

**THE ERWIN BOARD OF COMMISSIONERS  
APRIL 2023 REGULAR WORKSHOP  
MONDAY, APRIL 24, 2023 @ 6:00 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. **OLD BUSINESS**
  - A. West K Street **(Page 2)**
4. **NEW BUSINESS**
  - A. Town Owned iPads Policy **(Page 3)**
  - B. The Use of Tobacco Products In Municipal Buildings and On Municipal Grounds **(Page 7)**
  - C. Notary Procedure Policy **(Page 10)**
  - D. East L Street **(Page 11)**
  - E. BOA 2023-04 **(Page 24)**
  - F. BOA 2023-05 **(Page 26)**
  - G. ZT-2023-002 **(Page 28)**
  - H. SU-2023-002 **(Page 35)**
5. **CLOSED SESSION**
  - A. Pursuant to General Statute 143-318.11(a) (6) for the Purpose of Discussing Personnel
6. **MANAGER'S REPORT**
7. **GOVERNING COMMENTS**
8. **ADJOURNMENT**

**ERWIN BOARD OF COMMISSIONERS**  
**REGULAR WORKSHOP MINUTES**  
**APRIL 24, 2023**  
**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, April 24, 2023, at 6:00 P.M. in Erwin, North Carolina.

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

Board Members absent were: Commissioners David Nelson and William Turnage

Town Manager Snow Bowden, Town Clerk Lauren Evans, and Town Engineer Bill Dreitzler were present.

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

Commissioner McKoy gave the invocation.

Commissioner Blackmon led the Pledge of Allegiance.

**AGENDA ADJUSTMENT/APPROVAL OF AGENDA**

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

**OLD BUSINESS**

**West K Street**

Town Engineer Bill Dreitzler came forward and stated he has been working with two contractors and they were struggling to put a price tag on it. He called Ricky Temple who has done a lot of work around Harnett County. Mr Temple was on site the prior Friday and he shot grades. He was back on site the next day and spoke on the phone. Mr. Temple ran video cameras through the pipes to determine what was going on. The findings were that there is a failed culvert under K Street that will need to be fixed. It was 36-inch corrugated metal piping that had too much overburden on it. Based on the grades Mr. Temple shot, there were 34 feet on the low end and 19 feet deep on the high end. That small pipe did not need that much overburden on it, we actually need two 36-inch pipes to carry the water. Mr. Temple has been getting quotes from suppliers. Town Engineer Bill Dreitzler and Mr. Temple are going to talk and find the Board the most cost-effective option. There are three approaches:

1. Tunneling the pipes

**MINUTES CONTINUED FROM APRIL 24, 2023**

2. Open cutting K Street
3. Opening the stream back up and having dead ends on K Street (the least expensive option)

To be more cost-effective, Town Engineer Bill Dreitzler and Mr. Temple are also looking at different pipe materials and pipe sizes.

Commissioner Blackmon asked if we need to shut West K Street down on both sides.

Town Engineer Bill Dreitzler stated at this point, it would be best.

Discussion continued among the Board.

Town Engineer Bill Dreitzler stated he hoped to have a recommendation at next month's workshop. He stated he would provide the Board members with a copy of the video Mr. Temple took.

**The consensus of the Board was to close West K Street on both sides of that area.**

**NEW BUSINESS**

**Town-Owned iPad Policies**

Town Manager Snow Bowden stated this is a standard policy for the use of Town-owned iPads.

Mayor Baker verified that every Board Member present read and agreed with the policy.

**The consensus of the Board was to place this on our Consent Agenda for our Regularly Scheduled Meeting in May.**

**The Use of Tobacco Products In Municipal Buildings and On Municipal Grounds**

Town Manager Snow Bowden stated he received a request from the Library Director Kimberly VanBeck for the Board to adopt a tobacco use policy. The Library has had issues with people smoking while they are having events for kids. We are requesting no smoking within 25 feet of any entrance or exit of a Town-owned building.

**The consensus of the Board was to place this on our Consent Agenda for our Regularly Scheduled Meeting in May.**

**Notary Procedure Policy**

Town Manager Snow Bowden stated this was a formal policy to protect our Notary.

Commissioner Byrd clarified that this policy would only be for when the Notary is in the office and not when they are off the clock, away from the office.

Town Manager Snow Bowden stated that was correct.

# Erwin Board of Commissioners

## REQUEST FOR CONSIDERATION

---

To: The Honorable Mayor and Board of Commissioners

From: Snow Bowden, Town Manager

Date: April 24, 2023

Subject: West K Street

---

We are trying to get bids for a project located off of West K Street. This is a large washout that needs to be addressed before the road is washed out. We are working on getting multiple quotes and a signed easement from the property owner at the moment.



# TOWN OF ERWIN

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

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

## **Town of Erwin Policy with regard to the use of Town-owned iPads used by the Town Board of Commissioners**

### **Section 1: Purpose**

The Erwin Board of Commissioners acknowledges and agrees that the provision and use of Apple iPads will assist the Board and staff in the efficient performance of their duties and thereby improve their service to the public. The use of iPads will also reduce paper and photocopying costs.

The explicit privileges outlined in this policy do not attempt to cover every situation that may arise in connection with the use of this new form of electronic communication. The Erwin Board of Commissioners acknowledges, understands, and respects the underlying iPad, Internet, and usage philosophy that forms the basis of this policy, including the understanding that the Town e-mail account will primarily be used to conduct town business. Erwin Board of Commissioners who choose to use a personal e-mail account does so with the full knowledge that the content of that account is a public record and would be subject to North Carolina public records law. Board Members will be permitted to use the iPad for public and private purposes.

### **Section 2: Receipt of Apple iPad**

The Town Manager, or their designee, will issue the Board Members the iPads and accessories. Any additional iPad accessories not originally provided by the Town shall be at the individual expense of the Board Member and shall remain the property of the Town at the end of the Board Member's term. The Erwin Board of Commissioner Members will each receive a separate e-mail

account that shall be used to send/receive official Town documents including without limitation: agendas, staff reports, packets, and the like as well as emails and correspondence relating to town business. Before being authorized to access and utilize the iPad equipment for Internet and e-mail communications, the Board Member shall sign the Town of Erwin iPad Policy acknowledging receipt and understanding of such.

### **Section 3: Responsibility and Care of the iPad**

The Town of Erwin Board of Commissioners are responsible for the general care of the iPad issued by the Town. iPads that are broken or fail to work properly must be taken to the Town Manager, or their designee, for an evaluation of the equipment. iPads that have been lost, stolen, or damaged from misuse, neglect, or are accidentally damaged, in the sole and exclusive judgment of the Town Manager, will be replaced or repaired by the Town, with the cost borne by the Board Member. iPads should remain free of any writing, drawing, stickers, or labels that are not the property of the Town. Only a soft cloth should be used to clean the screen.

### **Section 4: Software on the iPad**

Software and applications installed by the Town must remain on the iPad in usable condition and readily accessible at all times. From time to time, the Town may add or upgrade software applications for use by Town Board, such that the Board Members may be required to check in their iPads with the Town Manager, or their designee, for periodic updates and syncing.

