

**Town of Angier
Board of Commissioners
Tuesday, January 3, 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, January 3, 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 George "Jr." Price
Commissioner Alan Coats

Members Excused:

Staff Present: Interim Town Manager Richard Hicks
Town Clerk Veronica Hardaway
Planning Director Randy Cahoon-Tingle
Chief of Police Lee Thompson
Lt. David Adams
Community Develop. Coord. Casey Todd
Finance Director Hans Kalwitz
HR Director Melissa Wilder
Parks & Recreation Director Derek McLean
Public Works Director Jimmy Cook
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. Commissioner Price added that there was a serious construction accident today in Charlotte that caused several fatalities. He asked everyone to keep all involved in their prayers as well as the football player from Buffalo who is in critical condition from cardiac arrest last night.

Approval of the January 3, 2023 meeting agenda: The Town Board unanimously approved the agenda with the following amendment: add Finance Audit Extension contract under New Business.

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

Motion: Commissioner Price

Vote: 4-0; unanimous

Public Comment

Sheveil Harmon, 95B Honeycutt Drive, discussed an incident that happened at the Town Christmas Party and asked that Commissioners conduct themselves with dignity and respect when they are representing the Town. She also spoke about the issue of nepotism and the impact it has on local government and morale.

Mike Hill, 48 S. Park Street, spoke about first amendment rights and citizens being able to speak on topics they feel are important. He also spoke about the former Town Manager's departure.

Town Attorney Dan Hartzog, Jr. advised the Board to refrain from discussing personnel.

Brian Hawley, 49 Kerrylane Drive, stated he was glad that a lot of this was brought up as he's been investigating and researching the concerns of nepotism. He's been in communication with the State ABC Commission and believes they have come to an exemption for the individual in question. The Commission stated that the ABC Board did a great thing with their application process and making modifications to ask a simple question pertaining to relatives on boards or inside organization within the Town.

Town Attorney Dan Hartzog, Jr. weighed in stating that the Mayor can't prohibit someone from speaking based on content; however, he does have the right to protect decorum of the meeting.

Consent Agenda

1. Approval of Minutes

- a. December 6, 2022 – Regular Meeting

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

Motion: Commissioner Coats

Vote: 4-0; unanimous

Legislative Public Hearings

1. Rezoning Request – Submitted by Parm Sandhar

Planning Director Randy Cahoon-Tingle stated that staff has received a rezoning application request from Parm Sandhar for approximately 0.60 acres located at 6959 NC Highway 210 N., Angier (Harnett County PIN#: 0673-02-0134.000) from RA-30 to CP (Commerce Park). The Planning Board recommended approval of the rezoning request at their December 13th meeting. Currently the property in question is a triangular shaped lot with an existing family dwelling (255ft x 205ft x 327ft). Surrounding land uses include farm land, wooded acreage, and a commercial business (Carolina Sign Service). All

adjacent land is either zoned CP (Commerce Park) or RA-30 (the current classification). Public water and septic are available. The proposed rezoning is in line with the Commercial designation shown on the Future Land Use Map, and will facilitate additional commercial development that will be similar to adjacent areas. Mr. Sandhar turned in a statement saying he wished to convert the existing house into a business.

Mr. Hartzog, Jr. reminded the Board that when zoning is being discussed we can't inquire about the usage unless it's a conditional zoning. Decisions can't be based on what one particular applicant wants to do with the property; decisions need to be based on the myriad of uses that would be permitted under this new zoning and whether those permitted uses are appropriate.

Parm Sandhar, applicant, stated that they are making efforts to follow neighboring properties which is CP zoning. Being on Hwy 210 is better suited for commercial. They have been making renovations to the property for a more desirable appearance.

There was discussion about parking to which Mr. Cahoon-Tingle responded that it's one space per every 350 sq. ft. Due to the intended use, the applicant is required to come back for a Special Use Permit along with a site plan.

Mayor Smith opened the Public Hearing.

Michael Collins, 5821 NC 210 N., stated once you add commercial near a residential area it loses its character. There's been a lot of damage made to the property in question due to years of it being used as a rental. Because of this it has changed the marketability as a residential unit and has been very unsuccessful for a long period of time.

