

**THE ERWIN BOARD OF COMMISSIONERS
MAY 2023 REGULAR MEETING
THURSDAY, MAY 4, 2023 @ 7:00 P.M.
ERWIN MUNICIPAL BUILDING BOARDROOM**

AGENDA

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

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

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

Each speaker is asked to limit comments to 3 minutes, and the requested total comment period will be 15 minutes or less. Citizens should sign up prior to the start of the meeting. Please provide the clerk with copies of any handouts you have for the Board. Although the Board is interested in hearing your concerns, speakers should not expect Board action or deliberation on the subject matter brought up during the Public Comment segment. Thank you for your consideration of the Town Board, staff, and other speakers. §160A-81.1
5. **PUBLIC HEARING**
 - A. ZT-2023-002 (**Page 39**)
 - B. SU-2023-002 (**Page 55**)
6. **MANAGER’S REPORT**
7. **ATTORNEY’S REPORT**
8. **GOVERNING BODY COMMENTS**
9. **ADJOURNMENT**

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

ERWIN BOARD OF COMMISSIONERS**REGULAR WORKSHOP MINUTES****MARCH 27, 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, March 27, 2023, at 6:00 P.M. in Erwin, North Carolina.

Board Members present were: Mayor Randy Baker and Commissioners Alvester McKoy, Charles Byrd, David Nelson, and Timothy Marbell.

Board Members absent were: Mayor Pro Tem Ricky Blackmon and Commissioner William Turnage

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 Nelson gave the invocation.

Commissioner Byrd led the Pledge of Allegiance.

AGENDA ADJUSTMENT/APPROVAL OF AGENDA

Town Manager Snow Bowden requested to add Item B under Closed Session for the purpose of Attorney-Client Privilege.

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

NEW BUSINESS**Public Comment from Seth Gundersen**

Mr. Gundersen came forward and addressed the Board. He expressed his frustrations with the increased criminal activity, large homeless population, trash on the rail trail, and the difficulty for businesses to come to Erwin.

Mayor Baker thanked Mr. Gundersen for coming and expressing his views to the Board. He stated he wished we had the Board Room full every meeting night of people just like Mr. Gundersen. There is a lot of potential in Erwin and with his day job he sees the importance of Planning and the needed input on our Comprehensive Land Use Plan. Citizen participation is vital to the Town and the issues Mr. Gundersen brought before the Board need to be addressed and the Board along with staff will look for solutions.

MINUTES CONTINUED FROM MARCH 27, 2023

Town Manager Snow Bowden stated he has requested funds to update our UDO next year following the Land Use Plan.

All-Way Stop Guidance

Town Manager Snow Bowden presented the Board with a proposal from WithersRavenel to help the Town establish guidelines for the installation of all-way stop signs. There will be a set of parameters to evaluate intersections for the need for all-way stop signs. They will only look at future development, they will not look at our existing stop signs.

Town Engineer Bill Dreitzler stated the proposal is a fair quote.

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

ADA Transition Plan

Town Manager Snow Bowden stated we need to look into getting an ADA Transition Plan, being that we are on the edge of having 50 employees. We received a quote from WithersRavenel for \$27,350. He originally requested 5,000 in the budget for a self-assessment plan which was not what we needed. Once we approve the ADA Plan we will also need to approve additional funds for upgrades to any of our facilities to make them more accessible to the public.

The consensus of the Board was to instruct Town Manager Snow Bowden to seek additional quotes and bring them back to the Board.

Erwin Community Building

Town Manager Snow Bowden informed the Board that we received an estimated project cost of \$127,000 for the updates to the Erwin Community Building. With that threshold, we will have to put the project out for formal bidding. We may need to bring it back to the Board to take funds out of the Community Enhancement Fund or cut back on some of the plans such as less fancy appliances.

Commissioner Byrd stated the Community Building used to be one of the most useful buildings in Town. Any money we spend on the Community Building, whatever we have to do, will come back to us in spades. People will go back to using the Community Building and that was a big deal to him.

Town Manager Snow Bowden stated he needs some direction, if we want to cut back we can, if we want to put more money in we can. The Community Building really needs a facelift but we can do some stuff in-house such as rip the stove out and small things.

Commissioner Byrd stated you get what you pay for and we should not make any shortcuts when it comes to the Community Building. Whatever we need to do to make the Community Building look nice, he is on board. That building can be used for wedding showers, birthday parties, receptions, and all types of stuff.

MINUTES CONTINUED FROM MARCH 27, 2023

Mayor Baker stated if we are going to present the Community Building to the public, it does not have to be the Taj Mahal but it does need to be fully functionable and the needs of the facility are met. We do have funding available through Community Enhancement but that is not a Community Enhancement Project. \$100,000 of this project was sent to us in a grant. This is an opportunity for the Board to come in and match the grant. He did not want Erwin to be known for only using what is given to us; we need to take an interest in our own property and our facilities.

Town Manager Snow Bowden stated Staff will put it out for bids and bring it back to the Board.

Contract for Janitorial Services

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

West K Street

Town Engineer Bill Dreitzler came forward and addressed the Board. He stated this was a tough one. He asked if any of the Board Members were aware of the erosion on West K Street, it is pretty severe. There was some pipe separation on a covert under West K Street. The erosion starts well outside of our right of way. It has expanded greatly since he first went out there when Town Manager Snow Bowden and Public Works Director Mark Byrd called him. They put a formal bid form together and set it out to contractors who do that kind of work. It took those contractors two or three weeks with their schedules before they could come and look at it. The problem had doubled since the pictures were sent out in the bids.

Commissioner Byrd asked where it was exactly.

Town Manager Snow Bowden stated it was between the 300 and 400 blocks.

Town Engineer Bill Dreitzler stated he modified the bid form for the complete change in the erosion that had taken place and contractors went out again. It was recommended to him that this project will need to be a time and materials job because it is ever-changing. We just do not know the quantities. He said at that time, they were looking at 200,000 cubic yards of imported fill material and 220 tons of class 2 riprap, and then we will have to video the covert. If we actually have damage to the covert the number he was giving the Board at the Workshop will go up much higher. They are looking at an estimated \$300,000 to make this fix. By the time we get two or three heavy rains, we are probably going to start losing K Street. We have got to address it but it is not an easy fix and it is going to be an expensive fix. We are looking at a 3rd version of a bid form so that we can get competitive prices. He liked the suggestion of time and materials but if we approve that and it comes to the Board at a Meeting, he cannot promise it will be \$300,000. We might get lucky and it is less than that or we might spend \$400,000. The other option would be to modify a bid form where we do a unit price but again, that is if they get in there and the quantity is higher than that which will increase the price. He was looking for direction.

Mayor Baker asked what the cause of this problem was.

MINUTES CONTINUED FROM MARCH 27, 2023

Town Engineer Bill Dreitzler replied that the most likely cause was a separated storm pipe. We just did not know where yet. We could see a separated section of pipe that was outside of our Right of Way but there was a good chance that it was more than just that one piece that separated and that may have just been an aftermath but it is creeping into our Right of Way. We will have to have an access easement onto the private property where the majority of the erosion was but that has to be filled to fix the problem. He did not know if we could get a property owner of a vacant piece of property to be able to put up those types of funds to fix the problem and that is our covert until West K Street.

Mayor Baker stated he knew the answer to this question but he wanted to go on the record to ask if nothing is done, what will happen?

Town Engineer Bill Dreitzler stated we will eventually have barricades on K Street because it is going to work its way into the ruin.

