TOWN OF BLACK CREEK

Regular TOWN BOARD MEETING

Date: Oct 9, 2007

<u>Time:</u> 7:30 p.m.

Place: Black Creek Town Hall

Present: Mayor Howard Moore, Commissioners Seltzer, Smith, Godwin, Lucas, Franks

Absent: None

Minutes Taped Yes

<u>Mayor Moore</u>: Meeting for October 9, 2007 is now in session. The first thing is adopting the minutes for September

<u>Commissioner Seltzer:</u> I make a motion that we amend the minutes on the electrical to say 10 years, instead of 5.

Mayor Moore: Motion made by Commissioner Seltzer, second by Commissioner Godwin, all in favor say I, all opposed. Motion carried unanimously. We adopt them with just that change. Do I hear a motion to pay the bills for October? Motion to pay the bills made by Commissioner Lucas, second by Commissioner Seltzer, all in favor say I, all opposed, motion carried unanimously. First thing is old business, Barnes, Lee letter on Hunters Landing. Greg is going to talk about that.

<u>Greg Gates:</u> I spoke to the guy and told him how the town board felt. And he's ok with that so the best thing right now is to leave it alone.

<u>Mayor Moore:</u> The next thing is Black Creek Planning Board report on Erader Mills's property, and the newly elected chairperson for the planning board.

Gina Seltzer: We don't have those minutes compiled yet, you guys will be getting those in the next week or so. The Planning Board met on September 20th. We had Erader Mills and his team come before the planning board with what we feel is a small and reasonable request. At the proposed site on Church Street where the existing new home is across from the post office. Their request is to simply relocate a drain pipe. Otherwise the proposed structure would be sitting right on top of that. And that's not reasonable for access for maintenance and so forth. After a review with the planning board it was unanimous that we accept it. It does meet all the town specifications, all the ordinances, the set backs and so forth. We feel like the town should consider that.

Commissioner Godwin: So actually he's going to move the drain pipe himself.

<u>Gina Seltzer:</u> Yes, it would actually be at the developer's expense, relocating that. Greg is familiar with the site, and before anything was completed he would have final inspection on that.

<u>Commissioner Smith:</u> Do you have a map of the location? Gina states that she does. I take it your going to move the drain pipe over there next to the driveway. Is it tying into the existing ditch?

<u>Greg Gates:</u> Only thing is there is a raw sewer line running to that well. We're going to have to look at where that water line is in relation to that. The water line should be in the town driveway, we'll have to look at all that.

<u>Mayor Moore:</u> We've heard the planning board's recommendation, do I hear a motion to approve? Motion made to approve it subject to conditions being met that were explained, second by Commissioner Godwin, all in favor say I, all opposed, motion carried unanimously.

Gina Seltzer: We did have a quorum present, and there was discussion on who would be the chairperson. A motion was made, before I could catch a breath, and seconded that I serve in that capacity. I didn't have a chance for discussion, before, during or after. It has been a pleasure to serve on the planning board as secretary for the last 12 years. I'll be glad to help out and support the town any way that I can, however I don't think it would be doing justice to the town to wear both hats. Before I came into the meeting tonight, I had a discussion with Don Skinner who is also a member of the planning board. He has agreed to serve in either of those positions. Either one of us is willing to serve as chairperson, or secretary. I prefer to serve either or, but not wear both hats.

<u>Mayor Moore:</u> Motion made by Commissioner Seltzer to approve Gina for the chairperson, second by Commissioner Lucas, all in favor say I, all opposed, motion carried unanimously.

<u>Commissioner Seltzer:</u> I'd also like to state that you need to call Barbara, and have her schedule another meeting so that ya'll can iron out the secretary thing.

<u>Mayor Moore:</u> Next item is Mr. Selby Bass Jr. requesting a special permit for 500 Church Street. This will be for a multi family development. The house is in RA zone and requires approval from the board to receive a special use permit.

Gene Bass: I purchased the property and as you said, I would like to develop it into a multi family development. I've submitted before and after drawings showing what we propose to do. As far as the longest part of the existing dwelling, that won't be extended any. We just basically will be boxing in the shortest section of it. We won't be adding on to the house, we'll just be dividing it. Upstairs will also be expanded too. There will be three, two bedroom apartments, with 2 bedrooms and 2 baths.

