

**Town of Angier  
Board of Commissioners  
Tuesday, February 7, 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, February 7, 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  
Captain 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 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 February 7, 2023 meeting agenda:** The Town Board unanimously approved the agenda with the following amendment: add the possible removal of an ABC Board member under New Business Item #12.

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

**Motion:** Commissioner Price

**Vote:** 4-0; unanimous

## **Presentation**

Lee Worsley, Executive Director of Triangle J COG, and Justin Hembree, Executive Director of Mid-Carolina Regional Council introduced themselves and spoke to the Board about the Town Manager recruitment process. Survey results completed by the Board were reviewed as well as a draft Town Manager job ad. The Board discussed a hiring range of \$120,000 - \$135,000; Mr. Worsley will share with the Board a key schedule of important dates. A Town Manager job ad will be revised according to the requests made by the Board. Those revisions being: remove the old school house picture and add more pictures of groups at events; update population figure; and residential requirement.

## **Consent Agenda**

### **1. Approval of Minutes**

- a. January 3, 2023 – Regular Meeting
- b. January 17, 2023 – Work Session

### **2. Amendment to Remote Participation Policy**

- a. To allow participation during Closed Session meetings

### **3. Amended Classification Grade Table FY2022-2023**

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

**Motion:** Mayor Pro-tem Hawley

**Vote:** 4-0; unanimous

## **New Business**

### **1. Advisory Board Interviews & Appointments**

#### **Advisory Board Candidates were interviewed as follows:**

Ronald Lei (In-Town Planning)  
Tracey Durham (ABC Board 1<sup>st</sup> Choice, In-Town Planning 2<sup>nd</sup> Choice)  
Tim Thompson (ABC Board)  
Tom Taylor (ABC Board)  
Joe Langley (ABC Board)  
Reisha Lasater (withdrew application)  
Sarah Arbour (unable to attend)

Each candidate had a five-minute question and answer session during an open session with the Town Board beginning 7:30pm. 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 their duties as an appointed member.

### **Planning Board**

**Board Action:** The Town Board voted to appoint Ronald Lei to the Planning Board to serve the remaining term of a former member that expires December 31, 2023.

**Motion:** Commissioner Price

**Opposed:** Mayor Pro-tem Hawley; Commissioner Coats; Commissioner Kazakavage

**Vote:** 1-3; motion failed

**Board Action:** The Town Board voted to appoint Tracey Durham to the Planning Board to serve the remaining term of a former member that expires December 31, 2023.

**Motion:** Commissioner Coats

**For:** Mayor Pro-tem Hawley; Commissioner Kazakavage

**Opposed:** Commissioner Price

**Vote:** 3-1; motion carried

### **ABC Board**

**Board Action:** The Town Board unanimously voted to appoint Tim Thompson to the ABC Board to serve the remaining term of a former member that expires December 31, 2025.

**Motion:** Mayor Pro-tem Hawley

**Vote:** 4-0; unanimous

## **2. Road Closure Requests for 2023**

Community Development Coordinator, Casey Todd, reviewed the upcoming 2023 Road Closures for events.

Events are as follows:

#### Napper Tandy's St. Patrick's Day Celebration

Event Date & Time: March 17, 2023 from 1:00pm – 9:00pm; small event road closure layout

#### Morning Market Saturdays

Event Date & Time: April 22; May 20; June 17; July 15; August 19; September 23 from 9:00am – 1:00pm; morning market layout

#### Cinco de Mayo Celebration

Event Date & Time: May 5, 2023 from 5:00pm – 9:00pm; small event road closure layout

#### Concert at the Square Saturdays

Event Date & Time: May 13; June 10; October 21; medium event road closure layout

#### Bike Fest

Event Date & Time: Friday, June 2 – Saturday, June 3; time TBA; large event road closure layout

#### 4<sup>th</sup> of July Celebration

Event Date & Time: July 1, 2023 from 5:00pm – 9:00pm; medium event road closure layout



Crepe Myrtle Celebration

Event Date & Time: Friday, September 8 from 7:00pm to 10:00pm & Saturday, September 9 from 10:00am to 3:00pm; small event road closure for Friday and large event road closure for Saturday

ACE Care Show

Event Date & Time: November 11, 2023 from 10:00am to 4:00pm; large event road closure layout

Ugly Sweater Stroll

Event Date & Time: December 16, 2023 from 9:00 to 4:00pm; small event road closure layout

The Board had concern regarding the St. Patrick's Day event and asked if the Chief of Police was informed about the road closure hours since traffic would be greatly impacted. Ms. Todd stated that the Chief had been informed of the event and stated she could reach out to the owner of *Napper Tandy's* to make needed adjustments. The Board also asked if adjacent business owners were informed of this event to which Ms. Todd replied they were. Captain David Adams suggested closing Lillington Street up to *Angier Meat Market* to free up space for adjacent businesses.

