

Minutes of  
City of Creedmoor  
BOARD OF COMMISSIONERS  
November 26, 2013 Regular  
Meeting & Continuation  
December 5, 2013

**PRESENT**

Mayor Darryl D. Moss, Mayor Pro-Tem Otha Piper, Jr., Commissioner John Stallings, Commissioner Herman Wilkerson, Commissioner Jimmy Minor and Commissioner Larry Robinson. Also present were Mr. Tom Mercer, City Manager; Robin Reif, City Clerk; and Tom Currin, City Attorney

**INVOCATION AND PLEDGE OF ALLEGIANCE**

Mayor Moss called the meeting to order and offered the invocation. Commissioner Robinson led the Pledge of Allegiance.

**ADOPTION OF AGENDA**

Moved by Commissioner Minor to approve the agenda with the change of moving item 11.a.iii *Creedmoor-SGWASA APA* to become item 6.a.; seconded by Commissioner Stallings. Motion received a unanimous vote

**APPROVAL OF MINUTES**

Moved by Mayor Pro Tem Piper to approve the October 22, 2013 Board of Commissioner's Regular Meeting Minutes, October 30, 2013 Board of Commissioner's Special Meeting Minutes and November 4, 2013 Board of Commissioner's Work Session Minutes; seconded by Commissioner Stallings. Motion received a unanimous vote.

**EMPLOYEE RECOGNITION**

*Officer David Blackwelder – Intermediate Law Enforcement Certificate*

Mayor Moss presented Officer Blackwell with his Intermediate Law Enforcement Certificate. The Mayor stated that he is proud of the law enforcement officers in Creedmoor and that Officer Blackwelder, along with the other officers, is doing a great job in keeping us safe.

Lt. Ricky Cates was also recognized for being interim Police Chief.

*Korena Weichel, Administrative Services Director – Local Government Federal Credit Union Fellows Program*

Mayor Moss recognized Korena Weichel upon her completion of the LGFCU Fellows Program. Ms. Weichel was chosen to be among fifty candidates in the program, narrowed down from 250 applicants. Mayor Moss and City Manager Tom Mercer stated that Creedmoor has a really strong team from top to bottom. Both gentlemen acknowledged that it is a pleasure to work with Ms. Weichel as she takes tremendous pride in her work and has a high level of commitment.

**SGWASA APA**

A successful negotiation with SGWASA will nullify the status of the City's current application with the USDA for funding of a waste water treatment plant. USDA was asked that the application be put in a suspense file pending negotiations with SGWASA. If an agreement is reached, Creedmoor will withdraw its application.

Discussion was held regarding EPA rulings. The City would be well within the EPA standard recently promulgated for discharge in to the Tar River should it pursue the proposed waste water treatment plant. The City of Raleigh is proposing pumping treated water back in to Falls Lake and SGWASA is researching pumping treated effluent back in to Lake Holt then shipping it out to residents in the southern end of Granville County for drinking water.

A draft letter from Mayor Moss to Mayor Tom Lane was presented and read aloud by Mayor Moss. The letter formally requests a meeting between the City and SGWASA.

Moved by Commissioner Minor to approve Mayor Moss signing the letter and sending to Mayor Tom Lane; seconded by Commissioners Stallings and Wilkerson. Motion received a unanimous vote.

It was at this time that the City Clerk faxed the letter, referenced herein to Tom Lane, Mayor of the Town of Butner.

**PUBLIC HEARING:** ZMA-2013-03: *Learning Services, Recovery Road*

Planning, Zoning and Subdivision Administrator Mike Frangos explained the zoning map amendment application being presented. Mr. Frangos stated that recommendation was made by the Planning Board that the application be approved. The amendment would result in a line shift from a non-existent boundary to the creation of a new boundary and property line.

Mayor Moss introduced the parties involved in the application. A presentation was made by the applicants on the plans proposed for the property and questions were taken.

Mayor Moss opened the public hearing on ZMA-2013-03: *Learning Services, Recovery Road* at 7:31 p.m. There being no one wishing to speak, Mayor Moss closed the public hearing at 7:32 p.m.

It was noted that the zoning amendment would not affect the portion of the property near the highway, rather the back portion near the parking lot. The area proposed for construction is approximately 246' from the highway.

- A. Resolution 2013-R-21: *Resolution Adopting a Statement of Consistency with Adopted Plans in Reference to ZMA-2013-03, Learning Services – Recovery Road*

Moved by Mayor Pro Tem Piper to adopt Resolution 2013-R-21: *Resolution Adopting a Statement of Consistency with Adopted Plans in Reference to ZMA-2013-03, Learning Services – Recovery Road*; seconded by Commissioner Minor. Motion received a unanimous vote.

