

**THE ERWIN BOARD OF COMMISSIONERS
JANUARY 2022 REGULAR WORKSHOP
MONDAY, JANUARY 24, 2022 @ 6:00 P.M.
ERWIN MUNICIPAL BUILDING BOARD ROOM**

AGENDA

1. **MEETING CALLED TO ORDER**
 - A. Invocation
 - B. Pledge of Allegiance
2. **AGENDA ADJUSTMENTS /APPROVAL OF AGENDA**
3. **NEW BUSINESS**
 - A. Stormwater Management Policy
 - B. Proposed Sign Text Amendment
4. **ADJOURNMENT**

ERWIN BOARD OF COMMISSIONERS**REGULAR WORKSHOP MINUTES****JANUARY 24, 2022****ERWIN, NORTH CAROLINA**

The Board of Commissioners for the Town of Erwin with Mayor Patsy Carson presiding, held its Regular Workshop in the Erwin Municipal Building Board Room on Monday, January 24, 2022, at 6:00 P.M. in Erwin, North Carolina.

Board Members present were: Mayor Patsy Carson, Mayor Pro Tem Randy Baker, and Commissioners William Turnage, Ricky Blackmon, Alvester McKoy, and Thurman Whitman.

Town Manager Snow Bowden, Town Clerk Lauren Evans, Town Engineer Bill Dreitzler and Town Attorney Tim Morris (arrived at 6:08 PM) were present.

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

Commissioner McKoy gave the invocation.

Commissioner Turnage led the Pledge of Allegiance.

AGENDA ADJUSTMENT/APPROVAL OF AGENDA

Mayor Pro Tem Baker made a motion to approve the agenda and was seconded by Commissioner Turnage. **The Board voted unanimously.**

NEW BUSINESS**Stormwater Management Policy**

Town Manager Snow Bowden stated the proposed Stormwater Management Policy was prepared by Town Engineer Bill Dreitzler with feedback from himself and Public Works Director Mark Byrd. The policy includes how to handle right of ways, easements, and private property. The Town receives many calls in regards to Stormwater.

Mayor Pro Tem Baker stated to him, it is a basis, it is a foundation, but he was looking for a more detailed policy as far as guidance. When citizens questioned the Town on what we were doing for them, it would be good to have a policy document to refer back to. He recommended

MINUTES CONTINUED FROM JANUARY 24, 2022

an in-depth mitigation plan that directs staff on the dos and don'ts and would enable the Board to refer back to the protocols in place to assess stormwater issues.

Town Engineer Bill Dreitzler stated that in his opinion the policy provided is what Mayor Pro Tem Baker is explaining. In terms of the funding, it is a matter of how much is there. The goal of 2,500 linear feet of ditch cleaning per year is a direction he received from the staff. He stated in the policy he implicated several programs that will take some time to develop but will help to determine priorities of ditches similar to priorities of streets. The policy states that Public Works will have a goal of 2,500 linear feet per year at a minimum cleaning it out.

Mayor Pro Tem Baker stated something else he thought of with some of our proposed subdivisions, due to lack of maintenance, whether it be in the right of way or on private property, problems occur. In a quarter of a mile, five new houses on Dunn Erwin Rd, there are not any ditches on that side. He understood we have to start somewhere and we cannot develop an elaborate plan in 30, 60, or 90 days, it is going to take years to develop and advance the plan but he wants to make sure the Town has some type of directive to guide the staff and the Board which allows the citizens of Erwin to know what the Town is responsible for. He stated he is constantly asked by a citizen what the Town is doing with their tax money.

Town Engineer Bill Dreitzler stated something he included in the policy was annual reporting which is something the Town does not have but is needed in order to build a database of priorities.

Commissioner Turnage stated he constantly receives complaints on Rosemary Street and Chicora Club Drive.