**Board Action:** The Town Board unanimously voted to approve road closure requests for 2023 as presented.

**Motion:** Mayor Pro-tem Hawley

**Vote:** 4-0; unanimous

**3. 0.50 MG Elevated Tank and BPS – Tank Body Style**

Public Works Director Jimmy Cook stated that in order to proceed with the Geotechnical Study on the new water tank along Junny Road, the Board will have to decide on a tank body style. Mr. Cook explained the two body style types; one being a Pedosphere at an estimated cost of \$3.4M versus a column-supported leg style at \$2.9M.

The Board had concern regarding fencing and shrubbery around the tank that would give it a more pleasing appearance. Mr. Cook assured the Board that a fence with slats will be installed approximately 20 feet out from the tank along with landscaping and vegetation that will grow to hide the fence.

The Board also shared concern regarding the deconstruction of the previous tank to which Mr. Cook replied that would be a cost to the Town and is looked at as a long-term project.

**Board Action:** The Town Board unanimously voted to proceed with the column-supported leg body type in the amount of \$2.9M.

**Motion:** Commissioner Price

**Vote:** 4-0; unanimous

**4. Alley & Parking Lot Layout along E. Lillington Street**

Public Works Director Jimmy Cook stated that for several months now they have been working on different configurations for the alleyway and property located along E.

Lillington Street to include a parking lot and dumpster enclosures. Curb and gutter would be installed extending from *Thanks a Latte* down to S. Dunn Street. A five-foot sidewalk along the businesses back entrances, parking lot, and resurfacing of the alleyway pavement are proposed. The entrance to the parking lot will be accessible from E. Lillington Street and egress will be out to S. Dunn Street making this area for one-way traffic.

**Board Action:** The Town Board unanimously voted to approve the alley and parking lot layout along E. Lillington Street as presented.

**Motion:** Commissioner Price

**Vote:** 4-0; unanimous

**5. Proposed Parking Lot along West Lillington Street, Church Street, and S. Broad Street that includes the Future Farmers Market.**

Mr. Cook stated that this is the area the Town purchased to create additional parking in the downtown area. This layout includes the future Farmers Market to get a better idea of what is needed in terms of parking.

Mr. Cook reviewed the layout and spoke about how this would add approximately 20-30 additional parking spaces in the downtown area. Electrical conduit will be installed for future events as well as vegetation, landscaping, sidewalks, crosswalks, and curb & gutter.

**Board Action:** The Town Board unanimously voted to approve the proposed parking lot along West Lillington Street, Church Street, and S. Broad Street as presented.

**Motion:** Commissioner Price

**Vote:** 4-0; unanimous

**6. Salary Review of Remaining Staff**

Mr. Hicks stated that during the 2 previous meetings, the Board approved 12% salary increases for the Police Department and Public Works and asked staff to complete the same review for all of the remaining staff. A spreadsheet has been provided to the Board for review showing the various salary studies and the projected cost for a 12% increase for the remaining staff.

The estimated annual cost for the remaining staff would be \$97,121.83. The annual cost for the recently approved Public Works salary increases would be \$89,783.08 and the annual cost for the recently approved Police Department salary increases would be \$147,117.83. The total annual costs for all 3 would be \$334,022.74. A question that several Board members have asked is how the Town will cover the future costs of these increases. Based on current trends, the Town's sales tax receipts are currently running at 17.69% higher than they were in the previous fiscal year (FY 21/22). If that trend continues, and staff sees no reason to believe that it won't, the Town would receive revenues in excess of \$331,000 from the budgeted revenue. This additional revenue would cover the future costs of the salary increases.



The Board had concern regarding spending projected funds and discussed delaying the increases until the next budget year. There was also discussion concerning increases to newly hired staff that have been with the Town less than 1 year.

