



MINUTES OF  
CITY OF CREEDMOOR  
BOARD OF COMMISSIONERS  
SPECIAL MEETING  
JUNE 21, 2016  
6:00 P.M.

**PRESENT**

Mayor Darryl D. Moss, Mayor Pro Tem Del Mims, Commissioner Ernie Anderson, Commissioner Thomas Jackson, Commissioner Herman Wilkerson, and Commissioner Archer Wilkins.

Also present were City Manager Michael P. Bonfield, Senior Planner/Stormwater Administrator Randy Cahoon, Planning Director Mike Frangos, City Clerk Kathleen McCorkle, Attorney Lori Dutra and Attorney T.C. Morphis, Jr.

**CALL TO ORDER**

Mayor Darryl Moss called the meeting to order at 6:00 p.m.

Moved by Commissioner Wilkins to enter closed session in accordance with G.S. 143.318-11(a)(3) Attorney Client Privilege; seconded by Commissioner Anderson. The motion received a 5-0 vote.

**CMAQ EASEMENT ACQUISITION PROGRESS**

Attorney Lori Dutra reviewed the five remaining easements needed for the CMAQ 2, 3, and 4 sidewalk projects and presented a resolution authorizing action pursuant to NCGS 40A-41. Four of the remaining property owners are in agreement with the City obtaining the easements, but timing plays a factor in not being able to secure the agreements on time for the grant deadline.

In the fifth case, Paddington Homeowners Association president Eddie Smith has stated the HOA does not feel the crosswalk is safe and does not want it installed. They believe the placement of the sidewalk should be between the Golden Pond and Southerby's neighborhoods.

Ms. Dutra said that the easement is for 316 square feet, totaling approximately \$67.00, which will be rounded to \$100.00. The permanent sidewalk easement would relieve the HOA of liability. The sidewalk will meet ADA standards, and the area is minimal but necessary to the project. She stated upon approaching Mr. Smith, he said he was not interested in talking with her, but he'd talk to Randy Cahoon and the city manager.

Discussion turned to ending the sidewalk with no crosswalk. Mr. Cahoon stated without the crosswalk, there would be no signage installed and pedestrians would have to cross the highway at their own risk.

Mayor Moss suggested sending letters to Paddington homeowners if time allowed. The letter would inform homeowners where we are in the process, what the alternatives are and would ask for feedback.

Following further discussion, it was moved by Commissioner Wilkins to approve the resolution, without including the Paddington HOA, which would be taken up at the next meeting; seconded by Commissioner Anderson.

*[Note: the resolution was assigned the number 2016-R-13 after the meeting, and is attached herewith.]*

Ms. Dutra read the resolution aloud.

Discussion turned to Mr. Smith's previous favorable opinion of the project in light of now having a problem with securing the easement; and concerns that if the crosswalk is not built, the City will be blamed in the future and will have to pay for it to be installed at a later date.

Mayor Pro Tem Mims said the issue goes beyond the crosswalk and easement acquisition, and the placement of the trail should be on the north side, speaking for herself as a resident.

Following the discussion, the motion received a 4-1 vote, with Mayor Pro Tem Mims dissenting.

In further discussion regarding the content of the letters, it was suggested to say that the City has been successful getting the sidewalk project just about ready; we are up against a timeline, and we do not have an agreement with Paddington; are the owners aware that we still need it; and asking them to call a meeting with the HOA board.


Moved by Commissioner Wilkerson to send letters to every residence in Paddington; seconded by Commissioner Wilkins. The motion received a 3-2 vote, with Mayor Pro Tem Mims and Commissioner Jackson dissenting.

Moved by Commissioner Wilkins to seal the resolution; seconded by Commissioner Anderson. The motion received a 5-0 vote.

If signed agreements come in the meantime, no action to condemn will be taken. The deadline is July 5, 2016 before 5 p.m.

**ADJOURNMENT**

It was moved by Commissioner Wilkins to adjourn the meeting; seconded by Commissioner Anderson. The motion received a unanimous vote and the meeting was adjourned at 6:40 p.m.

