

**Town of Angier
Board of Commissioners
Tuesday, February 1, 2022, 6:30 P.M.
Angier Municipal Building
28 North Raleigh Street
Minutes**

The Town of Angier convened during a regularly scheduled Board of Commissioners meeting on Tuesday, February 1, 2022, in the Board Room inside the Municipal Building at 28 North Raleigh Street.

Members Present: Mayor Bob Smith
Mayor Pro-tem Loru Hawley
Commissioner Alan Coats
Commissioner Jim Kazakavage
Commissioner Junior Price

Members Excused:

Staff Present: Town Manager Gerry Vincent
Town Clerk Veronica Hardaway
Planning Director Sean Johnson
Library Director Katy Warren
Chief of Police Lee Thompson
Parks & Recreation Director Derek McLean
Public Works Director Jimmy Cook
Finance Director Hans Kalwitz
HR Director Melissa Wilder
Town Attorney Dan Hartzog, Jr.

Others Present:

Call to Order: Mayor Smith presided, calling the Board of Commissioners meeting to order at 6:30 p.m.

Pledge of Allegiance: Mayor Smith led the pledge of allegiance.

Invocation: Pastor Mark Howard from Kennebec Baptist Church offered the invocation.

Approval of the February 1, 2022 meeting agenda: The Town Board unanimously approved the agenda as presented.

Board Action: The Town Board unanimously voted to approve the agenda as presented.

Motion: Commissioner Coats

Vote: 4-0; unanimous

Public Comment

Robert Nissen, owner of Nissen Automotive located at 331 W. Depot Street, brought up the Junkyard Ordinance found in Section 4.9.3 of the Town's Unified Development Ordinance. He discussed the part of the Ordinance where it requires junkyards to screen their property with a six-foot opaque fence. He conveyed he was not sure why his business was classified as a junkyard as he doesn't sell parts. Most of the vehicles on his property are those that haven't been paid for service. Mr. Nissen requested the Board to consider holding off on distributing penalties while he is trying to comply with the Ordinance.

Mayor Smith deferred to the Town Manager.

Tommy Burns, 2237 Oak Grove Church Road Angier, stated he represents Jerry Reeves Estate who is the owner of 165 N. Raleigh Street. He too brought up the Junkyard Ordinance screening requirements found in Section 4.9.3 of the Town's UDO. Stuart Gardner rents the aforementioned property and runs a towing business on the property. He believes the requirements of the Ordinance are unreasonable and would place an undue hardship on Mr. Gardner.

Again, Mayor Smith deferred to the Town Manager.

Consent Agenda

1. Approval of Minutes

- a. December 21, 2021 – Work Session
- b. January 4, 2022 – Regular Meeting

Board Action: The Town Board unanimously voted to approve the consent agenda as presented.

Motion: Mayor Pro-tem Hawley

Vote: 4-0, unanimous

Public Hearings

1. Voluntary Annexation Petition

Planning Director Sean Johnson stated that staff received a voluntary annexation petition submitted by Kennebec Baptist Church requesting to annex approximately 25.39 acres located at 9736 and 9808 Kennebec Church Road (Wake PINs: 0675404605 & 0675309380). The Clerk has investigated the sufficiency of the annexation petition. Now the Town Board is eligible to consider whether to adopt Ordinance #A002-2022 to Extend the Corporate Limits of Town.

Mr. Johnson explained that the adjacent property owner, to the west of the property in question, has agreed to provide a Town of Angier utility easement and sewer stub towards the rear of the church property for future tie in.

Mayor Smith opened the Public Hearing.

Thomas Dean, 9808 Kennebec Church Road, requested consideration to allow Kennebec Baptist Church to be part of Angier. Mr. Dean stated he spoke to the adjacent property owner who was gracious enough to stub out the utilities for them.

Pastor Mark Howard, 9808 Kennebec Church Road, stated he would like the church to be officially part of Angier.

Seeing no one, Mayor Smith closed the Public Hearing.

Board Action: The Town Board voted to adopt Ordinance #A002-2022 to Extend the Corporate Limits of Town totaling approximately 25.39 acres located at 9736 and 9808 Kennebec Church Road; submitted by Kennebec Baptist Church (Wake PINs: 0675404605 & 0675309380).

Motion: Mayor Pro-tem Hawley

Vote: 4-0; unanimous

2. Rezoning Request

Planning Director Sean Johnson stated that upon receiving the Kennebec Baptist Church's petition for voluntary annexation into Angier, staff has proposed a rezoning for the Kennebec Church property to place the property in an appropriate zoning district. The property in question is located at 9808 Kennebec Church Road and totals approximately 25.391 acres (Wake PIN: 0675404605 & 0675309380). The current zoning is Wake County R-30 and the proposed zoning is Angier's Office & Institutional district. The Planning Board voted unanimously to recommend approval of the rezoning request at their January 11th meeting. The property is home to the Kennebec Baptist Church building along with a parking lot as well as unused acreage. Surrounding land uses include medium density residential as well as nearby retail and service uses. Public water and sewer are available.

Mr. Johnson indicated that the property is not yet shown on the Land Use Plan. The proposed rezoning to O&I is compatible with surrounding uses and would allow for the continued use and expansion of the Church. He concluded that the rezoning request would not have an unreasonable impact on the surrounding community and will not harm the public health, safety, or general welfare.

Mayor Smith opened the Public Hearing.

Seeing no one, Mayor Smith closed the Public Hearing.

Board Action: The Town Board voted unanimously to approve the rezoning requested located at 9808 Kennebec Baptist Church from R-30 to O&I (Office & Institutional) (Wake PIN's: 0675404605 & 0675309380).

