



A G E N D A
June 11, 2018
7:00 p.m.

1. Call to order and roll call
2. Invocation and Pledge of Allegiance
3. Approval of agenda
4. Approval of minutes: 05-14-18
5. Public comment
6. Public Hearings
 - A. Special use permit for Scottie's Ridge Subdivision
 - B. Rezoning of property on South Peedin Avenue
 - C. Budget for FY 2018-2019
7. Reports from committees
 - A. Recommendations from Planning Board
 - B. Other
8. Reports from departments
9. Reports from staff
10. Unfinished business
11. New business
12. Mayor's minute
13. Announcements
14. Adjournment



TOWN OF PINE LEVEL
MINUTES OF REGULAR
BOARD OF COMMISSIONERS MEETING
JUNE 11, 2018
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, June 11, 2018 at the Pine Level Town Hall.

ROLL CALL

 COMMISSIONER KAREN ANDERSON (out of town)
 X COMMISSIONER GREG BAKER
 X COMMISSIONER JIMMY GARNER (in at 7:10 p.m.)
 X COMMISSIONER PHIL PITTMAN
 X MAYOR JEFF HOLT

STAFF PRESENT

Town Attorney Will Barham, Consultant Dan Simmons, Recreation Coordinator Scottie Hayes, Planning Chairman Randy Jones, and Town Clerk Sharon Thompson

INVOCATION AND PLEDGE

Commissioner Baker gave the invocation and the mayor then asked Terry Rains to lead the Pledge of Allegiance.

AGENDA

MOTION TO APPROVE: Pittman
SECOND: Baker
VOTE: unanimous

MINUTES: 05-14-18

MOTION TO APPROVE: Baker
SECOND: Pittman
VOTE: unanimous

PUBLIC COMMENT

Next, the mayor asked if anyone wished to address the board on a non-agenda item. Ms. Kay Johnson, Executive Director of Harbor, then addressed the board. Ms. Johnson thanked the board for the opportunity to address them and proceeded to give a brief report on the programs at Harbor. She said they served four residents this year from Pine Level. (Commissioner Garner in at this point.) She explained they are seeing an increase in substance abuse and mental illness, including a 9-year old child that wanted to commit suicide. She said they are going to add a child advocate to their services and attempt to connect children with help as soon as possible. She thanked the town for the continued support of Harbor. Mayor Holt thanked Ms. Johnson for coming and for the efforts put forth by Harbor to provide help. He said they wanted to continue to support Harbor.

PUBLIC HEARING ON SPECIAL USE FOR SCOTTIE’S RIDGE

Mayor Holt proceeded to open a required public hearing to consider a special use permit for Scottie’s Ridge Subdivision, said hearing having been duly advertised on May 23 and May 30 in *The Kenly News*. The mayor said the hearing would be conducted in a quasi-judicial manner, that anyone who wished to speak and present evidence must first be sworn in and that all evidence presented would be recorded. He said the board received a recommendation of approval from the Planning Board last month advocating that Scottie’s Ridge be considered as a Planned Unit Development (PUD). The mayor said there were several questions to be answered concerning the PUD and special use permit, and their response would be entered as evidence. He said there were two pages of questions relevant to a PUD and SU permit and he asked who would speak on behalf of the applicant, Richard D. Braswell. Andrew Hodge said he would be the spokesperson, and he was sworn in by the mayor. The board first reviewed questions pertaining to a PUD, and secondly they considered questions having to do with a special use permit, as follows:

PLANNED UNIT DEVELOPMENT

ANSWER GIVEN

<i>Is the proposed development in an RA, RH, or RMH zoning district?</i>	YES
<i>Is the proposed development fifteen (15) acres or more in size?</i>	YES
<i>Is all of the property in the proposed development under unified control?</i>	YES
<i>Is the proposed development planned as a whole?</i>	YES
<i>Will the proposed project be completed in a single development or in a definitely programmed series of units or states of development according to comprehensive and detailed plans?</i>	YES, phases
<i>Does the proposed plan include a program for the provision, operation, and maintenance of any areas, improvements, and facilities provided for the common use of occupants or users of the development?</i>	YES, open space and community building
<i>Have the plans for the proposed development been approved by the Planning Board?</i>	YES
<i>If applicable, does the proposed development meet the dimensional and density requirements found in §405.45 or (d), pp. 64-64?</i>	YES, single family only
<i>Will a minimum of 10% of the gross area for common areas and open space be deeded to an owners association?</i>	YES, homeowners association
<i>Will the developer file a Declaration of Covenants and Restrictions with the Zoning Administrator and the Johnston County Register of Deeds in accordance with §405.45(e) pp.64-65?</i>	YES

