

**THE ERWIN BOARD OF COMMISSIONERS
MAY 2024 REGULAR MEETING
THURSDAY, MAY 2, 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 Budget Workshop on March 21, 2024 **(Page 2)**
- B. Minutes Regular Workshop on March 25, 2024 **(Page 10)**
- C. Minutes Regular Meeting on April 4, 2024 **(Page 19)**
- D. Minutes Special Called Meeting on April 8, 2024 **(Page 25)**
- E. Al Woodall Municipal Park – Parking Lot Addition **(Page 30)**
- F. BOA-2024-06 **(Page 31)**

4. PUBLIC HEARING

- A. Penalty Text Amendment **(Page 32)**

5. OLD BUSINESS

- A. Accessory Dwelling Unit Text Amendment **(Page 39)**

6. 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

7. MANAGER’S REPORT

8. ATTORNEY’S REPORT

9. ADJOURNMENT

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

ERWIN BOARD OF COMMISSIONERS**BUDGET WORKSHOP MINUTES****MARCH 21, 2024****ERWIN, NORTH CAROLINA**

The Board of Commissioners for the Town of Erwin with Mayor Baker presiding held its Annual Budget Workshop for FY 2024-2025 in the Erwin Municipal Building Board Room on Thursday, March 21, 2024, at 9:00 A.M. in Erwin, North Carolina.

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

Board Member absent was Commissioner Timothy Marbell.

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

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

Commissioner Byrd gave the invocation.

Town Clerk Lauren Evans led the Pledge of Allegiance.

AGENDA ADJUSTMENT/APPROVAL OF AGENDA

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

Commissioner David Nelson arrived at 9:03 A.M.

DISCUSSION OF PROPOSED FY 2024-2025 BUDGET

Town Manager Snow Bowden provided the Board with some key points about the proposed budget for the new fiscal year:

- Final transfer of our American Rescue Plan Funds- \$91,409
- Some of the revenue line items might have to be adjusted based on further research. He was a little worried about our sales tax revenues in the upcoming Fiscal Year.
- Estimated 15% increase in health care costs- \$566 per month for each employee/retiree(s) on the health plan.
- Estimated 15% increase in our property, liability, and workers compensation coverage- \$93,500. We have not had many claims this year so he hoped that it would not go up this much but insurance rates were going up across the board.

MINUTES CONTINUED FROM MARCH 21, 2024

- We still did not know what all our software costs would be next year so he estimated a slight increase to \$10,000.
- Retirement rates increased:
 - Law Enforcement- from 14.10% to 15.04%
 - Regular employees from 12.93% to 13.63%
- He planned to figure out a way to include some sort of COLA in the next proposal. Once he had a better idea of where our other insurance cost(s) stood, he would be able to plan for pay increases. One thing he asked the Board to keep in mind was that pay increases also increased costs for retirement, 401K, Christmas bonus, and insurance costs. It was not as simple as just increasing salaries but we could not operate without our employees.
- Priebe Fund updates
 - He created line items in the operating budget for these revenues and expenditures. He was hopeful that this change would address our auditor's concerns.
- We were still working with Harnett County in regard to the contract that we had with them to provide our Animal Control services.
- This was the third year in the library consolidation process so we would not have a payment to make to Harnett County this year for that service. We would still have utility costs and maintenance costs for the building that were billed in our non-departmental budget.
- The company that provided trash and recycling collections in Erwin (GFL Environmental) planned to increase their rates for pick-up
 - Trash collection-\$7.14 per month per can- increased to \$7.92 per month per can
 - Recycling collection- \$2.76 per month per can increased to \$3.05 per month per can
- We had applied for a grant that we hoped would help cover the cost(s) for bodycams and the lease payment this year.
- We had a proposal from a local company that maintained the NCDOT ROW. The fee would be \$39,600 to have HWY 421 maintained for the year. If we moved forward with this proposal, we would not need to get a new tractor at a cost of \$240,000. Erwin Public Works Staff would still maintain the other NCDOT ROWs in Town and still have plenty to maintain. This would also address safety concerns that had been raised to management.
- Items to consider- Potential transfer of monies from Community Enhancement Fund:
 - New Christmas Decorations- \$30,000
 - Parking lot improvements at W.N. Porter Park (parking lot off of 13th Street)
 - Outdoor improvements at Erwin Public Works
 - Improvements at Al Woodall Park

Governing Board

Town Manager Snow Bowden informed the Board that no funds were needed for Elections this year. He allocated \$1,500 for the Shop with a First Responder Event.

Commissioner Blackmon expressed the need to look at salaries for our employees. He stated multiple line items were doubled in this proposed budget without explanation and he wanted to see our employees taken care of.

MINUTES CONTINUED FROM MARCH 21, 2024**Administration**

Town Manager Snow Bowden stated he would adjust the salaries. He included an increase in retirement and was considering increasing the line item for equipment to get new computers for Administration Employees.

Non-Departmental

Mayor Baker inquired why no funds were proposed for the Depot. Something had to be done this year. The Board needed to come together for one vision, one plan. The residents are tired of seeing no advancement.

Commissioner Byrd stated we needed to tear the Depot down. The Town had enough funds to tear it down then we could discuss what we wanted to put there.

The Board discussed using Community Enhancement Funds to tear down the Depot to the foundation and salvage what we could.

The consensus of the Board was to schedule a Special Called Workshop on Monday, April 8th, at 9 AM to discuss the Depot and give Town Staff directions on how to move forward with the project.

Commissioner Blackmon inquired about the \$6,000 for the catered Christmas Lunch.

Town Manager Snow Bowden clarified that the \$6,000 covered the catering, desserts, decorations, and door prizes.

The Board asked Town Manager Snow Bowden to remove "Catered" from the line item title.

Planning

Town Manager Snow Bowden stated there were no new employees for this Department. He proposed increasing the line items for contracted services and advertising. He also proposed an increase in training for Code Enforcement Officer Chris Jones to be certified for Building Inspections and to give Town Planner Dylan Eure more training.

Commissioner Blackmon stated that Code Enforcement Officer Chris Jones should be performing condemnations.

The Board discussed reviewing the Minimum Housing Code.

Powell Bill

Town Manager Snow Bowden stated there were no changes to the Powell Bill budget.

MINUTES CONTINUED FROM MARCH 21, 2024**Police**

Town Manager Snow Bowden informed the Board that one thing he did not include in the Proposed Budget but wanted to talk to the Board about was purchasing license plate readers. Cameras are not as accurate and the license plate readers would be an asset to the Police Department.

The Consensus of the Board was to include the license plate readers in the budget.

Commissioner Byrd inquired about the age of the weapons for replacement under Capital Outlay.

Town Manager Snow Bowden stated he was unsure of the exact year but the weapons were old.

Mayor Baker inquired about whether the Cadet Program was funded in the Proposed Budget.

Town Manager Snow Bowden stated that the cadet program would fall under the salaries and health insurance benefits.

Commissioner Blackmon expressed his concern for the 2011 Ford Crown Vic.

Town Manager Snow Bowden stated he felt that we could get by this year with replacing a vehicle but it was always something we could revisit if needed.

Fire

Mayor Baker asked where we were in the process of bringing the Full-Time Fire Department employees on as Town Employees.

Town Manager Snow Bowden stated that he was waiting to hear back from Board Chairman Brian Gurkin.

Commissioner Blackmon stated that both Attorneys had the contracts.

EPW Admin

Town Manager Snow Bowden stated he included funds in the Proposed Budget to do some upgrades to the Public Works Building.

The Board discussed moving the Public Works Building but for this fiscal year, we needed to fund a new fence around their building. The Public Works Building is the first thing you see when people come into Town.

Mayor Baker inquired about how much money we receive from Cloudwyze for renting the property next time Public Works.

Finance Director Linda Williams stated that we received \$500 a month.

MINUTES CONTINUED FROM MARCH 21, 2024

EPW Streets

Town Manager Snow Bowden stated he had been asked by the Public Works Department to look into contracting out cutting HWY 421 due to the severe safety concerns for our employees. The estimated cost would be \$39,000, we receive \$13,000 from DOT for maintaining the grass.

Commissioner Blackmon clarified that the Public Works Department can still cut 217 with the equipment they have.

Town Manager Snow Bowden stated he believed so but would verify with Public Works Director Mark Byrd.

Commissioner Blackmon stated it was a problem for us to pay a company \$39,000 and we were only paid \$13,000 for DOT.

The consensus of the Board was for Town Manager Snow Bowden to put out bids for a fully insured company to cut 421 every other week.

Commissioner McKoy arrived at 10:37 A.M.

Mayor Baker inquired about where the remaining \$91,000 ARP funds were in the budget.

Town Manager Snow Bowden stated they were in General Operations.

Commissioner Blackmon stated the ARP funds needed to be used toward Capital Purchases.

The Board instructed Town Staff to purchase additional Christmas lights to go down Denim Drive.

EPW Sanitation

Town Manager Snow Bowden stated that there were no big changes in Sanitation. We will be putting out bids for Trash Services next year.

The Board discussed exploring the cost and need of bringing trash back in-house. The Board instructed Town Manager Snow Bowden to look into the cost and details of purchasing the needed trucks and hiring the needed employees this year so we have the information ready at budget time next year.

EPW Storm Water

Mayor Baker stated he had multiple people ask him where their money for Storm Water was going.

The Board discussed using \$485,000 for mitigation.

Commissioner Byrd stated we needed to get one quote and fix the problem.

