

BOARD OF COMMISSIONERS WORKSHOP

January 21, 2020

6:30pm

Pledge of Allegiance

Moment of Prayer

Public Hearing:

Trevel Construction Rezoning –Sean Johnson

Old Business:

1. American Legion Post-MOU
2. Water Meter Policy-*Request by Com. Mike Hill*
3. Incentives for Infill/Vacant Lots Within Town Limits Discussion (*Requested by Com. Mike Hill*)
4. Board of Adjustment Terms of Office (Ordinance to mirror the NC Statute-*Dan & Sean*)

New Business:

1. Annual Board Retreat in March
 - a. Dates/Times
 - b. Agenda
 - c. Location
2. Downtown Advisory Committee Appointment
3. Grant Writer Opportunity
4. VFW Request for Funds
5. Records Retention Schedule
6. Public Works Surplus Item

CLOSED SESSION

1. NC Statute 143-318.11 (4)
 - a. Coble Farms/400 Lots-Potential Incentives

PUBLIC HEARING



Board of Commissioners Agenda Report

55 N Broad Street W.
PO Box 278
Angier, NC 27501
www.angier.org

MEETING DATE: January 21, 2020
PREPARED BY: Sean Johnson
ISSUE Rezoning Request
CONSIDERED:
DEPARTMENT: Planning & Inspections

SUMMARY OF ISSUE:

The Planning Department has received a rezoning application for the properties at 190 and 200 W. Williams Street. The current zoning of these properties is R-10 and the requested zoning is R-6.

Attached is the rezoning staff report detailing the proposed zoning district, uses allowed by that district, adjoining land uses and compliance with our Comp. Land Use Plan. The Planning Board recommended approval of the rezoning at their December 10th meeting.

FINANCIAL IMPACT: N/A

RECOMMENDATION:

Staff recommends approval of the requested rezoning based on the items mentioned in the staff evaluation in the rezoning staff report.

REQUESTED MOTION:

I move to approve the rezoning of the parcels at 190 and 200 W. Williams Street to R-6.

REVIEWED BY TOWN MANAGER:

Attachments:

Rezoning Staff Report



REZONING STAFF REPORT

File #: 2019-000362
Staff Contact: Sean Johnson
sjohnson@angier.org
(919) 331-6702

Planning Board: December 10, 2019

Public Hearing: January 21, 2020

Requesting Rezoning: R-10 to R-6

Applicant Information

Owner of Record:

Name: Trevel Construction Corp.
Address: 8421 Wynnridge Drive
City/State/Zip: Apex, NC 27539

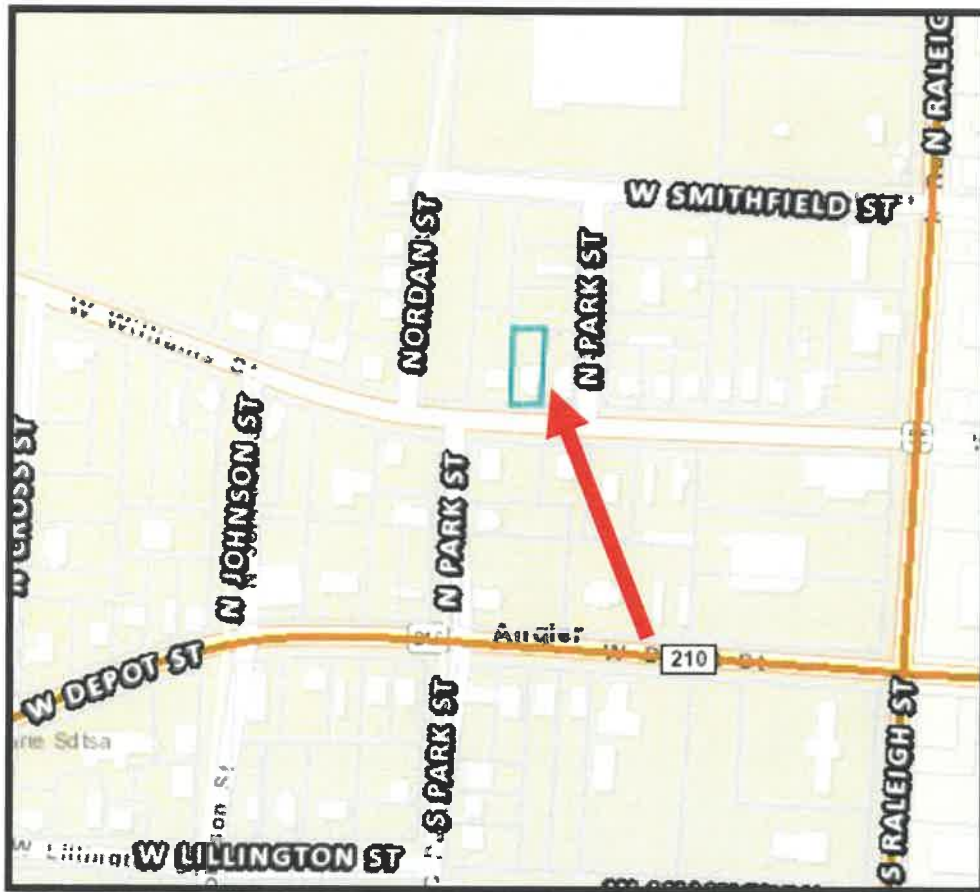
Applicant:

Name: Same as Owner
Address:
City/State/Zip:

Property Description

PIN(s): 0674-60-5161.000, 0674-60-5111.000 Acreage: 0.287 Acres
Address: 190 & 200 W. Williams Street, Angier, NC

Vicinity Map



Zoning District Compatibility



	CURRENT R-10	REQUESTED R-6
Min. Lot Size	10,000	6,000
Parks & Recreation Facilities	P	P
Single Family/Duplexes	P	P
Multi-Family	P	P
Schools	P	P
Offices & Services		
Retail Uses		
Churches		
Governmental Uses	P	P
Agriculture	P	P

P=Permitted Use S=Special Use

Physical Characteristics



Site Description: The property is currently vacant.

Surrounding Land Uses: Surrounding Land Uses include medium density residential, commercial and recreational uses.

Aerial Photograph (2017)

Services Available

Water:

- ☒ Public
☐ Private (Well)
☐ Other: Unverified

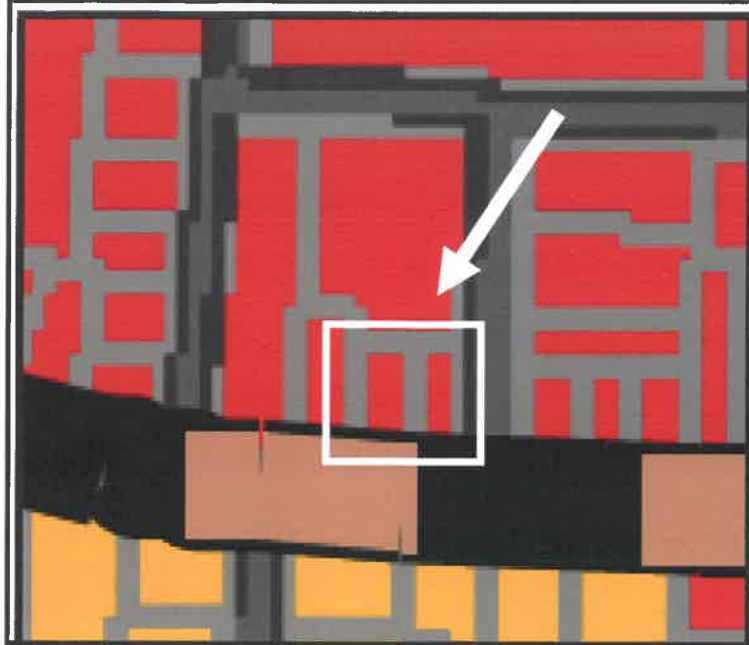
Sewer:

- ☒ Public
☐ Private (Septic Tank)
☐ Other: unverified

Transportation:

Access is provided by W. Williams Street & N. Park Street

Land Use Classification Compatibility



Future Land Use Map (2017)

	REQUESTED ZONING	LAND USE
	R-6	COMM
Parks & Rec Facilities	P	P
Detached Single Family	P	
Multi-Family	P	
Churches	S	
Schools	P	P
Professional Offices		P
Retail Uses		P
Restaurants		P
Governmental Uses	P	P
Distribution		S
Manufacturing Uses		S

Angier Comp. Land Use Plan: Commercial, Redevelopment Area

The Proposed Rezoning Is Not In Compliance With The Uses Identified In The Land Use Plan, But Would Allow For The Redevelopment Of The Property

Evaluation

- ☒ **Yes** ☐ No The IMPACT to the adjacent property owners and the surrounding community is reasonable, and the benefits of the rezoning outweigh any potential inconvenience or harm to the community.
REASONING: The requested zoning would allow for uses compatible with adjacent uses and for density similar to adjacent developments.
- ☐ Yes ☒ **No** The requested zoning district is COMPATIBLE with the existing Land Use Classification.
REASONING: The Land Use Plan calls for Commercial uses, which are not allowed in the proposed district.
- ☒ **Yes** ☐ No The proposal does ENHANCE or maintain the public health, safety and general welfare.
REASONING: The rezoning would allow for uses compatible with surrounding uses and would facilitate redevelopment in an area targeted for redevelopment.
- ☐ Yes ☒ **No** The request is for a SMALL SCALE REZONING and should be evaluated for reasonableness
REASONING: The uses allowed by the proposed rezoning are similar to that of adjacent parcels.

Staff Recommendation and Statement of Plan Consistency

The requested rezoning to R-6 is not compatible with The Land Use Plan. However, the adjacent property is zoned R-6 and the uses permitted by the requested district would be compatible with existing uses. The rezoning request would not have an unreasonable impact on the surrounding community and will not harm the public health, safety, and general welfare for the reasons stated in the evaluation. Also, the approval of this rezoning request may facilitate the redevelopment of an area targeted in the land Use Plan for such. It is recommended that this rezoning request be **APPROVED**.

Planning Board Recommendation

The Planning Board voted unanimously to recommend **APPROVAL** of the rezoning request at their December 10th meeting.

