

MINUTES OF  
CITY OF CREEDMOOR – BOARD OF COMMISSIONERS  
REGULAR MEETING  
MAY 23, 2006  
7:30 P.M.

**PRESENT:**

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

**QUORUM:**

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

Mayor Moss announced that Commissioner Ray was not feeling well this evening and was unable to attend.

**INVOCATION:**

Mayor Moss

**PLEDGE OF ALLEGIANCE:**

Commissioner Mangum

**PUBLIC HEARINGS:**

**Sexually Oriented Businesses Ordinance:**

Mayor Moss opened the Public Hearing.

Mr. Dave Roesler, Planning Director addressed the Board and said that the City of Creedmoor is committed to protecting the general welfare of the City through enforcement of laws prohibiting obscenity, indecency and sexual offenses. To further this commitment, the City desires to provide a constitutional basis for reasonable regulation of the time, place, and manner under which sexually orientated businesses operate. The Board of Commissioners instructed the City Attorney and the Planning Board to develop an ordinance for persons seeking to operate sexually oriented businesses that would define standards of operation and set specific location requirements.

The Planning Board met on April 13, 2006 and voted 7-0 to recommend to the Board of Commissioners approval of the proposed Sexually Orientated Businesses Ordinance.

Mr. Dave Roesler, Planning Director said that as a related item, the Planning Board discussed and recommended placing Sexually Orientated Businesses within a Special Use Zoning District using the underlying zoning standards of the Heavy Industrial-2 (HI-2) District.

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

**Zoning Ordinance Text Change - Special Use District Zoning:**

Mr. Dave Roesler, Planning Director addressed the Board and advised that recent changes to the North Carolina General Statutes allows cities to develop a Special Use Zoning District. Mr. Roesler said that such a district would recognize and permit certain uses and developments that require special review. Once a Special Use District is approved, no use within the district can be established until a Special Use Permit is approved and issued. He noted that this zoning process provides the means to review and evaluate Special Uses that, because of their inherent nature, extent, and external effects require special care in the control of their location, design, and methods of operation in order to ensure consistency with City development policies and protection of the public welfare. Therefore, it is proposed that a Special Use District be added to Section 154.027 – Districts and Designations. Mr. Roesler gave an overview of the following:

*Special Use Districts (SUD- ).* For the zoning districts herein described, there are hereby established parallel Special Use Districts, pursuant to G.S. Section 160A-382. Under each Special Use District, all uses allowed as a permitted use, or Special Use by this chapter, for the parallel general use district permitted only after issuance of a Special Use Permit to Section 154.208 of this chapter.

The Planning Board met on April 13, 2006 and voted 7-0 to recommend to the Board of Commissioners approval of the Text Change of Special Use District Zoning.

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

**Zoning Ordinance Text Change – Residential Dwelling Permitted Use from H-2 and H-3 Districts:**

Mr. Dave Roesler, Planning Director addressed the Board and advised that at the last Planning Board meeting there was a discussion of the appropriateness of allowing residential units with the heavy industrial zoning districts. Currently, the City of Creedmoor Zoning Ordinance allows single family dwellings within the Heavy Industrial -2 and 3 districts. Mr. Roesler also advised that the Planning Board’s discussion focused on several negative factors of allowing residential in heavy industrial zones as follows:

- Heavy industrial uses are not compatible to adjacent residential use;

- Industrial uses may not provide a safe and healthy environment for residents;
- Truck traffic related to heavy industrial uses is not desirable for residential streets; and
- Industrial uses adjacent to residential may adversely affect residential property values;

Therefore, the Planning Board wishes to recommend that single family residential uses now allowed in the Heavy Industrial 2 and 3 zoning districts be removed as a permitted use. He noted that existing residential dwellings now located in the HI-2 and HI-3 districts would be able to continue under the provisions of the non conforming structures and repairs and maintenance section of the zoning ordinance (SEC. 154.055 (E) & (F)).

The Planning Board met on April 13, 2006 and voted 7-0 to recommend to the Board of Commissioners to approve a text change to the Zoning Ordinance, Section 154.040 HI-2 (B)(7) and Section 154.041 HI-3 (B)(7) delete dwelling, single family from the permitted uses.

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

**REQUESTS TO ADDRESS THE BOARD:**

No one was scheduled to speak.

**MINUTES:**

Moved by Commissioner Karan and seconded by Commissioner Piper approval of the minutes for the Special Meeting of April 18, 2006, Special Meeting of April 24, 2006 and the April 25, 2006 Regular Board meeting. The motion received a unanimous vote.