Mayor Moore: Do we need to have any discussion on this?

<u>Commissioner Seltzer:</u> We were just talking about the process involved to undertake something like that.

Commissioner Smith: As far as special use code, I think all we have to do is notify adjoining property owners. But does it have to be in the form of a public hearing? Barbara states, yes. So what we're going to have to do is set a public hearing for the next meeting. How many square feet per section is it. He states that he does not have that information at this time. It will have 2 bedrooms, 2 baths and a kitchen and den, right. You've got upstairs bedrooms, and then an upstairs bathroom and a downstairs bathroom. Mr. Bass states that is correct. There probably will not be a problem with what he wants to do, we just have to let everybody know. Mr. Bass states that their intentions are to improve the condition of the home. We plan to do heavy screening for renters, and people that will be good neighbors. How big is that lot? Mr. Bass states that it is .971 acres. I make a motion that we set up a hearing and proceed with his special use permit.

<u>Mayor Moore:</u> Motion made by Commissioner Smith to hold a public hearing at our next meeting on November 13th at 7:30 second by Commissioner Seltzer all in favor say I, all opposed, motion carried unanimously. The next thing is Tina Mooring from Computer Central.

Tina Mooring: The first time I came I brought my daughter. The second time I brought my daughter and my husband. Tonight I brought my husband, and my good friend Gay Varnell. I kind of want to report on the wireless project for TYM. And also the two different commissions options that I've got. If it is something that you don't like let me know. I think the only thing that we were waiting for was the couple of changes that Attorney Weaver wanted. What our responsibility is if something falls off the top of the tower and bumps somebody on the head. And the moving of the equipment if there was an outage, or the paint needed to be redone on the building. We have corrected that so that would need to be signed, and the copy of our liability form is attached to it. We have looked at different things different options, different commission packages and again I've got option one and option two down. If someone thinks of a better option I'm willing to discuss it, and let's negotiate. What we did is look at the speeds and the equipment that's going to be needed for the business and the residential end. I've got wireless rates. Black Creek assumed a risk in talking with us about it. Mr. Mullet said he would pay to have the equipment put on the tower, so you could benefit. Because of those discussions I've got Wilson County calling saying; hey we want to do this, and if we can do this how about Stantonsburg. It's opened up a lot of doors, because you did listen and want to talk to me. I feel like option one is probably what ya'll are going to be looking at. I don't know why I didn't make but one copy of this. Option one would be that Computer Central would provide internet for the town at 512 speed. Right now I believe the town is only getting 512 128 on the DSL. So your upload speeds would be faster. And then on top of that 10% commissions on clients internet service after the first 10. We get the first 10 signed up and then after that you get commission on it. Looking at the rates will give you an idea of if a business needs a 1 meg speed that would be 10% of either \$64.95 for

one year, or \$59.95 if they sign up for 2 year. You would get 10% plus the value of not having to pay for your internet. Option 2 would be plain and simple 10% commission on all new wireless customers and the town opts not to get the free internet. But that way you get an immediate return. If either one of these was not what you foreseen or there is another negotiable offer we'd be glad to look at it. I feel like with these you are setting precedence for other areas. We do appreciate it.

<u>Roland Godwin:</u> So you're talking about putting a unit up on our water tower. The town itself right here will have free internet service. And the commissioners receive free internet service. She responds with a laugh and says I don't see that in here. I was just kidding.

<u>Tina Mooring:</u> To give you an idea of what you are looking at, these are the rates. What we want to do is make high speed affordable for everybody. Why would someone want to be on wireless with you? You've got to give them a reason. If a business is trying to connect back to their office they need that high speed upload? With the cable and DSL your upload speeds are less than what you will have. Which is what Mr. Mullet needs, he's got Oregon, and he's got them over seas. When he uploads and sends files he needs high speed and that's the advantage that wireless if going to give you over DSL or cable. And you will get something in areas that you probably can't get now. And Mr. Smith I am ready for your questions tonight. Greg has been great to work with, so we're going to give him a plug, and a gold star. I contacted Barbara earlier and she said to bring it up at the board meeting and she would be satisfied with what the board suggest.

<u>Commissioner Smith:</u> You know a lot about this Greg, what do we have here now? Greg responds that she doesn't want to switch here, she has already said that.

