

**THE ERWIN BOARD OF COMMISSIONERS
APRIL 2024 REGULAR MEETING
THURSDAY, APRIL 4, 2024 @ 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 February 26, 2024 **(Page 2)**
 - B. Minutes Regular Meeting on March 7, 2024 **(Page 8)**
 - C. 2023-2024 Resurfacing Bids **(Page 16)**
 - D. BOA 2024-05 **(Page 17)**
 - E. SRO Reimbursement Agreement Amendment **(Page 18)**
 - F. SRO One-Time Bonus Agreement **(Page 23)**
 - G. ARP Grant Project Ordinance Amendment **(Page 25)**
 - H. Storm Water Grant Project Ordinance **(Page 28)**
 - I. ~~Historical Bench Program **(Page 29)**~~
 - J. Community Building Renovation **(Page 30)**
 - K. Red Hill Church Road Preliminary Plat **(Page 31)**
 - L. *Proposed Resolution to Stormwater Grant*
4. **PRESENTATION OF EMPLOYEE OF THE QUARTER**
5. **PUBLIC HEARING**
 - A. Accessory Dwelling Unit Text Amendment **(Page 32)**
6. **OLD BUSINESS**
 - A. Historical Bench Program
7. **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
8. **MANAGER'S REPORT**
9. **ATTORNEY'S REPORT**
10. **GOVERNING BODY COMMENTS**
11. **ADJOURNMENT**

****IN ACCORDANCE WITH ADA REGULATIONS, PLEASE NOTE THAT ANYONE WHO NEEDS AN ACCOMMODATION TO PARTICIPATE IN THE MEETING SHOULD NOTIFY THE TOWN CLERK AT (910) 591-4202 AT LEAST 48 HOURS PRIOR TO THE MEETING.****

ERWIN BOARD OF COMMISSIONERS**REGULAR MINUTES****APRIL 4, 2024****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, April 4, 2024, 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, David Nelson, Billy Turnage, and Alvester McKoy.

Town Manager Snow Bowden, Town Clerk Lauren Evans, Town Attorney Tim Morris, Deputy Clerk Katelan Blount, Town Planner Dylan Eure, Code Enforcement Officer Chris Jones, and Police Chief Jonathan Johnson were present.

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

Commissioner McKoy gave the invocation.

Commissioner David Nelson led the Pledge of Allegiance.

AGENDA ADJUSTMENT/APPROVAL OF AGENDA

Town Manager Snow Bowden requested to add a Proposed Resolution to Stormwater Grant **(ITEM L)** to the consent agenda.

Commissioner Blackmon removed Historical Bench Program **(ITEM I)** from the Consent Agenda and moved to Old Business **(6)**.

Commissioner Byrd made a motion to approve the agenda with the adjustments as presented and was seconded by Commissioner Blackmon. **The Board voted unanimously.**

CONSENT

Commissioner Marbell made a motion to approve **(ITEM A)** Minutes of Regular Workshop on February 26, 2024 **(ITEM B)** Minutes of Regular Meeting on March 7, 2024 **(ITEM C)** 2023-2024 Resurfacing Bids **(ITEM D)** BOA 2024-05 **(ITEM E)** SRO Reimbursement Agreement Amendment **(ITEM F)** SRO One-Time Bonus Agreement **(ITEM G)** ARP Grant Project Ordinance Amendment **(ITEM H)** Storm Water Grant Project Ordinance **(ITEM I)** Community Building Renovation **(ITEM J)** Red Hill Church Road Preliminary Plat **(ITEM K)** Stormwater Grant. **The Board voted unanimously.**



TOWN OF ERWIN
Post Office Box 459
Erwin, NC 28339
(910) 897-5140

M-E-M-O-R-A-N-D-U-M

DATE: March 21, 2024
TO: Snow Bowden, Town Manager
FROM: Bill Dreitzler, P.E., Town Engineer
RE: 2023-2024 Street Resurfacing Bids

Mr. Bowden,

On Wednesday, March 20, 2024 at 1:00 PM bids were received for the 2023-2024 Street Resurfacing project. The following bids were received:

Highland Paving Company, LLC: \$ 116,250.00

Johnson Brothers Utility & Paving: \$ 107,474.00

Barnhill Contracting Company: \$ 175,500.00

Bids were received for the following locations (approximately 3,600 linear feet):

1. N 16th Street (West N Street through the Cul-de-Sac – approximately 1,000 linear feet)
2. N 11th Street (E H Street to near E L Street – approximately 1,700 linear feet)
3. Duke Street (approximately 900 linear feet)

I have completed my evaluation of the bids and recommend award to Johnson Brothers Utility & Paving in the amount of \$107,474.00. Our budget recommendation for the resurfacing was \$153,500, exclusive of any patching and/or pothole repairs. When awarded by the Board of Commissioners I will be scheduling a site meeting with the low bidder to assess patching requirements of the listed streets and obtain a quote for the additional work.

Sincerely,

William W. Dreitzler, P.E.
Town Engineer

**BUDGET ORDINANCE AMENDMENT
BOA 2024 – 05
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 \$14,735. This amendment is to account for increase in Recreation Department expenditures.

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

Account	Description	Current Approp.	Increase/Decrease	Amended Appropriation
10-3290-000	Interest Earned	\$100,000	(+) \$14,735	\$114,735

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

Account	Description	Current Approp.	Increase/Decrease	Amended Appropriation
10-6200-740	Capital Outlay-Equip.	\$53,060	(+) \$ 14,735	\$ 67,795

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 4th day of April 2024.


