

**ERWIN CITY COUNCIL MEETING MINUTES  
DECEMBER 7, 2006  
REGULAR MEETING  
ERWIN, NORTH CAROLINA**

The Board of Commissioners for the Town of Erwin with Mayor Pro tem W. N. Porter presiding, held its regular meeting in the Town Hall on Thursday, December 7, 2006 at 7:00 P. M. in Erwin, North Carolina.

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

Mayor Patsy M Carson and Commissioner Brian Gurkin were absent.

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

Mayor Pro tem W. N. Porter called the meeting to order at 7:00 P. M.

Minister Derrill Blue of the Erwin AME Memorial Church gave the invocation.

Those present recited the Pledge of Allegiance.

**AGENDA ADJUSTMENTS**

Town Manager Alan Thornton requested the Board add Item 10. **Consideration of The PARTF Grant Application** under New Business Items and add Item 11. **Executive Session** in compliance with G. S. 143-318.11(a) (3). to consult with an Attorney. Commissioner Blackmon made a motion to approve the adjustments to the Agenda and was seconded by Commissioner Baker. The Board voted 4 for and 2 absent (Mayor Carson and Commissioner B. Gurkin).

**CONSENT ITEMS**

Commissioner Blackmon made a motion to approve Item (A) Approval of Minutes for 11/02/2006 Board of Commissioners Regular Meeting, Item (B) Approval of Minutes for 11/01/2006 and 11/02/2006 Board of Commissioners Special Meetings. (C) Tax Releases / Adjustments. Commissioner Whitman seconded the motion. The Board vote 4 for and 2 absent (Mayor Carson and Commissioner B. Gurkin).

Commissioner Blackmon made a motion at 7:03 P. M. to go into a Public Hearing and was seconded by Commissioner Ennis. The Board vote 4 for and 2 absent (Mayor Carson and Commissioner B. Gurkin).

**PUBLIC HEARING**

**TOWN OF ERWIN ZONING AMENDMENT REQUEST #Z06-04**

Town Manager Alan Thornton said Marcus R. and Andrew Phillips submitted Zoning Amendment Request # Z06-04 for property on Highway 421 South and identified as Harnett County PIN # 0597-58-5624.000. The applicant is seeking a Zoning Amendment of this

**MINUTES OF DECEMBER 7, 2006 CONTINUED**

Property from R-D to B-2 Highway Business as defined in the Town of Erwin Zoning Ordinance. The Planning Board held a Public Hearing on November 20<sup>th</sup>, 2006 and made a favorable recommendation for the Board's consideration. The staff posted the property and Notices of this Public Hearing were printed in the Local newspaper for two consecutive weeks. All adjacent property owners were notified.

Mayor Pro tem W. N. Porter ask for anyone in favor of the Erwin Zoning Amendment # Z 06-04 to come forward and state your name and address for the record prior to beginning presentation of statement.

Marcus Phillips, 809 West Divine Street, Dunn came forward and said he and his brother Andrew Phillips owned the property and would like to rezone to property for future businesses.

Mayor Pro tem W. N. Porter ask for anyone against the Erwin Zoning Amendment # Z 06-04 to come forward and state your name and address for the record prior to beginning presentation of statement.

Jero Elliott, Garner NC wanted to know how will the rezoning affect him and if it would increase his taxes.

Commissioner Blackmon explained that his property would not change and should not affect him. Commissioner Blackmon said a buffer will be required to separate the Business Property from the residential property.

Mr. Elliott wanted to know what the owners intend to place on the property.

Mr. Elliott was invited to come by Town Hall and review the B-2 Zoning Ordinance to see the permitted uses allowed.

Commissioner Blackmon made a motion at 7:14 P.M. to close the Public Hearing and was seconded by Commissioner Ennis. The Board voted 4 for and 2 absent (Mayor Carson and Commissioner B. Gurkin).

**NEW BUSINESS****CONSIDERATION OF TOWN OF ERWIN ZONING AMENDMENT  
REQUEST # Z06-04**

Town Manager Alan Thornton read the Permitted Uses allowed in B-2 Zoning.

Commissioner Whitman asks Mr. Phillips to come forward and state his intentions for the property.

Mr. Phillips said they were in the primary stages to build A Professional Office Building on the property. The hours of operation will be from 8:00 A.M. to 5:00 P. M., Monday thru Friday.

