

**Town of Angier  
Board of Commissioners'  
Minutes  
Tuesday, May 3, 2016, 7 p.m.  
Angier Municipal Building**

The Town of Angier convened during a regularly scheduled Board of Commissioners' meeting Tuesday, May 3, 2016, in the Board Room inside the Municipal Building at 28 North Raleigh Street.

**Members Present:** Mayor Lewis W. Weatherspoon  
Mayor/Pro Tem Commissioner Bob Smith  
Commissioner Jerry Hockaday  
Commissioner Craig Honeycutt  
Commissioner Alvis McKoy

**Staff Present:** Town Manager Coley B. Price  
Police Chief Bobby Hallman  
Public Works Director Jimmy Cook  
Planning and Permitting Technician Sean Johnson  
Librarian Amanda Davis  
Town Clerk Kim Lambert

**Others Present:** Planning Board Chairman Everett Blake  
Planning Board Vice-Chairman Tom Taylor  
Planning Board Members Lee Marshall and  
Paul Strohmeyer  
Tyler Douglas represented *The Daily Record*

2. Mayor Weatherspoon presided, calling the Board of Commissioners' meeting to order at 7 p.m.
3. Commissioner Alvis McKoy led the pledge of allegiance and offered the invocation.
4. **Approval of the May 3, 2016, meeting agenda:** There were no changes or corrections made to the Agenda.

**Board Action:** The Board unanimously voted to approve the May 3, 2016, Agenda as presented. (Attachment #1).

**Motion By:** Commissioner Smith  
**Seconded By:** Commissioner Hockaday  
**Vote:** Unanimous, 4~0

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

- A. Minutes ~ April 5, 2016, Town Board Meeting Minutes and the April 26, 2016, Special~Called, Economic Vision Forum. (Attachments #2 and #3).
- B. Budget Amendments #BOA2016.31. (Attachment #4).
- C. Agreement ~ Harnett County Fire Prevention Code Enforcement Municipal Agreement with the Town of Angier. (Attachment #5).
- D. Agreement ~ Harnett County Building Inspection Services Agreement with the Town of Angier. (Attachment #6).
- E. Proclamation designating Thursday, May 5, 2016, as National Day of Prayer within The Town of Angier. (Attachment #7).

**Board Action:** The Board unanimously voted to approve all items considered under the Consent Agenda.

**Motion By:** Commissioner Honeycutt  
**Seconded By:** Commissioner Hockaday  
**Vote:** Unanimous, 4~0

6. **Public Forum:** Mayor Weatherspoon provided an opportunity for audience members who wished to address the Board of Commissioners on topics in some way related to the Town of Angier and issues *not* listed on the Agenda.

Chrystina Sheppard from the Windsor subdivision approached the Town Board, explaining that she was concerned because some of the information presented to the Board and residents, she felt, was inaccurate. Mrs. Sheppard referred to the income limit Mike Weaver from The Pendergraph Companies, LLC, mentioned during the April Planning Board meeting. He had estimated potential Tippet Place residents could have an income level between \$ 55,000 to \$ 60,000 per year. She also said the deadline Mr. Weaver stated ~ May 1, 2016 ~ was inaccurate based on data she had investigated since the last meeting. Mrs. Sheppard said that she was upset that "the Town Board and the townspeople had been lied to."

Seeing no one else come forward, Mayor Weatherspoon closed the public forum.

7. **New Business:**

- A. Mr. Price told the Town Board that the Town Clerk, on behalf of the Governing Board, had investigated and confirmed the Sufficiency of the Petition submitted by Southern Acres, LLC. The proposed site requested for annexation is 55.635 acres, located on Atkins Road near the Wake/Harnett line (Harnett County PINs #0664-84-0935.000 and 0664-94-1836.000.) Since its Certification of Sufficiency, the Town Board, per the General Statute, considered and approved adopting a Resolution to Fix the Date for a required Public Hearing during its June 7, 2016, Board of Commissioner's meeting.

**Board Action:** The Board unanimously voted to adopt a Resolution to Fix the Date for a required Public Hearing during its June 7, 2016, Board of Commissioners' meeting.

**Motion By:** Commissioner McKoy  
**Seconded By:** Commissioner Hockaday  
**Vote:** Unanimous, 4~0

- B. Since the previous month's Public Hearing and the tabling of consideration, the Board readdressed the rezoning request by Penco Land Company (The Pendergraph Companies, LLC). The applicant had addressed the Board in April, requesting to rezone a 19.85-acre property located near the intersection of Tippet Road and NC 55/742 S. Raleigh Street from its current allocation of R-15 to CZ-R-6. The development company had proposed building a 68-unit, multi-family apartment community.

Mayor Weatherspoon said that, since the April Board meeting, he had spent countless hours studying the request for the conditional use rezoning of the property on Tippet Road, he had studied the Town's current Land~Use Plan and had researched previous Town Board sessions where visions for the future had been discussed.