MINUTES CONTINUED FROM MARCH 21, 2024

Commissioner Blackmon asked what Public Works Director Mark Byrd needed to fix the Storm Water issues. Did he need another employee or specific equipment? He inquired why the upgraded Sewer Washer under Capital Outlay had a line through it. Was that equipment needed? He stated in the past we have fixed the problems with the money we had but going forward, we need to look at the problems we have and then find the funding to fix the problems. If it takes a tax increase then that is what we need to do to have the level of service we want to provide.

The Board discussed putting a plan together and reaching out to our State Representatives if needed.

Mayor Baker stated we have to stop dragging our feet when it comes to addressing our problems around Town because next year, we will have another whole list of problems.

Town Manager Snow Bowden stated he would discuss Public Works Director Mark Byrd's needs with him and have a definite answer at the next Budget Workshop.

Recreation

Town Manager Snow Bowden stated there were some minor increases in equipment costs and operating costs. He did not include funding in this proposal but Recreation Director Doug Steven did request funding to make improvements to the shop at Al Woodall Park. He had also been looking at programs to build a new gym. The bids were coming in the following week for the new parking lot and once we see how much that will cost, we can put the remaining money towards other projects at the park.

Mayor Baker inquired about the deadlines for the grant funding.

Town Manager Snow Bowden stated we had not received a hard date for the Economic Development or Park Grants but the Community Building grant had to be spent by 2026.

Library

Town Manager Snow Bowden stated our only financial responsibility for the Library going forward was the upkeep of the Building and insurance. We were saving roughly \$50,000 a year that we could now allocate elsewhere. We may need to consider updating the infrastructure in the future.

Mayor Baker stated if we needed to borrow any money for projects, we could use the freed-up funding from the library to go towards a debt service payment.

Commissioner Blackmon stated he would rather use the freed-up money to go toward our employees.

MINUTES CONTINUED FROM MARCH 21, 2024**Community Building**

Mayor Baker stated we were spending \$18,000 a year on the Community Building and we will be getting the bathrooms fixed this year.

Commissioner Blackmon inquired about the \$9,150 allocated in the budget last year but not allocated in this proposed budget.

Town Manager stated that funding was to replace the HVAC unit.

Mayor Baker stated the Community Building was embarrassing. We needed to look into some mitigation techniques and we needed to repaint the walls.

Commissioner Blackmon recommended putting some grading to catch the water and move it out to the street.

Commissioner Byrd left at 11:29 A.M.

Goals for FY 2024-2025

- Town Manager Snow Bowden will reach back out to the owner of the property next to Al Woodall Park to see if she would be willing to sell the property. We need land to expand Al Woodall Park.
- Spend more time cleaning up the Town.
 - Give Code Enforcement Officer Chris Jones what he needs to do his job then when he has exhausted all of his resources, Town Attorney Tim Morris will need to do his job.
- Wayfinding signs need to be replaced or updated around Town.
- Bring Building Inspections back in-house.
- We need to put a barrier along the ditch at Porter Park.
- Fund a pay study and increase salaries for all employees

Commissioner Blackmon stated we needed a plan in place to get all Departments' salaries up to par. Whether we increase every Department's salaries all at one time or half of the Departments this year and the other half next year. We needed to look at the Departments with the move turnover and do everything we could to not lose our employees.

The Board recessed for lunch at 12:00 P.M. and reconvened at 12:49 P.M.

DISCUSSION OF CURRENT FY 2023-2024 BUDGET

Town Manager Snow Bowden reported that our current budget was in good shape. Revenues were where they needed to be.

MINUTES CONTINUED FROM MARCH 21, 2024**CLOSED SESSION**

Commissioner McKoy made a motion to go into Closed Session Pursuant to General Statute 143-318.11(a) (6) for the Purpose of Discussing Personnel at 1:00 P.M. and was seconded by Commissioner Nelson. **The Board voted unanimously.**

RECONVENED

Commissioner Turnage made a motion to go back to regular session at 1:15 P.M. and was seconded by Commissioner Nelson. **The Board voted unanimously.**

ADJOURNMENT

Commissioner Nelson made a motion to adjourn at 1:18 P.M. and was seconded by Commissioner Turnage. **The Board voted unanimously.**

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

ATTEST:

Randy Baker
Mayor

Lauren Evans, NCCMC
Town Clerk

ERWIN BOARD OF COMMISSIONERS

REGULAR WORKSHOP MINUTES

MARCH 25, 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, March 25, 2024, at 6:00 P.M. in Erwin, North Carolina.

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

The Board Member absent was: Mayor Pro Tem Ricky Blackmon.

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

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

Commissioner Byrd led the Pledge of Allegiance.

Commissioner Nelson gave the invocation.

AGENDA ADJUSTMENT/APPROVAL OF AGENDA

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

NEW BUSINESS

2023-2024 Resurfacing Bids

Town Engineer Bill Dreitzler presented the submitted bids for the 2023-2024 Street Resurfacing, for North 16th Street, Duke Street, and portions of North 11th Street. There were three bids received. Highland Paving Company submitted a bid of \$116,250.00, Johnson Brothers Utility & Paving submitted a bid of \$107,474.00, and Barnhill Contracting Company submitted a bid of \$175,500.00.

Town Engineer Bill Dreitzler had budgeted, based upon the previous three years pricing, the amount of \$153,500.00.

Based upon the bids received, Town Engineer Bill Dreitzler recommends going forward with the selection of Johnson Brothers Utility & Paving for the award of this contract.

The consensus of the Board was to place the award for Johnson Brothers Utility & Paving under Consent on the agenda for our Regularly Scheduled Meeting in April.

MINUTES CONTINUED FROM MARCH 25, 2024**West K Street**

Town Engineer Bill Dreitzler stated that at the last meeting, he had recommended that the Town look at the tunneling option for the repairs on West K Street. This would help protect the water lines as well as the City of Dunn's water lines. Once he had spoken with Gradient, there were some additional requirements.

The original contract with Gradient was for the amount of \$45,115.00. To date, the Town has been billed for \$37,958.00, which puts the project at about 90% complete. The few tasks remaining on the open cut version of the repair would be the handling of the Harnett Regional Water lines and the City of Dunn water lines.

Town Engineer Bill Dreitzler stated that he is changing his recommendation on the open cut versus tunneling. He doesn't see spending another \$20,000.00 to this project, outside of additional engineering costs, as well as adding another 6-8 weeks to have another set of plans for the tunneling option. The new recommendation would be to continue with the open cut.

Mayor Baker asked for clarification on the tunneling versus the open cut. Mr. Dreitzler clarified that the difference was the cost, as well as an additional \$20,000.00 in engineering costs, as well as the length of time before plans would be in hand to go to bid.

The consensus of the Board was to approve Town Engineer Bill Dreitzler's recommendation to move forward with the open cut design in accordance with the original contract, and place this item under Consent for our Regularly Scheduled Meeting in April.

BOA 2024-05

The proposed Budget Amendment will take excess funds from our interest-earned line item to cover the costs of replacing a lawnmower in the Recreation Department.

The consensus of the Board was to add this Budget Amendment under Consent on the agenda for our Regularly Scheduled meeting in April.

SRO Reimbursement Agreement Amendment

Town Manager Snow Bowden presented SRO Agreement Amendments. One is an update to the current MOU with Harnett County. The update would allow for complete reimbursement for the budgeted amount for our SRO. It would also allow for a 3% increase in the allotted reimbursement amount at the start of each Fiscal Year. In the original agreement, the maximum amount was \$65,812.00

Additionally, we received an amendment that has been approved by Harnett County to provide a one-time \$5,000.00 bonus to our current SRO. This is in line with the bonus that the SRO's with Harnett County have received.

MINUTES CONTINUED FROM MARCH 25, 2024

Mayor Baker asked if the SRO would directly receive the bonus.

Town Manager Snow Bowden clarified that the money would come to the Town and would be paid through payroll. We would need to do a budget amendment, if approved, to approve the increase.

Commissioner Byrd asked if the entire amount of the \$74,000 comes to the Town.

Town Manager Snow Bowden explained that the amount covers the base salary, as well as any benefits, such as health insurance.

Commissioner Byrd asked if the SRO was at the school 100% of the time.

Town Manager Snow Bowden explained that when school is open, yes, but when school is not open, he is doing administrative tasks and helping cover additional police duties. This is the maximum amount that the county would reimburse us. We do submit invoices to Harnett County for the reimbursements. This is a great program that is a great benefit for the Town.

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

ARP Grant Project Ordinance

Town Manager Snow Bowden informed the Board that this item is a proposed amendment to the existing Grant Project Ordinance. Under the interim guideline rules, the Town purchased a new street sweeper for \$227,546.00. Under the final ruling, we have used all the additional revenues for revenue replacement. This is a standard change to be in compliance with the Federal guidelines.

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

Storm Water Grant Project Ordinance

Town Manager Snow Bowden informed the Board that this Ordinance would be to adopt a budget for the project. The Town is still waiting to get a letter from the State with the intent of funds. The Grant is for \$500,000.00 but there are some changes to the amount, so the amount would be \$485,000.00, because that 1.5% does not cover administration costs. Once we get the letter of intent, the Town is planning to put out an RFQ to get an engineer to update the Stormwater Plan.

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

MINUTES CONTINUED FROM MARCH 25, 2024

Historical Bench Program

Town Manager Snow Bowden presented the proposed program to preserve the Town's history. There would be a committee that would be comprised of members from the Historical Society, Chamber of Commerce, Planning Board, Lions Club, a Town Resident, and a Town Staff member. The benches would be placed in various parts of the Town that have historical significance. The benches would be sponsored in honor of family members and residents of Erwin who have passed away. There would be a requirement for background checks to ensure the Town is being represented well.

