

**THE ERWIN BOARD OF COMMISSIONERS
NOVEMBER 2022 REGULAR MEETING
THURSDAY, NOVEMBER 3, 2022 @ 7:00 P.M.
ERWIN MUNICIPAL BUILDING BOARDROOM**

AGENDA

1. MEETING CALLED TO ORDER

- A. Invocation
- B. Pledge of Allegiance

2. AGENDA ADJUSTMENTS /APPROVAL OF AGENDA

3. CONSENT

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

- A. Minutes of Workshop on September 26, 2022 (**Page 2**)
- B. Minutes Regular Meeting on October 6, 2022 (**Page 7**)
- C. Financial Report for September 2022 (**Page 11**)
- D. Eagle Scout Project (**Page 13**)
- E. Cloudwyze (**Page 15**)
- F. Animal Control Ordinance (**Page 29**)
- G. Al Woodall Park Paving (**Page 41**)

4. PUBLIC COMMENT

Each speaker is asked to limit comments to 3 minutes, and the requested total comment period will be 15 minutes or less. Citizens should sign up prior to the start of the meeting. Please provide the clerk with copies of any handouts you have for the Board. Although the Board is interested in hearing your concerns, speakers should not expect Board action or deliberation on the subject matter brought up during the Public Comment segment. Thank you for your consideration of the Town Board, staff, and other speakers. §160A-81.1

5. NOVEMBER 2022 CITIZEN OF THE MONTH

6. PUBLIC HEARING

- A. ZT-2022-006 (**Page 49**)

7. MANAGER'S REPORT

8. ATTORNEY'S REPORT

9. GOVERNING BODY COMMENTS

10. ADJOURNMENT

ERWIN BOARD OF COMMISSIONERS
REGULAR WORKSHOP MINUTES
SEPTEMBER 26, 2022
ERWIN, NORTH CAROLINA

The Board of Commissioners for the Town of Erwin with Mayor Randy Baker presiding, held its Regular Workshop in the Erwin Municipal Building Board Room on Monday, September 26, 2022, at 6:00 P.M. in Erwin, North Carolina.

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

Town Manager Snow Bowden and Town Clerk Lauren Evans were present.

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

Commissioner McKoy gave the invocation.

Commissioner Byrd led the Pledge of Allegiance.

AGENDA ADJUSTMENT/APPROVAL OF AGENDA

Mr. Bowden asked to remove Item E Pavement Condition Study under New Business and bring it back before the Board next month with more information.

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

NEW BUSINESS

CERRI

Brice Naegelen from the North Carolina Department of Commerce came forward and addressed the Board. He presented to the Board the Erwin CERRI Report, Erwin CERRI Work Plan, and the Erwin Economic Diversity Report. He asked the Board to consider adopting the Erwin Community Economic Recovery and Resiliency Initiative Implementation Plan 2022.

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

Cloudwyze

Town Manager Snow Bowden stated this is a presentation from a Company called Cloudwyze. Representative, Chris Utesch was present to speak with the Board. Cloudwyze already has a presence

MINUTES CONTINUED FROM SEPTEMBER 26, 2022

in Harnett County. They want to use some land near Public Works to have an accessory building to help implement putting high-speed fiber internet out there for Erwin and the surrounding Towns.

Mr. Utesch, Business Development Manager for Cloudwyze, came forward and addressed the Board. He introduced his colleagues and his company. He provided the Board with a presentation of what Cloudwyze has already done in Harnett County and surrounding areas and a timeline of what they hope to do in Erwin. What he was asking of the Town of Erwin was the approval of an encroachment permit, easement to locate Erwin Central Office (shelter), a 2-year usage agreement on garage space for temporary warehouse location, and assistance in locating utilizes for directional boring. He showed the Board an example of what the shelter will look like.

Mayor Baker verified where the shelter would potentially be located.

Mr. Bowden stated they are requesting to place it where the Santa house is located on the other side of the Public Works building. He stated we could discuss where the cell tower side is, it may be a better location.

Mayor Baker asked why Erwin? Why this location?

Kyle Lefelhoc, VP of Outside Plant for Cloudwyze, came forward and stated Mr. Bowden and Ira Hall, IT in Harnett County, are the ones that informed their company that Erwin is open to ideas and investment like this and bettering our communities. He stated they have looked at other locations in Harnett County but they are looking at Erwin as being the heart of the operation and starting out. There is a great balance of numbers and growth going on in Erwin.

Commissioner Blackmon verified that there will not be any franchise issues.

Mr. Lefelhoc stated they will be covered under North Carolina for broadband. They will not be providing television.

Commissioner Marbell asked what is in it for Erwin?

Mr. Lefelhoc stated they will provide broadband which is important for businesses.

Commissioner Byrd inquired about where they get their funding.

Mr. Utesch stated some of their funding comes from grants and the rest comes from private equity.

Cloudwyze provided the Board with an example of Rural County Pricing.

Discussion continued among the Board.

Ira Hall, Harnett County CIO, came forward and stated from his perspective, Cloudwyze is the best choice for Harnett County to move forward as a whole. The Town of Erwin is in a unique situation with broadband already heavily used but Spectrum is not rolling out fiber in Erwin. Without fiber, you can't get beyond a gigabit speed and not a consistent gigabit speed. He stated he looked at multiple locations with Cloudwyze and he recommended Erwin because he felt Erwin would be the most amicable and most willing to work with Harnett County to bring Cloudwyze to our County. Harnett County has been with Cloudwyze since 2020. Fiber is the answer and Cloudwyze will be investing a lot of money in Erwin.

Mayor Baker asked if this will be available across the river?

Mr. Utesch stated the first phase will just be the town limits.

MINUTES CONTINUED FROM SEPTEMBER 26, 2022

Mr. Bowden stated moving forward, we would need an encroachment agreement and he has an example of a contract they had with the town of Nashville that we could do something similar and have our Town Attorney look over the agreement. He stated he wanted to present the idea to the Board before moving forward.

The consensus of the Board was to move forward.

East Erwin Drainage Project Resolution

Town Manager Snow Bowden stated we are presenting the Board with a Resolution for the East Erwin Drainage Grant. He asked the Board to approve this Resolution at the Workshop due to the packet being submitted prior to our next meeting. The Town is asking for 4.9 million dollars.

Commissioner Blackmon asked if this grant would finish the project.

Mr. Bowden stated that he did not think this grant would finish the project but it will hopefully get us to Bayles Street. Originally staff thought it would cost 8 million dollars to complete the project but with the cap on these funds at 5 million dollars, staff will look into other resources of funding to complete the project.

Commissioner Byrd expressed the urgency of getting this project to Butch Street.

Commissioner Byrd made a motion to adopt the Resolution supporting the grant application for the East Erwin Drainage Project. **The Board voted unanimously.**

Comprehensive Land Use Plan

Town Manager Snow Bowden stated he did not do an RFQ. He just received three informal bids from Stewart, N-Focus, and Withers. Stewart and N-Focus were in line with each other but Stewart would be a little more involved in the community. Stewart has also completed work for Harnett County, the Town of Lillington, and the City of Dunn recently. They are familiar with Harnett County and preferred by the NCLM.

The consensus of the Board was to move forward with Stewart at the price of \$46,000 and place the Stewart proposal on our Consent Agenda for our Regularly Scheduled Meeting in October.

Animal Services

Town Manager Snow Bowden stated Town Staff received an updated Interlocal Agreement that was prepared by Harnett County Legal Department. Town Attorney Tim Morris reviewed the agreement and is okay with it. The one part Mr. Bowden is not a fan of is that our Town Attorney would represent Harnett County employees if they do something in the enforcement of our Animal Control Ordinance. This is an agreement so that Harnett County can enforce the Municipal Ordinance.

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

MINUTES CONTINUED FROM SEPTEMBER 26, 2022
Erwin Depot Grant

Town Manager Snow Bowden provided the Board with an update on the Erwin Depot. He presented to Board a resolution to apply for a Rural Transformation Grant for funding for the Depot. He stated he was finally able to speak with someone with Becker Morgan and they are insistent on sending out an engineer to assess the building before providing us with updated numbers. The quote they provided back in 2020 was \$5,700.

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

Resolution of Awarding Badge and Service Sidearm for Charles Ryals

Town Manager Snow Bowden informed the Board that First Sergeant Kevin Ryals is retiring due to disability. He has served the Town well and was very dedicated to the Town. He asked the Board to approve a Resolution to award him his badge and service sidearm.

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

GOVERNING COMMENTS

Mayor Baker stated at the Workshops if there are any issues or actions that need the attention of the Town Manager, he asked that they be given to Mr. Bowden so that he can come back with answers included in his Manager's Report at our Regular Meeting.

Mr. Bowden informed the Board that he has hired a Code Enforcement Officer and he would start the following week.

Commissioner McKoy stated he is still waiting on 13th Street. It has also been brought to this attention that people parking in the area coming off 421 onto 13th Street. He asked what the Town can do about it.

Commissioner Blackmon recommended Mr. Bowden draft a letter and send it to the owner about no parking in the DOT right of way as they are obstructing the vision of drivers.

Commissioner McKoy stated the loud noises have decreased and he thanked staff for handling that.

Commissioner Blackmon stated the bridge behind his house has a huge dip, he asked if DOT is going to do anything about it.

Mr. Bowden stated that he has sent pictures to DOT as well as Senator Burgin and Representative Penny.

Commissioner Byrd thanked Town Staff for the work done to fix the issues with the fence in his WARD. He asked for an update on the fence issue, Ivey man's trash pile, and Jay Bell's house. The thought of a child living in that house made him cringe. If the Board doesn't make an example somewhere, it's never going to go away.

Commissioner Nelson stated Jerry Bales' property needs the grass cut and to be cleaned up.

Commissioner Turnage stated Dina Barefoot needs to cut her grass. He stated the grass is higher than the "Children at Play" sign.

MANAGER'S REPORT

Town Manager Snow Bowden stated that Denim Days will most likely be postponed. Staff is getting ready for the storm and will declare a Disaster Declaration if need be and provide the Board Members with a copy. Mark's employees have been cleaning out the problem areas in Town the best they can.

Mayor Baker thanked everyone for their time and Town Staff for all they are doing. He informed the Board if they missed the Gospel Sing the past weekend, they missed a treat.

ADJOURNMENT

Commissioner Byrd made a motion to adjourn at 7:41 P.M. and was seconded by Commissioner Nelson. **The Board voted unanimously.**

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

ATTEST:

Randy Baker
Mayor

Lauren Evans
Town Clerk

ERWIN BOARD OF COMMISSIONERS

REGULAR MINUTES

OCTOBER 6, 2022

ERWIN, NORTH CAROLINA

The Board of Commissioners for the Town of Erwin with Mayor Randy Baker presiding held its Regular Meeting in the Erwin Municipal Building Board Room on Thursday, October 6, 2022, at 7:00 P.M. in Erwin, North Carolina.

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

Board Member absent: Mayor Pro Tem Ricky Blackmon

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

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

Commissioner McKoy gave the invocation.

Resident, Nancy Jackson, led the Pledge of Allegiance.

AGENDA ADJUSTMENT/APPROVAL OF AGENDA

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

CONSENT

Commissioner Turnage made a motion to approve **(ITEM A)** Minutes of Workshop on August 22, 2022 **(ITEM B)** Minutes Regular Meeting on September 1, 2022 **(ITEM C)** Financial Report for August 2022 **(ITEM D)** Erwin CERRI Implementation Plan **(ITEM E)** Comprehensive Land Use Plan **(ITEM F)** Animal Services **(ITEM G)** Erwin Depot Grant **(ITEM H)** Resolution of Awarding Badge and Service Sidearm to Charles Ryals **(ITEM I)** BOA 2023-01 and was seconded by Commissioner McKoy. **The Board voted unanimously.**

PUBLIC COMMENT

Nancy Jackson of 309 St Matthews Rd came forward and addressed the Board. She stated she is opposed to the remodeling of the current Depot as it exists now. In her opinion, the Town of Erwin

MINUTES CONTINUED FROM OCTOBER 6, 2022

and the current History Room would be better served by purchasing an existing downtown building to place the History Room or Museum.

MANAGER'S REPORT

Town Manager Snow Bowden stated our Code Enforcement Officer Chris Jones started that week and he would be at our next Workshop meeting to meet everyone.

We will have a Planning Board and Board of Adjustments Meeting on Monday, October 17th at 7 PM to review a Hardship variance request at the parcel at 700 Lucas Street and a rezoning request for the parcel at 4507 NC HWY 55. The request is to have the property rezoned from RD to B2-CD.