Randy L. Baker, Mayor

ATTEST:

Lauren Evans, Town Clerk

**SCHOOL RESOURCE OFFICER PROGRAM
REIMBURSEMENT AGREEMENT FOR
ELEMENTARY AND PRIMARY SCHOOLS**

This Reimbursement Agreement (hereinafter "Agreement") effective July 1, 2023 is made and entered into by and between the Harnett County Board of Education (hereinafter "Board"), the governing body of the Harnett County Schools (hereinafter "HCS"), the County of Harnett (hereinafter "County"), and the Town of Erwin (hereinafter referred to as the "Town").

WITNESSETH:

WHEREAS, the Board and the Town entered into a School Resource Officer Program Memorandum of Understanding (hereinafter referred to as the "MOU") effective October 1, 2018;

WHEREAS, Article V of the MOU states th the Board and governing body of the Town agree to enter into a separate contract to address the assignment of School Resource Officers (hereinafter referred to as "SRO" or collectively "SROs") to specific HCS schools and payment for SRO services during each fiscal year; and

WHEREAS, the Board and the Town entered into a School Resource Officer Program Reimbursement Agreement for Elementary and Primary Schools (hereinafter referred to as the "MOU") effective October 1, 2018; and

WHEREAS, the Board and the Town desire to update the School Resource Officer Program Reimbursement Agreement for Elementary and Primary Schools to reflect the actual costs incurred by the Town.

NOW, THEREFORE, in consideration of the promises and covenants of the parties herein contained, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Board, County, and the Town do hereby agree as follows:

Article I

SRO School Assignment

The Town shall hire and train law enforcement officers to serve as SROs pursuant to the MOU in each of the following schools within the Town's limits:

1. Erwin Elementary

Between school years and during scheduled holidays, the Town shall have the right to utilize the SROs for non-SRO purposes so long as such uses do not conflict with any of the requirements of the MOU.

Article II

Compensation for SRO Services

The County, as part of the Current Expense Funding made to the Board every fiscal year, shall include eleven-twelfths (11/12) of the yearly allocation, identified below, to be used by the Board to compensate for law enforcement officers performing SRO services during the months that school is in session.

The compensation to be paid by County to the Town for reimbursement of the SRO services described in the MOU and for non-SRO purposes during scheduled holidays and between school years shall be set at \$74,249.00 per fiscal year, which shall be paid over twelve (12) equal monthly installments over the course of the fiscal year in accordance with Article III. The annual compensation paid by the County shall increase by three percent (3%) at the beginning of each subsequent fiscal year. If the total amount of funds expended on the SROs for the then-current term of the MOU exceeds the allocated amount for the current fiscal year, the Town shall be solely responsible for the excess expenditures of the SRO's services, unless the agreed upon in writing by the County.

At the conclusion of the academic year, the County will invoice the Board for all expenses incurred for SRO activities.

Article III

Invoices for SRO Services

In order to request payment, the Town shall submit monthly invoices to the Harnett County Sheriff's Office (hereinafter referred to as "HCSO") describing the applicable charges, including identification of personnel who performed the services, the date the services were performed, the school at which the SRO performed the services, and reimbursable expenses, if any. If the invoice contains expenditures for non-SRO purposes during a scheduled holiday, the invoice shall identify the type of services performed by the SROs. Prior to submission of invoices to the Board, the HCSO shall verify them for accuracy within five business days of receipt. Once verified, County shall process and pay invoices within 30 days of receipt.

Article IV

Term and Termination of Agreement

The term of this Agreement shall begin on July 1, 2023 and end on June 30, 2026 (the "Initial Term"), unless terminated earlier as herein provided. At the expiration of the Initial Term, this Agreement shall automatically renew for successive one (1) year terms upon the renewal of the MOU, unless any of the parties provide at least 30 days' written notice of its intent to terminate prior to the expiration of the then-current term.

This Agreement may be terminated by any party, with or without cause, upon 90 days' written notice to the other parties. However, this Agreement shall automatically terminate without notice upon the termination of the MOU. If at any time this Agreement is terminated during the Initial Term or any subsequent term of the MOU, the parties shall negotiate and execute a new agreement that is compliant with Article V or any amendment thereof prior to the termination date of this Agreement, unless any amendment of the MOU no longer requires such an agreement.

Article V

Notice

Any notice, consent, or other communication in connection with this Agreement shall be in writing and may be delivered in person, by mail, or by facsimile transmission (provided sender confirms notice by written copy). If hand-delivered, the notice shall be effective upon delivery. If by facsimile copy, the notice shall be effective when sent. If served by mail, the notice shall be effective three business days after being deposited in the United States Postal Service by certified mail, return receipt requested, addressed appropriately to the address set forth below:

To Board:

Harnett County Schools
Attention: Superintendent
1008 South 11th Street
Lillington, North Carolina 27546

To County

Brent Trout
County Manager
Post Office Box 759
Lillington, North Carolina 27546

With copy to:

Christopher Appel
Senior County Staff Attorney
Post Office Box 238
Lillington, North Carolina 27546

To Town

Snow Bowden
Town Manager
100 W F Street
Erwin, NC 28339

Article VI

Miscellaneous Provisions

1. Relationship of Parties. The parties to this Agreement shall be independent contractors, and nothing herein shall be construed as creating a partnership or joint venture; nor shall any employee of the parties be construed as employees, agents, or principals of any other party to this Agreement. Each party agrees to assume the liability for its own acts or omissions, or the acts or omissions of their employees or agents, during the term of this Agreement, to the extent permitted under law.
2. Governing Law; Venue. This Agreement shall be governed by the laws of the State of North Carolina. The venue for initiation of any such action shall be Harnett County, North Carolina Superior Court.
3. Amendments and Modifications; Additional Policies and Procedures. This Agreement may be modified or amended by mutual consent of the parties as long as the amendment is executed in the same fashion as this Agreement.
4. Entire Agreement. This Agreement constitutes the entire agreement between the parties and supersedes all prior agreements and understandings, whether written or oral, relating to the subject matter of this Agreement.
5. Severability. In the event that any provision of this Agreement shall be invalid, illegal, or otherwise unenforceable, the validity, legality, and enforceability of the remaining provisions shall in no way be affected or impaired thereby.
6. No Third Party Benefits. There are no third-party beneficiaries to this Agreement. Nothing in this Agreement shall create or give to third parties any claim or right of action against the parties.
7. Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which taken together constitute one and the same instrument.
8. E-Verify: All parties shall comply with the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes, "Verification of Work Authorization," and will provide documentation reasonably requested by any party to this Agreement demonstrating such compliance.


