

**Town of Angier
Board of Commissioners
Tuesday, April 21, 2020, 7:00 P.M.
Angier Municipal Building
28 North Raleigh Street
Minutes**

The Town of Angier convened during a regularly scheduled Board of Commissioners meeting Tuesday, April 21, 2020, in the Board Room inside the Municipal Building at 28 North Raleigh Street.

Members Present: Mayor Bob Smith
Mayor Pro-Tem Craig Honeycutt
Commissioner Alan Coats
Commissioner Loru Boyer Hawley
Commissioner Mike Hill

Members Excused:

Staff Present: Town Manager Gerry Vincent
Town Clerk Veronica Hardaway
Planning Director Sean Johnson
Chief of Police Arthur Yarbrough
Downtown Manager Christy Adkins
Utility Billing Clerk Donna DiMambro
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 7:00 p.m.

Pledge of Allegiance: Mayor Smith led the pledge of allegiance.

Invocation: Mayor Smith offered the invocation.

Approval of the April 21, 2020 meeting agenda: The Town Board approved the agenda with the following amendment: add Closed Session pursuant to 143-318.11 (a) (5) to discuss economic development.

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

Motion: Commissioner Hawley

Vote: 4-0, unanimous

Presentation

None.

Public Comments

Seeing no one, Mayor Smith closed the public comment period of the meeting.

Public Hearings

1. Annexation Petition

Planning Director Sean Johnson stated a Voluntary Annexation Petition was submitted by property owners Jo Penny Dorman and Ruby U. Stephenson, who were requesting to annex 3 tracts of land totaling approximately 116 acres; located along Kennebec Road and Stratus Street in Willow Spring (PIN#'s 0684384989; 0684485026; and a portion of 0684188054). The Sufficiency of the Petition and results have been verified by the Clerk. Now the Town Board is eligible to consider whether to adopt Ordinance #ORD004-2020 to Extend the Corporate Limits of Town.

Mayor Smith opened the Public Hearing.

Norwood Dorman, 1000 Dorman Ct., submitted a petition of signatures opposing the annexation and potential future development of the property in question. The petition against the rezoning of the property is based on fear of increased traffic, increased automobile accidents, noise pollution, and environmental breakdown.

Mayor Smith reminded those in attendance that this Public Hearing is based solely on the annexation.

Mr. Johnson explained that any future development would be subject to NCDOT roadway improvement requirements.

Don Curry with Curry Engineering Group, LLC stated he is in attendance to answer any questions on behalf of the applicant. He informed the Board that his engineering group looked at the sight distance issues on Kennebec Road and have oriented the connection to Kennebec Road in such a manner where they will achieve proper sight distance requirements for exiting onto Kennebec Road. There will be compliance with all NCDOT regulations and requirements for the driveway permit.

Allen Stephenson, 9401 Kennebec Road, stated he was unaware of a rezoning sign posted on the proposed property. He expressed his concern with the rezoning to R-6 when surrounding uses are R-30 as well as a concern with increased traffic.

Terry Pope, 9354 Kennebec Road, also voiced his concern for increased traffic.

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

Commissioner Hawley expressed her concern with increased traffic and accidents.

Commissioner Hill expressed that although there may be an increase in traffic, it would be no more than any other road and believes the Board should not stop progress.

April 21, 2020

To: Planning Department
Town of Angier

RE: Rezoning properties located at 9245 Kennebec Rd (PIN 0684-38-4989) and
0 Kennebec Rd (0684-48-5026)

