

**Town of Angier
Board of Commissioners
Tuesday, September 5, 2023, 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, September 5, 2023, in the Board Room inside the Municipal Building at 28 North Raleigh Street.

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

Members Excused:

Staff Present: Town Manager Elizabeth Krige
Town Clerk Veronica Hardaway
Finance Director Hans Kalwitz
Public Works Director Jimmy Cook
Planning Director Jeff Jones
Finance Lead Fellow Faith Gray
Community Development Coordinator Crissy Porter
Town Engineer Bill Dreitzler
Town Attorney Dan Hartzog Jr.

Others Present:

Call to Order: Mayor Smith presided, calling the Board of Commissioners meeting to order at 6:36 p.m.

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

Invocation: Mayor Smith offered the invocation.

Approval of the September 5, 2023 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 Kazakavage

Vote: 3-0; unanimous

Mayor Smith announced that George “Jr.” Price has stepped down from the Commissioner seat and that after discussion with the Town Manager and Town Attorney it has been decided that the Ward 4 seat will remain vacant until the election.

Presentations

Town Manager Elizabeth Krige introduced new Community Development Coordinator Crissy Porter. Ms. Porter holds a Bachelor’s degree in business and marketing from ECU and she has owned and operated several small businesses in our area. She will work with our management team to develop a corporate sponsorship campaign for park expansion, apply for grants, and plan for events. Crissy Porter stated she is so glad to be here. She encouraged the Board to reach out to her for any input or suggestions so they can help her as she moves forward.

Finance Director Hans Kalwitz introduced new Finance Lead Fellow Faith Gray. Ms. Gray’s position is with the UNC School of Government through Americorps. She will be assisting the Finance Department on various projects. Faith Gray stated she will be with the town for 11 months working on three main projects. Those projects consist of writing a comprehensive financial policy plan, policies in regards to ARPA funding, and the PAFR (Popular Annual Financial Report) report.

Public Comment

Mayor Smith read into the record a public comment submitted by Brian Hawley, 49 Kerrylane Drive.

“Honorable Mayor and Honorable Council, this section below is personal in nature and sent as a private citizen. This letter is requested to be added to the town of Angier September 5, 2023, public minutes. First, I want to thank Mayor Bob Smith for his support during the emotional meeting regarding the water tower. Thank you for gaveling down the room as our town council was being accosted by members of the public. I also appreciate your support and kind words that you did not gavel me down as it has been claimed and simply called my name to prevent me from falling into their trap. I would also like you to thank Mr. Hicks for what he said to those in attendance in their reasoning as to why they attempted to provoke a reaction. Your service will be missed Mayor Smith. Second, the reason for all of this is not something claimed I did, but rather something people claim I did not do, it is simply a strategy to seek revenge for the unethical actions that occurred while one of those persons was on the Angier ABC board as noted in my report. Third, I would ask Mr. Kazakavage to make public the messages he and his family have had to endure. It is despicable that a Gold Star Family has been treated in the way they have been treated. Lastly, thank you for the opportunity to address our council. God Bless!”

Consent Agenda

1. Approval of Minutes

- a. August 1, 2023 – Regular
- b. August 15, 2023 – Workshop

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

Motion: Commissioner Coats

Vote: 3-0; unanimous

Old Business

1. Agreement Between the Town and Jim Burgin/Jim Nicholson to Place Propane Tanks on Town Property

Town Attorney Dan Hartzog, Jr. stated that one small edit needed to be made to include a paragraph of liability and indemnity that reads as follows: the property owners agree that they will take full responsibility for any injury or damage to or caused by the propane tanks, bollards or fencing and will indemnify the town for any claim asserted against the town due to any injury or damage covered by this provision. Mr. Hartzog, Jr. wanted to make it clear that because they are doing the installing they are responsible for any injury caused and will be accountable for the maintenance of the fencing.

Board Action: The Town Board voted unanimously to approve a Memorandum of Understanding as modified between the Town of Angier and property owners Jim Burgin, Jim Nicholson, and Lori Nicholson to install propane tanks on property identified as PIN#: 0673-79-7656.000).