Commissioner Byrd asked what the cost of the benches would be.

Town Manager Snow Bowden stated that the approximate cost would be around \$1200.00 per bench.

Mayor Baker stated that the benches would be covered by donation at no cost to the Town, other than the maintenance of the grass. He thinks it is a program that represents Town History and pride in Erwin. The Committee would have a pre-approved design for each area of historical significance, and then the donations would pay for that bench. The bench would have a small plaque next to it with the honoree's name on it.

Town Attorney Tim Morris said he recommends that there are specific guidelines for the membership of the committee, such as residency. He also said he supports the background checks.

Commissioner Turnage said he was approached by a resident who had been asking about placing a bench at the Rail Trail. He asked if we would have an issue with putting benches along the trail.

Town Manager Snow Bowden answered that because the Rail Trail is Harnett County property, we would have to have permission from them before placing the benches.

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

Community Building Renovation

Town Manager Snow Bowden stated that we've had a hard time getting bids for the Community Building Renovation. We've only gotten one quote for \$89,000.00. This would include taking out a wall in a closet, expanding the women's bathroom, and making the bathrooms ADA compliant. Our last bid was \$100,000.00, so this quote is better than expected and is within the budgeted amount.

Commissioner Byrd asked what all this quote includes.

Town Manager Snow Bowden said this would include tile, fixtures, paint, flooring, moving plumbing, lighting, and sinks.

Mayor Baker stated that this is grant funding we received from Representative Penny.

MINUTES CONTINUED FROM MARCH 25, 2024

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

Town Attorney Tim Morris exited the meeting at 6:18p.m.

Al Woodall Park Gym Roof

Town Manager Snow Bowden presented quotes to replace the existing metal roof with a new metal roof. The new roof will not have the skylights that are currently in place. We did only budget \$60,000.00 for this project, and will have to do a budget amendment to cover the additional costs.

NKS Contracting came in with a quote of \$79,851.59, and Pope Builders came in with a quote of \$73,750.00. Both builders are somewhat local and do good work.

Mayor Baker asked if the quotes cover the same items, since one is so detailed and one is pretty basic.

Town Manager Snow Bowden said he has been assured by Parks and Recreation Director Doug Stevens that the quotes cover the same items.

Commissioner Byrd stated he would like to see a comparison of the contractors and get a more detailed quote from Pope Builders.

The consensus of the Board was to bring this item back to the Workshop in June.

Red Hill Church Road Preliminary Plat

Town Planner Dylan Eure presented a proposed Major Subdivision off Red Hill Church Road, which would be within the Erwin ETJ. This is for Harnett County Tax PIN 1507-47-5272 and is for 12 SFD to be built. It will include a new NCDOT road being built and then turned over to NCDOT.

There would be a number of required improvements, such as soil and water erosion, construction of road standards, and Harnett Regional Water updates. Currently there are issues with water pressure in that area. The Fire Marshall requires 500gpm and the current readings are only at 404gpm. HRW has plans in place to upgrade to meet minimum requirements. The developer has stated that they are willing to make upgrades to meet those requirements as well.

Mayor Baker asked if the proposed plans meet or exceed our preliminary guidelines.

Town Planner Dylan Eure stated that yes, they do, and that they have a planned cul-de-sac for emergency services turnaround. This would have to meet NCDOT requirements.

Town Engineer Bill Dreitzler stated that NCDOT would review the plans for the roadway and once approved, would submit a letter of Roadway Design.

MINUTES CONTINUED FROM MARCH 25, 2024

Town Planner Dylan Eure stated that he would ensure that the letter is in hand before final approval.

Commissioner Marbell asked how many acres the property is.

Town Planner Dylan Eure answered that the size of the proposed development is 8.13 acres.

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

Accessory Dwelling Unit Text Amendment

Town Planner Dylan Eure presented this proposed text amendment based on a complaint that he and Town Code Enforcement Officer, Chris Jones, had received regarding an individual living in an accessory dwelling at 1600 Denim Drive. The proposed amendment would give the property owner some options for compliance.

Commissioner Byrd asked if this would be 1/3 acre lots.

Town Planner Dylan Eure confirmed that yes, they would be 1/3 acre lots.

There was discussion about specific lot sizes and building sizes among the Board while viewing examples of properties on GIS.

Mayor Baker said he would like to see double the ordinance requirements if we allow this amendment. He wants to ensure that the Board sees the entire picture of the implications of this Amendment, and pointed out that yes, we do call for it within the Land Use Plan.

Town Planner Dylan Eure pointed out that North Carolina House Bill 409, which is currently in the House, is very restrictive on how municipalities can regulate Accessory Dwelling Units. Setbacks would really be the only way to enforce restrictions if that bill passes.

Multiple Commissioners expressed concern for the potential issues this could cause for the Town. Some of the specific concerns were that with small lots, the Town would be overrun with this type of housing stock. There are lots that would be able to be split, then add 4 of these types of dwellings.

Mayor Baker pointed out that the Land Use Plan specifies certain districts and by design criteria and setbacks, specifically the Mill Village. He then asked if the Planning Board had any other comments or concerns regarding this Amendment.

Town Planner Dylan Eure stated that they had some discussion, the applicant, Rickey Davis, had come and spoke on behalf of the amendment, and the Planning Board recommended the approval with no further changes.

Mayor Baker asked if they had any discussion similar to the discussion this evening among the Commissioners.

Town Planner Dylan Eure stated that they did not, it was mostly Mr. Davis speaking, and limited discussion.

MINUTES CONTINUED FROM MARCH 25, 2024

Commissioner Byrd asked if the Planning Board was for this plan and what the views they had were.

Town Planner Dylan Eure confirmed that they were, yes. There was a lot of back and forth between the applicant and the Planning Board, especially the reasoning for the request. This includes the applicant being told by the bank that holds his mortgage telling the applicant that he was able to have the ADU.

This item will be on the agenda under Public Hearing for the Regularly Scheduled Board Meeting in April to allow for public comment. Additional guidelines will be added and the topic will be visited at the April Workshop.

ZT-2024-003 Highway 421 Overlay

Town Planner Dylan Eure presented this proposed Overlay to the Board. This Overlay District would be an additional zoning layer that would require additional regulations for all non-residential and non-religious institutions that may develop or expand in the future. This is in line with the 2023 Erwin Land Use Plan, under LUH 7, to set the standard for positive growth within the Town.

Mayor Baker said that he has stated the need for this for several years. He believes the 600ft could be decreased slightly, especially for those parcels that aren't abutting the direct 421 Corridor. This should be a growth planning tool for quality development. Looking forward, protecting the Town of Erwin, this follows the trend. Mayor Baker said that this would be something to have a lot of public input on. We need to ensure that everyone understands that this makes no changes to residential and existing businesses. This would only affect future growth that comes in.

Town Manager Snow Bowden stated that we would advertise for a public hearing and have an Open House to allow residents and business owners an opportunity to ask questions, and that this would be a lengthy process that involves a few months.

The consensus of the Board was to have Town Staff schedule an Open House for the citizens and affected property owners to be able to see the proposed Overlay District and provide feedback, and revisit for a Public Hearing and decision in a few months.

Penalty Text Amendment

Town Planner Dylan Eure presented this proposed text amendment to allow for more effective enforcement of the Town Ordinances. The amended diction would allow for a penalty ranging from \$50.00- \$500.00 per day, based on a penalty schedule.

Mayor Baker asked what the time frame would be for compliance from the initial notice of violation.

MINUTES CONTINUED FROM MARCH 25, 2024

Town Planner Dylan Eure responded that this is typically handled by the Code Enforcement Officer Chris Jones, and that he usually tries to have a conversation in good faith with the property owner to remedy the situation before having to issue an official notification.

Mayor Baker stated that this is somewhat objective because there isn't a laid out timeframe. Harnett County specifies a timeframe for each type of violation. We should add specified and spelled out timeframes in the ordinance so that we can issue the warning for compliance before the civil citation. Our Code Enforcement Officer needs the assistance of specific guidelines and allowable times.

Commissioner Byrd agrees that we need specific timeframes for enforcement.

The consensus of the Board was to add specific timetables to this Amendment and bring it back to the April Workshop.

Text Amendments to Chapter 36 Definitions

Town Planner Dylan Eure presented these seven amendments for amusement-type establishments and where they are permitted or require a special use permit. These types of land uses are not already defined in our ordinances. These are: arcade, axe throwing, bowling alley, escape room, laser tag, pool halls, and rage rooms. The verbiage in regards to pool halls was amended further by the Planning Board before coming before The Board.

Mayor Baker stated that he understands that a lot of these uses were proposed at the old Mill site, including a potential pool hall.

Town Manager Snow Bowden explained that Pool Halls, while in our ordinances, are not defined.

After discussion among the Board, the recommendation was made to change Pool Hall from Special Use in B-2, to Permitted within B-2 and M-1 Industrial.

The consensus of the Board was to make the updates to the Pool Hall amendment and bring this back to the April Workshop.

GOVERNING COMMENTS

Commissioner Marbell stated he was sorry that he was unable to attend the Budget Workshop due to illness.

Commissioner Byrd spoke about a sign ordinance. He would like to see the signs cleaned up around town, as they're distracting and an eyesore.

Commissioner Nelson stated that he appreciates the Town Staff and everything they do.

Commissioner Turnage stated that with spring being here, there are many golf carts out and about. He has seen many of them without permit stickers. The police department needs to enforce the insurance and permit requirements. He states that he is concerned that if someone

MINUTES CONTINUED FROM MARCH 25, 2024

isn't permitted and insured, and gets in an accident, they could hold the Town liable for not enforcing the ordinance.

