

**THE ERWIN BOARD OF COMMISSIONERS
FEBRUARY 2024 REGULAR MEETING
THURSDAY, FEBRUARY 1, 2024 @ 7:00 P.M.
ERWIN MUNICIPAL BUILDING BOARDROOM**

AGENDA

1. MEETING CALLED TO ORDER

- A. Invocation
- B. Pledge of Allegiance

2. AGENDA ADJUSTMENTS /APPROVAL OF AGENDA

3. CONSENT

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

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

4. PUBLIC HEARING

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

5. PUBLIC COMMENT

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

6. MANAGER'S REPORT

7. ATTORNEY'S REPORT

8. GOVERNING BODY COMMENTS

9. 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

JANUARY 4, 2024

ERWIN, NORTH CAROLINA

The Board of Commissioners for the Town of Erwin with Mayor Baker presiding held its Regular Meeting in the Erwin Municipal Building Board Room on Thursday, January 4, 2024, at 7:00 P.M. in Erwin, North Carolina.

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

Board Member absent was Mayor Pro Tem Ricky Blackmon.

Town Manager Snow Bowden, Town Clerk Lauren Evans, Town Attorney Tim Morris, Finance Director Linda Williams, 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.

Commissioner Marbell 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 Turnage made a motion to approve **(ITEM A)** Minutes of Regular Meeting on December 7, 2023, and was seconded by Commissioner McKoy. **The Board voted unanimously.**

PRESENTATION OF FISCAL YEAR 2022-2023 AUDIT

R. Bryon Scott, CPA came forward and presented the Fiscal Year 2022-2023 Audit for the Town of Erwin.

A copy of the Fiscal Year 2022-2023 Audit Presentation is attached to these minutes.

Commissioner Byrd made a motion to accept the audit report as submitted and was seconded by Commissioner Turnage. **The Board voted unanimously.**

MINUTES CONTINUED FROM JANUARY 4, 2024

PRESENTATION OF JANUARY CITIZEN OF THE MONTH

Homer Joseph Ennis Jr of Chicora Road was recognized as the January 2024 Citizen of the Month. Mayor Baker presented him with a Proclamation Plaque.

The Proclamation is part of these minutes as an attachment.

PRESENTATION OF EMPLOYEE OF THE QUARTER

Finance Director Linda Williams was awarded the Quarter 4 2023 Employee of the Quarter Award for the Town of Erwin. Mayor Baker presented her with a Plaque.

RECESSED

Commissioner Turnage made a motion to recess at 7:25 PM for a reception and was seconded by Commissioner Nelson. **Motion Unanimously Approved.**

RECONVENED

Commissioner Nelson made a motion to go back into regular session at 7:38 PM and was seconded by Commissioner Turnage. **Motion Unanimously Approved.**

PUBLIC HEARING

ZT-2023-006

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

Town Manager Snow Bowden informed the Board that the applicant was unable to attend the meeting due to an emergency at work but wishes to proceed with the request.

Mayor Baker stated the rezoning request was a legislative decision and the Board could hear the request without representation from the applicant. Staff was present to present the application. **There was no objection from the Board and the hearing proceeded.**

Town Planner Dylan Eure came forward and addressed the Board. He stated that the Town of Erwin received a request to rezone a piece of property located at 261 Suggs Road Dunn, NC. Said parcel was currently zoned under Industrial and the request was to move it to its neighboring land use type of being under the Rural District. The owner of the parcel was Eldridge and Franklin Investments of Clayton North Carolina, who had intentions to sell said parcel for the development of a single-family home. The Harnett County Tax PIN for the parcel was 1507-28-9258.000. The overall size of the property was 1.9 acres totaling approximately 53,500 Sq Feet with the closest accessible road being Suggs Road which was off of Red Hill Church Road. Its current zoning classification was M-1 Industrial but had been used for single-family homes in the past. According to Harnett County GIS, the parcel was approximately .6 of a mile away from Erwin's corporate limits and was in the municipality's planning jurisdiction. According to GIS said parcel was not within a flood zone, wetland, or watershed location. He stated it was important to

MINUTES CONTINUED FROM JANUARY 4, 2024

note that this parcel would require a septic and a well approved by Harnett County prior to the home being built.

Commissioner Byrd inquired whether the septic had already been tested.

Mr. Eure stated that he did not believe it had been tested at that time. He went and looked at the parcel and it looked as though septic and well had been there previously but when pulling deeds and maps for the property, he could not find any proof of that.

Commissioner Marbell confirmed that there was a home on the property in the past.

Mr. Eure stated that was correct.

Mayor Baker reminded the Board that a rezoning request can be used for any permitted use in the zoning district.

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

No one came forward.

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

No one came forward.

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

Commissioner Byrd made a motion in the affirmative, seconded by Commissioner Nelson, and unanimously approved by the Board that 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:** A single-family dwelling used to be on the property and is surrounded by an existing neighborhood.

Commissioner Nelson made a motion in the affirmative, seconded by Commissioner Byrd, and unanimously approved by the Board that the requested zoning district is compatible with the existing Land Use Plan.

- **Reasoning:** According to Erwin's current Land Use Plan done in 2023 the property is assigned to be labeled Industrial. However, all other parcels in use in the area are zoned for residential uses.

