

**ERWIN CITY COUNCIL MEETING MINUTES
FEBRUARY 1, 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, February 1, 2007 at 7:00 P. M. in Erwin, North Carolina.

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

Commissioner Ricky Blackmon was absent.

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 Brian Gurkin gave the invocation.

Those present recited the Pledge of Allegiance.

AGENDA ADJUSTMENTS

Commissioner Baker made a motion to add the minutes January 23rd 2007 Community Meeting to Consent Items (A) and was seconded by Commissioner Gurkin. The Board voted 5 for and 1 absent (Commissioner Blackmon).

CONSENT ITEMS

Commissioner Baker made a motion to approve Item (A) Approval of Minutes for 1/04/2007 Board of Commissioners Regular Meeting and Minutes for 1/23/2007 Community Meeting, Item (B). Disposal of Aged Municipal Records as per NCGS 121.5, Item (C) Tax Releases / Adjustments. Commissioner Whitman seconded the motion. The Board voted 5 for and 1 absent (Commissioner Blackmon).

PUBLIC HEARING

TOWN OF ERWIN VARIANCE #V06-01

The Variance Request #V06-01 was scheduled for last month, but due to lack of quorum the Board was unable to act on this item. The applicant J. Scott Walker is requesting a variance from the provisions of Part 9, Chapter 3, Article 4, §9-3038.7 (f) of the Town's Subdivision Regulations, regarding the maximum length of a cul-de-sac street. Carolyn Suggs Dorman

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owns the property on Suggs Road identified as Harnett County PIN # 1507- 39- 6125.000 and Parcel ID # 021537-0110. The property consists of 13.3 acres in the Walt's Crossing III Subdivision.

The applicant is requesting to extend the proposed street an additional (268) two hundred sixty eight ft from the maximum length of a cul-de-sac street being (600) six hundred ft as established in the Subdivision Regulations §9-3038.7(F).

The Town staff mailed notices to adjacent property owners. A Notice of the Public Hearing was posted in the local newspaper.

Commissioner Gurkin made a motion at 7:04 P. M. to go into a Public Hearing for Town of Erwin Variance Request # V06-01 and was seconded by Commissioner Baker. The Board voted 5 for and 1 absent (Commissioner Blackmon).

Mayor Carson requested that anyone wanting to speak in favor of the Variance Request # V06-01 to take the oath and state name and address for the record prior to beginning presentation of statement.

J. Scott Walker, 835 Abattoir Rd, Coats, NC 27521 came forward and took the oath. Mr. Walker spoke in favor of Variance Request # V06-01. Mr. Walker said he was the surveyor for the property owner Carolyn Suggs Dorman. Mr. Walker said the property was narrow at the front and large in the back. In order to get to the back properties, the road needs to be longer than the six hundred feet allowed. Due to the unique shape of the parcel, a (600) six hundred foot street would limit the development potential. Extending the street to (868) eight hundred sixty eight foot would give the rear portion of this property access to a public street without adversely affecting the welfare of the community.

Mayor Carson requested that anyone wishing to speak against Variance Request # V06-01, to take the oath and state name and address for the record prior to beginning presentation of statement.

No-One came forward.

Commissioner Baker made a motion at 7:11 P.M. to close the Public Hearing and was seconded by Commissioner Ennis. The Board voted 5 for and 1 absent (Commissioner Blackmon).

NEW BUSINESS**CONSIDERATION OF TOWN OF ERWIN ZONING VARIANCE REQUEST #V06-01**

The variance is a quasi-judicial decision and must follow all the procedural standards including a full evidentiary hearing. No variance shall be granted unless the Town Board finds all four of the following conditions to clearly exist:

- a) That there are special circumstances or conditions affecting said property such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of his land. *Yes, the backside of the subdivision will not have access to a public street if the variance is not granted.*

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- b) That the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner. *Yes, without the 200 ft extension, half of the property will be unusable.*
- c) That the circumstances giving rise to the need for the variance are peculiar to the parcel and are not generally characteristics of other parcels in the jurisdiction of this ordinance. *Yes, due to the shape of the land being narrow in front and the bulk of the acreage in the rear.*
- d) That the granting of the variance will not be detrimental to the public health, safety and welfare or injurious to other property in the territory in which said property is situated. *Yes, Walt Crossing I and II are in the same area and have proven to not be detrimental to the public health, safety and welfare or injurious to other property in the territory.*

After the Board determined the variance application showed some real difficulty and unnecessary hardship, Commissioner Baker made a motion to grant the Variance Request # V06-01 and allow extending the length of the cul-de-sac from (600) six hundred foot to (868) eight hundred sixty-eight foot. Commissioner Gurkin seconded the motion. The Board voted 5 for and 1 absent (Commissioner Blackmon).

CONSIDERATION OF PRELIMINARY PLAT FOR WALTS CROSSING III MAJOR SUBDIVISION

Town Manager Alan Thornton said Walts Crossing III was reviewed by the Erwin Planning Board at its meeting in December and recommended approval. All permits are in order and the specifications in § 9-3032 Procedure for Review and Approval of Subdivision Preliminary check list were met.

Commissioner Whitman made a motion to approve the Preliminary Plat for Walts Crossing III Major Subdivision and was seconded by Commissioner Baker. The Board voted 5 for and 1 absent (Commissioner Blackmon).

CONSIDERATION OF PRELIMINARY PLAT FOR "GEORGE ELLIOTT HEIRS" MAJOR SUBDIVISION

The Planning Board made recommendation to approve the Preliminary Plat for George Elliott Heirs Subdivision provided all the insufficiencies are corrected and meets the requirements of the Subdivision Regulations.

Town Manager said the map was corrected to list as a Major Subdivision and the pre-existing structures were added as requested by the Planning Board.

Commission Baker pointed out the zoning was not added to the adjoining lots and phone numbers were not listed for the property owners. Commissioner Baker requested those items be added upon submittal of the Final Plat.

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Commissioner Baker made a motion to approve the Preliminary Plat for George Elliott Heirs Major Subdivision and was seconded by Commissioner Whitman. The Board voted 5 for and 1 absent (Commissioner Blackmon).

CONSIDERATION OF RESOLUTION APPROVING TERMS OF FINANCING FOR POLICE VEHICLES

Commissioner Whitman made a motion to approve Resolution Approving Terms of Financing with BB & T for (2) two Police Vehicles at the rate of 3.83% in the amount of \$40,000.00 and was seconded by Commissioner Gurkin. The Board voted 5 for and 1 absent (Commissioner Blackmon).

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OTHER BUSINESS

Calvin Dickenson was introduced as he began his duties as the new Parks & Recreation Director.

The Parks and Recreation grant application has been submitted in a timely manner and we are confident in receiving the funding to improve our parks.

Town Manager Alan Thornton pointed out to the Board of Commissioners he disposed of the older vehicles that have been replaced in the Police Department for an amount of \$4,252.00.

The Town Board of Commissioners Annual Retreat was rescheduled for Saturday, February 10th, 2007 in the Harnett County Courthouse at 9:00 P.M.

Mayor Carson thanked the Town for the beautiful plant she received during the loss of her brother. Mayor Carson said it meant so much to see and hear from friends during this time of grief and she wanted to say thank you again to each and everyone who remembered her and her family.

ADJOURNED

Commissioner Gurkin made a motion to adjourn at 7:33 P.M. and was seconded by Commissioner Whitman. The Board voted 5 for and 1 absent (Commissioner Blackmon).

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

Town Clerk, Pamela S. Addison

Mayor Patsy M. Carson