

**THE ERWIN BOARD OF COMMISSIONERS
MARCH 2024 REGULAR MEETING
THURSDAY, MARCH 7, 2024 @ 7:00 P.M.
ERWIN MUNICIPAL BUILDING BOARDROOM**

AGENDA

1. **MEETING CALLED TO ORDER**
 - A. Invocation
 - B. Pledge of Allegiance

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

3. **CONSENT**

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

 - A. Minutes Regular Workshop on January 22, 2024 **(Page 3)**
 - B. Minutes Regular Meeting on February 1, 2024 **(Page 10)**
 - C. Multimodal Transportation Grant **(Page 18)**
 - D. Al Woodall Park State Grant **(Page 19)**
 - E. Police Body Cameras Grant **(Page 20)**
 - F. Updated Job Classification and Grade Schedule **(Page 21)**
 - G. In Town Planning Board Member Application for Grace Watts **(Page 23)**

4. **PRESENTATION OF MARCH CITIZEN OF THE MONTH**

5. **OATH OF OFFICE FOR DEPUTY TOWN CLERK (Page 24)**

6. **RECESS FOR REFRESHMENTS**

7. **PUBLIC HEARING**
 - A. ZT-2024-001 **(Page 25)**
 - B. Golf Course R-15 Permitted Use Text Amendment **(Page 52)**
 - C. R.O.W. Maintenance Text Amendment **(Page 55)**
 - D. Close Bayles Street Extension **(Page 58)**

8. **NEW BUSINESS**
 - A. Schedule Budget Workshop **(Page 65)**

9. **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

10. **MANAGER'S REPORT**

11. **ATTORNEY'S REPORT**
12. **GOVERNING BODY COMMENTS**
13. **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****MARCH 7, 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, March 7, 2024, at 7:00 P.M. in Erwin, North Carolina.

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

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

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

Commissioner McKoy gave the invocation.

Attorney Vernon Stewart led the Pledge of Allegiance.

AGENDA ADJUSTMENT/APPROVAL OF AGENDA

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

CONSENT

Commissioner Blackmon made a motion to approve **(ITEM A)** Minutes of Regular Workshop on January 22, 2024 **(ITEM B)** Minutes of Regular Meeting on February 1, 2024 **(ITEM C)** Multimodal Transportation Grant **(ITEM D)** Al Woodall Park State Grant **(ITEM E)** Police Bodycams Grant **(ITEM F)** Updated Job Classification and Grade Schedule **(ITEM G)** In Town Planning Board Member Application for Grace Watts and was seconded by Commissioner Byrd. **The Board voted unanimously.**

PRESENTATION OF JANUARY CITIZEN OF THE MONTH

Vernon Kirkland Stewart of 906 Walnut Drive was recognized as the March 2024 Citizen of the Month. Mayor Baker presented him with a Proclamation Plaque.

The Proclamation is part of these minutes as an attachment.



TOWN OF ERWIN

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RESOLUTION ENDORSING THE TOWN OF ERWIN'S APPLICATION FOR THE NCDOT MULTIMODAL PLANNING TRANSPORTATION GRANT

2023-2024—003

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 North Carolina Department of Transportation (NCDOT) has established a Multimodal Transportation Planning Grant which provides funding to projects that will result in comprehensive local bicycle and pedestrian plans while taking consideration for the Harnett Area Rural Transit System; and

WHEREAS, the Town of Erwin has expressed a desire to apply for funding through the NCDOT Multimodal Transportation Planning Grant Initiative; and

WHEREAS, in order to be selected the Town of Erwin must agree to take place in NCDOT's Multimodal Implementation Program requiring Erwin to provide updates on the implementation of the plan; and

WHEREAS, the Erwin Board of Commissioners believes that it is in the best interest of the residents within the Town of Erwin to apply to be considered as a possible recipient of the Multimodal Transportation Planning Grant Initiative;

THEREFORE, BE IT RESOLVED that the Board of Commissioners from the Town of Erwin endorses the application to be a recipient of the NCDOT Multimodal Transportation Planning Grant.

ADOPTED, this the 7th day of March, 2024.

Randy Baker

Mayor

ATTEST:

Lauren Evans, NCCMC

Town Clerk

Erwin Board of Commissioners

REQUEST FOR CONSIDERATION

To: The Honorable Mayor and Board of Commissioners

From: Snow Bowden, Town Manager

Date: March 7, 2024

Subject: Al Woodall Park State Grant

The Town of Erwin is receiving a \$50,000 grant from the State of North Carolina, thanks to our Senator Jim Burgin. Just like the grant last year, the funds are being funneled through Harnett County, and they must serve a public purpose. One of the goals in our 2023 Land Use Plan is to continue to maintain and improve our existing parks. One request that I hear all the time is that we need pickleball courts at Al Woodall Park. We have two tennis courts at Al Woodall Park that are in serious need of repair. We would like to resurface both of these courts and turn one of the tennis courts into two separate pickleball courts. Town Staff believes that this is one of the best and quickest projects we can get going with these funds (similar to the parking lot improvements last year).

If you are not familiar with pickleball, it is the fastest-growing sport in America at the moment. I feel pretty confident in saying that these courts would be used if we move forward with this project. We would like to keep one of the tennis courts because people still use them.

Town Staff believes that we could do this project for \$65-70K.

Erwin Board of Commissioners

REQUEST FOR CONSIDERATION

To: The Honorable Mayor and Board of Commissioners

From: Snow Bowden, Town Manager

Date: March 7, 2024

Subject: Police Bodycams

Chief Johnson has submitted a request for funds to purchase new body cams for our officers in the Erwin Police Department in the upcoming Fiscal Year. Both Chief Johnson and I believe it is very important for our officers to have body cams. Chief Johnson has found a grant that is available for rural law enforcement agencies that the Town of Erwin qualified for. It does require an “in-kind” match. The maximum amount that we can apply for is \$28,000. The Town would like to apply for funds of \$28,000 for this grant program. We can use town personnel administrative hours (ie. reviewing body cam footage by supervisors) towards meeting our “in-kind” match so it should not be an issue meeting this requirement.

Town of Erwin

Job Classification and Grade 2023-2024 AMENDED 3/7/2024

<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
Part-Time Payroll Administrator	1	
<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	



**APPLICATION FOR APPOINTMENT
TO A BOARD FOR THE
TOWN OF ERWIN, NORTH CAROLINA**



The Town of Erwin appreciates your interest in serving on a Board and requests that you complete the following application. This application requests general information based on your interest in applying for a Board for the Town of Erwin.

Applicant Name: Grace McLean Watts Date of Application: 2 / 14 / 24

Home Address: 403 South 15th St. 28339
Street Address Town Zip Code

Home Phone: (910) 659-8821 Business/Other Phone: _____

FAX Number: _____ Email Address: grace.mcleanwatts@gmail.com

In order to consider this application, the Town of Erwin requests the following information:

Date of Birth 7 / 10 / 54 Do you reside within the Town Limits of Erwin? Yes No:
 Occupation: Retired Length of residence in Erwin: 20 Years 10 Months

Have you ever pled guilty to or been found guilty of any criminal offense or been convicted of any offense other than a minor traffic violation? Yes ___ No ✓

If yes, please explain _____

Any evidence found to be incorrect on the application may result in disqualification.

Please write a brief statement as to why you are interested in serving on one of these Boards.

I have served several terms on Planning, Recreation and a short stay on Library Board over several years.

Please indicate your preference by the number (first choice being "1")

Planning Board 1 Recreation 2

Please note: If you are applying for the Planning Board you will not be able to serve on another Board.



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PROCLAMATION RECOGNIZING VERNON KIRKLAND STEWART FOR CITIZEN OF THE MONTH 2023-2024—012

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

WHEREAS, the Town of Erwin Mayor and Board of Commissioners realize that the Town of Erwin's greatest asset is viewed as the citizens that contribute tirelessly and unselfishly of themselves to aid in the well-being of the residents within the community. These citizens display characteristics and qualities in an individual that strive to make a real difference in the lives of children, adults, and the elderly without desire for recognition, remuneration, or personal gain; and

WHEREAS, Mr. Vernon Kirkland Stewart of 906 Walnut Drive was born on August 5, 1960, to David and Peggy Stewart. He is a 1978 graduate of Cape Fear Christian Academy. After High School, he attended Campbell University, graduating in 1982, and graduated from Campbell School of Law in 1986; and

WHEREAS, Mr. Stewart married his wife, Caron, on June 23, 1985, and their 38 years of marriage has been blessed with two children, Kirkland and Maggie; and

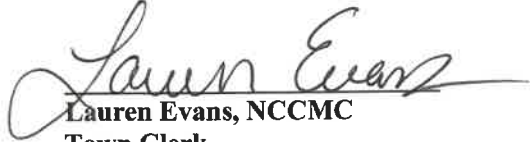
WHEREAS, Mr. Stewart has lived in Erwin for over 30 years. In his over 37 years of practicing law, he has worked at many local Law Firms; Stewart and Hayes, Stewart Law Firm, Munz Law Firm, Timothy C Morris PA, and now Morris Duke Stewart PA; and

WHEREAS, Mr. Stewart served as the District Attorney for Harnett and Lee Counties, Prosecutorial District 12 for 10 years. During his tenure, he successfully prosecuted offenders and worked to keep the people of Harnett and Lee County safe. He collaborated with local and state constituents to start the first Veterans Treatment Court in North Carolina and initiated bringing the "Project Safe Neighborhoods Program" to Lee County. Mr. Stewart also partnered with Harnett County Schools and Lee County Schools to present important topics to students, open conversations, and raise awareness about the consequences of poor choices teens make in situations they are often faced with. All the programs Mr. Stewart implemented are still operating successfully in Prosecutorial District 12; and

NOW THEREFORE BE IT RESOLVED that the Town of Erwin Mayor and Board of Commissioners give recognition and appreciation to Mr. Vernon Kirkland Stewart for his valuable contributions to the quality of life in our community and proudly acknowledge Mr. Vernon Kirkland Stewart as the March 2024 Citizen of the Month.

