THE ERWIN BOARD OF COMMISSIONERS
JULY 2025 REGULAR MEETING
THURSDAY, JULY 10, 2025 @ 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. Budget Workshop Minutes for May 15, 2025 **(Page 2)**
   B. Special Called Workshop Minutes on May 22, 2025 **(Page 9)**
   C. Regular Meeting Minutes on June 5, 2025 **(Page 15)**
   D. US 421 S Annexation- Resolution Directing Town Clerk to Investigate **(Page 21)**
   E. NCDOT- Erwin Pavement Marking Revision Concept **(Page 22)**
   F. Updated Job Classification and Grade **(Page 23)**
   G. SUP-2025-002 Approval Letter **(Page 25)**

4. **NEW BUSINESS**
   A. Withers Ravenel- Engineer on Call Contract **(Page 26)**

5. **PUBLIC HEARING**
   A. SUP-2025-003 **(Page 34)**
   B. ZT-2025-002 **(Page 59)**
   C. Chapter 36 Updates **(Page 84)**

6. **PUBLIC COMMENT**
   Each speaker is asked to limit comments to 3 minutes, and the requested total comment period will be 30 minutes or less. Citizens should sign up prior to the start of the meeting. Please provide the clerk with copies of any handouts you have for the Board. Although the Board is interested in hearing your concerns, speakers should not expect Board action or deliberation on the subject matter brought up during the Public Comment segment. Thank you for your consideration of the Town Board, staff, and other speakers. §160A-81.1

7. **MANAGER'S REPORT**

8. **ATTORNEY'S REPORT**

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

BUDGET WORKSHOP MINUTES

MAY 15, 2025

ERWIN, NORTH CAROLINA

The Board of Commissioners for the Town of Erwin with Mayor Baker presiding held its Second Annual Budget Workshop for FY 2025-2026 in the Erwin Municipal Building Board Room on Thursday, May 15, 2025, at 9:00 A.M. in Erwin, North Carolina.

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

Board Members absent were Commissioners Charles Byrd and Timothy Marbell.

Town Manager Snow Bowden, Town Clerk Lauren Evans, and Finance Director Linda Williams were present.

Mayor Baker called the meeting to order at 9:00 A.M.

Commissioner Nelson gave the Invocation.

Finance Director Linda Williams led the Pledge of Allegiance.

APPROVAL OF AGENDA

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

DISCUSSION OF PROPOSED FY 2025-2026 BUDGET

Town Manager Snow Bowden informed the Board that the proposed budget included expenditures of 4.9 million dollars and revenues of 4.9 million dollars. The budget also included a $.50 tax rate from the current $.48, proposing a 2-cent increase for FY 2025-2026. Next year would be a tax revaluation year, so Town Staff will have to present a revenue net neutral tax rate.

He informed the Board of the following:

- Our reimbursement level from NCDOT for mowing the right-of-way decreased to $7,927 for the year. It was $13,000 but they rebid it and received lower rates somehow.
- There was a proposed transfer of $215,000 from our Powell Bill Fund to help resurface streets this year. This transfer is all funds from the Powell Bill and not any other funds.
- Since we did not know when we would officially start the contract with the Erwin Fire and Rescue Department, he put a "catch-all expenditure" under contracted services.

MINUTES CONTINUED FROM MAY 15, 2025

- Health insurance rates- $627 per employee per month
- Dental insurance rates $37 per employee per month
- Vision insurance rates $8 per employee per month
- Town Staff explored options for our grandfathered plan with the retirees. Town Staff felt it was best to move forward with the current plan this year, but open the HRA plan up to use for all copays.

The consensus of the Board was to open the HRA to all medical expenses.

- Retirement rates were 14.35% for General Employees and 16.10% for Law Enforcement employees.
- The Erwin Police Department requested four new police vehicles. The Town purchased two vehicles in the current fiscal year. There were no funds allocated for new vehicles in this budget. We could include funds for vehicles with a transfer fund from our fund balance.
- There were several capital equipment items requested that were not funded in the proposed budget. He felt like we could hold some of these purchases off until the next Fiscal Year.
- He estimated that we could raise $40,000 for community events for the year but we might need to readjust this line item. This would include the Christmas parade, tree lighting, potential concert series, and any other event.
- There were funds of $5,000 for equipment for the Erwin History Room. We will need to reevaluate the building and potentially put together a project ordinance for any major improvements to the building, such as the bathrooms.
- He included a list of the proposed salaries for each employee in the packet. I have copies of each departmental budget justification sheet with employee salaries ready to include in the finalized budget. The proposed budget included moving forward with implementing pay increases that were recommended by the MAPS pay study.
- Trash/Recycling collection rate increases due to increase from GFL. This is the last year we are under contract with GFL. Town Staff will issue a RFP in the next few months for this service. There was a lot of interest the last time we issued an RFP for this service. I am hoping for the same response this time. I have already had a few phone calls asking what we.
    - Trash collection current rate ($7.92 per container per month)
        - 2025 proposed fee for trash $8.22 per container per month
    - Recycling collection current rate ($3.05 per container per month)
        - 2025 proposed fee for recycling $3.17 per container per month

The consensus of the Board was to set the following trash and recycling rate for FY 2025-2026:

- **Trash- $8.25 per container per month**
- **Recycling: $3.20 per container per month**

The Board requested to see quotes to bring trash and recycling back in house next year.

MINUTES CONTINUED FROM MAY 15, 2025

- Sports registration fees- We had not increased these fees in a number of years. With the proposed property tax rate increase, he felt the need to keep the rate the same for our
- residents. He proposed a $10 increase for participants who live outside our Town Limits to $55 from $45, which was still lower than our surrounding municipalities.
- Town Staff had a plan in place to cut Hwy 421. We could look at bidding it out next year.
- There were a few minor increases in fees for some of our contracted services. He was still looking at a few items in our fee schedule but was not going to propose any major fee increases. There were no increases in stormwater fees.

The Board instructed Town Manager Snow Bowden to look into increasing our collection rate for the Harnett Regional Water pay station. The Board also instructed Town Staff to order stickers for vehicles if a resident wanted a sticker when paying their vehicle fees.

Revenues

Town Manager Snow Bowden reviewed the Ad Valorem taxes with the Board. He estimated bringing in 1.1 million dollars in sales tax revenue. He proposed a transfer from the Priebe Fund to fund improvements at Al Woodall Park and W.N. Porter Park.

The Board took a break at 10:29 AM and reconvened at 10:41 AM.

Governing Board

Town Manager Snow Bowden stated there were not many updates in the Governing Board budget. He reminded the Board of the upcoming municipal election. He usually used the miscellaneous line item as a "catch all" and that line item was used for the Christmas Parade last year so that was why that line item was so inflated last year. In the current proposed budget, he put Town Events under Non-Departmental.

Administration

Town Manager Snow Bowden stated the largest change in Administration was salaries and an increase in retirement rates.

Non-Departmental

Town Manager Snow Bowden stated that Non-Departmental was a "catch-all" budget, and contracted services, such as our Town Attorney, IT Services, and insurance for retirees, were paid out of this department. He informed the Board that there was an error in the excel for Non-Departmental under Telephone/Postage, the budgeted amount was $6,652 instead of $652 as stated in the proposed budget.

The Board discussed whether they would like to keep the Town-issued emails or go back to using their personal emails.

Town Manager Snow Bowden stated it cost $22 per mailbox per month.

MINUTES CONTINUED FROM MAY 15, 2025

The consensus of the Board was to move forward with using the Town-owned emails as of June 2025.

Town Manager Snow Bowden informed the Board that the fee for Animal Control will stay the same this year. He included funds for the Family Fun Day and Christmas Luncheon for the employees.

Mayor Baker inquired whether the funds for janitorial services included cleaning the community building.

Town Manager Snow Bowden stated that it included cleaning Town Hall, the Police Department, and the community building bathrooms. We did ask for an additional quote to clean the community building once we start renting it out again and he planned to include that in the finalized budget. He informed the Board that Workers Comp and Property/Liability did increase this year. He also included funds for the History Room.

Mayor Baker informed the Board that Town Staff was planning a 100 years of Erwin event next year. He asked Town Manager Snow Bowden to consider listing the different events we planned to do annually and break it down for allocated funding.

Commissioner Blackmon stated he did not feel it was necessary to break down. He felt a line item for all events was sufficient.

Commissioner Nelson recommended moving the stage next to the Lion's Club shelter and pointing it towards the woods. It would be like an amphitheater.

Town Manager Snow Bowden stated we planned to discuss the location when we discuss the bids at our workshop the following week.

Planning

Town Manager Snow Bowden stated the biggest funding in Planning was salaries and benefits. He did include funds for demolitions and moving forward with the Harnett County Fire Prevention Code Enforcement with the Harnett County Fire Marshall, which will cost $15,943.

Commissioner Blackmon inquired about the miscellaneous contracted services line item for $20,000 under planning.

Town Manager Snow Bowden stated that it would cover abatement, minimum housing processes, cutting grass, and hiring consultants for plans.

Commissioner Blackmon stated he had no issue putting those funds in there if we were using it. He wanted to see how much was spent in the current year.

MINUTES CONTINUED FROM MAY 15, 2025

Powell Bill

Town Manager Snow Bowden stated we might need to change a few things around after looking at RFQs and RFPs. He did include $350,000 in contracted services, which was two years of Powell Bill funding to resurface twice as many streets this year.

Police Department

Town Manager Snow Bowden stated he was going to change a few things on the Police Department Budget to factor in getting two police cars. He did include funds to purchase more flock cameras.

Commissioner Blackmon stated the Board discussed building a new Police Department building. He asked if funds were included in the proposed budget to begin the preliminary process.

Town Manager Snow Bowden stated he planned to add money in the line item for professional services. He wanted to present the budget and had not had a chance to add that funding into the Board.

Police SRO

Town Manager Snow Bowden stated the Police SRO was a wash and reimbursed by Harnett County. Mainly salaries and benefits.

Contracted Services- Fire

Town Manager Snow Bowden stated the fire budget was in and out. Once we have a start date in place, he will break down the department in detail. The Erwin Fire Department will reimburse the Town for all salaries and benefits.

Erwin Public Works- Admin

There were no big changes in this department, mostly salary and benefits.

Erwin Public Works- Streets

Town Manager Snow Bowden stated this department was good. The budget included four full-time employees and one vacant position with salary and benefits.

There was discussion regarding moving the Public Works building and selling or leasing the land where Public Works currently sits.

Town Manager Snow Bowden stated he hoped that our engineer on call will be able to assist in this process.

Sanitation

Town Manager Snow Bowden stated there were no employees in this department, mainly just contracted services for trash pickup and picking up limbs and large appliances.

MINUTES CONTINUED FROM MAY 15, 2025

Stormwater

This department was a wash. It was funded through the stormwater fees.

Recreation

Town Manager Snow Bowden stated there was nothing major in Recreation. Once everything was finalized, there was some equipment that he did not include in the proposed budget that he would look at purchasing later in the year such as a portable stage for calling games and a couple of trailers. He also increased the line item for Part-Time employees due to events planned in the upcoming year. He planned to use funding to seal the parking lots at Al Woodall and Porter Park.

Library

No funds requested.

Community Building

Town Manager Snow Bowden stated the bathrooms were complete. There were plans in place to relocate power lines before starting the renovation of the kitchen.

DISCUSSION OF CURRENT FY 2023-2024 BUDGET

Town Manager Snow Bowden reported that our current budget was in good shape. We were doing good on revenues.

Commissioner Blackmon asked if there was anything we could take out of next year's budget to purchase in this year's budget.

Town Manager Snow Bowden stated he would look over the budget and see if there was anything else we could purchase in the current year's budget. He stated we already purchased two police cars and funding all the needed equipment for the Erwin History Room. He may be able to purchase the portable stage in the current year's budget.

Commissioner Nelson inquired why Town Manager Snow Bowden lowered his own salary by $10,000.

Town Manager Snow Bowden stated that the Board's offer was a little too generous, and he just could not make it work in next year's budget.

CLOSED SESSION

Commissioner McKoy made a motion to go into Closed Session Pursuant to General Statute 143-318.11(a) (6) for the Purpose of Discussing Personnel at 11:35 A.M. and was seconded by Commissioner Nelson. **The Board voted unanimously.**

MINUTES CONTINUED FROM MAY 15, 2025

RECONVENED

Commissioner Nelson made a motion to go back to regular session at 11:43 A.M. and was seconded by Commissioner Turnage. **The Board voted unanimously.**

ADJOURNMENT

Commissioner Nelson made a motion to adjourn at 11:44 A.M. and was seconded by Commissioner Blackmon. **The Board voted unanimously.**

MINUTES RECORDED AND TYPED BY

LAUREN EVANS TOWN CLERK

ATTEST:

Randy Baker	**Lauren Evans, NCCMC**
Mayor	**Town Clerk**

ERWIN BOARD OF COMMISSIONERS

SPECIAL CALLED WORKSHOP MINUTES

MAY 22, 2025

ERWIN, NORTH CAROLINA

The Board of Commissioners for the Town of Erwin, with Mayor Randy Baker presiding, held its Regular Workshop in the Erwin Municipal Building Board Room on Thursday, May 22, 2025, at 6:00 P.M. in Erwin, North Carolina.

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

Board Members absent were: Commissioners David Nelson and William Turnage.

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

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

Commissioner McKoy gave the invocation.

Mayor Baker led the Pledge of Allegiance.

AGENDA ADJUSTMENT/APPROVAL OF AGENDA

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

NEW BUSINESS

Engineer on Call RFQ

Town Manager Snow Bowden informed the Board that Town Clerk Lauren Evans provided the Board with copies of the six proposals the Town received in response to our RFQ for Engineering Services- On Call. Town Manager Snow Bowden, Public Works Director Mark Byrd, and Town Clerk Lauren Evans scored the RFQs, and Withers Ravenel scored the highest. There were a couple of options for the Board. The Board could review the scores and call a couple of companies in to interview, or the Board could go with the highest-scoring firm.

Commissioner Blackmon stated he agreed that Wither Ravenel looked the best and had Harnett County experience.

Mayor Baker inquired whether it was included in the proposal that the Town may have multiple engineers on call.

Town Manager Snow Bowden stated the firm was informed we would select one and possibly select more. It was one of the questions the Town received.

MINUTES CONTINUED FROM MAY 22, 2025

Discussion continued among the Board.

Commissioner Blackmon stated that the number of projects depended on how many engineers on call were needed.

Town Manager Snow Bowden stated he felt confident recommending Withers Ravenel to the Board and that they could handle the project we had planned for the next year. If we start getting into more projects in the future, we could always send the RFQ back out.

The consensus of the Board was to instruct Town Manager Snow Bowden to reach out to Wither Ravenel to ensure they have enough staffing to handle multiple projects; if so, the Board wished to move forward with Withers Ravenel.

