

**ERWIN BOARD OF COMMISSIONERS
MEETING MINUTES
JULY 12, 2012
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 12, 2012 at 7:00 P. M. in Erwin, North Carolina.

Board Members present were: Commissioners William Turnage, Frank Taylor, Frankie Ballard, and Norma Ennis.

Board Members absent were: Commissioner Randy Baker and Ricky Blackmon.

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 Turnage made a motion to remove Item G Consideration of an Ordinance of the Town of Erwin, amending Appendix I, Traffic, Section 101 (Parking Prohibited at All Times Except on Sundays), to include East D Street between South 13th Street on the North and South Portion of East D Street under New Business, add Item A, Depot Update under Old Business, Add a request from Commissioner Taylor to be excused from the meeting at 7:30pm under Consent Items and also correct the Minutes of June 14, 2012 on page 7689 3rd paragraph after \$4,000 & \$3750 to put the word “each” at the end of those sentences to identify per unit not total project cost and was seconded by Commissioner Taylor. The Board voted unanimously.

CONSENT ITEMS

Commissioner Ballard made a motion to approve **(Item A)** Approval of Special Called Minutes on 05/29/2012, Regular Minutes on June 7, 2012, and Special Called Minutes on June 14, 2012, **(Item B)** Proclamation Recognizing July 2012 Erwin Citizen of the Month, **(Item C)** Budget Ordinance Amendment for the Approved Repairs to Town Hall Roof: BOA 2012-2013: 001**(Item D)** Tax Collector’s Annual Settlement was seconded by Commissioner Turnage. The Board voted unanimously.

MINUTES OF JULY 12, 2012 CONTINUED**PRESENTATION OF PROCLAMATION TO MR. ROBERT PATTERSON
CAMERON FOR CITIZEN OF THE MONTH**

Mayor Patsy Carson presented a plaque to Mr. Robert Patterson Cameron for July's Citizen of the Month. Mr. Cameron retired from the Harnett County Social Services in 2009. He is Past President of the Erwin Lions Club, Vice Chairperson of Good Hope Hospital and also Past Deacon of First Baptist Church in Erwin.

PUBLIC HEARING

Commissioner Turnage made a motion to open the Public Hearing at 7:04pm and was seconded by Commissioner Ballard. The Board voted unanimously.

**CONDITIONAL USE PERMIT APPLICATION: 705 SOUTH 13TH STREET
WHOLESALE CAR SALES OPERATION; USE CLASSIFICATION AUTOMOTIVE
ORIENTED BUSINESS**

Harnett County Planner Matt Talbott informed the Board that this was a Conditional Use Permit for Automotive Oriented Business – Vehicle Wholesale. The applicant is JMH Automotive. The owner is Jackie Strickland and Norma Ennis. The location is 705 South 13th Street and the Township is Duke. The acreage is .79 acres. The zoning is B-2. The site is currently occupied by several existing block buildings, one of which currently houses the wholesale office in question. The surrounding land uses consist of mainly commercial property and uses.

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 lot will need to be at the mini One 20x9 (1) space for each two hundred (200) square feet of gross floor area, plus one (1) space for each company vehicle. The entire parking area and drive aisle will have to be at the minimum covered in 6" of gravel or paved to the edge of the town maintained road.

The applicant will be required to install streetscape/entrance corridor plantings pursuant to the regulations as referenced in section 9-4041.24 of the Zoning Ordinance.

If the applicant is going to have any vehicles displayed the following will apply: 2. Outdoor display, storage or sale of vehicles or other equipment or material provided that in the interest of safety to children and adjacent property, outdoor storage areas shall be encompassed by a wall, at least six (6) feet high, or a fence and buffer strip approved by the Planning Board. The applicant has proposed a fence that will be used with low growing shrub every several feet.

MINUTES OF JULY 12, 2012 CONTINUED

Commissioner Turnage made a motion that Commissioner Norma Ennis be excused from voting on this matter due to personal conflict and was seconded by Commissioner Taylor. The Board voted unanimously.

The owner Jackie Strickland came forward and spoke to the Board. Mr. Strickland informed the Board that the required buffering will be done in the fall no later than October 1st.

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

No one came forward.

Commissioner Taylor made a motion to close the public hearing at 7:10pm and was seconded by Commissioner Turnage. The Board voted unanimously.

Town Manager Bryan Thompson informed the Board that as this is a Quasi Traditional matter, State Law requires a 4/5 affirmative vote from the actual number of actual members of the Board which requires more members than we have present. Commissioner Ennis has excused herself from voting and falls short of the 4/5 votes. Staff suggests Tabling this matter until the next Regular Meeting which will be on Thursday, August 2, 2012 at 7pm.