Mayor Baker made a motion in the affirmative, seconded by Commissioner Byrd, and unanimously approved by the Board that the proposal does enhance or maintain the public health, safety, and general welfare.

- **Reasoning:** The proposed zoning change would allow for the parcel to provide additional housing for the municipality.

Commissioner Byrd made a motion in the affirmative, seconded by Commissioner Nelson, and unanimously approved by the Board that the request is for a small-scale rezoning and should be evaluated for reasonableness.

- **Reasoning:** This rezoning request includes a single parcel that was occupied by a single-family home before demolition.

MINUTES CONTINUED FROM JANUARY 4, 2024

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.

- **Reasoning:** Rezoning is for a single parcel to be considered residential so a single-family home may be built on the parcel.

Commissioner Nelson made a motion in the affirmative, seconded by Commissioner Byrd, 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.)

- **Reasoning:** The rezoning would only classify a single parcel to be residential like the other parcels in the surrounding area.

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 the character of the neighborhood will not be materially and adversely affected by any use permitted in the proposed change.

- **Reasoning:** The area affected is already zoned under RD and have single-family homes on the lots.

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.

- **Reasoning:** Even though the parcel is labeled in the 2023 Land Use Plan to be Industrial all of the surrounding parcels being used are for Residential uses.

Commissioner Byrd made a motion that the requested rezoning to RD is compatible with all of the Town of Erwin's regulatory documents and would not only have a positive impact on the surrounding community but would enhance the public health, safety, and general welfare as stated in the evaluation. It is recommended that this rezoning request be **Approved** and was seconded by Commissioner Nelson.

The Board voted unanimously

Commissioner Byrd made a motion to recommend the approval of Ordinance For Map Amendment Case # ZT-2023-006 Amendment To The Official Zoning Map To Rezone From Industrial (M-1) To Rural District (RD) Per Zoning Ordinance Article XXIII For Harnett County PIN 1507-28-9258.000 ORD 2023-2024: 004 and was seconded by Commissioner Nelson. **The Board voted unanimously.**

School Safety Zone

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 we have received complaints about speeding around Erwin Elementary School. Out of concern for the safety of children walking and riding their bikes to school. After some research, the Town Board has the authority to establish a School Safety Zone on a Town

MINUTES CONTINUED FROM JANUARY 4, 2024

maintained street by the adoption of an Ordinance. Signs would be posted on East D Street and South 10th Street, parallel to the school zone signs on Denim Drive. We are looking at funds for sidewalks but this School Safety Zone would be a step in the right direction.

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

No one came forward.

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

No one came forward.

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

Mayor Baker stated the School Safety Zone Ordinance was much needed. He asked if Town Staff planned to paint the road.

Town Manager Snow Bowden stated that signs are required by the Ordinance but painting the roads would not hurt.

Commissioner Byrd stated it was well overdue.

Commissioner Byrd made a motion to approve the Ordinance Establishing a School Safety Zone on East D Street and South 10th Street Pursuant to N.C.G.S. 20-141.1 and was seconded by Commissioner McKoy. **The Board voted unanimously.**

Town Manager Snow Bowden stated that he planned to discuss the speeding issue and placing new signage of 25 MPH on all roads at our Budget Workshop.

PUBLIC COMMENT

No one was present to speak.

MANAGER'S REPORT

Town Manager Snow Bowden informed the Board:

- At our January workshop meeting we will have a lot to discuss:
 - 480k grant for park expansion and related equipment.
 - 500K stormwater management plan grant- this should help us with a plan for stormwater throughout the Town. This was one of the biggest complaints that we have gotten. We were waiting on a letter from the State so we could put out an RFQ to hire a firm to help us with this plan.
 - 500k grant for economic development.
 - Discussion of hiring an engineer to assist with the water line installation on St. Matthew's Road with the grant we received from the State of NC.
 - We should be discussing an updated MOU from Harnett County regarding our SRO program.

MINUTES CONTINUED FROM JANUARY 4, 2024

- He thanked Mark Walton and Lynn Lambert with the Harnett County Soil and Water Division. Mark helped us apply for a planning grant that should help with the CCAP grant that we were expecting to receive for the Porter Park Stream restoration project.
- He planned to pass out budget forms to all of our department heads the following Monday for them to submit with their budget request by mid-February for the upcoming Fiscal Year.
- Our COG Mid-Carolina reached out to him right before Christmas and set up a meeting with the NC League of Municipalities. We should be getting another grant to help with engineering services. He suggested using those funds for an ADA transition plan. The grant should be around \$50,000.00.
- We were working on getting quotes for the Community Building work.
- We were going to get back to work on getting quotes to update our Town Code and a HWY 421 Corridor overlay district to go in line with our updated Land Use Plan.
- He was still waiting to hear back from FAMPO about a meeting to discuss a potential MOU for us to join this organization and leave the Mid-Carolina RPO.
- Early voting for the 2024 election will be taking place at the Al Woodall Park gym again this year. He would let the Board know more information as soon as he knew it.
- We were still working on West K Street. Public Works recently put up a better barricade to hopefully keep people out.
- Ample Storage had submitted plans to Harnett County to tear down the old White House Restaurant. He knew it was long overdue, but he was hopeful to have that site cleaned up soon.

