

**Town of Angier  
Board of Commissioners  
Tuesday, August 2, 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, August 2, 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 Jim Kazakavage  
Commissioner George "Jr." Price via *Zoom*

**Members Excused:** Commissioner Alan Coats

**Staff Present:** Town Manager Gerry Vincent  
Town Clerk Veronica Hardaway  
Planning Director Sean Johnson  
Chief of Police Lee Thompson  
Finance Director Hans Kalwitz  
HR Director Melissa Wilder  
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 August 2, 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:** Mayor Pro-tem Hawley

**Vote:** 3-0; unanimous

**Board Action:** The Town Board unanimously voted to excuse Commissioner Coats from the meeting.

**Motion:** Mayor Pro-tem Hawley  
**Vote:** 3-0; unanimous

### **Public Comment**

Angier ABC Board Chairman Brian Hawley, 49 Kerrylane Dr., reviewed and gave updates on financials and business decisions of the ABC Board.

### **Consent Agenda**

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

- a. July 5, 2022 – Regular Meeting

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

**Motion:** Commissioner Kazakavage  
**Vote:** 3-0, unanimous

### **Public Hearings**

#### **1. Text Amendment – Police Department Ordinance Violations for Enforcement**

Mayor Smith reminded everyone in attendance that this Public Hearing is a continuation of last Board meeting.

Town Attorney Dan Hartzog, Jr. stated a recent law was passed that required municipalities to update their ordinances that if a violation of an ordinance of misdemeanor occurs and has a fine associated with that, it needs to be stated specifically within that ordinance. Previously, you could have just a blanket statement that any violation of a Town ordinance is considered a class 3 misdemeanor. We have updated our ordinances to address this issue.

Mayor Smith opened the Public Hearing.

Seeing no one, Mayor Smith closed the Public Hearing.

**Board Action:** The Town Board voted to adopt the Text Amendments that pertain to the Police Department Ordinance Violations for Enforcement as presented.

**Motion:** Commissioner Kazakavage  
**Vote:** 3-0; unanimous

#### **2. Conditional Rezoning Request – Submitted by Daniel & Melinda Beavers**

Planning Director Sean Johnson stated that staff received a rezoning request from Daniel & Melinda Beavers for approximately 0.64 acres located at 612 N. Broad St. E., Angier, NC (Harnett PIN: 0674-72-5896.000) from R-10 to Conditional General Commercial. The property currently has a single-family dwelling on it. Surrounding land uses include

medium density residential, as well as the bank and post office across Broad Street. Public water and sewer services are available. The proposed rezoning does not align with the medium density residential designation shown on the Future Land Use Plan. However, with appropriate conditions enacted by the Board, the proposed medical office use can be facilitated in a manner that does not adversely affect the surrounding neighborhood. At their July 12<sup>th</sup> meeting, the Planning Board voted to recommend approval of the conditional rezoning with the proposed conditions presented.

Mr. Johnson reviewed the proposed conditions to be incorporated into the zoning regulations for this property.

1. The parcel in question shall only be used for a medical office use. Upon rezoning approval, the building located on site shall not be occupied as a residential dwelling unless rezoned back to a residential zoning district.
2. There shall be a 10ft Type C Landscape Buffer installed along N. Broad Street and E. Roy Street. Existing vegetation may be counted towards this buffer.
3. There shall be a 15ft Type A Landscape Buffer installed along the northern and eastern property lines, which shall include a 6ft opaque fence.
4. There shall be at least 6 parking spaces installed on the property. If the building is enlarged, additional parking shall be installed at a rate of one space per 300sqft of total building area. All parking shall be designated and installed per Ordinance Section 8.2.
5. The existing access/driveway from Roy Street shall not be used for public access.

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.

John Baker, 678 N. Broad St., shared his concern of what a commercial property will do to a residential area, specifically the value of his property. He stated he is in opposition to the proposed rezoning.

Mike Nye, 619 N. Dunn St., voiced the same concern regarding property value now and in the future.