Motion: Commissioner Coats

Vote: 3-0; unanimous

2. ABC Funds for the Angier Library

Mayor Smith stated that the ABC Board has forwarded funds to the town to be used by the Angier Library as has been previously the practice; however, in the meantime, the library was taken over by Harnett County causing confusion on what to do with those funds.

Mr. Hartzog, Jr. stated the written agreement the Town has with the ABC Board requires them to set aside a certain amount of funds to be used for the Angier Public Library; which now no longer exists because it's with the County. The ABC Board has contacted us for direction on what should be done with those earmarked funds. Based on prior discussions, it was suggested to get special legislation to allow them to give those funds to the Harnett County library; however, that legislation is not in place at this time. The question is what should the ABC Board do with the funds that would otherwise be sending to the Angier Public Library until such time as we do get special legislation. Currently, the ABC Board has been holding the funds in trust pending direction from the Board.

Ms. Krige suggested drafting a new agreement having those funds set aside for park expansion.

It was the consensus of the Board to request the Town Manager to reach an agreement with the ABC Board to direct the funds to be used for the park.

3. ABC Board Introduction Interviews and Appointments

Advisory Board Candidates were interviewed as follows:

Nicholas Adcock
Tammy Farley
Bob Gravelle

Each candidate had a five-minute question and answer session during an open session with the Town Board. During the interview process, it was determined by the Board of Commissioners that there are no conflicts that would create problems or prevent any candidate from fairly or impartially discharging the duties as an appointed member.

Board Action: The Town Board voted unanimously to appoint Dennis Gilby, Jr. to fulfill a former member's term that will end 12/31/24.

Motion: Mayor Pro-tem Hawley
Vote: 3-0; unanimous

Board Action: The Town Board voted to appoint Joe Langley to fulfill a former member's term that will end 12/31/25.

Motion: Commissioner Coats
Opposed: Mayor Pro-tem Hawley
Vote: 2-1; motion carried

New Business

1. Harnett County Capacity Increase First Amendment to Utility Agreement

Town Engineer Bill Dreitzler stated that the Town received State appropriated funds to assist with the purchase of an additional 1.25 MGD of wastewater treatment capacity from Harnett County as a pro-rata share of a planned 9.0 MGD expansion project. Funds were appropriated during S.L. 2021-180 and S.L. 2022-74. They were subsequently combined into 1 project number (SRP-W-ARP-0019) with a total appropriation of \$6,118,750.00. The Town's share of the current project cost is \$10,407,100.00. The Town is a stakeholder with a financial obligation to purchase additional capacity. Given the actual project (engineering, permitting, construction) rests with Harnett County, the Division of Water Infrastructure (DWI) instructed the Town and County to prepare an interlocal agreement that addresses the stakeholder relationship and financial obligations. Version 6.0 of the proposed First Amendment to Utility Agreement is presented for adoption. On August 1, 2023 the DWI provided correspondence that they had approved the language in version 6.0 of the Amendment. The Town's attorney has reviewed the proposed amendment and found the language acceptable.

For additional background, staff referenced the original Wastewater Treatment Agreement that is dated 7-17-2006. Item 4 of the proposed amendment references Section III (J) of the original agreement. This section outlines the reimbursement process for additional capacity purchase. In addition, an email received from Steve Ward, Director, Harnett Regional Water was referenced acknowledging that the payment time frames in the

agreement may be challenging given the reimbursement procedures within the DWI. The email states that the County understands payments to the County will occur after the Town has received reimbursement from the DWI.

The adoption of the proposed First Amendment to Utility Agreement does not represent a financial impact as the Town has previously obligated the cost of the 1.25 MGD wastewater treatment capacity increase. The adoption; however, meets a condition of the DWI as it relates to receipt of the \$6,118,750.00 obligated in 2021 and 2022 Session Law.

Board Action: The Town Board voted unanimously to adopt the proposed First Amendment to Utility Agreement between the Town of Angier and Harnett County for additional capacity and authorize execution by the Mayor.

