

MINUTES OF
CITY OF CREEDMOOR – BOARD OF COMMISSIONERS
REGULAR MEETING
MAY 26, 2009
7:00 P.M.

PRESENT:

Mayor Darryl D. Moss, Mayor Pro-tem Tim Karan, Commissioner Jimmy Minor, Commissioner Otha Piper, Jr., Commissioner Larry Robinson and Commissioner Herman Wilkerson. Also present was Mr. Tom Mercer, City Manager, Sandra Harper, City Clerk and Attorney Tom Currin.

Mayor Moss called the meeting to order at 7:00 p.m. in the Commissioner's Room at City Hall and welcomed everyone.

INVOCATION:

Mayor Moss

PLEDGE OF ALLEGIANCE:

Commissioner Karan

RECOGNITION OF SHERIFF DAVID SMITH AND MAGISTRATE RALPH SEAGROVES:

Mayor Moss recognized and welcomed Magistrate Ron Roberts, Magistrate Bobby Pearce and Ms. Jo Ann Averette, Clerk of Court in attendance this evening.

Mayor Moss expressed that this evening the Board and citizens would be honoring Sheriff David Smith and Magistrate Ralph Seagroves for their dedication of service to the community.

Moved by Commissioner Piper and seconded by Commissioner Robinson to adopt the Resolution Honoring Magistrate Ralph Seagroves on His Retirement. The motion received a unanimous vote.

Mayor Moss read and presented the framed resolution to Magistrate Ralph Seagroves. Magistrate Seagroves received a round of applause.

Magistrate Ralph Seagroves said that it had been an honor and pleasure to have been around this group of people and to have worked at City Hall twenty-six years. He expressed his love of Creedmoor and that it is home.

Moved by Commissioner Wilkerson and seconded by Commissioner Minor to adopt the Resolution Honoring Sheriff David Smith on His Retirement. The motion received a unanimous vote.

Mayor Moss read and presented the framed resolution to Sheriff David Smith. Sheriff Smith received a round of applause.

Sheriff David Smith thanked the Board and noted that he graduated from South Granville High School and Creedmoor holds a special part of his heart. Sheriff Smith expressed that it had been his pleasure to serve the citizens of the community for thirty-seven years.

Mayor Moss said that he wanted to publicly thank Mr. Harry Coleman of the Butner-Creedmoor News for making a correction in the newspaper.

Mr. Harry Coleman apologized for the error and noted that he felt it was important to make the correction.

PUBLIC HEARING:

City Initiated Re-zoning Mixed Use (NC Hwy. 56 West):

Mayor Moss announced that the procedure for this evening for the public hearing 1) Public hearing had been duly advertised; 2) Staff report from the Planning Director had been included in the Commissioner's Board packet; 3) Applicant presentation would be made by the Planning Director; 4) Public comments would be received. He expressed that this would be a Quasi-Judicial hearing; therefore, speakers would be sworn in for the record.

Mr. Dave Roesler was sworn in by Mayor Moss.

Mr. Dave Roesler, Planning Director addressed the Board and asked that the following be entered into the record 1) Staff Report; 2) Mixed Use District Ordinance; 3) Changes to the Zoning Atlas for Mixed Use; 4) Mixed Use District Development Criteria; and 5) Mixed Use Comprehensive Plan Review. He also asked that the following attachments be entered into the record 1) Timeline of the process evolving to this point; 2) Certification of Public Notice; 3) List of notified property owners; 4) North Carolina General Statutes – Section 160A-384, Public notification requirements; and 5) Planning Board recommendations.

Attorney Currin asked that it be noted for the record that those items were being received by the Board and entered into the record.

Mayor Moss received the items for the record.

Mr. Dave Roesler, Planning Director gave an overview of how the Mixed Use District proposal evolved to this point. He expressed that at the October, 2008 meeting the Board of Commissioners discussed the commercial demand for NC Hwy. 56 north of Lake Rogers and

