

**ERWIN BOARD OF COMMISSIONERS  
MEETING MINUTES  
AUGUST 5, 2010  
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, August 5, 2010 at 7:00 P. M. in Erwin, North Carolina.

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

Board Members absent were: Commissioner Michael West.

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 Remove **Item D** Planning Services Agreement: Harnett County and Town of Erwin from Consent Agenda and place as **Item G** under New Business, Add **Item G** Tax Collector Charge In for 2010 Taxes, and under Public Hearing Add **Item D** Text Amendment Industrial (M1) District Conditional Table of Uses Electronic Gaming Operations Use, Definition, and Regulations and was seconded by Commissioner Corbett. The Board voted 5 for and 1 absent (Commissioner West).

**CONSENT ITEMS**

Commissioner Whitman made a motion to approve **(Item A)** Approval of Special Called Minutes on 06/24/2010, Approval of Regular Minutes on 07/01/2010 Approval of Special Called Minutes on 07/14/2010, **(Item B)** Joint Proclamation Town of Erwin and Erwin Chamber of Commerce Recognizing Miss Adrienne Leigh Core, Miss North Carolina, **(Item C)** Proclamation Recognizing Citizen Volunteers for Assistance with W.N. Porter Park Project, **(Item D)** Amendments to 2010-2011 Fee Schedule, and **(Item E)** Acceptance of resignation from Erwin Parks and Recreation Advisory Board Mr. James Harvey and Mr. Sean Coats and was seconded by Commissioner Ennis. The Board voted 5 for and 1 absent (Commissioner West).

**MINUTES OF AUGUST 5, 2010 CONTINUED****PUBLIC HEARING**

Commissioner Baker made a motion to open Public Hearing for a Conditional Use Permit Class A Manufactured Home on 3B Cauliflower Lane, Erwin at 7:10 P.M. and was seconded by Commissioner Corbett. The Board voted 5 for and 1 absent (Commissioner West).

**CONDITIONAL USE PERMIT APPLICATION – CLASS A MANUFACTURED  
HOME AT LOCATION OF LOT 3B CAULIFLOWER LANE –  
TAX PIN# 1507-68-3711.000**

Harnett County Planner Landon Chandler informed the Board that this is a conditional use application for applicant Scott Holliday. The location will be at Lot 3B Cauliflower Lane, Erwin with acres of .47. This is currently zoned RD (Residential District). The surrounding land uses consist of residential uses, a religious structure as well as some vacant lots. The applicant has provided a site plan which outlines where they would like the home to be. This site currently has no public water or sewer available.

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 to speak in favor.

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 Baker made a motion to accept the Findings of Facts submitted by the Planning Board and was seconded by Commissioner Whitman. The Board voted 5 for and 1 absent (Commissioner West).

Commissioner Taylor made a motion to close the Public Hearing at 7:15pm and was seconded by Commissioner Ennis. The Board voted 5 for and 1 absent (Commissioner West).

Commissioner Whitman made a motion to approve the Conditional Use Permit for a Class A Manufactured Home at the location of Lot 3B Cauliflower Lane, Erwin and was seconded by Commissioner Corbett. The Board voted 5 for and 1 absent (Commissioner West).

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**PUBLIC HEARING**

Commissioner Baker made a motion to open public hearing for Text Amendment Residential (R-6) District Minimum Setback Requirements at 7:15pm and was seconded by Commissioner Corbett. The Board voted 5 for and 1 absent (Commissioners West).

**MINUTES OF AUGUST 5, 2010 CONTINUED**

**TEXT AMENDMENT – RESIDENTIAL (R-6) DISTRICT MINIMUM SETBACK REQUIREMENTS**

Harnett County Planner Landon Chandler informed the Board that Staff is seeing more variance request for certain setback issues in different districts. Some of the language in the text is hard to determine. Mr. Chandler stated that the following language is being proposed.

