



MINUTES OF  
CITY OF CREEDMOOR  
BOARD OF COMMISSIONERS MEETING  
JULY 17, 2023  
6:00 PM

**Present:** Mayor Bobby Wheeler, Commissioner Edward Gleason, Commissioner Georgana Kicinski, Commissioner Robert Way, and Commissioner Archer Wilkins. Also present were City Manager Michael Turner, Community Development Director Michael Frangos, Attorney TC Morphis, Administrative Services Director Camille Lockley, Executive Assistant Sarah Spruill, Police Chief Troy Wheless, Public Works Director Steve Edwards, and City Clerk Barbara Rouse

**Absent**

Mayor Pro Tem Emma Albright was absent and excused from the meeting.

**Call to Order and Invocation**

Mayor Wheeler called the meeting to order at 6:01 and Commissioner Kicinski led the invocation.

**Pledge of Allegiance**

Commissioner Way led the Pledge of Allegiance.

**Roll Call**

Roll call by the City Clerk determined a quorum was present.

**Approval of Agenda**

Mayor Wheeler added a Public Comment Section after the Approval of Agenda Section on the agenda and pulled Item 5m, Legislative Housing Bills: SB 275 and HB 409 from the agenda. Commissioner Kicinski then requested to have a Closed Session added, *Attorney-Client Privilege, per §143.318.11(a)(3)*. Commissioner Gleason made a motion to approve the agenda with the changes presented. The motion was approved by a vote of 4-0.

**Public Comment**

There were no comments from the public.

**Proclamation Proclaiming July Parks and Recreation Month in Creedmoor**

Mayor Wheeler presented a Proclamation to Parks and Recreation Director Christopher Horrigan proclaiming July Parks and Recreation Month in the City of Creedmoor.

**Application for Planning Board ETJ member Chad Abbott**

Mr. Chad Abbott introduced himself to the Board and explained his interest in serving on the Planning Board as an ETJ member. Commissioner Wilkins made a motion to recommend the appointment of Chad Abbott as a Planning Board ETJ member. The motion was approved by a vote of 4-0.

**Presentation by the Upper Neuse River Basin Association (UNRBA)**

Mr. Forrest Westfall, Executive Director of UNRBA (Upper Neuse River Basin Association) presented UNRBA's Innovative Proposals for Nutrient Management of Falls Lake to the Board. He began by explaining that UNRBA members included six (6) counties, seven (7) municipalities, one (1) water utility, and various soil and water conservation districts. He said that the current Falls Lake regulatory framework included the Falls Lake Nutrient Management Strategy passed in 2011, two (2) stages of nutrient reductions, anticipated to cost over \$1.5 billion, Stage II requirements are beyond the limits of technology and there are adaptive management provisions that allow for the re-examination of stage II. He continued by saying that Stage I was currently being fully implemented through new development, agriculture, wastewater treatment plants (WWTPs), and existing development. Next, Westfall spoke about tracking compliance, saying that there is a \$1.5 million commitment each year towards eligible projects and activities with a five-year term with participants submitting annual reports to DWR for compliance assessment and, so far, he said, participants have allocated more than \$5.5 million on projects, some of which extend over one year. He then presented UNRBA's approach to the re-examination of Stage II, which he said is a science-based and collaborative approach to water resource management. He went on to present the key findings from the re-examination studies as well as the evolving principles for a revised strategy which included continuing to improve water quality, protection of uses, acknowledgment of the realities of the system, adaptive programs with plans for re-evaluation, the necessity to build on cooperation and collaboration building of the IAIA

approach, encourage a fair, equitable program, focus on the whole watershed health, expand types of partners and opportunities and consider sustainability and energy reductions. In closing, Mr. Westfall talked about the next steps for developing and finalizing the recommendations which included developing a document to describe the UNRBA recommendations for a revised nutrient management strategy, reaching out to members, providing additional stakeholder opportunities, refining concepts and principles based on stakeholder opportunities and input, and develop consensus principles II. He added that the UNRBA Board will finalize the package in September and will present it to the Member Boards and Commissions for approval, and then the final package will be approved by the UNRBA Board in November with the final UNRBA proposal submitted in December. The Mayor and Board thanked Mr. Westfall for his presentation.

