

ERWIN BOARD OF COMMISSIONERS  
REGULAR MINUTES  
OCTOBER 5, 2017  
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, October 5, 2017 at 7:00 P. M. in Erwin, North Carolina.

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

Town Manager Snow Bowden and Town Clerk Cynthia Patterson were present.

Town Attorney Mac Hunter was 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 Turnage made a motion to add to the agenda under Consent Items (Item E) Temporary Waiver of the Town of Erwin's Primary Fire Limits and add a Closed Session pursuant to G.S. 143-318.11 (a) (6) Personnel Matters after Public Comments and was seconded by Commissioner Whitman. **The Board unanimously.**

### **CONSENT ITEMS**

Commissioner Baker made a motion to approve **(Item A)** Approval of Regular Minutes of 09/07/17 and **(Item B)** Approval of Special Called Minutes of 09/21/17m **(Item C)** Financial Report Summary for August 2017 and **(Item D)** Planning Board/Board of Adjustments Applications and was seconded by Commissioner Turnage. **The Board voted unanimously.**

*A copy of the Financial Report Summary for August 2017 and Planning Board/Board of Adjustments Applications is incorporated into these minutes as **Attachment #1***

### **PUBLIC HEARING**

Commissioner McKoy made a motion to open the public hearing at 7:00pm and was seconded by Commissioner Turnage. The Board voted unanimously.

Town Manager Snow Bowden informed the board that there were some policies and procedures that were not followed by this proposed text amendment and should go back to the Planning Board. Mr. Bowden recommended in tabling both the Proposed Zoning Text Amendment and Conditional Use Permit until the next Board of Commissioners meeting which will be on Thursday, November 2, 2017 at 7pm. This needs to go through the proper review and it needs to be a statement of consistency or not a consistency at which it's something that I over looked. I wasn't aware of it.





**TOWN OF ERWIN**  
**FINANCIAL SUMMARY REPORT**  
**YTD COMPARISON OF FY 2017 & FY 2018**

REVENUES	YTD Aug-17	YTD Aug-16	YTD DIFFERENCE
CURRENT YEAR LEVY OF PROPERTY TAXES	12,780.79	12,087.74	693.05
CURRENT YEAR MOTOR VEHICLE TAXES	4,720.49	11,939.01	(7,218.52)
PRIOR YEAR TAXES	0.00	0.00	0.00
UTILITIES FRANCHISE TAXES	6,250.00	5,690.00	560.00
ENTRY FEES	103,336.78	89,369.91	13,966.87
SALES & USE TAX	1,410.00	1,090.00	320.00
ZONING PERMITS/APPLICATIONS	63,467.42	63,313.81	153.61
REFUSE COLLECTIONS FEES	6,423.00	5,385.00	1,038.00
STORM WATER COLLECTION			
ALL OTHER REVENUES	180,911.31	38,201.71	142,709.60
	379,299.79	227,408.84	151,890.95
			40.05%
<b>EXPENSES</b>	<b>YTD Aug-17</b>	<b>YTD Aug-16</b>	<b>YTD DIFFERENCE</b>
GOVERNING BODY	3,804.71	3,564.42	240.29
ADMINISTRATION	45,730.10	40,576.85	5,153.25
NON-DEPARTMENTAL	139,367.50	143,505.37	(4,137.87)
PLANNING & INSPECTIONS	5,238.40	7,267.27	(2,028.87)
POWELL BILL-STREETS	3,000.00	3,000.00	0.00
POLICE	131,290.26	117,881.46	13,408.80
CONTRACT SERVICES-FIRE	3,481.86	0.00	3,481.86
PUBLIC WORKS-ADMIN.	15,811.84	15,773.89	37.95
PUBLIC WORKS-STREETS	50,058.79	53,636.51	(3,577.72)
PUBLIC WORKS-SANITATION	30,193.17	45,540.17	(15,347.00)
PUBLIC WORKS STORM WATER	1,409.85	1,992.30	(582.45)
RECREATION	53,463.01	50,616.43	2,846.58
LIBRARY	8,717.28	7,809.43	907.85
COMMUNITY CENTER	549.45	612.28	(62.83)
	492,116.22	491,776.38	339.84
	<b>(112,816.43)</b>	<b>(264,367.54)</b>	<b>151,551.11</b>
Y-T-D GENERAL FUND BALANCE INCREASE (DECREASE)			

