

**ERWIN BOARD OF COMMISSIONERS
MEETING MINUTES
NOVEMBER 12, 2009
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 12, 2009 at 7:00 P. M. in Erwin, North Carolina.

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

Board Members absent were: Commissioner Frank Taylor.

Town Manager Bryan Thompson, Town Clerk Cynthia Patterson and Town Attorney Mac Hunter were present.

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

Commissioner West gave the invocation.

Those present recited the Pledge of Allegiance.

AGENDA ADJUSTMENTS/APPROVAL OF AGENDA

Commissioner Baker made a motion to approve the Agenda and was seconded by Commissioner Corbett. The Board voted 5 for with 1 absent (Commissioner Taylor).

CONSENT ITEMS

Commissioner Whitman made a motion to approve **Item (A)** Approval of Special Called Minutes on 09/24/09, **Item (B)** Approval of Regular Meeting Minutes on 10/01/09, **Item (C)** Approval of Special Called Minutes on 10/20/09, **Item (D)** Proclamation to Congratulate the 2009 Senior League Baseball Eastern Harnett County All Stars team and to Honor the Players and Coaches on an Amazing Season, **Item (E)** Proclamation in recognition of Andrew Wilson Edwards in Earning Eagle Scout Distinction, **Item (F)** Resolution Commemorating Veteran's Day, **Item (G)** Approval of Rural Center STEP Program Contract 2008-406-60401-117 (Amendment No.1), **Item (H)** Approval of Scoreboard Sponsorship Contract Agreement between Town of Erwin and Carlie C's IGA **Item, (I)** Consideration of Street Paving List **Item, (J)** Approval of Revised Lease Agreement for Town of Erwin Municipal Park and W.N. Porter Park, **Item (K)** Appointment of William Schuh to Planning and Zoning Board of Adjustments, **Item ((L)** Appointment of James Harvey to the Parks and Recreation Advisory Board, and **Item (M)** Appointment of Denise Newkirk to the W.N. Porter Memorial Park Steering Committee and was seconded by Commissioner Ennis. The Board voted 5 for with 1 absent (Commissioner Taylor).

MINUTES OF NOVEMBER 12, 2009 CONTINUED**PRESENTATION OF PLAQUES**

Mayor Carson asked Mr. Andrew Edwards to come forward. Mr. Edwards has completed all the necessary requirements and has been examined by an Eagle Scout Board of Review.

Commissioner Mark Whitman asked the Coaches of the Senior League Baseball Eastern Harnett County All Stars Team to come forward. This team is to be commended for their hard work and dedication that provided them with the achievement they will certainly cherish for the rest of their lives.

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PUBLIC HEARING**CONDITIONAL USE PERMIT APPLICATION FOR ESTABLISHING AND OPERATING A "FAMILY CHILD CARE HOME" TO BE LOCATED AT 106 BARNES DRIVE, ERWIN**

Commissioner Baker made a motion to open Public Hearing at 7:04 P.M. and was seconded by Commissioner West. The Board voted 5 for with 1 absent (Commissioner Taylor).

Applicant Denise Johnson of 2551 Prospect Church Road, Dunn is seeking a Conditional Use Permit for the operation of a Family Child Care Home located on 106 Barnes Drive, Erwin in a R-6 Zoned Area.

Mayor Carson asked if anyone wanted to speak in favor of the Family Child Care Home to come forward and state your name, address and oath.

Denise Johnson of 106 Barnes Drive, Erwin came forward and stated the oath. Mrs. Johnson stated that this is the second time for this request; however, it was approved last year with some conditions. Since the permit has expired she had to repeat the process again. This time the Planning Board added an additional requirement to the prior conditions which states "the driveway should be tiled the entire width of property to allow for direct parking access". Mrs. Johnson stated that this requirement would put her in a financial strain. Mrs. Johnson is asking the Board of Commissioners to refer back to the original condition stated at the April 3, 2008 meeting which states "that the driveway at 106 Barnes be kept clean and unoccupied to allow for proper vehicular access for patrons of the Child Care Home Facility."

Commissioner Baker stated that the Planning Boards had highlighted this concern due to the ingress and egress on being able to have the drive extended so you would not have to back out once a child was dropped off. Commissioner Baker then asked the question of would there be enough room on site to have a designated turn around area. Mrs. Johnson stated that the lot was 60 x 120.

MINUTES OF NOVEMBER 12, 2009 CONTINUED

Mr. Thompson stated that due to the size of the lot there will be no more than five (5) children staying at the facility at one time. There will be one required parking space for each employee and this includes the owner which is on site and every five (5) children would be an additional parking space. As it is stated in the Staff's findings it does not seem apparent that there will be more than five (5) children allowed at the facility at one time due to its size. This means a total of three (3) parking spaces and a turn around can be designated.

Mayor Carson asked if anyone wanted to speak against the Family Child Care Home to come forward and state your name, address and oath.

No one came forward.

