

**THE ERWIN BOARD OF COMMISSIONERS
FEBRUARY 2024 REGULAR MEETING
THURSDAY, FEBRUARY 1, 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. Regular Meeting on January 4, 2024 **(Page 2)**
- B. 2023-2024 Street Resurfacing Recommendations **(Page 9)**
- C. BOA-2024-04 **(Page 11)**
- D. NC DOT ROW Contract **(Page 12)**
- E. Surplus Vehicles **(Page 21)**
- F. Bayles Street Extension **(Page 22)**
- G. No Overdue Taxes Form **(Page 27)**
- H. Updated Job Classification and Grade Schedule **(Page 28)**

4. PUBLIC HEARING

- A. SU-2024-001 **(Page 30)**
- B. Accessory Building Text Amendment **(Page 53)**

5. 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

6. PUBLIC HEARING

- A. Al Woodall Park Potential Grant

7. MANAGER'S REPORT

8. ATTORNEY'S REPORT

9. GOVERNING BODY COMMENTS

10. 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****FEBRUARY 1, 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, February 1, 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, and Alvester McKoy.

Board Member absent was Commissioner Turnage.

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

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

Commissioner McKoy gave the invocation.

Commissioner Nelson led the Pledge of Allegiance.

AGENDA ADJUSTMENT/APPROVAL OF AGENDA

Town Manager Snow Bowden requested to add New Business after Public Comment, Item A: Al Woodall Park Potential Grant.

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

CONSENT

Commissioner Blackmon made a motion to approve **(ITEM A)** Minutes of Regular Meeting on January 4, 2024 **(ITEM B)** 2023-2024 Street Resurfacing Recommendations **(ITEM C)** BOA-2024-04 **(ITEM D)** NC DOT ROW Contract **(ITEM E)** Surplus Vehicles **(ITEM F)** Bayles Street Extension **(ITEM G)** No Overdue Taxes Form **(ITEM H)** Updated Job Classification and Grade Schedule and was seconded by Commissioner McKoy. **The Board voted unanimously.**

PUBLIC HEARING**SU-2024-001**

Commissioner Byrd made a motion to open the Public Hearing and was seconded by Commissioner Blackmon. **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: January 9, 2024
TO: Mayor and Town Board of Commissioners
FROM: Bill Dreitzler, P.E., Town Engineer
RE: 2023-2024 Powell Bill Street Re-surfacing Priority Recommendations

Snow,

After review of our street resurfacing locations over the last few years, review of the 2023 Pavement Condition Survey, and our continued field condition evaluation, please consider the following recommendations:

1. N 16th Street (W N Street to Cul-de-Sac - Approx. 1,000 LF)
Estimated Cost: \$45,000
2. N 11th Street (E L Street to E H Street – Approx. 1,800 LF)
Estimated Cost: \$63,000
3. Duke Street (Approx. 900 LF)
Estimated Cost: \$31,500

The 2023 Street Pavement Condition Report assigned a Pavement Condition Index (PCI) to each section of the Town's Street system. The street condition is considered very poor with a PCI in the range of 0-26 and considered poor with a PCI in the range of 25-65. The streets recommended above for resurfacing had some of the lower PCI ratings. N 16th had a PCI that ranged from 20.1 to 50.2 with the cul-de-sac section the poorest. N 11th Street had a PCI that ranged from 50 to 51.8. Duke Street had a PCI of 48.7.

The opinion of cost is based on an evaluation of the re-surfacing cost over the last few years. Based on the opinion of cost above, the estimate for resurfacing is \$139,500 plus any additional cost for patching and pothole repairs.

W N Street rated very poorly; however, with the pending Townhome project that will be accessed from the south end of N 16th Street staff is recommending that resurfacing of W N be delayed until after construction of the Townhome project to avoid damage from the construction traffic. In addition, staff is recommending that the section of N 16th Street from W N Street to the south end of N 16th Street be delayed for the same reasoning. Staff will re-evaluate street conditions based on the PCI values in the 2023 Report when making recommendations for resurfacing in the next budget year. However, based on my assessments for this year's recommendations, I would offer the following as high priority when we reach the FY 2024-2025 budget:

1. E H Street
2. Don Ron Road
3. W N Street

Please advise if you have any questions or comments and if you have any additional streets you would like evaluated prior to finalizing these recommendations.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Dreitzler", written in a cursive style.

Bill Dreitzler, P.E.
Town Engineer

BUDGET ORDINANCE AMENDMENT
BOA 2024 – 04
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 \$75,000.00. This amendment is to account for increase in 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	\$25,000	(+) \$75,000	\$100,000

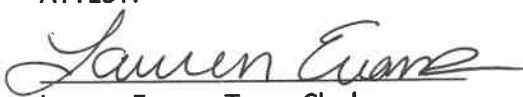
Section 3. To amend the General Fund: The Expenditures are to be changed as follows:

Account	Description	Current Approp.	Increase/Decrease	Amended
10-4100-180	Municipal Election	\$8,000	(+) \$ 923	\$ 8,923
10-4100-570	Miscellaneous	\$5,000	(+) \$ 2,500	\$ 7,500
10-4201-540	Insurance & Bonds	\$85,500	(+) \$ 2,000	\$87,500
10-4201-570	Miscellaneous Expense	\$ 0	(+) \$ 2,000	\$ 2,000
10-4201-040	Professional Services	\$15,760	(+) \$10,000	\$25,760
10-5450-740	Capital Outlay –Equip.	\$35,000	(+) \$ 5,127	\$40,127
10-5600-740	Capital Outlay	\$35,000	(+) \$ 5,127	\$40,127
10-5800-740	Capital Outlay	\$85,000	(+) \$ 6,354	\$91,354
10-5800-160	Maintenance and Repair	\$16,500	(+) \$20,000	\$36,500
10-6200-740	Capital Outlay	\$48,358	(+) \$ 4,702	\$53,060
10-6200-170	Maint. And Repair Auto	\$ 1,000	(+) \$ 1,000	\$ 2,000
10-5900-450	Contracted Services	\$46,200	(+) \$15,267	\$61,467

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 1st day of February 2024.


 Randy L. Baker, Mayor

ATTEST:

 Lauren Evans, Town Clerk

**ACCOUNTS PAYABLE
ROUTINE MAINTENANCE AGREEMENT –
MOWING
AGREEMENT ID # 12798**

AGREEMENT OVERVIEW

NORTH CAROLINA
HARNETT COUNTY

DATE: 1/11/2024

PARTIES TO THE AGREEMENT:

PROJECT NUMBERS:

NORTH CAROLINA DEPARTMENT
OF TRANSPORTATION

WBS ELEMENTS: 6RE.104315 &
6RE.204315

AND

TOWN OF ERWIN

The purpose of this Agreement is to identify the participation in project costs, project delivery and/or maintenance, by the other party to this Agreement, as further defined in this Agreement.

SCOPE OF PROJECT (“Project”): The Municipality shall provide the personnel, equipment, labor, materials, and traffic control devices to perform mowing services in accordance with Departmental standards and specifications as described in this agreement.

COSTS TO DEPARTMENT: \$13,012.71

PAYMENT TERMS: The Town of Erwin will invoice the Department upon completion of the Project.

MAINTENANCE: Town of Erwin

EFFECTIVE DATES OF AGREEMENT:

START: Upon Full Execution of this Agreement

END: Five (5) years from the date of execution

This **Agreement** is made and entered into on the last date executed below, by and between the North Carolina Department of Transportation, an agency of the State of North Carolina, hereinafter referred to as the **Department** and the Town of Erwin, hereinafter referred to as the **Municipality**; and collectively referred to as the **Parties**.

The **Parties** to this Agreement, listed above, intend that this Agreement, together with all attachments, schedules, exhibits, and other documents that both are referenced in this Agreement and refer to this Agreement, represents the entire understanding between the **Parties** with respect to its subject matter and supersedes any previous communication or agreements that may exist.

I. WHEREAS STATEMENTS

WHEREAS, this Agreement is made under the authority granted to the **Department** by NCGS 136-66.1, "Responsibilities for Streets inside Municipalities," and,

WHEREAS, the **Municipality** wishes to perform routine maintenance of mowing, removal within its jurisdiction in the rights-of-way of certain State maintained routes; and,

WHEREAS, the **Municipality** has agreed to perform said work with reimbursement from the **Department** subject to the conditions hereinafter set forth; and,

NOW, THEREFORE, in consideration of the premises and the benefits accruing to the **Department** and the **Municipality** as the result of the construction of the Project it is agreed as follows:

II. SCOPE

A. MUNICIPALITY REQUIREMENTS

- i. The Project consists of routine maintenance and mowing of roads and rights of way in the State Highway System within the limits of the **Municipality**, as shown on the attached Exhibit A.
- ii. The **Municipality**, and/or its contractor, shall provide the personnel, equipment, labor, materials, and traffic control devices to perform routine mowing sweeping services in accordance with Departmental standards and specifications. The routes and/or costs may be amended annually for five (5) years, with additions or changes as mutually agreed upon by both parties in writing prior to performing the work for each year as described herein.
- iii. All work shall be performed in accordance with generally accepted horticultural practices and the **Department's** routine maintenance and mowing requirements. The Division Engineer may approve any requests for changes to NCDOT mowing requirements including, but not limited to mowing time frames, mowing heights, mowing equipment, etc.
- iv. The **Municipality** agrees to provide traffic control devices, lane closures, road closures, positive protection and/or any other warning or positive protection devices necessary for the safety of road users during performance of the work, including any construction and subsequent maintenance. This work shall be performed in conformance with the latest NCDOT Roadway Standard Drawings and Standard Specifications for Road and Structures and Amendments of Supplements thereto. Information regarding these rules and regulations may be obtained from the **Department's** Division Engineer.

III. TIMEFRAME

A. DURATION

- i. This Agreement may be renewed every year for 5 years, subject to the provisions herein and upon written mutual consent. Yearly renewals are subject to the following termination conditions:
 1. At any time either party may cancel the Agreement with a thirty (30) day written notice to the opposite party. On behalf of the **Municipality**, this Agreement may be canceled by the Town Manager and/or his designee.
 2. Upon the effective date of the cancellation, neither party shall owe any obligations under this Agreement, except that all obligations performed under this Agreement, including but not limited to invoicing, record retention, and payment for work performed prior to the effective date of cancellation, shall remain in effect.

IV. REIMBURSEMENT

A. ALLOCATED FUNDS

- i. The maximum reimbursement per year is \$13,012.71, as shown on the attached Exhibit B.
- ii. The Division Engineer shall notify the **Municipality** at the beginning of the annual performance period or as soon thereafter, of the amount of allocated funds estimated to be available to the **Municipality** for mowing maintenance on the locations identified. The available allocation shall be based upon and shall not exceed the estimated cost of the work as if performed by the **Department**.

B. CHANGES TO REIMBURSEMENT RATE

If the **Municipality** desires to continue the maintenance and mowing services during the five-year period described in the Agreement, the **Municipality** and the **Department** may re-negotiate the costs and revise mowing locations as described below:

- i. The **Municipality** shall notify the Division Engineer in writing through a letter or invoice at the beginning of the annual performance period to request the amount of allocated funds estimated to be available to the **Municipality** for mowing sweeping maintenance.
- ii. The **Department**, at its option, may elect to increase or decrease the reimbursement rates each year the Agreement is in force in consideration of inflation rates, cost increases and decreases, changes in funding, etc., subject to the availability of funds and the performance of the **Municipality**.

**ACCOUNTS PAYABLE
ROUTINE MAINTENANCE AGREEMENT –
MOWING
AGREEMENT ID # 12798**

C. INVOICING THE DEPARTMENT

The **Municipality** shall submit to the Division Roadside Environmental Engineer an annual invoice for work completed under the terms of this agreement. Reimbursement shall be made upon approval of said invoice by the **Department's** Division Roadside Environmental Engineer and Financial Management Division.

