

MINUTES OF
CITY OF CREEDMOOR – BOARD OF COMMISSIONERS
REGULAR MEETING AND PUBLIC HEARING
FEBRUARY 28, 2006
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 Larry Robinson. Also present was Robert A. Schaumleffel, Jr., City Manager, Sandra Harper, City Clerk and Attorney Tom Currin and Attorney Lori Dutra.

QUORUM:

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

INVOCATION:

Mayor Moss

PLEDGE OF ALLEGIANCE:

Ms. Erickson's First Grade Class from Mt. Energy School. Mayor Moss presented each participant with an official City of Creedmoor pin.

Mayor Moss announced that March 2nd would be Dr. Seuss's 102nd Birthday and read the Reading Across America Proclamation.

Moved by Commissioner Mangum and seconded by Commissioner Piper to adopt the Reading Across America Proclamation. The motion received a unanimous vote.

PUBLIC HEARINGS:

Maurice T. Whitfield – Petition for Voluntary Annexation:

Attorney Currin said that this was a Voluntary Annexation and was petitioned by landowners who own property that is immediately adjacent to the City. He said that this allows the land to come into the City and the landowner would be required to extend the utility services from the area immediately adjacent to this parcel of property onto the property. He noted that the necessary petition had been filed and the title had been searched by the City Attorney's Office and the Clerk had certified to this Board that the petition had been signed by the proper parties. Attorney Currin said that the Board

scheduled this hearing for the purpose of hearing from the public as to whether it is appropriate to proceed.

Mayor Moss opened the Public Hearing to anyone wishing to speak in favor of or in opposition to this petition.

Mr. Carl Pike, Broker out of Oxford, NC addressed the Board and spoke on behalf of Mr. Whitfield. He said that Mr. Whitfield hired him to market and sale his property. He said that they have been approached by potential buyers and this is a good opportunity for Mr. Whitfield.

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

MINUTES:

Moved by Commissioner Karan and seconded by Commissioner Piper to approve the minutes of the January 12, 2006 Public Informational Meeting, January 24, 2006 Regular Board Meeting and the January 31, 2006 Public Hearing for the Involuntary Annexation. The motion received a unanimous vote.

APPROVAL/ADDITIONS TO AGENDA

Moved by Commissioner Karan and seconded by Commissioner Larry Robinson to add 10-e Maurice T. Whitfield – Petition for Voluntary Annexation under New Business. The motion received a unanimous vote.

Moved by Commissioner Piper and seconded by Commissioner Karan to adopt the revised agenda. The motion received a unanimous vote.

PUBLIC COMMENTS:

No one wished to speak.

CITY MANAGER’S REPORT:

Mr. Schaumleffel, Jr., City Manager said that several weeks ago he met with the Granville County Manager and he asked that the City think about letting a business attach to our water system as an outside customer. The County has since forwarded a formal request to the City of Creedmoor to allow the Food Mart on Hwy. 56 to connect to the City’s Wilton water line.

Mayor Moss said that one of the reasons for this request was that we have been struggling with keeping water moving in that line. He said that as we continue to look at additional users this will help the situation.

Mayor Moss said that if the Board so chooses we can do this by motion this evening or refer this to the Energy Environment & Natural Resources Committee for recommendation at a later date.

Commissioner Karan inquired about the wheeling fee for the water that goes through Butner through the County line agreement.

Attorney Currin said that the agreement that is in place provides that Granville County Schools may take out a given amount of water for Wilton School on a daily basis. He said what has happened since they have been doing so is that they are not moving enough water at the school to keep the water in excellent drinking quality when it arrives there. He said as a result of this they are actually running about three times the amount of water that we agreed to let them have. Attorney Currin said that the City is basically letting them wheel the water from the school. He said that the agreement specifically provides that there shall be no residential or commercial use, only the school. He said that if the City is going to expand those uses in an effort to help them with the water quality all of the provisions as to whether they can do this and what the fees will be need to be negotiated.

Commissioner Karan said that he was inquiring about this to see if the City had ironed out the contract for the wheeling fee that we are being charged on the other end.

Mr. Schaumleffel, City Manager said that this issue was being addressed along with some other Capital projects.

Mr. Schaumleffel said that he met with the County Manager pertaining to improvements and corrections that need to be made to the Mt. Energy Lift Station. He noted that there are some serious odor problems. He said that they also discussed the City assuming control of the entire Wilton water line and water tank. He said that there are minor disadvantages pertaining to dollars but a major advantage would be that we would have total control and this would make the process a little easier. Mr. Schaumleffel said that there needs to be an in depth discussion before making a decision for long term control of the Wilton water line and tank.

Moved by Commissioner Karan and seconded by Commissioner Piper approval of the Food Mart connection to the Wilton water line. The motion received a unanimous vote.

Mayor Moss referred the lift station and the water line/water tank issue to the Energy, Environment & Natural Resources Committee.

Mr. Schaumleffel advised that the Municipal Accounting Principles have changed and he contacted an Actuary to come in next week to book liabilities for the City's Insurance, Retirement and employee benefits. He said that he would bring an update back to the Board.

Mr. Schaumleffel said that with the items already on this month's agenda he was postponing the discussion of the Fee Schedule until next month.

Mr. Schaumleffel said that with the new Pine Valley Subdivision the City has abandoned the lift station and there is an individual that is interested in purchasing it for parts. He noted that with the addition of the new Davenport Subdivision the City has abandoned the Whitehall lift station as well. Mr. Schaumleffel requested that the Board give him authorization to declare the property access surplus and to advertise for sealed bids. He noted that this item was on the agenda under New Business, Item 10-c.

Mr. Schaumleffel gave the Board a handout of a letter from the Wooten Company dated February 28, 2006 giving an update of the Water Treatment Plant.

Mr. Schaumleffel said that he and Commissioner Karan met pertaining to the locations of the proposed walk and bike paths.

Mr. Schaumleffel said that he talked with Mr. Dan Boone of the Wooten Company today about the Joe Peed Booster station. He noted that a plan is being developed to try to proceed immediately on this capital project.

Mr. Schaumleffel advised that he spoke with Mr. Jamar Walker this afternoon pertaining to the use of debit cards for payment of water bills. He said that he would need the advice of the City Attorney before proceeding.

Attorney Currin said that the legal requirements for the imposition of a \$2.00 transaction fee for the use of the cards as stated in the general contract terms is that the fee cannot be imposed on a face-to-face transaction. Attorney Currin said that the City could only charge a transaction fee via telephone. He said that the fee cannot be imposed on a series of identical transactions over a certain amount of time. He said that was defined very poorly. Attorney Currin also said that automatic draft would be a recurring charge and would not be allowable. He said that if the fee is imposed, the City would be able to impose it on individual charges from month-to-month on the basis of telephone instructions only. Attorney Currin said otherwise, the City would have to pay the transaction fee at approximately 3%.

Mayor Moss referred this item to the Finance, Administration and Intergovernmental Committee.

Mr. Schaumleffel said that he talked with Mr. Dan Boone of the Wooten Company about an update of Lake Rogers. He said that he would prepare a report giving the Board a funding update.

Mr. Schaumleffel said that the City is having the mapping of the water and sewer lines prepared by the Wooten Company.

Mr. Schaumleffel advised that the Wooten Company is additionally conducting a rate study of utilities in order to provide an accurate update during the upcoming budget. He noted that he would be establishing an upcoming budget schedule to give to the Board for fiscal year 2006-2007.

Mr. Schaumleffel said that he is continuing to work on personnel matters and would keep the Board updated.

Mr. Schaumleffel said that his son would be coming home from the Persian Gulf and he would be taking time off to meet him on his return home.

Commissioner Karan inquired about the surplus parts for the pumps and asked if we could salvage any of the parts for the City's use.

Mr. Bob Jones, Public Service Director replied that the pumps for Pine Valley were above ground pumps and are obsolete to the City and the pump at Whitehall is old and of no further value.

OLD BUSINESS:

Department Head Written Reports:

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

Transportation Infrastructure Committee – Recommendation for Masonic Street:

Commissioner Karan referred to his e-mail that was in the Agenda packet. He noted that in an effort to gain more parking for the downtown business district and improve safe traffic and pedestrian flow it is the recommendation of the Transportation Infrastructure Committee that the "one way" project should proceed with the following conditions:

1. The water bill payment box not be located in the traffic flow lane
2. A barrier is to be placed at the west end of Masonic Street to protect parked cars and indicate the new flow direction
3. Pull in angled two hour parking to be established on the North side of Masonic Street.
4. A Main Street cross walk with island be established in front of the First National Bank Building.

Commissioner Mangum said that she felt that the one way project on Masonic Street was not one of the top ten issues at this time and would prefer it be deferred to a later date.

Commissioner Ray said that although he is not in opposition to the project, he agreed with Commissioner Mangum and felt that the whole traffic flow around Main Street needed to be reviewed instead of one street at a time.

Commissioner Karan postponed the request for action to be taken at this time and referred this issue to the Planning Board for review of the traffic flow around Main Street.

