

ERWIN BOARD OF COMMISSIONERS
REGULAR MINUTES
FEBRUARY 5, 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, February 5, 2015 at 7:00 P. M. in Erwin, North Carolina.

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

Board Members absent were: Commissioner Thurman Whitman.

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 Turnage made a motion to amend the agenda and add after New Business a Closed Session Pursuant to General Statute 143-318.11(a)(6) for the Purpose of Discussing Matters Concerning Personnel and was seconded by Commissioner Blackmon. **Motion Unanimously Approved**

Commissioner Blackmon made a motion to remove Item A Republic Services Waste Collection Agreement under New Business to discuss this at the Retreat scheduled for Thursday, February 19, 2015 and was seconded by Commissioner Baker. **Motion Unanimously Approved.**

Commissioner Blackmon made a motion to approve the Agenda and was seconded by Commissioner Turnage. **Motion Unanimously Approved.**

CONSENT ITEMS

Commissioner Ballard made a motion to approve **(Item A)** Approval of Regular Minutes of 01/08/15, **(Item B)** Financial Report Summary for December 2014, **(Item C)** Appointment of Members to the Town of Erwin Planning Board/Board of Adjustments and **(Item D)** Historic Preservation Tax Credits Resolution of Support and was seconded by Commissioner Turnage. **Motion Unanimously Approved.**

A copy of the Financial Report Summary, Appointment to the Planning Board and Historic Preservation Tax Credits Resolution is incorporated into these minutes as Attachment #1

MINUTES CONTINUED FROM FEBRUARY 5, 2015

PRESENTATION OF THE FEBRUARY'S CITIZEN OF THE MONTH

Mayor Carson presented a plaque to Mr. Elbert Louis Campbell for the February's Citizen of the Month. Mr. Campbell has lived in Erwin for over 43 years. He began working with Erwin Mills in 1965 and was a dedicated employee until closing in 2000.

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

PRESENTATION OF PLAQUES TO OUTGOING MEMBERS OF THE PLANNING BOARD/BOARD OF ADJUSTMENTS

Mayor Carson presented plaques to Outgoing Planning Board Members Grace Watts and Michael Bryant. Both of them have served two consecutive terms, extending from March 5, 2009 through March 1, 2015.

A copy of the Proclamation's for Outgoing Members of the Planning Board is incorporated into these minutes as Attachment #3

PUBLIC HEARING

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

CU-2015-001 704 SOUTH 13TH STREET CONDITIONAL USE APPLICATION FOR A WHOLESALE AND RETAIL CAR SALES LOT

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

Planner Kathy Blake and applicant Johnny Honeycutt came forward and stated the oath.

Planner Kathy Blake informed the Board that Mr. Johnny Honeycutt, of JMH Automotive Sales, submitted an application for a conditional use permit for a wholesale and retail car lot and business at 704 S 13th St., Harnett County PIN 0597-62-4096.000. The property owner of this 0.54 acre parcel is Curr-Well Developments LLC. The parcel is zoned B-2 (Highway Business). According to the Harnett County tax appraisal card, there are 3 existing structures

MINUTES CONTINUED FROM FEBRUARY 5, 2015

on this parcel. The building addressed as 704 S 13th St. is approximately 760 SF and the previous use was a thrift store.

The driveway is about 85' wide along S 13th St. with existing paved parking directly in front of 704 and 702 S 13th St. It appears there are 7 parking spaces in front of the 2 commercial buildings. The rear building is noted as a residential building per the Harnett County Tax Office. Mr. Currin, the property owner, confirmed there is a resident in the building.

Staff Comments:

- The applicant currently has his wholesale/retail car lot across the street at 703 S 13th St.
- The application only includes vehicular sales, not service.
- It appears that in front of the buildings that there are 7 parking spaces for car sales and the business owner.
- It appears that a pickup truck hooked to a car transport is normally located with the applicant's business.

Planning Board Review:

During the public hearing, Mr. Honeycutt stated that he planned to park vehicles behind the building. He was asked how many cars he could fit in the rear yard. He indicated that he thought he could put 18 vehicles there. Mr. Honeycutt stated he is not planning to put down gravel for a rear parking area. Based on the application submitted, the aerial site plan has paved parking for approximately 7 or 8 spaces in front of the buildings. Mr. Honeycutt assumed the trucks in the rear yard shown in the aerial indicated that area could be used for parking as is, no gravel. The Planning Board did not recommend gravel be added.

