

**Town of Angier  
Board of Commissioners  
Tuesday, March 5, 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, March 5, 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  
Finance Director John Ellis  
Interim Chief of Police Arthur Yarbrough  
Downtown Manager Christy Adkins  
Library Director Amanda Davis  
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 March, 2019, meeting agenda:** The Town Board approved the agenda with the following amendments: Move Business Item #1 (Consideration and Approval to adopt recommended Ordinance Text Amendments to the Unified Development Ordinance) to Public Hearing Section; Table Business Item #3 (Downtown Advisory Board Appointments); Move Business Item #6 (Request for Qualifications for Downtown WiFi) to Consent Agenda; and add a Closed Session pursuant to 143-318.11 (a) (1) – to discuss privileged or confidential information, 143-318.11 (a) (3) – attorney-client privilege, 143-318.11 (a) (5) – to discuss the Town Attorney's contract, & 143-318.11 (a) (6) – to discuss Town Attorney's conditions of initial agreement.

**Board Action:** The Town Board unanimously approved the March 5, 2019 meeting agenda with the above amendments.

**Motion:** Commissioner Smith

**Second:** Mayor Pro-Tem Honeycutt

**Vote:** Unanimous, 4-0

**Presentations:**

**1. Year-end Audit – Cherry Bekaert LLP presented findings from the Comprehensive Annual Financial Report for year ending June 30, 2018**

April Adams, Cherry Bekaert, LLP, presented her audit findings from the previous fiscal year. *(Due to its length, a copy of the Audit Report will be filed in the Clerk's office for review.)* Highlights include: assets and deferred outflows of resources of the Town of Angier exceeded its liabilities and deferred outflows of resources at the close of the fiscal year by approximately \$18,375,595. The government's total net position, excluding the restatement, increased by \$157,855. Increase in governmental activities amounts to \$123,596 and increase in the enterprise type activities amounts to \$34,259. As a result of this increase, there have been some positive signs of the economy improving in our Town as well as Management instructing staff to curtail spending to aid in the improvement of the Town's financial condition. As of the close of the current fiscal year, the Town of Angier's governmental funds reported combined ending fund balances of \$4,155,068 an increase of \$176,235 in comparison with the prior year excluding restatement. Approximately 17.0 percent of this total amount, or \$706,216 is non spendable or restricted and committed. At the end of the current fiscal year, unassigned fund balance for the General Fund was \$3,292,165 or 83.8 percent of total general fund expenditures, for the fiscal year. At June 30, 2018, the Town of Angier's total debt was \$5,689,725. Decrease of the Town's debt was the result of timely debt service payments. The Town of Angier has a Municipal Council Rating of 80 which is equivalent to a rating A3/A by the national rating agencies. This rating is considered an investment grade rating and average or better than average for a town of Angier's population.

Ms. Adams concluded by asking the Board if they had any questions on the report presented.

Finance Director John Ellis wanted to thank Bonnie Bray publicly for all of her hard work on the Town's audit.

**Board Action:** The Board unanimously voted to accept the Comprehensive Annual Financial Report.

**Motion:** Commissioner Hawley

**Second:** Commissioner Smith

**Vote:** Unanimous, 4-0

**2. Ricky Temple with RLT & Associates discussed the process of the Jack Marley Park Retention Wall construction**

Ricky Temple with RLT & Associates addressed the Board and explained the estimate he submitted for the construction of the retention wall at the park was using the most economical material. The blocks that was proposed would produce a stable wall.

Mayor Weatherspoon suggested to place this item on the March Work Session Agenda for further discussion.

**Public Comment:**

Alan Coats, 131 Wilma Street, stated he received a disturbing letter through the mail on February 19<sup>th</sup> concerning accusations made towards the Mayor's conduct. If these accusations are true, the Town needs to move on. He assumed the letter came from a disgruntled employee, however if these accusations did in fact happen, he's embarrassed for the Town and hopes that no one would represent this Town in that manner. If the Town is continuing to operate with the Censure of the Mayor in place, he encouraged the Commissioners to consider removing it and start working in a positive direction.

Mayor Weatherspoon responded by saying he had read the letter that was received anonymously and that the accusations contained in the letter are false.

Rhonda Powell, 92 N Dunn Street, 92 N Dunn Street, stated there has been significant traffic and large trucks traveling on her street. She asked the Board if they would consider a four way stop at Williams Street or speed bumps. She also stated that several years ago, the Town installed a ditch and concrete pipe in front of her house, and since then has experienced worsening drainage issues.