Stage at Al Woodall Park RFP

Town Manager Snow Bowden stated the Town received three bids for the Stage at Al Woodall Park. The bids consisted of:

- Carr Construction- $112,500
- WIE Contracting and Consulting Services, LLC.- $97,500
- Kevin Tyndall Builders, INC.- $131,000

Town Manager Snow Bowden pointed out that Carr Construction was who built the stage in Roseboro.

Commissioner Byrd asked where the money was going to come from.

Town Manager Snow Bowden stated he planned to reach out to the State regarding using the Grant we have for park improvements to fund the stage.

Mayor Baker stated he could also use the funds from the Community Enhancement Fund.

Commissioner Blackmon inquired how much grant funding we had left.

Town Manager Snow Bowden stated we had roughly $200,000, and that included taking money out to purchase the land next to field 4 at Al Woodall Park.

The Board discussed the location of the stage.

Commissioner Blackmon wanted to know where the electricity was coming from for the stage and the fans being placed on the stage.

Town Manager Snow Bowden stated he planned to trench the electricity from the office building if the Board saw fit to build it beside the office building.

The consensus of the Board was to instruct Town Manager Snow Bowden to find the money to fund the stage and to get clarification on where the electricity will come from.

MINUTES CONTINUED FROM MAY 22, 2025

Harnett County IT Contract

Town Manager Snow Bowden informed the Board that the Town received our IT contract from Harnett County for FY 2025-2026. The contract was the same, but a few of the fees had increased. Harnett County IT had not gone up on their fees in about 5 years. The fee increases were included in the proposed FY 2025-2026 budget.

The consensus of the Board was to place this item under consent on the agenda for our Regularly Scheduled Board Meeting in June.

Harnett County Contracts

Town Manager Snow Bowden stated we were preparing for the upcoming fiscal year and were still waiting for some additional contracts from Harnett County that he hoped to have by our meeting in June. Many of their contracts were caught up in their legal department.

Auditor Engagement Letter and Contract

Town Manager Snow Bowden informed the Board that the Town received our engagement letter from our auditor for our FY-24-25 audit. There were funds in the proposed budget to cover these expenses. We had not crossed the threshold of grant funds that will require a "single audit," so the audit should not cost up to the maximum amount of $28,000. The total fee for all their services would be around $18,000.

The Board unanimously agreed that the Town needed to put auditing services out for bid.

Town Manager Snow Bowden stated he recommended staying with Thompson, Price, Scott, Adams & Co. this year. He planned to put the audit out for bid next year.

Commissioner Blackmon stated that we needed to inform our current auditors that we planned to put it out for bids next year.

The consensus of the Board was to place this item under consent on the agenda for our Regularly Scheduled Board Meeting in June.

NCDOT – Erwin Pavement Marking Revision Concept

Town Manager Snow Bowden informed the Board that NCDOT Division Six has awarded a contract to have a section of NC 82/NC 217 resurfaced by November of next year. They had identified some improvements they wish to make on this section of NC 82/NC 217 that includes a "pavement marking revision". He had made NCDOT aware that our primary concern with this section of the highway is the drain tile that goes under the highway near Porter Park. NCDOT Division Six requested that we consider adopting a resolution of support for these pavement marking revisions. There would be no additional cost to the Town since this is an NCDOT road.

The consensus of the Board was to table the resolution of support and instruct Town Manager Snow Bowden to obtain in writing what NCDOT planned to do in Erwin in the next year.

MINUTES CONTINUED FROM MAY 22, 2025

West K Street Update

Town Manager Snow Bowden stated that he spoke with Engineer Bill Dreitzler and was informed that his professional opinion was to move forward with the current plans.

Commissioner Byrd stated he wanted to see the cost to close West K Street and buy the property versus repair the issue. The road has already been closed for two years.

Mayor Baker stated that the Board needed to have a plan in place to either borrow the money, put out bids, and repair the road, or look at closing the road. If we were not going to repair the hole when we did not need to put any more money into it.

Commissioner Blackmon stated that if it was going to be cheaper to close it, then he did think there was a discussion to be had. He would love to open it back up, but he did not want to spend that kind of money unless we could get a grant.

Town Attorney Tim Morris expressed his concern about closing the road and owning a sinkhole. He felt it would be a liability for kids.

Commissioner Blackmon stated that we would have to put a fence or a railing system around it.

Commissioner McKoy stated he would like to see if we get the grant funding.

Discussion continued among the Board.

The consensus of the Board was to instruct Town Manager Snow Bowden to contact the landowner to purchase the property and come back to the Board with the cost of both options, to repair the road versus closing the road.

Proposed Budget Amendment

Town Manager Snow Bowden stated that Town Staff placed in item on the agenda due to this being a Special Called meeting, in case budget amendments were needed, but he did not have budget amendments at that time.

July Board Meeting

Town Manager Snow Bowden informed the Board that our regularly scheduled July Town Board meeting falls on Thursday, July 3rd. Town Staff wished to know if the consensus of the board was to reschedule it to a later date due to the 4th of July Holiday. If so, he recommended moving the meeting to Thursday, July 10th, at 7 PM.

The consensus of the Board was to place this item under consent on the agenda for our Regularly Scheduled Board Meeting in June.

MINUTES CONTINUED FROM MAY 22, 2025

VAR-2025-001

Town Planner Dylan Eure presented a prepared letter to send to the applicant of VAR-2025-001 for their records stating that the variance was approved.

The consensus of the Board was to place this item under consent on the agenda for our Regularly Scheduled Board Meeting in June.

SU-2025-002

Town Planner Dylan Eure stated this request was for the PUD off of Bryant and St Matthews. They wish to replace the previously granted 43 townhomes with 37 detached single-family homes. In our Ordinances, it does require an amendment to the PUD to change the number of homes.

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

Chapter 30 Updates

Town Planner Dylan Eure stated these amendments had been heard by the Board previously. These amendments included amendment to Article III Section 30-77 for the purpose of removing the requirement for developers of major subdivisions to install ADA-compliant sidewalks within major subdivisions due to the requirements from the state that now require approved maintenance agreements for sidewalks in right-of-ways belonging to NCDOT and amendment to Article III Section 30-78 entitled "Preliminary plat submission and review" and Section 30-79 entitled "Final plat submission and review" to require public notice of neighboring property owners when a major subdivision has been submitted to the town for review and approval.

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

CLOSED SESSION

Commissioner Blackmon made a motion to go into Closed Session 43-318.11(a) (4) for the Purpose of Discussing Matters Relating to the Location or Expansion of Industries or Other Businesses in the Area Served by the Public Body, Pursuant to General Statute 143-318.11(a) (6) for the Purpose of Discussing Personnel and Pursuant to General Statute 143-318.11(a) (3) for the Purpose of Preserving the Attorney-Client Privilege at 7:10 PM and was seconded by Commissioner Byrd. **The Board voted unanimously.**

RECONVENED

Commissioner Blackmon made a motion to go back to regular session at 7:37 PM and was seconded by Commissioner McKoy. **The Board voted unanimously.**

MINUTES CONTINUED FROM MAY 22, 2025

GOVERNING COMMENTS

Commissioner Byrd stated he was expressing the issue with resurfacing the tennis courts on behalf of Commissioner Nelson, who was absent.

Town Manager Snow Bowden stated that Town Staff were looking into the warranty.

ADJOURNMENT

Commissioner Byrd made a motion to adjourn at 7:39 P.M. and was seconded by Commissioner Blackmon. **The Board voted unanimously.**

MINUTES RECORDED AND TYPED BY

LAUREN EVANS TOWN CLERK

ATTEST:

Randy Baker	**Lauren Evans, NCCMC**
Mayor	**Town Clerk**

ERWIN BOARD OF COMMISSIONERS

REGULAR MINUTES

JUNE 5, 2025

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, June 5, 2025, at 7:00 P.M. in Erwin, North Carolina.

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

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

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

Commissioner McKoy gave the invocation.

Commissioner Byrd led the Pledge of Allegiance.

AGENDA ADJUSTMENT/APPROVAL OF AGENDA

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

CONSENT

Commissioner Blackmon made a motion to approve **(ITEM A)** Minutes of Regular Workshop on April 28, 2025 **(ITEM B)** Minutes of Regular Meeting on May 1, 2025 **(ITEM C)** Harnett County IT Contract **(ITEM D)** Updated 2025 Meeting Schedule **(ITEM E)** VAR-2025-001 Approval Letter **(ITEM F)** Auditor Engagement Letter and Contract and was seconded by Commissioner Nelson. **The Board voted unanimously.**

SPECIAL PRESENTATION

Public Works Employee Kelly Giles was recognized as the Employee of the 2nd Quarter of 2025. Mayor Baker presented him with a plaque and a glass award to display at work or home.

MINUTES CONTINUED FROM JUNE 5, 2025

Town Attorney Tim Morris arrived at 7:05 PM.

PUBLIC HEARING

Proposed Fiscal Year 2025-2026 Budget

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

Town Manager Snow Bowden presented the proposed FY 2025-2026 Budget to the Town Board. He highlighted a few items, stating that there was a 2-cent tax increase, there was an increase in the group health account to fund opening the HRA to copays, $40,000 was included to cover Town Events, and there was no employment change besides adding the Fire and Rescue employees. He stated the Board did not have to approve the Budget at this meeting, but it must be approved by June 30th.

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

No questions were asked.

Mayor Baker asked if anyone was present to speak in favor of or in opposition to the Budget.

Marsha Woodard of 301 S 7th Street came forward. She inquired whether there were funds included in the Budget to fix the gym at Al Woodall Park.

Town Manager Snow Bowden stated he looked at it, but he did not include funds this year. Town Staff had applied for grants.

Ms. Woodard inquired about having open gym for people to use.

Town Manager stated she could schedule a meeting with him and Recreation Director Doug Stevens to discuss those ideas.

Mayor Baker asked if anyone else was present to speak in favor of or in opposition to the Budget.

No one came forward.

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

Commissioner Blackmon made a motion to approve the Budget Ordinance Town of Erwin FY 2025/2026 and was seconded by Commissioner Nelson. **The Board voted unanimously.**

SU-2025-002

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

MINUTES CONTINUED FROM JUNE 5, 2025

Town Planner Dylan Eure stated that St. Matthews Bryant Investments LLC and Red Pill Partners LLC wished to amend the Bryant / St. Matthews granted Planned Unit Development to replace previously granted 43 townhomes with 37 detached single-family homes at Harnett County Tax Pins 1507-33-9627.000, 1507-34-9002.000, 1507-45-1001.000, 1507-35-0329.000 located off St. Matthews and Bryant Road. The parcel did have an approved special use permit on file for the property for a Planned Unit Development, which includes 204 detached and 43 attached single-family homes approved in December 2022. The proposed 37 detached single-family homes have the following dimensions: 31 feet of road frontage, 3,255 square feet per parcel, 20-foot front setbacks, 3-foot side setbacks, 15-foot rear setbacks, with two parking spaces, including garage space. The currently approved 37 attached single-family homes have dimensions per lot of 20 feet of road frontage, 1,400 square feet of lot size, 20-foot front setbacks, 0-foot side setbacks, and 15-foot rear setbacks, with two parking spaces, including garage space. Although the new proposed lots were smaller than the other 204 already approved lots that have dimensions of 40 feet of road frontage, 4,800 square feet per parcel, and 5-foot side setbacks, the applicant did have the new homes at the same front setback of 20 feet and 15 feet for the rear setback. The applicants wished to amend the PUD due to market shifts with townhomes and their decreasing ability to be sold quickly.

Mayor Baker asked the applicant to come forward.

Applicant Franko Garcia of True Homes came forward and was sworn in by Town Clerk Lauren Evans.

Mr. Garcia stated he was present to answer any questions the Board may have.

Mayor Baker asked how many lots were being proposed.

Mr. Garcia stated there were 241 lots.

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

No questions were asked.

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

No one came forward.

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

No one came forward.

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

Commissioner Blackmon made a motion, seconded by Commissioner Byrd and unanimously approved by the Board, that the use requested is listed among the special uses in the district for which the application is made. Reasoning that the Planned Unit Developments require a special use permit within the R-6 district.

Commissioner Blackmon made a motion, seconded by Commissioner Byrd and unanimously approved by the Board, that the requested use is essential or desirable to the public convenience

or welfare. Reasoning that approving would increase the number of housing units in Erwin's jurisdiction while diversifying housing styles on smaller lots.

Commissioner Nelson made a motion, seconded by Commissioner Blackmon and unanimously approved by the Board, that the requested use will not impair the integrity or character of the surrounding or adjoining districts, nor be detrimental to the health, morals, or welfare. Reasoning that, the proposed development will provide sufficient screening, ample open space, and significant infrastructure improvements that will be an asset to adjacent properties.

Commissioner Byrd made a motion, seconded by Commissioner Nelson and unanimously approved by the Board, that the requested use will be in conformity with the Land Development Plan. Reasoning that, according to the 2023 Land Use Plan, the areas are identified for high intensity.

Commissioner McKoy made a motion, seconded by Commissioner Byrd and unanimously approved by the Board, that adequate utilities, access roads, drainage, sanitation, and/or other necessary facilities have been or are being provided. Reasoning that the site includes storm water drainage allocation, along with new water and sewer lines being installed to serve the development.

Commissioner Byrd made a motion, seconded by Commissioner Nelson and unanimously approved by the Board, that adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets. Reasoning that adequate development entrances will be provided in accordance with Erwin and NCDOT standards.

Commissioner Nelson made a motion, seconded by Commissioner Byrd and unanimously approved by the Board, that the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Board of Commissioners. Reasoning that with the conditions proposed, this PUD will conform to all applicable regulations of the Town of Erwin and its Code of Ordinances.

Commissioner Byrd made a motion, seconded by Commissioner Nelson, and unanimously approved by the Board, to recommend that the proposed special use application meet all the Findings of Fact in the Affirmative.

Commissioner Byrd made a motion, seconded by Commissioner Blackmon, and unanimously approved by the Board, that according to Erwin's 2023 Land Use Plan and the Code of Ordinances, the proposed Planned Unit Development located off St. Matthews and Bryant Road, identified by its Tax Pins 1507-33-9627.000, 1507-34-9002.000, 1507-45-1001.000, and 1507-35-0329.000, is desirable and has met all of the requirements for the special use to be granted.

Commissioner Byrd made a motion, seconded by Commissioner Blackmon, and unanimously approved by the Board, to recommend approval of SU-2025-002 Special Use Application to amend the Bryant / St. Matthews granted Planned Unit Development to replace previously granted 43 townhomes with 37 detached single-family homes while retaining the same amount

of open space and parking. (HC Tax PINs # 1507-33-9627.000, 1507-34-9002.000, 1507-45-1001.000, and 1507-35-0329.000).