**Board Action:** The Town Board voted to approve a 12% increase in salary for the remaining Town staff with the exception of those employees that have been employed less than 1 year.

**Motion:** Commissioner Price

**Opposed:** Commissioner Coats; Commissioner Kazakavage; Mayor Pro-tem Hawley

**Vote:** 1-3; motion failed

The Board had further discussion regarding the inclusion of salary increases for the next budget year. They were also concerned with the fairness to the remaining employees. It was the consensus of the Board to call for another motion to the floor.

**Board Action:** The Town Board voted to approve a 12% increase in salary for the remaining Town staff with the exception of those employees that have been employed less than 1 year.

**Motion:** Mayor Pro-tem Hawley

**For:** Commissioner Price; Commissioner Kazakavage

**Opposed:** Commissioner Coats

**Vote:** 3-1; motion carried

## **7. Authorization to Purchase Goods from Elected Official**

Commissioner Kazakavage recused himself for this item.

Mr. Hicks stated that recognizing that smaller local governments may have limited purchasing options, North Carolina Statutes 14-234 allows the purchase of goods and services from elected officials within the jurisdiction if certain procedures are followed. For several years, the Town has purchased items from Jim Kazakavage's business. Now that he is a Town Commissioner, the Town must follow the procedures outlined in G.S. 14-234. The Board must approve by specific resolution in an open and public meeting, and recorded in the minutes that purchases are approved and must not exceed \$60,000 for goods and services within a 12-month period. Mr. Kazakavage is not allowed to participate in the vote. The total amount of the contracts shall be specifically noted in the annual financial statement of the town. The Town shall also post in a conspicuous place in the Town Hall, a list of such officials with whom such contracts have been made, briefly describing the contracts and showing the total amounts and this list shall cover the preceding 12 months and shall be brought up to date at least quarterly.

Any items purchased from the business would be from the regular budget of the Police Department and the Parks and Recreation budget.

**Board Action:** The Town Board unanimously voted to authorize Town staff to purchase goods and services from Legacy Designs and GraphX in an amount not to exceed \$60,000 within a 12-month period and that the total amount of the contract for each fiscal year be noted in the

annual financial statement of the Town and that a summary of such purchases be posted in the Town Hall pursuant to G.S. 14.234.

**Motion:** Commissioner Price

**Vote:** 3-0; unanimous

## **8. Application to Host a Lead for NC Fellow**

Mr. Hicks stated the UNC School of Government has a program called the Lead for North Carolina (LFNC) that is a fellowship program that aims to create the next generation of local government leaders in North Carolina. A recent college graduate would be placed in Angier for 1 year, and the salary would be supplemented through grants the School of Government has obtained. If approved, the anticipated cost to Angier would be in the \$10,000 range. This year they are targeting 12 jurisdictions for a finance-specific track. The Executive Director has reached out to the Town of Angier and has encouraged the Town to apply. This might be an opportunity for Angier to grow some future talent for the organization.

Mr. Hicks stated that if approved, the Town would budget the full salary of the position and would get reimbursed by the School of Government for the majority of the costs. The estimated costs would be around \$10,000. The service would begin on August 7, 2023, so the Town's portion of the cost would have to be appropriated in the FY 23/24 budget. There is a short application that would have to be completed on February 8, 2023, the day after the Board meeting. The Town would be notified by February 13, 2023 and would have to commit by February 24, 2023.

**Board Action:** The Town Board unanimously voted to apply for the Lead for North Carolina (LFNC) fellowship program.

**Motion:** Mayor Pro-tem Hawley

**Vote:** 4-0; unanimous

## **9. Request to Utilize County/State Grant Funds**

Mr. Hicks stated that the former Town Manager led Chief Thompson to believe that the \$50,000 in County grant funds was not earmarked.

Commissioner Hawley informed the Board that she had worked with a County Commissioner and Senator to acquire the \$50,000 grant funds; however, she had submitted three items for use of the funds and the firing range was not amongst them. Ms. Hawley requested to table this item until more information is received from local representatives.

**Board Action:** The Town Board unanimously voted to table this item until more information is received from local representatives.

