

**THE ERWIN BOARD OF COMMISSIONERS
MARCH 2023 REGULAR MEETING
THURSDAY, MARCH 2, 2023 @ 7:00 P.M.
ERWIN MUNICIPAL BUILDING BOARDROOM**

AGENDA

1. **MEETING CALLED TO ORDER**
 - A. Invocation
 - B. Pledge of Allegiance
2. **AGENDA ADJUSTMENTS /APPROVAL OF AGENDA**
3. **CONSENT**

All items on Consent Agendas are considered routine, to be enacted on one motion without discussion. If a Board member or citizen request discussion of an item, the item will be removed from the Consent Agenda and considered under New Business.

 - A. Minutes Regular Meeting on January 23, 2023 (**Page 2**)
 - B. Minutes Regular Meeting on February 2, 2023 (**Page 6**)
 - C. Financial Report for January 2023 (**Page 16**)
 - D. BOA-2023-03 (**Page 18**)
4. **PUBLIC COMMENT**

Each speaker is asked to limit comments to 3 minutes, and the requested total comment period will be 15 minutes or less. Citizens should sign up prior to the start of the meeting. Please provide the clerk with copies of any handouts you have for the Board. Although the Board is interested in hearing your concerns, speakers should not expect Board action or deliberation on the subject matter brought up during the Public Comment segment. Thank you for your consideration of the Town Board, staff, and other speakers. §160A-81.1
5. **PRESENTATION OF MARCH CITIZEN OF THE MONTH**
6. **PUBLIC HEARING**
 - A. ZT-2023-001 (**Page 19**)
7. **NEW BUSINESS**
 - A. Schedule Budget Retreat
8. **CLOSED SESSION**
 - A. Pursuant to General Statute 143-318.11(a) (6) for the Purpose of Discussing Personnel
9. **MANAGER’S REPORT**
10. **ATTORNEY’S REPORT**
11. **GOVERNING BODY COMMENTS**
12. **ADJOURNMENT**

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

ERWIN BOARD OF COMMISSIONERS
REGULAR WORKSHOP MINUTES
JANUARY 23, 2023
ERWIN, NORTH CAROLINA

The Board of Commissioners for the Town of Erwin with Mayor Randy Baker presiding held its Regular Workshop in the Erwin Municipal Building Board Room on Monday, January 23, 2023, 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 and Timothy Marbell.

Board Members absent were: Commissioners Alvester McKoy, Charles Byrd, and David Nelson.

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

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

Commissioner Blackmon gave the invocation.

Commissioner Marbell led the Pledge of Allegiance.

AGENDA ADJUSTMENT/APPROVAL OF AGENDA

Town Manager Snow Bowden requested to add Updates at Al Woodall Park Paving Project as Item E under New Business.

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

OLD BUSINESS

Pavement Condition Study

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

NEW BUSINESS

2022-2023 Street Resurfacing Recommendations

Town Engineer Bill Dreitzler came forward and presented his resurfacing recommendations for Town Streets in 2022-2023. He is recommending the following streets be resurfaced:

MINUTES CONTINUED FROM JANUARY 23, 2023

1. Twin City Street (Lucas Road to Erwin Road – Approx. 850 LF)
Estimated Cost: \$47,500
2. East L Street (N 12th Street to N 11th Street – Approx. 470 LF)
Estimated Cost: \$25,000
3. N 12th Street (N 13th Street to E K Street – Approx. 1,400 LF)
Estimated Cost: \$70,000

The total estimated cost for resurfacing will be \$142,500 but that does not include the cost of possible potholes. For the FY 2023-2024 budget, he recommended N 11th Street as a high-priority location to be resurfaced (Approx. 2,050 LF) with an estimated cost of \$90,000.

Mayor Baker inquired about striping or restriping the roads in Erwin.

Mr. Dreitzler stated that is something that can be used to Powell Bill funds and can be included in the bid release.

The consensus of the Board was to put out bids for resurfacing the roads recommended by Mr. Drietzler.

Mr. Dreitzler stated the resurfacing work would take place in the spring.

New Lease for Printers

Town Manager Snow Bowden presented the Board with new printer lease proposals from Systel for the Police Department, Recreation Department, and Administration. A copy of the proposal was not included in the packet due to a line at the bottom of the page stating “This page contains confidential trade secrets and information belonging to Systel Business Equipment Co., Inc. that is not subject to public disclosure.” He stated Administration is a little more due to having to print off large quantities such as agendas and minutes.

Commissioner Blackmon recommended the Board purchase tablets in the next fiscal year Budget to save money on printing agendas.

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

2023 Mowing Extension

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

MINUTES CONTINUED FROM JANUARY 23, 2023

FY 2023-2024 Budget Retreat

Mayor Baker stated he wants the Board and Staff to look back at 2022 and think about what we did for our Town and what we did for our citizens. What accomplishments had we made this past year? As a precursor to our Budget Retreat, he wanted the Board to meet and discuss their goals and strategies for the new fiscal year and provide Town Manager Snow Bowden with some direction while preparing the budget for the new year. He wanted the Board to be as active as possible with our State Representatives to get as much Grant money as we can for our citizens back. What are some of our weaknesses that we need to work on? He would like this meeting to be scheduled in February to give Town Manager Snow Bowden time to prepare the budget for our retreat. He stated unless the Department heads had a particular project to bring before the Board, they would not need to be in attendance at the Budget Retreat, and all requests should be relayed through Mr. Bowden with reasonable expectations.

Commissioner Blackmon stated he would like to see the retreat scheduled for the end of March or April to give the Board more accurate numbers. Staff needs to come first and then projects.

