

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

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

Board Members absent were: Commissioner William Corbett.

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

CONSENT ITEMS

Commissioner Taylor made a motion to approve **(Item A)** Approval of Regular Minutes on 9/02/2010, Approval of Special Called Minutes on 09/20/2010, **(Item B)** Budget Amendment BOA 2011-02 Park Truck, Chicora Phase II, Recycling Services, **(Item C)** Interlocal Government Agreement: Emergency Management Debris Removal, **(Item D)** Proclamation Supporting the North Carolina Armed Forces Community Covenant. and **(Item E)** Resolution Approving Financing Terms and was seconded by Commissioner West. The Board voted 5 for and 1 absent (Commissioner Corbett).

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PRESENTATION

Commissioner Whitman presented the Proclamation Supporting the North Carolina Armed Forces Community Covenant. By signing the Community Covenant, cities and towns recognize the commitment that soldiers and their families make every day.

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

Commissioner Whitman made a motion to open Public Hearing for a Text Amendment at 7:05pm and was seconded by Commissioner West. The Board voted 5 for and 1 absent (Commissioner Corbett).

TEXT AMENDMENT 9-4081 – CHANGEABLE COPY, ELECTRONIC READER BOARD, AND LED SIGNS – APPLICANT: CARLIE C. (MACK) MCLAMB JR. MSM REALTY

Town Manager Bryan Thompson informed the Board that this is a text amendment request made by applicant Carlie C. (Mack) McLamb Jr. for the proposed language to the Erwin Town Code which is in the sign regulations. The proposed language states:

Rotating and Flashing Signs. No rotating, revolving or intermittent lighting devices shall be attached to or made a part of any sign with the exceptions as listed in Section 9-4081.3

Signs with Flame. No sign may be erected, placed, or designed and no device shall be attached to or made a part of any sign to utilize flame of any kind even as a source of light.

5. Changeable copy, electronic reader board, and LED signs are permitted only in the B-2 Highway Business Zoning District under the following conditions. If changeable copy, electronic reader board, or LED (also referred to as “electronic display”) signs are utilized as part of a permitted freestanding sign, then the total electronic display area of such freestanding sign shall be a minimum of 30 percent and a maximum of 50 percent changeable copy, electronic reader board, or LED signage. Electronic reader board or LED signs that display anything other than the time and temperature shall not change messages or images more often than every ten (10) seconds. Electronic display signs shall be comparable in composition, durability, and workmanship to the non electric display portion of the existing or proposed sign. Electronic display sign shall not advertise subjects unrelated to the premises upon which it is located. Display lighting shall be shielded, or dimmed so as to prevent direct rays of light from being cast into a residential area or district and/or vehicles approaching on a public right-of-way from any direction.

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

No one came forward to speak against.

MINUTES OF OCTOBER 7, 2010 CONTINUED

Commissioner Taylor made a motion to close Public Hearing for a Text Amendment at 7:07pm and was seconded by Commissioner Whitman. The Board voted 5 for and 1 absent (Commissioner Corbett).

Commissioner Whitman made a motion to approve the Text Amendment 9-4081 Changeable copy, electronic reader board and LED signs as stated in the Agenda Packet and was seconded by Commissioner Taylor. The Board voted 5 for and 1 absent (Commissioner Corbett).

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OLD BUSINESS**MULTIPLE RECYCLING CONTAINERS**

Town Manager Bryan Thompson stated that this was getting back to the Board with a question that had in respect to additional cost with the additional containers. The recycle container cost for a single container \$3.05 and every unit cost additional to that is the same standard which is \$3.05. This issue is discussed in the draft language of the Refuse Collection Ordinance assuming that there is a desire for additional containers that language has been put in as a proposal for the Board to review.

It was Consensus of the Board to review and discuss the proposed language which will be the next item of discussion.