Commissioner Taylor made a motion to Table the Conditional Use Application until Thursday, August 2, 2012 at 7pm and was seconded by Commissioner Turnage. The Board voted unanimously.

PUBLIC HEARING

Commissioner Turnage made a motion to open the Public Hearing at 7:15pm and was seconded by Commissioner Taylor. The Board voted unanimously.

TEXT AMENDMENT: ELECTRONIC GAMING OPEATIONS

The following language is being proposed to the Board of Commissioners.

9-4031.4

Part 9 Chapter 4 Article 3 is hereby amended by adding “Electronic Gaming Operations” as a Conditional Use within the M-1 & B-2 Zoning District. The supplemental regulations are as follows:

MINUTES OF JULY 12, 2012 CONTINUED

Definition to be added:

Electronic Gaming Operations

Any business or enterprise, whether as a principal or an accessory use, where persons utilize electronic machines, including but not limited to computers and gaming terminals to conduct games of chance, including sweepstakes, and where money, credit, merchandise or other items or allowance of value are redeemed by or otherwise distributed. This definition applies whether or not the value of such distribution is determined by electronic games played or by predetermined odds. This term includes, but is not limited to internet cafes, cybercafés, sweepstakes entertainment business, or internet sweepstakes. This does not include any lottery approved by the State of North Carolina.

Electronic Gaming Operations

1. Days/Hours of operation: Businesses engaging in electronic gaming operations activities may operate from 8:00 am until 10:00 pm each day, Monday through Saturday unless otherwise specified by the Planning Board.
2. The maximum number of machines/terminals/computers for any electronic gaming operations is 10.
3. The machines/terminals must not be prohibited by State or Federal law and must have all applicable permits and licenses.
4. If food or beverage is served the establishment must meet the requirements of the Erwin Zoning Ordinance, the Harnett County Department of Health, and all Local, State, and Federal law requirements.
5. No establishment that operates electronic gaming machines in any capacity may sell nor serve alcohol.
6. The establishment must be a minimum of Five Hundred (500) linear feet from any residential zoning district.
7. The establishment must be a minimum of Five Hundred (500) linear feet from any other organization engaged in an electronic gaming operation business.
8. The establishment must be a minimum of Five Hundred (500) linear feet from any church, synagogue, or temple and associated uses including cemeteries congregate care facility; a public or private daycare center; or any public or private school. The required separation from the above listed uses applies whether the place of worship, school, child day care center, playground, or park is the principal use or an accessory use of the property.

MINUTES OF JULY 12, 2012 CONTINUED

9. The applicant shall submit a current plot plan prepared within thirty (30) days prior to application by a registered land surveyor or engineer depicting the following:

- a. Property lines and the structures containing any existing electronic gaming businesses within Five Hundred (500) linear feet of the subject property
- b. Property lines of any established church, synagogue, or temple and associated uses including cemeteries congregational care facility; a public or private daycare center; or any public or private school that is within Five Hundred (500) feet of the subject property
- c. Property lines of any existing residential zoning district within Five Hundred (500) feet of the subject building.

10. Distances shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior structure wall of the electronic gaming establishment to the nearest lot line of the religious use, school, residential district or other electronic gaming facility.

11. In cases where electronic gaming operations are an accessory to the primary use, the gaming terminals shall be completely separated from said use, and shall be a minimum of five hundred (500) sq. ft. in area.

12. No goods or services of any kind may be traded or bartered in return for the use of any portion of the permitted electronic gaming operation.

13. The minimum age of any persons entering an electronic gaming operation shall be 18 unless otherwise specified by the Planning Board.

14. All existing electronic gaming operations shall be mandated to comply with the above referenced regulations within six (6) months of the adoption of this ordinance. Failure to do so will result in a violation of the Town of Erwin Zoning Ordinance. Furthermore, any permitted electronic gaming business that is not in compliance with the regulations as stated will have their permits revoked immediately without remuneration.

15. No Firearms allowed.

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.

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Commissioner Turnage made a motion to close the public hearing at 7:20pm and was seconded by Commissioner Taylor. The Board voted unanimously.

Commissioner Turnage made a motion to Table this proposed Text Amendment until all of the Board Members are present and was seconded by Commissioner Ennis. The Board voted unanimously.

PUBLIC HEARING

Commissioner Ballard made a motion to open the public hearing at 7:21pm and was seconded by Commissioner Taylor. The Board voted unanimously.

