

Minutes of
City of Creedmoor
BOARD OF COMMISSIONERS
Regular Meeting
June 26, 2012
7:00 p.m.

PRESENT

Mayor Darryl D. Moss, Mayor Pro-Tem John Stallings, Commissioner Jimmy Minor, Commissioner Otha Piper, Jr, Commissioner Herman Wilkerson, and Commissioner Larry Robinson. Also present were Mr. Tom Mercer, City Manager, Korena Weichel, City Clerk, Robin Reif, Deputy City Clerk, and Attorney Tom Currin.

INVOCATION and PLEDGE OF ALLEGIANCE

Mayor Moss called the meeting to order and offered the invocation. Commissioner Wilkerson led the Pledge of Allegiance.

ADOPTION OF AGENDA

Moved by Commissioner Minor to adopt the agenda; seconded by Commissioner Wilkerson. The motion received a unanimous vote.

APPROVAL OF MINUTES

Moved by Commissioner Piper to approve the Minutes of the May 21, 2012 Board of Commissioner's Special Meeting; May 22, 2012 Board of Commissioner's Regular Meeting (Recessed); May 31, 2012 Board of Commissioner's Continuation Meeting of May 22nd; June 7, 2012 Board of Commissioner's Continuation Meeting of May 22nd; June 11, 2012 Board of Commissioner's Work Session (Recessed); and June 18, 2012 Board of Commissioner's Continuation Meeting of June 11th; seconded by Commissioner Robinson. Motion received a unanimous vote.

PUBLIC HEARINGS

Mayor Moss reported that during his yearly reading of the 1905 Creedmoor Incorporation document he noted that Creedmoor's first Mayor Joseph Peed and then council members dealt with many of the same issues we face today. "The more things change the more they stay the same."

1. Stormwater Utility Ordinance

City Planner Randy Cahoon introduced the Stormwater Management Utility Ordinance by stating that it sets the framework for the new Creedmoor Development Ordinance.

Mayor Moss opened the Public Hearing on the Stormwater Management Utility Ordinance:

Tim Karan, 2763 Garland Court Creedmoor. Mr. Karan acknowledged that the City's hand was being forced by State and Federal Government but said that this legislation did not belong right here, right now. Mr. Karan asked that the City not approve the levying of a fee on its citizens that is going to be collected as a tax with special legislation, calling it a bad idea being driven by a legislative body started in 2005. Coupled with increased water and sewer fees, Mr. Karan stated that this is not the time to add the legislation to our docket.

Bernard Holliday 1738 Lake Road. Spoke in Oxford concerning the stormwater issue stating that it is a statewide problem. NC has been in violation of EPA standards for a long time and that publications verify his statement. At this juncture the need is for following municipalities and that it is risky to assume the county can collect fees by assessing each property owner a certain amount and have separate individual treasuries. Mr. Holliday requested having a manager and skilled personnel built into a team of the most competent staff that utilizes NC State and Duke Universities as resources to ensure we live up to EPA standards with one central treasury. Mr. Holliday applauded the City's water and sewer infrastructure improvements noting that it shows Creedmoor's awareness of the City's needs.

There being no one else wishing to speak, the Mayor closed the public hearing on the Stormwater Management Utility Ordinance at 7:24 p.m.

2. Creedmoor Development Ordinance with Official Zoning Map

Planning Administrator Flowe entered the final draft of the Creedmoor Development Ordinance and Planning Board Consistency Statement into record for consideration by the board. Administrator Flowe reported that the new ordinance will establish the compliance rules for the falls rules as well as provide growth opportunities, housing choices, businesses, and address mandates for floodplain management and sediment control.

Mayor Moss opened the public hearing on the Creedmoor Development Ordinance with Official Zoning Map.

Anthony F. Santangelo 307 S Main Street, Creedmoor. Mr. Santangelo thanked the board for the opportunity to speak and said, in light of the disappointing way an ordinance violation regarding sale of produce on Main Street was handled, it is not the City's place to prevent businesses from operating in a manner that is profitable.

Linda Toler 210 N. Main Street Creedmoor. Ms. Toler reported that she met previously with Planning Administrator Rick Flowe who, at the time, suggested changes to Article 15 of the draft Creedmoor Development Ordinance. The article outlines produce guidelines and it was Administrator Flowe's suggestion that the changes be made in order for Ms. Toler's produce business to fall under farmer's market restrictions. Declaring an out pouring of support by the community, Ms. Toler produced a letter and four-page petition of signatures. Ms. Toler was cited on June 1st by the City's Code Enforcement Officer. Ms. Toler stated her intent is to work this out so that she may continue to sell produce and provide a service to the citizens, including the elderly, of Creedmoor.

