



TOWN OF PINE LEVEL
MINUTES OF REGULAR
BOARD OF COMMISSIONERS MEETING
AUGUST 6, 2015
7:00 P.M.

CALL TO ORDER

Mayor Pro Tem Phil Pittman called a regular meeting of the Pine Level Board of Commissioners to order at 7:00 p.m. on Thursday, August 6, 2015 at the Pine Level Town Hall.

ROLL CALL

COMMISSIONER KAREN ANDERSON
 COMMISSIONER GREG BAKER
 COMMISSIONER JIMMY GARNER
 COMMISSIONER PHIL PITTMAN
 MAYOR JEFF HOLT (on mission trip)

STAFF PRESENT

Town Attorney Frank Wood, Engineer Gene Cobb and Consultant Dan Simmons, Recreation Coordinator Scottie Hayes, Public Works Supt. Ray Stuckey, Chief Keith Sparks, Town Clerk Sharon Thompson

INVOCATION AND PLEDGE

Mr. Nester McClain gave the invocation. Commissioner Baker then led the Pledge of Allegiance.

APPROVAL OF AGENDA

MOTION TO APPROVE: Garner
SECOND: Baker
VOTE: unanimous

APPROVAL OF MINUTES: 07-09-15

MOTION TO APPROVE: Anderson
SECOND: Baker
VOTE: unanimous

PUBLIC COMMENT

None.

SEARCH GRANT

Mayor Pro Tem Pittman then introduced Judy Hunt, Area Specialist, and Steve Smith, Area Technician, with the Lumberton office of the United States Department of Agriculture, Rural Development. He said the town applied for a SEARCH Grant (Special Evaluation Assistance for Rural Communities and Households Programs) to complete a study on the town's wastewater system to determine what problems exist with the system, as far as inflow and infiltration. Ms. Hunt indicated that the town met the criteria to be approved for a SEARCH grant, which would include a preliminary engineering report and an environmental report. She said the total project would be \$34,500, of which the town would pay the first \$4,500 and then the \$30,000 grant would cover the balance. She said there was a six-month time limit to complete the study. Dan Simmons, with Triangle Civilworks, PA, did not foresee any problems with meeting the time limit for the study. Ms. Hunt explained that the town would need to adopt a resolution accepting the conditions she specified for the project. The board unanimously approved the Resolution Accepting the Conditions in the August 6, 2015 Letter of Conditions. A copy of the resolution is included with and hereby made a part of these minutes by reference.

MOTION TO APPROVE: Garner

SECOND: Anderson

VOTE: unanimous

REQUEST FROM HINNANT FAMILY VINEYARDS

The Mayor Pro Tem then opened a required public hearing at 7:08 p.m. on a request from Hinnant Family Vineyards, to modify a previously issued special use permit to allow the onsite production of fortified wines, said hearing having been duly advertised on July 22nd and July 29th in the *Pine Level Edition of the Kenly News*. Mayor Pro Tem Pittman stated that the Pine Level Planning Board met on Thursday, July 23rd and considered the request, voting unanimously to recommend approval of the Hinnant request. He then asked if anyone wished to speak in opposition to the request; hearing no comment, he asked if anyone wished to speak in favor of the request. Dr. William Radford, DDS, commented that it would probably be okay if they do as good a job with that as the winery does with everything else. Town Attorney Frank Wood noted that nothing has changed with the request; the Hinnants are still looking to expand their line of products from the vineyard. There being no further comment, the hearing was closed at 7:10 p.m. The board then voted unanimously to approve the request to modify the existing special use permit as requested.