Mayor Baker thanked Town Staff for all of their hard work and thanked the Town Board Members for taking time out of their busy schedules to be at the Workshop.

ADJOURNMENT

Commissioner Nelson made a motion to adjourn at 7:53 P.M. and was seconded by Commissioner Turnage. **The Board voted unanimously.**

**MINUTES RECORDED AND TYPED BY
KATELAN BLOUNT DEPUTY CLERK**

ATTEST:

Randy Baker
Mayor

Katelan Blount
Deputy Clerk

ERWIN BOARD OF COMMISSIONERS

REGULAR MINUTES

APRIL 4, 2024

ERWIN, NORTH CAROLINA

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

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

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

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

Commissioner McKoy gave the invocation.

Commissioner David Nelson led the Pledge of Allegiance.

AGENDA ADJUSTMENT/APPROVAL OF AGENDA

Town Manager Snow Bowden requested to add a Proposed Resolution to Stormwater Grant **(ITEM L)** to the consent agenda.

Commissioner Blackmon removed Historical Bench Program **(ITEM I)** from the Consent Agenda and moved to Old Business **(6)**.

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

CONSENT

Commissioner Marbell made a motion to approve **(ITEM A)** Minutes of Regular Workshop on February 26, 2024 **(ITEM B)** Minutes of Regular Meeting on March 7, 2024 **(ITEM C)** 2023-2024 Resurfacing Bids **(ITEM D)** BOA 2024-05 **(ITEM E)** SRO Reimbursement Agreement Amendment **(ITEM F)** SRO One-Time Bonus Agreement **(ITEM G)** ARP Grant Project Ordinance Amendment **(ITEM H)** Storm Water Grant Project Ordinance **(ITEM I)** Community Building Renovation **(ITEM J)** Red Hill Church Road Preliminary Plat **(ITEM K)** Stormwater Grant. **The Board voted unanimously.**

MINUTES CONTINUED FROM APRIL 4, 2024

PRESENTATION OF EMPLOYEE OF THE QUARTER

School Resource Officer William M. Smith was recognized as the Employee of the Quarter 1 of 2024. Mayor Baker presented him with a Proclamation Plaque.

PUBLIC HEARING

Accessory Dwelling Unit Text Amendment

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

Town Planner Dylan Eure came forward and informed the Board that the Town Staff has been working on an Amendment to Town Ordinances for Accessory Dwelling Units. This was a request that was put in by a Mr. Rickey Davis of BARZ Holdings, a property owner within the Town.

Commissioner Byrd asked what the lot size requirements would be with this Amendment.

Town Planner Dylan Eure stated that it would be double whatever the minimum requirements are for the applicable zoning jurisdiction.

Mayor Baker confirmed that if it was an R6 zoning jurisdiction, which has a 6,000sqft lot requirement, the new requirement would be a 12,000 sqft lot with a minimum of 100ft of road frontage.

Commissioner Byrd asked if our current ordinance allows for one principal structure per lot.

Town Manager Snow Bowden stated that this is correct.

Commissioner Blackmon stated that he is concerned that this will cause conflicting ordinances. He is also concerned with the size requirements and minimum housing code. Building code requires certain square footage. He also stated he doesn't believe that a certified engineer can certify a house to be habitable, so the Town needs to look at that as well. He stated that he did not think this would be a good thing for Erwin.

Commissioner Byrd asked if this would be putting two residences on less than 1/3 acre lots, and if there are other municipalities within Harnett County that allow this.

Town Planner Dylan Eure responded that yes, each municipality within Harnett County has a form of approved Accessory Dwelling Units.

Commissioner Blackmon expressed concern about allowing accessory units as a dwelling but not as a home occupation.

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

Rickey Davis, of BARZ Holdings, and the petitioner for this Amendment, came forward and addressed the Board. He stated that he would like to see more affordable options for people within Erwin who need a second chance, and have nowhere else to go due to the current interest rates being too high. The main reason he would like this to move forward is because of the housing shortage and he would like to help people. He stated that he has some properties that would be ideal for this with existing structures. He has also stated that this would also be beneficial for new graduates, like his daughter, who won't be able to afford to purchase a home. It would also be a way to create additional income for property owners that meet the square footage regulations.

MINUTES CONTINUED FROM APRIL 4, 2024

Mayor Baker asked if Mr. Davis has a property that this proposed amendment would allow for an additional dwelling.

Mr. Davis answered in the affirmative, and stated that he had the lot subdivided to build a new residence. The property was an old junkyard and has since been cleaned up. He currently has an ADU on the property and renters within the primary house and the ADU, without knowing that it was against the Town Ordinance. He is now trying to get within compliance.

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

Marsha Woodard came forward. She stated that she is a homeowner in Erwin, in a multi-generational home, and had looked into getting an ADU for their property but was told that it is not allowable. She explained that while she is for allowing ADUs, she is concerned about additional parking, as well as how many individuals would be allowed to reside in an ADU.

Mayor Baker asked if the Board had any additional questions.

Commissioner Blackmon stated that he believes the concern that Ms. Woodward raised about the parking and the number of people in the ADU is valid, and would have to look into minimum housing.

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

No one came forward.

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

No one came forward.

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

Commissioner Blackmon expressed concern for this amendment. As currently written, there is nothing to address how many individuals can occupy the ADU. How would assigning addresses to the ADU for public safety calls be handled? How would emergency services access the ADU?

Commissioner Byrd asked what zoning classifications this would apply to.

There was discussion among the Board, as well as reviewing the zoning maps and lot size requirements.

Mayor Baker stated that he would like to see more language added to the Amendment to address these concerns.

Commissioner Blackmon asked if there would be any requirements for the distance of the ADU from the principal structure.

Town Manager Snow Bowden answered that it would be 10ft.

Commissioner Byrd stated that he is worried about putting an undue burden on the surrounding homes, with parking issues.

Commissioner Marbell asked that Town Planner Dylan Eure request and compile the guidelines from the surrounding Municipalities to get their requirements for ADU.

Commissioner Nelson asked if this would allow for sheds to be used, since manufactured housing, campers, and RVs are not allowable.

MINUTES CONTINUED FROM APRIL 4, 2024

Town Planner Dylan Eyre stated that the sheds would be allowed as long as they are updated and made to meet housing requirements.

Commissioner Byrd made a motion to table until the following Board Meeting, which was seconded by Commissioner Turnage. **The Board voted unanimously.**

OLD BUSINESS**Historical Bench Program**

Commissioner Blackmon wanted to discuss the Historical Bench Program Committee. Who would be appointing this committee and what would their specific roles be?

Mayor Baker stated that we would probably need to have those interested fill out an application and it would be presented to the Board to place those members on the Committee, similar to how we approve Planning Board and Recreation Board members.

Town Manager Snow Bowden clarified that this basic outline was to be able to start putting an application together and soliciting potential members to form a committee and identify areas to put benches.

Commissioner Blackmon made a motion for the Resolution to establish the Erwin Historical Bench Committee, which was seconded by Commissioner Byrd. **The Board voted unanimously.**

PUBLIC COMMENT

No one was present to speak.

MANAGER'S REPORT

Town Manager Snow Bowden informed the Board:

- He has a meeting on Friday, April 5h with Harnett Regional Water to discuss the projects involving the St. Matthews Road water/sewer line extension. This involves the \$1 million grant that the Town of Erwin received from the State that was transferred to Harnett Regional Water. He will also be discussing the downtown water line improvements as well.
- We are starting to get into event season.
 - The Neil S. Steward Masonic Lodge will be holding a clean-up event on the Dunn-Erwin Rail Trail on Saturday, April 6th.
 - The annual Erwin Remembrance Ceremony will be held on Tuesday, April 9th at 6 pm at Al Woodall Park, in honor of lives lost in our community this past year.
 - The Habit for Humanity will be hosting a 5K run on the Rail Trail on Saturday, April 13th.
 - The Erwin Area Chamber of Commerce is hosting the 3rd Annual Jow Tart golf tournament at Chicora on Thursday, May 2nd.
 - The Erwin Area Chamber of Commerce is hosting their Touch-A-Truck event on Saturday, May 11th. The event will be held in the morning, in the parking lot at the Central Carolina Industrial Park.
- He has submitted all requested documentation to Harnett County for the \$50,000 grant that the Town will receive from the State of NC that will be funneled through Harnett County. We will be using the funds from this grant for improvements to Al Woodall Park. We will need to approve a

