

**ERWIN BOARD OF COMMISSIONERS
MEETING MINUTES
JANAURY 6, 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, January 6, 2011 at 7:00 P. M. in Erwin, North Carolina.

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

Board Member absent were: Commissioner Randy Baker.

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 **Remove** under Consent Items **Item D** Resolution of Adoption Hazard Mitigation Plan and **move** this Item to **Public Hearing** under **Item D**, under **Consent Items add Item F** Authorization to Advertise Unpaid Real Estate Taxes on March 21, 2011, and **Add** under **Old Business** a Request to Alter Approved Encroachment Agreement with Good Hope to an Easement and was seconded by Commissioner West. The Board voted 5 for and 1 absent (Commissioner Baker).

CONSENT ITEMS

Commissioner Corbett made a motion to approve **(Item A)** Approval of Special Called Minutes on 11/9/2010, **(Item B)** Approval of Regular Minutes on 12/2/2010, **(Item C)** Resolution Declaring the Badge and Service Weapon Carried by Captain Henry Hairr, Jr. Surplus and Awarding Him on His Retirement, **(Item D)** Town of Erwin Proclamation Recognizing Outgoing Planning/Zoning and Board Adjustments Vice-Chairperson Gay W. Prevatt for Outstanding Service, **(Item E)** Tax Releases/Refunds: #5-7 and **(Item F)** Authorization to Advertise Unpaid Real Estate Taxes on March 21, 2011 and was seconded by Commissioner Ennis. The Board voted 5 for and 1 absent (Commissioner Whitman).

MINUTES OF JANUARY 6, 2011 CONTINUED**PRESENTATION OF PLAQUES**

Mayor Carson presented Capt. Hank Hairr, Jr. a plaque declaring the Badge and Service Weapon and awarding him on his Retirement. Capt. Hairr has served with the Erwin Police Dept. for 21 years.

Mayor Carson presented Gay W. Prevatt a plaque for her outstanding Service to the Erwin Planning Board/Board of Adjustments. Mrs. Prevatt served two consecutive terms.

PUBLIC HEARING

Commissioner Whitman made a motion to open Public Hearing for a Proposed Rezoning at the Intersection of Bryant Road and Matthews Road. at 7:05pm and was seconded by Commissioner Corbett. The Board voted 5 for and 1 absent (Commissioner Baker).

**REZONING AT LOCATION OF INTERSECTION OF BRYANT AND
ST. MATTHEWS ROAD
TAX PIN# 1507-25-5318.000, 1507-25-5322.000. 1507-25-5145.000**

Harnett County Planner Landon Chandler informed the Board that this is a rezoning from an RD (Rural District) to an R-6 (Residential District). The applicant is RP Wellons Land & Development LLC, Dunn. This will be three (3) Parcels and comprised with 3.6 acres. They are currently situated at the corner of Bryant Rd. and St. Matthews Rd. The subject property is currently undeveloped. The surrounding land uses include religious uses across the street of the property as well as behind the property, and agricultural use at the front of the property. Some of those surfaces that are available on the site do have public water and public sewer which will utilize in this proposal.

Mayor Carson asked that if anyone was interested to speak in favor for this proposed Rezoning at intersection of Bryant Road and St. Matthews Road. to please come forward and state your name, address and oath.

Attorney Dwight Snow, 302 West Edgerton Street, Dunn came forward stated the oath. Mr. Snow spoke on behalf of the applicant RP Wellons Land and Development LLC. This is for 8 Residential Individual Units. Mr. Snow stated that based on the Planned Unit Development plan here in Erwin and the character of the neighborhood that this particular rezoning request would not be detrimental to the area. We feel like all the uses under R-6 would be in the general public's interest.

Mayor Carson asked that if anyone was interested to speak against this proposed Rezoning at intersection of Bryant Road and St. Matthews Road. to please come forward and state your name, address and oath.

No one came forward to speak against.

MINUTES OF JANUARY 6, 2011 CONTINUED

Commissioner Corbett made a motion to close Public Hearing for a proposed Rezoning at intersection of Bryant Road and St. Matthews Road at 7:15pm and was seconded by Commissioner West. The Board voted 5 for and 1 absent (Commissioner Baker).

Commissioner Whitman made a motion to approve this amendment through the Findings of Facts based on the recommendations of the Planning Board for Rezoning Request at the Intersection of Bryant Road and St. Matthews Road from Rural Development RD to R-6 Residential Zoning Classification Applicant: RP Wellons Land and Development LLC and was seconded by Commissioner Corbett. The Board voted 5 for and 1 absent (Commissioner Baker).

