

**THE ERWIN BOARD OF COMMISSIONERS
MAY 2023 REGULAR MEETING
THURSDAY, MAY 4, 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 Workshop on March 27, 2023 **(Page 2)**
- B. Minutes of Budget Workshop on March 30, 2023 **(Page 10)**
- C. Minutes Regular Meeting on April 6, 2023 **(Page 16)**
- D. Town Owned iPads Policy **(Page 22)**
- E. The Use of Tobacco Products In Municipal Buildings and On Municipal Grounds **(Page 32)**
- F. Notary Procedure Policy **(Page 35)**
- G. East L Street **(Page 36)**
- H. BOA 2023-04 **(Page 37)**
- I. BOA 2023-05 **(Page 38)**

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. PUBLIC HEARING

- A. ZT-2023-002 **(Page 39)**
- B. SU-2023-002 **(Page 55)**

6. MANAGER'S REPORT

7. ATTORNEY'S REPORT

8. GOVERNING BODY COMMENTS

9. ADJOURNMENT

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

ERWIN BOARD OF COMMISSIONERS**REGULAR MINUTES****MAY 4, 2023****ERWIN, NORTH CAROLINA**

The Board of Commissioners for the Town of Erwin with Mayor Pro Tem Ricky Blackmon presiding held its Regular Meeting in the Erwin Municipal Building Board Room on Thursday, April 6, 2023, at 7:00 P.M. in Erwin, North Carolina.

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

Board Member absent was: Mayor Randy Baker and Commissioner William Turnage.

Town Manager Snow Bowden, Town Clerk Lauren Evans, Town Attorney Tim Morris, Town Engineer Bill Dreitzler, 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.

Commissioner Byrd 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 Byrd made a motion to approve **(ITEM A)** Minutes Regular Workshop on March 27, 2023 **(ITEM B)** Minutes of Budget Workshop on March 30, 2023 **(ITEM C)** Minutes Regular Meeting on April 6, 2023 **(ITEM D)** Town Owned iPad Policy **(ITEM E)** The Use of Tobacco Products In Municipal Buildings and On Municipal Grounds **(ITEM F)** Notary Procedure Policy **(ITEM G)** East L Street **(ITEM H)** BOA 2023-04 **(ITEM I)** BOA 2023-05 and was seconded by Commissioner Nelson. **The Board voted unanimously.**

PUBLIC COMMENT

Annie Elliot of 727 N 16th Street came forward and addressed the Board. She stated she was present to complain about the drainage ditches on N 16th Street and N Street. She stated her brother was visiting from Kentucky when earlier in the week when it was raining and he told her if she was not careful she was going to be in the ditch because water was running all across the road. It is not



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

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.



Mayor Pro Tem Ricky Blackmon



Signature

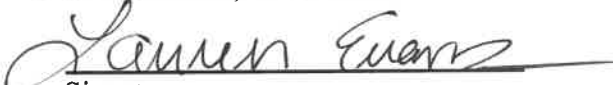
5/4/23

Date

Witness:



Lauren Evans, Town Clerk



Signature

Device Model: MK2L3LL/A iPad WIFI
Device Serial Number: J290X6Y2CJ

**TOWN OF ERWIN, NC
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Commissioner Alvester McKoy

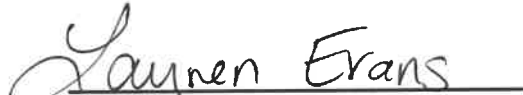


Signature



Date

Witness:



Lauren Evans, Town Clerk





Signature

Device Model: MK2L3LL/A iPad WIFI
Device Serial Number: H322D6X34H

**TOWN OF ERWIN, NC
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Charles Byrd


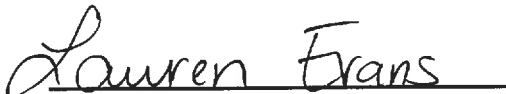
Commissioner Charles Byrd


Signature

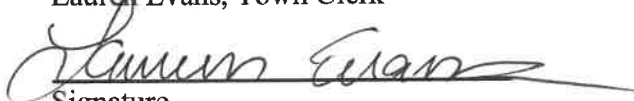
5-4-2023

Date

Witness:



Lauren Evans, Town Clerk

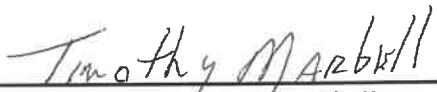


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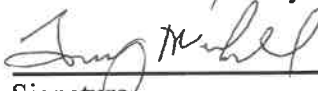
Device Model: MK2L3LL/A iPad WIFI
Device Serial Number: G4WQ2XGDYD

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Commissioner Timothy Marbell

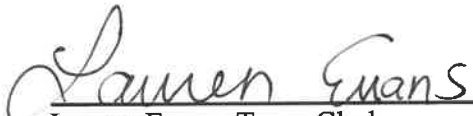


Signature

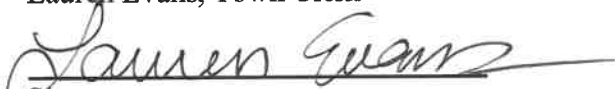
5-4-2023

Date

Witness:



Lauren Evans, Town Clerk



Signature

Device Model: MK2L3LL/A iPad WIFI

Device Serial Number: F6LP9D5QJY

**TOWN OF ERWIN, NC
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Mayor Randy Baker



Signature

5-4-2023

Date

Witness:



Lauren Evans, Town Clerk



Signature

Device Model: MK2L3LL/A iPad WIFI
Device Serial Number: JVJ6G391WR

**TOWN OF ERWIN, NC
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Commissioner David Nelson

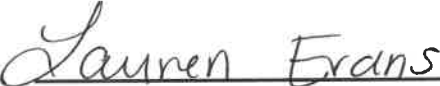


Signature

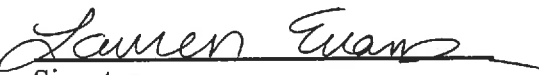
5-4-23

Date

Witness:



Lauren Evans, Town Clerk



Signature

Device Model: MK2L3LL/A iPad WIFI
Device Serial Number: F6TVJXPQW7



TOWN OF ERWIN

P.O. Box 459 • Erwin, NC 28339
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A RESOLUTION ADOPTING POLICY TO RESTRICT SMOKING AND THE USE OF TOBACCO PRODUCTS IN MUNICIPAL BUILDINGS AND ON MUNICIPAL GROUNDS

2022-2023—004

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, 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 4th day of May 2023.



Ricky Blackmon
Mayor Pro Tem

ATTEST:



Lauren Evans
Town Clerk



TOWN OF ERWIN

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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 4th day of May 2023.



