

TOWN OF PINE LEVEL
MINUTES OF REGULAR
BOARD OF COMMISSIONERS MEETING
MAY 11, 2009
7:00 P.M.

CALL TO ORDER

Mayor Jeff Holt called a regular meeting of the Pine Level Board of Commissioners to order at 7:00 p.m. on Monday, May 11, 2009 at the Pine Level Town Hall.

ROLL CALL

COMMISSIONER KAREN ANDERSON
 COMMISSIONER JIMMY GARNER
 COMMISSIONER ANTHONY GUDAC
 COMMISSIONER PHIL PITTMAN
 MAYOR JEFF HOLT

STAFF PRESENT

Town Attorney Frank Wood, Consultant Dan Simmons, Police Chief Keith Sparks, Public Works Superintendent Ray Stuckey, P & R Coordinator Scottie Hayes, Town Clerk Sharon Thompson

INVOCATION AND PLEDGE

Commissioner Pittman gave the invocation and Mayor Holt led the Pledge of Allegiance. The mayor then welcomed everyone to the meeting.

APPROVAL OF AGENDA

MOTION TO APPROVE: Gudac
SECOND: Garner
VOTE: unanimous

APPROVAL OF MINUTES: 04-13-09

MOTION TO APPROVE: Pittman
SECOND: Gudac
VOTE: unanimous

PUBLIC COMMENT

The mayor then called for public comment on any non-agenda items. Sal Navarro, a resident of Jill Blvd., commented on people speeding through his neighborhood. He said his doctor had advised him to walk, but the vehicles speeding past him on the street ran him in the ditch. Mayor Holt responded that the town adopted a traffic calming device policy that requires a petition from the neighborhood. Mr. Navarro said he got a copy of the policy, but he did not think that his neighbors would sign a petition, because they were the ones doing the speeding. Mayor Holt and Chief Sparks said they would step up police visibility in the area. Mr. Navarro then complained about the weedy drainage ditch behind his house. Commissioner Garner said he would get the public works department to spray the ditch.

Bob Harned then commented that the seniors group would meet this Wednesday and would be dining on rainbow trout raised at his pond. He said the seniors always enjoyed the fish menu and he was glad to be able to provide the trout.

REPORTS FROM DEPARTMENTS

STREETS: Commissioner Garner. Trash being collected. State needs to patch some areas on the streets, will get public works to temporarily patch them. Mayor commented that town is anticipating reduction in Powell Bill money this year. DOT has cut mowing budget 20%; town mows a lot of areas on state roads.

RECREATION: Commissioner Anderson. Reviewed monthly report from P & R Coordinator Scottie Hayes. Working on July Fourth celebration, will have some different things going on this year. Four new people recommended for appointment to Recreation Committee: Terry Peedin, Misty Bryant, Christopher Ryan, and Shannon Scott.

MOTION TO APPOINT 4 TO COMMITTEE: Gudac
SECOND: Pittman
VOTE: unanimous

Applications turned in to county for lighting at new ball fields. Moving along with development of new fields. Mayor asked about fireworks for July Fourth. Clerk reported that Zambelli would provide same fireworks program for same money. Board agreed to go ahead with order for fireworks; mayor said to contact fire department to make sure they will handle firing the display.

WATER/SEWER: Commissioner Gudac. Water tank interior due for painting under annual maintenance contract. Should be completed before June 30th. Jetvac repaired, got a new pump instead of repairing the old one. Bill for repairs just over \$4400; board approved payment.

MOTION TO APPROVE: Gudac
SECOND: Anderson
VOTE: unanimous

POLICE: Commissioner Pittman. Advised police to keep an eye out for speeders. Commended police department for apprehending armed robbery suspects from two incidents at Dollar General. Chief said thanks were due to other departments that helped out. He said they had suspects identified within two hours. Also said Dollar General was changing their practice and depositing the cash from their store every night.

REPORTS FROM STAFF

Town Attorney Frank Wood reported that nothing much was going on except with the new water tank. Mayor Holt said the seniors group meets on Wednesday; Commissioner Pittman said they are going on a trip to Duplin County this Saturday. Dan Simmons reported that Johnston County is proposing to raise their bulk water rate by \$.05 per thousand gallons and the bulk water capacity fee, but he said the town has taken water usage off of their allotted capacity by putting different areas on town water. He said the town may want to pass along the \$.05 increase. He also said the county wastewater commodity charge would be going up \$.20, and the town should pass that along to their customers. He seemed to think that the county would be going up on landfill tipping fees as well. Commissioner Garner said people ought to contact the county commissioners and complain about the increases. Commissioner Gudac pointed out that a lot of cardboard is going into the landfill, and it needs to be recycled. Commissioner Pittman commented that user fees could be changed at any time, only the tax rate could be changed once annually, at budget time. Dan Simmons reported that a preconstruction conference is scheduled for Wednesday at 2:00 p.m. concerning the new waterline project to Custom Assemblies.

