

**Town of Angier
Board of Commissioners
Monday, January 8, 2018, 7:00 P.M.
Angier Municipal Building
28 North Raleigh Street
Minutes**

The Town of Angier convened during a regularly scheduled Board of Commissioners meeting Monday, January 8, 2018, in the Board Room inside the Municipal Building at 28 North Raleigh Street.

Members Present: Mayor Lewis W. Weatherspoon
Mayor Pro-tem/Commissioner Craig Honeycutt
Commissioner Bob Smith
Commissioner Loru Boyer Hawley
Commissioner Mike Hill

Staff Present: Town Manager Coley Price
Planning and Permitting Technician Sean Johnson
Library Director Amanda Davis
Corporal Daniel King
Public Works Director Jimmy Cook
Town Engineer Bill Dreitzler
Town Attorney Al Bain
Town Clerk Veronica Hardaway

Others Present: Rick Curl represented *The Daily Record*

1. **Call to Order:** Mayor Weatherspoon presided, calling the Board of Commissioners meeting to order at 7:00 p.m.
2. **Pledge of Allegiance:** Mayor Weatherspoon led the pledge of allegiance.
3. **Invocation:** Commissioner Smith offered the invocation.
4. **Approval of the January 8, 2018, meeting agenda:** The Town Board amended the Agenda; adding two additional Budget Amendments #BOA2018.17 and #BOA2018.18 to Consent Agenda #6C.

Board Action: The Town Board unanimously approved the January 8, 2018 meeting agenda with the above amendments.

Motion: Commissioner Smith

Second: Commissioner Hill

Vote: Unanimous, 4-0

- 5. Public Forum:** Mayor Weatherspoon provided an opportunity for audience members who wished to address the Board of Commissioners on issues not listed on the Agenda.

Mayor Weatherspoon addressed the audience and asked that each speaker limit comments to three minutes (3) in addressing the Town Board. He also reminded attendees that citizens who appear before the Town Board should note that the Board may not take any action regarding subject matter. Topics requiring further investigation will be referred to the appropriate town officials or staff and may be scheduled for a future agenda. Any handouts distributed must be furnished to the Town Clerk.

Brian Hawley, 49 Kerrylane Drive, read from a statement prepared for the Board.

“Good evening Board of Commissioners and Mayor. As we work together to improve our community, I would like to address this board regarding an incident I witnessed on October 31, 2017. I have been contemplating filing a formal complaint with the United States Office of Special Counsel or address this board regarding this matter and decided I am obligated to identify this concern to my elected officials first and foremost.

I concede, I am not an expert at law, nor an expert on municipal government and always welcome opportunities to become better acquainted with the policies and procedures of our government. However, I am also not ignorant to what is right and what is wrong, and I believe in accountability and as such, I expect those in leadership positions to adhere to a strict code of conduct and follow personnel policies provided from their employer.

My concern is that our Town Manager is not held to the same standard as our other employees. When a town resident walks into our Town Hall building/Police Station to pick up paper work and over hears the Town Manager conducting partisan political activity during work hours, there is an issue. We have a personnel policy for a reason and my concern is that our Town Manager does not adhere to these directives. The Town Manager was just given a contract this past year and from what we hear this contract is non-ending, and the town may be forced to buy him out, if he is dismissed or leaves. If this is true, why would our elected officials place such a burden on the tax payers of this community? I believe we reward employees based on accomplishments and we compensate them accordingly. But, I also believe as an elected official you’re obligated to protect the Town’s best interest. If we have negotiated a contract that handcuffs you to hold others accountable, what will deter them from conducting business however they please? If they face no consequences for their actions, then how will you prevent those violations moving forward?

So, in ending, before I seek outside guidance with the U.S. Office of Special Counsel, Hatch Act Division, I ask this Board to address this matter, and consider a way to ensure that we can prevent issues such as this in the future. Thank you for your time and your service to our community.”

