

**THE ERWIN BOARD OF COMMISSIONERS
MAY 2022 REGULAR MEETING
THURSDAY, MAY 5, 2022 @ 7:00 P.M.
ERWIN MUNICIPAL BUILDING BOARD ROOM**

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 requests discussion of an item, the item will be removed from the Consent Agenda and considered under New Business.

- A. Minutes of Workshop on March 28, 2022 (**Page 2**)
- B. Minutes of Regular Meeting on April 7, 2022 (**Page 4**)
- C. Financial Report for March 2022 (**Page 21**)
- D. Contract for Computer Support Services by Harnett County (**Page 23**)
- E. Town of Erwin EEG Letter of Support (**Page 29**)
- F. Updates to Personnel Policy (**Separate Attachment**)

4. SPECIAL PRESENTATION FROM NC HOUSE REPRESENTATIVE HOWARD PENNY

5. 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

6. PUBLIC HEARING

- A. SU-2022-008 (**Page 31**)
- B. Annexation of 3 parcels located off of St Matthews Rd (**Page 50**)

7. NEW BUSINESS

- A. Library Consolidation (**Page 59**)
- B. Community Building (**Page 79**)

8. MANAGER'S REPORT

9. ATTORNEY'S REPORT

10. GOVERNING BODY COMMENTS

11. ADJOURNMENT

ERWIN BOARD OF COMMISSIONERS

REGULAR WORKSHOP MINUTES

MARCH 28, 2022

ERWIN, NORTH CAROLINA

The Board of Commissioners for the Town of Erwin with Mayor Patsy Carson presiding, held its Regular Workshop in the Erwin Municipal Building Board Room on Monday, March 28, 2022, at 6:00 P.M. in Erwin, North Carolina.

Board Members present were: Mayor Patsy Carson, Mayor Pro Tem Randy Baker, and Commissioners William Turnage, Thurman Whitman, Ricky Blackmon, and Alvester McKoy.

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

Mayor Carson called the meeting to order at 6:08 P.M.

Mayor Pro Tem Randy Baker gave the invocation.

Commissioner Blackmon led the Pledge of Allegiance.

AGENDA ADJUSTMENT/APPROVAL OF AGENDA

Commissioner Turnage made a motion to move items A-C under New Business and move down one letter each and then add the following discussion as Item A under New Business: Discuss the Appointment of WARD 4 Commissioner and was seconded by Commissioner Whitman. **The Board voted unanimously.**

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

NEW BUSINESS

Discuss the Appointment of WARD 4 Commissioner

Commissioner Whitman made a motion to appoint Charles Byrd as the WARD 4 Commissioner and was seconded by Commissioner Turnage. The motion was tied by two votes for (Whitman and Turnage) and two votes against (Baker and Blackmon). Mayor Carson broke the tie by appointing Charles Byrd as Commissioner of WARD 4.

Updates to our Personnel Policy

Town Manager Snow Bowden stated our HR Director Lauren Evans along with our intern, updated our personnel policy.

MINUTES CONTINUED FROM MARCH 28, 2022

Discussion continued among the Board.

The consensus of the Board was to have the changes in the policy redlined and the old language strike through.

Revised ARP Policies

Town Manager Snow Bowden informed the Board that the presented policies must be approved by the Board for Federal Laws and Procedures. He asked the Board to review them and get back to him with any questions.

Erwin Community Building Sign

Town Manager Snow Bowden asked the Board for direction on the Community Building Sign. He provided the Board with a proof of what the sign would look like. He stated he needs some guidelines from the Board on what is allowed on the sign before putting the sign-up.

Commissioner Blackmon stated putting it out by the sidewalk for everyone to see would be nice.

Commissioner McKoy arrived at 6:27 PM.

ADJOURNMENT

Commissioner Whitman made a motion to adjourn at 6:32 P.M. and was seconded by Commissioner Turnage. **The Board voted unanimously.**

MINUTES RECORDED AND TYPED BY

LAUREN EVANS TOWN CLERK

ATTEST:

Patsy M. Carson

Mayor

Lauren Evans

Town Clerk

ERWIN BOARD OF COMMISSIONERS

REGULAR MINUTES

APRIL 7, 2022

ERWIN, NORTH CAROLINA

The Board of Commissioners for the Town of Erwin with Mayor Patsy Carson presiding held its Regular Meeting in the Erwin Municipal Building Board Room on Thursday, April 7, 2022, at 7:00 P.M. in Erwin, North Carolina.

Board Members present were: Mayor Patsy Carson, Mayor Pro Tem Randy Baker, and Commissioners William Turnage, Thurman Whitman, Ricky Blackmon, and Alvester McKoy.

Town Manager Snow Bowden, Town Attorney Tim Morris, Town Engineer Bill Dreitzler, and Police Chief Jonathan Johnson were present.

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

Commissioner McKoy gave the invocation.

Sheriff Wayne Coats led the Pledge of Allegiance.

AGENDA ADJUSTMENT/APPROVAL OF AGENDA

Town Manager Snow Bowden requested to move Public Hearing Item H, Discussion of All-Way Stop Signs under New Business as Item A, and move all other items down a letter due to the advertisement not meeting the legal standard to make changes to the Ordinances. He also requested adding Street Resurfacing Recommendation under New Business as Item F and removing Item B, SU-2022-003, under New Business. The applicant has requested to have their application to be withdrawn without prejudice.

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

CONSENT

Commissioner Blackmon made a motion to approve **(ITEM A)** Minutes of Regular Workshop on February 28, 2022 **(ITEM B)** Minutes of Regular Meeting on March 3, 2022 **(ITEM C)** Financial Report for February 2022 and was seconded by Commissioner Whitman. **The Board voted unanimously.**

MINUTES CONTINUED FROM APRIL 7, 2022

INDUCTION CEREMONY FOR NEW MEMBER OF THE BOARD

Mayor Carson administered the Oath of Office to the New Member of the Board, Charles L. Byrd, who repeated the Oath of Office as Commissioner for Ward 4, accompanied by his wife holding the Bible.

SPECIAL PRESENTATION FROM HARNETT COUNTY SHERIFF WAYNE COATS

Sheriff Wayne Coats came forward and presented Police Chief Jonathan Johnson and Mayor Carson with Certificates of Appreciation for their participation in the Harnett County CARES Program.

PUBLIC COMMENT

Vanessa Lech of 302 N 10th Street came forward. She stated at the N 10th Street and East I Street intersection, she would like to see a 24/7 camera installed at the light. There have been a lot of reckless drivers and she was almost been run over recently. She also stated the speed limit needs to be slowed down on that street and she would like to see sidewalks. Erwin needs to be more pedestrian-friendly. She stated if cost is an issue for providing a camera, she recommended looking at used or refurbished cameras to lessen the price. If one ticket was issued a day at \$200 a ticket then the Town could raise \$100,000 in a year which could go to the Police Department to hire more police officers and diversity and inclusion training for the Police Department.

Frankie Tyndall of 202 3rd Street came forward and addressed the Board. He stated at the last meeting he came to he was told by the Board that the Town would handle the meth heads, homeless, and crackheads taking over Erwin. He came back to give a progress report. Chief Johnson has bent over backward to lock them up and clean up the streets. He spoke with Sheriff Coats who stated he will try to do something about it. Everything is falling back on the Magistrates and Judges who are letting them back on the street the next day. The Town of Erwin and the Police Department needs help.

PUBLIC HEARING

SU-2022-002

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

Town Manager Snow Bowden stated this request is to open a hair salon at a vacant building on East H Street.

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

MINUTES CONTINUED FROM APRIL 7, 2022

Applicants, Katyna Bunn, and Courtney Taylor came forward and were sworn in under oath.

Ms. Bunn stated she purchased the building at 400 East H Street. She is renovating the building so that Ms. Taylor could run her salon business and provide services to the Erwin Community.

Ms. Taylor stated she currently owns a business in Lillington which has been open for two years. She is a veteran and mom of three. She started her business in Germany and it has grown to now have 8 people that work there. They provide spa services, massage, hair, nails, everything beauty-related and they are looking to add a medical spa as well. They provide services for men as well, including haircuts, facials, and nails. They want to bring more luxury services you won't see anywhere else around Town.

Mayor Pro Tem Baker verified how many employees will be working out of that structure.

Ms. Taylor stated that currently she has 8 employees and there may be more because they would be moving to a bigger location.

Commissioner Blackmon inquired if she will be moving her business from Lillington to Erwin.

Ms. Taylor stated yes, they want to expand their business and move from Lillington to Erwin.

Ms. Bunn stated that the building is 3,000 square feet and has plenty of room to service clients.

Ms. Taylor stated her current building is 1,400 square feet and they service about 15 clients a day. They work by appointment and they stay very busy. Her business is well known and is called Muah Lash and Beauty Bar. Clients drive over an hour to be serviced at their salon. She felt this business would be great to bring more people into Erwin that aren't used to Erwin and more opportunities for business.

Commissioner Turnage inquired about whether they would take walk-ins.

Ms. Taylor stated at their Lillington location, they were not able to take walk-ins but she hoped with expanding her business she will be able to have staff take walk-ins.

Commissioner Turnage asked if Ms. Taylor will use the street for parking.

Ms. Taylor stated she did not think street parking would be necessary. The parking spaces already in place for the building would be more than enough.

Ms. Bunn stated the existing structure has 20 parking spaces. The property is a third of an acre so there is parking on the front, back, and side. She stated Ms. Taylor's current location is in Lillington next to the Hardees with busy traffic and her business does well there.

Mayor Pro Tem Baker asked if the salon does hair implants.

Ms. Taylor stated they offer permanent makeup which is a medical tattooing service, including scalp and micro-pigmentation. Another service is permanent eyebrows for women or men which is especially great for people going through chemotherapy. These services look very natural and are very aesthetically pleasing. It is not your normal salon, she prefers to call it a spa. They offer

MINUTES CONTINUED FROM APRIL 7, 2022

very expensive services ranging up to almost \$500.00. She spoke about Erwin with her clients and she looks forward to partnering with some local businesses such as Burney's.

Mayor Pro Tem Baker asked if any other facilities do these types of services in the area.

Ms. Taylor stated they were the only spa that provided these services around here.

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

No one came forward.

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

Mayor Pro Tem Baker made a motion in the affirmative that the use requested is listed among the special uses in the district for which the application is made. Personal service establishments whose operations are conducted entirely within an enclosed building are a special use in our Downtown Mill Village district and was seconded by Commissioner Turnage. **The Board voted unanimously.**

Commissioner Blackmon made a motion in the affirmative that the requested use is essential or desirable to the public convenience or welfare. The applicant is requesting a special use permit to open a full service beauty salon. This potential business would provide another option for people in Town to get these services and was seconded by Mayor Pro Tem Baker. **The Board voted unanimously.**

Commissioner McKoy made a motion in the affirmative 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. This is an existing building that has been used as an office before. There are other buildings in the area that are used commercially. This building is in one of our newer zoning districts. The new district does include commercial uses with low noise and traffic impacts that would be compatible with a residential area and was seconded by Commissioner Whitman. **The Board voted unanimously.**

Commissioner Turnage made a motion in the affirmative that the requested use will be in conformity with the Land Development Plan. This area of land would be in the area identified for medium intensity growth. The plan calls for medium to high density mixed residential uses. The classification also includes low impact neighborhood businesses and was seconded by Commissioner Blackmon. **The Board voted unanimously.**

Mayor Pro Tem Baker made a motion in the affirmative that adequate utilities, access roads, drainage, sanitation and/or other necessary facilities have been or are being provided. This is an existing building that will not be expanded. The parking spaces are already located on site, current utilities have been provided and was seconded by Commissioner Blackmon. **The Board voted unanimously.**

Commissioner Blackmon made a motion in the affirmative 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. This is an existing parcel that has a building located on site. There are already

MINUTES CONTINUED FROM APRIL 7, 2022

parking spaces located in front of the building and was seconded by Commissioner Whitman. **The Board voted unanimously.**

Commissioner McKoy made a motion in the affirmative 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 and was seconded by Mayor Pro Tem Baker. **The Board voted unanimously.**

Mayor Pro Tem Baker 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 to approve SU-2022-002 Special Use Application to operate a full-service beauty salon at 400 East H Street (HC Tax PIN # 0597-84-1671.000) and was seconded by Commissioner Whitman. **The Board voted unanimously.**

SU-2022-004

Commissioner Blackmon made a motion to open the Public Hearing and was seconded by Commissioner Turnage. **The Board voted unanimously.**

Town Manager Snow Bowden stated this request is for a Manufactured Class A Home on an individual lot in our R-6 Zoning District. It does not have an address but is adjacent to 106 Barnes Drive. At the moment it is an individual lot but the property owner is looking at doing recombination. Priscilla Freeman was present to speak on the behalf of the applicant.

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

Priscilla Freeman of 101 Gilbert Street came forward and was sworn in.

Ms. Freeman stated she is the niece of the applicant, Ann Toulon, who raised her as her daughter in New York and is 88 years old. Ms. Toulon left Erwin when she was 18 years old and her uncle, Ms. Toulon's husband, passed away three years ago. Ms. Toulon is currently in New York alone, with no family other than her uncle's family who is all up in age and some have dementia. She stated it is time for Ms. Toulon to come home to her family. The proposed property was deeded to Ms. Toulon by her grandparents about 40 years ago and she purchased a home so she can come back to Erwin to reside. Ms. Freeman stated she is the primary caregiver for her mother who suffered a stroke a couple of years ago and both reside at 101 Gilbert Street which would be close to Ms. Toulon.

Mayor Pro Tem Baker asked if there are any other similar structures in that area.

