

ERWIN BOARD OF COMMISSIONERS
REGULAR MINUTES
JULY 11, 2013
ERWIN, NORTH CAROLINA

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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 11, 2013 at 7:00 P. M. in Erwin, North Carolina.

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

Interim Town Manager/Town Clerk Cynthia Patterson was present.

Town Attorney Mac Hunter was present.

Mayor Patsy Carson called the meeting to order at 7:00 P. M.

Commissioner Frank Taylor gave the invocation.

Those present recited the Pledge of Allegiance.

APPROVAL OF AGENDA

Commissioner Taylor made a motion to add under Consent Item E DM2 Engineering Agreement and was seconded by Commissioner Baker. The Board voted unanimously.

Commissioner Turnage made a motion to approve the Agenda and was seconded by Commissioner Taylor. The Board voted unanimously.

CONSENT ITEMS

Commissioner Baker made a motion to approve **(Item A)** Approval of Special Called Minutes on 05/23/13, **(Item B)** Approval of Regular Minutes on 06/02/13, **(Item C)** Continuation Minutes from Regular Meeting on 06/17/13, **(Item D)** Recognition of July's Citizen of the Month, **(Item E)** DM2 Engineering Agreement and was seconded by Commissioner Turnage. The Board voted unanimously.

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PRESENTATION OF JULY'S CITIZEN OF THE MONTH MRS. MATTIE BAILEY

Mayor Carson presented a plaque in recognition and appreciation to Mrs. Mattie Bailey for her valuable contributions to the quality of life in our community and proudly acknowledged Mrs. Mattie Bailey as the July 2013 Citizen of the Month. Mrs. Bailey is very active in the community. She is currently serving on a number of boards.

PUBLIC HEARING

**TEXT AMENDMENT TO SECTION XXIII (KEEPING LIVESTOCK AND FOWL)
AND THE ADDITION OF SECTION XXIV KEEPING CHICKENS (HENS) UNDER
MUNICIPAL ANIMAL CONTROL ORDINANCE**

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

Town Planner Kathy Blake informed the Board that Steve Berube with Harnett County Animal Control was here to present this Public Hearing. Steve Berube came forward and presented the text amendment for Section XXIII Keeping Livestock and Fowl and the addition of Section XXIV Keeping Chickens (Hens) under Municipal Animal Control Ordinance. Mr. Berube stated that various town's such as Erwin falls under the contract with Harnett County Animal Control. Town Managers have been getting feedback from residents with request to have chickens. With this text amendment, research has been done from the following Cities such as Cary and Raleigh. Mr. Berube combined the language from the two cities to come up with the proposed language. In this proposed language, a maximum of six (6) hens will be allowed per household. Citizens will need to come to Town Hall and apply for a land use permit which will be a one-time fee. Code Enforcement will inspect the pens and make sure everything is up to Code before having chickens.

Mayor Carson asked if anyone would like to speak in favor of the proposed text amendment to please come forward.

Rick West of West E. Street Erwin came forward and spoke to the Board. Mr. West stated that he is inside the city limits of Erwin with 12 acres of land. We have had chickens on this land since 1961. We have rabbits, quail, pigeons, etc. on this land. How can I keep what I have on this land?

Mayor Carson asked if anyone would like to speak against the proposed text amendment to please come forward.

No one came forward.

Commissioner Turnage made a motion to close the Public Hearing at 7:20pm and was seconded by Commissioner Ennis. The Board voted unanimously.

It was suggested by the Board of Commissioners for Mr. West to apply for a Bonafide Farm with Harnett County. Mr. West stated that he had applied and was in process.

Commissioner Ennis made a motion to approve the Proposed Text Amendment to Section XXIII Keeping Livestock and Fowl and the addition of Section XXIV Keeping Chickens (Hens) under Municipal Animal Control Ordinance and was seconded by Commissioner Turnage. The Board voted unanimously.

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ZT-S2013-001 ZONING TEXT AMENDMENT CONCERNING THE INCLUSION OF PRODUCE STANDS AND THE PERMISSIBLE DISTRICTS

Commissioner Blackmon made a motion to open the public hearing at 7:30pm and was seconded by Commissioner Turnage. The Board voted unanimously.

Town Planner Kathy Blake came forward and presented the text amendment concerning the Inclusion of Produce Stands and the Permissible Districts. Mrs. Blake stated that currently in the Town's Zoning Ordinance, the sale of agricultural products is limited to sales on the premises that the agricultural products are produced in the R-D Rural District with sufficient parking off-street and off the right-of-way, Section 9-4024.3 R-D Permitted Accessory Uses and Structures, (2). For the June 17th Planning Board meeting, staff prepared a draft ordinance to include produce stands in the B-2 district without restrictions to on-premises production. At that Planning Board meeting, the Board deleted much of the proposed text. The current draft, as recommended by the Planning Board, includes a definition for produce stands and seasonal use; includes produce stands in the definition of building; deletes, what appears to be a typographical error, the word ~~meeting~~ in Section 9-4041.14; adds 9-4041.14.1 and 9-4041.14.2; and states the only provision for produce stands is written permission of the property owner of record. Staff understood the consensus of the Planning Board is that produce stands should be allowed, by-right, in all zoning districts in the Town of Erwin and its ETJ and that no Zoning Permit should be required. The Board of Commissioners may wish to have produce stands added to each zoning district list of "Permitted accessory uses and structures".

