

MINUTES OF
CITY OF CREEDMOOR – BOARD OF COMMISSIONERS
REGULAR MEETING AND PUBLIC HEARING
MAY 22, 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 and Attorney Tom Currin.

QUORUM:

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

Mayor Moss recognized special guest Mayor Al Woodlief, Mayor of Oxford.

INVOCATION:

Mayor Moss

PLEDGE OF ALLEGIANCE:

Commissioner Robinson

PUBLIC HEARING:

Street Closing – Portion of Cozart Street:

Mr. Dave Roesler, Planning Director addressed the Board and advised that in March the City received a petition from two property owners that border an unapproved section of Cozart Street by Park Avenue North. He noted that this portion of Cozart Street is not connected by any other street. Mr. Roesler explained that there are three parcels that are owned by two property owners. He said staff has looked at this area and found that there are reasons to keep the road open and there are also reasons to close the street. Mr. Roesler said that although it is not detrimental to the City to close this road, staff recommends that the City retain a 20' utility easement for future utilities and access to the Clark property. If the City decides to close the street the applicants will have to do a re-combination map because one of the parcels will be landlocked. Mr. Roesler said that that utility easement could become a part of the re-combination map.

Mayor Moss opened the Public Hearing.

Mr. Don Washington, 812 Crescent Drive addressed the Board to speak on behalf of the Washington family. He inquired about the easement on the property.

Attorney Currin advised that the statutory section that provides for the street to be closed states that after having a public hearing pursuant to the property owner's request, the Board can enter an order that withdraws the street from dedication. If that order is adopted by this Board, fee simple title to the real estate will vest in the adjoining property owners. In the absence of an agreement between the property owners it will go one-half that is the center line to the parties on the north side and one-half to the center line of the parties on the south side. Attorney Currin said that the order that is entered by the City can reserve the right for public utilities other than a roadway. He used the example of water/sewer usage. Attorney Currin said that his understanding is that staff recommends a 20' reservation for water/sewer be retained in the order. He said that if the property owners want to vary the fee simple ownership in some way all of the adjoining landowners can do so by filing a plat in the Register of Deeds Office with an agreement as to how they will vary the ownership of the land under the dedicated street, which has not been opened.

Mr. Washington inquired about the location of the 20'.

Attorney Currin advised that the 20' would be where it is located in the order. He noted that if the Mayor and the Board instructs him to do the order by indicating that they are going to adopt the order this evening he will either place the reservation in it or not depending on the direction of the Board. Attorney Currin said that he assumes that they will place the easement down the middle of the street or place it on the north side of the existing right-of-way or on the south side.

Mayor Moss said that the property owners would be able to use the area of land that the easement is placed upon but not build on it.

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

REQUESTS TO ADDRESS THE BOARD:

Mayor Al Woodlief of Oxford addressed the Board to speak about budget. He introduced Larry Thomas, City Engineer that was present to also answer any questions the Board may have on other items of business that the City has been discussing with Oxford. Mayor Woodlief said that for 40 years Granville County and the City of Oxford has shared a lot of services that are offered to the entire county. He said that as of the next 60 to 90 days Granville County will be changing. He provided the Board with a budget with six items listed. These items include Economic Development, Airport, Museum, Rescue Squad, Human Relations and Women Living Violent Free. Mayor Woodlief said that for the current upcoming budget for Granville County they have allotted \$130,696 for the EDC. He advised that Oxford's budget this year had \$65,300. Mayor Woodlief said that Granville County pays the airport \$25,264, Oxford pays \$25,000 Henderson pays

\$25,000 and Vance County pays \$25,000. Granville County gives \$23,000 toward the Granville County Museum and Oxford gives \$15,000. For the Rescue Squad Granville County gives \$5,000 and Oxford gives \$2,500. For Human Relations Granville County gives \$2,937 and Oxford gives \$2,000. Women Living Violent Free Oxford gave \$2,000. This is a new organization and he does not know the amount from Granville County.

Mayor Woodlief said that he is asking that Creedmoor and Butner participate. He asked that the amount for the EDC be split three ways equally between Creedmoor, Butner and Oxford, the airport be split three ways equally \$8,300 and the museum split \$5,000 each. He said that Oxford will continue to give \$2,500 for the Rescue Squad and said that if this is split three ways it will be \$850.00. Oxford will continue to pay \$2,000 to Human Relations and asks that Creedmoor and Butner each contribute \$850.00. For Women Living Violent Free Oxford will continue to give \$2,000 and asks that Creedmoor and Butner give \$1,000 each. He said that this is another loss of funding after the annexation of Butner. Mayor Woodlief said that his Board feels that it is time that we all become partners. He noted that they are asking that the money be sent directly to the agencies and not to the City of Oxford.

Mayor Woodlief advised that the airport has approximately 45 stationed planes. Mostly the airport has corporate jets and they also serve the prison of Butner. Mayor Woodlief advised that the Rescue Squad just bought a new boat for the lakes and in time of need they are ready to serve. He said that Human Relations explains itself. Mayor Woodlief said that growth is not paying for itself and this is the first step for Granville County to be united and each municipality pay an equal part. The airport is something that can be looked at in new ways in the future. Mayor Woodlief said that Henderson did not participate last year but will this year. He said the museum is all about Granville County. He said the new program Women Living Violent Free is a good program but they do not have any money. He advised that the Women Living Violent Free's budget was \$12,000 and the City of Oxford gave them \$2,000.

Mayor Moss said that he applauds Mayor Woodlief for coming out to speak about this subject. He asked what his advice would be in terms of approaching these agencies to understand how they contribute to Creedmoor.

Mayor Woodlief said that if you ask that question in Oxford the EDC would reply that everything goes to the southern part of the county. He noted that this was not true 30 years ago for Oxford and that is not true for the past 15 to 20 years, especially in Creedmoor. He said that the way to look at it is that the people may work in Butner or other areas but may choose to live here. Mayor Woodlief said that he does not think that there will be anymore Revlon or Lennox China businesses in Granville County. Mayor Woodlief said that there are arguments both ways as far as what EDC has done for the communities. He emphasized that with Butner becoming a town it would take more than Oxford to get things done. Mayor Woodlief said that \$187,000 was cut because of the proposed incorporation of Butner.

Mr. Piper said that he was part of the Rescue Squad and he attended the meeting last Thursday evening. He said that there needs to be a special type boat for rescue in case of an emergency that will make it over the sand bars.

Mayor Woodlief said that he spoke with the Granville County Clerk and they asked for a one-time \$15,000 to purchase equipment for this purpose.

Mr. Robert A. Schaumleffel, Jr., City Manager questioned the fact that the citizens of this community pay 70¢ until they raise the tax and shouldn't Granville County be responsible for these six agencies.

Mayor Woodlief agreed with Mr. Schaumleffel but added that it does not work that way.

Commissioner Karan asked about why Stem and Stovall were not included.

Mayor Woodlief said he did not include the two towns because of their loss after Butner incorporates. He expressed that in three or four years they may have a larger budget to share the cost.

Commissioner Karan said that he understands but inclusion is of importance. He noted that even if it is only \$100.00 or \$1.00 to keep them in the mix. This will go a long way in showing that they have a voice as an incorporated entity and not necessarily their pocketbook.

Mayor Woodlief said that was a good thought and he had not thought of it that way.

Commissioner Ray said that he concurs with what Commissioner Karan said. He would also like to see the other municipalities included even if it's a small amount that they are able to contribute. Commissioner Ray said that he also applauds his efforts. He added that whether the City is able to meet the funds within this year's budget or not he hopes that the five municipalities can enter into some type of agreement to approach the County Board to get more done than we have been able to do independently. Commissioner Ray said that it has been a real problem over the past few years for us on the southern end to get any type of cooperation. He added that the County was asking for a 5½¢ increase in taxes last night.

Mayor Moss gave Mayor Woodlief a copy of the newsletter Brass field Minute Man which relates to this subject. He said that it speaks of the financial issues that everyone is facing. The newsletter asks for support from Legislation in reference to the tax stamps. Mayor Moss also referred to the article about legislation that would allow annexation of Granville County residents into Youngsville and Wake Forest that currently have a Wake Forest and Franklinton address.

Mayor Moss said that he wanted to say publicly that the City of Creedmoor is interested in creating a partnership with water/sewer with the City of Oxford.

Mr. Robert A. Schaumleffel, Jr., City Manager said that there will be a discussion on this subject this evening.

Mayor Woodlief thanked Mayor Moss and the Board for giving him this opportunity to speak.

Mayor Moss thanked Mayor Woodlief for coming and said that Creedmoor has not completed the budget process.

Sarah Bruce – UNRBA:

Ms. Sarah Bruce of the Upper Neuse River Basin Association (UNRBA) addressed the Board and said that they are a volunteer association of local governments, which was formed in 1996 to provide an ongoing forum of voluntary regional cooperation on water quality protection and water resource planning and management with the 77- square-mile Upper Neuse Basin (Falls Lake Watershed). She said that the members are as follows:

<u>Municipalities:</u>	<u>Counties:</u>	<u>Others:</u>
Creedmoor	Granville	Soil & Water Conservation
Durham	Durham	(Districts in the Upper Neuse Basin)
Hillsboro	Orange	South Granville Water & Sewer.
Raleigh	Wake	Association (SGWASA)
Stem	Person	
Wake Forest	Franklin	

Ms. Bruce presented a map of County boundaries, Municipalities boundaries, Falls Lake Watershed Study Area, Surface Water and drinking Water Source.