Town Engineer Bill Dreitzler stated he is currently working on a similar complaint on Wondertown, he went out to assess the situation and he is in the process of putting a report together for Snow to inform the Board how much it will cost to fix the issue and it is going to be very expensive. He stated we are always going to be complaint-driven, when someone complains, we are going to go look at the problem but the direction he was trying to go with this policy was to start building that database. We all already know problem areas around the Town off the top of our heads that we can start looking into and obtaining grants but he was hoping this policy would allow the Town to go a step further past just complaint-driven but he is happy to make any changes that please the Board. He stated in his opinion that 2,500 linear feet per year were the best way to explain to the public how we are spending the Stormwater fee.

Mayor Pro Tem Baker asked if we are pulling any Powell Bill money to supplement that fee.

Town Manager Snow Bowden stated a small amount, about \$5,000, goes toward the ditches but a majority of the Powell Bill goes to Street Resurfacing each year.

MINUTES CONTINUED FROM JANUARY 24, 2022

Commissioner Blackmon stated he completely understands that if we do not have a database, then we have nowhere to go. The problem that the Town has had for many years is that we are allowing people to build with no adequate drainage. He expressed his concern on whether the Town will be able to accomplish 2,500 linear feet per year. If we can go back and pull those numbers then great but he is aware that we are currently behind.

Town Engineer Bill Dreitzler stated this has a draft policy but those numbers have been approved by Public Works Director Mark Byrd.

Commissioner Blackmon stated this policy is a good start and we can build on it as we obtain the data needed to address the drainage issues. This policy will be in place for the Town Manager to enforce without having to bring every issue to the Town Board. He stated unless a drainage issue was created by the Town, we should not go on private property.

Mayor Pro Tem Baker stated he agrees that if an issue is created on someone's property by the Town, then that could be a contributing factor and we would need to obtain an easement from them. He wants to start getting grants and he knows they will want to see what policy we have in place and that the Town is forward-thinking and this document is a good foundation to build on. He expressed his concern about overdevelopment. He asked if we need to update our Ordinance or reference in our Stormwater Management Policy that if you are within so many feet of a drainage easement, you must reduce the amount of impervious surface area than what is normally allowed.

Town Engineer Bill Dreitzler stated there is nothing in our Ordinances to allow staff the ability to require continuation but when a development comes in, staff can look at the view of the construction drawing, how the site is being graded, where the site is discharging stormwater off the property and onto adjacent properties, and then require an analysis of those discharge forms to show they are not creating any adverse impact.

Commissioner Blackmon stated he agreed with Town Engineer Bill Dreitzler to put that policy in place to show developers a guide of what the Town needs. Town Engineer Bill Dreitzler, Town Manager Snow Bowden, and Public Works Director Mark Byrd need to get to work on this now.

Town Engineer Bill Dreitzler recommends having a Stormwater Management Policy that states predevelopment must equal post-development runoff on a 10 year, 24-hour storm or you can provide a downstream analysis and typically the number he sees is 10%, where the overall drainage is less than 10% of the drainage basin.

Proposed Sign Text Amendment

Town Manager Snow Bowden stated that currently the sign ordinance is capped at 100 square feet for illuminated wall signs. This amendment would allow for signs to be 20 percent of the

Erwin Board of Commissioners

REQUEST FOR CONSIDERATION

To: The Honorable Mayor and Board of Commissioners

From: Snow Bowden, Town Manager

Date: January 24, 2022

Subject: Stormwater Management Policy

Town Staff has prepared a stormwater management policy for your review. There are ditches and drain pipes that are on private property with no recorded easement(s). We have cleaned out ditches that have recorded easements and or/areas that are in the public right-of-way. With the increase in development in Town we would like to have a formal policy to follow.

Attachments:

- Proposed Stormwater Management Policy

TOWN OF ERWIN, NC



STORMWATER MANAGEMENT POLICY

ADOPTED: XXXXXXXXX

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4.1 – Right-of-Way

4.2 – Recorded Drainage Easements

4.3 – Private Property

Section 5.0 – Annual Reporting

Section 1.0 – General Description

Storm water poses a serious threat to the public health, safety, and welfare. This threat cannot be eliminated entirely. Factors affecting this threat which are beyond the Town's control include: frequency and intensity of precipitation events; the topography in and around the city; the types of soils and other geologic structures found in and around the Town; body of law established under state and federal authority concerning water rights generally and including but not limited to navigable and non-navigable waters, surface waters, and underground waters; unauthorized interference with the Town's storm water drainage system; the design and maintenance of those portions of the storm water drainage system constructed or maintained by others, including private parties and other governmental entities; and the amount of impervious surfaces associated with a given level of development.

