

**ERWIN CITY COUNCIL MEETING MINUTES
OCTOBER 5, 2006
REGULAR MEETING
ERWIN, NORTH CAROLINA**

The Board of Commissioners for the Town of Erwin with Mayor Patsy M. Carson presiding, held its regular meeting in the Town Hall on Thursday, October 5, 2006 at 7:00 P. M. in Erwin, North Carolina.

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

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 Porter gave the invocation.

Those present recited the Pledge of Allegiance.

AGENDA ADJUSTMENTS

Town Manager Alan Thornton requested the Board consider removing Item 5 (B) and Item 6 (B). Mr. Thornton said there was no need for the board to take any action. The property located at the corner of 1st Street and Denim Dr is already a preexisting non-conforming lot and the permitted use requested by the applicant may be utilized without any further action by the Board.

Town Manager Alan Thornton requested the Board add the following item: **Town of Erwin Resolution Authorizing the Sale of Surplus Equipment via Private Sale Method.**

Commissioner Blackmon made a motion to remove **Item 5 (B)** Town of Erwin Zoning Amendment Application # Z06-02 and **Item 6 (B)** Consideration of Town of Erwin Zoning Amendment Application # Z06-02 and move all other items forward and add a New **Item 6 (H)** The Town of Erwin Resolution Authorizing the Sale of Surplus Equipment via Private Sale Method. Commissioner Gurkin seconded the motion. The Board voted 6 for and 0 against.

CONSENT ITEMS

Commissioner Blackmon made a motion to approve Item (A) Approval of Minutes for 9/07/2006 Board of Commissioners Regular Meeting, Item (B) Approval of Minutes for 9/18/06 Board of Commissioners Special Work Session, and Item (C) FY 06-07 Budget Amendment in the amount of \$100,389.56 for Paving Street. (D) Tax Releases / Adjustment. Commissioner Whitman seconded the motion. The Board voted 6 for and 0 against.

MINUTES OF OCTOBER 5, 2006 CONTINUED**PROCLAMATIONS OF REGOGNITION**

Commissioner Whitman made a motion to approve The Proclamation of Recognition in honor of James Conyers and Brenda McDonald Page for saving the life of Mrs. Jean McDonald and was seconded by Commissioner Blackmon. The Board voted 6 for and 0 against.

Mayor Patsy Carson read the Proclamation and presented a plaque to James Conyers and Brenda McDonald Page for their heroism, and thanked them for being outstanding citizens. Brenda McDonald Page was unable to attend. Mrs. Jean McDonald received the plaque for Mrs. Page.

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PUBLIC HEARING**TOWN OF ERWIN CONDITIONAL USE PERMIT REQUEST # CU06-02**

Commissioner Blackmon made a motion at 7:10 P.M. to go into a Public Hearing for Town of Erwin Conditional Use Permit Request # CU06-02 and was seconded by Commissioner Baker. The Board voted 6 for and 0 against.

Town Manager Alan Thornton said the Conditional Use Permit Application # CU 06-02 was tabled at the September meeting for lack of quorum. The property is located at 700 North 13th Street and identified as Harnett County PIN # 0597-67-4157.000. The Applicant Fowlco Inc is seeking a Conditional Use Permit as specified in § 9-4030.3 of the Town of Erwin Zoning Ordinance for an Automotive Oriented Business Use as defined by the Town of Erwin Zoning Ordinance. The applicant wishes to operate a Truck and Auto Accessory Retail store to include Armor Thane Sprayed Truck Bed Liners.

The Planning Board made a favorable recommendation to the Board of Commissioners. The Town Staff posted the property and all notices were mailed to adjacent property owners. A Notice of the Public Hearing was posted in the local newspaper.

Mayor Carson requested that anyone in favor of the Conditional Use Permit Application # CU 06-02 to take the oath and then state name and address for the record prior to beginning presentation of statement.

William Leon Fowler II, 108 Rocky Run Lane, Lillington NC came forward and took the oath. Mr. Fowler spoke in favor of the Conditional Use Permit application # CU 06-02. Mr. Fowler known as FOWLCO, Inc, said he has leased the property at 700 North 13th Street in Erwin for a period of (3) three years. Mr. Fowler intends to operate a Truck and Auto Accessory Retail Store to include ArmorThane® sprayed truck bed liners. Mr. Fowler said he choose the Erwin area because he had lived here all his life and wanted to offer a service that is not available in Erwin and surrounding areas. The services provided will be to spray bed liners and install in the back of a pick up truck or trailers. The chemicals are environmentally friendly and pose no fire hazard. The building is approximately 7400 sq ft. and will have a section for retail space to sell bed liners, toolboxes, vent liners for windows and other auto accessories. The building will be completely remodeled inside and out. Mr. Fowler said the old train depot may be

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removed and relocated to another site. If approved the target date for opening is in November 2006.

