

**THE ERWIN BOARD OF COMMISSIONERS  
NOVEMBER 2023 REGULAR MEETING  
THURSDAY, NOVEMBER 2, 2023 @ 7:00 P.M.  
ERWIN MUNICIPAL BUILDING BOARDROOM**

**AGENDA**

**1. MEETING CALLED TO ORDER**

- A. Invocation
- B. Pledge of Allegiance

**2. AGENDA ADJUSTMENTS /APPROVAL OF AGENDA**

**3. CONSENT**

*All items on Consent Agendas are considered routine, to be enacted on one motion without discussion. If a Board member or citizen requests discussion of an item, the item will be removed from the Consent Agenda and considered under New Business.*

- A. Minutes Regular Workshop on September 25, 2023 **(Page 3)**
- B. Minutes Regular Meeting on October 5, 2023 **(Page 7)**
- C. Amended Job Classification and Grade FY 23-24 **(Page 13)**
- D. Updated Resolution for NC ABC Commission **(Page 20)**
- E. BOA 2024-03 **(Page 21)**
- F. Pump Station Road Final Plat **(Page 22)**
- G. ARPA Infrastructure Grant Resolution

**4. SPECIAL PRESENTATION**

**5. PROCLAMATION RECOGNIZING ANNA JOYNER (Page 53)**

**6. INDUCTION CEREMONY OF NEW MEMBERS OF THE BOARD**

- A. Oath of Office for Re-Elected Members of the Board
  - 1. Ricky Blackmon----Ward 2
  - 2. Charles Byrd---Ward 4
  - 3. Billy Turnage----Ward 6

**7. RECESS FOR REFRESHMENTS**

**8. PUBLIC COMMENT**

*Each speaker is asked to limit comments to 3 minutes, and the requested total comment period will be 15 minutes or less. Citizens should sign up prior to the start of the meeting. Please provide the clerk with copies of any handouts you have for the Board. Although the Board is interested in hearing your concerns, speakers should not expect Board action or deliberation on the subject matter brought up during the Public Comment segment. Thank you for your consideration of the Town Board, staff, and other speakers. §160A-81.1*

**9. PUBLIC HEARING**

- A. LED Signs Text Amendment **(Page 61)**
- B. Subdivision Text Amendment **(Page 63)**

**ERWIN BOARD OF COMMISSIONERS****REGULAR MINUTES****NOVEMBER 2, 2023****ERWIN, NORTH CAROLINA**

The Board of Commissioners for the Town of Erwin with Mayor Baker presiding held its Regular Meeting in the Erwin Municipal Building Board Room on Thursday, November 2, 2023, at 7:00 P.M. in Erwin, North Carolina.

Board Members present were Mayor Randy Baker, Mayor Pro Tem Ricky Blackmon, and Commissioners Timothy Marbell, Charles Byrd, William Turnage, David Nelson, and Alvester McKoy.

Town Manager Snow Bowden, Town Clerk Lauren Evans, Town Attorney Tim Morris, and Police Chief Jonathan Johnson were present.

Mayor Baker called the meeting to order at 7:00 PM.

Commissioner McKoy gave the invocation.

Senator Jim Burgin led the Pledge of Allegiance.

**AGENDA ADJUSTMENT/APPROVAL OF AGENDA**

Town Manager Snow Bowden requested to add ARPA Infrastructure Grant Resolution as Item G under Consent, to move up the Special Presentations and Proclamation Recognizing Anna Joyner as numbers 4 and 5 on the agenda and the Induction Ceremony for New Members of the Board as number 6. He also requested to add Item B under Closed Session for the Purpose of Preserving the Attorney-Client Privilege.

Commissioner Blackmon made a motion to approve the agenda as amended and was seconded by Commissioner Turnage. **The Board voted unanimously.**

**CONSENT**

Commissioner Blackmon made a motion to approve **(ITEM A)** Minutes of Regular Workshop on September 25, 2023 **(ITEM B)** Minutes Regular Meeting on October 5, 2023 **(ITEM C)** Amended Job Classification and Grade FY 23-24 **(ITEM D)** Updated Resolution for NC ABC Commission **(ITEM E)** BOA 2024-03 **(ITEM F)** Pump Station Road Final Plat **(ITEM G)** ARPA Infrastructure Grant Resolution and was seconded by Commissioner Nelson. **The Board voted unanimously.**

**SPECIAL PRESENTATION**

Senator Jim Burgin recognized the Erwin Leo's Club with a special presentation.

Town of Erwin

Job Classification and Grade 2023-2024 AMENDED 11/2/2023

<u>Departments</u>	<u>Number of Positions</u>	<u>Grade</u>
<b><u>Administration</u></b>		
Town Manager	1	31
Finance Director	1	21
Town Clerk/Human Resources Director	1	18
Finance Officer	1	15
<b><u>Planning</u></b>		
Town Planner	1	19
Code Enforcement Officer	1	17
<b><u>Police</u></b>		
Police Chief	1	25
Lieutenant	1	19
Investigator/Community Officer	2	18
Patrol Sergeant	2	17
Senior Patrol Officer	2	15
Patrol Officer	6	14
School Resource Officer	2	14
Part-Time Patrol Officers	6	11
Records Clerk	1	12
<b>Cadet</b>	<b>2</b>	<b>11</b>

**Public Works (Administration, Streets  
Sanitation, Storm Water**

Public Works Director	1	23
Mechanic/Crew Leader	1	12
Maintenance Worker	1	7
Heavy Equipment Operator (Sanitation)	1	12
Heavy Equipment Operator (Street)	1	12
Part-time	Varies	

**Parks and Recreation**

Parks & Recreation Director	1	21
Athletic Program Director	1	15
Park Maintenance Specialist	1	10
Part-time	Varies	

**NORTH CAROLINA  
ALCOHOLIC BEVERAGE CONTROL COMMISSION**

(919) 779-0700

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**DESIGNATED OFFICIAL RESOLUTION**

RESOLUTION OF THE CITY OF Erwin, COUNTY OF  
Harnett, REGARDING THE DESIGNATION OF AN OFFICIAL  
TO MAKE RECOMMENDATIONS TO THE NORTH CAROLINA ALCOHOLIC  
BEVERAGE CONTROL COMMISSION ON ABC PERMIT APPLICATIONS.

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WHEREAS G.S.18B-904(f) authorizes a governing body to designate an official, by name or by  
position, to make recommendations concerning the suitability of persons or locations for ABC  
permits; and

WHEREAS the City of Erwin, County of  
Harnett, wishes to notify the NC ABC Commission of its  
designation as required by G.S.18B-904(f);

BE IT THEREFORE RESOLVED that Jonathan Johnson, Police Chief,  
(Name of Official) (Title or Position)

is hereby designated to notify the North Carolina Alcoholic Beverage Control Commission of the  
recommendations of the City of Erwin, County of  
Harnett, regarding the suitability of persons and locations for ABC  
permits within its jurisdiction.

BE IT FURTHER RESOLVED THAT notices to the City of Erwin, County  
of Harnett, should be mailed or delivered to the official designated  
above at the following address:

Mailing address: 100 West F Street

Office location: \_\_\_\_\_

City: Erwin, NC

Zip Code: 28339 Phone #: (910) 591-4210

This the 2nd day of November, 2023.

  
(Mayor/Chairman)

Sworn to and subscribed before me this the 2nd day of November, 2023.

  
(Clerk)

**BUDGET ORDINANCE AMENDMENT  
BOA 2024 – 03  
FISCAL YEAR 2023-2024**

BE IT ORDAINED by the Governing Board of the Town of Erwin, North Carolina that the following amendments are made to the annual budget ordinance for the fiscal year ending June 30, 2024.