**APPROVAL/ADDITIONS TO AGENDA:**

Moved by Commissioner Karan and seconded by Commissioner Robinson the addition of 11-f Sexually Oriented Businesses Ordinance, 11-g Zoning Ordinance Text Change – Special Use District Zoning, 11-h Zoning Ordinance Text Change – Residential Dwelling Permitted Use from H-2 and H-3 districts. The motion received a unanimous vote.

Moved by Commissioner Mangum and seconded by Commissioner Piper approval of the Agenda. The motion received a unanimous vote.

**PUBLIC COMMENTS:**

Mr. John Wilkerson, 308 S. Main Street addressed the Board and inquired about the recent newspaper article for the merging of the City of Creedmoor and Butner.

Mayor Moss advised that there had been no formal discussions about the merging of the two cities.

Mr. John Wilkerson asked for an update of the proposed sidewalks that are to go down to Whitehall.

Mr. Robert A. Schaumleffel, Jr., City Manager advised that the City is working with a surveyor to lay out the best location for the sidewalks. He also noted that the general location of the sidewalks for that area will be shifted to the other side because of the topography and the cost to the City.

Mr. Michael Calus, 2016 Harrison Court addressed the Board to make a request from the Golden Pond Home Owner's Association. He said that the recreational area has a rise in the road and a curve in the road and it makes crossing for children a safety hazard. He presented the following recommendations:

- 3-way stop
- Crossing lanes and signs
- No Parking Zone within 30 feet of the intersection

Mayor Moss said that this should be referred to the Street Committee.

Commissioner Karan said that the Street Committee had an opportunity to look at the traffic situation. He said that he agreed with the suggestion to place a 3-way stop in that area and added that this should also eliminate the parking situation. Commissioner Karan said that if the 3-way stop is placed the crossing would be moot.

Commissioner Mangum inquired about the placement of a Children at Play sign.

Commissioner Karan said that it was the residents that are speeding through this area.

Commissioner Robinson said that he looked at the situation and although there was no ballgame at the time, there was a problem getting off the cul-de-sac.

Moved by Commissioner Karan and seconded by Commissioner Piper to authorize the placement of a 3-way stop at the intersection of the recreation area of Golden Pond Subdivision. The motion received a unanimous vote.

#### **MANAGER'S REPORT:**

Mr. Robert A. Schaumleffel, Jr. addressed the Board and gave a handout of a proposed Design Manual and Standard Engineering Details for the City of Creedmoor. The City of Creedmoor's Design Manual was prepared to help people involved with land development in Creedmoor and its planning jurisdiction to understand, before they begin, what will most likely be acceptable in this jurisdiction. These standards are intended to complement and supplement the general Design Guidelines included in the Comprehensive Plan. Specific design criteria provide a ready reference of those design and engineering practices and techniques acceptable to the City.

The standards included the following:

- Introduction
- Access and Circulation
- Parking and Off-Street Loading
- Utilities and Easements

Attorney Currin suggested that the Board adopt the standards and allow for exceptions to be made by the Public Service Director.

Moved by Commissioner Piper and seconded by Commissioner Karan to adopt the Standard Details and the Design Manual as presented by the City Manager. The motion received a unanimous vote.

Mr. Schaumleffel also gave a handout of a Stormwater Ordinance. He advised that the City Attorney had not received a copy until this evening and noted that this handout was for the Board to review for next month's meeting.

#### **OLD BUSINESS:**

Provided in the Board packets were monthly reports from the Water Plant, Public Service Director and Police Department.

#### **NEW BUSINESS:**

##### **Proposed Municipal Code Text Change – Enforcement:**

Mr. Dave Roesler, Planning Director addressed the Board and advised that during his review of the City of Creedmoor's Code of Ordinances, he discovered that the section on code enforcement does not contain language to adequately enforce the provisions of the zoning code. Several years ago, the North Carolina General Assembly revised the municipal enabling legislation to allow municipalities to levy a civil penalty up to \$500.00 per day per violation. The proposed text change would provide the City with the means to better address violations of the zoning ordinance.

##### **Proposed Municipal Code Text Change – Planning Board Established:**

Mr. Dave Roesler, Planning Director addressed the Board and advised that it was an apparent oversight that the current Municipal Code of Ordinances does not contain wording that establishes the Creedmoor Planning Board. The Planning Board recommends that the proposed text be added to the Code of Ordinances, Section 154-189 Zoning.