NEW BUSINESS:

Adoption of the Annexation Ordinance:

Mayor Moss commented that this has been an extensive and exhausting process. He gave a review of the process. He noted that the Board adopted a Resolution of Intent on November 22, 2005 for annexation of two areas. He said that January 12, 2006 the Board held a Public Informational Meeting and January 31, 2006 the Board held the Public Hearing. He also noted that as an added bonus there was a Town Hall Meeting held on February 16, 2006 and although it was not designed specifically for annexation there was a discussion on the proposed annexation. Mayor Moss said that this evening this Board could take any action desired on the Annexation Ordinance. He said that there were three things that the Board could do. He expressed that the Board could choose to take no action, may choose to adopt a modified report or the Board could choose to adopt the proposed report as currently written. Mayor Moss said that he would like to thank staff, the Wooten Company, the City Attorneys and the Commissioners for their commitment. Mayor Moss said that he also wanted to thank the opponents for their opposition because it made everyone work harder to make sure that they make the right decision. Lastly, Mayor Moss said that he wanted to thank the citizens of Creedmoor. He said that he has heard from several citizens on the street about their feelings of the annexation.

Attorney Currin advised that as requested by the Board, Mr. Steve Player of the Wooten Company has prepared an Amended Annexation Report and Plan of Services. He said that Mr. Player has integrated into the original plan each of the suggestions and requirements that the Board indicated to him that you would like to consider this evening.

Mr. Player gave a handout for the presentation and gave a summary of the List of Proposed Amendments Creedmoor Annexation Report and Plan of Services as follows:

1. Section 1.5, Annexation Process and Schedule

- Added 'adoption of amendments to annexation report' to table under the February 28, 2006 date.

2. Section 1.6, Municipal Services Plan

- Revised Summary of Annual Operating Cost table to reflect revised police and fire costs.

3. Section 1.9, Summary of Costs and Benefits to Property Owners

- Added the following to the second paragraph: (v) City water and sewer service to properties that currently do not have such service.

4. Section 2.3, Summary of Compliance with Statutory Requirements

- Added a statement that land usage and land estimates were determined through the use of Granville County tax cards/records, Granville County GIS property tax data, aerial photographs, and field inspection.
- Added a statement that annexation boundaries follow property lines and streets as shown on the official tax maps of the Granville County Tax Department.

5. Section 3.1, Police Protection

- Revised first three sentences in the first paragraph to clarify where service is currently provided by the Butner Public Safety Division and the Sheriff's Department.
- Revised from one additional patrol officer to one patrol officer per shift or a total of 4 additional officers.
- Revised cost estimate from \$60,000 to \$177,000.
- Revised table regarding the ratio of officers to population.

6. Section 3.2, Fire Protection

- Added a statement regarding the distances from fire stations to Area 1.
- Revised to state that the City has negotiated a new contract with the CVFD for expanded coverage.
- Revised CVFD contract amount from \$23,000 to \$81,100.
- Added a statement that a ladder truck would be available via the existing mutual aid agreement with the Butner Public Safety Division.
- Added a statement that the City will provide ladder truck service through the purchase of a ladder truck if not otherwise available through a mutual aid agreement; added the estimate cost of a ladder truck.
- Provided a cross reference to Appendix I, Results of Fire Flow Tests, Butner Fire District Hydrants.
- Clarified that fire hydrant spacing is 1,000 feet; hose radius is 500 feet.

7. Section 3.7, Water and Sewer Services

- Changed references from South Granville Water and Sewer Authority to Lyon Station Water and Sewer District.
- Added a statement that the Lyon Station Water and Sewer District and the City of Creedmoor are members of the South Granville Water and Sewer Authority.
- Provided a cross reference to Appendix J, City of Creedmoor Fee and Rate Schedule.
- Added a statement that the City will, to ensure the equalization of water and sewer rates, subsidize Lyon Station Water and Sewer District customers in Area 1 if their rates are higher than the City's rates.

8. Section 3.10, Summary of Projected Municipal Services Costs

- Revised the table regarding Projected Annual Operating Costs.

9. Section 4.4, Water and Sewer Fees

- Added ‘unserved’ in second sentence of second paragraph to clarify that projected fees were calculated based upon providing service to all existing properties that currently do not have City water and sewer.

10. Section 4.6, Utility Connection and Capacity Fees

- Added ‘unserved’ in second sentence to clarify that projected fees were calculated based upon providing service to all existing properties that currently do not have City sewer.

11. Section 5.16, Projected Costs to Provide Municipal Services (Area 1)

- 5.16 A Police Protection
 - Revised from one additional patrol officer to a total of 4 additional officers.
 - Revised cost estimate from \$60,000 to \$177,000
- 5.16 B Fire Protection
 - Revised CVFD contract amount from \$23,000 to \$81,100.
 - Added a statement that the City will provide ladder truck service through the purchase of a ladder truck if not otherwise available through a mutual aid agreement; added the estimated cost of a ladder truck.
- 5.16 G Water and Sewer Services
 - Changed references from South Granville Water and Sewer Authority to Lyon Station Water and Sewer District.
 - Added cross reference to Figure 2.1.
 - Added information regarding fire flow test results.
 - Added location information regarding proposed fire hydrants.
 - Added a statement that the City would extend a separate line to the Bowden manufactured home property if proposed fire hydrants can not be installed on the existing utility district water line; added the estimated cost of such extension (\$25,000).
 - Added a statement that the City will, to ensure the equalization of water and sewer rates, subsidize Lyon Station Water and Sewer District customers in Area 1 if their rates are higher than the City’s rates.

12. Figure 2.1, Existing Fire Hydrants, Area 1

- Added a new figure to show the approximate location of existing and proposed fire hydrants in Area 1.

13. Section 5.18, Cost and Revenue Summary (Area 1)

- Revised table regarding Summary of Costs and Revenues, Area 1
- Add a footnote stating that water and sewer improvements are nonrecurring capital costs.

14. Section 5.28, Cost and Revenue Summary (Area 2)

- Add a footnote stating that water and sewer improvements are nonrecurring capital costs.

15. Appendix G, Statement of Impact of Annexation on Rural Fire Departments

- Part 1,7. Revised CVFD contract amount.

16. Appendix I, Results of Fire Flow Tests, Butner Fire District Hydrants

- Added results of fire flow tests.

17. Appendix J, City of Creedmoor Fee and Rate Schedule

- Added 2005/2006 fee and rate schedule.

Impact of Deleting the Altec Property from Annexation Area 1, West Lake Road Corridor – City of Creedmoor:

Total Acreage

- Decreases total acreage of the annexation area by 29.89 acres

Total Boundary Perimeter

- Increases the total external boundary of the annexation area by 533.71 feet

Contiguous Boundary

- Decreases the percentage of contiguous boundary from 15.25% to 14.98% (minimum 12.5% required)
- Area 1 will continue to meet the contiguous boundary test

Developed for Urban Purposes Test

- Decreases the percentage of ‘used’ lots from 78.67% to 78.38% (minimum 60% required)
- No change in the percentage of residential and vacant acreage that is subdivided into lots 3 acres or less in size
- Area 1 will continue to meet the ‘developed for urban purposes’ test

Compliance with Statutory Qualifications for Annexation

- Area 1 will continue to meet the statutory qualifications for involuntary annexation

Revenue Projections

- Decreases the projected annual municipal real property tax revenue by \$40,586.00, based upon a \$5,882,122.00 assessed real property valuation of the Altec tract and the City’s current tax rate of \$0.69 per \$100.00
- The Altec tract represents approximately 13% of the total real property valuation of Area 1 that is subject to municipal taxes
- The projected revenue loss above does not include the loss of personal property tax revenue

Future Annexations

- Any future annexations west and south of the Altec tract will have more difficulty meeting the statutory qualifications for involuntary annexation since the City will have less corporate boundary length with which to qualify new annexation areas
- The Altec tract could possibly become an incorporated ‘doughnut hole’ (similar to the existing Kayser Roth tract on NC Highway 56 East) surrounded by the corporate limits of Creedmoor (or perhaps a combination of Creedmoor and Butner corporate limits)

Commissioner Piper said that the City was talking about going from one Police Officer to four Police Officers and had concerns of one Police Officer per shift being able to handle the area. He asked who would take the Officer’s shift when they are sick or take vacation.

Mr. Schaumleffel, City Manager said that is why the City will have a fourth officer. He said that there will be one officer per shift, which consists of three officers and the fourth will be a rotating officer to cover sick, vacation or other miscellaneous situations.

Attorney Currin referred to the deletion of the Altec industrial property and asked Mr. Steve Play to comment on the urban purposes test as applied to area 1.

Mr. Steve Player referred to the page of the Annexation Report and Plan of Services that refers to the Deleting of the Altec Property from Annexation Area 1, West Lake Road Corridor. He noted that all the conditions were met; Total Acreage, Total Boundary Perimeter, Continuous Boundary, Developed For Urban Purposes Test and noted that all of area 1 still continues to meet the statutory qualifications for involuntary annexation. He said there is a statement listed about projected revenues, decreases as well as the possible impact of future annexations.

