

**THE ERWIN BOARD OF COMMISSIONERS
DECEMBER 2024 REGULAR MEETING
THURSDAY, DECEMBER 5, 2024 @ 7:00 P.M.
ERWIN MUNICIPAL BUILDING BOARDROOM**

AGENDA

1. **MEETING CALLED TO ORDER**
 - A. Invocation
 - B. Pledge of Allegiance
2. **AGENDA ADJUSTMENTS /APPROVAL OF AGENDA**
3. **CONSENT**

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

 - A. Regular Workshop on October 28, 2024 **(Page 3)**
 - B. Regular Meeting on November 7, 2024 **(Page 9)**
 - C. 2024 Meeting Schedule **(Page 19)**
4. **PRESENTATION OF DECEMBER CITIZEN OF THE MONTH (Page 22)**
5. **PROCLAMATION RECOGNIZING ERWIN'S 13U BOYS FOOTBALL TEAM (Page 22)**
6. **PROCLAMATION RECOGNIZING ERWIN'S 13U GIRLS SOCCER TEAM (Page 22)**
7. **RECESS FOR REFRESHMENTS IN RECOGNITION OF OUR HONOREES**
8. **PRESENTATION OF FISCAL YEAR 2023-2024 AUDIT (Page 14)**
9. **NEW BUSINESS**
 - A. Grain Dealers Encroachment **(Page 9)**
 - B. ZT-2024-005 Letter of Denial **(Page 9)**
10. **PUBLIC COMMENT**

Each speaker is asked to limit comments to 3 minutes, and the requested total comment period will be 30 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

11. **MANAGER'S REPORT**

12. **ATTORNEY'S REPORT**

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 WORKSHOP MINUTES
OCTOBER 28, 2024
ERWIN, NORTH CAROLINA

The Board of Commissioners for the Town of Erwin with Mayor Randy Baker presiding held its Regular Workshop in the Erwin Municipal Building Board Room on Monday, October 28, 2024, at 6:00 P.M. in Erwin, North Carolina.

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

Board Member absent was: Commissioner David Nelson.

Town Manager Snow Bowden, Town Clerk Lauren Evans, Town Attorney Tim Morris, and Town Planner Dylan Eure were present.

Mayor Baker called the meeting to order at 6:00 P.M.

Commissioner McKoy gave the invocation.

Commissioner Byrd led the Pledge of Allegiance.

AGENDA ADJUSTMENT/APPROVAL OF AGENDA

Town Manager Snow Bowden requested that Item A Stormwater Management Plan RFQ Recommendations be removed from the workshop agenda and placed on our agenda for our Regularly Scheduled Board Meeting in November due to Town Engineer Bill Dreitzler being absent.

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

NEW BUSINESS

Al Woodall Park- SCIF Grant 10853

Town Manager Snow Bowden informed the Board that the Town was currently managing a \$480,000 grant for park expansion. The playground equipment at Al Woodall Park was worn out and needed to be replaced. The agenda included two sets of playground equipment for the Board to choose from. Town Staff favored the safer option 1 at \$61,984.11.

The consensus of the Board was to place Option 1 under consent at the Regularly Scheduled Board Meeting in November.

MINUTES CONTINUED FROM OCTOBER 28, 2024

Town Manager Snow Bowden asked the Board's permission to use some of the grant money from the State to build a permanent stage at Al Woodall Park for events, concerts, and gospel singing.

Mayor Baker stated he would like to see Erwin build a stage similar to Roseboro with a slanted roof.

Commissioner Byrd stated we needed a stage with a cover for hot days.

The consensus of the Board was to instruct Town Manager Snow Bowden to move forward with contacting the State to amend our scope of work for the grant.

Bike/Pedestrian Grant

Town Manager Snow Bowden stated this was the contract we had been waiting on from NCDOT. The contract said DRAFT on it but it would be the same contract and once approved by the Board, it would be electronically signed. The Town would have to fund a \$4,500 match but he felt that could be covered in our current budget.

The consensus of the Board was to place this item under consent at the Regularly Scheduled Board Meeting in November.

SRO MOU Update

Town Manager Snow Bowden informed the Board that after he and Town Attorney Tim Morris had further discussions and review the SRO MOU, they recommended the Board's approval.

Town Attorney stated his firm represented the Board of Education and he had a duty to make the Board aware of the potential conflict of interest.

The consensus of the Board was to place this item under consent at the Regularly Scheduled Board Meeting in November.

MAPS Group MOU

Town Manager Snow Bowden informed the Board that this was a standard MOU with the same price as the proposal approved at our prior meeting.

