

ERWIN BOARD OF COMMISSIONERS
REGULAR MINUTES
OCTOBER 2, 2014
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, October 2, 2014 at 7:00 P. M. in Erwin, North Carolina.

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 Patsy Carson called the meeting to order at 7:00 P. M.

Commissioner 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. The Board voted unanimously.

CONSENT ITEMS

Commissioner Whitman made a motion to approve (**Item A**) Approval of Regular Minutes of 09/04/14, (**Item B**) Financial Report Summary for August 2014, (**Item C**) Harnett County Building Inspections Agreement and was seconded by Commissioner Turnage. The Board voted unanimously.

(Page 7896 A-I)

PUBLIC HEARING

Commissioner Baker made a motion to open the public hearing at 7:03pm and was seconded by Commissioner Turnage. The Board voted unanimously.

MANUFACTURED HOME CONDITIONAL USE PERMIT

Town Manager Richard Douglas 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.

Town Manager Richard Douglas and Applicant Ms. Iberta Anders, applicant for the conditional use application came forward and stated the oath.

MINUTES CONTINUED FROM OCTOBER 2, 2014

Mr. Douglas stated that Ms. Iberta Anders submitted a request for a conditional use permit for a “class A” manufactured home at 86 Tyler Godwin Rd, Harnett County PIN # **0588-70-6226.000**. Ms. Anders is the property owner of this 28,755 SF parcel. The parcel is zoned R-D (Rural District) and is in the Town’s ETJ (extraterritorial jurisdiction). In the R-D (Rural District) of the *Town of Erwin Zoning Ordinance, Section 4024.4 Conditional Uses*, “Manufactured ‘Class A Homes’ on individual lots” are in the list. Per the submitted site plan, a 24’ x 56’ (2,250 SF) manufactured home shall be placed on this parcel.

Staff Comments:

- The Land Use Plan 2014 designates this parcel as “Low Intensity” and states the following:
 - Low Intensity land use classification is intended primarily for agricultural purposes and large lot single-family residential development.
- 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 11 of Riverland Estates II.
- The lot has public water available.
- Public sewer is not available. Property owner will need to make application to Harnett County for septic system approval.

Planning Board Recommendation:

At their regular meeting on September 15, 2014, Planning Board reviewed and voted in the affirmative on each Findings of Fact individually for CU-2014-005. The Planning Board then voted to accept all the Findings of Fact and to recommend for approval CU-2014-005, Anders, 86 Tyler Godwin Rd., PIN # 0588-70-6226.000, A Conditional Use Permit Application For A “Class A” Manufactured Home in R-D.

Staff Recommendation:

Staff recommends approval of CU-2014-005, Anders, 86 Tyler Godwin Rd., PIN # 0588-70-6226.000, A Conditional Use Permit Application For A “Class A” Manufactured Home in R-D.

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

Ms. Iberta Anders stated that this has been a long process and would like everything to be done right. She is trying to do better for her and her family.

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

No one came forward.

MINUTES CONTINUED FROM OCTOBER 2, 2014

Commissioner Blackmon made a motion to close the public hearing at 7:07pm and was seconded by Commissioner Turnage. The Board voted unanimously.

Commissioner Turnage made a motion that the proposed conditional use application meets all the Findings of Fact in the Affirmative and was seconded by Commissioner Blackmon. The Board voted unanimously.

Commissioner Turnage 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 Baker. The Board voted unanimously.

Commissioner Turnage made a motion to approve of CU-2014-005 for a Class A Manufactured home in R-D at 86 Tyler Godwin Rd. and was seconded by Commissioner Blackmon. The Board voted unanimously.

(Page 7898 A-P)

OLD BUSINESS**CELL TOWER LEASE NEGOTIATION AGREEMENT**

Town Manager Richard Douglas informed the Board as discussed and tabled at the September regular Board of Commissioners meeting, American Tower Corporation has requested that the Town of Erwin consider a 30-year lease extension amendment, through 2059, or a perpetual easement on the cell tower adjacent to the Public Works facility. Due to the complex nature of cell tower negotiations and the long-term financial implications of a lease decision (the Town currently receives \$1804/month in revenue from the tower), staff has recommended that the Board of Commissioners approve an agreement with Monroe Telecom Associates of Wake Forest to negotiate a lease extension amendment with American Tower Corporation, to be paid from existing cell tower revenue (community enhancement fund).