Duly Adopted, this the 7th day of March 2024.


Randy Baker
Mayor

ATTEST:

Lauren Evans, NCCMC
Town Clerk

MINUTES CONTINUED FROM MARCH 7, 2024

OATH OF OFFICE FOR DEPUTY TOWN CLERK

Katelan Blount repeated the Oath of Office as Deputy Town Clerk, accompanied by her daughter, Charlotte Blount, holding the Bible.

RECESSED

Commissioner Blackmon made a motion to recess at 7:11 PM for a reception and was seconded by Commissioner Turnage. **Motion Unanimously Approved.**

RECONVENED

Commissioner Byrd made a motion to go back into regular session at 7:25 PM and was seconded by Commissioner Blackmon. **Motion Unanimously Approved.**

PUBLIC HEARING

ZT-2024-001

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

Town Planner Dylan Eure came forward and informed the Board that the Town of Erwin received a rezoning request for the parcel located at Harnett County Tax PIN # 1506-15-0948.000. Currently, the parcel was split-zoned 53.27% R-15 and 46.73% RD. The applicant was requesting to have the parcel fully rezoned to RD.

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

Shane Finn of ECE, consultants for South River came forward and addressed the Board. He stated was present to represent the property owners who wished to rezone the property in order to install an electrical substation.

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

No one came forward.

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

No one came forward.

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

Mayor Baker reminded the Board that if this rezoning request were to be approved, any permitted use within the RD district would be allowed.

Commissioner Blackmon made a motion in the affirmative, seconded by Commissioner Byrd, and unanimously approved by the Board that the following finding of facts are true:



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OATH

NORTH CAROLINA

HARNETT COUNTY

TOWN OF ERWIN

"I, KATELAN BLOUNT, DO SOLEMNLY SWEAR (AFFIRM) THAT I WILL I SUPPORT AND DEFEND THE CONSTITUTION AND LAWS OF THE UNITED STATES; AND THE CONSTITUTION AND LAWS OF NORTH CAROLINA NOT INCONSISTENT THEREWITH; AND THAT I WILL FAITHFULLY PERFORM THE DUTIES OF THE OFFICE OF DEPUTY TOWN CLERK, ON WHICH I AM ABOUT TO ENTER, ACCORDING TO MY BEST SKILL AND ABILITY; SO HELP ME GOD."

KATELAN BLOUNT

SWORN TO AND SUBSCRIBED BEFORE ME

THIS THE 7TH DAY OF MARCH, 2024.

LAUREN EVANS, NCCMC
TOWN CLERK

MINUTES CONTINUED FROM MARCH 7, 2024

- The impact to the adjacent property owners and the surrounding community is reasonable, and the benefits of the rezoning outweigh any potential inconvenience or harm to the community.
- The requested zoning district is compatible with the existing Land Use Classification.
- The proposal does enhance or maintain the public health, safety, and general welfare.
- The request is for a small-scale rezoning and should be evaluated for reasonableness.

Commissioner Byrd made a motion in the affirmative, seconded by Commissioner Nelson, and unanimously approved by the Board that there is a convincing demonstration that all uses permitted under the proposed district classification would be in the general public interest and not merely in the interest of an individual or small group. Parcel is currently split zoned making it challenging to develop. By rezoning to be entirely under the RD zoning classification it would allow for all permitted uses under said zoning district to occur.

Commissioner Byrd made a motion in the affirmative, seconded by Commissioner Blackmon, and unanimously approved by the Board that there is a convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change. (When a new district designation is assigned, any use permitted in the district is allowable, so long as it meets district requirements, and not merely uses which applicants state they intend to make of the property involved.) The rezoning would place the entire parcel under RD and all permitted uses along with it. Furthermore, the parcel is not within corporate limits of the Town.

Commissioner McKoy made a motion in the affirmative, seconded by Commissioner Byrd, and unanimously approved by the Board that there is a convincing demonstration that the character of the neighborhood will not be materially and adversely affected by any use permitted in the proposed change. The parcel is currently split-zoned under both RD and R-15 zoning classification. This would ensure all RD classification and uses on the parcel.

Commissioner Nelson made a motion in the affirmative, seconded by Commissioner Byrd, and unanimously approved by the Board that the proposed change is in accord with the Land Development Plan and sound planning principles. The Erwin 2023 Land Use Plan has this parcel of land to be zoned under suburban classifications and by the rezoning would solve the issue of being split-zoned.

Commissioner Byrd made a motion that the requested rezoning from being split-zoned with R-15 and RD to entirely with RD classification is compatible with all of the Town of Erwin's regulatory documents. According to Erwin's 2023 Land Use Plan and Erwin's Code of Ordinances the uses defined within the RD zoning classification would best serve the above-stated parcel. It is recommended that this rezoning request be **Approved**.

MINUTES CONTINUED FROM MARCH 7, 2024

Commissioner Blackmon made a motion to adopt Ordinance for Map Amendment Case # ZT-2024-001 Amendment To The Official Zoning Map To Rezone From Split Zoned Residential (R-15) And Rural District (Rd) To Entirely Rural District (RD) Per Zoning Ordinance Article XXIII For Harnett County Pin 1506-15-0948 Ord 2023-2024: 005 and was seconded by Commissioner Nelson. **The Board voted unanimously.**

Golf Course R-15 Permitted Use Permitted Use Text Amendment & R.O.W Maintenance 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 stated this amendment would allow for Golf Courses in our R-15 zoning district. Golf Courses were not a permitted use in R-15 which technically made Chicora Golf Course a nonconforming use of land prohibiting them from expanding their golf course if they wished to do so in the future.

Mayor Baker asked if the Board had any questions about the proposed text amendment.

No discussion was had.

Mayor Baker asked Mr. Eure to go ahead and present the R.O.W Maintenance Text Amendment as well.

Town Planner Dylan Eure stated that the R.O.W Maintenance Text Amendment would better clarify the language within our Code of Ordinances to ensure that property owners are maintaining the right of way and mowing the grass to the edge of the street.

Mayor Baker asked if the Board had any questions about the proposed text amendment.

Commissioner Byrd expressed his concern with the way the text amendment was written. He stated it would not be fair to hold the property owners responsible for something that was in our right of way. This language would be putting an undue burden on our citizens.

Commissioner Blackmon clarified that this amendment would pertain to mainly grass in the ditches. Once you start talking about trees and bushes, it would be an undue hardship for the property owners.

Commissioner Byrd stated he had a problem with asking our citizens to keep the Town's right of way cleaned out. Some citizens are not able to get down in their ditches to clean it out.

Commissioner Blackmon stated that our citizens pay taxes and Town Staff needed to go back and look at the language of this text amendment. We should not ask our citizens to perform duties that the Town should be supplying.

Mayor Baker asked if anyone was present to speak in favor of or against either text amendment.

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 Byrd made a motion to approve the Ordinance of The Town of Erwin, North Carolina Amending 36-34 Definitions and Section 36-115 Permitted Uses And Structures Ord 2023-2024: 006 and was seconded by Commissioner Blackmon. **The Board voted unanimously.**

Erwin Board of Commissioners

REQUEST FOR CONSIDERATION

To: The Honorable Mayor and Board of Commissioners

From: Snow Bowden, Town Manager

Date: March 7, 2024

Subject: ZT-2024-001

The Town of Erwin has received a rezoning request for a vacant parcel located off of Hog Heaven Lane. The parcel is a vacant and does not have an address. The vacant parcel can be identified by its Harnett Count Tax PIN # 1506-15-0948.000. The parcel is currently split zoned

- R-15- 15.55 acres (53.27%)
- Rural District (RD) 13.64 acres (46.73%)

The applicant has requested that this parcel be fully rezoned to Rural District (RD). The Planning Board has recommended that his rezoning request be approved. As with any rezoning request you have to consider all of the permitted uses in the district that it would change to if the rezoning request is approved. This parcel is already partially zoned RD, the applicant seeks to use this parcel for a land use that would fall under the category of a public facilities. Public facilities are not allowed in our R-15 Zoning in District.

RD

Sec. 36-77. - Intent.

This district is established to promote low-density residential and agricultural uses. The regulations of this district are intended to protect the agricultural sections of the community from an influx of uses likely to render them undesirable for farms and future development and to ensure that residential developments dependent on private wells and septic tanks will occur at sufficiently low densities to ensure a healthful environment.

(Code 1977, § 9-4024.1)

Sec. 36-78. - Permitted principal uses and structures.

The following are permitted principal uses and structures:

(1) Single-family dwellings.

(2) Farms and agricultural uses for crop and livestock production. Note: A farm shall not be construed to include commercial poultry and swine production, cattle feed lots, and fur-bearing animals.