ACCOUNT BALANCES			
	YTD Aug-17	YTD Aug-16	
CASH MANAGEMENT	534,350.24	13,279.31	
BB&T CASH IN BANK	88,182.77	72,716.52	
FIRST FEDERAL BUSINESS MONEY MARKET (was BB&T)	132,665.54	126,923.48	
SUNTRUST MONEY MARKET	0.00	5,168.81	
FIRST FEDERAL MONEY MARKET	849,078.32	846,958.27	
<b>Y-T-D BALANCE IN GENERAL FUND ACCOUNTS</b>	<b>1,604,276.87</b>	<b>1,065,046.39</b>	
BB&T POWELL BILL FUND	0.00	0.00	
BB&T STATE FORFEITURE	1,525.38	1,473.85	
BB&T FEDERAL FORFEITURE	0.00	1,530.19	
FIRST FEDERAL PORTER PARK PROJECT	0.00	0.00	
FIRST FEDERAL CAP RESERVE/COMMUNITY ENHANCE	69,461.37	46,216.43	
FIRST FEDERAL CAP. RESERVE/GENERAL	3,003,540.49	2,906,989.37	
FIRST FEDERAL DOWNTOWN PARKING LOT PROJECT	0.00	0.00	
BB&T HEALTH RESERVE HRA ACCT.	18,297.82	13,534.64	
SUNTRUST PRIEBE FIELD ACCT.	7,611.92	4,784.02	
SUNTRUST TEXTILE MUSEUM	0.00	0.00	
RAIL-TRAIL GRANT CHECKING	0.00	43,659.19	
<b>Y-T-D BALANCE RESTRICTED FUNDS</b>	<b>3,100,436.98</b>	<b>3,018,187.69</b>	
<b>CUMULATIVE BALANCE FOR TOWN OF ERWIN</b>	<b>4,704,713.85</b>	<b>4,083,234.08</b>	



**APPLICATION FOR APPOINTMENT  
TO A BOARD FOR THE  
TOWN OF ERWIN, NORTH CAROLINA**



The Town of Erwin appreciates your interest in serving on a Board and requests that you complete the following application. This application requests general information based on your interest in applying for a Board for the Town of Erwin.

Applicant Name: Robert P. Cameron Date of Application: 8/31/17

Home Address: 501 South 8<sup>th</sup> St Erwin 28339  
Street Address Town Zip Code

Home Phone: 910-897-6321 Business/Other Phone: 919-894-0847

FAX Number: \_\_\_\_\_ Email Address: rpacameron@gmail.com

In order to consider this application, the Town of Erwin requests the following information:

Date of Birth 3/8/1954 Do you reside within the Town Limits of Erwin:  Yes;  No;  
 Occupation: retired Length of residence in Erwin: 63 Years 6 Months

Have you ever pled guilty to or been found guilty or any criminal offense or been convicted of any offense other than a minor traffic violation? Yes \_\_\_ No

If yes, please explain \_\_\_\_\_  
 \_\_\_\_\_

Any evidence found to be incorrect on the application may result in disqualification.

Please write a brief statement as to why you are interested in serving on one of these Boards.

lifelong resident, NC Real estate Broker, real estate developer in Erwin, formerly served on Planning Board - Hope to Add to quality of life in Erwin.

Please indicate your preference by the number (first choice being "1")

Planning Board  Recreation

**Please note: If you are applying for the Planning Board you will not be able to serve on another Board.**



**APPLICATION FOR APPOINTMENT  
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The Town of Erwin appreciates your interest in serving on a Board and requests that you complete the following application. This application requests general information based on your interest in applying for a Board for the Town of Erwin.

