

**Town of Angier
Board of Commissioners
Tuesday, October 1, 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, October 1, 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
Finance Director Hans Kalwitz
Downtown Manager Christy Adkins
Town Engineer Bill Dreitzler
Town Attorney Michael Cohen

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 October 1, 2019 meeting agenda: The Town Board approved the agenda with the following changes: add Business Item #3 for submission of an Annexation Petition.

Board Action: The Town Board unanimously approved the October 1, 2019 meeting agenda as amended.

Motion: Commissioner Hawley

Vote: 4-0; unanimous

Presentation

Scott May from May & Place, P.A., presented the annual ABC audit findings to the Town Board. Due to its length, the audit will be filed in the Town Clerk's office. Mr. May informed Town officials that the financial statements supplied by the ABC Board were presented fairly, they met all necessary requirements, and received satisfactory, unqualified opinion. Among the highlights were: total bottle sales increased by \$23,104 or 12.2%; actual working capital increased approximately \$154,529 or 65.53% over the prior year; 5% of profits were expended for law enforcement in the current year; and approximately 6.06% of profits were expended for alcohol education and the library in the current year.

Public Comment

Junior Price, 619 N Dunn Street, expressed his appreciation to the Police Department, however he shared his concern for the need of additional officers and requested the Board to consider this in their next budget. Mr. Price also requested to have police presence at the ABC store at closing times for safety.

Public Hearings

1. Annexation Agreement between the Town of Angier and Fuquay-Varina

Town Manager Gerry Vincent stated the annexation agreement between the Towns began June 7, 1993 with a twenty year expiration date that expired in 2013. At that time, there were no reasonable concessions and/or equitable distribution of properties to consider by the two Towns; therefore, the agreement remained expired for over six years. The Towns met earlier this year to discuss options to consider for the next twenty years. Mr. Vincent explained the proposed boundary line adjustment represents an equitable compromise for the next twenty years, with a few minor adjustments to follow property lines instead of natural features. The Town of Fuquay will hold their public hearing October 7, 2019.

Mayor Weatherspoon opened the Public Hearing.

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

Board Action: The Town Board unanimously adopted the Annexation Agreement between the Town of Angier and Fuquay-Varina as presented.

Motion: Commissioner Smith

Vote: 4-0; unanimous

2. Rezoning Request

a. 8409 S NC 55 Hwy (PIN#: 0675-50-5059); RA-30 to General Commercial

Planning Director Sean Johnson stated the Planning Department has received a rezoning application for the property located at the above address. The property currently contains a roughly 1,300Sq. Ft. dwelling and multiple accessory

structures. Surrounding land uses include various density residential uses, retail and service uses and the Carolina Charter Academy. Public water and sewer services are available.

Mr. Johnson stated that the requested rezoning to General Commercial is compatible with the Land Use Plan which calls for Mixed Use Commercial. 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. The rezoning 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. The Planning Board as well as staff recommend approval of the proposed rezoning.

Mr. Johnson informed the Board that the applicant is aware that the property is due to be impacted by the 55 Hwy upgrade which is currently on hold pending NCDOT funding issues.

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

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

Board Action: The Board voted unanimously to approve the rezoning request for property located at 8409 S NC 55 Hwy.

Motion: Commissioner Hawley

Vote: 4-0; unanimous

Consent Agenda Items

1. Approval of Minutes

- August 20, 2019 – Work Session Meeting
- September 3, 2019 – Regular Meeting

2. Budget Amendment #4

- a. Consideration and approval of Budget Amendment #4 which pertains to the Southern Acres 15" gravity line, water supply feasibility study, and construction of Town Hall dumpster pad and screening.



Town of Angier

Budget Amendment #4

Be it hereby ordained by the Town Council of the Town of Angier that the following amendments be made to the Budget Ordinance adopted on the 4th day of June, 2019 as follows:

General Fund (10 Fund)				
Administration	Line Item	Budget	Change	Amended Budget
Building Maintenance	10-9004-0015	13,800	785	14,585
Contract Services	10-9004-0045	61,500	(3,134)	58,366
Total Budget Expenditures for Dept 9004		1,098,700	(2,349)	1,096,351
Police Department				
Police Department	Line Item	Budget	Change	Amended Budget
Building Maintenance	10-9006-0015	500	783	1,283
Total Budget Expenditures for Dept 9006		1,313,700	783	1,314,483
Library Department				
Library Department	Line Item	Budget	Change	Amended Budget
Building Maintenance	10-9007-0015	8,000	783	8,783
Total Budget Expenditures for Dept 9007		245,000	783	245,783
Planning & Zoning				
Planning & Zoning	Line Item	Budget	Change	Amended Budget
Building Maintenance	10-9009-0015	-	783	783
Total Budget Expenditures for Dept 9009		357,900	783	358,683
Water & Sewer Fund (60 Fund)				
W/S Fund Revenues	Line Item	Budget	Change	Amended Budget
Transfer from W/S Capital Res	60-3003-0022	365,100	212,572	577,672
Total Budget for W/S Revenue		2,962,346	212,572	3,174,918
Water Department				
Water Department	Line Item	Budget	Change	Amended Budget
Professional Fees	60-9002-0004	17,700	20,000	37,700
Total Budget Expenditures for Dept 9002		1,123,546	20,000	1,143,546
Sewer Department				
Sewer Department	Line Item	Budget	Change	Amended Budget
Capital Outlay	60-9003-0074	334,000	192,572	526,572
Total Budget Expenditures for Dept 9003		806,400	192,572	998,972

3. Town Manager Contract Amendment

- By consensus of the Board, the Town Manager's contract has been amended to remove the residency requirement.