Chapter 30 Updates

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

Town Planner Dylan Eure stated that Town Staff requested to amend Chapter 30, Article III, Section 30-77 to remove the requirement for developers of major subdivisions to install ADA-compliant sidewalks within major subdivisions due to the requirements from the state that now require approved maintenance agreements for sidewalks in right-of-ways belonging to NCDOT. Town Staff also wished to amend Chapter 30, Article III, Section 30-78 entitled "Preliminary plat submission and review" and Section 30-79 entitled "Final plat submission and review" to require public notice of neighboring property owners when a major subdivision has been submitted to the town for reviewed and approval.

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

No questions were asked.

Mayor Baker asked if anyone was present to speak in favor of, in opposition to, or ask a question about the request.

No one came forward.

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

Commissioner Blackmon made a motion to approve the Erwin Board of Commissioners Resolution on Statement of Consistency for Chapter 30- Subdivisions 2024-2025—018 and was seconded by Commissioner Byrd. **The Board voted unanimously.**

PUBLIC COMMENT

No one was present to speak.

MANAGER'S REPORT

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

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

ATTORNEY'S REPORT

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

MINUTES CONTINUED FROM JUNE 5, 2025

ADJOURNMENT

Commissioner Blackmon made a motion to adjourn at 7:29 P.M. and was seconded by Commissioner Nelson. **The Board voted unanimously.**

MINUTES RECORDED AND TYPED BY

LAUREN EVANS TOWN CLERK

ATTEST:

Randy Baker	**Lauren Evans, NCCMC**
Mayor	**Town Clerk**

TOWN OF ERWIN

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

Mayor
Patsy M. Carson
Mayor Pro Tem
Randy L. Baker
Commissioners
William R. Turnage
Thurman E. Whitman
Alvester L. McKoy
Ricky W. Blackmon

RESOLUTION DIRECTING THE TOWN CLERK TO INVESTIGATE AN ANNEXATION PETITION RECEIVED UNDER G.S. 160A-31

2024-2025-----019

WHEREAS, a petition requesting annexation of an area described in the said petition was received on June 10, 2025, by the Mayor and Board of Commissioners of the Town of Erwin; and

WHEREAS, G.S. 160A-31 provides that the sufficiency of the petition shall be investigated by the Town Clerk before further annexation proceedings may take place; and

WHEREAS, the Mayor and Board of Commissioners of the Town of Erwin deem it advisable to proceed in response to this request for annexation;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Board of Commissioners of the Town of Erwin that:

The Town Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the Mayor and Board of Commissioners the result of her investigation.

ADOPTED, this 10th Day of July 2025.

_____
Randy Baker
Mayor

ATTEST:

_____
Lauren Evans NCCMC
Town Clerk

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Ricky W. Blackmon
Commissioners
Alvester L. McKoy
Timothy D. Marbell
Charles L. Byrd
David L. Nelson
William R. Turnage

TOWN OF ERWIN BOARD OF COMMISSIONERS RESOLUTION OF SUPPORT FOR THE PROPOSED PAVEMENT MARKING REVISION ON NC 82/NC 217

2024-2025-----020

WHEREAS, the North Carolina Department of Transportation (NCDOT) Division Six has scheduled resurfacing work for a section of NC 82/NC 217 (South 13th Street) within the Town of Erwin, with completion anticipated by November 2026; and

WHEREAS, NCDOT Division Six staff identified and proposed additional improvements to this section of NC 82/NC 217, specifically a "pavement marking revision," which is intended to enhance the usability and safety of this corridor; and

WHEREAS, the proposed pavement marking revisions are consistent with recommendations found in various regional and local transportation and land use plans, including the "Sandhills Bike Plan" and the "East Coast Greenway," which incorporate this section of roadway; and

WHEREAS, these improvements are being proposed at no additional cost to the Town of Erwin, as this is a NCDOT-maintained road, and the resolution of support would serve to strengthen NCDOT's request for funding and implementation of the enhancements; and

WHEREAS, the Town of Erwin acknowledges the importance of multimodal transportation options and is currently working with NCDOT to develop a comprehensive Bike/Pedestrian Plan to improve bicycle and pedestrian infrastructure throughout the Town; and

WHEREAS, the Town of Erwin believes that the proposed pavement marking revision would provide a benefit to the community by promoting safety and mobility for all users of the road, including cyclists and pedestrians; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Board of Commissioners of the Town of Erwin hereby express their support for the proposed pavement marking revision concept for NC 82/NC 217 as presented by NCDOT Division Six.

PROCLAIMED this 10th day of July 2025.

ATTEST:

Randy Baker	**Lauren Evans NCCMC**
Mayor	**Town Clerk**

Town of Erwin

Job Classification and Grade 2025-2026

Departments	Number of Positions	Grade
Administration		
Town Manager	1	80
Finance Director	1	71
Town Clerk/Human Resources Director	1	69
Fiscal Specialist/Deputy Town Clerk	1	59
Fire		
Fire Shift Lead	3	62
Firefighter/EMT	6	60
EMT	3	57
Planning		
Town Planner	1	63
Code Enforcement Officer	1	60
Police		
Police Chief	1	73
Lieutenant	1	68
Investigator/Community Officer	2	64
Patrol Sergeant	2	65
Corporal	2	63
Patrol Officer	6	62
School Resource Officer	2	62
Part-Time Patrol Officers	6	

Police Records Specialist/Evidence Tech	1	59

Public Works (Administration, Streets Sanitation, Storm Water

Public Works Director	1	70
Mechanic/Crew Leader	1	57
Maintenance Worker	1	56
Heavy Equipment Operator (Sanitation)	0	57
Heavy Equipment Operator (Street)	2	57
Part-time	Varies	

Parks and Recreation

Parks & Recreation Director	1	70
Athletic Program Director	1	62
Park Maintenance Specialist	1	58
Part-time	Varies	

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David L. Nelson
William R. Turnage

To: Sean Johnson, True Homes
Bryant St Matthews Investments, LLC
Red Pill Partners, LLC

From: Erwin Board of Commissioners

Subject: SU-2025-002 Approval

Date: 7/10/2025

Please accept this letter of correspondence from the Town of Erwin as verification that the special use permit petitioned by Sean Johnson of True Homes to replace the previously permitted 43 attached single-family homes with 37 detached single-family homes with the following dimensional standards: 31ft of road frontage, 3,255 sqft lot sizes, 20ft front setbacks, 3ft side setbacks, 15ft rear setbacks, and 2 parking spaces including the garage space. Said request was an amendment to the already granted Planned Unit Development at Harnett County Tax Pins 1507-33-9627.000, 1507-34-9002.000, 1507-45-1001.000, and 1507-35-0329.000.

After the public hearing concluded at the June 5th regularly scheduled meeting, the Erwin Board of Commissioners engaged in final deliberation, which was followed by a vote that resulted in 6-0 unanimous approval of the proposed amended Planned Unit Development with all findings of facts being found in the affirmative.

If there is any further questions, please contact Erwin's Town Planner, Dylan Eure at 910-591-4201 or by email at deure@erwin-nc.org.

Regards.

ATTEST:

_____ _____

Randy Baker, Mayor Lauren Evans, NCCMC

Erwin Board of Commissioners

REQUEST FOR CONSIDERATION

To: The Honorable Mayor and Board of Commissioners

From: Snow Bowden, Town Manager

Date: July 10, 2025

Subject: Withers Ravenel- Engineer on Call Contract

The Town has received an updated contract from WithersRavenel to provide “engineer-on-call” services. If they provide any requested services, the Town will have to approve a task order. The task order will have a set fee for that scope of service.

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STATE OF NORTH CAROLINA **Contract Identification #25-0430**

COUNTY OF HARNETT **MASTER AGREEMENT FOR ON-CALL PROFESSIONAL SERVICES**

THIS MASTER AGREEMENT FOR ON-CALL PROFESSIONAL SERVICES ("Agreement") is entered into this the 10th day of July, 2025 (the "Effective Date"), by and between WithersRavenel, a North Carolina Corporation with its principal business offices located at 115 MacKenan Drive, Cary, NC 27511 (the "Professional"), and the **Town of Erwin**, a municipal corporation of the State of North Carolina, the "Town". Town and Professional may collectively be referred to as "Parties" hereinafter.

WITNESSETH:

WHEREAS, the Town is engaged in the development, planning, operation, and utilization of infrastructure in the Town, including: stormwater control, general government services, roadway and pedestrian facilities, and greenway facilities, which periodically require design, revision, engineering, evaluation, surveying, testing, and other related services}; and

WHEREAS, the professional services of {DESCRIBE SERVICES … engineers, surveyors, and others} will from time to time in the future be needed by the Town for the services as described above; and

WHEREAS, Town issued a "Request for Qualifications for Engineering Services" dated April 3, 2025 ("RFQ"); and

WHEREAS, Professional was one of several firms responding to RFQ with a Proposal dated May 15, 2025 ("Proposal") and is willing to provide the engineering services outlined and authorized under this Agreement and will serve on an on-call basis for each project /task order authorized under this Agreement; and

WHEREAS, the Parties contemplate that the services of the Professional will be performed in various stages in accordance with Task Orders submitted by the Professional followed by separate authorizations to be issued by the Town, and the Parties desire to set forth the basic terms of their agreement herein rather than in the separate authorizations issued by the Town; and

WHEREAS, the Parties agree that this Agreement is non-exclusive and does not require or commit the Professional to being available to perform services until a Task Order is submitted, and does not preclude the Town from hiring other vendors or professionals to perform the same or similar work.

NOW, THEREFORE, in consideration of the foregoing recitals, and the premises and

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mutual covenants herein contained, the receipt and adequacy of which is hereby acknowledged, the Parties, intending to be legally bound hereto, do contract and agree as follows:

1. REQUEST FOR TASK ORDER. Professional is qualified and able to provide one or more of the following specific categories of on-call services for the Town: design, revision, engineering, evaluation, surveying, and/or testing for stormwater control, roadway and pedestrian facilities, greenway facilities, and other related projects.

As the need for professional services contemplated by this Agreement arise, the Town will request a Task Order for said services from Professional which shall describe the scope of work, specifications, estimated schedule and the Town's requirements. If the Professional employs the qualified personnel that meet the Town's requirements to perform the requested services, Professional may submit to the Town within the time specified a written Task Order describing the professional services to be provided. The Task Order shall set forth in general terms the Professional's recommendations to carry out the work. Professional shall list the background and experience of Professional's personnel to be assigned to the project as requested by Town. The Task Order shall contain a project scope, schedule, and fee schedule setting forth the fees for the scope of services.

2. ACCEPTANCE OF TASK ORDER. The Town and the Professional contemplate certain discussions, negotiations and possible changes to the Task Order submitted by the Professional. Upon a meeting of the minds, Professional shall submit the final Task Order which shall set forth the agreement of the Parties; in the event of a conflict between the terms of the Task Order and this Agreement, this Agreement shall control unless the Task Order specifically notes the agreement of the parties that the conflicting term therein controls. If said Task Order is acceptable, the Town shall accept the same in writing by a duly authorized officer or agent of the Town. The Town and the Professional agree that such written acceptance may be provided by electronic mail.

3. COMMENCEMENT AND COMPLETION OF SERVICES. Professional shall commence and complete the work required by a Task Order as expeditiously as is in keeping with the applicable standard of care and will, consistent therewith, endeavor to commence and complete the work in accordance with the dates provided in the Task Order(s) as agreed upon by the Parties. Professional shall immediately notify the Town of any event or circumstance that may, immediately or in the future, impede the proper and timely execution of any work so that remedial action may be taken. Professional shall not begin any work pursuant to a Task Order until written authorization to proceed has been provided by the Town. If Professional has not commenced or completed the work on a schedule commiserate with the applicable standard of care, the Town may declare such delay a material breach of contract and may pursue all available legal and equitable remedies.

4. PAYMENT OF SERVICES. Professional shall submit to the Town monthly invoices for the services performed during that month, calculated based on the approved Task Order. The Town has the right to require the Professional to produce for inspection all of Professional's records related to the Task Order, billing rates of personnel, and charges for direct expenses for which cost-plus compensation is provided to verify the accuracy of all invoices. The Town shall

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pay Professional's invoices within thirty (30) days of receipt unless a bona fide dispute exists between the Town and Professional concerning the accuracy of said invoice or the services covered thereby, in which event the Town shall pay any undisputed amounts within thirty (30) days of receipt of said invoice and provide contemporaneously with such partial payment a written explanation of all bases upon which the remaining amounts were withheld. Adjustments to an invoice for billing errors may extend the time for payment.

5. PROFESSIONAL STANDARDS AND DUTIES OF PROFESSIONAL. Professional, in performance of its services, shall exercise the same degree of care, skill, and judgment as is ordinarily provided by a similar professional providing the same or similar services under the same or similar circumstances in the same or similar location at the time the services in question are performed by Professional.

6. CONSULTANT AS CONSTRUCTION ADMINISTRATOR. In the event a Task Order includes construction observation services by the Professional, Professional shall be responsible for determining that the construction actually observed by the Professional is in general conformity with the quality level specified and the plans and specifications. Town agrees that such observation of construction work or documents by Professional shall not relieve any contractor from liability in regard to its duty to comply with the standards for the Project, shall not give rise to a claim against Professional for a contractor's failure to comply with the applicable plans, specifications or standards, and that Professional is not responsible for the means, methods, sequencing, safety, or other operations of any contractor.

7. TIME AND COST ESTIMATES. Professional's cost estimates for construction, if required as part of a Task Order, shall be made on the basis of current labor and material prices and the Professional's experience and qualifications, and shall represent Professional's judgment as an experienced professional familiar with projects of the type described in the Task Order. Professional's estimates or forecast of schedules shall be made on the basis of its experience and qualifications and shall represent Professional's judgment as an experienced professional familiar with projects of the type described in the Task Order. Professional has no control over the resources provided by construction contractors to meet contract schedules, nor over the amount or reasonableness of bids or actual construction costs, and the Professional cannot and does not guarantee the proposals, bids or actual costs or schedules will not vary significantly from opinions of probable costs or time prepared by it. If at any time the Town wishes greater assurances as to schedules or the amount of any costs, it shall employ an independent cost estimator, scheduling consultant, or other third party to make such determination.

8. INDEMNIFICATION. To the extent permitted by law, the Professional agrees to indemnify and hold-harmless the Town, its elected and appointed officials, and employees against any and all losses, including all costs connected therewith, for any damages which may be recovered against or from the Town, its elected or appointed officials, or employees by reason of personal injury, including bodily injury or death and/or property damage, including loss of use thereof, resulting from the negligence of the Professional.