At their January 20, 2015 meeting, the Planning Board voted to recommend approval of the Finding of Facts, the consistency with adopted plans and the conditional use application for CU-2015-001.

Mr. Honeycutt came forward and informed the Board that he was currently operating across the street from this proposed site. He has been there for 4 years. The only reason Mr. Honeycutt is moving is due to the owner of the property, which is Mrs. Norma Ennis, putting the lot up for sale. He has his wholesale/retail license with DMV but primarily does wholesale, he rarely does retail. Mr. Honeycutt stated that this property is actually bigger than his current location. In the past, he owned Honeycutt's Auto Sales in Coats and in Erwin, where Chuck Napier used to be. His brother is the current owner of that business now. Johnny Honeycutt got out of the retail business to do strictly wholesale, that means he buys from franchise dealers and sells them to independent car dealers. He does not have any walk-in traffic and he does not have any cars sitting on the lot being advertised for sale. Mr. Honeycutt does have some cars sitting in front of his office from time to time, but they are just sitting there being ready to be

MINUTES CONTINUED FROM FEBRUARY 5, 2015

sold. They are then taken to an auction or dealer and are basically being moved in and out. Mr. Honeycutt indicated he is renting both commercial buildings but he will be using 704 for his office. He will have use of both buildings but he will only be operating out of one.

Mayor Carson asked if anyone would like to speak in favor of the conditional use application to please come forward.

No one came forward.

Mayor Carson asked if anyone would like to speak against the conditional use application to please come forward.

No one came forward.

Commissioner Blackmon made a motion to close the public hearing at 7:35pm and was seconded by Commissioner Turnage. **Motion Unanimously Approved.**

Commissioner Baker informed the Board that we need to be correct in whatever we do and consistent with this property being split zone. This needs to be handled the same way as the previous applications. If the applicant wishes to continue this application, he would need to seek a rezoning. Once we get more clarification, have a more detailed site plan that will show egress and ingress vehicle areas of parking.

Commissioner Blackmon informed the Board that the first thing we need to do is find out if both residential and commercial uses be allowed on the property. If that is not an issue, then the rezoning can take care of it.

Commissioner Blackmon made a recommendation to table this item until this is determined. If the principal structures are ok and comes down to a rezoning issue it would be his recommendation that we would waive the rezoning fee. Hopefully get this cleared up before the next meeting in March.

Commissioner Baker made a motion to table this conditional use request and, if found that the mixed use is not allowed within our ordinance, let the applicant and property owner be aware of this. If a rezoning is required, then this would be Staff initiated and no fees would be incurred by the property owner or applicant, this is something the Town would need to correct. The applicant needs to submit a more detail site plan. The motion was seconded by Commissioner Blackmon. **Motion Unanimously Approved.**

MINUTES CONTINUED FROM FEBRUARY 5, 2015

PUBLIC HEARING

Commissioner Ballard made a motion to open the public hearing at 7:47pm and was seconded by Commissioner Blackmon. **Motion Unanimously Approved.**

ZT-2015-001 LANDSCAPING REGULATIONS IN THE GENERAL PROVISIONS OF THE ZONING ORDINANCE

Planner Kathy Blake informed the Board that staff was directed to prepare a text amendment for landscaping and buffering requirements. Staff reviewed regulations from several localities and has prepared a proposed text amendment to the General Provisions of the Zoning Ordinance.

Planning Board Review and Recommendation:

At their January 20th meeting, the Planning Board voted unanimously to recommend denial of ZT-2015-001 Landscaping/Buffering Regulations, a text amendment to the Zoning Ordinance. The draft minutes of that meeting are attached for your convenience. It appeared that one or two Planning Board members felt that buffering and screening regulations are too burdensome for developers in Erwin. It appeared to staff that there were several Planning Board members that desired less complicated regulations than were proposed.

Staff Comments:

Staff reviewed landscaping, buffering, and screening regulations from at least 8 municipalities or counties in Erwin's general vicinity: Benson, Selma, Fuquay-Varina, Holly Springs, Lillington, Dunn, Garner, and Harnett County. Staff also review regulations from Morganton, NC and Walterboro, SC. The text amendment proposed is based on one of the least complicated samples reviewed.

