

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

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

Board Members absent were: Commissioners Norma Ennis and 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 Baker made a motion to add under Item 11 Closed Session G.S. 143-318.11 (A3) to consult with Attorney and was seconded by Commissioner Corbett. The Board voted 4 for and 2 absent (Commissioners Ennis and Whitman).

CONSENT ITEMS

Commissioner Baker made a motion to approve **(Item A)** Approval of Regular Minutes on 6/02/2011 **(Item B)** Resolution requesting the preservation of the Erwin Post Office, its facilities and services **(Item C)** Appointment of Bill Morris to the Erwin Planning and Zoning/Board of Adjustments: Out of Town (ETJ) Alternate Member **(Item D)** Approval of Contract to Audit Accounts: Thompson, Price, Scott, Adams, & Co and **(Item E)** Tax Releases/Refunds: #29 and was seconded by Commissioner West. The Board voted 4 for and 2 absent (Commissioners Ennis and Whitman).

MINUTES OF JULY 7, 2011 CONTINUED**PUBLIC HEARING**

Commissioner Baker made a motion to open the Public Hearing at 7:08pm and was seconded by Commissioner Taylor. The Board voted 4 for and 2 absent (Commissioners Ennis and Whitman).

**CONDITIONAL USE PERMIT APPLICATION – USED CAR SALES AT LOCATION
OF 1309 DENIM DRIVE, ERWIN, NC
TAX PIN# 1507-12-7297.000**

Harnett County Planner Landon Chandler informed the Board that this is a Conditional Use application for a Used Car Sales at the location of 1309 Denim Drive, Erwin, NC. The applicant is Wendy Morgan and the owner is Ruth Morgan. The current acreage is 1 acre. The zoning is B-2. The site is currently vacant. The 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. Staff believes that the proposed surface (Gravel 6" Depth) on the described property will meet the surface requirements of this section when installed according to the site plan. Auto service and/or sales requires that four spaces for each maintenance stall plus adequate spaces to accommodate all new and used retail units and customer parking generated by retail sales.

Mr. Chandler went through what the ordinance calls for in Buffering as the applicant is requesting a buffering waiver.

The Buffer Strip Definition: A buffer strip shall consist of a planted strip of land at least ten (10) feet in width composed of deciduous and/or evergreen trees, spaced not more than twenty (20) feet apart, and not less than one (1) row of dense shrubs, spaced not more than five (5) feet apart and five (5) feet or more in height after one (1) growing season, which shall be planted and maintained in a healthy, growing condition by the property owner; or a masonry wall located within the required buffer area; such wall shall be a minimum height of six (6) feet (above finished grade) and if a block wall it shall be painted on all sides; or an opaque fence six (6) feet in height, finished side of fence must face out; such fence or masonry wall shall conform to the Erwin Fence Ordinance.

Mayor Carson asked that if anyone was interested to speak in favor for this proposed Conditional Use Application for 1309 Denim Drive., Erwin, to please come forward and state your name, address and oath.

Wendy Morgan of 608 Redhill Church Road, Dunn, NC, applicant came forward stated the oath. Mrs. Morgan informed the Board that she has been in the Car Sales Business for 14 years and would like to pursue her own business. Erwin would be a great place to do this.

Mayor Carson asked that if anyone was interested to speak against this proposed Conditional Use Application for 1309 Denim Drive., Erwin, to please come forward and state your name, address and oath.

No one came forward to speak against.

MINUTES OF JULY 7, 2011 CONTINUED

Commissioner Corbett made a motion to close Public Hearing for a proposed Conditional Use Application for 1309 Denim Drive, Erwin, NC, at 7:14pm and was seconded by Commissioner Baker. The Board voted 4 for and 2 absent (Commissioners Ennis and Whitman).

Commissioner Taylor made a motion to accept the Findings of Fact presented by the Planning Board as the Board of Commissioners Findings of Facts and was seconded by Commissioner Corbett. The Board voted 4 for and 2 absent (Commissioners Ennis and Whitman).

Commissioner Taylor made a motion to accept the Conditional Use Permit for Used Car Sales at location of 1309 Denim Drive, Erwin and was seconded by Commissioner Corbett. The Board voted 4 for and 2 absent (Commissioners Ennis and Whitman).

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NEW BUSINESS**CONSIDERATION OF GRASS MOWING SERVICES BIDS FOR NUISANCE VIOLATIONS**

Town Manager Bryan Thompson informed the Board that there are two (2) bids for grass mowing. They are as follows:

J&S Lawn Care of 308 East J. Street, Erwin (Total Lump Sum Bid \$35.00)

Carolina Truck Inc of 700 North 13th Street, Erwin. (Total Lump Sum Bid \$70.00)

Commissioner Corbett stated that he was concern with the differences of these two prices.

Commissioner Baker asked what the height of the grass is before the contractor is contacted. Mr. Baker expressed concern due to the fact one bid was for in excess of 1ft. and 6 in. and the other at 2ft. Mr. Thompson stated that the Code of Ordinances states that the grass or vegetation is 12in. or higher on the average then it's a violation. J&S Lawn Care would be 6inches above that and with Carolina Truck you are looking at 2ft.

Commissioner Taylor expressed concerned with J&S Lawn Care with not having all the insurance required by the Town prior to awarding the bid.

Commissioner Baker informed the Town Manager that he would love to see References for J&S Lawn Care due to the fact this is the first time he has heard of this contractor.