Mayor Weatherspoon directed the Town Manager, Public Works Director, and Interim Police Chief to look into Ms. Powell's complaints.

**Public Hearing:**

**1. Consideration and Approval to Adopt Recommended Ordinance Text Amendments to the Unified Development Ordinance.**

Planning Director Sean Johnson stated there are several text amendments to the Zoning Ordinance which have been discussed extensively by staff and the Planning Board as well as the Town Board. Those amendments include changes to: sweepstakes/internet gaming facilities; auto service related businesses; multi-family residential uses; alcohol sales uses and bars, and dumpster screening.

#### **Section 4.8.4 Rewritten:**

##### **4.8.4 Internet gaming, sweepstakes, or other gambling establishments.**

A. The following standards shall apply to Game Centers, as defined in Section A.4, which comply with N.C.G.S. 14306(b).

~~Internet sweepstakes machines, etc., or any gambling establishment shall require a special use permit as an accessory use only, of which shall be three or less machines, within the Central Business zoning district.~~

B. Game Centers shall be permitted only in the General Commercial district and require a special use permit issued by the Board of Adjustment regardless of the number of machines proposed.

~~It shall be a permitted use within the General Commercial zoning district providing that the use is not within a one-half mile radius of any other facility, primary or accessory use, that has a licensed internet sweepstakes machine, etc.~~

C. The use shall not be located within a one-half-mile radius of any other Game Centers, or within 1,000 feet of any school, religious institution or day care center.

~~All machines and/or games existing prior to adoption of this section shall be allowed to remain providing their privilege licenses are renewed as required. If the internet sweepstakes privilege license is not renewed, compliance with the above regulations is required. Failure to comply with this ordinance shall result in penalty as defined herein.~~

**Game Center.** A business enterprise, whether principal or accessory, where persons utilize electronic machines or devices, including but not limited to computers and gaming terminals or other amusement devices, where cash, merchandise, or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played.

#### **Section 3.3 Auto Services and Sales Uses**

Mr. Johnson explained that the Planning Board and staff recommend removing the Special Use requirement for auto services and sales businesses. There are still requirements that need to be met for these types of businesses; the only change is eliminating the Special Use Permit requirement as well as eliminating the operation of such business in the Central Business District of Town.

#### **Section 4.2.10 Rewritten:**

##### **Section 4.2.10 Multifamily Residential**

A. All Multifamily residential developments with 20 or more proposed units shall require a Special Use Permit from the Board of Adjustment.

B. Dimensional requirements for multifamily residential developments shall be as follows:

Max Density – 12 dwelling units per acre (with public water and sewer)

Minimum Public Street Footage – 150 ft if 20 or more units, 100 ft if less than 20 units;

Projects equal to or greater than 10 acres: 100 ft; Projects between 5 and 10 acres: 50 ft;

Projects less than 5 acres: 25 ft.

Side Setback (project perimeter) – 30 ft.

Rear Setback (project perimeter) – 30 ft.

Minimum building separation – 10 ft.

Maximum units per structure – single story structure: 6 units; multistory structure: 18 units.

A. All structures shall be a minimum of ten feet from all internal parking areas, and drive-  
isles.

B. Project perimeter setback areas shall be free of any structures, excluding access ways  
and signs.

C. Amenities and accessory structures shall be permitted as an accessory use to the primary  
use.

D. Developments of 50 units or more shall provide two means of ingress and egress.

#### **Section 4.8.5 Rewritten:**

#### **Section 4.8.5 Bars and Alcohol Related Businesses**

~~A. 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.~~

A. No bar shall be allowed within a 500 foot radius of radius of any school, religious institution or  
day care center except within the Central Business District.

~~B. Live music shall not be audible off the premise at decibel levels louder than normal background  
noise after 11:00 p.m., if such establishments are located within 1,000 feet of a residential structure.~~

B. Outdoor seating regulations for "restaurants", located in this chapter, shall be met if applicable.

C. Alcoholic beverage consumption areas may be allowed on the premises of a  
Brewery/Winery/Distillery and a Bottle Shop as an accessory use. This accessory use shall occupy  
30% or less of the square footage of the total area occupied by these establishments. Alcoholic  
beverages may not be consumed on the premises after 10p.m.