The UNRBA is governed by a Board of Directors made up of one representative from each member. He noted that Commissioner Ray sits on this Board. A Technical Advisory Committee is made up of members’ staff that advises the Board and UNRBA staff on watershed management needs and local practices.

UNRBA Mission:

To preserve the water quality of the Upper Neuse River Basin through innovative and cost effective pollution reduction strategies and to constitute a forum to cooperate on water supply issues within the Upper Neuse River Basin by:

1. Forming a coalition of units of local government, public and private agencies, and other interested and affected communities, organizations, businesses and individuals to secure and pool financial resources and expertise;
2. Collecting and analyzing information and data and developing, evaluating, and implementing strategies to reduce, control, and manage pollutant discharges; and

3. Providing accurate technical, management, regulatory and legal recommendations regarding the implementation of strategies and appropriate effluent limitations on discharges into the Upper Neuse River Basin.

Staff:

The UNRBA employs Chris Dreps full time as a Coordinator and Sarah Bruce as a part-time Water Resources Planner through an agreement with Triangle J. Council of Governments. UNRBA also contracts Shelby Powell as a Planner through the Kerr-Tar Council of Governments to support efforts in the Franklin, Granville and Person County areas of the basin.

Funding:

The UNRBA received \$300,000 from the General Assembly in 1999 to create the Upper Neuse Watershed Management Plan and establish the organization. Ongoing funding comes from annual membership dues, which are calculated based on 1) member government's public water supply withdrawals from Upper Neuse surface waters and 2) their land area in the Upper Neuse Basin. UNRBA also conducts grant-funded projects to protect and restore water quality. Currently, more than one-half of the UNRBA's budget is from grants and contracts.

Efforts to Protect Water Quality in the Upper Neuse:

The UNRBA has worked with numerous jurisdictions and agencies on many efforts to improve watershed management in the Upper Neuse Basin.

- Developed the Watershed Evaluation Tool with USGS to facilitate land use and watershed planning.
- Developed the Little Lick Creek Local Watershed Plan for the NC Ecosystem Enhancement Program.
- Developed the Site Evaluation Tool to help local governments and developers evaluate water quality impacts of developments
- Worked with Durham and Orange Counties on their comprehensive land use plans.

Current efforts include watershed restoration plan for Lick Creek and a comprehensive strategy for implementing the Upper Neuse Watershed Management Plan.

Ms. Bruce advised that in 2003, the UNRBA developed a Watershed Management Plan to study and help manage surface water resources in the Upper Neuse Basin (Falls Lake Watershed). She said that they are now creating an Implementation Plan that will specify how these strategies could be implemented locally and regionally to protect water quality and habitat efficiently and cost effectively. Ms. Bruce noted that protection of the habitat is important to show that the water has efficient shadings, trees, rocks and everything needed to support life. She said that streams should be alive with frogs, tadpoles and fish which is an indicator of water quality.

Ms. Bruce said that impervious coverage is when you have development and cover it with rooftops, sidewalks, parking lots and roads. This is where the water can't sink into the ground and is harmful to water quality. It does not allow for any treatments as the water hits the ground and instead, it runs into the gutter or into the nearest stream. Ms. Bruce said that with development, there is a lot more runoff and it is pulling a lot of the sediment from the banks into the water and varies the rocks and things that help oxygenate the water. She said that trees that in the past have shaded the streams are gone and the streams have a much higher temperature, which puts the fish and frogs at risk of survival. Ms. Bruce said that the number of streams being impaired will double by the year 2025. She said that includes Falls Lake and Ledge Creek. She said that Falls Lake already exceeds the threshold level and if things keep going as they have been Lake Rogers will exceed the level. Ms. Bruce said that this is going to result in local governments' adoption of strong regulations to protect water quality. She added that anything built before the Nutrient Management Strategy policy is in effect is considered existing development and developments are going to try to get in under that line. She said that the Nutrient Management Strategy can be paid for by development fees or retrofit that existing development to be paid by taxes, which is much more expensive.

Ms. Sarah Bruce presented the Applicability of Strategies Recommended in the upper Neuse Watershed Management Plan and also the draft for Upper Neuse River Basin Association draft of Implementation Planning Timeline.

Mayor Moss said that there are three things to focus on at this time 1) Staff member for the Technical Advisory Committee and the Mayor referred this to the City Manager to appoint staff, 2) Share in the \$36,000, which the City has already paid and 3) Time line.

Ms. Sarah Bruce said that she is currently in the process of developing the recognition sheets that explains in more detail how local government can implement strategies. She said that she is working on the sewer inspections. Ms. Bruce said that the main thing is to have a contact person for the City of Creedmoor to receive feedback.

Mayor Moss expressed that it is safe to assume that it is unlikely that any additional effluent from SGWASA from the Butner plant will be released into Falls Lake.

Ms. Sarah Bruce said that she is not sure about that process at this time.

Commissioner Ray expressed that some of the permits for Durham and Raleigh have to be submitted this year for approval next year.

Commissioner Karan said that one of the slides on water quality conditions shows Lake Rogers quickly approaching its build out with chlorophyll A. The City of Creedmoor has zero zoning control. He expressed that the County along with Jimmy Crawford and Doug Berger refuses to hear our plea for an ETJ expansion to have control over our own destiny and drinking water.

Commissioner Ray encouraged citizens to go to the UNRBA website to read the information and everyone will find it beneficial.

Ms. Sarah Bruce said that the website is www.unrba.org.

Mayor Moss thanked Ms. Bruce for her presentation this evening.

MINUTES:

Moved by Commissioner Karan and seconded by Commissioner Piper to approve the minutes of April 24, 2007. The motion received a unanimous vote.

APPROVAL/ADDITIONS TO AGENDA:

Moved by Commissioner Karan and seconded by Commissioner Robinson to add to the agenda item 10-d under Old Business; Street Closing – Portion of Cozart Street. The motion received a unanimous vote.

Commissioner Karan asked that the Clerk place on the upcoming agendas the To-Do-List.

Moved by Commissioner Mangum and seconded by Commissioner Ray to adopt the revised 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. Robert A. Schaumleffel, Jr., City Manager provided in the Board's packet an Executive Summary from Dan Boone of the Wooten Company of the cost estimate of 27 million 2,000 dollars for the components of the project to connect to Oxford for water/sewer. Mr. Schaumleffel said that City staff initially met Dan Boone of the Wooten Company and also had dialogue with Oxford staff to come up with the estimate cost. He suggests a surcharge on the water/sewer bill to help with the overall cost. He asked for authorization to work with the City Attorney to provide a legal document.

Commissioner Piper said that he realizes that this is an expensive venture but if the City is to continue to grow we need the resources.

Commissioner Karan said that with the current situation of SGWASA, one of the member entities has been approving projects based upon the availability of finding sewer allocation whether it is by means of a recalculation or a major consumer leaving. One of the members has already approved two subdivisions and received approximately 100,000 gallons of sewage treatment waiting in line. Commissioner Karan said that the City of

Creedmoor has been diligent in the way that we have put out our water/sewer allocation. He noted that unfortunately, we have been spendthrifts and have our own allocation remaining, which means we can't go back to get more until we use what we have. Commissioner Karan expressed that the County has put a special allocation aside and gone back numerous times and depleted SGWASA's resource. He said that the second issue is that currently as a bulk user of our SGWASA membership we do not get the value added benefit that other entities within that organization receive. The City's rate is the same as if you lived within the township of Butner but they do not fix our lines. He said that if our line breaks the City of Creedmoor goes out and spends the money to dig up the line, spends the money to fix the line and also spends the money to put the dirt in and fix the road after the fact. Commissioner Karan expressed that if a line breaks in a different area within SGWASA's area they go out and do all the work as part of the utility bill. He said that one of the things that he wants to negotiate at the forefront is that as a bulk customer to somehow come up with a calculation to talk about those added services.

Mayor Woodlief of Oxford said that they would be happy to place the meter at the City limit sign.

Commissioner Karan said that the City has that now and each individual customer has its own meter and the City also does its own billing but pays the same rate. He expressed that during negotiations to remember that the City of Creedmoor will not be getting as a bulk customer all of the value added services, therefore our rate should not be calculated just basically whatever you charge your consumers within your municipality. Commissioner Karan expressed that right now we pay the same rate but we have to pay extra when there is a problem and when they have a problem it gets taken care of. He added, at the rate the City pays we are paying for the repairs as well. Commissioner Karan said that usually a bulk customer would receive a discount rate and not an increased rate. He expressed that is what we are doing right now. The City is a bulk customer and we do our own billing, maintenance and repairs. He said that it should be the other way around. Commissioner Karan said that we should have a reduced rate from the organization that we pay right now to take our effluent. Commissioner Karan emphasized that as a township they will be receiving \$41,665.67 back as a rebate from the organization on a monthly basis for the period of 240 months. He said that those are the type of things that he wants to make sure is taken into consideration when the City joins Oxford.

Commissioner Robinson said that the last figure he heard for the upgrades to the City's water plant is ten million dollars. Therefore, when you say twenty-seven million we would only be spending seventeen million dollars.