##### **Proposed Municipal Code Text Change – Abandoned or Junked Vehicles:**

Mr. Dave Roesler, Planning Director addressed the Board and advised that during his review of the City of Creedmoor's Code of Ordinances, he discovered that the section on junked vehicles does not contain language to adequately address the problem of junked vehicles located on private property. Currently the ordinance addresses abandoned junked motor vehicle in Sections 90.01 through Sections 90.10. This section primarily deals with abandoned vehicles on public lands and/or right-of-ways. The only reference to junked vehicles on private property is in Section 90.01(4), which states that a junked vehicle can be left on private property with the consent of the owner, occupant or lessee. In practice, this provision does not allow the City to require removal of junked vehicles from private property,

Mr. Roesler explained that during the short time that he has been employed by the City he has received numerous complaints from residents regarding junked cars on neighboring properties or within the community. The proposed text change would provide the City with the means to better address violations related to junked vehicles. He also noted that in past enforcement experiences he had found several organizations that will remove junked vehicles at the owner's request. Usually, these organizations provide this service at no cost to the owner. Mr. Roesler noted that two such agencies he has worked with previously are the North Carolina Kidney Foundation, the Songs of love and Junk My Car. He advised that with charitable organizations such as these, the owner can take a tax deduction.

Moved by Commissioner Karan and seconded by Commissioner Piper to schedule the Public Hearings for June 27, 2006 at 7:30 p.m. for the three proposed Municipal Code Text Changes; Enforcement, Planning Board Established and Abandoned or Junked Vehicles. The motion received a unanimous vote.

Mayor Moss said that it was pointed out to him this evening that the current Planning Board has eight members and this is going to change to a nine member Board.

Mr. Dave Roesler, Planning Director said that this issue was addressed at the last Planning Board meeting and by consensus of the Board, the decision was made to leave it as an eight member board.

**Petition for Voluntary Annexation – 29.38 acres located on West Highway 56:**

Attorney Currin advised that his office had searched the title for each of the various properties contained within the parcel of land that is described in the legal description attached to the Petition and have informed the Clerk that the title is clear and that Rockland Parkway Partners, LLC, Timothy Kelly, John Patrick Williams, William Preston Green, William A. Rogers and Katherine Rogers between them are the sole owners of the property. Attorney Currin said that it would be appropriate at this time for the Board to adopt a Resolution Directing The Clerk To Investigate A Petition Received Under GS 160-A-58.A and Certify the Certificate of Sufficiency.

Moved by Commissioner Karan to adopt the Resolution Directing the Clerk To Investigate the Petition and Certify the Certificate of Sufficiency. The motion died for the lack of a second.

Attorney Currin said that if the Board would like to see the application for Special Use Permit pursuant to the recently enacted Special Use Permit District it would be appropriate to have the Clerk certify the Certificate of Sufficiency of the Petition and schedule a Public Hearing. He said that at this point the developer would come before the Board with an application for a Special Use Permit and the Board could require that they produce the portion that is within the proposed City limits and also within the entire plan.

Mr. Dave Roesler, Planning Director added that the 29 acres was within the City's ETJ.

Moved by Commissioner Robinson and seconded by Commissioner Karan directing the Clerk to investigate the Petition. The motion received a tie vote.

Aye Votes: Commissioner Robinson and Commissioner Karan

No Votes: Commissioner Mangum and Commissioner Piper

Mayor Moss voted to break the tie and he voted aye. The motion passed by a 3-2 vote.

The City Clerk certified the Certificate of Sufficiency.

Moved by Commissioner Karan and seconded by Commissioner Robinson to schedule the Public Hearing for June 27, 2006 at 7:30 p.m. for the Voluntary Annexation of the 29.38 acres located on Hwy. 56. The motion received a unanimous vote.

**Utility Ordinance and Handbook:**

Mr. Robert A. Schaumleffel, Jr., City Manager presented this item under his report.

**Sexually Oriented Businesses Ordinance:**

Moved by Commissioner Karan and seconded by Commissioner Robinson to adopt the Sexually Oriented Businesses Ordinance. The motion received a unanimous vote.

**Zoning Ordinance Text Change - Special Use District Zoning:**

Moved by Commissioner Piper and seconded by Commissioner Mangum to adopt the Text Change for Special Use District Zoning. The motion received a unanimous vote.

**Zoning Ordinance Text Change – Residential Dwelling Permitted Use from H-2 and H-3 Districts:**

Moved by Commissioner Karan and seconded by Commissioner Mangum to adopt the Text Change for Residential Dwelling Permitted Use from H-2 and H-3 Districts. The motion received a unanimous vote.

**MAYOR'S REPORT:**

Mayor Moss announced that the Board received an invitation to the dedication of the Cash Memorial Cemetery on Hwy. 56 to be held Saturday morning at 9:30 a.m.

Mayor Moss announced that staff received a thank you note from the Williamsburg Park Home Owner's Association.