Section 1. This Budget Ordinance Amendment seeks to Increase Revenues and Increase Expenditures by \$2,601.00. This amendment is for repairs to the Dodge Charger Police Car hit by an Amazon Truck. Amazon Settled claim with the town.

Section 2. To amend the General Fund: The revenues are to be changed as follows:

Account	Description	Current Approp.	Increase/Decrease	Amended Appropriation
10-3350-000	Other Revenue	\$ 0	(+) \$ 2,601.00	\$ 2,601.00


Section 3. To amend the General Fund: The Expenditures are to be changed as follows:

Account	Description	Current Approp.	Increase/Decrease	Amended Appropriation
10-5100-170	Maint.& Repair Auto.	\$10,000	(+) \$2,601.00	12,601.00

Section 4. Copies of this budget amendment shall be furnished to the Clerk, the Governing Board, the Budget Officer and the Finance Director for their direction.

Adopted this 2nd day of November 2023.

  
Randy L. Baker, Mayor

ATTEST:  
  
Lauren Evans, Town Clerk

**SUBDIVISION ADMINISTRATOR'S CERTIFICATE:**

STATE OF NORTH CAROLINA, COUNTY OF ERWIN  
 SUBDIVISION ADMINISTRATOR FOR THE TOWN OF ERWIN,  
 HEREBY CERTIFY THAT ALL STREETS, UTILITIES, AND OTHER  
 REQUIRED IMPROVEMENTS HAVE BEEN INSTALLED IN A  
 MANNER APPROVED BY THE APPROPRIATE STATE OR LOCAL  
 AUTHORITY AND ACCORDING TO TOWN SPECIFICATIONS IN  
 THE \_\_\_\_\_ SUBDIVISION OR THAT GUARANTEES THE  
 INSTALLATION OF THE REQUIRED IMPROVEMENTS IN AN  
 AMOUNT AND MANNER SATISFACTORY TO THE TOWN OF  
 ERWIN HAS BEEN RECEIVED AND THAT THE FILING FEE FOR  
 THIS PLAT, IN THE AMOUNT OF \$ \_\_\_\_\_ HAS BEEN PAID

DATE \_\_\_\_\_  
 SUBDIVISION ADMINISTRATOR  
 ERWIN, NORTH CAROLINA  
 CERTIFICATION OF DIMENSION, LEGALITY, AND JURISDICTION.  
 I, JASON E. GOODWIN, Surveyor, do hereby certify that the  
 property shown and described herein which is located in the subdivision  
 jurisdiction of the Town of Erwin and that I am hereby about this  
 subdivision plat was prepared in accordance with the provisions of  
 the North Carolina State Plane Coordinate System, North  
 Carolina Geometric Survey (NGS) Vertical Reference Station (VRS)  
 and appropriate to public or private use as noted. I have the  
 major subdivision provision within 1,500 feet of the property or any other  
 property located within 1,500 feet of the boundaries of this plat.

DATE \_\_\_\_\_  
 Signature of Owner or Agent  
 CHAIRMAN OF THE PLANNING BOARD FOR THE TOWN OF  
 ERWIN, HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN  
 HEREIN HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION  
 ORDINANCE OF TOWN OF ERWIN, NORTH CAROLINA AND THAT  
 THIS PLAT HAS BEEN APPROVED BY THE ERWIN TOWN  
 PLANNING BOARD FOR RECORDING IN THE OFFICE OF THE  
 REGISTER OF DEEDS OF HARNETT COUNTY

**CERTIFICATE OF REVIEW OFFICER:**

STATE OF NORTH CAROLINA, COUNTY OF ERWIN  
 REVIEW OFFICER, TOWN OF ERWIN, CERTIFY THAT  
 THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS APPLIED  
 MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.  
 REVIEW OFFICER \_\_\_\_\_  
 DATE \_\_\_\_\_  
 STATE OF NORTH CAROLINA, TOWN OF ERWIN

DATE \_\_\_\_\_  
 NOTARY PUBLIC  
 I, \_\_\_\_\_ DO HEREBY  
 CERTIFY THAT JASON E. GOODWIN PERSONALLY APPEARED  
 BEFORE ME THIS DAY AND ACKNOWLEDGED THE DUE  
 EXECUTION OF THIS CERTIFICATE. WITNESS MY HAND THIS  
 THE \_\_\_\_\_ DAY OF \_\_\_\_\_  
 DATE \_\_\_\_\_  
 NOTARY PUBLIC

**ROAD MAINTENANCE AGREEMENT**  
 PUMP STATION ROAD IS PRIVATELY OWNED AND MAINTAINED. THEREFORE, THE RESPONSIBILITY OF  
 MAINTAINING THE ROAD FALLS ON THE OWNERS OF THE PROPERTIES WHICH ADJACENT THE ROAD. THE  
 OWNERS OF THE ADJUTING PROPERTIES WILL CONTRIBUTE FUNDS AND, IF THE OWNER IS  
 PHYSICALLY CAPABLE, LABOR TO MAINTAIN THE ROAD, THE AMOUNT OF FUNDS AND LABOR EACH  
 PROPERTY OWNER PROVIDES WILL BE PROPORTIONATE TO THE FREQUENCY OF WHICH THEY USE  
 THE ROAD, THE CLASS OF VEHICLE USED ON THE ROAD, AND THE DISTANCE DRIVEN ON THE  
 ROAD. THE WEIGHT CLASS OF THE VEHICLE WILL BE DETERMINED BY THE FEDERAL HIGHWAY  
 ADMINISTRATION STANDARDS FOUND AT [http://connecticut.gov/resources/safety/](http://connecticut.gov/resources/safety/TrafficDataResources/PHWA_veh_wt_schem.pdf)  
[http://connecticut.gov/resources/safety/](http://connecticut.gov/resources/safety/TrafficDataResources/PHWA_veh_wt_schem.pdf)  
 UTILIZE PUMP STATION ROAD SHOULD MEET TO DETERMINE THE SPECIFIC CONTRIBUTIONS AND  
 FREQUENCY OF ROAD MAINTENANCE.

**REGISTER OF DEEDS CERTIFICATE:**

STATE OF NORTH CAROLINA, COUNTY OF HARNETT  
 FILED FOR REGISTRATION AT \_\_\_\_\_ 2023, IN THE REGISTER  
 OF DEEDS OFFICE \_\_\_\_\_ PAGE \_\_\_\_\_  
 RECORDED IN PLAT BOOK \_\_\_\_\_  
 REGISTER OF DEEDS \_\_\_\_\_  
 BY: \_\_\_\_\_  
 DATE \_\_\_\_\_

**CERTIFICATE OF FLOODWAY INFORMATION:**  
 PROPERTY SHOWN HEREON (\_\_\_\_\_) IS (\_\_\_\_\_) IS NOT LOCATED IN A FEMA  
 DESIGNATED FLOOD ZONE. 'AE'  
 FLOOD HAZARD MAP NUMBER 377006957001 ZONE X, HARNETT COUNTY  
 EFFECTIVE DATE: OCTOBER 3, 2008

PROFESSIONAL LAND SURVEYOR \_\_\_\_\_ DATE \_\_\_\_\_  
**CERTIFICATE OF SURVEY ACCURACY:**  
 I, JASON E. GOODWIN, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION  
 FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION  
 INFORMATION FOUND IN MAP BOOK 2010, PAGE 572.); THAT THE RATIO OF  
 PRECISION AS CALCULATED IS 1:10,000+; THAT THIS PLAT WAS PREPARED IN  
 ACCORDANCE WITH N.C.G.S. 47-30 AS AMENDED.  
 WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS \_\_\_\_\_  
 DAY OF \_\_\_\_\_ A.D., 2023