Commissioner Blackmon made a motion to approve the Zoning Amendment Request # Z06-04 and was seconded by Commissioner Whitman. The Board voted 4 for and 2 absent (Mayor Carson and Commissioner B. Gurkin).

**MINUTES OF DECEMBER 7, 2006 CONTINUED****PRESENTATION OF TOWN OF ERWIN FY 05-06 AUDIT REPORT**

Joseph M. Giles, Jr. CPA of Giles, Strickland & Warren, P. A. audited the Town of Erwin FY 05-06 financial statements in accordance with Government Auditing Standards. A clean opinion was issued. This is the highest level of service CPA can render. Each Board member received a copy of the Audit Report. Mr. Giles began his presentation with graphs. The Ad Valorem tax revenue was \$968,710; last year \$921,789. The Ad Valorem tax is the largest single item of revenue and the only item of which the Town has control. All other items are based on grants, State or Federal Government appropriations. The Unrestricted Intergovernmental Revenue was \$674,345; last year \$626,085. The Restricted Intergovernmental Revenue was \$171,140; last year \$307,778. Sales and Services was \$254,893; last year \$243,353. The other taxes and miscellaneous was \$236,712; last year \$296,785. Part of other taxes and miscellaneous is a pass-through to the Erwin Fire Department, it also includes Permits and Fees of \$35,004, and a big part of the miscellaneous was an insurance reimbursement for a building at the Park. The investment earnings increased to \$24,691, last year \$12,480. An outstanding job was also done in controlling the General Fund Expenditures. The General Government expense was \$404,796, last year \$391,738. The Public Safety was \$795,188, last year \$733,401. The difference was the purchase of two new Police cars. The Environmental Protection was \$256,013, last years \$253,751. The Transportation was \$368,708; last year \$581,065. The Town did not pave as many streets as in the past. The Culture & Recreation was \$369,014; last year \$463,250. The Debt Service was \$94,404; last year \$83,476. The Water & Sewer Fund operating revenue was \$1,254,988; last year \$1,209,637. The Water & Sewer Fund Expenditures for Administration was \$495,679; last year \$502,357. The Sewer Plant Operations was \$313,533; last year \$261,944. The Water Plant Operations was \$256,327; last year \$348,923. The interest & fees was \$43,897; last year \$60,182. The Utility Fund made a sufficient change in 2006 and purchased a greater amount of water in the year of 2006, and help decrease the operating cost. Mr. Giles encouraged the Board to review the Management's Discussion and Analysis. Mr. Giles gave a brief summary of the required Components of the Annual Report. The net change in the Fund Balance was \$83,618 making the ending fund Balance for General Fund \$982,754. Mr. Giles said twenty years ago the fund balance was only \$26,000 and the mill had not closed. The Town has done a good job in managing the money. The Textile Fund earned \$11,661 interest making the balance \$676,021; no other activity was made to the Textile Fund. Mr. Giles pointed out the Capital Assets schedule provides the Capital asset activity for Primary Government and the Water & Sewer Fund. The audit report provides the Long term Obligations. The Town entered into an agreement with Harnett County to consolidate the Town's utility system with the County. Mr. Giles said this was the best decision that has been made by the Board in many years. Mr. Giles said there were no budget violations. The tax collections were 97.95%. Mr. Giles predicted the year 2006-2007 will be the best year the Town has had in many years. Mr. Giles stated the books and records were cleaner than normal and the entire Town's staff had done an excellent job.

Commissioner Blackmon made a motion to accept the FY 05-06 Audit Report and was seconded by Commissioner Whitman. The Board voted 4 for and 2 absent (Mayor Carson and Commissioner B. Gurkin).

**MINUTES OF DECEMBER 7, 2006 CONTINUED****CONSIDERATION OF FINAL PLAT FOR HFTC SUBDIVISION OF PROPERTY**

Harnett Forward Together Committee submitted a Major Subdivision Plat for the property they own along the river next to the Weave facility for a final review by the Board of Commissioners. They are requesting the plat to be approved as two lots. Lot No 1. is 708,768 square ft. of property and the other will be Lot 2, over sixty areas on which the Weave Facility is located. They are hoping to create an in-kind match for the Parks and Recreation Trust Fund Grant the Town received last year. The reason it is a Major Subdivision is because of an access easement in order to provide the installation of Public utilities, public restrooms along with Picnic Shelters, at the proposed River Trail Canoe- Kayak Park.