charged the Planning Board with looking at ways to try to address this and to make a recommendation to the Board of Commissioners as to how commercial development could be accommodated within that corridor. The Planning Board met several months and notification letters were sent to each of the property owners within the area, not just property owners within the corridor and enclosed was a questionnaire along with an invitation to attend the Planning Board January meeting. During January, February and March there were property owners from the area in attendance that participated. The Planning Board discussed several commercial options and they felt most comfortable with a Mixed Use Overlay District. This method would provide for a property by property, case-by-case zoning for commercial use and promote developments that would contain a range of commercial, institutional, and residential uses for that area. This type of development provides for more efficiency of the roadways, eliminates a lot of driveway connections and tends to create neighborhood walkway type community opportunities within the area. Mr. Dave Roesler, Planning Director noted that it is labeled as an overlay district because if the Board wishes to adopt this it would not change the underlying residential districts in that area. The overlay would be similar to the flood plain or the watershed, which is like a blanket that lies over the top of this residential district. Mr. Dave Roesler, Planning Director expressed that this gives those property owners the flexibility to look at development towards a mixed use project in the future. The options would include selling their property to a developer who may want to accumulate acreage to do a type of mixed use development. Mr. Dave Roesler, Planning Director expressed that the Board had before them several items in order to bring this forward, 1) Proposed Mixed Use Development Ordinance, which has a list of standards for the type of development; residential and commercial components and design standards; 2) Mixed Use District Development Design Criteria that is not an ordinance; however, it is a message to the development community of what the City of Creedmoor expects to be incorporated into and looks for in mixed use development projects; 3) City would need to revise the comprehensive plan because this does not show the area as mixed use. This revision would need to be made to that plan to be consistent with those provisions. Mr. Dave Roesler, Planning Director referred to the map in the Board's packet that shows the proposed area for the zoning of the mixed use. He pointed out the Mill Ridge Property that is a mixed use project, which has been zoned Special Use-Business-2 District. Mr. Dave Roesler, Planning Director advised that this is part of an all residential development that is not within the City's jurisdiction; however, the commercial portion located on NC Hwy. 56 is in the City's jurisdiction. He advised that the commercial development would carry the same type of criteria requiring a Special Use Permit.

Commissioner Minor expressed that he was on the Planning Board when the notification process was amended and the City's process goes above and beyond the state law requirements.

Mr. Dave Roesler, Planning Director advised that the Planning Board was not subject to the notification requirements. He expressed that staff sent out letters to residents advising them that the Planning Board was looking at this as a commercial study area and invited them to the January meeting. Mr. Roesler said that letters were not sent out for each meeting; however they asked the people in attendance to tell their neighbors what was going on and

passed the word that way. The requirements for this public hearing are notification in the local newspaper two times; certification of all property owners it would effect and adjoining property owners (staff also sent notification to property owners within 500' of the properties); posting of the property (staff posted the property on the two sides of the area as the General Statutes does not have a specific number or location of requirements; it states that a reasonable posting of the property under comprehensive zoning).

Commissioner Minor said that he felt the City had gone above and beyond the requirements for this proposed zoning. He asked about returned letters.

Mr. Dave Roesler, Planning Director said that he had two letters returned from property owners.

Mayor Moss opened the Public Comments section at 7:26 p.m.

Mr. Bob Murray, 1671 Lake Road was sworn in by Mayor Moss. He said that he talked with Mr. Dave Roesler and he was informative and thanked him for his time and patience. Mr. Murray said that he had not received notification in the mail. He said that his daughter that adjoins his property did receive notification; however it went to her previous address. He said that he has had a mail problem and has finally managed to get his tax bills sent to the correct place. Mr. Murray said that he did not know enough about this issue other than what he learned today to want to make a recommendation. He said that he did not want to stand in the way of progress and wants to help assist the City of Creedmoor in any way that he can. Mr. Murray said that there are other concerns that affect his property such as traffic and the future of the lake.

Mayor Moss asked Mr. Murray his mailing address and Mr. Murray replied 1671 Lake Road.

Attorney Currin expressed that Mr. Murray had indicated that he was finally getting his tax bills at the right place. He asked Mr. Murray where his tax bills were formerly being mailed.

Mr. Bob Murray replied that they were being mailed to his former address on Mineral Springs Road, Durham.

Attorney Currin asked Mr. Murray if that was the address that appeared on the tax listing here.

Mr. Murray said that some of this may have been his fault because some of his real estate holdings are held in an investment deals company at that same address. He noted that there are several things in his name at the county.

Attorney Currin asked if it was on the county records that they are not correct.

Mr. Murray replied that they should be because he had been there personally on several occasions.

Attorney Currin thanked Mr. Murray and said that they would try to look into that as well. He said that he did apparently receive actual notice because his daughter received notice.

Mr. Bob Murray replied that they only received notice because the current resident was a friend of his and he called to let him know he had mail for him.

Attorney Currin asked if that was the Durham address and Mr. Murray replied yes.

Mr. Bob Murray asked if the amendment to this proceeding was going to be voted upon tonight or if it was only a hearing.