Ricky Blackmon
Mayor Pro Tem

ATTEST:



Lauren Evans
Town Clerk



TOWN OF ERWIN

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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,

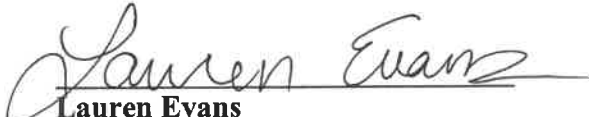
BE IT FURTHER RESOLVED, that the purpose of the public hearing will be to determine if the unopened portion of East L Street being requested for permanent closure would be detrimental to the public interest, or to the property rights of any individual.

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



Ricky Blackmon
Mayor Pro Tem

ATTEST:



Lauren Evans
Town Clerk

**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.


 Ricky Blackmon, Mayor Pro Tem

ATTEST:


 Lauren Evans, Town Clerk

**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:

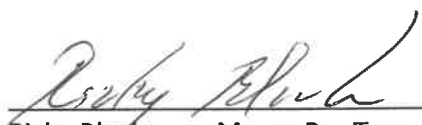
Account	Description	Current Approp.	Increase/Decrease	Amended Appropriation
10-3010-022	Ad Valorem 2022	\$1,490,414	(+) \$17,268	\$1,507,682
10-3450-000	Sales/Use Tax	\$750,000	(+) \$22,732	\$ 772,732

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.


 Ricky Blackmon, Mayor Pro Tem

ATTEST:


 Lauren Evans, Town Clerk

MINUTES CONTINUED FROM MAY 4, 2023

draining down the ditches, it is just draining. The ditches need to be cleaned and potholes need to be fixed.

Town Engineer Bill Dreitzler stated he is looking into these issues.

Donya Jerrido of 406 S 14th Street came forward and informed the Board that her granddaughter is a kindergarten student at Erwin Elementary School. Her granddaughter endured gross neglect by her Teacher's assistant for seven hours at school and now suffers from Post Traumatic Stress Disorder. She held up a picture of her granddaughter's condition on April 3rd when the neglect occurred. She stated she called the superintendent of schools and he had not returned her call. After getting the Daily Record involved, the school had the Teacher's Assistant resign but she felt everyone involved needed to be held accountable including the Superintendent of schools. She is her granddaughter's emergency contact and no one called to inform her of the incident. There were only two messages sent in a platform for teachers and parents. This was a kindergarten student who now suffers from PTSD and does not want to go to any school. She has been tainted, demoralized, the school is trying to sweep it under the rug and she was not going to let that happen.

Arletha Melvin of 714 N 16th Street came forward and stated Ms. Elliot was just talking about the ditches. She drove Commissioner McKoy and showed him the conditions. This has been an issue for quite a while and it is time for someone to do something about it. They are going to keep coming until the roads are fixed. She inquired about what the Town plans to do with the demolished houses at 706, 708, and 709 N 16th Street. She wanted the neighborhood to look nice.

Town Manager Snow Bowden stated this is the first time he has been made aware of the home. He will send Code Enforcement Officer Chris Jones out to look at the homes and start the minimum housing process.

PUBLIC HEARING**ZT-2023-002**

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

Town Manager Snow Bowden stated Town Staff received an application to have the property at 306 Masonic Road rezoned from R-10 to B-2. The Planning Board did recommend this request for approval.

Mayor Pro Tem Ricky Blackmon asked if anyone would like to come forward and speak in favor of the request.

Mr. Martin stated he was the owner of the property. He made this request for more marketable value.

Commissioner Byrd asked if he had plans for a business.

Mr. Martin stated he did not have any plans at that time.

Commissioner Byrd asked if the property is for sale.

Mr. Martin stated the property was not for sale but was soon to be for sale.



**TOWN OF ERWIN
BOARD OF COMMISSIONERS
REGULAR MEETING
THURSDAY, MAY 4, 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. Annie Elliot	727 N 16 th Street	Drainage Ditches
2. Danya Perry	406 S 14 th Street	gross negligence EES
3. Pauletha Melvik	714 N 16 th Street	Drainage ditch + abundant
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		

MINUTES CONTINUED FROM MAY 4, 2023

Commissioner Byrd asked about a home on the property.

Mr. Martin stated that was his rental home but no one was living in it at that time.

Mayor Pro Tem Ricky Blackmon stated for the record that there were B-1 and B-2 zoning beside this property.

Commissioner Byrd stated there used to be a business on this property.

Mayor Pro Tem Ricky Blackmon asked if anyone else would like to come forward and speak in favor of the request.

Bill Schuh of 102 Masonic Road came forward and complained about the street signs being crooked or missing around Town. Do we not have enough help? Then we need to hire more people.

Mayor Pro Tem Ricky Blackmon informed Mr. Schuh that we were in a Public Hearing.

Mayor Pro Tem Ricky Blackmon asked if anyone else would like to come forward and speak in favor of the request.

No one came forward.

Mayor Pro Tem Ricky Blackmon asked if anyone would like to come forward and speak against the request.

No one came forward.

Mayor Pro Tem Ricky Blackmon asked again if anyone would like to come forward and speak against the request.

No one came forward.

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

Commissioner Byrd made a motion in the affirmative, seconded by Commissioner Nelson, and **unanimously approved by the Board** 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.

- Reasoning: This parcel is adjacent to a four-lane 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.

Commissioner McKoy made a motion in the affirmative, seconded by Commissioner Byrd, and **unanimously approved by the Board** that 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.

MINUTES CONTINUED FROM MAY 4, 2023

Commissioner Nelson made a motion in the affirmative, seconded by Commissioner Byrd, and **unanimously approved by the Board** that 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.

Commissioner Byrd made a motion in the affirmative, seconded by Commissioner Nelson, and **unanimously approved by the Board** that the e request is for a small scale rezoning and should be evaluated for reasonableness.

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

Commissioner McKoy made a motion in the affirmative, seconded by Commissioner Byrd, and **unanimously approved by the Board** that the proposed rezoning application meets all the Findings of Fact in the Affirmative.

Commissioner McKoy made a motion in the affirmative, seconded by Commissioner Nelson, and **unanimously approved by the Board** that 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.

Commissioner McKoy made a motion in the affirmative, seconded by Commissioner Byrd, and **unanimously approved by the Board** to recommend approval of Ordinance For Map Amendment Case # ZT-2023-002 Amendment To The Official Zoning Map To Rezoned From R-10 To B-2 Per Zoning Ordinance Article XXIII For Harnett County PIN 1507-14-0672.000.

SU-2023-002

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

Town Manager Snow Bowden stated the applicant for this Special Use Application asked the Board to table this Public Hearing until our next regularly scheduled meeting on June 1, 2023, at 7 PM. The applicant was out of Town and had someone scheduled to be present in his place but that person had to go to the hospital for an emergency and no one was present to speak for the case.

Mayor Pro Tem Ricky Blackmon asked if anyone else would like to come forward and speak in favor of the request.