### **Section 5: Acceptable Use**

All of the Town's computer systems and devices, including the iPads, are considered to be public property. All documents, files, and e-mail messages created, received, stored in, or sent from any Town iPads are considered public records, subject to disclosure to the public pursuant to the North Carolina Public Records laws (with only limited exceptions as provided by law). Any request for records related to communications on the iPads must be made to the Town Clerk. All existing Town

policies will continue to apply to conduct by Town Board on computer devices, the internet, and in the use of e-mail, including but not limited to those that deal with the code of ethics, misuse of Town resources, sexual harassment, electronic communications, information and data security, and confidentiality. The use of the Town of Erwin information systems to access, transmit, store and display, or request obscene, pornographic, erotic, profane, racist, sexist, libelous, other offensive or abusive material (including messages, images, video, or sound) is prohibited.

Town Board Member shall not use the iPad, computers, or communications devices in any way so as to violate the Open Meetings law requirements, applicable governing laws, or ethical conduct and principles of an elected public official or a public employee.

#### **Section 6: Return of the iPad**

Town Board Members may return their iPads to the Town Manager, or their designee when their term and service have ended. When the iPad is returned to the Town, the Town will retrieve any appropriate backup files in accordance with the Public Records and Retention laws. The iPad will be wiped clean of any and all information at the end of the Town Board Member's term.

#### **Section 8: Compliance with Policy**

The Town reserves the right to inspect any and all files stored on the iPads that are the property of the Town in order to ensure compliance with this policy. Town Board Member should not presume to have any personal privacy right in any matter created, received, stored in, or sent from any Town-issued iPad.

**TOWN OF ERWIN, NC  
ACKNOWLEDGEMENT OF APPLE IPAD POLICY  
AND RECEIPT OF TOWN-ISSUED IPAD, CASE, AND  
ACCESSORIES**

I the undersigned Erwin Board of Commissioners Member have been provided a copy of the Town of Erwin Apple iPad Policy and understand its contents fully. I accept and understand the terms of the policy and agree to abide by all terms contained in it. I have taken possession of a Town iPad with case and accessories and I hereby acknowledge receipt of the property, will accept financial responsibility, and indemnify the Town from any fees, expenses, or damage incurred as a result of my misuse or negligence of the Town computer systems and electronic devices, including but not limited to iPads. In the event I leave office, I may return the iPad and accessories mentioned in the policy referred to above.

\_\_\_\_\_  
Town Councilor

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Witness:

\_\_\_\_\_  
Lauren Evans, Town Clerk

\_\_\_\_\_  
Signature

Samsung Model      Device Serial Number      Town Asset Sticker Number

Bluetooth Keyboard model      Device Serial Number      Town Asset Number

Micro USB Connector





# 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

## **A RESOLUTION ADOPTING POLICY TO RESTRICT SMOKING AND THE USE OF TOBACCO PRODUCTS IN MUNICIPAL BUILDINGS AND ON MUNICIPAL GROUNDS**

**2022-2023—004**

**WHEREAS**, according to the Centers for Disease Control and Prevention (CDC), tobacco use and second hand smoke exposure are leading preventable causes of illness and premature death in North Carolina and the nation; and

**WHEREAS**, on January 2, 2010, "An Act To Prohibit Smoking In Certain Public Places And Certain Places of Employment", North Carolina Session Law 2009-27, became effective, authorizing local governments to adopt and enforce ordinances "that are more restrictive than State law" and that apply in local government buildings and on local government grounds, among other things; and

**WHEREAS**, in 2006, a report issued by the United States Surgeon General stated that the scientific evidence indicates that there is no risk-free level of exposure to secondhand smoke, and that secondhand smoke has been proven to cause cancer, heart disease, and asthma attacks in both smokers and nonsmokers; and

**WHEREAS**, the health risks associated with the use of tobacco products include myocardial infarction, stroke, and adverse reproductive outcomes; and

**WHEREAS**, the Town of Erwin (hereinafter referred to sometimes as "the Municipality") is committed to providing a safe and healthy workplace in all municipal facilities for its employees and the visiting public; and

**WHEREAS**, the Town of Erwin wishes to minimize the harmful effects of tobacco use among municipal employees and eliminate secondhand smoke exposure for employees and the public in and on those buildings and grounds controlled by the Municipality; and

**WHEREAS**, this Board finds and declares that, in order to protect the public health and welfare, it is in the best interests of the citizens of the Municipality to adopt a policy restricting smoking and the use of tobacco products in all municipal buildings and on all municipal grounds within twenty-five linear feet of any municipal building entrance or exit;

**NOW THEREFORE, BE IT RESOLVED** by the Erwin Board of Commissioners of the Erwin, North Carolina and pursuant to North Carolina General Statute §130A-498, that it is in the public interest to prohibit smoking and the use of tobacco products in all municipal buildings and on all municipal grounds within twenty-five linear feet of any municipal building entrance or exit; and

**RESOLVED**, smoking and the use of tobacco products are prohibited in any building owned, leased, or occupied by the Municipality and on any grounds that are owned, leased, or occupied by the Municipality within twenty-five linear feet of any municipal building entrance or exit owned, leased, or occupied by the Municipality; and

**RESOLVED**, for purposes of this policy, the term "Municipal building" shall mean a building owned, leased as lessor, or the area leased as lessee and occupied by the Municipality; and

**RESOLVED**, for the purposes of this policy, the term "Grounds" shall mean an unenclosed area owned, leased, or occupied by the Municipality; and

**RESOLVED**, for the purposes of this policy, the term "Smoking" means the use of a lighted cigarette, or any other lighted tobacco product; and

**RESOLVED**, for the purposes of this policy, the term "Tobacco product" means any product containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component part or accessory of a tobacco product, including but not limited to cigarettes, cigars, chewing tobacco, snuff, and any other items containing or reasonably resembling tobacco or tobacco products; and

**RESOLVED**, that the Town Manager or his designee shall post signs in and around Municipal buildings in a manner and location that adequately notify employees and visitors that the use of tobacco products by any person is prohibited at all times in Municipal buildings and on any grounds within twenty-five linear feet of any municipal building entrance or exit; and

**RESOLVED**, the Town Manager or his designee shall remove all ashtrays and other smoking receptacles intended for use from Municipal buildings and grounds within twenty-five linear feet of any municipal building entrance or exit; and

**RESOLVED**, that the Town Manager or his designee shall ensure that notice of this policy is provided to employees and the public; and

**RESOLVED**, that employees of the Municipality who want to quit the use of tobacco products are encouraged to talk to their health care provider about quitting; and

**RESOLVED**, that employees of the Municipality who violate this policy shall be subject to disciplinary action; and

**RESOLVED**, that this policy is effective immediately.

**Duly Adopted**, this the 4<sup>th</sup> day of May 2023.

\_\_\_\_\_  
**Randy Baker**  
**Mayor**

**ATTEST:**

\_\_\_\_\_  
**Lauren Evans**  
**Town Clerk**

**MINUTES CONTINUED FROM APRIL 24, 2023**

**The consensus of the Board was to place this on our Consent Agenda for our Regularly Scheduled Meeting in May.**

**East L Street**

Town Manager Snow Bowden informed the Board that there is an unopen portion of East L Street. There is a potential buyer of the property and the only way to close the road is by action of the Town Board. We must adopt a resolution setting the Public Hearing.

**The consensus of the Board was to place this on our Consent Agenda for our Regularly Scheduled Meeting in May.**

**BOA 2023-04**

Town Manager Snow Bowden stated this budget amendment helps clean up the budget for the library. The number given to us for the consolidation was not exact with the Library still being under the Town in July and this helps to balance the budget out.

**The consensus of the Board was to place this on our Consent Agenda for our Regularly Scheduled Meeting in May.**

**BOA 2023-05**

Town Manager Snow Bowden stated we are requesting to use some additional sales tax revenue and property tax revenue to increase the expenditures and contracted services in our Stormwater budget by \$18,332 to fix the ditch by Erwin Elementary School.

