

ERWIN BOARD OF COMMISSIONERS
REGULAR MINUTES
OCTOBER 3, 2013
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 3, 2013 at 7:00 P. M. in Erwin, North Carolina.

Board Members present were: Commissioners William Turnage, Frankie Ballard, Randy Baker, Norma Ennis, Frank Taylor, and Ricky Blackmon.

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 Frank Taylor gave the invocation.

Those present recited the Pledge of Allegiance.

APPROVAL OF AGENDA

Commissioner Blackmon made a motion to add under Consent Items 3H the NC Governor's Highway Safety Program Local Governmental Resolution and was seconded by Commissioner Taylor. The Board voted unanimously.

Commissioner Ballard made a motion to approve the agenda and was seconded by Commissioner Turnage. The Board voted unanimously.

CONSENT ITEMS

Commissioner Blackmon made a motion to approve (**Item A**) Approval of Regular Minutes on 09/05/13, (**Item B**) Proclamation for Eagle Scout David Graham Lynn, (**Item C**) Proclamation for Erwin Fire Department and Rescue Squad, Inc., (**Item D**) Proclamation for October Citizen of the Month, (**Item E**) Designation of Voting Delegate for 2013 Annual League Business Meeting, (**Item F**) Downtown Parking Lot Project Budget Amendment, (**Item G**) Resolution Supporting NCDOT'S US 401 Improvement Project and (**Item H**) NC Governor's Highway Safety Program Local Governmental Resolution and was seconded by Commissioner Taylor. The Board voted unanimously.

MINUTES CONTINUED FROM OCTOBER 3, 2013**PRESENTATION TO EAGLE SCOUT DAVID GRAHAM LYNN**

Mayor Carson presented a plaque to Eagle Scout David Graham Lynn for his accomplishments. The Mayor and Board of Commissioner's wished him well as he continues through life fulfilling the ideals and principals of all Eagle Scouts and the Boy Scouts of America.

**PRESENTATION TO MRS. BETTY FOWLER PATE FOR
OCTOBER'S CITIZEN OF THE MONTH**

Mayor Carson presented a plaque to Mrs. Betty Pate for October's Citizen of the Month. The Mayor and Broad of Commissioner's thanked Mrs. Pate for her valuable contributions to the quality of life in our community.

PUBLIC HEARING**CU-2013-003 CONDITIONAL USE PERMIT FOR AN AUTO ORIENTED BUSINESS IN
B-2 LOCATED AT 818 SOUTH 13TH STREET
HARNETT COUNTY PIN# 0597-51-6043.000 & 0597-50-6919**

Commissioner Taylor made a motion to open the public hearing at 7:10pm and was seconded by Commissioner Blackmon. The Board voted unanimously.

Mayor Carson asked if anyone wishing to speak for or against this Conditional Use Permit to please come forward and take the oath.

Town Clerk Cynthia Patterson administered the oath to Mr. Michael Bradshaw and Erwin Planner Kathy Blake.

Erwin Planner Kathy Blake informed the Board that Mr. Michael Bradshaw submitted a request for a conditional use permit for an auto oriented business at 818 South 13th Street. The parcel is zoned B-2 (Highway Business) and R-6 (Residential). Section 9-4030.3 in the Zoning Ordinance lists auto oriented business establishments as conditional uses. The exiting building appears to have been built for an auto oriented business prior to the Town's adoption of zoning districts. There is an existing conditional use permit approved May 6, 2004 noting specifically that the approved use is for a retail tire and rim shop/detail car cleaning services and that there would be improvements to the lot.

The 1999-2010 Land Use Plan designates this parcel as an Entrance Corridor. The Land Use Plan lists the following goals as applicable for entrance corridors:

1. Goal #1 Quality growth and development along US 421 corridor

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2. Goal #2 Enhance the appearance of all entrance corridors (Highways 55, 217,421, 82, Denim Drive, West J. Street and Red Hill Church Road.)

Staff suggested consideration by Planning Board for the following conditions:

- The existing landscaping along Moulton Springs Road and South 13th Street per the submitted site drawing
- No vehicle storage longer than seven (7) days
- No outside storage of any materials except in accessory structures
- Delineated parking spaces (if this application included new building construction, a minimum of 4 parking spaces would be required.)
- Any car washing activities must have any applicable waste-water related permits from Harnett County or NCDENR
- Any oil changing activities must have any applicable permits per Harnett County or NCDENR

The Planning Board voted to amend the conditions suggested above by adding condition that:

1. The applicant must obtain necessary permits from Harnett County and that waste or wash water must be collected and disposed of as required.