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PUBLIC HEARING

Commissioner Taylor made a motion to open Public Hearing for a proposed Conditional Use Permit at the Intersection of Bryant Road and Matthews Road. at 7:16pm and was seconded by Commissioner Corbett. The Board voted 5 for and 1 absent (Commissioner Baker).

**CONDITIONAL USE PERMIT FOR A PLANNED UNIT DEVELOPMENT (PUD) AT
LOCATION OF INTERSECTION OF BRYANT AND ST. MATTHEWS ROAD
TAX PIN# 1507-25-5318.000, 1507-25-5322.000. 1507-25-5145.000**

Harnett County Planner Landon Chandler informed the Board that this is a request for a Planned Unit Development. The applicant is RP Wellons Land & Development LLC, Dunn. The location will be at the intersection of Bryant Rd and St. Matthews Rd. This will be three (3) Parcels and comprised with 3.6 acres. The subject property is currently undeveloped. The surrounding land uses include religious uses across the street of the property as well as behind the property, and agricultural use at the front of the property. Some of those surfaces that are available on the site do have public water and public sewer which will utilize in this proposal. The site is zoned RD, the applicant has provided a site plan which outlines where they wish to set up a Planned Unit Development with 4 structures proposed. This site will have to be rezoned to R-6 and the execution of this Conditional Use Permit will be contingent upon that approval. The site plan shows a rough sketch of how the parking and homes would be set up. The proposal of 3 parking spaces per unit will satisfy the ordinance requirements.

Mr. Chandler also stated that the applicant will be requesting a waiver on the side lot line setback. These units will be attached by a common wall. What we are looking at instead of having a 10ft. setback on the side as normally they will be built similar to duplex units and share a common wall therefore there will be a zero lot line setback. With that being said the other issue would be the fact the applicant wish not to have a Home Owners Association. Normally in a Planned Unit Development situation you would have an open space because its on one parcel and sometimes you would have a density bonus required and in this case there will not be a density bonus required, there will be individual structures on individual's pieces of property that will be sold to individuals.

MINUTES OF JANUARY 6, 2011 CONTINUED

Mr. Chandler also informed the Board that the only possible recommendation for a condition would be in addition to the landscape that's proposed possibly a streetscape buffer to flank there at St. Matthews Road and Bryant Road however this is only if the Board desires.

Mayor Carson asked that if anyone was interested to speak in favor for a proposed Conditional Use request at the Intersection of Bryant Road and St. Matthews Road to please come forward and state your name, address and oath.

Attorney Dwight Snow, 302 West Edgerton Street, Dunn came forward stated the oath. Mr. Snow spoke on the behalf of the applicant RP Wellons Land and Development LLC. Mr. Snow stated that based on the Boards recommendations that under R-6 (PUD) are allowable. If this conditional use is granted Wellons would begin work in January. Wellons will take the 3.6 acres and basically subdivide into these individual lots with each lot line you will have a deluxe unit. This will resemble the Glenn Eagles Community in Dunn which Wellons developed all of that community. This will be 1 unit with 2 residents sharing a party wall in this case each unit will have a wall with 4inches of air space in between. This is for fire safety purposes. These units will be composed of 1410 sq. ft. and approximately 279 sq. ft single car garages on each one. Each owner will own their own lot. The pricing for these units will be around \$115,000 -\$120,000. There will be restrictive covenants as well. The plan is by May of 2012 have all units completed and sold.

Commissioner Whitman asked the question what was the reasoning behind not having a Home Owners Association. Mr. Snow replied by saying that usually you have your common area that's the main reason on having a home owners association you usually pay assessments to keep a common area up and with the size of these lots and only 3.6 acres there was no reason to have that. We will have restrictive covenants.

Mayor Carson asked that if anyone was interested to speak against the proposed Conditional Use request at the Intersection of Bryant Road and St. Matthews Road to please come forward and state your name, address and oath.

No one came forward to speak against.

Commissioner Taylor made a motion to close Public Hearing for the proposed Conditional Use request at the Intersection of Bryant Road and St. Matthews Road at 7:30pm and was seconded by Commissioner Whitman. The Board voted 5 for and 1 absent (Commissioner Baker).

