

**THE ERWIN BOARD OF COMMISSIONERS
SEPTEMBER 2024 REGULAR WORKSHOP
MONDAY, SEPTEMBER 23, 2024 @ 6:00 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. NEW BUSINESS

- A. Stormwater Management Plan RFQs (**Page 2, Proposal Packet Separate**)
- B. Stormwater Grant Project Ordinance (**Page 3**)
- C. Parker Family ETJ Removal Request (**Page 5**)
- D. Pay Study RFP (**Page 10**)
- E. Electronic Payments (**Page 25**)
- F. Surplus Street Sweeper (**Page 29**)
- G. Erwin History Room (**Page 30**)
- H. ARP Policy Updates (**Page 31**)
- I. 601 Lucas Road (**Page 59**)
- J. Fences in ROW Amendment (**Page 63**)
- K. Accessory Structures in ROW Amendment (**Page 65**)
- L. Encroachment Amendment (**Page 67**)
- M. Replace playground equipment at Al Woodall Park (**Page 75**)
- N. Bike/Pedestrian Planning Grant (**Page 76**)
- O. ZT-2024-005 (**Page 77**)
- P. HWY 421 Overlay (**Page 123**)
- Q. Chapter 30 Updates (**Page 126**)
- R. Chapter 36 Updates (**Page 128**)

~~**4. CLOSED SESSION**~~

- ~~A. Pursuant to General Statute 143-318.11(a) (3) for the Purpose of Preserving the Attorney-Client Privilege~~

5. GOVERNING COMMENTS

6. ADJOURNMENT

ERWIN BOARD OF COMMISSIONERS
REGULAR WORKSHOP MINUTES
SEPTEMBER 23, 2024
ERWIN, NORTH CAROLINA

The Board of Commissioners for the Town of Erwin with Mayor Randy Baker presiding held its Regular Workshop in the Erwin Municipal Building Board Room on Monday, August 26, 2024, at 6:00 P.M. in Erwin, North Carolina.

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

Board Member absent was: Commissioner William Turnage

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

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

Commissioner McKoy gave the invocation.

Commissioner Nelson led the Pledge of Allegiance.

AGENDA ADJUSTMENT/APPROVAL OF AGENDA

Town Manager Snow Bowden requested that the Closed Session be removed from the agenda.

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

NEW BUSINESS

Stormwater Management Plan RFQs

Town Manager Snow Bowden informed the Board that Town Staff just wanted to give the Board an update. Town Clerk Lauren Evans distributed to the Board all RFQs received and we planned to have the scorings at our regularly scheduled workshop in October.

Mayor Baker stated that he wanted to make sure that when the assessment of the ditches is taking place, an engineer from the company has their feet on the ground and their eyes on the project.

Erwin Board of Commissioners

REQUEST FOR CONSIDERATION

To: The Honorable Mayor and Board of Commissioners

From: Snow Bowden, Town Manager

Date: September 23, 2024

Subject: Stormwater Management Plan RFQs

The Town of Erwin received nine submissions to the Request for Qualifications (RFQ) that we issued for our Stormwater Management Plan. The RFQ also included a request for additional assistance with the stormwater issues that we have on Butler Drive and North 9th Street/East H Street. Our Town Clerk Lauren Evans printed off copies of each proposal and hand delivered them to all of you so you could review them before we discuss the proposals. As a reminder this plan is being funded by a grant that the Town of Erwin received from the State of North Carolina. I would like to thank Representative Howard Penny for understanding the need that the Town had for this type of plan and for helping the Town secure this grant for this important plan.

RFQ's received:

1. TRC
2. KCI
3. Gradient
4. Kimley-Horn
5. Withers Ravenel
6. Timmons
7. MS Consultants
8. McAdams
9. McCormick Taylor

Erwin Board of Commissioners

REQUEST FOR CONSIDERATION

To: The Honorable Mayor and Board of Commissioners

From: Snow Bowden, Town Manager

Date: September 23, 2024

Subject: Stormwater Grant Project Ordinance Amendment

Town Staff has prepared an updated grant project ordinance for the grant that the Town received for a stormwater management plan. The original grant project ordinance was for \$480,000 and the updated grant project ordinance includes revenues of \$492,500. The original grant was for \$500,000 but a portion of the grant is kept by the North Carolina Department of Environmental Quality. We got a larger amount of the original grant due to the time that received the letter of intent to fund the project.

Attachments:

- Updated grant project ordinance



TOWN OF ERWIN

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

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

Grant Project Ordinance

Amendment

ORD 2023-2024 : 008

Town of Erwin

Storm water Management

NCDEQ – Division of Water Infrastructure

S.L. 2023-134 Water/Sewer Directed Projects

BE IT ORDAINED by the Town council of the Town of Erwin, North Carolina that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby adopted:

Section 1: This ordinance is to adopt a budget for the project funded by the NCDEQ Division of Water Quality, Division of Water Infrastructure for S.L. 2023-134 Water/Sewer Directed Projects. The Town of Erwin (Town) will receive the amount of \$485,000 for a storm water Management Plan. These funds will be used for the following category of Engineering Cost: Engineering Design \$485,000. to the extent authorized by state law.

Section 2: The following amounts are appropriate for the project and authorized for expenditure:

Project Budget	Funding Amount	Total Cost Amount
	From S.L. 2023-134	
Engineering Cost/Design	\$492,500	\$492,500

Section 3: The following revenues will be available to complete the project:

NCDEQ, Division of Water Infrastructure Funds:	\$492,500
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Adopted this 10th day of October 2024

Randy Baker
Mayor

ATTEST:

Lauren Evans NCCMC
Town Clerk

Erwin Board of Commissioners

REQUEST FOR CONSIDERATION

To: The Honorable Mayor and Board of Commissioners

From: Snow Bowden, Town Manager

Date: September 23, 2024

Subject: Parker Family ETJ Removal Request

The Parker family owns three tracts of land in Harnett County. One of those parcels is entirely within the Town of Erwin Extraterritorial Planning Jurisdiction (ETJ) this parcel is 16.20 acres according to Harnett County GIS data. In addition, another one of those parcels is partially within the Town of Erwin ETJ. The parcel that is split-zoned between our ETJ and Harnett County is the parcel with road access to HWY 55. The portion that is adjacent to HWY 55 is entirely within the jurisdiction of Harnett County. The third parcel that they own is 22.50 acres according to Harnett County GIS data and this lot is entirely within the jurisdiction of Harnett County. According to data from Harnett County GIS there are wetlands located on the parcel that is split zoned between Erwin and Harnett County. The wetlands extend onto the parcel that is outside of our control. The Parkers have hired a soil scientist to help with the development of these parcels. Town Staff believes it would be best for the Parker family to just have to deal with one entity with the development of these three parcels. Town Staff has prepared a resolution to give these two parcels back to Harnett County. We also have spoken with the Parkers and they are in agreeance. They have submitted a letter requesting this as well.

Town of Erwin ETJ parcels

- Harnett County Tax PIN 0598-83-1713.000
- Harnett County Tax PIN 0598-94-0052.000

Attachments:

- Letter from Parker family
- Harnett County GIS image- wetlands
- Harnett County GIS image- zoning
 - Two lots with red lines are the parcels we are discussing. The small parcel with a blue X is not included at this time (392)

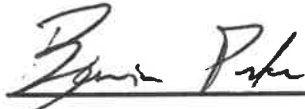
To whom it may concern,

I am writing to formally request the transfer of two land parcels located at NC 55 W DUNN, NC 28334 [Harnett County Tax Pin 0598-94-0052] and COUNTRY SPRING LN ERWIN, NC 28339 [Harnett County tax Pin 0598-83-1713] to Harnett County's jurisdiction.

The primary reason for this request is to ensure consistency in development regulations across adjacent properties. Currently, these parcels are under Erwin's jurisdiction, which may result in differing zoning codes, building permits, and other regulations compared to neighboring properties under county jurisdiction. We believe that this transfer would be in the best interest to us as the property owners and to the community as a whole.

Thank you in advance for your time and consideration.

Sincerely,



Benjamin G Parker

07/23/2024

Date:



Mallarie B Parker

9/3/2024

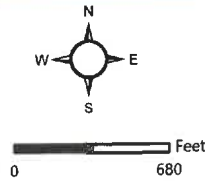
Date:

Mailing address: 2237 Balting Glass Drive, Indian Trail, NC 28079

Mallarie Parker 910-624-2996 Benjamin Parker 910-658-3737

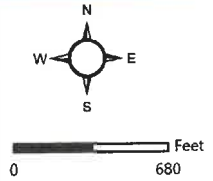


Harnett.org/GIS
September 6, 2024





Harnett.org/GIS
September 6, 2024





TOWN OF ERWIN

P.O. Box 459 • Erwin, NC 28339
Ph: 910-897-5140 • Fax: 910-897-5543
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**RESOLUTION REQUESTING HARNETT COUNTY TO
ADMINISTER PLANNING AND DEVELOPMENT
REGULATIONS IN A CERTAIN PORTION OF THE
TOWN OF ERWIN'S EXTRATERRITORIAL JURISDICTION
2024-2025—008**

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 Town of Erwin administers a one-mile extraterritorial jurisdiction (ETJ) for planning and development purposes outside the town limits of the Town of Erwin, as allowed by NCGS 160D-202; and

WHEREAS, Benjamin Glenn Parker owns Harnett County Tax PINs 0598-83-1713.000 and 0598-94-0052.000 which are located on the edge of the Town of Erwin's ETJ; and

WHEREAS, Harnett County Tax PIN 0598-83-1713.000 lies entirely within the Town of Erwin's ETJ, and Harnett County Tax PIN 0598-94-0052.000 lies partly within the Town of Erwin's ETJ, where planning and development is under the jurisdiction of the Erwin Board of Commissioners, and partly outside the Town of Erwin's ETJ, where planning and development is under the jurisdiction of the Harnett County Board of Commissioners; and

WHEREAS, because Harnett County Tax PIN 0598-94-0052.000 is split between the planning and development jurisdiction of the Town of Erwin and Harnett County, planning, development approval, and inspections are different, presenting challenges to the property owner and Town and County planning staff; and

WHEREAS, NCGS 160D-202 allows for a municipal governing body to request that the county governing body administer planning and development related functions within a specified area of the extraterritorial jurisdiction.

THEREFORE, the Town of Erwin Board of Commissioners respectfully requests that the Harnett County Board of Commissioners assume responsibility for all planning and development related functions within the aforementioned portion of the Town of Erwin's extraterritorial jurisdiction and the Town of Erwin forfeits its ability to administer planning and development regulations, and collect fees for such activities, until such time as requested by the Erwin Board of Commissioners.

ADOPTED, this the 10th day of October, 2024.

ATTEST:

Randy Baker
Mayor

Lauren Evans NCCMC
Town Clerk

Erwin Board of Commissioners

REQUEST FOR CONSIDERATION

To: The Honorable Mayor and Board of Commissioners

From: Snow Bowden, Town Manager

Date: September 23, 2024

Subject: Pay Study RFP

The Town of Erwin issued a Request for Proposals (RFP) for a job classification and pay study. We received one proposal from The MAPS Group. The MAPS Group is a well-respected organization. Town Staff recommends moving forward with this proposal. The proposed costs is \$11,800. Town Staff recommends including a budget amendment on our agenda for October 10th transferring \$11,800 from the contingency line-item in the Board of Commissioners department to contracted services in our Non-Departmental Budget.

Attachments:

- Proposal from The MAPS Group
- Copy of RFP



Management and Personnel Services Group
Providing Human Resources Services to the Public and
Non-Profit Sectors in North Carolina Since 1983

August 30, 2024

Lauren Evans
Town Clerk/HR Director
Town of Erwin
P.O. Box 459
Erwin, NC 28339

RE: Proposal for Town of Erwin Classification and Compensation Study

Dear Ms. Evans:

We are pleased to be able to offer the enclosed proposal to the Town of Erwin to perform a classification and compensation study and the specified personnel services as described herein.

If selected, the contract will be performed through an agreement between the North Carolina League of Municipalities and the MAPS Group. The MAPS Group is a private consulting firm consisting of personnel professionals in the public sector who specialize in human resources and general management. They are, or have been, employed in human resources departments at the state and municipal level of government and undertake consulting assignments for the North Carolina League of Municipalities.

I will have overall responsibility for this project to determine that all contractual obligations of this study are successfully met.

If you have any questions, please feel free to reach out to me.

Sincerely,

A handwritten signature in cursive script that reads "Erika Phillips".

Erika Phillips
MAPS Group Consultant
(919) 758-9122
ephillips@themapsgroup.com

Enclosures

CLASS AND COMPENSATION STUDY PROPOSAL

**for the
Town of Erwin**

*The MAPS
Group*

Executive Recruitment. Class and Pay Studies. HR Consulting Services.

**PROPOSAL FOR A CLASSIFICATION AND COMPENSATION STUDY
FOR THE
TOWN OF ERWIN**

Proposal Objective

This proposal is designed to assist the Town of Erwin in the completion of a classification and compensation study. The proposal objective is to ensure that the Town of Erwin has a competitive class and pay plan that allows for the successful recruitment and retention of staff.

Summary of The MAPS Group

The Management and Personnel Services Group (The MAPS Group) is a team of consultants specializing in human resource management and development. The MAPS Group provides quality, affordable, human resources services to public and non-profit organizations. Human Resources services include recruitment and selection, personnel policy development, classification and compensation studies, appraisal process development, and supervisory training. The MAPS Group consultants are all current or retired local and state human resources professionals committed to providing quality services and helping clients enhance their own organizational capacities. All consultants have a minimum of 15-20 years of experience working in a human resources management position in North Carolina state and local government agencies. We have worked for small organizations as well as large North Carolina cities and counties.

The team lead for this study will be Erika Phillips with additional staff assisting as needed. Ms. Phillips has over 30 years of public sector human resources experience in both municipal and state government and has conducted classification and compensation studies for multiple organizations.

Scope of Work

The classification and compensation study for the Town of Erwin will include the following work study objectives:

- Study and evaluate all positions covered by the NCLGERS within the Town for the purpose of determining the appropriate position classification and corresponding salary range.
- Conduct a comprehensive salary survey of appropriate public sector organizations to determine if the Town's salaries, benefits and wages are competitive in the applicable job market.
- Prepare or update class specifications for each position class based upon current job duties and requirements, outlining appropriate ADA information.
- Prepare a pay plan for the Town as required to maintain a competitive system of salaries.
- Identify and recommend positions that the Town may consider exempt from the Wage and Hour Provisions of the Fair Labor Standards Act (FLSA).
- Review and make recommendations concerning the effectiveness of the Town's overall compensation system including compression issues.

Study Work Components

The process of the classification and compensation include the followings steps and work components:

- Conduct meetings with the Town Manager and department heads 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.
- Conduct study orientation sessions with employees. The meetings will cover the purpose of a study, steps involved in the study and study methodology, review of position questionnaire instructions, and to answer any employee questions. These meetings help establish realistic expectations with employees and reduce misinformation.
- Review and study existing employee positions. This task will involve a review of the completed employee position description 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.
- 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 work experience requirements for the job
 - Nature and extent of public contact
 - Physical effort and hazards of the job
 - Supervision given and received
- Conduct a salary survey of public sector jurisdictions to ensure the Town's salary ranges are competitive and sufficient to attract and retain qualified employees.
- Prepare an updated classification and pay plan with updated classification titles and corresponding salary ranges. We will also prepare an employee allocation list with recommendations for each individual employee's position, salary grade, and salary.
- Costs for several different implementation options of the plan will be provided. Options will be designed specifically to address salary compression if needed and desired.
- Conduct a comprehensive review of the Town's Personnel Policy and make recommendations for updates as needed to be consistent with modern and effective human resources management and current laws and regulations.

Communication with the Town

During the study, MAPS consultants 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 consultants are on site for orientation meetings and/or interviews, we are available to meet with management as needed.

A draft of the study will be sent to management for review and The MAPS Group will make a 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 Board, if requested, and then return to respond to discussion and questions.

Involvement of Town Staff

Town staff members will be requested to complete position description questionnaires for each position, draft 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 the report to include the classification plan, class specifications, salary survey, and implementation costs. The MAPS representative will formally present the study to the Town Board if requested 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 two years following the study. 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 for the Town of Erwin will be led by Erika Phillips. Additional team members will be subject to approval by the Town.

Cost of Services

The fee for the proposed classification and compensation study is \$11,800.

In addition, consultant travel time is billed at \$25 per hour plus mileage at the IRS mileage rate.

Professional fees are billed in three equal installments throughout the recruitment, one at the beginning, one at the halfway point, and one upon completion of the project. All invoices are due within 30 days of receipt. Proposal cost is good for 120 days from August 30, 2024.

The MAPS Group does not mark up expenses and we work diligently to keep expenses at a minimum and maintain records of all expenditures.

Sample/Proposed Timeline

The time for performance will be approximately four months for this project. The study can be started in late October 2024 and completed no later than early March 2025. Below is a proposed sample timeline. The timeline can be adjusted based on discussions with the Town.

Date	Study Task
Week of October 28, 2024	Employee Orientation Meetings
Week of November 25, 2024	Employee Desk Audits/Interviews
Early - Mid January 2025	Draft Report Presented to Town
Early February 2025	Final Report with Class Specifications Ready
End of February 2025	Personnel Policy Review Complete

References

Town of Highlands

Town Manager, Josh Ward
josh.ward@highlandsonc.org
828-526-2118

Town of Benson

Town Manager, Kimberly Pickett
kpickett@townofbenson.com
919-894-3553

Town of Butner

Administrative and Human Resources Manager, Liz Davis
liz.davis@butnerps.org
919-575-6561

Additional Information

A vendor application, E-Verify Compliance Statement, W-9 form and other required documents will be provided in the event of contract award.

Contact Information

Erika Phillips

ephillips@themapsgroup.com

919-758-9122

www.themapsgroup.com

Submittal Date: August 30, 2024



**TOWN OF
ERWIN, N.C.**

**REQUEST FOR PROPOSAL FOR
PAY AND CLASSIFICATION
STUDY**

ISSUED: JULY 30th, 2024

DUE DATE: SEPTEMBER 12, 2024 at 4PM

- I. **INTRODUCTION** The Town of Erwin is soliciting proposals for a Pay and Classification Study to assist with maintaining a competitive and equitable pay and classification system for all positions when considered in relation to each other (internally) and when compared to the external labor market.
- II. **BACKGROUND** The Town of Erwin operates under a Council-Manager form of government. The Town's governing body is composed of a Mayor and a six-member Board of Commissioners. The Board appoints a Town Manager who acts as the Chief Administrator of the Town. In this capacity, the Town Manager directs and supervises the administration of all departments, offices, and agencies of the Town under the general direction of the Board.

Located in the eastern part of Harnett County, Erwin is part of the greater Raleigh-Durham-Cary, NC combined Statistical Area which includes Raleigh, Durham, and Chapel Hill. This area is regularly cited as one of the best places to raise a family, get an education, do business, and retire.

The Town employs approximately 26 full-time employees and 18 part-time permanent employees. There are 22 full-time job descriptions. The Town had a similar study conducted in 2018, and the current pay and classification plan was implemented in 2013 and updated annually through budget adoption. There are 19 job classifications in the current plan and 35 salary grades that include a minimum, midpoint, and maximum for each salary grade. Within each salary grade, there is a total spread of about 50% from each minimum salary to the maximum salary. There are no predefined salary steps in the salary grades. The current pay and classification system and job descriptions are available upon request to the Human Resources Director, Lauren Evans, who can be contacted at levans@erwin-nc.org or 910-591-4202.

- III. **SCOPE OF WORK** Review the existing Town of Erwin Job Classification and Pay Plan for appropriateness, internal equity, and external competitiveness. The following describes the various tasks that are expected to be completed to meet the requirements of this Request for Proposal:
 - a. Begin the task prior to November 1, 2024;
 - b. Provide a synopsis, prepared for management's review, covering the salient features of the proposal including overall costs and terms of work.
 - c. Provide a brief introduction, limited to no more than four (4) typewritten pages describing the firm's organization and services. A list identifying the project manager and/or staff who would be assigned to this project as well as their professional experiences, qualifications, responsibilities, functions, and work of similar size and scope. Promotional literature and other public relations documents should NOT be included.
 - d. Conduct a comprehensive pay study to determine if the Town's salaries are competitive within the appropriate job market. The current market survey data or survey to be conducted will include the collection and summary of salary data from an agreed-upon

set of participants, both public and private, or other survey sources. A detailed breakdown and description of the specific steps, services, and study products that will be provided as a result of the Scope of Work previously listed in this Request for Proposal.

- e. Evaluate position designations of exempt and non-exempt to ensure compliance with the Fair Labor Standards Act (FLSA).
- f. Review the salary structure and pay plan to ensure the Town can support recruitment and retention of employees more effectively.
- g. Review the accuracy of position titles and descriptions regarding unique characteristics of the position, essential job functions, minimum qualifications, working conditions, licensing requirements, on-call requirements, and supervisory requirements.
- h. Attend meetings, if requested, throughout the process with employees, the Town Manager and/or designated staff, and the Board of Commissioners to explain the methodology, survey results, and recommendations.
- i. Make recommendations to Town staff about any changes to the pay plan, strategies, policies, best practices, and other compensation related items in order to maintain a competitive place in the labor market.
- j. Develop and present final recommendations and implementation plan, including impact of implementing the recommended adjustments to current salaries both immediately and in the future.
- k. Recommend effective recruitment strategies for hard-to-fill, high turnover positions.
- l. Recommend a classification/compensation and position evaluation system that adheres to the following basic elements and characteristics:
 - i. Must meet all legal requirements, be totally non-discriminatory, and provide for compliance with all pertinent federal, state, and local requirements;
 - ii. Must be easy for management to administer, maintain, and legally defend;
 - iii. Must easily accommodate organizational change and growth or conversion;
 - iv. Must address pay compression;
 - v. Must be based upon sound compensation principles in which both internal and external equity are considered within the pay structure as well as the concepts of equal pay for equal work, equal pay for similar work, and equal pay for comparable work;
 - vi. Must provide for new positions to be incorporated into the compensation plan as well as appropriate adjustments to maintain the compensation plan's effectiveness;
 - vii. Provide implementation support and training as needed.

