

**ERWIN BOARD OF COMMISSIONERS  
MEETING MINUTES  
NOVEMBER 1, 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, November 1, 2012 at 7:00 P. M. in Erwin, North Carolina.

Board Members present were: Commissioners William Turnage, Frank Taylor, Frankie Ballard, Randy Baker and Ricky Blackmon.

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.

Pastor Jerome Pope gave the invocation.

Those present recited the Pledge of Allegiance.

**AGENDA ADJUSTMENTS/APPROVAL OF AGENDA**

Commissioner Baker made a motion to add under **New Business Item A** Budget Ordinance Amendment Police Dept. NCHSP Grant BOA 2012-2013: 003 and was seconded by Commissioner Ballard. The Board voted unanimously.

**CONSENT ITEMS**

Commissioner Blackmon made a motion to approve **(Item A)** Approval of Regular Minutes on 10/04/2012, **(Item B)** Proclamation Recognizing November 2012 Erwin Citizen of the Month, **(Item C)** Resolution Adopting the Municipal Records Retention and Disposition Schedule, **(Item D)** Resolution Commemorating Veterans Day, **(Item E)** Resolution to enter into Partnership with the City of Dunn in the Coordination and Oversight of a Comprehensive Bicycle Pedestrian Plan Grant with North Carolina Dept. of Transportation Grant, **(Item F)** Agreement in Principle: Town of Erwin and Erwin Historical Society, Erwin Depot, **(Item G)** Chicora Phase II Sewer Project Ordinance Amendment: 2012-2013-003, and **(Item H)** Rural Center Contract Amendment: Contract 2008-407-60401-117, Amendment NO. 1 and was seconded by Commissioner Turnage. The Board voted unanimously.

**MINUTES OF NOVEMBER 1, 2012 CONTINUED****PRESENTATION OF PROCLAMATION TO MRS. MATTIE POPE  
FOR CITIZEN OF THE MONTH**

Mayor Patsy Carson presented a plaque to Mrs. Mattie Pope for November's Citizen of the Month. Mrs. Pope is an active member of St. Matthew Church in which she is currently the second oldest member in attendance. She has touched lives through her devotion to the church by serving as a Sunday School Teacher, a member of the Ladies Auxiliary, the Goldenaires and through her singing in the choir. Mrs. Pope still looks after the Church by walking through it after events to make sure the Church is secure. In 2008, Mrs. Pope decided to enter into the Church Derby Race. She built and raced her car finishing as a winner in the adult category. She was crowned the 2008 Derby Queen in which she still retains her title.

**PUBLIC HEARING**

Commissioner Blackmon made a motion to open the Public Hearing at 7:10pm and was seconded by Commissioner Ballard. The Board voted unanimously.

**ZONING MAP AMENDMENT REQUEST: 16.72 ACRES ALONG HIGHWAY 421  
NEAR INTERSECTION OF RED HILL CHURCH ROAD FROM B-2 TO RD  
TAX PIN# 1507-24-2813.000**

Harnett County Planner Landon Chandler informed the Board that this is a requested rezoning from a B-2 Business to a RD Residential. The applicant is Dan Bryant, Carmen Tart, and Nancy Starr. The location is on Hwy 421 at the intersection of Red Hill Church Road. This site currently has an office and the remaining land is vacant. Surrounding land uses consist of primarily residential structures with some commercial uses intermingled. Water and Sewer is available on this site.

Mayor Carson asked if anyone would like to come forward and speak for or against this Zoning Map Amendment Request 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 7:15pm and was seconded by Commissioner Turnage. The Board voted unanimously.

Commissioner Baker stated in looking at the overall language printed, this is approximately from the intersection back to the City Limits zoned B-2 Highway Business. He understands as far as the fact this piece of property is unique in a sense it basically abuts to partially three road frontages and with the land use plan as Commercial Corridor, the Town has everything in place now along the road frontages to accommodate with B-2 Highway Business. Commissioner Baker stated that he is not always in favor of partial zoning however in this case, this would be more feasible. He stated that he would hate to tie up 16 acres of property if the applicant would have an alternative use for part of the parcel. Also in going back to the minutes of the Planning Board, a member had the same concern in

**MINUTES OF NOVEMBER 1, 2012 CONTINUED**

going through the votes, this is contingent on this Corridor in looking at what is currently out there. Commissioner Baker stated that this might be a case of a potential split zone for the buffer areas on the Hwy 421 Corridor and staying consistent with the remaining zoning that is out there now. This will keep the current Commercial Use in tact along Hwy 421.

