

**ERWIN BOARD OF COMMISSIONERS
MEETING MINUTES
MAY 5, 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, May 5, 2011 at 7:00 P. M. in Erwin, North Carolina.

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

Board Members absent were: Commissioners Mark Whitman and Michael West.

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 add under Consent Item D Proclamation of the National Day of Prayer 2011 and was seconded by Commissioner Ennis. The Board voted 4 for and 2 absent (Commissioners Whitman and West).

CONSENT ITEMS

Commissioner Baker made a motion to approve **(Item A)** Approval of Special Called Minutes on 03/28/2011, and Approval of Regular Minutes on 4/07/2011 **(Item B)** Tax Releases/Refunds #27-28, **(Item C)** 2011 Municipal Agreement for Grass Mowing Services along DOT Rights of Way and **(Item D)** Proclamation of the National Day of Prayer and was seconded by Commissioner Corbett. The Board voted 4 for and 2 absent (Commissioners Whitman and West).

MINUTES OF MAY 5, 2011 CONTINUED**PUBLIC HEARING**

Commissioner Corbett made a motion to open the Public Hearing at 7:03pm and was seconded by Commissioner Baker. The Board voted 4 for and 2 absent (Commissioners Whitman and West).

CONDITIONAL USE PERMIT APPLICATION
AT LOCATION OF 117 ERWIN AVE, ERWIN
TAX PIN# 0597-60-7816.000

Harnett County Planner Landon Chandler informed the Board that this is a Conditional Use application for a Customary Home Occupation. The Applicant/Owner is James and Connie Harrold. The property location is at 117 Erwin Ave., Erwin. The acreage is .35 acres and current zoning is R-10. The applicant has provided a site plan which outlines where they wish to operate a Photography Studio. This site is currently occupied by a Single Family Residence. Surrounding land uses consist of Single Family homes. The ordinance requires that there be no off-premises parking for the Customary Home Occupations. Water/Sewer is both available.

Mayor Carson asked that if anyone was interested to speak in favor for this proposed Conditional Use Application for 117 Erwin Ave., 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 117 Erwin Ave., Erwin, to please come forward and state your name, address and oath.

No one came forward to speak against

Commissioner Baker made a motion to close Public Hearing for a proposed Conditional Use Application for 117 Erwin Ave., Erwin, at 7:05pm and was seconded by Commissioner Corbett. The Board voted 4 for and 2 absent (Commissioners Whitman and West).

Commissioner Baker made a motion to accept the Findings of Fact submitted by the Planning Board and also approved the Conditional Use Permit for Customary Home Occupation at 117 Erwin Ave., Erwin and was seconded by Commissioner Taylor. The Board voted 4 for and 2 absent (Commissioners Whitman and West).

MINUTES OF MAY 5, 2011 CONTINUED**PUBLIC HEARING**

Commissioner Corbett made a motion to open the Public Hearing at 7:06pm and was seconded by Commissioner Baker. The Board voted 4 for and 2 absent (Commissioners Whitman and West).

CONDITIONAL USE PERMIT APPLICATION AT LOCATION OF
306 EAST JACKSON BLVD.,
PRIVATE RECREATION FACILITY FOR PROFIT (FITNESS CENTER)
TAX PIN ##0597-86-8293.000

Harnett County Planner Landon Chandler informed the Board that this is a conditional use for a Fitness Center. The applicant is Jamie Blow. The owner is Norma Ennis. The location will be at 306 East Jackson Blvd., Erwin. The land use is Commercial with 1.2 acres and currently zoned B-2. The site is currently occupied by an existing brick façade building which currently houses Fitness equipment. Surrounding land uses consist of mainly Single Family homes, a mobile home park as well as an adjacent commercial property. The applicant has provided a site plan outlining where they are going to setup parking, the sign layout, lighting plan, and distances from the rights of way as well as other structures on the property. The ordinance calls for 1 space per 200 sqft. of gross floor space and 1 space for each company vehicle. Staff believes that the surface (Pavement) on the described property may meet the surface requirements of this section. The applicant will be required to install streetscape plantings pursuant to the regulation as referenced in section 9-4041.24 of the Zoning Ordinance. Water/Sewer will be available as well.

Mayor Carson informed the Board that Commissioner Ennis has asked to be excused from this item due to conflict of interest.

Commissioner Baker made a motion to excuse Commissioner Ennis from voting on this issue and was seconded by Commissioner Corbett. The Board voted 4 for and 2 absent (Commissioners Whitman and West).

Mayor Carson asked that if anyone was interested to speak in favor for this proposed Conditional Use Application for 306 East Jackson Blvd., 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 306 East Jackson Blvd. to please come forward and state your name, address and oath.

No one came forward.