IN WITNESS WHEREOF, the parties hereto caused the Agreement to be executed on their behalfes.

HARNETT COUNTY BOARD OF EDUCATION

Chair


ATTEST:

COUNTY OF HARNETT



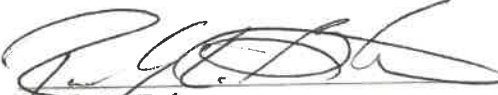
William Morris, Chairman
Harnett County Board of Commissioners

ATTEST:



Melissa Capps, Clerk

TOWN OF ERWIN



Randy L. Baker
Mayor

ATTEST:



Lauren Evans, Town Clerk

**FIRST AMENDMENT TO THE SCHOOL RESOURCE OFFICER PROGRAM
REIMBURSEMENT AGREEMENT FOR ELEMENTARY AND PRIMARY SCHOOLS**

THIS FIRST AMENDMENT TO THE SCHOOL RESOURCE OFFICER PROGRAM REIMBURSEMENT AGREEMENT FOR ELEMENTARY AND PRIMARY SCHOOLS is made and entered into as of the 4th day of March, 2024 (hereinafter referred to as the "Effective Date"), by and between the Harnett County Board of Education (hereinafter "Board"), the governing body of the Harnett County Schools (hereinafter "HCS"), the County of Harnett (hereinafter "County") and Town of Erwin (hereinafter "Town").

WITNESSETH:

WHEREAS, the Board and the Town entered into a School Resource Officer Program Memorandum of Understanding (hereinafter referred to as the "MOU") effective October 1, 2018; and

WHEREAS, Article V of the MOU states that the Board and governing body of the Town agree to enter into a separate contract to address the assignment of School Resource Officers (hereinafter referred to as "SRO" or collectively "SROs") to specific HCS schools and payment for SRO services during each fiscal year; and

WHEREAS, the Board, the County, and the Town entered into the School Resource Officer Program Reimbursement Agreement for Elementary and Primary Schools (hereinafter referred to as the "Agreement"), effective July 1, 2023; and

WHEREAS, County agreed to provide funding for the SRO positions to the Board for reimbursement of SRO services as described in the MOU.

WHEREAS, the Town agreed to provide one (1) SRO to be placed at Erwin Elementary School;

WHEREAS, the Board, County, and Town desire to provide for a one-time \$5,000.00 bonus to SRO's during the FY 2024, encompassing July 1, 2023- June 30, 2024.

NOW THEREFORE, in consideration of the mutual promises and consideration herein contained, the parties hereby agree as follows:

1. Article II entitled "**Compensation for SRO Services**" of the Agreement is hereby amended as follows:

Add the following paragraph:

The County shall provide a one-time bonus of five-thousand dollars (\$5,000.00) for the SRO position identified Article I of the Agreement, independent of the compensation for the annual law enforcement officers performing SRO services. The one-time bonus shall be paid to the Town in two (2) two-thousand five-hundred dollars (\$2,500.00) payments, payable upon invoicing by the municipalities at the conclusion of each semester of the

2023-2024 academic year. The one-time bonus of \$5,000.00 shall be excluded in calculating the 3% annual increase in compensation to municipalities for law enforcement officers performing SRO services.

2. All other terms of the July 1, 2023 Agreement will remain unchanged.

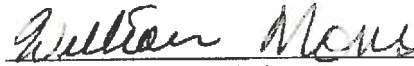
IN WITNESS WHEREOF, the parties hereto, through their duly authorized representatives or officers, have executed this First Amendment to the School Resource Officer Program Reimbursement Agreement for Elementary and Primary Schools as of the Effective Date:

HARNETT COUNTY BOARD OF EDUCATION

Chair

ATTEST:

COUNTY OF HARNETT



William Morris, Chairman
Harnett County Board of Commissioners

ATTEST:



Melissa Capps, Clerk




TOWN OF ERWIN



Randy L. Baker, Mayor

ATTEST:



Lauren Evans, Town Clerk



TOWN OF ERWIN

P.O. Box 459 · Erwin, NC 28339
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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

**Amendment to Grant Project Ordinance ORD 2021-2022:001
Town of Erwin
American Rescue Plan Act of 2021: Coronavirus State and Local Fiscal Recovery
Funds
ORD 2021-2022:001 Amendment**

BE IT ORDAINED by the Town council of the Town of Erwin, North Carolina that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following revised grant project ordinance is hereby adopted:

Section 1: This ordinance is to amend a budget for the project funded by the Coronavirus State and Local Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (ARP/CSLFRF). The Town of Erwin (Town) has received tranche one on July 13, 2021 in the amount of \$821,602.01 and tranche two on July 22, 2022 in the amount of \$821,602.01 of CSLFRF funds. The total allocation is \$1,643,204.02. These funds will be used for the following categories of expenditures, to the extent authorized by state law.