The consensus of the Board was to have proposed dates for our budget goals meeting send out to the Board in an email for February and proposed dates for our Retreat will be discussed at our February Workshop.

Updates at Al Woodall Park Paving Project

Town Manager Snow Bowden stated he placed a proposal at the Board's seats. The company completing the restriping at Al Woodall Park mentioned it would be a good idea to look at resealing our walking trail.

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

Due to absent Board Members, the Closed Session was postponed until our Regularly Scheduled Meeting on February 2, 2023.

MANAGER'S REPORT

Town Manager Snow Bowden informed the Board that:

- We are still waiting to hear back from NC DOT about the roads. He stated the last time he spoke with them, the list had not been released yet.
- The NCLM will be hosting a Town and State Dinner on Wednesday, February 22nd, at 5 PM. If you plan to attend let Town Clerk Lauren Evans know so we can reserve the date for you.

ATTORNEY'S REPORT

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

MINUTES CONTINUED FROM JANUARY 23, 2023**GOVERNING COMMENTS**

Mayor Baker stated we received a memo regarding our Animal Control Ordinance with issues of enforcement. He asked Town Manager Snow Bowden to request monthly reports from all of our contracted services such as Fire Inspections and Animal Control.

Town Manager Snow Bowden stated he receives quarterly reports from Harnett County IT and asked if that was work.

Mayor Baker stated he is more interested in monthly reports from contracted services that interact with the Public on the Town's behalf.

Commissioner Turnage expressed the need for sidewalks on S 13th Street all the way down to IGA.

Mayor Baker thanked Commissioner Blackmon for stepping in to preside over the January Regularly Scheduled Meeting. He thanked the Board and Town Staff for everything during the passing of his mother. It was an honor to be elected as Mayor but for his parents to see it was special. He extended his gratitude to everyone.

ADJOURNMENT

Commissioner Blackmon made a motion to adjourn at 6:53 P.M. and was seconded by Commissioner Turnage. **The Board voted unanimously.**

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

Randy Baker
Mayor

Lauren Evans
Town Clerk

ERWIN BOARD OF COMMISSIONERS

REGULAR MINUTES

FEBRUARY 2, 2023

ERWIN, NORTH CAROLINA

The Board of Commissioners for the Town of Erwin with Mayor Randy Baker presiding held its Regular Meeting in the Erwin Municipal Building Board Room on Thursday, February 2, 2023, at 7:00 P.M. in Erwin, North Carolina.

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

Board Member absent was: Commissioners William Turnage and Alvester McKoy

Town Manager Snow Bowden, Town Clerk Lauren Evans, Finance Director Linda Willians, Attorney Vernon Stewart, and Police Chief Jonathan Johnson were present.

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

Commissioner Byrd gave the invocation.

Commissioner Blackmon led the Pledge of Allegiance.

AGENDA ADJUSTMENT/APPROVAL OF AGENDA

Town Manager Snow Bowden requested to add two items under consent as Items H and I. The first is a Budget Amendment, BOA-2023-02, this is to request money be transferred to repair the clock downtown with revenue from selling the police cars and the insurance money from Porter Park. Second, we received the contract from Harnett County for the \$50,000 grant to use towards the Park.

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

CONSENT

Commissioner Byrd made a motion to approve **(ITEM A)** Minutes Regular Meeting on January 5, 2023 **(ITEM B)** Financial Report for December 2022 **(ITEM C)** Pavement Condition Study **(ITEM D)** New Leases for Printers **(ITEM E)** 2023 Mowing Extension **(ITEM F)** Quote for Erwin Park **(ITEM G)** Planning Board Alternate Vanessa Lech Application **(ITEM H)** BOA-2023-02 **(ITEM I)** Nonprofit Funding Contract with Harnett County and was seconded by Commissioner Blackmon. **The Board voted unanimously.**

MINUTES CONTINUED FROM FEBRUARY 2, 2023

PUBLIC COMMENT

John Manus of 308 E J Street came forward and stated he wanted to speak about speed reduction in our interior streets. Denim Drive and S 13th Street is 35 MPH which is fine but that is way too fast for our interior streets for people walking and children playing. His wife was hit and killed on 10th Street. He requested a speed reduction, more police presence, or more stop signs or speed bumps to slow cars down in his neighborhood.

Henry Lech of 302 N 10th Street came forward and addressed the Board. He and Mr. Manus share a backyard. He did not know Mr. Manus would be present to speak. He and his wife walk their dog on 10th Street to the trail and the speeding is getting out of hand. Coming off 421 on 10th Street going toward the trail there is only one sign that says 35 MPH and a small sign coming off Denim Drive that says 25 MPH. There have been three people hit by cars in the last 90 days. He spoke with NCDOT and the only options are traffic engineering measures and an increase in police presence but our Police Department is already understaffed. According to NCDOT speed humps or bumps will decrease fatal crashes by 60-70%. He read the minutes from last month and Commissioner Marbell asked the Board to consider getting rid of 4-way stop signs but that would be ill-informed and not in the best interest of Public Safety.

Vanessa Lech of 302 N 10th Street came forward and addressed the Board. She stated she is looking forward to the new Erwin Website. The utilization of social media platforms such as YouTube is necessary to connect and communicate with the community. It is 2023 and technological innovation will only continue. She was happy with the ongoing efforts to improve law enforcement, recruitment, and retention. She passed out packets to the Board including articles about mental health concerns for first responders and an abbreviated copy of her resume to consider when accepting her Planning Board Application. She stated Planning Board Meetings need an intervention, and Town Manager Snow Bowden needs backup at the Meetings. The Town of Erwin not implementing preventive measures such as lighting, traffic lights, stop signs, sidewalks, speed bumps, speed limit reduction, etc. makes her think about the phrase "Willful Negligence." She has wondered if a wrongful death lawsuit is in Town's future; writing tickets alone is reactive, not proactive. How many more people need to die before proactive measures are taken?

