

**Town of Angier  
Board of Commissioners  
Tuesday, July 2, 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, July 2, 2019, in the Board Room inside the Municipal Building at 28 North Raleigh Street.

**Members Present:** Mayor Lewis W. Weatherspoon  
Mayor Pro-Tem/Commissioner 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  
Library Director Amanda Davis  
Parks & Recreation Director Derek McLean  
Town Engineer Bill Dreitzler  
Town Attorney Dan Hartzog, Jr.

**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:** Commissioner Smith offered the invocation.

**Approval of the July 2, 2019 meeting agenda:** The Town Board approved the agenda with the following changes: add a Closed Session pursuant to NCGS 143-318.11 (a) (3) – to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged; and NCGS 143-318.11 (a) (5) – to establish or instruct the public body’s staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by

purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract.

**Board Action:** The Town Board unanimously approved the July 2, 2019 meeting agenda as amended.

**Motion:** Commissioner Hawley

**Vote:** 4-0; unanimous

**Public Comment:**

Seeing no one come forward, Mayor Weatherspoon closed the public comment period.

**Public Hearing:**

**1. Angier Comprehensive Land Use Plan Revision**

Planning Director Sean Johnson stated that Planning Staff and the Planning Board have been working on an update to the 2017 Comprehensive Land Use Plan over the past several months. The main focus of this update is to address the proposed Highway 55 Bypass corridor and the future land use of those properties adjacent to it. This updated Land Use Plan is intended to guide the Board's rezoning decisions as these properties are developed in the future. Mr. Johnson informed the Board that a public input session was held by the Planning Board on May 14<sup>th</sup> to receive comments from those property owners affected by this Plan update. After addressing those comments, the Planning Board made their final recommendation for approval of the Land Use Plan update at their June 11<sup>th</sup> meeting.

Mr. Johnson reviewed the 2019 Comprehensive Land Use Plan Amendment: Land Use Classification Definitions:

*Commercial Mixed Use*

*Commercial Mixed use development is ideal for those areas with sufficient access to utilities and major transportation corridors. There are currently no zoning districts which provide for effective commercial mixed use development. Therefore, Angier officials should encourage developers to pursue Planning Developments, which are currently allowed in every commercial and industrial zoning district.*

*Planned Developments are intended to provide for creation of well-planned environments through the application of flexible and diversified land development standards. A planned development will result in a more comprehensive development arrangement with lasting function and appeal. It is further intended to achieve broader goals such as economic land development, consideration of environmental conditions, efficient street systems and utility networks, usable attractive open spaces, and the general well-being of the town's inhabitants.*

*All Planned Developments should contain a mix of uses to include commercial, office, retail, multifamily, single-family, and under the right circumstances,*

*manufacturing and light industrial uses. Those developments proposed along the NC 55 Bypass corridor should reserve a significant amount of suitable acreage adjacent to the roadway for commercial uses as determined on a case by case basis by Angier officials.*

*Residential Mixed Use*

*Residential Mixed use developments may stimulate both in-fill development and the development of largely vacant land along major transportation corridors such as the NC 55 Bypass. There are no existing zoning districts which provide for effective Residential Mixed Use development. Rather than allow uniform density residential subdivisions with one housing type, Angier officials should encourage developers to pursue Planned Developments, which are currently allowed in every residential zoning district.*

*Planned Developments proposed within those areas designated for Residential Mixed Use should contain a mix of uses to include an assortment of multifamily uses, various densities of single-family lots, and under the right circumstances, retail and service uses. In no case should a Planned Development located in the Residential Mixed Use area contain only one type of use or density.*

Mr. Johnson explained that the update to the Land Use Plan also included changes to transportation corridors shown on the map such as removing the US 401 Bypass and “Shallow” Bypass proposed years ago, and replacing them with the approved Highway 55 Bypass.

After the Staff presentation was completed, Mayor Weatherspoon opened the Public Hearing.

Brian Hawley, 49 Kerrylane Drive, asked if parks would have to be in specific areas.

Mr. Johnson stated that parks, similar to schools, are a permitted use in the Town’s Ordinance in almost every zoning district.

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

**Board Action:** The Board voted unanimously to adopt the amendment to the Comprehensive Land Use Plan as presented.

**Motion:** Commissioner Hill

**Vote:** 4-0; unanimous

**Consent Agenda Items**

**1. Approval of Minutes**

- June 4, 2019 – Regular Meeting
- May 18, 2019 – Work Session Meeting

## **2. Town Code Amendment – Trash Receptacles**

- a. Consideration and approval of an amendment to Section 15-35 of the Town Code that limits the number of refuse and recycle containers allowed on each property in Town.