6. **Consent Agenda:** The Board amended the Consent Agenda by removing item #6B to discuss further.

Motion: Commissioner Hawley

Second: Commissioner Smith

Vote: Unanimous, 4-0

A. Minutes – December 5, 2017 – Town Board Regular Meeting Minutes

B. Parks & Recreation Building Capital Project Ordinance pursuant to NCGS 159 Section 13.2 (moved to discuss)

C. Budget Amendments: #BOA2018.15 – To transfer funds from General Fund to Parks & Recreation Capital Project for construction of office and concession building; #BOA2018.16 – To purchase additional radio read meters for new homes.; #BOA2018.17 – To replace materials due to excessive water leaks; #BOA2018.18 – The Town has been granted \$5,000 from the Arts Council to fund the Friday Depot Nights. This is the first time the funds will be funded through the Town and not a separate grant fund.

Board Action: The Town Board unanimously approved the Consent Agenda with the above amendment.

Motion: Commissioner Smith

Second: Commissioner Hill

Vote: Unanimous, 4-0

Item #6B Discussion: Parks & Recreation Capital Project Ordinance pursuant to NCGS 159 Section 13.2.

Town Manager Coley Price explained that when a project ordinance is in place, it has to be done within that Fiscal Year. When the old Parks and Recreation building was sold that money went into the Fund Balance. At that time, a project ordinance was done in the amount of \$228,294. When a Fiscal Year ends and there are changes, you have to change it for the new Fiscal Year. The new Parks and Recreation building was originally designed as a two story building, however in a public building you are required to have an elevator which would have been way over budget. The building then had to be redesigned as a one story building, therefore it was a few thousand dollars over the Capital Project Budget.

Commissioner Hawley asked if the funds that were received from the sale of the old Parks and Recreation building would directly go the new Parks and Recreation building.

Mr. Price stated that was correct.

Commissioner Hawley asked if the new building would be held to the same standards of the commercial façade requirements.

Mr. Price stated that was correct.

Board Action: The Board voted to approve the Parks & Recreation Building Capital Project Ordinance pursuant to NCGS 159 Section 13.2

Motion: Commissioner Hawley

Second: Commissioner Smith

Vote: 4-0, Unanimous

7. Public Hearings

A. Annexation Petition – A petition for Annexation for the property located on Rawls Church Road (PIN#: 0665-90-0278). A sufficiency of the Petition and a Certification of Results were issued in December; a Date to Set the Public Hearing for tonight was approved in December and advertised appropriately for tonight's meeting. Following the required Public Hearing, the Town Board will be qualified to consider the Adoption of an Ordinance to annex the property.

Mayor Weatherspoon opened the Public Hearing.

Seeing no one come forward, Mayor Weatherspoon closed the Public Hearing.

Board Action: The Board voted to adopt an Ordinance to extend the corporate limits of the Town of Angier.

Motion: Commissioner Honeycutt

Second: Commissioner Hill

Vote: 4-0, Unanimous

B. Rezoning Request – Application submitted by George Aiken (AV Homes, Inc.) to rezone a 66.98 acre parcel located at Rawls Church Road from Harnett County RA-30 to Town of Angier R-6 (PIN#: 0665-90-0278.000).

Sean Johnson presented the staff report for the rezoning request to rezone 66.98 acre parcel from RA-30 to R-6 that was made by applicant George Aiken. The majority of the property is currently wooded with the remaining percentage being used as farm land. The Eastern edge of the property contains steep topography with a stream at the lowest point. Surrounding Land Uses include vacant wooded areas and low density residential. If the property is annexed and developed, the developer will be responsible for providing Town water and sewer to the property.

