

Mayor
Jeff Holt

Mayor Pro-Tem
Greg Baker

Board of Commissioners
Jimmy Garner
Phil Pittman
Bill Radford



Town Clerk
Connie N. Capps

Police Chief
Ashley Woodard

Public Works Supt.
Ray Stuckey

Rec. Coordinator
Scottie Hayes

TOWN OF PINE LEVEL
MINUTES OF
REGULAR BOARD OF COMMISSIONERS MEETING
AUGUST 9, 2021

CALL TO ORDER

Mayor Jeff Holt called the regular meeting of the Pine Level Board of Commissioners to order at 7:00 p.m. on Monday, August 9, 2021 at the Pine Level Town Hall.

ROLL CALL

✓ Mayor Jeff Holt
✓ Commissioner Greg Baker
✓ Commissioner Jimmy Garner
X Commissioner Phil Pittman
✓ Commissioner Bill Radford

STAFF PRESENT: Attorney Chip Hewett, Consultant Dan Simmons, Police Chief Ashley Woodard, Recreation/Zoning Admin. Scottie Hayes, Finance Consultant Marla Ashworth, and Town Clerk Connie Capps

OTHERS PRESENT: Mark & Betty Jo Pittman, JT & Rose Stallings, Mr. & Mrs. Robert Wool, Andy Medlin, Planning Board Chairman Randy Jones, Terry Rains, and PL Fire Department President Greg Johnson

INVOCATION & PLEDGE

Mayor Holt gave the invocation and requested prayer for Commissioner Phil Pittman and everyone in our community who are sick or may be suffering. Terry Rains then led everyone in the Pledge of Allegiance.

APPROVAL OF AGENDA

Motion to approve: Commissioner Greg Baker
Second: Commissioner Bill Radford
Vote: Unanimous

MINUTES - July 12, 2021

Motion to approve: Commissioner Greg Baker

Second: Commissioner Jimmy Garner

Vote: Unanimous

PUBLIC COMMENT

Mayor Holt stated that two public hearings will be held tonight. One public hearing for a rezoning request for Emily Gardens Subdivision and a second public hearing for a Special Use Permit for Emily Gardens Subdivision. He stated if you are here for the public hearings you should wait until then. If anyone else has other comments they could comment at this time.

Resident Terry Rains asked the board if they knew what construction was being done at the end of West Blanche Street? Mayor Holt stated that the construction was in the Town of Selma's ETJ.

Attorney Chip Hewett spoke next and stated, For the benefit of the public at large, there will be two different types of hearings: The first public hearing is a legislative hearing, and this hearing is just a matter of the council listens to the public and then votes. The second public hearing is a quasi-judicial hearing which is evidentiary. He stated that it is going to be a little bit harder and stricter in terms of how the Council listens to the people because it has to be evidentiary. He said actually, you will be operating as a judge and jury." At that time a motion was made by Commissioner Bill Radford and seconded by Commissioner Greg Baker, to close the regular meeting and open the first public hearing. The motion passed by unanimous vote.

PUBLIC HEARING- REZONING REQUEST FOR EMILY GARDENS SUBDIVISION

Mayor Holt stated that a rezoning request had been submitted by RRT Development, LLC to rezone 46.95 acres Parcel ID#12008024 from RA (Residential-Agriculture) to RH (Residential-Housing) and Parcel ID#12N10016 from RA (Residential-Agricultural) to RH (Residential Housing) for Emily Gardens Subdivision. He stated that the public hearing had been duly advertised in the Johnstonian News and also placed on the town's website. Mayor Holt informed everyone that the property is located along Selma-Pine Level Road, Pine Level-Micro Road, and Futrell Road. He said the board had received a memo from the Planning Board recommending to deny the rezoning request. Mayor Holt then recognized Planning Board Chairman Randy Jones. Mr. Jones stated the Planning Board did recommend denial of the rezoning request from RA to RH for Emily Gardens Subdivision. He said a vote was taken with two members abstaining from voting and seven members voting for the denial of the rezoning request. The rezoning would allow the developers to meet the open space requirements in an RH district and the ability to avoid paying the fee in-lieu of to the Recreation Department. Chairman Jones stated that some of the Planning Board members did not think that would be good for the town. Chairman Jones stated that the developers could still do what they want to do without the rezoning. He said it did not harm them in any way on their development.

