

**Town of Angier
Board of Commissioners
Work Session
Tuesday, February 15, 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 Work Session meeting Tuesday, February 15, 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 Alan Coats
Commissioner Jim Kazakavage
Commissioner George Junior Price

Members Absent:

Staff Present: Town Manager Gerry Vincent
Town Clerk Veronica Hardaway
Planning Director Sean Johnson
Public Works Director Jimmy Cook
Lieutenant Danny King
Parks & Recreation Director Derek McLean
Library Director Katy Warren
Finance Director Hans Kalwitz
Community Development Coordinator Heather Keefer
Human Resource Director Melissa Wilder
Town Attorney Dan Hartzog Jr.

Others Present:

Call to Order: Mayor Smith presided, calling the Board of Commissioners Work Session 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 15, 2022 meeting agenda: The Town Board unanimously approved the agenda as presented.

Board Action: The Town Board unanimously approved the February 15, 2022 meeting agenda as presented.

Motion: Mayor Pro-tem Hawley

Vote: 4-0, unanimous

Presentation

1. “Angier, NC from an African American Perspective”

Two local authors introduced their newly published book “*Angier, NC from an African American Perspective*”. This book is the history of Angier through the eyes of the African American Community. Books will be available to purchase this Friday, February 18, 2022 at the Angier Public Library where two of the four coauthors will be present for a conversation on the recently released book. Co-authors are Jimmy Ragland, Cornell Cutts, Walter Cheek, and James Howerton.

2. Harnett County Reappraisal Presentation

Ryan Vincent with Vincent Valuations, gave a presentation on the 2022 Harnett County Reappraisal process.

Mr. Vincent summarized the following:

- *Reappraisal is a process in which all real property in the county is appraised at its current market value as of a particular date. Real property includes both land and the improvements on it, whether residential, commercial, agricultural or industrial in nature.*
- *Reappraisal is conducted as State Law requires all counties to conduct a reappraisal at least once every eight years; Counties may set their reappraisal schedule for every four years if voted on by the Board of Commissioners. Harnett County is on a four-year cycle.*
- *Market Values are determined when the tax department analyzes market sales to determine market patterns and trends in different locations.*
- *Reappraisal takes effect Jan. 1, 2022; new market values will be used to calculate tax bills for Summer 2022 until the next reappraisal occurs.*
- *2022 Reappraisal Notices will be mailed to all Harnett County property owners at the end of March 2022.*
- *If you believe that your 2022 assessed value is not a reasonable estimate of what it could sell for in an open market on January 1, 2022, you have the right to appeal the value.*

Appeal forms can be submitted online at www.harnett.org/tax/real-estate-appraisal. Appeals must be submitted by 3pm on April 28, 2022 to be considered.

- *First tax bills impacted by this reappraisal will go out Summer 2022.*

Old Business

1. Town Hall/Police Headquarters Public Meeting/USDA

Town Manager Gerry Vincent stated this public meeting was required by the USDA as they are the Town's financial institution for this project. This project has been in discussion for about a year and a half with Rodgers Builders, Oakley Collier, Davenport & Company, and Town staff. The Board had voted to obligate \$1M to go towards this proposed project at their December work session. The plan is to utilize interim financing for 2 years with a local bank and then the remaining 28 years will be fixed through USDA. Building budget estimates are still being configured. The current Town Hall space is approximately 4500sq. ft. with the new proposed building to be 21,000sq. ft. Not every office space will be occupied, additional office space will be held for future use. An additional 81 shared parking spaces will be available including dedicated handicap spaces. Current conditions in the Police Department are not favorable as there is no secure space during intake as well as other issues. The new building will be secured and up to date.

2. Budget Amendment #9

Finance Director Hans Kalwitz stated this budget amendment pertains to the Police Department. The Town of Angier will receive a grant in the amount of \$24,495.00 from the Governor's Crime Commission, using the online tool, Grants Enterprise Management System, which helps administer grants. The monies from this grant is to purchase replacement guns and ammunition. The amendment will recognize proceeds the Town will receive and will increase allowable spending within the Police Department. The General Fund will increase by \$24,495.00 to cover the purchases.

Commissioner Price stated that he relayed to the Town Manager there will be no more voting during work session meetings. However, Mr. Vincent responded that due to deadlines, voting was necessary in order to receive funds.

Board Action: The Town Board unanimously voted to approve Budget Amendment #9 that pertains to the Police Department grant in the amount of \$24,495.00.