Commissioner Blackmon and Commissioner Baker had some concerns and noted or amended the following:

- Discussed Landscape Plan Preparation shall be drawn to scale and was stated that it doesn't state what type of scale. Need to determine the minimum scale
- Discussed Landscape Plan Submittal Requirements Section 9-4041 (c) talks about back flow protection device on your irrigation system, this would be a County requirement of what would be require on the backflow devices
- Discussed Section 9-4041.28 Existing developed properties should be greater than 25% of the gross floor area or at least to one-third of the replacement value, or changes in the type of occupancy are not required to comply with the requirements of this Article.

MINUTES CONTINUED FROM FEBRUARY 5, 2015

- Discussed Section 9-4041 Exceptions to the land use relationship strike out railroad right of way and decided to keep as presented
- Discussed Section 9-4041 Landscape Regulations after incompatible land uses and road frontage rights of ways

Mayor Carson asked if anyone would like to speak in favor of the conditional use application to please come forward.

No one came forward.

Mayor Carson asked if anyone would like to speak against the conditional use application to please come forward.

No one came forward.

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

Commissioner Baker made a motion to approve the Ordinance Text Amendment ZT-2015-001 Landscaping Regulations in the General Provisions of the Zoning Ordinance with the corrections as stated above and was seconded by Commissioner Blackmon. **Motion Unanimously Approved.**

A copy of the Ordinance Text Amendment ZT-2015-001 Landscaping Regulations Ordinance is incorporated into these minutes as Attachment #4

OLD BUSINESS

ORD2014-001 SOLAR ENERGY DEVELOPMENT ORDINANCE

Planner Kathy Blake informed the Board that throughout the State of North Carolina as well as in Harnett County, the number of solar farms is rapidly increasing. With the potential for negative impacts on the environment, the Town, its citizens and its ETJ, staff has prepared a draft solar energy development ordinance.

At their December 4th meeting, the Board of Commissioners adopted a moratorium resolution to hold any new conditional use permit application for solar energy farms/systems for 59 days to allow staff, the Planning Board and the Board of Commissioners time to review alternatives.

The draft solar energy development ordinance attached was started from the template provided by the NC Solar Center and the NC Sustainable Energy Association in 2013.

MINUTES CONTINUED FROM FEBRUARY 5, 2015

At their December 15th meeting, the Planning Board reviewed and discussed each section. Changes were made and the Planning Board voted to recommend approval of the proposed Solar Energy Development Ordinance.

Ms. Blake informed the Board that the moratorium ends tonight and told the company that is representing Ms. Ryals that if they wanted to submit a conditional use application tomorrow assuming that the moratorium ends tonight, if this is passed, they have this proposal and have used it in preparing their documents. If some reason this does not passed, then they will submit a conditional use application like the previous one did but they still will use the information here to try and have thorough application.

Solar Energy Development Ordinance – additional option for landscaping – can be used in A, B or C

Option 3

- Berm (maximum of 3:1 slope and planting combination, with the berm an average height of 3' and dense plantings which will, when combined with the berm, achieve a minimum height of 6' and 75% opacity at time planting.

Commissioner Baker made a motion to approve the proposed Solar Energy Development Ordinance as presented with the inclusion of all types of buffers option 3 be added with the language stated above to be included into the buffering requirements of this ordinance and was seconded by Commissioner Blackmon. **Motion Unanimously Approved.**

A copy of the Solar Energy Development Ordinance is incorporated into these minutes as Attachment #4

NEW BUSINESS

USDA GRANT APPLICATION FOR DOWNTOWN STREET IMPROVEMENTS

Town Manager Richard Douglas informed the Board that this is a proposal from staff USDA Rural Business Enterprise Grant (RBEG) application for streetscape improvements in the downtown area. You may remember that RBEG funds were used for the downtown parking lot, and the town is now eligible to submit an application for another grant. This project would include resurfacing and striping H Street between 12th and 13th Streets (using local Powell Bill funds as a match), replacing sidewalks, installing decorative lighting, placing utilities underground, and purchasing new trash receptacles and benches. Mr. Dreitzler is still

MINUTES CONTINUED FROM FEBRUARY 5, 2015

developing the required preliminary engineering report and cost estimate. RBEG applications must be submitted to USDA by March 2nd. Anticipated grant amount from USDA would be \$100,000 and the balance coming from the Powell Bill. No other funds from the Town.

Commissioner Baker informed the Board that he would like to see some type of parking safety devices included.