Mayor Holt asked if any planning board members or Zoning Administrator Scottie Hayes had any comments. They did not have any comments.

Mayor Holt asked for any other questions from the floor relative to the rezoning request. Resident Joyce Young McFarland asked Mayor Holt what the developers were planning to do. The mayor stated that he had copies of a preliminary drawing that he would share of the Planned Unit Development (PUD) and what it includes. He stated that the town board was only considering a rezoning request of the property.

Mayor Holt then asked the developers of Emily Gardens if they would like to make any comments. Mr. Mike Stocks spoke next stating he represented the development. He said we understand that we can still do what we want to do and this board can take action on this request as they see fit. He said the rezoning will most likely be denied, and we would like to move forward in this request.

Commissioner Bill Radford then made a motion to close the public hearing, and Commissioner Greg Baker seconded the motion. Motion passed by unanimous vote. The public hearing was declared closed.

Commissioner Bill Radford then made a motion to accept the Planning Board's recommendation to deny the rezoning request for Emily Gardens Subdivision, and Commissioner Greg Baker seconded the motion. Motion passed by unanimous vote.

PUBLIC HEARING FOR SPECIAL USE PERMIT FOR EMILY GARDENS SUBDIVISION

Mayor Holt informed the board they would need to close the regular meeting in order to hold a second public hearing to consider a Special Use permit for a Planned Unit Development for Emily Gardens Subdivision. Commissioner Greg Baker made a motion to close the regular meeting and Commissioner Bill Radford seconded the motion. The motion passed by unanimous vote.

Mayor Holt informed everyone that a Special Use is allowed in all residential zoning districts provided they meet certain criteria. He also stated that conditions could also be attached to special use permits. At this time Mayor Holt turned the public hearing over to Attorney Chip Hewett.

Attorney Hewett explained for the benefit of the public at large, that state laws had recently changed and that the General Assembly regulates how towns hold these public hearings. He said due to these changes called 160D, all towns had to update their ordinances to comply with these new laws, which became effective as of July 1, 2021.

Attorney Hewett stated all special use permits must be held under a quasi-judicial hearing where people that testify must state substantial material evidence. He said for a special uses permit there are six conditions that should be met and the conditions are in Section 606.1 on page 77 of the zoning ordinance. He said that testimonies given should be expert testimonies and can be given by an applicant, appraiser, surveyor, staff, or planning board, or anyone who can give an expert testimony as to why it should be denied. He stated that if the special use is approved, it will move forward, but if it is denied, the appeal would go to Superior Court. He said that is why it is important that we accept the evidence because this could end up in front of a superior court judge.

Attorney Hewett stated that anyone wishing to testify should be sworn in and when they speak, they should state their name and address. Those sworn in to testify were Planning Board Chairman Randy Jones, Zoning Administrator Scottie Hayes, Robert Wool and Consultant Dan Simmons and developer Mike Stocks.

First Speaker: Planning Board Chairman Randy Jones who resides at 120 Dogwood Lane in Pine Level.

Mr. Jones stated that from the Planning Board we are recommending approval of the special use permit for Emily Gardens Subdivision to allow for a Planned Unit Development with the following conditions which are attached with the memo.

CONDITIONS

1. An upfront payment to the town's recreation department in the amount of \$75,000. This payment will be due prior to the start of phase one construction.
2. The developer will pay \$250/lot, to the town's recreation department when a lot is platted. This total amount will be 309 units x \$250.00 or \$77,250.00
3. The developer will construct a minimum of THREE (3) inside the development (PUD) playgrounds. Basically, one in each section of the development with the main playground amenity being in the largest section of the development. Using the preliminary plat as the reference, these playgrounds will be located between lots 27 and 28, lots 47 and 48, and lots 120 and 121. Although the lot numbers may change, the general size and location of the playgrounds must remain in the spirit of the preliminary plan. It is anticipated that these THREE (3) playground areas will cost approximately \$100,000.00. Basically, \$25,000 for the one located between lots 27 and 28, \$25,000 for the one located between lots 47 and 48, and \$50,000 for the one located between lots 210 and 121.
4. The HOA of Emily Gardens will be responsible for the upkeep and maintenance on all three playground amenities within the development. The town will not have any responsibility or cost associated with maintenance, repairs, and upkeep.
5. The total recreation fee paid to the town or its facilities within the development will be approximately \$252,250.00 and what that amounts to is \$75,000 upfront + \$77,250 paid as lots are platted + \$100,000 on the spending on their own within the PUD = \$252,250. This amount exceeds the fee in-lieu of amount of \$247,200.
6. The developer will be responsible for all costs associated with "upsizing" any water lines needed to provide adequate supply and pressure to the development.
7. No more than 50 lots shall be platted during a single calendar year.