Mayor Moss said that he would like to have a committee made up of himself, City Manager, Engineer and Commissioner Ray, Chair of the Energy, Environment and Natural Resources Committee to work together with Oxford on this project.

Mayor Woodlief said that Oxford has a Public Works Committee that includes Larry Thomas, City Engineer and Tommy Marrow, City Manager and they will coordinate communication with the City of Creedmoor.

Mr. Larry Thomas, City of Oxford Engineer asked how many gallons per day the City of Creedmoor will be requesting.

Mr. Robert A. Schaumleffel, Jr., City Manager said that this has been mentioned informally in past conversations. He said that they know what the numbers are and will present them in letter form.

Mr. Dan Boone, the Wooten Company gave an overview of the water/sewer. He said that the Wooten Company did a report last September updating the cost estimates of internal water/sewer system needs to improve the infrastructure. He said that there are several alternatives for the City, which includes continuing with using the SGWASA 500,000 gpd pumping wastewater and the balance of it going to Oxford. Mr. Boone said that they looked at keeping the water treatment plant on line and buying amounts of water from Oxford. He said they also looked at continuing to buy water from SGWASA and a certain amount of water from Oxford. He said that there are several alternatives for the City to consider. Mr. Boone expressed that the favorite alternative is to purchase all of the water from the City of Oxford, send approximately two-thirds of the wastewater to Oxford and keep all the wastewater generated on the west side of Hwy. 50 going to SGWASA. He said that with this alternative the City can maximize the capital costs that are already in place in that system. He said that Oxford is more favorable from a cost perspective. He expressed that the City of Oxford's cost for water/sewer is less than the cost of Butner. Mr. Boone said that there is an advantage of sending all of the wastewater to Oxford and still retaining the wastewater capacity with Butner.

Commissioner Karan inquired about the gpd for water/sewer from Oxford.

Mr. Boone said that the number the City is looking to purchase for water is a maximum of 1.6 million gpd, which an average day is to be approximately 1 million gpd. The wastewater will have an average day of 1 million gpd.

Mayor Moss thanked Mayor Woodlief and Mr. Larry Thomas for coming this evening and that the City wants to move forward with the Oxford option. Mayor Moss also thanked Mr. Dan Boone for his informational presentation this evening.

Mr. Robert A. Schaumleffel, Jr., City Manager advised that there was an issue that the Board needs to give him direction in reference to Mr. Grissom's high water bill. The bill is for the commercial location of the Lyon's Den on Highway 15. Mr. Schaumleffel, Jr., City Manager said that there was no water break on the City side and there is nothing to be found that shows that it was caused by the City. He said that he has met with Mr. Grissom and told him that he can only waive interest and penalties and does not have the authority to waive the cost of the utilities.

Mr. Wayne Grissom, of the Lyons Den said that he was on vacation and when he returned he had a message from the water department stating that there must be a huge water leak at the property located on Hwy. 15. He said that he called Mr. Harold Jenkins, his landlord and asked him to have a plumber come out to check the problem. Mr. Jenkins called Mr. Robert Ellington a plumber to come out and he could not find a leak or any problems with the outside faucet. Mr. Grissom said that the bill shows that he used 85,000 gallons of water within a six week period. He said that his average water usage is normally 1,500. Mr. Grissom said that the bill is approximately \$1,030.00.

Mr. Bob Jones, Public Service Director said that he checked the meter several times and at no time did they find any indication that it was on the City side. He said that it could have been a stuck toilet or a faucet that was on or a number of things that was resolved when Mr. Grissom returned.

Mayor Moss said that staff has acted as directed by following the policy of the Board. He said that if the Board wants to make an adjustment it will have to be made by motion of this Board.

Commissioner Robinson asked what the policy is when there is a leak.

Mr. Robert A. Schaumleffel, Jr., City Manager said that if there is a known leak and the customer will bring in a bill from a licensed plumber we can adjust a portion of the sewer. He said that in this case he has not been given that information.

Mr. Grissom said that Ms. Lenessa Hawkins, Finance Director called to talk with him and said that if he would bring in a bill from the plumber showing where the problem was that an adjustment could be made. He said that the plumber did not find a leak.

Commissioner Piper asked if the plumber checked inside and outside the building.

Mr. Grissom said that the plumber checked both and the City also sent an inspector down to check for leaks.

Commissioner Ray said that 85,000 gallons of water went somewhere. He said that if there is no leak it had to go through the line. Commissioner Ray said that something should be visible. Commissioner Ray said that he empathizes with Mr. Grissom but if the meter is not broken the water went through the line and if so, the customer is responsible for that usage.

Mr. Bob. Jones, Public Service Director advised that all of the meter readings were consistent. He added that the meter is a mechanical device and over time it would fail in favor of the customer, not the City.

Commissioner Robinson asked about the current readings.

Mr. Bob Jones, Public Service Director advised that the readings are back to normal.

Commissioner Robinson said that anyone could have turned on the outside water faucet and used it or let it run. Commissioner Robinson said that Mr. Grissom would not know because he is not there during the day.

Commissioner Karan said that there is probably a month that does not go by that someone does not have this same problem. He said that the responsibility of securing the property is on the tenant or owner. Commissioner Karan said that he is sorry for what has happened but the City can not make an exception.

Commissioner Piper said that it bothers him that someone has to pay \$1,000.00 for a water bill; however there were no leaks found which means it ran through the lines and it goes to Butner to treat that water.

Commissioner Robinson said that he empathizes with him because they are in the same type of business and he knows how much water his business uses. He noted that they are not talking showers, baths, laundry or any type usage for cleaning. Commissioner Robinson said that there are students that flush a toilet but it is not a lot of usage. He said that he can relate to Mr. Grissom's budget. Commissioner Robinson expressed that the tenant did call a plumber to check for leaks and the City also checked for leaks and he would like to see an adjustment of the bill as if there was a leak.

Commission Ray said that the bill is such an outrageous amount that he would like to suggest a payment plan be worked out for Mr. Grissom.

Mr. Robert A. Schaumleffel, Jr., City Manager advised that the City has a payment plan for such an issue.

Moved by Commissioner Mangum and seconded by Commissioner Karan to follow the City policy and that the bill will remain as is. The motion received a 4-1 vote.

Aye votes: Commissioner Karan, Commissioner Mangum, Commissioner Piper and Commissioner Ray.

No Votes: Commissioner Robinson

Mayor Moss said that the Finance Department would work with him on the payment schedule.

Commissioner Ray suggests that the City educate the citizens on water theft and offer a product that can be used as a safety check.

Commissioner Mangum suggests that the public be given a checklist of options and also inquired about locks that could be placed on outside faucets.

Commissioner Piper asked if there is a water leak, can the City turn off the water.

Mr. Robert A. Schaumleffel, Jr., City Manager replied not unless it is at the request of the water customer. He advised staff voluntarily turns off the water and there is damage the City will be liable.

Mr. Bob Jones, Public Service Director announced that the City Water Department does offer a water dye tablet that can detect leaks in the water toilet tank. He said that if staff finds a water leak on the customer side a notice is placed on the door knob to notify City Hall.

Mr. Robert A Schaumleffel, Jr., City Manager asked the Public Works Director to give an update on the crosswalks. He said that he talked with one of the downtown business owners that had been given misinformation.

Mr. Bob Jones, Public Works Director said that an approval letter has been received from Mr. Steve Johnson of NCDOT for two crosswalks. One location is at the corner of Masonic and the other location is East Lyon Street beside the gas station.

Mayor Moss asked about the parking.

Mr. Bob Jones, Public Service Director said that the State requirement is that must have 50 feet on either side of the crosswalk. He said that at Masonic Street there may be a loss of a couple of spaces up to the barber shop. He noted that the other side already has yellow lines in front of the bank and there are also yellow lines in front of Southern States and across Masonic. Mr. Jones expressed that the City meets the requirements. He said that at Lyon Street there is already an area by the teller machine that has yellow lines for non parking. He said that there may be a spot by Tatum & Strauss that has a loss of parking but he has not measured it out at this time.

Mayor Moss commented that currently you have to pull out onto the street for visual reasons from Lyon Street and he feels that the no parking at this area may be helpful.

Commissioner Ray said that he would prefer to see the no parking in front of the gas station and the car dealership.

Mayor Moss said that there is a serious site issue that makes it dangerous at the corner of Lyon Street and Main Street.

Commissioner Karan has concerns of losing parking in front of Tatum & Straus. He said that the site issue can be taken care of by having no parking for the first 50 feet of this area.

Commissioner Karan said that he sent an e-mail to the company that provided the City with the flashing light literature inquiring why NCDOT will allow it in other areas of North Carolina and not Creedmoor.

Commissioner Piper said that he agrees with Mayor Moss that the City needs to make that area as safety as possible for the citizens.

Commissioner Robinson said that he also agrees that they need to make that area no parking for safety reasons even if the crosswalk is not placed on that side.

Moved by Commissioner Karan and seconded by Commissioner Mangum to install the two crosswalks at Masonic and Lyon Street. The motion received a unanimous vote.

Mr. Robert A. Schaumleffel, Jr., City Manager gave the Board a handout of monthly pictures of maintenance problems within the City. He advised that in one of the pictures you can see that a tree ate a manhole. He said that the manhole is located by Crescent Drive.

