

ERWIN BOARD OF COMMISSIONERS
REGULAR MINUTES
AUGUST 6, 2015
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 6, 2015 at 7:00 P. M. in Erwin, North Carolina.

Board Members present were: Commissioners William Turnage, Alvester McKoy, Ricky Blackmon, Randy Baker, Thurman Whitman and Frankie Ballard.

Town Manager Richard Douglas, 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 Alvester McKoy gave the invocation.

Those present recited the Pledge of Allegiance.

APPROVAL OF AGENDA

Commissioner Whitman made a motion to approve the agenda as is and was seconded by Commissioner Ballard. **Motion Unanimously Approved.**

CONSENT ITEMS

Commissioner Ballard made a motion to approve (**Item A**) Approval of Workshop Minutes of 06/25/15, (**Item B**) Approval of Regular Minutes of 07/02/15, (**Item C**) Financial Report Summary for June 2015 and (**Item D**) FY 2014-2015 Interdepartmental Transfer Report and was seconded by Commissioner Turnage. **Motion Unanimously Approved.**

A copy of the Financial Report Summary and FY 2014-2015 Interdepartmental Transfer Report, is incorporated into these minutes as Attachment #1

PRESENTATION OF THE AUGUST CITIZEN OF THE MONTH

Mayor Carson presented a plaque to Mr. Jimmy Riddle for the August Citizen of the Month. Mr. Riddle moved to Erwin in 1966. Mr. Riddle is a 1983 Graduate of Erwin High School. He married Robin Whitman on June 30, 1984. He served with the US Air Force from 1983 to 1986, worked with the Fayetteville Fire Dept. from 1986 to 1994 and is currently a Fire Marshall with the Harnett County Fire Marshall's Office and has been with them for 20 years.

A copy of the Proclamation for August Citizen of the Month is incorporated into these minutes as Attachment #2

MINUTES CONTINUED FROM AUGUST 6, 2015**PUBLIC HEARING**

Commissioner Ballard made a motion to go into a public hearing at 7:05pm and was seconded by Commissioner Baker. **Motion Unanimously Approved.**

**CU-2015-002, 114 WEST JACKSON BLVD., CONDITIONAL USE APPLICATION
FOR MINI-GOLF IN B-2**

Erwin Planner Kathy Blake came forward and informed the Board and audience that this will be a hearing for a conditional use application and will be a quasi-judicial hearing and all persons presenting evidence must swear or affirm their testimony.

Planner Kathy Blake and applicant Ricky Buffaloe came forward and stated the oath.

Ms. Blake informed the Board that Mr. Richard W. Buffaloe, of Buffaloe Bowling Partnership, submitted an application for a conditional use permit for an 18 hole miniature golf course in B-2 at what will be 114 W Jackson Blvd., and is a portion of Harnett County **PIN 0597-68-7318.000**. The property owner of this 6.19 acre parcel is Buffaloe Bowling Partnership. The parcel is zoned B-2 (Highway Business).

At the July 20th regular meeting, the Planning Board voted unanimously on each as follows:

1. To recommend that the proposed conditional use application meets all the Finding of Facts in the Affirmative, and
2. To recommend that the proposed amendment is consistent with those documents that constitute the officially adopted land development plan and other applicable plans, and
3. To recommend the approval of **CU-2015-002, 114 W Jackson Blvd., a conditional use permit application for an 18 hole miniature golf course in B-2** with additional conditions...

Mayor Carson asked if anyone would like to speak in favor of the proposed Conditional Use Application to please come forward. No one came forward.

Mayor Carson asked if anyone would like to speak against the proposed Conditional Use Application to please come forward. No one came forward.

Commissioner Ballard made a motion to close the public hearing at 7:10pm and was seconded by Commissioner Turnage. **Motion Unanimously Approved.**

The Board then approved the Findings of Facts as follows:

Commissioner Blackmon made a motion **1.)** That the use requested is listed among the conditional uses in the district for which application is made and this criterion has been met per Section 36-274 of the Zoning Ordinance was seconded by Commissioner Baker. **Motion Unanimously Approved.**

Commissioner Baker made a motion **2.)** The requested use is essential or desirable to the public convenience or welfare and the proposed entertainment business is expected to be a

MINUTES CONTINUED FROM AUGUST 6, 2015

regional attraction and was seconded by Commissioner Blackmon. **Motion Unanimously Approved.**

Commissioner McKoy made a motion **3.)** The requested use will not impair the integrity or character of the surrounding or adjoining districts, nor be detrimental to the health, morals, or welfare and the site was originally built as a shopping center and was seconded by Commissioner Baker. **Motion Unanimously Approved.**

Commissioner Blackmon made a motion **4.)** The requested use will be in conformity with the Land Development Plan and it appears that this criterion has been met. The Land Use Plan appears to show this parcel as High Intensity Development and high intensity is intended for commercial uses that have more of a regional draw and was seconded by Commissioner Ballard. **Motion Unanimously Approved.**

