

ERWIN BOARD OF COMMISSIONERS
REGULAR MINUTES
JULY 2, 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, July 2, 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 Ballard made a motion to approve the agenda as is and was seconded by Commissioner Turnage. **Motion Unanimously Approved.**

CONSENT ITEMS

Commissioner Turnage made a motion to approve (**Item A**) Approval of Budget Workshop Minutes of 06/01/15, (**Item B**) Approval of Regular Minutes of 06/04/15, (**Item C**) Approval of Budget Workshop Minutes of 06/16/15, (**Item D**) Financial Report Summary for May 2015 and was seconded by Commissioner Baker. **Motion Unanimously Approved.**

A copy of the Financial Report Summary, is incorporated into these minutes as Attachment #1

PUBLIC HEARING

Commissioner Baker made a motion to go into a public hearing at 7:01pm and was seconded by Commissioner Ballard. **Motion Unanimously Approved.**

MINUTES CONTINUED FROM JULY 2, 2015

Z-2015-002, REZONING REQUEST (R-6 TO B-2), 3 PARCELS OFF ERWIN ROAD
(NORTH OF ERWIN ROAD, EAST OF BAYLES STREET AND WEST OF PRINCE
STREET)

Erwin Planner Kathy Blake came forward and informed the Board that Mr. Jim Hartman submitted an application to rezone 3 parcels identified as PINs 1507-41-6251.000, 1507-41-7012.000, & 1507-41-5082.000, north of Erwin Rd., east of Bayles St. and west of Prince St. from R-6, Residential to B-2, Highway Business. The total area requested for rezoning is approximately 2.7 ac. The parcels appear to have 2 buildings/barns and a shed. The parcel is owned by Jim D. Hartman.

The properties to the east, south and northwest are zoned R-6 and the uses consist of single-family dwellings and a church. To the east is a parcel zoned B-2 that is used commercially. The parcel to the north is the Walmart shopping center parcel in the City of Dunn's jurisdiction.

The parcels have no direct street frontage and are currently accessed through the parcel addressed as 2408 Erwin Rd. With 2408 Erwin Rd. currently zoned as B-2, it appears unlikely that these rear parcels might be considered for residential development.

Ms. Blake stated that the property has been used as an automotive repair for the Procal trucks and, if she understood correctly, Mr. Hartman's construction business is not going on at this time. However, while a specific use is not important for consideration tonight, the proximity of the existing B-2 is important if you choose to rezone it to B-2.

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

Mayor Carson asked if anyone would like to speak against the proposed Rezoning request to please come forward. No one came forward.

Commissioner Blackmon made a motion to close the public hearing at 7:11pm and was seconded by Commissioner Whitman. **Motion Unanimously Approved.**

Commissioner Baker moved to recommend that the Board of Commissioners of the Town of Erwin hereby finds that the proposed ordinance entitled Z-2015-002, Hartman request for a map amendment to rezone 3 parcels identified as PINS 1507-41-6251.000, 1507-41-7012.000 and 1507-41-5082.000 off Erwin Road and north of Erwin Road, east of Bayles Street and west of Prince Street from R-6 to B-2 **is consistent** with the Town of Erwin Land Use Plan adopted June 5, 2014 because the proposed rezoning appears to fit the character of the area. Further, the Board finds that the ordinance is reasonable and in the public interest because it appears to promote

MINUTES CONTINUED FROM JULY 2, 2015

the public health, safety, and general welfare and was seconded by Commissioner Ballard.

Motion Unanimously Approved.

Commissioner Baker made a motion to approve Z-2015-002 Hartman request for a map amendment to rezone 3 parcels identified as PINS1507-41-6251.000, 1507-41-7012.000 and 1507-41-5082.000 off Erwin Road and north of Erwin Road, east of Bayles Street and west of Prince Street from R-6 to B-2 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 #2

PUBLIC HEARING

Commissioner Baker made a motion to go into public hearing at 7:12pm and was seconded by Commissioner Turnage. **Motion Unanimously Approved.**

Z-2015-003 REZONING REQUEST (R-10 TO RD) 1109 WEST E STREET AND 1111 WEST E STREET

Erwin Planner Kathy Blake came forward and informed the Board that Mr. Roy Hobbs submitted a rezoning application to rezone 2 parcels identified as 1109 West E St. and 1111 West E St. from R-10, Residential to R-D, Rural District. Respectively, PIN 0597-24-1277.000 is approximately 4.46 ac. and owned by Roy and Faye F. Hobbs and PIN 0597-24-2396.000 is approximately 0.41 ac. and is owned by Sherry Kyatt Stephens. The total area requested for rezoning is approximately 5 ac.