Attachments

☒ Original Rezoning Application

APPLICATION FOR ZONING CHANGE

Planning Department

55 N. Broad Street W.

P.O. Box 278

Angier, NC 27501

Phone: (919)-639-2071 Fax: (919) 639-6130



For Planning Department Use Only

Case Number: _____

Date Received: _____

Fee Paid: _____

Planning Board Mtg. _____

Town Board Mtg. _____

Applicant Information:

Owner of Record:

Name: Trevel Construction
Address: 8421 Wynnridge Drive
City/State/Zip: Apex, NC 27539
Phone: 919-669-4904
E-mail: trevel67@aol.com
Fax: _____

Applicant:

Name: Same as Owner
Address: _____
City/State/Zip: _____
Phone: _____
E-mail: _____
Fax: _____

Property Description:

PIN(S): 0674-60-5111 & 0674-60-5161 Acreage: 0.287 Acres

Tax Parcel ID: 04067415110009 and 04067415110008

Address: 190 and 200 W. Williams Street

Directions from Town Hall: Turn left on East Williams Street. Cross over North Raleigh Street
lots are on the right just past N. Park Street

Deed Book: 3750 Page: 691, 693, 695 and 697

Plat Book: 1 and 5 Page: 12 and 70

Zoning Request:

Existing zoning: R-10

Requested zoning: R-6

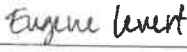

Attachments:

- Written description of property from recorded deed
- Recorded map of property at scale of not less than one (1) inch = 200 feet
- Explanation of why the zoning change is requested, addressing applicable portions of Section 14.3 of the Unified Development Ordinance.

4400

Signatures:

The undersigned applicant hereby certifies that, to the best of his or her knowledge and belief, all information supplied with this application is true and accurate:

<small>DocuSigned by:</small>  11/8/2019	<small>DocuSigned by:</small>  11/8/2019
Property Owner Signature Date	Authorized Agent Signature Date

Requirements for Consideration:

The Planning Board shall consider and make recommendation to the Town Board of Commissioners concerning each proposed zoning district. The following policy guidelines shall be followed by the Planning Board concerning zoning districts and no proposed zoning district will receive favorable recommendation unless:

1. The proposal will place all property similarly situated in the area in the same category, or in appropriate complementary categories.
2. There is convincing demonstration that all uses permitted under the proposed district classification would be in the general public interest and not merely in the interest of the individual or small group.
3. There is convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change. (When a new district designation is assigned, any use permitted in the district is allowable, so long as it meets district requirements, and not merely used which applicants state they intend to make of the property involved.)
4. There is convincing demonstration that the character of the neighborhood will not be materially and adversely affected by any use permitted in the proposed change.
5. The proposed change is in accordance with the comprehensive plan and sound planning practices.

LEGAL DESCRIPTION

0.257 Acre to be rezoned from R-10 TO R-6

All that tract or parcel of land lying or being in The Town of Angier, Black River Township, Harnett County, North Carolina and being more particularly described as follows:

Beginning at a point at the intersection of the northern margin of West Williams Street and North Park Street and runs thence along the northern margin of West Williams Street North 87 degrees 41 minutes 20 seconds West for a distance of 100.24 feet to a point, in the eastern line of David F. Knight as described in Deed Book 3584, Page 15 of the Harnett County Registry;

THENCE leaving the northern margin of West Williams Street and along the eastern line of said Knight North 02 degrees 36 minutes 58 seconds East for a distance of 125.12 feet to a point in the southern line of Trevel Construction as described in Deed Book 3694, Page 764 and Map Number 2019-350 both of the Harnett County Registry;

THENCE with the southern line of said Trevel Construction South 87 degrees 10 minutes 32 seconds East for a distance of 49.86 feet to a point;

THENCE continuing along the southern line of said Revel Construction South 87 degrees 33 minutes 23 seconds East for a distance of 50.17 feet to a point on the western margin of North Park Street;

THENCE with the western margin of North Park Street South 02 degrees 31 minutes 08 seconds West for a distance of 124.56 feet to the Point and Place of BEGINNING;

Together with and subject to covenants, easements, and restrictions of record.

Said property contains 0.287 acre more or less.

The foregoing description was prepared by:

Stancil & Associates

Professional Land Surveyors, P.A.

98 East Depot Street

P. O. Box 730, Angier, N.C. 27501

Phone: 919-639-2133

Fax: 919-639-2602

fw

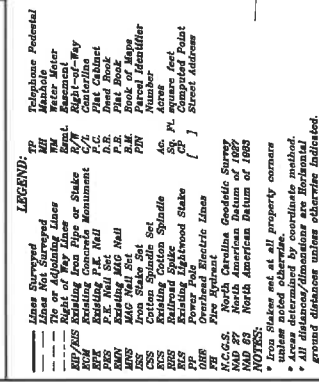
**Zoning Change for tract
On West Williams Street
Angier, NC**

The request for rezoning this tract from R-10 to R-6 aligns with the properties in this area.

The homes to be built will enhance this area providing clean, safe environments for families living there. This change will not materially and adversely affect this neighborhood, rather it would improve this area.

This change will be in accordance with the Town of Angier's comprehensive plan and sound Planning practices.

AMERICAN LEGION POST - MOU



THIS DOCUMENT IS
FOR REFERENCE PURPOSES
ONLY. IT SHOULD NOT
BE CONSIDERED A
CREDITED PLAN.
PLAN SHOULD NOT BE
USED FOR CONVEYANCE
OF TITLE OR ANY
OTHER TRANSACTIONS.

Surveyor
L-1518

License Number

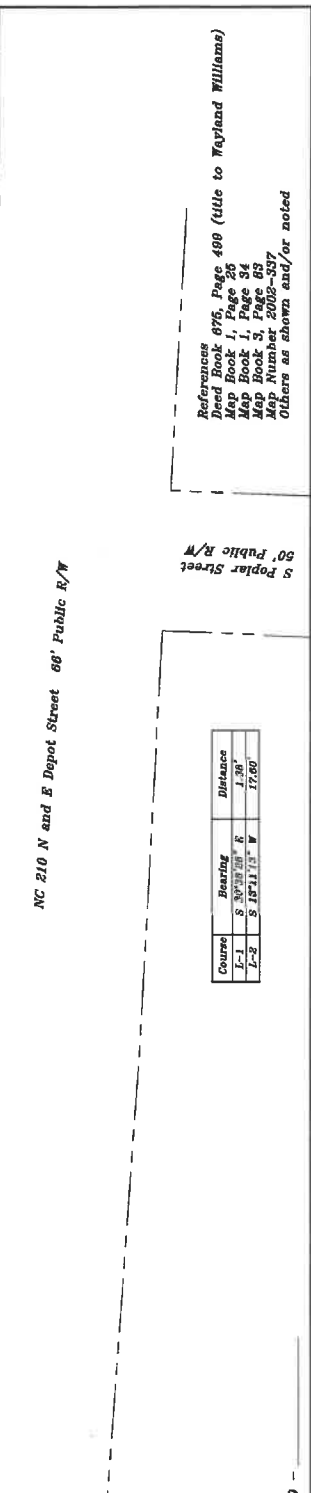
*I hereby certify that this survey is of
an existing parcel or parcels and
that the same will not be used to
change an existing street.*

Thomas Lester Stencil, P.L.S.

REVIEW OFFICER

S Poplar St
50' Public R/

References
Deed Book 876, Page 499 (title to Wayland Williams)
Map Book 1, Page 26
Map Book 1, Page 34
Map Book 3, Page 63
Map Number 2003-357
Others as shown and/or noted



WATER METER POLICY

DRAFT VACANT METER POLICY

This Policy applies to the owner of any property that has a water meter. If the property is vacant and the water service has been turned off, the property owner shall continue to be billed the water and sewer service base rate on a monthly basis. The base rate shall be as established within the Town's approved Rate and Fee Schedule. The property owner shall also have the option of requesting termination of water service and removal of the water meter. If this option is requested, the property owner will not be charged the monthly base rate for water and sewer service. However, at such time that water service is requested to be restored to the property, all applicable fees must be paid prior to restoration of water service. These fees include regulatory fees, system development fees, meter fees and activation fees. The fee amounts shall be as provided in the Rate and Fee Schedule at the time of the request for service restoration. For Example if the property owner at 123 Board street does not want to pay the monthly water and sewer flat rate fees, The owner will not be charged these fees ,the water meter will be removed, however when the property owner request to start services again they shall pay the current water/sewer tap fees listed below. The property owner has the option to pay \$35.80 flat rate for water/sewer per month (\$429.60 per year) or \$4,591.00 at time of service reconnection.

DRAFT VACANT METER POLICY FOR RENTAL PROPERTY

When a rental unit, Apartment or House becomes vacant, the Water service will automatically be transferred into the landlord's name for billing

Revenue Bonds Series 2010-----\$1,240,000

Revenue Bonds Series 2012-----\$1,921,020

2019-2020 Fee Schedule

Water Base Rate per Month: \$19.80

Sewer Base Rate per Month: \$16.00

Total Monthly Charges for Vacant Meters: \$35.80

Water Regulatory Fees: \$732.00

Sewer Regulatory Fees: \$799.00

Water System Development Fees: \$665.00

Sewer System Development Fees: \$1,994.00

Water Meter Fees: \$366.00

Activation Fee: \$35.00

Total Fees to Reactivate Service if Terminated: \$4,591.00



Town of Angier

P.O. Box 278
Angier, NC 27501
919-639-2071

Lewis W. Weatherspoon
Mayor

Gerry Vincent
Manager

November 13, 2019

Reference: Vacant meters

The Town of Angier has approximately 2500 in Town water and sewer customers and approximately 500 out of Town water customers. The Town staff maintains/repairs these services, weather they are active or vacant.

Depending on the type of water service, when a vacant account had no water running thru the service line, this line can stop working. When the service is reactivated we may have to replace the service line from the main to the water service. This includes cutting streets, and installing a new service line. When the account is vacant you are not getting revenue for this account.