Commissioner Baker made a motion **5.)** Adequate utilities, access roads, drainage, sanitation and/or other necessary facilities have been or are being provided. The applicant has worked with Harnett County Public Works and was seconded by Commissioner Blackmon. **Motion Unanimously Approved.**

Commissioner McKoy made a motion **6.)** that adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets. The applicant has been in contact with NCDOT concerning any requirements for a driveway permit and was seconded by Commissioner Blackmon. **Motion Unanimously Approved.**

Commissioner Whitman made a motion **7.)** That the conditional use shall in all other respects conform to the applicable regulations of the district in which it is located except as such regulations may in each instance be modified by the Board of Commissioners pursuant to the recommendations of the Planning Board. The applicant is responsible for contacting any necessary Harnett County Departments and/or any State or Federal agencies and was seconded by Commissioner Turnage. **Motion Unanimously Approved.**

Commissioner Turnage made a motion that the proposed conditional use application meets all the Finding of Facts in the affirmative and was seconded by Commissioner Baker. **Motion Unanimously Approved.**

Commissioner Baker made a motion that the proposed amendment **is consistent** with those documents that constitute the officially adopted land development plan and other applicable plans because the parcel is designated for high intensity development. Further, the Board finds that the ordinance is reasonable and in the public interest because it is a continuation of the commercial recreational development onsite and was seconded by Commissioner Blackmon. **Motion Unanimously Approved.**

Commissioner Blackmon made a motion to approve CU-2015-002 Buffaloe 114 W Jackson Blvd PIN 0597-68-7318.000 a conditional use permit application for an 18 hole miniature golf course in B-2 and was seconded by Commissioner Baker. **Motion Unanimously Approved.**

A copy of the Staff's Memo and Conditional Use Application is incorporated into these minutes as Attachment #3

MINUTES CONTINUED FROM AUGUST 6, 2015

PUBLIC HEARING

Commissioner Ballard made a motion to go into public hearing at 7:16 pm and was seconded by Commissioner Turnage. **Motion Unanimously Approved.**

ZT-2015-005 ZONING TEXT AMENDMENT TO INCLUDE TWO-FAMILY DWELLINGS IN R-10

Erwin Planner Kathy Blake came forward and informed the Board that Mr. Randell Durham submitted a zoning text amendment application to add “**dwelling, two-family**” as a permitted or conditional use in R-10 district in the *Chapter 36 Zoning* of the *Code of Ordinances*.

The zoning chapter defines a two-family dwelling to mean “...a dwelling arranged or designed for occupancy by two families, with separate housekeeping, cooking facilities for each and a shared wall. This type of dwelling may also be referred to as a duplex. The building and the land are owned by the same property owner.”

Currently, two-family dwellings are only allowed in the R-6 district and only as a conditional use.

The intent of the R-10 district is to provide for proper development of neighborhoods with medium population densities comprised primarily of single-family dwellings.

In *Article VI, Residential R-10, Section 36-144 Permitted uses and structures*, the following are listed:

- (1) Single-family dwellings.
- (2) Municipal facilities.
- (3) Religious uses, including churches and other places of worship, religious education buildings, and parish houses, but not including cemeteries.
- (4) Family care home.

In *Article VI, Residential R-10, Section 36-146 Conditional uses*, the following are listed:

- (1) Day care centers, day nurseries, preschools, and similar uses. Day care centers, day nurseries, preschools, and similar uses may not be located within a 300-foot radius measured from the center of the property of another day care center, day nursery, preschool, or similar use.
- (2) Planned unit development.
- (3) Condominiums and townhouse development.
- (4) Nursing homes.
- (5) Clubs or lodges.
- (6) Customary home occupations.
- (7) Public facilities.

MINUTES CONTINUED FROM AUGUST 6, 2015

The majority of the mill housing in the center of Erwin is zoned Residential 10. Staff has concerns that the historical nature of these neighborhoods could be lost if two-family dwellings are included either as a permitted or a conditional use in R-10. In *Sec. 36-648 Conditions for planned unit developments, condominiums and town homes*, planned unit developments may include two-family dwellings in R-10. Part of the stated intent of planned unit development is to coordinate architectural styles, building forms and building relationships.

Article II Definitions defines the following:

Planned unit development (PUD) means a use designed to provide for developments incorporating a single type or a variety of residential or related uses, which are planned and developed as a unit. Such development may consist of individual lots and common building sites. Common open space and a permanent owners' association must be elements of the planned unit development.

