

MINUTES OF  
CITY OF CREEDMOOR – BOARD OF COMMISSIONERS  
JULY 26, 2005  
BATTLE ROBERTS FIELD REDEDICATION  
6:30 P.M.  
REGULAR MEETING & PUBLIC HEARING  
7:30 P.M.

**PRESENT:**

Mayor Darryl D. Moss, Mayor Pro-tem Tim Karan, Commissioner Angela Mangum, Commissioner Otha Piper, Jr., Commissioner Kent Ray and Commissioner Herman Wilkerson. Also present was Robert A. Schaumleffel, Jr., City Manager, Sandra Harper, City Clerk and Attorney Tom Currin.

**QUORUM:**

Mayor Moss called the meeting to order at 7:30 p.m. in the Commissioner's Room at City Hall.

**INVOCATION:**

Commissioner Piper

**PLEDGE OF ALLEGIANCE:**

Commissioner Wilkerson

Mayor Moss announced that there was a rededication of the Battle Roberts Ballfield at 6:30 this evening and all Commissioners participated. He said that Commissioner Karan planned the program and it was a successful event.

**PUBLIC HEARING:**

**Special Use Permits Revised Text Amendment:**

Mr. Patrick Maloney, City Planner addressed the Board and said that the City Manager requested that adjustments be made to the Special Use Permits Text Amendment of the City's Ordinance. He said that this would ensure more input from citizens and City Officials during the review and recommendation process. Mr. Maloney noted that at last months meeting the Board requested an additional review by the Planning Agency and the City Attorney of the procedural language of the revised text amendments. He said that the items of concern for the proposed text amendments had been completed. Enclosed in the Board packets was the SUP text amendments and flow chart for details.

Mr. Maloney advised that the Planning Board by unanimous vote recommended to the Board of Commissioners approval of this In-House Request for Special Use Permits Revised Text Amendments.

Attorney Currin said that he found one additional statutory requirement that was not in the proposed text amendment. He gave the Board a handout of the Ordinance that had language modification to specify notification to the adjoining landowners. He stated that the only difference was that the handout had two additional underlined sentences, which would not change in any way what the Board was trying to accomplish. He said that the additional language makes the Ordinance concur with the procedural notice required by statute (§ 160A-384).

Mayor Moss opened the Public Hearing.

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

**MINUTES:**

Moved by Commissioner Mangum and seconded by Commissioner Piper to adopt the May 17, 2005 and the June 28, 2005 minutes. The motion received a unanimous vote.

**APPROVAL/ADDITIONS TO AGENDA:**

Moved by Commissioner Karan and seconded by Commissioner Mangum approval of the agenda with the addition of item 9-c.1 Special Use Permit Text Amendment and item 9-e Yard Cleanup under Old Business. The motion received a unanimous vote.

**PUBLIC COMMENTS:**

No one wished to speak so Mayor Moss closed the Public Comments section.

**MANAGER'S REPORT:**

Mr. Robert Schaumleffel, City Manager said that his comments were related to item 13, Closed Session.

**OLD BUSINESS:**

**Department Head Reports:**

Provided in the Board packets were monthly reports from the Water Plant and Police Department.

**Revised Restrictions for Trucking Operation:**

Mr. Patrick Maloney, City Planner addressed the Board and said that there was increased trucking operations and parking within residential districts and at the request of Mayor Moss he presented Restrictions for Trucking Operations at the June Board meeting. During this presentation there were additional concerns and Mr. Maloney was asked to research and revise the text amendment. Mr. Maloney noted that in the Board packet was the City's Revised text amendment to Chapter 70, Section 70.03 of the Traffic Code.

Commissioner Mangum had concerns that the language was not clearly defined and would not stand up in Court. She said that her main concern was the wording of "within established neighborhoods". Commissioner Mangum noted that she felt that she lives in an established neighborhood but someone else may not consider it a neighborhood being that it is next to the Downtown Business District. She said that there is a no trucks sign posted but trucks go next door to the feed store. Commissioner Mangum said that she could not recommend this Ordinance as written and referred to the Raleigh Ordinance Section 11-2176 Truck Parking.

Commissioner Wilkerson said that last week he voted for "greater than one-ton" and he reconsidered as his work van and trailer weighs 5,300 lbs.

