

**THE ERWIN BOARD OF COMMISSIONERS
NOVEMBER 2024 REGULAR MEETING
THURSDAY, NOVEMBER 7, 2024 @ 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 requests discussion of an item, the item will be removed from the Consent Agenda and considered under New Business.

- A. Regular Workshop on September 23, 2024 **(Page 3)**
- B. Regular Meeting on October 10, 2024 **(Page 9)**
- C. Al Woodall Park Playground Replacement- SCIF Grant 10853 **(Page 13)**
- D. Bike/Pedestrian Planning Grant **(Page 21)**
- E. SRO MOU Update **(Page 29)**
- F. MAPS Group MOU **(Page 30)**
- G. NCGS 143-805 Policy Update- S.L. 2024-26 **(Page 38)**

4. SPECIAL PRESENTATION

5. PUBLIC COMMENT

Each speaker is asked to limit comments to 3 minutes, and the requested total comment period will be 30 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. NEW BUSINESS

- A. Village at Old Stage Subdivision Preliminary Plat **(Page 59)**
- B. ~~Stormwater Management Plan RFQ Recommendations **(Page 76)**~~

7. PUBLIC HEARING

- A. ZT-2024-005 **(Page 84)**
- B. HWY 421 Overlay **(Page 141)**
- C. Encroachment Text Amendment **(Page 147)**
- D. Erwin Appointed Board Text Amendment **(Page 162)**

8. **MANAGER'S REPORT**

9. **ATTORNEY'S REPORT**

10. **ADJOURNMENT**

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

ERWIN BOARD OF COMMISSIONERS**REGULAR MINUTES****NOVEMBER 7, 2024****ERWIN, NORTH CAROLINA**

The Board of Commissioners for the Town of Erwin with Mayor Baker presiding held its Regular Meeting in the Erwin Municipal Building Board Room on Thursday, November 7, 2024, at 7:00 P.M. in Erwin, North Carolina.

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

and Billy Turnage.

Town Manager Snow Bowden, Town Clerk Lauren Evans, Town Attorney Tim Morris, Town Planner Dylan Eure, Deputy Town Clerk Katelan Blount, Code Enforcement Officer Chris Jones, Public Works Director Mark Byrd and Police Chief Jonathan Johnson were present.

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

Commissioner McKoy gave the invocation.

Commissioner Blackmon led the Pledge of Allegiance.

AGENDA ADJUSTMENT/APPROVAL OF AGENDA

Town Manager Snow Bowden requested that item B under New Business, Stormwater Management Plan RFQ Recommendations, be removed from the agenda and placed on the next workshop's agenda.

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

CONSENT

Commissioner Blackmon made a motion to approve **(ITEM A)** Minutes of Regular Workshop on September 23, 2024 **(ITEM B)** Minutes of Regular Meeting on October 10, 2024 **(ITEM C)** Al Woodall Park Playground Replacement-SCIF Grant 10853 **(ITEM D)** Bike/Pedestrian Planning Grant **(ITEM E)** SRO MOU Update **(ITEM F)** MAPS Group MOU **(ITEM G)** NCGS 143-805 Policy Update- S.L. 2024-26 and was seconded by Commissioner Byrd. **The Board voted unanimously.**



Henderson
Providing Playground Fun

Model No. B311232R0



Colors:

Posts: Brown
Accents: Tan
Roto-Plastic: Green
HDPE-Plastic: Green / White
Shade: Forest Green

**ERWIN PLAYGROUND
OPT 1**

Brought to you by your local representative

Carolina
Recreation & Design



Henderson
Providing Playground Fun

Model No. B311232R0



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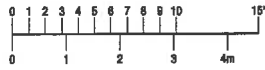
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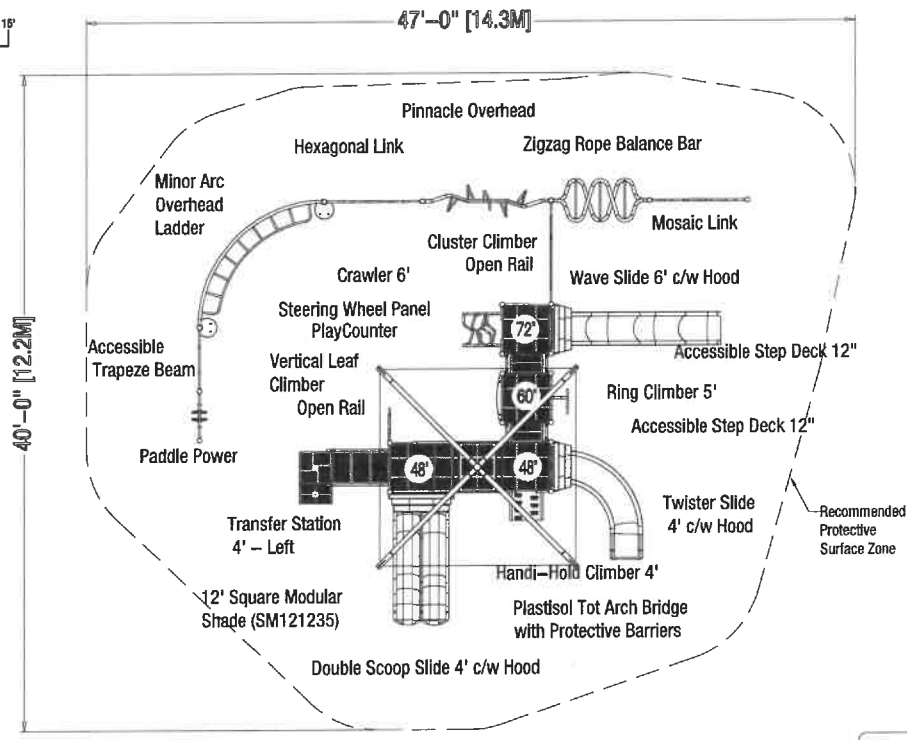
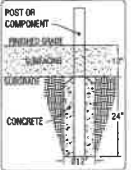
ERWIN PLAYGROUND
OPT 1

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Recreation & Design



Henderson
Providing Playground Fun



ADA Accessibility Guideline				
ELEVATED	ACCESSIBLE	RAMP ACCESSIBLE	GROUND	TYPES
9	8/5	0	8/3	4/3

Model No. B311232R0

Henderson Recreation Equipment Ltd.
PO Box 68, 11 Gilbertson Drive
Simcoe, ON, Canada, N3Y 4K8
T. 1.800.265.5462
F. 519.426.9380
www.hendersonplay.ca

Salesperson | A.H.
Drawn By | R.H.
Date Drawn | December 10, 2023
Revised By |
Revision Date |

Product Line | Plastisol RT
Standard Compliance | ASTM F 1487, CPSC
Best User Age | 5 to 12 yrs.
Protective Surfacing Type |
Accessibility | ADA
Number of Children | 46
Maximum Fall Height | 9'

Border Area | 1,515 sq/ft
Border Perimeter | 144'
Installation Type | Inground
WARNING: All play equipment shall have a protective surfacing area that consists of an impact free soft, resilient surfacing, as specified for each type of equipment and as shown to meet the critical fall heights as specified by the CAN/CSA Z81-14, ASTM F1487 and the U.S. Consumer Product Safety Commission.

Carolina Recreation & Design LLC
 344 Rolling Hill Rd Ste 201
 Mooresville, NC 28117
 +1 7046647833
 info@carolina-recreation.com
 www.carolina-recreation.com

Estimate 2024-4205



ADDRESS ERWIN PARKS AND RECREATION ATT. DOUG STEVENS 810 S 16TH ST ERWIN, NC 28339	SHIP TO ERWIN PARKS AND RECREATION ERWIN PARKS AND RECREATION 810 S 16TH ST ERWIN, NC 28339	DATE 09/19/2024	TOTAL \$61,984.11	EXPIRATION DATE 10/18/2024
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NOTES
 40% Dep - 30% Ship -30% Comp

DATE	ACTIVITY	DESCRIPTION	QTY	RATE	AMOUNT
	HENDERSON	HENDERSON B311232R0	1	33,164.5375	33,164.54T
	HENDERSON	2'SQ SHADE (SM121235)	1	6,282.7125	6,282.71T
	2X2	Borders	43	29.90	1,285.70T
	2X2	ADA Half Ramp	1	370.50	370.50T
	Labor - Installation	Ramp Install	1	32.50	32.50
	Mulch	Mulch	72	20.241	1,457.35T
	Labor - Playground Installation	Installation includes the following: - SEC A - Install HENDERSON B311232R0 - 2'SQ SHADE (SM121235) - SEC B - (43) Borders - (72) Mulch Install - Unloading equipment/materials from truck - Installation of playground equipment: - Equipment rentals - Clean up of jobsite - Clean up of equipment; including touch up of any scrapes or scuffs etc.	1	13,827.50	13,827.50
	Freight	Henderson Freight	1	1,437.50	1,437.50T
	Freight	Borders Freight	1	460.00	460.00T
	Freight	Mulch Delivery	1	517.50	517.50T

SUBTOTAL 58,835.80
 TAX 3,148.31

TOTAL \$61,984.11

STRUCTURE NO.: _____

PROJECT NAME: _____

APPROVED BY: _____

DATE: _____



Posts

- Green Pastel
- Blue Pastel
- Purple Pastel
- Yellow
- Light Blue
- Orange
- Tan
- Lime
- Black
- Cosmo
- Brown
- Red
- Teal
- Green
- Burgundy
- Silver
- Charcoal
- Blue
- Purple
- White

Components

- Green Pastel
- Blue Pastel
- Purple Pastel
- Yellow
- Light Blue
- Orange
- Tan
- Lime
- Black
- Cosmo
- Brown
- Red
- Teal
- Green
- Burgundy
- Silver
- Charcoal
- Blue
- Purple
- White

Molded Plastic

- Tan (Spiral)*
- Grey
- Lime
- Burgundy
- Gecko
- Cobalt
- Red (Spiral)*
- Cyan
- Green (Spiral)*
- Purple
- Blue (Spiral)*
- Orange
- Yellow (Spiral)*
- Teal
- Ice Blue

Bi-Color Plastic

- Brown/Tan
- Tan/Black
- Lime/Black
- Black
- Green/White
- Red/White
- Orange/White
- Blue/White
- Yellow/Black
- White/Black

Solid Plastic

- Black



Uprights are 3.5" O.D. x 13 gauge Allied Flo-Coat® galvanized steel.

Play structures feature polyethylene-coated 12 gauge decks for superior strength.

With Henderson's Bolt-N-Go system, components bolt directly to uprights, rather than clamping around them.

Uprights arrive predrilled with threaded inserts and ready to receive play components. No on-site measuring is required, reducing the possibility of installation error.

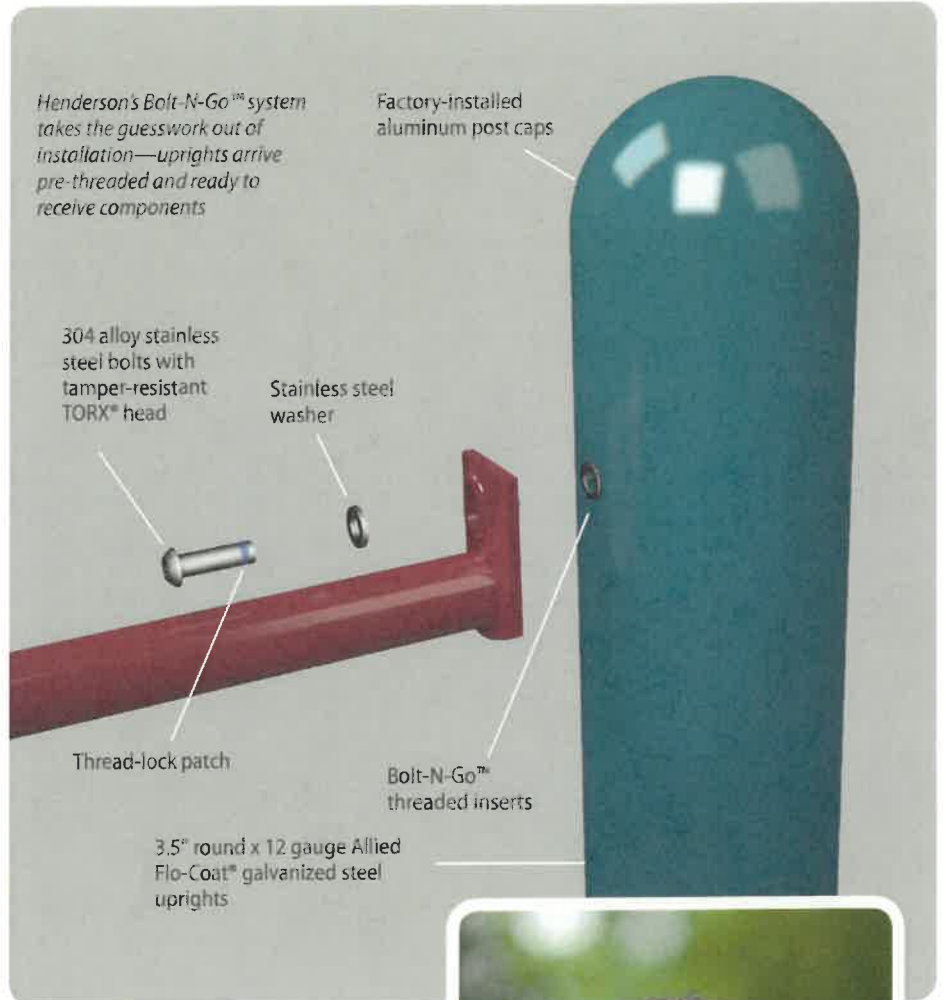
Uprights include factory-installed aluminum post caps for durability.

Hardware is 304 alloy stainless steel for rust and corrosion resistance.

The best choice for affordable accessibility, providing many of the same components as our premium product lines with smaller decks and ramps to keep costs down.

Professionally-designed for optimal play value and age appropriateness.

An impressive selection of play components and component compatibility, including New! Geodes and Orbis play systems.



Ideal for smaller spaces and limited budgets.

Maximum play value for the money, without sacrificing quality.

A quality-built playground at a value price.

Available with Henderson MightyShades™ sun protection.





WARRANTY

- Lifetime*** limited warranty on steel support posts against structural failure due to deterioration caused by defects in materials or manufacturing.
- Lifetime*** limited warranty on Bolt-N-Go direct-bolt fastening systems against structural failure due to corrosion or deterioration caused by defects in materials or manufacturing.
- 20 Year*** limited warranty on aluminum post caps and Orbis aluminum clamps against structural failure caused by defects in material or workmanship.
- 15 Year*** limited warranty on steel rails, loops and rungs against structural failure due to corrosion or deterioration caused by defects in materials or manufacturing.
- 10 Year*** limited warranty on polyethylene components, sheet plastic, and decks against structural failure due to corrosion or deterioration caused by defects in materials or manufacturing.
- 5 Year*** limited warranty on all site amenities, including all benches, tables, litter receptacles and bike racks, against structural failure due to corrosion or deterioration caused by defects in materials and workmanship.
- 5 Year*** limited warranty on Berliner Rope Play steel-core ropes and rubber components against structural failure caused by defects in material or workmanship.

One Year* General Warranty

Henderson Recreation warrants that all products not listed above will be free from defects in materials or manufacturing for one year.

General Warranty Terms

All warranty periods start at the invoice date. If any breach of this warranty occurs within the applicable warranty period, upon proper notification in writing of the defect, Henderson Recreation will, at its option, either repair or replace the defective product or part. Henderson Recreation will provide a repaired or replacement product or part under the terms of this warranty free of charge, but will not be responsible for any freight costs associated with the warranty claim or any labour or other costs associated with dismantling the defective product or part or installing the replacement product or part. A replacement product or part provided pursuant to this warranty will be guaranteed only for the balance of the warranty period applicable to the original product or part.

Warranty Claims

To be valid, all warranty claims must be submitted in writing promptly following discovery of the defect and within the specified warranty period. All warranty claims must be accompanied by a copy of the original invoice (or Henderson Recreation invoice number) and photograph(s) clearly identifying the defect in question.

* Items Not Covered By the Warranty

The following are not covered by the warranty: (i) products that are not installed in conformity with the layout plan and/or installation instructions provided by Henderson Recreation; (ii)

products that have not been regularly inspected, maintained and serviced and in accordance with Henderson Recreation's instructions; (iii) products that have been subjected to misuse, abuse, negligence or accident; (iv) products that have been subjected to modification, alteration, repair or addition or substitution of parts by persons other than Henderson Recreation or Henderson Recreation's designees, in a manner which, in the sole judgment of Henderson Recreation, affects the operation or condition of the products; (v) products that have been moved after the initial installation; (vi) damage resulting from vandalism or abnormal use; (vii) damage resulting from Acts of God (such as lightning, tornadoes, etc.) or environmental factors (such as salt water, chemical sprays, etc.); (viii) damage due to normal wear and tear; and (ix) cosmetic issues, including but not limited to scratches, dents, staining, natural fading or fading of colours, discoloration and the weathering of wood (including but not limited to raised grain, splitting, checking, twisting, warping, shrinkage, swelling or any other physical property of the wood). For the purpose of this paragraph, "weathering" does not include fungal decay or rot of any type, while "fungal decay" and "rot" mean attack by wood-destroying fungi that disintegrate the wood cell walls, but exclude surface mold and mildew fungi associated with the weathering of wood.

Liability Exclusions

THIS WARRANTY IS EXCLUSIVE AND IS IN LIEU OF ALL OTHER REPRESENTATIONS AND WARRANTIES OF ANY KIND, WHETHER EXPRESS, IMPLIED OR STATUTORY, INCLUDING BUT NOT LIMITED TO ANY WARRANTY OF CONDITION, DESCRIPTION, MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE. NO REPRESENTATION, WHETHER ORAL OR WRITTEN, OF ANY HENDERSON RECREATION REPRESENTATIVE MAY ALTER OR AMEND OR

BE SUBSTITUTED FOR THIS WARRANTY.

TO THE EXTENT PERMITTED BY LAW, IN NO EVENT WILL HENDERSON RECREATION BE LIABLE IN CONNECTION WITH ANY PRODUCT FOR (A) ANY INDIRECT, SPECIAL, INCIDENTAL OR CONSEQUENTIAL DAMAGES, WHETHER BASED ON TORT, CONTRACT OR OTHER LEGAL THEORY AND WHETHER OR NOT ADVISED OF THE POSSIBILITY OF SUCH DAMAGES; OR (B) ANY DAMAGES WHATSOEVER IN EXCESS OF AN AMOUNT EQUAL TO THE PURCHASE PRICE FOR SUCH PRODUCT.

Product Replacement

Henderson Recreation has a commitment to continuous product development and improvement and therefore reserves the right to make approved substitutions in design or specifications.

Loss or Damage in Transit

Henderson Recreation cannot be held responsible for the loss or damage of products by common carriers. Please check the bill of lading carefully to ensure your product is in good order prior to signing it. After the product departs our plant(s), we are no longer responsible for any loss, damage, or shortage.

Maintenance

The demand for safety requires regular inspection of playground structures for signs of wear and tear. All necessary repairs should be completed promptly by a qualified repair person. For more information on the regulations concerning playground equipment, installation, maintenance, and protective surfacing, please refer to your local and national safety standards.

ACCOUNTS RECEIVABLE AGREEMENTS

REMITTANCE GUIDANCE



Initial
RPLW

I acknowledge that upon execution of this Agreement, we must submit a down payment, if required.
 I also acknowledge that we may pre-pay any portion of the estimated cost noted in this Agreement, prior to final billing by the Department.

Please refer to your Agreement's PAYMENT TERMS to correctly remit any payment due to the Department.

PAYMENT TERMS:	PAYMENT TIMING:
PAYMENT UPON AGREEMENT EXECUTION	Please submit the amount of agreed upon payment via one of the below methods, <u>once you have received notice of execution of the Agreement.</u>
PAYMENT PRIOR TO LETTING (OR START OF PHASE)	You will be notified by the Project Manager when payment will be due. Please remit payment within 60 days of notification.
PAYMENT UPON BILLING	The Department will bill at the completion of the Project (or when defined in the Agreement). All payments are due within 60 days of invoicing.

NOTE: You may pre-pay any portion of an estimated cost, prior to Departmental Billing. The Department will adjust final billing to account for any pre-payments made.

LATE PAYMENTS AND INTEREST RATES:

For payments not received within 60 days, the Department must charge a statutory interest rate of prime plus one percent (1%) on all Utility Relocation Agreements. For any other Receivable Agreement, the Department may charge a late fee and/or interest.

PAYMENT METHODS

1. SEND PAYMENT BY CHECK OR

MAIL TO:
 NCDOT – Accounts Receivable
 1514 Mail Service Center
 Raleigh, NC 27699-1514

INCLUDE:

- Agreement ID (1000xxxxx)
- WBS Element

2. SEND PAYMENT VIA ACH (Automated Clearinghouse)

Initiate ACH through your bank* and send an e-mail to:

- ✓ Shamorah Fountain - sfountain1@ncdot.gov
- ✓ Kay Lee - klee@ncdot.gov

INCLUDE:

- Agreement ID# (1000xxxxx)
- WBS Element
- Amount of Payment

**If you need NCDOT's Account information, contact Tammy Court at tlcourt@ncdot.gov*

Failure to follow the above steps and remit payment per the terms in the Agreement may result in delays to project delivery. Please contact your Division Project Manager for questions regarding payment terms.

10.2023

**ACCOUNTS RECEIVABLE
NCDOT ADMINISTERED – PROJECT ACCELERATION PLAN
(FEDERAL/STATE FUNDS RECEIVABLE)
100023303**

AGREEMENT OVERVIEW

NORTH CAROLINA
HARNETT COUNTY

DATE: 11/22/2024

PARTIES TO THE AGREEMENT:

PROJECT NUMBERS:

NORTH CAROLINA DEPARTMENT
OF TRANSPORTATION

TIP #: M-0570D

WBS ELEMENTS: 51402.8.5

AND

TOWN OF ERWIN

The purpose of this Agreement is to identify the participation in project costs, project delivery and/or maintenance, by the other party to this Agreement, as further defined in this Agreement.

SCOPE OF PROJECT (“Project”): The Project consists of the planning and production of a Project Acceleration Plan (Plan) in accordance with the Department’s policies and procedures. The Department’s funding participation in the Project shall be restricted to development of this Plan, as further set forth in this Agreement.

COSTS TO THE OTHER PARTY: \$4,500
ESTIMATED COST OF THE PROJECT: \$45,000

PAYMENT TERMS: Town of Erwin will submit payment upon execution of agreement.

EFFECTIVE DATES OF AGREEMENT:

START: Upon Full Execution of this Agreement

END: Agreement remains in effect for two years, and thereafter, unless terminated

This **Agreement** is made and entered into on the last date executed below, by and between the North Carolina Department of Transportation, an agency of the State of North Carolina, hereinafter referred to as the **Department** and the Town of Erwin, hereinafter referred to as the **Municipality**; and collectively referred to as the **Parties**.

The **Parties** to this Agreement, listed above, intend that this Agreement, together with all attachments, schedules, exhibits, and other documents that both are referenced in this Agreement and refer to this Agreement, represents the entire understanding between the **Parties** with respect to its subject matter and supersedes any previous communication or agreements that may exist.

**ACCOUNTS RECEIVABLE
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I. WHEREAS STATEMENTS

WHEREAS, 23 USC 505 allows State Planning and Research (SPR) federal funds to funds to be available for certain specified transportation activities; and

WHEREAS, in accordance with G.S. 136-66.2, the NC General Assembly requires each **Municipality** to develop a comprehensive transportation plan that will serve present and anticipated travel demand; and,

WHEREAS, the **Department's** Integrated Mobility Division (IMD) and the Transportation Planning Division have created a matching grant program to encourage the development of comprehensive municipal bicycle plans and pedestrian plans, which may serve as a component of the comprehensive transportation plan; and,

WHEREAS, the **Department** has allocated state matching funds to augment the federal funds available for these activities; and,

WHEREAS, the **Municipality** has requested funding for the development of a Bicycle and/or Pedestrian Plan, as more fully described in this Agreement and hereinafter referred to as the Project; and,

WHEREAS, the **Municipality** has requested that the **Department** administer the Project in coordination with the **Municipality**; and,

WHEREAS, the **Municipality** has agreed to participate in the cost of the project as hereinafter set out; and,

WHEREAS, this Agreement is made under the authority granted to the **Department** by the North Carolina General Assembly including, but not limited to, the following applicable legislation: General Statutes of North Carolina (NCGS) Section 136-66.2 and Section 136-71.6, to participate in the planning, construction, and/or implementation of the Project approved by the Board of Transportation.

NOW THEREFORE, this Agreement states the promises and undertakings of each party as herein provided, and the **Parties** do hereby covenant and agree, each with the other, as follows:

II. DEVELOPMENT OF PLAN

- i. The **Department**, and or its agent, shall prepare the Project Acceleration Plan (Plan) for the **Municipality**, following the IMD's Content Standards for NCDOT Bicycle and Pedestrian Plans.
- ii. The **Municipality** shall participate in providing data and logistical support for public meetings and other required public notices.

**ACCOUNTS RECEIVABLE
NCDOT ADMINISTERED – PROJECT ACCELERATION PLAN
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- iii. The **Department** will provide a preliminary draft of the Plan to the **Municipality** for review and comment. The **Municipality** shall provide comments to the **Department** within three (3) months. Upon receipt of comments from the **Municipality**, the **Department** will provide a final draft.

III. COMPLETION AND ADOPTION OF PLAN

- i. The governing body of the **Municipality** shall consider the adoption of the Plan as provided in the Final Draft by the **Department**. If the Council requests significant changes prior to adoption, the Plan will be modified and resubmitted to the **Municipality** for final approval within three (3) months.
- ii. The **Municipality** shall receive digital files and hard copies of the approved Plan. The **Municipality** shall be responsible for the distribution of the final documents to the appropriate local agencies and interested parties.

IV. TIME FRAMES

The **Department** has a required time frame of two years to complete the Project. It is important that the **Municipality** provide necessary support and responses to the **Department** in a timely manner. Any delays on the part of the **Municipality** may affect the ability of the **Department** to provide financial support for the Project.

V. FUNDING

- i. The total estimated cost of the Project is \$45,000. The **Department** shall provide a maximum amount of \$40,500. The **Municipality** shall provide \$4,500 and all costs that exceed the estimated cost of \$45,000.
- ii. Upon full execution of the Agreement, the **Municipality** shall submit payment for \$4,500 to the **Department**, in accordance with the cover memo attached to this Agreement.
- iii. Upon completion of the project, if actual costs exceed the total estimated cost of \$45,000, the **Municipality** shall reimburse the **Department** the underpayment within sixty (60) days of invoicing by the **Department**. The **Department** shall charge a late payment penalty and interest on any unpaid balance due in accordance with G.S. 147-86.23.
- iv. Upon completion of the project, if actual costs are less than the total available funding of \$45,000, the **Department** shall reimburse the **Municipality** any overpayment at the above matching share.

**ACCOUNTS RECEIVABLE
NCDOT ADMINISTERED – PROJECT ACCELERATION PLAN
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VI. REPORTING REQUIREMENTS

The **Department** is subject to NC Article 2, Chapter 36 (136-41.5), which mandates an annual report on use of bicycle and pedestrian planning grant funds. By entering into this agreement with the **Department**, the **Municipality** acknowledges their participation in annual reviews of the status of implementation of projects identified in the completed plan.

VII. STANDARD PROVISIONS

A. AGREEMENT MODIFICATIONS

Any modification to scope, funding, responsibilities, or time frame will be agreed upon by all **Parties** by means of a written Supplemental Agreement.

B. ASSIGNMENT OF RESPONSIBILITIES

The **Department** must approve any assignment or transfer of the responsibilities of the Local Public Agency set forth in this Agreement to other parties or entities.

C. AGREEMENT FOR IDENTIFIED PARTIES ONLY

This Agreement is solely for the benefit of the identified **Parties** to the Agreement and is not intended to give any rights, claims, or benefits to third parties or to the public at large.

D. OTHER AGREEMENTS

The **Municipality** is solely responsible for all agreements, contracts, and work orders entered into or issued by the **Municipality** to meet the terms of this Agreement. The **Department** is not responsible for any expenses or obligations incurred for the terms of this Agreement except those specifically eligible for the funds and obligations as approved by the **Department** under the terms of this Agreement.

E. TITLE VI

The other party to this Agreement shall comply with Title VI of the Civil Rights Act of 1964 (Title 49 CFR, Subtitle A, Part 21) and related nondiscrimination authorities. Title VI and related authorities prohibit discrimination on the basis of race, color, national origin, disability, gender, and age in all programs or activities of any recipient of Federal assistance.

F. FACSIMILE

A copy or facsimile copy of the signature of any party shall be deemed an original with each fully executed copy of the Agreement as binding as an original, and the **Parties** agree that this Agreement can be executed in counterparts, as duplicate originals, with facsimile signatures sufficient to evidence an agreement to be bound by the terms of the Agreement.

**ACCOUNTS RECEIVABLE
NCDOT ADMINISTERED – PROJECT ACCELERATION PLAN
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G. AUTHORIZATION TO EXECUTE

The **Parties** hereby acknowledge that the individual executing this Agreement has read this Agreement, conferred with legal counsel, fully understands its contents, and is authorized to execute this Agreement and to bind the respective **Parties** to the terms contained herein.

H. DEBARMENT POLICY

It is the policy of the **Department** not to enter into any agreement with parties that have been debarred by any government agency (Federal or State). By execution of this agreement, the **Municipality** certifies that neither it nor its agents or contractors are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any Federal or State Agency or Department and that it will not enter into agreements with any entity that is debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction.

I. INDEMNIFICATION

To the extent authorized by state and federal claims statutes, the **Municipality** shall be responsible for its actions under the terms of this agreement and save harmless the FHWA (if applicable), the **Department**, and the State of North Carolina, their respective officers, directors, principals, employees, agents, successors, and assigns to the extent allowed by law, from and against any and all claim for payment, damages and/or liabilities of any nature, asserted against the **Department** in connection with this Agreement. The **Department** shall not be liable and shall be held harmless from any and all third-party claims that might arise on account of the **Municipality's** negligence and/or responsibilities under the terms of this agreement.

J. AVAILABILITY OF FUNDS

All terms and conditions of this Agreement are dependent upon, and, subject to the allocation of funds for the purpose set forth in the Agreement and the Agreement shall automatically terminate if funds cease to be available.

K. DOCUSIGN

The **Department** and **Municipality** acknowledge and agree that the electronic signature application DocuSign may be used, at the sole election of the **Department** or the **Municipality**, to execute this Agreement. By selecting "I Agree", "I Accept", or other similar item, button, or icon via use of a keypad, mouse, or other device, as part of the DocuSign application, the **Department** and **Municipality** consent to be legally bound by the terms and conditions of Agreement and that such act constitutes **Department's** signature as if actually signed by the **Department** in writing or the **Municipality's** signature as if actually signed by the **Municipality** in writing. The **Department** and **Municipality** also agree that no certification authority or other third-party verification is necessary to validate its electronic signature and

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that the lack of such certification or third-party verification will not in any way affect the enforceability of its electronic signature. The **Department** and **Municipality** acknowledge and agree that delivery of a copy of this Agreement or any other document contemplated hereby through the DocuSign application, will have the same effect as physical delivery of the paper document bearing an original written signature.

L. GIFT BAN

By Executive Order 24, issued by Governor Perdue, and NCGS 133-32, it is unlawful for any vendor or contractor (i.e. architect, bidder, contractor, construction manager, design professional, engineer, landlord, offeror, seller, subcontractor, supplier, or vendor), to make gifts or to give favors to any State employee of the Governor's Cabinet Agencies (i.e. Administration, Adult Corrections, Commerce, Environmental Quality, Health and Human Services, Information Technology, Military and Veterans Affairs, Natural and Cultural Resources, Public Safety, Revenue, Transportation, and the Office of the Governor).

ACCOUNTS RECEIVABLE
NCDOT ADMINISTERED – PROJECT ACCELERATION PLAN
(FEDERAL/STATE FUNDS RECEIVABLE)
1000023303

SIGNATURE PAGE

IN WITNESS WHEREOF, this Agreement has been executed the day and year heretofore set out, on the part of the **Department** and the **Municipality** by authority duly given.

(DOCUSIGN ONLY)

Authorized Signer: DocuSigned by:
Snow Bowden
EEF16333F8584CB...
Print Name: Snow Bowden
Title: Town Manager
Date Signed: 11/22/2024

If applicable, this Agreement has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act:

TOWN OF ERWIN

FED TAX ID NO: 560890158
REMITTANCE ADDRESS:
PO Box 459
Erwin, NC 28339

Finance Officer: Signed by:
Linda P. Williams
0A85F3A81CE5486...
Print Name: Linda P. Williams
Date Signed: 11/22/2024

DEPARTMENT OF TRANSPORTATION

BY: DocuSigned by:
Julie White
B1309F15DE4B468...
TITLE: Dep Sec
DATE: 11/27/2024

APPROVED BY BOARD OF TRANSPORTATION ITEM O: 11/7/2024 (DATE)

**ACCOUNTS RECEIVABLE
 NCDOT ADMINISTERED – PROJECT ACCELERATION PLAN
 (FEDERAL/STATE FUNDS RECEIVABLE)
 1000023303**

SIGNATURE PAGE

IN WITNESS WHEREOF, this Agreement has been executed the day and year heretofore set out, on the part of the **Department** and the **Municipality** by authority duly given.

(INK SIGNATURES ONLY)

ATTEST: _____ Authorized Signer: _____
 BY: _____ Print Name: _____
 TITLE: _____ Title: _____
 Date Signed: _____

If applicable, this Agreement has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act:

TOWN OF ERWIN

FED TAX ID NO: _____ Finance Officer: _____
 REMITTANCE ADDRESS: _____ Print Name: _____
 _____ Date Signed: _____

DEPARTMENT OF TRANSPORTATION

BY: _____
 TITLE: _____
 DATE: _____

APPROVED BY BOARD OF TRANSPORTATION ITEM O: _____ (DATE)



Integrated Mobility Division

AGREEMENTS TRANSMITTAL FORM

Date: 10/07/2024

From: John Vine-Hodge
Name
through Brennon Fuqua
Director of IMD

Deputy Director, Planning & Programming
Title
Brennon Fuqua
Signature

DocuSigned by:
John Vine-Hodge
Signature

11/26/2024
Date
11/26/2024
Date

Project: TIP # M-0570D WBS# 51402.8.5 County: Harnett

For Signature From:

- Transportation Secretary
Chief Deputy Secretary
Deputy Secretary of Multi-Modal Transportation
Other

Attorney General Review:

- Approved as to Form

Signature Date

Parties to the Agreement:

Town of Erwin

Description of Work:

Preparation of a Project Acceleration Plan

Estimated Cost to NCDOT:

\$40,500 (Federal + State)

Amount to be reimbursed to NCDOT:

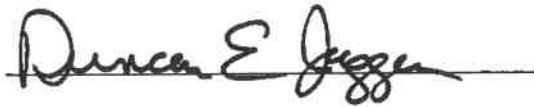
BOT approval date:

Item I: 06/06/2024

Re: Renewal of School Resource Officer Program Memorandum of Understanding

Per Article VII, entitled "Amendments and Modifications: Additional Policies and Procedures" of the School Resource Officer Program Memorandum of Understanding dated October 1, 2018 ("MOU"), attached hereto, the Harnett County Board of Education and Town of Erwin mutually agree to renew the MOU. The terms are contingent on the negotiations with the Sheriff or Police Chief that allow the school district to address performance issues with individual school resource officers actively. All other terms and conditions will remain the same for a term of 12 months, beginning July 1, 2024, and ending June 30, 2025.

SIGNATURES:

 _____

 _____

8-19-24

DATE

11/7/2024

DATE

MEMORANDUM OF AGREEMENT

HUMAN RESOURCE MANAGEMENT SERVICE

TOWN OF ERWIN

THIS AGREEMENT is made and entered into this 7th day of November, 2024 by and between the North Carolina League of Municipalities, an unincorporated association, hereinafter called "League", and the Town of Erwin, an incorporated municipality hereinafter called "Town."