Please find the attached list of concerned citizens who by evidence of our signatures are against rezoning the aforementioned properties. Collectively, we are against the rezoning because of the amount of traffic that will accompany the development of the proposed subdivision. According to the documents presented by the developer, the plan is to build 237 homes on said properties. In order to make the plan happen the properties have to be rezoned. We are against rezoning those properties based on our fear that ensuing traffic necessary by the planned subdivision will create hardships for residents who live along the proposed entrance and many other residents along the length of Kennebec Rd south to the traffic light at Hwy 55 and north to the intersection of Kennebec Rd and Bud Lipscomb Rd. Those of us who live along Kennebec Rd know the road is dangerous and has a history of automobile accident occurrences. Additionally, we believe the planned entrance to the subdivision is located at an unsafe place because south of the entrance is a sharp curve and to the north is another sharp curve and a hillcrest all of which create risks for automobile operators. There are other concerns for area residents regarding noise pollution and environmental breakdown from the sheer number of people concentrated in the proposed subdivision. In conclusion, we are against rezoning the properties because the result of rezoning would allow development that would adversely impact a large number of NC residents.

Marcus Dorman

Signature

Dan Dorman

Signature

Elan Hedgcock

Signature

Joyce Hedgcock

Signature

Angie Hedgcock

Signature

Linda Hedgcock

Signature

Paul Hedgcock

Signature

Don Hedgcock

Signature

James Hedgcock

Signature

Linda Hedgcock

Signature

Paul Hedgcock

Signature

1000 Dorman Ct Williamsport

Street Address

1000 Dorman Ct W.S.

Street Address

9230 Kennebec Rd

Street Address

9230 Kennebec Rd

Street Address

934 Kennebec Rd

Street Address

934 Kennebec Rd

Street Address

936 Kennebec Rd

Street Address

936 Kennebec Rd

Street Address

936 Kennebec Road
Newtown N.C. 27596

Street Address

936 Kennebec Rd W.S. 27592

Street Address

936 Kennebec Rd W.S. 27592

Street Address

Jimmy Matthews
Signature

9330 Kennebec Rd WS
Street Address

Debbie Matthews
Signature

9330 Kennebec Rd WS
Street Address

Steven Allen
Signature

9335 Kennebec Rd WS
Street Address

Patricia Allen
Signature

9335 Kennebec Rd WS
Street Address

Jerome Marchand
Signature

9358 Kennebec Rd.
Street Address

Judy Smith
Signature

9224 Kennebec Rd
Street Address

Mark Smith
Signature

9224 Kennebec Rd
Street Address

Laloi Bryant
Signature

9368 Kennebec Rd
Street Address

Janice Bryant
Signature

9368 Kennebec Rd
Street Address

Wenne E Bryant
Signature

9368 Kennebec Rd
Street Address

Nicholas Hedgespeth
Signature
Debra Hedgespeth

9638 KENNEBEC RD.
Street Address
9638 Kennebec Road

Maria Pope
Signature

9354 Kennebec Rd, Willow Sp
Street Address NC 27592

Heather Ward
Signature

9350 Kennebec Rd, Willow Spring
Street Address 27592

Bob Ward
Signature

9350 Kennebec Rd, Willow Spring N.C.
Street Address 27592

Harold Terry Byrd
Signature

9354 KENNEBEC RD
Street Address W.S. 27592

James T. Halzen
Signature

9349 Kennebec Rd Willow Spring
Street Address

[Signature]
Signature

9401 Kennebec Rd
Street Address

Board Action: The Town Board voted to adopt Ordinance #ORD004-2020 to extend the corporate limits of Town by annexing Wake County PIN#'s 0684384989; 0684485026; and a portion of 0684188054.

Motion: Commissioner Hill

Opposed: Commissioner Hawley

Vote: 3-1, motion carried

2. Rezoning Request

Planning Director Sean Johnson stated that staff has received a rezoning application for the aforementioned annexed property located along Kennebec Road and Stratus Street in Willow Spring. Until the preceding Ordinance to annex the properties was adopted, the property was in Wake County's planning jurisdiction and was zoned R-30. The requested zoning is Town of Angier R-6, and if developed, the developer will be required to extend Angier sewer services to serve the property. The Planning Board recommended approval of the rezoning at their March 10th meeting.