- i. Invoices shall show the costs incurred in furnishing personnel, labor, equipment, and materials for the work performed, not to exceed \$13,012.71, unless written authorization is received from the **Department**.
- ii. The invoice shall be itemized by date and location of work, scope of routine maintenance and/or mowing performed, and the personnel, labor, equipment and materials utilized. The amount of work accomplished shall be included with the unit of measure (LFT, SHM, SQ FT, EA, HR, etc.).
- iii. For work performed by a contractor, the **Municipality** shall submit an invoice that includes the contractor's invoice to the **Municipality**. No advertisement shall be made, nor any contract be entered into for services to be performed as part of this Agreement without prior written approval of the advertisement or contents of the contract by the **Department**. Failure to comply with these requirements will result in funding being withheld until such time as these requirements are met.

D. ELIGIBILITY FOR REIMBURSEMENT

- i. The **Department** shall reimburse the **Municipality** up to a maximum amount of five (5) mowing cycles per year. The **Municipality** will complete at least one mowing cycle in the late spring and one mowing cycle in the late fall. Municipal shoulder mile rates will be adjusted to the current rate paid to the **Department's** awarded contractor.
- ii. The **Municipality**, and or its agent, shall maintain adequate records and documentation to support the work performed under this Agreement and shall permit free access to its records by official representatives of the State of North Carolina. Furthermore, the **Municipality**, or its agent, shall maintain all pertinent records and documentation for a period of not less than five (5) years following the close of the calendar year during which the services were performed.

V. ADDITIONAL PROVISIONS

A. ENVIRONMENTAL REGULATIONS

The **Municipality** shall comply with all applicable federal, state, and local environmental regulations, and shall obtain all necessary federal, state and local environmental permits,

**ACCOUNTS PAYABLE
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including but not limited to, those related to sediment control, storm water, wetland, streams, endangered species, and historical sites.

B. PARTICIPATION BY DISADVANTAGED BUSINESSES

Any contract entered into with another party to perform work associated with the requirements of this Agreement shall contain appropriate provisions regarding the utilization of Minority Businesses, Women Businesses, or Small Professional Services Firms (SPSF) as required by G.S. 136-28.4 and the North Carolina Administrative Code. The Department will provide the appropriate provisions to be contained in those contracts.

C. AGREEMENT MODIFICATIONS

Any modification to scope, funding, responsibilities, or time frame will be agreed upon by all Parties by means of a written Supplemental Agreement.

D. ASSIGNMENT OF RESPONSIBILITIES

The Department must approve any assignment or transfer of the responsibilities of the Municipality set forth in this Agreement to other parties or entities.

E. AGREEMENT FOR IDENTIFIED PARTIES ONLY

This Agreement is solely for the benefit of the identified Parties to the Agreement and is not intended to give any rights, claims, or benefits to third parties or to the public at large.

F. OTHER AGREEMENTS

The Municipality is solely responsible for all agreements, contracts, and work orders entered into or issued by the Municipality to meet the terms of this Agreement. The Department is not responsible for any expenses or obligations incurred for the terms of this Agreement except those specifically eligible for the funds and obligations as approved by the Department under the terms of this Agreement.

G. TITLE VI

The other party to this Agreement shall comply with Title VI of the Civil Rights Act of 1964 (Title 49 CFR, Subtitle A, Part 21) and related nondiscrimination authorities. Title VI and related authorities prohibit discrimination on the basis of race, color, national origin, disability, gender, and age in all programs or activities of any recipient of Federal assistance.

H. FACSIMILE

A copy or facsimile copy of the signature of any party shall be deemed an original with each fully executed copy of the Agreement as binding as an original, and the Parties agree that this

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Agreement can be executed in counterparts, as duplicate originals, with facsimile signatures sufficient to evidence an agreement to be bound by the terms of the Agreement.

I. AUTHORIZATION TO EXECUTE

The Parties hereby acknowledge that the individual executing this Agreement has read this Agreement, conferred with legal counsel, fully understands its contents, and is authorized to execute this Agreement and to bind the respective Parties to the terms contained herein.

J. DEBARMENT POLICY

It is the policy of the **Department** not to enter into any agreement with parties that have been debarred by any government agency (Federal or State). By execution of this agreement, the **Municipality** certifies that neither it nor its agents or contractors are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any Federal or State Agency or **Department** and that it will not enter into agreements with any entity that is debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction.

K. INDEMNIFICATION

To the extent authorized by state and federal claims statutes, the **Municipality** shall be responsible for its actions under the terms of this agreement and save harmless the FHWA (if applicable), the **Department**, and the State of North Carolina, their respective officers, directors, principals, employees, agents, successors, and assigns from and against any and all claim for payment, damages and/or liabilities of any nature, asserted against the **Department** in connection with this Agreement. The **Department** shall not be liable and shall be held harmless from any and all third-party claims that might arise on account of the **Municipality's** negligence and/or responsibilities under the terms of this agreement.

L. AVAILABILITY OF FUNDS

All terms and conditions of this Agreement are dependent upon, and, subject to the allocation of funds for the purpose set forth in the Agreement and the Agreement shall automatically terminate if funds cease to be available.

M. DOCUSIGN

The **Department** and the **Municipality** acknowledge and agree that the electronic signature application DocuSign may be used, at the sole election of the **Department** or the **Municipality**, to execute this Agreement. By selecting "I Agree", "I Accept", or other similar item, button, or icon via use of a keypad, mouse, or other device, as part of the DocuSign application, the **Department** and the **Municipality** consent to be legally bound by the terms and conditions of Agreement and that such act constitutes the **Department's** signature as if actually signed by the **Department** in writing or the **Municipality's** signature as if actually

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signed by the **Municipality** in writing. The **Department** and the **Municipality** also agree that no certification authority or other third-party verification is necessary to validate its electronic signature and that the lack of such certification or third-party verification will not in any way affect the enforceability of its electronic signature. The **Department** and the **Municipality** acknowledge and agree that delivery of a copy of this Agreement or any other document contemplated hereby through the DocuSign application, will have the same effect as physical delivery of the paper document bearing an original written signature.

N. GIFT BAN

By Executive Order 24, issued by Governor Perdue, and NCGS 133-32, it is unlawful for any vendor or contractor (i.e. architect, bidder, contractor, construction manager, design professional, engineer, landlord, offeror, seller, subcontractor, supplier, or vendor), to make gifts or to give favors to any State employee of the Governor's Cabinet Agencies (i.e. Administration, Adult Corrections, Commerce, Environmental Quality, Health and Human Services, Information Technology, Military and Veterans Affairs, Natural and Cultural Resources, Public Safety, Revenue, Transportation, and the Office of the Governor).

IT IS UNDERSTOOD AND AGREED that the approval of the project by the **Department** is subject to the conditions of this Agreement.

**ACCOUNTS PAYABLE
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SIGNATURE PAGE

IN WITNESS WHEREOF, this Agreement has been executed the day and year heretofore set out, on the part of the **Department** and the **Municipality** by authority duly given.

(DOCUSIGN ONLY)

Authorized Signer: _____

Print Name: _____

Title: _____

Date Signed: _____

If applicable, this Agreement has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act:

TOWN OF ERWIN

FED TAX ID NO: _____

REMITTANCE ADDRESS:

Finance Officer: _____

Print Name: _____

Date Signed: _____

DEPARTMENT OF TRANSPORTATION

BY: _____

TITLE: _____

DATE: _____

APPROVED BY BOARD OF TRANSPORTATION ITEM O: _____ (DATE)

ACCOUNTS PAYABLE
ROUTINE MAINTENANCE AGREEMENT -
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SIGNATURE PAGE

IN WITNESS WHEREOF, this Agreement has been executed the day and year heretofore set out, on the part of the Department and the Municipality by authority duly given.

(INK SIGNATURES ONLY)

ATTEST:

Authorized Signer: 

BY: Lauren Evans

Print Name: Randy Baker

TITLE: Town Clerk / HR Director

Title: Mayor

Date Signed: 2/1/2024

If applicable, this Agreement has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act:

TOWN OF ERWIN

FED TAX ID NO: 56-0890158

Finance Officer: Linda P. Williams

REMITTANCE ADDRESS:

Print Name: Linda P. Williams

P.O. Box 459

Date Signed: 2-2-24

Erwin, NC 28339

DEPARTMENT OF TRANSPORTATION (DocuSign)

BY: _____

TITLE: _____

DATE: _____

APPROVED BY BOARD OF TRANSPORTATION ITEM O: _____ (DATE)

Erwin Board of Commissioners

REQUEST FOR CONSIDERATION

To: The Honorable Mayor and Board of Commissioners

From: Snow Bowden, Town Manager

Date: February 1, 2024

Subject: Surplus Vehicles

The Town of Erwin has the following surplus vehicles. I am requesting permission to list the following vehicles for sale on GOV Deals.

Erwin Public Works Department

- 2007 Street Sweeper- VIN #JALE5B16077904226 Mileage 14,265
- John Deere 1435 Diesel 72" Mower- Serial #CH3010D103098 Model 3010D003
- 2012 International Cab and Chassis Durastar- VIN #3HAJTSKN6CL091617 Mileage 85,856

Erwin Board of Commissioners

REQUEST FOR CONSIDERATION

To: The Honorable Mayor and Board of Commissioners

From: Snow Bowden, Town Manager

Date: February 1, 2024

Subject: Bayles Street Extension Close

Town Staff would like to request that the Erwin Board of Commissioners adopt a resolution to withdraw a portion of an undeveloped section of Bayles Street. Pursuant to NCGS 136-96 e (2). This section of the road was never developed and extends to the parcel that the Wal-Mart is located on currently. As we all know the Wal-Mart is in the City of Dunn corporate limits. There would never be a need to develop this section of the undeveloped road. On May 3, 2023 there was a subdivision recorded that subdivided the two existing parcels at 608 and 610 Wondertown Drive. Before this subdivision was recorded there were some potential ingress/egress concerns Town Staff had. Town Staff wishes to close this easement and return the portion of the land to each property owner so it will be considered private property. Once it returns to private property we believe that we can better monitor the area. Any problem traffic we get from Wal-Mart would be considered trespassing since they would be on private property.

Attachments:

- NCGS 136-96
- Harnett County GIS image
- Proposed resolution
- More to come later

§ 160A-299. Procedure for permanently closing streets and alleys.

(a) When a city proposes to permanently close any street or public alley, the council shall first adopt a resolution declaring its intent to close the street or alley and calling a public hearing on the question. The resolution shall be published once a week for four successive weeks prior to the hearing, a copy thereof shall be sent by registered or certified mail to all owners of property adjoining the street or alley as shown on the county tax records, and a notice of the closing and public hearing shall be prominently posted in at least two places along the street or alley. If the street or alley is under the authority and control of the Department of Transportation, a copy of the resolution shall be mailed to the Department of Transportation. At the hearing, any person may be heard on the question of whether or not the closing would be detrimental to the public interest, or the property rights of any individual. If it appears to the satisfaction of the council after the hearing that closing the street or alley is not contrary to the public interest, and that no individual owning property in the vicinity of the street or alley or in the subdivision in which it is located would thereby be deprived of reasonable means of ingress and egress to his property, the council may adopt an order closing the street or alley. A certified copy of the order (or judgment of the court) shall be filed in the office of the register of deeds of the county in which the street, or any portion thereof, is located.