WITNESSETH

In consideration of the amounts of money hereinafter agreed to be paid, and in consideration of the other conditions hereinafter agreed to by the Town of Erwin, the League offers to perform the following services:

Scope of Services. The League agrees to provide through its subcontractor The MAPS Group the services described and set forth in Attachment "A", Scope of Services, which is incorporated into and made a part of the Memorandum of Agreement by reference.

Time for Performance. The time for performance will be approximately four (4) months. The contract can begin in October 2024 or at a time mutually agreed upon between The MAPS Group and the Town.

Cost. The fee for the proposed work is \$11,800.00. In addition, the Town will be billed for actual itemized expenses for mileage, and actual travel time at \$25.00 per hour (estimated at around \$350.00).

In consideration of the services performed by the League, the Town agrees to abide by and perform the following:

The MAPS Group will bill the Town for one payment of \$3,933.00 at the beginning of the study, one payment of \$3,933.00 at the halfway point, and a final payment of \$3,934 plus actual itemized expenses and travel time when the study is completed. The Town agrees to remit payment to The MAPS Group upon receipt of each of the statements referred to above.

Execution. If this Memorandum of Agreement is not executed and returned to the League Office within thirty (30) days from the submission date, the time frame for performance may have to be renegotiated.

E-verify. The MAPS Group certifies that it currently complies with the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes.



Iran Divestment Act Certification. As of the date of this Agreement, The MAPS Group certifies that it is not listed on the Final Divestment List created by the State Treasurer pursuant to N.C.G.S. 147-86.58 and that The MAPS Group will not utilize any subcontractor found on the State Treasurer's Final Divestment List.

Governing Law. This Agreement shall be construed and interpreted in accordance with the laws of the State of North Carolina. Venue shall lie in Wake County.

If the terms of this contract are acceptable, please sign two (2) copies and return one to the League office.

SUBMITTED BY:

NORTH CAROLINA LEAGUE OF MUNICIPALITIES

Lou Bunch

Lou Bunch

Senior Municipal Human Resources Consultant

10/15/2024

Submission Date

ACCEPTED BY:

TOWN OF ERWIN

Inna Bowk

Name

Tom Manase

Title

11/7/2024

Date

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

Binda Williams
(Signature of Finance Officer)

THIS INSTRUMENT HAS BEEN
PREAUDITED IN THE MANNER REQUIRED
BY THE LOCAL GOVERNMENT BUDGET
AND FISCAL CONTROL ACT

Binda Williams
TOWN OF ERWIN FINANCE



ATTACHMENT "A"

SCOPE OF SERVICES

PAY AND CLASSIFICATION STUDY

SCOPE OF SERVICES

Objectives of Study

The primary purpose of this study is to conduct a comprehensive pay and classification study and update the personnel policy for the Town of Erwin to include the following work study objectives:

- To study and evaluate all positions covered by the NCLGERS within the Town for the purpose of determining the proper position classification and salary for each employee.
- To conduct a comprehensive salary survey of appropriate public and private sector organizations to determine that the Town's salaries, benefits and wages are competitive within the applicable job market.
- To prepare or update class specifications for each position class based upon current job duties and requirements, outlining appropriate ADA information.
- To prepare a pay plan for the Town as required to maintain a competitive system of salaries and wages.
- To identify those classes of positions that are "exempt" and "non-exempt" in compliance with the Fair Labor Standards Act (F.L.S.A.) of 1983 as amended in 1985.
- To review and make recommendations concerning the effectiveness of the Town's overall compensation system including compression issues.
- To update the personnel policy to reflect modern and effective staff management and most recent laws, regulations and court cases.

In addition, the study will evaluate the Town's Human Resource Management system including hiring, on-boarding, time keeping, regulatory compliance, record keeping, compensation systems, performance evaluation, benefits administration, training, engagement climate, and employee communications and relations.

Study Work Components

A. Preparation of the Classification and Pay Plan

1. Conduct a comprehensive review of the Town's Personnel system for the purposes of staff orientation and to provide data and information to be used in the preparation of the classification and compensation data and related study components.
2. Conduct a meeting with Town Manager and staff to discuss the various work components of the study and to explain the study methodology and approach. At this meeting we will also discuss the appropriate labor market for surveying salary data and the project schedule.

3. Conduct orientation sessions with employees to cover the purposes and process of the study. These meetings help establish realistic expectations with employees and reduce mis-information. The meetings will cover:
 - * purposes of the study;
 - * steps in conducting the study;
 - * study methodology;
 - * what the study will and will not cover;
 - * distribution and review of how to complete questionnaires; and
 - * answer any questions

4. Survey existing employee positions. This task will involve a review of the completed questionnaires, desk audits with representative employees in each class, and conferences with each department head to review and verify information presented on the questionnaires and in the desk audits. The purpose of this task is to determine that The MAPS group obtains comprehensive, factual, and accurate data and information. This task also resolves any conflicting information or data.

5. Following the review and field audit of existing employee positions, class specifications (often called job descriptions) will be prepared. These class specifications will be written to comply with OSHA and ADA regulations. The MAPS Group will use the following factors to classify jobs:
 - * Difficulty, complexity, and variety of work
 - * Education and experience requirements of the job
 - * Nature and extent of public contact
 - * Physical effort and hazards; and
 - * Supervision given and received.

B. Development of the Pay Plan

1. A survey of salary plans will be performed utilizing public sector jurisdictions and other organizations for the purpose of recommending wage and salary schedules that are competitive and sufficient to attract and retain qualified employees. The identification of competitive organizations will be made by the Town in consultation with The MAPS Group. The salary survey will request hiring and maximum salaries for each position surveyed.

2. A comprehensive analysis of the salary survey will be prepared.

3. Following analyses of all inputs considered previously in Study Components A and B, all classes of positions will be allocated to the recommended salary schedule.

C. Preparation of the Employee Allocation List

1. Following completion of the classification plan and compensation schedule, an allocation list will be prepared showing employees by name, present classification, proposed

classification, present salary grade, proposed salary grade, recommended salary, and proposed increase amount (if applicable).

2. Costs for implementation options of the plan will be provided. Up to three options will be provided with graphs illustrating impact of each option on salary compression as well as costs. Options will be designed specifically to address compression if needed and desired.

If more than three options are needed, there will be an additional charge of \$250 per additional option.

FLSA Status

As part of this study, the MAPS Group will identify and recommend positions that the Town may consider Exempt from the Wage and Hour Provisions of the Fair Labor Standards Act.

Personnel Policy

The MAPS Group will review and make recommendations for updating the Town's personnel policy to be consistent with modern and effective human resource management and current laws and regulations. The personnel policy is reviewed for policy versus procedural language and is recommended to meet a balance of providing guidance without including unnecessarily restrictive or detailed procedures. If needed, a new policy will be provided.

Communication with the Town

During the study, MAPS principals will be available to Town management to clarify any steps, current stage of the study, or other issues related to the study by phone or Email. In addition, while MAPS principals are on site for orientation and/or interviews, personal consultations are available as necessary to the study. A draft of the study will be sent to management for review and MAPS will make one visit to discuss management reactions to the study prior to finalizing it. After the draft review, the MAPS Group will make a presentation to the Town Council/Board of Commissioners and then return once more to respond to discussion and questions. Any additional trips will require additional fees.

Involvement of Town Staff

Town staff members will be required to complete position description questionnaires for each position, prepare organization charts, participate in interviews if selected (all department directors will be interviewed), provide current employee data including copies of current salary plan and employee information by department with name, current classification, current grade, date of hire, date of last promotion, and current annual salary. These last components are needed for calculating the costs of implementation options.

Results of the Study

The study will result in the publication and delivery to the Town of ten (10) copies of the report to include the classification plan, class specifications, compensation plan, implementation costs, personnel policy and management recommendations. The MAPS representative will formally present the study to the Town Board and be available to respond to questions.

Plan Maintenance

Once the study is complete and implemented, the MAPS Group will provide assistance to Town staff on maintenance of the plan including the classification of new or revised positions, market revisions to the pay plan and other assistance as needed. The MAPS Group will provide telephone consultation and will classify new or revised positions as needed for up to three years following the study for \$200 per position. Additional work may be performed on a maintenance contract.

In addition, the MAPS Group will provide the Town with a linked spreadsheet that will allow for market adjustments (cost of living increases) to automatically update the salary schedule and class listings and provide the Town with a digital copy of all class specifications.

Project Staff

The study will be led by Erika Phillips. Additional team members will be subject to approval by the Town.

Town of Erwin

TECHNOLOGY USE POLICY



October 28, 2024

Adopted & Effective:

November 7, 2024

Town of Erwin
TECHNOLOGY USE POLICY
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Town of Erwin

TECHNOLOGY USE POLICY

PURPOSE, SCOPE & OWNERSHIP

This policy covers the use of all technology resources belonging to the Town of Erwin, hereafter referred to as Town. It includes, but is not limited to all computer systems of any size and function and their attached peripherals, software, phones, all mobile communication devices, faxes, copiers, printers, camera systems, voice mail systems, e-mail systems, network resources, user accounts, electronic door locks, time clocks, ID badges, radios, data in any format and any network accessed by these systems including the Internet. Systems containing Town data, which are hosted by third parties outside of the Town's network, and the personnel with access to those systems, are also subject to this policy.

All technology resources owned, rented, or leased by the Town are in place to enable the Town to provide its services in a timely and efficient manner. This is the primary function of these resources and any activity or action that interferes with this purpose is prohibited. It is critical that these systems and machines be protected from misuse and unauthorized access. All technology resources defined in this section, along with all information transmitted by, received from, and stored upon said systems are considered to be possessed by, and/or the property of the Town. Additionally, all documents, messages and attachments composed, sent, received or stored on Town Technology Systems are Town property. Town standards will be established for all technology (hardware and software). Any deviation from these standards may require the approval of the department head and the Town Manager.

Because technology systems are constantly evolving, the Town requires its employees to use a common sense approach to the rules set forth below, complying with not only the letter, but also the intent of this policy.

In addition to this policy, users are subject to applicable state and federal laws. Improper use or misuse of Town Technology Systems on a person's work time or otherwise is a violation of the Town's policies. User violation could result in disciplinary action including suspension, demotion, or dismissal. If a policy violation occurs, aside from disciplinary actions specified under the Town's policy, system access may be revoked in whole or in part if deemed to be in the best interest of the Town's Technology System security.

This policy is not intended to supersede any existing laws or policies regarding records that are confidential, including, but not limited to, juvenile records in the Sheriff's Department, certain information contained in personnel files, or medical files.

This policy is intended for internal use by Town employees defined as full-time, part-time, temporary, and interns, all Town Boards that may have access to Town equipment or resources, and non-Town employees covered under this policy, defined as contractors, vendors, and volunteers who use Town owned, rented, or leased resources.

DEFINITIONS

Anti-virus/Anti-malware software – Computer programs that attempt to identify, thwart and eliminate computer viruses and other malicious software.

Applications – Computer software such as word processors, which perform productive tasks for users.

Authorized Systems – A computer network that allows entry with proper credentials.

Backup Schedule – Plan for duplicating Town data and programs.

Backup Storage Area – Location where Town data and programs reside, typically on a tape, disk or hard drive.

Blogging – Weblog on a website where entries are written in chronological order and commonly displayed in reverse chronological order.

Chain Letter – Message that induces the recipient to forward copies of a document to other users. They may contain viruses, false information or threats.

Chatroom – A form of digital conferencing that can be real time online conversations.

Communications Equipment – Device that is physically attached to the Town network and enables transmission of data.

Computer Access – Ability to utilize the computer and gain admission into the Town's network.

Computer virus – A computer program that can copy itself and infect a computer without permission or knowledge of the user.

E-Mail – Electronic Mail: Messages, usually text, sent from one person to another via computer.

Group Policy – A feature of Microsoft Windows operating systems that provides centralized management and configuration of computers and remote users.

Hardware – The physical components of a computer system (monitor, CPU, keyboard).

Instant Messenger – Also known as IM, a program that facilitates live chat.

Internet – Vast collection of inter-connected networks that all use the TCP/IP protocols.

Malware- malicious software designed to damage or gain unauthorized access to a computer system.

Mobile Devices – Computing appliance that is typically handheld.

MultiFactor Authentication (MFA)- additional layer of security that authenticates your identity along with your account password. Usually authenticated by a pin sent via text, email or authenticator app.

Network – The connection of two or more computers together so that they can share resources.

Online Games – Reference to video games that are played over some form of computer network, most commonly the Internet.

Peripheral Devices – Any equipment such as printers, copiers, faxes, scanners that attaches to the network.

Public Network – Ability to access the Internet without restrictions.

Remote Access – Access to Town systems from external systems, e.g. via the Internet.

Server – Computer or a software package that provides a specific kind of service to client software running on other computers.

Social Media – Commonly used websites, such as, Facebook, Twitter, YouTube, Flickr, Blogger, Google+, Instagram, Snapchat and LinkedIn.

Software – Collection of computer programs, procedures and documentations that perform some task on a computer system.

TCP/IP – Transmission Control Protocol/Internet Protocol: A suite of protocols that defines the Internet. The method used to transmit and receive data over the Internet.

Town Websites – Town's collection of web pages hosted by a server.

Workstations – Microcomputer designed for technical applications.

User – Any individual who interacts with the computer at an application level.

VPN – Virtual Private Network: is a network that is constructed by using public connections, usually the Internet, to connect to a private network such as the Town's internal network

SECURITY

Security refers to the protection of all technology resources from any kind of damage and the protection of data from unauthorized access, distribution, modification, or destruction. The following procedures must be followed to ensure a secure environment.

- A user will be authorized access to the Town's computer systems by the appropriate user department head or designee. A request for services must be submitted by the department head or their designee to the Information Technology Department, hereafter referred to as the IT Department to establish credentials for the authorized systems, which may include but are not limited to software applications, e-mail, Internet, peripheral devices, building access and time clock access. This request should be sent directly to the IT Department from the department head.
- Request for services, as well as, any other document containing IT security access information, including but not limited to, usernames, passwords, security questions and answers, and user access rights shall not be considered public record and shall not be released to any person, firm, or entity.
- All Town users must read and sign a copy of this policy in front of a notary. Human Resources will keep a file of signed copies in the employee's personnel file.
- When an employee is suspended or terminated, a written notification will be submitted from the department head or his/her designee to the IT Department immediately. Access to all systems will be suspended immediately.
- Non-Town employees, as previously defined, will be the responsibility of the department head, who will notify the IT Department when it is necessary to determine accessibility and establish system credentials.
- The IT Department will ensure the security of unattended workstations by utilizing a group policy to lock computer screens after five minutes or less of inactivity. Department heads may request a modification of this procedure through a written request to the IT Department. Requests will be considered based on location and access

levels of the computer or user. Users must log off all computer systems at the end of each workday.

- For security, network, and computer systems maintenance purposes, authorized individuals may monitor equipment, systems, data, and network traffic at any time.
- The Town has the right to monitor, audit, and/or inspect any and all aspects of the Town Technology Systems at any time, without advance notice to any users, and without the permission of any user. Failure to monitor in any specific situation does not constitute a waiver of the Town's right to monitor. Users within the scope of this policy are advised that they have no privacy rights and no user of Town Technology Systems has any expectation of privacy in any message, file, image, or data sent, retrieved, or received when using Town Technology Systems. Employees must understand that all technology resources are Town property.
- The Town does not guarantee the confidentiality of user information stored on any network, computer, or communications device belonging to the Town. Users should be aware that the data they create on Town technology or communications systems remains the property of the Town and is not private (unless the data is protected by privacy or confidentiality laws). Information that is stored on or transmitted to or from Town Technology Systems may be subject to disclosure pursuant to the North Carolina Public Records Law. Users should refrain from, where possible, storing personal files and data on Town Systems.
- Users are responsible for safeguarding their own credentials and computer access and SHALL NOT let another person use their credentials or access. Users are **directly** accountable for all activity connected to their user ID.
- Passwords may be required to be changed every ninety (90) days and SHALL NOT be divulged to any other person. Passwords should be memorized and not written down unless kept in a secure place.
- Passwords must be changed at any time a user believes their password has been compromised or if a Town Employee resigns, is suspended, or is fired. Any credentials such as ID badges, proximity cards or security tokens that become lost, stolen, or misplaced must be reported to the department head and IT Department immediately.
- Users SHALL NOT abuse or misuse the Town's technology resources or violate any rules in other portions of the Town Personnel Policy, local, state, or federal laws via the Town's technology resources.

- Users SHALL NOT copy or attempt to copy any software or data from Town Systems without having written authorization.
- Users SHALL NOT attempt to bypass any security mechanisms.
- No third party may be allowed access to Town Systems without prior authorization and approval from the TOWN MANAGER.
- Users SHALL NOT engage in abuse or misuse of the Town's technology resources.
- Users SHALL NOT install any computer software on any Town owned computers or devices, not authorized by the Town, regardless of the ownership of the software except as allowed in other sections of this policy. Users may not install software personally owned or downloaded for free from the Internet. This includes but is not limited to, music software, photo software, Internet search software, screen savers and desktop backgrounds. Many of these software applications may contain viruses and/or malware that may compromise the integrity and security of the Town's network.
- Administrative rights are granted to IT staff and those departments required by state regulations to have local administrative rights. Department heads must approve software requests and submit to the IT Department. Any software that adversely affects the performance of the machine or network will not be permitted on the Town system.
- Separation of duties will be practiced in all departments, to the greatest extent possible, such that no individual has total control of a process.
- Users shall disclose to their department head, who shall then notify IT of any suspected or confirmed unauthorized use or misuse of technology resources and any potential security breaches or loopholes.
- The IT Department, where possible, will work to ensure that all network infrastructures, including but not limited to communications equipment, servers, data cables and telephone cables are secured behind locked doors with limited access by authorized personnel.
- Remote access to Town systems consumes technology resources above and beyond those required for local access. Remote access shall be granted on a case-by-case basis based upon the unique needs of the user and available resources. Remote access users are subject to all policies herein.

ACCEPTABLE USE

At all times when an employee is using Town technology resources, he or she is representing the Town. While in the performance of work-related functions, while on the job, or while using publicly owned or publicly provided technology resources, Town employees shall use them responsibly and professionally, and remember that public perception is extremely important. They shall not use these resources in an illegal, malicious, or obscene manner. When using Town resources, employees shall abide by all Town policies including the Town's policy on sexual harassment.

Town Technology Systems are intended for business use. However, employees may make reasonable, incidental or occasional, personal use of the Town's computers and data communications. Any personal use must adhere to the following:

- Must not incur any additional cost to the Town. If, in a critical situation, an employee must use Town resources that incur costs, the employee will reimburse the Town within 30 days of the occurrence.
- Must not incur security risks to the Town or the Town's network.
- Must not violate the Town Personnel Policy.
- Must not have a negative impact on employee performance, including interfering with work duties, work performance or work productivity.
- Must not have a negative impact on system performance.
- Must not violate this Policy or any applicable laws or regulations.
- Must not violate contractual agreements or intellectual property rights.
- Must not be used for personal gain.
- Must not be used for solicitation.

Users are required:

- To respect the privacy of other users; for example, users shall not intentionally seek information on, obtain copies of, or modify files, data, or passwords belonging to other users, unless explicit permission to do so has been obtained. It shall be understood that this rule does not apply to supervisory personnel, who shall have complete authority to access any files created by users in their departments.
- To protect data from unauthorized use or disclosure as required by state and federal laws and agency regulations. (i.e., confidential information)
- To respect the integrity of computing systems; for example, users shall not use or develop programs that harass other users, or infiltrate a computer or computing system and/or damage or alter the software components of a computer or computing system, or otherwise interfere with data, hardware, or system operation.
- To respect the legal protection provided to programs and data by copyright and license. The Town owns licenses to a number of proprietary programs, which allow the Town to use the software but severely restricts anything other than the use of the software on a single computer or network. Any redistribution of software from the computing systems breaches agreements with our software suppliers, as well as applicable federal copyright, patent and trade secret laws. U.S. Copyright Law provides for civil damages of \$50,000 or more and criminal penalties including fines and imprisonment in cases involving the illegal reproduction of software. Therefore, no copying, downloading, or distributing of any copyrighted materials, including but not limited to messages, e-mail, text files, program files, image files, database files, sound files, and music files is allowed without prior authorization by IT.

UNACCEPTABLE USE

Unacceptable uses are defined as those uses that do not conform to the purpose, goals, and mission of the Town and to each user's authorized job duties and responsibilities as determined by the Town Manager or his/her designee.

Examples of unacceptable activities include, but are not limited to:

- Private or personal, for-profit activities or for any illegal purpose, including but not limited to communications that violate any laws or regulations.

- The use of the Town network or any device owned, leased, maintained or otherwise controlled by the Town to access, transmit, store, display, or request obscene, pornographic, erotic, profane, racist, sexist, libelous, or otherwise offensive or abusive material (including messages, images, video, or sound). The Town may install monitoring software or use filters to monitor or block access to any sites that would or possibly could violate this policy. Any user who attempts to avoid such software or filter or uses a device owned, leased, maintained, or otherwise controlled by the Town to access, transmit, store, display, or request such material is in strict violation of this policy and may face disciplinary action, up to and including dismissal in accordance with the Town of Erwin Personnel Ordinance. For the purposes of this section, "pornography" and "pornographic material" is any material depicting sexual activity as defined in N.C. General Statute § 14-190.13.
 - Any employee who becomes aware of any individual that uses the Town network or uses a device owned, leased, maintained, or otherwise controlled by the Town to access pornography shall report the violation to the Town Manager.
 - Annually, no later than August 1, and in the format required by the State Chief Information Office, the Town's Chief Information Officer shall report information to the State Chief Information Officer on the number of incidences of unauthorized viewing or attempting viewing of pornography on the Town's network or on any device owned, leased, maintained, or otherwise controlled by the Town whether or not the unauthorized viewing was by an employee, elected official, or appointee of the Town.
 - This section shall not apply to an official or employee who is engaged in any of the activities permitted by N.C. General Statute 143-805(d) in the course of that official's or employee's official duties.

- Intentionally seeking information about, obtaining copies of, or modifying of files, other data, or passwords belonging to other users, unless explicit permission to do so has been obtained.
- Interfering with or disrupting users, services, or equipment. Such disruptions would include, but are not limited to (1) distribution of unsolicited advertising or messages, (2) propagation of computer worms or viruses, and (3) attempting to gain unauthorized entry to another computer or computer system whether owned by the Town or outside of the Town.
- Removing or relocating any computer equipment (hardware, software, data, etc.) without the supervisor's prior authorization and IT notification.
- Allowing unauthorized users, including an employee's family or friends, to use the Town's technology resources.

VIRUS & MALWARE PROTECTION

Every computer user is to remain vigilant and alert to the possible transmittal and infection of a computer virus. Most e-mail viruses are transmitted through attachments or embedded links. Never click on a link or open attachments that contain the following extensions: .exe, .vbs, .com, .bmt, .hta, .shs, .vbe, .cmd. Upon detecting any virus, or suspected virus, users are to cease activity immediately and report it to the IT Department. Refer to the Security section of this policy for software and hardware installation requirements, procedures, and policies.

Appropriate anti-virus and anti-malware software will be made available by IT and loaded on every workstation and laptop computer.

INTERNET USE

A Town's Internet and network access, whether connected by cable, Wi-Fi, wireless air card, or any other means, is a resource granted to employees upon department head approval. All employees are encouraged to use the Internet to its fullest potential, providing effective services of the highest quality, discovering innovative and creative ways to use resources and improve services, and encouraging staff development. The Internet should be a primary method for the exchange of ideas and information.

The Internet provides easy access to software distributed by companies on a trial basis. The free access does not necessarily indicate the software is free or that it may be distributed freely. Users are expected to comply with the copyright policy as previously stated. Users should never use or download software from file-sharing websites or services (commonly known as "P2P"). Refer to the Security section of this policy on downloading and installing software.

Blogging, Instant Messaging, online games, online movie/video streaming, online audio streaming, and chat room participation are not permitted unless demonstrable benefits to productivity are proven. These types of activities place extra strain on network resources and can affect network performance for the entire site. In all cases, prior approval of the department head and the IT Department must be obtained.

A public/guest network will be provided for outside vendors, contractors, and users who need to access the Internet for the purpose of demonstrations and presentations to Town Staff. Town Staff may use public/guest networks for personal computers and devices upon user acceptance of Terms and Use.

TOWN WEBSITES

In order to maintain a consistent, useful, and professional presence on the Internet, IT has established procedures that will assist departments in creating, publishing, and maintaining content for the official Town website or any sub-website created by any Town Department, Board, Commission or entity directly affiliated with the Town or which is funded by Town funds.

Each Department and its employees have a responsibility to make sure that all public information disseminated via the Town website is accurate, current as possible, and in accordance with this policy. Employees shall provide, in association with such information, its source and the date it was published. An electronic mail address or other contact information allowing the recipient to contact public staff must be published.

Only authorized employees shall be allowed to update the website. Authorized employees are **directly** accountable for all activity connected to their user ID. Departments that have a need to create or contract for their own physical website must have approval from the Town Manager and the IT Department. Links to personal websites are not allowed. Information on events will be limited to those directly sponsored by or affiliated with the Town.

ELECTRONIC MAIL

Electronic mail is intended for Town business; however, the Town recognizes the fact that the use of e-mail for incidental purposes may occur and is not likely to strain Town resources. Personal communication should not be excessive and it must be understood that the use of email passwords does not imply privacy or confidentiality. E-mail messages made or received in connection with the transaction of public business by any agency of the North Carolina government or its subdivisions are considered a public record and the property of the Town. The Town Manager and supervisory personnel have the right to review the contents of all employees' e-mails (personal or business-related). Employees are solely responsible for how their email is used and managed.

Contents of email dictate the retention of email and each email user is responsible for the retention of their own email. Email must be retained according to the procedures defined in the *"Email as a Public Record in North Carolina: Guidelines For Its Retention and Disposition"* publication, submitted by the NC Department of Cultural Resources or other regulatory agencies as applicable.

Personal email addresses being used for Town business purposes, including but not limited to employees, Town Commissioners, boards, and commissions, should follow the same retention guidelines as Town email addresses. This policy does not attempt to monitor or manage personal computer accounts or equipment. Where at all possible, official Town email addresses should be used to conduct Town business.

PII or Personally Identifiable Information is any information that relates to a person's identity which includes SSN, birthdate, employer taxpayer identification number, driver's license number, passport number, state ID number, checking/saving account number, credit/debit card number, PIN code, electronic ID number, internet account number, biometric data, fingerprints, digital signatures, passwords, and any other numbers or information that can be used to access a person's financial resources. This information must be protected from any sort of data loss or disclosure. Please note that any communication of this type of information must be sent through secure communications only. Email is not a secure means of communication and should not be used to share sensitive data. If an employee needs to send out any PII, the employee shall use a secure method of communication which includes fax, encrypted email, or secure file sharing. If an employee has authorization to access sensitive information, it is the employee's responsibility to make sure that it is handled securely and not disclosed to any

unauthorized personnel. Great care should be used when transmitting or accessing PII.

Unacceptable uses of e-mail include, but are not limited to:

- Using email software that is not the town-adopted standard.
- Sending or forwarding chain letters.
- Sending or forwarding copies of documents in violation of copyright laws.
- Compromising the integrity of the Town and its business in any way.
- Sending or forwarding messages containing derogatory, racial, offensive, abusive, threatening, obscene, harassing, or other language inappropriate for the organization.
- Sending or forwarding messages that violate the Town's sexual harassment policy.
- Willful propagation of computer viruses.
- Overtaxing the network with unnecessary group mailings or large emails (over 20 MB). Users should utilize SendThisFile, Microsoft 365, or other means of sending large files to recipients.
- Sending or forwarding confidential information including, but not limited to personally identifiable information, juvenile records in the Sheriff's Department, and certain information contained in personnel files or medical files. This includes confidential information as defined by state and federal laws and agency regulations.

TELEPHONES & MOBILE DEVICES

The Town may provide telephones and mobile devices to employees for business use when the budget allows and is determined necessary by the department head. A mobile device shall be used for appropriate business purposes. Such use is defined to be appropriate when an employee must utilize the device to further Town operations. The Town may review call logs, voicemail recordings, text messages, air cards, email transcripts, GPS data, or any other data contained on or from Town-owned devices.

All devices and accessories provided by the Town are property of the Town and must be returned upon request. The department head, the Finance Department, and the IT Department shall monitor mobile device use and charges. Any intentional, deliberate misuse of any device may result in the loss of mobile device service and employee reimbursement of charges and could result in disciplinary action.

It is the responsibility of the department head, or his/her designee, to review the detailed bills for the department each month. The department head/designee should note usage patterns for both individuals and the department and investigate any unusual or questionable patterns. It is also the department head's responsibility to ensure that any required reimbursement to the Town is done on a timely basis and in accordance with the requirements set forth herein.

Laptops, cell phones, and other electronic devices in vehicles must be stored in a secure location or otherwise out of sight. Devices should never be left in vehicles overnight. To the degree possible, technology resources should be protected from theft and/or vandalism, fire, or other damage including natural environmental hazards. Devices damaged or stolen must be reported to the department head and TOWN MANAGER immediately.

Landline Phones

The use of telephones is a necessary part of the day-to-day operation for many Town employees. Unfortunately, inappropriate telephone use may also be a source of distraction that causes lower productivity and, in some instances, may present a safety hazard. Personal calls may be allowed on Town landline phones, however, employees are expected to be good stewards of Town resources and time, and therefore, personal calls should be limited and not affect job performance or duties. If personal misuse is determined, employees may be restricted to only business use or other disciplinary actions may occur.

The Town may monitor and/or record phone calls made or received using the Town phone systems and may access and review call logs and voicemail recordings to ensure compliance with this and other Town policies. Users have no expectation of privacy when using town-owned phone systems.

Cellular Phones & Smartphones

The Town may provide employees with mobile phones, smartphones, or wireless Internet devices. These devices must be used primarily for business use. Personal calls and use may be allowed on Town devices, however, employees are expected to be good stewards of available data. If personal misuse is determined, employees may be restricted to only business use or privileges may be revoked.

All Smartphone devices shall use passwords and must adhere to the same password standards as previously defined. It is the user's responsibility to ensure devices are properly secured. All smartphone devices shall contain Town management software/profile. Removal or attempts to bypass this software/profile will be in strict violation of this policy.

The Town reserves the right to inspect all files stored on smartphones that are the property of the Town to ensure compliance with this policy. Users should not presume to have any expectation of privacy in any matter created, received, stored in, or sent from any Town-issued smartphone.

Issued smartphones and all Town-purchased accessories must be returned to the IT Department when the user's service has ended. When the smartphone is returned, the Town will conduct any appropriate backup of files in accordance with the Public Records and Retention laws. The smartphone will then be wiped clean of all information.

iPads and Tablets

The Town has recognized that mobile devices, including iPads and tablets, may provide a benefit in the efficient performance of Town duties and thereby improve service to the public. Town-issued devices will be managed under a Town of Erwin email. Users should not log into the device using their personal accounts. All tablets are enrolled in the Town Mobile Device Management to allow applications to be installed.

Users are responsible for the general care of the mobile device issued by the Town. Mobile devices that are broken or fail to work properly must be taken to the IT Department for an evaluation. Mobile devices that have been lost, stolen, or damaged from misuse, neglect, or are accidentally damaged, in the sole and exclusive judgment of the Town Manager in consultation with the Town Attorney will be replaced or repaired by the Town, with the cost borne by the issued user. Mobile devices should remain free of any writing, drawing, stickers, or labels that are not the property of the Town.

Software and applications installed by the Town must remain on the mobile device in usable condition and be readily accessible at all times. From time to time, the Town may add or upgrade software applications for use by the user such that users may be required to check in their mobile devices with the IT Department for periodic updates and synchronizing. All software purchased by the Town is property of the Town and may not be transferred to any other individual. Personal software purchased and installed on Town mobile devices is at the risk of the user/purchaser. The Town offers no guarantee, warranty, or support for

personal software purchased and installed on Town mobile devices nor will the Town refund any purchases for personal software installed on Town mobile devices.

All of the Town's computer systems and devices, including iPads and tablets, are considered to be public property. All documents, files, and email messages created, received, stored in, or sent from any Town mobile device are considered public records, subject to disclosure to the public pursuant to the North Carolina Public Records laws (with only limited exceptions as provided by law). Users shall not use the mobile device, computer, or communication devices in any way as to violate the Open Meetings law requirements, applicable governing laws, or ethical conduct and principles of an elected public official.

Issued iPads, tablets and all Town-purchased accessories must be returned to the department head or IT Department when the user's term or service has ended. When the mobile device is returned, the Town will conduct any appropriate backup of files in accordance with the Public Records and Retention laws. The mobile devices will then be wiped clean of any and all information.

The Town reserves the right to inspect any and all files stored on mobile devices that are the property of the Town in order to ensure compliance with this policy. Users should not presume to have any expectation of privacy in any matter created, received, stored in, or sent from any town-issued mobile device.

Mobile Data Terminals (MDTs) – Public Safety

The security of the Town's computer system is of paramount importance in maintaining an efficient and well-guarded database for referencing computerized information. Users will strictly adhere to the following guidelines on the usage of MDTs, regardless of type, make, or manufacturer and associated software to ensure compliance with federal copyright laws and protection against computer viruses. Any and all policies contained within the Town's Technology Use Policy shall apply to MDTs.

MDTs, regardless of type, make, or manufacturer may be installed in public safety vehicles to assist personnel in the execution of efficient public safety functions and to reduce the amount of radio traffic necessary to conduct public safety operations. Prior to use, personnel will be trained in the use and care of MDTs and are expected to use this equipment in accordance with the instructions provided. MDTs are designed and have been programmed to provide information from State and National computer files on persons, vehicles, and other property.

Employees shall use the MDTs to check information on persons, vehicles, and other property and shall not request these types of transactions be conducted by Dispatch. The only exceptions will be when an officer needs a printout of the information for inclusion with other reports or does not have an MDT or the MDT is not functioning properly. If the unit is not functioning properly, users are expected to request repairs as soon as possible during the normal working hours of the IT Department.

MDTs may be programmed to allow for communication of official public safety business

between public safety vehicles and between field units and Dispatch. No vulgar, obscene, or derogatory messages, racially and/or sexually derogatory remarks shall be transmitted via the MDT nor shall any private, non-public safety business conversations be conducted between units through the MDT. All transmissions may be logged and maintained for future reference and to provide education and training as deemed necessary.

Employees shall log on with their designated username and password. Employees shall never use another employee's credentials. At the end of the shift, personnel shall log off the MDT system.

All Internet policies must be followed when using MDT devices even if they are not connected to Town Internet sources. The use of the Internet is not a private matter and the Town reserves the right to monitor all uses without notification to the member; periodic audits may be conducted by the IT Department. The Town reserves the right to inspect any and all files stored on MDTs that are the property of the Town in order to ensure compliance with this policy. Users should not presume to have any expectation of privacy in any matter that is created, received, stored in, or sent from any Town-issued MDT. All MDT devices shall contain Town management software/profile. Removal or attempt to bypass this software/profile will be in strict violation of this policy.

DESTRUCTION OF PUBLIC RECORDS

No public records shall be destroyed, sold, loaned, or otherwise disposed of, unless in compliance with the NC Department of Cultural Resources and in accordance with G.S. 121-5.

COMPLIANCE

The department head and Town Manager will review reported and perceived violations of this policy and may impose restrictions, suspend or terminate technology access, or remove technology equipment during or as a result of an investigation. The Town Manager may, at any time, inspect or request to inspect any Town equipment issued to any department or to any user. The user shall, immediately produce the item for inspection. Failure to produce equipment within a reasonable time may result in disciplinary action. Other appropriate action in response to abuse or misuse of technology resources may include, but not be limited to:

- Reimbursement to the Town for resources consumed
- Legal action, including action to recover damages
- Disciplinary actions, including suspension, demotion, or dismissal pursuant to the Town's Personnel Policy

Department heads will be responsible for the enforcement of the Town's Technology Use Policy.