At the July 20, 2015 regular meeting, the Planning Board voted 4 for and 3 against to:

1. Recommend that ZT-2015-005, to add “dwelling, two- family” as a conditional use in R-10 district with the existing minimum lots size of 10,000 SF and the existing side setbacks for the non-shared-walled side is consistent and reasonable, and
2. Recommend approval of ZT-2015-005, to add “dwelling, two- family” as a conditional use in R-10 with the existing minimum lots size of 10,000 SF and the existing side setbacks for the non-shared-walled side district as submitted.

Ms. Blake state that Staff recommends denial of ZT-2015-005 to add two-family dwellings to R-10 as presented by the applicant.

Commissioner Baker stated that this covers a fairly large area. It will be hard to allow something for one that will not affect the other with it all being zone like it is now.

Mayor Carson asked if anyone would like to speak in favor of the proposed Zoning Text Amendment to please come forward. No one came forward.

Applicant Randall Durham came forward and spoke to the Board. Mr. Durham stated that their intent was not to do anything that would be “out of place”. Most jurisdictions around here allow for duplexes in R-10 neighborhood with 10,000 sq. ft. It’s more economical to build a duplex than it is to build a single family dwelling home; you get more money for the lot size.

Terry Wicker, member of the Planning Board came forward and spoke to the Board. Mr. Wicker stated that this issue came up in front of the Planning Board. It was discussed and approved with conditions. It was approved on the concept that, I personally proceed as beneficial to Erwin to have more dwellings and residents and would appreciate your consideration in this matter.

Mayor Carson asked if anyone would like to speak against the proposed Zoning Text Amendment to please come forward.

No one came forward.

MINUTES CONTINUED FROM AUGUST 6, 2015

Commissioner Blackmon made a motion to close the public hearing at 7:34pm and was seconded by Commissioner Turnage. **Motion Unanimously Approved.**

The majority of the Board had concerns approving due to it going against the Town of Erwin's Land Use Plan.

Commissioner Blackmon made a motion to Table the ZT-2015-005 Zoning Text Amendment to add dwelling, two-family as a permitted or conditional use in R-10 district and was seconded by Commissioner Ballard. **Motion Unanimously Approved.**

PUBLIC HEARING

Commissioner Whitman made a motion to go into public hearing at 7:53 pm and was seconded by Commissioner Ballard. **Motion Unanimously Approved.**

ZT-2015-006 HANSON AGGREGATES ZONING TEXT AMENDMENT TO INCLUDE MINING ACTIVITIES IN THE RD DISTRICT AS A CONDITIONAL USE

Erwin Planner Kathy Blake came forward and informed the Board that Mr. Jack Garvey, of Hanson Aggregates Southeast, LLC, submitted a zoning text amendment application to add the use "**mining activity**" in *Article IV Rural District (RD), Section 36-80 Conditional Uses, in Chapter 36 Zoning of the Town of Erwin Code of Ordinances.*

The Rural 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 ensure that residential developments dependent on private wells and septic tanks will occur at sufficiently low densities to ensure a healthful environment.

In Article IV, Rural District R-D, *Section 36-80 Conditional uses*, the following are listed:

- (1) Public facilities.
- (2) Social uses, such as social halls, lodges, and headquarters of fraternal organizations, clubs, and similar activities.
- (3) Cemeteries.
- (4) Animal medical care.
- (5) Places of public assembly.
- (6) Fairground and carnival activities.
- (7) Day care centers, day nurseries, preschools, and similar uses. Day care centers, day nurseries, preschools, and similar uses may not be located within a 300-foot radius measured from the center of the property of another day care center, day nursery, preschool, or similar use.
- (8) Customary home occupations.
- (9) Equine stables (private or commercial use).

MINUTES CONTINUED FROM AUGUST 6, 2015

The applicant is expanding an existing mining facility that is within Harnett County's planning jurisdiction. Currently, there are no standards for "mining activities" in the Town of Erwin's Code.

Staff recommends the following additional zoning text changes which include adding to the General Provisions a standards section for the use "mining activities".

1) Amend Article II Definitions, Sec. 36-34 Definitions by adding:

- a. *Mining* means the extraction of minerals, including solids, liquids, and gases and/or the excavating and removing material from the surface and/or subsurface.

2) Amend Article XV General Provisions, to include as new section the following:

Sec. 36-443 Mining Activities

- A. No mining shall be commenced in the Town of Erwin's zoning jurisdiction until a conditional use permit has been approved by the Board of Commissioners.
- B. Conditional use approval granted by the Board of Commissioners shall not become effective until a mining permit is issued by the North Carolina Department of Environment and Natural Resources, Division of Land Resources (DENR), Land Quality Section, or successor agency.
- C. Mining may occur in a Rural District, R-D Town of Erwin zoning district for which mining is listed as a conditional use subject to the terms and conditions of this Section and Article III "Development & Subdivision Review, Permitting, & Approval Requirements", Subsection "Conditional Use Permit" of this Ordinance. In keeping with Article III "Development & Subdivision Review, Permitting, & Approval Requirements", Subsection "Conditional Use Permit" of this Ordinance, the following guidelines shall be used:
 - 1. The operation will not constitute a substantial physical hazard to a neighboring dwelling house, school, religious structure, hospital, commercial or industrial building, Public Street, or public property.
 - 2. The operation will not have a significantly adverse effect on the purposes of a publicly-owned park, forest, or recreational open space area.
- D. A conditional use permit shall automatically expire if at any time after its issuance the State Mining Permit is revoked or terminated.
- E. Definitions

Definitions as listed in the North Carolina General Statutes and *The Mining Act of 1971* (NC) as amended shall apply to this Subsection.

