#### THE ERWIN BOARD OF COMMISSIONERS DECEMBER 2022 REGULAR MEETING THURSDAY, DECEMBER 1, 2022 @ 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 of Workshop on October 24, 2022 (Page 2)
- B. Minutes Regular Meeting on November 3, 2022 (Page 9)
- C. Financial Report for October 2022 (Page 13)
- D. 2023 Meeting Schedule (Page 15)

#### 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. PROCLAMATIONS RECOGNIZING RETIREMENT AND PROMOTIONS IN THE POLICE DEPARTMENT

#### 6. PUBLIC HEARING

A. SU-2022-009 (Page 25)

B. SU-2022-010 (Page 40)

#### 7. CLOSED SESSION

A. Pursuant to General Statute 143-318.11(a) (6) for the Purpose of Discussing Personnel

#### 8. MANAGER'S REPORT

#### 9. **ATTORNEY'S REPORT**

#### 10. GOVERNING BODY COMMENTS

#### 11. **ADJOURNMENT**

#### **ERWIN BOARD OF COMMISSIONERS**

#### **REGULAR WORKSHOP MINUTES**

#### **OCTOBER 24, 2022**

#### **ERWIN, NORTH CAROLINA**

The Board of Commissioners for the Town of Erwin with Mayor Randy Baker presiding, held its Regular Workshop in the Erwin Municipal Building Board Room on Monday, October 24, 2022, at 6:00 P.M. in Erwin, North Carolina.

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

Board Member absent was: Commissioner Alvester McKoy.

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

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

Commissioner Nelson gave the invocation.

Commissioner Byrd led the Pledge of Allegiance.

#### AGENDA ADJUSTMENT/APPROVAL OF AGENDA

Town Manager Snow Bowden requested to add Eagle Scout Presentation- Aidan Johnson as Item 4 after Jay Sikes' presentation. Aidan wanted to do a project for the Town of Erwin.

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

## SPECIAL PRESENTATION- HIGHWAY 421 CORRIDOR- JAY SIKES, HARNETT COUNTY

Jay Sikes, Assistant Director of Harnett County Development Services, came forward and addressed the Board. He provided with Board with a slide show presentation of a Highway 421 Corridor project Harnett County had just completed. He hoped that maybe this project would give the Town something to think about when preparing the new Land Use Plan. He stated the project was a 6-month process and turned into a large zoning text amendment. The overall Corridor is 600 feet. In the presentation, he showed the Board the potential in Erwin if the Town were to participate in the project in the future. You would not be rezoning anyone's property, it would just be a blanket zoning to capture new residential stuff.

Mayor Baker stated this would offer protection to the individual who would want to come to Erwin with a multimillion-dollar project on this corridor.

Commissioner Turnage stated that growth is coming and we have to do everything we can to prepare for it. We cannot wait until it gets here to do anything about it.

#### EAGLE SCOUT PRESENTATION- AIDAN JOHNSON

Aidan Johnson came forward and addressed the Board. He stated his mother is Susan Johnson, and she was born, raised, and still lives and works in Erwin, She has been a teacher at Erwin Elementary School for the past 22 years. Her maiden name was Royal, and her parents David and Cindy Royal, and grandparents Clifton and Peggy Royal were/are all lifelong residents of Erwin. All of this is to simply say that Erwin has always held a special place in my family's heart, which is what makes this Eagle Scout project that much more meaningful for our family. Our Boy Scout Troop (Troop 157) is led by Tyrus Clayton and Paul Licary, and in fact, Tyrus' son Daniel Clayton is the one who recently installed the handicapped sidewalk in front of the Erwin Historical Museum for his Eagle Scout project. Aidan also wanted to do something for the Historical Museum as his grandfather (David Royal) was a founding member and donated several items that are still on display in the museum, and as such, that place holds special memories for our family in remembering him. In evaluating the various needs of the Museum, he noticed that there was currently nowhere to sit and relax outside of the museum. As such, his Eagle Scout project is to install a custom metal bench that will sit directly behind the newly installed sidewalk. He would carve out an approximate 8 x 8 area immediately behind the sidewalk (sorta caddy-cornered where the two sidewalks connect) and put down artificial mulch therein. The bench would then be positioned w/in the new mulch bed. We are working with Billy's Welding & Repair in Erwin to design and create the metal bench. He hoped that his Eagle Scout Project would be a welcome addition to the Erwin Historical Society Museum. He thanked the Board for their consideration.

The consensus of the Board was to move forward and place this on our Consent Agenda for our Regularly Scheduled Meeting in November.

#### **OLD BUSINESS**

#### Cloudwyze

Town Manager Snow Bowden stated that staff received an easement agreement, encroachment agreement, shared warehouse space, and construction landing pad request. Town Attorney Tim Morris has reviewed the agreement and did not find any issues with it. He stated he will look into the easement agreement to make sure it will not conflict with our Cell Tower Lease, which he will do prior to our November Meeting.

The consensus of the Board was to remove the Shared Warehouse Agreement and place this on our Consent Agenda for our Regularly Scheduled Meeting in November.

#### **NEW BUSINESS**

#### **Animal Control Ordinance**

Town Manager Snow Bowden informed the Board that Harnett County recently updated their Animal Control Ordinance and wanted to change the language in the Municipal Ordinance to be in

line with the new County Ordinance. The changes were identified in red. Coats, Angier, and Lillington had already approved these changes.

The consensus of the Board was to move forward and place the clean copy on our Consent Agenda for our Regularly Scheduled Meeting in November.

#### **Pavement Conditional Study**

Town Manager Snow Bowden stated he reached out to Withers Ravenel to get a quote on a new pavement study. He spoke with Mayor Baker after he got the original quote and he reached back out to them to include some additional services. Town Engineer Bill Dreitzler felt it was a fair agreement. He stated the total with the additions was \$22,600. He budgeted for \$20,000 but he can find the extra money to make that work. The Pavement Condition Study was \$17,300 and the Council Presentation was \$2,600. He stated Withers Ravenel does good work.

Commissioner Byrd asked what we would get for \$22,600.

Mr. Bowden stated we would get the report, they will analyze all the town streets, and it was what we have used in the past to make recommendations to the Board for resurfacing the streets. It takes politics out of the decision process.

Mayor Baker stated he also wanted to make sure the study will look at our traffic pattern, the conditions of our roads, and establish the scoring system to follow when making decisions.

Mr. Bowden stated we would have to develop policies to evaluate all-way stops. He stated it was hard to get everything that he and Mayor Baker discussed.

Mayor Baker stated he did not want staff or the Board to develop the policies, he wanted an independent agency to create a non-bias set of standards.

Town Engineer Bill Dreitzler asked if there were certain intersections Mayor Baker wanted the agency to look at.

Mayor Baker stated he just wanted the independent agency to set the criteria for all-way stop signs on Municipal Streets. He asked Town Manager Snow Bowden to reach out to Withers Ravenels to include these additions as well.

The consensus of the Board was to present the Independent Agency Set Standards proposal at our November Workshop.

#### **Al Woodall Park Paving**

Town Manager Snow Bowden stated the Town received three bids for the resurfacing project at Al Woodall park. The quote came in a little higher than staff originally thought. We only budgeted for \$140,000 to pave the parking lot and put a new roof on the gym. Asphalt prices have skyrocketed. There has been discussion of just resealing the parking lot and experts have looked at it and resealing it would only give us 5 years. We have done a lot of improvements to the park recently including the splash pad and the lights on field 2 and field 4. He stated Al Woodall Park is one of the Town's greatest assets and it would be money well spent.

Discussion continued amongst the Board.

Commissioner Blackmon and Commissioner Byrd left at 6:57 PM.

The consensus of the Board was to move forward and place the complete Johnson Brother's Proposal on our Consent Agenda for our Regularly Scheduled Meeting in November.

Town Attorney Tim Morris arrived at 7:02 PM.

Town Engineer Bill Dreitzler left at 7:02 PM.

#### **North Carolina Grant**

Town Manager Snow Bowden stated he recommended using this potential grant from the State to fund projects at Al Woodall Park and W.N. Porter Park.

The consensus of the Board was to use this grant to fund projects at the parks and place this on our Consent Agenda for our Regularly Scheduled Meeting in November.

#### **Potential New Advisory Boards**

Town Manager Snow Bowden stated Mayor Baker recommended forming potential advisory boards to get citizens more involved. We were not taking any actions tonight but it was just something he wanted to discuss.

Mayor Baker stated this Board cannot echo the comments of every person in this town. The Town Board has to utilize our Planning Board, Recreation Board, and Board of Adjustments. We are lacking in reaching out to our citizens. Citizens are quick to criticize the problems in Town, he wanted to invite these citizens to be a part of the solution. He wanted to Board assistance thinking about it. He was thinking of having an Economic Development Advisory Board, Storm Water Advisory Board, Senior Citizen Advisory Board, Traffic Impact Advisory Board, and Historical Preservation Advisory Board. The members need to be citizens who have expertise in certain areas. We will not start all five Boards at once, we will take small steps.

#### ZT-2022-006

Town Manager Snow Bowden informed the Board that the Town received an application to have a parcel located at 4507 NC 55 East rezoned. The request is for a conditional district to put a retail store. Planning Board adopted a statement of consistency and recommended it for approval. The applicants do plan on submitting an annexation request. The parcel does have a daycare on it and it was his understanding that they plan to subdivide the property to have the daycare and the retail store.

#### MANAGER'S REPORT

Town Manager Snow Bowden informed the Board that:

• We have identified and charged three suspects that are involved with the murder last week off of North 14<sup>th</sup> Street.

- We have identified and obtained charges against the person that hit the two children that ran into the road on the day of Denim Days. This incident happened outside of the scope of Denim Days or the parade. The person being charged has cooperated and will be turning themselves in.
- Chris Jones is here tonight. He is our new Code Enforcement Officer. He has already sent out over 50 violation letters and we are starting to see some people clean up their yards so far. Mr. Jones is going to work with our property owners as much as possible to get violations cleaned up.
- We were lucky to not have much damage from Hurricane Ian in Town. But we did have a lot of limbs/yard debris placed at the road. EPW has been hard at work getting it all up. I believe that we are caught up. I would like to thank Mark Byrd and his staff for all of their hard work.
- The Erwin Area Chamber of Commerce will be having their tree lighting ceremony on Monday, November 28<sup>th</sup> starting at 6 PM. The Christmas parade will be at 7 PM on Monday, December 5<sup>th</sup>. There will be a float for the members of the board to ride on (with their spouse if they would like to, but you do not have to). I will have a float number for you closer to the parade.
- Our updated website is still in the works. We still need to receive training on how to update it and operate the new site. We also will need to get some new pictures, and files updated, links to other sites checked, ensure compliance with ADA, and check for any errors on the new site before launching. With the upcoming holiday season, we might push back a relaunch until sometime in 2023. I plan on running the updated site by all of the members of the Board before launching for feedback.
- I have started to send some documentation to Stewart (the firm that is handling our Comprehensive Land Use Plan). They have gotten the process started. With the upcoming holiday season, we are going to plan to have our initial kick-off meeting at our January Planning Board meeting. As a reminder our January Planning Board meeting is on Tuesday, January 17<sup>th</sup> at 7 PM instead of our normal day of Monday due to Dr. Martin Luther King Jr.'s Birthday Holiday.
- We have submitted our final reimbursement request for the PARTF grant we received for the improvements to Al Woodall Park. Our request to have the scope of work amended was approved. We stayed under budget and were actually able to get more completed than we thought we were going to get done. This project went well and there were some great improvements to Al Woodall Park. We are going to have our final close-out meeting on November 16<sup>th</sup>.
- The Board of Adjustments did grant a variance for the case BOA-2022-001 to allow a larger-than-allowed accessory structure at 700 Lucas Street. Town Staff did recommend that the variance request be denied due to it not being a true hardship.
- I will be putting the final touches on our grant application for the depot project by this Wednesday. There were some glitches in the software I spoke to someone from the State today that helped me get through the issues.
- I am working with the Erwin Lion's Club to help find them two different places just outside the NCDOT ROW to place their signs. I am still waiting on them to get one of their logo signs to put on the EPW brick sign.
- I reached out to Sign and Awning. I apologize there must have been a miscommunication on my end but things are moving forward with the Erwin Community Building sign. It should be up in 4-8 weeks if not sooner.
  - o The LED sign for Town Hall should be up in 4-8 weeks as well.

