

**ERWIN BOARD OF COMMISSIONERS
MEETING MINUTES
DECEMBER 2, 2010
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, December 2, 2010 at 7:00 P. M. in Erwin, North Carolina.

Board Members present were: Commissioners, Norma Ennis, Randy Baker, Frank Taylor, William Corbett 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 Corbett made a motion to adjust the STEP Project Ordinance and was seconded by Commissioner West. The Board voted 5 for and 1 absent (Commissioner Whitman).

CONSENT ITEMS

Commissioner Taylor made a motion to approve **(Item A)** Approval of Regular Minutes on 11/4/2010, **(Item B)** Board of Commissioners Regular Meeting Schedule for 2011, **(Item C)** Planning and Zoning Board of Adjustments Regular Meeting Schedule for 2011, **(Item D)** Budget Amendment for STEP Grant Project Ordinance – GPO 2010-001, **(Item E)** Fee Schedule Amendment – Monthly Charge for Additional Can, and **(Item F)** Releases/Refunds of Taxes and was seconded by Commissioner Ennis. The Board voted 5 for and 1 absent (Commissioner Whitman).

MINUTES OF DECEMBER 2, 2010 CONTINUED**PUBLIC HEARING**

Commissioner Corbett made a motion to open Public Hearing for a Proposed Rezoning at 10900 East Jackson Blvd. at 7:02pm and was seconded by Commissioner Baker. The Board voted 5 for and 1 absent (Commissioner Whitman).

REZONING AT 10900 EAST JACKSON BLVD. TAX PIN# 0597-58-7902.000

Harnett County Planner Landon Chandler informed the Board that this is a rezoning from an RD (Rural District) to a B-2 (Highway Business). The applicant is Miller, Stall, and Munz of 109 South 13th Street, Erwin which is a local law office. This property is located at 10900 East Jackson Blvd., Erwin and is next to the NCDMV. The property is currently occupied by a residential home site. This home site if approved would go under an unfit process and by any kind of judgment tonight wouldn't lead to any immediate site plan approval this would need to be approved by NC Building Codes Administrators, Environmental Health, Fire Marshall and whoever else who would have a say in the occupancy of that building. Surrounding land uses include a Commercial use on the side, and Residential use at the rear of the property.

Commissioner Baker asked the question will there be a driveway permit issued. Mr. Chandler stated that the applicant is looking at an easement or agreement with NCDMV not sure what stage they are in at this moment however if that doesn't follow through then yes the applicant will be required an individual driveway permit with DOT.

Mayor Carson asked that if anyone was interested to speak in favor for this proposed Rezoning at 10900 East Jackson Blvd. to please come forward and state your name, address and oath.

Chris Monds and Jeff Stall of 109 South 13th Street came forward and spoke to the Board. They intend to take their law office at 109 South 13th Street and move it to 10900 East Jackson Blvd. They also intend to keep the current space in town and the surveyors which are next door to them will take over the entire space.

Mayor Carson asked that if anyone was interested to speak against this proposed Rezoning at 10900 East Jackson Blvd. to please come forward and state your name, address and oath.

No one came forward to speak against.

Commissioner Corbett made a motion to close Public Hearing for a proposed Rezoning at 10900 East Jackson Blvd at 7:14pm and was seconded by Commissioner Baker. The Board voted 5 for and 1 absent (Commissioner Whitman).

Commissioner Baker made a motion to accept the Findings of Facts submitted by the Planning Board as the Boards record of findings of fact in the affirmative of the Rezoning and was seconded by Commissioner Corbett. The Board voted 5 for and 1 absent (Commissioner Whitman).

MINUTES OF DECEMBER 2, 2010 CONTINUED

Commissioner West made a motion to open Public Hearing for a proposed Conditional Use Permit at 206 East Jackson Blvd. at 7:06pm and was seconded by Commissioner Corbett. The Board voted 5 for and 1 absent (Commissioner Whitman).

CONDITIONAL USE PERMIT AT 206 EAST JACKSON BLVD
TAX PIN# 0597-76-8868

Harnett County Planner Landon Chandler informed the Board that this is a conditional use request at 206 East Jackson Blvd. The applicant is Kim Balmat. The zoning is B-2 (Highway Business). The applicant is requesting an Automobile Tire Sales, Installation, Service and Repair. This site was previously used as a Golf Cart Service and Repair. The site is currently occupied by an existing block building that was left on the property from a previous use as well as some existing fencing. The surrounding land uses consist of commercial properties as well as some vacant lots. The ordinance calls for 1 space per 200sqft. of gross floor space and 1 space for each company vehicle. Staff believes that the surface (graveled) on the described property may meet the surface requirements of this section. There is existing fencing that may meet the updated requirements for this type of use.

