

Town of Hudson Regular Meeting

August 20, 2024

Members Present: Mayor Janet Winkler, Mayor Pro Tem, Rick Shew, Commissioners: Larry Chapman, Jim Engelman, Jeff Link, Barry Mitchell and Ann Smith

Others Present: Town Manager, Jonathan Greer, Assist. Town Manager/Finance Officer, Shana Guy, Chief of Police, Brandon Nelson, Town Attorney, Jonathan Green, Town Planner, Teresa Kinney, and Town Clerk, Tammy Swanson

Call to Order:

Mayor Janet Winkler called the August meeting to order, and Mayor Pro Tem, Rick Shew, led the audience in the Pledge of Allegiance and opening prayer. Janet thanked everyone for being at the meeting, especially the Boy Scouts that were in the audience. The Boy Scouts were from Granite Falls and Hudson.

Discuss/Adjust Agenda:

Janet presented the August agenda, and the following addition was requested:

Add: Item 5a – Call for a Public Hearing for Closing Undeveloped Portion of Short Street

Motion: (Larry Chapman/Rick Shew) to approve the agenda as amended. Unanimously approved.

Public Comment for Items Not on the Agenda:

Discussion of Wrecker Services: Attorney Wallace Respass stated that he would like to address the Board to discuss the Town's towing rotation policy. He commented that he understands that the current policy only includes towing services located within a mile from the Town Limits. Mr. Respass stated that he is speaking on behalf of area towing services, including Josh's Auto Services, Brown's Towing, Whitnel Towing, Matheson's Hauling, and Fisher's Towing & Automotive. He stated that most of these towing services can be in the Town Limits within 5 minutes, with the exception of Josh's Auto Services that is located a little further away. Josh's towing, however, is available 24/7, and they have large equipment. Mr. Respass presented pictures of the equipment some of the towing services have available.

Mr. Respass stated that he understands the Town's current towing policy includes only 2 wrecker services in the rotation, Keen's Towing and Tucker's Towing. Mr. Respass commented that N.C.G.S. Chapter 75 contains various laws concerning monopolies, and the restraint of trade. Mr. Respass stated that in his opinion, the Town's wrecker rotation policy violates Chapter 75. He requested that the Board reconsider its towing policy, and include the 5 wrecker services he mentioned.

Janet explained that we have Board Committees assigned to the departments, and she asked that the Public Safety Committee research Mr. Respass' request. The Public Safety Committee is scheduled to meet on Monday, September 9, 2024 at 3:00 pm at the Town Hall. The recommendation of the Committee concerning the towing rotation policy will be brought before the Board of Commissioners at the September 17th regular meeting.

Approval of Minutes:

Motion: (Jim Engelman/Jeff Link) to approve the minutes, as presented, for the July 16, 2024 Regular Meeting. Unanimously approved.

Call for Public Hearing for Closing Undeveloped Portion of Short Street:

Jonathan stated that a request has been made for the Town to abandon its interest in the undeveloped portion of Short Street so that it can be closed. He explained that a portion of Short Street along with an unnamed street that intersects with Short Street were platted, but were never developed as streets, and were never accepted by the Town for maintenance. The unpaved portion of Short Street is 672 feet, and the unnamed street is 335 feet. There are currently multiple parcels on both sides of the undeveloped street that are too small to develop. However, closing the street would allow the smaller parcels to be recombined, making them large enough to develop. The largest sections of property divided by the undeveloped street are owned by one property owner, and this property owner is the one making the request for the street to be closed.

Rick asked how much property is involved with the change.

Teresa commented that it is less than 2 acres.

Motion: (Larry Chapman/Jeff Link) to call for a public hearing for the September 17, 2024 Board Meeting to discuss the closure of the undeveloped/abandoned portion of Short Street, along with the unnamed street that intersects with Short Street. Unanimously approved.

Right-of-Way Encroachment Agreement for Fiber Optic Cable Installation:

Jonathan stated that Ripple Fiber wishes to install fiber optic cable throughout areas of Hudson. If the Board wishes to allow this along Town-owned streets, an encroachment agreement is needed.

Representatives from Ripple Fiber addressed the Board to discuss their plans. They explained that their fiber optic is not like Spectrum, and has a very dependable speed. They commented that their company is doing a lot of work in Caldwell County, and for Hudson, they plan to install underground.