No one came forward.

Mayor Pro Tem Ricky Blackmon asked again if anyone was present who would like to come forward and speak in favor of the request.

No one came forward.

Mayor Pro Tem Ricky Blackmon asked if anyone would like to come forward and speak against the request.

No one came forward.

Erwin Board of Commissioners

REQUEST FOR CONSIDERATION

To: The Honorable Mayor and Board of Commissioners

From: Snow Bowden, Town Manager

Date: May 4, 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.

Attachments:

- ZT-2023-002 Application
- ZT-2023-002 Staff Report
- Harnett County GIS Image with zoning
- Harnett County GIS Image with no zoning
- Property owners notified
- ZT-2023-002 Public Notice Letter
- ZT-2023-002 Newspaper Notice
- Planning Board Statement of Consistency
- Statement of Consistency
- Statement of Inconsistency
- ZT-2023-002 Map Amendment Ordinance

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 - 02
Fee: _____ Check # MO Cash _____
PB Recommendation: A D A/W Conditions
BOC Date: 5/14/23 Decision: A D T A/W Conditions

Print Applicant Name: BLUCE MARTIN
Name of Legal Property Owner: SUNDANG 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] 910-891-5569
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

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 6th 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 in the area.</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

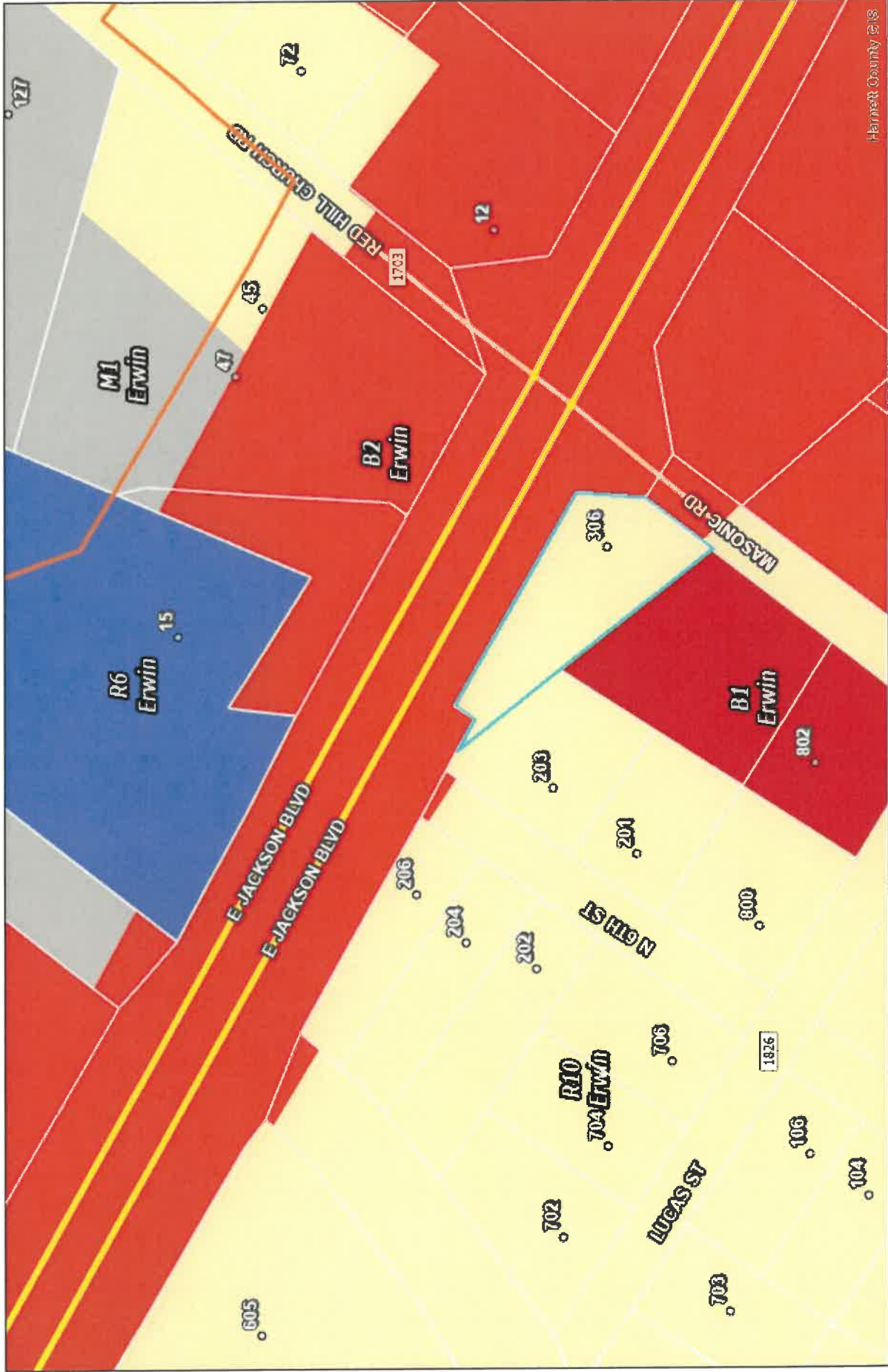
The requested rezoning Highway Business (B-2) is compatible with all of the Town of Erwin's regulatory documents and would not only have an positive impact on the surrounding community, but would enhance the public health, safety, and general welfare as stated in the evaluation. It is recommended that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

NOT FOR LEGAL USE .



Harnett County GIS

0 80 160 320 Feet

 1 inch = 188 feet

Surrounding County Boundaries
 City Limits

 County Boundary

 Address Numbers

Major Roads
 Interstate

 NC

 US

Airport

Mile Markers
 Mile_Markers

 Railroad

 Parcels

Roads
 Roads

 Cape Fear River

GIS/E-911 Addressing
 April 12, 2023

Harnett GIS



NOT FOR LEGAL USE .

GIS/E-911 Addressing
April 12, 2023

	Surrounding County Boundaries		Airport		Cape Fear River
	City Limits		Roads		Mile_Markers
	County Boundary		MajorRoads		Mile_Markers
	Address Numbers		Interstate		Railroad
			NC		Parcels
			US		

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

Compass: N, S, E, W

Sun Dawg Renovations, INC.
PO Box 2474
Dunn, NC 28335

NCDOT
1546 Mail Service Center
Raleigh, NC 27611

University Storage, LLC.
165 Sommerville Park Rd.
Raleigh, NC 28603

Durane and Donna Currin
1044 Fleming Road
Coats, NC 27521

Marilyn Lucas
203 N 6th Street
Erwin, NC 28339

Masonic Lodge
PO Box 752
Erwin, NC 28339

Dan Bryant, Trustee
David Norris, Trustee
132 Juniper Creek BLVD.
Pinehurst, NC 28374

Joseph and Martha Stancil
47 Red Hill Church Rd.
Dunn, NC 28334

Sally Jackson
15 Red Hill Church Rd.
Dunn, NC 28334



TOWN OF ERWIN

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

04/10/2023

Notice of a Public Hearing ZT-2023-002

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

The Board of Commissioners of the Town of Erwin will hold a public hearing pursuant to NC General Statute 160D-406 on May 4th, 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 306 Masonic Road. The applicant has requested this parcel be rezoned from residential (R-10) to commercial (Highway Business B-2).