Motion: Commissioner Coats

Vote: 4-0; unanimous

3. Town of Angier Board Retreat 2022/Logistics

Mr. Vincent stated that he received feedback from several Board members regarding the 2022 Angier Board Retreat. The Retreat is set for March 25th & 26th in the Angier Municipal Board Room. Triangle J Council of Governments have facilitated our Retreats in the past, and after speaking with Board members, they have agreed to eliminate team building exercises and focus more on the details of topics. Board members also relayed that they would like enough time between topics for decision making. The cost to facilitate such a meeting is approximately \$2,700. Mr. Vincent explained Triangle J COG is a huge asset between the knowledge they bring, the ability to stay on track, and the detailed report they complete.

Commissioner Price expressed his opposition in contracting with Triangle J COG to facilitate the Board Retreat.

Board Action: The Town Board voted to contract with Triangle J Council of Government to facilitate the Board Retreat March 25th & 26th.

Motion: Mayor Pro-tem Hawley

For: Commissioner Coats; Commissioner Kazakavage

Opposed: Commissioner Price

Vote: 3-1; motion carried

4. Board of Commissioner's Items:

a) Junkyard Screening Ordinance – Adopted 6/2021

Board Action: The Town Board voted to table any further action on enforcing the Junkyard Screening Ordinance to the two individuals that have received violations.

Motion: Commissioner Price

Vote:

Town Attorney Dan Hartzog Jr. interjected and explained that as a legal matter if the Town has an Ordinance to be enforced it needs to be enforced as written across the board. If the Board wishes to eliminate the Ordinance, that is at the discretion of the Board.

Commissioner Price withdrew his motion.

Commissioner Hawley requested the verbiage of “junkyard” be replaced with another term and requested to amend the title of the Ordinance.

Planning Director Sean Johnson stated that with the consensus of the Board, an amended Ordinance can be drafted removing the verbiage the Board wishes, but would have to go through the full Ordinance amendment process.

Mr. Johnson reviewed the Junkyard Screening Ordinance timeline. Initially the Board adopted this Ordinance 6/2021 and set a deadline to be complied by December 2021. At the time of adoption, letters were sent out to all parties that may or may not have junkyards. Code Enforcement Officer Shannon Hodges, personally investigated and met with each property owner and determined that only two properties met the formal definition of a junkyard in the Ordinance. The Ordinance states *"any lot containing more than 3 unregistered and nonfunctional (junk) motor vehicles shall constitute a junkyard"*. To date, the two properties identified have received formal notices of violation and a single \$50 civil citation for failure to install adequate fencing to screen the junked vehicles on site. The property located at 331 W. Depot Street, has since obtained a fence permit to install a 6ft. opaque fence around the junked vehicle storage and has taken steps to come into compliance. The Town has not received any word from the property located at 165 N. Raleigh Street and has not taken any steps towards compliance.

Mr. Johnson yielded to the Town Attorney regarding ceasing enforcement action, due to one property owner complying and fines have been issued. The Planning Department will not issue additional fines until they received direction from the Board.

Mr. Hartzog, Jr. acknowledged that property owners have already spent funds, time, and effort to become compliant with the Ordinance. If the Board no longer wants the Ordinance, they would just have to follow through with the process of removing it. However, while the Ordinance is in place, it needs to be enforced as written.

It was the consensus of the Board for the Planning Director to draft an amended Ordinance and had discussion on what to do with the two identified properties.

Commissioner Coats spoke concerning his initial opposition of the Ordinance prior to becoming a commissioner. He believes this Ordinance causes an undue burden to those that can't afford to comply. However, he now believes the Ordinance should not be removed since property owners have already spent funds to comply and fines have been collected.

Tommy Burns, 2237 Oak Grove Church Road, spoke and said that he is representing Stuart Gardner and believes the Ordinance causes unnecessary hardship and is unreasonable. Mr. Gardner is not operating a junkyard but a towing business. He proposed the Town remove the Ordinance.

Mayor Smith defined junkyard as it reads in the Ordinance. *"Junkyard. An establishment or place of business which is maintained, operated, or used for storing, keeping, buying,*

or selling junk, or for maintenance or operation of an automobile graveyard. Any lot containing more than three unregistered and nonfunctional (junk) motor vehicles shall constitute a junkyard for the purpose of this ordinance”.

Mr. Hartzog, Jr. communicated that as a general rule, the Board of Commissioners legislates and come up with a policy, decide what the ordinances are, and once those are adopted, it is then Town staff is charged with enforcing those ordinances. If it is the Board's wish to remove the Ordinance, fines already issued would still apply due to the Ordinance being in place at the time of violation. However, fines can be suspended until a new Ordinance is formally adopted.

Board Action: The Town Board voted to remove the Junkyard Screening Ordinance located in Section 4.9.3 of Angier's Unified Development Ordinance.

Motion: Commissioner Price

Vote:

Commissioner Price amended his motion.

Board Action: The Town Board voted to remove the Junkyard Screening Ordinance located in Section 4.9.3 of Angier's Unified Development Ordinance effective immediately, however previous fines will remain enacted. No further action will be taken until a substitute ordinance is approved.

