

**Town of Angier
Board of Commissioners
Workshop Session
Tuesday, January 22, 2019, 6:30 P.M.
Angier Municipal Building
28 North Raleigh Street
Minutes**

The Town of Angier convened during a regularly scheduled Board of Commissioners Workshop Session meeting Tuesday, January 22, 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 Loru Boyer Hawley
Commissioner Bob Smith
Commissioner Mike Hill

Staff Present: Town Manager Gerry Vincent
Town Clerk Veronica Hardaway
Public Works Director Jimmy Cook
Finance Director John Ellis
Planning Director Sean Johnson
Town Engineer Bill Dreitzler
Interim Police Chief Arthur Yarbrough
Sgt. Danny King
Sgt. Lee Thompson
Officer Faucett
Downtown Manager Christy Adkins
Parks & Recreation Director Derek McLean
Town Attorney Katherine Barber-Jones

Others Present:

1. **Call to Order:** Mayor Weatherspoon presided, calling the Board of Commissioners meeting to order at 6:30 p.m.
2. **Pledge of Allegiance:** Mayor Weatherspoon led the pledge of allegiance.
3. **Invocation:** Mayor Weatherspoon offered the invocation.
4. **Approval of the January 22, 2019, meeting agenda:** The Town Board approved the agenda as presented.

Board Action: The Town Board unanimously approved the January 22, 2019 meeting agenda as presented.

Motion: Commissioner Smith

Second: Commissioner Hill

Vote: Unanimous, 4-0

5. New Business:

A. Retention Wall at Jack Marley Park

Town Manager Gerry Vincent stated that Parks & Recreation Director, Derek McLean, has submitted to the Board estimates that have been received along with a photo of the material that is proposed to be used as well as a rough sketch of where the wall will be installed. This item has been budgeted for this fiscal year and any remaining funds will be used for restroom renovations at the park.

Commissioner Hill expressed that the Board should specify how they want the retention wall built and what material should be used.

Mayor Weatherspoon stated the Board doesn't have the information that was requested.

Much discussion was had regarding material to be used in the construction of the wall.

Town Engineer Bill Dreitzler explained to the Board that only one or two inches of block would be seen since most of it would have water against it on one side and grass on the other side. He stated that it wasn't uncommon to reach out to contractors and explain to them what you're trying to accomplish and for them to provide their recommendation that would be the most cost effective.

Mr. McLean stated the wall project started about a year ago and he didn't receive any specs or what material was to be used. To save money, 4-5 contractors were contacted and explained what the department was trying to achieve and the Town only received two responses.

It was the consensus of the Board to table this item until February work session in order to get estimates for wood pilings and concrete material. The Board also requested for pictures of similar completed projects.

B. FY19 Budget Amendments

Town Manager Gerry Vincent addressed the Board and explained various Budget Amendments the Finance Director has prepared. He stated that several Budget Amendments have taken place throughout 2018 and into this fiscal year.

Mr. Vincent reviewed items that were directly related to Administration. All items have been rendered except for the study for Town Hall and Police Facilities. He recommended tabling the study until a Downtown Master Plan is completed to better meet the needs of the Town. Items under Administration has an impact on the current fiscal year with no impact to FY 2019-2020.

Mr. Vincent reviewed the Police and Public Works Departments. He stated that during the current FY Budget work sessions, it was requested to add four additional officers. That was then narrowed down to two officers and then tabled from the then on. The same goes for the Public Works Department, as they requested additional staff that did not get funded this FY Budget and was tabled for consideration for part of this FY or for FY 2019-2020.

The Planning and Zoning Department items were approved by the Board when Interim Town Manager Mike McLaurin was here. The impact to the current fiscal year is \$28,949.02 and \$136,797.90 for FY 2019-2020.

Mayor Weatherspoon stated a proposal was received by NCSU School of Design to do a master plan study of the downtown area to include parking, Town Hall and Police Department facilities. The Town is working on securing a grant for this project.

Mr. Vincent stated that he recognizes the need for additional employees for two departments however, the impact to the budget is too great. He recommended delaying the additional staff for this fiscal year and revisit the issue during the next fiscal year budget process.

It was the consensus of the Board to approve Administration and Planning Department Budget Amendments with the exception of Town Hall and Police facility study and revisit additional Police Officers and Public Works employees during the next fiscal year budget process. The Board agreed to place approved Budget Amendments on February's Consent Agenda.

Commissioner Hill asked the Town Attorney if consent agenda items are considered routine and shouldn't such items have discussion.

Town Attorney Katherine Barber-Jones explained that consent agenda material is published to the public for review and are usually items that have already been discussed in a prior meeting. If the Board comes to a consensus and items are not disputed, they may be placed on the consent agenda.

C. Planning Department

- **Text Amendments**

Planning Director Sean Johnson presented several UDO text amendments suggested by the Planning Board. Once a consensus is reached from the Town Board, these items will be placed on a formal Planning Board agenda for an official written recommendation which will then go before the Board during a Public Hearing.