<u>Commissioner Seltzer:</u> The only reason she's come up with so far that she didn't want to switch was because she didn't want to loose her e mail address. I'm sorry, but you know.

<u>Tina Mooring:</u> I do want to bring up that a town or any local government most of them have their own domain name; it belongs to them no matter who the provider is. I am Tina @ cocentral.com nobody can tell me I can't. You really should look into your own domain name no matter who you go with. That way those e mails belong to you forever and ever. And that is only a \$19.00 a year charge. I'm going to let my electrical guru come up here and explain what he's already done at TYM and why you are not at the top, you are at the ledge around it. How the lightning travels and how we've got it protected and all that good stuff.

Man from Computer Central: With the radios that we've got there's a margin of single strength. It would have to be like a hurricane before it goes out. Just a regular storm would not affect it. At worst case it might slow it down a little bit. It would not kick it to. When we hook them up we build a margin of just single strength just for the weather. It's not like what you have in your home. They are secure; my radios will only communicate with my radios. If you are setting out there, you might get a signal from it

but you won't be able to communicate because it's locked down as far as the address on the radio.

<u>Commissioner Smith:</u> There's a lot of identity theft. Somebody will be sitting at Starbucks drinking coffee and on the computer, and somebody will be sitting right there kind of tapping into what they are doing. Are you saying that can't happen?

Computer Central: It's a whole different type of scenario. I'm going to answer your first question. They have launched a satellite up in space for you to get your direct TV. Every storm that comes out, I don't care how much Danny goes out there and tries to tweak our direct TV dish, I don't care it's out. But you are not dealing with that you are not going miles into space and through the clouds. You are closer to the ground. As far as your inscription and your security you are not looking at a device that everybody is going to have access to. They've got to pay for it. Where as a link less wireless device you've got rabbit antennas and if you don't have it secure your next door neighbor can see what you're doing. This is an address, just like if I pick up a phone and call you; I'm not going to get him, him, and him it's going to be between me and you. That ip address and that mac address and that connection between us is what is going to be from here to here not everybody else, because you're going to have a static. Each customer is going to have their own IP. From this device that's programmed in by him at the certain speed that it's going at the 2.4 giga hertz you've got it so that it's point to point, from you to that device. It's got your address in there, and unless someone has got the same exact equipment, same MAC address, same IP address, same user name, same password you have a better chance of someone opening up your door at your house and taking your computer out than to get your information. It's not the same thing as a house to house wireless. It's from this dish back here and we have to program it as to who gets access. And that's all programmed on that device that gets attached on the back. Does that help? Commissioner Smith replies, the hardwire like we've got here that's pretty secure, there's no way to tap a hardwire. My next door neighbor thinks that because he's unplugged the router that I can't see him now. Just as soon as he hooks it back up I can see his accounting data. I don't want to and it's not intentional. We are experts at security, and locking things down, because your data is just as important to us as it is to you. We want to take every step that we can to make sure nobody is seeing your business. We use equipment transio. Danny has researched all the wireless pieces that are out there and looked at the hardware and that kind of thing. It's very secure. I did speak to Barbara today and she said to bring it to the meeting and let you make the decision. I know we originally opted for a one year contract, but if you would like a two year contract that is why I left it open.

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<u>Commissioner Seltzer:</u> I make a motion that we go with option one with a two year contract. That's the one where we get free internet service plus the 10%.

<u>Mayor Moore:</u> Motion made by Commissioner Seltzer to select option one with a two year contract, second by Commissioner Godwin, all in favor say I, all opposed, motion carried unanimously. That's everything that's on the agenda, so we'll move on to

commissioner business now. Commissioner Lucas, do you have anything? Commissioner Franks.

<u>Commissioner Franks:</u> First I have something for historical square. As you know we are replacing the bricks in the walkway by people buying them in honor or memory of someone. I thought we could kick off the project for Heritage Day 2007 by the town buying a brick for past mayors and putting them in a special section. They don't have to be dead, just to have served. For instance when your term is over then you get a brick. I make a motion that we buy a brick for each mayor that has served.

<u>Mayor Moore:</u> Motion made by Commissioner Franks, second by Commissioner Lucas, all in favor say I, all opposed, motion carried unanimously.