Janet asked that if we do enter into the agreement, what is the timeframe for the installation.

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The representatives explained that they can do about 1,000 ft. in a week, and completion of the project would just depend on the demand. Maximum time should be approximately one year.

Jim asked what the underground process looks like.

The representatives briefly discussed the installation, and stated they typically dig 36 inches deep. They added that if other services are damaged during the process, they would restore them.

Jim also asked if they would have to close streets during the installation.

The representatives stated that it usually depends on how busy the streets in the work area are. They commented that they work by DOT standards.

Janet asked if the work would be done in the rights-of-way areas.

The representatives indicated that they would be working in the rights-of-way.

Rick asked if the fiber would be available throughout Town.

The representatives stated that they hoped to have it available to at least most of the Town.

Ann asked about the average downtime when there are issues.

The representatives stated that it depends on what the downtime is for, but typically, it is 24 to 48 hours.

Jonathan asked if they have an agreement with Duke Energy.

They indicated that they do have an agreement with Duke Energy, and it is already in place.

Jonathan asked if the service would be primarily available for residential users.

The representatives indicated that the service is primarily for residential user at this time.

Jonathan Green stated that the encroachment agreement is a fairly tight agreement. It covers what they can and cannot do. If they make a mess or cause a problem, they clean it up. He commented that his only big question is the term. The length of the initial term has been left blank on the agreement.

The representatives stated that they can get that information from their company.

Motion: (Rick Shew/Jim Engelman) to give staff the authority to negotiate the Master Encroachment Agreement and Right of Entry with Ripple Fiber. Unanimously approved.
(Note: A copy of the Agreement will be filed at Town Hall, and with these minutes.)

Public Hearing for Open Carry and Concealed Carry Ordinance: (Public hearing was advertised once on August 6th, and again on August 17th in the *News-Topic*.)

Janet asked for a motion to open the floor for public hearing.

Motion: (Rick Shew/Jim Engelman) to open the floor for public hearing. Unanimously approved.

Jonathan Green stated that earlier this year, an incident occurred in Town that presented the need to update the Town's ordinance concerning the open carry of firearms on Town property. State legislation has also been enacted since the Town's ordinance was originally passed, and the ordinance needs to be updated accordingly.

Jonathan Green explained that this came about because of an unfortunate open carry at the Town's Easter Egg Hunt. He also stated that he realized during his review of the ordinance that the Town's concealed carry guidelines were outdated.

Jonathan Green presented a resolution to enact an ordinance regulating the open carry of firearms on Town property, and to update the existing concealed carry section to comply with state law. The updated concealed carry portion of the ordinance is less restrictive than the Town's current concealed carry ordinance. He briefly reviewed the regulations of the open carry of firearms on Town property. "No person may display any firearm in public-owned buildings, on the grounds or parking areas of those buildings, or in public parks or recreation areas." Also, "no person may display any firearm within any public right-of-way or street while the right-of-way or street is temporarily closed for a street fair, concert, art display, bicycle race, festival, or other special event." Jonathan added, however, that a firearm can be stored within a motor vehicle while the vehicle is on the grounds or areas.

Chief Nelson stated that he has been involved with the development of the ordinance and update, and he is comfortable with the amendments.

Close Public Hearing:

Motion: (Jim Engelman/Larry Chapman) to close the public hearing. Unanimously approved.

Motion: (Rick Shew/Jim Engelman) to adopt the resolution, as presented, to enact an ordinance regulating the open carry of firearms on Town Property, and to make the existing concealed carry ordinance less restrictive according to State law. Unanimously approved.

**RESOLUTION TO ENACT AN ORDINANCE
REGULATING THE OPEN CARRY OF FIREARMS
ON TOWN PROPERTY & MAKING THE EXISTING
CONCEALED CARRY ORDINANCE LESS RESTRICTIVE**

Res. No. 2024-

WHEREAS, The Town of Hudson (“Town”) is a municipal corporation and body politic of the State of North Carolina; and

WHEREAS, Pursuant to N.C.G.S. 160A-189, “A city may by ordinance ...regulate the display of firearms on the streets, sidewalks, alleys, or other public property”; and