Ms. Freeman states there are some similar structures across the street.

Mayor Pro Tem Baker verified it is a Class A Home and whether Town Staff has explained the requirements for a Class A Home.

MINUTES CONTINUED FROM APRIL 7, 2022

Ms. Freeman confirmed it is a Class A Home and she has been informed of the requirements by Town Staff.

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

No one came forward.

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

Mayor Pro Tem Baker made a motion in the affirmative that the use requested is listed among the special uses in the district for which the application is made. Manufactured Class A Homes are permitted as a special use in our R-6 Zoning District and was seconded by Commissioner Whitman. **The Board voted unanimously.**

Commissioner Blackmon made a motion in the affirmative that the requested use is essential or desirable to the public convenience or welfare. The applicant is requesting a special use permit to place a Manufactured Class A Home on this parcel. It will provide an affordable housing option for this property owner and was seconded by Mayor Pro Tem Baker. **The Board voted unanimously.**

Commissioner Whitman made a motion in the affirmative 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. This tract of land is surrounded by similar residential uses. If the permit is approved the applicant will have to follow all of our restrictions with the placement of a Manufactured Class A Home. Our Code of Ordinances states “It is the intent of the criteria to ensure that a Class A manufactured home, when installed, shall have substantially the appearance of an no-site conventionally built, single-family dwelling, to include landscaping in harmony with surrounding dwellings.” and was seconded by Commissioner McKoy. **The Board voted unanimously.**

Commissioner Blackmon made a motion in the affirmative that the requested use will be in conformity with the Land Development Plan. This area of land would be in the area identified for medium intensity growth. The plan calls for medium to high density mixed residential uses and was seconded by Mayor Pro Tem Baker. **The Board voted unanimously.**

Commissioner McKoy made a motion in the affirmative that adequate utilities, access roads, drainage, sanitation and/or other necessary facilities have been or are being provided. This is an existing lot located off of an existing street. The proposed house site would be accessed from Barnes Drive. There are already Harnett Regional Water and Sewer lines in the area that will be able to provide water and sewer to the proposed new home and was seconded by Commissioner Byrd. **The Board voted unanimously.**

Mayor Pro Tem Baker made a motion in the affirmative 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. This is an existing parcel located off of a town street. This would be a single-family dwelling. The impacts to traffic would be minimal and was seconded by Commissioner Whitman. **The Board voted unanimously.**

MINUTES CONTINUED FROM APRIL 7, 2022

Commissioner Blackmon made a motion in the affirmative 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 and was seconded by Mayor Pro Tem Baker. **The Board voted unanimously.**

Commissioner Blackmon 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 to approve SU-2022-004 Special Use Application to place a Class A Manufactured Home on a vacant parcel located on Barnes Drive adjacent to 106 Barnes Drive. (HC Tax PIN # 0597-77-1940.000) and was seconded by Mayor Pro Tem Baker. **The Board voted unanimously.**

SU-2022-005

Mayor Pro Tem Baker made a motion to open the Public Hearing and was seconded by Commissioner Blackmon. **The Board voted unanimously.**

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

The applicant, Joshua Palmquest, of 701 S 13th Street came forward and was sworn in.

Mr. Palmquest stated he is basically requesting permission to open a car dealership outside of his previously existing shop.

Mayor Pro Tem Baker asked if there are any other similar structures in that area.

Commissioner Turnage stated he went by that property and it looks like Mr. Palmquest has about a dozen cars parked in the front. One car looks like it has been totaled. He asked if he is getting parts off that car.

Mr. Palmquest stated he believed Commissioner Turnage was speaking of the used tire dealer down the road from his property.

Town Manager Snow Bowden stated his property is located on the corner of East B Street and S 13th Street.

Mr. Palmquest stated his property is where the old music shop used to be and is very well maintained.

Commissioner Whitman asked how many cars he plans to have on the lot.

Mr. Palmquest stated, to be honest, he doubted he would ever have more than ten. He runs the shop by himself right now but in the future, he would look at bringing on two employees for the shop and two employees for the dealership at most.

Commissioner Whitman asked whether he would have the space for that many cars.

MINUTES CONTINUED FROM APRIL 7, 2022

Mr. Palmquest stated in the paperwork he provided, that it is taped off for roughly 7 vehicles on the front and 3 vehicles on the side if needed. The parking spaces closest to the building would be reserved for customers of the dealership and shop.

Commissioner Byrd asked if Mr. Palmquest will have adequate space for the cars he is working on at the shop.

Mr. Palmquest confirmed that he would.

Commissioner Whitman verified that he will be taking over the entire building. He asked if he planned to use the whole building for the dealership.

Mr. Palmquest stated the building is a large space most of it will be used for the dealership but he may consider using the other half to open a coffee shop down the road.

Mayor Pro Tem Baker asked if the property was a car dealership in the past.

It was confirmed that there was a dealership adjacent to the property in the past.

Michael Jackson of 309 St Matthews Rd came forward and was sworn in.

Mr. Jackson stated the property there is the only auto parts store and the garage that went along with it. Mr. Palmquest has leased the garage portion for about a year. He is a good businessman, he is very particular and keeps it very clean. He was sorry to say that some previous tenants have not done so. The building beside the garage is better suited to be operated by the same owner. It is easier to utilize the parking. It has an improved surface and can be accessed from 13th Street. They will be making some improvements to comply with the DMV requirements for a dealer's license. There is well more than enough room to operate a dealership. Mr. Palmquest might put a few motorcycles out for sale periodically which may be displayed indoors.

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

No one came forward.

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

Mayor Pro Tem Baker made a motion in the affirmative that the use requested is listed among the special uses in the district for which the application is made. Vehicular Sales and Rentals are a special use in our Highway Business (B-2) Zoning District and was seconded by Commissioner Blackmon. **The Board voted unanimously.**

Commissioner Blackmon made a motion in the affirmative that the requested use is essential or desirable to the public convenience or welfare. The applicant is requesting a special use permit to place a vehicular sales lot at an existing building that is partially used as an auto garage. The use of this lot as a vehicular sales lot would give residents another option to purchase a vehicle locally and was seconded by Mayor Pro Tem Baker. **The Board voted unanimously.**

Commissioner Blackmon made a motion in the affirmative that the requested use will not impair the integrity or character of the surrounding or adjoining districts, nor be detrimental to the

MINUTES CONTINUED FROM APRIL 7, 2022

health, morals, or welfare. This parcel has been used for commercial uses in the past. There is an existing auto garage that uses a section of this building. Allowing a vehicular sales lot on this parcel would allow the current business in operation here to expand their operations and was seconded by Commissioner Whitman. **The Board voted unanimously.**

Commissioner Turnage made a motion in the affirmative that the requested use will be in conformity with the Land Development Plan. This area of land would be in the area identified for medium intensity growth. This classification also includes low impact neighborhood businesses and was seconded by Commissioner Byrd. **The Board voted unanimously.**

Mayor Pro Tem Baker made a motion in the affirmative that adequate utilities, access roads, drainage, sanitation and/or other necessary facilities have been or are being provided. This is an existing building that already has sanitation services being provided to it by a private company. The building is already connected to services such as water, sewer, and electric and was seconded by Commissioner Blackmon. **The Board voted unanimously.**

Commissioner Blackmon made a motion in the affirmative 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. This is an existing building that is located off of a North Carolina Department of Transportation (NCDOT) road. The expansion of this business should require additional approval from the NCDOT and was seconded by Commissioner Byrd. **The Board voted unanimously.**

Commissioner McKoy made a motion in the affirmative 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 and was seconded by Commissioner Blackmon. **The Board voted unanimously.**

Mayor Pro Tem Baker 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 to approve SU-2022-005 Special Use Application to operate a vehicular sales lot at 701 South 13th Street. (HC Tax PIN # 0597-62-7145.00) and was seconded by Mayor Pro Tem Baker. **The Board voted unanimously.**

SU-2022-006

Mayor Pro Tem Baker made a motion to open the Public Hearing and was seconded by Commissioner Blackmon. **The Board voted unanimously.**

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

The applicant, Marcos Tialivel, of 344 East Jackson Blvd came forward and was sworn in.

Mr. Tlahuel stated he is a father to two girls. It is going to be a small business.

Mayor Pro Tem Baker confirmed the business will be operated out of the accessory building.

MINUTES CONTINUED FROM APRIL 7, 2022

Mr. Tlahuel confirmed that was true.

Mayor Pro Tem Baker asked how many days a week will the business operate.

Mr. Tlahuel stated he hopes for 6 days, Tuesday-Sunday each week with hours from 9 AM – 6 PM.

Mayor Pro Tem Baker asked about the stormwater runoff concern due to washing the cars and causing mud. Will there be somewhere to capture the water?

Mr. Tlahuel stated there will be a tank to capture and recycle the water.

Mayor Pro Tem Baker asked if there would be any employees other than his family.

Mr. Tlahuel stated no other employees.

Mayor Pro Tem Baker commended Mr. Tlahuel on obtaining DOT approval.

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

No one came forward.

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

Mayor Pro Tem Baker made a motion in the affirmative that the use requested is listed among the special uses in the district for which the application is made. : In our ordinance car washes fall are covered under the definition for vehicular services. Vehicular services are allowed as a special use in this zoning district and was seconded by Commissioner Blackmon. **The Board voted unanimously.**

Commissioner Blackmon made a motion in the affirmative that the requested use is essential or desirable to the public convenience or welfare. The applicant is seeking a permit to operate an outdoor car wash. This would provide our residents and people driving off of Highway 421 an option to have their vehicle cleaned and was seconded by Mayor Pro Tem Baker. **The Board voted unanimously.**

Commissioner Blackmon made a motion in the affirmative 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. The applicant is not asking for any expansion of the existing building on this lot. The applicant is seeking a special use permit to operate an outdoor car wash at this site and was seconded by Commissioner Whitman. **The Board voted unanimously.**

Commissioner Turnage made a motion in the affirmative that the requested use will be in conformity with the Land Development Plan. This area of land would be in the area identified for high intensity growth. In our land use plan auto-oriented businesses are included in this classification and was seconded by Commissioner Byrd. **The Board voted unanimously.**

Mayor Pro Tem Baker made a motion in the affirmative that adequate utilities, access roads, drainage, sanitation and/or other necessary facilities have been or are being provided This is an

MINUTES CONTINUED FROM APRIL 7, 2022

existing building that already has sanitation services being provided to it by a private company. The building is already connected to services such as water, sewer, and electric. The applicant would need to obtain approval from the North Carolina Department of Environmental Quality for the water discharge from this operation and was seconded by Commissioner Blackmon. **The Board voted unanimously.**

Commissioner Blackmon made a motion in the affirmative 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. This is an existing building that is located off of a North Carolina Department of Transportation (NCDOT) road. The owner of this property has obtained a driveway permit from the North Carolina Department of Transportation and was seconded by Commissioner Byrd. **The Board voted unanimously.**

Commissioner McKoy made a motion in the affirmative 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. Yes, the applicant needs to follow all of the guidelines in the NCDOT driveway permit that he was issued and was seconded by Commissioner Blackmon. **The Board voted unanimously.**

Commissioner Blackmon 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 to approve SU-2022-006 Special Use Application to operate an outdoor car wash at 348 East Jackson BLVD (HC Tax PIN # 0597-95-7674.000).and was seconded by Commissioner Turnage. **The Board voted unanimously.**

Variance 2022-001

Mayor Pro Tem Baker stated this request abuts family property and if the Board sees a conflict of interest, he would be willing to excuse himself.

Commissioner Turnage made a motion to open the Public Hearing and was seconded by Commissioner Blackmon. **The Board voted unanimously.**

Commissioner Blackmon made a motion to excuse Commissioner Baker and was seconded by Commissioner Turnage. **The Board voted unanimously.**

Town Manager Snow Bowden stated this is for a hardship variance request. Our ordinance allows for a maximum 600-foot road length in a new development that ends in a dead-end and or a Cul-de-sac. This proposed development shows a 1,075-foot road that ends in a Cul-de-sac. The applicant is seeking a 475-foot variance to the maximum allowed street length to install a 1,075-foot road that ends in a Cul-de-sac.

Scott Brown of Fayetteville NC came forward and was sworn in.

Mr. Brown stated the Board will see this subdivision later on under New Business for the Erwin Oaks Preliminary Subdivision. They are seeking a hardship variance request. He listed the below:

MINUTES CONTINUED FROM APRIL 7, 2022

- a. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography that are not applicable to other lands or structures in the same district. The property is an existing mobile home park and storage area. The property is located between Wondertown Drive and Denim Drive. Based on the shape of the property, a road through the center allows the developer to have the most efficient lot layout. The road length will exceed the maximum of 600 ft per the ordinance. A properly sized cul-de-sac is proposed at the end of the street.
- b. Granting the variance the requested will not confer upon the applicant any special privileges denied to other residents of the district in which the property is located. The variance will not grant the applicant special privileges denied to other residents. Approving the variance allows the applicant to develop the property efficiently based on the site geometry while improving the curb appeal through this section of town.
- c. A literal interpretation of the provisions of this ordinance will deprive the applicant of rights commonly enjoyed by other residence of the district in which the property is located. A literal interpretation will restrict the applicant from developing the property to the expected potential. The proposed site plan allows for efficient traffic flow in, through, and out of the property.
- d. The requested variance will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or to the general welfare. The requested variance will be in harmony with the ordinance. No negative impacts of approved the variance are anticipated. Emergency vehicles are provided with the required turnaround. Approving the variance will allow the applicant to improve the neighborhood which is the general purpose of the zoning ordinance.
- e. The special circumstances are not the result of the actions of the applicant. The circumstances are not the result of the applicant. The circumstances are the result of the shape of the property due to the existing roads to the north and south.
- f. The variance requested is the minimum variance that will make possible the legal use of the land, building, or structure. The variance will allow for the applicant to get the expected lot yield based on the zoning. All lots meet the minimum lot dimensions per the ordinance. The proposed streets are public and should not place any undue burden on the town for future maintenance. The development will improve the character of the property and add revenue to the town by increasing the tax base.