Bar/Nightclub Definition: An establishment, also referred to as a pub, tavern, saloon, beer garden,  
tap room or sports bar, that serves alcoholic beverages such as beer, liquor, wine and cocktails, for  
consumption on the premises, and where 51% or greater of the net sales is from alcohol and not  
food sales.

##### **Bottle Shop**

- Add to retail section of Permitted Use Table
- Permitted Use in General Commercial and Central Business
- Definition: A retail establishment that primarily sells alcoholic beverages for off premise  
consumption. Alcoholic beverage consumption areas may be allowed on the premises as  
an accessory use.

##### **Brewery/Winery/Distillery**

- Add to Industrial, Warehousing, Wholesale, Distribution and Transportation Uses Section  
of Permitted Use Table
- Permitted Use in General Commercial, Commerce Park and Central Business

- Definition: A manufacturing use that produces alcoholic or non-alcoholic beverages, including ales, beers, wine, liquor and/or similar beverages, on-site. Breweries are classified as a use that primarily manufactures such beverages and may or may not include on site alcoholic beverage consumption areas.

### **Section 7.3.4 Dumpster Screening Requirements**

#### **7.3.4 Screening requirements for outdoor storage, waste containers, and mechanical equipment.**

The requirements of this section shall apply to all new and expanding nonresidential and multifamily development:

- A. Any outdoor storage or utility structures shall be screened in the form of a berm, wall, or fence and natural plantings as to provide an opaque screen for outdoor storage, waste containers, and utility structures. The screen shall exceed the height of the storage or equipment by a minimum of one foot, shall not interfere with the operation of utility equipment.
- B. Dumpsters and other waste collection containers shall not be located in the front yard of any structure.
- C. Ground mounted mechanical equipment shall be located to the rear or side yard and screened from view of the street. Roof-mounted mechanical equipment shall be screened from view by a parapet wall or screen wall matching the primary building materials.
- D. Any fencing used to fulfill the requirements of this section shall be supplemented with landscaping. Chain link fence with slats shall not be used to meet the requirement of this section.
- E. All screens shall utilize building materials and design which are compatible with those used for the exterior of the principal building.

Mr. Johnson explained this amendment would only apply to new and expanding businesses.

Mayor Weatherspoon opened the Public Hearing.

Jr. Price, 619 N Dunn Street, stated he drove around Town and took pictures of several dumpsters that are not compliant with State and OSHA regulations. He suggested someone should be checking area businesses making sure they're in compliance.

Bob Cohen, 271 Gardner Road, expressed his concern allowing bars and alcohol businesses within close proximity to schools. While he appreciates schools were taken into consideration, he feels the original ordinance stating these businesses be 1,000 feet from schools should remain.

Chris Hughes, 65 Golden Lane, stated the Town is growing and changing rapidly and feels these amendments will be good for the Downtown area especially when the bypass comes. He encouraged the Board to approve the text amendments discussed.

John Hart, 40 Pinecrest Way, stated he is one hundred percent in favor of the presented text amendments and believes it will be a great opportunity for the area.

Neal Eichhorn, 5 Whetstone Drive, stated he believes the amendments would be great for the Downtown area.

Joe Langley, 298 Kirk Adams Road, stated he believes the amendments are great, however he suggested the Board review the entire Unified Development Ordinance and consider eliminating anything that cannot be enforced or is too restrictive of growth.

Steve Spencer, 5125 Commission Drive, stated he is in favor of anything that will encourage growth and business within the Town.

Mayor Weatherspoon closed the Public Hearing.

Commissioner Smith stated that the Town needs to be sensitive to the needs of younger generations.

**Board Action:** The Board unanimously voted to adopt Sweepstakes/Internet Gaming Text Amendment.

**Motion:** Commissioner Hill  
**Second:** Commissioner Hawley  
**Vote:** Unanimous, 4-0

**Board Action:** The Board unanimously voted to adopt Auto Related Businesses Text Amendment.

**Motion:** Commissioner Smith  
**Second:** Mayor Pro-tem Honeycutt  
**Vote:** Unanimous, 4-0

**Board Action:** The Board unanimously voted to adopt Multifamily Residential Text Amendment.

**Motion:** Mayor Pro-tem Honeycutt  
**Second:** Commissioner Hawley  
**Vote:** Unanimous, 4-0

**Board Action:** The Board unanimously voted to adopt Alcohol Related Businesses (Bar/Night Club, Bottleshop/Winery/Distillery) Text Amendment.