The properties to the west and north are zoned R-D and consist of mainly wooded areas with 2 large parcels with single-family dwellings. To the east and south are parcels zoned R-10 and appear to be used as residential, commercial (Faircloth & Son Welding), and wooded.

While both parcels are within the town limits of Erwin, they are part of the boundary adjoining the ETJ (extraterritorial jurisdiction). This property is off the dead-end of West E St. and, based on existing surrounding land uses, appears unlikely to encourage the denser development of the R-10 zoning classification.

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

Mayor Carson asked if anyone would like to speak against the proposed Rezoning request to please come forward. No one came forward.

Commissioner Blackmon made a motion to close the public hearing at 7:18pm and was seconded by Commissioner Turnage. **Motion Unanimously Approved.**

MINUTES CONTINUED FROM JULY 2, 2015

Commissioner Turnage moved to recommend that the Board of Commissioners of the Town of Erwin hereby finds that the proposed ordinance entitled Z-2015-003 Hobbs request for a map amendment to rezone 1109 West E. Street (PIN 0597-24-1277.000) and 1111 West E. Street (PIN 0597-24-2396.000) from R-10 to RD **is consistent** with the Town of Erwin Land Use Plan adopted June 5, 2014 because the proposed rezoning appears to fit the character of the area. Further, the Board finds that the ordinance is reasonable and in the public interest because it appears to promote the public health, safety, and general welfare and was seconded by Commissioner Blackmon. **Motion Unanimously Approved.**

Commissioner Turnage made a motion to approve Z-2015-003 Hobbs request for a map amendment to rezone 1109 West E. Street (PIN 0597-24-1277.000) and 1111 West E. Street (PIN 0597-24-2396.000) from R-10 to RD and was seconded by Commissioner McKoy. **Motion Unanimously Approved.**

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

PUBLIC HEARING

Commissioner McKoy made a motion to go into public hearing at 7:18pm and was seconded by Commissioner Turnage. **Motion Unanimously Approved.**

ZT-2015-004 ZONING TEXT AMENDMENT TO CLARIFY SITE PLAN REQUIREMENTS AND LEGAL DESCRIPTION FOR VARIOUS APPLICATIONS

Erwin Planner Kathy Blake came forward and informed the Board that currently, the Town of Erwin's Zoning Ordinance references legal description, plan, map, and site plan in the Zoning Ordinance as follows:

1. Article XIV Parallel Conditional Use District, 36-394 Application
2. Article XX Administration and Enforcement, 36-580 Application procedures
3. Article XXII Conditional Uses
 - a. 36-642 Application for conditional use, (b) Application for conditional use permits
 - b. 36-648 Conditions for planned unit developments, condominiums and town homes. (13) b, c, d
4. Article XXIII Changes and Amendments, 36-671 Action by the applicant, (2) Application

Staff was directed to clarify the definition of a site plan and the requirements for when a site plan is to be submitted by an applicant. The attached ordinance provides a site plan definition (section 1), clarifies description as legal description, changes dimensions to metes and bounds, and defines the sheet size requirements for parallel conditional use district applications (section 2), defines the sheet size requirements for certificate of zoning compliance applications (section 3), clarifies the site plans requirements for conditional use permit applications as the same as those used for general applications (section 4), defines the sheet size requirements and

MINUTES CONTINUED FROM JULY 2, 2015

clarifies that a licensed professional means in North Carolina for planned unit development/multi-family applications (section 5), and clarifies a legal description is needed for a map amendment and the mailing information needs to be per Harnett County property records for general application requirements (section 6).

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.

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

Business Owner Jim Hartman came forward and addressed the Board. Mr. Hartman expressed concern with the site specific development plan (8) the applicant shall furnish an electronic or PDF copy of all site plan sheets larger than 8.5" x 14". Mr. Hartman stated that he was a general contractor and he doesn't know of any other city or county that requires electronic or PDF copy of the site plans. Mr. Hartman feels like that shouldn't be required.

