

Minutes of
City of Creedmoor
BOARD OF COMMISSIONERS
Regular Meeting
March 25, 2014
7:00 p.m.

PRESENT

Mayor Darryl D. Moss, Mayor Pro-Tem Jimmy Minor, Commissioner Del Mims, Commissioner Herman Wilkerson, Commissioner Thomas Jackson and Commissioner Larry Robinson. Also present were Mr. Tom Mercer, City Manager; Korena Weichel, Assistant 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 Mims led the Pledge of Allegiance.

Mayor Moss recognized the following persons present for the swearing in of Keith King as Police Chief: Retired Creedmoor Police Chiefs Ralph Seagroves and Ted Pollard, Oxford Chief of Police Alvin Coley, Butner Chief of Police Danny Roberts, Granville County Chief Deputy Sherwood Boyd, Franklin County Manager Angela Harris, and Granville County Commissioners Tim Karan, Ed Mims and Dave Currin. Also present were Michael Robertson, Former Commissioner of the North Carolina Division of Motor Vehicles; Hal Haskins, former Special Deputy Attorney General and current employee with the North Carolina Sheriff's Training and General Council; as well as several members of the Command and Administrative staff at the North Carolina License and Theft Bureau within the Division of Motor Vehicles.

OATH OF OFFICE

City Manager Tom Mercer provided a summary of incoming Police Chief Keith King's resume. After a brief introduction by City Attorney Tom Currin, Chief District Court Judge Daniel F. Finch administered the Oath of Office to Police Chief Keith King as his wife, Kristen King, Clerk to the Franklin County Board of Commissioners, held the bible.

ADOPTION OF AGENDA

Mayor Moss, on the recommendation of staff, requested #6 Public Hearing: *ZTA-2013-04 BOA Amendments and Technical Corrections -Continued from January 28, 2014 and February 25, 2014 Regular Meetings* be removed from the agenda.

Commissioner Jackson requested that agenda item #7 *Tony Santangelo: Rebuttal to comments made by Commissioner Ed Mims during the February 25, 2014 Board of Commissioner's Regular Meeting* be stricken as the Commissioner did not wish to be part of the comments to be made and felt that the topic had been addressed prior.

Mayor Moss asked that Commissioner Jackson's request be considered separately and called for a vote on the agenda with the removal of item #6 Public Hearing: *ZTA-2013-04: BOA Amendments and Technical Corrections*.

Moved by Commissioner Wilkerson to approve the agenda with the removal of Public Hearing: *ZTA-2013-04: BOA Amendments and Technical Corrections*; seconded by Mayor Pro Tem Minor. Motion received a unanimous vote.

Moved by Commissioner Jackson to remove item #7 from the agenda; seconded by Commissioner Mims. Upon the Mayor's call for further discussion, Commissioner Robinson clarified that the item proposed for removal by Commissioner Jackson should be stated as agenda item #7.a. and not all of agenda item #7 which is a standing agenda item. Commissioner Jackson agreed and amended his motion and Commissioner Mims, her second to state removal of agenda item #7.a. Motion received the following vote: Ayes: Mims, Jackson, Noes: Minor, Wilkerson, Robinson. Motion failed with a 3-2 vote.

APPROVAL OF MINUTES

The following minutes were before the board for approval: January 28, 2014 Board of Commissioner's Regular Meeting Minutes, February 10, 2014 Board of Commissioner's Work Session Minutes; February 15, 2014 Board of Commissioner's Annual Retreat Minutes; February 20, 2014 Granville County Board of Commissioner's Retreat Attendance Minutes; February 25, 2014 Board of Commissioner's Regular Meeting Minutes; March 10, 2014 Board of Commissioner's Work Session Minutes; March 11, 2014 SGWASA Meeting Attendance Minutes; and March 18, 2014 Granville County Board of Commissioner's Meeting Attendance Minutes.

Moved by Mayor Pro Tem Minor that the board approve the minutes as written with the exception that Commissioner Mims' comments submitted during the February 25, 2014 Board of Commissioner's Regular Meeting be attached as an exhibit to the minutes; seconded by Commissioner Robinson.

Questioning if the Board had read the minutes, Commissioner Mims stated the minutes contained discrepancies, errors and were of inferior quality.