Applicant Name: WILLIAM SCHUH Date of Application: 9/11/2017

Home Address: 102 MASONIC RD

Home Phone: 910 897-2637 Business/Other Phone: 910-658-7811

FAX Number: \_\_\_\_\_ Email Address: BILLSCHUH102@gmail.com

In order to consider this application, the Town of Erwin requests the following information:

Date of Birth: 04/25/1931 Do you reside within the Town Limits of Erwin: Yes  No   
Occupation: RETIRED Length of residence in Erwin: 12 Years \_\_\_\_\_ Months

Have you ever pled guilty to or been found guilty of any criminal offense or been convicted of any offense other than a minor traffic violation? Yes \_\_\_ No   
If yes, please explain \_\_\_\_\_

Any evidence found to be incorrect on the application may result in disqualification.

Please write a brief statement as to why you are interested in serving on one of these Boards.

SERVE ON BOARD PRIOR

Please indicate your preference by the number (first choice being "1")

Planning Board  Tree Board \_\_\_\_\_ Economic Dev. \_\_\_\_\_ Recreation \_\_\_\_\_

W.N. Porter Memorial Park Steering Committee \_\_\_\_\_

**Please note: If you are applying for the Planning Board or Economic Development you will not be able to serve on another Board.**



**APPLICATION FOR APPOINTMENT  
TO A BOARD FOR THE  
TOWN OF ERWIN, NORTH CAROLINA**



The Town of Erwin appreciates your interest in serving on a Board and requests that you complete the following application. This application requests general information based on your interest in applying for a Board for the Town of Erwin.

Applicant Name: ALAN West Date of Application: 9/13/17  
 Home Address: 106 East "B" St Erwin 28339  
Street Address Town Zip Code  
 Home Phone: 910-897-5663 Business/Other Phone: 317-965-8965  
 FAX Number: \_\_\_\_\_ Email Address: bearsdad88@gmail.com

In order to consider this application, the Town of Erwin requests the following information:

Date of Birth 12/23/56 Do you reside within the Town Limits of Erwin: Yes No: \_\_\_\_\_  
 Occupation: Retired Length of residence in Erwin: 38 Years \_\_\_\_\_ Months

Have you ever pled guilty to or been found guilty or any criminal offense or been convicted of any offense other than a minor traffic violation? Yes \_\_\_\_\_ No ✓

If yes, please explain \_\_\_\_\_  
 \_\_\_\_\_

Any evidence found to be incorrect on the application may result in disqualification.

Please write a brief statement as to why you are interested in serving on one of these Boards.

Returned to Erwin. Hope to help Erwin grow and prosper.

Please indicate your preference by the number (first choice being "1")

Planning Board ✓ Recreation \_\_\_\_\_

**Please note: If you are applying for the Planning Board you will not be able to serve on another Board.**



**APPLICATION FOR APPOINTMENT  
TO A BOARD FOR THE  
TOWN OF ERWIN, NORTH CAROLINA**



The Town of Erwin appreciates your interest in serving on a Board and requests that you complete the following application. This application requests general information based on your interest in applying for a Board for the Town of Erwin.

Applicant Name: Judy R. Price Date of Application: 8, 30, 17  
 Home Address: 408 East H. St. Erwin NC 28339  
Street Address Town Zip Code  
 Home Phone: 910-897-4503 Business/Other Phone: 910-890-3584  
 FAX Number: \_\_\_\_\_ Email Address: Fishin-granny@hotmail.com

In order to consider this application, the Town of Erwin requests the following information:

Date of Birth 8, 21, 44 Do you reside within the Town Limits of Erwin: Yes  No   
 Occupation: Homemaker Length of residence in Erwin: 50 Years \_\_\_\_\_ Months

Have you ever pled guilty to or been found guilty or any criminal offense or been convicted of any offense other than a minor traffic violation? Yes \_\_\_ No   
 If yes, please explain \_\_\_\_\_

Any evidence found to be incorrect on the application may result in disqualification.