Motion: Commissioner Coats

Vote: 3-0; unanimous

2. Budget Amendment #2

Ms. Krige stated that this Budget Amendment pertains to taking funds that are already in the capital outlay and administration department and move it to the police station fund as everyone is aware that the RFQ has been released to receive proposals. Those proposals will be evaluated and will invite the top three design-build firms to come and interview with the RFQ committee. Ms. Krige noted that the movement of these funds will delay the parking lot paving across from Napper Tandy's. The timeline of the postponement of the parking lot is unknown; however, the question raised is, does the Board want to move forward with the paving of the parking lot and then potentially take money out of fund balance.

Board Action: The Town Board voted unanimously to table this budget amendment at this time.

Motion: Mayor Pro-tem Hawley

Vote: 3-0; unanimous

3. Voluntary Annexation Petition Submitted by the Town of Angier

Planning Director Jeff Jones stated the Town is requesting an annexation located at 298 Smith Drive which is utilized as the Police Department's shooting range. This parcel has not been in our town and we are having to perform some improvements to the training facility that we want to locate there. Through permitting, it was realized that our property is not in our town limits.

Board Action: The Town Board voted unanimously to approve Resolution #R016-2023 to Direct the Clerk to Investigate the Sufficiency of the Petition submitted by the Town of Angier for approximately 41.82 acres located at 298 Smith Drive, Angier, NC (Harnett PIN: 0672-43-0254.000).

Motion: Mayor Pro-tem Hawley

Vote: 3-0; unanimous

4. Bike Fest

Gene Joslyn, Bike Fest organizer, thanked the Board for allowing them to utilize Depot Square for their event. He thanked Public Works and Police staff for all of their hard work. The event raised approximately \$20,000 for pediatric brain cancer. Mr. Joslyn requested approval for Bike Fest 2024 expanding the event from Friday-Sunday. The event will run with the same conditions as this year, but Sunday will have a ride for the kids.

Board Action: The Town Board voted unanimously to approve Bike Fest 2024 to be held the first weekend of June with the same conditions as this year with the addition of a ride for the kids.

Motion: Mayor Pro-tem Hawley

Vote: 3-0; unanimous

Manager's Report

Ms. Krige updated the Board on various items:

- Crepe Myrtle Celebration – Angier is proud to host the 49th Annual Crepe Myrtle Celebration, sponsored by the Chamber of Commerce. Thank you to the Chamber, volunteers, and town staff who work to make this event a success. The celebration begins with a concert on Friday, September 8th by Rivermist at 7pm. On Saturday, the festivities begin at 10am.
- Waste Water Capacity Purchase – The town is applying for a USDA loan to cover a portion of the purchase. Currently, we are waiting on responses to an RFQ for a preliminary engineering report, which is a requirement of the loan program.
- Police Station Project – Davenport Public Finance will present a financial overview to the Board of Commissioners in the next few weeks. This is part of the USDA financing process for the Police Department project.
- Update on American Rescue Plan Act Funds – There were several policies the Board needs to adopt before the town can spend these funds. These policies will be reviewed by our attorney and then presented to the Board for adoption in the next month.

Mayor & Town Board Reports

Commissioner Coats asked if there was anything Public Works can do around town with so many crepe myrtle's looking distressed. Our town is known for being the town of crepe myrtles and we've been pushing developers and builders to add them to their new developments, but we need to consider taking care of the ones that are all around town. Mr. Cook stated that he has brought this up to his staff and plan on trimming everything as one of their fall projects.

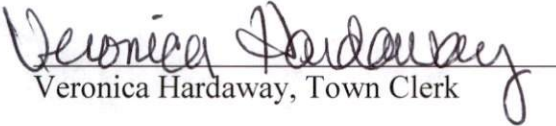
Commissioner Kazakavage stated he's noticed there's a lot of grass growing on some of the sidewalks and against some of the buildings. Mr. Cook stated his staff will check on that.

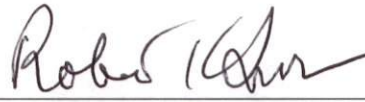
Adjournment: Being no further business, the Town Board voted unanimously to adjourn the meeting at 7:37pm.

Motion: Commissioner Kazakavage

Vote: 3-0; unanimous

Attest:


Veronica Hardaway, Town Clerk


Robert K. Smith, Mayor