Mayor Moss replied that at this time it was a hearing; however it could potentially be added to the agenda for the Board to take action tonight.

Mr. Dave Roesler, Planning Director noted that a letter was sent to Susan P. Murray at 716 N. Mineral Springs Road, Durham.

Attorney Currin expressed to Mr. Murray that the Planning Director indicated that a letter was sent to Mineral Springs Road, Durham and that was probably taken from the tax records.

Mr. Dave Roesler said that he has had difficulty in the past with tax records not being current.

Mayor Moss swore in Reverend Bernard Holliday of 1738 Lake Road. Reverend Holliday addressed the Board to speak in opposition to the Mixed Use Overlay proposal. He asked why this amendment was necessary for the City of Creedmoor. Reverend Holliday said that the North Carolina Zoning Code says that the City or County shall make zoning regulations in accordance with a comprehensive plan. The Planning Board shall also site the facts to support that this amended zoning fits into the comprehensive plan for a City or County. Zoning regulations according to North Carolina State Code shall be designed to promote the public health, safety and general welfare, i.e., prevent overcrowding, air pollution, provide schools, water, sewage lines, parks, conserve the value of buildings and appropriate use of lands throughout the City. Reverend Holliday expressed that this was State Code 16A-383, page 479. He referenced the City working with developers and said that if the City of Creedmoor intends to enter into an agreement with developers using an amended zoning rule there are specific requirements among them, i.e., the description of the properties involved, duration of the agreement in writing, identification of public facilities, development schedule, review of materials and budget. An agreement plan must be filed with the recorder of deeds, Oxford, County seat. The agreement may be mutually resolved between either parties and secure the appropriate permits for construction and building. Reverend Holliday expressed that this mixed use would have a detrimental impact on residential housing within the ETJ zoning. Home values will be subject to the external pressures from commercial enterprises. He said that the number of franchises could apply for permits and acquire adjoining land to erect a variety of businesses. Hwy. 56 West is now attracting new enterprises and among

them is Dollar General and Auto Zone; therefore, he submitted that the City of Creedmoor should not move to adopt this mixed use zoning at the present time. There are other areas around the City of Creedmoor that could be rezoned. Reverend Holliday said, in fact, this is the first public meeting on this final copy.

Mayor Moss swore in Ms. Vickie Bass, 1673 Lake Road. Ms. Vickie Bass thanked the Mayor and Board for the opportunity to speak tonight. She expressed that she first wanted to state that she is a resident on Lake Road, Highway 56. She expressed that one of her concerns was that she did not receive a survey and other property owners within this particular community did not. She said several of the neighbors sitting here tonight echoed the same sentiment that there was no survey sent to us regarding the Planning Board and being able to provide input. Ms. Bass said that it was important that the residents and the City work together. She said that her main concern was that she would like to work together and to help the City. Ms. Bass said that it would have been helpful if they had received this survey. She expressed that the residents are really disappointed because many of them did not receive the survey and had no awareness of the meeting in January.

Mayor Moss asked Ms. Bass for clarification in reference to the survey if she meant the public notice.

Ms. Bass replied that Mr. Roesler sent out a survey as far as input and asking property owners to come to a meeting. She said that previously back in October when they were at the hearing the Commissioners were very interested in getting feedback and looking at the study. She reiterated that her understanding was that the Commissioners wanted feedback from the property owners to help in that indoor process. Ms. Vickie Bass commented that they were looking forward to working with Mr. Roesler and any of the Commissioners that might need more clarification from the homeowners. She said that they were all disappointed that first of all that did not occur. Ms. Bass said that she wanted to bring it to the Mayor and the Commissioners attention that they did not receive a survey and did not know anything about that. Ms. Vickie Bass said that the letter that was sent referenced tax parcel numbers in the application by the City of Creedmoor. Ms. Vickie Bass said that she called the tax office and her understanding was that these are not tax parcels. She said that there was some type of disconnect because it would be very difficult to know if your property was being considered because these are not tax parcel numbers according to Ms. Stovall, Granville County Tax Office Administrator. Tax parcel numbers are twelve digits and the parcels shown are four and five digits. Ms. Bass said that someone looking at this would not know that they are being impacted by this rezoning. Ms. Bass said that the numbers shown were record numbers.

Commissioner Minor inquired about Ms. Bass's particular number.

Ms. Vickie Bass said that her number was not shown and that she did not have her tax parcel number with her.

Commissioner Minor asked what reference number was hers.

