

**ERWIN BOARD OF COMMISSIONERS
MEETING MINUTES
AUGUST 2, 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, August 2, 2007 at 7:00 P. M. in Erwin, North Carolina.

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

Town Manager Alan Thornton, Administrative Assistant/ Acting Clerk Cynthia Patterson and Town Attorney Mac Hunter were present.

Commissioner Brian Gurkin and Town Clerk Pam Addison were absent.

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

Commissioner Baker gave the invocation.

Those present recited the Pledge of Allegiance.

AGENDA ADJUSTMENT

Commissioner Ennis made a motion to add Consent Agenda **Item B. Authorization Empowering Tax Collector to Collect 2007 Taxes** and was seconded by Commissioner Blackmon. The Board voted 5 for and 1 absent (Gurkin).

CONSENT ITEMS

Commissioner Blackmon made a motion to approve Item (A). Approval of Minutes for 7/05/2007 Board of Commissioners Regular Meeting and Item (B). Authorization Empowering Tax Collector to Collect 2007 Taxes. Commissioner Whitman seconded the motion. The Board voted 5 for and 1 absent (Gurkin).

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OLD BUSINESS

TOWN OF ERWIN CONDITIONAL USE APPLICATION # CU07-02

On July 5, 2007 the Board of Commissioners tabled Conditional Use application # CU07-02 for the establishment of a used car sales lot at 823 South 13th Street. The Board requested that the applicant provide a detailed site plan showing spaces provided for cars that will be sold and parking spaces for customers. The applicant failed to provide the information requested by the Board.

Commissioner Baker made a motion to table Conditional Use Application # CU07-02 until the applicant provides the information requested. Commissioner Ennis seconded the motion. The Board voted 5 for and 1 absent (Gurkin).

MINUTES OF AUGUST 2, 2007 CONTINUED**PUBLIC HEARING****TOWN OF ERWIN CONDITIONAL USE PERMIT APPLICATION #CU07-04**

Commissioner Baker made a motion to open a Public Hearing at 7:13 P.M. for Town of Erwin Conditional Use Permit Application #CU07-04 and was seconded by Commissioner Whitman. The Board voted 5 for and 1 absent (Gurkin).

Applicant, Mary Freeman is seeking a Conditional Use Permit for the establishment of Day Care Home in an R-10 Zoned area. The property is located at 701 East H Street and specifically identified as Harnett Co PIN # 0597-94-9111.000.

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.

Mayor Carson requested that anyone wanting to speak in favor of Town of Erwin Conditional Use Permit Application # CU 07-04 for the establishment of Day Care at 701 East H Street to come forward, take the oath, state their name and address for the record prior to beginning presentation of statement.

Nicole Smith came forward and took the oath. Ms. Smith spoke in favor of the Conditional Use Permit application #CU 07-04. Ms. Smith stated Mrs. Freeman was an excellent childcare provider for her child. Ms. Smith said she works from 8:00 AM – 5:00 PM. Ms. Smith's child is in the daycare located on Suggs Rd.

Mary Freeman, 212 Suggs Rd., Dunn NC came forward and took the oath. Mrs. Freeman is the owner of the Daycare. Mrs. Freeman stated she has been certified for (3) three years. Mrs. Suggs received approval to operate a Day Care at 212 Suggs Rd about (2) two years ago, but later was informed the property had a restricted covenant and does not allow her to operate her business. Mrs. Freeman said she enjoys her job and would like to find somewhere in the area to continue the Day Care service and provide a convenient location for the children and parents.

Mayor Carson requested that anyone wanting to speak against Town of Erwin Conditional Use Permit Application # CU 07-04 for the establishment of a Day Care at 701 East H Street to come forward, take the oath, state their name and address for the record prior to beginning presentation of statement.

Willie Dorman, 705 East H Street, Erwin came forward and took the oath. Mr. Dorman was the spokesperson for (20) twenty residents that were present and against Conditional Use Permit application #CU 07-04. Mr. Dorman asked all to stand who were opposed. Mr. Dorman stated this will be the sixth Day Care in his neighborhood if approved.

Joe Giles, 102 Shelly Dr. Dunn, came forward and took the oath. Mr. Giles stated he was speaking for his mother. Mr. Giles said he was happy to have Mrs. Freeman in the

MINUTES OF AUGUST 2, 2007 CONTINUED

neighborhood, and knows she is wonderful person. Mr. Giles said he was concerned about having another Day Care in close proximity to his mother's house. Mr. Giles said his mother is in her eighties and she sleeps later than normal. The noise with cars coming and going along with the activities for the children is his Mother's concern.

Commissioner Baker made a motion to close the Public Hearing at 7:32 P.M. for Town of Erwin Conditional Use Permit Application #CU07-04 and was seconded by Commissioner Blackmon. The Board voted 5 for and 1 absent (Gurkin).

NEW BUSINESS**CONSIDERATION OF CONDITIONAL USE PERMIT APPLICATION # CU07-04**

Applicant, Mary Freeman is seeking a Conditional Use Permit for the establishment of Day Care Home in an R-10 Zoned area. The property is located at 701 East H Street and specifically identified as Harnett Co PIN # 0597-94-9111.000.