ATTORNEY'S REPORT

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

GOVERNING COMMENTS

Commissioner McKoy wished everyone a Happy New Year.

Commissioner Marbell wished everyone a Happy New Year.

Commissioner Byrd thanked citizens for taking the time to be at our meetings. The recognition given out was so well deserved. He thanked Finance Director Linda Williams for all that she does. He thanked our Police Chief and was amazed by all of our Town Staff.

Commissioner Nelson stated he was proud of the citizens of Erwin, the Fire Department, Police Department for the wonderful job done with Shop with a First Responder. He was thankful for Town Staff. He wished everyone a Happy New Year.

Commissioner Turnage stated he had South Erwin on his mind and we needed to do something about the Getting Place. As far as the grass, it looked the best it ever looked. He was looking for a good year for Erwin and wanted to make people proud of our Town.

Mayor Baker echoed the comments of his fellow Board Members. He thanked Commissioner McKoy for the invocation he gave at the beginning of the meeting. He really took it to heart. He wished everyone a

MINUTES CONTINUED FROM JANUARY 4, 2024

Happy, Healthy, and Safe New Year. He was looking forward to good things and as Commissioner McKoy prayed, we are in God's will. We have outstanding staff. He congratulated Finance Director Linda Williams for her award of Employee of the Quarter and Lieutenant Joey Ennis for his award as Citizen of the Month. Giving those awards was the highlight of what he did as Mayor, to give recognition to our Staff and our Citizens and he was thankful for that honor.

ADJOURNMENT

Commissioner Byrd made a motion to adjourn at 8:02 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

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

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

DATE: January 9, 2024
TO: Mayor and Town Board of Commissioners
FROM: Bill Dreitzler, P.E., Town Engineer
RE: 2023-2024 Powell Bill Street Re-surfacing Priority Recommendations

Snow,

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

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

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

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

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Bill W. Dreitzler". The signature is fluid and cursive, with a large, sweeping flourish at the end.

Bill Dreitzler, P.E.
Town Engineer

**BUDGET ORDINANCE AMENDMENT
BOA 2024 – 04
FISCAL YEAR 2023-2024**

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

Section 1. This Budget Ordinance Amendment seeks to Increase Revenues and Increase Expenditures by \$75,000.00. This amendment is to account for increase in department expenditures.

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

Account	Description	Current Approp.	Increase/Decrease	
Amended Appropriation				
10-3290-000	Interest Earned	\$25,000	(+)	\$75,000
				\$100,000

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

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

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

Adopted this 1st day of February 2024.

ATTEST:

Randy L. Baker, Mayor

Lauren Evans, Town Clerk

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

AGREEMENT OVERVIEW

NORTH CAROLINA
HARNETT COUNTY

DATE: 1/11/2024

PARTIES TO THE AGREEMENT:

PROJECT NUMBERS:

NORTH CAROLINA DEPARTMENT
OF TRANSPORTATION

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

AND

TOWN OF ERWIN

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

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

COSTS TO DEPARTMENT: \$13,012.71

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

MAINTENANCE: Town of Erwin

EFFECTIVE DATES OF AGREEMENT:

START: Upon Full Execution of this Agreement

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

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

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

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

I. WHEREAS STATEMENTS

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

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

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

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

II. SCOPE

A. MUNICIPALITY REQUIREMENTS

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

III. TIMEFRAME

A. DURATION

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

IV. REIMBURSEMENT

A. ALLOCATED FUNDS

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

B. CHANGES TO REIMBURSEMENT RATE

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

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

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

C. INVOICING THE DEPARTMENT

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

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

D. ELIGIBILITY FOR REIMBURSEMENT

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

V. ADDITIONAL PROVISIONS

A. ENVIRONMENTAL REGULATIONS

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

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

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

B. PARTICIPATION BY DISADVANTAGED BUSINESSES

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

C. AGREEMENT MODIFICATIONS

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

D. ASSIGNMENT OF RESPONSIBILITIES

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

E. AGREEMENT FOR IDENTIFIED PARTIES ONLY

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

F. OTHER AGREEMENTS

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

G. TITLE VI

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

H. FACSIMILE

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

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

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

I. AUTHORIZATION TO EXECUTE

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

J. DEBARMENT POLICY

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

K. INDEMNIFICATION

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

L. AVAILABILITY OF FUNDS

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

M. DOCUSIGN

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

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

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

N. GIFT BAN

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

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

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

SIGNATURE PAGE

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

(DOCUSIGN ONLY)

Authorized Signer: _____

Print Name: _____

Title: _____

Date Signed: _____

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

TOWN OF ERWIN

FED TAX ID NO: _____

Finance Officer: _____

REMITTANCE ADDRESS:

Print Name: _____

Date Signed: _____

DEPARTMENT OF TRANSPORTATION

BY: _____

TITLE: _____

DATE: _____

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

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

SIGNATURE PAGE

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

(INK SIGNATURES ONLY)

ATTEST: _____ Authorized Signer: _____
BY: _____ Print Name: _____
TITLE: _____ Title: _____
Date Signed: _____