MOTION: Anderson

SECOND: Baker

VOTE: unanimous

REQUEST FOR REZONING FROM TERESA ARTHUR

Next was a required public hearing on a request filed by Teresa Arthur, for rezoning of 6.5 acres located on North Pine Street from RA to RH, said hearing having been duly advertised on July 22nd and July 29th in the *Pine Level Edition of the Kenly News*. Mayor Pro Tem Pittman opened the hearing and asked if anyone wished to speak in opposition to the request. Dr. William Radford, DDS was first to speak. He said he was not really opposed to the request but he had a couple of concerns. He felt that the Arthurs would take good care of their properties, but he noted the other duplex projects around town, where the number of units were limited by the size of the property. He was concerned that once the entire property is rezoned, it would be vested forever. He did not have a problem with rezoning the property where the three proposed duplex units would be constructed, but he said he would rather see the town just rezone that property and come back later to address any future development. He asked the board to keep the citizens of Pine Level at the forefront as they make their decision on whether to rezone or not and then he thanked the board for listening to his comments. The Mayor Pro Tem commented that the board could not address what the Arthurs might do with the property in the future, and he said that even if the request is approved, the owners would have to come back to the board with their plans for any other development.

Brian Barbee said he lives across from the property in question and he wanted to know if the duplexes could ever become low income housing. He said it would hurt their property value. Frank Wood commented that the owners would still have to meet the requirements included in the Zoning Ordinance and he explained that the board could only consider the request tonight as it was filed, to rezone the entire 6.5 acres and not a smaller tract. Commissioner Anderson added that low income housing

could go anywhere, and they could not control that. Frank Wood said any house could be eligible for HAAP assistance. The Mayor Pro Tem then asked if anyone else wished to comment in opposition. Hearing no further comment, he asked if anyone wanted to speak in favor of the request.

Merle Hall spoke on behalf of the owners. He said they are starting with the three duplexes, but they went ahead and included the 6.5 acres so they would not have to come back to the board every couple of months and ask for rezoning. He said they did not want to do it in a piecemeal fashion, and they wanted to do a nice development that would be an asset to the town. Richard Arthur said they were looking at 800-900 square foot duplexes with enclosed garages separating the units. Commissioner Baker said he lives across from the property, and his concern has to do with their location in the sharp curve on Pine Street. He was afraid it would be dangerous for the tenants to have to back out onto the street. Merle Hall said they could look at having a concrete pad where the tenants could back up and turn around before pulling out of their drives. Mr. Arthur said they just want to have nice structures and good tenants, but he wanted to address anyone's concerns upfront. Mayor Pro Tem Pittman said the town had already lost several housing developments due to the economy, and these would add to the town's tax base.

Scottie Hayes said the Planning Board also considered the fact that part of the 6.5 acres is outside of the city limits. Mayor Pro Tem Pittman said the owners would have to request annexation if they want to do further development, and get water and sewer to the property. He then stated that the Planning Board voted unanimously to recommend approval of the rezoning request. There being no further comment, the hearing was closed at 7:26 p.m. The board then voted unanimously to accept the recommendation of the Planning Board and to approve the rezoning request.

MOTION: Baker
SECOND: Anderson
VOTE: unanimous

Commissioner Anderson said she had no doubt that the Arthurs would have a nice development. Commissioner Garner commented that he heard the concerns expressed, but he felt the board's hands were tied and he also said the Arthurs would do the right thing. He said the Planning Board recommended approval and he felt the owners would do a good job.

REPORTS FROM COMMITTEES

Nester McClain said the seniors group is still doing well. Dan Simmons commented that his firm had already started work on the study for the USDA SEARCH grant.

REPORTS FROM DEPARTMENTS

POLICE: Commissioner Garner. Everything is going okay; still waiting on new police car. Chief met with school officials, school will be back in session this month. Chief Sparks said the traffic problems would continue at the school for one more year at least, since the new middle school in Micro will open this year and the old one will be renovated during the new school year.

STREETS: Commissioner Baker. Referred to Ray Stuckey for report. Mr. Stuckey said South Peedin Avenue has finally been resurfaced, but they did not re-stripe Crocker Street. Commissioner Baker asked if anything new has come in on the ditch project on West Main Street. Mayor Pro Tem Pittman said that was in the hands of the NCDOT and the NCR.