Dale Ryals of 201 Country Spring Lane came forward and informed the public of the importance of the Planning Board and how to become a Planning Board Member.

PUBLIC HEARING

ZT-2022-006

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

MINUTES CONTINUED FROM FEBRUARY 2, 2023

Town Manager Snow Bowden stated the Town received this request to have the parcel rezoned from our Rural District to Highway Business-Conditional District. The Planning Board did recommend this for approval back in October. If approved, the developer will start the voluntary annexation process.

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

John Parker, Rhetson Companies Inc of 2075 Juniper Lake Rd, West End NC 27376 came forward and was sworn in by Town Clerk Lauren Evans.

Mr. Parker stated Rhetson Companies has been in business for 20 years. The company was founded on Christian principles and proudly operates under those today. In front of the Board were pictures, provided by Mr. Parker. The parcel is surrounded by mixed uses and the parcel, in their opinion is on the corner of two busy roads and is not ideally where someone would want to build a home. The parcel makes more sense as a commercial, non-residential use. The aerial overview shows a lot of commercial uses in the area. There are more nonresidential uses than residential uses. The proposed site layout shows how the company may use the site. The property we are looking at for a retail store that would produce 6-10 full-time jobs and tax revenue for the Town. If the request is approved, after closing on the property, they are planning to voluntarily annex into the Town Limits.

The photos provided by Mr. Parker are part of these minutes as an attachment

Mayor Baker asked Mr. Parker, in his study and discussions with NCDOT, if there had been any plans for turn lanes or direction of traffic.

Mr. Parker stated they know that 55 is a busy road and they do not want to impact that. To minimize congestion, they are proposing the main entrance be on Maynard Lake Road. NCDOT has reviewed that proposal and has given Rhetson Companies their blessing. No official plans had been submitted at that time. A different configuration has been discussed to place the entrance further back or place the retail building further back to get it away from the intersection a tad. NCDOT does not want to main entrance on 55 and Rhetson Companies agreed with that.

Mayor Baker asked if NCDOT had alluded to any requirement for a turn lane or additional paving being added to Maynard Lake Road for ingress or egress.

Mr. Parker stated NCDOT had not indicated any road winding requirement. They would like to add an island on 55 to prevent people from taking a left. They are willing to do whatever is necessary to make it seamless and smooth. If the road needed to pull in on 55 and widen for the island, they would put it on the site to not disturb the neighboring property. No widening of 55 or Maynard Lake road is needed at this time.

Commissioner Blackmon inquired about a traffic impact analysis.

Mr. Parker stated no but NCDOT is good about telling them if they need one. NCDOT was fine with the entrance on Maynard Lake Road and did not express any concerns about traffic being impacted.

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

MINUTES CONTINUED FROM FEBRUARY 2, 2023

No one came forward.

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

Paula Roberts of 876 Bill Avery Rd, Coats NC 27521 came forward and was sworn in by Town Clerk Lauren Evans.

Ms. Roberts stated she has family members that own land and that this request will be affecting them. Many people in the area have homes so Mr. Parker's statement that homes would not be affected was inaccurate. She has a child that goes to Triton so she does feel that Maynard Lake Rd would be affected morning, evening, and afternoon sports. She asked if she was allowed to ask what the business will be.

Mayor Baker stated the Board does not ask that question. The applicant may answer the question if he wishes to do so but it is not a requirement. This is a rezoning and anything within that zoning district is allowed as a permitted use. This would also be a conditional district so conditions could be placed on the property as well. The applicant can share if he would like.

Ms. Roberts asked Mr. Parker if he would share the proposed retail store. Was it a Dollar General?

Mr. Parker stated he could not share.

Ms. Roberts stated people live there and are affected. There are generational lands that have been passed down for many decades. She does feel that it will affect Maynard Lake Rd and anyone who has children at Triton High School or will have Children at Triton High School in the future.

Mayor Baker asked staff to pull the aerial view of the property on the screen for everyone to see. He stated this is not a straightforward rezoning, this is a rezoning conditional district where it mirrors a typical zoning district in our jurisdiction, however, this type of district allows the Board to look at it similarly to Special Use Request. The Board cannot look at one specific business or business model.

Dale Ryals of 201 Country Spring Lane came forward and was sworn in by Town Clerk Lauren Evans.

Ms. Ryals stated her property is about a quarter of a mile from Maynard Lake Rd and Highway 55 intersection. They need to help the Board understand and know how we want our community to go forward in the future for her and her neighbors and children. She is all about farming and saving land for farming. Our Community is farming and residential and we want it to remain that way. Mr. Parker stated he sees commercial land out there and the only commercial businesses are the church and two daycares, neither are retail. Rhetson Companies Inc is asking to join our community by installing another Dollar General. Hazards and Nuisances include but are not limited to more traffic on roads that are not updated to substantiate heavier travel, traffic congestion, more noise from traffic with more intense traffic, more noise from the retail business, more light pollution, trash from retail business, more people to gather in one place causing opportunity for bad things to happen, and it will be an almost non-stop retail business with 10-14 hours a day, 7 days a week, 52 weeks a year. Adding a retail business to our community opens the door for more of the same type of development resulting in the residential

