

**THE ERWIN BOARD OF COMMISSIONERS
MARCH 2023 REGULAR MEETING
THURSDAY, MARCH 2, 2023 @ 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 request discussion of an item, the item will be removed from the Consent Agenda and considered under New Business.

 - A. Minutes Regular Meeting on January 23, 2023 (**Page 2**)
 - B. Minutes Regular Meeting on February 2, 2023 (**Page 6**)
 - C. Financial Report for January 2023 (**Page 16**)
 - D. BOA-2023-03 (**Page 18**)
4. **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
5. **PRESENTATION OF MARCH CITIZEN OF THE MONTH**
6. **PUBLIC HEARING**
 - A. ZT-2023-001 (**Page 19**)
7. **NEW BUSINESS**
 - A. Schedule Budget Retreat
8. **CLOSED SESSION**
 - A. Pursuant to General Statute 143-318.11(a) (6) for the Purpose of Discussing Personnel
9. **MANAGER'S REPORT**
10. **ATTORNEY'S REPORT**
11. **GOVERNING BODY COMMENTS**
12. **ADJOURNMENT**

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

ERWIN BOARD OF COMMISSIONERS
REGULAR MINUTES
MARCH 2, 2023
ERWIN, NORTH CAROLINA

The Board of Commissioners for the Town of Erwin with Mayor Randy Baker presiding held its Regular Meeting in the Erwin Municipal Building Board Room on Thursday, March 2, 2023, 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, David Nelson, Charles Byrd, and Alvester McKoy.

Board Member absent was: Commissioners William Turnage

Town Manager Snow Bowden, Town Clerk Lauren Evans, Town Attorney Tim Morris, Town Engineer, and Police Chief Jonathan Johnson were present.

Mayor Pro Tem Blackmon called the meeting to order at 7:00 PM.

Commissioner McKoy gave the invocation.

Resident, Kendall Wood, 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 McKoy. **The Board voted unanimously.**

CONSENT

Commissioner Blackmon made a motion to approve **(ITEM A)** Minutes Workshop Meeting on January 23, 2023 **(ITEM B)**) Minutes Regular Meeting on February 2, 2023 **(ITEM C)** Financial Report for January 2023 **(ITEM D)** BOA-2023-03 and was seconded by Commissioner McKoy. **The Board voted unanimously.**

PUBLIC COMMENT

No one was present for Public Comment.

MARCH 2023 CITIZEN OF THE MONTH

Kendall Lee Wood of 109 Marsha Court was recognized as the March 2023 Citizen of the Month. Mayor Baker presented him with a Proclamation Plaque.

Town Of Erwin
 Financial Summary Report
 YTD Comparison of January 2022 and 2023



BANK ACCOUNT BALANCES			
	YTD Jan-23	YTD Jan-22	YTD Jan-22
CASH MANAGEMENT	2,687,204.86		2,252,841.89
BB&T CASH IN BANK	857,548.81		700,403.35
FIRST FEDERAL BUSINESS M	137,002.56		136,728.82
FIRST FEDERAL MONEY MARKET	859,313.30		857,596.38
Y-T-D INVESTMENT BALANCE IN GENERAL FUND ACCOUNTS	\$ 4,541,069.52		3,947,570.44
BB&T STATE FORFEITURE	2,005.47		4,246.64
BB & T CAPITAL RESERVE/COMM. ENHANCEMENT	231,189.91		204,270.66
FIRST FEDERAL CAP. RESERVE/GENERAL	2,356,365.11		2,351,657.11
BB&T HEALTH RESERVE HRA ACCT.	18,782.22		10,176.67
PRIEBE FIELD ACCT.	26,007.65		12,222.30
AL WOODALL PARK IMPROVEMENTS	389,426.61		382,411.61
AMERICAN RELIEF FUNDS- ARPA Grant	1,248,457.26		593,901.34
Community Bld. Renovation- SCIF GRANT	93,114.12		
Y-T-D BALANCE RESTRICTED FUNDS	\$ 4,365,348.35		3,568,886.33
CUMULATIVE BALANCE FOR TOWN OF ERWIN	\$ 8,906,417.87		7,506,456.77