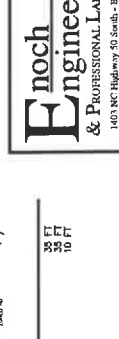
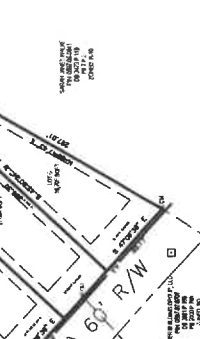
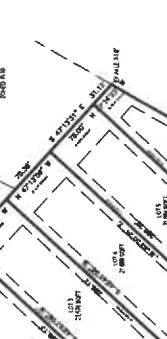
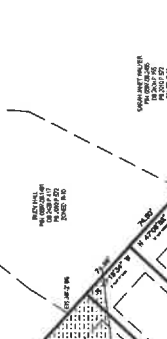
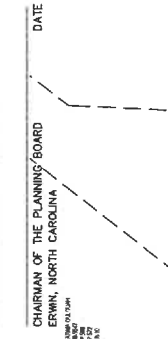
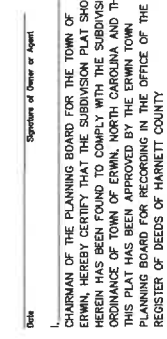
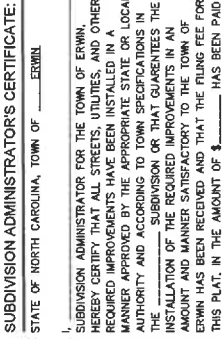
JASON E. GOODWIN \_\_\_\_\_ LICENSE NO. L-5080  
 I, JASON E. GOODWIN, PROFESSIONAL LAND SURVEYOR NO. L-5080, CERTIFY TO ONE OR  
 MORE THE FOLLOWING AS INDICATED THIS X OR \_\_\_\_\_  
 A. THAT THIS PLAT IS OF A SURVEY THAT CREATED A SUBDIVISION OF LAND  
 WITHIN THE AREA OF THE COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT  
 REGULATES PARCELS OF LAND.  
 B. THAT THIS PLAT IS OF A SURVEY THAT IS LOCATED IN SUCH PORTION OF A  
 COUNTY THAT REGULATES PARCELS OF LAND.  
 C. ANY ONE OF THE FOLLOWING:  
 (1) THAT THE FOLLOWING IS OF AN EXISTING PARCEL OR  
 PARCELS OF LAND, OR IS OF A NEW  
 STREET OR CHANGE OF EXISTING STREET.  
 (2) THAT THE SURVEY IS OF AN EXISTING BUILDING OR  
 OTHER STRUCTURE OR NATURAL FEATURE, SUCH AS  
 WATERCOURSE, OR  
 (3) THAT THIS SURVEY IS A CONTROL SURVEY.  
 D. THAT THIS PLAT IS OF A SURVEY OF ANOTHER CATEGORY, SUCH AS THE  
 RECORDATION OF AN EASEMENT, RIGHT-OF-WAY, OR OTHER  
 EXCEPTION TO THE DEFINITION OF SUBDIVISION.  
 UNLESS, THAT THE INFORMATION AVAILABLE TO THIS SURVEY IS SUCH THAT I AM  
 PROVISIONS CONTAINED IN (A) THROUGH (D) ABOVE.

JASON E. GOODWIN, PROFESSIONAL LAND SURVEYOR \_\_\_\_\_ LICENSE NO. L-5080

**SURVEYOR'S DECLARATION TO WHOM IT MAY CONCERN:**  
 THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATED. NORTH CAROLINA  
 UNLESS OTHERWISE SPECIFIED, I HAVE CONSULTED APPROPRIATE CORRECT OWNERS,  
 WIDTH, AND LOCATIONS OF EASEMENTS, ANY CEMETERIES OR FAMILY BURIAL GROUNDS  
 NOT SHOWN ON RECORDED MAPS OR DEEDS MADE AVAILABLE TO THE SURVEYOR BY  
 TITLE EXAMINATION. THE SURVEYOR HAS NO RESPONSIBILITY OF ANY NATURE IS ASSUMED BY  
 SURVEYOR FOR ANY CONDITIONS WHICH MAY PRESENTLY EXIST BUT ARE UNKNOWN SUCH  
 AS: CEMETERIES, FAMILY BURIAL GROUNDS, TOXIC OR HAZARDOUS WASTE MATERIAL, ETC.

**REFERENCES:**  
 1. DEED BOOK 3111, PAGE 98  
 2. DEED BOOK 322, PAGE 424  
 3. DEED BOOK 3261, PAGE 211  
 4. MAP BOOK 2001, PAGE 211  
 5. MAP BOOK 2007, PAGE 19  
 6. MAP BOOK 2001, PAGE 1270  
 7. OTHERS, UNPUBLISHED RECORD

**SITE DATA:**  
 1. MIN FRONT YARD: 30 FT  
 2. MIN REAR YARD: 30 FT  
 3. MIN SIDE YARD: 10 FT



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Prepared By: Lynn A. Matthews  
Matthews Law Group, P.C.  
1103 W Cumberland Street  
Dunn, NC 28334

NORTH CAROLINA

**ROAD MAINTENANCE AGREEMENT**

HARNETT COUNTY

THIS AGREEMENT is made this the \_\_\_ day of October, 2023, by JSJ PROPERTY SERVICES, LLC of Harnett County, North Carolina, hereinafter referred to as "Owner";

WITNESSETH:

WHEREAS, the Owner holds title to a certain tract of land as recorded in Deed Book 4156, Page 501 and as shown on that Map recorded in Map Number 2023, Page \_\_\_\_\_, Harnett County Registry. Said lots are adjacent to that 60' foot private drive identified as Pump Station Road, Erwin, Harnett County, North Carolina, which private drive is shown on that duly recorded map recorded in Map Book 2023, Page \_\_\_\_\_, Harnett County Registry (the "Private Drive" or "Private Road").

IT IS MUTUALLY AGREED as follows:



1. Said Roadway shall be maintained by the Owner and its successors in title to the properties described in the preambles until such time as the State of North Carolina agrees to take over and maintain the streets within the subdivision.

2. The undersigned Owner agrees that it is its intention to maintain said Roadway as a private roadway for the mutual use and benefit of the Owner and its successors in title.

3. In furtherance of the mutual objective, the undersigned hereby agrees to the obligations herein set forth, as running with the land, and binding on it, its successors and assigns.

4. The Owner and its successors in title agree to be responsible for their pro rata share of the annual cost of maintaining said private roadway in a fashion suitable for vehicular traffic and in as good as condition as presently exists on said Roadway.

5. In the event Owner sells any or all of the lots, then the successors in title shall be equally responsible for the annual cost of maintaining said private roadway in a fashion suitable for vehicular traffic and in as good as condition as presently exists on said Roadway.

IN WITNESS WHEREOF the undersigned owners have set their hand and seal the day and year first above written.

**JSJ PROPERTY SERVICES, LLC**

By: \_\_\_\_\_  
Tracy L. Johnson, Manager

NORTH CAROLINA

HARNETT COUNTY

I, \_\_\_\_\_, a Notary Public, do hereby certify that **Tracy L. Johnson, Manager of JSJ Property Services LLC** a North Carolina limited liability company, personally appeared before me this day and acknowledged the execution of the foregoing instrument on behalf of said company.

Witness my hand and seal this \_\_\_\_ day of October, 2023.

