

**Town of Angier
Board of Commissioners
Tuesday, September 6, 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, September 6, 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
Commissioner Alan Coats

Members Excused:

Staff Present: Town Manager Gerry Vincent
Town Clerk Veronica Hardaway
Planning Director Sean Johnson
Chief of Police Lee Thompson
Sgt. Jerel Wilson
Finance Director Hans Kalwitz
HR Director Melissa Wilder
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 6:30 p.m.

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

Invocation: Mayor Smith offered the invocation.

Approval of the September 6, 2022 meeting agenda: The Town Board unanimously approved the agenda with the following amendment: addition of Closed Session pursuant to 143-318.11 (a)(9); Proclamation presentation to outgoing Planning Director Sean Johnson; and Bike Fest 2023 approval.

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

Motion: Commissioner Price

Vote: 4-0; unanimous

Presentation

Mayor Smith presented a Proclamation to outgoing Planning Director Sean Johnson for his years of service to the Town.

Public Comment

Gene Joslyn, Bike Fest organizer, thanked the Board for allowing them to utilize the Depot Square for their event. They were able to bring in approximately \$18-20,000 for pediatric brain cancer. He thanked Public Works and Police for all of their hard work. Mr. Joslyn requested approval for June 2023 Bike Fest.

Board Action: The Town Board unanimously voted to approve Bike Fest 2023 to be held the first weekend in June with the same conditions as this year.

Motion: Mayor Pro-tem Hawley

Vote: 4-0, unanimous

Chuck Carey, 203 Blair Drive, shared concern regarding rapid growth and high-density housing developments.

Val DiMuro, 245 Blair Drive, shared concern regarding high density areas having short driveways and narrow roads, making it hard to navigate through. She asked the Board to consider not approving any new developments with less than 10,000sqft lots.

Tony Orzel, 65 Windsor Drive, shared that he is not in favor of high-density housing developments. He wants the Town to “grow smart”.

Edward McReady, 306 N Broad Street E., shared his concern regarding traffic and echoed similar concerns of previous speakers.

Consent Agenda

1. Approval of Minutes

- a. August 2, 2022 – Regular Meeting

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

Motion: Commissioner Price

Vote: 4-0, unanimous

Public Hearings

1. Conditional Rezoning Request – Submitted by Meritage Homes

Planning Director Sean Johnson stated that staff has received a conditional rezoning request from Meritage Homes for approximately 47 acres located on Old Buies Creek

Road, Angier, NC (Harnett PIN's: 0673-72-4977.000 & 0673-72-7501.000) from RA-30 to CZ R-6. The property is currently farm land consisting of two parcels. Surrounding land uses include medium density residential and agricultural. Public water and sewer will be available upon developer extension. The proposed rezoning does align with the low and medium density residential designation shown on the Future Land Use Plan. Parcels in question are classified as low density (1-3 units/acre) & medium density (3-6 units/acre) residential. With appropriate conditions enacted by the Board, the proposed subdivision will have additional improvements to ensure it does not adversely affect the surrounding neighborhoods. At their August 9th meeting, the Planning Board recommended approval of the proposed rezoning with conditions.

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

1. The parcel in question shall only be developed with single family residential lots
2. There shall be no more than 136 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.
3. The minimum lot size shall be at least 6,000sqft
4. There shall be at least 45 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. There shall be a southbound right-turn lane installed to serve each development access on Old Buies Creek Road. These improvements shall be installed per NCDOT standards prior to the recordation of any lots shown on the subdivision plan.
8. In addition to the turn lanes described in Condition #7, any improvements recommended by the Traffic Impact Analysis shall be installed.
9. There shall be a minimum of 12 acres of open space dedicated in the proposed subdivision. Open space shall be developed in accordance with Chapter 6 of the Angier Zoning Ordinance.
10. A 20ft vegetated buffer will be provided along Old Buies Creek Road, which shall be installed per the Type A Buffer standards in Section 7.3 of the Angier Zoning Ordinance.
11. Where the 70ft wide lots are located within 20ft of the western and northern property lines, a 20ft vegetated buffer will be provided. It shall be installed per the Type A Buffer standards in Section 7.3 of the Angier Zoning Ordinance.
12. Where the 50ft wide lots are located within 15ft of the eastern and southern property lines, a 15ft vegetated buffer will be provided. It shall be installed per the Type A Buffer standards in Section 7.3 of the Angier Zoning Ordinance.
13. The property shall be developed with two or more of the following amenities: pedestrian walkways, benches, gazebo or shade structure, play structure, play lawn, or pet waste stations.
14. There shall be curb & gutter and 5ft wide sidewalk installed throughout the proposed subdivision on both sides of each proposed street.
15. There shall be curb & gutter and 5ft wide sidewalk installed along Old Buies Creek Road adjacent to the subdivision which stub to the north and south of each property in question.