(3) Family care home.

(4) Religious uses, including churches and other places of worship, religious education buildings and parish houses.

(5) Municipal facilities.

(6) Manufactured Class A homes on individual lots.

(7) Customary home occupations.

(8) Equine stables (private or commercial use). Only applicable in the Planning Zone. Equine stables are not permitted inside town limits.

(9) Day care centers, day nurseries, preschools, and similar uses. Day care centers, day nurseries, preschools, and similar uses may not be located within a 300-foot radius measured from the center of the property of another day care center, day nursery, preschool, or similar use.

10) Public facilities.



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03/07/2024

ZT-2024-001 Memorandum

Rezoning Description

The Town of Erwin has received a request to rezone a piece of property located by its Harnett County Tax Pin: 1506-15-0948 off of Hog Heaven Lane within the Town of Erwin's planning jurisdiction but not within the Town's corporate limits. Currently this parcel is split zoned between R-15 and RD. With R-15 occupying approximately 15.55 acres or 53.27% of the property, and RD occupying approximately 13.67 acres or 46.73% of the property. Said petition would rezone the above parcel to be entirely under RD zoning classification.

Property Description

A single vacant parcel totaling 29.19 acres located off of Hog Heaven Rd within Erwin's planning jurisdiction approximately .35 of a mile south of town limits. According to Harnett County GIS no water or sewer lines are accessible through the property. Property is within both watershed HUC8 and HUC12 which will require approval from North Carolina's Department of Environmental Quality prior to development taking place. Otherwise the property is not within a flood zone or wetland. The surrounding land uses are R-15 to the North and to the West with RD being South and East of the parcel. According to the deed associated with the property there are two tracts that are listed with tract 1 being in the ownership of Donnie Hamilton and tract 2 being in the ownership of Ronnie Hamilton. The parcel that is being petitioned to be rezoned is tract 1

Findings of Fact

The requested rezoning from being split zoned with R-15 and RD to entirely with RD classification is compatible with all of the Town of Erwin's regulatory documents. According to Erwin's 2023 Land Use Plan and Erwin's Code of Ordinances the uses defined within the RD zoning classification would best serve the above stated parcel.

Regards,

Dylan Eure
Town Planner

24-2024-001

Planning board - 2/19/24

Commissioners - 3/7/24

Revised 9/26/2014



Application for an Amendment To The Official Zoning Map of Erwin, NC

Staff Only: Zoning Case # Z-2024 - 001
Fee: _____ Check # _____ MO _____ Cash _____
PB Recommendation: A D A W Conditions
BOC Date: _____ Decision: A D I A W Conditions

Print Applicant Name: DONNIE CARL HAMILTON & BECKY P HAMILTON
Name of Legal Property Owner: DONNIE CARL HAMILTON & BECKY P HAMILTON
Location of Property: HOG HEAVEN LN DUNN, NC 28334

Please Circle One of the Following: Less than one Acre One to 4.99 Acres Five or more Acres

Zoning change requested from R 15 to RD

If Conditional District, note conditions:

Harratt County Tax Map PIN 1 5 0 6 - 1 5 - 0 9 4 8

Property owner(s) of area requested and address(es)

DONNIE CARL HAMILTON & BECKY P HAMILTON 687 HOG HEAVEN LN DUNN NC 28334-7148

(If more space is required, please attach to this document separately)

- Submit names and addresses of property owners immediately adjacent to the proposed rezoning area (and properties within 100 feet of proposed rezoning area) and across any street(s) and identify on an area map
- Attach a metes and bounds description, deed drawing of the area involved or a reference to lots in an approved subdivision on the entire property requested for change
- This application must be filed with the Town Hall by 4:00 p.m. on the Friday which is at least 25 days before the meeting at which it is to be considered and may be withdrawn without penalty no later than 19 days prior to the public hearing

Whenever an application requesting an amendment has been acted on and denied by the Town Board, such application, or one substantially similar shall not be reconsidered sooner than one year after the previous denial.

It is understood by the undersigned that the Zoning Map, 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 zoning amendment rests with the applicant. Applicant is encouraged to Discuss the Proposed Zoning Amendment with Affected Property Owners.

Donnie Carl Hamilton 910-984-4396
Signature of Applicant Contact Number

687 Hog Heaven Ln., Dunn, N.C. 28334
Mailing Address of Applicant

SREMC – Hamilton Property – Rezoning Application

Names and addresses of property owners immediately adjacent to the proposed.

(properties within 100 feet of proposed rezoning area)

1. HAMILTON DONNIE CARL & HAMILTON BECKY P
 - a. PIN: 1506-15-4599.000
 - b. Mailing Address: 687 HOG HEAVEN LN DUNN, NC 28334-7146
 - c. Physical Address: 687 HOG HEAVEN LN DUNN, NC 28334-7146

2. HAMILTON RONNIE CARL & HAMILTON DEBRA LYNN
 - a. PIN: 1506-04-8916.000
 - b. Mailing Address: 473 HOG HEAVEN LN DUNN, NC 28334
 - c. Physical Address: HOG HEAVEN LN DUNN, NC 28334

3. HAMILTON RONNIE C & HAMILTON D
 - a. PIN: 1506-15-5148.000
 - b. Mailing Address: 473 HOG HEAVEN LANE DUNN, NC 28334-0000
 - c. Physical Address: 473 HOG HEAVEN LN DUNN, NC 28334

4. HAMILTON CARL JR HEIRS
 - a. PIN: 1506-04-7058.000
 - b. Mailing Address: 2628 NC HWY 82 DUNN, NC 28334-0000
 - c. Physical Address: 221 HOG HEAVEN LN DUNN, NC 28334

5. SMITH JOHN E JR
 - a. PIN: 1506-24-3948.000
 - b. Mailing Address: 473 HOG HEAVEN LANE DUNN, NC 28334-0000
 - c. Physical Address: 473 HOG HEAVEN LN DUNN, NC 28334

6. LEWIS SHARON HAMILTON & LEWIS STEPHEN AUSTIN
 - a. PIN: 1506-35-0468.000
 - b. Mailing Address: 1057 HUDSONTOWN RD DUNN, NC 28334
 - c. Physical Address: 1116 HOG HEAVEN LN DUNN, NC 28334

7. LEE KEVIN JACOB
 - a. PIN: 1506-26-4385.000
 - b. Mailing Address: 383 HINSON RD DUNN, NC 28334-9586
 - c. Physical Address: ---- HOG HEAVEN LN NC

8. ANCHOR PROPERTIES OF RALEIGH LLC
 - a. PIN: 1506-16-8759.000
 - b. Mailing Address: 503 WRENNSTONE CT APEX, NC 27529
 - c. Physical Address: ---- HOG HEAVEN LN NC

9. HARANT FRANKIE EDWIN
 - a. PIN: 1506-16-5628.000
 - b. Mailing Address: 111 LAVENDALE LN DUNN, NC 28334-6553
 - c. Physical Address: 111 LAVENDALE LN DUNN, NC 28334

10. BAIRD LARRY W & BAIRD ROXANNE
 - a. PIN: 1506-16-0834.000
 - b. Mailing Address: 135 LAVENDALE LN DUNN, NC 28334-6553
 - c. Physical Address: 135 LAVENDALE LN DUNN, NC 28334-6553

11. JENKINS ROBERT LAWRENCE JR & JENKINS MELODY L
 - a. PIN: 1506-06-4701.000
 - b. Mailing Address: 114 LAVENDALE LN DUNN, NC 28334
 - c. Physical Address: 114 LAVENDALE LN DUNN, NC 28334

12. DAVIS DON TRUSTEE & ANTIOCH PENTECOSTAL FREE WILL
 - a. PIN: 1506-06-1569.000
 - b. Mailing Address: PO BOX 2005 DUNN, NC 28335-2005
 - c. Physical Address: 494 ANTIOCH CHURCH RD DUNN, NC 28334

13. MATTHEWS SHIRLEY B
 - a. PIN: 0596-95-4677.000
 - b. Mailing Address: 2016 RICE ROAD SANFORD, NC 27330-0000
 - c. Physical Address: ---- NC 82 NC

the old property line of Hamilton and Tart, North 0 degrees 56 minutes 30 seconds West 749.57 feet to the point of beginning and contains 32.79 acres, more or less, within the traverse. The area between the traverse line and the ditch contains approximately 0.32 acres leaving a total acreage in this tract of 33.11 acres and is Tract 1 as shown on a map for Carl Hamilton, Jr. and wife, Glenda Hamilton, dated October 29, 1992 by W.R. Lambert, R.L.S.