Our Town Engineer Bill Dreitzler submitted our grant application for the second phase of the East Erwin drainage project. We requested the maximum amount allowed of 5 million dollars and should hear back in February 2023 if we are awarded any funds.

He informed the Board that the Town will receive a \$50,000 grant from the State of NC General Assembly that will come from Harnett County. We would discuss this more at our next Workshop.

We are going to be a Hometown Strong community after the CERRI report is adopted. This program is hosted through the Governor's office. We will have the opportunity to meet with multiple state agencies and that will be a big opportunity for us.

We have reached out to the NCDOT on some of the road complaints. He will have the grant submitted to the NC Department of Commerce by October 26th. This is going to be a very competitive grant to get but he is hoping with the fact that this project was included in the CERRI report, it should help us get some points.

He stated he should receive bids for the parking lot at Al Woodall Park next Wednesday at 2 PM. He had finished all of the work for the PARTF project at Al Woodall Park. We did a good job with the budget and had funds left over that we were instructed to spend. That is when we added the picnic tables and the additional plumbing work at the Splash Pad to help close it at the end of the year. We had to submit a change in the scope of the project for the picnic tables. We are waiting to hear back from the State on that being approved. We will be submitting as soon as possible for final reimbursement request soon. It has to be in by the end of November.

The Town has issued a zoning permit for an urgent care facility off of HWY 421 next to Aarons. The owners of the property off of HWY 421 where the old White House restaurant used to be should be taking action soon. Mr. Bowden reached out to them and they said they were close to submitting plans to the Town. They had some issues with stormwater that caused the plans to change which is why it has been delayed. Any improvements to this property will have to be reviewed by Town Staff and approved before any development. The old building should hopefully be torn down soon.

MINUTES CONTINUED FROM OCTOBER 6, 2022

At our October Workshop meeting, he planned to have an updated pavement condition study proposal to discuss. He asked the Company to include some additional work as alternate bids including analyzing shoulders, potential roads that need to be widened, and other transportation issues.

He will be applying for a grant for the Depot project. Keep in mind that the goal of this development is more than just fixing the Depot. We hope to have a stage for concerts, places for food trucks, and potential spots for incubator businesses.

He had submitted a request to the NC Department of Commerce for the Town to be considered to be in another study aimed at outdoor recreation. We have amazing resources in this community like the rail trail, the Cape Fear River, and two parks. If we are selected as a CORE community, he will let the Board know but he believed it would be beneficial.

He stated he felt like the CPNI workshop went well. We had a good discussion and it was good to revisit what we discussed a few years ago.

Good Hope Hospital will be having a ribbon cutting on Wednesday, October 12th at 10 AM. He encouraged anyone that can attend.

Denim Days was rescheduled until Saturday, October 15th. He hoped to have all the needed Documentation for Cloudwyze at the October Workshop.

He informed the Board that he met with the engineers that did the designs for Erwin Elementary School on-site and he is waiting for an update.

ATTORNEY'S REPORT

Attorney Vernon Stewart stated he was instructed by Town Attorney Tim Morris to say that he was thankful to be the Town Attorney.

GOVERNING COMMENTS

Commissioner McKoy stated he would like to once again address the issue on 13th Street and he was going to keep addressing it until something is done about it. There are still ditches in his WARD that need to be cleaned out and there is a big piece of asphalt on N Street with a hole in it. He asked what happened on 14th Street.

Town Manager Snow Bowden stated Public Works Director Mark Byrd reached out to Harnett Regional Water to get 14th Street fixed where they were putting in a sewer tap.

Commissioner McKoy asked for an update on the progress on K Street.

Town Manager Snow Bowden stated he will find out for him.

Commissioner Marbell informed staff about an issue on the highway.

Mr. Bowden stated he was aware.

MINUTES CONTINUED FROM OCTOBER 6, 2022

Commissioner Byrd inquired about the load of sand at the Short Stop.

Mr. Bowden stated a GFL Commercial Truck had a hydraulic leak and the fire department put sand down and called DOT.

Commissioner Byrd thanked Town Attorney Tim Morris’ office for the fence situation. He stated he had two citizens approach him about if Harnett County can put lights on the water tower as they did in the past.

Mr. Bowden stated he would reach out to Harnett Regional Water.

Commissioner Byrd stated people are livid about the 4-way stop signs on 17th Street.

The consensus of the Board at a previous discussion was to not take action until a traffic study was completed.

Commissioner Nelson thanked Town Staff for doing such a good job. Public Works is short two positions and the Town may need to offer an insensitive such as a sign-on bonus to hire more people. He thanked the Police Department. He thanked Ms. Jackson for coming forward and voicing her opinion.

Commissioner Turnage stated he is ashamed to be the Commissioner of south Erwin. It is grown up down there like a forest. He thanked Chief Johnson for helping with golf carts not being registered. He stated it is important to back up our new Code Enforcement Officer and take people to court if needed.

Mayor Baker thanked everyone for attending the meeting and he is looking forward to Denim Days.

ADJOURNMENT

Commissioner Byrd made a motion to adjourn at 7:30 P.M. and was seconded by Commissioner Nelson. **The Board voted unanimously.**

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

ATTEST:

Randy Baker
Mayor

Lauren Evans
Town Clerk

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



	YTD		YTD		DIFFERENCE
	Sep-22	Sep-21	Sep-22	Sep-21	
Revenues					
CURRENT YEAR LEVY OF PROPERTY TAXES	69,845.00	64,043.00	5,802.00		5,802.00
CURRENT YEAR MOTOR VEHICLE TAXES	35,446.00	34,193.00	1,253.00		1,253.00
PRIOR YEAR TAXES / Penalties & Interest	8,217.00	34,816.00	(26,599.00)		(26,599.00)
UTILITIES FRANCHISE TAXES	42,341.00	41,358.00	983.00		983.00
ENTRY FEES	7,845.00	6,005.00	1,840.00		1,840.00
SALES & USE TAX	249,268.00	224,019.00	25,249.00		25,249.00
ZONING PERMITS/APPLICATIONS	6,145.00	4,335.00	1,810.00		1,810.00
REFUSE COLLECTIONS FEES	118,668.00	119,718.00	(1,050.00)		(1,050.00)
STORM WATER COLLECTION	16,498.00	15,715.00	783.00		783.00
ALL OTHER REVENUES	165,419.00	153,959.00	11,460.00		11,460.00
	\$ 719,692.00	698,161.00	21,531.00		21,531.00
Expenditures					
GOVERNING BODY	6,275.00	5,385.00	890.00		890.00
ADMINISTRATION	68,293.00	60,862.00	7,431.00		7,431.00
NON-DEPARTMENTAL	134,070.00	175,714.00	(41,644.00)		(41,644.00)
PLANNING & INSPECTIONS	502.00	9,065.00	(8,563.00)		(8,563.00)
POWELL BILL-STREETS	4,000.00	4,000.00	0.00		0.00
POLICE	221,444.00	242,966.00	(21,522.00)		(21,522.00)
POLICE-SRO	16,736.00	16,125.00	611.00		611.00
CONTRACT SERVICES-FIRE	21,097.00	24,504.00	(3,407.00)		(3,407.00)
PUBLIC WORKS-ADMIN.	32,921.00	28,667.00	4,254.00		4,254.00
PUBLIC WORKS-STREETS	90,738.00	77,842.00	12,896.00		12,896.00
PUBLIC WORKS-SANITATION	72,027.00	68,480.00	3,547.00		3,547.00
PUBLIC WORKS-STORM WATER	17,500.00	3,549.00	13,951.00		13,951.00
RECREATION	86,375.00	89,986.00	(3,611.00)		(3,611.00)
LIBRARY	8,626.00	16,567.00	(7,941.00)		(7,941.00)
COMMUNITY CENTER	4,112.00	1,016.00	3,096.00		3,096.00
	\$ 784,716.00	824,728.00	(40,012.00)		(40,012.00)

BANK ACCOUNT BALANCES		
	YTD	YTD
	9/2022	9/2021
CASH MANAGEMENT	2,511,512.37	2,070,616.89
BB&T CASH IN BANK	168,367.09	79,448.03
FIRST FEDERAL BUSINESS M	136,910.25	857,018.58
FIRST FEDERAL MONEY MARKET	858,734.34	136,619.49
Y-T-D INVESTMENT BALANCE IN GENERAL FUND ACCOUNTS	\$ 3,675,524.05	3,143,702.99
BB&T STATE FORFEITURE	1,996.54	4,246.64
BB & T CAPITAL RESERVE/COMM. ENHANCEMENT	222,215.05	2,350,072.70
FIRST FEDERAL CAP. RESERVE/GENERAL	2,354,777.53	195,557.91
BB&T HEALTH RESERVE HRA ACCT.	19,005.09	16,530.58
PRIEBE FIELD ACCT.	24,298.38	11,248.44
AL WOODALL PARK IMPROVEMENTS	388,175.66	349,440.85
AMERICAN RELIEF FUNDS: ARPA Grant Community Bid.Renovation: SCIF GRANT	1,415,503.35	821,602.01
Y-T-D BALANCE RESTRICTED FUNDS	\$ 4,519,089.72	3,748,699.13
CUMULATIVE BALANCE FOR TOWN OF ERWIN	\$ 8,194,613.77	6,892,402.12

TOWN OF ERWIN
FINANCIAL SUMMARY REPORT
FOR MONTH OF September 2022



REVENUES	ANNUAL BUDGET	Sept. '22 ACTIVITY	ACTUAL TO DATE	Y-T-D % COLLECTED
CURRENT YEAR LEVY OF PROPERTY TAXES	1,480,186.00	69,845.00	69,845.00	4.72%
CURRENT YEAR MOTOR VEHICLE TAXES	187,985.00	16,696.00	35,446.00	18.86%
PRIOR YEAR TAXES / Penalties & Interest	10,000.00	1,038.00	8,217.00	82.17%
UTILITIES FRANCHISE TAXES	190,270.00	41,547.00	42,341.00	22.25%
ENTRY FEES	20,000.00	185.00	7,845.00	39.23%
SALES & USE TAX	750,000.00	86,363.00	249,268.00	33.24%
ZONING PERMITS/APPLICATIONS	13,000.00	1,150.00	6,145.00	47.27%
REFUSE COLLECTIONS FEES	421,000.00	39,743.00	118,668.00	28.19%
STORM WATER COLLECTION	69,000.00	5,623.00	16,498.00	23.91%
ALL OTHER REVENUES	1,352,298.00	103,027.00	165,419.00	12.23%
	4,493,739.00	365,217.00	719,692.00	16.02%
EXPENDITURES	ANNUAL BUDGET	Sept. 2022 ACTIVITY	ACTUAL TO DATE	Y-T-D % SPENT
GOVERNING BODY	44,115.00	2,256.00	6,275.00	14.22%
ADMINISTRATION	323,064.00	21,346.00	68,293.00	21.14%
NON-DEPARTMENTAL	341,273.00	6,428.00	134,070.00	39.29%
PLANNING & INSPECTIONS	161,686.00	200.00	502.00	0.31%
POWELL BILL-STREETS	177,000.00	1,000.00	4,000.00	2.26%
POLICE	1,119,663.00	71,532.00	221,444.00	19.78%
POLICE-SRO	70,706.00	5,236.00	16,736.00	23.67%
CONTRACT SERVICES-FIRE	330,158.00	17,154.00	21,097.00	6.39%
PUBLIC WORKS-ADMIN.	122,529.00	9,846.00	32,921.00	26.87%
PUBLIC WORKS-STREETS	423,721.00	30,430.00	90,738.00	21.41%
PUBLIC WORKS-SANITATION	751,244.00	46,750.00	72,027.00	9.59%
PUBLIC WORKS-STORM WATER	57,000.00	7,500.00	17,500.00	30.70%
RECREATION	494,175.00	29,575.00	86,375.00	17.48%
LIBRARY	69,405.00	504.00	8,626.00	12.43%
COMMUNITY CENTER	8,000.00	558.00	4,112.00	51.40%
	4,493,739.00	250,315.00	784,716.00	17.46%
Y-T-D GENERAL FUND BALANCE INCREASE (DECREASE)	4,493,739.00	114,902.00	(65,024.00)	

BANK BALANCES AS OF September 2022		
NC Capital Mgt Trust - Cash Management		2,511,512.37
TRUIST - CASH IN BANK	*	168,367.09
FIRST FEDERAL PRESTIGE - BUSINESS MONEY MARKET		136,910.25
FIRST FEDERAL PREMIUM - BUSINESS MONEY MARKET		858,734.34
Y-T-D INVESTMENT BALANCE IN GENERAL FUND ACCOUNTS		3,675,524.05
TRUSIT - STATE FORFEITURE		1,996.54
TRUIST - CAPITAL RESERVE/COMM. ENHANCEMENT		222,215.05
FIRST FEDERAL CAP - RESERVE		2,354,777.53
TRUIST - HEALTH RESERVE HRA ACCT.		19,005.09
TRUIST - PRIEBE FIELD ACCT.		24,298.38
AL WOODALL PARK IMPROVEMENTS		388,175.66
TRUIST - AMERICAN RELIEF FUNDS - (ARPA) Federal Grant		1,415,503.35
TRUIST - Community Building Renovation - (SCIF) State Grant		93,118.12
Y-T-D INVESTMENT BALANCE RESTRICTED FUNDS		4,519,089.72
CUMULATIVE BALANCE FOR TOWN OF ERWIN		8,194,613.77

POWELL BILL BALANCE
\$ 291,503.10

Erwin Board of Commissioners

REQUEST FOR CONSIDERATION

To: The Honorable Mayor and Board of Commissioners

From: Snow Bowden, Town Manager

Date: November 3, 2022

Subject: Eagle Scout Project

At our October Town Board workshop meeting we had a presentation from Aidan Johnson. Mr. Johnson presented his proposal for his Eagle Scout project to the Town Board. Mr. Johnson would like to install a metal bench next to the Erwin History Room for this project. The members of the board were all very thankful that Mr. Johnson selected a project that would benefit the Town for his Eagle Scout award. The consensus of the board was to let Mr. Johnson move forward with this project.