9. APPLICABILITY OF LAWS AND REGULATIONS. Consistent with the applicable standard of care, the Professional shall adhere to all applicable laws, ordinances, and regulations of the United States, the State of North Carolina, the County of Harnett, and the Town, in the

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performance of the services required by a Task Order. The Parties agree that this Agreement shall be governed and construed in accordance with the laws of the State of North Carolina and all disputes hereunder shall be resolved in accordance with the laws of the State of North Carolina with jurisdiction and venue in the state courts of Wake County and all parties hereby consent to the jurisdiction and venue of such courts.

10. E-VERIFY COMPLIANCE. The Professional shall comply with the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes (E-Verify). Professional shall require all of the Professional's subcontractors to comply with the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes (E-Verify).

11. OWNERSHIP OF DOCUMENTS. Upon full payment for the Professional's services, the Town, and not the Professional, will acquire, enjoy and retain ownership and intellectual property rights in all materials specifically prepared by the Professional in performance of its services under a Task Order (the "Work Product"); provided, however, that any modification to the Professional's Work Product or use of the Work Product for any purpose other than in connection with the project for which the Work Product was created shall be at the sole risk of Town; and provided further that Professional shall have the right to continue using any standard or pre-existing details, forms, formats, data, graphics or the like incorporated into any Work Product.

12. INSURANCE. The Professional shall maintain valid general liability insurance in the minimum amount of $1,000,000, commercial automobile liability insurance in the minimum amount of $1,000,000, and provide certificates of such insurance naming the Town as an *additional insured* by endorsement to the policies. If the policy has a blanket additional insured provision, the Professional's insurance shall be primary and non-contributory to other insurance. Additionally, the Professional shall maintain and show proof of workers compensation and employer's liability insurance in the minimum amount of $1,000,000; and shall show proof of professional liability coverage in a minimum aggregate amount of $2,000,000. The Professional shall provide notice of cancellation, non-renewal or material change in coverage to the Town within ten (10) days of their receipt of notice from the insurance company. All required certificates of insurance, endorsements, and blanket additional insured policy provisions are attached and considered part of this document. Notwithstanding the foregoing, neither the requirement of Professional to have sufficient insurance nor the requirement that the Town is named as an additional insured, shall constitute waiver of the Town's governmental immunity in any respect, under North Carolina law.

13. DEFAULT. In the event of substantial failure by Professional to perform in accordance with the terms of a Task Order, the Town shall have the right to terminate such Task Order upon seven (7) days written notice if Professional has failed to commence reasonable efforts to cure such failure within the seven (7) days after receipt of written notice, in which event Professional shall have neither the obligation nor the right to perform further services under the terminated Task Order.

14. TERMINATION FOR CONVENIENCE. The Town shall have the right to terminate a Task Order for the Town's convenience upon thirty (30) days written notice to Professional. Professional shall terminate performance of services under the Task Order on a schedule

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acceptable to the Town, provided that in no event shall Professional be required to perform services after the effective date of termination. In the event of termination for convenience, the Town shall pay Professional for all services performed in accordance with the terms of the Task Order prior to the effective date of termination.

15. NOTICE. Any formal notice, demand, or request required by or made in connection with this Agreement or any Task Order shall be deemed properly made if delivered in writing or deposited in the United States mail, postage prepaid, to the address specified below.

TO PROFESSIONAL:
WithersRavenel, Inc.
Attn: Dori Sabeh, PE, GISP
137 S Wilmington Street, Suite 200
Telephone: 919-678-3817
Email: dsabeh@withersravenel.com

With a copy to: C. Chan Bryant, P.E. Chief Risk Officer

TO Town:

ATTN: Town of Erwin, North Carolina
PO Box 459 Erwin, NC 28339
Telephone: {910-897-5140
e-mail: townmanager@erwin-nc.org

With a Copy to: Snow Bowden, Town Manager

Town
ATTN: Snow Bowden
ADDRESS PO Box 459 Erwin, NC 28339
Telephone: PHONE 910-897-5140
e-mail: townmanager@erwin-nc.org

16. DELAY BEYOND THE CONTROL OF THE PARTIES. Neither Professional nor Town shall be in default of any Task Order or the provisions of this Agreement for delays in performance due to forces beyond the control of the parties. "Forces beyond the control of the parties" shall include, but is not limited to, delay caused by fire, acts of God, flood, earthquakes, storms, lightning, epidemic, war, riot, and/or civil disobedience.

17. NONWAIVER FOR BREACH. No breach or non-performance of any term of this Agreement or any Task Order shall be deemed to be waived by either party unless said breach or non-performance is waived in writing and signed by the parties, and no such waiver of any breach or non-performance shall be deemed to constitute a waiver of any other or subsequent breach or non- performance.

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18. CONSTRUCTION. Should any portion of this Agreement or any Task Order require judicial interpretation, it is agreed that the Court or Tribunal construing the same shall not apply a presumption that the terms hereof shall be more strictly construed against any one party by reason of the rule of construction that a document is to be more strictly construed against the party who prepared the documents.

19. DURATION OF AGREEMENT. The initial term of this Agreement shall be a period of one year from the Effective Date, with the Town having the option to extent the Agreement for two (2) one-year extension periods.

20. SEVERABILITY. In the event for any reason that any provision or portion of this Agreement shall be found to be void or invalid, then such provision or portion shall be deemed to be severable from the remaining provisions or portions of this Agreement, and it shall not affect the validity of the remaining portions, which portions shall be given full effect as if the void or invalid provision or portion had not been included herein.

21. COUNTERPARTS. This Agreement may be executed in two (2) or more counterparts, each of which shall be deemed an original, and all of which together shall constitute one instrument.

22. MODIFICATION. This Agreement contains the full understanding of the parties. Any modifications or addendums to this Agreement must be in writing and executed by both parties.

23. BINDING EFFECT. The terms of this Agreement shall be binding upon the parties and their successors and assigns.

24. ASSIGNMENT. Professional shall not assign, sublet, or transfer any rights under or interest in (including, but without limitation, monies that may become due or monies that are due) this Agreement without the written consent of the Town, which may be withheld in the sole and absolute discretion of the Town. Nothing contained in this paragraph shall prevent Professional from employing such independent consultants, associates, and sub-contractors as it may deem appropriate to assist Professional in the performance of services rendered.

25. INDEPENDENT CONTRACTOR. Professional is an independent contractor and shall undertake performance of the services pursuant to the terms of this Agreement and any Task Order as an independent contractor. Professional shall be wholly responsible for the methods, means and techniques of performance. Professional's work does not include any supervision or direction of the work of any other person or entity or their employees or agents (except to the extent such person or entity was actually retained by Professional), and Professional's presence shall in no way create any liability on behalf of Professional for failure of others, their employees or agents to properly or correctly perform their work.

26. NON-APPROPRIATION. Notwithstanding any other provisions of this Agreement, the parties agree that payments due from the Town hereunder and under any Task Order are from appropriations and monies from the Town Board and/or other governmental entities, by and through the Town. In the event sufficient appropriations or monies are not made available to the Town to pay the terms of this Agreement and Task Orders issued in connection herewith for any fiscal year, the Town may terminate this Agreement and any open Task Orders immediately

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without further obligation of the Town except with respect to payment of Professional for work performed through the date of termination.

27. IRAN DIVESTMENT ACT. N.C.G.S. 147-86.60 prohibits the State of North Carolina, a North Carolina local government, or any other political subdivision of the State of North Carolina from contracting with any entity that is listed on the Final Divestment List created by the North Carolina State Treasurer pursuant to N.C.G.S. 147-86.58. N.C.G.S. 147-86.59 further requires that contractors with the State, a North Carolina local government, or any other political subdivision of the State of North Carolina must not utilize any subcontractor found on the State Treasurer's Final Divestment List. As of the date of execution of this Agreement the Professional hereby certifies that the Professional is not listed on the Final Divestment List created by the North Carolina State Treasurer and that the Professional will not utilize any subcontractors found on the Final Divestment List.

In witness thereof, the contracting parties, by their authorized agents, affix their signatures and seals this 10th day of July, 2025.

Professional		**Town of Erwin**
Name:	R.S. (Butch) Lawter, Jr. P.E. WithersRavenel, Inc.	NAME / TITLE
By:	DocuSigned by: R. S. Lawter Jr. 135D23151E4A4E3... (Signature)	By: (Signature)
Title:	Senior Delivery Officer / Vice President	
Company:	WithersRavenel, Inc.	
Attest:	DocuSigned by: C. Chan Bryant 90CBAC51FF274A5... (Secretary, if corporation)	Attest: NAME/TITLE

WITHERSRAVENEL, INC. CORPORATE SEAL NORTH CAROLINA

Erwin Board of Commissioners

REQUEST FOR CONSIDERATION

To: The Honorable Mayor and Board of Commissioners

From: Snow Bowden, Town Manager

Date: July 10, 2025

Subject: SUP-2025-003

The Town of Erwin has received an application for a Special Use Permit to operate a vehicular services operation at 2401 Erwin Road. This property has been used for vehicular services in the past. There are no records of a Conditional Use Permit or Special Use Permit ever being issued to the property for vehicular services. Due to the fact that this building stopped being used as a vehicular services facility for several months, the new operators of this facility need to obtain a special use permit to operate a vehicular services facility.

At the time of writing this memo, the current tenant is working with U-Haul to have the U-hauls on that site removed. He has been made aware that he cannot have those U-hauls on that site without an additional special use permit for outdoor storage. According to the applicant, the employee with U-Haul told him that the site had been used for U-Haul rentals in the past.

Attachments:

- SUP 2025-003 staff memo/report
- SUP 2025-003 application

TOWN OF ERWIN

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

7/10/2025

SU-2025-0023
Memorandum

Special Use and Site Description

A single parcel located by its physical address of 2401 Erwin Rd. with approximately .40 acres of land under the zoning classification of B-2 has requested to have a special use permit authorized for vehicular services. The previous use of said site was for vehicular services of which were established before the Town of Erwin's zoning ordinances. This said, according to Harnett Regional Water's billing system, the previous legal non-conforming use halted in December of 2021 when water services were disconnected. After which, the said site remained unoccupied until March of 2023, when the property's water connection was reestablished. Erwin's Code of Ordinances states that when a non-conforming use is discontinued for a period longer than 180 days, the future use shall conform to the current standards within the Erwin Code of Ordinances. Since the building has sat with no use for more than 180 days, any future vehicular services shall obtain a special use permit in order to continue operation.

Surrounding Land Uses

The surrounding land uses comprise a mix of residential and commercial uses, with the primary commercial use being vehicular sales and vehicular services. To the direct north of the property, at 2302 Erwin Rd. there is an approved conditional use permit for vehicular services and directly to the east is a vehicular sales lot that has an approved conditional use permit on file for vehicular sales. To the west and south, there are primarily single-family homes. To the east, there is an additional vehicular service establishment located at 2100 with an approved conditional use permit that is approximately 750 feet away from 2401 Erwin Rd.

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	Robert Thomas	Property Owner Name	Jerry Bayles
Mailing Address	5571 Duncalle Dr	Mailing Address	P.O. Box 343
City, State, Zip	27526 Fuquay Varina NC	City, State, Zip	Erwin NC 28339
Telephone	919 8183253	Telephone	(910)658-9271
Email	apbnc@yahoo.com	Email	N/A

Address of Subject Property	2401 Erwin Rd. Dunn		
Parcel Identification Number(s) (PIN) of Subject Property	1507 - 40 - 5511 .000		
Legal Relationship of Applicant to Owner	Tenant	Floodplain SFHA	_Yes ✓ No
Legal Description: Lot ____ Block ____ Subdivision ____			
Zoning District B2	Wetlands ____ Yes ✓ No	Watershed Area	Yes ✓ No
Public Water Available: (Y) or N	Public Sewer Available: (Y) 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: Special use permit Request for Auto Repair at 2401 Erwin Rd. No additional special conditions Requested			
Total Acreage or Square Footage to be Disturbed	NA		
Estimated Cost of Project $ NA			

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 5/23/25 Application Fee $ 350 Received By KB

Case # SU-2025-003

PAID
MAY 23 2025 KB
cash
TOWN OF ERWIN

2021

TOWN OF ERWIN
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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 my 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: Kenneth Thomas 5/20/25

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

Property Owner (1)_____Mailing
Address_____City_____ST_____Zip_____
Property Owner (2)_____Mailing
Address_____City_____ST_____Zip_____
Property Owner (3)_____Mailing
Address_____City_____ST_____Zip_____
Property Owner (4)_____Mailing
Address_____City_____ST_____Zip_____
Property Owner (5)_____Mailing
Address_____City_____ST_____Zip_____
Property Owner (6)_____Mailing
Address_____City_____ST_____Zip_____
Property Owner (7)_____Mailing
Address_____City_____ST_____Zip_____
Property Owner (8)_____Mailing
Address_____City_____ST_____Zip_____
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 or 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:

X Yes No _____

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

X 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

X Yes No _____

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

X Yes No _____

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

X Yes No _____

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

X 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

X Yes No _____

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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.

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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 districted 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: _____

_____

_____

_____

Governing Body Motion	Record of Decision:	Yea	Nay
		☐	☐
		☐	☐
		☐	☐
		☐	☐
		☐	☐
		☐	☐
		☐	☐

Town Board Decision and Date _____

_____

_____

_____

Certified By: _____

May 19, 2025

To whom it may concern:

I, JERRY BAYLES, owner of 2401 Erwin Rd, give my consent and permission for the application for a special use permit for auto repair with the Town of Erwin; in the name of my tenant: Robert Thomas.

Jerry Ray Bayles

Jerry R. Bayles

For Registration Matthew S. Willis
Register of Deeds
Harnett County, NC
Electronically Recorded
2021 Dec 16 11:02 AM NC Rev Stamp: $ 250.00
Book: 4090 Page: 275 - 278 Fee: $ 26.00
Instrument Number: 2021029530

HARNETT COUNTY TAX ID #
061507 0010 04

12-16-2021 BY: ED

Excise Tax $250.00 Recording Time, Book and Page

Parcel ID No. 061507 0010 04 Verified by _____ County on the ____ day of _____, 20__

By: _____

Mail/Box to: Tart Law Group, P.A., 700 West Broad Street, Dunn, NC 28334

This instrument was prepared by: Lee L. Tart Malone, Attorney at Law

Brief description for the Index: ***NO TITLE CERTIFICATION***

NORTH CAROLINA GENERAL WARRANTY DEED

This deed made this 15th day of December, 2021 by and between:

GRANTOR:	GRANTEE:
Dianna Turnage Avery a/k/a/Dianna Lee Avery; **and** **Dianna Turnage Avery, Executrix of the Estate of Ricky David Avery, Sr.**	**Jerry Ray Bayles, Sr. and wife, Faye P. Bayles**
808 Rosemary Street **Erwin, NC 28339**	**236 Old Ferry Lane** **Dunn, NC 28334**

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH: that the Grantor, for a valuable consideration paid by Grantee, the receipt of which is hereby acknowledged, has and by these presents doth grant, bargain, sell and convey unto the Grantee in fee simple in all that certain lot or parcel of land situated near the City of Erwin, Duke Township, Harnett County, North Carolina, and more particularly described as follows:

SEE ATTACHED EXHIBIT "A" INCORPORATED HEREIN BY REFERENCE AND MADE A PART OF THIS INSTRUMENT.