The management of storm water can reduce the above described threat through the following:

1. Constructing, operating and maintaining needed facilities;
2. Regulating and controlling the use and development of land to reduce the adverse effects of storm water;
3. Equitably and adequately funding the storm water management program by a system of storm water utility charges.

Section 2.0 – Purpose and Intent

The Stormwater Management Policy is being adopted by the Town Board of Commissioners for the purpose of establishing guidelines for the management of stormwater within the municipal limits of the Town. The Policy will provide Town Staff with standard operating direction for the maintenance and management of open ditches, storm drainage pipe culverts, pipe systems and other stormwater infrastructure. Furthermore, the Policy will address the differing conditions for stormwater infrastructure located within the Town Street Right-of-Way, Recorded Town Drainage Easements and Private Property.

Section 3.0 – Open Ditches

Open ditches within this Policy do not refer to ditches, streams or rivers that are considered jurisdictional by the U.S. Corps of Engineers. Under most conditions, work within these jurisdictional areas will require a permit from the US COE.

3.1 – Right-of-Way

The Town currently maintains 29.95 miles of street. The majority of these streets are asphalt sections with roadway side ditches. Others include curb and gutter and rolled asphalt curb. The Public Works Department will maintain the roadway side ditches within the right-of-way such that positive flow occurs during storm events. It is recognized that in some locations pulling ditches may not result in positive flow during storm events due to lack of adequate grade. Maintenance will occur as follows:

- Complaint Driven
- Goal of pulling 2,500 linear feet of ditch line per year.

Town Staff is directed to develop a ditch condition list that will prioritize the 2,500 linear feet per year maintenance goal. Initial priorities shall be developed within 1-year of the adoption of this Policy and the complete list developed within 2-years of the adoption of this Policy.

3.2 – Recorded Drainage Easements

This Policy recognizes that there is limited available data to determine where recorded drainage easements are located. Staff is directed to prepare mapping that identifies known recorded drainage easements. Any identified drainage easements shall be inspected and rated within the priority list to be developed in Section 3.1 above. Maintenance of ditches within recorded easements shall occur as follows:

- Complaint Driven
- Goal of pulling 2,500 linear feet of ditch line per year.

Staff is directed to prepare a recommendation to the Board of Commissioners regarding drainage features outside of Town right-of-way and not within a recorded easement that warrant easement acquisition. Recommendations shall occur on a yearly basis at a time frame as directed by the Town manager.

3.3 – Private Property

The Town will not maintain drainage ditches on private property that are not located within a recorded drainage easement. Should unforeseen circumstances necessitate the access to private property for the purpose of storm drainage maintenance and/or improvements, the Town Manager solely will make the determination to access and obtain a Temporary Drainage Access Easement which holds the Town harmless from any private property damage that may occur.

Section 4.0 – Storm Drainage Pipes and Structures

Storm drainage pipes and structures refers to culvert pipes, storm drainage pipe outfalls, curb inlets, drop inlets, etc. Storm Drainage Pipes and Structures within this Policy do not refer to locations that are considered jurisdictional by the U.S. Corps of Engineers. Under most conditions, work within these jurisdictional areas will require a permit from the US COE.

4.1 – Right-of-Way

Staff shall have a goal of keep all curb inlets within the right-of-way free from debris. Maintenance of the curb inlets shall occur as locations with debris impacting the inlets are identified during normal Public Works activities. Staff shall develop a list of known “problem areas” that typically flood during major storm events due to blocked inlet structures. Once the locations have been identified and listed, these areas shall be inspected after every 2-inch rain event or greater.