The consensus of the Board was to place this item under consent at the Regularly Scheduled Board Meeting in November.

MINUTES CONTINUED FROM OCTOBER 28, 2024

NCGS 143-805 Policy Update- S.L. 2024-26

Town Manager Snow Bowden informed the Board that this update was due to a law the General Assembly passed to have a more formal technology use policy. There are exemptions for law officers who had to access pornography via their equipment for their job duties. This would provide a formal policy.

Commissioner Blackmon asked if Town Attorney Tim Morris reviewed the policy and if he had any issues with it.

Town Attorney stated he reviewed the policy and did not see anything out of the way. There were strict federal laws pertaining to pornography and he planned to speak with Chief Johnson to verify who in the Police Department is required to view it.

The consensus of the Board was to place these items under consent at the Regularly Scheduled Board Meeting in November.

Christmas in Erwin

Town Manager Snow Bowden stated that the Christmas Tree Lighting would be on Monday, November 25th, at 6 PM. The Christmas Parade would be on Monday, December 2nd, at 7 PM. He informed the Board that typically the major cost of the Christmas Parade was paying all the bands and Shriner groups.

Mayor Baker stated he received a call from a church member who had in the past, placed floats in the parade. They were so amazed that they were not charged to be put in the parade. He admitted he did know what went into the cost of a parade but he did not understand why in the past churches and civic group were being charged to be in the parade. People have told him they were appreciative to how the Parade was being handled this year.

Town Manager Snow Bowden stated that we were trying to find sponsors for the Christmas Parade. The only entries we were charging for were commercial floats. He asked the Board's permission to allocate money to the event. Commissioner Nelson helped us get Porta Johns donated.

The consensus of the Board was to allocate \$5,000 for the Erwin Christmas Parade from the Misc Fund.

Town Events Budget

Town Manager Snow Bowden informed the Board that he and Mayor Baker planned to have a meeting with the Chamber but he wanted to make the Board aware that the Chamber does not plan on doing any events next year other than Denim Days so he asked the Board to keep that in mind as we plan for the budget next year. It was his understanding that the Chamber also does not plan to have a Banquet next year so that may be something the Town will need to do to recognize the Fireman of the Year, Policeman of the Year, Citizen of the Year, and Business of the Year.

MINUTES CONTINUED FROM OCTOBER 28, 2024

November and December

Town Manager Snow Bowden made the Board aware that we will not have a Workshop in November or December due to the Holidays.

Village at Old Stage Subdivision Preliminary

Town Planner Dylan Eure stated that the Town received a preliminary subdivision plat off of Old Stage and Avery Road for 101 single-family homes. According to the preliminary map, it did meet all the requirements and RD standards. It was brought up at our Planning Board Meeting that we had conflicting ordinances within our subdivision chapter. Our subdivision chapter provides one list of requirements for a preliminary plat and also provides a more exhaustive list of requirements for a preliminary plat that would be more for the final plat. He was currently working on updating the subdivision ordinances to avoid any complications going forward. The Planning Board did recommend this preliminary plat for approval.

Commissioner Blackmon asked if the Preliminary Plat would be placed under consent on the agenda in November since the Preliminary Plat met all the requirements.

Town Planner Dylan Eure stated that was correct however he wanted to make the Board aware that there was opposition at the Planning Board Meeting.

Commissioner Blackmon stated that since this item was not a Public Hearing item and there would not be a time for people to speak, he asked the Board if we should move the Public Comment prior to the discussion of this item.

Discussion continued among the Board.

Mayor Baker asked Town Attorney Tim Morris if it would be procedurally correct to allow something different for this subdivision than we do any other subdivision.

Town Attorney Tim Morris stated that this was not a Public Hearing or a Quasi-Judicial Hearing so whether the Board chose to move the Public Comment time slot up, it was nothing to be heard and was within the parameters of a subdivision.

The consensus of the Board was to move forward with placing this request under New Business on our agenda at the Regularly Scheduled Board Meeting in November and placing the Public Comment period ahead of the discussion of New Business.

ZT-2024-005

Town Planner Dylan Eure informed the board that this was a conditional district rezoning on Professional Park to rezoning seven parcel from B-2 to R-6 conditional zoning. The applicant was planning to build 5 apartment buildings totaling 120 units and 264 bedrooms, with a leasing

MINUTES CONTINUED FROM OCTOBER 28, 2024

office/clubhouse alongside amenities such as a pool, a basketball court, and an outdoor grilling station. As for additional upgrades needed, Harnett Regional Water stated that the waterline on Pope Street would need to be extended over to Professional Park.

Mayor Baker asked if any aspect of the proposed apartment complex commercial such as job creation or retail establishment, or was it strictly residential?