MINUTES CONTINUED FROM AUGUST 6, 2015

F. Permit Application

1. Applicants for a conditional use permit shall submit to the Town of Erwin Planning Department two (2) copies of all documents required by the State of North Carolina for a Mining Permit Application, the Reclamation Plan, and any maps and charts accompanying these documents. These documents shall be reviewed by the Town of Erwin Planning Board and the Board of Commissioners.

G. Buffer & Screening Standards

1. A visual screen shall be established and maintained around that portion of the mining site that is being excavated or being used for the storage of minerals. Such screening is required only when such areas are visible at eye-level at ground elevation, at the time of permit issuance, from state-maintained right(s)-of-way, publicly-owned areas which have been maintained essentially in their natural state of vegetation, adjacent residences and other buildings, but not including accessory buildings. Said screening shall meet the requirements of the "Type B; Options 1 & 3" buffer of the Buffer Types in the Appendices of this Ordinance. With a minimum buffer width of 30' wide, maturing trees shall be spaced not more than 30' apart and only evergreen plantings shall be utilized to meet the requirements of this Section. When excavated areas have been reclaimed in accordance with the following: *The Mining Act of 1971*, of North Carolina and as amended, and Chapter 5 of the North Carolina Administrative Code, Title 15 "Environment & Natural Resources", required artificial screening may be removed.
2. The visual screening requirements of the previous Section may be exempted when:
 - a. The Planning Department determines that existing vegetative cover will fulfill these requirements. Such natural screening may consist of existing vegetative cover including, but not limited to, trees and shrubs, not less than 50 percent (50%) of which shall be evergreen. Screening may also consist of earthen berms or other artificial screens used individually or in combination with each other and existing vegetation to achieve a screening effect required by this Section. Screening materials and vegetation may be located in required buffer areas. All berms and other artificial screens requiring extensive land disturbance shall comply with the North Carolina General Statutes.
 - b. It is determined that due to topographic, or other circumstances where, through no fault of the permittee, that the requirements of this Section cannot be provided. In such case, an alternative plan shall be submitted to the Planning Department.

H. Vibration Standards

All mining activities in the Town of Erwin planning and zoning jurisdiction shall conform to the vibration policy adopted by the Land Quality Section of the North Carolina Department of Environment and Natural Resources (DENR).

MINUTES CONTINUED FROM AUGUST 6, 2015

Mayor Carson asked if anyone would like to speak in favor of the proposed Zoning Text Amendment to please come forward.

Allen Burnette came forward and spoke to the Board. Mr. Burnette stated that he was the Resource Development Director for Hanson Aggregates. Mr. Burnette stated that this business has been in operation for over 50 years and is basically a simple request in order to move from the Harnett County jurisdiction to the Erwin jurisdiction. Asking to continue what we have been doing for over 50 years.

Felton Smith a resident of this area came forward and spoke to the Board. Mr. Smith expressed concern with the buildup and water blockage before on the Bunnlevel Erwin Road which drains to the Beaver Dam area. Homeowners are suffering with stagnant water. Mr. Smith indicated he was not familiar with what was discussed earlier however would like to know if this would contribute to same thing that is going on over there. He noted he would like to have known more before this is approved and he felt there should have been a community meeting before it got to this point.

Mike Hair, plant manager of Elliot Sand & Gravel came forward and spoke to the Board. Mr. Hair stated that he knew which area Mr. Smith was speaking about. The area that drains from Riverside comes back down across under NC 217 and it's called Beaver Creek and it keeps going right to the Cape Fear River. Mr. Hair stated that they have not touched anything in there. We are not allowed to mine in that area, which is considered wetlands. The problem that is there is simply beavers.

Joe Langley a resident of this area came forward and spoke to the Board. Mr. Langley stated he was not for or against this item. Mr. Langley asked if the text amendment applies only to mining of sand and gravel. He had concerns if the text included oil and gas drilling and had problems in seeing the definition on the screen. Giving the close proximity to the Cape Fear River, I would be deeply concerned if we were talking about fracking wells or anything like that.

Mayor Carson asked if anyone would like to speak against the proposed Zoning Text Amendment to please come forward.

No one came forward.

