

ERWIN BOARD OF COMMISSIONERS  
REGULAR MINUTES  
JANUARY 8, 2015  
ERWIN, NORTH CAROLINA

---

The Board of Commissioners for the Town of Erwin with Mayor Pro Tem Randy Baker presiding, held its Regular Meeting in the Town Hall on Thursday, January 8, 2015 at 7:00 P. M. in Erwin, North Carolina.

Mayor Patsy Carson was absent.

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

Town Manager Richard Douglas, Town Clerk Cynthia Patterson and Town Attorney Mac Hunter were present.

Mayor Pro Tem Randy Baker called the meeting to order at 7:00 P. M.

Town Clerk Cynthia Patterson gave the invocation.

Those present recited the Pledge of Allegiance.

### **APPROVAL OF AGENDA**

Commissioner Blackmon made a motion to approve the agenda as is 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 12/04/14, **(Item B)** Financial Report Summary for November 2014, **(Item C)** Budget Calendar Proposed for 2015-2106 and **(Item D)** Resignation of Planning Board Member Steve West and **(Item E)** Move Planning Board Alternate Roger Chavis to Planning Board Member and was seconded by Commissioner Turnage. **Motion Unanimously Approved.**

*A copy of the Financial Report Summary, Budget Calendar for 2015-2016 and Resignation of Planning Board Member Steve West is incorporated into these minutes as Attachment #1*

### **RECOGNITION OF STAFF**

Mayor Pro Tem Baker recognized 3 employee's for completion of various courses. Ms. Blake was recognized for completing the Leading for Results at the School of Government at the University of NC at Chapel Hill. Mr. Jonathan Johnson and Mr. Jerry Royal of the Police Dept. were also recognized for completing the NC Dept. of Justice Academy for Law Enforcement Managers.

**MINUTES CONTINUED FROM JANUARY 8, 2015****PUBLIC HEARING**

Commissioner Turnage made a motion to open the public hearing at 7:06pm and was seconded by Commissioner Blackmon. **Motion Unanimously Approved.**

**CU-2014-010 305 DENIM DRIVE CONDITIONAL USE APPLICATIONS FOR A HOME OCCUPATION FOR A SALON**

Planner Kathy Blake 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 Bryce Jackson came forward and stated the oath.

Ms. Blake stated the applicant submitted an application for a conditional use permit for a home occupation, salon, at 305 Denim Dr., Harnett County **PIN 0597-73-8927.000**. The applicant and property owner of this 0.25 acre parcel is Bryce Jackson. The parcel is zoned R-10 (Residential). According to the Harnett County tax appraisal card, the existing 1,520 SF building appears to have been built in 1905. There is an existing driveway on Denim Dr. The lot is surrounded by single-family lots. The lots on the same side of Denim Dr. are zoned R-10 and the lots on the north side of Denim Dr. are zoned C-B (Central Business).

This will be a one person operation.

**Planning Board Recommendation:**

At their December 15, 2014 meeting, the Planning Board voted to recommend approval of CU-2014-010, Jackson, 305 Denim Dr., a conditional use permit application for a home occupation for a salon.

**Staff Recommendation:**

The submitted application appears to meet the goals of the Land Use Plan and to meet all the Finding of Facts. Staff recommends approval of CU-2014-010 Jackson, 305 Denim Dr., for a home occupation, salon, in R-10, as presented.

Commissioner Whitman expressed concerned with parking to the occupation. Ms. Blake replied that in that area there is no parking on the street and Mr. Jackson is doing a home occupation which the definition includes there cannot be no more than 25% of the home or dwelling and can only be the persons that live there at which Mr. Jackson is the only person. He's doing his business by appointment only so he intends on having 1 at the most 2 clients at a time. Staff doesn't have any concerns from that aspect. Mr. Jackson does not know to tell his clients that he has parking in the backyard.

**MINUTES CONTINUED FROM JANUARY 8, 2015**

Commissioner Turnage asked how well Mr. Jackson gets along with his neighbors. There is only 1 drive which shared. Mr. Jackson stated that he gets along well and have spoken with what he is planning to do. The neighbor had no issues.

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

No one came forward.

Mayor Pro Tem Baker 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 7:17pm 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 was seconded by Commissioner Ballard. **Motion Unanimously Approved.**

Commissioner Blackmon made a motion 2.) The requested use is essential or desirable to the public convenience or welfare and it appears that this criterion has been met 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 and it appears that this criterion has been met per the submitted applications. **Motion Unanimously Approved.**

Commissioner Ballard 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. This parcel appears to have public water and sewer and was seconded by Commissioner Whitman. **Motion Unanimously Approved.**

Commissioner McKoy made a motion 5.) Adequate utilities, access roads, drainage, sanitation and/or other necessary facilities have been or are being provided and it appears that this criterion has been met. All facilities are existing and staff is not aware of any issues and was seconded by Commissioner Blackmon. **Motion Unanimously Approved.**

Commissioner Blackmon 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

## MINUTES CONTINUED FROM JANUARY 8, 2015

additional traffic is projected beyond normal home and was seconded by Commissioner Turnage. **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 and it appears that this criterion has been met. The applicant is responsible for contacting any necessary Harnett County Departments and/or any State or Federal agencies and was seconded by Commissioner Blackmon. **Motion Unanimously Approved.**

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

Commissioner Blackmon made a motion that the proposed amendment is consistent with those documents that constitute the officially adopted land development plan and other applicable plans and was seconded by Commissioner Ballard. **Motion Unanimously Approved.**

Commissioner Blackmon made a motion to recommend approval of CU-2014-010 Jackson, 305 Denim Drive for home occupation salon in R-10 and was seconded by Commissioner Turnage. **Motion Unanimously Approved.**

## PUBLIC HEARING

Commissioner Ballard made a motion to open the public hearing at 7:21pm and was seconded by Commissioner Turnage. **Motion Unanimously Approved.**

## SOLAR ENERGY DEVELOPMENT ORDINANCE

Ms. 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.