- B. Ordinance 2013-O-13: *Ordinance Amending the Official Zoning Map of the City of Creedmoor related to 2.02 acres on the west side of Recovery Road from SFR to CIV Zoning District*

Moved by Commissioner Stallings to adopt Ordinance 2013-O-13: *Ordinance Amending the Official Zoning Map of the City of Creedmoor related to 2.02 acres on the west side of Recovery Road from SFR to CIV Zoning District*; seconded by Commissioner Wilkerson. Motion received a unanimous vote.

**RESOLUTION OF APPRECIATION**

Resolution 2013-R-22: *Resolution recognizing Edison H. Johnson, Jr., Executive Director of the NC Capital Area MPO*

After the reading of the resolution by City Clerk Robin Reif, Programs Director Scottie Cornett spoke on the occasion of Mr. Johnson's retirement as Executive Director of the NC Capital Area MPO.

Moved by Commissioner Minor to adopt Resolution 2013-R-22: *Resolution recognizing Edison H. Johnson, Jr., Executive Director of the NC Capital Area MPO*; seconded by Commissioner Robinson. Motion received a unanimous vote.

**REQUESTS TO ADDRESS THE BOARD**

None

## **PUBLIC COMMENT**

Elizabeth Evans of 4030 Old Franklinton Road and representing the League of Women Voters spoke regarding responses to survey questions posted on the League's website.

Ed Gleason of 1973 Bowles Avenue, Creedmoor, NC. Mr. Gleason thanked Commissioners Piper and Stallings for their years of service and congratulated Mayor Moss on his reelection. Mr. Gleason also thanked Creedmoor citizen Jerry Holmes, present in the gallery, for running for the office of City Commissioner. Mr. Gleason shared his hope that the board could now come together and carry on the good work of the City and that Otha Piper and John Stallings would stay involved.

Mr. Gleason reported that, as a homeowner, he was against the proposed waste water treatment plant. Mr. Gleason went on to share that he is offended by the signs reading "Something Stinks in Creedmoor" distributed by and pertaining to the website of Mr. Jim and Mrs. Jean Blaine. Mr. Gleason stated his embarrassment at having out of town guests see these signs and conjectured that their existence has had more to do with personalities than with what is good for the community. Mr. Gleason questions how the signs can be allowed and, addressing Mr. and Mrs. Blaine directly, asked that they continue their opposition with less offensive visibility.

## **CITY MANAGER'S REPORT**

*City Manager Mercer reported on the following:*

- USDA Water/Sewer Projects
  - Lagoon has been drained completely.
  - Breached two positions in the dam.
  - While drying, equipment will start the process of getting the soil conditioned.
  - Fill will then be hauled in.
- CMAQ
  - Still in the process of closing out the paperwork.
  - Going well.
  - Providing clarification on questions.
  - II/III & US15: Working with legal and contract firm on contract. Scope of services and fees approved by NCDOT.
  - Down to minor edits.
  - Contract expected to be finalized soon.
  - Walking audit conducted.
  - Crossing of floodplain agreement with USDA includes beaver removal.
  - Elevation of water can then be lowered.
  - Meeting to be held with engineers to determine cross walks location.

Programs Director Scottie Cornett reported on the recent CAMPO meeting and Spot 3.0. Roadway projects were submitted. The corridor study has been a benefit. The proposed interim improvement of a third auxiliary lane at Old Weaver Trail has made the short list. Bike/Ped projects have been submitted. Funding was analyzed. Remaining projects submitted were Hawley School Road and Church Street. Church Street has a pretty good chance in ranking against other jurisdictions. Comment period closes December 13<sup>th</sup>. Draft of NC56 Corridor study has made it in to the draft.

City Manager Tom Mercer reported that a modification is proposed to the position held by Administrative Services Director Korena Weichel. Acknowledging her ability to manage affairs of the City well in his absence, Manager Mercer proposed Ms. Weichel be promoted to Assistant City Manager with a salary increase to the grade of 30.

Moved by Commissioner Minor that, effective immediately, Korena Weichel be promoted to Assistant City Manager and that her salary grade be changed to 30; seconded by Commissioner Robinson. Motion received a unanimous vote.

City Attorney Tom Currin reported that a local surveyor is to complete a survey of the two small portions of property located at Ellington-Brim Chevrolet in the vicinity of the new water tower. The survey is being conducted for approval to deed the property back to the dealership as was previously agreed to.

#### **OLD BUSINESS**

##### *Substance Abuse Policy*

Assistant City Manager Korena Weichel reported on the replacement of the outdated *Substance Abuse Policy* being considered by the board.

Moved by Commissioner Minor to adopt the replacement Substance Abuse Policy; seconded by Commissioner Stallings. Motion received a unanimous vote.

#### **NEW BUSINESS**

None

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

Mayor Moss reported on his attendance at the National League of Cities' conference in Seattle, WA which focused on sustainability and Economic Development. The Mayor stated that this visit completed his tenure as Chairman of the Advisory Committee for the NLC.