1. Under Interim Rule, purchased a Street Sweeper, allowable due to Clean Water Revolving Fund Storm water Project approved list. This equipment allows the Town to ensure roads are cleaner in the Town, so storm water from the roads going into ditches are less contaminated with pollutants.
2. Revenue Replacement to cover Government Services such as bank charges to establish new checking account and to allocate funds for Salaries and benefits, per department.

Section 2: The Town has elected to take a standard allowance, as authorized by 31 CFR Part 35.6(d)(1) and expend all its ARP/CSLFR funds for the provision of government services.

Section 3: The following amounts are appropriate for the project and authorized for expenditure:

Internal Project ARP/CSLFRF Code	Project Description Appropriation Description	Expenditure Category (EC)	Cost Object	of Funds
001	Street Sweeper	6.1	Equipment	\$227,546.00
002	Administration Services for July 1, 2021 – December 2024	6.1	Salaries	\$233,226.24
003	Planning Services for July 1, 2021 – December 2024	6.1	Salaries	\$ 72,099.59
004	Police Services for July 1, 2021 – December 2024	6.1	Salaries	\$714,496.02
005	Public Works-Admin. Services for July 1, 2021 – December 2024	6.1	Salaries	\$ 70,774.97
006	Public Works-Street Services for July 1, 2021 – December 2024	6.1	Salaries	\$140,887.62
007	Public Works-Sanitation Services for July 1, 2021 – December 2024	6.1	Salaries	\$ 42,464.98
008	Parks & Recreation Services for July 1, 2021 – December 2024	6.1	Salaries	\$141,549.92
009 <u>158.67</u>	Bank Charges	6.1	Admin	<u>\$</u>

TOTAL
\$1,643,204.02

Section 4: The following revenues have been received and available to complete the project:

ARP/CSLFRT Funds: \$1,643,204.02

Section 5: The Finance Director is to maintain sufficient specific detailed accounting records to satisfy the requirements of the grantor agency and the grant agreements, including payroll documentation in accordance with 2 CFR 200.430 & 2 CFR 200.431 .

Section 6: The Town Manager is hereby directed to report the financial status of the project to the governing board on a quarterly basis.

Section 7: This Amended Grant Ordinance shall be entered into the minutes of the Board after adoption and copies furnished to the Town Manager, Finance Director and to the Clerk to Town Council.

Section 8: This Amended Grant Project Ordinance expires on December 31, 2026, or when all the ARP/CSLFRF funds have been obligated and expended by the Town, whichever occurs sooner.

Adopted this 4th day of April, 2024



Randy Baker
Mayor

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

Grant Project Ordinance

ORD 2023-2024 : 008

Town of Erwin

Storm water Management

**NCDEQ – Division of Water Infrastructure
S.L. 2023-134 Water/Sewer Directed Projects**

BE IT ORDAINED by the Town council of the Town of Erwin, North Carolina that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby adopted:

Section 1: This ordinance is to adopt a budget for the project funded by the NCDEQ Division of Water Quality, Division of Water Infrastructure for S.L. 2023-134 Water/Sewer Directed Projects. The Town of Erwin (Town) will receive the amount of \$485,000 for a storm water Management Plan. These funds will be used for the following category of Engineering Cost: Engineering Design \$485,000. to the extent authorized by state law.

Section 2: The following amounts are appropriate for the project and authorized for expenditure:

Project Budget	Funding Amount	Total Cost Amount
	From	
	S.L. 2023-134	
Engineering Cost/Design \$485,000	\$485,000	

Section 3: The following revenues will be available to complete the project:

NCDEQ, Division of Water Infrastructure Funds:	\$485,000
--	-----------

Adopted this 4th day of April 2024


Randy Baker
Mayor

Attest:

Lauren Evans
Town Clerk

Kevin Tyndall Builders, Inc.

1014 West Core Road
 Dunn, NC 28334
 Phone # (910) 237-4237

Estimate

Date	Estimate #
3/7/2024	3838

tyndallbuilders@embarqmail.com

Town of Erwin

Description	Supervisor	Project
	Community Building	Community Building
	Qty	Total
Erwin Community Building Bathroom Remodel Demo - Including removing all tile, concrete floor, block wall and fixtures Dispose of all debris Plumbing - To include removing all drain lines, water lines. Replacing with new lines and all new fixtures Repour concrete floor Install wiring as needed on walls removed including new lights, heaters, etc. Install new masonry walls as needed to enlarge bathroom and handicap accessories. Install new bathroom stall surrounds Install new vanities, sinks, etc Install new tile floor Paint to customers preferences Material and Labor		89,000.00
Total		\$89,000.00



TOWN OF ERWIN

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www.erwin-nc.org

RESOLUTION BY GOVERNING BODY OF APPLICANT

2023-2024—006

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, NC has need for and intends to construct, plan for, or conduct a study in a project described as East Erwin Drainage Basin Mitigation Project – Phase 2, and

WHEREAS, The Town of Erwin, NC intends to request State loan and/or grant assistance for the project,

NOW THEREFORE BE IT RESOLVED, BY THE BOARD OF COMMISSIONERS OF THE TOWN OF ERWIN, NC:

That Town of Erwin, NC, the Applicant, will arrange financing for all remaining costs of the project if approved for a State loan and/or grant award.

That the Applicant will provide for efficient operation and maintenance of the project on completion of construction thereof.

That the Applicant will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the governing body of the Applicant agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the Town of Erwin, NC to make a scheduled repayment of the loan, to withhold from the Town of Erwin, NC any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

If applying for a regional project, that the Applicant will partner and work with other units of local government or utilities in conducting the project, including (not applicable).

That Snow Bowden, Town Manager, the Authorized Representative and successor so titled, is hereby authorized to execute and file an application on behalf of the Applicant with the State of North Carolina for a loan and/or grant to aid in the study of or construction of the project described above.

That the Authorized Representative, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such

application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.