The following regulations shall govern all permitted and conditional uses in this district:

**9-4027.5**

1. Minimum lot area = 6,000 square feet. (.229 acres)
2. Two-family or Multi-family dwelling: 8,000 square feet per development and an additional 2,000 square feet per unit.
3. Minimum lot width = Single-family dwelling: 50 feet
4. Multi-family dwelling: 75 feet.
  - Setbacks in the R6 district shall be equal to the average setbacks for buildings on the same side of the street within 300 ft. building and street facades shall extend parallel to front property lines.
  - The administrative official shall determine frontage for irregularly shaped lots.
  - All setbacks may not apply to individual planned units, condominium, or town home developments
  - Where there are no existing buildings on the same side of the street to determine an average setback, the following requirements shall apply.
  - The following are the minimum setbacks or building envelopes for properties located within the R-6 district:
5. Minimum required front yard = 25 feet (excluding steps) measured from the front property line.
6. Minimum required rear yard = 25 feet (excluding steps) measured from the rear property line.
7. Minimum required side yard = 8 feet measured from the side property line,
8. Maximum building height = 35 feet

\*Red Language signifies items to be deleted

\*Blue Language signifies items to be added

Mayor Carson asked that if anyone was interested to speak in favor for this Text Amendment Residential R-6 to please come forward and state your name, address and oath.

No one came forward to speak in favor.

Mayor Carson asked that if anyone was interested to speak against this Text Amendment Residential R-6 to please come forward and state your name, address and oath.

No one came forward to speak against.

**MINUTES OF AUGUST 5, 2010 CONTINUED**

Commissioner Taylor made a motion to close the Public Hearing at 7:16pm and was seconded by Commissioner Corbett. The Board voted 5 for and 1 absent (Commissioner West).

Commissioner Baker made a motion to approve the proposed Text Amendment for Residential (R-6) District Minimum Setback Requirements submitted by Staff and seconded by Commissioner Whitman. The Board voted 5 for and 1 absent (Commissioner West).

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**PUBLIC HEARING**

Commissioner Baker made a motion to open public hearing for Text Amendment Residential (R-10) District Minimum Setback Requirements at 7:17pm and was seconded by Commissioner Corbett. The Board voted 5 for and 1 absent (Commissioner West).

**TEXT AMENDMENT – RESIDENTIAL (R-10) DISTRICT MINIMUM SETBACK REQUIREMENTS**

Harnett County Planner Landon Chandler informed the Board that this is also the same as Residential R-6 except this is in Residential R-10 District. This will also consist in bigger lots and the setbacks will be greater. What will be taken out is average setbacks on the same side of the street within 300ft. Mr. Chandler stated that the following language is being proposed.

The following regulations shall govern all permitted and conditional uses in this district:

**9-4026.5**

1. Minimum lot area = 10,000 square feet. (.89 acres)
2. Minimum lot width = 75 feet
  - a. **Setbacks in the R10 district shall be equal to the average setbacks for buildings on the same side of the street within 300 ft. building and street facades shall extend parallel to front property lines.** The administrative official shall determine frontage for irregularly shaped lots.
  - b. All setbacks may not apply to individual planned units, condominium, or town home developments
  - c. **Where there are no existing buildings on the same side of the street to determine an average setback, the following requirements shall apply.**
  - d. **The following are the minimum setbacks or building envelopes for properties located within the R-10 district:**
3. Minimum required front yard = 35 feet (excluding steps) measured from the front property line.
4. Minimum required rear yard = 35 feet (excluding steps) measured from the rear property line.
5. Minimum required side yard = 10 feet measured from the side property line,
6. Maximum building height = 35 feet
7. Street Access – See Article 4

**MINUTES OF AUGUST 5, 2010 CONTINUED**

\*Red Language signifies items to be deleted

\*Blue Language signifies items to be added

Mayor Carson asked that if anyone was interested to speak in favor for this Text Amendment Residential R-10 to please come forward and state your name, address and oath.

No one came forward to speak in favor.

Mayor Carson asked that if anyone was interested to speak against this Text Amendment Residential R-10 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 the Public Hearing at 7:19pm and was seconded by Commissioner Corbett. The Board voted 5 for and 1 absent (Commissioner West).

