moved by Commissioner Karan and seconded by Commissioner Piper to schedule the Public Hearing for April 24, 2007 for the closing of Cozart Street lying north of the right-of-way of Park Avenue. The motion received a unanimous vote.

Attorney Currin advised that the Board needs to adopt a Resolution proposing to close a portion of Cozart Street and also establish the date of the public hearing along with a legal publication of four consecutive weeks prior to the public hearing.

Moved by Commissioner Karan and seconded by Commissioner Piper to amend his motion to adopt a Resolution proposing to permanently close a portion of Cozart Street lying north of the right-of-way of Park Avenue and to schedule the Public Hearing for May 22, 2007. The motion received a unanimous vote.

MINUTES:

Moved by Commissioner Karan and seconded by Commissioner Piper to approve the minutes of February 22, 2007. The motion received a unanimous vote.

APPROVAL/ADDITIONS TO AGENDA:

Moved by Commissioner Piper and seconded by Commissioner Mangum to add under New Business, Item 10-d - Set a date for advertisement of unpaid tax list for 2006 and to adopt the agenda. The motion received a unanimous vote.

PUBLIC COMMENTS:

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

MANAGER'S REPORT:

Mr. Schaumleffel, Jr. City Manager presented the Board with a staff report on the following:

1. Mr. Schaumleffel said that he received via certified mail a letter from FEMA pertaining to the adoption of a new Floodplain Management Ordinance. The last ordinance was adopted by the City in 1995. FEMA said it is mandatory that they receive this ordinance by April 16, 2007. Mr. Schaumleffel advised that Dave Roesler, Planning Director is scheduled to meet with the FEMA Representatives tomorrow morning here at City Hall.
2. Mr. Schaumleffel said for informational purposes that Town Hall Day is scheduled for May 9, 2007 in Raleigh. He said that if the Board did not receive the information on Town Hall Day he has the details available.
3. Mr. Schaumleffel announced that administration has hired a new full time employee as a Maintenance 1 employee in the Public Service Department. He noted that the Maintenance Department still has one full time opening. Mr. Schaumleffel said that they have had problems finding adequate employees and therefore have contacted the High School to develop a Maintenance Worker 1 Trainee Program. Mr. Schaumleffel gave the Board a handout of the job description. He expressed that this program will target high school students that make the decision not to pursue additional schooling after graduation. Mr. Schaumleffel added that this is a two-year trainee program into regular employment.
4. Mr. Schaumleffel advised that Granville County has requested the ability to connect an Emergency Medical Services (EMS) station to the Wilton water/sewer infrastructure that currently services the Wilton School. This station will be located on Granville County owned property adjacent to the school and will access NC Hwy. 96 to service the surrounding communities.

Moved by Commissioner Karan and seconded by Commissioner Piper authorizing the City Manager to allow the EMS connection provided that the Mt. Energy lift station problem is corrected. The motion received a unanimous vote.

5. Mr. Schaumleffel has formally requested that Granville County produce the City of Creedmoor's tax bills. The City of Creedmoor is the only municipal government in the county that is doing their own billing. At present, the County already provides 75% of the bill procedure. I requested that this become effective July 1, 2007. This changeover has been supported in the past by the Board, Mayor and auditor. Once

this is done, the Finance Department can better serve the community with utility billing, payroll functions and most importantly budget and financial accountability.

6. Mr. Schaumleffel advised that Logics will continue to update the computer process. The Finance Department employees will be attending training next week on the installation updates.
7. I have addressed the Mayor and Commissioner Karan's concerns pertaining to the children's play area at Lake Rogers. I have made a formal request to the State of North Carolina OSHA compliance division and awaiting a date for inspection. The Public Service Department has been directed to rope off all children play areas until the inspection has taken place. Secondly, the Public Service Director has provided additional information to this office that the City must provide fencing around those areas in question for child safety and to prevent animals or strangers from entering the area. Thirdly, I have received notice from Granville County that the recreational grant for playground equipment at Lake Rogers has been approved. The grant is for \$10,000.00 with a 50% match from the City. He advised that beginning April 1, 2007 the hours of operation at Lake Rogers will be open Monday thru Friday from 8:00 a.m. until 7:00 p.m., Saturday 8:30 a.m. until 7:00 p.m. and Sunday, 9:30 a.m. until 6:30 p.m.
8. Mr. Schaumleffel advised that there will be advertisements in the newspaper for concession help at Lake Rogers and for seasonal grass cutting personnel.
9. Mr. Schaumleffel advised that the bid opening for the walk/bike path is this Friday, March 30, 2007.
10. Mr. Schaumleffel advised that after a six month wait, the new backhoe for the Public Service Department arrived yesterday.

Mayor Moss inquired about the community meeting in reference to the walk/bike path.

Mr. Schaumleffel said that the meeting will take place once they have a contractor. He said that he prefers that the contractor be available to answer any questions the citizens may have.

11. Mr. Schaumleffel advised that the request for formal proposals will be sent out within the week for the AMR System for auto-meter reading.
12. Mr. Schaumleffel announced that the fencing repair for the baseball fields should be completed this week.
13. Mr. Schaumleffel announced that the two light fixtures on State Hwy. 56 at Food Lion will be installed by April 6, 2007

Commissioner Karan asked about the FEMA mapping update.

Mr. Dave Roesler, Planning Director indicated that we have received a letter from FEMA regarding flood plain mapping and State/Federal changes to the FEMA regulations for building within the flood plain. He said it is mandatory that these changes be adopted or the City will lose their eligibility for FEMA disaster funding. Mr. Roesler advised that FEMA requires that a public hearing be held prior to adoption and a legal advertisement of two consecutive weeks. He said that he is meeting with FEMA representatives tomorrow and he will ask for a waiver of 30 to 60 days. He suggested that the Board repeal what the City has in place and adopt the FEMA model ordinance.

Moved by Commissioner Karan and seconded by Commissioner Ray to schedule the Public Hearing for the Flood Damage Prevention Ordinance for the April 24, 2007 meeting. The motion received a unanimous vote.

Mayor Moss asked the City Manager to get an update from the Wooten Company on the Lake Rogers dredging project.

Mayor Moss also asked that the Public Service Director get maps from the public gas company for the new gas line.

Commissioner Ray advised that at an upcoming Board meeting there will be a presentation on the UNRBA initiatives and requests the attendance of the Public Service Director, Planning Director and the Planning Board.

Commissioner Ray said that there is a hydrant issue and noted that there was a problem last month over the portion of the line that was upgraded from an 8" line to a 12" line that goes to Wilton School. He said that the County complained that one of the Fire Departments filled a truck and emptied the tank at the school. The Fire Department said that they should have the ability to fill a tanker but there is not enough pressure on that line. Mr. Minor emphasized that there should be a hydrant on the 12" line.