WHEREAS, Pursuant to N.C.G.S. 14-409.40(f) “Nothing contained in this section prohibits municipalities or counties from...prohibiting the possession of firearms in public-owned buildings, on the grounds or parking areas of those buildings, or in public parks or recreation areas, except nothing in this subsection shall prohibit a person from storing a firearm within a motor vehicle while the vehicle in on these grounds or areas”; and

WHEREAS, Section 3.9.1 of this ordinance regulates the open carry of firearms and therefore is not preempted by N.C.G.S. 14-415.23, which regulates the possession of concealed handguns; and

WHEREAS, The Town of Hudson currently lacks any ordinance regulating the open carry of firearms on public property; and

WHEREAS, An incident occurred earlier this year on Town property that brought attention to the need for the Town of Hudson to enact an ordinance regulating the open carry of firearms on public property; and

WHEREAS, If further open carry incidents were to occur, the public’s perception of safety within the Town may be harmed, which could result in reduced traffic to local businesses; and

WHEREAS, It is appropriate for the Town of Hudson to update the Town of Hudson Code of Ordinances to prevent further open carry incidents from harming the public’s perception of safety within the Town;

WHEREAS, Hudson Code of Ordinances, Chapter 3, Section 3.9, “Carrying Concealed Handguns Prohibited on Town Property” (the “Ordinance”) does not allow the carrying of concealed handguns in parks; and

WHEREAS, G.S. 14-415.23 has narrowed the restriction on “parks” to include only “recreational facilities”, as defined therein.

NOW, THEREFORE the Board of Commissioners of the Town of Hudson, North Carolina, hereby enacts the following Amendment to Chapter 3 of the Town of Hudson Code of Ordinances:

SECTION 3.9

CARRYING CONCEALED HANDGUNS PROHIBITED ON TOWN PROPERTY

Hudson Code of Ordinances, Chapter 3, Section 3.9(a), is hereby amended as follows: strike the word “parks” and replacing it with “recreational facilities, as defined in G.S. 14-415.23.”

SECTION 3.9.1
REGULATION OF OPEN CARRY OF FIREARMS ON TOWN PROPERTY

Hudson Code of Ordinances, Chapter 3, Section 3.9.1, shall read as follows:

Section 1. Regulation of Display of Firearms on Town Property.

No person may display any firearm in public-owned buildings, on the grounds or parking areas of those buildings, or in public parks or recreation areas, except nothing in this subsection shall prohibit a person from storing a firearm within a motor vehicle while the vehicle is on these grounds or areas.

Section 2. Prohibition on Display of Firearms on Public Streets, Sidewalks, and Alleys Temporarily Closed to Regular Traffic for Street Fairs, Festivals and Other Special Events.

No person may display any firearm within any public right-of-way or street while such right-of-way or street is temporarily closed for a street fair, concert, art display, bicycle race, festival, or other special event. Nothing in this subsection shall prohibit a person from storing a firearm within a motor vehicle while the vehicle is on these grounds or areas.

Section 3. Exemptions.

This ordinance does not apply to the following:

- (a) Officers and enlisted personnel of the forces of the United States when in discharge of their official duties as such and acting under orders requiring them to carry arms and weapons;
- (b) Civil officers of the United States while in the discharge of their official duties;
- (c) Officers and soldiers of the militia and the national guard when called into actual service;
- (d) Sworn law enforcement officers;
- (e) Animal Control officers;
- (f) Code enforcement officers; and
- (g) Weapons used solely for instructional classes or for officially sanctioned ceremonial purposes.

Section 4. Violation.

The violation of any provision of this section shall be a misdemeanor, and the violator shall be subject to a fine of five hundred dollars (\$500) or imprisonment for not more than thirty (30) days, or both. In addition to said punishment, any person convicted under this ordinance will be barred from entering park or recreation areas of the Town of Hudson or participating in Parks and Recreation activities for a period of up to one year.

Section 5. Signage.

A conspicuous notice shall be posted at the entrance to any property stating "Display or Open Carry of a Firearm on These Premises is Unlawful."

Section 6. Weapons Forfeited.

Weapons possessed in violation of this section are hereby declared to be contraband. The Chief of Police or his or her designee shall hold such weapon for disposal pursuant to court order.

Section 7. Severability.

If any provision of this ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, then in that event such portion shall be deemed severable, and such holding shall not affect the validity of the remaining portions thereof.