Erwin Board of Commissioners

REQUEST FOR CONSIDERATION

To: The Honorable Mayor and Board of Commissioners

From: Snow Bowden, Town Manager

Date: November 3, 2022

Subject: Cloud Wyze

At our September workshop meeting, we had a presentation from a company called CloudWyze. The company wants to install a fiber network in the Town of Erwin. They have a few requests that I would like to run by the Town Board.

- They would like to use the open field next to our Public Works building for as a staging site for equipment. In other municipalities and counties, they have paid a nominal fee to use this site.
- They would like the Town Board to approve of an encroachment agreement for them to install the fiber network in our right-of-way
- They have requested a permeant easement to build a small shelter at 818 North 14th Street (next to the cell tower)

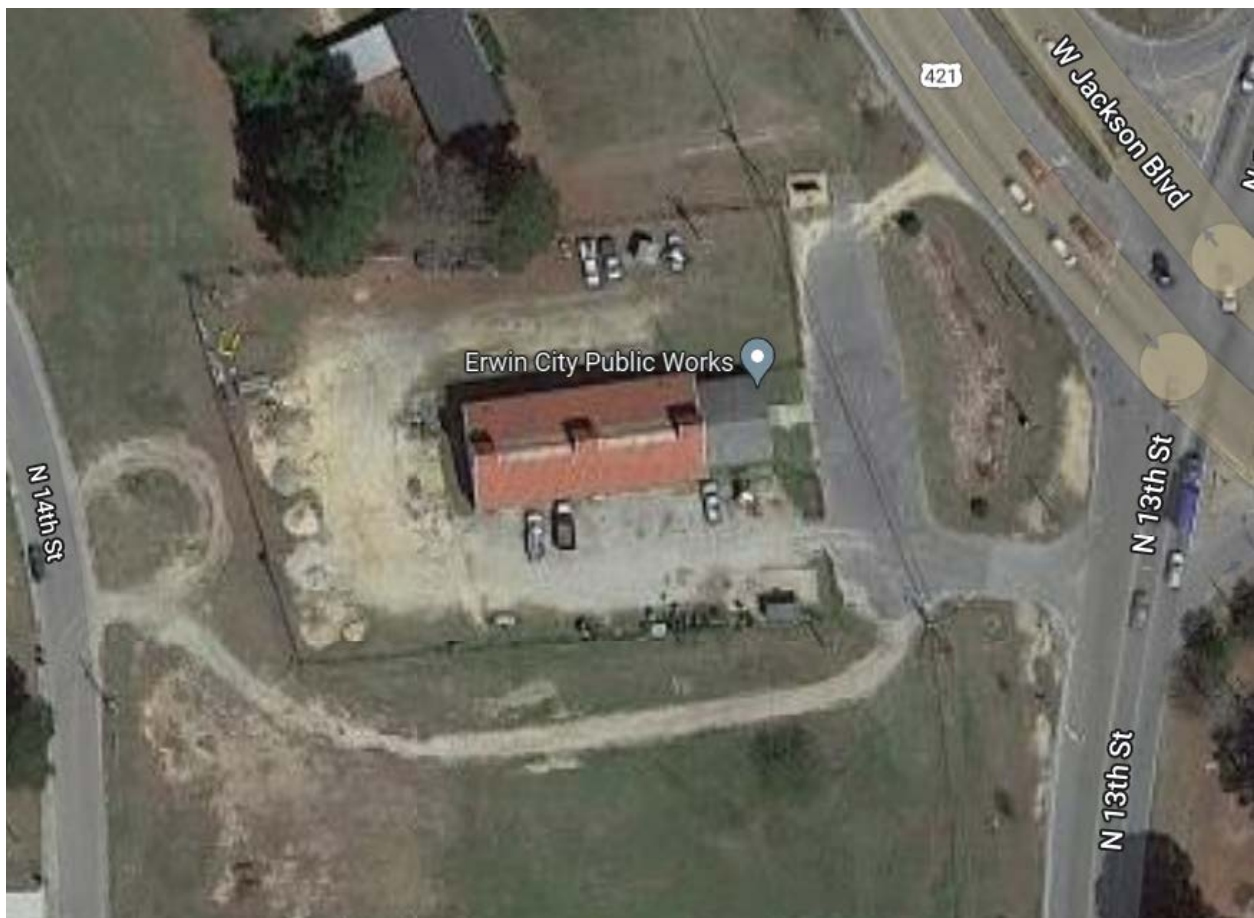
Attachments:

- Construction landing pad request
- Easement agreement
- Encroachment agreement

Construction Landing Pad

Description:

CloudWyze is seeking a landing pad for its contractors to use as a base of operations during our fiber optic construction phase. The preference for this property is roughly an acre or two in size where construction equipment, materials, temporary fencing, and a potential job trailer will be located for offices. Occasional truck traffic will be used for pickups and deliveries. Similar pad agreements in other markets are typically signed for 12-month time periods. This will be used as a base of operation for Erwin along with the community outside of the city limits. Once use is complete, CloudWyze will ensure property is restored to pre-use condition. After talking to county and city officials, the location at the Erwin Public Works building was identified as a potential location. Road access, space for truck access, along with an existing fence make location a good fit.



Prepared by and return to:
Jonathan M. Bogues, Esq.
Michael Best & Friedrich LLP
3700 Glenwood Ave., Suite 240
Raleigh, NC 27612
(without the benefit of title examination)

STATE OF NORTH CAROLINA

COUNTY OF HARNETT

CONSTRUCTION & STORAGE MAINTENANCE EASEMENT

THIS CONSTRUCTION AND STORAGE MAINTENANCE EASEMENT AGREEMENT (this "Agreement") is made as of the ____ day of _____, 2022, by and between **TOWN OF ERWIN**, a North Carolina municipal corporation ("Grantor"), and **CLOUDWYZE INC.**, a North Carolina corporation ("Grantee").

RECITALS:

WHEREAS, Grantor is the owner of certain real property located in Harnett County, North Carolina, as further described on Exhibit A, attached hereto ("Grantor Property"); and

WHEREAS, Grantor desires to grant to Grantee a "Construction & Storage Easement" to be located upon the Grantor Property for the benefit of Grantee, which Construction & Storage Easement is more fully described and depicted on the attached Exhibit B (the "Easement Area"); and

WHEREAS, Grantor and Grantee desire to set forth certain rights and obligations with regard to the Construction & Storage Easement as specifically described herein.

AGREEMENT:

In consideration of the foregoing recitals, which are incorporated herein by this reference, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. Grant of Easement. Grantor hereby grants and conveys to Grantee as an easement, for the use and benefit of Grantee, its successors, assigns, tenants, agents and any other persons claiming under or through said parties, an irrevocable, perpetual, non-exclusive easement over, under and upon that portion of the Grantor Property described herein as the Easement Area, for

purposes of placing a shelter and storage unit for storing Grantee's equipment necessary to conduct its normal course of business ("Easement Activities"), together with a right of access over the portion of the Grantor Property necessary to access the Easement Area for purposes incidental to the Easement Activities within the Easement Area. Grantee shall not relocate, modify or expand any such facilities or equipment without the prior written consent of Grantor. In no event shall Grantor alter, hinder, or obstruct the Easement Area in any way.

2. Maintenance. Except for any misconduct from Grantor, or any maintenance and repair obligations caused by Grantor, Grantee shall be solely responsible for the maintenance, repair and replacements of all facilities located within the Easement Area and all costs relating to the Easement Activities by Grantee and the repair of any damage to the Grantor Property, normal wear and tear excepted, including the Easement Area, caused by Grantee's use thereof or activities thereon. Grantee shall restore the surface disturbed by any of Grantee's maintenance activities within the Easement Area to substantially the same condition prior to such disturbance. In the event the Easement or any portion thereof is no longer needed by the Grantee, Grantee shall restore the easement area to the same condition prior to the grant of the Easement, including, without limitation, removing any structure located thereon by Grantee.

3. Consistent Uses Allowed. Grantor shall have the right to use the Easement Area in any way not inconsistent with the grants in this Agreement.

4. Insurance and Indemnification. Grantee shall indemnify, defend, and hold Grantor, its officers, directors, employees, and agents harmless from and against any and all losses actually suffered or incurred arising out of any negligent, willful, intentional acts or omissions of Grantee, its, agents or any parties within control of Grantee in or about the Easement Area or Grantor Property. Grantee shall maintain liability insurance in commercially reasonable amounts with a company licensed to issue insurance in the State of North Carolina.

5. Binding Effect. All provisions of this Agreement, including the benefits and burdens, shall run with the land and are binding upon and shall inure to the benefit of the parties hereto and their successors and assigns.

6. Governing Law. This Agreement shall be construed and enforced in accordance with the laws of the State of North Carolina.

7. Invalidity. If any term or condition of this Agreement, or the application of this Agreement to any person or circumstance, shall be deemed invalid or unenforceable, the remainder of this Agreement, or the application of the term or condition to persons or circumstances other than those to which it is held invalid or unenforceable, shall not be affected thereby, and each term and condition shall be valid and enforceable to the fullest extent permitted by law.

8. Waiver. No delay or omission by any party in exercising any right or power arising out of any default under any of the terms or conditions of this Agreement shall be construed to be a waiver of the right or power. A waiver by a party of any of the obligations of the other party shall not be construed to be a waiver of any breach of any other terms or conditions of this Agreement.

9. Enforcement. Enforcement of this Agreement may be by proceedings at law or in equity against any person or persons violating or attempting or threatening to violate any term or condition in this Agreement either to restrain or prevent the violation or to obtain any other relief. If a suit is brought to enforce this Agreement, the substantially prevailing party shall be entitled to recover its costs, including, without limitation, reasonable attorneys' fees, from the non-prevailing party.

10. Notice. All notices and demands which may or are required to be given hereunder shall be in writing and shall be deemed to have been fully given when personally delivered or the following business day after delivery to a recognized overnight delivery service with overnight delivery requested and addressed to the party to be notified at the address set forth below for such party, or to such other place as the party to be notified may from time to time designate by at least fifteen (15) days' notice to the notifying party:

If notice is sent to Grantor:

Town of Erwin
PO BOX 459
Erwin, NC 28339-0459
Attention:
Email:

With a copy to:

If notice is sent to CloudWyze:

CloudWyze, Inc.
1838 Sir Tyler Dr, Suite 200
Wilmington, NC 28405
Attn: Shaun Olsen
Email: olsen@cloudwyze.com

With a copy to:

Michael Best & Friedrich LLP
5815 Oleander Drive, Suite 300
Wilmington, NC 28403
Attn: Andrew R. Jones
Email: arjones@michaelbest.com

11. Amendment. This Agreement may not be amended, modified, terminated, or released without the written agreement of the owners of the Grantor Property, the Grantee Property, or their successors or assigns. Any amendment, modification, termination, or release of this Agreement shall not be effective until it is recorded with the Harnett County Register of Deeds.

12. No Public Dedication. Nothing in this Agreement shall be deemed a gift or dedication of any portion of the easements granted under this Agreement to the general public or for any public purpose whatsoever.

[Signature pages follow.]

