

**Town of Angier
Board of Commissioners
Tuesday, October 6, 2020, 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 on Tuesday, October 6, 2020, in the Board Room inside the Municipal Building at 28 North Raleigh Street.

Members Present: Mayor Bob Smith
Commissioner Alan Coats
Commissioner Loru Boyer Hawley
Commissioner Mike Hill

Members Excused: Mayor Pro-tem Craig Honeycutt

Staff Present: Town Manager Gerry Vincent
Town Clerk Veronica Hardaway
Planning Director Sean Johnson
Chief of Police Arthur Yarbrough
Library Director Katy Warren
Finance Director Hans Kalwitz
Parks & Recreation Director Derek McLean
Administrative Assistant Donna DiMambro
Town Attorney Dan Hartzog, Jr.

Others Present:

Call to Order: Mayor Smith presided, calling the Board of Commissioners meeting to order at 7:00 p.m.

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

Invocation: Mayor Smith offered the invocation.

Mayor Smith announced Mayor Pro-tem Craig Honeycutt's resignation as Commissioner effective December 31, 2020.

Board Action: The Town Board voted to excuse Mayor Pro-tem Craig Honeycutt from the meeting.

Motion: Commissioner Hill
Vote: 3-0; unanimous

Approval of the October 6, 2020 meeting agenda: The Town Board unanimously approved the agenda as presented.

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

Motion: Commissioner Hill

Vote: 3-0; unanimous

Public Comments

The Town Clerk read into the minutes the following statement provided by Vicki Pinkerton, former Finance Officer of the Angier ABC Store:

"This is my statement to the Angier Town Board for October 6, 2020. I worked as the Finance Officer from September 2018 to July 31, 2020. I was praised by General Manager Shirley Brinkley and Board Chairman Jerry Hockaday on my job performance and work ethic many times. Shirley told people I took a weight off her shoulders and she couldn't do her job without me.

When I was first introduced to the board as the Finance Officer in September 2018, I questioned numerous times if I should be attending Board meetings, and was told no. Jerry repeatedly referred to me as the Bookkeeper, not the Finance Officer. I found this very demeaning and trivializing to my position.

Shirley and I also had a discussion regarding a new store employee asking to rearrange the Bourbon/Whiskey aisles in the face of a veteran store employee who has been doing most of the cleaning and straightening for a long time. The disagreement came when I felt the veteran employee should have been included in this task and Shirley told me that the employee doesn't run the store. I noticed after this disagreement with Shirley, she became distant and short tempered with me. I had always felt Shirley and I could be open and honest with each other. I guess I was wrong. It wasn't long after this incident, they decided to build me an office, even though I still had to go to her office to get the money for the daily deposits. At times, I had to excuse myself through customers sitting in her office.

I was allegedly fired for insubordination and furnishing financial information to a Town of Angier Commissioner. I was never called into the Manager's office for insubordination. After my termination, on July 31st, I texted Jerry Hockaday and asked if I was allowed to know who my accuser was and how was I insubordinate. He texted me back and said he didn't know about insubordination, but Mike Hill, a Town Commissioner, said a lady who worked at the Angier ABC Store told him Shirley Brinkley was given a Bonus to help with her retirement. I texted him back, telling him, I have no idea who Mike Hill is, and I don't speak with customers regarding any finances. The letter I received from Keith, was drafted by you, according to Keith. I would never jeopardize my position for anything. At that time, I had never spoken with any of the Town Commissioners, let alone anyone named Mike Hill. Jerry told me he didn't know what to tell me, that is what was said in the meeting he attended. The text messages are available if requested. Since my termination, I have been in contact with Mike Hill and he said what Jerry Hockaday claims is not true.

One day I walked into Keith's office and saw a twenty-dollar bill laying on his desk. I told him he shouldn't leave money laying around. He said a customer gave it to him. I asked if that was ethical or legal? He told me the customer has given Shirley money before. Another issue was when I was helping Keith set up his information on the store's Amazon Prime account. I suggested he take Shirley's personal information from the account. I said I didn't believe her personal account should be tied to the store account.

Another issue came up after Shirley retired; a letter came in the mail in reference to a terminated employee for April 14, 2020. The letter was from the ESC and the terminated employee had applied for unemployment due to COVID-19. The day the letter came in the mail, Jerry Hockaday was in the manager's office. I read the letter to both he and Keith Black, and Jerry said not to approve the unemployment because

that was not why the person was let go. Both Keith and I called the ESC. When Keith finally was able to speak with someone, he was told the unemployment benefits were already approved by the General Manager, Shirley Brinkley, and the letter we received was a Determination Letter. That was the last time Keith or Jerry mentioned anything regarding the unemployment for that employee.

When Shirley was given tickets to events, she offered them to the employees. A \$500 gift certificate to Garibaldi's restaurant (my husband and I did eat dinner); tickets to the Beer Bourbon and Barbaque in Cary; tickets to the Monster truck show in Raleigh, and numerous personal gifts, were given to Shirley. We as a group exchanged gifts for birthdays and Christmas.