Mayor Moss referred this issue to the Public Safety Committee. No action was taken at this time.

### **Revisions and Updates for City Maps:**

Mr. Patrick Maloney, City Planner addressed the Board and said that he had conducted reviews and analysis of the City's maps with the Wooten Company. The updated maps presented to the Board of Commissioners reflect changes in the zoning districts and city limits. Mr. Maloney said that this represents the most current and correct data for review.

Mr. Maloney said that as development and changes in land-use continues, he would begin a coordinated procedural process to update the City maps on a quarterly basis to ensure accuracy. He suggested that GIS be coordinated with the changes. Mr. Maloney requested recommendation of approval from the Board of Commissioners for the proposed City maps.

Mr. Robert Schaumleffel, City Manager said that in the future with a new Unified Development Ordinance the Board might want to consider other zoning changes. He said that at this point the most important thing was to adopt a current zoning map.

Commissioner Wilkerson said that there are 3 or 4 businesses on the North side of Wilton Avenue zoned B-2 and inquired if they should be zoned B-1 because of being contiguous to the B-1 Downtown Business District.

Mayor Moss said that this subject was discussed during the Budget to extend the B-1 District and by consensus of the Board the decision was made to leave the B-2 Business District as shown on the Fee Schedule.

Moved by Commissioner Wilkerson to send to the Planning Board for their consideration a zoning change of B-1 for the properties on the North side of Wilton Avenue that are currently zoned B-2 and contiguous to the B-1 Downtown Business District.

Commissioner Ray advised that the decision was made that everything that was in the Downtown Business area between Hwy. 56 and Church Street remain B-1 and everything else remain in the B-2 District because of the changes to the Fee Schedule.

Mr. Schaumleffel, City Manager said that proposed zoning changes must go before the Planning Board for review and recommendation. Mr. Schaumleffel advised that a request to send a zoning change to the Planning Board does not affect the adoption of the zoning map. He recommended that the Board take each issue separately.

Commissioner Wilkerson withdrew his motion so that each item could be considered separately.

Moved by Commissioner Wilkerson and seconded by Commissioner Karan to adopt the Revised City Map this evening and to send to the Planning Board for their consideration a zoning change of B-1 for the properties on the North side of Wilton Avenue that are currently zoned B-2 and contiguous to the B-1 Downtown Business District.

Mayor Moss called for further discussion.

Commissioner Mangum felt it would be best to take each item separately.

The motion failed by a 4-1 vote.

Yes Votes: Commissioner Wilkerson

No Votes: Commissioner Karan, Commissioner Mangum, Commissioner Piper and Commissioner Ray

Moved by Commissioner Ray and seconded by Commissioner Mangum to adopt the Revised City Map. The motion carried by a 4-1 vote.

Yes Votes: Commissioner Karan, Commissioner Mangum, Commissioner Ray and Commissioner Piper

No Votes: Commissioner Wilkerson

Moved by Commissioner Wilkerson to send to the Planning Board for their consideration a zoning change of B-1 for the properties on the North side of Wilton Avenue that are currently zoned B-2 and contiguous to the B-1 Downtown Business District.

The motion failed for the lack of a second.

### **Special Use Permits Revised Text Amendment:**

Moved by Commissioner Ray and seconded by Commissioner Karan to adopt the Special Use Permits Revised Text Amendments. The motion received a unanimous vote.

### **Mr. J.D. Goldston requests annexation of the property located at Hwy. 15 North:**

Mayor Moss said that Mr. J.D. Goldston, owner of the property and Mr. Mike Whitehead were present to answer any questions.

Attorney Currin advised that there had been a previous request for annexation for this property and the Petition of Title for all signatures had been investigated, the Clerk certified the Certificate of Sufficiency and if the Board so chooses they could schedule the Public Hearing.

Moved by Commissioner Karan and seconded by Commissioner Wilkerson to schedule the Public Hearing date for August 23rd, 2005 for the proposed annexation of the Goldston Property located at Highway 56 North. The motion received a unanimous vote.

### **Yard Cleanup:**

Commissioner Wilkerson said that within the City we do not want to look like a dump and there are properties that have grass that is 18" to 24" tall. Commissioner Wilkerson said that he realized that letters have been sent out to some people in reference to yard cleanup but he would like to see someone ride around town regularly and check the yards and notification letters be sent to all property owners that are not in compliance.