CERTIFICATE OF CONVENIENCE AND NECESSITY FOR THE OPERATION OF A TAXICAB SERVICE WITHIN THE CORPORATE LIMITS OF THE TOWN OF ERWIN

Mr. Thompson informed the Board that this was a Certificate of Convenience and Necessity. The applicant is Rodney Johnson, Jr. The base operation is established in Dunn however to operate as a Taxicab Service pickup or drop off in the Town of Erwin the applicant will need to get this permit and is only offered through the Board of Commissioners. Each year the applicant will need to come before the Board of Commissioners to renew this certificate.

Rodney Johnson, Jr. owner of Crossway Transportation came forward and spoke to the Board. Mr. Johnson would like to provide service to the Town of Erwin citizens. There is no transportation service in this area. As the Towns are growing, we need to provide services to the people. Mr. Johnson stated that there will be no designated site. There will be two vehicles provided with the plans to add more. He also stated that he has been cleared to provide service in Coats, Lillington, and Dunn areas.

Commissioner Turnage has a concern on page 43, Staff has recommended seven items of conditions associated with this approval.

Mr. Thompson stated that this was simple recommendations in the event the Board of Commissioners would like to adopt. This is so Staff can have it on file with the Police Dept. and keep in order.

They are as follows:

- Applicant provide such information as required in the Town Code as found in Part 6, Chapter 1, Article A
- Applicant provide an updated roster of those employees, including driver license number, of the taxicab operation who are scheduled to operate taxicabs within the Town of Erwin
- Applicant provide an updated roster of those vehicles in use for the taxicab operation that are scheduled to operate within the Town of Erwin
- Applicant provide proof of insurance for each registered vehicle in use for the taxicab operations that are scheduled to operate within the Town of Erwin

MINUTES OF JULY 12, 2012 CONTINUED

- Applicant provide proof of general liability insurance held by Applicant for the general operations of the taxicab service
- That the foregoing be reviewed either by the Board or by Staff (whichever the Board believes is most appropriate) prior to final consideration of full certificate approval
- That the Applicant not receive final certificate until the foregoing is provided to the Town

Mayor Carson asked that if anyone was interested to speak in favor for this proposed Certificate of Convenience and Necessity, 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 Certificate of Convenience and Necessity, to please come forward and state your name, address and oath.

No one came forward.

Commissioner Turnage made a motion to close the public hearing at 7:29pm and was seconded by Commissioner Ballard. The Board voted unanimously.

Commissioner Taylor made a motion to approve the Certificate of Convenience and Necessity for the Operation of a Taxicab Service within the Corporate Limits of the Town of Erwin and include the seven recommendations that Staff has proposed and was seconded by Commissioner Turnage. The Board voted unanimously.

It was also Consensus of the Board when that the foregoing be reviewed Staff would have final consideration of full certificate approval.

(Page 7696 A-NN)

OLD BUSINESS**DEPOT UPDATE**

Mr. Sion Harrington came forward and addressed the Board. Mr. Harrington stated that this committee was formed just a few months ago. Currently we have 20 members. They consist of Businesses and Community Leaders, Historians, and a variety of others. This effort will be in three phases, Relocation, Preservation, and Restoration. The relocation will be moving it from the current location up to the site that has been selected which is behind the Erwin Fire Dept. corner of West G. St. /South 14th Street. The preservation phase basically is going to be trying to weather the building in and make any essential repairs that have to be made. The restoration is going to take longer and be more involved. This is where we are going to try and put this building back to the way it looked when it was first built. This building was actually built as the Duke Depot which was built in 1907. It was the focal point for passenger travel and freight coming into the Town and the Mill and out of the Town and Mill. There were very few good roads which was of course dirt. Without a Depot you could not handle much freight.

MINUTES OF JULY 12, 2012 CONTINUED

A restored Depot will provide a badly needed space for the Erwin Historical Society and Museum, neither Lillington, Dunn, nor Angier have a Historical Society. Coats has a Historical Society however came to Erwin to find out how to do one. There are a lot of different uses that could possibly be considered once the Depot is restored. Obviously, we would like to see it used primarily as a museum however it could be used for a Chamber office and Community use such as Denim Days. So far in addition to forming a committee, we have secured the services of preservation and restoration expert at no cost, several experience grant writers at no cost, under side of the Depot drained and in the process of drying out, we have obtained several thousands of dollars in donations from the people and organizations that wanted to see this depot preserved. The way we plan to fund this is through grants and private donations. What the committee would like to do with the permission of the Board of Commissioners is to erect a sign at the corner of West G/South 14th Street on the lot that will help advertise what we are doing to the public so that one day that depot will be on that spot.

Mayor Carson also added that the Depot has been donated at no cost.

There were no discussions from the Board.

STAND ADJOURN AT 7:40PM

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

**Patsy Carson,
Mayor**

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