Shirley also was in contact with the GM Keith Black during the 30-day period imposed by the SSA before she could go back to work. I was also in the office when she emailed Keith to make an introduction for one of the Bourbon customers.

How is it possible, Shirley can come back as a part-time employee and make \$40,000/year? Keith Black was given a raise to \$41,600 as a full-time employee. Is that legal?

Another thing that made no sense to me, is why there are cameras in every part of the store except the manager's office where the safe is, where the daily deposits are kept. I posed this question to Shirley one day, and was told cameras in the office was not needed. I was also curious why Jerry Hockaday had one of two keys (Shirley had the other) and he picked up mail when Shirley and I both went by the Post Office. Jerry would bring the mail to the store and bring it to my office. I could have easily picked the mail up on my way to work.

I don't feel I was fully trained in my position, and only paid monthly bills, including taxes for the store as well as taking care of payroll, entering some vendor invoices into QuickBooks, and sending copies of destruction reports to Laurie Lee at the ABC Commission. Copies of the tax and building payments were given to Shirley and filed in a locked file in her desk. Shirley handled the vacation and sick time into Excel, made decisions as to purchases for the store and offices. When other checks were to be written, I was told how much and to whom. I did the monthly journaling in QuickBooks, and rarely spoke with the store accountants (May & Place). When I started as the Finance Officer, I was told I needed to make sure our journals (Checking and Money Market) reconciled with the bank (First Federal). It wasn't until months later, she told me I was also supposed to reconcile with the accounts as well. So, if I didn't enter an entry properly into QuickBooks, the numbers would not match. The last week of June 2020, Shirley handed me an envelope with a list of things to send to the accountant and some of the items on the list I had not seen before. She told me we could take care of everything when she came back to work in August.

To end my statement, I am very willing to testify in a court of law and take a polygraph test that all above statements are true. I believe the Town Board has the right to ask any and all employees of the ABC Store to submit to a polygraph test."

The Town Attorney Dan Hartzog Jr. recommended the Board set an Evidentiary Hearing if they chose to take any action.

Public Hearings

1. Rezoning Request

Planning Director Sean Johnson stated that the Planning Department has received a rezoning application from James W. Johnson, III for an approximately 7.9 acre parcel on S. Wilma Street (Harnett PIN: 0673-96-3833.000). The property is currently zoned R-10 and the requested district is R-6. The property is currently open farmland with some woods and Black River Creek at the west side of the property. Surrounding land uses include low and medium density residential as well as agricultural uses. Public water and sewer are available.

Mr. Johnson stated the requested rezoning would match the uses identified by the land use plan and would not have an unreasonable impact on the surrounding community and will not harm the public health, safety, or general welfare. The Planning Board recommended approval at their September meeting.

Mayor Smith opened the Public Hearing

James W. Johnson, 350 Woodcroft Drive, requested a rezoning due to lot size and for the parcel to be consistent with the area to the west and south of the property.

Seeing no one, Mayor Smith closed the Public Hearing

Board Action: The Town Board unanimously voted to approve the requested rezoning submitted by James W. Johnson for a parcel totaling approximately 7.9 acres (Harnett County PINs: 0673-96-3833.000) from R-10 to R-6.

Motion: Commissioner Hawley

Vote: 3-0, unanimous

Consent Agenda

1. Approval of Minutes

- a. September 1, 2020 – Regular Meeting
- b. September 15, 2020 – Board of Adjustment/Work Session Meeting

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

Motion: Commissioner Coats

Vote: 3-0, unanimous

New Business

1. CARES Act Funding Recommendations

Town Manager Gerry Vincent stated North Carolina counties are receiving funding for local governments as part of the Coronavirus Relief Fund (CRF) established under the federal CARES Act. The CRF allocation for Harnett County totals \$5.1M, and pursuant to North Carolina Session Law 2020-80 25% shall be allocated to municipalities per the municipal's population based on 2019 population estimates.

The Town of Angier received \$254,450 of federal funding due to COVID-19 expenses for the salaries and benefits of the Angier Police Department.

The recommended and anticipated use of funds:

- Department of Public Safety Grant for equipment – The Town will apply for the maximum amount of \$24,500 and recommend a 20% match \$4,900. Grant application opens November 1st and closes December 31st.

- Allot a one-time pay out of hazardous pay to police officers and essential personnel during COVID-19. The breakdown is as follows:
 - *15 Full time police officers at \$3,000 each (\$45,000 TL)
 - *23 Full time employees at \$2,000 each (The pay out will not include one non-essential vacant position, one PWs vacant position, and the Town Manager. (\$46,000 TL)
- A new streaming system for the Town Board Room for a total of \$7,930.92.

Total impact from the CARES Act funding is recommended at \$103,900. The remaining funds will be placed in a CARES Act line item in the budget for future expenses.

Board Action: The Town Board unanimously voted to approve the recommended and anticipated use of funds from the CARES Act presented by the Town Manager.

