

ERWIN BOARD OF COMMISSIONERS  
REGULAR MINUTES  
JUNE 5, 2014  
ERWIN, NORTH CAROLINA

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The Board of Commissioners for the Town of Erwin with Mayor Patsy Carson presiding, held its Regular Meeting in the Town Hall on Thursday, June 5, 2014 at 7:00 P. M. in Erwin, North Carolina.

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

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 Baker gave the invocation.

Those present recited the Pledge of Allegiance.

### **APPROVAL OF AGENDA**

Commissioner Baker made a motion to add **(Item 3G)** under Consent Items Section 4-1016 House Moving Board of Commissioners Written Consent Moving from Benson, NC to 225 Butch Street and add **(Item 10)** Closed Session G.S. 143-318.11 (a)(3) Attorney Client Privilege/Legal Claims and was seconded by Commissioner Ballard. The Board voted unanimously.

### **CONSENT ITEMS**

Commissioner Ballard made a motion to approve **(Item A)** Approval of Regular Minutes of 05/01/14, **(Item B)** Approval of Special Called Minutes of 05/06/14, **(Item C)** Financial Report Summary for April 2014, **(Item D)** Town Engineering Contract with DM2 Engineering, **(Item E)** Proposal for Property and Liability Insurance from NC League of Municipalities Resolution and Interlocal Agreement, **(Item F)** Powell Bill and Farmer's Market Fund Close-Out and **(Item G)** Section 4-1016 House Moving Board of Commissioners Written Consent Moving from Benson, NC to 225 Butch Street and was seconded by Commissioner Turnage. The Board voted unanimously.

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### **INDUCTION CEREMONY OF NEW POLICE CHIEF**

Mayor Patsy Carson introduced District Court Judge Caron H. Stewart, who administered the Oath of Office to the New Police Chief William H. Morris.

William H. Morris repeated the Oath of Office as Police Chief accompanied by his wife Gina, son David and daughter Meredith holding the Bible.

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MINUTES CONTINUED FROM JUNE 5, 2014RECOGNITION OF PROMOTIONS WITHIN THE POLICE DEPT

Police Chief Bill Morris recognized the following:

Sergeant Linwood McKoy as 1<sup>st</sup> Sergeant

Detective Jonathan Johnson as Detective Sergeant

Detective Sergeant Jerry Royals as Lieutenant

Commissioner Blackmon made a motion to recess for 10 minutes at 7:05pm and was seconded by Commissioner Baker. The Board voted unanimously.

Commissioner Turnage made a motion to reconvene at 7:20pm and was seconded by Commissioner Baker. The Board voted unanimously.

PUBLIC HEARING

Commissioner Turnage made a motion to open the public hearing at 7:20pm and was seconded by Commissioner Blackmon. The Board voted unanimously.

CU-2014-0003 CLASS A MANUFACTURED HOME, 56 DELANEY COURT

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

Town Clerk Cynthia Patterson came forward and stated the oath to Erwin Planner Kathy Blake and Applicant James Peterkin.

Mr. James A. Peterkin submitted a request for a conditional use permit for a “class A” manufactured home at 56 Delaney Ct., Harnett County **PIN # 1507-38-2654.000**. Mr. Peterkin is the property owner of this 0.53 acre parcel. The parcel is zoned R-D (Rural District). *Section 4024.4 Conditional Uses* in the R-D (Rural District) lists “Manufactured ‘Class A Homes’ on individual lots”. Per the submitted site plan, a 32’ x 76’ (2,432 SF) manufactured home shall be placed on this parcel.

Staff Comments:

- The 1999-2010 Land Use Plan designates this parcel as “Rural Density Development”. The Land Use Plan lists the following goal:
  - **Goal #6** Promote low density where water and sewer are not available.
    - **The R-D is the Town’s low density zoning classification.**
- Per the Zoning Ordinance, 2 parking spaces are required.
  - Sufficient space has been designated on the site plan.
- This parcel is also known as Lot 1 of Walt’s Crossing III. The subdivision was designed for double-wide manufactured homes.
- Public water and sewer are not available.
- Delaney Court and Suggs Rd. appear to be paved private streets in the ETJ.

**MINUTES CONTINUED FROM JUNE 5, 2014****Planning Board Recommendation:**

At their regular meeting on April 21, 2014, Planning Board reviewed and voted in the affirmative on each Finding of Fact individually for CU-2014-003. The Planning Board then voted to accept all the Findings of Fact and to recommend for approval CU-2014-003, Peterkin, 56 Delaney Ct., PIN # 1507-38-2654.000, for a “Class A” Manufactured Home in R-D.

**Staff Recommendation:**

Staff recommends approval of CU-2014-003, Peterkin, 56 Delaney Ct., PIN # 1507-38-2654.000, for a “Class A” Manufactured Home in R-D.

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

No one came forward.