\_\_\_\_\_  
Notary Public  
My Commission Expires: \_\_\_\_\_



# TOWN OF ERWIN

P.O. Box 459 • Erwin, NC 28339  
Ph: 910-897-5140 • Fax: 910-897-5543  
www.erwin-nc.org

## TOWN OF ERWIN BOARD OF COMMISSIONERS RESOLUTION ACCEPTING ARPA GRANT FUNDING FROM THE NORTH CAROLINA DIVISION OF WATER INFRASTRUCTURE- PROJECT SRP-W-ARP-0332

**Mayor**  
Randy L. Baker  
**Mayor Pro Tem**  
Ricky W. Blackmon  
**Commissioners**  
Alvester L. McKoy  
Timothy D. Marbell  
Charles L. Byrd  
David L. Nelson  
William R. Turnage

**WHEREAS**, the Town of Erwin has received an earmark for the American Rescue Plan (ARP) funded from the State Fiscal Recovery Fund established in S.L. 2022-74 to assist eligible units of government with meeting their water/wastewater infrastructure needs, and

**WHEREAS**, the North Carolina Department of Environmental Quality has offered American Rescue Plan (ARP) funding in the amount of \$1,000,000.00 to perform work detailed in the submitted application, and

**WHEREAS**, the Town of Erwin intends to perform said project in accordance with the agreed scope of work,


### **NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TOWN COMMISSIONERS OF THE TOWN OF ERWIN**


That the Town of Erwin does hereby accept the American Rescue Plan Grant offer of \$1,000,000.00.

That the Town of Erwin does hereby give assurance to the North Carolina Department of Environmental Quality that any Conditions or Assurances contained in the Award Offer will be adhered to.

That the Town Manager MacDonald Snow Bowden Jr., and his successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with this project; to make the assurances as contained above; and to execute such other documents as may be required by the Division of Water Infrastructure.

**ADOPTED** this 2nd day of November 2023.

  
**Randy Baker**  
Mayor

**ATTEST:**  
  
**Lauren Evans, NCCMC**  
Town Clerk



# TOWN OF ERWIN

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## TOWN OF ERWIN PROCLAMATION RECOGNIZING ANNA JOYNER 2023-2024-008

**Mayor**  
Randy L. Baker  
**Mayor Pro Tem**  
Ricky W. Blackmon  
**Commissioners**  
Alvester L. McKoy  
Timothy D. Marbell  
Charles L. Byrd  
David L. Nelson  
William R. Turnage

**WHEREAS**, “Leadership, Experience, and Opportunity” is what makes a Leo. Members of Leo clubs embody the best qualities of the incredible organization. They are devoted young people who realize the power of action. Together, Leos and Lions form a powerful partnership — one of mutual respect where Lions learn from the innovative insights of Leos, and where Leos gain access to the proven strategies of those who’ve successfully served the world for decades; and

**WHEREAS**, Ms. Anna Joyner is an honor student at Triton High School and is involved in activities such as food drives and packing meals for kids. Ms. Joyner is the District 31 Lion Liaison for the Triton High School Leo Club. She is the first Leo from the Triton High School Leo Club to be appointed to a cabinet seat; and

**WHEREAS**, Ms. Joyner is the youngest Certified eye screener for the Lion’s KidSight USA screening kids 6 months to 7 years of age. Ms. Joyner has been a Charter Member for almost 3 years. She is an outstanding, go-getter with a giving heart, and under the leadership of the Leo Club’s Advisor, Lion TJ Morrison, has achieved great things; and

**NOW THEREFORE, I**, Randy Baker, Mayor of the Town of Erwin, and on behalf of the Town of Erwin Board of Commissioners, do hereby recognize and congratulate Anna Joyner for her accomplishments and unselfish contribution to aid in the well-being of our community.

**PROCLAIMED** this 2<sup>nd</sup> day of November 2023.

**Randy Baker**  
Mayor

**ATTEST:**

**Lauren Evans NCCMC**  
Town Clerk

MINUTES CONTINUED FROM NOVEMBER 2, 2023

PROCLAMATION RECOGNIZING ANNA JOYNER

The Town Board of Commissioners recognized Anna Joyner of the Erwin Leo's Club for her achievements. Mayor Baker presented him with a Proclamation Plaque.

*The Proclamation is part of these minutes as an attachment.*

INDUCTION CEREMONY OF NEW MEMBERS OF THE BOARD

Town Manager Snow Bowden introduced Judge Resson Faircloth, who administered the Oaths of Office to the Re-Elected Members of the Board.

Re-Elected Commissioner Ricky Blackmon repeated the Oath of Office as Commissioner, accompanied by his wife, Tina Blackmon, holding the Bible.

Re-Elected Commissioner Charles Byrd repeated the Oath of Office as Commissioner, accompanied by Mrs. Tina Blackmon holding the Bible.

Re-Elected Commissioner William Turnage repeated the Oath of Office as Commissioner, accompanied by his wife, Jean Turnage, holding the Bible.

RECESSED

Commissioner Byrd made a motion to recess at 7:17 PM for a reception and was seconded by Commissioner Turnage. **Motion Unanimously Approved.**

RECONVENED

Commissioner Nelson made a motion to go back into regular session at 7:34 PM and was seconded by Commissioner Turnage. **Motion Unanimously Approved.**

PUBLIC COMMENT

Mayor Baker stated each speaker is asked to limit comments to 3 minutes, and the requested total comment period will be 15 minutes or less. Citizens should sign up prior to the start of the meeting. Please provide the clerk with copies of any handouts you have for the Board. Although the Board is interested in hearing your concerns, speakers should not expect Board action or deliberation on the subject matter brought up during the Public Comment segment. Thank you for your consideration of the Town Board, staff, and other speakers.

Rebecca Kelly of 209 East F Street came forward and addressed the Board. She stated she wanted to talk to the Board about the \$18,000 we can save the Town and that was early voting. She provided the Board with a copy of a press release from Karen Brinson Bell. Per the article, eighty municipalities do not use early or absentee voting. In those cities and towns, all voters cast their ballot on Election Day. She heard only 11 people went during those 17 days. She did poll work on the day of election day and there were 7



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William R. Turnage

## OATH

NORTH CAROLINA

HARNETT COUNTY

TOWN OF ERWIN

"I, RICKY W. BLACKMON, DO SOLEMNLY SWEAR (AFFIRM) THAT I WILL SUPPORT AND MAINTAIN THE CONSTITUTION AND LAWS OF THE UNITED STATES; AND THE CONSTITUTION AND LAWS OF NORTH CAROLINA NOT INCONSISTENT THEREWITH; AND THAT I WILL FAITHFULLY DISCHARGE THE DUTIES OF MY OFFICE AS COMMISSIONER OF THE TOWN OF ERWIN, ON WHICH I AM ABOUT TO ENTER; SO HELP ME GOD. "

RICKY W. BLACKMON, COMMISSIONER

SWORN TO AND SUBSCRIBED BEFORE ME

THIS THE 2ND DAY OF NOVEMBER 2023.

JUDGE RESSON O. FAIRCLOTH

**ATTEST:**

LAUREN EVANS, TOWN CLERK



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## OATH

NORTH CAROLINA

HARNETT COUNTY

TOWN OF ERWIN

"I, CHARLES BYRD, DO SOLEMNLY SWEAR (AFFIRM) THAT I WILL SUPPORT AND MAINTAIN THE CONSTITUTION AND LAWS OF THE UNITED STATES; AND THE CONSTITUTION AND LAWS OF NORTH CAROLINA NOT INCONSISTENT THEREWITH; AND THAT I WILL FAITHFULLY DISCHARGE THE DUTIES OF MY OFFICE AS COMMISSIONER OF THE TOWN OF ERWIN, ON WHICH I AM ABOUT TO ENTER; SO HELP ME GOD. "

CHARLES BYRD, COMMISSIONER

SWORN TO AND SUBSCRIBED BEFORE ME

THIS THE 2ND DAY OF NOVEMBER 2023.