That the Applicant has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, ordinances, and funding conditions applicable to the project and to Federal and State grants and loans pertaining thereto.

ADOPTED, this the 4th day of April, 2024.

ATTEST:

A handwritten signature in black ink, appearing to read "Randy Baker", written over a horizontal line.

Randy Baker
Mayor

A handwritten signature in black ink, appearing to read "Lauren Evans", written over a horizontal line.

Lauren Evans NCCMC
Town Clerk

MINUTES CONTINUED FROM APRIL 4, 2024

PRESENTATION OF EMPLOYEE OF THE QUARTER

School Resource Officer William M. Smith was recognized as the Employee of the Quarter 1 of 2024. Mayor Baker presented him with a Proclamation Plaque.

PUBLIC HEARING

Accessory Dwelling Unit Text Amendment

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

Town Planner Dylan Eure came forward and informed the Board that the Town Staff has been working on an Amendment to Town Ordinances for Accessory Dwelling Units. This was a request that was put in by a Mr. Rickey Davis of BARZ Holdings, a property owner within the Town.

Commissioner Byrd asked what the lot size requirements would be with this Amendment.

Town Planner Dylan Eure stated that it would be double whatever the minimum requirements are for the applicable zoning jurisdiction.

Mayor Baker confirmed that if it was an R6 zoning jurisdiction, which has a 6,000sqft lot requirement, the new requirement would be a 12,000 sqft lot with a minimum of 100ft of road frontage.

Commissioner Byrd asked if our current ordinance allows for one principal structure per lot.

Town Manager Snow Bowden stated that this is correct.

Commissioner Blackmon stated that he is concerned that this will cause conflicting ordinances. He is also concerned with the size requirements and minimum housing code. Building code requires certain square footage. He also stated he doesn't believe that a certified engineer can certify a house to be habitable, so the Town needs to look at that as well. He stated that he did not think this would be a good thing for Erwin.

Commissioner Byrd asked if this would be putting two residences on less than 1/3 acre lots, and if there are other municipalities within Harnett County that allow this.

Town Planner Dylan Eure responded that yes, each municipality within Harnett County has a form of approved Accessory Dwelling Units.

Commissioner Blackmon expressed concern about allowing accessory units as a dwelling but not as a home occupation.

Mayor Baker asked if anyone was present to speak in favor of the request.

Rickey Davis, of BARZ Holdings, and the petitioner for this Amendment, came forward and addressed the Board. He stated that he would like to see more affordable options for people within Erwin who need a second chance, and have nowhere else to go due to the current interest rates being too high. The main reason he would like this to move forward is because of the housing shortage and he would like to help people. He stated that he has some properties that would be ideal for this with existing structures. He has also stated that this would also be beneficial for new graduates, like his daughter, who won't be able to afford to purchase a home. It would also be a way to create additional income for property owners that meet the square footage regulations.

MINUTES CONTINUED FROM APRIL 4, 2024

Mayor Baker asked if Mr. Davis has a property that this proposed amendment would allow for an additional dwelling.

Mr. Davis answered in the affirmative, and stated that he had the lot subdivided to build a new residence. The property was an old junkyard and has since been cleaned up. He currently has an ADU on the property and renters within the primary house and the ADU, without knowing that it was against the Town Ordinance. He is now trying to get within compliance.

Mayor Baker asked if anyone else was present to speak in favor of the request.

Marsha Woodard came forward. She stated that she is a homeowner in Erwin, in a multi-generational home, and had looked into getting an ADU for their property but was told that it is not allowable. She explained that while she is for allowing ADUs, she is concerned about additional parking, as well as how many individuals would be allowed to reside in an ADU.

Mayor Baker asked if the Board had any additional questions.

Commissioner Blackmon stated that he believes the concern that Ms. Woodward raised about the parking and the number of people in the ADU is valid, and would have to look into minimum housing.

Mayor Baker asked if anyone else was present to speak in favor of the request.

No one came forward.

Mayor Baker asked if anyone else was present to speak in opposition to the request.

No one came forward.

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

Commissioner Blackmon expressed concern for this amendment. As currently written, there is nothing to address how many individuals can occupy the ADU. How would assigning addresses to the ADU for public safety calls be handled? How would emergency services access the ADU?

Commissioner Byrd asked what zoning classifications this would apply to.

There was discussion among the Board, as well as reviewing the zoning maps and lot size requirements.

Mayor Baker stated that he would like to see more language added to the Amendment to address these concerns.

Commissioner Blackmon asked if there would be any requirements for the distance of the ADU from the principal structure.

Town Manager Snow Bowden answered that it would be 10ft.

Commissioner Byrd stated that he is worried about putting an undue burden on the surrounding homes, with parking issues.

Commissioner Marbell asked that Town Planner Dylan Eure request and compile the guidelines from the surrounding Municipalities to get their requirements for ADU.

Commissioner Nelson asked if this would allow for sheds to be used, since manufactured housing, campers, and RVs are not allowable.

Erwin Board of Commissioners

REQUEST FOR CONSIDERATION

To: The Honorable Mayor and Board of Commissioners
From: Dylan Eure, Town Planner
Date: April 4th, 2024
Subject: Accessory Dwelling Unit Text Amendment

The Town of Erwin Staff has received a petition to amend its Code of Ordinances to allow for accessory dwelling structures in all residential districts by a Mr. Ricky Davis of BARZ Holdings, who owns rental properties within the Town of Erwin. Said amendment would add the proposed definition of accessory dwelling units to Chapter 36 Article 2 entitled Definitions, along with the proposed regulations within the same chapter under Article XV entitled General Provisions. The purpose of the said petitioned amendment is to increase the amount of affordable living options for those who may be priced out by the marketplace. Said amendment was authored by the property owner (Rickey Davis) and was written by the Erwin Town Planner (Dylan Eure) as per the petition to amend the Erwin Code of Ordinances requires. Per the 2023 Erwin Land Use Plan Goal 1 LUH 4.2 states that accessory dwellings are to be allowed and are desirable to increase housing options.