### **AN ORDINANCE AMENDING CHAPTER 15, ARTICLE II SECTION 15-35 OF THE TOWN OF ANGIER CODE OF ORDINANCES**

**NOW, THEREFORE, BE IT ORDAINED** by the Town of Commissioners' of the Town of Angier that Sec. 15-35 of Chapter 15 of the Code of Ordinances of the Town of Angier is amended as follows:

#### **Sec. 15-35 – Placement, Removal of Containers; Duties of Occupants**

Residential properties will be provided up to two refuse containers and two recycle containers. Property owners will be billed for each container requiring pickup on the monthly utility bill. Any number of refuse or recycle containers above two will require dumpster service at the owner's expense.

Nonresidential properties will be provided up to three refuse containers and three recycle containers. Any number of refuse or recycle containers above three will require dumpster service at the owner's expense.

- (1) Refuse containers shall be placed for collection at a location in such a manner as to be convenient for removal and collection.
- (2) It shall be the duty of the occupant of any building or any residential unit to:
  - a. Place the refuse container at a location in such a manner as to be convenient for removal and collection. The supervisor may require such placement at any location for reasons of topography, efficiency or emergency.
  - b. Remove the empty container from the place of deposit at curbside or otherwise to the storage location. Such removal shall be accomplished not later than 7:00 p.m. on the day of collection.
  - c. Empty garbage containers must be placed in a storage location behind or at the side rear of the dwelling or business.

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

**Motion:** Commissioner Hill

**Vote:** 4-0, unanimous

## **Business Items**

### **1. Resolutions #R009-2019 and #R010-2019 to allow Harnett and Wake Counties to Levy and Collect taxes for the Town of Angier.**

**Resolution No.:** R009-2019  
**Date Submitted:** July 2, 2019  
**Date Adopted:** July 2, 2019

#### **RESOLUTION AUTHORIZING THE WAKE COUNTY REVENUE ADMINISTRATOR TO LEVY AND COLLECT PROPERTY TAXES FOR THE TOWN OF ANGIER**

**BE IT RESOLVED by the Town Board of the Town of Angier, North Carolina as follows:**

The Wake County Revenue Administrator is hereby authorized, empowered and commanded to levy and collect taxes set forth in the tax records filed in the Office of the Wake County Revenue Administrator in the amounts and from the taxpayers likewise therein set forth.

This Resolution bestows the Wake County Revenue Administrator with full and sufficient authority to levy and collect any real or personal property taxes on behalf of the Town of Angier, North Carolina.

**Resolution No.:** R010-2019  
**Date Submitted:** July 2, 2019  
**Date Adopted:** July 2, 2019

#### **RESOLUTION AUTHORIZING THE HARNETT COUNTY REVENUE ADMINISTRATOR TO LEVY AND COLLECT PROPERTY TAXES FOR THE TOWN OF ANGIER**

**BE IT RESOLVED by the Town Board of the Town of Angier, North Carolina as follows:**

The Harnett County Revenue Administrator is hereby authorized, empowered and commanded to levy and collect taxes set forth in the tax records filed in the Office of the Harnett County Revenue Administrator in the amounts and from the taxpayers likewise therein set forth.

This Resolution bestows the Harnett County Revenue Administrator with full and sufficient authority to levy and collect any real or personal property taxes on behalf of the Town of Angier, North Carolina.

**Board Action:** The Town Board unanimously voted to adopt Resolutions #R009-2019 and #R010-2019 to allow Harnett and Wake Counties to Levy and Collect taxes for the Town of Angier.

**Motion:** Commissioner Smith  
**Vote:** 4-0, unanimous

## **2. Disposing of Local Government Property**

Town Manager Gerry Vincent stated that pursuant to NCGS 160A-268 the Town is permitted to utilize the sealed bid process for the sale of surplus property. At its Workshop on June 18<sup>th</sup>, the Board requested a minimum bid for the properties located at:

1. 190 W. Williams Street (PIN#: 0674-60-5161.000)
2. 200 W. Williams Street (PIN#: 0674-60-5111.000)
3. 73 E. Lillington Street (PIN#: 0673-89-0207.000)

Mr. Vincent informed the Board that staff was unable to obtain actual costs incurred regarding demolition and clean-up for each property, however, based on similar previous projects, the cost to demolish a house averages around \$5,000 per property. Based on this estimate and the sale price is listed on the Harnett County tax records, it is recommended a minimum bid for each property be set at \$16,000.

