

Minutes of
City of Creedmoor
BOARD OF COMMISSIONERS
Regular Meeting
August 18, 2014
7:00 p.m.

PRESENT

Mayor Darryl D. Moss, Commissioner Del Mims, Mayor Pro-Tem Jimmy Minor, Commissioner Herman Wilkerson, Commissioner Thomas Jackson, and Commissioner Larry Robinson. Also present were Korena Weichel, Assistant City Manager; Robin Reif, City Clerk; and Tom Currin, City Attorney.

INVOCATION AND PLEDGE OF ALLEGIANCE

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

ADOPTION OF AGENDA

A proposed revision to the agenda consisting of placing recognitions prior to adoption of minutes was presented by Mayor Moss. Moved by Mayor Pro Tem Minor to adopt the meeting agenda with this revision; seconded by Commissioner Robinson. Motion to adopt the agenda as revised received a unanimous vote.

EMPLOYEE SERVICE RECOGNITIONS

Ronnie Clayton, Senior Utility Maintenance Technician – 25 Years

Mayor Moss recognized Senior Utility Maintenance Technician Ronnie Clayton on the occasion of his 25th year 25th year of service to the City of Creedmoor. Prior to reading the certificate presented to Mr. Clayton, the Mayor called him an unsung hero. The Mayor spoke of Mr. Clayton's commitment to working on snow removal, and broken water and sewer mains. The Mayor recalled Mr. Clayton's having to perform dead fish removal following and incidence of Hydrilla infestation in Lake Rogers.

CITIZEN RECOGNITION

Justin Bullock, Creedmoor, NC – 2014 Team USA 15U Starting Pitcher

Mayor Moss recognized Creedmoor resident and South Granville High School student Justin Bullock for his being selected the 2014 Team USA 15 and under Starting Pitcher. Justin was one of two North Carolina students chosen out of 200 candidates and pitched in two games against Germany and Cuba. Justin's parents, Todd and Andrea Bullock were present for the recognition.

Justin Bullock thanked those present and stated that he is pleased he could accomplish something that brought positive recognition to Creedmoor.

APPROVAL OF MINUTES

Moved by Commissioner Mims to approve the July 21, 2014 Regular Meeting Minutes, July 29, 2014 Facilitated Meeting Minutes, July 31, 2014 Facilitated Meeting Minutes and August 4, 2014 Work Session Minutes; seconded by Commissioner Jackson. Motion to adopt the minutes received a unanimous vote.

PUBLIC HEARING: *Tar River Land Conservancy Voluntary Annexation Petition*

Planning Director Michael S. Frangos provided an overview of the application and land description in this the second step in the annexation of the properties being proposed. The City Clerk's Certificate of Sufficiency was recognized as being performed following direction from the Board of Commissioners in their August 4, 2014 Work Session.

Mayor Moss opened the public hearing on the Tar River Land Conservancy Voluntary Annexation Petition at 7:22 p.m.

Yvonne and Evelyn Suitt, 1617 Dove Road, Creedmoor, NC

Ms. Yvonne Suitt spoke alleging imminent domain being used in the taking of their land and asked for clarification regarding research results citing substantially higher sales prices being given on lands of similar type. This information was purported to have been provided to them by an expert in real estate sales. Ms. Suitt alleged that, in this instance, the deal is slanted towards the County getting the most and the family the least. The Suitt sisters came asking that they not have to give up their land.

Reverend Bernard A. Holiday, 1738 Lake Road, Creedmoor, NC.

Reverend Holiday spoke under the public hearing on behalf of the Suitt sisters. The Reverend alleged that payment for the Suitt property was less than the property value, that the sisters were being denied their birth right and that only one heir further down the line than the intended was involved in the execution of the will. Reverend Holiday argued the sisters deserve fair market value for their property, have not received it, and that the City can right this wrong.

Mr. Derek Halberg, TRLC

Mr. Derrick Halberg, Executive Director of the Tar River Land Conservancy responded to the concerns voiced by the Suitt sisters and Reverend Holiday. Mr. Halberg stated the facts surrounding the acquisition, clarifying that the conservancy is a 501(3) c organization thus falls under requirements that acquisitions be made at fair market value or the conservancy risks losing its non-profit status as governed by the IRS. An offer on the property was made at the quoted fair market value, to the penny.

Mr. Halberg continue by stating that the City has no imminent domain and that the conservancy was approached by Granville County Attorneys Nathan Garren and Yancey Washington regarding a partition sale. The conservancy has an ethical expectation requirement and this is the first time the conservancy has been made aware that there is any disagreement or discrepancy with the value of the property.

Mr. Halberg then presented additional facts specific to the annexation partition.

