

**Town of Angier  
Board of Commissioners  
Tuesday, April 5, 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, April 5, 2022, in the Board Room inside the Municipal Building at 28 North Raleigh Street.

**Members Present:** Mayor Bob Smith  
Commissioner Alan Coats  
Commissioner Jim Kazakavage

**Members Excused:** Mayor Pro-tem Hawley  
Commissioner Price

**Staff Present:** Town Manager Gerry Vincent  
Town Clerk Veronica Hardaway  
Planning Director Sean Johnson  
Library Director Katy Warren  
Public Works Director Jimmy Cook  
Chief of Police Lee Thompson  
Parks & Recreation Director Derek McLean  
Finance Director Hans Kalwitz  
HR Director Melissa Wilder  
Community Development Coordinator Heather Keefer  
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 excuse Mayor Pro-tem Hawley as she is in the hospital; and Commissioner Price as he's teaching a class out of town.

**Motion:** Commissioner Coats  
**Vote:** 2-0; unanimous

Mayor Smith extended his sincere prayers to Loru and her family for a speedy recovery.

**Approval of the April 5, 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:** Commissioner Coats

**Vote:** 2-0; unanimous

### **Presentation**

Mayor Smith presented a Proclamation and Life Saving Award to Corporal Levi Creek thanking him for his heroic actions taken while on duty which resulted in preservation of a life. This incident took place March 3, 2022 where a citizen suffered a severe laceration causing major blood loss. Corporal Creek administered a CAT tourniquet and provided medical care until EMS arrived. It was noted by Harnett County EMS as well as Wake Med Physicians that if it wasn't for Corporal Creek's quick action, there would have been a tragic outcome.

### **Public Comment**

Lucas Strachan, 162 W. Williams Street, shared his concern regarding the Town's growth as it relates to safety and mentioned the need for additional crosswalks, sidewalks, and posted speed limit signs preferably of a lower speed. He commended the new dog park down at Jack Marley Park and asked if there would be any accessible water in the future.

Town Manager Gerry Vincent shared that through future projects, downtown will be more accessible, walkable, and safe. These projects will be carried out next fiscal year that will include streetscapes that will make it safer for pedestrians. Water for the dog park right now is very costly as the existing waterline along Hwy 210 would have to cross a creek, however the Town could look into other alternatives to make that happen. Mr. Vincent stated that speed limit sign concerns will be discussed with NCDOT.

Mike Hill, 48 S. Park Street, commended Heather Keefer, Katy Warren, and Addison Allgood for receiving awards at the Chamber Banquet held March 22<sup>nd</sup>. The Town should be proud of the recipients that received awards. He did share that he was disappointed in a couple of Commissioners that did not stand and applaud all award recipients.

Chuck Zoia, 62 Camille Brooks Drive, spoke of concerns regarding the addition of another subdivision on Wilma Street and how additional traffic could pose hazardous conditions on the undersized street. He also voiced his concerns that in the event of an emergency, Wilma Street is a dead-end road with over a hundred houses in several subdivisions with no second means of egress.

Mayor Smith stated at their annual retreat, the Town Board had voted to do what was necessary to widen Wilma Street by three feet.

## **Consent Agenda**

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

- a. March 1, 2022 – Regular Meeting

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

**Motion:** Commissioner Kazakavage

**Vote:** 2-0, unanimous

## **Public Hearings**

### **1. Conditional Rezoning Request – Easley Properties, LLC**

Planning Director Sean Johnson stated that this conditional rezoning was previously denied at the January 4<sup>th</sup> meeting. The applicant, Meritage Homes, has since made changes to the subdivision plan. He then stated that the application was for an approximately 57.38 acre property located on NC 55 W. and Old Buies Creek Road (Harnett PIN: 0673-83-7341.000). The current zoning is RA-30 and the proposed zoning is Conditional R-6. The Planning Board voted unanimously to recommend the approval of the rezoning with the list of proposed conditions at their March 8<sup>th</sup> meeting. Staff recommends approval with the listed draft conditions as well.

Mr. Johnson stated the property is currently vacant agricultural land with surrounding land uses that include low and medium density residential, as well as a nearby church and office building. There is road frontage both on Hwy 55 W. and Old Buies Creek Road, as well as a small section on Ennis Road. The proposed property was annexed at the January meeting, so Town water and sewer is available upon the developer's extension. The rezoning request is compatible with the medium density residential classification shown on the Future Land Use Map. The subdivision plan proposes 2.6 units per acre.

Total Residential Units Previously Proposed: 162 lots at 2.8 units per acre

Amended Total Residential Units Proposed: 152 lots at 2.6 units per acre

Previously Proposed Lot Size: Minimum of 6,000sqft

Amended Proposed Lot Size: 124 lots at minimum of 6,000sqft & 28 lots at minimum of 10,000sqft

Mr. Johnson then reviewed the draft conditions to be incorporated into the zoning regulations of this property.