(b) Any person aggrieved by the closing of any street or alley including the Department of Transportation if the street or alley is under its authority and control, may appeal the council's order to the General Court of Justice within 30 days after its adoption. In appeals of streets closed under this section, all facts and issues shall be heard and decided by a judge sitting without a jury. In addition to determining whether procedural requirements were complied with, the court shall determine whether, on the record as presented to the city council, the council's decision to close the street was in accordance with the statutory standards of subsection (a) of this section and any other applicable requirements of local law or ordinance.

No cause of action or defense founded upon the invalidity of any proceedings taken in closing any street or alley may be asserted, nor shall the validity of the order be open to question in any court upon any ground whatever, except in an action or proceeding begun within 30 days after the order is adopted. The failure to send notice by registered or certified mail shall not invalidate any ordinance adopted prior to January 1, 1989.

(c) Upon the closing of a street or alley in accordance with this section, subject to the provisions of subsection (f) of this section, all right, title, and interest in the right-of-way shall be conclusively presumed to be vested in those persons owning lots or parcels of land adjacent to the street or alley, and the title of such adjoining landowners, for the width of the abutting land owned by them, shall extend to the centerline of the street or alley.

The provisions of this subsection regarding division of right-of-way in street or alley closings may be altered as to a particular street or alley closing by the assent of all property owners taking title to a closed street or alley by the filing of a plat which shows the street or alley closing and the portion of the closed street or alley to be taken by each such owner. The plat shall be signed by each property owner who, under this section, has an ownership right in the closed street or alley.

(d) This section shall apply to any street or public alley within a city or its extraterritorial jurisdiction that has been irrevocably dedicated to the public, without regard to whether it has actually been opened. This section also applies to unopened streets or public alleys that are shown on plats but that have not been accepted or maintained by the city, provided that this section shall not abrogate the rights of a dedicatory, or those claiming under a dedicatory, pursuant to G.S. 136-96.

(e) No street or alley under the control of the Department of Transportation may be closed unless the Department of Transportation consents thereto.

(f) A city may reserve a right, title, and interest in any improvements or easements within a street closed pursuant to this section. An easement under this subsection shall include utility, drainage, pedestrian, landscaping, conservation, or other easements considered by the city to be in the public interest. The reservation of an easement under this subsection shall be stated in the order of closing. The reservation also extends to utility improvements or easements owned by private utilities which at the time of the street closing have a utility agreement or franchise with the city.

(g) The city may retain utility easements, both public and private, in cases of streets withdrawn under G.S. 136-96. To retain such easements, the city council shall, after public hearing, approve a "declaration of retention of utility easements" specifically describing such easements. Notice by certified or registered mail shall be provided to the party withdrawing the street from dedication under G.S. 136-96 at least five days prior to the hearing. The declaration must be passed prior to filing of any plat or map or declaration of withdrawal with the register of deeds. Any property owner filing such plats, maps, or declarations shall include the city declaration with the declaration of withdrawal and shall show the utilities retained on any map or plat showing the withdrawal. (1971, c. 698, s. 1; 1973, c. 426, s. 47; c. 507, s. 5; 1977, c. 464, s. 34, 1981, c. 401; c. 402, ss. 1, 2; 1989, c. 254; 1993, c. 149, s. 1; 2015-103, s. 1.)

Harnett GIS



NOT FOR LEGAL USE



GIS/E-911 Addressing

November 16, 2023



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 RESOLUTION DECLARING INTENT TO CLOSE UNDEVELOPED SECTION OF BAYLES STREET 2023-2024—002

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 Erwin Town Board is authorized by G.S. 160A-299 to permanently close unopened municipal street rights-of-way with its jurisdiction, if it is determined that said street closure is not found to be contrary to the public interest and will not deprive any property owner in the vicinity of the street closure reasonable means of ingress and egress to his/her property; and,

WHEREAS, a request has been made of the Erwin Town Board to consider permanently closing the undeveloped section of Bayles Street, that extends from to the parcel that the Wal-Mart is located on currently.

NOW THEREFORE BE IT RESOLVED, that it is the intent of the Erwin Town Board to permanently close undeveloped section of Bayles Street as previously described, and it hereby establishes a public hearing to be held on March 7, 2024 at 7:00 p.m. in the Erwin Municipal Building Board Room; and,

BE IT FURTHER RESOLVED, that the purpose of the public hearing will be to determine if undeveloped section of Bayles Street being requested for permanent closure would be detrimental to the public interest, or to the property rights of any individual.

DULY ADOPTED, this the 1st day of February, 2024.

Randy Baker
Mayor

ATTEST:

Lauren Evans
Town Clerk



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Mayor
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Mayor Pro Tem
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Commissioners
Alvester L. McKoy
Timothy D. Marbell
Charles L. Byrd
David L. Nelson
William R. Turnage

02/01/2024

To: Office of State Budget and Management, Director and Chief Fiscal Officer

Certification:

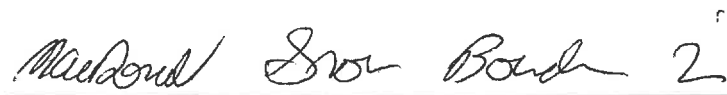
We certify that the Town of Erwin does not have any overdue tax debts, as defined by N.C.G.S. 105-243.1, at the federal, State, or local level.

Sworn Statement:

Randy L. Baker and MacDonald S. Bowden Jr. being duly sworn, say that we are the Mayor and Town Manager, respectively, of the Town of Erwin in the State of North Carolina; and that the foregoing certification is true, accurate, and complete to the best of our knowledge and was made and subscribed by us. We also acknowledge and understand that any misuse of State funds will be reported to the appropriate authorities for further action.




Randy L. Baker, Mayor



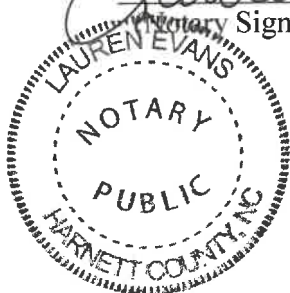
MacDonald S. Bowden Jr., Town Manager

Sworn to and subscribed before me on the day of the date of said certification.



(Notary Signature and Seal)

My Commission Expires: March 25, 2026



Town of Erwin

Job Classification and Grade 2023-2024 AMENDED 1/4/2023

<u>Departments</u>	<u>Number of Positions</u>	<u>Grade</u>
<u>Administration</u>		
Town Manager	1	31
Finance Director	1	21
Town Clerk/Human Resources Director	1	18
Finance Officer/Deputy Clerk	1	15
<u>Planning</u>		
Town Planner	1	19
Code Enforcement Officer	1	17
<u>Police</u>		
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	
Records Clerk	1	12
Cadet	2	

**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	

MINUTES CONTINUED FROM FEBRUARY 1, 2024

Town Manager Snow Bowden stated that there were minutes at the Board Members' seats when the Board approved a similar request for this same area back in 2021. The applicants never broke ground or applied for any permits and their approval expired.

Town Planner Dylan Eure came forward and addressed the Board. He stated that the Town of Erwin received a special land use application for Harnett County Tax PIN 0597-77-7438. Coastal Plains Company LLC submitted a special land use application to construct 2 multi-family apartments totaling 48 units to be built. The agenda stated 64 units but there was a last-minute change by the applicants. This parcel of land was 6.68 acres in total area with no existing developments on the property under both B-2 and R-6 zoning. Although the total acreage of the parcel is 6.68 acres, the developer only intended to disturb 5.70 acres for the multi-family project that is zoned under R-6. There was a public sewer easement going through the Southwest corner of the parcel, however, according to the developer's submitted plans, that area was intended to remain undeveloped. The parcel did have both B-2 and R-6 zoning, however, the developer was not developing the area of the parcel that was zoned under B-2 zoning which neighbors East Jackson Blvd. Along East Jackson Blvd all zoning was under B-2 regulation. The other surrounding zoning regulations are all R-6 classifications to the North, East, and West. This parcel was located beside the old Gentry School.

Commissioner Byrd verified that 64 units were incorrect.

Town Planner Dylan Eure stated that was correct.

Commissioner Blackmon asked Town Staff to pull an aerial view up on the Board Room screen.

Mayor Baker stated there was another portion of East Jackson Blvd that was included in the previous request. This request was more focused on Maynard Lake Road and removing the developed portion that abuts the property.

Commissioner Blackmon verified that the entrance and exit will be coming off of Maynard Lake Road.

Town Manager Snow Bowden stated that was correct.

Commissioner Byrd inquired whether NCDOT had been contacted regarding the entrance and exit coming off of Maynard Lake Road. He had traffic concerns about its proximity to Triton High School.

Town Planner Dylan Eure stated if the project was to move forward, permits would be required.

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

Applicant and Developer, Wade Duggins of Coastal Plains Company, LLC, came forward and was sworn in by Town Clerk Lauren Evans.

Mayor Baker asked Mr. Duggins to explain what he was requesting of the Town Board.

Mr. Duggins this was a Special Use Request to construct 48 units. Originally, they were proposing 64 units but changed their minds after speaking with the architect. They were in the early stages of the process and he understood there were questions with NCDOT and that they planned to go the distance with all required permits and procedures.

Mayor Baker asked if there was anything else about the project that the Board needed to know.

MINUTES CONTINUED FROM FEBRUARY 1, 2024

Mr. Duggins stated that was it. It was so early in the process but they were excited and hopeful. They were in stage one of many stages. Town Planner Dylan Eure had been great to work with and he looked forward to keeping the project going down the road.

Commissioner Byrd stated that the Developer needed to ensure they work with NCDOT. Anything that would help the Town of Erwin, he was excited about.

Commissioner Blackmon asked if the applicant had spoken with NCDOT at all.

Mr. Duggins answered that due to being so early in the process, he had not spoken with NCDOT yet but that was the next step. He understood their concern.

Commissioner Blackmon expressed his concern for impacting traffic and the tight fit right there where HWY 421 is and being so close to Triton High School.

Mr. Duggins had the idea of putting a turn lane in that area.

Commissioner Blackmon stated that NCDOT may require a deceleration lane.

Commissioner McKoy inquired about the 1.5 parking spaces per unit.

Mr. Duggins stated he planned to apply for a Variance in the near future but at this meeting, he was asking for 2.5 parking spaces per unit.

Mayor Baker stated that looking at the case, it was basically the same but he did not believe the Board of Adjustments had the authority to grant, change, or alter the developmental guidelines until there was a real, visible hardship. This request was submitted to us previously for 64 units meeting all the required guidelines for parking.

Mr. Duggins stated they could make it work as is but on paper, they were just used to seeing 1.5 or even 2.

Mayor Baker stated that the Town Board can approve a Special Use Request but the variance would have to go through the Board of Adjustments. He questioned whether the request even qualified to go before the Board of Adjustments.

Commissioner Blackmon stated that it was up to the Board of Adjustments to decide.

Mayor Baker asked if Barnes Drive would be utilized.

Mr. Duggins stated that he would like to see that happen, but they would go through the process and talk about the possibility. He wanted to get the Special Use approved and then he would begin talking with NCDOT and the Town Planning Department to see what the best route was to take. Full connectivity would be ideal.

Commissioner Blackmon stated that utilizing Barnes Drive would certainly help with ingress and egress.

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.

MINUTES CONTINUED FROM FEBRUARY 1, 2024

No one came forward.

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

Commissioner Blackmon made a motion in the affirmative, seconded by Commissioner Byrd, and unanimously approved by the Board that the use requested is listed among the special uses in the district for which the application is made. Reasoning that Multi-family developments require a special use permit.

Commissioner Byrd made a motion in the affirmative, seconded by Commissioner Nelson, and unanimously approved by the Board that the requested use is essential or desirable to the public convenience or welfare. Reasoning that approving would increase the amount of affordable housing units in Erwin's jurisdiction.