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

TOWN OF ERWIN

FED TAX ID NO: _____ Finance Officer: _____
REMITTANCE ADDRESS: _____ Print Name: _____
_____ Date Signed: _____

DEPARTMENT OF TRANSPORTATION (DocuSign)

BY: _____
TITLE: _____
DATE: _____

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

Erwin Board of Commissioners

REQUEST FOR CONSIDERATION

To: The Honorable Mayor and Board of Commissioners

From: Snow Bowden, Town Manager

Date: February 1, 2024

Subject: Surplus Vehicles

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

Erwin Public Works Department

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

Erwin Board of Commissioners

REQUEST FOR CONSIDERATION

To: The Honorable Mayor and Board of Commissioners

From: Snow Bowden, Town Manager

Date: February 1, 2024

Subject: Bayles Street Extension Close

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

Attachments:

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

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

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

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

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

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

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

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



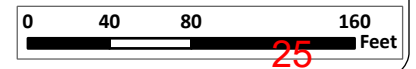
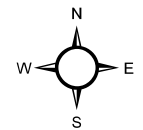
Close easement

Harnett County GIS



GIS/E-911 Addressing
November 16, 2023

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





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

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

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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Alvester L. McKoy
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Charles L. Byrd
David L. Nelson
William R. Turnage

02/01/2024

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

Certification:

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

Sworn Statement:

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

Randy L. Baker, Mayor

MacDonald S. Bowden Jr., Town Manager

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

(Notary Signature and Seal)

My Commission Expires: _____

Town of Erwin

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

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

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

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

Parks and Recreation

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



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2/1/2024

SU-2024-001 Memorandum

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

Rezoning Description

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

Property Description

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

Findings of Fact

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

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

Regards,
 Dylan Eure
 Town Planner



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

SPECIAL USE PERMIT APPLICATION

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

Applicant Name	Wade Duggins	Property Owner Name	Coastal Plains Company LLC
Mailing Address	2939 Breezewood Ave	Mailing Address	2939 Breezewood Ave
City, State, Zip	Fayetteville NC 28303	City, State, Zip	Fayetteville NC 28303
Telephone	910 850 6644	Telephone	910 850 6644
Email	wade@dugginsdevelopers.com	Email	
Address of Subject Property		104 Maynard Lake Road Erwin NC 28339	
Parcel Identification Number(s) (PIN) of Subject Property		0597-77-7438 .000	
Legal Relationship of Applicant to Owner	Client	Floodplain SFHA	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Legal Description: Lot	Block	Subdivision	Erwin Mills PC/C 199-C
Zoning District	Wetlands	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Watershed Area
Public Water Available: <input checked="" type="checkbox"/> or N	Public Sewer Available: <input checked="" type="checkbox"/> or N	Existing Septic Tank: Y or N	
Number of Buildings to Remain	Gross Floor Area to Remain		
Describe Proposed Project or Request with Conditions proposed by applicant: <i>* Requesting Parking Variance see Separate sheet</i>			
Construct 64 Apartment units with clubhouse			
Total Acreage or Square Footage to be Disturbed	5.70 acres		
Estimated Cost of Project \$	8,000,000		

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

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

Office Use Only	
Date Application Submitted <u>12/14/20</u>	Application Fee \$ <u>300</u> Received By _____
Case # <u>SU-2024-001</u>	



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Special Use Signature Page

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

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

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

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

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

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

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

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

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

Applicant Signature and Date:

Paula Zeffin 12/14/23



TOWN OF ERWIN

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

Property Owner (1)	Smagda Holding of NC LLC	Mailing
Address	PO box 1349	City Coats STNC Zip 27521
Property Owner (2)	Thobetta Green	Mailing
Address	103 Maynard Lane Rd	City Erwin STNC Zip 28339
Property Owner (3)	LA real estate properties LLC	Mailing
Address	9405 Purfoy Rd	City Fuquay-Varina STNC Zip 27576
Property Owner (4)	Donald & Kay Dean	Mailing
Address	9101 White Oak rd	City Garner STNC Zip 27529
Property Owner (5)	Micky & Cindy McDougald	Mailing
Address	106 Maynard Lake rd	City Erwin STNC Zip 28339
Property Owner (6)	Heithy McNeil	Mailing
Address	1168 Norton rd	City Hargett STNC Zip 28376
Property Owner (7)	Crayton Willard Heirs	Mailing
Address	90 Carolyn Ln	City Godwin STNC Zip 28344
Property Owner (8)	Diabe & Henry Hart	Mailing
Address	109 Maynard Lake rd	City Erwin STNC Zip 28339
Property Owner (9)	Shirley Solomon	Mailing
Address	3324 Crawford Rd	City Erwin STNC Zip 28339
Property Owner (10)	Harnett Co. Board of Edu.	Mailing
Address	PO BOX 1029	City Lillington STNC Zip 27546
Property Owner (11)	Isaac & Mattie Bailey	Mailing
Address	112 Porter dr	City Erwin STNC Zip 28339
Property Owner (12)	Patrick Mice	Mailing
Address	110 Porter dr	City Erwin STNC Zip 28339
Property Owner (13)	Tyrene & Debra Knight	Mailing
Address	3670 Oak Chase dr.	City Highpoint STNC Zip 27865