There was some discussion with the zoning of this property. This property is split with an R-6 and B-2. It was suggested doing a rezoning amendment before issuing a conditional use permit. We would be violating our own ordinance for approving a conditional use even though its split. There is a chance that the map is in error.

It was also suggested by the Board to table this conditional use application until the next meeting so staff can determine if the zoning map is in error or advertise for a rezoning amendment. The applicant will still be able to operate under the old permit.

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

No one came forward.

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

No one came forward.

Commissioner Baker made a motion to close public hearing at 7:30pm and was seconded by Commissioner Ballard. The Board voted unanimously.

Commissioner Baker made a motion to table the Conditional Use Request until the next regular meeting which is November 7, 2013 at 7pm so Staff can possibly advertise for rezoning to have a complete drawing on B-2 on separate properties and was seconded by Commissioner Blackmon. The Board voted unanimously.

MINUTES CONTINUED FROM OCTOBER 3, 2013**PUBLIC HEARING****ZT-2013-004 ZONING TEXT AMENDMENT TO ARTICLE 3 TO REMOVE THE WORD “NEW” BEFORE CLASS A MANUFACTURED HOMES IN THE RD AND R-6 DISTRICT**

Commissioner Baker made a motion to open the Public Hearing at 7:31pm and was seconded by Commissioner Taylor. The Board voted unanimously.

Erwin Planner Kathy Blake informed the Board that Staff has been asked to review the manufactured homes regulations in the Zoning Ordinance with concerns about the requirement of new manufactured homes. Per consultation with the School of Government legal staff, staff prepared the following zoning text amendment to remove the word “new” as noted.

In Section 9-4024.4 Conditional Uses

#8 ~~New~~ Manufactured “Class A Homes” on individual lots.

In Section 9-4027.2 Permitted principal uses and structures

#2 ~~New~~-Class “A” Manufactured Homes

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.

No one came forward.

Commissioner Turnage made a motion to close the Public Hearing at 7:35pm and was seconded by Commissioner Blackmon. The Board voted unanimously.

Commissioner Baker made a motion to approve the Zoning Text Amendment which will remove the word “New” from Chapter 4 Article 3 Section 9-4024 Rural District and Chapter 4 Article 3 Section 9-4027 Residential (R-6), 9-4027.2 and was seconded by Blackmon. The Board voted unanimously.

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PUBLIC HEARING

ZT-2013-005 ZONING TEXT AMENDMENT TO DEFINE AND INCLUDE MOBILE FOOD VENDORS IN THE COMMERCIAL AND INDUSTRIAL ZONES

Commissioner Baker made a motion to open public hearing at 7:35pm and was seconded by Commissioner Turnage. The Board voted unanimously.

Erwin Planner Kathy Blake informed the Board that this text amendment was to include Mobile Food Vendors. At the September 5th Board of Commissioner's meeting, the Commissioners approved case #zt-2013-003 text amendment to broaden the permissibility of produce stands but excluded at staffs request mobile food vendors. The Board of Commissioners also voted to establish a ninety (90) day moratorium on issuing peddler permits for mobile food vendors so as to allow staff to prepare and present an appropriate text amendment to include mobile food vendors in the zoning ordinance.

Following the Zoning Ordinance Part 9 Chapter 4 Article 2 Definitions to include the definition of mobile vendors and their units as follows:

1. Amend the Zoning Ordinance Part 9 Chapter 4 Article 2 Definitions to include the definition of mobile vendors and their units
2. Amend the following sections of the Zoning Ordinance Part 9 Chapter 4 Article 3 Official Zoning Map and Zoning Districts to include in the list of permissible uses by right a mobile food vendor
 - A. Section 9-4028 CB (Central Business)
 - B. Section 9-4029 B-1 (Neighborhood Business)
 - C. Section 9-4030 B-2 (Highway Business)
 - D. Section 9-4031 M-1 (Industrial)
3. Amend the Zoning Ordinance Part 9 Chapter 4 Article 4 General Provision Section 9-4042 other uses to include mobile food vendors. (The words with strike through marks were amended by the Planning Board. The recommended verbiage from Planning Board is shown immediately below the stricken verbiage).