MISCELLANEOUS

- Procuring, leasing, receiving, maintaining, and installing hardware or software for or on Town networks shall be done only by or under the direction of the IT Department.
- Due to technology systems constantly evolving, it is recommended that this policy be reviewed by the IT Department on a yearly basis.

TOWN OF ERWIN
TECHNOLOGY USE POLICY

UNDERSTANDING AND ACCEPTANCE OF POLICY

I _____, have received/had an opportunity to review a copy of the Town of Erwin Technology Use Policy. I have read the policy in its entirety and have been provided the opportunity to ask questions about it. Furthermore, I fully understand and agree to comply with this policy. I also accept that it is my responsibility to seek clarification from my supervisor or HR staff if at any time I am unclear about the policy's requirements. I fully understand that failure to comply with this policy could result in disciplinary action, up to and including dismissal.

Employee's (Legal) Printed Name

Employee's Signature

Date

State of North Carolina
County of Harnett

I, _____, Notary Public, do hereby certify that
_____ personally appeared before me this day and acknowledged the due execution of the foregoing instrument. Witness my hand and official seal this ____ day of _____, 2024.

Notary Public

MINUTES CONTINUED FROM NOVEMBER 7, 2024

SPECIAL PRESENTATION

Tyler Jones was recognized as the Employee of Quarter 3 of 2024. Mayor Baker presented him with a plaque and a glass award to display at work or home.

PUBLIC COMMENT

Mayor Baker stated each speaker is asked to limit comments to 3 minutes, and the requested total comment period will be 30 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.

Sean McBride of 937 Butler Drive came forward. He expressed his concern about the Stormwater issues on Butler Drive. He stated after speaking with Mr. Bowden, he was informed that there was a plan to address the issue. He spent \$5,600 of his own money to help fix the Stormwater on Butler Drive. He felt that God would not be happy with the way the Town had treated people on Butler Drive and stated he would like to see reimbursement from the Town for the money he spent.

Rebecca Kelly of 209 East F Street came forward and expressed that she was against the rezoning of Professional Park. She stated that the Town of Erwin gets most of their tax revenue from businesses and there was not much land left to build businesses. The apartments being proposed would cause more problems and she fears her taxes will increase due to the need to increase services such as Police and Fire. This land was set aside for business and the owners knew this when purchasing the land.

Mike Mulcahy of 3431 Old Stage Road came forward and stated he has been on the road traveling for work since COVID 19. He stated the only comfort he had was coming home to his way of life. He was upset to find that his way of life would be disrupted by a 100-unit development that was being built behind his home and he was not even informed it was happening. His lifestyle was being disrupted by progress, for what? There would be a strain on the water supply that was barely adequate as it was.

NEW BUSINESS

Village at Old Stage Subdivision Preliminary Plat

Town Planner Dylan Eure informed the Board that the Town of Erwin received a preliminary major subdivision plat for a 101-lot subdivision off of the corner of Old Stage and Avery Road. He stated that the Preliminary Plat did meet all of our standards and all of our road requirements. Upon the approval of the preliminary plat, the developer can then begin the prepare of the final plat. They would obtain soil and erosion permits and Stormwater permits from the Department of Environmental Quality, NCDOT encroachment permits, soil and evaluations for wetlands, and



**TOWN OF ERWIN
BOARD OF COMMISSIONERS
REGULAR MEETING
THURSDAY, NOVEMBER 7, 2024, AT 7 PM**

PUBLIC COMMENT- *Each speaker is asked to limit comments to 3 minutes, and the requested total comment period will be 30 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 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*

Name	Address	Subject
1. Sean McBride		Storm water
2. Rebecca Kelly Ermani		Rezoning pres. park
3. Gregorio Luado	Wished to	wait to speak in public hearing.
4. Mike Mulcahy		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		

MINUTES CONTINUED FROM NOVEMBER 7, 2024

approval from HRW for the water and sewer system. The developer was present if the Board had any questions.

Mayor Baker stated that this was a preliminary plat and asked Town Planner Dylan Eure if it was possible after a deeper review of soil and erosion and the wetlands that these number of lots could decrease.

Town Planner Dylan Eure stated that was correct.

Mayor Baker verified that Town Staff evaluated the Preliminary Plat as well as the Planning Board and both recommended this Preliminary Plat for approval.

Town Planner Dylan Eure confirmed that both Town Staff and the Planning Board recommended this Preliminary Plat for approval.

Commissioner Blackmon made a motion to approve the Village at Old Stage Subdivision Preliminary Plat. The motion did not receive a second.

Mayor Baker asked if there was a question of the motion.

Commissioner Byrd stated that he felt this Preliminary Plat needed additional internal discussion.

Mayor Baker asked if there the Board had questions for Town Staff.

No questions were asked.

Commissioner Blackmon stated the Preliminary Plat met all of our regulatory documents.

Commissioner Byrd stated he just did not know about it.

Commissioner Blackmon stated he would take back his original motion and made a motion to table the request until our Regularly Scheduled December Board Meeting due to more information needed from Town Staff. The motion was seconded by Commissioner McKoy. **The Board voted unanimously.**

PUBLIC HEARING

ZT-2024-005

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

Town Planner Dylan Eure came forward and informed the Town of Erwin has received a request to rezone a group of seven parcels located off U.S. 421 on Professional Park to an R-6 conditional zoning district to allow for multi-family dwellings. Said property if approved would allow the developer to develop five apartment buildings totaling 120 units and 264 bedrooms, with a leasing office/clubhouse alongside amenities such as a pool, a basketball court, and an outdoor grilling station.

Erwin Board of Commissioners

REQUEST FOR CONSIDERATION

To: The Honorable Mayor and Board of Commissioners

From: Snow Bowden, Town Manager

Date: November 7, 2024

Subject: Village at Old Stage Subdivision Preliminary Plat

The Town of Erwin has received a preliminary major subdivision plat for a 101-lot subdivision that will be comprised of single-family homes. All the lots meet the standards that are required for a preliminary plat in our Town Code. The developers are not asking for the property to be rezoned or any other special considerations. There were concerns brought up at the Planning Board meeting about traffic, overcrowded schools, and potential environmental issues. All the concerns brought up are legitimate issues, but they are not valid or legal reasons to turn down a preliminary plat due to the fact that this preliminary plat meets all of the requirements in our Town Code.

Please keep in mind that this is just the preliminary plat. This is the first step in the subdivision process. Before any development can take place, the developers will have to submit a final plat to the Town of Erwin for approval. The final plat will include information such as utility lines, drainage, and any potential wetland information. The developers will also be required to obtain driveway permits from the North Carolina Department of Transportation (NCDOT) and stormwater/soil and erosion permits from the North Carolina Department of Environmental Quality (NCDEQ).



TOWN OF ERWIN

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

11/7/2024

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 Villages at Old Stage Subdivision Memorandum

Subdivision Description

The Town of Erwin has received a preliminary major subdivision plat for 101 single-family homes zoned as RD (Rural District) to be built Old Stage and Avery Road located by Harnett County Tax pins 0588-82-5111, 0588-82-7366, 0588-82-0344, 0588-81-3955, 0588-81-8885, 0588-811-0141, 0588-90-0944, 0588-81-9765, 0588-90-0073, 0587-89-5936, 0587-89-6834, 0587-89-7730, 0587-89-9542. Said development is a total of 13 parcel totaling 90.95 acres, and the entirety is planned to be annexed into Erwin's corporate limits upon construction. To access said development there will be a road constructed to Erwin's road standards which would then be allocated to the town for future maintenance along with all Right-of-Ways included. Said development, does not contain any watersheds nor is any of the parcel in any potential flood hazard areas according to Harnett GIS. According to the site plan/ soil evaluation, there may be wetlands on the development, however, this would require further study on the behalf on the developer to ensure no wetlands are being disturbed and how they may mitigated from the Army Corp of Engineers.

Regulation

Per The Erwin Code of Ordinances subdivision section, along with RD zoning classifications all requirements for preliminary plats have been met and the produced residential lots are compliant with all RD zoning regulations including lot size, required frontage, and width. Along with Erwin's road and Right-of-Way requirements have been met.

Required Improvements

Prior to the final plat being submitted the applicant must show that they have made all of the required improvements per Erwin's subdivision ordinances, meet all RD zoning regulations, and obtain the proper permits from affiliated agencies. Upon submission of the final plat, the

applicant must have received approval from NCDEQ in regard to soil erosion. Along with approval from NCDEQ in regards to stormwater due to more than 1 acre being disturbed. They must also submit complete road construction plans that will be approved by Erwin's civil engineer and have approved NCDOT encroachment permits for the said roads to be constructed along with water lines. A letter from Harnett Regional Water approving said water lines to be constructed must also be included to ensure lines will be up to HRW standards. Due to the parcel lacking the ability to connect to Harnett Regional sewer lines the said development will be on septic tanks and will also require approval from Harnett Health before final plat submittal.

Sincerely,

Dylan Eure

Town Planner



Town of Erwin
 Zoning Application & Permit
 Planning & Inspections Department

Permit #
 25-0027

Rev Sep2014

Each application should be submitted with an attached plot/site plan with the proposed use/structure showing lot shape, existing and proposed buildings, parking and loading areas, access drives and front, rear, and side yard dimensions.

Name of Applicant	BRC Development	Property Owner	See Attached
Home Address	3314 JACKIE DR ST 20	Home Address	
City, State, Zip	WILMINGTON, NC 28403	City, State, Zip	
Telephone	919-796-1612	Telephone	
Email	mgramling@BRCdev.com	Email	

Address of Proposed Property	See Attached		
Parcel Identification Number(s) (PIN)	11	Estimated Project Cost	2.5M
What is the applicant requesting to build / what is the proposed use of the subject property? Be specific.	SINGLE FAMILY RESIDENTIAL		
Description of any proposed improvements to the building or property	GRADING, PIPE, UTILITIES, PAVEMENT, HOME CURB.		
What was the Previous Use of the subject property?	AGRICULTURE		
Does the Property Access DOT road?	YES		
Number of dwelling/structures on the property already	0	Property/Parcel size	90 AC
Floodplain SFHA <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Watershed <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Wetlands <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
MUST circle one that applies to property			
<input checked="" type="checkbox"/> Existing/Proposed Septic System		Or	
<input type="checkbox"/> Existing/Proposed County/City Sewer			

Owner/Applicant Must Read and Sign

The undersigned property owner, or duly authorized agent/representative thereof certifies that this application and the forgoing answers, statements, and other information herewith submitted are in all respects true and correct to the best of their knowledge and belief. The undersigning party understands that any incorrect information submitted may result in the revocation of this application. Upon issuance of this permit, the undersigning party agrees to conform to all applicable town ordinances, zoning regulations, and the laws of the State of North Carolina regulating such work and to the specifications of plans herein submitted. The undersigning party authorizes the Town of Erwin to review this request and conduct a site inspection to ensure compliance to this application as approved.

Print Name	Signature of Owner or Representative	Date
MARK GRAMLING		7-19-24

For Office Use

Zoning District	B30	Existing Nonconforming Uses or Features	NA
Front Yard Setback	40 ft	Other Permits Required	<input type="checkbox"/> Conditional Use <input type="checkbox"/> Building <input type="checkbox"/> Fire Marshal <input type="checkbox"/> Other
Side Yard Setback	12 ft	Requires Town Zoning Inspection(s)	<input type="checkbox"/> Foundation <input type="checkbox"/> Prior to C. of O.
Rear Yard Setback	40 ft	Zoning Permit Status	<input type="checkbox"/> Approved <input type="checkbox"/> Denied
	Fee Paid: \$1,310	Date Paid:	Staff Initials:

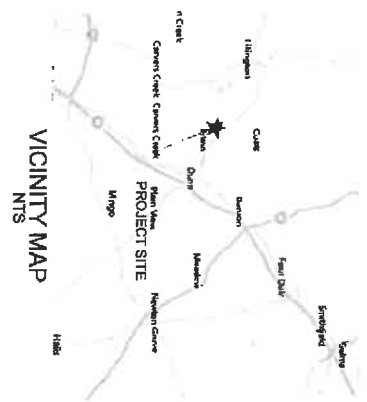
Comments: 101 proposed residential subdivision

Signature of Town Representative: _____ Date Approved/Denied: _____

requires planning board recommendation
 & BOC approval

THE VILLAGE AT OLD STAGE ROAD

HARNETT COUNTY, NC for CLIENT: BRG DEVELOPMENT



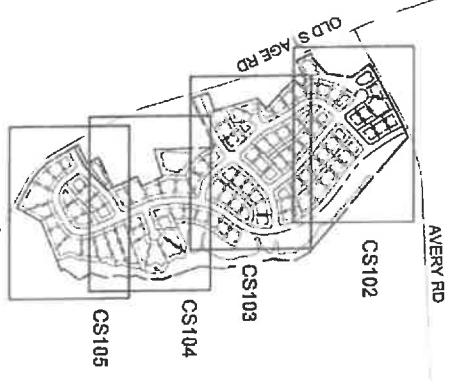
PROPERTY OWNERS
 TURLINGTON-OLIPHSON LAND PARTNERSHIP
 P.O. BOX 1027
 WILMINGTON, NC 28401
 PHONE: 910-516-2778

DESIGNER
 NICHOLS ENGINEERING, PLLC
 1301 S. H. TAYLOR DR. SUITE 210
 WILMINGTON, NC 28401
 PHONE: 910-516-7863
 FAX: 910-516-7863

OWNER
 BRG DEVELOPMENT, LLC
 1414 W. MARKET ST., SUITE 100
 WILMINGTON, NC 28401
 PHONE: 910-516-2778

INDEX OF SHEETS

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CS 72	PROPOSED CONCEPT
CS 73	PROPOSED CONCEPT
CS 74	PROPOSED CONCEPT
CS 75	PROPOSED CONCEPT
CS 76	PROPOSED CONCEPT
CS 77	PROPOSED CONCEPT
CS 78	PROPOSED CONCEPT
CS 79	PROPOSED CONCEPT
CS 80	PROPOSED CONCEPT
CS 81	PROPOSED CONCEPT
CS 82	PROPOSED CONCEPT
CS 83	PROPOSED CONCEPT
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CS 85	PROPOSED CONCEPT
CS 86	PROPOSED CONCEPT
CS 87	PROPOSED CONCEPT
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CS 89	PROPOSED CONCEPT
CS 90	PROPOSED CONCEPT
CS 91	PROPOSED CONCEPT
CS 92	PROPOSED CONCEPT
CS 93	PROPOSED CONCEPT
CS 94	PROPOSED CONCEPT
CS 95	PROPOSED CONCEPT
CS 96	PROPOSED CONCEPT
CS 97	PROPOSED CONCEPT
CS 98	PROPOSED CONCEPT
CS 99	PROPOSED CONCEPT
CS 100	PROPOSED CONCEPT



PROPERTY DATA

NO.	DESCRIPTION	AREA (SQ. FT.)	AREA (ACRES)	OWNER
1	AVERY LANE EASEL	271,000	6.22	HARNETT COUNTY
2	BRG DEVELOPMENT PLACE OVERLAP	271,000	6.22	HARNETT COUNTY
3	BRG DEVELOPMENT PLACE OVERLAP	271,000	6.22	HARNETT COUNTY
4	BRG DEVELOPMENT PLACE OVERLAP	271,000	6.22	HARNETT COUNTY
5	BRG DEVELOPMENT PLACE OVERLAP	271,000	6.22	HARNETT COUNTY
6	BRG DEVELOPMENT PLACE OVERLAP	271,000	6.22	HARNETT COUNTY
7	BRG DEVELOPMENT PLACE OVERLAP	271,000	6.22	HARNETT COUNTY
8	BRG DEVELOPMENT PLACE OVERLAP	271,000	6.22	HARNETT COUNTY
9	BRG DEVELOPMENT PLACE OVERLAP	271,000	6.22	HARNETT COUNTY
10	BRG DEVELOPMENT PLACE OVERLAP	271,000	6.22	HARNETT COUNTY
11	BRG DEVELOPMENT PLACE OVERLAP	271,000	6.22	HARNETT COUNTY
12	BRG DEVELOPMENT PLACE OVERLAP	271,000	6.22	HARNETT COUNTY
13	BRG DEVELOPMENT PLACE OVERLAP	271,000	6.22	HARNETT COUNTY
14	BRG DEVELOPMENT PLACE OVERLAP	271,000	6.22	HARNETT COUNTY
15	BRG DEVELOPMENT PLACE OVERLAP	271,000	6.22	HARNETT COUNTY
16	BRG DEVELOPMENT PLACE OVERLAP	271,000	6.22	HARNETT COUNTY
17	BRG DEVELOPMENT PLACE OVERLAP	271,000	6.22	HARNETT COUNTY

- GENERAL NOTES**
- ALL MATERIALS AND CONSTRUCTION METHODS FOR THE LATEST EDITION OF APPROPRIATE SPECIFICATIONS AND DETAILS.
 - ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF THE 2001 NORTH CAROLINA STANDARD SPECIFICATIONS FOR ROADS AND STRUCTURES UNLESS OTHERWISE NOTED ON THE DRAWINGS.
 - THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROPRIATE UTILITY COMPASS RECORDS TO ANY EXCAVATION.
 - THE CONTRACTOR SHALL BE FULLY RESPONSIBLE FOR THE DRAINAGE OF ANY EXCAVATION. THE CONTRACTOR IS ALSO RESPONSIBLE FOR REMOVAL OF ALL WASTE MATERIALS FROM EXCAVATION.
 - PERFORMANCE OF ALL WORK IN ACCORDANCE WITH CURRENT LOCAL, STATE AND FEDERAL REGULATIONS.
 - THE CONTRACTOR SHALL OBTAIN, STORE, AND USE ALL OTHER NECESSARY MATERIALS AND OBTAIN ALL NECESSARY PERMITS AND APPROPRIATE UTILITY COMPASS RECORDS TO ANY EXCAVATION.
 - THE CONTRACTOR SHALL OBTAIN, STORE, AND USE ALL OTHER NECESSARY MATERIALS AND OBTAIN ALL NECESSARY PERMITS AND APPROPRIATE UTILITY COMPASS RECORDS TO ANY EXCAVATION.
 - THE CONTRACTOR SHALL OBTAIN, STORE, AND USE ALL OTHER NECESSARY MATERIALS AND OBTAIN ALL NECESSARY PERMITS AND APPROPRIATE UTILITY COMPASS RECORDS TO ANY EXCAVATION.
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NICHOLS ENGINEERING, PLLC
 1301 S. H. TAYLOR DR. SUITE 210
 WILMINGTON, NC 28401
 910-517-7863
 NCEBEL's Firm License Number: P-2006
 NC PE License #: 048463
 http://nicholseng.com

THE VILLAGE AT OLD STAGE ROAD
 ERWIN, NC
 HARNETT COUNTY
 BRG DEVELOPMENT

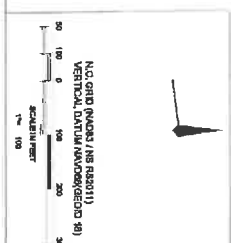
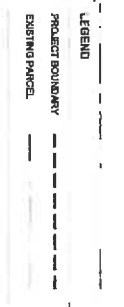
COVER

C101



ADJACENT PARCELS AND ZONING DATA

PARCEL NUMBER	OWNER NAME	ADDRESS	ZONING	COUNTY
1	AVERY LARRY EARL	8902 BRADDOCK PLACE	RA-30	HARNETT COUNTY
2	AVERY LARRY EARL	8902 BRADDOCK PLACE	RA-30	HARNETT COUNTY
3	AVERY LARRY EARL	8902 BRADDOCK PLACE	RA-30	HARNETT COUNTY
4	JACKSON LORDEEN DAWN AVERY	PO BOX 24 ERWIN, NC 28539-0000	RA-30	HARNETT COUNTY
5	1592 GRAMWORTH RD COATS, NC 27831-0000		RA-30	HARNETT COUNTY
6	BRIDGEMAN CONCRETE TRUSTEE A GENERAL LEE DUBB	RENOVABLE TRAILT - 4654 US 421 ERWIN, NC 28539-0077	RA-30	HARNETT COUNTY
7	JENNIFER LORRY J & JENNIFER HALEY R	3613 OLD STAGE RD S ERWIN, NC 28539-0007	RA-30	HARNETT COUNTY
8	HORNS EARL J & NORA JOYCE MARIE	3613 OLD STAGE ROAD ERWIN, NC 28539-0000	RA-30	HARNETT COUNTY
9	80 WASHINGTON LN DUNN, NC 28534		RA-30	HARNETT COUNTY
10	80 WASHINGTON LN DUNN, NC 28534		RA-30	HARNETT COUNTY
11	TYNAROCK SCHOOL TIFIN	3697 OLD STAGE RD S ERWIN, NC 28539-0011	RA-30	HARNETT COUNTY
12	MILLOTT FREDERICK & MILLOTT ROSAN	3431 OLD STAGE RD S ERWIN, NC 28539-0015	RA-30	HARNETT COUNTY
13	WYNNE JENNIFER T & TYNARDI RICKI PLYMOUTH	3376 OLD STAGE RD S ERWIN, NC 28539-0000	RA-30	HARNETT COUNTY
14	MACKELL BERENIA ALBERTSON & MACKELL ALBERTSON JAMES	2541 OLD STAGE RD S ERWIN, NC 28539-0000	RA-30	HARNETT COUNTY
15	TYNAROCK SCHOOL TIFIN	3697 OLD STAGE RD S ERWIN, NC 28539-0011	RA-30	HARNETT COUNTY
16	BRIDGEMAN CONCRETE TRUSTEE A GENERAL LEE DUBB	RENOVABLE TRAILT - 4654 US 421 ERWIN, NC 28539-0077	RA-30	HARNETT COUNTY
17	BRIDGEMAN CONCRETE TRUSTEE A GENERAL LEE DUBB	RENOVABLE TRAILT - 4654 US 421 ERWIN, NC 28539-0077	RA-30	HARNETT COUNTY



NO. OF SHEETS: 10
 SHEET: CE101

THE VILLAGE AT OLD STAGE ROAD
 ERWIN, NC
 HARNETT COUNTY
 BRG DEVELOPMENT

EXISTING CONDITIONS

NICHOLS ENGINEERING, PLLC
 1826 AIR TYLER DR. STE 220
 WILMINGTON, NC 28403

910-617-7993
 NCELS File License Number: P-2006

NO PE License #: 045-493
<http://nicholsengr.com/>

NO.	REVISION	DATE

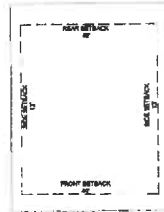
AVERY RD

OLD STAGE RD

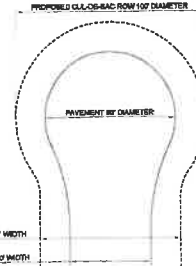
CUL-DE-SAC
100' PROPOSED ROW DIAMETER
80' PROPOSED PAVEMENT DIAMETER
(TYP.)

DRIVE ROADWAY
80' PROPOSED ROW WIDTH
30' PROPOSED PAVEMENT WIDTH
(TYP.)

SPECIAL PRINT QUALIFICATIONS	
PRINT DATE	08/23/2004
PRINT TIME	10:53:27
PRINT USER	ADMINISTRATOR

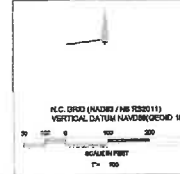


2 TYPICAL LOT
SCALE NOT TO SCALE



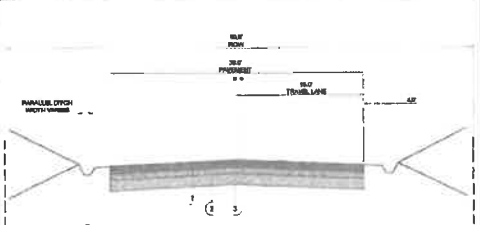
3 CUL-DE-SAC DETAIL
SCALE NOT TO SCALE

LEGEND	
PROJECT BOUNDARY	---
PROPOSED PARCEL	---
EXISTING PARCEL	---
SETBACK	---



N.C. GRID (NAZD83 / NAD83) 11
VERTICAL DATUM NAVD83 (GEOID 10)
SCALE: FEET
1" = 100'

- NOTE:
- ROADS SHALL BE CONSTRUCTED TO TOWN STANDARDS AND TO BE ALLOCATED TO THE TOWN OF ERWIN FOR MAINTENANCE.
 - 80' FRONT OF WAY
 - 30' PAVEMENT WIDTH



- 1 DRIVE ROADWAY SECTION - CROWNED
SCALE NOT TO SCALE
- 1" SURFACE: 1" 18MA SURFACE COURSE (ACDOT TYPE 6-4-4.60)
 - 1" PRIME COAT
 - 1" BINDER: 1" 18MA INTERMEDIATE COURSE (ACDOT TYPE 4-19.60)
 - 1" BASE: P ABC
 - 12" COMPACTED, NON-BLETTING SUBGRADE TO 98% DRY DENSITY, AASH TO T-100

NICHOLS
ENGINEERING, PLLC
1848 W. TAYLOR DR. SUITE 200
HARRIS COUNTY, TEXAS 77058
LICENSURE NUMBER: 0000000000

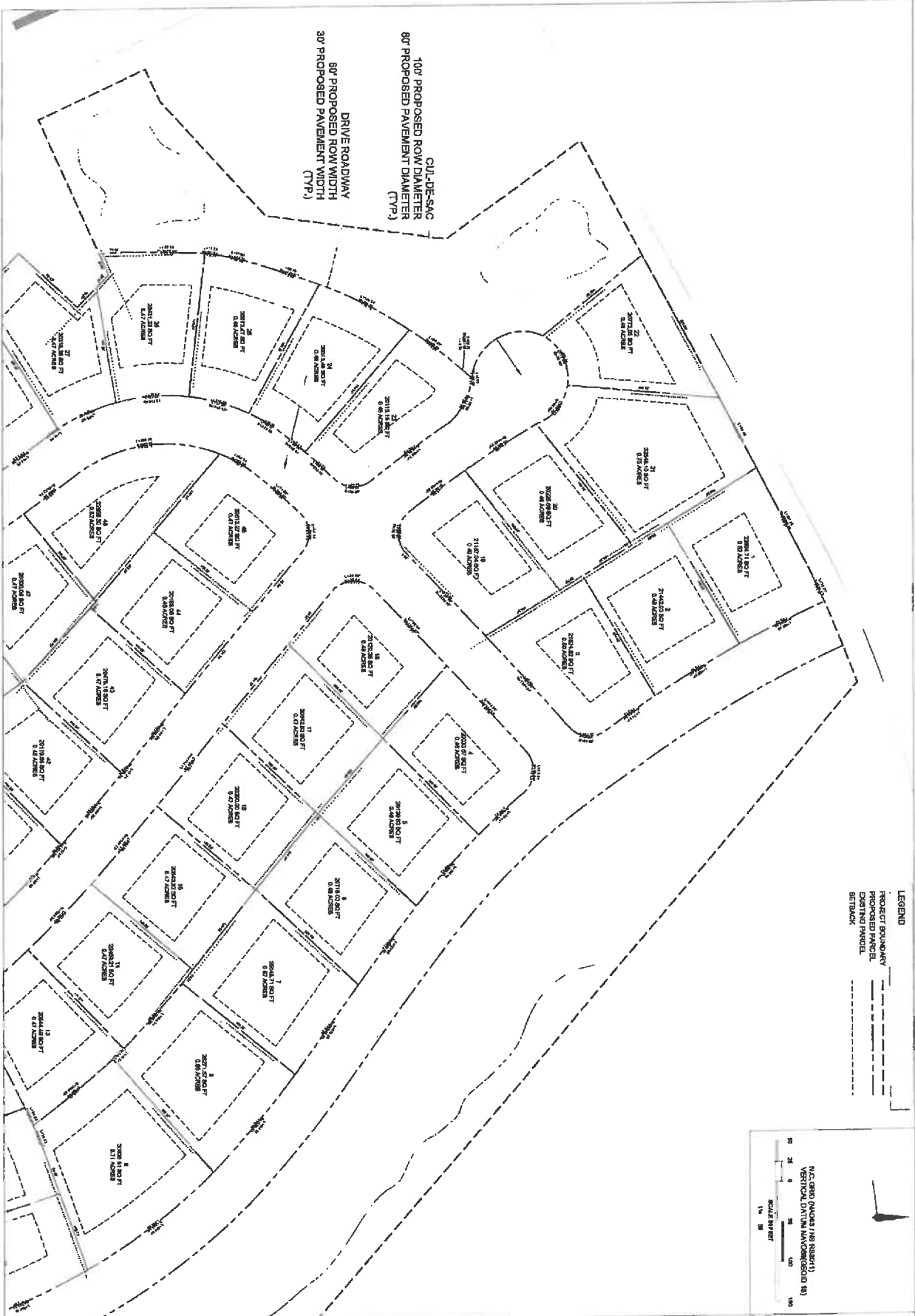
DATE	REVISION	NO.

THE VILLAGE AT OLD STAGE ROAD
HARRIS COUNTY, TEXAS
PHASE DEVELOPMENT
PROPOSED CONCEPT



DATE: 08/23/04
SCALE: AS SHOWN
DRAWN: JCS
CHECKED: ZSH
PROJECT NO.:

SHEET:
CS101



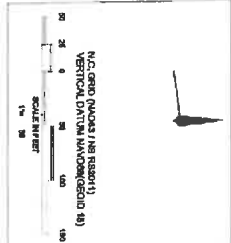
LEGEND

PROJECT BOUNDARY

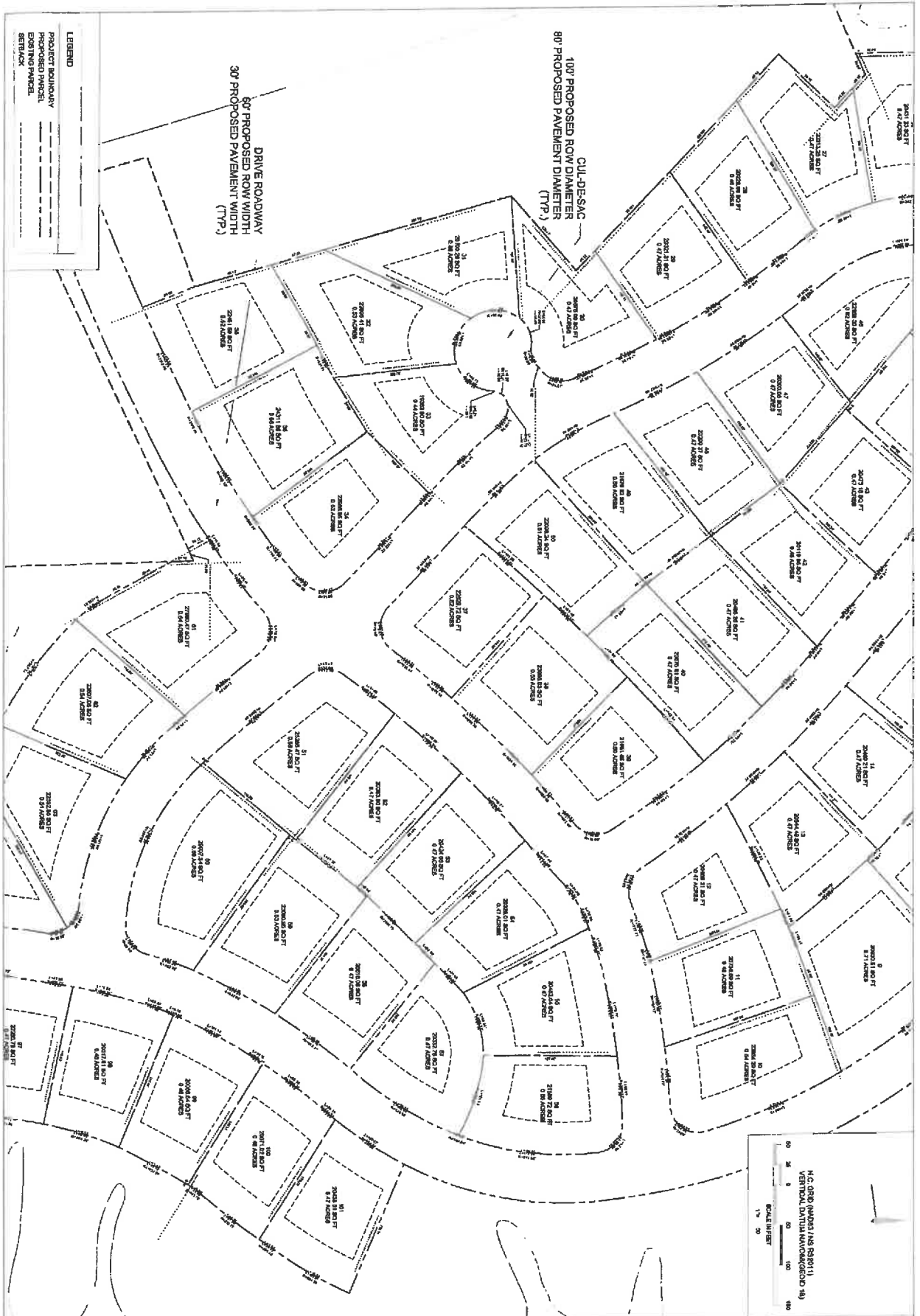
PROPOSED PARCEL

EXISTING PARCEL

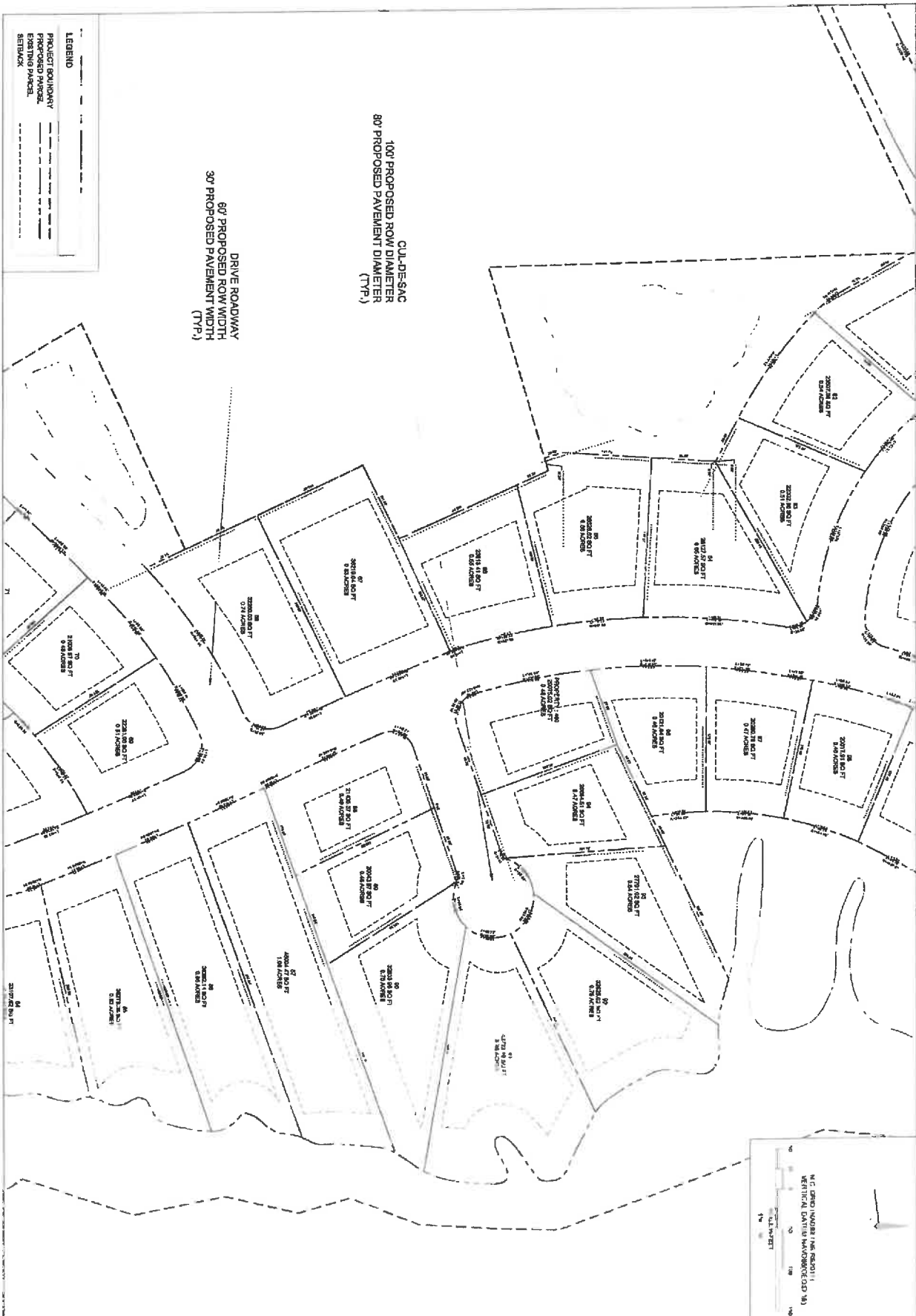
SETBACK



<p>CS102</p>	<p>SHEET</p>		<p>THE VILLAGE AT OLD STAGE ROAD ERWIN, NC HARNETT COUNTY BRG DEVELOPMENT</p>		<p>NO.</p>	<p>REVISION</p>	<p>DATE</p>	<p>NICHOLS ENGINEERING, PLLC 1825 9th TYLER DR. STE 230 WILMINGTON, NC 28403 910-517-7893 NCEBLS Firm License Number: P-3006 http://nicholsengineering.com/</p>	
			<p>PROPOSED CONCEPT</p>					<p>NO. FE License #: 045463</p>	