Attorney Will Barham asked if anyone wished to cross examine concerning the PUD. There was no cross examination, however Planning Board Chairman Randy Jones came forward to be sworn in by the mayor. He wanted to clarify that everything has been approved by the Planning Board. He added that the HOA (homeowners association) must be drawn up before any property can be sold in the subdivision.

SPECIAL USE PERMIT

<i>All applicable specific conditions pertaining to the proposed use have been or will be satisfied?</i>	YES
<i>Access roads or entrance and exit drives are or will be sufficient in size and properly located to ensure automotive and pedestrian safety and convenience, traffic flow, and control and access in case of fire or other emergency?</i>	YES
<i>Off-street parking, loading, refuse, and other service areas are located so as to be safe, convenient, allow for access in case of emergency, and to minimize economic, glare, odor, and other impacts on adjoining properties and properties in the general neighborhood?</i>	YES

<i>Utilities, schools, fire, police, and other necessary public and private facilities and services will be adequate to handle the proposed use?</i>	YES, assumption of sewer
<i>The location and arrangement of the use on the site, screening, buffering, landscaping, and pedestrian ways harmonize with adjoining properties and the general area and minimize adverse impacts?</i>	YES
<i>The type, size, and intensity of the proposed use, including such considerations as the hours of operation and number of people who are likely to utilize or be attracted to the use, will not have significant adverse impacts on adjoining properties or the neighborhood?</i>	YES

Attorney Will Barham asked if the board wished to impose any additional conditions on the development. Randy Jones said the Planning Board listed their conditions. Mayor Holt pointed out the following conditions from the Planning Board, and said they would be attached to approval of the permit.

1. *Add the zoning classification of RH on the map*
2. *Decrease the minimum lot width requirements from 80' to 70' including the corner lots*
3. *Decrease the minimum front setbacks from 30' to 20' and decrease the minimum rear setbacks from 25' to 10' and side setbacks to 10'*
4. *One entrance to the subdivision*
5. *Only single-family dwellings will be built, a structure on the property will be remodeled for a mail kiosk and community center*
6. *Documentation to be provided for the well and septic tank removal on the property*
7. *Pending approval letter from NCDOT*

Randy Jones said they had a question remaining on the driveway, or entrance to the subdivision, since that was not finalized with the DOT previously. Mr. Hodge agreed they would abide the DOT regulations pertaining to the entrance from US Highway 70-A. Dan Simmons pointed out that they would not be able to get the sewer permit until Johnston County completes the installation of a tank at the Northside Sewer Station; they could only get a permit to construct. Attorney Will Barham suggested that be added as a condition, that they must get all applicable state permits and Johnston County must complete the enlargement and tank installation at the Northside Sewer Station. Commissioner Pittman asked if there were any issues with drainage on this project, but the answer was no. Mr. Braswell said Moccasin Creek borders it on two sides. Randy Jones said they covered drainage and flood issues with Mr. Braswell. Since all of the questions were answered affirmatively, the mayor closed the public hearing. The board proceeded to unanimously approve the PUD and special use permit for Scottie's Ridge Subdivision, subject to conditions as listed herein.