Commissioner Ballard made a motion to close the public hearing at 8:09 pm and was seconded by Commissioner Turnage. **Motion Unanimously Approved.**

Commissioner Baker move that the Board of Commissioners of the Town of Erwin hereby finds that the proposed ordinance entitled ZT-2015-006, Hanson Aggregates **is consistent** with the Town of Erwin Land Use Plan adopted June 5, 2014 because mining activities for sand and gravel appear to be a low intensity operation. Further, the Board finds that the ordinance is reasonable and in the public interest because as a conditional use, mining activities appear to be compatible with the other permitted and conditional uses in the Rural District classification and was seconded by Commissioner Turnage. **Motion Unanimously Approved.**

MINUTES CONTINUED FROM AUGUST 6, 2015

Commissioner Baker made a motion to approve ZT-2015-006 Hanson Aggregates zoning text amendment to include mining activities in the RD district as a conditional use and change to definitions in Article II Section 36-34 to remove words liquid and gases as submitted by staff and was seconded by Commissioner Blackmon. **Motion Unanimously Approved.**

A copy of the Staff's Memo and Ordinance is incorporated into these minutes as Attachment #4

PUBLIC HEARING

Commissioner McKoy made a motion to go into public hearing at 8:18 pm and was seconded by Commissioner Turnage. **Motion Unanimously Approved.**

**CU-2015-005 EAST SIDE OF BEAVER DAM ROAD CONDITIONAL USE
APPLICATION FOR MINING ACTIVITIES IN RD**

Erwin Planner Kathy Blake came forward and informed the Board and audience that this will be a hearing for a conditional use application and will be a quasi-judicial hearing and all persons presenting evidence must swear or affirm their testimony.

Planner Kathy Blake, Alan Burnette, Tyrus Clayton, Mike Hair, Jack Gainey, Terry Wicker and Seth Swaim came forward and stated the oath.

Ms. Blake informed the Board that Hanson Aggregates Southeast, LLC submitted an application for a conditional use permit to expand their existing sand and gravel mine to include portions of 2 parcels in the Town of Erwin's ETJ on the east side of Beaver Dam Rd. in a R-D, Rural District. The parcels are identified as portions of 1) PIN 0595-17-4768.000, owned by Oscar N. Harris, trustee and 2) PIN 0596-00-7943.000, owned by Joseph Wayne Corbin and are located on the east side of Beaver Dam Rd.

Ms. Blake stated that Planning Board member Terry Wicker expressed concern about the proximity of a mining operation to the Cape Fear River. There was a team from Hanson Aggregates Southeast in attendance.

At their July 20th regular meeting, the Planning Board voted 4 for and 2 against as follows:

1. To recommend that the proposed conditional use application meets all the Finding of Facts in the Affirmative, and
2. To recommend that the proposed amendment is consistent with those documents that constitute the officially adopted land development plan and other applicable plans, and
3. To recommend the approval, of **CU-2015-005, portions of 2 parcels on east side of Beaver Dam Rd. - 1) PIN 0595-17-4768.000, owned by Oscar N. Harris, trustee and 2) PIN 0596-00-7943.000, conditional use application for mining activities in R-D** with additional conditions...

This request will allow expansion of Hanson's existing mining activities in Harnett County. A representative of the NC Floodplain office confirmed there shall be no development or land disturbance occurring in the floodway.

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It shall be the responsibility of the mining company to send a copy of their annual report prepared for NCDENR to the Town of Erwin, Attn: Town Planner, PO Box 459, Erwin, NC 28339, at the same time it is furnished to NCDENR.

Mayor Carson asked if anyone would like to speak in favor of the proposed Conditional Use Application to please come forward.

Allan Burnette came forward and spoke to the Board. Mr. Burnette stated that they have a conditional use application in front of Harnett County that has been completed and received unanimous approval. There were a couple of questions in the Planning Board meeting concerning our proximity to Cape Fear River. Just wanted to let you know that there are several protections in place, some are self-imposed and some are regulatory. We have to deal with the Corp of Engineers, NCDENR, Flood Plain, Harnett County and will deal with the Town of Erwin as well. We have a ground water monitoring program in place and submit results on a monthly basis. We have ground water monitoring wells in our active zones that we mine, those we report monthly and review daily. For the conditional use and by ordinance the one year time frame, we would like to do get the buffer growing on the other side of Beaver Dam Road which would give us 8ft. vegetative buffer behind the tree line.

Seth Swaim came forward and spoke to the Board. Mr. Swaim stated that he lived directly across the river from the upper piece that goes to the river, and wanted to know what effects if any, would we see.

Tyrus Clayton replied you may see some mining activities process but may not be able to hear much of due to the distance. What you would see will go away and be revegetated and become natural again. Typically our safety berms ranges 6-8ft tall. No structures or buildings. Activities will only be day time hours no work at night.

Mayor Carson asked if anyone would like to speak against the proposed Conditional Use Application to please come forward.