JUDGE RESSON O. FAIRCLOTH

ATTEST:

  
LAUREN EVANS, TOWN CLERK



# TOWN OF ERWIN

P.O. Box 459 · Erwin, NC 28339  
Ph: 910-897-5140 · Fax: 910-897-5543  
www.erwin-nc.org

**Mayor**  
Randy L. Baker  
**Mayor Pro Tem**  
Ricky W. Blackmon  
**Commissioners**  
Alvester L. McKoy  
Timothy D. Marbell  
Charles L. Byrd  
David L. Nelson  
William R. Turnage

## OATH

NORTH CAROLINA

HARNETT COUNTY

TOWN OF ERWIN

"I, WILLIAM TURNAGE, DO SOLEMNLY SWEAR (AFFIRM) THAT I WILL SUPPORT AND MAINTAIN THE CONSTITUTION AND LAWS OF THE UNITED STATES; AND THE CONSTITUTION AND LAWS OF NORTH CAROLINA NOT INCONSISTENT THEREWITH; AND THAT I WILL FAITHFULLY DISCHARGE THE DUTIES OF MY OFFICE AS COMMISSIONER OF THE TOWN OF ERWIN, ON WHICH I AM ABOUT TO ENTER; SO HELP ME GOD. "

WILLIAM TURNAGE, COMMISSIONER

SWORN TO AND SUBSCRIBED BEFORE ME

THIS THE 2ND DAY OF NOVEMBER 2023.

  
JUDGE RESSON O. FAIRCLOTH

**ATTEST:**

  
LAUREN EVANS, TOWN CLERK



MINUTES CONTINUED FROM NOVEMBER 2, 2023

poll workers that day being paid \$15 an hour and 7 times \$15 equaled \$105 and it worked out to be \$1,050. If you multiplied the \$1,050 by the 17 days that equaled \$17,850. The taxpayers have to pay the State back the \$18,000. If the Town had that money, we could fix some flooded streets. The Town Board could choose to amend the Town Charter and no longer allow early voting.

*All handouts provided to the Board are part of these minutes as an attachment.*

Dwight Sheppard of 606 McKay Street came forward and thanked the Board for the chance to speak. He stated he grew up in Erwin, he attended school here and graduated in 1970. He had been attending the Town Board Meetings since May of this year and had heard many complaints about the drainage problems in the Town. He stated his neighbors at 608 McKay Street have been deliberately blocking the ditch in front of his house to divert water back onto his property. It had since been alleviated and he was thankful for the Town finally taking care of that after three years. He provided the Board with pictures of the issue in 2020 and handouts for their review. He stated the rocks were removed twice but he did not have confidence that they would not return at some point in time. We need to work together to keep the rocks out of the ditch, purposely blocking a ditch was not acceptable and was a violation of NC General Statute 77-44, which he also included a copy of in his handouts. He requested that a four-foot extension be added to the west end of the culvert that was being blocked. He promised that he would maintain it and keep it free of blockage. He thanked the Board for their time and congratulated the three re-elected Commissioners.

*All handouts provided to the Board are part of these minutes as an attachment.*

PUBLIC HEARING**LED Signs Text Amendment**

Commissioner Byrd made a motion to open the Public Hearing and was seconded by Commissioner Nelson. **The Board voted unanimously.**

Town Manager Snow Bowden stated this proposed text amendment was to allow LED signs in our B-1 and CB Zoning Districts. LED signs were only allowed in our B-2 Zoning District and for churches, schools, community centers, and other public institutional uses. The same policies would be in place.

Mayor Baker asked if anyone was present to speak in favor of the proposed text amendments.

No one came forward.

Mayor Baker asked if anyone was present to speak against the proposed text amendments.

No one came forward.

Commissioner Blackmon made a motion to close the Public Hearing and was seconded by Commissioner Nelson. **The Board voted unanimously.**

Commissioner Blackmon made a motion to recommend the approval of the Ordinance of the Town of Erwin, North Carolina Amending Section 36-549 Business Signs ORD 2023-2024:002 and was seconded by Commissioner Byrd. **The Board voted unanimously.**

Rebecca Kelly  
Public Comment  
Attachment



(1)



WEDNESDAY, OCTOBER 18, 2023

## Prepared Remarks of Karen Brinson Bell (October 18, 2023)

The following are prepared remarks of Karen Brinson Bell, executive director of the NC State Board of Elections, at a virtual press availability at 9 a.m.

RALEIGH, NC

*The following are prepared remarks of Karen Brinson Bell, executive director of the NC State Board of Elections, at a virtual press availability at 9 a.m. October 18, 2023:*

[View record](#)

<https://s3.amazonaws.com/dl.ncsbe.gov/Press/2023/Press%20availability%20Start%20of%20ea>

Good morning, everyone, and thank you for being here. I'm Karen Brinson Bell, executive director of the State Board of Elections. I'm here with State Board General Counsel Paul Cox, who will help answer questions after my remarks.

Tomorrow, October 19, marks the first day of early voting for voters in about 385 municipalities across North Carolina that have

November municipal elections. The in-person early voting period continues through Saturday, November 4.

In all, about 465 cities, towns, and villages in 86 counties are conducting elections this November. Eighty municipalities do not use early or absentee voting. In those cities and towns, all voters cast their ballot on Election Day, which is Tuesday, November 7.

As always, we encourage all eligible voters to cast a ballot in these important municipal elections.

The candidates elected in November will make important decisions for local communities, such as setting tax rates, approving new developments, deciding how many police officers and firefighters to hire, and choosing where to build parks and sidewalks.

If history is a guide, some of these municipal contests will be very, very close, and ties are not unheard of, so **every vote matters**.

We also want to remind everyone that not all voters in North Carolina will be voting in this November's local elections. You must live and be registered to vote in a city or town that is holding an election in November. A small number of municipalities hold their elections in even-numbered years. Some held their elections in October and will only vote again in November if there's a runoff. For those that are voting in November, in some cases, only certain wards or districts are up for election, and you must live in that ward or district to be eligible.

The best place to find whether you're eligible is through the State Board's Voter Search (<https://vt.ncsbe.gov/RegLkup/>) tool, which is available at [ncsbe.gov](https://www.ncsbe.gov/) (<https://www.ncsbe.gov/>), and by looking for

your sample ballot. If you don't have a sample ballot attached to your voter record, then you are not eligible for any contests in November.

And last but certainly not least, we are here today to help spread the word about the new photo ID requirement for voting.

Voters who go to the polls in this election will be asked to show an acceptable form of photo identification when they check in. This will be a new experience for many voters, so we want to make sure all voters are prepared to make their vote count.

*So, what does this mean for voters?*

This means that voters should bring an acceptable form of photo ID with them when they go to vote.

Most voters will simply show their driver's license, but many other types of IDs will be accepted. The list of acceptable IDs is available on the State Board of Elections' Voter ID webpage, [ncsbe.gov/voterID \(/voterID\)](http://ncsbe.gov/voterID (/voterID)).

And any voter who does not have an acceptable form of ID can still get one from their county board of elections between now and the end of the early voting period, November 4.

Simply go to your county elections office, provide your name, date of birth, and last four digits of your Social Security number, and have your photo taken. **It's that easy to get a free ID.**

And finally, voters who do not have an ID when it comes time to vote should not let this deter them. They can still vote a provisional

ballot and fill out an ID Exception Form. It's a simple form where the voter will explain why they were unable to show an ID.