Mayor Moss provided a brief summary of his recent visit to the White House where he attended the ceremony held to present the Presidential Medal of Freedom awards. Mayor Moss had occasion to be photographed with President Barak Obama, Vice-President Joe Biden and Secretary of State Hillary Clinton.

Mayor Moss also attended a luncheon in Raleigh held by the US Global Leadership Coalition.

#### **COMMISSIONERS COMMENTS**

##### **Commissioner Wilkerson (Transportation Infrastructure)**

None

##### **Commissioner Minor (EENR)**

None

##### **Commissioner Robinson (FAIR)**

None

##### **Commissioner Stallings (CED)**

None

##### **Mayor Pro Tem Piper (Public Safety)**

Mayor Pro-Tem Piper congratulated the Creedmoor Police Department on the good job they were doing at the schools.

The Mayor Pro Tem thanked the community for the chance to serve them for the last 26 years stating that it has been an honor. Commissioner Piper asked that the board keep on working for the best interest of the citizens of Creedmoor.

City Attorney Tom Currin reported that the Granville County Veterans Memorial has been completed and urged those present to visit it at its location on the Oxford City Hall complex.

#### **RECESS**

Moved by Commissioner Stallings to continue the meeting to December 5, 2013 at 5:30 p.m.; seconded by Commissioner Robinson. Motion received a unanimous vote. Meeting recessed at 8:18 p.m. to be continued December 5, 2013 at 5:30 p.m.

#### **RECONVENE**

Mayor Moss reconvened the continued November 26, 2013 Board of Commissioner's Regular Meeting. All Commissioners were present. Also present were Tom Mercer, City Manager; Korena Weichel, Assistant City Manager; Robin Reif, City Clerk and Tom Currin, City Attorney.

#### *CMAQ*

Programs Director Scottie Cornett reported that the City has been authorized to review the budgets and contracts for CMAQ II/III and US 15. After review by the City Attorney's office and prior approval by the governing board, the plan is to sign the final contract immediately after tonight's meeting.

A discussion on CMAQ Phase I is to be held with NCDOT on December 20<sup>th</sup> as part of the process of closing this phase out and in order to answer questions raised upon review of the project paperwork.

A walking tour was conducted and cross-walk locations are to be determined based upon NCDOT recommendation. A stakeholders' group consisting of nine property owners along the route and one from the committee is to be established and a public meeting is to be held to solicit input. In addition, a letter is being sent to residents along the corridor to inform them about the opportunity to join the stakeholders' group and attend the future meeting.

Commissioner Wilkerson proposed that the City, from this day forward, waive all zoning, building permit, inspection, re-inspection and certificate of occupancy fees associated with the construction of handicap access ramps to single-family residential structures. Waiving the permit fee without compromising inspections and therefore safety will go a long way towards implementing easy access for people who need the assistance of a wheelchair or use a walker and have difficulty with stairs. The benefits are undeniable in cases of possible fires or medical emergencies when it is crucial to be able to exit a house quickly, especially in cases where the residents may be handicapped, elderly or infirm.

Moved by Commissioner Stallings that handicap access ramp additions to single-family residential structures are exempt from zoning and building permit/inspection fees; seconded by Commissioner Wilkerson. Motion received a unanimous vote.

#### *SGWASA APA*

City Attorney Tom Currin reported that an APA draft sent earlier to SGWASA was responded to, redrafted and returned. The last draft sent to SGWASA by the City was at the end of November. A further response APA draft was received from SGWASA on Wednesday, December 4, 2013. This most recent response contains a number of changes from the language requested in the City's last draft, the most significant being paragraph 12.1 adoption of the service area map shown on an exhibit provided to SGWASA at their request. It was our understanding that the negotiation committee had reviewed and found it acceptable. The most recent draft removes all language referring to service areas.

Annexation boundary agreement as it respects future expansion of Butner and Creedmoor had been agreed upon with some concession even though the most recent draft omitted this.

The City has conceded to remove ETJ expansion from the SGWASA negotiations, choosing to work directly with Granville County on the matter.

Attorney Currin stated that the City could sign the APA on condition that its requests are met prior to closing and with the understanding that if preconditions were not met, then an agreement would not be reached. Mr. Currin feels that most of the remaining items can be agreed to in a satisfactory manner with the correct language being inserted and/or changed in a manner agreeable to both parties.

SGWASA is proposing seeking continued control of revenue of wireless telecommunications which is the City's main resource for funding its recreation department.

SGWASA has cancelled their meeting scheduled for December 10, 2013 at which the City of Creedmoor requested to be on the agenda.

Mayor Moss read the letter received from SGWASA, included herein by reference and expressed his disappointment in the board being denied a face-to-face meeting. Cancellation of their meeting is a good indicator of SGWASA's unwillingness to conduct in-person discussion.