Mr. Fowler said he is working with the Fire Marshalls Office in order to design a ventilation system that will be adequate for the work area. Mr. Fowler said the last bay will be closed off and used for storage, but will have two emergency exits. Mr. Fowler said he may consider undercoating vehicles and spraying other items as requested. Mr. Fowler said he sees no problems associated with traffic. The business will begin with (3) three full time employees and (5) part- time employees. Mr. Fowler said no vehicles will be stored outside the building. Mr. Fowler said the business will not be doing auto repairs or tire installation. Mr. Fowler said the spray material was self contained and could not spill over. The system would be shut off if a leak should occur and immediate clean up of the chemicals by simply sweeping up once dried. Mr. Fowler said the drainage will be addressed by grading the parking lot to help the water flow more freely into the ditch.

No-one came forward against.

Commissioner Ennis made a motion to close the Public Hearing for # CU06-02 at 7:20 P.M. and was seconded by Commissioner Whitman. The Board voted 6 for and 0 against.

TOWN OF ERWIN ZONING AMENDMENT APPLICATION #Z06-03

Commissioner Baker made a motion to open the Public Hearing for #Z06-03 at 7:21 P.M. and was seconded by Commissioner Gurkin. The Board voted 6 for and 0 against.

The applicant Beverly Gurkin is seeking to rezone 9.25 acres of property from its current classification of R-10 to M1 CU. The property is owned by Mastin Baker Investments LLC. The property is located at 305 A Mason Drive and identified as Harnett County Parcel # 06-0596-0371. The Applicant is requesting a Zoning Amendment for a Conditional Use Zoning. Conditional Use Zoning requests require an evidentiary proceeding. The Board will act in a quasi-judicial capacity. Persons who speak must come to the podium regarding the conditional use rezoning and take the oath stating the information they are providing is factual in nature.

All adjacent property owners were notified, the 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 wishing to speak in favor of Zoning Amendment Request # Z06-03 to take the Oath and state name and address for the record prior to beginning presentation of statement.

Beverly Gurkin, 121 Erwin Ave, Erwin NC took the oath. Ms. Gurkin said she was one partner of Mastin Baker Investments along with Ricky Day and Charlotte Day. Mastin Baker owns the nine (9) acre tract to be rezoned. Ms. Gurkin said they also own the majority of the property surrounding the area to be rezoned including seven rental houses. Ms. Gurkin said her family does government contracting. The business will consist of a small manufacturing business for all branches of the military. The manufacturing will be small items for the military, basically a cut, sew and assembly operation. Some of the items include vests, ammo pouches and other small items used in the military. We will employ 8-10 employees. The traffic

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will be at a minimum. There is a dedicated road (Front St) that comes in from the opposite direction if needed for ingress or egress of traffic. Ms. Gurkin said the business does not want to be a hindrance or nuisance to the neighborhood. Ms. Gurkin said they have quite a bit of rental property on Mason Drive and they try to be good to their tenants.

No-one came forward against.

Commissioner Blackmon made a motion to close the Public Hearing for #Z06-03 at 7:30 P.M. and was seconded by Commissioner Whitman. The Board voted 6 for and 0 against.

TOWN OF ERWIN CONDITIONAL USE PERMIT APPLICATION # CU06-03

Commissioner Blackmon made a motion to open the Public Hearing for # CU06-03 at 7:31 P.M. and was seconded by Commissioner Gurkin. The Board voted 6 for and 0 against.

The Board will consider Conditional Use Permit Application # CU 06-03 for property located at 100 East Denim Drive and identified as Harnett County PIN #0597-64-7143.000. The Applicant Doug West is seeking a Conditional Use Permit as specified in § 9-4030.3 of the Town of Erwin Zoning Ordinance for an Automotive Oriented Business Use as defined by the Town of Erwin Zoning Ordinance. The property is owned by Brent Adams.

All adjacent property owners were notified, the 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 wishing to speak in favor of Conditional Use Permit Application # CU 06-03 take the oath and then state name and address for the record prior to beginning presentation of statement.

Doug West, 138 Bailey Rd, Coats, NC. Mr. West took the oath. Mr. West said he leases the property at 100 East Denim Dr. from Mr. Brent Adams. Mr. West's son plans to run the operation. The business will primary be a NC inspection station, quick lube and minor auto repairs. Vehicles will be in and out. The auto sales will be limited to three (3) vehicles because of the lot size. Mr. West said he will oversee and make sure the lot is well maintained and not become an eyesore. The hours of operation will be Monday thru Saturday 8:00 -5:00.