Mr. Mike Duke, Water Plant Supervisor addressed the Board and said that it was brought to his attention by SGWASA that a certain level of water needs to remain in the Wilton School tank to give them the ability to drain the tank periodically to maintain a level of chlorine residual for the children. He advised that approximately one month ago he received a telephone call that a Fire Department was doing training in the area. He noted that the City tries to keep a 20% level, which is equivalent to approximately 6 feet. Mr. Duke said that it has become a problem because it is continually drained and unfortunately the City can not control this.

Mr. Bob Jones, Public Service Director said that it is a health hazard for the tank to be that low and it is also a health issue for the inability to fight fires.

Mr. Jimmy Minor, Assistant Fire Chief was present and Mayor Moss asked him to give an overview of the Fire Department training incident.

Mr. Jimmy Minor, Assistant Fire Chief addressed the Board to advise that the Brassfield Fire Department had a stump/ landfill fire and they used pond water to fight the fire. He said that his understanding was that they used 4,000 gallons of water flushing out two tanker trucks. Mr. Minor said that there is a hydrant on the right side of the driveway and suggests placing a hydrant on the left side to hook into a different 12" line for emergency use only. Mr. Minor said that the School Board paid \$80,000 for water and they are paying for water that is being dumped on the ground. He expressed that this is not fair to the taxpayers. Mr. Minor said that the tank is a 105 gallon tank and there is only 20,000 gallons placed in the tank. He said that the tank should stay full and a chlorination system should be added.

Mayor Moss thanked Mr. Minor. He noted that he wanted to make sure that staff is aware because there are multiple issues; 1) water quality, 2) inability to fight fire and 3) financial.

OLD BUSINESS:

Department Head Written Reports:

Provided in the Board packets were monthly reports from the Public Service Department, Inspection Department, Police Department and Planning Director.

Mayor Moss announced that Mr. Bob Jones, Public Service Director is working on the sinkhole issue at Christina Crossings. Staff is communicating with property owners for permission to be on their property.

Mayor Moss announced that Ms. Mildred Goss gave notification that there is a problem with fire ants.

Mayor Moss asked Mr. Dave Roesler, Planning Director about the status of the letter to Mr. Moore in reference to the Appearance Ordinance. Mayor Moss said that there was a discrepancy in the property address.

Mr. Dave Roesler, Planning Director said that the issue has been resolved.

Commissioner Kent Ray asked that the Chief review the vehicle mileage for this month. He noted that it was probably a typing error.

Downtown Traffic:

Mr. Dave Roesler, Planning Director addressed the Board and said that Commissioner Karan requested at last month's meeting that the downtown traffic review be presented this evening. He noted that last fall the Planning Board discussed a number of traffic issues. Mr. Roesler referred to the memo dated August 11, 2006 enclosed in the Board's packet for review. He also referred to the follow-up memo to the City Manager of the

update on the suggestions of the Planning Board as follows: (Planning Board suggestions in italics)

1. *Look at ways to reduce the amount of tractor-trailer activity on NC 50/Main Street. The Planning Board suggested that a top priority should be made to have the North Carolina Department of Transportation install signs at NC Hwy 50 and Old Weaver Trail to re-route thru truck traffic to Interstate I-85 via Old Weaver Trail and Cash Road.*

The NCDOT District 5 District Engineer was duly notified and requested the above action. At the November 28, 2006 meeting, the Board of Commissioners adopted a format resolution requesting posting of a truck route at Old Weaver Trail and Interstate I-85/Gate 2 interchange. To date, NCDOT has not posted the truck route signage. Mr. Dave Roesler, Planning Director to follow-up on the Commissioner's request with Mr. Wally Bowman at the NCDOT Raleigh office.

2. *Look at eliminating on-street parking on the north side of Main Street. This would help in sight distance problems at intersecting streets and help to reduce potential traffic accidents of people exiting parked cars on Main Street.*

We eliminated several parking spaces at intersections where inadequate sight distances were present. Main Street is owned and maintained by the NCDOT. We suggest that a comprehensive traffic and corridor study be conducted to determine downtown parking needs and traffic patterns for the downtown business district. At your direction, we could discuss this with CAMPO to solicit their help and expertise.

3. *Reverse the traffic route at the Post Office so that drive-thru vehicles would have to enter off Elm Street and exit onto Main Street.*

The Post Office is located on private property. We are not convinced that changing this traffic pattern would have any positive results. Traffic would still have to exit onto Main Street, thereby, not eliminating any traffic movement or direction. Sight distance on Main Street is inadequate at the driveway to the Post Office.

4. *Investigate the potential of the City leasing the lot between the Creedmoor Drug Store and the Stallings Building for a parking lot. This would help replace the parking spaces eliminated from Main Street.*

If leased by the City, the parking lot would have to comply with ADA standards. This would require re-grading the lot to meet slope standards, paving and marking of the handicapped spaces. Handicapped access to the sidewalk would have to be provided. According to the City Attorney, City money cannot be used to improve private property.

5. *Pave Chief Street to include a parking lane(s).*

There is insufficient right-of-way along most of Chief Street to pave to acceptable standards. Right-of-way would have to be purchased. We suggest that the City consider developing a comprehensive paving plan for city streets.

6. *Change the traffic flow around City Hall so that Masonic Street is a one-way street from Main Street. This may allow angular parking against the sidewalk in front of City Hall. (Town staff will look at a design to determine feasibility)*

Creating a one-way traffic flow around City Hall has been discussed with the Board and was not received favorably.

7. *Regarding parking at City Hall:*

- *Have the police cars, City vehicles and City employees to park in the gravel lot adjacent to City Hall.*
- *Widen Sanderford Street and include parking on both sides of the widened street.*

The current gravel lot is intended to be used for the new water tower. A site plan is being prepared by The Wooten Company. It is planned for the water tower to house some City offices with a small parking lot.

The widening of Sanderford Street would require the loss of the landscaped area adjacent to the City's parking lot. Curbing would have to be established along the south side of Sanderford Street with driveway access for the Ellington-Brim property. There may be sufficient right-of-way to improve Sanderford Street to provide parking on one side. We are not convinced that additional parking is needed at this time for downtown businesses in the area of Sanderford Street.

8. *Extend Elm Street to East Lake Drive.*

To extend Elm Street to East Lake Drive right-of-way would have to be purchased. The intersection of Elm Street with East Lake Drive would not meet acceptable intersection spacing standards.

9. *Look at creating pedestrian crossings on Main Street by using a slightly raised pavement-walkway with specialized markings. Town staff has conducted a site inventory of the downtown sidewalks and previously proposed creating pedestrian crossings at all intersections with the use of "textured decal" treatments that simulates a brick or cobblestone look.*

The City has made a request to NCDOT for crosswalk improvements. We should have NCDOT's reply by the end of April.

The Board wishes to emphasize that they feel the top priority of the suggestions above is the re-routing of the through truck traffic via Old Weaver Trail to Interstate-85.

Attorney Currin advised that for #5, the City offered to do street improvements for Chief Street and two (2) property owners agreed to donate the right-of-way and two (2) property owners did not. The City did not have the funds to purchase the right-of-way.

