

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

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

Board Members absent were: Commissioner 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 Taylor made a motion to Add to the Agenda under Old Business Item B Solid Waste Collection Clarification on Commercial vs. Residential Code of Services and Remove Item A under New Business Consideration of proposed Quitclaim Deed offered by Erwin Parking Center for Downtown Parking Area and was seconded by Commissioner West. The Board voted 5 for and 1 absent (Commissioner Whitman).

CONSENT ITEMS

Commissioner Baker made a motion to approve **(Item A)** Approval of Regular Minutes on 9/01/2011, Special Called Meeting on 9/21/11, **(Item B)** Proclamation Honoring Mr. David A. Ivey, **(Item C)** Proclamation Recognizing Outgoing Planning/Zoning and Board of Adjustments Vice-Chairperson, Ms. Loretta Snook for Outstanding Service, **(Item D)** Approval of DOT Construction Agreement for the installation of crosswalk across 13th Street in Downtown Erwin, was seconded by Commissioner Ennis. The Board voted 5 for and 1 absent (Commissioner Whitman).

MINUTES OF OCTOBER 6, 2011 CONTINUEDPRESENTATION OF PROCLAMATIONS TO MR. DAVID IVEY AND MS.
LORETTA SNOOK

Mayor Carson presented a plaque to Mr. David Ivey. Mr. Ivey has been a Charter Member of the DAV for over 40 years. Mayor Carson also presented a plaque to Ms. Loretta Snook for serving on the Planning Board for over 6 years.

PUBLIC HEARING

Commissioner Corbett made a motion to go into Public Hearing at 7:10pm and was seconded by Commissioner Baker. The Board voted 5 for and 1 absent (Commissioner Whitman).

CONDITIONAL USE PERMIT APPLICATION CLASS A MANUFACTURED HOME
AT LOCATION BETWEEN 77 AND 160 JOHN AND ESTER LANE
TAX PIN# 0596-83-5558.000

Town Manager Bryan Thompson informed the Board that this is a Conditional Use application for a Class A Manufactured Home. The Applicant/Owner is Johnny Gregory Jr. of 47 John and Ester Lane, Dunn. The location will be between 77 and 160 John and Ester Lane, Dunn. The acreage is 3.36 acres. The current zoning is RD (Rural District). The site currently has some existing vegetation and dog kennels. The surrounding land uses consist primarily of both stick built homes as well as some manufactured homes in the vicinity. The applicant has provided a site plan which outlines where they wish to set up a newer Class A Manufactured Home. The site plan shows a rough sketch of how the home will be positioned on the lot. Public Water is available along Hwy 82 and a private septic tank will be utilized due to no sewer in the area.

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.

No one came forward.

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.

No one came forward to speak against.

Commissioner Corbett made a motion to close Public Hearing at 7:12pm and was seconded by Commissioner Taylor. The Board voted 5 for and 1 absent (Commissioner Whitman).

Commissioner Baker made a motion to accept the Findings of Facts by the Planning Board and also accept the Conditional Use Permit Application for a Class A Manufactured Home at location between 77 and 160 John and Ester Lane, Dunn and was seconded by Commissioner Corbett. The Board voted 5 for and 1 absent (Commissioner Whitman).

MINUTES OF OCTOBER 6, 2011 CONTINUEDPUBLIC HEARING

Commissioner Baker made a motion to go into Public Hearing at 7:13pm and was seconded by Commissioner Corbett. The Board voted 5 for and 1 absent (Commissioner Whitman).

ZONING MAP AMENDMENT APPLICATION FROM R-10 RESIDENTIAL TO B-2
HIGHWAY BUSINESS LOCATED AT NORTH EAST CORNER OF MOULTON
SPRINGS ROAD AND SOUTH 14TH STREET
TAX PIN# 0597-61-2986.000

Town Manager Bryan Thompson informed the Board that this is a request for rezoning from R-10 to B-2. The owner/applicant is Phillip Keen at 706 South 13th Street, Erwin. The property is all together .79 acres and this will be after recombination. This is actually two parcels however this will be put together once the survey is complete. The subject property is partially undeveloped. One portion of the northerly tract does have an encroachment by the existing body shop. A recombination survey is being performed to correct this. Surrounding land uses include Commercial Retail uses across the street of the property as well as Commercial uses on most sides of the property. Water and Sewer are available to this property. The current land use is classified as vacant land and essentially vacant land allows for multiple different types of development. It's used to encourage development in a certain area. This does not need to be evaluated for small scale rezoning and should be evaluated for reasonableness.

Mayor Carson asked that if anyone was interested to speak in favor for this Rezoning Permit 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 Rezoning Permit 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 at 7:15pm and was seconded by Commissioner Corbett. The Board voted 5 for and 1 absent (Commissioner Whitman).

Commissioner Baker made a motion to accept the Findings of Facts by the Planning Board and also approve the Rezoning Application from R-10 Residential to B-2 Highway Business located at North East Corner of Moulton Springs Road and South 14th Street and was seconded by Commissioner Corbett. The Board voted 5 for and 1 absent (Commissioner Whitman).