He told the audience, "As a general consensus, we ~ as a Board ~ are looking for orderly growth according to the Land~Use Plan, the Comprehensive Transportation Plan and the review and potential revision of our Unified Development Ordinance. It is my belief that we are looking for sensible, planned growth as a part of the Land~Use planning process." He said he also believed the Town "was not ready to add more high~density residential units without considering it as part of the Land~Use Plan."

The mayor said, "It is, therefore, my belief that this request is contrary to the current Land~Use Plan."

Mayor Pro Tempore Bob Smith said the Board "had heard the evidence in the hearing" and felt that it was apparent "that the Board needed to address high~density residential as a part of the consideration of changes needed for the Land~Use Plan." He made a motion to deny the rezoning request by Penco Land Company, LLC, to which Commissioner McKoy seconded.

**Board Action:** The Board unanimously voted to *deny* the rezoning request by Penco Land Company (The Pendergraph Companies, LLC).

**Motion By:** Commissioner Smith  
**Seconded By:** Commissioner McKoy  
**Vote:** Unanimous, 4~0

The audience broke out in applause. The mayor granted a three~minute break, allowing approximately 100 attendees to leave the Board Room following the vote.

When the meeting resumed, Planning & Permitting Technician Sean Johnson introduced the three staff~recommended text amendments. Mayor Weatherspoon then closed the regular meeting to open the Public Hearing portion of the meeting.

## **8. Public Hearings**

### **A. Three (3) Staff~Recommended Text Amendments:**

1. **Revising the Review Requirements for Minor Subdivisions, Chap. 11, Section 11.1.** Mr. Johnson explained that this amendment would alleviate the need for a Technical Review Committee meeting for applicants requesting (1~2 lot) minor subdivisions.
2. **Revising the Sign Design and Area Requirements, Chap. 10, Sections 10.2.1 and 10.2.2.** Mr. Johnson said that amending the sign design requirements would permit Town officials to determine whether downtown businesses comply with the current color theme.
3. **Churches to Build Non~Residential Structures in Residential Zones, Chap. 4, Section 4.11.** After questions from Angier Attorney Phil Fusco and Mayor Tempore/Attorney Bob Smith, the Board recommended removing this potential amendment from consideration until the verbiage has been tweaked and its intention clarified. (All three aforementioned Staff~Recommended Text Amendments were approved for recommendation by the Angier Planning Board in April).

Mayor Weatherspoon closed the Public Hearing. The Town Board then voted on the two remaining Text Amendments (Numbers 1 and 2, above).

**Board Action:** The Board unanimously voted to approved Text Amendments Numbers 1 and 2, above.

**Motion By:** Commissioner Honeycutt  
**Seconded By:** Commissioner Hockaday  
**Vote:** Unanimous, 4~0

Mayor Weatherspoon reopened the Public Hearing to discuss additional items.

### **B. 1. A Text Amendment Request to Reduce the Required Distance between a Bar and Residential Structures, Chap. 4, Section 4.8.5.**

Patricia Lambert of 2272 Neill's Creek Road, Lillington, was the applicant requesting the Text Amendment to Chapter 4, Section 4.8.5. She had hoped to open a bar at 149 Logan Court, Unit D; however, the current Town Ordinance restricted that stating, "*Nightclubs and bars shall not be located within 1,000 feet of a residential structure or park, unless permitted as part of a live/work development.*" Ms. Lambert had requested amending the Ordinance from "1,000 feet" to "500 feet." The applicant's spouse, Allen Lambert, and prospective business partner, Cliff Berry, addressed the Town Board, explaining their desire to open a bar whose clientele would include locals and service veterans. (The aforementioned Text Amendment recommendation from the Angier Planning Board was *denied* during its April meeting.)

Mr. Johnson explained that if the Text Amendment request were approved, a Special-Use Permit would then be required prior to the bar opening. The mayor reminded the Town Board that if they approved the Text Amendment, the restriction would be applicable to all future bars or nightclubs planning to locate within the General Commercial district. The mayor asked if any of the three had been cited for illegal activity regarding the sale of alcohol. Mr. Berry said that he had been cited for selling alcohol without a license and was due in court the following month.

Mayor Weatherspoon closed the Public Hearing. The Town Board then voted on the Text Amendment request.

**Board Action:** The Board unanimously voted to *deny* the applicant's request, and to keep the 1,000 foot requirement stated in the Ordinance.

**Motion By:** Commissioner McKoy

**Seconded By:** Commissioner Hockaday

**Vote:** Unanimous, 4~0

Mayor Weatherspoon reopened the Public Hearing to discuss a potential change in the Harnett County and Town Ordinance regarding "Dangerous Dogs."

- C. 1. **Harnett County Animal Control Official proposing a Text Amendment to the Harnett County Animal Control Ordinance and the corresponding section of the Town of Angier's Code of Ordinances, Section 4~10(a).** Steve Berube, Program Manager from Harnett County Animal Services, recommended slightly changing its Ordinance. He recommended adding to the phrase, "...dog who has been deemed potentially dangerous or dangerous by Harnett County Animal Services and any other Animal Services agency in the State of North Carolina." Mr. Berube had been granted approval by Erwin and Lillington municipalities to make the slight change.

