

MINUTES OF
CITY OF CREEDMOOR
BOARD OF COMMISSIONERS MEETING
CLOSED SESSION
JANUARY 7, 2020
6 P.M.

Present

Mayor Bobby Wheeler, Mayor Pro Tem Del Mims, Commissioner Kechia Brustmeyer-Brown, Commissioner Georgana Kicinski, Commissioner Ed Mims, and Commissioner Neena Nowell. Also present were City Manager Korena Weichel, City Clerk Terry Hobgood, and City Attorney T.C. Morphis, Jr.

Absent

None

Closed Session // NC GS 143-318.11 (a) (1) (3) & (5) Prevent Disclosure of Non-Public Documents, Attorney-Client Privilege & Property Acquisition

Commissioner Ed Mims moved to enter closed session at 8:19 p.m. pursuant to NC GS 143-318.11 (a) (1) (3) & (5); seconded by Commissioner Nowell. Motion approved 5-0.

City Manager Weichel and City Attorney Morphis discussed land that the city owns at Lake Rogers. This property was originally purchased so that the city could dump dredged material from the lake instead of paying to truck it out. The city acquired the land in question from the Tar River Land Conservancy (TRLC), and included a conservation easement governing future land use. This means the land can only be used for passive recreation, but due to its lack of convenient access, it is not useful to the city as a recreation site. However, the city must maintain and secure the property as required by the conservation easement. City Manager Weichel approached TRLC about the possibility of reacquiring the land. TRLC staff has reported that the board is only interested in this if the land is gifted back to TRLC at no cost. They would also need to finish negotiation on acquiring adjacent lots. The Board discussed the cost and responsibility of maintaining this land if it stays under the city's control, and any legal issues that could result with not adhering to the requirements of the conservation easement. There was further discussion on how much the city paid for this land for the lake dredging versus the cost of trucking the sediment away. After being told that the city would not have, retained documents related to quotes for trucking away sediment from more than ten years ago, several board members suggested that City Manager Weichel contact former Mayor Darryl Moss to see if he had any information about the projected costs. The Board gave consensus for City Manager Weichel to report to TRLC that the city may be willing to donate the property to TRLC depending on the circumstances of the arrangement.

City Manager Weichel then gave an update on the proposed acquisition of 120 Sanderford Street. City Attorney Morphis has drafted an offer to purchase (with terms agreed to by the property owner), and the city has received the disclosures indicating the property owner has no knowledge of lead paint being present. Weichel stated that this item would be placed on the January 15 or February 4 agenda for approval by the board.

City Attorney Morphis discussed the previous actions by the Board to keep minutes closed for a set amount of time. Most recently, the Board voted in March 2019 to keep two sets of minutes sealed for another twelve months. The Board expressed interest in seeing the original minutes and comparing to the redacted minutes based on Morphis' recommendations. City Clerk Hobgood has prepared these documents, and they are available for the board to view at City Hall.

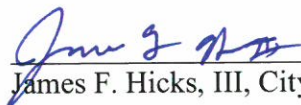
City Attorney Morphis then moved to discussion of the inter-local agreement with Granville County for property on Cannady Mill Road. Morphis discussed the potential legal repercussions of the Board voting to rescind the action of

approving this agreement. Mayor Wheeler recommended that the city approach Granville County informally to see if they would be amenable to dissolving the contract. Commissioner Nowell offered to speak with County Commissioner Tim Karan, since he was the one that originally proposed the concept to the board. The board gave consensus for Commissioner Nowell to approach Tim Karan for his thoughts on the matter. There was further discussion of the terms of the contract drafted by the county, and what liability the city would retain even though the property would be under the county's control for at least twenty years. City Attorney Morphis gave additional background information on the agreement, which he and the County Attorney had reviewed before approval by either governing board. Morphis agreed that this could be an open session topic if no further legal advice was needed, but recommended the discussion occur in closed session if it appeared that the county would resist the agreement being rescinded.

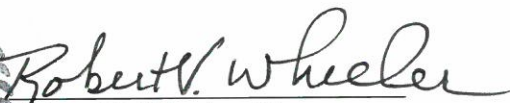
City Attorney Morphis then moved to discussion of the Johnny Peace Property, the history of the court case, and what authorizations the Board had given to the attorney so far. Morphis also showed the site plans that Peace has proposed to build a future home on this lot. Morphis reminded the Board that the case was scheduled to go to mediation, but was cancelled at the request of the majority of the Board. The court has granted an extension for the mediation, which Morphis will reschedule at the board's direction. Morphis then outlined the potential options that the Board could pursue: sign the easement proposed by Peace, purchase a portion of the property or the entire property outright, continue litigation, or remove all city facilities from Peace's property. The Board then discussed what zoning rules govern a home being built on this lot. City Manager Weichel reported that Peace's property is considered lawfully non-conforming, since he owned the property before the zoning rules were changed. The Board discussed how owning only a portion of the property could affect future plans for Lake Rogers Park included in the Lake Rogers Master Plan. The Board gave consensus for Morphis to negotiate the purchase of the portion of property that the city is encroaching on at an amount not to exceed \$50,000. The Board also gave consensus to negotiate the purchase of the entire property at a cost not to exceed \$64,000. If Peace and his legal counsel do not agree to either option, the case will be required to go to mediation. The Board will choose who attends mediation at the January 15, 2020 meeting if necessary.

Commissioner Kicinski moved to leave closed session at 10:27 p.m.; seconded by Commissioner by Ed Mims. Motion approved 5-0.

ATTEST:


James F. Hicks, III, City Clerk




Robert V. Wheeler, Mayor

Minutes were completely unsealed by a 5-0 roll call vote on November 1, 2021 as drafted by a previous City Clerk.