

**ERWIN BOARD OF COMMISSIONERS
MEETING MINUTES
JUNE 24, 2010
SPECIAL CALLED MEETING
ERWIN, NORTH CAROLINA**

The Board of Commissioners for the Town of Erwin with Mayor Patsy Carson presiding, held its Special Called Meeting in the Town Hall on Thursday, June 24, 2010 at 6:00 P. M. in Erwin, North Carolina.

Board Members present were: Commissioners Norma Ennis, William Corbett, Frank Taylor, Mark Whitman and Michael West.

Board Members absent were: Commissioner Randy Baker

Town Manager Bryan Thompson, Town Clerk Cynthia Patterson and Town Attorney Mac Hunter were present.

Mayor Patsy Carson called the meeting to order at 6:00 P. M.

Commissioner Taylor gave the invocation.

Those present recited the Pledge of Allegiance.

AGENDA ADJUSTMENTS/APPROVAL OF AGENDA

Commissioner Corbett made a motion to add under New Business Item E Budget Ordinance BOA 2010-009 and was seconded by Commissioner Whitman. The Board voted 5 for and 1 absent (Commissioner Baker).

Commissioner West made a motion to approve the Agenda and was seconded by Commissioner Corbett. The Board voted 5 for and 1 absent (Commissioner Baker).

CONSENT ITEMS

Commissioner Whitman made a motion to approve **Item (A)** Amendment to Rural Center STEP Contract, **(Item B)** Budget Amendment: BOA 2010-008: End of Year Adjustments, and was seconded by Commissioner Corbett. The Board voted 5 for and 1 absent (Commissioner Baker).

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PUBLIC HEARING

Commissioner Taylor made a motion to open Public Hearing for Fiscal Year 2010-2011 Budget Ordinance at 6:02pm and was seconded by Commissioner Corbett. The Board voted 5 for and 1 absent (Commissioner Baker).

MINUTES OF JUNE 24, 2010 CONTINUED**FISCAL YEAR 2010-2011 BUDGET ORDINANCE**

Town Manager Bryan Thompson informed the Board that two (2) Funds have been created including the Capital Reserve and the Priebe Field Fund. The Budget Message reflects those additions and gives clarification for the reason of those funds being created.

Mayor Carson asked that if anyone was interested to speak in favor for this Budget Ordinance Fiscal Year 2010-2011 to please come forward and state your name, address and oath.

No one came forward to speak in favor.

Mayor Carson asked that if anyone was interested to speak against Budget Ordinance Fiscal Year 2010-2011 to please come forward and state your name, address and oath.

No one came forward to speak against.

Commissioner Taylor made a motion to close the Public Hearing at 6:03pm and was seconded by Commissioner Corbett. The Board voted 5 for and 1 absent (Commissioner Baker).

Commissioner Whitman made a motion to approve the Fiscal Year 2010-2011 Budget Ordinance as presented and was seconded by Commissioner Corbett. The Board voted 5 for and 1 absent (Commissioner Baker).

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OLD BUSINESS**HVAC: GIRL SCOUT HUT AT MUNICIPAL PARK**

Town Manager Bryan Thompson informed the Board that Staff had the AC unit inspected by Godwin Heating and Air. Godwin has given two (2) scenarios for corrective action to address the issue. The first is to replace the compressor and thermostat at \$1,533.15. If this does not satisfy the issue, the other scenario includes replacing the heat pump and thermostat at a cost of \$3,994.06.

After some discussion, it was suggested in getting prices for Window Units and Floor Units and have quotes by the next meeting which will be on Thursday, July 1, 2010 at 7pm.

Commissioner Corbett made a motion to Table HVAC Girl Scout Hut at Municipal Park until Thursday, July 1, 2010 at 7pm and was seconded by Commissioner Whitman. The Board voted 5 for and 1 absent (Commissioner Baker).

MINUTES OF JUNE 24, 2010 CONTINUED**NEW BUSINESS****ADOPTION OF FISCAL YEAR 2010-2011 FEE SCHEDULE**

Town Manager Bryan Thompson informed the Board that this is for the most part the same as last year with exceptions to a couple of items. They are as follows:

Adult Softball Team Fee: \$450.00 (an increase from current \$400)

Weed and Undergrowth: Mowing Neglected Private Lots—As established by the current grass mowing services contract adopted and executed by the Board of Commissioners, plus any fines or penalties as defined by the Town of Erwin Code of Ordinances.

Zoning Verification Letter (for use verification only, which does not require any additional Staff review for general provisions or other zoning related compliance verification)

Commissioner Whitman made a motion to approve the Adoption of Fiscal Year 2010-2011 Fee Schedule as submitted by Town Manager and was seconded by Commissioner Corbett. The Board voted 5 for and 1 absent (Commissioner Baker).

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REQUEST FOR CLARIFICATION ON PRIVATE PROPERTY DRAINAGE ISSUES

Town Manager Bryan Thompson stated that it was expressed at the annual retreat the desire to address drainage issues throughout the Town not just within the public right of ways but also on private property. Staff has scheduled out a program to be done over a projected four (4) year period to try to get in some of the major issues such as shaping and cleaning out these private property ditches and of course it did not make the budget this year however there are issues that still exist and Staff continues to get requests to go on private property to address these issues. Such direction is sought due to the understood desire of the Board to address the overall drainage issues within the Town.