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

Property Owner (1) Darlene Gilbert Mailing
Address PO box 111 City Erwin ST NC Zip 28339

Property Owner (2) Micky & Aris Smith Mailing
Address PO box 2652 City Lillington ST NC Zip 27546

Property Owner (3) Jon Stubbs & Debra Hoodman Mailing
Address PO box 387 City Coats ST NC Zip 27521

Property Owner (4) Leaders Warehouse Group LLC Mailing
Address 1712 Highpoint st City Ware Forest ST NC Zip 27587

Property Owner (5) Rosecilla Freeman Mailing
Address PO box 176 City Erwin ST NC Zip 28339

Property Owner (6) Mohamed Falih & Fatima Oulouah Mailing
Address 604 Country Ln City Holly Spring ST NC Zip 27540

Property Owner (7) Tara McKay Mailing
Address 108 E Jackson City Erwin ST NC Zip 28339

Property Owner (8) Coastal Plains Company Mailing
Address 1887 Oakton Church Rd City Fairmont ST NC Zip 28340

Property Owner (9) _____ Mailing
Address _____ City _____ ST _____ Zip _____

Property Owner (10) _____ Mailing
Address _____ City _____ ST _____ Zip _____

Property Owner (11) _____ Mailing
Address _____ City _____ ST _____ Zip _____

Property Owner (12) _____ Mailing
Address _____ City _____ ST _____ Zip _____

Property Owner (13) _____ Mailing
Address _____ City _____ ST _____ Zip _____

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

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

Yes No _____

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

Yes No _____

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

Yes No _____

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

Yes No _____

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

Yes No _____
Stormwater management plan required

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

Yes No _____

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

Yes No _____
~~Var~~ Variance from 2.5 to 1.5 parking per unit will need to be approved



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SPECIAL USE APPLICATION PROCEDURES

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

Conditions and Guarantees

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

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

Action by the Board of Commissioners

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

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



TOWN OF ERWIN

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

IMPORTANT

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

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

Using the Zoning Ordinance

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



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Processing Requirements

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

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

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

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

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

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

**Town of Erwin
Record and Decisions**

Office Use Only

Notice Mailed _____ Property Posted _____ Newspaper Advertised Date _____

Public Hearing Date and Comments: _____

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

Town Board Decision and Date _____

Certified By: _____



978 Wylie Street SE
 Atlanta, Georgia 30316
 # 404.507.2302
 www.dd-arch.com

SITE INFORMATION:

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

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

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

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

Erwin Ridge Apartments Unit Matrix
 Erwin, NC 23-007

Units	P-P SF	Net SF	Blgd #	#100	#200	Total
A2	660	699	4	0	4	4
A2(b)	660	699	2	0	2	2
A3	690	730	1	1	2	10
A3(a)	690	730	1	0	1	1
A3(as)(av)	690	730	0	1	1	1
B2	914	961	7	15	22	2
B2(a)	914	961	1	1	2	32
B2(as)	914	961	0	1	1	1
B2(as)(av)	914	961	1	0	1	1
B2(b)	914	961	1	5	6	6
C1	1178	1232	8	6	14	6
C1(a)	1178	1232	0	1	1	22
C1(as)	1178	1232	1	0	1	22
C1(b)	1178	1232	3	3	6	6
3BR /2BA						
2BR /2BA						
1BR /1BA						
Total Units			30	34	64	
Unit Paint-Paint SF			28,616	33,268	61,884	
Building Net (Heated) SF			30,048	34,922	64,970	
Blgd Gross (Under Roof) SF			35,083	41,051	76,134	

HANDICAP UNITS:

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

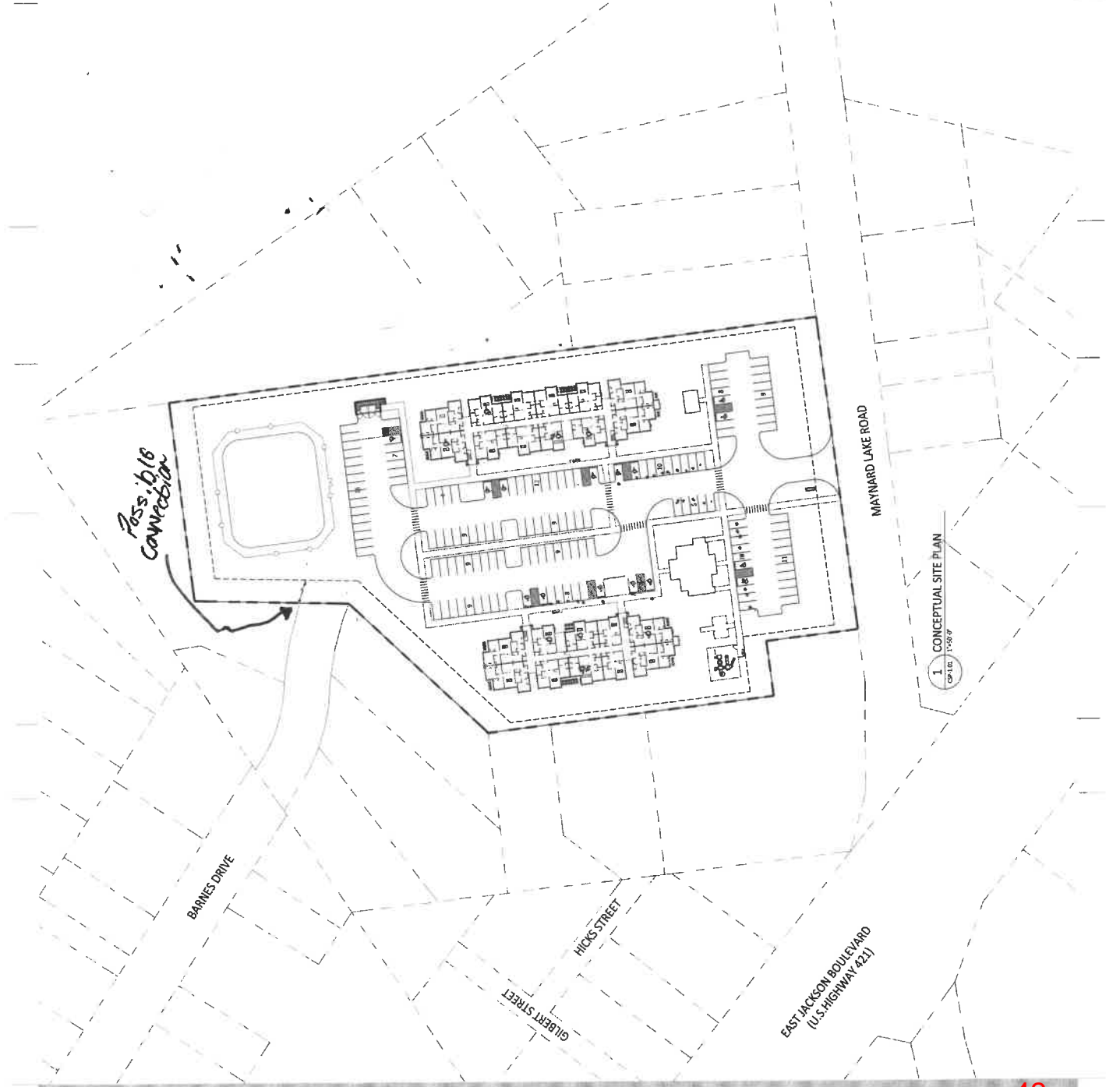
SITE NOTES:

- NO RETAINING WALLS ANTICIPATED
- NO FLOOD PLAIN ON SITE

CONCEPTUAL SITE PLAN

CSP-1.01

NOT RELEASED FOR CONSTRUCTION



1 CONCEPTUAL SITE PLAN
 CSP-1.01 1/18/07

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

Town of Erwin
100 West F St
Erwin, NC 28339

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

Tax Pin - 0597-71-7438.000

Mr. Eure,

Maynard Lane Rd

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

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

We hope you consider both requests.

Thank you.

Sincerely,

Wade Duggins

Wade Duggins
/Wd



SPECIAL USE REQUEST STAFF REPORT

Case: SU-2024-001

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

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

Public Hearing Date: Thursday, February 1st, 2024

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

Applicant Information

Owner of Record:

Name: Coastal Plains Company, LLC
Address: 2939 Breezewood Ave
City/State/Zip: Fayetteville, NC 28303

Applicant:

Name: Wade Duggins
Address: 2939 Breezewood Ave
City/State/Zip: Fayetteville, NC 28303

Property Description

Address of Property: Maynard Lake Rd Erwin, NC
Harnett County Tax PIN: 0597-77-7438.000
Acres: 6.68
Zoning District: R-6, B-2

Vicinity Map

- See Attached Document

Physical Characteristics

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

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

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

Modifications

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

Services Available

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

Zoning District Compatibility

Special Use	R-6
Multi-Family Dwellings	X

Staff Evaluation

Staff Evaluation

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

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

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

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

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

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

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

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

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

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

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

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

Yes No That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Board of Commissioners.