IV. FINAL REPORT Upon completion of the study, the contractor will:

- a. Prepare a written final report of recommendations, including a discussion of methods, techniques, and data used to develop the pay and classification plan;
- b. Provide all survey results;
- c. Prepare a report on the compensation system that compares the Town and its relation to the market;

- d. Prepare an analysis of the financial impact for various implementation dates of the new pay and classification plan and define funding issues;
- e. Provide a procedure manual and training for Human Resources staff, enabling them to maintain the recommended classification and compensation plan;
- f. Provide implementation support and training as needed;
- g. Address questions/issues that may arise after implementation.

V. PROPOSAL DEADLINE AND SUBMISSION REQUIREMENTS

- a. All proposals must be received by the Town of Erwin by 4:00 p.m. EST on Friday, September 12, 2024
- b. All proposals must include the following:
 - i. The proposal title, due date, and time;
 - ii. A cover letter/letter of intent on the contractor's letterhead, signed by an authorized representative of the contractor, expressly agreeing to the Town of Erwin's terms and conditions contained in this Request for Proposal;
 - iii. The contractor's name or company name, address and telephone number;
 - iv. The name, address, and telephone number of company representatives with the authority to answer questions or provide clarification regarding the proposal's contents;
 - v. A list of key personnel to be assigned to perform the services and each person's qualifications. Personnel should possess relevant and diverse knowledge and expertise in their respective fields;
 - vi. The names of any and all subcontractors expected to perform services in connection with the project and their qualifications. Include the estimated percentage of work that each subcontractor is expected to perform. The Town of Erwin reserves the right to accept or reject any proposed subcontractor;
 - vii. A breakdown of the firm's rates, fees, and charges for services, by phase and for the total project and a proposed payment schedule. All costs proposed are to be inclusive of labor, materials, equipment, incidentals, etc. necessary to provide the scope of services outlined in this RFP. Rates proposed are also to include all expenses, including general overhead, equipment, field overhead, profit, travel per diem, all necessary food, water, restroom, and lodging facilities needed to provide these services;
 - viii. A full description of services and processes/methodology that will be implemented and ongoing to complete the project in the most efficient, timely, and comprehensive manner. The description should include a detailed implementation plan and project schedule outlining the primary tasks, estimated hours, responsibility, major deliverables and timing as well as a statement of capacity to complete the project, including an estimated start date;
 - ix. Any assistance requirements from the Town of Erwin;
 - x. A detailed company description and history, including the areas of expertise related to the project;

- xi. A reference list of at least three (3) current projects. If not currently working on projects, we request a list of at least three (3) projects of similar size and scope completed within the past twenty-four (24) months, including the name and telephone number of a contact person for each reference listed.

Proposals must be received no later than 4:00 p.m. EST on Friday, September 20, 2024. Proposals should be mailed, hand-delivered, or emailed to the following:

Mail: Town of Erwin
ATTN: Lauren Evans, Town Clerk/HR Director
P.O. Box 459 Erwin, NC 28339
Erwin, NC 28339

Hand Delivery: Town of Erwin
ATTN: Lauren Evans, Town Clerk/HR Director
100 West F Street
Erwin, NC 28339

Email: levans@erwin-nc.org

The Town of Erwin will not be responsible for the failure of any mail or delivery service to deliver a proposal prior to the stated date and time. Regardless of the manner of submission, any proposal received after the stated date and time will not be considered. Incomplete proposals or proposals inconsistent with the required format may be disqualified from consideration.

- VI. **EXPENSES** The Town of Erwin will not be responsible for any costs or expenses incurred by the contractor in submitting a proposal or for any other activities associated with this procurement.
- VII. **RIGHT TO SUBMITTED PROPOSALS AND SUPPORTING DOCUMENTS** All written correspondence, proposals, and supporting documents received by the Town in connection with this Request for Proposal will become the property of the Town of Erwin. The Town reserves the right to use any ideas in a proposal or supporting documents regardless of whether the proposal is selected.
- VIII. **QUESTIONS/ADDENDA** Questions or requests for further information regarding this Request for Proposal shall be submitted in writing to the attention of Lauren Evans, Human Resources Director, at P.O. Box 459, Erwin, NC 28339 or via email at levans@erwin-nc.org no later than 2:00 p.m. EST on Friday, September 2, 2024. A copy of all questions, further clarifications, and answers will be made in the form of an Addendum to this Request for Proposal and will be provided to all contractors and posted on the Town's website. Contractors are expressly prohibited from contacting any Town of Erwin official or employee regarding this Request for Proposal, except in the manner noted in this section. A violation of this provision is grounds for the immediate disqualification of the contractor.
- IX. **FORM OF AGREEMENT** In addition to the terms and conditions contained in this Request for Proposal, by submitting a proposal, the contractor, if selected, agrees to enter into and be bound by the provisions of a Services Agreement in substantially the form attached hereto

and incorporated herein by reference. To the extent that any of the terms of this Request for Proposal and the terms of the Services Agreement conflict, the terms of the Services Agreement shall prevail. No work shall commence until an agreement has been fully executed by the parties. Unless otherwise approved by The Town of Erwin, the contractor must begin performing services within thirty (30) days after an agreement is signed.

X. PROPOSAL CONDITIONS

- a. Submission of a proposal indicates explicit acceptance by the contractor of the terms and conditions contained in this Request for Proposal and any attachments hereto. The Town of Erwin reserves the right to reject, without prejudice or explanation, any or all proposals. The Town reserves the right to waive informalities or to amend the specifications of this Request for Proposal and request new proposals at any time prior to the award of a contract. All decisions of the Town of Erwin shall be final and binding.
- b. The contractor shall supply the following:
 - i. A single point of contact through proposal acceptance. The Town of Erwin will communicate solely through this contact regarding all issues relating to the proposal through acceptance.
 - ii. A single Project Manager, after acceptance, dedicated and available for the entire duration of the project. The Project Manager may only be replaced upon approval by, or at the request of the Town of Erwin. At a minimum, the contractor's Project Manager shall be responsible for oversight and management of the Scope of Work as outlined above.

XI. CONSIDERATION OF WITHDRAWAL AND/OR REJECTION OF PROPOSAL

- a. Withdrawal After submission, no proposal may be withdrawn by the contractor for a period of ninety (90) days following the opening date. Until that time, the proposal will remain firm and irrevocable and any required bond will be forfeited.
- b. Rejection A proposal may be rejected if the contractor fails to:
 - i. Submit the proposal in the format specified;
 - ii. Supply the minimum information requested;
 - iii. Submit all addenda, addenda responses, and templates;
 - iv. Submit the proposal by the date and time required;
 - v. Submit a cost proposal with unbundled, detailed, and itemized pricing;
 - vi. Provide truthful and accurate information in the proposal.

XII. AWARD The Town of Erwin reserves the right to award a contract, based on initial proposals received from contractors, without discussion and without conducting further negotiations. The Town of Erwin may also, at its sole discretion, initiate further discussions with contractors that it deems to fall within a competitive range. The award shall be based on the best overall proposal taking into consideration the following factors:

- a. Demonstration of the contractor's ability to successfully complete all requirements as specified in the Scope of Work;
- b. The cost of services;
- c. Experience in similar consulting services and performance history (references);
- d. Qualification of project staff, including internal staff and/or staff that may be involved in duties being outsourced;

- e. Demonstration of the firm's ability to utilize existing information in order to reduce initial and future costs of services.

The Town of Erwin shall not be deemed to have finally selected a contractor until a contract has been successfully negotiated and signed by both parties.

- XIII. **NON-DISCLOSURE OF INFORMATION** The contractor and its agents shall treat all data and information associated with this Request for Proposal, including, without limitation, the Request for Proposal, all reports, recommendations, specifications and other data as confidential. Contractor and its agents shall not disclose or communicate any information to a third party or use such information in advertising, propaganda and/or in another job or jobs, unless prior written consent is obtained from the Town of Erwin.
- XIV. **NORTH CAROLINA PUBLIC RECORDS** All proposals received by the Town of Erwin shall be considered public information subject to lawful disclosure under North Carolina Public Records Law. Any proposal material deemed by the contractor to constitute either proprietary or trade secret material shall be designated as such, and each page or section of a page containing such material shall be so marked by the contractor. In addition, it shall be the sole responsibility of the contractor to demonstrate to a court of competent jurisdiction that their designation is proper. The Town of Erwin shall not make public any material determined by a court of competent jurisdiction to be proprietary or trade secret. Contractor hereby agrees to indemnify and hold the Town of Erwin harmless from any and all claims, suits, damages, penalties or expenses arising out of contractor's proprietary or trade secret designation.
- XV. **CERTIFICATION** The contractor hereby certifies that it has carefully examined this Request for Proposal and all attachments hereto, that it understands and accepts all terms and conditions and the Scope of Work, and that it has knowledge and expertise to complete the project. By submitting a proposal, contractor certifies that its proposal is in all respects fair and without collusion or fraud

MINUTES CONTINUED FROM SEPTEMBER 23, 2024

Stormwater Grant Project Ordinance

Town Manager Snow Bowden stated the Board approved a Project Ordinance several months back and Town Staff was asking the Board to approve an amendment to the ordinance for the amount of \$492,500.

The consensus of the Board was to place this item under consent at the Regularly Scheduled Board Meeting in October.

Parker Family ETJ Removal Request

Town Manager Snow Bowden informed the Board that this request was for two parcels in our planning zone. These parcels are owned by the Parker family who want to develop these two lots as well as the lot above which was in Harnett County's jurisdiction. The Parker family was asking the Town to give the jurisdiction back to Harnett County for these two parcels. He stated the Board would need to adopt a resolution.

The consensus of the Board was to place this item under consent at the Regularly Scheduled Board Meeting in October.

Pay Study RFP

Town Manager Snow Bowden informed the Board that we received one RFP back regarding the Pay and Classification Study. MAPS Group proposed \$11,800 which he felt was reasonable. MAPS Group is a well-known and respected company and he felt they would do a great job.

Commissioner Byrd inquired what the study entailed.

Town Manager Snow Bowden explained that the MAPS Group would come down and speak with supervisors and employees to see what they do. They also speak with similar municipalities to find similar roles and what that municipality pays for those positions to create a new pay grade and salary schedule.

Mayor Baker reminded the Board that this is a plan presented to the Board and it would be up to the Board to adopt it and implement it.

The consensus of the Board was to place this item under consent at the Regularly Scheduled Board Meeting in October to approve the RFP from MAPS Group and a budget amendment to move \$11,800 from contingency to non-departmental contracted services.

Electronic Payments

Town Manager Snow Bowden stated that many municipalities have transferred to paying bills online to help prevent fraud. Town Staff has requested the Board's approval on an Electronic Payments policy and Resolution to allow our Finance Director Linda Williams to pay certain

MINUTES CONTINUED FROM SEPTEMBER 23, 2024

bills online such as health insurance, Duke Energy, and credit cards such as Lowes, Truist, and Walmart.

The consensus of the Board was to place these items under consent at the Regularly Scheduled Board Meeting in October.

Surplus Street Sweeper

Town Manager Snow Bowden asked the Board to consider allowing him to donate our old Street Sweeper to the Town of Lillington. If we sold it, we probably could not get more than \$500.00 for it.

The consensus of the Board was to place these items under consent at the Regularly Scheduled Board Meeting in October.

Erwin History Room

Town Manager Snow Bowden informed the Board that he was not asking for action on this matter tonight because he still needed to do some research on the matter but the Erwin History Society approached him about issues they were having with the bathroom in that building. They received a proposal of \$7,800 and according to the company they spoke with, repairs to the bathroom would not require moving any load-bearing walls.

Commissioner Byrd stated that we owed them that much.

ARP Policy Updates

Town Manager Snow Bowden stated that Town Staff prepared three policies that are required for ARP. The Stormwater Grant put us over the threshold to require these policies.

The consensus of the Board was to place these items under consent at the Regularly Scheduled Board Meeting in October.

601 Lucas Road

Town Planner Dylan Eure stated that we received one bid of \$7,800 from Martin Edwards and Associates. He felt the cost was fair.

The consensus of the Board was to place these items under consent at the Regularly Scheduled Board Meeting in October.

Erwin Board of Commissioners

REQUEST FOR CONSIDERATION

To: The Honorable Mayor and Board of Commissioners

From: Snow Bowden, Town Manager

Date: September 23, 2024

Subject: Electronic Payments

Town Staff has prepared a policy and resolution in regards to electronic payments. The Town of Erwin has utilized electronic payments in the past for a number of years. We have found that they provide a safe and more secure option to make payments. We have also found that electronic payments are more reliable versus sending paper checks in the mail due to issues with the mail system and other reasons with how the checks are handled once they are received. We have seen where a number of other municipalities and counties have adopted resolutions and policies to make this practice more formal in nature. All electronic payments are reviewed by the Town Manager.

Attachments:

- Electronic Funds Transfer Policy
- Resolution Authorizing Electronic Payments



TOWN OF ERWIN

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Town of Erwin Electronic Funds Transfer Policy

This policy sets forth the Town of Erwin's written policy prescribing the accounting and control procedures under which any funds under its control are allowed to be moved by electronic funds transfer ("EFT") for any purpose, including direct deposit, wire transfer, withdrawal, or investment.

STATEMENT OF POLICY

The Town Manager has delegated to the Finance Director the authority to operate and administer the Town's financial policies and controls in accordance with applicable law, and with the resolutions, regulations and policies of the Town of Erwin and to the Town Clerk/HR Director.

The Finance Director is responsible for the daily management of the Town's bank balances and the general oversight of EFT activity and ensuring appropriate accounting and control procedures are in place.

PURCHASING POLICY AND PROCEDURES

Policy Outlining Procedures for Pre-Auditing Obligations That Will Be Incurred by Electronic Payments and for Disbursing Public Funds by Electronic Transaction
The Town Council has authorized the Town of Erwin to engage in electronic payments as defined by G.S. 159.28 by adoption of Resolution No. 2023-2024-007. As required by NC Administrative Code 20 NCAC 03 .0409 and NC Administrative Code NCAC 03 .0410, this policy outlines procedures for pre-auditing obligations that will be incurred by electronic payments and procedures for disbursing public funds by electronic transaction.

Procedures for Pre-Auditing Obligations That Will Be Incurred by Electronic Payments

1. Credit Cards

- a. Each Department's adopted budget specifies the spending limits to be placed on the purchasing level. Approved Requisitions/PO's are required for all purchases \$500 and above. Requested card purchases are based on normal operational spending needs.
- b. The Finance Director records encumbrances through a purchase order to Town of Erwin's Credit Card vendor in the Town's financial system. These encumbrances are charged to the budget for the department's specified line item expenditure account(s) and are based on estimated spending limits established. Essentially there is a blanket discretionary authority to spend up to the annual spending limit and the process of encumbering these funds either through PO's or regular accounting procedures pre-audits

these transactions by checking for budgetary authority to spend up to these spending limits.

c. When actual Credit Card transactions are entered into the Town's financial system, items that require a PO of \$500 or above are liquidated from that Departments line item encumbrances. After all the Credit Card transactions for the month have been entered into the Town's financial system, any remaining Credit Card encumbrances for the year remain to be used as needed.

2. Fuel Cards

a. The Finance Director records monthly encumbrances through a purchase order in the Town's financial system. These encumbrances are charged to the budgets for the departments' fuel accounts and are based on estimated fuel card expenditures annually. Employees authorized to purchase fuel for their departments essentially have blanket discretionary authority to spend up to the monthly encumbered amount and the process of encumbering these funds pre-audits these transactions by checking for budgetary authority to spend up to that estimated encumbrance.

b. When actual fuel card transactions are recorded into the Town's financial system, equivalent amounts are liquidated from that month's fuel department's encumbrances. After all actual fuel card transactions for the month have been recorded into the Town's financial system, any department's remaining fuel encumbrances for the year remain to be used as needed.

3. Electronic Funds Transfers

The Town does generally engage in purchasing or incurring obligations by electronic funds transfers, in the form of, ACH or wire payments. These transactions will be pre-audited and the pre-audit language required in G.S. 159-28(a1) affixed to the documentation.

Procedures for Disbursing Public Funds by Electronic Payments

The Town does currently pay some invoices that are processed through its accounts payable system by creating an ACH file for transmittal. These payments will be pre-audited with the pre-audit language required in G.S. 159-28(a1) and affixed to the documentation. In order to ascertain that the Town has sufficient cash to cover the payment, these electronic payments are included in computing cash requirements prior to disbursement.

AUTHORITY

This policy is adopted pursuant to the requirements of the North Carolina General Statutes (N.G.C.S.) 159-28.



TOWN OF ERWIN

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RESOLUTION AUTHORIZING THE TOWN OF ERWIN TO ENGAGE IN ELECTRONIC PAYMENTS AS DEFINED BY G.S. 159-28 2024-2025—005

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

WHEREAS, it is the desire of the Mayor and Board of Commissioner that the Town of Erwin is authorized to engage in electronic payments as defined by G.S. 159-28.

WHEREAS, it is the responsibility of the Finance Director, who is appointed by and serves at the pleasure of the Town Manager to adopt a written policy outlining procedures for pre-auditing obligations that will be incurred by electronic payments as required by NC Administrative Code 20 NCAC 03 .0409;

WHEREAS, it is the responsibility of the Finance Director, who is appointed by and serves at the pleasure of the Town Manager, to adopt a written policy outlining procedures for disbursing public funds by electronic transaction as required by NC Administrative Code 20 NCAC 03.0410;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Board of Commissioners of the Town of Erwin

Section 1. Authorizes the Town of Erwin to engage in electronic payments as defined by G.S. 159-28;

Section 2. Authorizes the Finance Director to adopt a written policy outlining procedures for pre-auditing obligations that will be incurred by electronic payments as required by NC Administrative Code 20 NCAC 03 .0409

Section 3. Authorizes the Finance Director to adopt a written policy outlining procedures for disbursing public funds by electronic transaction as required by NC Administrative Code 20 NCAC 03 .0410; and Section 4. This resolution shall take effect immediately upon its passage.

ADOPTED, this the 10th day of October, 2024.

ATTEST:

Randy Baker
Mayor

Lauren Evans NCCMC
Town Clerk

Erwin Board of Commissioners

REQUEST FOR CONSIDERATION

To: The Honorable Mayor and Board of Commissioners

From: Snow Bowden, Town Manager

Date: September 23, 2024

Subject: Surplus Street Sweeper

We are trying to clean up the site of Erwin Public Works. We have already sold a lot of our surplus equipment. Town Staff wishes to surplus the old Tymco Street Sweeper. We have let the Town of Lillington borrow the old street sweeper a handful of times and they have always been very appreciative of us letting them borrow that piece of equipment. The Town of Lillington has let us borrow equipment when we were in a serious need in the past before as well. I feel like it is important that we support each other when we can. I would like to ask you to consider allowing us to give the old street sweeper to the Town of Lillington. The old sweeper is in rough shape and we could not get much for it on GOVDEALS. I think it would be much better suited to give it to the Town of Lillington.

- 2006 Isuzu -VIN J77904226

Erwin Board of Commissioners

REQUEST FOR CONSIDERATION

To: The Honorable Mayor and Board of Commissioners

From: Snow Bowden, Town Manager

Date: September 23, 2024

Subject: Erwin History Room

The bathrooms in the Erwin History Room need some attention. At the moment, I have one quote to update the bathroom to an ADA-compatible bathroom and some other minor updates to the bathroom. At the time of this memo, I am still doing some research to see all that we would need to do to move forward with this project. I wanted to bring it up for discussion.

The update would require some rearranging in the History Room but from what I have been told the work would not require moving any load-bearing walls. The proposal that I have received was for \$7,850. The Town would have to get all of the required permits.

Erwin Board of Commissioners

REQUEST FOR CONSIDERATION

To: The Honorable Mayor and Board of Commissioners

From: Snow Bowden, Town Manager

Date: September 23, 2024

Subject: ARP Policy Updates

Town Staff has prepared a few policies that the Town needs to adopt in order for the Town to be in compliance with all of the regulations in regards to the American Rescue Plan. The Town has already adopted all of the required policies that we had to adopt in regards to the allotment of funds that the Town received from the American Rescue Plan. As a reminder the Town chose to use the revenue replacement option due to the level of funding that we received from the American Rescue Plan. There are additional requirements for projects outside that scope of work and for agencies that received over ten million dollars in funds from the American Rescue Plan. Some of the grants that the Town is currently handling were funded with some of the American Rescue Plan Funds that the State of North Carolina received. The Town needs to adopt these additional policies to ensure that we follow all of the requirements/laws that the State of North Carolina would have followed when spending these funds. All of these policies were modeled off of template policies that were prepared by the University of North Carolina School of Government staff.

Attachments:

- Internal Control Policy
- Subaward Policy
 - Appendix 3 monitoring form
- Program Income policy



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TOWN OF ERWIN INTERNAL CONTROL POLICY

Definitions

- **Management** refers to employees who have direct responsibility for the day-to-day operations of the entity, including the implementation of internal controls. For the purposes of this policy, “management” includes: [Town Manager, Finance Director, Finance Officer, and Human Resources Director].
- **Oversight Body**, as referenced in the Government Accountability Office’s Standards for Internal Control in the Federal Government, refers to an appointed body designated to perform oversight at the direction of the governing board. The oversight body of a local government is, by default, the Erwin Board of Town Commissioners

Policy Overview and Purpose

Internal control is a process effected by an entity’s oversight body, management, and other personnel that provides reasonable assurance that the objectives of an entity will be achieved. This policy outlines the internal control process established by the Town of Erwin to provide reasonable assurances that the unit will expend ARP/CSLFRF award funds in compliance with governing laws and regulations. This document is adopted in accordance with the following directive from U.S. Treasury’s Compliance and Reporting Guidance: “Per 2 CFR Part 200.303, your organization must develop and implement effective internal controls to ensure that funding decisions under the ARP/CSLFRF award constitute eligible uses of funds, and document determinations.”²

Internal Control Framework:

The Town of Erwin’s internal controls are modeled after the internal control framework set forth in the Government Accountability Office’s Standards for Internal Control in the Federal Government (the “Green Book”). As described in the Green Book, Management is responsible for establishing and maintaining the internal control system in compliance with the duties outlined in this policy. The Oversight Body’s primary role is to ensure management performs its internal control responsibilities. However, every employee bears some responsibility for the internal control process.