Mr. Johnson stated the proposed rezoning is in compliance with the Land Use Plan adopted in September 2017. The impact to the adjacent property owners and the surrounding community is reasonable, and the benefits of the rezoning outweigh any potential inconvenience or harm to the community. The requested rezoning would allow for use of the property that is compatible with adjoining uses. The requested zoning district is compatible with the existing Land Use Classification. The Land Use Plan adopted in

September designates the adjacent property as medium density residential which calls for 3-6 units per acre. The requested rezoning would allow for lots as small as 6,000 sq. ft., which fits the density suggested by the plan. The proposal does enhance or maintain the public health, safety and general welfare. The rezoning would not change the character of the area. The request is for a small scale rezoning and should be evaluated for reasonableness. The rezoning will not change the allowed use of the property, just the density allowed.

Commissioner Smith asked if the proposed sewer line will be large enough to support future projects.

Mr. Johnson stated the Town will consider upgrading the line to prepare for future growth in addition to what the developer will need for the project.

Bill Dreitzler, Town Engineer, stated the sewer line will be large enough.

Mayor Weatherspoon opened the Public Hearing.

Mark Ashness, Engineer 301 Glenwood Ave., stated the proposed rezoning is consistent with the future Land Use Plan in that area. Water will be extended on Rawls Church Road from Kennebec Church to the west which a County line is in place now but a Town line will be added. Ultimately, other residents may tap to that line as well. The proposed entrance will be opposite of Jarrett Bay Lane on the south side of Rawls Church Road. The reason R-6 was requested was for 5ft setbacks on the lots.

William Leather, 515 Moonlight Drive, stated he was concerned with being made to tap onto the Town sewer line as Moonlight Drive has septic tanks.

Town Manager Coley Price stated the Town cannot do an involuntary annexation but explained to Mr. Leather that having a Town sewer line nearby will be to his advantage as a safety net in the event his septic fails.

Seeing no one else come forward, Mayor Weatherspoon closed the Public Hearing.

Board Action: The Board voted to approve the rezoning request submitted by George Aiken (AV Homes, Inc.) to rezone a 66.98 acre parcel located at Rawls Church Road from Harnett County RA-30 to Town of Angier R-6 (PIN#: 0665-90-0278.000).

Motion: Commissioner Smith

Second: Commissioner Hawley

Vote: 4-0, Unanimous

8. New Business

A. Re-appointment of Town Attorney

Under Town of Angier's Code of Ordinances Chapter 2, Article III, Section 2-141 (a) At the first meeting of the Town Board after their election and qualifications, or as soon thereafter as possible, they shall appoint (or reappoint) a Town Attorney.

Mayor Weatherspoon entertained a motion for the re-appointment of Town Attorney Al Bain.

Board Action: Commissioner Honeycutt made a motion to retain Town Attorney Al Bain, seconded by Commissioner Smith. The motion died for lack of majority vote.

Board Action: Commissioner Hawley made a motion to dismiss Town Attorney Al Bain, seconded by Commissioner Hill.

Board Action: Mayor Weatherspoon broke the tie by voting to dismiss Town Attorney Al Bain and set forth a 60 day notice to Mr. Bain on this date.

Vote: 3-2, to dismiss Town Attorney Al Bain

Mayor Weatherspoon instructed the Town Clerk to advertise for the position of Town Attorney.

9. **Manager's Report:**

Town Manager Coley Price asked Mayor Weatherspoon if he could offer an explanation as to why he did not re-appoint Town Attorney Al Bain.

Mayor Weatherspoon stated he agreed with the two Commissioners that voted no.

Mr. Price stated there's got to be a reason because I don't know of anything that he's done enough for you to not allow him to be re-appointed.

Mayor Weatherspoon stated he felt that was the way he should vote.

Mr. Price asked Mayor Weatherspoon why he had no explanation on voting no.

Mayor Weatherspoon stated the matter was closed.

Town Manager Price informed Town Board officials of numerous events that had taken place and forthcoming events including the following:

- There will not be a Planning Board meeting.
- There will not be a Board of Adjustment meeting in January.
- Town Hall offices will be closed Monday, January 15, 2018 in observance of Martin Luther King Jr. Holiday.
- There will be a Town Board Workshop Tuesday, January 23, 2018 at 6:30pm.