Commissioner Blackmon made a motion to approve the Final Subdivision Plat submitted by HFTC and was seconded by Commissioner Ennis. The Board voted 4 for and 2 absent (Mayor Carson and Commissioner B. Gurkin).

**CONSIDERATION OF PRELIMINARY PLAT FOR WALTS CROSSING III  
SUBDIVISION**

Town Manager Alan Thornton expressed two concerns. Several citizens issued concerns at the Planning Board's Public Hearing about providing public utilities verses private utilities. Mr. Thornton provided a copy of a memorandum from Tim Payseur, Senior Engineering Technician with Harnett County Department of Public Utilities. The project is proposed to be served by individual wells and septic tanks since the Harnett County Department of Public Utilities does not have existing utilities in front of this property. Another concern was the Town's Ordinance requires Cul-de-sacs shall not be longer than six hundred (600) feet. The street in Walts Crossing III is extending a little more than eight hundred (800) feet. The Planning Board forward a favorable recommendation after much debate was made concerning the private utilities. All other requirements of the subdivision regulations were all met.

Commissioner Baker had an issue of concern of the minimum design standard on the streets. The County changed their Ordinance to enable emergency vehicles access. Commissioner Baker requested the Board look at the Town Ordinance concerning the design of the streets and make necessary changes before making a decision.

Town Manager Alan Thornton said Ms Dorman may request a Variance to extend the length of the street to meet the ordinance requirement, and in the meantime the Board may begin reviewing outdated sections of the Ordinance to be revised.

Commissioner Blackmon made a motion to table the Consideration of Preliminary Plat for Walts Crossing III Major Subdivision and give Ms. Dorman an opportunity to file for Variance and was seconded by Commissioner Baker. The Board voted 4 for and 2 absent (Mayor Carson and Commissioner B. Gurkin).

**MINUTES OF DECEMBER 7, 2006 CONTINUED****DISCUSSION WITH TOM UNDERHILL OF PROGRESS ENERGY REGARDING 421 LIGHTING**

Tom Underhill, Account Executive for the Town of Erwin with Progress Energy gave a brief history of the lighting project in front of Lowes. Mr. Underhill provided the Board a new project to provide lighting from Lowes to the bridge in Erwin. The road is owned by

Department of Transportation and lighting will be required to meet DOT standards. DOT will have the final approval, but the estimate of \$7,457.20 should be fairly close. Mr. Underhill said it will take about three (3) months to get an encroachment from DOT. It will be resubmitted to Town's Staff for a Final Approval (30 days). It will take Progress Energy sixty (60) days to complete. An estimate of 6 months from the time the Board approves to start the project and the lights can be turned on. Consensus of the Board was given to move forward and begin the process to install the lighting on the highway 421 from Lowes to the Bridge in Erwin.

Commissioner Blackmon questioned why the lights could not be placed in the middle section of the median.

Mr. Underhill said safety was the issue causing the poles to be placed on the shoulder unless you have a concrete barrier for protection. Mr. Underhill said the cost would most likely be higher to install the poles in the center lane, but he will check and see if it could be done and at what cost.

Mr. Underhill said banners and flags could be added on the poles provided they meet the requirements of Progress Energy. No electrical service is provided on the poles. Mr. Underhill said he will be working with the Town's staff on several other lighting projects for the Board's consideration in the near future.

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**CONSIDERATION OF PROPOSED POLICY FOR USE OF THE ERWIN COMMUNITY CENTER**

Commissioner Whitman made a motion to accept the Proposed Policy for the Use of The Erwin Community Center and was seconded by Commissioner Baker. The Board voted 4 for and 2 absent (Mayor Carson and Commissioner B. Gurkin).

(Pages 7138 B-C)

**CONSIDERATION OF RESUBMITAL OF PARTF GRANT APPLICATION**

Town Manager Alan Thornton encouraged the Town Board to resubmit the PARTF Application. The Parks & Recreation Department was awarded a PARTF Grant in 2004. The Grant was a 50/50 Match and due to the economic situation at that time the Town declined the Grant. Mr. Thornton has been in touch with a coordinator at NC State and he has encouraged the Town to reapply for the Grant. The deadline is January 31, 2006 and a Public Meeting must be held prior to the application being submitted. The Parks & Recreation Director recently resigned and the application was not as far in the process as Mr. Thornton