Commissioner Karan said that he wanted to apologize to the Planning Board for the delay in pursuing this issue. He said somehow it just got lost in the shuffle and emphasized that he appreciates all of the work they put into the traffic ideas that were presented. He said that the City should pursue the NCDOT crosswalks and one-way of Masonic Street. Commissioner Karan said that some of the other ideas look good on paper but are cost prohibited at this time. He said that the City can look at leasing space from the Drug Store. Commissioner Karan said that citizens need to be aware that the City's hands are tied in the recommendation to pave Chief Street. He said that some of the property owners will not voluntarily give up part of their gravel parking for the betterment of the City. Commissioner Karan said that he feels the Planning Board is making good progress on these items.

Commissioner Ray said that it should be noted that one of the property owners has apartments and four of those spaces are needed for parking. He said this should be addressed.

Commissioner Karan said that the City does not have the money to pave Chief Street and this is moot at this time.

Commissioner Ray said that he would like for the Planning Board to comprehensively look at the whole downtown area.

Dave Roesler, Planning Director said that the City may want to contact CAMPO for assistance.

Mayor Moss said that Scottie Cornett Wilkins is asking for comments for the Comprehensive Transportation Plan. He said that the City may want to consider asking if they can help with the downtown area.

Commissioner Karan said that he provided in the packet for the Board's review the Transportation Infrastructure Program (STIP) scheduled that provides the funding cycles for the road widening projects for this area). He also provided a map for view.

Mayor Moss said there is a concern of R2542. The project initiates in our area of authority. He expressed that he talked with Scottie Cornett Wilkins and if it goes the way it was designed it will extend beyond our area of authority. Mayor Moss said that he wants to be very careful because with the intended incorporation of Butner he does not want to infringe in their decision making capability. Mayor Moss said that he intends to

have the same conversation with CAMPO. They need to engage Butner and the County in those discussions.

Mayor Moss said that staff is to call Mr. Wally Bowman in reference to the Old Weaver Trail signs and the downtown traffic is to be referred back to the Planning Board for further review of a comprehensive study.

ETJ Expansion Update:

Attorney Currin said that there is no update at this time. He gave the Board a handout of the House Bill regarding the Butner incorporation. Attorney Currin expressed that a significant section of the territory that the City requested to the County for consideration for an ETJ expansion is a portion of the proposed Butner incorporation or a portion of its ETJ or a portion remaining State controlled preservation. Attorney said that subject to the Legislative passing the County would have no authority to allow the extension of ETJ. He said that he suspects that the County will suspend any further consideration of ETJ expansion until they have some idea of what will happen in Legislation.

Commissioner Karan said that this is the second time that Creedmoor is first in line and the County sits on our legitimate requests until we miss the deadline. He emphasized that he feels that this is not right. He asked Attorney Currin what options the City has. Commissioner Karan asked what the City needs to do to send a message through our County to our State that Creedmoor has wants, needs and desires and that we are tired of them setting us aside.

Attorney Currin explained that the City is a creature of the Legislature. The City is created by the Legislature and by State constitution they have the authority to create towns and to determine circumstances of incorporation. He said the handout shows that the proposed Legislation is the draft introduced by Representative Crawford and Senator Berger.

Mayor Moss announced that this Friday at 10:00 a.m. the League of Municipalities is going to host a meeting between the City of Creedmoor and Butner. Mayor Moss said that part of the discussion is for the City to communicate the areas of ETJ we are interested in. He expressed that he struggles with this because we have had this discussion previously. Mayor Moss noted that as Commissioner Karan just said we make our request and nothing is accomplished. He said that he will attend this meeting to represent our community and asked the Board's guidance as to what to ask for.

Commissioner Karan said that he would ask that the newly incorporated Butner give back to SGWASA the \$41,666.67 per month for the period of 240 months that the town operations currently receives as payment from the South Granville Water and Sewer Authority. Commissioner Karan said that citizens are probably unaware that the Town of Butner operations currently receives \$63,000 per month from the water/sewer fees that the City of Creedmoor and Butner pay. That newly formed community will be receiving a crutch and not have to stand on their own like the City of Creedmoor, City of Oxford

and City of Stoval. He said that if the City of Creedmoor was receiving approximately \$42,000 per month we would not have potholes in our streets and we would have the prettiest parks. He said that he wished his friends in Butner would walk and stand alone as a Municipality. He said he would like to welcome Butner aboard as a Municipality and for them to throw down their crutch and walk.

Mayor Moss said that there has been a lot of discussion from some of our friends in the area that they prefer to be in Butner vs. being in Creedmoor. Mayor Moss asks that whatever area that becomes Butner to no longer have Creedmoor addresses but instead have Butner addresses and phone numbers. Mayor Moss said that Legislature created Creedmoor over one hundred years ago and also created the Butner Fire and Police jurisdiction. He said that they created it and now have the opportunity to fix it by requiring that those addresses become Butner so that there will be no confusion moving forward.

Commissioner Karan said that he would like to ask what will become of the conservatory land that the City purchased that falls within this jurisdiction. Will it become part of Butner or remain Creedmoor.

Attorney Currin said that the current plan shows that it will be part of Butner.

Commissioner Karan asked if the County has tabled the Resolution indefinitely.

Attorney Currin said that he does not think that any action has been taken. He said that it would be possible for Legislature to address the ETJ expansion for Creedmoor by Special Legislation.

Commissioner Karan said that if the City needs to break the chain of command and go around the County, then so be it. He asked, do we need to amend the Resolution and place a date for them to respond by?

Attorney Currin pointed out that in Section 3 of the proposed legislation on page 4 of the handout there are a number of additional items which are granted to the proposed new incorporated town, which includes about 78 building lots; equivalent to 260 acres of land. He said one of the parcels is actually 650 acres but upon the sale of this land they would only receive one-fourth of the proceeds and the other 75% to go back into the capital funds to be maintained by the Secretary of the Department of Health and Human Services. He said in addition, item #27 is the Sports Arena and #28 is the ESC Building.

Commissioner Robinson said that he was at the County meeting when they attained the Sports Arena Building by Fee Simple. His understanding is that they own it.

Attorney Currin explained that it specifies in #27 says that certain tract of parcel of land between D Street to E Street from 24th Street to 26th Street and the structure known as the Butner Sports Arena.

Mayor Moss said that he wants it known that the City is not upset with Butner.

Commissioner Karan emphasized that he is upset with the County of Granville and the State of North Carolina. He said that he wishes Butner the best. If Butner succeeds then Creedmoor succeeds.

Commissioner Ray said that he would like to reiterate Commissioner Karan's statement.

Oil and Grease Ordinance:

Commissioner Karan said that he agrees with the course of action taken by the Public Service Director to try and protect the environment in regards to the release of oil from Andrews Ford. However, Creedmoor's ordinance defines Creedmoor and Raleigh's ordinance defines Raleigh. He noted that Creedmoor's requirements for sizing of grease traps/ interceptors is vague and he wants to make sure that the Public Service Director has this Board's approval.