CS103	THE VILLAGE AT OLD STAGE ROAD ERWIN, NC HARNETT COUNTY BRG DEVELOPMENT		NICHOLS ENGINEERING, PLLC <small>1815 S. 15th St. Suite 200 WILKINSON, NC 27606</small> <small>NC PE License #: 045403 http://nicholsengineering.com</small>	
	PROPOSED CONCEPT	NO. _____	REVISION _____	DATE _____



DATE: 08/20/2008
 SCALE: AS SHOWN
 DRAWN: JAV
 CHECKED: JAV
 PROJECT NO.: CS104

THE VILLAGE AT OLD STAGE ROAD
 ERWIN, NC
 HARNETT COUNTY
 BRO DEVELOPMENT

PROPOSED CONCEPT

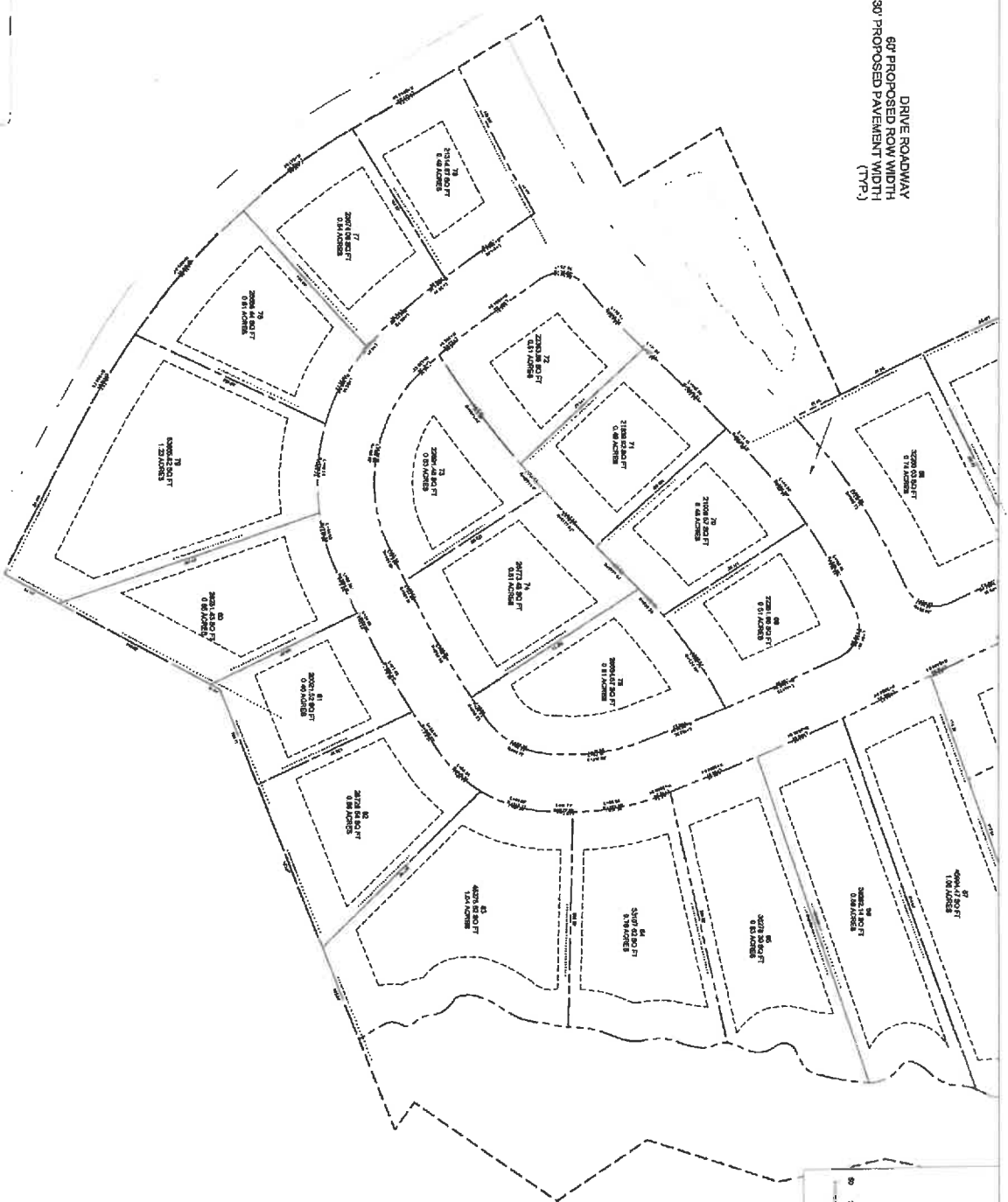
NO.	REVISION	DATE

NICHOLS
 ENGINEERING, PLLC
 1026 BIR TYLER DR. STE 230
 WILMINGTON, NC 28406
 NCE License # 045463
 http://nicholsengineering.com/

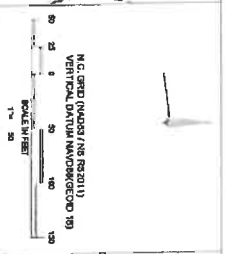
810-617-7800
 NCEBELS Firm License Number: P-2006

CS104

LEGEND
 PROJECT BOUNDARY
 PROPOSED PARCEL
 EXISTING PARCEL
 SETBACK



DRIVE ROADWAY
 60' PROPOSED ROW WIDTH
 30' PROPOSED PAVEMENT (TTP-3)



DATE: 04/11/11
 SCALE: AS NOTED
 DRAWN: JAT
 CHECKED: ZJM
 PROJECT NO.:
 SHEET: CS-105

THE VILLAGE AT OLD STAGE ROAD
 ERWIN, NC
 HARNETT COUNTY
 BRG DEVELOPMENT
PROPOSED CONCEPT

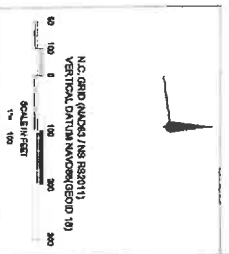
NO.	REVISION	DATE

NICHOLS ENGINEERING, PLLC
 1125 ERIE TYLER DR., STE 200
 WILMINGTON, NC 28405
 NC PE License #: 046-493
 http://nicholsengineering.com/



Legend

- Green Soil Map Use. These soils should be considered suitable for subsurface shallow conventional systems, for pressure pipe systems, and other innovative approved systems. These soils are coarse loams over fine loams with a seasonal high water table from 24-36 inches from the surface ground surface. The bearing rate for these soils are 0.2-0.3 gpd/ft². (-210 acres)
- Green Soil Map Use. These soils should be considered suitable for subsurface shallow conventional systems, for pressure pipe systems, and other innovative approved systems. These soils are coarse loams over fine loams with a seasonal high water table from 24-36 inches from the surface ground surface. The bearing rate is 0.2-0.3 gpd/ft². (-10.4 acres)
- Change Soil Map Use. These soils should be considered potentially suitable for use in pressure pipe systems, and other innovative approved systems. These soils are coarse loams over fine loams with a seasonal high water table from 24-36 inches from the surface ground surface. The bearing rate is 0.2-0.3 gpd/ft². (-1.4 acres)
- Red Soil Map Use. Lacey soils over coarse fine loams and with shallow soil wetlands, or unsuitable wetlands problem. These soils should be considered unsuitable for all types of wastewater systems. Indicators of soil wetlands may be found within the map use. (-18.8 acres)
- Soil Potential Map Use. Potential jurisdictional wetlands. Only a formal wetland delineation with CDF approval will determine the actual extent of soil wetlands within the map use. (-48 acres)
- Approximate Boring Locations (215 borings)
- Data Not Reported a 2001 National dataset (-1800 ft)
- Parcel Boundary



DATE: 07/20/06
 SCALE: AS SHOWN
 DRAWN BY: JAV
 CHECKED BY: JAV
 PROJECT NO.: SS101

THE VILLAGE AT OLD STAGE ROAD
 ERWIN, NC
 HARNETT COUNTY
 BRG DEVELOPMENT

SOIL MAP AND LEGEND

NO.	REVISION	DATE

NICHOLS ENGINEERING, PLLC
 1826 SRI TYLER DR. STE 230
 WILMINGTON, NC 28405
 N.C. PE License #: D45483
 http://nicholsengr.com/

STEPHEN M. BUFFKIN FAMILY LIMITED
13148 NC HWY 210 Benson
Benson, North Carolina 27504

July 17, 2024

Mr. Dylan Eure
Town Planner
100 West F. St.
Erwin, NC 28339

RE: Owner's Authorization for Proposed Development at Old Stage Road and Avery Road

Dear Mr. Eure

We hereby give consent to the below referenced agent/applicant to act on our behalf, to submit application, all required materials and documents and to attend all meetings and represent us at all meeting and hearings pertaining to all processes associated with the development and approval of the above refenced project as related to the parcels identified by the attached.

AGENT/APPLICANT INFORMATION:

Name - Mark W. Gramling
Vice President Land Development
BRG Development, LLC

Address - 3314 Jaeckle Dr., Unit 120
Wilmington, NC 28403

OWNER'S AUTHORIZATION:

Stephen M. Buffkin Family Limited Partnership
a North Carolina limited partnership

By: Stephen M. Buffkin S.P.

Name: Stephen Buffkin

Date: 7/22/2024

We trust this request meets with your approval and look forward to working with you.

Turlington-Johnson Land Partners

P.O. Box 1027
Dunn, NC 28335

July 17, 2024

Mr. Dylan Eure
Town Planner
100 West F. St.
Erwin, NC 28339

RE: Owner's Authorization for Proposed Development at Old Stage Road and Avery Road

Dear Mr. Eure

We hereby give consent to the below referenced agent/applicant to act on our behalf, to submit application, all required materials and documents and to attend all meetings and represent us at all meeting and hearings pertaining to all processes associated with the development and approval of the above refenced project as related to the parcels identified by the attached.

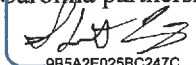
AGENT/APPLICANT INFORMATION:

Name – Mark W. Gramling
Vice President Land Development
BRG Development, LLC

Address - 3314 Jaeckle Dr., Unit 120
Wilmington, NC 28403

OWNER'S AUTHORIZATION:

Turlington-Johnson Land Partners
a North Carolina partnership

By: 
9B5A2F025BC247C...

Name: Stuart Turlington

Date: _____

DocuSigned by:

1419A08ECF5404

By: _____
Name: Joseph Johnson

Date: _____

DocuSigned by:

Edward Johnson

1419A06FCEB5404...

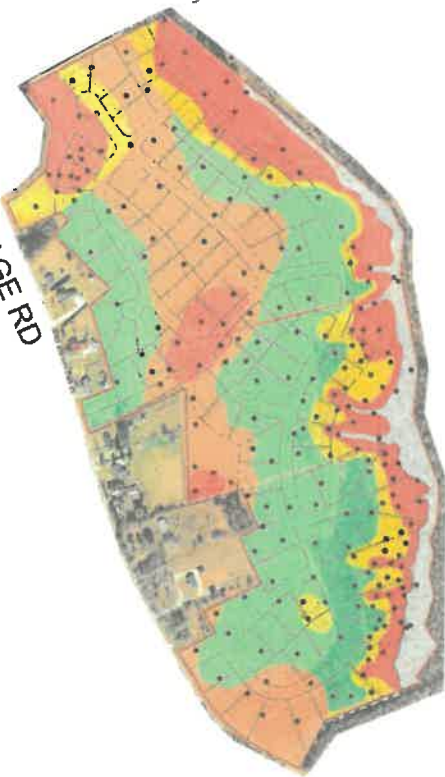
By: _____

Name: Edward Johnson

Date: _____

AVERY RD

OLD STAGE RD



Legend

- Green Soil Map Unit. These soils should be considered suitable for subsurface shallow wastewater systems, low pressure pipe systems, and other innovative approved systems. These soils are coarse loams over fine loams with a seasonal high water table from 24-30 inches from the existing ground surface. The loading rate for these soils are 0.4-0.6 gal/day/ft², (1-10 ft acres)
- Yellow Soil Map Unit. These soils should be considered previously suitable for subsurface conventional (1) systems, low pressure (1) systems and other innovative approved systems. These soils are sandy over fine loams with seasonal high water table from 12-20 inches from the existing ground surface. The loading rate is 0.4-0.5 gal/day/ft², (1-10 ft acres)
- Orange Soil Map Unit. These soils should be considered previously suitable for low pressure (1) systems, and other innovative approved systems. These soils are coarse loams over fine loams with seasonal high water table from 20-24 inches from the existing ground surface. The loading rate is 0.4-0.5 gal/day/ft², (1-10 ft acres)
- Red Soil Map Unit. Heavy sands over coarse fine loams and with shallow soil wetness, or considerable landscape problems. These soils should be considered unsuitable for all types of water-reuse systems. Wetlands of 40K wetlands may be found within the map unit. (1-10 ft acres)
- Blue Wetland Map Unit. Possible subsurface wetlands. Only a lateral wetland delineation with CDE approval will determine the actual extent of 40K wetlands within the map unit. (1-10 ft acres)
- Appropriate Drivng locations (215 locations)
- Dist. W/8 Requires a 20ft horizontal setback (-1200 ft)
- Parcel Boundary

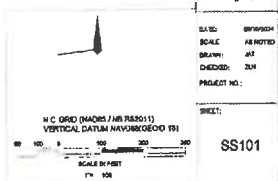
NICHOLS
ENGINEERING, PLLC
1000 WEST 17TH AVENUE, SUITE 200
DENVER, COLORADO 80202
PH: 303.733.1100
FAX: 303.733.1101
WWW.NICHOLSENGR.COM

DATE: _____
BY: _____
REVISION: _____

THE VILLAGE AT OLD STAGE ROAD
IMPROVEMENTS
LAND DEVELOPMENT
SOIL MAP AND LEGEND

NOT TO BE USED FOR ANY OTHER PROJECT WITHOUT WRITTEN PERMISSION FROM NICHOLS ENGINEERING, PLLC

DATE: _____
SCALE: AS NOTED
DRAWN: JST
CHECKED: JLM
PROJECT NO.: _____
SHEET: _____
SS101





September 3, 2024

To Whom It May Concern:

I, Nicholas P. Howell, North Carolina Licensed Soil Scientist, do hereby inform that I have received a sketch plan which was submitted by BRG Development, LLC with reference to their development project known as "The Villages at Old Stage Road", in Erwin, NC. The project is not yet permitted, but it is currently under professional evaluation by our firm.

Sincerely,

A handwritten signature in blue ink, appearing to read "N. Howell", is written over a light blue circular stamp.

NC Licensed Soil Scientist #1294

Nicholas "Nick" P. Howell

MINUTES CONTINUED FROM NOVEMBER 7, 2024

Commissioner Byrd expressed his concern for supplying proper water and sewer for this development.

Town Planner stated that he had seen discussions between the applicant and HRW that the water line on Pope Street will need to be extended to Professional Park for the needed demand.

Commissioner Blackmon stated he thought it was 6 inches there but there was an adequate supply of water. It would be the developer's responsibility.

Town Planner Dylan Eure stated that the development met all of our landscaping requirements with lighting plans and setbacks. The traffic reports stated there would be no negative consequences for the proposed site.

Mayor Baker asked the Applicant to come forward.

Mollie Cozart, an attorney of Jordan Price of Raleigh came forward and was sworn in by Town Clerk Lauren Evans. Ken Thompson, Director of Development and Planning at J Davis, was also sworn in.

Ms. Cozart stated she represented the applicant, Rabbit Constructions Inc. and owner, Gregorio Jurado Escarcega who was also present to represent the application. Town Staff had put together a very thorough and informative packet. To avoid repeating everything in the packet, she stated they are in complete agreement of all Town Staff's findings and recommendations. She reminded the Board that Section 36-74 of the Town of Erwin Code of Ordinances allows for Conditional Use of multifamily dwellings and Section 36-171 even stated that the intent and purpose of the R-6 district was not only to provide single-family dwellings but it specifically stated multifamily dwellings. During the process, Rabbit Construction has engaged many types of professionals to ensure that this rezoning request for the multi-family dwelling use met all of the requisite development regulations. She had also spoken with the attorneys for the other business owners in Professional Park, Rabbit Construction owns seven of the parcels. The attorneys stated that the owners approved of this rezoning request and were supportive of the proposed project. The project would be aimed at attracting families and professionals moving to our area as well as students in multiple graduate programs such as Campbell. The 3D renderings provided to the Board really showed the attractiveness of the project and would fit in with the surrounding area. Present at the meeting were other key professional involved with the project including Ken Thompson, Director of Development and Planning at J Davis, which was firm in Raleigh that specialized in architecture and also planning. Also present was Rynal Stephenson of DRMP Engineering Firm who performed the traffic study.

Mayor Baker reminded the Board that this was a rezoning but it was a conditional rezoning so it did have a quasi-judicial aspect to it.

Mr. Thompson came forward and stated he had been a practicing licensed professional landscaping architect in NC since 1997. Their firm specializes in multi-family, that was their bread and butter since conception. He stated he appreciated the Board accommodating him and rescheduling the Public Hearing. He got stuck in Hurricane Milton and could not make the meeting. He stated the renderings provided were a representation of what the final project will look like, they had not begun any architectural designs yet. The apartments would be 3-story

MINUTES CONTINUED FROM NOVEMBER 7, 2024

garden-style walk-ups with two sets of stairwells. He had situated around with parameters and each building had 24 units, totaling 220 units. Parking was provided and met the Town Code. The parameters were surrounded by buffers with a mix of type A and type B. The street also has a street protective buffer with street trees and shrubs planted in between. There would be clubhouse as you come in on the left side, pool, grilling stations, outdoor swings, outdoor fire pits, and indoor amenity areas with coworking spaces. Across the street would be a basketball court and an open playing field.

Mayor Baker stated he remembered when there used to be strawberries growing on this property. He stated it was mentioned about the two other business owners in the Professional Parkway but it was hearsay unless the Board was provided something from those owners. This entire development was previously mapped out for commercial and what was presented was an excellent job and it did fit the Ordinance as for the development side of it but he wanted to know if there was any component of this development that would be commercial in retail type or if it was strictly residential.

Mr. Thompson stated this would be strictly residential. It could be defined as a horizontal mixed-use because of the businesses associated with it.

Commissioner Byrd asked if we had any proof that the two other business owners were okay with this development.

Mayor Baker stated unless we have something in writing or if the business owners were present to testify then the Board had to accept that statement was hearsay.

Ms. Cozart stated she could provide emails from the two other business owners if that would help.

Mayor Baker asked if the Board had any questions for the applicants.

Commissioner Blackmon asked if there had been a study on water supply and sprinkler systems.

Mr. Thompson stated that was typically done prior to the building permits. Their Civil Engineer could not be at the meeting but he had been speak with Harnett County and they had been coordinating.

Mayor Baker asked if anyone was present to speak in favor of the request.

No one came forward.

Mayor Baker asked if anyone was present to speak in opposition to the request.

Lauren Stephens, owner of Lauren Ashley Salon, came forward and was sworn in by Town Clerk Lauren Evans.

Ms. Stephens stated this was the first time for her to see this development presented but it was a concern for her, Mr. Miller who owner Millers Landscaping, and Dr. Bradham, owner of Bradham Chiropractic. They have owner their businesses for over 20 years and as they watched it grow and we were getting new businesses and their hard work was finally starting to pay off. People were finally see where their businesses were and it was hard to sit back a watch the area

MINUTES CONTINUED FROM NOVEMBER 7, 2024

that was for business and zoned for commercial use and now just have people build apartments on it. She stated it was a beautiful design but that was not what that property was zoned for and not what that area needed. There were very few spaces left for commercial development and it would be a shame to see it turned into something like that development. She thanked the applicant for bringing their vision for everyone to see but as a business owner in that area for 21 years and see it finally grow, she did not want to see it go backwards.

Mr. Stephens, Lauren Stephens' husband asked how this development would affect tax value and property value.

Commissioner Blackmon stated he would have to ask a realtor or tax expert.

Mayor Baker stated that since this is a quasi-judicial hearing, business owners could have a professional land appraiser look at the property and come before the Board with that information.

Michael Jackson, business owner in Erwin, came forward and was sworn in by Town Clerk Lauren Evans. He referenced Harnett County GIS to show the Board where the Board had already approved the 247 homes and then look at the proposed parcel with 120 homes, there was the same crossover of 367 homes. When you leave Zaxby's it takes about 15 minutes to get across the road and then you add 367 homes, what is the traffic going to be like? It was going to be a problem. He owns Zaxby's and lives on St Matthews Road and the four-way stop signs on St Matthews Road will not cure this problem. The other concern was that this was only 1 of 2 undeveloped parcels on HWY 421 from Masonic Road to the Walmart shopping center. This was a nice development being proposed and he did not have a problem with it but we were talking about 367 homes going in one concentrated area. Think about the traffic flow. He did not have a problem with the design but this was not the place for it. This parcel was zoned commercial for a reason. It was zoned to commercial to be used for commercial business and the purchasers knew the zoning when they purchased it and they took the risk that the Board would change it. If the Town was looking for restaurants to in fill or commercial businesses, where are they going to go? Do not put a roadblock on commercial businesses.

Mayor Baker asked if there were any other residential in the corridor other than Mr. Jackson's father.

Mr. Jackson stated not until the black river bridge.

Mayor Baker asked if anyone else was present to speak in opposition to the request.

Hughie Godwin, owner of H.R. "Rusty" Godwin CPA came forward and was sworn in by Town Clerk Lauren Evans.

Mr. Godwin stated his business was the oldest business downtown. He had been in Erwin all his life and always wanted to see Erwin grow. He had no problem with the design of the project and in the right area, it could benefit our Town but this was a zoning issue. If the Board takes a piece of property zoned for business and puts residential on it, you set a precedent. You have to look at not what it would bring in but the zoning precedent for the future.

Mayor Baker asked if anyone was present to speak in opposition to the request.

No one came forward.

MINUTES CONTINUED FROM NOVEMBER 7, 2024

He asked if the applicant would like to bring any clarity or answer any concerns brought up.

Town Attorney Tim Morris recommended having Rebecca Kelly come forward and read her statement again.

Rynal Stephenson of DRMP Engineering Firm came forward and was sworn in by Town Clerk Lauren Evans.

Mr. Stephenson stated they did perform the traffic study for the area but he did want to point out that the Park is a vision for mixed uses, looking at the aerial photo, there is a median on HWY 421 which does not give it good commercial access. Multi-family units would generate less traffic than any commercial use that would go on that property. From a traffic analysis, the fact that it does not have a direct left-in or left-out hurts the viability for commercial, which may be why it has not developed well.

Commissioner Nelson stated there a partial road coming off of St Matthews Road and wanted to know if the developers planned to use it.

Mr. Stephenson stated that part of Pope Street was discarded.

Ms. Rebecca Kelly came forward and was sworn in by Town Clerk Lauren Evans.

Ms. Kelly stated that she was sorry she spoke at the wrong time. She stated the Town of Erwin gets most of its revenue from businesses, not from high rise apartments. These parcels in the Park are like money in the bank for the Town. There are not many parcels, like Mr. Jackson stated, left on that corridor. The Erwin citizens have to go out of town to eat and shop. We need businesses of service, not more people to go out of town to shop. As Ms. Stephenson stated, that three businesses are not happy about this development. Those businesses were built in good faith and an apartment complex would not complement their business. The area is growing as Mr. Jackson stated. She agreed it was a beautiful design but it would bring crime to that area and threaten the businesses. She did not feel it was fair to the businesses already there and this land was set aside for Commercial. She feels that taxes will increase and she was on a fixed income. More Law Enforcement would be needed and Erwin Elementary School just got a D. We will need more fire, trash pick up, emergency services, our ponds will be used, our Library will be used, and this money has to come from somewhere. It could be a win, win for everyone if they will build to suit. Rabbit Construction could bring in a lot of businesses and put that beautiful complex somewhere else. It would be a disservice to the business owners in Erwin to allow this apartment complex.

Mayor Baker asked if anyone was present to speak in opposition to the request.

No one came forward.

Mayor Baker asked the applicant in the development of this, and he was using the Land Use Plan as guiding document, the Future Land Use Plan is the developer open to amending the current plan to include some form of commercial space. In our 2023 Land Use Plan this area is marked as Commercial Mixed-Use.

Ms. Cozart stated that she was speak with the developer.

MINUTES CONTINUED FROM NOVEMBER 7, 2024

Mr. Thompson stated that multi-family was in the building code for commercial mixed-use. He stated in his experience projects this size really could not do that. These were garden-style walk-ups and in order to incorporate commercial into these buildings, it would require increased building height.

Commissioner Nelson asked if this would create jobs for the community.

Mr. Thompson stated there would be people employed for the leasing office and multiple maintenance people on hand.

Commissioner McKoy asked what attracted the applicant to this parcel of land.

Mr. Thompson stated he could not answer that.

Mayor Baker stated he did not doubt that this design was in compliance with all of our regulatory documents on the development side. They did a beautiful job with the design.

Ms. Cozart answered Commissioner McKoy's question. The applicant/owner noticed that the lots had been vacant for a long time and starting look into what could go on that property.

Commissioner Byrd stated as you can see, it was designed for commercial and we are finally seeing the commercial growth with the Harbor Freight and Zaxby's. He was concerned that the only reason he picked the area was because it was vacant.

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

Commissioner Byrd stated that the lack of utilities concerned him.

Commissioner Blackmon stated that would be the developer's responsibility to unfit the utilities.

Mayor Baker read through the Future Land Use Plan to make the Board aware of the wording.

Commissioner Turnage stated that this was a hard decision to make. Do we want people or business?

Commissioner Marbell stated this land was zoned for commercial and he cannot vote to change it.

Mayor Baker asked the Board to read through the findings of fact.

Commissioner Nelson made a motion, seconded by Commissioner Marbell, that the impact to the adjacent property owners the adjacent property owners and the surrounding community is not reasonable, and the benefits of the rezoning do not outweigh any potential inconvenience or harm to the community. The reason was that this land was zoned commercial to provide a tax base and to provide jobs. **The motion passed 5 to 1 (Blackmon).**

Commissioner Byrd made a motion, seconded by Commissioner McKoy, to recommend that the proposed rezoning application meets one or more of the Findings of Fact in the negative. **The motion passed 5 to 1.**

MINUTES CONTINUED FROM NOVEMBER 7, 2024

Commissioner Nelson made motion seconded by Commissioner McKoy that the requested rezoning to R-6 conditional district with special uses for multi-family dwellings is **NOT** compatible with all of the Town of Erwin's regulatory documents. According to Erwin's 2023 Land Use Plan, this area along 421 would **NOT** be the best fit for high-density residential developments which include apartment complexes. It is recommended that this conditional zoning district be **DENIED**. **The motion passed 5 to 1 (Blackmon)**.

421 Overlay Amendment

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

Town Planner Dylan Eure came forward and informed the Board that the 421 Overlay would require development exactions along HWY 421. This overlay would ensure that businesses are built to the same standard and also making sure that unit would be facing the nearest right of way. This overlay would limit building materials and include additional landscaping standards, parking standards, signage standards, sidewalks, and streetscaping.

Mayor Baker asked if this overlay will impact any current business owners.

Town Planner Dylan Eure stated that it would not impact any current business owners unless they wish to expand.

Mayor Baker asked if anyone was present to speak in favor of the request, in opposition to the request, or had any questions.

Michael Jackson came forward and asked why the overlay was needed. He read the notice of why this is being recommended. If anyone commercially developed a piece of land, that was high dollar land and you would not have economic black. Why keep layering on the regulations? The party that came out on top of the election is for less government. It does not exclude farms. Will these regulations make life better and improve the corridor?

Mayor Baker asked if anyone was present to speak in favor of the request, in opposition to the request, or had any questions.

No one came forward.

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

Commissioner Blackmon stated Mr. Jackson brought up some good points and he thought this amendment needed to be discussed further. We need to be cognitive of whether the material regulations will slow the development of 421.

Commissioner Byrd stated he agreed with Mr. Jackson and Commissioner Blackmon.

Commissioner Blackmon made a motion, seconded by Commissioner Byrd, and **unanimously approved by the Board** to table this request until our next workshop.



TOWN OF ERWIN

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

11/7/2024

ZT-2024-005 Memorandum

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

Rezoning Description

The Town of Erwin has received a request to rezone a group of seven (7) parcels located off U.S. 421 (E Jackson Blvd) on Professional Park to an R-6 conditional zoning district to allow for multi-family dwellings. Said parcel's total size is approximately 8.8 acres. According to the attached site plan the applicant wishes to construct 5 apartment buildings totaling 120 units and 264 bedrooms, with a leasing office/clubhouse alongside amenities such as a pool, a basketball court, and an outdoor grilling station. The applicant has also included a traffic study per the request of the Board of Commissioners and said study would require no additional road upgrades per NCDOT standards. According to the proposed site plan and all of the accompanying documents the applicant has meet all development regulations.

Property Description

Seven vacant parcels totaling approximately 8.8 acres off US 421 (East Jackson Blvd.) on Professional Park within Erwin's corporate limits. According to Harnett County GIS there are both sewer and water lines accessible to all properties. The water is a 6-inch main line that goes down Professional Park and turns into a 2-inch water line about halfway down. According to Harnett Regional Water in order to accommodate for such style of development the 6-inch water main on Pope St. would need to be extended to connect to the existing 6-inch main on Professional Pk. to ensure adequate flow. The sewer that is accessible to the properties is a gravity-fed line that has no additional pumps to control the flow of sewer for the property. In addition, there are no wetlands, ponds, or open water sources on any of the proposed sites nor are there any flood zones or watersheds affected by the property. Due to the site being greater than 1 acre before any zoning permits could be issued the applicant will have to provide approved stormwater and soil/erosion permits from the North Carolina Department of Environmental Quality. All property is under the ownership of Rabbit Construction Inc. of which Gregorio Escarcega is the owner.

Findings of Fact

The requested rezoning from being B-2 to an R-6 conditional district with special uses for multi-family dwellings is compatible with all of the Town of Erwin's regulatory documents.

According to Erwin's 2023 Land Use Plan, the areas along 421 would be the best fit for high-density residential developments which include apartment complexes. It is recommended that this conditional zoning district be **approved**.

Regards,

Dylan Eure
Town Planner



**REZONING MAP REQUEST
STAFF REPORT**

Case: ZT-2024-005

Dylan Eure, Town Planner
deure@erwin-nc.org

Phone: (910) 591-4201 Fax: (910) 897-5543

Planning Board: 9/16/2024 Town Commissioners: 11/7/2024

The Town of Erwin has received a request to rezone a group of seven (7) parcels located off U.S. 421 (E Jackson Blvd) on Professional Park to an R-6 conditional zoning district to allow for multi-family dwellings. Said parcel's total size is approximately 8.8 acres. According to the attached site plan the applicant wishes to construct 5 apartment buildings totaling 120 units and 264 bedrooms, with a leasing office/clubhouse alongside amenities such as a pool, a basketball court, and an outdoor grilling station. The current zoning classification for the parcels is B-2 in which the purpose of the district is to accommodate a wide variety of commercial, wholesale, and retail establishments.

Applicant Information

Owner of Record:

Name:	<u>Rabbit Construction Inc.</u>
Address:	<u>40 Professional Park</u>
City/State/Zip:	<u>Erwin, NC 28339</u>
Name:	<u>Rabbit Construction Inc.</u>
Address:	<u>100 Professional Park</u>
City/State/Zip:	<u>Erwin, NC 28339</u>
Name:	<u>Rabbit Construction Inc.</u>
Address:	<u>140 Professional Park</u>
City/State/Zip:	<u>Erwin, NC 28339</u>
Name:	<u>Rabbit Construction Inc.</u>
Address:	<u>137 Professional Park</u>
City/State/Zip:	<u>Erwin, NC 28339</u>
Name:	<u>Rabbit Construction Inc.</u>
Address:	<u>119 Professional Park</u>
City/State/Zip:	<u>Erwin, NC 28339</u>
Name:	<u>Rabbit Construction Inc.</u>
Address:	<u>87 Professional Park</u>
City/State/Zip:	<u>Erwin, NC 28339</u>
Name:	<u>Rabbit Construction Inc.</u>
Address:	<u>51 Professional Park</u>
City/State/Zip:	<u>Erwin, NC 28339</u>

Applicant:

Name: Gregorio Jurado Escarcega / Rabbit Construction Inc.

Address: 121 Britt Valley Rd.
City/State/Zip: Raleigh, NC 27603

Property Description

Harnett County Tax Pin #1507-33-1583.000 (1.71 acres)
Harnett County Tax Pin #1507-23-9378.000 (2.29 acres)
Harnett County Tax Pin #1507-23-7207.000 (1.40 acres)
Harnett County Tax Pin #1507-23-7068.000 (1.13 acres)
Harnett County Tax Pin #1507-33-0088.000 (.70 acres)
Harnett County Tax Pin #1507-33-2136.000 (.77 acres)
Harnett County Tax Pin #1507-33-3278.000 (.80 acres)

Zoning Classification: B-2

Vicinity Map

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

Physical Characteristics

Site Description:

Seven vacant parcels totaling approximately 8.8 acres off US 421 (East Jackson Blvd.) on Professional Park within Erwin's corporate limits. According to Harnett County GIS there are both sewer and water lines accessible to all properties. The water is a 6-inch water line that goes down Professional Park and turns into a 2-inch water line about halfway down. The sewer that is accessible to the properties is a gravity-fed line that has no additional pumps to control the flow of sewer for the property. In addition, there are no wetlands, ponds, or open water sources on any of the proposed sites nor are there any flood zones or watersheds affected by the property. Due to the site being greater than 1 acre before any zoning permits could be issued the applicant will have to provide approved stormwater and soil/erosion permits from the North Carolina Department of Environmental Quality. All property is under the ownership of Rabbit Construction Inc. of which Gregorio Escarcega is the owner.

Surrounding Land Uses:

The surrounding land uses are B-2 to the North-West, North-East, and North of the proposed site consisting of commercial business. To the South, South-West, and South-East of the property, there is R-6 zoning consisting of single-family residences. Within Professional Park itself, there are two current businesses located at 25 and 133 Professional Park. These businesses are an urgent care and a primary care office.