MINUTES OF MAY 5, 2011 CONTINUED

Commissioner Baker made a motion to close Public Hearing for a proposed Conditional Use Application for 306 East Jackson Blvd., Erwin, at 7:10pm and was seconded by Commissioner Corbett. The Board voted 4 for and 2 absent (Commissioners Whitman and West).

Commissioner Baker made a motion to enter the Findings of Facts submitted by Planning Board as Board of Commissioners Findings of Facts and also approved the Conditional Use Permit for Private Recreation for Profit at 306 East Jackson Blvd., Erwin and was seconded by Commissioner Corbett. The Board voted 3 for and 1 excused (Commissioner Ennis) and 2 absent (Commissioners Whitman and West).

(Page 7569 A-M)

PUBLIC HEARING

Commissioner Baker made a motion to open Public Hearing for a Text Amendment at 7:11pm and was seconded by Commissioner Taylor. The Board voted 4 for and 2 absent (Commissioners Whitman and West).

**TEXT AMENDMENT 9-4081.2 SIGNS PERMITTED IN ALL DISTRICTS
(MEMORIAL SIGNS, CORNERSTONES, AND HISTORICAL TABLETS)**

Harnett County Planner Landon Chandler informed the Board that this is a text amendment in the sign section of the ordinance. The applicant is Brian Avery. Mr. Avery lives in the Averasboro area and has great knowledge for this as well. They are wishing to put up a sign to kind of denote some of the goings on that happen in the area and I'm assuming that would be pertaining to the wars and rich cultural history that is out there. Notice that there is a lack of any kind of allowance for that within the ordinance. Right now as it stands this sign would not be a permitted use in the area. What Mr. Thompson and the applicant have been working on is some language which could possibly facilitate this for other signs because there are a lot of historical areas with in and around Erwin.

The propose language is as follows:

Memorial Signs, Cornerstones, Historical Tablets and similar signs that are: 1) Integral decorative or architectural features of buildings, including signs which denote the building name, date of erection or street number; where such signs shall be permitted as exemptions when cut into any masonry surface or implanted within a metal plate. 2) Historic monuments denoting historic information or events associated with the property or area in which the monument is located; where such signs shall be permitted as exemptions when such signs:

MINUTES OF MAY 5, 2011 CONTINUED

1. Are not otherwise specifically prohibited by these regulations
2. Are maintained behind the property or road right-of-way line
3. Do not exceed 8 feet in height
4. Do not obstruct the line of site for the driving public for the purposes of ingress or egress from or onto any private drive or public road
5. Are primarily constructed of brick or masonry material

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 Taylor made a motion to close Public Hearing for a proposed Text Amendment at 7:15pm and was seconded by Commissioner Baker. The Board voted 4 for and 2 absent (Commissioners Whitman and West).

Commissioner Baker made a motion to accept the Proposed Text Amendment presented by Staff and was seconded by Commissioner Corbett. The Board voted 4 for and 2 absent (Commissioners Whitman and West).

(Page 7570 A-B)

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

Harnett County Planner Landon Chandler informed the Board that this is 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 however if the conditional use is granted; there will have to be a full commercial site plan review. The ordinance calls for 1 space per 200 sqft. 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.

MINUTES OF MAY 5, 2011 CONTINUED

Mr. Chandler also informed the Board that this item has been tabled from the Planning Board and Board of Commissioners. Mr. Chandler has tried to contact this applicant however has not be able to.

Mr. Thompson informed the Board that they can choose to move forward with the Findings of Fact with the information that you currently have or you can table this again to an undefined period of time until such time the applicant comes forward with a site plan and indicate that they will be in attendance to the Board of Commissioners meeting.

Commissioner Baker asked how this item came before the Board originally.

Mr. Chandler stated that this was a violation and was offered to the applicant as a means of correcting the violation. The applicant as of to date has not had a zoning permit pulled nor site plan submitted so that's where it comes into an illegal business category and this is what was offered to the applicant. This business is still operating as well. We have had a total of 4 meetings concerning this item. The applicant was present to 1 of the meetings which was the Planning Board.

Commissioner Baker made a motion to dismiss without prejudice due to an incomplete application and the applicant can resubmit a complete application and move forward with the process and seconded by Commissioner Ennis. The Board voted 4 for and 2 absent (Commissioners Whitman and West).

NEW BUSINESS**CONSIDERATION OF ERWIN FARMERS MARKET GUIDELINES**

Town Manager Bryan Thompson informed the Board that NC STEP Leadership Team along with the Farmers Market Committee has been working on the Erwin Farmers Market project for a number of months. The proposed guidelines were presented and reviewed in detail.

Commissioner Taylor expressed concern with Section 5 Schedule of Fees (Item B In addition to annual membership dues as noted above, vendors will pay a vendor's fee of \$5.00 each day that they sell at the market). Commissioner Taylor suggested in eliminating the \$5.00 each day.

Mr. Thompson stated what they originally had scheduled were \$35.00 for membership and \$5.00 a week and for non-members who don't pay the \$35.00 would be \$10.00 a week.

