

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

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

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 Norma Ennis gave the invocation.

Those present recited the Pledge of Allegiance.

Town Manager Alan Thornton said he replaced the updated tax information for advertising delinquent taxes and a copy of budget amendments for the Board's consideration under consent items.

Commissioner Ennis made a motion to accept the Agenda Adjustments and was seconded by Commissioner Whitman. The Board voted 6 for and 0 against.

CONSENT ITEMS

Commissioner Gurkin made a motion to approve Item (A) Approval of Minutes for 2/01/2007 Board of Commissioners Regular Meeting, Item (B). Proclamation Declaring March 5-11 as Multiple Sclerosis Awareness Week (C) Resolution in Support of Campbell University and Norman Adrian Wiggins School of Law (D) Advertisement of Delinquent Taxes, (E) Budget Amendments. Commissioner Blackmon seconded the motion. The Board voted 6 for and 0 against.

(Pages 7159 A-N)

PUBLIC HEARINGS

TOWN OF ERWIN ZONING AMENDMENT APPLICATION # Z07-01

Commissioner Blackmon made a motion to go into a Public Hearing at 7:02 P.M. for the Town of Erwin Zoning Amendment Application # Z07-01 and was seconded by Commissioner Gurkin. The Board voted 6 for and 0 against.

The Zoning Amendment Request # Z07-01 is a legislative proceeding for a Zoning Amendment to the Town of Erwin's Official Zoning map filed by Mr. William Warren/Warren Realty, LLC. Mr. Warren submitted an application requesting to rezone 2.12 acres

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on Red Hill Church Road to B2 (Highway Business) from its current classification of M1/R10 (Industrial/Residential). The property is identified as Harnett County PIN # 1507-15-5219.000.

The Town's staff has issued all necessary notices and postings in preparation for this Public Hearing. The Planning Board made a favorable recommendation at their February 19th meeting.

Mayor Carson requested that anyone wanting to speak in favor of Town of Erwin Zoning Amendment Application #Z07-01 on Red Hill Church Rd to take the oath, state their name and address for the record prior to beginning presentation of statement.

No-one came forward.

Mayor Carson requested that anyone wanting to speak against the Town of Erwin Zoning Amendment Application #Z07-01 on Red Hill Church Rd to take the oath, state their name and address for the record prior to beginning presentation of statement.

No-one came forward.

Commissioner Ennis made a motion at 7:08 P.M. to close the Public Hearing for the Town of Erwin Zoning Amendment Application #Z07-01 on Red Hill Church Rd and was seconded by Commissioner Whitman. The Board voted 6 for and 0 against.

TOWN OF ERWIN CONDITIONAL USE PERMIT APPLICATION # CU06-05

Commissioner Blackmon made a motion to go into a Public Hearing at 7:09 P.M. for Town of Erwin Conditional Use Permit Application # CU06-05 and was seconded by Commissioner Ennis. The Board voted 6 for and 0 against

Applicant George LeFebvre , 800 Bramblegate Rd, Hope Mills, NC submitted Conditional Use Permit Application # CU06-05 for the placement of a Class A manufactured home on property zoned as RD (Rural District) and identified as Lot 22, Spencer Lee Lane in Riverland Estates and as Harnett County PIN # 0587-89-1663.000.

Mayor Carson requested that anyone wanting to speak in favor of Town of Erwin Conditional Use Permit Application # CU 06-05 for the placement of a Class A manufactured home in Riverland Estates to take the oath, state their name and address for the record prior to beginning presentation of statement.

Rilla Godwin, 4185 Old Stage Rd, Erwin NC took the oath. Mrs. Godwin said her late husband and a co-owner started Phase I of Riverland Estates several years ago with eight homes established and this is the starting of Phase II.

Mayor Carson requested that anyone wanting to speak against Town of Erwin Conditional Use Permit Application # CU 06-05 for the placement of a Class A manufactured home in Riverland Estates to take the oath, state their name and address for the record prior to beginning presentation of statement.

No-one came forward.

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Commissioner Ennis made a motion at 7:11 P.M. to close the Public Hearing for Town of Erwin Conditional Use Permit Application # CU06-05 at Riverland Estates and was seconded by Commissioner Gurkin. The Board voted 6 for and 0 against.

TOWN OF ERWIN CONDITIOANL USE PERMIT APPLICATION # CU07-01

Commissioner Gurkin made a motion to go into a Public Hearing at 7:12 P.M. for Town of Erwin Conditional Use Permit Application # CU07-01 for property located on Maynard Lake Road and was seconded by Commissioner Blackmon. The Board voted 6 for and 0 against.

Mr. William D. Hawley submitted Conditional Use Permit Application # CU07-01 to establish a Daycare Center on property located 0.1 mile South on Maynard Lake Rd with the front intersection being NC 55 and identified as Harnett County PIN # 1508-02-0557. The property is zoned RD (Rural District).

The Planning Board held a Public Hearing on February 19, 2007 and made a favorable recommendation to the Board of Commissioners.