Town Planner stated there was no commercial aspect to his knowledge. He did assume there would be job creation for the leasing office but with the apartments themselves, no.

Mayor Baker stated that our Future Land Use Plan zoned this area for commercial mixed-use

The consensus of the Board was to move forward with the Public Hearing for this request at the Regularly Scheduled Board Meeting in November.

HWY 421 Overlay

Town Planner Dylan Eure stated on the HWY 421 Overlay provided, the Board could see that was what would be implemented on GIS. This overlay would ensure that businesses are built to the same standard and also making sure that unit would be facing the nearest right of way. This overlay would limit building materials and include additional landscaping standards, parking standards, signage standards, sidewalks, and streetscaping.

Mayor Baker asked inquired in Town Planner Dylan Eure gave written notification to the surrounding property owners.

Town Planner Dylan confirmed that he did send public notice letters to all adjacent property owners.

Mayor Baker asked if there was any feedback from business owners

Town Planner Dylan stated Michael Jackson, owner of Zaxby's, and David Bradham, owner of Bradham Chiropractic, came and spoke on the overlay and asked questions but no one was against the overlay.

The consensus of the Board was to move forward with scheduling the Public Hearing for this request at the Regularly Scheduled Board Meeting in November.

Encroachment Text Amendment

Town Planner Dylan Eure stated he spoke with Mr. Johnson about the encroachment process and he chose to move forward with an encroachment text amendment which is the same as when it was originally presented but it did limit the encroachment to one area. It also removed the possibility of placing it in an NCDOT right way, limiting it to only Town-owned roads. He asked the Board to take notice to the letter from the engineer.

The consensus of the Board was to move forward with the Public Hearing for this request at the Regularly Scheduled Board Meeting in November.

MINUTES CONTINUED FROM OCTOBER 28, 2024**Erwin Appointed Board Updates**

Town Planner Dylan Eure stated this amendment updated the Code of Ordinances for the Erwin Planning Board, Board of Adjustments, and any other advisory board. There were contradictions in our Code of Ordinances compared to what our current practices were.

The consensus of the Board was to move forward with the Public Hearing for this request at the Regularly Scheduled Board Meeting in November.

GOVERNING COMMENTS

Commissioner Byrd inquired about the paving of Old Post Road.

Town Manager stated he would follow up with NCDOT.

Commissioner Byrd asked what was moving into the old Cotton Row building.

Town Manager Snow Bowden stated it sold and a tortilla making company was moving in there.

Commissioner Nelson stated that he was finish serving on the FAMPO Board the rest of this year and then he was coming off and needed another Board Member to step in his place. He stated he would continue to serve on the Mid-Carolina Board but he could not do both Boards anymore. He stated now that the Depot is down, he would like to see the Town begin the process to build a new Police Department in its place. He stated there was a pet pig in the community.

Commissioner Turnage stated after 3 months and a dozen phone calls, the flooding at 100 E D Street had finally been addressed.

ADJOURNMENT

Commissioner Turnage made a motion to adjourn at 7:00 P.M. and was seconded by Commissioner Nelson. **The Board voted unanimously.**

MINUTES RECORDED AND TYPED BY

LAUREN EVANS TOWN CLERK

ATTEST:

Randy Baker

Mayor

Lauren Evans NCCMC

Town Clerk

ERWIN BOARD OF COMMISSIONERS**REGULAR MINUTES****NOVEMBER 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, November 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, David Nelson, Alvester McKoy, Charles Byrd.

and Billy Turnage.

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

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

Commissioner McKoy gave the invocation.

Commissioner Blackmon led the Pledge of Allegiance.

AGENDA ADJUSTMENT/APPROVAL OF AGENDA

Town Manager Snow Bowden requested that item B under New Business, Stormwater Management Plan RFQ Recommendations, be removed from the agenda and placed on the next workshop's agenda.

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

CONSENT

Commissioner Blackmon made a motion to approve **(ITEM A)** Minutes of Regular Workshop on September 23, 2024 **(ITEM B)** Minutes of Regular Meeting on October 10, 2024 **(ITEM C)** Al Woodall Park Playground Replacement-SCIF Grant 10853 **(ITEM D)** Bike/Pedestrian Planning Grant **(ITEM E)** SRO MOU Update **(ITEM F)** MAPS Group MOU **(ITEM G)** NCGS 143-805 Policy Update- S.L. 2024-26 and was seconded by Commissioner Byrd. **The Board voted unanimously.**

MINUTES CONTINUED FROM NOVEMBER 7, 2024

SPECIAL PRESENTATION

Tyler Jones was recognized as the Employee of Quarter 3 of 2024. Mayor Baker presented him with a plaque and a glass award to display at work or home.