Commissioner Nelson made a motion in the affirmative, seconded by Commissioner Byrd, and unanimously approved by the Board that the requested use will not impair the integrity or character of the surrounding or adjoining districts, nor be detrimental to the health, morals, or welfare. Reasoning that this tract of land is surrounded by primarily residential land uses.

Commissioner Blackmon made a motion in the affirmative, seconded by Commissioner Nelson, and unanimously approved by the Board that the requested use will be in conformity with the Land Development Plan. Reasoning that according to Erwin's 2023 Land Use Plan this portion of land is in agreeance with residential uses.

Commissioner McKoy made a motion in the affirmative, seconded by Commissioner Byrd, and unanimously approved by the Board that adequate utilities, access roads, drainage, sanitation and/or other necessary facilities have been or are being provided. Reasoning that this site includes stormwater drainage allocation. Along with Harnett Regional Water having both sewer and water accessible for the development.

Commissioner Byrd made a motion in the affirmative, seconded by Commissioner Nelson, and unanimously approved by the Board that adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets. Reasoning that the applicant would need to obtain a North Carolina Department of Transportation (NCDOT) drive-way permit.

Commissioner Nelson made a motion in the affirmative, seconded by Commissioner Byrd, and unanimously approved by the Board that the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Board of Commissioners. Reasoning that everything is in agreeance with Erwin's Zoning Ordinances at its current state upon submittal. However, the applicant wishes to have a variance approved altering his requirement for parking. Said variance would allow for 1.5 parking spaces for every unit instead of the required 2.5 per Town Parking Ordinance.

Commissioner Blackmon made a motion to recommend that the proposed special use permit application meets all the Findings of Facts in the Affirmative, the proposed amendment is consistent with those documents that constitute the officially adopted land development plan and other applicable plans and to recommend the approval of SU-2024-001 Special Use to construct 2 multi-family apartment buildings with a total of 48 units to be placed at the corner of Maynard

MINUTES CONTINUED FROM FEBRUARY 1, 2024

Lake Rd and East Jackson Blvd (HC Tax PIN # 0597-77-7438.000) and was seconded by Commissioner Byrd. **The Board voted unanimously.**

Accessory Building Text Amendment

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

Town Planner Dylan Eure came forward and addressed the Board. He stated his request came to Town Staff primarily through variances that have been approved for accessory use structures being too large. Our current unamended diction was "Each accessory structure shall not exceed 40 percent of the total area of the principal structure. At no time shall the total area of accessory use exceed 25 percent of the rear yard". The proposed amended language was as follows "Each accessory structure shall not exceed 40 percent of the total area of the side and/or rear yard". He compared similar municipalities with similar types of ordinances.

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

No one came forward.

Mayor Baker asked if anyone was present to speak against the request.

No one came forward.

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

Commissioner Blackmon made a motion to approve the Ordinance of The Town of Erwin, North Carolina Amending Section 36-419 Accessory Building/Structures Ord 2023-2024: 004 and was seconded by Commissioner Byrd. **The Board voted unanimously.**

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.

Freddie Faircloth of 1100 West E Street came forward and addressed the Board. He expressed his concern with the condition of West E Street. When fiberoptic lines were being installed, they busted a water line and the whole road was like a roller coaster. West E Street was his only way in and out of his residence and his business and he had been dealing with the issue for a year. It was affecting his business as well.

Town Manager Snow Bowden stated that he has been working with Cloudwyze and their insurance trying to get it fixed. He finally heard from their insurance representative last month had been fighting back and forth at every turn. Since it was Dunn's main waterline at Dunn's Water Plant that Cloudwyze hit, Dunn came out and patched the road but it still needed a lot of work. He sent Cloudwyze a letter he shared with Town Attorney Tim Morris demanding they fix the road.



TOWN OF ERWIN

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Commissioners
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 Charles L. Byrd
 David L. Nelson
 William R. Turnage

2/1/2024

SU-2024-001 Memorandum

Rezoning Description

The Town of Erwin has received a special land use application for Harnett County Tax Pin 0597-77-7438. Coastal Plains Company LLC has submitted a special land use application to construct 2 multi-family apartments totaling 64 units to be built. The group is requesting to have a variance issued to have 1.5 parking spaces per unit instead of the 2.5 spaces required by Erwin's Code of Ordinances.

Property Description

This parcel of land is 6.68 acres in total area with no existing developments on the property under both B-2 and R-6 zoning. Although the total acreage of the parcel is 6.68, the developer only intends to disturb 5.70 for the multi-family project that is zoned under R-6. There is a public sewer easement going through the Southwest corner of the parcel, however, according to the developers submitted plans that area is intended to remain undeveloped. The intended use for the multi-family dwelling is to provide income controlled units for tenants.

Findings of Fact

As stated above the parcel does have both B-2 and R-6 zoning, however, the developer is not developing the area of the parcel that is zoned under B-2 zoning which neighbors East Jackson Blvd. Along East Jackson Blvd all zoning is under B-2 regulation. The other surrounding zoning regulations are all R-6 classifications that abut the property with R-15 to the North. Triton High School is also near this property along with the Educational Development Center.

The applicant is also requesting for a parking requirement variance that would allow for more natural areas, walking paths, green space, and larger playgrounds according to the developer. This request would allow for 1.5 parking spaces for every unit, instead of 2.5 per the Town of Erwin's Parking Ordinances.

Regards,
 Dylan Eure
 Town Planner



TOWN OF ERWIN
 100 West F St., Post Office Box 459
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SPECIAL USE PERMIT APPLICATION

In the Matter Of the Request to the Erwin Board of Commissioners

Applicant Name	Wade Duggins	Property Owner Name	Coastal Plains Company LLC
Mailing Address	2939 Breezewood Ave	Mailing Address	2939 Breezewood Ave
City, State, Zip	Fayetteville NC 28303	City, State, Zip	Fayetteville NC 28303
Telephone	910 850 6644	Telephone	910 850 6644
Email	wade@dugginsdevelopers.com	Email	

Address of Subject Property	104 Maynard Lake Road Erwin NC 28339		
Parcel Identification Number(s) (PIN) of Subject Property	0597 - 77 - 7438 .000		
Legal Relationship of Applicant to Owner	Client	Floodplain SFHA	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Legal Description: Lot	Block	Subdivision	Erwin Mills P/C 199-C
Zoning District	Wetlands	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Watershed Area Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Public Water Available: <input checked="" type="checkbox"/> or N	Public Sewer Available: <input checked="" type="checkbox"/> or N	Existing Septic Tank: Y or N	
Number of Buildings to Remain	Gross Floor Area to Remain		
Describe Proposed Project or Request with Conditions proposed by applicant: ^{Requesting Parking Variance see separate sheet} Construct 64 Apartment units with club house			
Total Acreage or Square Footage to be Disturbed	5.70 acres		
Estimated Cost of Project \$	8,000,000		

Attach a scaled illustrative plot or site plan showing all lot dimensions, buildings, structures, driveways, parking spaces, and distances between structures and property lines.

Provide complete mailing addresses for each adjacent property owners (also property within 100 feet) and/or property owners directly across a street, if any. Names and addresses must be from current Harnett County tax listings.

Office Use Only	
Date Application Submitted 12/14/24	Application Fee \$ 300 Received By
Case # SU-2024-001	



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Special Use Signature Page

It is understood by the undersigned that the development and execution of the Special Use Permit is based upon the division of the Town into districts within which districts the use of land and buildings, and the bulk and location of buildings and structures in relation to the land, is substantially uniform. It is recognized, however, that there are certain uses which, because of their characteristics, cannot be properly classified in any particular district or districts, without consideration, in each case, of the impact of those uses upon neighboring land and of the public need for the particular location. Such special uses fall into two categories.

1. Uses publicly operated or traditionally affected with a public interest
2. Uses entirely private in character, but of such unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.

The Zoning Ordinance as originally adopted and as subsequently amended is presumed by the Town to be appropriate to the property involved and that the burden of proof for a Special Use approval rests with the applicant. Applicant is encouraged to discuss the proposed use with affected property owners.

It is further understood that prior to the granting of any special use, the Board of Commissioners may stipulate, such conditions and restrictions upon the establishment, location, reconstruction, maintenance, and operation of the special use as it is deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in 9- 411.5 of the Town Code. In all cases in which special uses are granted, the Board of Commissioners shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.

- Such conditions may include a time limitation;
- Conditions may be imposed which require that one or more things be done before the use requested can be initiated. (For example, "that a solid board fence be erected around the site to a height of 6 feet before the use requested is initiated");
- Conditions of a continuing nature may be imposed. (For example, "exterior loud speakers shall not be used between hours of 10:00 p.m. and 9:00 a.m.")

Compliance with Other Codes: Granting of a Special Use Permit does not exempt applicant from complying with all of the requirements of building codes and other ordinances.

Revocation: In any case where the conditions of the Special Use Permit have not been or are not being complied with, the Building Inspector shall give the permitted notice of intention to revoke such permit at least ten (10) days prior to a Board of Commissioners review thereof. After conclusion of the review, the Board of Commissioners may revoke such permit.

Expiration: In any case where a Special Use Permit has not been exercised within the time limit set by the Board of Commissioners, or within one year if no specific time limit has been set, then without further action, the permit shall be null and void. "Exercised" as set forth in this section shall mean that binding contracts for the construction of the main building have been let; or in the absence of contracts that the main building is under construction to a substantial degree; or that pre-requisite conditions involving substantial investment are contracted for, in substantial development, or completion (sewer, drainage, etc.). When construction is not part of the use, "exercised" shall mean that the use is in operation in compliance with the conditions set for in the permit.

Duration: Duration of a special use and any conditions attached shall be perpetually binding to the property unless it is expressly limited.

Applicant Signature and Date:

Valde Lopez 12/14/23



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SPECIAL USE APPLICATION Record of Adjacent Property Owners With Mailing Addresses Per Harnett County Land Records

Property Owner (1)	Sinagoga Holding of NC LLC	Mailing
Address	PO box 1349	City Coats STNC Zip 27521
Property Owner (2)	Mosetta Green	Mailing
Address	103 Maynard Lane Rd	City Erwin STNC Zip 28339
Property Owner (3)	LA real estate properties LLC	Mailing
Address	9405 Pinbay Rd	City Fuquay-Varina STNC Zip 27576
Property Owner (4)	Donald & May Dean	Mailing
Address	9101 White Oak rd	City Garner STNC Zip 27529
Property Owner (5)	Micky & Cindy McDougald	Mailing
Address	106 Maynard Lane rd	City Erwin STNC Zip 28339
Property Owner (6)	Henry Menel	Mailing
Address	1168 Norton rd	City Chapin STNC Zip 28376
Property Owner (7)	Coatton Willard Heirs	Mailing
Address	90 Carolyn Ln	City Godwin STNC Zip 28344
Property Owner (8)	Diabe & Henry Hart	Mailing
Address	109 Maynard Lake rd	City Erwin STNC Zip 28339
Property Owner (9)	Shirley Solomon	Mailing
Address	3374 Crawford Rd	City Erwin STNC Zip 28339
Property Owner (10)	Harnett Co. Board of Edu.	Mailing
Address	PO BOX 1079	City Lillington STNC Zip 27546
Property Owner (11)	Isaac & Mattie Bailey	Mailing
Address	112 Porter dr	City Erwin STNC Zip 28339
Property Owner (12)	Patrick Rice	Mailing
Address	110 Porter dr	City Erwin STNC Zip 28339
Property Owner (13)	Tyree & Debra Knight	Mailing
Address	3570 Oak Chase dr.	City Highpoint STNC Zip 27865



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SPECIAL USE APPLICATION
Record of Adjacent Property Owners
 With Mailing Addresses Per Harnett County Land Records