There's another option for a voter who does not have ID when they vote, including if they forget it. They can vote and then return to the county board of elections after Election Day and before the county canvass and show an ID to have their ballot counted. County canvass is the 10th day after Election Day, so a voter who comes back with their ID has up until nine days after Election Day to bring their ID in.

Voters who vote by mail will include a photocopy of their photo ID when they return their ballot. Or, like voters who vote in person, if you vote by mail, you can also fill out an ID Exception Form, explaining why you cannot include a photocopy of your ID with your ballot.

If you still have questions, comprehensive information about the photo ID requirement is available on the State Board's Voter ID webpage, [ncsbe.gov/voterID \(/voterID\)](https://ncsbe.gov/voterID (/voterID)).

###

### **Related Topics:**

- [Early voting](#)  
(</press-release-terms/early-voting>)
- [Statements](#)  
(</press-release-terms/statements>)
- [Voter ID information](#)  
(</press-release-terms/voter-id-information>)

### **CONTACT**

## Patrick Gannon

 [patrick.gannon@ncsbe.gov](mailto:patrick.gannon@ncsbe.gov)  
(<mailto:patrick.gannon@ncsbe.gov>)

# Thank you for allowing me this opportunity to speak to you. *Public Comment Attachment*

My name is Dwight Sheppard, and most of you know that I grew up in Erwin and now own a home at 606 McKay Street.

I have been attending these meetings for a few months now, and have frequently heard you discuss the drainage issues in town. I want to talk about my own experience with this issue.

My problem began in 2020 when the resident at 608 McKay Street began deliberately blocking up the ditch in front of his house on the town right of way to cause my property to flood. As you can see from the first photo I have provided, there was grass growing well with good drainage and there was no erosion when he first blocked the culvert.

No matter how many times town employees or my wife and I removed the blockage, he continually replaced it. After being regularly blocked and backed up with water for three years, all the grass has died around the culvert opening and there has been a great deal of erosion, causing more problems with drainage further downhill. In addition, the water backed up into my yard killed a large part the sod I had installed in my front yard, causing me to spend another several hundred dollars to replace it.

Over the past three years I have contacted town officials many, many times asking for help with this issue without much success, and I have come to you tonight asking for a permanent solution to this problem.

My request is that a four foot extension be added to the west end of the culvert that is being blocked. That will put the inlet of the culvert in front of my property on the town right of way, and I can assure you I will keep it free of any blockage just as I do the other culvert in front of my house.

I understand from Mr. Bowden that the long term plan is to install a closed culvert all along McKay Street, but that will be several years in the future. I need something done now to stop the resident at 608 McKay Street from further damaging my property.

The photos that I have provided show the damage that is done by just one blocked culvert, and there are literally hundreds of culverts in Erwin. While a lot of them are not draining well, as far as I know the one at 608 McKay Street is the only one being deliberately blocked specifically to cause damage to another person's property. I certainly hope that nobody else in Erwin is being subjected to this kind of mistreatment, but if they are I hope that town officials are offering more help to them than they have to me.

I work as a fire inspector for three towns in Robeson County. I have spoken to the mayors, town managers, police chiefs, and code enforcement officers in each one. All of them have assured me that this problem would have resulted in immediate action involving citations and fines for the person

blocking the ditch in violation of NCGS 77-14 in their towns. All of them are shocked that I have been dealing with this for over three years with little response from town officials here.

The final photo shows what the resident at 608 McKay Street did to the culvert a few weeks ago. I doubt any of you would want that next to your property or even on your street. I have been dealing with this harassment for three years after town officials have failed to address it. I believe that my request to extend the culvert to end the blockage is very reasonable and cost effective. I hope that you will approve this request.

Thank you for your time and consideration.

Dwight Sheppard

A handwritten signature in black ink, appearing to read "D. Sheppard", written over a circular stamp or mark.

Attachments:

North Carolina General Statute 77-14

9 Photographs



## North Carolina General Statutes § 77-14 Obstructions in streams and drainage ditches

If any person, firm or corporation shall fell any tree or put any slabs, stumpage, sawdust, shavings, lime, refuse or any other substances in any creek, stream, river or natural or artificial drainage ravine or ditch, or in any other outlet which serves to remove water from any land whatsoever whereby the drainage of said land is impeded, delayed or prevented, the person, firm or corporation so offending shall be guilty of a Class 2 misdemeanor: Provided, however, nothing herein shall prevent the construction of any dam or weir not otherwise prohibited by any valid local or State statute or regulation. In addition to any fine or imprisonment imposed, the court may, in its discretion, order the person, firm, or corporation so offending to remove the obstruction and restore the affected waterway to an undisturbed condition, or allow authorized employees of the enforcing agency to enter upon the property and accomplish the removal of the obstruction and the restoration of the waterway to an undisturbed condition, in which case the costs of the removal and restoration shall be paid to the enforcing agency by the offending party. This section may be enforced by marine fisheries inspectors and wildlife protectors. Within the boundaries of any county or municipality this section may also be enforced by any law enforcement officer having territorial jurisdiction, or by the county engineer. This section may also be enforced by specially commissioned forest law-enforcement officers of the Department of Agriculture and Consumer Services for offenses occurring in woodlands. For purposes of this section, the term "woodlands" means all forested areas, including swamp and timber lands, cutover lands and second-growth stands on previously cultivated sites. (1953, c. 1242; 1957, c. 524; 1959, cc. 160, 1125; 1961, c. 507; 1969, c. 790, s. 1; 1975, c. 509; 1977, c. 771, s. 4; 1979, c. 493, s. 1; 1987, c. 641, s. 13; 1989, c. 727, s. 218(20); 1991, c. 152, s. 2; 1993, c. 539, s. 582; 1994, Ex. Sess., c. 24, s. 14(c); 1997-443, s. 11A.119(a); 2013-155, s. 4.)













# Erwin Board of Commissioners

## REQUEST FOR CONSIDERATION

---

To: The Honorable Mayor and Board of Commissioners

From: Snow Bowden, Town Manager

Date: November 2, 2023

Subject: LED Signs Text Amendment

---

Town Staff has prepared a proposed text amendment to our sign ordinance. This proposed text amendment would allow for “LED digital message signs” in our B-1 Neighborhood Business and CB Central Business Zoning Districts. Our current Town Code only allows for these signs in our Highway District (B-2) Zoning District and for churches, schools, community centers, and other public institutional uses. We just allowed these LED signs in our B-2 Zoning District for a while. In July 2021 the Town approved a text amendment to our ordinance that allowed LED signs to be located at churches, schools, community centers, and other public institutional uses. If approved, this text amendment would allow LED signs in our downtown district.



Current language:

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.

Recommended change

Changeable copy, electronic reader board, and LED signs are permitted ~~only~~ in the B-2 Highway Business Zoning District, **B-1 Neighborhood Business Zoning District, Central Business District (CB)** 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.



# TOWN OF ERWIN

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Timothy D. Marbell  
Charles L. Byrd  
David L. Nelson  
William R. Turnage

## ORDINANCE OF THE TOWN OF ERWIN, NORTH CAROLINA AMENDING SECTION 36-549 BUSINESS SIGNS ORD 2023-2024: 002

**WHEREAS**, the current language of Section 36-549 Business Signs reads:

### Section 36-549

(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.
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- 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.

**WHEREAS**, the Town of Erwin wishes to amend the current language of the same in order to better reflect the desired development within the Town's Planning Jurisdiction; and

**WHEREAS**, the Town of Erwin wishes to amend the current language of the same to read:

### Section 36-549

(7) Changeable copy, electronic reader board, and LED signs are permitted only in the B-2 Highway Business Zoning District, **B-1 Neighborhood Business Zoning District**, **Central Business District (CB)** 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.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Commissioners of the Town of Erwin, North Carolina that the current language as herein found with respect to Section 36-549 Business Signs of the Town Code includes such language as herein indicated by bold print.