Ms. Vickie Bass replied that he did not give her a reference and that it was all a combination of multiple numbers; therefore, no one would know that they were being impacted by this zoning. She said that the property owners did not receive a map and expressed that she cross referenced the numbers on that letter from the City about this hearing and Ms. Harper was kind enough to make her a copy. She expressed that those record numbers, which are not tax parcel numbers, do not coincide with this area that says property mixed use overlay district. Ms. Bass said that even though there are a lot of lines for mixed use, her property for example, 1679 is supposedly included; however her Mother's property 1673 was not. She expressed that there are adjacent parcels that are skipped and she felt that it was very questionable how this mixed use district overlay would be on some homeowners and on the next it was not. Ms. Bass said that the map was not consistent with the record numbers. She felt that there was not enough information for property owners to understand what is going on. Ms. Bass said that in fairness she requested that the City not rush to approve anything at this point until the property owners could get more information. She said that they would like to work with the City; however, they would like to know what was going on so that they can work together.

Attorney Currin gave an overview of the letter sent to property owners. He said that the properties identified in the letter were identified as saying "the following Granville County tax parcels along NC Hwy. 56 West are proposed for the Mixed Use Overlay District zoning" and it gave record numbers. Attorney Currin said that each parcel in the County has a parcel identification number, which was taken off the map. This is a relatively new way of identifying parcel numbers when the County actually mapped the County a couple of decades ago. Attorney Currin explained that before this the properties always had record numbers and they have continued to maintain the two different ways so residents can reference the older numbers that was on your property for years, whereas, you can also identify property by the new parcel number on the map. Attorney Currin said that the letter gave each of the record numbers and then it stated that "a map showing these properties was available at the City of Creedmoor Planning Department."

Ms. Vickie Bass expressed that the letter said "the following Granville County tax parcels" and then it said numbers.

Attorney Currin expressed that it did not say parcel numbers. He said that it never indicated in the letter that they were parcel numbers. Attorney Currin advised that it identified them by record numbers and it did not say that it was parcel numbers. Attorney Currin reiterated that it did not say parcel numbers.

Ms. Vickie Bass said that she felt that most importantly, whatever the numbers are meant to be they were inconsistent with the map of the overlay.

Attorney Currin expressed that they are not map parcel numbers; however, they are the record numbers from the tax department that would appear on your tax card. He explained

that if you get your tax card out for your piece of property and look where it says record number that would be where you reference that number.

Ms. Vickie Bass said nevertheless, the issue here is that there was an inconsistency because the overlay is not contiguous. She expressed that the parcels skip Ms. Evelyn Bass, Ms. Dorothy Thomas and Mr. Bobby Murray. Ms. Bass reiterated that there were several parcels skipped and it was not contiguous. She said she felt there needed to be more study.

Mayor Moss asked Mr. Dave Roesler, Planning Director if it was his belief that he covered all the parcels and Mr. Roesler replied yes.

Commissioner Minor expressed that some of the parcels were already mixed use development.

Mr. Dave Roesler, Planning Director said that he covered all the parcels that were listed on the GIS map.

Ms. Vickie Bass said that she talked with the tax administrator and she knew for a fact that the three parcels, Ms. Evelyn Bass, Ms. Dorothy Thomas and Mr. Bobby Murray were not in the numbers. She reiterated that there are inconsistencies and she felt that this issue would need additional review.

Attorney Currin asked Ms. Bass if Ms. Dorothy Thomas, Mr. Bobby Murray and Ms. Evelyn Bass were present this evening.

Ms. Vickie Bass replied yes and that she was representing her Mother.

Attorney Currin said that all of those people are in fact here at this meeting or represented.

Ms. Bass replied no. She said that by looking at this map they are not. Ms. Bass said that the overlay would not be legal. She expressed that the County is representing one set of facts and the numbers are representing a second set of facts.

Attorney Currin said that his point was that Ms. Vickie Bass was here representing her Mother, Ms. Dorothy Thomas was present and Mr. Bob Murray was present.

Ms. Vickie Bass replied yes. She expressed that her ownership and her family was requesting that this not be adopted. Ms. Bass said that there were issues in regards to safety and there was not enough information provided. She said to have something like this and try to amend a map and as Reverend Holliday said moving speedily without enough of the owners being aware that they are being impacted does not seem fair.

Mayor Moss swore in Mr. Lewis Dull, 610 21st Street, Butner. Mr. Dull asked if the Board was going ahead with this project or if he would continue to be turned down. He said that he had lost four buyers on his property over the past four years.