Commissioner Whitman made a motion to approve this Conditional Use request for a Planned Unit Development at the Intersection of Bryant Road and St. Matthews Road with the recommendation of the Planning Board and addition to add the Streetscape Buffer as well and was seconded by Commissioner Taylor. The Board voted 5 for and 1 absent (Commissioner Baker).

MINUTES OF JANUARY 6, 2011 CONTINUED**PUBLIC HEARING**

Commissioner Corbett made a motion to open Public Hearing for a proposed Text Amendment—Sign Regulations at 7:31pm and was seconded by Commissioner West. The Board voted 5 for and 1 absent (Commissioner Baker).

TEXT AMENDMENT---SIGN REGULATIONS

Harnett County Planner Landon Chandler informed the Board that this is an amendment to the existing sign ordinance. It is quite lengthy with numerous additions and some deletions. Staff outlined some deficiencies that were in there and put some additions.

Mayor Carson asked that if anyone was interested to speak in favor for a proposed Text Amendment—Sign Regulations 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 the proposed Text Amendment—Sign Regulations 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 the proposed Text Amendment—Sign Regulations at 7:35 pm and was seconded by Commissioner Whitman. The Board voted 5 for and 1 absent (Commissioner Baker).

Commissioner Taylor made a motion to accept the Text Amendment—Sign Regulations as presented and was seconded by Commissioner Corbett. The Board voted 5 for and 1 absent (Commissioner Baker).

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PUBLIC HEARING

Commissioner Taylor made a motion to open Public Hearing for a proposed Town of Erwin Hazard Mitigation Plan---Enacting Document at 7:36pm and was seconded by Commissioner Whitman. The Board voted 5 for and 1 absent (Commissioner Baker).

TOWN OF ERWIN HAZARD MITIGATION PLAN

Town Manager Bryan Thompson informed the Board that this is from Harnett County with different jurisdictions including Harnett County and also this includes Buies Creek and Campbell University have jointly put together information to submit to the State a Hazard Mitigation Plan to part each 10 years.

MINUTES OF JANUARY 6, 2011 CONTINUED

Mayor Carson asked that if anyone was interested to speak in favor for a proposed Hazard Mitigation Plan 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 the proposed Hazard Mitigation Plan 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 the proposed Hazard Mitigation Plan at 7:38 pm and was seconded by Commissioner Taylor. The Board voted 5 for and 1 absent (Commissioner Baker).

Commissioner Whitman made a motion to approve the Town of Erwin Hazard Mitigation Plan and was seconded by Commissioner Corbett. The Board voted 5 for and 1 absent (Commissioner Baker).

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OLD BUSINESS**REQUEST TO ALTER APPROVED ENCROACHMENT AGREEMENT WITH
GOOD HOPE TO AN EASEMENT**

Town Manager Bryan Thompson informed the Board that at the last Board Meeting there was a request to have an encroachment agreement authorized to be drafted for the Good Hope Hospital to facilitate handicap ramps. Since then, it has come to our attention that an easement would be more desirable by the Good Hope representatives. In speaking with the Town Attorney we have done some research and an easement would be agreeable. In looking at the diversionary clause to try and safe guard the interest of the Town in the event that the Hospital is no longer in use and the Town has an active use or need to use the area plan that's being involved with the easement if the Board decides to go that way.

Commissioner Taylor asked the question of which would be best for the Town. Mr. Mac Hunter, Town Attorney replied by saying originally I would have liked the encroachment agreement but the more I reviewed it I felt like the easement with diversion would not hurt us and if this is what they need to get this project done I really don't see a problem.

Consensuses of the Board were to not do an encroachment but to do an easement with diversion instead.

MINUTES OF JANUARY 6, 2011 CONTINUED**NEW BUSINESS****PRESENTATION AND CONSIDERATION OF ADOPT-A-STREET PROGRAM AND
DRAFT ADOPT-A-STREET DOCUMENT**

Town Manager Bryan Thompson informed the Board that this is a matter that was brought up at the last meeting and Staff has gone through and looked at several variation programs of this type. This document is presented as a draft and Staff seeks feedback from the Board with respect to the drafted structure and detailed operations of the proposed program.

Commissioner Taylor stated that he had read this several times and thought it was excellent and the application process was straight forward.

Commissioner Corbett asked the question of how you would go about receiving applicants for this. Mr. Thompson replied by saying that there is an application process that would be approved and there are guidelines and the applicant or community group or informal group of business or corporation or whatever the case may be would be eligible to apply. They would have to comply with the requirements for at least 6 months with doing 2 service dates where they demonstrate that they are committed to the project at which point a sign would be placed at a section of the road that is being adopted.