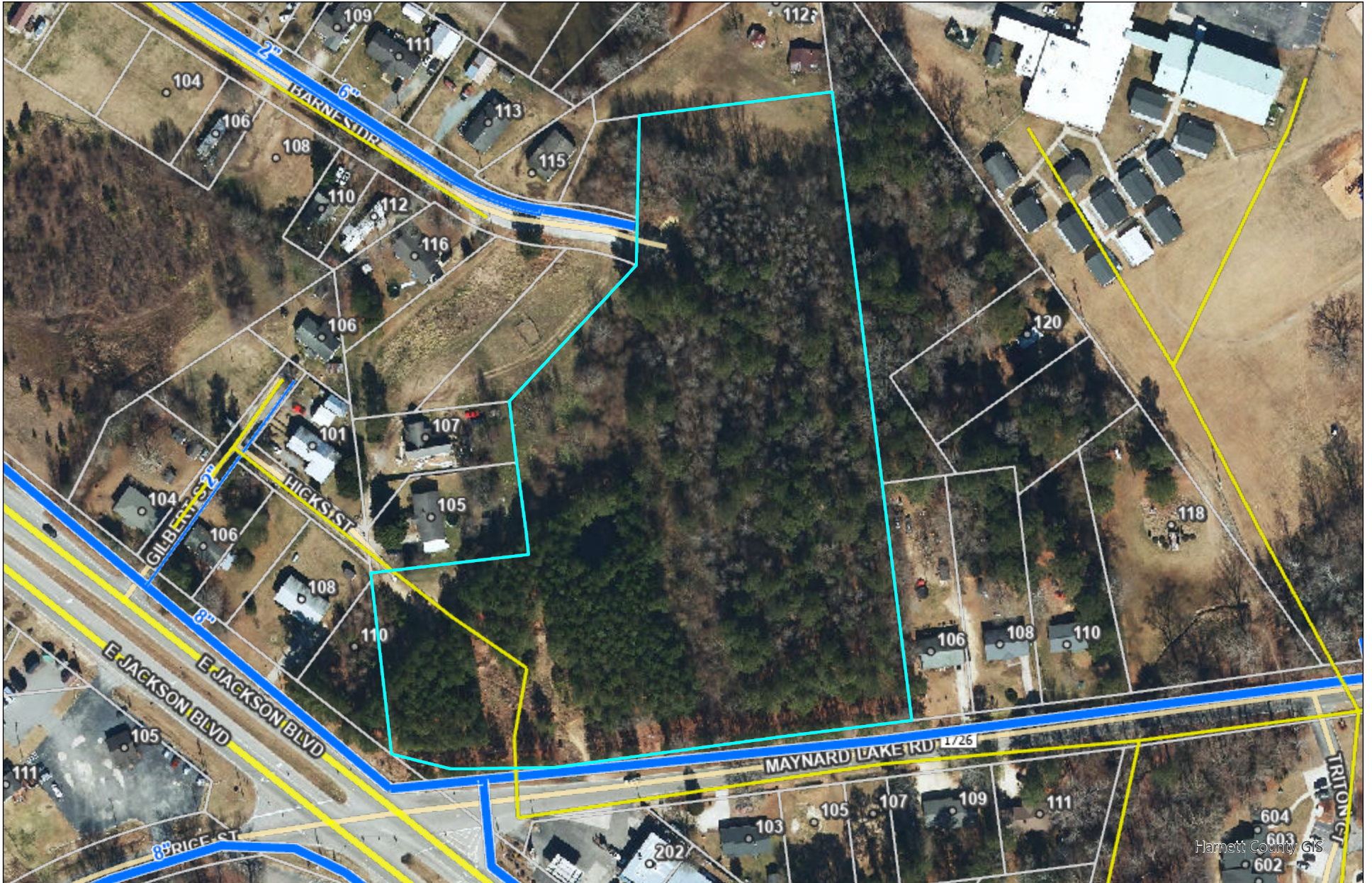
- **Reasoning:** Everything is in agreeance with Erwin’s Zoning Ordinances at its current state upon submittal. However, the applicant wishes to have a variance approved altering his requirement for parking. Said variance would allow for 1.5 parking spaces for every unit instead of the required 2.5 per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

Attachments:

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

Harnett GIS




NOT FOR LEGAL USE






Harnett County GIS



GIS/E-911 Addressing
December 18, 2023


-  County Boundary
-  City Limits
-  Address Numbers

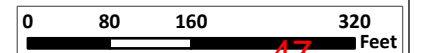
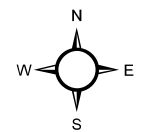
County Water Mains