MINUTES CONTINUED FROM FEBRUARY 2, 2023

homes becoming makeshift offices or temporary businesses creating an unsightly hodge-podge of buildings for our community and for a major entrance into our Town. We want better than this for our community. We want our community to remain farming and residential, not commercialization. The developer is asking to be annexed into the city limits and for the future would make it easier to annex all of us into the city limits as we are already in the planning zone. Creating Urban Sprawl in the E.T.J. is letting the center of the Town become a wasteland which leaves the Town to rot from within. The Staff Evaluation Report shows the staff's favorable answers to this rezoning request when viewed as a whole would damage the character of this neighborhood. This rezoning request would not have a positive impact on the surrounding community and would not enhance the public health, safety, and general welfare of our community. She stated she is speaking on the behalf of her family who could not attend and for herself. Their farm has been in her family for one hundred years or more. All of you have very busy schedules with many responsibilities and obligations. We want our community and neighborhood to keep its integrity of farming and rural living, not commercialization. We want our neighborhood to be an asset for the Town of Erwin. For the safety, health, welfare, and peace and enjoyment in our community, respectfully she and her family requested this rezoning be denied.

The handouts provided by Ms. Ryals are part of these minutes as an attachment

Derrick Avery of 4799 NC 55 E came forward and was sworn in by Town Clerk Lauren Evans.

Mr. Avery stated he has 21 acres that are next to this property. He wanted to keep it residential, not commercial. He stated he has horses, pigs, and chickens. His land has been passed down from generation to generation, at least four generations to his knowledge and he plans to pass it down to his children. If the land turns commercial, he does not know if his children will get the opportunity, he wanted his children to live in the country, not in the streets. If a Dollar General is placed on this property, it will cause nothing but walking traffic from the trailer parks and a hangout for high school kids. That intersection is going to be a cluster and he does not think it is a good idea to put commercial property there.

Sharon Hayes of 915 Maynard Lake Rd came forward and was sworn in by Town Clerk Lauren Evans.

Ms. Hayes stated her neighbors have said it all. If it is a Dollar General, that is the sorriest store that has ever been and it will be right in her front yard. She backed everything her neighbors had said.

Kenneth Coley of 26 Ivor Lane came forward and was sworn in by Town Clerk Lauren Evans.

Mr. Coley stated he had the same things to say as his neighbors because they live in that community. The retail store may not be a Dollar General but it says Dollar General on the map. We have a Dollar General in Erwin approximately 3 miles away, one in Coats approximately 6 miles away, and a big new Dollar General at the intersection of 421 and Old Stage Rd. Common sense told him that the community will not support that much retail sale in our area because we struggle to keep the bowling alley in business near CVS. If a Dollar General is placed at this location, another local Dollar General will go out of business. He did not see this commercial business as helping our community. Their mailboxes are on highway 55, it is bad enough

MINUTES CONTINUED FROM FEBRUARY 2, 2023

walking across the street now, and he could only imagine how bad it would be with more traffic. It is a farming community, its houses, a church, and a couple of daycares. It is not a commercial community. The community will not support it, then it closes down and we have an eye sore in our community. He did not think it would be a good idea.

Dennis McNeil of 338 Country Spring Lane came forward and was sworn in by Town Clerk Lauren Evans.

Mr. McNeil stated he does not think this Dollar General or whatever it is going to be is a good idea. Traffic is constantly increasing in that location and is already bad. He does not want it in his area. He owns 16 acres of farmland, he is a hunter and they love the animals. He cherishes the community and loves it. He stated he plans to leave his land to his son and it is perfect like it is. He knew Erwin needed growth but this area is not the place for it and he was against it.

Wilma Miller of 90 Scramble Rd came forward and was sworn in by Town Clerk Lauren Evans.

Ms. Miller stated during school hours, they cannot go toward Triton and has to go toward 55. If there is not going to be a turning lane and all of the Students are getting out of school, traffic is going to be bad and people will have to plan way ahead. Other places in Erwin have other route options but their community has nowhere but those two roads. His request is a great concern for her and her neighbors.

Mayor Baker asked Mr. Parker to come back up and address the citizens' concerns.

Mr. Parker came back forward to touch on a few topics mentioned. One of the first comments he heard was the community needed more Police support and a lot of times in growing areas, that is a big struggle. In this economy, they are trying to bring a retail store to the community that will bring not only jobs but revenue to the Town which would help fund more Police protection. He knows there will always be a mix of opinions. Rhetson Companies works with a wide variety of companies such as Bojangles, Dunkin Donuts, Jersey Mikes, Ace Hardware, etc. The retail store they are looking at would estimate to generate between 16-18 cars per hour. They are not talking about a Walmart that would pull thousands of cars an hour and cause the congestion mentioned tonight. Rhetson Companies is going to submit a full set of plans to the Town, County, NCDOT, and the Department of Environment Equality so that they do not impact the community at all. NCDOT would not allow them to do anything that would impact the community and would require turn lanes if needed. Every property Rhetson Companies has developed put restrictions on that property to prevent an extremely long list of obnoxious uses that no one would want near their property. They try to be responsible as possible and if he did not think this retail store would work in the community, Rhetson Companies would not have brought it before the Board. He knew the community had opinions and he was glad they were present to voice that but as far as Rhetson Companies' impact on the community, they do not estimate a negative impact on traffic. As far as personal preference, he cannot speak on that.

Mayor Baker inquired about the concern for deliveries of merchandise to the facility and the possibility of off-street parking. Will there be adequate means of ingress and egress to supply that store without stacking traffic on the highway?

