

Minutes of
City of Creedmoor
BOARD OF COMMISSIONERS
Regular Meeting
October 20, 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 Tom Mercer, City Manager; Robin Reif, City Clerk; and Lori Dutra, City Attorney.

Mayor Pro Tem Minor briefly exited the board room in order to attend a fire call on Chief Street.

INVOCATION AND PLEDGE OF ALLEGIANCE

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

ADOPTION OF AGENDA

Moved by Commissioner Wilkerson to adopt the meeting agenda; seconded by Commissioner Robinson. Motion to adopt the agenda received the following vote:

Ayes: Mims, Wilkerson, Jackson, Robinson

Noes: None

Motion passed 4-0.

APPROVAL OF MINUTES

Moved by Commissioner Robinson to adopt the September 15, 2014 Regular Meeting Minutes and October 6, 2014 Work Session minutes; seconded by Commissioner Wilkerson.

Under call for discussion a correction was requested to the minutes of the September 15, 2014 Board of Commissioner's Regular Meeting Minutes, changing "*National League of Cities*" to "*North Carolina League of Municipalities*" on page 5 of 6.

As the request met with the approval of those making the motion and second, the motion to adopt the minutes with the requested correction received the following vote:

Ayes: Mims, Wilkerson, Jackson, Robinson

Noes: None

Motion passed 4-0

Mayor Pro Tem Minor re-joined the meeting at this time.

Creedmoor Parks and Recreation Committee Member Re-appointments

Programs Director Scottie Cornett presented the names of the Parks and Recreation Committee Member candidates for re-appointment.

Moved by Commissioner Wilkerson to reappoint Mark Jones, Brian Whitfield and Jacqueline Tanner to another two-year term on the City's Parks and Recreation Committee and Amber Black as the South Granville High School student representative; seconded by Mayor Pro Tem Minor.

Motion received a unanimous vote.

PUBLIC HEARING: ZMA-2014-01: *Tar River Land Conservancy Tracts*

City Attorney Lori Dutra, reviewed how Tar River Land Conservancy (TRLC) came to be the owner of the property being zoned as well as reiterated the City's prior peripheral involvement with the properties during its pursuit of sewer easement acquisitions. These imminent domain acquisitions were conducted concurrent to the property sale but were in no way affiliated with its acquisition. Attorney Dutra stated she had, on behalf of the city, reviewed the court file and actions taken by the Clerk of the Court on the sale of the property.

Planning Director Michael S. Frangos reported that the city has a responsibility to apply a zoning designation to the property and that the Tar River Land Conservancy has stated in at least two public documents that their sole intent for the property is that of conservation and preservation.

Derek Halberg, Executive Director, Tar River Land Conservancy, 123 N. Main Street, Louisburg, NC

Mr. Halberg stated his presence was to support the next step in the process that started with the voluntary annexation of property that Tar River Land Conservancy raised over 90% of the funds to purchase. Mr. Halberg said the property will be a great benefit to the citizens of Creedmoor as an addition to its greenway structure and that TRLC has no plans for the property that received improvements by removal of the old hog lagoon by TRLC and that the wish is to keep it as natural as possible.

Reverend Bernard Holliday, 1738 Lake Road, Creedmoor, NC.

Reverend Holliday questioned the city's hurry on behalf of TRLC in zoning the property. Regarding the TRLC land, he asked what the conservancy's master plan is and its environmental and tax impact. The Reverend expressed his concern that an application of agricultural (AG) zoning to the property would open it up to such uses as hogs, day care centers, hunting clubs, and sun farms.

Ed Gleason 1973 Bowles Avenue, Creedmoor (Planning Board Member)

Mr. Gleason stated that Mr. Halberg had addressed many of his questions and concerns just prior to the meeting but came asking that the adjacent homeowners in Golden Pond Subdivision be looked out for. He intends to take TRLC at their word that they have no plans for the property other than conservation, nor will they allow farms on the property. Mr. Gleason expressed that the greenway connection from Golden Pond to 56 to the new sidewalks is going to be great but that the immediate need to rezone to AG seems a moot point if it is not going to be used immediately. He asked if there is not a more conservative zone that could be created for the property.