Commissioner Jackson asked that N.C.G.S. § 160A-72. Minutes to be kept; ayes and noes. be read into the minutes of the meeting: *Full and accurate minutes of the council proceedings shall be kept, and shall be open to the inspection of the public. The results of each vote shall be recorded in the minutes, and upon the request of any member of the council, the ayes and noes upon any question shall be taken.* Addressing the Board and Mayor, Commissioner Jackson stated that the minutes before the board for consideration were neither full nor accurate. The Commissioner stated Commissioner Mims' comments should be inserted as a transcription in the January 28, 2014 Board of Commissioner's Meeting minutes and questioned the timeline of the minute recording of the February 10, 2014 Work Session as it pertained to discussion of how Commissioner Mims should be addressed in the board room. Commissioner Jackson requested that Commissioner Mims' submittals not be included as an addendum, rather that the minutes be corrected.

Upon Commissioner Jackson's questioning the recording of the motions and seconds of the approval of the minutes in the February 25, 2014 Regular Meeting and alleging that there had been tampering of official documents, Mayor Moss asked the Commissioner who he was charging with tampering with the minutes? Commissioner Jackson replied that he did not have a name. Mayor Moss asked Commissioner Jackson if he was alleging that the City Clerk was tampering with the board's minutes and if he was aware who prepares the minutes? Commissioner Jackson stated that he was not accusing the typist of any wrongdoing but was alleging that the minutes were not accurate and asked that the minutes of the January 28, 2014 Regular Meeting, February 10, 2014 and February 25, 2014 minutes go back to the typist.

Acknowledging the motion on the floor, Mayor Moss called for a vote. The vote on the minutes as moved by Mayor Pro Tem Minor and seconded by Commissioner Robinson received the following vote: Ayes: Minor, Wilkerson, Robinson Noes: Mims, Jackson. Motion carried 3-2.

Prior to procession of the meeting, Commissioner Mims declared she had an unreadiness and reminded the board of what was just done regarding the approval of the minutes. Commissioner Mims addressed her abstention during the March 10, 2014 Work Session, absence from the March 11, 2014 SGWASA meeting and declared herself as present at the March 18, 2014 Granville County Board of Commissioner's meeting.

As the minutes had been adopted, Mayor Moss asked Commissioner Mims if she was making a motion. Commissioner Mims responded with a request that the record reflect her total disagreement with the motion and moved that the board rescind the motion to approve the minutes; seconded by Commissioner Jackson. City Attorney Tom Currin stated that the appropriate motion would be a motion to reconsider. Commissioner Mims restated her motion as one to reconsider the approval of the minutes; seconded by Commissioner Jackson. Motion and second received the following vote: Aye: Mims, Jackson, Noes: Minor, Wilkerson, Robinson.

Motion failed 3-2.

REQUESTS TO ADDRESS THE BOARD

Anthony F. Santangelo 307 S. Main Street, Creedmoor, NC

Mr. Santangelo thanked the City Manager and staff for their work on behalf of the City, and Police and Fire departments for protecting the citizens.

Mr. Santangelo referenced his previous address of the board when he gave his opinion on the unethical behavior of then Commissioner candidate Thomas Jackson during the election. Mr. Santangelo also reiterated the lack of support given to the board ending in 2013 and lies being spread about the City by an organization. Mr. Santangelo expressed his wish to have faded into the general public upon stating his previous opinions. Public comments made by Granville County Commissioner Ed Mims forced him to come back and address the board once again. Rebutting Granville County Commissioner Ed Mims statement that Mr. Santangelo did not witness events he spoke of previously, Mr. Santangelo remarked that he never stated he was a personal witness and had begun each of his statements with "I also know". Mr. Santangelo thanked the Commissioner for validating that the events did occur.

Mr. Santangelo asked Commissioner Jackson if he had read Canon Three, letter (b) of the Code of Ethics for the office that he holds and directed the statement "I pay my taxes, pay yours" to the Commissioner.

PUBLIC COMMENTS

Beth Brown 2225 Bayswater Drive, Creedmoor, NC - Ms. Brown provided the following transcript for the minutes under Public Comments:

Hello my name is Beth Brown and my family and I reside in Paddington Subdivision. My purpose in addressing the board this evening is to follow up with regards to the numerous vehicles that speed in excess of the posted 25 mph speed limit along Bayswater Drive., which is a residential city owned street.