There is conveyed with the above referenced parcel a right of way and easement for the purposes of ingress, egress and regress, over and across the lands of the grantor, said right of way and easement being more particularly described as follows:

Beginning at a point in the centerline of SR 1776, said point may be located by beginning at an existing 1 inch iron pipe, said pipe being the northeastern corner for the B.F. Hamilton 2.801 acre tract recorded in Deed Book 878, at Pages 31-32 of the Harnett County Registry, and running as an extension of the northern property line of the B.F. Hamilton 2.801 acre tract 29.69 feet to a point in the centerline of SR 1776; then running as the center of the road North 17 degrees 03 minutes 10 seconds West 328.51 feet to the BEGINNING POINT; thence from said BEGINNING POINT, runs as the centerline of a 50 foot wide easement, South 57 degrees 56 minutes 50 seconds West 600.0 feet to a point; thence as the centerline of a 50 foot wide easement, South 75 degrees 26 minutes 56 seconds West approximately 1690.99 feet to a point; thence South 22 degrees 45 minutes 52 seconds West 25 feet to a point in the old property line between Hamilton and Alvis Wood; thence as the southern side of a 50 foot wide easement, North 67 degrees 14 minutes 05 seconds West 900 feet to an iron stake, said stake being a joint corner for Alvis Wood and Hamilton, said stake being the southwestern corner for the Carl Hamilton, Jr. 36.5 acre tract recorded in Deed Book 349, at page 623 of the Harnett County Registry, and said stake being the northeastern corner for the Carl Hamilton, Jr. and wife, Glenda Hamilton 20.8 acre tract recorded as Tract 3 of Deed Book 441, at Page 124, Harnett County Registry, and the southeastern corner for the Carl Hamilton, Jr. and wife, Glenda Hamilton 16 3/4 acre tract recorded as Tract 2 of Deed Book 441, at page 124 of the Harnett County Registry; thence as the eastern side of a 25 foot wide easement, South 20 degrees 31 minutes 32 seconds West 137.74 feet to an iron stake, corner for Tract 1 and Tract 2 of the Carl Hamilton, Jr. and wife, Glenda Hamilton Division as shown on a map dated October 29, 1992; thence continuing as the eastern property line of Carl Hamilton, Jr., and as the eastern side of a 25 foot wide easement, South 20 degrees 31 minutes 23 seconds West 1149.12 feet to the southeastern corner for Tract 2 of the Carl Hamilton, Jr. and wife, Glenda Hamilton Division as shown on a map dated October 29, 1992. With the above described 600 foot line being the centerline of the 50 foot wide easement and the above describe approximately 1690.99 foot line also being the centerline of the 50 foot wide easement and the above described 900 foot line being the southern line of the 50 foot wide easement and the above described 137.74 foot line and the 1149.12 foot line being the eastern line of the 25 foot wide easement with the purpose of the easement being for ingress and egress.

PARCEL TWO: BEGINNING at an iron stake at the high bank of the Cape Fear River, said stake being located at the south end of Red Rock Lock, said stake also being a corner for the Inez Corbin 200 acre "Williams Tract", and runs as the old line of Carl Hamilton, Jr. and Corbin, North 67 degrees 05 minutes 44 seconds West 48.57 feet to an iron stake set on the property line; thence as the old line of Hamilton and Corbin, North 67 degrees 05 minutes 44 seconds West 780.45 feet to an existing iron pipe at the intersection of ditches, corner chops were also found; thence as the line of Hamilton and Corbin, and as a ditch, South 7 degrees 59 minutes 05 seconds West 2184.31 feet to an existing iron stake at the intersection of ditches; thence as the old line of Hamilton, South 63 degrees 27 minutes 54 seconds West 152.95 feet to a set iron stake; thence as the line of Hamilton and Corbin, South 22 degrees 20 minutes 00 seconds West 785.0 feet to a set 5/8 inch steel rod over a tile that is at the northern side of a 50 feet wide right of way; thence as the line of Hamilton and Corbin, North 85 degrees 00 minutes 00 seconds West 500.00 feet to an existing concrete monument; thence as the line of Hamilton and Corbin, North 78 degrees 40 minutes 00 seconds West 650.13 feet to an existing concrete monument; thence as the line of Hamilton and Wellons, South 22 degrees 19 minutes 31 seconds West 671.3 feet to an iron stake, a new corner, also a corner for Tract #2; thence as a new line and as the line between Tract #1 and Tract #2, South 83 degrees 21 minutes 53 seconds East 2855.68 feet to an iron stake at the high bank of Cape Fear River, a new corner; thence as the run of Cape Fear River, measured along the high bank, the following courses and distances: North 9 degrees 57 minutes 25

seconds West 199.35 feet to an iron stake, and North 12 degrees 12 minutes 35 seconds West 200.95 feet to an iron stake, and North 5 degrees 55 minutes 20 seconds West 275.24 feet to an iron stake, and North 8 degrees 24 minutes 00 seconds West 182.41 feet to an iron stake, and North 0 degrees 23 minutes 05 seconds East 391.94 feet to an iron stake, and North 6 degrees 45 minutes 40 seconds East 571.28 feet to an iron stake, and North 7 degrees 33 minutes 10 seconds East 201.51 feet to an iron stake, and North 2 degrees 37 minutes 20 seconds East 319.44 feet to an iron stake, and North 7 degrees 14 minutes 10 seconds East 300.11 feet to an iron stake, and North 4 degrees 01 minute 15 seconds East 197.23 feet to an iron stake, and North 4 degrees 36 minutes 05 seconds East 420.16 feet to an iron stake, and North 2 degrees 37 minutes 55 seconds West 176.44 feet to the point of beginning and contains 101.14 acres, more or less.

There is conveyed with the above referenced parcel a 50 foot right of way and easement for the purposes of ingress, egress and regress, over and across the lands of the grantor, said right of way and easement being more particularly described as follows:

Beginning at an existing concrete monument, said monument being the joint corner between Carl Hamilton, Jr., Wellons, and Inez Corbin's 200 acre "Williams Tract", said monument may also be located by beginning at a P.K. nail over a culvert in the center of SR 1779, and running as the center of the road, North 78 degrees 48 minutes 18 seconds East 748.80 feet to a P.K. nail, and North 65 degrees 22 minutes 18 seconds East 224.64 feet to a P.K. nail and then running as the center of an existing path, South 66 degrees 11 minutes 21 seconds East 188.63 feet to an iron stake and South 68 degrees 33 minutes 31 seconds East 516.83 feet to an iron stake, and South 67 degrees 04 minutes 41 seconds East 506.74 feet to an iron stake, and South 77 degrees 50 minutes 31 seconds East 627.0 feet to the BEGINNING POINT; thence from said BEGINNING POINT, runs as the northern side of a 50 foot wide right of way and as the line of Hamilton and Inez Corbin, South 78 degrees 40 minutes 00 seconds East 650.13 feet to an existing concrete monument, and South 85 degrees 00 minutes 00 seconds East 500.0 feet to a set 5/8 inch steel rod over a tile; thence traversing from the northern side of a 50 foot wide right of way to the southern side, South 80 degrees 09 minutes 11 seconds East 1047.68 feet to an iron stake; thence as the western side of a 50 foot wide right of way, South 5 degrees 27 minutes 31 seconds East 642.23 feet to an iron stake, and South 36 degrees 41 minutes 08 seconds West 568.48 feet to an iron stake, and South 35 degrees 24 minutes 23 seconds West 1024.36 feet to an iron stake, and South 39 degrees 08 minutes 58 seconds West 1053.90 feet to an iron stake, and South 38 degrees 25 minutes 08 seconds West 440.73 feet to an iron stake, said stake being in the property line between Tract #3 and Tract #4, and being located North 62 degrees 09 minutes 02 seconds West 1431.48 feet from an iron stake at the high bank of the Cape Fear River that is a joint corner for Tract #4 and Tract #3, and being located South 62 degrees 09 minutes 02 seconds East 1645.4 feet from an iron stake in the line of Wellons that is a joint corner for Tract #4 and Tract #3 with the above described lines being a 50 foot wide easement for the purpose of ingress and egress for Tracts #1, #2, #3, and #4 of the Carl Hamilton, Jr. Division.

No title search was performed

To have and to hold said lands and premises, together with all privileges and appurtenances thereunto belonging, to the said Grantees and their heirs and assigns in equal shares as tenants in common.

And the said Grantor does covenant that he is seized of said premises in fee and has the right to convey the same in fee simple; that the same are free from encumbrances; and that he will warrant and defend the said title to the same against the claims of all persons whomsoever.

IN TESTIMONY WHEREOF, said Grantor has hereunto set his hand and seal the day and year first above written.

 (SEAL)
Donnie Carl Hamilton

NORTH CAROLINA

HARNETT COUNTY

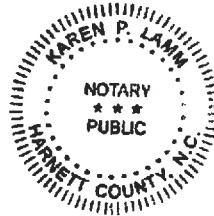
I, Karen P. Lamm, a Notary Public for said County and State, certify that Donnie Carl Hamilton personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and seal, this the 15th day of February, 2017.



Notary Public

My Commission Expires: September 21, 2020





**REZONING MAP REQUEST
STAFF REPORT**

Case: ZT-2024-001

Dylan Eure, Town Planner
deure@erwin-nc.org

Phone: (910) 591-4201 Fax: (910) 897-5543

Planning Board: 2/19/2024

Town Commissioners: 03/07/2024

The Town of Erwin has received a request to rezone a parcel located by its Harnett County Tax Pin 1506-15-0948. Currently this parcel is split zoned between R-15 and RD. With R-15 occupying approximately 15.55 acres or 53.27% of the property, and RD occupying approximately 13.67 acres or 46.73% of the property. Said petition would rezone the above parcel to be entirely under RD zoning classification.

