

**Town of Angier
Board of Commissioners
Tuesday, November 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, November 1, 2022, 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 George "Jr." Price
Commissioner Alan Coats via *Zoom*

Members Excused:

Staff Present: Town Manager Gerry Vincent
Town Clerk Veronica Hardaway
Planning Director Randy Cahoon-Tingle
Chief of Police Lee Thompson
Community Develop. Coord. Casey Todd
Finance Director Hans Kalwitz
HR Director Melissa Wilder
Public Works Director Jimmy Cook
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 6:30 p.m.

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

Invocation: Mayor Smith offered the invocation.

Approval of the November 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: Mayor Pro-tem Hawley

Vote: 4-0; unanimous

It was the consensus of the Town Board to allow Commissioner Alan Coats to participate via Zoom.

Presentation

Town Manager Gerry Vincent introduced and welcomed the Town's new Planning Director, Randall Cahoon-Tingle.

Public Comment

ABC Store General Manager Christina Kazakavage presented year end audit findings and awarded the Town distribution funds as follows: \$115,000 General Fund; \$5,170 Law Enforcement; and \$3,249 Alcohol Education.

Consent Agenda

1. Approval of Minutes

- a. October 4, 2022 – Regular Meeting

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

Motion: Commissioner Kazakavage

Vote: 4-0; unanimous

Public Hearing

1. Rezoning Request – Submitted by Thomas Purdue

Town Manager Gerry Vincent stated that staff has received a rezoning application request from Thomas Purdue for approximately 0.15 acres located at 45 W. Lillington Street, Angier (Harnett PIN: 0673-79-2185.000) from R-10 to General Commercial. The Planning Board recommended approval of the rezoning request at their October 11th meeting. Currently the property in question has an existing single-family dwelling. Surrounding land uses include single family residential, retail, restaurant, and Depot Square. Public water and sewer are available. The proposed rezoning aligns with the commercial designation on the Future Land Use Plan and will facilitate additional commercial development that will be similar to adjacent areas.

Mr. Vincent stated that if the rezoning is approved, the existing dwelling on the property would remain a legal nonconforming use (grandfathered) unless vacant for at least 1 year. All future uses and/or development on the property will follow the new commercial zoning district.

Mayor Smith opened the Public Hearing.

Haley Brown with McConnell & Associates stated the applicant is the owner of the Angier Meat Market and had recently just purchased the property in question.

Seeing no one else, Mayor Smith closed the Public Hearing.

Board Action: The Town Board unanimously voted to approve the rezoning request submitted by Thomas Purdue to rezone approximately 0.15 acres located at 45 W. Lillington Street, Angier (Harnett PIN: 0673-79-2185.000) from R-10 to General Commercial.

Motion: Mayor Pro-tem Hawley

Vote: 4-0; unanimous

New Business

1. Amendments to the Municipal Animal Control Ordinance

Harnett County Senior Staff Attorney, Chris Appel, reviewed amendments to the originally adopted Municipal Animal Control Ordinance of 1993.

Major amendments to the Animal Control Ordinance:

Page 3 Section II – Applicability of County Ordinance

Page 7 Section XIII – Public Nuisance; Section XIV – Penalties & Remedies

Mr. Appel reviewed the Interlocal Agreement between Harnett County and the Town of Angier. He explained this agreement is to allow Harnett County Animal Services Officers to enforce the municipal ordinance. Any fine associated with a violation of the municipal ordinance would go back to the respective town that is a penalty of the ordinance. Any fees associated with the housing of animals at the animal shelter would be with the county because that cost is directly associated with the county. The compensation to the county for these services is listed under section 8 of the Interlocal Agreement in the amount of \$12,000 per year. Also, the Town's police department, upon request, shall provide assistance to Animal Services during the seizure and impoundment of any animal that is a violation of the Municipal Ordinance, state, or federal law. The term of this agreement would be upon execution until June 30, 2025 and then it will auto renew for three-year terms.

Board Action: The Town Board unanimously voted to approve the Interlocal Agreement for Harnett County to provide animal services to the Town of Angier as well as the approval of the discussed amendments to the Ordinance.

Motion: Mayor Pro-tem Hawley

Vote: 4-0; unanimous

2. T-Mobile Water Tank (Dora Street) Proposed Amended Agreement

Justin Green, P.E., with Morrison Hirschfield represented T-Mobile. He explained that he had reached out to the Town Manager of requesting to make some changes to the equipment that's installed on the water tank located on Dora Street. Sprint, now owned by T-Mobile, has antennas and equipment mounted onto the tank and at ground elevation of the existing site. Sprint is the current tenant on the water tank and has been since 1997,

however the lease expires in December 2022. T-Mobile acquired Sprint in April 2020 and since then they have been underway with a project to integrate the Sprint network into their network as well as modernize the Sprint sites. T-Mobile is proposing to replace existing equipment with more up-to-date equipment including 5G technologies. The footprint on the tank and on the ground will remain within the existing rights of the agreement. It was requested of the Town to consider a lease amendment that will extend the term for an additional five years with the option for 3, five-year renewals. Along with that, it was also proposed to add a 3% annual escalator which is fairly common within these types of leases. Current rent paid to the Town is \$2,915 per month which ends up being just under \$35,000 per year and almost \$175,000 for the initial five-year term. If the lease were to renew for the 3, five-year subsequent renewals the Town is looking to gain approximately \$700,000 over the life of the lease.