Commissioner Turnage stated that the initial request was for split zoning and the applicant changed his mind. Mr. Turnage also stated that the applicant tried to make the property work. He had put in a driving range a few years ago. The applicant had applied to several franchised restaurants to come into this property. Commissioner Turnage also stated that he sees no problem in having it rezoned from B-2 to RD.

Commissioner Blackmon asked the question of what was the reasoning behind in changing this. Several years ago this property was established as a Gateway for Commercial Development along that Corridor. If you go back and change this, Commissioner Blackmon said you are taking a step back in what the Town was trying to get our growth from. Commissioner Blackmon also stated that he did not have a problem rezoning part of this and agrees with Commissioner Baker. How far back you go and what is the depth of those other properties that abuts it. If you change it to Rural District, is it going to increase the development, probably not? Don't really see the necessity in changing this.

Harnett County Planner Landon Chandler stated that the question of depth is approximately 250 ft. from the edge of right of way into all those properties that remains B-2. In terms of how it was initially submitted, the applicant did initially submit to have it split zoned. It was Staff's recommendation just because it's not necessary good planning practice to split zone property, we would rather see it partial boundary or some kind of other geographic boundary instated before that however the Board definitely has the ability to do that just ensure that when we do go through the Findings of Facts that there is a specific depth or specific boundary that you would like to utilize.

Commissioner Turnage made a motion to accept the Planning Board recommendations and Staff recommendations and approve the Rezoning Request at the Intersection of Hwy 421 and Red Hill Church Road from B-2 to RD and also approve the Findings of Facts from the Planning Board.

Commissioner Baker asked to have an amendment to this motion. Commissioner Baker stated that he was not in agreement with the #4 Planning Board Findings of Facts where it is in accord with the Land Development Plan. The front portion for a measurement of 250ft. from the right of way along Hwy 421 end of property remain B-2 and the remainder of the parcel be zoned RD if Commissioner Turnage would accept this amendment to the motion.

Commissioner Turnage made a motion to approve the Rezoning of the Property along Hwy 421 at the Intersection of Red Hill Church Road from B-2 to RD with the amendment that Commissioner Baker recommended that 250ft. road frontage to the property line that abuts Hwy 421 inward toward property to remain B-2 and the remainder of the parcel RD and was seconded by Commissioner Blackmon. The Board voted unanimously.

**MINUTES OF NOVEMBER 1, 2012 CONTINUED****PUBLIC HEARING**

Commissioner Turnage made a motion to open the Public Hearing at 7:25pm and was seconded by Commissioner Baker. The Board voted unanimously.

**CONDITIONAL USE PERMIT APPLICATION: CLASS A MANUFACTURED HOME  
AT LOCATION 201 EDNA JOHN COURT  
HARNETT COUNTY TAX PIN# 1507-39-9151.000**

Harnett County Planner Landon Chandler informed the Board that this is a request for a Double Wide Class A Manufactured Home. The owner is David and Charlene Dupree. The location is 201 Edna John Court and the township is Duke. The acreage is 1.49 acres and is currently zoned RD. The site currently has some existing vegetation and open areas and currently does not have any structure on it. 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. The ordinance requires all Class A homes to receive Conditional Use approval before being set up. Public Water is available and Private Sewer will be used.

Mayor Carson asked if anyone would like to come forward and speak for or against this Conditional Use Application Request 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 7:27pm and was seconded by Commissioner Ballard. The Board voted unanimously.

Commissioner Baker made a motion to accept and recommend the Planning Board Findings of Facts in affirmative for approval and also approve the Conditional Use Application for a Class A Manufactured Home at the location of 201 Edna John Court and was seconded by Commissioner Turnage. The Board voted unanimously.

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**OLD BUSINESS****CONSIDERATION OF PROPOSED PARKING CENTER MAP REFLECTING  
AREAS TO BE RETAINED BY INDIVIDUAL PROPERTY OWNERS AFTER  
TRANSFER OF PARKING CENTER PROPERTY TO TOWN OF ERWIN**

Town Manager Bryan Thompson informed the Board that at the last Regular Meeting the Board did have at least one additional question related to the utilities found on the grounds at the parking lot area that would perhaps for future impact improve surface consisting with water, sewer and natural gas. Staff has been in contact with each of these utilities and has found that the area that we are dealing with, those utilities are in ownership by the utility company. We do have a statement with Harnett County Public Utilities in writing that if they

**MINUTES OF NOVEMBER 1, 2012 CONTINUED**

would need to do repair work to the improved area or access those underground utilities and they do damage the improvements that they would replace it.

Commissioner Turnage asked would the Town need to give the utility companies an easement to do the work or does it come in with the approval.

Commissioner Blackmon stated that it would be in our best interest in case we do have an event to do a temporary easement.

