

**Town of Angier
Board of Commissioners'
Tuesday, February 7, 2017 ~ 7 p.m.
Angier Municipal Building
Minutes**

The Town of Angier convened during a regularly scheduled Board of Commissioners' meeting Tuesday, February 7, 2017, in the Board Room inside the Municipal Building at 28 North Raleigh Street.

Stopped here

Members Present: Mayor Lewis W. Weatherspoon
Mayor/Pro Tem Commissioner Bob Smith
Commissioner Jerry Hockaday
Commissioner Craig Honeycutt
Commissioner Alvis McKoy

Staff Present: Town Manager Coley B. Price
Public Works Director Jimmy Cook
Police Chief Bobby Hallman
Planning and Permitting Technician Sean Johnson
Librarian Amanda Davis
Town Clerk Kim Lambert
Detective Joel Shattuck

Others Present: Rick Curl and Tom Woerner represented *The Daily Record*

2. Mayor Weatherspoon presided, calling the Board of Commissioners' meeting to order at 7 p.m.
3. Commissioner Bob Smith led the pledge of allegiance and offered the invocation.
4. **Approval of the February 7, 2017, meeting agenda:** Town Manager Coley Price recommended the Board amend the agenda slightly adding Consent Agenda Item 6F—a Revised Audit Letter submitted by Christopher Abbott, CPA. Mr. Price stated that Mr. Abbott had submitted the letter to the Board only an hour earlier.

Board Action: The Town Board unanimously voted to approve the meeting Agenda, making note to add Consent Agenda Item 6F. (Attachment #1).

Motion By: Commissioner Smith
Seconded By: Commissioner Hockaday
Vote: Unanimous, 4~0

5. **Public Forum:** Mayor Weatherspoon provided an opportunity for audience members who wished to address the Board of Commissioners on topics in some way related to the Town of Angier and issues *not* listed on the Agenda.

Angier resident Larry Barnes, Jr., of 239 Millwood Lane addressed the Board, claiming that he had several unanswered questions since the last Board of Commissioners' meeting. He felt that if the mayor had maliciously tainted the secret ballots taken during the December meeting, he wouldn't have left them lying in the Council Chambers. Mr. Barnes questioned what happened after the ballots wound up in Commissioner Honeycutt's hands following the December meeting and why he nominated a candidate without having voted for him. He claimed the town manager may have felt threatened by what he called the mayor's attempts to make the Town better. He mentioned the Town's two temporary water outages in January, referring to the incidents as honest mistakes. Mr. Barnes cited an incident in Hope Mills where officials attempted to oust a commissioner in North Carolina, costing the municipality more than \$ 37,000 prior to his resignation.

Everett Blake, III, of 352 Gardner Road, Angier, invited the large audience to come out and participate at the February 15 and 22 Comprehensive Land Use Steering Committee Public Input meetings. He encouraged attendees to complete the online Community Survey compiled by the Land Use Steering Committee.

Edward ("Ted") Martin of Neill's Creek Farms in Angier reflected on differences he had with a former colleague comparing those differences to the Angier Town Hall staff. He offered resolutions to any internal disputes between the 32 Town Hall staff members and Mayor Weatherspoon including increased communication; enhanced listening skills; and/or having workers seek employment elsewhere. Mr. Martin urged Town officials to avoid the costs of potential litigation as a resolution.

Attorney Paul ("Skip") Stam, Post Office Box 1600/510 W. Williams Street, Highway 55, Apex, asked to defer his comments.

Janice Johnson of 238 Alan Street, Angier, addressed the Board, urging the employees to reconcile their differences with Mayor Weatherspoon. Ms. Johnson said she felt the mayor had abided by the Public Censure and considered the Town's pursuit of litigation to be a frivolous waste of taxpayers' money.

Charlie Clantz of 93 Woodstone Place, Angier, expressed his concern of the Angier Area Food Pantry relocation and its \$ 500 of associated monthly bills. He commended the Town on its park, its regular trash and household pickup cycle, its aesthetics, but accused the Town of shirking its responsibilities toward maintaining the Food Pantry.

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

6. **Consent Agenda:** With the suggested additional item, 6F, Mayor Weatherspoon requested Consent Item 6E – Consideration of a new Engagement Letter with Williams Mullen for filing a Petition against the Mayor – be moved to Item 10B under New Business. With no opposition, Town officials approved the Consent Agenda unanimously adding Item 6F and moving 6E to 10B under New Business.

Board Action: The Town Board unanimously voted to approve the Consent Agenda, making note to add Consent Agenda Item 6F and moving Item 6E to 10B, New

Business. (Attachment #2).