Attorney Hewett asked Mr. Jones for the record, that the Town of Pine Level has a Moratorium in place. There are two subdivisions that are exempt and is this one of the exempt subdivisions? Chairman Jones answered yes, and Emily Gardens was one of them and the other one is actually withdrawn. Attorney Hewett also asked if there were any more subdivisions or Planned Unit Developments exempt from the Moratorium. Chairman Jones stated no, this was the last one. Attorney Hewett asked Chairman Jones, if I may, before you got here and it went to the Planning Board, the developer has submitted an application and documents to the Planning Board and also you were reading the conditions and terms that was presented by the Planning Board on behalf of the town. Is that right? Chairman Jones stated that was right. Attorney Hewett then told Mayor Holt that we would now move that into evidence. The entirety of the application package together with the terms submitted. He also stated with this witness Mayor, does the council have any questions? The evidence that has been received is the application and the term sheet and a testimony from the Planning Board Chairman. Mayor Holt then asked if there were any other questions for Mr. Jones.

Commissioner Greg Baker next asked a question stating, "Do I understand when you talk about lots platted per year is that 50 lots sold per year? Chairman Jones said yes, if they are platted,

they are recorded lots. Commissioner Baker asked if this included the townhouses. Chairman Jones said yes it does include them.

Commissioner Jimmy Garner asked about the water lines and sewer capacity and the projections of having that done. Chairman Jones stated that this question was not within the scope of questions that he or the planning board could answer because we don't have that kind of information.

Commissioner Greg Baker asked Chairman Jones were PUDS allowed in any residential zoning district. Chairman Jones answered yes, with a special use permit.

Attorney Chip Hewett next called on the Pine Level Zoning Administrator Scottie Hayes to speak. He asked Scottie if he was familiar with the recently adopted zoning ordinance and Scottie stated yes, he was. Attorney Hewett also asked Scottie if he was familiar with the 6 Findings of Fact conditions to meet the special use permit, and have you reviewed them, what the developer submitted, and do you, in your opinion find them as satisfactory information on meeting the requirements? Scottie Hayes stated, "Yes, to the best of my knowledge they have completed that. Scottie also stated he would like to add about the rezoning: that denying of the rezoning allowed for the parks and recreation, they could have satisfied the open space if it was rezoned to RH, but since it was denied the parks and recreation will benefit.

Chairman Jones stated that this has not happened haphazardly, this has been going on with the planning board for about 90 days or more, and we have looked at this information diligently. It is big for Pine Level. It has been gone over very well by Scottie, the planning board and myself.

Commissioner Jimmy Garner asked Chairman Jones if the subdivision would have curb and gutter, sidewalks and lighting. Chairman Jones said yes, it was a requirement stated in the subdivision rules.

Commissioner Greg Baker asked if the water lines had to be upgraded in the future does this fall on the developer not the HOA? Chairman Jones stated it is not a future upgrade. Mayor Holt answered and stated that once any subdivision is completed the streets are dedicated to the town as well as the infrastructure will be turned over to the town. He also stated that the town is just now replacing infrastructure that was installed in the 1950's.

Attorney Hewett stated that we have heard from staff, Planning Board and now we will hear from the developer, Mike Stocks.

Mr. Mike Stocks asked Attorney Hewett if Dan Simmons could address the board on the utilities first. Attorney Hewett stated he could do so as an expert witness in zoning and development. Dan Simmons who resides at 125 Everette Lane in Smithfield, and employed by McGill Associates as an engineer on retainer to provide engineering services to the Town of Pine Level. Mr. Simmons stated that the water system upgrades that will be required by the developers to provide adequate fire protection and adequate domestic supplies to the houses and that as in all areas of development in the county or in other towns. He says it falls to the developer to make any upgrades in the system to accommodate his development. This development joins the outfall line that goes down Moccasin Creek and there is also a force main going down Moccasin Creek and it is at capacity. The County has just let contract upgrade from the force main from 6