City Manager Tom Mercer read the letter sent to Mayor Tom Lane from Mayor Darryl Moss on November 26<sup>th</sup> which requested a meeting with SGWASA. Mr. Mercer's contact with Mr. Mize asking if a meeting would be held was responded to by the statement that it was difficult to get everyone together. A request was made to Butner Town Mayor and SGWASA Chairman Tom Lane on December 3, 2013 by Mayor Moss via email. The request was to be on the next SGWASA meeting agenda and resulted in no response. The City learned on December 5<sup>th</sup> that SGWASA had cancelled their December 10, 2013 meeting. As discussions have been continually held between City Manager Tom Mercer and SGWASA Executive Director Lindsay Mize, where it is believed that Mr. Mize fully represents the entity, has resulted in 95% agreement on all issues, and yet no further progress has been made, Mr. Mercer feels that continued discussion solely with Mr. Mize is a waste of time. Calls to Tom Lane, and SGWASA Board Member Edgar Smoak have not been returned. Mr. Mercer reiterated his stance that negotiations cannot be carried out by trading paper back and forth. No agreement can be reached nor can either party understand why the issues are important to each side without face-to-face discussion.

Commissioner Minor commented that the City has thought it was close to reaching a full agreement many times. Creedmoor has conceded much yet SGWASA has not agreed to give up anything even though they stand to gain. Negotiation is give and take. If you cannot trust someone during negotiations how do you trust them afterwards? Commissioner Minor continued by stating that it is not worth the City Manager's time to continue negotiating with Lindsay Mize but the City should be willing to leave the door open to face-to-face talks with SGWASA.

Moved by Commissioner Minor to contact USDA to reactivate the City's application for the proposed Tar River Waste Water Treatment Plant as well as revisit all other options previously considered including Oxford and Raleigh; seconded by Commissioner Wilkerson. Motion received a unanimous vote.

Commissioner Robinson commented that, what was initially agreed to in beginning discussions has not been acted on. Pursuing the waste water treatment plant options is not what he wants but feels it is necessary.

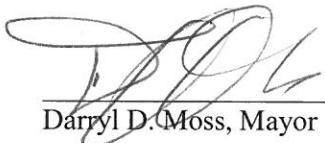
Commissioner Wilkerson added that the City of Creedmoor cannot allow itself to be shelled in by allowing SGWASA to enter the wireless telecommunications business within Creedmoor and deny the City a service area.

Mayor Pro Tem Piper agreed stating that wireless telecommunication revenue funds the City's recreation and he hopes and prays that the door may be opened back up for further negotiations with SGWASA. The Mayor Pro Tem added that he would like to know why SGWASA has ignored previous agreements made and is making changes now.

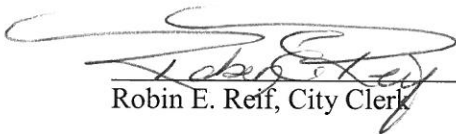
City Manager Tom Mercer read the language from previous drafts of the APA followed by the current draft to illustrate the differences that SGWASA has come back with.

Mayor Moss agreed with previous comments but does not want to abandon negotiations just yet and proposes requesting to be put on the January 14<sup>th</sup> SGWASA meeting agenda. The Mayor added that he is frustrated that this board and the citizens of Creedmoor have been greatly disrespected by being denied a face-to-face meeting and recommends we abandon City Manager Tom Mercer continuing to converse solely with SGWASA Executive Director Lindsay Mize. Mayor Moss announced he plans to call Tom Lane to request a Mayor-to-Mayor, or Mayor-to-Chairman as it were, meeting as the stakes are very high. Focus needs to be on doing what we can to lower our citizens' water and sewer bills and use proceeds to do things to improve our community. The Mayor questioned if being in the wireless telecommunications business is in SGWASA's charter and reminded those present that the City voluntarily backed off pursuing the ETJ expansion with Butner to help the SGWASA deal go through. The SGWASA charter does speak to service areas for each of its customers but it is unclear how the divisions are made. Continuing, The Mayor stated that negotiations are back at square one with this new draft and the worst case scenario is that the City must relive negative press should the City be forced to pursue the wastewater treatment plant due to SGWASA's demonstrated lack of intent to negotiate in good faith. The Mayor concluded by saying that the City of Creedmoor has done everything it has been asked to and more. Enough is enough at some point. The City of Creedmoor Administration and Government is tired of rolling over and selling out the futures of its citizens.

There being no more further business to come before the board, moved by Commissioner Wilkerson to adjourn; seconded by Mayor Pro Tem Piper. Motion received a unanimous vote. Meeting adjourned at 6:14 p.m.

  
Darryl D. Moss, Mayor

ATTEST:

  
Robin E. Reiff, City Clerk