	Revenues			DIFFERENCE
	YTD Jan-23	YTD Jan-22	YTD	
CURRENT YEAR LEVY OF PROPERTY TAXES	1,082,376.00	913,700.00	168,676.00	
CURRENT YEAR MOTOR VEHICLE TAXES	92,806.00	90,850.00	2,056.00	
PRIOR YEAR TAXES / Penalties & Interest	7,343.00	38,397.00	(31,054.00)	
UTILITIES FRANCHISE TAXES	95,148.00	91,738.00	3,410.00	
ENTRY FEES	13,490.00	11,910.00	1,580.00	
SALES & USE TAX	577,921.00	513,065.00	64,856.00	
ZONING PERMITS/APPLICATIONS	9,975.00	7,685.00	2,290.00	
REFUSE COLLECTIONS FEES	265,488.00	268,700.00	(4,214.00)	
STORM WATER COLLECTION	36,537.00	36,788.00	(251.00)	
ALL OTHER REVENUES	747,578.00	458,361.00	289,217.00	
	\$ 2,928,760.00	2,432,184.00	496,576.00	
Expenditures				
	YTD Jan-23	YTD Jan-22	DIFFERENCE	
GOVERNING BODY	14,842.00	12,953.00	1,879.00	
ADMINISTRATION	169,305.00	142,807.00	26,498.00	
NON-DEPARTMENTAL	210,581.00	259,552.00	(48,971.00)	
PLANNING & INSPECTIONS	29,729.00	9,703.00	20,026.00	
POWELL BILL-STREETS	11,200.00	8,438.00	2,762.00	
POLICE	562,204.00	524,031.00	38,173.00	
POLICE-SRO	40,017.00	38,787.00	1,230.00	
CONTRACT SERVICES-FIRE	233,187.00	193,696.00	39,488.00	
PUBLIC WORKS-ADMIN.	78,410.00	69,472.00	8,938.00	
PUBLIC WORKS-STREETS	181,839.00	174,665.00	7,174.00	
PUBLIC WORKS-SANITATION	324,058.00	165,981.00	158,077.00	
PUBLIC WORKS-STORM WATER	27,375.00	3,549.00	23,826.00	
RECREATION	193,412.00	191,665.00	1,747.00	
LIBRARY	9,582.00	36,035.00	(26,453.00)	
COMMUNITY CENTER	6,359.00	2,949.00	3,410.00	
	\$ 2,092,100.00	1,834,266.00	257,834.00	

TOWN OF ERWIN
FINANCIAL SUMMARY REPORT
FOR MONTH OF January 2023



FRONT STREET PARKING

REVENUES	ANNUAL BUDGET	Jan. '23 ACTIVITY	ACTUAL TO DATE	Y-T-D % COLLECTED
CURRENT YEAR LEVY OF PROPERTY TAXES	1,490,186.00	311,889.00	1,092,376.00	73.12%
CURRENT YEAR MOTOR VEHICLE TAXES	187,985.00	13,538.00	92,806.00	49.42%
PRIOR YEAR TAXES / Penalties & Interest	10,000.00	373.00	7,343.00	73.43%
UTILITIES FRANCHISE TAXES	190,270.00	0.00	95,148.00	50.01%
ENTRY FEES	20,000.00	0.00	13,480.00	67.45%
SALES & USE TAX	750,000.00	76,970.00	577,921.00	77.06%
ZONING PERMITS/APPLICATIONS	13,000.00	400.00	9,975.00	76.73%
REFUSE COLLECTIONS FEES	421,000.00	72,221.00	265,486.00	63.06%
STORM WATER COLLECTION	69,000.00	10,031.00	36,537.00	52.95%
ALL OTHER REVENUES	1,352,298.00	105,929.00	747,578.00	55.28%
Total Revenues	4,493,739.00	591,361.00	2,928,760.00	65.17%
EXPENDITURES	ANNUAL BUDGET	Jan 23 ACTIVITY	ACTUAL TO DATE	Y-T-D % SPENT
GOVERNING BODY	36,115.00	2,292.00	14,842.00	41.10%
ADMINISTRATION	323,064.00	26,037.00	169,306.00	52.41%
NON-DEPARTMENTAL	349,273.00	43,548.00	210,581.00	60.29%
PLANNING & INSPECTIONS	161,686.00	12,360.00	29,729.00	18.39%
POWELL BILL-STREETS	177,000.00	5,200.00	11,200.00	6.33%
POLICE	1,119,683.00	71,068.00	552,204.00	49.32%
POLICE-SRO	70,706.00	6,756.00	40,017.00	56.80%
CONTRACT SERVICES-FIRE	330,156.00	174,948.00	233,167.00	70.63%
PUBLIC WORKS-ADMIN.	122,529.00	10,732.00	78,410.00	63.99%
PUBLIC WORKS-STREETS	423,721.00	34,060.00	191,839.00	45.27%
PUBLIC WORKS-SANITATION	751,244.00	27,793.00	324,058.00	43.14%
PUBLIC WORKS-STORM WATER	57,000.00	2,000.00	27,375.00	48.03%
RECREATION	494,175.00	33,171.00	193,412.00	38.14%
LIBRARY	69,495.00	453.00	9,582.00	13.81%
COMMUNITY CENTER	8,000.00	470.00	6,359.00	79.49%
Total Expenditures	4,493,739.00	450,898.00	2,992,100.00	66.55%
Y-T-D GENERAL FUND BALANCE INCREASE (DECREASE)	4,493,739.00	140,473.00	636,660.00	

