

**ERWIN BOARD OF COMMISSIONERS
MEETING MINUTES
MAY 6, 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, May 6, 2010 at 7:00 P. M. in Erwin, North Carolina.

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

Town Manager Bryan Thompson, Town Clerk Cynthia Patterson and Town Attorney Mac Hunter were 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 Whitman made a motion under Consent Items to Remove (Item D) Proclamation to Congratulate the 2010 10U Girls Basketball Team and To Honor the Players and Coaches on an Amazing Season and under New Business move all Items down by one add Item B Presentation of Recycling by Waste Management and was seconded by Commissioner Baker. The Board voted unanimously.

CONSENT ITEMS

Commissioner Ennis made a motion to approve **Item (A)** Approval of Regular Minutes on 4/01/2010, **(Item B)** Approval of Fire Prevention Code Enforcement Municipal Agreement with Harnett County, **(Item C)** Approval of Skate Park Ordinance and Skate Park Rules and Regulations, **(Item D)** Approval of Joint Proclamation with Erwin Area Chamber of Commerce Honoring Those Who Serve, **(Item E)** Approval of Proclamation National Day of Prayer 2010, **(Item F)** Approval of Resolution Exempting the Town of Erwin from the Provisions of G.S. 143-64.31 in Relation to Engineering Services as the Same Pertains to Chicora Annexation Phase II Sewer Project, **(Item G)** Approval of Request for Proposals for Engineering Services for Chicora Annexation Phase II Sewer Project Document for the Purpose of Sending the Same to Bid, **(Item H)** Approval of Resolution Authorizing the Disposition of Certain Personal Property by Private Sale **(Item I)** Approval of Proclamation Municipal Clerks Week May 2nd through May 8th, 2010, **(Item J)** Approval of one-year lease with Southern Property Management Co. LLC (Erwin Business Complex) of Gazebo area in consideration of one dollar, **(Item K)** Release/Refunds of Taxes #147-151 and was seconded by Commissioner West. The Board voted unanimously.

MINUTES OF MAY 6, 2010 CONTINUED**PRESENTATION**

Mayor Carson asked for the 3RD Aerial Port Squadron to come forward. Erica Gallion, Chamber President then read the Proclamation and welcomed back the airmen home. The Airmen in returned presented the Town of Erwin a plaque as well.

PUBLIC HEARING**AN ORDINANCE OF THE TOWN OF ERWIN PROVIDING FOR A SIXTY DAY MORATORIUM ON THE ESTABLISHMENT OF INTERNET SWEEPSTAKES CAFES AND OTHER SIMILAR FACILITIES**

Commissioner Baker made a motion to open public hearing at 7:10pm and was seconded by Commissioner Corbett. The Board voted unanimously.

Bryan Thompson, Town Manager informed the Board, the item was presented to the Planning Board and Staff made a recommendation to place the subject use in the Conditional Use Section of the M1 Industrial Zoning District. Staff also made available information about the availability of alternative action through moratorium in order to develop more sound language to address this use. The Planning Board felt that in the interest of the welfare of the community, it would be of more benefit to seek a temporary moratorium in order to allow adequate time to explore the use and determine what language will be most appropriate to address this use. The moratorium allows such time to develop such language and prevents the establishment of such uses during the time that the language is being developed.

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

No one came forward to speak in favor.

Mayor Carson asked that if anyone was interested to speak against this Sixty Day Moratorium to please come forward and state your name, address and oath.

No one came forward to speak against.

Commissioner Corbett made a motion to accept the Sixty Day Moratorium and was seconded by Commissioner Whitman. The Board voted unanimously.

MINUTES OF MAY 6, 2010 CONTINUED**CONDITIONAL USE PERMIT APPLICATION – DAY CARE CENTER – AT THE
LOCATION OF 125 BEAVER ROAD, ERWIN – TAX PIN# 0587-80-5401.00 –
APPLICANT: MARY FREEMAN**

Landon Chandler with Harnett County Planning Dept. informed the Board that this is a conditional use permit application for a day care on Beaver Road. The applicant is Mary Freeman and the owner is Cape Fear Conference A. This is currently zoned at R-D. This site is currently occupied by a church and conference center with surrounding land uses that consist of Single Family homes as well as some vacant lots. The applicant has provided a site plan which outlines where they wish to operate a Daycare Center. The site plan shows a rough sketch of how the parking and building areas are set up. 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.

