



MINUTES OF  
CITY OF CREEDMOOR  
BOARD OF COMMISSIONERS  
REGULAR MEETING  
SEPTEMBER 20, 2016  
7 P.M.

**PRESENT**

Mayor Darryl D. Moss, Mayor Pro Tem Del Mims, Commissioner Ernie Anderson, Commissioner Thomas Jackson, Commissioner Herman Wilkerson, and Commissioner Archer Wilkins. Also present were City Manager Michael P. Bonfield, Assistant City Manager/HR Director Korena Weichel, Finance Director Jamison Crampton, Planning Director Mike Frangos, Senior Planner/Stormwater Administrator Randy Cahoon-Tingle, Public Works Director Steve Colenda, Chief of Police Keith King, City Clerk Kathleen McCorkle, and Attorney T.C. Morphis, Jr.

**ABSENT**

None.

**CALL TO ORDER**

Mayor Darryl Moss called the meeting to order at 7:07 p.m. and offered the invocation. Commissioner Wilkerson led the Pledge of Allegiance.

**APPROVAL OF AGENDA**

Moved by Commissioner Wilkins to approve the agenda with the following changes: Remove item 4b until October 18; move item 7d to item 12, move item 7e to item 7d; replace item 11 with Attorney Comments; move item 11 to item 13; seconded by Commissioner Wilkerson. The motion received a 5-0 vote.

**APPROVAL OF MINUTES**

Commissioner Wilkins moved to approve the minutes of the August 16, 2016 regular meeting; seconded by Commissioner Wilkerson. The motion received a 5-0 vote.

**PROCLAMATIONS**

Mayor Moss presented to Mr. Ed Gleason a proclamation commemorating October 9, 2016 as a day of observance for firefighters and emergency services personnel.

**PUBLIC COMMENT**

None.

**CASE ZMA-2016-04 // AVERETT REZONING**

Mayor Moss opened the public hearing at 7:19 p.m. and stated the applicant has requested continuation of the case to October 18 at 7 p.m. Moved by Mayor Pro Tem Mims to continue the case to October 18 at 7 p.m.; seconded by Commissioner Jackson. The motion received a 5-0 vote. The public hearing will be continued to October 18, 2016.

**CASE ZTA-2016-03 // AMEND CDO ART. 11, 12, 13, 14**

Mayor Moss opened the public hearing at 7:20 p.m. Senior Planner/Stormwater Administrator Randy Cahoon-Tingle summarized the reason for the amendments of the Creedmoor Development Ordinance, which is to comply with statutory requirements and simplify language. Article 14 will be deleted in its entirety. Following Mr. Cahoon-Tingle's presentation, there being no one wishing to speak, the public hearing was closed at 7:31 p.m.

Moved by Commissioner Anderson to adopt Resolution 2016-R-29 Consistency Statement with blanks filled in as follows; seconded by Commissioner Wilkins.

**Section 1.** *The Board finds that the requested text amendment is consistent with the Creedmoor City Plan 2030 for the following reason(s): needed for statutory consistency and to update ordinances as we've gotten experience with them in the past few years.*

**Section 2.** *The Board finds that the requested text amendment is reasonable and in the public interest for the following reason(s): needed for statutory consistency and is consistent with Creedmoor City Plan 2030.*

The motion received a 5-0 vote.

Mayor Pro Tem Mims moved to approve Ordinance 2016-O-18 Zoning Text Amendment; seconded by Commissioner Anderson. The motion received a 5-0 vote.

#### **COMMISSIONER ANDERSON'S REQUEST TO AMEND PROPOSED RULES OF PROCEDURE RULE 9**

Regarding the proposed Rules of Procedure, Commissioner Anderson moved to amend Rule 9 with the word may instead of shall; seconded by Commissioner Wilkerson. Commissioner Wilkins requested an alphabetical roll call vote. Following discussion, the vote was as follows:

Anderson: Yes

Jackson: No

Mims: No

Wilkerson: Yes

Wilkins: Yes

The motion passed 3-2.

#### **COMMISSIONER MIMS' REQUEST TO REVISIT HER MOTION MADE APRIL 5, 2016**

Regarding revisiting the motion she made April 5, 2016, which she felt was improperly disposed of, Mayor Pro Tem Mims was advised by Attorney TC Morphis that she could raise the issue again and offer a new motion, and that she could divide the original question. The April 5 motion was as follows: *"Mayor Pro Tem Mims moved to transfer \$1.1 million of the restricted funds earmarked for capital projects to SGWASA in order to help find a solution to our water quality issues; and to offset this expense, we will publicly auction both properties associated with the proposed wastewater treatment plant facility; and we will place a moratorium on all City of Creedmoor pay raises and bonuses until this problem is solved."*

Mayor Pro Tem Mims moved to transfer \$1.1 million of the restricted funds earmarked for capital projects to SGWASA in order to help find a solution to our water quality issues; seconded by Commissioner Jackson. During discussion, Commissioner Jackson called Commissioner Wilkerson out of order. No action was taken. The motion failed 2-3, with Commissioners Anderson, Wilkerson and Wilkins dissenting.