Attorney Currin said that Mr. Player has the new original proposed amended report, which contains the water/sewer plans with the engineer seals appended at the back as required by statute.

Mr. Player said that was correct.

Attorney Currin said that he had a couple of questions in reference to water/sewer matters. He said that there was a substantial amount of Capital Improvement Costs associated with the replacement of an 8” line to a 12” line on Hwy. 56 and is included within these project plans. He noted that this will provide better service to this area than it currently has.

Mr. Dan Boone said that is correct.

Attorney Currin inquired about the \$300,000 and asked if the 8” line would have to be replaced with a 12” line whether or not the annexation was to occur. He also asked about the purpose of the over-sizing and where the new line was going to be installed.

Mr. Boone replied yes to the changing of the 8” line to a 12” line requirement. The over-sizing is to provide better service to the citizens of Creedmoor as well as the customers east of the City. Mr. Boone said that it would be installed east of McDonalds to Bob’s Barbecue.

Attorney Currin stated that the City was actually going to have to do this whether or not the proposed annexation is approved as part of the Capital Improvement Plan.

Attorney Currin said that this area is currently being served by SGWASA and the County element of SGWASA acting through the former Lyon Station Sanitation Sewer District.

Mr. Boone said this was correct.

Attorney Currin asked if Mr. Boone was familiar with the circumstances as far as SGWASA’s availability of sewer effluent treatment capacity at the present time.

Mr. Boone said that at the present time they have little, if any capacity remaining. He said that the final capacity had been given to one or two developments.

Attorney Currin said that earlier when Mr. Schaumleffel was talking about capital improvements Mr. Boone talked about adding a booster pump to the Peed Road pump station line.

Mr. Boone said that was correct.

Attorney Currin asked the total capacity that line could carry to Butner with the improvements.

Mr. Boone said that with the improvements of the booster pumping station they estimate the total capacity that can be delivered to Butner in the existing line would be approximately 400,000gpd. He said that the current daily use is approximately 250,000gpd.

Attorney Currin said that the line that the City has pumping to Butner, with the improvements that are in the Capital Improvements Plan, there could be another 150,000gpd on a daily average added to that line.

Mr. Boone said that was correct.

Attorney Currin inquired about how much average daily capacity the City of Creedmoor had by contract with the State.

Mr. Boone replied that the City had 550,000gpd under contract with Butner.

Attorney Currin said that would mean that there would be an additional 150,000 gallons of sewer capacity a day available potentially to be pumped from this area and adjoining areas into the State based upon what the City of Creedmoor already has.

Mr. Boone said that was correct.

Commissioner Robinson asked how much additional water would be provided with the annexation.

Mr. Dan Boone said that Area 1 is currently being served by the old Lyon Sanitary District and therefore, Creedmoor would not have any additional water to provide.

Commissioner Robinson inquired about residences that might have wells.

Mr. Boone said that the section between Lyon Station and the City's current distribution system has a couple of customers that you may want to serve but there is not a significant amount.

Attorney Currin said that based on the report his understanding was that there are approximately 14 lots that people currently have that is developable vacant land and if water/sewer becomes available they would develop the land. He noted that the City has sewer effluent capacity available under the contract with the State. He said he was not certain to what the circumstances would be. He noted that the City is a member of SGWASA and has two representatives on the SGWASA Board. He also said that as a cooperative effort water comes out of Butner and goes into the County line, comes into Creedmoor and goes back out into another County line to serve Wilton School. He noted that the County has indicated its approval of the commercial development hookup that you approved for the first commercial hookup onto the line that goes to Wilton School. Attorney Currin said that the City has capacity left at this point and hopefully there would be a lot of additional capacity for water/sewer for future development. He reiterated that the City currently has capacity.

Mr. Boone said that a developer could come along and develop along Hwy. 56 and pick up the cost of the extension of sewer.

Commissioner Robinson inquired if the City was going to put in a line for fire hydrants on the Bowden property, which is private property.

Mr. Steve Player said that there was a County line on that property and the proposal would be to put two hydrants on that existing line. He said that the City can not force the County to allow us to put two hydrants on their line but in the unlikely event that the County would say no that they do not want the City to provide better fire service to the individuals in that park, the City could run a line for approximately \$25,000.00 right next to the County line. He said that is an unlikely cost but they are required as a matter of law to calculate every contingent cost for this report.

Commissioner Robinson asked if the Board would be setting a precedent by doing this and asked if there were any other private land in the City that is 500' from a fire hydrant.

Mr. Schaumleffel said that the City has existing rules that say that we must be within 500' and are applying these rules to the Involuntary Annexation.

Attorney Currin said that he felt that Mr. Bowden would be happy to have better fire service but in the unlikely event that he would not be willing to oblige, the City would have the authority to put the line in and pay him any damages based upon diminishing value of his trailer park before and after completion of the establishment of the line and the fire hydrants. Attorney Currin said that he doubted that the trailer park would be worth less after the project than it was before.

Moved by Commissioner Karan and seconded by Commissioner Mangum to adopt the Resolution Approving and Adopting the Amended Annexation Report and Plan of Services as follows:

STATE OF NORTH CAROLINA

CITY OF CREEDMOOR

RESOLUTION

WHEREAS, pursuant to N.C.G.S. §160A-37, the City of Creedmoor has adopted a resolution of intent to consider annexation of two areas described as (1) West Lake Road (NC Highway 56) Corridor and (2) the Kayser Roth Tracts; and

WHEREAS, the city was required pursuant to N.C.G.S. §160A-35 to prepare a report setting forth the basis for annexation and the plans to serve the area proposed to be annexed with municipal services, describing its impact upon city finances and services and said report was duly prepared and adopted on November 22, 2005; and

WHEREAS, the city has held the public informational meeting and public hearing as required by statute, and certain proposed modifications to the report have been presented by the city's consultants and staff and commented upon by the public at said meetings; and

WHEREAS, based upon the staff and consultant recommendations, public comments and input and further investigation into the specifics of the provision of appropriate services within the areas which are proposed to be annexed, and based further upon the modification of the geographical boundaries of Area 1 as described in the original Resolution of Intent by deletion of the parcel known as the Altec property, the Board deems it necessary and appropriate to amend the Annexation Report and Plan of Services dated September 12, 2005 to more fully and accurately state the nature and scope of said services, their financial impact upon the city, and other relevant content.

NOW THEREFORE, the city, having given full consideration to the original Annexation Report and Plan of Services prepared by The Wooten Company dated September

12, 2005, and to all of the comments and information coming to its attention since the date of said adoption and also having given full consideration to the newly prepared Annexation Report and Plan of Services as amended dated February 28, 2006, said Annexation Report and Plan of Services specifically deleting information and statistics related to that certain parcel of land previously under consideration and known as the Altec tract, hereby approves and adopts said Annexation Report and Plan of Services dated February 28, 2006 as amended.

BE IT FURTHER RESOLVED that any further action taken with regard to annexation based upon the Resolution of Intent and the Annexation Report and Plan of Services shall henceforth be made on the basis of the said Annexation Report and Plan of Services dated February 28, 2006 as amended.

Upon motion duly made by Commissioner Karan and duly seconded by Commissioner Mangum, the above resolution was duly adopted by the City of Creedmoor Board of Commissioners at a regular meeting held on the 28th day of February, 2006 in the City Hall.

Upon call for a vote the following commissioners voted in the affirmative: Commissioner Karan, Commissioner Mangum, Commissioner Piper, Commissioner Ray and Commissioner Robinson.

And the following commissioners voted in the negative: None

This the 28th day of February, 2006.

Attorney Currin advised that at this point and time that as the Board had approved an Amended Annexation Report Plan of Services, it is now appropriate should the Board elect to do so to consider two separate matters; 1) annexation of Area 1 as amended by the deletion of the industrial property; 2) annexation of Area 2 (Kayser Roth property).

Attorney Currin explained that there was a matter which must be considered regarding the effective date of the ordinance. He noted that the effective date of the ordinance could be any day from 40 days from the date of final approval to 400 days from the final date of approval. He said that often June 30th at midnight is chosen as the effective date. He said that this is an ordinance and being an ordinance it requires for final approval on a first reading a super majority of two-thirds of the qualified voting members of the Board. Attorney Currin said that in the event that a vote of super majority is not received on the first reading it simply requires a second majority vote at a subsequent meeting. He noted that if there is a four-fifths vote tonight or greater, the ordinance would be effective tonight and this would be a final approval. Attorney Currin said that if there is a vote to approve but that vote was only by three-fifths it would be necessary to have a second reading and for that reason, it would be necessary to have a called meeting at the Board's pleasure or the Board could reconsider this matter at the next regularly scheduled Board meeting. Attorney Currin said that in the event that there was less than a super majority and March 28th was to be the date of reconsideration, the first day that it could become effective would be May 8, 2006. He noted that if you were to continue this meeting and have another vote two weeks from this evening in the absence of a super majority the first

day it could become effective would be April 24, 2006. Attorney Currin advised that in this case a good date for it to become effective would be April 30, 2006. He suggested that prior to considering a motion that the Board consider the effective date and as explained, the three most likely days to consider would be June 30th, May 8th or April 30th.