Motion: Mayor Pro-tem Hawley

Vote: 4-0, unanimous

New Business

1. Budget Amendment #8

Finance Director Hans Kalwitz stated that this budget amendment pertains to the Parks & Recreation Department. The Town of Angier has received \$25,875 from our insurance provider for a claim regarding repair to the park restrooms due to fire damage. This Budget Amendment will recognize the insurance proceeds the Town has received and will increase allowable spending within the Parks & Recreation Department to repair restrooms. The General Fund will increase by \$25,875 to cover repairs.

Board Action: The Town Board unanimously voted to approve Budget Amendment #8 that pertains to the Parks & Recreation Department for an insurance claim submitted due to restroom fire damage.

Motion: Commissioner Coats

Vote: 4-0, unanimous

2. Asset Forfeiture Budget Ordinance

Finance Director Hans Kalwitz stated that this Budget Ordinance is in regards to drug seizure money obtained by the Police Department over the course of fiscal years. In the past, this revenue was held in a liability line, thereby not making it apparent the amount of money that had been seized.

Mr. Kalwitz indicated that depending on the way in which the controlled substances are acquired will result as to whether the Town will receive the revenue from the U.S. Department of Justice (Asset Forfeiture – Equitable Sharing Program) or the North Carolina Department of Revenue (Unauthorized Substance Tax). Regardless, it is mandated that this revenue be used only for law enforcement agency purposes and is to be restricted. In prior years, many localities had created separate bank accounts for this revenue, but recent years had proven that separate Funds within the Town's operating account was permissible. The Town will establish a new fund (Asset Forfeiture Fund) in the amount of \$30,000; likely to increase after full historical revenue review.

Board Action: The Town Board unanimously voted to approve an Asset Forfeiture Ordinance that pertains to drug seizure money obtained by the Police Department over the course of fiscal years.

Motion: Mayor Pro-tem Hawley

Vote: 4-0, unanimous

Old Business

1. Resolution #R004-2022 – Fixing a Date for Annexation Public Hearing submitted by James W. Johnson, III, Connie Johnson, and Vickie J. Mendenhall.

Planning Director Sean Johnson stated that staff has received a voluntary annexation petition submitted by James W. Johnson, III, Connie Johnson, and Vickie J. Mendenhall for approximately 16.15 acres located on S. Wilma Street (Harnett PINs: 0683-07-3454.000; 0683-06-0336.000). As directed by the Board at the January 4th meeting, the Town Clerk has investigated the sufficiency of the annexation petition. The next step is to set the date for the Public Hearing at the March 1st meeting.

Board Action: The Town Board unanimously voted to approve Resolution #R004-2022 to Fix a Date for Annexation Public Hearing submitted by James W. Johnson, III, Connie Johnson, and Vickie Mendenhall for March 1st.

Motion: Mayor Pro-tem Hawley

Vote: 4-0, unanimous

Manager's Report

- Department Reports (Informational Items included in Agenda packets)

Town Manager Gerry Vincent updated the Board on various items. Those items are the following:

1. Board Retreat 2022 – We are preparing for the Board Retreat for this year. Again, we are planning to utilize TJ Council of Government staff to facilitate the discussions. We are looking to schedule the retreat mid to late March. The retreat will be on a Friday and Saturday, and location is to be determined. There are a number of hot topics to discuss, which was sent to each Commissioner in the Friday news. Requested the Board to let him know what dates they are available and what topics that are not on the list they would like to discuss.
2. 2021 General Assembly Funding – Applications have been submitted to the State to request the obligated funds of \$10.4M. The committed funds are for the following: 1) \$2.5M for a 500,000 Gallon Elevated Water Tank Storage; 2) \$4.2M for the Water Distribution Core System Replacement; 3) \$3.3M for Additional Sewer Capacity from Harnett County; and 4) \$400,000 for drainage, not yet assigned.
3. COVID-19 – Due to an outbreak of Covid-19, Delta and/or Omicron, a large number of employees within Town Hall were affected, and tested positive. For the last three weeks, we had no choice but to shut down Town Hall. We appreciate the sympathy by the citizens for accommodating us during this time, it was an unforeseen matter. Staff is fully back this week and Town Hall is open to the public.
4. New Town Hall/Police HQs – Meetings with Rodgers Builders (contractor) and Oakley Collier (architects) to plan for the new town hall are ongoing. Tentatively, staff will move out in the spring (2022), construction to commence June/July time frame and completion July 2023. There will be a public meeting on February 15th to satisfy the USDA requirement, which will be the Town's lending institution.

Mayor & Town Board Reports

Commissioner Hawley requested the Town Manager to look at the Budget to see about the possibility in hiring additional Police Officers for night shifts as more subdivisions are coming into Town.

Mr. Vincent responded that he and the Chief of Police are looking into hiring additional officers come the new fiscal year.

It was the consensus of the Board to add discussion about Board Retreat logistics with an estimate of cost working with Triangle J Council of Governments as well as the Junkyard Screening Ordinance Section 4.9.3 of the Town's UDO at the February Work Session.

Commissioner Coats announced that the Chamber of Commerce Banquet is scheduled for March 22nd and they are now accepting nominations for citizen and business of the year.

Stuart Gardner, owner of Stuart's Wrecker Services, addressed the Board regarding the Junkyard Screening Ordinance and voiced his disagreement with the requirements.

Adjournment: Being no further business, the Town Board voted unanimously to adjourn the meeting at 7:45pm.

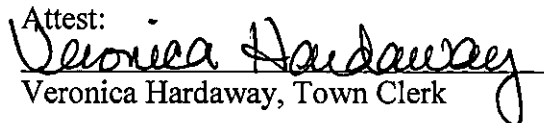
Motion: Mayor Pro-tem Hawley

Vote: Unanimous, 4-0



Robert K. Smith, Mayor

Attest:


Veronica Hardaway, Town Clerk