PROPOSED LANGUAGE FOR GARBAGE AND REFUSE COLLECTION AND DISPOSAL REGULATIONS

Town Manager Bryan Thompson informed the Board that the language stands as is as presented in the Agenda Packet with exception to one section Staff would like to add generally speaking is to establish three (3) different levels for size of piles of brown goods, bulky goods and also yard waste. Whatever unit sizes the Town goes with, anything above that Staff could have in the fee schedule amount for the collection of the additional amount. If a resident has a larger pile the Town will still provide that service at a request. Now if a citizen were to know that it's a larger pile then they can make a call to Town Hall and give them an estimate of a level 1, 2, or 3 and make payment then it would be taken care of.

The language proposed is for discussion only; Staff will make changes if any and have it ready for adoption on the next Regular Schedule meeting which is November 4, 2010.

Commissioner Taylor stated that it has been discussed earlier about 8 sq. cubic yards that is a lot based on the fact that it will be picked up by pitch fork and a small dump truck, maybe we would want to consider cutting the size back. Mr. Thompson replied that Staff has gone over the units of measurements and is trying to make it as user friendly as possible and when talking about cubic yards it was difficult enough to centralize what a cubic yard is. If it pleases the Board to look at it as feet such as 6x6x6 or 8x8x8 or 4x4x4.

MINUTES OF OCTOBER 7, 2010 CONTINUED

Commissioner Whitman stated that he would like the Public Works Director Mark Byrd's opinion to this matter.

Mr. Byrd stated that 4x4x4 would be a decent size for pick up, that the Town should go back to requirements of size of debris pick up.

This will be discussed and reviewed at the next Regular Board of Commissioners Meeting on Thursday, November 4, 2010 at 7pm.

PROPOSED CONTRACT AMENDMENT FOR SOLID WASTE COLLECTION SERVICES AGREEMENT BETWEEN TOWN AND REPUBLIC SERVICES

Town Manager Bryan Thompson stated that Republic Services representatives are requesting an amendment to this language that will adjust the \$6.21 figure to \$6.46. The stated cause for the requested adjustment is that of a typo in the drafting of the executed contract. According to Republic Services the higher figure represents the rate modification based on the Consumer Price Index; and that it was not the intention of Republic Services to give a lower rate to the Town for this service through the contract consolidation process. The second proposed amendment to the executed agreement deals with the Rate Modification section of the agreement. The current language states that the rate modification (this includes both services) is effective July 1, 2010. According to Republic, if Republic Services were to go by this language, the rate for both services would be subject to change at this time, which according to Republic Services is not the intent of the agreement. The proposed language in the amendment is to have the rate modification become effective July 1, 2011 in order to meet the intent of the agreement. According to Republic Services, the second amendment serves to benefit the Town as the amendment will ensure that the recycling rate will be unchanged until 2011.

After some discussion, Commissioner Baker made a motion to deny the amendment increase submitted by Republic Services and was seconded by Commissioner West. The Board voted 5 for and 1 absent (Commissioner Corbett).

PROPOSED LANGUAGE FOR CODE OF ETHICS AND SET DATE FOR PUBLIC HEARING

Town Manager Bryan Thompson informed the Board that this is a requirement based on the last few years' legislation that requires all jurisdictions to pass the Code of Ethics by January 1, 2011. This is an effort to keep in compliance with that State Statue and give enough time for full review with the Board and if agreeable set a time for the Public Hearing.

It was the Consensus of the Board to set the Public Hearing for the Code of Ethics on Thursday, November 4, 2010 at 7pm.

MINUTES OF OCTOBER 7, 2010 CONTINUED**CONSIDERATION OF STEP IMPLEMENTATION PLAN**

Town Manager Bryan Thompson informed the Board that with the respect to the STEP Implementation Plan for over the past year we have been in the planning process we being the STEP Leadership Team. Through that process a good bit of discovery has been done with respect to penalizing the Town seeing where we are, where we have been, and taking limits of where we like to go. If you can recall back to Ms. Chilton Rogers, the Town's Coach through this process if we detail explanation of the first part of the process. The second part of the planning process had very much to do with the projects development which you will find in separately detached document details of the process and goes into much more detailed individual projects near the end however there is an executive summary near the beginning of that outlines briefly what those projects are.