- We followed back up with NCDOT on the Welcome to Erwin sign on HWY 217 as you head North into Town. It was supposed to be replaced over a year ago. It is in the process now.
- The potential buyers of the Erwin Business complex reached out to Mayor Baker and me today. We are going to get a phone call conference set up to hear their plans hopefully soon. It is still scheduled to hopefully close by the end of November 2022.
- Ample Storage has submitted building plans and a zoning permit to the Town of Erwin for a climate control storage facility located off of HWY 421 (where the Whitehouse restaurant used to be). Town Staff is reviewing the plans to ensure that they are in compliance with our rules and regulations. They will also be required to obtain a soil and erosion permit from NC DEQ. They will also have to get a driveway permit from NCDOT. I do not have a timeline of when they will be tearing the old building down on site but it will be torn down before construction is started.
- University Storage (existing storage units across the street) has submitted plans and a zoning permit for an additional building for climate control storage units and some similar outside units. The plans are well put together and will be an improvement to that site.
- As a reminder, the Town did approve plans for a new urgent care facility located off of HWY
   421 next to Aarons.
- We have received some questions from a law office about some type of potential development on the remaining lots in that office park.
- I am still fielding calls for potential residential developments in Town.
- The only public hearing at our November Town Board meeting will be the rezoning request ZT-2022-006 that I mentioned earlier tonight.
- I will be at a class at the UNC School of Government this Thursday and Friday.

#### ATTORNEY'S REPORT

Town Attorney Tim Morris apologized for being late. He stated the changes in the Animal Ordinance were just some nominal changes and he felt were fine. As for the Cloudwyze lease, he has issues with the timing, forever is a long time. He felt the lease was a bit heavy-handed.

Mayor Baker stated the Board's biggest concern was the issue of the permanent easement interfering with the lease we already have in place or future leases.

Town Attorney Tim Morris stated he and Town Manager Snow Bowden will discuss it.

#### **GOVERNING COMMENTS**

Commissioner Nelson stated he would like the Board and staff to help him come up with some type of program to get kids off of the streets.

Mr. Bowden stated the park tries to help by offering camps and different opportunities in the summer but we will try to come up with something else.

Commissioner Nelson left at 7:23 PM.

Commissioner Turnage stated whoever is responsible for getting the grass cut on Mason Drive, he is very thankful because he isn't embarrassed to ride down that road anymore. He asked that we

continue pushing for DOT to put sidewalks down S 13<sup>th</sup> Street. Also, he stated that Police Chief Jonathan Johnson has really stepped it up on his Monthly Department Report. He asked that the new Code Enforcement Officer start submitting Department Reports as well.

Town Manager Snow Bowden stated he has planned to ask the Code Enforcement Officer to start submitting reports in December.

Mayor Baker expressed his concern for the graphite at the park.

Mr. Bowden stated he spoke with Recreation Director Doug Stevens and park staff will be stepping up their game to keep it covered up.

#### **ADJOURNMENT**

Commissioner Marbell made a motion to adjourn at 7:27 P.M. and was seconded by Commissioner Turnage. **The Board voted unanimously.** 

## MINUTES RECORDED AND TYPED BY LAUREN EVANS TOWN CLERK

	ATTEST:
Randy Baker	Lauren Evans
Mayor	Town Clerk

#### ERWIN BOARD OF COMMISSIONERS

#### **REGULAR MINUTES**

#### **NOVEMBER 3, 2022**

#### **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, November 3, 2022, at 7:00 P.M. in Erwin, North Carolina.

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

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

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

Commissioner McKoy asked everyone to remember his brother, Linwood McKoy, who served on the Erwin Police Department for 30 years. He has cancer and the doctor has said there is nothing else they can do for him.

Commissioner McKoy gave the invocation.

Commissioner Blackmon led the Pledge of Allegiance.

#### AGENDA ADJUSTMENT/APPROVAL OF AGENDA

Town Erwin Manager Snow Bowden asked to remove ZT-2022-006 under Public Hearing. This was a request of the developer and also one person was missed when advertising. He stated we will readvertise in the paper and send new letters out when the request comes back before the Board.

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

#### **CONSENT**

Commissioner Blackmon made a motion to approve (**ITEM A**) Minutes of Workshop on September 26, 2022 (**ITEM B**) Minutes Regular Meeting on October 6, 2022 (**ITEM C**) Financial Report for September 2022 (**ITEM D**) Eagle Scout Project (**ITEM E**) Cloudwyze

#### MINUTES CONTINUED FROM NOVEMBER 3, 2022

(ITEM F) Animal Control Ordinance (ITEM G) Al Woodall Park Paving and was seconded by Commissioner McKoy. The Board voted unanimously.

#### **PUBLIC COMMENT**

Vanessa Lech of 302 N 10<sup>th</sup> Street came forward and addressed the Board. She stated she would still like to see a sidewalk, particularly on her street as a starting point down to the trail without disrupting the driveways. She would also like to see safety things with the trail such as trees and bushes trimmed back, lighting on the trail, and Police Officers or Town Employees patrolling the trail on bikes or golf carts. She stated crime is a real issue across the nation for a multitude of different reasons. She had been looking at the crime rate in Erwin is high with murders and drug use. Women are being murdered and kidnapped when walking by themselves. The starting pay in the Police Department is very low, a job opening has been opened on the website for months and there seems to be a retention recruitment issue in that Department. She looked at the budget and the things she disagrees with are that there does not seem to have been a current audit of the Police Vehicles' usage with GPS tracking to verify there is a need for the new vehicles.

Bill Schuh of 102 Masonic Road came forward and stated he has been working the polls since the day they opened. He wanted to make the Board aware of a consideration that was happening at the park. The people that were working the polls were parking at the front and making crippled people walk from far away. He contacted the Town Manager and Mayor and told them it had to stop. He posted a sign that said "Parking for Voters Only." It worked and the Board needs to think about posting the same sign at the next election.

Wayne Tyndall of 380 NC 82 came forward and commended the Board for jobs well done. He stated his issue is the old Depot. Fifty-three years ago he met his wife in that depot. He would like to see it remodeled and brought back to life or torn down. That depot means something to him. He asked the Board to let the citizens know what they plan to do with the Depot.

#### **NOVEMBER 2022 CITIZEN OF THE MONTH**

Patsy Carson of 202 E D Street was recognized as the November 2022 Citizen of the Month. Mayor Baker presented her with a Proclamation Plaque.

#### **MANAGER'S REPORT**

Town Manager Snow Bowden stated DOT fixed the errors that were brought to their attention such as the corner of Masonic and Denim Drive and the bridge on HWY 421. They have not fixed the issue at Porter Park and the sign on 217 coming into Town from Linden.

He reminded the Board that we will be kicking off the Land Use Plan at the January Planning Board Meeting. We are still working on updating our website but we hope that we can present it to the Board in January/February. It will be a mobile-friendly site and also have an option for people to pay for recreation services online.

#### **MINUTES CONTINUED FROM NOVEMBER 3, 2022**

The Chamber will have the annual tree lighting ceremony on Monday, November 28<sup>th</sup>, at 6 PM. The Christmas Parade will be on December 5<sup>th</sup>, at 7 PM. There will be a float for the Commissioners and their spouses to ride on. He will be reaching out to each of the Board Members to discuss moving our November Workshop meeting to an earlier time so everyone could be present for the Tree Lighting.

Staff has submitted the final reimbursement request to PARTF Organization for the improvements at Al Woodall Park. The Town should get our final reimbursement by the end of November. He stated they will have a final close-out meeting with the PATF Committee on November 16<sup>th</sup>. He submitted a grant application to the State Department of Commerce for \$800,000 for funding for the Depot Project. He also applied for the Town to be a member of a program called CORE (Creating Outdoor Recreation Economies). We have a lot of assets in Town we can use more often. The LED Sign and Community Building Signs should both be here within 4 weeks.

He met with the company that did the designs for the Community Building Bathrooms and hopefully, he plans to hear from them in a week or two but construction will not start until after the Holidays. Ample Storage has submitted plans to the Town for the storage buildings over where the old White House Restaurant used to be. They also submitted their drawing to the NCDEQ and DOT for driveway permits. They will start tearing down the old building when they locate the septic tank. The Town did approve a plan for the Urgent Care facility off of 421, next to Aarons. He, Mayor Baker, and Mayor Pro Tem Blackman had a phone call with the person who has put in an offer on the Mill Business Complex. They introduced themselves. They are hoping to close by the end of the year. Our Code Enforcement Office started about two weeks ago and had sent out over 55 notices so far.

#### **ATTORNEY'S REPORT**

Town Attorney Tim Morris stated he was thankful to be the Town Attorney. He stated he looked at the Cloudwyze contract but it is outside of his lane.

#### **GOVERNING COMMENTS**

Commissioner Turnage stated he was so happy to see the pavement fixed at Denim Drive and Masonic Road and he thanked Mayor Baker for helping to get that done. He expressed his concern about the grate in front of the Pizza House. A gentleman fell and scraped his knee. He asked Town Staff to see what they can do to get that fixed. He recommended painting it yellow to bring attention to it.

Commissioner Nelson thanks Ms. Lech for coming to speak to the Board. He stated he agreed that Police Salary should be raised. He stated he still wanted to see a Community Program for young kids and a little touch of Jesus.

Commissioner Byrd stated he met our Code Enforcement Officer, Chris Jones, who is a fine young man. He wanted to thank him for getting rid of the eye sores in Town. He is pleased with

#### **MINUTES CONTINUED FROM NOVEMBER 3, 2022**

the efforts on Warren Rd and Moulton Spring Road. He asked Snow to look into an issue on Godwin Street.

Commissioner McKoy thanked staff for the fine work they do. He echoed Commissioner Nelson's statement about the need for a Program for our kids. He stated there is an issue with a pothole on N Street when you turn off 13<sup>th</sup> Street. He asked everyone to pray for his brother. He thanked the citizens for coming and encouraged them to attend every first Thursday of the month at 7 PM unless otherwise posted.

Mayor Baker stated the Town of Erwin has been very blessed for a long time with staff and citizens. All the positive comments tonight were from the efforts and hard work of Town Staff. We will keep Commissioner McKoy's brother in our thought and prayers. He informed everyone that our next regular meeting will be on December 1<sup>st</sup> at 7 PM. He encouraged everyone to participate. He wished the Board, Staff, and Citizens a Happy Thanksgiving.

