

**ERWIN BOARD OF COMMISSIONERS
MEETING MINUTES
APRIL 7, 2011
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, April 7, 2011 at 7:00 P. M. in Erwin, North Carolina.

Board Members present were: Commissioners Frank Taylor, William Corbett, Randy Baker, Norma Ennis and Michael West.

Board Members absent were: Commissioner Mark Whitman.

Town Manager Bryan Thompson and Town Clerk Cynthia Patterson were present.

Town Attorney Mac Hunter was present.

Mayor Patsy Carson called the meeting to order at 7:00 P. M.

Commissioner Taylor gave the invocation.

Those present recited the Pledge of Allegiance.

AGENDA ADJUSTMENTS/APPROVAL OF AGENDA

Commissioner Baker made a motion to approve the Agenda as is and was seconded by Commissioner Corbett. The Board voted 5 for and 1 absent (Commissioner Whitman).

CONSENT ITEMS

Commissioner Taylor made a motion to approve **(Item A)** Approval of Retreat Minutes on 02/19/2011, **(Item B)** Approval of Regular Minutes on March 3, 2011 **(Item C)** Tax Releases/Refunds #24, and **(Item D)** Adopt Criteria for Developing Plans: Redistricting 2010/Construction of Redistricting Plan and was seconded by Commissioner Corbett. The Board voted 5 for and 1 absent (Commissioner Whitman).

MINUTES OF APRIL 7, 2011 CONTINUED**PUBLIC HEARING**

Commissioner Baker made a motion to open the Public Hearing at 7:04pm and was seconded by Commissioner West. The Board voted 5 for and 1 absent (Commissioner Whitman).

**CONDITIONAL USE PERMIT APPLICATION – PRIVATE RECREATION, FOR
PROFIT AT LOCATION OF 127 RED HILL CHURCH ROAD, ERWIN, NC
TAX PIN# 1507-15-5219.000**

Harnett County Planner Landon Chandler informed the Board that this a Conditional Use application for a private recreation for profit (Batting Cage) at the location of 127 Red Hill Church Road, Erwin, NC. The applicant is Gary Wood and the owner is Irvin Warren. The current acreage is 2.14 acres. The zoning is B-2. The site is currently occupied by an existing block building which currently houses a batting cage. The surrounding land uses consist of mainly Single Family homes as well as some vacant lots. The applicant has not provided a site plan at this time however if the Conditional Use is granted there will be a full commercial review of it. The ordinance calls for 1 space per 200 sq ft. of gross floor space and 1 space for each company vehicle. Staff believes that the surface (Concrete) on the described property may meet the surface requirements of this section. The applicant will be required to install a streetscape buffer pursuant to the entrance corridor regulations as referenced in section 9-4041.29 of the Zoning Ordinance. Water and Sewer will be utilized as well.

Commissioner Baker asked if there was any reason why the site plan was not submitted and was the applicant aware that he needed to submit a site plan.

Mr. Chandler stated that at the time the application was made the applicant is informed that a site plan would need to be submitted and at the Planning Board meeting it was mentioned that a site plan should be submitted.

Mr. Thompson also stated that currently Staff does not have a site plan however an approved Certificate of Occupancy will be held off until the site plan is signed off on.

The applicant was not present for the Public Hearing.

Mayor Carson asked that if anyone was interested to speak in favor for this proposed Conditional Use Application for 127 Red Hill Church Road, Erwin, to please come forward and state your name, address and oath.

No one came forward.

Mayor Carson asked that if anyone was interested to speak against this proposed Conditional Use Application for 127 Red Hill Church Road, Erwin, to please come forward and state your name, address and oath.

No one came forward to speak against

MINUTES OF APRIL 7, 2011 CONTINUED

Commissioner Corbett made a motion to close Public Hearing for a proposed Conditional Use Application for 127 Red Hill Church Road, Erwin, at 7:15pm and was seconded by Commissioner Taylor. The Board voted 5 for and 1 absent (Commissioner Whitman).

Commissioner Baker made a motion to Table this proposed Conditional Use Application for a Private Recreation for Profit (Batting Cage) at the location of 127 Red Hill Church Road, Erwin, NC until the application is submitted and complete and the applicant/owner is present and was seconded by Commissioner Corbett. The Board voted 5 for and 1 absent (Commissioner Whitman).