Currently, and in the coming budget, there are no funds allocated to address such issues, even on a smaller scale. If the Board is interested in approaching private drainage issues on a case by case basis, Staff can periodically present the Board with cost estimates to address each issue or issues as they arise. At such point a budget amendment can be made to cover such cost.

Commissioner Whitman stated anything that the Town has to get involved with dealing with any kind of drain issue should be assessed as an individual issue. If the Town has to be involved then Staff should assess it and present findings to the Manager and then approach it as individual basis each time.

MINUTES OF JUNE 24, 2010 CONTINUED

Commissioner Taylor stated that we the Town should address the property that the Town of Erwin is responsible for before we begin to look at private property however, if the Town goes on private property then the private owner should at least pay part of the cost.

Town Manager Bryan Thompson stated that there are two (2) primary options for this issue. First option is to put our foot down and make it stick and say we do not have a cumulative program to address all these issues right now. The other option is to enter into the conversation and make an assessment of the cost and work that would be involved and if there is an amount that would require a budget amendment bring to the Board for their approval.

Commissioner Whitman made a motion to Table this issue for more discussion until a future date and was seconded by Commissioner Corbett. The Board voted 5 for and 1 absent (Commissioner Baker).

**CONSIDERATION OF ENGINEERING SERVICES FOR CHICORA PHASE II
SEWER PROJECT**

Town Manager Bryan Thompson informed the Board that Staff has received two (2) bids for the Engineering Services with Phase II Chicora. ES Services submitted the lowest bid of \$38,000 and Withers & Ravenel submitted a bid of \$79,000.

Commissioner Whitman made a motion to accept Withers & Ravenel, Inc. bid for Engineering Services for Chicora Phase II Sewer Project and was seconded by Commissioner Corbett. The Board voted 5 for and 1 absent (Commissioner Baker).

**PRESENTATION OF STATUS AND CONTINUED ACTION STEPS AND REQUEST
FOR FURTHER DIRECTION WITH THE DOWNTOWN SIDEWALK AND
PARKING LOT LEGAL RESEARCH AND ACQUISITION**

Town Attorney Mac Hunter came forward and presented an update on sidewalk and parking lot research to the Board. Mr. Hunter stated that he seeks direction from the Board to proceed toward getting titles to Erwin Parking Center. There has also been mentioned of doing a quick claim deed. Mr. Hunter stated he does not want a quick claim deed; it would not hurt the Erwin Parking Center to give a Warranty Deed, they are going to be out of business anyway there will be no personal liability for it. The only down side of taking this property would be the Town would not have a marketable title to the parking lot so the Town could sell it but don't think the Town would want to sell to anyone.

Commissioner Corbett asked the question who owns the parking lot. Mr. Hunter stated that the Erwin Parking Center owns the parking lot. Erwin Parking Center got a deed from Erwin Mills in the 50's.

MINUTES OF JUNE 24, 2010 CONTINUED

Commissioner Corbett then asked the question who is the Erwin Parking Center. Mr. Hunter replied that the way it was set up, there was a corporation organized called the Erwin Parking Center Inc. and Erwin Mills deeded the property over to Erwin Parking Center Inc. All the business owners would get equal shares in the corporation. The corporation would then get dues paid in by the members and then the corporation would take care of paving, striping, etc. and that's what has happened over the years. Erwin Parking Center owns the parking lot but the question is can they sell it when it takes 66 2/3 thirds percent of the owners of stock and corporation and we are not quite sure of where those stock certificates are.

It was the Consent of the Board to let the Town Attorney proceed and meet with the business owners to see if they agree with Town's approach in this matter.

BUDGET ORDINANCE AMENDMENT 2010-009

Town Manager Bryan Thompson informed the Board that the Budget Amendment reflects the reconciliation of funds owed to the STEP Project Fund from the 2008-2009 Fiscal Year that were not transferred from Funds Balance and not reflected in the 2009-2010 Fiscal Year Budget.

Commissioner Whitman made a motion to approve the Budget Ordinance Amendment 2010-009 and was seconded by Commissioner Corbett. The Board voted 5 for and 1 absent (Commissioner Baker).

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MANAGER REPORT

The STEP Leadership Team will meet again and having feedback with the Rural Center and one of the ideas that the Leadership threw out was funding of lights on Hwy 421. Right now with the implantation plan it does have \$7,000 allocated to do the actual installation of those lights however the Town did not include electricity to the lights and are at a cross roads. Do we take that out of the budget for implantation for installation of the lights as they won't be turned on or do we allocate more funds to carry the first year of turning on the lights? We are awaiting word from Rural Center to see if we can do that if that is an allowable expense for the STEP Funds, we are estimating \$1300 for that third phase and it averages out \$15,600 a year. Not sure if there will be any kind of penalty to the Town if we turn off the lights since Progress Energy is leasing those lights to the Town and \$7,000 to put up 50+ lights obviously that's a low cost and probably has something to do with going in a lease agreement with them.

Town Manager advised the Board that he would check on penalties and present findings at the next Board of Commissioners meeting which is Thursday, July 1, 2010 at 7pm.

MINUTES OF JUNE 24, 2010 CONTINUED**ADJOURNMENT**

Commissioner West made a motion to adjourn at 7:45pm and was seconded by Commissioner Whitman. The Board voted 5 for and 1 absent (Commissioner Baker).

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

Patsy M. Carson
Mayor

Cynthia B. Patterson, CMC
Town Clerk