Christina Nye, 619 N. Dunn St., shared concern of a buffer abutting her existing fence and articulated her worry of trees being cut down.

Brian Hawley, 49 Kerrylane Dr., was concerned with waste services and what the requirements are for hazardous material storage.

Mr. Johnson stated commercial properties are permitted to have up to three recycle and three trash receptacles before they are required to get a dumpster and then screen that dumpster.



Bob Jusnes, 574 N. Broad St. E., is not opposed to this rezoning because of the conditions. His largest concern, which is being addressed, is the public access from Broad Street instead of Roy Street. With the applicant's operating hours of a medical building, she would have no effect on day to day life.

Dr. Melinda Beavers, applicant, stated she enjoys rural medicine and attended a medical university that specialized in training rural providers. She emphasized what her business could possibly bring to the Town of Angier. In regards to a medical practice, her main goal is to meet all the needs they see in a family when they visit her office. Owning a medical practice is still a business and seeking medical care is still seeking services from a business.

The majority of her pediatric patients in Angier are leaving and going to Fuquay-Varina, Holly Springs, and even in areas of Johnston County. Bringing a pediatric office to this area that can reach the clientele here is very important. Many of her patients from her previous office live in the Angier area or southern Fuquay-Varina. She would be bringing an established patient base in addition to providing medical care for a lot of people here in this area who would be looking for something closer to home. Not only would that keep the business of medical practice in the area, but its also going to keep the practices in the business of pharmacy. Many would also be going to the grocery store to get things that kids need.

The reason Dr. Beavers looked at this specific property is because in pediatrics it's incredibly important to create a home for the families that are taken care of. A good pediatrician isn't just taking care of checking boxes for kid's health, they're taking care of a family, a child from birth to adulthood and guiding parents through an experience that they often have not been through before. Dr. Beavers stated she wants very little to change about the building itself and the property. When it comes to putting up fences and how those would look, it's very important to her that it agrees with what her neighbors want in addition to what the Town of Angier wants. She is not in favor of taking down any oak trees on the property, however there is one pine tree in the middle of the front yard not original to the house or property that will come down. As far as parking, its very important to the practice that it's kept to the front of the building and also keeping cars to the street that has heavy traffic. Approximately 7-15 patients over the day will be seen because it takes about 15-30 minutes to see one pediatric patient and she's the only practitioner. To begin with there will be just herself and one nurse. Weekday appointments are intended in general although the practice will allow for weekend appointments for infants.

Dr. Beavers went on to say that the practice will have very little waste. There will be biohazard disposal as well as specific sharps disposal, however due to the size of their practice they would be on a schedule base with the companies that deal with those waste products specifically. In order to control and prevent the spread of any infections or illnesses, the practice will use a mini split unit that would allow circulation and ventilation of each individual room as well as the control of temperature. Dr. Beavers also added that she would like to have signage in the front of the building made of wood or stone that is very classy.

Don Curry, with Curry Engineering, stated that he just wanted to reiterate Dr. Beavers' comments by saying that they do feel like they've made specific accommodations for this property. With the Conditional zoning they feel the conditions being offered make this request reasonable.

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

**Board Action:** The Town Board unanimously voted to grant the Conditional Rezoning Request submitted by Daniel & Melinda Beavers for approximately 0.64 acres located at 612 N. Broad St. E., Angier from R-10 to General Commercial.

**Motion:** Mayor Pro-tem Hawley

**Vote:** 3-0; unanimous

### **New Business**

#### **1. Voluntary Annexation Petition – Submitted by Daniel & Janet Gardner and Kenneth & Debra Gardner**

Planning Director Sean Johnson stated staff has received a voluntary annexation petition submitted by Daniel & Janet Gardner and Kenneth & Debra Gardner for approximately 47.8 acres located on Old Buies Creek Road, Angier, NC (Harnett PIN's: 0673-72-4977.000 & 0673-72-7501.000). The next step is for the Board to direct the Town Clerk to investigate the sufficiency of the petition and report back at the September 6<sup>th</sup> Board meeting.