**Motion:** Mayor Pro-tem Hawley

**Vote:** 4-0; unanimous



## 10. Budget Amendment #5

Finance Director Hans Kalwitz stated that this budget amendment pertains to the Police Department. Recently the Grants Management System (GEMS) through the Governor's Crime Commission (GCC) awarded the Town of Angier \$29,491 due to the diligent work of Chief Thompson. This grant will allow the Police Department to purchase approximately 19 handheld communication radios. Currently the communication devices are antiquated, which serve the lifeline for all our Police Officers as well as our community.

The quote for the radios is \$4,565 more than the grant; a nominal amount for a benefit near which no monetary value can be placed. Due to receiving ABC revenue beyond anticipation, the difference will certainly be covered.

**Board Action:** The Town Board unanimously voted to approve Budget Amendment #5 that pertains to the Police Department's purchase of handheld radios.

**Motion:** Commissioner Price

**Vote:** 4-0; unanimous

General Fund (10 Fund)				
General Fund Revenue	Line Item	Budget	Change	Amended Budget
ABC REVENUE	10-3010-3025	110,000	5,565	115,565
POLICE GRANT	10-3010-5160	-	29,491	29,491
<b>Total Revenue Budget</b>		6,605,016	35,056	6,640,072
Police Department	Line Item	Budget	Change	Amended Budget
CAPITAL OUTLAY	10-5100-5000	14,000	35,056	49,056
<b>Total Budget Expenditures for Dept 5100</b>		1,952,695	35,056	1,987,751

## 11. Response to the Local Government Commission (LGC) Regarding Audit Concerns

Mr. Kalwitz stated that our FY 2022 Audit raised concern with the Local Government Commission (LGC). We submitted the audit beyond the October 31, 2022 deadline as well as a strong usage of the Fund Balance from the General Fund. The response to the LGC concerns has the Board of Commissioners, the Interim Manager, and the Finance Director sign in recognition of those areas of concerns and ways in which the surfaced matters will be hedged during the FY 2023 Audit.

Mr. Kalwitz went on to say that within the response, all parties understand that the audit was late, much in part, due to the implementation of a new financial software. The implementation from the legacy software to a robust software impacted the audit whereby the merging of data was time consuming. To their other point, regarding the decrease in the Fund Balance of the General Fund, this pertained to the municipal building. The Town Board was well aware that the engineering and design costs for the proposed municipal



building would be coming from Fund Balance. Regardless of the usage, the Town's Fund Balance is and will remain being above the Board adopted Fund Balance policy of 50%.

**Board Action:** The Town Board unanimously voted to approve the response to the Local Government Commission regarding audit concerns as presented.

**Motion:** Mayor Pro-tem Hawley

**Vote:** 4-0; unanimous

## **12. Possible Removal of ABC Board Member**

Commissioner Price stated that he has been made aware of some concerning behavior on the part of one of our ABC Board members, Courtney Jusnes. Based on the information received, he requested the Board to conduct a hearing on whether Ms. Jusnes should be removed from the ABC Board for cause.

Town Attorney Dan Hartzog, Jr. explained that under NCGS 18B-700 (f), it states that a member of a local board may be removed for cause at anytime by the appointing authority which is the Town Board. The Town Board appoints members to the ABC Commission and also has the authority to remove members. The general process that needs to be followed is fundamental due process which means the member needs notice and an opportunity to be heard. Given that Ms. Jusnes is not in attendance tonight, he suggested the Board set a hearing for the next monthly meeting and invite Ms. Jusnes. She is not required to attend but if she would like to attend and speak on her behalf or answer any questions the Board can take up the matter at that time. Any evidence the Board feels is necessary to consider can be reviewed at the hearing which will be followed by a motion and vote on what action may be appropriate.

Commissioner Price informed Mr. Hartzog, Jr. that an ABC Board meeting is scheduled to take place in two days and asked if Ms. Jusnes can be placed on administrative leave until the hearing. Mr. Hartzog, Jr. explained the Town Board does not have that authority, however recommended to defer this request to the ABC Board chair.