Terry Wicker, member of the Planning Board came forward and spoke to the Board. Mr. Wicker stated he would like to speak against the conditional use as it is proposed which includes two tracks of land. If you notice that the northern most track of land is all the way to the river which is clearly crossing over into conservation buffer zone by the river that is on your land use plan. I'm getting a lot of assurance about not using that. Probably mining practices are more regulated now than they use to be. I'm sure they are. I am not comfortable with that northern track being included in the conditional use approval. It was brought up at the Planning Board meeting and that was my opinion to deny. I would only feel favorable to approve the southern track and not the northern track and not both tracks together.

Commissioner Ballard made a motion to close the public hearing at 8:45pm and was seconded by Commissioner Turnage. **Motion Unanimously Approved.**

MINUTES CONTINUED FROM AUGUST 6, 2015**The Board then approved the Findings of Facts as follows:**

Commissioner Blackmon made a motion **1.)** That the use requested is listed among the conditional uses in the district for which application is made and this criterion has been met per Section 36-80 of the Zoning Ordinance if ZT-2015-006 to include mining activities in RD is approved was seconded by Commissioner Turnage. **Motion Unanimously Approved.**

Commissioner Turnage made a motion **2.)** The requested use is essential or desirable to the public convenience or welfare. The proposed mining activities are an expansion of Hanson's existing business in Harnett County and was seconded by Commissioner Ballard. **Motion Unanimously Approved.**

Commissioner Blackmon made a motion **3.)** The requested use will not impair the integrity or character of the surrounding or adjoining districts, nor be detrimental to the health, morals, or welfare. The surrounding areas appear to be used for farming and/or are wooded. It will be an extension of proposed operations on the west side of Beaver Dam Rd. Applicant states the use will not generate pollution excessive noise or traffic congestion and was seconded by Commissioner Turnage. **Motion Unanimously Approved.**

Commissioner Blackmon made a motion **4.)** The requested use will be in conformity with the Land Development Plan and it appears that this criterion has been met. The Land Use Plan appears to show this parcel as low intensity which is intended for agricultural and large single family residential development. It appears there will not be any land disturbance within the designated open space/conservation designated area and was seconded by Commissioner Turnage. **Motion Unanimously Approved.**

Commissioner Baker made a motion **5.)** Adequate utilities, access roads, drainage, sanitation and/or other necessary facilities have been or are being provided. Applicant has worked with NCDENR. Applicant states no utilities are required. Applicant has contacted NCDOT concerning a driveway permit and was seconded by Commissioner Ballard. **Motion Unanimously Approved.**

Commissioner Ballard made a motion **6.)** that adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets. The applicant has been in contact with NCDOT concerning any requirements for a driveway permit and was seconded by Commissioner Baker. **Motion Unanimously Approved.**

Commissioner McKoy made a motion **7.)** That the conditional use shall in all other respects conform to the applicable regulations of the district in which it is located except as such regulations may in each instance be modified by the Board of Commissioners pursuant to the recommendations of the Planning Board. The applicant is responsible for contacting any necessary Harnett County Departments and/or any State or Federal agencies. Conditional Use approval is contingent on receiving a copy of the approved NCDENR mining permit and was seconded by Commissioner Baker. **Motion Unanimously Approved.**

MINUTES CONTINUED FROM AUGUST 6, 2015

Commissioner Turnage made a motion that the proposed conditional use application meets all the Finding of Facts in the affirmative and was seconded by Commissioner Ballard. Motion Unanimously Approved.

Commissioner Baker made a motion that the proposed ordinance entitled CU-2015-005 Hanson **is consistent** with the Town of Erwin Land Use Plan adopted June 5, 2014 because the parcel is designated for low intensity development. Further the Board finds that the ordinance is reasonable and in the public interest because as the mining activities are completed in each pit the disturbed land will be reclaimed with water features, habitat, and areas that may be utilized for recreation and/or residential development and was seconded by Commissioner Blackmon. **Motion Unanimously Approved.**

Commissioner Blackmon made a motion to approve CU-2015-004 Hanson Aggregates 2 parcels on east side of Beaver Dam Road mining activities in RD and was seconded by Commissioner Baker. **Motion Unanimously Approved.**

A copy of the Staff's Memo and Conditional Use Application is incorporated into these minutes as Attachment #5

PUBLIC HEARING

Commissioner Blackmon made a motion to go into public hearing at 8:55 pm and was seconded by Commissioner Turnage. **Motion Unanimously Approved.**

**CU-2015-006 1308 DENIM DRIVE CONDITIONAL USE APPLICATION
FOR A DAY CARE IN B-2**

Erwin Planner Kathy Blake came forward and informed the Board and audience that this will be a hearing for a conditional use application and will be a quasi-judicial hearing and all persons presenting evidence must swear or affirm their testimony.