Mr. Cahoon-Tingle reviewed the Standards of Review from the Planning Board meeting:

- A. *The proposal will place all property similarly situated in the area in the same category, or in appropriate complementary categories. **The Planning Board agreed.***
- B. *There is convincing demonstration that all uses permitted under the proposed district classification would be in the general public interest and not merely in the interest of the individual or small group. **The Planning Board agreed.***
- C. *There is convincing demonstration that the character of the neighborhood will not be materially and adversely affected by any use permitted in the proposed change. **The Planning Board agreed.***
- D. *The proposed change is in accordance with the comprehensive plan and sound planning practices. **The Planning Board agreed.***

Mr. Cahoon-Tingle explained that CP zoning is a mixed use of residential and commercial. The theory is that you would be getting away from high-intensity commercial uses and out into something that's a little bit more compatible with the neighborhood. Examples would be convenient store, gas station, tax preparation, etc., are things that would be a less intense business use.

Mayor Smith closed the Public Hearing.

Board Action: The Town Board voted to deny the rezoning request submitted by Parm Sandhar to rezone approximately 0.60 acres located at 6959 NC Highway 210 N., Angier (Harnett PIN#: 0673-02-0134.000) from RA-30 to CP (Commerce Park).

Motion: Commissioner Coats

For: Mayor Pro-tem Hawley; Commissioner Kazakavage

Opposed: Commissioner Price

Vote: 3-1; motion carried; rezoning request denied

2. Rezoning Request – Submitted by Donald Gregory

Planning Director Randy Cahoon-Tingle stated that staff has received a rezoning application request from Donald Gregory for approximately 0.70 acres located on W. Church St., Angier (Harnett PIN#: 0673-68-0804.000) from R-10 to R-6. The Planning Board recommended approval at their December 13th meeting. Currently the property is a vacant lot (115.19ft x 248ft). Surrounding land uses are residential only and this parcel lies in an area targeted for redevelopment. Public water and sewer are available. The proposed rezoning is in line with the high-density residential designation shown on the Future Land Use Map, and will facilitate additional residential development that will be similar to adjacent areas. The applicant's desire is to divide this parcel into two lots.

Mr. Gregory wants the 0.70 acre parcel divided into two lots. Currently zoned R-10, subdividing the land requires 60' of lot width. Rezoning R-6 lowers the lot width requirement to 50' of road frontage. Front setbacks are identical (unless Mr. Gregory intends to alley load the lots). Side setback is 5' instead of 10' and rear setbacks are identical. Everything north of the property in question is zoned R-6, everything adjacent to this property is zoned R-10.

The property in question was initially discussed with Mr. Gregory as a potential conditional zoning, however this minor infill lot is exempt under NCGS 160D-802(a)(4).

160D-802(a)(4)

(a) For the purpose of this Article, subdivision regulations shall be applicable to all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions when any one or more of those divisions is created for the purpose of sale or building development, whether immediate or future, and shall include all divisions of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definition nor be subject to the regulations authorized by this Article:

(4) the division of a tract of single ownership whose entire area is no greater than 2 acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the local government, as shown in its subdivision regulations.

Mayor Smith opened the Public Hearing.

Jimmy Ragland, manages three parcels on W. Church St., asked for the zoning request be denied. He sees this as the first step to gentrification for this community and believes the current zoning should remain in place.

Walter Cheek stated that the property in question abuts his property and was previously owned by his family. He agrees with the gentleman that just spoke. Mr. Cheek was under the impression that everything on W. Church Street was zoned R-6. Regardless the zoning of this property, he preferred there be only one house placed on it. He is in opposition of this request.

Mr. Hartzog, Jr. reminded everyone that the issue of two houses is not really before the Board, the question is whether it be zoned R-10 or R-6.

Mayor Smith closed the Public Hearing.

Board Action: The Town Board unanimously voted to approve the rezoning request submitted by Donald Gregory to rezone approximately 0.70 acres located on W. Church St., Angier (Harnett County PIN#: 0673-68-0804.000) from R-10 to R-6.

Motion: Commissioner Price

Vote: 4-0; unanimous

New Business

1. Budget Amendment #3

This budget amendment pertains to the General Fund, Municipal Capital Project Fund, Parks & Recreation Field Rental/Donations Fund, Powell Bill Fund, Asset Forfeiture Fund, and the Pump Station & Force Main Capital Project Fund.

The Town of Angier has received its annual Bank of America rebate; \$27,239.93 (largest rebate since we had begun with the program during FY 2019). A bit of this has been budgeted for during our FY 2023 Budget process. That which exceeds anticipation has been distributed accordingly. To elaborate, the amount any given department spends using their P-Card is taken as a percentage of the total allotment and an expenditure line's allowable spending will be increased. Essentially, this is a reward for using P-Cards, through which vendors are paid in a more efficient and timely manner. This rebate has been distributed to the General Fund, Municipal Capital Project Fund, Parks & Recreation Field Rental/Donations Fund, and Powell Bill Fund.