4.2 – Recorded Drainage Easements

This Policy recognizes that there is limited available data to determine where recorded drainage easements are located. Staff is directed to include drainage pipe outfalls and structures when preparing mapping that identifies known recorded drainage easements. Reference Section 3.2 above. Any identified drainage easements shall be inspected and rated within the priority list to be developed in Section 3.1 above. Maintenance of pipes and structures within recorded easements shall occur as follows:

- Complaint Driven
- Inspection of known “problem areas” that typically flood during major storm events shall occur after every 2-inch storm event or greater.

Staff shall include drainage pipes and structures along with ditches when developing the recommendation for the Board of Commissioners for easement acquisition as defined in Section 3.2 of this Policy.

4.3 – Private Property

The Town will not maintain drainage pipes or other drainage structures located on private property that is not within a recorded drainage easement. Should unforeseen circumstances necessitate the access to private property for the purpose of storm drainage maintenance and/or improvements, the Town Manager solely will make the determination to access and obtain a Temporary Drainage Access Easement which holds the Town harmless from any private property damage that may occur.

Section 5.0 – Annual Reporting

In addition to maintenance and inspection referenced within Section 3.0 and Section 4.0 of this Policy, staff is directed to complete the following on an annual schedule:

- Prepare an initial Stormwater Capital Improvement Plan and update annually.
- Make recommendations for drainage basins within Town Corporate Limits that merit a flood study.
- Track available funding sources for stormwater maintenance and improvement projects.

END STORMWATER MANAGEMENT POLICY

MINUTES CONTINUED FROM JANUARY 24, 2022

wall area. The changes discussed at our Public Hearing, at the beginning of the month, are included in the amendment.

Mayor Pro Tem Baker stated that the standard percentage area of the wall would be fair and consistent across the board.

ADJOURNMENT

Commissioner Blackmon made a motion to adjourn at 6:40 P.M. and was seconded by Commissioner Whitman. **The Board voted unanimously.**

MINUTES RECORDED AND TYPED BY

LAUREN EVANS TOWN CLERK

ATTEST:



Patsy M. Carson

Mayor



Lauren Evans

Town Clerk

Erwin Board of Commissioners

REQUEST FOR CONSIDERATION

To: The Honorable Mayor and Board of Commissioners

From: Snow Bowden, Town Manager

Date: January 24, 2022

Subject: Proposed Text Amendment

Town Staff has prepared a text amendment to our sign ordinance. These proposed changes are in line with what the Planning Board recommended at our December 2021 meeting. The proposed text amendment would allow for buildings to have larger signs based on the size of the building. This would apply to signs in all of our business districts.

Attachments:

- Proposed text amendment

Sec. 36-549. Business signs.

Business signs and name signs shall be permitted on the premises of the business in districts in which the principal use is permitted subject to the following limitations:

- (1) Wall signs shall not project more than one foot from any wall or canopy to which the wall sign is attached.
- (2) Projecting signs shall be permitted subject to the following limitations:
 - a. One projection sign per separate business establishment may be allowed in any nonresidential district.
 - b. No part of a projecting sign may project more than five feet from the building wall.
 - c. The bottom edge of a projecting sign must be located at least ten feet above the walking surface for pedestrian movement, except in cases in which such a sign is located underneath an awning or canopy, the bottom edge shall be at least eight feet above the walking surface for pedestrian movement.
- (3) Non-illuminated wall signs and projecting signs have a total sign surface area in square feet no greater than twenty (20) percent of wall area. ~~two times the linear frontage in feet of the wall of the building to which the sign is attached, but in no case greater than 100 square feet with exception to the B-2 Highway Business District. The following limitations apply to non-illuminated wall signs in the B-2 Highway Business District:~~
 - a. ~~Non-illuminated wall signs have a total sign surface area in square feet no greater than two times the linear frontage in feet of the wall of the building to which the sign is attached.~~
 - b. ~~Non-illuminated wall signs which directly face land residentially zoned (either abutting directly or separated by any publicly maintained road) shall conform to the same dimensional requirement as such signs in all other zoning districts.~~
- (4) Illuminated wall signs and projecting signs shall have a total sign surface area in square feet no greater than twenty (20) percent of wall area. ~~two times the linear frontage in feet of the wall or the building to which the sign is attached, but in no case greater than 50 square feet, with exception to the B-2 Highway Business District. Display lighting shall be shielded so as to prevent a direct view of the light source from a residence in a residential district. No intermittent lighting effects may be utilized except for time and temperature devices and for motion picture theater. The following limitations apply to illuminated wall signs in the B-2 Highway Business District:~~
 - a. ~~Illuminated wall signs have a total sign surface area in square feet no greater than two times the linear frontage in feet of the wall of the building to which the sign is attached.~~
 - b. ~~Illuminated wall signs which directly face land residentially zoned (either abutting directly or separated by any publicly maintained road) shall conform to the same dimensional requirement as such signs in all other zoning districts.~~
- (5) Freestanding signs shall be located no less than 12 feet from the street right-of-way line or property line, whichever is greater. No freestanding sign shall be located in a required side yard or within ten feet of the side property line. No building shall have more than one freestanding sign except buildings having frontage on more than one public street. In this not more than two freestanding signs shall be permitted. A freestanding sign shall in no case exceed a height of 35 feet or 200 square feet in area.
- (6) Special provisions for certain signs.
 - a. Shopping centers signs shall be subject to the following additional limitations:

1. Freestanding. Each shopping center may provide not more than one freestanding sign that displays the name of the shopping center and the tenant businesses.
 2. Wall. Businesses located in attached buildings may display not more than one wall sign. See non-illuminated and illuminated wall signs per this article for sign face area.
- b. Commercial park subdivisions and industrial park subdivisions with multiple tenants shall be subject to the following additional limitations:
1. Commercial and industrial subdivisions may provide not more than one freestanding development entrance sign that displays the name of the subdivision with the tenant business.
 2. Multitenant buildings: wall signs.
 - (i) Front primary elevation: each tenant may display one wall sign that shall not exceed two square feet of sign surface area per linear foot of the store/business front.
 - (ii) Secondary elevations (side and rear): the maximum sign surface area permitted on the side and rear elevations of a building shall not exceed one square foot of sign surface area per linear foot of primary building frontage.
- c. Industrial sites located on 50 or more acres shall be subject to the following additional limitations:
1. *Freestanding signs.* In addition to subsection (5) of this section, such industrial sites may have one monument sign on one side of secondary entrance/driveway.
 - (i) Maximum height of 15 feet as measured from ground level at the base of the sign structure
 - (ii) A single side of the sign area face may not exceed 25 square feet.
 2. *Wall signs for multitenant buildings:*
 - (i) Front primary elevation. Each tenant may display one wall sign that shall not exceed two square feet of sign surface area per linear foot of the store-business front.
 - (ii) Secondary elevations (side and rear). The maximum sign surface area permitted on the side and rear elevations of a building shall not exceed one square foot of sign surface per linear foot of primary building frontage.
- (7) Changeable copy, electronic reader board, and LED signs are permitted only in the B-2 Highway Business Zoning District and for churches, schools, community centers, and other public institutional uses under the following conditions:
- a. If changeable copy, electronic reader board, or LED (also referred to as "electronic display") signs are utilized as a part of a permitted freestanding sign, then the total electronic display area of such freestanding sign shall be a minimum of 30 percent and a maximum of 50 percent changeable copy, electronic reader board, or LED signage.
 - b. Electronic reader board or LED signs that display anything other than the time and temperature shall not change messages or images more often than every ten seconds.
 - c. Electronic display signs shall be comparable in composition, durability, and workmanship to the existing sign.

- d. Display lighting shall be shielded, or dimmed so as to prevent direct rays of light from being cast into a residential area or district and/or vehicles approaching on a public right-of-way from any direction.
- (8) No wall or projecting sign shall extend above the height of the building roof line. In case of a flat roof, no sign shall extend above the parapet wall.
- (9) No sign may be placed upon any roof surface.

(Code 1977, § 9-4081.3; Ord. of 5-7-2009; Ord. of 1-6-2011; Ord. of 10-4-2011; Ord. No. 2013-2014:005, § 2, 1-9-2014; Ord. No. 2021-2022-002 , 7-1-2021)