Mr. Bob Jones, Public Service Director advised that Lindsay Mize, Executive Director for SGWASA has not sent out the notification letters to the food service establishments and that it may be six (6) months before they do so. Mr. Jones said that the City of Creedmoor mirrored the SGWASA ordinance and he wants to make sure the food establishments have been notified and also needs to know what is documented in that letter before enforcing the ordinance. He noted that the City adopted a handbook last year and terminology needs to be added for sizing and he would like to mirror Raleigh.

Mr. Bob Jones said that animal fats are vegetable oil and grease that come from food items and what is being addressed here are fuel oils such as gasoline, coil oil, diesel and antifreeze that are harmful to the environment. DENR wants these items put through screens and into a separator that can be pumped out. This is necessary to make sure the oil does not go into our streams.

Commissioner Piper commented that twenty to thirty years ago things were done differently. He said that the City needs to make sure that what they are finding is not from previous years. Commissioner Piper said that he is only concerned about what they are currently doing and emphasized that Andrews Ford should be taking precautions to prevent oil and grease runoff of cars from going into the creek.

Mr. Robert A. Schaumleffel, City Manager assured the Board that currently Andrews Ford has oil, gasoline and diesel going into that pit from vehicles. He said that you personally talked with management, staff sent a formal letter and he was given an extension of 30 days and nothing was done. Mr. Schaumleffel said that this problem has to be resolved.

Mr. Bob Jones, Public Service Director said that anyone can go to the Cross Car Wash and see green in the ditch.

Commissioner Piper said that the City must stay consistent in enforcing this policy.

Mr. Steve Colenda, City Inspector said that the reason that the Andrews Ford issue is before this Board is because he inspected the site and the water from the wash bay was rolling across the parking lot and not into the drain pipe. He noted that they had a contractor to dig up that pipe and it was clogged with grease.

Mr. Bob Jones, Public Service Director said that it does not only pertain to wash bays because anytime there is a garage area there will be liquids that will have to drain. He said that if they are not draining into a catch basin it will go into a ditch or the sewer system. Mr. Jones noted that it is very important to pump out the catch basin.

Mr. Robert A. Schaumleffel, City Manager said that if we do not enforce the rules the City will receive a fine from the State.

Commissioner Robinson inquired about adopting the State Codes. He said that there is no grandfather clause for environmental issues.

Mr. Bob Jones, Public Service Director advised that the letter that was sent to Andrews Ford cited State Statutes.

Commissioner Mangum asked if the new car wash was in compliance.

Mr. Robert Jones, Public Service Director said that they do comply.

Mr. Steve Colenda said that the Citco Car Wash was also in compliance.

Moved by Commissioner Karan and seconded by Commissioner Ray to add the sizing requirements for the oil and water fan separators to the City's Handbook. The motion received a unanimous vote.

Davenport Phase II:

Mr. Dave Roesler, Planning Director addressed the Board and said that a request has been received from DSM, Inc. for approval of the Final Plat for Davenport Subdivision, Phase II. Phase II consists of 29 residential building lots and portions of Fillmore Drive, Irving Place and Warfield Drive. The open space for Phase II was recorded with the Phase I development and no further open space dedication is required. A performance bond was obtained for this project and is on file with the City of Creedmoor for all required public improvements. Mr. Bob Jones, Public Service Director has inspected Phase II and accepted the public improvements for maintenance by the City. However, the remaining public improvement of sidewalks will be installed as part of the residential building process and this is the responsibility of the developer.

He added that there are several outstanding public improvements that need to be addressed. There is work that still needs to be completed around the sewage treatment

lift station. There was also right-of-way improvements needed but this has been taken care of. However, the lift station improvements still remain and they are working to resolve this issue. To assure that the housing in Phase II will be consistent with the existing development I have included a condition addressing this in the resolution of approval.

The Planning Board reviewed the Final Plat application for Davenport Phase II at the March 8, 2007 meeting. The Board indicated to staff and the applicant their desire to only review a Final Plat application after all public improvements have been completed and accepted by the City. However, recognizing the developer's time frame and willingness to resolve the uncompleted work, the Board recommended approval of the Final Plat on the condition that the City does not sign the Final Plat until all work has been completed and accepted by the City.

The Planning Board recommended the following:

Prior to the signing of the Final Plat for Phase II, the following items need to be completed and approved by the City of Creedmoor:

1. Right-of-Way Improvements: The rocks along the roadway and in the ditch need to be removed and the area graded and seeded with a fescue, or similar grass.
2. Lift Station: The following improvements need to be completed and accepted by the City:
 - a. Corrections to the inflow/infiltration system and facility;
 - b. The wet well needs to be raised so that there is no inflow;
 - c. Correct the problem of infiltration of the drain line between the wet well and the valve pit;
 - d. Correct the drainage around the lift station;
 - e. The road leading to the lift station needs to be graded and ditched to City standards; and
 - f. All graded areas need to be stabilized with fescue or similar grass
3. Dwelling Units: That all dwelling units constructed within the Phase II development be consistent with the dwelling units in Phase I. To assure consistency, the developer and/or builder shall submit with each building permit application a copy of the certificate of approval from the Home Owners Association Committee on Architectural Control showing that their review and approval was based on the architectural style, design, detail, materials and textures for the proposed house was consistent with the adopted guidelines as recorded in the Granville County Register of Deeds, Plat Book 1093, Pages 824-823.
4. Continued Validity: That continued validity and effectiveness of this approval is expressly conditioned on the continued compliance with the plans and conditions listed above.

5. Non-severability: That if any of the above conditions is held to be invalid, approval in its entirety shall be void.

Mr. Brad Mullins of DSM, Inc. Raleigh addressed the Board and said that they are continuing to work with City staff in reference to the pump station. However, he is having trouble with his contractor. He said that the contractor's understanding was that the lift station had been accepted by the City. Mr. Mullins said that he would like assurance this evening that whatever the issues are outstanding can be taken care of and that they are in fact infiltration issues and do not go above and beyond the design. He said that the problem he is facing is that he has released payment to his contractor based upon the letter received from Bob Jones, Public Service Director that he had inspected the lift station and it had been accepted by the City. He said it was also signed by Mr. Schaumleffel, City Manager. He gave the Board a copy of the letter and said that he has been advised by his attorney that this letter is valid and enforceable. He said that they want to continue working with the City on the infiltration items but feels that at some point it needs to be capped. Mr. Mullins said that he is open to suggestions by the Board and recommended that they consider a cost cap. He said that he is looking for a lot closing paper. He said that there was also a severability clause that was added that says that anything within these conditions is considered non-severable. Mr. Mullins said that he was asking for the removal of the non-severability condition or pump station condition or the assurance that the cost for pump station corrections will not go above a certain number.

Mayor Moss said that he had spoken with Mr. Mullins previously about the circumstances of the pump station. He advised that the issues began after the pump station was operational for a period of time. He noted that this Board has to make the decision as to whether you pay for the corrections or do we want the citizens to pay. Mayor Moss said that he feels that the problems that are occurring could not have been detected until the pump station was operational for a period of time.