Services Available

- Both Harnett County water and sewer are available to the property.
 - 6-inch water line that converts into a 2-inch line.
 - Gravity-fed sewer line.
 - Both of these services may need upgrades if the proposed conditional district is approved due to the amount of density.
 - Duke Energy for electric and gas.
 - Bright Speed for telephone/internet services.
 - Education
 - Erwin Elementary School
 - Coats-Erwin Middle School
 - Triton High School
-
-

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.

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

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

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

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.

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.)

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.

The proposed change is in accord with the Land Development Plan and sound planning principles.

Special Use Evaluation

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

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

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.

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

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

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.

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.

Attachments:

- ZT-2023-005 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
- Site Plan
- Landscaping Plan
- Lighting Plan
- Traffic Impact Study
- Erwin Land use Goal 1 LUH 4.1



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

Staff Only: Zoning Case # Z-2024 - 005
Fee: N Check # MO Cash
PB Recommendation: A D A/W Conditions
BOC Date: Decision: A D T A/W Conditions

Print Applicant Name: Gregorio Jurado Escarcega
Name of Legal Property Owner Rabbit Construction Inc.

Location of Property: 40 Professional Park Erwin NC, 100 Professional Park Erwin, NC, 140 Professional Park Erwin, NC, 137 Professional Park Erwin, NC, 119 Professional Park Erwin, NC, 87 Professional Park Erwin, NC, 51 Professional Park Erwin, NC

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

Zoning change requested from B-2 Highway Business to R-6 Residential with special

If Conditional District, note conditions: residential buildings, 120 units, condition use for multifamily dwelling, 5

Harnett County Tax Map PIN: 1507-33-1583, 1507-23-9378, 1507-23-7267, 1507-23-7068, 1507-33-0088, 1507-33-2136, 1507-33-3278

Property Owners of the Area Requested and Addresses: (If more space is required, please attach to this document separately) (See attached Exhibit A)

- 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 (See Attached Exhibit B)
- 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 (See attached Exhibit C)
- 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.

Gregorio Jurado
Signature of Applicant

919 559-1644
Contact Number

121 Britt Valley rd Raleigh NC 2763
Mailing Address of Applicant

*Facility containing a
Pool &
grilling
storage*

Exhibit "A"

Property Owners of the Area Requested and Addresses:

Areas Involved:

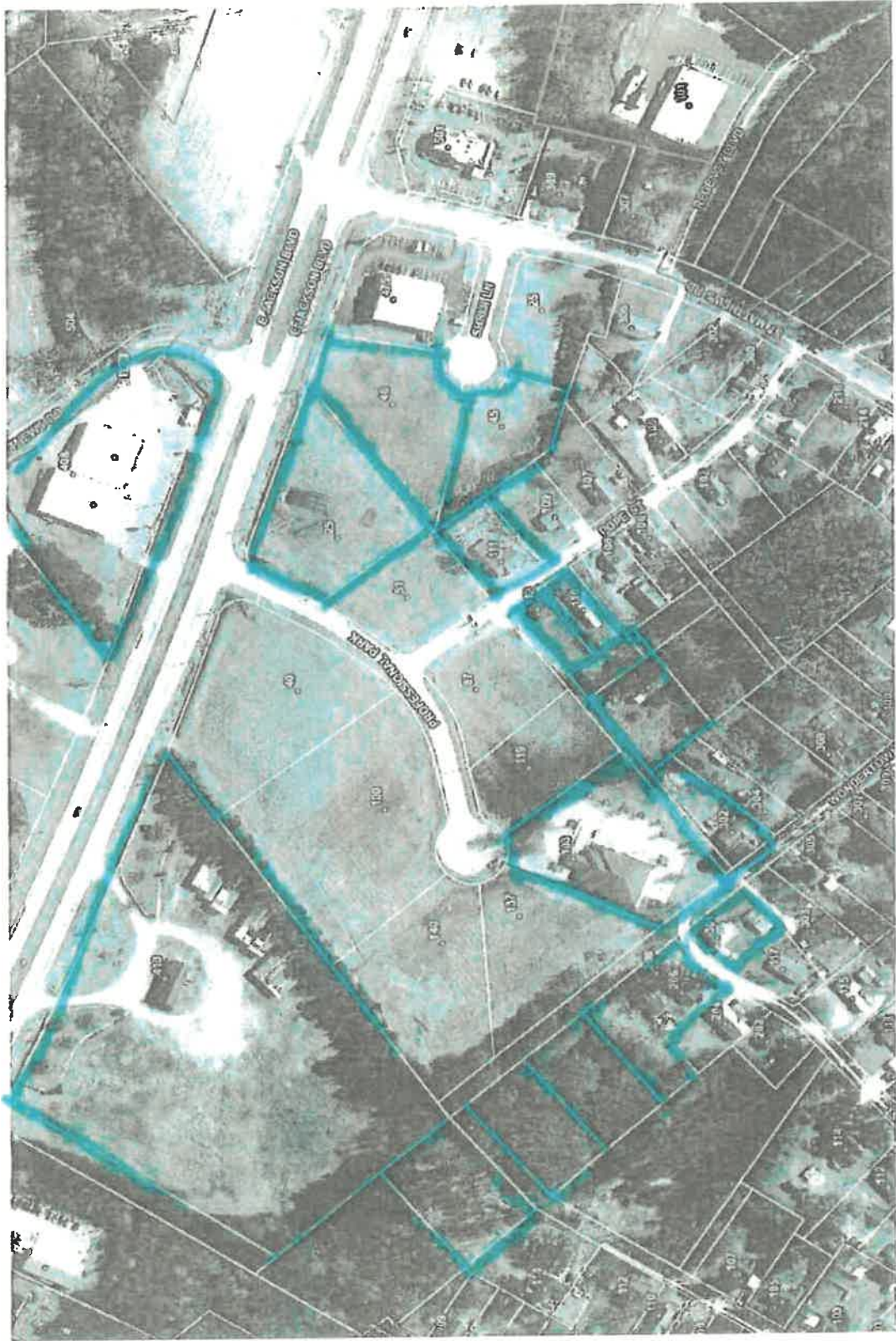
Address	Current Legal Description	Owner	Mailing Address
40 Professional Park Erwin, NC 28339	LT#9 RIVERSIDE PROF PARK MAP#2005-715	Rabbit Construction Inc.	121 Britt Valley Rd Raleigh, Nc 27603-8024
100 Professional Park Erwin, NC 28339	LT#8 RIVERSIDE PROF PARK MAP#2005-715	Rabbit Construction Inc.	121 Britt Valley Rd Raleigh, Nc 27603-8024
140 Professional Park Erwin, NC 28339	LT#7 RIVERSIDE PROF PARK MAP#2005-715	Rabbit Construction Inc.	121 Britt Valley Rd Raleigh, Nc 27603-8024
137 Professional Park Erwin, NC 28339	LT#6 RIVERSIDE PROF PARK MAP#2005-715	Rabbit Construction Inc.	121 Britt Valley Rd Raleigh, Nc 27603-8024
119 Professional Park Erwin, NC 28339	LT#4 RIVERSIDE PROF PARK MAP#2005-715	Rabbit Construction Inc.	121 Britt Valley Rd Raleigh, Nc 27603-8024
87 Professional Park Erwin, NC 28339	LT#3 RIVERSIDE PROF PARK MAP#2005-715	Rabbit Construction Inc.	121 Britt Valley Rd Raleigh, Nc 27603-8024
51 Professional Park Erwin, NC 28339	LT#2 RIVERSIDE PROF PARK MAP#2005-715	Rabbit Construction Inc.	121 Britt Valley Rd Raleigh, Nc 27603-8024

Adjacent Areas & Areas within 100 FT.

Address	Current Legal Description	Owner	Mailing Address
133 Professional Park Erwin, NC 28339	LT#5 RIVERSIDE PROF PARK MAP#2005-715	Erwin Mob Partners, LLC	3048 Cone Manor Ln Raleigh, NC 27613- 6604
25 Professional Park Erwin, NC 28339	LOT#1 GRAVITY COMPANIES LLC MAP#2024-70 Previously referred to as: LT#1 RIVERSIDE PROF PARK 1.341ACS MAP#2013-196	Kenneth Leon Stough and Patti Jean Stough Corzine, as CO-Trustees of the Leon and Shelby Stough Irrevocable Trust dated May 9, 2019	178 Wintercrest Drive Concord, NC 28025- 9244
413 E Jackson Blvd Erwin, NC 28339	7.2 ACRES R L TAYLOR & BRYANT	Michael Jefferson Wood	1431 Bailey Rd Coats, NC 27521-9677
408 E Jackson Blvd Erwin, NC 28339	1.93ACS HWY 421	Southeastern Properties of Buies Creek	PO Box 4200 Buies Creek, NC 27506
46 Shriji Ln Erwin, NC 28339	LT#2 NARAYANSWARUP INC MAP#2006-411	Gravity Erwin 1, LLC	P.O. Box 2107 Elizabethtown, NC 28337
45 Shriji Ln Erwin NC 28339	LT#3 NARAYANSWARUP INC MAP#2006-411	45 Shriji Ln Erwin Nc LLC	81 Suttons Lane Piscataway, NJ 08854
111 Pope St Erwin, NC 28339	LOT#8-9 WONDERTOWN 100X150	Pineda Hoguer Piedra	111 Pope St Erwin, NC 28339-2413
112 Pope St Erwin, NC 28339	LOT#10 WONDERTOWN 50X150	Brian Keith Page & Crystal Underwood Page	10165 Timothy Rd Dunn, NC 28334-9769

110 Pope St Erwin, NC 28339	1 LOT #11 50X150 WONDERTOWN HT	John Duncan Stewart	401 W A St Erwin, NC 28339-2509
Pope St NC	PT/LTS 12&15 20X150 & 50 X 116	John Duncan Stewart	401 W A St Erwin, NC 28339-2509
110 Pope St Erwin, NC 28339	LOTS 16 17 18 164.8X132.5	Rhonda Lee Stewart	110 POPE St Erwin, NC 28339-2414
302 Wondertown Dr Erwin, NC 28339	LT#22 JERNIGAN MB4/34 94X220 MB4P34	Kimber Group, LLC	PO BOX 181 Erwin, NC 28339-0181
301 Wondertown Dr Erwin, NC 28339	LOT#A SHIRLEY B & DEWEY JOHNSON MAP#2019-49	Jeremy R Grady	301 Wondertown Dr. Erwin, NC 28339
206 Morgan St Erwin, NC 28339	8 LOTS TAYLOR 75X125	Joyce N. Parnell	204 Morgan Street Erwin, NC 28339-0000
Wondertown Dr NC	5 LOTS R L TAYLOR 125X210 (.6AC)	Zoraida Del Carmen Martinez Meza & Humberto Medellin Paz	114 1st Street Erwin, NC 28339
Wondertown Dr NC	4 LOTS TAYLOR 110X210 (.58AC)	Zoraida Del Carmen Martinez Meza & Humberto Medellin Paz	114 1st Street Erwin, NC 28339
1st St Erwin, NC 28339	6 LOTS DAVID BYRD (0.72AC) 150X210 MB#6-110	Zoraida Del Carmen Martinez Meza	114 1st Street Erwin, NC 28339

Exhibit B



Blue lines outline any adjacent areas and areas within 100 ft of the affected areas



Green lines outline any areas involved in the requested project

Matthew S. Willis Register of Deeds
Harnett County, NC
Electronically Recorded
06/23/2022 04:40:53 PM
Book: 4156 Page: 956 - 957 (2)
Instrument Number: 2022103549

NC Rev Stamp: \$159.00
Fee: \$26.00

HARNETT COUNTY TAX ID#
061507 0107 09

06-23-2022 BY TC

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$159.00

Parcel Identifier No. 061507 0107 09 Verified by _____ County on the ____ day of _____, 20__

By: _____

Mail/Box to: GRANTEE

This instrument was prepared by: Currie Tee Howell, Adams, Howell, Sizemore & Adams, P.A.

Brief description for the Index: Lot 6, Riverside Professional Park

THIS DEED made this 11th day of June, 2022, by and between

GRANTOR

GRANTEE

Kurt G. Vernon, M.D., P.A.,
(a North Carolina professional corporation)
(aka Kurt G. Vernon, MDPA,
Inc., a North Carolina corporation)
3412 Birk Bluff Court
Raleigh, NC 27601

Rabbit Construction Inc.,
a North Carolina corporation

121 Britt Valley Road
Raleigh, NC 27603

Enter in appropriate block for each Grantor and Grantee: name, mailing 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, parcel of land or condominium unit situated in Duke Township, Harnett County, North Carolina and more particularly described as follows:

BEING ALL OF LOT 6, RIVERSIDE PROFESSIONAL PARK AS RECORDED IN MAP NUMBER 2005-715 AND RE-RECORDED IN MAP NUMBERS 2006-349 AND 2007-262, HARNETT COUNTY REGISTRY.

Submitted electronically by Adams, Howell, Sizemore & Adams, P.A. in compliance with North Carolina statutes governing recordable documents and the terms of the submitter agreement with the Harnett County Register of Deeds.

All or a portion of the property herein conveyed ___ includes or X does not include the primary residence of a Grantor.

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, other than the following exceptions:

This conveyance is expressly made subject to the lien created by all the Grantors' real 2022 Harnett County ad valorem taxes on said tract of land which the Grantee(s) agree to assume and pay in full when due.

Subject to all easements, rights-of-way, covenants and other restrictions as shown on the public record or as would be disclosed by an accurate survey and inspection of the land.

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above-written.

GRANTOR(S):

Kurt G. Vernon, M.D., P.A., (a North Carolina professional corporation) (aka Kurt G. Vernon, M.D.P.A., Inc., a North Carolina corporation)

By: [Signature] (SEAL)
Kurt G. Vernon, President

State of North Carolina - County or City of Harnett
I, the undersigned Notary Public of the County or City of HARNETT and State aforesaid, certify that Kurt G. Vernon personally came before me this day and acknowledged that he is the President of Kurt G. Vernon, M.D., P.A. (a North Carolina professional corporation) (aka Kurt G. Vernon, M.D.P.A., Inc., a North Carolina corporation), and that by authority duly given and as the act of such entity, he signed the foregoing instrument in its name on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this 14 day of June



Annie D. Ragland
Annie D. Ragland
Notary's Printed or Typed Name
My Commission Expires: May 16 2025

(Affix Seal)

Matthew S. Willis Register of Deeds
Harnett County, NC
Electronically Recorded

06/23/2022 04:40:52 PM

NC Rev Stamp: \$509.00

HARNETT COUNTY TAX ID#
061507 0107 06 & others

Book: 4156 Page: 953 - 955 (3)

Fee: \$26.00

Instrument Number: 2022103548

06-23-2022 BY TC

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$509.00

Parcel Identifier No. 061507 0107 06; 061507 0107 07 & 061507 0107 12 Verified by _____ County on the

____ day of _____, 20____

By: _____

Mail/Box to: GRANTEE

This instrument was prepared by: Currie Tee Howell, Adams, Howell, Sizemore & Adams, P.A.

Brief description for the Index: Lots 3, 4 & 9, Riverside Professional Park

THIS DEED made this 11th day of June, 2022, by and between

GRANTOR

GRANTEE

BPRV, LLC, a North Carolina
limited liability company

Rabbit Construction, Inc.,
a North Carolina corporation

904-D W. Broad Street
Dunn, NC 28334

121 Britt Valley Road
Raleigh, NC 27603

Enter in appropriate block for each Grantor and Grantee: name, mailing 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, parcel of land or condominium unit situated in Duke Township, Harnett County, North Carolina and more
particularly described as follows:

See attached Exhibit A

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

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, other than the following exceptions:

This conveyance is expressly made subject to the lien created by all the Grantors' real 2022 Harnett County ad valorem taxes on said tract of land which the Grantee(s) agree to assume and pay in full when due.

Subject to all easements, rights-of-way, covenants and other restrictions as shown on the public record of as would be disclosed by an accurate survey and inspection of the land.

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

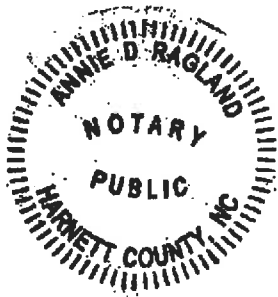
GRANTOR(S):

BERV, LLC, a North Carolina limited liability company

By: [Signature] (SEAL)
Kurt G. Vernon, Manager

State of North Carolina County or City of Harnett and State aforesaid, certify that I, the undersigned Notary Public of the County or City of Harnett and State aforesaid, certify that Kurt G. Vernon personally came before me this day and acknowledged that he is the Manager of BERV, LLC, a North Carolina limited liability company, and that by authority duly given and as the act of such entity, he signed the foregoing instrument in its name on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this 10 day of June, 2022.

Annie D. Ragland
Annie D. Ragland
Notary's Printed or Typed Name
My Commission Expires: May 10 2025



(Affix Seal)

EXHIBIT "A"

TRACT 1

BEING ALL OF LOT 3, RIVERSIDE PROFESSIONAL PARK AS RECORDED IN MAP NUMBER 2005-715 AND RE-RECORDED IN MAP NUMBERS 2006-349 AND 2007-262, HARNETT COUNTY REGISTRY.

PROPERTY ADDRESS: 87 PROFESSIONAL PARK ERWIN NC 28339 PARCEL #061507 0107 06

TRACT 2

BEING ALL OF LOT 4, RIVERSIDE PROFESSIONAL PARK AS RECORDED IN MAP NUMBER 2005-715 AND RE-RECORDED IN MAP NUMBERS 2006-349 AND 2007-262, HARNETT COUNTY REGISTRY.

PROPERTY ADDRESS: 119 PROFESSIONAL PARK ERWIN NC 28339 PARCEL #061507 0107 07

TRACT 3

BEING ALL OF LOT 9, RIVERSIDE PROFESSIONAL PARK AS RECORDED IN MAP NUMBER 2005-715 AND RE-RECORDED IN MAP NUMBERS 2006-349 AND 2007-262, HARNETT COUNTY REGISTRY.

PROPERTY ADDRESS: 40 PROFESSIONAL PARK ERWIN NC 28339 PARCEL #061507 0107 12

Matthew S. Willis Register of Deeds
Harnett County, NC
Electronically Recorded
06/23/2022 04:40:55 PM
Book: 4156 Page: 960 - 961 (2)
Instrument Number: 2022103551

NC Rev Stamp: \$191.00
Fee: \$26.00

HARNETT COUNTY TAX ID#
061507 0107 10

06-23-2022 BY TC

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$191.00

Parcel Identifier No. 061507 0107 10 Verified by _____ County on the _____ day of _____, 20____
By: _____

Mail/Box to: GRANTEE

This instrument was prepared by: Currie Tee Howell, Adams, Howell, Sizemore & Adams, P.A.

Brief description for the Index: Lot 7, Riverside Professional Park

THIS DEED made this 17th day of June, 2022, by and between

GRANTOR

GRANTEE

Gizmo Realty, LLC, a North
Carolina limited liability company

Rabbit Construction, Inc.,
a North Carolina corporation

100 S. 10th Street
Lillington, NC 27546

121 Britt Valley Road
Raleigh, NC 27603

Enter in appropriate block for each Grantor and Grantee: name, mailing 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, parcel of land or condominium unit situated in Duke Township, Harnett County, North Carolina and more
particularly described as follows:

BEING ALL OF LOT 7, RIVERSIDE PROFESSIONAL PARK AS RECORDED IN MAP NUMBER 2005-
715 AND RE-RECORDED IN MAP NUMBERS 2006-349 AND 2007-262, HARNETT COUNTY
REGISTRY.

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

NC Bar Association Form No. 3 © Revised 7/2013
Printed by Agreement with the NC Bar Association
North Carolina Bar Association - NC Bar Form No. 3
North Carolina Association of Realtors, Inc. - Standard Form 3

Submitted electronically by Adams, Howell,
Sizemore & Adams, P.A. in compliance with North
Carolina statutes governing recordable documents
and the terms of the submitter agreement with the
Harnett County Register of Deeds.

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, other than the following exceptions:

This conveyance is expressly made subject to the lien created by all the Grantors' real 2022 Harnett County ad valorem taxes on said tract of land which the Grantee(s) agree to assume and pay in full when due.

Subject to all easements, rights-of-way, covenants and other restrictions as shown on the public record or as would be disclosed by an accurate survey and inspection of the land.

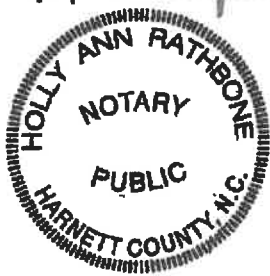
IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

GRANTOR(S):

Gizmo Realty, LLC, a North limited liability company

By: [Signature] (SEAL)
Rodolfo C. Reyes, Member/Manager

State of NC - County or City of Harnett
I, the undersigned Notary Public of the County or City of Harnett and State aforesaid, certify that Rodolfo C. Reyes personally came before me this day and acknowledged that he is the Member/Manager of Gizmo Realty, LLC, a North Carolina limited liability company, and that by authority duly given and as the act of such entity, he signed the foregoing instrument in its name on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this 17 day of June, 2022.



[Signature]
Holly Ann Rathbone
Notary's Printed or Typed Name
My Commission Expires: 8/27/23

(Affix Seal)

Matthew S. Willis Register of Deeds
Harnett County, NC

Electronically Recorded

02/27/2023 11:54:30 AM

NC Rev Stamp: \$300.00

Book: 4183 Page: 1839 - 1840 (2) Fee: \$26.00

Instrument Number: 2023002859

HARNETT COUNTY TAX ID#
061507 0107 05

02-27-2023 BY TC

NORTH CAROLINA SPECIAL WARRANTY DEED

Excise Tax: \$300.00

Parcel Identifier No. 061507 0107 05 Verified by _____ County on the _____ day of _____, 20____

By: _____

Mail/Box to: GRANTEE

This instrument was prepared by: Currie Tee Howell, Adams, Howell, Sizemore & Adams, P.A.

Brief description for the Index: Lot 2, containing 37,919 square feet; Map # 2006-349

THIS DEED made this 27 day of February, 2023, by and between

GRANTOR

GRANTEE

Nicksam, LLC, a North Carolina
limited liability company

Rabbit Construction, Inc., a North Carolina
corporation

4004 Dembridge Drive
Raleigh, NC 27606

121 Britt Valley Road
Raleigh, NC 27603

Enter in appropriate block for each Grantor and Grantee: name, mailing 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 Duke Township, Harnett County, North Carolina and more particularly
described as follows:

BEING all of Lot 2, containing 37,909 square feet, as per plat and survey thereof entitled "Survey of Riverside
Professional Park" and recorded in Map # 2006-349, Harnett County Registry, and re-recorded in Map #
2007-262, Harnett County Registry.

The property hereinabove described was acquired by Grantor by instrument recorded in Book 2387, Page 832.

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

NC Bar Association Form No. 3 © Revised 7/2013
Printed by Agreement with the NC Bar Association
North Carolina Bar Association – NC Bar Form No. 3
North Carolina Association of Realtors, Inc. – Standard Form 3

Submitted electronically by Adams, Howell,
Sizemore & Adams, P.A. in compliance with North
Carolina statutes governing recordable documents
and the terms of the submitter agreement with the
Harnett County Register of Deeds.

A map showing the above described property is recorded in Map # 2006-349

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 has done nothing to impair such title as Grantor received, and Grantor will warrant and defend the title against the lawful claims of all persons claiming by, under or through Grantor, other than the following exceptions:

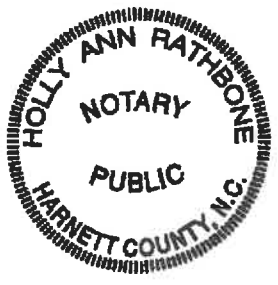
IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

GRANTOR(S):
Nicksam, LLC, a North Carolina
limited liability company

By: [Signature] (SEAL)
Suresh K. Alahari, Manager

State of nc - County or City of Harnett
I, the undersigned Notary Public of the County or City of Harnett and State aforesaid, certify that Suresh K. Alahari personally came before me this day and acknowledged that he is the Manager of Nicksam, LLC, a North Carolina limited liability company, and that by authority duly given and as the act of such entity, he signed the foregoing instrument in its name on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this 27 day of February, 2023.

Holly Ann Rathbone
Holly Ann Rathbone
Notary's Printed or Typed Name
My Commission Expires: 8/27/23



(Affix Seal)

Matthew S. Willis Register of Deeds
Harnett County, NC
Electronically Recorded
06/23/2022 04:40:54 PM
Book: 4156 Page: 958 - 959 (2)
Instrument Number: 2022103550

NC Rev Stamp: \$212.00
Fee: \$26.00

HARNETT COUNTY TAX ID#
061507 0107 11

06-23-2022 BY TC

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$212.00

Parcel Identifier No. 061507 0107 11 Verified by _____ County on the ____ day of _____, 20____
By: _____

Mail/Box to: GRANTEE

This instrument was prepared by: Currie Tee Howell, Adams, Howell, Sizemore & Adams, P.A.

Brief description for the Index: Lot 8, Riverside Professional Park

THIS DEED made this 15th day of June, 2022, by and between

GRANTOR

GRANTEE

KOMVISH, LLC, a North
Carolina limited liability company

Rabbit Construction, Inc., a
North Carolina corporation

4020 Chaumont Drive
Apex, NC 27539

121 Britt Valley Road
Raleigh, NC 27603

Enter in appropriate block for each Grantor and Grantee: name, mailing 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, parcel of land or condominium unit situated in Duke Township, Harnett County, North Carolina and more particularly described as follows:

BEING ALL OF LOT 8, RIVERSIDE PROFESSIONAL PARK AS RECORDED IN MAP NUMBER 2005-715 AND RE-RECORDED IN MAP NUMBERS 2006-349 AND 2007-262, HARNETT COUNTY REGISTRY.

All or a portion of the property herein conveyed ___ includes or X does not include the primary residence of a Grantor.

NC Bar Association Form No. 3 © Revised 7/2013
Printed by Agreement with the NC Bar Association
North Carolina Bar Association – NC Bar Form No. 3
North Carolina Association of Realtors, Inc. – Standard Form 3

Submitted electronically by Adams, Howell, Sizemore & Adams, P.A. in compliance with North Carolina statutes governing recordable documents and the terms of the submitter agreement with the Harnett County Register of Deeds.

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, other than the following exceptions:

This conveyance is expressly made subject to the lien created by all the Grantors' real 2022 Harnett County ad valorem taxes on said tract of land which the Grantee(s) agree to assume and pay in full when due.

Subject to all easements, rights-of-way, covenants and other restrictions as shown on the public record or as would be disclosed by an accurate survey and inspection of the land.

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

GRANTOR(S):

KOMVISH, LLC, a North Carolina limited liability company

By: Rekha J. Parikh (SEAL)
Rekha J. Parikh, Manager

State of NC - County or City of Wake
I, the undersigned Notary Public of the County or City of Wake and State aforesaid, certify that Rekha J. Parikh personally came before me this day and acknowledged that he is the Manager of KOMVISH, LLC, a North Carolina limited liability company, and that by authority duly given and as the act of such entity, he signed the foregoing instrument in its name on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this 15 day of June, 2022.

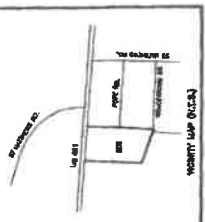
VANESSA BRIONES
Notary Public
Wake Co., North Carolina
My Commission Expires July 30, 2023
(Affix Seal)

VB
Vanessa Briones
Notary's Printed or Typed Name
My Commission Expires: July 30, 2023

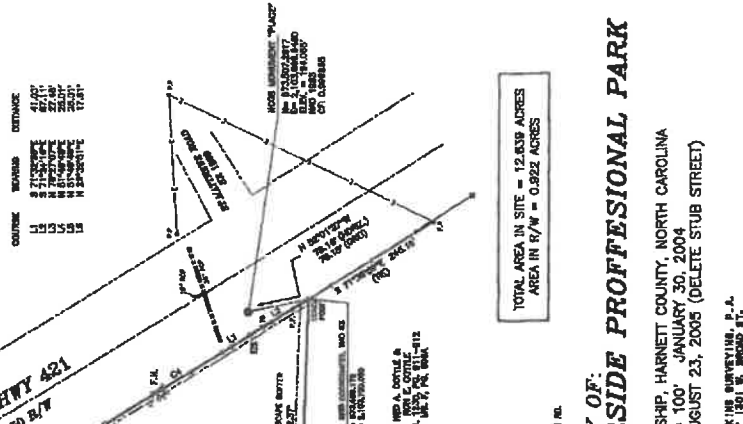
SURVEY MADE IN HARNETT COUNTY
COUNTY OF NORTH CAROLINA
FILED DATE: 9-6-05
BY: *[Signature]*
REGISTRAR OF RECORDS
COUNTY OF HARNETT, N.C.

DATE: 9-6-2005
BY: *Christi A. Hester*
REGISTERED SURVEYOR
COUNTY OF HARNETT, N.C.

IDENTIFICATION OF OWNERSHIP, DESIGNATION AND JURISDICTION
(THE HARNETT COUNTY REGISTER OF RECORDS HAS REVIEWED THIS SURVEY AND HAS DETERMINED THAT THE SURVEY IS IN ACCORDANCE WITH THE ACTS OF THE GENERAL ASSEMBLY OF NORTH CAROLINA, PASSED IN 1842, 1870, 1888, 1904, 1913, 1931, 1935, 1943, 1949, 1955, 1961, 1967, 1973, 1977, 1983, 1989, 1995, 2001, AND 2005, AND ALL OF THE LAWS AND STATUTES OF THIS STATE RELATIVE TO THE SURVEYING OF LANDS, AND THAT THE SURVEY IS IN ACCORDANCE WITH THE ACTS OF THE GENERAL ASSEMBLY OF NORTH CAROLINA, PASSED IN 1842, 1870, 1888, 1904, 1913, 1931, 1935, 1943, 1949, 1955, 1961, 1967, 1973, 1977, 1983, 1989, 1995, 2001, AND 2005, AND ALL OF THE LAWS AND STATUTES OF THIS STATE RELATIVE TO THE SURVEYING OF LANDS.)
DATE: 9-6-05
BY: *[Signature]*
REGISTERED SURVEYOR
COUNTY OF HARNETT, N.C.



COURSE	BEARS	LENGTH	CHORD	BEARING	CHORD
C1	N 114° 59' 30\"	345.00	345.00	S 85° 00' 00\"	345.00
C2	N 89° 59' 30\"	345.00	345.00	S 00° 00' 00\"	345.00
C3	N 64° 59' 30\"	345.00	345.00	S 35° 00' 00\"	345.00
C4	N 39° 59' 30\"	345.00	345.00	S 70° 00' 00\"	345.00
C5	N 14° 59' 30\"	345.00	345.00	S 105° 00' 00\"	345.00
C6	N 11° 45' 00\"	345.00	345.00	S 115° 00' 00\"	345.00
C7	N 08° 30' 00\"	345.00	345.00	S 125° 00' 00\"	345.00
C8	N 05° 15' 00\"	345.00	345.00	S 135° 00' 00\"	345.00
C9	N 02° 00' 00\"	345.00	345.00	S 145° 00' 00\"	345.00
C10	N 00° 00' 00\"	345.00	345.00	S 150° 00' 00\"	345.00
C11	N 01° 15' 00\"	345.00	345.00	S 145° 00' 00\"	345.00
C12	N 02° 30' 00\"	345.00	345.00	S 135° 00' 00\"	345.00
C13	N 03° 45' 00\"	345.00	345.00	S 125° 00' 00\"	345.00
C14	N 05° 00' 00\"	345.00	345.00	S 115° 00' 00\"	345.00
C15	N 06° 15' 00\"	345.00	345.00	S 105° 00' 00\"	345.00
C16	N 07° 30' 00\"	345.00	345.00	S 95° 00' 00\"	345.00
C17	N 08° 45' 00\"	345.00	345.00	S 85° 00' 00\"	345.00
C18	N 09° 59' 30\"	345.00	345.00	S 75° 00' 00\"	345.00
C19	N 11° 45' 00\"	345.00	345.00	S 65° 00' 00\"	345.00
C20	N 14° 59' 30\"	345.00	345.00	S 55° 00' 00\"	345.00
C21	N 19° 59' 30\"	345.00	345.00	S 45° 00' 00\"	345.00
C22	N 24° 59' 30\"	345.00	345.00	S 35° 00' 00\"	345.00
C23	N 29° 59' 30\"	345.00	345.00	S 25° 00' 00\"	345.00
C24	N 34° 59' 30\"	345.00	345.00	S 15° 00' 00\"	345.00
C25	N 39° 59' 30\"	345.00	345.00	S 05° 00' 00\"	345.00
C26	N 44° 59' 30\"	345.00	345.00	S 00° 00' 00\"	345.00
C27	N 49° 59' 30\"	345.00	345.00	S 05° 00' 00\"	345.00
C28	N 54° 59' 30\"	345.00	345.00	S 15° 00' 00\"	345.00
C29	N 59° 59' 30\"	345.00	345.00	S 25° 00' 00\"	345.00
C30	N 64° 59' 30\"	345.00	345.00	S 35° 00' 00\"	345.00
C31	N 69° 59' 30\"	345.00	345.00	S 45° 00' 00\"	345.00
C32	N 74° 59' 30\"	345.00	345.00	S 55° 00' 00\"	345.00
C33	N 79° 59' 30\"	345.00	345.00	S 65° 00' 00\"	345.00
C34	N 84° 59' 30\"	345.00	345.00	S 75° 00' 00\"	345.00
C35	N 89° 59' 30\"	345.00	345.00	S 85° 00' 00\"	345.00
C36	N 94° 59' 30\"	345.00	345.00	S 95° 00' 00\"	345.00
C37	N 99° 59' 30\"	345.00	345.00	S 105° 00' 00\"	345.00
C38	N 104° 59' 30\"	345.00	345.00	S 115° 00' 00\"	345.00
C39	N 109° 59' 30\"	345.00	345.00	S 125° 00' 00\"	345.00
C40	N 114° 59' 30\"	345.00	345.00	S 135° 00' 00\"	345.00



US HWY 421
180 R/W

Parcel 1: AREA = 64,208 SQ. FT.

Parcel 2: AREA = 34,208 SQ. FT.

Parcel 3: AREA = 34,208 SQ. FT.

Parcel 4: AREA = 34,208 SQ. FT.

Parcel 5: AREA = 34,208 SQ. FT.

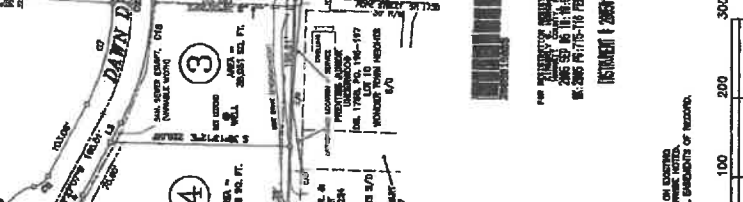
Parcel 6: AREA = 34,208 SQ. FT.

Parcel 7: AREA = 34,208 SQ. FT.

Parcel 8: AREA = 34,208 SQ. FT.

Parcel 9: AREA = 34,208 SQ. FT.

Parcel 10: AREA = 34,208 SQ. FT.



NOTES:
1) ALL EASEMENTS SHOWN ON THIS SURVEY ARE SUBJECT TO ALL EASEMENTS OF RECORD.
2) THIS SURVEY DOES NOT CERTIFY TO THE ACCURACY OF ANY PREVIOUS SURVEY.
3) PROPERTY SUBJECT TO ALL EASEMENTS OF RECORD.

THE SURVEYOR RELIES UPON THE CITY OR COUNTY FOR ALL INFORMATION AS TO THE LOCATION AND INTERPRETATION OF THE EASEMENTS.
THIS SURVEYOR HAS MADE NO INTERPRETATION OF THE EASEMENTS.

