

**ERWIN BOARD OF COMMISSIONERS  
MEETING MINUTES  
FEBRUARY 3, 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, February 3, 2011 at 7:00 P. M. in Erwin, North Carolina.

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

Board Members absent were: Commissioner Norma Ennis.

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 West made a motion to Add under Consent Items, **Item C** Accept Resignation of Planning and Zoning Board/Board of Adjustments Member Dale Ryals and was seconded by Commissioner Corbett. The Board voted 5 for and 1 absent (Commissioner Ennis).

**CONSENT ITEMS**

Commissioner Corbett made a motion to approve (**Item A**) Approval of Regular Minutes on 01/06/2011, (**Item B**) Budget Ordinance Amendment: BOA 2011-03 (**Item C**) Accept Resignation of Planning and Zoning Board/Board of Adjustments Member Dale Ryals, was seconded by Commissioner Whitman. The Board voted 5 for and 1 absent (Commissioner Ennis).

**MINUTES OF FEBRUARY 3, 2011 CONTINUED****PUBLIC HEARING**

Commissioner Baker made a motion to open Public Hearing for a Proposed Parallel Conditional Use District for Professional Health, Education, or Institutional Services and Related Activities at Location of 410 Denim Drive, Erwin, NC. at 7:00pm and was seconded by Commissioner Corbett. The Board voted 5 for and 1 absent (Commissioner Ennis).

**PARALLEL CONDITIONAL USE DISTRICT FOR PROFESSIONAL HEALTH,  
EDUCATION, OR INSTITUTIONAL SERVICES AND RELATED ACTIVITIES AT  
LOCATION OF 410 DENIM DRIVE, ERWIN, NC  
TAX PIN# 0597-84-4269.000**

Harnett County Planner Landon Chandler informed the Board that this is a Parallel Conditional Use District for a Professional Health, Education, or Institutional Services and related activities. The applicant is Randy Cruse. The owner is Good Hope Hospital. The location is 410 Denim Drive, Erwin, NC and the acreage is 2.58. The current zoning is Central Business (CB). The applicant is requesting this discontinue use to be revamped so they can get the Hospital back running for mental beds. If this is approved, this will be the only use for this location which is a parallel conditional use district for professional health, education, or institutional services and related activities.

This site is currently occupied by an existing brick building that was previously used as a hospital. The surrounding land uses consist of mainly Single Family homes as well as some Commercial uses. The applicant has provided a site plan showing parking, footprint, utilities, and other amenities. The ordinance calls for One (1) space for each (2) employees on the largest shift plus one (1) space for each two (2) beds. The applicant has been approached with the possibility of supplementing existing plantings with additional landscaping but because of its existing status none is required. The Planning Board did recommend approval with the addition of Streetscape Landscaping. Water and Sewer will be utilized as well.

Mayor Carson asked that if anyone was interested to speak in favor for this proposed Parallel Conditional Use District at 410 Denim Drive, Erwin to please come forward and state your name, address and oath.

Randy Cruse of Dunn, NC came forward and stated the oath. Mr. Cruse informed the Board that he was the lead designer on the project for Good Hope Hospital and was in favor of this amendment. Mr. Cruse had some concerns with the recommendation of the Planning Board with the Streetscape Landscaping. Mr. Cruse informed the Board that they would be glad to have additional plantings and make the area look very nice in terms of the landscaping however if you go strictly by the Ordinance it would be difficult in this situation since everything is existing. Mr. Cruse then presented pictures to the Board. If you look at the sidewalk it's close to the curb and then the sidewalk is also close to the parking lot which doesn't give us a whole lot of space to work with. We design landscaping for new facilities all the time and are very familiar with that and custom to doing it however there is not much space unless we start ripping out sidewalks and parking spaces. We are asking a little latitude on this if we could.

**MINUTES OF FEBRUARY 3, 2011 CONTINUED**

Mayor Carson asked that if anyone was interested to speak against this proposed Parallel Conditional Use District at 410 Denim Drive, Erwin to please come forward and state your name, address and oath.

No one came forward to speak against.

Commissioner Whitman made a motion to close Public Hearing for a proposed Parallel Conditional Use District at 410 Denim Drive, Erwin at 7:05pm and was seconded by Commissioner Corbett. The Board voted 5 for and 1 absent (Commissioner Ennis).