1. The parcel in question shall only be developed with single family residential lots
2. There shall be no more than 152 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
3. The minimum lot size shall be at least 6,000sqft



4. There shall be at least 28 lots greater than or equal to 10,000sqft
5. The minimum lot width shall be 50ft
6. The minimum building setbacks shall be as required in the R-6 district
7. 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 any lots shown on the subdivision plan
8. There shall be a Northbound right-turn lane installed on Ennis Rd. to serve the proposed access to the subdivision. This turn lane, along with street connection to Ennis Road, shall be installed to NCDOT standards prior to recordation of the 100<sup>th</sup> lot in the subdivision
9. There shall be a minimum of 19 acres of open space preserved in the proposed subdivision. Open space shall be developed in accordance to Chapter 6 of the Angier Zoning Ordinance
10. The proposed 20ft street buffers along NC 55, Old Buies Creek Rd and Ennis Rd shall be installed per the Type A Buffer standards in Section 7.3 of the Angier Zoning Ordinance
11. There shall be curb & gutter and 5ft wide sidewalk installed throughout the proposed subdivision on both sides of each proposed street
12. 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 – includes NC 55, Old Buies Creek Rd. and Ennis Rd.
13. There shall be a 15ft Type A landscaping buffer installed along the rear of Lots 40-43 adjacent to the neighboring property prior to recordation of these lots.

The Board had questions regarding dedicated open space.

Mr. Johnson stated there was a very slight decrease in total open space to accommodate the larger lot sizes. Approximately 33% of dedicated green space is proposed, which far exceeds the ordinance's minimum requirement of 20%. There is quite a bit of active walking trails around the existing pond, as well as proposed amenity areas throughout the development.

Mayor Smith disclosed that he lives across the street from the proposed project.

Mayor Smith opened the Public Hearing.

Sarah Shirley, P.E., the applicant's Engineer, thanked the Board for hearing their proposed changes. Some of those changes include a mix of lot sizes and addressing adjacent neighbor concerns of stormwater issues. There will be internal sidewalk systems next to the trails that connects to the external sidewalk system providing over two miles of trails and sidewalk combined. To help mitigate stormwater management, there's two proposed retention ponds along with the existing pond. All of the homes will be Energy Star Certified. They are committed to working with multiple reviewers of the preliminary plat that include planning, fire, engineering, stormwater permitting, erosion and sediment control, NCDOT, school district, and USPS.

Meredith Mabry, 876 Ennis Road, shared her concern for lots marked #40, 41, 42, and 43, as they are very close to her property, and requested if some type of screening could be placed there. She also shared her concern regarding future roadway improvements of Hwy 55 with Ennis Road being a service road and how that will be impacted once additional homes are added.

Ms. Shirley responded that buffers are not required, however, they are willing to commit to screening behind those lots. She also shared a Traffic Impact Analysis has been conducted and all future and proposed NCDOT roadway improvements have been considered.

Seeing no one, Mayor Smith closed the Public Hearing.

Commissioner Coats shared how impressed he is with the proposed changes.

Mr. Coats clarified that after consulting with the Town Attorney, he did not recuse himself from the proposed rezoning on S. Wilma Street heard at the previous month's meeting. He made it clear that he did reside on the street of the proposed rezoning, however he would not financially gain or lose anything from that project.

Commissioner Kazakavage asked where the runoff from the existing pond drains.

Mr. Johnson stated that stormwater matters would be addressed during construction drawing review, and explained that any additional runoff caused by increased impervious surface has to be accounted for on site.

Ms. Shirley stated that when runoff leaves the property it runs to a culvert under NC 55 and does feed into a creek downstream.

**Board Action:** The Town Board voted to approve the proposed Rezoning Request and the conditions proposed, in addition to a 15ft wide Type A landscape buffer along the rear of Lots 40-43 adjacent to neighboring property prior to recordation; for the application submitted by Easley Properties, LLC (Harnett PIN: 0673-83-7341.000).

**Motion:** Commissioner Coats

**Vote:** 2-0; unanimous

## **2. Sections 13.11 & 4.9.3 Junkyard Ordinance Amendment**

**Board Action:** The Town Board voted to table this item for 12 months.

**Motion:** Commissioner Kazakavage

**Vote:** no vote was taken for further discussion

Commissioner Kazakavage made a motion to table this item for 12 months as it's only fair to allow time to those who need to make accommodations for this Ordinance.



Commissioner Coats acknowledged that Commissioner Hawley has put a lot of work into this particular item, and he would like to wait until she can weigh in. However, he suggested tabling this topic for 6 months.