The flat rates we charge for water and sewer are used for debt services. For example when we try to acquire loans we use 3000 customers as our contributors to pay back the loan, each account pays towards the loan. If you have an average of 100 vacant accounts only 2900 accounts are paying toward debt service. In some cases you have to raise the water/sewer flat rates on the residents to cover debt.

As you can see in my attached loss of revenue sheet the Town is losing out on approximately \$40,000.00 a year in revenue.

Sincerely,

Jimmy Cook
Town of Angier Public Works Director
jcook@angier.org

Post Office Box 278 • Angier, North Carolina 27501-0278 • (919) 639-2071



Town of Angier

P.O. Box 278

Angier, NC 27501

919-639-2071

Lewis W. Weatherspoon
Mayor

Gerry Vincent
Manager

November 13, 2019

Reference: Vacant meters

***39 In Town vacant meters with houses x \$35.80= \$ 1396.20
23** Out of Town vacant meters with houses x \$ 39.60= \$910.80
***23 Vacant lots in Town with meters x \$35.80 = 823.40
2** Vacant lots out of Town with meters x \$ 39.60 = \$ 79.20
9 Vacant Irrigation meters In Town x \$ 19.80= \$ 178.20

\$3,387.80 per month x 12 = \$40,653.60 loss revenue per month

*** In Town flat rate \$19.80 for water and \$16.00 for sewer = \$35.80
** Out of Town water rate \$39.60.

Sincerely,

Jimmy Cook
Town of Angier Public Works Director
jcook@angier.org
919-331-6708

Post Office Box 278 • Angier, North Carolina 27501-0278 • (919) 639-2071

**BOARD OF ADJUSTMENT
TERMS OF OFFICE**

§ 160A-388. Board of adjustment.

(a) **Composition and Duties.** – The zoning or unified development ordinance may provide for the appointment and compensation of a board of adjustment consisting of five or more members, each to be appointed for three years. In appointing the original members or in the filling of vacancies caused by the expiration of the terms of existing members, the city council may appoint certain members for less than three years so that the terms of all members shall not expire at the same time. The council may appoint and provide compensation for alternate members to serve on the board in the absence or temporary disqualification of any regular member or to fill a vacancy pending appointment of a member. Alternate members shall be appointed for the same term, at the same time, and in the same manner as regular members. Each alternate member serving on behalf of any regular member has all the powers and duties of a regular member. The ordinance may designate a planning board or governing board to perform any of the duties of a board of adjustment in addition to its other duties and may create and designate specialized boards to hear technical appeals.

(a1) **Provisions of Ordinance.** – The zoning or unified development ordinance may provide that the board of adjustment hear and decide special and conditional use permits, requests for variances, and appeals of decisions of administrative officials charged with enforcement of the ordinance. As used in this section, the term "decision" includes any final and binding order, requirement, or determination. The board of adjustment shall follow quasi-judicial procedures when deciding appeals and requests for variances and special and conditional use permits. The board shall hear and decide all matters upon which it is required to pass under any statute or ordinance that regulates land use or development.

(a2) **Notice of Hearing.** – Notice of hearings conducted pursuant to this section shall be mailed to the person or entity whose appeal, application, or request is the subject of the hearing; to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing; and to any other persons entitled to receive notice as provided by the zoning or unified development ordinance. In the absence of evidence to the contrary, the city may rely on the county tax listing to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least 10 days, but not more than 25 days, prior to the date of the hearing. Within that same time period, the city shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way.

(b) Repealed by Session Laws 2013-126, s. 1, effective October 1, 2013, and applicable to actions taken on or after that date by any board of adjustment.

(b1) **Appeals.** – The board of adjustment shall hear and decide appeals from decisions of administrative officials charged with enforcement of the zoning or unified development ordinance and may hear appeals arising out of any other ordinance that regulates land use or development, pursuant to all of the following:

- (1) Any person who has standing under G.S. 160A-393(d) or the city may appeal a decision to the board of adjustment. An appeal is taken by filing a notice of appeal with the city clerk. The notice of appeal shall state the grounds for the appeal.
- (2) The official who made the decision shall give written notice to the owner of the property that is the subject of the decision and to the party who sought the decision, if different from the owner. The written notice shall be delivered by personal delivery, electronic mail, or by first-class mail.
- (3) The owner or other party shall have 30 days from receipt of the written notice within which to file an appeal. Any other person with standing to

appeal shall have 30 days from receipt from any source of actual or constructive notice of the decision within which to file an appeal.

- (4) It shall be conclusively presumed that all persons with standing to appeal have constructive notice of the decision from the date a sign containing the words "Zoning Decision" or "Subdivision Decision" in letters at least six inches high and identifying the means to contact an official for information about the decision is prominently posted on the property that is the subject of the decision, provided the sign remains on the property for at least 10 days. Posting of signs is not the only form of constructive notice. Any such posting shall be the responsibility of the landowner or applicant. Verification of the posting shall be provided to the official who made the decision. Absent an ordinance provision to the contrary, posting of signs shall not be required.
- (5) The official who made the decision shall transmit to the board all documents and exhibits constituting the record upon which the action appealed from is taken. The official shall also provide a copy of the record to the appellant and to the owner of the property that is the subject of the appeal if the appellant is not the owner.
- (6) An appeal of a notice of violation or other enforcement order stays enforcement of the action appealed from unless the official who made the decision certifies to the board of adjustment after notice of appeal has been filed that because of the facts stated in an affidavit, a stay would cause imminent peril to life or property or because the violation is transitory in nature, a stay would seriously interfere with enforcement of the ordinance. In that case, enforcement proceedings shall not be stayed except by a restraining order, which may be granted by a court. If enforcement proceedings are not stayed, the appellant may file with the official a request for an expedited hearing of the appeal, and the board of adjustment shall meet to hear the appeal within 15 days after such a request is filed. Notwithstanding the foregoing, appeals of decisions granting a permit or otherwise affirming that a proposed use of property is consistent with the ordinance shall not stay the further review of an application for permits or permissions to use such property; in these situations the appellant may request and the board may grant a stay of a final decision of permit applications or building permits affected by the issue being appealed.
- (7) Subject to the provisions of subdivision (6) of this subsection, the board of adjustment shall hear and decide the appeal within a reasonable time.
- (8) The official who made the decision shall be present at the hearing as a witness. The appellant shall not be limited at the hearing to matters stated in the notice of appeal. If any party or the city would be unduly prejudiced by the presentation of matters not presented in the notice of appeal, the board shall continue the hearing. The board of adjustment may reverse or affirm, wholly or partly, or may modify the decision appealed from and shall make any order, requirement, decision, or determination that ought to be made. The board shall have all the powers of the official who made the decision.
- (9) When hearing an appeal pursuant to G.S. 160A-400.9(e) or any other appeal in the nature of certiorari, the hearing shall be based on the record below and the scope of review shall be as provided in G.S. 160A-393(k).

- (10) The parties to an appeal that has been made under this subsection may agree to mediation or other forms of alternative dispute resolution. The ordinance may set standards and procedures to facilitate and manage such voluntary alternative dispute resolution.

(c) Special and Conditional Use Permits. – The ordinance may provide that the board of adjustment may hear and decide special and conditional use permits in accordance with standards and procedures specified in the ordinance. Reasonable and appropriate conditions may be imposed upon these permits.

(d) Variances. – When unnecessary hardships would result from carrying out the strict letter of a zoning ordinance, the board of adjustment shall vary any of the provisions of the ordinance upon a showing of all of the following:

- (1) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
- (2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
- (3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
- (4) The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

No change in permitted uses may be authorized by variance. Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance. Any other ordinance that regulates land use or development may provide for variances consistent with the provisions of this subsection.

(e) Voting. –

- (1) The concurring vote of four-fifths of the board shall be necessary to grant a variance. A majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal made in the nature of certiorari. For the purposes of this subsection, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter shall not be considered members of the board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.
- (2) A member of any board exercising quasi-judicial functions pursuant to this Article shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that

member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.

(e1) Recodified as subdivision (e)(2) by Session Laws 2013-126, s. 1, effective October 1, 2013, and applicable to actions taken on or after that date by any board of adjustment.

(e2) Quasi-Judicial Decisions and Judicial Review. –

(1) The board shall determine contested facts and make its decision within a reasonable time. Every quasi-judicial decision shall be based upon competent, material, and substantial evidence in the record. Each quasi-judicial decision shall be reduced to writing and reflect the board's determination of contested facts and their application to the applicable standards. The written decision shall be signed by the chair or other duly authorized member of the board. A quasi-judicial decision is effective upon filing the written decision with the clerk to the board or such other office or official as the ordinance specifies. The decision of the board shall be delivered by personal delivery, electronic mail, or by first-class mail to the applicant, property owner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective. The person required to provide notice shall certify that proper notice has been made.

(2) Every quasi-judicial decision shall be subject to review by the superior court by proceedings in the nature of certiorari pursuant to G.S. 160A-393. A petition for review shall be filed with the clerk of superior court by the later of 30 days after the decision is effective or after a written copy thereof is given in accordance with subdivision (1) of this subsection. When first-class mail is used to deliver notice, three days shall be added to the time to file the petition.

(f) Oaths. – The chair of the board or any member acting as chair and the clerk to the board are authorized to administer oaths to witnesses in any matter coming before the board. Any person who, while under oath during a proceeding before the board of adjustment, willfully swears falsely is guilty of a Class 1 misdemeanor.

