

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

AGENDA

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

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

3. **CONSENT**

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

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

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

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

6. **RECESS FOR REFRESHMENTS**

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

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

9. **PUBLIC COMMENT**

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

10. **MANAGER'S REPORT**

11. **ATTORNEY'S REPORT**
12. **GOVERNING BODY COMMENTS**
13. **ADJOURNMENT**

IN ACCORDANCE WITH ADA REGULATIONS, PLEASE NOTE THAT ANYONE WHO NEEDS AN ACCOMMODATION TO PARTICIPATE IN THE MEETING SHOULD NOTIFY THE TOWN CLERK AT (910) 591-4202 AT LEAST 48 HOURS PRIOR TO THE MEETING.

ERWIN BOARD OF COMMISSIONERS

REGULAR WORKSHOP MINUTES

JANUARY 22, 2024

ERWIN, NORTH CAROLINA

The Board of Commissioners for the Town of Erwin with Mayor Randy Baker presiding held its Regular Workshop in the Erwin Municipal Building Board Room on Monday, January 22, 2024, at 6:00 P.M. in Erwin, North Carolina.

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

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

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

Commissioner McKoy gave the invocation.

Commissioner Marbell led the Pledge of Allegiance.

AGENDA ADJUSTMENT/APPROVAL OF AGENDA

Town Manager Snow Bowden requested to remove Item G Updated SRO Reimbursement Agreement from the agenda.

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

NEW BUSINESS

2023-2024 Street Resurfacing Recommendations

Town Engineer Bill Dreitzler stated this recommendation incorporated the PCI (Pavement Condition Index) from the updated Pavement Condition Study completed last year. In the PCI Rating System, 0-25 is considered a very poor street, and 25-65 is poor. Only one street, N 16th Street (from W N Street to the Cul-de-sac), fell in the very poor range and multiple streets fell into the poor range. He made his recommendations for the poor streets by doing a field study and evaluating each road. He was recommending N 16th Street (W N Street to Cul-de-Sac), N 11th Street (E L Street to E H Street), and Duke Street. N 16th had a PCI that ranged from 20.1 to 50.2 with the cul-de-sac section the poorest. N 11th Street had a PCI that ranged from 50 to 51.8. Duke Street had a PCI of 48.7. He stated he will do another evaluation next year but as the street looks right now, E H Street, Don Ron Road, and W N Street are a priority for FY 2024-2025. He

MINUTES CONTINUED FROM JANUARY 22, 2024

estimated the total cost for resurfacing would be \$139,500 plus any additional cost for patching and pothole repairs.

Commissioner Turnage inquired about the amount of money the Town received from Powell Bill.

Town Manager Snow Bowden stated the Town received around \$150,000.

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

RFQ- St Matthews Road

Town Engineer Bill Dreitzler stated he received the initial draft of a fee proposal from our selected engineer. The project was basically on hold at the moment. A conference call was had prior to the Holidays with four members of the division structure staff to discuss the direction and whether the Town could utilize the engineering firm, bypass the RFQ process, and funnel the money in that direction as long as we made modifications to the water and sewer system to meet the project obligations. The development would extend the water line from East Jackson Blvd up to the first entrance into the development. Part of our scope would be to extend the water line along St Matthews Road all the way up to the connecting street. He was informed that the project sounded good but the Town would have to go through the RFQ process. We received two proposals, Stocks Engineering and Underfoot Engineering. Both proposals were well put together and the difference in his ranking was only by a few points but Stocks Engineering did score higher due to their knowledge of what has been going on with Harnett Regional Water in that area. He then received an email from DWI at the beginning of January stating that the funds had been diverted to Harnett Regional Water. He reached out to them to clarify the confusion and the last correspondence he had received informed him that they were going to have an internal meeting and would be responding back shortly with the Town's options.

Mayor Baker inquired if the Town stood to lose the grant and how much time we had to use the funds.

Town Engineer Bill Dreitzler stated he thought the date was December 31st, 2026 but he would verify and inform Town Manager Snow Bowden.

Commissioner Blackmon asked if the email stated why the funds were diverted to Harnett Regional Water.

Town Engineer Bill Dreitzler stated he was not informed.

Town Manager Snow Bowden stated that the Town received the grant originally and he informed the State that the Town did not own the water and sewer lines. The General Assembly would have to do a budget text correction and he felt there was just some internal confusion.

Mayor Baker stated that Representative Penny got the Town of Erwin a million dollars to extend the infrastructure line for the project on St Matthews Road. The money was awarded to the Town

MINUTES CONTINUED FROM JANUARY 22, 2024

of Erwin and then Harnett County would manage the system. Harnett Regional Water should not be able to just come in and divert the funds to another project outside of the Erwin City Limits.

Commissioner Blackmon expressed his concerns about the delays killing the project on St Matthews Road.

Town Engineer Bill Dreitzler stated he did not think it would kill the project but he would set up a video conference with the DWI representative to find out our options. He stated he asked in his email whether Harnett County would have to go through the RFQ process again or if they could use the firms we already had. He stated he was still waiting on a response to that question as well.

Mayor Baker stated we will contact our State Representative if we must, to ensure this project is funded in the Town of Erwin.

BOA-2024-04

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

NC DOT ROW Contract

Town Manager Snow Bowden stated that this was a standard contract that the Board approves every year. This contract was to reimburse the Town of Erwin for maintaining the NCDOT rights-of-ways in our Town Limits.

Mayor Baker verified that the pricing in this contract was good for five years.

Town Manager Snow Bowden stated that was correct and that we renew it every year.