- Property Owner (1) Darlene Gilbert Mailing
 Address PO box 111 City Erwin ST NC Zip 28339
- Property Owner (2) Michky & Avis Smith Mailing
 Address PO box 2697 City Lillington ST NC Zip 27546
- Property Owner (3) Jan Studios & Debra Hadtma Mailing
 Address PO box 387 City Coats ST NC Zip 27521
- Property Owner (4) Leaders Norehouse Group LLC Mailing
 Address 1712 Highpoint st City Wade Forest ST NC Zip 27587
- Property Owner (5) Rosecilla Freeman Mailing
 Address PO box 176 City Erwin ST NC Zip 28339
- Property Owner (6) Monamed Falih & Fatima Oulouah Mailing
 Address 604 Country Ln City Holly Spring ST NC Zip 27540
- Property Owner (7) Tara McKay Mailing
 Address 108 E. JACKSON City Erwin ST NC Zip 28339
- Property Owner (8) Coastal Plains Company Mailing
 Address 1887 Oakton Church Rd City Fairmont ST NC Zip 28340
- Property Owner (9) _____ Mailing
 Address _____ City _____ ST _____ Zip _____
- Property Owner (10) _____ Mailing
 Address _____ City _____ ST _____ Zip _____
- Property Owner (11) _____ Mailing
 Address _____ City _____ ST _____ Zip _____
- Property Owner (12) _____ Mailing
 Address _____ City _____ ST _____ Zip _____
- Property Owner (13) _____ Mailing
 Address _____ City _____ ST _____ Zip _____

**Town of Erwin Planning Board
Special Use Guidelines for Findings of Fact**

1. The use requested is listed among the special uses in the district for which application is made:

Yes No

2. The requested use is essential or desirable to the public convenience or welfare

Yes No

3. The requested use will not impair the integrity or character of the surrounding or adjoining districts, nor be detrimental to the health, morals, or welfare

Yes No

4. The requested use will be in conformity with the Land Development Plan

Yes No

5. Adequate utilities, access roads, drainage, sanitation and/or other necessary facilities have been or are being provided

Yes No

Stormwater management plan required

6. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets

Yes No

7. That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Board of Commissioners pursuant to the recommendations of the Planning Board

Yes No

variance from 2.5 to 1.5 parking per unit will need to be approved



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SPECIAL USE APPLICATION PROCEDURES

1. Completed application for the Special Use Permit, signed by the applicant, shall be addressed to the Board of Commissioners and presented to the Administrative Official. Applications must be submitted by the first Friday of the month prior to the following Town Board.
2. Each application shall contain or be accompanied by such legal descriptions, maps, plans and other information so as to completely describe the proposed use and existing conditions.
3. Pay the Special Use Permit Fee as established by the Board of Commissioners and found in the Schedule of Fees in the Office of the Town Clerk. Current fee is \$300.

Conditions and Guarantees

Prior to the granting of any special use, the Board of Commissioners may stipulate, such conditions and restrictions upon the establishment, location, reconstruction, maintenance, and operation of the special use as is deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified by ordinance. In all cases in which special uses are granted, the Board of Commissioners shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.

- Such conditions may include a time limitation;
 - Conditions may be imposed which require that one or more things be done before the use requested can be initiated. (For example, "that a solid board fence be erected around the site to a height of 6 feet before the use requested is initiated");
 - Conditions of a continuing nature may be imposed. (For example, "exterior loud speakers shall not be used between hours of 10:00 p.m. and 9:00 a.m.")
1. Administrative official posts property at least one (1) week prior to public hearing
 2. Newspaper advertisement once (1) each week for two (2) successive weeks prior to the public hearing
 3. The Board of Commissioners shall approve, modify or deny the application for Special Use Permit following the public hearing.

Action by the Board of Commissioners

In granting a Special Use Permit the Board of Commissioners shall make written findings that the applicable regulations of the district in which it is located are fulfilled. With due regard to the nature and state of all adjacent structures and uses, the district within which same is located, and official plans for future development, the Board of Commissioners shall also make written findings that the following provisions are fulfilled:

1. The use requested is listed among the special uses in the district for which application is made
2. The requested use is essential or desirable to the public convenience or welfare
3. The requested use will not impair the integrity or character of the surrounding or adjoining districts, nor be detrimental to the health, morals, or welfare
4. The requested use will be in conformity with the Land Development Plan
5. Adequate utilities, access roads, drainage, sanitation and/or other necessary facilities have been or are being provided
6. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets
7. That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Board of Commissioners.



TOWN OF ERWIN

100 West F St., Post Office Box 459
Erwin, NC 28339
(910) 897-5140 V (910) 897-5543 F
www.erwin-nc.org

IMPORTANT

This is a complete Special Use Application package consisting of 10 pages. For this application to be accepted, it must be completed and returned with all required documents and entries.

Do be aware that under certain conditions the applicant may be required to obtain a Driveway Permit from the NC Department of Transportation prior to Special Use Permit approval.

Using the Zoning Ordinance

- Go to the applicable zoning district in Article 3. That section will serve as a guide to begin the development of your site plan. This section will also direct you to pertinent requirements such as: parking, sign, lighting, and other general provision such as streetscape requirements and other general development regulations that may apply to the proposed development.
- Be sure to read Article 11 – Special Uses.
- Complete the Special Use Permit Application, the Special Use Signature page, and the Record of Adjacent Property Owners sheet; and include other required information with the application. Use additional pages if necessary. Adjacent property owners' names must be from current Harnett County tax listing; so this requires that the applicant contact Harnett County. Addresses of the adjacent property owners must be complete which includes name, mailing address, and zip code.
- The submitted site plan must be drawn to scale and include all dimensions and required provision. Of these dimensions and other requirements, be sure to include the following:
 - Existing structures on the proposed lot, their dimensions and distances between on another and the lot's property lines
 - Proposed structures including their dimensions and distances from other structures on the lot and proposed distances from property lines (i.e. setbacks)
 - All easements and rights-of-way located on the proposed lot
 - All natural features including tree lines, drainage ways, etc.
 - The location and dimensions of required parking area(s) as may be required by Ordinance
 - Proposed lighting plans as may be required by Ordinance
 - Demonstration of the placement of buffers and streetscape as may be required by ordinance



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Processing Requirements

Special Uses are not Uses by Right. It is the responsibility of the applicant to demonstrate that the requested use will meet the minimum requirements set forth in the Erwin Zoning Ordinance. The Board's decision will be greatly influenced by the completeness and neatness of the submitted application.

A requested and very necessary tool is the site plan. Its importance cannot be overstated. Applicant is encouraged to portray in detail and to accurately scale the property boundaries, improvements, and any natural features. In some cases, approval or denial may depend on the quality of the Site Plan.

If the proposed use involves business operations, description of the anticipated activity needs to be sufficiently disclosed. This will assist the Board in determining the Town's infrastructure capability, the public health and safety considerations such as traffic and noise, and how neighboring property may be affected.

All uses require dedicated parking spaces and some may require lighting, buffering, fences, landscaping, and other elements. It is suggested that the applicant spend some time reading the Town's Zoning Ordinance prior to application. Copies of the Zoning Ordinance may be purchased at Town Hall. Copies are available in the Erwin Library and Town Hall for review. An electronic copy of the Ordinance can be found on the Town website as well at www.erwin-nc.org.

A complete application consists of all documents included in the application package and any required maps, site plan, and/or related documents. These documents become the property of the Town. It is the applicant's responsibility to submit 10 copies of this completed application. Each member of the Governing Board receives a copy including the Town Manager, Town Clerk, Town Attorney, and Code Enforcement Officer.

The completed application and fees must be submitted no later than the first Friday of the month to be placed on following month's Town Board Agenda.

**Town of Erwin
Record and Decisions**

Office Use Only

Notice Mailed _____ Property Posted _____ Newspaper Advertised Date _____

Public Hearing Date and Comments: _____

<u>Governing Body Motion</u>	Record of Decision:	Yea	Nay
_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	_____	<input type="checkbox"/>	<input type="checkbox"/>

Town Board Decision and Date _____

Certified By: _____



678 Wylie Street, SE
 Atlanta, Georgia 30316
 404.525.1202
 www.dd-arch.com

SITE INFORMATION:

SITE: 5.70 +/- ACRES
DENSITY: 10.88 UNITS/ACRES
ZONING: R6 (ERWIN)
SETBACKS: FRONT= 25' MINIMUM
 REAR = 25' MINIMUM
 SIDE = 8' MINIMUM

BUILDINGS: (2) 3-STORY APARTMENT BUILDINGS
SPRINKLERS: NFPA 13R

PARKING SPACES: 2.5 SPACES FOR EACH UNIT
 (64 UNITS x 2.5 = 160 SPACES)
 4 SPACES FOR EMPLOYEES
 164 TOTAL PARKING SPACES

HC PARKING: SPACES FOR 8 HC UNITS (8 SPACES)
 2% OF 156 FOR HC VISITORS (4 SPACES)
 SPACES FOR AMENITIES (3 SPACES)
 149 STANDARD SPACES (15 TOT. HC SPACES)

Erwin Ridge Apartments Unit Matrix
 Erwin, NC 23-007

Units	P-P SF	Net SF	Bldg #	#100	#200	Total
A2	660	699	4	0	0	4
A2(b)	660	699	2	0	0	2
A3	690	730	1	1	2	10
A3(a)	690	730	1	0	1	1
A3(a)(w)	690	730	0	1	1	1
B2	914	961	7	15	22	1
B2(a)	914	961	1	1	2	1
B2(a)	914	961	0	1	1	1
B2(a)(w)	914	961	1	0	1	1
B2(a)(w)	914	961	1	5	6	6
C1	1178	1232	8	6	14	1
C1(a)	1178	1232	0	1	1	22
C1(a)	1178	1232	1	0	1	1
C1(b)	1178	1232	3	3	6	6
Total Units			30	34	64	
Unit Pair-Point SF	29,636	33,268			61,884	
Building Net (Heated) SF	30,048	34,922			64,970	
Bldg Gross (Under Roof) SF	35,083	41,051			76,134	

HANDICAP UNITS:

1-BR A1(a) = 1 UNIT
 A1(as)(w) (w/ ROLL-IN SHOWER & A/V FEATURES) = 1 UNIT
 B1(a) = 1 UNIT
 B1(as) (w/ ROLL-IN SHOWER) = 2 UNITS
 B1(as)(w) (w/ ROLL-IN SHOWER & A/V FEATURES) = 1 UNIT
 C1(a) = 1 UNIT
 C1(as) (w/ ROLL-IN SHOWER) = 1 UNIT
 C1(b) = 1 UNIT
TOTAL HC UNITS = 8 UNITS