Since the September meeting, the Town Attorney has revised parts of the agreement to clarify costs and services.

Commissioner Blackmon made a motion to approve the Cell Tower Lease Negotiation Agreement with Monroe Telecom Associates, LLC and was seconded by Commissioner Turnage. The Board voted 4 for and 2 against (Commissioner's Whitman and Ballard).

(Page 7898 Q-T)

FY 2014-2015 STREET RESURFACING RECOMMENDATIONS

Town Engineer Bill Dreitzler informed the Board that Town Staff has solicited proposals from paving contractors for the resurfacing of the following sections of streets. They are as follows:

MINUTES CONTINUED FROM OCTOBER 2, 2014

- South 10th Street (adjacent to Erwin Elementary School and including designated parking spaces), from Denim Drive to D Street
- East J Street, from 10th Street to 13th Street
- Godwin Drive
- Old Cut Off Road

The RFP (Request for Proposals) were sent out to 4 contractors, Barnhill Construction, Fred Smith Company, Johnson Brothers and Gelder Construction. All 4 of these contractors were very qualified for this job. The Town only received 1 bid, Johnson Brother's Utility of \$209,300.55. In the conversations with the other 3 contractors, it was a scheduling issue with all of them. They were very much interested however could not begin this project until next spring.

Commissioner Blackmon made a motion to approve the Street Re-surfacing Bid award to Johnson Brothers Utility & Paving Co. in the amount of \$209,300.55 and was seconded by Commissioner Ballard. The Board voted unanimously.

(Page 7899 A-D)

HARNETT COUNTY INTERLOCAL LIBRARY AGREEMENT

Town Manager Richard Douglas informed the Board since the September meeting, staff has discussed the agreement with representatives of Harnett County, the Town of Angier, and the Town Attorney. While the explanation of the Interlocal agreement leaves many unanswered questions, it is staff's understanding that this agreement will not be modified by Harnett County. However, due to the benefits of participating in a countywide and statewide library system and that the agreement generally maintains the existing relationship in library operations between the county and the municipalities, staff recommends approval as originally presented.

Commissioner Baker made a motion to approve the Harnett County Interlocal Library Agreement and was seconded by Commissioner Blackmon. The Board voted unanimously.

(Page 7899 E-K)

NEW BUSINESS

ERWIN MILL SITE STUDY PROPOSAL: ROCKY LANE, SANFORD HOLSHOUSER

Town Manager Richard Douglas informed the Board that Staff has worked with the property owner, Sanford Holshouser and other economic development consultants, and state and local economic development professionals over the past year to determine how to best move forward in redeveloping the 57-acre site. The Town Manager has worked with Sanford Holshouser representatives and other members of the proposed consulting team over the past several years, and recommends this consulting team to complete the proposed work at a cost of \$28,000 (plus expenses).

MINUTES CONTINUED FROM OCTOBER 2, 2014

Harnett County management has indicated a willingness to share in the project cost, which would require formal approval by the Harnett County Board of Commissioners. The property owner supports this proposal but is unable to contribute financially at this time.

Mr. Douglas also advised the Board that he has talked with Harnett County Manager Tommy Burns and asked if they could paid half of this project which would be \$14,000.

Mr. Rocky Lane of Sanford Holshouser came forward and addressed the Board. Mr. Lane stated that he and Mr. Bob Leake toured the facility twice and brought in 3 different environmental engineering firms to take a look as well. In discussions with his partners and engineering companies, they have come up with a plan for the first phase to move forward with this. The first step would do an environmental review. Once this is done and does not find a fatal flaw, then he would approach the next phase Condition Assessment.

This building currently has 17 vendors and is also for sale.

After some discussion from the Board, it was determined that the Town needs more communication/clarification with the Harnett County Board and also get the owner of the Erwin Mill site involved before moving forward with this project.

Commissioner Blackmon made a motion to Table the Erwin Mill Site Study Proposal until we can get more information and more of a commitment from the County as well as the owner of the property need to be more involved and was seconded by Commissioner Turnage. The Board voted unanimously.

REQUEST FOR PUBLIC HEARINGS FOR 2 PROPOSED TEXT AMENDMENTS CONCERNING MANUFACTURED HOMES IN THE R-D AND R-6 DISTRICTS

Staff has had conversations with various Planning Board and Board of Commissioners members about trying to streamline the process of locating manufactured Class A homes (double-wide) on lots, especially in the Rural District. For many years in Erwin, the *Zoning Ordinance* has listed manufactured Class A home as a conditional use in the R-D and R-6 districts, thus requiring a conditional use application to be reviewed by the Planning Board and a decision by the Board of Commissioners.