(g) Subpoenas. – The board of adjustment through the chair, or in the chair's absence anyone acting as chair, may subpoena witnesses and compel the production of evidence. To request issuance of a subpoena, persons with standing under G.S. 160A-393(d) may make a written request to the chair explaining why it is necessary for certain witnesses or evidence to be compelled. The chair shall issue requested subpoenas he or she determines to be relevant, reasonable in nature and scope, and not oppressive. The chair shall rule on any motion to quash or modify a subpoena. Decisions regarding subpoenas made by the chair may be appealed to the full board of adjustment. If a person fails or refuses to obey a subpoena issued pursuant to this subsection, the board of adjustment or the party seeking the subpoena may apply to the General Court of Justice for an order requiring that its subpoena be obeyed, and the court shall have jurisdiction to issue these orders after notice to all proper parties. (1923, c. 250, s. 7; C.S., s. 2776(x); 1929, c. 94, s. 1; 1947, c. 311; 1949, c. 979, ss. 1, 2; 1963, c. 1058, s. 3; 1965, c. 864, s. 2; 1967, c. 197, s. 1; 1971, c. 698, s. 1; 1977, c. 912, ss. 9-12; 1979, c. 50; 1979, 2nd Sess., c. 1247, s. 37; 1981, c. 891, s. 7; 1985, c. 397, s. 2; c. 689, s. 30; 1991, c. 512, s. 2; 1993, c. 539, s. 1088; 1994, Ex. Sess., c. 24, s. 14(c); 2005-418, s. 8(a); 2009-421, s. 5; 2013-126, ss. 1, 2(a), 2(b); 2013-410, s. 25(a).)

Section 15.3. - Board of adjustment.

15.3.1 Establishment of the board of adjustment.

- A. The Town of Angier Zoning Board of Adjustment is hereby established. The word "board" when used in this section shall be construed to mean the zoning board of adjustment. Membership on the board shall include the seven members. Five of the members shall consist of the Angier Town Board of Commissioners and two shall be appointed by the Harnett County Board of Commissioners to represent the extraterritorial jurisdiction. In the event the board of county commissioners fails to make their appointments within 90 days after receipt of a resolution from the Angier Town Board, requesting that such appointments be made, the town board may thereupon make such appointments. The two members appointed by the board of county commissioners shall be residents of the territory surrounding the corporate limits of the Town of Angier within the extraterritorial area.
- B. All meetings of the board shall be held at a regular place and shall be open to the public. The board shall keep minutes of its proceedings in a book maintained for that purpose only, showing the vote of each member upon each question, or if absent or failing to vote, an indication of such fact; and final disposition of appeals shall be by recorded resolution indicating the reasons of the board therefore, all of which shall be a public record. No final action shall be taken on any matter unless a quorum is present.

15.3.2 Powers and duties. The board of adjustment shall have the following powers and duties:

15.3.2.1 Appeal of the administrator. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by administration in the enforcement of this ordinance.

- A. An appeal from the decision of the administrator may be taken to the board of adjustment by any person aggrieved or any officer, department, board or bureau of the town affected by such decision. Such appeal shall be taken within a reasonable time as provided by the rule of the board by filing with the officer from whom the appeal is taken and with the board a notice of appeal specifying the grounds thereof. The office to whom the appeal is taken shall forthwith transmit to the board all papers constituting the record upon which the action appealed from was taken.
- B. An appeal stays all proceedings in furtherance of the action appealed from, unless the administrator certifies to the board after the notice of appeal shall have been filed with him by reasons of fact stated in the certificate, a stay would in his opinion cause imminent peril to life or property or that because the violation charged is transitory in nature a stay would seriously interfere with enforcement of this ordinance. In such case proceedings shall not be stayed except by a restraining order, which may be granted by the board or by a court of record on application of notice to the administrator and on due cause shown.

15.3.2.2 Variances. To authorize upon appeal in specific cases such variances from the terms of the ordinance as will not be contrary to the public interest where, owing to special conditions a literal enforcement of the provisions of the ordinance will, in an individual case, result in practical difficulty or unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done. The existence of a nonconforming use of neighboring land, buildings, or structures in the same district or of permitted or nonconforming uses in either districts shall not constitute a reason for the requested variances. Such variances may be granted in such individual case of unnecessary hardship only upon findings by the board of adjustment after a public hearing that the following conditions exist:

- A. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district.
- B. Granting the variance requested will not confer upon the applicant any special privileges that are denied to other residents of the district in which the property is located.
- C. A literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located.
- D. The requested variance will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or to the general welfare.

- E. The special circumstances are not the result of the actions of the applicant.
- F. The variance requested is the minimum variance that will make possible the legal use of the land, building or structure.

15.3.2.3 Special use permits. The development and execution of this ordinance is based on the division of the Town of Angier into districts within which the use of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are some land uses which are basically in keeping with the intent and purposes of the district where special, but which may have an impact on the area around them which can only be determined by review of the specific proposal. Special uses may be established, under certain conditions and with the proper controls, in such as manner as to minimize any adverse effects. In order to ensure that these uses, in their proposed locations, would be compatible with the surrounding development and in keeping with the purposes of the district in which they are proposed, their establishment shall not be a matter of right, but shall be only be permitted after review and approved of a Special Use Permit preceded by an evidentiary hearing. The board of adjustment shall find that the following conditions exist prior to granting approval of a Special Use Permit application:

- A. The requested use will not impair the integrity or character of the surrounding or adjoining districts;
- B. The requested use will not be detrimental to the health, morals, or welfare;
- C. Adequate utilities, access streets, drainage, sanitation and/or other necessary facilities have been or are being provided;
- D. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and
- E. That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the board of adjustment.

15.3.2.4 Right of appeal. If a Land Use Permit is denied, then the applicant may appeal the action of the administrator to the board of adjustment; and that from the decision of the board of adjustment, recourse shall be had to courts as provided by law. Such appeal shall be made within 30 days of such permit denial.

15.3.3 Hearing process.

- A. Appeals from the enforcement and interpretation of this ordinance and requests for variances, shall be filed with the administrator specifying the grounds thereof. The administrator shall transmit to the board of adjustment all applications and records pertaining to such appeals and variances.
- B. The board of adjustment shall fix a reasonable time for the hearing of the appeal, give due notice thereof to the parties, and decide it within a reasonable time.
- C. The concurring vote of four-fifths of the members of the board shall be necessary to reverse any order, requirement, decision, or determination of the administrator or to decide in favor of the applicant any matter upon which it is required to pass under any ordinance, or to grant a variance from the provisions of this ordinance.
- D. Every decision of the board shall be subject to review by the Harnett County Superior Court by proceedings in the nature of certiorari. Any appeal to the superior court shall be taken within 30 days after the decision of the board is filed in the office of the zoning officer, or after a written copy thereof is delivered to the appellant by personal service or registered mail, whichever is later.

15.3.4 Administration of oaths. The chairman or any member temporarily acting as chairman is authorized to administer oaths to witnesses in any matter coming before the board. All testimony before the board must be under oath and recorded.

15.3.5 Fees for variances or appeals. The board of commissioners shall set a fee, payable to the Town of Angier, North Carolina, to cover the necessary administrative costs and advertising of each application for a variance or appeal. The set fee shall be posted in the town clerk's office.

15.3.6 Stay of proceedings.

- A. An appeal stays all proceedings in furtherance of the action appealed from, with the following exceptions:

1. The administrator certifies to the zoning board of adjustment, after the notice of appeal shall have been filed with him facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property; or
 2. The administrator certifies to the zoning board of adjustment, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, seriously interfere with enforcement of the ordinance because the violation charged is transitory in nature.
- B. In either case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the zoning board of adjustment or by a court of record on application, on notice to the administrator, and on due cause shown.

ANNUAL BOARD RETREAT

Annual Board Retreat

Town of Angier

March 6, 2020

- New Town Hall/Police Station & Renovations of Library
 - Architect
 - Construction Options
 - Funding Options (with no Tax Increase)
 - Time frame
- Financial Overview
 - Creative Budgeting Techniques
 - General Fund
 - Water & Sewer Fund
- Water/Sewer & Infrastructure Needs
 - City of Dunn Feasibility Study (Water Purchase Contract)
 - Harnett County Wastewater Treatment Plan Expansion
 - Renovate & Operate Town's Existing Wastewater Treatment Plant
 - CIP (1-3 Years)
- Capital Projects
 - All Departments
- Downtown
 - NCSU Study
 - Concert Series & Events
 - Improvements (Big Picture)
 - Farmer's Market Concept
- Personnel Needs
- Grant Writing

DOWNTOWN MAINSTREET APPLICANTS



Received
4/30/19

Town of Angier
Main Street Advisory Board Application

Name: Gardner Doris A.
(Last) (First) (MI)

Home Address: 181 E. Wimberly Rd

Email: dormcchristion@msn.com

Telephone Numbers: 919-331-0538 678-754-1519
(Home) (Mobile) (Work)

Date of Birth: 06/23/61 ☐ Male ☒ Female

Applicants Should Be Either A Town Resident, A Business Owner Or Owner Of A Property Within Town Limits.

Check all that apply: ☒ Live inside City Limits ☒ Owns Property inside City Limits ☒ Run Business ☐ None

The Town of Angier appreciates your interest in serving on this Advisory Board. In order to consider this application and provide a sense of balance to various Boards, the Town of Angier requests that the following information be provided:

Employer Gardner's Home Day Care Occupation: OWNER-Director

Do you reside within the Town Limits of Angier? ☒ Yes ☐ No

If so, length of Residence in the Town of Angier: 15 Years

Civic or Service Organization Experience If Any:

Organized Angier Early Educators and Child Care Providers
Community A Part of NC Guardian Ad Lite, Served on Foster Parent
Group, Sit on Church Executive Board Committee

Town Boards previously served on and year(s) served if Any:

NONE

Please list any other Boards on which you currently serve if Any:

NONE

Please Provide A Brief Summary Outlining Why You Wish To Serve On The Downtown Advisory Board.

It is a honor to serve and be a
voice in making decisions to better my community.



Town of Angier
Main Street Advisory Board Application

ETHICS GUIDELINES FOR TOWN BOARDS

(Please check if you agree)

☐ Yes, if appointed, I pledge to comply with the following ethics guidelines for boards as adopted by the Town of Angier.

Members of boards shall not discuss, advocate, or vote on any matters in which they have a conflict of interest or an interest in which reasonably might appear to be in conflict with the concept of fairness in dealing with public business. A conflict of interest or a potential conflict occurs if a member has a separate, private, or monetary interest, either direct or indirect, in any issue or transaction under consideration. Any member who violates this provision may be subject to removal from the board.

If the board believes he/she has a conflict of interest, then the member should ask the board to be excused from voting. The board should then vote on the question on whether or not to excuse the member making the request. In cases where the individual member or the board establishes a conflict of interest, then the board member shall remove themselves from the voting area.