Please write a brief statement as to why you are interested in serving on one of these Boards.

Interested in the future of my home town.

Please indicate your preference by the number (first choice being "1")

1- Planning Board  Tree Board \_\_\_\_\_ Economic Dev. \_\_\_\_\_ Recreation \_\_\_\_\_

W.N. Porter Memorial Park Steering Committee \_\_\_\_\_

**Please note: If you are applying for the Planning Board or Economic Development you will not be able to serve on another Board.**

## **NOTICE OF PUBLIC HEARING**

The Town of Erwin Board of Commissioners will conduct a Public Hearing on the following items Thursday, October 5, 2017 at 7:00 P.M. in the Town Hall Board Room located at 100 West F. Street.

- Zoning Text Amendment to allow Home Occupations in accessory structures. The proposed changes would update Section 36-434 in the Erwin Code of Ordinances
- Conditional Use Permit—CU-2017-04 to allow a Nail Salon in an accessory building (HC PIN# 0597-82-9802.00)

All Persons desiring to be heard either for or against the proposed items set forth above are requested to be present at the above mentioned time and place.

For more information please contact:

Town of Erwin Manager

Phone (910) 897-5140

100 West F. Street

Erwin, NC. 28339

9/21/2017

9/28/2017

## **MINUTES CONTINUED FROM OCTOBER 5, 2017**

Commissioner Baker asked a question to the Town Attorney, having to go back for procedural items, there was an altered text amendment that may have been presented to us in a Work Session that was not presented to the Planning Board, so therefore, in comment would be in lieu of having that conversation shared with the Planning Board. Town Attorney Mac Hunter replied by saying that the manager gave this information to me yesterday and apparently it does not fit the requirements of the board.

Commissioner McKoy made a motion to table the Zoning Text Amendment and Conditional Use Permit until Thursday, November 2, 2017 at 7pm and was seconded by Commissioner Baker. The Board voted 3 for (Commissioner Baker, Blackmon and McKoy) and 3 against (Commissioners Turnage, Whitman and Ballard). Due to tie, Mayor Carson voted for tabling this issue. **Motion passed.**

## **OLD BUSINESS**

### **CONSIDERATION OF LEASE RENEWAL AMERICAN TOWER**

Town Manager Snow Bowden informed the board that he reached out to Daniel Sands with American Towers with your counter offer and they did not accept the offer. There is one tenant on this cell tower which is T-Mobile. With T-Mobile being small in the industry we don't have much pull with that.

Commissioner Baker made a motion to allow the Town Manager to continue the negotiations with cell Tower Company for lease of the renewal agreement of American Towers and seconded by Commissioner Ballard. The Board voted 5 for and 1 against (Commissioner Whitman).

## **MANAGER'S REPORT**

- Continue to work on Code Violations and also working to get 2 houses condemned and torn down by the next meeting.
- The Police Dept. was contacted by Dunn PAL Police Athletic League by coming together and do something for Hurricane victims in Florida and the Keys. A drive will be kicked off at Denim Days. Will have a donation box set up at the Erwin Police Dept. and also downtown this weekend for Denim Days. In need of toiletries, shampoo etc.

**MINUTES CONTINUED FROM OCTOBER 5, 2017****PUBLIC COMMENTS**

Pat Cameron of 501 South 8<sup>th</sup> Street, Erwin, came forward and spoke to the board. Mr. Cameron stated that he is concerned because this has gone on a long time. It has been distressful for all of us. The things that are being said about us being neighbors and not being good neighbors. This is a Town matter. We have asked to follow the guidelines, that's all we've asked. It's really getting hard for us. Again, if you would like to table it, we don't even want to consider it to be honest with you. We didn't ask for any of this to happen. I think we ought to know what exactly this technical problem is because my understanding was that Mr. Tripp's attorney made a very simple request and text amendment. The nature of proposed text is to allow a low impact business to be a conditional use in an accessory building. This amendment is consistent with Municipal Codes. Mr. West is here, I think it is exactly what the planning board considered that night. Help me with the problem. If there is something different than this, I think it's inappropriate in why if something went to you and not come from here it's inappropriate. I would like to know. If we are considering something else then I think we should know and the public should know. I wish someone could explain. We are trying to get answers and we don't get many answers when you call up here.