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, May 4, 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 SU-2023-002: Special Use Permit Application to operate a customary home occupation inside of the home located at 129 Bumpas Creek Access. It can also be identified by its Harnett County Tax PIN # 0595-79-5908.000.
- Case ZT-2023-002: Request to have a parcel located at 306 Masonic Road rezoned from Residential (R-10) to Commercial (Highway Business B-2). The property can also be identified by its Harnett County Tax PIN # 1507-14-0672.000.

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.
4/18,25/2023

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**.



Angela Gundersen
Planning Board Chair



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**.



Ricky Blackmon
Mayor Pro Tem



Lauren Evans
Town Clerk



TOWN OF ERWIN

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

Mayor
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-2023-002
AMENDMENT TO THE OFFICIAL ZONING MAP TO REZONE
FROM RESIDENTIAL (R-10) TO
HIGHWAY BUSINESS (B-2)
PER ZONING ORDINANCE ARTICLE XXIII
FOR HARNETT COUNTY PIN 1507-14-0672.000.
ORD 2022-2023: 003**

Per Chapter 36 Zoning, Article XXIII, Changes and Amendments, Harnett County PIN 1507-14-0672.000 owned by Sun Dawg Renovations Inc has been rezoned to B-2, Case # ZT-2023-002.

B4128 - P 971

HARNETT COUNTY TAX ID #
061507 0294

For Registration Matthew S. Willis
Register of Deeds
Harnett County, NC
Electronically Recorded
2022 Mar 18 11 16 AM NC Rev Stamp \$ 122.00
Book 4128 Page 971 - 973 Fee: \$ 26.00
Instrument Number 2022005815

03-18-2022 BY: TC

Excise Tax \$122.00 Recording Time, Book and Page
Parcel ID No. 061507 0294 Verified by _____ County on the ____ day of _____, 20__
By: _____

Mail/Box to: Tart Law Group, P.A., 700 West Broad Street, Dunn, NC 28334
This instrument was prepared by: Lee L. Tart Malone, Attorney at Law

Brief description for the Index:

NORTH CAROLINA GENERAL WARRANTY DEED

This deed made this 16th day of March, 2022 by and between:

GRANTOR: Janice S. Snipes, Widow 306 Masonic Road Erwin, NC 28339	GRANTEE: Sun Dawg Renovations, Inc., a North Carolina Corporation P.O. Box 2474 Dunn, NC 28334
---	--

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

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

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

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

submitted electronically by "Tart Law Group, P.A."
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Harnett County Register of Deeds.

The property hereinabove described was acquired by Grantor by instrument recorded in Book 704, Page 988 Harnett County Registry.

A map showing the above described property is recorded in Map Book ____, Page ____.

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

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

- a) General utility easements and right of ways appearing of record.
- b) Ad valorem taxes for the year 2022 and subsequent years, not yet due and payable.

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

Janice S. Snipes (SEAL)
Janice S. Snipes

STATE OF NORTH CAROLINA
COUNTY OF Harnett

I, Beverly P. Stewart, Notary Public of the County and State aforesaid, certify that Janice S. Snipes, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial seal, this 16th day of March, 2022.

Beverly P. Stewart
Notary Public


My Commission Expires: 5/20/2024



EXHIBIT "A"

BEGINNING at an iron pin located at the intersection of the south margin of U.S. Highway #421 with the west margin of State Road #1703 (Masonic Road), the said point of beginning being the westernmost exit of the corner of Masonic Road into U.S. Highway #421, and runs thence with the south margin of U.S. Highway #421, North 56 deg. 52 min. 21 sec. West 282.01 feet to an iron pin; thence South 33 deg. 53 min. 03 sec. West 24.98 feet to another corner in the south margin of U.S. Highway #421; thence again with the south margin of U.S. Highway #421, North 56. deg. 43 min. West 43.92 feet to an iron pin; thence South 33 deg. 30 min. 41 sec. East 369.22 feet to an iron pin in the western margin of State Road #1702 (Masonic Road); thence with the western margin of said road, North 41 deg. 17 min. 36 sec. East 88.29 feet to an iron pin; thence North 11 deg. 07 min. 27 sec. East 73.38 feet to the BEGINNING, containing 0.757 acres, more or less, and being all of the one-acre tract described in deed from R.O. Snipes and wife, Martha Hodges Snipes, to Z.W. Hodges, dated February 19, 1948, which is NOT within the right of way of U.S. Highway #421, said deed being recorded in Book 310, Page 282, Harnett County Registry. This is the same land described as First Tract in deed recorded in Book 703, Page 269, Harnett County Registry. (Hodges Land)

Adopted this the 4th day of May 2023.



Ricky Blackmon,
Mayor Pro Tem

ATTEST:



Lauren Evans
Town Clerk

MINUTES CONTINUED FROM MAY 4, 2023

Mayor Pro Tem Ricky Blackmon asked again if anyone would like to come forward and speak against the request.

No one came forward.

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

Commissioner Nelson made a motion to table special use request SU-2023-002 until our next regularly scheduled meeting in the Erwin Municipal Building Board Room on June 1, 2023, at 7 PM and was seconded by Commissioner Byrd. **The Board voted unanimously.**

MANAGER'S REPORT

Town Manager Snow Bowden informed the Board that:

- The playground that was broken at Porter Park has been fixed. We also put down fresh mulch in all three play areas at Porter Park and the play area at Al Woodall Park.
- We are working on the changes the Board requested for the budget next year. A meeting will be planned later in May to have another budget workshop.
- He will look at the homes at 706, 708, and 709 N 16th Street and ask our Code Enforcement Officer Chris Jones to start the Minimum Housing process.
- Code Enforcement Officer Chris Jones was out of Town until the following week. He asked the Board to keep his family in their prayers.
- Wrether Ravenel is starting the pavement condition study and we are hoping to have the information back on that soon.
- The following Tuesday, May 9th, we were holding the Public Meeting in the Erwin Municipal Building Board Room from 5-7 PM. There will be an event at the Erwin Public Library from 4-5 PM. Please encourage friends and family to take the survey.
- Mayor Baker asked that we remind the Board of the Remembrance Service on Friday, May 12th, at 6 PM at Al Woodall Park.