MINUTES OF OCTOBER 6, 2011 CONTINUEDPUBLIC HEARING

Commissioner Taylor made a motion to go into Public Hearing at 7:16pm and was seconded by Commissioner Baker. The Board voted 5 for and 1 absent (Commissioner Whitman).

TEXT AMENDMENT REDEFINING MINIMUM SETBACK REQUIREMENTS FOR
FREESTANDING SIGNS

Town Manger Bryan Thompson informed the Board that this is a Text Amendment to the Zoning Ordinance. This text amendment is Staff sponsored and is based on practical application of the observations of Staff and how the current regulations impact businesses within the community.

The following language indicates the proposed deletions by way of strikethrough marks, and indicates additions to the language by way of underlined text.

G.S. 9-4081.3 Business Signs

Business signs and name signs shall be permitted on the premises of the business in districts in which the principal use is permitted subject to the following limitations:

- E. Freestanding signs shall be located no less than twelve (12) feet from the street right-of-way line or property line, whichever is greater. ~~Behind the setback line, or setback off the street right of way line one foot for every one foot in linear height of the freestanding sign whichever is greater.~~ No freestanding sign shall be located in a required side yard or within ten (10) feet of the side property line. No building shall have more than one freestanding sign except buildings having frontage on more than one public street. In this not more than two freestanding.
- F. Signs shall be permitted. A freestanding sign shall in no case exceed a height of Thirty-five (35) feet or two hundred (200) square feet in area.

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

No one came forward to speak against.

Commissioner Corbett made a motion to close Public Hearing at 7:20pm and was seconded by Commissioner West. The Board voted 5 for and 1 absent (Commissioner Whitman).

MINUTES OF OCTOBER 6, 2011 CONTINUED

Item E Freestanding signs shall be located no less than twelve (12) feet from the street right of way line or property line whichever is greater. The Board agreed to strike "or property lines whichever is greater" due to the fact that in some cases property lines are in the center of the road on older deeds.

Commissioner Taylor made a motion to approve with the necessary corrections for Redefining minimum setback requirements for Freestanding Signs and was seconded by Commissioner West. The Board voted 5 for and 1 absent (Commissioner Whitman).

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OLD BUSINESS

**SET SPECIAL CALLED MEETING FOR DISCUSSION OF SIDEWALK
CONSTRUCTION: DIRECTION TO STAFF FOR PLANNING CONSTRUCTION
PROGRAM AND CONSIDERATION OF OUT OF TOWN ALTERNATE PLANNING
BOARD APPLICATIONS**

It was the Consensus of the Board to have a Special Called Meeting on Thursday, October 27, 2011 at 5:30pm.

**SOLID WASTE COLLECTION: CLARIFICATION ON COMMERCIAL VS
RESIDENTIAL TRASH SERVICES**

This item was discussed at the last meeting on September 1, 2011 however some of the Board received several complaints for Mobile Home Lots and asked if this item could be discussed again to have a better clarification between commercial and residential trash services.

Commissioner Baker stated that if you are looking for guidance on Commercial, where you have single piece of property or multiple tracts of property that contain multiple multi family units with more than 1 duplex would be treated as Commercial. Manufactured Home Parks, those are individuals that are renting the land but are homeowners and should be entitled to the same privileges as other Residents in the Town.

Commissioner Corbett agreed with Commissioner Baker saying he would rather see 4 or 5 trash cans out there than a dumpster.

Town Manager Bryan Thompson said that what he was hearing from the Board was existing manufactured mobile home parks will not be considered as Commercial for the purpose of this and multiple multi family unit and any multi family development with 6 or greater unit would be considered Commercial. Church facilities would be considered as Commercial.

Commissioner Baker made a motion that manufactured mobile homes parks are to be treated as Residential, multiple multi family units are to be treated as Commercial; a multi-family unit

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that has 6 or more units inside is also treated as Commercial and was seconded by Commissioner Corbett. The Board voted 5 for and 1 absent (Commissioner Whitman).

GOVERNING BODY COMMENTS

Commissioner Taylor would like to recognize Mr. Walter McNeill of 110 West N. Street, Erwin at the next Regular meeting which will be November 3, 2011 at 7pm. Also thanked the Staff for doing a great job.

Commissioner West thanked everyone for coming to the meeting and would encourage more community involvement. Invited everyone to the Gospel at the Gazebo on October 14th at 6pm and encouraged everyone to attend as well.

Commissioner Ennis thanked everyone for coming to the meeting, thanked everyone who had a part in Denim Days, and encouraged more community involvement.

Commissioner Baker stated that Denim Days was great again this year. Get involved with the Town; we are all in this community together. Thanked those who volunteer for this Town.

Commissioner Corbett thanked everyone for coming to the meeting and would like more citizens to get involved with the Town. Commended the Staff and Chamber for an excellent Denim Days.

Mayor Carson informed everyone that Tuesday, October 11, 2011 is Election Day and encouraged everyone to vote. Have several business owners receiving facade grants.

ADJOURNMENT

Commissioner Baker made a motion to adjourn at 7:55pm and was seconded by Commissioner Corbett. The Board voted 5 for and 1 absent (Commissioner Whitman).

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

Patsy M. Carson,
Mayor

Cynthia B. Patterson, CM C
Town Clerk