Proposed Regulation:

Accessory Dwellings:

1. Accessory dwelling units are permitted as an accessory use to a residential use in which is subordinate to the principal structure.
2. Accessory dwelling units must be able to conform to an additional fifty (50) feet of frontage in addition to the required frontage of the principal structure.
3. Accessory dwelling units shall have double the required lot size that is permitted within the designated zoning district.
4. Only one (1) accessory dwelling is permitted per residency.
5. The maximum size of the accessory dwelling unit is lesser than fifty (50) percent of the living area of the principal structure or one thousand (1,000) square feet, whichever is lesser.
6. Accessory Dwelling must be a minimum of 10 feet from the side property and rear property lines or principal structure. Under no circumstance shall accessory dwellings be placed within the front setback.
7. Manufactured housing, campers, travel trailers, or any other recreational vehicles are not permitted for use as an accessory dwelling.
8. Must contain complete kitchen facilities including a stove/cook top and a full bath containing a lavatory, and tub or shower.

9. One off-street parking place shall be provided.
10. Accessory dwellings shall be built to North Carolina Building Standards or have been certified by a licensed engineer that the structure is suitable for habitation.
11. Accessory dwellings must be on the separate water and utilities as the principal structure.
12. Any accessory dwelling unit that is being built must be done by a certificated general contractor as required per NC General Statute Chapter 87.

Proposed definition of an accessory dwelling unit:

A detached smaller, self-contained home that is subordinate to the principal structure and built to North Carolina Building Code for the purpose of occupying and or renting by the property owner.



Town of Erwin Zoning Text Amendment Application

Planning & Inspections Department
PO Box 459, 100 West F St, Erwin, 28339 · 910-897-5140 · Fax 910-897-5

Applicant Name	Rickey Davis / Baez Holding LLC
Applicant Mailing Address	7749 Pogon sr hollow spring NC 27592
Applicant Contact Phone	951-796-8253
Applicant Email	Rickey8733@MSN.COM
Zoning Ordinance Section Number	

In the space provided below, or on a separate sheet of paper, please state the nature of the proposed text amendment.

Rickey Davis
Applicant's Name (Print)

[Signature]
Applicant's Signature (Sign)

3/11/24
Date

Administrative Official's Comments and Additional Requirements:

In the space provided below, or on a separate sheet of paper, provide the language proposed by Staff and authorized by the applicant for consideration of the Planning Board and Board of Commissioners.

I, Rickey Davis, do hereby certify that the language as herein provided and prepared by the Town of Erwin Staff does meet the intent, in all respects, of my proposed Zoning Ordinance Text Amendment; and authorize the same to be presented to the Town of Erwin Planning Board and Board of Commissioners for their consideration of approval.

Rickey Davis
Applicant's Name (Print)

[Signature]
Applicant's Signature (Sign)

3/11/24
Date

\$300
Ordinance Amendment Fee Must Accompany Application and Be Paid Prior to Scheduling for a consideration by Boards.

Fee Paid: <u>\$300</u>	Date Paid: <u>11/14/24</u>	Staff Initials: <u>[Signature]</u>
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3.3: Encourage subdivisions with larger lots and/or higher amounts of open space to be located in the Suburban Residential areas on the Future Land Use Map.

LUH 4: Allow for a variety of residential land uses.

- 4.1:** Encourage a mix of higher-density housing types to locate in Commercial/Mixed Use areas or near US 421.
- 4.2:** Allow a variety of small-scale attached housing types (accessory dwellings, duplexes, quads, townhomes) on well-located sites in the mill village.
 - ◆ Consider allowing townhomes in more areas (Currently allowed only as a Special Use in R-10, R-6, RMV, and DMV districts).
 - ◆ Consider allowing duplexes, triplexes or quadplexes in more areas (currently allowed as a Special Use in R-6 only).
 - ◆ Consider allowing accessory dwelling units that meet design criteria (minimum setbacks, etc.).
- 4.3:** Allow a certain percentage of attached homes as part of new planned developments (i.e. 30% max).
 - ◆ Encourage alley-loaded attached units with front porches and on-street parking to improve pedestrian safety.
 - ◆ Consider reduced setbacks and lot width requirements for rear loaded housing types.



LUH 5: Protect rural views on the edges of town.

5.1: Discourage large stretches of “Fanny First” development (visible backs of homes) along major roads by encouraging tree preservation, planting buffers and location of open space along blocks.

NOTICE OF PUBLIC HEARING

The Town of Erwin Board of Commissioners will conduct a Public Hearing on the following item pursuant to NC General Statute 160D-406, on Thursday, April 4, 2024, at 7:00 P.M. in the Erwin Municipal Building Board Room located at 100 West F Street, Erwin, NC 28339. Questions can be addressed to the Town Planner Dylan Eure at 910-591-4201 or by email at deure@erwin-nc.org.

- Text Amendment to Chapter 36 Zoning, Article XX Administration and Enforcement, Section 36-584.- Penalty in the Town of Erwin Code of Ordinances.
- Text Amendment to Chapter 36 Zoning, Article II.- Definitions in the Town of Erwin Code of Ordinances.
- Text Amendment to Chapter 36 Zoning, Article II.- Definitions and Article XV. -General Provisions in the Town of Erwin Code of Ordinances.
- Text Amendment to Chapter 12 Environment, Article IV. – Weeds, Hedges, Tall Grass, and Other Vegetation, Section 12-92. – Definitions.