Mark Lyons, 1549 Northside Road, Creedmoor. Mr. Lyons called attention to the City Seal hanging on the wall behind the Commissioners which symbolizes Creedmoor's foundation of agriculture and farming. Mr. Lyons reported that when Ms. Toler first approached him with the idea of selling produce on Main Street, he thought it was foolish and he thought she would be harassed. To Mr. Lyon's amazement, he said Ms. Toler did a lot of business. Mr. Lyons was approached at his farm by people thanking him for allowing his produce to be sold in Creedmoor on the weekends. Mr. Lyons asked that locally grown produce continue to be allowed to be sold where people on Highway 50 can easily purchase it.

Ed Mims, 2204 Regent Court, Creedmoor. Mr. Mims expressed his support of Ms. Toler and the farmer's market and asked that such competition be allowed to be continued. Mr. Mims also expressed his support of the City Plan 2030 and Creedmoor Development Ordinance noting that the Paddington Homeowner's Association provided input for the City Plan 2030 that will ensure that when future developments are established that solid rules will be followed. In closing Mr. Mims restated his opinion that the Creedmoor Development Ordinance needs to move forward and also that competition is good for a community.

Martha Reed 2298 Sam Moss Hayes Road. Ms. Reed offered that she has had medical problems which are what led her to Linda Toler's business. Ms. Reed asked that Ms. Toler be allowed to continue her helpful business and that the City look at more than just Ms. Toler's produce sales but her encouragement to local citizens as well.

Ed Gleason, 1973 Bowles Avenue, Creedmoor. Mr. Gleason stated that he cannot argue with Ms. Toler's business but said the bottom line is that you cannot allow a business owner to take over a public sidewalk. This practice would open up for more businesses to take over the sidewalk in front of their businesses. Mr. Gleason thanked the Planning Department, Planning Board and Board of Commissioners for doing a wonderful job on the Creedmoor Development Ordinance calling it a wonderful plan and stating his hopes that it be adopted.

Auburn Body, 1606 Irving Place, Creedmoor. Ms. Body expressed her support of the Creedmoor Development Ordinance stating that she has spoken with Planning Administrator Rick Flowe in the past regarding screening in her front porch/deck. Ms. Body believes the adoption of the ordinance will assist with this renovation.

Bernard Holliday, 1738 Lake Road, Creedmoor. Mr. Holliday began by providing the statistics that, as of the last census, the population of Creedmoor is a little over 4,000 and growing, that the poverty level is 13.1%, housing values go upwards of 500K and there are 1,499 elderly residents. Mr. Holliday reported that Creedmoor is made up of a diversified workforce which includes commuters. Mr. Holliday is concerned about the future mixed zoning on NC56 and would like to see that area treated like Church Street and East Elm Street with small offices included in a residential zone. Mr. Holliday's concern is that proposed zoning of this area

would allow major businesses if zoned like 56W. Currently there are two parcels being marketed in excess of 2.25M. In closing, Mr. Holliday reported that the South Granville Senior Center serves both Butner and Creedmoor, that Creedmoor's youth need more than ballfields and a crowded gym, and that hurricane threats pose the need for storm shelters. Finally Mr. Holliday stated that the Greenway pathway needs to be expanded, as well as new sidewalks in addition to those proposed towards the schools.

David Forsythe, 115 Moss Road, Creedmoor. Mr. Forsythe stated that he is happy to be here to state that the draft of the Creedmoor Development Ordinance which was worked hard on by staff and the Planning Board is being submitted to the Board of Commissioners by unanimous recommendation. Mr. Forsythe foresees the beginning of a unified process for the City of Creedmoor, noting that legacy issues are being considered. Modifications have been supported and the Creedmoor Development Ordinance includes significant changes in a way that is standardized. If problems are found with it in future, staff will be able to stand behind it as an understandable document. Mr. Forsythe also thanked the board for its consideration of the Planning Board By-Laws which will allow equal standing among the Planning Board members.

There being no one else wishing to speak, the Mayor closed the public hearing on the Creedmoor Development Ordinance with Official Zoning Map at 7:51 p.m.

