

**Town of Angier  
Board of Commissioners  
Tuesday, January 4, 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, January 4, 2022, in the Board Room inside the Municipal Building at 28 North Raleigh Street.

**Members Present:** Mayor Bob Smith  
Mayor Pro-tem Loru Hawley  
Commissioner Alan Coats  
Commissioner Jim Kazakavage  
Commissioner Junior Price via *Zoom*

**Members Excused:**

**Staff Present:** Town Clerk Veronica Hardaway  
Planning Director Sean Johnson  
Finance Director Hans Kalwitz  
HR Director Melissa Wilder  
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.

**Board Action:** The Town Board unanimously voted to allow Commissioner Price to participate via *Zoom*.

**Motion:** Commissioner Coats

**Vote:** 3-0, unanimous

**Approval of the January 4, 2022 meeting agenda:** The Town Board unanimously approved the agenda with the following amendment: Add Planning Board Member Appointment consideration as Old Business Item #3.

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

**Motion:** Mayor Pro-tem Hawley

**For:** Commissioner Price; Commissioner Kazakavage

**Opposed:** Commissioner Coats  
**Vote:** 3-1; motion carried

### **Public Comment**

Mike Hill, 48 S. Park Street, voiced his concern regarding Commissioner Price's in-person attendance to Board meetings as well as inquiring if all Board members have completed their mandatory Ethics Training.

### **Consent Agenda**

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

a. December 7, 2021 – Regular/Organizational Meeting

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

**Motion:** Mayor Pro-tem Hawley

**Vote:** 4-0, unanimous

### **Public Hearings**

#### **1. Voluntary Annexation Petition**

Planning Director Sean Johnson stated that staff received a voluntary annexation petition submitted by Easley Properties, LLC requesting to annex approximately 57.38 acres located on NC 55 W. and Old Buies Creek Road (Harnett PIN: 0673-83-7341.000). The Clerk has investigated the sufficiency of the annexation petition. Now the Town Board is eligible to consider whether to adopt Ordinance #A001-2022 to Extend the Corporate Limits of Town.

Mayor Smith opened the Public Hearing.

Seeing no one, Mayor Smith closed the Public Hearing.

**Board Action:** The Town Board voted to adopt Ordinance #A001-2022 to Extend the Corporate Limits of Town totaling approximately 57.38 acres located on NC 55 W. and Old Buies Creek Road; submitted by Easley Properties, LLC (Harnett PIN: 0673-83-7341.000).

**Motion:** Commissioner Coats

**For:** Commissioner Price

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

**Break Tie:** Mayor Smith voted in favor of the motion

**Vote:** 3-2; motion carried

## 2. Rezoning Request

Planning Director Sean Johnson stated that a conditional rezoning application was received by Easley Properties, LLC for approximately 57.38 acres located on NC 55 W. and Old Buies Creek Road (Harnett PIN: 0673-83-7341.000) from RA-30 to CZ R-6. The property is currently vacant agricultural land. Surrounding land uses include low and medium density residential, as well as a nearby church and office building. Public water and sewer will be provided by the developer once annexed and developed. The rezoning requested is compatible with the medium density residential classification shown on the Future Land Use Map. The Planning Board voted unanimously to recommend approval of the rezoning request with all conditions proposed at their December 14<sup>th</sup> meeting.

Mr. Johnson indicated that, contrary to our standard rezoning districts available in the ordinance, these conditional districts allow the Board to add specific conditions that will carry with the land just like a standard zoning district. The following conditions have been discussed with the applicant and the Planning Board, and would be Incorporated into the Zoning Regulations of the property in question:

- The parcels in question shall only be developed with single family residential lots
- There shall be no more than 162 total lots on the parcel in question. In the case of a reduction in the total lot count based on unforeseen design constraints, the Planning Director may approve minor adjustments to the proposed subdivision plan.
- The minimum lot size shall be at least 6,000sqft
- The minimum lot width shall be 50ft
- The minimum building setbacks shall be as required in the R-6 district
- The proposed Northbound left-turn lane and Southbound right-turn lane improvements on NC 55 shall be installed per NCDOT standards prior to the recordation of lots shown on the subdivision plan
- There shall be a Northbound right-turn lane installed on Ennis Road to serve the proposed access to the subdivision.
- There shall be a minimum of 20.5 acres of open space preserved in the proposed subdivision. Open space shall be developed in accordance with Chapter 6 of the Angier Zoning Ordinance
- The proposed 20ft. street buffers along NC 55, Old Buies Creek Road and Ennis Road shall be installed per the Type A Buffer standards in Section 7.3 of the Angier Zoning Ordinance
- There shall be curb & gutter and 5ft wide sidewalk installed throughout the proposed subdivision on both sides of each proposed streets
  - There shall be curb & gutter and 5ft wide sidewalk installed along the existing roadways adjacent to the subdivision which stub to the North and South of the property in question. This includes NC 55, Old Buies Creek Rd. and Ennis Rd.

In accordance with NCGS 160D-703(b), only those conditions approved by the local government and consented to by the petitioner in writing may be incorporated into the zoning regulations.

Mayor Smith opened the Public Hearing.

Sarah Shirley, P.E., applicant Engineer, stated that they have worked with the Planning Department, Engineering, Fire, and NCDOT as well as reaching out to the school district making sure this property is reasonably developed. All Ordinance requirements have been applied and the proposal has abided by the Future Land Use Plan and goals for the Town. Perimeter vegetative buffers are proposed as well as amenity areas such as a pond, walking trails that will connect to public sidewalks, and sidewalks throughout all internal roads. Ms. Shirley requested the Town add a term to the conditions for the turn lanes. It is their intention to provide the turn lanes as requested by the Town Planning Board. Their concern is that NCDOT will grant them the ability to provide those turn lanes. There is a question outstanding that NCDOT hasn't given them the assurance of that within their maintenance right-of-way; they as private developers could install turn lanes. Because of this, they would like to be able to add a term to the conditions that says "if right-of-way is required to be obtained from private land owners", that they have the ability to say "it would be reasonably obtained" without having to come back before the Board to revise the commitment. A traffic impact analysis has been conducted.

Christa Green, traffic consultant, informed the Board that a Traffic Impact Analysis was performed given the future growth conditions of that area. Every intersection in the study area performed well. The future 55 Bypass will reduce traffic tremendously by 40-50%.

Will Pope, 4590 Old Buies Creek Road, is an adjacent property owner of the property in question. He voiced drainage and traffic concerns related to the proposed development.

Mr. Johnson stated there a couple of areas reserved for storm management on the site. The applicant's engineers will analyze the topography of the site to make sure the water will drain to the ponds. With curb and gutter along each roadway, water will collect into one of the inlets of the curb and carry to one of the ponds on site. Staff is responsible for requiring, per the Town and State standards, that all runoff that falls on the site, stays on the site. It cannot, by law, adversely impact neighbors more so than it does today as undeveloped. The Town Engineer acts on behalf of the Town to make sure the ponds proposed are able to handle all runoff caused by impervious surface on site.

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

**Board Action:** The Town Board voted to approve the conditional rezoning request including the aforementioned conditions submitted by Easley Properties, LLC.

**Motion:** Commissioner Coats

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

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

## **New Business**

### **1. Budget Amendment #7**

Finance Director Hans Kalwitz stated that this budget amendment pertains to the Library Department and, as in the past, it is well understood to be treated as restricted revenue with specific spending purposes. The majority of the additional restricted revenue is from Custom Smiles, Inc. amounting to \$1,000.00 (reason for this donation is in appreciation for the use of the Board Room on December 4<sup>th</sup> and the intent is for the donation to be utilized in partnership with Community Development projects and events.

**Board Action:** The Town Board unanimously voted to approve Budget Amendment #7 that pertains to Library donation in the amount of \$1,000.