Mr. Bob Jones, Public Service Director addressed the Board and advised that the only progress that has been made as of today is that the ditches have been cleaned. He expressed that nothing has been corrected on the lift station. Mr. Jones said that the grading has not been done nor have there been any infiltration corrections. He addressed that none of the corrections that he addressed in the letter to Mr. Mullins have been addressed. He advised that the water saturation problem in that area is so bad that the water is coming up through the conduit in the pipe and is getting into the electrical boxes. Mr. Jones expressed that the water is permeating into the lift station creating a sizable sum of infiltration. He said that it is also going into the valve pit.

Mr. Brad Mullins said that it was designed and approved by the Wooten Company.

Mr. Bob Jones, Public Service Director said that design was not the problem. He expressed that at the time they laid the concrete pad it was not done correctly. Mr. Jones said that the contractor was told that it was not acceptable. He said this was addressed at the time of acceptance and they told him that this would be corrected. Mr. Jones said that

the concrete funnels into the wet well. Mr. Jones said that they placed a bead of concrete around it which did not correct the problem. He said that one of the problems is that the main drainage that comes out of Davenport goes right next to the lift station.

Commissioner Karan inquired about the warranty of the lift station.

Mr. Bob Jones said that there is usually a one-year warranty.

Attorney Currin said that the letter is an internal memo from Bob Jones to Mr. Schaumleffel, City Manager that says that they have looked at it and it appeared to be ready for acceptance. This is not an approval and finalization for the recording of Final Plat. Attorney Currin said that it would be a very dangerous situation under the circumstances for the City to accept this tonight.

Mr. Brad Mullins said that his concern is that the City is going to ask that they go above and beyond the design.

Mr. Robert A. Schaumleffel, Jr., City Manager said that they were not asking for above and beyond. Staff is asking that they take care of the infiltration problem as stated in Resolution A.

Commissioner Ray said that there have been so many problems that have come back upon the City from developers that we need to be cautious. He said that he was sorry that this was costing the developer but they need to meet the standards or wait another thirty days. He said that he trusts Mr. Mullins but he cannot approve this until he sees in writing that everything has been approved.

Commissioner Karan inquired about the open space and active recreation requirement.

Mr. Robert A. Schaumleffel, Jr. said that he did not think that there was any recreation space shown on the original plans.

Mr. Brad Mullins said that they are building a playground for the development. He emphasized that Bob Schaumleffel and Bob Jones have been great to work with. He reiterated that he just wants assurance as to the final acceptance.

Commissioner Mangum asked how long ago the list was given to the developer.

Mr. Dave Roesler, Planning Director said that it was given to the developer approximately two months ago.

Mayor Moss said that he understands that the right-of-way improvements have been done. He expressed that the Board will stand by the list of improvements that need to be completed.

Attorney Currin said that there is a surface problem along with the problem of water underground that is getting into the conduit. Attorney Currin asked Steve Colenda's speculation as to this problem.

Mr. Steve Colenda, City Inspector clarified that there was a hydrostatic pressure pushing up from underground. He advised that the water was around the conduit and not inside. Mr. Colenda advised that the water cannot get inside because it has explosion proof head fittings. Mr. Colenda said that they need to raise the wet well and seal the valve pit, which is currently leaking. He recommended making the entire yard a French pit placing one foot of washed 57 stone and plastic corrugated pipe.

Mr. Steve Colenda expressed that the pump station was put on line during a dry season. Once the wet season began the problems were discovered and they tried to repair it.

Mr. Brad Mullins said that what he is hearing is that the Board wants guarantee from the Public Service Director, City Inspector and City Manager that all the issues have been resolved.

Mayor Moss said that was correct and that staff are willing to work with Mr. Mullins. No action was taken at this time.

Fontaine Community – Application for Master Preliminary Plat:

Mr. Dave Roesler, Planning Director addressed the Board and advised that enclosed in the Board's packet for review and consideration is a revised application for a Master Plan – Preliminary Plat to develop a 388 lot residential community at an overall density of 1.7 dwelling units per acre. He gave an overview description of the site and proposed development. Mr. Roesler presented an evaluation of the application regarding its compliance with the standards and regulations of the City of Creedmoor Code of Ordinances and Design Manual.

The proposal includes an active recreation center, a mix of residential lots, open spaces and pedestrian walking trails. Two points of access along Brassfield Road are proposed. The 211-acre site is located on the north and south side of Brassfield Road, adjacent to Robertson Creek. The area north of Brassfield Road contains approximately 300 lots and the area south of Brassfield Road contains 88 lots. The applicant has been meeting with City staff since July, 2006 to refine this project proposal. Among the issues discussed have been access and circulation, Brassfield Road improvements, traffic impacts on the area, open space provisions, recreation uses (both active and passive), lot size, set backs, provision of water and sanitary sewer to the development, and quality and price range of homes to be built. The applicant has incorporated the staff suggestions and recommendations into their plans submitted to the City in October.

The applicant's proposed plan, along with the conditions of approval contained in Resolution A would achieve the purposes of the PUD Ordinance (set out in Section 154-401) as follows:

Consistency with the Provisions of the Planned Unit Development Overlay District Regulations:

1. The design of the Fontaine development is creative and innovative and achieves better utilization of land.
2. Preserves natural vegetation an environmentally sensitive areas, respects natural topographic conditions, refrains from flooding, soil, drainage and other ecological conditions;
3. Provides for abundant, accessible, and properly located public open and recreation space for the community and other public and private facilities; and
4. Promotes the efficient use of land resulting in networks of utilities, streets and other infrastructure features that maximize the allocation of fiscal and natural resources.
5. Enables the development to be completely compatible with adjacent and nearby land uses developments;
6. Ensures that development occurs at proper locations, away from environmentally sensitive areas and on land physically suited for development.
7. Allows unique and innovative land uses to be planned for and located in a manner that ensures harmony with the surrounding community;
8. Creates permanent preservation of natural open space
9. Provides active and passive recreational activities and areas for the residents of the development and other city residents;
10. Allows a variety of lot sizes for combining and coordinating residential dwelling mixes, architectural styles, building forms, structural/visual relationships in a functionally efficient manner;
11. Provides the opportunity for a range of residential opportunities with residential units in the mid to upper and higher price ranges;
12. Produces a site design whereby the residential density is less than two dwelling units per acre; and
13. Centralizes development in order to reduce maintenance costs for roads and/or associated utilities maintained by the City.

The flexibility to vary lot sizes and building setbacks is a key element in the preservation and creation of open space and in selecting an appropriate location of a building on a lot. The varying of lot widths provides the opportunity to offer a wide range of housing types while creating a variety of sub-neighborhoods within the overall development. We have included in Resolution A, a condition for architectural review by the City for phase of development. Using the above lot size and building setback flexibility, the Fontaine development demonstrates creative ways to cluster a variety of housing types while providing a number of neighborhood open space areas as well as an overall open space system for the entire development.