16. The developer shall incorporate Crepe Myrtles near the entrances to the subdivision.

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.

The Board expressed concern with condition #13; they liked amenity options given, however they felt it was too vague leaving it open to the developer's choice of what to include within the subdivision. Mr. Johnson explained that Section 6.3 of the Town's ordinance requires half of open space be dedicated to "active" recreational open space. That section of the ordinance also lays out many flexible options that can be included in the developers sum in reaching half of the open space. The options listed in condition #13 can be found in Section 6.3 of the ordinance.

Mr. Johnson added that if the Board feels strongly one way or the other, they can choose what amenities to be included or simply restate condition #13 to say "shall comply with Section 6.3 of the ordinance" which requires half of that 12 acres of open space be active.

Gregory Hoff with Meritage Homes, stated they could commit to the walking trail, pet waste stations, and park benches along the walking trail. Funds have also been allocated for a more robust improvement of open space for the commissioners to decide what would be more appropriate such as a gazebo or tot lot. This development will have a Homeowner's Association.

After consulting with Mr. Johnson, Mr. Hoff agreed to commit to walking trails, benches and waste stations along those walking trails, a gazebo or other gathering structure, and open play lawns that will be HOA maintained. Mr. Johnson also pointed out that all of the buffers proposed are larger than required.

Sherri Delbridge, 241 Blair Drive, shared her opposition to the proposed project and stated the new homes will butt up against her property. Currently her home is secluded from the Windsor subdivision and specifically chose that lot for that reason. She also shared her concern regarding the pond located onsite and asked if anyone has looked at how it's fed from the property in question.

Steve Wicker, 3979 Old Buies Creek Road, stated he is there representing he and his wife along with Northern Farms Corporation where he is president. He shared his concern regarding increased traffic and doesn't think the roads can handle the subdivisions that have already been approved. There is farm equipment that go in and out of those roads all day. He believes there's too much high-density activity happening at one time. He is concerned with who will be building and maintaining retention ponds.

Jay Powelson, 246 Blair Drive, shared his concern with the increased population in schools. He spoke about public water and sewer and how that would be affected. He claims there

is a Town easement at the rear of his property that gets overflowed with water when it rains, flooding his property. He shared his concern with increased traffic.

Scott Stoneham, P.E., with American Engineering, stated this property has been family owned for a long period of time. The Gardner family cares about what happens to this community. The Future Land Use Plan shows a low density being 1-3 units/per acre and a medium density of 3-6 units/per acre. The property in question falls in the low-density category as they are proposing 2.8 units/per acre. The developer is exceeding what is required by the additional open space improvements, larger buffers, and turn lanes. Regarding sight distance issues that were mentioned, those will have to be met regardless of the land use issues. Those requirements will have to be met or NCDOT will not approve engineering plans. Stormwater will be collected and flow to the stormwater ponds. There is a requirement that all runoff collected has to meet a precondition construction, which means the runoff that comes off the property now and what is the post construction situation. The stormwater ponds will be designed to capture all of the stormwater from the site, hold it so there is no more runoff in the future than what you currently have today.

