

MINUTES OF
CITY OF CREEDMOOR
BOARD OF COMMISSIONERS MEETING
CLOSED SESSION
JANUARY 15, 2020
4 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) (3) Attorney-Client Privilege

Commissioner Kicinski moved to enter closed session at 5:15 p.m. pursuant to NC GS 143-318.11 (a) (3); seconded by Commissioner Nowell. Motion approved 5-0.

City Manager Weichel and City Attorney Morphis began by presenting an update from Granville County regarding the property acquired jointly by the city and county at 122 Pecan Street. Granville County has indicated that there may be an additional adjacent lot to consider purchasing as part of this acquisition, but Morphis has asked the county to confirm whether or not this additional property was already acquired in the initial agreement.

Next, City Manager Weichel updated the board on an outstanding issue regarding tracts of land owned by the city at Lake Rogers. This land was purchased from the Tar River Land Conservancy (TRLC) around 2004 to allow the city to dump dredged material from the lake instead of paying to have the material trucked away. The land has a conservation easement as one of the conditions of purchase, which mandates that the owner restrict access and ensure that the property is cleaned and maintained. The location of this property makes this task impossible for the city, as there is no way to access this property except by water. Weichel has approached TRLC staff to see if their organization would be willing to take back the property, which they may be willing to do if it was gifted to TRLC and they are able to purchase adjacent property to allow them the ability to maintain the property.

Next, City Attorney Morphis updated the board on the status of the Peace Property. Morphis and Peace's attorney (Floyd McKissick) have drafted an agreement, which has been agreed to in principle contingent upon a few changes and concurrence from the board. Peace has agreed to the \$50,000 purchase price of the land where the city is currently encroaching. As part of the agreement, Peace wants a guarantee that a home can be built in the future. Morphis has already informed Peace that this isn't a guarantee the city can issue in good faith. Morphis is suggesting the board include language that guarantees that the property meets all city ordinance and zoning standards to build a home, but to not make any guarantee beyond that due to approvals needed from the county, state, and potentially neighboring property owners. Peace is also requesting that the city pay to survey the entire property in question, but Morphis recommends that the city only agree to survey the newly created lot. Morphis also stated that if this case reached a court the judge would determine if the entire property belongs to the city or to Peace, not just the encroached area.

Commissioner Nowell moved to leave closed session at 6:05 p.m.; seconded by Commissioner Brustmeyer-Brown. Motion approved 5-0.

Commissioner Ed Mims moved to enter closed session at 7:02 p.m. pursuant to NC GS 143-318.11 (a) (3). Motion approved 5-0.

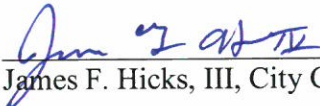
The board returned to closed session to continue discussing the proposed settlement of the Peace property case. The board gave consensus to the changes suggested by City Attorney Morphis from the draft agreement. The board asked Morphis to include language requesting that Peace survey his portion of the property by April 1. This would allow the city time to review his survey, and then both parties could cancel mediation before the required date. Morphis explained which aspects of building and occupying a home would need to be approved by other entities (Granville County, NC DOT, etc.) and the board agreed to add language only agreeing to aspects of home construction on this property over which the city has control.

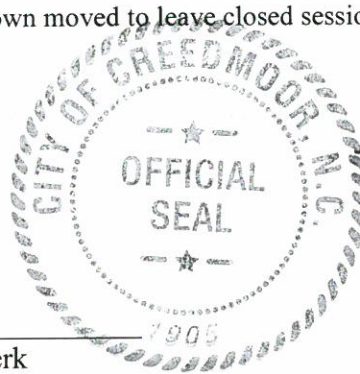
The board then moved to discussion of the property owned by the city on Cannady Mill Road. City Attorney Morphis discussed what damages could be sought by Granville County if the city decided to pull out of the agreement. Damages would be minimal since no money was exchanged, and the agreement had only been in effect for about two months.

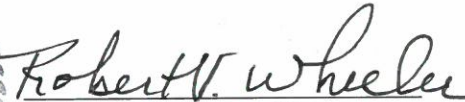
Finally, the board moved to a discussion of the Community Center gymnasium. City Manager Weichel discussed a vote taken in November of 2017 to name the gymnasium after Mayor Darryl Moss. The board discussed any legal issues with rescinding that previous motion. City Attorney Morphis reported that the board had no legal obligation to retain the previous decision. Naming of city facilities is at the board's discretion, and there was no contract or agreement binding the city beyond the adopted motion.

Commissioner Brustmeyer-Brown moved to leave closed session at 7:45 p.m. 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.