Mayor Carson asked that if anyone was interested to speak in favor for this Conditional Use Permit to please come forward and state your name, address and oath

Nicole Smith came forward and spoke to the Board. Ms. Smith stated that she was in favor for the Conditional Use Permit and also stated that the Board of Trustees has approved for this Daycare to be allowed on this property. This would be beneficial to the area.

Mary Freeman, applicant came forward and spoke to the Board. Ms. Freeman stated that she was trying to accomplish what she does best and go about it the right way. She has been looking a long time for a place to provide a daycare facility. This would be a good investment and looking forward to get this daycare open.

Mayor Carson asked that if anyone was interested to speak against this Conditional Use Permit to please come forward and state your name, address and oath.

Pamela Ramsey came forward and spoke to the Board. Ms. Ramsey stated that she is against the daycare facility due to a fact that there is a daycare facility approx. 1.9 miles from the proposed daycare. The daycare has been in the area for 2 ½ years.

Mr. Chandler advised the Board that each of the following Findings of Fact must be met, by a finding in the affirmative, as a precondition of the approval of the conditional use permit application.

Commissioner Baker made a motion that the use requested is listed among the conditional uses in the district for which application is made is listed in the Rural District and was seconded by Commissioner Taylor. The Board voted unanimously.

Commissioner Baker made a motion that the requested use is essential or desirable to the public convenience or welfare; daycares are a growing need within the area of the property and was seconded by Commissioner Whitman. The Board voted unanimously.

MINUTES OF MAY 6, 2010 CONTINUED

Commissioner Baker made a motion that the requested use will not impair the integrity or character of the surrounding or adjoining districts, nor be detrimental to the health, morals, or welfare and this area is occupied by Cape Fear Conference A Headquarters and will be in conjunction such as a facility and was seconded by Commissioner Ennis. The Board voted unanimously.

Commissioner Baker made a motion that the requested use will be in conformity with the Land Development Plan which does address for this type of development along the corridors of the district and was seconded by Commissioner Ennis. The Board voted unanimously.

Commissioner Baker made a motion that adequate utilities, access roads, drainage, sanitation and/or other necessary facilities have been or are being provided and which this religious structure Cape Fear Conference Headquarters are adequately provided and also the site plan has been provided as well and was seconded by Commissioner Ennis. The Board voted unanimously.

Commissioner Baker made a motion that adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets, this entrance will be off of Beaver Road and would not cause any additional traffic flow to the main artery and was seconded by Commissioner Ennis. The Board voted unanimously.

Commissioner Baker made a motion that the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Board of Commissioners pursuant to the recommendations of the Planning Board, the Planning Board had no further recommendations and should be listed as a conditional use which Ms. Freeman has operated this type of facility in the past and that all State and Local Ordinances shall be followed legally by the State and was seconded by Commissioner Ennis. The Board voted unanimously.

Commissioner Baker made a motion with all the Findings of Facts found to be in affirmative that the Board grants the Conditional Use permit to Ms. Mary Freeman for the Daycare Facility and was seconded by Commissioner Ennis. The voted unanimously.

MINUTES OF MAY 6, 2010 CONTINUED**TEXT AMENDMENT – 9-4041.7 ACCESSORY BUILDINGS/STRUCTURES
(BUILDING HEIGHT) – APPLICANT ON BEHALF OF THE ERWIN UNITED
METHODIST CHURCH (JULIAN JESSUP)**

Landon Chandler with the Harnett County Planning Dept informed the Board that the Erwin Methodist Church is seeking to build an accessory structure located on its 5 acre property on Denim Drive, which is comprised of the church facility, picnic shelter, and parsonage. The proposed accessory structure is intended to be used as a “family life center/fellowship hall”, which includes indoor basketball facilities. Currently, the Town of Erwin Code of Ordinances state that no accessory structure shall be over 20ft. tall. The proposed language states maximum building height for accessory structures shall not exceed 20 ft mean roof height with the exception of Schools, Churches, Hospitals, Municipal Facilities, and other such campuses provided that at least 1 acre comprise the total land area of the development. The maximum height for these structures will be 35ft. mean roof height. Basically the church will be able to build on the same parcel another structure which was taller than 20ft to accommodate their fellowship hall. The definition also to be added would be campus – the grounds or property of a School, College, University, Church, Municipal Facility or Hospital, often understood to include buildings and other structures incidental to the primary use.