Budget Revisions:

Jonathan presented the following budget revisions.

The first revision is to allocate/roll-over purchase orders from FY 23/24. This money was encumbered on purchase orders in the last fiscal year, but the purchase orders are still needed.

Amendment #1

Date:	July 31, 2024			
Department:	Finance			
Dept Head Signature				
Purpose:	To Reappropriate Fund Balance for FY24 Purchase Orders rolled over to FY25			
Revenue:				
Account Number	Account Title	Current Budget	Change to Budget	Amended Budget
10-390-3990	Fund Balance Appropriated	-413210	-26137	\$ (439,347)
	Total	\$ (413,210)	\$ (26,137)	\$ (439,347)
Expense:				
Account Number	Account Title	Current Budget	Change to Budget	Amended Budget
10-620-2330	Rec Supplies	\$ 10,000	\$ 4,200	\$ 14,200
10-632-2150	HUB B Bldg M&R	\$ 6,500	\$ 2,400	\$ 8,900
10-600-2150	Landscape Bldg M&R	\$ 500	\$ 2,450	\$ 2,950
10-550-2150	PW Bldg M&R	\$ 8,000	\$ 4,100	\$ 12,100
10-632-3730	HUB B Bldg C/O	\$ 12,500	\$ 12,987	\$ 25,487
				\$ -
				\$ -
		\$ -		\$ -
	Total	\$ 37,500	\$ 26,137	\$ 63,637

The second amendment continues the closing-out of FY 23/24. This should be our final amendment for FY 23/24.

Amendment #2

Date:	August 20, 2024			
Department:	Finance			
Dept Head Signature				
Purpose:	Final budget revision to clear expenditures over budget for FY24.(Includes two interdepartmental transfers from 550 to 560 and 580)			
Revenue:				
Account Number	Account Title	Current Budget	Change to Budget	Amended Budget
				\$ -
	Total	\$ -	\$ -	\$ -
Expense:				
Account Number	Account Title	Current Budget	Change to Budget	Amended Budget
10-410-2330	Supplies	2,000.00	\$ 94	\$ 2,094
10-410-2450	contracted services	27,955.00	\$ (94)	\$ 27,861
10-420-2570	misc	7,000.00	\$ 370	\$ 7,370
10-420-2450	contracted services	38,800.00	\$ (370)	\$ 38,430
10-440-2130	401k contributions	3,600.00	\$ 23	\$ 3,623
10-440-2110	postage	365.00	\$ 81	\$ 446
10-440-2140	travel/training	5435	\$ 81	\$ 5,516
10-440-2570	misc	615	\$ 5	\$ 620
10-440-2580	penalty/cc fees	4000	\$ 293	\$ 4,293
10-440-2330	supplies	3300	\$ (483)	\$ 2,817
10-460-1020	salaries	66,600.00	\$ 86	\$ 66,686
10-460-1030	401k	2,000.00	\$ 10	\$ 2,010
10-460-1070	retirement	8600	\$ 15	\$ 8,615
10-460-2330	supplies	2400	\$ (111)	\$ 2,289
10-470-2450	contract svc	39,826.00	\$ 425	\$ 40,251
10-470-2492	Settlements	35,174.00	\$ (425)	\$ 34,749
10-510-2270	gasoline	30,300.00	\$ 1,588	\$ 31,888
10-510-2330	supplies	24,548.00	\$ 588	\$ 25,136
10-510-2550	ins/bonds	24,300.00	\$ (2,050)	\$ 22,250
10-510-2310	auto supplies	1,200.00	\$ (126)	\$ 1,074
10-550-2130	electricity	1,650.00	\$ 324	\$ 1,974
10-550-2132	gas	4,000.00	\$ (324)	\$ 3,676
10-560-2131	street lighting	61,000.00	\$ 10,728	\$ 71,728
10-560-2540	w/c premium	13,315.00	\$ 417	\$ 13,732
10-560-1020	salaries	148,975.00	\$ (1,300)	\$ 147,675
10-560-1025	OT	2,500.00	\$ (1,500)	\$ 1,000