Commissioner Robinson said that one of his biggest concerns was Police protection. He said that his concern is not the proposed annexation area but for the citizens already here in Creedmoor. Commissioner Robinson said that if an officer needs backup in that area it would take a Police Officer off the streets here in this area of Creedmoor. He said that if this passes the Board needs to take this into consideration at Budget time because the Chief will be asking for another officer and another car. He said that he has heard from citizens that are for the annexation and he has also heard from elderly citizens that are concerned of Police protection and an increase in taxes. Commissioner Robinson said that he did not like the figures changing during the process. He did note that he felt better about the annexation knowing that the \$300,000 was going to be spent even if the annexation is not approved.

Commissioner Piper said that at one point he and Ms. Mangum had concerns that there was not enough Police protection in Creedmoor. He said that he wanted to make sure that all areas get proper Police protection.

Commissioner Ray said that he appreciated everyone's statements and concerns. He said that he thought the lady that operates the Trading Post made a real good point about needing another investigator for that area. Commissioner Ray said that he understood the concerns in regard to Police Protection. He said that because of the business base that is in this area and the way that businesses are setup here in Creedmoor that we need more Police protection for the citizens that are already in the City. He said that he had mentioned this at previous budget meetings that the Board needed to be able to increase the Police Officer's salaries or hire more officers. Commissioner Ray said that it had been a struggle to do so but now with more housing developments it puts an even greater strain on the City. He noted however, that if there is not an increase in the business tax base there will not be enough revenue to pay for these services. Commissioner Ray said that the proposed annexation will give the City the protection of the watershed around Lake Rogers and the past has shown that this is not something that we can expect the County to do for us. He emphasized that in order to remain economically viable as we are and to continue to provide services to all of our citizens including those in the proposed Area 1 that he was in favor of the annexation. Commissioner Ray said that he was born and raised here and everything on this side of the railroad tracks has always been considered part of the Creedmoor area. He said that the State has currently been funding a great deal for the Butner Public Safety according to the numbers that were given. He said that the assessment is twenty-five cents on the properties over there and the tax payers of North Carolina are still subsidizing this. Commissioner Ray stated that with all the problems the State has been facing this year he felt that the State would not continue to do so. He said that he felt that the City needs to take possession of our own destiny here and take care of the City's future.

Commissioner Mangum said that she was asked at a previous meeting what her thoughts were. She defined a city as an inhabited place of greater size, population or importance in a town or a village. She said, yes, Creedmoor is an inhabited place and it is growing larger every day. She said this is the place where things are happening. She noted that there are new schools being built and they are filled to capacity within three years. Commissioner Mangum said there are many new classrooms and trailers are also needed to keep up with this growth. She said that there are many more cars on our roads filled with children coming from new homes and apartments. Commissioner Mangum said that because these people's safety is important, the City of Creedmoor provides the meaningful service of having our Police Officers at the entrances to the schools, not only for our City residents, but even for those that are living outside our current City limits. She emphasized that those people receive this service morning and afternoon free of charge; which is paid for by the citizens of Creedmoor keeping your children and the parents safe. She stressed that this is a meaningful service provided by our City. She said that the City provides a City Park that gives children and adults alike the opportunity to play together, talk, gather with friends, celebrate occasions, fish or go kayaking and is provided at no extra charge. She exclaimed, yes, this is another meaningful service. Commissioner Mangum said that this is a City that is proud of its 100 years of history. She said Creedmoor has come from being the mule capital of the World to being linked to the \$25 Trillion Land Grab. She said, oh yes, we are happening here. She acknowledged that we need to prepare for the development that is forthcoming. Commissioner Mangum said that as a Board member, she had to do her best to plan for our future. She noted that as Mr. Jenkins mentioned at a previous meeting, the land out at Western Highway 56 area was once just in its infancy. She said young businesses were just taking shape. She said the area citizens supported them and they grew. She said that they are no longer in their infancy and these businesses have become very profitable with the price of land continuing to be driven up. Commissioner Mangum said that it is time for these businesses to carry their own weight now. She noted they are grown. She said that they need to support the community here, the inhabited place. She noted that the citizens on whose customer loyalty contributed to their success. Commissioner Mangum said that many of those businesses have supported ball teams and that has been greatly appreciated. She emphasized, but it costs money when a particular business brings in hundreds of new people and these people have real needs.

Commissioner Mangum added that she has heard over and over about fire protection decreasing. She said that she was very sad at hearing how insurance rates were going to go up. Commissioner Mangum said that she made a 15 minute phone call to the insurance department. She reiterated, 15 minutes and she had the facts with her this evening. She said that she did not know why certain officials put out information that scares people by saying rates were going to go up for residents. She said this was not true. Commissioner Mangum said that as for decreased fire protection, anyone that has used this term should just bow their heads for the hurt that they have caused. She said that every Fire Fighter, every Police Officer and every Public Safety Officer put themselves in harms way everyday to help keep everyone safe. Commissioner Mangum said that part of Butner's plan is to call the Creedmoor Volunteer Fire Department to help

them out. She noted, to help put out their fires. She said that there is nothing wrong with saying that Butner needs CVFD to help them out. She said some smaller fire departments have to do that to help keep their fire rates low and to better serve their public. Commissioner Mangum said that CVFD is currently doing a lot of work in Butner. She said that they are putting in many hours putting out structure fires, grass fires and rescuing people in wrecks while receiving no compensation for their time, maintenance of their vehicles and supplies. Commissioner Mangum said that as the City's Assistant Fire Chief previously mentioned, Creedmoor answered 45 mutual aid calls last year to Butner and she found it interesting that out of those 45 calls Altec needed our help late at night. She said that at 11:00 p.m. they needed our fire truck, needed 8 of our fire fighters to help them and they went. She said that 16 of our fire fighters went to Granville Oaks to help them. She reiterated that 16 fire fighters went to help them. She said that there were lots of reports and she could go on and on. She reiterated that our fire fighters help.

Commissioner Mangum said that she received a brochure from the Granville Athletic Park at Jonesland the other day. She said it is very exciting and said that if citizens have not been there they should visit. She said that the brochure has an advertisement that states, you need something to eat come to Creedmoor, come to see Andy's Cheesesteak, go to Bob's Barbecue, Bojangles, Burger King, Down Home Steak House, Domino's, Pergamon's Restaurant. She emphasized that they put this brochure out as Creedmoor. She said they want to be part of Creedmoor. Commissioner Mangum said that Commissioner Ray mentioned that he lives here and has always considered it part of Creedmoor. She said they consider it Creedmoor. Commissioner Mangum concluded by saying, "I welcome you to Creedmoor."

Moved by Commissioner Karan and seconded by Commissioner Mangum to adopt the amended Ordinance for Area 1 to Extend The Corporate Limits Of The City Of Creedmoor, which excludes the Altec property and the effective date to be April 30, 2006 as follows:

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF
CREEDMOOR, UNDER THE AUTHORITY GRANTED BY CHAPTER 160A,
ARTICLE 4A, PART 2, OF THE GENERAL STATUTES OF NORTH CAROLINA

WHEREAS, all of the prerequisites to adoption of this ordinance prescribed in Chapter 160A, Article 4A, Part 2, of the General Statutes of North Carolina, have been met; and

WHEREAS, the Board of City Commissioners has taken into full consideration the statements presented at the public hearing held on January 31, 2006 on the question of this annexation; and

WHEREAS, the Board of City Commissioners has concluded and hereby declares that annexation of the area described herein is necessary to the orderly growth and development of the City of Creedmoor;

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the City of Creedmoor that:

Section 1. From and after the effective date of this annexation, the following territory shall be annexed to and become a part of the City of Creedmoor and the corporate limits of the City of Creedmoor shall be extended to include said territory more particularly described by metes and bounds as follows:

Area 1, West Lake Road Corridor (NC Highway 56)