Mayor Carson asked that if anyone was interested to speak in favor for this Text Amendment Section 9-4041.7 Buildings/Structures to please come forward and state your name, address and oath.

Julian Jessup came forward and spoke. Mr. Jessup stated that with the present text its almost impossible to get the building that would accommodate the sports inside and although this would be used as a multi-purpose building for the Methodist Church its still 20ft. to the peek of the roof .

Mayor Carson asked that if anyone was interested to speak against this Text Amendment Section 9-4041.7 Buildings/Structures to please come forward and state your name, address and oath.

No one came forward.

Commissioner Baker made a motion to agree with Staff for the proposed Text Amendment to strike maximum building height not to exceed 20ft mean roof height and add maximum building height for accessory structures shall not exceed 20ft mean roof height with the exception of Schools, Churches, Hospitals, Municipal Facilities and other such campuses provided that at least 1 acre comprise the total land area of the development. The maximum height for these structures will be 35 ft. mean roof height. And also add to definitions campus – the grounds or property of a School, College, University, Church, Municipal Facility or Hospital, often understood to include buildings and other structures incidental to the primary use and was seconded by Commissioner Corbett. The Board voted unanimously.

MINUTES OF MAY 6, 2010 CONTINUED

Commissioner Corbett made a motion to close public hearing at 7:40pm and was seconded by Commissioner Baker. The Board voted unanimously.

OLD BUSINESS**AL WOODALL SIGN UPDATE**

Town Manager Bryan Thompson informed the Board that DOT has instructed that it prefers to make the signs in order to insure consistency in respect to font, size, reflective value, and material/quality. In clarifying with DOT to determine if this is a requirement, Staff was instructed that it is not a requirement but rather a strong recommendation as they have experienced issues in the past with having outside parties manufacturing the signs. Staff needs guidance to go with a local vendor or with DOT. Also, DOT previously stated that there could be no more than three lines of copy on the signage, which would be no issue with the proposed signage as it does not exceed three lines. Upon clarification, DOT indicated that the three lines include those lines found on the existing signage "Pride in our past Hope in our future" this takes up two lines of copy. As a result, DOT has indicated that the additional signage will be limited to only one line of copy.

Commissioner Whitman stated that we the Town need to figure out what our tag line is going to be, the Town of Erwin comes first and if its two tag lines then we will need to do with the Al Woodall sign if you put the "Home of Al Woodall" 75% percent of Erwin will not know who Al Woodall is.

Commissioner Baker asked the question the directional signs which are very small brown signs directed to the Park, the Town would not be limited. Mr. Thompson stated that most of the directional signs to the Park are on Town maintained roads. Mr. Thompson stated that he does not foresee any major issues with replacing the directional signs.

Commissioner Baker asked the question could the Town move forward with the signs at the Park with directional signs in that vicinity with the language the Board wishes to add so there would not be a delay. Mr. Thompson stated that the Town could do that.

Mr. Thompson also stated that Mr. Woodall has been invited to attend the Annual Denim Days Festivities and with that in mind with the possibility of doing an unveiling of the Park sign and Welcome to Erwin Home of Al Woodall sign at the same time that might correspond well given time frame to the week of Denim Days where we would start Friday in the afternoon with the unveiling then we would have our concert in the evening and the next day our parade so it would make it all one nice coupling of events. This would give us time of six months from now.

It was the Consent of the Board to let Staff move forward find out what we need to do with the signs and proceed and hopefully be ready by the Annual Denim Days Festivities.