Our evaluation leads us to conclude that the Fontaine development, as designed, creates a neighborhood and community, incorporating pedestrian walkways and sidewalks throughout the development linking internal areas with site features, greenways, and recreation areas, and connecting with external properties and the adjacent school

property. The proposed development includes a range of lot sizes that creates the opportunity for a range of dwelling types, both architecturally in dwelling types, both architecturally and size. Therefore, staff believes that the Fontaine development as proposed and with the conditions of approval set out in Resolution A, demonstrates that it furthers and enhances the purposes of the City's PUD Ordinance.

Extension of Public Utilities:

The City's engineers, The Wooten Company has conducted a preliminary utility evaluation of the applicant's proposal. Their report indicates that the City does not at this time have sufficient drinking water and wastewater capacity to service the proposed development. Based on discussions with applicant's engineers and the City's engineers, the applicant has agreed to provide a lift station and extend the City's water service lines. The lift station provided by the applicant will not have sufficient capacity to service the entire development when built out. The applicant indicates that they are looking at an 8 to 10 year build out schedule. This may allow the City time to construct additional capacity. However, there is no firm agreement with the developer on a utilities phasing strategy. Conditions are included addressing the provisions of public utilities.

Traffic:

Brassfield Road is designated on the City's Road Classification System as a collector road. The proposed development when built-out could generate close to 4,000 vehicular trips per day. The applicant proposes to improve Brassfield Road through their property by:

- Providing a 10-foot wide right-of-way
- Widening Brassfield Road to two full travel lanes;
- Constructing a landscaped median;
- Constructing left turn lanes at the two intersections;
- Constructing appropriate deceleration and acceleration lanes at the intersections;
- Making any improvements deemed necessary by the North Carolina Department of Transportation

The above improvements would meet the City's roadway design standards for a collector road. During our review of this project with the NCDOT there were concerns of off-site improvements to streets that may be impacted by this development. The NCDOT will require that applicant is to submit a Traffic Impact Analysis (TIA) when applying for their roadway and driveway permits.

Pedestrian Connections:

The applicant has proposed sidewalks along one side of all public streets through the northern site with access to Brassfield Road. Paved walkways are proposed linking the streets with greenways, open space areas to the school and recreation area. In the area south of Brassfield Road, the applicant proposes a marked pavement for pedestrians and bicycles as part of the public street construction. Paved pedestrian walkways are proposed linking the streets with greenways and open space areas. A pedestrian tunnel is proposed under Brassfield Road that would link the southern and northern developments. The applicant proposes 24 hour lighting and a security alarm system for the tunnel.

Recreation Area:

The applicant proposes to construct an active recreation area with a clubhouse, pool and basketball court adjacent to a large pond on the site. Sidewalks and pedestrian walking trails link the recreation area with the community.

Recreation Fields Hawley School:

The applicant is discussing with the Granville County School Board the construction of several play fields on school property adjacent to the Fontaine community.

Quality of Residential Dwellings:

Staff has had several discussions with the applicant concerning the quality and appearance of the residential dwelling units. The City desires to promote its community values and expectations by the development of architectural guidelines that reflect and reinforce the quality of design and craftsmanship that can be seen in many of the higher quality housing being built in Raleigh, Durham and other communities. Staff has included a stipulation that the developer have an approved architectural guidelines package for each phase of development.

Expiration of Preliminary Plat:

After the October Planning Board meeting the applicant proposed to staff wording that would keep the approved Master Plan – Preliminary Plat active as long as development documents for a specific phase are submitted at two-year intervals. This has been included as a condition of approval.

Weather's Cemetery: Ms. Mildred Goss has conducted an inventory of the graves in the Weathers Family Cemetery as shown on the applicant's plans. The boundaries of the cemetery have been marked. Staff has included a stipulation that requires the boundary to be noted on the Final Plat and that the Homeowners Association is to assist with the maintenance of this historical site.

The Planning Board began review of this project October, 2006 and had several reviews of the Fontaine Community Master plan. The Planning Board have expressed concerns with traffic impacts, lot sizes and building setbacks. The Planning Board met March 8, 2007 and voted 6-1 to recommend denial of the proposed plans. This action was taken because the Board believes the development does not meet City Code Section PUD 154.413 – Residential Building Setback Regulations, and Section 154.412-Minimum Lot Width.

Mr. Dave Roesler, Planning Director said that Section 154.406 of the PUD Ordinance allows the alteration of residential lot requirements when the development furthers and enhances the purposes of the PUD. The Fontaine development as proposed is an innovative design that will create a community based neighborhood to the greatest extent possible. Therefore, staff recommends that the Board of Commissioner approve the application with the conditions contained in Resolution A.

Mr. Dave Roesler, Planning Director gave an overview of Resolution A; items 1-51. He said that Attorney Currin has recommended a few changes. These changes are shown in italics as follows:

#18, Landscape & Common Areas Maintenance and Ownership: That prior to the recordation of the final plat the applicant shall provide for City review and approval a deed conveying to the Homeowners' Association any landscape *common areas, such as pedestrian ways, open space and protective areas*, including development entry plantings and signage. The deed and Homeowners' Association document shall note that the landscape areas are owned, controlled and maintained by the Homeowners' Association. The deed shall be recorded concurrently and cross-referenced on the recorded plat.

#38, Home Owners' Association: That a Homeowners' Association be created that collects dues and has the capability to place a lien on the property of a member who does not pay the annual charges for maintenance of common areas, however, designated. The Homeowners' Association documents shall be approved by the City prior to recordation at the Granville County Register of Deeds Office and shall be cross-referenced on the final plat *for each phase of development*.

#45, Open Burning: That ~~the~~ *no* open burning of trees, limbs, stumps and construction debris association with this development shall ~~be~~ *occur prior to* approval by the City and/or appropriate agency.

Commissioner Ray asked about the maximum number of houses that could have been placed on the 208 acres.

Attorney Currin said that at 20,000 square feet per unit it could have 416 houses.

Commissioner Ray asked how many lots are requiring the minimal width setbacks.

Mr. Bob Anderson of Barton Development said that it would be 140 lots.

Mr. Bob Anderson, Barton Development Group, 7000 Six Forks Road, Raleigh addressed the Board and said that they are very excited about the plan. He said that they had a neighborhood meeting with adjacent property owners and Hawley Middle School prior to any meeting with the Planning Board. He said there was a very good turnout and there were no complaints.

Mr. Bob Anderson gave an overview of the proposed project and noted that the property was split zoned. The property to the North is zoned R-4 and the property to the South is zoned R-2. There will be cluster development between the two sites. He expressed that overall there are 388 lots for this project. The property consists of 1.78 density which is under two units per acre and it has a 17.5% impervious. He noted that there is 62 acres of open space. Mr. Anderson said that there would be the following;

- five lane lap pool
- clubhouse with bath houses – minimum 2,500 heated square feet

- tot lot with fencing
- fishing dock
- bike racks
- ball field - all purpose
- dog park
- basketball court
- fencing & berm along Brassfield Road
- possible football field at Hawley school
- Pedestrian Tunnel under Brassfield Road
- Two pocket parks with seating and play area

Mr. Anderson gave an overview of offsite utilities. The pump station is to be located on the southeast portion and there will be paved access. There will 9,299 linear feet of 6” force main from the pump station up Brassfield Road. There will be 5,400 linear feet of 8” water main that will go down Hawley School Road and a 12” water main that will be extended over to Brassfield Road. This has been coordinated with Mr. Dan Boone of the Wooten Company.