MINUTES CONTINUED FROM APRIL 4, 2024

- grand project ordinance in the coming months. We intend to resurface both tennis courts and will be turning one of those tennis courts into two pickleball courts with this grant.
- Town Staff is planning to schedule a few open houses to discuss the potential HWY 421 Overlay district. We are hoping to get them scheduled in April and/or May.
- Town Staff has submitted our grant application for a multi-modal planning grant with a focus on a bike-pedestrian plan. We submitted an application with numerous letters of support from key stakeholders and organizations in the community. Dylan did a great job with this application. We should see if we were given the grant or not in June of this year.
- We are still waiting on an update from the State of NC on the storm water management plan grant.
 - Town Engineer Bill Dreitzler is supposed to have a recommendation prepared to share with Town Manager Snow Bowden next week on what needs to be fixed with the drainage on North 9th Street.
 - We should have an update on the West K Street project for the Board at our April workshop meeting.
- He is continuing to work on updates to the proposed FY24-25 budget. He expects to learn about health insurance costs soon, which will help a lot. Finance Officer Linda Williams and he learned a lot from the finance training they attended earlier in the month.
- We have a virtual meeting next Thursday to review the updated proposed flood maps that will have an impact on a few parcels in our Town Limits and ETJ.
- We have our final CORE meeting on Tuesday, April 23rd from 12-2pm.
- He will be attending a Triangle Trails meeting towards the end of the month. We are continuing to explore opportunities to better connect the Dunn-Erwin Rail Trail.
- He will be attending a meeting on April 25th to learn more about a potential opportunity to submit a proposal for the 2024 Defense Community Infrastructure Program. This is a program that has been around for a while. The Town would pay for the construction materials and the federal government provides the staff to build out the infrastructure. There are many details that would need to be learned before going into too much detail.
- He plans on sending in some updated numbers to the State of NC by tomorrow for the grant that we received for the park expansion project. We are planning on using a portion of this grant to pay for the new parking lot at Al Woodall Park.
 - He plans on reaching back out to the property owners of the land that is adjacent to Field #4 to see if the Town could purchase that parcel of land as well, for future use.
- Mayor Baker, Commissioner McKoy, Commission Nelson, and Town Manager Snow Bowden attended the NCLM Town and State Dinner on Wednesday, March 27th. They had a good conversation about some of our needs with Representative Penny and Senator Burgin.
- Commissioner Nelson and Town Manager Snow Bowden attended the Mid-Carolina Regional Council Annual Dinner on Thursday, March 28th. They had a good conversation with Representative Penny and other local stakeholders. Commissioner Nelson will be serving as the municipal representative for Harnett County on the Mid-Carolina Board this upcoming year.
- By April 7th, if the Town doesn't have any feedback or complaints, the Bayles Street extension will officially be closed.
- We are still waiting on an update for FAMPO.
- Mayor Baker reached out to NCDOT and found out that Old Post Road was moved up to be resurfaced in 2024. It was originally slated for 2025 but due to the condition of the road, has been moved up.

MINUTES CONTINUED FROM APRIL 4, 2024**ATTORNEY'S REPORT**

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

GOVERNING COMMENTS

Commissioner McKoy stated that he would like to see any park funds left over from the Al Woodall project to be used for a barrier at Porter Park. He is worried about someone getting hurt. He would also like to see the parking lot that faces 13th Street repaved and restriped.

Mayor Baker stated that he would like to congratulate Commissioner Blackmon on the birth of his fourth grandchild.

Commissioner Byrd thanked the Town Employees for all the hard work they do.

Commissioner Nelson echoed Commissioner Byrd. He appreciates the Town Staff and the Police Department for their outstanding work. He appreciates the residents who come out to voice their opinion, as it means a lot.

Commissioner Turnage stated that he appreciates the hard work that Code Enforcement Officer Chris Jones has been doing. When citizens go see him, he is trying to get things done. He would just reiterate that the Gettin' Place needs to be dealt with. He would like some advice from the Town Attorney on how to handle the situation. He appreciates the hard work that the Town Staff does.

Mayor Baker echoes the appreciation for the Town Staff and Citizens. He'd like to remind everyone of the upcoming events- the workshop and the Remembrance Ceremony. Ms. Lauren Evans has put in a lot of work for the ceremony and it is appreciated.

ADJOURNMENT

Commissioner Nelson made a motion to adjourn at 7:47 P.M. and was seconded by Commissioner Byrd. **The Board voted unanimously.**

**MINUTES RECORDED AND TYPED BY
KATELAN BLOUNT DEPUTY CLERK**

ATTEST:

Randy Baker

Mayor

Katelan Blount

Deputy Clerk

ERWIN BOARD OF COMMISSIONERS

SPECIAL CALLED MINUTES

APRIL 8, 2024

ERWIN, NORTH CAROLINA

The Board of Commissioners for the Town of Erwin with Mayor Baker presiding held a Special Called Meeting in the Erwin Municipal Building Board Room on Monday, April 8, 2024, at 9:00 A.M. in Erwin, North Carolina.

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

Town Manager Snow Bowden, Town Clerk Lauren Evans, Town Attorney Tim Morris, Public Works Director Mark Byrd, and Police Chief Jonathan Johnson were present.

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

Commissioner Nelson gave the invocation.

Commissioner Blackmon led the Pledge of Allegiance.

APPROVAL OF AGENDA

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

DISCUSSION OF ERWIN DEPOT

Mayor Baker thanked everyone for attending the meeting. He stated this issue had been going on for a long time and it was the hope of the Board to leave this meeting with clear goals and directives for this project. Staff provided the Board with a timeline summary of the history of the Erwin Depot from the time the Board took ownership. He asked Town Manager Snow Bowden to please review the timeline for everyone present.

Town Manager Snow Bowden read through the following timeline:

- January 2012- The Depot was first mentioned
- August 2012- Discussion began about taking ownership of the Depot
- November 2013- Bill of Sale/Transfer of Ownership of the Depot
- February 2013- “Friends of the Depot” raised over \$14,000 according to the meeting minutes.
- Bricks were donated for the foundation of the Depot from Coats Elementary which was set up by Henry Elmore.
- November 2013- Transfer of ownership for the Depot was approved.
- February 2014- Hager Smith was selected to complete a feasibility study with funds provided by the Erwin Historical Society totaling \$5,500.

MINUTES CONTINUED FROM APRIL 8, 2024

- September 2014- Resolution supporting a partnership with the Erwin Historical Society to renovate the Depot.
- June 2014- Initial cost estimates were presented to the Board for the Depot Project- \$655,777 to complete the project.
- July 2015- The Board authorized \$21,270 to be paid from the remaining Textile Museum Funds and existing Community Enhancement Funds to complete phase 1 of the project by Hager Smith.
 - Hames Brewington was authorized to move the Depot once phase 1 of the project was completed to the site of the Depot- \$15,000.
- January 2016- the foundation was ready to have the Depot placed on it
 - American Earthworks in-kind donation of \$5,800-\$9,800: replaced damaged soils at the previous site of the Depot.
 - Cost estimate presented to move the Depot due to having to move cables and powerlines. The Board authorized the move of the Depot for a price not to exceed \$15,678.
- 2017- \$50,000 grant from the State of NC
 - Paid \$75,500 for design drawings of the building completed by CSI
- March 5, 2020- CSI presented potential costs of the Depot Project- \$865,609

Mayor Baker opened the floor for discussion amongst the Board

Commissioner Turnage stated Erwin was the first to have a Depot. The History Room had a lot of artifacts with no room to put them. He stated that the Lester Group agreed to give us the Depot on the condition that we put a plaque with their name on it into the Depot. He asked Town Attorney Tim Morris if that could be a potential lawsuit in the future.

Town Attorney Tim Morris asked could they sue? The answer is always yes but the real question would be if they would have the grounds to eliminate the entire project. It would be an easy problem to fix.

Commissioner Turnage stated the Board has taken many quotes to fix the Depot. Years ago, Henry Elmore told the Board that the Depot was salvageable but the Board never put a tarp on it. If we could find the funds to fix the Depot, we needed to fix the roof and put new siding on the building to make it look presentable. Rome was not built in a day. Maybe if we make some progress on the Project, we could apply for grant funding.

Commissioner Nelson stated he and Commissioner Marbell were the newest members and had not voted to have any money spent on the Depot. It would cost a lot of money to fix the Depot and if that building was sitting in anyone else's yard in the Town of Erwin, we would have condemned it. It was wrong on our part to allow the Depot to sit in our backyard in the condition it was in. He could not see asking Taxpayers to spend the amount of money it would take to fix the Depot. We could tear it down, build a metal building, and be much better off. If the Town could find the funding without the Taxpayers having to pay for it, he would be all for it. He had spoken to residents of all ages and no one wanted to save the Depot.

Commissioner Byrd stated it was a tough situation. He knew if the Board could go back and we had the funding, different decisions would have been made. He was a big supporter of preserving the history of Erwin and was proud of Erwin. Henry Elmore donated a lot of time and energy to the project and when Commissioner Byrd was elected to the Board, he visited the site with Mr. Elmore to see if the building

MINUTES CONTINUED FROM APRIL 8, 2024

was salvageable and was informed it was no longer salvageable. Certain parts of the building could be taken to preserve history but the building itself was not salvageable. It was sad but he had to look at the Town of Erwin as a whole, not just the Depot. There were other issues in the Town and Erwin was not a metropolis with a ton of tax revenue. We had to look at what our wants were versus our needs. The Board was currently facing a need to fix a broken road and fix the Stormwater issues in Town. If we had fixed the Depot years ago, we could have but as of today, looking at our budgets, he did not see where the revenue was going to come from. The longer we allow the Depot to sit there, the worse it will get. He would much rather salvage the parts that we could, tear the building down to the foundation, and start over.

Commissioner Marbell stated most people he had spoken with were not for rebuilding the Depot. It was too much money and he could not see spending tax money on that building. We could take parts of the building to preserve history just like we took bricks from the school but he could not see fixing the building. It needed to be torn down, hauled off, and start all over again, or find a building downtown. This discussion had been a thorn in our side, it comes up at every meeting. It was hard and no one wanted to do anything about it but we had to do something.