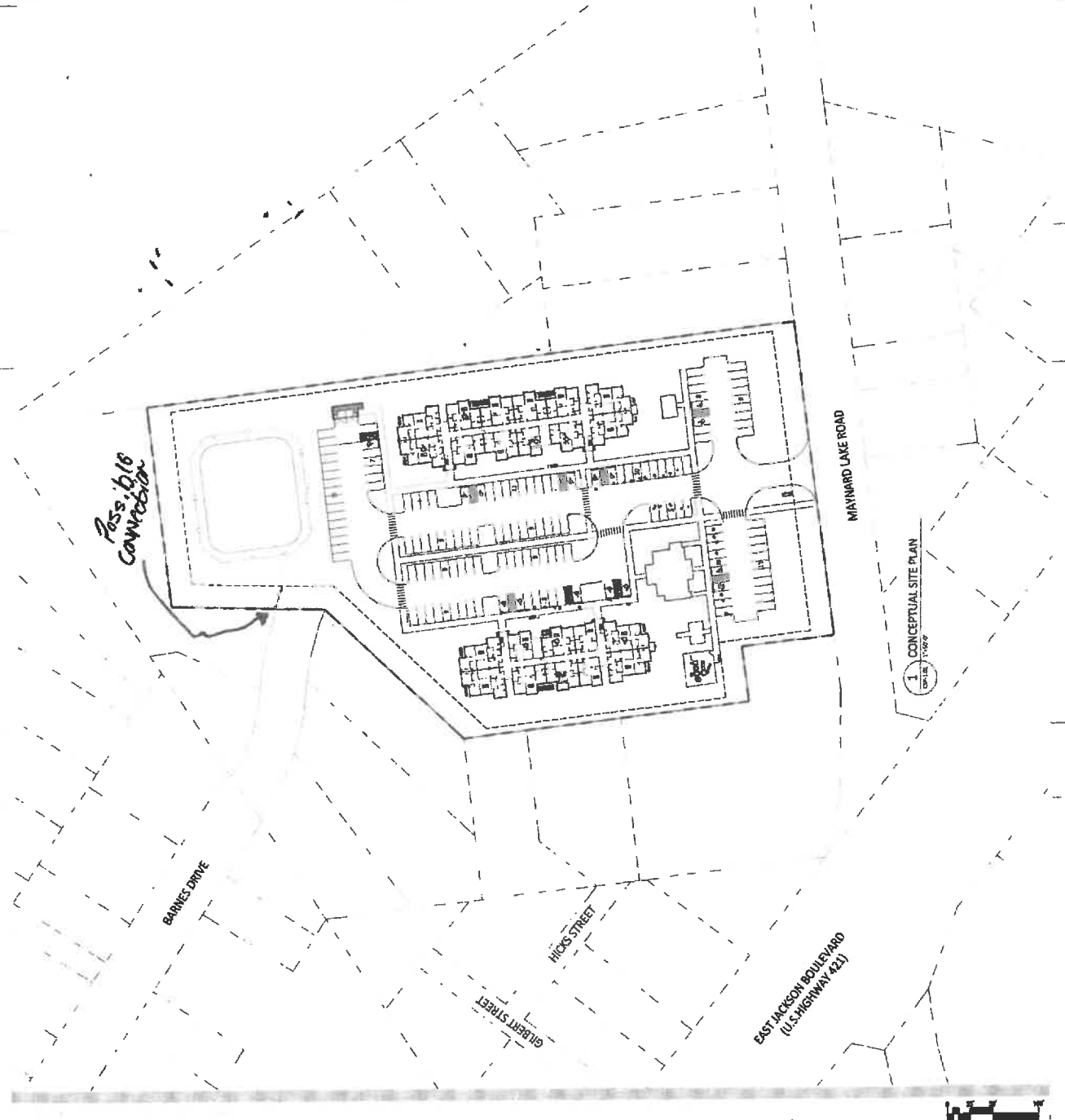
SITE NOTES:

- NO RETAINING WALLS ANTICIPATED
- NO FLOOD PLAIN ON SITE

CONCEPTUAL SITE PLAN

CSP-1.01

NOT BE USED FOR CONSTRUCTION



1 CONCEPTUAL SITE PLAN
 DATE: 1/18/17

Erwin Ridge
 Apartments
 Maynard Lake Road
 Erwin, North Carolina

DATE: 1/18/17
 DRAWN BY: JLD
 JOB #: 23-007

Wade Duggins
Duggins Developers
2939 Breezewood Ave Suite 201
Fayetteville NC 28303

Town of Erwin
100 West F St
Erwin, NC 28339

Attn: Dylan Eure
Special Use Permit- Erwin Ridge Apartments
Requested Parking Variance- Erwin Ridge Apartments

Tax Pin - 0597-77-7438.000

Mr. Eure,

It is our hope to construct 64 Apartment units with a clubhouse at the 104 Maynard Street location in Erwin NC. This is the hopeful future site of Erwin Ridge Apartments. We have engaged Mr. Hugh Dinteman, AIA from Dineteman Design Architecture. The current site plan in this packet matches your requirement of 2.5 parking spaces per unit. In addition to requesting the Special Use permit to allow the 64 units to be constructed, we are requesting a parking variance from 2.5 units to 1.5 parking spots per unit.

The intent of this Apartment Complex is to partner with the North Carolina Housing Finance Agency. This will be an affordable housing project with income-based rents. The parking requirement for the NCHFA is 1.5 spaces per unit. We have over 40 projects constructed with the 1.5 parking requirements and have experienced no issues. The reduction of parking would also allow more natural areas, walking paths, larger playgrounds, and greener space.

We hope you consider both requests.

Thank you.

Sincerely,

Wade Duggins

Wade Duggins
/Wd

Maynard Lane Rd



SPECIAL USE REQUEST STAFF REPORT

Case: SU-2024-001

Dylan Eure, Town Planner

deure@erwin-nc.org

Phone: (910) 591-4201

Fax: (910) 897-5543

Public Hearing Date: Thursday, February 1st, 2024

Request for special permitted use to construct 2 multi-family apartment buildings with a total of 64 units to be placed at the corner of Maynard Lake Rd and East Jackson Blvd at HC tax Pin 0597-77-7438.000 located in Erwin, NC.

Applicant Information

Owner of Record:

Name: Coastal Plains Company, LLC

Address: 2939 Breezewood Ave

City/State/Zip: Fayetteville, NC 28303

Applicant:

Name: Wade Duggins

Address: 2939 Breezewood Ave

City/State/Zip: Fayetteville, NC 28303

Property Description

Address of Property: Maynard Lake Rd Erwin, NC

Harnett County Tax PIN: 0597-77-7438.000

Acres: 6.68

Zoning District: R-6, B-2

Vicinity Map

- See Attached Document

Physical Characteristics

Site Description: This parcel of land is 6.68 acres in total area with no existing developments on the property under both B-2 and R-6 zoning. Although the total acreage of the parcel is 6.68, the developer only intends to disturb 5.70 for the multi-family project that is zoned under R-6. There is a public sewer easement going through the Southwest corner of the parcel, however, according to the developers submitted plans that area is intended to remain undeveloped. The intended use for the multi-family dwelling is to provide income controlled units for tenants.

Surrounding Land Uses: As stated above the parcel does have both B-2 and R-6 zoning, however, the developer is not developing the area of the parcel that is zoned under B-2 zoning which neighbors East Jackson Blvd. Along East Jackson Blvd all zoning is under B-2 regulation. The other surrounding zoning regulations are all R-6 classifications

that abut the property with R-15 to the North. Triton High School is also near this property along with the Educational Development Center.

Modifications

The applicant is also requesting for a parking requirement variance that would allow for more natural areas, walking paths, green space, and larger playgrounds according to the developer. This request would allow for 1.5 parking spaces for every unit, instead of 2.5 per the Town of Erwin's Parking Ordinances.

Services Available

- Electricity (Duke Energy)
- Harnett Regional Water and Sewer

Zoning District Compatibility

Special Use	R-6
Multi-Family Dwellings	X

Staff Evaluation

Staff Evaluation

Yes No The use requested is listed among the special uses in the district for which the application is made.

- **Reasoning:** Multi-family developments require a special use permit.

Yes No The requested use is essential or desirable to the public convenience or welfare.

- **Reasoning:** Approving would increase the amount of affordable housing units in Erwin's jurisdiction.

Yes No The requested use will not impair the integrity or character of the surrounding or adjoining districts, nor be detrimental to the health, morals, or welfare.

- **Reasoning:** This tract of land is surrounded by primarily residential land uses.

Yes No The requested use will be in conformity with the Land Development Plan.

- **Reasoning:** According to Erwin's 2023 Land Use Plan this portion of land is in agreeance with residential uses.

Yes No Adequate utilities, access roads, drainage, sanitation and/or other necessary facilities have been or are being provided.

- **Reasoning:** Site includes storm water drainage allocation. Along with Harnett Regional Water having both sewer and water accessible for the development.

Yes No That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

- **Reasoning:** The applicant would need to obtain a North Carolina Department of Transportation (NCDOT) drive-way permit.

Yes No

That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Board of Commissioners.

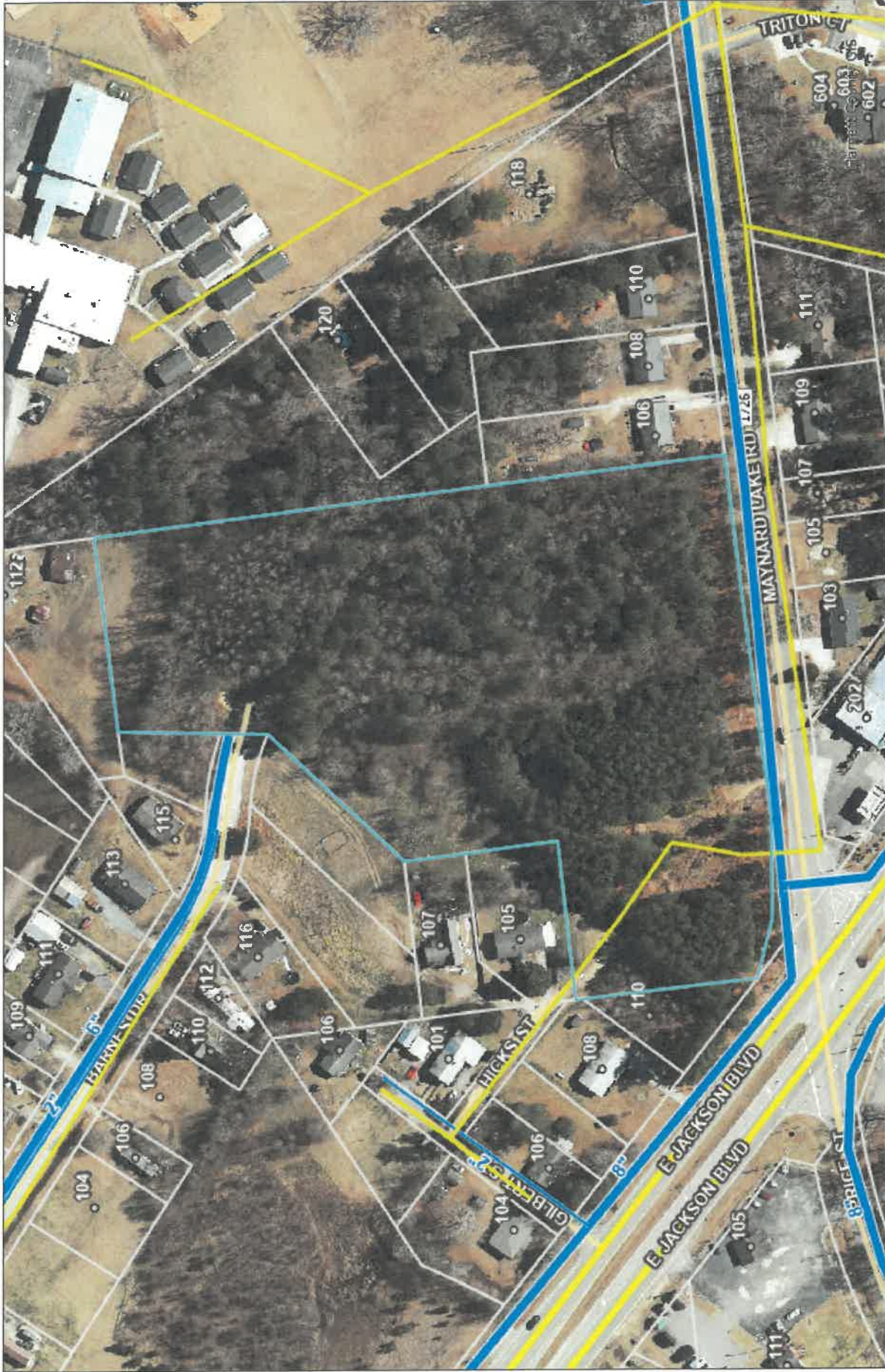
- **Reasoning:** Everything is in agreeance with Erwin's Zoning Ordinances at its current state upon submittal. However, the applicant wishes to have a variance approved altering his requirement for parking. Said variance would allow for 1.5 parking spaces for every unit instead of the required 2.5 per Town Parking Ordinance.