The Asset Forfeiture Fund was created during our FY 2023 Budget process as well as discussed at our August 2022 Regular Board meeting. During this meeting it was approved to move drug seizure funds from FY 2005 to present into its own Fund; approximately \$91,000 from the Fund Balance of the General Fund along with a transfer from General Fund Drug Seizure liability line.

Upon an in depth review of where the drug seizure stemmed from (i.e. whether the revenue was Federal or State and where that revenue was held within the General Fund (e.g. Fund Balance or Drug Seizure liability line)) the appropriate revenue amounts were allocated out of the General Fund and into either the 51 Fund liability line (revenue that the State may pull for assessment), the Unauthorized Substance Tax Distribution (State distributions), or the Federal Equitable Sharing revenue line (Federal related drug seized

money). In essence, the 51 Fund revenue and associated expenditure lines are adjusted through this budget amendment to reflect what revenue actually took place.

The Pump Station & Force Main Capital Project Fund had recent expenses related to our Utility Relocation Agreement with NCDOT. The agreement is for the reimbursement of \$178,128; of which nearly all has been spent. To recognize the reimbursement from NCDOT, we are increasing the HWY 55 Force Main Relocation revenue line to an anticipation of \$178,128 as well as increasing associated allowable spending.

Board Action: The Town Board unanimously voted to approve Budget Amendment #3 that pertains to the General Fund, Municipal Capital Project Fund, Parks & Recreation Field Rental/Donations Fund, Powell Bill Fund, Asset Forfeiture Fund, and the Pump Station & Force Main Capital Project Fund.

Motion: Commissioner Kazakavage

Vote: 4-0; unanimous

General Fund (10 Fund)				
General Fund Revenue	Line Item	Budget	Change	Amended Budget
BANK OF AMERICA P-CARD REBATE	10-3010-3080	15,000	↑ 3,795	18,795
Total Revenue Budget		6,605,016	3,795	6,608,811
Administration Department	Line Item	Budget	Change	Amended Budget
MATERIALS & SUPPLIES	10-4200-3200	300	↑ 227	527
Total Budget Expenditures for Dept 4200		587,439	227	587,666
Finance Department	Line Item	Budget	Change	Amended Budget
MATERIALS & SUPPLIES	10-4600-3200	10,700	↑ 37	10,737
Total Budget Expenditures for Dept 4600		341,674	37	341,711
Police Department	Line Item	Budget	Change	Amended Budget
MATERIALS & SUPPLIES	10-5100-3200	7,500	↑ 872	8,372
Total Budget Expenditures for Dept 5100		1,951,823	872	1,952,695
Planning and Inspections Department	Line Item	Budget	Change	Amended Budget
MATERIALS & SUPPLIES	10-5400-3200	7,500	↑ 227	7,727
Total Budget Expenditures for Dept 5400		874,467	227	874,694
Streets & Sanitation Department	Line Item	Budget	Change	Amended Budget
MATERIALS & SUPPLIES	10-5600-3200	40,000	↑ 2,055	42,055
Total Budget Expenditures for Dept 5600		867,200	2,055	869,255
Parks & Rec Department	Line Item	Budget	Change	Amended Budget
MATERIALS & SUPPLIES	10-6200-3200	4,000	↑ 227	4,227
Total Budget Expenditures for Dept 6200		478,073	227	478,300
Library Department	Line Item	Budget	Change	Amended Budget
MATERIALS & SUPPLIES	10-6300-3200	-	↑ 113	113
Total Budget Expenditures for Dept 6300		188,757	113	188,870