### **Discussion Item | Mule Town Depot**

Mr. Randy Lanou reminded the Board that he and his wife owned a building in Creedmoor and they ran a successful business, adding that he, his wife, and two other people recently bought the historic Mule Town Depot that sits on about 1.4 acres of land. Continuing, he told the Board that they (the investors) were ready to make an investment and plan the development of Mule Town Depot, but, he said, they are hesitant to do so because they may invest tens of thousands of dollars to create a zoning permit submittal and find out that, when the permit is approved, the water and sewer allocation may not be available until the sewer project is completed and that project is likely years in the making and he said his permit will likely be expired by that time. Mr. Lanou reiterated his concern that their development approval would expire while they (the investors) were waiting for the water-sewer allocation to happen. Mr. Lanou then explained that what he is seeking is a text amendment, to the City Ordinance, that extends the zoning permit approval until one year after water and sewer allocation becomes available, which he added, would be zero cost to taxpayers. Mr. Lanou then proposed the City could enter into a development agreement with the LLC he owns without a site plan with the sole topic of that development agreement being to extend the zoning permit approval until the sewer/water allocation is available for the project. City Attorney Kevin Hornik then added that what Mr. Lanou has been requesting is that once he successfully gets his zoning permit, he wants that permit to effectively remain valid until one year after SGWASA makes water and sewer available for allocation (hypothetically sometime around 2027). In some further discussion, the Board maintained that the process was already in place for what Mr. Lanou wanted to do and the City Attorney agreed saying that the City has all of the tools already available to do what Mr. Lanou wanted without amending any City ordinance through a development agreement or a conditional zoning. Commissioner Way suggested a consensus of the Board to move forward with Mr. Lanou submitting conceptual site plans (drawings, pics, etc.) along with a development agreement application. Frangos said a Conditional District Application would be the form necessary for Mr. Lanou to fill out to begin the process. Mr. Lanou then reiterated that *he* wanted to submit a conditional zoning request with a development approval extension if an allocation isn't available. After some further discussion, the Mayor thanked Mr. Lanou.

### **Discussion Item | NC Park and Recreation Conference |and NCRPA Diversity, Equity, & Inclusion Carolinas Joint Conference Scholarship**

Recreation Department Director Christopher Horrigan announced to the Board that Cheyenne Nickens, Recreation Supervisor, had recently been chosen to receive the NCRPA Diversity, Equity, & Inclusion Carolinas Joint Conference Scholarship Award and will attend this year's NC Park and Recreation Conference in Wilmington, NC in December. He said that the value of this scholarship and saving to the City is approximately \$1,000 as it includes a direct payment of \$600 (to the City) and it also covers conference registration which is \$355. After congratulations from the Board, Commissioner Way made a motion to accept the NCRPA Diversity, Equity, & Inclusion Carolinas Joint Conference Scholarship Award. The motion was approved by a vote of 4-0.

### **Discussion Item | Granville County TDA Grants (2) Approval**

Recreation Department Director Christopher Horrigan explained to the Board that this \$5,000 mini-grant will subsidize marketing for the Creedmoor Music Festival (CMF) and the \$15,100 capital improvement grant will be used to fund three (3) way-finding signs for \$6,600 and funding 50% of a Traffic Message Board for \$8500. After some discussion, Commissioner Wilkins made a motion to accept the \$5,000 mini-grant to subsidize marketing for the Creedmoor Music Festival. The motion was approved by a vote of 4-0. Commissioner Wilkins then made another motion to approve the \$15,100 Capital Improvement Grant to fund three (3) way-finding signs for \$6,600 and \$8500 toward funding 50% of a Traffic Message Board. The motion was approved by a vote of 4-0.

### **Discussion Item | 2023 Granville County Mini-Grant**

Recreation Department Director Christopher Horrigan told the Board that during a regular meeting on July 10, 2023, the Granville County Board of Commissioners approved the 2023-2024 Parks, Greenways, and Recreation Advisory Committee Mini-Grant Application for the City of Creedmoor in the amount of \$7,925.40 for soccer goals and fencing at Creedmoor Memorial Park. Horrigan continued and explained that the improvements to go along with the work that is to be completed to B.C. Roberts Field this spring/summer included commercial grade black vinyl coated fencing (135 feet) to contain errant soccer balls from going into the woods, a mini backstop for kickball, whiffle ball, and pitching practice, and a pair of soccer goals. No City match or funds were required he said, but added, that he did leverage the planned (and approved) improvements to B.C. Roberts Field as a match to show we were investing funds in the facility that the grant request was for. After some discussion by the Board, Commissioner Gleason

made a motion to approve the fence and backstop and accept the 2023 Granville County Mini-Grant for \$7,925.40. The motion was approved by a vote of 4-0.