  
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Darryl D. Moss, Mayor

ATTEST:

  
\_\_\_\_\_  
Kathleen J. McCorkle, City Clerk



STATE OF NORTH CAROLINA  
COUNTY OF GRANVILLE  
CITY OF CREEDMOOR

Attachment to 6/21/16  
Closed Session Minutes

**RESOLUTION AUTHORIZING ACTION PURSUANT  
TO NCGS 40A-41**

WHEREAS, by the City of Creedmoor has previously approved the engineered design plans by A. Morton Thomas & Associates, Inc., (AMT) for the acquisition of permanent and temporary easements for construction of certain greenway and sidewalk system improvements throughout the City known as the Cross-City Trail project; and

WHEREAS, the City further authorized and directed its engineers and surveyors to complete analysis of the properties affected and survey the areas proposed for the necessary easements; and

WHEREAS, the surveys have been prepared by AMT, designating the location of the necessary improvements and describing the interests in land affected thereby; and

WHEREAS, the City has sent out Notices of its intent to take the property interests described pursuant to NCGS 40A-40 as required by law; and

WHEREAS, the City has negotiated with each of the property owners whose properties will be affected by the project and has acquired so many of those interests that can be settled prior to filing eminent domain actions; and

WHEREAS, the City has reviewed the surveys and has determined that permanent and temporary construction easements described below are necessary for construction of the project and that the same have not been acquired by negotiation; and

WHEREAS, the City has authority as a local public condemnor to acquire by the power of eminent domain such property, inside or outside its boundaries for the purpose of opening, widening, extending or improving roads, streets, alley and sidewalks pursuant to N.C.G.S. 40A-3(b)(1).

NOW THEREFORE BE IT RESOLVED THAT the surveys by AMT for the properties listed below are hereby approved as the surveys and descriptions for the property interests to be taken pursuant to N.C.G.S. 40A-41 for the greenway and sidewalk improvements as designated on the engineered plans dated 10-01-2015 by A. Morton Thomas & Associates, Inc.

BE IT FURTHER RESOLVED that the relevant permanent easement areas on the surveys for the properties listed above shall be taken by action pursuant to NCGS 40A-41 by the City for the placement of permanent sidewalk improvements.

BE IT FURTHER RESOLVED that the relevant temporary construction easement areas shown upon the surveys for the properties listed above shall be taken by action pursuant to NCGS 40A-41 by the City for use as construction areas and access to the construction areas for the period

of construction of the project and shall terminate one year after completion of the project.

BE IT FURTHER RESOLVED that the law firm of Currin & Dutra, LLP is designated as the attorneys for the City for the actions necessary and said attorneys shall use said survey and descriptions in their notices and other documents necessary to proceed with the condemnation of the property interests as previously authorized by this Board. The attorneys for the City are further authorized to continue negotiations with the owners for any interests herein.

BE IT FURTHER RESOLVED that upon filing of the actions in eminent domain, the attorneys for the City shall deposit the amounts listed in Exhibit A to this Resolution as just compensation for the takings and the Clerk and Mayor are authorized to advance said amount to the law firm of Currin & Dutra, LLP for such purpose.

Upon motion duly made by Commissioner Wilkins and duly seconded by Commissioner Anderson, the above resolution was duly adopted by the Board of Commissioners of the City of Creedmoor on the 21st day of June, 2016.

Upon a call for a vote the following Commissioners voted in the affirmative:

Anderson  
Jackson  
Wilkerson  
Wilkins

And the following voted in the negative:

Mims

This the 21 day of June, 2016.

  
\_\_\_\_\_  
Mayor

ATTEST:

Kym Corkle  
\_\_\_\_\_  
City Clerk



EXHIBIT A TO RESOLUTION  
AUTHORIZING ACTION PURSUANT TO NCGS 40A-41

<u>INTEREST OWNER</u>	<u>AMOUNT OF DEPOSIT</u>
Johnnie Leon Peace and Gertrude Peace	\$ 517.15
PC Highland, LLC	\$ 10,271.71
PNC Bank, National Association	\$ 1,278.58
E.L. Aiken Heirs, LLC	\$ 100.00
Total	\$ 12,167.44