

ERWIN BOARD OF COMMISSIONERS
REGULAR MINUTES
MARCH 7, 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, March 7, 2013 at 7:00 P. M. in Erwin, North Carolina.

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

Board Members absent were: Commissioners Norma Ennis and Randy Baker.

Interim Town Manager Pete Connet 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 Frank Taylor gave the invocation.

Those present recited the Pledge of Allegiance.

APPROVAL OF AGENDA

Commissioner Blackmon made a motion to remove under Old Business (Item 4B) Recommendation on implementation of Holiday Pay Policy in the Police Department add under New Business (Item 6C) Consideration of Out of Town Alternates for the Planning Board and was seconded by Commissioner Turnage. The Board voted unanimously.

CONSENT ITEMS

Commissioner Turnage made a motion to approve **(Item A)** Approval of Regular Minutes on 02/07/2013, **(Item B)** Town of Erwin Declares March 11-17 Multiple Sclerosis week: Proclamation 2013-008, **(Item C)** Town of Erwin Declares March 11-17 Girl Scouts Week: Proclamation 2013-009, **(Item D)** Audit Contract for June 30, 2013 Year End **(Item E)** Revised Town of Erwin Fee Schedule 2012-2013, **(Item F)** Budget Amendment for Chicora Phase II-2012-2013-006 and **(Item G)** Budget Amendment for Chicora Phase II Project Ordinance-2012-2013-001 and was seconded by Commissioner Blackmon. The Board voted unanimously.

PRESENTATION OF GIRL SCOUT WEEK

Mayor Carson presented a plaque to the Girls Scouts of Erwin in recognition of celebrating Girl Scouts Week. Mayor Caron also proudly proclaimed March 11-17, 2013, "Girl Scout Week" in the Town of Erwin. The Girl Scouts presented the Board with several boxes of cookies.

OLD BUSINESS**CONSIDERATION OF ORDINANCE 2012-2013:007 TO REMOVE OR DEMOLISH
FOR 209 EAST H. STREET**

Erwin Planner Kathy Blake came forward and informed the Board to consider an ordinance directing the Code Enforcement Officer to remove or demolish property located at 209 East H. Street as unfit for human habitation.

Commissioner Turnage asked what time frame the Town is looking to proceed. Ms. Blake stated March 25, 2013.

Ms. Blake also informed the Board that no work has been done to this property since 2011.

Commissioner Blackmon made a motion to approve the Ordinance to remove or demolish for 209 East H. Street and was seconded by Commissioner Turnage. The Board voted unanimously.

**CONSIDERATION OF TOWN OF ERWIN/HARNETT COUNTY BUILDING
INSPECTION SERVICES AGREEMENT**

Mr. Connet advised the Board that this issue has been going on for some time. The Board had issues with a couple of Sections in the agreement which caused this item to be tabled until the Manager and Town Attorney could look over Section 4 and Section 5. These issues have now been corrected.

Harnett County Board of Commissioners will consider this same language at their March 18th meeting as well.

Commissioner Blackmon made a motion to approve the Town of Erwin/Harnett County Building Inspection Services Agreement and was seconded by Commissioner Taylor. The Board voted unanimously.

ERWIN DEPOT UPDATE

Tyrus Clayton with C.T. Clayton Engineering Services advised the Board that at the Board Retreat it was discussed to come up with the total cost for this project. Mr. Clayton offered to contact an architectural firm to put a proposal together basically for a building program and cost estimation in moving the depot and bringing it to Code. A letter was issued by Mr. Russ Wood from Dunn & Dalton Architects of what the cost of that study would be. In talking with the Depot Committee, they have money in hand they are willing to help assist if need be.

Commissioner Turnage advised the Board and to Mr. Clayton that he approached Mr. Leon Fowler about the Bill of Sale to the Depot. Mr. Fowler stated that he does not have a bill of sale in hand however he would contact the company in Martinsville VA to see about the bill of sale. Mr. Fowler informed Commissioner Turnage that he should have something in a week to show that they did own the Depot.