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

Surplus Vehicles

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

Bayles Street Extension

Town Manager Snow Bowden asked for the Board's blessing prior to taking any action to close an undeveloped section of Bayles Street that extends behind Walmart. The owners of the properties were having issues with a lot of walking traffic, and people walking to Walmart. Once we close the easement, we can return the portion of the land to each property owner so it would

MINUTES CONTINUED FROM JANUARY 22, 2024

be considered private property. We would then put “Private Property” signs up and would be able to charge someone with trespassing on private property. In order to have a Public Hearing in March, the Board must adopt a resolution declaring intent.

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

FAMPO Update

Town Manager Snow Bowden stated he attended a FAMPO meeting the week prior and they were still trying to get an MOU put together for the new potential members. He did feel it would be the right move for the Town but there were a few Towns that had pulled out such as the City of Dunn and Linden.

Economic Development State Grant

Town Manager Snow Bowden stated in the CERRI Report completed in 2022, the idea of the Denim Depot Junction was discussed. The idea was to have spaces for old shipping containers or small buildings to house businesses, a place for food trucks, and a stage to hold concerts. We received a \$500,000 grant from the State and are required to provide a scope of work and no overdue tax form.

Mayor Baker verified that this grant would not only fund the Denim Depot Junction but also address the current condition of the Depot.

Town Manager Snow Bowden stated that was correct.

Commissioner Byrd stated we first needed to get the Depot torn down.

Commissioner Turnage stated the Erwin Historical Society has agreed to have an architect come look at the Depot.

Mayor Baker stated that we had to get the Depot taken care of this year.

Commissioner Byrd stated we needed to get a bid to tear it down within 30 days.

The consensus of the Board was to place needed forms to move forward with this grant under Consent on the agenda for our Regularly Scheduled Meeting in February.

Park Expansion State Grant

Town Manager Snow Bowden informed the Board that the Town has a grant of \$480,000 and we are required to send a scope of work and no overdue tax form for this grant as well. His original thought was to complete the parking lot expansion that the Board approved a few months ago. We were working on getting the designs completed.

MINUTES CONTINUED FROM JANUARY 22, 2024

The consensus of the Board was to place needed forms to move forward with this grant under Consent on the agenda for our Regularly Scheduled Meeting in February.

Porter Park Water Resource Grant

Town Manager Snow Bowden stated some changes need to be made to the Resolution for the Porter Park Water Resource Grant. He asked the Board, if they saw fit, to approve the Resolution at the Workshop due to the State requiring the Resolution by 1/31/2024. From what he had been told, we had a good chance of getting additional funds from the State to help with an engineering study that would be necessary to complete the CCAP grant project of restoring the stream banks. This study was expected to cost around \$18,000 and the grant we were applying for would be \$10,000 or 50%.

Commissioner Blackmon made a motion to approve the Town of Erwin Board of Commissioners Resolution for the Water Resource Development Grant and was seconded by Commissioner Byrd. **The Board voted unanimously.**

Accessory Building Text Amendment

Town Planner Dylan Eure stated this was a text amendment to our accessory use ordinances. Our current ordinance states that “Each accessory structure shall not exceed 40 percent of the total area of the principal structure. At no time shall the total area of accessory use exceed 25 percent of the rear yard”. The proposed amended language was that "Each accessory structure shall not exceed 40 percent of the total area of the side or rear yard”.

Mayor Baker ensured that Town Planner Dylan Eure found this Text Amendment to be in line with other municipalities.

Mr. Eure stated that was correct.

Town Attorney Tim Morris suggested clarifying 40% of the rear or side.

The consensus of the Board was to separate the rear and side for clarification, and we would hold a Public Hearing on this item at our Regularly Scheduled Meeting in February.

CLOSED SESSION

Commissioner Blackmon made a motion to go into Closed Session Pursuant to General Statute 143-318.11(a) (6) for the Purpose of Discussing Personnel at 6:49 PM. and was seconded by Commissioner McKoy. **The Board voted unanimously.**

MINUTES CONTINUED FROM JANUARY 22, 2024

RECONVENED

Commissioner Byrd made a motion to go back to regular session at 7:11 PM. and was seconded by Commissioner Nelson. **The Board voted unanimously.**

MANAGER'S REPORT

Town Manager Snow Bowden stated he would have a more detailed report for the Board on our Board Meeting but he did want to make the Board aware of a few things.

- The lights on Denim Drive were fixed but the lights on H Street are terrible. There was an issue with the wires and Duke Energy ensured the lights would be replaced and fixed by January 29th.
- Harnett Regional Water was trying to push the water line Downtown and move it to the front of the stores. He informed them that the Town would not be supporting that project and they were upset.

ATTORNEY'S REPORT

Town Attorney Tim Morris stated Jim Quick and Coastline Band were a great band.

GOVERNING COMMENTS

Commissioner Turnage stated two houses on Mason Drive still needed to be demolished.

Commissioner Nelson stated there was a pothole on Morgan Street that needed to be addressed.

Commissioner Byrd inquired about where we were in the process of repaving Old Post Road and 13th Street.

Town Manager Snow Bowden stated he would follow up with NCDOT.

Commissioner Byrd asked about the house that the owner was going to allow the Fire Department to burn. He also inquired about what was going on with the building on the corner uptown.

Town Manager Snow Bowden stated the owner of the home had a death in the family and he would follow up with him. As for the building on the corner, he was not sure. He emailed them and had not heard back. The owner applied for permits a while back but never went through with their plan and had not applied for anything new at that time.

Commissioner Blackmon informed the Board that the Fire Department was about to burn the White House off of 421.

Commissioner McKoy asked everyone to keep the families of the people who lost their lives off of HWY 95.

Mayor Baker reminded the Board to start thinking about the goals and issues they would like addressed in the coming fiscal year, we will be scheduling our annual Budget Retreat soon. He also asked the board if they would consider having a moderator come into our Budget Retreat.

MINUTES CONTINUED FROM JANUARY 22, 2024

The Board was against having a moderator invited to our Budget Retreat.