3. Stormwater Program for New Development

City Planner Randy Cahoon introduced the Stormwater Program for New Development calling it a program not an ordinance and stating that it will provide the framework to administer a program under the Falls Rules. Mr. Cahoon reported that the Environmental Management Committee version provisionally adopted back in February was introduced in much the same form. Mr. Cahoon finished by reporting that stormwater permits for new development will be approved in the local office as opposed to Raleigh.

Mayor Moss opened the public hearing on the Stormwater Program for New Development at 7:53 p.m.

Tim Karan, 2763 Garland Court, Creedmoor. Mr. Karan provided comments similar to those submitted previously stating that the new program back ends old programs. Mr. Karan advised getting all that Creedmoor can from the State as the State is going to create more work in future that will need to be funded by the municipality. Mr. Karan repeated that this requirement of this program comes at a bad time and runs on bad legislation. Mr. Karan stated that Falls Lake is a Stormwater catch basin and is not for drinking water. The Army Corps of Engineers is the problem, not the citizens of Creedmoor. Mr. Karan asked that the City of Creedmoor please say no this legislation.

There being no one else wishing to speak, the Mayor closed the public hearing on the Stormwater Program for New Development at 7:56 p.m.

ORDINANCES

Ordinance 2012-O-03: Stormwater Management Utility

Commissioner Minor stated that this is a way for Creedmoor to work with communities in order to not duplicate work by staff and to also share in the cost as it could have cost the City a lot more if we did not join the multi-jurisdictional utility. Commissioner Minor offered that he did not like it but recognized that it is necessary.

Mayor Moss reported that the Board of Commissioners went about decision on this ordinance in a positive way and that Creedmoor found itself in a unique situation but managed to be as proactive as possible. The Mayor produced information on his property charges under the legislation which was more than the average.

Moved by Commissioner Minor to adopt Ordinance 2012-O-03: Stormwater Management Utility; seconded by Commissioner Wilkerson. The motion received a unanimous vote.

Ordinance 2012-O-04: Creedmoor Development Ordinance with Official Zoning Map

Planning Administrator Rick Flowe reported that RWG Limited Partnership in Framingham, MA submitted a letter to the Planning Department requesting that the area known as Recovery Drive be zoned as civic and not residential in the new ordinance. The request came after the Planning Board voted to send the Creedmoor Development Ordinance and Zoning Map to the Board of Commissioners with its consistency statement. After revisiting the ordinance and map the Planning Board voted to make changes incorporating four out of five lots on Recovery Drive in the civic district instead of residential. A new consistency statement being submitted this date with the final draft of the Creedmoor Development Ordinance and Official Zoning Map.

Administrator Flowe directed the board's attention to Article 15 page 3 of the draft Creedmoor Development Ordinance: *Farmer's Market guidelines* asking the board to consider Ms. Toler's request made earlier. The same provisions falling under the third paragraph pertaining to outdoor bazaars and retail sales, with temporary structure(s) were proposed to be incorporated into paragraph one pertaining to Farmer market. The verbiage "not permitted within public right-of-way" was proposed to be stricken from this paragraph.

It was noted that the tent structure which had been set up by Ms. Toler has its legs in the street leaving it exposed to potential damage by vehicles. Administrator Flowe stated that an awning extending from the building may be a suitable alternative and that staff does not see a problem with the above changes as long as order is maintained respecting safety.

Mayor Moss wanted it to be clear that the City was not trying to shut Ms. Toler's business down rather that the City was responding to an ADA complaint which should be taken seriously. Referencing a similar complaint at the City gym, the Mayor noted it took many months prior to resolution. Mr. Moss expressed his refusal to put the City in a situation to spend tax money to defend its position on an ADA ruling and that the fact remains that the City must abide by Federal, State and Local laws.

Moved by Commissioner Minor to adopt the Creedmoor Development Ordinance to include changes to Article 15, page 3 removal of the wording "*not permitted within public right-of-way*" pertaining to Farmer market and substituting "*Sidewalks must have a minimum of 5'-0" travel-way clear of obstructions at all times*" and "*All products and advertising shall be limited to the area directly in front of the sponsoring vendor*" and Official Zoning Map; seconded by Commissioner Piper. The motion received a unanimous vote.

MOTION TO APPROVE CITY OF CREEDMOOR STORMWATER PROGRAM FOR NEW DEVELOPMENT

Moved by Commissioner Minor to adopt the City of Creedmoor Stormwater Program for New Development; seconded by Commissioner Wilkerson. The motion received a unanimous vote.