Amendment #2 Continued

10-560-1050	fica	11,968.00	\$ (850)	\$ 11,118
10-560-1060	group ins	27,500.00	\$ (950)	\$ 26,550
10-560-2270	gasoline	10,748.00	\$ (900)	\$ 9,848
10-560-2330	supplies	6,050.00	\$ (400)	\$ 5,650
10-550-2150	m/r bldg	8,000.00	\$ (5,245)	\$ 2,755
10-570-2170	MR Street	92,800.00	\$ 100	\$ 92,900
10-570-2175	sidewalkes	4,200.00	\$ (100)	\$ 4,100
10-580-2453	tipping fee	18,000.00	\$ 1,140	\$ 19,140
10-580-2451	garbage	167,300.00	\$ (39)	\$ 167,261
10-580-2455	30yd rent	6,100.00	\$ (826)	\$ 5,274
10-550-2270	gasoline	3,000.00	\$ (275)	\$ 2,725
10-620-1021	salaries pt	40,350.00	\$ 367	\$ 40,717
10-620-2130	electricity	17,655.00	\$ 1,930	\$ 19,585
10-620-2150	m&R bldg	15,000.00	\$ 1,148	\$ 16,148
10-620-2331	small equip	-	\$ 2,034	\$ 2,034
10-620-2370	sales tax	900.00	\$ 3	\$ 903
10-620-2480	purh for resale	10,400.00	\$ 583	\$ 10,983
10-620-1050	fica	16,600.00	\$ (950)	\$ 15,650
10-620-2132	gas	4,500.00	\$ (1,105)	\$ 3,395
10-620-2330	supplies	16,100.00	\$ (4,010)	\$ 12,090
10-622-2150	m&r bldg	1,440.00	\$ 204	\$ 1,644
10-622-2480	purh for resale	3,120.00	\$ 1,496	\$ 4,616
10-622-2330	supplies	2,500.00	\$ (1,700)	\$ 800
10-630-2110	postage	200.00	\$ 24	\$ 224
10-630-2220	equip lease	1,200.00	\$ 162	\$ 1,362
10-630-2130	electricity	30,000.00	\$ (186)	\$ 29,814
10-632-2130	electric	11,216.00	\$ 2,475	\$ 13,691
10-632-2132	gas	15,900.00	\$ (2,475)	\$ 13,425
10-635-2335	meals	39,000.00	\$ 2,991	\$ 41,991
10-635-2380	cc fees	3,250.00	\$ 746	\$ 3,996
10-635-2382	hub tix fees	5,000.00	\$ 264	\$ 5,264
10-635-2334	cast meals	5,250.00	\$ (2,325)	\$ 2,925
10-635-2336	royalties	3,135.00	\$ (1,676)	\$ 1,459
				\$ -
				\$ -
				\$ -
		\$ -		\$ -
	Total	\$ 1,157,840	\$ -	\$ 1,157,840

Motion: (Ann Smith/Jeff Link) to approve both budget revisions as presented. Unanimously approved.

Informal Discussion:

Department Reports:

- **Police Report** – in Agenda Packets

- Planner's Report

Staff Report-Planning/Zoning Department, July, 2024

Economic Dev, Zoning Ordinance, Subdivision, Watershed, Floodplain Enforcement.

Project	Issue	Status
Economic Development	Ongoing	
Economic Dev and plan review	1. Still open Discussion of pocket Community-on Huss Ave 2. Cedar Valley/US321 property lots of inquiries on property. 3. New Taco Bell 3086 Hickory Blvd 4. New Medical Office 3060 Hickory Blvd (Hopskotch Medical) 5. Tractor Supply at US321 and Cedar Valley 6. Possible industrial Pleasant Hill area 7. Walmart remodel 8. Food Lion Remodel 9. Lots of movement with vacant properties along 321A/Main St 10. Possible Manufactured home expansion and replacement Madison MHP and Dixie Way MHP	
Watershed/Floodplain and	New FEMA Floodplain maps are soon going to be available and the town will need to adopt following public comment time.	New Maps are available for review online https://fris.nc.gov/fris/Home.aspx?ST=NC
Subdivision Regulations	Approved 3 minor subdivisions of property. Dealt with a few other subdivision problems.	Ongoing
**Zoning Permits and compliance letters	47 permits issued so far this year majority being new houses, swimming pools, and accessory buildings.	Single Family House permits and home expansions, swimming pools, accessory uses, and sign permits and changes of use
**Citizens requests permits and general discussion	Phone Calls received (50+) Permits and citizen contact is pickup	Had several phone calls by citizens, realtors, surveyors, and developers. Business has picked up again. Met with business owners about expansions Storage Building companies are continuing to be an issue as they inform their customers that no permits are required.
Zoning violations/floodplain	Outdoor storage HB district RV/Shed living	Sullivan St, and Dell Circle
Action Items for Commissioners this meeting	Rezoning Public Hearing Possible Text Amendment for manufacture homes Animal Keep and Sign Section of Zoning Ordinance	
General: Planning Board and Board of Adjustment: Reviewing new sign ordinance, animal keeping, and residential text amendment in preparation.		