Attorney Currin asked if Mr. Dull owned property in that area.

Mr. Lewis Dull replied that he owns Lewis Dull Construction on Hwy. 56.

Attorney Currin asked if Mr. Dull believed that being able to use that for a mixed use pursuing these changes would make the property more valuable.

Mr. Lewis Dull said that he did believe the changes would make his property more valuable.

Attorney Currin asked if he was in favor of the change.

Mr. Lewis Dull replied yes. He expressed that the Board had already approved a project beside of his property.

Mayor Moss swore in Ms. Susan Murray, 1675 Lake Road.

Ms. Susan Murray advised that she wanted to go on record as agreeing with Mr. Bernard Holliday's comments and that she did not recommend adoption.

No one else wished to speak so Mayor Moss closed the Public Hearing.

He reminded the Board that if they decide to take action on this item it would have to be added to the agenda.

REQUESTS TO ADDRESS THE BOARD:

Mr. John Wilkerson, 308 South Main Street addressed the Board and spoke of the incident that happened in the neighborhood Friday a week ago. He said that he understood that it was under Police investigation and they were not at liberty to discuss the incident; however, he would like to discuss the event. He said that there was a party across the street at the American Legion and at some late hour in the evening gun fire erupted. Mr. Wilkerson said that it was his understanding that there were several empty cartridges found. He said that it is unlawful to discharge a firearm within the City and the homes are in very close proximity to the building. Mr. Wilkerson said his concern was how the City would address this incident and make sure that it does not happen again. He said that the neighbors have put up with noise in the past and the City Police have taken care of it; however they are terrified of what has recently happened.

Mayor Moss said that he wished he could say that there would never be another firearm fired within the City; he did not think anyone could honestly say that. He expressed that he hated that this incident occurred. Mayor Moss said that as Mr. Wilkerson said earlier there is an open investigation and the Police Department is currently unable to make additional comments. He said that there seemed to be miscommunication with the American Legion as to the process of how functions are approved by the City. He said that moving forward there

has been clarification as to the process and the City would be looking very closely to make sure that they do what they are supposed to do and what we are to do as a government organization. Mayor Moss expressed that the City takes this issue very seriously. He advised that the City had their resources taking care of this and hopefully it would not happen again.

Commissioner Minor said that when the property was recently rezoned it required a Special Use Permit. The process was that they would have to come to the City to request this permit and the City would place the criteria on the permit, notification to the neighbors and the hours of use. Commissioner Minor said that this is the process that will be regulated in the future.

Commissioner Karan said that ironically, in the past few weeks the Board passed an overlay zoning on that parcel so that this type of incident could be prevented. Unfortunately government turns a little slow. Commissioner Karan said that the Overlay is in affect and with the Special Use Permit there will be input, a log kept and they will have to come to the City and provide information on who the renters of the building are and the hours of use.

MINUTES:

Moved by Commissioner Piper and seconded by Commissioner Robinson approval of the April 28, 2009 and the April 11, 2009 meeting. The motion received a unanimous vote.

APPROVAL/ADDITIONS TO AGENDA:

Moved by Commissioner Minor and seconded by Commissioner Karan to adopt the agenda with the additions of Item 12-c Adopt the amendments to the Comprehensive Land Use Plan; Item 12-d Adopt the Suggested language of the ordinance; 12-e Amend the Atlas to actual create that type of district in that area. The motion received a unanimous vote.

Mayor Moss advised that the Board was going to continue this meeting until Monday, June 1, 2009 at 5:30 p.m.

PUBLIC COMMENTS:

Mr. John Wilkerson addressed the Board to thank Mr. Tom Mercer, City Manager/Finance Office for the completion of the dredging of Lake Rogers and the reopening of the lake.

Mr. Calvin Harris, Jr., 210 New College Street, Oxford addressed the Board and said that he was speaking on behalf of his Grandmother Dorothy Thomas in reference to the NC Hwy. 56 zoning. He asked that the Board keep property owners in that area well informed. He commented that a lot of the property owners in that area are elderly.

MANGER'S REPORT:

Mr. Tom Mercer, City Manager/Finance Officer expressed that his report was included in the Board's packet in reference to important events, water, sewer, refuse collection, Lake Rogers, water/sewer and a stimulus rough draft.