Commissioner Whitman made a motion to approve the proposed Text Amendment for Residential (R-10) District Minimum Setback Requirements submitted by Staff and seconded by Commissioner Corbett. The Board voted 5 for and 1 absent (Commissioner West).

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**PUBLIC HEARING**

Commissioner Baker made a motion to open public hearing for Text Amendment Industrial (M1) District Conditional Table of Uses – Electronic Gaming Operations at 7:20pm and was seconded by Commissioner Corbett. The Board voted 5 for and 1 absent (Commissioner West).

**TEXT AMENDMENT – INDUSTRIAL (M1) DISTRICT CONDITIONAL TABLE OF USES – ELECTRONIC GAMING OPERATIONS – USE, DEFINITION, AND REGULATIONS**

Harnett County Planner Landon Chandler informed the Board that the following language is the proposed language developed by Staff. This language reflects considerable research into the various issues that have been noted in other communities and the corresponding regulations that have been implemented to address such issues. However, Mr. Chandler stated that this was banned last month by Governor Perdue. This may be reopened next year for discussion when the legislative reconvenes.

Mayor Carson asked that if anyone was interested to speak in favor for this Text Amendment Industrial (M1) District Conditional Table of Uses – Electronic Gaming Operations to please come forward and state your name, address and oath.

No one came forward to speak in favor.

**MINUTES OF AUGUST 5, 2010 CONTINUED**

Mayor Carson asked that if anyone was interested to speak against this Text Amendment Industrial (M1) District Conditional Table of Uses – Electronic Gaming Operations 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 the Public Hearing at 7:45pm and was seconded by Commissioner Corbett. The Board voted 5 for and 1 absent (Commissioner West).

After much discussion, Commissioner Baker made a motion to approve the Text Amendment Industrial (M1) District Conditional Table of Uses – Electronic Gaming Operations as submitted by Staff and was seconded by Commissioner Corbett. The Board voted 2 for and 3 against (Commissioner Whitman, Ennis, and Taylor) and 1 absent (Commissioner West). This motion failed.

**PRESENTATION: GARY PIERCE, HORTICULTURE AGENT, HARNETT  
COUNTY COOPERATIVE EXTENSION – VOLUNTARY AGRICULTURE  
DISTRICT**

Mr. Gary Pierce came forward and spoke to the Board. Mr. Pierce stated that in the late 80's the State realized that something needed to be done to protect the agriculture because it was an important part of our economy but also something needed to be done because our State was growing and at that time making a transition from the Rural state to an Urban state. This means more people live in town than out of town. The State came up with a Statute that allows each County to devise its own voluntary agriculture district ordinance in order to address the issues that result from agriculture and urban interface. They started enrolling about one year ago and actually Harnett County holds the record in North Carolina with 80 counties that have adopted this ordinance and Harnett County holds the most enrolled in one year as far as districts. The reason for the presentation is due to the fact that this ordinance does not cover Municipalities. This is an issue because the Town of Erwin city limits go out on the edge of the city limits on the farms. This is unfair to the citizens within the city limits is that if you live just outside of Town and planning on purchasing land out of town adjacent to one of these districts which is basically a farm then when your attorney does a title search then they find you are within a mile of agriculture district and they notify them that potential buyer is within a mile and in the ordinance it has language that they may encounter. If you purchase land just within the city limits and the city has not taken part in the ordinance then you are not warned even though you are just as close to that farm as the person just outside of town.

There are two (2) particular things that municipalities can do if they are interested in this. One, they can come up with their own ordinance which follow these guidelines or two (2) adopt the Counties and use their Board and languages to cover your area.

It was the Consent of the Board to schedule a work session with Mr. Gary Pierce and the Planning Board.

**MINUTES OF AUGUST 5, 2010 CONTINUED****SET SPECIAL CALLED MEETING: PARKS AND RECREATION ADVISORY  
BOARD APPOINTMENTS WORKSHOP, BUDGET AMENDMENT, STEP  
LEADERSHIP TEAM PRESENTATION**

It was the Consent of the Board to schedule a Special Called Meeting on Tuesday, August 10, 2010 at 5:30pm.