MOTION: Pittman
SECOND: Baker
VOTE: unanimous

PUBLIC HEARING ON REZONING OF PROPERTY ON SOUTH PEEDIN AVENUE

The mayor then opened a required public hearing on a proposal to rezone property at 636 South Peedin Avenue from RMH to RH, said hearing having been duly advertised on May 23 and May 30 in *The Kenly News*. Mayor Holt stated the action to rezone this property, which is owned by Richard D. Braswell, was initiated by the board. He stated this would not be a quasi-judicial hearing, but a legislative hearing. Randy Jones said there were actually two lots involved, but Mr. Braswell said there was only one lot with RMH zoning. Randy Holloman said the Planning Board normally has 30 days beforehand to review a rezoning, but this time they didn't have that. Mayor Holt said it was his understanding that the issue was discussed at length at the Planning Board meeting and their concern was a variance for the property. Randy Jones said they discovered there were two zones on the property; Mr. Braswell said that 636 South Peedin Avenue was formerly one lot and he could not go and re-record it, so he decided to leave the plat as it was and to pursue a change in the zoning classification. Mayor Holt said there was not a request for rezoning, but the town was initiating the rezoning and they were attempting to change it from RMH to RH. The clerk explained that GIS shows the lot as one parcel and it was at 636 South Peedin Avenue, but Mr. Braswell has redrawn the parcel into two lots, with some overlapping RMH and RH-SUD, according to the old lot lines. Berry Godwin felt they could have worked it out last month if they had followed the old procedure and not tried to fast-track it. Commissioner Pittman asked if they were debating if the property could be developed or what, but the answer was no, they were just considering the zoning. Mr. Braswell then commented on the Planning Board's handling of his request. He said he sat at their meeting for over two hours and it seemed they were trying to find anything they could against it. He said he had money tied up in the property and

he had to find some way to put it to use. He said he has never done anything to harm the town and he has always brought nice projects to Pine Level. He said he did not want to be caught between the Planning Board and the Town Board, but he would not bring any other projects to Pine Level. Commissioner Garner agreed that Mr. Braswell builds nice properties, and that he has always agreed to help the town when help was needed.

Randy Jones said the town has standards to go by and they don't need to not go by them. He said the town has not listened to the Planning Board's recommendation because they did not talk about it and did not offer one. Commissioner Garner said Mr. Braswell is trying to help the town. Berry Godwin said the Planning Board was not trying to do anything to hurt Mr. Braswell and he was disappointed that he jumped on them, but they needed to follow proper procedures. At this point, Commissioner Pittman said he had heard enough and left the meeting. Scottie Hayes said Mr. Braswell had asked previously to change the zoning on one lot. Mayor Holt then declared the hearing closed. He said it was unfortunate that they got to this place tonight, and maybe they didn't have to take any action tonight. He said it was their intent to change the zoning on one lot from RMH to RH and help Mr. Braswell and improve the entrance into Pine Level; their issue did not have anything to do with the 30 foot easement. Commissioner Pittman then came back and requested a ten minute recess, at 7:53 p.m. The meeting resumed at 8:00 p.m. and Mayor Holt said the question before them was the rezoning of property on South Peedin Avenue. They could approve it or take no action and he questioned the pleasure of the board. The board voted unanimously to approve the rezoning from RMH to RH of the property in question.

MOTION: Pittman

SECOND: Baker

VOTE: unanimous

PUBLIC HEARING ON 2018-2019 BUDGET

The mayor then opened a required public hearing on the proposed budget for fiscal year 2018-2019, said hearing having been duly advertised on June 6 in *The Kenly News*. He said the proposed budget came in at \$2,014,540, which represented an increase of 3.27% over last year. He said many increases were beyond the board's control, such as retirement costs and increases for water and sewer treatment from Johnston County. He said they included a 5% increase for sewer treatment and \$.50 increase in out of town base fees for water. The budget includes a 3% raise for employees and \$4,000 increase to the fire department. The tax rate remains constant at \$.46. He said they also proposed an increase of \$2.50 for garbage fees, to cover the increase in gas fees, the wear and tear on the truck, increased employee costs, and to set aside funds for a new garbage truck, since the old one seems to be on its last legs. He said the town has the funds needed to purchase a new truck if that should become necessary, and Ray Stuckey is looking into the costs involved. He said in the past the town has borrowed the funds when new equipment is needed, but the town has accumulated some funds, due to the frugality of handling the town's money. He said that \$87,000 was included for the fire department, and none of the firemen were here tonight to address that matter. He explained that the PI-LE fire tax was increased by the county to \$.10, and the town should have included that in their budget years back when they first talked about a fire tax. Tax re-evaluations will be coming up in 2019, and he said the town has always cut the tax rate when re-evaluations occur. Randy Jones interjected that Pine Level has six subdivisions on the books currently. The mayor said they did not include funds specifically for subdivision administration, but permitting from those subdivisions would cover much of those costs. Commissioner Pittman commented that the money spent for someone to handle zoning and subdivisions would be better all around. The mayor agreed that is definitely on the list of concerns and needs. He then asked if anyone wished to comment on the proposed budget.