ALL INFORMATION IN THIS SURVEY IS SUBJECT TO ALL EASEMENTS OF RECORD.
THIS SURVEY DOES NOT CERTIFY TO THE ACCURACY OF ANY PREVIOUS SURVEY.
PROPERTY SUBJECT TO ALL EASEMENTS OF RECORD.

REFERENCES:
1. THE ACTS OF THE GENERAL ASSEMBLY OF NORTH CAROLINA, PASSED IN 1842, 1870, 1888, 1904, 1913, 1931, 1935, 1943, 1949, 1955, 1961, 1967, 1973, 1977, 1983, 1989, 1995, 2001, AND 2005, AND ALL OF THE LAWS AND STATUTES OF THIS STATE RELATIVE TO THE SURVEYING OF LANDS.
2. THE ACTS OF THE GENERAL ASSEMBLY OF NORTH CAROLINA, PASSED IN 1842, 1870, 1888, 1904, 1913, 1931, 1935, 1943, 1949, 1955, 1961, 1967, 1973, 1977, 1983, 1989, 1995, 2001, AND 2005, AND ALL OF THE LAWS AND STATUTES OF THIS STATE RELATIVE TO THE SURVEYING OF LANDS.

**SURVEY OF:
RIVERSIDE PROFESSIONAL PARK**

TOTAL AREA IN SITE = 12,839 ACRES
AREA IN R/W = 0.922 ACRES

DUKE TOWNSHIP, HARNETT COUNTY, NORTH CAROLINA
SCALE: 1" = 100' JANUARY 30, 2004
REVISED: AUGUST 23, 2005 (DELETE STUB STREET)

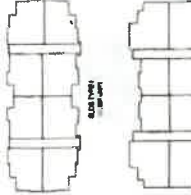
MADE BY: *[Signature]*
REGISTERED SURVEYOR
COUNTY OF HARNETT, N.C.

MAP # 2005-715



PROFESSIONAL PARK APARTMENTS

BLDG	FLOOR	AREA	TYPE	UNIT	NO.	TOTAL	PERCENT	NO.	TOTAL
1	1	15,000	1	1	100	100	100	100	100
2	1	15,000	2	1	100	100	100	100	100
3	1	15,000	2	1	100	100	100	100	100
4	1	15,000	1	1	100	100	100	100	100
TOTAL		60,000			400	400	100	400	400
TOTAL		60,000			400	400	100	400	400
TOTAL		60,000			400	400	100	400	400
TOTAL		60,000			400	400	100	400	400



Date: June 26, 2024
 Scale: 1" = 30'
 0' 10' 20' 30'

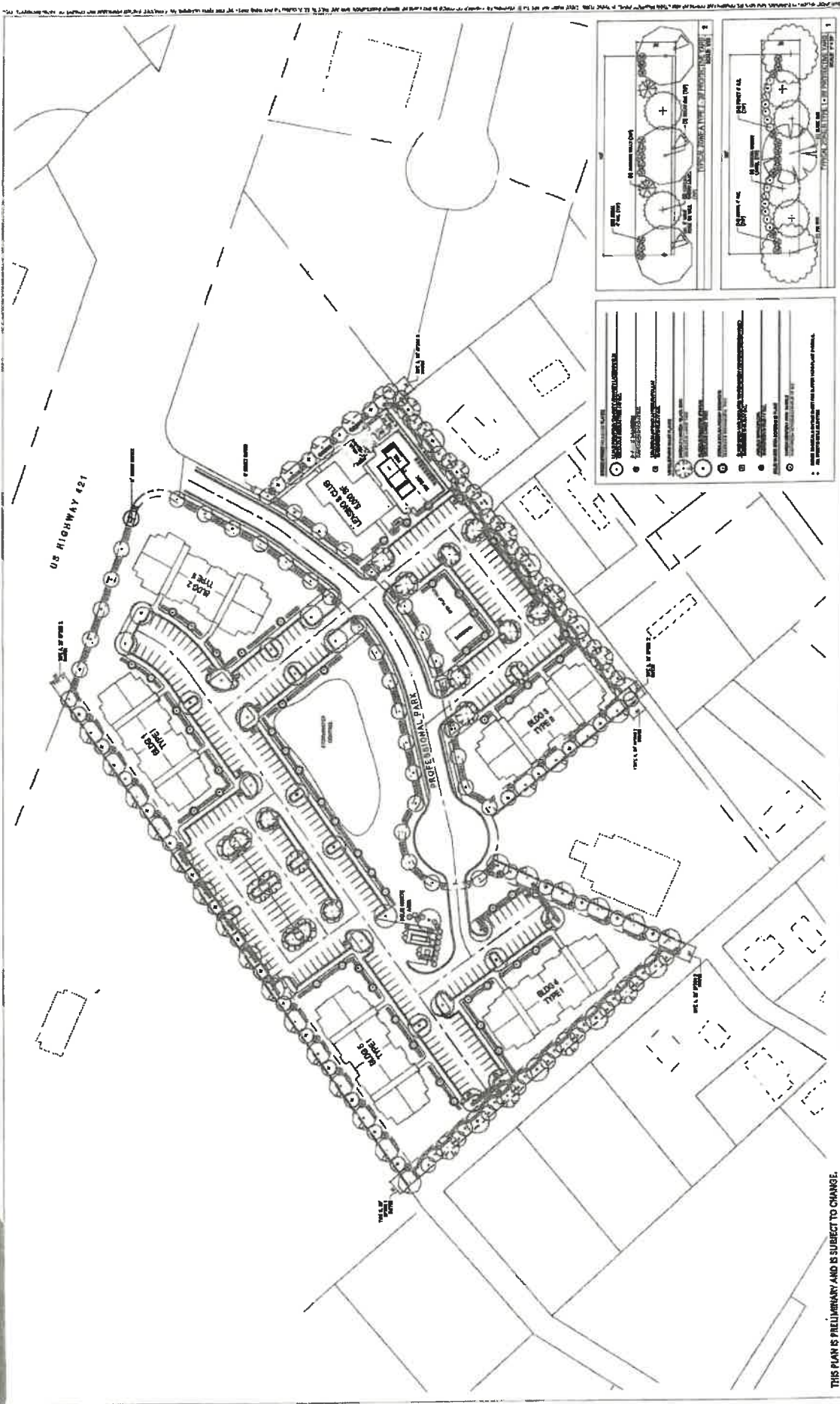
PROFESSIONAL PARK APARTMENTS
 Erwin, North Carolina

THIS PLAN IS PRELIMINARY AND IS SUBJECT TO CHANGE.



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EXHIBIT
D2



Date: July 22, 2024
Scale: 1" = 40'

PROFESSIONAL PARK APARTMENTS - LANDSCAPE PLAN

Erwin, North Carolina

THIS PLAN IS PRELIMINARY AND IS SUBJECT TO CHANGE.

JDAVIS

10000 W. Highway 421, Suite 100, Erwin, NC 28726
Phone: 828.288.1234
www.jdavislandscape.com



DRMP, Inc.
 8210 University Executive Park Drive
 Suite 220, Charlotte, NC 28262

July 12, 2024

Dylan Eure
Town Planner
Town of Erwin
E: deure@erwin-nc.org

Reference: Erwin Apartments – Erwin, NC
Subject: Trip Generation Letter

Dear Mr. Eure:

This letter provides a trip generation summary for the proposed Erwin Apartments development in Erwin, North Carolina. This development is proposed to be located along Professional Park and south of E. Jackson Boulevard. Refer to the attached site location map. The existing site is currently vacant. The proposed site is expected to consist of five (5) separate apartment buildings, containing a total of 120 dwelling units (DU). Site access is provided via the existing right-in/right-out intersection of E. Jackson Boulevard and Professional Park. A preliminary site plan is attached.

Study Area Roadway Summary:

Existing speed limits, typical cross sections, and annual average daily traffic (AADT) volumes for roadways adjacent to the site are summarized in Table 1.

Table 1: Existing Roadway Inventory

Road Name	Route Number	Typical Cross Section	Speed Limit	2021 AADT (vpd)
E. Jackson Boulevard	NC 55	4-lane divided	35/45 mph	15,500

Trip Generation:

Average weekday daily, AM peak hour, and PM peak hour trips for the proposed developments were estimated using methodology contained within the ITE Trip Generation Manual, 11th Edition. Refer to Table 2 for the proposed site trip generation for the proposed development.

Table 2: Trip Generation Summary

Land Use (ITE Code)	Intensity	Daily Traffic (vpd)	Weekday AM Peak Hour Trips (vph)		Weekday PM Peak Hour Trips (vph)	
			Enter	Exit	Enter	Exit
Multifamily Housing (Low-Rise) (220)	120 DU	845	14	46	45	27

It is estimated that the proposed development will generate approximately 845 total site trips on the roadway network during a typical 24-hour weekday period. Of the daily traffic volume, it is anticipated 60 trips (14 entering, 46 exiting) will occur during the weekday AM peak hour and 72 trips (45 entering, 27 exiting) during the weekday PM peak hour.

The anticipated trips for the proposed development are expected to be less than the typical threshold NCDOT supports for requiring a Traffic Impact Analysis (TIA) (3,000 trips per day). The Town of Erwin Code of Ordinances does not list a specific threshold of trips for requiring a TIA. This proposed development is anticipated to be under the daily trip thresholds to require a TIA by NCDOT standards.

Findings and Summary:

Based on trip generation results, it is expected that the proposed Erwin Apartments will have minimal impact on the surrounding roadway network. The peak hour trip generation potential for this proposed development is expected to be under the typical threshold for NCDOT to require a TIA. If you should have any questions, please feel free to contact me at (704) 220-6859.

Sincerely,

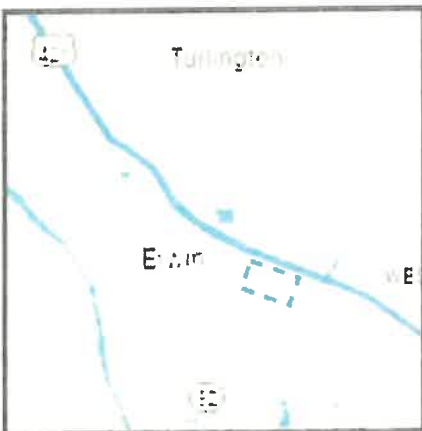


7/12/2024


Dyron Capers, PE
Traffic Analysis Project Manager
DRMP, Inc.
License #F-1524

Attachments

- Site Location Map
- Site Plan



LEGEND

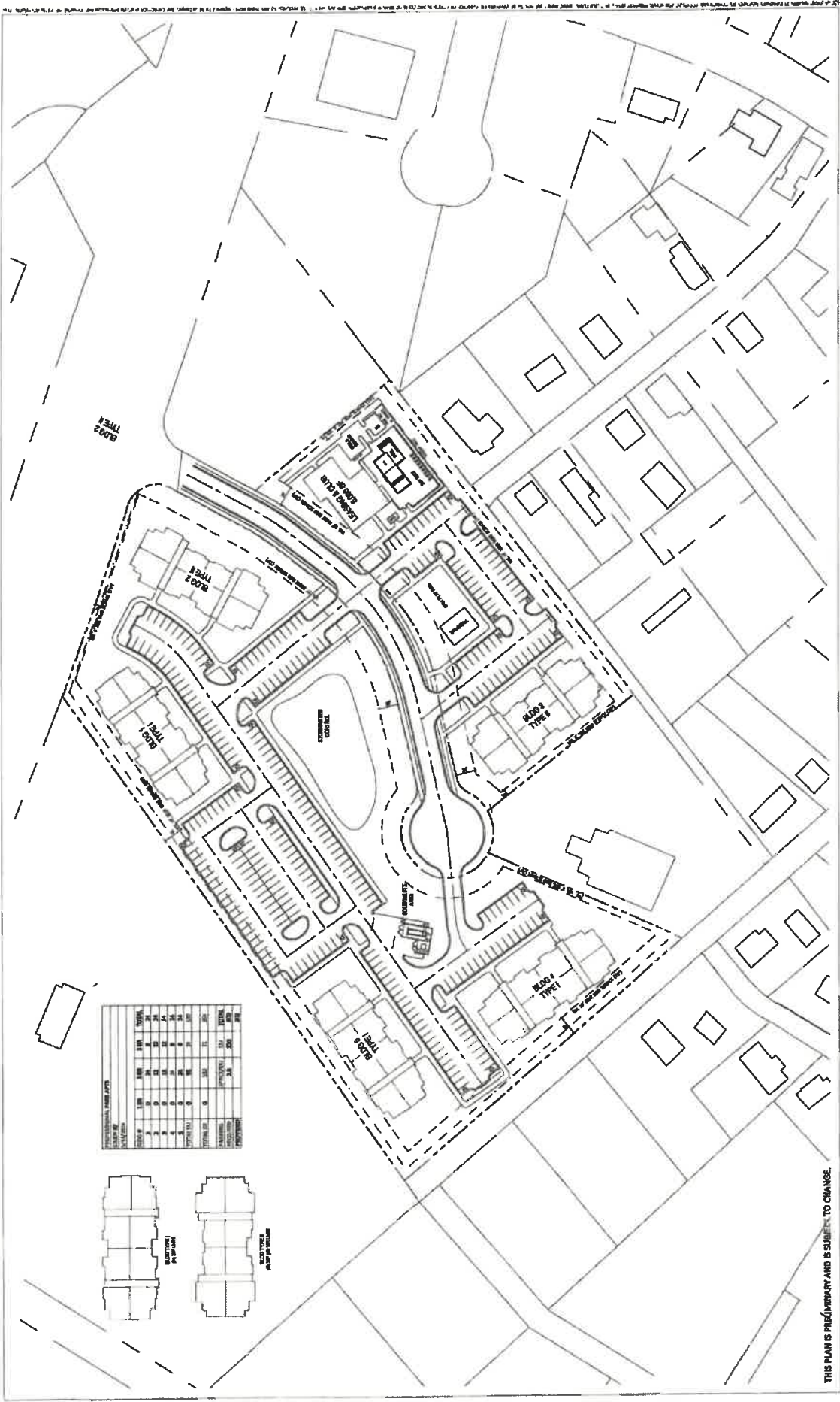
 Study Area



Erwin Apartments
Erwin, NC

Site Location Map

Scale: Not to Scale Figure 1

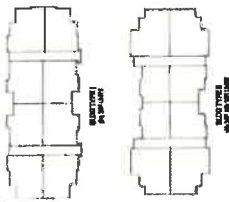


Date: May 31, 2024
 SCALE: 1" = 40'

PROFESSIONAL PARK APARTMENTS - OPTION 7
 Erwin, North Carolina

PROFESSIONAL PARK APARTS

BLDG #	FLOOR	AREA	TYPE	UNIT	TYPE	AREA	TYPE	UNIT	TYPE	AREA	TYPE	UNIT	TYPE	AREA	TYPE	UNIT	TYPE
1	1	10,000	1	100	1	10,000	1	100	1	10,000	1	100	1	10,000	1	100	1
	2	10,000	1	100	1	10,000	1	100	1	10,000	1	100	1	10,000	1	100	1
	3	10,000	1	100	1	10,000	1	100	1	10,000	1	100	1	10,000	1	100	1
	4	10,000	1	100	1	10,000	1	100	1	10,000	1	100	1	10,000	1	100	1
2	1	10,000	1	100	1	10,000	1	100	1	10,000	1	100	1	10,000	1	100	1
	2	10,000	1	100	1	10,000	1	100	1	10,000	1	100	1	10,000	1	100	1
	3	10,000	1	100	1	10,000	1	100	1	10,000	1	100	1	10,000	1	100	1
	4	10,000	1	100	1	10,000	1	100	1	10,000	1	100	1	10,000	1	100	1
3	1	10,000	1	100	1	10,000	1	100	1	10,000	1	100	1	10,000	1	100	1
	2	10,000	1	100	1	10,000	1	100	1	10,000	1	100	1	10,000	1	100	1
	3	10,000	1	100	1	10,000	1	100	1	10,000	1	100	1	10,000	1	100	1
	4	10,000	1	100	1	10,000	1	100	1	10,000	1	100	1	10,000	1	100	1
4	1	10,000	1	100	1	10,000	1	100	1	10,000	1	100	1	10,000	1	100	1
	2	10,000	1	100	1	10,000	1	100	1	10,000	1	100	1	10,000	1	100	1
	3	10,000	1	100	1	10,000	1	100	1	10,000	1	100	1	10,000	1	100	1
	4	10,000	1	100	1	10,000	1	100	1	10,000	1	100	1	10,000	1	100	1



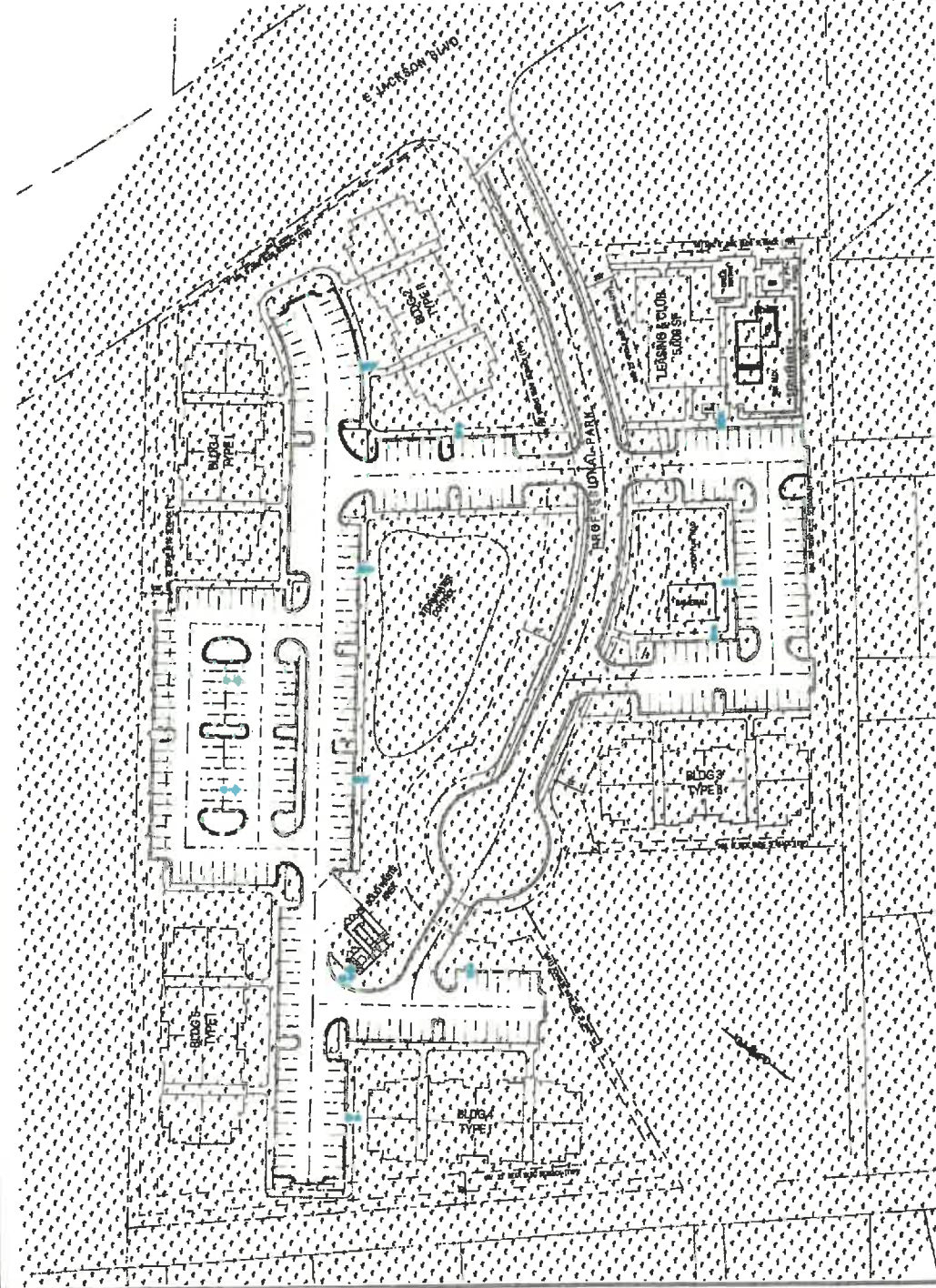
THIS PLAN IS PRELIMINARY AND IS SUBJECT TO CHANGE.



10/10/2024 10:10:10 AM C:\Users\jrdavis\OneDrive\Documents\Professional Park Apartments\Option 7\Professional Park Apartments - Option 7.dwg

EXHIBIT
D4-1





Statistics						
Description	Symbol	Avg. Min.	Max. Min.	Max. Min.	Avg. Min.	
BLDG TYPE 1		1.1	3.7	0.1	12.3	1.7
BLDG TYPE 2		1.1	3.7	0.1	12.3	1.7
BLDG TYPE 3		1.1	3.7	0.1	12.3	1.7

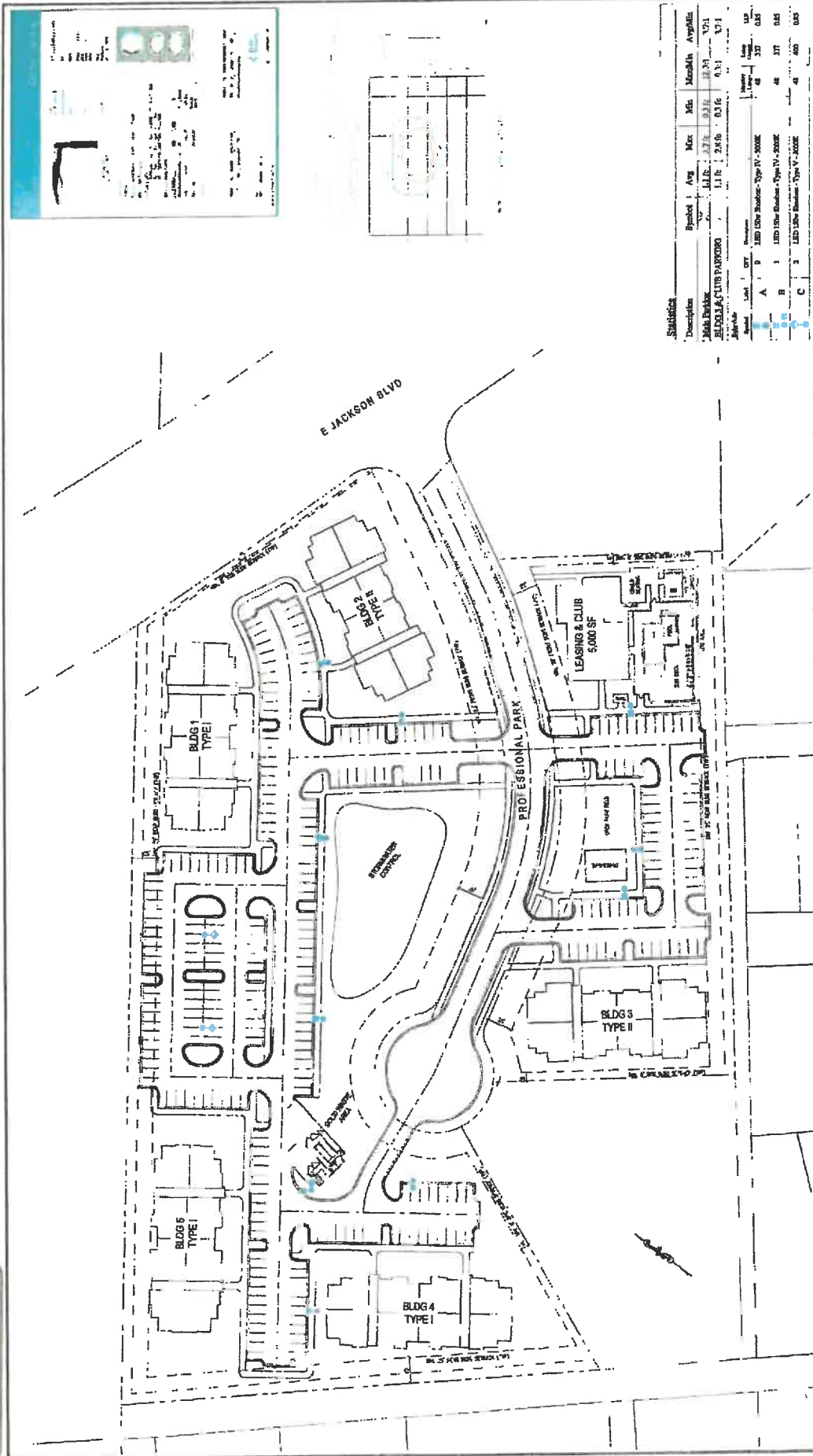
Symbol	Qty	Description	Area	Volume	Length
A	9	120 1500 Steel Deck - Type IV - 3000C	46	37	0.5
B	1	120 1500 Steel Deck - Type IV - 3000C	46	37	0.5
C	2	120 1500 Steel Deck - Type IV - 3000C	46	37	0.5

DUKE ENERGY.
PROGRESS

NO.	DATE	REVISION	BY

TOWNSHIP OF GREAT BRITAIN
BIRMINGHAM, ALABAMA
Designed by: **DUKE ENERGY PROGRAMS**
Reviewed by: **R. Johnson**
Date: **11/09/2011**
Description: **Site Plan**
Drawing No.: **24-0056A** Sh. **1** OF **1**

EXHIBIT
ID4-2



DUKE ENERGY. PROGRESS.

DESIGNED BY: [Faint text]
 PERFORMED BY: R. Johnson
 DATE: 08/14/14
 DRAWING NO.: 24-0050A
 SHEET NO.: 1 OF 1

NO. DATE REVISION BY



Outdoor Lighting



SHOEBOX LED
(Meets Dark Sky Criteria)

LED
(Light-emitting diode)

Mounting height

Color

Pole

Applications

150 | 220 | 420 | 530 watts

25', 30', 35'

Black | Bronze | Gray | White

Fiberglass (1 or 2 fixtures per pole)
Decorative tapered metal
Decorative square metal

Neighborhoods
Roadways
Shopping centers

Light source: LED (white)

Wattage: 150 | 220 | 420 | 530 watts

Light pattern: IES Type V | Type IV (forward throw) | Type III

IESNA cutoff classification: Full-cutoff

BUG rating: 150W Type III = B2U0G3 / Type IV = B3U0G4 / Type V = B5U0G3
220W Type III = B2U0G4 / Type IV = B3U0G4 / Type V = B4U0G3
420W Type IV = B3U0G5 / Type V = B5U0G5
530W Type IV = B3U0G5 / Type V = B5U0G5

Color temperature: 4,000K

POLE AVAILABLE

MOUNTING HEIGHT

COLOR

Round tapered decorative metal*

35'

Black, Bronze

Decorative square metal*

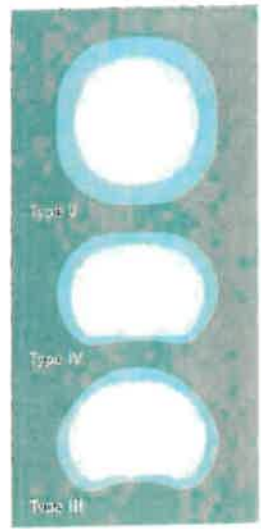
25' and 30'

Black, Bronze, Gray, White

Fiberglass

25' and 30'

Black (1 or 2 fixtures per pole)
Gray (1 or 2 fixtures per pole)



light distribution pattern

FEATURES

- Turnkey operation
- Little or no installation cost
- Design services by lighting professionals included
- Maintenance, electricity & warranty included
- One low monthly cost on your electric bill

BENEFITS

- Provides hassle-free installation and service
- Frees up capital for other projects
- Meets industry standards and lighting ordinances
- Eliminates high and unexpected repair bills
- Convenience and savings for you

For additional information, email us at ODLCarolinas@duke-energy.com.



BUILDING A SMARTER ENERGY FUTURE®

Duke Energy Progress Area Lighting NC-ALS Leaf No. 570 Estimate



LIGHTING SOLUTIONS

Proposal Date: _____
 Prepared by: _____
 Job Title: _____
 Phone: _____

Business Partner _____
 Street Address _____
 City, State, Zip _____
 Customer Phone: _____
 Contract Account _____
 Installation # _____
 Drawing # / Design Description _____
 Service Location of Light(s) _____



Corp. ID#: _____
 Mail Code: _____
 Construction Schedule Date: _____
 WO#: _____

Pricing Changes Effective 10-1-2023

Light Fixture / Pole Type	Lumens	Watts	# Items	Monthly Charge*	Monthly Cost
Sodium Vapor Area Lights - No Longer Available to New Applicants					
Semi-Enclosed, Cutoff Enclosed	9500	100	@	\$12.86	= -
Post Top (Styles "A", "S" & "M")	9500	100	@	\$12.86	= -
*Decorative Black Cutoff Enclosed	9500	100	@	\$13.24	= -
Cutoff Enclosed	16000	150	@	\$16.19	= -
* Decorative Black Cutoff Enclosed	16000	150	@	\$15.64	= -
to Existing Matchups (Encl) (Shoobox - No longer Available)	22000	200	@	\$16.91	= -
*Shoobox Forward Throw (No longer Available)	22000	200	@	\$17.27	= -
Cutoff Enclosed, Shoobox (Shoobox-No longer Available)	28500	250	@	\$19.60	= -
*Decorative Black Cutoff Enclosed	28500	250	@	\$20.22	= -
*Shoobox Forward Throw (No longer Available)	28500	250	@	\$20.18	= -
Cutoff Enclosed, Shoobox (Shoobox-No longer Available)	50000	400	@	\$27.18	= -
*Shoobox Forward Throw (No longer Available)	50000	400	@	\$27.76	= -

NOTE: *The Unit Monthly Charge for these lights includes an additional facilities charge

Sodium Vapor Floodlights - No Longer Available to New Applicants					
Flood	9500	100	@	\$12.86	= -
Flood	28500	250	@	\$19.60	= -
Flood	50000	400	@	\$30.44	= -

Metal Halide (Not for New Installs Effective 5/17)

Shoobox (No Longer Available)					
Post Top (Styles "A", "S" & "M")	9000	100	@	\$14.81	= -
Flood	9000	100	@	\$14.81	= -
Cutoff Enclosed, Shoobox, Flood	20000	250	@	\$22.44	= -
*Decorative Black Cutoff Enclosed	20000	250	@	\$22.86	= -
*Shoobox Forward Throw (No longer Available)	20000	250	@	\$22.73	= -
Cutoff Enclosed, Shoobox, Flood	33000	350	@	\$29.42	= -
*Shoobox Forward Throw (No longer Available)	33000	350	@	\$29.80	= -
Shoobox, FT Shoobox, Cube, Flood	110000	1000	@	\$61.17	= -

NOTE: *The Unit Monthly Charge for these lights includes an additional facilities charge

Poles / Posts					
Wood Pole			@	\$2.63	= -
Gray Fiberglass Pole / Metal** Pole			@	\$6.26	= -
16' Black Fiberglass Post			@	\$6.26	= -
12' Smooth Black Concrete Post (MFC)			@	\$17.46	= -
16' Smooth Black Concrete Post (MFC)			@	\$18.86	= -
30' Decorative Square Metal Pole			@	\$13.43	= -
13' Fluted Black Concrete Post (Style VII) (MFC)			@	\$17.09	= -
13' Fluted Black Concrete Post w/Receptacle (Non Std) w/Monthly Receptacle Charge (MFC)			@	\$20.17	= -
13' Fluted Black Concrete Post w/Receptacle (Non Std) w/Up-Front Receptacle Charge (MFC)			@	\$17.09	= -
12' Decorative Aluminum Post			@	\$21.99	= -
35'/39' Decorative Tapered Metal Pole (Bronze/Black)			@	\$34.93	= -
UG Service Charge (per pole).			@	\$3.66	= -

Total Standard Monthly Charges					
Additional Facilities Monthly Charges (See Attached Page)					
Prices and terms per North Carolina Area Lighting Rate Schedule NC-ALS Leaf No. 570 Estimate					
				Subtotal	-
				7% Tax	-
Total Proposed Monthly Charges				Total	= \$ -

One Time Under/ground Service Charge					
Per Pole NC			@	\$600.00	= -
Other One Time Charges From Attached Page					= -
Total One Time Charges Before Taxes				Subtotal	-
				7% Tax	-
Total Proposed One-Time Charges				Total	= \$ -

Comments: This price is to be used as an estimate only.

Duke Energy Progress Other Lighting Item Prices NC-ALS Leaf No. 570 Estimate



LIGHTING SOLUTIONS

Proposal Date: _____
 Prepared by: _____
 Job Title: _____
 Phone: _____

Business Partner _____
 Street Address _____
 City, State, Zip _____
 Customer Phone: _____
 Contract Account _____
 Installation # _____
 Drawing # / Design Description _____
 Service Location of Light(s) _____

Corp. ID#: _____
 Mail Code: _____
 Construction Schedule Date: _____

WO#: _____

Pricing Changes Effective 10-1-2023

	Mounting Height	# of Items	Monthly*	Total Cost
Black Fiberglass Poles (Monthly Facility Charge)	25'	@	\$6.65 =	-
	30'	@	\$7.37 =	-
Style "A" Alum Direct Embed Poles (MFC)	12'	@	\$11.61 =	-
Style "A" Alum Direct Embed Poles (MFC)	15'	@	\$11.85 =	-
Style "A" Alum Direct Embed Poles (MFC)	17'	@	\$12.82 =	-
Style "A" Alum Anchor Base Poles (MFC)	12' and 17'	@	\$18.03 =	-

	Mounting Height	# of Items	Monthly*	Total Cost
Standard Poles-Galvanized MFC+	30'	@	\$11.85 =	-
	35'	@	\$11.44 =	-

+ Fiberglass poles should have been installed but were not due to customer preference.

	# of Items	Monthly*	Total Cost
Early On Photo Control (Car Lots, etc.)	@	\$0.21 =	-

	# of Items	Monthly*	Total Cost
Non Std Wood Pole Bracket	@	\$0.63 =	-
10' Mast Arm	@	\$1.55 =	-
18' Mast Arm	@		-

	# of Items	Monthly	Total Cost
Transformers for "Lighting Only" (MFC)	@	\$7.78 =	-
Overhead Service - (OH 13.2 kv) 3 KVA Pole Mount.....	@	\$9.68 =	-
Overhead Service - (OH 7.2 kv) 3 KVA Pole Mount.....	@	\$11.30 =	-
Overhead Service - (OH 13.2 kv) 10 KVA Pole Mount.....	@	\$10.18 =	-
Overhead Service - (OH 7.2) 10 KVA Pole Mount.....	@	\$19.82 =	-
Underground Service - (UG 13.2 kv) 25 KVA Pad Mount.....	@	\$22.16 =	-
Underground Service - (UG 7.2 kv) 25 KVA Pad Mount.....	@		-

	# of Items	Monthly*	Total Cost
Miscellaneous Additional Facilities/Monthly Facilities Charges	@	=	-

Details : _____

Total Proposed Monthly Charges Before Taxes	Total =	\$ -
One Time Pole Hand-Dig / Hand-Set Surcharge (CIAC) - Per Pole	@ \$300.00 =	-
One Time Hand Dig Pole Hole ONLY (CIAC) - Per Pole	@ \$140.00 =	-
Underground Boring Service Charge	@ =	-

Total Proposed One Time Charges Before Taxes Total = \$ -

Comments: This price is to be used as an estimate only.