#### **ADJOURNMENT**

Commissioner Byrd made a motion to adjourn at 7:37 P.M. and was seconded by Commissioner Nelson. **The Board voted unanimously.** 

## MINUTES RECORDED AND TYPED BY LAUREN EVANS TOWN CLERK

	ATTEST:
Randy Baker	Lauren Evans
•	
Mayor	Town Clerk

# TOWN OF ERWIN FINANCIAL SUMMARY REPORT FOR MONTH OF October 2022



	ANNOAL	Oct. '22	ACTUAL	Y-T-D %	
REVENUES	BUDGET	ACTIVITY	TO DATE	COLLECTED	NC
CURRENT YEAR LEVY OF PROPERTY TAXES	1,480,186.00	92,535.00	162,380.00	10.97%	TRU
CURRENT YEAR MOTOR VEHICLE TAXES	187,985.00	16,012.00	51,457.00	27.37%	FIRS
PRIOR YEAR TAXES / Penalties & Interest	10,000.00	730.00	5,306.00	23.06%	FIRS
UTILITIES FRANCHISE TAXES	190,270.00	0.00	42,341.00	22.25%	
ENTRY FEES	20,000.00	0.00	7,845.00	39.23%	Y-T-C
SALES & USE TAX	750,000.00	84,092.00	333,360.00	44.45%	
ZONING PERMITS/APPLICATIONS	13,000.00	525.00	6,670.00	51.31%	
REFUSE COLLECTIONS FEES	421,000.00	34,145.00	152,813.00	36.30%	TRUS
STORM WATER COLLECTION	69,000.00	4,690.00	21,189.00	30.71%	TRUI
AEL OTHER DEVENIES					FIRS
	1,352,298.00	49,705.00	218,765,00	16.18%	TRUE
	4,493,739.00	282,434.00	1,002,126.00	22.30%	AL W
	ANTONIA				TRUIS
EXPENDITURES	ANNOAL	Sept. 2022	ACTUAL	Y-T-D %	TRUIS
GOVERNING BODY	26 44E AN	ACHVII Y	O DATE	SPENT	- Y-T-D
ADMINISTRATION	222 064 00	20 026 00	0,022,00	24.45%	
NON-DEPARTMENTAL	340.272.00	0,926.00	449.946.00	Z/.53%	COM
PLANNING & INSPECTIONS	161 686 00	2 739 00	2 242 00	%10.1%	
POWELL BILL-STREETS	177.000.00	1 000 00	5,000,000	2 020/	- Interest
POLICE	1.119.663.00	67 632 00	289 076 00	25 0207	LOWELL LOWELL
POLICE-SRO	70,706.00	5,328.00	22.064.00	31 21%	n
CONTRACT SERVICES-FIRE	330,158.00	21,487.00	42.584.00	12.90%	
PUBLIC WORKS-ADMIN.	122,529.00	9,335.00	42,257.00	34.49%	
PUBLIC WORKS-STREETS	423,721.00	21,634.00	112,371,00	26.52%	
PUBLIC WORKS-SANITATION	751,244.00	197,632.00	269,658.00	35.89%	
PUBLIC WORKS-STORM WATER	57,000.00	1,000.00	18,500.00	32.46%	
RECREATION	494,175.00	29,083.00	115,458.00	23.36%	
IBRARY	69,405.00	447.00	9,072.00	13.07%	
COMMUNITY CENTER	8,000.00	1,060.00	5,172.00	64.65%	
	4,493,739,00	390,926.00	1,175,641,00	26,16%	
Y-T-D GENERAL FUND RAI ANCE INCREASE (DECREASE)	A A03 730 00	(108 492 001	4.493.739.00 (108.492.00) (173.515.00)		

BANK BALANCES AS OF October 2022	
NC Capital Mgt Trust - Cash Management	2,417,492.84
FRUIST - CASH IN BANK	147,477.21
FIRST FEDERAL PRESTIGE - BUSINESS MONEY MARKET	136,933.51
FIRST FEDERAL PREMIUM - BUSINESS MONEY MARKET	858,880.22
7-T-D INVESTMENT BALANCE IN GENERAL FUND ACCOUNTS	3,560,783.78
RUSIT - STATE FORFEITURE	2.004.05
TRUIST - CAPITAL RESERVE/COMM. ENHANCEMENT	224,458.75
IRST FEDERAL CAP RESERVE	2,355,177.55
RUIST - HEALTH RESERVE HRA ACCT.	18,981,89
RUIST - PRIEBE FIELD ACCT.	24,848.38
AL WOODALL PARK IMPROVEMENTS	388,175.66
RUIST - AMERICAN RELIEF FUNDS - (ARPA) Federal Grant	1,415,503.35
RUIST - Community Building Renovation - (SCIF) State Grant	93,118.12
7.T-D INVESTMENT BALANCE RESTRICTED FUNDS	4,522,267.75
CUMULATIVE BALANCE FOR TOWN OF ERWIN	8,083,051.53

	290,503.10	
	290,	
BILL BALANCE		
BALA		
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Town Of Erwin Financial Summary Report VTD <u>Comparison</u> of October 2021 and 2022



	ΔŢ	Ę	OTY
Revenues	Oct-22	Oct-21	DIFFERENCE
CURRENT YEAR LEVY OF PROPERTY TAXES	162,380.00	146,589.00	15,791.00
CURRENT YEAR MOTOR VEHICLE TAXES	51,457.00	50,136.00	1,321.00
PRIOR YEAR TAXES / Penalties & Interest	5,306.00	35,635.00	(30,329.00)
UTILITIES FRANCHISE TAXES	42,341.00	41,358.00	983.00
ENTRY FEES	7,845.00	6,215.00	1,630.00
SALES & USE TAX	333,360.00	296,399.00	36,961.00
ZONING PERMITS/APPLICATIONS	6,670.00	5,715.00	955.00
REFUSE COLLECTIONS FEES	152,813.00	156,857.00	(4,044.00)
STORM WATER COLLECTION	21,189.00	20,923.00	266.00
ALL OTHER REVENUES	218,765.00	189,226.00	29,539.00
	\$ 1,002,126.00	949,053.00	53,073.00
	ATA	YTD	YTD
Expenditures	Oct-22	Oct-21	DIFFERENCE
GOVERNING BODY	8,822.00	7,161.00	1,661.00
ADMINISTRATION	89,119.00	80,116.00	9,003.00
NON-DEPARTMENTAL	143,246.00	182,360.00	(39,114.00)
PLANNING & INSPECTIONS	3,242.00	9,211.00	(5,969.00)
POWELL BILL-STREETS	2,000.00	5,000.00	0.00
OLICE	289,076.00	311,421.00	(22,345.00)
POLICE-SRO	22,064.00	21,579.00	485.00
CONTRACT SERVICES-FIRE	42,584.00	42,889.00	(305.00)
PUBLIC WORKS-ADMIN.	42,257.00	36,980.00	5,277.00
PUBLIC WORKS-STREETS	112,371.00	105,075.00	7,296.00
PUBLIC WORKS-SANITATION	269,658.00	72,907.00	196,751.00
PUBLIC WORKS-STORM WATER	18,500.00	3,549.00	14,951.00
RECREATION	115,458.00	116,000.00	(542.00)
JBRARY	9,072.00	22,078.00	(13,006.00)
COMMUNITY CENTER	5,172.00	1,421.00	3,751.00
	\$ 1.175.641.00	1.017.747.00	157.894.00

	YTD Oct-22	VTD Oct-21
CASH MANAGEMENT	2,417,492.84	2.048.013.84
BB&T CASH IN BANK	147,477.21	172,226.52
FIRST FEDERAL BUSINESS M	136,933.51	136,646.63
FIRST FEDERAL MONEY MARKET	858,880.22	857,154.77
Y-T-D INVESTMENT BALANCE IN GENERAL FUND ACCOUNTS	\$ 3,560,783.78	3,214,041.76
BB&T STATE FORFEITURE	2,004.05	4,246.64
BB & T CAPITAL RESERVE/COMM. ENHANCEMENT	224,458.75	197,736.08
FIRST FEDERAL CAP. RESERVE/GENERAL	2,355,177.55	2,350,446.16
BB&T HEALTH RESERVE HRA ACCT.	18,981.89	16,087.93
PRIEBE FIELD ACCT.	24,848.38	11,423.44
AL WOODALL PARK IMPROVEMENTS	388,175.66	373,394.48
AMERICAN RELIEF FUNDS: ARPA Grant	1,415,503.35	821,602.01
Community Bld.Renovation: SCIF GRANT	93,118.12	0
Y-T-D BALANCE RESTRICTED FUNDS	\$ 4,522,267.75	3,774,936.74
CUMULATIVE BALANCE FOR TOWN OF ERWIN	\$ 8.083.051.53	6.988.978.50



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

### 2023 Town Board Schedule

Thursday, January 5th at 7 PM

Thursday, February 2<sup>nd</sup> at 7 PM

Thursday, March 2<sup>nd</sup> at 7 PM

Thursday, April 6<sup>th</sup> at 7 PM

Thursday, May 4th at 7 PM

Thursday, June 1st at 7 PM

Thursday, July 6<sup>th</sup> at 7 PM

Thursday, August 3<sup>rd</sup> at 7 PM

Thursday, September 7th at 7 PM

Thursday, October 5<sup>th</sup> at 7 PM

Thursday, November 2<sup>nd</sup> at 7 PM

Thursday, December 7<sup>th</sup> at 7 PM



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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

## 2023 Town Board Workshop Meeting Schedule

Monday, January 23<sup>rd</sup> at 6 PM

Monday, February 27<sup>th</sup> at 6 PM

Monday, March 27th at 6 PM

Monday, April 24th at 6 PM

Monday, May 22<sup>nd</sup> at 6 PM

Monday, June 26th at 6 PM

Monday, July 24th at 6 PM

Monday, August 28th at 6 PM

Monday, September 25th at 6 PM

Monday, October 23rd at 6 PM

Monday, November 27th at 5 PM

\*Workshop meetings may be canceled if there is nothing on the agenda



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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

## 2023 Planning Board/Board of Adjustments Schedule

Tuesday, January 17<sup>th</sup> at 7 PM (Due to Holiday)

Monday, February 20th at 7 PM

Monday, March 20th at 7 PM

Monday, April 17th at 7 PM

Monday, May 15th at 7 PM

Monday, June 19th at 7 PM

Monday, July 17th at 7 PM

Monday, August 21st at 7 PM

Monday, September 18th at 7 PM

Monday, October 16th at 7 PM

Monday, November 20th at 7 PM

Monday, December 18th at 7 PM

<sup>\*</sup>Meeting(s) may be canceled if there is nothing on the agenda



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#### TOWN OF ERWIN RESOLUTION AWARDING BADGE AND SERVICE SIDEARM TO RETIRING FIRST SERGEANT CHARLES KEVIN RYALS

2022-2023----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

**WHEREAS,** NC GS 20-187.2 provides that retiring members of municipal law enforcement agencies may receive, at the time of their retirement, the badge worn or carried by them during their service with the municipality; and

**WHEREAS**, NC GS 20-187.2 further provides that the governing body of the municipal law enforcement agency may, in its discretion, award to a retiring member the service sidearm of such retiring members; and

**WHEREAS**, Charles Kevin Ryals has served many distinguished years with the Erwin Police Department and will retire at the rank of First Sergeant;

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Board of Commissioners of the Town of Erwin, North Carolina as follows:

The Town Manager or his designee is hereby authorized, in accordance with the provisions of NC GS 20-187.2, to transfer to First Sergeant Charles Kevin Ryals the badge worn by him during his service with the Erwin Police Department and his service sidearm, Glock model 22 .40 caliber generation 4 duty handgun serial #: STT450.

**BE IT FURTHER RESOLVED**, that appreciation is expressed to Sergeant Charles Kevin Ryals for the dedicated service rendered by him during his employment with the Town of Erwin,

**DULY ADOPTED**, this the  $6^{th}$  day of October 2022.

	ATTEST:
Randy Baker, Mayor	Lauren Evans, Town Clerk



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## PROCLAMATION RECOGNIZING WILLIAM BAREFOOT FOR PROMOTION TO SERGEANT

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**, the Town of Erwin Mayor and Board of Commissioners recognize and appreciate the contributions made by law enforcement officers and the essential role they play in safeguarding the rights and freedom of our citizens; and

**WHEREAS**, it is important that all citizens know and understand the problems, duties, and responsibilities of their law enforcement officers and agencies, and that members of those agencies recognize their duty to serve the people by safeguarding life and property, by protecting them against violence or disorder, and by protecting the innocent against deception and the weak against oppression or intimidation; and

**NOW THEREFORE BE IT RESOLVED** that the Town of Erwin Mayor and Board of Commissioners give recognition to William Barefoot for his promotion to Sergeant and appreciation for his valuable contributions to the quality of life in our community.