BANK BALANCES AS OF January 2023

NC Capital Mgt Trust - Cash Management	2,587,204.85
TRUIST - CASH IN BANK	857,548.81
FIRST FEDERAL PRESTIGE - BUSINESS MONEY MARKET	137,002.56
FIRST FEDERAL PREMIUM - BUSINESS MONEY MARKET	859,313.30
Y-T-D INVESTMENT BALANCE IN GENERAL FUND ACCOUNTS	4,541,069.52
TRUIST - STATE FORFEITURE	2,005.47
TRUIST - CAPITAL RESERVE/COMM. ENHANCEMENT	231,188.91
FIRST FEDERAL CAP. - RESERVE	2,356,385.11
TRUIST - HEALTH RESERVE HRA ACCT.	18,782.22
TRUIST - PRIEBE FIELD ACCT.	26,007.66
AL WOODALL PARK IMPROVEMENTS	389,426.61
TRUIST - AMERICAN RELIEF FUNDS - (ARPA) Federal Grant	1,246,457.28
TRUIST - Community Building Renovation - (SCIF) State Grant	93,114.12
Y-T-D INVESTMENT BALANCE RESTRICTED FUNDS	4,365,348.35
CUMULATIVE BALANCE FOR TOWN OF ERWIN	8,906,417.87

POWELL BILL BALANCE
\$ 359,564.86

**BUDGET ORDINANCE AMENDMENT
BOA 2023 – 03
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 Expenses by \$59,436. This will recognize additional income for a Harnett County GRANT – Al Woodall Parking Lot paving project, and '21-'22 Return Workers Comp. Premium refund. This will allow the 2022-2023 Budget to be 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
10-3650-070	Harnett Cty Grant-Al Woodall	-0-	(+) \$50,000	\$50,000
10-3350-000	Other Revenue	\$36,650	(+) \$ 9,436	\$46,086

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

Account	Description	Current Approp.	Increase/Decrease	Amended Appropriation
10-6200-730	Cap.Outlay	\$140,000	(+) \$50,000	\$190,000
10-4201-570	Misc. Expense	-0-	(+) 9,436	\$ 9,436

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 March 2023.


 Randy L. Baker, Mayor

ATTEST:

 Lauren Evans, Town Clerk



**TOWN OF ERWIN
BOARD OF COMMISSIONERS
REGULAR MEETING
THURSDAY, MARCH 2, 2023 AT 7PM**

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 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*

Name	Address	Subject
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____
5. _____	_____	_____
6. _____	_____	_____
7. _____	_____	_____
8. _____	_____	_____
9. _____	_____	_____
10. _____	_____	_____
11. _____	_____	_____
12. _____	_____	_____



TOWN OF ERWIN

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

PROCLAMATION RECOGNIZING KENDALL LEE WOOD FOR CITIZEN OF THE MONTH

2022-2023—003

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

WHEREAS, the Town of Erwin Mayor and Board of Commissioners, realize that the Town of Erwin's greatest asset is viewed as the citizens that contribute tirelessly and unselfishly of themselves to aid in the well-being of the residents within the community. These citizens display characteristics and qualities in an individual that strive to make a real difference in the lives of children, adults, and the elderly without desire for recognition, remuneration, or personal gain; and


WHEREAS, Mr. Kendall Lee Wood of 109 Marsha Court, Erwin was born in Cumberland County on October 13, 2001. He is the son of Chris and Terry Wood; and

WHEREAS, Mr. Wood graduated from Triton High School in 2020, and in 2022 he graduated from Central Carolina Community College with an Associate in Arts. He began working at the Western Sizzlin Steakhouse in 2016 and became a manager in 2021; and

WHEREAS, Mr. Wood has always been active in church and his community. He is the former Choir Director and Former Children's Choir Director at Antioch Church of Erwin. He has been a member of the Erwin Area Chamber of Commerce since 2022. He organized the Denim Days Gospel Sing featuring The Hoppers and helped organize the Erwin Denim Days and Christmas Tree Lighting; and

NOW THEREFORE BE IT RESOLVED that the Town of Erwin Mayor and Board of Commissioners give recognition and appreciation to Mr. Kendall Wood for his valuable contributions to the quality of life in our community and proudly acknowledge Mr. Kendall Wood as the March 2023 Citizen of the Month.

Duly Adopted, this the 2nd day of March 2023.


Randy Baker, Mayor

ATTEST:


Lauren Evans, Town Clerk

MINUTES CONTINUED FROM MARCH 2, 2023PUBLIC HEARING

ZT-2023-001

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

Town Manager Snow Bowden stated the Town received a request to have two parcels located on Moulton Springs Road rezoned from residential, currently R-6 and R-10, to commercial (B-2). The Planning Board did recommend this request for approval.

Mayor Baker asked if anyone would like to come forward and speak in favor of the request.

Applicant, Daniel Keppler of 721 Ancient Oaks Drive, came forward and was sworn in by Town Clerk Lauren Evans.

Mr. Keppler addressed the Board. He stated wanted to request these parcels be rezoned from Residential to business, expanding what is already there. The residential property between the Dollar General and the property he currently owns is owned by Dianna and she is okay with the rezoning. The properties in front of the parcels are zoned business as well.

Commissioner Marbell asked what Mr. Keppler planned to do with the property.

Mr. Keppler stated he planned to put a self-storage facility there.

Commissioner Byrd asked if that use fell in the guidelines since it does not spell out "Storage Units."

Commissioner Blackmon stated when looking at rezoning, you do not specifically look at what the applicant is doing. You have to look at what is before the Board and all the allowed uses.

Town Manager Snow Bowden stated in the past they have looked at it, not as a retail shop but as a service establishment whose business is conducted entirely within an enclosed structure.