Mayor Carson asked if anyone would like to speak in favor of the proposed text amendment to please come forward.

No one came forward.

Mayor Carson asked if anyone would like to speak against the proposed text amendment to please come forward.

No one came forward.

Commissioner Turnage made a motion to close Public Hearing at 7:35pm and was seconded by Commissioner Taylor. The Board voted unanimously.

After some discussion from the Board, Commissioner Baker made a motion to Table the Zoning Text Amendment concerning the Inclusion of Produce Stands and the Permissible Districts to remit back to the Planning Board for further review and come back at a later date and was seconded by Commissioner Ballard. The Board voted unanimously.

CONSIDERATION OF GRASS MOWING AGREEMENT

At the last regular meeting, Mr. Connet informed the Board that Staff received no bids on the Grass Mowing. However, Mr. Leon Fowler with Carolina Truck informed Staff that he would agree to continue on at the same price which will average \$90 per lot.

Please see the attached Grass Mowing Agreement from Mr. Leon Fowler. This agreement will be from July 1, 2013 to June 30, 2014.

Commissioner Baker made a motion to approve the Grass Mowing Agreement with Carolina Truck and was seconded by Commissioner Turnage. The Board voted unanimously.

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**RESOLUTION AUTHORIZING FILING OF APPLICATION FOR
FINANCING OF PARKING LOT IMPROVEMENTS WITH THE
NC LOCAL GOVERNMENT COMMISSION**

As you know the Town has previously received grant approval from the USDA to help with the renovation of the downtown parking lot on Denim Drive. This lot also contains several unsightly overhead utility lines for power, telephone, and cable TV. To have the utility companies put their lines underground will require additional local funds. At the current time the estimated cost should not exceed \$200,000. Tyrus Clayton is working with the utility companies to get a firm price of the actual cost. He is also getting a price from a private electrician as to the cost of reworking the service delivery point on the backs of the buildings that would be affected by changing the service from overhead to underground.

The Board has discussed informally the idea of taking out a loan to accomplish the relocation or the placement of these lines underground. There are two possible avenues that the Town can take to secure a loan if the Board selects this method of financing.

The first alternative is to apply for a loan through the USDA. Their current interest rate is 3.5%. Tyrus and Bill Dreitzler have copies of the loan application document, should the Board want to go this route. No application to the LGC is required for a USDA loan.

The second alternative is to go to the private sector (banks) and request funding proposals from them. This does require LGC going through their approval process. The private sector interest rates are less than the USDA. The current rate from one of the banks I spoke with was 2.39%

for a 10 year term. On a \$200,000 loan the annual payment for 10 years would be \$22,722.05. A formal RFP process is required to use this financing method.

The attached resolution is the first step in the financing process. It does not lock you into using the loan financing methods discussed above. It does allow you to finance the utility project first out of current reserve funds and then reimburse that reserve fund from loan proceeds. This will help you keep the project on a timeline with the rest of the construction work as you work through the financing details.

The Board was in consensus to know the exact cost on the utilities before moving forward.

Commissioner Ballard made a motion to Table the Resolution authorizing filing of application for financing of parking lot improvements with the NC Local Government Commission and was seconded by Commissioner Turnage. The Board voted unanimously.

MANAGER REPORT

Ricky Blackmon will have the next Citizen of the Month which will be in October.

A Meet and Greet has been scheduled for Thursday, August 1, 2013 from 5pm until 6:30pm for the New Town Manager Richard Douglas. Light refreshments will be served.

Have two (2) Out of Town applicants for the Planning Board will need to set up a Special Called Meeting to review the applications.

GOVERNING BOARD COMMENTS

Commissioner Turnage thanked everyone for coming out to the meeting.

Commissioner Baker thanked everyone for coming out to the meeting and also thanked Staff and Public Works for doing a great job and commended Cynthia Patterson for taking on as Interim Manager.

Mayor Carson informed everyone that the new Town Manager Richard Douglas will be here on Monday, July 15, 2013. Encourage everyone to come out and meet him on Thursday, August 1, 2013 from 5pm to 6:30pm.

Commissioner Ennis thanked Staff for doing a great job.

Commissioner Taylor thanked everyone for coming out to the meeting and also thanked Staff for doing a great job.

ADJOURNMENT

Commissioner Turnage made a motion to adjourn at 8:20pm and was seconded by Commissioner Ballard. The Board voted unanimously.

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

**Patsy Carson,
Mayor**

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