Mr. Robert A. Schaumleffel, Jr., City Manager said that the next issue is a copy of a sidewalk construction agreement that was drafted by the City Attorney. He said that the project will originate at Church Street and Hwy. 50 and go to Dogwood. There will not be an extension from Dogwood to Whitehall because of opposition from citizens.

Commissioner Karan said that he has heard from citizens on both sides of the issue. He expressed that he has heard from numerous citizens that do not want the Board to allow the Whitehall Home Owners Association to make the decisions for the City of Creedmoor. He added that they asked to remain anonymous for fear of retaliation from their neighbors. Commissioner Karan said that he realizes that it is an expensive proposition for the work to be done but he feels that some of the water runoff that goes down Main Street and cuts through the back of the property owner's yards into the pond may be alleviated by this project.

Commission Ray expressed that he feels that the sidewalk should go to Whitehall or not at all.

Attorney Currin said that the contract was for approximately 1,250 feet of sidewalk to be run from Church Street to Dogwood and does not encompass from Dogwood to Whitehall.

Commissioner Ray asked the requirement to get the portion from Dogwood to Whitehall.

Attorney Currin replied that he was not involved in the negotiating contract, however; given that he has a contract it would be perfectly legal for you to direct staff to do this as a separate item. If this is done, it should be in writing with approval by the Board. Attorney Currin added that the Board can step back and not do anything to this contract and try to get it all done in one document with the additional costs negotiated for this section. He said that the Board can also approve this contract based on the proposal to extend to Dogwood and take that back to the contractor to negotiate a reasonable cost at a later time.

Commissioner Mangum inquired about the retaining wall.

Mr. Robert A. Schaumleffel, Jr., City Manager replied that the retaining wall will not be needed under this contract. He said that it was only on the segment from Dogwood to Whitehall because of the grade difference.

Commissioner Robinson asked if the City can do the \$75,000 portion from Church Street to Dogwood and add the \$25,000 portion from Dogwood to Whitehall at a later date.

Attorney Currin said that there is a time concern to continue to have the funds available and it will be problematic to delay the project. He said that once the project begins and you have committed a portion of the cost the project is subject to negotiations for improvements during the construction period and the contractor sometimes will allow for the additional maximum amount of the project.

Mr. Dave Roesler, Planning Director said that it is specified in the grant that the contractor will commence construction by June 30, 2007.

Commissioner Karan referred to his motion that was unanimously voted upon at the last meeting to authorize the City Manager and staff to negotiate a change in scope to delete the wooden bridge and to include a concrete sidewalk, extend culvert and retaining wall near Dogwood Avenue and with the City providing the storm water drainage upgrade and traffic control including a report on the status of in kind contribution toward the grant match and to proceed with haste on this contract. He said that he does not understand what was difficult in that paragraph as to why this contract is just being presented this evening.

Mr. Robert A. Schaumleffel, Jr., City Manager said that he just received it today.

Commissioner Karan said that it is unacceptable to him that the Board just received this contract today. He said that this Board voted on this motion a month ago and it should have been started as soon as possible whether it was from a contract agreement or the Contractor. Commissioner Karan emphasized that here we are talking about it again.

Commissioner Ray reiterated that he wants it to be all or nothing.

Commissioner Karan said that at this point he wants this project to begin and if it is a sidewalk to Dogwood then so be it. He said that he does not want to wait another 30 days and jeopardize losing the funds.

Moved by Commissioner Karan and seconded by Commissioner Piper to accept the sidewalk construction agreement and have in writing that the additional section to be done at a later date. The motion passed 4-1.

Aye Votes: Commissioner Karan, Commissioner Mangum, Commissioner Piper and Commissioner Robinson

No Votes: Commissioner Ray

Attorney Currin asked if the Board has any input to staff as to how to handle the practicality problem of the other section.

Commissioner Karan said that if the City can afford to do this from the \$74,150.00 then it should be done.

Attorney Currin asked if they want to go the wooden option as opposed to the concrete retaining wall.

Commissioner Karan said that it should be concrete or whatever they have to do to make sure the job is done right. He said that if it can't be done for the \$20,000.00 then it does not get done.

Commissioner Ray asked if the cuts for the driveways were resolved.

Attorney Currin said that the City is going to do the section between the sidewalks and the asphalt on a per resident request basis.

Mr. Robert A. Schaumleffel, Jr., City Manager said that the generator stopped working at Joe Peed Lift Station and the five-year warranty expired on April, 23, 2007. He also announced that there is a leak at the dam at the water plant. Mr. Schaumleffel said that there were divers out there today and they found that the valve system stem is bent. He said that they temporarily stopped the leak and the parts will be available in approximately 6 weeks and they will commence to make the permanent repairs.

OLD BUSINESS:

Department Head Reports:

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

Agreement between Granville County and the City of Creedmoor for Tax Collections:

Mr. Robert A. Schaumleffel, Jr., City Manager said that the Board has requested that the Tax Collections be turned over to Granville County. He said that the County has given him a Contract between the City of Creedmoor and Granville County and the City Attorney has reviewed this agreement. Mr. Schaumleffel said that Granville County offers a discount if taxes are paid between July 1st and August 13th and the City do not.

Attorney Currin said that in paragraph # 3 there should not be a comma between Granville County and Manager and "except as herein otherwise provided" should be in

parenthesis. In paragraph #18 calls for at least six (6) months notice prior to the expiration of the calendar year and he feels that this is a substantial notice. He suggests that the language read that “the notice be given six (6) months prior to the end of the fiscal year”. He said that the paragraph #8 is a provision regarding past due delinquent non paid taxes and it seems that the City may want to collect the past due taxes.

Mr. Robert A. Schaumleffel, Jr., City Manager said that the only caveat to this is that he received a letter from the County Manager saying that the contract is the standard form. He said that he will be happy to go back and communicate the Board’s thoughts to the County Manager.

Attorney Currin said that the Board may want to authorize the County to collect anything that they can collect and you will pay them their 1.5% on anything that they do collect. He said that the City will no longer accept any current taxes and will direct all current taxes to the County. Attorney Currin said that for any delinquent taxes collected by the City you would not want to pay a percentage to the County.

Mayor Moss asked if the City would continue to have our delinquent tax program.

Ms. Lenessa Hawkins, Finance Director said that her understanding is that the City will still have to collect all taxes that are delinquent for the past ten years or have not been billed by the County.

Attorney Currin said that it needs to be specified that if the taxes are collected by the County they receive the 1.5% but if the taxes are collected by the City they should not have to pay the County that percentage. Attorney Currin said that he will draft a language change for the City Manager.

Moved by Commissioner Karan and seconded by Commissioner Mangum to authorize the City Manager and City Attorney to draft a contract agreement between the City of Creedmoor and Granville County for tax collection at a rate of 1.5%. The motion received a unanimous vote.

Reconsideration of Rezoning of 29.38 acres – Hwy. 56 West:

Mayor Moss opened the Public Hearing.

Mr. Dave Roesler, Planning Director was sworn in by Mayor Moss.

Mr. Dave Roesler, Planning Director addressed the Board and said that at the August, 2006 meeting the Board of Commissioners approved the rezoning request from Residential-2 to Special Use District Business-2 for the 29.38 acres on the south side of NC Highway 56, approximately 1,500 feet northwest of Lake Rogers. Pursuant to that action item by the Commissioner’s legal action entered into the City.

Mr. Roesler explained that at the April 24, 2007 Board meeting the City Attorneys said that there had been recent correspondence from the HUD office and asked if the Board would like to reconsider its previous motion in the rezoning and schedule a Public Hearing for this evening. He said there is two courses of action that the Board can take 1) reconsider to rezone and deny or 2) reconsider the rezone and give approval. Mr. Roesler said that he would like it entered into the record that the certification of notification of property owners, adjoining property owners and all property owners within 500 feet of the property were notified by certified mail and a copy of the newspaper advertisement and a staff memo of August 14, 2006 that the City reconsider its previous motion on August 22, 2006 in rezoning the tract located on the south side of NC 56 west from residential-2 to Special Use Business-2 first holding a public hearing on May 22, 2007 at 7:00 p.m.; further authorizing Dave Roesler, Planning and Zoning Director to give notice of new hearing on reconsideration as provided by law and also to the owners and developers of the property.

Mayor Moss said that he wants to explain for the sake of public disclosure that what this Board is doing tonight is in response to a housing discrimination complaint, Case No 04-07-006-8 and the complainant is Ms. Vicki Bass of 1673 NC Highway 56, Creedmoor, North Carolina. The claim was based upon using ordinances to discriminate in zoning and land use and the alleged violation occurred because of race. The complaint was sent to the City of Creedmoor, Mayor, and Board of Commissioners. Mayor Moss said that this case was handled out of the Atlanta office and has recently been reassigned to the Chicago office.

Attorney Currin said that the allegations indicate that there may have been some parties that failed to receive notices of the initial hearing because of the technical failure with regard to either a mail notice or a posted notice. As the Board knows, both mail notices and posted notices occurred but in the event that they were deficient in any form the Board decided last month to give the notices again and have the hearing again for property owners or other individuals that wants an opportunity to comment before revisiting that original action on the motion to reconsider. Attorney Currin said that the Board is here now to make certain that if there was anyone who failed to receive notice of the earlier hearing has an opportunity to appear before this Board tonight.