inch to 12 inch which will increase capacity of our system now, and that still come online about a year from now. He said it is going to take a while for this developer to get his project moving to the point that he would need to connect to it, so at that point in time we should see some sufficient sewer capacity to accommodate them. He stated there are other upgrades going on. In addition to that pipeline upgrade, in the pump system will give us future capacity over and above what we are getting now. Dan stated that sometime in the future, and I can't give you those exact dates, and I am not sure the County knows the exact dates. They give us a date range, but that we look for it to be about a year from now to a year and a half now left. He stated a force main be constructed in that system very capable of taking sewer in this development. Mayor Holt stated that the only comment he would make to Dan was the discussions that you have had with, or the ones we have had with the developer, they have been aware of these since early on and they realize that the capacity will be there probably by the time they are ready to start tapping onto that force main. Dan said that is correct. Dan also stated that to make that more confirmed, the County signed the contract with the contractor to put that upgraded force main in, but that work should be going right away then actually acquire all this in full.

Attorney Hewett stated that 50 per year was the limit.

Next to speak was James Michael Stocks as an expert witness. Mr. Stocks stated he was a 1988 graduate of NC State University and has a 1994 P.E. with the State of North Carolina. He stated he was also licensed in South Carolina and Virginia. He said he had been doing development in the North Carolina area for over 30 years and I would like for this board to recognize these credentials for this witness.

Mr. Stocks stated he would like to start off by saying that he heard from Randy as the Chairman of the Planning Board at this presentation and we agree with everything he has said. He also stated that he had heard from Scottie with knowledge of the six (6) Findings of Fact and we agreed with what Scottie said. He said what Dan Simmons has said we understand that, that's not the first time we have heard any of that and we understand that and accept that. Mr. Stocks stated "We stand here before you tonight understanding that we were looking at a denial of rezoning from RA to RH that is known as we had anticipated. Part of the reason anticipating that are the conditions that Randy mentioned, and I will not restate it because they are already in the record, but not one of those conditions did we not agree to with the developer and the owner from this point. So, none of that is a surprise to us at all. He stated as a statement of findings, Issue number one says: are we acknowledging receipt of the special conditions ...that we are, and we agree that this board has such conditions and we will accept this as it relates to our access roads, entrances, and exits, and all, we have preliminarily submitted this to DOT and DOT have agreed with the connections to the infrastructure that is there, Pine Level Micro Road and Futrell Road. We do understand we need to meet DOT criteria and the town's zoning ordinance and subdivision ordinance or the widths and actually permitting of those facilities. It was mentioned about sidewalks and curb and gutter, and yes, the development will have sidewalks. It will have curb and gutter. He said we are not asking for any variance or waiver from any of the town criteria. He said as far as the off-street parking and loading area, we are proposing to have all street parking in the amenity site area. The main amenity site, which is the one with the majority of the larger lots are, it is our intent and hope that the people within the smaller pods will actually walk to the park, so there will not be parking lot or parking at this smaller amenity up front, but the large parking of larger amenities, it will have on site parking.

As far as trash collection, we are not proposing any central location as many you know dumpster refuge or anything like that, there will be roll out carts, which I am sure the town is very familiar with, so we don't have odors and things like that, we don't have to deal with a central refuge.

As far as utilities are concerned Item number four (4), Dan mentioned we are certainly understanding of the water and sewer. Mr. Stocks stated, "I am not an expert in schools, fire, police, and other public facilities upgrades as this, but I am aware of the schools. I will say that I am aware that the schools do annual planning for growth in the county and they have the projections. I am sure they plan accordingly for growth across the entire county, not necessarily Pine Level. He said from a buyer's standpoint, one of the reasons we are restricted to the growth to 50 lots per year is not just the water and sewer, but it is also to allow the town staff and for the good fiscal responsibility of growth. He said as the town grows, we will have to increase staff or we will have to provide for these services and that will give time. The good news is if there are 309 homes out there over a 7-year buildout of 50 per year and just 6 house people would be 300. The increased tax base on an average home would run around \$250,000.00 which is like 77 million with the tax base to the town at your current rate, that is something. The upper 40's left to go into town's recreation budget or your budget as yall appropriate funds accordingly. So, at the end of the day, we believe this development will support and pay to allow for the town to put the staff on to handle the increase in growth in the town. This site does because it isn't bought out under Item#5. It does have pedestrian walkways, buffering and screening and has some perimeter buffers and so we meet Condition #5.