These cases are available for review at the Erwin Town Hall. All persons desiring to be heard either for or against the proposed items set forth above are requested to be present at the above-mentioned time and place.
3/19,26/2024



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

**ORDINANCE OF THE TOWN OF ERWIN, NORTH CAROLINA
AMENDING CHAPTER 36 ARTICLE II. – DEFINITIONS AND
ARTICLE XV.- GENERAL PROVISIONS
ORD 2023-2024: 008**

WHEREAS, the current language of Chapter 36 Article II.- Definitions does not define Accessory Dwelling Units; and

WHEREAS, the current language of Chapter 36 Article XV.- General Provisions does not include regulations regarding Accessory Dwelling Units; and

WHEREAS, the Town of Erwin wishes to add dictation to Chapter 36, Article II.- Definitions, and Article XV.- General Provisions in order to better reflect the desired development within the Town's Planning Jurisdiction; and

WHEREAS, the Town of Erwin wishes the amendment to read:

ARTICLE II.- DEFINITIONS

***Accessory Dwelling Unit* is a detached smaller, self-contained home that is subordinate to the principal structure and built to the North Carolina Building Code for the purpose of occupying and/or renting by the property owner.**

ARTICLE XV.- GENERAL PROVISIONS

Sec. 36-446.- Accessory Dwellings

- 1. Accessory dwelling units are permitted as an accessory use to a residential use in which is subordinate to the principal structure.**
- 2. Accessory dwelling units must be able to conform to an additional fifty (50) feet of frontage in addition to the required frontage of the principal structure.**
- 3. Accessory dwelling units shall have double the required lot size that is permitted within the designated zoning district.**
- 4. Only one (1) accessory dwelling is permitted per residency.**
- 5. The maximum size of the accessory dwelling unit is less than fifty (50) percent of the living area of the principal structure or one thousand (1,000) square feet, whichever is less.**

- 6. Accessory Dwelling must be a minimum of 10 feet from the side property and rear property lines or principal structure. Under no circumstance shall accessory dwellings be placed within the front setback.**
- 7. Manufactured housing, campers, travel trailers, or any other recreational vehicles are not permitted for use as an accessory dwelling.**
- 8. Must contain complete kitchen facilities including a stove/cooktop and a full bath containing a lavatory, and tub or shower.**
- 9. One off-street parking place shall be provided.**
- 10. Accessory dwellings shall be built to North Carolina Building Standards or have been certified by a licensed engineer that the structure is suitable for habitation.**
- 11. Accessory dwellings must be on the separate water and utilities as the principal structure.**
- 12. Any accessory dwelling unit that is being built must be done by a certificated general contractor as required per NC General Statute Chapter 87.**

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Erwin, North Carolina that the language as herein found with respect to Chapter 36, Article II.- Definitions; and Article XV.- General Provisions of the Town Code is indicated by bold print.

Adopted this 4th day of April 2024.

ATTEST:

Randy Baker
Mayor

Lauren Evans, NCCMC
Town Clerk

MINUTES CONTINUED FROM APRIL 4, 2024

Town Planner Dylan Eyre stated that the sheds would be allowed as long as they are updated and made to meet housing requirements.

Commissioner Byrd made a motion to table until the following Board Meeting, which was seconded by Commissioner Turnage. **The Board voted unanimously.**

OLD BUSINESS**Historical Bench Program**

Commissioner Blackmon wanted to discuss the Historical Bench Program Committee. Who would be appointing this committee and what would their specific roles be?

Mayor Baker stated that we would probably need to have those interested fill out an application and it would be presented to the Board to place those members on the Committee, similar to how we approve Planning Board and Recreation Board members.

Town Manager Snow Bowden clarified that this basic outline was to be able to start putting an application together and soliciting potential members to form a committee and identify areas to put benches.

Commissioner Blackmon made a motion for the Resolution to establish the Erwin Historical Bench Committee, which was seconded by Commissioner Byrd. **The Board voted unanimously.**

PUBLIC COMMENT

No one was present to speak.

MANAGER'S REPORT

Town Manager Snow Bowden informed the Board:

- He has a meeting on Friday, April 5h with Harnett Regional Water to discuss the projects involving the St. Matthews Road water/sewer line extension. This involves the \$1 million grant that the Town of Erwin received from the State that was transferred to Harnett Regional Water. He will also be discussing the downtown water line improvements as well.
- We are starting to get into event season.
 - The Neil S. Steward Masonic Lodge will be holding a clean-up event on the Dunn-Erwin Rail Trail on Saturday, April 6th.
 - The annual Erwin Remembrance Ceremony will be held on Tuesday, April 9th at 6 pm at Al Woodall Park, in honor of lives lost in our community this past year.
 - The Habit for Humanity will be hosting a 5K run on the Rail Trail on Saturday, April 13th.
 - The Erwin Area Chamber of Commerce is hosting the 3rd Annual Jow Tart golf tournament at Chicora on Thursday, May 2nd.
 - The Erwin Area Chamber of Commerce is hosting their Touch-A-Truck event on Saturday, May 11th. The event will be held in the morning, in the parking lot at the Central Carolina Industrial Park.
- He has submitted all requested documentation to Harnett County for the \$50,000 grant that the Town will receive from the State of NC that will be funneled through Harnett County. We will be using the funds from this grant for improvements to Al Woodall Park. We will need to approve a



TOWN OF ERWIN

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RESOLUTION ESTABLISHING THE ERWIN HISTORICAL BENCH COMMITTEE

2023-2024—005

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 been rich in history since its inception in 1903 under its former name of Duke Township and its official incorporation in 1967 under the name of Erwin; and

WHEREAS, since the Town's inception and incorporation many changes have taken place to create what Erwin is today at its current state; and

WHEREAS, it is the belief of Citizens that they should be allowed to purchase benches to be installed within areas of historical significance through solicitation of the Town of Erwin; and

WHEREAS, it is the belief of the Erwin Board of Commissioners and Town Staff that locations of historical significance to the Town be memorialized to preserve its rich history and to retain its character through growth and development to continue to share Erwin's deep historical roots.