**Mayor Carson 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 Parallel Conditional Use application.**

**Commissioner Baker made a motion is this use consistent with the spirit and intent of this section entitled Parallel Conditional Use Districts and its requirements and also feels in favor for this and this is consistent with the spirit and intent of this section of Parallel Use and statements that have been provided by Staff and reviewed by the Planning Board and was seconded by Commissioner Whitman. The Board voted 5 for and 1 absent (Commissioner Ennis).**

**Commissioner Baker made a motion is this use compatible with existing and probable future adjacent land uses and will contribute to a desirable overall development pattern for the area involved and is located in the Central Business District which had a mixture of Commercial and Residential growth and is located on main corridor and would be good for this purpose and was seconded by Commissioner Whitman. The Board voted 5 for and 1 absent (Commissioner Ennis).**

**Commissioner Baker made a motion does this use provide for safe and adequate access to the public street system without causing undue congestion or placing excessive traffic loads on local streets this development is served by two streets adjoining in the front and rear and is an existing structure and operated a greater use than what it is currently proposed so therefore I feel it will not provide any undo hardship or effect on adequate access to the public street system and was seconded by Commissioner Whitman. The Board voted 5 for and 1 absent (Commissioner Ennis).**

Commissioner Baker made a motion for approval based on the Findings of Facts given by the Planning Board however do not wish for additional Streetscape Landscaping to be imposed upon by the applicant due to the location of the building and the structures to the street and current sidewalks and was seconded by Commissioner West. The Board voted 5 for and 1 absent (Commissioner Ennis).

**MINUTES OF FEBRUARY 3, 2011 CONTINUED****PUBLIC HEARING**

Commissioner Whitman made a motion to open Public Hearing for a proposed Text Amendment – 9-3027 Procedure for Review of Major or Minor Subdivision – Within Subdivision Ordinance at 7:11pm and was seconded by Commissioner West. The Board voted 5 for and 1 absent (Commissioner Ennis).

**TEXT AMENDMENT – 9-3027 PROCEDURE FOR REVIEW OF MAJOR OR MINOR SUBDIVISION – WITHIN SUBDIVISION ORDINANCE**

Harnett County Planner Landon Chandler informed the Board that this is a Staff sponsored Text Amendment for Major and Minor Subdivisions. It has been noted that last year or so we have had a couple of subdivisions and may possibly be a loop hole with in that usually you have two classifications in subdivisions, one is a minor subdivision, and one is a major subdivision. A major subdivision is what people normally think of as a subdivision where you have amenities such as paved streets, underground utilities, and connection to those utilities. However normally under the abbreviated review procedure a minor subdivision doesn't have to install these types of improvements. With the way it is written now technically you can basically have a 50-70 lot minor subdivision and not have to have any amenities offered to those who buy the land. What Staff is proposing is an additional definition that will differentiate between minor and major subdivision.

The proposed is the following:

**§ 9-3027 Procedure for Review of Major or Minor Subdivisions.**

All subdivisions shall be considered major subdivisions except those defined as minor subdivisions in this section. Major subdivisions shall be reviewed in accordance with the procedures in § 9-3029 through 9-3033. Minor subdivisions shall be reviewed in accordance with the provisions in § 9-3028.

A minor subdivision is defined as one involving no new public or private streets or roads, right-of-way dedication, ~~no easements~~, and no utility extension. (Ordinance of 2/3/94) (Amended on May 7, 2009) **Minor Subdivisions shall be further defined as: (a) Any subdivision which creates a maximum of three (3) lots each of which front on a state maintained road or (b) any subdivision which allows a maximum of three (3) lots to be created on a fifty (50) foot easement abutting a state maintained road which meet the following requirements:**

**A. Each lot shall meet the minimum zoning requirements in regards to lot size, use, and frontage at time of the subdivision.**

**B. An easement cannot be created off of an existing easement or privately maintained road. In addition all new easements must have a road maintenance agreement approved and recorded alongside the subdivision plat.**

**MINUTES OF FEBRUARY 3, 2011 CONTINUED**

**C. Easements must be no longer than one thousand (1000') feet in length total.**

**D. Access ways for minor subdivisions which allow more than one (1) lot, to be created on any easement, shall be required to meet the following road construction standards:**

**1. There shall be an access travel way width of a minimum of twenty (20) feet.**

**2. The travel way shall extend the entire length of the easement.**

**3. The travel way shall be clear of all obstruction and debris.**

**4. The travel way shall be compacted and layered with three (3) inches of aggregate base course or improved according to the NCDOT Subdivision Manual, latest edition.**

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

No one came forward.

Commissioner Baker made a motion to close Public Hearing for proposed Text Amendment – 9-3027 Procedure for Review of Major or Minor Subdivision – Within Subdivision Ordinance at 7:15pm and was seconded by Commissioner Corbett. The Board voted 5 for and 1 absent (Commissioner Ennis).