Commissioner Baker asked if Mr. West would be able to use the adjacent parking lot for parking of the vehicles to be serviced.

Mr. West was unable to give an answer, but he would ask for permission to use the parking area if needed.

No-one came forward against.

Commissioner Gurkin made a motion at 7:37 P. M. to close the Public Hearing for Conditional Use request #CU06-03 and was seconded by Commissioner Blackmon . The Board voted 6 for and 0 against.

MINUTES OF OCTOBER 5, 2006 CONTINUED**TOWN OF ERWIN CONDITIONAL USE PERMIT APPLICATION # CU06-04**

Commissioner Blackmon made a motion to open the Public Hearing for # CU06-04 at 7:38 and was seconded by Commissioner Baker. The Board voted 6 for and 0 against.

The Board of Commissioners will consider Conditional Use Permit Application # CU 06-04 for property located at Wood Valley Drive (Weatherstone Subdivision County PIN #05286-89-0493.000. The Applicant Oakwood Homes is seeking a Conditional Use Permit to place a manufactured home in an area zoned RD. A manufactured home is defined as a conditional use in RD zoned areas meeting specific requirements. It is the job of the Board to determine if the requirements of the Ordinance are met in this specific Permit request. The property is owned by John H. Wellons & Charles R. Wellons.

All adjacent property owners were notified, the 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 wishing to speak in favor of Conditional Use Permit Application # CU 06-04 take the oath and then state name and address for the record prior to beginning presentation of statement.

Rick Garloff, 7721 Trudy Lane, Garner NC. Mr. Garloff took the oath. Mr. Garloff is an employee of Oakwood Homes. Mr. Garloff said he was placing a new 2006 manufactured home on lot 6 on Woodvalley Dr in the Weatherstone Subdivision. Weatherstone Subdivision was designed for the Class A Manufactured Homes. All requirements will be met in setting up the home.

No-one came forward against.

Commissioner Blackmon made a motion to close the Public Hearing at 7:40 P. M. and was seconded by Commissioner Gurkin. The Board voted 6 for and 0 against.

NEW BUSINESS**CONDITIONAL USE PERMIT APPLICATION #CU 06-02**

Conditional Use Permit Application # CU 06-02 for property located at 700 North 13th Street and identified as Harnett County PIN # 0597-67-4157.000. The Applicant is seeking a Conditional Use Permit as specified in § 9-4030.3 of the Town of Erwin Zoning Ordinance for an Automotive Oriented Business Use as defined by the Town of Erwin Zoning Ordinance.

Commissioner Baker made a motion to approve the Conditional Use Permit Application #CU 06-02 for Fowlco Inc located at 700 North 13th Street to operate a Truck and Auto Accessory Retail store to include Armor Thane Sprayed Truck Bed Liners and was seconded by Commissioner Gurkin. The Board voted 6 for and 0 against.

MINUTES OF OCTOBER 5, 2006 CONTINUED**TOWN OF ERWIN ZONING AMENDMENT REQUEST # Z06-03**

Zoning Amendment Request # Z06-03 for the Conditional Use Zoning of property located at 305A Mason Drive and identified as Harnett County Parcel # 06-0596-0371. The applicant, Beverly Gurkin is seeking to rezone a 9.25 acre parcel of property from its current classification of R-10 to M1 C/U. This property is owned by Mastin Baker Investments LLC , P O Box 181, Erwin NC .

Commissioner Baker made a motion to approve the Zoning Amendment Request # Z06-03 with Conditional Use Zoning of the property for Mastin Baker Investment LLC located at 305 A Mason Drive to rezone a 9.25 acre parcel of property from R-10 to MI C/U for the purpose of manufacturing and assembling and using the existing building on site. The motion was seconded by Commissioner Whitman. The Board voted 6 for and 0 against.

TOWN OF ERWIN CONDITIONAL USE PERMIT REQUEST # CU06-03

Conditional Use Permit Application # CU 06-03 for property located at 100 East Denim Drive and identified as Harnett County PIN #0597-64-7143.000. The Applicant Doug West is seeking a Conditional Use Permit as specified in § 9-4030.3 of the Town of Erwin Zoning Ordinance for an Automotive Oriented Business Use as defined by the Town of Erwin Zoning Ordinance. The property is owned by Brent Adams.

Commissioner Porter made a motion to approve the Conditional Use Permit Application #CU 06-03 for Doug West to operate a Quick Lube, NC Inspections Station and perform minor auto repairs at 100 East Denim Drive with no more than (3) three cars be on the lot for sale at any one time and cars being repaired will be on the lot no more than 5 days and no outside storage. The motion was seconded by Commissioner Whitman. The Board voted 6 for and 0 against.