PUBLIC COMMENT

Mayor Baker stated each speaker is asked to limit comments to 3 minutes, and the requested total comment period will be 30 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.

Sean McBride of 937 Butler Drive came forward. He expressed his concern about the Stormwater issues on Butler Drive. He stated after speaking with Mr. Bowden, he was informed that there was a plan to address the issue. He spent \$5,600 of his own money to help fix the Stormwater on Butler Drive. He felt that God would not be happy with the way the Town had treated people on Butler Drive and stated he would like to see reimbursement from the Town for the money he spent.

Rebecca Kelly of 209 East F Street came forward and expressed that she was against the rezoning of Professional Park. She stated that the Town of Erwin gets most of their tax revenue from businesses and there was not much land left to build businesses. The apartments being proposed would cause more problems and she fears her taxes will increase due to the need to increase services such as Police and Fire. This land was set aside for business and the owners knew this when purchasing the land.

Mike Mulcahy of 3431 Old Stage Road came forward and stated he has been on the road traveling for work since COVID 19. He stated the only comfort he had was coming home to his way of life. He was upset to find that his way of life would be disrupted by a 100-unit development that was being built behind his home and he was not even informed it was happening. His lifestyle was being disrupted by progress, for what? There would be a strain on the water supply that was barely adequate as it was.

NEW BUSINESS

Village at Old Stage Subdivision Preliminary Plat

Town Planner Dylan Eure informed the Board that the Town of Erwin received a preliminary major subdivision plat for a 101-lot subdivision off of the corner of Old Stage and Avery Road. He stated that the Preliminary Plat did meet all of our standards and all of our road requirements. Upon the approval of the preliminary plat, the developer can then begin the prepare of the final plat. They would obtain soil and erosion permits and Stormwater permits from the Department of Environmental Quality, NCDOT encroachment permits, soil and evaluations for wetlands, and

MINUTES CONTINUED FROM NOVEMBER 7, 2024

approval from HRW for the water and sewer system. The developer was present if the Board had any questions.

Mayor Baker stated that this was a preliminary plat and asked Town Planner Dylan Eure if it was possible after a deeper review of soil and erosion and the wetlands that these number of lots could decrease.

Town Planner Dylan Eure stated that was correct.

Mayor Baker verified that Town Staff evaluated the Preliminary Plat as well as the Planning Board and both recommended this Preliminary Plat for approval.

Town Planner Dylan Eure confirmed that both Town Staff and the Planning Board recommended this Preliminary Plat for approval.

Commissioner Blackmon made a motion to approve the Village at Old Stage Subdivision Preliminary Plat. The motion did not receive a second.

Mayor Baker asked if there was a question of the motion.

Commissioner Byrd stated that he felt this Preliminary Plat needed additional internal discussion.

Mayor Baker asked if there the Board had questions for Town Staff.

No questions were asked.

Commissioner Blackmon stated the Preliminary Plat met all of our regulatory documents.

Commissioner Byrd stated he just did not know about it.

Commissioner Blackmon stated he would take back his original motion and made a motion to table the request until our Regularly Scheduled December Board Meeting due to more information needed from Town Staff. The motion was seconded by Commissioner McKoy. **The Board voted unanimously.**

PUBLIC HEARING

ZT-2024-005

Commissioner Blackmon 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 Town of Erwin has received a request to rezone a group of seven parcels located off U.S. 421 on Professional Park to an R-6 conditional zoning district to allow for multi-family dwellings. Said property if approved would allow the developer to develop five apartment buildings totaling 120 units and 264 bedrooms, with a leasing office/clubhouse alongside amenities such as a pool, a basketball court, and an outdoor grilling station.

MINUTES CONTINUED FROM NOVEMBER 7, 2024

Commissioner Byrd expressed his concern for supplying proper water and sewer for this development.

Town Planner stated that he had seen discussions between the applicant and HRW that the water line on Pope Street will need to be extended to Professional Park for the needed demand.

Commissioner Blackmon stated he thought it was 6 inches there but there was an adequate supply of water. It would be the developer's responsibility.

Town Planner Dylan Eure stated that the development met all of our landscaping requirements with lighting plans and setbacks. The traffic reports stated there would be no negative consequences for the proposed site.

Mayor Baked asked the Applicant to come forward.

Mollie Cozart, an attorney of Jordan Price of Raleigh came forward and was sworn in by Town Clerk Lauren Evans. Ken Thompson, Director of Development and Planning at J Davis, was also sworn in.