**Duly Adopted.** this the 1<sup>st</sup> day of December 2022.

<b>v 1</b> ,	
	Randy Baker, Mayor
	•
ATTEST:	
Lauren Evans, Town Clerk	
Lauren Evans, Town Clerk	



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

## PROCLAMATION RECOGNIZING DARIO ALVARADO FOR PROMOTION TO SERGEANT

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 Town of Erwin Mayor and Board of Commissioners recognize and appreciate the contributions made by law enforcement officers and the essential role they play in safeguarding the rights and freedom of our citizens; and

WHEREAS, it is important that all citizens know and understand the problems, duties, and responsibilities of their law enforcement officers and agencies, and that members of those agencies recognize their duty to serve the people by safeguarding life and property, by protecting them against violence or disorder, and by protecting the innocent against deception and the weak against oppression or intimidation; and

**NOW THEREFORE BE IT RESOLVED** that the Town of Erwin Mayor and Board of Commissioners give recognition to Dario Alvarado for his promotion to Sergeant and appreciation for his valuable contributions to the quality of life in our community.

**Duly Adopted.** this the 1<sup>st</sup> day of December 2022.

	Randy Baker, Mayor
ATTEST:	
ATTEST.	
Lauren Evans, Town Clerk	



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

#### PROCLAMATION RECOGNIZING JOHN MICHAEL RODRIGUEZ FOR PROMOTION TO CORPORAL

2022-2023---006

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 recognize and appreciate the contributions made by law enforcement officers and the essential role they play in safeguarding the rights and freedom of our citizens; and

**WHEREAS**, it is important that all citizens know and understand the problems, duties, and responsibilities of their law enforcement officers and agencies, and that members of those agencies recognize their duty to serve the people by safeguarding life and property, by protecting them against violence or disorder, and by protecting the innocent against deception and the weak against oppression or intimidation; and

**NOW THEREFORE BE IT RESOLVED** that the Town of Erwin Mayor and Board of Commissioners give recognition to John Michael Rodriguez for his promotion to Corporal and appreciation for his valuable contributions to the quality of life in our community.

Duly Adopted, this the 1 <sup>st</sup> day of December 2022.	
	Randy Baker, Mayor
ATTEST:	·



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# PROCLAMATION RECOGNIZING DESTINY JOHNSON FOR PROMOTION TO CORPORAL

2022-2023---007

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 recognize and appreciate the contributions made by law enforcement officers and the essential role they play in safeguarding the rights and freedom of our citizens; and

**WHEREAS**, it is important that all citizens know and understand the problems, duties, and responsibilities of their law enforcement officers and agencies, and that members of those agencies recognize their duty to serve the people by safeguarding life and property, by protecting them against violence or disorder, and by protecting the innocent against deception and the weak against oppression or intimidation; and

**NOW THEREFORE BE IT RESOLVED** that the Town of Erwin Mayor and Board of Commissioners give recognition to Destiny Johnson for her promotion to Corporal and appreciation for her valuable contributions to the quality of life in our community.

<b>Duly Adopted</b> , this the 1 <sup>st</sup> day of December 2022.	
	Randy Baker, Mayor
ATTEST:	
Lauren Evans, Town Clerk	



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

## PROCLAMATION RECOGNIZING CHARLES NORRIS FOR PROMOTION TO INVESTIGATOR

2022-2023---008

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 recognize and appreciate the contributions made by law enforcement officers and the essential role they play in safeguarding the rights and freedom of our citizens; and

**WHEREAS**, it is important that all citizens know and understand the problems, duties, and responsibilities of their law enforcement officers and agencies, and that members of those agencies recognize their duty to serve the people by safeguarding life and property, by protecting them against violence or disorder, and by protecting the innocent against deception and the weak against oppression or intimidation; and

**NOW THEREFORE BE IT RESOLVED** that the Town of Erwin Mayor and Board of Commissioners give recognition to Charles Norris for his promotion to Investigator and appreciation for his valuable contributions to the quality of life in our community.

<b>Duly Adopted</b> , this the 1 <sup>st</sup> day of December 2022.	
	Randy Baker, Mayor
ATTEST:	
Lauren Evans, Town Clerk	



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## PROCLAMATION RECOGNIZING ETHAN CORE FOR PROMOTION TO INVESTIGATOR

2022-2023---009

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 recognize and appreciate the contributions made by law enforcement officers and the essential role they play in safeguarding the rights and freedom of our citizens; and

WHEREAS, it is important that all citizens know and understand the problems, duties, and responsibilities of their law enforcement officers and agencies, and that members of those agencies recognize their duty to serve the people by safeguarding life and property, by protecting them against violence or disorder, and by protecting the innocent against deception and the weak against oppression or intimidation; and

**NOW THEREFORE BE IT RESOLVED** that the Town of Erwin Mayor and Board of Commissioners give recognition to Ethan Core for his promotion to Investigator and appreciation for his valuable contributions to the quality of life in our community.

**Duly Adopted.** this the 1<sup>st</sup> day of December 2022.

	Randy Baker, Mayor
ATTEST:	
Lauren Evans, Town Clerk	

Public Hearing Item 6A

## **Erwin Board of Commissioners**

#### REQUEST FOR CONSIDERATION

To: The Honorable Mayor and Board of Commissioners

From: Snow Bowden, Town Manager

Date: December 1, 2022

Subject: SU-2022-009

The Town has received an application to place a "Class A Manufactured Home" on an individual lot in our R-6 Zoning District. Class A Manufactured Homes are allowed with a special use permit in this zoning district. The applicant wishes to place the structure on a lot that is located within a FEMA Special Flood Hazard Zone. Town Staff has told the applicant what additional steps would need to be taken if this permit is approved by the Town Board. The applicant understands that he would need to elevate the structure outside of the floodplain. He also understands that he would have to obtain a flood elevation certificate for the structure before he could move into the home. In addition, the applicant understands that he would have to obtain flood insurance for the home.

#### Attachments:

- SU-2022-009 Application
- SU-2022-009 Staff Report
- Harnett County GIS Image with Zoning
- Harnett County GIS Image no Zoning
- Harnett County GIS Image with Flood Zone
- Property owners notified

#### **Suggested Motions:**

#### For legal purposes, Staff recommends that 3 separate recommendations be made:

- 1. I move to recommend that the proposed special use application:
  - a. Meets all the Findings of Fact in the Affirmative, or
  - **b.** Meets one or more of the Findings of Fact in the negative (if this motion is made, then the application would have to be recommended for denial.)

#### 2. I move that:

- **a.** The proposed amendment is consistent with those documents that constitute the officially adopted land development plan and other applicable plans: or
- **b.** The proposed amendment is not consistent with those documents that constitute the officially adopted land development plans and other applicable plans, in that (state reason(s) for nonconsistency).

#### 3. I move to recommend:

- a. Approval of SU-2022-009 Special Use Application to place a Class A Manufactured Home on a vacant parcel that does not have an address. The parcel is located off of Burton Avenue, adjacent to 210 Burton Avenue. (HC Tax PIN # 1507-50-7708.000.)
- **b.** Denial of SU-2022-009 Special Use Application to place a Class A Manufactured Home on a vacant parcel that does not have an address. The parcel is located off of Burton Avenue, adjacent to 210 Burton Avenue. (HC Tax PIN # 1507-50-7708.000.)
- **c.** Approval of SU-2022-009 Special Use Application to place a Class A Manufactured Home on a vacant parcel that does not have an address. The parcel is located off of Burton Avenue, adjacent to 210 Burton Avenue. (HC Tax PIN # 1507-50-7708.000) with additional conditions (state conditions).



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

### SPECIAL USE PERMIT APPLICATION

Applicant Name	Pan 14Kin Blankenship			Property		Kimber Group		
Mailing Address	109 MARTIN Street		Mailing.	Address	PO Box 181			
City, State, Zip	Dunn, NC 28314		City, Star	te, Zip	ERWIN, NC 28335			
Telephone	984-977	-0346/	112-708-919	Telephor	ne	910-890		
Email Kim	and shelby	50 29	سعار دهم	Email		UNN @ mai		
Address of S Property				, NC 2833			1111000	
Parcel Identic Subject Property	fication Num erty	ber(s) (P)	IN) of	021507 02	96_		.0	00
Legal Relation to Owner						dplain SFHA		
Legal Descri		The second second	-	The second secon		oro Dunn Are	a Pink-	201
Zoning Distri		Wetla	andsY	esNo	Wat	ershed Area	Yes_	_No
Public Water A Number of B	vallations to R	or N P				Existing Sept	ic Tank:	Y or N
Describe Prop	oosed Project	t or Requi	est with Co	iross Floor	Area to I	Kemain		
JU PIP		1755	A MAn	Utactord		VALUE !	lot.	
	low all							
Total Acreage	or Square F	ootage to	be Disturb	ed .50 a	rces			
Estimated Co	st of Project	\$						
Provide con within 100 i	ariveways, p: nplete mailin:	rking spa g addressa roperty o	eces, and di es for each : wners direc	stances betw adjacent pro	perty on	ions, buildings, ctures and prop mers (also prop any. Names an	A	9.
Date Applic	cation Submi	tted		Use Only tion Fee \$_	R	eceived By		

2021



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 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 my 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

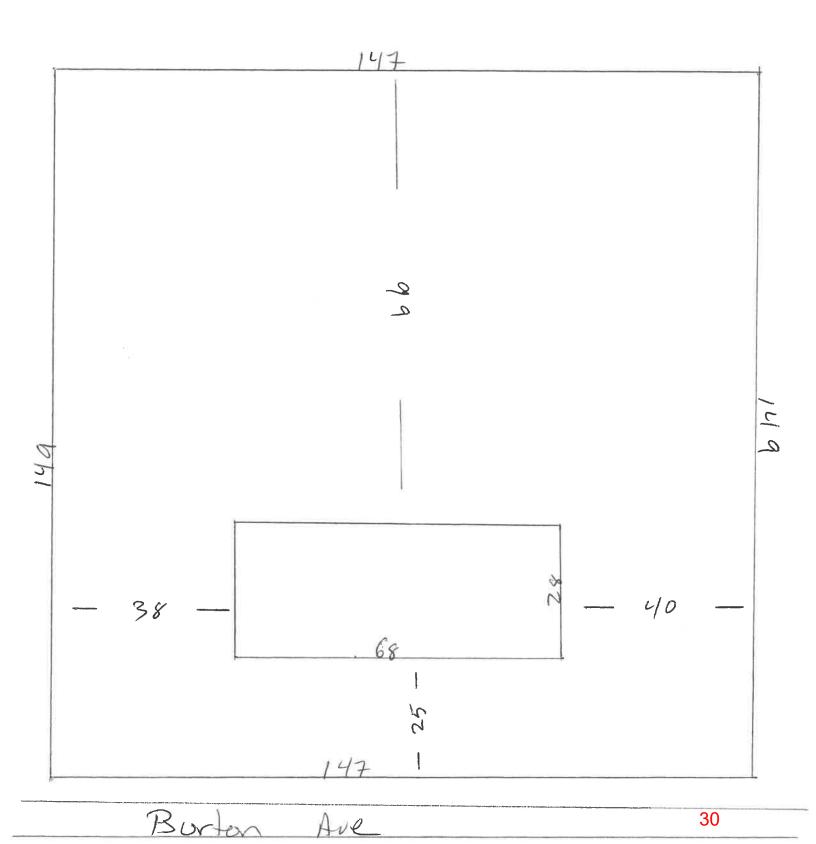
Revocation: In any case where the conditions of the Special Use Permit have not been or are not being complied with, the Building Inspector shall give the permitted notice of intention to revoke such permit at least ten (10) days prior to a Board of Commissioners review thereof. After conclusion of the 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 a	nd any conditions	attached	shall b	e perpetually
binding to	the property unless it is exp	ressly limited.			* * *
_	1		1		

Applicant Signature and Date: Fal & Blanky

PAUL Blankenship TBD Burton Ave Dunn, nc 28334 20-Scale



#### Burton Ave, Erwin, NC 28339, Harnett County

APN: 021507 0296 CLIP: 2332003301





## SPECIAL USE REQUEST STAFF REPORT

Case: SU-2022-009
Snow Bowden, Town Manager
townmanager@erwin-nc.org

Applicant:

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

Public Hearing Date: Thursday, December 1st, 2022

Requested special use permit to place a Class A Manufactured Home on a vacant parcel that does not have an address. The parcel is located off of Burton Avenue. It is located adjacent to 210 Burton Avenue. It can be identified by its Harnett County Tax PIN # 1507-50-7708.000.