ADJOURNMENT

Commissioner Byrd made a motion to adjourn at 7:22 P.M. and was seconded by Commissioner McKoy. **The Board voted unanimously.**

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

ATTEST:

Randy Baker
Mayor

Lauren Evans NCCMC
Town Clerk

ERWIN BOARD OF COMMISSIONERS

REGULAR MINUTES

FEBRUARY 1, 2024

ERWIN, NORTH CAROLINA

The Board of Commissioners for the Town of Erwin with Mayor Baker presiding held its Regular Meeting in the Erwin Municipal Building Board Room on Thursday, February 1, 2024, at 7:00 P.M. in Erwin, North Carolina.

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

Board Member absent was Commissioner Turnage.

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

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

Commissioner McKoy gave the invocation.

Commissioner Nelson led the Pledge of Allegiance.

AGENDA ADJUSTMENT/APPROVAL OF AGENDA

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

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

CONSENT

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

PUBLIC HEARING

SU-2024-001

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

MINUTES CONTINUED FROM FEBRUARY 1, 2024

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

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

Commissioner Byrd verified that 64 units were incorrect.

Town Planner Dylan Eure stated that was correct.

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

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

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

Town Manager Snow Bowden stated that was correct.

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

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

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

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

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

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

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

MINUTES CONTINUED FROM FEBRUARY 1, 2024

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

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

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

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

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

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

Commissioner Blackmon stated that NCDOT may require a deceleration lane.

Commissioner McKoy inquired about the 1.5 parking spaces per unit.

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

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

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

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

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

Mayor Baker asked if Barnes Drive would be utilized.

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

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

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

No one came forward.

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

MINUTES CONTINUED FROM FEBRUARY 1, 2024

No one came forward.

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

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

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

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

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

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

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

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

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

MINUTES CONTINUED FROM FEBRUARY 1, 2024

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

Accessory Building Text Amendment

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

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

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

No one came forward.

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

No one came forward.

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

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

PUBLIC COMMENT

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

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

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

MINUTES CONTINUED FROM FEBRUARY 1, 2024

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

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

NEW BUSINESS

Al Woodall Park Potential Grant

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

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

MANAGER'S REPORT

Town Manager Snow Bowden informed the Board:

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

MINUTES CONTINUED FROM FEBRUARY 1, 2024

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

Mayor Baker asked for an update on K Street.

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

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

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

ATTORNEY'S REPORT

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

MINUTES CONTINUED FROM FEBRUARY 1, 2024

GOVERNING COMMENTS

Commissioner Byrd stated he encountered a problem concerning burning permits.

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

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

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

ADJOURNMENT

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

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

ATTEST:

Randy Baker
Mayor

Lauren Evans, NCCMC
Town Clerk



TOWN OF ERWIN

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

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

2023-2024—003

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

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

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

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

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

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

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

Randy Baker

Mayor

ATTEST:

Lauren Evans, NCCMC

Town Clerk

Erwin Board of Commissioners

REQUEST FOR CONSIDERATION

To: The Honorable Mayor and Board of Commissioners

From: Snow Bowden, Town Manager

Date: March 7, 2024

Subject: Al Woodall Park State Grant

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

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

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

Erwin Board of Commissioners

REQUEST FOR CONSIDERATION

To: The Honorable Mayor and Board of Commissioners

From: Snow Bowden, Town Manager

Date: March 7, 2024

Subject: Police Bodycams

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

Town of Erwin

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

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

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

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

Parks and Recreation

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



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



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

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

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

Home Phone: (910) 658-8821 Business/Other Phone: _____

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

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

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

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

If yes, please explain _____

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

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

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

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

Planning Board 1 Recreation 2

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



TOWN OF ERWIN

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

O A I H

NORTH CAROLINA

HARNETT COUNTY

TOWN OF ERWIN

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

KATELAN BLOUNT

SWORN TO AND SUBSCRIBED BEFORE ME

THIS THE 7TH DAY OF MARCH, 2024.

LAUREN EVANS, NCCMC
TOWN CLERK

Erwin Board of Commissioners

REQUEST FOR CONSIDERATION

To: The Honorable Mayor and Board of Commissioners

From: Snow Bowden, Town Manager

Date: March 7, 2024

Subject: ZT-2024-001

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

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

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

RD

Sec. 36-77. - Intent.

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

(Code 1977, § 9-4024.1)

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

The following are permitted principal uses and structures:

(1) Single-family dwellings.

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

(3) Family care home.

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

(5) Municipal facilities.

(6) Manufactured Class A homes on individual lots.

(7) Customary home occupations.

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

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

10) Public facilities.



TOWN OF ERWIN

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03/07/2024

ZT-2024-001 Memorandum

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

Rezoning Description

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

Property Description

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

Findings of Fact

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

Regards,

Dylan Eure
Town Planner

24-2024-001

Planning Board - 2/19/24

Commissioners - 3/7/24

Revised 9-19-2014



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

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

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

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

Zoning change requested from R-15 to RD

If Conditional District, note conditions: _____

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

Property owner(s) of area requested and address(es)
DONNIE CARL HAMILTON & BECKY P HAMILTON 687 HOG HEAVEN LN DUNN NC 28334-7146

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

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

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

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

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

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

SREMC – Hamilton Property – Rezoning Application

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

(properties within 100 feet of proposed rezoning area)

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

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

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

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

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

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

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

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

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

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

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

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

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



Location: R:\South River\slings\erwin Substation\CAD Files\SD-Schematic Design\REZONING-ERWIN-SUBSTATION.dwg Last Saved By: sflm Last Saved Date: 1/19/2024 1:07 PM Plot Date: 1/24/2024