IN WITNESS WHEREOF, Grantor has executed this Agreement as of the date first above written.

GRANTOR:
TOWN OF ERWIN,
a North Carolina municipal corporation

By: _____
Name: _____
Title: _____

STATE OF NORTH CAROLINA)
) ss.
COUNTY OF HARNETT)

On this ___ day of _____, 2022, before me _____, a notary public, personally appeared _____, _____ of TOWN OF ERWIN, a North Carolina municipal corporation, proved on the basis of satisfactory evidence to be the person whose name is subscribed to in this document, and acknowledged he executed the same.

Name: _____
My Commission: _____

EXHIBIT A
Legal Description of the Grantor Property

COMMENCING at an existing iron pipe at the Point of Intersection of the Northern R/W margin of West "N" Street, 60' R/W and the Eastern R/W margin of North 14th Street, 50' R/W in the Town of Erwin, North Carolina, said commencing point being the Southwest corner of Walter B. McNeil (Book 471, Page 22) now or formerly; thence leaving said point of intersection and running with the Eastern R/W margin of North 14th Street, North 03 deg. 02 min. 34 sec. East 468.58' to the Point of Curvature of a simple circular curve to the left having a radius distance of 491.76', an Arc Distance of 204.96' with a Chord Bearing and Distance of North 08 deg. 53 min. 50 sec. West, 203.48' to a point on the Eastern R/W margin of North 14th Street, the Point of Beginning; thence continuing to run with said R/W margin a simple circular curve to the left having a radius distance of 491.76', an arc distance of 26.80' with a chord bearing and distance of North 22 deg. 23 min. 57 sec. West, 26.80' to the point of tangency on said R/W margin; thence continuing to run with said R/W margin North 23 deg. 57 min. 36 sec. West, 306.25' to the point of intersection of Eastern R/W margin of North 14th Street and the Southern boundary of Specialty Products International, Ltd. (Book 885, Page 896); thence leaving the Eastern R/W margin of North 14th Street and running with the Southern boundary of Specialty Products International, Ltd., North 65 deg. 04 min. 43 sec. East, 157.03' to an existing iron stake in the Western boundary of Register-Avery (739/482-485) now or formerly; thence running with said Western boundary South 23 deg. 57 min. 36 sec. East, 336.11' to a point in said Western boundary; thence leaving the Western boundary of Register-Avery and running with a Northern boundary of the Town of Erwin (885/893), South 66 deg. 11 min. 55 sec. West, 157.74 to the POINT OF BEGINNING and containing 1.2061 Acres + (52,539 square Feet).

The property hereinabove described was acquired by Grantor by instrument recorded in Book 1149 Page 0427 in the Harnett County Public Registry on May 2, 1996, as recorded on the North Carolina General Warranty Deed.

EXHIBIT B
Legal Description of the Easement Area

A perpetual, non-exclusive easement on, though, over and across those portions of the land identified as Parcel ID: 06059710080008 11 on recorded property report – Property of the Town of Erwin, and recorded in Deed Book 1149, Page 0427 of Harnett County Register of Deeds, North Carolina and being a portion of the real estate acquired by Grantor pursuant to General Warranty Deed recorded on May 2, 1996 and recorded in Book 1149, Page 0427 of Harnett County Register of Deeds. Yellow Square represents shelter location.

PIN - 0597-67-0877.000

PID - 06059710080008 11

Physical Address: 818 N 14TH ST ERWIN, NC 28339

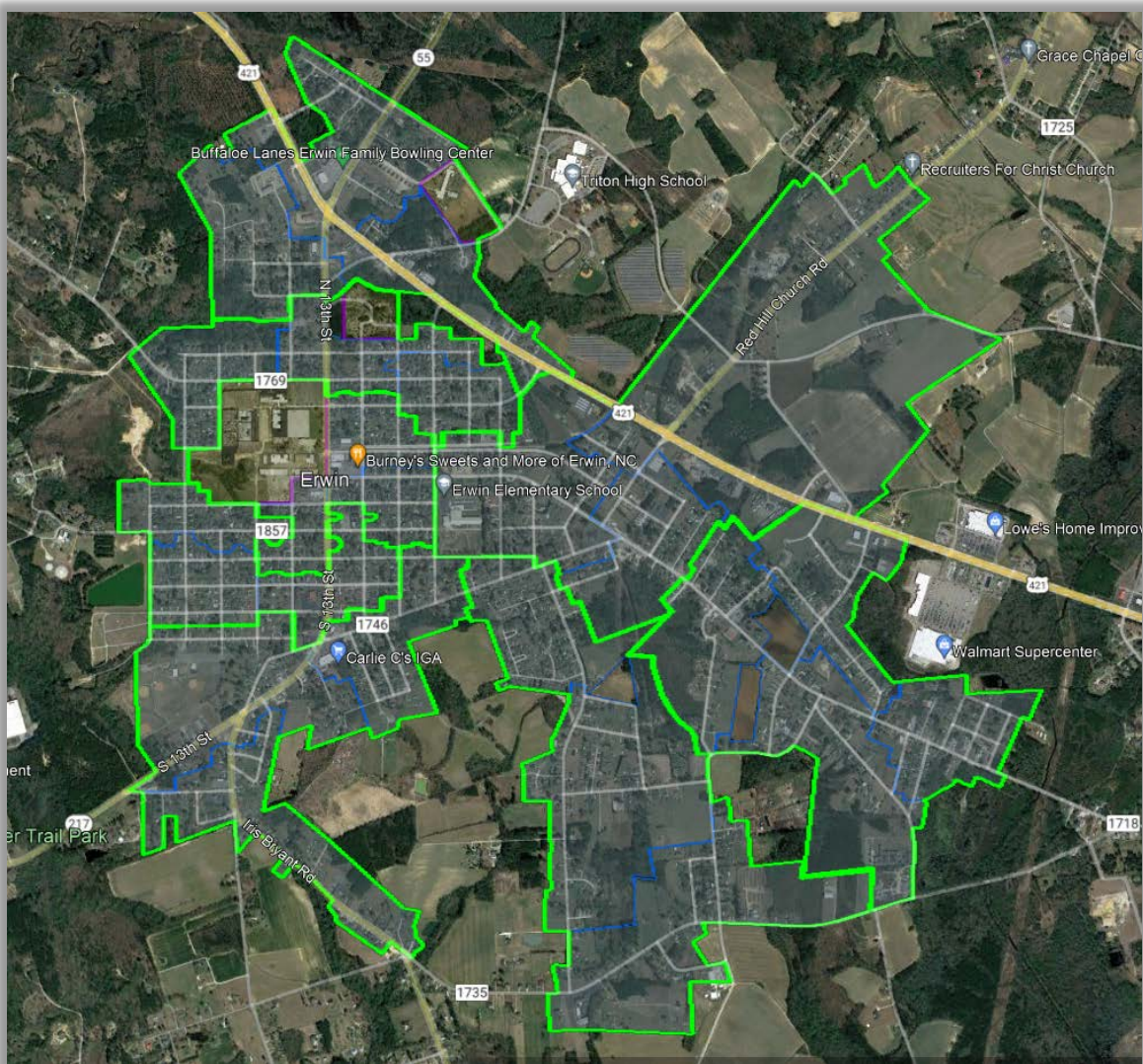


EXHIBIT B-2
Depiction of Easement Area

Town of Erwin Encroachment

Description of request:

CloudWyze is seeking approval to construct fiber optic cable in the town of Erwin's Right of Way (ROW). CloudWyze will follow all regulations and guidelines set forth by NCDOT, including traffic control and restoration. Some communities require a paper permit, others a verbal agreement, and some require approval from the city council. Based on conversations with town officials, approval from the city council is the preferred method. Below is an overview of the initial build area.



LEASE

This lease made and entered into as of November 3, 2022 between Town of Erwin hereafter referred to as "Landlord", and V1Fiber Construction, hereinafter referred to as "Tenant".

Begin date of Lease November 3, 2022 to end on November 3, 2023.

In consideration of the terms, covenants and conditions herein contained, Landlord and Tenant covenant and agree as follows:

1. Demise. Landlord leases to tenant, and Tenant leases from Landlord, *{Description of lease area and image or map of lease area}*

2. Term and Renewal. The term of this lease shall be for a period of one year at \$500 per month payable to Town of Erwin via mail to lpwilliams@erwin-nc.org.

Rent is to be paid in full on the first 1st of the month and considered delinquent after the fifth 5th of the month.

3. Alterations. Alterations made by Tenant shall be removed at the end of the lease and the property will be returned to the pre-lease state of bare open field.

4. Insurance. Tenant will maintain insurance on Tenant's property on the leased premise.

5. Mutual Release of Liability. Neither party shall be liable to the other for damage arising out of the occurrence of damage to the leased premises, the damage or destruction of the contents thereof by fire or other casualty, or personal injuries, which loss is covered by any insurance policy of either party, and each party does hereby waive all claims against the other for any such damages, whether or not such damage or destruction be the result of negligence on the part of either party, its agents, servants or employees.

6. Notices. All notices, requests and other communications hereunder shall be in writing and shall be deemed to be duly given if delivered or deposited in the U.S. Mail, first class postage prepaid, or certified, (except for rent payment) to the Landlord.

IN WITNESS WHEREOF, the parties have caused these presents to be executed in duplicate as of the day and year last above written.

LANDLORD:

Name: Town of Erwin

Address: 100 West F Street, Erwin NC 28339

Phone: (910) 897-5140

Fax: (910) 897-5543

Signature: _____

DATE: _____

Printed Name: _____

Title: _____

TENANT:

Name:

Address:

Phone:

Fax:

Signature: _____

DATE: _____

Printed Name: _____

Title: _____

VIFIBER

Fiber Engineering & Construction

28

MUNICIPAL ANIMAL CONTROL ORDINANCE
FOR THE TOWNS OF
ANGIER, COATS, ERWIN and LILLINGTON

Originally adopted January 08, 2008
Amended November 18, 2013
Amended Effective October ____, 2022

CONTENTS

GENERAL PROVISIONS

SECTION I	Purpose and Intent of Chapter
SECTION II	Applicability of County Ordinance
SECTION III	Establishment of Bird Sanctuary
SECTION IV	Hunting and Killing of Animals
SECTION V	Keeping Livestock within the Town / City Limits
SECTION VI	Number of Chickens Permitted
SECTION VII	Number of Dogs Permitted
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SECTION IX	Confinement and Running at Large
SECTION X	Possession of Animals and Strays
SECTION XI	Impoundment and Reclaiming of Captured Animals
SECTION XII	Potentially Dangerous and Dangerous Dogs
SECTION XIII	Public Nuisance Animals
SECTION XIV	Enforcement, Penalties and Remedies
SECTION XV	Ordinance in Conflict

SECTION I Purpose of Chapter

The purpose of this chapter is to provide and define authority of the Harnett County Animal Services Division (hereinafter referred to as “Animal Services”) within the towns of Angier, Coats, Erwin, and Lillington (hereinafter each individually referred to as the “Town” and collectively referred to as the “Towns”). Animal Services now has charge of protecting the citizens of these towns from rabies transmitted by unconfined, uncontrolled or un-immunized animals, to regulate animals that may be a nuisance, to insure that all animals are treated in a humane manner and in the promotion of responsible pet ownership and animal welfare. Animal Services in cooperation with the towns of Angier, Coats, Erwin, and Lillington are hereby charged with the responsibility of animal control in conjunction within these town’s jurisdictions. This Municipal Animal Control Ordinance (hereinafter referred to as the “Municipal Ordinance”) will supersede all town animal control ordinances and shall pertain to the towns of Angier, Erwin, Coats, and Lillington only.

SECTION II Applicability of County Ordinance

The provisions of the most current County of Harnett Animal Services Ordinance (hereinafter referred to as the “County Ordinance”) that are not in direct conflict with the provisions of this Municipal Ordinance are hereby adopted and incorporated herein by reference and shall be enforced within the corporate limits of the Towns.

SECTION III Establishment of Bird Sanctuary

- (A) The area embraced within the corporate limits of the Town and all land owned or leased by the Town outside the corporate limits is hereby designated as a bird sanctuary.
- (B) It shall be unlawful to intentionally trap, hunt, shoot, or otherwise kill, within a sanctuary hereby established, any native wild bird. It shall be lawful to trap birds or fowl specifically declared a nuisance by the Town board when such birds or fowl are found to be congregating in such number in a particular locality that they constitute a nuisance or a menace to health or property.
- (C) The bird clubs of the Town are hereby granted permission to erect artistic signs, giving notice of the regulations therein provided, at such places and of such design as may be approved by the Town Board.