The Green Book Recognizes Five Components of Internal Control: Control Environment, Risk Assessment, Control Activities, Information and Communication, and Monitoring

The Town of Erwin understands that each component must be present and functioning for the internal control process to operate at the optimal level. The responsibilities tied to each of the components are discussed below.

1. Control Environment

The control environment is the foundation for all other components of internal control, providing discipline and structure. Management values integrity, ethics, and competence in all operations,

including the administration of federal awards. Management communicates and reinforces its expectations throughout the organization. Examples of management's commitment to internal controls over expenditures of ARP/CSLFRF funds include, but are not limited to, the following:

- Management demonstrates a commitment to integrity and ethical values through its leadership, communications, personnel practices, and daily actions.
- Management conducts ongoing risk assessments to identify internal control weaknesses that may negatively impact the proper administration of the ARP/CSLFRF award.
- Management is committed to educating itself and staff on the compliance requirements tied to the administration of the ARP/CSLFRF award.
- Management adopts policies necessary to ensure compliance with the Uniform Guidance and the ARP/CSLFRF award terms and conditions.

2. . *Risk Assessment*

Management is committed to identifying and managing the risks that may arise during the administration of the ARP/CSLFRF award. The risk assessment component of internal control involves management evaluating the risks the entity faces that could negatively impact its ability to achieve its objectives. These objectives include:

- **Operational Objectives:** All assets are appropriately safeguarded against risks of fraud, theft, loss, or abuse.
- **Reporting Objectives:** Finance systems and processes produce accurate and reliable financial reporting for federal award expenditures. The Town of Erwin's Schedule of Expenditures of Federal Awards (SEFA) is complete and accurate.
- **Compliance Objectives:** Ensure ARP/CSLFRF awards funds are expended in compliance with the award terms and conditions, federal and state law, and U.S. Treasury guidance.

Risk Identification

Management shall identify risks that may impair the Town of Erwin's ability to achieve its objectives. Management shall focus its risk assessment on areas of opportunity for employees to commit fraud. Specific areas and types of risk include:

- rapid growth in operations,
- changes in personnel,
- organizational restructuring, such as centralizing or decentralizing,
- new activities or service areas,
- new or revised information systems,
- new technologies in service delivery or information systems,
- changes in the operating or regulatory environment, and
- new or updated accounting and/or financial reporting practices.

Uniform Guidance Compliance & Risk Identification

There are specific risks that arise in the administration of a grant award. Management will identify areas of risk that may impair the Town of Erwin's ability to comply with the ARP/CSLFRF award's terms and conditions and/or applicable state and federal law and regulations.

Specifically, the Town of Erwin will evaluate risks of non-compliance in the following compliance areas:

- Eligibility,
- Allowable Costs/Cost Principles,
- Period of Performance,
- Financial Management,
- Property Management,
- Procurement,
- Subrecipient Monitoring, and

- Program Income.

Risk Analysis

Management shall determine the potential severity of liabilities associated with the risks identified by weighing the likelihood of occurrence against the degree of impact.

Likelihood × Impact = Risk Priority

After rating each risk for likelihood & impact, multiply to identify which risks are highest priority to control for.

		Risk Priority				
Likelihood	5	5	10	15	20	25
	4	4	8	12	16	20
	3	3	6	9	12	15
	2	2	4	6	8	10
	1	1	2	3	4	5
		1	2	3	4	5

Priority Rank Scale	
Low	1 to 4
Moderate	5 to 9
High	10 to 19
Very High	20+

Risk Response

Management shall review the results of the risk analysis and determine whether to implement control activities to mitigate risks. Management will respond to identified risks in one of three ways:

- accept the risk,
- reduce the risk by implementing control activities to help prevent or detect issues, or
- avoid the risk by not pursuing certain activities.

Management shall consider the relative cost of implementing controls versus the benefit(s) offered in deciding whether to mitigate risk(s) through the implementation of control activities. When possible, control activities will be implemented to mitigate risks that rate “High” or “Very High” on the Likelihood/Impact scale.

3. Control Activities

Control activities are the actions taken by management to respond to risks that may prevent the entity from achieving its objectives. The internal control activities are either preventative or detective. The Town of Erwin uses a variety of control activities that support strong internal controls, including, but not limited to the following:

- written policies and procedures,
- segregation of duties: separating authorization, custody, record-keeping, and reconciliation functions,
- authorizations to undertake projects/programs/expenditure,
- reconciliation of accounts and records,
- documentation and record-keeping,
- physical controls, including locks, physical barriers, and security systems to protect physical assets,
- IT controls, including passwords, access logs, and firewalls to protect sensitive data and restrict access to electronic data and files,
- staff training, or
- a combination of the above.

4. Information and Communication

The Town of Erwin communicates accurate and quality information to internal staff and personnel and to external stakeholders and community members. Communication plays an integral role in the internal control system by helping to promote transparency regarding the use of public funds. Management shall be responsible for communicating internal control processes to those employees directly involved in finance and/or grant administration. Management will communicate its policies, procedures, and internal controls through various handbooks, programs, training, and electronic communication.

Information regarding pertinent policies, processes, and control activities will flow down, across, and up the organizational structure. Internal control deficiencies should be reported upstream, with serious matters reported immediately to top-level management and/or to the governing board. Employees are required to report any critical issues within the internal control system to management as soon as possible after the discovery.

To ensure transparency regarding the use of ARP/CSLFRF funds, the Town of Erwin shall communicate quality information to community members and external stakeholders. The communication channels may include:

- Provide a copy of the current and previous two budgets on Town website
- Provide a copy of the past three approved audits
- Project and Expenditure reports are posted to the ARP/CSLFRF webpage.
- Governing board members and management are willing to engage directly with community members and answer questions via email and/or provide updates during regularly scheduled meetings.

5. Monitoring

The Town of Erwin shall conduct ongoing monitoring of the internal control system to identify its strengths and weaknesses. Internal and external audits will be conducted pursuant to federal and state law. These audit processes will test the effectiveness of internal controls over federal and state awards



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TOWN OF ERWIN SUBAWARD AND MONITORING POLICY

1. POLICY OVERVIEW

[Title 2 U.S. Code of Federal Regulations Part 200](#), (2 CFR 200) Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, commonly called Uniform Guidance (UG), specifically Subpart D, defines requirements of pass-through entities initiating subaward agreements with Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (ARP/CSLFRF). The Town of Erwin, hereinafter Town shall adhere to all applicable subaward and monitoring requirements governing the use of ARP/CSLFRF. This policy establishes procedures for classifying, making an award to, and monitoring a sub-recipient consistent with ARP/CSLFRF grant award terms and all applicable federal regulations in the UG.

Responsibility for following these guidelines lies with the Town Manager and Finance Director, who are charged with the administration and financial oversight of the [ARP/CSLFRF].

2. DEFINITIONS

The definitions in 2 CFR 200.1 apply to this policy, including the following:

Contract: for the purpose of Federal financial assistance, a legal instrument by which a recipient or subrecipient purchases property or services needed to carry out the project or program under a Federal award. For additional information on subrecipient and contractor determinations, see [§ 200.331](#). See also the definition of *subaward* in this section.

Contractor: an entity that receives a contract as defined in this section.

Pass-through Entity: a non-Federal entity that provides a subaward to a subrecipient to carry out part of a Federal program.

Recipient: an entity, usually but not limited to non-Federal entities that receives a Federal award directly from a Federal awarding agency. The term recipient does not include subrecipients or individuals that are beneficiaries of the award.

Subaward: an award provided by a pass-through entity to a subrecipient for the subrecipient to carry out part of a Federal award received by the pass-through entity. It does not include payments to a contractor or payments to an individual who is a beneficiary of a Federal program. A subaward may be provided through any form of legal agreement, including an agreement that the pass-through entity considers a contract.

Subrecipient: an entity, usually but not limited to non-Federal entities that receives a subaward from a pass-through entity to carry out part of a Federal award; but does not include an individual that is a beneficiary of such award. A subrecipient may also be a recipient of other Federal awards directly from a Federal awarding agency.

3. SUBRECIPIENT CLASSIFICATION

The Town must make a case-by-case determination whether an agreement with another government entity or private entity, that is not a beneficiary, casts the party receiving the funds in the role of a subrecipient or contractor. 2 CFR 200.331.

A subaward is for the purpose of carrying out a portion of a Federal award and creates a Federal assistance relationship with the subrecipient. Characteristics which support the classification of the non-Federal entity as a subrecipient include when the non-Federal entity:

- (1) Determines who is eligible to receive what Federal assistance;
- (2) Has its performance measured in relation to whether objectives of a Federal program were met;
- (3) Has responsibility for programmatic decision-making;
- (4) Is responsible for adherence to applicable Federal program requirements specified in the Federal award; and
- (5) In accordance with its agreement, uses the Federal funds to carry out a program for a public purpose specified in authorizing statute, as opposed to providing goods or services for the benefit of the pass-through entity.

A contract is for the purpose of obtaining goods and services for the non-Federal entity's own use and creates a procurement relationship with the contractor. Characteristics indicative of a procurement relationship between the non-Federal entity and a contractor are when the contractor:

- (1) Provides the goods and services within normal business operations;
- (2) Provides similar goods or services to many different purchasers;
- (3) Normally operates in a competitive environment;
- (4) Provides goods or services that are ancillary to the operation of the Federal program; and
- (5) Is not subject to compliance requirements of the Federal program as a result of the agreement, though similar requirements may apply for other reasons.

In determining whether an agreement between a pass-through entity and another non-Federal entity casts the latter as a subrecipient or a contractor, the substance of the relationship is more important than the form of the agreement. All of the characteristics listed above may not be present in all cases, and the pass-through entity must use judgment in classifying each agreement as a subaward or a procurement contract.

The Town will use the above criteria to determine if an agreement involving the expenditure of ARP/CSLFRF is a contract or subaward. The Town Manager and/or Finance Director will document the determination in the Subrecipient or Contractor Classification Checklist in Appendix 1. ([Appendix 1: Subrecipient or Contractor Classification Checklist.](#))

If the agreement involves a contractor relationship (including a contract for services), the Town must follow its UG Procurement Policy when entering into a contract.

If the agreement involves a subrecipient relationship, the Town must proceed to Sections IV. through VII. below.

4. ASSESSMENT OF RISK

Before engaging in a subaward, the Town must evaluate a subrecipient's risk of noncompliance with Federal statutes, regulations, and the terms and conditions of the subaward to determine whether to award the subaward and the appropriate subrecipient monitoring.

The Town Manager and/or the Finance Director will conduct the risk assessment, which will include consideration of the following factors:

- (1) The subrecipient's prior experience with the same or similar subawards;
- (2) The results of previous audits including whether or not the subrecipient receives a Single Audit in accordance with 2 CFR 200 Subpart F and the extent to which the same or similar subaward has been audited as a major program;
- (3) Whether the subrecipient has new personnel or new or substantially changed systems; and
- (4) The extent and results of Federal awarding agency monitoring (*e.g.*, if the subrecipient also receives Federal awards directly from a Federal awarding agency). 2 CFR 200.332(b).

The results of the risk assessment must be documented in the Subrecipient Assessment of Risk form in Appendix 2 and will be used to dictate the types and degree of subrecipient monitoring. (Appendix 2: Subrecipient Assessment of Risk) The Town will assign an overall risk level to the subrecipient indicating the following:

Low Risk	Moderate Risk	High Risk
There is a low risk that the subrecipient will fail to meet project or programmatic objectives or incur significant deficiencies in financial, regulatory, reporting, or other compliance requirements.	There is moderate risk that the subrecipient will fail to meet project or programmatic objectives or incur significant deficiencies in financial, regulatory, reporting, or other compliance requirements.	There is high risk that the subrecipient will fail to meet project or programmatic objectives or incur significant deficiencies in financial, regulatory, reporting, or other compliance requirements.

If a proposed subrecipient is deemed high risk, the Town Manager must provide written justification to proceed with the subaward. The justification must be approved by the Town Attorney.

5. SUBRECIPIENT MONITORING

The Town will develop and implement a subrecipient monitoring plan for the particular subaward based on the findings of the Subrecipient Assessment of Risk. According to 2 CFR 200.332(d), the monitoring plan must involve:

- (1) Reviewing financial and performance reports required by the pass-through entity.
- (2) Following up and ensuring that the subrecipient takes timely and appropriate action on all deficiencies pertaining to the Federal award provided to the subrecipient from the pass-through entity detected through audits, on-site reviews, and written confirmation from the subrecipient, highlighting the status of actions planned or taken to address Single Audit findings related to the particular subaward.
- (3) Issuing a management decision for applicable audit findings pertaining only to the Federal award provided to the subrecipient from the pass-through entity as required by 2 CFR [200.521](#).
- (4) The pass-through entity is responsible for resolving audit findings specifically related to the subaward and not responsible for resolving crosscutting findings. If a subrecipient has a current Single Audit report posted in the Federal Audit Clearinghouse and has not otherwise been

excluded from receipt of Federal funding (e.g., has been debarred or suspended), the pass-through entity may rely on the subrecipient's cognizant audit agency or cognizant oversight agency to perform audit follow-up and make management decisions related to cross-cutting findings in accordance with section 2 CFR [200.513\(a\)\(3\)\(vii\)](#). Such reliance does not eliminate the responsibility of the pass-through entity to issue subawards that conform to agency and award-specific requirements, to manage risk through ongoing subaward monitoring, and to monitor the status of the findings that are specifically related to the subaward.

The Town's monitoring plan will vary based on the overall subrecipient risk assessment as low risk, medium risk, or high risk, detailed as follows:

Subrecipient Deemed Low-Risk	Subrecipient Deemed Medium Risk	Subrecipient Deemed High Risk
<ul style="list-style-type: none"> • Payment validations (monthly) • Report reviews (quarterly) • Desk reviews (at least once per year and more frequently if requested by the Town or subrecipient) • Onsite reviews (upon request of Town or subrecipient) • Audit review (yearly) 	<ul style="list-style-type: none"> • More detailed financial reporting • Payment validations (monthly) • Report reviews (bi-monthly) • Desk reviews (within 6 months of project start and every six months thereafter) • Onsite reviews (within 12 months of project start and annually thereafter, or more frequently as requested by [County/City/Town/Village] or subrecipient) • Audit review (yearly) • Procedures engagement (if subrecipient not subject to Single Audit Act; yearly) 	<ul style="list-style-type: none"> • More detailed financial reporting • Compliance training (one-time) • Prior approvals for certain expenditures • Payment validations (monthly) • Report reviews (monthly) • Desk reviews (within 3 months of project start and at least quarterly thereafter) • Onsite reviews (within 6 months of project start and bi-annually thereafter, or more frequently as requested by the Town or subrecipient) • Audit review (yearly) • Procedures engagement (if subrecipient not subject to Single Audit Act; yearly)

Payment validation: All subrecipient documentation for project expenditures must be reviewed by the Town for compliance with subaward requirements. Any non-compliant expenditures will be denied and the subrecipient will be provided a reasonable description of the reason for denial and an opportunity to cure the deficiency. For a subrecipient on a reimbursement-based payment structure, the validation will occur before a reimbursement payment is approved. For a subrecipient that received an up-front payment, any funds found to have been expended in violation of the subaward requirements must be repaid to the Town.

Report review: A subrecipient must submit quarterly financial and performance reports, based on the schedule set forth in the subaward. The nature and scope of the reports will depend on the project and be spelled out in the subaward. The reports will be reviewed by the Town Manager. Any deficiencies or other performance concerns will be addressed with the subrecipient in a

timely manner and could trigger additional monitoring requirements or other interventions, as specified in the subaward.

Desk review: The Town will conduct a meeting to review the subrecipient's award administration capacity and financial management. The meeting may be held virtually or in person. Topics covered will depend on project scope and subrecipient risk assessment and may include governance, budgeting, accounting, internal controls, conflict of interest, personnel, procurement, inventory, and record keeping. The Town will produce a report which summarizes the results and any corrective actions if deemed necessary. The report will be shared in a timely manner with the subrecipient.

Onsite review: The Town will conduct an on-site meeting at the subrecipient's location to review the subrecipient's project performance and compliance. Topics covered will depend on project scope and subrecipient risk assessment and may include project procurement, data systems, activity and performance tracking, project reporting, inventory, and software systems. The Town will produce a report which summarizes the results and any corrective actions deemed necessary. The report will be shared in a timely manner with the subrecipient.

Audit review: The Town must verify that every subrecipient is audited as required by [2 CFR 200 Subpart F](#) (Single Audit) when it is expected that the subrecipient's Federal awards expended during the respective fiscal year equaled or exceeded the threshold set forth in 2 CFR [200.501](#). The Town must obtain a copy of the subrecipient's Single Audit from the Federal Audit Clearinghouse (FAC). Within six months of the acceptance of the audit report by the FAC, the Town will issue a management decision for any audit findings related to the subaward. The decision will clearly state whether or not the audit finding is sustained, the reasons for the decision, and the expected auditee action to repay disallowed costs, make financial adjustments or take other action. (The decision will include reference numbers the auditor assigned to each finding.) The decision will provide a timetable for responsive actions by the subrecipient. Prior to issuing the management decision, the Town may request additional information or documentation from the auditee, including a request for auditor assurance related to the documentation, as a way of mitigating disallowed costs.

Procedures engagement: Applicable only to subrecipients who are not subject to the Single Audit Act. An auditor will perform specific procedures and report on findings. The scope must be limited to the following compliance requirements: activities allowed or unallowed; allowable costs/cost principles; eligibility; and reporting. The review will be arranged and paid for by the Town. The Town will verify completion of the procedures engagement. Within six months of the acceptance of the procedures engagement report, the Town will issue a management decision for any findings related to the subaward. The decision will provide a timetable for responsive actions by the subrecipient. Prior to issuing the management decision, the Town may request additional information or documentation from the subrecipient, including a request for auditor assurance related to the documentation, as a way of mitigating disallowed costs.

The specific monitoring plan for each subrecipient, including the type and frequency of reviews, will be detailed in the subaward agreement. For all requirements beyond those listed under the Low-Risk category above, the Town will notify the subrecipient of the following in the subaward:

- (1) The nature of the additional requirements;
- (2) The reason why the additional requirements are being imposed;
- (3) The nature of the action needed to remove the additional requirement, if applicable;
- (4) The time allowed for completing the actions if applicable; and
- (5) The method for requesting reconsideration of the additional requirements imposed.

To implement the monitoring plan, the Town Manager and Finance Director must perform periodic reviews and document findings in the Subrecipient Monitoring Form ([Appendix 3: Subrecipient Monitoring Form](#)).

6. SUBRECIPIENT INTERVENTIONS

The Town may adjust specific subaward conditions as needed, in accordance with 2 CFR 200.208 and 2 CFR 200.339. If the Town determines that the subrecipient is not in compliance with the subaward, the Town may institute an intervention. The degree of the subrecipient's performance or compliance deficiency will determine the degree of intervention. All possible interventions must be indicated in the subaward agreement.

The Town must provide written notice to the subrecipient of any intervention within thirty days of the completion of a report review, desk review, onsite review, audit review, or procedures engagement review or as soon as possible after the Town otherwise learns of a subaward compliance or performance deficiency.

Pursuant to 2 CFR 200.208, the written notice must notify the subrecipient of the following related to the intervention:

- (1) The nature of the additional requirements;
- (2) The reason why the additional requirements are being imposed;
- (3) The nature of the action needed to remove the additional requirement, if applicable;
- (4) The time allowed for completing the actions if applicable; and
- (5) The method for requesting reconsideration of the additional requirements imposed.

The following interventions may be imposed on a subrecipient, based on the level of the compliance or performance deficiency:

Level 1 Interventions. These interventions may be required for minor compliance or performance issues.

- (1) Subrecipient addresses specific internal control, documentation, financial management, compliance, or performance issues within a specified time period
- (2) More frequent or more thorough reporting by the subrecipient
- (3) More frequent monitoring by the Town
- (4) Required subrecipient technical assistance or training

Level 2 Interventions. These interventions may be required, in addition to Level 1 interventions, for more serious compliance or performance issues.

- (1) Restrictions on funding payment requests by subrecipient
- (2) Disallowing payments to subrecipient
- (3) Requiring repayment for disallowed cost items
- (4) Imposing probationary status on subrecipient

Level 3 Interventions. These interventions may be required, in addition to Level 1 and 2 interventions, for significant and/or persistent compliance or performance issues.

- (1) Temporary or indefinite funding suspension to subrecipient
- (2) Nonrenewal of funding to subrecipient in subsequent year
- (3) Terminate funding to subrecipient in the current year
- (4) Initiate legal action against subrecipient

7. SUBAWARD AGREEMENT & EXECUTION

The subaward agreement will be drafted by the Town Manager using the Subaward Agreement Template. Contract terms and conditions may vary based on several factors, including subrecipient risk assessment findings, as documented in the Subrecipient Assessment of Risk. After review by the Finance Director, the Town Manager may fully execute the subaward agreement, subject to any required budget amendments by the Town's governing board, pre-audit requirements, [AND OTHER CONTRACT EXECUTION PREREQUISITES SET BY THE Town].