I first brought up my concern at the Transportation Briefing in late January of this year (2014). There was a short discussion amongst those in attendance to set-up a speed sign which would gather data and also has the technology to take a picture and email it to a city employee. I do believe it is currently Sergeant Harris with the Police Department. I am pleased that my concern was taken seriously and I would like to thank those that have looked into this such as Commissioner Del Mims and Sergeant Harris.

- *At this time I would like to ask at what point the data collection study will come to an end.*
- *Could a briefing be arranged so results can be presented to parents and taxpayers within Paddington that share this safety concern? I wouldn't mind being the neighborhood liaison for this study, but I need to be made aware of who is in charge at the city level.*
- *Also what sort of future plans will be considered to help correct this ongoing problem?*

We need to remain proactive on this front, especially as the weather continues to become more pleasant as more citizens of all ages will be out on city streets. As we strive to become a larger community, we need to place safety first for all residents without money always being the leading factor.

Thank you all for your time and consideration. Are there any questions at this time I may be able to answer? I would like to provide a copy to the City Clerk to include into Public Comment.

Mayor Moss explained to Ms. Brown that questions are not taken under the Public Comment period and thanked her for coming to speak.

Mr. Amore Agdeppa 815 N. Main Street, Creedmoor, NC – No transcript provided

Mr. Agdeppa spoke as a citizen of Creedmoor asking when the SGWASA deal would be finalized. Mr. Agdeppa asked if two of our Commissioners were still representing Creedmoor on the SGWASA board as he had heard they had been removed and, if the SGWASA deal went through, would he be able to pay his water bill in Butner?

Mr. Agdeppa closed with saying that, lowering the water bills of Creedmoor citizens was the main topic on the campaign trail for Commissioners Jackson and Mims which meant it was a major issue for them and he hopes that the board listens.

Mr. Ed Mims, 2204 Regent Court, Creedmoor, NC

Speaking as a Granville County Commissioner and citizen, Commissioner Mims stated that he has the best interests for all citizens. Commissioner Mims questioned the City's Board of Commissioners not having addressed informing its citizens about the necessity to respond to the affordable care act prior to the March 31st deadline in order to avoid a fine. Commissioner Mims stressed the importance of getting the word out.

John Wilkerson, 308 S. Main Street, Creedmoor, NC

Mr. Wilkerson addressed the board and stated the he was standing before them as a law abiding, tax paying citizen but that he could not say that about all of the members of the board. Referring to Creedmoor Commissioners' Code of Ethics Canon 31.31, Mr. Wilkerson stated that Commissioner Jackson does not meet the standards. To illustrate his point, Mr. Wilkerson cited the Commissioner's undermining the efforts of the City by making motion to give the City's water system Enterprise Fund to SGWASA in the asset purchase, requesting his expenses be paid enabling him to attend the NLC Conference in Washington, DC and non-payment of taxes on twenty+ tax bills, including his own residence.

Mr. Wilkerson stated that he is angry that the tax payers have had to treat Commissioner Jackson to attend the NLC Conference given that the Commissioner is not willing to contribute himself or abide by code enforcement laws on his private residence. Mr. Wilkerson then called for Commissioner Jackson to step down and take care of his personal business saying he is not qualified to take care of the business of the City. Upon closing, Mr. Wilkerson asked the Mayor and remaining board members to impeach Commissioner Jackson or at least censor him until he gets his affairs in order. In closing, Mr. Wilkerson asked that the Commissioner stop being a slum lord and pay his taxes.

CITY MANAGER'S REPORT

City Manager Mercer reported on the following:

SGWASA Asset Purchase Agreement (APA) Update:

Mayor Moss reported that recent conversations were held with SGWASA board members, the Granville County Board of Commissioners, SGWASA staff and the City of Creedmoor staff. The Mayor also noted the presence of Mr. Dave Currin in the gallery during this meeting. Mr. Currin is a member of the Granville County Board of Commissioners, SGWASA board and SGWASA negotiating committee.

Following the Mayor's report it was moved by Mayor Pro Tem Minor to accept the offer of the South Granville Water and Sewer Authority to purchase the utility system of the City for the sum of 15.67M as set out in the proposed asset purchase agreement presented to the Board tonight, subject to any appropriate technical reviews of the exhibits to be worked out by the Staff and the Attorneys of the City and the Authority; seconded by Commissioner Wilkerson.