Mr. Johnson summarized the subdivision review process. He explained the first step of the process is what is before the Board tonight. Engineers have been contracted for the property in question, however have not been given the go ahead to begin detailed design work. The lines on the map that Mr. Powelson pointed out, are topography lines as of today. There hasn't been a grading or drainage plan constructed to date as we cannot authorize them to proceed until the zoning and annexation requests are approved. At that time is when engineers can start their detailed drawings of exactly how he's going to meet all of the town's ordinances, state standards, and federal approvals. Details of the plans will be discussed during the plan review process at which point the Town of Angier requires the execution and notarization of a stormwater management agreement between the town and the future HOA. The Town also requires the stormwater management plan to be referenced in the HOA covenants to be recorded at the Register of Deeds office along with the separate stormwater maintenance agreement. Stormwater management is required to have an annual inspection on top of routine maintenance, where the HOA hires a third-party engineer to certify the stormwater pond is functioning as designed.

The Board shared concern regarding infrastructure and water/sewer capacity and whether the system could handle additional homes.

Town Manager Gerry Vincent explained the Town is currently working with Harnett County to increase our sewer capacity by 1.2 million gallons per day.

Seeing no one, Mayor Smith closed the Public Hearing.

Board Action: The Town Board voted to approve the Conditional Rezoning Request submitted by Meritage Homes for approximately 47 acres located on Old Buies Creek Road, Angier from RA-30 to CZ R-6 with the following amendment: condition #13 – the property shall be developed with the following amenities: pedestrian walkways, benches, gazebo or shade structure, play lawns/lots, and pet waste stations.

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 carries

2. Conditional Rezoning Request – Submitted by Chris McKinney

Planning Director Sean Johnson stated that staff received a rezoning request from Chris McKinney for approximately 31 acres located at 375 Matthews Mill Pond Road, Angier, NC (Harnett PIN's: 0673-35-3156.000 & 0673-34-3650.000) from RA-30 to CZ R-6. The property is currently used as farm land consisting of two parcels. Surrounding land uses include medium density residential, professional services, church and agricultural. Public water and sewer will be available upon developer extension. The proposed rezoning does align with the medium density residential designation shown on the Future Land Use Plan. Parcels in question are classified as medium density (3-6 units/acre) residential. With appropriate conditions enacted by the Board, the proposed subdivision will have additional improvements to ensure it does not adversely affect the surrounding neighborhoods. At their August 9th meeting, the Planning Board recommended approval of the proposed rezoning with conditions.

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

1. The parcels in question shall only be developed with duplex and townhome residential lots.
2. There shall be no more than 87 total units on the parcels 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. There shall be no more than 19 lots developed for townhomes
4. All duplex lots shall be at least 12,000sqft
5. All townhome lots shall be at least 2,500sqft
6. The minimum building setbacks shall be as required in the R-6 district
7. There shall be a minimum of 11 acres of total open space dedicated in the proposed subdivision, of which a minimum of 9 acres shall be active recreational open space. Open space shall be developed in accordance with Chapter 6 of the Angier Zoning Ordinance.
8. There shall be a 10ft Type C Landscape Buffer installed along Matthews Mill Pond Road
9. There shall be a 15ft Type A Landscape Buffer installed along the sides and rear of the proposed townhome lots
10. There shall be curb & gutter and 5ft wide sidewalk installed throughout the proposed subdivision on both sides of each proposed street, and along the road frontages on Matthews Mill Pond Road which stubs to each adjacent property.
11. All lots proposed adjacent to parcels which are occupied by residential dwellings as of July 5, 2022 shall include a 15ft Type A Landscape Buffer.

12. The developer shall incorporate Crepe Myrtles into the landscaped area near the Entrance to the subdivision.
13. A 15ft Type A Landscape Buffer shall also be provided adjacent to the Dupree Farms Development – along lots 16-20.
14. The proposed subdivision shall be an age-restricted community which complies with the following conditions:
 - a. All proposed dwelling units must be occupied by persons at least 55 years of age.
 - b. The proposed subdivision shall adopt a Homeowner's Association (HOA) with covenants, conditions, and restrictions to enforce these age restrictions.
 - c. The HOA covenants shall be submitted and approved by the Planning Director prior to recordation of any proposed lots within the subdivision.
 - d. The HOA shall conduct a survey every two years to verify the ages of the dwelling unit occupants, and shall provide a summary of the findings to the Planning Director.
 - e. The HOA shall continuously enforce these age restrictions. In the event that the subdivision becomes non-compliant with these requirements, the HOA shall take actions necessary to remedy the violation and bring the subdivision back into compliance.