**MINUTES OF DECEMBER 7, 2006 CONTINUED**

had hoped. Town Manager Thornton said he was going to complete the application and hoped to beat the deadline. The County Utilities Department is willing to assist the Town in mailing the required surveys in the next utility bill. The mailing of the survey by the County will only cost about \$400.00 and this help will save the Town money. Town Manager Thornton said he would like to see some revisions on the Master Plan. Town Manager said he has contacted Mr. Hartigan and he has agreed to work with the Town again and submit the application before the deadline. Mr. Hartigan submitted an agreement to perform the work involved for a fee of \$2,500 only if the Town is awarded the grant. If the Town does not receive the grant there will be no obligation to Mr. Hartigan. Town Manager Thornton said he would like to enhance the application to connect the Rail Trail with the Proposed River Trail and include the park within the Trail. Instead of limiting the space for a new softball field consider having a multipurpose field. We are hoping to include a skate park which is a popular sport with the young kids of today. Town Manager said the Town will be requesting a larger grant. The bulk of the Mater Plan is completed. We hope to move forward and obtain those assets for Erwin.

Commissioner Baker made a motion to approve the Agreement with Hartigan Management to assist the Town in preparing the Grant application for the PARTF Grant and was seconded by Commissioner Whitman. The Board voted 4 for and 2 absent (Mayor Carson and Commissioner B. Gurkin).

**OTHER BUSINESS**

The Board agreed to hold the Annual Retreat on Saturday January 6, 2007 at 9:00 A.M. in the Harnett County Court House Grand Jury Room.

**PUBLIC COMMENTS**

Eugene Darling, 200 South 10th St., Erwin NC, was not in agreement to change the Ordinance and charge property owners the cost to remove graffiti. Mr. Darling read an article in the newspaper paper stating the Manager was considering changes to the Ordinance and charging property owners the cost to remove graffiti if not removed within (7) seven days. Mr. Darling said he does not have a problem with that being the case for local residents, but a lot of the owners do not live in Erwin and would not be aware of the graffiti marking on their property. Mr. Darling spoke for the senior citizens who own property in Erwin and are unable to clean the buildings. He knows something must be done, but allow the Police to take control of the Vandals and charge them for the clean up.

Frank Taylor, 405 North 14<sup>th</sup> Street, Erwin NC, had a concern regarding charging Community Center users a \$20.00 fee per hour for security at the Community Center. Citizens are paying \$75.00 deposit \$60.00 for rental fee and now an additional \$80.00 for (4) four hours security. What will happen to the \$80.00 charge? This does not seem fair for everyone to have to pay a security fee because of some causing a problem. We pay our taxes and should receive this service at no fee.

Commissioner Baker explained the Town will be using an off duty Officer to provide the security at the Community Center. The fee collected will pay the salary for an off duty Officer at a private party or function and still maintain the necessary Officers available when needed in Town.

**MINUTES OF DECEMBER 7, 2006 CONTINUED**

Althea Melvin, 714 North 16<sup>th</sup> Street, Erwin NC, was concerned about a house that was torn down this summer. The debris is piled in front of her front door. She would like the Town to help her get this removed.

The Board gave instructions to remove the debris and bill the property owners for removal.

Commissioner Baker made a motion at 9:10 P. M. to go into a closed session in compliance with G. S. 143-318.11. (a) (3) and was seconded by Commissioner Ennis. The Board vote 4 for and 2 absent (Mayor Carson and Commissioner B. Gurkin).

**EXECUTIVE SESSION**

Commissioner Whitman made a motion to reconvene back to the regular session at 9:15 and was seconded by Commissioner Ennis. The Board vote 4 for and 2 absent (Mayor Carson and Commissioner B. Gurkin).

Commissioner Baker made a motion to instruct the Town' Attorney Mack Hunter to offer a settlement of \$170,000 to Engineering Services, P.A . The settlement will release all claims from Engineering Services, P.A. and avoid any litigation in the future with them. Commissioner Blackmon seconded the motion. . The Board vote 4 for and 2 absent (Mayor Carson and Commissioner B. Gurkin).

**ADJOURNED**

Commissioner Whitman made a motion to adjourn at 9:25 P.M. and was seconded by Commissioner Blackmon. The Board voted 4 for 2 absent (Mayor Carson and Commissioner Brian Gurkin).

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

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**Town Clerk, Pamela S. Addison**

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**Mayor Pro Tem, W. N. Porter**