#### **Applicant Information**

Owner of Record:

Name:Kimber GroupName:Franklin BlankenshipAddress:PO Box 181Address:109 Martin Street

City/State/Zip: Erwin, NC 28339 City/State/Zip: Dunn, NC 28334

#### **Property Description**

Harnett County Tax PIN 1507-50-7708.000 Acres .50 Zoning District- Residential (R-6)

#### **Vicinity Map**

See Attached Document

#### **Physical Characteristics**

Site Description: This is a vacant tract of land that is .50 acres based off of Harnett County GIS data. The entire parcel is located within the 500-year flood plain. A section of the parcel is located within the 100 year FEMA Flood Hazard Zone.

Surrounding Land Uses: this tract of land is primarily surrounded by single-family dwellings.

#### **Services Available**

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

#### **Zoning District Compatibility**

<u> </u>	
Special Use	M-1
Manufactured Class A Home	X

#### **Staff Evaluation**

#### **Staff Evaluation**

X Yes No

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

• Reasoning: Manufactured Class A Homes are permitted as a special use in our R-6 Zoning District.

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

• **Reasoning:** The applicant is requesting a special use permit to place a Manufactured Class A Home on this parcel. It will provide an affordable housing option for this property owner.

X 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. The applicant will have to
follow all of our restrictions with the placement of a Manufactured Class A Home. Our Code of Ordinances
states "It is the intent of the criteria to ensure that a Class A manufactured home, when installed, shall have
substantially the appearance of an no-site conventionally built, single-family dwelling, to include landscaping in
harmony with surrounding dwellings."

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

• **Reasoning:** This area of land would be in the area identified for medium intensity growth. The plan calls for medium to high density mixed residential uses.

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

• **Reasoning:** This is an existing lot located off of an existing street. The proposed house site would be accessed from Gilbert Street. There are already Harnett Regional Water and Sewer lines in the area that will be able to provide water and sewer to the proposed new home.

X 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 is an existing parcel located off of a town street. This would be a single-family dwelling. The impacts to traffic would be minimal.

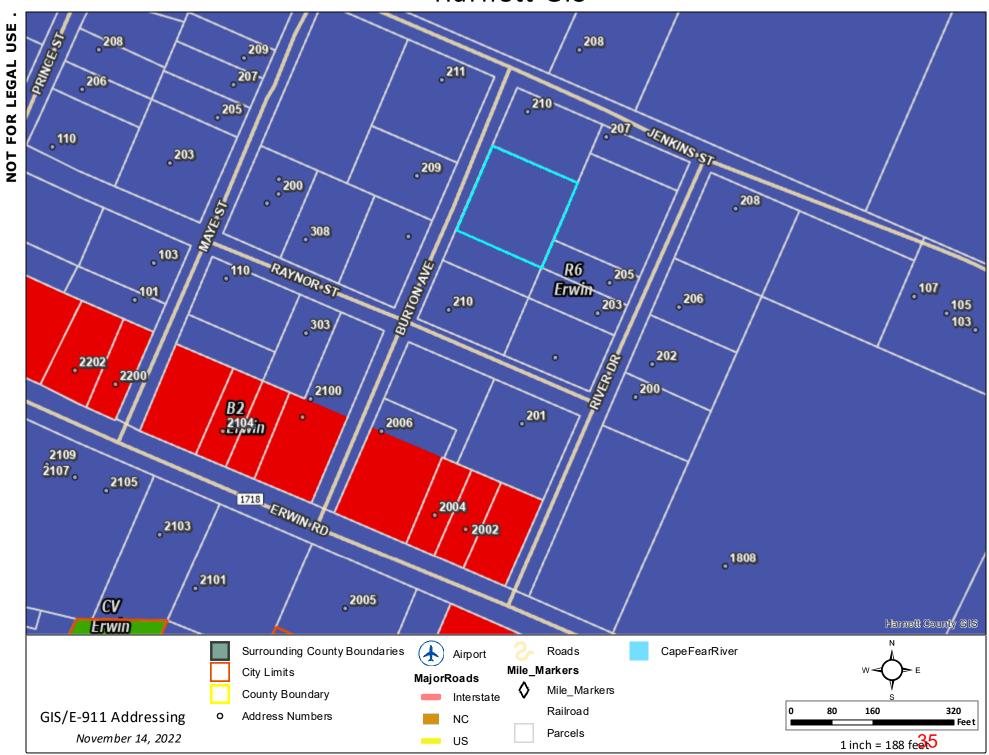
X Yes No

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.

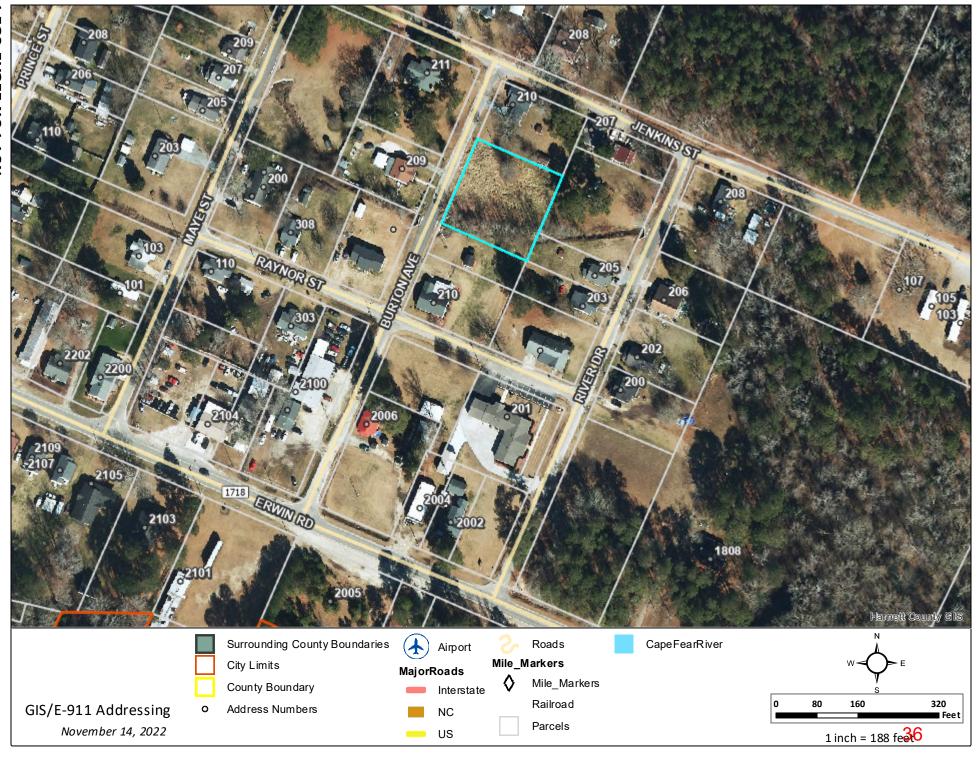
• **Reasoning:** Yes, the applicant must follow all of the guidelines for a manufactured home in our Code of Ordinances. The applicant must also follow all of the rules and regulations for developments in a special flood hazard zone.

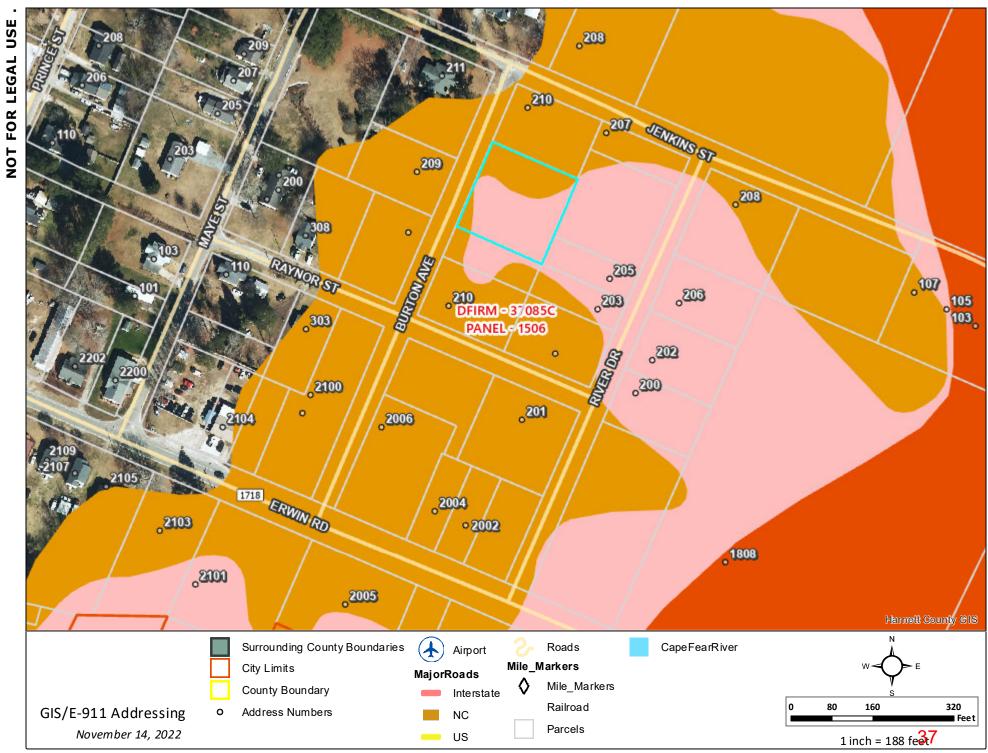
#### Attachments:

- SU-2022-009 Application
- SU-2022-009 Staff Report
- SU-2022-009 Site Plan
- SU-2022-009 Harnett County GIS Image with Zoning
- SU-2022-009 Harnett County GIS Image with no Zoning
- SU 2022-009 Harnett Count GIS Image with FEMA Flood Hazard Zones
- SU-2022-009 property owners notified



### Harnett GIS







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

11/14/2022

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

Mayor

# Notice of a Public Hearing SU 2022-009

The Board of Commissioners of the Town of Erwin will hold a public hearing pursuant to NC General Statute 160D-406 on December 1st 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 special use permit application submitted to the Town of Erwin to place a "Class A Manufactured home" on a vacant lot located off of Burton Avenue. The parcel does not have an address but it can be identified by its Harnett County Tax PIN # 1507-50-7708.000. This vacant parcel is adjacent to 210 Burton Avenue.

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 <a href="mailto:townmanager@erwin-nc.org">townmanager@erwin-nc.org</a>.

Regards,

Snow Bowden Town Manager

<b>&gt;</b>	
<b>\</b>	
<b>&gt;</b>	NA to a la Poul la a la
Kimber Group	Wendy Burkland Brendan Lombard
PO Box 181 Erwin, NC 28339	210 Burton Avenue
	Dunn, NC 28334
Anita Hudson	Mary Capps
207 Jenkins Street	8811 Carlos Road
Dunn, NC 28334	Linden, NC 28356
Magdalene Walls	Jack Brinkman
C/O Deborah Walls 210 Raynor Street	Scott Horn 209 Burton Avenue
Dunn, NC 28334	Dunn, NC 28334
James and Robin Skillen	James and Ruth Cooley
211 Burton Avenue	308 Westfield Dr.
Dunn, NC 28334	Dunn, NC 28334

Public Hearing Item 6B

# **Erwin Board of Commissioners**

# REQUEST FOR CONSIDERATION

To: The Honorable Mayor and Board of Commissioners

From: Snow Bowden, Town Manager

Date: December 1, 2022

Subject: SU-2022-010

The Town of Erwin has received a special use permit to build out a planned unit development on three different parcels located off of St. Matthews Road and Bryant Road. The applicant is seeking permission to build a planned unit development that would include 204 detached single-family homes and 43 attached (townhomes) single-family homes. They are seeking a special use permit to build a planned unit development that would be separate from the already approved preliminary subdivision plat.