APPENDIX 3: Subrecipient Monitoring Form

This report reflects the Town’s substantive assessment of the subrecipient’s project implementation and subaward compliance. The Town’s project manager assigned to the subaward or finance officer must complete this report for each payment validation, report review, desk review, site review, and audit or procedures engagement review during the subaward term (and, as appropriate, after the expiration or termination of the subaward). Upon completion, and following review by the Town Manager, the original will be filed in the subaward file. Any required subrecipient corrective actions will be detailed in writing and provided to the subrecipient within thirty days of the completion of this report.

I. Subaward Overview (complete this section for all reviews)

STAFF INFORMATION

Reviewed conducted by:		Date:
Type (programmatic, financial, or both)		Date:
Review confirmed by:		Date:

SUBRECIPIENT INFORMATION

Subrecipient Name:	
Subrecipient Program Personnel (who participated in the review):	
Subrecipient Contact Phone Number:	
Subrecipient Fiscal/Audit Personnel (who participated in the review):	
Subrecipient Fiscal Contact Phone Number:	

GRANT REVIEW INFORMATION

Grant	Project #	Award \$	POP Begin	POP End	Review Period	
					Beginning Date	Ending Date

TYPE OF MONITORING

	Type of Monitoring	Date Completed	Comments
<input type="checkbox"/>	Payment Validation (Complete this column, but not the rest of the form.)		
<input type="checkbox"/>	Report Review (Complete this column, but not the rest of the form.)		

<input type="checkbox"/>	Audit or Procedures Engagement Review (Complete this column, but not the rest of the form.)		
<input type="checkbox"/>	Desk Review (If desk review, complete the rest of the form.)		
<input type="checkbox"/>	Onsite Review (If onsite review, complete the rest of the form.)		

II. Desk and Onsite Reviews (complete this section for desk and onsite reviews only)

PRE-MEETING NOTES

List any issues, concerns, or other specialty items for follow-up during review.

- 1.
- 2.

SUMMARY OF PROGRESS

Subrecipient must submit a written summary of the major workplan milestones during the review period at least one week prior to the review. The summary must address 1) number of clients served as compared with projections; 2) staffing; 3) activities undertaken; and 4) significant accomplishments. A copy of that summary will be appended to this written review report.

MONITORING OVERVIEW

PROGRAM IMPLEMENTATION

Indicate milestones met this quarter and identify milestones as scheduled to occur in the following quarter.

ACTIVITIES/PRODUCTS

Identify any reports or products that were submitted during the quarter, and identify those due the following quarter.

CORRECTIVE ACTIONS FROM PRIOR REVIEWS

Indicate actions taken in response to prior review issues.

ASSESSMENT OF QUALITY OF IMPLEMENTATION

Is the project being implemented on schedule? Are the activities impacting the goals and objectives as outlined in approved application?

ISSUES/PROBLEMS

Discuss significant new issues/problems with respect to projected milestones, audits, staffing, client flow, departures from approved goals, late reports, etc.

MONITORING SPECIFICS (Complete all fields that are applicable to the subaward.)

Activity Goals	<input type="checkbox"/> N/A	Yes	No	N/A
Scope of Service, Number of People to be Served, and any Special Terms stated within the Subaward Agreement.				
1. Has there been a change in the activity goals, scope of service, number of people to be served or other special terms as indicated in the Agreement between the Subrecipient and the Recipient?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(a) If yes, was the Recipient informed of the change?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Did the activity conform to any additional or special terms as reflected in the Subaward Agreement?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Is the subrecipient providing the full scope of services as stated in the application and Subaward Agreement?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Are the actual accomplishments at the time of this review the same as the planned accomplishments? Is the activity achieving the expected quantifiable levels of performance (number of persons served, achieving goals set for clients, etc.) reaching the intended client group?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Is the overall activity performance schedule being met in a timely manner (i.e. goal for number of clients served, expenditure of funds in timely manner, reporting requirements)?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Did the activity operate within the approved budget as detailed in the Subaward Agreement? (i.e., budgetary line items both accurate and realistic for activity expenses; source and use of match funds accurate)		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Did the activity funding source change?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Was there a change in make-up or responsibility of staff for the activity?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Were invoices for reimbursement payments submitted with support documentation?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Were reports outlined in the Subaward Agreement submitted on time?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
General Comments				

General Compliance	Yes	No	N/A
Request a copy of all applicable policies and procedures required by the ARP/CSLFRF award terms and Uniform Guidance.			
11. Does the subrecipient have written policies and procedures to adequately administer the ARP/CSLFRF subaward?			
12. Does the subrecipient have a written conflict of interest policy for their employees?			
13. Are there sufficient internal controls in place to protect against waste, fraud and abuse of Federal funds (segregation of duties, etc.)?			

14. If program income will be generated by the subrecipient, have provisions been made to ensure that it is used in accordance with ARP/CSLFRF and Uniform Guidance requirements?			
What procedures does the subrecipient use to identify and account for federal property purchased with subaward funds?			
Does the subrecipient have adequate safeguards for preventing loss, damage, or theft of property held (inventory control, etc.)?			
Describe any technical assistance/training provided to subrecipient during the project period.			
General Comments			

Employee Reimbursement	<input type="checkbox"/> N/A	Yes	No	N/A
Request a copy of the employee reimbursement policy, and/or have the subrecipient describe the procedure for approving and documenting expenses that are reimbursed.				
15. Are detailed receipts (i.e., receipts that do not merely show a total, but the detail of what was purchased) provided for reimbursement?				
16. Are reimbursements reviewed and approved by a supervisor or project manager prior to being submitted to the Fiscal Officer/Accounting Staff for payment?				
17. Does the subrecipient have a Reimbursement Policy?				
Examine two or more reimbursements that were paid out of the grant being monitored.				
18. Were the detailed receipts provided to support the amounts requested?				
19. Were the expenses in compliance with grant requirements/guidelines and UG?				
20. If reimbursed for training or conference expenses, was a certificate of attendance or completion, or agenda and brochure provided to support request for reimbursement?				
General Comments				

Equipment	<input type="checkbox"/> N/A	Yes	No	N/A
What is the purchasing procedure for equipment purchased with grant funds? Attach copies of relevant policies and of any purchasing documentation during the review period.				
How is equipment inventoried, insured, and managed? Attach copies of relevant policies and current inventory information.				
What is the procedure for transferring equipment purchased with grant funds to another entity? Attach copies of relevant policies and documentation for any transfers during review period.				
Request an inventory list, physical locate selected items, and examine items to ensure compliance.				
1. Were all transactions conducted in a manner providing full and open competition, and quotations obtained from an adequate number of sources?				
2. Has all equipment indicated as purchased actually been purchased?				
3. Was equipment purchased in accordance with required procurement rules/policies?				
4. Were additions and deletions to the equipment budget made and approved prior to the purchase/procurement dates?				

5. Does a detailed expenditure list indicate any equipment purchased that is not accounted for in the subaward budget?			
6. Is equipment purchased with subaward funds in prior years still in inventory and still being used for subaward purposes?			
7. Has the inventory been updated, and did it account for all items transferred to other entities?			
8. For equipment that was transferred, aside from normal office equipment, was the transferee properly trained on the equipment, and is there a record of that training?			
9. For equipment transferred to other entities; have they added it to their inventory records and is it maintained/used for intended purposes?			
General Comments			

Financial Management	<input type="checkbox"/> N/A	Yes	No	N/A
What is the Accounting System for each grant program?				
1. Is there a separate accounting for all financial transactions for the subaward?				
2. Is a process in place to prevent co-mingling of funds?				
3. Does the accounting system prevent obligation or expenditure of funds outside the subaward's period of availability?				
4. Are accounting records supported by source documentation?				
5. Were any illegal transfers or unusual activities noted during a review of the subrecipient's fund activity reports?				
6. Does the system provide for prompt and timely recording and reporting of all financial transactions?				
7. Is proper Fiscal record retention being followed (through Dec. 31, 2031)?				
What is the process for approval and payment of expenditures and posting to the General Ledger?				
8. Are subaward costs identified as eligible prior to encumbering funds and placing an order?				
9. Were the applicable State/Federal suspension and debarment listings consulted prior to doing business with a vendor and/or contractor?				
10. Are all invoices reviewed by the project director for eligibility and marked 'okay to pay' prior to being submitted to the fiscal office or accounting staff for payment?				
11. Are disbursements fully support by invoices, requisitions, purchase orders, or similar documents?				
12. Are cancelled checks or warrants available for review?				
13. Were all subaward funds that were received disabused within the allowable timeframe?				
What is the reconciliation process, and how are errors or adjustments handled?				
14. Does the subrecipient perform routine reconciliations of its records against the General Ledger? By whom and how often?				
15. Does the subrecipient have sufficient internal controls related to reconciliations?				
16. Were actions taken to promptly correct any errors and/or resolve issues?				
General Comments				

Other Direct Costs	<input type="checkbox"/> N/A	Yes	No	N/A
How are rent, utilities, and other items allocated for the program?				
1. Are rent payments documented by a copy of the lease agreement, and canceled checks or receipts?				
2. Are receipts, bills, and invoices properly maintained?				
3. Is the actual rate and method being charged to the grant consistent with the rate and method approved in the budget?				
4. Are costs shared with other programs or funding sources? If yes, how are costs allocated?				
General Comments				

Personnel/Direct Labor	<input type="checkbox"/> N/A	Yes	No	N/A
Describe the payroll process and who is paid by the subaward.				
1. Are personnel files maintained for each employee that include current job descriptions, performance and evaluations, and changes in pay rates?				
2. Are time sheets, activity reports, or payroll files available for review? These documents should clearly show the effort toward the subaward charged.				
3. Are individual employee time sheets and attendance records:				
• Prepared and signed by each employee for each pay period?				
• Reviewed and signed by each employee's supervisor?				
• Reconciled to the payroll master ledger?				
4. Are all authorized staff positions filled for the approved budget?				
5. Are staff salaries consistent with the approved budget?				
6. Are fringe benefits the same as what is listed in the approved budget?				
General Comments				

Reporting Requirements	<input type="checkbox"/> N/A	Yes	No	N/A
Subrecipients are required to report on progress toward implementing plans described in their application/proposal.				
1. Progress reports must be submitted based on approved work plan. Have all of the reports been submitted for this reporting period?				
2. Are there any outstanding data elements that must be tracked and reported by the subrecipient? If so, detail the plan for the subrecipient to comply with this requirement.				
Comments				

Supplies & Materials	<input type="checkbox"/> N/A	Yes	No	N/A
Explain the process of allocating supply costs to the subaward.				
1. Are purchases of supplies approved and well documented by quotes, invoices, or receipts?				

2. Are expenditures for supplies consistent with the approved budget?			
3. Is there a substantial supply inventory remaining at the project termination date?			
4. Were all transactions conducted in a manner providing full and open competition, and quotations obtained from an adequate number of sources?			
General Comments			

Travel/Vehicle Mileage	<input type="checkbox"/> N/A	Yes	No	N/A
Request a copy of the subrecipient's travel policy or have them describe the procedure for approving and documenting travel expenses.				
1. Is employee travel approved in advance by a supervisor or project manager?				
2. Are travel expenditures documented with expenses reports and/or detailed receipts (i.e., receipts do not merely show total but detail of what was purchased)?				
3. Are travel expenditures appropriately supported within subaward guidelines and in the approved budget?				
4. Are mileage reimbursements supported by a mileage log or similar documentation?				
General Comments				

Single Audit Review	<input type="checkbox"/> N/A	Yes	No	N/A
Obtain a copy of the subrecipient's most recent audit from FAC. Attach it to this review form.				
1. Was the Major Programs' Compliance Opinion in the Summary of Auditor's Results in the Schedule of Findings qualified?				
2. Were there any findings and/or questioned costs for federal awards in the Schedule of Findings? Were any other operational issues such as the handling of assets, lack of policies and procedures, contract non-compliance, etc., which would impact Federal dollars received?				
3. Were past audit findings and/or questioned costs for federal awards satisfactorily resolved?				
4. Was any control issue identified which would impact the processing of Federal grant dollars (i.e., control weaknesses)?				
General Comments <i>(If yes response to questions 1, 2, and/or 4, then comment on the issues noted from the audit and how this was addressed during the onsite review).</i>				



TOWN OF ERWIN

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Ricky W. Blackmon
Commissioners
Alvester L. McKoy
Timothy D. Marbell
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David L. Nelson
William R. Turnage

TOWN OF ERWIN BOARD OF COMMISSIONERS RESOLUTION ADOPTING THE SUBAWARD AND MONITORING POLICY FOR THE EXPENDITURE OF ARP/CSLFRF FUNDS 2024-2025—006

WHEREAS the Town of Erwin, has received an allocation of funds from the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (ARP/CSLFRF); and

WHEREAS the funds may be used for projects within these categories, to the extent authorized by state law.

1. Support public health expenditures, by funding COVID-19 mitigation efforts, medical expenses, behavioral healthcare, and certain public health and safety staff;
2. Address negative economic impacts caused by the public health emergency, including economic harms to workers, households, small businesses, impacted industries, and the public sector;
3. Replace lost public sector revenue, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic;
4. Provide premium pay for essential workers, offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors; and,
5. Invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and expand access to broadband internet; and

WHEREAS the ARP/CSLFRF are subject to the provisions of the federal Uniform Grant Guidance, 2 CFR Part 200 (UG), as provided in the [Assistance Listing \(21.027\)](#); and

WHEREAS the ARP/CSLFRF authorizes the Town of Erwin to enter subaward agreements with subrecipients to assist the Town of Erwin in carrying out the terms of the ARP/CSLFRF; and

WHEREAS if the Town of Erwin enters into a subaward as a subrecipient, it acts as a pass-through entity, as described in 2 CFR 200.1; and

WHEREAS the [Compliance and Reporting Guidance for the State and Local Fiscal Recovery Funds](#) (v.3.0 February 2022) provides, in relevant part:

Subrecipient Monitoring. SLFRF recipients that are pass-through entities as described under 2 CFR 200.1 are required to manage and monitor their subrecipients to ensure compliance with requirements of the SLFRF award pursuant to 2 CFR 200.332 regarding requirements for pass-through entities.

First, your organization must clearly identify to the subrecipient: (1) that the award is a subaward of SLFRF funds; (2) any and all compliance requirements for use of SLFRF funds; and (3) any and all reporting requirements for expenditures of SLFRF funds.

Next, your organization will need to evaluate each subrecipient's risk of noncompliance based on a set of common factors. These risk assessments may include factors such as prior experience in managing Federal funds, previous audits, personnel, and policies or procedures for award execution and oversight. Ongoing monitoring of any given subrecipient should reflect its assessed risk and include monitoring, identification of deficiencies, and follow-up to ensure appropriate remediation.

Accordingly, your organization should develop written policies and procedures for subrecipient monitoring and risk assessment and maintain records of all award agreements identifying or otherwise documenting subrecipients' compliance obligations.

Recipients should note that non-entitlement units of local government (NEUs) are not subrecipients under the SLFRF program. They are SLFRF recipients who will report directly to the Treasury.

Recipients should also note that subrecipients do not include individuals and organizations that received SLFRF funds as end users to respond to the negative economic impacts of COVID-19 on these organizations. Such individuals and organizations are beneficiaries and not subject to audit pursuant to the Single Audit Act and 2 C.F.R. Part 200, Subpart F.

Separately or in addition, many recipients may choose to provide a subaward (e.g., via contract or grant) to other entities to provide services to other end—users. For example, a recipient may provide a grant to a nonprofit to provide homeless services to individuals experiencing homelessness. In this case, the subaward to a nonprofit is based on the services that the Recipient intends to provide, assistance to households experiencing homelessness, and the nonprofit is serving as the subrecipient, providing services on behalf of the recipient. Subrecipients are subject to audit pursuant to the Single Audit Act and 2 CFR part 200, subpart F regarding audit requirements; and

WHEREAS Subpart D of the UG dictates subrecipient and award requirements for expenditure of [ARP/CSLFRF] funds; and

WHEREAS 2 CFR 200.332 states that:

All pass-through entities must:

- (a) Ensure that every subaward is clearly identified to the subrecipient as a subaward and includes the [required] information at the time of the subaward. When some of [the required information] are not available, the pass-through entity must provide the best information available to describe the Federal award and subaward.
- (b) Evaluate each subrecipient's risk of noncompliance with Federal statutes, regulations, and the terms and conditions of the subaward for purposes of determining the appropriate subrecipient monitoring.
- (c) Consider imposing specific subaward conditions upon a subrecipient if appropriate as described by 2 CFR 200.208.
- (d) Monitor the activities of the subrecipient as necessary to ensure that the subaward is used for authorized purposes, in compliance with Federal statutes, regulations, and the terms and conditions of the subaward; and that subaward performance goals are achieved.
- (e) Depending upon the pass-through entity's assessment of the risk posed by the subrecipient, [specific] monitoring tools may be useful for the pass-through entity to ensure proper accountability and compliance with program requirements and achievement of performance goals.
- (f) Verify that every subrecipient is audited as required by [2 CFR 200, Subpart F] when it is expected that the subrecipient's Federal awards expended during the respective fiscal year equaled or exceeded the threshold set forth in 2 CFR 200.501.
- (g) Consider whether the results of the subrecipient's audits, on-site reviews, or other monitoring indicate conditions that necessitate adjustments to the pass-through entity's own records.
- (h) Consider taking enforcement action against noncompliant subrecipients as described in 2 CFR 200.339 and in program regulations.

BE IT RESOLVED that the governing board of the Town of Erwin hereby adopts and enacts the following Subaward and Monitoring Policy for the expenditure of ARP/CSLFRF funds.

ADOPTED, this the 10th day of October, 2024.

ATTEST:

Randy Baker
Mayor

Lauren Evans NCCMC
Town Clerk



TOWN OF ERWIN

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

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

TOWN OF ERWIN PROGRAM INCOME POLICY

I. PURPOSE AND SCOPE

The Town of Erwin enacts the following procedures for its use of program income earned from the expenditure of CSLFRF funds to ensure compliance with the Uniform Guidance, including, but not limited to, 2 C.F.R. § 200.307, the ARP/CSLFRF award, and all applicable Federal regulations governing the use of program income. The Town {hereafter “UNIT”} agrees to administer program income according to the requirements set forth in this policy and as required by the Federal regulations and State law.

The responsibility for following this policy lies with the Town Manager and Finance Director, who are charged with the administration and financial oversight of the ARP/CSLFRF award. Questions on the use and/or reporting of program income should be directed to the Town Manager

II. DEFINITIONS

- a. *ARP/CLFRF award* means the Federal program governing the use of Coronavirus State and Local Fiscal Recovery Funds as provided in the [Assistance Listing](#) and as administered by the U.S. Department of Treasury pursuant to the American Rescue Plan Act of 2021 (“ARPA”), Pub. L. No. 117-2 (Mar. 11, 2021).
- b. *CSLFRF funds* means the portion of Federal financial assistance from the Coronavirus State Fiscal Recovery Funds and Coronavirus Local Fiscal Recovery Funds (collectively “CSLFRF”) awarded to the [UNIT] pursuant ARPA.
- c. *Federal award* means the Federal financial assistance that a recipient receives directly from a Federal awarding agency or indirectly from a pass-through entity, as described in § 200.101. The Federal award is the instrument setting forth the terms and conditions of the grant agreement, cooperative agreement, or other agreement for assistance.
- d. *Federal awarding agency* means the Federal agency that provides a Federal award directly to a non-Federal entity.
- e. *Federal financial assistance* means the assistance that non-Federal entities receive or administer in the form of grants, cooperative agreements, non-cash contributions, direct appropriations, food commodities, or other financial assistance, including loans.
- f. *Federal program* means all Federal awards which are assigned a single Assistance Listings Number.
- g. *Non-Federal entity* means a State, local government, Indian tribe, Institution of Higher Education (IHE), or nonprofit organization that carries out a Federal award as a recipient or subrecipient.
- h. *Period of performance* means the total estimated time interval between the start of an initial Federal award and the planned end date, which may include one or more funded

portions, or budget periods. The period of performance for the ARP/CSLFRF award ends December 31, 2026.

- i. *Program income* means gross income earned by the non-Federal entity that is directly generated by a supported activity or earned as a result of the Federal award during the period of performance except as provided in [§ § 200.307\(f\)](#).

III. PROGRAM INCOME OVERVIEW

For purposes of this policy, program income is the gross income earned by the [UNIT] that is directly generated by a supported activity or earned as a result of the ARP/CSLFRF award during the period of performance, which closes December 31, 2026. 2 CFR 200.1.

Program income includes, but is not limited to, the following sources of income:

- The collection of fees for services performed.
- Payments for the use or rental of real or personal property.
- The sale of commodities or items fabricated under the Federal award.
- The payment of principal and interest on loans made under the Federal award.

Program income does not include fees or revenue from the following:

- The use of rebates, credits, discounts, and interest earned on any of them.
- Governmental revenues, such as taxes, special assessments, levies, or fines.
- Proceeds from the sale of real property, equipment, or supplies.¹

IV. USE OF PROGRAM INCOME

Program income earned pursuant to expenditures of CSLFRF is the property of US Treasury and shall be accounted for in one of three ways pursuant to [2 C.F.R. § 200.307\(e\)](#).

Deduction Method: Program income must be deducted from total allowable costs to determine net allowable costs. Program income shall be used to reduce Treasury's obligation under the ARP/CSLFRF award rather than to increase the funds committed a project. Program income shall be used for current costs. The [UNIT] shall track and account for program income during the period of performance and shall reimburse Treasury, as required. 2 C.F.R. § 200.307(e)(1).

Addition Method: With prior approval, program income may be added to the total amount of the ARP/CSLFRF award, thereby increasing the total amount of the award. Program income must be expended on an eligible project or program. 2 C.F.R. § 200.307(e)(2). Pursuant to the terms of the ARP/CSLFRF award, the repayment of principal and interest on loans made with CSLFRF funds that will mature or be forgiven on or before December 31, 2026, may be accounted for using the addition method (see Section VI).

Matching or Cost Sharing Method: With prior approval, program income may be used to meet the cost sharing or matching requirement of the Federal award. The amount of the Federal award shall not change.² 2 C.F.R. § 200.307(e)(3).