-  2 - 5
-  6 - 36
-  Gravity

-  Road Centerlines

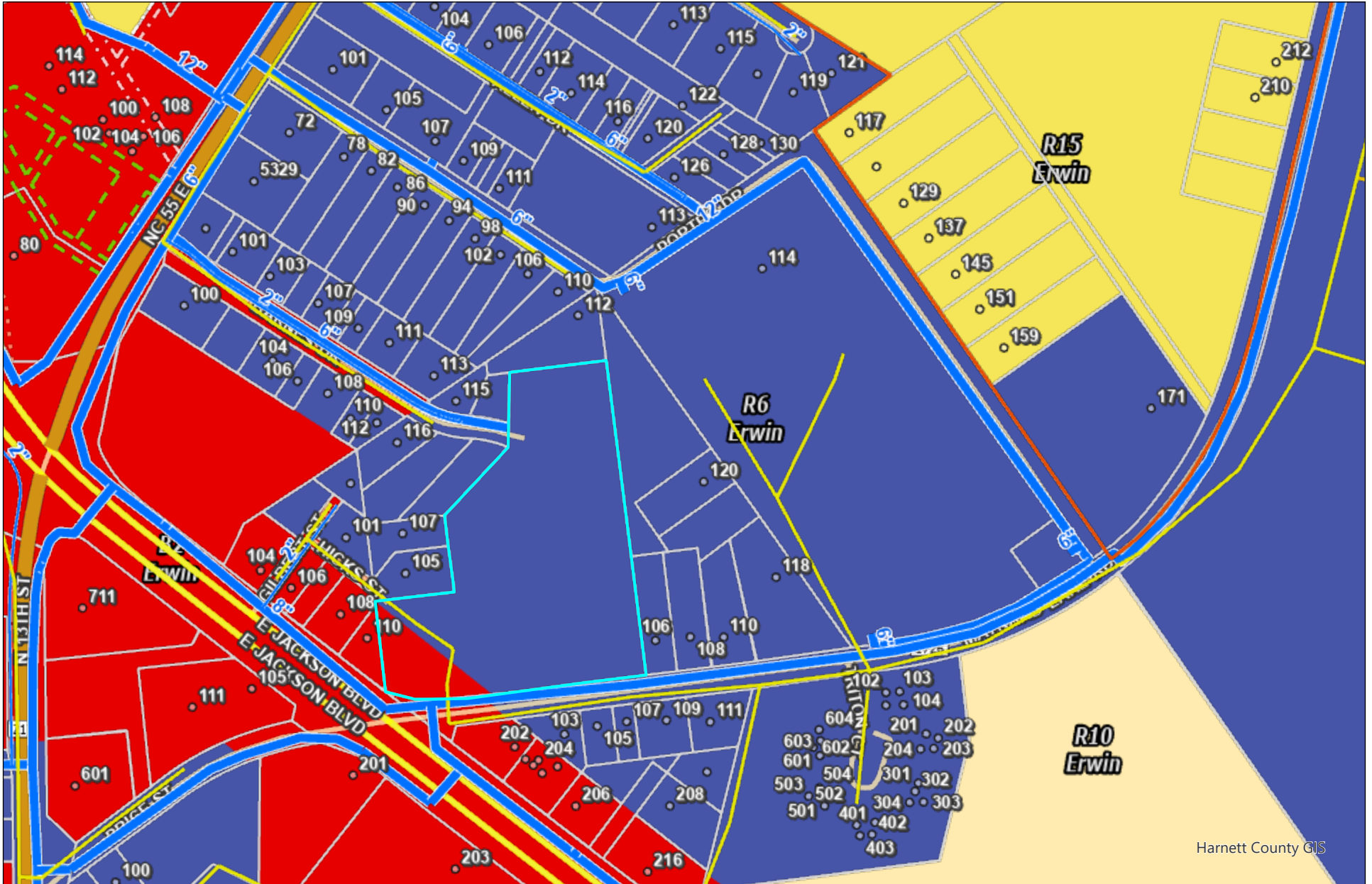
Major Roads

-  US
-  Parcels



Harnett GIS

NOT FOR LEGAL USE

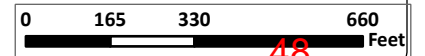
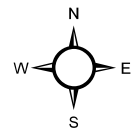


Harnett County GIS



GIS/E-911 Addressing
December 18, 2023

County Boundary	Service Laterals	Easements	Zoning Districts
City Limits	Gravity	Ingress Egress	B2
Address Numbers	RoadCenterlines	Septic	R10
County Water Mains	Major Roads	Other	R6
2 - 5	NC	Parcels	R15
6 - 36	US	ETJ Boundary	



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

Rosetta Green
103 Maynard Lake Rd
Erwin, NC 287339

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

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

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

Keithy McNeil
1168 Norton Rd
Raeford, NC 28376

Crayton Willard Heirs
90 Carolyn Ln
Godwin, NC 28344

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

Shirley Solomon
3324 Crawford Rd
Erwin, NC 28339

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

Issac & Mattie Bailey
112 Porter Dr
Erwin, NC 28339

Patrick Rice
110 Porter Dr
Erwin, NC 28339

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

Darlene Gilbert
PO Box 111
Erwin, NC 28339

Ricky & Avis Smith
PO Box 2652
Lillington, NC 27546

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

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

Priscilla Freeman
PO Box 176
Erwin, NC 28339

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

Tara Mckoy
108 E Jackson
Erwin, NC 28339

Coastal Plains Company
1887 Oakton Church Rd
Fairmont, NC 28340



TOWN OF ERWIN

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

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

1/18/2024

Notice of a Public Hearing SU-2024-001

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

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

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

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

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

Regards,

Dylan Eure
Town Planner

NOTICE OF PUBLIC HEARING

The Town of Erwin Board of Commissioners will conduct a Public Hearing on the following items pursuant to NC General Statute 160D-406, on Thursday, February 1, 2024, at 7:00 P.M. in the Erwin Municipal Building Board Room located at 100 West F Street, Erwin, NC 28339. Questions can be addressed to the Town Planner Dylan Eure at 910-591-4201 or by email at deure@erwin-nc.org.

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

This case is available for review at the Erwin Town Hall. All persons desiring to be heard either for or against the proposed items set forth above are requested to be present at the above-mentioned time and place.

1/16,23/2024

Erwin Board of Commissioners

REQUEST FOR CONSIDERATION

To: The Honorable Mayor and Board of Commissioners

From: Snow Bowden, Town Manager

Date: February 1, 2024

Subject: Accessory Building Text Amendment

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



TOWN OF ERWIN

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www.erwin-nc.org

1/22/2024

Accessory Structure Memorandum

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

Amendment Description and Trade Offs

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

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

Findings

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

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

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

Regards,

Dylan Eure
Town Planner



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

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

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

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

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

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

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

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

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

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

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

Adopted this 1st day of February 2024.

ATTEST:

Randy Baker
Mayor

Lauren Evans, NCCMC
Town Clerk