Mayor Carson requested that anyone wanting to speak in favor of Town of Erwin Conditional Use Permit Application # CU 07-01 for the establishment of a Daycare Center in an RD (Rural District) Zoned area to come forward, take the oath, state their name and address for the record prior to beginning presentation of statement.

William D Hawley, 199 Fabrication Lane, Angier NC came forward and took the oath. Mr. Hawley stated he purchased the property a year or so ago, piece by piece. He now owns a total of 12.50 acres which will encircle the future daycare site. Mr. Hawley said he has gained a lot of experience on how to design a daycare. Mr. Hawley owns two daycares in Angier named Busy Bees. The proposed daycare in Erwin will be called Busy Bee. Mr. Hawley said he has been cleaning up the site for about six months. Mr. Hawley presented pictures of the site before and after he cleaned up the area. A picture of the Angier daycare was provided for the Board's review. Mr. Hawley said he is paying for the sewer lines to the property and has received approval from the State and County. After the sewer system is complete he will turn over the water and sewer lines to the County. Mr. Hawley provided the Board with architectural plans of a second daycare being built in Angier. Mr. Hawley said the Erwin daycare will be very similar. Mr. Hawley said he sees the need for a five star daycare to be located in Erwin. One of Mr. Hawley's unique ideas is to have one-way mirrors in the hallways so the staff and parents may monitor how the kids and teachers are doing without being seen.

Mrs. Anna Beasley, Angier NC came forward and took the oath. Mrs. Beasley said she operates a five star and a four star daycare in Angier. The star system is based on education of your staff, and quality of care given to the kids. The five star centers are the highest rating a daycare is given. Mrs. Beasley said she is licensed for 115 kids and 120 on the waiting list. Mrs. Hawley said the 2000 census showed 15,000 children were in Harnett County and the number continues to grow. A lot of the children in the Angier Daycare Centers are from the Erwin and Dunn area. The Erwin Daycare will staff 25 to 28 employees.

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Sharon Annette Pope, 915 Maynard Lake Road, Erwin came forward and took the oath. Ms. Pope said she lives beside the site of the proposed daycare center. Ms. Pope she was in favor of the daycare. Ms. Pope said she has lived next to a drug house for the past four years. Ms. Pope expressed her thankfulness for what Mr. Hawley has done to clean up her neighborhood.

Michelle Godwin, 2730 Carson Gregory Rd, Angier came forward and took the oath. Ms. Godwin said she works with Streamline Surveying and assisted Mr. Hawley on the daycare site plans for Angier. Ms. Godwin said Mr. Hawley does a very fine job and is very proud of what he does. Ms. Godwin said she would be glad to answer any question in regards to the site plans. The property is located close to the intersection of Hwy 55 and Maynard Lake Rd.. A stop sign at the intersection will stop traffic and therefore the daycare traffic will not be exiting out of the parking lot into speeding traffic.

Mayor Carson requested that anyone wanting to speak against Town of Erwin Conditional Use Permit Application # CU 07-01 for the establishment of a Daycare Center in an RD (Rural District) Zoned area 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 Gurkin made a motion at 7:25 P.M. to close the Public Hearing for Town of Erwin Conditional Use Permit Application # CU 07-01 for the establishment of a Daycare Center in an RD (Rural District) Zoned area and was seconded by Commissioner Ennis. The Board voted 6 for and 0 against.

Commissioner Ennis made a motion to go back into regular session at 7:25 P.M. and was seconded by Commissioner Whitman. The Board voted 6 for and 0 against.

NEW BUSINESS

**CONSIDERATION OF TOWN OF ERWIN ZONING AMEDEMMENT
APPLICATION # Z07-01**

Commissioner Blackmon made a motion to accept the Planning Board's recommendation and approve Zoning Amendment Application # Z07-01 filed by William Warren/ Warren Realty to rezone 2.12 acre parcel of land on Red Hill Church Rd. to B-2 from M1/R10. Commissioner Gurkin seconded the motion. The Board voted 6 for and 0 against.

**CONSIDERATION OF TOWN OF ERWIN CONDITIONAL USE PERMIT
APPLICATION # CU06-05**

Commissioner Baker made a motion to approve Conditional Use Permit Application CU # 06-05 for the placement of a Class A manufactured home on property zoned as RD (Rural District) and identified as Lot 22, Spencer Lee Lane in Riverland Estates and Harnett County PIN # 0587-89-1663.000. Commissioner Gurkin seconded the motion. The Board voted 6 for and 0 against.

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**CONSIDERATION OF TOWN OF ERWIN CONDITIONAL USE PERMIT
APPLICATION # CU07-01**

Commissioner Baker made a motion approve Conditional Use Permit Application CU07-01 to establish a Daycare Center on property zoned RD (Rural District) and located 0.1 mile South on Maynard Lake Rd from the intersection of NC 55, identified as Harnett County PIN # 1508-02-0557 with conditions of buffer strips (screen fencing or natural vegetation) that surround the Daycare Center in order to separate commercial from residential. Commissioner Ennis seconded the motion. The Board voted 6 for and 0 against.