Mr. Anderson said that Design Guidelines along with the Resolution will improve the communication between the developer and the City. He said that prior to any construction, the City will review the exterior materials, architectural elements, the light poles, the mailboxes and the pedestrian signage.

Mr. Anderson said that there are various lot sizes. On the north side there will be curb and gutter/sidewalks for the 60’, 70’ and 80’ lots. There are 10’ side setbacks, 20’ rear setbacks and 20’ front setbacks. The south side is the low density project and there will be 90’ to 130’ lots. There will be grass swell sections to filter the runoff. He said that instead of sidewalks there will be an additional 4’ of pavement to mark bike lanes.

Mr. Robert A. Schaumleffel, Jr., City Manager referred to the swells at Davenport Subdivision. He said that the only bad thing about that is that sometimes the homes have a deep swell system and it will be hard to keep it mowed.

Mr. Anderson said that what you have to do is have a swell that has a gentle slope that can be maintained. He said that all it takes it to give yourself a little more room on the roadway.

Mr. Anderson said that he hopes that the Board feels that this will be a good project by having low density, low impervious, higher tax base homes, sixty-two acres of open space, a planned community and nearly one million dollars in utility improvements.

Commissioner Ray asked if the lift station would have sufficient capacity to service the entire development.

Mr. Anderson said that it would service the entire development and be the beginning infrastructure for the City’s future needs.

Commissioner Karan inquired about Home Owners Dues.

Mr. Bob Anderson said that they would be approximately \$300.00 to \$400.00 per year.

Mr. Jimmy Minor, Planning Board Chairman addressed the Board and said that he likes some of the changes they made. He said that if they had presented some of the changes earlier the Planning Board may have made a different decision. He expressed that previously 19 lots had 5' setbacks. Mr. Minor asked that the request be denied and sent back to the Planning Board for further review.

Mr. Bob Anderson said that no disrespect to the Planning Board but they had three meetings with the Planning Board and the only item that was changed is that the setbacks were changed to 10'. He said that their option to purchase this property is about to expire and they can't delay sixty days. He said there were no significant changes.

Commissioner Mangum asked if changing to the 10' setbacks would lower the quality of the homes or if it would just constrain the developer a little more.

Mr. Anderson said that it would just constrain them a little more. He said they had to just be a little more creative of the elevations on the 60' lots but they were willing to do so if it makes the City feel safer.

Commissioner Mangum said that the developer has put so much thought into this project and they want to produce a wonderful looking product. She expressed that her only concern is does the Board want to say put back the 10' just because it seems like a safe number and we will figure out the details later. She noted that the City Planner was saying earlier that the original setbacks were acceptable and would give them more flexibility to create a nicer looking product. This project is going to be here forever and do we want a nicer product.

Commissioner Ray said that he was not sure that it would give that much more flexibility and from a safety standpoint he feels that the 10' is needed. Commissioner Ray inquired about conditional approval and sending this item back to the Planning Board for review and approval.

Attorney Currin said that this responsibility could not be delegated statutorily.

Commissioner Karan said that he is in agreement with Commissioner Mangum. He likes variance.

Mayor Moss said that he understands the Planning Board's concerns. He made reference to the incident awhile back where the developer was to use copper pipe and changed it to plastic without asking for approval.

He noted that there have not been many times that the Board has not voted in agreement with the Planning Board. Mayor Moss said that the Board received a good presentation and he is impressed. He said that he wants to make sure that the Planning Board does not get discouraged because they do outstanding work. Whatever decision the Board makes this evening is not out of disrespect for our Planning Board.

Mayor Moss said that the Resolution presented is detailed with 51 stipulations and there needs to be assurance of commitment for enforcement.

Mr. Dave Roesler, Planning Director said that he could assure him of the commitment of staff. He noted that the City has hired professional staff to address issues and the plans will be reviewed by staff, the Wooten Company and NCDOT. He said that if the Board adopts a resolution staff will be monitoring the provisions. Mr. Roesler commented that the applicant can ask for modifications but the request would have to come back before this Board and be modified by action. He reiterated that if a Resolution is adopted staff will be reviewing the stipulations of the development.

Commissioner Ray said that he did not want the Planning Board to feel bad because he knows of the problems the City has had with past developments. He also commented that he does not know of another subdivision that has had a Resolution with 51 stipulations. Commissioner Ray said that he commends the developer for being creative enough to come up with a plan that will accommodate the 10' setbacks and still be appropriate for the neighborhood in the price range they are proposing. He said that he hopes the next development will show as much commitment to a project as he has seen in Fontaine.

Commissioner Piper commented that Bob Anderson did a great job on the presentation and he is impressed. He said that he couldn't vote for anything less than the 10' setbacks because it is very critical that emergency vehicles have access if needed.

Moved by Commissioner Karan and seconded by Commissioner Piper to adopt the Resolution Approving An Application For A Master plan – Preliminary Plat For Fontaine Community with the revised language of #18, #38 and #45. The motion received a unanimous vote.

Parkway Project:

Commissioner Karan said that the portion of the Parkway Project that is outside our ETJ is under a time constraint as far as the final allocation from SGWASA. They were granted a one time only extension and three-quarters of a month has already expired. Commissioner Karan said that the issue currently is servicing that project with water. He said that the question is if our cap can be moved or if they can hit the line at a different point.

Mayor Moss said that Commissioner Karan has suggested that SGWASA service that entire project, which includes the commercial property in our City limits.

Attorney Currin said that the question is about the other portion that is not within the City limits and whose jurisdiction it will become.

Commissioner Ray said that they are serviced by two different Public Safety Departments which is a major problem. He said that if there is a possibility we can force them to become part of the City limits we should do so. He said he feels that it is ridiculous for a developer to want to take a development and subdivide it so that one portion is inside the City limits and the other is not. He said he is opposed to it.

Attorney Currin said that the reason the developer did not want to annex into the City is because of the City's higher development standards. He said that as soon as it is developed and it is not within an area taken by Legislation, it will immediately be eligible for involuntarily annexation by the City. Attorney Currin said that there are two maps referred to in Legislation. The current proposal includes all of Lyon Station, Cozart, the entire Butner Police and Planning area except certain areas that are preempted on a map of the Butner preservation.

Mayor Moss said that in a meeting with Dan Boone of the Wooten Company it was mentioned that it may help us if they service certain areas of Hwy. 56 and also Chappell Point.

Attorney Currin said that if you need to extend services in that area for commercial areas that it may be best to also service Chappell Point. He said that circumstance is that you serve everything on this side of the bottom of the hill and no service on the other side of the bottom of the hill. He said that the other circumstance is that you have got a large distribution line that the City intends to oversize in the immediate future now coming out of Butner.