Commissioner West made a motion to Table the Grass Mowing Services for more information and was seconded by Commissioner Taylor. The Board voted 4 for and 2 absent (Commissioners Ennis and Whitman).

MINUTES OF JULY 7, 2011 CONTINUED**CONSIDERATION OF GOOD HOPE FACILITY PROJECT/PROGRAM**

Town Manager Bryan Thompson informed the Board that we had a Special Called Meeting not too long ago and the Board directed Staff to gather additional information regarding the operational cost of the program.

Mayor Carson stated that she has spoken with Pat Cameron with Good Hope Board of Directors and they have voted to give the building for the use with Arc and Town of Erwin for no cost for 2 years. Someone from Arc has spoken with Campbell University which will do the life guard for Physical Therapy. Arc will be putting up \$10,000 to do renovations, \$500 a month towards the up keep. If approved, the Town will be putting up \$19,000 for operational cost.

Commissioner Baker asked the Town Attorney how would we merge into this together in leasing of that building, who is going to be looked upon for the daily activities and the maintenance, who is going to be in charge in doing this.

Attorney Mac Hunter stated that you would not have any control over anything without having some sort of lease and we would need to discuss this before we enter in to any agreement with them to who is going to be responsible, who is going to have the insurance, who is in charge, what the hours will be.

Mr. Thompson stated that the Town would lease the facility and we would rent office space for a central office for Arc of Harnett and then they would have access on some nights and Saturdays to the facility to offer to their clients programs and different activities and the Town would during the week maybe 2 to 4 days a week depending on how much money there is to offer programming to those who would seek to use the facility. It would be run by the Town and would coordinate through the Parks and Recreation and have checked with our insurance company and there would be a \$400 increase.

Mr. Thompson also stated that Staff is seeking a commitment in principal to the program where provided that we are satisfied and something the Board is interested in doing.

Commissioner Baker made a motion to commit up to \$19,000 get all the legal issues worked out to add the facility of Good Hope Hospital into our Park and Receptions system and also enter into a contract with Arc for lease in certain times for the facility and was seconded by Commissioner Corbett. The Board voted 2 for and 2 against (Commissioners West and Taylor) and 2 absent (Commissioners Whitman and Ennis).

Mayor Carson informed the Board that a Special Called Meeting will be called for on Monday, July 18, 2011 at 5:30pm to discuss this item.

MINUTES OF JULY 7, 2011 CONTINUED**CONSIDERATION OF PROPOSED FEE SCHEDULE AMENDMENT – CHILDREN
AT PLAY SIGNS**

Town Manager Bryan Thompson informed the Board that this isn't a wide spread issue however such request has increased to some degree over the past year or so. Staff believes that honoring such requests is a benefit to the neighborhoods and the overall community. However, Staff believes that there is a need for a certain level of cost sharing involved with honoring such requests. The cost of materials and labor equates between \$75 and \$100. Staff recommends that the 2011-2012 Fee Schedule to be amended to reflect cost sharing with respect to such signs and to amend the Fee Schedule to place a fee of \$50 to the person or persons requesting such signs to be erected.

Commissioner Baker made a motion that there will be no charge for a placement of Children At Play Signs requested by a citizen and was seconded by Commissioner Corbett. The Board voted 4 for and 2 absent (Commissioners Ennis and Whitman).

PUBLIC COMMENT

Terry Wicker of 104 East I Street, Erwin came forward and addressed the Board. Mr. Wicker updated the Board on the manner brought to you several meetings ago regarding the realignment of Maynard Lake Road. At the time of the meeting Mr. Wicker had not reviewed the map that was drawn and did have the opportunity to look at it later and it was not the way Mr. Wicker had envisioned it. This was an oversight at which Mr. Thompson had been very courteous to take the time and notation that reflects the traffic pattern that would be best for the remaining portion of Price Street and Maynard Lake Road. Mr. Wicker would love for the Town to still give this consideration.

GOVERNING BODY COMMENTS

Commissioner Taylor thanked everyone for coming to the meeting and also thanked Staff for doing great work, the Town is looking so much better.

Commissioner West thanked everyone for coming to the meeting and would love to see everyone at the Gospel at the Gazebo on Friday, July 8th at 6pm and also at the Erwin's Farmer's Market from 9am – 1pm. Informed the Town Manager of a couple of street lights that are out on Denim Drive.

Commissioner Corbett thanked everyone for coming to the meeting and also thanked Mr. Thompson on a great job of the Budget and also would like to see the Board get together and commit on some of the projects that are needed for the citizens such as street lights, drainage problems, the lighting of the park also encouraged everyone to attend the STEP meetings as well.

MINUTES OF JUNE 2, 2011 CONTINUED**CLOSED SESSION**

Commissioner Baker made a motion to go into Closed Session G.S. 143-318.11(A3) at 8:30pm to consult with Town Attorney and was seconded by Commissioner West. The Board voted 4 for and 2 absent (Commissioners Ennis and Whitman).

RECONVENED

Commissioner Baker made a motion to reconvene at 9:35pm and was seconded by Commissioner West. The Board voted 4 for and 2 absent (Commissioners Ennis and Whitman).

ADJOURNMENT

Commissioner Randy Baker made a motion to adjourn at 9:35pm and was seconded by Commissioner West. The Board voted 4 for and 2 absent (Commissioners Ennis and Whitman).

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

**Patsy M. Carson,
Mayor**

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