Unless the ARP/CSLFRF award otherwise stipulates, or the [UNIT] has received prior approval, the [UNIT] shall apply the deduction method to account for the use of program income.

V. ALLOCATION OF PROGRAM INCOME

¹ 2 C.F.R. 200.1 and 2 C.F.R. 200.307 each define and limit the sources of program income.

² The Final Rule provides that a non-Federal entity may expend up to the amount of its reduction in revenue due to the pandemic to meet the non-federal cost-share or matching requirements of other federal programs. However, the Final Rule does not mention whether *program income* may be used to meet cost-sharing or matching requirements. A non-Federal entity should not allocate program income to cost share or matching requirements unless it receives prior approval from Treasury.

The [UNIT] shall only expend program income on costs that are reasonable, allocable, and allowable under the terms of the ARP/CSLFRF award.³ To adhere to these requirements, the [UNIT] shall comply with the cost principles included in 2 C.F.R. § 200, as outlined in the [UNIT's] [allowable cost policy]. The [UNIT] shall allocate program income to the ARP/CSLFRF award in proportion to the pro rata share of the total funding (e.g., if CSLFRF funds cover half of a project's cost, with general revenue covering the other half, the unit shall allocate 50% of any program income earned to the ARP/CSLFRF award and account for its use pursuant to § 200.307).

VI. REPAYMENT OF PRINCIPAL AND INTEREST ON LOANS MADE WITH ARP/CSLFRF FUNDS

Treasury expects that a significant share of loans made with ARP/CSLFRF funds will be repaid. Accordingly, it has issued guidance on how to appropriately account for the repayment of principal and interest. The [UNIT] agrees to appropriately account for the return of loan funds according to the ARP/CSLFRF award terms, as follows:

- **For Loans that mature or are forgiven on or before December 31, 2026:** The [UNIT] may add the repayment of principal and interest (program income) to the ARP/CSLFRF award. When the loan is made, the [UNIT] shall report the principal of the loan as an expense. The [UNIT] shall expend the repayment of principal only on eligible uses and is subject to restrictions on the timing of the use of ARP/CSLFRF funds pursuant to the ARP/CSLFRF award. Interest payments received prior to the end of the period of performance will be considered **an addition** to the total award and may be used for any purpose that is an eligible use. *The [UNIT] is not subject to restrictions under 2 CFR 200.307(e)(1) (the deduction method) in accounting for the use of program income.*⁴
- **For Loans with maturities longer than December 31, 2026:** The [UNIT] is not required to separately account for the repayment of principal and interest on loans that will mature after the ARP/CSLFRF award's period of performance. The [UNIT] may use CSLFRF for only the projected cost of the loan. The [UNIT] may estimate the subsidy cost of the loan, which equals the expected cash flows associated with the loan discounted at the [UNIT's] cost of funding. The cost of funding can be determined based on the interest rates of securities with a similar maturity to the cash flow being discounted that were either (i) recently issued by the [UNIT] or (ii) recently issued by a unit of state, local, or Tribal government similar to the [UNIT]. If the [UNIT] has adopted the Current Expected Credit Loss (CECL) standard, it may also treat the cost of the loan as equal to the CECL-based expected credit losses over the life of the loan. The [UNIT] may measure projected losses either once, at the time the loan is extended, or annually over the covered period. *Under either approach, the [UNIT] is not subject to restrictions under 2 CFR 200.307(e)(1) (the deduction method) and need not separately track repayment of principal or interest.*⁵

Revolving Loan Funds: The [UNIT] shall treat the contribution of ARP/CSLFRF funds to a revolving loan fund according to approach described above for loans with maturities longer than December 31, 2026.⁶ The [UNIT] may contribute ARP/CSLFRF funds to a revolving loan only if the loan is determined to be for eligible use and the ARP/CSLFRF funds

³ 2 C.F.R. §§ 200.404, 408.

⁴ [Final Rule](#), p. 4436

⁵(See question 4.11 in [Treasury's Interim Final Rule FAQ document](#).)

⁶See question 4.11 in [Treasury's Interim Final Rule FAQ document](#).)

ADDITIONAL PROGRAM INCOME REQUIREMENTS

- (a) **Identifying, Documenting, Reporting, and Tracking.** To ensure compliance with the requirements of program income as outlined by the Federal regulations, the terms and conditions of the ASP/CSLFRF award, and the requirements set forth herein, each department shall identify potential sources of program income and properly report the program income for the period in which it was earned and dispersed.

Program income shall be accounted for separately. The [UNIT] shall not commingle program income earned from programs supported by ARP/CSLFRF funds with the general award of ARP/CSLFRF funds the [UNIT] received from Treasury. Any costs associated with generating program income revenue shall be charged as expenditures to the ARP/CSLFRF award.

- (b) **Program Income Earned After the Period of Performance.** The [UNIT] shall have no obligation to report program income earned after the period of performance (December 31, 2026). However, the [UNIT] shall report program income expended after the period of performance if that program income was earned on or before December 31, 2026.
- (c) **Subawards.** The [UNIT] agrees to ensure that any subrecipient of ARP/CSLFRF funds abides by the award of the terms and conditions of this policy and is aware that the subrecipient is responsible for accounting for and reporting program income to the [UNIT] on a [MONTHLY/QUARTERLY/ANNUAL/OTHER] basis.
- (d) **Compliance with State law.** Program income shall not be expended for purposes prohibited under State law.
- (e) **Subject to Audit.** The [UNIT] recognizes that its use of program income may be audited and reviewed for compliance with Federal laws and regulations, State law, and the terms of the ARP/CSLFRF award.

VII. IMPLEMENTATION OF POLICY

The Town will adopt procedures to identify potential program income during the project eligibility and allowable cost review, document actual program income, and follow the requirements in this policy related to the treatment of program income.



TOWN OF ERWIN

P.O. Box 459 • Erwin, NC 28339
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www.erwin-nc.org

TOWN OF ERWIN BOARD OF COMMISSIONERS RESOLUTION ADOPTING POLICIES AND PROCEDURES FOR THE USE OF PROGRAM INCOME EARNED FROM THE EXPENDITURE OF ARP/CSLFRF FUNDS 2024-2025—007

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 Town of Erwin has received an allocation of funds from the Coronavirus “State Fiscal Recovery Fund” or “Coronavirus Local Fiscal Recovery Fund” (together “CSLFRF”) established pursuant to Sections 602 and 603 of the Social Security Act, as added by Section 9901 of the American Rescue Plan Act of 2021, Pub. L. No. 117-2 (“ARPA”).

WHEREAS, the Town of Erwin shall comply with the terms of ARPA, and the U.S. Department of Treasury’s (“Treasury”) federal regulations governing the spending of CSLFRF funds, including the [Final Rule](#), and Treasury’s regulations governing expenditures of CSLFRF funds, including the [Award Terms and Conditions, Compliance and Reporting Guidance for the State and Local Fiscal Recovery Funds](#) (together the “Federal regulations”), and any additional guidance Treasury has issued or may issue governing the spending of CSLFRF funds.

WHEREAS, the Town of Erwin shall comply with the [Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 C.F.R. Part § 200](#) (the “Uniform Guidance”); and

WHEREAS, the Town of Erwin shall account for program income per the requirements set forth in the Uniform Guidance, including, but not limited to, [2 C.F.R. § 200.307](#), and as stipulated in [Compliance and Reporting Guidance for the State and Local Recovery Funds](#), which provides: “Recipients of CSLFRF funds should calculate, document, and record the organization’s program income. Additional controls that your organization should implement include written policies that explicitly identify appropriate allocation methods, accounting standards and principles, compliance monitoring checks for program income calculations, and records.

Now, therefore, be it **RESOLVED**, that the governing board of the Town of Erwin hereby adopts and enacts the following policies and procedures for the use of program income earned from the expenditure of CSLFRF funds pursuant to the ARP/CSLFRF award.

ADOPTED, this the 10th day of October, 2024.

ATTEST:

Randy Baker
Mayor

Lauren Evans NCCMC
Town Clerk

Erwin Board of Commissioners

REQUEST FOR CONSIDERATION

To: The Honorable Mayor and Board of Commissioners

From: Snow Bowden, Town Manager

Date: September 23, 2024

Subject: 601 Lucas Road

The Town of Erwin only received one bid for the demolition of the home at 601 Lucas Road. Our Code Enforcement Officer Chris Jones has gone through the entire minimum housing process with this case. At our August 2024 we passed an ordinance to have this structure demolished. The bid amount was \$7,800.

Attachments:

- 601 Lucas Road demolition bid from Martin Edwards and Associates



TOWN OF ERWIN
Post Office Box 459
Erwin, NC 28339
(910) 897-5648

PLANNING/INSPECTIONS DEPARTMENT

Bid Opening Date/Time: September 19th at 3PM
Bid Opening Location: Town of Erwin
Town Hall Conference Room
Property Address: 601 Lucas Road (HC TAX PIN # 1506-49-7328.000)

You may hand deliver your bid to: Town of Erwin
Attn: Chris P. Jones, Code Enforcement Officer
100 West F Street, PO Box 459
Erwin, NC 28339

or you may mail your bid to: Town of Erwin
Attn: Chris P. Jones, Code Enforcement Officer
100 West F Street, PO Box 459
Erwin, NC 28339

Bids not received by the time and date listed above will be rejected.

Certain clearance activities are to take place upon the lot described above. These include those services which are marked with an X.

Clearance of Buildings, Debris and Lot

Clearance of Lot Only

Clearance of All Buildings

X Clearance of Only the Following Building: Single-family structure with condemnation notice placed on structure

Clearance of Entire Lot

Clearance of the Following Portion of Lot:

X Additional Specific Directions: Contractor will be responsible for seeding disturbed areas.

DEFINITIONS:

Building Clearance - The complete removal of all building materials from the lot including foundation, slabs, blocks and bricks

Lot Clearance - The removal of all underbrush, trash, junk, trees less than 6" in diameter down to the bare ground in the immediate area of the structure unless otherwise specified above.

RESPONSIBILITIES OF CONTRACTOR INCLUDE:

- Coordinate with utility companies for the disconnection of all utilities and power and phone lines.
- (X) Obtain any permits required from the Town Zoning Administrator, the County Building Inspection Office, the County Health Department and the State of North Carolina
- (X) The lawful disposal, at an approved disposal site, of all building materials, trash and brush removed from lot. Provide the Code Administrator with copies of all disposal trip tickets. Burning or burying of any debris is not permitted.

RESPONSIBILITIES OF CONTRACTOR INCLUDE: (continued)

- (X) Grading and smoothing disturbed areas (to accommodate a push mower), sowing grass and covering sown areas with sufficient straw to completely cover ground.

NOTE: Prior to commencing this project, the awarded contractor will be required to provide a current Certificate of Insurance submitted to the Town of Erwin, Planning Department attention Chris P. Jones.

A. Threshold Requirements

- a. Evidence of Insurance is required to be maintained in full effect at no additional cost to the Town of Erwin for the duration of this contract the following minimum amounts of insurance:
 - i. Commercial General Liability with limits not less than \$500,000;
 - ii. Worker's Compensation as specified by State Law;
 - iii. Employer's Liability with limits not less than \$1,000,000 each occurrence;
 - iv. Automobile
 - 1. Property Damage Liability with limits not less than \$1,000,000 per occurrence.
 - 2. Bodily Injury \$500,000 each person
 - v. Prior to commencement of work, Contractor shall furnish to the Town a copy of the Certificate of Insurance from its insurance carrier verifying these coverage amounts and that shows the Town of Erwin as an additional Insured on the Certificate of Insurance.
 - vi. The contractor will hold and save the Town of Erwin, its officers, agents and employees harmless from any liability of any kind while performing under this contract.
- b. Conflict of Interest Statement & Supporting Documentation: Respondent shall disclose any professional or personal financial interests that may be a conflict of interest in representing the Town of Erwin. In addition, all Respondents shall further disclose arrangement to derive additional compensation from various investment and reinvestment products, including financial contracts.

Please fill out this bid form and return all pages by the Bid Date shown at the top of page 1.

Chris P. Jones
Code Administrator
910-591-4204
cpjones@erwin-nc.org

PLEASE PRINT THE FOLLOWING INFORMATION:

Bidder Information: Company Name Martin Edwards + Associates
Address 10335 Ramsey St
Linden NC 28356
Phone 910-591-7420

1. I will perform the above described services for a gross bid fee of \$ 7800⁰⁰.
2. In addition, I am willing to deduct the sum of \$ 0 for salvageable building/other materials taken from the site and in lieu of a cash payment. These materials will be used to offset the above gross demolition bid price as indicated below.

Item 1 (Gross Bid fee) \$ 7800⁰⁰

Subtract Item 2 (Salvage Materials) \$ 0

My net bid is \$ 7800⁰⁰

Seven thousand eight hundred + no/xx — Dollars
(My Net Bid in words)

Nicole D. Dunn
Printed Name of Company Representative

[Signature]
Signature of Company Representative

MINUTES CONTINUED FROM SEPTEMBER 23, 2024

Fences in ROW Amendment, Accessory Structures in ROW Amendment, and Encroachment Amendment

Town Planner Dylan Eure informed the board that both of these amendments came across his desk as a request from Grain Dealers, the company looking to install the Brewery in the mill. Based on the site plans provided to him by Grain Dealers, the owner Mr. Johnson, plans to install a fairly large HVAC system of 26 tons. Due to the largeness of the HVAC system, it could not be placed on the roof, and putting it on the side of the structure would encroach into the right of way which our Ordinances did not allow. Mr. Johnson was applying for a major encroachment.

Mayor Baker stated that NCDOT was not too keen about putting anything in their right of way. He asked if we did put the decision back to the Board, what type of qualifications or criteria would we need to place on this type of request to approve or deny. We would be opening the door for residents to come and ask for the same request. He asked Mr. Eure why Mr. Johnson had to put it on the side rather than the end of the building.

Mr. Eure stated he was informed by Mr. Johnson that the ductwork would be too costly and he needed to place it on the front side of the building.

Commissioner Blackmon stated he was not sure that the property owner had looked at all of his options. He stated that the owner could use a section of the building as a "Mechanical Room" to put the HVAC system in the building.

Commissioner Byrd stated the Board could not dictate the State's right of way. He recommended putting the HVAC unit on the front of the building and building a privacy fence around it.

The consensus of the Board was to instruct Town Planner Dylan Eure to go back and review with Mr. Johnson all of his options.

Replace Playground Equipment at Al Woodall Park

Town Manager Snow Bowden stated that the playground equipment at Al Woodall Park was rusted out and no longer safe. He stated he could reach out to the State to see if they would consider allowing the Town to purchase new playground equipment with the grant we received for Al Woodall Park. The estimated cost was \$65,000-\$75,000 under state-contracted pricing.

Bike/Pedestrian Planning Grant

Town Manager Snow Bowden stated that we were still waiting for the NCDOT for the Bike/Pedestrian Plan Planning grant that we were awarded. When the contract is received, we will need to take quick action on it. He hoped to have it by our regularly scheduled meeting in October.

ZT-2024-005

Town Planner Dylan Eure stated this request was a conditional rezoning request for special privileges to build an apartment complex on seven parcels on Professional Park. He spoke with Harnett Regional Water about any upgrades needed and he was informed that the water main on Pope Street would need to be extended but adequate fire suppression.

Erwin Board of Commissioners

REQUEST FOR CONSIDERATION

To: The Honorable Mayor and Board of Commissioners

From: Dylan Eure, Town Planner

Date: September 23, 2024

Subject: Fences in ROW

The staff of the Town of Erwin wishes to amend its Code of Ordinances, specifically Chapter 36 within Article XV Sections 36-433 to allow for fences in the public right-of-way as long as an encroachment agreement is approved by the Erwin Board of Commissioners. The purpose of this is to address properties that are along the downtown area of Erwin that are limited to their yard space.

Current language:

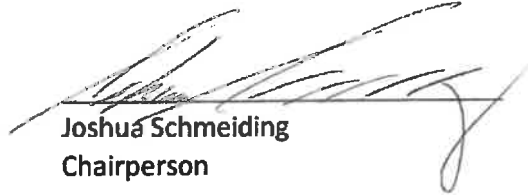
“fence prohibited in rights-of-way. No fence shall be erected or maintained within or on any state or town right-of-way”.

Proposed language:

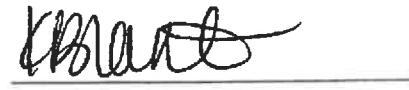
“fence prohibited in rights-of-way. No fence shall be erected or maintained within or on any state or town right-of-way unless an encroachment is approved by the Board of Commissioners or North Carolina Department of Transportation”

Statement of Consistency
Fences in ROW Text Amendment

The proposed text amendment is compatible with all of the Town of Erwin's regulatory documents. According to Erwin's 2023 Land Use Plan and Erwin's Code of Ordinances, the proposed text amendment would best address the issues that the downtown area of Erwin faces due to lack of yard space. It is recommended that this amendment be **Approved**.



Joshua Schmeiding
Chairperson



Katelan Blount
Deputy Town Clerk

Erwin Board of Commissioners

REQUEST FOR CONSIDERATION

To: The Honorable Mayor and Board of Commissioners

From: Dylan Eure, Town Planner

Date: September 23, 2024

Subject: Accessory Structures in ROW

The staff of the Town of Erwin wishes to amend its Code of Ordinances, specifically Chapter 36 within Article XV Sections 36-433 to allow for fences in the public right-of-way as long as an encroachment agreement is approved by the Erwin Board of Commissioners. The purpose of this is to address properties that are along the downtown area of Erwin that are limited to their yard space.

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”.

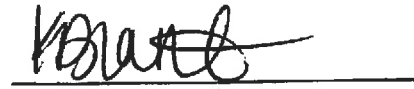
Proposed language:

“fence prohibited in rights-of-way. No fence shall be erected or maintained within or on any state or town right-of-way unless an encroachment is approved by the Board of Commissioners or North Carolina Department of Transportation”

Statement of Consistency
Accessory Structure in ROW Text Amendment

The proposed text amendment is compatible with all of the Town of Erwin's regulatory documents. According to Erwin's 2023 Land Use Plan and Erwin's Code of Ordinances, the proposed text amendment would best address the issues that the downtown area of Erwin faces due to lack of yard space. It is recommended that this amendment be **Approved**.


Joshua Schmeiding
Chairperson


Katelan Blount
Deputy Town Clerk



TOWN OF ERWIN

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 www.erwin-nc.org

9/23/2024

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

Encroachment Memorandum

Background

Wesley Johnson of Grain Dealers Inc. who is planning on operating a tap room located in building KW. He is wanting to install glycol chillers (required for tap rooms) and an 27.5 ton HVAC unit along Chief Joseph Lane in Erwin. Due to the orientation of the building and the proposed layout of the tap room this causes the HVAC unit to extend off of the rear of the building and into the public right-of-way due to it having to be setback from the building in order to meet NC building code. Measuring from the edge of the current structure with no alternations to the edge of Chief Joseph Ln. there is approximately 25 feet. The amount of right-of-way according to a recent survey done by 200 N LLC is 15 feet 7 inches and the current unmodified building is setback from the property line by 9 feet 3inches.

According to the site plans submitted by Grain Dealers the area that would hold the chillers/HVAC unit would extend approximately 15 feet 3/4 of an inch off of the side of the current building. According to these measurements the chillers/HVAC unit would extend approximately 5 feet 9 3/4 inches into the public right-of-way. Which would leave the Town to have approximately 9 feet 11 1/4 inches of vacant right-of-way space between the edge of the street and the edge of the proposed HVAC structure along unit KW. There is a drainage ditch that is at approximately 18 feet away from the current unmodified building.

Applicable Regulations

Sec. 36-433 of the Erwin Code of Ordinances gives a list of prohibited fence types which includes:

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

Sec. 36-433 states that:

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

Sec. 36-419 states that :

“Minimum rear setback for accessory structures are 10ft”

Sec. 36-436 contains regulations for the screening of of utilities and mechanical units

“Utility and mechanical screening. All non-residential and multifamily developments' mechanical and utility equipment which is greater than five tons in nominal capacity, and is located on, beside, or adjacent to any building or

developments shall be fully screened from the view of streets and adjacent property. The screen shall exceed the height of the equipment, shall not interfere with the operation of the equipment, and shall use one or a combination of the following screening techniques:

(1) Building materials and design that are compatible with those used for the exterior of the principal building, or

(2) Evergreen plantings.”