TEXT AMENDMENT OF ZONING ORDINANCE – REFERENCE: BUFFER STRIP REQUIREMENTS

Mayor Carson asked if anyone wanted to speak in favor of the Text Amendment of Zoning Ordinance Reference Buffer Strips to come forward and state your name, address and oath.

No one came forward.

Mayor Carson asked if anyone wanted to speak against the Text Amendment of Zoning Ordinance Reference Buffer Strips to come forward and state your name, address and oath.

No one came forward.

Commissioner Ennis made a motion to close Public Hearing at 7:20 P.M. and was seconded by Commissioner Corbett. The Board voted 5 for with 1 absent (Commissioner Taylor).

NEW BUSINESS

CONSIDERATION OF CONDITIONAL USE PERMIT APPLICATION FOR ESTABLISHING AND OPERATING A "FAMILY CHILD CARE HOME" TO BE LOCATED AT 106 BARNES DRIVE

Town Manager Bryan Thompson stated that this is a conditional use that was once approved and not exercised within the twelve (12) months required. Mr. Thompson then went into the Finding of Facts.

Commissioner Whitman asked the question to Mrs. Johnson if she would be able to do the tile work requested. Mrs. Johnson stated that was the purpose in coming before the Board that she was not able to meet that requirement.

Mr. Thompson read the following requirements to the Board of Commissioners that the Planning Board recommended. They are as follows:

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1. That the Town be provided with any and all permits licenses and certifications issued by the appropriate State licensing agency prior to the beginning of operations.
2. That the driveway at 106 Barnes Drive be kept clear and unoccupied to allow for proper vehicular access for patrons of the Care Home Facility.
3. That an appropriate, designated fenced playground area is provided for the children receiving care at this facility or that the entire perimeter of the property is fenced.
4. The driveway at 106 Barnes Drive should be tiled the entire width of property to allow for direct parking access.

Commissioner Baker stated that if Mrs. Johnson took the traffic pattern that will reflect the way it was discussed in the Public Hearing that there will be a turn around area provided in the front of the property. This would prevent anyone to back out into Barnes Drive. Commissioner Baker also appreciated the Planning Board concerns with addressing of that issue, however, with the turn around provided that issue could be handled with the existing driveway without placing financial hardship on the applicant.

Commissioner Baker made a motion to accept the Finding of Facts as submitted by the Planning Board and to add the condition to be placed on this that the playground area must be maintained for the children play activities outside, that the driveway at 106 Barnes Drive to be kept clear and unoccupied to allow for proper vehicular ingress and egress and that a turn around area be placed in the front of the property as to allow traffic to make turn a rounds without having to back onto Barnes Drive and all applicable permits be submitted to the Town of Erwin ninety (90) days after the establishment has been opened and this will allow time for the State to award the proper permits, licenses and certifications and was seconded by Commissioner Whitman. The Board voted 5 for with 1 absent (Commissioner Taylor).

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**CONSIDERATION OF TEXT AMENDMENT OF ZONING ORDINANCE –
REFERENCE BUFFER STRIP REQUIREMENTS**

Town Manager Bryan Thompson informed the Board that Staff has constructed proposed language to augment the current language found in the Erwin code concerning Buffering and Buffer Strips.

Current Language

Buffer Strip. A buffer strip shall consist of a planted strip of land at least ten (10) feet in width composed of deciduous and/or evergreen trees, spaced not more than twenty (20) feet apart, and not less than one (1) row of dense shrubs, spaced not more than five (5) feet apart and five (5) feet or more in height after one (1) growing season, which shall be planted and maintained in a healthy, growing condition by the property owner.

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Proposed Language

A buffer strip shall consist of a planted strip of land at least ten (10) feet in width composed of deciduous and/or evergreen trees, spaced not more than twenty (20) feet apart, and not less than one (1) row of dense shrubs, spaced not more than five (5) feet apart and five (5) feet or more in height after one (1) growing season, which shall be planted and maintained in a healthy, growing condition by the property owner; **and/or a masonry wall located within the required buffer area; such wall shall be a minimum height of six (6) feet (above finished grade;) and, if a block wall, it shall be painted on all sides; or an opaque fence six (6) feet in height, finished side of fence must face out; such fence or masonry wall shall conform to the Erwin Fence Ordinance.**

Current Language Buffers Section 9-4028.6

Buffer strips as herein defined shall be required in this district for all uses where they abut land which is zoned residential. (Refer to definition.) The buffering requirement may be waived by the Board of Adjustment upon recommendation of the Planning Board along any boundary which is naturally screened by evergreen plant materials or topography or may be deferred in isolated areas. Refer to Article 4 for additional landscaping requirements.

Proposed Language for Buffers

Buffer strips as herein defined shall be required in this district for all uses where they abut land which is zoned residential. (Refer to definition.) The buffering requirement may be waived by the Board of Adjustment ~~upon recommendation of the Planning Board~~ along any boundary which is naturally screened by evergreen plant materials or topography or may be deferred in isolated areas. Refer to Article 4 for additional landscaping requirements.