Attachments:

- SU-2024-001 Application
- SU-2024-001 Staff Memo
- SU-2024-001 Site Plan
- SU-2024-001 Harnett County GIS Image with Zoning
- SU-2024-001 Harnett County GIS Image with no Zoning
- SU-2024-001 property owners lables
- SU-2024-001 Letters

Harnett GIS

NOT FOR LEGAL USE





Harnett COUNTY
NORTH CAROLINA

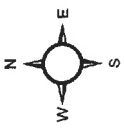

GIS/E-911 Addressing
December 18, 2023

County Boundary — County Water Mains — Road Centerlines —

City Limits — **Major Roads** —

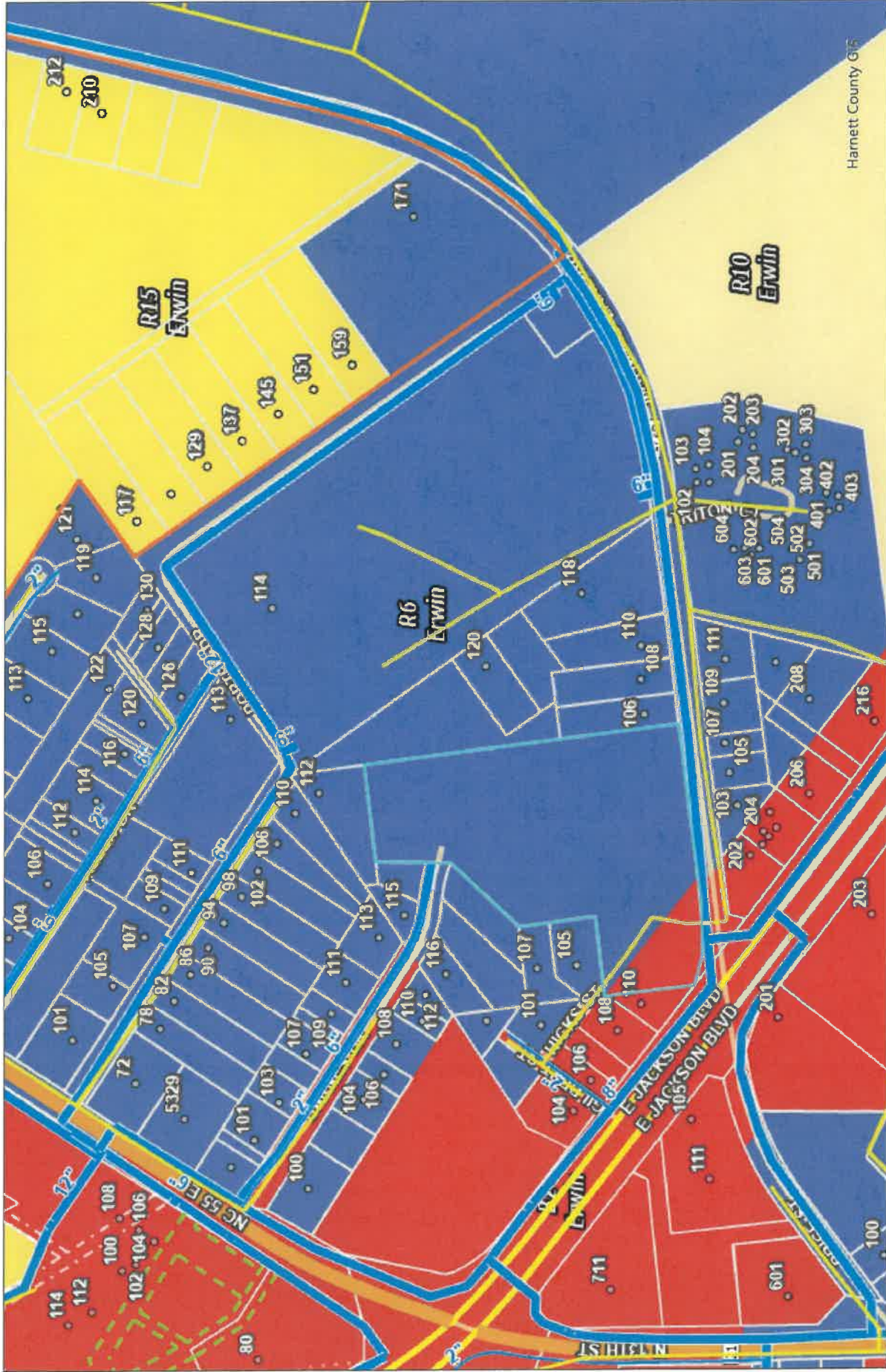
Address Numbers ● **US** — **Parcels** —

2 - 5 — **6 - 36** — **Gravity** —

Harnett GIS

NOT FOR LEGAL USE



Harnett COUNTY
NORTH CAROLINA

GIS/E-911 Addressing
December 18, 2023

County Boundary
County Limits

City Limits
Address Numbers

County Water Mains Major Roads
2 - 5
6 - 36

Easements

- Service Laterals
- Gravity
- Road Centerlines

County Water Mains Major Roads

- NC
- US

Zoning Districts

- B2
- R10
- R15
- R6
- ETJ Boundary

Sharda Holding of NC LLC
PO Box 1349
Coats, NC 27521

Issac & Mattie Bailey
112 Porter Dr
Erwin, NC 28339

Rosetta Green
103 Maynard Lake Rd
Erwin, NC 287339

Patrick Rice
110 Porter Dr
Erwin, NC 28339

LA Real Estate Properties LLC
9405 Purfoy Rd
Fuquay-Varina, NC 27526

Tyrone & Debra Knight
3670 Oak Chase Dr
Highpoint, NC 27265

Donald & Kay Dean
9101 White Oak Rd
Garner, NC 27529

Darlene Gilbert
PO Box 111
Erwin, NC 28339

Ricky & Cindy McDougald
106 Maynard Lake Rd
Erwin, NC 28339

Ricky & Avis Smith
PO Box 2652
Lillington, NC 27546

Keithy McNeil
1168 Norton Rd
Raeford, NC 28376

John Stubbs & Debra Hartman
PO Box 387
Coats, NC 27521

Crayton Willard Heirs
90 Carolyn Ln
Godwin, NC 28344

Lenders Warehouse Group LLC
1712 Highpoint St
Wake Forest, NC 27587

Diane & Henry Hart
109 Maynard Lake Rd
Erwin, NC 28339

Priscilla Freeman
PO Box 176
Erwin, NC 28339

Shirley Solomon
3324 Crawford Rd
Erwin, NC 28339

Mohamed Falih & Fatima Oulauah
604 Country Ln
Holly Springs, NC 27540

Harnett Co. Board of Edu.
PO Box 1029
Lillington, NC 27546

Tara Mckoy
108 E Jackson
Erwin, NC 28339

Coastal Plains Company
1887 Oakton Church Rd
Fairmont, NC 28340



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

1/18/2024

Notice of a Public Hearing SU-2024-001

The Board of Commissioners of the Town of Erwin will hold a public hearing pursuant to NC General Statute 160D-406 on February 1st, 2024 at 7:00 P.M. at the Erwin Town Hall, 100 West F Street, Erwin, North Carolina to hear public comment regarding the approval of a special use permit.

There has been a special land use application submitted to the Town. The rezoning request includes a single parcel of land that are listed below:

- Maynard Lake Rd Erwin, NC 28339 (Harnett County Tax Pin: 0597-77-7438.000)

The applicant has requested to construct multi-family dwelling units on this site.

A copy of this case is available for review at the Erwin Town Hall. Questions concerning this case can be addressed to the Town Planner Dylan Eure at 910-591-4201 or by email at deure@erwin-nc.org

Regards,

Dylan Eure
Town Planner

NOTICE OF PUBLIC HEARING

The Town of Erwin Board of Commissioners will conduct a Public Hearing on the following items pursuant to NC General Statute 160D-406, on Thursday, February 1, 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.

- Case SU-2024-001: Special Use Permit Application to construct 2 multi-family apartment buildings with a total of 64 units to be placed at the corner of Maynard Lake Rd and East Jackson Blvd. The property does not have an address but can be identified by its Hammett County Tax PIN # 0597-77-7438.000.
- Text Amendment to Chapter 36 Zoning, Section 36-419 Accessory building/structures in the Town of Erwin Code of Ordinances.

This case is 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.
1/16, 23/2024

Erwin Board of Commissioners

REQUEST FOR CONSIDERATION

To: The Honorable Mayor and Board of Commissioners

From: Snow Bowden, Town Manager

Date: February 1, 2024

Subject: Accessory Building Text Amendment

Town Staff has prepared a proposed text amendment to our Town Code in regard to accessory structures. In the past few years, the Board of Adjustments has granted three variances to allow for accessory structures that are larger than allowed. We have turned in a number of applications for accessory structures that are larger than currently allowed. Our Town Planner Dylan Eure completed some research on what is allowed in the surrounding municipalities. He also looked to see if the surrounding municipalities allowed accessory structures to be on separate lots that are adjacent to a lot with a home on it and both lots are owned by the same person. He could not find a municipality that allowed accessory structures on lots that were adjacent to lots with homes on them. This practice is mostly found at the County level. The Planning Board recommended approval of this proposed text amendment.



TOWN OF ERWIN

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Ph: 910-897-5140 • Fax: 910-897-5543
www.erwin-nc.org

1/22/2024

Accessory Structure Memorandum

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 Description and Trade Offs

Town Staff has prepared a proposed text amendment to our Article XV General Provisions, specifically under section 36-419 entitled “Accessory buildings/structures”. Said text amendment would increase the size of accessory structures that homes may construct on their property. The current language in our ordinances relating to accessory structure is as follows “Each accessory structure shall not exceed 40 percent of the total area of the principal structure. At no time shall the total area of accessory use exceed 25 percent of the rear yard”. The proposed amended language is as follows "Each accessory structure shall not exceed 40 percent of the total area of the side and/or rear yard”.

By amending our code it would allow for accessory structures greater than 40 percent of the principal structure, allowing for accessory structures larger than the principal structure. An example of this is having a garage with more square feet than the home has to store vehicles.

Findings

Town staff wishes to update Erwin’s Code of Ordinances to allow for larger accessory structures to loosen size restrictions for said structures. To find the best possible solution to solve this issue, I benchmarked against all municipalizes within Harnett County’s jurisdiction along with some in Wake and Mecklenburg Counties which include Fuquay-Varina, Knightdale, Raleigh, and Charlotte but are not limited to. One of the possible solutions explored was to allow for accessory structures on adjacent lots if the property owner is the same. No municipal government that I came across in my research allowed for accessory structures on adjacent properties, even if the owners are the same. This is mainly due to two factors; one being the challenge of selling the property that has a preexisting structure on the premises without a principal structure and the other being the requirement of having a principal building on the property. However, some municipalities, instead of basing the size of the accessory structure off of the principal structure used the size of the parcel to determine the size of accessory structure.

After conducting research to evaluate the best option for the homeowners and the Town of Erwin. I am offering this recommendation to the honorable members of the Erwin Town Board

for their thoughts and discussion. This said, I am open for any additional comments and am willing to explore other possible options upon request.