Mr. Johnson stated the property is currently farmed and includes wooded portions, floodplains, and wetlands. Surrounding land uses include low density residential as well as agricultural uses. Public water services are available, however, the developer will be required to extend Town sewer. The requested rezoning to R-6 would allow for single family uses similar to surrounding existing uses and would not have an unreasonable

impact on the surrounding community and will not harm the public health, safety, or general welfare.

Mayor Smith opened the Public Hearing.

Don Curry with Curry Engineering Group, LLC, stated there are plans for a single family development with a density of just over two units per acre. Due to environmental reasons, the density proposed will be a fraction of the maximum allowed by the R-6 zoning district.

Allen Stephenson, 9401 Kennebec Road, voiced his concern regarding lot sizes and density.

Mr. Curry explained that R-6 zoning could allow for as many as 7.2 units per, but that the developer's anticipated density for the layout is closer to two units per acre. The lot sizes will vary in size but will be no less than 6,000 feet.

Town Attorney Dan Hartzog, Jr. intervened stating this hearing is specifically for the rezoning of the property and not for the potential use of the property.

Seeing no one, Mayor Smith Closed the Public Hearing.

Board Action: The Town Board voted to approve the requested rezoning located at Kennebec Road and Stratus Street from R-30 to R-6.

Motion: Commissioner Hill

Opposed: Commissioner Hawley

Vote: 3-1, motion carried

3. Ordinance Amendment

Planning Director Sean Johnson stated that staff has drafted an amendment to Sections 13.11 and 4.9.3 of the Ordinance related to nonconforming automobile storage, junk yards, and salvage yards. These amendments are intended to authorize Code Enforcement staff to pursue the screening of properties in Angier's jurisdiction which have junked motor vehicles stored that are visible from adjacent properties and right-of-ways. The Planning Board recommended approval of this Ordinance amendment at their February 11th meeting. At the request of the Board of Commissioners at their March 3rd meeting, staff has sent letters to two property owners in Town inviting them to speak to the proposed amendment at the April 21st meeting.

Mr. Johnson discussed the following amendments to 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.

Section 13.11. - Nonconforming automobile storage, junk yards, and salvage yards.

Nonconforming automobile storage, junk yards, and salvage yards shall provide an opaque buffer in accordance with ~~chapter 7's requirement for outdoor storage~~ Section 4.9.3 no later than ~~one year~~ six months after the date of notification by the administrator.

4.9.3 Junkyards, junked motor vehicles, salvage operations and similar uses.

Junkyards, salvage operations, and similar uses shall comply with the following requirements. Junkyards, salvage operations, and automobile repair services existing at the date of adoption of this ordinance shall be brought into compliance with the requirements included herein within ~~two years~~ six months of the effective date of this ordinance.

| Standard | Junked Motor Vehicles (Existing and New Automobile Services) | New and Expanding Junkyards | Nonconforming Junkyards |
|---|---|--|---|
| Buffer shall be adjusted in height to meet the required height requirement and to ensure maximum screening where the road grade is significantly higher than the required buffer and during all seasons of the year. | X | X | X |
| Junked motor vehicles shall not be stacked higher than the screening. | X | X | X |
| Vehicles shall be stored in such a manner that all fire apparatuses and equipment can ingress and egress all areas of the site at all times and be in accordance with all state and federal regulations. | X | X | X |
| Maximum of two junked vehicles outside of automobile salvage yard or enclosed building, unless otherwise specified. | X | | |
| Junked motor vehicles and parts storage areas shall be screened from view from adjacent property and right(s)-of-way by the following: (all requirements shall be met at time of installation and shall be a minimum six feet in height). an | Opaque fence or row of continuous | "Buffers" article of this ordinance | Opaque fence or row of continuous evergreen shrubs |