Depot Department	Line Item	Budget	Change	Amended Budget
MATERIALS & SUPPLIES	10-6400-3200	2,500	37	2,537
Total Budget Expenditures for Dept 6400		21,000	37	21,037
Municipal Building Capital Project Fund (16 Fund)				
Municipal Building Capital Project Revenue	Line Item	Budget	Change	Amended Budget
BANK OF AMERICA P-CARD REBATE	16-3016-3080	-	272	272
Total Revenue Budget		1,013,445	272	1,013,717
Parks & Recreation Field Rental/Donations Fund (18 Fund)				
Booster Club Revenue	Line Item	Budget	Change	Amended Budget
BANK OF AMERICA P-CARD REBATE	18-3018-3080	-	272	272
Total Revenue Budget		35,000	272	35,272
Booster Club Department	Line Item	Budget	Change	Amended Budget
FACILITY REPAIRS & MAINTENANCE	18-6200-3275	-	272	272
Total Budget Expenditures for Dept 6200		35,000	272	35,272
Powell Bill Fund (20 Fund)				
Powell Bill Revenue	Line Item	Budget	Change	Amended Budget
BANK OF AMERICA P-CARD REBATE	20-3020-3080	-	272	272
Total Revenue Budget		158,142	272	158,414
Powell Bill Department	Line Item	Budget	Change	Amended Budget
MATERIALS & SUPPLIES	20-5700-3200	10,000	272	10,272
Total Budget Expenditures for Dept 5700		158,142	272	158,414
Pump Stations & Force Main Capital Project (38 Fund)				
Pump Stations/Force Main Revenue	Line Item	Budget	Change	Amended Budget
HWY 55 FORCE MAIN RELOCATION REIMB	38-3038-5610	-	178,128	178,128
Total Revenue Budget		3,876,283	178,128	4,054,411
Pump Station #1/Force Main Dept	Line Item	Budget	Change	Amended Budget
HWY 55 FORCE MAIN RELOCATION	38-8310-5925	-	178,128	178,128
Total Budget Expenditures for Dept 5925		2,422,346	178,128	2,600,474
Asset Forfeiture Fund (51 Fund)				
AFF Revenue	Line Item	Budget	Change	Amended Budget
INTEREST EARNED	51-3051-3050	-	1,400	1,400
UNAUTHORIZED SUBSTANCE TAX DISTRIBUTIO	51-3051-5190	1,290	20,629	21,919
FEDERAL EQUITABLE SHARING DISTRIBUTION	51-3051-5195	28,710	(4,868)	23,842
Total Revenue Budget		30,000	17,161	47,161
Unauthorized Substance Tax Department	Line Item	Budget	Change	Amended Budget
SAFETY EQUIPMENT	51-5190-3325	-	671	671
CAPITAL OUTLAY	51-5190-5000	1,290	20,629	21,919
Total Budget Expenditures for Dept 5190		1,290	21,300	22,590
Federal Equitable Sharing Department	Line Item	Budget	Change	Amended Budget
SAFETY EQUIPMENT	51-5195-3325	-	729	729
CAPITAL OUTLAY	51-5195-5000	28,710	(4,868)	23,842
Total Budget Expenditures for Dept 8300		28,710	(4,139)	24,571

2. Thompson, Price, Scott, Adams & Co., PA Audit Contract Amendment

Finance Director Hans Kalwitz explained this amendment is for an extension to the original contract to allow for more time to complete the audit.

Board Action: The Town Board unanimously voted to approve an amendment to the contract between the Town of Angier and the auditors Thompson, Price, Scott, Adams & Co., PA.

Motion: Commissioner Price

Vote: 4-0; unanimous

3. In-Town Planning Board Vacancy

The Town Clerk explained that the Board had already conducted interviews and appointed members to advisory boards at their December 6th meeting. Since that time, she has received an In-Town Planning Board member's resignation. There is still an application on file for a candidate wishing to serve on the Planning Board that was submitted prior to the December 6th meeting.

Commissioner Coats clarified that candidate Sam Gregory was unable to attend the last meeting to speak and he's not available to attend again tonight because he's out of Town. Applicants are normally interviewed and asked many questions, however given the fact that Sam Gregory is very well known within the community and involved in many civic organizations he is confident in making the appointment.

Mayor Pro-tem Hawley wanted on record that she is not related to Mr. Gregory.

The Board recognized and thanked Courtney Jusnes for her service on the Planning Board.

Board Action: The Town Board unanimously voted to appoint Sam Gregory to the Planning Board as an In-Town member to serve the remaining term of a previous member ending December 31, 2023.

Motion: Mayor Pro-tem Hawley

Vote: 4-0; unanimous

4. Resolution #R001-2023 – Offer & Acceptance of American Rescue Plan Funding Combined Project Amounts of \$6,118,750.

Mayor Smith stated that the Town of Angier had applied for American Rescue Plan Act (ARPA) funding for the 1.25MG Wastewater Treatment Capacity Upgrade – North Harnett Regional Wastewater Plant. We initially applied and were approved for \$3,293,750; and then we applied and were approved for a supplement to this project in the amount of \$2,825,000. NCDEQ has combined the two projects totaling the amount to \$6,118,750. A resolution to accept the funds is needed in order for the Town to receive the disbursement.

Board Action: The Town Board unanimously voted to adopt Resolution #R001-2023 to approve the Offer & Acceptance of the American Rescue Plan Funding Combined Project Amounts of \$6,118,750.