Adopted this 2<sup>nd</sup> day of November 2023.

ATTEST:

  
Randy Baker  
Mayor

  
Lauren Evans, NCCMC  
Town Clerk

## MINUTES CONTINUED FROM NOVEMBER 2, 2023

### **Subdivision Text Amendment**

Commissioner Blackmon made a motion to open the Public Hearing and was seconded by Commissioner Byrd. **The Board voted unanimously.**

Town Manager Snow Bowden stated this proposed text amendment to our Ordinance would allow minor subdivisions off town-maintained streets with utilities already in place to have a maximum of ten or less lots. We would continue to cap state-maintained roads to three or less lots as long as they met the standards.

Mayor Baker asked if anyone was present to speak in favor of the proposed text amendments.

No one came forward.

Mayor Baker asked if anyone was present to speak against the proposed text amendments.

No one came forward.

Commissioner Blackmon made a motion to close the Public Hearing and was seconded by Commissioner Nelson. **The Board voted unanimously.**

Commissioner Blackmon stated this amendment had been a long time coming and would be good for the Town of Erwin.

Commissioner Blackmon made a motion to recommend the approval of the Ordinance of the Town of Erwin, North Carolina Amending Section 30-75 Procedure for Review of Major and Minor Subdivisions ORD 2023-2024:003 and was seconded by Commissioner Byrd. **The Board voted unanimously.**

## ORGANIZATION MEETING OF THE BOARD OF COMMISSIONERS

Mayor Baker informed the Board this was the time to elect a Mayor Pro Tem.

Commissioner Byrd made a motion to reappoint Commissioner Ricky Blackmon as Mayor Pro Tem and was seconded by Commissioner Nelson. **Motion Unanimously Approved.**

## MANAGER'S REPORT

Town Manager Snow Bowden informed the Board that:

- We had a good meeting with the State of NC regarding the St. Matthew's Road water and sewer utility extension concerning the grant that we received to extend water and sewer lines for a development on this parcel. We should have an RFQ ready to be advertised the following week.
  - The PUD that was going to be built off of St. Matthews Road was making progress. We had been waiting on a few final approvals in regard to water and sewer but progress was being made.
- The kick-off meeting for CORE (Creating Outdoor Recreation Economies) went well. We had a good team show up and a great discussion. We were going to have a few more meetings. The report will probably be ready sometime next spring or late winter.
- He heard back from Ample Storage and they had approval from NCDEQ and were in the final stages of approval from NCDOT. They were waiting on final approval from HRW then they

# Erwin Board of Commissioners

## REQUEST FOR CONSIDERATION

---

To: The Honorable Mayor and Board of Commissioners

From: Snow Bowden, Town Manager

Date: November 2, 2023

Subject: Subdivision Text Amendment

---

Town Staff has prepared a proposed text amendment to our subdivision memo. At the moment, any subdivision that creates three (3) or more lots is automatically considered a major subdivision. If you have to extend any infrastructure (ie. water and/or sewer lines) or build a new road the proposed subdivision automatically becomes a major subdivision. Minor subdivisions are considered subdivisions that are three (3) lots or less that front a town-maintained or state-maintained road. This proposed text amendment would allow for the creation of ten (10) lots if they all front a town-maintained road. The proposed text amendment does not increase the number of lots for any roads that front a North Carolina Department of Transportation (NCDOT) road. The reasoning behind this is in order to connect a driveway to an NCDOT road you have to obtain an NCDOT driveway permit. NCDOT has been requiring shared driveways as of late. I think we can address this when we start looking at our entire Town Code update.

**Sec. 30-75. Procedure for review of major or minor subdivisions.**

- (a) All subdivisions shall be considered major subdivisions except those defined as minor subdivisions in this section. Major subdivisions shall be reviewed in accordance with the procedures in sections 30-77 through 30-80. Minor subdivisions shall be reviewed in accordance with the provisions in section 30-76.
- (b) A minor subdivision is defined as one involving no new public or private streets or roads, or right-of-way dedication, and no utility extension.
- (c) Minor subdivisions shall be further defined as:
  - (1) Any subdivision which creates a maximum of three lots ten lots each of which front on a state- ~~or~~ ~~town~~-maintained road; or **ten lots each of which front a town-maintained road**; or
  - (2) Any subdivision which allows a maximum of three lots to be created on a 50-foot easement abutting a state- or town-maintained road which meets the following requirements:
    - a. Each lot shall meet the minimum zoning requirements in regards to lot size, use and frontage at time of the subdivision.
    - b. An easement cannot be created off of an existing easement or privately maintained road. In addition, all new easements must have a road maintenance agreement approved and recorded alongside the subdivision plat.
    - c. Easements must be no longer than 1,000 feet in length total.
    - d. Accessways for minor subdivisions which allow more than one lot to be created on any easement, shall be required to meet the following road construction standards:
      - 1. There shall be an access travel way width of a minimum of 20 feet.
      - 2. The travel way shall extend the entire length of the easement.
      - 3. The travel way shall be clear of all obstruction and debris.
      - 4. The travel way shall be compacted and layered with three inches of aggregate base course or improved according to the NCDOT Subdivision Manual, latest edition.

(Code 1977, § 9-3027; Ord. of 2-3-1994; Amd. of 5-7-2009; Amd. of 2-3-2011)



# TOWN OF ERWIN

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William R. Turnage

## ORDINANCE OF THE TOWN OF ERWIN, NORTH CAROLINA AMENDING SECTION 30-75 PROCEDURE FOR REVIEW OF MAJOR AND MINOR SUBDIVISIONS ORD 2023-2024: 003

**WHEREAS**, the current language of Section 30-75 Procedure for Review of Major and Minor Subdivisions reads:

### **Sec. 30-75. Procedure for review of major or minor subdivisions.**

- (a) All subdivisions shall be considered major subdivisions except those defined as minor subdivisions in this section. Major subdivisions shall be reviewed in accordance with the procedures in sections 30-77 through 30-80. Minor subdivisions shall be reviewed in accordance with the provisions in section 30-76.
- (b) A minor subdivision is defined as one involving no new public or private streets or roads, or right-of-way dedication, and no utility extension.
- (c) Minor subdivisions shall be further defined as:
  - (1) Any subdivision which creates a maximum of three lots each of which front on a state- or town-maintained road; or
  - (2) Any subdivision which allows a maximum of three lots to be created on a 50-foot easement abutting a state- or town-maintained road which meets the following requirements:
    - a. Each lot shall meet the minimum zoning requirements in regards to lot size, use and frontage at time of the subdivision.
    - b. An easement cannot be created off of an existing easement or privately maintained road. In addition, all new easements must have a road maintenance agreement approved and recorded alongside the subdivision plat.
    - c. Easements must be no longer than 1,000 feet in length total.
    - d. Accessways for minor subdivisions which allow more than one lot to be created on any easement, shall be required to meet the following road construction standards:
      - 1. There shall be an access travel way width of a minimum of 20 feet.

2. The travel way shall extend the entire length of the easement.
3. The travel way shall be clear of all obstruction and debris.
4. The travel way shall be compacted and layered with three inches of aggregate base course or improved according to the NCDOT Subdivision Manual, latest edition.