Commissioner Blackmon asked about Hope Street for access. He has concerns about the length of a road with only one entrance.

Mr. Brown stated Hope Street was not wide enough.

MINUTES CONTINUED FROM APRIL 7, 2022

Commissioner Turnage asked if one way in and one way out would be a problem for emergency services.

Town Manager Snow Bowden stated the street is 60 feet.

Ben Stout of Fayetteville NC came forward and was sworn in.

Mr. Stout stated when they were at the Planning Board Meeting, they discussed the flow of stormwater. There is a massive structure of 48-inch pipe underneath limiting entrances. There is always traffic flow in that area.

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

No one came forward.

Commissioner Blackmon made a motion that there are extraordinary and exceptional conditions pertaining to the particular piece or property in question because of its size, shape, or topography that are not applicable to other lands or structures in the same district. This subdivision is made up of five separate parcels that are located between Wondertown Drive and Denim Drive. The most efficient way to develop this land is with a road down the center of the development and was seconded by Commissioner Byrd. **The Board voted unanimously.**

Commissioner Blackmon made a motion that granting the variance the requested will not confer upon the applicant any special privileges denied to other residents in which the property is located. This variance will allow the applicant the most efficient way to develop this property based on the shape of the property and was seconded by Commissioner Whitman. **The Board voted unanimously.**

Commissioner Blackmon made a motion that a literal interpretation of the provisions of this ordinance will deprive the applicant of rights commonly enjoyed by other residence of the district in which the property is located. This variance will allow the highest potential development of this property and was seconded by Commissioner Whitman. **The Board voted unanimously.**

Commissioner Blackmon made a motion that the requested variance will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or the general welfare. The streets that will be installed will be built to the Town standards and emergency vehicles will have the proper turnaround space. and was seconded by Commissioner Whitman. **The Board voted unanimously.**

Commissioner McKoy made a motion that the special circumstances are not the result of the actions of the applicant. The circumstance are not a result of any actions of the applicant. The shape of the property and the location of the existing roads are the reason the applicant has requested this variance and was seconded by Commissioner Blackmon. **The Board voted unanimously.**

Commissioner McKoy made a motion that the variance requested is the minimum variance that will make possible the legal use of the land, building, or structure. The variance will allow the applicant to get the standard lot count for a development based on the current zoning district. and was seconded by Commissioner Blackmon. **The Board voted unanimously.**

MINUTES CONTINUED FROM APRIL 7, 2022

Commissioner Blackmon made a motion to recommend that that the proposed variance application meets all the Findings of Fact in the affirmative and to approve Variance 2022-001 which grants a 475-foot variance to allow a 1,075-foot road in the proposed subdivision that will be called Erwin Oaks and was seconded by Commissioner Byrd. **The Board voted unanimously.**

Potential Annexation of 127 Red Hill Church Road

Mayor Pro Tem Baker made a motion to open the Public Hearing and was seconded by Commissioner Blackmon. **The Board voted unanimously.**

Town Manager Snow Bowden stated this is our third time meeting on this request. Town Clerk Lauren Evans investigated the request and was approved to move forward with this request at our last meeting.

Kathy Boyer came forward and was sworn in.

Ms. Boyer stated in the year they have been in building and have expanded this business a good bit. In order to be on the Town's rotation, they need to be annexed into the Town.

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

No one came forward.

Commissioner McKoy made a motion to close the Public Hearing and was seconded by Mayor Pro Tem Baker. **The Board voted unanimously.**

Commissioner Blackmon made a motion to approve the ordinance to extend the corporate limits of the Town of Erwin, North Carolina ORD 2021-2022: 005 and was seconded by Mayor Pro Tem Baker. **The Board voted unanimously.**

NEW BUSINESS

Discussion of All-Way Stop Signs

Town Manager Snow Bowden stated this topic was removed from the Public Hearing section due to the Public Hearing Notice not being published clearly enough for citizens to know what is to be discussed. The Planning Board did make a recommendation to remove the three-way stop sign on St Matthews Rd, replace that intersection with speed bumps, and keep all other all-way stop signs in Town.

Commissioner Byrd stated he wanted to know what studies were done at that intersection before putting up stop signs.

Town Manager Snow Bowden stated there was no formal investigation but there was a recommendation from the Police Chief and from the Planning Board to move forward. There was a public hearing and that's when the Town Board approved it.

MINUTES CONTINUED FROM APRIL 7, 2022

Commissioner Turnage stated people are not educated enough to have four-way stop signs in Erwin.

Town Manager Snow Bowden stated he was under the impression that we would move the discussion under New Business so that the citizens present could come forward and speak.

Edward Pope of 215 St. Matthews Rd came forward on the behalf of himself and his wife and stated he was for the stop signs. They have helped control traffic.

Michael Jackson of 309 St Matthews Rd came forward and provided the Board with copies of the packet he previously provided. He asked the Board to do some finding of facts with him. He stated the issue of the stop signs goes beyond St. Matthews Rd. He stated something needs to be done about traffic but a four-way stop sign is not the tool to use. He thinks the Planning Board needs to address the signs, not just St Matthews Rd.

Susan Coats of 403 Wondertown Drive came forward in support of the stop signs. They will not sign and the children on their road are in trouble. The Police cannot sit on that road and give tickets all day. She stated she does not know who the people are that signed Michael Jackson's petition. She will not even bring her grandchildren to her home because the road is too dangerous without the signs. Keep the signs.

Mayor Pro Tem stated he cares for all the citizens in this area and this Town. He appreciated Mr. Jackson's research and he has done research as well. He provided his research to the Board.

Schabert Crossing Final Plat

Town Manager Snow Bowden stated this is a 34-lot subdivision and water has been installed. There is a Soil Scientist report in the packet. This is the subdivision off of HWY 82.

Commissioner Blackmon made a motion to approve the final plat for Schabert Crossing and was seconded by Mayor Pro Tem Baker. **The Board voted unanimously.**

Erwin Oaks Preliminary Subdivision Plat

Town Manager Snow Bowden stated this is a Preliminary Plat for the Erwin Oaks subdivision that we just approve the variance for the street length.

In-depth discussion continued among the Board and the developers.

Commissioner Byrd made a motion to approve the Erwin Oaks Preliminary Subdivision Plat with the condition that the developers look for a secondary entrance and was seconded by Commissioner Blackmon. **The Board voted unanimously.**

MINUTES CONTINUED FROM APRIL 7, 2022

Potential Annexation of three parcels off of St. Matthews Road

Mayor Pro Tem Baker made a motion to approve the resolution fixing the date of public hearing on question of annexation pursuant to G.S. 160A-31 2021-2022--005 and was seconded by Commissioner Blackmon. **The Board voted unanimously.**

Porter Park Improvements

Town Manager Snow Bowden stated Brian Roberts was present to speak to the Board about some improvements to Porter Park.

Mr. Roberts came forward and stated Town Manager Snow Bowden reached out to him about applying for the Environmental Enhancement Grant through the North Carolina Department of Justice which he has a lot of experience. There are two applications, one is for Stream Restoration along with greenway and educational plaques and also a planning study.

Town Engineer Bill Dreitzler stated he has worked with Mr. Robert and he does a great job. We would focus on the restoration of the stream.

Mr. Roberts stated the best thing is you have three years to use these funds.

The consensus of the Board was to move forward.

Street Resurfacing Recommendation

Town Engineer Bill Dreitzler stated bids were received two days prior to the meeting and he provided the Board with his recommendations.

Mayor Pro Tem Baker made a motion to approve the Highland Paving Company \$121,155.00 and was seconded by Commissioner Blackmon.

MANAGER'S REPORT

Town Manager Snow Bowden stated he is waiting to hear something from Harnett County and there will probably be more upcoming meetings for the Budget.

ATTORNEY'S REPORT

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

GOVERNING COMMENTS

Commissioner Blackmon welcomed Commissioner Byrd to the Board.

MINUTES CONTINUED FROM APRIL 7, 2022

Commissioner McKoy thanked Town Manager Snow Bowden for getting the “Slow Children at Play” signs up so fast.

Commissioner Whitman welcomed Commissioner Byrd to the Board.

Mayor Carson stated the residents on 12th street up their own sign-up “Slow Children at Play” and asked Snow to have an official sign put up. She welcomed Commissioner Byrd to the Board.

Commissioner Byrd expressed his love for Erwin and stated he looks forward to being a part of the Board in the next year.

Mayor Pro Tem Baker welcomed Commissioner Byrd to the Board. He thanked the Citizens for coming to the meeting and expressing their opinions. He echoed the appreciation to Police Chief Jonathan Johnson.

Commissioner Turnage welcomed Commissioner Byrd to the Board. He asked Town Manager Snow Bowden to have put signs down 12th Street. He stated speeding is a problem in Erwin.

ADJOURNMENT

Commissioner Blackmon made a motion to adjourn at 9:43 P.M. and was seconded by Commissioner Whitman. **The Board voted unanimously.**

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

ATTEST:

Patsy Carson

Mayor

Lauren Evans

Town Clerk

TOWN OF ERWIN
FINANCIAL SUMMARY REPORT
FOR MONTH OF March 2022



| REVENUES | ANNUAL BUDGET | March '22 ACTIVITY | ACTUAL TO DATE | Y-T-D % COLLECTED |
|---|---------------------|---------------------|---------------------|-------------------|
| CURRENT YEAR LEVY OF PROPERTY TAXES | 1,103,856.00 | 39,976.00 | 1,130,339.00 | 102.40% |
| CURRENT YEAR MOTOR VEHICLE TAXES | 175,470.00 | 14,899.00 | 120,254.00 | 68.53% |
| PRIOR YEAR TAXES / Penalties & Interest | 10,000.00 | 2,340.00 | 42,886.00 | 428.86% |
| UTILITIES FRANCHISE TAXES | 190,000.00 | 42,334.00 | 134,973.00 | 71.04% |
| ENTRY FEES | 19,000.00 | 5,720.00 | 20,795.00 | 109.45% |
| SALES & USE TAX | 700,000.00 | 82,764.00 | 673,377.00 | 96.20% |
| ZONING PERMITS/APPLICATIONS | 8,000.00 | 3,325.00 | 12,110.00 | 151.38% |
| REFUSE COLLECTIONS FEES | 410,256.00 | 37,809.00 | 341,494.00 | 83.24% |
| STORM WATER COLLECTION | 69,930.00 | 5,356.00 | 46,945.00 | 67.13% |
| ALL OTHER REVENUES | 697,042.00 | 21,955.00 | 525,297.00 | 75.36% |
| | 3,383,554.00 | 256,478.00 | 3,048,470.00 | 90.10% |
| EXPENDITURES | ANNUAL BUDGET | March 2022 ACTIVITY | ACTUAL TO DATE | Y-T-D % SPENT |
| GOVERNING BODY | 47,945.00 | 1,534.00 | 16,245.00 | 33.88% |
| ADMINISTRATION | 263,399.00 | 19,980.00 | 182,612.00 | 69.33% |
| NON-DEPARTMENTAL | 279,319.00 | (32,427.00) | 250,184.00 | 89.57% |
| PLANNING & INSPECTIONS | 77,369.00 | 379.00 | 10,255.00 | 13.25% |
| POWELL BILL-STREETS | 157,000.00 | 44,448.00 | 53,886.00 | 34.32% |
| POLICE | 964,020.00 | 91,451.00 | 765,496.00 | 79.41% |
| POLICE-SRO | 64,030.00 | 5,099.00 | 46,940.00 | 73.31% |
| CONTRACT SERVICES-FIRE | 238,307.00 | 0.00 | 229,730.00 | 96.40% |
| PUBLIC WORKS-ADMIN. | 109,004.00 | 10,287.00 | 89,256.00 | 81.88% |
| PUBLIC WORKS-STREETS | 396,994.00 | 16,383.00 | 207,182.00 | 52.19% |
| PUBLIC WORKS-SANITATION | 345,343.00 | 25,462.00 | 214,881.00 | 62.22% |
| PUBLIC WORKS-STORM WATER | 15,000.00 | 172.00 | 3,911.00 | 26.07% |
| RECREATION | 349,119.00 | 17,038.00 | 234,288.00 | 67.11% |
| LIBRARY | 69,405.00 | 6,107.00 | 50,293.00 | 72.46% |
| COMMUNITY CENTER | 7,300.00 | 476.00 | 4,149.00 | 56.84% |
| | 3,383,554.00 | 206,369.00 | 2,359,308.00 | 69.73% |
| Y-T-D GENERAL FUND BALANCE INCREASE (DECREASE) | | 50,109.00 | 689,162.00 | |

| BANK BALANCES AS OF March 2022 | |
|---|--------------|
| CASH MANAGEMENT | 2,441,904.15 |
| BB&T CASH IN BANK | 516,212.28 |
| FIRST FEDERAL PRESTIGE - BUSINESS MONEY MARKET | 136,773.03 |
| FIRST FEDERAL PREMIUM - BUSINESS MONEY MARKET | 857,873.68 |
| Y-T-D INVESTMENT BALANCE IN GENERAL FUND ACCOUNTS | 3,952,763.14 |
| BB&T STATE FORFEITURE | 4,246.64 |
| BB & T CAPITAL RESERVE/COMM. ENHANCEMENT | 208,753.40 |
| FIRST FEDERAL CAP. RESERVE/GENERAL | 2,352,417.49 |
| BB&T HEALTH RESERVE HRA ACCT. | 9,431.63 |
| PRIEBE FIELD ACCT. | 13,055.75 |
| AL WOODALL PARK IMPROVEMENTS | 392,011.61 |
| AMERICAN RELIEF FUNDS | 593,936.28 |
| Y-T-D INVESTMENT BALANCE RESTRICTED FUNDS | 3,573,852.80 |
| CUMULATIVE BALANCE FOR TOWN OF ERWIN | 7,526,615.94 |