Commissioner Franks: My second thing is, we had a complaint on the police chief last month. I just wanted to bring it up and tell everybody about it. We had a citizen complain about harassment. The police report and her letter were identical from one end to the other except for one thing. It was just her word against his word, there were no witnesses as to who said what. I and the hiring committee went over this with the police chief. I don't think he would say what she said he did. It's a he said she said type thing. The whole thing is still under investigation. I don't see where we need to do anything at this point. As far as I'm concerned the police officer was just doing his job. The police chief has been here for 27 years and never had a complaint. Me and the other commissioner that is on the hiring committee talked to the chief about this and I don't think we need to do anything at this time. Greg did you have a safety meeting? He states that he did. That's all I have.

<u>Mayor Moore:</u> Mr. Godwin, Mr. Smith, Mr. Seltzer. Commissioner Seltzer states that just the street lights and they had talked about that in the workshop. We'll go to department heads, Greg do you have anything?

Greg Gates: The sidewalk is 108 feet. To put in 108 feet of sidewalk you are looking at \$4150.00. Commissioner Seltzer states that would be Powell bill funds and ask how everyone feels about that. Down the road I would like to take the sidewalk from Howard Mobile Home Park to Lee Woodard School. Greg states that is a state road. Commissioner Seltzer says I know, but that is my intention down the road. The part we are talking about right now is town road, but eventually we would like to go all the way. Greg states that he's not sure what will have to be done where the drive is. But this is your cost right here for the front of the park.

<u>Mayor Moore:</u> Motion made by Commissioner Seltzer to finish the sidewalk for \$4150.00 second by Commissioner Smith, all in favor say I, all opposed, motion carried unanimously. Candy do you have anything? Joe do you have anything? Does anyone in the audience have anything.

Ellen Dawson: I want to give you some updates on Heritage Day. Everything is going really well. We've got \$4950.00 in sponsorships. We've got some sponsors that are going to sponsor the children's activities. Lowes gave us \$100.00 gift certificate to go toward our raffle. We had \$100.00 donated for the raffle. So far we've got 20 vendors. We would like to ask the commissioners for their help again this year. We need wieners for our hot dog sale. Mr. Fortson gave us his about three weeks ago, and Mr. Murray from the police dept, is going to donate a box of wieners. We've got two or three different people who are donating soft drinks for us. We've got an ad coming out in the News Leader Thursday. Then we have another ad coming out in the news leader Thursday week. And the Wilson daily times is putting our poster in next week. Everything seems to be under control and we are selling raffle tickets. We need some help in that area also. We don't ask a lot from you but we do ask for a little bit of help. We've got good entertainment. Commissioner Seltzer asked who is coming for the street dance. The Seaside Band from Kenly, and The Black Creek Band. Then Saturday we've got Fat Back and the Cadillac's, Russ Varnell, Charlie Flowers and the Harvesters, and Drop Top Cadillac's with Mike Baker. We'll have an MC also that's going to do the announcements for the bands and listing the activities throughout the day, and do the drawings for us. We've got the same sound that we've had for the last three years. As far as the monument goes I have set the community building aside for November the 4th, but I've been out with my back, and I haven't had time to get with Mack on that. So we'll get together and set a date. Mayor Moore asked how the portrait was coming. As far as I know Barbara e mailed it to them, it has to go to Canada, and it takes about three months to get that. I've got some ideas for next year, throughout the year not just one day.

<u>Mayor Moore:</u> Does anybody else have anything in the audience?

Gay Varnell: I think you all know me, Gay Varnell. My son goes to Wilson Christian Academy, and he is working on a book. There is a section in the book and it tells about your town. He's supposed to take pictures, and talk to the mayor, and the citizens of his town. We're very proud of the town of Black Creek. We've lived here for 25 years. I've served an active part of Black Creek, as far as being a town commissioner, historical committee, Lee Woodard athletic association. I have some pictures I want you to look at and see if you would approve these pictures to go in his book that his school and fellow students will be looking at. Keep in mind that we are proud people of the town. So I would really like to get your input on these pictures that he could possible put in his book. I don't have a copy for everybody, so if ya'll will pass those around and let me know what you think. I guess my question is if your child was doing a book of his town, would you want those pictures to be put in your son's book? Mayor Moore states that he doesn't think so. I'm very proud of Black Creek, and the only reason I came tonight is to show these pictures and to stress a point that I think something needs to be done. I'm not sure whose responsibility it is, but I know I've mentioned these things a couple of times, and I've seen no improvement. Commissioner Seltzer responds, you haven't seen any improvement, where have you been living? I mean I've seen no improvement to those properties I've just mentioned. Commissioner Seltzer responds you haven't seen improvement to the one that says JRB on the front of it. No I have not, but I don't

