

ERWIN BOARD OF COMMISSIONERS  
REGULAR MINUTES  
MARCH 5, 2015  
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, March 5, 2015 at 7:00 P. M. in Erwin, North Carolina.

Board Members present were: Commissioners William Turnage, Thurman Whitman, Ricky Blackmon, Randy Baker, Frankie Ballard, 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 Randy Baker gave the invocation.

Those present recited the Pledge of Allegiance.

#### **APPROVAL OF AGENDA**

Commissioner Blackmon made a motion to amend the agenda and add after New Business a Closed Session Pursuant to General Statute 143-318.11(a)(6) for the Purpose of Discussing Matters Concerning Personnel and was seconded by Commissioner Whitman. **Motion Unanimously Approved**

Commissioner Ballard made a motion to approve the Agenda and was seconded by Commissioner Turnage. **Motion Unanimously Approved.**

#### **CONSENT ITEMS**

Commissioner Turnage made a motion to approve **(Item A)** Approval of Regular Minutes of 02/05/15, **(Item B)** Financial Report Summary for January 2015, **(Item C)** Appointment of Members to the Town of Erwin Planning Board/Board of Adjustments and **(Item D)** 2015 NCDOT Mowing Contract and **(Item E)** Town of Erwin Declares March 2-8 Multiple Sclerosis Awareness Week and was seconded by Commissioner Blackmon. **Motion Unanimously Approved.**

*A copy of the Financial Report Summary, Appointment to the Planning Board and 2015 NCDOT Mowing Contract and Proclamation for Multiple Sclerosis Awareness Week is incorporated into these minutes as Attachment #1*

**MINUTES CONTINUED FROM MARCH 5, 2015****PRESENTATION OF RESOLUTION TO RETIRING FIRST SERGEANT LINWOOD MCKOY OF AWARDING BADGE AND SERVICE SIDEARM**

Mayor Carson presented a plaque to 1<sup>ST</sup> Sergeant Linwood McKoy recognizing him for his service to the Town of Erwin for over 29 years of service. Chief of Police Bill Morris also presented 1<sup>st</sup> Sergeant Linwood McKoy a plaque with McKoy's weapon and badge.

*A copy of the Resolution for Retiring 1<sup>st</sup> Sergeant Linwood McKoy is incorporated into these minutes as Attachment #2*

**RECESSED**

Commissioner Ballard made a motion to recess at 7:06pm for 20 minutes in order to have a reception for Retiring 1<sup>st</sup> Sergeant Linwood McKoy and was seconded by Commissioner Turnage. **Motion Unanimously Approved.**

**RECONVENED**

Commissioner Blackmon made a motion to reconvene into regular session at 7:27pm and was seconded by Commissioner Ballard. **Motion Unanimously Approved.**

**PUBLIC HEARING**

Commissioner Turnage made a motion to open the public hearing at 7:27pm and was seconded by Commissioner Blackmon. **Motion Unanimously Approved.**

**Z-2015-001 TOWN OF ERWIN, 704 SOUTH 13<sup>TH</sup> STREET REZONING REQUEST FROM R-10 TO B-2**

Planner Kathy Blake informed the Board per the direction of the Board of Commissioners; staff prepared a request to rezone the rear portion of PIN 0597-62-4096.000 from R-10 (Residential 10) to B-2 (Highway Business). The area requested for rezoning is approximately 0.11 ac. or 4,785 sf and has an existing dwelling. The largest portion of the parcel, approximately 0.44 ac., is zoned B-2 and has 2 commercial buildings. The parcel is owned by Curr-Well Developments LLC. The applicant is the Town of Erwin.

The properties to the north, south and southwest, and to the east, across S. 13<sup>th</sup> St., are zoned B-2 and used commercially. To the west and northwest, the properties are zoned R-10 and have single-family dwellings.

Representing the property owner, Mr. Durane Currin discussed this rezoning proposal with staff and stated he had no problem with the proposed rezoning from R-10 to B-2. Mr. Currin indicated that having B-2 zoning on the entire parcel might make the property easier to market.

**MINUTES CONTINUED FROM MARCH 5, 2015**

Should the rezoning be approved, the dwelling would become a nonconforming use and, if it is vacated for more than 180 days, could no longer be utilized as a dwelling.

Staff recommends approval of Z-2015-001 to rezone the rear portion of PIN 0597-62-4096.000 from R-10 to B-2.