Mayor Baker asked if anyone else would like to come forward and speak in favor of the request.

No one came forward.

Mayor Baker asked if anyone would like to come forward and speak against the request.

No one came forward.

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

Commissioner Blackmon made a motion that the impact to the adjacent property owners and the surrounding community is reasonable, and the benefits of the rezoning outweigh any potential inconvenience or harm to the community. These are two separate tracts of land totaling 1.9 acres and was seconded by Commissioner Byrd. **The Board voted unanimously.**

Commissioner Blackmon made a motion that the requested zoning district is compatible with the existing Land Use Classification. This parcel is located in an area identified for medium intensity growth in our 2014 Land Use Plan. This area does allow for compatible growth with surrounding development and was seconded by Commissioner Byrd. **The Board voted unanimously.**

MINUTES CONTINUED FROM MARCH 2, 2023

Commissioner Byrd made a motion that the proposal does enhance or maintain the public health, safety, and general welfare. The proposed rezoning request would allow for a better use of this land and was seconded by Commissioner Blackmon. **The Board voted unanimously.**

Commissioner McKoy made a motion that the request is for a small scale rezoning and should be evaluated for reasonableness. This is one tract of land that is 1.9 acres and was seconded by Commissioner Byrd. **The Board voted unanimously.**

Commissioner Byrd made a motion that the requested rezoning to B2 is compatible with all of the Town of Erwin's regulatory documents and would not only have a positive impact on the surrounding community, but would enhance the public health, safety, and general welfare as stated in the evaluation. It is recommended that this rezoning request be approved and was seconded by Commissioner Nelson. **The Board voted unanimously.**

Commissioner Blackmon made a motion to approve Ordinance For Map Amendment Case # Zt-2023-001 Amendment To The Official Zoning Map To Rezone From Residential (R-10 And R-6) To Highway Business (B-2) Per Zoning Ordinance Article XXIII For Harnett County PINs 0597-51-3188.000 And 0597-51-3059.000 and was seconded by Commissioner Byrd. **The Board voted unanimously.**

NEW BUSINESS

Schedule Budget Retreat

The consensus of the Board was to have our annual Budget Retreat on Thursday, March 30th, at 9 AM.

CLOSED SESSION

Commissioner McKoy made a motion to table the Closed Session Pursuant to General Statute 143-318.11 (a) (6) for the Purpose of Discussing Personnel until our regularly scheduled Workshop on March 27th at 6 PM due to the absence of one of the Board Members and was seconded by Commissioner Blackmon. **The Board voted unanimously.**

MANAGER'S REPORT

Town Manager Snow Bowden informed the Board that:

- We have a plan in place for the million-dollar grant that the Town received from the State of NC for water lines. He had spoken with Glenn McFadden with HRW. The best route for us to take was to take the project on and manage it through the engineer that HRW usually uses. Mr. McFadden will help us bid on the project to ensure that it is built to HRW standards.
- Our grant manager with the State of NC is in transition and he was waiting for some guidance on our grant for the Community Building grant. We also need to talk to the company and take a few items out that are not absolutely needed. The pricing came in a lot higher than expected or allowed in the budget.

Erwin Board of Commissioners

REQUEST FOR CONSIDERATION

To: The Honorable Mayor and Board of Commissioners

From: Snow Bowden, Town Manager

Date: March 2, 2023

Subject: ZT-2023-001

Town Staff has received a request to have two parcels located at 312 and 316 Moulton Springs Road rezoned from residential to commercial (B-2). The two parcels are currently mixed zoned R-6 and R-10. They are adjacent to B-2 Zoning. The parcels are found in an area identified for medium intensity growth in our 2014 Land Use Plan. The parcels are located off of a Town maintained street.

The Planning Board did recommend that this rezoning request be approved.

Attachments:

- ZT-2023-001 Application
- ZT-2023-001 Staff Report
- Harnett County GIS Image with zoning
- Harnett County GIS Image with no zoning
- Property owners notified
- ZT-2023-001 Public Notice Letter
- ZT-2023-001 Newspaper Notice
- Planning Board Statement of Consistency
- Statement of Consistency
- Statement of Inconsistency
- ZT-2023-001 Map Amendment Ordinance

ZT-2020-001

Revised 9-19-2014



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

Staff Only: Zoning Case # Z-20 23 - 001
Fee: \$300 Check # MO Cash XMS
PB Recommendation: A D A/W Conditions
BOC Date: Decision: A D T A/W Conditions

Planner
Duan
Monday
Feb 20th
@
7PM

Print Applicant Name: Daniel Keppel
Name of Legal Property Owner Daniel & Charlotte Keppel
Location of Property 312 & 316 Mauldin Moulton Springs Rd

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

Zoning change requested from R6/R10 to B2

If Conditional District, note conditions:

Harnett County Tax Map PIN _____ E 17 staff report
Property owner(s) of area requested and address(es)

See Attached

public
hearing
on
March
2nd @
7PM

(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.