Town Attorney Mac Hunter had some concerns with the garbage containers outside the area that they were going to keep. He thought they needed to be inside the area. The map that we have now showed some of them outside and if the Board is going to approve in general it should be with the idea that nothing is contained outside the line. He does not want a map if we are going to record to show the containers outside the area.

Commissioner Baker stated that he thought the project is worthwhile; we have an opportunity to enhance our downtown area. This small edge around the back of the building where you don't have any guarantee if we spend thousands of dollars on resurfacing that the owners of the individual businesses are going to come up and say join on to this asphalt and bring it all the way up to the building so it's all in uniform. This is the only concern he had. Ownership could change; everyone that owns these building now could be completely on board and then ownership change.

Commissioner Baker stated that he didn't know how jurisdiction deal with ownership with public parking that abuts privately own buildings, do you have that buffer area of privately owned land and how they address that issue. As far as the overall project, he is fine with it, thinks it's worthwhile, it's a step that we need to take toward unifying downtown and investing back in our Town. What he is looking at is a leap of faith; it's going to be this 15ft area to the rear of these buildings with the owners wanting to retain ownership of. This Board may be fine with it, the owners of the buildings, but who knows what will happen 15-20 years. Are we missing something when we do this that will create a problem in the future?

Commissioner Ballard stated that he thinks it will be an asset to the downtown area but he will not bind another Board on good faith.

Mr. Thompson stated that he is hearing what Commissioner Baker and Commissioner Ballard are saying. Part of it is dealing with the dumpsters and another part is dealing with existing improvements that are attached to the buildings such as loading docks and HVAC units. If we were to as an alternative amend the Code of Ordinance that would allow Central Business Districts for keeping private dumpsters on public property but dictate it very clearly what the perimeters of that are and then maybe by way cutting out not 15ft. but maybe around the actual improvements or HVAC units or other things that the Town really does not want to have any ownership in and deed that over or keep legally that remaining with those properties. He also stated that he is not saying that the business owners will be satisfied with that but asked the Board is that what he is hearing. Is this the direction that would make sense?

**MINUTES OF NOVEMBER 1, 2012 CONTINUED**

Commissioner Baker asked the Town Attorney would there be any way of putting on the deed that the Town has ownership where it hugs the building but it showed an easement to the property owner with a number of feet.

Mr. Hunter replied by saying you could, but the problem with that is that is long term. He would rather do an encroachment agreement for these people. Whatever is sitting on the Town's property and name it and do an encroachment agreement at this time.

Mr. Thompson informed the Board that what he is hearing is to hug the buildings, any improvements that go beyond that building let that revert to the individual property owners and then things like HVAC and then do an encroachment that would allow them to replace in the event they need to.

Mr. Hunter also stated that if we did the encroachment agreement that's an incentive to them to give up the quick claim for the lot and do it all on one.

Mr. Hunter informed the Board that he would go back and tell the property owners what was discussed and if the property owners agree, we will draw up the paperwork and bring it back to the Board to proceed.

**NEW BUSINESS****BUDGET ORDINANCE AMENDMENT POLICE DEPT. NCHSP GRANT**  
**BOA 2012-2013:003**

Mr. Thompson informed the Board that Staff has applied for several grants this past year, four of them we have received. The third one that we have received is the NC Governor's Highway Safety Program Grant that is to purchase equipment, police personnel and a police vehicle. A Budget Amendment has been created to allocate the total cost of the first years' operations as revenue by way of General Fund Balance Appropriation.

Commissioner Ballard made a motion to approve the Budget Ordinance Amendment Police Dept. NCHSP Grant and was seconded by Commissioner Turnage. The Board voted unanimously.

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**MANAGER REPORT**

Mr. Thompson introduced the New Planner Ms. Kathy Blake of Sanford. Ms. Blake will begin on Monday, November 5<sup>th</sup>.

**MINUTES OF NOVEMBER 1, 2012 CONTINUED****GOVERNING BOARD COMMENTS**

Commissioner Turnage thanked everyone for coming to the meeting and also thanked the Police Dept. in handling a situation in Chicora.

Commissioner Baker thanked the Police Dept. for enforcing the speed limit on St. Matthews Road and also welcomed Ms. Kathy Blake to the Town of Erwin.

Mayor Carson informed every one of the Tree Lighting on Monday, November 26<sup>th</sup> and also the Christmas Parade on Monday, December 3<sup>rd</sup>.

**ADJOURNMENT**

Commissioner Baker made a motion to adjourn at 8:05pm and was seconded by Commissioner Blackmon. The Board voted unanimously.

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

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**Patsy Carson,**  
Mayor

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