

**ERWIN BOARD OF COMMISSIONERS
MEETING MINUTES
APRIL 3, 2008
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 3, 2008 at 7:00 P. M. in Erwin, North Carolina.

Board members present were Commissioners Norma Ennis, Randy Baker, W. N. Porter, Mark Whitman, William Corbett and Michael West.

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 West gave the invocation.

Those present recited the Pledge of Allegiance.

AGENDA ADJUSTMENTS

Commissioner Baker made a motion to delete **Consent Item (C)** Tax Releases/Adjustments. Commissioner Whitman seconded the motion. The Board voted unanimously.

CONSENT ITEMS

Commissioner Baker made a motion to approve Items **(A)** Approval of Minutes for 3/06/08 Board of Commissioners Regular Meeting; **(B)** Resolution Declaring the Badge and Service Weapon Carried by Thomas E. Chandler Surplus and awarding them on his Retirement. Commissioner Corbett seconded the motion. The Board voted unanimously.

(Pages 7235 A)

PUBLIC HEARING

TOWN OF ERWIN CONDITIONAL USE PERMIT APPLICATION #CU08-01

Commissioner Ennis made a motion to open a Public Hearing at 7:02 pm for Town of Erwin Conditional Use Permit Application # CU08-01 and was seconded by Commissioner Whitman. The Board voted unanimously.

Denise M. Johnson, applicant submitted a conditional use application seeking a conditional use permit to operate a Family Child Care Home at 106 Barnes Drive. The property at 106 Barnes Drive is located in R-6 zoned area (Harnett County PIN # 0597-77-2815.000).

All adjacent property owners were notified, property was posted, and the Public Hearing was advertised two consecutive weeks in a local newspaper. The Planning Board made a favorable recommendation with the condition that the driveway be cleared during business hours and applicant will submit all licenses to the Board upon receipt from the State.

MINUTES OF APRIL 3, 2008 CONTINUED

Mayor Carson requested that anyone wanting to speak in favor of Town of Erwin Conditional Use Permit Application #CU 08-01 for the establishment of a Family Child Care Home on the property located at 106 Barnes Drive to come forward, take the oath, state their name and address for the record prior to beginning presentation of statement.

Denise Johnson 106 Barnes Drive, Erwin came forward and took the oath. Ms. Johnson stated she was requesting a conditional use permit for a family childcare home. Ms. Johnson said she currently has one child in the home and two children are on the way. Ms. Johnson said she has been in contact with Harnett County Child Care referral agency to get the requirements for operation of a child care home. Ms. Johnson explained the conditional use permit was the first step toward getting a state license to operate a child care home.

Commissioner Whitman wanted to know how many children Ms. Johnson will have in her home.

Ms. Johnson said the requirements for her size of home would be limited to five children.

Commissioner Baker wanted to know if the state agency will require a fenced play area.

Ms. Johnson said after she receives the Conditional Use Permit, the State will come and inspect her home and property. After inspecting Ms. Johnson's home the state agency will inform her of additional requirements needed to operate a child care home.

Commissioner Ennis asked if most were infants.

Ms. Johnson said there will be a one year old; two year old; and a three year old. The one and two year old are siblings.

Mayor Carson requested that anyone wanting to speak against Town of Erwin Conditional Use Permit Application #CU 08-01 for the establishment of a Family Child Care Home on the property located at 106 Barnes Drive to come forward, take the oath, state their name and address for the record prior to beginning presentation of statement.

No-one came forward.

Commissioner Baker made a motion to close Public Hearing at 7:08 pm for Town of Erwin Conditional Use Permit Application # CU08-01 and was seconded by Commissioner Corbett. The Board voted unanimously.

NEW BUSINESS**CONSIDERATION OF TOWN OF ERWIN CONDITIONAL USE PERMIT
APPLICATION #CU08-01**

Mayor Carson directed the Board to utilize the Conditional Use Permit Consideration Worksheet before making their recommendations.