MINUTES CONTINUED FROM FEBRUARY 2, 2023

Mr. Parker stated that they would not be allowed to submit a plan without properly supplying adequate truck routing. The truck would enter the site, back up to the loading, unload, and then leave. Normally these types of stores only get one big truck a week so it is not a daily nuisance. He stated night sky-friendly lighting was mentioned and that is a requirement to not have lighting that will bleed over into the neighboring properties especially in this case when it will be located at the intersection of two busy roads. All building lights will be angled down to prevent blinding traffic or bothering neighbors' properties.

Mayor Baker stated another concern was music and loud noises.

Mr. Parker responded that the retailer will not have anything installed, such as speakers, and he does not think the ordinance would allow for that. There will not be any outside noises on a consistent basis, we might have trash pickup be heard once a week.

Mayor Baker asked for verification, if this property were proposed to be annexed, it will solely be this particular property and will not affect any adjoining property.

Mr. Parker stated that was correct, if they successfully rezoned and annexed this property it will not include any surrounding properties.

Commissioner Blackmon asked about the 18-car count mentioned earlier by Mr. Parker.

Mr. Parker stated those estimated 18 cars would be per hour during the peak times of the day. These types of retail stores are designed to serve the community in a 5-mile radius, they aren't meant to be a destination spot like Walmart.

Commissioner Nelson stated there are Dollar Generals all over. He stated a lot of these stores are prone to get robbed. He inquired about the security measures that would be in place.

Mr. Parker stated it comes back to Policing. It doesn't matter where commercial growth happens or what commercial growth happens, those revenue dollars will help generate funds to increase the Police Force so they can patrol areas more. He stated he could not speak for the local law enforcement and response times but security cameras will be in place and they mean industry standards.

Mayor Baker asked if anyone else would like to come forward for final comment before closing Public Hearing.

Kenneth Coley of 26 Ivor Lane came forward once again. He stated that Police presence for just that property will pull Police presence from the Town where a man just had his wife run over. All night people have talked about police presence and traffic control, to make the Police pulled from the Town of Erwin to drive all the way out to this property for a store only one person in this room wants, will that not affect the budget and cause the Town to hire more Police? No one in the community wants this store and it will be an eyesore.

Dale Ryals of 201 Country Spring Lane came forward again. She stated Mr. Parker mentioned Police presence which will be more expense to the Town for the revenue and employment of 6 people. How is that cost-effective for the Town? The map says Dollar General, but we are told it might not be a Dollar General. The Board is being asked to make a decision on something blindfolded. Also, 16-18 cars per hour are not true and she cannot fathom that NCDOT would

MINUTES CONTINUED FROM FEBRUARY 2, 2023

not entertain placing a turn lane on 55. She wanted to repeat that the church and daycares are not retail businesses. All the development going up in the area will cause an increase in traffic.

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

Commissioner Blackmon asked Town Manager Snow Bowden to pull up the B2 ordinance on the screen.

Commissioner Blackmon stated the biggest case was traffic. This area is starting to get a little growth and it is going to continue to get that way. There are always going to be more cars and more traffic. He does not know what the NCDOT's traffic analysis is in this area or if they have even done one. He stated he is not a traffic engineer but he has not been shown any evidence that it will not affect the traffic other than being told that it will not. When looking at a rezoning, you cannot just look at what's there, you have to look at all the potential businesses that are allowed in that district.

Commissioner Byrd stated he was very concerned. As much as he wants to see Erwin grow and prosper but not when it will impact traffic. His heart went out to Mr. Manus for the loss of his wife. He is worried about the impact on the neighboring property owners. Trying to just put something there to hopefully generate revenue is not the way to go and he did not think it will generate that proposed revenue.

Commissioner Blackmon stated the combination of the middle school, triton, and the subdivision on the left, he really thought NCDOT needed to work on a traffic analysis of that area. Traffic impact was his biggest concern and he did not feel anyone had proven to him that there will not be an impact because the analysis has not been completed.

Mayor Baker stated that the Board needed to look at the verification of the evaluation which will hopefully guide them in their decision.

Commissioner Byrd made a motion that the impact to the adjacent property owners and the surrounding community is **not** reasonable, and the benefits of the rezoning **do not** outweigh any potential inconvenience or harm to the community and was seconded by Commissioner Nelson. The Board voted unanimously.

Commissioner Blackmon made a motion that the requested zoning district is compatible with the existing Land Use Classification and was seconded by Commissioner Byrd. The Board voted unanimously.

Commissioner Byrd made a motion that the proposal does **not** enhance or maintain the public health, safety, and general welfare. A traffic analysis has not been completed to prove that public safety is maintained and was seconded by Commissioner Byrd. The Board voted unanimously.

Commissioner Blackmon made a motion that the request is for a small scale rezoning and should be evaluated for reasonableness and was seconded by Commissioner Byrd. The Board voted unanimously.

Commissioner Nelson made a motion for denial, the requested rezoning to B2-CD is not compatible with all of the Town of Erwin's regulatory documents and would not have a positive

MINUTES CONTINUED FROM FEBRUARY 2, 2023

impact on the surrounding community and would not enhance the public health, safety, and general welfare as stated in the evaluation. It is recommended that this rezoning request be **Not Approved** and was seconded by Commissioner Byrd. The Board voted unanimously.

CLOSED SESSION

Commissioner Blackmon made a motion to go into Closed Session Pursuant to General Statute 143-318.11 (a) (6) for the Purpose of Discussing Personnel at 8:27 PM and was seconded by Commissioner Byrd. **The Board voted unanimously.**

RECONVENED

Commissioner Blackmon made a motion to go back into regular session at 8:47 PM and was seconded by Commissioner Nelson. **The Board voted unanimously.**

MANAGER'S REPORT

Town Manager Snow Bowden reminded the Board about the Town and State Dinner hosted by the NCLM on February 22nd at 5 PM. He asked anyone who planned to attend to please let Town Clerk Lauren Evans know as soon as possible.