UNFINISHED BUSINESS

Mayor Holt said he sent a listing to the postal service concerning customers in town that receive their mail on a Selma address. He said 29% of the town's customers get their mail with a Selma address. Commissioner Garner said the town was probably losing revenues on those people. The mayor said the information had been forwarded to the post office, as per their request.

REQUESTED ZONING CHANGE

The board then heard a request from Bob Harned for a change in the town's zoning regulations. Mr. Harned, a ten-year resident of Pine Level, had his two sons with him, Joe and Ian. He works in Cary as a landscape architect and he said his studies were concentrated in community design. He also said he served previously on the Pine Level Planning Board as chairman, and he was familiar with the town's zoning regulations. He went through the definitions of residential agricultural and livestock and said he was interested in a revision of the town's ordinance that would allow him greater use of his 31 acre tract, 27 acres of which are inside the city limits. Only five properties are inside the city limit currently that would fall under his proposal. He said he met with the Planning Board already to get their opinions on his proposal, and that he talked with John Morck about it. Mr. Morck was the state planner who helped the town with the recent revision of the Zoning and Subdivision ordinances. Mr. Morck agreed that the Harned property presented a unique situation, in that it is bordered by commercial property, light industrial property and Moccasin Creek. Mr. Harned said he met with his neighboring property owners and they had no opposition to his proposal. Instead of changing the current language of the zoning ordinance, he suggested an agricultural overlay district that would allow livestock to be kept on five-acre or greater tracts. He pointed out that the state of North Carolina is aggressively promoting farm development with various incentives, since farmland is quickly disappearing in North Carolina. Mr. Harned said he was concerned with economic times and with maintaining his job and homeplace and providing an outlet and a future for his sons. He said the town could easily put conditions upon the keeping of livestock, and he was not interested in poultry or hogs, anyway. He asked that the board allow the agricultural use of his property.

Mayor Holt attempted to summarize Mr. Harned's proposal and to offer him direction. He said the agricultural overlay district seemed to make more sense than changing the town's ordinance. He said the minimum size requirement seemed to make the proposal more exclusive and to disallow the use in all RA areas. He said he made a mistake several years ago by advising someone to go ahead and get a horse to keep on their property, when the ordinance did not allow livestock in town. He said he could go along with a new zoning district, requiring a buffer and limiting the types of livestock that could be kept to cattle, horses, goats, sheep. Mr. Harned said his request was for 5-acre tracts, and he said the Planning Board did not oppose one horse per acre, but they had concerns over using the word "livestock" in general. The town attorney asked if any other towns in the county have such a provision in their zoning regulations. Mr. Harned said Clayton allows an agricultural overlay district.

Mayor Holt asked the board members if they had further questions for Mr. Harned. Dan Simmons advised the town to exclude feed lot operations, hog farming, turkey or chicken houses, and to specify one cow or horse per acre. Commissioner Pittman said he could see Mr. Harned's intent, but the board needed to be sure and protect the town. Commissioner Gudac said the overlay district is not a bad idea. Mayor Holt stated that the Planning Board could look at an overlay district, including a definition of what types of livestock would be allowed and any special conditions such as a buffer. He then directed the town attorney to research similar provisions in surrounding towns, to generate a definition of what would be allowed in an agricultural overlay district according to tonight's discussion, and to get it to the Planning Board for their review at their next meeting on May 28th. Upon completion of their review and recommendation to the board of commissioners, a public hearing would be required to amend the zoning ordinance.

MOTION TO APPROVE: Gudac

SECOND: Pittman

VOTE: unanimous

AGREEMENT WITH JC BOARD OF ELECTIONS

Next the board unanimously approved a newly revised agreement submitted by the Johnston County Board of Elections, concerning their conducting the town's municipal elections. Mayor Holt said the board of elections had estimated the cost of the election for next year's budget at \$3280. A copy of the agreement is hereby included with and made a part of these minutes by reference.

MOTION: Pittman

SECOND: Gudac

VOTE: unanimous

BUDGET

Mayor Holt reported that he has been working with the clerk on a proposed budget for 2009-2010. He said he would like to schedule a work session with the board one night next week. The board decided upon Monday night, May 18th at 7:00 p.m.

ANNOUNCEMENTS

Commissioner Anderson asked Cami Narron, Kenly News reporter, to promote the town's July Fourth celebration in the paper. Scottie Hayes said one new activity on the Fourth would be a rib cook-off. Commissioner Anderson said the Young Disciples, a local Christian singing group, will have their annual fundraiser on June 6th.

Commissioner Pittman announced that several board members attended a Town Hall Day dinner on Wednesday, May 6th. He said that Johnston County representatives said they have no money and the state representatives said they have no money either. Mayor Holt said he used the opportunity to complain once again about the Highway 70 proposition and economic development in this part of the county.

MEETING ADJOURNED

There being no further business, at 8:03 p.m. the meeting was recessed until Monday, May 18th at 7:00 p.m.

MOTION TO RECESS: Gudac

SECOND: Anderson

VOTE: unanimous

TOWN CLERK

MAYOR