**Board Action:** The Town Board unanimously voted to approve Resolution #R018-2022 to Direct the Clerk to Investigate the Sufficiency of the Petition and report back at the September 6<sup>th</sup> Board meeting.

**Motion:** Commissioner Kazakavage

**Vote:** 3-0, unanimous

#### **2. Voluntary Annexation Petition – Submitted by Rebecca Partin**

Planning Director Sean Johnson stated staff has received a voluntary annexation petition submitted by Rebecca Partin for approximately 32.23 acres located on Matthews Mill Pond Road, Angier, NC (Harnett PIN's: 0673-35-3156.000 & 0673-34-3650.000). The next step is for the Board to direct the Town Clerk to investigate the sufficiency of the petition and report back at the September 6<sup>th</sup> Board meeting.

**Board Action:** The Town Board unanimously voted to approve Resolution #R019-2022 to Direct the Clerk to Investigate the Sufficiency of the Petition and report back at the September 6<sup>th</sup> Board meeting.

**Motion:** Commissioner Kazakavage

**Vote:** 3-0, unanimous



### **3. Voluntary Annexation Petition – Submitted by Taylor Morrison of Carolinas, Inc.**

Planning Director Sean Johnson stated staff has received a voluntary annexation petition submitted by Taylor Morrison of Carolinas, Inc. for approximately 35.61 acres located on Junny Road, Angier, NC (Harnett PIN's: 0674-76-8650.000; 0674-76-8919.000 & 0674-87-0285.000; Wake PIN: 0674871973). The next step is for the Board to direct the Town Clerk to investigate the sufficiency of the petition and report back at the September 6<sup>th</sup> Board meeting.

**Board Action:** The Town Board unanimously voted to approve Resolution #R020-2022 to Direct the Clerk to Investigate the Sufficiency of the Petition and report back at the September 6<sup>th</sup> Board meeting.

**Motion:** Commissioner Price

**Vote:** 3-0, unanimous

### **4. Voluntary Annexation Petition – Submitted by Doris J. Collins**

Planning Director Sean Johnson stated staff has received a voluntary annexation petition submitted by Doris J. Collins for approximately 0.942 acres located on E. Wimberly Street, Angier, NC (Portion of Harnett PIN: 0684-03-0781.000). The next step is for the Board to direct the Town Clerk to investigate the sufficiency of the petition and report back at the September 6<sup>th</sup> Board meeting.

**Board Action:** The Town Board unanimously voted to approve Resolution #R021-2022 to Direct the Clerk to Investigate the Sufficiency of the Petition and report back at the September 6<sup>th</sup> Board meeting.

**Motion:** Mayor Pro-tem Hawley

**Vote:** 3-0, unanimous

### **5. 500,000 Gallon Elevated Water Storage Tank**

Town Engineer Bill Dreitzler stated that in 2014 the Town initiated a Preliminary Engineering Report that addressed two 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. This project will replace the 100,000 gallon elevated storage tank on Dora Street and the Junny Road standpipe. A Request for Qualifications (RFQ) was advertised on May 16, 2022 with a submittal deadline of June 16, 2022. The Town received one submittal, MBD Consulting Engineers, P.A. MBD was the engineering consultant for the successful Kennebec Church Road 250,000 gallon elevated water storage tank project. Upon selection of MBD Consulting Engineers, P.A. staff initiated the fee agreement process.

The MBD Consulting Engineers, P.A. fee agreement proposes a lump sum fee of \$135,000. The breakdown is \$100,000 for a preliminary study (tank site selection), survey, engineering design and permitting. In addition, \$35,000 for construction contract administration and observation. Based on past experience, MBD is recommending a

budget of \$10,000 for a third party consultant to provide environmental and geotechnical investigations. The NCDEQ Division of Water Infrastructure provided \$2,456,250 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 voted to authorize the Town Manager to execute the MBD Consulting Engineers, P.A. Fee Proposal in the amount of \$135,000.