Beginning at a point in the right-of-way of NC HWY 56, said point being 0.90+/- miles from the center line of the intersection of the NC HWY 56 and Interstate 85 and also the southwest corner of the property owned by Joe and Lydia Bryant described in Deed Book 138, Page 320, Granville County Registry (Pin Number 0886-01-49-2564 as shown on the Granville County tax map 0886.01), and said point being the northwestern corner of the property described in property survey for Demnark Construction Company, Plat Book 26, Page 236, Granville County Registry (Pin Number 0886-02-59-8166 as shown on the Granville County tax map 0886.02) thence in a northeasterly direction along Creedmoor City limit line for a distance of approximately 400 feet to the easternmost corner of Pin Number 0886-01-49-2564 as shown on the Granville County tax map 0886.01; thence in a northwesterly direction for a distance of approximately 280 feet to the northern most corner of Pin Number 0886-01-49-2564 as shown on the Granville County tax map 0886.01; thence in a southwesterly direction for a distance of approximately 416 feet to the northwestern most corner of Pin Number 0886-01-49-2564 as shown on the Granville County tax map 0886.01; thence along the eastern right-of-way of NC HWY 56 in a northwesterly direction for a distance of approximately 475 feet to the southern most corner of Pin Number 0887-03-30-7252 as shown on the Granville County tax map 0887.03; thence in a northeasterly direction for a distance of approximately 484 feet to the easternmost corner Pin Number 0887-03-30-7252 as shown on the Granville County tax map 0887.03; thence in a northwesterly direction for a distance of approximately 395 feet to the northernmost corner of Pin Number 0887-03-30-7252 as shown on the Granville County tax map 0887.03; thence in a southeasterly direction for a distance of approximately 82 feet to the easternmost corner of Pin Number 0887-03-30-4492 as shown on the Granville County tax map 0887.03; thence in a northwesterly direction for a distance of approximately 228 feet to the northernmost corner of Pin Number 0887-03-30-4492 as shown on the Granville County tax map 0887.03; thence along the southern right-of-way of Washington Avenue in a northeasterly direction for a distance of approximately 206 feet to the northernmost corner of Pin Number 0887-03-30-7526 as shown on the Granville County tax map 0887.03; thence in a northwesterly direction for a distance of 63 feet to the easternmost corner of Pin Number 0887-03-30-3700 as shown on the Granville County tax map 0887.03; thence in a northwesterly direction for a distance of approximately 336 feet to the northernmost corner of Pin Number 0887-03-30-3700 as shown on the Granville County tax map 0887.03; thence in a northwesterly direction for a distance of approximately 298 feet to the northernmost corner of Pin Number 0887-03-31-1090 as shown on the Granville County tax map 0887.03; thence in a northwesterly direction for a distance of approximately 301 feet to the northernmost corner of Pin Number 0887-03-31-1314 as shown on the Granville County tax map 0887.03; thence in a southwesterly direction for a distance of approximately 266 feet to the northernmost corner of Pin Number 0887-03-21-8290 as shown on the Granville County tax map 0887.03; thence in a southwesterly direction for a distance of approximately 133 feet to the easternmost corner of Pin Number 0887-03-21-6376 as shown on the Granville County tax map 0887.03; thence in a northwesterly direction for a distance of approximately 983 feet,

along the northeastern property line of Pin Numbers: 0887-03-21-6376, 0887-03-21-3589, 0887-03-21-2823, and 0887-03-22-0042 as shown on the Granville County tax map 0887.03, to the easternmost corner Pin Number 0887-03-22-0188 as shown on the Granville County tax map 0887.03; thence in a northwesterly direction for a distance of approximately 227 feet to the northernmost corner of Pin Number 0887-03-22-0188 as shown on the Granville County tax map 0887.03; thence in a northwesterly direction for a distance of approximately 389 feet to the northernmost corner of Pin Number 0887-03-12-8483 as shown on the Granville County tax map 0887.03; thence in a northwesterly direction for a distance of approximately 290 feet to the northernmost corner of Pin Number 0887-03-12-7654 as shown on the Granville County tax map 0887.03; thence in a southwesterly direction along the southeastern right-of-way of US HWY 85 for a distance of approximately 331 feet to a corner of Pin Number 0887-03-12-7654 as shown on the Granville County tax map 0887.03; thence in a southwesterly direction along the southeastern right-of-way of US HWY 85 for a distance approximately 154 feet to a common corner of Pin Numbers 0887-03-12-7654 and 0887-03-12-8483 as shown on the Granville County tax map 0887.03, thence in a southwesterly direction for a distance of approximately 56 feet to a corner on the southeastern right-of-way of NC HWY 56 and US HWY 85 and Pin Number 0887-03-12-8483 as shown on the Granville County tax map 0887.03; thence in a southwesterly direction for a distance of approximately 139 feet to the northeastern most corner of Pin Number 0887-03-12-4145 as shown on the Granville County tax map 0887.03 and on the right-of-way of NC HWY 56 and US HWY 85; thence in a westerly direction and along the southeastern right-of-way of US HWY 85 for a distance of approximately 146 feet to a corner of Pin Number 0887-03-12-4145 as shown on the Granville County tax map 0887.03; thence in a southwesterly direction for a distance of approximately 642 to the westernmost corner of Pin Number 0887-03-11-2786 as shown on the Granville County tax map 0887.03; thence in a southeasterly direction for a distance 660 feet to a corner of Pin Number 0887-03-11-2786 as shown on the Granville County tax map 0887.03; thence in a northeasterly direction for a distance of 282 feet to a corner of Pin Number 0887-03-11-2786 as shown on the Granville County tax map 0887.03; thence in a southeasterly direction for a distance of approximately 126 feet to the northernmost corner Pin Number 0887-03-11-4186 as shown on the Granville County tax map 0887.03; thence in a southwesterly direction for a distance of approximately 403 feet to the westernmost corner of Pin Number 0887-03-11-4186 as shown on the Granville County tax map 0887.03; thence in a southeasterly direction for a distance of approximately 267 feet to the southernmost corner of Pin Number 0887-03-11-4186 as shown on the Granville County tax map 0887.03 and the northwestern right-of-way of E. Lyon Station Road (SR1108); thence in a southeasterly direction for a distance of approximately 60 feet to the southeastern right-of-way of E. Lyon Station Road (SR 1108); thence in a northeasterly direction along the southeastern right-of-way of E. Lyon Station Road (SR 1108); thence in a northeasterly direction for a distance of approximately 62 feet to the westernmost corner of Pin Number 0887-11-7020 as shown on the Granville County Tax Map 0887.01; thence in a southeasterly direction for a distance of approximately 203 feet to the westernmost corner of Pin Number 0887-20-1778; thence in a southeasterly direction for a distance of approximately 552 feet to the westernmost corner of Pin Number 0887-20-5417 as shown on the Granville County Tax Map 0887.01, thence in a northeasterly direction for a distance of approximately 162 feet to the northernmost corner of Pin Number 0886-29-3686 as shown on the Granville County Tax Map 0887.01; thence in a southeasterly direction for a distance of approximately 1193 feet to the easternmost corner of Pin Number 0886-29-3686 as shown on the Granville County Tax Map 0887.01; thence in a southwesterly direction for a distance of approximately

0886-01-28-9801 as shown on the Granville County tax map 0886.01; thence in a northeasterly direction for a distance of approximately 57 feet to a corner of Pin Number 0886-01-28-9801 as shown on the Granville County tax map 0886.01; thence in a southeasterly direction of a distance of approximately 373 feet to a corner of Pin Number 0886-01-28-9810 as shown on the Granville County tax map 0886.01; and the westernmost corner of Pin Number 0886-01-38-8535 as shown on the Granville County tax map 0886.01; thence in a southeasterly direction for a distance of approximately 274 feet to the southernmost corner of Pin Number 0886-01-38-8535 as shown on the Granville County tax map 0886.01; thence in a south easterly direction for a distance of approximately 295 feet to the southernmost corner of Pin Number 0886-01-48-0320 as shown on the Granville County tax map 0886.01; thence in a northeasterly direction for a distance of approximately 1325 feet to the easternmost corner of Pin Number 0886-01-48-0320 as shown on the Granville County tax map 0886.01, and the southwestern right-of-way of NC HWY 56; thence in a southeasterly direction for a distance of approximately 361 feet along the southwestern right-of-way of NC HWY 56 to the northernmost corner of Pin Number 0886-01-48-9210 as shown on the Granville County tax map 0886.01; thence in a southwesterly direction for a distance of approximately 156 feet to the westernmost corner of Pin Number 0886-01-48-9210 as shown on the Granville County tax map 0886.01; thence in a southeasterly direction for a distance of approximately 145 feet to the southernmost corner of Pin Number 0886-01-48-9210 as shown on the Granville County tax map 0886.01; and the intersection of the northwestern most property line of Pin Number 0886-01-48-8070 as shown on the Granville County tax map 0886.01; thence in a southwesterly direction for a distance of approximately 202 feet to the westernmost corner of Pin Number 0886-01-48-8070 as shown on the Granville County tax map 0886.01; thence in a southeasterly direction for a distance of approximately 111 feet to the southernmost corner of Pin Number 0886-01-48-8070 as shown on the Granville County tax map 0886.01; thence in a northeasterly direction for a distance of approximately 362 feet to the northernmost corner of Pin Number 0886-01-48-8070 as shown on the Granville County tax map 0886.01 and the southwestern right-of-way of NC HWY 56; thence in a southeasterly direction and along the right-of-way of NC HWY 56 for a distance of approximately 129 feet to the northernmost corner of Pin Number 0886-01-47-8637 as shown on the Granville County tax map 0886.01 and the southwestern right-of-way of NC HWY 56; thence in a southwesterly direction for a distance of approximately 665 feet to the westernmost corner of Pin Number 0886-01-47-8637 as shown on the Granville County tax map 0886.01; thence in a southeasterly direction for a distance of approximately 132 feet to the southernmost corner of Pin Number 0886-01-47-8637 as shown on the Granville County tax map 0886.01; thence in a northeasterly direction for a distance of approximately 671 feet to the easternmost corner Pin Number 0886-01-47-8637 as shown on the Granville County tax map 0886.01; thence in a southeasterly direction for a distance of approximately 125 feet along the southwestern right-of-way NC HWY 56 to the northernmost corner of Pin Number 0886-01-57-2790 as shown on the Granville County tax map 0886.01; thence in a southwesterly direction for a distance of approximately 147 feet to the westernmost corner Pin Number 0886-01-57-2790 as shown on the Granville County tax map 0886.01; thence in a southeasterly direction for a distance of approximately 126 feet to the southernmost corner Pin Number 0886-02-57-2790 as shown on the Granville County tax map 0886.02; thence in a northeasterly direction for a distance of approximately 144 feet to the easternmost corner of Pin Number 0886-02-57-2790 as shown on the Granville County tax map 0886.02; thence in a southeasterly direction and along the right-of-way NC HWY 56 for a distance of approximately 171 feet to the northernmost corner of Pin Number 0886-02-57-4433 as