Condition #6 of the Findings of Fact is, Will the type, size, be intensive, relevant conditions from operation of number of people who like to utilize tracking, and will it have a sufficient adverse impact on the adjoining property owners. There are not a lot of adjoining property owners on the larger portion of the property. It is mainly vacant undeveloped land currently in farm production and that is the larger piece of property and then the areas to the sites north back toward the railroad tracks, which you're matching funding measure two sections. They are isolated to have entrance off of the existing streets there and then rear half of that is on Moccasin Creek, which is a buffer. Planning involves in our area, and the cemetery is to the far west of the subdivision. Mr. Stocks stated he would conclude his presentation and extend questions that the board may have.

Mayor Holt asked if there were any questions. Commissioner Garner asked about the size of the homes in the subdivisions.

It was stated that the homes will have around 1500 square feet minimum and some will be in the low two thousand.

Ms. Joyce Young McFarland questioned what would be done with the trees in the back of the property. Mr. Stocks stated that any tree will remain, it will not need to be taken down to accommodate the street construction and utility construction for the whole subdivision.

Attorney Hewett asked if Council had any questions.

Witness- Robert Wool – resides at 333 Pine Level Micro Road in Pine Level. Mr. Wool stated that he appreciates the board listening to us and hearing what we have to say. We are hearing this for the first time. He said he had some questions and he wanted to clarify at least some of the facts that he just heard. He said I see the plan there and I understand you're looking at about 300 units. He said that is about \$77,000,000.00 so that is a pretty sizable chunk of change

and I can appreciate the work of the Planning and Zoning department did, and if I am doing it correctly that is about \$250,000.00. He said the concerns he had were simple. He said he would guess about 2 ½ people per unit- that is increasing the population of Pine Level by about 20% for the one development. He said I have the utmost confidence in these guys to build a beautiful landscape, with sidewalks, curb and gutter and all that stuff, but I am concerned about the impact that is going to have on the infrastructure of Pine Level. He stated we did not hear from the fire department, or the road maintenance from Mr. Stuckey, and I have a safety concern of for the police force. I am also concerned about the water and sewer and I understand there is a plan to increase the pumping station that is literally in my backyard and I understand that, but what I don't understand is, what happens to that waste and where the county is involved in that. So, we have that infrastructure concern. Our expert testimony made a comment that the capacity that they are planning now, how will that be able to handle the development, but my question to this is what is next. What if someone else wants to do something else, and we put one more drop through the pipeline. We are tapped out, we are done. You are going to have to say no to anybody else that wants to build in this town whether it is residential or commercial or retail. My statement is it can absorb this development, but it won't be able to leave any capacity. It will gobble up all the capacity. I think the Commissioners should really think long and hard over this. This is a defining moment for Pine Level, a decision you are going to make is going to impact not just this development, but the developments of the future whether small, medium or large and we are going to lock our hands and we are going to have a difficult time moving forward. The stress that it could put on the town like this by increasing the population by 20 or 30% depending on how big the units are, depending on how many people move into it, is going to be enormous. The traffic patterns they indicated that they have approval from NCDOT, has this commission seen that approval from DOT? I don't know. I understand the concerns that this community has, and if it has to do with infrastructure that may not be supported now or in the future to preclude us from doing anything in moving forward.

Attorney Hewett asked Mr. Stocks for any rebuttal as to any of those comments.

Expert Witness Dan Simmons stated that Johnston County will have under construction shortly a brand-new sewer treatment plant, our capacity is not going to be limited to what is happening today in that pipeline being upsized, that is not the limit that it is going to be put on us for the future, and you search urban planning is going more than double what our capacity is. I think we're talking that Mayor. We know that in the future we can handle that. We also talked about water supply. We've got a well, it is already dug for producing, it has been tested with producing 130 gallons per minute. So, we can, we got water here to supply, we got to do a treatment facility to do that. We are in the process of negotiating for funds to do that, and the grant funds or bid. The funds would be at little or no cost to get that well online, so I think the concern over water and sewer is not, it has been overstated because there is stuff in the pipeline in the design to accommodate this.

Attorney Hewett stated, just for the record you are aware that Pine Level Council actually put itself under a Moratorium for PUDS for a period of 2 years. Dan Simmons stated, yes. Attorney Hewett said and that is still active and still before us right now. Dan Simmons stated, yes. Dan Simmons said that the two-year period is going to help us get over the hump. He said in the time period where we don't have capacity to the point that we do have the capacity is just why this development and future developments to supply.