Daniel Keppel 919-730-4067
Signature of Applicant Contact Number

721 Ancient Oaks Dr, Holly Springs NC
Mailing Address of Applicant

PAID

FEB 03 2023

COPY

alke.keppel@smail.com



**REZONING MAP REQUEST
STAFF REPORT**

Case: ZT-2023-001

Snow Bowden, Town Manager
townmanager@erwin-nc.org

Phone: (910) 591-4200 Fax: (910) 897-5543

Planning Board: 02/20/2023

Town Commissioners: 03/02/2023

Requested zoning map amendment to the property located at 312 and 316 Moulton Springs Road from residential to commercial.

Applicant Information

Owner of Record:

Name: Dianna Barefoot Jackson

Address: 1434 Neills Creek Road

City/State/Zip: Lillington, NC 27546

Applicant:

Name: Daniel Keppler

Address: 721 Ancient Oaks Drive

City/State/Zip: Holly Springs, NC 27540

Property Description

Tract – 312 Moulton Springs Road
Harnett County Tax PIN 0597-51-3188.000
Acres 1
Zoning District- R-6 15.34% and R-10 84.66%

Tract – 316 Moulton Springs Road
Harnett County Tax PIN 0597-51-3059.000
Acres .90
Zoning District- R-6 15.3% and R-10 84.7%

Vicinity Map

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

Physical Characteristics

Site Description: These are two separate tracts of land that used to have homes on them that were torn down by the current property owner. There is an existing structure on one lot that needs to be torn down. Both of these parcels are accessed from Moulton Springs Road.

Surrounding Land Uses: This parcel is surrounded by a mix of commercial, residential and municipal land uses. Al Woodall Park is directly behind the lot and there are commercial uses directly across the street.

Services Available

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

Staff Evaluation

The applicant has requested that this parcel be rezoned from R-6/R-10 to Highway Business (B-2)

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:** These are two separate tracts of land totaling 1.9 acres.

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

- **Reasoning:** This parcel is located in an area identified for low intensity growth in our 2014 Land Use Plan. This area does allow for compatible growth with surrounding development.

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

- **Reasoning:** The proposed rezoning request would allow for a better use of this land.

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

- **Reasoning:** This is one tract of land that is 1.9 acres

<p>There is a convincing demonstration that all uses permitted under the proposed district classification would be in the general public interest and not merely in the interest of an individual or small group. YES</p>	<p>All of the permitted and potential land uses that require a special use permit would be appropriate.</p>
<p>There is a convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change. (When a new district designation is assigned, any use permitted in the district is allowable, so long as it meets district requirements, and not merely uses which applicants state they intend to make of the property involved.) YES</p>	<p>All of the permitted and potential land uses that require a special use permit would be appropriate.</p>
<p>There is a convincing demonstration that the character of the neighborhood will not be materially and adversely affected by any use permitted in the proposed change. YES</p>	<p>The character of the neighborhood will not be damaged. This parcel is located off of a main state highway.</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 low intensity growth. This tract of land is better suited for the request use compared to what is currently allowed. If this rezoning is approved it would amend our 2014 Land Use Plan.</p>

Statement of Consistency

The requested rezoning to B2 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**.