On February 16th at 9 AM we will have an informal budget kick-off meeting to discuss goals and visions for the Town.

ATTORNEY'S REPORT

Town Attorney Tim Morris thanked the Board for allowing him to be the Town Attorney. He brought up his concern for the safety of people crossing the road to Triton and asked what could be done. He asked the Board if we could put out pedestrian crossing signs.

GOVERNING COMMENTS

Commissioner Byrd inquired whether Mr. Bowden had heard from Harnett County regarding the ditches.

Town Manager Snow Bowden stated he was supposed to meet with Dr. Fleming that week but he was sick. He will be rescheduling their meeting.

Commissioner Byrd asked that the Code Enforcement officer ride address the issue on Warren Road with people not cleaning up their yards. He also stated we needed to address the issue in a neighboring backyard, a pipe was replaced and now that the dirt has settled, it left a large hole. We asked that we take some dirt over there and fill it in.

MINUTES CONTINUED FROM FEBRUARY 2, 2023

Commissioner Nelson asked about our codes for dogs. He asked if we have a leash law.

Town Manager Snow Bowden stated we do have a leash law and no more than three in a house.

Commissioner Nelson stated there are three big dogs on his road, Morgan Street. They were going through his neighbor's trash and making a mess.

Town Manager Snow Bowden stated he would contact animal control.

Commissioner Nelson thanked Town Staff for all they do. He asked the Board to consider a 5% raise in our next budget.

Mayor Baker thanked Town Clerk Lauren Evans for making the Town Hall look more appealing. He thanked Staff and the Board for all the compassion shown during the passing of his mother.

Commissioner Blackmon thanked Town Attorney Tim Morris for the service he provides to the Board.

ADJOURNMENT

Commissioner Byrd made a motion to adjourn at 9:02 P.M. and was seconded by Commissioner Nelson. **The Board voted unanimously.**

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

ATTEST:

Randy Baker
Mayor

Lauren Evans
Town Clerk

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



	YTD			YTD	DIFFERENCE
	Jan-23	Jan-22			
Revenues					
CURRENT YEAR LEVY OF PROPERTY TAXES	1,082,376.00	913,700.00		168,676.00	
CURRENT YEAR MOTOR VEHICLE TAXES	92,906.00	90,850.00		2,056.00	
PRIOR YEAR TAXES / Penalties & Interest	7,343.00	38,397.00		(31,054.00)	
UTILITIES FRANCHISE TAXES	95,148.00	91,738.00		3,410.00	
ENTRY FEES	13,490.00	11,910.00		1,580.00	
SALES & USE TAX	577,921.00	513,055.00		64,866.00	
ZONING PERMITS/APPLICATIONS	9,975.00	7,685.00		2,290.00	
REFUSE COLLECTIONS FEES	265,486.00	269,700.00		(4,214.00)	
STORM WATER COLLECTION	36,537.00	36,788.00		(251.00)	
ALL OTHER REVENUES	747,578.00	458,361.00		289,217.00	
	\$ 2,928,760.00	2,432,184.00		496,576.00	
Expenditures					
GOVERNING BODY	14,842.00	12,963.00		1,879.00	
ADMINISTRATION	169,305.00	142,807.00		26,498.00	
NON-DEPARTMENTAL	210,581.00	259,552.00		(48,971.00)	
PLANNING & INSPECTIONS	29,729.00	9,703.00		20,026.00	
POWELL BILL-STREETS	11,200.00	8,438.00		2,762.00	
POLICE	552,204.00	524,031.00		28,173.00	
POLICE-SRO	40,017.00	36,787.00		3,230.00	
CONTRACT SERVICES-FIRE	233,187.00	193,699.00		39,488.00	
PUBLIC WORKS-ADMIN.	78,410.00	69,472.00		8,938.00	
PUBLIC WORKS-STREETS	191,839.00	174,665.00		17,174.00	
PUBLIC WORKS-SANITATION	324,058.00	165,961.00		158,097.00	
PUBLIC WORKS-STORM WATER	27,375.00	3,549.00		23,826.00	
RECREATION	193,412.00	191,655.00		1,757.00	
LIBRARY	9,582.00	38,035.00		(28,453.00)	
COMMUNITY CENTER	6,359.00	2,949.00		3,410.00	
	\$ 2,092,100.00	1,834,266.00		257,834.00	

BANK ACCOUNT BALANCES			
	YTD	Jan-23	YTD
		Jan-22	
CASH MANAGEMENT	2,687,204.85	2,252,841.89	
BB&T CASH IN BANK	857,548.81	700,403.35	
FIRST FEDERAL BUSINESS M	137,002.56	136,728.82	
FIRST FEDERAL MONEY MARKET	859,313.30	857,596.38	
Y-T-D INVESTMENT BALANCE IN GENERAL FUND ACCOUNTS	\$ 4,541,069.52		3,947,570.44
BB&T STATE FORFEITURE	2,005.47	4,246.64	
BB & T CAPITAL RESERVE/COMM. ENHANCEMENT	231,189.91	204,270.66	
FIRST FEDERAL CAP. RESERVE/GENERAL	2,386,365.11	2,351,657.11	
BB&T HEALTH RESERVE HRA ACCT.	18,782.22	10,176.67	
PRIEBE FIELD ACCT.	26,007.65	12,222.30	
AL WOODALL PARK IMPROVEMENTS	389,426.61	382,411.61	
AMERICAN RELIEF FUNDS: ARPA Grant	1,248,457.26	593,901.34	
Community Bld. Renovation: SCIF GRANT	93,114.12		
Y-T-D BALANCE RESTRICTED FUNDS	\$ 4,365,348.35		3,558,886.33
CUMULATIVE BALANCE FOR TOWN OF ERWIN	\$ 8,906,417.87		7,506,456.77