| | | | |
|--|----------------------------------|------------|---------|
| opaque fence at least six feet in height. Chain link fencing with slats or other supplemental screening material shall not be used to meet the requirements of this section. | evergreen shrubs X | X | X |
| New automobile services that have junked motor vehicles and motor vehicles parts storage areas shall be screened from view from adjacent property and right(s)-of-way. | X | X | X |
| Junked motor vehicles or parts shall not be stored in the front yard or in the required front yard setback. | X | X | X |
| Setback from a school, residential structure, religious institution, or place of public assembly existing at application approval, excluding the residence of the owner (s) of such use. | | 1,000 feet | |
| Buffering plan shall be submitted in accordance with chapter 7 of this ordinance. | | X | |
| All operations, equipment, junk, and/or inoperable motor vehicles shall be kept within said buffer at all times unless in motion by transportation to and from the site. | X | X | X |
| Setback for equipment, junk, and/or inoperable motor vehicles from any adjoining property lot line. | 20 feet | 50 feet | 20 feet |
| Fences shall be designed to reasonably secure the area from unauthorized entry. | X | X | X |
| Setback from rights-of-way of any public or private road existing at application approval (property line shall be used if no right-of-way). | | 100 feet | 10 feet |
| The operational area existing at the effective date of the ordinance shall not be expanded, except in | | X | X |

| | | | |
|---|---|---|---|
| conformance with the provisions of this ordinance. | | | |
| Motor vehicles, parts, or other junked materials storage prohibited in setback. | X | X | X |

Mayor Smith opened the Public Hearing.

Commissioner Hawley recommended that with the current pandemic, this item be tabled due to lack of income for business owners that may result in financial burden if required to screen their properties.

Robert Nissen, owner of Nissen Automotive, stated that when he opened his business, a chain link fence with fabric was acceptable at that time and was in the hopes of there being a "Grandfather clause" in the ordinance.

Stuart Gardner, business owner at 165 N. Raleigh Street, also mentioned a "Grandfather clause" should apply to these businesses.

Donna Tedder, property owner at 331 W Depot Street, stated that if they are required to install a different fence they will comply, however, a 6 month time frame is too soon due to the pandemic.

Seeing no one, Mayor Smith Closed the Public Hearing.

Board Action: The Town Board unanimously voted to table the proposed amended Ordinance for 6 months.

Motion: Commissioner Hawley

Vote: 4-0, unanimous

Commissioner Hill called for further discussion.

Amended Board Action: The Town Board unanimously voted to table the proposed amended Ordinance for one year holding another public hearing at that time.

Motion: Commissioner Hawley

Vote: 4-0, unanimous

4. Minimum Housing Case – Ordinance to Demolish Structure

Planning Director Sean Johnson stated the Planning Department requests that the Board adopt an Ordinance to Repair or Demolish the dwelling at 102 N. Dunn Street pursuant to Town Code Section 5-28.10(c). The Board adopted an Ordinance to Vacate and Close the dwelling on March 5, 2019, and the dwelling was closed on March 15, 2019. The property owner has been given over a year to bring the home into compliance with the minimum

housing code. Upon Board approval, the Ordinance will be recorded at the Harnett County Register of Deeds Office and the property owner will be given 90 days to repair or demolish the dwelling. At the expiration of that 90 day period, the Planning Department will hire a contractor and pay for the cost to demolish the dwelling and clearing of the property. These costs will be a lien against the property pursuant to Town Code Section 5-28.10(d).

Mayor Smith opened the Public Hearing.

The Board had discussion if proper notice was given to the property owner.

Mr. Johnson explained that upon his due diligence, he believes the property owners listed on the Harnett County Tax records are deceased. He explained that notice was issued by certified mail per the Town Code. Notice was received by a woman claiming to be the daughter of the property owners, but he has had difficulty in determining the current legal owners of the property.

Mr. Hartzog Jr., intervened and stated the process that which Mr. Johnson followed was deemed appropriate.

Seeing no one, Mayor Smith Closed the Public Hearing.