ATTORNEY'S REPORT

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

GOVERNING COMMENTS

Commissioner Nelson stated he appreciated everything the Police and Town Staff do for the Town. He thanked the citizens for coming to the meeting and voicing their opinion and for everything they do for the Town.

Commissioner Byrd stated he is also thankful for Town Staff and all they do. He thanked the citizens for sharing their thoughts with the Board. He appreciated the quick response when he called Town Manager Snow Bowden and Police Lieutenant Joey Ennis came to help with V1 Fiber digging in

Erwin Board of Commissioners

REQUEST FOR CONSIDERATION

To: The Honorable Mayor and Board of Commissioners

From: Snow Bowden, Town Manager

Date: May 4, 2023

Subject: SU-2023-002

The Town of Erwin has received a special use permit application for the parcel at 129 Bumpas Creek Access to operate a customary home occupation inside their home. The applicant wished to operate a home office that involves online sale of vehicles. There will not be any on-site sale of vehicles at this location. There will not be any traffic associated with this use in the area.

Attachments:

- SU-2023-002 Application
- SU-2023-002 Staff Report
- Harnett County GIS Image with Zoning
- Harnett County GIS Image no Zoning
- Property owners notified
- SU-2023-002 Notice Letter
- SU-2023-002 Newspaper Notice



TOWN OF ERWIN
 100 West F St., Post Office Box 459
 Erwin, NC 28339
 (910) 897-5140 V (910) 897-5543 F
 www.erwin-nc.org

SPECIAL USE PERMIT APPLICATION

In the Matter Of the Request to the Erwin Board of Commissioners

Applicant Name	Black River Service WILLIAM MORRIS	Property Owner Name	WILLIAM H. MORRIS
Mailing Address	129 BUMPAS CREEK CROSS	Mailing Address	11 11
City, State, Zip	DUNN NC	City, State, Zip	11 11 11
Telephone	910 287 9657	Telephone	
Email	mo	Email	

Address of Subject Property	11	129 Bumpas Creek Cross
Parcel Identification Number(s) (PIN) of Subject Property	05 95 - 79 - 5908 .000	
Legal Relationship of Applicant to Owner	owner	Floodplain SFHA <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Legal Description: Lot	Block	Subdivision
Zoning District	Wetlands	Watershed Area
Public Water Available: Y or N	Yes <input checked="" type="checkbox"/> No	Yes <input checked="" type="checkbox"/> No
Public Sewer Available: Y or N	Y or N	Existing Septic Tank: Y or N
Number of Buildings to Remain	2	Gross Floor Area to Remain
Describe Proposed Project or Request with Conditions proposed by applicant:		
CUSTOMARY HOME OCCUPATION, to operate an on site business from home office		
Total Acreage or Square Footage to be Disturbed	96 sq FT.	
Estimated Cost of Project \$		

Attach a scaled illustrative plot or site plan showing all lot dimensions, buildings, structures, driveways, parking spaces, and distances between structures and property lines.

Provide complete mailing addresses for each adjacent property owners (also property within 100 feet) and/or property owners directly across a street, if any. Names and addresses must be from current Harnett County tax listings.

Date Application Submitted	11/10/11	Office Use Only	Application Fee \$	20	Received By	KGD
Case # SU-2023 -002						



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Special Use Signature Page

It is understood by the undersigned that the development and execution of the Special Use Permit is based upon the division of the Town into districts within which districts the use of land and buildings, and the bulk and location of buildings and structures in relation to the land, is substantially uniform. It is recognized, however, that there are certain uses which, because of their characteristics, cannot be properly classified in any particular district or districts, without consideration, in each case, of the impact of those uses upon neighboring land and of the public need for the particular location. Such special uses fall into two categories.

1. Uses publicly operated or traditionally affected with a public interest
2. Uses entirely private in character, but of such unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.

The Zoning Ordinance as originally adopted and as subsequently amended is presumed by the Town to be appropriate to the property involved and that the burden of proof for a Special Use approval rests with the applicant. Applicant is encouraged to discuss the proposed use with affected property owners.

It is further understood that prior to the granting of any special use, the Board of Commissioners may stipulate, such conditions and restrictions upon the establishment, location, reconstruction, maintenance, and operation of the special use as it is deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in 9-411.5 of the Town Code. In all cases in which special uses are granted, the Board of Commissioners shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.

- Such conditions may include a time limitation;
- Conditions may be imposed which require that one or more things be done before the use requested can be initiated. (For example, "that a solid board fence be erected around the site to a height of 6 feet before the use requested is initiated");
- Conditions of a continuing nature may be imposed. (For example, "exterior loud speakers shall not be used between hours of 10:00 p.m. and 9:00 a.m.")

Compliance with Other Codes: Granting of a Special Use Permit does not exempt applicant from complying with all of the requirements of building codes and other ordinances.

SU- _____

Signature Page

Page 1 of 2

Revocation: In any case where the conditions of the Special Use Permit have not been or are not being complied with, the Building Inspector shall give the permitted notice of intention to revoke such permit at least ten (10) days prior to a Board of Commissioners review thereof. After conclusion of the review, the Board of Commissioners may revoke such permit.

Expiration: In any case where a Special Use Permit has not been exercised within the time limit set by the Board of Commissioners, or within one year if no specific time limit has been set, then without further action, the permit shall be null and void. "Exercised" as set forth in this section shall mean that binding contracts for the construction of the main building have been let; or in the absence of contracts that the main building is under construction to a substantial degree; or that pre-requisite conditions involving substantial investment are contracted for, in substantial development, or completion (sewer, drainage, etc.). When construction is not part of the use, "exercised" shall mean that the use is in operation in compliance with the conditions set for in the permit.

Duration: Duration of a special use and any conditions attached shall be perpetually binding to the property unless it is expressly limited.