MINUTES OF MAY 6, 2010 CONTINUED**NEW BUSINESS****PRESENTATION OF HARNETT COUNTY CTP: TYLER BRAY NCDOT**

Tyler Bray came forward and addressed the Board. Mr. Bray informed the Board that he is presenting the information of the Harnett County Comprehensive Improvement Plan. NCDOT is presenting this to all the jurisdictions in Harnett County. After all these have been submitted and received comments, NCDOT will be having three scheduled public drop in sessions in June across the County, possibly one in the Overhills area, Dunn, Lillington and maybe one in the Northern part of the County. In the development of Harnett CTP which is a long range transportation plan that outlines the needs and deficiencies for Harnett County and makes recommendations base on those deficiencies NCDOT put together a CTP team of representatives from all municipalities of the County.

Mr. Bray stated that the drop in sessions will allow the public an opportunity to comment and ask questions about the plan which should take place in mid June. In July we plan on bringing the plan back in a draft form at that point to each of the municipalities and County for adoption. Once it's adopted and endorsed by the proper bodies it will be taken before the Board of Transportation to be adopted by them. This should happen by the end of September after that it's usually about a month before a draft report is released and that should be completed sometime by the end of the year but an adopted plan by the end of September. The design year for this plan is 2035.

PRESENTATION OF RECYCLING BY WASTE MANAGEMENT

Town Manager Bryan Thompson informed the Board that Staff contacted Waste Management earlier this week and has received a quote from them for recycling. The quote was recycling once every two weeks with a 65 gallon container provided to the customers at a cost of \$2.76 per month. We have been talking about recycling for some time and have received several quotes so this is comparable for the Board's consideration.

Chip Dodd with Waste Management came forward and spoke to the Board. Ms. Dodd stated that operations will take place out of their Sanford office however it could be out of their Selma office as well. Which ever one it is the other one would be a good back up if there were ever any problems with trucks or drivers.

Waste Management provides curbside recycling for Fayetteville, garbage and recycling for Linden, services in Coats, Clayton, Princeton, Four Oaks, Sanford, Broadway, Vass and also Southern Pines. Some of those are just garbage contracts but many are garbage and recycling so Waste Management has a lot of experience in the area, Ms. Dodd believes the Town would be really pleased with their service, which is quality service.

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Some of the recyclable that will be picked up are many newspapers, magazines, catalogs, phone books, all sorts of paper like office paper, copy paper, glass jars, bottles, plastic bottles, aluminum and steel cans. Those materials that Waste Management would be contracted with the Town of Erwin will go first to the Sanford office then loaded on trailers and go up to a facility that Waste Management owns and operates in Raleigh and the materials are separated there and packaged to be shipped off to a market where they are actually recycled. Waste Management would also be getting a program started to educate the public to get them to participate as well.

It was the Consent of the Board to move forward and provide contract documentation for review and present it to the Board at the next meeting for recommendation.

SET WORKSHOP DATES AND TIMES: FOR BUDGET AND ANY OTHER MATTERS

There are a number of issues that may be of benefit and desire to review in a more detailed fashion including the 2010-2011 Budget Proposal, Sweepstakes languages, and Solid Waste Collections.

It was the Consent of the Board to schedule a Work Shop for Monday, May 24, 2010 at 5:30pm.

CONSIDERATION OF REQUEST FOR PROPOSALS FOR SOLID WASTE COLLECTION SERVICES FOR YARD WASTE, WHITE GOODS, BROWN GOODS, AND LEAVES

The Board was well pleased with the document proposed by the Town Manager; however there were some concerns with Item A in the residential yard waste collection which stated each residence shall be limited to a maximum of four cubic yards of yard waste per pick up under the Town's contract. If a residence has more than this allotted amount of yard waste, the occupant may pay the Contractor an amount agreed upon by the Town and Contractor as a uniform per cubic yard surcharge. The Contractor will be responsible for collecting any surcharge.

Commissioner Baker made a motion to Table this issue until the next Workshop which will be on Monday, May 24, 2010 at 5:30pm and also give general consents with Staff that overall approval for the document change some of the language in the document and was seconded by Commissioner Whitman. The Board voted unanimously.