Mr. Joe Lyle of 818 S. White Street, Wake Forest was sworn in by Mayor Moss.

Mr. Joe Lyle addressed the Board and said that they came before this Board last year for a rezoning and he is here to answer any questions. He said there have been no changes.

Reverend Holliday was sworn in by Mayor Moss.

Reverend Holliday addressed the Board and spoke of concerns of the flood zone of the Parkway Project, overcrowding of the schools and cited the enrollment figures for Southern Granville County schools, increased congestion of traffic, water/sewer issues and EPA studies of pollution-noise. He asked that the City of Creedmoor do additional

research on the proposed plan by the developers before moving forward with a vote on this project.

Mr. Vincent Moore was sworn in by Mayor Moss.

Mr. Vincent Moore of 609 27th Street, Butner addressed the Board said that he was speaking on behalf of his Mother that lives at lot 10. He asked what the developer is going to build across the street from his Mother and how it will affect her property.

Mayor Moss said that the 29.38 acres is a commercial rezoning and not a residential project. He explained that there is a residential component to the project. He said that at the current time the residential portion is outside of the City's authority. Mayor Moss said that it is outside of the City limits and also outside of the City's ETJ. He noted that the 29.38 prior to the Board's action was within our ETJ. Mayor Moss advised that there is a thoroughfare plan and another component to that, which is the southwest portion of the loop. He added that this will direct traffic from Hwy. 50 over to I-85. The residential portion will be impacted as well the commercial portion to a certain degree by the southwest portion of the loop. Mayor Moss said that this is all part of a Comprehensive Plan for the Thoroughfare Plan that is being developed for Southern Granville County.

Mr. Dave Roesler, Planning Director advised that this is a Special Use District, which means nothing can happen on the site until a Special Use Permit is issued. He explained that the permit deals with the details that Mr. Moore is inquiring about such as road widening, materials, aesthetics and what type of commercial. He said that is a follow up to the rezoning. Mr. Roesler said that when that happens the process requires litigation just like this one. He advised that each property owner is to be notified after the applicant submits a development plan and there will be a hearing.

Ms. Vickie Bass, Ms. Evelyn Suite, Mr. Calvin Harris,, Jr. and Ms. Freda Branch were sworn in by Mayor Moss.

Ms. Vickie Bass of 1673 Hwy 56, Creedmoor addressed the Board and said she wants to state for the record that this issue is important to all the residents of Creedmoor. She said that it is important that we keep the citizens informed particularly residents and property owners here in Creedmoor of any projects planned. Ms. Bass said that the major concern in the beginning was that there was no communication and the residents were not informed. She said that Mr. Vincent Moore and Reverend Holliday articulated that. Ms. Bass said this was brought to the attention of the Commissioners and the Mayor. She said that she was very disappointed because we had all been working together trying to make Creedmoor a better place and when we see people jump ahead and try to exclude the input of citizens that does not sit well with the community. She also said that this concern that was expressed to the Federal Government was that the State Statutes and the City Ordinances were not followed, which means the law has been broken. She said that the proper procedures were not followed. The land was not posted and the notices were not sent and when there was an opportunity to correct that the opportunity was not taken. Ms. Bass expressed that in fairness to all citizens the residents need to be informed. She

said that Creedmoor can do better, the Commissioners can do better and we can all work together. She said to have an incomplete plan as referred to by Reverend Holliday and failure to involve adjacent property owners is inexcusable. She said that the majority of the impacted property owners are elderly widows. Ms. Bass said that as we all know widows have rights just like everyone else. She expressed that she does not think that anyone should disrespect widows in this area. Ms. Bass said that if it takes having to stop, reconsider and go back to start over that is what we need to do to plan a project that will be better for the entire community than to try to jump ahead to something that has not been planned properly. She noted that this reconsideration is not addressing the concerns that she expressed because number one, the original application was invalid and to start at this point and time will not correct the original problem. Ms. Bass said that the application itself needs to be resubmitted. She said that her understanding from the review is that Rockland Parkway Partners did not have control of the land they submitted for rezoning. They did not submit notarized signatures giving them permission to submit the land for rezoning and that was illegal. Ms. Bass said that we have to really make sure that when we have applicants come into Creedmoor that “all the i’s are dotted and the t’s are crossed” properly no matter who it is. She said that she does not think that anyone should be allowed to come into this community that is not following the rules. Ms. Bass said that her understanding is that while it is good to have a hearing and listen to issues the application is invalid and needs to be resubmitted.

Attorney Currin asked Ms. Bass which piece of property she believes is included in the request for rezoning that was not represented in the application.

Ms. Bass said that it was already articulated in the concern.

Attorney Currin asked if she could indicate the portion of the property sought to be rezoned that was not represented in the application.

Ms. Vickie Bass said that he could ask Rockland because they did not own it at the time they submitted the application. She said that she believes that they did not own the land by Mr. William P. Green nor did they own the Rogers property.

Attorney Currin asked if what she was saying is that Mr. William P. Green’s property is included in the 29.83 acres and was not represented in the application.

Ms. Bass said that it was not represented.

Attorney Currin asked if there was a more specific name on the Rogers property.

Ms. Vickie Bass said that as long as things are done fair and properly that is what we need to get back to.

Attorney Currin asked that for the record if she can identify the property that she is referring to.

Ms. Vickie Bass said that she was trying to look at the application but her concern as she explained earlier is that it was not done properly. She noted that she knows that in other areas of the City they have always wanted people to abide by the rules. Ms. Bass said that she doesn't understand why in this area of the community this applicant was not abiding by the rules and no one questioned that. She said that is unfair.

Attorney Currin said that we have the Greene property and the Rogers property and is there a designation on there as to the Rogers property.

Ms. Vicki Bass said that it is not really showing on the information that she has.

Attorney Currin asked if there are any other properties that you believe other than the William P. Green and possibly the Rogers tract that you have referred to that you think are included in the rezoning area that you do not believe are represented by representatives authorized to do so in the rezoning application.

Ms. Vickie Bass said yes. She said that she believes two of the owners also did not have authorization. She said that some of the pieces were owned by individuals and one of them was Mr. Tim Kelley and not Rockland Parkway Partners. The applicant either has to own the tracts to rezone or have a notarized statement from the actual owners giving them permission to rezone.

Attorney Currin asked if she could identify the properties by placing an "X" on it for verification.

Ms. Vicki Bass said that what they were looking at was not the correct map.

Attorney Currin said that she needs to go ahead and finish her segment and let the Board look into the questions you raised.

Ms. Vickie said in summary that there are so many irregularities that it needs to be investigated and redone properly. She said that she and Ms. Harris were at the original hearing in August and asked that the proper procedures be followed to be fair to all citizens. Ms. Bass said when that was not done, which just put us farther down the road here in May when this could have been stopped in August. She said that the major point here is to follow the State Statutes, City Ordinances and be fair to all citizens. She said to involve and inform all the citizens so that they can plan together.

Ms. Evelyn Suite addressed the Board and expressed concern of this type of project being suitable for this area. She expressed that her family did not receive a letter and feels that it makes a big difference when you are part of the planning especially when it has to do with your heritage. Ms. Suit said that it bothers her that so much of the land in this area is being given up.

Mayor Moss inquired about the piece of property that her family owns.

Ms. Suite replied that it is lot 24 across the street that is next to the lake.

Mr. Calvin Harris, Jr. of 210 College Street, Oxford addressed the Board and said that he is representing his Grandmother and his parents who own the property next to her. Mr. Harris said that he is also a Coley heir, which is the property across the street. He said that his family feels that they have been left out. He said that he can't tell the Board the amount of times the real estate company has come to their house trying to get his Grandmother to sign papers when no one else was with her. Mr. Harris said that it is known that people sometimes try to take advantage of elderly people. He asked what the developer plans to do with this property. He also so asked if they want them to sell their property to them and use it as a Special Use Business-2. He asked if it would be a night club in his backyard, a Food Lion or a Wal-Mart. Mr. Harris said that he can speak for his immediate family that they did not receive those letters. He said that they are concerned as to what they are going to do. Mr. Harris asked what is meant by Residential-2 zoning.

Mayor Moss said that the property was previously zoned R-2, which is a residential zoning. He advised that years ago the #2 meant that it was an 80,000 square foot lot.

Mr. Dave Roesler, Planning Director said that the number reflects low density/one-half acre lots.

Attorney Currin said that because it is on the south side of the road it is not included in the watershed district so it did not go to the 40,000 or 80,000 square feet lots. He said that it was known as R-20 with 20,000 square feet lots in the old zoning books.

Mr. Dave Roesler, Planning Director explained that District-2 is a commercial district that will allow all of the things that you talked about. He said that if it is a Special Use they have to specify what it is going to be whether it will be a gas station, grocery store or offices. Mr. Roesler said that it has to be outlined on a very detailed site plan. He said that Special Use narrows down the range of what will be acceptable for that particular site based on such things as traffic and neighbors.

Mr. Harris said that he thought this property was zoned Residential-2.

Mr. Dave Roesler, Planning Director explained that the property is currently zoned Special Use District Business-2. He said it was rezoned last August from Residential-2 to Special Use District-2.