Applicant Signature and Date: *[Signature]* 4/10/23

See attached



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

Property Owner (1)	_____	Mailing
Address	_____ City _____	ST _____ Zip _____
Property Owner (2)	_____	Mailing
Address	_____ City _____	ST _____ Zip _____
Property Owner (3)	_____	Mailing
Address	_____ City _____	ST _____ Zip _____
Property Owner (4)	_____	Mailing
Address	_____ City _____	ST _____ Zip _____
Property Owner (5)	_____	Mailing
Address	_____ City _____	ST _____ Zip _____
Property Owner (6)	_____	Mailing
Address	_____ City _____	ST _____ Zip _____
Property Owner (7)	_____	Mailing
Address	_____ City _____	ST _____ Zip _____
Property Owner (8)	_____	Mailing
Address	_____ City _____	ST _____ Zip _____
Property Owner (9)	_____	Mailing
Address	_____ City _____	ST _____ Zip _____
Property Owner (10)	_____	Mailing
Address	_____ City _____	ST _____ Zip _____
Property Owner (11)	_____	Mailing
Address	_____ City _____	ST _____ Zip _____
Property Owner (12)	_____	Mailing
Address	_____ City _____	ST _____ Zip _____
Property Owner (13)	_____	Mailing
Address	_____ City _____	ST _____ Zip _____

SU-222-002

See attached

**Town of Erwin Planning Board
Special Use Guidelines for Findings of Fact**

1. The use requested is listed among the special uses in the district for which application is made:

 Yes No _____

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

 Yes No _____

3. The requested use will not impair the integrity or character of the surrounding or adjoining districts, nor be detrimental to the health, morals, or welfare

 Yes No _____

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

 Yes No _____

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

 Yes No _____

6. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets

 Yes No _____

7. That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Board of Commissioners pursuant to the recommendations of the Planning Board

 Yes No _____



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SPECIAL USE APPLICATION PROCEDURES

1. Completed application for the Special Use Permit, signed by the applicant, shall be addressed to the Board of Commissioners and presented to the Administrative Official. Applications must be submitted by the first Friday of the month prior to the following Town Board.
2. Each application shall contain or be accompanied by such legal descriptions, maps, plans and other information so as to completely describe the proposed use and existing conditions.
3. Pay the Special Use Permit Fee as established by the Board of Commissioners and found in the Schedule of Fees in the Office of the Town Clerk. Current fee is \$300.

Conditions and Guarantees

Prior to the granting of any special use, the Board of Commissioners may stipulate, such conditions and restrictions upon the establishment, location, reconstruction, maintenance, and operation of the special use as is deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified by ordinance. In all cases in which special uses are granted, the Board of Commissioners shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.

- Such conditions may include a time limitation;
 - Conditions may be imposed which require that one or more things be done before the use requested can be initiated. (For example, "that a solid board fence be erected around the site to a height of 6 feet before the use requested is initiated");
 - Conditions of a continuing nature may be imposed. (For example, "exterior loud speakers shall not be used between hours of 10:00 p.m. and 9:00 a.m.")
1. Administrative official posts property at least one (1) week prior to public hearing
 2. Newspaper advertisement once (1) each week for two (2) successive weeks prior to the public hearing
 3. The Board of Commissioners shall approve, modify or deny the application for Special Use Permit following the public hearing.

Action by the Board of Commissioners

In granting a Special Use Permit the Board of Commissioners shall make written findings that the applicable regulations of the district in which it is located are fulfilled. With due regard to the nature and state of all adjacent structures and uses, the district within which same is located, and official plans for future development, the Board of Commissioners shall also make written findings that the following provisions are fulfilled:

1. The use requested is listed among the special uses in the district for which application is made
2. The requested use is essential or desirable to the public convenience or welfare
3. The requested use will not impair the integrity or character of the surrounding or adjoining districts, nor be detrimental to the health, morals, or welfare
4. The requested use will be in conformity with the Land Development Plan
5. Adequate utilities, access roads, drainage, sanitation and/or other necessary facilities have been or are being provided
6. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets
7. That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Board of Commissioners.



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IMPORTANT

This is a complete Special Use Application package consisting of 10 pages. For this application to be accepted, it must be completed and returned with all required documents and entries.

Do be aware that under certain conditions the applicant may be required to obtain a Driveway Permit from the NC Department of Transportation prior to Special Use Permit approval.

Using the Zoning Ordinance

- Go to the applicable zoning district in Article 3. That section will serve as a guide to begin the development of your site plan. This section will also direct you to pertinent requirements such as: parking, sign, lighting, and other general provision such as streetscape requirements and other general development regulations that may apply to the proposed development.
- Be sure to read Article 11 – Special Uses.
- Complete the Special Use Permit Application, the Special Use Signature page, and the Record of Adjacent Property Owners sheet; and include other required information with the application. Use additional pages if necessary. Adjacent property owners' names must be from current Harnett County tax listing; so this requires that the applicant contact Harnett County. Addresses of the adjacent property owners must be complete which includes name, mailing address, and zip code.
- The submitted site plan must be drawn to scale and include all dimensions and required provision. Of these dimensions and other requirements, be sure to include the following:
 - Existing structures on the proposed lot, their dimensions and distances between on another and the lot's property lines
 - Proposed structures including their dimensions and distances from other structures on the lot and proposed distances from property lines (i.e. setbacks)
 - All easements and rights-of-way located on the proposed lot
 - All natural features including tree lines, drainage ways, etc.
 - The location and dimensions of required parking area(s) as may be required by Ordinance
 - Proposed lighting plans as may be required by Ordinance
 - Demonstration of the placement of buffers and streetscape as may be required by ordinance



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Processing Requirements

Special Uses are not Uses by Right. It is the responsibility of the applicant to demonstrate that the requested use will meet the minimum requirements set forth in the Erwin Zoning Ordinance. The Board's decision will be greatly influenced by the completeness and neatness of the submitted application.

A requested and very necessary tool is the site plan. Its importance cannot be overstated. Applicant is encouraged to portray in detail and to accurately scale the property boundaries, improvements, and any natural features. In some cases, approval or denial may depend on the quality of the Site Plan.

If the proposed use involves business operations, description of the anticipated activity needs to be sufficiently disclosed. This will assist the Board in determining the Town's infrastructure capability, the public health and safety considerations such as traffic and noise, and how neighboring property may be affected.

All uses require dedicated parking spaces and some may require lighting, buffering, fences, landscaping, and other elements. It is suggested that the applicant spend some time reading the Town's Zoning Ordinance prior to application. Copies of the Zoning Ordinance may be purchased at Town Hall. Copies are available in the Erwin Library and Town Hall for review. An electronic copy of the Ordinance can be found on the Town website as well at www.erwin-nc.org.

A complete application consists of all documents included in the application package and any required maps, site plan, and/or related documents. These documents become the property of the Town. It is the applicant's responsibility to submit 10 copies of this completed application. Each member of the Governing Board receives a copy including the Town Manager, Town Clerk, Town Attorney, and Code Enforcement Officer.

The completed application and fees must be submitted no later than the first Friday of the month to be placed on following month's Town Board Agenda.

**Town of Erwin
Record and Decisions**

Office Use Only

Notice Mailed _____ Property Posted _____ Newspaper Advertised Date _____

Public Hearing Date and Comments: _____

<u>Governing Body Motion</u>	Record of Decision:	Yea	Nay
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>

Town Board Decision and Date _____

Certified By: _____



SPECIAL USE REQUEST STAFF REPORT

Case: SU-2023-002

Snow Bowden, Town Manager

townmanager@erwin-nc.org

Phone: (910) 591-4200

Fax: (910) 897-5543

Public Hearing Date: Thursday, May 4th, 2023

Requested special use permit to operate a customary home occupation at 129 Bumpas Creek Access.