Motion By: Commissioner Hockaday
Seconded By: Commissioner Smith
Vote: Unanimous, 4~0

Approved items on the Consent Agenda included:

- ▶ Minutes – January 3, 2017, and January 24, 2017, Town Board Regular and Special~Called Meeting Minutes, respectively. (Attachments #3 and 4).
- ▶ Budget Amendments #BOA2017.08, #BOA2017.09, and #BOA2017.10 for Consideration. (Attachments #5, 6, and 7).
- ▶ Consideration of Resolution No. 005-2017 to File Suit against Wallace McLean, Jr. (Attachment #8).
- ▶ Consideration of Resolution No. 007-2017 to Approve a Landscape Agreement with the NC-Department of Transportation. (Attachment #9).
- ▶ Addition of an Amended Letter from Christopher Abbott, CPA. (Attachment #10).

7. **Public Hearing:** The mayor opened the Public Hearing regarding a potential Annexation.

As advertised and pursuant to General Statute 160A-158.1 (b) (b)2, a Public Hearing was held to discuss The Town of Fuquay~Varina's proposal to annex an approximate 5.369~acre parcel north of The Town of Angier's jurisdiction in Wake County. The parcel is labeled as Lot 1 on a plat entitled, "Hidden Valley Development of Wilmington Corporation" by Stancil & Associates, Professional Land Surveyor, P.A. Mr. Price said the parcel included the former driving range from the now-defunct Hidden Valley Golf Course. (Attachment #11).

Brian Hawley of Angier asked whether the water would be provided by The Town of Fuquay-Varina or The Town of Angier. Mr. Price said that it was his understanding that The Town of Fuquay-Varina would provide their own water and sewer to the project.

Seeing no one else approach the Board regarding this Annexation request, Mayor Weatherspoon closed the Public Hearing, reopening the regular portion of the meeting.

8. **Consideration after the Public Hearing:** The Board considered The Town of Fuquay Varina's request to Annex the parcel, unanimously approving the request.

Board Action: The Board unanimously approved the Annexation request submitted by The Town of Fuquay-Varina.

Motion By: Commissioner Smith
Seconded By: Commissioner Honeycutt
Vote: Unanimous, 4~0

9. Old Business

- A. The Board reconsidered two candidates who applied for the vacant Planning Board post. The two candidates who submitted their applications prior to the deadline were George W. ("Junior") Price, Jr. and Jay Powelson. The mayor announced that the candidate elected would be fulfilling the former Planning Board member's term expiring December 31, 2017. It was mentioned that a third resident, Andrew Rubley, also submitted an application; however, the form was received January 23, 2017, past the deadline and was disqualified accordingly. (Attachment #12).

Board Action: Commissioner Craig Honeycutt nominated candidate Junior Price to the post. Commissioner Jerry Hockaday seconded the motion. Commissioner Bob Smith made a motion that the nominations be closed with Commissioner Hockaday seconding. In a show of hands raised, Junior Price was nominated unanimously to fulfill the current term expiring December 31, 2017.

Motion by: Commissioner Honeycutt
Seconded by: Commissioner Hockaday
Vote: Unanimous, 4~0

10. New Business

- A. The Board considered Resolution No. 006-2017 to enter into a Contract with potential Town Attorney, Applicant Alton D. Bain from Bain & McRae, LLP.

Board Action: Commissioner Bob Smith made a motion to which Commissioner Alvis McKoy seconded to approve Resolution No. 006-2017 and to appoint Attorney Alton D. Bain as Town Attorney. (Attachment #13). He was unanimously approved.

Motion by: Commissioner Smith
Seconded by: Commissioner McKoy
Vote: Unanimous, 4~0

Town Manager Coley Price asked to defer to Town Clerk Kim Lambert, who administered the oath of office to incoming Town Attorney Alton D. Bain. (His Oath is Attachment #14).

- B. Mayor Weatherspoon deferred Item 10B -- Consideration of a new Engagement Letter with Williams Mullen for filing a Petition against the Mayor – to Commissioner Smith.

Town Manager Price referred to the January 24, 2017, Special~Called meeting where Town officials voted unanimously to proceed with researching how to oust a sitting mayor. He then asked for direction from the Board as to whether they wished to contract with third party, Williams Mullen, to proceed as voted upon.

Attorney Paul ("Skip") Stam addressed the Board, who said he would attempt to explain the difference between extraordinary and extreme cases of litigation while citing two cases of amotion on record. Attorney Stam said that – after the New Hanover County amotion case was presented three years ago – the Council

attempted to overturn its election results, which he described as an extraordinary concept. He warned that if the Angier Board of Commissioners pursued litigation against Mayor Weatherspoon, it would have the burden of proof of showing an extreme set of facts – challenging the integrity of the governmental process. He felt the process would forge hostilities he thought would threaten governmental functions to no avail. He cited the secret ballot vote taken in December, saying that former Town Attorney Phil Fusco had not objected to the voting process.