Audience member Chrystina Sheppard asked if the Ordinance could potentially hinder the rescue of dogs. She said she had friends actively involved in the rescuing of dogs and feared deeming a dog dangerous or potentially dangerous who may be rehabilitative could discourage the rescue process. Mr. Berube said, during his 15 years with Animal Control, only three dogs had been deemed dangerous and that their handling and/or subsequent appeal of deeming dogs potentially dangerous must comply with General Statutes set forth by the General Assembly.

Audience member Clint Adams of 349 Tippet Road asked if a dog is deemed potentially dangerous in one county within the State, whether it would be classified as potentially dangerous in others. Mr. Berube said that Animal Service agencies notify other agencies statewide as to the deeming of potentially dangerous animals.

Mayor Weatherspoon closed the Public Hearing. The Town Board then voted on the Harnett County/Town of Angier Text Amendment request.

**Board Action:** The Board unanimously voted to approve the text amendment.

**Motion By:** Commissioner Honeycutt

**Seconded By:** Commissioner Smith

**Vote:** Unanimous, 4~0

Mayor Weatherspoon reopened the Public Hearing to discuss a potential voluntary annexation into The Town of Angier.

**D. 1. An Ordinance to (Voluntarily) Annex.**

Mr. Price updated the Town Board, reminding them that a Petition for Annexation for the property located at 1501 N. Raleigh Street had been submitted by Linderman Properties, LLC. (Harnett County PIN #0674-57 5493). Following the required Public Hearing, the Town Board would be eligible to adopt the Ordinance to Annex the 10.865 acre parcel. Mr. Price verified that the Sufficiency of the Petition and a Certification of Results required had been issued in April and that the Public Hearing had been properly advertised.

Seeing no one come forward, Mayor Weatherspoon closed the Public Hearing. The Town Board then voted on the Voluntary Annexation Request by Linderman Properties, LLC.

**Board Action:** The Board unanimously voted to *approve* the Ordinance for Voluntary Annexation by Linderman Properties, LLC.

**Motion By:** Commissioner Smith

**Seconded By:** Commissioner Honeycutt

**Vote:** Unanimous, 4~0

Mr. Price said that the Ordinance would be recorded after appropriate signatures had been secured and that all required agencies would be notified regarding the Annexation accordingly.

**9. Manager's Report**

- Mr. Price reminded the Board of the National Day of Prayer recognized Thursday at the Jack Marley Park beginning at 7:30 a.m.
- He said, starting Saturday, the Town would host Free Movies and Concerts in Depot Square/Ellington Grounds.
- The Harnett County Arts Council was to meet Monday, May 9, 2016, at 5:30 p.m.
- Coats and Angier Elementaries were to host artists funded by the NC Arts Council in May.
- The Angier Lions Club was hosting its semi-annual Bingo Night Saturday, May 14, at 6 PM inside the Angier Depot.
- The Budget Workshop was slated for Monday, May 16, 2016, at 6:30 PM.




- He and the mayor were to attend the 2016 State of the RTP Region Conference with Harnett County officials Thursday, May 19, 2016 ~ 7 ~ 10 AM.
- The first Free Concert~in~the~Square was to be hosted Friday, May 20, 2016, from 7 PM to 8:30 PM featuring Duke University Jazz Professor, John Brown and his Quintet.
- The Arts Council was to reconvene Monday, May 23, 2016, at 6 p.m. to hear the results from its Harnett County Folklife Survey by State Arts Council contractors.
- The last Free Concert~in~the~Square series was to be Friday, May 27, 2016, at 7 PM featuring The Moonlighters' Orchestra.
- Town Offices were to close Monday, May 30, 2016, in observance of Memorial Day.
- This year's BikeFest was to be Saturday, June 4, 2016.
- This year's Town Hall Day will be Wednesday, June 8, 2016.
- He provided an update on the following events that have taken place:
  - Harnett County Parks and Rec's Free Movie~in~the~Depot April 15, 2016.
  - He and the mayor attended the NC Tomorrow Summit April 18 and 19, 2016.
  - The Economic Vision Forum facilitated by Liz Parham, NC Main Street Director from the NC Department of Commerce April 26, 2016.
  - Operation Inasmuch observed April 30, 2016.
- Public Works Director Jimmy Cook discussed the Town's Backflow situation, estimating that 80 local residents and/or businesses have Backflow Assemblies. He said that six of the 10 Backflows tested this year had failed to pass inspection, suggesting that the Town begins testing the Assemblies each year versus every three years. He consented to sending letters out to the approximate 80 who have Assemblies and to discuss the issue at length during a Public Hearing at the June 7, 2016, Board of Commissioners' meeting.

10. **Adjournment:** The Board voted unanimously to adjourn the meeting at 8:14 PM.

**Motion By:** Commissioner Smith  
**Seconded By:** Commissioner Hockaday  
**Vote:** Unanimous, 4~0

  
 Lewis W. Weatherspoon, Mayor

Attest:   
 Kim Lambert, Town Clerk