Planner Kathy Blake and Amy Pion came forward and stated the oath.

Ms. Blake informed the Board that Lorraine McNeill, of Creative Angels Child Care Center, submitted an application for a conditional use permit for a day care, pre-school, and before and after school facility in a B-2 zoning district at 1308 Denim Dr. The business involves 3 parcels: **PIN 1507-12-8592.000, PIN 1507-12-8527.000, and PIN 1507-12-9476.000**. The property owner is Wincor Properties LLC. The parcels are zoned B-2 (Highway Business).

Conditions noted on application:

1. Children 1 thru 12 years old
2. Hours: 5:30 AM to Midnight
3. Tutor sitters
4. Typically a max. of 11 employees per shift
5. Will provide van transportation
6. Schools will drop off students.

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This facility has previously been a day care center but there is no record of any conditional use approval for such and appears that use may have been in place prior to zoning. In recent years it has been a thrift shop. Staff recommends approval of CU-2015-006.

Commissioner Baker expressed concern with the dumpster. Years ago this property was a daycare and had complaints from residents in that area of how the dumpster was emptied. The truck would block the road in dumping and would like for the dumpster to be screen/buffered.

Commissioner Baker also expressed concern with the parking and asked the count of parking spaces that were required.

Amy Pion with Creative Angels Child Care Center stated that they have 10 parking spaces plus 2 handicaps for a total of 12 parking spaces.

Commissioner Baker the parking stops will need to be far enough in so a bigger vehicle can be in the driveway and not in the road. These 2 things need to be taken into consideration for safety.

Mayor Carson asked if anyone would like to speak in favor of the proposed Conditional Use Application to please come forward.

No one came forward

Mayor Carson asked if anyone would like to speak against the proposed Conditional Use Application to please come forward.

No one came forward.

Commissioner Baker made a motion to close the public hearing at 9:09 pm and was seconded by Commissioner Turnage. **Motion Unanimously Approved.**

The Board then approved the Findings of Facts as follows:

Commissioner Turnage made a motion **1.)** That the use requested is listed among the conditional uses in the district for which application is made and this criterion has been met per Section 36-274 of the Zoning Ordinance and was seconded by Commissioner Blackmon. **Motion Unanimously Approved.**

Commissioner Baker made a motion **2.)** The requested use is essential or desirable to the public convenience or welfare. The proposed day care center will provide conveniently located child care for working parents and was seconded by Commissioner Ballard. **Motion Unanimously Approved.**

Commissioner Turnage made a motion **3.)** The requested use will not impair the integrity or character of the surrounding or adjoining districts, nor be detrimental to the health, morals, or welfare. The site has previously been used as a day care center and was seconded by Commissioner Baker. **Motion Unanimously Approved.**

MINUTES CONTINUED FROM AUGUST 6, 2015

Commissioner Baker made a motion 4.) The requested use will be in conformity with the Land Development Plan and it appears that this criterion has been met. The Land Use Plan appears to show this parcel as medium intensity development and medium intensity is intended for medium to high density mixed residential uses in close proximity to the town's core or major corridors and was seconded by Commissioner Ballard. **Motion Unanimously Approved.**

Commissioner Whitman made a motion 5.) Adequate utilities, access roads, drainage, sanitation and/or other necessary facilities have been or are being provided. Appear to be existing and was seconded by Commissioner Turnage. **Motion Unanimously Approved.**

Commissioner McKoy made a motion 6.) that adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets. The applicant has been in contact with NCDOT concerning any requirements for a driveway permit and was seconded by Commissioner Turnage. **Motion Unanimously Approved.**

Commissioner Baker made a motion 7.) That the conditional use shall in all other respects conform to the applicable regulations of the district in which it is located except as such regulations may in each instance be modified by the Board of Commissioners pursuant to the recommendations of the Planning Board. The applicant is responsible for contacting any necessary Harnett County Departments and/or any State or Federal agencies. NCDOT states that a new driveway application is required and also, if an onsite dumpster is supplied, that it be properly buffered and also the parking area noted across the street that those parking spaces need to meet required parking spaces requirements and to install parking stops to avoid any unnecessary damage to the adjacent property and was seconded by Commissioner Ballard. **Motion Unanimously Approved.**

Commissioner Turnage made a motion that the proposed conditional use application meets all the Finding of Facts in the affirmative and was seconded by Commissioner Baker. Motion Unanimously Approved.