**Resolution No.:** R008-2019

**Date Submitted:** July 2, 2019

**Date Adopted:** July 2, 2019

### **RESOLUTION AUTHORIZING SEALED BID SALE**

**WHEREAS**, the Town of Angier owns several tracts of land for sale as follows:

1. a 0.14 acre tract of land located on the corner of W Williams Street and N Park Street known as Parcel PIN# 0674-60-5161.000; and
2. a 0.14 acre tract of land located on W Williams Street also known as Parcel PIN# 0674-60-5111.000; and
3. a 0.15 acre tract of land located on E Lillington Street also known as Parcel PIN# 0673-89-0207.000;

**WHEREAS**, North Carolina General Statute § 160A-268 permits the Town to sell real property by advertisement and sealed bid;

**THEREFORE, THE BOARD OF COMMISSIONERS OF THE TOWN OF ANGIER RESOLVES THAT:**

1. The Board of Commissioners hereby authorizes the sale of the following described track of land by sealed bid:
  - a. 190 W Williams Street (PIN#: 0674-60-5161.000); minimum bid set at \$16,000
  - b. 200 W Williams Street (PIN#: 0674-60-5111.000); minimum bid set at \$16,000
  - c. 73 E Lillington Street (PIN#: 0673-89-0207.000); minimum bid set at \$16,000
2. The Town will accept sealed bids for the properties until 2:00 P.M, Monday, August 5, 2019. Bids shall be delivered to the Town Clerk's Office located at 55 N Broad Street W, Angier, NC.
3. At 2:00 P.M., Monday, August 5, 2019, all bids received shall be opened in public and the amount of each bid recorded. The bid opening will be held in the Board Room, 28 N Raleigh

Street, Angier, NC. The record of bids shall be reported to the Board of Commissioners at their regular meeting on Tuesday, August 6, 2019.

4. The Board of Commissioners will determine the highest responsible bidder for the property and will award the bid by its regular meeting on August 6, 2019. Bids will remain open and subject to acceptance until the Board of Commissioners awards the bid.

5. To be responsible, a bid must be accompanied by a bid deposit of five percent (5%) of the amount of the bid. A bid deposit may take the form of cash, cashier's check, a certified check, or a surety bond. The deposit of the bidder to whom the award is made will be held until sale of the property is closed; if that bidder refuses at any time to close the sale, the deposit will be forfeited to the Town. The deposits of other bidders will be returned at the time the Board of Commissioners awards the property to the highest responsible bidder.

6. In addition, to be responsible, a bidder must be current on payment of all property taxes owed to the Town.

7. The Town reserves the right to withdraw the properties from sale at any time and the right to reject all bids.

**Board Action:** The Town Board unanimously voted to set the minimum bid to \$16,000 for the aforementioned properties.

**Motion:** Commissioner Smith

**Vote:** 4-0, unanimous

### **3. Minimum Housing Case – Ordinance to Vacate and Close Structure**

Mr. Johnson stated this case began on February 22, 2019 with a complaint received from the Angier Police Department regarding the operation of an illegal boarding house on the property in question. A site visit was conducted later that same day in which it was observed that the structure behind the main dwelling at 191 W. Lillington Street was being used for living quarters. Further investigation into the structure revealed the conditions inside were unsanitary and included several minimum housing code violations. A notice of complaint and hearing was issued to all interested parties specified in the Town Code. On March 15, 2019 a Hearing was conducted to determine the fitness standards of the dwelling would allow for human habitation. Following the Hearing, a Finding of Fact and Order was issued by Certified Mail to all interested parties. The Order required the property owner to bring the dwelling located at 183 W. Lillington Street into compliance with the Standards of the Town of Angier Minimum Housing Code by repairing, altering, improving, or vacating and closing the structure by a date no later than June 16, 2019.

On June 17, 2019 an inspection was performed to verify the current status of the dwelling. The inspection revealed that the dwelling remains in violation of the human habitation standards without any signs of corrective action taken. The dwelling in question is currently unoccupied and continues to deteriorate. The unoccupied dwelling

poses hazards to the health and safety to the community due to the potential for unauthorized habitation, accidents, and fire.

Because the boarding house is a nonconforming use, only those repairs which are required to meet the minimum housing code are necessary to keep the structure in sound condition as stated in Ordinance Section 13.4.2 (c) will be allowed. These repairs must be completed within one year from the closing of the structure to maintain the nonconforming status of the boarding house.

Mr. Johnson recommended that the Board of Commissioners approve an Ordinance directing the Code Enforcement Officer to vacate, close, and post the structure with a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful". The owner of the property is charged with the duty to properly secure the dwelling from any unauthorized entry until such time that the dwelling is either brought into compliance or demolished. If the property owner fails to properly secure the dwelling, it is unknown what the cost of vacating and closing the structure will be. Funds for such vacating and closing of the structure are provided in the Planning Department budget. All related costs will constitute a lien against real property.