State Law Reference: Bird Sanctuary establishment, G.S. 160A-188

SECTION IV Hunting, Killing, and Trapping of Animals

It shall be unlawful for any person to hunt or kill any animal within the territorial limits of the Towns. Trapping may be done with permission from Animal Services. This Section does not apply to the Police Departments, Animal Services, or duly authorized agents when enforcing the provisions provided in this Ordinance.

SECTION V Keeping Livestock and Fowl

No person may keep within the Town any Livestock and/or Fowl except in accordance with this Section.

- (A) It shall be unlawful for any person to maintain, keep, house, or stable any: horse, mule, pony, cow, sheep, goat, swine, or any other livestock including ducks, geese, turkeys, guineas within the corporate limits of the Town.
- (B) It shall be unlawful for any person to maintain, keep, or house any cattle, goats, horses, swine, ducks, geese, turkeys, guineas, or other livestock on a fenced lot within the corporate limits of the Town.
- (C) Any chickens kept within the corporate limits of the Town must be contained by a fence, building, or other enclosure that will ensure that the chickens will not run at large.
- (D) Any fowl found running at large may be taken into possession and/or destroyed by Animal Services anywhere within the corporate limits of the Town.

SECTION VI Number of Chickens

- (A) A maximum of **six (6) hens** (*Gallus gallus domesticus*) will be allowed per household.
- (B) **NO Roosters or other poultry breed will be permitted.**
- (C) Hens must be kept in a chicken coop or enclosed runs at all times and are not permitted to roam freely on the Owner's property.
- (D) The location of the coop and enclosed run must be in the rear of the Owner's property as determined by the line projected along the rear of the dwelling to each sideline and be 20 feet aware from the adjoining properties.
- (E) The coop and enclosed run must be a minimum of ten feet (10') in length and ten feet (10') in width and a maximum of sixteen feet (16') in length and sixteen feet (16') om width.
- (F) Coop design shall provide ample ventilation to avoid odors and be made predator proof.
- (G) All manure and wood shavings from the coop must be disposed of properly by removing off-site by the owner or person in possession or by professional removal service.
- (H) Prior to beginning construction, a Land Use application shall be submitted and approved by the Zoning Administrator for all coop and run designs.

- (I) The Code Enforcement officer, and its designee, has the right to enter onto the property for the purpose of inspecting the coop and run to ensure compliance with these requirements. The home owner will be notified no less than three days prior to the inspection date and has the right to be present during the inspection.
- (J) Owners who are determined to be in violation may be allowed to correct the violation(s) and/or be subject to a fine, as per the Town's code. Daily penalties will be assessed in the event that the violation(s) continue. The Town may revoke this privilege if an Owner has had three (3) or more violations during one calendar year.

SECTION VII Number of Dogs

It shall be unlawful for any person to keep on any lot or premises within the corporate limits of the Town more than three (3) dogs. This limitation shall not apply to dogs less than four (4) months of age. Any person wanting to keep more than three (3) dogs will apply to the Town for a license to operate a dog kennel. Prior to the issuing of such license it shall be determined that the kennel would be in compliance with all Town and State regulations.

SECTION VIII Number of Cats

It shall be unlawful for any person to keep on any lot or premises within the corporate limits of the Town more than three (3) cats. This limitation shall not apply to cats less than four (4) months of age.

SECTION IX Confinement and Running at Large

- (A) No person owning or having possession, charge, custody or control of any animal may cause, permit or allow the animal to stray or in any manner to run at large upon any public street, sidewalk, or other public property or to stray, run at large, or otherwise trespass upon the private property of another.
- (B) It shall be unlawful for the owner of any animal to allow such animal to be at large on any Town property.
- (C) It shall be unlawful for any person owning, harboring, keeping or in charge of any animal to fail or refuse to remove feces deposited by the animal on any street, sidewalk, park, or other publicly owned property.
- (D) It shall be unlawful for the owner of any animal to fail or refuse to remove feces deposited by the animal on any private property.

SECTION X Possession of Animals and Strays

- (A) It shall be unlawful for any person in the Town to knowingly and intentionally, unless with consent of the owner or person in possession, to harbor, feed and keep in their possession by confinement or otherwise allow to remain on their property any

animal which does not belong to them unless they notify Animal Services within forty-eight (48) hours from the time such animal came into his possession.

- (B) Any person who feeds a stray animal and/or allows the animal to stay on their property for at least two (2) days will be considered the legally responsible for such animal and any violations caused by the animal.
- (C) It shall be unlawful for any person to refuse to surrender any such stray animal to the Police Department, Animal Services, or person duly authorized upon demand.
- (D) The purpose of this Section is to aid in rabies control and to prevent the intentional or unintentional possession of pets belonging to other persons.

SECTION XI Impoundment and Reclaiming of Captured Animals

- (A) Any animal within the Town without an owner or person in possession, any animal running at large within the Town, or any animal whose owner or person in possession fails to have the animal vaccinated in accordance with the laws of the State, or an animal appearing within the Town without a rabies vaccination tag shall be taken by Animal Services and confined for a period of time until reclaimed by the owner or person in possession with a pre-paid rabies voucher, adopted with a pre-paid rabies voucher or euthanized by Animal Services.
- (B) If any animal is not redeemed by the owner or person in possession within three (3) days from the time Animal Services takes possession of the animal, the animal shall be put up for adoption or disposed of under the regulations set forth by the County Ordinance and the North Carolina General Statutes.
- (C) In order for the owner or person in possession to redeem an animal, such owner or person in possession must first show that the rabies vaccination tag has been procured. In addition the owner or person in possession shall pay a redemption fee, which will be approved by the Harnett County Board of Commissioners. The owner or person in possession must pay daily expenses for boarding and caring for the animal at the Harnett County Animal Shelter.

SECTION XII Potentially Dangerous and Dangerous Dogs

- (A) It shall be unlawful for a citizen to keep a dog within the corporate limits of the Town a dog that has been deemed a “Potentially Dangerous Dog” or “Dangerous Dog” in accordance with the County Ordinance.
- (B) Any owner or person in possession found in violation of this Section will be required to release the dog to Animal Services for euthanasia and will face a civil fine of \$400.00.

SECTION XIII Public Nuisance

In addition to the acts listed in Section VI.6 “Public Nuisance” of the County Ordinance, an animal may also be deemed a public nuisance when the animal habitually or repeatedly, without provocation, barks, whines, or howls in an excessive nature.

SECTION XIV Enforcement, Penalties and Remedies

Enforcement Administration

Primary responsibility for enforcing the provisions of this chapter is assigned to Animal Services pursuant to the terms and conditions of a duly executed interlocal agreement between the Towns and the County of Harnett. Municipal Police Departments will assist when needed.

Penalties and Remedies

(A) Misdemeanor:

Notwithstanding any civil penalties outlines herein, any person violating any provision of this Municipal Ordinance or the applicable provisions of the County Ordinance constitutes a misdemeanor and shall be punishable under North Carolina General Statute § 14-4 or any other applicable section for misdemeanor sentencing. Each day’s continuing violation shall constitute a separate offense.

(B) Equitable Remedies

This Municipal Ordinance and the applicable provisions of the County Ordinance may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction.

(C) Civil Penalties

In addition to other remedies for violations of this Municipal Ordinance and the applicable provisions of the County Ordinance, the Animal Services Manager or any person authorized by him/her may issue to the owner or person in possession of said animal, a citation giving notice of the violation(s) of this Municipal Ordinance or applicable provisions of the County Ordinance. Any such official shall be authorized to secure the name, address, and birth date of the owner or person in possession of the animal in violation. Citations issued may be delivered in person or mailed by registered or certified mail to the person charged if he/she cannot otherwise be readily located. Any such citation shall impose upon the owner or person in possession a civil penalty of \$100.00 per animal for the first violation, \$200.00 for the second violation, and \$400.00 for the third and any subsequent violation. Said penalties must be paid within (20) consecutive days to Animal Services.

SECTION XV Ordinance in Conflict

All ordinances in conflict with the provisions of this Municipal Ordinance are repealed to the extent of such conflict.

Ordinance Adoption

This Ordinance shall become effective upon adoption by all of the Towns.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

Adopted this the _____ day of _____ 2022 by the Town of Angier

BY: _____
Robert K. Smith, Mayor

ATTEST:

Veronica Hardaway, Town Clerk

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

Adopted this the _____ day of _____ 2022 by the Town of Coats

BY: _____
Chris Coats, Mayor

ATTEST:

Connie Lassiter, Town Clerk

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

Adopted this the _____ day of _____ 2022 by the Town of Erwin

BY: _____
Randy L. Baker, Mayor

ATTEST:

Lauren Evans, Town Clerk

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

Adopted this the _____ day of _____ 2022 by the Town of Lillington

BY: _____
Glenn McFadden, Mayor

ATTEST:

Lindsey Lucas, Town Clerk

Erwin Board of Commissioners

REQUEST FOR CONSIDERATION

To: The Honorable Mayor and Board of Commissioners

From: Snow Bowden, Town Manager

Date: November 3, 2022

Subject: Al Woodall Park Paving

We received three bids for the resurfacing project at Al Woodall Park. The price of asphalt continues to rise and the prices came in higher than expected. We did discuss seal coating the parking lot but after further evaluation, we decided the best step to take is to resurface the parking lot with asphalt. In the bid, we included moving forward with paving the existing gravel parking lot with asphalt.

In the budget, we included funds of \$140,000 to pave the parking lot at Al Woodall and put a new roof on the gym. If we still want to move forward with this project we will need to move some funds to cover the costs.

At our workshop meeting on October 24th, 2022 it was the consensus of the board to move forward with this project. We will award the project to Johnson Brothers Utility and Paving. Johnson Brothers Utility and Paving will resurface the entire parking lot, put new curb stops out, repaint the parking spaces, and asphalt the existing gravel parking lot. The consensus of the board was to also move forward with the alternate bid of \$17,500 to include a secondary entrance/exit to the parking lot at Al Woodall Park.

Action Recommended:

- Award Al Woodall Parking Lot project to Johnson Brothers Utility and Paving
 - \$115,000 to resurface the existing parking lot
 - \$27,500 to pave the existing gravel parking lot
 - \$17,500 to install a secondary entrance to Al Woodall Park
 - Total project costs \$160,000

Attachments:

- Town Engineer Bill Dreitzler memo
- Johnson Brothers Utility and Paving bid



TOWN OF ERWIN
Post Office Box 459
Erwin, NC 28339
(910) 897-5140

M-E-M-O-R-A-N-D-U-M

DATE: October 13, 2022
TO: Snow Bowden, Town Manager
FROM: Bill Dreitzler, P.E., Town Engineer
RE: Al Woodall Municipal Park – Parking Lot Resurfacing

Mr. Bowden,

The Town of Erwin Recreation Department solicited bids for the resurfacing of the Al Woodall Municipal Park Parking Lot. In addition, the existing gravel overflow area is to be asphalt surfaced. As an alternate, the Town will consider the installation of a secondary driveway access to West A Street. The Bid Form was made available on September 15, 2022.

On Wednesday, October 12, 2022 bids were due for the project. The following bids were received:

Highland Paving Company, LLC: \$ 175,500.00

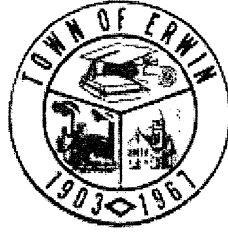
Johnson Brothers Utility & Paving: \$ 142,500.00

Barnhill Contracting Company: \$ 251,000.00

I have completed my evaluation of the bids and recommend award to Johnson Brothers Utility & Paving Co., inc., in the amount of \$142,500.00. Should the Town desire to include the alternative drive access to West A Street, the bid amount is \$17,500. The scope of the alternative drive is included on page 5 of the Request for Bids which is attached for reference. In addition, please find attached the bid submittals from the contractors listed above.

Sincerely,

William W. Dreitzler, P.E.
Town Engineer



REQUEST FOR BIDS

**AL WOODALL MUNICIPAL PARK
PARKING LOT RESURFACING**

REQUESTED BY:

**TOWN OF ERWIN
RECREATION DEPARTMENT
810 South 16th Street
Erwin, NC 28339**

DATE OF ISSUE: September 15, 2022

BIDS DUE: Wednesday, October 12, 2022 by 2:00 PM

JOHNSON BROTHERS

Request for Bids

AL WOODALL MUNICIPAL PARK – PARKING LOT RESURFACING

PROJECT DESCRIPTION

- The Town of Erwin Recreation Department is soliciting bids for the resurfacing of the Al Woodall Municipal Park Parking Lot. In addition, the existing gravel overflow area is to be asphalt surfaced. As an alternate, the Town will consider the installation of an alternative driveway access to West A Street.