Josephine Burt 2028 Hawley School Road, Creedmoor, NC

As an owner of property adjacent to that of TRLC, Ms. Burt came asking for clarification regarding imminent domain purchases, if 17K was the sale price of the TRLC property, if it is to be used only for picnic and recreation, and if its purchase and land use will cause local taxes to be raised.

There being no one else wishing to speak, Mayor Moss closed the public hearing at 7:40 p.m.

The following responses were given to those who spoke in the hearing:

- The city is not conducting a rezoning rather an initial zoning upon annexation of the TRLC property. The City is required to zone a property within 90 days of annexation.
- All of our community sits within the Falls Lake watershed including the property in question and that environmental concerns and conservation will be dealt with for many years.

- The property is annexed in to the city's limits and governed by the ordinance that discharge of firearms is prohibited. No hunting, or hunt clubs are allowable on the property.
- The sewer line easement was part of the city's imminent domain and that all owners signed for it themselves. It had nothing to do with the ownership of the land
- The property was evaluated and appraised as part of the partition sale process and was purchased for more than 17K.
- The property is to be used for recreation and conservation only.
- The AG zoning does allow other uses but there is no intended use at this time for anything other than natural as had been the City's experience on every project the city has partnered on with TRLC.

Further discussion was held by the governing board regarding creation of a more restrictive conservation district. Questions were raised as to the wisdom of imposing further restrictions on the conservancy as the conservancy operates, by nature of its organization and projects, under strict regulations.

Moved by Mayor Pro Tem Minor to adopt Resolution 2014R21 with the correction of the date change to reflect October 20: *Adopting Statement of Consistency in reference to ZMA-2014-01, Initial Zoning of Tar River Land Conservancy Haynes and Suitt Tracts*; seconded by Commissioner Wilkerson.

Under further discussion Commissioner Mims stated that she is not comfortable with the AG zoning designation being applied to the property.

Motion to adopt Resolution 2014R21: *Adopting Statement of Consistency in reference to ZMA-2014-01, Initial Zoning of Tar River Land Conservancy Haynes and Suitt Tracts* received the following vote:

Ayes: Minor, Wilkerson, Jackson, Robinson
Noes: Mims

Motion passed 4-1. Resolution 2014R21: *Adopting Statement of Consistency in reference to ZMA-2014-01, Initial Zoning of Tar River Land Conservancy Haynes and Suitt Tracts* incorporated herein by reference.

Moved by Mayor Pro Tem Minor to adopt Ordinance 2014O09: *Ordinance Amending the Official Zoning Map of the City of Creedmoor related to ZMA-2014-01 Tar River Land Conservancy Tracts* with the correction of the date change to reflect October 20; seconded by Commissioner Robinson.

Motion to adopt Ordinance 2014O09: *Ordinance Amending the Official Zoning Map of the City of Creedmoor related to ZMA-2014-01 Tar River Land Conservancy Tracts* received the following vote:

Ayes: Minor, Wilkerson, Jackson, Robinson.
Noes: Mims

Motion passed 4-1. Ordinance 2014O09: *Ordinance Amending the Official Zoning Map of the City of Creedmoor related to ZMA-2014-01 Tar River Land Conservancy Tracts* incorporated herein by reference.

REQUESTS TO ADDRESS THE BOARD

None

PUBLIC COMMENTS

Amor Agdeppa 815 N. Main Street, Creedmoor

Mr. Agdeppa asked if the city had preparations in place for possible Ebola outbreaks.

It was reported that the city is receiving up-to-date information from the White House and local and State Health Departments.

Reverend Bernard Holiday, 1738 Lake Rd. Creedmoor

The Reverend inquired regarding a list of properties needing repair and maintenance as well as the schedule for public sidewalk construction in the area of Lyons Street.

It was reported that the city has no current Community Development Block Grant (CDBG) property list. Within the last year the city, in partnership with Community Development Block Grant, Granville County and the Kerr Tar Council of Government (Kerr-Tar COG) scoured the city for possible applicants for the program and came up with one. It was determined that the property did not qualify. A report on the timeline for grants and construction of Lyons Street sidewalks was provided by Programs Director Scottie Cornett.