Board Action: The Town Board voted unanimously to adopt an Ordinance to Repair or Demolish the dwelling located at 102 N. Dunn Street pursuant to Town Code Section 5-28.10(c).

Motion: Commissioner Hawley

Vote: 4-0, unanimous

Consent Agenda

1. Approval of Minutes

- a. March 3, 2020 – Regular Meeting
- b. March 24, 2020 – Special Called Emergency Meeting

2. Proclamation Declaring National Library Week April 19-25

- a. Consideration and approval of a Proclamation declaring April 19-25 National Library Week.

Mr. Vincent pointed out that due to Library Appreciation Week as well as the pandemic, there are paintings on the Library buildings windows to send positive messages to Angier residents and members of the library.

Board Action: The Town Board unanimously voted to approve the Consent Agenda as presented.

Motion: Commissioner Coats

Vote: 4-0, unanimous

Old Business

1. Infill Lot Utility Tap Policy

Town Manager Gerry Vincent stated that in the effort to incentivize the development of vacant and underutilized infill lots within Town Limits, the Angier Public Works Department will begin installing water and sewer taps to serve infill lots in accordance with an Infill Lot Utility Tap Policy. The policy is not intended to facilitate installation of water or sewer taps in new major subdivisions and only applies to single-family lots that currently have water and/or sewer available within the public right-of-way directly adjacent to the property as determined by the Public Works Director.

The Town of Angier Public Works Department will install residential water taps up to 2" in diameter and residential sewer taps up to 4" in diameter. All applicable Regulatory, System Development and Meter fees as listed in the current Rate & Fee Schedule will apply.

Exceptions to this policy is as follows:

The Town of Angier will not install water and/or sewer taps on commercial or nonresidential lots. Installation of water and/or sewer taps for these properties will be the responsibility of the property owner, developer or builder. The Town will not install water and/or sewer taps for any lot that is part of a new subdivision which contains 5 or more lots as determined by the Planning Director. The Public Works Director and Town Manager reserve the right to deny a property owner, developer or builder the installation of water or sewer taps if a lot in question does not meet the intent of this policy. In this case, the installation of these taps will be the responsibility of the property owner, developer or builder.

Board Action: The Town Board unanimously voted to adopt the Infill Lot Utility Tap Policy as presented.

Motion: Commissioner Hill

Vote: 4-0, unanimous

2. Main Street Advisory Board Bylaws

Mr. Vincent stated staff is proposing Bylaws for the Main Street Advisory Board. These Bylaws were drafted using the template received from the North Carolina Main Street Program and include membership term limits which mirror the Planning Board.

Board Action: The Town Board unanimously voted to adopt the Main Street Advisory Board Bylaws as presented.

Motion: Commissioner Hawley

Vote: 4-0, unanimous

New Business

1. Resolution #R009-2020

Mr. Vincent stated that the Town has been contacted by NCDOT indicating a few safety projects being conducted on roadways within the Town and requesting a Resolution of support from the Town.

Board Action: The Town Board unanimously voted to approve Resolution #R009-2020; Endorsing Safety Improvements in the Town of Angier by the North Carolina Department of Transportation.

Motion: Commissioner Hawley

Vote: 4-0, unanimous

2. NCDOT/LAPP Junny Road Sidewalk Project

Town Manager Gerry Vincent stated that the Department of Transportation has sent an agreement for the Junny Sidewalk Project. The agreement reflects the scope of work, funding and schedule that has been programmed into the State of Transportation Improvement Program (STIP) by the Capital Area MPO.

Board Action: The Town Board unanimously voted to approve the Junny Road Sidewalk LAPP Project Agreement.