Or

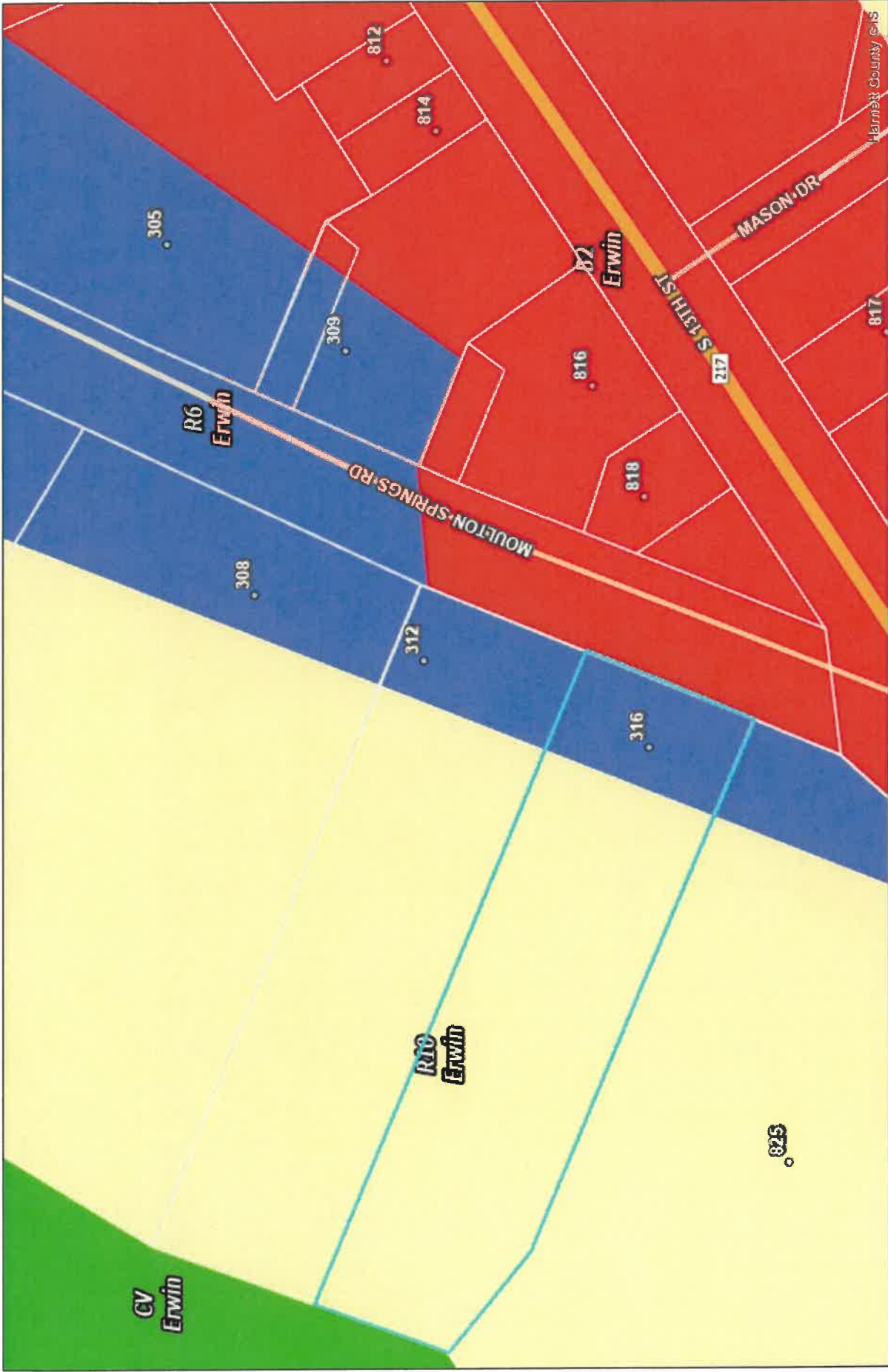
Statement of In-Consistency

The requested rezoning to B2 is **NOT** compatible with all of the Town of Erwin's regulatory documents and it would have a negative impact on the surrounding community. It is recommended that this rezoning request **NOT BE APPROVED**.

Attachments:

- ZT-2023-001 Application
- Harnett County GIS Image with zoning districts
- Harnett County GIS Image without zoning districts
- Adjacent property owner sheet
- Public notice letter sent to adjacent property owners

Harnett GIS



■ Surrounding County Boundaries
○ City Limits
□ County Boundary
○ Address Numbers

✈ Airport
MajorRoads
— Interstate
— NC
— US

⚡ Roads
Mile_Markers
◇ Mile_Markers
— Railroad
□ Parcels

■ CapeFearRiver

Harnett County GIS

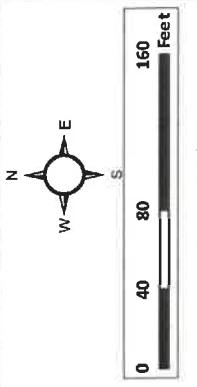
N
 W E
 S

0 40 80 160 Feet
 1 inch = 94 feet

GIS/E-911 Addressing
 February 6, 2023

NOT FOR LEGAL USE .

Harnett GIS



- Surrounding County Boundaries
- City Limits
- County Boundary
- Address Numbers
- Parcels
- CapeFearRiver

GIS/E-911 Addressing
February 6, 2023

NOT FOR LEGAL USE .

Dianna Barefoot Jackson
1432 Neills Creek Road
Lillington, NC 27546

Roberto Santoyo and Adriana Montoya
6119 Poole Road
Raleigh, NC 27610

Kimber Group
PO Box 181
Erwin, NC 28339

Town of Erwin
PO Box 459
Erwin, NC 28339

Bobby and Shelby Bradshaw
PO Box 515
Erwin, NC 28339

Linda Westbrook
309 Moulton Springs Road
Erwin, NC 28339

NC DOT
1546 Mail Service Center
Raleigh, NC 27611

Daniel Keppler
721 Ancient Oaks Drive
Holly Springs, NC 27540



TOWN OF ERWIN

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

02/07/2023

Notice of a Public Hearing ZT-2023-001

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

The Board of Commissioners of the Town of Erwin will hold a public hearing pursuant to NC General Statute 160D-406 on March 2nd, 2023 at 7:00 P.M. at the Erwin Town Hall, 100 West F Street, Erwin, North Carolina to hear public comment on a proposed rezoning request.

There has been a zoning map amendment application submitted to the Town. The property is located at 312 and 316 Moulton Springs Road. The applicant has requested to have both parcels rezoned to our Highway Business (B-2) Zoning District. Both parcels are currently zoned residential (R-10 and R-6).

A copy of this case is available for review at the Erwin Town Hall. Questions concerning this case can be addressed to the Town Manager Snow Bowden at 910-591-4200 or by email at townmanager@erwin-nc.org.

Regards,

Snow Bowden
Town Manager

NOTICE OF PUBLIC HEARING

The Town of Erwin Board of Commissioners will conduct a Public Hearing on the following item pursuant to NC General Statute 160D-406, on Thursday, March 2, 2023, at 7:00 P.M. in the Erwin Municipal Building Board Room located at 100 West F Street, Erwin, NC 28339. Questions can be addressed to the Town Manager Snow Bowden at 910-591-4200 or by email at townmanager@erwin-nc.org.