Mr. Tom Mercer, City Manager/Finance Officer said that he went to Oxford today to meet with the auditors to get final numbers; however, they said they would not be able to complete the audit until late this week. I requested that they try to give me the numbers needed for the Capital appropriations. He noted in reference to the stimulus package the audit for 2008-2009 needed to be completed so that the LGC could make some determinations on upcoming projects.

Mr. Tom Mercer, City Manager/Finance Officer said that for the stimulus package the water/sewer infrastructure is roughly 9.6 million dollars. To get under the 5 million dollar threshold you have to go back and break those into two areas; one for water and one for sewer. He noted that this would increase the City's availability for non matching grant funds, which means that money would not have to be repaid. Mr. Tom Mercer, City Manager/Finance Officer said that staff had received positive feedback.

Mr. Tom Mercer, City Manager/Finance Officer expressed that the AMR system should be complete by the end of the month.

Mr. Tom Mercer, City Manager/Finance Officer said that C&C Mower & Total Lawn Service received the landscaping contract and they seem to be doing a fine job.

Mr. Tom Mercer, City Manager/Finance Officer said that they are continuing to do the smoke test and they are approximately 55% complete.

Mr. Tom Mercer, City Manager/Finance Officer advised that the dredging at Lake Rogers is complete and the equipment has been removed; however they still need to do the final landscaping and grading. They also need to do the maintenance on the road.

Commissioner Minor inquired about the meter upgrade for the Volunteer Fire Department.

Mr. Tom Mercer, City Manager/Finance Officer said that he would have the pricing for the meter upgrade available at the Monday, June 1, 2009 meeting.

Mayor Moss said that today he received an e-mail from Marlowe and Company the City's representatives in Washington, DC. He advised that Senator Kay Hagen had formally requested four million dollars for the total restoration of Lake Rogers and \$750,000 for the community center. Mayor Moss said that Congressman Miller would be pursuing approximately \$400,000 to \$500,000 from the Safe Accountable Flexibility and Efficient Transportation Equity Act (SAFETE) for the Creedmoor Connector.

Commissioner Minor inquired about the appropriations for the new Fire Department and Mayor Moss replied that he had sent the information; however, had not received a response.

Commissioner Wilkerson asked if the money for the connector was for the study and Mr. Dave Roesler, Planning Director replied that it was for the design construction documents that are left over to go towards an acquisition fund.

Commissioner Wilkerson said that the documents would advise property owners as to the location of the road.

Mr. Dave Roesler, Planning Director replied yes. He added that this design would also move the connector up on the NCDOT priority list.

Mayor Moss said that he was excited about this because he read an article in the N&O that the City of Raleigh and Wake County are pushing for the Falls Lake Rules to be in place by 2010.

OLD BUSINESS:

Department Head Reports:

Provided in the Board packets were monthly reports from the various City departments.

Commissioner Wilkerson inquired about the signs.

Mr. Steve Colenda, City Inspector replied that the City received the signs today and they would begin placement tomorrow.

Traffic Schedule Adoption:

Attorney Currin said that he and Chief Benware had discussed this item and it will become effective July 1, 2009.

Mayor Moss said that this item would be placed on the June 23, 2009 agenda.

Resolution – Identity Theft Policy:

Moved by Commissioner Karan and seconded by Commissioner Robinson to adopt by Resolution the Identity Theft Detection & Prevention Program. The motion received a unanimous vote.

NEW BUSINESS:

No Parking Zone Signs at Church Street/Elm Street:

Mr. Steve Colenda, City Inspector gave a handout of a photograph at the last meeting and requested that there be no parking signs placed along Church Street from Main Street to Elm

Street. He said that delivery trucks are parking at the corner of Church Street and Elm and there is water constantly standing where the trucks are tearing up the ditches.

Commissioner Karan questioned how the trucks would make their deliveries and used the example of an 18 wheeler delivering 1,500 lbs. of flour.

Mr. Steve Colenda, City Inspector replied that they could stop in the street to drop it off and not park on the shoulder of the road.

Commissioner Wilkerson questioned stopping in the middle of the road.

Mr. Steve Colenda advised that is what they do on Main Street. He expressed that there is only one designated delivery zone and that is on Masonic Street for the downtown district.

Commissioner Wilkerson had concerns of no parking signs during the Fireman's Day and Christmas Parades and Commissioner Minor said that Church Street is blocked off during the Fireman's Day Parade.

Commissioner Robinson suggested that the signs be covered during special events.

Moved by Commissioner Wilkerson and seconded by Commissioner Minor to place no parking signs on West Church Street and to modify the section of the City Code addressing parking to make it illegal parking on West Church Street and that the property owner of the strip mall be notified.