What is being asked by the Board is to get approval if the Board sees fit to give approval for those projects that are identified so that we can report back to the Rural Center so the contract can be drafted for executions to move into implementation phase.

Commissioner Baker made a motion to approve the submitted plans that were submitted by the STEP Committee for approval and was seconded by Commissioner Taylor. The Board voted 5 for and 1 absent (Commissioner Corbett).

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**ERWIN PARKS AND RECREATION LIGHTING AT PORTER PARK – REQUEST
TO RECONSIDER MOTION**

Town Manager Bryan Thompson informed the Board that this is a request dealing with the motion that was made at the September's Board meeting to "borrow money from the fund balance of \$5400 and put lights in and as the money comes in from the Cell Tower which we already have \$3400 so we are looking at \$2000 to borrow from the fund balance to get lights for the kids before someone gets hurt."

At this time a portion of the park lighting project has been completed. The other part of the project is on the schedule to be completed soon. The funds in the Capital Reserve Fund will be sufficient to cover the cost of the project by the time the project is complete. Staff would like to request that the motion noted above be retracted and another motion made to take its place. The new motion is requested to authorize Staff to make expenses from the Capital reserve Fund to cover the cost of the park lighting project.

Commissioner Taylor made a motion to retract the motion that was made on September 2, 2010 to borrow \$2000 from the fund balance and also make a new motion to take the funds from the Capital Reserve Fund to pay for the project that already exists and was seconded by Commissioner Whitman. The Board voted 5 for and 1 absent (Commissioner Corbett).

MINUTES OF OCTOBER 7, 2010 CONTINUED**PUBLIC COMMENTS**

Eunice Hymes of 727 West M. Street, Erwin, came forward and spoke to the Board. Ms. Hymes stated that she was concerned with the way W.N. Porter Park was being handled. Ms. Hymes felt like both Parks should be handled the same. Ms. Hymes also wanted to thank Mark Byrd, Public Works Director and his employees for starting the appearance of W.N. Porter Park and moving it into a positive direction. Also asked the Board to consider installing a water faucet so the flowers could be watered at the Basketball Courts.

MANAGER REPORT

NCLM Advocacy Goals Conference will be held on Thursday, January 20, 2011 at the Raleigh Convention Center.

Mid-Carolina Council of Governments will hold their Quarterly Meeting on Thursday, October 28, 2010 at 6pm. Please RSVP by Monday, October 25, 2010.

GOVERNING BODY COMMENTS

Commissioner Taylor thanked everyone for coming out to the meeting and also thanked Mark Byrd and his employees for doing a great job at W.N. Porter Park. Congratulated Officer Jonathan Johnson on the arrival his new baby boy.

Commissioner West thanked everyone for coming to the meeting tonight. Encouraged everyone to start dwelling on positive things here in Erwin and not the negative.

Commissioner Ennis thanked everyone for coming to the meeting. Mrs. Ennis also commented on several issues such as the sign at Al Woodall Municipal Park.

Commissioner Whitman thanked everyone for coming to the meeting and also thanked the DAV for everything they do.

Commissioner Baker thanked the Jackson Family on their new facility downtown and encouraged everyone to come out and support them.

Mayor Carson thanked everyone for coming to the meeting and also mentioned that Denim Days was very successful this year this was repeated throughout the entire Board.

MINUTES OF OCTOBER 7, 2010 CONTINUED**ADJOURNMENT**

Commissioner Taylor made a motion to adjourn at 7:45pm and was seconded by Commissioner Whitman. The Board voted 5 for and 1 absent (Commissioner Corbett).

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

Patsy M. Carson,
Mayor

Cynthia B. Patterson, CMC
Town Clerk