Commissioner Byrd stated it was the principal of the situation and the County's engineer agreed that it was their fault,

Commissioner Blackmon stated we need to fix the ditch for our residents and then send the County a bill.

Mayor Baker stated it is the Town's responsibility when it gets to the ditch and he was tired of arguing over it. He did not want to get in a publicity war and the Town look unappreciative for the new school.

Commissioner Blackmon stated you cannot turn water to cause problems elsewhere. They are responsible. A study should have been done to see where the water goes and a study was never done. The Town can hire someone to fix it but the County needs to pay because they created the problem.

Mayor Baker stated we need to go ahead and fix it so that our residents who have been affected do not suffer any longer.

**The consensus of the Board was to place this on our Consent Agenda for our Regularly Scheduled Meeting in May.**



# TOWN OF ERWIN

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

## TOWN OF ERWIN NOTARY PROCEDURE POLICY

**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

**Purpose:** The purpose of this policy is to provide guidance and establish rules regarding managing the Town of Erwin's Notary Workforce.

The basic role of the Notary is to prevent fraud; this is crucial to a Municipality's success. Employing Notaries puts you on the frontline in the battle against identity theft, forgeries, and other scams and deceptions. Appointed by their states, Notaries serve as impartial witnesses to certify certain facts about the signing of documents. The official process they perform renders documents worthy of the public's trust. This offers assurance that a document is authentic, its signature is genuine, and its signer acted willingly and intended the terms of the document to be in full force and effect.

All Notary Publics employed by the Town of Erwin will follow the guidelines below:

1. Must be professionally trained.
2. Must give precedence to complying with the laws, regulations, and professional standards of practice for Notaries.
3. Must keep a journal of official acts and use an official seal of office.
4. Must only notarize Town Official Business during business hours.

**Duly Adopted**, this the 4<sup>th</sup> day of May 2023.

---

**Randy Baker**  
Mayor

**ATTEST:**

---

**Lauren Evans**  
Town Clerk

# Erwin Board of Commissioners

## REQUEST FOR CONSIDERATION

---

To: The Honorable Mayor and Board of Commissioners

From: Snow Bowden, Town Manager

Date: April 24, 2023

Subject: East L Street

---

I have been approached by a property owner in Town with a request to have an unopen street formerly closed. This is an odd situation. The unopened street is not listed on the original plat of the Town, and it is only shown on a few surveys for this property. It is not shown on every survey associated with the property. The proposed road would connect to HWY 421. I highly doubt NCDOT would approve this connection. This matter has been discussed back in 2000. There was a public hearing held to discuss closing this road but the item was tabled and never brought back up for discussion.

In order to start this process the Town Board has to adopt a resolution to close the unopened portion of the street (East L Street) and have a public hearing to discuss the matter. The resolution has to be published four weeks prior to the hearing, and the adjacent property owners must be notified.

# Harnett GIS



**GIS/E-911 Addressing**  
 March 7, 2023

**Surrounding County Boundaries**

- City Limits
- County Boundary
- Address Numbers

**Major Roads**

- Interstate
- NC
- US

**Airport**

**Mile\_Markers**

**Roads**

**Cape Fear River**

**Scale:**  
 0 80 160 320 Feet  
 1 inch = 188 feet

NOT FOR LEGAL USE .

NOTE: This property does not appear to be located within 2,000 feet of a R.C. Grid System Monumentation.

This is to certify that I have considered the Federal Insurance Administration Regulations under the provisions of the above property described in this plat, subject to the appropriate Board of Assessors.

Site of North Carolina County of Harnett  
 L. NITZE  
 Review Officer of Harnett

DATE: 8/15/01  
 Andrew N. Joffe, P.L.S. # 2469  
 Deed Book 487, Page 118

MINUTE PART MAP  
 15th day of August, 2001

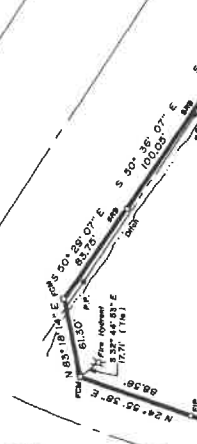
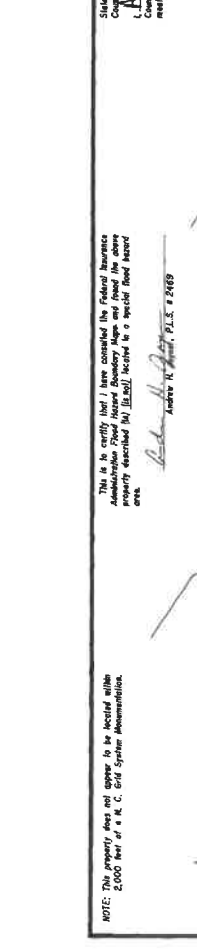
Andrew N. Joffe, P.L.S. # 2469  
 Deed Book 487, Page 118

NOTE: Pt. A to Pt. B is Agreed Property Line as recorded in Deed Book Page , Harnett County Registry.

EAST		WEST	
1" ST.	1" ST.	1" ST.	1" ST.
1" ST.	1" ST.	1" ST.	1" ST.
1" ST.	1" ST.	1" ST.	1" ST.
1" ST.	1" ST.	1" ST.	1" ST.
1" ST.	1" ST.	1" ST.	1" ST.

LEGEND  
 P... Plat  
 S... Sale  
 F... F...  
 M... Map  
 D... Deed  
 P... Plat  
 S... Sale  
 F... F...  
 M... Map  
 D... Deed  
 P... Plat  
 S... Sale  
 F... F...  
 M... Map  
 D... Deed

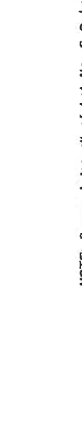
NOTE: All measurements shown are horizontal ground measurements unless otherwise noted. Area computed by coordinates. P.L.S. W.S.S. "ADMAS" is a 79' L.M.



RECOMMENDATION FOR PROPERTY OF:  
**DAVID L. BRADHAM and wife, MEREDITH L. BRADHAM and WILLIAM E. LASATER, JR.**  
 DUKE TWP., HARNETT COUNTY, N.C.  
 SURVEY BY: JOYNER PIEDMONT SURVEYING  
 P.O. Box 115, Duke, N.C. 28034  
 Phone (910) 882-2801  
 ZONE: SEPTEMBER 28, 2000 SCALE: 1" = 60'  
 L.O.I. No. 6 - P.L. # 06-0597-J103-0008  
 L.O.I. No. 7 - P.L. # 06-0597-J103-0008-01  
 Map# 2001-888

NO APPROVAL NECESSARY BY THE PLANNING BOARD OF THE TOWN OF ERWIN.  
 8-15-2001  
 Date  
 Mike Goodwin, Code Administrator

NOTE: Survey being all of Lot No. 6 & Lot No. 7 of 'Map G-3, Erwin Mills, Inc.' as recorded in Map Book 7, Page 11, Harnett County Registry.  
 NOTE: Deed Reference: Book 487, Page 118.