## **New Business**

### **1. Water Distribution Core System Replacement**

Town Engineer Bill Dreitzler stated that in 2014 the Town initiated a Preliminary Engineering Report that addressed two (2) new elevated water storage tanks and the replacement of the old core water distribution system. To date, a new elevated water storage tank has been installed and is in operation along Kennebec Church Road. The second elevated water storage tank project is in the early engineering phase. This project will replace approximately 8.2-miles of old 6-inch and 2-inch diameter water line that have experienced significant tuberculation which essentially reduces the capacity of the pipe. Staff advertised the project and received three (3) Qualification Packages: ms consultants, inc., MacCONNELL & Associates, and MBD Consulting Engineers, P.A. The selection team evaluated and scored the submittals independently with MBD Consulting Engineers yielding an average score of 90 and ms consultants yielding an average score of 88.3. Staff

determined that both MBD and ms would be interviewed prior to making a final selection. Based on the interview process, staff selected MBD Consulting Engineers and began the fee agreement process.

The MBD Consulting Engineers, P.A. fee agreement proposes a lump sum fee of \$400,000. The breakdown is \$260,000 for engineering design and \$140,000 for construction administration services, a preliminary study (tank site selection), survey, engineering design and permitting. The NCDEQ Division of Water Infrastructure provided \$4,250,000 in American Rescue Plan (ARP) funding through the State Fiscal Recovery Fund. These funds will be utilized for the MBD Agreement and any third-party consultants secured for environmental and geotechnical investigations.

**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 \$400,000.

**Motion:** Mayor Pro-tem Hawley

**Vote:** 4-0; unanimous

## **2. South Broad Street Culvert Replacement Project**

Mr. Dreitzler stated that the southwest quadrant of the Town has historically observed significant flooding during major rain events. It is an issue that has been tracked for years; however, understanding the topographic challenges, it was recognized that any beneficial fix would require an extensive capital investment. To better quantify the cost of mitigation and potential mitigation projects, the Town secured Gradient Land Water Innovation to provide a hydraulic analysis of the subject drainage basin, make mitigation recommendations and provide an initial opinion of cost. The Study was completed in March 2022. Three mitigation measures were recommended with a total opinion of cost being \$3,295,047. Stormwater improvements within a drainage basin must begin at the most downstream location. Therefore, MM#3 (South Broad Street Culvert Replacement Project) is recommended as the initial mitigation measure. Staff advertised a Request for Qualifications and received only 1 submittal package. The submittal was from Gradient and they were selected. Staff confirmed with the State Division of Water Infrastructure that within the qualification selection process, we could proceed with only 1 submittal.

The Gradient Land Water Innovation fee agreement proposes a lump sum fee of \$79,515. A detailed breakdown of the fee is included within the fee proposal. The NCDEQ Division of Water Infrastructure provided \$400,000 in American Rescue Plan (ARP) funding through the State Fiscal Recovery Fund. These funds will be utilized for the Gradient Agreement and any third-party consultants secured for environmental and geotechnical investigations. The balance of cost for the project (over the \$400,000) will be provided using General Funds. The Board previously committed \$400,000 in General Funds to be used for this project.

**Board Action:** The Town Board unanimously voted to authorize the Town Manager to execute the Gradient Land Water Innovation Fee Proposal in the amount of \$76,515.

**Motion:** Commissioner Price



**Vote:** 4-0; unanimous

**Manager's Report**

- Department Reports (Informational Items included in Agenda packets)

Planning Director Randy Cahoon-Tingle notified the Board that the Planning Department has received 75% of revenue budgeted so far due to issuing permits.

**Mayor & Town Board Reports**

Commissioner Price had a question for Captain Adams concerning how much storage is held on body cams and what that storage fee is for the information collected. He also asked if it's worth our time and money for the officers to wear them if we're not using them. Mr. Hartzog, Jr. strongly recommended for Angier PD to wear and store information collected by body cams. Mr. Hicks stated the information regarding storage fees will be shared.

Captain Adams stated that Chief Thompson couldn't be in attendance, however he's been listening in on the meeting and wanted to clarify that the St. Patrick's Day event will have to be revisited due to the times of the road closures.

Commissioner Price requested a thank you card be sent to Pine Springs Preparatory Academy for taking the time to write to the Board about Monarch Butterflies.

**Adjournment:** Being no further business, the Town Board voted unanimously to adjourn the meeting at 9:23pm.

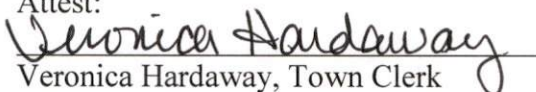
**Motion:** Mayor Pro-tem Hawley

**Vote:** 4-0; unanimous



Robert K. Smith, Mayor

Attest:

  
Veronica Hardaway, Town Clerk