Motion: Commissioner Hawley

Vote: 3-0, unanimous

2. Budget Amendment #4

Finance Director Hans Kalwitz stated this budget amendment accepts donations received from FY 2020 as well as FY 2021. The donations from FY 2020 were not spent and are treated as a restricted revenue. Through this amendment, the revenue is being recognized and allowable spending will be increased within the Library Department. The Town has received CARES Act allocation which will be recognized through this budget amendment and allowable spending will be increased as well. This will increase the General Fund by \$255,036.

Board Action: The Town Board unanimously voted to approve Budget Amendment #4.

Motion: Commissioner Coats

Vote: 3-0, unanimous

3. Discussion of ABC Board

Commissioner Hill discussed some concerns that were brought to his attention regarding the ABC Board and the operations of the ABC Store.

Board Action: The Town Board unanimously voted to set an evidentiary hearing to determine if Jerry Hockaday should be removed for cause from the ABC Board.

Motion: Commissioner Hill

Vote: 3-0, unanimous

Board Action: The Town Board voted to appoint a sitting Commissioner to the ABC Board to look after the Town's interest and report back to the Town Board with quarterly status reports.

Motion: Commissioner Hill

Vote:

Commissioner Hill withdrew his motion until December advisory board appointments.

Board Action: The Town Board voted to place the Town of Angier Finance Officer in charge and control of the Angier ABC Store. With one additional person to be hired as a Town employee and placed in charge of financing with the ABC Board. The ABC Board will be charged for all costs for that position.

Motion: Commissioner Hill

Vote:

After discussion with the Town Attorney, Commissioner Hill withdrew his motion until the matter is researched and reported back to the Board.

Manager's Report

- Department Reports (Informational Items included in Agenda packets)

Mr. Vincent updated the Board on various items. Those items are the following:

1. A list of projects ongoing despite COVID-19:
 - a. Town Hall/Police Station Design
 - i. Logistics with relocating staff
 - ii. Final design/overall costs
 - iii. Finalize finances with Davenport & Company
 - iv. Present overall plan to the Board of Commissioners
 - v. Prepare/advertise for a construction manager at risk
 - vi. Prepare construction documents
 - vii. Finalize financing
 - viii. Construction
 - b. Finalizing Downtown Study (NC State University)
 - i. Final presentation in January 2021
 - c. Finalizing the Jack Marley Park Comprehensive & Master Plan (Susan Hatchell LLC)
 - i. First Community Meeting to be held October 15th at 6 & 7 pm
 - d. Ongoing conversations with Harnett County & USDA regarding additional wastewater and water capacity and loan options
 - e. Applying for a Department of Public Safety Grant Application for the Police Department (Annette Dunlap-Grant Writer)
 - i. Application opens November 1st
 - f. Preparing an Economic Development Strategic Action Plan (Economic Leadership LLC)
 - i. Presentation in December 2020

- g. Finalizing a Water/Sewer Rate Study for the next five years (EnviroLink)
 - i. Presentation in November 2020
- h. Review of development ordinances – 160D related to significant changes by the NC General Assembly (TJCOG)
 - i. Review begins January – July 2021
- 2. Governor Cooper recently announced moving into Phase 3 effective October 2nd at 5pm. The lifting of restrictions are as follows:
 - a. Large outdoor venues with seating greater than 10,000 may operate with 7% occupancy;
 - b. Smaller outdoor venues may operate outdoors at 30% capacity, or 100 guests, whichever is less;
 - c. Movie theaters at 30% capacity;
 - d. Bars may operate outdoors at 30% capacity;
 - e. Amusement parks may open at 30% capacity;
 - f. The limits on mass gatherings will remain at 25 indoors and 50 people outdoors;
 - g. The 11pm curfew on alcohol sales for in-person consumption will be extended to October 23rd.
- 3. And lastly, during COVID-19, the Town's loss of revenue exceeded \$110,000. Due to the Gov's Executive Order, individual repayment plans had to be issued and signed by every account holder. The number was reduced to 252 residents, and by the efforts of staff, the current number is as follows:
 - a. Paid in full – 129
 - b. Payment arrangement – 98
 - c. Moved out/other – 11
 - d. No response – 14

The week of September 28th, the Utility Department earned their pay. There were approximately 200 cut-offs on that day, therefore, residents rushed in to pay their accounts in full, not very happy, and one escorted out of the building by police. The line extended out the front door of Town Hall. An assist by Veronica and Melissa to help operate the front counter, and Hans riding with Jimmy to help cut account holders back on was outstanding. In addition, the Public Works Department earned a 14-hour day with the cut-offs/cut-ons.

Mayor & Town Board Reports

Adjournment: Being no further business, the Town Board voted unanimously to adjourn the meeting at 8:11pm.

Motion: Commissioner Hawley

Vote: Unanimous, 3-0

Robert K. Smith

Robert K. Smith, Mayor

Attest:

Veronica Hardaway
Veronica Hardaway, Town Clerk