SCOPE OF WORK

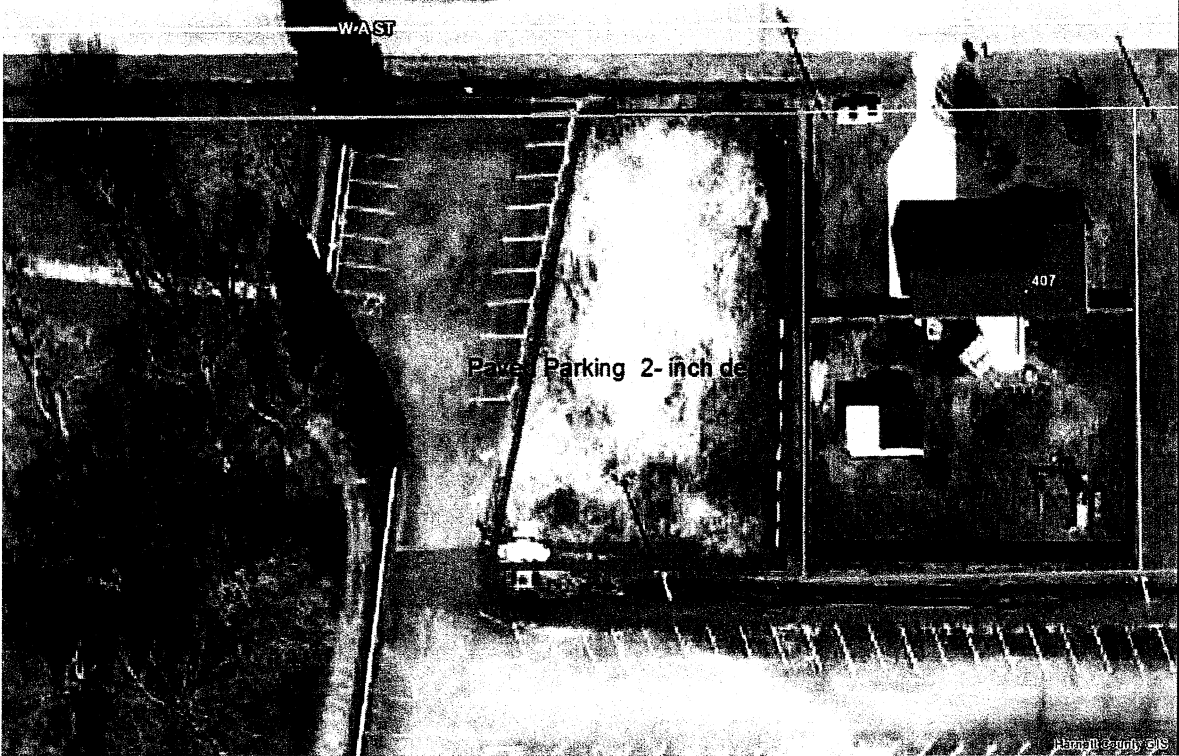
RESURFACE EXISTING PARKING LOT:



1. Sweep and clean existing parking lot.
2. Apply tack coat.
3. 1 ½-inch RS9.5B asphalt overlay lift.
4. Re-stripe parking spaces based on the existing layout.
5. Replace existing parking wheel stops with new and painted yellow.

Request for Bids

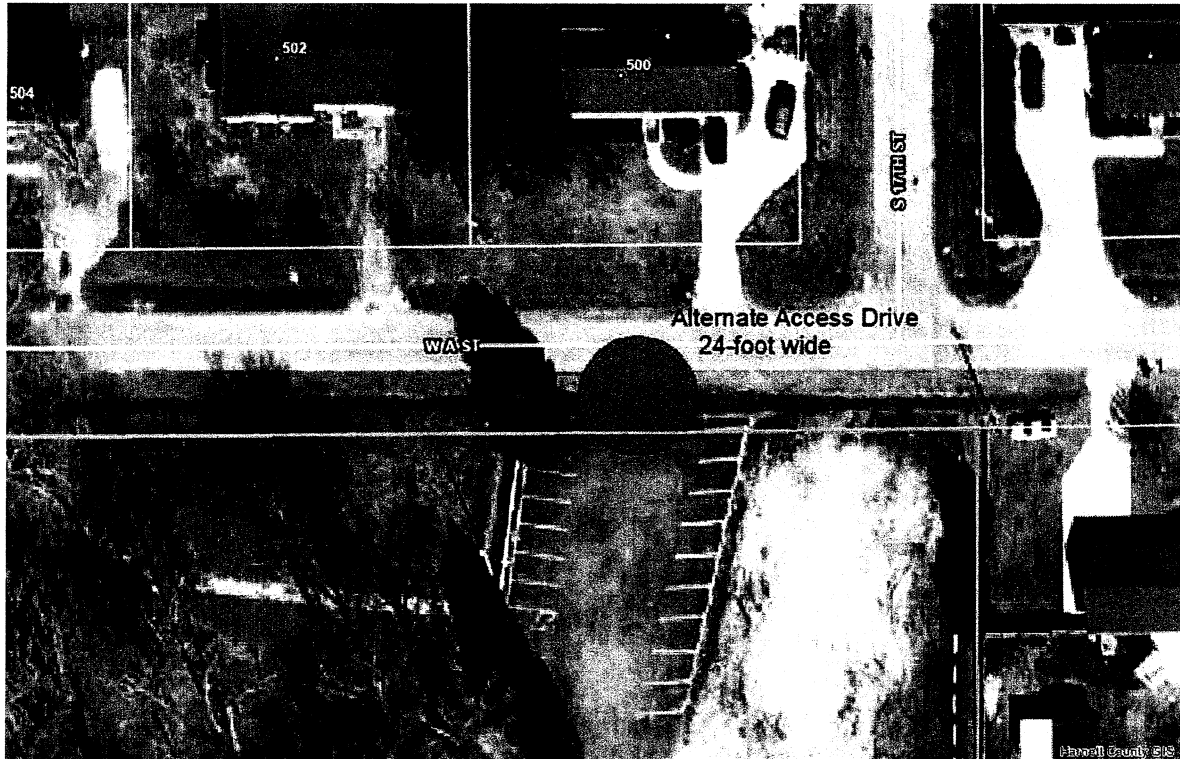
PAVE EXISTING GRAVEL OVERFLOW PARKING AREA:



1. Re-grade the overflow parking existing stone base.
2. Install 2-inch depth RS9.5B asphalt.
3. Coordinate with the Town regarding a striping plan.
4. Coordinate with the Town regarding a controlled ingress/egress location for the overflow parking area.
5. Provide striping of the newly paved parking area.

Request for Bids

ALTERNATIVE PARK ACCESS DRIVE:



1. Install a 24-foot wide alternate driveway access at the general location shown above.
2. Provide a 25-foot radius for the driveway access.
3. Pavement section shall be 6-inch ABC and 2-inch RS9.5B asphalt.
4. Include a 15-inch diameter RCP driveway culvert.
5. If needed, re-grade the West A Street ditch line at 50-feet either side of the driveway culvert to assure positive drainage.
6. Provide striping of the access drive to include turn arrows and a stop bar.

SUBMISSION OF BIDS

Bids shall be due no later than 2:00 pm on Wednesday, October 12, 2022. Bid submittals may be via mail or delivery. Mail delivery shall be to:

Request for Bids

TOWN OF ERWIN
RECREATION DEPARTMENT
P.O. Box 459
Erwin, NC 28339
Attention: Doug Stevens

Hand delivery shall be to:

TOWN OF ERWIN
RECREATION DEPARTMENT
810 South 16th Street
Erwin, NC 28339
Attention: Doug Stevens

Questions should be directed to Doug Stevens, Recreation Department Director at dstevens@erwin-nc.org or by phone at 910-897-5840.

LUMP SUM BIDS

RESURFACE EXISTING PARKING LOT BID PRICE:

\$115,000.00

PAVE EXISTING GRAVEL OVERFLOW PARKING AREA BID PRICE:

\$27,500.00

TOTAL LUMP SUM BASE BID: \$142,500.00

LUMP SUM BID ALTERNATE

ALTERNATIVE PARK ACCESS DRIVE BID PRICE:

\$17,500.00

Request for Bids

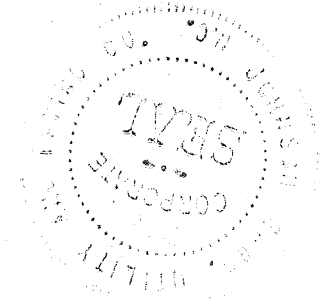
Contractor's Name: Johnson Bros. Utility Paving Co., Inc.

Contractor's Address: 1924 North Main Street
Killington, N.C. 27546

Contractor's License Number: 4534

Contractor's Phone Number: 910-893-8378

Contractor's Signature/Title: David Johnson
Vice-President



END BID FORM

Erwin Board of Commissioners

REQUEST FOR CONSIDERATION

To: The Honorable Mayor and Board of Commissioners

From: Snow Bowden, Town Manager

Date: November 3, 2022

Subject: ZT-2022-006

The Town of Erwin has received an application to have the parcel located at 4507 NC 55 East rezoned. The property is currently located in our Rural District. The applicant has requested that the parcel be rezoned to a conditional zoning district. The conditional zoning district would be B2-CD.

The Planning Board did recommend that this rezoning request be approved. The developer also plans on starting the voluntary annexation process.

*The developer intends on subdividing the property and having the existing daycare facility on a separate lot from the proposed retail development.

*The site plan included in this packet will still need to be evaluated by Town Staff before it is approved. Both of the proposed road connections will require approval from the North Carolina Department of Transportation.

Attachments:

- ZT-2022-006 Application
- ZT-2022-006 Staff Report
- Harnett County GIS Image with zoning
- Harnett County GIS Image with no zoning
- Property owners notified
- ZT-2022-006 Public Notice Letter
- ZT-2022-006 Newspaper Notice
- Planning Board Statement of Consistency
- Statement of Consistency
- Statement of Inconsistency
- ZT-2022-006 Map Amendment Ordinance

Staff recommends reading through the Findings of Facts in the Staff Report on Pages 67-68

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

3. I move that to recommend:
 - a. Approval of Ordinance For Map Amendment Case # ZT-2022-006 Amendment To The Official Zoning Map To Rezoned From RD To B2-CD Per Zoning Ordinance Article XXIII For Harnett County PIN 0598-92-2261.000.
 - b. Denial of Ordinance For Map Amendment Case # ZT-2022-006 Amendment To The Official Zoning Map To Rezoned From RD To B2-CD Per Zoning Ordinance Article XXIII For Harnett County PIN 0598-92-2261.000.

PAID

SEP 21 2022 check 15481

Revised 9-19-2014



**Application OF ERWIN
Amendment To The Official Zoning Map
of Erwin, NC**

Staff Only: Zoning Case # Z-20 -
Fee: Check # MO Cash
PB Recommendation: A D A/W Conditions
BOC Date: Decision: A D T A/W Conditions

Print Applicant Name: Rhetson Companies, Inc
Name of Legal Property Owner Dayna and Steve Murphy
Location of Property 4507 NC 55 East

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

Zoning change requested from RD to B2-CD

If Conditional District, note conditions:

Harnett County Tax Map PIN 0598-92-2261

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

NC Property Investors, LLC PO Box 190 Clayton NC 27528
John & Phyllis Avery 6076 Red Hill Church Rd Coats NC 2752
Nicole Dunn 121 Erwin Ave Erwin NC 28334
Kimber Group, LLC PO Box 181 Erwin, NC 28339

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

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

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

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

[Signature]
Signature of Applicant

910-944-0881
Contact Number

2075 Juniper Lake Rd, West End NC 27376
Mailing Address of Applicant

Mr. Snow Bowden
Town Manager
Town of Erwin
100 West F Street
Erwin, NC 28339
910-897-5140

Mr. Bowden,

Rhetson Companies, Inc. is filing this application for Conditional Use Rezoning. The subject property consists of 2.26+/- acres (portion) of Parcel 0598-92-2261.000, which is a total of 3.47+/- acres. The site is located within the Town of Erwin's ETJ and fronts on NC 55 E at the intersection of NC 55 E and Maynard Lake Road. Rhetson Companies is seeking to locate a proposed 10,640 SF retail store on the subject property.