PUBLIC HEARING

Commissioner Corbett made a motion to open the Public Hearing at 7:15pm and was seconded by Commissioner Taylor. The Board voted 5 for and 1 absent (Commissioner Whitman).

CONDITIONAL USE PERMIT APPLICATION –
AT LOCATION OF 701 EAST H. STREET
TAX PIN# 0597-94-9111.000

Harnett County Planner Landon Chandler informed the Board that this a Conditional Use application for a Daycare. The Applicant/Owner is Mary Freeman. The property location is at 701 East H. Street, Erwin. The acreage is .47 acres and current zoning is R-10. This site is currently occupied by a Single Family Residence. Surrounding land uses consist of Single Family homes as well as some vacant lots and some religious uses. The applicant has not provided a site plan which outlines where they wish to operate a Daycare Center however the existing structure on site is where they wish to operate. The ordinance calls for 1 space for each staff member and employee plus 1 space for each child to satisfy the requirements of this section. The additional parking may be waived if the board wishes to do so. Water/Sewer is both available.

Commissioner Corbett stated that this applicant has not provided a site plan as well.

Mayor Carson asked that if anyone was interested to speak in favor for this proposed Conditional Use Application for 701 East H. Street, to please come forward and state your name, address and oath.

Nicole Denise Smith of 701 East H. Street, Erwin, came forward and stated the oath. Ms. Smith presented a site plan to the Board of Commissioners. The applicant is Ms. Smith's mother and has been in the child care business for over 8 years and has a degree in Early Child Care Education. She previously operated a child care and was voted the Best Family Child Care Home Provider of the Year by Harnett County. Ms. Smith feels like everything is lined up, that there is no other Child Care within 300 ft. of the property. The parking spaces are on the site plan with adequate parking.

MINUTES OF APRIL 7, 2011 CONTINUED

Commissioner Baker asked Ms. Smith does she have the ability to turn a car around instead of backing into the street.

Ms. Smith stated that the parents will not have to back into the street that there is plenty of space for the vehicle to turn around.

Mayor Carson asked how many children will be in the day care facility.

Ms. Smith stated that what was required is up to 8 children however it will be up to the State and Harnett County to approve how many children are allowed in your house.

Commissioner Baker asked what kind of operational hours will be at this daycare.

Ms. Smith stated she thought 6:30am however it will be whatever the parents need them, Monday thru Friday.

Commissioner Baker mentioned that there was approval not too long ago for another site for Ms. Freeman.

Ms. Smith stated that was correct however this was a facility daycare center and they decided not to lease the building.

Commissioner Corbett stated that is the reason why Ms. Freeman does not have a facility at the present time.

Ms. Smith stated that was correct.

Sierra Smith of 701 East H. Street came forward and repeated the oath. Ms. Smith is also the applicant's daughter. Ms. Smith has a degree in Early Child Hood Development. Ms. Smith stated that this would be a good opportunity for Ms. Freeman to have child care as well.

Mayor Carson asked that if anyone was interested to speak against this proposed Conditional Use Application for 701 East H. Street, to please come forward and state your name, address and oath.

Bill Schuh of Masonic Road, Erwin, came forward and repeated the oath. Mr. Schuh stated that this would be a traffic problem for one at which we have 3 daycare centers less than a mile from that location. This is a residential neighborhood and feels that this would be injustice if you take a residential neighborhood and put parking in the front yard and have a daycare there also.

Commissioner Taylor asked Mr. Schuh where he lived from this proposed site.

Mr. Schuh stated that he lived one block from the site. There is a lot of traffic on that road in the morning.

Commissioner Corbett stated according to the Planning Board minutes Mr. Schuh made a motion that there were adequate utilities, access roads, and etc provided and made a motion for this to be approved.

MINUTES OF APRIL 7, 2011 CONTINUED

Mr. Schuh stated that was correct.