Commissioner Baker made a motion to approve for Staff to move forward with the USDA Grant Application for Downtown Street Improvements and was seconded by Commissioner Blackmon. **Motion Unanimously Approved.**

REVISED WRECKER ROTATION POLICY

Town Manager Richard Douglas informed the Board that this is a revised wrecker rotation policy for the Erwin Police Department. While staff is currently reviewing and updating the department's policies and procedures, in which the wrecker rotation policy is included, the Chief requested that this policy be given immediate consideration due to a couple recent incidents. The purpose of this policy is to ensure adequate wrecker services are available as needed for accidents /disabled vehicles, while creating standards that protect the public and are fair to participating wrecker services. This policy has been updated to address three major topics: 1) restrictions based on prior criminal convictions, 2) regulation of tow costs, and 3) insurance requirements. This policy has been reviewed by the Town Attorney and is recommended by staff for approval.

Chief Bill Morris came forward and spoke to the Board. Chief Morris stated he had some issues and one has been reoccurring where a convicted felon who is still on the offender registry that has come up several times and was not clarified in our existing policy. Also the insurance requirement, the highway patrol, Harnett County Sheriff's Office and surrounding agencies were contacted and came up with an amount for the insurance requirements for the on hook insurance, the garage keeper's insurance and rollback wrecker requires cargo insurance. The garage keeper's and on hook is consistent with the surrounding communities as well as the highway patrol. The rollback cargo requires \$250,000. A lot of agencies issue a maximum template for a fee schedule. Each wrecker service will only be able to charge for each type of service no more than the average cost submitted by all eligible wrecker service.

Mr. Hunter advised the Board that under 16 (C) the owner/operator shall not have been convicted of any high felony. High felonies are described as a class "E" felony or higher. Suggested striking out "and others at the discretion of the Chief of Police."

MINUTES CONTINUED FROM FEBRUARY 5, 2015

Mr. Hunter also advised the Board that the policy needs to be defined of what the definition of what the operator is and adopt the fee schedule as a part of the policy that may change from time to time.

Commissioner Blackmon made a motion to table the Wrecker Rotation Policy until a revised copy is made and was seconded by Commissioner Baker. **Motion Unanimously Approved.**

DEPOT TEMPORARY RELOCATION AND STORAGE AGREEMENT

Town Manager Richard Douglas informed the Board that this was discussed at the last meeting, the timeline for getting the depot moved off the current location. We are trying to determine in ways of how to protect the building and still buy time in funding options. One idea was relocating the depot from its current location to the field next to Public Works. This will allow us time to explore funding and then assuming we get funding able to move forward with the project preparing the site next to Town Hall and once repaired relocate the depot then. If the Board would like to keep the depot and allow staff time to try and get everything in order, this would be something to consider. The Mayor has been working with Mr. Brewington in moving the depot next to Public Works and unfortunately we have not received his estimate.

Mayor advised the Board that she should have a price in time for the Retreat which is scheduled for Thursday, February 19th.

Mr. Douglas informed the Board that the second matter was an agreement for storage of depot-related construction items, originally handled by the Erwin Historical Society. Mr. Douglas signed the agreement when the town took ownership of the depot and overall project responsibility shifted from the Erwin Historical Society (though they continued paying the rental fee until recently).

Commissioner Blackmon advised the Board to have the Town Attorney Mac Hunter look at the whole project and see what the Town is obligated too.

Commissioner Turnage made a motion to pay the storage fee of \$250 for the month of February only contingent on the Town Attorney reviewing the contract and was seconded by Commissioner McKoy. **Motion Unanimously Approved.**

CLOSED SESSION

Commissioner McKoy made a motion to go into closed session at 9:18pm Pursuant to General Statute 143-318.11(a)(6) for the Purpose of Discussing Matters Concerning Personnel and was seconded by Commissioner Blackmon. **Motion Unanimously Approved.**

MINUTES CONTINUED FROM FEBRUARY 5, 2015

Commissioner McKoy made a motion to go back into regular session at 9:50pm and was seconded by Commissioner Turnage. **Motion Unanimously Approved.**

ADJOURNMENT

Commissioner Baker made a motion to adjourn at 9:54pm and was seconded by Commissioner Turnage. **Motion Unanimously Approved.**

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

Patsy M. Carson
Mayor

Cynthia B. Patterson, CMC
Town Clerk