MINUTES OF APRIL 3, 2008 CONTINUED

1. The use request is listed among the conditional uses in the district for which application is made. **Yes, a Day Care Center is a conditional use listed in R-6 Zoned area.**
2. The requested use is essential or desirable to the public convenience or welfare. **Yes, provides child care services for working parents.**
3. The requested use will not impair the integrity or character of the surroundings or adjoining districts, nor be detrimental to the health, morals, or welfare. **It will not impair the integrity or character of the surrounding area because the property will remain residential and will be subject to follow laws and guidelines required by the NC State laws.**
4. The requested use will be in conformity with the Land Development Plan. **Yes, the Land Development Plan of the Town of Erwin designates that area as R-6 Residential and the Day Care is a Conditional Use in R-6 Zoning.**
5. Adequate utilities, access roads, drainage, sanitation and/or other necessary facilities have been or are provided. **Yes, they are all provided.**
6. That adequate measure have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public street. **The Board requested the driveway must remain clear during business hours.**
7. That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Board of Commissioners pursuant to the recommendations of the Planning Board. **Yes.**

Commissioner Baker made a motion to approve the Conditional Use Permit Application #CU08-01 with the following conditions: driveway remains clear during business hours; Ms Johnson provides the Board proof of receiving her State License to operate the Child Care Home at 106 Barnes Drive; and provide a fenced in outside play area. Commissioner Corbett seconded the motion. The Board voted unanimously.

CONSIDERATION OF ALLEN R JOHNSON DEMOLITION STAY

An extension was granted to Allen R. Johnson in December to bring his house located at 10777 US Hwy 421 to minimum housing code standards. The extension expired January 31, 2008 and the house remains uninhabitable. Erwin Code Enforcement Officer issued a stop work order prior to March's meeting.

Commissioner Baker asks for the names as they appear on the deed to the property in question.

Code Officer Brain Lagana said one of the owners is Mr. Johnson's daughter; Teresa Tart.

Mr. Johnson said the other is his son, Ricky Parker.

Commissioner Baker wanted to know if the Board is allowed to grant an extension on behalf of Mr. Johnson even though he is not the property owner.

Town Attorney said the extension is given for a particular piece of property and not the property owner.

Mr. Allen R. Johnson said his son, Ricky Parker and the carpenter who will be making the repairs was present.

Mr. Johnson brought a letter from Massengill Associates which outlines the needed repairs.

MINUTES OF APRIL 3, 2008 CONTINUED

Mr. Johnson brought his medical papers for proof about his surgery and said this was his reason for delay of the repairs.

Mayor Carson wanted to know if all the work could be completed within 30 days.

Mr. Johnson said he could do the outside, but did not think he could complete the inside work within 30 days.

Erwin Code Officer confirmed the list of repairs from Massengill & Associates were based on NC Building Code Standards.

Mr. Johnson said he plans to rent the property unless someone makes an offer to purchase.

Erwin Building Code Officer said the building permits were purchased to make the repairs a while ago.

A lien is placed against the property when a house is demolished and the cost is incurred by the Town and will be collected from the owner of the property.

Mr. Johnson said the wiring was stripped from the house twice and had to be replaced.

Commissioner Whitman said he is hearing the same all over again. An earlier extension was given and nothing was done.

Commissioner Ennis agreed with Commissioner Whitman.

Dementius Stalling, Sr. contractor for Mr. Johnson, came forward and gave a brief description of his plans to cut grass, clean out stuff under the carport, ect. Mr. Stallings said he could make improvements on the outside within the 30 days. Mr. Stallings said there were no major improvements needed on the inside. Mr. Stallings said the inside needs painting and sanding of sheetrock.

Commissioner Baker referred back to the list from Massengill and Associates and said there were much more to be repaired than mentioned.

Mr. Stallings said the carport roof needs repairing where it is sagging and holes will need to be corked where wires come though the floor.

