

**Town of Angier
Board of Commissioners
Tuesday, September 3, 2019, 7:00 P.M.
Angier Municipal Building
28 North Raleigh Street
Minutes**

The Town of Angier convened during a regularly scheduled Board of Commissioners meeting Tuesday, September 3, 2019, in the Board Room inside the Municipal Building at 28 North Raleigh Street.

Members Present: Mayor Lewis W. Weatherspoon
Mayor Pro-Tem Craig Honeycutt
Commissioner Bob Smith
Commissioner Loru Boyer Hawley
Commissioner Mike Hill

Members Excused:

Staff Present: Town Manager Gerry Vincent
Town Clerk Veronica Hardaway
Public Works Director Jimmy Cook
Planning Director Sean Johnson
Police Chief Arthur Yarbrough
Downtown Manager Christy Adkins
Finance Director Hans Kalwitz
Library Director Amanda Davis
Parks & Recreation Director Derek McLean
Town Attorney Katherine Barber-Jones

Others Present:

Call to Order: Mayor Weatherspoon presided, calling the Board of Commissioners meeting to order at 7:00 p.m.

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

Invocation: Mayor Weatherspoon offered the invocation.

Approval of the September 3, 2019 meeting agenda: The Town Board approved the agenda with the following changes: move the Public Hearing before the Consent Agenda; remove Consent Agenda Item #4 as Business Item #2.

Board Action: The Town Board unanimously approved the September 3, 2019 meeting agenda as amended.

Motion: Commissioner Smith

Vote: 4-0; unanimous

Public Hearing:

1. Text Amendment

- a. Amendments to the Unified Development Ordinance that would implement a Parks & Recreation Development Fee and revise the Open Space requirements found in Chapter 6 of the Ordinance.

Planning Director Sean Johnson stated the Planning Department has drafted an amendment to several sections of Chapter 6 of the UDO. The goal of the amendments are to revise the current open space requirements for new developments as well as to implement the Parks & Recreation Development Fee as approved by the Board in the FY 2019-2020 Rate and Fee Schedule. The Planning Board voted to recommend approval of the amendments at their July 9, 2019 meeting. These fees would be collected at final plat recordation for subdivisions and before site plan approval for multi-family developments.

Proposed Amendments to Chapter 6 of the Angier Zoning Ordinance

Purpose: Revising Open Space Requirements, Adding Parks & Recreation Development Fee

Section 6.1. - Purpose.

The purpose of this chapter is for the **preservation of open space, the purchase and development of recreational land and parks, and the** protection of existing environmental resources including open space, streams, wetlands, watersheds, floodplains, soils, forest stands, specimen trees and other significant vegetation and wildlife. These elements are of economic value to the town and make it a desirable place to live and visit.

Section 6.3. - Open space requirements.

6.3.1 Applicability. The requirements of this section apply to new **major subdivisions and multifamily** developments with greater than five residential dwelling units. ~~(major subdivisions) in which the construction of new streets is proposed.~~ **Single family** developments in which all lots are five acres or more are exempt from this provision.

6.3.3 Minimum open space dedication.

Open space shall be dedicated at a ratio of 15 percent of the total area for developments less than 20 acres in size and 20 percent of the total development area for developments equal to or greater than 20 acres. **At least 50% of the acreage dedicated to meet these requirements must include active recreational facilities such as playgrounds, athletic fields or walking trails as determined by the Administrator during preliminary plat or site plan review.**

6.3.4 Types of open space.

All required open space shall be classified in accordance with this section. Dedicated open space shall fit into one or more of the following categories and be classified as private or public open space. Illustrations used herein are intended for general purposes only and shall not be used as a literal interpretation of requirements. The existing features plan should be used as a guide for the town and the developer to determine the most appropriate open space type and location. Also town and county plans, particularly park and open space plans, shall be considered when evaluating the most appropriate open space type.

A. Playground. Playgrounds are for active recreational use and provide sunny and shaded play equipment and play areas for children as well as open shelter with benches. Playgrounds may be part of other types of open space, such as parks, or may stand alone.

B. Square. Squares are areas for passive recreational use. Squares shall be bounded by streets on a minimum of 50 percent of their perimeter. Squares are encouraged to be entirely bounded by streets and/or lanes. Squares shall be planted parallel to all streets and shall contain canopy trees along street frontages.