MINUTES OF MAY 6, 2010 CONTINUED**COMMUNITY CENTER RENTAL AGREEMENT**

Town Manager Bryan Thompson informed the Board that in order to book the Community Center a rental agreement must be signed along with other formalities. The agreement provides a list of rules and requirements. Listed among these is the requirement that no fundraising or collection of funds to occur in connection to the rental of the facility. This includes the prohibition of entry fees, purchase of dinner plates, collection of love offerings, etc. Staff has been requested to ask the Board if the prohibitions of such activities is still a desired standard in the current language of the agreement in so far as it relates to church, civic organizations, and other similar not for profit functions.

Commissioner Baker expressed concern that we the Board should revisit the agreement and see if this is the intent of the spirit of what the Board would portray for those facilities or are we penalizing the people that really should be able to have the use of this facility.

Commissioner Baker made a motion to Table this issue until the next workshop which will be on Monday, May 24, 2010 at 5:30pm and revisit the agreement and was seconded by Commissioner Ennis. The Board voted unanimously.

PUBLIC COMMENT

Derrick Pine of Green Guy Recycling in Dunn came forward and spoke. Mr. Pine stated that recycling is free for all residents of Harnett County who choose to drive to the landfill and do it themselves. Waste Management is quite large, does big need to get bigger. Do we need to outsource most of our abilities to another corporation and allow them to dictate how we are going to behave? If residents choose not to recycle that is up to them and maybe we need to educate them more. Mr. Pine as a private citizen, I don't have all the funds to go to knock on every door however I'm local and we have an opportunity here to do something different than others have. Let the people decide. Mr. Pine stated that he was not here for a contract rather its an opportunity to allow citizens to exactly make a difference within the community and not force ourselves to ask for help from someone else.

MANAGER'S REPORT

Currently with the way we are handling the Planning Board in order to have your applications be as a Conditional Use or Text Amendment, etc. the policy is that we should receive those applications on the first Monday of the month that the Planning Board meets in order to insure that you will be on the agenda. With the volume of cases that we did and with the level of detail and diligent we try to apply with those applications staff reports is becoming more demanding and due to staff reports and have the agendas available in a timely manner for the Planning Board to review and typically by the time we get them out the Board will have about 3 to 3 ½ days to review with sometimes quite a bit of information so just an informational piece unless there are any objections from the Board of Commissioners at the next Planning Board meeting we are going to have the same conversation with the Planning Board and let them know what policy change we are looking on that which is we would like to go to where applications are due at the night of the Planning Board meeting in order to be on the agenda at

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the following Planning Board meeting that gives staff a month to fully review the application, conduct staff reports and get the agendas with that information to the Planning Board in such a time frame that they can read and digest of what is going on.

GOVERNING BODY COMMENTS

Commissioner Taylor thanked everyone for coming to the meeting also to the Staff the Town is looking much better.

Commissioner West thanked everyone for coming to the meeting and mentioned that the Gospel at the Gazebo will begin the 2nd Friday of each month at 6pm. Our goal is to attract residents and business to downtown. Encourage everyone to come out.

Commissioner Ennis also thanked everyone for coming to the meeting and encourage everyone to get involved with the Town that is the only way to get something done is to get involved.

Commissioner Baker thanked everyone for coming to the meeting tonight and also thanked the Park Staff who recently hosted a softball tournament and heard nothing but good things.

Commissioner Corbett thanked everyone for coming to the meeting and mentioned some road repairs on Mason Drive. Encourage everyone to attend the NC Step meeting on Tuesday, May 18, 2010 at 5:30pm at the Community Center. Thanked the Police Chief for the drug bust previously and to keep up the good work.

CLOSED SESSION

Commissioner Baker made a motion to go into Closed Session at 9:15pm to pursuant to G.S. 143-318.11 (a) (1) & (6) to consult with Town Attorney and to consider the performance of a public employee and was seconded by Commissioner Corbett. The Board voted unanimously.

RECONVENED

Commissioner Baker made a motion to reconvene into Regular Session at 9:45pm and was seconded by Commissioner Whitman. The Board voted unanimously.

ADJOURNMENT

Commissioner West made a motion to adjourn at 9:45pm and was seconded by Commissioner Ennis. The Board voted unanimously.

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

Patsy M. Carson, Mayor

Cynthia B. Patterson, Town Clerk