Applicant Information

Owner of Record:

Name: W.H. and Gina D. Morris

Address: 129 Bumpas Creek Access

City/State/Zip: Dunn, NC 28334

Applicant:

Name: W.H. Morris

Address: 129 Bumpas Creek Access

City/State/Zip: Dunn, NC 28334

Property Description

Harnett County Tax PIN 0597-79-5908.000

Acres 4.15

Zoning District- Residential R-D

Vicinity Map

- See Attached Document
-
-

Physical Characteristics

Site Description: This is a tract of land that is 4.15 acres with a single family dwelling located on the parcel. There are other buildings that are associated with the agricultural use of the property.

Surrounding Land Uses: The primary land uses that surround this parcel are residential and agricultural.

Services Available

- Electricity (Duke Energy)
 - Telephone (Centurylink)
 - Harnett Regional Water
-
-

Zoning District Compatibility

Special Use	RD
Customary Home Occupation	X

Staff Evaluation

Staff Evaluation

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

- **Reasoning:** Customary home occupations are allowed with a special use permit in our RD Zoning District.

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

- **Reasoning:** The applicant is seeking a special use permit to operate a customary home occupation from inside their home. The service they provide is desirable to the public.

Yes No The requested use will not impair the integrity or character of the surrounding or adjoining districts, nor be detrimental to the health, morals, or welfare. .

- **Reasoning:** This tract of land is surrounded by primarily residential land uses.

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

- **Reasoning:** This parcel is located in an area identified for Low Intensity growth in our 2014 Land Use Plan. The requested special use permit will not have any impact on the area due to the fact that there will not be any on site traffic associated with the use.

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

- **Reasoning:** This is an existing site that already has an established driveway. They have an established ditch for drainage and a private company collects their trash.

Yes No That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

- **Reasoning:** This site has an existing driveway and there will be no onsite traffic associated with this requested land use.

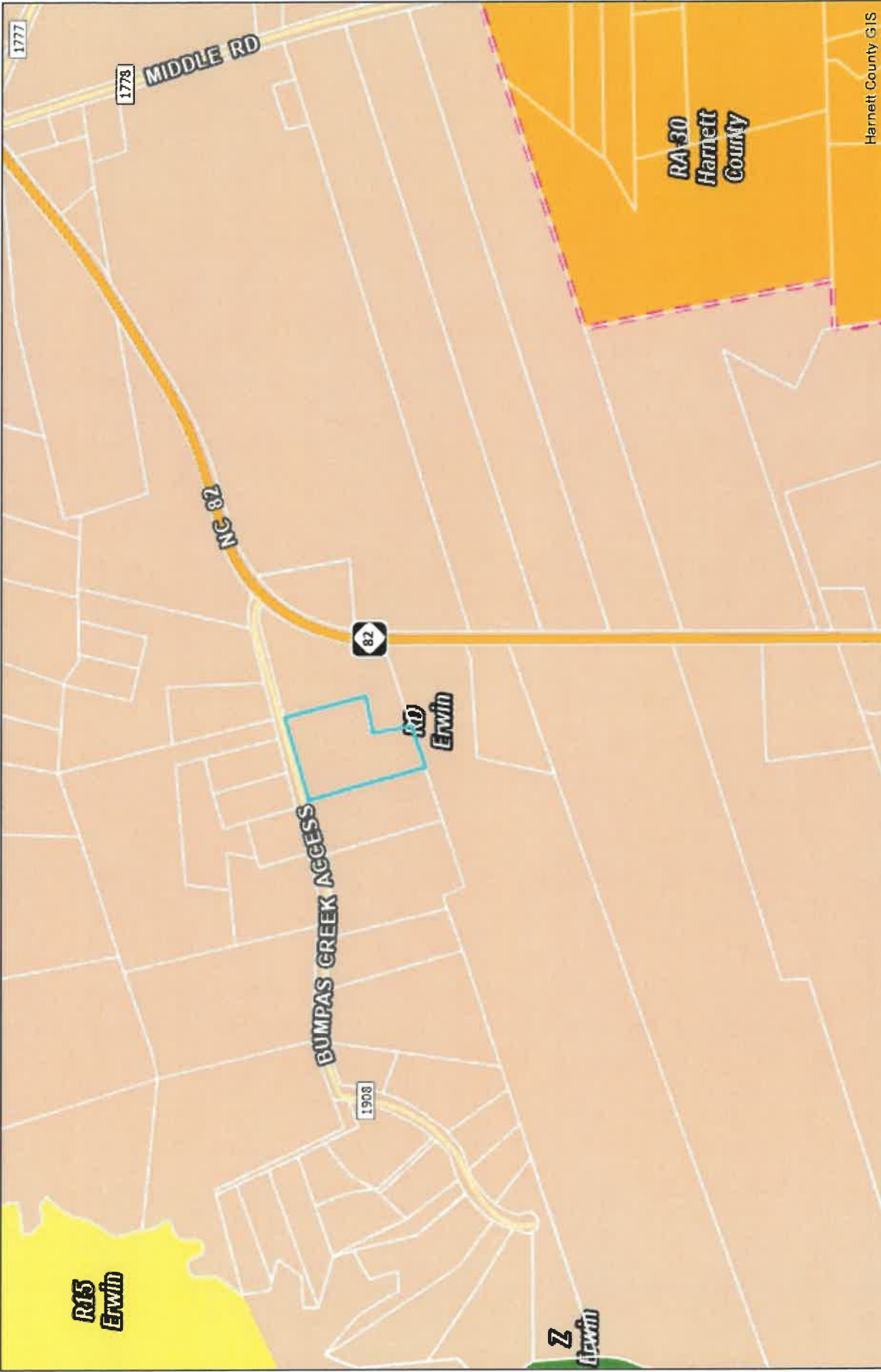
Yes No That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Board of Commissioners.

- **Reasoning:** Yes.