•Case ZT-2023-001: Request to have two parcels located at 312 and 316 Moulton Springs Road rezoned from Residential (R-10 and R-6) to Highway Business (B-2). The properties can also be identified by their Harnett County Tax PIN # 0597-51-3188.000 and 0597-51-3059.000.

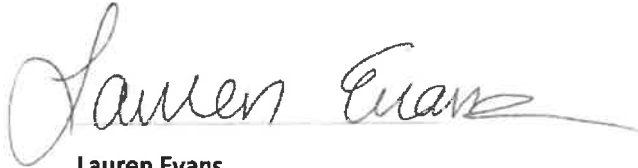
This case is available for review at the Erwin Town Hall. All persons desiring to be heard either for or against the proposed items set forth above are requested to be present at the above-mentioned time and place.
2/14,21/2023

Statement-of-Consistency

The requested rezoning to 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**.

A handwritten signature in black ink, appearing to read 'RJ Beasley', written over a horizontal line.

RJ Beasley
Planning Board Chair

A handwritten signature in black ink, appearing to read 'Lauren Evans', written over a horizontal line.

Lauren Evans
Town Clerk

Statement-of-Consistency

The requested rezoning to 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**.

A handwritten signature in black ink, appearing to read "Randy Baker", written over a light blue horizontal line.

Randy Baker
Mayor

A handwritten signature in black ink, appearing to read "Lauren Evans", written over a light blue horizontal line.

Lauren Evans
Town Clerk



TOWN OF ERWIN

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

**ORDINANCE FOR MAP AMENDMENT CASE # ZT-2023-001
AMENDMENT TO THE OFFICIAL ZONING MAP TO REZONE
FROM RESIDENTIAL (R-10 AND R-6) TO
HIGHWAY BUSINESS (B-2)
PER ZONING ORDINANCE ARTICLE XXIII
FOR HARNETT COUNTY PINS 0597-51-3188.000 AND 0597-51-3059.000.
ORD 2022-2023: 002**

Per Chapter 36 Zoning, Article XXIII, Changes and Amendments, Harnett County PINs 0597-51-3188.000 and 0597-51-3059.000 owned by Daniel and Charlotte Keppler have been rezoned to B-2, Case # ZT-2023-001.

Matthew S. Willis Register of Deeds
Harnett County, NC
Electronically Recorded
02/08/2023 10:33:20 AM NC Rev Stamp: \$146.00
Book: 4181 Page: 2640 - 2643 (4) Fee: \$26.00
Instrument Number: 2023001909

HARNETT COUNTY TAX ID #
06059714350009
06059714350008

02-08-2023 BY: 1C

NORTH CAROLINA GENERAL WARRANTY DEED

The attorney preparing this instrument has made no record search or title examination of the property described herein, and expresses no opinion as to title or tax consequences, unless contained in a separate written certificate.

Excise Tax \$146.00

PIN No.: Lot 3: 0597-51-3188.00; Lot 4: 0597-51-3059.000

Mail after recording to Gunn & Messick, PLLC, P.O. Box 880, Pittsboro, NC 27312
This instrument was prepared by Dwight W. Snow, Attorney at Law, P.O. Box 397, Dunn NC 28335

Brief Description for the index: Lots 3 & 4, Erwin Mills, Plat Book 7, Page 9

THIS DEED made this the 10th day of February, 2023 by and between

GRANTOR	GRANTEE
DIANNA BAREFOOT JACKSON, unmarried 1434 Neills Creek Road Lillington, NC 27546	DANIEL ANDREW AIKEN KEPPLER and spouse, CHARLOTTE D. KEPPLER 721 Ancient Oaks Drive Holly Springs, NC 275440

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

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

Submitted electronically by "Gunn & Messick, PLLC" in compliance with North Carolina statutes governing recordable documents and the terms of the submitter agreement with the Harnett County Register of Deeds.

See Exhibit "A" attached hereto and made a part hereof.

The property hereinabove described was acquired by Grantor Dianna Barefoot Jackson through the probated Last Will and Testament of Earl Bryan Barefoot, who died on January 12, 2018 (see Harnett County Estate File No. 18 E 91).

A map showing the above described property is recorded in Plat Book 7, Page 9, Harnett County Registry.

All or a portion of the property herein conveyed does not include the primary residence of a Grantor. (N.C. Gen. Stat. §105-317.2).

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

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

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

- a. General utility easements of record.
- b. Roadways and rights-of-way of record and those visible by inspection of the premises.
- c. Such facts that would be revealed by a recent as-built survey on the subject tract by a registered land surveyor.
- d. Such facts that are revealed by that survey which is recorded in Plat Book 7, Page 9, Harnett County Registry.
- e. 2023 ad valorem taxes which are not yet due and payable and which will be the responsibility of the Grantees to pay when they become due.

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

Dianna Barefoot Jackson
 Dianna Barefoot Jackson (SEAL)

SEAL-STAMP NORTH CAROLINA County of Harnett



I, Notary Public, certify that Dianna Barefoot Jackson, Grantor, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official stamp or seal, this 6th day of February, 2023.