Commissioner Baker made a motion that the proposed ordinance entitled CU-2015-006 McNeill is **consistent** with the Town of Erwin Land Use Plan adopted June 5, 2014 because the parcel is designated for medium intensity development. Further the Board finds that the ordinance is reasonable and in the public interest because it provides child care services for citizens working and living in the Erwin area and was seconded by Commissioner Ballard. **Motion Unanimously Approved.**

Commissioner Turnage made a motion to approve CU-2015-006 McNeill 1308 Denim Drive PIN 1507-12-8592.000, 1507-12-8527.000 and 1507-12-9476.000 a conditional use permit application for a day care preschool before and after school facility in B-2 and was seconded by Commissioner McKoy. **Motion Unanimously Approved.**

A copy of the Staff's Memo and Conditional Use Application is incorporated into these minutes as Attachment #6

MINUTES CONTINUED FROM AUGUST 6, 2015

NEW BUSINESS

REQUEST FOR HARNETT COUNTY TO ADMINISTER PLANNING/ZONING IN ERROL DRIVE MOBILE HOME PARK IN ETJ

Town Manager Richard Douglas informed the Board that a resolution is being proposed for the Harnett County Board of Commissioners assume all planning and development responsibilities for Bailey Parker Court (aka Kimber Mobile Home Park), located on Errol Drive on the northeast edge of the ETJ. The existing ETJ boundary splits the mobile home park between the jurisdiction of the Town and Harnett County, creating challenges for town and county staff, the property owner, and tenants. NCGS 160A-360(d) allows a municipal governing body to request that a county governing body assume responsibility for all planning and development functions within a specified area of the extraterritorial jurisdiction (this provides for county administration without changing the ETJ boundary). This request has been discussed and coordinated with the Harnett County Planning Department, and staff recommends approval.

Commissioner Blackmon made a motion to approve the Resolution for Harnett County to administer Planning/Zoning in Errol Drive Mobile Home Park in the ETJ and was seconded by Commissioner Turnage. **Motion Unanimously Approved.**

A copy of the 2015-2016—001 Resolution is incorporated into these minutes as Attachment #7

MANAGER REPORT

- Mr. Douglas thanked the Police Dept. for quickly addressing the situation at the library.
- Hired a new Librarian Jeanne Serrette, was one of the applicants from last interviews in April. Ms. Serrette will begin on Monday, August 10th.
- Prioritization 4.0 Existing Projects, 2 projects that were not funded this year however will be reprioritized next month for the upcoming year.

PUBLIC COMMENTS

Terry Wicker, member of the Planning Board addressed the Board. Mr. Wicker stated that at the January 20th meeting a proposal for buffering and landscape requirements went before the Planning Board which was recommended for denial however, at the February 5th Board of Commissioners meeting, those requirements or regulations rules were approved with some minor changes. Mr. Wicker wished to explain that myself and other members of the Planning Board felt that the strict regulations were causing too much of difficulty for new business coming toward our community. They are creating a barrier. We should be paying people to come to Erwin not having to layer them down in regulations for buffering and landscaping their property. Being as it is and has been passed, I would like to suggest or proposed is that you approved this unanimously according to the minutes and even though this property here being the existing business the municipality building here and is grandfathered and is not subject to these regulations, I challenge you to conform this property and the adjoining property for the Community Building and Library to the regulations that you have asked for other people to conform too. That is my challenge.

MINUTES CONTINUED FROM AUGUST 6, 2015

Allen Osborne addressed the Board. Mr. Osborne came by and talked with Ms. Blake. He owns the piece of property right where the upper little river runs into the Cape Fear River and have a map of. Would like to know how the Board would be agreeable to changing part of the area out of conservation to rural. What does he need to do to talk to the Board of what needs to be done or what can be done.

Grace Watts addressed the Board. Ms. Watts would like to say she loved the town and the people however would like to have all of us get along in our everyday life with each other and dealing with each other that we can just be nice to people.

GOVERNING BOARD COMMENTS

Commissioner McKoy informed the Manager of a resident at 101 Womack Drive is having drainage problems. This resident has called several times. The Public Works Director was contacted however nothing has been done and is requesting the Manager to look into this and to please contact the Public Works Director and the resident.

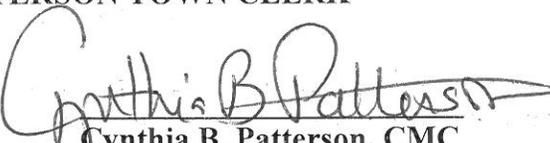
Commissioner Turnage stated that he has been on this Board for 4 years and is up for reelection and no one is running against me. He has looked at numbers when he first came on the Board and we had over 7 million dollars in the reserves. As of today, we only have a little over 5 million dollars. We have spent over 2 million dollars. If you take the textile money that we lost we still spent over 1 million dollars in less than 4 years that I have been on this Board. We have a tough year ahead of us and we can't keep spending money like we have been spending.

ADJOURNMENT

Commissioner Blackmon made a motion to adjourn at 9:33pm and was seconded by Commissioner Baker. **Motion Unanimously Approved.**

MINUTES RECORDED AND TYPED BY
CYNTHIA B PATTERSON TOWN CLERK


Patsy M. Carson
Mayor


Cynthia B. Patterson, CMC
Town Clerk