**Motion:** Commissioner Hawley  
**Second:** Commissioner Hill  
**Vote:** Unanimous, 4-0

**Board Action:** The Board voted to adopt Dumpster Screening Text Amendment.

The motion died for lack of a second.

**Board Action:** The Board unanimously voted to reconsider the Dumpster Screening Text Amendment. The Board felt that the screening requirements should be enforced in all existing cases as well as to all new and expanding development.

**Motion:** Mayor Pro-tem Honeycutt

**Second:** Commissioner Hawley

**Vote:** Unanimous, 4-0

**Board Action:** The Board unanimously voted to refer the Dumpster Screening Text Amendment back to the Planning Board for further discussion.

**Motion:** Commissioner Hawley

**Second:** Commissioner Hill

**Vote:** Unanimous, 4-0

### **Consent Agenda Items**

**1. Approval of Minutes**

- February 5, 2019 – Regular Meeting
- February 26, 2019 – Work Session Meeting

**2. Consideration and Approval of Budget Amendment #7 to Purchase two new Police Vehicles**

**3. Consideration and Approval to Adopt the Amended Audit Contract, with Cherry Bekeart, LLP, to Extend the Due Date from 2/15/19 to 3/6/19**

**4. Consideration and Approval to Adopt a Code Enforcement Policy**

**5. Consideration and Approval to allow NC State University School of Design conduct a Downtown Area Visioning Study**

**6. Consideration and Approval of RFQ for Downtown WiFi**

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

**Motion:** Commissioner Smith

**Second:** Mayor Pro-Tem Honeycutt

**Vote:** Unanimous, 4-0



## **Business Items**

- 1. Item moved to Public Hearing.**
- 2. Minimum Housing Case – Consideration and Approval to adopt Ordinance #003-2019 to Vacate and Close Structure located at 102 N Dunn Street.**

Planning Director Sean Johnson requested the Board to consider adopting an Ordinance to vacate and close structure located at 102 N Dunn Street. This house has been declared uninhabitable by the Minimum Housing Code of the Town of Angier due to a lack of power and water services. He stated a complaint was received November 2, 2018, site inspections were conducted on November 5, 2018 and a hearing to all interested parties was held at Town Hall November 28, 2018 to which no one attended. The structure in question was given until March 4, 2019 to comply with the standards of the Town of Angier Minimum Housing Code by repairing, altering, improving, or vacating and closing said structure. An inspection was conducted to verify current conditions of the dwelling and revealed the structure still remains in violation.

Once the Ordinance is adopted, the Planning Department will contact a contractor to vacate and close the dwelling by boarding all entrances to the dwelling and place a placard on the door that reads “This Building Is Unfit For Human Habitation. The Use Or Occupancy Of This Building Is Prohibited”.

**Board Action:** The Town Board voted to adopt Ordinance #003-2019 to Vacate and Close the Structure located at 102 N Dunn Street.

**Motion:** Commissioner Hawley

**Second:** Commissioner Smith

**Opposed:** Commissioner Hill

**Vote:** 3-1; motion carries

- 3. Downtown Advisory Board Appointments – Item tabled**

- 4. Flag Etiquette**

Town Manager Gerry Vincent reminded the Board that at their February Work Session meeting there was a consensus of the Board requesting additional information regarding flag etiquette. Several months ago, the Interim Town Manager had researched the topic, however no decision was made and/or policy drafted for consideration.

Mr. Vincent stated that in doing research, he explained that there are no mandatory rules about flying the flag at half-staff. In summary, the flag is to be flown at half-staff in mourning for designated, principle government leaders and upon Presidential or Gubernatorial order.

**Board Action:** The Town Board voted to go by the United States Flag Code of Conduct that provides the order of the flag to be flown at half-staff by the President, Vice President, Mayor of District of Columbia, and Governor.

**Motion:** Commissioner Hawley

**Second:** Commissioner Hill

**Opposed:** Mayor Pro-tem Honeycutt, Commissioner Smith

**Vote:** 2-2; Mayor Weatherspoon stated there was a 2 to 2 vote and called for the motion to die for lack of majority. He stated he is not required to vote to break a tie and requested that this item be placed on the March Work Session Agenda.