Mayor Baker verified that essentially we will lose a Municipal Street which is the responsibility of this Town.

Town Engineer Bill Dreitzler stated that is correct, K Street will eventually cave in.

Town Manager Snow Bowden stated that is why it is important to be good stewards of the Tax Payer's money to build up our reserve so that we have the funds to fix problems like this when they arise.

Multiple Board Members questioned whether some responsibility would fall on the property owner.

Town Attorney Tim Morris stated it is possible but you end up getting a \$300,000 judgment on a property owner and the property isn't worth that. It depends if the Property Owner was put on notice and they could have done something reasonably to prevent the erosion but you have an act of God, the rain. The short answer is I don't know, maybe, but you would have some upfront expenses to chase down, ultimately a piece of paper on a problem you are going to have to fix anyway and shut the street down.

Mayor Baker stated if the Town goes in there and spends a quarter of a million dollars to fix the problem, the property owner will need to sign that property over to the Town.

Commissioner Byrd stated he agreed.

Commissioner Nelson asked if we do what the contractors are recommending, will that be a permanent fix?

Town Engineer Bill Dreitzler confirmed it would be a permanent fix.

Discussion continued among the Board.

Town Engineer Bill Dreitzler stated it is our covert under K Street, we don't know what caused the separation. This is not a cut-and-dry situation. It is a combination of private property and a Town-owned culvert.

MINUTES CONTINUED FROM MARCH 27, 2023

Commissioner Byrd stated the property owner should be liable in some way or just sign the property over to the Town.

Town Attorney Tim Morris stated we don't know what the problem is or if we would get countersued for them saying if we fixed the culvert, then we wouldn't have the sinkhole.

Mayor Baker stated we need to know what caused the problem. Was the problem created on our right of way? Did we through lack of maintenance or oversight create the problem and adversely effected it downstream? We have got a situation that has to be addressed but what is the problem and where did it originate from?

Town Engineer Bill Dreitzler stated we will not know until the contractors bring their equipment and start pulling dirt away so that we can video the culvert.

Mayor Baker stated this has to be addressed but the issue now is coming up with the funding. We have several grant requests to address these issues. He did not know if it was too late but we made a plea to our legislator for stormwater funding.

Commissioner Marbell stated first we need to find out what the problem is because if it is not the fault of the Town, we can force the property owner to sign the property over to the Town.

Mayor Baker stated between our Town Engineer, Town Manager, and Town Attorney they are going to have to come together to create a plan moving forward.

Town Engineer Bill Dreitzler reiterated that we have to start the process of the repair to figure out what caused the issue.

Mayor Baker asked if the information can be obtained by working within our right of way or will they have to go on private property.

Town Engineer Bill Dreitzler stated we will have to go on private property. We have already prepared a temporary easement document.

Town Manager Snow Bowden stated he can see if the property owner is willing to sign the property over to the Town. If they are willing to do so, we will have to do a title search.

Mayor Baker asked Town Engineer Bill Dreitzler how he rated the safety of this street, does it need to be blocked off now?

Town Engineer Bill Dreitzler stated it needed to be monitored, he did not feel it needed to be blocked at that time. We have able 8-10 feet before we get to the edge of the pavement.

Commissioner Byrd stated that is what you can see. What is undermined was what worried him.

Town Engineer Bill Dreitzler stated at the bare minimum we need more aggressive barricades in the shoulder around it.

Mayor Baker directed the Town Engineer, Town Manager, and staff, along with the proposed contractors to keep an eye on the safety and report to the Board with any urgent matters. From a safety standpoint, we cannot take any shortcuts or any delay in action that will result in any type of personal injury.

MINUTES CONTINUED FROM MARCH 27, 2023

Town Engineer Bill Dreitzler stated he recommended not putting it on Public Works Staff but the area should be inspected twice a day and particularly after every rain.

Commissioner Nelson asked if Town Engineer Bill Dreitzler felt it is in connection with the issue on J Street.

Town Engineer Bill Dreitzler responded that he did not. He went on the record that his professional opinion is that the damage occurred because of the damage to the metal culvert pipe which had been there a very long time. Where the damage started whether it was a separation under the road, that is what we do not know.

The consensus of the Board was to get the issue taken care of now and give Town Manager Snow Bowden the authority to put out bids.

Town Engineer Bill Dreitzler stated because this is a culvert under a Town Street, we may be able to use Powell Bill Funds.

Proclamation of Appreciation for Medicaid Expansion

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

SU-2023-001

Town Manager Snow Bowden made the Board aware that the Town received a Special Use Application to operate a manufactured home retail center at 413 East Jackson Blvd. We will have a quasijudicial hearing at our Regularly Scheduled Meeting in April.

No comment or discussion was had.

Mayor Baker informed the Board that he will not be in attendance at the April or May Regularly Scheduled Board Meeting. He had an obligation at the Campbell Mini Medical School.

CLOSED SESSION

Commissioner Byrd made a motion to go into Closed Session Pursuant to General Statute 143-318.11 (a) (6) for the Purpose of Discussing Personnel and Attorney-Client Privilege at 7:27 PM and was seconded by Commissioner Nelson. **The Board voted unanimously.**

RECONVENED

Commissioner Byrd made a motion to go back in regular session at 8:16 PM and was seconded by Commissioner Nelson. **The Board voted unanimously.**

MINUTES CONTINUED FROM MARCH 27, 2023**MANAGER'S REPORT**

Town Manager Snow Bowden informed the Board that:

- We are making good progress on our Land Use Plan. We had Stakeholder Interviews last week and we got a lot of good feedback. Please encourage people to fill out the surveys, we have links all over Town Hall and on the website. We are going to have our first public meeting on May 9th. We are partnering with the Library to have a “Taco ‘about our Town” event prior to the meeting to encourage younger families to bring their kids.
- The Board received a rough draft of the budget in preparation for the Budget Workshop.
- IPads have been ordered and we are hoping they will arrive within the week.

ATTORNEY'S REPORT

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

GOVERNING COMMENTS

Commissioner McKoy stated it was a pleasure to work with his colleagues.

Commissioner Byrd stated he appreciated everyone for all they do and he loved Erwin. He asked how long we gave the issue on Warren Rd.

Town Manager Snow Bowden stated we gave them until the middle of April, if it is not cleaned up then we will take them to court. We have a lot of problem properties in Town and he has requested more funds to clean up the Town in next year's budget.

Commissioner Byrd inquired about the event for the Fourth of July.

Town Manager Snow Bowden stated something was mentioned at the Budget Workshop and he planned to discuss it for the next calendar year.

Commissioner Nelson thanked everyone for all their hard work. He asked everyone to pray for our young people, our Country, and for Nashville where the kids were killed.

Mayor Baker stated he and his wife were looking at the devastation in Mississippi and she asked him what they were going. He remembered when Sherriff Wayne Coats reached out to different organizations and had someone furnish a truck. The Board may want to look at creating donation centers. It pays to be thankful. He thanked Staff. He stated he will be out of Town with his Father the next day to have some procedures done. He had just found out that on April 13th, he will be going into the hospital for a procedure. He asked that the Board remember their fellow Commissioner, Billy Turnage, keep our thoughts and prayers his way, and go visit him if you can.