Terry Rains felt that since Pine South I is not in the city limits, maybe that was a way to get them to come into town voluntarily. He said to present them with a list of the advantages that would come from being in town. Mayor Holt agreed that would be a good idea and they have talked about it. He said one of the policemen lives at Pine South and started a petition for annexation, but it did not go over. He asked if there were any other comments but there were none. He therefore closed the budget hearing at 8:15 p.m. and asked how the board wished to proceed. Commissioner Pittman moved to approve the proposed budget and Commissioner Baker seconded the motion. Commissioner Garner commented that he did not agree with increasing the garbage fees. He said the town has enough money to purchase a truck and still have a balanced budget. He wanted to make a motion to accept the budget without the \$2.50 increase for garbage. He thought the town was able to do that. Mayor Holt said a motion was already on the table, that he had to dispose of. The board proceeded to vote on the previous motion, which was to adopt the proposed budget ordinance. The motion passed on a vote of three to one. A copy of the budget ordinance is included with and hereby made a part of these minutes by reference.

MOTION: Pittman

SECOND: Baker

VOTE: yes – Commissioners Pittman and Baker, and Mayor Holt

no – Commissioner Garner

RECOMMENDATIONS FROM PLANNING BOARD

Mayor Holt stated they had several recommendations from the Planning Board, the first two having to do with two minor subdivision requests, from Brian Evans and Teresa Dale. The board voted unanimously to approve the minor subdivisions as presented.

MOTION: Baker
SECOND: Pittman
VOTE: unanimous

He then explained the next two recommendations to amend two sections of the Zoning Ordinance having to do with permitting for change in business uses and the second with permitted time for display of political signs. He called for a public hearing at the next regular meeting on July 9 to consider amending the Zoning Ordinance as recommended.

The final recommendation had to do with "an update from Attorney Will Barham." Randy Jones explained that they had a request from a landowner to further divide his property, when he has already done it two times and has been informed that he could not divide it again in a five year period. He now wants to sell off some property to a neighbor, but he already recorded his second division as a major subdivision. Mr. Jones said he wants to have Connie Capps to submit this issue to the School of Government and get advice from them. Mr. Barham said he did not get into the particulars of this situation, but he suggested the town have a tool to use with all applicants, that would list what they need to do and what they can and cannot do, for all permits. He said there would be no questions then, because he felt that the Board of Commissioners, as well as the members of the Planning Board, all have the best interests of the town at heart.

REPORTS FROM DEPARTMENTS

RECREATION: Scottie Hayes. Summer sports coming to an end. July Fourth celebration coming up. Still addressing safety issues with park facilities to comply with insurance requirements.

WATER/SEWER: Commissioner Pittman. Dan Simmons reported that they were sending out requests for bids on the drilling and testing of a well, and would receive the bids on July 10 at 2:00 p.m., with a pre bid conference on June 27. The board voted unanimously to instruct Mr. Simmons to proceed with the bidding.

MOTION: Garner
SECOND: Pittman
VOTE: unanimous

POLICE: Commissioner Garner. Police Chief back on light duty, after a week in the hospital. He is doing much better.

STREETS: Commissioner Baker. No issues at this time.

ANNOUNCEMENTS

Mayor Holt announced that the new Playmates Daycare would hold a grand opening on Saturday, June 16 at 11:00 a.m. and he invited anyone to come out and enjoy the ribbon-cutting ceremony.

MEETING ADJOURNED

There being no further business, at 8:30 p.m. the board voted unanimously to adjourn.

MOTION: Baker
SECOND: Garner
VOTE: unanimous

TOWN CLERK

MAYOR