Al Myatt of East H. Street, Erwin, came forward and repeated the oath. Mr. Myatt stated that the applicant is a good neighbor, they keep their property up, they don't make a lot of noise and have no complaints in that regard. Mr. Myatt asked the Board that if a group of people that were in opposition with this proposed conditional use permit be allowed to stand. A group of 8 stood in opposition. Mr. Myatt stated that his group has a concern with noise and traffic for this site. Mr. Myatt feels like there is not enough adequate parking for this site due to the fact that when Ms. Freeman and her family have gatherings they have asked Mr. Myatt if they could use his empty lot for parking. When the Methodist Church had their facility they did not have 8 children at one time and it was an after school daycare not an actual day care however there was adequate parking. Mr. Myatt understands that Ms. Freeman is in a situation where she needs to make money for her lively hood however I wish she could do that at another site.

Commissioner Baker asked for Mr. Chandler to approach the stand. Mr. Baker stated that he was looking at the aerial map and it looks like the property line may not be 30 ft and hates to get in an issue of parking on someone else's property. My biggest concern is adequate parking and adequate egress/ingress and prefers no one backs into the street.

Mr. Chandler stated that having not looked at the site plan it may or may not be of scale and as when you get into things like this there are sometimes back and forth in between the applicant and as well as staff, and those things can change, it may be drawn out on the side however it could be flipped to the rear of the property or any other number of things. I can assure you that if there is not adequate parking and that it could not be established then Staff could not approve the Conditional Use permit.

Commissioner Baker made a motion to close Public Hearing for a proposed Conditional Use Application for 701 East H. Street, Erwin, at 7:40pm and was seconded by Commissioner Corbett. The Board voted 5 for and 1 absent (Commissioner Whitman).

Commissioner Baker made a motion to enter the Findings of Facts submitted by Planning Board as Board of Commissioners Findings of Facts and also on the last finding for Conditions to be placed that a turn around area must be designated and provided for traffic entering from the daycare facility and so that these vehicles may be able to turn around and to not be forced to back out of the property and was seconded by Commissioner Ennis. The Board voted 5 for and 1 absent (Commissioner Whitman).

Commissioner Taylor made a motion to accept the Proposed Conditional Use Permit Application at location of 701 East H. Street; Erwin based on the Findings of Facts of the Planning Board and Conditions of a turn around area must be designated and provided and was seconded by Commission West. The Board voted 5 for and 1 absent (Commissioner Whitman).

MINUTES OF APRIL 7, 2011 CONTINUED**PUBLIC HEARING**

Commissioner Taylor made a motion to open Public Hearing for a Text Amendment at 7:50pm and was seconded by Commissioner West. The Board voted 5 for and 1 absent (Commissioner Whitman).

TEXT AMENDEMENT: 9-4041.4 RELATIONSHIP OF BUILDING TO LOT

Harnett County Planner Landon Chandler informed the Board that this is a text amendment and is proposed by Staff. The intent of this language is to amend the current zoning ordinance to specify that there is to be only one primary use/structure located on an individual lot. Staff has encountered only minor issues due to the lack of this restriction, but it is foreseeable that larger issues may arise due to the lack of this language. The following language is proposed.

§ 9-4041.4 Relationship of building to lots.

Every building hereafter erected, moved, or structurally altered shall be located on a lot and in no case shall there be ~~accessory buildings on the lot except in the case of a designed complex of institutional, residential, commercial, or industrial building in an appropriate zoning district, school campus, cluster housing, shopping center, research park, etc.~~ more than one principal building and its customary accessory building on a lot except in the following cases:

1. Multi-family dwellings in appropriate zoning districts.
2. An approved planned unit development or complex of residential or commercial buildings in an appropriate zoning district.
3. Institutional or industrial uses such as a school campus, hospital campus, industrial parks, research parks, etc.

Mayor Carson asked that if anyone was interested to speak in favor for this proposed Text Amendment, to please come forward and state your name, address and oath.

No one came forward.

Mayor Carson asked that if anyone was interested to speak against this proposed Text Amendment, to please come forward and state your name, address and oath.

No one came forward.

Commissioner Corbett made a motion to close Public Hearing for a proposed Text Amendment at 7:55pm and was seconded by Commissioner Baker. The Board voted 5 for and 1 absent (Commissioner Whitman).

Commissioner Baker made a motion to accept the Proposed Text Amendment presented by Staff and was seconded by Commissioner Corbett. The Board voted 5 for and 1 absent (Commissioner Whitman).