Regards,

Dylan Eure
Town Planner



TOWN OF ERWIN

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ORDINANCE OF THE TOWN OF ERWIN, NORTH CAROLINA AMENDING SECTION 36-419 ACCESSORY BUILDING/STRUCTURES ORD 2023-2024: 004

WHEREAS, the current language of Section 36-419 Accessory Building/Structures reads:

Sec. 36-419. - Accessory building/structures.

- (a) Accessory buildings/structures are restricted to rear and side yards. Only one accessory building/structure shall be permitted on lots less than 15,000 square feet. Larger lots are allowed an extra accessory building/structure for each additional 15,000 square feet. There shall be a minimum of ten feet between the primary structure and any accessory building/structure as well as ten feet between each accessory building/structure.
- (b) Each accessory structure shall not exceed 40 percent of the total area of the principal structure. At no time shall the total area of accessory use exceed 25 percent of the rear yard.
 - (1) Minimum side setback: Ten feet.
 - (2) Minimum rear setback: Ten feet.
 - (3) Minimum setback from principal structure: Ten feet.
 - (4) Maximum building height for accessory structures shall not exceed 20 feet mean roof height with the exception of schools, churches, hospitals, municipal facilities, and other such campuses, provided that at least one acre comprise the total land area of the development. The maximum height for accessory structures in such instances shall not exceed 35 feet mean roof height.
- (c) The following uses are permitted within accessory buildings in residential areas:
 - (1) Parking.
 - (2) Gazebo.
 - (3) Pool houses.
 - (4) Equipment enclosure.
 - (5) Workshop.
- (d) Trash containers, mechanical equipment and minor outdoor storage shall be located only within the rear yard.
- (e) Mailboxes, newspaper boxes, wall, fences, birdhouses, flagpoles and pump covers may be placed in any front, side or rear yard. Doghouses may be placed in rear yards only.
- (f) All freestanding carports shall be located in the side or rear yard of the lot. Freestanding carports may be placed no closer than five feet to the property line

when placed against principal structure. In addition, the freestanding carport cannot extend into front yard unless it is connected/attached to the principal structure. A maximum of two freestanding carports are allowed except when an accessory building is located on the lot. When an accessory building is located on the lot, only one freestanding carport will be allowed.

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. 36-419. - Accessory building/structures.

- (a) Accessory buildings/structures are restricted to rear and side yards. Only one accessory building/structure shall be permitted on lots less than 15,000 square feet. Larger lots are allowed an extra accessory building/structure for each additional 15,000 square feet. There shall be a minimum of ten feet between the primary structure and any accessory building/structure as well as ten feet between each accessory building/structure.
- (b) Each accessory structure shall not exceed 40 percent of the total area of the **side and/or rear yard.** ~~principal structure. At no time shall the total area of accessory use exceed 25 percent of the rear yard.~~
 - (1) Minimum side setback: Ten feet.
 - (2) Minimum rear setback: Ten feet.
 - (3) Minimum setback from principal structure: Ten feet.
 - (4) Maximum building height for accessory structures shall not exceed 20 feet mean roof height with the exception of schools, churches, hospitals, municipal facilities, and other such campuses, provided that at least one acre comprise the total land area of the development. The maximum height for accessory structures in such instances shall not exceed 35 feet mean roof height.
- (c) The following uses are permitted within accessory buildings in residential areas:
 - (1) Parking.
 - (2) Gazebo.
 - (3) Pool houses.
 - (4) Equipment enclosure.
 - (5) Workshop.
- (d) Trash containers, mechanical equipment and minor outdoor storage shall be located only within the rear yard.
- (e) Mailboxes, newspaper boxes, wall, fences, birdhouses, flagpoles and pump covers may be placed in any front, side or rear yard. Doghouses may be placed in rear yards only.
- (f) All freestanding carports shall be located in the side or rear yard of the lot. Freestanding carports may be placed no closer than five feet to the property line when placed against principal structure. In addition, the freestanding carport cannot extend into front yard unless it is connected/attached to the principal

structure. A maximum of two freestanding carports are allowed except when an accessory building is located on the lot. When an accessory building is located on the lot, only one freestanding carport will be allowed.

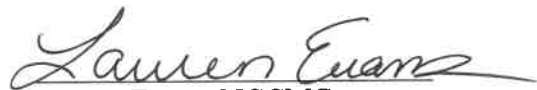
NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Erwin, North Carolina that the current language as herein found with respect to Section 36-419 Accessory Building/Structures of the Town Code is stricken where indicated by strikethrough lines and includes such language as herein indicated by bold print.

Adopted this 1st day of February 2024.

ATTEST:



Randy Baker
Mayor



Lauren Evans, NCCMC
Town Clerk

MINUTES CONTINUED FROM FEBRUARY 1, 2024

Commissioner Byrd stated if they could not fix what they tore up, then they could move their stuff out of Erwin. He stated this needed to take priority.

Mayor Baker stated the Board would get with Staff to ensure the road would be completed.

NEW BUSINESS

Al Woodall Park Potential Grant

Town Manager Snow Bowden informed the Board that he received notification from Harnett County that the Town of Erwin received a \$50,000 grant from the State of North Carolina thanks to Senator Burgin. This grant would be similar to the grant we received last year to resurface the parking lot at Al Woodall Park. The grant would be funneled through Harnett County. He had to send the County a scope of work and he wanted to propose the idea of resurfacing both tennis courts at Al Woodall Park and turning one of the tennis courts into two pickleball courts.

The consensus of the Board was to discuss this item at our Regularly Scheduled Workshop on the fourth Monday of the month.

MANAGER'S REPORT

Town Manager Snow Bowden informed the Board:

- The website was up and running. He thanked Town Clerk Lauren Evans for her hard work. We were having technical difficulties that we were trying to work out.
- He was waiting to hear back from FAMPO about the potential of having us join them. This was a great opportunity for the Town. We will have more opportunities to apply for funds for sidewalks, and other road improvements.
- The Town approved the first six homes in the subdivision located off Bayles Street and Wondertown Drive. It looks like they have started to break ground on the site as of today. We were expecting the developer to apply for permits in the future to build five additional homes on this site in a few months.
- We were working with our colleagues at Harnett Regional Water to ensure that the water and sewer infrastructure was installed on St. Matthews Road. He had a pretty good conversation with them and felt like we were on the right track with this project. It did sound like the grant that we were given was turned over to Harnett Regional Water for a project inside our Town Limits.
- Town Staff will begin working with the Mid-Carolina Rural Planning Organization to obtain a letter of support for us to apply for a grant from NCDOT to help pay for a bike/ped grant which was a goal identified in our 2023 Land Use Plan.
- We will have our second CORE (Creating Outdoor Recreation Economies) meeting on Tuesday, February 13th from 12 PM to 2 PM at Town Hall.
- We were still working with the nonprofit organization ECHO (Erwin Churches Helping Others) and helping them grow their organization. They had some big goals this year. One of their goals was to increase their presence in the community with local stakeholders so the Board will probably be hearing more from them soon.

Erwin Board of Commissioners

REQUEST FOR CONSIDERATION

To: The Honorable Mayor and Board of Commissioners

From: Snow Bowden, Town Manager

Date: February 1, 2024

Subject: Al Woodall Park Grant

I was informed a few days ago that the Town of Erwin will receive a \$50,000 grant from the State of North Carolina thanks to Senator Burgin. Harnett County will be acting as a pass-through for this grant, and I need to send them a scope of work to get approved. The grant has to serve a “public purpose”. Last year we used a similar grant to cover a portion of the costs to resurface Al Woodall Park. I would like us to consider resurfacing both of our tennis courts at Al Woodall Park and turn one of the tennis courts into two pickle ball courts. This would definitely cost more than \$50,000. We had estimates from two years ago in the \$80,000 range to do something similar. We could use funds from the Community Enhancement Fund to cover any budget shortfalls. We have had a lot of requests for pickle ball courts in Erwin. I think this would be a great use of this grant by investing in our park. If you would rather, we can discuss this at our February workshop meeting. I just wanted to go ahead and get the scope of work turned in for approval.



**TOWN OF ERWIN
BOARD OF COMMISSIONERS
REGULAR MEETING
THURSDAY, FEBRUARY 1, 2024, AT 7 PM**

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 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*

	Name	Address	Subject
1.	<i>Freddie Faircloth</i>	<i>1100 West E St</i>	<i>road on West E St</i>
2.			
3.			
4.			
5.			
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10.			
11.			
12.			

MINUTES CONTINUED FROM FEBRUARY 1, 2024

- We were waiting to hear back from the State of NC in regard to the grant that we were awarded for a stormwater management plan. Be prepared for a discussion at our February workshop regarding stormwater. Town Staff was working on improvements to our current plan/system. Once we can issue an RFQ and pick a qualified firm to help us put together a plan we should be able to make other improvements and go after grant opportunities to try and help us improve our system here in Erwin.
- True Homes USA was excited to start soon in Erwin. They were ready to break ground soon.
- The Erwin Area Chamber of Commerce hired Pamela Collins as their new Chamber Administrator. We welcome her to the Town of Erwin. He thought that she would be a great fit for that organization.
- We were hoping to have bids to discuss for the Erwin Community Building bathrooms and the Depot at our February workshop meeting.
- Town Staff was working on a plan to start the discussion about an HWY 421 overlay.
- We were also trying to find a firm to assist us with an overhaul of our Town Code.
- We will probably have more updates for the Board soon. A fiber company by the name of Lumos has reached out to the Town about installing fiber in the Town of Erwin and Harnett County.
- The Erwin Area Chamber of Commerce annual banquet will be on Thursday, February 22nd from 6 PM to 8 PM at Milltown Farms.
- He and Town Clerk Lauren Evans planned to attend a meeting with our Council of Governments on February 28th and 29th to learn updates to the State of NC Disaster Recovery and Resiliency Financial Training.
- He asked all department heads to have their budget requests in by February 15th. We would discuss scheduling our first budget meeting at our February workshop meeting.
- We were making progress on the house that was condemned at 301 St. Matthews Road as well. We have not been able to identify the proper heirs. But we have found the proper way to address this issue. We advertised a hearing with the building inspector in February. We should hopefully be able to take action to demolish the house in May of this year if everything goes as planned.

Mayor Baker asked for an update on K Street.

Town Engineer Bill Dreitzler stated our consultant was waiting on Dunn to finish showing their waterlines and then they will send their surveyor crew to incorporate it into the plan. They were considering boring rather than open cut which would be a positive for an expensive solution.

Town Manager Snow Bowden stated he would send the quote to Representative Penny for assistance.

Town Engineer Bill Dreitzler stated he had received the full set of construction plans for additional parking at Al Woodall Park. He hoped to put those out for bid in the next few weeks.

ATTORNEY'S REPORT

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

MINUTES CONTINUED FROM FEBRUARY 1, 2024

GOVERNING COMMENTS

Commissioner Byrd stated he encountered a problem concerning burning permits.

The Board instructed Town Manager Snow Bowden to contact the Town of Lillington in regard to their open burn policy.

Commissioner Nelson expressed his concern about a pothole on Morgan Street.

Mayor Baker thanked Town Staff for the wonderful job they were doing. He thanked the Police Department. He was proud of our new website.

ADJOURNMENT

Commissioner Byrd made a motion to adjourn at 7:51 P.M. and was seconded by Commissioner Nelson. **The Board voted unanimously.**

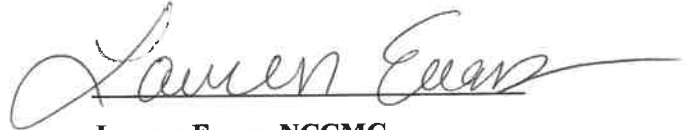
**MINUTES RECORDED AND TYPED BY
LAUREN EVANS TOWN CLERK**



Randy Baker

Mayor

ATTEST:



Lauren Evans, NCCMC

Town Clerk