normally frequent that road. Commissioner Seltzer responds, it is an eye sore, but he's done a tremendous job in the last three years trying to improve that property. Your point is good and it's well taken. The one with the cars and the fence that was actually discussed in our workshop, but it takes time. We've addressed a lot of issues on properties. We just had an abandoned dump truck hauled off and gotten rid of. Jonathon Boswell has hauled a bunch of cars off, cleaned his yard up; a lot from what it used to be. We had a building torn down that was in violation. Candy Peele building on the other end of town has been torn down. There's lots being done. Gay states that she doesn't mean that she has seen no improvement, she's talking about particularly the picture that is on top. Commissioner Seltzer states that it is a long process, there are a lot of legal issues when you start going on people's property. We have to make sure every thing is done properly. I'd say there has been a lot done. And if you've been riding up and down the streets you've seen it. Gay responds, I have seen where things have been done, but this particular one on top, and the properties with the grass three feet high, I think we have a town ordinance that if it gets over a certain height then a letter is given to the property owners and then if they don't cut it within a certain amount of time, then the town will cut it and charge it to the property owners. Commissioner Godwin states that they have done it twice already, especially the one down on the corner. We didn't personally cut it, but someone did, after they got the letters. What about this property on top has anything been done about this yet? Commissioner Godwin states that it was talked about in the workshop and we're working on it. Exactly what does that mean? Greg states the town had some policy issues that were straightened out at the last board meeting, and you are going to see a lot of change in the next 6 months. Gay states, I love Black Creek, and I think each of you love it too. Especially with Heritage Day coming up, I want my children to be proud of the town they live in. When you travel up and down Yank Rd. every day and you see that house, it's not a great encouragement for someone to stay in Black Creek. Commissioner Godwin states that he thinks that was mentioned at the last meeting, they weren't 100% sure it was in the city limits, but they were going to check and make sure, and then they were going to contact the property owner. It should be done away with. Other things in there I do agree with you 100% but I can't comment too much on some of them. Gay states, I realize that and I realize having served on the town board that it takes time to get things done, but I'd like us to press forward to make sure the town is kept up. Commissioner Seltzer states, we had a lot of cooperation when we contacted the new property owner at Howard Mobil Home Park. He was very cooperative, came down and met with us, and actually drew up new letters to send out to all of his tenants to help us to strengthen our ordinances and just demand that they meet what we are asking for. If they don't then they will have to leave. That's been a big help, that's Erader Mills. We've got a few more things to address down there. There are a couple of properties that you've got pictures of that are being addressed right now. Gay states, I thank you for all your time, and I thank you for all you do each month serving the town.

Mayor Moore: Does anybody else in the audience have anything?

<u>Gina Seltzer:</u> I just remembered one minor planning board thing, from a follow up from our meeting. Henry Evans, it was unanimous that he serve as pro-tem chairperson, because we didn't have anybody officially designated. I failed to mention that earlier.

<u>Mayor Moore:</u> Does anybody else have anything? Reminder that Heritage Day is on October 19th Friday night for the street dance, and October 20th Saturday. I and Barbara have a thing to go to tomorrow, lunch at Griff's. And Barbara is going to be at the Rural Center Conference the 24th and 25th. I've got a thing to go to in Rocky Mount on October 25th.

<u>Commissioner Seltzer:</u> Can you have Barbara check and make sure on that stuff you sent out on that workshop that you are having. There's something about safe streets for kids, it's a bicycle and pedestrian sidewalk. Its safe routes to school workshop. See if there is any way we can still attend that. I think the deadline has already passed but she may be able to contact someone that will allow her to go.

<u>Mayor Moore:</u> Do I hear a motion to adjourn. Motion to adjourn by Commissioner Seltzer, second by Commissioner Franks, all in favor say I, all opposed, motion carried unanimously. Meeting adjourned.

Barbara Aycock	Mayor Howard Moore
Secretary to the Board	•