MINUTES CONTINUED FROM MARCH 27, 2023**ADJOURNMENT**

Commissioner Byrd made a motion to adjourn at 8:26 P.M. and was seconded by Commissioner Nelson. **The Board voted unanimously.**

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

ATTEST:

**Ricky Blackmon
Mayor Pro Tem**

**Lauren Evans
Town Clerk**

ERWIN BOARD OF COMMISSIONERS**BUDGET WORKSHOP MINUTES****MARCH 30, 2023****ERWIN, NORTH CAROLINA**

The Board of Commissioners for the Town of Erwin with Mayor Randy Baker presiding held its first Budget Discussion for FY 2023-2024 in the Erwin Municipal Building Board Room on Thursday, March 30, 2023, at 9:00 A.M. in Erwin, North Carolina.

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

Board Member absent was: Commissioner William Turnage.

Town Manager Snow Bowden, Town Clerk Lauren Evans, and Finance Director Linda Williams were present.

Mayor Baker called the meeting to order at 9:00 A.M.

Commissioner McKoy gave the invocation.

Commissioner Nelson led the Pledge of Allegiance.

AGENDA ADJUSTMENT/APPROVAL OF AGENDA

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

DISCUSSION OF PROPOSED FY 2023-2024 BUDGET

Town Manager Snow Bowden informed the Board that this Proposed Budget is a rough draft and he was looking for feedback and direction for moving forward. He stated Police Chief Jonathan Johnson has a project he would like to present to the Board that was requested after the preparation of the Proposed Budget.

Police Department

Police Chief Jonathan Johnson came forward and addressed the Board. He stated the idea was pitched by a couple of his officers the possibility of getting a K9 to help with drug enforcement and tracking suspects. Of course, money is a big issue and he informed his officers to approach businesses to see if any are willing to donate. The officers did a detailed search and he was looking for the blessing of the Board to continue approaching businesses and individuals and also look into grant opportunities totaling \$10,000 which would go a long way. He seeks advice from the Four Oaks Police Chief who went about getting their K9 through the same steps. K9s last about 6-8 years and Four Oaks has had great success with theirs. There is a new law that restricts a law enforcement officer from waiting on a K9 to arrive. Harnett County and Dunn loan us their K9 when needed but it would be nice to have our own. There is a company in Four Oaks that offers the K9, equipment for the K9, and training for the

MINUTES CONTINUED FROM MARCH 30, 2023

K9 and Officer totaling \$17,500. There will then be an estimated annual amount of \$3,000 per year which covers dog food, vet visits, etc. We will also need to upfit our vehicle and that cost is estimated to be \$7,146. We currently have 26 businesses proposing to donate to the cause and 4 are waiting to hear back from corporate. One of our Investigators, Cody Norris has volunteered to keep the K9 and he lives in Erwin so his response time would be minimal.

Commissioner Blackmon stated a K9 would be great for Erwin.

Town Erwin informed the Board that funding for the K9 was not in the proposed budget. He stated we can create a fund.

The consensus of the Board was to direct Town Manager Snow Bowden to include funds for the K9 in our 2023-2024 budget.

Chief Johnson left the meeting at 9:18 AM.

Capital Purchases and Open Discussion

Town Manager Snow Bowden informed the Board of the proposed 10% increase in the cost of health care and property and liability insurance. Also proposed a 7% increase in the fees for GFL based on their COLA from the Federal Government. His biggest concern was sales tax if the economy tanked but was currently at record levels. ARP was a good chunk of the budget. He stated the following items were included in the proposed budget:

- Funds for a full-time planner
- Upfit for one new vehicle, UTV, and ballistic shield for the Police Department
- New truck and new gator for the Recreation Department
- 2 Service Trucks for the Public Works Department
- Repurpose the old limb truck to use as a backup truck for Sanitation

Town Manager Snow Bowden proposed a 3% COLA for all full-time employees and a 3% merit raise after January 1st.

Commissioner Nelson asked if we could offer a 5% COLA.

Town Manager Snow Bowden stated he did not want to set the future Boards up to be at a crossroads figuring out how to pay for salaries. Property tax is pretty consistent but you just never know about sales tax. He would do his best to fit it into the budget but he felt very confident with the 3% COLA and 3% Merit which would be a 6% in the fiscal year.

Commissioner McKoy stated all Town Staff is essential to the Town and we need to do all we can to keep good people working for Erwin.

County Commissioner, William Morris, was present in the audience. He stated County is running into the issue of keeping employees. The County Board has concluded that employee retention is cheaper than employee recruitment. Before excusing himself from the meeting, he informed the Board that Harnett County will be funding new radios for all Police Departments in the county.

MINUTES CONTINUED FROM MARCH 30, 2023

The Town Board asked County Commissioner Morris to pass along our sincere gratitude to the County Board.

Mayor Baker stated the Town needs to look into hiring a Building Inspector in the future budget.

Commissioner Blackmon stated the Board needed to only use ARP funds for capital purchases. We should not use it towards any reoccurring expenses. He stated if we truly need a Planner, then we need the position but he wanted to remind the Board that position will not bring in revenue but that is what you have to do if you want to provide that level of service to our citizens even if we have to increase the levy a penny or two to offset that cost.

Town Manager Snow Bowden stated the proposed budget includes funds for a full-time planner and their benefit as well as \$50,000 to update our UDO.

The Board's consensus was to scale back on capital purchases and with the exception of the Planner position, not add any new positions to this fiscal year budget. They wanted to make taking care of our current employees a top priority. Town Manager Snow Bowden was instructed to see if he could make a 5% COLA and 5% Merit Raise after January 1st work in the Budget or at least a 5% COLA and 3% Merit Raise after January 1st. Increasing the salary for the Planner Position is needed in order to hire a qualified person.

The Board took a 10-minute break from 10:12-10:22 AM.

Town Manager Snow Bowden informed the Board that the Town planned to apply for the Golden Leaf Stormwater Planning Grant, we have also sent Representative Penny some budget requests for stormwater, parks, and downtown project. He knew everyone is waiting and wondering what is going to happen to the old business complex, as the new owners fix the building up hopefully it will bring in more property tax and help us grow as a Town. As HWY 421 develops, the more commercial businesses we can get, the more property tax we will get. We have a hopeful future in Erwin.

The Board discussed the potential for Erwin with the proposed HWY 421 overlay.

Town Manager Snow Bowden stated the Powell Bill will stay the same with \$150,000.

Mayor Baker asked how long Cloudwyze anticipated renting that space from the Town.

Town Manager Snow Bowden stated he would reach out to them to verify.

Public Works

Mayor Baker stated if we plan to relocate the Public Works building, we need to be serious about it and put within our long-term goals. If we don't plan to relocate the building, the fence has to be fixed. The building looks like the worst building in Town. We need designs if we plan to move forward with it and a feasibility study.

MINUTES CONTINUED FROM MARCH 30, 2023

Commissioner Blackmon stated that staff needed to speak with an architectural firm that does Public Works type of buildings, send them an RFP out to see what they will charge, they will come in and do a feasibility study, they will come up with a draft of how much square footage is needed, and provide an estimated cost.

Commissioner Byrd stated if the Town plans to eventually bring trash pickup back in-house, we will need space for that as well.

Discussion continued among the Board.

Mayor Baker stated we wait for the study, if it comes back and the cost is out of our reach right now then we take the funding we have and invest in fixing the current Public Works facility to make it more secure and more presentable.

The consensus of the Board was to put money in the budget for a Feasibility Study in the current budget year. Staff will prepare a Budget Amendment.

Parks and Recreation

Town Manager Snow Bowden stated the biggest thing in Parks and Recreation, aside from capital purposes, is that we will have to replace all of the football helmets this year which will cost about \$8,000.