#	Revision	Date






South River Electric
 Membership Corporation
 A Touchstone Energy Cooperative

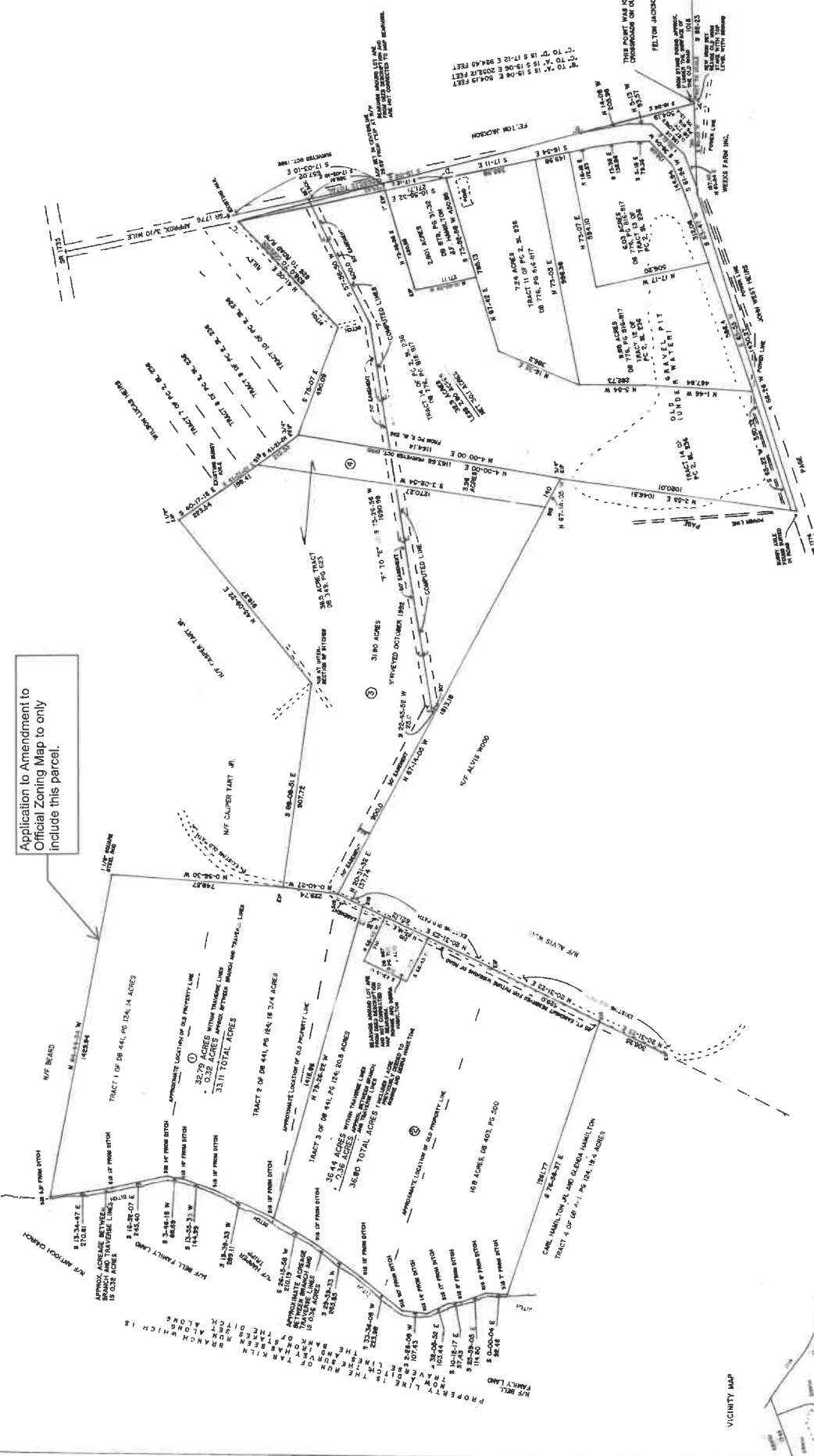
NOTES:

1. THE PROPERTY SHOWN HEREON IS SUBJECT TO ALL EASEMENTS OF RECORD AFFECTING SAME.
2. THIS DRAWING IS NOT INTENDED TO DEPICT ALL PHYSICAL CHARACTERISTICS, UTILITIES, TOPOGRAPHICAL INFORMATION, ETC. OF THE AREA SHOWN.
3. THIS MAP IS NOT A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENTAL AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS.

Date: 1/24/2024
 Drawn By: SPF
 Approved: GSB
 Job No.: 8-317B
 ADJACENT PROPERTY OWNER:
SOUTH RIVER ELECTRIC
MEMBERSHIP CORPORATION
 ADJACENT PROPERTY OWNERS
 FOR REZONING APPLICATION OF THE
DONNIE CARL HAMILTON PROPERTY

 115 OAKLAND AVE., STE. 102
 ROCK HILL, SC 29730
 TEL: 704.372.6673
 N.C. FIRM NO. F-0429
R1.00

Application to Amendment to Official Zoning Map to only include this parcel.



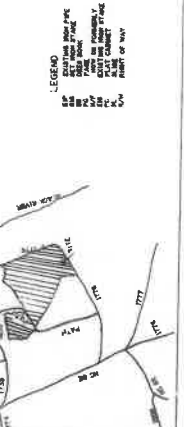
NORTH FROM PLAT OF 23. AND 40. HALLIE WEA TANT LAND THAT IS RECORDED IN PLAT CABINET 2, BLK 226, HARRITT CO. REG.

CARL HAMILTON JR. AND WIFE
GLENDA M. HAMILTON
OCTOBER 25 1892 1 INCH = 200 FEET
DAKE TOWNSHIP HARRITT COUNTY

TRACTS 1, 2, AND 3 WERE SURVEYED IN OCTOBER 1892. INFORMATION IS FROM A MAP TITLED 'LAND BELONGING TO MARY TANT LAND AND DAUGHTER OF THE HARRITT COUNTY NEARBY, CABINET 2, SIDE 758. RECORDED IN HARRITT COUNTY REGISTER, HARRITT COUNTY REGISTER, LOT 29. IN RECORDED BOOK 774 AT PAGE 81. HARRITT COUNTY REGISTER, BOOK 348, PAGE 603. HARRITT COUNTY REGISTER, BOOK 348, PAGE 603. HARRITT COUNTY REGISTER, BOOK 348, PAGE 603.