All or a portion of the property herein conveyed does ___ or *XX* does not include the primary residence of the Grantor.

Submitted electronically by "Dwight Snow Attorney at Law"
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Harnett County Register of Deeds.

Dianna Turnage Avery is the duly qualified acting Executrix of the Estate of Ricky David Avery, Sr., deceased, who was the owner of the above described real property tract at the time of his death on June 8, 2021, which he devised to his wife, Dianna Turnage Avery in his probated Last Will. As Executrix, Dianna Turnage Avery executes this Deed for the purposes as set forth in N.C. General Statutes § 28A-17-12, the first Notice to Creditors having been published on October 29, 2021. See Harnett County Estate File No. 21 E 865.

A map showing the above described property is recorded in Plat Cabinet "E", Slide 78-B.

TO HAVE AND TO HOLD the aforesaid tract or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor, covenants with the Grantee, that Grantor is seized of said premises in fee simple, has right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and will forever defend the said title against the lawful claims of all persons whomsoever, other than the following exceptions:

a) General utility easements and right of ways appearing of record.
b) Ad valorem taxes for the year 2021 and subsequent years, not yet due and payable.

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

Dianna Turnage Avery
a/k/a Dianna Lee Avery (SEAL)
Dianna Turnage Avery a/k/a Dianna Lee Avery

Dianna Turnage Avery
Executrix of the Estate of
Ricky David Avery (SEAL)
Dianna Turnage Avery, Executrix of the Estate of Ricky David Avery

---

STATE OF NORTH CAROLINA
COUNTY OF Harnett

I, Denise Godwin Penny, Notary Public of the County and State aforesaid, certify that Dianna Turnage Avery a/k/a Dianna Lee Avery, personally appeared before me this day and acknowledged the due execution of the foregoing instrument. Witness my hand and notarial seal, this 15 day of December, 2021.

DENISE GODWIN PENNY NOTARY PUBLIC HARNETT COUNTY, NC

Denise Godwin Penny
Notary Public

My Commission Expires: 5-5-26

STATE OF NORTH CAROLINA
COUNTY OF Harnett

I, Denise Godwin Penny, Notary Public of the County and State aforesaid, certify that Dianna Turnage Avery, Executrix of the Estate of Ricky David Avery, personally appeared before me this day and acknowledged the due execution of the foregoing instrument. Witness my hand and notarial seal, this 15 day of December, 2021.

DENISE GODWIN PENNY
NOTARY PUBLIC
HARNETT COUNTY, NC

Denise Godwin Penny
Notary Public

My Commission Expires: 5-5-26

EXHIBIT "A"
LEGAL DESCRIPTION

Being all that certain 17,497 sq. ft. parcel shown as Parcel "A", located in the Town of Erwin, Duke Township, Harnett County, North Carolina, according to a plat recorded in Plat Cabinet "E", Slide 78-B, Harnett County Registry, and being further described by metes and bounds as follows:

BEGINNING at a found re-bar corner located in the intersection of the western righ-of-way margin of Twin City Streeto (30' R/W) and the southern right-of-way margin of Dunn-Erwin Road (60' R/W); thence the beginning point and continuing as the western right-of-way margin of Twin City Street South 19 degrees 23 minutes 15 seconds West 150.00 feet to a new set re-bar corner with John W. Suggs (Deed Book 448, Page 430); thence leaving the right-of-way margin and as a new line with John W. Suggs North 70 degrees 37 minutes 38 seconds west 122.65 feet to a new set re-bar corner; thence another new line with Suggs North 28 degrees 03 minutes 57 seconds East 168.32 feet to a new set re-bar corner located in the southern right-of-way margin of Dunn-Erwin Road; thence as the southern right-of-way margin of Dunn-Erwin Road South 61 degrees 03 minutes 45 seconds East 98.62 feet to the point of BEGINNING and containing 17,497 square feet and being a portion of that tract Deeded to John w. Suggs as recorded in Book 448, Page 430 and Deed Book 305, Page 536, Harnett County Registry.

This being the identical property conveyed to John G. Ballard and Ricky Avery by Deed dated March 6, 1991 and recorded in Book 931, Page 782, Harnett County Registry.

SPECIAL USE REQUEST
STAFF REPORT

Case: SUP-2025-003

Dylan Eure, Town Planner
deure@erwin-nc.org
Phone: (910) 591-4201 Fax: (910) 897-5543

Public Hearing Date: Thursday, July 10th, 2025

Request to have a special use permit authorized for 2401 Erwin Rd for vehicular services. The said location was originally constructed in 1950 before Erwin's incorporation for vehicular services, with no special use ever authorized due to the continued use of vehicular services. However, according to water billing, the building was no longer occupied in December of 2021, and no services were reconnected until March of 2023, therefore requiring an authorized special use permit to continue the use of vehicular services due to more than 1 year elapsing with no vehicular services being operated.

Applicant Information

Owner of Record:
Name: Jerry and Faye Bayles
Address: PO BOX 343
City/State/Zip: Erwin, NC 28339

Applicant:
Name: Robert Thomas
Address: 5521 Dunallie Dr.
City/State/Zip: Fuquay-Varina, NC 27526

Property Description

Address of Property: 2401 Erwin Rd.
Harnett County Tax PIN: 1507-40-5511.000
Acres: Approximately .40 of an acre
Zoning District: B-2

Vicinity Map

- See Attached Document

Physical Characteristics

Site Description:

A single parcel located by its physical address of 2401 Erwin Rd. with approximately .40 acres of land under the zoning classification of B-2. The previous use of said site was for vehicular services of which were established before the Town of Erwin's zoning ordinances. This said, according to Harnett Regional Water's billing system, the previous legal non-conforming use halted in December of 2021 when water services were disconnected. After which, the said site remained unoccupied until March of 2023, when the property's water connection was reestablished. Erwin's Code of Ordinances states that when a non-conforming use is discontinued for a period longer than 180 days, the future use shall conform to the current standards within the Erwin Code of Ordinances. Since the building has sat with no use for more than 180 days, any future vehicular services shall obtain a special use permit in order to continue operation.

Surrounding Land Uses:

The surrounding land uses comprise a mix of residential and commercial uses, with the primary commercial use being vehicular sales and vehicular services. To the direct north of the property, at 2302 Erwin Rd. there is an approved conditional use permit for vehicular services and directly to the east is a vehicular sales lot that has an approved conditional use permit on file for vehicular sales. To the west and south, there are primarily single-family homes. To the east, there is an additional vehicular service establishment located at 2100 with an approved conditional use permit that is approximately 750 feet away from 2401 Erwin Rd.

Services Available

- Electricity (Duke Energy)
- Harnett Regional Water and Sewer
- Erwin Police / Fire

Zoning District Compatibility

Special Use	B-2
Vehicular Services	X

Staff Evaluation

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

- **Reasoning:**. Vehicular services are a listed use in the B-2 zoning district.

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

- **Reasoning:** By having an additional vehicular services lot in Erwin, this will allow citizens greater options to support local businesses when repairing their vehicles.

X 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:**. There are already several vehicular services establishments in the area that have approved conditional or special use permits and are on file with the Town of Erwin.

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

- **Reasoning:** According to the 2023 Land Use Plan, the areas are designated for commercial or mixed use development.

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

- **Reasoning:** Site already contains adequate connections to all available services.

X 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 current establishment already has its driveway, as this was constructed before the Town of Erwin's Ordinances were adopted.

X Yes No 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.

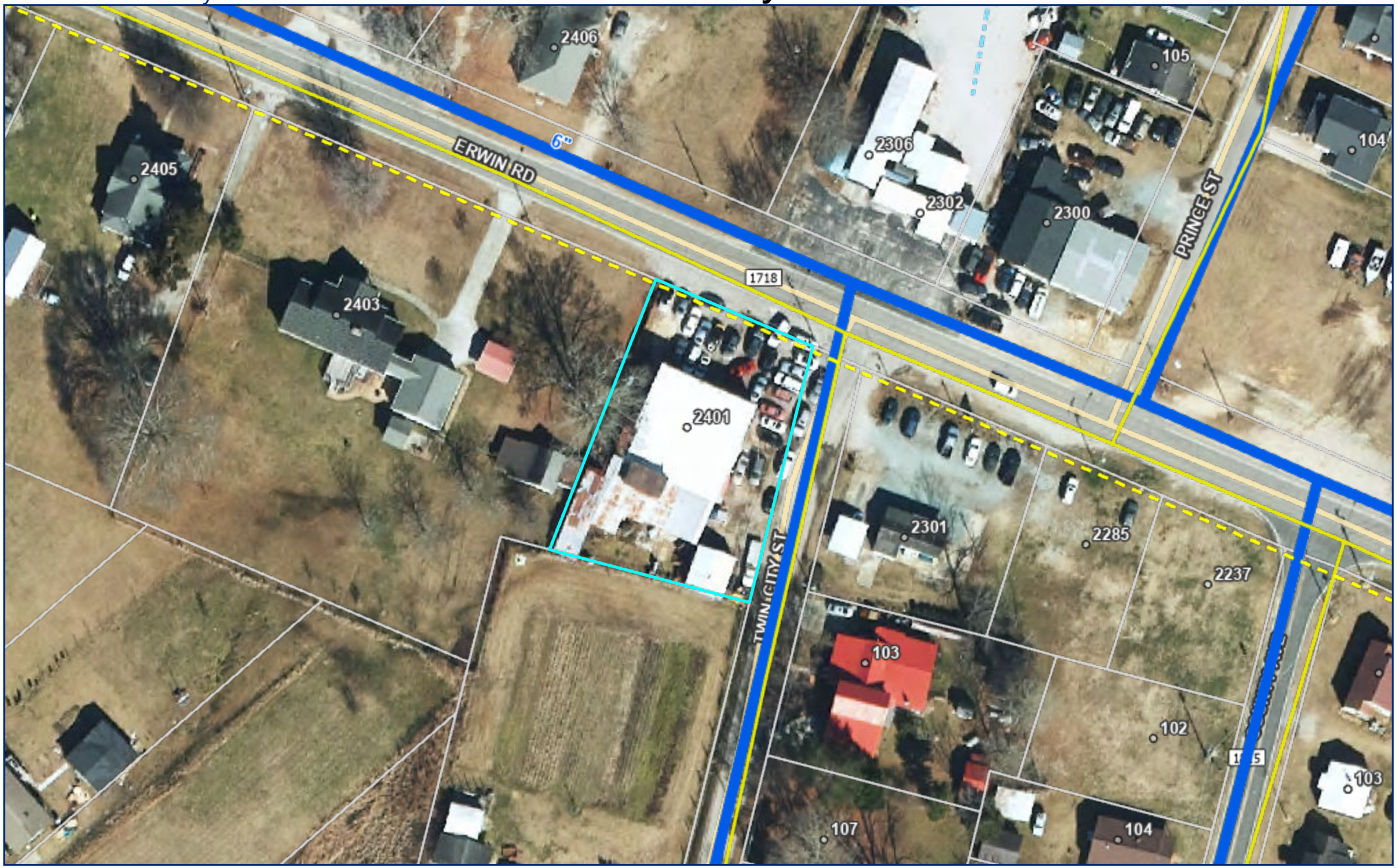
- **Reasoning:** The existing structure is grandfathered in as the structure was built before Erwin's incorporation. Upon any official change of use on the property, they shall conform to Erwin's Ordinances to the best of their ability.

Statement of Consistency

According to Erwin's 2023 Land Use Plan and the surrounding land uses, the proposed special use permit for vehicular services located at 2401 Erwin Rd is recommended to be **approved**.

Harnett County GIS

NOT FOR LEGAL USE



Harnett County North Carolina

Harnett.org/GIS

May 27, 2025

- County Boundary
- City Limits
- Address Numbers
- 6 - 36
- Gravity
- Force Main
- Road Centerlines
- Parcels
- Watershed HUC12
- Watershed HUC8
- Unamed Flowline

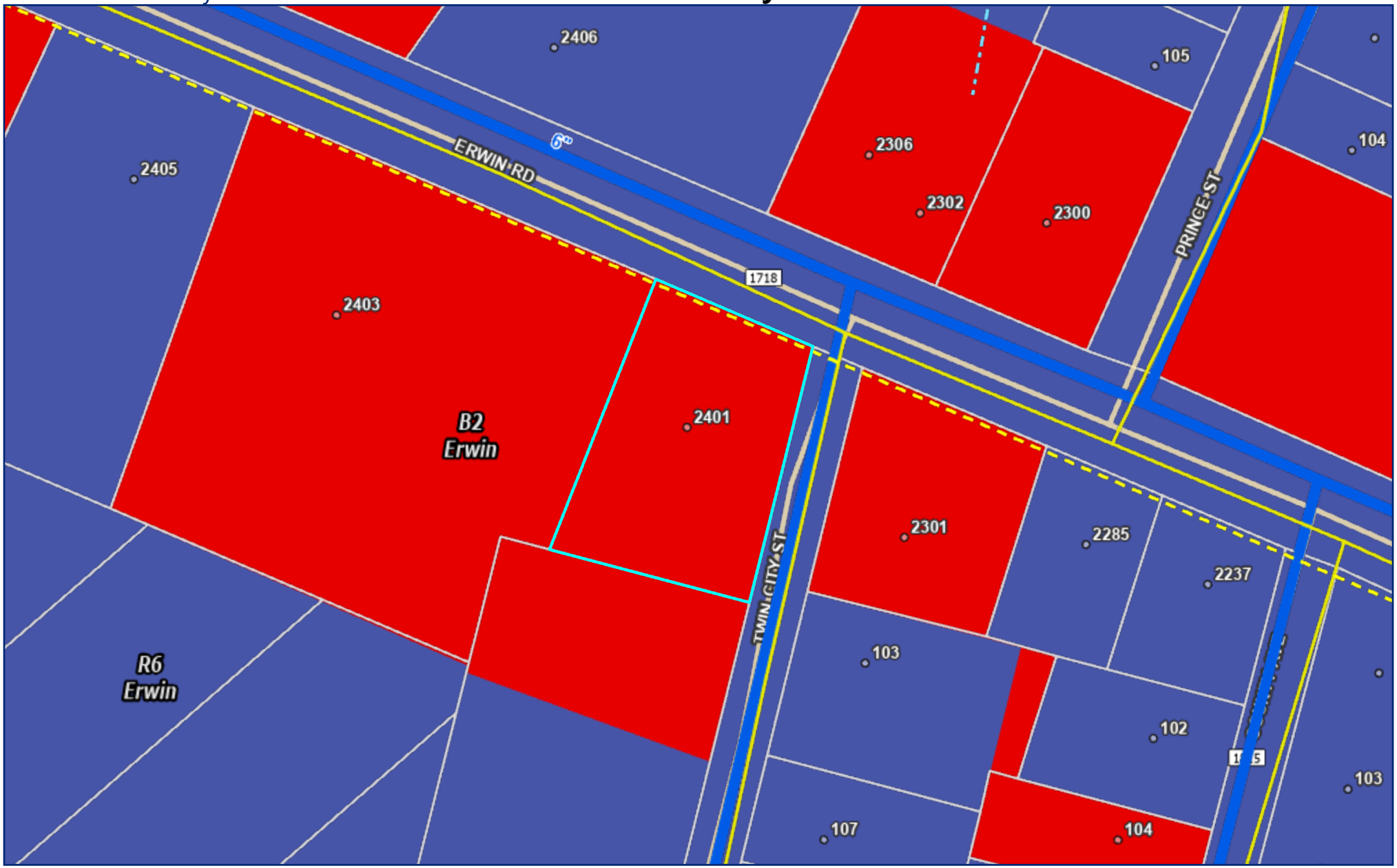
N W E S

54 Feet

0 80

Harnett County GIS

NOT FOR LEGAL USE



Harnett COUNTY NORTH CAROLINA

Harnett.org/GIS

May 27, 2025

- County Boundary
- City Limits
- Address Numbers
- 6 - 36
- Gravity
- Force Main
- Road Centerlines
- Parcels
- Watershed HUC12
- Watershed HUC8
- Unamed Flowline
- B2
- R6
- ETJ