Commissioner Baker pointed out that under the conditional use guidelines, a site plan is required just as one is for a Day Care facility being in a commercial area. If we are treating this as a conditional use, Day Care Centers, Day Nurseries, Preschool and similar uses are permitted as a permitted use and the ordinance states Day Nurseries, Preschools and similar uses may not be located within 300 ft radius from the center of the property line of another Day Care Center, Day Nursery or similar use. Commissioner Baker said he has no doubt of her capability of providing quality service, but the Methodist Children's Home falls within the 300 ft. radius.

Commissioner Ennis said the Methodist Children's Home does not have a license to operate at the current time.

Commissioner Blackmon stated the use follows the land and not the business.

Zoning Administrator Alan Thornton said, in his opinion the Methodist Children's Home is considered a religious education building; a permitted use in R-10 and Mrs. Freeman requested a conditional use.

Commissioner Baker said the uses are considered similar uses and is not allowed according to the Zoning Ordinance.

Commissioner Porter made a motion to accept the Planning Board recommendation and approve Conditional Use Permit #CU07-04 for property located at 701 East H Street for the establishment of a Day Care Home in an R-10 Zoned area and was seconded by Commissioner Ennis. The Board voted 2 for and 3 against (Baker, Whitman, Blackmon) and 1 absent (Gurkin).

MINUTES OF AUGUST 2, 2007 CONTINUED**CONSIDERATION OF PROPOSAL TO DEMOLISH STRUCTURE AT 1000 DENIM DRIVE**

The contractor scheduled to remove the structure at 1000 Denim Dr (Mike's Hot Dog Stand) did not show.

Commissioner Baker made a motion to accept the bid of Ray Johnson to remove the structure at 1000 Denim Dr in the amount of \$1,350.00 and was seconded by Commissioner Blackmon. The Board voted 5 for and 1 absent (Gurkin).

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OTHER BUSINESS**Walt's Crossing III**

The Town received a letter of approval from the Town's Engineer regarding Walt's Crossing Subdivision III off Suggs Rd. The Town required the owner Mrs. Carolyn Dorman to pay a security bond for the construction of the road. The letter states all DOT requirements are met and the security bond deposit may be released back to Mrs. Dorman.

Commissioner Blackmon made a motion to release the security bond and was seconded by Commissioner Whitman. The Board voted 5 for and 1 absent (Gurkin).

2006/2007 Budget Adjustments

Town Manager Alan Thornton provided the Board with additional adjustments to the 2006/2007 Budget.

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Paving Chicora Country Club

The Chicora Country Club requested the Town pave the Town's Right-of-Way. The Town's staff received the followings proposals which include grading and paving a 16x110 area according to DOT standards:

- Landstar Paving \$5,910.00
- Johnson Brothers \$3,850.00
- Highland Paving \$4,050.60

Town Manager Alan Thornton said he was notified the paving work at Chicora was already completed. Town Manager Alan Thornton suggested core sampling be completed in the area before payment is made for the paving.

Commissioner Ennis made a motion to pay the lowest bid.

Commissioner Ennis withdrew her motion due to lack of second.

MINUTES OF AUGUST 2, 2007 CONTINUED

After discussion Commissioner Blackmon made a motion to pay the lowest bid amount of \$3,850.00 toward the paving work and require core sampling be made on the project. Commissioner Porter seconded the motion. The Board voted 5 for and 1 absent (Gurkin).

Mayor Carson informed the Board of a meeting with Harnett County Board of Commissioners, Good Hope's Hospital Board, Betsy Johnson's Hospital Board and Sandhills Mental Health Board to discuss bringing the mental health beds back in the Erwin Hospital. The County of Harnett will be drafting a letter for the purpose of getting Good Hope's license back and would like to have get Erwin's signature for the letter.

PUBLIC COMMENTS**Wounded Soldiers in Iraq**

Bobbie Price's son Randy Moore is a chaplain in the army at a medical holding station in Iraq. The wounded soldiers are in need of colored t-shirts without writing on them, loose fit shorts, white socks, calling cards, shaving cream, razors, microwave popcorn, and tootsie rolls and other little candies. Used items cannot be accepted. The donated items will benefit all branches of service.

Commissioner Baker said it was a very good cause and the Town will provide a drop off station at Town Hall. Commissioners Baker challenged the other Commissioners to help provide the items listed.

Senior Citizens

Frances McLean said she was speaking on behalf of the Senior Elders of Erwin. Mrs. McLean thanked the Board for allowing her group to use the Community Building five days a week for a nutrition site. Mrs. McLean said some of the ladies are working on a quilt and are not able to continue because of lack of room.

The Board directed Mark Byrd to locate the Senior Elders a place to store their quilt.

REPORTS FROM BOARD OF COMMISSIONERS

Commissioner Porter expressed his concerns of the Conditional Use Permits not allowed for the Car lot and the Day Care. Commissioner Porter stated he understood why the car lot was not approved, but was very disappointed about the outcome of the Day Care.

ADJOURNMENT

Commissioner Whitman made a motion to adjourn at 8:35 P.M. and was seconded by Commissioner Ennis. The Board voted 6 for and 0 against.

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

Town Clerk, Pamela S. Addison

Mayor Patsy M. Carson