Ms. Cozart stated she represented the applicant, Rabbit Constructions Inc. and owner, Gregorio Jurado Escarcega who was also present to represent the application. Town Staff had put together a very thorough and informative packet. To avoid repeating everything in the packet, she stated they are in complete agreement of all Town Staff's findings and recommendations. She reminded the Board that Section 36-74 of the Town of Erwin Code of Ordinances allows for Conditional Use of multifamily dwellings and Section 36-171 even stated that the intent and purpose of the R-6 district was not only to provide single-family dwellings but it specifically stated multi-family dwellings. During the process, Rabbit Construction has engaged many types of professionals to ensure that this rezoning request for the multi-family dwelling use met all of the requisite development regulations. She had also spoken with the attorneys for the other business owners in Professional Park, Rabbit Construction owns seven of the parcels. The attorneys stated that the owners approved of this rezoning request and were supportive of the proposed project. The project would be aimed at attracting families and professionals moving to our area as well as students in multiple graduate programs such as Campbell. The 3D renderings provided to the Board really showed the attractiveness of the project and would fit in with the surrounding area. Present at the meeting were other key professional involved with the project including Ken Thompson, Director of Development and Planning at J Davis, which was firm in Raleigh that specialized in architecture and also planning. Also present was Rynal Stephenson of DRMP Engineering Firm who performed the traffic study.

Mayor Baker reminded the Board that this was a rezoning but it was a conditional rezoning so it did have a quasi-judicial aspect to it.

Mr. Thompson came forward and stated he had been a practicing licensed professional landscaping architect in NC since 1997. Their firm specializes in multi-family, that was their bread and butter since conception. He stated he appreciated the Board accommodating him and rescheduling the Public Hearing. He got stuck in Hurricane Milton and could not make the meeting. He stated the renderings provided were a representation of what the final project will look like, they had not begun any architectural designs yet. The apartments would be 3-story

MINUTES CONTINUED FROM NOVEMBER 7, 2024

garden-style walk-ups with two sets of stairwells. He had situated around with parameters and each building had 24 units, totaling 220 units. Parking was provided and met the Town Code. The parameters were surrounded by buffers with a mix of type A and type B. The street also has a street protective buffer with street trees and shrubs planted in between. There would be clubhouse as you come in on the left side, pool, grilling stations, outdoor swings, outdoor fire pits, and indoor amenity areas with coworking spaces. Across the street would be a basketball court and an open playing field.

Mayor Baker stated he remembered when there used to be strawberries growing on this property. He stated it was mentioned about the two other business owners in the Professional Parkway but it was hearsay unless the Board was provided something from those owners. This entire development was previously mapped out for commercial and what was presented was an excellent job and it did fit the Ordinance as for the development side of it but he wanted to know if there was any component of this development that would be commercial in retail type or if it was strictly residential.

Mr. Thompson stated this would be strictly residential. It could be defined as a horizontal mixed-use because of the businesses associated with it.

Commissioner Byrd asked if we had any proof that the two other business owners were okay with this development.

Mayor Baker stated unless we have something in writing or if the business owners were present to testify then the Board had to accept that statement was hearsay.

Ms. Cozart stated she could provide emails from the two other business owners if that would help.

Mayor Baker asked if the Board had any questions for the applicants.

Commissioner Blackmon asked if there had been a study on water supply and sprinkler systems.

Mr. Thompson stated that was typically done prior to the building permits. Their Civil Engineer could not be at the meeting but he had been speak with Harnett County and they had been coordinating.

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

No one came forward.

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

Lauren Stephens, owner of Lauren Ashley Salon, came forward and was sworn in by Town Clerk Lauren Evans.

Ms. Stephens stated this was the first time for her to see this development presented but it was a concern for her, Mr. Miller who owner Millers Landscaping, and Dr. Bradham, owner of Bradham Chiropractic. They have owner their businesses for over 20 years and as they watched it grow and we were getting new businesses and their hard work was finally starting to pay off. People were finally see where their businesses were and it was hard to sit back a watch the area

MINUTES CONTINUED FROM NOVEMBER 7, 2024

that was for business and zoned for commercial use and now just have people build apartments on it. She stated it was a beautiful design but that was not what that property was zoned for and not what that area needed. There were very few spaces left for commercial development and it would be a shame to see it turned into something like that development. She thanked the applicant for bringing their vision for everyone to see but as a business owner in that area for 21 years and see it finally grow, she did not want to see it go backwards.

Mr. Stephens, Lauren Stephens' husband asked how this development would affect tax value and property value.

Commissioner Blackmon stated he would have to ask a realtor or tax expert.