Teresa commented that Taco Bell is coming to Town at 3086 Hickory Blvd. The restaurant that is currently there, Fumiyoshi Japanese Restaurant, will be torn down, and a new structure built. The company, Fulenwider Investment Holdings from Morganton, has already purchased the property.

Teresa also commented that a tiny home community may be coming to the Shuford Property that was recently rezoned (corner of Sheldon St. and Pleasant Hill Rd.).

SUMMARY OF CASH ACCOUNTS						
	Current Month*	Last Month**				
Cash/Checking	\$ 698,423	\$ 412,898				
NC Capital Management Trust	2,569,115	2,930,311				
CD - First Citizens Bank	100,125	100,125				
	\$ 3,367,663	\$ 3,443,334				
	Budget 2024-2025	ACTIVITY THIS MONTH	ACTIVITY TO DATE	OPEN ENCUMBRANCES	Balance	%
REVENUES	\$ 4,803,027	\$ 135,641	\$ 135,641		\$ 4,667,386	2.82%
EXPENDITURES	\$ 4,803,027	\$ 553,506	\$ 553,506	\$ 50,321	\$ 4,199,200	12.57%
REVENUES-CAP PROJ STREETSCAPES	\$ 110,000	\$ -	\$ 110,000		\$ -	100.00%
EXPENDITURES-CAP PROJ STREETSCAPES	\$ 110,000	\$ -	\$ 46,586		\$ 63,414	42.35%
REVENUES-CAP PROJ HUB PARKING LOT/KITCHEN	\$ 350,000	\$ 202,500	\$ 337,500		\$ 12,500	96.43%
EXPENDITURES-CAP PROJ HUB PARKING LOT/KIT	\$ 350,000	\$ 298	\$ 263,534		\$ 86,466	75.30%
REVENUES- CAPITAL PROJECT HUB ST.	\$ 1,135,300	\$ 25,000	\$ 680,693		\$ 454,607	59.96%
EXPENDITURES- CP HUB STATION	\$ 1,135,300	\$ 2,450	\$ 431,934	\$ 13,929	\$ 689,437	39.27%

NOTES:

- Property tax bills were mailed at the end of July. The majority of property tax and solid waste collections occur during November through January.
- There is a three month lag in sales tax distribution. Sales Tax Revenues are currently 2% above revenues in prior year.
- Most state-shared revenues are distributed quarterly. We have not yet received our first allocation for FY25.

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Sales Tax Revenue		
	PY	CY
3231	29,602.30	28,924.03
3232	22,733.17	23,595.40
3233	14,171.69	13,844.72
3234	6,311.49	6,837.91
3235	25,107.39	26,704.91
	97,926.04	99,906.97
% Increase		2.0%

Jonathan commented that we have paid our final loan payment for the grapple truck.

- **HUB Station Update:**

Jonathan reported that Duke Energy has the poles and lights in at the new parking lot at HUB Station.

- **Invite Principals to September Board Meeting**

Jeff Link stated that a lot of improvements are being made at Hudson Middle School, including repaving the driveways, and sprucing up the grounds. Mr. Mayo, Principal at the Middle School, is working hard to make improvements to the school. Jeff suggested that the Board invite the principals from the schools in Town to our September meeting to discuss what they have going on, and their plans for their schools. Jeff suggested that Dr. Poarch from CCC & TI be invited to the meeting as well. Jeff stated that he would take care of inviting the principals and Dr. Poarch to the meeting.

Adjournment:

Motion: (Larry Chapman/Barry Mitchell) to adjourn the meeting. Unanimously approved.

Tamra T. Swanson, Town Clerk