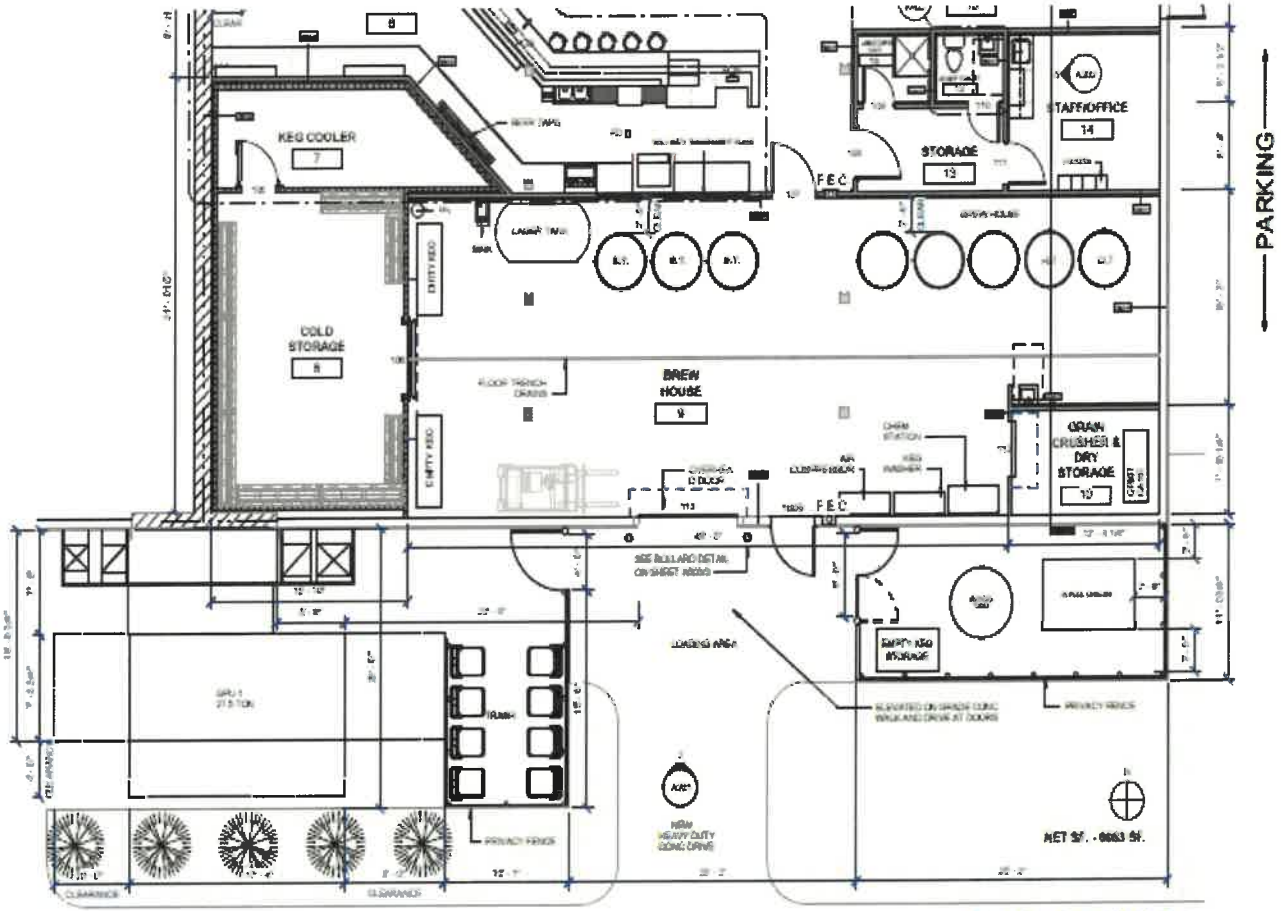
Benchmarking

The City of Raleigh faces similar issues with structures having to extend into the public right-of-way because of circumstances that fall out of the property owner's control. In circumstances such as this, they require an encroachment agreement that is approved by the Board of Commissioners. If the said structure extends into the Right-of-Way would seem appropriate to be buffered the City Council will require a buffer that will take additional room within the Right-of-Way. Otherwise, the council will not require the buffer to be implemented.

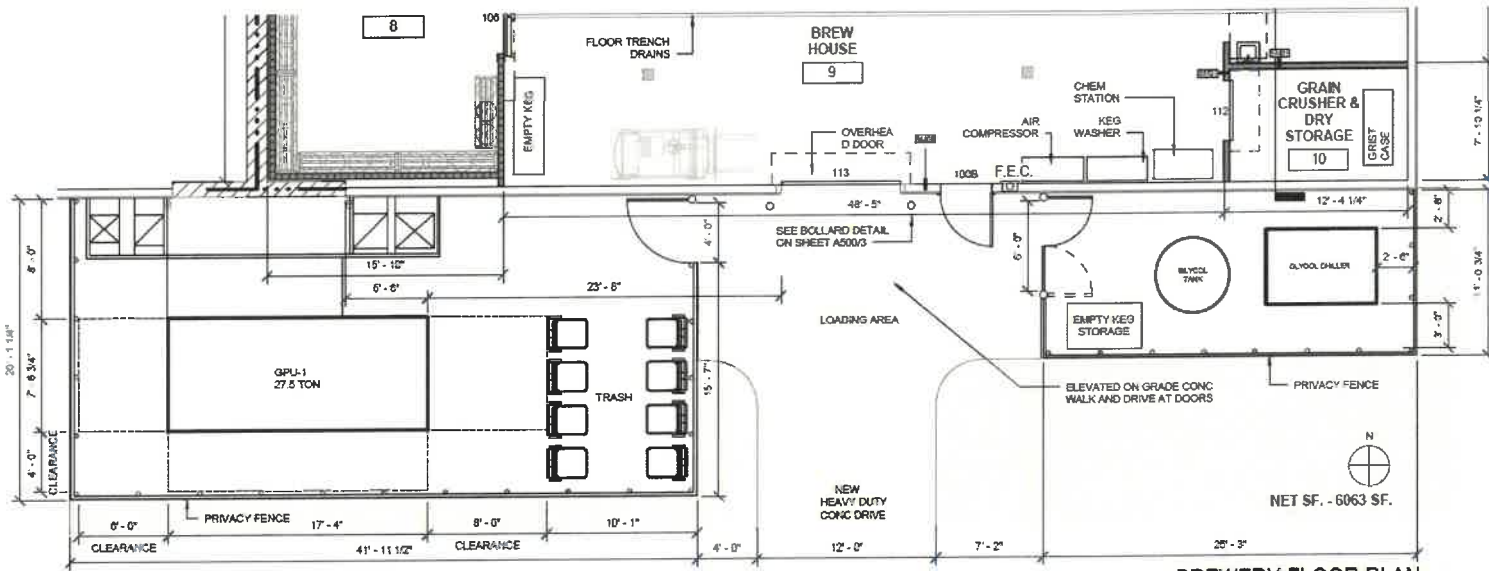
Recommendation

Due to the nature of the mill's layout, it is not expected that this is the last time a similar request will be made. Therefore it is the opinion of staff that an amendment be authored to the Erwin Code of Ordinances to state that no fence shall be erected or maintained within or on any state or town right-of-way unless an encroachment agreement is approved by the board of commissioners. A second amendment be authored to be included within accessory structures that state similar terminology. Finally, a process and a set of standards be established to ensure the safety of town right-of-ways.

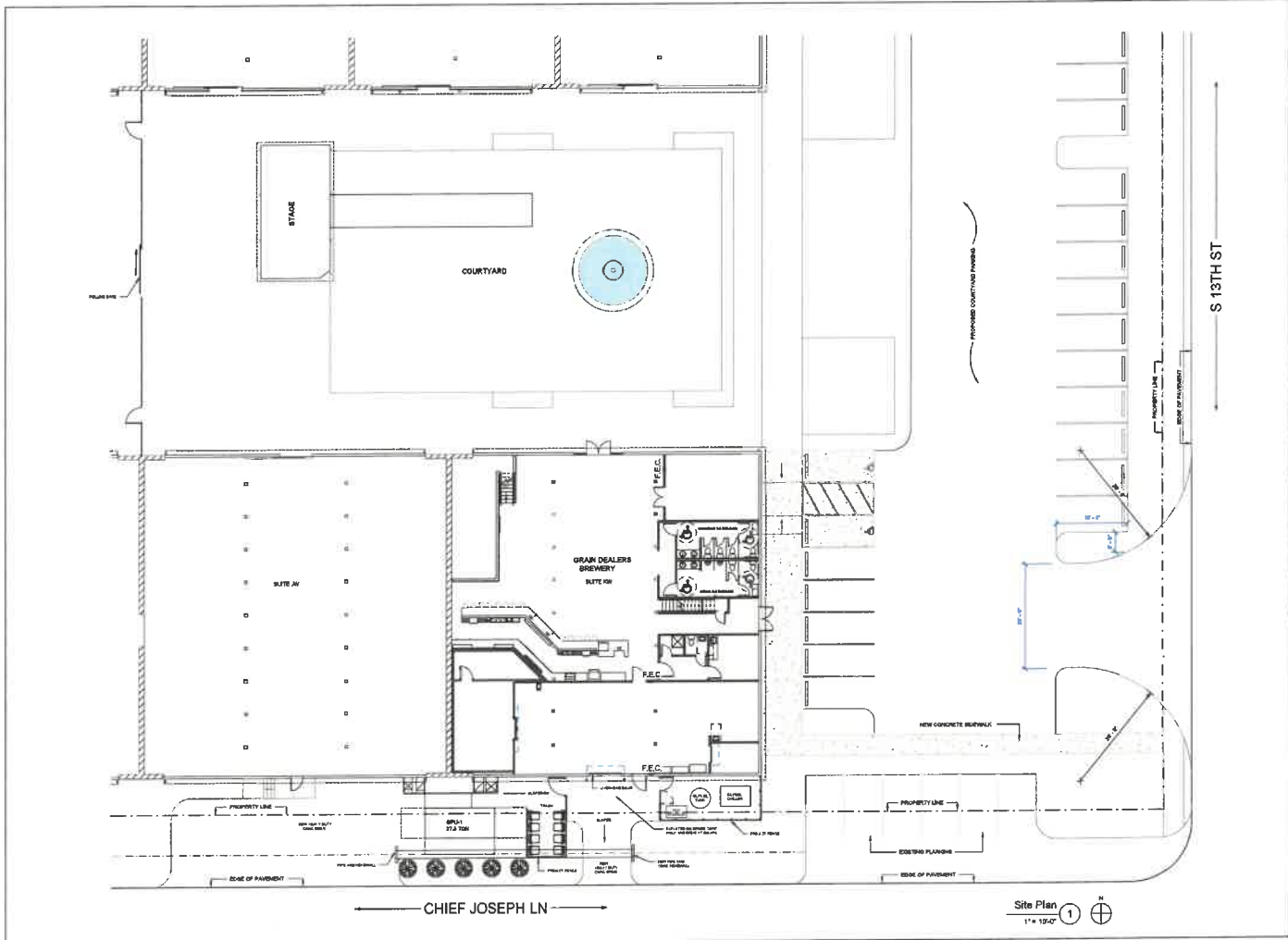
Map of Encroachment Area



BREWERY FLOOR PLAN ①
3/16" = 1'-0"



BREWERY FLOOR PLAN 1
 3/16" = 1'-0"



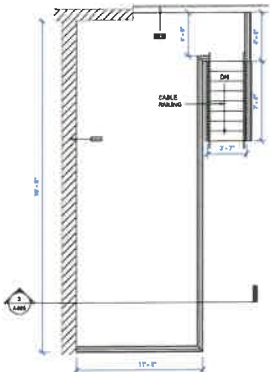
PERMIT SET
GRAIN DEALERS BREWERY
 100 North 13th St, Bay K
 Erwin, NC

DATE:	2017.08.22
SCALE:	AS SHOWN
PROJECT NO.:	25-17
DATE:	2017.08.22
SCALE:	AS SHOWN
PROJECT NO.:	25-17

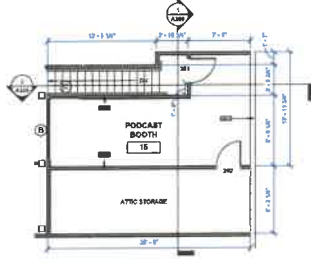
SITE PLAN - CHARGED
A101

- 1 - 2001
- 2 - 2002
- 3 - 2003
- 4 - 2004
- 5 - 2005
- 6 - 2006
- 7 - 2007
- 8 - 2008
- 9 - 2009
- 10 - 2010
- 11 - 2011
- 12 - 2012
- 13 - 2013
- 14 - 2014
- 15 - 2015
- 16 - 2016
- 17 - 2017
- 18 - 2018
- 19 - 2019
- 20 - 2020

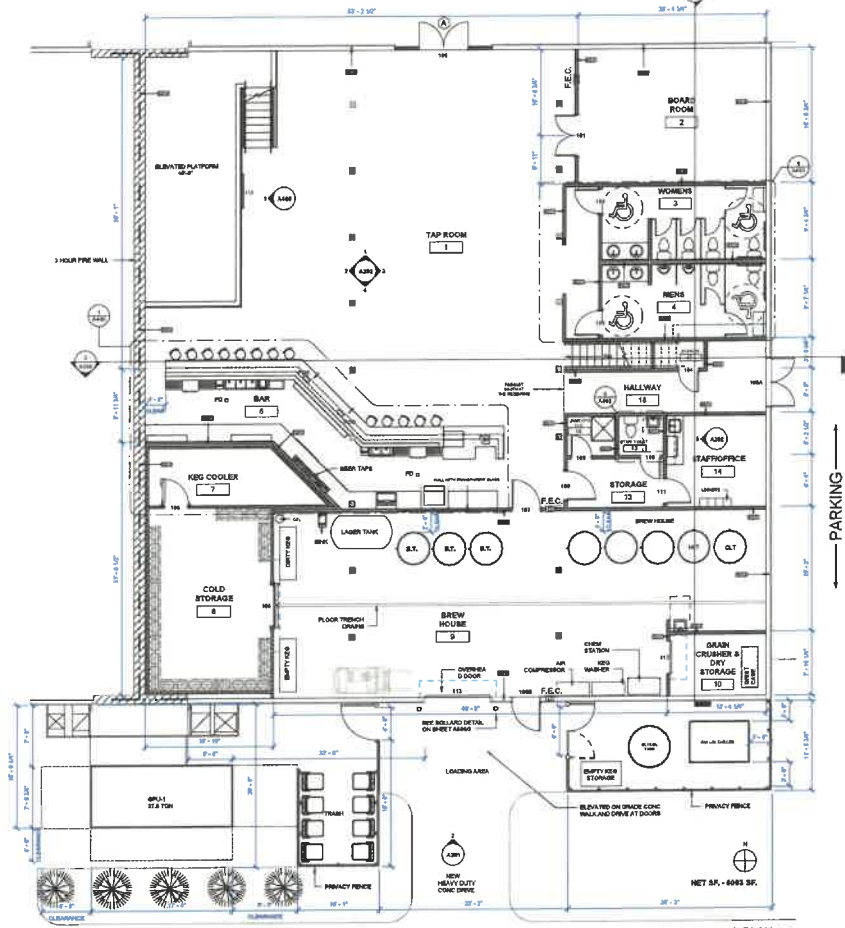
REFER TO SHEET 0404 FOR NOTES AND DIMENSIONS



ELEVATED PLATFORM PLAN 3
1/4" = 1'-0"



MEZZANINE FLOOR PLAN 2
3/16" = 1'-0"



BREWERY FLOOR PLAN 1
3/16" = 1'-0"



OLIVE
ARCHITECTURE
www.olivearch.com



PERMIT SET
GRAIN DEALERS BREWERY
100 North 13th St, Bay K
Erwin, NC

DATE: 05/13/2024
SCALE: AS SHOWN
SHEET: 18 OF 18

PROJECT NO: 23-117
SHEET NO: 18 OF 18

FLOOR PLAN

A111

20240513 13:24 PM

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.

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:

Erwin Board of Commissioners

REQUEST FOR CONSIDERATION

To: The Honorable Mayor and Board of Commissioners

From: Snow Bowden, Town Manager

Date: September 23, 2024

Subject: Replace Playground Equipment at Al Woodall Park

The playground equipment at Al Woodall Park needs to be replaced. Upon a quick site inspection it appears that there are multiple issues with this equipment that need to be addressed. I requested to include funds from the recreation grant (from the State of N.C) in the original scope of work that was approved. Town Staff requests considering replacing the entire playground equipment with something similar to what is already on site. I have included two examples. I can reach out to the State to see if this would be allowable within the grant that we received. The playground equipment would be purchased through Sourcewell. Basically, the items on Sourcewell are vetted and are at state contract prices. There should be no issues with using grant funds to purchase anything from Sourcewell. We are most likely looking at a cost of \$65,000-\$75,000 to replace comparable playground equipment.

Erwin Board of Commissioners

REQUEST FOR CONSIDERATION

To: The Honorable Mayor and Board of Commissioners

From: Snow Bowden, Town Manager

Date: September 23, 2024

Subject: Bike/Pedestrian Planning Grant

At the moment, we are still waiting for the contract from NCDOT for the Bike/Pedestrian Plan Planning grant that we were awarded. We might receive it by the night of the workshop meeting. In order to prevent any delays we would like to get this processed as soon as possible. Our portion of the match for the grant will be \$4,500. We can just run this through the Planning Department contracted services line item at this time.

MINUTES CONTINUED FROM SEPTEMBER 23, 2024

Mayor Baker inquired about the closing of Pope Street.

Town Planner Dylan Eure stated that all of the site plans he received showed using the unopened portion of Pope Street as parking for the apartment complex.

Mayor Baker asked Town Attorney Tim Morris what was permissible and not permissible regarding the conditional rezoning.

Town Attorney Tim Morris stated that the Board should not do any independent investigations. He recommended that the Board do not come to the hearing with any predetermined opinions, not express opinions, and only speak of what is relevant to the request. He also stated the Board needed to be careful not to contradict themselves.

Town Planner Dylan Eure states that this request was recommended by the Planning Board, 4 for and 2 against.

Mayor Baker asked if there was any opposition from the public at the Planning Board Meeting.

Town Planner Dylan Eure stated that Michael Jackson came and spoke to the Planning Board in opposition to the request. Mr. Eure also spoke with the other property owner in Professional Park and the owner did not have any concerns regarding the request.

The consensus of the Board was to move forward with the Public Hearing for this request at the Regularly Scheduled Board Meeting in October.

Commissioner Blackmon and Commissioner Byrd left at 6:51 PM.

HWY 421 Overlay

Town Planner Dylan Eure stated the 421 Overlay laid out requirements such as the buildings facing the nearest right of way, making sure the materials of the building are masonry materials, landscaping along 421, parking lot standards, signage, street and sidewalk standards.

Town Manager Snow Bowden stated that this overlay was a goal in our Land Use Plan.

The consensus of the Board was to move forward with scheduling the Public Hearing for this request at the Regularly Scheduled Board Meeting in November.

Chapter 30 Updates

Town Planner Dylan Eure stated that the updates to Chapter 30 were to clear up conflicting language in our Code of Ordinances.

The consensus of the Board was to move forward with the Public Hearing for this request at the Regularly Scheduled Board Meeting in October.



TOWN OF ERWIN

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

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

9/16/2024

ZT-2024-005 Memorandum

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



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, 5 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

Handwritten notes:
condition use for multifamily dwelling, 5
residential buildings, 5
120 units
residing/club house
facility containing a
pool &
grilling
stop bar

Exhibit "A"

Property Owners of the Area Requested and Addresses:

Areas Involved:

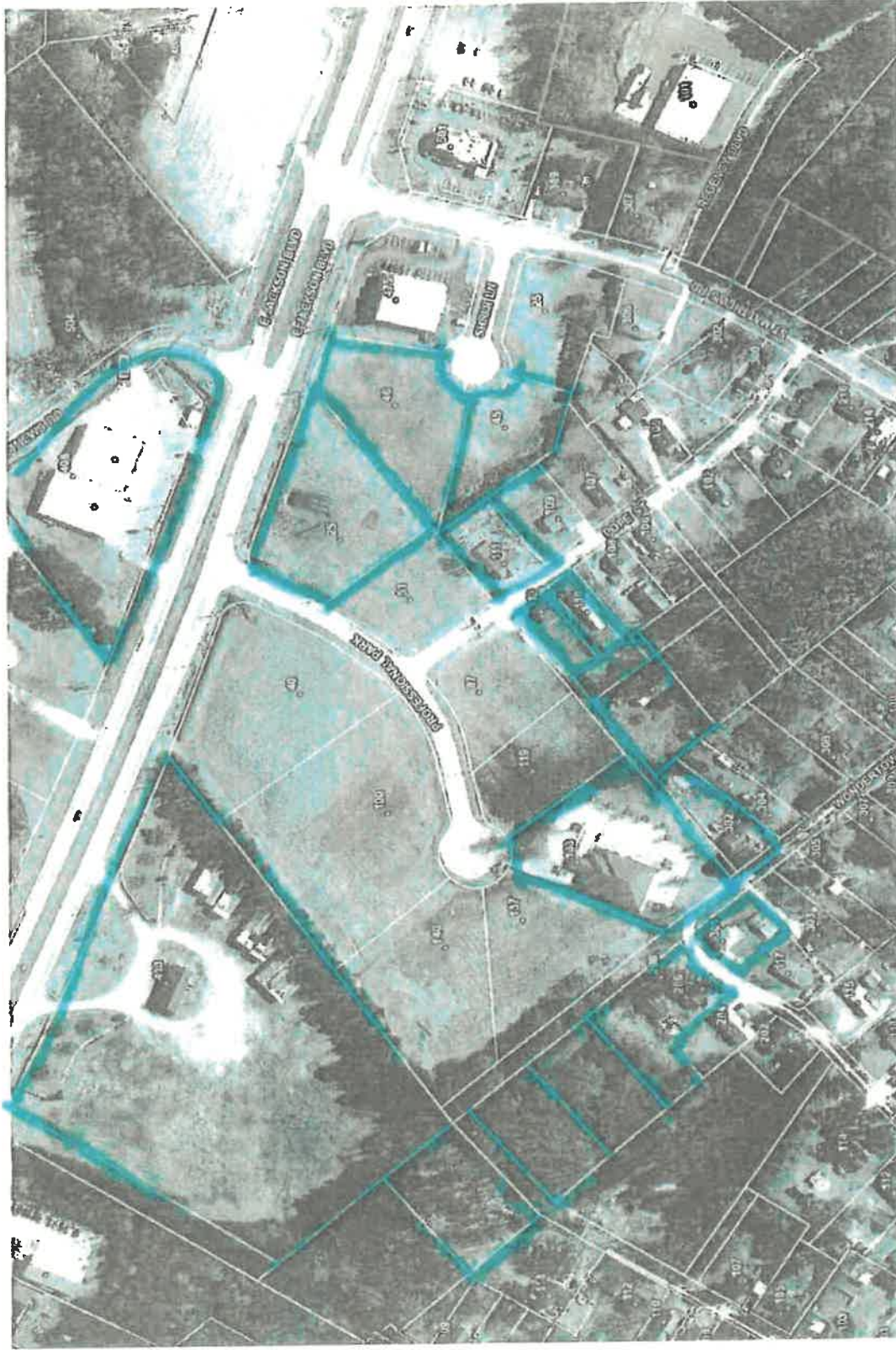
Address	Current Legal Description	Owner	Mailing Address
40 Professional Park Erwin, NC 28339	LT#9 RIVERSIDE PROF PARK MAP#2005-715	Rabbit Construction Inc.	121 Britt Valley Rd Raleigh, Nc 27603-8024
100 Professional Park Erwin, NC 28339	LT#8 RIVERSIDE PROF PARK MAP#2005-715	Rabbit Construction Inc.	121 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

NC Rev Stamp: \$159.00

Book: 4156 Page: 956 - 957 (2)

Fee: \$26.00

Instrument Number: 2022103549

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, MDPA, 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, MDPA, 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 19 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 10th 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.