CITY MANAGER'S REPORT

City Manager Tom Mercer updated Council on the following:

- CMAQ Update provided by Programs Director Scottie Cornett
 - Funded through state and federal funds.
 - Smaller, local street projects will come later and are more competitive for funding.
 - Phase I has been closed out.
 - Phase II will connect from the Food Lion shopping center and extend out to Paddington Subdivision.
 - Review is complete, quality control and cost estimate is being performed for this multi-use path.
 - Phase III will go from CVS to Lake Rogers park
 - Phase III will be a 5' sidewalk project.
 - Phase IV is funded through a different funding source.
 - Phase IV will extend from US 15 up to intersect with Lake Road.
 - The projects will be kept on the same schedule to mobilize equipment once only.
 - It is expected the project will go out for bid late 2015.
 - Most likely spring of 2016 for beginning of construction.
 - Joint partnership to connect with Butner at Pond Drive. 10' multi-use trail
 - Funding approved through to construction.
 - On time and on budget.
- SGWASA APA Update
 - October 14th SGWASA board passed resolution requesting approval of revenue bonds. (11M)
 - November 5th meeting to be held on funding.
 - Going well. Software systems are tying in.
- Waste Industries Proposal
 - Waste Industries will conduct billing themselves.
 - CPI index, billing cycle
 - Hope to have a contract to ratify by the next BOC Regular Meeting.
- City Memorabilia report provided by Assistant City Manager Korena Weichel
 - Main Street banners replaced by banners with new logo and colors
 - Old banners are being offered to current and former elected officials first.
 - Remaining banners will be given to interested parties indicating their wish to receive on a first-come-first served basis as recorded on a waiting list.
 - Contact Programs Director Scottie Cornett to be placed on the list and to retrieve banners.

Mayor Moss called for a meeting to have the stormwater briefing presented by city staff at 5:30 p.m. on Tuesday, October 28th in the board room.

Moved by Commissioner Wilkerson to hold a meeting on Tuesday, October 28, 2014 beginning at 5:30 p.m. for the purpose of presenting the city's stormwater curriculum; seconded by Mayor Pro Tem Minor.

Motion received a unanimous vote.

OLD BUSINESS

Speed Limit Reduction – Resolution 2014R22 // Report provided by Programs Director Scottie Cornett

Reduction of the speed limit on Highway 56 heading east between Bowman Road and Hayes Road was first addressed in October 2012 but approval was not warranted at that time. A request for the reduction was sent to NCDOT in April 2014 in conjunction with the new public sidewalk project(s) but was denied. NCDOT representatives were invited to conduct an onsite visit to study the multiple factors justifying the reduction and approval was granted. Certification of Municipal Declaration forms are to be completed and returned the NCDOT. Adoption of a resolution revising the city's current traffic schedule is being sought.

Resolution 2014R22: *Traffic Schedule Revision*

Moved by Mayor Pro Tem Minor to adopt Resolution 2014R22: *Traffic Schedule Revision*; seconded by Commissioner Robinson

Motion received a unanimous vote. Resolution 2014R22: *Traffic Schedule Revision* incorporated herein by reference.

Butner // Creedmoor Boundaries

Moved by Mayor Pro Tem Minor to authorize Mayor Moss to sign the letter prepared by Town of Butner Mayor Tom Lane to Granville County Board of Commissioners Chairman David Smith requesting extra-territorial jurisdiction expansion for both municipalities; seconded by Commissioner Wilkerson.

Under further discussion, clarification was sought on the relationship between the request and that of Mr. Wynn, Builder of Applewood Phase II. It was declared that the Applewood Phase II area is within the area affected by the letter.

Subsequent motion by Commissioner Jackson that Applewood Phase II release be authorized; seconded by Commissioner Mims.

Subsequent motion received the following vote:

Ayes: Mims, Jackson

Noes: Minor, Wilkerson, Robinson

Motion failed 3-2.

Principle motion received the following vote:

Ayes; Minor, Wilkerson, Robinson

Noes: Mims, Jackson

Motion passed 3-2.

NEW BUSINESS

National League of Cities Annual Business Meeting Voting Delegate

Moved by Mayor Pro Tem Minor to appoint Mayor Darryl Moss as the National League of Cities 2014 Annual Business Meeting voting delegate; seconded by Commissioner Wilkerson.