Board Action: The Board voted to close the advertisement for the ETJ Planning Board position as of Friday, January 12, 2018 and to conduct interviews at the January 23, 2018 Board Workshop Session.

Motion: Commissioner Hawley
Second: Commissioner Honeycutt
Vote: 4-0, Unanimous

- Essentials of Municipal Government class is January 25th & 26th.
- NC City/County Managers Association winter conference January 31, Feb 1, & Feb2.
- Town Board Breakfast will be held at Red Barn January 13, 2018 at 8:30am.
- Budget Retreat will be held February 17, 2018 at 8am-12pm.
- Chamber Banquet is scheduled for Tuesday, March 6, 2018 at Barclay Villa. It was the consensus of the Board to move the Tuesday, March 6, 2018 Town Board Meeting to Tuesday, March 13, 2018.

- Town Engineer's Report attached.

Town Manager Coley Price informed the Board that the Public Works Department had to repair ten water leaks in some of the coldest temperatures recorded. Employees spent 13 hours in one hole Saturday and 12 hours in another hole Sunday. Mr. Price thanked the Public Works Department for all of their hard work and commitment to the Town.

10. Mayor and Town Board Reports:

Mayor Weatherspoon thanked the Public Works Department for all of their hard work.

Commissioner Hawley made a motion, to ensure the citizens of Angier are provided with a more efficient and transparent and accountable municipality and municipal government as such I would like to ask the Town Clerk to please read into the minutes Items 1-9 of the Town Manager's duties and Attachment A. Commissioner Hill seconded the motion.

Town Manager Duties

1. Duties to be in accordance with NC G.S. 160A-148 and Angier Code of Ordinances: Chapter 2, Article III, Division 2, Sec. 2-101.
2. Town Manager is not authorized to sign checks or authorize payments exceeding \$2500. All monthly payroll and Town expense checks are to be signed by the Interim Finance Director and the Mayor.
3. Before any discussions are held with any professional service providers, the need for assistance must be presented to the Town Board and have Board approval to contact professional services providers. Once approval is granted, service providers may be contacted for purpose of issuing an RFP.
4. All contracts for professional services, i.e. Attorneys/law Firms; Auditors, Consultants, Engineers, etc., shall be competitively bid with bids presented to the Town Board prior to

selection of the service provider. Staff will recommend the provider to be hired and final decision will be made by the Town Board.

5. The Town Manager will provide the Mayor and Board updates on all projects on a monthly basis or more often if requested or deemed necessary by the Board. Projects and reports shall be per Attachment A of this document.

6. In the event of replacing the Town Attorney, the Town Clerk will advertise for applications for the position and all applications will be brought to the Town Board for review and disposition. The Town Board will interview candidates selected and offer a contract to the Attorney selected.

7. Town Manager will supply the Mayor and Commissioners, via email, a weekly itinerary. To be submitted each Friday for the following week.

8. People in Town complain that they come to the Town Board with questions or concerns and they never get a response. The Town Manager will respond, in writing, to anyone asking questions or expressing a concern at a Town Board meeting within 30 days or at the next Town Board meeting. The Mayor and Commissioners will be copied on all responses to the citizens.

9. Town Manager will review proposed Board agenda with Mayor for additions/deletions, finalize agenda and distribute no later than Noon on the Thursday prior to the Board meeting. If the meeting is on a Monday, then agenda must be distributed no later than Noon on Wednesday prior to the meeting.

Attachment A

1. Report on status of Mott-McDonald work with DOT on NC-55 expansion, By-Pass and upgrades through Town. Written monthly update beginning with January 23, 2018 Town Board Work Session.

2. Update on discussions with Greg Burns, NC DOT, regarding traffic improvements in Town, Williams Street, etc. Written monthly update beginning with February 6, 2018 Town Board Work Session.