THEREFORE, the Erwin Historical Bench program be established to memorialize historical locations within Town to help preserve its rich character and culture.

THEREFORE, the Erwin Historical Bench Committee will be established to manage requests and locate areas of historical significance for the Historical Bench Program.

THEREFORE, BE IT RESOLVED that the recommended policies and guidelines be adopted and enacted in regards to the Erwin Historical Bench Program to ensure that historical locations within the Town of Erwin are celebrated and remembered for generations to come.

ADOPTED, this the 4th day of April, 2024.

ATTEST:

Randy Baker
Mayor

Lauren Evans NCCMC
Town Clerk

MINUTES CONTINUED FROM APRIL 4, 2024

- grand project ordinance in the coming months. We intend to resurface both tennis courts and will be turning one of those tennis courts into two pickleball courts with this grant.
- Town Staff is planning to schedule a few open houses to discuss the potential HWY 421 Overlay district. We are hoping to get them scheduled in April and/or May.
- Town Staff has submitted our grant application for a multi-modal planning grant with a focus on a bike-pedestrian plan. We submitted an application with numerous letters of support from key stakeholders and organizations in the community. Dylan did a great job with this application. We should see if we were given the grant or not in June of this year.
- We are still waiting on an update from the State of NC on the storm water management plan grant.
 - Town Engineer Bill Dreitzler is supposed to have a recommendation prepared to share with Town Manager Snow Bowden next week on what needs to be fixed with the drainage on North 9th Street.
 - We should have an update on the West K Street project for the Board at our April workshop meeting.
- He is continuing to work on updates to the proposed FY24-25 budget. He expects to learn about health insurance costs soon, which will help a lot. Finance Officer Linda Williams and he learned a lot from the finance training they attended earlier in the month.
- We have a virtual meeting next Thursday to review the updated proposed flood maps that will have an impact on a few parcels in our Town Limits and ETJ.
- We have our final CORE meeting on Tuesday, April 23rd from 12-2pm.
- He will be attending a Triangle Trails meeting towards the end of the month. We are continuing to explore opportunities to better connect the Dunn-Erwin Rail Trail.
- He will be attending a meeting on April 25th to learn more about a potential opportunity to submit a proposal for the 2024 Defense Community Infrastructure Program. This is a program that has been around for a while. The Town would pay for the construction materials and the federal government provides the staff to build out the infrastructure. There are many details that would need to be learned before going into too much detail.
- He plans on sending in some updated numbers to the State of NC by tomorrow for the grant that we received for the park expansion project. We are planning on using a portion of this grant to pay for the new parking lot at Al Woodall Park.
 - He plans on reaching back out to the property owners of the land that is adjacent to Field #4 to see if the Town could purchase that parcel of land as well, for future use.
- Mayor Baker, Commissioner McKoy, Commission Nelson, and Town Manager Snow Bowden attended the NCLM Town and State Dinner on Wednesday, March 27th. They had a good conversation about some of our needs with Representative Penny and Senator Burgin.
- Commissioner Nelson and Town Manager Snow Bowden attended the Mid-Carolina Regional Council Annual Dinner on Thursday, March 28th. They had a good conversation with Representative Penny and other local stakeholders. Commissioner Nelson will be serving as the municipal representative for Harnett County on the Mid-Carolina Board this upcoming year.
- By April 7th, if the Town doesn't have any feedback or complaints, the Bayles Street extension will officially be closed.
- We are still waiting on an update for FAMPO.
- Mayor Baker reached out to NCDOT and found out that Old Post Road was moved up to be resurfaced in 2024. It was originally slated for 2025 but due to the condition of the road, has been moved up.

MINUTES CONTINUED FROM APRIL 4, 2024

ATTORNEY'S REPORT

Town Attorney Tim Morris thanked the Board for allowing him to be their Town Attorney.

GOVERNING COMMENTS

Commissioner McKoy stated that he would like to see any park funds left over from the Al Woodall project to be used for a barrier at Porter Park. He is worried about someone getting hurt. He would also like to see the parking lot that faces 13th Street repaved and restriped.

Mayor Baker stated that he would like to congratulate Commissioner Blackmon on the birth of his fourth grandchild.

Commissioner Byrd thanked the Town Employees for all the hard work they do.

Commissioner Nelson echoed Commissioner Byrd. He appreciates the Town Staff and the Police Department for their outstanding work. He appreciates the residents who come out to voice their opinion, as it means a lot.


Commissioner Turnage stated that he appreciates the hard work that Code Enforcement Officer Chris Jones has been doing. When citizens go see him, he is trying to get things done. He would just reiterate that the Gettin' Place needs to be dealt with. He would like some advice from the Town Attorney on how to handle the situation. He appreciates the hard work that the Town Staff does.

Mayor Baker echoes the appreciation for the Town Staff and Citizens. He'd like to remind everyone of the upcoming events- the workshop and the Remembrance Ceremony. Ms. Lauren Evans has put in a lot of work for the ceremony and it is appreciated.


ADJOURNMENT

Commissioner Nelson made a motion to adjourn at 7:47 P.M. and was seconded by Commissioner Byrd. **The Board voted unanimously.**

**MINUTES RECORDED AND TYPED BY
KATELAN BLOUNT DEPUTY CLERK**


Randy Baker
Mayor

ATTEST:


Katelan Blount
Deputy Clerk