**Ordinance No.:** ORD006-2019

**Date Submitted:** July 2, 2019

**Date Adopted:** July 2, 2019

**AN ORDINANCE DIRECTING THE CODE ENFORCEMENT OFFICER TO CLOSE THE PROPERTY  
HEREIN DESCRIBED AS UNFIT FOR HUMAN HABITATION AND DIRECTING THAT A NOTICE BE  
PLACED THEREON THAT THE SAME MAY NOT BE OCCUPIED**

**File No. 19-21**

**WHEREAS**, the Board of Commissioners of the Town of Angier finds that the dwelling described herein is unfit for human habitation under the Town Minimum Housing Code and that all of the procedures of the Housing Code have been complied with; and

**WHEREAS**, this dwelling should be repaired, altered, improved or vacated and closed as directed by the Housing Inspector and should be placarded by placing thereon a notice prohibiting use for human habitation; and

**WHEREAS**, the owner of this dwelling has been given a reasonable opportunity to bring the dwelling up to the standards of the Housing Code in accordance with NCGS 160A-443(5) pursuant to an order issued by the Housing Inspector on March 18, 2019 and the owner has failed to comply with the Order;

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Commissioners of the Town of Angier that:

Section 1. The owner of such building(s), dwelling(s) and premises is hereby ordered to vacate any occupants and/or personal property therein on or before June 16, 2019.



Section 2. The Code Enforcement Officer is hereby authorized and directed to place a placard containing the legend:

“This Building Is Unfit For Human Habitation; The Use Or Occupation Of This Building For Human Habitation Is Prohibited And Unlawful.”

on the building located at the following location: 183 W. Lillington Street (PIN: 0673-69-5139.000)

Section 3. The Code Enforcement Officer is hereby authorized and directed to proceed to close the above described structure in accordance with his order to the owner thereof dated the 18<sup>th</sup> of March, 2019, and in accordance with the Housing Code and NCGS 160A-443;

Section 4. The cost of the materials and labor involved shall constitute a lien against the real property upon which the cost was incurred. The lien shall be filed in the office of the County Tax Collector, and shall have the same priority and be collected in the same manner as the lien for special assessments in Article 10 of NCGS Chapter 160A;

Section 5. It shall be unlawful for any person to remove or cause to be removed the placard from any building to which it is affixed. It shall likewise be unlawful for any person to occupy or to permit the occupancy of any building therein declared to be unfit for human habitation.

Section 6. This Ordinance shall become effective upon adoption.

**Board Action:** The Town Board unanimously voted to adopt an Ordinance to Vacate and Close Structure located at 183 W. Lillington Street.

**Motion:** Commissioner Hawley

**Vote:** 4-0, unanimous

### **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. The Town is working with BB&T to secure funding to proceed with the purchasing of water meters.

B. A preliminary report was received from Davenport & Company (Financial Advisors) to review options/opportunities to finance a new Town Hall and Police Station. The terms, cost of construction, tax increase, rates, affordability, creation of a Fund Balance Policy are all being explored.

C. Starting in July, the Town is moving forward to secure an accurate survey of the parking area between Williams and Depot Streets, along with a parking lot rendering to explore the possibility of purchasing property.

D. Several meetings regarding economic development opportunities have been held with a tremendous amount of interest in Angier.

E. The Board will receive a presentation regarding the Pay & Classification Study at the next Work Session Meeting, July 23, 2019.

F. Departments are almost fully staffed and a decision on the Finance Director position will be made soon.

G. A letter has been received from the North Carolina Department of Insurance indicating that Angier Fire District improved from a 5 to a 4 rating. This new classification is excellent news as it will lower insurance rates for residential and commercial properties.

### **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 an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged; and **NCGS 143-318.11 (a) (5)** – to establish or instruct the public body’s staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract at approximately 7:30pm.

**Motion:** Commissioner Smith

**Vote:** Unanimous, 4-0

**Board Action:** The Town Board unanimously voted to reconvene in Open Session at approximately 8:01pm.

**Motion:** Commissioner Hawley

**Vote:** Unanimous, 4-0

**Board Action:** The Town Board unanimously voted to invest, not to exceed \$290,000, to upgrade the Neill’s Creek sanitary sewer outfall from 8” to 16” to provide for future extension to Rawls Church Road.


**Motion:** Commissioner Smith

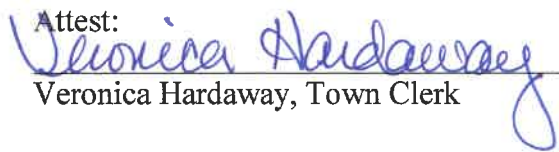
**Vote:** Unanimous, 4-0

**Adjournment:** Being no further business, the Town Board voted unanimously to adjourn the meeting at 8:03pm.

**Motion:** Commissioner Hawley

**Vote:** Unanimous, 4-0

  
Lewis W. Weatherspoon, Mayor

Attest:  
  
Veronica Hardaway, Town Clerk

