

**ERWIN CITY COUNCIL MEETING MINUTES
APRIL 5, 2007
REGULAR MEETING
ERWIN, NORTH CAROLINA**

The Board of Commissioners for the Town of Erwin with Mayor Patsy Carson presiding, held its regular meeting in the Town Hall on Thursday, April 5, 2007 at 7:00 P. M. in Erwin, North Carolina.

Board members present were Commissioners Randy Baker, Ricky Blackmon, Mark Whitman, and Norma Ennis.

Town Manager Alan Thornton, Town Clerk Pam Addison and Town Attorney Mac Hunter were present.

Mayor Patsy Carson called the meeting to order at 7:00 P. M.

Commissioner W.N. Porter and Commissioner Brian Gurkin were absent.

Commissioner Norma Ennis gave the invocation.

Those present recited the Pledge of Allegiance.

CONSENT ITEMS

Commissioner Blackmon made a motion to approve Item (A). Approval of Minutes for 3/01/2007 Board of Commissioners Regular Meeting, Item (B). Approval of Minutes for 2/10/2007 Board of Commissioners Annual Retreat, (C). Tax Releases/Adjustments. Commissioner Whitman seconded the motion. The Board voted 4 for and 2 absent (Porter, Gurkin).

(Pages 7166 A)

NEW BUSINESS

CONSIDERATION OF MOWING AGREEMENT WITH NCDOT

Commissioner Baker made a motion to accept the Mowing Agreement with NCDOT in the amount of \$49.61 per shoulder mile for a maximum of six mowing cycles per year and was seconded by Commissioner Whitman. The Board voted 4 for and 2 absent (Porter, Gurkin).

(Pages 7166 B-E)

**CONSIDERATION OF DEMOLITION AND REMOVAL ORDINANCE OF
CONDEMNED AND SUBSTANDARD STRUCTURE**

Town Manager Alan Thornton said the Board will consider approving a couple of ordinances to demolish and remove (Mike's Hot Dog Stand) a vacant damaged structure at 1000 Denim Drive and a structure at 204 West L Street.

MINUTES OF APRIL 5, 2007 CONTINUED

John Ganus, Senior Code Administrator with CMR Consulting was present and presented a review and updated the Board on the status of the request to adopt an ordinance to demolish the structure at 1000 Denim Drive and 204 West L Street.

1000 DENIM DRIVE File # HC 05-04

A hearing was held on April 25, 2006 to determine the fitness for human habitation of the vacant structure at 1000 Denim Drive (Mike's Hot Dog Stand) Case # HC-05-04. Two of the owners came at different times during the hearing. The order was issued to bring the structure into compliance with the Town of Erwin Minimum Housing Code by repairing, altering, improving, or vacating and demolishing the structure by a date not later than October 4, 2006. To date, no work has been accomplished and the owners have not complied with the order of the Housing Inspector. The dilapidated structure is not occupied and continues to deteriorate. Mr. Ganus recommends demolishing and removing the dilapidated structure. Eddie Fisher from Fayetteville NC provided the lowest bid with a cost of \$4,700.00 plus permits and utility disconnect. Funding for such demolition and clearance is provided in the Town's budget. All related cost will constitute a lien against the real property. The Board recommended the permit fees be waived.

Commissioner Blackmon made a motion to adopt Demolition and Removal Ordinance of Condemned and Substandard Structure at 1000 Denim Drive File No. HC 05-04 and was seconded by Commissioner Ennis. The Board voted 4 for and 2 absent (Porter, Gurkin).

(Pages 7167 A-B)

204 WEST L STREET File # HC-05-19

On May 24, 2001, this house was involved in a fire. On March 14, 2006, a hearing was held to determine the fitness for human habitation of the vacant damaged structure at 204 West "L" Street. The property was sold to John Lockamy in the early stages of the process. The owners did not attend the hearing but had acknowledged receipt of the Certified Hearing Notice and the First Class notice was returned. Following the hearing, a Finding of Fact and Order was issued by Certified and First Class mail. The Order required the owners to bring the structure into compliance with the Town of Erwin Minimum Housing Code by repairing, altering, improving, or vacating and demolishing the structure by a date not later than April 15, 2007. To date, only the roof work has been accomplished and the owners have not complied with the order of the Housing Inspector. The unsecured vacant severely dilapidated dwelling poses hazards to the health and safety of the community due to defects increasing the potential for accidents and fire. It appears the owner does not intend to comply with the Order; therefore, it is recommended the following Ordinance directing the Housing Inspector to demolish and remove the dilapidated structure be adopted by the Board of Commissioners. Eddie Fisher of Fayetteville provided a bid of \$2,600 to demolish and remove 204 West "L" Street.

MINUTES OF APRIL 5, 2007 CONTINUED

Commissioner Ennis made a motion to adopt Demolition and Removal Ordinance of Condemned and Substandard Structure at 204 West "L" Street File No. HC 05-19 and was seconded by Commissioner Blackmon. The Board voted 4 for and 2 absent (Porter, Gurkin).