Andrew N. Joffe, P.L.S. # 2469  
 Deed Book 487, Page 118





KIMBERLY S. HARGROVE  
REGISTER OF DEEDS, HARNETT  
COURTHOUSE  
P.O. BOX 279  
LILLINGTON, NC 27546

\*\*\*\*\*

Filed For Registration: 08/15/2001 04:21:27 PM

Book: PLAT 2001 Page: 888-889

Document No.: 2001014321

MAP 2 PGS \$21.00

Recorder: *Tracy B Taylor*  
~~FRUDIC SMITH~~

State of North Carolina, County of Harnett

KIMBERLY S. HARGROVE, REGISTER OF DEEDS By: *Tracy B. Taylor*  
Deputy/Assistant Register of Deeds

**\*2001014321\***

2001014321

**CITY COUNCIL MEETING MINUTES  
TUESDAY DECEMBER 12, 2000  
ERWIN, NORTH CAROLINA**

6112

The Board of Commissioners for the Town of Erwin with Mayor James E. Glover presiding held a special meeting in the town hall on Tuesday, December 12, 2000 at 7:00 PM, in Erwin, North Carolina.

Board members present were Commissioners Benny Hall, Thurman E. Whitman, W. N. Porter, David A. Faircloth, and Ricky W. Blackmon.

Board member absent was Commissioner Robert A. Wilson, Jr. Wilson.

Town Manager Chuck Simmons, and Town Clerk Joan W. Weeks were present.

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

Commissioner Faircloth had the opening prayer.

Those present gave the Pledge of Allegiance . . .

**NEW BUSINESS**

**CONSIDERATION OF RESOLUTION DECLARING INTENT TO  
CLOSE UNOPENED PORTION OF EAST L STREET**

Mr. Simmons informed the Board that the first item was consideration of a resolution declaring its intent to close an unopened portion of East L Street. He further stated that Attorney Billy Godwin represents Dr. David Bradham, his wife Meredith Bradham and William E. Lasater. He said that it was his understanding that they were the new owners of the property in question, which is located at the corner of North 10<sup>th</sup> Street and Jackson Blvd. The plans are to put a chiropractic office on that property and he has not seen the plans for the office but they are in the process of being drawn up. Mr. Godwin has asked that the Town Board consider closing the unopened portion of East L Street and it is designated as 60.63-foot right of way. If the Board chooses to do that, the General Statutes spell out the procedures that it has to undergo and the first step is to approve a resolution declaring your intent to close the unopened portion of East L Street and immediately following passage of the resolution, the Town would be obligated to publish a notice in the newspaper for four consecutive weeks of our intent to close the street and we would also be establishing a public hearing. The public hearing for this issue has been established for January 4, 2001, which is our next regular Town Board meeting, and at that meeting citizens would have an opportunity to come forward and indicate how they could be possibly impacted by this proposal. The way the Statutes read the articles would have to be made up regarding how the closure of this street right of way would be adverse to the public interest or how an individual property owner would be denied ingress and egress to or from their property. He did not

feel that in this particular situation that this was going to be the case however, because when you look at that map this is a corner lot and all the adjacent property owners can access their property from other streets.

Commissioner Porter made a motion to approve the resolution declaring intent to close unopened portion of East L Street and was seconded by Commissioner Faircloth. The Board voted 5 for 1 absent (Wilson).

(PAGE 6114)

PRESENTATION OF FY 99-00 TOWN OF ERWIN AUDIT-GILES,  
STRICKLAND AND ASSOCIATES

Mr. Simmons informed the Board that the next item was presentation of the 1999-2000 Town of Erwin audit and Mr. Joes Giles is present at this time to make this presentation.

Mr. Joe Giles came forward and talked with the Board concerning the audit for fiscal year 1999-2000. He said that it was his pleasure to be able to meet with you tonight and present the audit report. He said that he was not going to spend a lot of time on this because there is not anything to tell you that is not good as far as the numbers for the last year are concerned. He did want to bring particular attention to the management letter. He also explained that a management letter was not a report card and that it is nothing more than where the CPA goes in and looks at the systems and if he finds things that he thinks could improve the internal control structure they are suppose to tell you about it. The management letter this year basically has the segregation of duties problems because we still don't have enough employees that we can separate everything like we really need to do to be able to depend on internal control by itself. He said that it does not mean that there is a problem and it will probably be there for a while longer. The only thing that we had was a small problem between two funds where some money did not get transferred between one fund and another all inside the Town of Erwin and that is the only thing that we could find and the audit was as clean as it has ever been from that standpoint. He felt that management should get some high accolades because we have had some pretty serious management letters in some of our earlier training years. He said that he was real proud of the Town's staff for doing such a good job because we do look at it pretty thoroughly. He then explained the grafts that showed how this year related to the previous year. He then went to the audit report and explained some of the schedules that were in the report. He said that the total assets this year were 1.5 million this year versus 1.8 million last year and the liabilities were about the same as last year. The total fund balance this year was 1.3 million and it was 1.679 million last year. He said that we spent \$355,160 dollars of fund balance



# TOWN OF ERWIN

RECENTLY VOTED #1 SANDHILLS COMMUNITY

P.O. Box 459  
ERWIN, NORTH CAROLINA 28339  
(910) 897-5140  
Fax (910) 897-5543

## TOWN OF ERWIN RESOLUTION DECLARING INTENT TO CLOSE UNOPENED PORTION OF EAST L STREET


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

**WHEREAS**, a request has been made of the Erwin Town Board to consider permanently closing the unused portion of East L Street, that extends from North 10<sup>th</sup> Street to U.S. 421, and traverses the property of David L. Bradham, Meredith L. Bradham, and William E. Lasater, Jr.

**NOW THEREFORE BE IT RESOLVED**, that it is the intent of the Erwin Town Board to permanently close the unopened portion of East L Street as previously described, and it hereby establishes a public hearing to be held on January 4, 2001, at 7:00 p.m. in the Erwin Municipal Building Board Room; and,

**BE IT FURTHER RESOLVED**, that the purpose of the public hearing will be to determine if the unopened portion of East L Street being requested for permanent closure would be detrimental to the public interest, or to the property rights of any individual.

**DULY ADOPTED**, this the 12<sup>th</sup> day of December, 2000.

  
James E. Glover, Mayor

ATTEST:

  
Joan W. Weeks, CMC

**CITY COUNCIL MEETING MINUTES  
THURSDAY JANUARY 4, 2001  
ERWIN, NORTH CAROLINA**

6116

The Board of Commissioners for the Town of Erwin with Mayor James E. Glover presiding held its regular meeting in the town hall on Thursday, January 4, 2001 at 7:00 PM, in Erwin, North Carolina.

Board members present were Commissioners Benny Hall, Thurman E. Whitman, W. N. Porter, Commissioner Robert A. Wilson, Jr., David A. Faircloth, and Ricky W. Blackmon.

Commissioner Porter came in late.

Town Manager Chuck Simmons, Town Clerk Joan W. Weeks, and Town Attorney Vernon K. Stewart were present.

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

Commissioner Wilson had the opening prayer.

Those present gave the Pledge of Allegiance.

**APPROVAL OF MINUTES OF NOVEMBER 20, 2000 MEETING**

Commissioner Hall made a motion to approve the minutes for the November 20, 2000 meeting as stated and was seconded by Commissioner Blackmon. The Board voted 5 for 1 absent (Porter).

**CITIZENS ADDRESSES TO THE TOWN BOARD REGARDING AGENDA  
ITEMS, WHICH POTENTIALLY AFFECT THEM**

No one came forward at this time.

Commissioner Blackmon made a motion to close the regular meeting to go into a public hearing at 7:03 PM and was seconded by Commissioner Hall. The Board voted 5 for 1 absent (Porter).