Attorney Currin explained that is the action that is currently being reconsidered at the present time. The Board has voted to reconsider that action to either ratify it or do something different. Attorney Currin said that before that action was taken this was a residential area and the action which was taken did have the affect not of turning it into a regular commercial district but one of the Special Districts in which the developer has to come to the City and deliver a site plan with specific development elements disclosed. He said they have to show exactly where the businesses will go and types of businesses

are planned and what types of related improvements will be made both on the site and in the adjoining rights-of-way.

Mr. Harris asked about the properties that have already been purchased. He said that the lots look terrible because the grass is growing tall and there are also junk piles. He said that no one wants to come out of their house and look at this every day. Mr. Harris said that he does not think this is fair. He feels that they were pushed into this situation. Mr. Harris explained that when a realtor came to the house they were shown one version of a map and the next week they came with a different version of a map. He said that a realtor went to his Grandmother and said that if she did not sell her land to them that they were going to place a fence up around her property and exclude her, which will make her property value go down. Mr. Harris asked him to please not come back or there would be a restraining order place against him. He emphasized that he was born and raised in Granville County and spent the majority of his summer at his Grandmother's house at 1670 Lake Road. Mr. Harris said that he, his sister and his cousins all grew up playing on Lake Road. He said that if they want to develop the property to a Special Use District-2 give us what our property is worth. Mr. Harris emphasized that he wants the developer to treat them fairly. He said that he called City Hall and asked that they have the developer clean up the property and nothing has been done. He said that the people that purchased this property do not care. Mr. Harris said that he does not believe that the developer understands how hard his Grandmother and Grandfather worked to purchase this land and instead they just want to take it from them. He said that he is well educated and he understands about eminent domain but you can not take something from us without giving us something that we really need. He asks that the City keep them informed.

Attorney Currin said that for clarification he wants it understood that the City is not involved in any condemnation action in this case nor is the City acquiring any interest in any of this property. This is not a City project. He said that the parties who apparently have purchased from other people the 29.38 acres are the individuals that have made an application to rezone the property for a business use. Not the City. Attorney Currin said that the people that bought the 29.38 acres have asked that the property be rezoned for a business purpose and that is what we are considering tonight.

Mr. Harris asked Mr. Lyle what they plan to do with the property.

Mr. Lyle said that they plan to build a business center.

Mayor Moss reiterated that there are two components to this project. There is the Business-2 piece consisting of 29.38, which is the area that the City has authority to deal with. The second component is the larger piece of land that is residential and is outside of our authority, which is in the County's jurisdiction. The City is only concerned of the 29.38 acres. Mayor Moss said that the access off of Hwy. 56 to the residential property is designed to go through the commercial piece. Mayor Moss said that what they are trying to do is respond to the complaint as best we can. Mayor Moss read from the complaint from the US Department of Housing and Urban Development as follows:

No. 7: The following is a brief and concise statement of facts from the following violation: The complainant belongs to a class of persons who the act protects from unlawful discrimination because of her race, black. The complainant alleged that the City of Creedmoor, Respondent used improper procedures in rezoning land in their community, which is adjacent to their community, which is predominantly black.

Specifically, the Respondent, which is the City of Creedmoor failed to properly advertise the rezoning of the subject property and to provide her and other residents with proper notification of the petition for rezoning and its subsequent hearings that were held in this matter.

On August 26, 2006 the City of Creedmoor held a Public Hearing to the petition for the rezoning of 29.68 acres located off of Highway 56 in Creedmoor, North Carolina from Residential-2 to Special Use Business-2, Highway Business. Subsequently, the Board of Commissioners approved the petition on September 1, 2006. The Complainant requests a reconsideration of the decision. To date, the Respondent has not addressed her request, or the City has not responded to that. The Plaintiff believes that the action taken by the Respondent amounts to spot zoning and will negatively impact the historic black community in which she lives. The Complainant further believes that the action was taken by the Respondent based on race in violation of the Fair Housing Act as amended.

Mayor Moss said they are in the middle of trying to reach a conciliation agreement, which was between the Fair Housing Council and the City of Creedmoor. The Mayor read Section F, which is the Relief for Complaint as follows:

No. 12: The Respondents agree to rescind its zoning approval of the 29.68 acres located off of Highway 56 and reconsider the rezoning petition insuring due procedural process for the affected property owners.

No. 13: The Respondents agree to release to the Complainant a certified check in the amount of \$2,500.00. The Complainant must receive the certified check and a copy of the certified check must be submitted to this office before the Regional Director executes this agreement.

Mayor said that this is what we are trying to resolve. He said that as he understands it what is in this document is about notice and this is why we have been extremely focused on revisiting that.

Ms. Vickie Bass argued that what he read was not quite true and that the City submitted that, she did not.

Mayor Moss said that the City did not submit this and what he read came from their document.

Ms. Vickie Bass said that the language in this document was not her language. She said that Ms. Stella Adams, the Fair Housing Representative was not here this evening to give her position. She said that they should not state that. Nothing was ever agreed to.

Mayor Moss said that he wants to respond to Reverend Hollidays reference to the Flood Zone Ordinance. He said that April 24, 2007 the Board adopted a Flood Zone Ordinance and he would be glad to get him a copy.

Ms. Vickie Bass commented that she called Mr. Dave Roesler, Planning Director and he did not return her call.

Mayor Moss said so noted.

Mayor Moss said the other issue he wants to respond to is about the schools. He reiterated that the residential piece of this property is outside of Creedmoor's jurisdiction. The commercial piece would not have any school implications.

Mayor Moss said that for the roads, there have been several meetings with Granville County Planning to make sure that the area inside our area of authority and outside our authority could be tweaked to meet the long range project R25-42 that will take traffic from Hwy. 50 over to Hwy. 56. He said that each meeting that he has attended the developer has worked to make that happen in each and every case.

Mayor Moss said that the last point that he wants to make is related to water/sewer. He said that the City of Creedmoor is going to be allowing SGWASA to serve that piece of land, which makes sense because the lines are over there.

Ms. Freda Allgood Branch was sworn in by Mayor Moss.

Ms. Freda Allgood Branch addressed the Board and said that her family has concerns. Ms. Branch said that her family was originally for the project because the contractors approached them about purchasing their property. She said that after the original approval for the rezoning was approved everything changed. Ms. Branch said that the developer no longer wants to purchase their property, therefore the original map that was proposed to her and the Board has now changed and their lots are no longer in with the original project. Ms. Branch said that her family feels that they used them because once the property was rezoned they no longer wanted to purchase their property. She advised that they have their property up for sale because they feel that the commercial property will decrease the value of their property. Ms. Branch said that she wants the Board to take this into consideration.

Attorney Currin asked Ms. Branch to identify her property on the map.

Ms. Branch said that it is lot #5.

Commissioner Ray asked if lots, #4, #5 and #10 are the properties that were being negotiated at the same time.

Ms. Branch said that was correct. She advised that the lot behind her and in front of her were the lots being negotiated by the developer. She said that the agreement was that when they signed the contract they were to contact the property owners within 30 days after the rezoning approval. She added that they never received a call back. Ms. Branch said that they contacted the developer several times and they never called back.

Commissioner Robinson asked if her property was part of the 29 acres.

Ms. Branch said that it was not part of the 29 acres.

Commissioner Robinson asked if it was outside of what we looked at the first time.

Ms. Branch replied that is correct. She said that they were supposed to go back and do the rest of it later after approval of the 29 acres.

Attorney Currin asked if it was her impression at that time that having her property rezoned to commercial might make her property more valuable and more desirable.

Ms. Branch replied that she originally supported it because she felt it was a good thing for Creedmoor but after they came back and said they no longer wanted my property she lost confidence in them. She said that she does not feel comfortable that they will do what they say.

Commissioner Ray asked if properties 1, 2, and 3 within the shaded portion of the map were not actually rezoned as Special Use.

Attorney Currin replied that they were not a part of the application and not affected.

Commissioner Ray said that his maps show that lot #1 is owned by Rockland and lots 2 and 3 are owned by the Thomas and Kelley family.

Attorney Currin said that one of the lots has been purchased by Rockland. Lot 2 is owned by Dorothy Thomas and #3 is owned by Patrick Williams and T.P. Kelly. These lots have not been rezoned. Attorney Currin said that he assumes that the City will receive a request to rezone lot three and a petition to rezone lot one. He said that the Thomas family has representation here and asked Mr. Lyle if they have any ownership interest or option on that parcel.

Mr. Lyle said that he does not believe so.

Attorney Currin asked if Rockland Partners owned the 29 acres at the time of the application.

Mr. Lyle said that they owned most of it or had an option.

Attorney Currin asked if it was a certified option.

Mr. Lyle said that it was a recorded option and obviously certified and executed, which gave us the right to rezone.

Commissioner Mangum asked if it was someone from his company approaching the property owners. She said that she would love to know the name of the people harassing these people. Commissioner Mangum said that this Board has heard her say many times that she has lost confidence in some developers. She said sometimes they lie to her face. Commissioner Mangum expressed that she has not lost confidence in him yet. She said that with what she has heard tonight she wants to hear some answers. Commissioner Mangum wants the residents to realize that they can say no because it is their property. She emphasized to the property owners that the City does not want to take anything that belongs to you. It is yours.

Mr. Lyle said that it was not his company that approached them and he would also like to know who it was.