**Motion:** Commissioner Coats

**Vote:** 4-0, unanimous

### **2. Ordinance to Demolish Dilapidated Dwelling**

Planning Director Sean Johnson stated that Code Enforcement Staff has been enforcing the minimum housing standard code against the deteriorating dwelling at 950 N. Broad Street E. since the case was opened on June 28, 2021. Because the dwelling in question has several violations deeming it unfit for habitation, the Code Enforcement Officer issued an Order to Repair or Demolish the dwelling within 90 days - Expired November 30, 2021. At the expiration of the deadline, the property owner requested the Town demolish the dwelling. All costs associated will become a lien against the property. Staff will solicit bids for the demolition of the dwelling and proceed with the lowest bidder.

**Board Action:** The Town Board unanimously voted to approve an Ordinance to Demolish a Dilapidated Dwelling located at 950 N. Broad Street E.

**Motion:** Mayor Pro-tem Hawley

**Vote:** 4-0, unanimous

### **3. Voluntary Annexation Petition**

Planning Director Sean Johnson stated that staff has received a voluntary annexation petition from James W. Johnson, III, Connie Johnson, and Vickie Mendenhall for 2 parcels totaling approximately 16.15 acres located on S. Wilma Street (Harnett PINs: 0683-07-3454.000 & 0683-06-0336.000). The first step in the annexation process is for the Board to Direct the Town Clerk to investigate the sufficiency of the petition. The clerk will then report back to the Board at the February 1<sup>st</sup> meeting.

**Board Action:** The Town Board unanimously voted to approve Resolution #R001-2022 Directing the Clerk to Investigate the Sufficiency of the Petition.

**Motion:** Commissioner Coats

**Vote:** 4-0; unanimous

## **Old Business**

- 1. Resolution #R002-2022 – Fixing a Date for Annexation Public Hearing submitted by Joel R. Young and Sherrill F. Young, Jr.**

Planning Director Sean Johnson stated that the applicant has requested to put this annexation on hold until the February 1<sup>st</sup> Board of Commissioners meeting.

**Board Action:** The Town Board unanimously voted to table the aforementioned annexation petition until the February 1<sup>st</sup> Board of Commissioners Meeting.

**Motion:** Mayor Pro-tem Hawley

**Vote:** 4-0, unanimous

- 2. Resolution #R003-2022 – Fixing a Date for Annexation Public Hearing submitted by Kennebec Baptist Church**

Planning Director Sean Johnson stated that staff has received a voluntary annexation petition submitted by Kennebec Baptist Church an approximately 25.39 acres located at 9736 and 9808 Kennebec Church Road (Wake PINs: 0675404605 & 0675309380). As directed by the Board at the December 7<sup>th</sup> meeting, the Town Clerk has investigated the sufficiency of the annexation petition. The next step is to set the date for the Public Hearing at the February 1<sup>st</sup> meeting.

**Board Action:** The Town Board unanimously voted to approve Resolution #R003-2022 to Fix a Date for Annexation Public Hearing submitted by Kennebec Baptist Church for February 1<sup>st</sup>.

**Motion:** Mayor Pro-tem Hawley

**Vote:** 4-0, unanimous

- 3. Planning Board Appointment Consideration**

Town Clerk Veronica Hardaway stated the following individuals have been interviewed and are eligible for appointment: Addison Allgood, Myron Patterson, and Ethan Alexander-Davey.

**Board Action:** The Town Board voted to appoint Myron Patterson as an In-town Planning Board member.

**Motion:** Mayor Pro-tem Hawley

**For:** Commissioner Price; Commissioner Kazakavage

**Opposed:** Commissioner Coats

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

### **Mayor & Town Board Reports**

Commissioner Price explained that the reason for his absence this evening is due to exposure to COVID-19.

**Adjournment:** Being no further business, the Town Board voted unanimously to adjourn the meeting at 7:46pm.

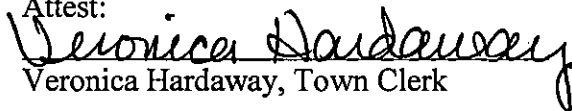
**Motion:** Mayor Pro-tem Hawley

**Vote:** Unanimous, 4-0



Robert K. Smith, Mayor

Attest:

  
Veronica Hardaway, Town Clerk