Mayor Carson asked that if anyone was interested to speak in favor for a proposed Conditional Use request at 206 East Jackson Blvd. to please come forward and state your name, address and oath.

Edgar Meyers of Lucas Street, Erwin came forward and addressed the Board. Mr. Meyers stated that all of last year he was very sick and was not able to look after the properties that he owned like he should have. During the time that the Golf Cart Place was there their specifications were very strict and not to become what is there now. Mr. Meyers received a letter of complaint and immediately removed golf carts and bags of trash that was on the property.

Mayor Carson asked that if anyone was interested to speak against the proposed Conditional Use request at 206 East Jackson Blvd. to please come forward and state your name, address and oath.

No one came forward to speak against.

Commissioner West made a motion to close Public Hearing for the proposed Conditional Use request at 206 East Jackson Blvd at 7:20pm and was seconded by Commissioner Taylor. The Board voted 5 for and 1 absent (Commissioner Whitman).

MINUTES OF DECEMBER 2, 2010 CONTINUED

Commissioner Corbett made a motion to re-open the Public Hearing for the proposed Conditional Use request at 206 East Jackson Blvd at 7:21pm and was seconded by Commissioner Baker. The Board voted 5 for and 1 absent (Commissioner Whitman).

Kim Balmat and her son Alex Balmat of 700 West J. Street, Erwin came forward and spoke to the Board. Mr. Alex Balmat informed the Board that there will be no junk vehicles on this property. It is not the desire of my parents or me to store junk vehicles.

Commissioner Corbett stated that in the past for this particular piece of property there was a problem at one time for storage of junk vehicles and being Commissioner for that Ward, Mr. Corbett also stated that he had received several calls. Mr. Corbett did not want to see this happen again.

Mrs. Balmat assured the Board that her family did not have any intentions of letting this property deteriorate.

Commissioner Baker made a motion to close Public Hearing for the proposed Conditional Use request at 206 East Jackson Blvd at 7:25pm and was seconded by Commissioner Corbett. The Board voted 5 for and 1 absent (Commissioner Whitman).

Commissioner Baker made a motion to accept the Findings of Facts submitted by the Planning Board as the Boards record of findings of fact in the affirmative in the approval of the Conditional Use Permit and also add for the condition that all work on vehicles to be conducted entirely within the inside of the structure and also any vehicles that are not operable to be stored inside the fenced in area and vegetative buffer be planted around the chain link fence storage area as additional buffer/screening and was seconded by Commissioner Ennis. The Board voted 5 for and 1 absent (Commissioner Whitman).

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OLD BUSINESS**OFFICIAL SEAL OF THE TOWN OF ERWIN**

Commissioner Baker informed the Board that this was in light of some disagreement in the past as far as how the Town is reflected. It was a question that Mr. Baker had to insure of certainty of our Town Seal and that is why Staff was to look to see if there was any record in the minutes that designate and if so a little history of how it came to be. Mr. Baker also stated that he was perfectly fine with the way the Seal is and appreciate Staff for doing research in the way it came to be.

Commissioner Corbett asked the question was this Seal on all the Town's vehicles. Town Manager Bryan Thompson replied by saying that was correct.

MINUTES OF DECEMBER 2, 2010 CONTINUED

Commissioner Taylor also wanted to add that the Seal and the color of the Seal is Red but that doesn't mean we have an official color. Even if the Town had an official color and it was Red that doesn't mean that the Park signs have to be Red. Some parks even though their official color seal was one color their park signs were another color.

It was the Consensus of the Board to leave the Town of Erwin Seal as is.

OFFICIAL COLORS OF THE TOWN OF ERWIN

Commissioner Corbett informed the Board that we can't keep the color in line with the color of the Seal. The Town colors have been Red and White long before he came to Erwin.

Commissioner Baker made a motion that we establish the official colors of the Town of Erwin to Red and White any vehicles or anything bearing the emblem, sign, or seal of the Town of Erwin to make in such colors and was seconded by Commissioner Corbett. The Board voted 3 for, 2 against (Commissioner Ennis and Taylor) and 1 absent (Commissioner Whitman).

NEW BUSINESS**PRESENTATION OF FINANCIAL STATEMENT FOR FISCAL YEAR ENDING
JUNE 30, 2010**

Bryan Scott with Price, Scott, Adams & Co. PA came forward and spoke. This is the third year that Mr. Scott has done the audit for the Town of Erwin. Mr. Scott stated that the Town has in Revenue \$2,641,442. The Expenditures is \$2,918,649 an increase over the last year the reason for this increase was the amount of money the Town sent to the Parks Fund to fund the Town's portion of the PARTF Grant. The Expenditures did exceed the Revenues by \$277,207 however keep in mind that if the Town did not have the transfers that went to the Park you would've had surplus revenue of \$142,000. The Fund Balance at the beginning of the year was \$6,814,982. The Fund Balance at the end of the year is \$6,537,775. The Board may want to consider creating a Capital Reserve Fund mainly just to get most of your money or a majority of the money away and out of your operation fund. The Fund Balance available for appropriation is 198.99%, which is well above the state average for municipalities of your population size of 71.18%.