PLAT OF 23. AND 40. HALLIE WEA TANT LAND THAT IS RECORDED IN PLAT CABINET 2, BLK 226, HARRITT CO. REG. THIS POINT WAS KNOWN AS POWER'S CORNER OF OLDER MAP.

LEGEND
1/8" = 200 FEET
1/4" = 400 FEET
1/2" = 800 FEET
3/4" = 1200 FEET
1" = 1600 FEET



FOR REGISTRATION
 Kimberly S. Harpove
 REGISTER OF DEEDS
 Harnett County, NC
 2017 FEB 16 09:48:28 AM
 BK: 348 PG: 348-351
 FEE: \$26.00
 INSTRUMENT # 2017002341

TWISTER



HARNETT COUNTY TAX ID#

12-0595-0001-01

rlh

2-14-17 BY SJZ

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

NORTH CAROLINA)
) DEED
 HARNETT COUNTY)

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

WITNESSETH:

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

Highlighted text references HAMILTON JR. CARL 10 29 92 PLAT provided.

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

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

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

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

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

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

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

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

No title search was performed

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

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

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

 (SEAL)
Donnie Carl Hamilton

NORTH CAROLINA

HARNETT COUNTY

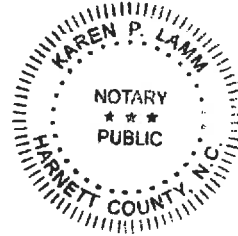
I, Karen P. Lamm, a Notary Public for said County and State, certify that Donnie Carl Hamilton personally appeared before me this day and acknowledged the execution of the foregoing instrument.

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



Notary Public

My Commission Expires: September 21, 2020





**REZONING MAP REQUEST
STAFF REPORT**

Case: ZT-2024-001

Dylan Eure, Town Planner

deure@erwin-nc.org

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

Planning Board: 2/19/2024 Town Commissioners: 03/07/2024

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

Applicant Information

Owner of Record:

Name: Carl & Becky Hamilton

Address: 687 Hog Heaven Ln

City/State/Zip: Dunn, NC 28334

Applicant:

Name: Carl & Becky Hamilton

Address: 687 Hog Heaven Ln

City/State/Zip: Dunn, NC 28334

Property Description

Harnett County Tax Pin #1506-15-0948

Vicinity Map

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

Physical Characteristics

Site Description:

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

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

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

Services Available

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

Staff Evaluation

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

Staff Evaluation

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

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

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

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

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

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

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

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

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

Statement of Consistency

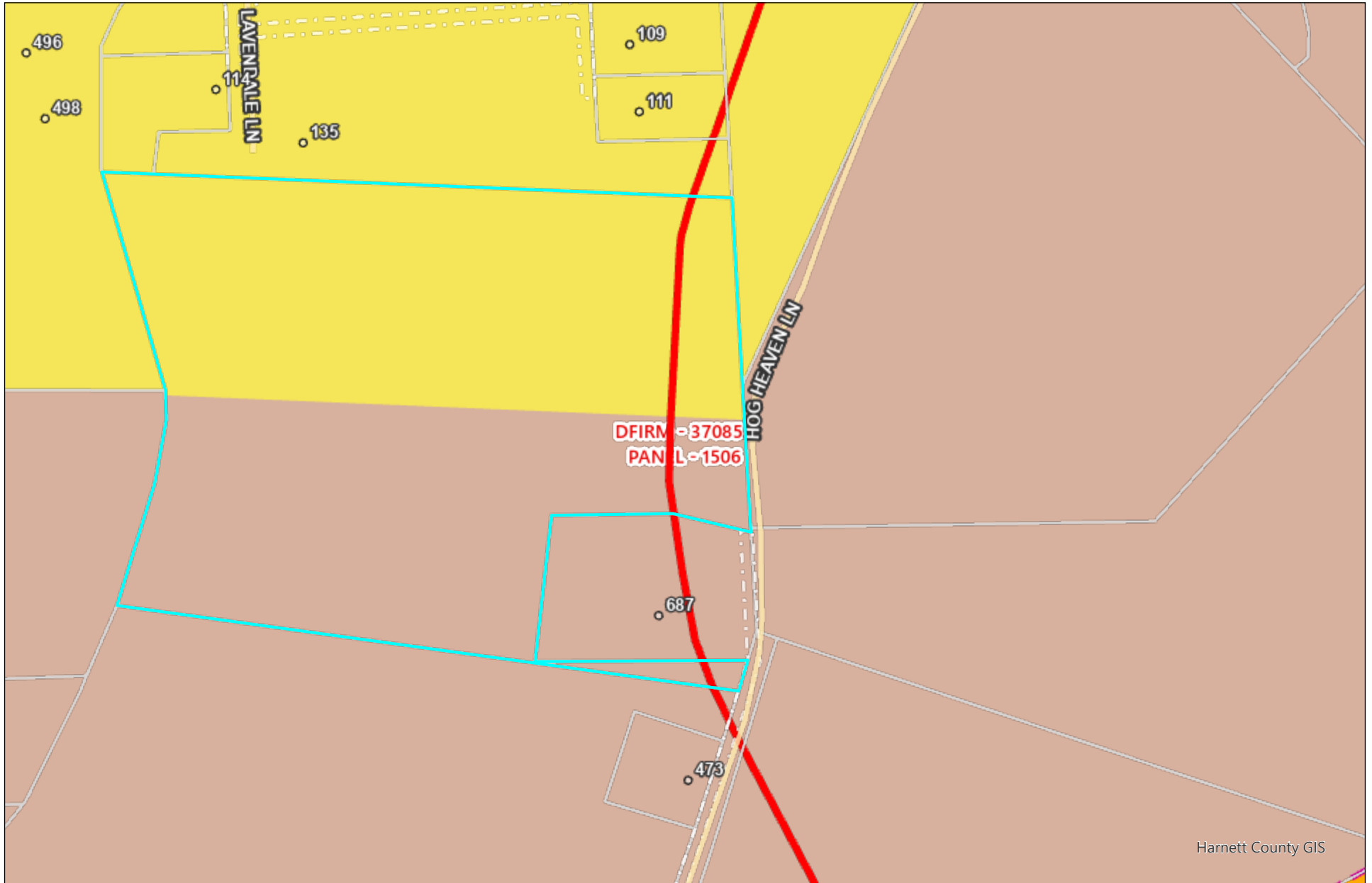
The requested rezoning from being split zoned with R-15 and RD to entirely with RD classification is compatible with all of the Town of Erwin’s regulatory documents. According to Erwin’s 2023 Land Use Plan and Erwin’s Code of Ordinances the uses defined within the RD zoning classification would best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