The Planning Board did recommend this for approval.

#### Attachments:

- SU-2022-010 Application
- SU-2022-010 Staff Report
- SU-2022-010 Bryant Road Planned Unit Final Sketch
- SU-2022-010 Planned Unit Development standards and conditions
- Harnett County GIS Image with Zoning
- Harnett County GIS Image no Zoning
- Property owners notified

# **Suggested Motions:**

## For legal purposes, Staff recommends that 3 separate recommendations be made:

- 1. I move to recommend that the proposed special use application:
  - a. Meets all the Findings of Fact in the Affirmative, or
  - **b.** Meets one or more of the Findings of Fact in the negative (if this motion is made, then the application would have to be recommended for denial.)

#### 2. I move that:

- **a.** The proposed amendment is consistent with those documents that constitute the officially adopted land development plan and other applicable plans: or
- **b.** The proposed amendment is not consistent with those documents that constitute the officially adopted land development plans and other applicable plans, in that (state reason(s) for nonconsistency).

#### 3. I move to recommend:

- **a.** Approval of SU-2022-0010 Special Use Application for a Planned Unit Development located on three parcels off of St. Matthews/Bryant Road. (HC Tax PIN #s 1507-34-7604.000. 1507-45-1001.000, and 1507-35-0329.000.)
- **b.** Denial of SU-2022-0010 Special Use Application for a Planned Unit Development located on three parcels off of St. Matthews/Bryant Road. (HC Tax PIN #s 1507-34-7604.000. 1507-45-1001.000, and 1507-35-0329.000.)
- **c.** Approval of SU-2022-0010 Special Use Application for a Planned Unit Development located on three parcels off of St. Matthews/Bryant Road. (HC Tax PIN #s 1507-34-7604.000. 1507-45-1001.000, and 1507-35-0329.000) with additional conditions (state conditions).



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# SPECIAL USE PERMIT APPLICATION

In the Matter Of the Request to the Erwin Board of Commissioners			
Applicant		Property Owner	Mark Kolosky, Casper & Kara Tart

Name	Sean Johnson, T	rue Homes	Name			
Mailing Address	2649 Brekonridge		Mailing Address		999 CARLTON ST, CLAYTON, NC 27520	
City, State, Zip	Monroe, NC 281	10	City, Stat	te, Zip	200 MURDOCK C ROAD, CAMERON, NC 28326	
Telephone	919-610-9632		Telephor	ne		
Email seanjo	ohnson@truehomes	susa.com	Email			
Address of Su Property	BITTI				RWIN, NC 28339	
Parcel Identifi Subject Prope	cation Number(s) (	PIN) of   15	507-35-03 —-——	29.000, ·	1507-34-7604.000, 1507-45-1001.0 	000
to Owner	ship of Applicant				odplain SFHA _Yes_X_No	
Legal Descrip			division_	Deed Bk,	Pg - 3737 : 0849 ; Deed Bk,Pg - 36	5 : 0576
Zoning Distric		etlands <u>X</u> Ye			tershed Area Yes X No	
	vailable: Y or N					
	ildings to Remain		oss Floor			
Describe Prop	osed Project or Red	quest with Con	ditions pr	oposed b	by applicant:	
Planned Unit D	evelopment consisti	ng of 204 SF lo	ts & 43 To	wnhome	es on 54.82 acres with 35% open s	oace.
See attached f	ull list of conditions	to be incorporat	ted with th	e propos	sed PUD.	
Total Acreage	or Square Footage	to be Disturbe	d 54.8	2		
	t of Project \$ 15,5			_		
	led illustrative plot Iriveways, parking				sions, buildings, uctures and property lines.	
within 100 f	nplete mailing addre eet) and/or propert oust be from curren	y owners direct	ly across a	a street, i	wners (also property f any. Names and	
			Jse Only			
Date Applie	cation Submitted	Applicat	ion Fee \$		Received By	
Case # SU-	200_					



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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 my 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-	Ciamatuma Daga	Page 1 of 2
50-	Signature Page	Page LOTA

**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:	Dean	Johnson	

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# SPECIAL USE APPLICATION

# Record of Adjacent Property Owners With Mailing Addresses Per Harnett County Land Records

\*\*See attached Sheet\*\*

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

SU-,	-	

# Town or Erwin Planning Board Special Use Guidelines for Findings of Fact

\*\*See Attached Responses\*\*

1. The use re	quested is listed among the special uses in the district for which application is made:
Yes No_	
2. The reques	sted use is essential or desirable to the public convenience or welfare
Yes No_	
	sted use will not impair the integrity or character of the surrounding or adjoining districts, ental to the health, morals, or welfare
	sted use will be in conformity with the Land Development Plan
Yes No_	
5. Adequate ubeing provide	tilities, access roads, drainage, sanitation and/or other necessary facilities have been or are
_Yes No_	
	uate measures have been or will be taken to provide ingress and egress so designed as to fic congestion in the public streets
_Yes No_	
district in whi	pecial use shall, in all other respects, conform to the applicable regulations of the ch it is located, except as such regulations may, in each instance, be modified by the Board ners pursuant to the recommendations of the Planning Board
Yes No_	

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Finding of Facts



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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.

SU	Application Procedures	Page 1 of 2
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## **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 districted 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)
  - o All easements and rights-of-way located on the proposed lot
  - o All natural features including tree lines, drainage ways, etc.
  - The location and dimensions of required parking area(s) as may be required by Ordinance
  - o Proposed lighting plans as may be required by Ordinance
  - o Demonstration of the placement of buffers and streetscape as may be required by ordinance

SU	Important	Page 1 of 1



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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 <a href="https://www.erwin-nc.org">www.erwin-nc.org</a>.

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.

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# Town of Erwin Record and Decisions

Record and Decisions			
Notice Mailed	Office U Property Posted	se Only  Newspaper Advertised Da	te
Public Hearing Date and C	Comments:		
Governing Body Motion		Record of Decision:	Yea Nay
Town Board Decision and Γ	Date		
Certified By:			

# **Bryant Rd PUD – Proposed Conditions**

As required by the Special use Permit Application, see the list below of proposed conditions to be incorporated with the approval of the PUD site plan:

- The proposed development shall have no more than 247 total lots in the proposed development, to include single family residential (SF) and townhome residential (TH) lots only. A reduction in lot count due to unforeseen design constraints may be granted by the Town Manager.
- 2) The proposed development shall have at least 30% permanent open space
- 3) All proposed lots shall be served by HRW public water and sewer
- 4) A 20ft perimeter landscaping buffer shall be installed along the property boundary adjacent to Bryant Rd and St Matthews Rd
- 5) A 10ft landscaping buffer shall be installed along all other property boundaries adjacent to neighboring properties
- 6) The proposed streets shall be 27ft back of curb to back of curb
- 7) A 5ft sidewalk shall be installed on one side of all proposed streets
- 8) The minimum lot width for proposed SF lots shall be 40ft, and the minimum lot width for TH lots shall be 20ft
- 9) The minimum lot size for proposed SF lots shall be 4,800sqft, and the minimum lot size for TH lots shall be 1,400sqft
- 10) Setbacks for all proposed SF lots shall be: Front: 20ft, Side: 5ft, Rear: 15ft, Corner Side: 10ft
- 11) Setbacks for all proposed TH lots shall be: Front: 20ft, Side: 0ft, Rear: 15ft, Corner Side: 10ft
- 12) Each SF lot shall have at least 4 parking spaces including garage parking
- 13) Each TH lot shall have at least 2 parking spaces including garage parking
- 14) On-site stormwater retention shall be installed in accordance with applicable Town, County and State regulations

# **Bryant Rd PUD – Findings of Fact**

In accordance with the Special Use Guidelines, please find the below responses to the Findings of Fact for the proposed Bryant Rd PUD:

- 1) Yes, a Planned Unit Development is listed among the special uses identified in Section 36-648 of Erwin's Ordinance.
- 2) Yes, the requested use will allow for new homes and townhomes that will provide Erwin with desirable additional housing options.
- 3) Yes, the proposed development will provide sufficient screening, ample open space and significant infrastructure improvements that will be an asset to adjacent properties.
- 4) Yes, the parcels in question are identified for "high Intensity" uses in line with the proposed PUD.
- 5) Yes, adequate utilities, streets, drainage facilities will be provided.
- 6) Yes, adequate development entrances will be provided in accordance with Erwin and NCDOT standards.
- 7) Yes, with the conditions proposed, this PUD will conform to all applicable regulations of the Town of Erwin and its Ordinances and Plans.

# **Bryant Rd PUD – Adjacent Property Owners Information**

As directed by the Special Use Permit application, please find below a list of all adjacent property owners to the proposed development:

- 1) DUSTIN STARGEL 9780 PRINGLE BENJAMIN RD LONDON, OH 43140
- 2) LEROY & CHERYL BLACK 340 BRYANT RD DUNN, NC 28334
- 3) SHARON MCLAMB 2216 DONNY BROOK RD RALEIGH, NC 27603
- 4) MICHAEL 7 SARIAH JACKSON 722 BRYANT RD DUNN, NC 28334
- 5) RUDOLPH JACKSON 502 E JACKSON BLVD ERWIN, NC 28339
- 6) SOUTHEASTERN PROPERTIES OF BUIES CREEK PO BOX 4200 BUIES CREEK, NC 27506
- 7) GLOVER SALES INC 406 E JACKSON BLVD ERWIN, NC 28339
- 8) JAMES & SHERYL SENTER 65 SAINT MATTHEWS RD ERWIN, NC 28339
- 9) JOE JERNIGAN & LARRY HARDISON 29 STONEGATE DR ANGIER, NC 27501

- 10) TURTLE RUN LLC PO BOX 608 SMITHFIELD, NC 27577
- 11) DAN BRYAN & NANCY STAR 132 JUNIPER CREEK BLVD PINEHURST, NC 28374
- 12) CJ INVESTMENT GROUP LLC 70 STONEHENGE DR DUNN, NC 28334
- 13) D AND S SNOW PROPERTIES LLC PO BOX 397 DUNN, NC 28335
- 14) ALYSSA CRAWFORD 815 ST MATTHEWS RD ERWIN, NC 28339
- 15) PATRICIA JOHNSON 825 ST MATTHEWS RD ERWIN, NC 28339
- 16) JOHN & CAROL SNIPES 835 ST MATTHEWS RD ERWIN, NC 28339
- 17) ZILPHIA MOORE 845 ST MATTHEWS RD ERWIN, NC 28339
- 18) RP WELLONS LAND AND DEVOPMENT LLC PO BOX 730 DUNN, NC 28335

- 19) PLEASANT GROVE F W B CHURCH 290 RED HILL CHURCH RD DUNN, NC 28334
- 20) JOHN BRYANT & RAYMOND STRICKLAND 290 RED HILL CHURCH RD DUNN, NC 28334
- 21) PHYLLIS BRYANT 71 BELMONT DR ANGIER, NC 27501
- 22) BELINDA POPE 3 GOLFERS WAY PINEHURST, NC 28374



# SPECIAL USE REQUEST STAFF REPORT

Case: SU-2022-010

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

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

Public Hearing Date: Thursday, December 1st, 2022

Requested special use permit for a Planned Unit Development located on three parcels off of St. Matthews/Bryant Road. One parcel has an exisiting address of 504 St. Matthews Road.

- 204 detached single-family lots
- 43 attached (townhomes) single-family lots
- 35% open space

# **Applicant Information**

# Owner of Record:

Name: Casper and Kara Tart

Address: 200 Murdock C Rd.