Commissioner Nelson stated Parks and Recreation needs a new gym.

Commissioner Blackmon asked if we ever spoke with the owners of the property so that we could gain access to Field 4.

Town Manager Snow Bowden stated he spoke with the owners and they are open to keep the conversation going. He did send a request to Representative Penny for funds for Park expansion. As for the new gym, he can look into doing another PARTF Grant for a new gym in the future. He did include funds to replace the roof of the current gym in the budget.

Mayor Baker stated we can replace the roof in the FY 2023-2024 budget and look at getting a new gym in 5-10 years.

Commissioner McKoy stated he would like to see a quote for replacing the concrete stairs at W.N. Porter Park.

Commissioner McKoy expressed his concern for children playing in the water in the ditch at W.N. Porter Park.

The consensus of the Board was to place fencing on either side and put up a sign that says “No Trespassing” or “No fishing or swimming.”

MINUTES CONTINUED FROM MARCH 30, 2023**Library**

Town Manager Snow Bowden stated this is the last year we will have to pay the County for the library. The only cost the Town will have will be general maintenance of the building and utilities. He stated we had some issues with the current budget not know what to budget for but we will be coming before the Board in the next month or so to get the current budget cleaned up. Angela is estimating a little over \$50,000.

Mayor Baker stated we need to increase funding for the maintenance of all of our buildings. Town Hall is in need of groundskeeping. If we take an interest in our own Town, maybe our citizens will do the same.

Finance Director Lind Williams left the meeting at 10:56 AM.

Community Building

Town Manager Snow Bowden stated he left the Community Building as is for now until June with we have a better idea of the cost and can make a decision on what we want to do with the grant. Once we renovate the building, we increase the rental price and bring in additional revenue.

Discussion of Current 2022-2023 Budget

Town Manager Snow Bowden stated revenues are higher than expected and expenditures are where they need to be. Other than the few issues with the library we need to address, we are in good shape.

Mayor Baker stated as for the Depot and the whole project area, we put in funding with the State but if the State does not come through, what is our plan? The process has got to start somewhere.

Commissioner Byrd stated he has been very vocal about it. He is 100% against rebuilding the depot. He is all for using salvageable components for something better.

Commissioner Nelson stated he would feel better if we put in a metal structure which would be cheaper for the taxpayers.

Commissioner Blackmon stated he did not think a metal building would be cheaper because you would have to tear down what is already there. We would be better off to use the existing foundation and build on it.

The Board agreed to use the existing foundation and build on it. Moving forward with the downtown project would be great for Erwin.

Mayor Baker informed the Board that he would like to have an Employee Appreciation Day for our employees and their family. We can get a food truck, ice cream, and some blow-ups for the kids. He would also like to see the Board accept a certification incentive policy. Our employees are our greatest asset and we need to do everything we can to show our appreciation for our employees.

MINUTES CONTINUED FROM MARCH 30, 2023

Town Manager Snow Bowden stated a Fourth of July event was mentioned at our last budget discussion but we do not have the funds to plan the event this fiscal year. He stated along with the Chamber, we will plan to have the event next year.

Discussion continued among the Board.

ADJOURNMENT

Commissioner Byrd made a motion to adjourn at 11:35 A.M. and was seconded by Commissioner McKoy. **The Board voted unanimously.**

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

ATTEST:

Ricky Blackmon

Mayor Pro Tem

Lauren Evans

Town Clerk

ERWIN BOARD OF COMMISSIONERS

REGULAR MINUTES

APRIL 6, 2023

ERWIN, NORTH CAROLINA

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

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

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

Town Manager Snow Bowden, Town Clerk Lauren Evans, Town Attorney Tim Morris, Town Engineer Bill Dreitzler, and Code Enforcement Officer Chris Jones were present.

Due to a lack of quorum, the Board waited for a member to arrive. Mayor Pro Tem Blackmon called the meeting to order at 7:08 PM.

Commissioner McKoy gave the invocation.

Commissioner Byrd led the Pledge of Allegiance.

AGENDA ADJUSTMENT/APPROVAL OF AGENDA

Town Manager Snow Bowden requested to add 2022-2023 Street Resurfacing Recommendation from Town Engineer Bill Dreitzler as Item A under New Business after Public Hearing and move the rest of the agenda items down a number.

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

CONSENT

Commissioner McKoy made a motion to approve **(ITEM A)** Minutes Regular Budget Discussion on February 16, 2023 **(ITEM B)**) Minutes Regular Meeting on March 2, 2023 **(ITEM C)** All-Way Stop Guidance **(ITEM D)** Contract for Janitorial Services **(ITEM E)** Proclamation of Appreciation for Medicaid Expansion and was seconded by Commissioner Nelson. **The Board voted unanimously.**

MINUTES CONTINUED FROM APRIL 6, 2023

PUBLIC COMMENT

Annie Elliot of 727 N 16th Street came forward and addressed the Board. She expressed her concern for her neighbors not rolling their cans back to their homes after being serviced. She stated cans are in the streets or turned over in the streets and someone is going to hit the cans. Also, the ditches on West N Street need to be cleaned out because the water is not draining. She asked the Board to take a tour of the Town. The Town is going downhill. He asked that the Town send out letters.

Town Manager Snow Bowden stated we can tag the cans.

Mayor Pro Tem Ricky Blackmon stated we could put notices on the water bills.

PUBLIC HEARING

SU-2023-001

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

Town Manager Snow Bowden stated the Town received an application for a Special Use Permit for the property at 413 East Jackson Blvd. The applicant wants to operate a manufactured home retail center which will require an outdoor storage facility. They plan to use the existing office as an office. He received an email from DOT that they approved their driveway.

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

Applicant, Cathy Parker, came forward and was sworn in by Town Clerk Lauren Evans.

Ms. Parker is the Construction Manager of Cavco Homes. She stated they wanted to operate the sale of approximately twenty manufactured and modular homes on the lot for show.

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

No one came forward.

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

No one came forward.

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

Commissioner McKoy made a motion in the affirmative, seconded by Commissioner Byrd, and **unanimously approved by the Board** that the use requested is listed among the special uses in the district for which the application is made.

- Reasoning: Outdoor storage of equipment requires a special use permit.

MINUTES CONTINUED FROM APRIL 6, 2023

Commissioner McKoy made a motion in the affirmative, seconded by Commissioner Byrd, and **unanimously approved by the Board** that the requested use is essential or desirable to the public convenience or welfare.

- Reasoning: This company will have modular and manufactured homes as an option. There is a serious need for affordable housing at the moment.

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

Commissioner McKoy made a motion in the affirmative, seconded by Commissioner Byrd, and **unanimously approved by the Board** that 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. This land use is intended for commercial uses that have a more regional draw that could potentially serve residents outside the immediate area.

Commissioner McKoy made a motion in the affirmative, seconded by Commissioner Byrd, and **unanimously approved by the Board** that adequate utilities, access roads, drainage, sanitation and/or other necessary facilities have been or are being provided.

- Reasoning: This is an existing site that has had similar uses in the past. The building already has the proper utilities installed in it.

Commissioner McKoy made a motion in the affirmative, seconded by Commissioner Byrd, and **unanimously approved by the Board** 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: The applicant would need to obtain a North Carolina Department of Transportation (NCDOT) drive-way permit.

Commissioner McKoy made a motion in the affirmative, seconded by Commissioner Byrd and **unanimously approved by the Board** 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: The applicant will need to install the proper landscaping buffer and make improvements to the parking lot. There will need to be at least ten (10) parking spaces for customers. Plus additional parking spaces for employees and/or a company vehicle.