**Motion:** Mayor Pro-tem Hawley

**Opposed:** Commissioner Price

**Vote:** 2-1, motion carries

## **6. Budget Amendment #1**

Finance Director Hans Kalwitz stated that this budget amendment pertains to the General Fund, Parks & Recreation Field Rental/Donations Fund, and the Water/Sewer Fund. Due to our supply chain issues, projects were not completed as desired and, therefore, that which could not be spent will inevitably fall into respective fund balances. Additionally, within the General Fund, drug seizure money that has been collected since FY 2005 will be reallocated from the General Fund to the Asset Forfeiture Fund (as adopted during our February 1, 2022 Board meeting for sake of transparency); thereby fulfilling the goal of maintaining such money as restricted in accordance to Federal and State law.

The Parks & Recreation Field Rental/Donations Fund (formerly known as the Booster Club Fund) had much to purchase during FY 2022, but because of our supply chain issue, that which is held in its respective Fund Balance as of June 20, 2022, this will be balanced forward into FY 2023 for the Parks & Recreation Department to fully utilize. This budget amendment will acknowledge revenue to be appropriated to respective expenditure lines within the General Fund, Parks & Recreation Field Rental/Donations Fund, and Water/Sewer Fund; \$93,668, \$33,000, and \$5,332 respectively.

**Board Action:** The Town Board unanimously voted to approve Budget Amendment #1 that pertains to the General Fund, Parks & Recreation Field Rental/Donations Fund, and the Water/Sewer Fund.

**Motion:** Commissioner Kazakavage

**Vote:** 3-0; unanimous

## **7. Harnett County Library Building Lease Agreement with the Town of Angier**

Town Manager Gerry Vincent stated that the entire library building is included in the three year lease agreement. The Board Room is considered to be shared space. Utilities will be paid by the Town of Angier and will be split with the County based on a percentage of use and the Town will invoice the County for payment. The contents of the building will be insured under Harnett County and the building itself will be covered under the Town's insurance.



**Board Action:** The Town Board unanimously voted to approve the Library Building Lease Agreement between Harnett County and the Town of Angier.

**Motion:** Commissioner Price

**Vote:** 3-0; unanimous

#### **8. Termination of State of Emergency for the Town of Angier**

Mayor Smith explained that at the March 13, 2020 Emergency Meeting, he declared a State of Emergency existed within the Town of Angier in response to the global outbreak of COVID-19. Governor Cooper has stated on July 11, 2022 that the COVID-19 State of Emergency will be lifted on August 15, 2022. In order to align with statewide public health and safety protocols regarding COVID-19, the Town of Angier is able to terminate the State of Emergency within the Town.

**Board Action:** The Town Board unanimously voted to terminate the State of Emergency for the Town of Angier effective August 15, 2022.

**Motion:** Commissioner Kazakavage

**Vote:** 3-0; 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. Salary Survey – The last salary survey was conducted in July 2019. Typically, these surveys are conducted every 4-5 years. I would request that we consider moving this up to this fiscal year. I have contacted Lee Worsley, Executive Director with the TJCOG for a contract price. The last survey cost \$8,200. I will advise the Board when I receive the additional information.
2. North Carolina General Assembly Funding – With the Governor's signature regarding the state budget, Angier will receive an additional \$2.8M for water/sewer projects. My proposal is to apply these funds to the \$8.7M Harnett County Wastewater Treatment Plan Expansion Project. The \$2.5M will eliminate the need for a loan with USDA.
3. Harnett County Library Consolidation Plan – The agreement has been revised and signed establishing a start date of August 1, 2022.

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

**Adjournment:** Being no further business, the Town Board voted unanimously to adjourn the meeting at 7:59pm.



**Motion:** Mayor Pro-tem Hawley

**Vote:** 3-0; unanimous

*Robert K. Smith*

Robert K. Smith, Mayor

Attest:

*Veronica Hardaway*  
Veronica Hardaway, Town Clerk