Motion: Mayor Pro-tem Hawley

Vote: 4-0; unanimous

Resolution No.: R001-2023

Date Submitted: January 3, 2023

Date Adopted: January 3, 2023

**A RESOLUTION TO ACCEPT ARPA FUNDING
FOR DWI PROJECT NO: SRP-W-ARP-0019
1.25-MGD PORTION (TOWN OF ANGIER'S PORTION) OF THE PROPOSED TOTAL
9-MGD TREATMENT CAPACITY UPGRADE FOR THE NORTH HARNETT REGIONAL
WWTP**

WHEREAS, the Town of Angier has received an earmark for the American Rescue Plan (ARP) funded from the State Fiscal Recovery Fund established in S.L. 2021-180 to assist eligible units of government with meeting their water/wastewater infrastructure needs, and

WHEREAS, the North Carolina Department of Environmental Quality has offered an American Rescue Plan Act funding from the State Fiscal Recovery Fund in the amount of \$6,118,750 for the construction of the 1.25-MGD portion (Town of Angier's portion) of the proposed total 9-MGD treatment capacity upgrade for the North Harnett Regional WWTP, hereafter referred to as the "Project"; and

WHEREAS, the Town of Angier intends to perform said project in accordance with the agreed scope of work.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF ANGIER, NC:

That the Town of Angier, NC does hereby accept the American Rescue Plan Grant offer of \$6,118,750; and

That the Town of Angier, NC does hereby give assurance to the North Carolina Department of Environmental Quality that any conditions or Assurances contained in the Award Offer will be adhered to; and

That Richard Hicks, Interim Town Manager, and successors so titled, is hereby authorized and directed to furnish information, as the appropriate State agency may request, in connection with such application with this project; to make the assurances as contained above; and to execute such other documents as may be required by the Division of Water Infrastructure.

5. Utility Relocation Agreement for 10" Force Main

Public Works Director Jimmy Cook stated that part of the pump station project along pump station one was relocating the Force Main from discharging into Highway 55. A new 10" Force Main will be installed to dump into the gravity intercept along Rawls Church Road.

The Town received an encroachment agreement from NCDOT to install the Force Main. Following the installation of the new Force Main, Division 5 of NCDOT established that the Force Main was in conflict with the Bypass. For that reason, NCDOT implemented an agreement that will reimburse the Town to relocate the 10" Force Main and be able to use the same contractor.

Board Action: The Town Board unanimously voted to approve the agreement with NCDOT for the Town of Angier to receive reimbursement for the 10" Force Main relocation.

Motion: Commissioner Coats

Vote: 4-0; unanimous

Manager's Report

- Department Reports (Informational Items included in Agenda packets)

Interim Town Manager Richard Hicks introduced himself and spoke about his 40+ years of experience in local government and finance. He is looking forward to working with the Board as they face many upcoming challenges. It will take several months to hire a new manager but will continue to move forward for the public. Mr. Hicks asked the Board to consider a January workshop for a formal presentation of the audit, discussion about the search of a Town Manager, and discussion of an annual retreat for the Board.

Mayor & Town Board Reports

Board Action: The Town Board unanimously voted to go into Closed Session pursuant to NCGS 143-318.11 (a)(3) & (6) to consult with the Town Attorney and a personnel matter at approximately 8:00pm.

Motion: Mayor Pro-tem Hawley

Vote: 4-0, unanimous

Board Action: The Town Board unanimously voted to reconvene in open session at approximately 9:00pm.

Motion: Mayor Pro-tem Hawley

Vote: 4-0, unanimous

Following Closed Session, the Board voted on action items:

Board Action: The Town Board unanimously voted to approve the severance agreement between Gerry Vincent and the Town of Angier; FY 2023 Budget Amendment #4; and the revised FY 2022/2023 Classification Grade Table.

Motion: Mayor Pro-tem Hawley

Vote: 4-0, unanimous

Adjournment: Being no further business, the Town Board voted unanimously to adjourn the meeting at 9:00pm.

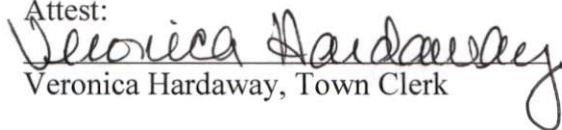
Motion: Mayor Pro-tem Hawley

Vote: 4-0; unanimous



Robert K. Smith, Mayor

Attest:



Veronica Hardaway, Town Clerk