Commissioner Taylor asked if there is any kind of plan that we could advertise it to let the citizens know of this program. Mr. Thompson replied by saying that when we bring this document to the Board next month we could have an information campaign plan for your review.

**PRESENTATION AND CONSIDERATION OF DRAFT TOWN OF ERWIN TRAVEL
POLICY**

Town Manager Bryan Thompson informed the Board that in reviewing of the Town Personnel Policy and other document sources, it has come to the attention of Administration that currently there is no travel policy for the Town. Staff has prepared a document as a draft for the review of the Board. This policy intends to apply to Town Employees as well as Members of Elected and Appointed Boards.

Commissioner Whitman stated that this is pretty standard and straight forward and does not see and adjustments.

Mr. Thompson informed the Board that he would like to bring this back to the Board next month.

MINUTES OF JANUARY 6, 2011 CONTINUED**REQUEST TO RESCHEDULE THE ANNUAL BUDGET RETREAT**

Mayor Carson had requested to change the Retreat to another date due to the fact that she will be attending the Miss America Pageant in Las Vegas on January 15, 2011. However she asked not to change the date for just her.

Commissioner Corbett stated that he did not see a problem with changing the date that it was very rare to have this type of situation. He also appreciated Mayor Carson in attending the Pageant and that it was great for the Town.

Commissioner Whitman stated that he can not be at the Retreat on January 15, 2011 as well or any Saturday in January. His recommendation to the Board is to change it to February.

Commissioner Ennis stated that she hated Mayor Carson will not be there however we can not come to everyone on a date. A date is set. If the Board has decided on a date then we should keep it.

Commissioner West stated that he was fine either way.

Commissioner Corbett made a motion to change the Retreat to the first Saturday in February which will February 5, 2011. No one seconded the motion so the motion failed.

Commissioner Taylor stated that he would not be able to attend the Retreat on February 5, 2011 however we do have a Mayor Pro Tem that could handle the meeting.

Commissioner Corbett made a motion to change the retreat to Saturday, February 19, 2011 and was seconded by Commissioner Whitman. The Board voted 5 for and 1 absent (Commissioner Baker).

PUBLIC COMMENTS

Rick West of 808 West E. Street, Erwin came forward and spoke to the Board. Mr. West had a concern with the Recycling. Mr. West stated that it's great that the Town of Erwin has a recycling plan however the trash containers are too small. Mr. West has been told that he could purchase another container for additional \$3.05 a month. He is asking the Board if he could get a bigger trash container for the same price or switch black to blue. He is not alone they are other residents in Town with the same problem.

MINUTES OF JANUARY 6, 2011 CONTINUED**MANAGER REPORT**

The Chamber of Commerce Banquet is Thursday, January 27, 2011 if anyone is interested in attending to please let us know.

Invitation for an Oath being taken by Vernon Stewart upcoming District Attorney on January 18, 2011.

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.

Viewing Party on January 15, 2011 for Adrienne Core at the Indigo Room everyone is invited to attend with a \$5.00 cost.

Main Street Conference is January 26th thru 28th if anyone is interested in attending please let us know.

GOVERNING BODY COMMENTS

Commissioner Taylor thanked everyone for coming to the meeting and also thanked Chief Morrisette for doing an excellent job. Happy New Year to everyone.

Commissioner West thanked everyone for coming to the meeting and all the issues mentioned tonight, total involvement would help our Town to do better. It takes everyone to be a team player.

Commissioner Ennis stated that we are going to have to work real hard and have a wonderful New Year.

Commissioner Whitman stated that he had a couple of calls for speeding on Old Post Road.

Commissioner Corbett thanked everyone for coming to the meeting and also commends Capt. Hank Hairr for his service to the Town of Erwin.

Mayor Carson asked for your thoughts and prayers as she travels to Las Vegas and also keep her husband in your prayers. Also keep Commissioner Baker's family in your prayers as well due to the passing of his Uncle.

ADJOURNMENT

Commissioner Corbett made a motion to adjourn at 8:05pm and was seconded by Commissioner Whitman. The Board voted 5 for and 1 absent (Commissioner Baker).

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

Patsy M. Carson,
Mayor

Cynthia B. Patterson, CMC
Town Clerk