Commissioner Taylor asked if this feasibility study of \$2800 will have some of kind of cost for the overall project. Mr. Clayton stated this study will be a tool for future planning.

Commissioner Blackmon made a motion to table this issue until the Town of Erwin can see the Bill of Sale for the Erwin Depot, Town Attorney also advised the Board that he will look into matter as well such as Tax Records etc. and was seconded by Commissioner Taylor. The Board voted unanimously.

PUBLIC HEARING

Commissioner Blackmon made a motion to open the public hearing for a rezoning application from CON (Conservation) to RD (Rural District) at 7:45pm and was seconded by Commissioner Ballard. The Board voted unanimously.

CONSIDERATION OF Z-2013-001 REZONING APPLICATION FROM CON (CONSERVATION) TO RD (RURAL DISTRICT) 5.53 ACRES ALONG BEAVER DAM ROAD HARNETT COUNTY TAX PIN# 0596-24-4204.000

Town Planner Kathy Blake informed the Board that applicant Allen Westbrook is seeking a zoning map amendment for the 5.53 acres parcel identified as Harnett County PIN# 0596-24-4204.000 on Beaver Dam Road from CON to RD. The Planning Board reviewed this item at last month's meeting on February 18th. Ms. Blake also informed the Board that she had included a copy of the FEMA Map for informational purposes.

Per the Town of Erwin Zoning Ordinance, the Intents of the noted Zoning Districts are:

- Conservation - This district is established to encourage the preservation of natural areas that are unsuitable for development due to severe soil limitations, flooding, or unique natural resources.
- Rural District - This district is established to promote low-density residential and agricultural uses. The regulations of this district are intended to protect the agricultural sections of the community from an influx of uses likely to render them undesirable for farms and future development and to insure that residential developments dependent on private wells and septic tanks will occur at sufficiently low densities to insure a healthful environment.

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

Allen Westbrook, applicant came forward and spoke to the Board. Mr. Westbrook stated that his daughter and son in law would like to build a house across from where Mr. Westbrook lives now. The land was purchased in 1997.

Mayor Carson asked that if anyone was interested to speak against this proposed Rezoning Request Application, to please come forward and state your name, address and oath.

Scott Thomas lives right across from Mr. Westbrook on Beaver Dam Road. Mr. Thomas stated that he was not against this issue however expressed concerns. When Mr. Thomas purchased his property it was the assumption that stretch of river will always be Conservation and would not be developed. If you extend it to one person would you not be obliged to extend it to everyone you might have the same situation up and down the river and have a bunch of houses on the river that is really beautiful right now.

Jerry Bayles of 236 Old Ferry Lane, Erwin came forward and spoke to the Board. Mr. Bayles stated that Scott Thomas is his neighbor and understands his concerns and at the same time Mr. Westbrook is a neighbor as well. The parcel of land that is in question abuts 100 acres that Mr. Bayles owns. Mr. Westbrook is aware that he has to conform to all setbacks and FEMA'S regulations as for homes being built, the nature of the land, only 1 house can be built on that road abutting the river all the way back to the Cape. Mr. Bayles also stated that Mr. Westbrook should have the right to build his daughter/children a home. He will pay dearly to have it. Mr. Bayles does not think it will be a subdivision or anything that will mass destruct that will affect me. I personally would like to see his family have a beautiful home.

Commissioner Blackmon made a motion to close the public hearing at 7:57pm and was seconded by Commissioner Turnage. The Board voted unanimously.

Commissioner Blackmon made a motion to approve the Planning Board Findings of Facts and approve the Rezoning application from CON (Conservation) to RD (Rural District) 5.53 acres along Beaver Dam Road and was seconded by Commissioner Ballard. The Board voted unanimously.

PUBLIC HEARING

Commissioner Blackmon made a motion to open the public hearing for Zoning Ordinance Section 9-4091 Administration and Enforcement Amendments at 7:58pm and was seconded by Commissioner Turnage. The Board voted unanimously.