The main goal from Staff's perspective for having a separate ordinance is rather than using the conditional use process is this would go ahead and lay out the standards that should be expected that the Town of Erwin is going to be looking for whenever a solar energy system wants to be located in the Town of Erwin or it's ETJ. The conditional use process leaves a lot of things in question, a lot of conditions can be placed, and a lacking of consistency from one application to the next application. Staff's motivation specific solar energy system regulations were to streamline the process, making it more straight forward for the developer, property owner as well as for Staff. At their December 15<sup>th</sup> meeting, the Planning Board reviewed and

## MINUTES CONTINUED FROM JANUARY 8, 2015

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 today she received an e-mail from Ms. Dale Ryals to add the option of berms to this Solar Ordinance. Ms. Blake stated this was an excellent idea. This would be a better option than a fence. Ms. Blake “borrowed” from Harnett County’s handout on buffering and screening. Harnett County use a maximum 3 to 1 berm which means it is an average height of 3 feet and dense plantings and achieve a minimum height of 6 feet.

Mayor Pro Tem asked what was being proposed as far as buffers, would these buffers you are talking about be specific for just solar or will they also be used for other buffers or Type A across the board.

Ms. Blake stated that she has been researching buffering and screening and hopes to bring a text amendment to the Planning Board at their next meeting. In order to put out a solar energy ordinance at this point time, Ms. Blake she used buffering screening regulation that she hopes anticipates using in the zoning ordinance, but may have to adjust one or the other as we move forward.

Commissioner Blackmon stated he did not have any problem with level 1, but the level 2 or the larger ones, we need to have more of a control of where they need to go and expressed concern with the roof-mounted on any “code compliant structure”. This may need to be changed. This ordinance should be clearly written. We do need to have more of an input on the larger farms and we, the Board, may need to set up a workshop on this matter.

Mayor Pro Tem Baker asked for anyone who would like to speak in favor or against the proposed solar energy ordinance to please come forward.

Greta Grayton came forward and expressed her concern with this matter. Ms. Grayton did not state whether she is for or against this ordinance. She wanted to comment on getting some positive action done for future growth. Solar energy is something that we need to grow and develop residential areas in the future. If you put too many restrictions on open land, housing development would be going to another area. Developers are looking at providing solar energy homes and do not make it too strict for that. There is a lot of open land around that we would like to welcome newcomers to enhance our quality of life in Erwin. She encouraged the Board to look at that.

Commissioner Ballard made a motion to close the public hearing at 7:54pm and was seconded by Commissioner Blackmon. **Motion Unanimously Approved.**

## **MINUTES CONTINUED FROM JANUARY 8, 2015**

Commissioner Blackmon made a motion to have a Workshop on Friday, January 16, 2015 at 1pm to discuss the solar energy ordinance and was seconded by Commissioner Turnage. **Motion Unanimously Approved.**

Commissioner Blackmon made a motion to extend the Solar Farm Moratorium until Thursday, February 5, 2015 and was seconded by Commissioner Ballard. **Motion Unanimously Approved.**

## **MANAGER REPORT**

- Planning Board Training will be held on March 17<sup>th</sup> & 24<sup>th</sup>. Jim Dougherty will be the speaker. The Board of Commissioner's is invited to sit in.
- Historic District meeting will be held on Monday, January 26<sup>th</sup> at 6pm. This is optional for the Board of Commissioner's.
- Carpet has been installed at the Library. The Board directed the Library Director to reopen the public restroom at the library.
- Juan Cano will be moved from Public Works to Town Hall to help the Planner with code enforcing.

## **PUBLIC COMMENTS**

Greta Grayton expressed concern to the Board that sidewalks are needed in town for children to walk to school and the elderly to get their exercise. The Town has not done anything in 6 years. We have gym however it's only convenient unless you drive. Encouraged the Board to get started on this.

## **CLOSED SESSION**

Commissioner Blackmon made a motion to go into closed session at 8:26pm to Pursuant to General Statute 143-318.11(a)(5) for the Purpose of Discussing Property Acquisition and was seconded by Commissioner Turnage. **Motion Unanimously Approved.**

Commissioner Blackmon made a motion to back into regular session at 8:54pm and was seconded by Commissioner Turnage. **Motion Unanimously Approved.**

**MINUTES CONTINUED FROM JANUARY 8, 2015****GOVERNING COMMENTS**

Commissioner Ballard would like the Manager to take another look at the bridge on Hwy 421 and see about removing it.

Commissioner Turnage informed the Board and Manager that he received a call from Leon Fowler about the depot continuing to sit on his property. It has been about a year and nothing has been done to remove the building. Also the first of January the Town will be paying \$250 each month for storage. Commissioner Turnage was told that the History Room will not be paying it anymore and would like to see at the Retreat in February in the Board deciding whether or not to move forward with this project. A decision needs to be made.

**ADJOURNMENT**

Commissioner Blackmon made a motion to adjourn at 9:17pm and was seconded by Commissioner McKoy. **Motion Unanimously Approved.**

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

---

**Randy Baker**  
**Mayor Pro Tem**

---

**Cynthia B. Patterson, CMC**  
**Town Clerk**