Kathy Court Violations – Board authorization for City Attorney to proceed with civil action enforcement at 205 Kathy Court for violation of City Code Section 154.114; Abandoned or Junked Vehicles:

Attorney Currin said that a motion needed to be made to allow the City Attorney to proceed with a civil action in the General District Court of Granville County to 1) Enforce the civil penalties, which have been cited in a letter by Mr. Dave Roesler and 2) To request the Judge to enter an order with an abate for the violation with the possibility of a citation for contempt and if they refuse to do it they will be ordered a penalty of imprisonment.

Commissioner Minor asked what would prohibit the property owner from bringing back vehicles in the future.

Attorney Currin said that once the Judge has entered an order that an individual remove the vehicles and not to do that anymore he would be subject to jail time by motion for show cause filed by the City.

Moved by Commissioner Karan and seconded by Commissioner Robinson to authorize the City Attorney to proceed with civil action enforcement at 205 Kathy Court for violation of

City Code Section 154.114; Abandoned or Junked Vehicles. The motion received a unanimous vote.

City Initiated Re-zoning Mixed Use (NC Hwy. 56 West):

Attorney Currin said that the City was asking that the Creedmoor Comprehensive Development Plan dated October 23, 2001 Section V, Proposed Land Use overview and classifications be amended to include Mixed Use Districts and to include the Development Criteria set forth in the exhibit in the Board's package. The effect of this would be that currently the City has residential with this criteria, commercial with this criteria, public and quasi public with this criteria and the City would be adding the Mixed Use as a potential proposed use as a part of the land use plan when this development criteria is met. Attorney Currin expressed that in other words, when the City looked at the Comprehensive Land Development in 2001 and adopted this plan there was not a Mixed Use as one of the proposed uses. The City now believes that that when this criteria is met that it is an appropriate proposed use for real estate in the City. Attorney Currin said that the issue here is whether or not the City believes that this kind of use is one which the City feels should be included as a possible lawful use with this criteria in the City limits.

Motion made by Commissioner Minor and seconded by Commissioner Karan to amend the Comprehensive Development Plan by adding on page 94 under the section Mixed Use within Proposed Land Use the words "to include the specific use of "Mixed Use Districts" pursuant to criteria adopted by the City" and to adopt as official City policy the draft "Mixed Use District Development Criteria" prepared by City staff. The motion received a unanimous vote.

Commissioner Karan asked if there was a specific reference made as to how often the document should be reviewed.

Attorney Currin expressed that there is not; however it would not hurt to review it from time to time.

Mayor Moss said that as part of The Creedmoor Collaborative (TCC) they have identified this as part of their initiative to review this plan at the Board Retreat each year.

Moved by Commissioner Karan and seconded by Commissioner Minor to adopt the language of the Comprehensive Development Plan. The motion received a unanimous vote.

Attorney Currin expressed that the Board had a map in their package that was prepared by staff and whenever there is such a change to the atlas there must be an exhibit or updated map reflecting the incorporated changes.

Moved by Commissioner Karan and seconded by Commissioner Minor to adopt the incorporated Changes to the Zoning Atlas for Mixed Use as provided by staff in the May 26, 2009 agenda package. The motion received a unanimous vote.

As citizens that came for the Hwy. 56 Public Hearing were leaving Commissioner Karan expressed that for approximately the last seven months the Board had been begging for citizens in the ETJ area to come to the City to help out with the vacancy on the Planning Board. He said this would be an excellent opportunity for citizens in the ETJ to have an input into the process of the City. He noted that as citizens leave early they miss information.

BUDGET PRESENTATION:

Mr. Tom Mercer, City Manager/Finance Officer reiterated that he met with the auditors today and was trying to get numbers to work a spreadsheet for the budget and unfortunately the numbers would not be available until Friday. He said that he would continue the budget process at the continued meeting on Monday, June 1, 2009.

MAYOR'S REPORT:

Mayor Moss said that The Creedmoor Collaborative (TCC) had been meeting successfully and have drafted a plan that will be presented to the Planning Board at the June, 2009 meeting. The TCC will continue to tweak the plan and it will come back before the Board of Commissioners for formal adoption. He expressed that included as part of the overall plan was an annual review.

Mayor Moss said that the July fireworks event has been scheduled for July 3, 2009 at Lake Holt and asked Commissioner Wilkerson if the Board needed to do anything to help.