shown on the Granville County tax map 0886.02; thence in a southwesterly direction for a distance of approximately 435 feet to the westernmost corner of Pin Number 0886-02-57-4433 as shown on the Granville County tax map 0886.02; thence in a southeasterly direction for a distance of approximately 99 feet to the southernmost corner of Pin Number 0886-02-57-4433 as shown on the Granville County tax map 0886.02; thence in a southeasterly direction for a distance of approximately 103 feet to the southernmost corner of Pin Number 0886-02-57-4352 as shown on the Granville County tax map 0886.02; thence in a northeasterly direction for a distance of approximately 439 feet to the easternmost corner of Pin Number 0886-02-57-4352 as shown on the Granville County tax map 0886.02; thence in a southeasterly direction and along the southwestern right-of-way of NC HWY 56 for a distance of approximately 181 feet to the northernmost corner of Pin Number 0886-02-57-6194 as shown on the Granville County tax map 0886.02; thence in a southwesterly direction for a distance of approximately 556 feet to the westernmost corner of Pin Number 0886-02-57-5002 as shown on the Granville County tax map 0886.02; thence in a southeasterly direction for a distance of approximately 98 feet to the southernmost corner of Pin Number 0886-02-57-5002 as shown on the Granville County tax map 0886.02; thence in a northeastern direction for a distance of approximately 556 feet to the easternmost corner of Pin Number 0886-02-57-6194 as shown on the Granville County tax map 0886.02; thence in a southeasterly direction and along the southwestern right-of-way of NC HWY 56 for a distance of approximately 299 feet to the northern most corner of Pin Number 0886-02-56-8774 as shown on the Granville County tax map 0886.02; thence in a southwesterly direction for a distance of approximately 190 feet to the westernmost corner of Pin Number 0886-02-56-8774 as shown on the Granville County tax map 0886.02; thence in a southeasterly direction for a distance of approximately 178 feet to the southernmost corner of Pin Number 0886-02-56-8774 as shown on the Granville County tax map 0886.02; thence in a northeasterly direction for a distance approximately 202 feet to the easternmost corner of Pin Number 0886-02-56-8774 as shown on the Granville County tax map 0886.02; thence in a southeasterly direction for a distance of approximately 100 feet to the southernmost corner of Pin Number 0886-02-66-2989 as shown on the Granville County tax map 0886.02; thence in a southeasterly direction for a distance of approximately 548 feet to the easternmost corner of Pin Number 0886-02-66-2989 as shown on the Granville County tax map 0886.02; thence in a northwesterly direction for a distance of approximately 407 feet to the northernmost corner of Pin Number 0886-02-66-2989 as shown on the Granville County tax map 0886.02; thence in a northwesterly direction for a distance of approximately 103 feet to the easternmost corner of Pin Number 0886-02-67-2630 as shown on the Granville County tax map 0886.02; thence in a northwestern direction for a distance of approximately 44 feet to a corner of Pin Number 0886-02-67-2630 as shown on the Granville County tax map 0886.02; thence in a northwesterly direction for a distance of approximately 219 feet to a corner of Pin Number 0886-02-67-2630 as shown on the Granville County tax map 0886.01; thence in a northwesterly direction for a distance of approximately 51 feet to the northernmost corner of Pin Number 0886-02-67-2630 as shown on the Granville County tax map 0886.02; thence in a northeasterly direction for a distance of approximately 196 feet to the northernmost corner of Pin Number 0886-02-67-1698 as shown on the Granville County tax map 0886.02; thence in a northwesterly direction for a distance of approximately 99 feet to a corner of Pin Number 0886-02-57-9841 as shown on the Granville County tax map 0886.02; thence in a westerly direction for a distance of approximately 313 feet to a corner of Pin Number 0886-02-57-9841 as shown on the Granville County tax map 0886.02; thence in a southwesterly direction for a distance of approximately 531 feet to the westernmost corner of Pin Number 0886-02-57-9841 as shown on the Granville

County tax map 0886.02 and the northeastern right-of-way NC HWY 56; thence in a northwesterly direction and along the northeastern right-of-way of NC HWY 56 and property line Pin Number 0886-02-49-2564 as shown on the Granville County tax map 0886.02 for a distance of approximately 1962 feet to the point of beginning, according to that certain map titled "City of Creedmoor, NC Proposed Annexation Area 1: West Lake Road Corridor", dated September 9, 2005 and the official tax maps for Granville County, North Carolina as of July 1, 2005 of record in the office of the Granville County Tax Collector, which maps are incorporated herein by reference.

Section 2. The Board of City Commissioners hereby finds and declares that the above-described territory meets the requirements of NCGS. 160A-36 in that:

2.1 The proposed annexation area must be adjacent or contiguous to the Town's boundaries at the time the annexation proceeding is begun.

The proposed annexation area has a total perimeter boundary length of **29,127.40 feet** and is contiguous to the existing corporate limits for 4,361.10 feet. Thus, the proposed area complies with the requirements of NCGS 160A-36(b)(1).

2.2 At least one-eighth of the aggregate external boundary of the proposed annexation area must coincide with the Town's corporate boundary.

One-eighth of the total boundary of the proposed annexation area is **3,640.93 feet** (**29,127.40 feet X 0.125**). The proposed annexation area's boundary coincides with the City's corporate boundary for a distance of 4,361.10 feet (or **14.97 percent**), thereby exceeding the one-eighth requirement by **720.18 feet**. Consequently, the proposed annexation area meets the contiguity requirement of NCGS 160A-36(b)(2).

2.3 No part of the proposed annexation area shall be included within the boundary of another incorporated municipality.

No part of the proposed annexation area is within the corporate limits of another municipality. No other municipalities are located on the periphery of the City of Creedmoor. Therefore, the proposed annexation area complies with the requirements of NCGS 160A-36(b)(3).

2.4 The area to be annexed must be developed for urban purposes. An area developed for urban purposes must meet one of the three tests as outlined in NCGS 160A-36(c). The proposed annexation area meets the use and subdivision test delineated in NCGS 160A-36(c)(1) as follows:

2.41 At least 60 percent of the total number of lots and tracts must be used for residential, commercial, industrial, institutional or governmental purposes.

The proposed annexation area encompasses a total of **74 lots** and tracts. Sixteen (16) lots are used for residential purposes, 8 lots for institutional purposes, and 34 lots for commercial purposes. **Consequently, 58 of the 74 lots (or 78.38 percent of the total number of lots)** are being used for urban purposes. Therefore, the proposed annexation area meets the use requirement of NCGS 160A-36(c)(1).

2.42 The area to be annexed is subdivided into lots and tracts such that at least 60 percent of the total acreage, not counting the acreage used at the time

of annexation for commercial, industrial, governmental, or institutional purposes, consists of lots and tracts three acres or less in size. For purposes of this section, 'acreage in use' for commercial, industrial, institutional, or governmental purposes includes acreage actually occupied by buildings or other man-made structures together with all areas that are reasonably necessary and appurtenant to such facilities for purposes of parking, storage, ingress and egress, utilities, buffering, and other ancillary services and facilities.

A total of 35.438 acres in the proposed annexation area is not utilized for commercial, industrial, governmental or institutional purposes. Of that total acreage, 27.25 acres or 76.89 percent are subdivided into lots and tracts three acres or less in size. Thus, the proposed annexation area complies with the subdivision requirement of NCGS 160A-36(c)(1).

Section 3. It is the purpose and intent of the City of Creedmoor to provide services to the area being annexed under this ordinance, as set forth in the report of plans for services approved by the Board of City Commissioners on the 22nd day of November 2005 and filed in the Office of the Clerk for public inspection on November 23, 2005 and as amended by the Board of City Commissioners on the 28th day of February 2006. Such services will be provided to the annexation area on substantially the same basis and in the same manner as municipal services are provided within the rest of Creedmoor prior to annexation.