WATER/SEWER: Mayor Pro Tem Pittman. Issues already addressed.

RECREATION: Commissioner Anderson. Scottie Hayes reported that football equipment is being handed out this week, but he said the numbers are way down for participants in football, soccer and cheering. Looking at wind damage to concession stand roof with insurance adjuster. Commissioner Anderson said they finally got the new chain basketball nets put up at the park; now they need to paint the lines again. Mayor Pro Tem Pittman said the park is always an on-going issue with needs and repairs.

FINANCE: Approved budget amendments for June 30. Copies are included with and hereby made a part of these minutes by reference.

MOTION: Garner
SECOND: Anderson
VOTE: unanimous

REPORTS FROM STAFF

None.

SEWER ISSUES ON US HIGHWAY 70

Dan Simmons commented that the business owner on Highway 70 that he talked about last month says they only use 250-300 gallons a month. He said the pH is not the problem, but their soap product has killed off the useful bacteria in their sewer system. He said they would have to honor the capital reimbursement agreement with Jimmy Starling. Frank Wood suggested they could get a certified mediator, such as his partner Chip Hewett, and that might help them to work out an agreement. Commissioner Garner felt the business should have to be annexed to get sewer from the town. Mayor Pro Tem Pittman said they would have to request annexation. Dan Simmons said the town did not act on the earlier annexation request from Jimmy Starling, when he put in the sewer system to serve his mobile home park. Commissioner Anderson asked what action the town needs to take; Frank Wood said the town would have to abide by the agreement already in place with Mr. Starling, which allows an exemption for a "residence" with a failing septic system. Dan Simmons said the property is under county zoning jurisdiction and it is in a commercial district. He said the legislature gave the town an exemption on the 10% restriction for satellite annexation, so that would not be an issue. Ray Stuckey explained that the town owns the sewer lines and the meters in the Starling mobile home park but not the water lines, they still belong to the Starlings.

PARK TREE REMOVAL

Commissioner Anderson reported that she got an estimate for taking down the trees from around the newer tennis courts at the park. She said it was from George Salazar's Landscaping Services of Clayton, and it would cost \$850 for them to take down the trees and grind down the stumps and the town would remove the debris. She recommended approval of that quote. Commissioner Garner said to be sure that the trees are on town property. Commissioner Anderson said the area stays covered with straw, pine cones, and limbs and that it would look much better to get the trees down. She said once the trees are down, they could decide on what to do with the tennis courts. She also said that she has contacted NCSU and they offer free planning to small towns to come up with a master plan on how to best utilize the park property. Mayor Pro Tem encouraged her to continue checking on that offer, since that could be worthwhile for the town. The board then considered a motion from Commissioner Anderson to approve the proposal to take down the trees for \$850. Commissioner Garner still had concerns over the trees being on town property and whether the town crews could get access to the property and get the resulting debris picked up and moved out. Frank Wood said it would be a good idea to make sure there is no dispute over access to the area. Mayor Pro Tem Pittman said he would like to see a written agreement. Commissioner Garner said he would make an amending motion to make sure the trees are on town property and to get a written agreement. The board voted unanimously to approve the amendment.

MOTION: Garner
SECOND: Baker
VOTE: unanimous

The board then voted on the original motion to approve the \$850 quote to remove the four trees and approved it by unanimous vote. Mayor Pro Tem Pittman said to move on with removing the trees.

MOTION: Anderson
SECOND: Baker
VOTE: unanimous

ANNOUNCEMENTS

Mayor Pro Tem Pittman read a note of thanks from the Seniors Group for the lunch provided by the town.

MEETING ADJOURNED

There being no further business, at 7:52 p.m. the meeting was adjourned.

MOTION: Garner
SECOND: Anderson
VOTE: unanimous

TOWN CLERK

MAYOR