**Planning Board:**

At their February 23, 2015 meeting, the Planning Board voted in the affirmative on each consistency statement and voted unanimously to recommend approval of Z-2015-001, rezoning of the rear portion of PIN 0597-62-4096.000 from R-10 (Residential 10) to B-2 (Highway Business).

Mr. Durane Currin, owner of the property and Mr. Johnny Honeycutt, applicant were both present.

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

No one came forward.

Mayor Carson asked if anyone would like to speak against the rezoning application 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 Ballard. **Motion Unanimously Approved.**

Commissioner Baker made a motion that the evaluation of consistency in reasonableness as stated by Staff is accurate and correct and accept those and also accept the Findings of Facts submitted by the Planning Board and was seconded by Commissioner Blackmon. **Motion Unanimously Approved.**

Commissioner Baker 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 is in reason in the public interest for the reasons noted in the evaluation of consistency provided by the Planning Board and was seconded by Commissioner Blackmon. **Motion Unanimously Approved.**

Commissioner Baker made a motion to approve the Rezoning of Z-2015-001 and was seconded by Commissioner Turnage. **Motion Unanimously Approved.**

*A copy of the Staff's Memo is incorporated into these minutes as Attachment #3*

MINUTES CONTINUED FROM MARCH 5, 2015OLD BUSINESSCU-2015-001 704 SOUTH 13<sup>TH</sup> STREET CONDITIONAL USE APPLICATION FOR A  
WHOLESALE AND RETAIL CAR SALES LOT

Planner Kathy Blake informed the Board that at the February 5, 2015 Board of Commissioners meeting, this conditional use application for a wholesale and retail car sales lot was tabled until the Board could consider a rezoning for the rear portion of **PIN 0597-62-4096.000**, owned by Curr-Well Developments LLC, from R-10 (residential) to B-2 (highway business). The proposed rezoning, Z-2015-001, was placed on the March 5<sup>th</sup> Board of Commissioners agenda prior to the further consideration of this conditional use application.

The Board also directed the applicant to provide a site plan with adequate information concerning parking area, parking spaces, traffic flow, landscape buffers, existing and proposed features, etc.

Ms. Blake stated that staff recommended that the revised site plan does not appear to staff to give enough information to find the Findings of Facts however this would be up to the Board of Commissioner's whether it is adequate to meet what you would believe the Findings of Facts are.

Commissioner Blackmon agreed with Staff at which there were not enough facts for the Findings of Facts. It was not sufficient with the information given or provided.

Commissioner Turnage informed the Board that he would like to go over all of the Findings of Facts for this Conditional Use Application.

**The Board then went over the Findings of Facts as follows:**

Commissioner Turnage made a motion 1.) that the use requested is listed among the conditional uses in the district for which application is made and was seconded by Commissioner Whitman. **The Board voted 3 for and 3 against (Commissioners Baker, McKoy and Blackmon).**

Commissioner Turnage made a motion 2.) that the requested use is essential or desirable to the public convenience or welfare and was seconded by Commissioner Whitman. **The Board voted 3 for and 3 against (Commissioners Baker, McKoy and Blackmon).**

Commissioner Turnage made a motion 3.) that the requested use will not impair the integrity or character of the surrounding or adjoining districts, nor be detrimental to the health, morals, or welfare and was seconded by Commissioner Whitman. **The Board voted 3 for and 3 against (Commissioners Baker, McKoy and Blackmon).**

**MINUTES CONTINUED FROM MARCH 5, 2015**

Commissioner Turnage made a motion 4.) that the requested use will be in conformity with the Land Development Plan and was seconded by Commissioner Whitman. **The Board voted 3 for and 3 against (Commissioners Baker, McKoy and Blackmon).**

Commissioner Turnage made a motion 5.) that adequate utilities, access roads, drainage, sanitation and/or other necessary facilities have been or are being provided and was seconded by Commissioner Whitman. **The Board voted 3 for and 3 against (Commissioners Baker, McKoy and Blackmon).**

Commissioner Turnage made a motion 6.) that adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets and was seconded by Commissioner Whitman. **The Board voted 3 for and 3 against (Commissioners Baker, McKoy and Blackmon).**

Commissioner Turnage made a motion 7.) that the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Board of Commissioners pursuant to the recommendations of the Planning Board and was seconded by Commissioner Whitman. **The Board voted 3 for and 3 against (Commissioners Baker, McKoy and Blackmon).**

Commissioner Turnage made a motion to approve that the proposed conditional use application meets all the Findings of Fact in the affirmative and was seconded by Commissioner Whitman. **The Board voted 3 for and 3 against (Commissioners Baker, McKoy and Blackmon). Due to a Tie in voting, the Mayor voted to approve.**