Commissioner Wilkerson said that the next meeting to plan the event was scheduled for the first week of June. He said that he had been pricing Port-O-Johns and he was quoted a price of \$60.00 from a company out of Henderson. Commissioner Wilkerson said that he also wanted to get a price from Carolina Port-O-Potty.

Mayor Moss said that he would contact the Creedmoor Chamber of Commerce to clarify that they will be sponsoring the July Fourth picnic.

Mayor Moss advised that he and Commissioner Piper would be meeting next week to plan for the September Music Festival.

COMMISSIONER REPORTS:

Commissioner Piper expressed that if the Chamber of Commerce was not going to sponsor the July picnic the City should.

Commissioner Robinson said that earlier he met briefly with Mr. Tom Mercer, City Manager/Finance Officer and they would be meeting again on Monday, June 1st before the Budget meeting.

Commissioner Karan gave a review of the Summit meeting he attended in Washington, DC for supporting health communities through the American Recovery Act. His conference was paid by the Robert Johnson Foundation. This was an excellent opportunity to hear what was going on in the rest of the Nation. Commissioner Karan expressed that he was putting pressure on the local School Board, Granville County and Vance County Health and Granville County Transportation Committee to support such programs as “safe routes to school and other health initiatives. Commissioner Karan said that he is on the NCLM Steering Committee and that he would be traveling to Louisville, Kentucky for a conference to discuss the problem of teen pregnancy in American and also the present situation of Veterans. He noted that the conference would be paid for by NCLM.

Commissioner Karan said that the City is trying to get funding from the Department of Energy for storm water management.

Commissioner Karan commended Commissioner Minor for his hard work on pursuing grants for the Fire Department.

Commissioner Karan expressed that things are going great on Main Street and citizens are spending money at the new CVS. He said that he was impressed with the new bank building and thanked Commissioner Wilkerson, Commissioner Minor, Tom Mercer, City Manager, Steve Colenda, City Inspector and Dave Roesler, Planning Director for their hard work on the downtown Main Street projects. Commissioner Karan said that the City was fortunate to have a Level III City Inspector and a Certified Planner on staff.

Commissioner Wilkerson said that he would like to have the no parking signs on Church Street covered during City events.

Commissioner Wilkerson asked if the City would consider getting the lot behind the doctor’s office for parking at the ball field, gym and Sr. Citizens Center and Mayor Moss replied that staff was currently discussing this option.

Commissioner Wilkerson asked about the status of the sidewalk on Main Street.

Mr. Tom Mercer, City Manager/Finance Officer said that staff was ready to move forward at the Board’s pleasure.

Commissioner Wilkerson asked if the City was to replace the hydrant before pouring the sidewalk and Mr. Steve Colenda, City Inspector said that this would be done during construction.

Moved by Commissioner Minor and seconded by Commissioner Piper to authorize the City Manager to proceed with the sidewalk project on Main Street. The motion received a unanimous vote.

Commissioner Minor said that he attended the last Granville County meeting and they discussed the budget and have proposed a 7¢ tax increase. The County waived the fees for the EMS personnel and the Fire Marshall fees for the July fireworks event at Lake Holt. He said that the County has proposed a statue for the library and the architects are to attend the next meeting to give a presentation. Commissioner Minor said that Sheriff Smith announced his retirement and Mr. Brin Wilkins will be sworn in as Interim Sheriff at the next meeting. Commissioner Minor advised that the County gave the insurance contract to NC County Commissioner's Association.

Mayor Moss expressed that the PARTF grant was rejected; however Senator Burr scheduled a meeting for tomorrow with representatives and that meeting has been rescheduled for next week.

Mayor Moss expressed that during the DC Congress of Cities Conference in March he and Commissioner Karan met Cheryl Parker Rose that works for Speaker Nancy Pelosi as Intergovernmental Relations. He said that Ms. Rose called him today and asked him how things are going in Creedmoor and we discussed the economic development on Main Street, the uniqueness of Creedmoor, jobs being lost, foreclosures, etc. Mayor Moss said that she asked if she could help Creedmoor and he spoke to her about the stimulus list. He said that he also sent a note to Marlowe and Company to contact her.

Commissioner Minor advised that the Fire Department received a \$60,000 grant from the State Fire Marshall's Office to partially replace air packs. He said that the Fire Department also applied for a grant to replace pagers.

Moved by Commissioner Piper and seconded by Commissioner Robinson to continue this meeting until Monday, June 1, 2009 at 5:30 p.m. The motion received a unanimous vote.

Mayor

City Clerk