Mr. Patrick Maloney, City Planner said that he had recently sent out approximately 30 violation letters in reference to abandoned and junk vehicles. He said prior to that he had mailed out approximately one dozen letters to property owners in reference to violation of overgrown lawns. He said that it is a cycle; he notifies the property owners and the grass gets cut but the grass grows back and the property owner is once again non compliant.

Mr. Robert Schaumleffel, City Manager said that the City could rewrite the penalty phase of the Ordinance and have a \$500.00 penalty. He noted that this had been the procedure in previous cities he served and once someone paid the \$500.00 fee you did not have to worry about them violating the ordinance anymore. He said that he agreed with Commissioner Wilkerson that it is getting a little out of hand in the community and it is not just weeds. He said that something has to be done because we are not getting much voluntary compliance. Mr. Schaumleffel said that the City could use the existing regulations that are in place or adopt a Property Maintenance Ordinance.

Commissioner Wilkerson said that he realized that the grass grows back but there are some properties that have not been cut all summer.

Mr. Schaumleffel, City Manager said that most of the problem areas are investment properties.

Commissioner Ray suggested that the City Manager send this item to the Planning Board for review and that they make a recommendation in the form of an Ordinance.

Attorney Currin said that the City's Ordinance currently reads that the City can fine a property owner \$50.00 per day, which is classified as a Class III Misdemeanor for maintaining property in such a manner that it constitutes a nuisance. He said that the City could adopt a local Ordinance, which states that in the event a property owner failed to maintain their property in a safe condition that the City would first notify the owner and if the property owner did not comply within a reasonable amount of time that the City would remedy the circumstance and charge the owner a fee determined by administration. Attorney Currin said that this is a Public Health and Safety Ordinance by Police Power and would not need to go to the Planning Agency for recommendation. He noted that if the Board elected to do so they could also put a criminal provision in the Ordinance.

Commissioner Wilkerson inquired if a letter was sent to Williamsburg Park in reference to yard cleanup.

Mr. Patrick Malony, City Planner said that he sent the contractor of Williamsburg Park a notice giving him two weeks to be in compliance. He said that the he checked and the overgrown lot had been mowed.

By consensus of the Board, the City Manager and City Attorney to draft an Ordinance to present to the Board at a later date.

Commissioner Ray inquired about the abandoned vehicle notification letters to property owners. He said that he had received calls from the property owners having concerns that these are rental properties and the tenants own the cars. He asked if the City had any recommendations to assist the property owners when the tenants do not comply.

Attorney Currin said that there are vehicles on the right-of-way and vehicles off the right-of-way, vehicles currently tagged and titled but inoperable and vehicles that are not currently tagged. He noted that it would be a decision by the Board how to address each. He said that vehicles that are not tagged or insured could be towed by Police power. Attorney Currin said that if it is off the public right-of-way you are constrained by the fact that you cannot use Police power to legislate aesthetics. He said that you could act upon either vehicles that are not tagged or vehicles that are inoperable. Attorney Currin said that the owner has the right to notification of the action the City plans to take and to be given the opportunity to remedy the circumstance within a date certain. He noted that if the abandoned vehicle is a public nuisance and they do not comply the City has the right to remedy the situation and charge the vehicle owner.

Mayor Moss asked the City Planner to plot on the City map the areas of abandoned vehicles and forward to the Board.

Mr. Patrick Maloney, City Planner said that he would be glad to do so.

### **NEW BUSINESS:**

#### **In House Request – Checklist for Site Plan (Town Homes/Multifamily Development) Information.**

Mr. Patrick Maloney, City Planner addressed the Board and said that the City currently does not have an established review checklist for Town Homes/Multifamily development under the Special Use Permit process. He said that he had developed effective review checklist information for Town Homes/Multifamily development under the Special Use Permit process that is comprehensive and consistent with modern development standards, as well as addressing environmental regulations throughout the City's jurisdiction.

Mr. Maloney advised that the Planning Board, by unanimous vote, recommended to the Board of Commissioners approval of the Checklist for Site Plan (Town Homes/Multifamily Development) Information.