Attachments:

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

Harnett GIS

NOT FOR LEGAL USE

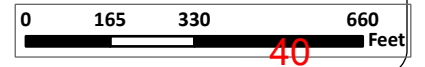
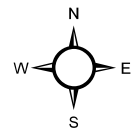


Harnett County GIS



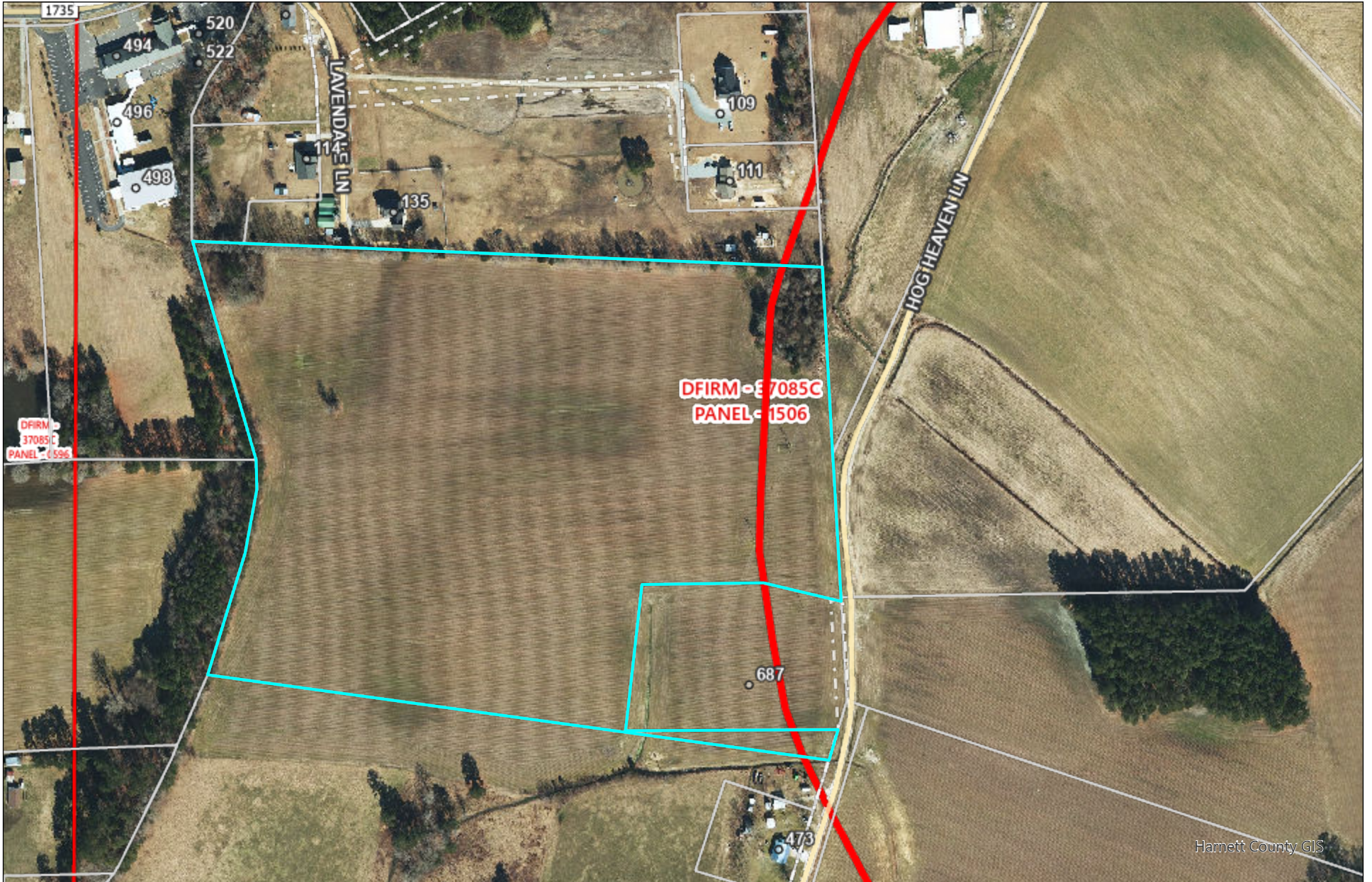
GIS/E-911 Addressing
January 24, 2024

- | | | | |
|-----------------|------------------|-------------------------|--------------|
| Flood Map Index | Easements | Watershed HUC12 | RD |
| County Boundary | Other | Zoning Districts | ETJ Boundary |
| Address Numbers | Parcels | R15 | |
| RoadCenterlines | Watershed HUC8 | RA-30 | |