I certify that the above information is correct. I understand that this is an application to be considered for appointment to the Town of Angier Main Street Advisory Board and that final appointment is made by the Angier Board of Commissioners.

Printed Name: Doris Gardner

Signature: Doris Gardner

Date: March 16, 2019

Return completed form to:
Christy Adkins, Downtown Manager
55 N. Broad St. West
PO Box 278
Angier, NC 27501
Phone: 919-331-6713
Fax: 919-639-6130
Email: cadkins@angier.org



Town of Angler

Main Street Advisory Board Application

Name: Pereda Lourdes A.
(Last) (First) (MI)

Home Address: 95 Timber Creek Lane, Dunn, NC 28334

Email: Lpereda@hotmail.com

Telephone Numbers: 910-897-2121 910-489-5456 910-6399995
(Home) (Mobile) (Work)

Date of Birth: 01/21/66 ☐ Male ☒ Female

Applicants Should Be Either A Town Resident, A Business Owner Or Owner Of A Property Within Town Limits.

Check all that apply: ☐ Live inside City Limits ☒ Owns Property inside City Limits ☒ Run Business ☐ None

The Town of Angler appreciates your interest in serving on this Advisory Board. In order to consider this application and provide a sense of balance to various Boards, the Town of Angler requests that the following information be provided:

Employer: Kidz Pediatrics Occupation: Doctor

Do you reside within the Town Limits of Angler? ☐ Yes ☒ No

If so, length of Residence in the Town of Angler: 11 Years working in the area

Civic or Service Organization Experience If Any:

- Kidz Pediatrics - NC Medical Board Leadership college
- NC Pediatric Society

Town Boards previously served on and year(s) served If Any:

Please list any other Boards on which you currently serve If Any:

NC Pediatric Society board member

Please Provide A Brief Summary Outlining Why You Wish To Serve On The Downtown Advisory Board.

During the last 11 years Obesity in the area went up so fast.
I would like to improve population's health working with
the Town of Angler directly. Improving town services and
maybe infrastructure.



Town of Angier

Main Street Advisory Board Application

ETHICS GUIDELINES FOR TOWN BOARDS

(Please check if you agree)

☒ Yes, if appointed, I pledge to comply with the following ethics guidelines for boards as adopted by the Town of Angier.

Members of boards shall not discuss, advocate, or vote on any matters in which they have a conflict of interest or an interest in which reasonably might appear to be in conflict with the concept of fairness in dealing with public business. A conflict of interest or a potential conflict occurs if a member has a separate, private, or monetary interest, either direct or indirect, in any issue or transaction under consideration. Any member who violates this provision may be subject to removal from the board.

If the board believes he/she has a conflict of interest, then the member should ask the board to be excused from voting. The board should then vote on the question on whether or not to excuse the member making the request. In cases where the individual member or the board establishes a conflict of interest, then the board member shall remove themselves from the voting area.

I certify that the above information is correct. I understand that this is an application to be considered for appointment to the Town of Angier Main Street Advisory Board and that final appointment is made by the Angier Board of Commissioners.

Printed Name: Lourdes Pereda

Signature: [Signature] Date: 2/11/19

Return completed form to:
Christy Adkins, Downtown Manager
55 N. Broad St. West
PO Box 278
Angier, NC 27501
Phone: 919-331-6713
Fax: 919-639-6130
Email: cadkins@angier.org

GRANT WRITING OPPORTUNITY



**AB DUNLAP
CONSULTING**

Specializing in Community Development, Agriculture & Food, Small Business

December 2, 2019

Gerry Vincent, Town Manager
Town of Angier
PO Box 278
Angier, NC 27501

Dear Gerry:

I am a retired employee of the State of North Carolina with a proven record of researching and writing grants. I am currently available to assist in identifying grant opportunities for your community. My experience includes writing EDA grants (federal), working with the NC Department of Commerce on building re-use and renovation grants, and helping municipalities prepare for future grant needs, such as water and sewer improvements and/or expansions. I have connections with the USDA Rural Development office in Raleigh. In addition, I have extensively researched the newly available funding for communities that were declared disaster areas as a result of Hurricanes Matthew, Florence, and Dorian.

I would like the opportunity to meet with you to discuss your specific needs and the grant opportunities that exist to fulfill these needs. There is no cost or obligation for our initial meeting.

Please feel free to contact me via email at abdunlap.consulting@gmail.com or via phone at 910.988.1152. I look forward to meeting you in the near future.

Best regards,

Annette Dunlap

Powerful Communities

Duke Energy Foundation Funding Guidelines

Funding Guidelines

To qualify for grant funding consideration, your organization must meet the following criteria:

- Have current tax-exempt status as a public charity under Section 501(c)(3) of the United States Internal Revenue Code or be a governmental entity. Governmental entities and school systems will need to submit an IRS letter of determination or a letter on government/school system letterhead confirming you are a government entity or school system.
- Serve communities that are also served by Duke Energy
- Serve communities without discrimination against any individual on the basis of race, creed, gender, gender identity, age, sexual orientation or national origin
- Have a method by which to measure, track and report one or more program outcomes and specific results that demonstrate measurable community impact

Restrictions

Foundation grant support is not available for:

- Churches or evangelical organizations
- Organizations with a substantial purpose of influencing any political, legislative or regulatory cause
- Fraternal, veteran or labor membership organizations serving only the members of that organization
- Organizations offering or providing either Duke Energy Corporation, the Duke Energy Foundation, or their respective officers or employees any benefit from the grant
- Nonprofit organizations that are opposing or intervening parties (or that fund any such parties) in any proceeding in which Duke Energy is a party, or that fund or produce negative advertisements against Duke Energy.

The Foundation does not fund grants for programs and projects associated with, but not limited to, the following:

- Individual K-12 schools or organizations that operate within an individual school. We will consider school grants at the district level.
- Sports teams or events, with the exception of the Power for Students program
- Religious programs, projects or activities
- Direct cost reduction for electric or gas service provided by Duke Energy
- External fundraising campaigns or events
- General operating expenses
- Capital investments and improvements
- Endowments or other foundations





January 6, 2020

Mr. Gerald Vincent, Manager
Town of Angier
55 N. Broad St. W.
P.O. Box 278
Angier, NC 27501

CONTRACT FOR SERVICES

This contract is entered into between Annette Dunlap, sole proprietor of A B Dunlap, 3845 Beaver Dam Church Road, Roseboro, North Carolina, and Gerald Vincent, Town Manager, Town of Angier, 55 North Broad Street West, Angier, North Carolina. Under the terms of this contract:

Deliverables

Annette Dunlap will complete an application to the Duke Foundation Local Communities Impact grant program on behalf of the Town of Angier's Downtown Concert Series with a request for five thousand dollars (\$5,000). She will maintain contact with the Foundation on behalf of the Town to track the status of the application as it goes through the Foundation's review process and will keep the Town apprised of the application's status.

Gerald Vincent agrees to provide required application information, including the Town's Tax ID number and relevant budget information. He will facilitate timely communication, where needed, with the Town of Angier Downtown Manager and other individuals who may be identified as necessary to the process once the application is under way.

Fees

The Town of Angier agrees to pay a total of four hundred dollars (\$400) to Annette Dunlap for the above project.

Timeline

Work on the application will begin upon receipt of the signed contract and a deposit on the contract work of one hundred dollars (\$100). Annette Dunlap commits to having the application completed and ready for submission, upon approval by the Town, within fifteen (15) business days of receiving the signed contract.

Billing and Payment

The bill for the balance due on the contract (\$300) will be submitted once Annette Dunlap has completed the application and submitted it to the Duke Foundation.

Based on a conversation with Marty Clayton, Community and Government Relations Manager for Duke Energy, it is understood that an application submission to the Duke Foundation does not guarantee that the Foundation will award a grant to the Town of Angier.

Signed:

Gerald Vincent
Town of Angier, North Carolina

Date

Annette B Dunlap
A B Dunlap

Date

VFW REQUEST FOR FUNDS

December 16, 2019

Dear Angier Community,

VFW Post 6983 has called Angier, North Carolina home for over 30 years. Our post is a crucial resource for area veterans and military families who come to us for help when there is nowhere else to turn. VFW Post 6983 receives no government funding and all of our services are totally free. That being said, we are reaching out to you, our patriotic friend, for help in our future fund raising efforts. We would like to share with you some of the many opportunities we have had to serve and support our community in 2019.

- Raised \$3500 to buy and place 780 wreaths for veterans at Raleigh Memorial Park
- Partnered with the Red Cross to host our 1st Blood Drive, successfully saving 100+ lives.
- Served breakfast to the Angier community on Memorial Day.
- Placed flags on Veteran graves in Lillington with Jr. VFW on Memorial Day.
- Assisted with raising \$7,500 for Chapel Hill Ronald McDonald House
- Cooked and served food to families at the Durham Ronald McDonald House in April
- Donated 150/lbs. of BBQ to the Durham and Chapel Hill Ronald McDonald House in October
- Assisted veterans with service connected issues
- Hosted our VFW District 7 meeting for the first time.
- Toys for Tots/Marine Reserve toy donation supporter
- Visited and brought gifts to our Veterans in the nursing home on a monthly basis
- Increased our membership from 33 to 57
- Laid to rest three VFW members
- Assisted Lillington VFW with plate sale to support their post. \$7,000 raised

We are grateful for the many opportunities we have had in 2019 and look forward to continuing to serve and support our community in 2020. None of this could have been possible without the help and partnership of our local Kiwanis, Rotary, and American Legion.

In order to continue with these many projects and service, we are asking for donations. A gift of any amount, made out to VFW Post 6983, a tax deductible charity, would be greatly appreciated.