Duke Energy Progress Sanibel, Teardrop & Mongoose NC-ALS Leaf No. 570 Estimate



LIGHTING SOLUTIONS

Proposal Date: _____
 Prepared by: _____
 Job Title: _____
 Phone: _____

Business Partner _____
 Street Address _____
 City, State, Zip _____
 Customer Phone: _____
 Contract Account _____
 Installation # _____
 Drawing # / Design Description _____
 Service Location of Light(s) _____

Corp. ID#: _____
 Mail Code: _____
 Construction Schedule Date: _____
 WO#: _____

Pricing Changes Effective 10-1-2023

Teardrop - Nonstandard

	Lumens	Watts	# of Items	Monthly*	Total Cost
Sodium Vapor (Black)	28,500	250	@	\$27.77	= -
Metal Halide (Black) <i>(Not for New installs Effective 5/17)</i>	20,000	250	@	\$30.38	= -
Sodium Vapor <i>(Code Green)</i>	28,500	250	@	\$28.63	= -
LED 50		50	@	\$17.82	= -
LED 150		150	@	\$22.93	= -

	Mounting Height	# of Items	Monthly*	Total Cost
Black Concrete Pole(s) (MFC)	27'	@	\$22.17	= -
Existing Galvanized Metal (painted black)*	Various	@	=	= -
Existing Metal Distribution (painted black)*	Various	@	=	= -
6' Black Single Bracket		@	\$0.34	= -
6' Black Twin Bracket		@	\$0.35	= -

Sanibel (MFC)	Lumens	Watts	# of Items	Monthly*	Total Cost
Sodium Vapor	9500	100	@	\$15.54	= -
Metal Halide <i>(Not for New installs Effective 5/17)</i>	9000	100	@	\$18.98	= -
LED 50		50	@	\$15.55	= -
LED 150		150	@	\$21.58	= -

Sanibel Shepherd's Crook Arm (MFC)	# of Items	Monthly*	Total Cost
Single Arm	@	\$4.34	= -
Twin Arm	@	\$6.28	= -

Sanibel Posts with 6" Tenon	Mounting Height	# of Items	Monthly*	Total Cost
12' Smooth Black Concrete Post (MFC)	12'	@	\$17.48	= -
18' Smooth Black Concrete Post (MFC)	16'	@	\$18.86	= -

Mongoose	Lumens	Watts	# of Items	Monthly*	Total Cost
Sodium Vapor Hi-Tilt	28,500	250	@	\$21.81	= -
Sodium Vapor Lo-Tilt	28,500	250	@	\$21.25	= -
Sodium Vapor Lo-Tilt	50,000	400	@	\$29.09	= -

Monthly Underground Service Charge	# of Items	Monthly*	Total Cost
Per Pole NC	@	\$3.66	= -

Total Proposed Monthly Charges Before Taxes Total = \$ -

One-Time Underground Service Charge	# of Items	One-time Charge	Total Cost
Per Pole NC	@	\$600.00	= \$ -

One-Time LED Conversion Charges (Lights Less than 20 years old)	# of Items	One-time Charge	Total Cost
Fixtures	@	\$50.00	= -
Poles	@	\$500.00	= -

NOTE: Additional upfront cost are applicable for existing poles that are painted black. Also, these poles will be billed monthly at the special metal pole rate. Lead-based paint on existing metal distribution poles must be stripped per Duke Energy Progress guidelines and poles repainted black.

Comments: *This price is to be used as an estimate only.*



LIGHTING SOLUTIONS

Proposal Date: 6/25/24
 Prepared by:
 Job Title:
 Phone:

Business Partner
 Street Address
 City, State, Zip
 Customer Phone:
 Contract Account
 Installation #
 Drawing # / Design Description
 Service Location of Light(s)

Town of Erwin Apartments
 Erwin, NC
 24-0260A / LED Shoebox

Corp. ID#:
 Mail Code:
 Construction Schedule Date:
 WOE:

Pricing Changes Effective 10-1-2023

LED Fixtures	Watts	# of Items	Monthly*	Total Cost
LED 50 Roadway / NEIGHBORHOOD	50	@	\$8.78	= -
LED 50 Cobra	50	@	\$8.78	= -
LED 70/75 Cobra	70	@	\$9.18	= -
LED 50 FLOODLIGHT	50	@	\$12.58	= -
LED 70/75 Roadway	70	@	\$9.18	= -
LED 105/110 Roadway	110	@	\$11.35	= -
LED 130 FLOODLIGHT	130	@	\$25.48	= -
LED 160 Roadway	160	@	\$14.84	= -
LED 216/220 Roadway	220	@	\$18.53	= -
LED 280 FLOODLIGHT	280	@	\$48.83	= -
LED 280 Roadway	280	@	\$21.27	= -
LED 150 Shoebox (MFC)	150	13 @	\$18.05	= 234.65
LED 220 Shoebox	220	@	\$22.99	= -
LED 420 Shoebox	420	@	\$47.87	= -
LED 530 Shoebox	530	@	\$58.38	= -

LED Post Top Fixtures	Watts	# of Items	Monthly*	Total Cost
Mini Bell (MFC)	50	@	\$13.84	= -
Traditional /Traditional Open (MFC)	50	@	\$9.12	= -
Pedestrian Shoebox "S" (MFC)	50	@	\$13.02	= -
Acorn "A" (MFC)	50	@	\$9.55	= -
Enterprise 50 (MFC)	50	@	\$13.39	= -
Enterprise 150 (MFC)	150	@	\$18.60	= -
Enterprise 220 (MFC)	220	@	\$21.22	= -

Standard Pole(s)	Mounting Height	# of Items	Monthly*	Total Cost
Wood Pole	25', 30', 35'	@	\$2.63	= -
16' Black Fiberglass Pole	16'	@	\$6.28	= -
Gray Fiberglass Pole / Metal** Pole	25', 30', 35'	@	\$6.28	= -
Decorative Square Metal Pole	30'	12 @	\$13.43	= 161.16

Non Standard Pole(s)	Mounting Height	# of Items	Monthly*	Total Cost
Black Fiberglass Poles (MFC)	25'	@	\$8.55	= -
Black Fiberglass Poles (MFC)	30'	@	\$7.37	= -
Black Fiberglass Poles (MFC)	35'	@	\$7.97	= -
Black Decorative Round 35' Steel Pole (MFC)	35'	@	\$27.14	= -
Style "A" Alum Direct Embed Poles (MFC)	12'	@	\$11.61	= -
Style "A" Alum Direct Embed Poles (MFC)	16'	@	\$11.85	= -
Style "A" Alum Direct Embed Poles (MFC)	17'	@	\$12.82	= -
Style "A" Alum Anchor Base Poles (MFC)	12' and 17'	@	\$18.03	= -
Tenon Adapter (MFC)		@	\$1.82	= -

(Use when Site Lighter(s) are mounted on Round Black Fiberglass and Round Black Tapered Steel Poles. One adapter is used for each pole.

Monthly Underground Service Charge	# of Items	Monthly*	Total Cost
Pole NC	12 @	\$3.66	= 43.92

One-Time Underground Service Charge	# of Items	One-time Charge	Total Cost
Per Pole NC	@	\$600.00	= -

One-Time LED Conversion Charges (lights less than 20 years old)	# of Items	One-time Charge	Total Cost
Fixtures	@	\$50.00	= -
Poles	@	\$500.00	= -

Total Proposed "Monthly" Charges Before Taxes	Subtotal	439.73
	7% Tax	30.78
	Total	\$ 470.51

Total Proposed One-Time Charges	Subtotal	-
	7% Tax	-
	Total	\$ -

Comments: This price is to be used as an estimate only.

North Carolina

10/1/2023

Maximo CU	Item #	Description	1% Monthly Additional Facility Charge	Up Front Contribution Cost (CIAC) DOES NOT Include tax
LSH-GLARE-RW-LED-MICRO-HOUSE-VISOR-BLK-___-P	1612829	Light Shield Glare Roadway LED Micro House Side Visor Black	\$1.23	\$123.00
LSH-GLARE-RW-LED-MICRO-STREET-VISOR-BLK-___-P	1612830	Light Shield Glare Roadway LED Micro Street Side Visor Black	\$1.23	\$123.00
LSH-GLARE-RW-LED-SMALL-VISOR-BLK-___-P	1612831	Light Shield Glare Small Roadway LED House or Street Side Visor Black	\$1.34	\$134.00
LSH-GLARE-RW-LED-LARGE-VISOR-BLK-___-P	1612832	Light Shield Glare Large Roadway LED House or Street Side Visor Black	\$1.41	\$141.00
LSH-GLARE-TRAD-LED-WHITE-HOUSE-___-P	1602300	White House Side Shield, Traditional (Aculty & Cooper)	\$1.05	\$105.13
LSH-GLARE-MTCH-LED-180-___-P	1524189	180 degree House Side Shield, Mitchell	\$1.37	\$136.72
LSH-GLARE-TD-CLER-LED-___-P	1602303	House Side Shield, Large Teardrop	\$1.51	\$150.76
LSH-GLARE-MONT-LED-180-___-P	1602304	House Side Shield, Monticello	\$1.27	\$127.36
LSH-GLARE-MTCHO-LED-HOUSE-___-P	1602305	Louvered House Side Shield, Open Mitchell and Open Monticello	\$1.14	\$114.49
LSH-GLARE-SBX-LED-205-___-P	1525356	Light Shield glare Shoebox LED 205W (4 panel)	\$1.90	\$189.84
LSH-GLARE-SBX-LED-420-___-P	1525356	Light Shield glare Shoebox LED 420W (8 panel)	\$2.68	\$268.03
LSH-GLARE-SBX-LED-530-___-P	1525356	Light Shield glare Shoebox LED 530W (10 panel)	\$3.07	\$307.13
LSH-GLARE-COOP-LED-DROP-___-P	1621662	Shield for Cooper Post Tops (Trad, Open Trad, Ped SBX)	\$1.06	\$106.00
LSH-GLARE-MB-LED-180-___-P	1621665	House Side Shield, Mini Bell 180 degree	\$1.27	\$127.00

NOTE: Does not include tax

Duke Energy Progress LED - Amber Turtle Fixtures - NC-ALS Leaf No. 570 Estimate



LIGHTING SOLUTIONS

Proposal Date: _____

Prepared by: _____

Job Title: _____

Phone: _____

Corp. ID#: _____

Mail Code: _____

Construction Schedule Date: _____

WO#: _____

Business Partner _____

Street Address _____

City, State, Zip _____

Customer Phone: _____

Contract Account _____

Installation # _____

Drawing # / Design Description _____

Service Location of Light(s) _____

Pricing Changes Effective 10-1-2023

LED Amber Turtle Fixtures	Watts	# of Items	Monthly *	Total Cost
---------------------------	-------	------------	-----------	------------

LED 70/75 Roadway	70	@	\$12.51	= -
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LED 105/110 Roadway	110	@	\$15.63	= -
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Standard Pole(s)	Mounting Height	# of Items	Monthly *	Total Cost
------------------	-----------------	------------	-----------	------------

Wood Pole	25', 30', 35'	@	\$2.63	= -
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Gray Fiberglass Pole / Metal** Pole	25', 30', 35'	@	\$6.26	= -
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Monthly Underground Service Charge	# of Items	Monthly *	Total Cost
------------------------------------	------------	-----------	------------

Per Pole NC	@	\$3.66	= -
-------------	---	--------	-----

One-Time Underground Service Charge	# of Items	One-time Charge	Total Cost
-------------------------------------	------------	-----------------	------------

Per Pole NC	@	\$600.00	= -
-------------	---	----------	-----

Total Proposed "Monthly" Charges Before Taxes	Subtotal	-
	7% Tax	-
	Total	\$ -

Total Proposed One-Time Charges	Subtotal	-
	7% Tax	-
	Total	\$ -

Comments: *This price is to be used as an estimate only.*



Keyonna Smith

Subject: FW: Message from JONES CNOSSEN (9193871174)
Attachments: 24010-Professional-Park-Apts-Erwin-SP07.pdf

From: Peter Cnossen <peter@jonescnossen.com>
Sent: Wednesday, June 19, 2024 8:55 AM
To: Ken Thompson <kent@jdavisarchitects.com>; Sawako Bush <sawakob@jdavisarchitects.com>
Cc: Gregorio Jurado <rabbitconstructioninc@gmail.com>; Brian Edlin <bedlin@jordanprice.com>; Mollie L. Cozart <MCozart@jordanprice.com>
Subject: FW: Message from JONES CNOSSEN (9193871174)

All,

Forwarding you all my email correspondence with Harnett Regional Water regarding sewer and water capacity. The emails date back to April, 2023 but today's email from Kenny Keel is the most important as he mentions that there is currently sufficient sewer and water capacity for this project. The attached pdf is the exhibit that I sent to Kenny for review of sewer capacity; however, using the new 75 gpd/bedroom sewer flow, the total sewer flow for the project would be 19,800 gpd (264 bedrooms x 75 gpd/bedroom). Fire flow for the apartment buildings will need to be checked and note the requirement to loop the existing water mains in Pope Street and Professional Drive. It doesn't need to be done now, but it may be best to have fire flow testing done on the existing water main to review sprinkling of the buildings. If there are any questions, please let me know. Thanks.

Peter D. Cnossen, PE
Jones & Cnossen Engineering, PLLC
PO Box 1062
Apex, North Carolina 27502
919-387-1174

From: Kenneth Keel <kkeel@harnett.org>
Sent: Wednesday, June 19, 2024 8:28 AM
To: Peter Cnossen <peter@jonescnossen.com>; Jay Meyers <jmeyers@harnett.org>
Subject: RE: Message from JONES CNOSSEN (9193871174)

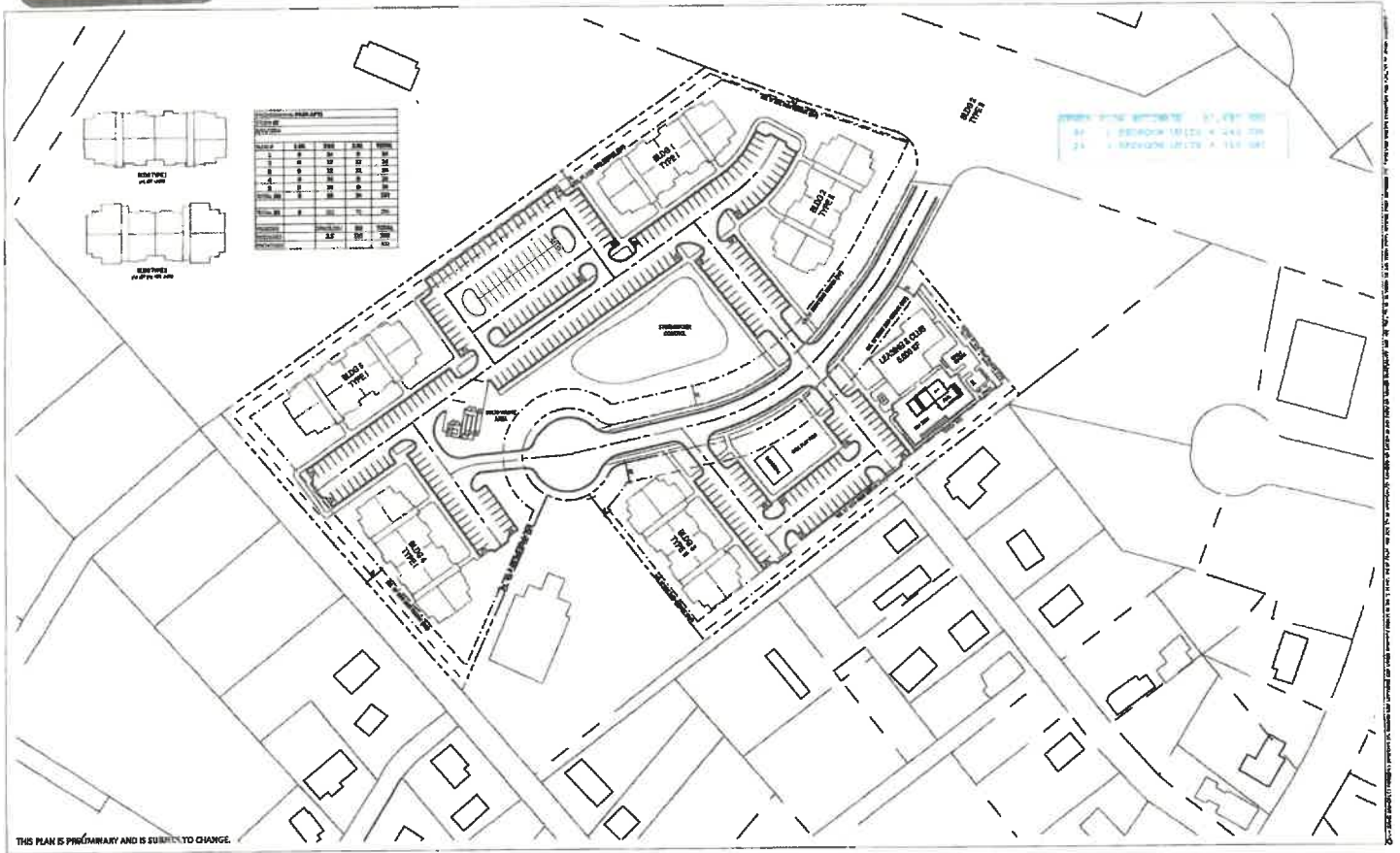
Peter,
Sewer flow calculations are now 75 gpd per bedroom.

It appears that there is sufficient water and sewer capacity for the project at this time. I'm not sure what the fire flow requirements would be for an apartment complex in Erwin, but our internal model indicates approximately 1,000 gpm available on Professional Drive. However, a fire flow test and hydraulic analysis would be required to confirm.

HRW will require this project to extend the 6" water main on Pope Street to Professional Drive in order to loop the system in the area for better water flow and reliability, due to the number of new residents to be served. It appears to be less than 300 feet separating the water lines along current public right-of-ways.

Kenny P. Keel, PE
Utility Civil Engineer
Harnett Regional Water
910-814-6477 office

EXHIBIT
D5-2



UNIT TYPE	NO. OF UNITS	SQ. FT.	TOTAL SQ. FT.
1-BED	10	1,000	10,000
2-BED	10	2,000	20,000
3-BED	10	3,000	30,000
TOTAL	30	6,000	60,000

THIS PLAN IS PRELIMINARY AND IS SUBJECT TO CHANGE.



PROFESSIONAL PARK APARTMENTS - OPTION 7
Erwin, North Carolina

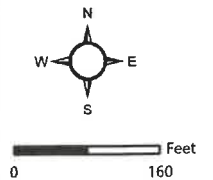
Date: May 31, 2024





Harnett.org/GIS
July 23, 2024

Flood Map Index	Gravity	US	Watershed HUC8
County Boundary	2 - 5	Ingress_Egress	Watershed HUC12
City Limits	6 - 36	Drainage	
Address Numbers	StepFM	Parcels	
Force Main	Road Centerlines		

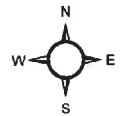




Harnett.org/GIS

July 23, 2024

Flood Map Index	Gravity	US	Watershed HUC8
County Boundary	2 - 5	Ingress_Egress	R6
City Limits	6 - 36	Drainage	RD
Address Numbers	StepFM	Parcels	ETD
Force Main	Road Centerlines	Watershed HUC12	Freshwater Forested/ Shrub Wetland
			Freshwater Pond
			B2
			C-3



ERWIN MOB PARTNERS LLC

3048 CONE MANOR LN RALEIGH, NC 27613-6604

STEWART RHONDA LEE

110 POPE ST ERWIN, NC 28339-2414

PARNELL JOYCE N

204 MORGAN ST ERWIN, NC 28339-0000

WOOD MICHAEL JEFFERSON

1431 BAILEY RD COATS, NC 27521-9677

GLOVER SALES INC

406 E JACKSON BLVD ERWIN, NC 28339-0000

**PAGE BRIAN KEITH & PAGE CRYSTAL
UNDERWOOD**

10165 TIMOTHY RD DUNN, NC 28334-9769

GRAVITY ERWIN I LLC

PO BOX 2107 ELIZABETHTOWN, NC 28337-2107

PINEDA HOGUER PIEDRA

111 POPE ST ERWIN, NC 28339-2413

KIMBER GROUP LLC

PO BOX 181 ERWIN, NC 28339-0181

GRADY JEREMY R

301 WONDERTOWN DR ERWIN, NC 28339-2427

**MEZA ZORAIDA DEL CARMEN & PAZ
HUMBERTO MEDELLIN**

114 1ST ST ERWIN, NC 28339

STEWART JOHN DUNCAN

401 W A ST ERWIN, NC 28339-2509

**SOUTHEASTERN PROPERTIES OF BUIES
CREEK**

PO BOX 4200 BUIES CREEK, NC 27506-0000

**STOUGH KENNETH LEON CO TRUSTEE
& CORZINE PATTI JEAN STOUGH CO
TRUSTEE**

178 WINTERCREST DR CONCORD, NC 28025-9244

45 SHRIJI LN ERWIN NC LLC

ATTN: CORPORATE AFFAIRS PO BOX 519 WINDSOR,
NJ 08561-0519

**PAGE BRIAN KEITH & PAGE CRYSTAL
UNDERWOOD**

10165 TIMOTHY RD DUNN, NC 28334-9769



TOWN OF ERWIN

P.O. Box 459 · Erwin, NC 28339
Phone: 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

9/19/2024

Notice of a Public Hearing ZT-2024-005

The Board of Commissioners of the Town of Erwin will hold a public hearing pursuant to NC General Statute 160D-406 on October 10th, 2024 at 7:00 P.M. at the Erwin Town Hall, 100 West F Street, Erwin, North Carolina to hear public comment on a proposed conditional rezoning request to allow for mutli-family dwellings.


There has been a conditional district zoning map amendment application submitted to the Town. The rezoning request includes seven (7) parcels of land that are listed below:

- 40 Professional Park-Harnett County Tax Pin #1507-33-1583.000 (1.71 acres)
- 100 Professional Park-Harnett County Tax Pin #1507-23-9378.000 (2.29 acres)
- 140 Professional Park-Harnett County Tax Pin #1507-23-7207.000 (1.40 acres)
- 137 Professional Park-Harnett County Tax Pin #1507-23-7068.000 (1.13 acres)
- 119 Professional Park-Harnett County Tax Pin #1507-33-0088.000 (.70 acres)
- 87 Professional Park-Harnett County Tax Pin #1507-33-2136.000 (.77 acres)
- 51 Professional Park-Harnett County Tax Pin #1507-33-3278.000 (.80 acres)

Currently these parcels entirely zoned as B-2 and the petition would rezone said parcels to be a conditional zoning R-6 district with special conditions to be used as a multi-family dwelling (apartment complex) containing 120 units.

A copy of this case is available for review at the Erwin Town Hall. Questions concerning this case can be addressed to the Town Planner Dylan Eure at 910-591-4201 or by email at deure@erwin-nc.org

Regards,


Dylan Eure
Town Planner

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 7, 2024, 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 Planner Dylan Eure at 910-591-4201 or by email at deure@erwin-nc.org.

- Case ZT-2024-005: Request to rezone seven parcels on Professional Park from B-2 to an R-6 conditional zoning district to allow for multi-family dwellings. The requested parcels for rezoning are:
 - 40 Professional Park (Harnett County Tax PIN # 1507-33-1583.000)
 - 100 Professional Park (Harnett County Tax PIN # 1507-23-9378.000)
 - 140 Professional Park (Harnett County Tax PIN # 1507-23-7207.000)
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 - 87 Professional Park (Harnett County Tax PIN # 1507-33-2136.000)
 - 51 Professional Park (Harnett County Tax PIN # 1507-33-3278.000)
- Text Amendments to Chapter 36 Zoning to create a developmental overlay along US 421 and allow for accessories in the public right-of-way along with fences in the Town of Erwin Code of Ordinances.
- Text Amendment to Chapter 2 Administration to reflect the current practices used to govern the Erwin Planning Board and Board of Adjustment in the Town of Erwin Code of Ordinances.

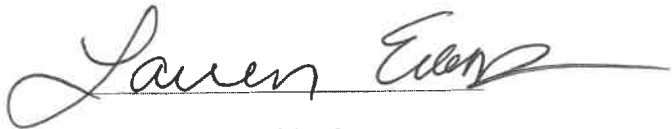
These cases are available for review at the Erwin Town Hall. All persons desiring to be heard either for or against the proposed items set forth above are requested to be present at the above-mentioned time and place.
10/18,25/2024

ZT-2024-005 Statement-of-Inconsistency

The requested rezoning to R-6 conditional district with special uses for multi-family dwellings is **NOT** compatible with all of the Town of Erwin's regulatory documents. According to Erwin's 2023 Land Use Plan, this area along 421 would **NOT** be the best fit for high-density residential developments which include apartment complexes. It is recommended that this conditional zoning district be **DENIED**.



Randy Baker
Mayor



Lauren Evans NCCMC
Town Clerk

Erwin Planning Board

REQUEST FOR CONSIDERATION

To: Erwin's Planning Board Members
From: Dylan Eure, Town Planner
Date: November 7, 2024
Subject: 421 Overlay Amendment

The Town staff of Erwin wishes to amend its Code of Ordinances to allow for the creation of a developmental overlay along US 421. Said regulations are as follows:

E.H.O.D. – Erwin Highway Overlay District

A. Purpose

The intent of the Highway Overlay is to protect natural resources, provide landscaping improvements, ensure connectivity, improve pedestrian walkability, and enhance the overall appearance of the corridor identified. Development standards from the Erwin Highway Overlay District apply to all parcels within 600 feet of the Right-of-way on both sides of the corridor. In cases where a portion of a tract of land lies within the overlay district, the entire tract shall fall into the same regulation as the overlay.

The Erwin Highway Overlay District is established to:

1. Prevent unsightly conditions that may destroy or detract from the natural character, beauty, or condition of the area.
2. Reduce the amount of traffic coming on and off of the corridors.
3. Minimize potential safety hazards that may exist along the corridors.
4. Improve pedestrian safety and walkability.

B. Area of Applicability

The major highway corridor of which is affected by Erwin's Highway Overlay District is U.S. 600 feet of both sides of 421/E Jackson Blvd within only the contiguous corporate limits of the Town. Said overlay would impact all buildings and non-single-family properties including but not limited to businesses and multi-family dwellings.

C. Specific Development Standards

1. Dimensional Standards
 - a. At no time shall any development not face the nearest Right-of-way. All developments are required to front the nearest accessible Right-of-way and be accessed internally. In the event of a parcel abutting two Right-of-ways, the buildings should face the heavier trafficked Right-of-way, and access via the Right-of-way, or by a newly constructed street.

- b. At no time shall any developments loading area face the public Right-of-way. All loading areas shall be located at the rear or side of the establishment as long as it does not face a public Right-of-way.
- c. For additional standards see the corresponding zoning jurisdiction in which a parcel is related to for setbacks requirements.

2. Building Materials

- a. At no time should any buildings be made entirely of materials that are prone to deterioration or weathering causing the building to become a blight throughout ageing.
- b. Buildings may be accented with other materials but are limited to twenty percent (20%) of the façade.
- c. To avoid blight, all non-residential facades shall be made of at least eighty percent (80%) one the following materials:
 - i. Brick Masonry
 - ii. Wood
 - iii. Stone
 - iv. Architectural Concrete
 - v. Vinyl Siding
- d. Facades to be limited:
 - i. Metal

3. Landscaping Standards

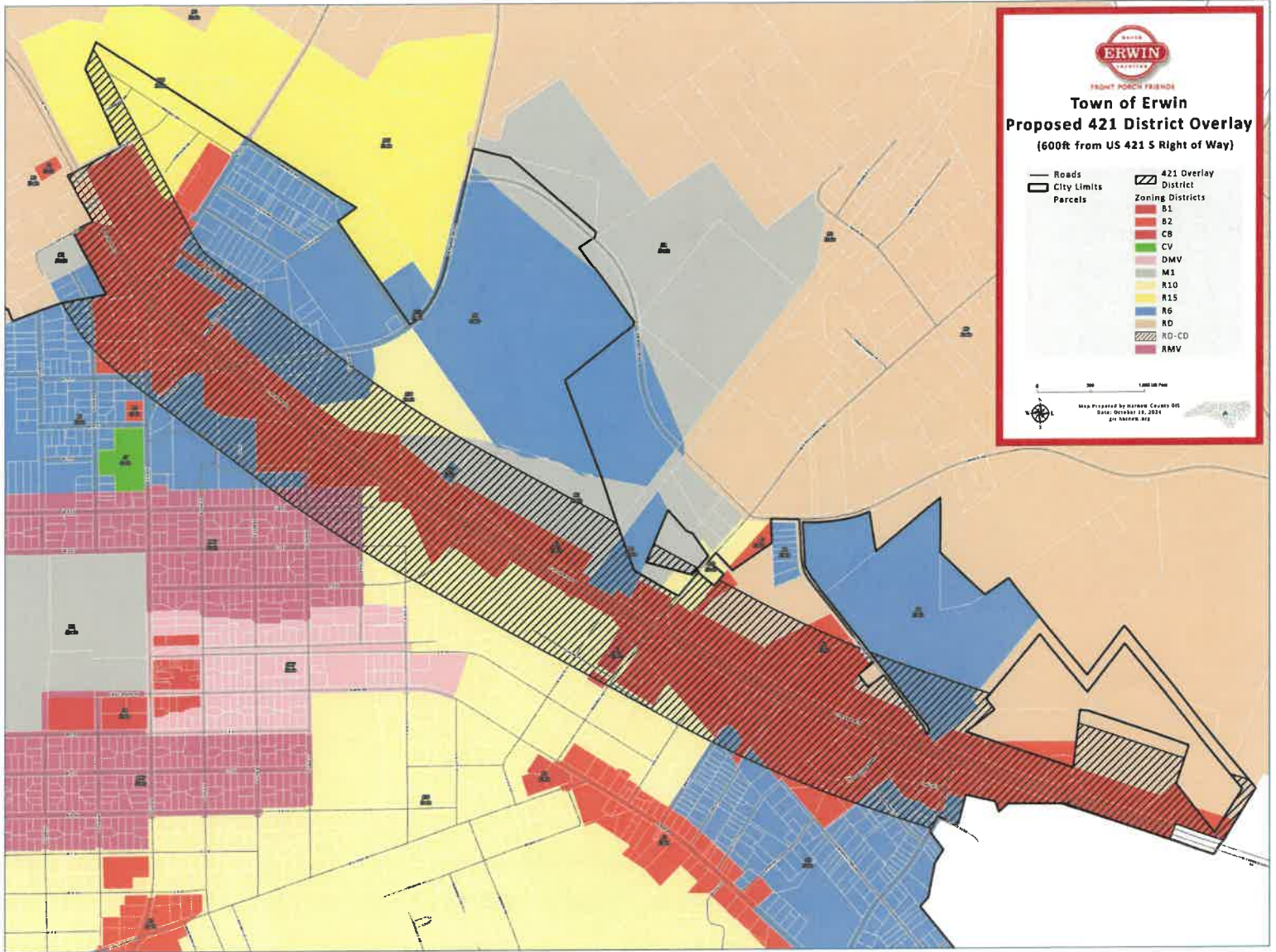
- a. Parking lots, loading areas, and other vehicle use areas shall be planted with one (1) tree and (2) shrubs for every ten (10) parking spaces required.
- b. At least 65 percent (65%) of the required parking lot trees shall be large shade trees.
- c. Trees and shrubs shall be planted within 15 feet of the vehicle use areas.
- d. Developments containing 30 or more parking spaces, at least half or 50 percent (50%) of the trees and shrubs must be planted in islands or medians spaced throughout the parking area.
- e. A consecutive strip of parking places shall include landscape islands every 12 spaces apart and at the end of all parking rows.
- f. Landscape islands shall be grass and mowed, covered with organic materials (ex: pine mulch)
- g. For specific landscaping guidelines see Article XV entitled General Provisions within Chapter 36 of the Erwin Code of Ordinances.

4. Parking Lot Standards

- a. Developers of commercial properties shall be required to have shared driveways and parking areas with adjoining developments. If there is no current adjoining development, the development shall make modifications for a future connection to be made by the adjoining developer.
- b. All areas designated for trash or refuse shall be screened from the public eye with a minimum height of 1 foot above the highest point of the trash receptacle. Materials for the screen shall be natural or made of masonry materials. (ex: wood, stone, or brick)
- c. For specific parking guidelines see Article XVIII entitled Parking and Loading within Chapter 36 of the Erwin Code of Ordinances.

5. Signage Standards

- a. All standalone signs shall be made of primarily masonry materials surrounded by a natural base of shrubs and other small plants.
 - b. For specific signage guidelines please see Article XIX entitled Sign Regulations within Chapter 36 of the Erwin Code of Ordinances.
6. Sidewalk / Street Scape Standards
- a. Any development shall require the installation of ADA-compliant sidewalks along their portion of the right-of-way upon development. If the property that is being developed does not abut a right-of-way, then no sidewalk installation is required.
 - b. Sidewalks shall be installed within the Right-of-Way with an approved encroachment agreement with North Carolina Department of Transportation separated from the pavement by a grass landscaping buffer comprised of shade trees placed at 15 – 20 ft. increments.
 - i. The maintenance of said sidewalks shall be the responsibility of the Town of Erwin through an maintenance agreement with NCDOT.



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 7, 2024, 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 Planner Dylan Eure at 910-591-4201 or by email at deure@erwin-nc.org.

- Case ZT-2024-005: Request to rezone seven parcels on Professional Park from B-2 to an R-6 conditional zoning district to allow for multi-family dwellings. The requested parcels for rezoning are:
 - o 40 Professional Park (Harnett County Tax PIN # 1507-33-1583.000)
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- Text Amendments to Chapter 36 Zoning to create a developmental overlay along US 421 and allow for accessories in the public right-of-way along with fences in the Town of Erwin Code of Ordinances.
- Text Amendment to Chapter 2 Administration to reflect the current practices used to govern the Erwin Planning Board and Board of Adjustment in the Town of Erwin Code of Ordinances.

These cases are 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.
10/18,25/2024

MINUTES CONTINUED FROM NOVEMBER 7, 2024

Encroachment Text Amendment

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

Town Planner Dylan Eure stated this amendment was received through a petition to amend our Code of Ordinances for encroachment on our Town Owned right of ways for the Industrial District by Mr. Johnson.

Wesley Johnson of 2965 Hobson Road, Dunn came forward and addressed the Board. He stated this amendment was requested for a case-by-case basis requesting a variance for the old mill. He was working to put a brewery at this location. The old buildings limit the ability to put anything on top. The only solution was to ask for a variance off of Chief Joseph Lane. It will be safe and visibly appealing. He asked the Board to please approve his request.

Mayor Baker stated this was not permanent and to fast forward 10 years, was Mr. Johnson willing to remove in the future at his own expense if improvements need to be made to the road or right of way?

Mr. Johnson stated he did understand that and he has an alternative plan for the future.

Mayor Baker asked if anyone was present to speak in favor of the request, in opposition to the request, or had any questions.

Mr. Michael Jackson stated he was not against this request. When developing the indigo room, he was thankful for encroachment agreements because the business could not operate.

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

Commissioner Byrd thanked Mr. Johnson for helping to grow the Town.

Commissioner Blackmon made a motion, seconded by Commissioner Byrd, and **unanimously approved by the Board** to approve the Ordinance of The Town Of Erwin, North Carolina Amending Chapter 36 Article XV General Provisions Section 36-419. – Accessory Building/Structures Ord 2024-2025: 020.

Commissioner Blackmon made a motion, seconded by Commissioner Byrd, and **unanimously approved by the Board** to approve the Ordinance of The Town Of Erwin, North Carolina Amending Chapter 36 Article XV General Provisions Section 36-433. – Fences And Walls.

Erwin Appointed Board Updates

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

Town Planner Dylan Eure stated these amendments were standard with the surrounding municipalities and even Wake County. Updates included:

- When new members are inducted and when their terms expire.

Erwin Board of Commissioners
REQUEST FOR CONSIDERATION

To: Erwin’s Board of Commissioners

From: Dylan Eure, Town Planner

Date: November 7, 2024

Subject: Accessory Structures / Fences in ROW

The staff of the Town of Erwin has received a petition to amend its Code of Ordinances, specifically Chapter 36 within Article XV Sections 36-419 and Section 36-433 to allow for accessories in the public right-of-way along with fences. The purpose of this is to address properties that are along the downtown area of Erwin that are limited to their yard space for utilities.

Current language:

“fence prohibited in rights-of-way. No fence shall be erected or maintained within or on any state or town right-of-way”.