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.

Chris McKinney, developer of property in question, stated this will be an age restricted community for ages 55+ that will be HOA maintained. The Partin family has owned that property for six generations and the development will be known as "Partin Place". Mr. McKinney advised the Board that he has experience with age restricted communities as well as the builder.

The Board had questions as to how the townhomes and duplexes would be laid out since this community will be for retirees.

Mr. McKinney stated that master bedrooms will be located on the ground floor.

Dolores Price, 129 N. Broad Street W., asked if the age restricted community is enforceable under the Equal Housing Opportunity.

Town Attorney Dan Hartzog, Jr. stated he is unaware of any provisions preventing the age restrictions within the community.

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

Board Action: The Town Board unanimously voted to table the conditional rezoning until October's meeting for the Town Attorney to research age based zoning conditions prior to approval.

Motion: Commissioner Coats
Vote: 4-0; unanimous

New Business

1. Classification & Pay Study Proposed Revisions

Town Manager Gerry Vincent stated that in 2019, a comprehensive classification and pay study was conducted by the Piedmont Triad Regional Council (David Hill & Bob Carter, Management Consultants). The results of the survey indicated Angier had a very young workforce with 72% employed less than 5 years. With the findings of this survey, many changes have resulted in succession planning, opportunities for advancement, elimination of the "hire rate", increased the pay grades by 3%, and expanded the pay ranges. The overall costs for adjustments totaled \$60,646, which included fringe benefits.

This proposal will be a review of salaries, pay classifications and pay ranges within the following municipalities: Clayton, Dunn, Fuquay-Varina, Garner, Holly Springs, Sanford, Smithfield, Wake and Harnett Counties. The financial impact for the study is \$5,000.

The Board questioned why couldn't the Town do this revision from within.

Mr. Vincent stated at the time of the first study the Town did not have a Human Resources Director, however she will be a part of this study and going forward to save on the cost.

Commissioner Kazakavage stated he has already begun working on this study himself and is almost finished. He has contacted the NC League of Municipalities and got information and doesn't see why we can't complete this internally. Mr. Vincent informed Commissioner Kazakavage that the NC League of Municipality's numbers are not currently up to date; the consultants will be looking at several factors such as pay ranges, education, and experience. Also, some pay classifications have been added since 2019 that will need to be incorporated into our pay study.

It was the consensus of the Board for Commissioner Kazakavage to move forward with creating a salary study and work with the Human Resources Director to report findings at the October meeting.

2. Water Distribution Core System Replacement Budget Ordinance

Finance Director Hans Kalwitz stated the Water Distribution Core System Replacement Budget Ordinance implements the Capital Improvement Projects set forth during our FY 2023 Budget process and stated within the FY 2023 Budget Message. The Town will establish a new fund (Water Distribution Core System Replacement Fund) in the amount of \$4,250,000.

Board Action: The Town Board unanimously voted to approve the Water Distribution Core System Replacement Budget Ordinance in the amount of \$4,250,000.

Motion: Mayor Pro-tem Hawley
Vote: 4-0, unanimous

3. Elevated Water Storage Tank Replacement

Finance Director Hans Kalwitz stated the Elevated Water Storage Tank Replacement Budget Ordinance implements the Capital Improvement Projects set forth during our FY 2023 Budget process and stated within the FY 2023 Budget Message. The Town will establish a new fund (Elevated Water Storage Tank Replacement) in the amount of \$2,456,250.

Board Action: The Town Board unanimously voted to approve the Elevated Water Storage Tank Replacement in the amount of \$2,456,250.

Motion: Mayor Pro-tem Hawley
Vote: 4-0, unanimous

Old Business

1. Resolution #R022-2022 – Fixing a Date for Annexation Public Hearing 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 Town Clerk has investigated the sufficiency of the annexation petition, and the next step is for the Board to set the date for the Public Hearing as October 4, 2022.

Board Action: The Town Board unanimously voted to approve Resolution #R022-2022 Fixing a Date for Annexation Public Hearing submitted by Daniel & Janet Gardner and Kenneth & Debra Gardner for October 4, 2022.