Commissioner McKoy made a motion to recommend that the proposed special use application meets all the Findings of Fact in the Affirmative, the proposed amendment is consistent with those documents that constitute the officially adopted land development plan and other applicable plans, and the approval of SU-2023-001 Special Use Application to operate a manufactured home retail center at 413 East Jackson BLVD (HC Tax PIN # 1507-23-5569.000.) and was seconded by Commissioner Nelson. **The Board voted unanimously.**

MINUTES CONTINUED FROM APRIL 6, 2023

NEW BUSINESS

2022-2023 Street Resurfacing Recommendation

Town Engineer Bill Dreitzler came forward and presented his recommendations for the 2022-2023 Street Resurfacing. We received three bids from Highland Paving Company, Johnson Brothers Utility & Paving, and Barnhill Contracting Company. Johnson Brothers Utility & Paving was the lowest bidder at \$120,238.20. He pointed out to the Board that L Street was removed from the bid because the owners of the units resurfaced a good section of L Street when resurfacing their parking lot. He will go back out and reevaluate the parts of L Street that were not resurfaced which would have slowed down the process of the bid. He also did not include L Street to save a little bit of Powell Bill funding for addressing the issue on K Street. He recommended awarding Johnson Brothers Utility & Paving.

Commissioner Byrd made a motion to accept Town Engineer Bill Dreitzler's recommendation and award to Johnson Brothers Utility & Paving in the amount of \$120,238.20 and was seconded by Commissioner Nelson. **The Board voted unanimously.**

MANAGER'S REPORT

Town Manager Snow Bowden informed the Board that:

- We have received some complaints about the condition of HWY 217 just past the Supermart before you get to the Cape Fear River Park. NCDOT told him that they were going to look into it. There appears to be a water leak. We were told by Harnett Regional Water that there is no leak. It might be a natural spring but he was not too sure. But it is a NCDOT road so they will get it fixed.
- This past Monday the Harnett County Board of County Commissioners approved using some of their American Rescue Plan funds to cover replacing the radios for the municipal police departments. The radios need to be replaced to work on the new network. He just wanted to express his gratitude to the Harnett County Board of Commissioners for helping us with these radios. Just replacing the radios for the Erwin Police Department was going to cost us a little over 200K.
- We are going to get an RFP put together for a feasibility study to relocate our Public Works building. We have not had a lot of luck finding any sample proposals from similar municipalities. But he hoped to have some quotes to discuss at our next workshop.
- We have been working on the proposed budget based on the feedback he received at our last workshop meeting. Thank you for the feedback. He hoped to schedule another meeting to discuss the budget sometime in May before we have the public hearing in June.
- Next week he has a meeting with our local rep with the U.S. Economic Development Association to discuss potential grant opportunities for the new owners of the former Erwin Business Complex/Mill. We are trying to help the new owners as much as possible.
- We are hoping that we will be able to show you are updated website at our next workshop meeting. We will need to make a few edits and finish building it out. This has taken longer than expected. He hoped that everyone will be happy with the updated website.

MINUTES CONTINUED FROM APRIL 6, 2023

- We are making some good progress on the updates to our Land Use Plan. If you have not already completed the survey he sent out a few weeks, please complete it. If you need any help with completing it online please let him know. We can print some surveys off and have you complete them the old fashion way. Please encourage your friends and family to complete this survey. We need as much feedback as possible. We are having our first public meeting on May 9th from 5 to 7 PM at the Erwin Town Hall. The Erwin Public Library is helping us out with this meeting. They will host a meeting from 4-5 PM at the Library to help encourage people with young families to bring their kids.
- Thank you for letting me be your Town Manager.

Mayor Pro Tem Ricky Blackmon informed everyone that he received a call that the water tower dropped again. The Town may have some low pressure. There may be a leak underground unless there was a valve shut off by mistake.

ATTORNEY'S REPORT

Town Attorney Tim Morris thanked the Board for allowing him to be the Town Attorney. A lot of people have lived but only one has risen, enjoy your Easter.

GOVERNING COMMENTS

Commissioner Nelson stated he appreciated everything the Police do to keep our streets clean. He thanked Town Staff. Everyone is doing a good job.

Commissioner Byrd stated he echoed Commissioner Nelson's comments. Our Police Department does a phenomenal job and when he reaches out to Town Staff they always answer his questions. He appreciated citizens coming out to be a part of our Meetings.

Commissioner Marbell stated he echoed all the comments before him.

Commissioner McKoy stated he wanted to reiterate the conversation we had about the Porter Park steps, he felt a ramp would be better. He asked Town Engineer Bill Dreitzler if he could also look at Womack and Allen Drive when he goes to look at the ditches on N Street. He thanked everyone for coming out to our Board Meetings. When citizens show up, it makes a difference.

Mayor Pro Tem Blackmon stated he echoes everyone's comments about our Staff and the wonderful job they do. He asked everyone to please continue keeping Commissioner Turnage in our prayers while he is recuperating at Harnett Woods. He thanked everyone for coming out to the Board Meeting. Citizens know more about their area than a lot of people do and this is why we have these meetings. It is the time for citizens to come up, talk to the Board and ask questions. Anything the Board can do to help, we surely will.

MINUTES CONTINUED FROM APRIL 6, 2023**ADJOURNMENT**

Commissioner McKoy made a motion to adjourn at 7:34 P.M. and was seconded by Commissioner Byrd. **The Board voted unanimously.**

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

ATTEST:

Randy Baker
Mayor

Lauren Evans
Town Clerk



TOWN OF ERWIN

P.O. Box 459 • Erwin, NC 28339
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Mayor
Randy L. Baker
Mayor Pro Tem
Ricky W. Blackmon
Commissioners
Alvester L. McKoy
Timothy D. Marbell
Charles L. Byrd
David L. Nelson
William R. Turnage

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

Section 1: Purpose

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

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

Section 2: Receipt of Apple iPad

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

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

Section 3: Responsibility and Care of the iPad

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

Section 4: Software on the iPad

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

Section 5: Acceptable Use

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

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

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

Section 6: Return of the iPad

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

Section 8: Compliance with Policy

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

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

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

Mayor Randy Baker

Signature

Date

Witness:

Lauren Evans, Town Clerk

Signature

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

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

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Mayor Pro Tem Ricky Blackmon

Signature

Date

Witness:

Lauren Evans, Town Clerk

Signature

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

TOWN OF ERWIN, NC
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AND RECEIPT OF TOWN-ISSUED IPAD, CASE, AND
ACCESSORIES

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Commissioner Alvester McKoy

Signature

Date

Witness:

Lauren Evans, Town Clerk

Signature

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

TOWN OF ERWIN, NC
ACKNOWLEDGEMENT OF APPLE IPAD POLICY
AND RECEIPT OF TOWN-ISSUED IPAD, CASE, AND
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Commissioner Timothy Marbell

Signature

Date

Witness:

Lauren Evans, Town Clerk

Signature

Device Model: MK2L3LL/A iPad WIFI
Device Serial Number: F6LP9D5QJY

TOWN OF ERWIN, NC
ACKNOWLEDGEMENT OF APPLE IPAD POLICY
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ACCESSORIES

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Commissioner Charles Byrd

Signature

Date

Witness:

Lauren Evans, Town Clerk

Signature

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

TOWN OF ERWIN, NC
ACKNOWLEDGEMENT OF APPLE IPAD POLICY
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ACCESSORIES

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Commissioner David Nelson

Signature

Date

Witness:

Lauren Evans, Town Clerk

Signature

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

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

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

Commissioner Billy Turnage

Signature

Date

Witness:

Lauren Evans, Town Clerk

Signature

Device Model: MK2L3LL/A iPad WIFI
Device Serial Number: M44GXQPR7W



TOWN OF ERWIN

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

2022-2023—004

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

RESOLVED, that this policy is effective immediately.