Regarding the properties purchased for future water treatment plant use, Mayor Pro Tem Mims then moved that we look at the pros and cons of disposing of both properties, and asked that the finance committee be tasked with reviewing; seconded by Commissioner Jackson. Following discussion, the motion failed 2-3, with Commissioners Anderson, Wilkerson and Wilkins dissenting.

The third part of the original motion was rendered moot by Mayor Pro Tem Mims and was not raised.

#### **CITY MANAGER'S REPORT**

##### **STREET RESURFACING PROJECT UPDATE**

City Manager Mike Bonfield introduced Mr. Derrick Smith from the Wooten Company who provided an overview of the street resurfacing project.

Upon request regarding whether to view the slides or listen to discussion, Commissioner Wilkerson moved for discussion; seconded by Commissioner Wilkins. The motion received a 3-2 vote, with Commissioners Mims and Jackson dissenting.



Concerns were voiced about the cost estimate increasing \$200,000 to \$1.7 million since the preliminary report was completed in March. It was stated that the ten percent contingency was not included in original bid. If bids come in high, the scope of the project will be adjusted to save money.

Work will be weather-dependent as temperatures need to be 45 to 50 degrees to lay asphalt. Commissioner Wilkerson requested that the specifications be modified to 55 degrees in order to lay asphalt. The project will go through a formal bidding process and depending on weather work may take place starting in 2016 and should be finished in spring 2017. About four miles out of 18 would receive asphalt overlay, with the remainder receiving crack-filling, skin patches, and full-depth patches. The repairs needed are not considered an aesthetic issue, but a stability issue.

#### CMAQ UPDATE

Mr. Bonfield then provided a summary of his memo to the Board updating costs and progress on the CMAQ project. The project will go to bid after the right-of-way certification is received around December 1, with awarding of the contract in late winter or early spring.

He also reported that the water treatment plant demolition and raw water intake repair scheduled at the end of September have been delayed approximately one week due to weather.

#### COMMISSIONERS' REPORTS

*Mayor Pro Tem Mims* commended staff on the music festival; reported on attendance at the Stand-Down for Veterans; and discussed a national safety program to be presented at high school assemblies. State of the District report will be provided by County Commissioner Ed Mims on October 13 at Tar River Elementary auxiliary building.

*Commissioner Wilkins* provided no report.

*Commissioner Anderson* thanked staff for their hard work on the music festival.

*Commissioner Wilkerson* reported that at their last meeting, SGWASA voted that all municipalities would receive the same allocation of water/sewer. He stated that water testing in Butner is coming out well, and treatment has paid off.

*Commissioner Jackson* commended staff on the music festival and reported on his attendance at recent CAMPO and Tar Pamlico meetings.

#### MAYOR'S REPORT

Mayor Moss stated that Assistant City Manager/HR Director Korena Weichel and her team outdid themselves with this year's music festival, and thanked them for their efforts.

#### ATTORNEY'S REPORT

Mr. Morphis discussed a procedural issue brought to his attention taking place at the September 6, 2016 meeting, during which Commissioner Wilkerson left the meeting without a vote excusing him. Five motions took place in which the outcomes changed when Commissioner Wilkerson's vote was recorded as affirmative. The September 6 minutes reflect the understanding at the time; but the clerk will annotate them noting how the procedural issue was handled in the September 20 minutes.

The five votes affected contained in the September 6, 2016 minutes are quoted in italics as follows, followed by the results with Commissioner Wilkerson's vote recorded in the affirmative in brackets, followed by their final dispositions if any on September 20, 2016 in bold:

1. *"Moved by Commissioner Jackson that in Rule 5, that people making a presentation are allowed a minimum of 10 minutes unless the Board determines to grant them more; seconded by Mayor Pro Tem Mims. The motion received a 2-2 vote, with Commissioners Anderson and Wilkins dissenting. Mayor Moss broke the tie with a no vote, and the motion failed 2-3."*

[This vote passed 3-2, with Commissioner Wilkerson being recorded as having voted in the affirmative.]

**Commissioner Wilkerson move to rescind the motion that people making a presentation are allowed a minimum of 10 minutes unless the Board determines to grant them more; seconded by Commissioner Wilkins. The motion received a 3-2 vote, with Mayor Pro Tem Mims and Commissioner Jackson dissenting.**

Commissioner Jackson declined to present the motion again.