The Tax Collection rate is 96.53%.

Commissioner Taylor made a motion to accept the Town of Erwin Financial Statement Year End June 30, 2010 and was seconded by Commissioner Baker. The Board voted 5 for with 1 absent (Commissioner Whitman).

MINUTES OF DECEMBER 2, 2010 CONTINUED**REQUEST FOR ENCROACHMENT AT LOCATION OF GOOD HOPE HOSPITAL TO FACILITATE HANDICAP ACCESSIBILITY REQUIREMENTS**

Town Manager Bryan Thompson informed the Board that Good Hope facility is in the process of putting together bid documents for the construction work needed to reopen the facilities for mental health beds. In review of the various requirements, the engineer involved with the design of the project has found a notable deficiency in ADA handicap accessibility compliance for the facility. The one alternative that seems to be the most viable is to place a handicap ramp to the rear of the building (the portion of the building that abuts East H. Street). In order to construct the ramp to the required specifications, the ramp would encroach on the Town's property and reduce the amount of on-street parking just outside of the Good Hope facility. Good Hope is requesting from the Town an encroachment in order to construct the required ramps.

Mr. Thompson advised the Board that he had spoke with the Town Attorney and Good Hope representatives in constructing a legal document with terms of the encroachment similar to the same recently granted for the Indigo Room on East H. Street.

Commissioner Ennis asked the question was this going to cost the Town. Mr. Thompson replied saying that any cost that would be incurred from legal expenses would be on Good Hope.

It was the Consensus of the Board to direct Staff and Town Attorney to work on legal documents to present to the Board at the next meeting which will be January 6, 2011.

REQUEST TO REDUCE SPEED LIMIT ON DON RON ROAD FROM 35 MILES PER HOUR TO 25 MILES PER HOUR

Town Manager Bryan Thompson informed the Board that this came as a request and the reason behind the request is that a private school on this street which is a residential street and is posted at 35mph and the request is to reduce it to 25mph.

Commissioner Corbett made a motion to reduce the speed limit to 25 miles per hour and was seconded by Commissioner West. The Board voted 5 for with 1 absent (Commissioner Whitman).

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PUBLIC COMMENTS

Eunice Hymes of 727 West M. Street, Erwin, came forward and spoke to the Board. Ms. Hymes thanked the Board for the installation of the lights and electrical work at Porter Park however there is still more work that needs to be done. There are two poles that have been dropped off recently and continue to just lay there. Mrs. Hymes would like for the Town to begin work on the bridge or remove the poles. This could be a hazard to someone.

MINUTES OF DECEMBER 2, 2010 CONTINUED**MANAGER REPORT**

The Board of Commissioners Retreat will be on Saturday, January 15, 2011 at 9am.

Christmas Parade at 7pm on Monday, December 6, 2010. The Board will be riding on a professional float this year.

Town Hall will be having light refreshments on Thursday, December 23, 2010. This will be floating from 12 – 2pm.

NCLM Advocacy Goals Conference is January 20, 2011 and the registration fee is \$75.00. Please let us know if you are interested in attending.

GOVERNING BODY COMMENTS

Commissioner Taylor stated that in defense of the Town that he had requested the poles to be delivered to the Porter Park. Work should start after Christmas. The Street sign on North 14th/West K. Street needs to be replaced due to an accident recently. Would like to know if the Town could adopt a street in order to keep the streets cleaner. Would like a street sweeper schedule. Wished everyone a Merry Christmas.

Commissioner West reported a street light out at the Erwin Methodist Church. Thanked Staff for doing a good job. Wished everyone a Merry Christmas.

Commissioner Ennis stated we try to do what the citizens wants done but if the citizens don't inform us how will we know what needs to be done and appreciate who does voice their opinions. We need to try and work together as a group. Wished everyone a Merry Christmas.

Commissioner Baker informed everyone not to forget what this season is for and wish everyone a Merry Christmas.

Commissioner Corbett complimented the Staff for an excellent audit report. Commended the Police Dept on four drug bust recently. Wished everyone a Merry Christmas.

Mayor Carson informed everyone that on Friday, December 10, 2010 she will be doing breakfast for the employees and Board. This will be a staggered event.

MINUTES OF DECEMBER 2, 2010 CONTINUED**ADJOURNMENT**

Commissioner Taylor made a motion to adjourn at 8:15pm and was seconded by Commissioner Corbett. 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