**CONSIDERATION OF FINAL PLAT FOR “EDDIE GEORGE ELLIOTT HEIRS”
MAJOR SUBDIVISION**

A final plat was presented for the “Eddie George Elliott Heirs” Major Subdivision located on .074 acre on North 15th Street. The “Eddie George Elliott Heirs” plat is classified as a major subdivision due to the addition of 20 feet of easement. The Town’s regulations require a fifty (50) foot access and there currently exists a thirty foot access easement. The Planning Board made a favorable recommendation to the Board of Commissioners for approval.

Commissioner Baker pointed out the Planning Board Chairperson’s signature was missing. Town Manager Thornton said he would make sure Chairperson Jennifer Johnson signs the plat.

Commissioner Whitman made a motion to approve the final plat for “Eddie George Elliott Heirs” Major Subdivision and was seconded by Commissioner Gurkin. The Board voted 6 for and 0 against.

**CONSIDERATION OF FINAL PLAT FOR “OLDE FERRY CROSSING”
MAJOR SUBDIVISION**

Town Manager/Zoning Administrator Alan Thornton provided the Board with a brief update concerning the “Olde Ferry Crossing Subdivision located in Erwin’s ETJ off of Salt Market Road along the Cape Fear River. Mr. Thornton said all the insufficiencies are resolved. Mr. Thornton has all the necessary permits with approvals, fees, and letters from the Town’s Engineer certifying the final inspection of the Subdivision is complete and met approval. Mr. Thornton said he and the Planning Board recommend a favorable recommendation.

Commissioner Blackmon made a motion to approve the “Olde Ferry Crossing Subdivision” located in Erwin’s ETJ off of Salt Market Road along the Cape Fear River and was seconded by Commissioner Ennis. The Board voted 6 for and 0 against.

The developer requested the security guarantee be returned upon approval of the Subdivision. Official Check # 107244 in the amount of Forty Three Thousand Six Hundred Seven Dollars and Eighty Cents (\$43,667.80) dated 02/10/2003 and Official Check # 107247 in the amount of Five Thousand Nine Hundred Fifty Four Dollars and Seventy Cents (\$5,954.70) dated 2/10/2003 was held at Erwin Town Hall as a security deposit of the “Olde Ferry Crossing Subdivision”. The security deposit may be held for one full year after the Board approves the subdivision.

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Commissioner Blackmon made a motion to return the security deposit checks as requested by the developer and was seconded by Commissioner Gurkin. The Board voted 6 for and 0 against.

**CONSIDERATION OF APPLICATION FOR REPLACEMENT OF EXISTING
NONCONFORMING MANUFACTURED HOME**

Applicant Carolyn Collins, 794 Maynard Lake Rd, Erwin requests to replace an aging single-wide mobile home with a newer model single-wide mobile home in an RD (Rural District) . Mrs. Collins owns three lots which she uses as one big lot with the mobile home parked in the center. Mrs. Collins said she is sixty-eight years of age, retired, and living alone. The single-wide would meet her living and financial needs.

Town Manager Alan Thornton said Mrs. Collins has met the criteria of the exception to the rule of Nonconforming Uses to replace an existing manufactured home according to §4051.7 Repair and alteration of nonconforming uses.

Town Manager Alan Thornton sought advice from the Board of Commissioners and the Town's Attorney relating to the three lots being used as one lot. Mr. Thornton said he researched the Town's Ordinance, but did not find any directions regarding the three lots being used as one.

Town's Attorney Mac Hunter said it may be a technical problem and may be some cost involved to recombine the lots. Attorney Hunter said Mrs. Collins is not doing anything new, but replacing something that is already there and continuing with the same non-conforming use as before. Technically it would be better to have it recombined. Attorney Hunter said it would depend on how she was able to place the mobile home on the lot in the beginning. But if the Board made it a requirement, Mrs. Collins would be required to recombine the lots before she replaces the old mobile home.

Commissioner Porter made a motion to approve Consideration of Application for Replacement of Existing Nonconforming Manufactured Home. Commissioner Blackmon adds to the motion that Mrs. Collins must file with Harnett County a recombination of the three lots before permits can be issued to replace the existing nonconforming manufactured home. Commissioner Baker seconds both motions. The Board voted 6 for and 0 against.

OTHER BUSINESS

Brian Lagana was introduced as he began his duties on February 19th as the new Code Enforcement Officer.

The Board was invited to visit the recently renovated Community Center and Staff's Center. The lounge area will now serve as meeting room for Town's Staff and Chamber meetings.

Mayor Carson read a Thank-You from the family of Darrell Bledsoe for flowers they received from the Town during their loss.

ADJOURNED

Commissioner Baker made a motion to adjourn at 9:00 P.M. and was seconded by Commissioner Ennis. The Board voted 6 for and 0 against.

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

Town Clerk, Pamela S. Addison

Mayor Patsy M. Carson