Mr. Green stated that they are currently working with the Town's water tank consultants to make sure that the design that's proposed meets their approval along with a structure analysis.

Mayor Smith informed Mr. Green that the Town will be constructing a new water tank in that area in the near future.

Town Attorney Dan Hartzog, Jr. added that one concern that arises is that any lease agreement the Town enters into not prevent us from replacing that water tank. Some language will need to be added into the lease agreement to cover that upcoming change; the parties acknowledge that the Town is anticipating the replacement of this tank and building of a new tank, the parties anticipate in that situation to renegotiate.

It was the consensus of the Board to come back with a final lease agreement to be approved contingent upon language to be included in the agreement that was given by the Town Attorney and the passing on a structural analysis, construction drawings, and the completion of any needed structural modifications to the tank by our asset management company utility service.

3. Envirolink Updated System Development Fee – HB – 436

Town Engineer Bill Dreitzler stated that HB-436 was ratified by the General Assembly on June 29, 2017. The law changed the way municipalities could collect utility fees associated with new development. The law required a Study be prepared such that the new System Development Fees (SDF) were justified based on the individual municipalities utility system. The Town is required to update the SDF at a minimum of every 5 years. Therefore, the update should be reflected in the 2023-2024 Rate & Fee Schedule. Envirolink prepared the Town's initial SDF analysis and has submitted a proposal to prepare the update. The process can be time consuming which is why staff is recommending we proceed with the update.

Mr. Dreitzler continued to say that the Envirolink proposal to prepare the SDF update is for a fee of \$15,000. The update is a budgeted item that will come from the Utility Fund.

Board Action: The Town Board unanimously voted to approve the proposal submitted by Envirolink to update the Town's System Development Fees in the amount of \$15,000.

Motion: Commissioner Price

Vote: 4-0; unanimous

4. Junny Road Standpipe Conversion to Fire Protection

Mr. Dreitzler stated that to improve water quality in sections of our distribution system, the Junny Road Standpipe was taken offline after the Kennebec Church Road 250,000 Gallon Elevated Water Storage Tank went online. With the new elevated tank, we did not require the storage provided in the Junny Standpipe to meet State standards for storage. However, it was later discovered that the Junny Standpipe water volume was a necessary component for the operation of the Bulldog Hose Company fire pump. With the Junny Standpipe back on-line, the Town is flushing an estimated 6 million gallons of water a month to adhere to chlorine residual water quality standards. With a cost of \$2.60/1000 gallons, the flushing cost is an estimated \$15,600/month. When the new 500,000 Gallon Elevated Water Storage Tank currently under design goes on-line, the Junny Standpipe will not be required for operation of the Bulldog fire pump. However, we estimate a 2-year timeframe before the new tank is designed, permitted, constructed and becomes operational. The proposed conversion project will disconnect the Standpipe from our distribution system and connect it directly to Bulldog. Therefore, the fire pump will operate and the Town's flushing requirements will be significantly reduced. With approval, we estimate the conversion project will be completed within 6 months.

Mr. Dreitzler stated that MBD Consulting Engineers, P.A. fee agreement proposes a lump sum fee of \$7,600 which includes design, permitting and construction administration. The current opinion of cost for the engineering and construction is \$77,407. Using 18-months between completion of the conversion project and bringing the new elevated water storage tank online, the savings in water purchase cost for flushing will be an estimated \$280,800. The Utility Fund will be used for the cost of the project.

Board Action: The Town Board unanimously voted to authorize the Town Manager to execute the MBD Consulting Engineers, P.A. Fee Proposal in the amount of \$7,600.

Motion: Commissioner Price

Vote: 4-0; unanimous

5. Budget Amendment #2

Finance Director Hans Kalwitz stated that this budget amendment pertains to the General Fund and the Water & Sewer Fund. During FY 2022, the Angier ABC Board had made contributions for alcohol education; managed by the Police Department. Last fiscal year this restricted revenue was not fully spent and is now being recognized. Additionally, the Police Department sold brass shell casings and the revenue from this sale will go toward the Police Departments spending. The BB&T Escrow bank account holds money for Water & Sewer Fund capital needs. The balance of the BB&T Escrow bank account will be spent in full within FY 2023 for the purchase of meters. This budget amendment will

acknowledge revenue to be appropriated to respective expenditure lines within the General Fund and Water/Sewer Fund; \$6,041 and \$110,266 respectively.

Board Action: The Town Board unanimously voted to approve Budget Amendment #2 as presented.