(Pages 7168 A-C)

An Ordinance was adopted in July, 2006 to demolish the dilapidated brick house located on Hwy 421(HC 05-23) it will also be demolish, and remove, for \$3,800 by Eddie Fisher of Fayetteville.

Mr. Ganus advised the Board of Commissioners of his intentions to move forward with the demolition on a burned out mobile home at 128 Allen Drive Case # PN-05-17. The owners purchased permits but never began improvements. A public nuisance violation does not require the Board to adopt an Ordinance. The estimated cost will be between \$1,000.00 to 1,500.00.

Commissioner Baker made a motion to waive all permit fees associated with the demolition and removal of condemned structures ordered by the Town and was seconded by Commissioner Ennis. The Board voted 4 for and 2 absent (Porter, Gurkin).

CONSIDERATION OF USAGE OF TASER POLICY AND PROCEDURE

At the annual retreat The Board of Commissioners and Chief Chandler discussed the use of the taser devise for its law enforcement officers to conduct their job. The tool will allow Police Officers do a professional, efficient job in a safe manner, while providing efficient law enforcement services to the citizens.

Town Manager Alan Thornton said staff has developed an SOP (Standard Operating Procedures) which has been reviewed by the Town's Attorney and the Town's Insurance provider.

Chief Chandler said the taser device is basically a non-deadly type of force. All of the other Police Departments in the surrounding area are already using the taser device. The Erwin Police Department will not require that an Officer be outfitted or utilize a taser system, but will make the required training and certification available for those officers who request such training and certification, in order to utilize the taser system. The Officer is required to be exposed to the effects of the model M-26 taser system and must provide proof of such exposure by a certified instructor.

It was the consensus of the Board that each officer be trained and certified to carry a taser device. Chief Chandler said he has an officer in school to be a certified instructor.

Commissioner Blackmon made a motion to approve The Standard Operation Procedures # 20 Use of M26 Advanced Taser and was seconded by Commissioner Baker. The Board voted 4 for and 2 absent (Porter, Gurkin).

All the Officers except for the newly hired Officer (vest is on order) have new bullet proof vests. The vests cost an estimated amount of \$5,000.00 The Federal Government provided a 50/50 grant and Risk Management Services Worker's Compensation has authorized funding

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for the Soft Body Armor Reimbursement Program. The Town will have very little invested if any in the purchase of the vests.

(7169 A-J)

DISCUSSION OF POTENTIAL CHRISTMAS DECORATION REPLACEMENTS

Town Manager Thornton provided the Board of Commissioners the staff's recommendations to replace the aged Christmas decorations with a collection of different types of decorations. We currently have wreaths with a red bow and 3 candles in the center. We currently have thirty (30) poles that have power. We will purchase thirty (30) and perhaps forty (40) new decorations. We are hoping to get Progress Energy to wire ten (10) more poles. We would like to purchase one or two of Santa Clause with Reindeer to hang over the roadway. If it is the consensus of the Board we will contact DOT and Progress Energy for regulations before ordering the decorations. Mr. Thornton said the price is well within budget.

Mayor Carson was concerned with storage.

Town Manager Alan Thornton said he was intending on having some racks built to hold the decorations and an area set aside for storing.

It was consensus of Board to purchase a variety of decorations for the poles and order (2) of the over the road- way decorations if permissible.

OTHER BUSINESS

Town Hall Day is May 9th.

DOT Litter Sweep is April 19th at 5:30 and everyone is invited to participate.

May 17th at 9:00-4:30 Greenville NC Building Entrepreneurial Communities.

Several of the Town's Staff members and Mayor Carson are participating in the NIMS Training program.

The Planning Board is seeking members to serve on the Board.

The new leaf machine will be delivered on April 18th.

Mayor Carson asks everyone to remember Commissioner Porter. He has been in and out of the hospital and is home recovering.

Mayor Carson gave good comments on an article Pam Addison wrote in the Minute by Minute Newsletter (Monthly Newsletter of the North Carolina Association of Municipal Clerks) Erwin has distinction as "Denim Capital of World".

Judy McLean, Girl Scout Leader said the scouts had raised about \$ 3,500.00 and they are doing a lot of work on the hut. They have put in new floors, plumbing and cabinets. Mayor Carson said she continues to receive complaints on the air conditioning and asks if the Town would make sure it is working properly.

MINUTES OF APRIL 5, 2007 CONTINUED

The park grant will be awarded in May.

ADJOURNMENT

Commissioner Baker made a motion to adjourn at 8:45 P.M. and was seconded by Commissioner Whitman. The Board voted 4 for and 2 absent (Porter, Gurkin).

MINUTES RECORDED AND TYPED BY PAMELA S. ADDISON, TOWN CLERK.

Town Clerk, Pamela S. Addison

Mayor Patsy M. Carson