2. *“Regarding the vote on Rule 5, Commissioner Mims moved to reconsider; seconded by Commissioner Jackson. The motion received a 2-2 vote, with Commissioners Wilkins and Anderson dissenting. Mayor Moss broke the tie with a no vote, and the motion failed 2-3.”*

[This vote is unnecessary because the previous motion passed.]

**This motion was not revisited.**

3. *“Regarding the alternate language in Rule 5, Mayor Pro Tem Mims moved that we consider the original language and retain that; seconded by Commissioner Jackson. The motion received a 2-2 vote, with Commissioners Wilkins and Anderson dissenting. Mayor Moss broke the tie with a no vote, and the motion failed 2-3.”*

[This vote passed 3-2, with Commissioner Wilkerson being recorded as having voted in the affirmative.]

**Commissioner Wilkins moved to rescind this motion; seconded by Commissioner Wilkerson. The motion received a 3-2 vote, with Mayor Pro Tem Mims and Commissioner Jackson dissenting.**

Mayor Pro Tem Mims moved to consider the original language and retain that, referencing Rule 5; seconded by Commissioner Jackson. The motion failed 2-3 with Commissioners Anderson, Wilkerson and Wilkins dissenting.

4. *“While Commissioner Jackson was speaking, Mayor Pro Tem Mims rose to a point of order, stating the Mayor was interrupting the speaker. Commissioner Jackson appealed to the Board that the Mayor should not be allowed to question a member’s motives as it violates the rules of procedure. No second was required and the appeal failed to pass, receiving a 2-2 vote.”*

[This vote passed 3-2, with Commissioner Wilkerson being recorded as having voted in the affirmative.]

**The motion was not revisited; and Mr. Morphis reminded Mayor Moss not to question a member’s motives as it violates the rules of procedure.**

5. *“Regarding the water treatment plant demolition, Mayor Pro Tem Mims moved to determine buyout of the contract to avoid demolition altogether; seconded by Commissioner Jackson. The motion received a 2-2 vote, with Commissioners Wilkins and Anderson dissenting. Mayor Moss broke the tie with a no vote, and the motion failed 2-3.”*

[This vote passed 3-2, with Commissioner Wilkerson being recorded as having voted in the affirmative.]

Moved by Commissioner Wilkins to rescind the motion; seconded by Commissioner Wilkerson. The motion received a 3-2 vote with Mayor Pro Tem Mims and Commissioner Jackson dissenting.

**Mayor Pro Tem Mims moved to determine buyout of the contract to avoid demolition altogether; seconded by Commissioner Jackson. Mayor Pro Tem Mims did not vote, therefore her vote was recorded in the affirmative. The motion failed 2-3, with Commissioners Anderson, Wilkerson and Wilkins dissenting.**

**ORDINANCE 2016-O-19 // ADOPTING NEW RULES OF PROCEDURE FOR THE BOARD OF COMMISSIONERS**

Discussion took place regarding the possibility of removing Rule 34 designating Roberts Rules of Order as a fall-back to the new Rules of Procedure. Mr. Morphis stated this rule was not in the model provided by the School of Government, but he recommends it to his clients.

Commissioner Wilkerson moved that Rule 34 be deducted from it and if we ever have to go back to it, the board votes whether we do or don’t; seconded by Commissioner Wilkins.

Discussion centered around which authority would take precedence in a matter that is unresolved. According to Mr. Morphis, the presiding officer could interpret and make a determination, which could be appealed to the body. The motion received a 3-2 vote, with Mayor Pro Tem Mims and Commissioner Jackson dissenting.

Mayor Pro Tem Mims moved to reconsider; seconded by Commissioner Jackson. Mr. Morphis stated that she could not make a motion to reconsider because she did not vote in the majority.

Mayor Pro Tem Mims moved to rescind the motion to remove Rule 34; seconded by Commissioner Jackson. The motion failed 2-3, with Commissioners Anderson, Wilkerson and Wilkins dissenting.

Commissioner Anderson moved to adopt the new Rules of Procedure without Rule 34; seconded by Commissioner Wilkins. The motion received a 3-2 vote, with Mayor Pro Tem and Commissioner Jackson dissenting. The new Rules of Procedure were adopted.

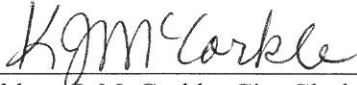
**ADJOURNMENT**

There being no additional business before the Board, it was moved by Commissioner Wilkerson to adjourn the meeting; seconded by Commissioner Anderson. The motion received a 5-0 vote and the meeting was adjourned at 9:37 p.m.



\_\_\_\_\_  
Darryl D. Moss, Mayor

ATTEST:



\_\_\_\_\_  
Kathleen J. McCorkle, City Clerk