Section 9-4042.2 Mobile Food Vendors

- a. Prior to the issuance of a Zoning Compliance Permit, food vendors shall provide documentation of approval from the County Health Department in which the food vendor's associated restaurant or commissary is located.
- b. Food vendor must obtain
 - a. Town Zoning Compliance Permit
 - b. Town Privilege License
- c. ~~Permits shall be prominently displayed on the unit.~~
 - a. Amended to: *Permits shall be available for inspection.*
- d. Vendors may operate only on private property with written permission from the property owner that the food vendor may operate on his/her private property.
- e. ~~Vendor may locate on lots that are zoned commercial and industrial only if there~~

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~~is an existing fully permitted business in operation. Food vendors are not permissible in residential zones.~~

- f. Food vendors must cease operations between 11 PM and 8 AM and are not permitted to remain on-site overnight.
- g. Food vendors shall not block emergency access, fire lanes, loading/service areas, drive aisles, or parking spaces required per the zoning ordinance.
- h. ~~Food vendors shall be located a minimum of 15 feet from any fire hydrant, any fire department connection, driveway entrances, tree trunks, and vegetation.~~
 - a. Amended to: *Food vendors shall be located a minimum of 15 feet from any fire hydrant, any fire department connection, driveway entrance*
- i. There is adequate parking for the principal business as well as the food vendor.
- j. Shall have reasonable ingress, egress and on-site vehicular travel.
- k. A food vendor shall not operate with or as a drive-in window.
- l. Temporary connections to potable water are prohibited. All plumbing and electrical connections shall be in accordance with the State Building Code.
- m. ~~Grease and wastewater must be contained and disposed of in an approved grease receptacle located at the associated restaurant or commissary.~~
 - a. Amended to: *Grease and wastewater must be contained and disposed of in an approved grease receptacle.*
- n. ~~Public waste receptacles shall not be used to dispose of the food vendor and his customer's waste.~~
 - a. Amended to: *Public waste receptacles shall not be used to dispose of the food vendor's waste.*
- o. If the food vendor is operating after dark, the food vendor shall provide appropriate lighting.
- p. Maximum of one easel sign with a maximum sign area of 12 square feet of display may be placed within the customer waiting area.
- q. The Town Manager or Code Administrator may revoke the Zoning Compliance Permit if it is determined that the food vendor's operations are causing parking, traffic congestion, or litter problems either on or off the property where the use is located or that such use is otherwise creating a danger to the public health or safety.
- r. EXEMPTION:
 - a. This section shall not apply to food vendors with applicable Health Department permits vending at any parade, festival, or event authorized by the Town.
 - b. That has been included in a Temporary Zoning Compliance permit for a rally, carnival, religious revivals, and similar temporary uses per Section 9-4091.6.

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.

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No one came forward.

Commissioner Baker made a motion to close public hearing at 7:50pm and was seconded by Commissioner Turnage. The Board voted unanimously.

Commissioner Baker made a motion to accept in regards to Mobile Food Vendors Item 1 Amend the Zoning Ordinance Part 9 Chapter 4 Article 2 Definitions to include of equipment designed to be readily moved by food vendors, Item 2 Amend the following sections of the Zoning Ordinance Part 9 Chapter 4 Article 3 Official Zoning Map and Zoning Districts to include in the list of permissible uses by right a mobile food vendor (A) Central Business, (B) Neighborhood Business, (C) Highway Business and (D) Industrial, Item 3 Amend the Zoning Ordinance Part 9 Chapter 4 Article 4 General Provisions Section 9-4042.2 Other Uses to include mobile food vendors with the omission of (E) which should be stricken from the language and all of the language as submitted be approved for the Text Amendment and was seconded by Commissioner Ballard. The Board voted unanimously.

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OLD BUSINESS**STREET RESURFACING BID AWARDS**

Town Engineer Bill Dreitzler came forward and presented to the Board. Mr. Dreitzler stated that this was the project approved at the September's meeting. Staff has sent out and received bids from the following:

Barnhill Contracting Company-----\$130,000.00
Johnson Brothers Utility and Paving-----\$120,810.60

Commissioner Turnage made a motion to accept the lowest bidder Johnson Brother's Utility and Paving Company and was seconded by Commissioner Ballard. The Board voted unanimously.

EAST ERWIN DRAINAGE ENGINEERING PROPOSAL

Town Engineer Bill Dreitzler came forward and presented to the Board. Mr. Dreitzler stated that last month we talked about the street condition evaluation which included the improvements of the culvert replacement with the funding over a 5 year period using the Powell Bill funds for street repair which included the resurfacing you just approved for this fiscal year with also including the East Erwin drainage problems. We asked C.T. Clayton to provide us a proposal to this work which was in your agenda packet. Town Manager and Mr. Dreitzler have reviewed the proposal and were very pleased with the scope of the project. In this proposal we will be looking at the design of the culvert crossings for River Drive and Burton Ave. the first two culvert crossings coming up the Cape Fear River within the East Erwin Drainage area. Aside of the two culvert crossings, Mr. Clayton will be evaluating the ditch section from black river up to River Drive and

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reach Burton Ave. as well. The schedule is about 4 months and then we will be moving into the repair phase. This will be Powell Bill funded.

