

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

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

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 Ennis gave the invocation.

Those present recited the Pledge of Allegiance.

**AGENDA ADJUSTMENTS**

Commissioner Baker made a motion to add **Consent Item (D)** Advertising Town of Erwin 2007 Delinquent Tax Accounts. Commissioner Ennis seconded the motion. The Board voted unanimously.

**CONSENT ITEMS**

Commissioner Whitman made a motion to approve Item (A). Approval of Minutes for 1/03/08 Board of Commissioners Regular Meeting; (B) Approval of Minutes for 1/12/08 Board of Commissioners Annual Planning Retreat; (C) Tax Releases/Adjustments; (D) Advertising Town of Erwin 2007 Delinquent Tax Accounts. Commissioner Corbett seconded the motion. The Board voted unanimously.

(Pages 7226 A-C)

**PUBLIC PRESENTATION**

Linda Hayes with the NC Governor's Crime Commission addressed the Mayor and Board of Commissioners with greetings from Governor Michael Easley and members of the Governor's Crime Commission. Mrs. Hayes said she was extremely proud of the Town of Erwin Police Department for being part of a partnership with Harnett Area Community Action. Erwin, Dunn, Coats and Lillington Police Departments along with the Harnett County Sheriff's Department have joined forces to make every effort and eliminate the growing gang related issues throughout Harnett County. Mrs. Hayes thanked and congratulated Erwin's Police Chief Chandler, Erwin's Police Officer Jerry Royal, Dunn's Officer Rodney Rowland and Lillington's Officer Kenneth Freeman as she presented them with a very prestigious award for their outstanding achievement and service to The Harnett Area Community Action Group. This award is one of six awards given every three years by the Governors Crime Commission.

**MINUTES OF FEBRUARY 7, 2008 CONTINUED****NEW BUSINESS****CONSIDERATION OF TOWN OF ERWIN NC STEP DEMONSTRATION SITE APPLICATION**

The North Carolina Rural Center created NC STEP (North Carolina Small Towns Economic Prosperity) Demonstration Program. The goals of the Small Towns initiative are to: (1) support small town revitalization as a critical element of North Carolina's public policy agenda; (2) prepare small town leaders to more effectively plan and implement local economic initiatives; (3) promote a climate within small towns that encourages citizens involvement, open dialogue and innovation; (4) stimulate job-creating investments in small towns by both local and external sources; and (5) encourage small towns to think beyond their town limits and actively build connections with regional economic initiatives and a wide range of economic partners. Town of Erwin is seeking to apply to be selected as one of the NC STEP demonstration sites. Only 10 applicants will be accepted into the program. Eligible applicants are municipalities with fewer than 10,000 people and defined as Tier 1 by the N.C. Department of Commerce. The applications are due by February 15<sup>th</sup>. We are requesting letters of recommendations from Erwin Area Chamber of Commerce, The Lions Club and Dunn Erwin Rotary Club to send along with the application. The awards will be announced in April 2008.

Commissioner Baker made a motion to approve the application for the NC STEP Demonstration Program and was seconded by Commissioner Ennis. The Board voted unanimously.

(Pages 7227 A-G)

**CONSIDERATION OF AGREEMENT W/NCDOT TO PLACE "WELCOME TO ERWIN" SIGNS**

Commissioner Baker made a motion to accept the proposal from NCDOT to manufacture and install seven "Welcome to Erwin" signs at all of the Town's major entrances in the amount of \$10,000 and was seconded by Commissioner Ennis. The Board voted unanimously.

NCDOT agreed to reimburse the Town any difference if cost is less than \$10,000.

(Pages 7227-H-L)

**CONSIDERATION OF MEMORANDUM OF AGREEMENT W/NCDOT FOR DEBRIS REMOVAL**

Commissioner Baker made a motion to accept the 2008 Annual Agreement with NCDOT for the purpose of emergency removal of debris during a State of Disaster or Imminent Threat of Disaster and /or a State of Emergency declared pursuant to Chapters 14 and 166A of the North Carolina General Statutes. Commissioner Whitman seconded the motion. The Board voted unanimously.

(Pages 7227 M-P)

**MINUTES OF FEBRUARY 7, 2008 CONTINUED****CONSIDERATION OF APPOINTMENT OF NEW MEMBER TO THE PLANNING & ZONING BOARD**

Commissioner Baker made a motion to appoint Patrick Shackelford, 98 Waters Edge Drive, Erwin to the vacant Erwin Planning Board seat as an Out of Town Member for a period of three (3) years and appoint Dale Ryals, 201 Country Springs Lane, Erwin as an Out of Town Alternate Member for a period of three (3) years. Commissioner Corbett seconded the motion. The Board voted unanimously.

(Pages 7228 A-B)

**DISCUSSION OF POTENTIAL LIQUOR BY THE DRINK REFERENDUM IN ERWIN**

After short discussion Commissioner Porter made a motion to adopt a Resolution for Potential Liquor by the Drink Referendum in Erwin and have the Board of Elections place this referendum on the May 2008 primary ballot and allow Erwin residents an opportunity to vote on this issue. Commissioner Whitman seconded the motion. The Board voted 5 for and 1 against (West).

(Page 7228-C)

**OTHER BUSINESS**

Erwin Police Chief Chandler has applied for a grant with the Governor's Crime Commission to place mobile data terminals in police cars as discussed by the Board of Commissioners at the Annual Retreat.

A project schedule for the improvements to the Erwin Municipal Park was given to Board Members. The project will soon be ready to accept bids and seek contractors to begin construction.

The River Park is 75% to 85% complete and anticipating an opening day in April.