Section 4. The Board of City Commissioners hereby finds and declares that, on the effective date of annexation prescribed in Section 8 hereof, the City of Creedmoor will have sufficient funds appropriated, in the amount of **\$325,750.00**, to finance the estimated cost of construction of water and sewer facilities found necessary in the report of plans for services to extend the basic water and sewer system of the City of Creedmoor into the area to be annexed under this ordinance. The Board of City Commissioners also hereby finds and declares that the City of Creedmoor has sufficient funds available, in the amount of \$25,000.00, to finance the estimated cost to extend a waterline to the Bowden mobile home park property in the event that the City is unable to secure an agreement with the Lyon Station Water and Sewer District to install fire hydrants on the existing waterlines serving the mobile home park.

Section 5. From and after the effective date of this annexation, the territory annexed and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Creedmoor, and shall be entitled to the same privileges and benefits as other parts of the City.

Section 6. The newly annexed territory described above shall be subject to City taxes according to NCGS 160A-58.10.

Section 7. The mayor of the City of Creedmoor shall cause an accurate map of the annexed territory described in Section 1 hereof, together with a duly certified copy of this ordinance, to be recorded in the Office of the Register of Deeds of Granville County, and in the Office of the Secretary of State in Raleigh. Such a map shall be delivered to the Granville County Board of Elections, as required by NCGS 163-288.1.

Section 8. This ordinance shall become effective on April 30, 2006 with respect to all property within the area described in Section 1, except agricultural land, horticultural land, and forestland that satisfies the requirements of NCGS 160A-49(f1). As to such

property, the ordinance becomes effective on the specified date only for the purpose of establishing city boundaries for additional annexations and for the exercise of the City's authority under Article 19 (Planning and Regulation of Development) of NCGS Chapter 160A. For all other purposes, the annexation of each tract of such agricultural land, horticultural land, or forestland, or part thereof, becomes effective on the last day of the month in which such tract or part thereof becomes ineligible for present-use classification under NCGS 105-227.4 or no longer meets the requirements of NCGS 160A-49(f1)(2).

Adopted this 28th day of February 2006.

The motion received a unanimous vote.

Moved by Commissioner Piper and seconded by Commissioner Karan to adopt the Ordinance for Area 2 to Extend The Corporate Limits Of The City Of Creedmoor and the effective date to be April 30, 2006 as follows:

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF
CREEDMOOR, UNDER THE AUTHORITY GRANTED BY CHAPTER 160A,
ARTICLE 4A, PART 2, OF THE GENERAL STATUTES OF NORTH CAROLINA**

WHEREAS, all of the prerequisites to adoption of this ordinance prescribed in Chapter 160A, Article 4A, Part 2, of the General Statutes of North Carolina, have been met; and

WHEREAS, the Board of City Commissioners has taken into full consideration the statements presented at the public hearing held on January 31, 2006 on the question of this annexation; and

WHEREAS, the Board of City Commissioners has concluded and hereby declares that annexation of the area described herein is necessary to the orderly growth and development of the City of Creedmoor;

NOW, THEREFORE, BE IT ORDAINED by the Board of City Commissioners of the City of Creedmoor that:

Section 1. From and after the effective date of this annexation, the following territory shall be annexed to and become a part of the City of Creedmoor and the corporate limits of the City of Creedmoor shall be extended to include said territory more particularly described by metes and bounds as follows:

Area 2, Kayser Roth Tract

Beginning at a point, said point being the intersection of the easternmost right-of-way of Bowman Road and the southernmost right-of-way of NC HWY 56; thence in a southerly direction along the easternmost right-of-way Bowman Road for a distance of approximately 394 feet to a corner of Pin Number 0896-15-73-4150 as shown on the Granville County tax map 0896.15; thence in an easterly direction for a distance of approximately 366 feet to a common corner of Pin Numbers 0896-15-73-4150 and 0896-04-72-9961 as shown on the Granville County tax map 0896.15; thence in a southerly

direction for a distance of 302 feet to the southwestern most corner of Pin Number 0896-04-72-9961 as shown on the Granville County tax map 0896.04; thence in an easterly direction for a distance of 632 feet to a common corner of Pin Number 0896-04-72-9961 and 0896-04-82-5826 as shown on the Granville County tax map 0896.04; thence in a southerly direction for a distance of approximately 154 feet to the southwestern most corner of Pin Number 0896-04-82-5826 as shown on the Granville County tax map 0896.04; thence in an easterly direction for a distance of 466 feet to the southeastern most corner of Pin Number 0896-04-82-5826 as shown on the Granville County tax map 0896.04; thence in a northerly direction for a distance of approximately 902 feet to the northeastern most corner of Pin Number 0896-04-82-5826 as shown on the Granville County tax map 0896.04 and the southern right-of-way NC HWY 56; thence in a westerly direction for a distance of approximately 1456 feet along the southern right-of-way NC HWY 56 and the northern property line of Pin Numbers 0896-04-82-5826, 0896-04-72-9961 and 0896-15-73-4150 as shown on the Granville County tax map 0896.15 to the point of beginning, according to that certain map titled "City of Creedmoor, NC Proposed Annexation Area 2: Kayser Roth Tract", dated September 9, 2005 and the official tax maps for Granville County, North Carolina as of July 1, 2005 of record in the office of the Granville County Tax Collector, which maps are incorporated herein by reference.

Section 2. The Board of City Commissioners hereby finds and declares that the above-described territory meets the requirements of NCGS. 160A-36 in that:

2.1 The proposed annexation area must be adjacent or contiguous to the Town's boundaries at the time the annexation proceeding is begun.

The proposed annexation area has a total perimeter boundary length of 4,708.19 feet and is contiguous to the existing corporate limits for 4,708.19 feet. Thus, the proposed area complies with the requirements of NCGS 160A-36(b)(1). The attached map shows the boundaries of the proposed annexation area.

2.2 At least one-eighth of the aggregate external boundary of the proposed annexation area must coincide with the Town's corporate boundary.

One-eighth of the total boundary of the proposed annexation area is 588.52 feet (4,708.19 feet X 0.125). The proposed annexation area's boundary coincides with the City's corporate boundary for a distance of 4,708.19 feet (or 100 percent), thereby exceeding the one-eighth requirement by 4,119.67 feet. Consequently, the proposed annexation area meets the contiguity requirement of NCGS 160A-36(b)(2).

2.3 No part of the proposed annexation area shall be included within the boundary of another incorporated municipality.

No part of the proposed annexation area is within the corporate limits of another municipality. No other municipalities are located on the periphery of the City of Creedmoor. Therefore, the proposed annexation area complies with the requirements of NCGS 160A-36(b)(3).

- 2.4** The area to be annexed must be developed for urban purposes. An area developed for urban purposes must meet one of the three tests as outlined in NCGS 160A-36(c). The proposed annexation area meets the statutory test delineated in NCGS 160A-36(c)(2) in that it is so developed that, at the time of the approval of the annexation report, all tracts in the area to be annexed are used for commercial, industrial, governmental, or institutional purposes. The proposed annexation area complies with the requirements of NCGS 160A-36(c)(2) as follows:

The proposed annexation area encompasses a total of 3 lots and tracts. All three of the parcels are used for industrial purposes. Therefore, the proposed annexation area meets the use requirement of NCGS 160A-36(c)(2).

Section 3. It is the purpose and intent of the City of Creedmoor to provide services to the area being annexed under this ordinance, as set forth in the report of plans for services approved by the Board of City Commissioners on the 22nd day of November 2005 and filed in the Office of the Clerk for public inspection on November 23, 2005 and as amended by the Board of City Commissioners on the 28th day of February 2006. Such services will be provided to the annexation area on substantially the same basis and in the same manner as municipal services are provided within the rest of Creedmoor prior to annexation.

Section 4. The Board of City Commissioners hereby finds and declares that, on the effective date of annexation prescribed in Section 8 hereof, the City of Creedmoor will have sufficient funds appropriated, in the amount of \$139,000.00, to finance the estimated cost of construction of water and sewer facilities found necessary in the report of plans for services to extend the basic water and sewer system of the City of Creedmoor into the area to be annexed under this ordinance.

Section 5. From and after the effective date of this annexation, the territory annexed and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Creedmoor, and shall be entitled to the same privileges and benefits as other parts of the City.

Section 6. The newly annexed territory described above shall be subject to City taxes according to NCGS 160A-58.10.

Section 7. The mayor of the City of Creedmoor shall cause an accurate map of the annexed territory described in Section 1 hereof, together with a duly certified copy of this ordinance, to be recorded in the Office of the Register of Deeds of Granville County, and in the Office of the Secretary of State in Raleigh. Such a map shall be delivered to the Granville County Board of Elections, as required by NCGS 163-288.1.

Section 8. This ordinance shall become effective on April 30, 2006 with respect to all property within the area described in Section 1, except agricultural land, horticultural land, and forestland that satisfies the requirements of NCGS 160A-49(f1). As to such property, the ordinance becomes effective on the specified date only for the purpose of

establishing city boundaries for additional annexations and for the exercise of the City's authority under Article 19 (Planning and Regulation of Development) of NCGS Chapter 160A. For all other purposes, the annexation of each tract of such agricultural land, horticultural land, or forestland, or part thereof, becomes effective on the last day of the month in which such tract or part thereof becomes ineligible for present-use classification under NCGS 105-227.4 or no longer meets the requirements of NCGS 160A-49(f1)(2).