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

No one came forward

Commissioner Baker made a motion to close the public hearing at 7:25pm and was seconded by Commissioner Blackmon. The Board voted unanimously.

Commissioner Baker made a motion to recommend that the Proposed Conditional Use application meets all the Findings of Fact in the affirmative, the proposed amendment is consistent with those documents that constitute the officially adopted land development plan and other applicable plans and also recommend approval of CU-2014-003, Peterkin, 56 Delaney Ct., PIN# 1507-38-2654.000, for a Class A Manufactured Home in R-D as recommended by the Planning Board and was seconded by Commissioner Turnage. The Board voted unanimously.

**MINUTES CONTINUED FROM JUNE 5, 2014****PUBLIC HEARING**

Commissioner Blackmon made a motion to go into public hearing at 7:26pm and was seconded by Commissioner Turnage. The Board voted unanimously.

**2014 TOWN OF ERWIN LAND USE PLAN**

Richard Smith a partner in with Benchmark CMR came forward and presented the final draft of the Land Use Plan update. Each Board member was given a copy of the 2014 Land Use Plan prior to the meeting.

Mayor Carson asked if anyone would like to speak in favor of the proposed 2014 Land Use Plan to please come forward.

No one came forward.

Mayor Carson asked if anyone would like to speak against the proposed 2014 Land Use Plan to please come forward.

No one came forward.

No further discussion was made however the Board thanked Mr. Smith and Benchmark CMR for doing a great job with the Land Use Plan.

Commissioner Baker made a motion to close the public hearing at 7:31pm and was seconded by Commissioner Blackmon. The Board voted unanimously.

Commissioner Baker made a motion to approve the 2014 Town of Erwin Land Use Plan and was seconded by Commissioner Blackmon. The Board voted unanimously.

A copy of the 2014 Land Use Plan was provided to the Mayor, Commissioner's, Dept. Heads, Manager and Clerk's Office.

**PUBLIC HEARING**

Commissioner Turnage made a motion to go into public hearing at 7:32pm and was seconded by Commissioner Baker. The Board voted unanimously.

**TAXI-CAB CERTIFICATE OF CONVENIENCE & NECESSITY FROM FRANCISCO CONTRERAS OF LILLINGTON TAXI SERVICE**

Town Manager Richard Douglas informed the board that Staff has received an application from Francisco Contreras of Lillington Taxi Service to operate a taxi-cab operation in Erwin. Chief Morris has inspected the vehicle to be used and reviewed the applicant's driving history,

**MINUTES CONTINUED FROM JUNE 5, 2014**

insurance and other pertinent information. As a result, he finds the applicant to be in compliance with the requirements of the Town's ordinance.

Mayor Carson asked if anyone would like to speak in favor of the proposed Taxi-Cab Certificate of Convenience & Necessity to please come forward.

No one came forward.

Mayor Carson asked if anyone would like to speak against the proposed Taxi-Cab Certificate of Convenience & Necessity to please come forward.

No one came forward.

Commissioner Turnage made a motion to close the public hearing at 7:34pm and was seconded by Commissioner Whitman. The Board voted unanimously.

Commissioner Blackmon made a motion to approve the Taxi-Cab Certificate of Convenience & Necessity from Francisco Contreras of Lillington Taxi Service and was seconded by Commissioner Baker. The Board voted unanimously.

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**PUBLIC HEARING**

Commissioner Baker made a motion to go into public hearing at 7:39pm and was seconded by Commissioner Turnage. The Board voted unanimously.

**FY 2014-2015 OPERATING BUDGET ORDINANCE**

Town Manager Richard Douglas informed the Board that after the last budget work session, staff further amended the proposed budget to reflect an increase in the employee COLA from one percent to 1 ½ percent, in addition to delaying for three months the conversion of a part-time Public Works position to full-time and deleting a snow plow from the budget (Powell Bill). A summary table of changes since the budget was initially proposed by the Town Manager is attached for your review. A total of \$72,500 was cut from the proposed budget summary.

Mayor Carson asked if anyone would like to speak in favor of the proposed budget for 2014-2015 to please come forward.

No one came forward.

Mayor Carson asked if anyone would like to speak against the proposed budget for 2014-2015 to please come forward.

No one came forward.

**MINUTES CONTINUED FROM JUNE 5, 2014**

Commissioner Blackmon made a motion to close the public hearing at 7:41pm and was seconded by Commissioner Turnage. The Board voted unanimously.

Commissioner Baker made a motion to approve the FY 2014-2015 Operating Budget for the Town of Erwin and was seconded by Commissioner Ballard. The Board voted unanimously.

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**NEW BUSINESS****DOWNTOWN HISTORIC DISTRICT NOMINATION PROPOSAL**

MdM Historical Consultant Jennifer Martin-Mitchell came forward and spoke to the Board. Mrs. Mitchell stated that this is a two-step process and the first step in this process was completed successfully in the fall when the potential district was placed on the state study list by the national register advisory committee in Raleigh.