Harnett GIS

NOT FOR LEGAL USE



Harnett County GIS

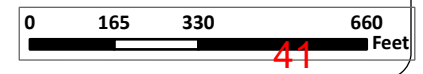
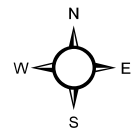


GIS/E-911 Addressing
January 24, 2024

- Flood Map Index
- County Boundary
- Address Numbers
- 6 - 36

- Road Centerlines
- Easements**
- Other
- Parcels
- Watershed HUC8

- Watershed HUC12



John Smith Jr
1174 Old Hamilton Rd
Dunn, NC 28334

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

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

Kevin Jacob Lee
383 Hinson Rd
Dunn, NC 28334

Edwin Frankie Harant
111 Lavendale Ln
Dunn, NC 28334

Robert & Melody Jenkins
114 Lavendale Ln
Dunn, NC 28334

Shirley B Matthews
2016 Rice Rd
Sanford, NC 27330

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

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

Sharon & Stephen Lewis
1057 Hudsonstown Rd
Dunn, NC 28334

Anchor Properties of Raleigh
503 Wrennstone Ct
Apex, NC 27529

Larry & Roxanne Baird
135 Lavendale Ln
Dunn, NC 28334

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



TOWN OF ERWIN

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

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

2/23/2024

Notice of a Public Hearing ZT-2024-001

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

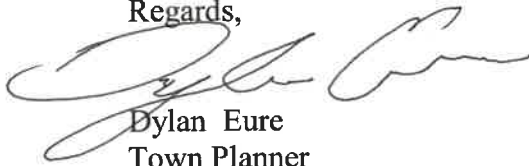
There has been a zoning map amendment application submitted to the Town. The rezoning request includes a single parcel of land that are listed below:

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

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

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

Regards,



Dylan Eure
Town Planner

NOTICE OF PUBLIC HEARING

The Town of Erwin Board of Commissioners will conduct a Public Hearing on the following item pursuant to NC General Statute 160D-406, on Thursday, March 7, 2024, at 7:00 P.M. in the Erwin Municipal Building Board Room located at 100 West F Street, Erwin, NC 28339. Questions can be addressed to the Town Manager Snow Bowden at 910-591-4200 or by email at townmanager@erwin-nc.org.

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

This case is available for review at the Erwin Town Hall. All persons desiring to be heard either for or against the proposed items set forth above are requested to be present at the ~~the~~ ⁴⁴ above-mentioned time and place.

2/20,27/2024


ZT-2024-001

Statement-of-Consistency

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



Joshua Schmieding
Chairman



Lauren Evans
Town Clerk

ZT-2024-001

Statement-of-Consistency

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

Randy Baker
Mayor

Lauren Evans
Town Clerk

ZT-2024-001

Statement-of-Inconsistency

The requested rezoning from being split zoned with R-15 and RD to entirely with RD classification 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 the uses defined within the RD zoning classification would not best serve the above-stated parcel. It is recommended that this rezoning request be **Not Approved**.

Randy Baker
Mayor

Lauren Evans
Town Clerk



TOWN OF ERWIN

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

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

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

B3480 - P348

HARNETT COUNTY TAX ID#
12-0395-0001-01
2-14-17 BY [Signature]

FOR REGISTRATION
KIMBERLY HARNETT
RECORDER HARNETT COUNTY
2017 FEB 16 09:46:35 AM
BK: 3480 PL: 348-351
INSTRUMENT # 2017002341



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

NORTH CAROLINA)
HARNETT COUNTY) DEED

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

WITNESSETH:

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

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

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

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

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

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

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

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

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

No title search was performed

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

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

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

Donnie Carl Hamilton (SEAL)
Donnie Carl Hamilton

NORTH CAROLINA
HARNETT COUNTY

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

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


Notary Public
My Commission Expires: September 21, 2020



Adopted this the 7th day of March 2024.

Randy Baker,
Mayor

ATTEST:

Lauren Evans, NCCMC
Town Clerk

Erwin Board of Commissioners

REQUEST FOR CONSIDERATION

To: The Honorable Mayor and Board of Commissioners

From: Snow Bowden, Town Manager

Date: March 7, 2024

Subject: Golf Course R-15 Permitted Use Text Amendment

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

Proposed permitted uses to be added to R-15:

- Golf courses

Proposed definition of a golf course:

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



TOWN OF ERWIN

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William R. Turnage

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

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

Sec. 36-34 – Definitions.

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

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

The following are permitted uses and structures:

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

WHEREAS, the Town of Erwin wishes to amend the current language of the same and add dictation to Section 36-34 Definitions in order to better reflect the desired development within the Town's Planning Jurisdiction; and

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

Sec. 36-34 – Definitions.

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

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

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

The following are permitted uses and structures:

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

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Erwin, North Carolina that the current language as herein found with respect to Section 36-34 Definitions and Section 36-115 Permitted Uses and Structures of the Town Code is stricken where indicated by strikethrough lines and includes such language as herein indicated by bold print.

Adopted this 7th day of March 2024.

ATTEST:

Randy Baker
Mayor

Lauren Evans, NCCMC
Town Clerk

Erwin Board of Commissioners

REQUEST FOR CONSIDERATION

To: The Honorable Mayor and Board of Commissioners

From: Snow Bowden, Town Manager

Date: March 7, 2024

Subject: R.O.W Maintenance Text Amendment

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

Current language:

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

Proposed language:

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



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ORDINANCE OF THE TOWN OF ERWIN, NORTH CAROLINA AMENDING ARTICLE IV. – WEEDS, HEDGES, TALL GRASS AND OTHER VEGETATION: SECTION 12-92- DEFINITIONS ORD 2023-2024: 007

WHEREAS, the current language of Article IV. – Weeds, Hedges, Tall Grass
And Other Vegetation: Section 12-92. - Definitions reads:

ARTICLE IV. - WEEDS, HEDGES, TALL GRASS AND OTHER VEGETATION

Sec. 12-92. - Definitions.