Commissioner Karan said that he really appreciates the people that came to speak before the Board this evening. He said that he knows that sometimes facing a Board can be difficult. His concern is that you are asking us to take a word that you have some form of legal representation over tracts of land by tax maps.

Ms. Burma Pratt was sworn in by Mayor Moss.

Ms. Burrma Pratt of 2510 Brogden Road, Creedmoor said that she owns property on Hwy. 56 and the developer asked to buy their property for more land to rezone commercial. Ms. Pratt said that the Realtor, which was Coldwell Banker, came back and said they were no longer interested in purchasing the property. She emphasized that they broke the contract with them unexpectedly and paid them \$1,000.00 for breaking the contract.

Commissioner Karan suggests that they contact the NC Real Estate Association and file charges.

Ms. Charlotte Hayes Stanley was sworn in by Mayor Moss.

Ms. Charlotte Hayes Stanley of 450 Breakway Drive addressed the Board to represent her Mother Ms. Hattie Street of 1674 Lake Road. She said that she feels that they were

misled. Ms. Stanley said that she was approached about selling their property and when they had a meeting she asked if they were sure they wanted to purchase the property because her sister was staying in the house paying the taxes and insurance for her Mother that is on a fixed income. Ms. Stanley said that she was told that they were sure that they wanted to purchase the property that they were waiting on the rezoning of the property. She said that she does not want to put all of the blame on the Realtor because the developer also approached them about purchasing the property. She noted that the Realtor told them that they had to be out of the house by a certain date. Ms. Stanley said that they can't say that they did not say anything about buying our property or push us to purchase the property because they did. She said that she is now in a bind because her sister has moved out of the house, which is now empty and she has to pay the taxes. The \$1,000 that they gave my Mother did not pay any of those bills. Ms. Stanley said that just like her cousins, Vicki Bass and Calvin Harris, Jr., they came to our black community and they thought that we would take this little bit of money and run. Ms. Stanley said that she feels that they took advantage of us. She asked that the Commissioners look at the way they have been treated and be careful as to how they approach you and don't take them at their word.

Mayor Moss asked that if the Board is going to reconsider the zoning it must be done by motion.

Attorney Currin said that the Board will first complete the hearing and close the hearing and the Board may elect to take action on this item this evening or defer this item if you so choose.

Mayor Moss read from the Parliamentary Procedure Book that the motion to reconsider must come from the winning side. He said that it was a unanimous motion but because of the concerns that the Board has heard this evening he will ask the Board to not make that assumption. Therefore, he would like to ask the City Clerk to pull the minutes for confirmation.

Attorney Currin said that the motion to reconsider was made by a person that voted in the affirmative. He said that staff looked at that back in April and it was a 4-1 vote.

Mayor Moss said that he would like to confirm the vote and have that piece of paper in hand.

Commissioner Ray said that the night of the hearing he specifically asked if the land had been posted and everything had been taken care of. He expressed that he was told that everything had been taken care of and we have a lawsuit because it apparently was not done. The question has come up again this evening as to whether the current owner actually had the right to negotiate for that. Ms. Bass has come to ask that things be done correctly and he appreciates that because he knows how things have been done in the past. Commissioner Ray asked that the Attorney provide at the next meeting all the legal paperwork of signatures, dates and everything involved with this issue outlining whether the process was done properly. He said that he feels that the Board owes that to the

concerned parties. He said that if it was not done properly the City needs to go back and start from the beginning or do what is necessary to satisfy this issue. Commissioner Ray said that he is not comfortable this evening making any decision to either reaffirm the zoning or change the zoning until the Attorney has verified all the documents. He said that verification was supposed to have been done the night of the hearing. Commissioner Ray said that he feels that if it was verified properly that HUD would not have entered a lawsuit.

Attorney Currin said that HUD did not enter a lawsuit. He expressed that a complaint has been filed.

Commissioner Ray said that there was a complaint and a question. He said that it was serious enough that this Board felt that it needed to be reviewed. Commissioner Ray said that he asked that night if all the "i's" had been dotted and the "t's" crossed" and was assured that it had been done. He noted that the more he heard this evening the more he questions. He reiterated that he is not willing to take any action this evening. Commissioner Ray said that he is sorry for Mr. Lyle's sake and truly sorry for the property owners involved. He emphasized that if the City is going to reconsider the motion it needs to be done properly or not at all.

Commissioner Piper said that he agrees that it needs to be done correctly.

Attorney Currin said that there was still a public hearing and the Board needs to take comments from the public or see if the Board has any questions from any of the parties that have testified to fully make a record so that at such a point you decide to go forward you will have a full record.

Mayor Moss said that Commissioner Karan asks if the Board would like to defer this until one of the scheduled Budget meetings. Mayor Moss said that he feels that it should be taken care of in a Special Meeting or a Regular Board meeting.

Commissioner Robinson asked Mr. Lyle who represents him as a realtor.

Mr. Lyle said that this property was bought from another group that already had control over it.

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

Mayor Moss asked, because of the sensitivity of this issue on the issue of notification what special notifications, if any, do we have moving forward.

Attorney Currin said that the Planning Department indicated that all of the appropriate notifications were mailed the first time. Some individuals said that apparently they thought that they should have received one but they did not. Attorney Currin said that whether they were mailed or they were not received, he can not say. He noted that with regard to the issue of posting of the property it was posted on the first occasion prior to

the time that there was a hearing before the Planning Board. He said that it was after the fact that the City found out that the posting was not updated for the hearing that appeared before this Board. Attorney Currin said that was a technical violation of the statute and that is why we are rehearing it tonight. He said that with the notifications there was a certification on the first occasion that all of those notices were properly mailed and there is another certification tonight that they have all been properly mailed. He said that as far as he is aware that is correct. Attorney Currin said that in regards to the issue of ownership the City Attorney's office certified for the purposes of the rezoning request that the parties that executed the annexation were in fact the owners. He expressed that in order to petition for annexation his office does that certification. Attorney Currin said that he is assuming that there was no mistake made since the petition for annexation and the application for rezoning were traveling side-by-side. He said that Attorney Lori Dutra actually did the title on the annexation and there should not be issue. However, if the Board is going to table this tonight his office can pull the application and check the signatures to see if it was executed by the proper parties.

Commissioner Ray said that he appreciates what Attorney Currin said but he does not want to make any more assumptions and would like to see this issue tabled.

Attorney Currin said that if there is a motion to table this until a time certain that would need to be scheduled.

Mayor Moss said that moving forward from this moment what, if any, notification requirements to property owners or anyone else do we have. He said that if there are none that is o.k. and he is perfectly willing to advise citizens that the Board meets on the fourth Tuesday of each month and that if there is going to be a Special Meeting it will be advertised so please pay close attention to the newspaper. He said that he feels safe in saying that from this moment forward there will be no more notification letters sent out to anyone about this matter. Mayor Moss said that citizens need to call City Hall to see if anything further is happening and to stay abreast of what is happening by checking the newspaper.

Moved by Commissioner Ray and seconded by Commissioner Piper to table this issue until the next meeting of June 26, 2007 at 7:00 p.m. and to have all of the verified documentation prepared to present to the Board. The motion received a 4-1 vote.

Aye Votes: Commissioner Mangum, Commissioner Piper,
Commissioner Ray and Commissioner Robinson

No Votes: Commissioner Karan

Street Closing – Portion of Cozart Street:

Attorney Currin read an order drafted by his office for the street closing.

Moved by Commissioner Ray and seconded by Commissioner Mangum to close the street as requested by the residents and to maintain the right-of-way utility easement by the City.

Commissioner Robinson asked if this would deter the City from getting to the property next to the ballpark.

Mr. Robert A. Schaumleffel, Jr., City Manager said that he and the Public Service Director took a look and it is reachable by means of the outfield and Hwy. 56. He added that to get to the property off of Hwy. 56 there are ditches that must be crossed. Mr. Schaumleffel said that staff has considered making bike paths/walking trails on the right-of-way.

Commissioner Robinson asked if they have a sewer easement does this give the City the right to come and go across there to get to the City's other land or only the right to place the sewer pipe and make repairs.

Mr. Bob Jones, Public Service Director said that there is another type easement that they can establish there.

Attorney Currin said that the City has the street easement.

Mr. Robert A. Schaumleffel, Jr., City Manager said that Public Service Director has the availability to go in there to keep it mowed. He added that they have uncovered all the manholes and made access for the Public Works Department to clean and repair them.

Attorney Currin said that according to the statutes that if you close this street the only purpose for which you can reserve an easement is for utilities. He added that it can not be used for bike trails or walking paths or any such related recreational activity.

Commissioner Ray said that if the easement can't be used for anything but utilities he withdraws his motion. He asked Attorney Currin that if citizens do not want the street there and the City needs right-of-way for access into those ball fields and utility purposes what other type of easement can be granted other than a street easement.

Attorney said that the City has exactly what it wants, which is a public street for purposes of accessing a public park from south as well as from north. If you do not want it or need it and choose to abandon it the Board may choose to do so without reserving any type of easement. If the Board does abandon and close the street the only statutory reservation provided in 160-A-299(a) is a utility easement.

Mr. Robert A. Schaumleffel, Jr., City Manager asked if the City could look at the remaining property that the City owns along Hwy. 56 and request that the State give us a curb cut but the State can says no. If this happens the City has no reasonable right-of-way other than going through the currently existing park at the school building.