Motion: Commissioner Hill

Vote: 4-0, unanimous

3. Budget Amendment #7

Mr. Vincent stated Budget Amendment #7 is in regard to the purchase of a flow meter for Pump Station #6. The flow meter will be used to obtain a more accurate flow through Pump Station #6; thereby ascertaining what flow capacity may be left within this station. Considering we have one proposed subdivision (Lynn Ridge) and another (Sundowner) along Highway 210 that are in midst of evaluation now, this flow meter is essential. The Water & Sewer Fund has received \$12,020 from the sale of a backhoe, which had not been budgeted. We will be recognizing this revenue and allocating it for allowable spending within the Sewer Department Capital Outlay expenditure line. The Water & Sewer Fund will increase on a Fund level by \$12,020.

Board Action: The Town Board unanimously voted to adopt approve Budget Amendment #7 to purchase a flow meter for Pump Station #6 to obtain more accurate flow for the Lynn Ridge and Sundowner developments.

Motion: Commissioner Hawley

Vote: 4-0, 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. Regular Board Meetings Scheduled:
 - a. Audit Presentation of financials FY2019
 - b. Presentation of audit services for the next 3 fiscal years
 - c. Manager's Recommended Budget (May 19th)
 - d. Budget Workshops
 - e. A Downtown Presentation from NCSU
 - f. A Jack Marley Park Community Meeting
 - g. Adoption of the FY21 Budget

It is recommended to continue with the current advised schedule to accomplish the above.

2. COVID-19 Update:

Angier is currently under their own Declaration of Emergency, which was superseded by Gov. Cooper's, and a revised Declaration from Wake County. These Declarations will remain in full effect until rescinded.

The Town remains under lock down with public facilities closed to the public. There has been zero cases of COVID-19 with staff, and the residents of Angier, as far as we know. At this time, "essential" only are working 40 plus hours every week, with "non-essential" staff working remotely from home. Staff remains safe, cautious, and have work tirelessly to continue to serve the residents of Angier.

For Example:

Public Works continues to maintain exceptional services daily to continue operations, and worked until 10:30pm Friday night to repair a sewer line damaged by a private contractor. Police officers continue to run calls and provide for a safe environment and community, and even making a kid's birthday very special due to COVID-19. Library services continues to support curbside pick-up, story-telling, and copying services at an extraordinary number for its members. Planning continues to meet contractors and developers by appointment only to lessen a delay in development. The Downtown Manager continues to support local businesses with a tremendous amount of information, and also filled up 1,900 1oz. bottles of hand sanitizer to be distributed to local residents through civic clubs, restaurants, and local banks. Utility staff continues to run reports, accept payments, and resolve daily issues with residents. Finance Department continues to work through last year's audit document, while preparing for this year's audit, preparing the FY21, and paying bills in a timely manner.

3. FY21 Budget

Next year's budget maybe the most difficult thus far. It will incorporate a conservative approach, while maintaining operations and preparing for the future.

4. Jack Marley Park

Consideration to open the walking trails at the park.

Board Action: The Town Board unanimously voted to open the walking trail at Jack Marley Park with playground equipment to remain closed.

Motion: Commissioner Hawley

Vote: 4-0, unanimous

Mayor & Town Board Reports

Board Action: The Town Board unanimously voted to go into Closed Session pursuant to NCGS 143-318.11 (a)(5) to discuss economic development at approximately 8:55pm.

Motion: Commissioner Hawley

Vote: 4-0, unanimous

Board Action: The Town Board unanimously voted to reconvene in open session at approximately 9:16pm.

Motion: Commissioner Hawley

Vote: 4-0, unanimous

Adjournment: Being no further business, the Town Board voted unanimously to adjourn the meeting at 9:16pm.

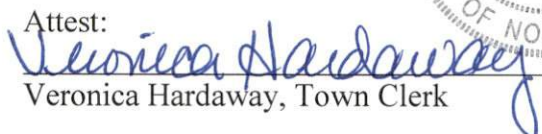
Motion: Commissioner Hawley

Vote: Unanimous, 4-0




Robert K. Smith, Mayor

Attest:


Veronica Hardaway, Town Clerk