TOWN OF ERWIN
FINANCIAL SUMMARY REPORT
FOR MONTH OF January 2023



PRIDE FOR OUR FRIENDS

REVENUES					BANK BALANCES AS OF January '2023				
	ANNUAL BUDGET	Jan '23 ACTIVITY	ACTUAL TO DATE	Y-T-D % COLLECTED					
CURRENT YEAR LEVY OF PROPERTY TAXES	1,480,186.00	311,899.00	1,082,376.00	73.12%	NC Capital Mgt Trust - Cash Management				2,687,204.85
CURRENT YEAR MOTOR VEHICLE TAXES	187,985.00	13,538.00	92,906.00	49.42%	TRUIST - CASH IN BANK	*			857,548.81
PRIOR YEAR TAXES / Penalties & Interest	10,000.00	373.00	7,343.00	73.43%	FIRST FEDERAL PRESTIGE - BUSINESS MONEY MARKET				137,002.56
UTILITIES FRANCHISE TAXES	190,270.00	0.00	95,148.00	50.01%	FIRST FEDERAL PREMIUM - BUSINESS MONEY MARKET				889,313.30
ENTRY FEES	20,000.00	0.00	13,490.00	67.45%	Y-T-D INVESTMENT BALANCE IN GENERAL FUND ACCOUNTS				4,541,069.52
SALES & USE TAX	750,000.00	76,970.00	577,921.00	77.06%					
ZONING PERMITS/APPLICATIONS	13,000.00	400.00	9,975.00	76.73%	TRUIT - STATE FORFEITURE				2,005.47
REFUSE COLLECTIONS FEES	421,000.00	72,221.00	265,486.00	63.06%	TRUIT - CAPITAL RESERVE/COMM. ENHANCEMENT				231,189.91
STORM WATER COLLECTION	69,000.00	10,031.00	36,537.00	52.95%	FIRST FEDERAL CAP. - RESERVE				2,356,365.11
ALL OTHER REVENUES	1,352,298.00	105,929.00	747,578.00	55.28%	TRUIT - HEALTH RESERVE HRA ACCT.				18,782.22
					TRUIT - PRIEBE FIELD ACCT.				26,007.65
Total Revenues	4,493,739.00	591,361.00	2,828,760.00	65.17%	AL WOODALL PARK IMPROVEMENTS				389,426.61
					TRUIT - AMERICAN RELIEF FUNDS - (ARPA) Federal Grant				1,248,457.26
EXPENDITURES					TRUIT - Community Building Renovation - (SCIF) State Grant				93,114.12
GOVERNING BODY					Y-T-D INVESTMENT BALANCE RESTRICTED FUNDS				4,365,348.35
ADMINISTRATION	36,115.00	2,282.00	14,842.00	41.10%	CUMULATIVE BALANCE FOR TOWN OF ERWIN				8,906,417.87
NON-DEPARTMENTAL	349,273.00	43,548.00	210,581.00	60.29%					
PLANNING & INSPECTIONS	161,686.00	12,360.00	29,729.00	18.39%					
POWELL BILL-STREETS	177,000.00	5,200.00	11,200.00	6.33%					
POLICE	1,119,683.00	71,068.00	552,204.00	49.32%					
POLICE-SRO	70,706.00	6,756.00	40,017.00	56.60%					
CONTRACT SERVICES-FIRE	330,158.00	174,948.00	233,187.00	70.63%					
PUBLIC WORKS-ADMIN.	122,529.00	10,732.00	78,410.00	63.99%					
PUBLIC WORKS-STREETS	423,721.00	34,060.00	191,839.00	45.27%					
PUBLIC WORKS-SANITATION	751,244.00	27,793.00	324,058.00	43.14%					
PUBLIC WORKS-STORM WATER	57,000.00	2,000.00	27,375.00	48.03%					
RECREATION	494,175.00	33,171.00	193,412.00	39.14%					
LIBRARY	69,405.00	453.00	9,582.00	13.81%					
COMMUNITY CENTER	8,000.00	470.00	6,359.00	79.49%					
Total Expenditures	4,493,739.00	450,888.00	2,092,100.00	46.56%					
Y-T-D GENERAL FUND BALANCE INCREASE (DECREASE)									
					POWELL BILL BALANCE				
					\$				
									359,564.86

BUDGET ORDINANCE AMENDMENT
BOA 2023 – 03
FISCAL YEAR 2022-2023

BE IT ORDAINED by the Governing Board of the Town of Erwin, North Carolina that the following amendments are made to the annual budget ordinance for the fiscal year ending June 30, 2023.

Section 1. This Budget Ordinance Amendment seeks to Increase Revenues and Increase Expenses by \$59,436. This will recognize additional income for a Harnett County GRANT – Al Woodall Parking Lot paving project, and '21-'22 Return Workers Comp. Premium refund. This will allow the 2022-2023 Budget to be in balance.

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

Account	Description	Current Approp.	Increase/Decrease	Amended Appropriation
10-3650-070	Harnett Cty Grant-Al Woodall	-0-	(+) \$50,000	\$50,000
10-3350-000	Other Revenue	\$36,650	(+) \$ 9,436	\$46,086

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

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

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

Adopted this 2nd day of March 2023.