Commissioner Del Mims asked Mr. Halberg what time he became involved in the property acquisition and if the Suitt sisters are the legal owners of the property. Mr. Halberg reiterated that the Tar River Land Conservancy is the purchaser of the property made for sale by order of the Granville County Clerk of Court.

City Attorney Tom Currin clarified as to the ownership history of the property and provided details as to the court ordered upset bid sale at which there were no alternate bids to that offered by Tar River Land Conservancy. In response to the allegations of inaccurate consideration given for the property, Attorney Currin stated that the purchase was made at the court house and within the regulations. Title is in fact vested in the conservancy. None of the grant funds the City receives would be eligible or within the boards power to provide restitution to the sisters.

There being no one else wishing to speak, Mayor Moss closed the public hearing at 7:57 p.m.

Ordinance 2014O06: *Annexation Ordinance, Haynes & Suitt Tracts*

Moved by Mayor Pro Tem Minor to adopt Ordinance 2014O06: *Annexation Ordinance, Haynes & Suitt Tracts*; seconded by Commissioner Robinson.

Under further discussion, Commissioner Mims stated that, given the recent questions surrounding acquisition of the property, the Commissioner recused herself from voting for ethical reasons. The Commissioner stated she has no problem with the Haynes portion of the Ordinance, rather declined to vote on the Suitt tract involved in the annexation petition.

Commissioner Jackson argued that the City of Creedmoor is a very junior partner in the acquisition and a contract is a contract. Once it is signed, it is signed.

Commissioner Robinson emphasized that the land was sold by the courts, anyone could have purchased it at the courthouse and the City did not initiate the sale.

Motion received the following vote:

Ayes: Minor, Wilkerson, Jackson, Robinson

Noes:

As there is no recusal allowable under North Carolina General Statutes for abstention of voting for ethical reasons, rather only on matters involving one's own financial interest or direct misconduct, the declination of Commissioner Mims to vote was thus counted as an aye. The motion passed 5-0.

Resolution 2014R16: *Initial Scheduling Resolution for ZMA-2014-01, Zoning of TRLC Tracts*

Mr. Frangos explained the statutory requirement for zoning of the property(s) upon annexation and the contents of Resolution 2014R16: *Initial Scheduling Resolution for ZMA-2014-01, Zoning of TRLC Tracts*.

Moved by Mayor Pro Tem Minor to adopt Resolution 2014R16: *Initial Scheduling Resolution for ZMA-2014-01, Zoning of TRLC Tracts*; seconded by Commissioner Wilkerson. Motion received a unanimous vote.

PUBLIC HEARING: CUP-2014-01, W. Lyon Street Monopole

Mayor Moss opened the public hearing on CUP2014-01: W. Lyon Street Monopole at 8:09 p.m.

City Clerk Robin Reif swore in Michael S. Frangos, Planning Director prior to the offering of his testimony. Mr. Frangos presented a PowerPoint overview of the proposed monopole being considered under the conditional use permit application.

City Attorney Tom Currin provided additional information regarding the access to the compound allowed under a property agreement existing between the City and Creedmoor Chevrolet. Creedmoor Chevrolet has indicated that they are willing to make the agreement permanent.

Mr. Frangos communicated recent recommendations made by the City's Planning Board and its suggestions regarding upgrades to the existing fencing.

After being sworn in regarding the monopole, Mr. Brad Little of TEP Engineering provided further detail on the proposed monopole's construction processes, structural integrity and antenna ray placement. Mr. Little also fielded questions on height, use of a remote radio head, fiber optics, aesthetics and signal strength.

There being no one else wishing to speak, Mayor Moss closed the public hearing at 8:39 p.m.

City Attorney Tom Currin stated that the City is postured to consider the Conditional Use Permit, and advised that additional details be considered regarding the screening of the compound.

Moved by Mayor Pro Tem Minor to approve Conditional Use Permit CUP2014-01: *W. Lyon Street Monopole* to include the Planning Board's recommendation regarding construction of an opaque fence and that the use or development is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare; that the use or development complies with all required regulations and standards of this Ordinance and with all other applicable regulations; that the use or development is located, designed, and proposed to be operated so as not to substantially injure the value of adjoining or abutting property, or that the use or development is a public necessity; and that the use or development will be in harmony with the area in which it is to be located and conforms to the general plans for the land use and development of the City of Creedmoor and its environs; seconded by Commissioner Wilkerson.

Motion received a unanimous vote.

REQUESTS TO ADDRESS THE BOARD

Eddie Roberson Mims Jr., 2204 Regent Court, Creedmoor, NC regarding County Commissioner Ed Mims.

Mr. Mims asked that his comments be recorded verbatim by both the city and press. As it is the policy of the City Clerk's office to briefly summarize public comments, addresses and discussions unless specifically directed to do otherwise by the City of Creedmoor Board of Commissioners, Mr. Mims' comments are encapsulated herein.