**CONSIDERATION OF AMENDMENT TO GRASS MOWING CONTRACT  
SERVICE AGREEMENT**

Town Manager Bryan Thompson informed the Board that apparently there are a number of lots that have a good bit of junk in the yards that are overgrown. In order to appropriately abate the grass nuisance the service provider will need to remove the junk from the yards. The service agreement reads that the contractor is to remove trash and debris prior to cutting the grass. The intent of this requirement is to make it to where the contractor will not mow over paper and other types of trash that will litter the yard and make the job site look poorly executed. The service agreement does not speak to large volumes of "junk". The contractor would like to amend the contract with the approval of the Board, to take into account such instances where there will need to be the hauling off of a good bit of junk in order to properly do the job.

The contractor suggested \$75.00 per hour plus any landfill fees. The contractor would have to be instructed by the Town on a case by case basis if this portion of the service is required or necessary.

Commissioner Taylor asked the question since the Town has trash pickup rather than them charging \$75 an hour and taking the debris to the landfill, would it not be more cost efficient to put the debris beside the road for pickup.

Commissioner Whitman suggested that this should be on a case by case basis not strictly just increase the price.

Commissioner Whitman made a motion to amend the Grass Mowing Contract Service Agreement to change the verbiage to a case by case basis with prior approval from the Town Manager and the debris placed beside the road for pickup and was seconded by Commissioner Corbett. The Board voted 5 for and 1 absent (Commissioner West).

**MINUTES OF AUGUST 5, 2010 CONTINUED****REPLACEMENT OF PARKS AND RECREATION DEPARTMENT TRUCK**

Town Manager Bryan Thompson informed the Board that the Parks & Rec. is interested in purchasing a used vehicle to replace the existing vehicle that is currently in use. The funding for this truck would be from claims paid by insurance for past incidences that were no fault of town staff. The total claim payments and surplus revenue for the subject trucks equal \$6,206.66. As these revenues are unexpected they are not reflected in the operating budget. Furthermore, the corresponding expense if a truck were purchased would also not be found in the operating budget. Therefore, a budget amendment showing the revenue and expense would need to be approved prior to the purchase of another truck.

The Parks & Recreation Dept. is looking for a full-size truck in order to pull their trailer.

Commissioner Whitman suggested in giving the Public Works Director truck to the Parks & Recreation Dept. and let Public Works Director take one of the Crown Vics parked at Town Hall. Town Manager Bryan Thompson stated that staff could explore that option.

It was also suggested to buy the Public Works Director a small truck such as a Ford Ranger and let Parks & Recreation have the Public Works Director F-150 truck.

Commissioner Baker stated could Staff entertain an idea of seeing of what inventory we have available a vehicle that we have already in our fleet that would be suitable for the Parks & Recreation of making some type of transfer and allocating \$6,000 to \$7,000 to go toward the purchase of a Ranger which is a smaller vehicle and come back to the Board to see what can be done.

Town Manager informed the Board that Staff will meet and present findings to the Board at the Special Called Meeting on Tuesday, August 10, 2010 at 5:30pm.

**CHICORA PHASE II PROJECT: LETTERS AND TIMEFRAME FOR RESPONSE  
AND HOOKUP**

Town Manager Bryan Thompson informed the Board that work is being made of the Chicora Sewer Project with 25% of the design work completed to date. Staff and Engineers are planning to meet with County next week in order to coordinate the project with the County. Surveys will soon be sent to the property owners. The last time this project was started, the Town afforded residents 90 days to let the Town know if they wanted sewer hookup. As it is the desire of the Town for the benefit of the impacted residents to move this project along in the most efficient manner possible, the engineers and Town Staff is interested in abbreviating this timeframe to 30 days.

Commissioner Corbett made a motion to go with the 30 day time limit on the response and request for hookup and was seconded by Commissioner Ennis. The Board voted 5 for and 1 absent (Commissioner West).