The Mayor stated that, in response to the motion, he would be calling for a recorded vote. The motion and second was opened to discussion amongst the board members.

City Attorney Tom Currin distributed a copy of the draft APA, no longer containing a proposed utility service area and outlining additional revisions from previous drafts. Attorney Currin stressed that the final agreement will be subject to due diligence and contingent upon SGWASA gaining funding. If approved, the actual transference date to SGWASA is projected for November 1, 2014.

Mayor Pro Tem Minor amended his standing motion to include that the Mayor be authorized to sign the draft copy present in the meeting and to have it approved and hand delivered by David Currin to SGWASA; Commissioner Wilkerson re-seconded the amended motion.

Commissioner Jackson stated that he is for merging with SGWASA, that it should have been done in the middle of 2008, and here we are approaching the middle of 2013; but that the purchase price should be in the amount owed which he estimates is between 5.5M and 6M . Commissioner Jackson stated that the remaining 10M would be a tax on the citizens of this region and he is totally against the proposed sale price of 15.67M as well as being against the water and sewer enterprise fund being excluded from the sale.

Commissioner Mims stated that she supports joining with SGWASA but wanted to ensure that rates would be reduced for the City's citizens.

Prompted by questions regarding financial details of the proposed sale, City Manager Tom Mercer stated that the citizens of Creedmoor put the money in the Enterprise Fund, that they should have it and that he is tired of members of the board thinking they know more than the negotiator and who crank out numbers on the back of a napkin.

Mayor Moss called for a roll-call vote on Mayor Pro Tem Minor's motion as seconded by Commissioner Wilkerson.

Commissioner Mims stated she needed a five minute break and Commissioner Jackson agreed. Mayor Moss reminded Commissioner Mims that if a vote was taken in her absence, then her vote would be counted "Aye". At which time Commissioner Mims left the board room followed several minutes later by Commissioner Jackson.

Mayor Moss apologized for the embarrassment of someone walking out of a board meeting, stating that this has not happened before.

Upon the return of Commissioners Mims and Jackson the motion received the following recorded vote on the acceptance and signing of the APA as read by Mayor Moss.

Names were called by the City Clerk in alphabetical order and the resulting viva voce is recorded herein:

Commissioner Jackson: No

Commissioner Mims: Aye

Commissioner Minor: Aye

Commissioner Robinson: Aye

Commissioner Wilkerson: Aye

Motion passed 4-1.

Mr. David Currin, 2578 Joe Pruitt Road, Oxford, NC addressed the board, thanking everyone present for their efforts and stating that he was happy for this night to happen and for Creedmoor to become a full voting member of SGWASA. Recognizing that there have been a lot of negative things said over the years, Mr. Currin asked that the board not let further things drive us apart.

Mayor Moss signed two copies of the draft Asset Purchase Agreement then, shaking Mr. Dave Currin's hand, provided a copy to him to take to the SGWASA board.

Contract to Audit Accounts FY14:

Moved by Commissioner Robinson to accept the Contract with Winston, Williams, Creech and Evans to Audit Accounts FY14, seconded by Mayor Pro Tem Minor.

Upon the Mayor calling for further discussion, Commissioner Mims questioned the \$30,000 and \$22,500 billing stated in the contract. Finance Director Ren Wiles explained that the \$30,000 represents the total billing cost and the \$22,500 an interim billing amount allowed by the Local Government Commission.

Motion received a unanimous vote.

- CMAQ Update
 - CMAQ I has been successfully closed out with total liquated damages of only \$6,900 being reported due to delays.
 - CMAQ II is on schedule. environmentalists have performed beaver removal in the Robertson Creek area which has lowered the water level 10"- 18".
 - One Highland Vista property remains outstanding for beaver abatement.
 - The Lapp project is proceeding with the interviewing of firms.
 - CMAQ III is in the surveying stage
 - Highway 56 corridor study of Darden Drive to 33rd street in Butner is at the stage of signing of an agreement with CAMPO. It is then to be put out as an RFQ for a firm to perform the study.
 - No word of any delays on the NC15 paving.