The subject property is requesting a condition use rezoning to locate the retail store on the subject property. The parcel is currently zoned RD. The proposed use also promotes the following:

Economic Development:

- Promote the business growth within the Town
- Develop a diversified economic base in the Town

Land Use:

- Ensure the optimal use of land resources within the Town of Erwin and promote and support an environmentally sound future land use pattern that provides for a variety of community needs and minimized conflicts between existing and proposed land uses.
- Provide a retail service to the community to limit travel times

The proposed development will support the community of Erwin while having minimal impacts to noise, odor dust, and fumes to adjacent properties based on its intended use. The proposed development will meet the requirements set forth in the Town of Erwin's Unified Development Ordinance.

The proposed development will meet all applicable standards for Erosion and Sediment Control and Stormwater Management, and will feature Erosion and Sediment Control measure, and a permanent stormwater management pond meeting the standards of NCDEQ. The proposed entrance shall be reviewed and permitted by North Carolina Department of Transportation.

The proposed use is generally compatible with other surrounding properties in the area. The use will provide services to the existing residential homes, churches and education facilities in the area.

Sincerely,

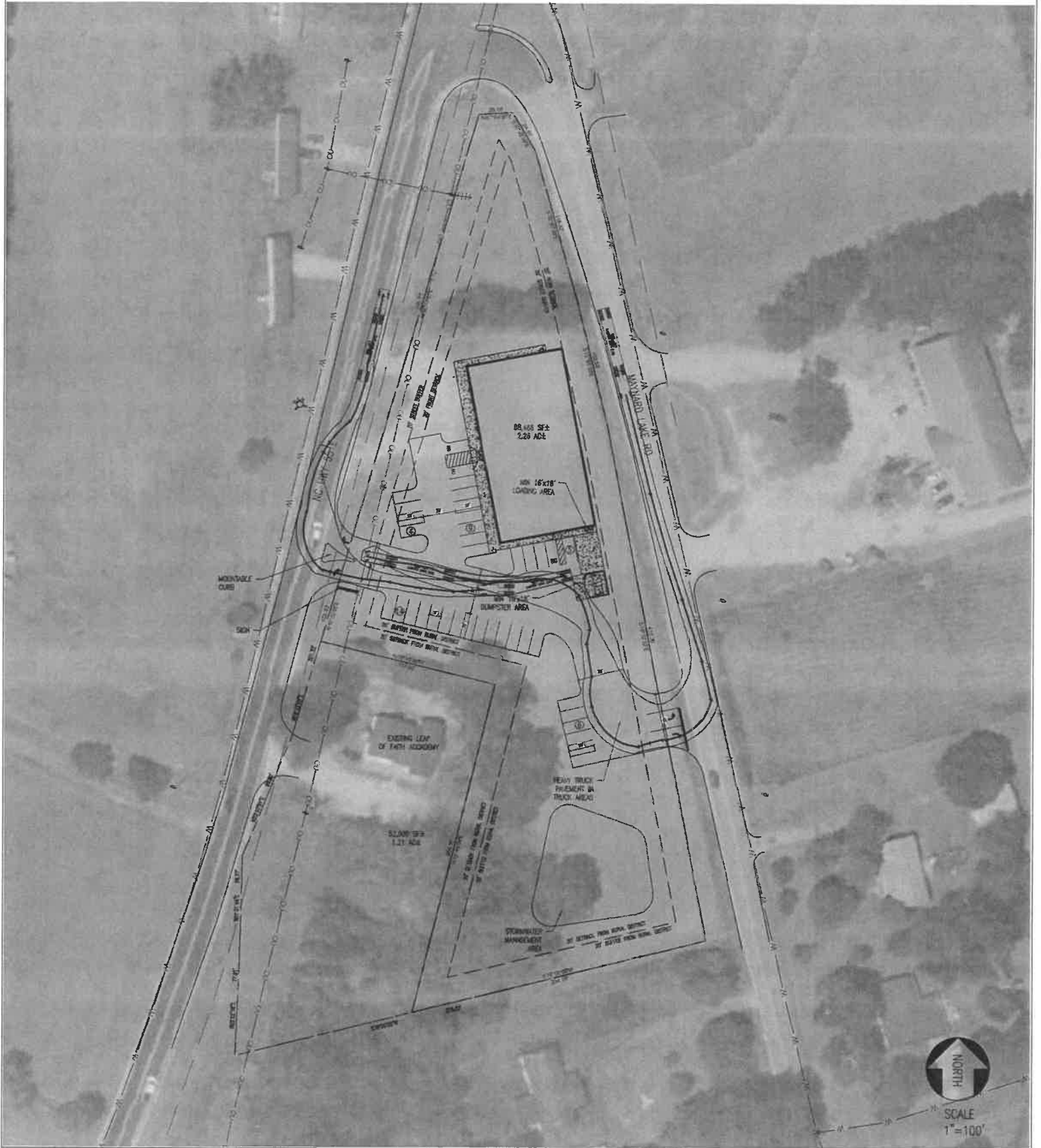
Rhetson Companies, Inc.

PRELIMINARY SITE PLAN-A

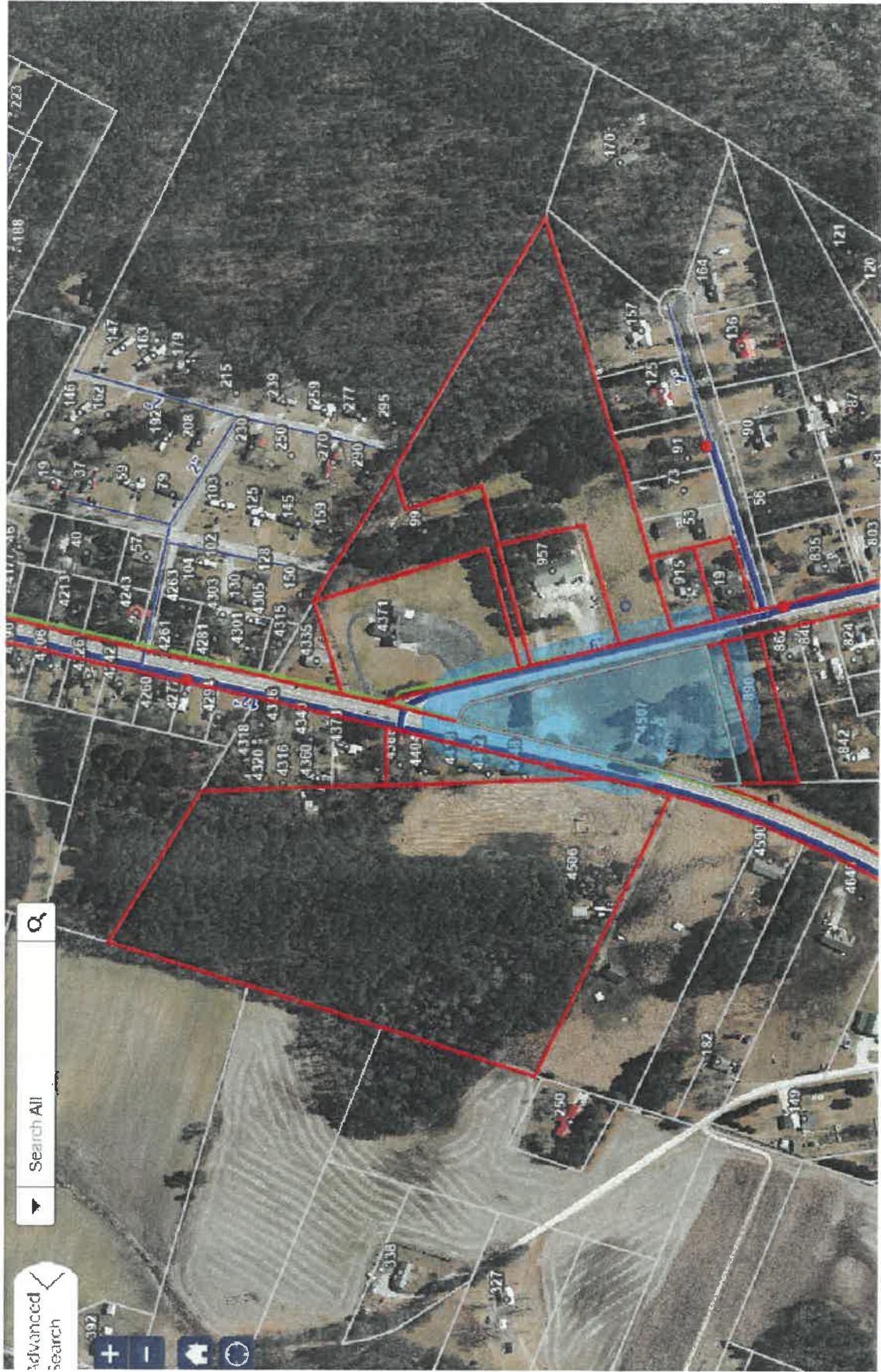
CITY, STATE - STREET: Erwin, NC - US Hwy 55 @ Maynard Lake Rd
Harnett County

PROPERTY IDENTIFICATION NUMBER(S):

PROTOTYPE:	10,640 Plus D	DEVELOPER	DESIGNER	DATE:	0598-92-2261.000 (Portion Of)
BLDG/SALES SF:	10,640/8,504	COMPANY:	COMPANY:	9/13/2022	
ACREAGE:	2.26 AC±	NAME:	NAME:		
PARKING SPACES:	38 SPACES	PHONE #:	PHONE #:		



ParcelID	Pin	Owners	Owner1	Owner2	PhysicalAddress	MailingAddress
7486566	0598-91-2998.000	KIMBER GROUP LLC	KIMBER GROUP LLC		MAYNARD LAKE RD NC	P O BOX 181 ERWIN, NC 28339-0181
7524796	0598-92-6030.000	SANDERS ASHLEY N	SANDERS ASHLEY N		19 SCRAMBLE RD ERWIN, NC 28339	19 SCRAMBLE RD ERWIN, NC 28339
7427756	0598-92-2261.000	MURPHY DANYA BAYLES & MURPHY	MURPHY DANYA BAYLES	MURPHY STEVE WILLFORD	4507 NC 55 E ERWIN, NC 28339	175 DRUM INLT MOREHEAD CITY, NC 28557-9644
7440636	0598-91-3900.000	KIMBER GROUP LLC	KIMBER GROUP LLC		890 MAYNARD LAKE RD ERWIN, NC	P O BOX 181 ERWIN, NC 28339-0181
7529754	0598-82-7864.000	AVERY JOHN W & AVERY PHYLLIS A	AVERY JOHN W	AVERY PHYLLIS A	4506 NC 55 E ERWIN, NC 28339	6076 RED HILL CHURCH RD COATS, NC 27521-0000
7469811	0598-92-6101.000	HAYES SHARON POPE	HAYES SHARON POPE		915 MAYNARD LAKE RD ERWIN, NC	1845 ABATTOIR RD COATS, NC 27521-9380
7498953	0598-92-7879.000	HAWLEY WILLIAM D	HAWLEY WILLIAM D		995 MAYNARD LAKE RD ERWIN, NC	PO BOX 306 ANGLIER, NC 27501-0306
7433620	1508-02-0557.000	HAWLEY WILLIAM D	HAWLEY WILLIAM D		MAYNARD LAKE RD NC	PO BOX 306 ANGLIER, NC 27501-0306
7438522	0598-92-1741.000	NC PROPERTY INVESTORS LLC	NC PROPERTY INVESTORS LLC		4448 NC 55 E ERWIN, NC 28339	PO BOX 190 CLAYTON, NC 27528-0190
7427809	0598-92-5494.000	HAWLEY WILLIAM D	HAWLEY WILLIAM D		957 MAYNARD LAKE RD ERWIN, NC	PO BOX 306 ANGLIER, NC 27501-0306
7427812	0598-92-4890.000	MIDWAY PENTECOSTAL HOLINESS	MIDWAY PENTECOSTAL HOLINESS		4371 NC 55 E DUNN, NC 28334	PO BOX 667 ERWIN, NC 28339-0000





**REZONING MAP REQUEST
STAFF REPORT**

Case: ZT-2022-006

Snow Bowden, Town Manager

townmanager@erwin-nc.org

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

Planning Board: 10/17/2022

Town Commissioners: 11/3/2022

Requested zoning map amendment to the property located at 4507 NC 55 East with corresponding Harnett County Tax PIN # 0598-92-2261.000. The property is currently located in our RD (Rural District) Zoning District. The property owner has requested this parcel be rezoned from RD to B-2-CD (Highway Business- Conditional District).

Applicant Information

Owner of Record:

Name: Dayna Bayles Murphy and Steve Wilford
Murphy

Address: 175 Drum INLT

City/State/Zip: Morehead City, NC 28557

Applicant:

Name: Rhetson Companies, INC.