#### **Discussion Item | Discuss the Offer to Purchase the Hester Road Property**

City Manager Michael Turner told the Board that on April 4<sup>th</sup> the City contracted with Wallace Pfeiffer Group for the sale of the Hester Road property and on May 18<sup>th</sup>, Pfeiffer received an offer with the 5% earnest money as required by NC Statue. The City Manager continued that at the June 6<sup>th</sup> Regular Board Meeting, staff was directed to begin the upset bid process which began on June 16<sup>th</sup> and ended on June 26<sup>th</sup>. He continued and told the Board that they needed to discuss the current offer of \$236,600 and make a decision to accept or reject the offer. City Attorney Kevin Hornik then shared with the Board that after the original 10-day upset bidding period expired, the City received a second offer, which he said, he believed was in the current upset bid amount, clarifying that it was the appropriate increase of the original offer as per the upset bid notice. The City Attorney then explained to the Board that they now have to take action on the bid that was received pursuant to the upset bidding process, and he added that they were free to reject or accept, for any reason, any bid(s) that were received. The City Attorney then added that for the appearance of propriety, there should be no discussion about the particulars of the offer that were made outside of the bidding period, but, he said, it *was* the minimum upset bid amount that was required under that upset bidding statutory calculation. Commissioner Gleason made a motion to reject this offer (\$236,600), reopen a new upset bid, and direct staff to move forward with the upset bid process on the Hester Road property. The motion was approved by a vote of 4-0.

#### **Discussion Item | Ferbow Street Utility Relocation**

Community Development Director Michael S. Frangos said that his item was an update on the Ferbow Street Utility Relocation and he reminded the Board that the last update on this project was at their November 1, 2022, Board of Commissioner meeting where a motion was made to direct The Wooten Company to proceed with bidding the necessary services. Frangos said that unfortunately, the City has had no contractors willing to bid on the Ferbow Street project, and he added, that his office had forwarded the invitation to bid to several contractors (including H.G. Reynolds) and identified some smaller firms in addition to the ones they typically work with, and as well they contacted SGWASA for referrals to contractors they work with, all to no avail. Frangos then said that Dave Malinowski from The Wooten Company had suggested that the strategy now should be to extend, or re-advertise the bid with more lead time, and potentially put the project on the North Carolina Interactive Purchasing System (IPS). Frangos then added that there is an extreme lack of bidders out there right now due to contractors being busy and labor shortages, and he said, this issue could be because our (the City's) project is small and we are a one-time customer. There was some discussion by the Board concerning how long this project has been going on and why it has not been completed yet. Commissioner Kicinski asked about terminating the contract with The Wooten Company and City Attorney said he could look at that contract and he said it could be added as a Closed Session at the August 1<sup>st</sup> BOC meeting. City Engineer, Carl Barclay then took the podium to speak before the Board about the issue with Commissioner Kicinski asking why SGWASA could not be contracted to complete the work. The City Attorney added that he did not (legally) see any reason why SGWASA could not perform the work on contract with the City. The City Manager said he would work with the City Attorney on this matter. Community Development Director Frangos then told the City Attorney he would send the Wooten contract to him in reference to the earlier termination question. No action was taken.

#### **Discussion Item | Storm Water Repair Update - 2766 Clifton Avenue**

Community Development Director Michael S. Frangos began by telling the Board that Anna Wadsworth, Stormwater Consultant, The Wooten Company was at the meeting tonight and he said she has been the City's stormwater consultant for the project located at 2766 Clifton Avenue in the Golden Pond Subdivision. Continuing, Frangos said The Wooten Company, having now designed two potential alternative repairs, has prepared preliminary cost opinions of each and that Alternative #1, which was the easiest and least expensive, and assumed the box was intact and there was a straight shot to the inlet (\$56,599), and Alternative #2, which involved more infrastructure and was more complicated, and assumes the box and driveway are not in usable condition and therefore an alternative that connects both the curb inlet to the yard inlet to a new manhole would be needed (\$82,452) Frangos said the choice between alternatives will be made during the excavation and demolition portion of the process and will depend on the exact location and condition of the existing junction box under the driveway and he added that when the driveway is removed and the box exposed a decision will be made by the City Engineer, Design Engineer, and contractor on how to best proceed. Frangos added that the contingency amount was not included in either of these numbers. Frangos then told the Board that the Conway's have been constantly informed and have been very patient these last few months while the design process was underway and the City is now ready to move forward to an informal bid process and engage a site contractor who can cost-effectively implement the solution. Ms. Wadsworth (The Wooten Company) then took the podium and told the Board that in Wooten's opinion, Alternate #2 was the best option because it gets the box from out under the Conway's driveway where it is easier to maintain and if there is a problem in the future, the driveway will not have to be ripped up again. Commissioner Gleason made a motion to proceed with the stormwater repair at 2766 Clifton Avenue for a total of \$170,187. Mayor Wheeler added that the Budget Amendment for this item will be presented at the August BOC meeting. The motion was then approved by a vote of 3-1.