1501 N Raleigh St. ste F Angier, NC 27501



Very Respectfully,

Tristan Scott

Post Commander

919-538-3888

RECORDS RETENTION SCHEDULE



Board of Commissioners Agenda Report

55 N Broad Street W.
PO Box 278
Angier, NC 27501
www.angier.org

MEETING DATE: January 21, 2020
PREPARED BY: Veronica Hardaway
ISSUE Records Retention & Disposition Schedule Amendment
CONSIDERED:
DEPARTMENT: Administration

SUMMARY OF ISSUE:

The Town of Angier has been adhering to the North Carolina Department of Natural and Cultural Resources Division of Archives and Records Retention and Disposition Schedule since 2012. In March of 2019, the NCDNCR released an additional records schedule for local government agencies that must be adopted by all Municipalities that follow the general schedule. Upon adoption, the new schedule supersedes the following standards on all local schedules published prior to March 1, 2019: Administration & Management Records; Budget, Fiscal, & Payroll Records; GIS Records; IT Records; Legal Records; Personnel Records; Public Relations Records; Risk Management Records; and Workforce Development Records. The signature page should be signed by the Clerk, Manager, and Mayor and submitted to NCDNCR. The complete Record Retention Schedule will be available in the Clerk's office.

FINANCIAL IMPACT: N/A

RECOMMENDATION:

Staff recommends approval of a Resolution adopting the amended 2019 General Records Retention and Disposition Schedule for Local Government Agencies.

REQUESTED MOTION:

Consensus of the Board to proceed with adoption

REVIEWED BY TOWN MANAGER:

Attachments:

- 1 Resolution
- 2 Signature page of Disposition Schedule



Town of Angier

www.angier.org

Robert K. Smith
Mayor

Gerry Vincent
Town Manager

Veronica Hardaway
Town Clerk

Resolution No.: R003-2020

Date Submitted: February 4, 2020

Date Adopted: February 4, 2020

(1) ADOPT THE 2019 GENERAL RECORDS RETENTION SCHEDULE FOR LOCAL GOVERNMENT AGENCIES; (2) REAFFIRM THAT PORTIONS OF THE PREVIOUSLY ADOPTED 2012 SCHEDULE ARE STILL IN EFFECT; AND (3) ADOPT THE TOWN OF ANGIER'S RECORD RETENTION AND DISPOSITION SCHEDULE FOR MUNICIPALITIES CONCERNING WHEN ADMINISTRATIVE OR REFERENCE VALUE ENDS

WHEREAS, the North Carolina Department of Natural and Cultural Resources, Division of Archives and Records, Government Records Section has published the General Records Schedule for Local Government Agencies, which supersedes parts of the Municipal Retention and Disposition Schedule which it is charged with issuing; and

WHEREAS, NCGS Section 121-5 and NCGS Section 132.3 require a municipality to approve the schedule in order to conduct routine disposal of records which must otherwise be retained without specific permission for disposal by the NC Division of Archives and Records; and

WHEREAS, the NC Division of Archives and Records, Government Records Section requires an acknowledgement form showing approval by the Town Board of Commissioners; and

WHEREAS, to reduce the burden of costs of record retention and maintain efficient Town records management, the Town Board finds and determines that this Resolution be approved;

NOW, THEREFORE, BE IT RESOLVED BY THE ANGIER BOARD OF COMMISSIONERS TO:

1. Adopt the General Records Schedule for Local Government Agencies;
2. Reaffirm that portions of the previously adopted 2012 Schedule are still in effect; and
3. Adopt the Town of Angier's Records Retention and Disposition Schedule for Municipalities concerning when Administrative or Reference Value ends.

Adopted this the 4th day of February, 2020.

Robert K. Smith, Mayor

ATTEST:

Veronica Hardaway, Town Clerk

2019 Local Government Agencies General Records Retention and Disposition Schedule

The records retention and disposition schedule and retention periods governing the records series listed herein are hereby approved. In accordance with the provisions of Chapters 121 and 132 of the *General Statutes of North Carolina*, it is agreed that the records do not and will not have further use or value for official business, research, or reference purposes after the respective retention periods specified herein and are authorized to be destroyed or otherwise disposed of by the agency or official having custody of them without further reference to or approval of either party to this agreement. The local government agency agrees to comply with 07 NCAC 04M .0510 when deciding on a method of destruction. Confidential records will be destroyed in such a manner that the records cannot be practicably read or reconstructed. However, records subject to audit or those legally required for ongoing official proceedings must be retained until released from such audits or official proceedings, notwithstanding the instructions of this schedule. **Public records, including electronic records, not listed in this schedule are not authorized to be destroyed.**

All local government agencies and the Department of Natural and Cultural Resources agree that certain records series possess only brief administrative, fiscal, legal, research, and reference value. These records series have been designated by retention periods that allow these records to be destroyed when "*reference value ends*." All local government agencies hereby agree that they will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction "*destroy when reference value ends*." If a local government agency does not establish internal policies and retention periods, the local government agency is not complying with the provisions of this retention schedule and is not authorized by the Department of Natural and Cultural Resources to destroy the records with the disposition instruction "*destroy when reference value ends*."

All local government agencies and the Department of Natural and Cultural Resources concur that the long-term and/or permanent preservation of electronic records requires additional commitment and active management by the agency. Agencies agree to comply with all policies, standards, and best practices published by the Department of Natural and Cultural Resources regarding the creation and management of electronic records.

It is further agreed that these records may not be destroyed prior to the time periods stated; however, for sufficient reason they may be retained for longer periods. This schedule supersedes the general standards in all previous local government retention and disposition schedules and is to remain in effect from the date of approval until it is reviewed and updated.

APPROVAL RECOMMENDED

Municipal/County Clerk or Manager
Title: _____


Sarah E. Koonts, Director
Division of Archives and Records

APPROVED

Head of Governing Body
Title: _____


Susi H. Hamilton, Secretary
Department of Natural and Cultural
Resources

Municipality/County: _____

EXECUTIVE SUMMARY

- ✓ According to G.S. § 121-5(b) and G.S. § 132-3, you may destroy public records only with the consent of the Department of Natural and Cultural Resources (DNCR). The State Archives of North Carolina is the division of DNCR charged with administering a records management program. This schedule is the primary way the State Archives of North Carolina gives its consent. Without approving this schedule, your agency is obligated to obtain the State Archives of North Carolina's permission to destroy *any* record, no matter how insignificant.
- ✓ Each records series listed on this schedule has specific disposition instructions that will indicate how long the series must be kept in your office. In some cases, the disposition instructions are simply "retain in office permanently," which means that those records must be kept in your office forever. In other cases, the retention period may be "destroy in office when reference value ends." An agency may have reference copies of materials, meaning "a copy of a record distributed to make recipients aware of the content but not directing the recipient to take any action on the matter" (from Richard Pearce-Moses, *A Glossary of Archival and Records Terminology*). Your agency must establish and enforce internal policies by setting minimum retention periods for the records that the State Archives of North Carolina has scheduled with the disposition instructions, "destroy when reference value ends."
- ✓ E-mail is a record as defined by G.S. § 121-5 and G.S. § 132. It is the content of the e-mail that is critical when determining the retention period of a particular e-mail, including attachments, not the media in which the record was created. It is important for all agency employees and officials to determine the appropriate records series for specific e-mails and retain them according to the disposition instructions.
- ✓ The State Archives of North Carolina recommends that all agency employees and officials view the tutorials that are available online through the State Archives website in order to familiarize themselves with records management principles and practices. The State Archives of North Carolina's online tutorials include topics such as records management and scanning guidelines.
- ✓ The State Archives of North Carolina provides microfilming services for the minutes of major decision-making boards and commissions. Once those records are filmed, we will store the silver halide negative (original) in our security vault. There is a nominal fee for filming and duplicating film. Contact the Records Management Analyst in charge of microfilm coordination for the most current information.

MANAGING PUBLIC RECORDS IN NORTH CAROLINA

Q. What is this “records retention and disposition schedule”?

- A.** This document is a tool for the employees of local government agencies across North Carolina to use when managing the records in their offices. It lists records commonly found in agency offices and gives an assessment of their value by indicating how long those records should be retained. This schedule is also an agreement between your agency and the State Archives of North Carolina.

This schedule serves as the inventory and schedule that the State Archives of North Carolina is directed by G.S. § 121-5(c) and G.S. § 132-8 to provide. It supersedes all previous editions, including all amendments.

Q. How do I get this schedule approved?

- A.** This schedule must be approved by your governing body for use in your agency. That approval should be made in a regular meeting and recorded as an action in the minutes. It may be done as part of the consent agenda, by resolution, or other action.

Q. Am I required to have all the records listed on this schedule?

- A.** No, this is not a list of records you must have in your office.

Q. What is “reference value”?

- A.** Items containing “reference value” in the disposition instructions are generally records that hold limited value, which is typically restricted to those documenting routine operations within the office. A minimum retention period should be established by the office for any items containing the phrase “destroy in office when reference value ends” in the disposition instructions.

Q. Do the standards correspond to the organizational structure of my agency?

- A.** Records series are grouped into standards to make it easier for users to locate records and their disposition instructions. You may find that the groupings reflect the organizational structure of your agency, or you may find that records are located in various standards depending on the content of the record. The intent of the schedule’s organization is to provide an easy reference guide for the records created in your agency.

Q. What if I cannot find some of my records on this schedule?

- A.** Sometimes the records are listed in a different standard than how you organize them in your office. Be sure to check the Index and utilize the search function on the PDF version of the schedule to facilitate the location of records series. If you still cannot locate your records on the schedule, contact a Records Management Analyst. We will work with you to amend this records schedule so that you may destroy records appropriately.

Q. What are public records?

- A.** The *General Statutes of North Carolina*, Chapter 132, provides this definition of public records:
- “Public record” or “public records” shall mean all documents, papers, letters, maps, books, photographs, films, sound recordings, magnetic or other tapes, electronic data-processing records, artifacts, or other documentary material, regardless of physical form or characteristics, made or received pursuant to law or ordinance in connection with the transaction of public business by any agency of North Carolina government or its subdivisions. Agency of North Carolina government or its subdivisions shall mean and include every public office, public officer or official (State or local, elected or appointed), institution, board, commission, bureau, council, department, authority or other unit of government of the State or of any county, unit, special district or other political subdivision of government.

Q. Is any person allowed to see my records?

A. Yes, except as restricted by specific provisions in state or federal law. G.S. § 132-6 instructs:

“Every custodian of public records shall permit any record in the custodian’s custody to be inspected and examined at reasonable times and under reasonable supervision by any person, and shall, as promptly as possible, furnish copies thereof upon payment of any fees as may be prescribed by law. ... No person requesting to inspect and examine public records, or to obtain copies thereof, shall be required to disclose the purpose or motive for the request.”