Proposed language:

“fence prohibited in rights-of-way. No fence shall be erected or maintained within or on any state or town right-of-way”

Exception: Fences within M-1 along town right-of-ways may encroach into said right-of-way following an approved encroachment agreement approved by the Town of Erwin Board of Commissioners.

Proposed language:

(G) “Accessory structures prohibited in rights-of-way. No accessory structure or use shall be erected or maintained within or on any state or town right-of-way”

Exception: Accessory structures within M-1 that along town right-of-ways may encroach into said right-of-way following an approved encroachment agreement approved by the Town of Erwin Board of Commissioners.



Town of Erwin

Zoning Text Amendment Application

Planning & Inspections Department
 PO Box 459, 100 West F St, Erwin, 28339 · 910-897-5140 · Fax 910-897-5

Applicant Name	Wesley Johnson
Applicant Mailing Address	2965 Hobson Road, Dunn NC 28334
Applicant Contact Phone	919-756-0411
Applicant Email	Info@GrainDealersBrewery.com
Zoning Ordinance Section Number	Sections 36-419 and Section 36-433

In the space provided below, or on a separate sheet of paper, please state the nature of the proposed text amendment.

The proposed change is to allow for consideration of instances where a building's historic nature, equipment size, or general site layout deem it necessary to place building infrastructure within public right of ways.

Wesley Johnson

Applicant's Name (Print)

Wesley Johnson

Applicant's Signature (Sign)

Digitally signed by Wesley Johnson
 Date: 2024.10.02 23:29:49 -0400

Oct 3, 2024

Date

Administrative Official's Comments and Additional Requirements:

In the space provided below, or on a separate sheet of paper, provide the language proposed by Staff and authorized by the applicant for consideration of the Planning Board and Board of Commissioners.

I, _____, do hereby certify that the language as herein provided and prepared by the Town of Erwin Staff does meet the intent, in all respects, of my proposed Zoning Ordinance Text Amendment; and authorize the same to be presented to the Town of Erwin Planning Board and Board of Commissioners for their consideration of approval.

Wesley Johnson

Applicant's Name (Print)

Wesley Johnson

Applicant's Signature (Sign)

10/10/24

Date

\$\$\$ Ordinance Amendment Fee Must Accompany Application and Be Paid Prior to Scheduling for a consideration by Boards.

Fee Paid: 350	Date Paid: 10/10/24	Staff Initials: DMG
---------------	---------------------	---------------------



Town of Erwin

Encroachment Application

Planning & Inspections Department

Fee:	_____
Meeting Date:	_____
Case #:	_____

First Name: _____

Last Name: _____

Address: _____

City/State/Zip: _____

Home Phone: _____ Cell Phone: _____

Email: _____

Parcel PIN / ID: _____

Acreage/size: _____

Zoning: _____

Encroachment Request (may be attached on a separate sheet):

Encroachment Reasoning (may be attached on a separate sheet):

I, as the landowner, hereby **CERTIFY** that the information contained herein is true to the best of my knowledge.

Landowner's Signature: _____ Date: _____

Applicant's Signature: _____ Date: _____

Attach a scaled illustrative plot or site plan showing all dimensions of structure encroachment along with property lines.



Town of Erwin

Encroachment Application

Planning & Inspections Department

Fee: _____

Meeting Date: _____

Case #: _____

In order for the Town of Erwin's Commissioners to grant an encroachment into the Town of Erwin's Public Right-Of-Way all of the following standards must be met and found in the affirmative.

1. Cannot be easily sited in the private property due to physical constraints.

Reasoning:

2. Must not locate within a public street.

Reasoning:

3. Must not encroach into public parking.

Reasoning:

4. Must not block drainage ditches or gutters that control the flow of stormwater.

Reasoning:

5. Must not locate within 5 feet of public signs, utility boxes, utility poles/ lines, or other areas readily accessed by town or county departments.

Reasoning:

6. Must not be within 5 feet of any street intersection.

Reasoning:

7. Must not be within 5 feet of a fire hydrant.

Reasoning:

8. Must not block access to public street furniture or sidewalk.

Reasoning:

9. The circumstances are not the result of the actions of the applicant.

Reasoning:



Town of Erwin

Encroachment Application

Planning & Inspections Department

Fee: _____
Meeting Date: _____
Case #: _____

First Name: Wesley

Last Name: Johnson

Address: 2965 Hobson Road

City/State/Zip: Dunn, NC 28334

Home Phone: N/A Cell Phone: 919-756-0411

Email: info@graindealersbrewery.com

Parcel PIN / ID: 0597-54-9120.000

Acreage/size: 10.48

Zoning: Industrial

Encroachment Request (may be attached on a separate sheet):

Seeking permission to place a 27 ton HVAC unit partially within the right of way. This piece of infrastructure would be fenced in such a way to minimize visibility to street traffic while allowing for maintenance when needed. The size of the unit and the code around its spacing from the building makes this encroachment necessary.

Encroachment Reasoning (may be attached on a separate sheet):

The size of the HVAC and the historic nature of the buildings that it is set to serve (units J & K) prevent it from being placed on the roof of the building. The associated ductwork that feeds into the two spaces requires that the unit be placed in line with the juncture of those spaces. In addition, the grassy area between the building and 13th street is set to be parking to access this and other businesses set to be located in the development. The interior space is set to be a pedestrian only courtyard.

I, as the landowner, hereby **CERTIFY** that the information contained herein is true to the best of my knowledge.

Landowner's Signature: _____ Date: _____

Applicant's Signature: Wesley Johnson Digitally signed by Wesley Johnson
Date: 2024.10.02 23:48:28 -04'00' Date: October 3, 2024

Attach a scaled illustrative plot or site plan showing all dimensions of structure encroachment along with property lines.



Town of Erwin

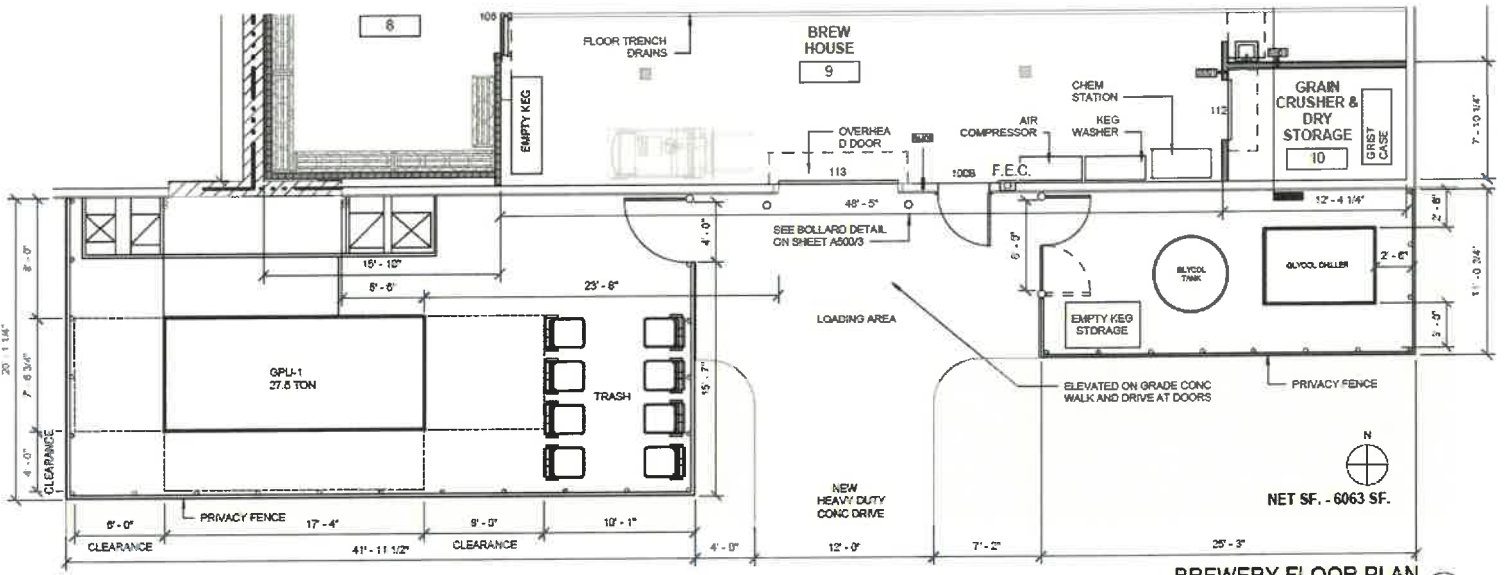
Encroachment Application

Planning & Inspections Department

Fee:	_____
Meeting Date:	_____
Case #:	_____

In order for the Town of Erwin's Commissioners to grant an encroachment into the Town of Erwin's Public Right-Of-Way all of the following standards must be met and found in the affirmative.

1. Cannot be easily sited in the private property due to physical constraints.
Reasoning: Ductwork orientation requires unit be placed at juncture of two building spaces. Pedestrian only courtyard to act as an extension of downtown Erwin.
2. Must not locate within a public street.
Reasoning: Would not extend into the street.
3. Must not encroach into public parking.
Reasoning: Would not be in public parking. This proposed location allows for the creation of publicly accessible parking in the grassy area towards 13th Street.
4. Must not block drainage ditches or gutters that control the flow of stormwater.
Reasoning: Should not hinder the drainage of the ditch.
5. Must not locate within 5 feet of public signs, utility boxes, utility poles/ lines, or other areas readily accessed by town or county departments.
Reasoning: Will not be within 5 feet of nearest power pole.
6. Must not be within 5 feet of any street intersection.
Reasoning: Will not be within 5 feet of Chief Joseph Lane and S 13th Street.
7. Must not be within 5 feet of a fire hydrant.
Reasoning: Will not be within 5 feet of a fire hydrant.
8. Must not block access to public street furniture or sidewalk.
Reasoning: Will not block access to public street furniture or sidewalk.
9. The circumstances are not the result of the actions of the applicant.
Reasoning: Consideration of future infrastructure needs were not likely consider by previous mill owners when road location was offered to the town.



BREWERY FLOOR PLAN

3/16" = 1'-0"

1

NET SF. - 6063 SF.



OLIVE

ARCHITECTURE

www.olive-arch.com

436 N. Harrington St. Suite 140
Raleigh, NC 27603
p 919.838.9934 f 919.838.9995

October 17, 2024

To: Town of Erwin Planning Board

RE: Right of Way Encroachment at the Historic Erwin Mills Property

Hello:

I have been working closely with Mr. Wesley Johnson and others to develop a plan to provide an adaptive reuse of the historic Erwin Mills property creating a brewery and other uses of the space along Chief Joseph Lane.

Due to the nature and history of the existing Erwin Mills site and structure it is my recommendation that the placement of the HVAC system, which will partially encroach on the public right of way, is necessary due to a number of factors impacting the property.

The historic nature of the structure limits the feasibility of placing this equipment on the roof, as doing so would compromise the building's historic character and architectural integrity.

Furthermore, the space between the east facing façade of the building and S 13th Street is designated as a publicly accessible parking area and benefits by preserving the east face of the buildings as the primary view from S. 13th Street.

The open courtyard space between warehouse areas, running from east to west will be developed into a pedestrian-only courtyard, enhancing the connection to downtown Erwin. HVAC units in this area would have a very negative impact on the future, multi-purpose courtyard space.

The placement of the HVAC unit is necessary due to the routing requirements for ductwork servicing two large and distinct spaces within the building with minimal aesthetic impact.

The proposed partial encroachment has the least impact on the historic site and aligns with the community's vision for revitalization while addressing the building's structural constraints.

Historic preservation is good economic development, and this encroachment offers the minimal impact on the Erwin Community while preserving the historic nature of the Erwin Mills property.

Respectfully submitted,

Andy O. Lawrence, AIA
Principal Architect



Olive Architecture, PLLC

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Raleigh, NC 27603
O 919.838.9934 F 919.838.9995
www.Olive-Arch.com

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TOWN OF ERWIN

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Mayor Pro Tem
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David L. Nelson
William R. Turnage

**ORDINANCE OF THE TOWN OF ERWIN, NORTH CAROLINA
AMENDING CHAPTER 36 ARTICLE XV GENERAL PROVISIONS
SECTION 36-419. – ACCESSORY BUILDING/STRUCTURES
ORD 2024-2025: 020**

WHEREAS, the current language of Section 36-419- Accessory Building/Structures reads:

Sec. 36-419. - Accessory building/structures.

- (a) Accessory buildings/structures are restricted to rear and side yards. Only one accessory building/structure shall be permitted on lots less than 15,000 square feet. Larger lots are allowed an extra accessory building/structure for each additional 15,000 square feet. There shall be a minimum of ten feet between the primary structure and any accessory building/structure as well as ten feet between each accessory building/structure.
- (b) Each accessory structure shall not exceed 40 percent of the total area of the principal structure. At no time shall the total area of accessory use exceed 25 percent of the rear yard.
- (1) Minimum side setback: Ten feet.
 - (2) Minimum rear setback: Ten feet.
 - (3) Minimum setback from principal structure: Ten feet.
 - (4) Maximum building height for accessory structures shall not exceed 20 feet mean roof height with the exception of schools, churches, hospitals, municipal facilities, and other such campuses, provided that at least one acre comprise the total land area of the development. The maximum height for accessory structures in such instances shall not exceed 35 feet mean roof height.
- (c) The following uses are permitted within accessory buildings in residential areas:
- (1) Parking.
 - (2) Gazebo.
 - (3) Pool houses.
 - (4) Equipment enclosure.
 - (5) Workshop.
- (d) Trash containers, mechanical equipment and minor outdoor storage shall be located only within the rear yard.
- (e) Mailboxes, newspaper boxes, wall, fences, birdhouses, flagpoles and pump covers may be placed in any front, side or rear yard. Doghouses may be placed in rear yards only.
- (f) All freestanding carports shall be located in the side or rear yard of the lot. Freestanding carports may be placed no closer than five feet to the property line when placed against principal structure. In addition, the freestanding carport cannot extend into front yard unless it is connected/attached to the principal structure. A maximum of two freestanding carports are allowed except when an accessory building is located on the lot. When an accessory building is located on the lot, only one freestanding carport will be allowed.

WHEREAS, the Town of Erwin wishes to amend the current language of the same in order to better reflect the desired development within the Town's Planning Jurisdiction; and

WHEREAS, the Town of Erwin wishes to amend the current language of the same to read:

Sec. 36-419. - Accessory building/structures.

(a) Accessory buildings/structures are restricted to rear and side yards. Only one accessory building/structure shall be permitted on lots less than 15,000 square feet. Larger lots are allowed an extra accessory building/structure for each additional 15,000 square feet. There shall be a minimum of ten feet between the primary structure and any accessory building/structure as well as ten feet between each accessory building/structure.

(b) Each accessory structure shall not exceed 40 percent of the total area of the principal structure. At no time shall the total area of accessory use exceed 25 percent of the rear yard.

(1) Minimum side setback: Ten feet.

(2) Minimum rear setback: Ten feet.

(3) Minimum setback from principal structure: Ten feet.

(4) Maximum building height for accessory structures shall not exceed 20 feet mean roof height with the exception of schools, churches, hospitals, municipal facilities, and other such campuses, provided that at least one acre comprise the total land area of the development. The maximum height for accessory structures in such instances shall not exceed 35 feet mean roof height.

(c) The following uses are permitted within accessory buildings in residential areas:

(1) Parking.

(2) Gazebo.

(3) Pool houses.

(4) Equipment enclosure.

(5) Workshop.

(d) Trash containers, mechanical equipment and minor outdoor storage shall be located only within the rear yard.

(e) Mailboxes, newspaper boxes, wall, fences, birdhouses, flagpoles and pump covers may be placed in any front, side or rear yard. Doghouses may be placed in rear yards only.

(f) All freestanding carports shall be located in the side or rear yard of the lot. Freestanding carports may be placed no closer than five feet to the property line when placed against principal structure. In addition, the freestanding carport cannot extend into front yard unless it is connected/attached to the principal structure. A maximum of two freestanding carports are allowed except when an accessory building is located on the lot. When an accessory building is located on the lot, only one freestanding carport will be allowed.

(g) Accessory structures prohibited in rights-of-way. No accessory structure or use shall be erected or maintained within or on any state or town right-of-way.

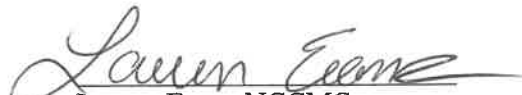
Exception: Accessory structures within M-1 that along town right-of-ways may encroach into said right-of-way following an approved encroachment agreement approved by the Town of Erwin Board of Commissioners.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Erwin, North Carolina that the current language as herein found with respect to Section 36-419- Accessory Building/Structures of the Town Code includes such language as herein indicated by red bold print.

Adopted this 7th day of November 2024.

ATTEST:


Randy Baker
Mayor


Lauren Evans NCCMC
Town Clerk



TOWN OF ERWIN

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**ORDINANCE OF THE TOWN OF ERWIN, NORTH CAROLINA
AMENDING CHAPTER 36 ARTICLE XV GENERAL PROVISIONS
SECTION 36-433. – FENCES AND WALLS
ORD 2024-2025: 021**

WHEREAS, the current language of Section 36-433- Fences and Walls reads:

Sec. 36-433. - Fences and walls.

(a) *Applicability.* Unless otherwise noted in this article, fences or walls are permitted in the various districts subject to the following regulations:

(1) *Permitted fence types.* The following fence types are permitted in all zoning districts:

- a. Masonry or stone walls;
- b. Iron;
- c. Chainlink;
- d. Wood or similar material;
- e. Vinyl;
- f. Fences proposed to be constructed of any other materials shall be subject to the approval of the zoning administrator.

(2) *Prohibited fence types.* The following fence types are prohibited, including, but not limited to:

- a. Fences constructed primarily of barbed or razor wire, except for the purpose of enclosing livestock in prescribed zoning districts and in accordance with this Code;
- b. Fences carrying electrical current, except for the purpose of enclosing livestock in prescribed zoning districts and in accordance with this Code;
- c. Fences constructed in whole or in part of readily flammable material such as paper, cloth or canvas;
- d. Fences topped with barbed wire or metal spikes in residential zoning districts, except those fences built in conjunction with electric or gas substations, utility facilities, sewer plants or facilities, radio and television masts, towers and similar structures, municipal water storage facilities, public correctional and mental institutions, or military facilities, or hazardous or radioactive waste, storage, and disposal facilities;
- e. Fences constructed of concertina wire;
- f. Fences constructed in whole or in part of sheet metal, tin, or tires.

(3) *Maintenance required.* Any fence which, through neglect, lack of repair, state of disrepair, type or manner of construction, method of placement or otherwise, constitutes a hazard or endangers any person, animal or property is hereby deemed a nuisance. If such conditions exist, the zoning administrator shall require the owner of the property upon which the fence is located to repair, replace or demolish the fence causing the nuisance, in accordance with the regulations found in this article.

(4) *Maximum height.*

a. Fence heights shall not exceed those heights as found in the "Use and Requirement" Charts found in Part F of [section 36-433](#). Uses not explicitly noted in chart shall conform to the most approximate type use noted, which shall be determined by the zoning administrator.

b. *Measurement.* Fence height shall be measured in the same manner as buildings. Where fences are located on retaining walls or manmade berms, the height of the retaining wall or berm shall not be considered as part of the overall height of the fence.

c. Fence height limitations do not apply to fences built in conjunction with electric or gas substations, utility facilities, sewer plants or facilities, radio and television masts, towers and similar structures, municipal water storage facilities, public correctional and mental institutions, or military facilities, or hazardous or radioactive waste, storage, and disposal facilities.

(5) *Temporary fences.* Nothing in this section shall preclude the installation of temporary fences around construction works, erected or maintained pursuant to the state building code or other applicable state or federal requirements.

(6) *General fence requirements.*

a. *Obstruction of view.* No fence shall be placed or retained in such a manner as to obstruct vision at any intersection of public or private streets.

b. *Fence prohibited in rights-of-way.* No fence shall be erected or maintained within or on any state or town right-of-way.

c. *Obstruction of drainageway.* Fence construction shall not alter or impede the natural flow of water in any stream, creek, drainage swale or ditch.

d. *Historic district.* Fences in historic districts shall meet the guidelines for the particular historic district in which it is located.

e. *Orientation of barbed wire.* On fences topped with barbed wire, the bottom strand must be at least six feet above grade.

f. *Placement of support boards, posts, and other fence support materials.* Fences shall be built with the finished side facing outward toward property line.

g. *Location of fence to allow maintenance.* No fence shall be erected in any location that prohibits the owner of the property on which said fence is erected from having access, for maintenance purposes, to all sides of such fence.

WHEREAS, the Town of Erwin wishes to amend the current language of the same in order to better reflect the desired development within the Town's Planning Jurisdiction; and

WHEREAS, the Town of Erwin wishes to amend the current language of the same to read:

Sec. 36-433. - Fences and walls.

(a) *Applicability.* Unless otherwise noted in this article, fences or walls are permitted in the various districts subject to the following regulations:

(1) *Permitted fence types.* The following fence types are permitted in all zoning districts:

- a. Masonry or stone walls;
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- b. Fences carrying electrical current, except for the purpose of enclosing livestock in prescribed zoning districts and in accordance with this Code;
- c. Fences constructed in whole or in part of readily flammable material such as paper, cloth or canvas;
- d. Fences topped with barbed wire or metal spikes in residential zoning districts, except those fences built in conjunction with electric or gas substations, utility facilities, sewer plants or facilities, radio and television masts, towers and similar structures, municipal water storage facilities, public correctional and mental institutions, or military facilities, or hazardous or radioactive waste, storage, and disposal facilities;
- e. Fences constructed of concertina wire;
- f. Fences constructed in whole or in part of sheet metal, tin, or tires.

(3) *Maintenance required.* Any fence which, through neglect, lack of repair, state of disrepair, type or manner of construction, method of placement or otherwise, constitutes a hazard or endangers any person, animal or property is hereby deemed a nuisance. If such conditions exist, the zoning administrator shall require the owner of the property upon which the fence is located to repair, replace or demolish the fence causing the nuisance, in accordance with the regulations found in this article.

(4) *Maximum height.*

- a. Fence heights shall not exceed those heights as found in the "Use and Requirement" Charts found in Part F of [section 36-433](#). Uses not explicitly noted in chart shall conform to the most approximate type use noted, which shall be determined by the zoning administrator.
- b. Measurement. Fence height shall be measured in the same manner as buildings. Where fences are located on retaining walls or manmade berms, the height of the retaining wall or berm shall not be considered as part of the overall height of the fence.
- c. Fence height limitations do not apply to fences built in conjunction with electric or gas substations, utility facilities, sewer plants or facilities, radio and television masts, towers and similar structures, municipal water storage facilities, public correctional and mental institutions, or military facilities, or hazardous or radioactive waste, storage, and disposal facilities.

(5) *Temporary fences.* Nothing in this section shall preclude the installation of temporary fences around construction works, erected or maintained pursuant to the state building code or other applicable state or federal requirements.

(6) *General fence requirements.*

- a. *Obstruction of view.* No fence shall be placed or retained in such a manner as to obstruct vision at any intersection of public or private streets.
- b. *Fence prohibited in rights-of-way.* No fence shall be erected or maintained within or on any state or town right-of-way.

Exception: Accessory structures within M-1 that along town right-of-ways may encroach into said right-of-way following an approved encroachment agreement approved by the Town of Erwin Board of Commissioners.

c. *Obstruction of drainageway.* Fence construction shall not alter or impede the natural flow of water in any stream, creek, drainage swale or ditch.

d. *Historic district.* Fences in historic districts shall meet the guidelines for the particular historic district in which it is located.

e. *Orientation of barbed wire.* On fences topped with barbed wire, the bottom strand must be at least six feet above grade.

f. *Placement of support boards, posts, and other fence support materials.* Fences shall be built with the finished side facing outward toward property line.

g. *Location of fence to allow maintenance.* No fence shall be erected in any location that prohibits the owner of the property on which said fence is erected from having access, for maintenance purposes, to all sides of such fence.

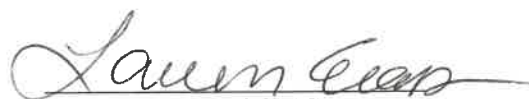
NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Erwin, North Carolina that the current language as herein found with respect to Section 36-433- Fences and Walls of the Town Code includes such language as herein indicated by red bold print.

Adopted this 7th day of November 2024.

ATTEST:



Randy Baker
Mayor



Lauren Evans NCCMC
Town Clerk

MINUTES CONTINUED FROM NOVEMBER 7, 2024

- Attendance policy.
- When the chair and vice chair are elected.
- When members can be reappointed.
- Authority granted by NC General Statutes to planning boards.
- The number of terms members serve consecutively.
- Member removal for inefficiency.
- Member compensation when acting as the Board of Adjustment.

Mayor Baker asked if anyone was present to speak in favor of the request, in opposition to the request, or had any questions.

Grace Watts of 403 S 15th Street came forward and addressed the Board. She stated that she was a part of the Planning Board for six years and was back on the Board. She felt the Board functioned very well but there was no increase in pay for the Board of Adjustments side. It would give people more of an incentive.

Mayor Baker asked if anyone else was present to speak in favor of the request, in opposition to the request, or had any questions.

No one came forward.

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

Commissioner Byrd made a motion, seconded by Commissioner Nelson, and **unanimously approved by the Board** to approve **Erwin Board Of Commissioners Resolution on Statement Of Consistency For Chapter 2 – Administration Article VIII.- Planning Board 2024-2025---011**

MANAGER'S REPORT

Town Manager Snow Bowden provided the Board with a detailed report at their seats. He stated if they had any questions to give him a call.

The Manager's Report is part of these minutes as an attachment.

Erwin Board of Commissioners

REQUEST FOR CONSIDERATION

To: The Honorable Mayor and Board of Commissioners

From: Dylan Eure, Town Planner

Date: November 7, 2024

Subject: Erwin Appointed Board Updates

Town staff wishes to amend several sections of Erwin's appointed board ordinances for the reason of updating the existing regulations to what Erwin currently uses and practices. This also brings Erwin's ordinances in line with many other municipalities in the area. Said items that wish to be amended are as follows:

- When new members are inducted and when their terms expire.
- Attendance policy.
- When the chair and vice chair are elected.
- When members can be reappointed.
- Authority granted by NC General Statutes to planning boards.
- The amount of terms members serve consecutively.
- Member removal for inefficiency.
- Member compensation when acting as the Board of Adjustment.

The first 4 are broad amendments that not only apply to the Erwin Planning Board but also to any other board created by the Erwin Board of Commissioners. The last 4 relate directly to the Erwin Planning Board/ Board of Adjustment.

Current 2-194:

The term of office for each appointed member shall last from the date of appointment until June 30 of the remaining term. New members normally take office as of the July meeting of the Board of Commissioners.

Proposed 2-194:

The term of office for each appointed member shall last from the date of appointment until their three-year term ends.

Current 2-196:

An appointed member who fails to attend more than one scheduled meeting and a minimum of 80 percent of all scheduled meetings in any given calendar year automatically loses their status as a member of the board or commission, provided that these absences are unexcused. Absences due to sickness, death or other emergencies of like nature shall be regarded as approved absences and shall not affect the member's status on the commission or board, except that in the event of a long illness or other cause for prolonged absence, the member may be replaced.

Proposed 2-196:

An appointed member who fails to attend more than **two consecutive scheduled meetings in any given calendar year may be recommended to the board of commissioners for removal, provided that these absences are unexcused.** Absences due to sickness, death or other emergencies of like nature shall be regarded as approved absences and shall not affect the member's status on the commission or board, except that in the event of a long illness or other cause for prolonged absence, the member may be replaced.

Current 2-198:

There shall be a chairperson and vice-chairperson of each board or commission. An annual election of the chairperson and vice-chairperson shall be held by the board or commission members and shall occur at a regular monthly meeting in July. Officers shall serve for one year from election with eligibility for reelection. New officers shall take office at the subsequent regular meeting in August. In the event an officer's appointment to the board or commission is terminated, a replacement to this office shall be elected by the remaining members, from its membership, at the meeting following the termination. The town manager or the manager's assign shall serve as secretary of the board or commission or shall appoint a member of the advisory commission to do this work for the manager.

Proposed 2-198:

There shall be a chairperson and vice-chairperson of each board or commission. An annual election of the chairperson and vice-chairperson shall be held by the board or commission members and shall occur at a regular monthly ~~meeting in July~~ **the following year**. Officers shall serve for one year from election with eligibility for reelection. ~~New officers shall take office at the subsequent regular meeting in August~~. In the event an officer's appointment to the board or commission is terminated, a replacement to this office shall be elected by the board of commissioners. ~~at the meeting following the termination~~. The town manager or the manager's assign shall serve as secretary of the board or commission or shall appoint a member of the advisory commission to do this work for the manager.

Current 2-200:

A member of a board or commission may be re-appointed by the governing board to one subsequent term. However, after serving a second term, the member may not be re-appointed to the board until a period of one year elapses, after which the member may again serve up to two terms. This process may continue until such time as the member resigns from the board or commission or is not re-appointed by the governing board.

Proposed 2-200:

A member of a board or commission may be re-appointed by the **administrative official** to one subsequent term. However, after serving a second term, the member may not be re-appointed to the board until a period of one year elapses, after which the member may again serve up to two terms. This process may continue until such time as the member resigns from the board or commission or is not re-appointed by the governing board.

Current 2-228:

A town planning board is hereby created under the authority of the G.S. ch. 160A, article 19.

Proposed 2-228

A town planning board is hereby created under the authority of the **G.S 160D-301, Article 3**.

Current 2-229

The planning board shall consist of eight members who shall be citizens and residents of the town and shall be appointed by the board of commissioners for staggered terms, with a full term being three years. Vacancies occurring for reasons other than expiration of terms shall be filled as they occur for the period of the unexpired term.

Proposed 2-229:

The planning board shall consist of eight members who shall be citizens and residents of the town and shall be appointed by the board of commissioners for staggered terms, with a full term being three years. Vacancies occurring for reasons other than expiration of terms shall be

filled as they occur for the period of the unexpired term. In the case of expiration of terms, the appointee may be re-appointed by the administrative official, unless this is the appointee's second term. If it is the appointee's second term the member may not be reappointed to the board until a period of one year elapses, after which the member needs to be re-appointed by the board of commissioners.

Current 2-231:

Members of the planning board may, after a public hearing, be removed by the board of commissioners for inefficiency, neglect of duty, or malfeasance in office.

Proposed 2-231:

All members of the Erwin Planning Board shall serve at the pleasure of the Town Board of Commissioners, regardless of the terms for which appointed, and the Town Commission may at its discretion at any time remove any members for any reason, including but not limited to inefficiency, neglect of duty, lack of attendance, or malfeasance in office.

Current 2-232:

All members of the planning board shall serve without compensation

Proposed 2-232:

All members of the planning board shall serve without compensation unless acting as the board of adjustment. In the case where the planning board is acting as the board of adjustment, they shall be compensated. Said compensation shall be determined by the Town Manager on a yearly basis.



TOWN OF ERWIN

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**ERWIN BOARD OF COMMISSIONERS
RESOLUTION ON STATEMENT OF CONSISTENCY
FOR CHAPTER 2 – ADMINISTRATION
ARTICLE VIII.- PLANNING BOARD
2024-2025—011**


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

WHEREAS, the Erwin Board of Commissioners do hereby find and conclude that the proposed Ordinance Amendments to Chapter 2- Administration Article VIII.- Planning Board is reasonable and in the public interest to better reflect the desire of the Town of Erwin to hold Advisory Board Members to a higher standard and bring Erwin's Code of Ordinances in line with other municipalities in the surrounding area; and

NOW THEREFORE BE IT RESOLVED, that the Mayor and Board of Commissioners of the Town of Erwin do hereby approve and adopt the proposed text amendments to Chapter 2- Administration Article VIII.- Planning Board as presented.

ADOPTED this the 7th day of November 2024.

ATTEST:


Randy Baker
Mayor


Lauren Evans NCCMC
Town Clerk



TOWN OF ERWIN

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Alvester L. McKoy
Timothy D. Marbell
Charles L. Byrd
David L. Nelson
William R. Turnage

Memo to: Mayor and Board of Commissioners

From: Snow Bowden, Town Manager

RE: November Managers Report

Date: 11/7/2024

- There is a flyer at your desk with information about an event on Sunday, November 17th at the First Baptist Church of Erwin. They are having a fundraiser to support Erwin's Shop with a First Responder program. They are having a chili cook-off and dessert auction. The fundraiser starts at 12:15PM. They are having a special service of blessing for our first responders at 11AM before the fundraiser starts as well.
- As a reminder, the drawing for the raffle for the fundraiser for our Shop with a First Responder is tomorrow 11/8/2024 at 5PM. The drawing will be held at the Erwin Fire and Rescue Department.
- The MAPS Group has already started working on our pay study. They will be here to kick the study off officially on Tuesday, November 12th. At the moment, we are hoping to have cost estimates in early January 2025. The job class specifications and personnel policy updates should be prepared by early March 2025.
- At our board meeting tonight, we will be approving the contract for the bike/ped pedestrian plan. We will be having meetings with key stakeholders starting in early 2025.
- The Town of Erwin has received a rezoning request for the vacant parcel at the corner of Maynard Lake Road and HWY 55. This is the same parcel that was requested in the past for a Dollar General and the request was denied. The Planning Board will discuss the application at our November Planning Board meeting on Monday, November 18th. They are not requesting a conditional district this time. They are just requesting to have the entire parcel rezoned to highway business (B-2). They have not mentioned voluntary annexation this time. The Town is limited in the amount of land that we can annex that is non-contiguous to our Town Limits. If we move forward with the annexation process for the entire subdivision off of Old Stage Road, we will be getting close to the maximum percentage of non-contiguous land that we can annex. It might not be feasible to annex the property.

- The public hearing for this rezoning case will be at our January 2025 meeting.
- We are putting the final touches on the CORE plan (Creating Outdoor Recreation Economies). The plan will be presented at our January 2025 workshop meeting.
- We have been having some issues with Duke Energy and getting the electricity disconnected at 601 Lucas Road. We went through the minimum housing process with this home and the demolition has been approved by the Town. I asked Brad Sutton with Harnett County to reach out do Duke for the Town and he has. Once the power is disconnected from this house, we will get it torn down.
- We are still hard at work planning the Christmas parade and tree lightening. We are also lining up hours to have the Santa house open so kids can come see Santa. We have already put up the decorations because it takes time to get everything up. As a reminder, the tree lightening is on Monday, November 25th. Thank you to Commissioner Nelson for helping us get a sponsor for this event. Antioch Church of Erwin is sponsoring this event. We have some other sponsors for the parade as well.
- Town Staff has spoken with the Town of Roseboro to ask about the recent stage that the built. We are going to do some more research on our options for a stage at Al Woodall Park and we should have something to discuss at our January workshop meeting.
- They have started to install the Flock cameras (license plate readers) that we included in the budget this year. Most if not all of them have been installed and they are live. These cameras will be very helpful for the Erwin Police Department and other law enforcement agencies in the region.
- I have found a better solution for the drainage issue on Womack Drive that should not impact any of the neighbors on that road. We are going to install a junction box and drain tile and redirect the storm water to the ditch on HWY 55. This work should be done by next week.
- The lot next to Erwin Public Works should be vacated by V1 Fiber by the end of November.
- At your seats you have invitations to the mayor's breakfast and the Erwin Christmas luncheon. Please let our Town Clerk Lauren Evans know if you will be attending one or both events.
- I do not have any updates on the Erwin Area Chamber of Commerce at the moment. We are trying to help them when we can. Once their administrator gets back from maternity leave, I think we will have a better idea of their future plans.

MINUTES CONTINUED FROM NOVEMBER 7, 2024

ATTORNEY'S REPORT

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

ADJOURNMENT

Commissioner Nelson made a motion to adjourn at 8:48 P.M. and was seconded by Commissioner Turnage. **The Board voted unanimously.**

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

ATTEST:



Randy Baker

Mayor



Lauren Evans, NCCMC

Town Clerk