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 Whitman. **The Board voted 3 for and 3 against (Commissioners Baker, McKoy and Blackmon). Due to a Tie in voting, the Mayor voted to approve.**

Commissioner Turnage made a motion to approve the CU-2015-001 for a car sales lot in B-2 at 704 South 13<sup>th</sup> Street and was seconded by Commissioner Whitman. **The Board voted 3 for and 3 against (Commissioners Baker, McKoy and Blackmon). Due to a Tie in voting, the Mayor voted to approve.**

*A copy of the Staff's Memo and Conditional Use Application is incorporated into these minutes as Attachment #4*

**MINUTES CONTINUED FROM MARCH 5, 2015****NEW BUSINESS****SANITATION COST COMPARISON**

Town Manager Richard Douglas informed the Board that Staff has completed an assessment of projected costs for in-house sanitation collection. This cost projection was based on the following assumptions:

- The Town would maintain a collection schedule similar to the current Republic Services schedule, with once per week garbage collection (currently Monday, Tuesday, and Thursday), and recycling collection for half of the town each week (currently Wednesday)
- Use of side-loading garbage trucks (one-arm bandits) that require one operator per vehicle, with recycling collected with a similar vehicle
- The purchase of two new garbage trucks at \$212,000 each, financed via lease purchase over a ten year period (quote received from BB&T, ten-year term at 2.75%)
- The purchase of 2000 new recycling containers at approximately \$60 each (\$122,000), with the cost prorated over five years (but requiring use of reserve funds for purchase)
- The replacement of 250 garbage cans each year at approximately \$100 each (\$25,000 per year)
- The hiring of two CDL drivers at an approximate cost of \$15 per hour, with total annual salary and benefits of \$88,000, with one existing employee as a back-up (note: two employees will minimize overtime and ensure adequate back-up personnel in case of vacation or sickness without placing a burden on existing staff, while providing additional manpower that can be used for collection of bulk items and yard waste)
- Approximate increase in liability and w/c insurance cost per year of \$7,500, per NCLM
- Inclusion of supervisory cost (25% crew leader salary (existing employee)) and mechanic cost (10% mechanic salary (existing employee))

Based on these assumptions, the total projected annual cost for in-house sanitation collection is \$252,382, or \$10.52 per month per customer (based on 2000 paying customers). As a comparison, Republic Services charged the Town a total of \$243,277 during FY2014. They have proposed a total rate of \$10.23 per month per customer (based on option #3, in which the contractor will be responsible for all cart repair and replacement), representing a difference with the in-house rate of \$0.29. Based on this cost projection, this figure does not represent a significant difference in cost, and thus the Board may wish to consider either a contract extension with the existing contractor, soliciting bids from other sanitation contractors, or a transition to in-house collection.

**MINUTES CONTINUED FROM MARCH 5, 2015**

Commissioner Turnage asked if any research was done on Recycling, it was his understanding that Republic Waste takes their recyclables to Fayetteville or Raleigh and sell it. Mr. Douglas stated that if he listens to Republic Waste that there is no market for it. Republic Waste takes their recyclables to Raleigh.

Commissioner Blackmon suggested in having a workshop to discuss this item further. Commissioner Blackmon does not agree with the information given to the board. We the Board need to look at this and see what we can do; we are in the business to provide service and need to look at every option. We can provide as good or better service than we're doing now and not have to worry about someone else doing it. If a workshop is scheduled then we can get some other bids as to what they are charging and sit down and really look at this. This cannot be done in an hour, we need some time to really look at this and get it down to where it needs to be.

Commissioner Whitman stated that he doesn't see where we can spend \$424,000 to buy new trucks with financing over a period of time and also buying carts. He does not see the numbers and you will need to show him. We are debt free right now.

It was the Consensus of the Board to schedule a Workshop for Tuesday, March 10, 2015 at 4pm.

**CLOSED SESSION**

Commissioner Turnage made a motion to go into closed session at 8:21pm Pursuant to General Statute 143-318.11(a)(6) for the Purpose of Discussing Matters Concerning Personnel and was seconded by Commissioner Blackmon. **Motion Unanimously Approved.**

**RECONVENE**

Commissioner Baker made a motion to go back into regular session at 10:22pm and was seconded by Commissioner Turnage. **Motion Unanimously Approved.**

**ADJOURNMENT**

Commissioner Baker made a motion to adjourn at 10:22pm and was seconded by Commissioner Blackmon. **Motion Unanimously Approved.**

**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