Mayor Baker stated that since this is a quasi-judicial hearing, business owners could have a professional land appraiser look at the property and come before the Board with that information.

Michael Jackson, business owner in Erwin, came forward and was sworn in by Town Clerk Lauren Evans. He referenced Harnett County GIS to show the Board where the Board had already approved the 247 homes and then look at the proposed parcel with 120 homes, there was the same crossover of 367 homes. When you leave Zaxby's it takes about 15 minutes to get across the road and then you add 367 homes, what is the traffic going to be like? It was going to be a problem. He owns Zaxby's and lives on St Matthews Road and the four-way stop signs on St Matthews Road will not cure this problem. The other concern was that this was only 1 of 2 undeveloped parcels on HWY 421 from Masonic Road to the Walmart shopping center. This was a nice development being proposed and he did not have a problem with it but we were talking about 367 homes going in one concentrated area. Think about the traffic flow. He did not have a problem with the design but this was not the place for it. This parcel was zoned commercial for a reason. It was zoned to commercial to be used for commercial business and the purchasers knew the zoning when they purchased it and they took the risk that the Board would change it. If the Town was looking for restaurants to in fill or commercial businesses, where are they going to go? Do not put a roadblock on commercial businesses.

Mayor Baker asked if there were any other residential in the corridor other than Mr. Jackson's father.

Mr. Jackson stated not until the black river bridge.

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

Hughie Godwin, owner of H.R. "Rusty" Godwin CPA came forward and was sworn in by Town Clerk Lauren Evans.

Mr. Godwin stated his business was the oldest business downtown. He had been in Erwin all his life and always wanted to see Erwin grow. He had no problem with the design of the project and in the right area, it could benefit our Town but this was a zoning issue. If the Board takes a piece of property zoned for business and puts residential on it, you set a precedent. You have to look at not what it would bring in but the zoning precedent for the future.

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

No one came forward.

MINUTES CONTINUED FROM NOVEMBER 7, 2024

He asked if the applicant would like to bring any clarity or answer any concerns brought up.

Town Attorney Tim Morris recommended having Rebecca Kelly come forward and read her statement again.

Rynal Stephenson of DRMP Engineering Firm came forward and was sworn in by Town Clerk Lauren Evans.

Mr. Stephenson stated they did perform the traffic study for the area but he did want to point out that the Park is a vision for mixed uses, looking at the aerial photo, there is a median on HWY 421 which does not give it good commercial access. Multi-family units would generate less traffic than any commercial use that would go on that property. From a traffic analysis, the fact that it does not have a direct left-in or left-out hurts the viability for commercial, which may be why it has not developed well.

Commissioner Nelson stated there a partial road coming off of St Matthews Road and wanted to know if the developers planned to use it.

Mr. Stephenson stated that part of Pope Street was discarded.

Ms. Rebecca Kelly came forward and was sworn in by Town Clerk Lauren Evans.

Mr. Kelly stated that she was sorry she spoke at the wrong time. She stated the Town of Erwin gets most of its revenue from businesses, not from high rise apartments. These parcels in the Park are like money in the bank for the Town. There are not many parcels, like Mr. Jackson stated, left on that corridor. The Erwin citizens have to go out of Town to eat and shop. We need businesses of service, not more people to go out of town to shop. As Ms. Stephenson stated, that three businesses are not happy about this development. Those businesses were built in good faith and an apartment complex would not complement their business. The area is growing as Mr. Jackson stated. She agreed it was a beautiful design but it would bring crime to that area and threaten the businesses. She did not feel it was fair to the businesses already there and this land was set aside for Commercial. She feels that taxes will increase and she was on a fixed income. More Law Enforcement would be needed and Erwin Elementary School just got a D. We will need more fire, trash pick up, emergency services, our ponds will be used, our Library will be used, and this money has to come from somewhere. It could be a win, win for everyone if they will build to suit. Rabbit Construction could bring in a lot of businesses and put that beautiful complex somewhere else. It would be a disservice to the business owners in Erwin to allow this apartment complex.

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

No one came forward.

Mayor Baker asked the applicant in the development of this, and he was using the Land Use Plan as guiding document, the Future Land Use Plan is the developer open to amending the current plan to include some form of commercial space. In our 2023 Land Use Plan this area is marked as Commercial Mixed-Use.

Ms. Cozart stated that she was speak with the developer.

MINUTES CONTINUED FROM NOVEMBER 7, 2024

Mr. Thompson stated that multi-family was in the building code for commercial mixed-use. He stated in his experience projects this size really could not do that. These were garden-style walk-ups and in order to incorporate commercial into these buildings, it would require increased building height.

Commissioner Nelson asked if this would create jobs for the community.