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

Motion: Commissioner Hill

Vote: 4-0, unanimous

Business Items

1. Request for Qualifications for the Parks & Recreation Master Plan Update Selection

Town Manager Gerry Vincent stated the existing Parks & Recreation Master Plan is nearing its tenth year without a major update, and with existing and potential growth on the horizon, an update is necessary. Also, the Town is considering applying for a Parks and Recreation Trust Fund Grant (PARTF), which requires a number of components as part of a Master Plan for scoring purposes. The Town advertised for qualifications in

August and received five (5) very well-qualified firms on its due date of September 6th, however, of the five, one stood out to staff. Susan Hatchell Landscape Architecture, PLLC is a small, local firm with great success in developing long term plans for future needs and growth. In addition, successful in applying for and receiving PARTF grants and works with municipalities within the region, and only North Carolina. Mr. Vincent requested the Board to authorize the Town Manager to negotiate a contract with Susan Hatchell Landscape Architecture, PLLC firm.

Board Action: The Town Board unanimously voted to authorize the Town Manager to negotiate a contract with Susan Hatchell Landscape Architecture, PLLC firm for services not to exceed \$35,000.

Motion: Commissioner Smith

Vote: 4-0, unanimous

2. Ordinance Amendment

Planning Director Sean Johnson stated the Planning Department has drafted an amendment to several sections in Chapter 6 of the Unified Development Ordinance. The goal of the amendments are to revise the current open space requirements for new developments and raise the payment in-lieu of open space amount to account for the increase in property values. The Planning Board voted to recommend the approval of the amendments at their July 9th meeting. The Public Hearing for these proposed amendments was held at the September 3rd Board meeting. The Parks and Recreation Development Fee as approved by the Board in the fiscal 2020 Rate & Fee Schedule has been removed for the time being as discussed at the September 17th Work Session. Staff is considering options to implement a formula to set the dollar amount for this fee as specified in NCGS 160A-372.

Mr. Johnson then presented a comparison of open space requirements by Harnett County and the other municipalities nearby for reference by the Board in considering the proposed amendments. Each of the Ordinance Sections to be amended are written below:

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. 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; 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.

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

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

Motion: Commissioner Hawley

Vote: 4-0, unanimous

3. Annexation Petition - The Town Clerk, on behalf of the Governing Board, has received an Annexation Petition owned by Harvey Montague, Susan Collins Partin, and Joette C. Lovin. The proposed site requested for annexation is 3 tracts of land approximately 31.931 acres located off Lipscomb Road (PIN#: 0684-42-8059; 0684-41-8996; and 0684-41-3103). The Board may consider directing the Clerk to investigate Sufficiency of Petition and to Certify Results at the next regularly scheduled Board of Commissioners meeting November 4, 2019.

Board Action: The Board unanimously voted to direct the Clerk investigate the Sufficiency of the Petition and Certify Results at the next regularly Board of Commissioners meeting November 4, 2019.

Motion: Commissioner Smith

Vote: 4-0, unanimous

Town Manager's Report

Finance Director Hans Kalwitz presented and reviewed reports of the Finance Department.

- 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 dumpster accounts have been resolved from a negative to a positive on a budgetary level, and set for discussion for FY21.

B. At a future workshop, discussions will begin on a future Town Hall/Police Department building(s), location, scenarios regarding financial options, establishing financial policies, and alternatives to construction bidding.

C. The Town has been contacted by ArchiveSocial who is the #1 provider of social media archiving for local government, school systems and law enforcement. Further discussions with the Town Attorney will be had to get a better understanding. Also, the Town will be looking into other website companies.

D. Staff has increased the level of reporting to the Board in terms of finances, utility accounts, projects, reporting of activities, events and anything upcoming to keep the Town Board abreast of the goings on of the Town. Staff is committed to providing exceptional customer-friendly service, maintain professionalism, and accommodating to the residents of Angier.

Mayor & Town Board Comments

Mayor Weatherspoon informed the Board that the Hwy 55 bypass has been put on hold indefinitely due to funds being spent on damaged roads from previous hurricanes.

Board Action: The Town Board unanimously voted to go into Closed Session pursuant to NCGS 143-318.11 (a) (3) – for attorney client privilege at approximately 7:54pm.

Motion: Commissioner Smith

Vote: Unanimous, 4-0

Board Action: The Town Board unanimously voted to reconvene in Open Session at approximately 8:03pm.

Motion: Commissioner Hawley

Vote: Unanimous, 4-0

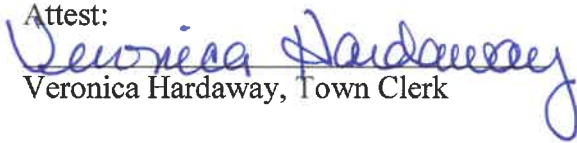
Adjournment: Being no further business, the Town Board voted unanimously to adjourn the meeting at 8:04pm.

Motion: Commissioner Hawley

Vote: Unanimous, 4-0


Lewis W. Weatherspoon, Mayor

Attest:


Veronica Hardaway, Town Clerk