C. Park. Parks may be designed for passive and/or active recreational use. Parks shall be bounded by streets on a minimum of 10 percent of their perimeter. Large parks should create a central open space which services an entire neighborhood or group of neighborhoods; or incorporates physical features which are an asset to the community (i.e. lake or river frontage, high ground, significant stands of trees). Undergrowth should be limited and landscaping shall be installed in a manner that promotes attractiveness and safety. Parks may be combined with greenways and greenbelts and may include golf courses, **athletic fields** and community gardens.

D. Green. The green is an open space which is more natural. Like the square, it is small and surrounded by buildings. Unlike the square, it is informally planted and may have irregular topography. Greens are usually landscaped with trees at the edges and open lawns at the center. Greens should contain no structures other than benches, pavilions, and memorials; ~~paths are optional brick, concrete or asphalt~~ **walking paths are required.**

E. Greenway. Greenways are large, irregular open spaces designed to incorporate natural settings such as creeks and significant stands of trees within and between neighborhoods. Greenways are typically more natural and may contain irregular topography. Greenways shall be used for certain active recreational uses including, at a minimum, trails for walking, jogging, and biking. Greenways shall connect points of interest in the community such as schools, parks, and other civic uses.

F. Agricultural preserve. Open spaces designated as agricultural preserves shall be used for active farming in the form of crop cultivation, the keeping of livestock, or equestrian facilities. Agricultural preserves are encouraged to protect areas of agricultural and rural heritage and promote compatible active agricultural operations. **No more than 50% of the acreage dedicated to meet the minimum open space requirements shall be an agricultural preserve.**

G. Nature preserve. Open spaces designated as nature preserves shall be left largely undisturbed except for the optional clearing of underbrush for the provision of a walking trail (mulch or other natural material only). Nature preserve areas are encouraged to protect large stands of trees, wildlife, and natural water features. Nature preserves are the preferred form of open space for steep slopes in excess of 25 percent grade. **No more than 50% of the acreage dedicated to meet the minimum open space requirements shall be a nature preserve.**

Section 6.5. - Payment-in-lieu-of dedication.

A. If open space within a development is physically impractical due to unusual conditions then the town may accept a fee paid in lieu of dedication.

B. Fees collected in lieu of dedications and any proceeds from such transactions or sales shall be accounted for by the town, and the funds shall be used by the town for the purposes of acquiring and developing recreation, greenway and open space areas as shown on the land development plan or in the parks and recreation and greenway/bikeway master plans and for no other purposes. The depository for such funds may be the same as permitted other funds of the town, pending their expenditure in accordance with the terms of this Code; such funds may be invested as other funds of the town. The town may, at its discretion, add additional monies to the fund for the purposes of purchasing open space and recreational land to be used for recreational purposes.

C. Refunds shall not be granted to the developer should the project not be constructed after recording of final plat or if a reduction in density occurs.

D. Such payment in lieu of dedication shall be the product of the current assessed market value of **1/35 of an acre** of the land to be subdivided (as established **from time to time by the Angier Board of Commissioners** in subsection E. below) multiplied by the number of **total acres within the boundaries** of the development. ~~to be dedicated.~~

E. Payment in lieu of **open space** dedication shall be made in the amount of ~~\$500.00~~-\$600.00 per lot.

Section 6.7. – Parks and Recreation Development Fee

In addition to the open space dedication requirements of this chapter, the Town of Angier seeks to provide adequate recreational facilities to residents within proposed developments and in surrounding areas.

Pursuant to the authority granted to the Town of Angier by N.C.G.S. §160A- 372, this section shall require that the developer of a proposed major subdivision or multifamily development provide funds to the Town for the acquisition or development of recreation facilities, park facilities, or open space sites that serve the immediate area of the proposed subdivision. The term “immediate area” is defined as an area within a three mile radius of any point of the development’s perimeter boundary to any point of the perimeter boundary of the land purchased or facilities added by the Town.

The developer of any residential major subdivision or multifamily development shall pay the parks and recreation development fee as stated in the current rate and fee schedule on a per dwelling unit basis. These fees will be due before final plat recordation for subdivisions and before site plan approval for multifamily developments. The Town shall hold these fees in a separate account to be used for the future purchase and development of recreational land, parks or open space sites within the immediate area of the approved development. The town may add additional monies to this fund for the purposes of purchasing open space and recreational land to be used for recreational purposes.