Applicant Information

Owner of Record:

Name: Carl & Becky Hamilton

Address: 687 Hog Heaven Ln

City/State/Zip: Dunn, NC 28334

Applicant:

Name: Carl & Becky Hamilton

Address: 687 Hog Heaven Ln

City/State/Zip: Dunn, NC 28334

Property Description

Harnett County Tax Pin #1506-15-0948

Vicinity Map

- See Attached Harnett County GIS Image with zoning districts
- See Attached Harnett County GIS Image without zoning districts

Physical Characteristics

Site Description:

A single vacant parcel totaling 29.19 acres located off of Hog Heaven Rd within Erwin's planning jurisdiction approximately .35 of a mile south of town limits. According to Harnett

County GIS no water or sewer lines are accessible through the property. Property is within both watershed HUC8 and HUC12 which will require approval from North Carolina's Department of Environmental Quality prior to development taking place. Otherwise the property is not within a flood zone or wetland. According to the deed associated with the property there are two tracts that are listed with tract 1 being in the ownership of Donnie Hamilton and tract 2 being in the ownership of Ronnie Hamilton. The parcel that is being petitioned to be rezoned is tract 1.

Surrounding Land Uses: The surrounding land uses are R-15 to the North and to the West with RD being South and East of the parcel.

Services Available

- No water or sewer lines run by property.
-
-

Staff Evaluation

The applicant has requested to have a single split zoned parcel between R-15 and RD zoning classifications to be entirely under the RD.

Staff Evaluation

Yes No The IMPACT to the adjacent property owners and the surrounding community is reasonable, and the benefits of the rezoning outweigh any potential inconvenience or harm to the community

- **Reasoning:** The rezoning is compatible with the surrounding community and would not cause any inconvenience to those within the area.

Yes No The requested zoning district is COMPATIBLE with the existing Land Use Classification.

- **Reasoning:** According to Erwin's current Land Use Plan done in 2023 the property is assigned to be zoned as an suburban area.

Yes No The proposal does ENHANCE or maintain the public health, safety, and general welfare.

- **Reasoning:** The rezoning would allow for additional developments on property that are currently not allowed due to the parcel being split zoned.

Yes No The request is for a SMALL SCALE REZONING and should be evaluated for reasonableness.

- **Reasoning:** This rezoning request includes a single parcel to be rezoned to be completely zoned under RD.

<p>There is a convincing demonstration that all uses permitted under the proposed district classification would be in the general public interest and not merely in the interest of an individual or small group. YES</p>	<p>Parcel is currently split zoned making it challenging to develop. By rezoning to be entirely under the RD zoning classification it would allow for all permitted uses under said zoning district to occur.</p>
<p>There is a convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change. (When a new district designation is assigned, any use permitted in the district is allowable, so long as it meets district requirements, and not merely uses which applicants state they intend to make of the property involved.) YES</p>	<p>The rezoning would place the entire parcel under RD and all permitted uses along with it. Furthermore, the parcel is not within corporate limits of the Town.</p>
<p>There is a convincing demonstration that the character of the neighborhood will not be materially and adversely affected by any use permitted in the proposed change. YES</p>	<p>The parcel is currently split zoned under both RD and R-15 zoning classification. This would ensure all RD classification and uses on the parcel.</p>
<p>The proposed change is in accord with the Land Development Plan and sound planning principles. YES</p>	<p>The Erwin 2023 Land Use Plan has this parcel of land to be zoned under suburban classifications and by the rezoning would solve the issue of being split zoned.</p>

Statement of Consistency

The requested rezoning from being split zoned with R-15 and RD to entirely with RD classification is compatible with all of the Town of Erwin's regulatory documents. According to Erwin's 2023 Land Use Plan and Erwin's Code of Ordinances the uses defined within the RD zoning classification would best serve the above stated parcel. It is recommended that this rezoning request be **Approved**.

Attachments:


- ZT-2024-001 Application
- Harnett County GIS Image with zoning districts
- Harnett County GIS Image without zoning districts
- Adjacent property owner sheet

Harnett GIS

NOT FOR LEGAL USE

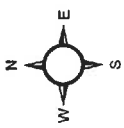



Harnett County GIS



Harnett COUNTY
NORTH CAROLINA

GIS/E-911 Addressing
January 24, 2024





Easements

- Flood Map Index
- County Boundary
- Address Numbers
- Road Centerlines
- Watershed HUC8

Zoning Districts

- R15
- RA-30

Other

- Parcels
- ETJ Boundary
- Watershed HUC12
- RD

Harnett GIS



Harnett COUNTY
NORTH CAROLINA

GIS/E-911 Addressing
January 24, 2024

6 - 36

Flood Map Index
 County Boundary
 Address Numbers
 County Water Mains
 Easements
 Road Centerlines
 Watershed HUC8
 Watershed HUC12

Other
 Parcels
 Watershed HUC8

North
 South
 East
 West

0
 165
 330
 660
 Feet

NOT FOR LEGAL USE

John Smith Jr
1174 Old Hamilton Rd
Dunn, NC 28334

Carl Donnie & Becky P Hamilton
687 Hog Heaven Ln
Dunn, NC 28334

Carl Ronnie & Debra Lynn Hamilton
473 Hog Heaven Ln
Dunn, NC 28334

Carl R. & Debra Hamilton
473 Hog Heaven Ln
Dunn, NC 28334

Carl Hamilton Jr Heirs
2628 NC HWY 82
Dunn, NC 28334

Sharon & Stephen Lewis
1057 Hudsonstown Rd
Dunn, NC 28334

Kevin Jacob Lee
383 Hinson Rd
Dunn, NC 28334

Anchor Properties of Raleigh
503 Wrennstone Ct
Apex, NC 27529

Edwin Frankie Harant
111 Lavendale Ln
Dunn, NC 28334

Larry & Roxanne Baird
135 Lavendale Ln
Dunn, NC 28334

Robert & Melody Jenkins
114 Lavendale Ln
Dunn, NC 28334

Don Davis Trustee & Antioch Pentecostal
Free Will
PO Box 2005
Dunn, NC 28334

Shirley B Matthews
2016 Rice Rd
Sanford, NC 27330



TOWN OF ERWIN

P.O. Box 459 · Erwin, NC 28339
Phone: 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

2/23/2024

Notice of a Public Hearing ZT-2024-001

The Board of Commissioners of the Town of Erwin will hold a public hearing pursuant to NC General Statute 160D-406 on March 7th, 2024 at 7:00 P.M. at the Erwin Town Hall, 100 West F Street, Erwin, North Carolina to hear public comment on a proposed rezoning request.

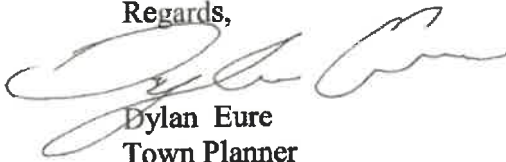
There has been a zoning map amendment application submitted to the Town. The rezoning request includes a single parcel of land that are listed below:

- HC Tax Pin: 1506-15-0948.000 located off of Hog Heaven Ln in Erwin's planning jurisdiction.

Currently this parcel is split zoned between R-15 and RD. With R-15 occupying approximately 15.55 acres or 53.27% of the property, and RD occupying approximately 13.67 acres or 46.73% of the property. Said petition would rezone the above parcel to be entirely under RD zoning classification.

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 item pursuant to NC General Statute 160D-406, on Thursday, March 7, 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 Manager Snow Bowden at 910-591-4200 or by email at townmanager@erwin-nc.org.

- Case ZT-2024-001: Request to have a split-zoned parcel located off of Hog Heaven Lane rezoned from R-15 and RD to entirely Rural District (RD). The property can be identified by its Harnett County Tax PIN # 1506-15-0948.000.
- Text Amendment to Chapter 36 Zoning, Section 36-115 Permitted uses and structures under Article 5 Residential (R-15) and Article 2 Definitions in the Town of Erwin Code of Ordinances.
- Text Amendment to Chapter 12 Environment, Article IV Weeds, Hedges, Tall Grass and Other Vegetation, Section 12-92 Definition in the Town of Erwin Code of Ordinances.
- A request to consider permanently closing an undeveloped section of Bayles Street that extends from the parcel that the Walmart is located on currently.

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.
2/20,27/2024

ZT-2024-001

Statement-of-Consistency

The requested rezoning from being split zoned with R-15 and RD to entirely with RD classification is compatible with all of the Town of Erwin's regulatory documents. According to Erwin's 2023 Land Use Plan and Erwin's Code of Ordinances the uses defined within the RD zoning classification would best serve the above stated parcel. It is recommended that this rezoning request be **Approved**.



Joshua Schmieding
Chairman



Lauren Evans
Town Clerk

ZT-2024-001

Statement-of-Consistency

The requested rezoning from being split zoned with R-15 and RD to entirely with RD classification is compatible with all of the Town of Erwin's regulatory documents. According to Erwin's 2023 Land Use Plan and Erwin's Code of Ordinances the uses defined within the RD zoning classification would best serve the above stated parcel. It is recommended that this rezoning request be **Approved**.



Randy Baker
Mayor



Lauren Evans
Town Clerk



TOWN OF ERWIN

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

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

ORDINANCE FOR MAP AMENDMENT CASE # ZT-2024-001 AMENDMENT TO THE OFFICIAL ZONING MAP TO REZONE FROM SPLIT ZONED RESIDENTIAL (R-15) AND RURAL DISTRICT (RD) TO ENTIRELY RURAL DISTRICT (RD) PER ZONING ORDINANCE ARTICLE XXIII FOR HARNETT COUNTY PIN 1506-15-0948. ORD 2023-2024: 005

Per Chapter 36 Zoning, Article XXIII, Changes and Amendments, Harnett County PIN 1506-15-0948.000 owned by Donnie Carl Hamilton and Becky P Hamilton has been rezoned to Rural District (RD), Case # ZT-2024-001.