The nomination process is the next and final step in getting National Register designation by the National Park Service. Property owners within the affected area have been notified and invited to hear the consultant's presentation (see attached letter). Staff recommends moving forward with the nomination process and recommends that community enhancement funds be used to pay the consultant's fees. The proposal cost is \$7,064.75. Mrs. Mitchell stated that her proposal is to begin the project this summer and should go to the national register committee by early 2015 and would eventually be listed in the summer of 2015.

The Board expressed concerned with the old Post Office (Tim Morris Attorney's building) not listed in the proposal. Mrs. Mitchell advised the Board that she did include this particular building in however the State thought the building had been altered too significantly to remain in the boundary. The Board advised Mrs. Mitchell to try and include this building again.

Commissioner Blackmon made a motion to approve the Downtown Historic District Nomination Proposal and was seconded by Commissioner Baker. The Board voted unanimously.

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**DEPOT RENOVATION PROJECT FEASIBILITY STUDY REPORT**

David Black with Hager Smith of Raleigh came forward and spoke to the Board. Mr. Black stated that his firm made several trips to Erwin in the spring to take a good look at the building and go over the conditions and research to the zoning and code requirements that would be involved in moving the building, preparing a new site and rehabilitating it for the use of a museum. The total cost of the feasibility study is \$655,777.05.

No direction from the Board to move forward however Staff will apply for grants.

Copy of the Feasibility Study will be filed in the Clerk's Office.

**MINUTES CONTINUED FROM JUNE 5, 2014****PORTER PARK IMPROVEMENTS BID AWARD**

Tyrus Clayton with Draper Aden Associates came forward and spoke to the Board. Mr. Clayton stated that he received 4 bids and they are as follows:

Stewart Group-----\$216,131.60  
 Sandhills Contractors-----\$386,439.00  
 Denning Brothers, Inc.-----\$224,665.06  
 Browe Construction-----\$336,990.00

Basically, the whole project came in 20% higher than expected.

Commissioner Blackmon made a motion to accept the lowest bid from Stewart Group Enterprise and was seconded by Commissioner McKoy. The Board voted unanimously.

This project is primarily funded by a state recreation grant and will also setup a project ordinance to monitoring how this project is going.

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**SOUTH 14<sup>TH</sup> STREET PARKING RESTRICTION ORDINANCE AMENDMENT**

Town Manager Richard Douglas informed the Board that staff has prepared an ordinance amendment restricting parking on the west side of 14<sup>th</sup> Street, between C and B Streets, at all times. Parking in this area is currently restricted in the Town ordinance, but Sundays are exempted. This ordinance amendment simply moves this portion of street to a new section restricting parking at all times.

After some discussion, Commissioner Turnage made a motion to table South 14<sup>th</sup> Street Parking Restrictions Ordinance Amendment and was seconded by Commissioner McKoy. The Board voted unanimously.

**209 EAST H STREET PROPERTY SALE (UPSET BID PROCESS)**

Mr. Douglas informed the Board that Larry Morgan (207 E. H Street) and Donald Suggs (211 E. H Street), property owners adjacent to 209 E. H Street (property recently given to the Town and dilapidated house was demolished), have offered to purchase this property for \$6,000. The current zoning classification for this lot is central business, and according to Harnett County's GIS records, the assessed land value for this lot is \$20,190. Although the offer to purchase is less than what the Town has spent on the property, staff recommends that this offer be initially accepted, particularly given the residential nature of this neighborhood and limitations on building a single-family home on the lot.

**MINUTES CONTINUED FROM JUNE 5, 2014**

If the Board initially accepts this offer, then the offer will be advertised and an upset bid process will be conducted (final approval of the sale would be needed at a future Board meeting).

Commissioner Baker made a motion to begin bid process at 209 East H Street and was seconded by Commissioner Turnage. The Board voted unanimously.

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**PUBLIC COMMENT**

Verna Honeycutt of 1012 Walnut Drive, Erwin in the Forest Hill's Subdivision came forward and spoke to the Board. Ms. Honeycutt expressed concerns with speeding on Walnut Drive. She would like for the Town to either place speed bumps or signs posted such as dead end or no outlet on Walnut Drive. Someone is going to get hit if not careful.

**CLOSED SESSION**

Commissioner Baker made a motion to go into closed session at 9:13pm to discuss G.S. 143-318.11 (a) (3) Attorney Client Privilege/Legal Claims and was seconded by Commissioner Blackmon. The Board voted unanimously.

Commissioner Baker made a motion to go back into regular session at 9:30pm and was seconded by Commissioner Blackmon. The Board voted unanimously.

**ADJOURNMENT**

Commissioner Turnage made a motion to adjourn at 9:30pm and was seconded by Commissioner Whitman. The Board voted unanimously.

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

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**Patsy M. Carson**  
Mayor

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