**PUBLIC HEARING**

**RESOLUTION OF INTENT TO CLOSE UNOPENED PORTION OF  
EAST L STREET**

Mr. Simmons informed the Board that the next item was a public hearing. This resolution was passed on December 12, 2000 that indicated its intent to close an unopened portion of East L Street. He further stated that this was a 60-foot right of way, which runs off of North 10<sup>th</sup> Street and runs at an angle until it merges with US 421. The street has never been opened. The petitioners that initially made this request are David L. Bradham and wife Meredith L. Bradham and William G. Lasater, Jr. Once the Town Board adopted the resolution of intent to close this street, included in that resolution was this date for the public hearing established and the notification requirements were initiated. The

notification requirements are that this issue had to be advertised for four consecutive weeks in a local newspaper and also we are required to send certified mail to all adjacent property owners and the property has to be posted in two conspicuous places and all of this has been done. He had been contacted by at least one property owner, other than the petitioners, that is interested in the closure of the property how the resulting property or land would be divided. He said that all he could refer that individual to was the General Statutes. The General Statutes make reference to that fact in saying that if the right of way is closed that the property rights would go to those individuals owning lots or parcels of land adjacent to the street or alley. The title for such adjoining land would go to the owners for the width of the abutting land owned they would get half of the right of way on either side of the street.

Mr. William G. Lasater, Jr. came forward and asked that this issue be tabled at this time. He said that some information had come to his attention that needed to be addressed because if they could not use the property for a medical facility there would be no need to close the right of way.

When no one else came forward Commissioner Hall made a motion to close the public hearing and go back into the regular meeting at 7:09 PM and was seconded by Commissioner Blackmon. The Board voted 6 for 0 against.

UNFINISHED BUSINESS

CONSIDERATION OF RESOLUTION ORDERING PERMANENT CLOSURE  
OF UNOPENED PORTION OF EAST L STREET

Mr. Simmons informed the Board that the next item was consideration of resolution ordering permanent closure of unopened portion of East L Street. He also informed the Board that they could now consider Mr. Lasater's request.

Commissioner Hall made a motion to table this issue until a later date and was seconded by Commissioner Blackmon. The Board voted 6 for 0 against.

CONSIDERATION OF PROPOSED AMENDMENTS TO MINIMUM  
HOUSING CODE

Mr. Simmons informed the Board the next item was consideration of proposed amendments to the minimum housing code. He said that at our last meeting we had a public hearing on this issue whereby a number of amendments are being proposed by our building inspector. He further stated that there are not any major departures from our existing minimum housing code. He explained to the Board that there was one significant change that he felt was necessary and

## ERASING THE PAPER STREET

By David A. Bennington

(Published February 23, 1998 in *North Carolina Lawyers Weekly*)

Access is essential to the development and use of real property and it is a fundamental concern when examining title. Considerable effort by the closing attorney is often necessary to establish record access in order to market property. On occasion, however, the closing attorney is faced with the prospect of terminating existing rights of way because they interfere with the intended use or development of the property. The termination of record access can be as critical an issue in the completion of a closing as the establishment of access in the more typical transaction.

There are three statutory procedures available to the closing attorney which provide a mechanism to terminate access rights of way which have been previously established on the public record. Usually, the rights of way have never existed in fact, but are disclosed only in the record title by deed, easement or plat. They exist on paper only.

The termination of "paper streets" usually has two objectives. First, there is the termination of the rights of others to utilize the easements as rights of way. Second, is the resolution of the question of fee ownership of the land over which the easement was established.

### **Closure by Private Action**

N.C. Gen. Stat. § 136-96 provides the attorney a procedure by which, under appropriate circumstances, rights of way can be withdrawn by private action of interested parties. The statute applies to "[e]very strip, piece or parcel of land" which has been dedicated to public use "as a road, highway, street, avenue, or for any other purpose" and which has not been opened and used within 15 years from and after the dedication.

In such circumstances, the "dedication" is conclusively presumed to have been abandoned by the public. Upon the filing of a declaration of withdrawal in the Office of the Register of Deeds by the dedicator or "some one or more of those claiming under him," all claims of public and private rights in the withdrawn area are effectively terminated. It must be noted that with respect to the private rights of individuals, the statute does not apply where the "continued use of any strip of land dedicated for street or highway purposes shall be necessary to afford convenient ingress or egress to any lot or parcel of land sold and conveyed by the dedicator of such street or highway."

The primary purpose of the statute is the withdrawal of easement rights. The filing of a declaration under the statute does not affect the fee ownership of the underlying land within the dedicated area except in the single instance where the original dedicator was a corporation which at the time of withdrawal no longer exists. In such case, the title to the land within the right of way is "conclusively presumed to be vested in those persons, firms or corporations owning lots or parcels of land adjacent thereto."

### **Governmental Closings**

Two additional statutes provide procedures for the closing of streets and rights of way by governmental action. N.C. Gen. Stat. § 160A-299 applies to streets within municipalities and their extra territorial jurisdiction and N.C. Gen. Stat. § 153A-241 deals with roads within counties. These are essentially companion statutes with similar requirements and results.

Under N.C. Gen. Stat. § 160A-299, a city council may permanently close any street or public alley which has been irrevocably dedicated to public use, including streets which have not actually been opened. The statute requires the council to adopt a resolution of intent to close the designated street. The resolution and notice of public hearing must be published for four weeks prior to the hearing. Additionally, the notice must be sent by registered or certified mail to all property owners adjoining the right of way and posted in at least two places along the affected street.

After public hearing, during which interested parties may be heard, the council may determine that the public interest is served by the closing and an order to that effect issued. The order must then be recorded in the Office of the Register of Deeds. Any aggrieved party may appeal the entry of the order pursuant to the statute within thirty (30) days of its adoption.

Once entered, and subject to any appeal, the order has the effect of vacating public rights within the street and vesting title in adjoining lot owners to the centerline of the closed street. It should be noted that the closing of any street maintained and controlled by the Department of Transportation is not complete unless and until that department consents. Also, any utilities either public or franchised private concerns may be reserved by the city. Any such reservation shall be set forth in the order vacating the street.

County governments are afforded comparable authority to close "paper streets" in their jurisdiction through N.C. Gen. Stat. § 153A-241, which enables a county via the board of commissioners to permanently close any public road located within the county which is not under the control of the Department of Transportation or a municipality in its extra-territorial jurisdiction. The procedure outlined by the statute is similar to that of N.C. Gen. Stat. § 160A-299 and includes the following steps:

1. Adoption of a resolution of intent to close street and setting of a public hearing;
2. Publication of the resolution for each of four successive weeks;
3. Notice to all adjoining property owners via registered or certified mail; and
4. Posting of the resolution in at least two places along the subject street.

Upon hearing, the commissioners may adopt an order closing the street which shall be filed with the register of deeds and is subject to appeal for a period of thirty (30) days. Tracking the result of N.C. Gen. Stat. § 160A-299, the effect of such an order is to vest title in adjoining property owners to the center line of the closed street subject to any easements for utilities existing prior to the closing.

### **Comparison of the Statutes**

The procedures outlined by each statute are straightforward but additional attention should be directed to the application and result of those procedures, since a determination of which statute applies in a given situation will effect different results as to the fee title. N.C. Gen. Stat. § 136-96



refers to streets which have been "at any time dedicated to public use" while § 160A-299 by its terms applies to any street which has been "irrevocably dedicated to the public, without regard to whether it has actually been opened." Section 153A-241 simply references any public road or easement.