Motion: Mayor Pro-tem Hawley
Vote: 4-0, unanimous

2. Resolution #R023-2022 – Fixing a Date for Annexation Public Hearing 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 Town Clerk has investigated the sufficiency of the annexation petition, and the next step is for the Board to set the date for the Public Hearing as October 4, 2022.

Board Action: The Town Board unanimously voted to approve Resolution #R023-2022 Fixing a Date for Annexation Public Hearing submitted by Rebecca Partin for October 4, 2022.

Motion: Mayor Pro-tem Hawley
Vote: 4-0, unanimous

3. Resolution #R024-2022 – Fixing a Date for Annexation Public Hearing 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 & Kennebec Road, Angier, NC (Harnett PIN's: 0674-76-8650.000; 0674-76-8919.000; 0674-87-0285.000; Wake PIN: 0674871973). The Town Clerk has investigated the sufficiency of the annexation petition, and the next step is for the Board to set the date for the Public Hearing as October 4, 2022.

Board Action: The Town Board unanimously voted to approve Resolution #R024-2022 Fixing a Date for Annexation Public Hearing submitted by Taylor Morrison of Carolinas, Inc. for October 4, 2022.

Motion: Mayor Pro-tem Hawley
Vote: 4-0, unanimous

4. Resolution #R025-2022 – Fixing a Date for Annexation Public Hearing submitted by Doris Collins

Planning Director Sean Johnson stated staff has received a voluntary annexation petition submitted by Doris Collins for approximately 0.942 acres located on E. Wimberly Street, Angier, NC (Portion of Harnett PIN: 0684-03-0781.000). The Town Clerk has investigated the sufficiency of the annexation petition, and the next step is for the Board to set the date for the Public Hearing as October 4, 2022.

Board Action: The Town Board unanimously voted to approve Resolution #R025-2022 Fixing a Date for Annexation Public Hearing submitted by Doris Collins for October 4, 2022.

Motion: Mayor Pro-tem 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. Government Finance Officers Association Award – The Town of Angier received an award for excellence in financial reporting for fiscal year ending June 30, 2021. Congratulations Hans and all of our staff who worked so very hard to accomplish this task.
2. Utility Projects: a. The 500,000 gallon elevated water storage tank project was awarded by the Board and engineering has begun. Angier was awarded \$2.4M from the General Assembly. Engineering will take approximately 4-6 months and construction 12-15

months. b. The water distribution core system replacement project has been advertised for qualifications (RFQs). Submittals will be received in September, Board approval in October. Angier was awarded \$4.2M from the General Assembly.

3. Locally Administered Projects Program (LAPP-Angier Elementary School Sidewalk Project): Staff was unsuccessful in 2021 for this sidewalk project, which is a very competitive application as we compete with all of the municipalities with the Triangle Region. This project is proposed to start at the Angier Elementary School, move east along McIver Street, then south along Wilma Street to Kathryn's Retreat. If approved, the sidewalks will help to connect neighborhoods, residents to the downtown, to churches, and to Jack Marley Park in a safe manner.

Mayor & Town Board Reports

Board Action: The Town Board unanimously voted to go into Closed Session pursuant to NCGS 143-318.00 (a)(3) & (a)(9) to review previous closed session minutes and to discuss plans for public safety at approximately 9:19pm.

Motion: Commissioner Price

Vote: 4-0, unanimous

Board Action: The Town Board unanimously voted to reconvene in open session at approximately 10:50pm.

Motion: Mayor Pro-tem Hawley

Vote: 4-0, unanimous

Board Action: The Town Board unanimously voted to approve Closed Session minutes from November 16, 2021 to June 21, 2022.

Motion: Mayor Pro-tem Hawley

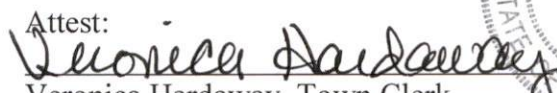
Vote: 4-0, unanimous

Adjournment: Being no further business, the Town Board voted unanimously to adjourn the meeting at 10:51pm.


Motion: Mayor Pro-tem Hawley

Vote: 4-0; unanimous

Attest:


Veronica Hardaway, Town Clerk




Robert K. Smith, Mayor