Phyllis Dunn of 506 Old Post Road, Erwin, came forward and spoke to the board. Mrs. Dunn stated that she has lived here all her life. Every time I have spoken on this particular subject I said this and I mean this from the bottom of my heart. This is not about hurting anybody's lively hood. That's not my interest, it's not the interest of the folks that is standing here with me tonight in hurting Mrs. Tripp's lively hood. We're here because we had a concern. We have been at this since May 15<sup>th</sup>. Now suddenly there is an administrative problem that was found yesterday and it's been going on since May. I wanted to tell you, to that those of us who opposed this have done our very best and I think done a dag gone good job of taking the high road when this is concerned. We wanted to keep this business within the area of the town boards the planning board and this board that we are speaking with tonight. We have never lied or spoken ill at the Tripp's as neighbors or individuals. I don't have a problem with the Tripp's. I don't have a problem. We have refrained the exposing situation on Facebook and we can't say that's the truth for others. As we have been referred to as ignorant, jealous, unhappy, small town people with small brains, selfless and the most offensive to me was most went to church this morning but it's not going to any good. You know I might be called a lot of things but those words don't reply to me. I'm not ignorant and I don't have a small brain and I'm not unhappy and I'm not jealous of the Tripp's. The thing that offends me the most highly is someone would question my faith. That to me is when it's gotten out of hand. It's time for you to make a decision so we can move on with this. It's really getting personal at this point. Really personal. For all of us this is about property value equity and honestly. First meeting on May 15<sup>th</sup> with the Planning board, it was proposed that a nail salon would be put in the sunroom and it was approved. Mr. Tripp brought a drawing of what was represented to be the sunroom attached to his home. And this was the proposed request of the nail salon. This was accepted. I think is was abundantly clear that was not the intent. Because all the while there was a nail salon operating in the accessory building on the property. Which is against the zoning ordinance. It's been said that this building was a play house at one point, a storage

**MINUTES CONTINUED FROM OCTOBER 5, 2017**

building because they would be doing renovations in the upstairs of their house. But when is a storage building ever require plumbing permit for a foot spa. So here we are again tonight after the planning board denied the new request to amend the town's ordinance to allow a nail salon, a seamstress or a bookkeeper that needs to be set up in an accessory building on residential property. It's been operating in the accessory building on that property all long. The zoning ordinances was put in place for a reason. Do we make ordinances or make changes to those ordinances to make one person happy or undo a mistake that might have been made when the Tripp's were told they could put the salon in the accessory building and turned out not to be true. So my question is who did tell them. I can't understand why someone would go to that expense and trouble if they didn't think that would be something they would be allowed to do. And where is that person tonight. So what's dragging this and how do we continue to find ourselves having to speak where this is a concern. It had already been decided that it would be inside the dwelling and that it would not be allowed in the accessory building. I can tell you there doesn't appear to be any work done in that sunroom in making it into a nail salon. Dunn is the only town in our county that allows this. They also allow servants quarters so that would speak to how long their ordinance have been in place. Because Dunn does it does it make it right for Erwin? Do we have to pattern ourselves after someone else? Do you want our own identity to be a town who can think for itself? No other Harnett County town allows this or permitted conditional use, others that don't allow it is Sanford, Broadway in Lee County, Holly Springs, Smithfield and Davidson just to name a few. So why was this zoning decision implanted in the first place, I don't have any idea and I suspect you don't either. That there was a very valid reason that should be considered before making such a broad sweeping change. What does this bring to the citizens of Erwin? How do all of its citizen of Erwin benefit from this change? Frankie, I have a question for you, you are my elected representative on this board and representative of many folks that are here tonight and feel the same way as I do about this ordinance change. So why knowing how many of your constituents feel about this, have you not reached out to us to try find out what our side of the story was. What it is that makes us feel about this because I understand that you are in favor of it. That's troublesome to me. I feel like you have let us down and you are not representing our group that you should, I don't think you have been impartial. So if we look at this realistically, if you approve this accessory building, what if the Cameron's want a nail salon across the street, what if the Pope's next to them put up a tax preparation office and we are really interested in my house in putting a tattoo parlor. The Lawson's across the street may want to put in a spa that's her business after all so maybe she would want to come home and do her business. Who knows Ben Hudson would want to do a lawn repair business and maybe Larry Smith wants to be in a Taylor shop. Are you going to allow all of these uses to take place? How can you pick and choose? I think our merchants may be upset about this if you ride through our downtown area you see a number of places that don't have anyone in it. Wouldn't it make sense that we would want to drive business to our downtown area. If somebody went down there to get their nails done maybe they want to pick up sandwich or attempt to let those businesses set empty and let people put accessory buildings on their property and we will have business all over Erwin. The request was made to put this business in the sunroom of the property in question. There has been numerous reports that the nail salon is alive and well inside that building and not once has anybody been out there to check to see if that was true. Calls made to the town.