Duly Adopted, this the 4th day of May 2023.

Ricky Blackmon
Mayor Pro Tem

ATTEST:

Lauren Evans
Town Clerk



TOWN OF ERWIN

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TOWN OF ERWIN NOTARY PROCEDURE POLICY

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

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

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

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

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

Duly Adopted, this the 4th day of May 2023.

Ricky Blackmon
Mayor Pro Tem

ATTEST:

Lauren Evans
Town Clerk



TOWN OF ERWIN

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

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

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

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

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

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

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

Ricky Blackmon
Mayor Pro Tem

ATTEST:

Lauren Evans
Town Clerk

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

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

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

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

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

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

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

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

Adopted this 4th day of May 2023.

Ricky Blackmon, Mayor Pro Tem

ATTEST:

Lauren Evans, Town Clerk

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

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

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

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

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

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

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

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

Adopted this 4th day of May 2023.

Ricky Blackmon, Mayor Pro Tem

ATTEST:

Lauren Evans, Town Clerk

Erwin Board of Commissioners

REQUEST FOR CONSIDERATION

To: The Honorable Mayor and Board of Commissioners

From: Snow Bowden, Town Manager

Date: May 4, 2023

Subject: ZT-2023-002

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

Attachments:

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

Revised 9-19-2014



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

Staff Only: Zoning Case # Z-2023 - 022
Fee: _____ Check # _____ MO _____ Cash _____
PB Recommendation: _____ A _____ D _____ A/W Conditions _____
BOC Date: 5/14/23 Decision: _____ A _____ D _____ T _____ A/W Conditions _____

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

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

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

If Conditional District, note conditions: _____

Harnett County Tax Map PIN 1 507-14-0672

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

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

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

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

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

[Signature]
Signature of Applicant

910-891-8569
Contact Number

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



REZONING MAP REQUEST STAFF REPORT

Case: ZT-2023-002

Snow Bowden, Town Manager

townmanager@erwin-nc.org

Phone: (910) 591-4200

Fax: (910) 897-5543

Planning Board: 04/17/2023

Town Commissioners: 05/04/2023

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

Applicant Information

Owner of Record:

Name: Sun Dawg Renovations, INC.

Address: PO Box 2474

City/State/Zip: Dunn, NC 28335

Applicant:

Name: Sun Dawg Properties

Address: PO Box 2474

City/State/Zip: Dunn, NC 28335

Property Description

Address- 306 Masonic Road

Harnett County Tax PIN 1507-14-0672.00

Acres .73

Zoning District- Residential (R-10)

Vicinity Map

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

Physical Characteristics

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

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

Services Available

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

Staff Evaluation

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

Staff Evaluation

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

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

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

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

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

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

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

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

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

Statement of Consistency

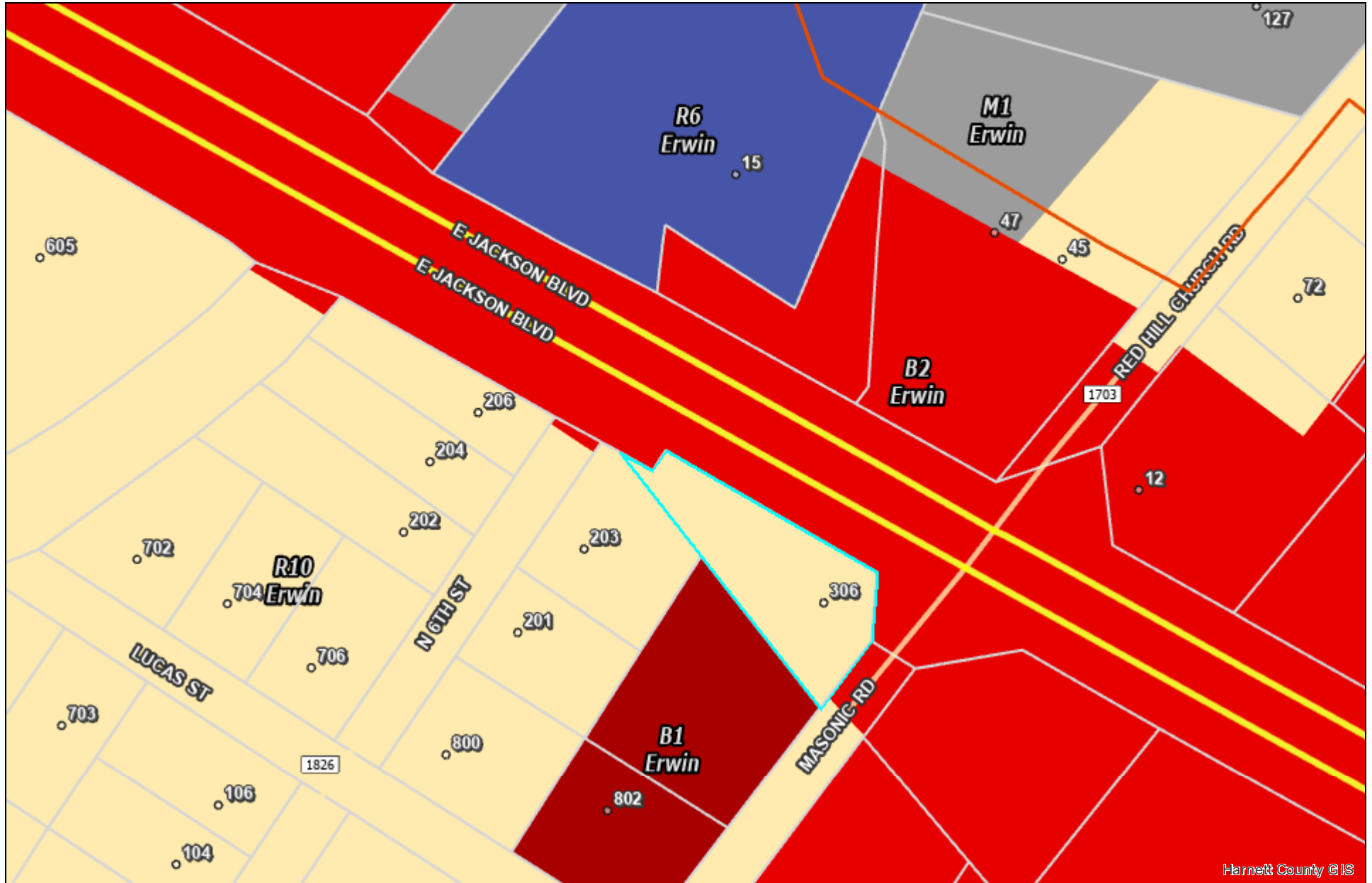
The requested rezoning Highway Business (B-2) is compatible with all of the Town of Erwin's regulatory documents and would not only have an positive impact on the surrounding community, but would enhance the public health, safety, and general welfare as stated in the evaluation. It is recommended that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

Attachments:

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

Harnett GIS

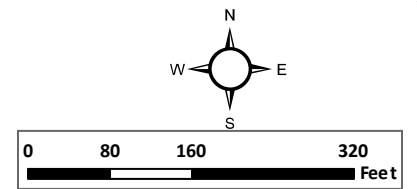
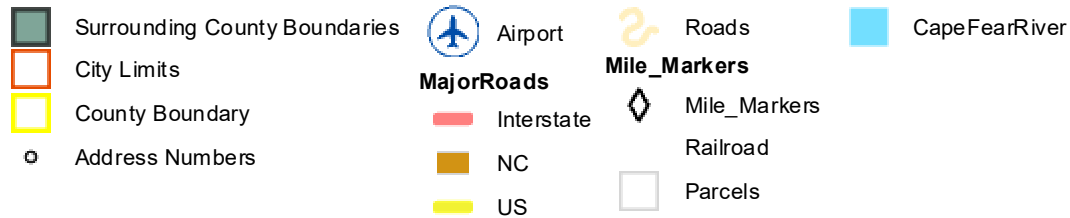
NOT FOR LEGAL USE



Harnett County GIS

GIS/E-911 Addressing

April 12, 2023



1 inch = 188 feet

44

Harnett GIS





NOT FOR LEGAL USE



Harnett County GIS

GIS/E-911 Addressing




April 12, 2023

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



Airport




Major Roads

-  Interstate
-  NC
-  US



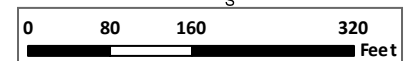
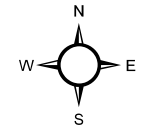
Roads

Mile_Markers

-  Mile_Markers
-  Railroad
-  Parcels



Cape Fear River



1 inch = 188 feet

45

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

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

Marilyn Lucas
203 N 6th Street
Erwin, NC 28339

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

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

NCDOT
1546 Mail Service Center
Raleigh, NC 27611

Durane and Donna Currin
1044 Fleming Road
Coats, NC 27521

Masonic Lodge
PO Box 752
Erwin, NC 28339

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



TOWN OF ERWIN

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

04/10/2023

Notice of a Public Hearing ZT-2023-002

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

The Board of Commissioners of the Town of Erwin will hold a public hearing pursuant to NC General Statute 160D-406 on May 4th, 2023 at 7:00 P.M. at the Erwin Town Hall, 100 West F Street, Erwin, North Carolina to hear public comment on a proposed rezoning request.

There has been a zoning map amendment application submitted to the Town. The property is located at 306 Masonic Road. The applicant has requested this parcel be rezoned from residential (R-10) to commercial (Highway Business B-2).

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

Regards,

Snow Bowden
Town Manager

NOTICE OF PUBLIC HEARING

The Town of Erwin Board of Commissioners will conduct a Public Hearing on the following item pursuant to NC General Statute 160D-406, on Thursday, May 4, 2023, at 7:00 P.M. in the Erwin Municipal Building Board Room located at 100 West F Street, Erwin, NC 28339. Questions can be addressed to the Town Manager Snow Bowden at 910-591-4200 or by email at townmanager@erwin-nc.org.

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

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

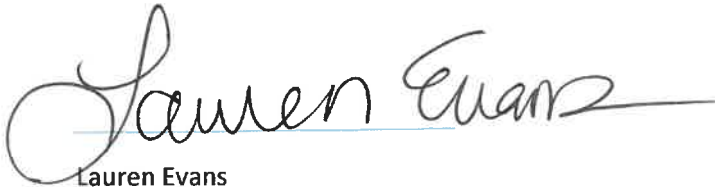
4/18,25/2023

Statement-of-Consistency

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

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

Angela Gundersen
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**.

Ricky Blackmon
Mayor Pro Tem

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**.

Ricky Blackmon
Mayor Pro Tem

Lauren Evans
Town Clerk



TOWN OF ERWIN

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

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

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

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

B4128 - P 971

HARNETT COUNTY TAX ID #
061507 0294

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

03-18-2022 BY: TC

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

Mail/Box to: Tart Law Group, P.A., 700 West Broad Street, Dunn, NC 28334

This instrument was prepared by: Lee L. Tart Malone, Attorney at Law

Brief description for the Index:

NORTH CAROLINA GENERAL WARRANTY DEED

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

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

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

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

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

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

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

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

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

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

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

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

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

Janice S. Snipes (SEAL)
Janice S. Snipes

STATE OF NORTH CAROLINA
COUNTY OF Harnett

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

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

My Commission Expires: 5/20/2024

Beverly P. Stewart
Notary Public



EXHIBIT "A"

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

Adopted this the 4th day of May 2023.

Ricky Blackmon,
Mayor Pro Tem

ATTEST:

Lauren Evans
Town Clerk

Erwin Board of Commissioners

REQUEST FOR CONSIDERATION

To: The Honorable Mayor and Board of Commissioners

From: Snow Bowden, Town Manager

Date: May 4, 2023

Subject: SU-2023-002

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

Attachments:

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



TOWN OF ERWIN

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

SPECIAL USE PERMIT APPLICATION

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

Applicant Name	BLACK RIVER SERVICES WILLIAM MORRIS	Property Owner Name	WILLIAM H. MORRIS
Mailing Address	129 BUMPAS CREEK ACRES	Mailing Address	11 11
City, State, Zip	DUNN NC	City, State, Zip	11 11 11
Telephone	910 237 9657	Telephone	
Email	mo	Email	

Address of Subject Property	11 124 Bumpas Creek ACRES				
Parcel Identification Number(s) (PIN) of Subject Property	05 75 - 77 - 5708 .000				
Legal Relationship of Applicant to Owner	owner	Floodplain SFHA	Yes <input checked="" type="checkbox"/> No		
Legal Description: Lot	Block	Subdivision			
Zoning District	RD	Wetlands	Yes <input checked="" type="checkbox"/> No	Watershed Area	Yes <input checked="" type="checkbox"/> No
Public Water Available: Y or N	Public Sewer Available: Y or N	Existing Septic Tank: Y or N			
Number of Buildings to Remain	2	Gross Floor Area to Remain	96 sf		
Describe Proposed Project or Request with Conditions proposed by applicant: CUSTOMARY HOME OCCUPATION, to operate an on site business from home office					
Total Acreage or Square Footage to be Disturbed	96 sq. FT.				
Estimated Cost of Project \$					

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

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

Date Application Submitted	4/10/21	Office Use Only	Application Fee \$	20	Received By	K6D
Case #	SU-2023 -002					



TOWN OF ERWIN

100 West F St., Post Office Box 459
Erwin, NC 28339
(910) 897-5140 V (910) 897-5543 F
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Special Use Signature Page

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

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

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

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

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

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

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: ATD/Morris 4/10/23

See attached



TOWN OF ERWIN

100 West F St., Post Office Box 459

Erwin, NC 28339

(910) 897-5140 V (910) 897-5543 F

www.erwin-nc.org

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

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

SU- 222 - 002

Adjacent Property Owners

1

See attached

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

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

 Yes No _____

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

 Yes No _____

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

 Yes No _____

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

 Yes No _____

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

 Yes No _____

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

 Yes No _____

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

 Yes No _____



TOWN OF ERWIN

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

SPECIAL USE APPLICATION PROCEDURES

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

Conditions and Guarantees

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

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

Action by the Board of Commissioners

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

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



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IMPORTANT

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

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

Using the Zoning Ordinance

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



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Processing Requirements

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

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

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

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

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

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

Town of Erwin Record and Decisions

Office Use Only

Notice Mailed _____ Property Posted _____ Newspaper Advertised Date _____

Public Hearing Date and Comments: _____

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

Town Board Decision and Date _____

Certified By: _____



SPECIAL USE REQUEST STAFF REPORT

Case: SU-2023-002

Snow Bowden, Town Manager

townmanager@erwin-nc.org

Phone: (910) 591-4200

Fax: (910) 897-5543

Public Hearing Date: Thursday, May 4th, 2023

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

Applicant Information

Owner of Record:

Name: W.H. and Gina D. Morris

Address: 129 Bumpas Creek Access

City/State/Zip: Dunn, NC 28334

Applicant:

Name: W.H. Morris

Address: 129 Bumpas Creek Access

City/State/Zip: Dunn, NC 28334

Property Description

Harnett County Tax PIN 0597-79-5908.000

Acres 4.15

Zoning District- Residential R-D

Vicinity Map

- See Attached Document

Physical Characteristics

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

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

Services Available

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

Zoning District Compatibility

Special Use	RD
Customary Home Occupation	X

Staff Evaluation

Staff Evaluation

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

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

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

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

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

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

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

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

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

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

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

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

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

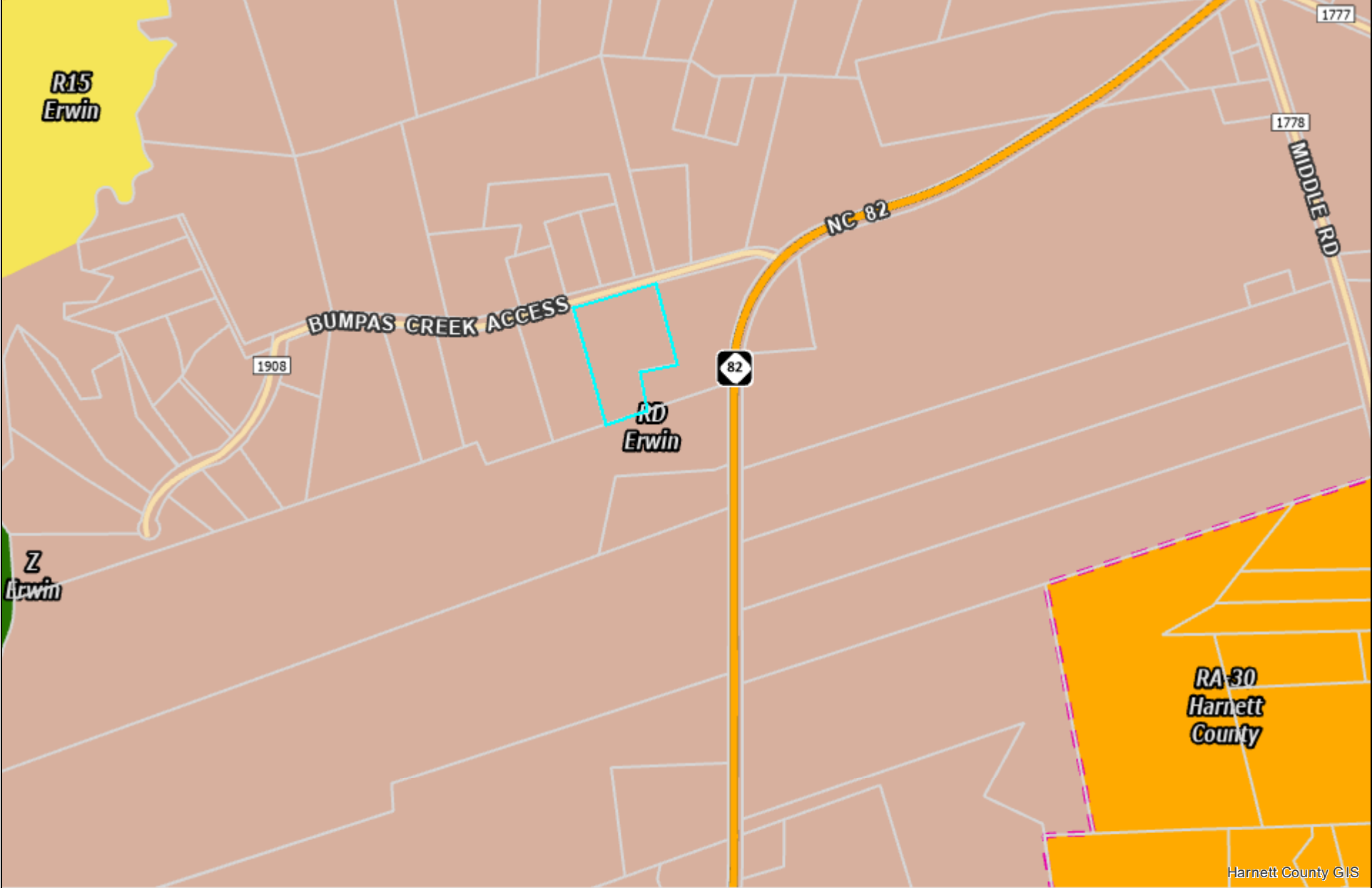
- **Reasoning:** Yes.

Attachments:

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

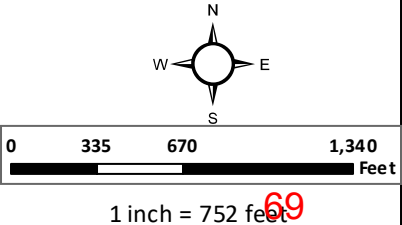
Harnett GIS

NOT FOR LEGAL USE



GIS/E-911 Addressing
April 25, 2023

- | | | |
|-------------------------------|-------------------|---------------------|
| Surrounding County Boundaries | MajorRoads | Mile_Markers |
| City Limits | Interstate | Mile_Markers |
| County Boundary | NC | Railroad |
| Airport | US | Parcels |
| | Roads | CapeFearRiver |



Harnett GIS

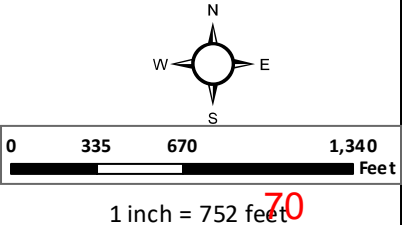
NOT FOR LEGAL USE



Harnett County GIS

- | | | |
|-------------------------------|-------------------|---------------------|
| Surrounding County Boundaries | MajorRoads | Mile_Markers |
| City Limits | Interstate | Mile_Markers |
| County Boundary | NC | Railroad |
| Airport | US | Parcels |
| | Roads | CapeFearRiver |

GIS/E-911 Addressing
April 25, 2023



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

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

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

Black River Properties
PO Box 787
Dunn, NC 28335

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

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



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04/10/2023

Notice of a Public Hearing SU-2023-002

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

The Board of Commissioners of the Town of Erwin will hold a public hearing pursuant to NC General Statute 160D-406 on May 4th, 2023 at 7:00 P.M. at the Erwin Town Hall, 100 West F Street, Erwin, North Carolina to hear public comment on a proposed special use permit application request.

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

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

Regards,

Snow Bowden
Town Manager

NOTICE OF PUBLIC HEARING

The Town of Erwin Board of Commissioners will conduct a Public Hearing on the following item pursuant to NC General Statute 160D-406, on Thursday, May 4, 2023, at 7:00 P.M. in the Erwin Municipal Building Board Room located at 100 West F Street, Erwin, NC 28339. Questions can be addressed to the Town Manager Snow Bowden at 910-591-4200 or by email at townmanager@erwin-nc.org.

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

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

4/18,25/2023