The following text amendments were reviewed:

Auto Related Businesses: Removing SUP Requirement

PERMITTED USES TABLE												
Office and Service Uses	Use Group	OSR	RA-30	R-15	R-10	R-6	O&I	CB	GC	CP	SR	Parking
Automobile services	3							S	S P	S P	4.6.1	3 per bay plus 1 per employee
Vehicle and/or manufactured home sales	3							S P	S P		4.7.7	1 per 2 employees or 1 per 500 square feet

Advantages To Removing SUP Requirement:

- 1) No Quasi-judicial Hearing - Evidence Only, Sworn Testimony, No Ex-parte Discussion
- 2) Improve Public Perception - Permitted Use = Business Friendly
- 3) Reduce Costs For Applicants - Avoid \$500 SUP Application Fee
- 4) Speed Up The Review Process - Decrease Time Between Application And Permit

Town Board Comments on 11/27/18:

- Desire to limit the number of auto services businesses along commercial corridor
- Should there be a radius placed on these types of businesses?

Potential Radius Language:

4.6.1 - Automobile Service uses shall be permitted within the General Commercial and Commerce Park zoning districts provided that the use is not within a 1,000 foot radius of any other Automobile Service facility.

4.7.7 - Vehicle Sales uses shall be permitted within the General Commercial and Commerce Park zoning districts provided that the use is not within a 1,000 foot radius of any other Vehicle Sales facility.

Issues caused by introducing a radius -

Limiting Auto Service or Auto Sales business within the same business park or commercial development (i.e. - Fish Dr., Medical Dr., Comm Park Ln, etc.)

Multi-Family: SUP Required

Residential Uses	Use Group	OSR	RA-30	R-15	R-10	R-6	O&I	CB	GC	CP	SR	Parking
Multifamily residential, apartments	2					S P		S P			4.2.10	1.5 per bedroom plus 1 per bedroom over 2
Multifamily residential, condominiums	2		S	S P	S P	S P		S P			4.2.10	1.5 per bedroom plus 1 per bedroom over 2
Multifamily residential, townhomes	2		S	S P	S P	S P		S P			4.2.10	1.5 per bedroom plus 1 per

Multi-Family Requirements

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 →
- B. All structures shall be a minimum of ten feet from all internal parking areas, and drive-isles.
- C. Project perimeter setback areas shall be free of any structures, excluding access ways and signs.
- D. Amenities and accessory structures shall be permitted as an accessory use to the primary use.
- E. Developments of 50 units or more shall provide two means of ingress and egress.

F. A distance of at least 20 feet shall be maintained between all buildings within a development

Maximum density	40 12 dwelling units per acre (with public water and sewer) (Calculated: Total Acres/Total Units)
Minimum public street frontage	150 feet if 20 or more units, 100 feet if less than 20 units
Front setback (project perimeter)	Thoroughfare streets: Projects equal to or greater than 5 10 acres: 100 feet Projects less than between 5 and 10 acres: 50 feet Projects less than 5 acres: 25 feet Collector streets: 50 feet Local/cul-de-sac streets: 30 feet (unless otherwise stated)
Side setback (project perimeter)	30 feet
Rear setback (project perimeter)	30 feet
Minimum building separation	20 10 feet
Maximum units per structure	Single-story structure: 6 units Multistory structure: 42 18 units

Town Board Comments on 11/27/18:

- What densities and setbacks are other Towns requiring?

Fuquay Multi-family Standards -

- ▶ Minimum Separation Between Multi-family Developments: 1,500 Ft.
- ▶ Density: 12-16 Units/Acre Depending On R/W Access Width
 - *Exemption: Does Not Apply To Downtown Districts Or PUDs*
- ▶ Units Per Building: 2-8
- ▶ Building Separation: 10 Ft.
- ▶ Setbacks Front - 30 Ft. Rear - 5 Ft., Side - 5 Ft.

Alcohol Related Businesses: Potential UDO Additions

- ▶ As alcohol related businesses become more popular, it may be worth amending the UDO's restrictions to encourage them in certain areas
- ▶ Currently bars are not allowed within 1,000 feet of a home or park
- ▶ The UDO currently does not allow for breweries who also sell their product on site
- ▶ Consider adding uses to the permitted use table such as: Brewery & Bottle Shop

Bar/Nightclub - Potential UDO Amendment

PERMITTED USES TABLE												
Recreation and Entertainment Uses	Use Group	OSR	RA-30	R-15	R-10	R-6	O&I	CB	GC	CP	SR	Parking
Nightclubs and/or bars	4							S	P		4.8.4	1 per 300 square feet

Definition:

~~Bar. A commercial establishment in which the primary activity is the consumption of alcoholic beverages and the primary source of income is from the sale of alcoholic beverages.~~

BAR. 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 percent or greater of the net sales is from alcohol and not food sales.

Town Board Comments on 11/27/18:

- Desire to limit the number and proximity of alcohol based businesses
- Should there be a radius placed on these businesses?