Q. What about my confidential records?

A. Not all government records are open to public inspection. Exceptions to the access requirements in G.S. § 132-6 and the definition of public records in G.S. § 132-1 are found throughout the General Statutes. You must be able to cite a specific provision in the General Statutes or federal law when you restrict or deny access to a particular record.

Q. Am I required to make available to the public copies of drafts that have not been approved?

A. Yes, even if a report, permit, or other record has not been finalized, it is still a public record subject to request. Any record that is not confidential by law must be provided when a request is received, whether it is “finished” or not.

Q. What do I do with permanent records?

A. Permanent records should be maintained in the office that created the records, forever.

The Department of Natural and Cultural Resources (DNCR) is charged by the General Assembly with the administration of a records management program (N.C.G.S. §121-4 (2) and §132-8.1) and the maintenance of “a program for the selection and preservation of public records considered **essential** to the operation of government and to the **protection of the rights and interests of persons**” (§132-8.2). Permanent records with these characteristics require preservation duplicates that are human-readable (paper or microfilm). Some examples of these characteristics include:

- Affect multiple people, without regard to relation
- Have significance over a long span of time
- Document governance
- Document citizenship

Examples of records with these characteristics:

- Minutes of governing bodies at the state and local levels are the basic evidence of our system of governance, and are routinely provided for the public to read.
- Records, such as deeds and tax scrolls, about land document changes in ownership and condition. Counties maintain offices expressly for the purpose of making those records available to the public. Other records in local and state governments document potential public health hazards, such as hazardous materials spills.
- Adoptions, marriages, and divorces document changes in familial relationships and document citizenship. Though adoptions are confidential (not available for public inspection), they document citizenship and changes in inheritance and familial succession.
- Court records, such as wills, estates, and capital cases, affect people within and across family groups, are made available for public inspection, and often involve transactions related to the examples above.

See the Human-Readable Preservation Duplicates policy issued by the North Carolina Department of Natural and Cultural Resources (<https://archives.ncdcr.gov/documents/human-readable-preservation-duplicates>) and check with a records analyst to determine whether your permanent records require a preservation duplicate.

Q. What is historical value?

- A.** Historical records document significant events, actions, decisions, conditions, relationships, and similar developments. These records have administrative, legal, fiscal, or evidential importance for the government or its citizens. Call a Records Management Analyst for further assistance in assessing historical value.

Q. What if I do not have any records?

- A.** Nearly every position in government generates, receives, or uses records. Computer files of any kind, including drafts and e-mail, are public records. Even if your records are not the official or final version, your records are public records. Not all records have high historical, legal, or fiscal value, but they all must be destroyed in accordance with the provisions of the appropriate records schedule.

Q. May I store our unused records in the basement, attic, shed, etc.?

- A.** Public records are public property. Though we encourage agencies to find places to store records that do not take up too much valuable office space, the selected space should be dry, secure, and free from pests and mold. Your office must ensure that records stored away from your main office area are well protected from natural and man-made problems while remaining readily available to your staff and the public.

Q. Our old records are stored in the attic, basement, or off-site building, etc. Are we required to provide public access to these records?

- A.** Yes, as long as the records are not confidential by law. You should also be aware that confidentiality can expire.

Q. Aren't all our old records at the State Archives of North Carolina?

- A.** Probably not. The State Archives of North Carolina collects only very specific types of records from local government offices. Contact a Records Management Analyst for more information about which records are held or can be transferred to the State Archives of North Carolina for permanent preservation.

Q. I found some really old records. What should I do with them?

- A.** Call a Records Management Analyst. We will help you examine the records and assess their historical value.

Q. Can I give my old records to the historical society or public library?

- A.** Before you offer any record to a historical society, public library, or any other entity, you must contact a Records Management Analyst. Permanent records must be kept either in your offices or at the State Archives of North Carolina.

Q. Whom can I call with questions?

- A.** If you are located west of Statesville, call our Western Office in Asheville at (828) 296-7230 extension 224. If you are east of Statesville, all the way to the coast, call our Raleigh office at (919) 814-6900.

AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION

Q. Why is there an asterisk in the disposition instructions of so many items on this schedule?

A. No record involved in a pending or ongoing audit, legal, or other official action may be destroyed before that audit or action is resolved.

A legal hold or litigation hold means that records that are the subject of the legal hold or litigation hold must be preserved and thus must not be destroyed until officially released from the hold. A legal hold or litigation hold is placed when either an official discovery order is served on the agency requesting the production of the records in question (for a litigation, regulatory investigation, audit, open records request, etc.) or litigation is pending and the agency is thus on notice to preserve all potentially relevant records. You must also ensure that for a claim or litigation that appears to be reasonably foreseeable or anticipated but not yet initiated, any records (in paper or electronic formats) relevant to such a claim or litigation are preserved and not destroyed until released by your General Counsel. The records in question must not be destroyed until the completion of the action and the resolution of all issues that arise from it regardless of the retention period set forth in this schedule.

We have used an asterisk (*) in the disposition instructions to mark records series that are commonly audited, litigated, or may be subject to other official actions. However, any record has this potential. Records custodians are responsible for being aware of potential actions, and for preventing the destruction of any record that is, or may be reasonably expected to become, involved in an audit, legal, or other official action.

Records used during routine audits may be destroyed when the governing body accepts the audit, if the records have completed the retention period listed in this schedule. If time remains in the retention period, the records must be maintained for the remainder of the period. The auditor's working papers must be kept according to the schedule. (See **AUDITS: PERFORMANCE**, page 2, item 8, and **AUDITS: FINANCIAL**, page 19, item 6.) Should a dispute arise over an audit, the records that were audited should be retained until that dispute is resolved.

The attorney representing the agency should inform records custodians when legal matters are concluded and records will no longer be needed. Following the conclusion of any legal action, the records may be destroyed if they have met the retention period in the schedule. Otherwise, they should be kept for the remaining time period.

TRANSITORY RECORDS

Transitory records are defined as “record[s] that [have] little or no documentary or evidential value and that need not be set aside for future use.”¹

According to North Carolina General Statutes § 121 and § 132, every document, paper, letter, map, book, photograph, film, sound recording, magnetic or other tape, electronic data processing record, artifact, or other documentary material, regardless of physical form or characteristics, made or received in connection with the transaction of public business by any state, county, municipal agency, or other political subdivision of government is considered a public record and may not be disposed of, erased, or destroyed without specific approval from the Department of Natural and Cultural Resources.

The Department of Natural and Cultural Resources recognizes that some records may have little or no long-term documentary or evidential value to the creating agency. These records are often called “transitory records.” The following questions and answers discuss types of transitory records commonly created in state government. They may be disposed of according to the guidance below. However, all public employees should be familiar with the General Schedule for State Agency Records, their office’s Program Records Retention and Disposition Schedule, and any other applicable guidelines for their office. If any of these documents require a different retention period for these records, follow the longer of the two retention periods. When in doubt about whether a record is transitory, or whether it has special significance or importance, retain the record in question and seek guidance from the analyst assigned to your agency.

Q. What do I do with routing slips, fax cover sheets, “while you were out” slips, memory aids, etc.?

- A.** Routing slips and transmittal sheets adding no information to that contained in the transmitted material have minimal value after the material has been successfully transmitted. These records may be destroyed or otherwise disposed of after receipt of the material has been confirmed.

Similarly, “while you were out” slips, memory aids, and other records requesting follow-up actions (including voicemails) have minimal value once the official action these records are supporting has been completed and documented. Unless they are listed on the General Schedule for State Agency Records or your office’s Program Records Retention and Disposition Schedule, these records may be destroyed or otherwise disposed of once the action has been resolved.

Q. What about research materials, drafts, and other working papers used to create a final, official record?

- A.** Drafts and working papers are materials, including notes and calculations, gathered or created to assist in the creation of another record. All drafts and working papers are public records subject to all provisions of General Statute § 132, but many of them have minimal value after the final version of the record has been approved, and may be destroyed after final approval, if they are no longer necessary to support the analysis or conclusions of the official record. Drafts and working documents which may be destroyed after final approval include:

- Drafts and working papers for internal and external policies
- Drafts and working papers for internal administrative reports, such as daily and monthly activity reports
- Drafts and working papers for internal, non-policy-level documents, such as informal workflows and manuals; and

¹ *A Glossary of Archival and Records Terminology*, Richard Pearce-Moses (2005)

- Drafts and working papers for presentations, workshops, and other explanations of agency policy that are already formally documented.

Q. What if I have forms designed and used solely to create, update, or modify records in an electronic medium?

- A.** If these records are not required for audit or legal purposes, they may be destroyed in office after completion of data entry and after all verification and quality control procedures. However, if the forms contain any analog components that are necessary to validate the information contained on them (e.g. a signature or notary's seal), they should be retained according to the disposition instructions for the records series encompassing the forms' function.

See also the State Archives of North Carolina's guidance on digital signatures found at:

<https://archives.ncdcr.gov/documents/digital-signature-policy-guidelines>

PUBLIC WORKS SURPLUS ITEM



Board of Commissioners Agenda Report

55 N Broad Street W.
PO Box 278
Angier, NC 27501
www.angier.org

MEETING DATE: January 21, 2020
PREPARED BY: Veronica Hardaway
ISSUE Public Works Surplus Item
CONSIDERED:
DEPARTMENT: Administration

SUMMARY OF ISSUE:

Declared vehicles that are either outdated or impractical/non-useful for Public Works, needs to be sold on GovDeals.

FINANCIAL IMPACT: N/A

RECOMMENDATION:

Staff recommends approval of a Resolution to declare surplus items

REQUESTED MOTION:

Consensus of the Board to proceed with adoption

REVIEWED BY TOWN MANAGER:

Attachments:

- 1 Resolution
- 2 Pictures

Veronica T. Hardaway

From: Jimmy Cook
Sent: Tuesday, January 14, 2020 1:52 PM
To: Veronica T. Hardaway
Subject: FW: Backhoe
Attachments: IMG_3208.jpg; ATT00001.txt

Veronica,

Can you put this backhoe on Gov deals for sale please. I will forward you 8 more pics.

