

Minutes of  
City of Creedmoor  
BOARD OF COMMISSIONERS  
**Regular Meeting**  
August 17, 2015  
7:00 p.m.

**PRESENT**

Mayor Darryl D. Moss, Mayor Pro Tem Herman Wilkerson, Commissioner Del Mims, Commissioner Jimmy Minor, Commissioner Thomas Jackson, and Commissioner Larry Robinson. Also present were; Korena Weichel, Interim City Manager; Ren Wiles, Finance Director/City Clerk; Mike Frangos, Planning Director; Steve Colenda, Public Works Director; Scottie Cornett, Programs Director; Keith King, Chief of Police; and Attorney Tom Currin.

**INVOCATION and PLEDGE OF ALLEGIANCE**

Mayor Moss called the meeting to order at 7:03 p.m. and offered the invocation. Mayor Pro Tem Wilkerson led the Pledge of Allegiance.

**APPROVAL OF AGENDA**

The Mayor called for approval of the agenda. Commissioner Jackson requested adding Item 10c to discuss Solid Waste. Mayor Moss said that item would be addressed under the Finance, Administration and Intergovernmental Relations Committee Report.

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

**APPROVAL OF MINUTES**

Mayor Moss requested a motion to approve the minutes for the July 20, 2015, Regular Meeting and the August 3, 2015, Work Session.

Commissioner Minor moved to approve the July 20, 2015, Regular Meeting minutes and August 3, 2015, Work Session minutes; seconded by Commissioner Robinson.

Discussion included a request to correct two typographical errors, after which the motion to approve passed unanimously.

**CREEDMOOR FORWARD KICK-OFF PRESENTATION**

Alan Steinbeck of Renaissance Planning introduced the *Creedmoor Forward* Strategic 10-Year Plan, reviewing the planning process, strategies, scope of work, and project phasing. Renaissance will partner with Stimmel Associates, whose focus is on land use planning and design and stormwater engineering.

Phase 1 includes economic and demographic profiles and locating land available for development, while Phase 2 includes completing a 10-year plan utilizing public/private partnerships and updating plans and policies.

Mr. Steinbeck plans to attend the Creedmoor Music Festival September 19 to speak with residents; and an informational workshop will be scheduled in late October or early November.

**REQUESTS TO ADDRESS THE BOARD**

*Mr. Barry Wilson, 2580 Highway 56, Creedmoor*

Mr. Wilson addressed the multi-use path along Highway 56. He is not in favor of the City project extending into the ETJ, and said many of his neighbors were not informed about the project. He cited inconsistency in width of drawings (10 feet) and letter from City (8 feet). He referred to the time and expense of moving telephone poles and utilities, and asked who would pay for repairs after land is disturbed, as well as upkeep.

## **PUBLIC COMMENTS**

*Tom Miller, 2570 NC Highway 56, Creedmoor.*

Mr. Miller mentioned he was informed of the greenway project through the grapevine, and strongly opposes it and feels it's a waste of taxpayer money. Sidewalk is not a problem, but greenway is not needed and is not good for that part of town.

*Logan Messer, 2566 NC Highway 56, Creedmoor.*

Mr. Messer stated he was not informed about the greenway, but did know about the sidewalk. He would like to see the project moved across the street where there are fewer trees and other obstructions to clear away. He would not be opposed to a sidewalk, but is opposed to the wider greenway.

*Mike Carrell, 2726 Clifton Avenue, Creedmoor.*

Mr. Carrell stated he is a 16-year resident and is supportive of progress and growth in Creedmoor. With all the additional traffic, the sidewalk project is a big plus and is needed considering Creedmoor's Playful City designation. He also discussed the dangers of walking along Highway 56 without sidewalks.