4.8.5 Nightclubs and bars.

~~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 1,000 foot radius of another bar as defined by Appendix A, except within the Central Business District. This distance must be measured from the closest point of the property where a bar is in operation to the closest point of the property where a bar is proposed.

Town Board Comments on 11/27/18:

- How do we define loud music? What decibel level is “normal background noise”?

4.8.5 Nightclubs and bars.

~~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. Amplified music shall not be audible off the premise after 11:00 p.m.

Alcohol Related Businesses: Potential UDO Additions

Bottle Shop

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

Alcohol Related Businesses: Potential UDO Additions

Brewery/Winery

Add to Industrial, Warehousing, Wholesale, Distribution and Transportation Uses
Section of Permitted Use Table

Permitted Use in General Commercial & Commerce Park, **Special Use** in Central
Business

- ▶ **Definition: BREWERY/WINERY.** 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 sampling areas.

Town Board Comments on 11/27/18:

- How do we define sampling areas?

~~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 1,000 foot radius of another bar as defined by Appendix A, except within the Central Business District. This distance must be measured from the closest point of the property where a bar is in operation to the closest point of the property where a bar is proposed.

~~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. Amplified music shall not be audible off the premise after 11:00 p.m.

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

D. Alcoholic beverage sampling areas may be allowed on the premises of a Brewery/Winery 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.

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, waste container, and mechanical equipment existing at the time of adoption of this ordinance shall be brought into compliance with the screening requirements of this section within six months of the effective date of this ordinance.

B. 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.

C. Dumpsters and other waste collection containers shall not be located in the front yard of any structure.

D. 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.

E. 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.

F. All screens shall utilize building materials and design which are compatible with those used for the exterior of the principal building.

Sweepstakes/Internet Gaming

4.8.4 Internet gaming, sweepstakes, or other gambling establishments.

A. ~~Internet sweepstakes machines and other similar skills based games etc., or any gambling establishment shall require a Land Use Permit issued by the Administrator either as a primary use or accessory use. These machines and similar games 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. ~~Such machines and similar games It shall be a permitted use within the General Commercial zoning district providing that the use is machines or similar games are not within a one-half-mile radius of any other facility, primary or accessory use, that has a permitted licensed internet sweepstakes machine or similar games etc.~~

~~C. 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.~~

- Auto Services Related Regulations:
It was the consensus of the Board to not include the 1,000 foot radius as proposed and change 'Automobile Services' and 'Vehicle and/or Manufactured Home Sales' to a Permitted Use.
- Multi-Family Related Requirements
It was the consensus of the Board to move forward with the proposed amendments as presented.

- **Alcohol Sales Uses Regulations**
It was the consensus of the Board that the proposed 1,000 ft. radius to be required between Bars/Nightclubs was too stringent. They requested staff to bring this item back to the Planning Board for additional recommendations.
- **Dumpster Regulations**
It was the consensus of the Board that the Dumpster Screening Requirements remain as the UDO currently reads, and to remove the six month amortization clause - Section 7.3.4 (A).
- **Sweepstakes/Internet Gaming**
It was the consensus of the Board that Sweepstakes/Internet Gaming amendment move forward as proposed.

D. Downtown Advisory Committee

Mr. Johnson explained the Downtown Advisory Board would be appointed by the Town Board to set the direction of the Downtown Main Street Program. At the end of August, letters of interest were sent out to citizens and business owners, however only six applications were received. Those citizens wishing to volunteer on the Advisory Board must either live in Town, own property in Town, or have a business in Town.

Downtown Manager Christy Adkins requested to send out additional letters to expand the pool of potential members.

It was the consensus of the Board to allow additional letters of interest be sent out to other potential members.

E. Administration

- **Pay & Classification Study**

Mr. Vincent explained that the Interim Town Manager submitted a request for proposal to Triangle J COG for a pay and classification study, an evaluation process, and to update the personnel policy. Mr. Vincent reviewed the proposal that was presented.

It was the consensus of the Board to place this item on the February consent agenda.

- **Consent Agenda/Public Forum-Review Order**

Mr. Vincent suggested removing the language that is included on the Town Board agenda under the Public Forum as well as the Consent Agenda sections as it is not necessary. He explained that only a Board member has the authority to pull an item

off the agenda. If a citizen is concerned with an item on the agenda, they would have to approach a Board member prior to the meeting.

It was the consensus of the Board to remove the language included under the Public Forum and Consent Agenda sections of the Town Board agenda and to include the Public Forum language on the citizen sign-up sheet.

Adjournment: The Town Board voted unanimously to adjourn the meeting at 8:24pm.

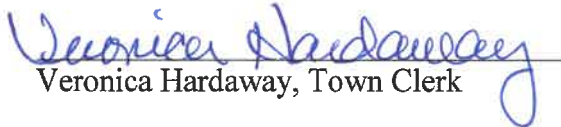
Motion: Commissioner Hawley

Second: Commissioner Smith

Vote: Unanimous, 4-0


Lewis W. Weatherspoon, Mayor

Attest:


Veronica Hardaway, Town Clerk