Christina L. Avery
 Notary Public

My commission expires: 10/22/26

EXHIBIT "A"
LEGAL DESCRIPTION

Being all of Lot No. 3 and 4 as shown on Map E entitled "Property of Erwin Mills, Inc., Erwin, NC", which map is recorded in the Office of the Register of Deeds for Harnett County, North Carolina, in Plat Book 7, Page 9, Harnett County Registry.

The property hereinabove described was acquired by Earl B. Barefoot by Deed recorded in Book 471, Page 37, Harnett County Registry.

Adopted this the 2nd day of March 2023.



Randy Baker,
Mayor

ATTEST:



Lauren Evans
Town Clerk

MINUTES CONTINUED FROM MARCH 2, 2023

- He reached out to the developers that submitted the permits for Ample Storage which will be an indoor climate control storage unit facility. There was a miscommunication from a previous employee with HRW that has since been taken care of. Glenn McFadden took care of the issue. They are going to be tearing down the old white house restaurant soon. They are going to be allowed to tap on to the existing HRW sewer line. Someone from HRW told them that they thought they would not be allowed to hook onto the sewer line for some reason.
- Main Street Family Care (the new urgent care facility off of HWY 421) is planning on opening up in early April 2023.
- We received the \$50,000 grant from Harnett County which was a grant from the State of NC. These funds will be put towards the costs of the parking lot at Al Woodall Park. The work at Al Woodall Park has been completed. It looks great. Town Staff greatly appreciates your support as we try and improve the facilities that are owned and maintained by the Town of Erwin
- We will be conducting interviews next week with the key stakeholders that have been identified to be included in our Comprehensive Land Use Plan update.
- The surveys for the land use plan will be live tomorrow or on Monday morning at the latest. We will have the link to the survey on our website and we should have flyers to hang in the windows of local businesses if they will allow us. We will need as many people as possible to complete the survey. We will e-mail each one of you with a link to the survey.
- He had a meeting with some of the employees from CloudWyze the following week to get an update on the project.
- He attended a regional meeting that week to learn about potential grant opportunities that he will be looking into more regarding stormwater.

ATTORNEY'S REPORT

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

GOVERNING COMMENTS

Commissioner McKoy stated he wanted to praise our local law enforcement for the response they made to the child and the gun at the Erwin Elementary School. The response was quick and he spoke on behalf of the citizens of Erwin that it was very much appreciated. All of our Town Staff do a wonderful job.

Commissioner Blackmon asked that we recognize SRO William Smith for what he did at the school. He praised the Police, we have the finest Police Department and that starts with Police Chief Jonathan Johnson.

Commissioner Marbell thanked the Board for the turnout during this sister-in-law's passing.

Commissioner Byrd stated he would like to see a Budget Amendment for the Ipads at our next Board Meeting. He asked that our Code Enforcement officer make a trip to Warren Rd, it is getting worse again. He expressed his concern for the ditch behind Erwin Elementary School. It is a safety hazard for kids and parents.

MINUTES CONTINUED FROM MARCH 2, 2023

The Board asked that staff draft a letter to send to the Harnett County Board of Education asking that they address the drainage issues.

Commissioner Byrd stated there is a sign on each end of Old Post Road that states "No Through Trucks." Trucks come down that road at 50 MPH. He asked Town Manager Snow Bowden to see if we can monitor Old Post Road more closely.

Police Chief Jonathan Johnson stated the Police Department had been pulling trucks on Old Post Road. He stated we need to clarify with DOT about the weight limit.

Commissioner Byrd inquired about contacting Ms. Green and the lady who owns the old bank building.

Commissioner Nelson stated our Police Department does an awesome job. Town Staff are doing an awesome job and Code Enforcement Officer is doing a really good job.

Mayor Baker stated that our Town Clerk Lauren Evans has been sending out invitations and event notices to make everyone aware of all of the upcoming meetings. If anyone else plans to attend the COG meeting on March 8th, please let her know. He asked the Board to please take advantage of the events and learning opportunities that we have. He informed that any notices going forward that the Board needs to know after the publication of the agendas will be sent by the Town Clerk digitally going forward. Financial Reports and Dept Reports will be provided quarterly. Please be conscious of your emails. He echoed that we have a wonderful staff with the Town of Erwin and are lucky to be leaders of people who make things happen for Erwin. He reminded the Board that the Town of Erwin will be having a litter later in March and our annual Remembrance Service in May.

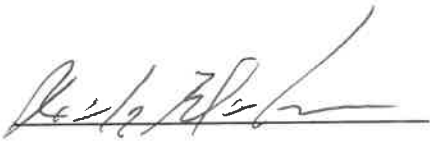
Commissioner Nelson informed the Board that an opening Ceremony for the Baseball/Softball Season will be on April 22nd.

ADJOURNMENT

Commissioner Byrd made a motion to adjourn at 7:46 P.M. and was seconded by Commissioner Nelson. **The Board voted unanimously.**

MINUTES RECORDED AND TYPED BY

LAUREN EVANS TOWN CLERK



Ricky Blackmon

Mayor Pro Tem

ATTEST:



Lauren Evans

Town Clerk