Motion received a unanimous vote.

COMMISSIONERS' COMMENTS

PUBLIC SAFETY

Commissioner Jackson reported on the following:

- A recent call by the Creedmoor Volunteer Fire Department
- His attendance at the last Tar Pamlico Association meeting where he learned of City Manager Tom Mercer's resignation from the position of Secretary to the Association.

TRANSPORTATION INFRASTRUCTURE

Commissioner Mims reported on the following:

- Her attendance at the North Carolina League of Municipalities in Greensboro as the voting delegate for the City of Creedmoor.
- Granville County Commissioner Ed Mims' delivery of the state of District 5 report on October 14th.
- The making of her decision to attend the National League of Cities conference in Austin, Texas by the registration deadline.

FINANCE, ADMINISTRATION AND INTERGOVERNMENTAL RELATIONS

Commissioner Robinson reported on the following:

- The audit is going well.
- It is projected that the audit is to be presented by Winston, Williams, Creech, Evans and Co. at the December Board of Commissioner's Organizational Meeting.

Assistant City Manager Korena Weichel presented the proposed minutes policy endorsed by the Finance, Administration and Intergovernmental Relations Committee:

Moved by Mayor Pro Tem Minor to adopt the minutes proposal as prepared by staff and endorsed by the FAIR Committee; seconded by Commissioner Robinson.

Under further discussion, Commissioner Mims expressed her disagreement that the revision request submission process was feasible.

Motion received the following vote:

Ayes: Minor, Wilkerson, Jackson, Robinson

Noes: Mims

Motion passed 4-1. Minutes Policy incorporated herein by reference.

COMMUNITY AND ECONOMIC DEVELOPMENT

Commissioner Wilkerson reported on the following:

- A request was made to send a thank-you letter to NCDOT for the work performed on US15.
- Programs Director Scottie Cornett shared dates of the US15 paving project going back to April 2007.
- Improvement requests were submitted through Granville County and the Rural Planning Organization.

ENERGY, ENVIRONMENT AND NATURAL RESOURCES

Mayor Pro Tem Minor reported on the following:

- On November 8th from 9-1 a Fall Clean Out and Recycling event will be held at the Expo center.

- The Creedmoor Volunteer Fire Department responded to two calls between Ledge Creek and the city's corporate limits involving vehicles that had hydroplaned on excessive water retention due to road defects. The defects were brought to the attention of Programs Director Scottie Cornett and have been repaired.
- Public Works Director Steve Colenda reported that the Highway 56 guard rail project timeline is set for November 21st and that the sewer force main has been relocated and put back in operation.

MAYOR'S REPORT

Mayor Moss reported on the following:

- The Families Living Violence Free (FLVF) tree is in the lobby at City Hall.
- The FLVF Proclamation signed by the Mayor is being displayed with it.
- The Kick Cancer Pink Game Proclamation was signed and read at the South Granville High School Pink Football game.
- The Mayor attended the North Carolina League of Municipalities conference in Greensboro, NC.
- The Mayor will be attending the Playful City USA Leaders' Summit in Chicago.
- The Mayor will be attending a Health Collaborative Summit
- At the recent CAMPO meeting it was reported that out of 1.5B in total projects, Region C (Creedmoor) is receiving approximately 754M.
- Butner will be holding a Veteran's Day event.

City Manager Tom Mercer requested to speak whereby he issued a mandate to staff that anyone found interfering with police and fire calls were to be arrested as there had been several incidences of such interference in the past.

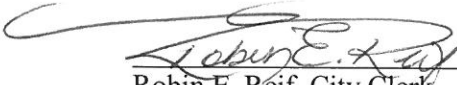
Following an exchange between The Commissioner and City Manager, moved by Commissioner Jackson that the City Manager be terminated for cause effective immediately; seconded by Commissioner Mims.

No vote was taken as a motion was entered by Commissioner Mims to adjourn; seconded by Commissioner Robinson

Motion to adjourn received a unanimous vote. Meeting adjourned at 9:34 p.m.

ATTEST:


Darryl D. Moss, Mayor


Robin E. Reif, City Clerk