Commissioner Blackmon made a motion to close the public hearing at 7:30pm 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-2015-004 Zoning Text Amendment to clarify site plan requirements and legal description for various applications **is consistent** with the Town of Erwin Land Use Plan adopted June 5, 2014 because proposed development should meet future established standards. Further, the Board finds that the ordinance is reasonable and in the public interest because it closely follows the time expirations for building permits and was seconded by Commissioner Blackmon. **Motion Unanimously Approved.**

Commissioner Baker made a motion to approve ZT-2015-004 Zoning Text Amendment to clarify site plan requirements and legal description for various applications and was seconded by Commissioner Ballard. **Motion Unanimously Approved.**

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

NEW BUSINESS

ERWIN DEPOT PHASE 1 PROPOSAL – DAVID BLACK HAGER SMITH

Town Manager Richard Douglas informed the Board that at the work session last week the board discussed a two phase approach of moving forward with the depot project. Phase 1 being the site work combination and relocation of the depot and Phase 2 basically the bulk of the work associated with the building. The purpose of having the two phase approach is basically to move quickly and cost effectively move the depot one time at the current location to the next site and being able to proceed at a good pace. There were a few questions

MINUTES CONTINUED FROM JULY 2, 2015

regarding the proposal. David Black with Hager and Smith Architecture and Design has revised the proposal and is here to answer questions from the Board.

Mr. David Black of Hager and Smith Architecture and Design came forward and addressed the board. Mr. Black then went through the proposal of Scope of Basic Services. Mr. Black also stated the first phase of the project would involve clean-up of the depot, salvage of any materials and some demolition of parts of the building. After clean-up was complete, the building would be moved to its future home next to the fire house in downtown Erwin. Mr. Black said he estimates the cost of the survey work to be around \$21,000, \$15,000 to move the building and complete outside demolition as well as \$42,000 for onsite repairs, work on the building's foundation and other onsite work. The first phase of the plan is estimated just under \$79,000 and is expected to be completed by September.

After some discussion from the Board, Commissioner Turnage made a motion to (1) approve the agreement with Hager Smith to complete the depot project Phase 1 design at a cost of \$21,270 to be paid from the remaining textile museum funds and existing Community Enhancement Fund (2) approve the agreement with James Brewington to move the depot upon completion of phase 1 construction at a cost of \$15,000 and (3) authorize staff to begin application process for USDA Community Facility Loan and was seconded by Commissioner Whitman. **Motion Unanimously Approved.**

A copy of the Proposal for Services associated with the relocation of the train depot to a flat site in downtown from Hager Smith Architecture and Design is incorporated into these minutes as Attachment #5

MANAGER REPORT

- A projected 10% increase from our Health Insurance Cost was anticipated, however the Town has no increase with a small savings. Not sure about next year however no increase for the Fiscal Year 2015-2016. Worker's Comp increased 50%
- Textile Funds were paid on Tuesday in the amount of \$664,000 and those funds are no longer in the Town's bank account however \$32,000 will stay.
- Having problems with the Chief of Police vehicle with major problems to the engine and looking at up to \$3,000 to repair the vehicle. This item was taken out of the budget for fiscal year 2015-2016 however would like to move forward with replacing this vehicle rather than repairing. This would require a budget amendment of \$30,000 at a future meeting and would like guidance on this matter. It was the Consensus of the Board to fund the purchase of a new vehicle for Police Chief Morris.
- Complimented the Chief of Police on clean audit from the State Training Standards Office.
- 41st Safest Town in NC

MINUTES CONTINUED FROM JULY 2, 2015

- Submitted a letter to USDA declining the \$12,300 Rural Business Development Grant Loan. By doing this, it puts the Town back in the pool for any money returned not used still having the opportunity to get the full \$75,000 grant.

GOVERNING BOARD COMMENTS


Commissioner Turnage thanked everyone for coming tonight and asked for involvement from the citizens of Erwin in the depot project.

Mayor Carson thanked the Chief of Police and Manager for removing the trailer on East D. Street. Understands that we have an employee with the Town that has been here 5 years and is still on probationary pay and directed staff to look into this matter and see what can be done about this. Mr. Douglas informed everyone that staff needs to change that terminology due to it is confusing and sounds like the employee is still on probation where in fact they are on the left side of the scale. This is something that we need to address and come up with some system to move people along.

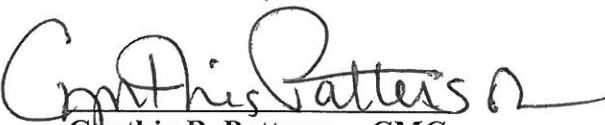
ADJOURNMENT

Commissioner Blackmon made a motion to adjourn at 8:18pm and was seconded by Commissioner McKoy. **Motion Unanimously Approved.**

MINUTES RECORDED AND TYPED BY
CYNTHIA B PATTERSON TOWN CLERK



Patsy M. Carson
Mayor



Cynthia B. Patterson, CMC
Town Clerk