The use of the term "dedication" in § 136-96 may be misplaced. The most technical use of the term indicates both an offer of dedication to the public at large and acceptance of that offer by recognizable act. This is clearly not the situation that the statute is designed to address. By its terms the statute deals with streets and easements which have not actually been opened, and therefore have never been accepted.

The cases construing § 136-96 make it clear that the statute does not apply when there has been an actual use (acceptance) by the public. *Russell v. Coggin*, 232 N.C. 674, 62 S.E.2d 70 (1950); *Janicki v. Lorek*, 255 N.C. 53, 120 S.E.2d 413 (1961). Under § 136-96, the use of the term dedication implies an offer of declaration only. Conversely, the authorities construing N.C. Gen. Stat. § 160A-299 and N.C. Gen. Stat. § 153A-241 indicate that actual public use or acceptance is a prerequisite to the application of the statutes. *In re Easement of Right of Way*, 90 N.C. App. 303, 368 S.E.2d 639 (1988).

As previously mentioned, withdrawal under N.C. Gen. Stat. § 136-96 serves only to terminate easement rights and leaves the underlying fee in the original dedicator, his heirs or assigns, save only the cases involving now defunct corporations. Sections 160A-299 and 153A-241 establish presumptions of ownership in adjoining property owners whether corporate or individuals. But for the provisions of § 160A-299 relating to unopened streets, the distinguishing factor appears to be the creation of public rights in streets which are thereafter vacated. Although the city or county never acquires fee title via dedication, the logical extension of these two statutes is that acceptance and use by the public serves to terminate private ownership in the underlying fee. Nevertheless, it is difficult to reconcile § 160A-299(d).

None of these statutes discussed is a "cure all." While each can be extremely useful in the appropriate situation, the closing attorney must carefully examine and analyze the nature of the streets or rights of way he is attempting to terminate and then carefully adhere to the statutory procedures.

For a more in depth and scholarly treatment of N.C. Gen. Stat. § 160A-299 and other issues relating to municipal rights of way, the author highly recommends *Property Interests in North Carolina City Streets* by David M. Lawrence, Institute of Government, The University of North Carolina, Chapel Hill, 1985.



# TOWN OF ERWIN

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

## TOWN OF ERWIN RESOLUTION DECLARING INTENT TO CLOSE UNOPENED PORTION OF EAST L STREET 2022-2023—005

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

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

**WHEREAS**, a request has been made of the Erwin Town Board to consider permanently closing the unused portion of East L Street, that extends from North 10th Street to U.S. 421, and traverses the property of David L. Bradham, Meredith L. Bradham, and William E. Lasater, Jr.

**NOW THEREFORE BE IT RESOLVED**, that it is the intent of the Erwin Town Board to permanently close the unopened portion of East L Street as previously described, and it hereby establishes a public hearing to be held on June 1, 2023 at 7:00 p.m. in the Erwin Municipal Building Board Room; and,

**BE IT FURTHER RESOLVED**, that the purpose of the public hearing will be to determine if the unopened portion of East L Street being requested for permanent closure would be detrimental to the public interest, or to the property rights of any individual.

**DULY ADOPTED**, this the 4th day of May, 2023.

---

**Randy Baker**  
**Mayor**

**ATTEST:**

---

**Lauren Evans**  
**Town Clerk**

# Erwin Board of Commissioners

## REQUEST FOR CONSIDERATION

---

To: The Honorable Mayor and Board of Commissioners

From: Snow Bowden, Town Manager

Date: April 24, 2023

Subject: BOA 2023-04

---

This budget amendment will balance out the budget for the Erwin Public Library. This year we were a part of the library consolidation with Harnett County. The transition has gone well. We have heard a lot of positive feedback on this project. The process was delayed a month. This requested amendment will help balance our budget.

**BUDGET ORDINANCE AMENDMENT  
BOA 2023 – 04  
FISCAL YEAR 2022-2023**

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, 2023.

Section 1. This Budget Ordinance Amendment seeks to Increase Revenues and Increase Expenditures by \$10,228.00. This will recognize additional revenues for Harnett County Ad Valorem 2022 Taxes and unanticipated Library Expenses, keeping the budget in balance.

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

Account	Description	Current Approp.	Increase/Decrease	Amended Appropriation
10-3010-022	Ad Valorem 2022	\$1,480,186.00	(+) \$10,228.00	\$1,490,414.00

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

Account	Description	Current Approp.	Increase/Decrease	Amended Appropriation
10-6300-020	Salaries	-0-	(+) \$4,892.00	\$4,891.00
10-6300-050	FICA Exp	-0-	(+) \$ 375.00	\$ 375.00
10-6300-060	Group Ins.	-0-	(+) \$ 635.00	\$ 635.00
10-6300-070	Retirement	-0-	(+) \$ 581.00	\$ 581.00
10-6300-071	401K Contribution	-0-	(+) \$ 245.00	\$ 245.00
10-6300-130	Utilities	-0-	(+) \$ 3,500.00	\$3,500.00

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 4th day of May 2023.

\_\_\_\_\_  
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: Snow Bowden, Town Manager

Date: April 24, 2023

Subject: BOA 2023-05

---

At the moment, our Sales Tax revenues have exceeded what I thought they would. This request is to take some of the additional revenue, and add it to our Storm Water budget. This proposed request would help cover improving our ditch near the Erwin Elementary School site. The estimated cost of the project is \$18,332.00.

**BUDGET ORDINANCE AMENDMENT  
BOA 2023 – 05  
FISCAL YEAR 2022-2023**

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, 2023.

Section 1. This Budget Ordinance Amendment seeks to Increase Revenues and Increase Expenditures by \$40,000. This will recognize additional revenues for Harnett County Ad Valorem 2022 Taxes and additional Sales and Use Tax revenues, and also recognizing unanticipated Public Works: Storm Water Expenses, keeping the budget in balance.

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

Account	Description	Current Approp.	Increase/Decrease	Amended Appropriation
10-3010-022	Ad Valorem 2022	\$1,490,414	(+) \$17,268	\$1,507,682
10-3450-000	Sales/Use Tax	\$750,000	(+) \$22,732	\$ 772,732

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

Account	Description	Current Approp.	Increase/Decrease	Amended Appropriation
10-5900-450	Contracted Serv.	-0-	(+) 40,000	\$40,000

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 4th day of May 2023.

\_\_\_\_\_  
Randy L. Baker, Mayor

ATTEST:

\_\_\_\_\_  
Lauren Evans, Town Clerk

## MINUTES CONTINUED FROM APRIL 24, 2023

### **ZT-2023-002**

Town Manager Snow Bowden informed the Board that the Town received a request to rezone the parcel located at 306 Masonic Road from R-10 to B-2. The property owner wanted to make the property more marketable. The Planning Board did recommend this request for approval. The parcel is adjacent to B-2 zoning.

### **SU-2023-002**

Town Manager Snow Bowden informed the Board that the Town received a special use application to operate a Customary Home Occupation inside the home located at 129 Bumpas Creek Access.

No discussion was had among the Board regarding case SU-2023-002.

The Board discussed text amendments to our ordinances regarding certain special use requests.

Town Manager Snow Bowden stated he will have text amendments prepared for our Planning Board meeting in May.