Staff took 2 text amendments concerning this matter to the September 15th Planning Board meeting and the minutes are attached.

Planning Board Recommendation:

- **ZT-2014-001** - At their regular meeting on September 15, 2014, Planning Board reviewed ZT-2014-001, zoning text amendment to the R-D (Rural District) Classification, to remove from *Section 9-4024.4 Conditional Uses* "Class A Manufactured Homes on individual lots" and to add to *Section 9-4024.2 Permitted Principal Uses and Structures* "Manufactured Home, Class A on individual lots". The Planning Board voted to recommend approval as presented.
- **ZT-2014-002** - At their regular meeting on September 15, 2014, Planning Board reviewed ZT-2014-002, zoning text amendment to Section 9-4027, R-6 Residential

MINUTES CONTINUED FROM OCTOBER 2, 2014

District, to remove from *Section 9-4027.4 Conditional Uses* the use “Manufactured Home, Class A (Used but less than five years old as of date of zoning permit issuance)” . The Planning Board voted to change the proposed amendment to remove “Class A” manufactured home from *Section 9-4027.2 Permitted Principal Uses and Structures*, and leave Manufactured Home Class A as a conditional use in R-6 districts.

Action Requested:

Staff requests that the Board of Commissioners schedule public hearings at the November regular meeting to receive public input on proposed zoning text amendments ZT-2014-001 and/or ZT-2014-002.

Commissioner Baker made a motion to place on the November’s Agenda a public hearing for a text amendment regarding manufacturing housing in RD and R-6 and was seconded by Commissioner Turnage. The Board voted unanimously.

OPPOSING PROPOSED MIDDLE SCHOOL REDISTRICTING PLAN

Harnett County School Board member Bill Morris presented to the Board a resolution for the Board of Commissioners’ consideration opposing a proposed middle school redistricting plan that would split Erwin between the Coats-Erwin and Dunn middle school districts. To address growth in the school population the Harnett County School Board is considering different options to likely be effective in the 2015-2016 school year.

Mr. Morris stated that more of the recent ones proposed are dividing Erwin in half. After speaking to some of the Commissioner’s and residents Mr. Morris does not feel like this is the wishes of the majority of Erwin as well as we have a Middle School just up the road called Coats-Erwin Middle School.

After some discussion, Commissioner Blackmon made a motion to amend the heading of the Resolution and strike out the word “Middle” and in the last paragraph of the resolution strike out the word “middle” and approve the Resolution Opposing Proposed Harnett County School Redistricting Plan and was seconded by Commissioner Baker. The Board voted unanimously.

(Page 7901 A)

ATTORNEY’S REPORT

Textile Museum Case---- Mr. Hunter advised the Board that any money put in by the Town could come back to the Town. It was stated that the amount would be \$35,000. Once the Judge signs off, the Town would at least get this back.

MINUTES CONTINUED FROM OCTOBER 2, 2014**GOVERNING BODY COMMENTS**

Commissioner Whitman invited everyone to come out and attend the 50th Annual Denim Days Festival this Saturday, October 4th.

Commissioner Baker had some concerns with the departmental report from the Police Dept. with a couple of cars not in good shape and may be a big expense in the months to come. Directed Staff to investigate/evaluate on both vehicles involved and ask the other Dept. Heads to investigate/evaluate on their vehicles and bring back to the Board at the November's meeting.

Commissioner Turnage invited everyone to a Free Vision and Hearing screening on Friday, October 3rd from 9am-3pm at the old SunTrust Bank parking lot. This is sponsored by the Erwin Lions Club and encouraged everyone to attend Denim Days on Saturday.

Commissioner Ballard thanked the Town Manager Richard Douglas and Police Chief Bill Morris on the letter we received from Good Hope Hospital how well they were to work with.

Mayor Carson invited everyone to come to the stage in front of Tubby's on Saturday, October 4th at 9:30 for the "Welcome to Denim Days" and also will have a Street Dance on Saturday night.

ADJOURNMENT

Commissioner Turnage made a motion to adjourn at 8:26pm and was seconded by Commissioner Baker. The Board voted unanimously.

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

Patsy M. Carson
Mayor

Cynthia B. Patterson, CMC
Town Clerk