Commissioner Baker made a motion to approve the C.T. Clayton Engineer Services proposal for the East Erwin Drainage to go from River Drive to Burton Ave. and was seconded by Commissioner Taylor. The Board voted unanimously.

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POLICE DEPARTMENT HOLIDAY COMPENSATION PAYOUT

As discussed several months ago with the interim Town Manager, the Erwin Police Department accrued significant holiday compensation over the past several years. While the practice of accruing holiday hours ceased with the beginning of the current fiscal year, approximately 2,291 hours of compensation as calculated by Town staff are owed to six police officers. With FICA, retirement, and 401k added, the total liability for the Town of Erwin is \$42,832.90. Please note that the rate of pay is based on an average of each officer's hourly rate during their employment.

Town staff is asking for direction from the Board of Commissioners on whether to provide a one-time payout to these officers (requiring a budget amendment), or to compensate each officer for the accrued time when they leave employment with the Town of Erwin (with this second option some of the holiday hours may be used over time, therefore reducing the amount owed at the end of employment). Staff's recommendation is to move forward with the payout to eliminate the liability for the Town.

Mr. Douglas also informed the Board that as of July 1, 2013 the police department is no longer accruing the holiday pay. Due to changes in the policy, they are paid out like other employees. This is something that is owed to the officer's and typically is paid when they leave employment of the Town. You will pay sooner or later.

After some discussion, Commissioner Blackmon made a motion to let the officer work down their Holiday time until the end of the fiscal year and then the Board will revisit and was seconded by Commissioner Baker. The Board voted unanimously.

NEW BUSINESS**UPDATE ON COMMUNITY WATCH AND ARE YOU OK? PROGRAMS**

Chief Morrisette came forward and presented to the Board. Chief Morrisette stated that Community Watch involves neighbors getting to know each other and working in programs of

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mutual assistance to prevent crime. Citizens will be trained to recognize and report suspicious activities in their neighborhood. There has been a lot of interest for this.

Law enforcement officers cannot be on every corner so citizen involvement is essential to combat crime. You and your neighbors are the ones who really know what is going on in your community. By cooperating with each other and the police, people can help fight crime in their community in the most effective way before it happens.

A Community Watch meeting has been scheduled for Monday, October 7, 2013 at 7pm at Town Hall.

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Are You OK?

This is a new program offered by the Erwin Police Department for senior citizens and those who are shut in who wishes communication with local law enforcement. This program is entirely voluntary and you should only participate if you have a home telephone or cellular phone where the number may be called by the Erwin Police Department.

Once you sign up for the program you will receive a phone call once or twice a week. Either an officer will make the call or the department records clerk will simply pick up the phone, dial your number and ask if you are doing okay. During this time you can express concerns, provide information or just tell us how you are doing. If for some reason we are unable to make contact with you after a couple of attempts we will call your next of kin or second contact number to tell them we have not heard from you. If we are unable to communicate with your secondary contact we will send a patrol unit out to knock on your door just to be sure that things are okay.

Who is eligible?

Must be a resident of the Town of Erwin

Must have a telephone number where we can call you

Must be senior citizen or a citizen who is shut in for medical reasons who would not be able to get out often or easily

Must be able to provide a secondary contact number and name for a person we could contact if you were unreachable.

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AMENDMENT TO MINIMUM HOUSING STANDARDS (MONETARY INCENTIVE)

Town Manager Richard Douglas presented for consideration a proposed amendment to the Town Code pertaining to minimum housing standards. In an effort to more quickly address properties with substandard housing (dilapidated or deteriorated structures) and encourage property owners to demolish these identified structures, this amendment provides a \$500 incentive to cover

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demolition expenses (paid after work is completed). This incentive is used by the Town of Selma and could be beneficial in Erwin as staff moves forward with the minimum housing process for a number of properties.

Staff recommends that a public hearing be scheduled for the November 2013 regular meeting to gather any public input on this amendment prior to possible adoption.

Commissioner Baker made a motion to add a public hearing for November 7, 2013 at 7pm and was seconded by Commissioner Blackmon. The Board voted unanimously.

MANAGER REPORT

Financial Summary Report
Land Use Plan Kick-off Meeting October 21, 2013 at 7pm

GOVERNING BODY COMMENTS

Commissioner Turnage thanked everyone for coming and looking forward to seeing everyone Monday night.

Commissioner Taylor thanked everyone for coming.

Mayor Carson reminded everyone that Denim Days is on Saturday and also don't forget to vote on Tuesday, October 8th.

ADJOURNMENT

Commissioner Blackmon made a motion to adjourn at 8:50pm and was seconded by Commissioner Baker. The Board voted unanimously.

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

**Patsy Carson,
Mayor**

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