N W E S

0 55 80 Feet

BAYLES JERRY RAY SR & BAYLES FAYE P
PO BOX 343 ERWIN, NC 28339-0343

BLALOCK JAMES & BLALOCK NANCY
2403 ERWIN RD DUNN, NC 28334-6523

CALDERON SERAFIN CALDERON & MARCOS BLANCA MANGATO
1504 LAKESHORE DR DUNN, NC 28334

BEASLEY BARBARA
200 TWIN CITY ST DUNN, NC 28334-6518

COVARRUBIAS FERNANDO MANUEL ROMO
107 TWIN CITY ST DUNN, NC 28334-6515

CHAVIS ROGER ALLEN & CHAVIS JUANITA L
103 TWIN CITY STREET DUNN, NC 28334-0000

LEWIS RODNEY RAY
746 TIMBERLAKE DR CLINTON, NC 28328-8204

RAYNOR LESIA C
201 RAYNOR ST DUNN, NC 28334

LUCAS RODNEY DEAN & LUCAS FLORA GAIL
2302 DUNN ERWIN ROAD DUNN, NC 28334-0000

MANNING JASON D & MANNING CALLIE F WIFE
329 SALT MARKET ST DUNN, NC 28334U

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

6/16/2025

Notice of a Public Hearing
SU-2025-003

The Board of Commissioners of the Town of Erwin will hold a public hearing pursuant to NC General Statute 160D-406 on July 10th, 2025 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 special use request includes a single parcel of land that is listed below:

- Harnett County Tax Pin: 1507-40-5511.000 / Physical address: 2401 Erwin Rd. Dunn, NC

The applicant has requested to have a special use of vehicular services established on the property.

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, July 10, 2025, 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 ZT-2025-002: Request to rezone the split-zoned parcel located at 103 4th Street. from B-2 and R-10 to entirely R-10. The property can also be identified by its Harnett County Tax PIN # 1507-13-2100.000.
- Case SUP-2025-003: Special Use Request to operate vehicular services at 2401 Erwin Road. The parcel can also be identified by its Harnett County Tax PIN 1507-40-5511.000
- Text Amendments to Chapter 36- Zoning in the Town of Erwin Code of Ordinances.

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

6/20,27/2025

Erwin Board of Commissioners

REQUEST FOR CONSIDERATION

To: The Honorable Mayor and Board of Commissioners

From: Snow Bowden, Town Manager

Date: July 10, 2025

Subject: ZT-2025-002

Town Staff has received an application to rezone the one parcel located at 103 4th Street. The parcel is currently split zoned between B-2 and R-10. The applicant has requested that this parcel be rezoned fully to R-10 (residential) so they can expand the home. The Planning Board has recommended this rezoning request be approved. The public hearing for the rezoning request is scheduled for our July Town Board meeting.

Attachments :

· ZT-2025-002 staff report

· ZT-2025-002 application

TOWN OF ERWIN

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Timothy D. Marbell
Charles L. Byrd
David L. Nelson
William R. Turnage

7/10/2025

ZT-2025-002
Memorandum

Rezoning Description

The Town of Erwin has received a request to rezone a parcel located by its physical address of 103 4th St, Erwin, NC 28339. Currently, this parcel is split zoned as B-2 and R-10. The said petition would rezone the above parcel to be entirely under R-10 zoning classification. The parcel size is .27 acres and is currently occupied by a single-family residence.

Property Description

A single parcel located at 103 4th St within Erwin's contiguous limits being accessible from a municipal road. The parcel is currently occupied by a single-family residence and is considered non-conforming due to the home being within the B-2 zoning classification. Said rezoning would ensure that the use of a single-family residence conforms to Erwin's Code of Ordinances. The current home does have access and is connected to Harnett Regional's water and sewer lines for services. According to Harnett GIS, the sewer line that the home is connected to is a gravity-fed line with a 6-inch water line. GIS also shows no recorded of easements on the property, along with no wetlands or flood zones. The surrounding land uses are primarily single-family residences under the zoning classification of R-10, with some being under the B-2 classification. The remaining parcels that are near the property are commercial, which contain an upholstery business, golf cart services, and a church, under the B-2 zoning district.

Regards,

Dylan Eure
Town Planner

Revised 9-19-2014

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

Staff Only: Zoning Case # Z-2025 - 002
Fee: 350 Check # _____ MO _____ Cash ✓
PB Recommendation: ___A ___D ___A/W Conditions
BOC Date: _____ Decision: __A __D __T __A/W Conditions

Print Applicant Name: Corbin Smith
Name of Legal Property Owner Paul Overholt
Location of Property 103 4th Street, Erwin, NC 28339

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

Zoning change requested from split B-2/R-10 to solely R-10
If Conditional District, note conditions: _____
Harnett County Tax Map PIN 1507-13-2100
Property owner(s) of area requested and address(es)

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

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

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

It is understood by the undersigned that the Zoning Map, as originally adopted and as subsequently amended, is presumed by the Town to be appropriate to the property involved and that the burden of proof for a zoning amendment rests with the applicant. Applicant is Encouraged to Discuss the Proposed Zoning Amendment with Affected Property Owners.

Corbin Smith
Signature of Applicant

(636) 352-9750
Contact Number

PAID
103 4th Street, Erwin, NC 28339
Mailing Address of Applicant

MAY 14 2025
TOWN OF ERWIN

JE (Cash)

May 13, 2025

Dear Town of Erwin,

I would like to sincerely thank the Town of Erwin for allowing a zoning change request for the property address of 103 4th Street, Erwin, NC 28339. The purpose of this rezoning is to allow for the opportunity to build an addition on the home at 103 4th street. Our daughter, Michelle, and her husband, Corbin, would like to grow the family and raise their family in Erwin, and rather than move they would prefer to extend their current home to accommodate their growing family.

The property addressed is currently split zoned as Business/Commercial and Residential (B-2/R-10) and we would like to request it be rezoned to fully Residential (R-10) We greatly appreciate the time and consideration in facilitating this rezone request, and again, for the opportunity to support our children as they build roots in Erwin.

Sincerely,
Paul Overholt
Linda Overholt

For Registration Matthew S. Willis
Register of Deeds
Harnett County, NC
Electronically Recorded
2021 Aug 19 10:51 AM NC Rev Stamp: $ 0.00
Book: 4031 Page: 748 - 750 Fee: $ 26.00
Instrument Number: 2021019343

HARNETT COUNTY TAX ID #
061507 0291

08-19-2021 BY: ED

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: $ None
Tax Identification Number: 061507 0291

Prepared by/Mail to: Adcock Law Firm, P.A., PO Box 1478, Fuquay-Varina, NC 27526

Brief Description for the index	103 4th Street

THIS DEED made this 30TH day of JUNE, 2021, by and between

GRANTOR	GRANTEE
PAUL OVERHOLT and wife, LINDA OVERHOLT And MICHELLE A. OVERHOLT, an unmarried person (aka Michele A. Overholt) As Joint Tenants with Right of Survivorship 445 Wenger Rd. Chesapeake, VA 23322	PAUL OVERHOLT and wife, LINDA OVERHOLT And MICHELLE A. OVERHOLT, an unmarried person, As Joint Tenants with Right of Survivorship 445 Wenger Rd. Chesapeake, VA 23322

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in or near the City of Erwin , Duke Township, Harnett County, North Carolina and more particularly described as follows:

BEING all of Lot B, containing 0.27 acre as shown on map entitled "Recombination Survey prepared for Woods Investment Enterprise, LLC" dated January 7, 2020 by Powers Surveying and recorded in Map Number 2021, Page 209, Harnett County Registry. See said plat for a more complete and accurate description of said real property by metes and bounds. (See also Map Number 2021, page 27, Harnett County Registry).

Property Address: 103 4th St., Erwin, NC 28339

The purpose of this deed is to correct the spelling of the Grantee name from "Michele" to "Michelle."

Submitted electronically by "Adcock Law Firm, PA"
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Harnett County Register of Deeds.

The property hereinabove described was acquired by Grantor by instrument recorded in Book 3997, page 766, Harnett County Registry.
A map showing the above described property is recorded in Map Number 2021, page 209 and page 27.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.

Title to the property hereinabove described is subject to the following exceptions:

1. All easements, covenants, restrictions and right of ways of record;
2. 2021 ad valorem taxes;
3. Subject to the right of way of 4th Street.

(The remainder of this page is left intentionally blank)

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

_____(SEAL)
PAUL OVERHOLT

_____(SEAL)
LINDA OVERHOLT

_____(SEAL)
MICHELLE A. OVERHOLT

STATE OF Virginia
COUNTY OF Chesapeake

I, the undersigned notary public, do hereby certify that **Paul Overholt**, personally appeared before me this day and acknowledged the due execution of the foregoing instrument. Witness my hand and official seal this 1 day of July, 2021.

Alicia Lynn McAnney Notary Public
Printed Name: Alicia Lynn McAnney
My commission expires: December 31, 2024

ALICIA LYNN MCANNEY
Notary Public
Commonwealth of Virginia
Registration No. 358270
My Commission Expires Dec 31, 2024

STATE OF Virginia
COUNTY OF Chesapeake

I, the undersigned notary public, do hereby certify that **Linda Overholt**, personally appeared before me this day and acknowledged the due execution of the foregoing instrument. Witness my hand and official seal this 1 day of July, 2021.

Alicia Lynn McAnney Notary Public
Printed Name: Alicia Lynn McAnney
My commission expires: December 31, 2024

ALICIA LYNN MCANNEY
Notary Public
Commonwealth of Virginia
Registration No. 358270
My Commission Expires Dec 31, 2024

STATE OF North Carolina
COUNTY OF WAKE

I, the undersigned notary public, do hereby certify that **Michelle A. Overholt**, personally appeared before me this day and acknowledged the due execution of the foregoing instrument. Witness my hand and official seal this 16th day of August, 2021.

Sandra P. Minor Notary Public
Printed Name: Sandra P Minor
My commission expires: 3-28-2022

Sandra P. Minor
NOTARY PUBLIC
Wake County, North Carolina

REZONING MAP REQUEST
STAFF REPORT

Case: ZT-2025-002

Dylan Eure, Town Planner
deure@erwin-nc.org
Phone: (910) 591-4201 Fax: (910) 897-5543

Planning Board: 05/19/2025 Town Commissioners: 07/03/2025

The Town of Erwin has received a request to rezone a parcel located by its physical address of 103 4th St, Erwin, NC 28339. Currently, this parcel is split zoned as B-2 and R-10. The said petition would rezone the above parcel to be entirely under R-10 zoning classification. The parcel size is .27 acres and is currently occupied by a single-family residence.

Applicant Information

Owner of Record:

Name: Paul & Linda Overholt
Address: 445 Wenger Rd.
City/State/Zip: Chesapeake, VA 23322

Applicant:

Name: Corbin Smith
Address: 103 4th St.
City/State/Zip: Erwin, NC 28339

Property Description

- Harnett County Tax Pin #1507-13-2100.000
- Harnett County Map Book: 2021 pg 209
- .27 acres
- B-2: .23 acres or 83.98%
- R-10: .04 acres or 16.02%

Vicinity Map

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

Physical Characteristics

Site Description:
A single parcel located at 103 4th St within Erwin's contiguous limits being accessible from a municipal road. The parcel is currently occupied by a single-family residence and is considered non-conforming due to the home being within the B-2 zoning classification. Said rezoning would ensure that the use of a single-family residence conforms to Erwin's Code of Ordinances. The current home does have access and is connected to Harnett Regional's water and sewer lines for services. According to Harnett GIS, the sewer line that the home is connected to is a gravity-fed line with a 6-inch water line. GIS also shows no recorded of easements on the property, along with no wetlands or flood zones.

Surrounding Land Uses:
The surrounding land uses are primarily single-family residences under the zoning classification of R-10, with some being under the B-2 classification. The remaining parcels that are near the property are commercial, which contain an upholstery business, golf cart services, and a church, under the B-2 zoning district.

Services Available

- Harnett County Water & Sewer
- Erwin Fire
- Harnett County EMS
- Erwin Police
- GFL Waste Services
- Duke Energy for electric
- Brightspeed for telecommunications

Staff Evaluation

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

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

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

- **Reasoning:** According to Erwin's current Land Use Plan, done in 2023, the property is assigned to be zoned as residential for medium-density development.

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

- **Reasoning:** The rezoning would allow the property owners to make additions, enhance, and maintain the current residence and make the current use of the parcel conform to Erwin's ordinances, thereby bettering the community.