## CLOSED SESSION

Commissioner Blackmon made a motion to go into Closed Session Pursuant to General Statute 143-318.11 (a) (6) for the Purpose of Discussing Personnel at 6:37 PM and was seconded by Commissioner Byrd. **The Board voted unanimously.**

## RECONVENED

Commissioner Byrd made a motion to go back in regular session at 7:05 PM and was seconded by Commissioner McKoy. **The Board voted unanimously.**

## MANAGER'S REPORT

Town Manager Snow Bowden informed the Board that:

- He had a few different meetings with various stakeholders with the State of NC to try and help the new owners of the former Erwin mill to help them find any potential grant opportunities, tax credits, and also any type of assistance with the redevelopment of this building. The Erwin Chamber of Commerce Administrator Sheveil Harmon had been very helpful as well.
- We were making positive progress with the Land Use Plan updates. We were having our first public meeting on May 9<sup>th</sup> from 5 till 7 PM in the board room at the Erwin Town Hall. The Erwin Public Library was helping us out by promoting an event before this meeting from 4 PM till 5 PM "Taco about the Town". There will be free tacos and programming for

# Erwin Board of Commissioners

## REQUEST FOR CONSIDERATION

---

To: The Honorable Mayor and Board of Commissioners

From: Snow Bowden, Town Manager

Date: April 24, 2023

Subject: ZT-2023-002

---

The Town of Erwin has received an application with a rezoning request. The request is to have the parcel at 306 Masonic Road rezoned from R-10 (residential) to B-2 (Highway Business). There is an existing residential structure on the property at the moment. The parcel is located at the corner of HWY 421 and Masonic Road. The parcel is adjacent to a B-2 Zoning District. The parcel is also located adjacent to a B-1 Zoning District (Neighborhood Business). The property owner has requested this rezoning to make the property more marketable. The Planning Board recommended that this rezoning request be approved.



APR 10 +  
MAY 4 306.00

15-2

Revised 9-19-2014



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

Staff Only: Zoning Case # Z-2023 - 002  
Fee: \_\_\_\_\_ Check # MO Cash \_\_\_\_\_  
PB Recommendation: A D A/W Conditions  
BOC Date: 5/4/23 Decision: A D T A/W Conditions

Print Applicant Name: BLUCE MARTIN  
Name of Legal Property Owner: SUNSHINE RENOVATIONS INC  
Location of Property: 306 MASONIC RD ERWIN

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

Zoning change requested from Res R-10 to B-2

If Conditional District, note conditions: \_\_\_\_\_

Harnett County Tax Map PIN 1 507-14-0672

Property owner(s) of area requested and address(es)

\_\_\_\_\_  
see attached  
\_\_\_\_\_  
\_\_\_\_\_

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

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

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

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

[Signature] 910-891-8569  
Signature of Applicant Contact Number

P.O. Box 2474 Dunn, NC 28335  
Mailing Address of Applicant



# REZONING MAP REQUEST STAFF REPORT

Case: ZT-2023-002

Snow Bowden, Town Manager

[townmanager@erwin-nc.org](mailto:townmanager@erwin-nc.org)

Phone: (910) 591-4200

Fax: (910) 897-5543

Planning Board: 04/17/2023

Town Commissioners: 05/04/2023

Requested zoning map amendment to one parcel located at 306 Masonic Road. The parcel is currently zoned R-10 and the applicant has requested the parcel be rezoned to Highway Business (B-2)

---

---

## Applicant Information

### **Owner of Record:**

Name: Sun Dawg Renovations, INC.

Address: PO Box 2474

City/State/Zip: Dunn, NC 28335

### **Applicant:**

Name: Sun Dawg Properties

Address: PO Box 2474

City/State/Zip: Dunn, NC 28335

---

---

## Property Description

Address- 306 Masonic Road

Harnett County Tax PIN 1507-14-0672.00

Acres .73

Zoning District- Residential (R-10)

---

---

## Vicinity Map

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

---

---

## Physical Characteristics

Site Description: This site has an existing home located on it. The site is .43 acres and is located at the corner of HWY 421 and Masonic Road.

Surrounding Land Uses: There is a vacant parcel adjacent to this property. There are commercial uses across the street. There are residential uses adjacent to the rear side of the property but those homes front North 6<sup>th</sup> Street.

---

---

## Services Available

- Harnett County Regional Water
  - Duke Energy would provide electricity
  - CenturyLink is the telephone provider
- 
- 

## Staff Evaluation

Town Staff would recommend this rezoning request be evaluated for feasibility.

### Staff Evaluation

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

- **Reasoning:** This parcel is adjacent to a four land highway (HWY 421). It is located at the corner of two NCDOT roads. The parcel would be accessed from Masonic Road which is a NCDOT road. The impact to the community would be reasonable.

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

- **Reasoning:** This parcel is located in an area identified for High Intensity Growth in our 2014 Land Use Plan. This classification is intended for commercial uses that have a more regional draw and may serve residents outside of the immediate area.

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

- **Reasoning:** This parcel is located at the corner of two NCDOT roads. It would provide a site for future development to serve our residents.

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

- **Reasoning:** This request is for one parcel that is .73 acres

<p>There is convincing demonstration that all uses permitted under the proposed district classification would be in the general public interest and not merely in the interest of an individual or small group. YES</p>	<p>This parcel is adjacent to other commercial land uses and all of the permitted uses in our Highway Business district would be appropriate at this site.</p>
<p>There is convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change. (When a new district designation is assigned, any use permitted in the district is allowable, so long as it meets district requirements, and not merely uses which applicants state they intend to make of the property involved.) YES</p>	<p>This parcel is adjacent to other commercial land uses and all of the permitted uses in our Highway Business district would be appropriate at this site.</p>
<p>There is convincing demonstration that the character of the neighborhood will not be materially and adversely affected by any use permitted in the proposed change. YES.</p>	<p>This parcel is located at the corner of two NCDOT roads. There are commercial land uses</p>
<p>The proposed change is in accord with the Land Development Plan and sound planning principles. YES</p>	<p>This parcel is located in an area identified for High Intensity Growth.</p>

---



---

## Statement of Consistency

The requested rezoning Highway Business (B-2) is compatible with all of the Town of Erwin's regulatory documents and would not only have a positive impact on the surrounding community, but would enhance the public health, safety, and general welfare as stated in the evaluation. It is recommended that this rezoning request be **Approved**.

---



---

Attachments:

- ZT-2023-002 Application
- Harnett County GIS Image with zoning districts
- Harnett County GIS Image without zoning districts
- Property owners notified