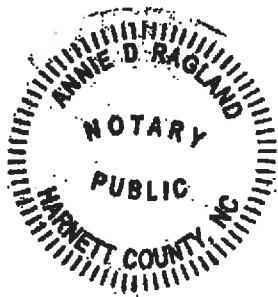
GRANTOR(S):

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

NC Rev Stamp: \$191.00

HARNETT COUNTY TAX ID#
061507 0107 10

Book: 4156 Page: 960 - 961 (2)

Fee: \$26.00

Instrument Number: 2022103551

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.

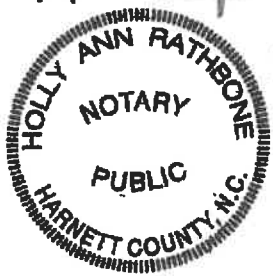
IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

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

HARNETT COUNTY TAX ID#
061507 0107 05

02/27/2023 11:54:30 AM NC Rev Stamp: \$300.00
Book: 4183 Page: 1839 - 1840 (2) Fee: \$26.00
Instrument Number: 2023002859

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.

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:

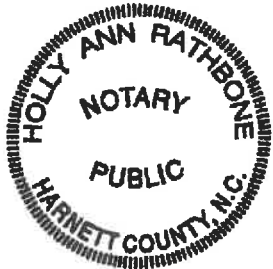
IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

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.

[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

06/23/2022 04:40:54 PM

NC Rev Stamp: \$212.00

Book: 4156 Page: 958 - 959 (2)

Fee: \$26.00

Instrument Number: 2022103550

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 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)

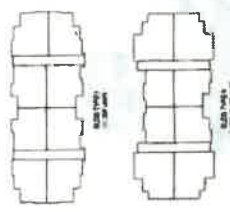
VB
Vanessa Briones
Notary's Printed or Typed Name
My Commission Expires: July 30, 2023



PROFESSIONAL PARK APARTMENTS

UNIT TYPE	NO. OF UNITS	SQ. FT.	TOTAL
1-BED	120	1,200	1,200
2-BED	80	1,600	1,600
3-BED	40	3,600	3,600
TOTAL	240	6,400	6,400

UNIT TYPE	NO. OF UNITS	SQ. FT.	TOTAL
1-BED	120	1,200	1,200
2-BED	80	1,600	1,600
3-BED	40	3,600	3,600
TOTAL	240	6,400	6,400

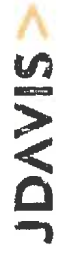


Date: June 26, 2024
 SCALE: 1" = 40'

PROFESSIONAL PARK APARTMENTS

Erwin, North Carolina

THIS PLAN IS PRELIMINARY AND IS SUBJECT TO CHANGE.



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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

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

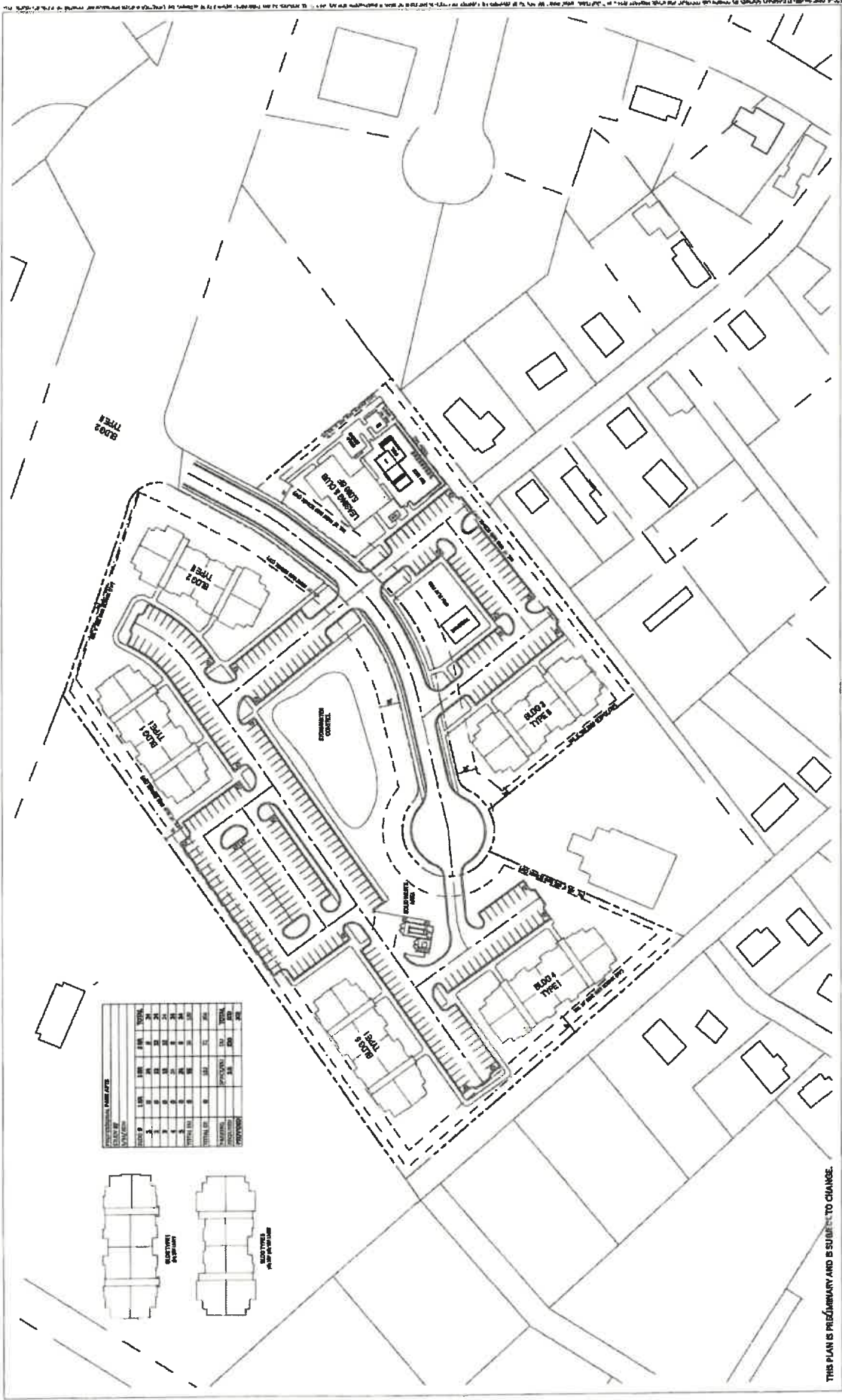
 Study Area



Erwin Apartments
Erwin, NC

Site Location Map

Scale: Not to Scale | Figure 1



Date: May 31, 2024

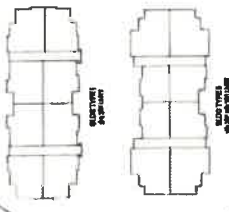


PROFESSIONAL PARK APARTMENTS - OPTION 7

Erwin, North Carolina

PROFESSIONAL PARK APARTMENTS

UNIT TYPE	NO. OF UNITS	SQ. FT.	TOTAL
1-BED	100	1,000	100
2-BED	50	2,000	50
3-BED	20	3,000	20
TOTAL	170	6,000	170

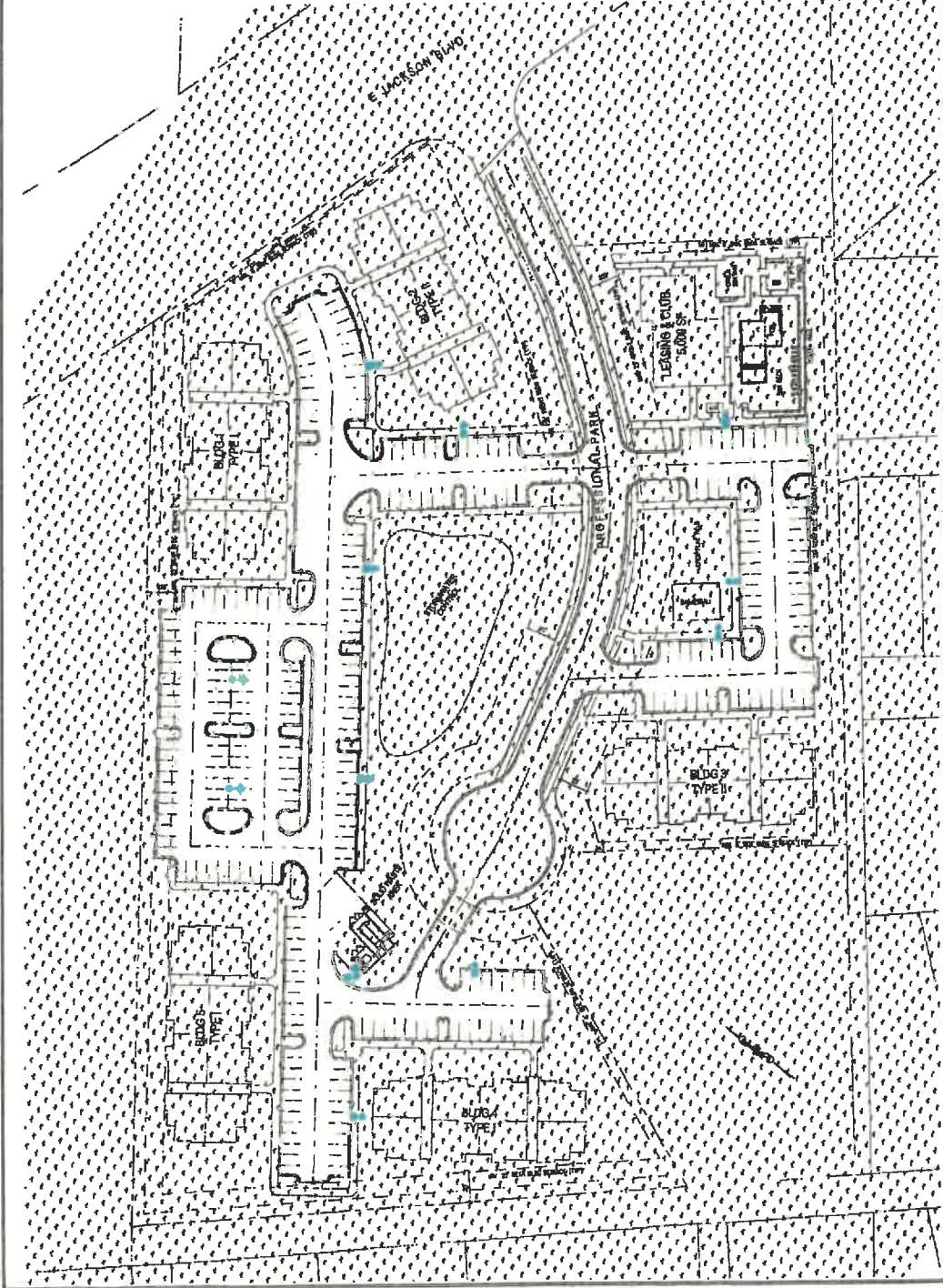


THIS PLAN IS PRELIMINARY AND IS SUBJECT TO CHANGE.



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EXHIBIT
D4-1



Statistics

Description	Symbol	Avg	Max	Min	Max/Min	Appl/Min
Multi Fixtures		1.16	3.76	0.16	0.21	3.71
Bldg. Type I		1.16	3.76	0.16	0.21	3.71
Bldg. Type II		1.16	3.76	0.16	0.21	3.71
Leisure Club		1.16	3.76	0.16	0.21	3.71

Task	Qty	Description	Power	Length	LF
A	8	LED 150w Stadium - Type IV - 2000K	48	377	0.5
B	1	LED 150w Stadium - Type IV - 2000K	48	377	0.5
C	2	LED 150w Stadium - Type V - 2000K	48	400	0.5

DUKE ENERGY. PROGRESS.

NO. DATE REVISION BY

SCALE: 1" = 100'

DESIGNED BY: J. B. ...

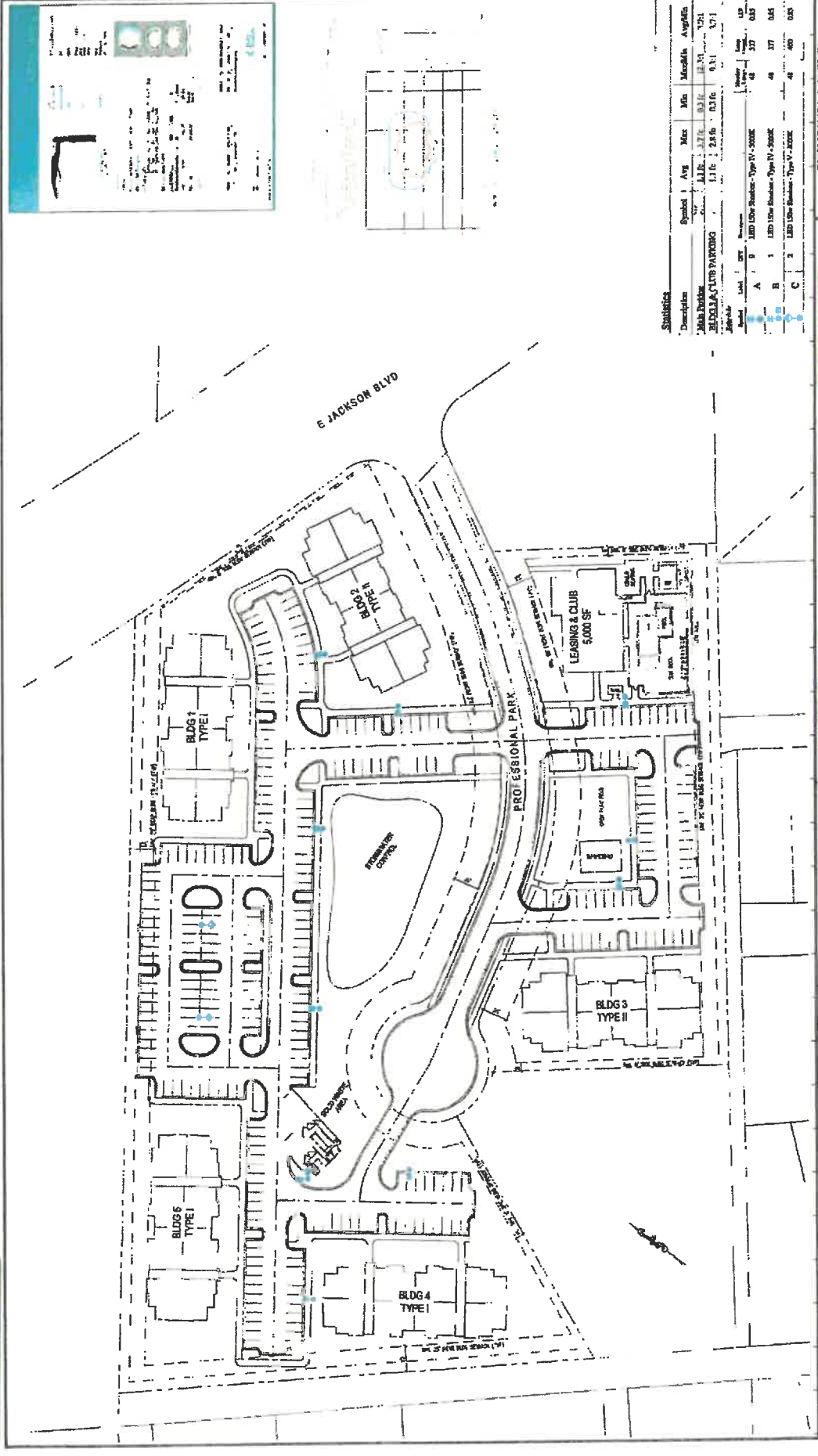
CHECKED BY: ...

DATE: ...

PROJECT NO.: 24-0260A

REV. 1 OF 1

EXHIBIT
D4-2



Statistics

Description	Symbol	Avg	Max	Min	Max/min	Angle/In
2000 Parking		2.176	0.216	0.031	0.216	0.031
BLDG 1 TYPE I		2.856	0.116	0.031	0.116	0.031

Lot	Area	Perimeter	Volume	Length	Width	Height
A	1	LED Low Rise - Type IV - 2000K	48	33	0.15	0.15
B	1	LED Low Rise - Type IV - 2000K	48	37	0.15	0.15
C	2	LED Low Rise - Type IV - 2000K	48	40	0.15	0.15

TOWN OF BERWYN APARTMENTS
 SITE LAYOUT AND ANNOTATIONS
 Designed by: DUKES ENERGY PROGRESS LEARNING SOLUTIONS
 Reviewed by: M. Johnson
 Date: 10/20/2016
 Description: Site Plan
 Drawing No.: 24-0066A
 Rev.: 1.0/1.0

DUKE ENERGY PROGRESS

NO. DATE REVISION BY



Outdoor Lighting

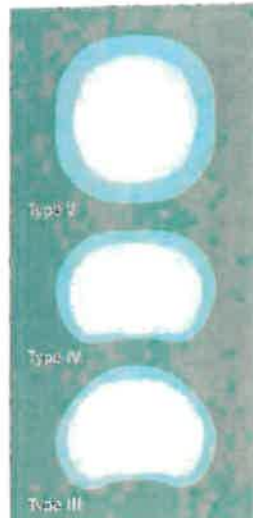


SHOEBOX LED
(Meets Dark Sky Criteria)

LED (Light-emitting diode)	150 220 420 530 watts
Mounting height	25', 30', 35'
Color	Black Bronze Gray White
Pole	Fiberglass (1 or 2 fixtures per pole) Decorative tapered metal Decorative square metal
Applications	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
 ODLCarolin@s@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	@	\$15.19	=	-
*Decorative Black Cutoff Enclosed	16000	150	@	\$15.64	=	-
to Existing Matchups (Encl) (Shoebox - No longer Available)	22000	200	@	\$16.91	=	-
*Shoebox Forward Throw (No longer Available)	22000	200	@	\$17.27	=	-
Cutoff Enclosed, Shoebox (Shoebox-No longer Available)	28500	250	@	\$18.60	=	-
*Decorative Black Cutoff Enclosed	28500	250	@	\$20.22	=	-
*Shoebox Forward Throw (No longer Available)	28500	250	@	\$20.18	=	-
Cutoff Enclosed, Shoebox (Shoebox-No longer Available)	50000	400	@	\$27.18	=	-
*Shoebox 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)

Shoebox (No Longer Available)						
Post Top (Styles "A", "S" & "M")	9000	100	@	\$14.81	=	-
Flood	9000	100	@	\$14.81	=	-
Cutoff Enclosed, Shoebox, Flood	20000	250	@	\$22.44	=	-
*Decorative Black Cutoff Enclosed	20000	250	@	\$22.88	=	-
*Shoebox Forward Throw (No longer Available)	20000	250	@	\$22.73	=	-
Cutoff Enclosed, Shoebox, Flood	33000	350	@	\$29.42	=	-
*Shoebox Forward Throw (No longer Available)	33000	350	@	\$29.80	=	-
Shoebox, FT Shoebox, 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			@	\$6.28	=	-
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)			@	\$20.17	=	-
13' Fluted Black Concrete Post w/Receptacle (Non Std)			@	\$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						\$ -

Total Proposed Monthly Charges

One Time Underground 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)	26'	@	\$6.65 =	-
	30'	@	\$7.37 =	-
Style "A" Alum Direct Embed Poles (MFC)	12'	@	\$11.61 =	-
	15'	@	\$11.86 =	-
	17'	@	\$12.82 =	-
	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 =	-
16' 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) (Not for New Installs Effective 5/17)	20,000	250	@	\$30.38	= -
Sodium Vapor (Solid Green)	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 (Not for New Installs Effective 5/17)	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	@	\$8.28	= -

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

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	60	@	\$12.58	=
LED 70/75 Roadway	70	@	\$9.18	=
LED 105/110 Roadway	110	@	\$11.35	=
LED 130 FLOODLIGHT	130	@	\$26.49	=
LED 150 Roadway	150	@	\$14.84	=
LED 215/220 Roadway	220	@	\$18.53	=
LED 280 FLOODLIGHT	280	@	\$46.63	=
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 Ball (MFC)	50	@	\$13.84	=
Traditional / Traditional Open (MFC)	50	@	\$9.12	=
Pedestrian Shoebox "S" (MFC)	50	@	\$13.02	=
Acom "A" (MFC)	50	@	\$9.55	=
Enterprise 50 (MFC)	50	@	\$13.39	=
Enterprise 150 (MFC)	150	@	\$18.50	=
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)	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	=

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
Per 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) <i>DOES NOT include tax</i>
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 (Acuity & 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: _____

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

LED Amber Turtle Fixtures	Watts	# of Items	Monthly *	Total Cost
LED 70/75 Roadway	70	@	\$12.51	= -
LED 105/110 Roadway	110	@	\$15.63	= -

Standard Pole(s)	Mounting Height	# of Items	Monthly *	Total Cost
Wood Pole	25', 30', 35'	@	\$2.63	= -
Gray Fiberglass Pole / Metal** Pole	25', 30', 35'	@	\$6.26	= -

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@davisarchitects.com>; Sawako Bush <sawakob@davisarchitects.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)