Attorney Stam said the details from the second motion case in Hope Mills had not been documented; however, he said the inaugural case during 1907 exemplified an extreme set of facts where the Board of Commissioners and the treasurer argued over paying bills without its consent. He said he would classify Angier's potential litigation against the mayor as extraordinary, not well founded and urged the Board not to proceed due to a disruption in time, money, and Town processes.

Commissioner/Mayor Pro Tempore Bob Smith requested any comments or concerns from the audience.

Attorney Ryan Adams of 2401 Duke Street, Raleigh, said -- as a taxpayer -- he felt concerned as to how monies were being spent and urged the Board to reconcile without litigation. He expressed concern over potentially exorbitant fees incurred with Williams Mullen.

Curtis Perry, an Angier businessman, said that if he had known of the controversies to come, he would not have established his business in Angier three years ago.

When prompted by acting facilitator, Commissioner Smith, Commissioner Hockaday made a motion to proceed with engaging Williams Mullen in filing a Petition against the Mayor. After receiving no second to the motion, Commissioner Hockaday substituted his motion to table the issue to which Commissioner Alvis McKoy seconded.

Board Action: The Town Board voted to table engaging Williams Mullen in filing a Petition against Mayor Weatherspoon. The original motion to proceed was made and later substituted as a table by Commissioner Jerry Hockaday.

Motion by: Commissioner Hockaday

Seconded by: Commissioner McKoy

Vote: 3 ~ 1 with 3 Affirmative voted and
Commissioner Hockaday's Abstinance

11. **Manager's Report**

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

- There would be no Planning Board meeting in February.
- There would be no Board of Adjustment meeting in February.

- The Comprehensive Land~Use Steering Committee was to host three meetings in February: A Special~Called, requested Land Use Advisory/Budget Requirement meeting February 8, 2017; Two Public Input meetings February 15, 2017, and February 22, 2017.
- The date scheduled for the first 2017~2018 Budget Retreat was February 20, 2017.
- The one-day conference with Dr. James Johnson in Raleigh had been cancelled.
- Eric Thomas from Development Finance Initiatives (DFI) and Nick Dula were tentatively planning to schedule a meeting with Harnett County municipalities for a March luncheon presentation.
- Mr. Price provided an update on the following events:
 - The Angier Area Food Pantry transition went very smoothly with everything being successfully relocated to Anthem Church.
 - The Angier Museum Committee toured the Coats Museum January 9, 2017.
- He reported that the Harnett County Board of Commissioners unanimously approved Lee Marshall as an extrajurisdictional member of the Angier Planning Board.
- Mr. Price reported that – due to the relocation of the Angier Area Food Pantry – congregants from Angier Baptist Church donated 2,944 cans of food and \$ 2,000 to go towards its monthly expenses; Neill's Baptist Church donated 500 cans of food and \$ 1,000; and Angier Kiwanians donated \$ 400.

12. Mayor and Town Board Reports:

Mayor Weatherspoon addressed the audience regarding the motion that had been made earlier. He said that the substitute motion was made to table any action to be taken that evening to reengage Williams and Mullen in moving forward to research the validity of potential litigation against Mayor Weatherspoon.

Sasha McKoy, an Angier resident, asked what was moving into the former Angier EMS building, most recently occupied by the Angier Parks and Rec Department. The mayor confirmed that an offer had been received; however, no closing had yet transpired. He said that the potential buyer's name had not been disclosed publicly.

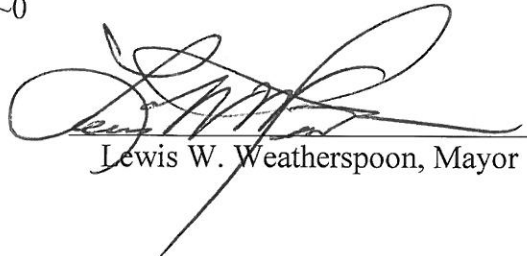
George C. ("Junior") Price asked that the formal listing of his name be George C.; however, he requested his Planning Board name plate to read Junior Price.

- 13. Adjournment:** The Town Board voted unanimously to adjourn the February 7, 2017, meeting at 7:55 PM.

Motion By: Commissioner Honeycutt

Seconded By: Commissioner Smith

Vote: Unanimous, 4~0



Lewis W. Weatherspoon, Mayor

Attest: 
 Acting Deputy Clerk