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

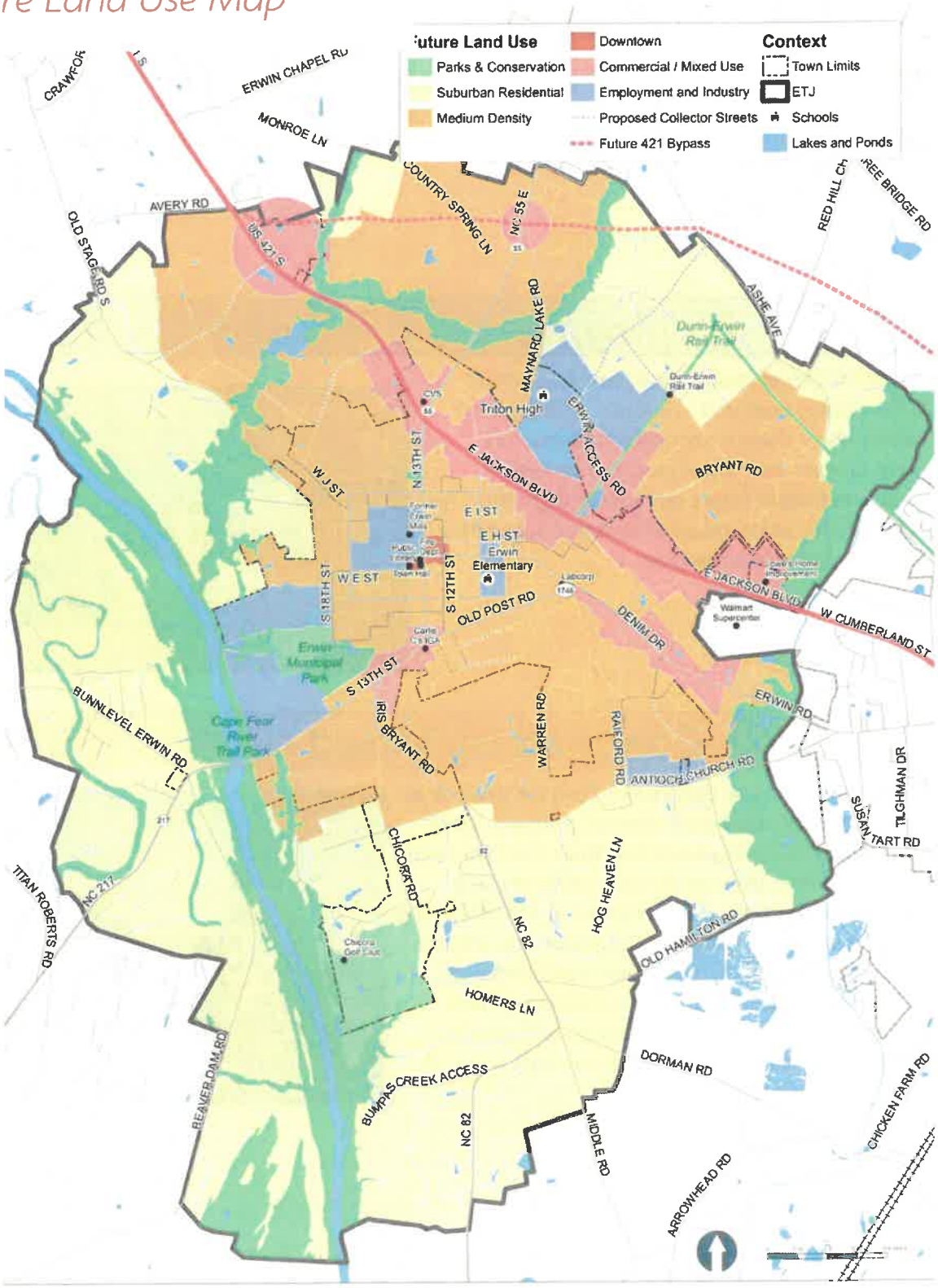
- **Reasoning:** This rezoning request includes a single parcel to be rezoned to be completely zoned under R-10.

There is a convincing demonstration that all uses permitted under the proposed district classification would be in the general public interest and not merely in the interest of an individual or small group. **YES**	According to the 2023 Erwin Land Use Plan this area is to allow for medium-density residential development that would allow the property owners to enhance their homes as well as better the general well-being of the area.
There is a convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change. (When a new district designation is assigned, any use permitted in the district is allowable, so long as it meets district requirements, and not merely uses which applicants state they intend to make of the property involved.) **YES**	Many of the surrounding properties are already zoned under R-10 classification, indicating that R-10 zoning is acceptable on 4th St. and the surrounding area.
There is a convincing demonstration that the character of the neighborhood will not be materially and adversely affected by any use permitted in the proposed change. **YES**	The surrounding neighborhood currently has R-10 zoning, and there is no evidence that 103 4th St. being entirely zoned as R-10 would adversely affect the community.
The proposed change is in accord with the Land Development Plan and sound planning principles. **YES**	The Erwin 2023 Land Use Plan has this parcel of land to be zoned under a medium density zoning classification.

Statement of Consistency

The requested rezoning from B-2/R-10 to the R-10 classification is compatible with all of the Town of Erwin's regulatory documents. According to Erwin's 2023 Land Use Plan and Erwin's Code of Ordinances, the uses defined within the R-10 zoning classification would best serve the above-stated parcel. It is recommended that this rezoning request be **approved.**

Future Land Use Map



Future Land Use Character Areas

The Future Land Use Map *(FLUM)* and character areas guide land use and infrastructure decisions, as well as land use regulations within Erwin's planning jurisdiction. The FLUM categorizes land into six color-codes character areas. These designations describe the desired types, intensity, and spatial arrangement of land uses in Erwin's planning jurisdiction.

Employment and Industry

The Employment Center designation provides primary locations for employment and economic development opportunities where there is adequate infrastructure. Employment Centers are typically located on larger parcels to accommodate future employment growth. This designation includes some industrial uses and supporting commercial uses to serve employees.

Commercial/Mixed Use

The Commercial/Mixed Use designation features small-large scale commercial, and office uses oriented primarily along Highway 421 and at major intersections. Small-medium scale commercial and offices uses should be located at major intersections. Medium-large scale commercial and office uses should be located along Highway 421. A mix of uses should be encouraged to serve both a local and regional market. Although this designation is more auto oriented, efforts should be made to provide both pedestrian and vehicle connectivity. This character area may also include a mix of residential types where appropriate.

Harnett County GIS

NOT FOR LEGAL USE

Harnett COUNTY NORTH CAROLINA

Harnett.org/GIS

May 14, 2025

- County Boundary
- City Limits
- Address Numbers
- 6 - 36
- Gravity
- Force Main
- Road Centerlines
- Ingress_Egress
- Drainage
- Parcels
- Unamed Flowline
- Watershed HUC12
- Watershed HUC8

N W E S

72 Feet

0 80

Harnett County GIS

NOT FOR LEGAL USE

Harnett COUNTY NORTH CAROLINA

Harnett.org/GIS

May 14, 2025

County Boundary	Force Main	Unamed Flowline	R10
City Limits	Road Centerlines	Watershed HUC12	R6
Address Numbers	Ingress_Egress	Watershed HUC8	
6 - 36	Drainage	ETJ	
Gravity	Parcels	B2	

N
W E
S

0 80 Feet

PLANNING BOARD

MEETING MINUTES

MONDAY, MAY 19, 2025

ERWIN, NORTH CAROLINA

The Town of Erwin Planning Board held its regular meeting in the Erwin Municipal Building Board Room 100 West F Street, Erwin NC on Monday, May 19, 2025, at 7:00 PM.

Board members present were Chairperson Nicholas Skatell, Vice Chairperson Jim Hartman, In-Town Board Members Kathryn Moore, Grace Watts, and Michael Jackson, In-Town Alternate Marsha Woodard, and Out-of-Town Board Member Howard Godwin.

Board members absent were: In-Town Board Members Rebecca Kelly, Joshua Schmeiding, and In-Town Alternate Vanessa Lech.

Staff members present were Town Manager Snow Bowden, Town Planner Dylan Eure, and Deputy Clerk Katelan Blount.

Chairperson Nicholas Skatell called the meeting to order at 7:00 PM.

Board Member Kathryn Moore gave the invocation.

Board Member Michael Jackson led the Pledge of Allegiance.

CONSENT ITEMS

Board Member Jim Hartman made a motion to approve the minutes of April 21, 2025, and was seconded by Kathryn Moore. **The Board voted unanimously.**

OLD BUSINESS

Updates:

Town Planner Dylan Eure informed the Board that the removal of the sidewalk requirements for major subdivisions, as well as the requirement for mailed subdivision notices will be going to the next Board of Commissioners meeting for approval.

NEW BUSINESS

ZT-2025-002

Town Planner Dylan Eure informed the Board that the Town of Erwin Staff has received a rezoning request for the parcel located at 103 4th Street, Erwin NC 28339. This parcel is currently split-zoned at about 83% B-2 and the remaining 17% R-10. The petition would rezone the above parcel to be entirely under the R-10 classification. The parcel size is 0.27 acres, and is currently occupied by a single-family residence. Rezoning would make the existing home conforming.

Board Member Michael Jackson asked if the rezoning request is based upon bringing the home into a conforming status, in order to be allowed to add on to the existing home.

Town Planner Dylan Eure confirmed that yes, the applicant would like to add on to the home, but since the home is non-conforming due to the split zoning classification, he is not currently able to do so. There may be a variance somewhere down the line, but this would be the first step in that process.

Board Member Kathryn Moore asked if this property butts up to the business next to it.

Town Planner Dylan Eure stated that it doesn't butt up to the business, but is across from McLamb's Upholstery and a church.

The applicants, Corbin and Michelle Smith, of 103 4th Street, Erwin, approached the podium to answer any questions that the Board may have. Mr. Smith stated that the home is currently owner occupied. For clarity, Ms. Smith's parents own the home, and Ms. Smith is on the deed of the home. They are working through the process of getting Mr. Smith on the deed as well.

Chairperson Nicholas Skatell asked if any Board Members had any additional questions. Being none, Chairperson Nicholas Skatell asked for a Board Member to read through the staff evaluation.

Board Member Michael Jackson asked that the Board would dispense with the reading of each item of the staff evaluation. The Board has already read through the Staff Evaluation.

Board Member Michael Jackson made a motion to approve ZT-2025-002, which was seconded by Jim Hartman. **The Board voted unanimously.**

Chairperson Nicholas Skatell asked the Board to read the Statement of Consistency.

Board Member Jim Hartman read the following Statement of Consistency:

"The requested rezoning from B-2/R-10 to the R-10 classification is compatible with all of the Town of Erwin's regulatory documents. According to Erwin's 2023 Land Use Plan, and Erwin's Code of Ordinances, the uses defined within the R-10 zoning classification would best serve the above-stated parcel. It is recommended that this rezoning be approved."

Board Member Kathryn Moore made a motion in the affirmative, which was seconded by Jim Hartman. **The Board voted unanimously.**

PUD (Planned Unit Development) Density Amendment

Town Planner Dylan Eure presented this amendment request to the Board. This amendment would ensure that all future Planned Unit Developments, including apartments, townhomes, and condominiums, would have the same standards applied. This specifically applies to density standards, so this would require any townhome developments with 10 or more townhomes to allow for infill development.

Board Member Michael Jackson asked if all other requirements would remain the same- parking, setbacks, etc.

Town Planner Dylan Eure confirmed that that was correct, all other requirements would remain the same.

Board Member Howard Godwin made the motion to approve the PUD (Planned Unit Development) Density Amendment, which was seconded by Board Member Kathryn Moore. **The Board voted unanimously.**

Chairperson Nicholas Skatell asked the Board to read the Statement of Consistency.

Board Member Grace Watts read the following Statement of Consistency:

"The proposed text amendment is compatible with all of the Town of Erwin's regulatory documents. According to Erwin's Planning Documents, the proposed text amendment would ensure that Erwin is applying its ordinances uniformly across its jurisdiction. It is recommended that this amendment be approved."

Board Member Howard Godwin made a motion in the affirmative, which was seconded by Jim Hartman. **The Board voted unanimously.**

Accessory Structure Benchmarking

Town Planner Dylan Eure stated that there was not a vote required on this request, but rather this was informational for the Board.

Board Member Michael Jackson had requested benchmarking for the Accessory Structure Ordinances to determine if an amendment should be authored to reduce the number of variances brought before Erwin's Board of Adjustments.

Board Member Michael Jackson stated that he agreed that the updated ordinances would be especially helpful for the Mill Village area of town. He stated that be believed that the setbacks should be brought down to 5ft from 10ft.

The Board agreed with Mr. Jackson.

Town Planner Dylan Eure stated that since the Board had consensus, he would type up the amendment and have it ready to present at the next Planning Board meeting.

ADJOURNMENT

Board Member Howard Godwin made a motion to adjourn the meeting at 7:13 P.M. and was seconded by Jim Hartman. **Motion unanimously approved.**

Minutes recorded and typed by
Katelan Blount, Deputy Town Clerk

Nicholas Skatell
Chairperson

Katelan Blount
Deputy Town Clerk

Statement of Consistency
ZT-2025-002

The requested rezoning from B-2/R-10 to the R-10 classification is compatible with all of the Town of Erwin's regulatory documents. According to Erwin's 2023 Land Use Plan and Erwin's Code of Ordinances, the uses defined within the R-10 zoning classification would best serve the above-stated parcel.

It is recommended that this rezoning request be **approved.**

Nicholas Skatell
Chairperson

Katelan Blount
Deputy Town Clerk

ANCHOR INVESTMENT PROPERTIES LLC
311 JARCO DR FUQUAY VARINA, NC 27526-2901

BABEL AMANDA LYNNE
105 4TH ST ERWIN, NC 28339-2403

CSJD LTD LLC
205 PINEVIEW DR ERWIN, NC 28339-1202

FIRST NATIONAL BANK OF AMERICA
PO BOX 980 EAST LANSING, MI 48826-0980

MACON LINDY WADE & WADE EDMOND TYRONE
2251 OLD STAGE RD S ERWIN, NC 28339-8939

TELLEZ ODILON
102 4TH STREET ERWIN, NC 28339-0000

OVERHOLT PAUL JT W/ROS & OVERHOLT LINDA JT W/ROS
445 WENGER RD CHESAPEAKE, VA 23322-1612

DECKER GERALD JAMES & DECKER HOPE ELAINE
107 4TH ST ERWIN, NC 28339-2403

TLC PROPERTIES AND INVESTMENTS LLC
111 WALNUT GREEN LN DUNN, NC 28334-6437

CEBALLOS ARMANDO & CEBALLOS FAYE C
104 3RD ST ERWIN, NC 28339-0000

MCLAMB RICHARD C
1008 DENIM DRIVE ERWIN, NC 28339-0000

MATTHEWS CORNELIUS F & MATTHEWS ELIZABETH S
407 MARLOWE RD RALEIGH, NC 27609-7017

TOWN OF ERWIN

P.O. Box 459 · Erwin, NC 28339
Phone: 910-897-5140 · Fax: 910-897-5543
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Mayor
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William R. Turnage

6/16/2025

Notice of a Public Hearing
ZT-2025-002

The Board of Commissioners of the Town of Erwin will hold a public hearing pursuant to NC General Statute 160D-406 on July 10th, 2025 at 7:00 P.M. at the Erwin Town Hall, 100 West F Street, Erwin, North Carolina to hear public comment on a proposed rezoning.