**PUBLIC COMMENT**

Mayor Carson briefly explained the purpose of the comment period and asked that persons who wish speak to be courteous and follow guidelines. The Board is not obligated to give answers to any concerns discussed during the comment period.

Mary Freeman , 701 East H Street, Erwin NC ; came forward and ask the Board to reconsider their actions made concerning her business of operating an In Home Child Care Home at 701 East H. Street. Mrs. Freeman said she has operated a Day Care for several years and was her way of paying bills. Mrs. Freeman said she came to the Town before she purchased the property to find out what she would need to do. Mrs. Freeman said if she had known it would have caused this many problems, she would have never purchased the property at 701 East H Street. Mrs. Freeman said she is now stuck with the property. Mrs. Freeman said she needs a way to continue to pay her bills and she will not give up and will continue to press forward. Mrs. Freeman said she was hoping and praying that she will be able to continue her business as well as providing a Day Care for the parents to leave their children while they are at work.

**MINUTES OF FEBRUARY 7, 2008 CONTINUED**

A **child care home** is licensed to care for five or fewer preschool age children, and an additional three school age children. Licensing as a **center** is required when six or more children are cared for in a residence or when three or more children are in care in a building other than a residence.

Mayor Carson asked if a Special Meeting maybe called to resolve the Day Care Home issue based on information received.

Town Manager Thornton suggested the Board review their Ordinance as to the way it handles Family Child Care **Homes** and Day Care **Centers** in general. Mr. Thornton reminded the Board they have made the decision regarding the request. The Board was advised they should never modify an ordinance to suit a particular case.

Commissioner Porter stated the Church Home had not used the property or building for the past 180 days during the time Mrs. Freeman requested a Conditional Use Permit. Commissioner Porter said The Church Home had already lost their status of being grandfathered concerning the conditional use as a Day Care.

Commissioner Ennis said she also felt it should have been approved since the Planning Board had researched and approved Mrs. Freeman's request but the Board of Commissioners denied the request.

Town Manager said he will continue to gather information from surrounding Towns as to the way they handle Day Care establishments and other similar uses so the Board may revisit the ordinance and consider making changes.

Town Attorney Hunter said the issue was ruled upon but the Board may want to reconsider at some time without going back though the entire process. You may want to take in consideration of the things Commissioner Porter stated earlier. Attorney Hunter asked does it meet the criteria of the Ordinance for a Conditional Use. Attorney Hunter said he did not see a need to change the Ordinance.

Commissioner Porter said it is his understanding that the Church is using the building as an educational unit and therefore would not interfere with home day care. Commissioner Porter was persistent and continued to request that the Board reconsider their actions and grant Mrs. Freeman the Conditional Use request to operate the Day Care Home.

Commissioner West wanted to know how she submitted her application to the Board.

Mrs. Freeman said her request was for a Family Child Care Home; but it can be called a Day Care home.

Attorney Hunter said he will do some legal research before the Board acts as to how they may revisit the issue and make their decision without having to restart the entire process.

Commissioner Whitman said he was one who voted against the conditional use in the beginning; and he has no problem to revisit the issue. Commissioner Whitman stated if it is proved the decision was incorrect and interpreted wrong he was willing to revisit without her going through the entire process again.

**MINUTES OF FEBRUARY 7, 2008 CONTINUED**

It was the consensus of the Board to allow the Town's Attorney to research and bring back to the Board for further action concerning Mrs. Freeman's conditional use to operate a Day Care Home at her residence at 701 East "H" Street in Erwin NC.

Frank Taylor, 405 North 14<sup>th</sup> Street had three different issues to discuss. Mr. Taylor thanked the Board for reconsidering Mrs. Freeman's request. Mr. Taylor said he still does not understand why the Board could change a rule made at a prior meeting for Mr. Johnson by giving him an extension to make improvements to his property before the Town destroys it and not be able to do the same for Mrs. Freeman. Mr. Taylor said he does not expect an answer.

Mr. Taylor stated on behalf of himself as Pastor, The First Baptist Church, Erwin Church of God, Erwin Presbyterian Church, Erwin Church of God of Prophecy, Grace Chapel, Zion Temple, Word Deliverance and a host of other Churches want to respond to the liquor by the drink referendum. Mr. Taylor said none of the above wants the Board to pass this referendum. Mr. Taylor asked the Board how they could ask the citizens of Erwin to consider liquor by the drink, which will bring more trouble to our city, when in December 6, 2007 the Board passed a ruling to charge \$20.00 per hour security officer for the Community Center. Who will secure all these other little liquor by the drink restaurants, juke joints or what ever will be opened up? Who will pay the \$20.00 per hour for security? Mr. Taylor said even the Churches are required to pay the \$20.00 per hour for security. Mr. Taylor said it's just a question and he does not expect an answer.

Mr. Taylor wanted to know if the Board really plans to spend \$127,000 for a Skating Park when the Town has portable johns in one of the town's parks with no running water and located on the main entrance coming into our city.

**REPORTS FROM BOARD OF COMMISSIONERS**

Commissioner West said a house located across from Town Hall on West "F" Street is in very poor condition and bringing down the value of the other homes on "F" Street. A neighbor offered to paint the house free of charge, including buying the paint but; the homeowner refused. Commissioner West asked if the building inspector would investigate and see if anything could be done.

The Mayor and all the Commissioners expressed their condolences to Commissioner West & his Family for the loss of their loved one.

Mayor Carson thanked the Commissioners for coming and showing their support at the 2007 Annual Chamber Banquet.

**ADJOURNMENT**

Commissioner Baker made a motion to adjourn at 8:20 P.M. and was seconded by Commissioner Ennis. The Board voted unanimously.

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

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**Town Clerk, Pamela S. Addison**

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**Mayor Patsy M. Carson**