B3480 - P348

HARNETT COUNTY TAX ID#
12-0395-0001-01
2-14-17 BY SM

FOR REGISTRATION
KIMBERLY REGISTER OF DEEDS
HARNETT COUNTY, NC
2017062341
BK: 3480 P: 348-261
INSTRUMENT # 2017062341



2017062341

This instrument drafted by: Timothy C. Morris, P.A.
After recording, mail to: P.O. Box 794, Erwin, North Carolina 28339

NORTH CAROLINA)
HARNETT COUNTY) DEED

This deed, made and entered into this 15th day of February 2017, by and between Donnie Carl Hamilton, of Harnett County, North Carolina whose address is 2628 NC Hwy 82, Dunn, NC 28334 hereinafter referred to as the "GRANTOR"; and Donnie Carl Hamilton and wife Becky P. Hamilton, as tenants by the entirety, of Harnett County, North Carolina, whose address is: 2628 NC Hwy 82, Dunn, NC 28334; hereinafter referred to as the "GRANTEES".

WITNESSETH:

Now therefore, said Grantor, for and in consideration of the sum of one dollar, have bargained and sold and by these presents do grant, bargain, sell and convey to said Grantees, their heirs and assigns all right, title, interest, and estate of said Grantor, to a certain tract or parcel of land lying and being those certain tracts or parcels of land situated and being in Duke and Stewart's Creek Township, Harnett County, North Carolina, and more particularly described below. This is the same property that was conveyed to the Grantor in deed recorded in Book 1113, Page 630-633 at the Harnett County Register of Deeds Office.

PARCEL ONE: BEGINNING at an existing 1 1/8 inch square steel rod, said rod being the northeastern corner for the Carl Hamilton, Jr. and wife, Glenda Hamilton 14 acre tract known as Tract 1 of Deed Book 441, at Page 124 of the Harnett County Registry, and runs as the old property line between Hamilton and Beard, North 84 degrees 44 minutes 54 seconds West 1429.94 feet to an iron stake, said stake being located 5.5 feet east of a ditch (formerly Tar Kiln Branch), with corner supposed to be in the run of the branch; thence as the run of the branch, surveyed and iron stakes set along the eastern bank of the ditch that was formerly Tar Kiln Branch with the old property lines of Hamilton and Antioch Church, the Bell Family Land, and Harper Tripp the following courses and distances: South 13 degrees 34 minutes 47 seconds East 270.81 feet to an iron stake located 13 feet east of the ditch, and South 16 degrees 52 minutes 07 seconds East 245.40 feet to an iron stake located 14 feet east of the ditch, and South 3 degrees 46 minutes 18 seconds West 68.69 feet to an iron stake 16 feet east of the ditch, and South 13 degrees 55 minutes 33 seconds West 144.99 feet to an iron stake 15 feet east of the ditch, and South 19 degrees 39 minutes 33 seconds West 289.11 feet to an iron stake 19 feet east of the ditch; thence a new line, South 79 degrees 26 minutes 22 seconds East 1416.66 feet to an iron stake in a path, said stake being the line of Alvis Wood; thence as the old property line of Wood and Hamilton and running as an old path, North 20 degrees 31 minutes 32 seconds East 137.74 feet to an iron stake, said stake being the southeastern corner for the Carl Hamilton, Jr. and wife, Glenda Hamilton 16 3/4 acre tract recorded as Tract 2 of Deed Book 441, at page 124 of the Harnett County Registry and being the northeastern corner for the Carl Hamilton Jr. and wife, Glenda Hamilton, 20.8 acre tract recorded as Tract 3 of Deed Book 441, at page 124 of the Harnett County Registry and being the southwestern corner for the Carl Hamilton Jr. 36.5 acre tract recorded in Deed Book 349, at page 623 of the Harnett County Registry; thence as the old property line and path between Tract 2 of Deed Book 441, at page 124 and the 36.5 acre tract, North 0 degrees 40 minutes 27 seconds West 229.74 feet to an existing iron pipe, said pipe being a corner for Casper Tart Jr. and being the northwestern corner for the 36.5 acre tract; thence as

the old property line of Hamilton and Tart, North 0 degrees 56 minutes 30 seconds West 749.57 feet to the point of beginning and contains 32.79 acres, more or less, within the traverse. The area between the traverse line and the ditch contains approximately 0.32 acres leaving a total acreage in this tract of 33.11 acres and is Tract 1 as shown on a map for Carl Hamilton, Jr. and wife, Glenda Hamilton, dated October 29, 1992 by W.R. Lambert, R.L.S.

There is conveyed with the above referenced parcel a right of way and easement for the purposes of ingress, egress and regress, over and across the lands of the grantor, said right of way and easement being more particularly described as follows:

Beginning at a point in the centerline of SR 1776, said point may be located by beginning at an existing 1 inch iron pipe, said pipe being the northeastern corner for the B.F. Hamilton 2.801 acre tract recorded in Deed Book 878, at Pages 31-32 of the Harnett County Registry, and running as an extension of the northern property line of the B.F. Hamilton 2.801 acre tract 29.69 feet to a point in the centerline of SR 1776; then running as the center of the road North 17 degrees 03 minutes 10 seconds West 328.51 feet to the BEGINNING POINT; thence from said BEGINNING POINT, runs as the centerline of a 50 foot wide easement, South 57 degrees 56 minutes 50 seconds West 600.0 feet to a point; thence as the centerline of a 50 foot wide easement, South 75 degrees 26 minutes 56 seconds West approximately 1690.99 feet to a point; thence South 22 degrees 45 minutes 52 seconds West 25 feet to a point in the old property line between Hamilton and Alvis Wood; thence as the southern side of a 50 foot wide easement, North 67 degrees 14 minutes 05 seconds West 900 feet to an iron stake, said stake being a joint corner for Alvis Wood and Hamilton, said stake being the southwestern corner for the Carl Hamilton, Jr. 36.5 acre tract recorded in Deed Book 349, at page 623 of the Harnett County Registry, and said stake being the northeastern corner for the Carl Hamilton, Jr. and wife, Glenda Hamilton 20.8 acre tract recorded as Tract 3 of Deed Book 441, at Page 124, Harnett County Registry, and the southeastern corner for the Carl Hamilton, Jr. and wife, Glenda Hamilton 16 3/4 acre tract recorded as Tract 2 of Deed Book 441, at page 124 of the Harnett County Registry; thence as the eastern side of a 25 foot wide easement, South 20 degrees 31 minutes 32 seconds West 137.74 feet to an iron stake, corner for Tract 1 and Tract 2 of the Carl Hamilton, Jr. and wife, Glenda Hamilton Division as shown on a map dated October 29, 1992; thence continuing as the eastern property line of Carl Hamilton, Jr., and as the eastern side of a 25 foot wide easement, South 20 degrees 31 minutes 23 seconds West 1149.12 feet to the southeastern corner for Tract 2 of the Carl Hamilton, Jr. and wife, Glenda Hamilton Division as shown on a map dated October 29, 1992. With the above described 600 foot line being the centerline of the 50 foot wide easement and the above describe approximately 1690.99 foot line also being the centerline of the 50 foot wide easement and the above described 900 foot line being the southern line of the 50 foot wide easement and the above described 137.74 foot line and the 1149.12 foot line being the eastern line of the 25 foot wide easement with the purpose of the easement being for ingress and egress.

PARCEL TWO: BEGINNING at an iron stake at the high bank of the Cape Fear River, said stake being located at the south end of Red Rock Lock, said stake also being a corner for the Inez Corbin 200 acre "Williams Tract", and runs as the old line of Carl Hamilton, Jr. and Corbin, North 67 degrees 05 minutes 44 seconds West 48.57 feet to an iron stake set on the property line; thence as the old line of Hamilton and Corbin, North 67 degrees 05 minutes 44 seconds West 780.45 feet to an existing iron pipe at the intersection of ditches, corner chops were also found; thence as the line of Hamilton and Corbin, and as a ditch, South 7 degrees 59 minutes 05 seconds West 2184.31 feet to an existing iron stake at the intersection of ditches; thence as the old line of Hamilton, South 63 degrees 27 minutes 54 seconds West 152.95 feet to a set iron stake; thence as the line of Hamilton and Corbin, South 22 degrees 20 minutes 00 seconds West 785.0 feet to a set 5/8 inch steel rod over a tile that is at the northern side of a 50 feet wide right of way; thence as the line of Hamilton and Corbin, North 85 degrees 00 minutes 00 seconds West 500.00 feet to an existing concrete monument; thence as the line of Hamilton and Corbin, North 78 degrees 40 minutes 00 seconds West 650.13 feet to an existing concrete monument; thence as the line of Hamilton and Wellons, South 22 degrees 19 minutes 31 seconds West 671.3 feet to an iron stake, a new corner, also a corner for Tract #2; thence as a new line and as the line between Tract #1 and Tract #2, South 83 degrees 21 minutes 53 seconds East 2855.68 feet to an iron stake at the high bank of Cape Fear River, a new corner; thence as the run of Cape Fear River, measured along the high bank, the following courses and distances: North 9 degrees 57 minutes 25

B3480 - P350

seconds West 199.35 feet to an iron stake, and North 12 degrees 12 minutes 35 seconds West 200.95 feet to an iron stake, and North 5 degrees 55 minutes 20 seconds West 275.24 feet to an iron stake, and North 8 degrees 24 minutes 00 seconds West 182.41 feet to an iron stake, and North 0 degrees 23 minutes 05 seconds East 391.94 feet to an iron stake, and North 6 degrees 45 minutes 40 seconds East 571.28 feet to an iron stake, and North 7 degrees 33 minutes 10 seconds East 201.51 feet to an iron stake, and North 2 degrees 37 minutes 20 seconds East 319.44 feet to an iron stake, and North 7 degrees 14 minutes 10 seconds East 300.11 feet to an iron stake, and North 4 degrees 01 minute 15 seconds East 197.23 feet to an iron stake, and North 4 degrees 36 minutes 05 seconds East 420.16 feet to an iron stake, and North 2 degrees 37 minutes 55 seconds West 176.44 feet to the point of beginning and contains 101.14 acres, more or less.