Attorney Currin said that he was not familiar with this property. He said that someone said that there is a gully that can not be crossed over.

Ms. Donna Mangum of 217 Park Avenue said that there is a stream down there. She said that when the Board was discussing utilities she asked where they would be placed. Ms. Mangum said that it would be best to run the utilities from Hwy. 56 because it would be a shorter distance.

Commissioner Karan said that access would have to be approved by the State for a curb cut.

Mayor Moss said that he supports closing the street and he feels that the citizens that were here earlier left with the impression that it will be closed. Mayor Moss asked if she wants the street closed.

Ms. Mangum replied yes and that she wants a clear boundary because they share a driveway. She said that if the City keeps an easement of 20 feet she will not have a clear boundary. Ms. Mangum asked about the liability for that 20 feet of easement.

Commissioner Ray said that if that property is sold, the driveway is within that easement and that street is ever paved the owner would have to receive a driveway easement from the City.

Commissioner Mangum asked if the recommendation would be to still close the street since there will be no access the property. She asked what would be best to serve the citizens.

Mr. Robert A. Schaumleffel, Jr., City Manager said that once something is closed it is gone forever. He said that it is a policy question.

Mayor Moss said that at some point children in the future may decide that they are going to create that cul-de-sac they can come back to the future Board to say they want to open it up and make that happen.

Commissioner Ray said that his biggest concern in the manhole that sits back up on the property. He said that City may want to consider retaining an easement if the street is to be closed.

Attorney Currin said that it is actually in Park Avenue so we have a right-of-way for access.

Upon discussion, moved by Commissioner Ray to withdraw his original motion and Commissioner Piper withdrew his second.

Moved by Commissioner Ray and seconded by Commissioner Piper to adopt the Order Closing that portion of Cozart Street lying north of the northern margin of Park Avenue. The motion received a unanimous vote.

The Order Closing Street reads as follows:

Resolved, this date the City held a hearing pursuant to Resolution adopted in accordance with G.S. 160-A-299 upon the proposal to permanently close Cozart Street North of the Northern margin of the Right-Of-Way of Park Avenue, no opposition to the closing being expressed at said hearing, and it having been determined that the Department of Transportation has no authority or control over said section of the street.

The Board hereby determines that the closing of the street is not contrary to the public interest and that no individual owning property in the vicinity of the street or alley would be deprived of reasonable ingress and egress to their property.

Now therefore, that portion of Cozart Street lying north of the northern margin of Park Avenue is hereby ordered permanently closed pursuant to G.S. 160-A-299(a) effective immediately upon passage.

This the 22nd day of May, 2007.

NEW BUSINESS:

Resolution Recognizing G.C. Hawley High School Class of 1957:

Moved by Commissioner Piper and seconded by Commissioner Ray to adopt the Resolution Recognizing the G.C. Hawley High School National Alumni Association 8th Biennial Reunion. The motion received a unanimous vote.

Mayor Moss announced that he will be attending the Banquet for the G.C. Hawley High School Class of 1957 this Saturday night and will deliver the Resolution at that time.

MAYOR'S REPORT:

Mayor Moss thanked Mr. Bob Jones, Public Service Director for taping the meeting for the City Clerk this evening.

Mayor Moss announced that he wants to meet with Commissioner Mangum in reference to the Fall Festival.

COMMISSIONER'S REPORTS:

Commissioner Ray said that he attended the Granville County meeting last night and announced that the tax rate was the major discussion. He strongly recommends that all citizens attend the next couple of County Commissioner meetings to see what the County

will approve. He said that they are proposing a 5½¢ tax increase, which will take the current tax rate from 70¢ to 75½¢. He said that they are proposing to withdraw approximately 1.2 million dollars from the General Fund and the problem is that the deficit that they are trying to make up will be recurring expenses. Commissioner Ray said that there was discussion of the School Board asking for 2.5 million dollars and that was to meet the needs of the employees for such things as insurance. He noted that only \$975,000.00 has been budgeted and it was pointed out that there is 131 million dollars in outstanding delinquent taxes. Commissioner Ray said that the Board directed the County Manager to draft a letter to send to the delinquent tax payers that they will begin foreclosure proceedings if these taxes are not paid. He reiterated that he strongly feels that citizens need to attend the meetings and see where the money is being spent.

Commissioner Mangum asked about the status of the sewage smell by the Food Lion on Hwy. 56.

Mr. Robert A. Schaumleffel, Jr., City Manager said that he has corresponded with the County Manager the comments from the City Board and he has not heard back from him. He said that he will contact him again in reference to this issue. Mr. Schaumleffel, Jr., City Manager said that this has been an 18 month process. He said that staff is considering putting in an odorize unit and placing chemicals in the lift station at Golden Pond.

Commissioner Mangum said that she has a concern that as the City Manager just said this has been continuous for the past 18 months. She expressed that this issue came up last week because there was an assembly and there were parents and children going into the school being greeted with the odor of sewage. She said that she wants to put a sense of urgency to the County that this issue has to be solved. Commissioner Mangum said that it also smells inside the building.

Mr. Robert A. Schaumleffel, Jr., City Manager said that he will continue to pursue the County. He expressed that City staff has had several meetings and met about six weeks ago with all the representatives of the County, SGWASA and the City engineers.

Mr. Steve Colenda, City Inspector advised that the Maintenance Department from Mt. Energy School should be notified and they need to check every floor drain and mechanical drain in the building.

Commissioner Mangum said that in reference to the Music Festival does anyone want to be in charge of recruiting vendors.

Commissioner Robinson said that he would be glad to help and Commissioner Piper also volunteered.

Commissioner Karan said that in this weeks newspaper citizens will be reading about the Henderson YMCA voting to suspend the pursuit of a Southern Granville YMCA. He said that is disappointing. He said that Woody Caudel, Executive Director scheduled a

meeting and invited 30 people that he felt were key persons in the southern end of Granville County and only four people attended. He said that he was happy to say that those four people have Creedmoor addresses.

Commissioner Karan said that school is out and speeding through our subdivisions and local streets has become a major issue. He said that Whitehall Subdivision Home Owner's Association met here at City Hall last night and they were very concerned about speeders. Commissioner Karan said that he explained to them that it is probably people that live within the subdivision. He asked the Police Department to aggressively enforce speed restrictions in subdivisions and local streets. Commissioner Karan said that this is something that the Public Safety Committee may want to review. Commissioner Karan said that once the tickets start being handed out the Board's phones will start ringing and he would love to have his ring off the hook. He reiterated that the children will be out of school and at play and he does not want to see them get hurt.

Commissioner Karan asked citizens not to forget The-Yard-Of-The-Month Contest that is sponsored by the Beautification Committee. He announced that the winner will receive a \$25.00 gift certificate and a yard sign. Commissioner Karan said that interested citizens should submit a photo of their yard to Southern States. He said that this month's deadline is Friday, May 25, 2007. Commissioner Karan said that the monthly contest will be through the summer months. He said that so far this month there are four applicants.

Commissioner Robinson said that he has received complaints about Police Officers not being at the schools when they are supposed to be. He said that he understands that the City has a limited force and sometimes they are called away. Commissioner Robinson said that he would like to see alternatives such as cross guards.

Mr. Robert A. Schaumleffel, Jr., City Manager suggests that the City do the same as the County. He expressed that the School Board pays the County for off duty Deputy Sheriffs.

Commissioner Ray said that the County does not have the money to pay the off duty officers.

Commissioner Robinson suggests that the City go to the County and ask for help. He noted that the Board is in Budget Session and should look at this situation and have the City Manager provide suggestions. Commissioner Robinson suggests that the City consider using Reserve Officers at the schools to free the Police Officers from directing traffic.

The City Manager said that the County pays for officers at the Mt. Energy School but has not offered the City of Creedmoor the same courtesy.

Commissioner Robinson said that there have been several incidents where there is an accident or some type of emergency and the Police Officers are called away, which

leaves no traffic coverage at the schools. Commissioner Robinson commented that this is a problem and the City needs to come up with a solution to stop the complaints.

Commissioner Piper said that he would like to suggest having an open house once a year to give the public a chance to meet the Police Chief, Manager and other staff. He said that during the week days Monday through Friday most of the community is not available until after working hours.

Mayor Moss announced that the first event will be National Night Out and is scheduled for the first Tuesday in August at the Senior Center and Captain Eudy is planning the event.

Chief Benware said that the City received permission to use the property at the Senior Center and they are trying to get donations from the various businesses. He said that they are looking at different types of entertainment during that period.

Commissioner Piper volunteered to help with the event.

Mayor Moss said that it will be a showcase for the Police Department and the Fire Department. He said they are also coordinating with the local Home Owners Associations to bring everyone together.

Ms. Faye Ray made reference to children going around turning on outside faucets and wasting water.

Commissioner Mangum said that is sad. She advised that at Jonesland this past weekend she had to run children away from the water faucet because they were letting it run wide open.

Mr. Harold Jenkins offered various solutions for crosswalks to slow traffic down.

Moved by Commissioner Karan and seconded by Commissioner Mangum to go into Closed Session on the Matter of Personnel in accordance with GS 143-318.11. The motion received a unanimous vote.

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

Mayor

Clerk