For the record Mr. Stocks you are still sworn in to testify.

Mr. Stocks stated, we are aware as well, and part of the reason we agreed to the condition of not planning only big lots per year is to accommodate for the increase in capacity coming from Johnston County and to get the system up. We are very familiar with that process. He said I did not take good notes when the gentlemen spoke, but I will specifically respond to one of the comments. The reason we're phasing or agreeable to phases of the subdivision is to allow there's no doubt the town will need to ramp up to take care of services within this development as it needs to ramp up to take care of services outside of this development, but specifically related to the street infrastructure. These will ultimately be Powell Bill streets and there will be town streets that you will be able, just like you do in the town streets inside of town. The DOT maintains that, right, and you will get funds too. He said there is a process for the funding to keep these streets standard so that is specifically. I know you just mentioned something about DOT streets and infrastructure so that is the water and sewer issue. The HOA will be paying any dues for the grass cutting within to maintain the amenities within the playgrounds. He said anything that is owned and maintained in a common space, so there is a subdivision that has over 40 acres worth of just common open space area within it and you know the HOA may let some of that go natural. They may be maintaining with the mower. He said maintenance upkeep of whatever is in the subdivision. The HOA maintains those documents and they have not been prepared yet, they will be required to prepare them and be approved and recorded prior so you will know also when the lots are recorded and subdivision approved. It is a process and we just haven't gotten there yet.

Attorney Hewett stated how we proceed with 5 sworn witnesses. The documents from staff were presented. In the evidence is there anything that needs to be supplemented or added to what Council has directed. If not, we will proceed with what is in the record. Mr. Hewett asked if there was any rebuttal to the testimony.

Mr. Wool stated that "I guess I have some other thoughts. He said I know the Commissioners here are doing their best and I appreciate that for support. I think through the numbers and what we are getting out of this as a town. You know, and again, I see what the revenue is, and nothing against people making money I think that is absolutely great, but it is really not a drop in the bucket in terms of what our thoughts are going to be. I don't know and maybe I am wrong and maybe I can ask about the financial impact. He said if they have seen the financial impact that we can have on the town, I get it. So, it is a phased approach, but I think there is a fiduciary obligation we have to look at. How is this going to impact us? I am not a sewer expert, but I guess would be plenty of capacity down the road so let's hope that is the case. I think we are locking our hands and so whether it is a rhetorical question, I asked whether this commission has really looked at the financial impact that this may have. Have we looked at traffic patterns, I don't know anybody that abuts against Moccasin Creek, but it floods when it rains, and that is a concern I have and I would expect my neighbors have the same concern? I haven't heard anybody hear from Moccasin Creek Commission of what the impact that is going to be, and trust me, I don't have to be an expert on water penetration. But once you start building the water has no place to go except flowing into that creek that floods now at a moderate rate. I think the flood is going to be significantly increased and I think that is materially impacted. A lot of folks along Moccasin Creek so that is my comments whether it is a rebuttal or just an additional statement.

Planning Board Chairman Randy Jones stated that he would like to address the water part. I am not an expert on water. While stormwater is a large concern. When someone comes forward

with any kind of plans and they know that the curb and gutter is going to help control the water to Moccasin Creek. I did get a chance to talk to the water people of Johnston County about being on Moccasin Creek, and so if I get this correct and I can't remember the company but a 50-foot buffer to Moccasin Creek on the north side has been sold to another company that will maintain and it will stay away. This development cannot get any closer than that to that Creek at all and it will be left as natural growth and so forth by this other company as a conservation easement. He said they can't get any closer than that. So just so that you all are aware of that as well, I know it is on the map there, and you may not know that the development does not even own it, the 50-foot, it is owned by someone else.

Attorney Hewett stated at this point, I think it is appropriate for Council to close the quasi-judicial hearing at this point, you could deliberate amongst yourself as to whether or not finding factors that have been met and whether or not the special use permit should be allowed tonight.

Mayor Holt asked for a motion to close the public hearing. Commissioner Greg Baker made a motion to close the public hearing and Commissioner Bill Radford seconded the motion. The motion passed by unanimous vote.