There is conveyed with the above referenced parcel a 50 foot right of way and easement for the purposes of ingress, egress and regress, over and across the lands of the grantor, said right of way and easement being more particularly described as follows:

Beginning at an existing concrete monument, said monument being the joint corner between Carl Hamilton, Jr., Wellons, and Inez Corbin's 200 acre "Williams Tract", said monument may also be located by beginning at a P.K. nail over a culvert in the center of SR 1779, and running as the center of the road, North 78 degrees 48 minutes 18 seconds East 748.80 feet to a P.K. nail, and North 65 degrees 22 minutes 18 seconds East 224.64 feet to a P.K. nail and then running as the center of an existing path, South 66 degrees 11 minutes 21 seconds East 188.63 feet to an iron stake and South 68 degrees 33 minutes 31 seconds East 516.83 feet to an iron stake, and South 67 degrees 04 minutes 41 seconds East 506.74 feet to an iron stake, and South 77 degrees 50 minutes 31 seconds East 627.0 feet to the BEGINNING POINT; thence from said BEGINNING POINT, runs as the northern side of a 50 foot wide right of way and as the line of Hamilton and Inez Corbin, South 78 degrees 40 minutes 00 seconds East 650.13 feet to an existing concrete monument, and South 85 degrees 00 minutes 00 seconds East 500.0 feet to a set 5/8 inch steel rod over a tile; thence traversing from the northern side of a 50 foot wide right of way to the southern side, South 80 degrees 09 minutes 11 seconds East 1047.68 feet to an iron stake; thence as the western side of a 50 foot wide right of way, South 5 degrees 27 minutes 31 seconds East 642.23 feet to an iron stake, and South 36 degrees 41 minutes 08 seconds West 568.48 feet to an iron stake, and South 35 degrees 24 minutes 23 seconds West 1024.36 feet to an iron stake, and South 39 degrees 08 minutes 58 seconds West 1053.90 feet to an iron stake, and South 38 degrees 25 minutes 08 seconds West 440.73 feet to an iron stake, said stake being in the property line between Tract #3 and Tract #4, and being located North 62 degrees 09 minutes 02 seconds West 1431.48 feet from an iron stake at the high bank of the Cape Fear River that is a joint corner for Tract #4 and Tract #3, and being located South 62 degrees 09 minutes 02 seconds East 1645.4 feet from an iron stake in the line of Wellons that is a joint corner for Tract #4 and Tract #3 with the above described lines being a 50 foot wide easement for the purpose of ingress and egress for Tracts #1, #2, #3, and #4 of the Carl Hamilton, Jr. Division.

No title search was performed

To have and to hold said lands and premises, together with all privileges and appurtenances thereunto belonging, to the said Grantees and their heirs and assigns in equal shares as tenants in common.

And the said Grantor does covenant that he is seized of said premises in fee and has the right to convey the same in fee simple; that the same are free from encumbrances; and that he will warrant and defend the said title to the same against the claims of all persons whomsoever.

IN TESTIMONY WHEREOF, said Grantor has hereunto set his hand and seal the day and year first above written.

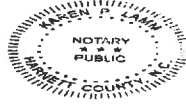
Donnie Carl Hamilton (SEAL)
Donnie Carl Hamilton

NORTH CAROLINA
HARNETT COUNTY


I, Karen P. Lamm, a Notary Public for said County and State, certify that Donnie Carl Hamilton personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and seal, this the 15th day of February, 2017.


Notary Public
My Commission Expires: September 21, 2020



Adopted this the 7th day of March 2024.



Randy Baker,
Mayor

ATTEST:



Lauren Evans, NCCMC
Town Clerk

Erwin Board of Commissioners

REQUEST FOR CONSIDERATION

To: The Honorable Mayor and Board of Commissioners

From: Snow Bowden, Town Manager

Date: March 7, 2024

Subject: Golf Course R-15 Permitted Use Text Amendment

Town Staff has prepared a text amendment to our Town Code. The proposed text amendment would add golf courses as a permitted use in our R-15 Zoning District. The proposed text amendment also includes a definition of a golf course. The Planning Board has recommended this text amendment for approval.

Proposed permitted uses to be added to R-15:

- Golf courses

Proposed definition of a golf course:

- An area of land laid out for golf with a series of 9 to 18 holes varying from 100 to 600 yards with each including a tee, fairway, putting greens, bunkers and that may contain clubhouses, areas for refreshment, or golf equipment sales.



TOWN OF ERWIN

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

ORDINANCE OF THE TOWN OF ERWIN, NORTH CAROLINA AMENDING SECTION 36-34 DEFINITIONS AND SECTION 36-115 PERMITTED USES AND STRUCTURES ORD 2023-2024: 006

WHEREAS, the current language of Section 36-34 Definitions and Section 36-115 Permitted Uses and Structures reads:

Sec. 36-34 – Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Sec. 36-115. - Permitted uses and structures.

The following are permitted uses and structures:

- (1) Single-family dwellings.
- (2) Municipal facilities.

WHEREAS, the Town of Erwin wishes to amend the current language of the same and add dictation to Section 36-34 Definitions 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. 36-34 – Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

***Golf Course* is an area of land laid out for golf with a series of 9 to 18 holes varying from 100 to 600 yards with each including a tee, fairway, putting greens, bunkers and that may contain clubhouses, areas for refreshment, or golf equipment sales.**

Sec. 36-115. - Permitted uses and structures.

The following are permitted uses and structures:

- (1) Single-family dwellings.
- (2) Municipal facilities.
- (3) **Golf Courses**

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 36-34 Definitions and Section 36-115 Permitted Uses and Structures of the Town Code is stricken where indicated by strikethrough lines and includes such language as herein indicated by bold print.

Adopted this 7th day of March 2024.

ATTEST:



Randy Baker
Mayor



Lauren Evans, NCCMC
Town Clerk

Erwin Board of Commissioners

REQUEST FOR CONSIDERATION

To: The Honorable Mayor and Board of Commissioners

From: Snow Bowden, Town Manager

Date: March 7, 2024

Subject: R.O.W Maintenance Text Amendment

Town Staff has prepared a text amendment to our Town Code. The proposed text amendment would add language to a section of our Town Code in regards to weeds, hedges, tall grass and other vegetation. It clears up who is responsible for maintaining the right-of-way.

Current language:

(7) Hedges or dense, thorny shrubs extending into the public right-of-way

Proposed language:

(7) Hedges, dense thorny shrubs, weeds, grass, brush, poisonous vegetation or any other overgrown / dead vegetation as defined in items (1),(3), and (4) of Section 12-92. of this article extending into the public right-of-way to the edge of the street

MINUTES CONTINUED FROM MARCH 7, 2024

Commissioner Blackmon made a motion to table the Public Hearing for the R.O.W Maintenance Text Amendment until our regularly scheduled Board meeting in April to provide Town Staff with adequate time to clarify the verbiage of the text amendment and was seconded by Commissioner McKoy. **The Board voted unanimously.**

Close Bayles Street Extension

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

Town Manager Snow Bowden stated that this request was to close a section of Bayles Street that had never been opened. The notice was properly advertised, and signs were posted at two places along the street. A resolution declaring intent was passed by the Town Board in February. If the Board sees fit, we will adopt a resolution to close the undeveloped section of Bayles Street which will be filed with the Register of Deeds. As long as there is no opposition to the order within 30 days of adoption, the Town would hire a surveyor to deed the property to private property and split the land between the two property owners on each side.

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

Ron Deleuse of 612 Wondertown Drive came forward and addressed the Board. He stated he had issues with dirt bikes and lawnmowers all day long between his and his neighbor's house. People go through his property pushing shopping carts and leaving them on his lawn. He asked the Board to please close the street. It was a nuisance to him and his neighbor and a fire hazard because the ground was so dry in that area.

Mayor Baker asked if anyone else was present to speak in favor of or against the closure of this section of Bayles Street.

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 to adopt the Town of Erwin Resolution Ordering the Following Street Closed: An Undeveloped Section of Bayles Street 2023-2024--004 and was seconded by Commissioner Byrd. **The Board voted unanimously.**

PUBLIC HEARING

Schedule Budget Workshop

Town Manager Snow Bowden stated at our Workshop, the Town Board was provided with potential dates for our Budget Workshop. He asked the Board to consider March 21st if that date worked for the majority of the Board.

The consensus of the Board was to schedule the Annual Budget Workshop on Thursday, March 21st at 9 AM.