Commissioner Blackmon stated we originally did have funds but if you go back and look at the history, our goal was and still is to preserve the history of Erwin. The museum was a viable project but how we did that was the Board's decision. We had discussed taking the Depot down to the foundation a year ago and funds were available in the Community Enhancement Fund. First, we needed to have the Depot analyzed to see what could be saved, it was obviously not the same Depot that was uptown. Part was the building was removed when moving the building but it was still the Depot. He stated depending on how much money the Board wanted to spend would depend on what we do moving forward. He suggested having designs drawn up of a replica of the Depot to preserve that part of it. He felt we should continue with the project and where the Depot is currently located was the perfect place for it. This project would add to the Downtown and bring other things as well. He stated we first needed to know the cost, a discussion was had last year to take it down to the foundation and it had been drug out and that was part of the problem. His opinion was to take it down to the foundation and have a replica of the Depot.

Commissioner McKoy arrived at 9:20 A.M.

Commissioner McKoy stated the Depot was a part of Erwin's history and we needed to preserve something, even if it was just a brick or two. We had been kicking this can down the road for a long time and we needed to act.

Mayor Baker asked Si Harrington to indulge the Board by answering some questions for them. He asked if the structure was the original Depot.

Mr. Harrington stated that the original Depot was built 1902-1903, it burned down in the summer of 1907, and the current structure was built in the fall of 1907.

Mayor Baker inquired about the material on the building. He asked what was left out there after the move was part of the original building.

Mr. Harrington stated any material on the building other than plywood was original. He would guess about 90% of the building was the original structure.

Mayor Baker stated when the Board visited the Depot a year ago, many of the members were not structurally sound. We would have to replace the bad material with new material but at what point would it be considered a dismantling and a rebuild vs. a renovation? We cannot change what has happened in the past, that building has been neglected. We could only learn from the past and move forward. He wanted

MINUTES CONTINUED FROM APRIL 8, 2024

to get an idea of what we had and the history behind it. He along with his fellow Board members felt that history was important, and Erwin was founded on history. If it were not for our ancestors, none of us would have been there that day. If it were not for the Mill and what it did for the Town of Erwin, Erwin would not be what it is today. He envisioned the Depot as part of a bigger plan to be used for multi-facet things to be used for Downtown events. He had tried to solicit grant funding. The Town recently received an Economic Development grant of \$500,000 and he had asked Town Manager Snow Bowden to look into whether that funding could be used for this project. He would like to see what could be saved to keep the integrity of the building, anything not structurally sound would be removed and replaced. If we could incorporate the doors and tops of the building, he would like to do so and build a replica of the building. We had retired some debt with the consolidation of the Library, Community Enhancement Funds could be utilized and grant funding was available. Incurred debt may be required in order to fund this project. He asked the Board for direction.

Commissioner Blackmon stated we needed to tear the Depot down to the foundation and salvage the parts that we could. He felt it was a worthwhile project and sooner or later, we were gonna have to take the plunge to get people to Erwin. He recommended having a designed replica of what it was. He also recommended looking into removing the Depot from the primary fire limits.

Commissioner McKoy agreed with Commissioner Blackmon.

Commissioner Turnage stated we had roughly \$250,000 in the Depot. He recommended using the money we received from the Cell Tower.

Mayor Baker asked Public Works Director Mark Byrd if he had room at the Public Works Building to store the parts of the Depot we wanted to salvage.

Public Works Director Mark Byrd stated it depended on how much needed to be stored.

Commissioner Byrd stated he appreciated the Historical Society. He asked what would satisfy the Historical Society.

Mr. Harrington answered Commissioner Byrd's question with a question. The Board is discussing tearing the building down and building it back up. The Board could not find the funding to preserve the Depot, where did the Board plan to find the funding to build a new building?

Commissioner Byrd stated the Board did not know. The budgetary part of the project was a big part of it. Town Manager Snow Bowden was constantly looking for grant funding and the cell tower money mentioned by Commissioner Turnage was a third of what it would take.

Joey Powell stated he hated to see the Depot go but he understood the current building was too far gone. His questions were if the Depot was torn down, could the Board guarantee it would be rebuilt and also guarantee that it would be used as a History Museum? If the progress began on rebuilding the Depot, could the Board not then reach out the our State Representatives for funding the help finish the project?

Commissioner Byrd stated it was hard from a budgetary standpoint and he thought the Board could not guarantee everything would be funded and completed in a year. The only thing the Board could guarantee would be if we decided to go down a path, we were committed to that project.

Discussion continued among the Board.

Town Attorney Tim Morris left at 9:49 A.M.

MINUTES CONTINUED FROM APRIL 8, 2024

Mayor Baker asked the Board to entertain the idea of enduring an expense to hire an Engineer to provide the Board with an analysis of the Depot.

Commissioner Blackmon inquired about the whereabouts of the rendering of the original building.

The Historical Society had a copy in the History Room.

Commissioner Blackmon recommended hiring an independent agency to come in and look at the Depot so we can answer the questions of whether the building can be renovated the way it is and what the estimated cost would be to tear it down and rebuild it again.

Commissioner Byrd recommended looking at the cost of just rebuilding the structure vs. adding the ticket booth and stage.

Mayor Baker stated once the Engineer comes back with the estimated costs, the Board will make a decision on how to move forward.

Discussion continued amongst the Board.

Commissioner Blackmon made a motion to instruct Town Manager Snow Bowden to hire an Engineer or Architectural Firm with a timeline of 60 days to hire the firm and come back to the Board with the results. The maximum allowable amount to be spent was \$10,000. The motion was seconded by Commissioner Marbell and passed 5 to 1 (Commissioner Nelson).

Mayor Baker asked Staff to ensure the Historical Society was invited back when the results were presented.

ADJOURNMENT

Commissioner Byrd made a motion to adjourn at 10:20 A.M. and was seconded by Turnage. **The Board voted unanimously.**

MINUTES RECORDED AND TYPED BY

LAUREN EVANS TOWN CLERK

ATTEST:

Randy Baker

Mayor

Lauren Evans, NCCMC

Town Clerk



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

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

DATE: April 12, 2024
TO: Snow Bowden, Town Manager
FROM: Bill Dreitzler, P.E., Town Engineer
RE: Al Woodall Municipal Park – Parking Lot Addition

Mr. Bowden,

On March 29, 2024 at 1:00 PM bids were received for the additional parking at Al Woodall Municipal Park. The following bids were received:

Highland Paving Company, LLC: \$ 107,026.26
Stewart Group Enterprises, LLC: \$ 129,182.16
Barnhill Contracting Company: \$ 195,491.00

I have completed my evaluation of the bids and recommend award to Highland Paving Company, LLC in the amount of \$107,026.26. I am including the following with this recommendation of award:

1. Request for Bids
2. Engineering Plan Set
3. Highland Paving Bid Sheet
4. Stewart Group Bid Sheet
5. Barnhill Contracting Bid Sheet

Sincerely,

William W. Dreitzler, P.E.
Town Engineer

**BUDGET ORDINANCE AMENDMENT
BOA 2024 – 06
FISCAL YEAR 2023-2024**

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

Section 1. This Budget Ordinance Amendment seeks to Increase Revenues and Increase Expenditures by \$10,000. This amendment is to account for a Transfer from the Capital Reserve/Community Enhancement Fund for Depot Revitalization Expenditures.

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

Account	Description	Current Approp.	Increase/Decrease	Amended Appropriation
10-3950-470	Trans From Capital	-0-	(+) \$10,000	\$10,000.00
Reserve: Depot Revitalization				

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

Account	Description	Current Approp.	Increase/Decrease	Amended Appropriation
10-4201-360	Depot Revitalization	-0-	(+) \$ 10,000	\$ 10,000.00

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

Adopted this 2nd day of May 2024.

Randy L. Baker, Mayor

ATTEST:

Lauren Evans, Town Clerk

Erwin Board of Commissioners

REQUEST FOR CONSIDERATION

To: The Honorable Mayor and Board of Commissioners
 From: Dylan Eure, Town Planner
 Date: May 2, 2024
 Subject: Penalty Amendment

The Town of Erwin Staff wishes to amend Chapter 36 of the Erwin Code of Ordinances within Article XX (10) Administration and Enforcement, Section 36-584 Penalty. Said amendment would allow staff to enforce code and zoning regulations throughout the Town of Erwin. The way the current penalties are written limits the Town from issuing higher fines which will result in faster compliance with our ordinances. This effort is to begin the process of cleaning areas of towns and ensuring zoning regulations are being properly followed.

Legality

NC General Statutes 14-4 (Violation of local ordinances misdemeanor) states that (a) Except as provided in subsection (b) or (c) of this section, if any person shall violate an ordinance of a county, city, town, or metropolitan sewerage district created under Article 5 of Chapter 162A, he shall be guilty of a Class 3 misdemeanor and shall be fined not more than five hundred dollars (\$500.00). No fine shall exceed fifty dollars (\$50.00) unless the ordinance expressly states that the maximum fine is greater than fifty dollars (\$50.00). (b) If any person shall violate an ordinance of a county, city, or town regulating the operation or parking of vehicles, he shall be responsible for an infraction and shall be required to pay a penalty of not more than fifty dollars (\$50.00).

(c) A person may not be found responsible or guilty of a local ordinance violation punishable pursuant to subsection (a) of this section if, when tried for that violation, the person produces proof of compliance with the local ordinance through any of the following:

(1) No new alleged violations of the local ordinance within 30 days from the date of the initial alleged violation. (2) The person provides proof of a good-faith effort to seek assistance to address any underlying factors related to unemployment, homelessness, mental health, or substance abuse that might relate to the person's ability to comply with the local ordinance. (1871-2, c. 195, s. 2; Code, s. 3820; Rev., s. 3702; C.S., s. 4174; 1969, c. 36, s. 2; 1985, c. 764, s. 2; 1985 (Reg. Sess., 1986), c. 852, s. 17; 1991, c. 415, s. 1; c. 446, s. 1; 1993, c. 538, s. 8; c. 539, s. 9; 1994, Ex. Sess., c. 24, ss. 14(b), 14(c); 1995, c. 509, s. 133.1; 2021-138, s. 13(c).)