City/State/Zip: Cameron, NC 28326

# Owner of Record:

Name: Casper and Kara Tart

Address: 200 Murdock C Rd.

City/State/Zip: Cameron, NC 28326

#### **Owner of Record:**

Mark Kolosky

Address: 999 Carlton Street

City/State/Zip: Clayton, NC 27520

# **Applicant:**

Name: <u>Sean</u> Johnson, True Homes

Address: 2649 Brekonridge Centre Drive

City/State/Zip: Monroe, NC 28110

# **Property Description**

Harnett County Tax PIN 1507-34-7604.000 Acres 45.65

Zoning District- Residential (R-6-CD)

Harnett County Tax PIN 1507-45-1001.000 Acres 2.50

Zoning District- Residential (R-6-CD)

Harnett County Tax PIN 1507-35-0329.000

Acres 7.72

Zoning District- Residential (R-6-CD)

# **Vicinity Map**

• See Attached Document

# **Physical Characteristics**

Site Description: These are three existing parcels that are mostly vacant. There are two old farm buildings on the larger tract of land that will be demolished. Most of this land has been used for agricultural purposes recently.

Surrounding Land Uses: These parcels are mostly surrounded by agricultural uses. The site is located off of Highway 421. There are commercial land uses located off of Highway 421. There is a small development of eight town homes across the street from these three parcels.

# Services Available

- Electricity (Duke Energy)
- Telephone (Centurylink)
- Harnett Regional Water and Sewer
- Potentially Cloudwyze for internet

**Zoning District Compatibility** 

	<u> </u>
Special Use	R-6-CD
Planned Unit Development	X

# **Staff Evaluation**

#### **Staff Evaluation**

X Yes No

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

• Reasoning: Planned Unit Developments are allowed with a special use permit in our R-6 Zoning District.

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

• **Reasoning:** This proposed planned unit development will add to the existing housing inventory in our town limits. It will provide more options for our existing residents and bring in new residents to our town limits.

X 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.

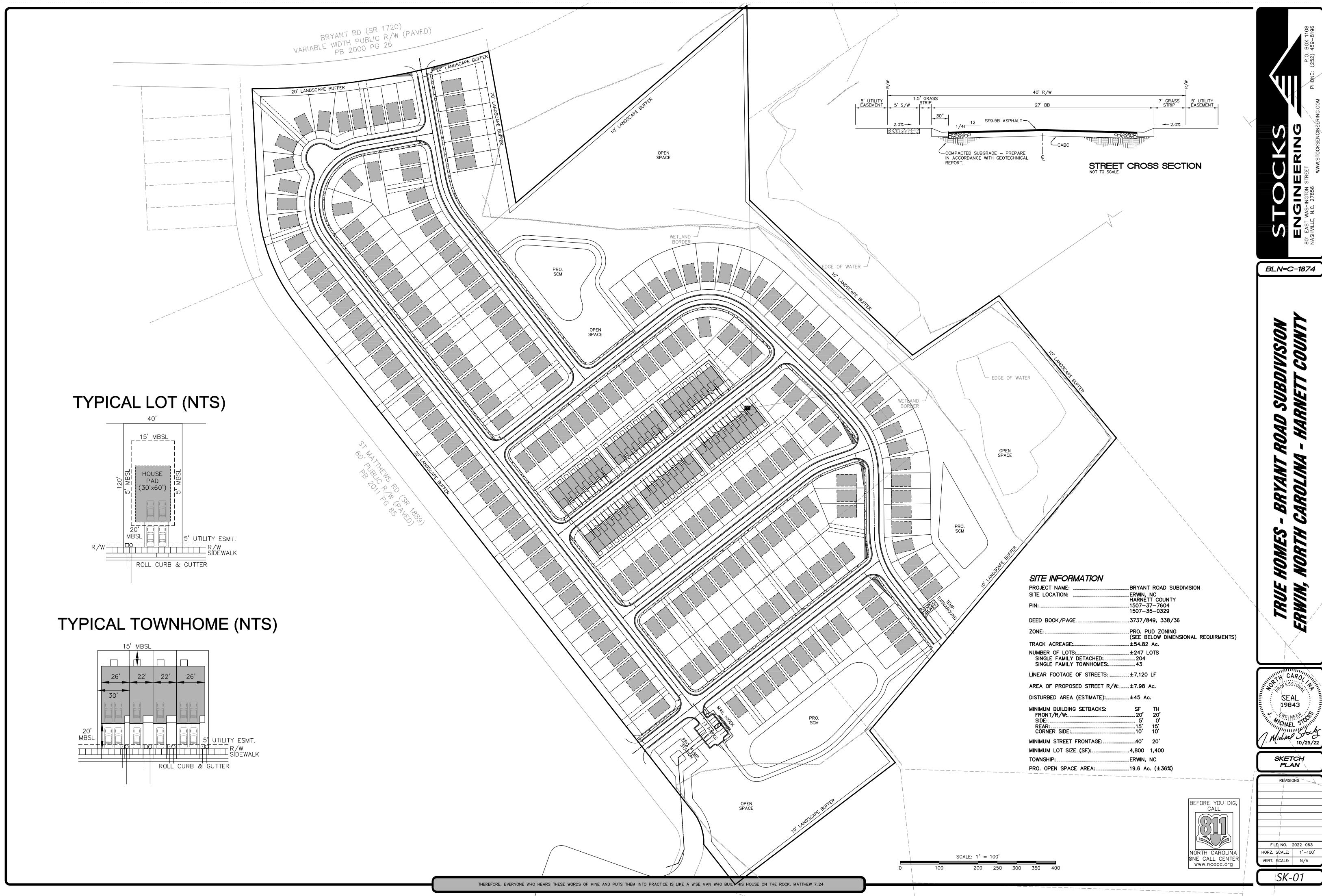
Reasoning: There are existing residential land uses located off of this street. A proposed residential
development would not impair the integrity or character of this district. There will be a proper screening buffer
installed between the development and road.

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

- **Reasoning:** This area of land would be in the area identified for high intensity growth. The plan calls for high intensity land uses.
- X Yes No Adequate utilities, access roads, drainage, sanitation and/or other necessary facilities have been or are being provided.
- **Reasoning:** This would be a new development and all new roads would be built to NCDOT standards. All new infrastructure would have to be approved by Town Staff and some of the staff members from various North Carolina State Departments.
- X 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:** Any connection to St. Matthews Road or Bryant Road will require a North Carolina Department of Transportation drive-way permit. The proposed development has two entrances/exits therefore residents can get out in case of an emergency. There will be adequate parking for each unit.
- X 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, the proposed planned unit development will conform to all applicable regulations found in our Code of Ordinances.

#### Attachments:

- SU-2022-010 Application
- SU-2022-010 Staff Report
- SU-2022-010 Site Plan
- SU-2022-010 Harnett County GIS Image with Zoning
- SU-2022-010 Harnett County GIS Image with no Zoning
- SU-2022-010 property owners notified





# Town of Erwin Planned Unit Development (PUD) Application For

# Bryant Rd Subdivision

Applicant:

True Homes, LLC
2649 Brekonridge Centre Dr.
Monroe, NC 28110

## November 11, 2022

# **Project Development Team:**

# <u>Civil Engineer – Stocks Engineering, PA</u>

801 East Washington Street Contact: J. Michael Stocks, PE

Nashville, NC 27856 (252) 459-8196

mstocks@stocksengineering.com

# Surveyor - Galloway Geospatial Informatics & Surveying, PLLC

Unknown Contact: Cale Galloway, PLS, GISP, CFS

Zebulon, NC 27597 (252) 565-2657

cale@gallowaygis.com

# <u>Transportation Engineer – Timmons Group</u>

5410 Trinity Road Contact: Jeff Hochanadel, PE, PTOE

Suite 102 (919) 866-4511

Raleigh, NC 27607 <u>www.timmons.com</u>

# Environmental Consultant - Sage Ecological Services, Inc.

3707 Swift Drive Contact: Sean Clark, PWS

Raleigh, NC 27606 (919) 559-1537

sclark@sageecological.com

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#### 1. Definitions and Construction Terms:

Conceptual Plan. The Conceptual Plan is a plan that generally identifies the land use patterns, conceptual design, and density for the development of the Bryant Rd Subdivision and is attached as Appendix 1. The Conceptual Plan serves as the zoning map for the development, is a condition of this PUD application, and, along with this document, serves to form the Development Plan for the proposed development. The development is described in Appendix 2 of this application.

**Development Plan.** This rezoning application with the Conceptual Plan constitutes the Development Plan.

**Developer.** The Developer of this project is True Homes, LLC or assigns.

**Subdivision Ordinance.** The Subdivision Ordinance of the Town of Erwin. Any term not defined in this document will be as defined in this ordinance.

Home Owners Association (HOA). The HOA is a non-profit corporation for the purposes, among other things, of owning and managing the privately owned common areas in the Bryant Rd Subdivision and providing governance of the development as a homeowner's association.

**Open Space.** "Open space" refers to areas of the development that allow for light, air, wildlife habitat, stormwater control, and scenic and recreation use. Also included are areas designed to enhance the privacy or general appearance of the development. The proposed open space will be owned by or which is reserved on a plat and shall be conveyed to the HOA.

# 2. **Development Plan:**

The number of units proposed for this development is 247. In accordance with the Town of Erwin's Ordinance [Sec 36-648(d)(1)], the underlying zoning allows for a maximum of 334 lots where the maximum development is based on a total tract acreage of 54.82 Acres minus the 16% of the gross area (8.77 Acres) divided by 6,000 square feet per lot. The Conceptual Subdivision Layout shows the general layout of the proposed development with anticipated use areas and how they mingle throughout the development. The Development Plan also shows the general area of Stormwater Control Devices and Recreational Areas. As the plan is the further developed, the actual locations of the proposed stormwater devices, both multifamily and single-family residential product types and locations may vary to conform to the Market Conditions and Final Construction Plans.

The proposed Planned Unit Development request is beneficial to the Town because it provides a greater tax base without wasting valuable land. By concentrating more homes on a smaller footprint, valuable agricultural land and future residential land is preserved. This results in less infrastructure maintenance long term for the same revenue. The proposed development is useful to the future residents by

concentrating excess open space that would normally be included in each lot into larger useable areas within the subdivision. This gives the new home buyer a smaller lot with less maintenance and provides a larger area for recreation and play for all to enjoy.

Assuming the Board finds this PUD application favorable, the Construction Drawings will provide a much higher level of technical data and detail appropriate for review by Erwin staff, NCDOT, and other agencies having jurisdiction.

The guidelines and zoning regulations for the development of the Bryant Rd Subdivision and the agreed upon conditions are included in the Development Plan. To account for both technological innovations and unforeseen marketplace changes, this Development Plan is intended to incorporate flexibility concerning design and development.

Should the Developer want to make changes to the Development Plan, all changes will be made using the procedures outlined in Erwin's Ordinance.

#### Site Location:

The site referenced in this Development Plan is known as the Bryant Rd Subdivision and is located northeast side of St. Matthews Road between Bryant Road and E. Jackson Blvd (Hwy 421). The proposed property contains approximately 54.82 acres and includes the areas associated with the Parcel Identification Numbers 1507-34-7604.000 and 1507-35-0329.000.

#### 4. Common Areas:

Every lot owner will have the right of ingress and egress, use, and enjoyment in and to the Common Areas, subject to the rules and regulations of the HOA, which rights are appurtenant to and pass with title to every lot.

#### 6. **Dimensional Standards:**

For each subdivided lot, the dimensions of the lot, yard, and setback will be determined by the Developer as stated on the PUD dimensional Standards which is attached as Appendix 4.

# 7. Regulation of Open Space:

The regulation of Open Space within the development will be done by the Developer and the HOA. As such, the Developer and/or the HOA may implement policies regarding towing, parking, access, signage, and trespassing within the development.