MINUTES OF APRIL 7, 2011 CONTINUED**NEW BUSINESS****ESTABLISH FILING FEES FOR ELECTED OFFICES**

Town Manager Bryan Thompson informed the Board that the current fees for Elected Offices are \$5.00 for Commissioners and \$15.00 for Mayor. This is consistent for previous year however since we are coming up with an Election the Board of Elections has asked to reestablish the fees.

Commissioner Corbett made a motion to keep the Filing Fees as is and was seconded by Commissioner West. The Board voted 5 for and 1 absent (Commissioner Whitman).

CALL SPECIAL MEETING OF THE BOARD TO HOLD PUBLIC HEARING FOR THE PROPOSED PLAN FOR REDISTRICTING OF THE TOWN COMMISSIONER WARDS

Town Manager Bryan Thompson informed the Board that in the Consent Items we have put together a plan with time frames to move forward in this process. We also included in the manager reports additional information for census data and what it consist of, The soonest for a Public Hearing which would be a 1st reading would be April 25th after that a second reading could be held as soon as 48 hrs.

Commissioner Taylor informed the Board that he would not be available the week of April 25th.

Commissioner West made a motion to hold a Public Hearing for the 1st Reading of the Proposed Plan for Redistricting of the Town Commissioner Wards on Tuesday, April 26th at 6:30pm and hold the 2nd Reading at the Board of Commissioners Regular Meeting on Thursday, May 5th at 7pm and was seconded by Commissioner Baker. The Board voted 5 for and 1 absent (Commissioner Whitman).

PUBLIC COMMENT

Bill Schuh of Masonic Road, Erwin, came forward and addressed the Board. Mr. Schuh would like to have permission to consider a Neighborhood Watch. Mr. Schuh feels like it would be beneficial to everyone.

MINUTES OF APRIL 7, 2011 CONTINUED**GOVERNING BODY COMMENTS**

Commissioner Taylor thanked everyone for coming to the meeting and Staff continue to do a great job that you are doing. The Town is looking great.

Commissioner West thanked everyone for coming to the meeting and informed everyone that the Gospel at the Gazebo will begin on Friday, May 13, 2011.

Commissioner Ennis thanked everyone for coming to the meeting and had some concerns with the corner building on East H. Street and South 13th Street. What can be done?

Commissioner Baker introduced Amy Driggers with Harnett County Code Enforcement. Appreciates all the work that Ms. Driggers and Landon Chandler do for the Town of Erwin.

Commissioner Corbett informed everyone that NC Step has had some good meetings lately and thanked Mr. Bill Schuh for all the hard work he has done with the Rail Trail in Erwin.

Mayor Carson informed everyone that Earth Day will be on Saturday, April 16, 2011 at the River Park. Expressed concerns with one of the trails going down to the river, something needs to be done before someone gets hurt. For 30 plus years, the Chamber of Commerce in Texas has been giving an award to a military base which Pope Air Force Base has applied for this every year for 30 years using Cumberland County and City of Fayetteville for the things they have done, its Community Involvement, and has never won it. This year Pope Air Force Base applied, they used Town of Erwin with Denim Days and Earth Day, and Chicora Golf Tournament. They are very excited that they have won. On June 3rd & 4th, 2011 we are going to have a fundraiser in Erwin for Pope Air Force Base for them to send 60 soldiers to Washington State to the Rodeo, which is like the Olympics for the Air Force. On the 3rd we will have a pig cook off and currently have 18 pigs and we have just started. On Saturday, June 4th, they will ride bikes for 7 miles, kayak down the river 8 miles and do the run for 3 miles back into Erwin. We are aiming for 75 to 100 participants to be involved in that. A lot of good stuff going on in Erwin, people complain but we have a lot of good things as well.

ADJOURNMENT

Commissioner Ennis made a motion to adjourn at 8:30pm and was seconded by Commissioner Taylor. The Board voted 5 for and 1 absent (Commissioner Whitman).

**MINUTES RECORDED AND TYPED BY
CYNTHIA B PATTERSON TOWN CLERK**

**Patsy M. Carson,
Mayor**

**Cynthia B. Patterson, CMC
Town Clerk**