POWELL BILL BALANCE
 \$ 392,309.19

* FYI - Non-Departmental Expenditure credit is due to a reclassification of prior month's expense code, which were actually POWELL BILL expenses. The adjustment increased Powell Bill Expenses and decreased Non-departmental

Town Of Erwin
 Financial Summary Report
 YTD Comparison of March 2021 and 2022



| BANK ACCOUNT BALANCES | | | |
|---|-----------------|------------|-----------------|
| | YTD Mar-22 | YTD Mar-21 | YTD Mar-21 |
| CASH MANAGEMENT | 2,441,904.15 | | 1,700,963.12 |
| BB&T CASH IN BANK | 516,212.28 | | 811,406.46 |
| FIRST FEDERAL BUSINESS M | 136,773.03 | | 136,436.95 |
| FIRST FEDERAL MONEY MARKET | 857,873.68 | | 856,159.64 |
| Y-T-D INVESTMENT BALANCE IN GENERAL FUND ACCOUNTS | \$ 3,952,763.14 | | \$ 3,504,966.17 |
| BB&T STATE FORFEITURE | 4,246.64 | | 3,703.41 |
| BB & T CAPITAL RESERVE/COMM. ENHANCEMENT | 208,753.40 | | 182,489.40 |
| FIRST FEDERAL CAP. RESERVE/GENERAL | 2,352,417.49 | | 2,347,717.38 |
| BB&T HEALTH RESERVE HRA ACCT. | 9,431.63 | | 18,374.78 |
| PRIEBE FIELD ACCT. | 13,055.75 | | 9,792.37 |
| AL WOODALL PARK IMPROVEMENTS | 392,011.61 | | 352,521.41 |
| AMERICAN RELIEF FUNDS | 593,936.28 | | |
| Y-T-D BALANCE RESTRICTED FUNDS | \$ 3,573,852.80 | | \$ 2,914,598.75 |
| CUMULATIVE BALANCE FOR TOWN OF ERWIN | \$ 7,526,615.94 | | \$ 6,419,564.92 |

| | YTD | | YTD | | DIFFERENCE |
|---|-----------------|-----------------|--------------|--------|------------|
| | Mar-22 | Mar-21 | Mar-22 | Mar-21 | |
| Revenues | | | | | |
| CURRENT YEAR LEVY OF PROPERTY TAXES | 1,130,339.00 | 1,126,203.00 | 4,136.00 | | |
| CURRENT YEAR MOTOR VEHICLE TAXES | 120,254.00 | 129,110.00 | (8,856.00) | | |
| PRIOR YEAR TAXES / Penalties & Interest | 42,886.00 | 26,181.00 | 16,705.00 | | |
| UTILITIES FRANCHISE TAXES | 134,973.00 | 135,944.00 | (971.00) | | |
| ENTRY FEES | 20,795.00 | 11,070.00 | 9,725.00 | | |
| SALES & USE TAX | 673,377.00 | 591,175.00 | 82,202.00 | | |
| ZONING PERMITS/APPLICATIONS | 12,110.00 | 11,725.00 | 385.00 | | |
| REFUSE COLLECTIONS FEES | 341,494.00 | 329,587.00 | 11,907.00 | | |
| STORM WATER COLLECTION | 46,945.00 | 45,202.00 | 1,743.00 | | |
| ALL OTHER REVENUES | 525,297.00 | 723,185.00 | (197,888.00) | | |
| | \$ 3,048,470.00 | \$ 3,129,382.00 | (80,912.00) | | |
| Expenditures | | | | | |
| GOVERNING BODY | 16,245.00 | 17,175.00 | (930.00) | | |
| ADMINISTRATION | 182,612.00 | 198,909.00 | (16,297.00) | | |
| NON-DEPARTMENTAL | 250,184.00 | 233,664.00 | 16,520.00 | | |
| PLANNING & INSPECTIONS | 10,255.00 | 27,838.00 | (17,583.00) | | |
| POWELL BILL-STREETS | 53,886.00 | 14,770.00 | 39,116.00 | | |
| POLICE | 765,496.00 | 621,855.00 | 143,641.00 | | |
| POLICE-SRO | 46,940.00 | 60,914.00 | (13,974.00) | | |
| CONTRACT SERVICES-FIRE | 229,730.00 | 236,163.00 | (6,433.00) | | |
| PUBLIC WORKS-ADMIN. | 89,256.00 | 77,739.00 | 11,517.00 | | |
| PUBLIC WORKS-STREETS | 207,182.00 | 182,693.00 | 24,489.00 | | |
| PUBLIC WORKS-SANITATION | 214,881.00 | 233,110.00 | (18,229.00) | | |
| PUBLIC WORKS-STORM WATER | 3,911.00 | 3,572.00 | 339.00 | | |
| RECREATION | 234,288.00 | 197,118.00 | 37,170.00 | | |
| LIBRARY | 50,293.00 | 45,715.00 | 4,578.00 | | |
| COMMUNITY CENTER | 4,149.00 | 10,988.00 | (6,839.00) | | |
| | \$ 2,359,308.00 | \$ 2,162,223.00 | 197,085.00 | | |

STATE OF NORTH CAROLINA

COMPUTER SUPPORT SERVICES AGREEMENT

COUNTY OF HARNETT

This Computer Support Services Agreement (the “Agreement”) is made and entered into as of the 1st day of July, 2022 by and between the County of Harnett, a body politic, organized and existing under the laws of the State of North Carolina (hereinafter referred to as “County”) and the Town of Erwin, a municipal corporation, organized and existing under the laws of the State of North Carolina (hereinafter referred to as “Town”).

WITNESSETH:

WHEREAS, Town desires computer support services for its governmental operations from County;

WHEREAS, County desires to provide to Town computer support services for Town’s governmental operations;

WHEREAS, Town and County have reached an agreement for the provision of computer support services to the Town as described herein and the parties desire to set forth the terms and conditions of this agreement in this Contract; and

NOW, THEREFORE, in consideration of the mutual benefits, representations, and agreements contained herein and for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree, each with the other, as follows:

1. **Purpose.** The purpose of this Contract is to set forth the understandings and agreements of the parties regarding the computer support services to be performed by County for Town.
2. **Services Provided by County.** The County shall provide to Town, including its various commissions, agencies, and programs the following computer support services:

- A. Hosting, maintenance and support of Town staff 1-99 e-mail accounts @ \$7/mailbox/month. Includes:
 - a. Email storage space
 - b. Regular backups of email data
 - c. SPAM filtering service
 - d. Email archiving
 - e. Security monitoring
- B. Provide 10mb minimum (burstable up to 200mb) Internet Connection @ \$75/month;
- C. Provide wireless connectivity to county resources @ \$300/month. Includes:
 - a. Town Hall

- b. Parks and Recreation
- c. Public Works
- D. Provide use of County's data center for up to 4 servers and 1TB of network storage @ \$400/month
 - a. Each additional server is \$100/month
 - b. Each additional 1TB is \$100/month
 - c. Includes
 - i. Offsite replication of systems
 - ii. Regular backup of systems
 - iii. Security monitoring
- E. VOIP Phone system @ \$12.50/phone/fax/month;
 - a. Voicemail, with voicemail to email feature
 - b. DID allocation
 - c. Free long distance calling
 - d. Auto Attendant capabilities
 - e. Instant messaging client option
- F. NetMotion annual license fee @ \$6/per client/month
- G. Labor for maintenance, repairs, security patching and upgrades to Town computers;
- H. Installation and upgrades of software requested by Town;
- I. Serve as a liaison with Town's software vendors;
- J. Provide consultation for any other technology needs of the Town.
- K. Provide consultation for the Town's GIS mapping needs that is outside of normal county mapping functions

Any expenses incurred for the purchase of hardware and/or software necessary to provide for the maintenance and/or repairs of Town's computers, peripheral devices or networking equipment will be the sole responsibility of Town. The County shall perform computer support services on an as needed basis as requested by Town. All services provided by the County pursuant to this Agreement shall occur during the County's normal business hours of 8:00 a.m. to 5:00 p.m., Monday thru Friday.

3. **Compensation and Payment.** Compensation for the computer support services shall be **\$4,000 for a 50-hour block of time @ \$80/hour** plus reimbursement of directly incurred out-of-pocket expenses including any support fees. County will also charge for services noted in section 2 above. County shall invoice Town quarterly for computer support services and out-of-pocket expenses and provide a detailed description for all out-of-pocket expenses directly incurred. Any unused hours will be billed no later than June 30, 2023. Any overages will be billed at \$85/hour. Said invoices shall be submitted to:

Snow Bowden, Town Manager
Town of Erwin
PO Box 459
Erwin, NC 28339

Each invoice is due and payable to County within thirty (30) days of the date of the invoice. Town shall pay an additional charge of one and one-half percent per month (18% annually) per month not to exceed the maximum rate allowed by law for any payment not received by County more than thirty (30) days from the date of invoice.

4. **Term of Agreement, Amendment and Termination.** The term of this Agreement is July 1, 2022 to June 30, 2023. This Agreement may be amended from time to time upon the mutual consent of Town and County expressed in writing. Either party may terminate this Agreement for any reason upon sixty (60) days written notice to the other party. Termination shall not relieve Town of any financial obligations incurred prior to termination.

5. **Documents and Reports.** Town shall furnish or cause to be furnished to County all such reports, data, specifications, documents or other information deemed necessary by County for proper performance of County's services. County may rely upon the documentation so provided in performing the services required under this Agreement; provided however, County assumes no responsibility or liability for their accuracy.

6. **Town Data.** Town retains ownership and custody of its data and County does not have ownership, custody, or control of Town Data. County will backup Town Data for the sole purposes of disaster recovery and will provide Town an automated backup of data stored on Town's designated servers and network connected computers. County will back up emails for a period of ten (10) years and all other data for a period of one (1) year. Town is solely responsible for generating and formatting all data. Town is solely responsible for the integrity of all data targeted for backup. County will back up Town Data as it exists at the time of backup, with all faults, and will restore Town Data in the same format in which it is backed up. Town is solely responsible for retaining data and records in accordance with its retention schedules. Town is solely responsible for fulfilling and satisfying all public records requests and all requests for data in connection to litigation. Data backups prepared for disaster recovery purposes will be used to restore data that has been deleted or lost. This agreement does not create a requirement for the County to respond to or assist in satisfying public records or litigation requests from the disaster recovery data backups.

7. **Limitation of Liability.** Town shall hold County harmless for any and all claims, liabilities, losses, damages, costs or expenses arising out of or relating to the provision of services provided by County to Town hereunder. Town and County waive special, incidental, indirect or consequential damages, including lost profits, good will, revenues or savings, for

claims, disputes, or other matters in question arising out of or relating to this Agreement. This limitation of liability will survive the expiration or termination of this Agreement.

8. **No Third-Party Beneficiary.** Nothing contained in this Agreement shall create a contractual relationship with or cause of action in favor of a third party against either Party.

9. **Severance Clause.** In the event any provision of this Agreement is adjudged to be not enforceable or found invalid, such provision shall be stricken and the remaining provisions shall be valid and enforceable.

10. **Notices.** All notices or other communications which shall be made pursuant hereto shall be in writing and shall be deemed to be given and received (a) when hand delivered to the address stated below, (b) three (3) days after being mailed to the address stated below, postage prepaid by certified or registered mail of the United States, return receipt requested to the address set forth below:

TO: Town of Erwin
PO Box 459
Erwin, NC 28339
Attn: Town Manager

TO: County of Harnett
455 McKinney Parkway
County Administration Building
Post Office Box 759
Lillington, North Carolina 27546
Attn: County Manager

With Copy to: County Staff Attorney
455 McKinney Parkway
County Administration Building
Post Office Box 238
Lillington, North Carolina 27546

Either party to this Agreement may change its designated person or designated address at any time and from time to time by giving notice of such change to the other party in the manner set forth above.

11. **Governing Law and Jurisdiction.** This Agreement shall be governed by the laws of the State of North Carolina. The North Carolina State Courts located in Harnett County, North Carolina shall have jurisdiction to hear any dispute under this Agreement and any legal or equitable proceedings by either party must be filed in Harnett County, North Carolina.

12. **Mediation.** Any claim, dispute or other matter in question arising out of or related to this Agreement may, per the mutual agreement of both parties, be subject to mediation as a condition precedent to the institution of legal or equitable proceedings by either party. The Parties agree that the mediation will be conducted and governed by the North Carolina Rules Implementing

Statewide Mediated Settlement Conferences in Superior Court Civil Actions, and N.G. Gen. Stat. §7A-38.1(c), except as specifically provided otherwise herein. The parties shall share the mediator's fee and any filing fees equally. The mediation shall be held in Harnett County, unless another location is mutually agreed upon. Agreements reached in mediation shall be enforceable as settlement agreements in any court having jurisdiction thereof.

13. **Entire Agreement.** This Agreement represents the entire and integrated agreement between County and the Town and supersedes all prior negotiations, representations or agreements, either written or oral. This Agreement may only be amended by written instrument signed by County and the Town.