The rezoning request includes a single parcel of land that is listed below:

- 103 4th Street Erwin, NC 28339. (Harnett County Tax Pin: 1507-13-2100.000)

Currently this parcel is split zoned between B-2 and R-10 zoning districts and the petition would rezone the said parcel to be entirely under the R-10 zoning.

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, July 10, 2025, 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 ZT-2025-002: Request to rezone the split-zoned parcel located at 103 4th Street. from B-2 and R-10 to entirely R-10. The property can also be identified by its Harnett County Tax PIN # 1507-13-2100.000.
- Case SUP-2025-003: Special Use Request to operate vehicular services at 2401 Erwin Road. The parcel can also be identified by its Harnett County Tax PIN 1507-40-5511.000
- Text Amendments to Chapter 36- Zoning in the Town of Erwin Code of Ordinances.

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

6/20,27/2025

TOWN OF ERWIN

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

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

ORDINANCE FOR MAP AMENDMENT CASE # ZT-2025-002 AMENDMENT TO THE OFFICIAL ZONING MAP TO REZONE FROM B-2 AND R-10 TO ENTIRELY R-10 PER ZONING ORDINANCE ARTICLE XXIII FOR HARNETT COUNTY PIN 1507-13-2100.000.
ORD 2024-2025: 024

Per *Chapter 36 Zoning, Article XXIII, Changes and Amendments*, Harnett County PIN 1507-13-2100.000 owned by Paul and Linda Overholt has been rezoned to R-10 (Residential) Case # ZT-2025-002.

B4031 - P 748

For Registration Matthew S. Willis
Register of Deeds
Harnett County, NC
Electronically Recorded
2021 Aug 19 10:51 AM NC Rev Stamp: $ 0.00
Book: 4031 Page: 748 - 750 Fee: $ 26.00
Instrument Number: 2021019343

HARNETT COUNTY TAX ID #
061507 0291

08-19-2021 BY: ED

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: $ None
Tax Identification Number: 061507 0291

Prepared by/Mail to: Adcock Law Firm, P.A., PO Box 1478, Fuquay-Varina, NC 27526

Brief Description for the index: 103 4th Street

THIS DEED made this 30TH day of JUNE, 2021, by and between

GRANTOR	GRANTEE
PAUL OVERHOLT and wife, LINDA OVERHOLT And MICHELLE A. OVERHOLT, an unmarried person (aka Michele A. Overholt) As Joint Tenants with Right of Survivorship 445 Wenger Rd. Chesapeake, VA 23322	PAUL OVERHOLT and wife, LINDA OVERHOLT And MICHELLE A. OVERHOLT, an unmarried person, As Joint Tenants with Right of Survivorship 445 Wenger Rd. Chesapeake, VA 23322

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in or near the City of Erwin, Duke Township, Harnett County, North Carolina and more particularly described as follows:

BEING all of Lot B, containing 0.27 acre as shown on map entitled "Recombination Survey prepared for Woods Investment Enterprise, LLC" dated January 7, 2020 by Powers Surveying and recorded in Map Number 2021, Page 209, Harnett County Registry. See said plat for a more complete and accurate description of said real property by metes and bounds. (See also Map Number 2021, page 27, Harnett County Registry).

Property Address: 103 4th St., Erwin, NC 28339

The purpose of this deed is to correct the spelling of the Grantee name from "Michele" to "Michelle."

Submitted electronically by "Adcock Law Firm, PA"
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Harnett County Register of Deeds.

The property hereinabove described was acquired by Grantor by instrument recorded in Book 3997, page 766, Harnett County Registry.
A map showing the above described property is recorded in Map Number 2021, page 209 and page 27.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.

Title to the property hereinabove described is subject to the following exceptions:

1. All easements, covenants, restrictions and right of ways of record;
2. 2021 ad valorem taxes;
3. Subject to the right of way of 4th Street.

(The remainder of this page is left intentionally blank)

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

Paul Overholt (SEAL)
PAUL OVERHOLT

Linda Overholt (SEAL)
LINDA OVERHOLT

Michelle A. Overholt (SEAL)
MICHELLE A. OVERHOLT

STATE OF Virginia
COUNTY OF Chesapeake

I, the undersigned notary public, do hereby certify that **Paul Overholt**, personally appeared before me this day and acknowledged the due execution of the foregoing instrument. Witness my hand and official seal this 1 day of July, 2021.

Alicia Lynn McAnney Notary Public
Printed Name: Alicia Lynn McAnney
My commission expires: December 31, 2024

ALICIA LYNN MCANNEY
Notary Public
Commonwealth of Virginia
Registration No. 358270
My Commission Expires Dec 31, 2024

STATE OF Virginia
COUNTY OF Chesapeake

I, the undersigned notary public, do hereby certify that **Linda Overholt**, personally appeared before me this day and acknowledged the due execution of the foregoing instrument. Witness my hand and official seal this 1 day of July, 2021.

Alicia Lynn McAnney Notary Public
Printed Name: Alicia Lynn McAnney
My commission expires: December 31, 2024

ALICIA LYNN MCANNEY
Notary Public
Commonwealth of Virginia
Registration No. 358270
My Commission Expires Dec 31, 2024

STATE OF North Carolina
COUNTY OF WAKE

I, the undersigned notary public, do hereby certify that **Michelle A. Overholt**, personally appeared before me this day and acknowledged the due execution of the foregoing instrument. Witness my hand and official seal this 16th day of August, 2021.

Sandra P. Minor Notary Public
Printed Name: Sandra P. Minor
My commission expires: 3-28-2022

Sandra P. Minor
NOTARY PUBLIC
Wake County, North Carolina

Adopted this the 10th day of July 2025.

Randy Baker
Mayor

ATTEST:

Lauren Evans NCCMC
Town Clerk

Erwin Board of Commissioners

REQUEST FOR CONSIDERATION

To: The Honorable Mayor and Board of Commissioners

From: Snow Bowden, Town Manager

Date: July 10, 2025

Subject: Chapter 36 Updates

Our Town Planner Dylan Eure has prepared a few updates to Chapter 36 "Zoning" in our Town Code. The updates include: animal services, residential building height and mixed uses [(residential/commercial uses on the same parcel (where appropriate)]. We have already discussed a few of these updates. The Planning Board has recommended these updates. We have scheduled a public hearing at our July Town Board meeting to discuss these updates.

Attachments:

- Town Staff memo
- Proposed text amendments

Erwin Board of Commissioners

REQUEST FOR CONSIDERATION

To: The Honorable Mayor and Board of Commissioners

From: Dylan Eure, Town Planner

Date: July 10, 2025

Subject: Animal Services Text Amendment

The Town of Erwin Staff wishes to amend Chapter 36 Articles II, IV, and X of the Erwin Code of Ordinances to add animal services as a special use to B-2, clarifying its special use in RD and giving a definition of animal services. The purpose of this is to ensure clarity in the areas of town where animal services can be placed and the scope of their services.

Proposed Definition to be added to Chapter 36 Article II:

Animal Services – refers to the care and treatment of animals, including but not limited to veterinary services, boarding of animals, and the training of animals. This may also include facilities such as animal shelters or kennels. However, this does not include equine stables.

Current Special Use within Chapter 36 Article IV:

- Animal medical care.

Proposed Special Use to replace Chapter 36 Article IV (Rural District- RD):

- Animal medical care
- Animal services

Proposed Special Use to be added to Chapter 36 Article X (Highway Business- B-2)

- Animal services

Statement of Consistency

The proposed text amendment is compatible with all of the Town of Erwin's regulatory documents according to Erwin's 2023 Land Use Plan and Erwin's Code of Ordinances. It is recommended that this text amendment be **approved.**

Statement of Inconsistency (Only when denied)

The proposed text amendment is **NOT** compatible with all of the Town of Erwin's regulatory documents according to Erwin's 2023 Land Use Plan and Erwin's Code of Ordinances. It is recommended that this text amendment be **denied.**

Statement of Consistency
Animal Services Amendment

The proposed text amendment is compatible with all of the Town of Erwin's regulatory documents according to Erwin's 2023 Land Use Plan and Erwin's Code of Ordinances. It is recommended that this text amendment be **approved.**

Joshua Schmieding
Chairperson

Katelan Blount
Deputy Town Clerk

Erwin Board of Commissioners

REQUEST FOR CONSIDERATION

To: The Honorable Mayor and Board of Commissioners

From: Dylan Eure, Town Planner

Date: July 10, 2025

Subject: Residential Height Regulation Text Amendment

The Town of Erwin Staff wishes to amend its ordinances specifically Chapter 36 Article VII-A Section 36-185 Subsection B (4), Article VII Section 36-175 Subsection B (4), Article VI-A Section 36-156 Subsection B (4), and Article VI Section 36-147 Subsection B (4) for the purpose of decreasing height limitations for high-density residential developments.

Current Regulation:

(4) Maximum building height: 35 feet.

The maximum height of any structure shall be the same as required by the underlying zoning district unless otherwise stated herein. Non-residential buildings located within the areas identified Medium Intensity, High Intensity, Downtown, and Employment Center Land Use Classifications are exempt from the district height requirement if they conform to the following:

a. Highest point of the building shall not exceed 80 feet.

Proposed Regulation:

(4)Maximum building height: 35 feet.

The maximum height of any structure shall be the same as required by the underlying zoning district unless otherwise stated herein. Non-residential buildings, two-family, multifamily, and townhomes located within the areas identified Medium Density, High Intensity, Downtown, and Employment/ Industry Land Use Classifications are exempt from the district height requirement if they conform to the following:

a. Highest point of residential townhomes and two-family dwellings shall not exceed 40 feet.

b. Highest point of residential multifamily shall not exceed 65 feet.

c. Highest point of nonresidential building shall not exceed 80 feet.

Statement of Consistency
Residential Height Amendment

The requested amendment to the code of ordinance regarding decreasing height limitations of high-density residential developments, with height conformations for townhomes and multi-family dwellings is compatible with all of the Town of Erwin's regulatory documents.

It is recommended that this amendment request be **Approved.**

Joshua Schmieding
Chairperson

Katelan Blount
Deputy Town Clerk

Erwin Board of Commissioners

REQUEST FOR CONSIDERATION

To: The Honorable Mayor and Board of Commissioners

From: Dylan Eure, Town Planner

Date: July 10, 2025

Subject: Mixed Uses and their Buildings Text Amendment

The Town of Erwin Staff wishes to amend Chapter 36 within Article XV Section 36-416 to allow for multi/mixed-use facilities to be constructed in appropriate zoning classifications.

Current 36-416:

Sec. 36-416. - Relationship of building to lots.

Every building hereafter erected, moved, or structurally altered shall be located on a lot and in no case shall there be more than one principal building and its customary accessory building on a lot except in the following cases:

(1)Multifamily dwellings in appropriate zoning districts.

(2)An approved planned unit development or complex of residential or commercial buildings in an appropriate zoning district.

(3)Institutional or industrial uses such as a school campus, hospital campus, industrial parks, research parks, etc.

Proposed 36-416:

Sec. 36-416. - Relationship of buildings and uses to lots.

Every building hereafter erected, moved, or structurally altered shall be located on a lot and in no case shall there be more than one principal building/use and its customary accessory building on a lot except in the following cases:

(1)Multifamily dwellings in appropriate zoning districts.

(2)An approved planned unit development or complex of residential or commercial buildings in an appropriate zoning district.

(3)Institutional or industrial uses such as a school campus, hospital campus, industrial parks, research parks, etc.

(4)An approved multi-use facility that contains elements of both commercial and residential elements in an approved zoning district.

(5)Multiple complimentary uses that are permitted or considered as a special use in the same zoning district.

Statement of Consistency
Mixed/Multi-use Facilities and Buildings Amendment

The requested amendment to the code of ordinance regarding the allowance of mixed or multi-use facilities and buildings to be constructed within appropriate zoning classifications is compatible with all of the Town of Erwin's regulatory documents.

It is recommended that this amendment request be **approved.**

Joshua Schmieding
Chairperson

Katelan Blount
Deputy Town Clerk

Erwin Board of Commissioners

REQUEST FOR CONSIDERATION

To: The Honorable Mayor and Board of Commissioners

From: Dylan Eure, Town Planner

Date: July 10, 2025

Subject: Fence Text Amendment

The Town of Erwin Staff wishes to amend its fence ordinance specifically Chapter 36 Article XV Section 36-433 Subsection 4 and 6 to differentiate requirements for front/side yards and to provide clarity on the height of fences for lots that may front two streets along with providing additional regulations for fences in front yards.

(4)Maximum height.

D. Fences for front yards shall be measured at the front corner of the structure to the edge of the Right-of-Way. Side fences for side yards shall be measured parallel from the front corner to the rear corner of the structure. Rear fences for rear yards shall be measured from the back corner of the structure to the rear property line.

E. For type A lots on corner parcels that have frontage on two streets the side yard abutting the street may only be permitted to erect a maximum of a 4ft fence.

(6) General fence requirements

G. Location of fence to allow maintenance. No fence shall be erected in any location that prohibits the owner of the property on which said fence is erected from having access, for maintenance purposes, to all sides of such fence.

Fences in yards abutting Right-of-way shall be placed a minimum of 2 ft away from the right-of-way or sidewalk.

Statement of Consistency

The proposed text amendment is compatible with all of the Town of Erwin's regulatory documents according to Erwin's 2023 Land Use Plan and Erwin's Code of Ordinances. It is recommended that this text amendment be **approved.**

Statement of Inconsistency (Only when denied)

The proposed text amendment is **NOT** compatible with all of the Town of Erwin's regulatory documents according to Erwin's 2023 Land Use Plan and Erwin's Code of Ordinances. It is recommended that this text amendment be **denied.**

Statement of Consistency
Fence Amendment

The requested amendment to the code of ordinance regarding placement and height, along with determination of yard space of fences is compatible with all of the Town of Erwin's regulatory documents

It is recommended that this amendment request be **Approved.**

Joshua Schmieding
Chairperson

Katelan Blount
Deputy Town Clerk

TOWN OF ERWIN

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ERWIN BOARD OF COMMISSIONERS
RESOLUTION ON STATEMENT OF CONSISTENCY
FOR CHAPTER 36- ZONING
2024-2025---021

WHEREAS, the Erwin Board of Commissioners do hereby find and conclude that the proposed Ordinance Amendments to Chapter 36 – Zoning are reasonable and in the public interest to better reflect the desired development within the Town's Planning Jurisdiction; and

NOW THEREFORE BE IT RESOLVED, that the Mayor and Board of Commissioners of the Town of Erwin do hereby approve and adopt the proposed text amendments to Chapter 36 – Zoning as presented.

ADOPTED this the 10th day of July 2025.

ATTEST:

_____
Randy Baker
Mayor

_____
Lauren Evans NCCMC
Town Clerk