OLD BUSINESS

None

NEW BUSINESS

None

MAYOR'S REPORT

Mayor Moss reported that 14,215 pills were collected at the recent drug take back event held by the Creedmoor Police Department.

The Mayor reported on his recent trip to Washington, DC as the National League of Cities Advisory Council Chair where he said the focus was to look across America for best practices.

The Mayor reminded the board of a recent email from Oxford Mayor Jackie Sergeant regarding reinstating the Economic Development Committee.

COMMISSIONERS COMMENTS

PUBLIC SAFETY

Commissioner Jackson congratulated new Police Chief Keith King.

The Commissioner reported on his schedule of meeting attendance at the National League of Cities' Conference in Washington, DC and reported that he had spent between \$2,800 and \$3,000 of his own money on the trip and would be requesting a reimbursement from the City.

TRANSPORTATION INFRASTRUCTURE

Commissioner Mims reported that, due to the efforts of Granville County Commissioner Ed Mims using personal resources to procure accommodations at the Marriott Wardman in Washington, DC for the National League of Cities' Conference, the cost of her trip was below the City's budget.

Commissioner Mims stated that she will be joining the Women in Municipal Government (WIMG) and is planning to attend their conference scheduled for May 21-23 in Newark, NJ. The City's Board of Commissioners was asked to vote on this attendance at the upcoming Work Session when Commissioner Mims provides more details.

FINANCE, ADMINISTRATION AND INTERGOVERNMENTAL RELATIONS

None

COMMUNITY AND ECONOMIC DEVELOPMENT

Commissioner Wilkerson stated that if anyone has any complaints regarding staff they should go to the City Manager. Not go directly to the staff member.

ENERGY, ENVIRONMENT AND NATURAL RESOURCES

Mayor Pro Tem Minor provided an update on a recent UNRBA meeting he had attended.

The Mayor Pro Tem stated that the policy has been that if a discrepancy is noted in the draft of the minutes then the board members email City Clerk Robin Reif instead of publically bringing it up. Mayor Pro Tem Minor reported his utmost confidence in the City Clerk.

City Attorney Tom Currin reported that a deposition had been calendared for a legal matter on Lake Rogers and that he anticipated the case being continued.

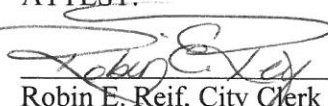
Mayor Moss reminded the board that immediately after the April 14, 2014 Work Session, the Granville County Human Relations Committee would be holding their meeting in the board room and that, due to this, it is necessary the Work Session be held to the hard stop set for 7:00 p.m.

The Mayor then asked the City Clerk to defer scheduled photos of the officials until another time.


ADJOURNMENT

There being no further business before the board, moved by Commissioner Wilkerson to adjourn; seconded by Mayor Pro Tem Minor. The motion received a unanimous vote. Meeting adjourned at 8:59 p.m.

ATTEST:


Robin E. Reif, City Clerk




Darryl D. Moss, Mayor

On motion by Mayor Pro Tem Minor, second by Commissioner Larry Robinson and unanimous vote during the April 22, 2014 Board of Commissioner's Regular Meeting to adopt the Minutes of March 25, 2014. The following transcript of comments made by Commissioner Jackson were approved to be attached to the minutes of March 25, 2014.

"I have an issue with the minutes on March 25th. The question that I've noticed is, when I talked about asking that agenda item #7.a. be removed from the agenda, it makes me look kind of like an ogre because I also stated the gentleman is more than welcome to speak, just not in the agenda. And the part about not, just needing to speak in public comments was left off. And that whole paragraph about the adoption of the agenda and then the second paragraph down below it makes me look like an ogre. When the gentleman is perfectly able to speak in public comments, and I said that at least one. I just object to the fact that the whole concept, that paragraph is misplaced.

Also, the first words out of my mouth, when it says approval of minutes, fourth paragraph down, I asked that everything that I say be taken down verbatim. The only thing taken down verbatim was General Statute 160A-72. Thus basically everything that I said is lost because it wasn't put into the minutes even though I simply asked that it be quoted verbatim. So, with all due respect, and I hate to do it again but I am going to do it again. I'm not going to approve these minutes. I want them sent back to whoever is typing them and brought back to us at an another appropriate time. Please."