Mr. Johnson stated Parks & Recreation Development Fees would be held in a separate account to be used for future purchase and development of recreational land, parks, or open space sites within the immediate area of the approved development.

Town Attorney Katherine Barber-Jones explained that there is a separate statute authorizing the Park & Recreation Fee and provides that it be articulated as part of the assessed property tax value of the land to be developed. The statute does not provide a formula to calculate the amount of the fee.

Mr. Johnson explained the changes to the payment in lieu of open space dedication option in Section 6.5. The proposed amendment includes an increase in the payment in-lieu of open space amount from \$500 per lot to \$600 per lot to account for the increase in property values in Angier.

Mayor Weatherspoon opened the Public Hearing.

Jimmy Johnson, 350 Woodcroft, made comments regarding when the Parks & Recreation Fee payment is due. He questioned whether the fee should be charged to the builder at the time a building permit is issued rather than charged to the developer when the development is approved. He also suggested staff would be given too much responsibility to enforce certain open space requirements during development review, and that paved trails should not be required in open space.

Seeing no one else come forward, Mayor Weatherspoon closed the Public Hearing.

Board Action: The Board voted to table the text amendments until the September Work Session meeting to gather more information.

Motion: Commissioner Hawley

Vote: 4-0; unanimous

Consent Agenda Items

1. Approval of Minutes

- July 16, 2019 – Emergency Meeting
- August 6, 2019 – Regular Meeting

2. Harnett County Water Contract

- a. Consideration and approval of a contract between the Town of Angier and Harnett County for the purchase of potable water.

3. Bike Fest 2020

- a. Consideration and approval of the Bike Fest event to be held June 5-6th, 2020 in Downtown Angier.

4. Temporary Use Permit Application

- a. Consideration and approval of a Temporary Use Permit in the event road closures are needed and would be approved on a case by case basis.

5. Dumpster Location Agreement

- a. Consideration and approval to authorize the Town Manager to enter into an agreement between First Citizens Bank and the Town of Angier for a dumpster to be placed near both businesses for use.

6. Proclamation

- a. Consideration and approval of a Proclamation in honor of retiring Lt. C. David Campbell

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

Motion: Commissioner Hill

Vote: 4-0, unanimous

Public Comment

Tiffany Harvey, Four Oaks, requested the Board to consider allowing her to host a walk October 5, 2019 at Jack Marley Park in honor of losing a child. She explained she would like to accept donations with proceeds going to other families that have gone through similar situations.

Jr. Price, 619 N Dunn Street, announced he is hosting a meet and greet the candidates at the Depot September 8, 2019. Mr. Price thanked Christy for sharing this event.

Dolores Price, 619 N Dunn Street, requested the Board re-consider a Golf Cart Ordinance.

Business Items

1. Resolution #R012-2019

- a. Consideration and approval to award retiring Lt. C. David Campbell his badge and service weapon.

NCGS 20-187.2 provides that retiring members of municipal law enforcement agencies may receive, at the time of their retirement, the badge worn or carried by them during their service with the municipality; and further provides that the governing body of the municipal law enforcement agency may, in its discretion, award to a retiring member the service sidearm of such retiring member.

Resolution No.: R012-2019

Date Submitted: September 3, 2019

Date Adopted: September 3, 2019

**RESOLUTION OF THE BOARD OF COMMISSIONERS
OF THE TOWN OF ANGIER, NORTH CAROLINA
AWARDING TO RETIRING LIEUTENANT C. DAVID CAMPBELL
HIS BADGE AND SERVICE WEAPON**

WHEREAS, Police Lieutenant C. David Campbell retired from an active career in law enforcement with the Town of Angier Police Department on August 30, 2019; and

WHEREAS, G.S. 20-187.2 provides that retiring members of municipal law enforcement agencies may receive, at the time of their retirement, the badge worn or carried by them during their service with the municipality; and

WHEREAS, G.S. 20-187.2 further provides that the governing body of the municipal law enforcement agency may, in its discretion, award the retiring member the service side arm of such retiring member upon his retirement; and

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the Town of Angier, North Carolina, that the badge and service weapon described as a Glock 9 millimeter caliber, Model 19, Serial #YEA972 carried by Lieutenant C. David Campbell be awarded to him upon his retirement.