REQUESTS TO ADDRESS THE BOARD

Ed Mims, President of Paddington HOA, 2204 Regent Court, Creedmoor. Residents appreciate the guidance to the Police Department to help resolve issues and that substantial progress has been made on issues raised by Paddington residents made with no resolutions as yet. Mr. Mims asked that his expression of thanks be passed on to staff stating that staffs' actions are indicative of research that is helpful in making good decisions. Mr. Mims reported that Timberstone Homes is to be purchased by Ryland Homes immediately which is causing concern among residents when transfer of authority may lose information being passed on. Mr. Mims noted that Ryland has contacted Paddington's property management and he is hopeful that issues will be resolved. Mr. Mims reported that the Paddington HOA is now looking to secure a second attorney, one for ponds, the other for Real Estate issues. He is conveying this information to let the City know how serious the residents are taking issues. Mr. Mims once again praised staff by saying their professionalism and attention to detail has helped them move in the right direction.

Kim Holmes – Property Drainage Issues 902 Woodland Road, Creedmoor. Ms. Holmes reported on meeting with Planning Administrator Rick Flowe and conversing with Commissioner Piper continuing to say that the issue may be resolved. Ms. Holmes called her residence the house that should not be there and would like to call it the resolution house on Woodland Road. Ms. Holmes issues are that her front hill is deteriorating and that she was told she had 20 years to worry about foundation due to stormwater runoff. The Holmes took it upon themselves to install drainage piping as even the fire hydrant dumps water into their backyard due to a lack of storm swells. Ms. Holmes acknowledged that current staff does not include the people who approved Certificates of Occupancy and permits in her location but she is confident the City is going to work with her on her situation which includes silt pouring over the top of a silt fence now diverting to her property. City Engineer Brian Wilson is to conduct a site visit.

PUBLIC COMMENTS

Darwin Howard, 107 Shadow Lane, Oxford. Mr. Howard spoke as a representative of the Granville County Board of Education which owns property on Park Avenue. A Center for Innovative Learning on Park Avenue expansion is needed due to improved services proposed. Two of the four schools have been surveyed for impervious surfaces to ensure compliance. The school's property is currently zoned commercial and Mr. Howard is

requesting a rezoning to civic. Staff is to review applicable guidelines of the new ordinance to provide recommendations. The Mayor requested that Mr. Howard come before the board at its next regular meeting.

Susan Pettis, 215 Westbourne Drive, (Paddington Subdivision). Concerned about property at the end of Westbourne Drive possibly being sold. She questioned, in the event of a sale, how construction crews would access the property and what measures would be taken to prevent damage to the drive and prevent speeding, etc. Ms. Pettis stated that she is opposed to Westbourne Drive being used as a thoroughfare. Children play on this road. Paddington does not have a proper playground for children of all ages. Ms. Pettis asked that the road to access the new area be a gravel road. Her additional concern is that property being developed may be in a floodplain and endanger species that should be protected.

Tim Karan, 2763 Garland Court, Creedmoor. Mr. Karan began by saying that he had been vindicated regarding decisions made during his tenure on the board. He referenced his stance on Group Homes and congratulated the board on its decision regarding the group homes on Recovery Drive. Mr. Karan stated that the new ordinance will allow for more adult facilities to come into the area.

Mr. Karan reported that, under the new stormwater utility ordinance, 40K will come out of the Golden Pond subdivision for stormwater management. Mr. Karan requested that stormwater ponds need to be managed as such in Golden Pond. Mr. Karan noted that the Division of Water Quality views the ponds as an integrated stream structure. Mr. Karan requested that riparian issues in reference to the ponds in Golden Pond subdivision be disbanded.

CITY MANAGER'S REPORT

1. USDA Water/Sewer Projects Update

City Manager Tom Mercer reported on the following:

Water and Sewer Infrastructure: Manager Mercer reported that the Robertson Creek and booster pump station will soon be up and running followed by the taking off-line of six current stations. Chemical feed to begin in the next few weeks. Mr. Mercer stated that he is cautiously optimistic of the current schedule. A contract extension has been facilitated due to the amount of funds remaining. Mr. Mercer thanked Centurion and Landmark for doing a fine job noting that the water tank was put in service June 21, 2012.