Granville County Commissioner Ed Mims responded to his being mentioned during the City of Creedmoor Board of Commissioner's facilitated meetings held July 29th and 31st. The Commissioner rephrased conversations held previously between himself and City Commissioners Wilkerson and Minor regarding the 2012 elections and Mayor Moss' declaration regarding his tie-breaking vote to change the City of Creedmoor Board of Commissioner meeting dates.

Citing lack of sufficient information being provided from the onset of the 2012 proposed wastewater treatment plant, Commissioner Ed Mims aimed his explanation of his refusal to support the project towards criticisms he has received since that time. Alleging retribution for this lack of support, Commissioner Ed Mims continued with a rehashing of public information requests made by County Commissioner Tim Karan purportedly on behalf of City Commissioner Jimmy Minor and City Manager Tom Mercer for communications to and from himself and his wife, City Commissioner Del Mims in March 2014. City Commissioner Jimmy Minor responded that if he had wanted such information, he would have made the request himself.

County Commissioner Ed Mims addressed the Mayor and City Commissioners individually and expressed his disappointment in not being invited to participate in the picture taken of at Harris Park upon its completion as it is located in District 5, the district Commissioner Ed Mims represents. In conclusion, Commissioner Ed Mims expressed concern that the City had not, during its planning of its pedestrian and greenway project, considered City Code 73.07 and its prohibition of bicycling on City sidewalks.

Reverend Archer Wilkins, 2111 Westbourne Drive, Creedmoor, NC regarding dissent among the board.

Reverend Wilkins spoke as a concerned citizen with an uneasy mind regarding the current status of the board. The Reverend recapped the shared goals submitted during the facilitated meetings and stated they are an impossible task without unity; and cited disunity found in the statements made by the board members during their recent facilitated meetings as reported in newspaper articles. The Reverend urged the board to forgive and move on in the spirit of unity. Reverend Wilkins articulated the quote "Vision is not seeing things as they are but as they will be" and King Solomon from Proverbs 29:18 "Where there is no vision, people perish", and expressed his conviction that vote counts do not make board members more powerful and asked that the board members agree to disagree and strive for tolerance and peace.

PUBLIC COMMENTS (15 minutes)

Anthony F. Santangelo, 307 S. Main Street, Creedmoor, NC

Mr. Santangelo noted that he is aware of discord on the board as well but that with all the negativity there are positives. Positives such as being in the due diligence phase with SGWASA which, upon completion of the merger

will lower utility fees, a greenway project underway, the Music Festival, parades, etc. Mr. Santangelo stated that these positives are a result of the board and the hard work of staff.

Tim Karan, 2763 Lynn Court, Creedmoor, NC

Granville County Commissioner Karan spoke under public comment to answer accusations made against him by Granville County Commissioner Ed Mims. Mr. Karan stated that he could not sit by and have City of Creedmoor Commissioners and the Manager called out on something that he did not accuse them of doing. He stated that

what he said was that people were watching over Granville County Commissioner Ed Mims' shoulder as he texted his wife, City Commissioner Del Mims and were watching her reaction as she read the texts while seated at the dais. Commissioner Karan apologized for assuming when making public records requests that communications made during a meeting, electronic or otherwise, were public record.

Commissioner Karan then addressed a comment made by Granville County Commissioner Ed Mims regarding his not being included in a photo taken at the dedication of Harris Park. Calling it blood, sweat and tears, Commissioner Karan stated that it was he who procured a grant on behalf of the City and turned the screws for the park. In addition, the Commissioner designed and built the Park in Golden Pond while President of the homeowners' association, as well as designed and built Lake Rogers Park and Harris Park. Commissioner Karan stated that he did not do so as a means to run for office.

In conclusion, Commissioner Karan reiterated his previous vote on fracking, clarifying that he was and is opposed to non-hydraulic fracturing for natural gas exploration as it has not undergone sufficient testing and that his one vote to raise taxes was for the benefit of completion of Granville Central High School as he is pro education and concerned for our children and our future.

Ms. Ola McBroom, 410 Mayview Drive, Creedmoor, NC

Ms. McBroom, a resident of White Hall subdivision, addressed the board regarding flooding and erosion being caused by a culvert pipe in the subdivision. Ms. McBroom stated she is anxious for the safety of neighborhood children and requested the pipe be repaired.

Assistant City Manager Korena Weichel requested Ms. McBroom provide her contact information so that, after researching the status of the pipe repair, a report could be provided to her.

Tom Lane, Mayor of the Town of Butner

Town of Butner Mayor Tom Lane addressed the governing board on the issue of what he called a verbally agreed upon potential boundary between Butner and Creedmoor along Ledge Creek. Mayor Lane asked the board to approve the voluntary annexation request previously made by the Town of Butner on behalf of the developer of Applewood Phase II. The Mayor requested the board not consider the annexation request as either a leverage tool in the SGWASA negotiations or a bargaining chip with the County regarding service area development.