Commissioner Whitman made a motion to approve the Text Amendment - 9-3027 Procedure for Review of Major or Minor Subdivision – Within Subdivision Ordinance and was seconded by Commissioner Corbett. The Board voted 5 for and 1 absent (Commissioner Ennis).

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**OLD BUSINESS****CONSIDERATION OF PROPOSED EASEMENT AGREEMENT BETWEEN GOOD HOPE HOSPITAL AND TOWN OF ERWIN**

Town Manager Bryan Thompson informed the Board this document is not a finalized document. Staff has been in contact with both the representatives from Good Hope Hospital and also USDA Rural Development. What we are trying to do is to define what requirements Rural Development will have on an easement so in the future any practice is no longer in use that the Town can retake the land back. Hopefully in the next few days we will have clarification what that language will look like.

Commissioner Baker made a motion to Table this issue until Staff can find the adequate language to bring back to the Board and was seconded by Commissioner Whitman. The Board voted 5 for and 1 absent (Commissioner Ennis).

**MINUTES OF FEBRUARY 3, 2011 CONTINUED****CONSIDERATION OF ADOPT-A-STREET PROGRAM AND ADOPT-A-STREET PROGRAM DOCUMENT**

Town Manager Bryan Thompson informed the Board that since the last time the Board has taken a look at this there has been very minor changes. If the Board wishes to move forward with this program then Staff will try and get the word out and make this program a beneficial program for the Town.

Commissioner Taylor made a motion to move forward with Adopt-A-Street Program and was seconded by Commissioner West. The Board voted 5 for and 1 absent (Commissioner Ennis).

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**CONSIDERATION OF TOWN OF ERWIN TRAVEL POLICY**

Town Manager Bryan Thompson informed the Board that there have been minor adjustments since the last meeting. The only adjustment that has been made is lodging. Staff had originally proposed \$100, however with today's economy it's very difficult to put a price on lodging considering where you will stay. With the policy we would hope that lets not put a price on lodging we will exercise diligence as it comes up.

Commissioner Whitman made a motion to approve the Town of Erwin Travel Policy and was seconded by Commissioner West. The Board voted 5 for and 1 absent (Commissioner Ennis).

(Page 7544 H-N)

**NEW BUSINESS****SET SPECIAL CALLED MEETING**

Town Manager Bryan Thompson informed the Board that the following will need to be discussed at a Special Called meeting. They are as follows:

- Discussion of Applicants to the In-Town Planning and Zoning Board of Adjustments
- Discussion of Camper/Recreational Vehicle Regulations
- Discussion of Farmer's Market Regulations

It was the Consensus of the Board to have this added to the agenda for the Annual Board of Commissioners Retreat which will be Saturday, February 19, 2011 at 9am.

It was also the Consensus of the Board that if Staff gets the language for the Easement with Good Hope Hospital earlier than the scheduled Retreat to hold a Special Called Meeting.

**MINUTES OF FEBRUARY 3, 2011 CONTINUED****MANAGER REPORT**

Harnett County will hold a Training Session for the Planning Board on Wednesday, February 9, 2011 from 3pm – 5pm. This will be dealing with Variances. The Board of Commissioners is welcome to attend.

**GOVERNING BODY COMMENTS**

Commissioner Taylor thanked everyone for coming to the meeting and appreciates the effort of the Town for trying to keep it clean.

Commissioner West thanked everyone for coming to the meeting.

Commissioner Corbett thanked everyone for coming to the meeting and had a good NC STEP meeting got a lot done.

Mayor Carson asked the Town Attorney of where we were on the sidewalks. Mr. Hunter replied by saying that he needed to send out to Mrs. Carson and the people on your street the document that we have not researched all the titles. I primarily did title searches on the people who own it now so we can get those deeds of trust subordinated. My thought is to move forward even if we don't get them subordinated. I will say this on record, that if anyone did foreclose on it what we will do is just condemned it, we are only talking about 2ft for the most part. Now on Mrs. Carson side of the building there is an easement which shows no ownership. I have done everything I can do as far as the parking lot is concerned. I have talked with the people who own the corporation that owns the parking lot and they can't come up and don't want to spend the money to do anything. One member said they would purchase the parking lot and own it themselves. We even have talked about doing tax foreclosures on it. If you want to take the parking lot you will have to take it with whatever title we can get and it will not be perfect and there is no way I can fix that.

Mayor Carson also informed Staff that she had received a complaint from a Mr. Earl Cox on West J. Street about speeders on West J. Street. He has spoken with the Police Dept. as well.

**ADJOURNMENT**

Commissioner Baker made a motion to adjourn at 7:30pm and was seconded by Commissioner Corbett. The Board voted 5 for and 1 absent (Commissioner Ennis).

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

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**Patsy M. Carson,**  
Mayor

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