Town Attorney Dan Hartzog, Jr. confirmed NCGS 160A-69 states; the mayor shall preside at all council meetings, but shall have the right to vote only when there are equal numbers of votes in the affirmative and in the negative. In a city where the mayor is elected by the council from among its membership, and the city charter makes no provision as to the right of the mayor to vote, he shall have the right to vote as a council member on all matters before the council, but shall have no right to break a tie vote in which he participated.

## **5. Planning Board Vacancy**

**Board Action:** The Town Board unanimously voted to authorize advertising to fill a vacancy on the Planning Board for an In-Town member.

**Motion:** Commissioner Hill

**Second:** Commissioner Hawley

**Vote:** Unanimous, 4-0

## **6. Request for Qualifications for Downtown WiFi – Item moved to Consent Agenda**

## **7. Consideration and Approval of Resolution #004-2019 opposing Part I. of House Bill #91 that requires consolidation in Counties with multiple ABC Systems**

Mayor Weatherspoon explained to the Board that Resolution #004-2019 is in opposition to parts of House Bill #91 and Senate Bill #87 that requires consolidation of the ABC Systems in Counties that have multiple Boards which will affect funding to the Town.

**Board Action:** The Town Board unanimously voted to adopt Resolution #004-2019 opposing Part I. of House Bill #91 and Senate Bill #87 that requires consolidation in Counties with multiple ABC Systems.

**Motion:** Mayor Pro-Tem Honeycutt

**Second:** Commissioner Hawley

**Vote:** Unanimous, 4-0

## **Town Manager's Report**

Town Manager Gerry Vincent updated the Board on various items. Those items are the following:

- A. Signing a contract with a local company that will provide free WiFi to the Town in two phases.
- B. Budget Retreat is scheduled for Friday, March 8 & Saturday March 9 at Campbell University.
- C. NCSU School of Design will be conducting a visioning study of Downtown
- D. The Clerk signed up for Flag Alerts for United States notifications for flags to fly at half-staff.
- E. Pay & Classification Study should be complete in 90 days.
- F. Met with Town Manager of Fuquay-Varina to discuss ETJ Annexation.
- G. Tristan Scott, owner of Carolina Butcher Shop, raised over \$7,600 for the Ronald McDonald House by selling BBQ. Manna Church purchased one pound of BBQ for each employee of the Town in appreciation.
- H. Work Shops with the Board have been very productive.

## **Mayor & Town Board Comments**

Mayor Weatherspoon announced that the Natural Gas line is moving forward and is anticipated to be at the city limits by March 28<sup>th</sup> pending weather. A ribbon cutting celebration will be done and our Legislative Delegation will be in attendance.

**Board Action:** The Town Board unanimously voted to go into Closed Session pursuant to 143-318.11 (a) (1) – to discuss privileged or confidential information, 143-318.11 (a) (3) – attorney-client privilege, 143-318.11 (a) (5) – to discuss the Town Attorney's contract, & 143-318.11 (a) (6) – to discuss Town Attorney's conditions of initial agreement at approximately 8:43pm.

**Motion:** Commissioner Smith

**Second:** Commissioner Hill

**Vote:** Unanimous, 4-0

**Board Action:** The Town Board unanimously voted to reconvene in Open Session at approximately 9:01pm.

**Motion:** Commissioner Smith

**Second:** Mayor Pro-tem Honeycutt

**Vote:** Unanimous, 4-0

**Board Action:** The Town Board unanimously voted to amend Town Attorney's contract as discussed.

**Motion:** Commissioner Hawley

**Second:** Commissioner Hill

**Vote:** Unanimous, 4-0

**Board Action:** The Town Board unanimously voted to amend Board Workshop meeting dates from the fourth Tuesday of the month to the third Tuesday of the month. Board of Adjustment meetings will be moved to the fourth Tuesday of the month.

**Motion:** Commissioner Smith

**Second:** Mayor Pro-tem Honeycutt

**Vote:** Unanimous, 4-0

**Adjournment:** Being no further business, the Town Board voted unanimously to adjourn the meeting at 9:06pm.

**Motion:** Commissioner Hawley

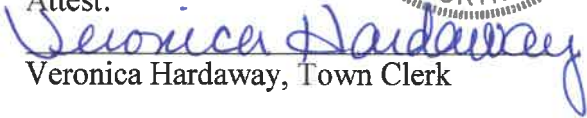
**Second:** Commissioner Hill

**Vote:** Unanimous, 4-0



  
Lewis W. Weatherspoon, Mayor

Attest:

  
Veronica Hardaway, Town Clerk