Commissioner Karan said that this could be an experiment for a small tract of land where we have no infrastructure. He said they want to move our meter back or move our line. We can allow another entity to service this area and still collect taxes. He said he sees this as a win situation for us. Commissioner Karan said that it is basically like renting them an easement.

Attorney Currin said that the City will also be giving them the consensus that area needs to go to Butner. He said that the Board needs to consider that the City is paying for water that goes around one side of the meter and not for the water that goes around the other side.

Mr. Bob Jones, Public Service Director said that this was discussed with Mr. Dan Boone of the Wooten Company. The option is that they would break off prior to our meter in the commercial area and there would not be double billing involved. The positive is that more usage would be going through that line so we would get a better quality of water. Mr. Jones said that his concern is if there is a break in the commercial or residential area they have to rip up our streets and who is going to do the repairs. He asked, would they make the repairs to meet our standards?

Mr. Robert A. Schaumleffel, Jr., City Manager said that the right-of-way would have to be under the Public Service Director's control. He expressed that staff is working towards changing the policy and have utility bonds in the future.

Commissioner Robinson said that he does not think a Municipality going into another Municipality's area to work on a road will work as smoothly as a contractor coming to do work.

Mr. Dave Roesler, Planning Director suggested that if the City so chooses to do this or the City provides a line to this development through the commercial area that the City condition any approval on the City approving the location of that line. He said that there is going to be an easement and that is important to any future development of that site and it is also important because the Creedmoor collector comes through that commercial area. He said that staff has been working very closely with CAMPO and NCDOT because the developer of that project chose not to accommodate that road which was to originally to go through the residential district. Mr. Roesler said they have found a solution that runs along the property line and it bends into the commercial area. He said that they have been talking with the property owner about a slight adjustment to his road alignment.

No action was taken at this time.

Set a date for advertisement of unpaid tax list for 2006:

Moved by Commission Karan and seconded by Commissioner Piper to authorize the Tax Collector to set April 19, 2007 for the posting and advertising of unpaid tax list for 2006. The motion received a unanimous vote.

MAYOR'S REPORT:

Mayor Moss announced that he would be at South Granville at 10:00 a.m. tomorrow with the Children's Miracle Network from the Children's Hospital and Health Center of Durham to honor Michole Holley, whom is a cancer survivor. He asked that the Board adopt a Proclamation proclaiming March 28th Micole Holley Day.

Moved by Commissioner Mangum and seconded by Commissioner Piper to adopt a Proclamation proclaiming March 28, 2007 as Micole Holley Day. The motion received a unanimous vote.

Mayor Moss announced that he received a response from Brian Alligood, Granville County Manager in reference to the City's Legislative Agenda. Mr. Alligood said that they are going to work on issues that are beneficial to both governmental units.

Mayor Moss said he wants to remind everyone of the Budget Calendar that will begin in the month of April.

Mayor Moss announced that the Mayor's Youth Council's first event is scheduled for Friday, March 30th at the American Legion Building. He said that the theme is "Take the Mic Night". He announced that several of the members attended UNC Public TV and there is a possibility they may tape our meetings for broadcast.

Mayor Moss said that both bills have been filed for the Butner Incorporation. He reiterated that the NCLM meeting is scheduled for Friday at 10:00 a.m. in Raleigh.

Mayor Moss announced that May 9th is Town Hall Day and anyone that would like to attend contact the City Clerk in reference to registration.

COMMISSIONER'S REPORTS:

Commissioner Robinson said that he received a voicemail the other day from Ms. Rogers that lives on Dogwood Avenue. She said she was happy with the patching but there was rock in her yard that needs to be removed.

Mr. Bob Jones, Public Service Director said that this had been taken care of.

Commissioner Robinson said that he is receiving bounced messages and he can't get into his e-mail.

Mr. Robert A. Schaumleffel, Jr., City Manager said that everyone's password had been temporarily changed to upgrade.

Commissioner Karan said that at last month's meeting he gave an overview of the KABOOM Conference he attended. He said he wants the City of Creedmoor to become a Playful City and that all the requirements have been met. Commissioner Karan presented the Board with a Resolution For Play stating that August 7th shall be known as Creedmoor's Day of Play.

Moved by Commissioner Ray and seconded by Commissioner Mangum to adopt the Resolution For Play. The motion received a unanimous vote.

Commissioner Karan announced that a Beautification Committee Meeting is scheduled for Wednesday, March 28, 2007 at 7:00 p.m. and invited everyone interested to attend.

Commissioner Karan asked about a time frame that the City can anticipate active recreation space other than the pool for Paddington Subdivision.

Mr. Robert A. Schaumleffel, City Manager advised that the developer said that they do not think that there will be a children's play area until the Highlands project.

Commissioner Karan said that there is to be a separate area in the Highlands area for recreation. Commissioner Karan said that the property owners are upset because they were promised a play area and it is shown on the plat. He expressed that the pool is

considered adequate active recreation but in March when the pool is not open the neighbors are coming to play on the swing set in Golden Pond.

Mr. Robert A. Schaumleffel, City Manager said that the Planning Director recently met with the developers of Paddington Subdivision.

Mr. Dave Roesler, Planning Director said that they met because the developer inquired about the Granville County transfer taxes and the effect it would have on their development.

Attorney Currin said that this was a tax stamp that would be placed on the deed before recording and the cost is \$2.00 per \$1,000. He said that for a \$100,000 home the cost would be \$1,000 and is to be collected at the Register of Deeds Office.

Commissioner Karan asked staff to get an update on the recreation space requirement for Paddington Subdivision.

Commissioner Karan inquired about #7 on the Manager's report in reference to the playground equipment at Lake Rogers.

Mr. Robert A. Schaumleffel, City Manager said that he placed tape around the equipment until OSHA does an inspection. He said that at this point, it seems that there is only one piece of equipment that is up to standards.

Commissioner Karan said that the piece of equipment that has two slides was provided by the Rotary Club and is only about three years old. He suggested that the Public Service Department take a look at it to see if it is salvageable.

Mr. Bob Jones, Public Service Director said that he has ordered sand to place around the slide. He said they may move the playground equipment and place a fence around it.

Commissioner Karan said that he wants it stated on the public record that after the last meeting with the Wooten Company on water/sewer issues there was discussion of property that has been annexed into the City but have no development plans. He gave examples of the Goldston property, Whitfield property, Chappell Point and Dr. Hardison's property. He said that from a personal standpoint and as a member of this Board he feels that there is no subdivision of those lots so they get one water tap. He said that if another developer comes before this Board with a request for voluntary annexation with a viable plan that meets all our requirements he will vote to annex that new piece of property into the City and let them move ahead of the inactive development.

Mr. Robert A. Schaumleffel, Jr., City Manager said that he received correspondence in reference to the Whitfield property today and he and the Planning Director have already told the developer that we do not like his plan.

Commissioner Ray said that he feels that it is important to recognize that the each of the parcels that Commissioner Karan was speaking of are undivided, therefore, are only entitled to one tap.

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

Mayor

City Clerk