Mayor Moss announced that the next budget meeting was scheduled for Tuesday, May 30, 2006 at 6:30 p.m. Mayor Moss asked Mr. Schaumleffel, City Manager to have the language change to the fee schedule available to the Board for that meeting.

Mayor Moss announced that Town Hall Day was scheduled for June 7, 2006.

Mayor Moss announced that the Baccalaureate Ceremony for South Granville High School was scheduled for tomorrow night at 7:00 p.m. and graduation was scheduled for Thursday, June 1, 2006.

Mayor Moss said that he wished everyone a happy and safe Memorial Day.

**COMMISSIONER REPORTS:**

Commissioner Piper said that he appreciated the time and hard work of staff to prepare the budget.

Commissioner Robinson said that he would also like to thank staff for their time and hard work on the budget.

Commissioner Karan asked Dave Roesler, Planning Director about the PUD Ordinance and if the Planning Board would be sending it back to the BOC.

Mr. Dave Roesler, Planning Director said that there was a discussion at the last Planning Board meeting but there were no changes made so therefore, there was no further action needed.

Commissioner Karan inquired about the 18 wheeler issue on local non delivery streets. He noted that there were previous discussions before Mr. Roesler came to the City and it was not pursued. He asked Mr. Roesler to research this issue.

Attorney Currin asked if there was a consensus by the Board as to what usage they are looking for.



Commissioner Mangum advised that there was damage on Fleming Street in front of the Verizon Building that is being caused by a big truck that is being parked on private property. She said that she believes that if people have a large piece of property they should be able to park the truck on that property but she also had concerns of damage to the roads.

Mr. Robert A. Schaumleffel, Jr., City Manager said that the restricted parking signs for large trucks are being ignored and the roads are being damaged.

Commissioner Robinson said that this started by complaints at Whitehall Subdivision that there was a tractor trailer parked on the road and because the road is so narrow it was causing poor visibility trying to get past the truck. He said that he felt there should not be a tractor trailer at White Hall Subdivision unless it is for a delivery. He also said that there are a lot of other City streets that are not designed for a heavy load truck and are not designed for truck parking. Commissioner Robinson said that there should be an ordinance that has language stating that 18 wheelers should not be in the City unless they are making deliveries or passing through on the appropriate roads.

Commissioner Mangum said that there are a lot of people that drive trucks, which is their livelihood. She inquired about a permit process for big truck parking that would cover damage to the roads.

Mr. Robert Schaumleffel said that most communities do not allow 18 wheelers inside of a subdivision.

Commissioner Piper said that if there is an emergency in a cul-de-sac the Emergency vehicles need to have enough room to get through the subdivision. He noted that several citizens in Whitehall had spoken to him about trucks going through the subdivision that are not making deliveries.

Commissioner Robinson said that it is not just a parking issue because the trucks are tearing up the roads and it is costing the City money. He said that there is a sign on his street that says no  $\frac{3}{4}$  ton trucks allowed. Commissioner Robinson felt that he should not be able to have an 18 wheeler and park it in his yard. Commissioner Robinson said that the City should specify streets for the trucks.

Mr. Robert Schaumleffel said that most of the non residential roads are State roads and the trucks have a right to those roads.

Mayor Moss referred this issue to the Street Committee for clarification of language.

Commissioner Karan said that his understanding was that there are to be no CO's issued for Pine Valley until the lights are installed and inquired about the showing of open houses.

Mr. Robert Schaumleffel advised that the builders can open their model homes but no private ownership can take place until the physical improvements have taken place.

Commissioner Karan asked if Mr. Dave Roesler, Planning Director had any communication with Ed Johnson of the MPO or anyone from DOT in reference to long range planning for Main Street.

Mr. Dave Roesler said that he had not talked with Mr. Ed Johnson but he and the City Manager would be meeting with the NCDOT District Office in Durham on Wednesday to establish a working relationship.

Commissioner Karan asked the City Manager if the City was going to adopt the Code of Ordinances.

Attorney Currin said that the City adopted the Code of Ordinances in two steps. He said that everything had been adopted except for the planning as a re-codification and several months later the City adopted the last two chapters that are related to subdivision planning, Chapter 153 and 154.

Commissioner Karan said that he had e-mailed the City Manager and asked that he have information available for this meeting in reference to irrigation meetings. He said that when the City went to a Mandatory Water Conservation the City turned off people's irrigation meters. He noted that some of those people are still receiving a bill in the amount of \$8.00 for maintenance of their irrigation meters and some people are not. Commissioner Karan also commented that there are other people that are receiving bills that have not received bills in the past. Commissioner Karan said that he fully understood the ordinance for payment of an irrigation meter but when the City turns off a meter he emphasized that he felt that it was inappropriate to charge for something they are not allowed to use.