**WHEREAS**, the Town of Erwin wishes to amend the current language of the same in order to better reflect the desired development within the Town's Planning Jurisdiction; and

**WHEREAS**, the Town of Erwin wishes to amend the current language of the same to read:

**Sec. 30-75. Procedure for review of major or minor subdivisions.**

- (a) All subdivisions shall be considered major subdivisions except those defined as minor subdivisions in this section. Major subdivisions shall be reviewed in accordance with the procedures in sections 30-77 through 30-80. Minor subdivisions shall be reviewed in accordance with the provisions in section 30-76.
- (b) A minor subdivision is defined as one involving no new public or private streets or roads, or right-of-way dedication, and no utility extension.
- (c) Minor subdivisions shall be further defined as:
  - (1) Any subdivision which creates a maximum of three lots each of which front on a state- ~~or town~~-maintained road; or **ten lots each of which front a town-maintained road**; or
  - (2) Any subdivision which allows a maximum of three lots to be created on a 50-foot easement abutting a state- or town-maintained road which meets the following requirements:
    - a. Each lot shall meet the minimum zoning requirements in regards to lot size, use and frontage at time of the subdivision.
    - b. An easement cannot be created off of an existing easement or privately maintained road. In addition, all new easements must have a road maintenance agreement approved and recorded alongside the subdivision plat.
    - c. Easements must be no longer than 1,000 feet in length total.
    - d. Accessways for minor subdivisions which allow more than one lot to be created on any easement, shall be required to meet the following road construction standards:
      1. There shall be an access travel way width of a minimum of 20 feet.



2. The travel way shall extend the entire length of the easement.
3. The travel way shall be clear of all obstruction and debris.
4. The travel way shall be compacted and layered with three inches of aggregate base course or improved according to the NCDOT Subdivision Manual, latest edition.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Commissioners of the Town of Erwin, North Carolina that the current language as herein found with respect to Section 30-75 Procedure for Review of Major and Minor Subdivisions of the Town Code is stricken where indicated by strikethrough lines and includes such language as herein indicated by bold print.

Adopted this 2<sup>nd</sup> day of November 2023.

ATTEST:

  
Randy Baker  
Mayor

  
Lauren Evans, NCCMC  
Town Clerk

### MINUTES CONTINUED FROM NOVEMBER 2, 2023

would start to tear down the old Whitehouse restaurant and start clearing that site for their new business.

- Town Staff attended a meeting the week prior to learn more about the Triangle Trail Initiative project. This was a large project involving a region of over 10 counties in the triangle area. They were trying to connect all of the counties through greenways and eventually connect this region to other regions in the State. It was a large undertaking but it would be great to see it built out.
- Our audit had not been finalized yet. However, the auditors seemed pleased with everything they reviewed.
- We had submitted the requested paperwork for the 500k grant that we received in the NC State budget for a Storm Water Plan.
- We would have an ordinance for the Town Board's review at our next Town Board workshop to create a school zone off of North 10<sup>th</sup> Street/East D Street.
- A few months prior, he had a meeting with a team that wished to put a large solar farm in our area. A part of the proposed solar farm was located in our ETJ. Some other sections were found in the jurisdiction of Harnett County and the City of Dunn. There was one parcel in particular that was zoned in between Harnett County and the Town of Erwin. Depending on what the development team decides to do, he might have a resolution to discuss at our next workshop meeting that would assign exclusive Planning and Development regulation to Harnett County for this parcel and this parcel only. The vast majority of the parcel was located in the jurisdiction of Harnett County.
- The Erwin Tree Lightening ceremony will start at 7PM on Monday, November 27<sup>th</sup>.
- The Erwin Christmas Parade will be on December 4<sup>th</sup> and it will start at 7PM. There would be a float for those on the Board who would like to ride on it with their family if they choose to do so.

### ATTORNEY'S REPORT

Town Attorney Tim Morris thanked the Board for allowing him to be their Town Attorney. He stated he was asked by the Board to look into the house on St Matthews Road. He spoke with the Town Attorney for Dunn and did some research exploring our options. The first option was to apply to the court system to have a guardian appointed over unnamed or unknown heirs. Some heirs may be in West Virginia. The disadvantage of this option was that we did not know what a court would choose to do. Another option was to put a notice out there that the house had been condemned and tore down the property. This option was risky. He felt the best option was to have the Tax Department foreclose on the property and the title would be supplied by law. His number one question was if it was safe, and it was not. This house also lowered the property value for everyone else in the neighborhood.

### GOVERNING COMMENTS

Commissioner McKoy stated West K Street was ugly due to the blockage of it and erosion. Then you had a house that needed to be demolished on the same street. The Harnett County Tax Department needed to foreclose on this property as well.

Commissioner Blackmon asked if Town Engineer Bill Dreitzler went and looked at J Street.

### MINUTES CONTINUED FROM NOVEMBER 2, 2023

Town Manager Snow Bowden stated Town Engineer Bill Dreitzler informed him that he had some additional questions and was going to follow back up. He stated that Mr. Dreitzler was not sure if it was a Town problem.

Commissioner Blackmon stated the Town put it in, we had an issue there and we did have a responsibility to fix it. Mr. Dreitzler needed to revisit the site and see if we could get something moving.

Commissioner Byrd expressed his appreciation for all the citizens, Town Employees, our Town Attorney, Town Manager Snow Bowden, and Town Clerk Lauren Evans.

Commissioner Nelson thanked the Board and Town Staff for all they did. He stated the Triton Varsity Boys Soccer team played the second round of the soccer tournament and they lost. They had an amazing season.

Mayor Baker stated we had a lot to be proud of our youth for in our area.

Commissioner Turnage inquired about when the internet company will patch the holes in our roads.

Town Manager Snow Bowden stated the company would begin filling in holes the following week.

Commissioner Turnage stated he received a complaint on Mulberry Lane. He asked to have signs placed stating "Children at Play."

Commissioner Byrd asked his neighbors to not put clippings where they could fall in the ditch. We spent too much money on that ditch for it to get clogged up with clippings.

Town Manager Snow Bowden stated that Public Works Director Mark Byrd put "No Dumping" signs out in that area.

Mayor Baker thanked everyone for coming to the meeting. We were coming up on the Holiday Season and he hoped everyone had a wonderful Thanksgiving. He echoed the comments of this fellow Board Member, we were so proud of our youth, a small taste of it was present at the meeting but greatness was all over our community. He was not a boastful person, but he was proud of Erwin and the wonderful place it was to live. Our staff does an excellent job here and we could not do it without them.

### CLOSED SESSION

Commissioner Byrd made a motion to go into Closed Session Pursuant to General Statute 143-318.11(a) (6) for the Purpose of Discussing Personnel and Pursuant to General Statute 143-318.11(a) (3) for the Purpose of Preserving the Attorney-Client Privilege at 8:08 PM. and was seconded by Commissioner Nelson. **The Board voted unanimously.**

### RECONVENED

Commissioner Blackmon made a motion to go back to regular session at 8:24 PM. and was seconded by Commissioner Turnage. **The Board voted unanimously.**

**MINUTES CONTINUED FROM NOVEMBER 2, 2023**

**ADJOURNMENT**

Commissioner Blackmon made a motion to adjourn at 8:25 P.M. and was seconded by Commissioner Byrd. **The Board voted unanimously.**

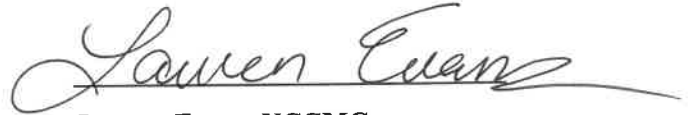
**MINUTES RECORDED AND TYPED BY  
LAUREN EVANS TOWN CLERK**

**ATTEST:**



**Randy Baker**

**Mayor**



**Lauren Evans, NCCMC**

**Town Clerk**