

ERWIN BOARD OF COMMISSIONERS
SPECIAL CALLED MINUTES
SEPTEMBER 21, 2017
ERWIN, NORTH CAROLINA

The Board of Commissioners for the Town of Erwin with Mayor Patsy Carson presiding, held a Special Called Meeting in the Town Hall on Thursday, September 21, 2017 at 4:00 P. M. in Erwin, North Carolina.

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

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

Mayor Patsy Carson called the meeting to order at 4:00 P. M.

Commissioner Baker gave the invocation.

Those present recited the Pledge of Allegiance.

ZONING TEXT AMENDMENT

Town Manager Snow Bowden informed the board that a zoning text amendment was submitted by Keith Tripp to allow home occupations in accessory structures. The following was proposed by Mr. Tripp:

The following uses are conditional uses within accessory buildings in residential areas:

1. Nail Salon
2. Bookkeeper
3. Seamstress

Mr. Bowden stated that he did some research and some municipalities/counties allow home occupations in accessory structures. He spoke to some other managers in North Carolina in towns that allow this and they did not have any issues with them. It builds off of similar to what we have and it makes every home occupation a conditional use in a residential zoning district. Mr. Bowden read the following proposed text amendment for home occupations:

Home Occupation: Any occupation or profession which is clearly incidental and secondary to the use of the dwelling, carried on entirely within a dwelling or accessory building on the same lot by one or more occupants thereof providing the following:

- Home occupations are a conditional use in all residential zoning districts.
- No more than twenty-five percent (25%) of the total floor area of the dwelling is used for such purposes.
- That there is no outside or window display.
- Employees are restricted to family members that reside at home.
- No off-street parking will be permitted in connection with the home occupation.
- Animal care services, which may include pet trimming and washing, are expressly prohibited as home occupations.
- No outside storage associated with the home occupation is permitted.

- Activities engaging in the business of conducting a barbershop, beauty salon or parlor, or other cosmetology services as approved by governing board.
- No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises.
- No traffic shall be generated by such home occupation in greater volumes than would normally be expected in the residential neighborhood.
- There shall be no change in the outside appearance of the building or premises, or other visible evidence of the home occupation.

Commissioner Baker stated that the way it looks like it was presented was just for a text amendment for our ordinances for conditional uses within accessory buildings. Basically what is being presented that they want to allow these (3) specific uses to be within an accessory building rather than what Mr. Bowden is looking at with a more broader perspective on looking at it from the home occupation classification rather than the accessory building. And the purpose of this is there convincing demonstration that all uses permitted under proposed district classification would be in the general public interest and not merely in the interest of the individual or small group. The way the text amendment was proposed it feels like that it would definitely be that you're talking about accessory building and talking about 3 specific uses. That to me would be in an interest of a small group or individuals. In looking at it in that stand point and perspective this would be coming before us in a public hearing but these are just my thoughts. The way that this amendment is presented it feels like it would be in the interest of a small group. Any time I look at any type of zoning text amendment this is going to comply for any zoning district of which we would put it in to or basically the entire citizenship of the town. Looking at what Mr. Bowden has presented is more like this would be something that you are looking at for the entire town stand point rather than this one specific so in my decision making process the way the current wording is proposed it feels like it meets that category for small group of people. There have been a lot of opinions of this one specific use but I feel like it would be unjust to look at a proposed amendment for one specific use. I think there are other things that we haven't thought about. One of the questions that has been brought up in the past was if you allow commercial business to take place inside of a structure it would need to meet the NC State Building Codes standards. Which I think it's one of the reasons why we talk about In-Home occupations is because that you are inside of a structure that does meet those qualifications. So that is one thing that none of us has failed to look at. Any type of amendment I want to feel like I am looking at this either in support of or against of, is the entire citizenship of the town. That seems to be in the way Mr. Bowden was going.

Commissioner Turnage asked the question of what will this do to all that has invested in these office spaces around town. This will hurt their business. Mr. Bowden replied by saying he didn't feel comfortable in saying definitely not but I don't think it would have that big of an impact.

Commissioner Baker stated that what we are trying to look at here is the types of business's that generate a minimal amount of business that would not be financially visible or financially able to operate a commercial store front.

Commissioner Blackmon stated that the impact will be more than what you anticipated. How do you define low customer base. What is that and as it grows how do you define that. The definition of Home Occupation was design based off in your home not an accessory structure, not an out building but in your home. So when you start looking at doing accessory structure then you look at a total separate building from the house.

Commissioner Whitman stated that you will open up something that we don't want to get into. I think we need to leave it just like it is. I'm dead against it. It's going to open up a can of worms and will have little things stuck up all over town and I don't want to see that. I don't want it in my neighborhood and my neighbors don't.

Commissioner Ballard stated that we have businesses all over town. What are we going to do? Mr. Bowden replied by saying we have always been a complaint base. If we get a complaint then we can look into it. I have no way in knowing if someone is operating a business in an accessory structure unless someone calls and tells me.

Commissioner Ballard stated that he had a problem with the conditional uses that have been approved since he has been on this board on businesses and then they are not in compliance. Why don't we enforce it? I have a real problem with this.

A public hearing has been scheduled for Thursday, October 5, 2017 at 7pm.

PLANNING BOARD/BOARD OF ADJUSTMENTS APPLICATIONS

Mr. Bowden informed the board that we have a total of four vacant seats for our In-Town members. Two of those seats are alternates and the other would be voting members. We still have one vacant spot for our ETJ. At the current time we do not have any applications from anyone that lives in our ETJ.

The following applicants for In-Town are:

Michael Bryant
Pat Cameron
Allen West
Bill Schuh
Judy Price

After some discussion from the board, the following applicants were decided and will be up for approval under Consent Items at the regular meeting on Thursday, October 5, 2017:

Pat Cameron—Member
Bill Schuh----Member
Judy Price-----Alternate
Allen West----Alternate

POLICY AND PROCEDURE FOR THE BOARD

Mr. Bowden informed the board that staff recently purchased a book written by Trey Allen from the UNC School of Government. This book is entitled Suggested Rules of Procedure for a City Council. Suggested the board to read and go over some of the topics.

After some discussion from the board, it was the Consensus of the Board to have this item at the annual Board of Commissioner Retreat.

DISCUSSION OF FUTURE WORKSHOPS FOR THE YEAR

Mr. Bowden informed the board that at the December Town Board meeting the board will approve the meeting schedule for the Planning Board and Town Board. Work Sessions could be a good idea and a good tool for discussion.

After some discussion from the board, it was the Consensus of the Board to have a workshop when needed, may not need a workshop every month.

ADJOURNMENT

Commissioner Baker made a motion to adjourn at 4:45 p.m. and was seconded by Commissioner Blackmon. **The Board voted unanimously.**

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



Patsy Carson
Mayor



Cynthia B. Patterson, CMC
Town Clerk