Moved by Commissioner Ray and seconded by Commissioner Karan to schedule the Public Hearing for August 23, 2005 at 7:30 p.m. for the In House Request Checklist for Site Plan (Town Homes/Multifamily Development) Information. The motion received a unanimous vote.

#### **Music and Fun Festival 2005:**

Mayor Moss announced that the 2005 Musical Festival would be held Saturday, September 17, 2005 and said that he had coordinated a work plan, which he sent to employees. He said that Wayne Kinton would be the provider for the sound system. He said that Donna Friscia would mail out the vendor applications, Sandra Harper would do the press releases, Ms. Eleanor Fowler would find the pig sponsors/cooks and take care of the health permits. Mayor Moss said that Commissioner Ray would take care of the location (Main St. or IGA parking lot), Commissioner Karan would arrange the vendor layout, Commissioner Wilkerson would get the stage, Commissioner Mangum would take care of the security and Commissioner Piper would take care of the pig cooking contest/sales. He said that Robert Schaumleffel, City Manager and Patrick Maloney, City Planner would be the coordinators during the event. Mayor Moss said that he had arranged for four bands to play.

Commissioner Ray inquired about the street closing.

Commissioner Piper said that he would like to see the street closed for the safety of children. He said that he would also like to see activities for children.

Commissioner Mangum agreed with Commissioner Piper and also inquired about moving the event to the gym in case of rain or schedule a rain date. Commissioner Mangum also suggested having karaoke during the time that bands are not performing.

Mayor Moss said that he would put these suggestions on his to-do list.

Chief Pollard to contact DOT and request street closing for the event.

### **MAYOR'S REPORT:**

Mayor Moss announced that Senator Burger had scheduled a Town Hall Meeting for Thursday, August 4, 2005 at 7:00 p.m. in the Granville County Commissioner's Room, 145 Williamsboro Street, Oxford. He said all citizens are invited to attend.

Mayor Moss said that the Commissioners might have a Special Meeting this month in reference to Pine Valley.

Mayor Moss suggested that the Agenda Packet be printed double sided to save paper.

Ms. Sandra Harper, City Clerk said that this was done in the past and there were a few complaints.

Mayor Moss announced that the Environmental Advisory Committee would be meeting August 16, 2005 at 7:00 p.m.

### **Commissioner Reports:**

Commissioner Ray advised that the County Commissioners voted last month to eliminate the Public Hearing process for development of the subdivisions in the watershed areas and this will have an impact on Creedmoor. He said that he felt that the County should be asked to reconsider this issue. He said that the County would no longer be posting properties and only adjacent property owners would be receiving notification of development. He said that citizens should be involved rather than isolated about development.

Mayor Moss referred this issue to City Manager and the Energy, Environment & Natural Resources Chair.

Commissioner Karan thanked everyone for coming out to the rededication of the Battle Roberts Ballfield.

Commissioner Wilkerson advised that someone contacted him and said that four doctors are interested in building a medical complex in Creedmoor. He said that someone else had contacted him about the possibility of a new Bank in Creedmoor. Commissioner Wilkerson said that he would notify the Board members of any additional information.



Commissioner Piper thanked Mayor Moss for coordinating the Music Festival. He said that the citizens really enjoy the event.

Commissioner Piper thanked Ms. Eleanor Fowler and Mr. Lynwood Hicks for their participation of the July 4th picnic. He said that there was a good turnout and he really enjoyed it

Commissioner Wilkerson said that he personally would like to see fireworks next year.

Mayor Moss said that the Board could revisit a joint effort with the County and Butner for this event.

Commissioner Piper said that he had a few people at the picnic asking about the fireworks. He said that people really enjoyed the fireworks and that it meant a lot to the community to have such an event in Southern Granville County.

Moved by Commissioner Wilkerson and seconded by Commissioner Piper to go into Closed Session for Acquisition of Real Property, Matters of Personnel and Attorney Client Privilege in accordance with § 143-318.11. The motion received a unanimous vote.

Upon return to Regular Session, moved by Commissioner Ray and seconded by Commissioner Karan to adopt the Revised Classification/Pay Schedule. The motion received a unanimous vote.

Moved by Commissioner Ray and seconded by Commissioner Karan to adjourn. The motion received a unanimous vote.

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Mayor

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City Clerk