Mayor Holt stated, so as per instructed by Attorney Chip Hewett, there are six statements of Findings of Facts that the developer has addressed and met. According to the Planning Board Chairman and our Zoning Administrator, they have met those six Findings of Facts satisfactorily. Mayor Holt stated you have heard expert testimony from those in favor and those in opposition to the special use permit. Attorney Hewett stated for the record, there was no testimony in the record as to opposition. Mayor Holt asked for any discussion from the board. There being none, Mayor Holt asked what was the pleasure of the board? To take action, or take no action or move forward. Mayor Holt stated that the planning board's recommendation was to approve the special use permit. Commissioner Greg Baker made a motion to move forward and accept the Planning Board's recommendation to approve the special use permit. Mayor Jeff Holt seconded the motion. Those voting to approve the special use permit were Mayor Jeff Holt, Commissioner Greg Baker and Commissioner Bill Radford. Those voting in opposition was Commissioner Jimmy Garner.

Mayor Holt thanked everyone for coming and for their services.

COMMITTEE REPORTS

Planning Board- Chairman Randy Jones stated there was another subdivision coming but it was in the planning stages.

DEPARTMENT REPORTS

Recreation- Recreation Director Scottie Hayes stated that the number of sign-ups for sports were rising and he was hoping to begin playing sports after Labor Day. He said the raffle tickets were in and there will be four drawings to be held at the town board meetings. Scottie also stated that he had received prices on the cost of the collapsed storm drainage at the park and said it was worse than what we anticipated. He said it could be about \$50,000.00 to \$70,000.00 to replace it all. Randy Jones asked if the Lions Club shelter would need to be moved due to this repair. Scottie stated no.

Water and Sewer- Due to the absence of Commissioner Phil Pittman and Public Works Supt. Ray Stuckey, Consultant Dan Simmons informed the board on the water and sewer project meeting on Thursday. He said the project is moving forward. He said they have asked for an extension on the project.

to the end of the year due to the delay and availability of materials and help. Dan said and they will probably get that extension. He said those guys were doing a great job.

Streets- Commissioner Greg Baker commented that he was so thankful for the guys in the street department. He said it had been so hot, and they have been working very hard in this heat and doing a great job.

Commissioner Baker reported that Randy Jones had called and said that Crescent Street in front of the Styron's house is in need of repair. Mayor Holt also stated that other streets are in bad shape from one city limit sign to the other city limit sign. He said that Ray Stuckey is in the process of talking with NCDOT now on getting on their schedule so that as soon as the project is completed, we can do some repairs and paving.

Police- Chief Ashley Woodard stated that everything was going well. He said the new speed limit signs had been posted for the speed limit change to 25 mph from the stoplight northward to the city limit sign. Mayor Holt asked if he and Scottie were still doing the periodic ride around town checking on code violations. Chief Woodard replied they were, and were actually working on two violations now.

Fire Dept.- Greg Johnson reported that the department had been involved in training and all was good.

Finance- Consultant Marla Ashworth submitted a memo to the board reporting on the American Rescue Plan Act Funds. She stated that Pine Level has been allocated \$643,450 over the next two years. The first half of \$321,725.07 was received on July 12, 2021. The second allocation is expected one year later. Marla said the monies cannot be used for projects that are underway. She suggested that the board come up with new projects. She said the money can be invested in water and sewer and stormwater projects. Marla stated since this is federal funds, we need to make sure we meet the letter of the law in using these funds. She stated that now was the time to start planning. The current rules require funded projects be contracted by December 31, 2024 and spent by December 31, 2026. Mayor Holt thanked Marla for all the information and numerous meetings and teleconferences that she has attended to provide this information to the board.

UNFINISHED BUSINESS

None

NEW BUSINESS

None

MAYOR'S MINUTE

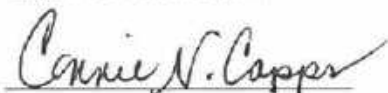
Mayor Holt stated there is a study being conducted right now by an independent agency to study the flow of the entire 34-mile streak of Moccasin Creek and they will come back with a recommendation as to how to improve the flow and drainage.

ANNOUNCEMENTS

None

ADJOURNMENT

There being no further business to discuss Commissioner Bill Radford made a motion to adjourn and Commissioner Greg Baker seconded the motion. The motion passed by unanimous vote. The meeting adjourned at 8:25 p.m.



Connie N. Capps, Town Clerk




Jeff Holt, Mayor