IN WITNESS WHEREOF, the parties hereto, through their duly authorized representatives or officers have executed this Agreement as to the date and year first above written.

TOWN:

TOWN OF Erwin

By: _____

Printed Name: _____

Title: _____

This instrument has been pre-audited in the manner required by the Local Government Budget & Fiscal Control Act.

By: _____

Printed Name: _____

Title: _____

COUNTY:

COUNTY OF HARNETT

By: _____

County Manager



TOWN OF ERWIN

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

Mayor
Patsy M. Carson
Mayor Pro Tem
Randy L. Baker
Commissioners
William R. Turnage
Thurman E. Whitman
Alvester L. McKoy
Ricky W. Blackmon
Charles L. Byrd

TOWN OF ERWIN RESOLUTION IN SUPPORT OF THE TOWN OF ERWIN ENVIRONMENTAL ENHANCEMENT GRANT

WHEREAS, the Town of Erwin, along with other local and regional partners, is working toward the revitalization of our downtown area to establish it as a vital economic sector of the Town for the community's benefit; and

WHEREAS, the Town of Erwin's Comprehensive Growth Management Plan draft identifies addressing stormwater and drainage issues in Downtown Erwin as a priority; and

WHEREAS, properties and businesses in Downtown Erwin have been impacted by flooding multiple times in recent years; and

WHEREAS, the Town of Erwin believes that projects designed to address stormwater and drainage issues will be beneficial to Downtown Erwin, its businesses, property owners, and the community;

WHEREAS, the Town of Erwin's Transportation Plan draft identifies additional pedestrian facilities and greenway extensions as priorities to enhance the walkability; and

WHEREAS, the Town of Erwin completed improvements to W.N. Porter Park in 2014 to provide an enhanced park for underprivileged children in our community.

WHEREAS, the Town of Erwin was instrumental in extending the Dunn-Erwin Rail Trail to connect to the Cape Fear River Park in 2016; and

WHEREAS, the Town of Erwin successfully completed the first phase of the East Erwin Drainage project in 2020 to help elevate flooding in a residential area; and

WHEREAS, the Town of Erwin recognizes the importance of natural resources as a significant driver for tourism in Downtown Erwin; and

WHEREAS, the North Carolina Attorney General created an Environmental Enhancement Grant program to preserve and enhance North Carolina's natural resources with an emphasis on projects that are located in eastern North Carolina; and

WHEREAS, the Town of Erwin intends to apply for an Environmental Enhancement Grant; and

WHEREAS, the Town of Erwin seeks to encourage the development of Downtown Erwin and the areas adjacent to downtown; and

WHEREAS, the Town of Erwin desires to further the preservation of our natural resources; and

THEREFORE, BE IT RESOLVED that the Town of Erwin Mayor Patsy M. Carson, and the Board of Commissioners endorse and support the Town of Erwin’s Environmental Enhancement Grant application.

Adopted this 5th day of May 2022.

Patsy M. Carson
Mayor

ATTEST:

Lauren Evans
Town Clerk

Erwin Board of Commissioners

REQUEST FOR CONSIDERATION

To: The Honorable Mayor and Board of Commissioners

From: Snow Bowden, Town Manager

Date: May 5, 2022

Subject: SU-2022-008

The Town of Erwin has received a special use application to allow for a childcare facility located in an existing building at 1503 Denim Drive. The operation would be a separate part of a church that has purchased the building with plans to operate a church in this building. Religious uses are a permitted use in the Highway Business Zoning District. However, childcare facilities require a special use permit.

Attachments:

- SU-2022-008 Application
- SU-2022-008 Staff Report
- Harnett County GIS Image with Zoning
- Harnett County GIS no Zoning
- Property owners notified

Suggested Motions:

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

1. I move to recommend that the proposed special use application:
 - a. Meets all the Findings of Fact in the Affirmative, or
 - b. Meets one or more of the Findings of Fact in the negative (if this motion is made, then the application would have to be recommended for denial.)
2. I move that:
 - a. The proposed amendment is consistent with those documents that constitute the officially adopted land development plan and other applicable plans: or
 - b. The proposed amendment is not consistent with those documents that constitute the officially adopted land development plans and other applicable plans, in that (state reason(s) for nonconsistency).

3. I move to recommend:
- a.** Approval of SU-2022-002 Special Use Application to operate a day care facility at 1503 Denim Drive (HC Tax PIN # 1507-21-1976.000.)
 - b.** Denial of SU-2021-002 Special Use Application to operate a day care facility at 1503 Denim Drive (HC Tax PIN # 1507-21-1976.000.)
 - c.** Approval of SU-2021-002 Special Use Application to operate a day care facility at 1503 Denim Drive (HC Tax PIN # 1507-21-1976.000) with additional conditions (state conditions).



TOWN OF ERWIN PAID *check*
 100 West F St., Post Office Box 459
 Erwin, NC 28339
 (910) 897-5140 V (910) 897-5543 F
 www.erwin-nc.org APR 11 2022 2937

SPECIAL USE PERMIT APPLICATION
TOWN OF ERWIN

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

| | | | |
|------------------|-----------------------|---------------------|--------------------------------------|
| Applicant Name | Vivian Cogdell | Property Owner Name | Youth + Family Enrichment Connect 4C |
| Mailing Address | 219 Green Forest Cir. | Mailing Address | 219 Green Forest Circle |
| City, State, Zip | DUNN, NC 28334 | City, State, Zip | DUNN, NC |
| Telephone | (910) 797-2310 | Telephone | (910) 797-2310 |
| Email | Vh.cogdell@gmail.com | Email | Vh.cogdell@gmail.com |

| | | | |
|--|-----------------------|----------------------------|---|
| Address of Subject Property | 1503 Denim Dr. | | |
| Parcel Identification Number(s) (PIN) of Subject Property | 1507 - 21 - 1976 .000 | | |
| Legal Relationship of Applicant to Owner | owner | Floodplain SFHA | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |
| Legal Description: Lot | Block | Subdivision | POPE HO POPE ELECTRICAL MCP |
| Zoning District | B2 | Wetlands | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |
| Public Water Available: | Y or N | Public Sewer Available: | Y or N |
| Existing Septic Tank: | Y or N | | |
| Number of Buildings to Remain | 1 | Gross Floor Area to Remain | 2,500 |
| Describe Proposed Project or Request with Conditions proposed by applicant: Operate a day-care facility in an existing building | | | |
| Total Acreage or Square Footage to be Disturbed | | | |
| 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 | 4/8/22 | Office Use Only | Application Fee \$ | 300 | Received By | |
| Case # | SU-2022-008 | | | | | |



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Special Use Signature Page

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

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

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

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

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

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

SU- 2022-008

Signature Page

Page 1 of 2

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

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

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

Applicant Signature and Date:

Vivian Cosdell

4/8/2022

SU-2022 058

Signature Page

Vivian Cosdell

Page 2 of 2

see attached ~~in~~ ~~sheet~~



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

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

SU- 2022-008

- See attached in staff report

**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 _____

SU-2022-008

Finding of Facts

1



TOWN OF ERWIN

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SPECIAL USE APPLICATION PROCEDURES

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

Conditions and Guarantees

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

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

SU-2022 - 008

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.

SU-2022-03



TOWN OF ERWIN

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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

SU- 2022 - 008

Important

Page 1 of 1



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Processing Requirements

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

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

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

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

SU- 2022-008

**Town of Erwin
Record and Decisions**

Office Use Only
 Notice Mailed 4/12/2022 Property Posted 4/12/2022 Newspaper Advertised Date 4/19,26/2022

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-2022-008

Snow Bowden, Town Manager

townmanager@erwin-nc.org

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

Public Hearing Date: Thursday, May. 5th 2022

Requested special use permit to operate a day care facility at 1503 Denim Drive with corresponding Harnett County Tax PIN #1507-21-1976.000

Applicant Information

Owner of Record:

Name: Word Afire Ministries, INC

Address: 219 Green Forest Circle

City/State/Zip: Dunn, NC 28334

Applicant:

Name: Word Afire Ministries, INC

Address: 219 Green Forest Circle

City/State/Zip: Dunn, NC 28334

Property Description

Harnett County Tax PIN 1507-21-1976.000

Acres .61

Zoning District- Highway Business (B-2)

Vicinity Map

- See Attached Document

Physical Characteristics

Site Description- This parcel is .61 acres and has an existing building located on it that was built in 2008 and it is 6,250 square feet. It has an existing connection to Denim Drive which is a NCDOT road. There is an existing parking lot.

Surrounding Land Uses- There is a mix of residential and commercial land uses surrounding this building.

Services Available

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

Zoning District Compatibility

| | |
|-------------|-----|
| Special Use | B-2 |
| Daycares | 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:** Day care centers are allowed as a special use in the Highway Business (B-2) Zoning District as long as there is not another operation within a 300-foot radius of the proposed facility.

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

- **Reasoning:** The requested use would allow for an operation for after school child care, and other child care needs which is needed in the area.

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 is an existing commercial building that is surrounded by similar uses off of a main road that runs through Town.

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

- **Reasoning:** This parcel is found in an area in our 2014 Land Use Plan as an area for medium intensity growth. Medium intensity growth does include low impact neighborhood businesses.

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

- **Reasoning:** This is an existing building that is already connected to the necessary utilities. The applicant is working with Harnett County Development Services to ensure the facility has all of the necessary upgrades for this operation.

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:** There is an existing driveway that is connected to a North Carolina Department of Transportation road.

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

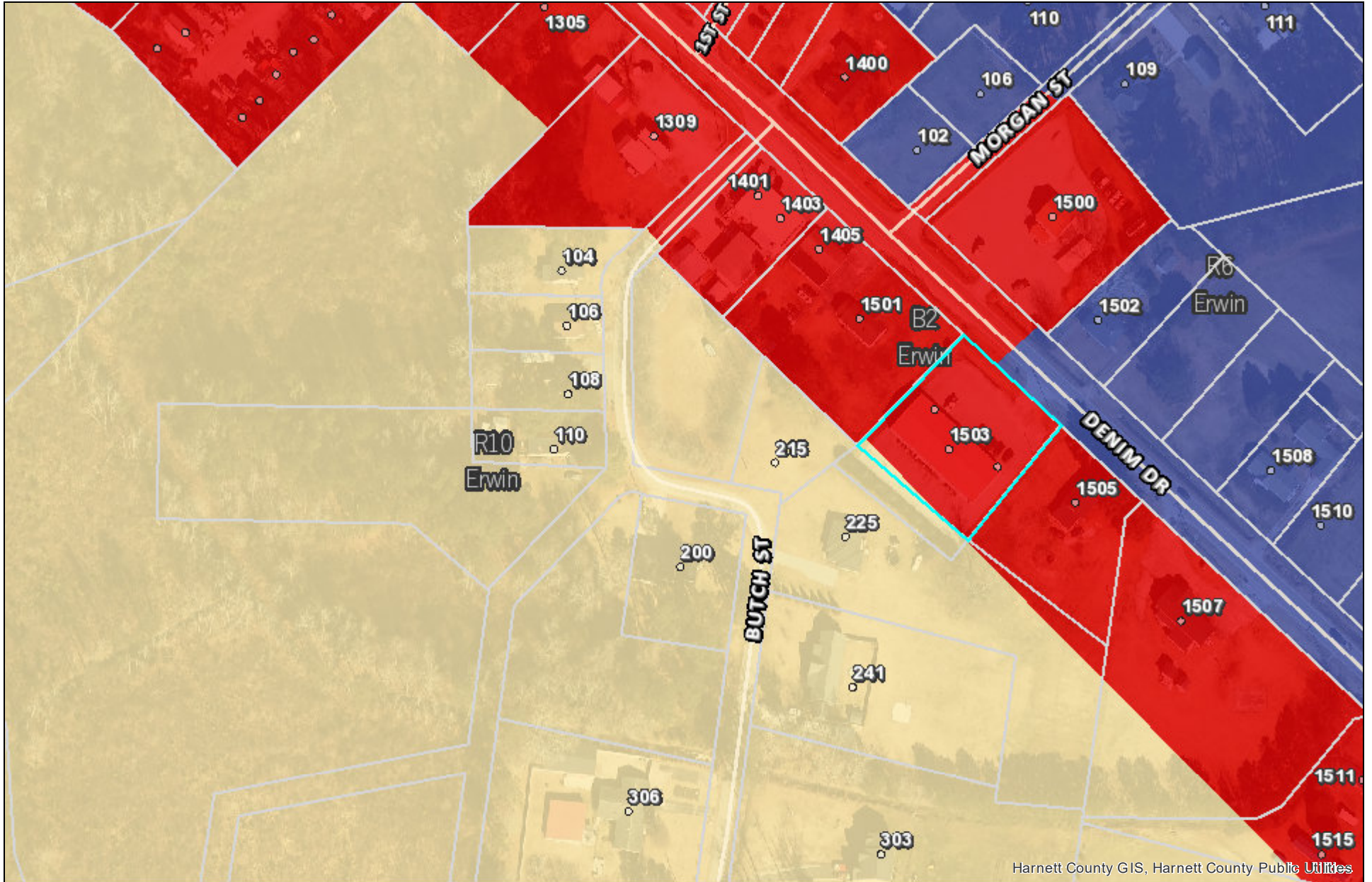
- **Reasoning:** Yes, the child care facility must be approved by the North Carolina Department of Health and Human Services.