1988 Case backhoe 580K 2 wheel drive PIN # JJG0011141

4 in1 bucket

Tires are in good shape

1-24" bucket

1- 12" bucket

Just put my cell phone for any questions

Min. bid is \$4,500

Thanks

Jimmy

-----Original Message-----

From: Jimmy Cook

Sent: Monday, January 13, 2020 10:39 PM

To: Jimmy Cook <jcook@angier.org>

Subject: Backhoe



Town of Angier

www.angier.org

Robert K. Smith
Mayor

Gerry Vincent
Town Manager

Veronica Hardaway
Town Clerk

Resolution No.: 004-2020

Date Submitted: February 4, 2020

Date Adopted: February 4, 2020

RESOLUTION AUTHORIZING DISPOSITION OF SURPLUS PERSONAL PROPERTY

WHEREAS, the Board of Commissioners of the Town of Angier desires to dispose of certain surplus property of the Town in accordance with G.S. 160A-270; and

WHEREAS, the Board of Commissioners of the Town of Angier desires to utilize the auction services of a public electronic auction service.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Town of Angier that the following described property is hereby declared to be surplus to the needs of the Town:

Department	Year	Make/Model	Vin/Serial #
Public Works	1988	Case Backhoe 580K	JJG0011141

BE IT FURTHER RESOLVED that the Town Manager or his designee is authorized to receive, on behalf of the Board of Commissioners, bids via public electronic auction for the purchase of the described property.

The public electronic auction will be held beginning no earlier than February 18, 2020.

The Board of Commissioners further authorizes the disposal of Town surplus property by use of a public electronic auction system provided by GovDeals Inc. The property for sale can be viewed at www.govdeals.com. Citizens wanting to bid on property may do so at www.govdeals.com. The terms of the sale shall be: All items are sold as is, where is, with no express or implied warranties; Payment must be received for all items sold before they may be removed from the premises.

The Town Clerk shall cause notice of the public auction for surplus property to be noticed by electronic means in accordance with G.S. 160A-270(c), available on the Town of Angier website www.angier.org.

Adopted this the 4th day of February, 2020.

ATTEST:

Robert K. Smith, Mayor

Veronica Hardaway, Town Clerk





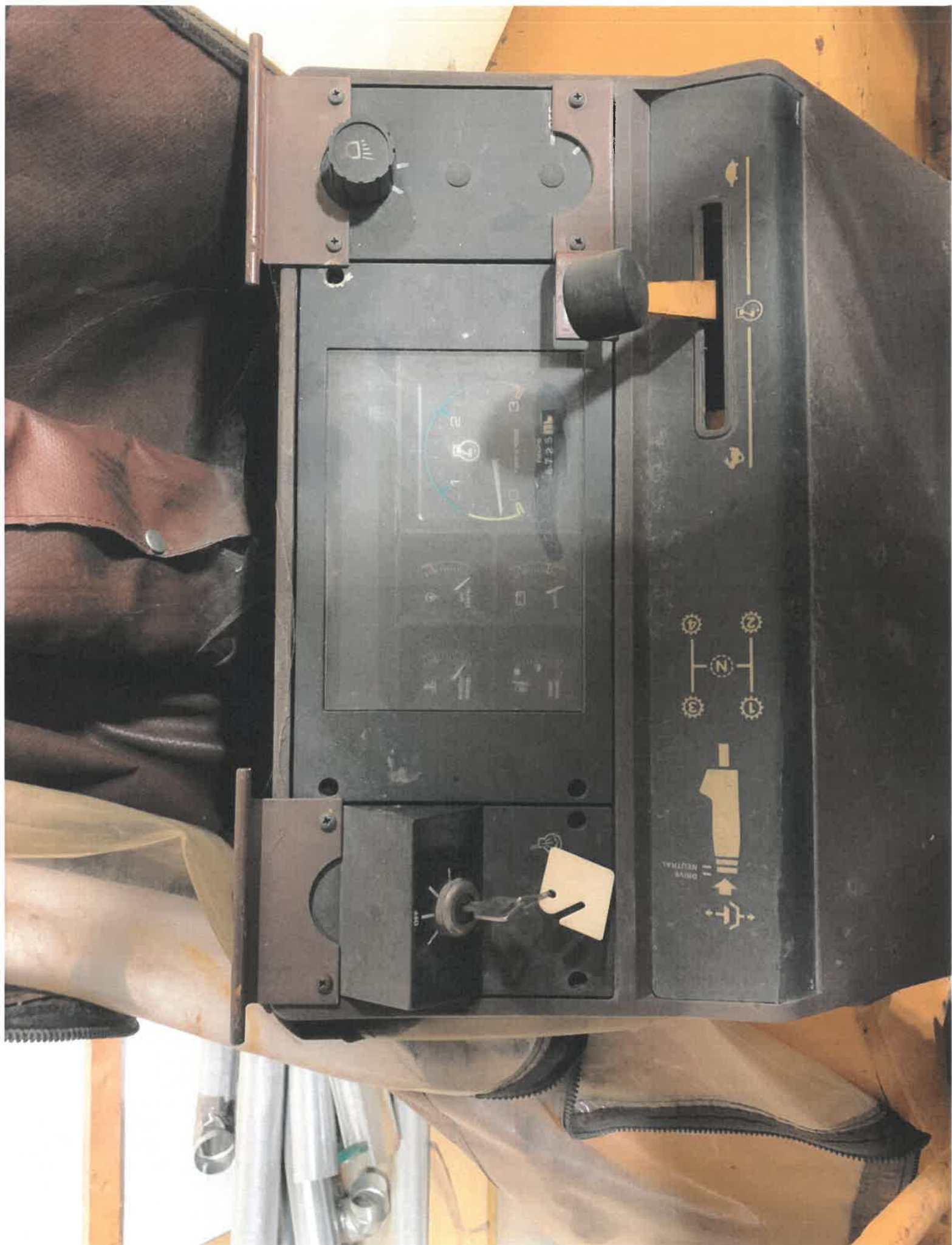


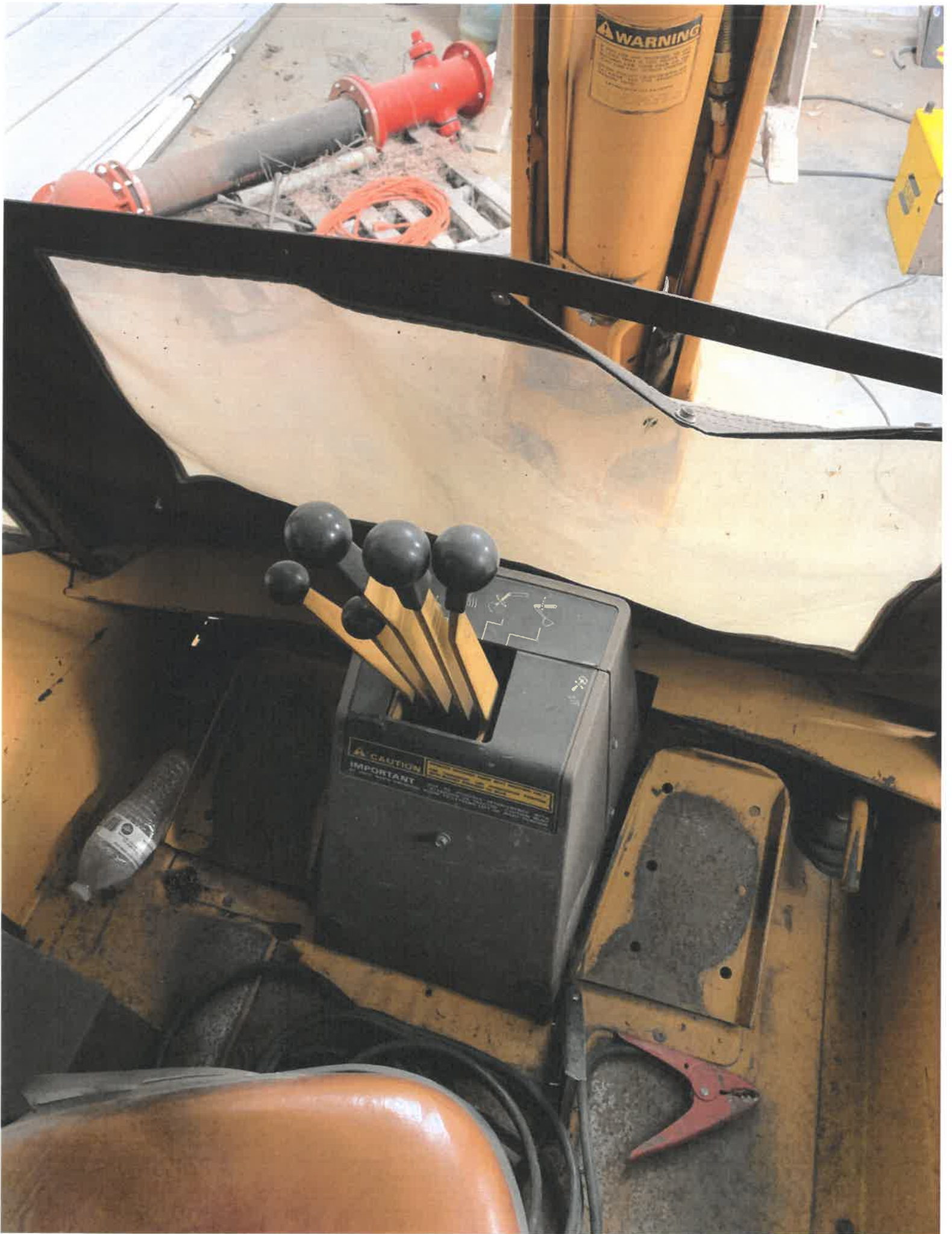




hours

67251







JI Case

A Tenneco Company

Made
In U.S.A.



Racine, Wisconsin 53404 U.S.A.

Marca Registrada

Model Number

580K

Product Identification Number

JJG0011241