TOWN OF ERWIN CONDITIONAL USE PERMIT REQUEST # CU06-04

Conditional Use Permit Application # CU 06-04 for property located at Wood Valley Drive (Weatherstone Subdivision) County PIN #05286-89-0493.000. The Applicant, Oakwood Homes, is seeking a Conditional Use Permit to place a manufactured home in an area zoned RD. A manufactured home is defined as a conditional use in RD zoned areas meeting specific requirements. It is the job of the Board to determine if the requirements of the Ordinance are met in this specific Permit request. The property is owned by John H. Wellons & Charles R. Wellons.

Commissioner Blackmon made a motion to approve Town of Erwin Conditional Use Permit Application # CU 06-04 to place a new 2006 Class A Manufactured Home on Lot 6 Wood Valley Drive in the Weatherstone Subdivision and was seconded by Commissioner Baker. The Board voted 6 for and 0 against.

CONSIDERATION OF RESOLUTION APPROVING FINANCING TERMS

Commissioner Baker made a motion to approve the Resolution Approving Financing Terms and award the low bid to BB & T Bank for a rate of 3.99 % in the amount of \$125, 0000 for a

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three year lease purchase to purchase a new Vacuum Leaf Machine Truck. Commissioner Gurkin seconded the motion. The Board voted 6 for and 0 against.

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CONSIDERATION OF BUDGET AMENDMENT FOR LEAF VACUUM LEASE PURCHASE

Commissioner Blackmon made a motion to approve the Budget Ordinance Amendment 03-2007 for Leaf Vacuum Lease Purchase in the amount of \$125,000 and was seconded by Commissioner Gurkin. The Board voted 6 for and 0 against.

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CONSIDERATION OF PUBLIC USE OF FACILITIES POLICIES

Commissioner Blackmon made a motion to adopt the Gymnasium Policy and was seconded by Commissioner Gurkin. The Board voted 6 for and 0 against.

The Board suggested some type of cover be purchased to protect the gym floor from wear and tear for certain occasions. It was mentioned that everyone does not wear tennis shoes and should not be limited.

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The Board recommended Town Manager Alan Thornton and GiGi Hughes bring back recommendations for the Boards Consideration to update and improve the Community Center Facilities Policies at the Board's November meeting.

TOWN OF ERWIN RESOLUTION AUTHORIZING THE SALE OF SURPLUS EQUIPMENT VIA PRIVATE SALE METHOD

Commissioner Baker made a motion to approve the Town of Erwin Resolution Authorizing the Sale of Surplus Equipment 1987 model Roediger Two Meter Sludge Press Via Private Sale Method and was seconded by Commissioner Whitman. The Board voted 6 for and 0 against.

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OTHER BUSINESS

The Board scheduled a Pay Plan Study Work session to be held on November 2, 2006 at 5:30 P. M.

The Board scheduled a Workshop on November 1, 2006 at 6:00 P. M. to discuss the Consideration of Offer for Sale and Exchange of Swift assets with the County of Harnett.

Commissioner Porter requested the staff to begin numbering the agenda pages.

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Commissioner Whitman suggested the Parks and Recreation Department provide quotes to purchase a gator to help with the upkeep of the grounds.

Town Manager Alan Thornton said the cost for a gator is around \$6,700 and the Board will need to adopt a budget amendment at the next meeting to purchase the equipment.

Commissioner Whitman requested the Town's Staff research the cost of purchasing new updated scoreboards with timers for the Parks and Recreation Department.

Commissioner Gurkin made a motion to go into a Closed Session in compliance with G.S. 143-318.11(a) (3) at 8:50 P. M. and was seconded by Commissioner Whitman. The Board voted 6 for and 0 against.

EXECUTIVE SESSION

Commissioner Gurkin made a motion to reconvene back to the regular session at 9:00 P.M. and was seconded by Commissioner Whitman. The Board voted 6 for and 0 against.

RECONVENE REGULAR MEETING

Commissioner Gurkin made a motion to allow the Town's Attorney Mac Hunter to settle with Engineer Services for the sum of \$170,000. 00 to end dispute between the two parties and was seconded by Commissioner Blackmon. The Board voted 6 for and 0 against

ADJOURNED

Commissioner Blackmon made a motion to adjourn at 9:05 P.M. and was seconded by Commissioner Whitman . The Board voted 6 for 0 against.

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

Town Clerk, Pamela S. Addison

Mayor, Patsy M. Carson