## MINUTES CONTINUED FROM OCTOBER 5, 2017

Nobody could go, said they were not allowed on that property. How in the world can you do your business if you are not allowed to go on a citizens property that you know is in violation of the ordinance. I don't understand that. I even know that Mrs. Tripp has moved her business into a local salon and it is very widely chatted that it was done because one of these public officials here tonight has told her that she should do that. So who is being looked out for here and why? Move your business from the buildings being operated in so that we don't have to find you. Is that the way it works. We are just very concerned about the impact that this is going to have on our business and on our home if we allow this business to continue to operate as it currently is. When you invite someone to your home you might know who they are but when you have a public business I'm not so sure about that, I don't know I don't have one. But maybe tattoos for you wants to become a franchise opportunity or have tattoo parlors all over Erwin when I get mine up and going and folks see how I'm doing with it. I ask the question how would you like that? I suspect you wouldn't be happy about that. I don't think this has been given the diligence that it deserves but I also don't think that you are following your own protocol on seamstress as is an ordinance that speaks very clear on this. I just ask you to please consider that when you make your decision.

Eunice Hymes of 727 West M. Street, Erwin, came forward and spoke to the board. Ms. Hymes just wanted to thank Chief Johnson and the other officers for a job well done. We need more dedicated officers like him who do not procrastinate. It has been long over do.

## CLOSED SESSION

Commissioner McKoy made a motion to go into closed session at 7:35 p.m. for the purpose of discussing matters concerning personnel under G.S. 143-318.11 (a) (6) and was seconded by Commissioner Turnage. **The Board voted unanimously.**

## RECONVENED

Commissioner Ballard made a motion to go back into regular session at 8:03pm and was seconded by Commissioner Turnage. **The Board voted unanimously.**

## GOVERNING BOARD COMMENTS

Commissioner Blackmon informed everyone that the Erwin Fire Dept. will be celebrating their 75<sup>th</sup> anniversary on October 28<sup>th</sup>. Will be doing Open House from 10-2pm and will be having a dinner that night. Invitations will be sent out. Also this Saturday at Denim Days the Fire Dept. will be having a pancake breakfast to raise money for the Louis Joseph Scholarship Fund.

MINUTES CONTINUED FROM OCTOBER 5, 2017ADJOURNMENT

Commissioner Baker made a motion to adjourn at 8:06 p.m. and was seconded by Commissioner Turnage. **The Board voted unanimously.**

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

  
\_\_\_\_\_  
**Patsy Carson**  
Mayor

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