Commissioner Baker asked the Town Manager that Staff is asking for a text amendment to the definition of Buffer Strips and Section 9-4028.6 Buffers. Mr. Thompson replied that the main concern is the Buffer Strip. They can both be voted on as advertised, however, Section 9-4028.6 being one specific section in the ordinance where there are other places where that specific statement is made, it will serve at best to hold off on Section 9-4028.6 Buffers until another public hearing is held dealing with fences which will be next month. If that is the case, Staff would feel more comfortable if the Buffers is held off simply because it is not specifically identifying each instance where it states.

Commissioner Baker made a motion to approve the Text Amendment to the Zoning Ordinance reference Buffer Strips to add the language submitted by Staff as presented and was seconded by Commissioner Corbett. The Board voted 5 for with 1 absent (Commissioner Taylor).

MINUTES OF NOVEMBER 12, 2009 CONTINUED**BUDGET ORDINANCE AMENDMENTS**

Town Manager Bryan Thompson informed the Board that this is just formality to ensure that the current budget reflects the actual transfer of the funds approved through the two project ordinances.

After no discussion, Commissioner Whitman made a motion to approve the Budget Ordinance Amendments and was seconded by Commissioner Baker. The Board voted 5 for with 1 absent (Commissioner Taylor).

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REVIEW OF REQUEST FOR PROPOSALS FOR GRASS MOWING SERVICES

Town Manager Bryan Thompson informed the Board that a draft has been put together and Staff wanted to bring it to the Board for review and to make sure that it reaches the intent that we are trying to accomplish through this program or code enforcement effect. This document is expected to be used for bids with respect to the Code Enforcement measure for those properties that remain in non-compliance with the Town's Grass Ordinance.

Commissioner Baker asked the question if we had three (3) individuals or firms that wish to participate in the grass mowing and for a thresh hold this has not been sent for bidding, are you going to ask under each job to submit a bid to you? Mr. Thompson replied in saying it could be done on a case by case basis. For instance, we have a house with a tall grass violation and Staff sends them a letter that it did not meet compliance and then we sent out for bids on that particular lot, there are a number of jurisdictions that do it that way. The typically larger jurisdictions that have staff have been getting advertising dollars to do that. This is a different approach to try not to advertise or receive bids for each of the properties this would approach in such a way that as many variables hopefully as can be anticipated with a lot being this size it or the density of it or height of under grown weeds and other vegetations would be taken into consideration with the schedule that they proposed and it's offer the ability for the applying bid who is submitting the proposal to include additional standards or thresh holds or issues as they see being possible that they can include in there. If it was a standard block lot then there will be prior acknowledgement by both parties and agreement will sure that both sides are understanding what is going on or be done prior to a check cut to cover the cost.

This document does not have to be approved by the Board, rather this document is for informational and feedback purposes only.

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MINUTES OF NOVEMBER 12, 2009 CONTINUED**MANAGER REPORT**

Town Manager Bryan Thompson informed the Board that the survey's for the School of Government need to be turned in soon. Please fill them out and return them.

Mr. Thompson has been in conversation with the engineer from Withers Revenel concerning the East Erwin Drainage study that was done a couple years ago and possibly applying for a grant. One of the grant sources is the Division of Water Resources. The application is due in January of 2010. This would be a matched grant. More information will come in December for the Board to consider. The potential cost is \$100,000

GOVERNING BODY COMMENTS

Commissioner West wanted to thank everyone for coming out and invite everyone to come back.

Commissioner Ennis stated that she does appreciate the people that are interested in Town Hall and what is going on in Erwin.

Commissioner Baker thanked everyone for coming and also mentioned that the Eagle Scout that the Town recognized tonight Mr. Andrew Edwards is the future leaders of this Country. That a pat on the back needs to go out to the parents as well for staying behind their kids and having them involved so they can develop into leaders.

Commissioner Corbett thanked everyone for coming out and reminded everyone that the NC Step instructor will be at the next Regular Schedule Meeting which will be Thursday, December 10th at 7pm.

Mayor Carson would like to thank Mark for all the hard work he is about to endure to get ready for Christmas. A Christmas Wish is planned for November 30th and encouraged everyone to attend.

CLOSED SESSION

Commissioner Baker made a motion to go into Closed Session at 8:05 P.M. to consult with the attorney G.S. 143-318.11 and was seconded by Commissioner Ennis. The Board voted 5 for with 1 absent (Commissioner Taylor).

MINUTES OF NOVEMBER 12, 2009 CONTINUED**RECONVENED**

Commissioner Baker made a motion to reconvene to the Regular Session at 8:55 P.M. and was seconded by Commissioner West. The Board voted 5 for with 1 absent (Commissioner Taylor).

ADJOURNMENT

Commissioner Whitman made a motion to adjourn at 8:55 P.M. and was seconded by Commissioner Corbett. The Board voted 5 for with 1 absent (Commissioner Taylor).

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

Patsy M. Carson, Mayor

Cynthia B. Patterson, Town Clerk