*Ed Mims, 2204 Regent Court, Creedmoor.*

Mr. Mims (Granville County Commissioner representing District 5) cited concerns he raised at the July 20, 2015, Board of Commissioners meeting regarding crosswalks at the entrance of Paddington subdivision. He asked which commissioners approved the 60% draft plan sent to NCDOT, or if commissioners did not approve the plan he requested the date of the minutes where the Commissioners delegated authority.

## **CITY MANAGER'S REPORT**

Interim City Manager Korena Weichel and staff reported on the following items:

### **CMAQ/LAPP UPDATE**

Mike Surasky, A. Morton Thomas & Associates (AMT), provided a status report on the sidewalk/greenway project on NC 56 east to the Paddington subdivision (CCT Phase II). He acknowledged a discrepancy between the letter sent by staff, which cites an 8-foot width, and the plan, which correctly states a 10-foot width. In response to previous questions, his points of discussion included:

- The next step is receiving easement acquisition approval from NCDOT.
- Minor changes may still be made to the plan as the different agencies complete their reviews, or as staff meets with property owners.
- The project was approved by the Board prior to the original agreement with NCDOT. Updates are a courtesy to the community and Board.
- The project agreement states the walkway must be near a road that is state-maintained or federally owned.
- The sidewalk is to be located on the south side of NC 56, which is where the worn footpath is.
- Relocating four to six utility poles on the north side of NC 56 estimated to cost \$15-25,000 per pole.
- The intention of the project is to eventually extend to Mount Energy Elementary School, so the best alignment for continuity and connectivity is to place the greenway on the south side.
- Eminent domain is the last resort if easement is not forthcoming.
- The new speed limit will reduce the speed to 35mph and will commence at Hayes Road.
- Crosswalk at Paddington entrance will be supplemented with solar-powered lighted signs and a raised pedestrian island in the center.
- The 10-foot width will allow for both bicycle and pedestrian travel.

Programs Director Scottie Cornett made reference to an email from Mike Kneis, NCDOT Project Manager, in which Kneis stated the specifications for stopping distance at the Paddington crosswalk include more than sufficient sight distance. Further, he stated that NCDOT has approved the crosswalk and federal approval is forthcoming.

In response to County Commissioner Mims' earlier question regarding approval of the plan, Ms. Cornett noted that after lengthy discussion and public hearing at the July 21, 2014, Board of Commissioners Regular Meeting, City Commissioner Mims moved to approve the 60% plan; seconded by Commissioner Minor, and the motion received a unanimous vote.

Regarding the process of not taking the sidewalk to Paddington, Mr. Surasky stated that although that part of the project could be dropped, eventually it would have to be dealt with. The timeline for starting over with grant funding, etc., would be three to four years.

Ms. Cornett stated that City would be responsible for maintenance and upkeep of the sidewalk, which would be paid from Powell Bill funds.

Ms. Weichel requested from Ms. Cornett the timeline for citizen notification and involvement. Ms. Cornett reported that the first exposure was at the Creedmoor Music Festival in September 2013. All phases of the path were walked with NCDOT between November and December 2013. In January, letters were sent to property owners outlining the ways they could be involved in the process, including several scheduled public meetings. In June and July meeting notices were posted, as were door-hangers, newspaper articles, and mentions on the City website and Facebook page regarding the July 21, 2014, public hearing. Meetings have been held one-on-one for residents not able to attend and who had specific questions they wanted to ask planners.

#### NCDOT STIP MATCHING FUNDS FOR SPOT 4.0 BIKE/PED PROJECTS

Ms. Cornett addressed planning for the future and the time necessary to apply for and receive transportation funding. She is submitting five Bike/Ped projects to NCDOT SPOT 4.0 for consideration between 2021 and 2026, and is required to send a letter of intent to CAMPO committing to a 20% match in the event any of the projects are chosen for funding.

Mayor Pro Tem Wilkerson moved to send the letter of commitment to Capital Area Metropolitan Planning Organization (CAMPO) including the City's 20 percent match; seconded by Commissioner Robinson. The motion received a unanimous vote.