3. Listing of all consultants currently employed and what they are the consultant for. All existing contracts with Attorneys/law Firms must be presented to the Town Board for determination of need for continuation of agreements. Need to maintain consultants and outside law firms must be presented in writing to the Town Board and Mayor. Due January 23, 2018 Town Board Work Session.

4. Status of Natural Gas and timetable for getting to Angier. Monthly update beginning with January 23, 2018 Town Board Work Session.

5. Status of having Broadband in Angier. Status of any talks with possible providers, Harnett County IT and Campbell University. Monthly update beginning January 23, 2018 Town Board Work Session.
6. Status of DFI proposals and amount of funds spent on the project. Report due January 23, 2018 at Town Board Work Session.
7. Plan and status for hiring an Economic Development Director. Monthly updates beginning at February 6, 2018 Town Board Meeting.
8. Develop or revise Storm Water policy and plan. Rough draft due in 60 days with final policy due in 90 days. No consultants.
9. Develop plan, along with cost estimates, for replacing aging water and sewer lines in those parts of Town lying in Harnett County. Rough draft due in 60 days, final plan due in 90 days. No consultants.
10. Provide Commissioners and Mayor a copy of all Town financial policies. Due January 23, 2018 Town Board Work Session.
11. Develop plan to do a one-time cleaning of all the ditches in Town. Rough draft due in 60 days. Final draft in 90 days. No consultants.
12. Status of Impact Fees Information Request and HB 436 on Town of Angier. Monthly update beginning February 6, 2018.
13. Determine ways to reduce fees paid to Daily Record. Proposal due in 30 days.
14. Develop procedure for streamlining the permitting process at additional fee. Due at February 27, 2018 Board Work Session.
15. Develop listing of concessions that can be used as inducements for developers to do work in the Town of Angier.
16. Develop plan to relocate Police Department and redesign interior of Town Hall to better utilize space. Recommendation to Town Board on space to relocate PD, due in 60 days along with schedule to complete the move. Recommendation, to Town Board, on Designer/Architect for redesign of interior of Town Hall in 30 days, preliminary plan in 90 days. Recommendation to Town Board on contractor due in 120 days with construction to begin after selection of contractor.
17. Design or have designed banners proclaiming Campbell University students, faculty and staff are welcome in our Town. Banners can be similar to those used by the City of Dunn. Design and cost of banners to be completed and presented to Town Board for approval at February 27, 2018 Board Work Session. Upon approval, banners to be ordered and installed within two weeks of receipt.

18. Provide the Mayor and each Town Commissioner a copy of evaluation of Angier Police Department and recommendations concerning Police Department performed in 2014. Copies to be provided at January 23, 2018 Town Board Work Session.

19. Town Manager will work with Commissioners to establish a schedule of Town Hall/Ward meetings. Meetings will be held for each ward a minimum of once per year. First meetings to begin in first quarter of 2018.

20. All employees will sign a statement that they have been given a copy of the Town personnel policy, understand it and will abide by it. This signed statement will be kept on file with the employee's personnel records.

21. Develop plan to implement use of discussion about Tablet/laptop and software package for Board, Town Manager, and Clerk. Proposal for consideration due at March 13, 2018 Town Board Meeting.

There was much discussion with the Board regarding the deadlines outlined above.

Board Action: The Board amended their motion and voted to modify the January 23, 2018 deadlines and will decide on a later date at the January Board Work Session.

Motion: Commissioner Hawley

Second: Commissioner Hill

Vote: 4-0, Unanimous

11. Staff Reports and Informational Items: Staff Reports were enclosed in the Agenda Packet.

12. Adjournment: The Town Board voted unanimously to adjourn the meeting at 8:15 p.m.

Motion: Commissioner Hawley

Second: Commissioner Hill

Vote: Unanimous, 4-0



Lewis W. Weatherspoon

Lewis W. Weatherspoon, Mayor

Attest:

Veronica Hardaway

Veronica Hardaway, Town Clerk