**CONSIDERATION OF T-2013-001 ZONING ORDINANCE SECTION 9-4091
ADMINISTRATION AND ENFORCEMENT AMENDMENTS**

Currently the only penalty in the Zoning Ordinance for a zoning violation is a criminal misdemeanor. Legal staff with the School of Government and the League of Municipalities both recommended amending Town ordinances to include civil penalties appears to be a more effective approach to zoning violations. The Town Attorney agrees with this recommendation.

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

No one came forward.

Commissioner Ballard made a motion to close the public hearing at 8:04pm and was seconded by Commissioner Turnage. The Board voted unanimously.

Commissioner Blackmon made a motion to approve the Zoning Ordinance Section 9-4091 Administration and Enforcement Amendment and the General Section of the Code of Ordinances Section 1-1008 and Section 1-1009 and was seconded by Commissioner Turnage. The Board voted unanimously.

**CONSIDERTION OF ORDINANCE PRESCRIBING PROCEDURES FOR
DISPOSING OF PERSONAL PROPERTY VALUED AT LESS THAN \$30,000
2012-2013:008**

At the Retreat the question came up about the handguns for the Police Dept. which needs to be declared surplus. Some of the officers were interested in purchasing their handguns.

The list of weapons to be surplused is as follows:

<u>Serial Number</u>	<u>Caliber</u>	<u>Model Number</u>	<u>Weapon Name</u>
BZM768US	.40	22	Glock (First Generation)
BZM763US	"	"	"
BZM761US	"	"	"
BZM767US	"	"	"
BZM769US	"	"	"
BZM766US	"	"	"

Commissioner Taylor made a motion to approve the Ordinance Prescribing Procedures for Disposing of Personal Property Valued at Less Than \$30,000 and was seconded by Commissioner Turnage. The Board voted unanimously.

CONSIDERATION OF PROPOSED SERVICE AGREEMENT WITH WITHERS & RAVENEL FOR PAVEMENT CONDITIONS SURVEY

This was talked about at the Retreat in how this could help in our Street paving program. Withers & Ravenel submitted a proposal of \$7500 and US Infrastructure of Carolina submitted a proposal of \$10,400. This type of work used to be done for cities and towns by NC State University, Institute for Transportation, Research, and Education (ITRE). ITRE can no longer compete against the private sector, thus the reason for contacting the companies above.

This will come from the Powell Bill Account so the work can be completed and results incorporated into the FY 2014 budget discussions.

Commissioner Taylor made a motion to approve Service Agreement with Withers & Ravenel for Pavement Conditions Survey and was seconded by Commissioner Turnage. The Board voted unanimously.

CONSIDERATION OF OUT OF TOWN ALTERNATES FOR THE PLANNING BOARD

Two (2) applicants have submitted a request for the Planning Board to serve as Out of Town Alternates. They are as follows:

Ray Roger
William L. Daughtry

Commissioner Taylor made a motion to accept both Mr. Rogers and Mr. Daughtry as Alternates for Planning Board Out of Town and was seconded by Commissioner Blackmon. The Board voted unanimously.

PUBLIC COMMENTS

No one signed up.

MANAGER'S REPORT

2013 Town Hall Day is Wednesday, March 27th. The deadline is March 15th if anyone would like to attend.

Commissioner Norma Ennis will have the April's Citizen of the Month.

GOVERNING BOARD COMMENTS

Commissioner Taylor thanked everyone for coming out to the meeting and also appreciated the Erwin Depot Committee in coming and trying to handle things properly.

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

Mayor Carson asked to set dates for Manager Interviews. Mr. Connet advised the Board to get names of the ones to interview with possible dates. The Board would love to hear Mr. Connet's recommendations as well.

ADJOURNMENT

Commissioner Turnage made a motion to adjourn at 8:25pm and was seconded by Commissioner Blackmon. The Board voted unanimously.

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

Patsy Carson,
Mayor

Cynthia B. Patterson, CMC
Town Clerk