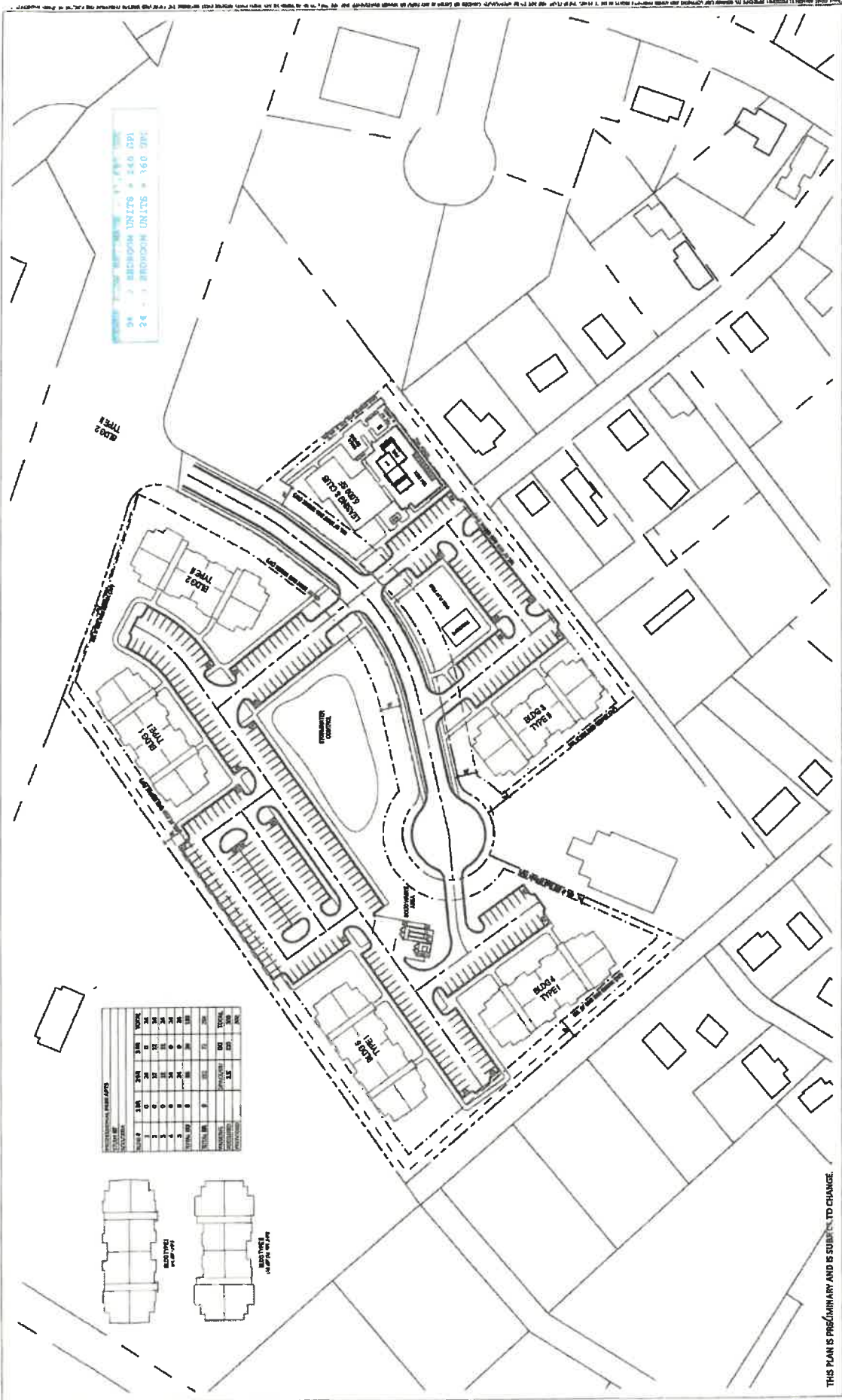
Peter,
Sewer flow calculations are now 75 gpd per bedroom.

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	TOTAL SQ. FT.	TOTAL SQ. FT. PER UNIT
BDO1 TYPE1	160	160,000	1,000
BDO2 TYPE2	160	160,000	1,000
BDO3 TYPE3	160	160,000	1,000
BDO4 TYPE4	160	160,000	1,000
TOTAL	640	640,000	1,000

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

PROFESSIONAL PARK APARTMENTS - OPTION 7
Erwin, North Carolina

THIS PLAN IS PRELIMINARY AND IS SUBJECT TO CHANGE.



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**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: 10/10/2024

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

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

- **Reasoning:** The rezoning to a conditional-use district for an apartment complex would not create any burdensome impacts on the surrounding neighbors due to screening.

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

- **Reasoning:** According to Erwin’s current Land Use Plan done in 2023, high-density housing options which include apartments are to be along US 421 and are desired.

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

- **Reasoning:** The rezoning would allow for additional housing options within Erwin.

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

- **Reasoning:** This rezoning request includes 7 parcels in which all of them are along Professional Park.

<p>There is a convincing demonstration that all uses permitted under the proposed district classification would be in the general public interest and not merely in the interest of an individual or small group. YES</p>	<p>The parcels in question are about a single-use only and are limited to multi-family dwellings.</p>
<p>There is a convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change. (When a new district designation is assigned, any use permitted in the district is allowable, so long as it meets district requirements, and not merely uses which applicants state they intend to make of the property involved.) YES</p>	<p>The conditional district zoning would only be for the use of multi-family dwellings which is designated in the Erwin 2023 Land Use Plan along U.S. 421 and all developmental requirements are being followed.</p>
<p>There is a convincing demonstration that the character of the neighborhood will not be materially and adversely affected by any use permitted in the proposed change. YES</p>	<p>According to the 2023 Erwin Land Use Plan any high-density developments such as apartments shall be along U.S. 421. Such use would not impact the feel of current neighborhoods.</p>
<p>The proposed change is in accord with the Land Development Plan and sound planning principles. YES</p>	<p>The Erwin 2023 Land Use Plan has the area under high density for apartment complexes along with traditional commercial uses.</p>

Statement of Consistency

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**.

Statement of Inconsistency (only read if denied)

The requested rezoning from being B-2 to an 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**.

Special Use Evaluation

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

- **Reasoning:** Multi-family developments require a special use permit in the R-6 zoning districts.

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

- **Reasoning:** Approving would increase the amount of housing units currently in Erwin's jurisdiction.

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

- **Reasoning:** There is no evidence that the proposed use of apartment complexes would be detrimental to the health, morals, or welfare of the general public.

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

- **Reasoning:** According to Erwin's 2023 Land Use Plan apartment complexes are to be located off of 421 and are to be encouraged.

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

- **Reasoning:** The developer has been in contact with Harnett Regional Water about the potential development and has stated that if upgrades are needed then the upgrades will be made.

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

- **Reasoning:** The applicant has submitted a traffic impact study and the results would not cause any issues in relation to traffic congestion along Professional Park nor would it require any additional modifications to the road.

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

- **Reasoning:** All aspects of the submitted site plan and other documents meet all of the requirements set forth by the Erwin Code of Ordinances.
-
-

Attachments:

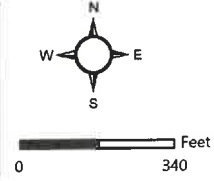
- ZT-2023-005 Application
- Harnett County GIS Image with zoning districts
- Harnett County GIS Image without zoning districts
- Adjacent property owner sheet
- Public notice letter sent to adjacent property owners
- Site Plan
- Landscaping Plan
- Lighting Plan
- Traffic Impact Study
- Erwin Land use Goal 1 LUH 4.1



Harnett.org/GIS

July 23, 2024

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

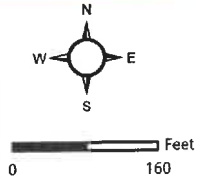




Harnett.org/GIS

July 23, 2024

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



3.3: Encourage subdivisions with larger lots and/or higher amounts of open space to be located in the Suburban Residential areas on the Future Land Use Map.

LUH 4: Allow for a variety of residential land uses.

4.1: Encourage a mix of higher-density housing types to locate in Commercial/Mixed Use areas or near US 421.

4.2: Allow a variety of small-scale attached housing types (accessory dwellings, duplexes, quads, townhomes) on well-located sites in the mill village.

- ◆ Consider allowing townhomes in more areas (Currently allowed only as a Special Use in R-10, R-6, RMV, and DMV districts).
- ◆ Consider allowing duplexes, triplexes or quadplexes in more areas (currently allowed as a Special Use in R-6 only).
- ◆ Consider allowing accessory dwelling units that meet design criteria (minimum setbacks, etc.).

4.3: Allow a certain percentage of attached homes as part of new planned developments (i.e. 30% max).

- ◆ Encourage alley-loaded attached units with front porches and on-street parking to improve pedestrian safety.
- ◆ Consider reduced setbacks and lot width requirements for rear loaded housing types.



LUH 5: Protect rural views on the edges of town.

5.1: Discourage large stretches of “Fanny First” development (visible backs of homes) along major roads by encouraging tree preservation, planting buffers and location of open space along blocks.

Erwin Planning Board

REQUEST FOR CONSIDERATION

To: Erwin's Planning Board Members
From: Dylan Eure, Town Planner
Date: August 19, 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 corporate limits of the Town. Said overlay would impact all buildings and non-religious institutions 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 prohibited:
 - 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 separated from the nearest right-of-way by a minimum of 4 ft. with a grass landscaping buffer compromised of shade trees placed at 15 – 20 ft. increments.
 - i. Installation of sidewalks and shade trees will require encroachment agreements approved by the North Carolina Department of Transportation.
 - ii. Maintenance of sidewalks and streetscapes will be the responsibility of the Town of Erwin which will require maintenance agreements between the Town of Erwin and the North Carolina Department of Transportation.

Erwin Board of Commissioners
REQUEST FOR CONSIDERATION

To: Erwin’s Board of Commissioners

From: Dylan Eure, Town Planner

Date: September 23, 2024

Subject: Updates to Erwin’s Zoning Ordinances Chapter 30- Subdivisions

The Staff of the Town of Erwin wishes to amend its Code of Ordinances to correct issues of conflicting language, and practices throughout the Town of Erwin as well as require sidewalk exactions of major subdivision developers. These items include the removal of verbiage relating to privately maintained streets and sidewalks.

Amend Chapter 30 Article IV Section 30-107, 30-75, Article III Section 30-80

The purpose of these amendments is to remove all language eluding to the creation of additional private streets as our ordinances require any additional home to be fronting a town-maintained street.

Proposed amended diction to eliminate the creation of private streets:

30-107

~~“Every lot shall front or abut a public street or shall have access to a public street via an approved private street or drive. Approved private streets and drives shall meet the following requirements:~~

~~A. The street or drive must be adequately designed to allow access by public service and public safety vehicles.~~

~~B. A permanent easement shall be recorded allowing use by the lot owners and building occupants; and by public service and safety agencies.~~

~~C. The developer/subdivider shall execute and record an approved statement waiving any claims for damages resulting from normal use by public service and safety agencies, waiving rights to request municipal maintenance in the future (unless designed and constructed to town street standards), acknowledging public agencies' rights to discontinue services unless the street or drive is maintained property, and establishing responsibility for continuing maintenance of the private nature of the street or drive shall also be included as covenant in all transfers of lots or units in the development.~~

~~D. Private streets and drives shall be clearly labeled "private" on all plats.”~~

30-75

“(B) A minor subdivision is defined as one involving no new public ~~or private streets or~~ roads, or right-of-way dedication, and no utility extension”

30-80

“Type of street dedication; all streets must be designated either "public" ~~or private.~~”

Amend Chapter 30 Article 3 Section 30-77

The purpose of this amendment is to require developers of major subdivisions to install ADA-compliant sidewalks along at least one side of the entirety of each street created or existing road.

Proposed amendment to the list of items of major subdivisions:

ADA-compliant sidewalk along at least one side of the entirety of each street created by the subdivision or existing road.

MINUTES CONTINUED FROM SEPTEMBER 23, 2024

Chapter 36 Updates

Town Planner Dylan Eure stated the updates to Chapter 36 would add items to our special and permitted uses. These items include drive-through and sit-down restaurants, street access, private roads, corner lot setbacks, outdoor storage, and Amusements.

The consensus of the Board was to move forward with the Public Hearing for this request at the Regularly Scheduled Board Meeting in October.

GOVERNING COMMENTS

No governing comments were made.

ADJOURNMENT

Commissioner McKoy made a motion to adjourn at 7:04 P.M. and was seconded by Commissioner Nelson. **The Board voted unanimously.**

MINUTES RECORDED AND TYPED BY

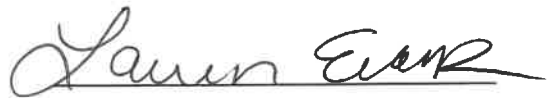
LAUREN EVANS TOWN CLERK

ATTEST:



Randy Baker

Mayor



Lauren Evans NCCMC

Town Clerk

Erwin Board of Commissioners
REQUEST FOR CONSIDERATION

To: Erwin's Board of Commissioners

From: Dylan Eure, Town Planner

Date: September 23, 2024

Subject: Updates to Erwin's Zoning Ordinances (Chapter 36)

The Staff of the Town of Erwin wishes to amend its Code of Ordinances to correct issues of conflicting language, and practices throughout the Town of Erwin as well as add items to special and permitted uses. These items include drive-through and sit-down restaurants, street access, private roads, corner lot setbacks, outdoor storage, and Amusements.

Amend Chapter 36 Article X Section 36-272 entitled Permitted principal uses and structures/ Article II Section 36-34 entitled Definitions.

For the purpose of adding both sit-down restaurants and drive-throughs. Currently, restaurants fit under the category of service establishments that are entirely contained inside of a building. However, since drive-throughs also take payment from outside, the Town of Erwin could not permit additional drive-throughs nor approve permits to add on any additional.

Proposed permitted uses to be added to B-2:

- Restaurants; drive-throughs and traditional sit-down establishments.

Proposed definition of restaurants to be added:

- A service establishment that prepares and sells food and drinks for the purpose of consumption.
-

Amend Chapter 36 Article XV Section 36-421.

To correct contradictory statements in terms of street access. Chapter 36 Article XV Section 36-421 states "No building shall be erected on a lot which does not abut a public dedicated street for a distance of at least 50 feet in an R-6 district, 75 feet in R-10 and R-15 districts, and 100 feet in a Rural District. Cul-de-sacs located in R-6, R-10, and R-15 subdivisions must abut a public dedicated street for a distance of at least 40 feet." However, within Chapter 30 Article 3 Section 30-75 states that "Any subdivision which allows a maximum of 3 lots to be created on a 50-foot easement abutting a state- or town-maintained road which meets the following requirements". Having this verbiage contradicts the amount of street frontage is required as well as makes it challenging for parcels that are limited in their road frontage to be developed.

Proposed amended diction of Chapter 36 Article XV Section 36-421:

“No building shall be erected on a lot which does not abut a public dedicated street for a distance of at least 50 feet in R-6, R-10, R-15, RMV, DMV, and RD. Culs-de-sac located within subdivisions must abut a public dedicated street for a distance of at least 40 feet. A building in a designed shopping center in a commercial district or a planned project in a residential district may be erected adjoining a parking area or other dedicated open space used in common with other lots.”

Amend Chapter 36 Article XXII Section 36-642.

The purpose of these amendments is to remove all language eluding to the creation of additional private streets as our ordinances require any additional home to be fronting a town-maintained street.

Proposed amended diction to eliminate the creation of private streets:

36-642

“The site-specific development plan shall include the following:

(3) The location and dimension of present and proposed streets ~~and private drives~~, and pedestrian facilities”

Amend Chapter 36 entitled Zoning under Articles IV,V,VI,VI-A,VII, VII-A within Sections 36-81, 36-118, 36-147, 36-156, 36-175 and 36-185.

The purpose of these amendments is to require greater side setbacks for corner lot homes within residential districts to ensure visibility throughout residential neighborhoods and to prevent accidents that may occur due to homes blocking visibility.

Proposed amendment to residential zoning district side setbacks abutting a Right-of-way:

RD: minimum required side yard abutting a right-of-way on corner lots: 24ft

R-15: minimum required side yard abutting a right-of-way on corner lots: 20ft

R-10: minimum required side yard abutting a right-of-way on corner lots: 20ft

RMV: minimum required side yard abutting a right-of-way on corner lots: 15ft

R-6: minimum required side yard abutting a right-of-way on corner lots: 16ft

DMV: minimum required side yard abutting a right-of-way on corner lots: 15ft

Amend Chapter 36 Article 2 and Article XV entitled Definitions and General Provisions.

The purpose of these amendments is to update the definition of outdoor storage along with providing additional regulations that will be required for any additional outdoor storage locations moving forward.

Proposed Amended Definition:

Outdoor storage means a business in which has storage of goods, equipment, or materials outside of an enclosed building for a period of more than 48 consecutive hours. Outdoor storage shall include vehicles not for immediate sale and those not considered junk or abandoned. The term "outdoor storage" does not refer to vehicular sales and rental, licensed vehicles in use by the person occupying the property, or other minor and incidental storage, such as items specifically designed for outdoor use, including lawn furniture, **trailers, outdoor grills, dirt for sale, mulch, plants**, swing sets, lawn care equipment, all which would not have a negative impact on the health, safety and general welfare of adjacent property owners and land uses.

Proposed Outdoor Storage Amended Regulations to be added:

(D)Outdoor Storage shall be entirely screened from the public right-of-way, public parking, or adjacent residential development or any other development by an 6ft 100 % visual barrier. Said barrier may be a chain-linked fence with slats, wood, or buffer vegetation that will grow to be at least 6ft spaced to entirely limit the view of the proposed site. Under no circumstance shall a plain chain-linked fence be acceptable.

(E)Outdoor Storage shall be located entirely in the rear or side of the development.

Amendment to Chapter 36 entitled Zoning under Article 2, 8, and 11.

The purpose of this amendment is to add Arcades to the list of permitted uses in CB and M-1 districts along with providing a definition.

Proposed permitted use to be added to M-1 and CB:

- Arcades

Proposed definition of arcades:

- An establishment that is tailored to entertainment through forms of arcade games such as but not limited to pinball, air hockey, skee-ball, or any other electro-mechanical games, but does not include a casino, pool halls, electronic gaming operations, or any form of gambling.
-

Amendment to Chapter 36 entitled Zoning under Article IV Section 36-78, Article 2 Section 36-34, and Article XV Section 36-440.

The purpose of these amendments is to add driving ranges to the list of permitted uses within Erwin's Rural District, as well as defining as to what is to be considered a driving range and additional regulations to ensure surrounding property owners are not damaged.

Proposed Permitted use to be added to RD: Article IV Section 36-78

- Driving Ranges

Proposed Definition: Article 2 Section 36-34

- An area equipped with distance markers, clubs, balls, and tees for practicing golf that may also contain a clubhouse, areas for refreshments, or golf equipment sales.

Proposed Regulation: Article XV Section 36-440

- The minimum distance from the tees to the end of an open driving area shall be a minimum of 1,000ft.
 - The minimum distance may be reduced to 700ft if the end of the driving area is controlled with a minimum 50ft net or other form of capture to avoid golf balls from leaving the driving area.
-

Amendment to Chapter 36 entitled Zoning under Articles 2, 8, 10, and 11.

The purpose of these amendments is to add axe throwing to the list of permitted uses in B-2, M1, and CB as well as adding a definition for axe throwing within Erwin's Code of Ordinances.

Proposed permitted uses to be added to B-2, M1, and CB:

- Axe Throwing Facility

Proposed Definition of an axe throwing facility:

- A facility in which contains at least 3 (three) 12 ft. lanes with each being separated by a minimum 9 ft. tall fencing that is a minimum of 15 ft. long for the purpose of throwing axes/knives at a designated target for sport and recreation,
-

Amendment to Chapter 36 entitled Zoning under Articles 2, 10, and 11.

The purpose of these amendments is to add bowling alleys as a permitted use in B-2 districts and as a special use in M-1 districts as well as provide a definition for bowling alleys.

Proposed permitted uses to be added to B-2:

- Bowling Alleys
-

Proposed special uses to be added to M1:

- Bowling Alleys

Proposed definition of a bowling alley:

- A long narrow track of at least 5 lanes in which balls are rolled down for the purpose of knocking down pins for competition or enjoyment.
-

Amendment to Chapter 36 entitled Zoning under Articles 2, 8, 10, and 11.

The purpose of these amendments is to add escape rooms to the list of permitted uses in B-2, M1, and CB zoning districts as well as provide a definition for escape rooms.

Proposed permitted uses to be added to B-2, M1, and CB:

- Escape Room

Proposed Definition of an escape room:

- A business in which creates rooms where individuals are voluntarily locked in a confined area requiring them to solve a series a puzzles before a certain amount of time expires.
-

Amendment to Chapter 36 entitled Zoning under Article 2, 10, and 11.

The purpose of these amendments is to add laser tag to the list of permitted uses to be added to B-2 and M1 zoning jurisdictions as well as define laser tag.

Proposed permitted uses to be added to M1 and B-2:

- Laser tag

Proposed definition of laser tag:

- An indoor recreational shooting sport where individuals use infrared-emitting light guns to tag designated targets.
-

Amendment to Chapter 36 entitled Zoning under Articles 2, 10, and 11.

The purpose of these amendments is to add pool halls to the list of permitted uses within B-2 and M1 zoning districts as well as defining pool halls.

Proposed permitted uses to be added to B-2 and M1:

- Pool Hall(s)

Proposed definition of a pool hall:

- An establishment that contains at least 3 or more pool/billiards tables with a pool table, cues, balls, and racks.
-

Amendment to Chapter 36 entitled Zoning under Articles 2, 8, 10, and 11.

The Purpose of these amendments is to add rage rooms to the list of permitted uses in B-2, M1, and CB zoning classifications as well as including a definition of rage rooms.

Proposed permitted uses to be added to B-2, M1, and CB:

- Rage Room

Proposed Definition of a rage room:

- A business in which rents out rooms located within their building for stress relief and venting anger in which items are destroyed and disposed of in a safe and cautionary manner.