Attachments:

- SU-2023-002 Application
- SU-2023-002 Staff Report
- SU-2023-002 Site Plan
- SU-2023-002 Harnett County GIS Image with Zoning
- SU-2023-002 Harnett County GIS Image with no Zoning
- SU-2023-002 property owners notified

Harnett GIS



Surrounding County Boundaries

- City Limits
- County Boundary
- Airport

MajorRoads

- Interstate
- NC
- US
- Roads

Mile_Markers

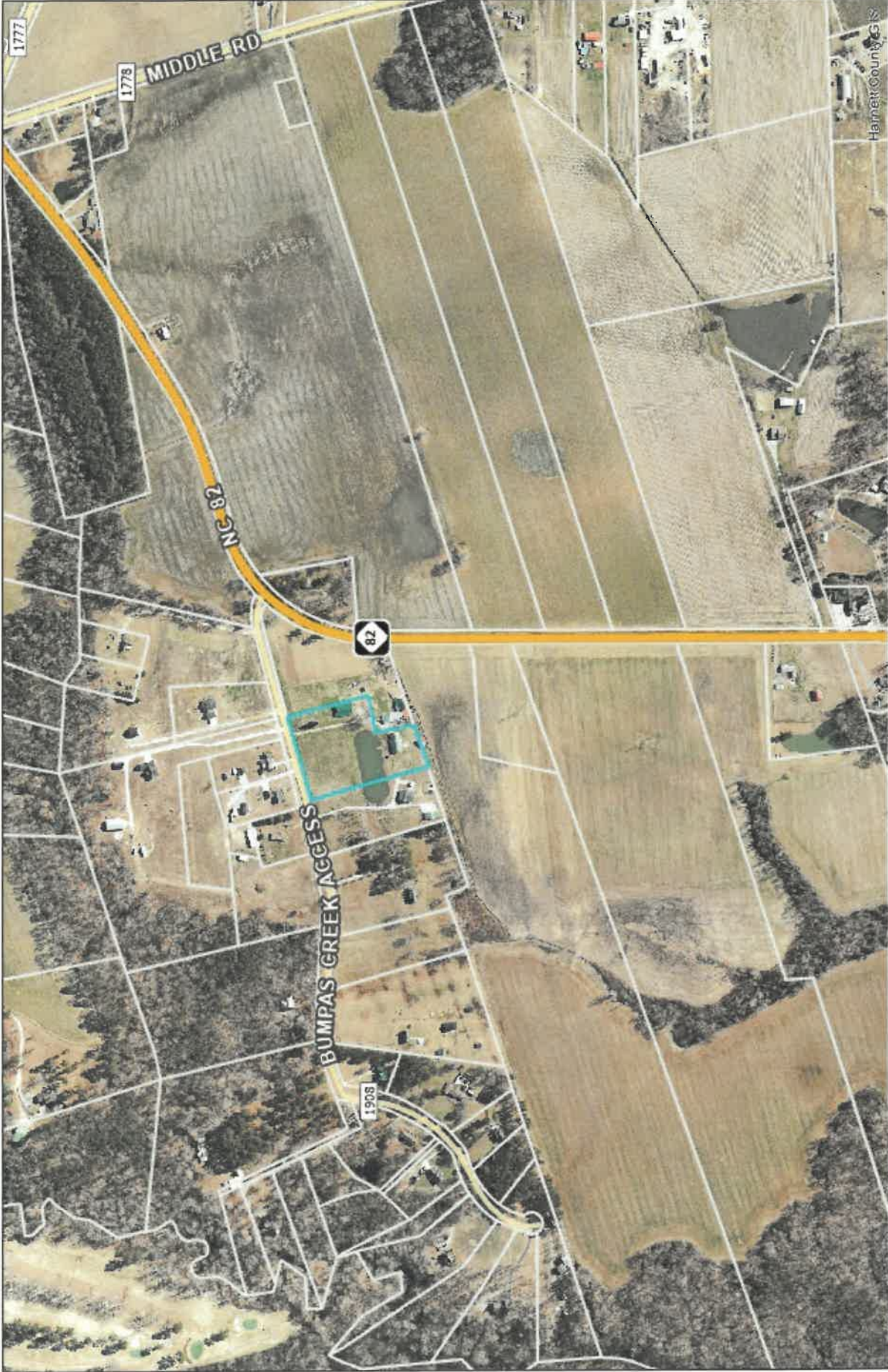
- Mile_Markers
- Railroad
- Parcels
- CapeFearRiver

1 inch = 752 feet

NOT FOR LEGAL USE .

GIS/E-911 Addressing
April 25, 2023

Harnett GIS



Surrounding County Boundaries City Limits County Boundary Airport

MajorRoads Interstate NC US Roads

Mile_Markers Mile_Markers Railroad Parcels CapeFearRiver

GIS/E-911 Addressing
 April 25, 2023

0 335 670 1,340 Feet
 1 inch = 752 feet

W.H. and Gina Morris
129 Bumpas Creek Access
Dunn, NC 28334

Black River Properties
PO Box 787
Dunn, NC 28335

Kenneth and Julie Pope
199 Bumpas Creek Access
Dunn, NC 28334

William and Karen Lamm
172 Bumpas Creek Access
Dunn, NC 28334

Keith and Susan Tripp
116 Bumpas Creek Access
Dunn, NC 28334

Thomas and Ann Denning
90 Bumpas Creek Access
Dunn, NC 28334



TOWN OF ERWIN

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04/10/2023

Notice of a Public Hearing SU-2023-002

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

The Board of Commissioners of the Town of Erwin will hold a public hearing pursuant to NC General Statute 160D-406 on May 4th, 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 special use permit application request.

There has been a special use permit application submitted to the Town. The property is located at 129 Bumpas Creek Access. The applicant has request a special use permit to operate a customary home occupation inside their home. The applicant needs to establish a home office for his business.

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, May 4, 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 SU-2023-002: Special Use Permit Application to operate a customary home occupation inside of the home located at 129 Bumpas Creek Access. It can also be identified by its Harnett County Tax PIN # 0595-79-5908.000.
- Case ZT-2023-002: Request to have a parcel located at 306 Masonic Road rezoned from Residential (R-10) to Commercial (Highway Business B-2). The property can also be identified by its Harnett County Tax PIN # 1507-14-0672.000.

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.
4/18,25/2023

MINUTES CONTINUED FROM MAY 4, 2023

people's yards past the right of way. He asked what the status was on the State paving State-owned roads in Erwin.

Town Manager Snow Bowden stated they moved the repaving of Old Post Road up by one year. He stated he had spoken with NCDOT about possibly giving them some of our funds and they were open to that but it looks like they may be paved sooner than we thought.

Commissioner McKoy thanked the citizens for coming to our meeting. He asked that citizens to tell everyone that we have meetings every first Thursday of each month, the citizens in Erwin are our eyes and ears. The Board cannot see everything and he was thankful that citizens come and voice their opinions. It was a pleasure serving with the Board. We have a fine staff in Erwin. He stressed to the Board that we do not need to put a bandaid on problems, we need to fix them. He was devastated when he saw the streets and ditches on N 16th Street.

Mayor Pro Tem Blackmon thanked everyone for coming to the meeting. Citizens see more than the Board on a daily basis and he appreciated everyone who came and gave their insight on the issues they saw. It will not go on deaf ears, Town Manager Snow Bowden will make sure it gets done. He asked everyone to keep Commissioner Turnage in their prayers as he continued to heal and keep Code Enforcement Officer Chris Jones' family in their prayers.

ADJOURNMENT

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

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

ATTEST:



Randy Baker

Mayor



Lauren Evans

Town Clerk