Attachments:

- SU-2022-008 Application
- SU-2022-008 Staff Report
- Harnett County GIS Image with Zoning Overlay
- Harnett County GIS Image with No Zoning
- Property Owners notified

Harnett GIS

NOT FOR LEGAL USE



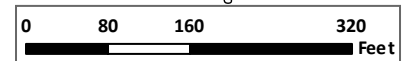
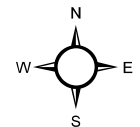
Harnett County GIS, Harnett County Public Utilities



GIS/E-911 Addressing

April 22, 2022

- | | | |
|-------------------------------|--------------------|---------------------|
| Surrounding County Boundaries | Major Roads | Mile_Markers |
| City Limits | Interstate | Mile_Markers |
| Address Numbers | NC | Railroad |
| Airport | US | Parcels |
| | Roads | CapeFearRiver |



1 inch = 188 feet **46**

Harnett GIS

NOT FOR LEGAL USE



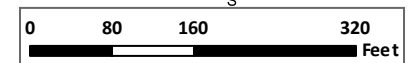
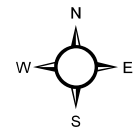
Harnett County GIS, Harnett County Public Utilities



GIS/E-911 Addressing

April 22, 2022

- | | | |
|-------------------------------|--------------------|---------------------|
| Surrounding County Boundaries | Major Roads | Mile_Markers |
| City Limits | Interstate | Mile_Markers |
| Address Numbers | NC | Railroad |
| Airport | US | Parcels |
| | Roads | CapeFearRiver |



1 inch = 188 feet ^{A7}

Word Afire Ministries, INC.
219 Green Forest Circle
Dunn, NC 28334

Christopher and Monica Barbour
158 Dunn Street
Sneads Ferry, NC 28460

Mary Beasley
311 East K Street
Erwin, NC 28339

Scott McClenny
215 Butch Street
Erwin, NC 28339

Rene Mendoza and Mildred Guerrero
225 Butch Street
Erwin, NC 28339

Larry Wood
401 West C Street
Erwin, NC 28339

Agnes Lucas
Ralph Lucas
5116 Pinetree Lane
Trent Woods, NC 28562

Gloria Lynn Oldham
108 Godwin Drive
Erwin, NC 28339



TOWN OF ERWIN

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

Mayor
Patsy M. Carson
Mayor Pro Tem
Randy L. Baker
Commissioners
William R. Turnage
Thurman E. Whitman
Alvester L. McKoy
Ricky W. Blackmon
Charles L. Byrd

04/12/2022

Notice of a Public Hearing **SU-2022-008**

The Board of Commissioners of the Town of Erwin will hold a public hearing pursuant to NC General Statute 160D-406 on May 5th, 2022 at 7:00 P.M. at the Erwin Town Hall, 100 West F Street, Erwin, North Carolina to hear public comment on a proposed rezoning request.

There has been a special use permit application submitted to the Town to operate a day care facility at 1503 Denim Drive. The property can also be identified by its Harnett County Tax PIN #1507-21-1976.000. The operation would take place in the existing structure located on that site.

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

Erwin Board of Commissioners

REQUEST FOR CONSIDERATION

To: The Honorable Mayor and Board of Commissioners

From: Lauren Evans, Town Clerk

Date: May 5, 2022

Subject: Petition to Annex 3 Parcels Located Off of St Matthews Rd

The Town has received a request to have 3 Parcels Located Off of St Matthews Rd voluntarily annexed into our Town Limits. This parcel is adjacent to our Town Limits.

These parcels are as follows:

- Tract 1- 504/640 St. Matthews Road (Harnett County Tax PIN # 1507-34-7604.000)
- Tract 2- Vacant (Harnett County Tax PIN # 1507-45-1001.000)
- Tract 3- Vacant (Harnett County Tax PIN # 1507-35-0329.000)

If you approve the Ordinance to extend the corporate limits, adoption can be made immediately, June 30th of 2022, or June 30th of 2023.

Action Recommended:

- Adopt Ordinance to extend the Corporate Limits

State of North Carolina
 County of Harnett
 Town of Erwin

IRREVOCABLE PETITION REQUESTING ANNEXATION

Date: 2022.02.03

To the Mayor and Board of Commissioners of the Town of Erwin:

1. We the undersigned owners of real property respectfully request that the area described in paragraph 2 below be annexed into the Town of Erwin.

2. The area to be annexed is contiguous to the Town of Erwin and the boundaries of such territory are as follows:

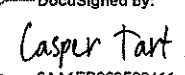
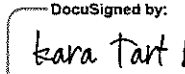
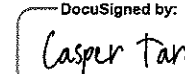
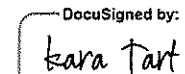
Insert metes and bounds or other legally acceptable description here.

PINS:

1. 1507-35-0329
2. 1507-34-7604
3. 1507-45-1001

[SEE ATTACHED METES AND BOUNDS FOR EACH PARCEL]

3. We acknowledge that any zoning vested rights acquired pursuant to G.S. 160A-385.1 or G.S. 153A-344.1 must be declared and identified on this petition. We further acknowledge that failure to declare such rights on this petition shall result in a termination of vested rights previously acquired for the property. (If zoning vested rights are claimed, indicate below and attach proof.)

| PIN | NAME | ADDRESS | DO YOU DECLARE VESTED RIGHTS? YES OR NO | SIGNATURE |
|--------------|------------------------------|--|---|--|
| 1507-35-0329 | Mark Kolosky | Bryant Road Dunn, NC 28334 | NO | |
| 1507-34-7604 | Casper Tart Jr. Kara Tart | 504 St Matthews Road Erwin, NC 28339 | NO | DocuSigned by:  3AA1ED263F98411... DocuSigned by:  3AA1ED263F98411... |
| 1507-45-1001 | Casper Tart Jr. Kara Tart | St Matthews Road Off Road Erwin, NC 28339 | NO | DocuSigned by:  3AA1ED263F98411... DocuSigned by:  3AA1ED263F98411... |

State of North Carolina
 County of Harnett
 Town of Erwin

IRREVOCABLE PETITION REQUESTING ANNEXATION

Date: 2022.02.03

To the Mayor and Board of Commissioners of the Town of Erwin:

1. We the undersigned owners of real property respectfully request that the area described in paragraph 2 below be annexed into the Town of Erwin.
2. The area to be annexed is contiguous to the Town of Erwin and the boundaries of such territory are as follows:

Insert metes and bounds or other legally acceptable description here.

PINS:

1. 1507-35-0329
2. 1507-34-7604
3. 1507-45-1001

[SEE ATTACHED METES AND BOUNDS FOR EACH PARCEL]

3. We acknowledge that any zoning vested rights acquired pursuant to G.S. 160A-385.1 or G.S. 153A-344.1 must be declared and identified on this petition. We further acknowledge that failure to declare such rights on this petition shall result in a termination of vested rights previously acquired for the property. (If zoning vested rights are claimed, indicate below and attach proof.)

| PIN | NAME | ADDRESS | DO YOU DECLARE VESTED RIGHTS? YES OR NO | SIGNATURE |
|--------------|------------------------------|--|---|--|
| 1507-35-0329 | Mark Kolosky | Bryant Road Dunn, NC 28334 | NO | DocuSigned by: <i>Mark Kolosky</i> CDC3652209FC45F.. |
| 1507-34-7604 | Casper Tart Jr. Kara Tart | 504 St Matthews Road Erwin, NC 28339 | NO | |
| 1507-45-1001 | Casper Tart Jr. Kara Tart | St Matthews Road Off Road Erwin, NC 28339 | NO | |

BRYANT ROAD, 1507-35-0329
BRYANT ROAD

A legal description for a parcel of land in Harnett County identified as PIN# 1507-35-0329 and described in deed book 3737 page 849 and shown as tract 2 in plat book 2000 page 26 in the Harnett County Registry and more accurately described as follows:

Starting at an existing PK nail near the centerline of St. Matthews Road having NAD'83(2011) NC Grid Coordinates of N: 574917.11' and E: 2102879.66';

Thence, N 49° 29' 12" E for a distance of 30.61 feet to a set iron pipe in the northern 60' right-of-way of St. Matthews Road and being the place and POINT OF BEGINNING;

Thence following the northern right-of-way, N 38° 03' 31" W for a distance of 170.11 feet to a set iron pipe;

Thence curving to the right on a chord bearing N 20° 30' 35" W for a chord distance of 273.81 feet and having a radius of 454.04 feet to a set iron pipe;

Thence N 02° 57' 39" W a distance of 296.07 feet to a set iron pipe at the intersection of said right-of-way and the southern right-of-way of Bryant Rd;

Thence following the southern right-of-way of Bryant Rd along a curve to the left on a chord bearing N 80° 58' 41" E for a chord distance of 613.87 feet and having a radius of 1899.76 feet to a set iron pipe;

Thence leaving said right-of-way, S 10° 11' 36" E for a distance of 395.37 feet to an existing iron stake;

Thence, S 49° 29' 12" W for a distance of 605.27 feet to the place and POINT OF BEGINNING;

Encompassing an area of 8.013 acres, more or less.

BRYANT ROAD, 1507-45-1001
ST MATTHEWS RD OFF ROAD

A legal description for a parcel of land in Harnett County identified as PIN# 1507-45-1001 and described in deed book 338 page 179 and shown as portions of lots 1-5 in plat book 1 page 10 in the Harnett County Registry and more accurately described as follows:

Starting at a set iron pipe having NAD'83(2011) NC Grid Coordinates of N: 574939.75' and E: 2104380.13' and being the place and POINT OF BEGINNING;

Thence, S 55° 27' 11" W for a distance of 152.00 feet to a point;

Thence, S 80° 16' 57" W for a distance of 290.00 feet to a point;

Thence, N 00° 45' 02" W a distance of 532.92 feet to a point;

Thence, S 46° 25' 28" E for a distance of 577.00 feet to the place and POINT OF BEGINNING;

Encompassing an area of 2.737 acres, more or less.

BRYANT ROAD, 1507-35-7604
504 ST MATTHEWS RD

A legal description for a parcel of land in Harnett County identified as PIN# 1507-34-7604 and described as the first tract in deed book 338 page 36 and shown as lot 1 in plat book 4 page 173, inclusive of the second tract in deed book 338 page 36 in the Harnett County Registry and more accurately described as follows:

Starting at an existing PK nail near the centerline of St. Matthews Road having NAD'83(2011) NC Grid Coordinates of N: 574917.11' and E: 2102879.66';

Thence, N 49° 29' 12" E for a distance of 30.61 feet to a set iron pipe in the northern 60' right-of-way of St. Matthews Road and being the place and POINT OF BEGINNING;

Thence, N 49° 29' 12" E for a distance of 605.27 feet to an existing iron stake;

Thence continuing, N 49° 29' 12" E for a distance of 779.33 feet to a set iron pipe;

Thence, S 00° 45' 02" E for a distance of 1031.94 feet to a point;

Thence, N 80° 16' 57" E for a distance of 290.00 feet to a point;

Thence, N 55° 27' 11" E for a distance of 152.00 feet to a set iron pipe;

Thence continuing, N 55° 27' 11" E for a distance of 269.00 feet to a set iron pipe;

Thence, S 39° 32' 49" E for a distance of 473.06 feet to an existing metal bar;

Thence, S 40° 08' 10" W for a distance of 981.50 feet to a set iron pipe;

Thence, S 38° 48' 15" E for a distance of 104.89 feet to a set iron pipe;

Thence, S 52° 43' 31" W for a distance of 516.120feet to a point on a set iron pipe;

Thence, N 38° 04' 51" W for a distance of 130.63 feet to the northern right-of-way of St. Matthews Road;

Thence following the northern right-of-way along a curve to the left on a chord bearing N 18° 11' 14" W for a chord distance of 88.16 feet and having a radius of 129.69 feet to a set iron pipe;

Thence N 38° 03' 31" W a distance of 1482.93 feet to the place and POINT OF BEGINNING;


Encompassing an area of 44.071 acres, more or less.

Parcels

Harnett GIS



Harnett County GIS, Harnett County Public Utilities.



Harnett COUNTY
NORTH CAROLINA

GIS/E-911 Addressing
February 10, 2022

Surrounding County Boundaries NC

City Limits US

Airport Airport

MajorRoads Interstate


Roads Roads

Mile_Markers Mile_Markers


Railroad Railroad

Parcels Parcels

CapeFearRiver CapeFearRiver



1 inch = 752 feet



0 335 670 1,340 feet



TOWN OF ERWIN

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

Mayor
Patsy M. Carson
Mayor Pro Tem
Randy L. Baker
Commissioners
William R. Turnage
Thurman E. Whitman
Alvester L. McKoy
Ricky W. Blackmon
Charles Byrd

ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF ERWIN, NORTH CAROLINA

ORD 2021-2022: 005

WHEREAS, the Mayor and Board of Commissioners of the Town of Erwin has been petitioned under G. S. 160A-31 to annex the area described below; and

WHEREAS, the Mayor and Board of Commissioners of the Town of Erwin has by resolution directed the Town Clerk to investigate the sufficiency of the petition; and

WHEREAS, the Town Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at the Erwin Municipal Building Town Hall, at 7:00 PM on Thursday, **May 5, 2022**, after due notice by The Daily Record on Tuesday, **April 26, 2022**; and

WHEREAS, the Mayor and Board of Commissioners of the Town of Erwin finds that the petition meets the requirements of G.S. 160A-31;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Commissioners of Town of Erwin, North Carolina that:

Section 1. By virtue of the authority granted by G.S. 160A-31, the following described territory is hereby annexed and made part of the Town of Erwin as of _____, 20_____:

- **Tract 1- 504/640 St. Matthews Road (Harnett County Tax PIN # 1507-34-7604.000)**
- **Tract 2- Vacant (Harnett County Tax PIN # 1507-45-1001.000)**
- **Tract 3- Vacant (Harnett County Tax PIN # 1507-35-0329.000)**

Section 2. Upon and after _____, 20_____, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the Town of Erwin and shall be entitled to the same privileges and benefits as other parts of the Town of Erwin. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the Town of Erwin shall cause to be recorded in the office

of the Register of Deeds of Harnett County and the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the County Board of Elections, as required by G.S. 163.288.1.