Mr. Mercer reported that the water and sewer rates for last year had already been incorporated into the water and sewer infrastructure cost thereby creating no increase in service charges. However, increases to water and sewer services will be experienced due to SGWASA increases.

Mr. Mercer reminded the board that One-stop voting was to begin June 28, 2012 and extend until July 14, 2012 in the board room.

2. Paddington Update

Planning Administrator Rick Flowe reported that zoning approvals for Paddington Subdivision will be withheld until outstanding fees have been collected. Funds collected will be held in escrow then turned over to the Paddington Homeowners Association for playground maintenance or expansion.

OLD BUSINESS

CMAQ

1. Recommendation of a CEI Firm

Economic Development and Transportation Projects Manager Scottie Wilkins reported that the City is anxious to get rolling on the CMAQ project. The CEI firm that was shortlisted and being recommended is A. Morton Thomas & Associates. Ms. Wilkins requested a recommendation from the board in support of AMT & Associates. Commissioner Robinson stated that the Finance Committee recommends AMT & Associates to NCDOT.

Moved by Commissioner Robinson; seconded by Commissioner Minor to accept recommendation to continue looking at AMT & Associates firm with NCDOT. The motion received a unanimous vote.

2. Resolution 2012-R-07: Resolution for CMAQ Construction Contract

Ms. Wilkins reported that the process has been completed in choosing a construction contractor after a three-bid process. The winning bidder is Centurion Construction Company.

Moved by Commissioner Wilkerson to adopt Resolution 2012-R-07: Resolution for CMAQ Construction Contract; seconded by Commissioner Piper. The motion received a unanimous vote.

NEW BUSINESS

Motion to adopt the City of Creedmoor Planning Board Bylaws

Moved by Commissioner Minor to adopt the City of Creedmoor Planning Board Bylaws and the City of Creedmoor Board of Adjustment By-Laws.; seconded by Commissioner Robinson. The motion received a unanimous vote.

Motion to adopt the Creedmoor Volunteer Fire Department Contract

Moved by Commissioner Piper to adopt the Creedmoor Volunteer Fire Department FY13 Contract; seconded by Commissioner Stallings. The motion received a unanimous vote.

MAYOR'S REPORT

Mayor Moss addressed concerns offered by Mr. Bernard Holliday stating that the City is in the process of hiring a part-time recreation staff member and working on providing for its citizens. Noting that there is a long way to go the Mayor recognized that progress is being made. Mayor Moss asked for a summary of progress on sidewalks.

Economic Development and Transportation Projects Manager Scottie Wilkins provided information on the Greenway project reporting that the City has been active over the last years in consistency with the County. One project has been funded and a bid awarded. Ms. Wilkins summarized that these sidewalks will allow safe pedestrian movement around our schools and this grant funded project will soon be underway.

Ms. Wilkins also noted that long-range planning includes sidewalk extension extending east on Highway 56 to Paddington as well as a potential connection of the downtown area to residential districts, then heading westward to Lake Rogers Park and possibly a connection with Butner's infrastructure. The goal is three miles in three years.

COMMISSIONERS' COMMENTS

Commissioner Robinson

None

Commissioner Minor

None

Commissioner Wilkerson

Commissioner Wilkerson requested that everyone please notice the newly installed street lights on Main Street and come out in support of fireworks.

Mayor Pro-Tem Stallings

None

Commissioner Piper


Commissioner Piper commented on the retirement of both Chief Benware and Sergeant Millan.

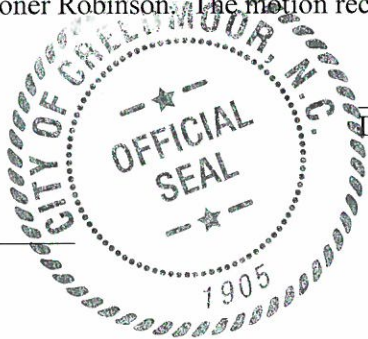
CLOSED SESSION

Moved by Commissioner Robinson to go into closed session to discuss property acquisition as allowed by G.S. 143-318.11(a) (5); seconded by Commissioner Wilkerson. The motion received a unanimous vote. The board went to closed session at 9:21 pm.

ADJOURNMENT

Upon returning from Closed Session, there being no further business before the Board, Commissioner Piper moved to adjourn; seconded by Commissioner Robinson. The motion received a unanimous vote. Meeting adjourned.


Darryl D. Moss, Mayor



ATTEST:


Robin E. Reif, Deputy City Clerk