After much discussion, the Board was reluctant; but decided to grant Mr. Johnson one more extension to meet minimum housing code inside and outside. The Board stressed to Mr. Johnson if he continues to spend money on the house but still does not bring to minimum housing standard within time extended; they will have no choice but to continue the demolition process on house.

Mr. Johnson said he will need more time than 30 days if the Board expects him to complete renovations to the inside and outside of the house.

Mr. Stallings said he could do the renovations within 45 days. But will need a week or two lead way.

Commissioner Ennis asks Mr. Stallings if he had adequate help to do the job.

MINUTES OF APRIL 3, 2008 CONTINUED

Commissioner Ennis asks Mr. Stallings if he was a licensed contractor.

Mr. Stalling said he would say yes, but not in the State of North Carolina.

Commissioner Baker said a licensed North Carolina contractor is required to perform the necessary renovations.

Erwin Code Officer agreed with Commissioner Baker.

Mr. Johnson said Shelton Knowles is a licensed contractor that will be doing some of the work. Mr. Johnson said he understood he could make some of the renovations himself.

Mr. Johnson's son, Ricky Parker said it would cost an estimated \$35,000 to complete the job.

Commissioner Whitman made a motion to grant an extension of seventy –five days (2months with a fifteen day grace period) to complete renovations inside and outside for the house located at 10777 US Hwy 421. Renovations will be preformed by a licensed contractor and the house must meet all North Carolina minimum housing codes. If the work is not complete within time limit stated; demolition will proceed. Commissioner Ennis seconded the motion. The Board voted unanimously.

(If the Board follows the seventy-five day calculation the expiration date will be June 17th, the date given to Mr. Johnson was July 17, 2008.)

CONSIDERATION OF PROPOSED ANIMAL CONTROL ORDINANCE & INTERLOCAL AGREEMENT WITH THE COUNTY OF HARNETT

Commissioner Baker made a motion to table the Proposed Animal Control Ordinance & Interlocal Agreement with the County of Harnett until several corrections are made to the Agreement. Commissioner Whitman seconded the motion. The Board voted unanimously.

OTHER BUSINESS

A ribbon cutting will be May 3rd at 1:00 pm for the New River Park located along the Cape Fear River at the Hwy 217 Bridge in Erwin. All festivities are free and open to the public.

Town Hall Day is June 4, 2008.

Copies of the East Erwin Drainage Study prepared by W K Dickson were given to Board members for review.

Chief Thomas Chandler is scheduled to retire on April 30th. Plans are to have a presentation and reception afterwards in his honor for the service he has given to The Town of Erwin. Chief Chandler was admitted to the Hospital earlier this week and prayers are requested for his recovery.

PUBLIC COMMENT

No-one came forward.

MINUTES OF APRIL 3, 2008 CONTINUED**REPORTS FROM TOWN MANAGER AND STAFF**

Inter- Departmental FY 07-08 Budget Amendments were given to Board Members.

Commissioner Ennis had a request from the residents to change the one way street of East H back to a two-way street. Commissioner Ennis requested railroad signs that are no longer needed; be removed. Commissioner Ennis recommended storing concrete parking slabs on H Street in the Public Works Building and save for use at a later date.

Town Manager Alan Thornton said he will research and let the Board know if Board action is required to make the change on East H Street.

Commissioner Whitman requested the new Commissioners pictures be added to the Town's website. Commissioner Whitman said nothing has changed on the house owned by Tommy Thomas located on East "E" Street.

Code Officer Brian Lagana said a letter was mailed to Mr. Thomas.

Commissioner Baker said the New River Park will be a huge asset as well as helping when rescue is needed in the river.

Town Manager said he was very close in making a decision to fill the Librarian position.

Commissioner Corbett and West thanked the Town for sending them to the class Essentials of Local Government. Both said it was a very good meeting and was a real good experience.

ADJOURNMENT

Commissioner Baker made a motion to adjourn at 8:47 P.M. and was seconded by Commissioner Corbett. The Board voted unanimously.

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

Town Clerk, Pamela S. Addison

Mayor Patsy M. Carson