Section 4. Notice of adoption of this Ordinance shall be published once, following the effective date of annexation, in a newspaper having general circulation in the Town of Erwin.

ADOPTED, this 5th Day of May, 2022.

Patsy M. Carson
Mayor

ATTEST:

APPROVED AS TO FORM:

Lauren Evans
Town Clerk

Timothy C. Morris, PA
Town Attorney

Erwin Board of Commissioners

REQUEST FOR CONSIDERATION

To: The Honorable Mayor and Board of Commissioners

From: Snow Bowden, Town Manager

Date: May 5, 2022

Subject: Harnett County Library Consolidation Agreement

Library consolidation memo

In your packet is a proposed contract from Harnett County to consolidate all of the municipal libraries (Erwin, Angier, Coats and Dunn). Currently, all of the municipal libraries are funded by each respective municipality. All of the public libraries in the County currently use the same operating system and they share material through the NC Cardinal system. What I have included in the packet is a draft agreement. I highlighted a few points in the agreement. In the agreement it states that they would lease the building and not take over ownership. Library consolidation has been discussed for a number of years here in Harnett County. I do believe that the Town would benefit from library consolidation.

Attachments:

- Proposed agreement for Harnett County Library Consolidation
- Proposed budget for the Town of Erwin library budget from Harnett County if consolidation happens
- Interlocal agreement from November 17, 2014

NORTH CAROLINA
HARNETT COUNTY

LIBRARY CONSOLIDATION AGREEMENT

THIS AGREEMENT is made and entered into this ____ day of July, 2022, by and between the County of Harnett, a body politic, organized and existing under the laws of the State of North Carolina (hereinafter referred to as “County”), and the Town of Angier, the Town of Coats, the City of Dunn, and the Town of Erwin, all municipal corporations, organized and existing under the laws of the State of North Carolina (hereinafter referred to collectively as “Municipalities” or individually as “Municipality”).

WITNESSETH

WHEREAS, the Parties have established, operate, and support independent public library systems pursuant to N.C.G.S §153A-263; and

WHEREAS, the Parties recognize the operational efficiencies that can be realized by consolidating its respective library systems into a single county-wide library system; and

WHEREAS, the Parties desire to transfer library ownership, functions and operations to the County pursuant to N.C.G.S. §153A-270.

NOW, THEREFORE, in consideration of the premises set forth herein, and intending to be legally bound, and for other consideration the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

I. Purpose

This Agreement is to perpetuate excellent library and information services to the residents of the areas included within the jurisdictions of the aforementioned government bodies through their collaborative and collective efforts under the authority of the North Carolina General Statutes 153A-270 and North Carolina Administrative Code 160A, Article 20, Part 1.

By defining the financial, property, and operational appropriations and supervision of the Harnett County Public Library System, this Agreement will replace the November 17, 2014 Interlocal Library Agreement signed by Harnett County Public Library and the Municipalities.

II. Operation

- A. County shall assume ownership, control, responsibility, and oversight of the operation of the municipal libraries, creating a single County-wide library system.
- B. In consideration for assuming ownership, responsibility, and oversight of the municipal libraries, the County will have the freedom to operate the library system as it deems necessary.
- C. County shall be responsible for providing appropriate levels of programming, operation hours, and library collections as determined by the library system director in consultation with the branch manager.
- D. **Library Collections, Books, Reference Material and Other Materials.** Municipalities shall transfer ownership of its library collections, books, reference material, and all other materials to the County upon the effective date of this Agreement. The County shall use transferred collections, books, reference material, and all other material for library purposes for its remaining useful life. The County reserves the right to add to the collections and remove materials from circulation as they reach the end of their useful life.
- E. **Furniture.** Ownership of all furniture associated with the operation of the library, including but not limited to shelving, desks, chairs, carts, and book returns shall be transferred to the Harnett County Library System.

F. **Contracts.** Municipalities shall work with the County to assign Agreements and Contracts, where assignable, that were entered into by the Municipality for the benefit of the municipal library.

G. **Information Technology Hardware and Software.** Ownership of all Information Technology hardware, software, services, and any licenses obtained and purchased by a Municipality shall be retained by the Municipality. County will be responsible for providing IT hardware and any necessary software, services, and licenses to the branches for operation within the Harnett County Library System.

H. **Facilities.** All buildings, grounds, or other facilities used by library branches will remain the property of the municipalities. A lease between the municipality and the County will be entered into for an initial period to continue the operation of the transferred library at the same location. The lease between the Municipalities and the County shall be rent free with the County paying for the utilities used. Buildings in which the leased library shares space with other entities, the County will be responsible for its pro-rata share of the utilities based on square footage. Renewal of leases beyond the initial term will be considered and voted on by both boards. Decisions regarding new facilities for the operation of the branch library or relocations must be approved by the governing boards of the County and the Municipality in which the library is located in.

III. Employees

Upon transferring ownership and operation of the municipal library, municipal library employees will become County employees, subject to the County Personnel Ordinance and all rights, duties, and obligations contained therein.

- A. **Salaries.** Any municipal library employee that becomes a County employee will be brought on as a Harnett County employee at the appropriate grade within the Harnett County Salary Grading System to which their position is allocated. If the employee's municipal salary is above or within the salary range of the grade in which the employee position falls, then the employee will maintain the salary with the County. Any employee who is brought on as a County employee whose salary is below the position grade minimum will receive a salary equal to the grade minimum salary.
- B. **Credit for Prior Municipal Service in Employee Leave Accrual.** All municipal employees who transition to full-time 40 hour workweek County employees will accumulate leave at a rate that takes into account their years of service with the Municipality they are transferring employment from in addition to North Carolina counties, and North Carolina governmental agencies.
- C. **Transfer of Municipal Sick Leave to County.** All full-time employees transitioning from municipal employment to County employment may transfer sick leave from the Municipality they are transferring from to the County, in accordance with the Harnett County Personnel Ordinance.
- D. **Prohibition on Transfer of Vacation Leave.** Municipal library employees' vacation leave balances shall not transfer from Municipality to the County. All employees who accrue vacation leave during their employment with each Municipality shall be paid for remaining balances of vacation leave by the employing Municipality in accordance with each Municipality's vacation leave policy and or ordinance prior to becoming County employees.

- E. **Probationary Period.** All employees that transition from municipal employment to County employment will undergo a probationary period of a continuous period of 6 months, as outlined in the Harnett County Personnel Ordinance.

IV. Finances: Division of Expenditures Schedule

Funding of the municipal library's operating budget will transition from Municipality to County over a period of three years with each party being responsible for its portion of the budget as follows:

- A. County will be responsible for setting an operating budget for each Library branch at the beginning of Year 1.
- B. In Year 1, the Municipality will pay the lesser of two-thirds (2/3) of the County's library budget for the branch located within the Municipality or the total amount of the Municipality's library budget for the year preceding Year 1.
- C. In Year 2, the Municipality will pay the lesser of one-third (1/3) of the County's library budget for the branch located within the Municipality or the total amount of the Municipality's library budget for the year preceding Year 1.
- D. In Year 3, the County will assume full responsibility for funding and operating the budget for all branch libraries within the Harnett County Public Library System.
- E. County and each Municipality shall work in coordination and cooperation with one another to ensure that the branch libraries are funded as part of the normal budgeting processes within each entity's respective organization.

V. Library Board of Trustees

- A. The Harnett County Public Library Board of Trustees shall be the sole advisory board for the Harnett County Public Library System.

B. Municipalities shall disband its Municipality library advisory boards upon transfer of library operations to County.

C. **Operation.** Harnett County Public Library Board of Trustees shall operate in accordance with the Harnett County Public Library Board of Trustees bylaws and exercise all powers and duties enumerated therein.

D. **Membership.** Selection and membership to Harnett County Public Library Board of Trustees shall be carried out in accordance with the Harnett County Public Library Board of Trustees bylaws.

VI. Insurance Coverage and Indemnification

A. Insurance Coverage

1. The Municipalities shall maintain and pay for adequate insurance coverage for Municipality owned buildings in which the branch library will operate.

2. The County shall maintain and pay for adequate insurance coverage for the County owned Library buildings and its contents, contents of branch libraries, general liability and worker's compensation insurance coverage for the County Library System staff, accident insurance coverage for patrons, and the coverage for vehicles used to provide service. In addition, the County Library System will also maintain flood insurance on contents in libraries, if necessary.

B. **Indemnification.** To the extent permitted by law, each party will mutually indemnify and hold harmless the other parties, their officers, agents, and employees from and against all loss, cost, damage, expense and liability caused by accident or other occurrence resulting in bodily injury, including death and disease to any person or damage or destruction to

property, real or personal arising directly or indirectly from operations, products, or services rendered or purchased under this Agreement.

VII. Terms of Agreement and Amendment

- A. This Agreement is effective on July 1, 2022 and may be amended from time to time upon the mutual written consent of all the parties.
- B. Recommendations for amendments shall be forwarded to each of the parties in writing with a thirty-day period for consideration given. The recommendations shall state the date the thirty-day period commences and ends. If any party to this Agreement has not taken specific action regarding the recommendation within sixty-days of the end date of the thirty-day period the recommended amendment shall be considered approved by that Board or entity.
- C. Disagreements related to this Agreement shall be resolved first by a committee of appointed representatives consisting of at least one employee from each of the governmental units involved in the disagreement and then by their legal counsel if necessary.

VIII. Termination

- A. This Agreement may be terminated by either the Municipality or the County. Under no circumstance does termination by or with one Municipality terminate the Agreement between the other Municipalities and the County.
- B. Notice of Termination shall be provided at least six (6) months prior to the commencement of the next fiscal year. Such termination and transfer of operations will occur at the conclusion of the fiscal year in which the notice of termination was received. .

- C. In the event that this Agreement is terminated by the County all personnel, materials, books, and collections originally provided by the Municipality or purchased during the first two years of this Agreement, utilities, assignable contracts entered into for the benefit of the branch library located within the Municipality, and other non-information technology goods and services will revert back to the Municipality in which the branch is located. Information technology goods and services will remain the property of the County. Materials, including but not limited to books, collections, or reference materials, purchased for use in the branch library in third year or later of this Agreement will remain the property of the County and may be made available for Municipality purchase at replacement cost.
- D. In the event that the Municipality in which the branch is located terminates this Agreement, all personnel, materials, collections, and books originally provided by the Municipality or acquired during the first two years of this Agreement, utilities, assignable contracts entered into for the benefit of the branch library located within the Municipality, and other non-information technology goods and services will revert back to the Municipality in which the branch is located. Information technology goods and services will remain the property of the County. Materials, including but not limited to books, collections, and reference materials, purchased by the County for use in the branch library in the third year or later shall remain the property of the County and may be made available to Municipalities for purchase at replacement cost.
- C. In the event of termination, any endowments made for the use of the specific library branch that is being terminated shall be transferred to the Municipality for use in accordance with the terms of the endowment.

IX. Integration of Understandings

This Agreement is intended as the complete integration of all understandings between the parties. No prior or contemporaneous additions, deletions, subsequent renewal, deletion, or other amendment hereto shall have any force or affect unless embodied herein in writing signed by the Parties.

X. Controlling Law

This Agreement shall be governed by and construed in accordance with the laws of the State of North Carolina. The North Carolina State Courts located in Harnett County, North Carolina shall have jurisdiction to hear any dispute under this Agreement and any legal or equitable proceedings by any party must be filed in Harnett County, North Carolina.

XI. Notices

All notices or other communications which all be made pursuant hereto shall be in writing and shall be deemed to be given and received when (a) hand delivered to the address stated below, (b) three (3) days after being mailed to the address stated below, postage prepaid by certified or registered mail of the United States, return receipt requested to the addresses set forth below. Any party to this Agreement may change its designated person or designated address at any time and from time to time by giving notice of such change to the other Parties in the manner set forth above.

County

County of Harnett
455 McKinney Parkway (physical)
PO Box 759 (mail)
Lillington, NC 27526
Attn: County Manager

With a copy to:

County of Harnett
455 McKinney Parkway (physical)

PO Box 238 (mail)
Lillington, NC 27526
Attn: Senior Staff Attorney

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first written above.

COUNTY OF HARNETT

BY: _____
Lewis W. Weatherspoon, Chairman, County Board of Commissioners

ATTEST:

Melissa Capps, Clerk to the Board of Commissioners

This instrument has been pre-audited in the manner required by the Local Government Budget & Fiscal Control Act.

Kimberly Honeycutt, Finance Officer
County of Harnett

BY: _____

ATTEST:

This instrument has been pre-audited in the manner required by the Local Government Budget & Fiscal Control Act.