Motion: Mayor Pro-tem Hawley

Vote: 4-0; unanimous



Be it hereby ordained by the Town Council of the Town of Angier that the following amendments be made to the Budget Ordinance adopted on the 21st day of June, 2022 (as well as subsequent amendments) as follows:

General Fund (10 Fund)				
General Fund Revenue	Line Item	Budget	Change	Amended Budget
ABC ALCOHOL EDUCATION PRO	10-3010-5160	-	↑ 5,406	5,406
FUND BALANCE APPROPRIATED	10-3010-9999	-	↑ 635	635
Total Revenue Budget		6,595,180	6,041	6,601,221

Police Department	Line Item	Budget	Change	Amended Budget
TRAINING & MEETINGS	10-5100-3050	500	↑ 635	1,135
ABC ALCOHOL EDUCATION PRO	10-5100-5060	-	↑ 5,406	5,406
Total Budget Expenditures for Dept 5100		1,945,782	6,041	1,951,823

Water & Sewer Fund				
Water & Sewer Revenue	Line Item	Budget	Change	Amended Budget
TRANSFER FROM BB&T ESCROW	30-3030-8725	-	↑ 110,266	110,266
Total Revenue Budget		3,377,537	110,266	3,487,803

Water Department	Line Item	Budget	Change	Amended Budget
LINE EXTENSION/BB&T ESCROW	30-8100-5625	25,000	↑ 110,266	135,266
Total Budget Expenditures for Dept 8100		1,352,120	110,266	1,462,386

Motion to adopt FY 2023 Board Approved Budget Amendment #2

Amended this the 2nd day of November, 2022

Robert K. Smith

Robert K. Smith, Mayor

Attest:

Veronica Hardaway
Veronica Hardaway, Town Clerk



6. Road Closure Request for November 12, 2022 ACE Car Show

Community Development Coordinator Casey Todd stated that she received a road closure request for November 12, 2022 from 10-4pm. The request was put in for a large event road closure; which is the following area, N. Broad St. W and East. Ms. Todd introduced Brian Guy with Auto Culture Events.

Brian Guy proposed a car show event for November 12th from 10-4pm and is estimating anywhere from 200/300 cars and trucks along with car related vendors such as window tinting, lifts, etc. Food trucks will be in attendance, a DJ for entertainment, however there will not be any alcohol on site. Mr. Guy will pay all applicable fees associated with Town rental property. This is a nonprofit group and this time proceeds will be going to a member's family member battling cancer.

The Board asked Mr. Guy if he would be willing to provide for the presence of one or two police officers. Mr. Guy agreed to that.

Board Action: The Town Board unanimously voted to approve ACE Car Show event road closures for November 12th from 10-4pm.

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. As previously mentioned to the Board of Commissioners, CAMPO (Capital Area Metropolitan Planning Organization – a regional transportation organization to assist Angier and surrounding cities, counties, & towns to leverage state and local funds with federal dollars with transportation needs) will conduct a transit study along NC 55 & US 401 based on the tremendous growth along these corridors. The cost is approximately \$100K-\$150K, and there is no local match. The study, if approved by CAMPO, will take approximately one year to complete.
2. A company named Cloudwyze will soon begin to have presence in Angier. This company will provide broadband throughout the town providing fiber throughout the neighborhoods. Cloudwyze is a North Carolina homegrown company providing high-speed internet solutions. Currently, Cloudwyze is in Erwin, moving towards Coats, then to Angier, and eventually throughout Harnett County.
3. The Fall Employee Appreciation Luncheon was held on Friday, October 28th. A few milestone anniversaries to be recognized: Veronica Hardaway, Administration – 5 years, Brandon Johnson, Public Works-10 years, and Chief Lee Thompson, Police-10 years. Longest serving employees with the Town of Angier: Jimmy Matthews, Public Works-21

years, Derek McLean, Parks & Recreation Director-23 years, and Jimmy Cook, Public Works Director-26 years! Congratulations to all!

Mayor & Town Board Reports

Board Action: The Town Board unanimously voted to suspend the Remote Participation Policy to allow Commissioner Coats to participate remotely for Closed Session.

Motion: Commissioner Price

Vote: 4-0, unanimous

Board Action: The Town Board unanimously voted to go into Closed Session pursuant to NCGS 143-318.11 (a)(1) to discuss privileged information with the Town Attorney at approximately 8:03pm.

Motion: Commissioner Price

Vote: 4-0, unanimous

Board Action: The Town Board unanimously voted to reconvene in open session at approximately 9:26pm.

Motion: Mayor Pro-tem Hawley

Vote: 3-0, unanimous

Adjournment: Being no further business, the Town Board voted unanimously to adjourn the meeting at 9:26pm.

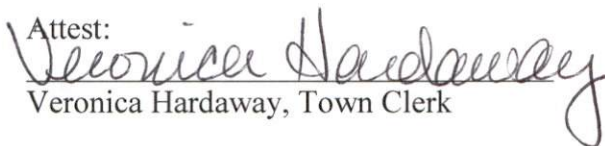
Motion: Mayor Pro-tem Hawley

Vote: 3-0; unanimous



Robert K. Smith, Mayor

Attest:



Veronica Hardaway, Town Clerk