Un-amended Diction

The administrator shall be authorized to use any one or more of the methods described in this section, or action authorized by law, to ensure compliance with or to prevent a violation of the provisions of this article.

(1) *Civil penalties.* Any person, corporation, LLC or other entities, who violate any provision of this article may be subject to assessment of the maximum civil penalty of up to \$500.00 per violation.

Civil citations. A civil citation shall be issued by the administrator of the town planning department to any person, corporation, LLC, or other entity, failing to take corrective action according to and within the specific compliance period ordered by the administrator. Each day such violation exists after the

expiration of the compliance period shall constitute a separate offense and be charged as a separate violation. Each said violation shall be subject to a civil penalty in the amount of \$100.00 per day until such violation has reached compliance. Failure to pay the penalty within 15 days from the receipt of the notice of civil penalty shall subject said person, corporation, LLC, or other entity to a civil action in the nature of debt for the stated penalty plus any additional penalties, together with the cost of the action to be taxed by the court.

Amended Diction

The administrator shall be authorized to use any one or more of the methods described in this section, or action authorized by law, to ensure compliance with or to prevent a violation of the provisions of this article.

(1)*Civil penalties.* Any person, corporation, LLC or other entities, who violate any provision of this article may be subject to assessment of the maximum civil penalty of up to \$500.00 per violation.

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Penalty Schedule:

Citation	Penalty
Warning Citation	N/A
Official Citation	\$50
Second Citation	\$100
Third Citation	\$250
Fourth & Subsequent Citations	\$500

- (A) A specified time frame shall be given to render compliance to a violation as noted in the notice of violation. A mandatory re-inspection shall take place to evaluate the status of the violation at the end of the compliance period. An extension may be requested by the property owner in writing to the Administrator providing valid evidence as to the reason for failure to comply within the specified time.
- (B) The Administrator shall have the ability to amend the specific time period for compliance due to the nature of the violation if considerable work has been done in an attempt to remedy the violation or if such violation is determined to be a potential risk to the public health, safety, and general welfare.

Compliance Schedule:

Nature of Violation	Specified Compliance Period
Dilapidated structures	120-365 calendar days
Illegal signs	10 calendar days
Junk / abandoned cars	15 calendar days
Zoning and subdivision regulations	30 calendar days
Tall Grass / Vegetation	10 calendar days
Failure to adhere to permit or special use permit	30 calendar days
Any other violation	30 calendar days

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, May 2, 2024, at 7:00 P.M. in the Erwin Municipal Building Board Room located at 100 West F Street, Erwin, NC 28339. Questions can be addressed to the Town Planner Dylan Eure at 910-591-4201 or by email at deure@erwin-nc.org.

- Text Amendment to Chapter 36 Zoning, Article XX Administration and Enforcement, Section 36-584.- Penalty in the Town of Erwin Code of Ordinances.

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

4/16,23/2024



TOWN OF ERWIN

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

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

ORDINANCE OF THE TOWN OF ERWIN, NORTH CAROLINA AMENDING SECTION 36-584 - PENALTY ORD 2023-2024: 008

WHEREAS, the current language of Section 36-584. - Penalty reads:

Sec. 36-584. - Penalty.

The administrator shall be authorized to use any one or more of the methods described in this section, or action authorized by law, to ensure compliance with or to prevent a violation of the provisions of this article.

(1) *Civil penalties.* Any person, corporation, LLC or other entities, who violate any provision of this article may be subject to assessment of the maximum civil penalty of up to \$500.00 per violation.

a. *Civil citations.* A civil citation shall be issued by the administrator of the town planning department to any person, corporation, LLC, or other entity, failing to take corrective action according to and within the specific compliance period ordered by the administrator. Each day such violation exists after the expiration of the compliance period shall constitute a separate offense and be charged as a separate violation. Each said violation shall be subject to a civil penalty in the amount of \$100.00 per day until such violation has reached compliance. Failure to pay the penalty within 15 days from the receipt of the notice of civil penalty shall subject said person, corporation, LLC, or other entity to a civil action in the nature of debt for the stated penalty plus any additional penalties, together with the cost of the action to be taxed by the court.

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

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

Sec. 36-584. - Penalty.

The administrator shall be authorized to use any one or more of the methods described in this section, or action authorized by law, to ensure compliance with or to prevent a violation of the provisions of this article.

(1) *Civil penalties.* Any person, corporation, LLC or other entities, who violate any provision of this article may be subject to assessment of the maximum civil penalty of up to \$500.00 per violation.

a. *Civil citations.* A civil citation shall be issued by the administrator of the town planning department to any person, corporation, LLC, or other entity, failing to take corrective action according to and within the specific compliance period ordered by the administrator. Each day such violation exists after the expiration of the compliance period shall constitute a separate offense and be charged as a separate violation. Each said violation shall be subject to a civil penalty **ranging** in the amount of ~~\$100.00~~ **\$50.00 - \$500.00** per day until such violation has reached compliance **or the sum of penalties has reached the amount that it requires to fix said violations.** Failure to pay the penalty within 15 days from the receipt of the notice of civil penalty shall subject said person, corporation, LLC, or other entity to a civil action in the nature of debt for the stated penalty plus any additional penalties, together with the cost of the action to be taxed by the court.

Penalty Schedule:

Citation	Penalty
Warning Citation	N/A
Official Citation	\$50
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Fourth & Subsequent Citations	\$500

- (A) **A specified time frame shall be given to render compliance to a violation as noted in the notice of violation. A mandatory re-inspection shall take place to evaluate the status of the violation at the end of the compliance period. An extension may be requested by the property owner in writing to the Administrator providing valid evidence as to the reason for failure to comply within the specified time.**
- (B) **The Administrator shall have the ability to amend the specific time period for compliance due to the nature of the violation if considerable work has been done in an attempt to remedy the violation or if such violation is determined to be a potential risk to the public health, safety, and general welfare.**

Compliance Schedule:

Nature of Violation	Specified Compliance Period
Dilapidated structures	120-365 calendar days
Illegal signs	10 calendar days
Junk / abandoned cars	15 calendar days
Zoning and subdivision regulations	30 calendar days
Tall Grass / Vegetation	10 calendar days
Failure to adhere to permit or special use permit	30 calendar days
Any other violation	30 calendar days

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 36-584. - Penalty of the Town Code is stricken where indicated by strikethrough lines and includes such language as herein indicated by red bold print.

Adopted this 2nd day of May 2024.

ATTEST:

Randy Baker
Mayor

Lauren Evans
Town Clerk

Erwin Planning Board

REQUEST FOR CONSIDERATION

To: The Honorable Mayor Baker the Board of Commissioners
From: Dylan Eure, Town Planner
Date: May 2, 2024
Subject: Accessory Dwelling Unit Amendment

The Town of Erwin Staff has received a petition to amend its Code of Ordinances to allow for accessory dwelling structures in all residential districts by a Mr. Rickey Davis of BARZ Holdings of whom owns rental properties within the Town of Erwin. Said amendment would add the proposed definition of accessory dwelling units to Chapter 36 Article 2 entitled Definitions, along with the proposed regulations within the same chapter under Article XV entitled General Provisions. The purpose of the said petitioned amendment is to increase the amount of affordable living options for those who may be priced out by the marketplace. Said amendment was authored by the property owner (Rickey Davis) and was written by the Erwin Town Planner (Dylan Eure) as per the petition to amend the Erwin Code of Ordinances requirements. Per the 2023 Erwin Land Use Plan Goal 1 LUH 4.2 states that accessory dwellings are to be allowed and are desirable to increase housing options.

Proposed Regulation:

Accessory Dwellings:

1. Accessory dwelling units are permitted as an accessory use to a residential use in which is subordinate to the principal structure.
2. Accessory dwelling units must be able to conform to an additional fifty (50) feet of frontage in addition to the required frontage of the principal structure.
3. Accessory dwelling units shall have double the required lot size that is permitted within the designated zoning district.
4. Only one (1) accessory dwelling is permitted per residency.
5. The maximum size of the accessory dwelling unit is lesser than fifty (50) percent of the living area of the principal structure or one thousand (1,000) square feet, whichever is lesser.
6. Accessory Dwelling must be a minimum of 10 feet from the side property and rear property lines or principal structure. Under no circumstance shall accessory dwellings be placed within the front setback.
7. Manufactured housing, campers, travel trailers, or any other recreational vehicles are not permitted for use as an accessory dwelling.
8. Must contain complete kitchen facilities including a stove/cooktop and a full bath containing a lavatory, and tub or shower.

9. One off-street parking place shall be provided.
10. Accessory dwellings shall be built to North Carolina Building Standards.
11. Accessory dwellings must be on the separate water and utilities as the principal structure.
12. Any accessory dwelling unit that is being built must be done by a certificated general contractors as required per NC General Statute Chapter 87.

Proposed definition of an accessory dwelling unit:

A detached smaller, self-contained home that is subordinate to the principal structure and built to North Carolina Building Code for the purpose of occupying and or renting by the property owner.



TOWN OF ERWIN

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4/22/2024

Accessory Dwelling Unit Bench Marking 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

ADU Bench Marking

Angier-

Section 4.2. - Residential uses.