Erwin Board of Commissioners

REQUEST FOR CONSIDERATION

To: The Honorable Mayor and Board of Commissioners

From: Snow Bowden, Town Manager

Date: March 7, 2024

Subject: Bayles Street Extension Close

This section of Bayles Street 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
- Intent to Close Resolution Adopted February 1, 2024

§ 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 dedicator, or those claiming under a dedicator, 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

Harnett COUNTY
NORTH CAROLINA

GIS/E-911 Addressing
November 16, 2023

- County Boundary
- City Limits
- Address Numbers
- Road Centerlines
- Parcels

0 40 80 160 Feet

Ronald & Andrea Delease
612 Wondertown Dr
Erwin, NC 28339

Tila Karpen & Shloma Landau
610 Wondertown Dr
Erwin, NC 28339

Sybil W. Pope
2275 Big Landing Dr
Little River, SC 29566



TOWN OF ERWIN

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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



TOWN OF ERWIN

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David L. Nelson
William R. Turnage

**TOWN OF ERWIN RESOLUTION
ORDERING THE FOLLOWING STREET CLOSED:
AN UNDEVELOPED SECTION OF BAYLES STREET
2023-2024—004**

WHEREAS, the section of Bayles Street for closing is an undeveloped easement 220 feet in length by 35 feet in width, located between 610 and 612 Wondertown Drive and extending to the parcel where Wal-Mart is currently located.

WHEREAS, the procedure for closing streets that is set out in North Carolina General Statutes, Section 160A-299 has been followed and the Erwin Board of Commissioners first adopted a resolution declaring an intent to consider closing the street, and calling for a public hearing on the question; and

WHEREAS, as said statute further requires, the resolution has been published once a week for successive weeks prior to the hearing, and a copy thereof has been sent by registered or certified mail to all owners of property adjoining the street as shown on the county tax records and a notice of the closing and public hearing has been prominently posted in at least two places along said street.

NOW THEREFORE BE IT RESOLVED, by the Town of Erwin Mayor and Board of Commissioners, that the undeveloped section of Bayles Street 220 feet in length by 35 feet in width, located between 610 and 612 Wondertown Drive and extending to the parcel where Wal-Mart is currently located is closed.

DULY ADOPTED, this the 7th day of March, 2024.

Randy Baker
Mayor

ATTEST:

Lauren Evans, NCCMC
Town Clerk

Erwin Board of Commissioners

REQUEST FOR CONSIDERATION

To: The Honorable Mayor and Board of Commissioners

From: Snow Bowden, Town Manager

Date: March 7, 2024

Subject: Schedule Budget Retreat

Town Staff wishes to pick a day and time to meet to discuss the proposed budget for Fiscal Year 2024-2025. We will have a lot to discuss. I have received all of the budget requests from our Department Heads. This is going to be a tough budget year due to limited funds. We have exhausted the majority of our funds from the American Rescue Plan and those funds really helped the Town the last two fiscal years with salaries, and other needs. We will have to spend the rest of those funds this year. I have listed a few days below that would work in March. If one of these days and times does not work we can always look for a day and time in April. Some of us have certain days in March when we are already tied up for mandatory training.

MINUTES CONTINUED FROM MARCH 7, 2024

PUBLIC COMMENT

No one was present to speak.

MANAGER'S REPORT

Town Manager Snow Bowden informed the Board:

- The meeting he attended the past week with FAMPO went well. He expected us to have an updated MOU to discuss at our March workshop meeting. FAMPO staff had already reached out to us to let us know about a grant opportunity that could be beneficial for the Town. We should have more grant opportunities for sidewalks, road improvements, and other transportation needs.
- We should be wrapping up the CORE (creating outdoor recreation economics) program this month. Hopefully, we will have a report to discuss at our March or April workshop meeting.
- The old white house restaurant located off of HWY 421 should be torn down soon. The owners had hoped to let this structure be used for a control burn but due to a request from Duke Energy, they are going to just demolish the structure. They planned to have the structure demolished by the end of this month. They have already received approval for the land development of this parcel from NCDEQ and NCDOT.
- We were going to have a pretty packed agenda for our Planning Board in March. We had a major subdivision located off of Red Hill Church Road that was 12 lots at the moment.
 - Town Staff will present a proposed overlay district for HWY 421
 - Town Staff will present a number of proposed new definitions to add to our Town Code and other updates to land uses to be permitted by right and/or special use
 - Town Staff will present an update on our fines for code violations. This update will hopefully give us more power when it comes to repeat violators.
- He and Linda Williams will be attending a comprehensive fiscal training class in March being hosted by the NC League of Municipalities.
- The last day for sign-ups for spring sports was Saturday, March 9th. Town Hall would be open from 9 AM till 12 PM.
- We will present the bids for the streets to be resurfaced at our April Town Board meeting.
- We will present the bids for the Al Woodall Park expansion project at our April Town Board meeting.
- We were still waiting on a letter from the State of NC in regards to the Stormwater MGT plan grant that we were awarded. As soon as we receive the letter of intent to fund from the State of NC we will send out an RFQ to try and find a qualified firm to help us with this plan.
- We will have a quote to discuss the Community Building bathrooms at our March workshop meeting.
- Town Staff met with parties that were interested in leasing spaces at the Central Carolina Industrial Park (the mill). He had multiple conversations with the new owners and other stakeholders about potential growth opportunities.
- We were working on our other grant opportunities as items get approved.
- All budget requests had been turned in for the next Fiscal Year. There were a lot of requests submitted. He would do his best to fund the items that the Town needs the most. With the costs of everything increasing and some uncertainty with the economy, this was going to be a tough budget year.
- Just an FYI, the Erwin Lions Club was having a pancake dinner for a fundraiser on Tuesday, March 19th starting at 5:30 PM at the Erwin Community Building.



**TOWN OF ERWIN
BOARD OF COMMISSIONERS
REGULAR MEETING
THURSDAY, MARCH 7, 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. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____
5. _____	_____	_____
6. _____	_____	_____
7. _____	_____	_____
8. _____	_____	_____
9. _____	_____	_____
10. _____	_____	_____
11. _____	_____	_____
12. _____	_____	_____

MINUTES CONTINUED FROM MARCH 7, 2024

- At our March workshop meeting we should have everything ready to present a historical bench program. Town Staff has prepared locations and proposed designs for benches to be placed in honor or memory of someone throughout the Town. This was also a way for us to preserve our history by incorporating historical images of the Town of Erwin.
- The Erwin Annual Remembrance Service will be held on Tuesday, April 9th at 6 PM at Al Woodall Park in honor of lives lost in our community this past year.

Mayor Baker asked for an update on West K Street.

Town Manager Snow Bowden stated that he would follow up with Town Engineer Bill Dreitzler. The last he heard; we were still waiting on the State.

ATTORNEY'S REPORT

Town Attorney Tim Morris thanked the Board for allowing him to be their Town Attorney. He stated he would be cooking pancakes at the Erwin Lion's Club Pancake Supper and asked everyone to please attend. The event was for a good cause.

GOVERNING COMMENTS

Commissioner Turnage stated he went riding around Town earlier that day to see what clean-ups were needed. He received a complaint regarding 104 Holmes Street, their fence was on the ground and the Town needed to address it. 306 West B Street had junk in their car garage and placed plastic over the door to cover it up. 410 West H Street's yard looked like a trash pile, and we also needed to follow up with the mess at the Gettin Place.

Commissioner Nelson stated he was thankful for Town Staff. He appreciated all the fine work that Police Chief Jonathan Johnson and his staff do. He reminded the Board Members to go see Town Clerk Lauren Evans to set up their Town emails if they had not done so.

Commissioner Byrd asked if we had received any timelines from NCDOT to fix our roads. He stated that Old Post Road and a road in Commissioner McKoy's ward were in bad shape. We needed to contact our Representatives to assist us in getting the work done. He thanked Town Staff for all they do.

Commissioner Blackmon congratulated Deputy Town Clerk Katelan Blount on being sworn in earlier in the meeting. He inquired about why West E Street had not been paved in a long time. West E Street was on our Powell Bill map and there was no reason for it to not be paved in as bad of shape as it was. He stated in regard to the presentation from Glenn McFadden at our February Workshop, he wanted to make sure the businesses had a say. He inquired if Mr. McFadden's plan would clear up the issues for the business owners across the street as well.

Commissioner McKoy congratulated Deputy Town Clerk Katelan Blount on being sworn in earlier in the meeting. He stated that people call him and compliment our Town Staff on the positive encounters they have been coming to Town Hall. He wanted to pass that sentiment on to Town Staff and keep doing what they were doing because it was noticed.

MINUTES CONTINUED FROM MARCH 7, 2024

ADJOURNMENT

Commissioner Nelson made a motion to adjourn at 8:13 P.M. and was seconded by Commissioner Byrd.
The Board voted unanimously.

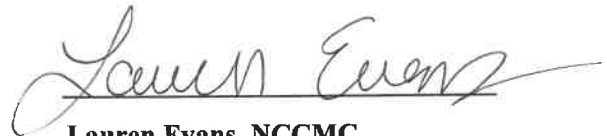
**MINUTES RECORDED AND TYPED BY
LAUREN EVANS TOWN CLERK**

ATTEST:



Randy Baker

Mayor



Lauren Evans, NCCMC

Town Clerk