# Harnett GIS



Surrounding County Boundaries  
City Limits  
County Boundary  
Address Numbers

MajorRoads  
Interstate  
NC  
US

Airport  
Mile\_Markers  
Mile\_Markers  
Railroad  
Parcels

Roads  
Cape Fear River

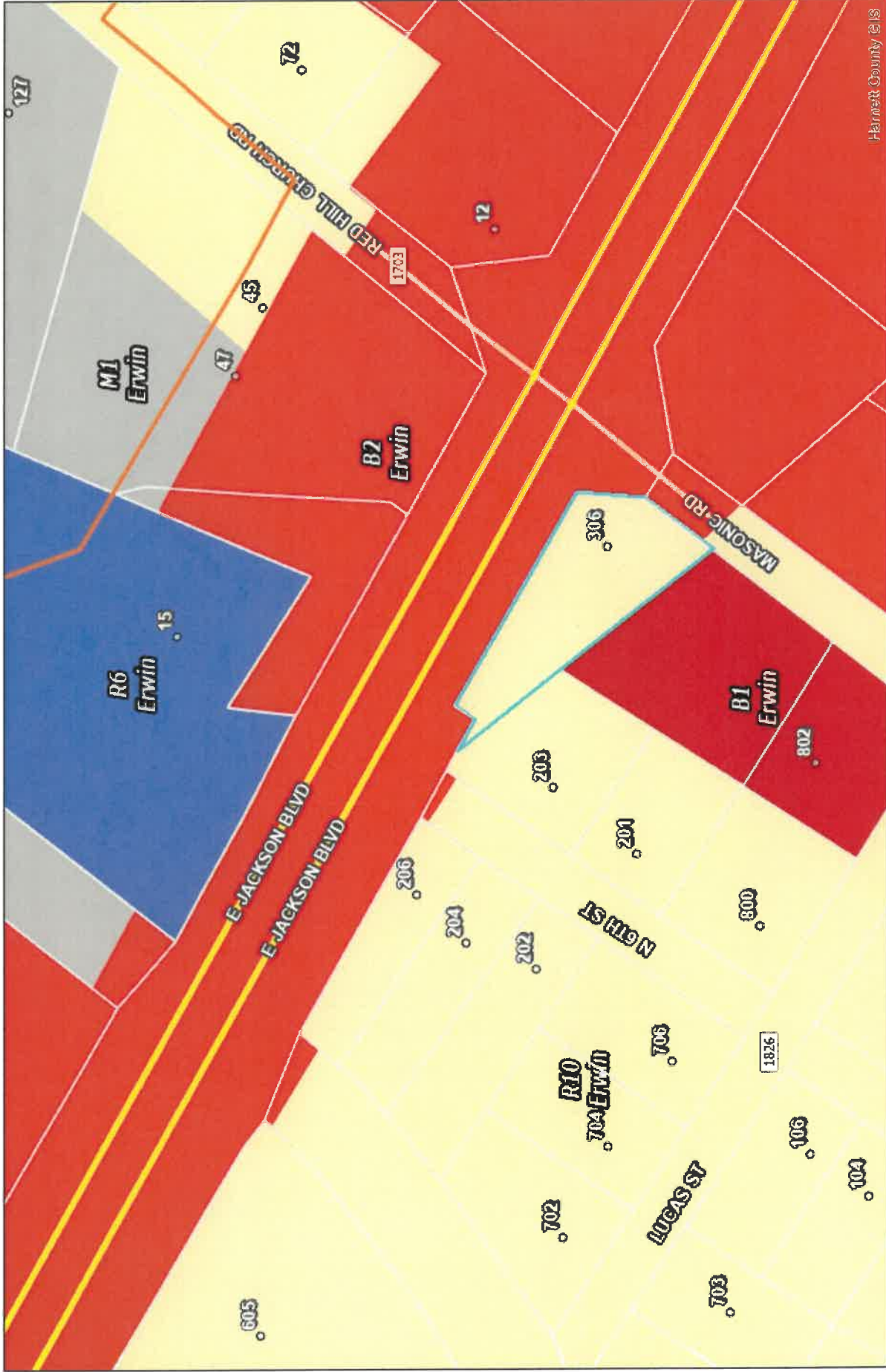
0 80 160 320 Feet  
1 inch = 188 feet

Harnett County GIS

NOT FOR LEGAL USE .

GIS/E-911 Addressing  
April 12, 2023

# Harnett GIS



Harnett County GIS

Scale: 1 inch = 188 feet

0 80 160 320 Feet

North Arrow

**Surrounding County Boundaries**

- City Limits
- County Boundary
- Address Numbers

**Major Roads**

- Interstate
- NC
- US

**Airport**

- Airport

**Mile Markers**

- Mile Markers
- Railroad
- Parcels

**Roads**

- Roads
- Cape Fear River

NOT FOR LEGAL USE .

GIS/E-911 Addressing  
April 12, 2023

# Erwin Board of Commissioners

## REQUEST FOR CONSIDERATION

---

To: The Honorable Mayor and Board of Commissioners

From: Snow Bowden, Town Manager

Date: April 24, 2023

Subject: SU-2023-002

---

The property owner at 129 Bumpas Creek Access has submitted a Special Use Application permit to the Town of Erwin to operate a Customary Home Occupation inside their home. The occupation would be operating an online sales business from their home office.

## MINUTES CONTINUED FROM APRIL 24, 2023

younger children. We were hoping this would help bring out some of our residents with young families.

- There had been a rumor posted on Facebook about this meeting. There was a misunderstanding and some people were under the impression that the Town was going to receive 9.5 million dollars from the mill being sold. He guessed they thought the Town owned the building, which he could certainly understand. The rumor is that this meeting was to discuss what the Town should do with the 9.5 million dollars. He wish he could say that was what this meeting was about but that was not the case. We have tried clearing this up.
- We were working on getting a few quotes for a feasibility study for the relocation of Erwin Public Works.
- He was working on getting quotes for the Erwin Community Building.
- There were currently a lot of bills that have been filed in the General Assembly that might impact us. He wanted to make the Board aware of a bill that had been filed in the Senate. S.B. 675 may revoke the ETJ authority that municipalities currently have.
- He should have the updates to the proposed budget completed soon so we could have another meeting in May to discuss this in further detail.
  - He received good news from our insurance broker. He told him our health insurance rates were going down 14% so that should help us save some money.
- We have some code violations that we are trying to clean-up
  - 102 Erwin Avenue had put a lot of junk on the side of the road off of Wade Avenue. She has been told to clean it up by the end of the month or we will send someone out there to pick it up and send her the bill.
  - 901 Warren Road- There was still junk on this property that needed to be cleaned up. Code Enforcement had been working with the property owner. He claimed there are some personal reasons for the delay. We were going to need to explore legal options with this case.
  - 700 Old Post Road- This was an abandoned house that we were aware of and Code Enforcement has sent a notice to.
  - 3004 Ashe Avenue (ETJ)- We have started the minimum housing process, the previous tenant has moved out and the house was currently vacant.
  - 206 West D Street- We were going to have to explore our legal options with this issue. The resident claims we are picking on him, which is not the case. We have received the most complaints about this house than any other house in our Town Limits.

## GOVERNING COMMENTS

Commissioner Byrd asked if we set the 15<sup>th</sup> as the deadline for the issue on Warren Road. We are overdue on enforcing the issue and we need to take action now.

Town Manager Snow Bowden stated he will speak to Town Attorney Tim Morris about drafting a lawsuit.



**MINUTES CONTINUED FROM APRIL 24, 2023**

Mayor Baker stated the Board discussed the demolition of the depot down to the salvageable components and form a committee with a couple of Board Members, Historical Society President Si Harrington, and other members of the History Society to come together and agree on something.

Commissioner Blackmon stated he thought we need to have an Architectural firm go look at the depot to determine what was salvageable and let them make the decision to take it down which takes the Board out of the decision-making process. We need to interview Architectural Firms and decide who we want to use. We need to get the process going.

Mayor Baker stated he would like to have a feasible timeline, six months possibly to demo to the foundation. He asked Town Manager Snow Bowden if there would be room at Public Works to store some of the components.

Town Manager Snow Bowden stated it depended on what needed to be stored, we have some room.

The Board agreed on a six-month timeline to demo the depot to the foundation.

Mayor Baker informed the Board that we had a good program for Stanley Armstrong at Al Woodall Park. She stated the ceremony for Habitat for Humanity went well. He asked the Board to continue keeping Commissioner Turnage in our prayers.

**ADJOURNMENT**

Commissioner Byrd made a motion to adjourn at 7:19 P.M. and was seconded by Commissioner Blackmon. **The Board voted unanimously.**

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

**ATTEST:**



**Randy Baker**  
**Mayor**



**Lauren Evans**  
**Town Clerk**