Mr. Schaumleffel said that he had employees that did some things that they were not given the authority to do. He said that it was not the first time and he preferred not to give any names but he assured the Board that problem had been corrected.

Commissioner Karan read Section 52.60 Lifting of Imposed Restrictions and expressed his concerns. Commissioner Karan requested a text change to the ordinance.

Attorney Currin said that it would be appropriate to add language to the fee schedule specifying that there would be no meter charge when meters are turned off for mandatory conservation measures.

Commissioner Karan said that according to the City's website and City staff there is still a Voluntary Water Conservation. He said that he had been trying to resolve this issue since April and felt that the people that had been charged for an irrigation meter after the meter was cut-off should be reimbursed.

Ms. Eleanor Fowler, Finance Director said that once someone is cut-off in the system and they are still active in the computer a bill is still generated for \$8.00. She said that if they are cutoff in the computer we have no way of telling our meter readers to go out to read those meters. There are also instances where people go out and turn those meters back on and are using the water. We have to figure out a process to make sure that the people that are not using the water do not get billed.

Mayor Moss said that with only approximately 25 irrigation meters the City should be able take each of these customers on a case-by-case basis.

Commissioner Robinson said that if a customer is using the water they should be billed but if the meters were turned off and they are not using the water they should not be billed.

Mayor Moss said that he would like to see these customer accounts cleared out and taken care of.

Upon discussion, Mr. Robert A. Schaumleffel, Jr., City Manager assured the Board that this issue would be taken care of.

Commissioner Mangum said that she attended the Granville County Board meeting this month and the Parkway Project was one of the agenda items, which has an impact on the City of Creedmoor. She said that it was brought to her attention that there are issues that relate to the City of Creedmoor Planning Board. Commissioner Mangum asked Mr. Dave Roesler, Planning Director for feedback.

Mr. Robert Schaumleffel, City Manager said that staff met with the developer and they discussed items that need to be revised to make this an acceptable development for the City of Creedmoor. Mr. Schaumleffel advised that he and the Planning Director reviewed the developer's proposal today and there are other issues to address. He noted that staff prefers that a development plan and the proposed annexation go before the Board at the same time.

Commissioner Mangum said that she was referring to the traffic flow to Hwy. 56 and inquired about the developer wanting to use the proposed annexation as a secondary access to Hwy. 56.

Mr. Schaumleffel, City Manager said that was correct and that is why he and the Planning Director continue to meet with the developer to clear up any confusion in this matter. He said that staff had expressed concerns to the developers about the acreage in the County but the City will only have control over the proposed Voluntary Annexation area for standards.

Mr. Dave Roesler, Planning Director explained that the Planning Board met to discuss the rezoning application. He said that the developer also submitted the road plan for

making the road. He said the road that they are proposing will be a public street and will have to come before this Board for acceptance.

Commissioner Mangum said that the City had numerous open meetings with DOT relating to the Creedmoor bypass and invited all of the community to attend to address the traffic problems of Main Street and Hwy. 56. She said that from these meeting evolved a wonderful plan that will help the traffic flow. Commissioner Mangum said that looking at the proposed plan for this project the road will be gone and the desirable pathway for the big trucks to travel will not exist. She said in addition to having improved traffic we will lose the loop and add a community that is not within the City. Commissioner Mangum inquired if the fire protection would be Lyon Station or the City of Creedmoor Volunteer Fire Department.

Mr. Schaumleffel, City Manager said that the City would only be responsible for the 29 acres. He said that he had been very vocal from the beginning about his feelings that the whole project should be within the City. Mr. Schaumleffel also said that he did not understand why the County would not support the City on the bypass.

Commissioner Mangum said that there is a community to be built as part of our community because they need us for a walkway. She noted that once they use our walkway to arrive home they will no longer be part of our community. She stressed that they will be going to school in our community and they will also need our Police Officers but will not be paying City taxes. She said that this makes zero sense to her because once again the citizens of Creedmoor will have to use their tax money to pay for a development that is sitting in our backyard.

Commissioner Piper said that that the representatives from DOT came to the City to give several presentations and we came up with a good traffic flow plan. He said that this Board needs to look at the situation and work together to make sure that we protect the future of this City.

Mayor Moss suggested that the City's Planning Department communicate with the County Planning Department because they may be unaware of our Thoroughfare Plan and how it relates to this project.

Moved by Commissioner Mangum and seconded by Commissioner Piper to adjourn. The motion received a unanimous vote.

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Mayor

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City Clerk