**Board Action:** The Town Board amended the motion to table this item for 6 months.

**Motion:** Commissioner Kazakavage

**Vote:** no vote was taken for further discussion

Mayor Smith was concerned there is no active ordinance implementation at this time and wants to be sure something doesn't come up.

Town Attorney Dan Hartzog, Jr. suggested that one option is to delay the Public Hearing until next month as long as the Town posts notice. However, the Public Hearing can be heard tonight and then the Board can delay decision until the next meeting.

It was the consensus of the Board to continue with the Public Hearing.

Mayor Smith opened the Public Hearing.

Planning Director Sean Johnson stated that based on comments received from the Board at the February 15<sup>th</sup> workshop, staff has drafted an amendment to Sections 13.11 and 4.9.3 of the Ordinance related to nonconforming automobile storage, junkyards, and salvage yards. These amendments are intended to allow for the Code Enforcement Staff to enforce the screening of properties in Angier's jurisdiction which have more than three junked motor vehicles stored on their property. The Planning Board recommended approval of this Ordinance amendment as proposed at their March 8<sup>th</sup> meeting.

Terminology has been changed based on the Board's feedback to remove references to junk vehicles and junkyards to be replaced with "Unregistered and nonfunctional vehicle" & "storage yard". If no action is taken, the screening requirements for those existing junkyards will remain legal non-conforming also known as "grandfathered in".

The screening required by this amendment is a 6ft opaque fence blocking unregistered and nonfunctional vehicles from view. At this point, Staff has been directed by the Board to temporarily seize enforcement action until an amendment can be presented.

Mr. Johnson also stated he has been in discussions with Commissioner Hawley to possibly come to an informal solution through working with the property owner of the *Stuart's Wrecker Service* site rather than the Ordinance enforcement route.

Mayor Smith had concern regarding the definition "an establishment or place of business in which is maintained, operated, or used for storage, keeping, buying, or selling vehicle parts" as automobile part stores could be subject to the Ordinance. He suggested incorporating verbiage to include "inoperative" or "vehicles".

Mr. Johnson pointed out the proposed definition states “any lot containing more than three unregistered and nonfunctional vehicles.” Mayor Smith would like to see the first sentence of the definition be more specific to what Mr. Johnson pointed out.

Tommy Burns, 2237 Oak Grove Church Road, stated he has submitted written comments earlier and would like them to be entered into the record. He stated that options that were proposed to him by Commissioner Hawley are less than those improvements required by the Ordinance language as presented, and is concerned with making those improvements if the Board is going to adopt this amendment at a later date anyway.

*Mr. Burns’ written comments:*

Public Hearing Comments

4/5/2022

Tommy Burns  
2237 Oak Grove Church Rd.  
Angier, NC 27501

Ordinance Amendment(s)

Sections 13.11 and 4.9.3

Commissioners,

I appreciate the opportunity to again enter comments into the record regarding the matter(s) and the property potentially affected by this at 165 N. Raleigh Street. The business on this property has operated here for a number of decades. I believe the spirit and intent of this ordinance amendment should be that any new uses comply with a greater buffering standard as opposed to long term, established business that are existing legal uses. The same logic is applied to new homes built to current building codes. The Town does not go back and make older homes comply with current building codes, unless there is substantial improvement or damage.

The standards of fencing and buffering are unreasonable and place an undue burden and hardship on this 81-year-old business owner and the 75-year-old recently widowed land owner. A strict application of this ordinance would create undue and unreasonable hardships on both parties; of which they would never be able to recoup a investment of this nature, given the age of both land owner and business owner. Black mesh screening nor landscape buffering are included as acceptable opaque buffers as these would provide a more effective buffering for properties with highway road frontage. These additional options would also capture the intent of the ordinance to screen “junked motor vehicles” from the public view.

There has been no change of use in many years on this property and has certainly been no changes since the Town UDO and other ordinances were added to the regulations of the Town.

A sixty-day compliance window from the time of notification is also not reasonable in any ordinance standard, and especially not given the current supply chain, labor shortage and economic interruptions that currently exists.

The most reasonable, common sense approach to this is to pursue option 2 and deny the amendment and allow this existing, legal use to “cure” itself, as it will in very short order. It also prevents costly legal actions on the part of all parties affected of which it is doubtful the Town would prevail. I would think the Town would want to be known as a Town that is business friendly with a pride in its past and with respect and admiration for the taxpayers who have carried the way for many years so others can enjoy the fruits of success and growth that the Town has and will certainly experience in the future.



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

**Board Action:** The Town Board voted to amended the motion to table this item until next month's meeting.

**Motion:** Commissioner Kazakavage

**Vote:** 2-0; unanimous

### **New Business**

#### **1. Community Development Advisory Board Interview**

Candidate Tyjah Johnson had a five-minute question and answer session with the Town Board.

Community Development Coordinator Heather Keefer explained that the advisory board currently has three vacancies and recommended appointing all three candidates.