Mayor Carson asked what the money was going to be used for.

MINUTES OF MAY 5, 2011 CONTINUED

Mr. Thompson stated that the Leadership Team has a budget of \$3,000 which will do a lot for marketing and signage. The goal is to have the Farmers Market self sustained. The \$35.00 and \$5.00 or \$10.00 can be put into a separate fund and would work to maintain the sustainability without encumbering the operating budget from the general fund. If there needs to be improvements made, additions made to Farmer Market, additional advertisement or whatever the case may be we feel like those funds could help do that.

Commissioner Baker asked what would be the capacity of the membership.

Mr. Thompson stated 20 members.

Commissioner Baker suggested that under Section 5 Schedule of Fees Item B read as follows: In addition to annual membership dues as noted above, vendors will pay a vendor's fee of \$5.00 each day for members and non-members \$10.00 each that they sell at the market.

Under Section 7 Marketing Products (Item C Selling top quality produce at radically lower prices than current market rates is strictly prohibited) suggests striking this completely since this is addressed again under (Item E. The Erwin Farmers Market is a community market, and all competition among vendors must remain friendly. Price wars are strictly prohibited).

Commissioner Baker made a motion to approve the Farmer's Market Guidelines with the amendment under Section 5 Schedule of Fees Item B to read In addition to annual membership dues as noted above, vendors will pay a vendor's fee of \$5.00 each day for members and non-members \$10.00 each that they sell at the market and under Section 7 Marketing Products Item C be removed from the guidelines and was seconded by Commissioner Taylor. The Board voted 4 for and 2 absent (Commissioners Whitman and West).

(Page 7572 A-H)

REVIEW OF PROPOSED PLAN FOR REDISTRICTING OF THE TOWN
COMMISSIONER WARDS

Mr. Thompson informed the Board that the Benchmark Plan is what we are currently working under and was approved and established in 2000. Plan 1 is the plan that is being proposed to meet the criteria to submit to the Dept. of Justice for their approval so we can move forward with this coming election. We took the current data, the new data from 2010 election and applied it to the benchmark map and we have to keep a 5% greater or higher deviation buffer from the highest populated district to the lowest populated district and in running this data we have a 23% or 24% deviation. This is greater than what the allowed amount is. The next step will be to adjust the benchmark plan in order to close the gap of the noted deviation in such a way that adheres to the 1965 Voting Rights Act and the constitutional requirements of one person, one vote.

MINUTES OF MAY 5, 2011 CONTINUED

Mr. Thompson also informed the Board that this would be considered the 1st reading and will have a Special Called Meeting on Monday, May 9th at 6pm to hold the 2nd reading at which point we will hold a public hearing and provided this is adopted send this to the Dept. of Justice.

Mayor Carson informed the Board that all of the Board is encouraged in attending this Special Called Meeting. If we can not get this done there will be no upcoming election in October.

(Page 7573 A-D)

PUBLIC COMMENT

Terry Wicker of 104 East I. Street, Erwin, came forward and addressed the Board. Mr. Wicker made a proposal to the Board in re-routing a roadway. Mr. Wicker would like Maynard Lake Road to be routed that curve where it enters the wooded area, to take that out, to re-route the road so it will abut Hwy 421 exactly opposite to junction North 10th Street. This will create a square intersection and should be more convenient for people using the intersection due to a lot of traffic coming from the school.

GOVERNING BODY COMMENTS

Commissioner Taylor thanked everyone for coming to the meeting and also thanked everyone for coming out to the National Day of Prayer. Thanked the Mayor and Staff for putting this together. Invite everyone out for the 1st Gospel at the Gazebo next Friday, May 13th at 5:30pm. This will be held on the 2nd Friday of each month.

Commissioner Ennis thanked everyone for coming to the meeting and appreciates everyone working together.

Commissioner Baker thanked the volunteers who volunteer their service to the Town of Erwin. Proud of the STEP Committee with the energy and time they have put into this it has really showed me that the people of Erwin still care about the Town of Erwin.

Commissioner Corbett thanked everyone for coming tonight and is glad to see Bill Schuh back with us. A lot of things have been accomplished through the STEP Committee and others are in the process. Also thanked the Staff for everything they do as well.

Mayor Carson recognized the local artist of the month which is Michael Jackson. This is something new that the Town has started and each month will recognize local artist. This is a great opportunity to display their work. Thanked the Board and Staff for everything they do as well.

MINUTES OF MAY 5, 2011 CONTINUED**ADJOURNMENT**

Commissioner Taylor made a motion to adjourn at 8:01pm and was seconded by Commissioner Ennis. The Board voted 4 for and 2 absent (Commissioners Whitman and West).

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

Patsy M. Carson,
Mayor

Cynthia B. Patterson, CMC
Town Clerk