CITY MANAGER'S REPORT

Assistant City Manager Korena Weichel updated Council on the following:

- CMAQ Update – Provided by Programs Director Scottie Cornett
 - Things are going well and as expected.
 - AMT is finalizing stormwater and erosion control plans that must go along with the 60% design.
 - No report from NCDOT on the speed limit reduction request has been received.
 - City ordinances have been discussed regarding bicycles on sidewalks and sufficient time exists prior to addressing amendments to the codes.
- NC56 Corridor Study – Provided by Programs Director Scottie Cornett

- Letter from Granville County stating that the County Board of Commissioners voted to deny expansion of the scope of the project from Darden Drive to Mt. Energy Elementary School.

Commissioner Mims asked if the 65%/35% alternative split was still an option for the study. Ms. Cornett responded that it would have to be discussed with CAMPO.

- SGWASA APA Update – Provided by Assistant City Manager Korena Weichel
 - Mid-way through data conversion.
 - Final drawdown requests will be sent to USDA so that SGWASA may approach USDA regarding funding.
 - Tom Mercer is working with Lee Bodheimer of Waste Industries regarding a proposal for waste collection.

Moved by Commissioner Jackson to release Applewood Phase II to Butner; seconded by Commissioner Mims.

Under further discussion, Mayor Pro Tem Minor stated that the redrawing of boundary lines set by the Legislature is a matter requiring further discussion.

City Attorney Tom Currin provided additional facts surrounding the existing boundary agreement.

Commissioner Mims stated that discussions have been held and recounted Mr. Wynn's previous request to be released from Creedmoor. The Commissioner then invited Mayor Tom Lane back up to speak to which Mayor Moss approved. Letters provided by Mayor Lane were dispersed to the board. Mayor Lane expressed his hope that Butner and Creedmoor could progress in working together on the issue and that he did not expect a motion this evening.

Mayor Pro Tem Minor declared his taking issue with a comment made by Mayor Lane that Creedmoor was using the lines as a bargaining chip for leverage in the existing merger proceedings with SGWASA.

Commissioner Jackson communicated his willingness to table the matter for one month along with his suggestion the future dividing line be Ledge Creek. Out of deference to Commissioner Minor; Commissioner Jackson withdrew his motion to release Applewood Phase II to Butner.

Moved by Commissioner Minor to table the matter of the release of Applewood Phase II for one month; seconded by Commissioner Jackson. Motion received a unanimous vote.

OLD BUSINESS

None

NEW BUSINESS

None

MAYOR'S REPORT

Mayor Moss reported on his participation with Commissioner Thomas Jackson and Police Chief Keith King in a phone conversation with US Attorney General Eric Holder and Senior Advisor Valerie Jarret regarding the situation in Ferguson, Missouri. Commissioner Jackson thanked Mayor Moss for his eloquent facilitation of the conversation.

Mayor Moss reported that he would be speaking on behalf of the City at the Mining and Energy Commission Hearings on Fracking in Raleigh on the 20th and Sanford on the 22nd.

The Mayor asked Commissioner Mims if she had read his email to her regarding the upcoming CAMPO Strategic Retreat. Due to a conflict in his schedule, the Mayor asked Commissioner Mims if she would represent the City. Commissioner Mims stated she would get back to the Mayor after checking her calendar.

COMMISSIONERS COMMENTS

PUBLIC SAFETY

Commissioner Jackson thanked staff for their work in providing additional parking on Main Street.

TRANSPORTATION INFRASTRUCTURE

Commissioner Mims commented that the additional parking on Main Street is a significant improvement and that traffic quieting should be well proven following these efforts. The Commissioner also thanked staff for their cost saving measures during the project.

Calling herself an extremely private person, Commissioner Mims took a moment of personal privilege to speak regarding the recent loss of her Mother Anita Mills and the texting that had occurred between them during Commissioner Mims' induction on to the board as her Mother was too ill attend. The Commissioner expressed her gratitude for condolences, support and prayers extended to her and her family during their time of bereavement.

FINANCE, ADMINISTRATION AND INTERGOVERNMENTAL RELATIONS

None

COMMUNITY AND ECONOMIC DEVELOPMENT

None


ENERGY, ENVIRONMENT AND NATURAL RESOURCES


None

ADJOURNMENT

There being no further business before the board, moved by Commissioners Robinson and Jackson to adjourn; seconded by Commissioner Wilkerson. The motion received a unanimous vote. Meeting adjourned at 10:19 p.m.

ATTEST:


Darryl D. Moss, Mayor


Robin E. Reif, City Clerk