BE IT FURTHER RESOLVED, that the Board of Commissioners of the Town of Angier, North Carolina, hereby authorizes the Town Manager to proceed in accordance to the provisions of G.S. 20-187.2 regarding the service side arms of retiring members of municipal law enforcement agencies for a nominal fee of one dollar.

Adopted this the 3rd day of September, 2019.

Lewis W. Weatherspoon, Mayor

ATTEST:

Veronica Hardaway, Town Clerk

Board Action: The Town Board unanimously voted to adopt Resolution #R012-2019 to award retiring Lt. C. David Campbell his badge and service weapon.

Motion: Commissioner Smith

Vote: Unanimous, 4-0

2. Whole Vet – Veteran Day Event

Mayor Weatherspoon stated that the Whole Vet Organization is planning a car show for November 9, 2019 and is requesting to extend the road closing area to include N Broad Street W, N Broad Street E, S Broad Street E, and the Depot parking lot.

Board Action: The Town Board unanimously voted to approve the extended road closing area to include the above listed streets.

Motion: Commissioner Hawley

Vote: Unanimous, 4-0

Presentation

Mayor Weatherspoon presented a Proclamation congratulating Lieutenant C. David Campbell on his retirement and thanked him for his many years of service to the Town of Angier.

Chief Yarbrough thanked Lt. Campbell for being a great friend and congratulated him on his retirement.

Town 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:

A. A full accounting of existing solid waste & recycling dumpsters at select apartment complexes is being prepared for discussion at the September 17th Workshop.

B. Staff is preparing for the 4-way stop at Dunn/E. Williams Street intersection and E. Williams/N. Willow Street intersection to provide for safe conditions. New signage will be marked with flags to indicate a change.

C. Staff kicked off an "All Call" to residents on Wednesday as a test call for notifications of emergencies through CodeRed. This notification alert system will be launched in case of emergencies such as approaching weather situations. In addition, an icon is posted on the Town's website to sign up for personal cell phones and any additional phones.

D. The Town Manager and Town Engineer met with Town of Dunn officials to discuss options for future water supply. There will be further discussion at the September workshop.

E. The Downtown Manager is researching grants to help pay for Town events. The Levitt Foundation approves grants on a national scale, and since 2015, the Foundation has approved over \$1.8M to 33 communities. The application requires a partnership with a 501c3 organization, and staff recommends partnering with the Angier Museum.

F. The Budget v. Actual for FY20 will now appear in the packets for review and information.

Commissioner Hill requested an update on the sidewalk project.

Mr. Vincent stated the Town is working with Pope & Pope to obtain easements, right-of-ways and temporary easements and should have them by the end of the month.

Public Works Director Jimmy Cook added that sidewalks will be constructed from Walgreens to Fish Drive then from Park Street to tie into Lillington Street sidewalks that have been previously installed.

Dale Robbins, Whole Vet, thanked the Board for allowing Whole Vet to host a car show event in the Town. He announced that the initial date is November 9, 2019 and the rain date is scheduled for November 16, 2019.

Board Action: The Town Board unanimously voted to allow the scheduled rain date.

Motion: Commissioner Smith

Vote: Unanimous, 4-0

Mayor & Town Board Comments

Board Action: The Town Board unanimously voted to go into Closed Session pursuant to NCGS 143-318.11 (a) (3) – to consult with the Town Attorney and NCGS 143-318.11 (a) (6) to discuss a personnel matter at approximately 7:45pm.

Motion: Commissioner Hawley

Vote: Unanimous, 4-0

Board Action: The Town Board unanimously voted to reconvene in Open Session at approximately 7:58pm.

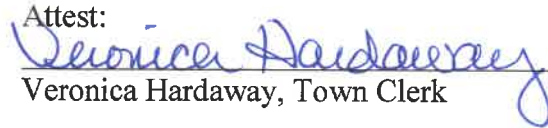
Motion: Commissioner Hawley

Vote: Unanimous, 4-0

Adjournment: Being no further business, the Town Board voted unanimously to adjourn the meeting at 8:00pm.

Motion: Mayor Pro-tem Honeycutt
Vote: Unanimous, 4-0


Lewis W. Weatherspoon, Mayor

Attest:

Veronica Hardaway, Town Clerk