#### **2. Community Development Advisory Board Appointments**

**Board Action:** The Town Board unanimously voted to appoint Daisy Haywood, Alexa Whittington, and Tyjah Johnson to the Community Development Advisory Board.

**Motion:** Commissioner Coats

**Vote:** 2-0, unanimous

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

Planning Director Sean Johnson stated that staff received a voluntary annexation petition from Dwight & Eloise Stephenson for approximately 74.716 acres located at 1251 N. Raleigh Street, Angier, NC (0674-46-8078.000).

**Board Action:** The Town Board unanimously voted to approve Resolution #R006-2022 to Direct the Clerk to Investigate the Sufficiency of the Petition submitted by Dwight & Eloise Stephenson (Harnett PIN: 0674-46-8078.000).

**Motion:** Commissioner Kazakavage

**Vote:** 2-0, unanimous

#### **4. Voluntary Annexation Petition**

Planning Director Sean Johnson stated that staff has received a voluntary annexation petition from Sandra V. Stephenson & Peggy V. Hardison for approximately 17.675 acres located on NC 55 W., Angier, NC (0673-94-3543.000 & 0673-93-4853.000).

**Board Action:** The Town Board unanimously voted to approve Resolution #R007-2022 to Direct the Clerk to Investigate the Sufficiency of the Petition submitted by Sandra V. Stephenson & Peggy V. Hardison (Harnett PINs: 0673-94-3543.000 & 0673-93-4853.000).



**Motion:** Commissioner Coats

**Vote:** 2-0, unanimous

## **5. Budget Amendment #11**

Finance Director Hans Kalwitz stated this budget amendment pertains to revenues that have exceeded anticipation within the General Fund and the Booster Club Fund. The Library Donation revenue line has received donations, of which is treated as a restricted revenue, and the Library Department's respective expenditure line will, in effect, have increased allowable spending. The Booster Club Proceeds revenue line has received field rental revenue for which allowable spending will be increased. This budget amendment will acknowledge revenue that has exceeded anticipation in the General Fund and the Booster Club Fund; \$180 and \$350 respectively. To maintain a balanced budget, the aforementioned revenue will be appropriated to associated expenditure lines.

**Board Action:** The Town Board unanimously voted to Budget Amendment #11 that pertains to revenues that have exceeded anticipation within the General Fund and the Booster Club Fund.

**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 staff has received a voluntary annexation petition from Joel R. Young and Sherrill F. Young, Jr. for an approximately 122.5 acre property located at 6600 Wimberly Road (**Wake** PIN: 0684661987).

### **2. Resolution #R008-2022 – Fixing a Date for Annexation Public Hearing submitted by William Coy Rogers Heirs**

Planning Director Sean Johnson stated staff has received a voluntary annexation petition from the William Coy Rogers Heirs for approximately 15.62 acres located at 9405 Kennebec Road, Willow Spring, NC (**Wake** PIN: 0684477282).

**Board Action:** The Town Board unanimously voted to approve Resolution #R002-2022 to Fix a Date for Annexation Public Hearing submitted by Joel R. Young and Sherrill F. Young, Jr.; and Resolution #R008-2022 to Fix a Date for Annexation Public Hearing submitted by William Coy Rogers Heirs for May 3, 2022.

**Motion:** Commissioner Kazakavage

**Vote:** 2-0; 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. Last Friday, the Board of Commissioners held its annual retreat. Thank you for your commitment of time, your patience with so much information to consider and absorb, and thank you to my staff for their hard work!
2. Reviewed Budget Work Schedule
3. Logistics with vacating Town Hall for new construction: Administration moved out in February to the Public Works Facility, Planning & Inspections moved out last week to the Parks & Recreation Building in Jack Marley Park, Police will move at the end of April/first of May, and Finance/Utilities will move out at the end of May/first of June. Demolition is scheduled for July.

Mayor Smith reviewed the Engineers report and stated that the Town has received a Letter of Intent to Fund the 500,000-gallon elevated water storage tank & the Old Core Water Distribution System Replacement from NC DEQ on March 11, 2022. The next step in this process will be to prepare and advertise a Request for Qualifications (RFQ) for the selection of an engineering design consultant.

## Mayor & Town Board Reports

**Adjournment:** Being no further business, the Town Board voted unanimously to adjourn the meeting at 8:20pm.

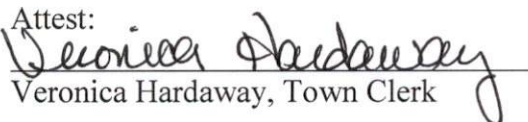
**Motion:** Commissioner Kazakavage

**Vote:** 2-0; unanimous



Robert K. Smith, Mayor

Attest:



Veronica Hardaway, Town Clerk