Weeds and nuisance vegetation under this article shall include the following which may occur on any lot within the corporate limits of the town:

- (1) Weeds or vegetation allowed to grow to a height greater than 12 inches on the average, or any accumulation of dead weeds, grass or brush, on any lot regardless of size and whether developed or undeveloped, or on any occupied or unoccupied lot or land less than one acre in area excluding wooded areas, that may provide safe harborage for rats, mice, snakes, and other vermin;
- (2) Any dead, diseased, infested or dying tree or shrub on any property so near to a street, public right-of-way or a public utility easement as to constitute a danger to street trees, public utility services' streets, sidewalks, vehicle travel, persons or property other than that of the owner of the tree;
- (3) Vegetation which creates a nuisance by its existence (i.e., poison ivy, kudzu);
- (4) Dead or dying trees or plants which may cause a hazardous situation if they fall;
- (5) Vines or climbing plants growing into or over any street tree, fire hydrant, pole, utility wire or electrolier;
- (6) Branches, roots, trees, shrubs or foliage that interfere with visibility on, illumination of, or the free, safe, or undamaged use of, or access to or along any portion of any public street or sidewalk;
- (7) Hedges or dense, thorny shrubs extending into the public right-of-way;
- (8) Branches of trees that extend within eight vertical feet from any portion of a public sidewalk or within 14 vertical feet from any portion of a public street.

WHEREAS, the Town of Erwin wishes to amend the current language of the same and add dictation to Section 36-34 Definitions in order to better reflect the desired development within the Town's Planning Jurisdiction; and

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

ARTICLE IV. - WEEDS, HEDGES, TALL GRASS AND OTHER VEGETATION

Sec. 12-92. - Definitions.

Weeds and nuisance vegetation under this article shall include the following which may occur on any lot within the corporate limits of the town:

- (1) Weeds or vegetation allowed to grow to a height greater than 12 inches on the average, or any accumulation of dead weeds, grass or brush, on any lot regardless of size and whether developed or undeveloped, or on any occupied or unoccupied lot or land less than one acre in area excluding wooded areas, that may provide safe harborage for rats, mice, snakes, and other vermin;
- (2) Any dead, diseased, infested or dying tree or shrub on any property so near to a street, public right-of-way or a public utility easement as to constitute a danger to street trees, public utility services' streets, sidewalks, vehicle travel, persons or property other than that of the owner of the tree;
- (3) Vegetation which creates a nuisance by its existence (i.e., poison ivy, kudzu);
- (4) Dead or dying trees or plants which may cause a hazardous situation if they fall;
- (5) Vines or climbing plants growing into or over any street tree, fire hydrant, pole, utility wire or electrolier;
- (6) Branches, roots, trees, shrubs or foliage that interfere with visibility on, illumination of, or the free, safe, or undamaged use of, or access to or along any portion of any public street or sidewalk;
- (7) ~~Hedges or dense, thorny shrubs extending into the public right of way;~~
Hedges, dense thorny shrubs, weeds, grass, brush, poisonous vegetation or any other overgrown / dead vegetation as defined in items (1),(3), and (4) of Section 12-92. of this article extending into the public right-of-way to the edge of the street;
- (8) Branches of trees that extend within eight vertical feet from any portion of a public sidewalk or within 14 vertical feet from any portion of a public street.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Erwin, North Carolina that the current language as herein found with respect to Article IV. – Weeds, Hedges, Tall Grass And Other Vegetation: Section 12-92. - Definitions of the Town Code is stricken where indicated by strikethrough lines and include such language as herein indicated by bold print.

Adopted this 7th day of March 2024.

ATTEST:

Randy Baker
Mayor

Lauren Evans, NCCMC
Town Clerk

Erwin Board of Commissioners

REQUEST FOR CONSIDERATION

To: The Honorable Mayor and Board of Commissioners

From: Snow Bowden, Town Manager

Date: March 7, 2024

Subject: Bayles Street Extension Close

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

Attachments:

- NCGS 136-96
- Harnett County GIS image
- Intent to Close Resolution Adopted February 1, 2024

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

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

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

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

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

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

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

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

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

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

Harnett GIS

NOT FOR LEGAL USE

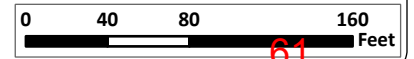
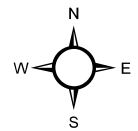


Harnett County GIS



GIS/E-911 Addressing
November 16, 2023

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



Ronald & Andrea Delease
612 Wondertown Dr
Erwin, NC 28339

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

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



TOWN OF ERWIN

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

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


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

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

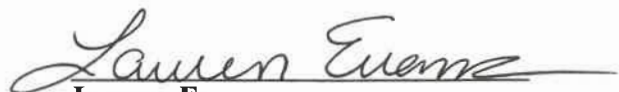
NOW THEREFORE BE IT RESOLVED, that it is the intent of the Erwin Town Board to permanently close undeveloped section of Bayles Street as previously described, and it hereby establishes a public hearing to be held on March 7, 2024 at 7:00 p.m. in the Erwin Municipal Building Board Room; and,

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

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


Randy Baker
Mayor

ATTEST:


Lauren Evans
Town Clerk



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

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

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

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

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

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

Randy Baker
Mayor

ATTEST:

Lauren Evans, NCCMC
Town Clerk

Erwin Board of Commissioners

REQUEST FOR CONSIDERATION

To: The Honorable Mayor and Board of Commissioners

From: Snow Bowden, Town Manager

Date: March 7, 2024

Subject: Schedule Budget Retreat

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