Address: 2075 Juniper Lake Road

City/State/Zip: West End, NC 27376

Property Description

Tract – 4507 NC 55 East

Harnett County Tax PIN 0598-92-2261.000

Acres 2.26

Zoning District- Rural District

Vicinity Map

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

Physical Characteristics

Site Description: This parcel is 2.26 acres that has an existing building located on it that was built in 1950 based on Harnett County GIS data. There is a daycare facility that operates in this building. They do have an existing conditional use permit to operate this business.

Surrounding Land Uses: This parcel is surrounded by mostly residential land uses. There is a church located directly across Maynard Lake Road and also a commercial building that is a learning facility for young children.

Services Available

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

Staff Evaluation

The applicant has requested that this parcel be rezoned from Rural District (RD) to Highway Business (B-2)- Conditional District (B2-CD)

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

Staff Evaluation

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

- **Reasoning:** This is a 2.26 acre tract of land. There is an existing building located on this property. The developers will obtain all NCDOT driveway permits and all other required approvals.

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

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

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

- **Reasoning:** The applicant wants to provide a building that would be a retail store. This building would promote economic development in the region.

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

- **Reasoning:** This is one tract of land that is 2.26 acres.

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

Statement of Consistency

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

Or

Statement of In-Consistency

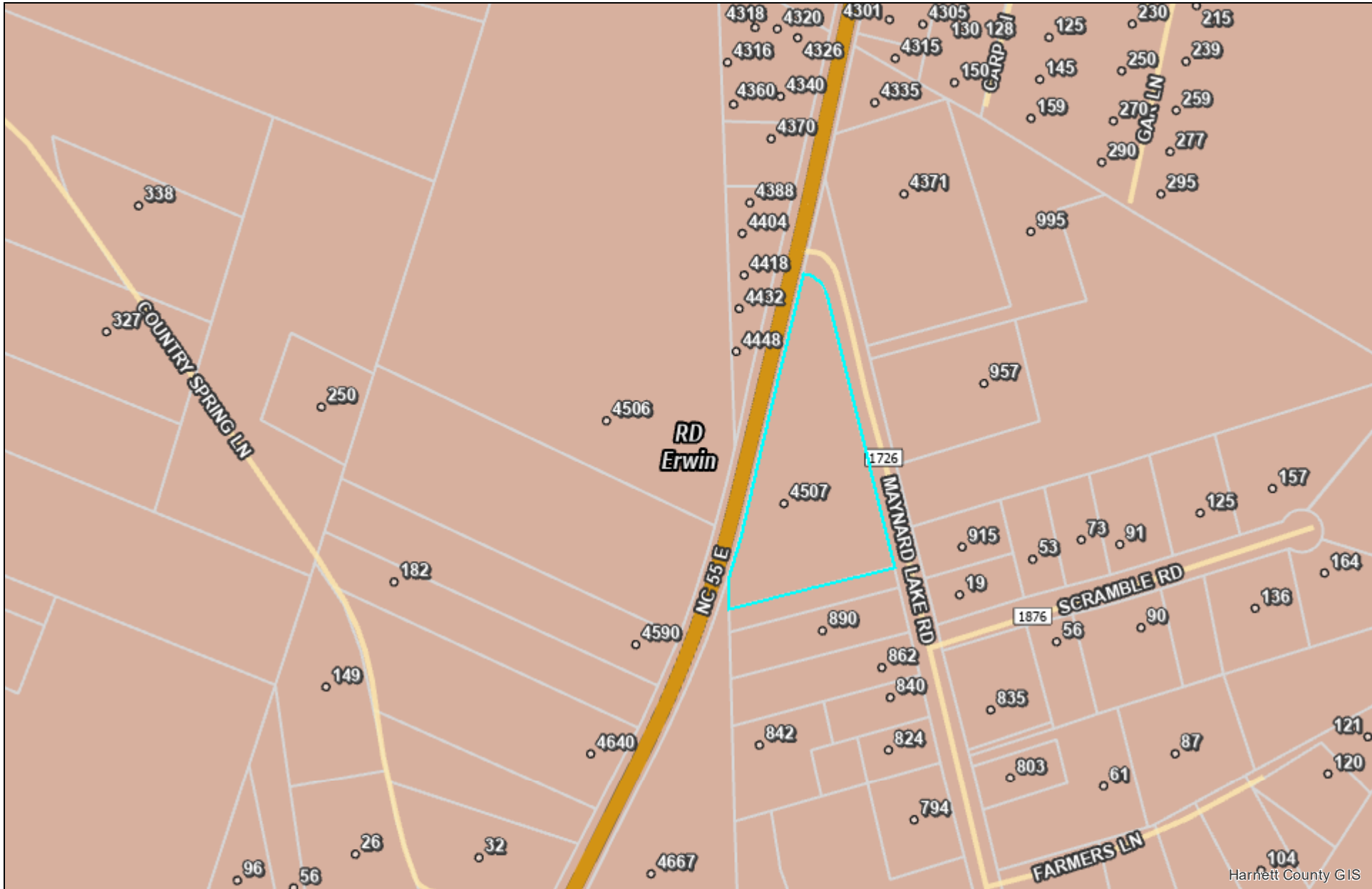
The requested rezoning to B2-CD is **NOT** compatible with all of the Town of Erwin's regulatory documents and it would have a negative impact on the surrounding community. It is recommended that this rezoning request **NOT BE APPROVED**.

Attachments:














- ZT-2022-006 Application
- Harnett County GIS Image with zoning districts
- Harnett County GIS Image without zoning districts
- Adjacent property owner sheet
- Public notice letter sent to adjacent property owners

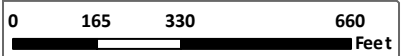
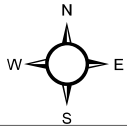
Harnett GIS

NOT FOR LEGAL USE



Harnett County GIS

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



1 inch = 376 feet 60

GIS/E-911 Addressing
October 7, 2022

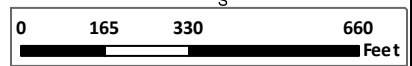
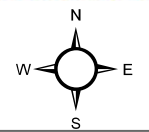
Harnett GIS

NOT FOR LEGAL USE



Harnett County GIS

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



GIS/E-911 Addressing
October 7, 2022

1 inch = 376 feet 61

Midway Pentecostal Holiness
PO Box 667
Erwin, NC 28339

Sharon Pope Hayes
1845 Abattoir Road
Coats, NC 27526

Nicole Day Dunn
121 Erwin Avenue
Erwin, NC 28339

NC Property Investors, LLC
PO Box 190
Clayton, NC 27528

Steve and Dayna Murphy
175 Drum INLT
Morehead City, NC 28557

William Hawley
PO Box 306
Angier, NC 27501

Kimber Group
PO Box 181
Erwin, NC 28339

John and Phyllis Avery
6076 Red Hill Church Road
Coats, NC 27526

Ashley Sanders
19 Scramble Road
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

10/10/2022

Notice of a Public Hearing ZT-2022-006

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

The Board of Commissioners of the Town of Erwin will hold a public hearing pursuant to NC General Statute 160D-406 on November 3rd, 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 zoning map amendment application submitted to the Town. The property is located at 4507 NC 55 East. The property can be identified by its Harnett County PIN # 0598-92-2261.000. The property is currently in our Rural District (RD) Zoning District. The applicant has requested to have this parcel rezoned to a Highway Business Conditional District (B2-CD)

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

Regards,

Snow Bowden
Town Manager

NOTICE OF PUBLIC HEARING

The Town of Erwin Board of Commissioners will conduct a Public Hearing on the following item pursuant to NC General Statute 160D-406, on Thursday, November 3, 2022, at 7:00 P.M. in the Erwin Municipal Building Board Room located at 100 West F Street, Erwin, NC 28339. Questions can be addressed to the Town Manager Snow Bowden at 910-591-4200 or by email at townmanager@erwin-nc.org.

- Case ZT-2022-006: Request to have a parcel located at 4507 NC 55 East rezoned from Rural District (RD) to Highway Business Conditional District (B2-CD). The property can also be identified by its Harnett County Tax PIN # 0598-92-2261.000.

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

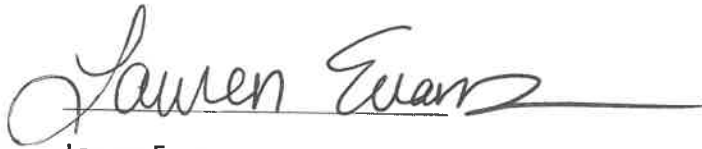
10/18,25/2022

Statement-of-Consistency

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



RJ Beasley
Planning Board Chair



Lauren Evans
Town Clerk

Statement-of-Consistency

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

RJ Beasley
Planning Board Chair

Lauren Evans
Town Clerk

Statement-of-Inconsistency

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

RJ Beasley
Planning Board Chair

Lauren Evans
Town Clerk



TOWN OF ERWIN

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

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

**ORDINANCE FOR MAP AMENDMENT CASE # ZT-2022-006
AMENDMENT TO THE OFFICIAL ZONING MAP TO REZONE
FROM RD TO B2-CD PER ZONING ORDINANCE ARTICLE XXIII
FOR HARNETT COUNTY PIN 0598-92-2261.000 .
ORD 2022-2023: 002**

Per Chapter 36 Zoning, Article XXIII, Changes and Amendments, Harnett County PIN 0598-92-2261.000 owned by Steve Wilford Murphy and Dayna Bayles Murphy have been rezoned to B2-CD (Highway Business-Conditional District), Case # ZT-2022-006.



FOR REGISTRATION REGISTER OF DEEDS
KIMBERLY S. HARGROVE
HARNETT COUNTY, NC
2007 AUG 02 04:13:10 PM
BK: 2408 PG: 828-830 FEE: \$17.00

INSTRUMENT # 2007014047

HARNETT COUNTY TAX ID#

070598 0150

8-2-07 BY MT

Excise Tax **NO REVENUE**

Tax Lot No. _____ Parcel Identifier No. 070598 0150 Verified by _____
County on the _____ day of _____, 200____
by _____

Mail after recording to: **Billy R. Godwin, Jr., 406 W. Broad St., Dunn, NC 28334**
This instrument was prepared by: **Billy R. Godwin, Jr.**

Brief Description for the index

3.74 ACRES

NO TITLE SEARCH PERFORMED

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made **August 1, 2007**, by and between

GRANTOR	GRANTEE
Jerry Ray Bayles, Sr. and wife, Faye P. Bayles	Dayna Bayles Murphy and husband, Steve Wilford Murphy
P.O. Box 343 Erwin, NC 28339	3508 Lela Ct. Raleigh, NC 27606

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g., corporation or partnership.

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

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

Being all of a **3.47 acre** tract as shown on map entitled "Property of: Johnnie D. Avery and wife, Mattie T. Avery", prepared by Piedmont Surveying dated March 17, 1993, recorded in **Plat Cabinet F, Slide 149-C**, Harnett County Registry.

The consideration for this deed is the grantors' love and affection for their daughter and son-in-law.

The property hereinabove described was acquired by Grantor by instrument recorded in Book 1423 , Page 27.
A map showing the above described property is recorded in Plat Cabinet F, Slide 149-C, Harnett County Registry.

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

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

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

1. Easement, roadways and rights of way of record, including general utility easements.
2. Easements visible by an inspection of the premises.
3. Any outstanding deed of trust on the property conveyed herein.

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

(Corporate Name)

Jerry R. Bayles, Sr.
Jerry R. Bayles, Sr. (SEAL)

By: _____

Faye P. Bayles
Faye P. Bayles (SEAL)

(SEAL)

(SEAL)

SEAL-STAMP

HARNETT COUNTY
STATE OF NORTH CAROLINA

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purposes stated therein and in the capacity indicated: Jerry R. Bayles, Sr. and Faye P. Bayles

This the 2nd day of August, 2007.

My Commission Expires: 3/26/2012

Carolyn L. Wilson
Carolyn L. Wilson, Notary Public





KIMBERLY S. HARGROVE
REGISTER OF DEEDS, HARNETT
305 W CORNELIUS HARNETT BLVD
SUITE 200
LILLINGTON, NC 27546

Filed For Registration: 08/02/2007 04:13:10 PM
Book: RE 2408 Page: 828-830
Document No.: 2007014047
DEED 3 PGS \$17.00
Recorder: JUDITH HAMILTON

State of North Carolina, County of Harnett

KIMBERLY S. HARGROVE , REGISTER OF DEEDS

DO NOT DISCARD

2007014047
2007014047

Adopted this the 3rd day of November 2022.

Randy Baker,
Mayor

ATTEST:

Lauren Evans
Town Clerk