4.2.1 Accessory dwelling. Accessory dwellings may be located in a building separate from the principal dwelling subject to the following requirements:

- A. The accessory Dwelling shall not exceed one-half of the total area of the principal dwelling.
- B. Accessory dwellings shall be built to North Carolina Building Standards.
- C. Accessory dwellings shall be similar in appearance to and compatible with the primary structure.

- **Requires special permit- approved by BOA**
- **Accessory to Primary Structure (No amendment to how many primary structures are allowed)**
- **Considered as an Accessory (No amendment to special uses in each district)**

Lillington-

3.03.5 ACCESSORY DWELLINGS

- A. One (1) accessory dwelling unit is permitted as an accessory to a residential use.
- B. The dwelling unit may be attached or detached, located on the side or rear of the property.
- C. The maximum size of Accessory Dwellings is the lesser of fifty (50) percent of the living area of the Principal Structure or one thousand (1,000) square feet.
- D. Accessory Dwellings must be a minimum of 10 feet from the side or rear setback and shall not be located within the front setback.
- E. If the Accessory Dwelling is attached to the primary residence, then access is limited to the side or rear of the Accessory Dwelling or to an existing door.

F. Attached or detached Accessory Dwellings must have the same architectural appearance of the primary residence such as same type and color of siding, trim and roofing appearance.

G. Manufactured housing, campers, travel trailers and recreational vehicles are not permitted for use as an accessory dwelling.

H. Must contain complete kitchen facilities including a stove or cook top and a full bath including lavatory, and tub or shower (or combination).

I. One off-street parking space shall be provided in addition to those required for the principal dwelling except in the NMX District where shared parking can be utilized with other land uses.

- **Permitted in all residential districts**
- **Accessory to Primary Structure (No amendment to how many primary structures are allowed)**
- **Considered as an Accessory (No amendment to permitted uses in each district)**

Coats-

10.1-3 Accessory Dwelling Units. (A.) Zoning Districts where the additional standards for this use below are applicable are identified in Article 8, Table 8.1 of this Ordinance.

(B.) Standards.

(1.) One (1) Accessory Dwelling Unit shall be permitted only on a lot containing a single dwelling unit (the principal dwelling) and conforming accessory structures in any single-family zoning district.

(2.) The Accessory Dwelling Unit shall not be considered a separate unit for the purpose of determining minimum lot size or maximum density.

(3.) Home occupations may be located within the Accessory Dwelling Unit.

(4.) The maximum gross floor area for the Accessory Dwelling Unit shall be 900 SF or 40% of the gross floor area of the principal structure, whichever is less. Variances shall not allow the gross floor area of the Accessory Dwelling Unit to exceed 1200 SF nor shall the size of the Accessory Dwelling Unit exceed 50 percent of the gross floor area of the principal dwelling unit.

(5.) The Accessory Dwelling Unit may be located within same structure as the principal dwelling unit or it may be a separate structure. If within the same structure as the principal dwelling unit, the Accessory Dwelling Unit may have a separate entrance. If the Accessory Dwelling Unit is located in a separate structure, the following standards shall apply: (a.) The accessory structure housing the Accessory Dwelling Unit must be located behind the principal dwelling. On corner lots, the accessory structure housing the Accessory Dwelling Unit may be located on the corner street side of and behind the principal dwelling but must be oriented to the front street (same Coats Development Ordinance - Article 10 – Page 2 orientation as principal dwelling). (b.) Vehicular access to the Accessory Dwelling Unit shall be via the same drive that provides access to the principal structure unless the Accessory Dwelling Unit is located on a corner or through

lot. If located on a corner or through lot, a secondary drive may provide access to the Accessory Dwelling Unit, but the secondary drive shall not be on the same street as the drive providing access to the principal dwelling.

(6.) One (1) parking space may be provided for the Accessory Dwelling Unit. The parking space shall be located in the same area as the parking provided for the principal dwelling unit unless the lot is a corner or through lot and a separate drive provides access to the Accessory Dwelling Unit.

(7.) The design and construction of the accessory structure housing the Accessory Dwelling Unit shall be compatible with the design and construction of the principal dwelling unit. To ensure compatibility, the following standards shall be met: (a.) The design of the accessory structure housing the Accessory Dwelling Unit shall be of the same architectural style as that of the principal dwelling unit. (b.) The roof style and pitch of the accessory structure housing the Accessory Dwelling Unit shall be the same as that of the principal dwelling unit. (c.) The exterior building materials used for the accessory structure housing the Accessory Dwelling Unit shall be the same as those used for the principal dwelling unit. When the principal dwelling unit is predominantly brick or stone, the use of smooth wood or fibrous cement siding for the accessory structure housing the Accessory Dwelling Unit is appropriate to reinforce the ancillary and secondary nature of the Accessory Dwelling Unit. (d.) Windows and doors used for the accessory structure housing the Accessory Dwelling Unit shall be the same style and design as those used for the principal dwelling unit. Window and door placement (fenestration) on the accessory structure housing the Accessory Dwelling Unit shall mimic that of the principal dwelling unit. (e.) Exterior paint colors for the accessory structure housing the Accessory Dwelling Unit shall be the same as (or complementary to) those for the principal dwelling unit.

(8.) The use of manufactured dwellings, mobile homes, travel trailers, campers, or similar units as an Accessory Dwelling Unit is prohibited.

(9.) The Accessory Dwelling Unit shall not be deeded and/or conveyed to separate and/or distinct ownership separately from the principal dwelling unit.

- **Only 1 permitted in ETJ, none inside of city limits**

Dunn-

The following accessory uses shall be permitted in an RA-40 single-family dwelling and agricultural district, provided that when any such use shall be detached from the principal structure of the property on which the use is located, such use shall be located in the rear yard and not less than fifty (50) feet from any street right-of-way:

(1) Automobile parking and garage, only as an accessory use to the principal uses of the property on which the use is located;

(2) Servants' quarters, not serviced by separate utility meters and not leased or rented to anyone other than the family of a bona fide servant spending more than fifty (50) percent of his employed time at the premises to which the servants' quarters is an accessory use and in the employ of the family occupying such premises;

(3) Guest quarters, serviced by separate utility meters and not containing cooking facilities;

(4) Private, noncommercial swimming pools, provided that, except for those used as an accessory use to a single-family, detached dwelling, such uses shall not be located nearer than fifteen (15) feet to a lot used for or to be used for single-family dwelling purposes, measured from the edge of the pool;

(5) Private stables and corrals, provided that such uses shall not be located nearer than two hundred (200) feet to a lot or building used for or to be used for dwelling purposes;

(6) Public and private gardens, gardens shall meet the setbacks for accessory buildings;

(7) Customary home occupations as an accessory use to a single-family dwelling.

- **They will not issue permits for them. They use subdivisions and variances for approval.**
-

Chapter 87.

Contractors.

Article 1.

General Contractors.

§ 87-1. "General contractor" defined; exceptions.

(a) For the purpose of this Article any person or firm or corporation who for a fixed price, commission, fee, or wage, undertakes to bid upon or to construct or who undertakes to superintend or manage, on his own behalf or for any person, firm, or corporation that is not licensed as a general contractor pursuant to this Article, the construction of any building, highway, public utilities, grading or any improvement or structure where the cost of the undertaking is forty thousand dollars (\$40,000) or more, or undertakes to erect a North Carolina labeled manufactured modular building meeting the North Carolina State Building Code, shall be deemed to be a "general contractor" engaged in the business of general contracting in the State of North Carolina.

(b) This section shall not apply to the following:

- (1) Persons, firms, or corporations furnishing or erecting industrial equipment, power plan equipment, radial brick chimneys, and monuments.
- (2) Any person, firm, or corporation who constructs or alters a building on land owned by that person, firm, or corporation provided (i) the building is intended solely for occupancy by that person and his family, firm, or corporation after completion; and (ii) the person, firm, or corporation complies with G.S. 87-14. If the building is not occupied solely by the person and his family, firm, or corporation for at least 12 months following completion, it shall be presumed that the person, firm, or corporation did not intend the building solely for occupancy by that person and his family, firm, or corporation.
- (3) Any person engaged in the business of farming who constructs or alters a building on land owned by that person and used in the business of farming, when the building is intended for use by that person after completion. (1925, c. 318, s. 1; 1931, c. 62, s. 1; 1937, c. 429, s. 1; 1949, c. 936; 1953, c. 810; 1971, c. 246, s. 1; 1975, c. 279, s. 1; 1981, c. 783, s. 1; 1989, c. 109, s. 1; c. 653, s. 1; 1991 (Reg. Sess., 1992), c. 840, s. 1; 2011-376, s. 1; 2023-108, s. 2(a).)

Chpt 6 Article 2 Section 6-32 B Section 6

Space, use and location standards.

- a. *Room sizes.* Every dwelling unit shall contain at least the minimum room size in each habitable room as required by the town residential building code. (Floor area shall be calculated on the basis of habitable room area. However, closet area and wall area within the dwelling may count for not more than ten percent of the required habitable floor area. The floor area of any part of any room where the ceiling height is less than 4½ feet shall not be considered as a part of the floor area in computing the total area of the room to determine maximum permissible occupancy.) Every dwelling unit shall

contain at least 150 square feet of habitable floor area for the first occupant, at least 100 square feet of additional habitable area for each of the next three occupants, and at least 75 square feet of additional habitable floor area for each additional occupant. In every dwelling unit and in every rooming unit, every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor area, and every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of floor area for each occupant 12 years of age and over, and at least 35 square feet of floor area for each occupant under 12 years of age.

- **Per North Carolina building code each dwelling unit shall have at least 150 sq ft of habitable space with an additional 100 per each additional individual.**