# 8. Driveways/Roadway Access and Sidewalks:

Concrete will be used to surface all residential driveways. Utility drives, maintenance areas, drives to temporary structures, access drives to public utility services, and other similar drives can use alternative surface options as approved by the Town of Erwin.

Sidewalks in the development will be installed at the Developer's discretion.

# 10. **Developer and HOA Requirements:**

The Developer and the HOA will meet the following requirements:

- A. The Developer and the HOA agree to be responsible for the maintenance and perpetual existence of common areas. Additionally, the Developer and the HOA will meet the conditions and restrictions imposed by the Town.
- B. When individual lots that are not a part of an approved and platted subdivision are to be sold, a new subdivision construction and final plat shall be submitted to and approved by the Town and recorded in Harnett County prior to the sale of lots and granting of any building permit.
- C. The Developer or the HOA must authorize the subdivision or recombination of property prior to the required approval by Town staff.
- D. No building permit for any structure within the development shall be issued until all required improvements are completed in accordance with the approved construction plans and conditionally accepted by the Zoning Administrator. Additionally, plats and conveyances for any required public easements, streets, rights-of-way, or other required common areas must have been dedicated and approved by the Town and recorded at the Harnett County Registry.
- E. Where any of the development abuts an existing residentially developed property within the Town limits, the Developer shall provide one or more of the following as determined by the Developer:
  - i. 10-foot-wide decorative landscaping
  - ii. Permanent undisturbed buffers
- F. The maximum allowable density shall not exceed 6 units per gross acre based on the total acres in the development. There may be areas of higher density to allow for larger open space areas.
- G. Land additions to the development may be made in increments of any size and will be subject to this Development Plan upon approval by the Town of Erwin.

- H. A variety of dwelling unit styles have been approved for the development and support uses with adherence to the lot area and yard requirements provided in this application. The minimum residential lot areas shall not be less than as stated on the Dimensional Standards which is attached as Appendix 4.
- I. Setback from public rights-of-way: Any building that is erected, reconstructed, or moved shall be setback a minimum of 20 feet from the right-of-way line.
- J. Height Requirements. Maximum building height shall not exceed the heights as stated on the Dimensional Standards Chart which is attached as Appendix 4.
- K. Open Space Requirement. The open space will be controlled by the HOA and will be generally located as shown on the Conceptual Subdivision Layout. Within the open space, there will be passive recreation areas, stormwater control devices, wooded areas, and grass.

# 11. Rights-of-Way Width, Street Design, and Improvements Requirements:

A. Street Design.

Streets shall be designed in accordance with Chapter 30 Article IV Section 30-107 of the Town of Erwin Code of Ordinances with the following exceptions.

- Sec. 30-107(I) Horizontal curves in the alignment of street lines may be connected by a curve with a radius on the centerline of not less than 150 feet for local streets.
- ii. Typical street sections shall follow the detail shown in Appendix 3. The proposed typical section provides a 40' ROW with 5' utility easements on each side of the ROW. The section includes 11' lanes, 30" roll curb, a 1.5' grass strip and 5' sidewalk on one side of the street while the other side has a 6.5' grass strip. Outside of the ROW the typical section will include a 5' utility easement on both sides.
- B. The Developer shall designate all streets with the development as Public Streets to be installed per Erwin standards and turned over to the Town upon acceptance by the Town.

# 12. Subdivision Improvements:

A. Curbs and Gutters.

Concrete curbs and gutters will be installed at the Developer's discretion.

B. Water and Sewer Service Required.

All lots within the development shall have public utilities and facilities including sewer and water systems located and constructed in accordance with the Subdivision Ordinance and Harnett Regional Water Standards.

# C. Street Signs.

The developer and/or HOA will install regulatory traffic control signs, advisory and warning signs, and street name signs in accordance with Town of Erwin standards.

# D. Solid Waste Improvements.

All residential lots will utilize roll out carts. No specific solid waste improvements are anticipated.

# 13. **Storm Drainage:**

#### A. Enclosed Surface Drains.

Exclusive of perennial and intermittent streams, all watercourses that require an eighteen-inch pipe or less to carry the ten-year design storm shall be piped. Watercourses means ditches, canals, collector systems, etc., intended to carry surface runoff from or through the development.

# 14. Project Phasing:

A project of this size requires phased construction. The entrance location and utilities determine the direction of phasing for future phases. The developer reserves the right to adjust the number and timing of phasing as market conditions and financial constraints allow.

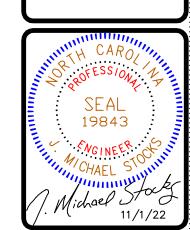
## 15. Public Streets in the Development:

All the streets in the development will be public streets.





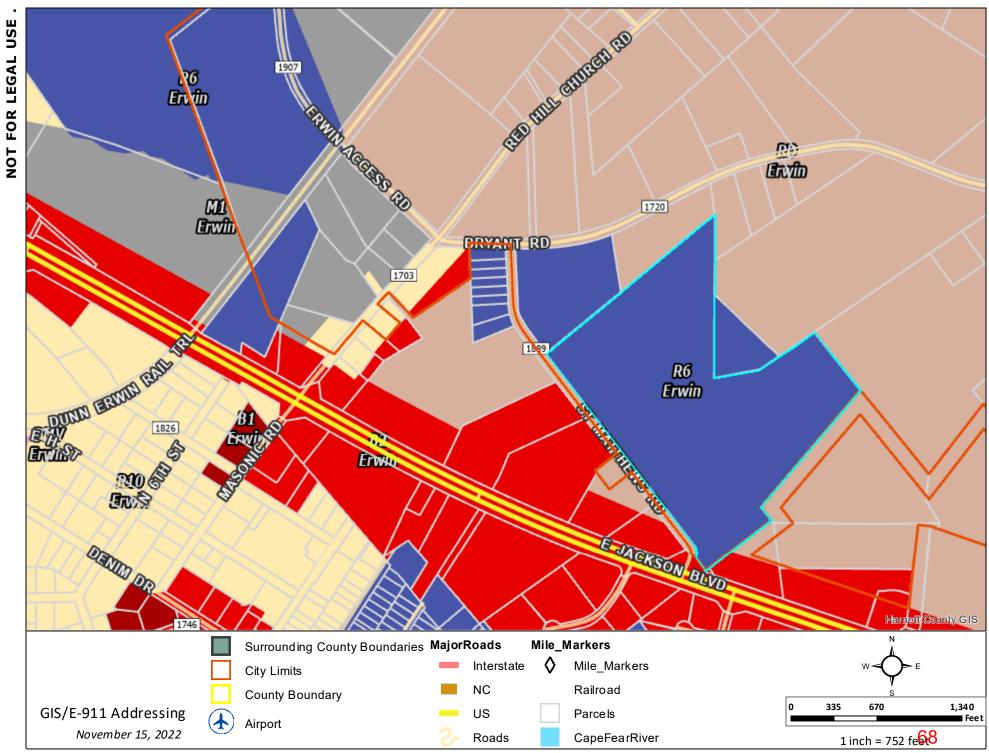
BLN=C-1874

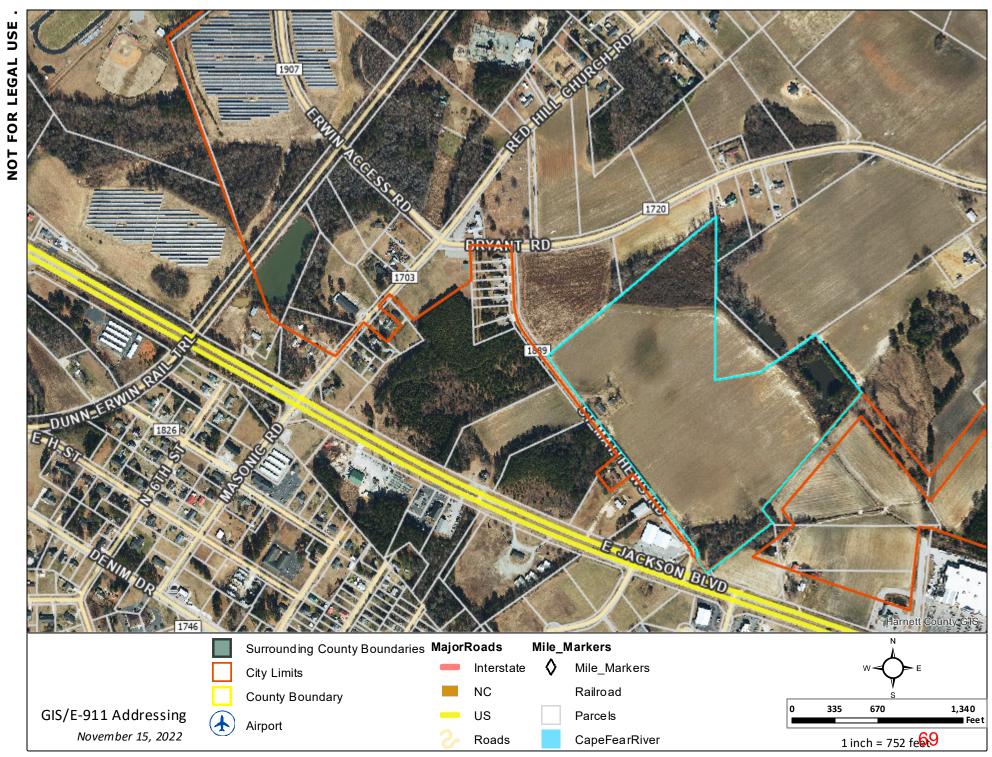


SKETCH PLAN

FILE NO. 2022-063 HORZ. SCALE: 1"=100'
VERT. SCALE: N/A

SK-01







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

11/14/2022

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

# Notice of a Public Hearing SU 2022-010

The Board of Commissioners of the Town of Erwin will hold a public hearing pursuant to NC General Statute 160D-406 on December 1st 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 special use permit application submitted for a planned unit development to be built out on three parcels located off of St. Mathews Road. The three parcels are listed below:

- 640 St. Matthews Road (HC Tax PIN #1507-34-7604.000)
- Parcel with no address (HC TAX PIN #1507-45-1001.000)
- Parcel located at the corner of St. Matthews Road and Bryant Road with no address (HC Tax PIN # 1507-35-0329.000)

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

Regarde

Casper and Kara Tart 200 Murdock C Road Cameron, NC 28326

Mark Kolosky 999 Carlton Streeet Clayton, NC

RP Wellons Land and Development PO Box 730 Dunn, NC 28335

> John and Carol Snipes 835 St. Matthews Road Erwin, NC 28339

> Alyssa Crawford 815 St. Matthews Road Erwin, NC 28339

C and J Investment Group, LLC. 270 Stonehenge Drive Dunn, NC 28334

> Joe Jernigan Larry Hardison 29 Stonegate Drive Angier, NC 27501

Glover Sales, INC 406 E. Jackson BLVD Erwin, NC 28339 Rudolph Jackson 502 E Jackson BLVD. Erwin, NC 28339

Dustin Stargel 9780 Pringle Benjamin Road London, OH 43140

Zilphia Moore 845 St. Matthews Road Erwin, NC 28339

Patricia Johnson 825 St. Matthews Road Erwin, NC 28339

D and S Properties, LLC. PO Box 397 Dunn, NC 28335

Dan and Nancy Bryant 132 Juniper Creek BLVD. Pinehurst, NC 28374

James and Sheryl Senter 565 St. Matthews Road Erwin, NC 28339

Southeastern Properties of Buies Creek
PO Box 4200
Buies Creek, NC 27506

Sharon McLamb 2216 Donny Brook Road Raleigh, NC 27603	Anne and Leroy Black 340 Bryant Road Dunn, NC 28334
Michael and Sariah Jackson 722 Bryant Road Dunn, NC 2834	Phyllis Bryant 71 Belmont Drive Angier, NC 27504
Pleasant Grove FWB Church 7290 Red Hill Church Road Dunn, NC 28334	Belinda Pope 3 Golfers Way Pinehurst, NC 28374
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