**MINUTES OF AUGUST 5, 2010 CONTINUED****PROPOSED LIGHTING AT PORTER PARK**

Town Manager Bryan Thompson informed the Board that additional lighting at W.N. Porter Park has been proposed which includes the following scope of work;

1. Install new underground wiring back to 4 existing poles on basketball court.
2. Install new bulb and lens on 8 fixtures
3. Install push button control unit for operation of lights. Control to have time clock override.
4. Install new light under picnic shelter with dust/dawn control operation. Install metal shield around new light for protection.
5. Install 2 receptacle outlets under picnic shelter.
6. Install new power circuits for lights and outlets at picnic shelter.

The proposed scope of work is estimated at \$5,400.00. Price includes all materials, labor and permits.

Commissioner Taylor stated that this was one of the suggestions from the Steering Committee for W.N. Porter Park.

Commissioner Whitman asked if Staff could see what the cost would be to have the lights cut on at the basketball court.

Commissioner Corbett asked if STEP could help with this.

Town Manager Bryan Thompson also informed the Board that the lights at the Basketball Courts are not owned by Progress Energy. The Town of Erwin owns those lights and we could go back and speak with Tom Underhill with Progress Energy to see what the alternative of Progress Energy wanted to take the lights over. There maybe some up front cost but the up front cost would be less if the Town was leasing them.

It was the Consent of the Board to look at the Basketball Court lights which needs to be on some type of timer, get quotes and bring back to the Board to review and if that price is maintainable with the revenue that is out of that fund at that point, earmark it and when we do those funds Staff go ahead and ask the Board to release those funds for that project and also check with STEP as well.

**PLANNING SERVICES AGREEMENT: HARNETT COUNTY AND  
TOWN OF ERWIN**

Town Manager Bryan Thompson informed the Board that on page 27 of the Planning Services Agreement paragraph right above Section 4 "The Planning Department shall not provide zoning enforcement services to Town as part of this agreement". This is not the case, and the County Legal stated that it would be appropriate to strike through this language in pen have it initialed by Mayor Carson of Erwin and Chairman McNeill of Harnett County then it would be fully executed.

**MINUTES OF AUGUST 5, 2010 CONTINUED**

Commissioner Baker made a motion to approve the Planning Service Agreement between Harnett County and Town of Erwin with the correction in the contract which would be page 3 of the Contract to remove "The Planning Department shall not provide zoning enforcement services to Town as part of this agreement" as a strike through and was seconded by Commissioner Corbett. The Board voted 5 for and 1 absent (Commissioner West).

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**MANAGER REPORT**

Pope Air Force Base is celebrating their 65<sup>th</sup> Birthday of the Air Force and a Formal Ball will be held on September 9, 2010 at the Fayetteville Coliseum and everyone is invited to attend.

5<sup>th</sup> Annual Chief Louis G. Joseph Memorial Scholarship Golf Tournament on September 8, 2010.

Hiring of New Parks and Recreation Director Mr. Doug Stevens

**GOVERNING BODY COMMENTS**

Commissioner Taylor thanked everyone for coming out to the meeting and also the Town is looking much better and thanked the Staff and Commissioners for what they do for the Town.

Commissioner Ennis thanked everyone for participating in the Town and also Congratulated Cynthia Patterson in receiving her Certification for Municipal Clerks.

Commissioner Whitman thanked everyone for coming to the meeting and also thanked the Staff for a good job. Congratulated Doug Stevens on accepting the Parks & Rec. Director position, he is all about the kids and will do a great job.

Commissioner Baker Congratulated Cynthia Patterson on her Certification for Municipal Clerks and also welcomed Doug Stevens as Parks & Rec. Director. Also proud of the citizens getting involved with the Town of Erwin such as the citizens that were recognized tonight in building the bridge at W.N. Porter Park.

Commissioner Corbett Congratulated Cynthia Patterson on her Certification for Municipal Clerks and welcomed Doug Stevens as Parks & Rec. Director and also thanked Jeff Harmon for all the hard work that he has done on an Interim basis and also thanked everyone for coming out to the meeting tonight.

**MINUTES OF AUGUST 5, 2010 CONTINUED****ADJOURNMENT**

Commissioner Ennis made a motion to adjourn at 8:50pm and was seconded by Commissioner Corbett. The Board voted 5 for and 1 absent (Commissioner West).

**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**