Mayor Pro Tem Albright – Absent  
Commissioner Gleason – Yes  
Commissioner Kicinski – No

Commissioner Way – Yes  
Commissioner Wilkins - Yes

### Discussion Item | Code Enforcement Officer Hours

Community Development Director Michael S. Frangos explained to the Board that Gerard Seibert, City of Creedmoor Code Enforcement Officer, has been working additional hours filling in for the shortage of staff, helping with customer service, answering phones, and manning the office in the Community Development Department during times of multiple vacancies. In doing so, Gerard Seibert has exceeded the 832 hours budgeted for his position and when he exceeds 1,000 hours worked per fiscal year, the City is required to contribute U.S. federal payroll tax (FICA) and Local Government Employee Retirement System (LGERS) expenses. Frangos said that amending the FY24 budget to increase Gerard's hours to 24 hours per week (1248 hours per year) will cost an additional \$10,374.00 in addition to his current salary. This number covers the additional salary as well as FICA and the LGERS contributions that the City would be responsible for since he would be working more than 1,000 hours per year. As a part-time employee, he would still not be eligible for other benefits such as health insurance, longevity pay, COLA increases, etc. Commissioner Kicinski made a motion to authorize the Code Enforcement Officer position for 24 hours per week. The motion was approved by a vote of 4-0.

### Discussion Item | Sidewalk Gap Projects

City Engineer Carl Barclay P.E. discussed the twelve (12) potential sidewalk projects for the City. To further refine and improve sidewalk planning, he explained, he used a very detailed cost estimating tool that he downloaded from NCDOT's Integrated Mobility Division, and twelve (12) segments were evaluated for the following required input data; the length of the sidewalk, length of curb and gutter (if needed), number of driveways, number of intersections, number of crosswalks, and terrain type were inputted into the system. Continuing, Barclay said that additional data collected on each segment included, utilities, number of property owners affected, easement requirements, topographical challenges, pedestrian preference (trip origin and destination), existing sidewalk connections, and any unique aspect (technical, social, demographic, etc.) that may impact planning/construction. Barclay then told the Board that the estimating tool was developed to include all costs associated with independent bicycle or pedestrian facilities projects including estimated median industry costs for the Preliminary Engineering (design, environmental review, permitting, etc.), Right-of-way (administrative and cost of easements), Construction (clearing, earthwork, drainage, curb and gutter, sidewalk, wheelchair ramps, crosswalks, signing, traffic control, erosion control, utilities, etc.), Construction Engineering & Inspection, Contingency, and NCDOT Oversight. Barclay said that the intent was to provide the Board with a realistic estimate of the cost to construct each segment and that currently available data was entered into the estimating tool with some adjustments made based on additional information and when design begins refinements will be made based on information available at that time. In closing, Barclay told the Board that Staff would appreciate some direction in local prioritization to advance planning efforts on fewer segments, and he said when a decision is made to begin design on a segment(s), City staff can begin the process of hiring a qualified engineering firm. After some discussion, the Mayor asked the Board members to prioritize which sidewalk projects they deemed most urgent. After a poll was taken, the consensus of the Board was to prioritize the following sidewalk sections in the City: 1) S. Main Street from Dogwood Drive to Whitehall Drive, 2) E. Lyon Street from Main Street to Beverly Court, 3) Peachtree Street from Church Street to Watson Street and 4) Northside Road from Fillmore Drive to Mayview Drive.


### Closed Session | Attorney-Client Privilege, per §143.318.11(a)(3)

Commissioner Kicinski made a motion to enter Closed Session at 8:41 P.m. The motion was approved by a vote of 4-0.

Commissioner Wilkins made a motion to leave Closed Session at 9:08 p.m. The motion was approved by a vote of 4-0.

### Adjournment

As there was no further business to come before the Board, Commissioner Wilkins made a motion to adjourn the meeting at 9:13 p.m. The motion was approved by a vote of 4-0.

  
Mayor Robert V. Wheeler

ATTEST:

  
Barbara Rouse, CMC