Mr. Thompson stated there would be people employed for the leasing office and multiple maintenance people on hand.

Commissioner McKoy asked what attracted the applicant to this parcel of land.

Mr. Thompson stated he could not answer that.

Mayor Baker stated he did not doubt that this design was in compliance with all of our regulatory documents on the development side. They did a beautiful job with the design.

Ms. Cozart answered Commissioner McKoy's question. The applicant/owner noticed that the lots had been vacant for a long time and starting look into what could go on that property.

Commissioner Byrd stated as you can see, it was designed for commercial and we are finally seeing the commercial growth with the Harbor Freight and Zaxby's. He was concerned that the only reason he picked the area was because it was vacant.

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

Commissioner Byrd stated that the lack of utilities concerned him.

Commissioner Blackmon stated that would be the developer's responsibility to unfit the utilities.

Mayor Baker read through the Future Land Use Plan to make the Board aware of the wording.

Commissioner Turnage stated that this was a hard decision to make. Do we want people or business?

Commissioner Marbell stated this land was zoned for commercial and he cannot vote to change it.

Mayor Baker asked the Board to read through the findings of fact.

Commissioner Nelson made a motion, seconded by Commissioner Marbell, that the impact to the adjacent property owners the adjacent property owners and the surrounding community is not reasonable, and the benefits of the rezoning do not outweigh any potential inconvenience or harm to the community. The reason was that this land was zoned commercial to provide a tax base and to provide jobs. **The motion passed 5 to 1 (Blackmon).**

Commissioner Byrd made a motion, seconded by Commissioner McKoy, to recommend that the proposed rezoning application meets one or more of the Findings of Fact in the negative. **The motion passed 5 to 1.**

MINUTES CONTINUED FROM NOVEMBER 7, 2024

Commissioner Nelson made motion seconded by Commissioner McKoy that the requested rezoning to R-6 conditional district with special uses for multi-family dwellings is **NOT** compatible with all of the Town of Erwin's regulatory documents. According to Erwin's 2023 Land Use Plan, this area along 421 would **NOT** be the best fit for high-density residential developments which include apartment complexes. It is recommended that this conditional zoning district be **DENIED**. **The motion passed 5 to 1 (Blackmon).**

421 Overlay Amendment

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

Town Planner Dylan Eure came forward and informed the Board that the 421 Overlay would require development exactions along HWY 421. This overlay would ensure that businesses are built to the same standard and also making sure that unit would be facing the nearest right of way. This overlay would limit building materials and include additional landscaping standards, parking standards, signage standards, sidewalks, and streetscaping.

Mayor Baker asked if this overlay will impact any current business owners.

Town Planner Dylan Eure stated that it would not impact any current business owners unless they wish to expand.

Mayor Baker asked if anyone was present to speak in favor of the request, in opposition to the request, or had any questions.

Michael Jackson came forward and asked why the overlay was needed. He read the notice of why this is being recommended. If anyone commercially developed a piece of land, that was high dollar land and you would not have economic black. Why keep layering on the regulations? The party that came out on top of the election is for less government. It does not exclude farms. Will these regulations make life better and improve the corridor?

Mayor Baker asked if anyone was present to speak in favor of the request, in opposition to the request, or had any questions.

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 stated Mr. Jackson brought up some good points and he thought this amendment needed to be discussed further. We need to be cognitive of whether the material regulations will slow the development of 421.

Commissioner Byrd stated he agreed with Mr. Jackson and Commissioner Blackmon.

Commissioner Blackmon made a motion, seconded by Commissioner Byrd, and **unanimously approved by the Board** to table this request until our next workshop.

MINUTES CONTINUED FROM NOVEMBER 7, 2024

Encroachment Text Amendment

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

421 Overlay Amendment

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

Town Planner Dylan Eure stated this amendment was received through a petition to amend our Code of Ordinances for encroachment on our Town Owned right of ways for the Industrial District by Mr. Johnson.

Wesley Johnson of 2965 Hobson Road, Dunn came forward and addressed the Board. He stated this amendment was requested for a case-by-case basis requesting a variance for the old mill. He was working to put a brewery at this location. The old buildings limit the ability to put anything on top. The only solution was to ask for a variance off of Chief Joseph Lane. It will be safe and visibly appealing. He asked the Board to please approve his request.

Mayor Baker stated this was not permanent and to fast forward 10 years, was Mr. Johnson willing to remove in the future at his own expense if improvements need to be made to the road or right of way?

Mr. Johnson stated he did understand that and he has an alternative plan for the future.

Mayor Baker asked if anyone was present to speak in favor of the request, in opposition to the request, or had any questions.