Adopted this 28th day of February 2006.

The motion received a unanimous vote.

Mayor Moss recognized former Commissioner Joel Cross, former Commissioner Linwood Kornegay and former Commissioner Herman Wilkerson that were present for the meeting. He said that they fought this fight for a number of years and noted that it was very good to see them and thanked them for attending.

Attorney Currin said that he would like to make a part of the record the List of Proposed Amendments Creedmoor Annexation Report and Plan of Services that the Board had before them.

Mayor Moss thanked Mr. Dan Boone and Mr. Steve Player for coming tonight and giving a presentation.

Adoption of Code of Ordinances – Chapters 153 & 154:

Planning staff advised that Chapters 153 and 154 for Subdivisions and Zoning under Title XV of the Land Usage section has been updated in the City's Code of Ordinances. The Code is a consolidation of the City's ordinances and regulations related to the development and use of property into one single document rather than having separate ordinances effecting such things as land use, subdivision regulations, watershed, zoning, preservation of the traditional character of the City and requirements for protection of the natural environment. All of these concerns will be consolidated into one document. The Code addresses requirements relative to site development and use of real property; it does not include State Building Codes, which are issued by the State.

The City of Creedmoor Planning Board and Board of Commissioners in the past has previously approved the enclosed ordinance amendments and adoptions. This effort has been coordinated with American Legal Publishing Corporation to ensure accuracy and consistency for the mentioned documents.

Moved by Commissioner Karan and seconded by Commissioner Robinson approval to adopt the Resolution for the Adoption of Code of Ordinances Chapters 153 and 154. The motion received a unanimous vote.

Declaring Public Property Surplus:

Moved by Commissioner Karan and seconded by Commissioner Ray to declare the Pine Valley lift station and Whitehall lift station surplus property. The motion received a unanimous vote.

Board of Adjustment and Planning Board Applicants:

Mayor Moss said that it was suggested that the Board vote on the Board of Adjustment applicants first. Mayor Moss advised that the reappointments were as follows:

Board of Adjustment:

- City: 1. Bobby Wheeler
2. Vacant – Unexpired term of Harold Jenkins to expire 2008

- ETJ: 1. Dennis Lester

Mayor Moss said that Mr. Tony Santangelo is the current City alternate member and he has been attending the monthly meetings.

Moved by Commissioner Piper and seconded by Commissioner Robinson to reappoint Mr. Bobby Wheeler as City BOA member and appoint Mr. Tony Santangelo as a City BOA member to fill the unexpired term of Mr. Harold Jenkins and reappoint Mr. Dennis Lester as an ETJ member. The motion received a unanimous vote.

Planning Board:

- City: 1. Wayne Cross
2. Mildred Goss
3. Tara Lightner

- ETJ: 1. Nellie Daniel
2. Suzanne Smith

Commissioner Ray asked to abstain from voting because of a conflict of interest.

Moved by Commissioner Piper and seconded by Commissioner Robinson approval for Commissioner Ray to abstain from voting due to a conflict of interest. The motion received a unanimous vote.

Moved by Commissioner Karan and seconded by Commissioner Mangum to reappoint Mr. Wayne Cross, Ms. Mildred Goss and Ms. Tara Lightner as City Planning Board members and reappoint Ms. Nellie Daniel and Ms. Suzanne Smith as ETJ Planning Board members and to appoint Ms. Faye Ray as Board of Adjustment City Alternate.

Ms. Faye Ray declined to serve as BOA alternate City member. She noted that she wanted to serve on the Planning Board.

Commissioner Robinson asked how Ms. Mildred Goss, Chairman of the Planning Board felt about the reappointments.

Commissioner Mangum said that Ms. Goss mentioned at a previous meeting that they were having ongoing projects and she was trying to keep unity.

Commissioner Karan said that was the original intent because Ms. Goss said that they were working on a City UDO.

Commissioner Ray said that he was not going to vote but he also had a conversation with the Chairman and one of her concerns was that there was one member that was active but offered little participation and this should be considered by the Board.

Mayor Moss said that Mr. Cross was a long time member of the Planning Board and has only missed one meeting, Ms. Lightner is very technical and taking a lead on our Planning Board and Ms. Daniel and Ms. Smith are two key members. He said that was the rationale for the reappointments.

Commissioner Karan amended his motion and seconded by Commissioner Mangum to reappoint Mr. Wayne Cross, Ms. Mildred Goss and Ms. Tara Lightner as City Planning Board members and reappoint Ms. Nellie Daniel and Ms. Suzanne Smith as ETJ Planning Board members. The motion failed by a 3-1 vote.

Yes Votes: Commissioner Mangum

No Votes: Commissioner Karan, Commissioner Piper and Commissioner Robinson

Abstain: Commissioner Ray

By consensus of the Board the appointments to the Planning Board was tabled until the March 28, 2005 meeting.

Maurice T. Whitfield – Petition for Voluntary Annexation:

Moved by Commissioner Ray and seconded by Commissioner Piper to adopt the Ordinance for the Voluntary Annexation of the Maurice T. Whitfield property. The motion received a unanimous vote.

MAYOR’S REPORT:

Mayor Moss said that at a previous meeting the Board approved a generator for the City gym. He said that he spoke with Commissioner Robinson, Public Safety Chairperson and asked for deferred action on this item. Mayor Moss said that there was an inspection made on the gym and there was exposure. He said that all Board members should have a

copy of the inspection report. He said that he would like the opportunity to work with the Public Safety Committee and City Manager before the City spends a significant amount of money on this project.

Mayor Moss said that there was a Williamsburg Park Home Owner's Association meeting scheduled for March 7, 2006 at 7:00 p.m. here at City Hall and everyone was invited to attend. He noted that if more than two Commissioners attend that the Board would need to continue this meeting.

Mayor Moss said that the Board should have received an e-mail from him with the results of the Town Hall meeting.

Mayor Moss announced that he and Commissioner Karan would be attending the annual Congressional Conference of Cities in Washington, D.C.

Commissioner Robinson said that the subject of an evacuation plan for Creedmoor was mentioned at the Town Hall meeting. He said that he met with Commissioner Piper and Chief Pollard in reference to this issue and Chief Pollard and Captain Eudy are members of the Granville County Transportation Incident Management Team. He said this committee started back in November putting together an evacuation plan for the entire Granville County area. He said that Chief Pollard and Captain Eudy are representing this area in planning for what we need to do for evacuation here in Creedmoor.

Commissioner Robinson recognized that the Mayor had been taking all the heat for the Board not wanting to make comments on the annexation and thanked him. He said that he likes the way things are done by the Board because whether we agree or disagree we continue to move forward.

Commissioner Karan said that with the recent deletion of office staff he appreciated everyone working together to get the job done. He also recognized Bob Jones, Public Service Director for doing a great job.

Commissioner Ray said that he previously addressed the issue of the Upper Neuse River Basin Association's proposed increase of fees. He said that currently for 2005 the fees were \$894.00. He said that they are looking to increase this amount by 20%, which would be \$1,072.00 or to cover all costs to maintain the \$52,000 in contingency funds to increase to 40% increase, which would be \$1,274.00. Commissioner Ray said that it was his recommendation to pay the \$1,274.00. He said that the County indicated they would support the 20% increase. Commissioner Ray said that he mentioned to a County representative that he felt water was one of the most important resources and even though the City would never be able to draw water from Falls Lake much of the land falls within our area. He acknowledged that the City needs to maintain good relations with our neighboring counties and need to do all we can to protect this water. He emphasized that we as a City could not receive all the services currently received from this organization anywhere else for \$1,274.00 per year.

Commissioner Ray said that he attended the County meeting this month and Jonesland Park was discussed. He noted that there was also discussion of the new 300 acre Business Park. He said that the Business Park contract was awarded to a company out of Wake Forest. This is to be a complex that will bring more jobs into Granville County.

Commissioner Piper said that he felt that the Upper Neuse River Basin Association was a very important group and he was in support of the \$1,274.00 per year.

Moved by Commissioner Piper and seconded by Commissioner Karan to approve the 40% increase in the amount of \$1,274.00 per year membership fee to the Upper Neuse River Basin Association. The motion received a unanimous vote.

Moved by Commissioner Ray and seconded by Commissioner Robinson to go into Closed Session on the Matter of Personnel in accordance with GS 143-318.11(a)(6) and to establish or instruct the City Attorney concerning the negotiations of the price and terms of a contract concerning the Acquisition of Real Property in accordance with GS 143-318.11(a)(5). The motion received a unanimous vote.

Upon return from Closed Session, moved by Commissioner Piper and seconded by Commissioner Mangum to adjourn. The motion received a unanimous vote.

Mayor

City Clerk