#### FISCAL POLICY GUIDELINES

Commissioner Robinson moved to adopt the proposed Fiscal Policy Guidelines; seconded by Commissioner Minor. After discussion, the motion received a unanimous vote.

#### GENERAL STATUTE 159-32 DAILY DEPOSITS

Ms. Weichel requested that the Board approve a motion that bank deposits shall be required only when the moneys on hand amount to as much as \$250. Mayor Pro Tem Wilkerson moved to adopt \$250 limit as called out in NCGS 159-32 for daily deposits; seconded by Commissioner Robinson. The motion received a unanimous vote.

#### NORTH DURHAM AVENUE STREET LIGHTING PROJECT

Mayor Pro Tem Wilkerson moved to proceed with the North Durham Avenue street lighting project pending the pre-audit process; seconded by Commissioner Jackson. Discussion followed, after which the motion received a unanimous vote.

#### MONOPOLE PROJECT UPDATE

Ms. Weichel reported that a lead-based paint review had taken place and the presence of lead paint would impact the demolition schedule. In response to a later question, the old water tower salvage value is minimal.

#### CONFIRMATION OF CITY CLERK APPOINTMENT

Ms. Weichel informed the Board of appointment of Kathi McCorkle as City Clerk and asked for confirmation. Commissioner Minor moved to confirm appointment of Kathi McCorkle as City Clerk; seconded by Commissioner Robinson. The motion received a unanimous vote.

#### OLD BUSINESS

##### HOUSE BILL 765: BURDEN OF PROOF IN CERTAIN CONTESTED CASES

Attorney Tom Currin reviewed the potential impact of House Bill 765 to the City should it participate as an intervener in the Clean Water for NC v. NC Mining and Energy Commission lawsuit. New legislation would allow the State to potentially collect attorney fees should the plaintiff not prevail.

Because the outcome of the bill is not yet known, Mayor Moss indicated the Board would not be asked to take action on the intervener question.

In the interest of minimizing City exposure, Commissioner Mims moved that the City not become an intervener in the suit; seconded by Commissioner Jackson.

After brief discussion, the motion failed, 3 to 2.

Ayes: Mims, Jackson

Noes: Robinson, Wilkerson, Minor

#### **STREET PLAY**

Planning Director Mike Frangos summarized opinions from the Planning Board and Parks and Recreation Committee regarding the need for an ordinance limiting play in the streets. He reported that the general consensus is to recommend against any further ordinance against play in the streets.

Discussion ensued regarding enforcement of the existing nuisance and obstruction ordinances and the need to research establishing a curfew, a separate topic, which was deemed to be unnecessary. Police Chief Keith King reported that the offenders obeyed police orders to move out of the street, no citations were necessary, and most of the calls were made prior to 9:30 p.m.

After further discussion regarding the need for a curfew, Commissioner Jackson, as Chairman of the Public Safety Committee, suggested suspension of the discussion.

The Mayor called for a brief recess at 9:35 p.m. The meeting was called back to order at 9:39 p.m.

#### **NEW BUSINESS**

##### **MUSIC FESTIVAL VENDOR REGISTRATION RULES**

Commissioner Jackson requested that all rules for vendors be updated on the website. Ms. Weichel reported on the difficulty in detailing each rule and stated those affecting the majority are published. She agreed to have staff work on publishing more rules.

##### **RESOLUTION 2015-R-09**

Mr. Frangos explained the necessity of updating the Creedmoor Development Ordinance to reflect changes in state legislation, and called for approval of the Request for Public Hearing at the September 21, 2015, Regular Meeting.

Commissioner Minor moved to approve Resolution 2015-R-09 Case ZTA-2015-02 Creedmoor Development Ordinance Text Amendment Package Request for Public Hearing September 21, 2015, Regular Meeting; seconded by Commissioner Robinson. The motion received a unanimous vote.