Mr. Michael Jackson stated he was not against this request. When developing the indigo room, he was thankful for encroachment agreements because the business could not operate.

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

Commissioner Byrd thanked Mr. Johnson for helping to grow the Town.

Commissioner Blackmon made a motion, seconded by Commissioner Byrd, and **unanimously approved by the Board** to approve the Ordinance of The Town Of Erwin, North Carolina Amending Chapter 36 Article XV General Provisions Section 36-419. – Accessory Building/Structures Ord 2024-2025: 020.

Commissioner Blackmon made a motion, seconded by Commissioner Byrd, and **unanimously approved by the Board** to approve the Ordinance of The Town Of Erwin, North Carolina Amending Chapter 36 Article XV General Provisions Section 36-433. – Fences And Walls.

MINUTES CONTINUED FROM NOVEMBER 7, 2024

Erwin Appointed Board Updates

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

Town Planner Dylan Eure stated these amendments were standard with the surrounding municipalities and even Wake County. Updates included:

- When new members are inducted and when their terms expire.
- Attendance policy.
- When the chair and vice chair are elected.
- When members can be reappointed.
- Authority granted by NC General Statutes to planning boards.
- The number of terms members serve consecutively.
- Member removal for inefficiency.
- Member compensation when acting as the Board of Adjustment.

Mayor Baker asked if anyone was present to speak in favor of the request, in opposition to the request, or had any questions.

Grace Watts of 403 S 15th Street came forward and addressed the Board. She stated that she was apart of the Planning Board for six years and was back on the Board. She felt the Board functioned very well but there was no increase in pay for the Board of Adjustments side. It would give people more of an incentive.

Mayor Baker asked if anyone else was present to speak in favor of the request, in opposition to the request, or had any questions.

No one came forward.

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

Commissioner Byrd made a motion, seconded by Commissioner Nelson, and **unanimously approved by the Board** to approve **Erwin Board Of Commissioners Resolution on Statement Of Consistency For Chapter 2 – Administration Article VIII.- Planning Board 2024-2025---011**

MANAGER'S REPORT

Town Manager Snow Bowden provided the Board with a detailed report at their seats. He stated if they had any questions to give him a call.

The Manager's Report is part of these minutes as an attachment.

MINUTES CONTINUED FROM NOVEMBER 7, 2024

ATTORNEY'S REPORT

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

ADJOURNMENT

Commissioner Nelson made a motion to adjourn at 8:48 P.M. and was seconded by Commissioner Turnage. **The Board voted unanimously.**

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

ATTEST:

Randy Baker
Mayor

Lauren Evans, NCCMC
Town Clerk



TOWN OF ERWIN

P.O. Box 459 • Erwin, NC 28339
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Mayor
Randy L. Baker
Mayor Pro Tem
Ricky W. Blackmon
Commissioners
Alvester L. McKoy
Timothy D. Marbell
Charles L. Byrd
David L. Nelson
William R. Turnage

2025 Town Board Schedule

Thursday, January 2nd at 7 PM

Thursday, February 6th at 7 PM

Thursday, March 6th at 7 PM

Thursday, April 3rd at 7 PM

Thursday, May 1st at 7 PM

Thursday, June 5th at 7 PM

Thursday, July 3rd at 7 PM

Thursday, August 7th at 7 PM

Thursday, September 4th at 7 PM

Thursday, October 2nd at 7 PM

Thursday, November 6th at 7 PM

Thursday, December 4th at 7 PM



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2025 Town Board Workshop Schedule

Monday, January 27th at 6 PM

Monday, February 24th at 6 PM

Monday, March 24th at 6 PM

Monday, April 28th at 6 PM

May Workshop Canceled Due to Holiday

Monday, June 23rd at 6 PM

Monday, July 28th at 6 PM

Monday, August 25th at 6 PM

Monday, September 22nd at 6 PM

Monday, October 27th at 6 PM

Monday, November 24th at 6 PM

*Workshop meetings may be canceled if there is nothing on the agenda



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2025 Planning Board/Board of Adjustments Schedule

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

Tuesday, January 21st at 7 PM (Due to Holiday)

Monday, February 17th at 7 PM

Monday, March 17th at 7 PM

Monday, April 21st at 7 PM

Monday, May 19th at 7 PM

Monday, June 16th at 7 PM

Monday, July 21st at 7 PM

Monday, August 18th at 7 PM

Monday, September 15th at 7 PM

Monday, October 20th at 7 PM

Monday, November 17th at 7 PM

Monday, December 15th at 7 PM

*Meeting(s) may be canceled if there is nothing on the agenda