Motion: Commissioner Price

For: Commissioner Coats

Opposed: Mayor Pro-tem Hawley; Commissioner Kazakavage

Break tie: Mayor voted in favor

Vote: 3-2; motion carried

b) R-6 Rezoning

Mr. Johnson reminded the Board that at their December 1, 2020 meeting, staff and the Board participated in a discussion regarding recently approved developments in Angier as it relates to their zoning districts and overall development density. At the conclusion of that discussion, it was the consensus of the Board to direct staff to discourage potential developers from in standard R-6 rezonings, and direct them towards conditional R-6 rezonings.

The R-6 zoning district merely sets a minimum lot size of 6,000sqft, staff recommends the Board to focus on the overall density of a proposed development rather than the minimum size of lots. Conditional R-6 rezonings offer a straight forward development plan and

prevent gray area. Conditional rezonings allow the Town to control total lot counts, density, improvements needed for that particular development, perimeter buffers, etc.

Commissioner Price stated he doesn't understand why the Town would keep conditional R-6 rezonings as he does not see the benefit.

Mr. Vincent stated conditional R-6 rezonings have a great benefit to the Town. For example, if a Traffic Impact Analysis reports that turn lanes are not needed for a particular development but the Board feels otherwise, the developer is not required to install those turn lanes. In these scenarios, the Town could have to take money from the Budget for turn lanes that the developer could have done with a conditional rezoning.

Jimmy Johnson, 350 Woodcroft Drive, spoke in opposition of conditional R-6 rezonings because the Town gets too involved. If the Board is not comfortable with the square footage and width of a lot, he recommended changing the ordinance. Conditional rezonings adversely affect property values.

Christina Kazakavage, Planning Board Chair, spoke on the importance of conditional R-6 rezonings and doesn't feel the Town should be spending funds on improvements to developments.

Commissioner Price restated: *"the Board that at their December 1, 2020 meeting, staff and the Board participated in a discussion regarding recently approved developments in Angier as it relates to their zoning districts and overall development density. At the conclusion of that discussion, it was the consensus of the Board to direct staff to discourage potential developers from in standard R-6 rezonings, and direct them towards conditional R-6 rezonings"*

Board Action: The Town Board voted to direct Staff to encourage standard R-6 rezonings without conditions.

Motion: Commissioner Price

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

Vote: 1-3; motion failed

c) Code Enforcement/Weekends

Mr. Johnson stated that it was brought to his attention that the Board was interested in the Code Enforcement Officer working on Saturdays.

The Board had discussion concerning stands being set up on weekends such as car washes, fruit and food stands, yard sales, etc.

Mr. Johnson explained to the Board that our Code Enforcement Officer has very limited physical enforcement authority. He issues civil citations which includes a 10-day waiting period before he can issue the first civil fine. If he were to stumble upon a violation on a Saturday he has to wait 10 days before he can physically enforce or fine to which can reach compliance by that time.

It was the consensus of the Board that the Code Enforcement Officer can help deter portable pop up stands from happening in the future and agreed for him to work one Saturday per month from morning to mid-day.

d) Town of Angier Remote Policy

The Town Attorney stated that there are two issues regarding the remote participation policy and that is Closed Sessions and Quasi-judicial proceedings. A lot of towns have a remote participation policy for regular meetings but have special consideration particularly with quasi-judicial proceedings and that is the ability to see and hear all of the evidence. It is not illegal to have remote participation for either of these situations, however, it's taking into account considerations of wanting to have the same access and information. Including weighing witness credibility and testimony. It is at the discretion of the Board if they choose to include closed sessions and quasi-judicial proceedings.

Board Action: The Town Board voted to allow remote participation during closed sessions and quasi-judicial proceedings.

Motion: Commissioner Price

Vote:

There was discussion amongst the Board regarding challenges facing remote participation during those times.

It was the consensus of the Board for Dan to draft an amended policy to allow closed session remote participation by majority vote but not allow during quasi-judicial proceedings.

Board Action: The Town Board unanimously voted to go into Closed Session pursuant to NCGS 143-318.00 (a) (3) – attorney client privilege at approximately 9:02pm.

Motion: Mayor Pro-tem Hawley

Vote: 4-0; unanimous

Board Action: The Town Board unanimously voted to reconvene in open session at approximately 9:34pm.

Motion: Mayor Pro-tem Hawley

Vote: 4-0; unanimous

Adjournment: There being no further business, the Town Board voted unanimously to adjourn the meeting at 9:34pm.

Motion: Mayor Pro-tem Hawley

Vote: Unanimous, 4-0

Attest:

Veronica Hardaway
Veronica Hardaway, Town Clerk

Robert K. Smith

Robert K. Smith, Mayor