DRAFT

| ERWIN PUBLIC LIBRARY | 2021-22 | 2022-23 Budget if Consolidated |
|--------------------------------------|----------------|---------------------------------------|
| SALARIES & WAGES - REGULAR | \$36,540.00 | \$39,630.00 |
| SALARIES & WAGES - PART-TIME | | \$37,036.00 |
| 401K - GENERAL | \$1,882.00 | |
| EXPENSE ALLOWANCE | | |
| FICA WH | \$2,796.00 | |
| STATE RETIREMENT - GENERAL | \$4,136.00 | |
| MEDICAL INSURANCE | \$7,051.00 | |
| DENTAL INSURANCE | | \$30,666.40 |
| LIFE INSURANCE | | |
| UNEMPLOYMENT INSURANCE | | |
| WORKER'S COMPENSATION | | |
| EMPLOYEE CLINIC | | |
| OTHER POST EMPLOYMENT BENEFITS | | |
| UNIFORMS (3 new employees x 60) | | \$180.00 |
| FOOD & PROVISIONS | | \$500.00 |
| BOOKS, MEDIA & PUBLICATIONS | \$5,000.00 | \$10,000.00 |
| OFFICE SUPPLIES | \$1,500.00 | \$1,500.00 |
| ATHLETIC & PROGRAM SUPPLIES | \$2,500.00 | \$2,500.00 |
| TRAINING - MILEAGE (\$150 x FT) | | \$150.00 |
| TRAINING - MEALS (150 X FT) | | \$150.00 |
| TRAINING - REGISTRATION (\$100 x FT) | | \$100.00 |
| TELEPHONE SERVICE | \$1,000.00 | \$1,000.00 |
| POSTAGE | | \$50.00 |
| ELECTRICITY | | |
| WATER | | |
| SEWER | \$6,000.00 | \$6,000.00 |
| RENTAL - COPIERS | | \$1,500.00 |
| RENTAL - COMPUTERS | | \$432.00 |
| DUES & SUBSCRIPTIONS | \$1,000.00 | \$500.00 |
| | \$69,405.00 | \$131,894.40 |

| TOWN OF ERWIN CONTRIBUTION | | |
|-----------------------------------|----------------|------------------|
| Recommended Budget | | \$131,894 |
| YEAR 1 ERWIN Expenses | 2022-23 | \$69,405 |
| YEAR 2 ERWIN Expenses | 2023-24 | \$43,964 |
| YEAR 3 ERWIN Expenses | 2024-25 | \$0 |

STATE OF NORTH CAROLINA

AGREEMENT

COUNTY OF HARNETT

THIS INTERLOCAL LIBRARY AGREEMENT (hereinafter "Agreement") is made pursuant to North Carolina General Statutes Section 153A-270 and entered into this ____ day of _____, 201_, by and between the County of Harnett, a body politic, organized and existing under the laws of the State of North Carolina (hereinafter referred to as "County"), and the Town of Angier, the Town of Coats, the City of Dunn, the Town of Erwin, all municipal corporations, organized and existing under the laws of the State of North Carolina, and Anderson Creek Primary School.

WITNESSETH

WHEREAS, County maintains and operates the Harnett County Library System (hereinafter referred to as "Library System") pursuant to Chapter 153A, Article 14 of the North Carolina General Statutes to provide library service to the residents of Harnett County, and appoints the Board of Trustees of the Harnett County Library System to formulate and recommend programs, policies and regulations for the government of Library System and to otherwise advise the Harnett County Board of Commissioners on library matters; and

WHEREAS, the Municipalities and Anderson Creek Public Library each maintain and operate libraries pursuant to Chapter 153A, Article 14 of the North Carolina General Statutes to provide library services to the residents of their respective municipalities and communities; and

WHEREAS, County and Municipalities and Anderson Creek Public Library wish to merge financial appropriations for and operational supervision into the Harnett County Library System to provide a more consistent, efficient and effective manner of providing library services in Harnett County.

NOW THEREFORE, for and in consideration of the mutual covenants and promises hereinafter set forth, and pursuant to resolutions duly adopted by their governing boards and in compliance with the North Carolina Administrative Code and the North Carolina General Statutes, the parties identified below renew their commitment

to the Harnett County Library System based upon the terms set forth below in the Agreement.

I. Members of the Harnett County Library System:

County of Harnett (hereinafter "County")

Town of Coats (hereinafter "Coats")

Town of Erwin (hereinafter "Erwin")

Town of Angier (hereinafter "Angier")

City of Dunn (hereinafter "Dunn")

Anderson Creek Public Library (hereinafter "Anderson Creek Public Library")

Coats, Erwin, Angier, and Dunn hereinafter collectively "Municipalities."

II. Purpose:

This agreement is to perpetuate excellent library and information services to the residents of the areas included within the jurisdictions of the aforementioned government bodies through their collaborative and collective efforts under the legal authority of the North Carolina General Statutes and North Carolina Administrative Code by defining the financial, property and operational appropriations and supervision of the Library System

III. Board of Trustees:

Pursuant to the direction of the County of Harnett Board of Commissioners, the Harnett County Library System Board of Trustees shall be the governing body of the Library System. There shall be Eleven (11) members of the Board, with one (1_) appointed from each Member. The remaining members shall be at large seats representing other areas of Harnett County and as many ex-officio County Commissioner seats as deemed appropriate by the Board of County Commissioners. Appointments are for staggered terms and Board members shall serve no more than two (2) consecutive three year terms. No Board Member shall serve more than six consecutive years. The Harnett County Library System Board of Trustees Library Policies and Procedures shall supersede local policy and procedure. The following powers and duties are delegated to The Harnett County Library System Board of Trustees:

- i. To adopt bylaws and rules for its own governance.
- ii. To recommend to the Board of County Commissioners policies for the administration and operation of the Library System
- iii. To assure compliance with applicable State and Federal Law and eligibility requirements for receipt of State and Federal funds.
- iv. To make recommendations concerning the construction and improvement of physical facilities for the libraries within the system.
- viii. To make regular reports of services and operations.
- v. To obtain an annual independent audit of regional accounts and submit a copy to the State Library of North Carolina.

IV. Finance:

A. Property Ownership

1. All buildings, grounds and other facilities of each library shall remain property of its respective Municipality or County. Anderson Creek Public Library structure will continue to be a County owned building.
2. All books, technology and other resources paid for by local funds shall remain property of their respective Municipality or County.
3. All books, technology and other resources paid for with System or State funds shall remain the property of the System.

B. Personnel

1. Anderson Creek Public Library is staffed by County Employees and, therefore, subject to County Personnel Ordinance and Policies.
2. All other members are responsible for the direct payment of:
 - a. Salaries and benefits for staff at their respective libraries.
 - b. All facility costs, including, but not limited to, rent utilities, custodial services, and the maintenance and repair of building interiors and exteriors, parking lots, grounds, and landscaping.
 - c. Costs of library materials for their respective libraries

C. Technology

1. Hardware

- a. The Harnett Library System will provide the following:
 - i. Equipment necessary for the wide area network.
 - ii. Computers for public access and circulation.
 - iii. Equipment necessary for the PC/Print management system.
- b. The Municipalities and Anderson Creek Public Library agree to provide and own any other equipment as necessary.

1. The parties agree that:

- i. Equipment acquired by the Municipalities and Anderson Creek Public Library must meet the minimal recommendations as determined by Harnett County IT, if connected to the Library Computer system.
- ii. The Municipalities and Anderson Creek Public Library will be responsible for the installation, software, repair and maintenance for Municipality or Anderson Creek Community owned equipment.

2. Exceptions:

- i. Public computers owned or leased by Harnett County
- ii. Pc/print management; Staff computers used for circulation;
- iii. Library System will install and maintain software necessary to access the ILS.
- iv. Harnett County will continue to install and maintain the print management, security software, anti-virus software and filter software for all computers on the county network.

2. Software:

a. Integrated Library System (ILS)

- i. The Library System maintains the ILS (V-smart) used by all libraries.
- ii. The database belongs to the Library System and it is responsible for the integrity of the data. The parties, therefore, agree to the standards and policies set by the Library Director and the Library System, including

cataloging.

iii. The Harnett County public Library will be responsible for the cataloging of all materials added to the system.

b. The Library System will provide ILL (InterLibrary Loan) services.

V. Operations:

In order for consistency and continuity in the system to best serve the citizens of the County of Harnett and for purposes of applying for grants and aid, the parties agree to the following:

1. The Municipalities and Anderson Creek Public Library will provide, by the 5th of every month, a report which encompasses the library's usage including the door count, programming statistics, number of employees and hours of operation.
2. The Municipalities and Anderson Creek Public Library will provide revenue expenditures and their Annual budgets of each Library by the 15th day of August each year.
3. The Municipalities and Anderson Creek Public Library will send representatives to monthly Branch Manager meetings.
4. The Municipalities and Anderson Creek Public Library will abide by the Service Policy of the Harnett County Library System (<http://www.harnett.org/library/publications/policy2012.pdf>) and Library Card and Borrowing Policies (<http://www.harnett.org/library/hlibcar.htm>) located on the Harnett County Public Library Website.
5. Any other requirement necessary to aid in the administration of the Library System.

VI. Term of Agreement and Amendment:

The term of this Agreement is January 1, 2014 to December 31, 2019. This Agreement may be amended from time to time upon the mutual written consent of all the parties.

VII. Termination:

This Agreement may be terminated by the mutual written consent of all the parties. Such

termination will occur six (6) months after the final consent is received by the Library System Board of Trustees.

VIII. Integration of Understandings:

This Agreement is intended as the complete integration of all understandings between the parties. No prior or contemporaneous additions, deletions, subsequent renewal, deletion, or other amendment hereto shall have any force or affect unless embodied herein in writing signed by both parties.

IX. Controlling Law:

This contract shall be governed by and construed in accordance with the laws of the State of North Carolina. The North Carolina State Courts located in Harnett County, North Carolina shall have jurisdiction to hear any dispute under this Agreement and any legal or equitable proceedings by either party must be filed in Harnett County, North Carolina.

X. Notices:

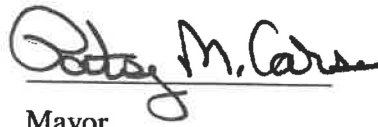
All notices or other communications which shall be made pursuant hereto shall be in writing and shall be deemed to be given and received (a) when hand delivered to the address stated below, (b) three (3) days after being mailed to the address stated below, postage prepaid by certified or registered mail of the United States, return receipt requested to the addresses set forth below. Either party to this Agreement may change its designated person or designated address at any time and from time to time by giving notice of such change to the other party in the manner set forth above.

XI. Indemnification/limit of liability paragraph:

To the extent permitted by law, each party will mutually indemnify and hold harmless the other parties, their officers, agents and employees from and against all loss, cost, damage, expense and liability caused by accident or other occurrence resulting in bodily injury, including death and disease to any person or damage or destruction to property, real or personal arising directly or indirectly from operations, products, or services rendered or purchased under this Agreement.

This contract may be amended upon unanimous approval of all the parties signing this agreement.

IN WITNESS THEREOF, the Harnett County Public Library, Angier Public Library, Dunn Public Library, Coats Public Library, Erwin Public Library and Anderson Creek Primary School.

| | | |
|--|---|--|
| _____ Harnett County Library | _____ Harnett County Library Library Board | _____ Chairman, Harnett County Board of Commissioners |
| _____ Angier Public Library | _____ Angier Public Library Library Board | _____ Mayor, Town of Angier |
| _____ Coats Public Library | _____ Coats Public Library Library Board | _____ Mayor, Town of Coats |
| _____ Dunn Public Library | _____ Dunn Public Library Library Board | _____ Mayor, City of Dunn |
| _____ Erwin Public Library | _____ Erwin Public Library Library Board |  _____ Mayor, Town of Erwin |
| _____ Principal, Anderson Creek Primary School | _____ Anderson Creek Primary School Library Board | _____ Superintendent, Harnett County Board of Education |

Erwin Board of Commissioners

REQUEST FOR CONSIDERATION

To: The Honorable Mayor and Board of Commissioners

From: Snow Bowden, Town Manager

Date: May 5, 2022

Subject: Erwin Community Building

The Town received a \$100,000 grant from the State of North Carolina to complete some upgrades to the Erwin Community Building. Town Staff has been instructed to look into getting the bathrooms fixed first and then depending on the amount of money left we will reassess other improvements. We received a quote from Butler Homes to provide a custom set of drawing for the bathrooms for \$6,750.

Town Staff has reached back out and there will be an Architect Engineer Seal on the drawings.

Attachments:

- Proposal from Butler Homes

Print

145 Baptist Grove Rd.
Fuquay varina, NC 27526
Phone: (919) 616-6902



Town of Erwin

100 W. F St.
Erwin, NC 28339

Print-date: 3-17-2022

Please see your attached proposal.

If you have any questions about the project or the proposal, give us a call/text: 919.616.6902 or email: steven@butlerhomesusa.com.

Thank you for the opportunity to serve you and your family. We look forward to hearing from you.

Steven Eisenberg, Owner
Butler Homes
919-616-6902
steven@butlerhomesusa.com

At Butler Homes, transparency and putting clients first is our #1 goal.

Price Breakdown

| Code | Description |
|----------------------------|---|
| 120 - Architect | Provide a complete custom set of drawings for specific for the project pricing and permitting. Drawings can be utilized for construction. |
| 130 - Engineering | Provide a complete a set of engineered drawings & notes specific for project, pricing, and permitting. Drawings & notes can be utilized for construction. |
| 100 - Project Coordination | Coordination of list above, project research, labor and material cost research, and administrative time to ensure proper initial setup and organization of project. |

Total Price: \$6,750.00

We will schedule your 1st Design Meeting upon approval of this agreement and payment of the deposit online via ACH.

Payments to be distributed as listed below.

50% will be collected upon approval.
50% will be collected prior to receiving the finalized design packet.

Once you have approved this design agreement you will have the ability to pay with ACH. If you would like instructions on how to pay online, either access the video link (below), or go to the documents tab for step-by-step instructions.

[How to Pay Online Video!](#)

Signature: _____
Print Name: _____
Date: _____