Randy L. Baker, Mayor

ATTEST:

Lauren Evans, Town Clerk

Erwin Board of Commissioners

REQUEST FOR CONSIDERATION

To: The Honorable Mayor and Board of Commissioners

From: Snow Bowden, Town Manager

Date: March 2, 2023

Subject: ZT-2023-001

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

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

Attachments:

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

ZT-2021-001

Revised 9-19-2014



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

Staff Only: Zoning Case # Z-2021-001
Fee: \$300 Check # MO Cash X
PB Recommendation: A D A/W Conditions
BOC Date: Decision: A D T A/W Conditions

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

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

Zoning change requested from R6/R10 to B2-~~C~~

If Conditional District, note conditions:

Harnett County Tax Map PIN - - ← in staff report
Property owner(s) of area requested and address(es)

See Attached

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

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

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

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

Dan Keppler 919-730-4067
Signature of Applicant Contact Number

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

PAID

FEB 03 2023

COPY

alke.icepple@gmail.com

TOWN OF ERWIN

20

Planned
0000
Monday
Feb 20th
@
7PM

public
hearing
on
March
2nd @
7PM



**REZONING MAP REQUEST
STAFF REPORT**

Case: ZT-2023-001

Snow Bowden, Town Manager

townmanager@erwin-nc.org

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

Planning Board: 02/20/2023

Town Commissioners: 03/02/2023

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

Applicant Information

Owner of Record:

Name: Dianna Barefoot Jackson

Address: 1434 Neills Creek Road

City/State/Zip: Lillington, NC 27546

Applicant:

Name: Daniel Keppler

Address: 721 Ancient Oaks Drive

City/State/Zip: Holly Springs, NC 27540

Property Description

Tract – 312 Moulton Springs Road

Harnett County Tax PIN 0597-51-3188.000

Acres 1

Zoning District- R-6 15.34% and R-10 84.66%

Tract – 316 Moulton Springs Road

Harnett County Tax PIN 0597-51-3059.000

Acres .90

Zoning District- R-6 15.3% and R-10 84.7%

Vicinity Map

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

Physical Characteristics

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

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

Services Available

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

Staff Evaluation

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

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

Staff Evaluation

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

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

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

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

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

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

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

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

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

Statement of Consistency

The requested rezoning to B2 is compatible with all of the Town of Erwin's regulatory documents and would not only have a positive impact on the surrounding community, but would enhance the public health, safety, and general welfare as stated in the evaluation. It is recommended that this rezoning request be **Approved**.

Or

Statement of In-Consistency

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















Attachments:

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

Harnett GIS

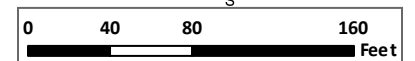
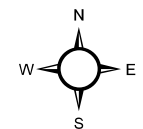
NOT FOR LEGAL USE



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

GIS/E-911 Addressing

February 6, 2023



1 inch = 94 feet **25**







Harnett County GIS

Harnett GIS

NOT FOR LEGAL USE

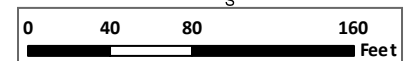
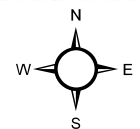


Harnett County GIS

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

GIS/E-911 Addressing

February 6, 2023



1 inch = 94 feet

26

Dianna Barefoot Jackson
1432 Neills Creek Road
Lillington, NC 27546

Kimber Group
PO Box 181
Erwin, NC 28339

Bobby and Shelby Bradshaw
PO Box 515
Erwin, NC 28339

NC DOT
1546 Mail Service Center
Raleigh, NC 27611

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

Town of Erwin
PO Box 459
Erwin, NC 28339

Linda Westbrook
309 Moulton Springs Road
Erwin, NC 28339

Daniel Keppler
721 Ancient Oaks Drive
Holly Springs, NC 27540



TOWN OF ERWIN

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

02/07/2023

Notice of a Public Hearing ZT-2023-001

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

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

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

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

Regards,

Snow Bowden
Town Manager

NOTICE OF PUBLIC HEARING

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

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

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

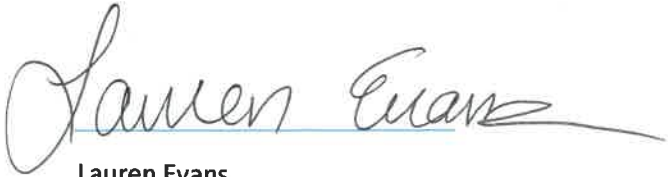
2/14,21/2023

Statement-of-Consistency

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

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

RJ Beasley
Planning Board Chair

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

Lauren Evans
Town Clerk

Statement-of-Consistency

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

Randy Baker
Mayor

Lauren Evans
Town Clerk

Statement-of-Inconsistency

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

Randy Baker
Mayor

Lauren Evans
Town Clerk



TOWN OF ERWIN

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

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

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

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

HARNETT COUNTY TAX ID #
06059714350009
06059714350008

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

02-08-2023 BY: TC

NORTH CAROLINA GENERAL WARRANTY DEED

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

Excise Tax \$146.00

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

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

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

THIS DEED made this the 08th day of February, 2023 by and between

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

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

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

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

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

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

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

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

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

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

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

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

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

BK 4181 PG 2642

DOC# 2023001909

Dianna Barefoot Jackson (SEAL)
Dianna Barefoot Jackson

SEAL-STAMP

NORTH CAROLINA
County of Harnett



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

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

Christine L. Avery
Notary Public

My commission expires: 10/22/26

EXHIBIT "A"
LEGAL DESCRIPTION

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

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

Adopted this the 2nd day of March 2023.

Randy Baker,
Mayor

ATTEST:

Lauren Evans
Town Clerk