#### **COMMISSIONERS' REPORTS**

##### ***Finance, Administration and Intergovernmental Relations***

After lengthy discussion regarding 55 non-compliant households and the handling of enforcement of Chapter 50: Solid Waste violators, Commissioner Minor moved to enforce Ordinance 50, but offer amnesty if customers reinstate service with Waste Industries; seconded by Commissioner Robinson.

It was agreed that a deadline for compliance would not be set at this time.

The motion received a unanimous vote.

Ms. Weichel requested that the Board revisit the subject in 30 days for further direction if customers still do not comply. Commissioner Robinson proposed a committee meeting prior to the next Board meeting to develop direction for the Board.

##### ***Energy, Environment and Natural Resources***

None given.

**Public Safety**

In follow-up to incidences occurring during previous Board meetings, Commissioner Jackson presented to the Board three documents and moved that they be submitted as attachments to the minutes of this meeting: Coates' Canons Blog:

*Criticizing Public Employees in Public*; a legal opinion regarding *General Statute 160A-169. City employee political activity*, by Ann Reed, Senior Deputy Attorney General and Charles Murray, Special Deputy Attorney General; and *General Statute 160A-169*. The motion was seconded by Commissioner Mims.

After discussion and concerns voiced that commissioners hadn't had a chance to read the documents, Commissioner Jackson requested to table the motion to the next meeting; Commissioner Mims agreed.

City Attorney Tom Currin indicated that in context the information in the documents was not applicable to Commissioner Jackson's situation; further, that the documents were a matter of public record, and nothing that was done in previous meetings was in his opinion improper. Reference to the documents in the minutes would suffice.

Upon a call for a vote, the motion failed 2-3.

Ayes: Jackson, Mims

Noes: Robinson, Wilkerson, Minor

**Transportation Infrastructure**

Commissioner Mims reported that a resolution is still being sought for the citizen complaint in Christina Crossing (306 Bridget Way).

**Community and Economic Development**

Mayor Pro Tem Wilkerson was pleased to report that another business is coming to town.

**MAYOR'S REPORT**

The Mayor requested a motion to schedule a Special Meeting for City Manager candidate interviews.

Mayor Pro Tem Wilkerson moved to schedule a Special Meeting for City Manager candidate interviews Wednesday, September 2, 2015, beginning at 9 a.m.; seconded by Commissioner Minor.

Commissioner Mims reported a scheduling conflict and offered a substitute motion to meet August 28 instead.

After scheduling conflicts for others arose on that date, Mayor Moss indicated he would ask recruiter Mr. Ellis Hankins for alternate dates.

No vote on either motion was taken.

The Mayor then offered an update of the recruiting process.

Chief King and City staff were congratulated on a successful National Night Out.

**ATTORNEY REPORT**

None given.

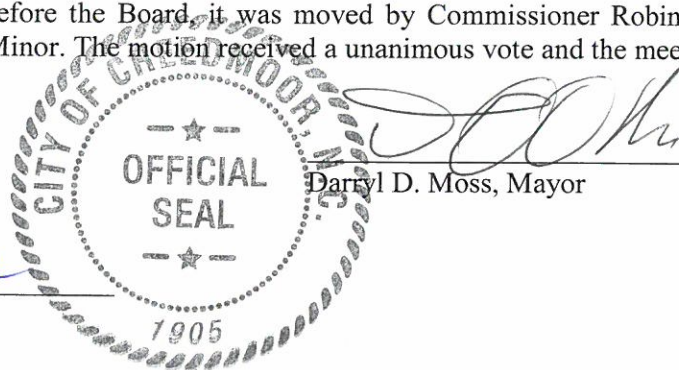
**ADJOURNMENT**

There being no additional business before the Board, it was moved by Commissioner Robinson to adjourn the meeting; seconded by Commissioner Minor. The motion received a unanimous vote and the meeting was adjourned at 10:35 p.m.

ATTEST:

*KJM*

Kathleen J. McCorkle/City Clerk



Darryl D. Moss, Mayor