

**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  
OCTOBER 11, 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, October 11, 2021 at the Pine Level Town Hall.

**ROLL CALL**

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

**STAFF PRESENT:** Consultant Dan Simmons, Planners Curtis Lee and Joseph Hoffheimer from Triangle J Council of Government, Police Chief Ashley Woodard, Recreation /Zoning Administrator Scottie Hayes, Public Works Supt. Ray Stuckey, Assistant Clerk Ashley Willoughby and Town Clerk Connie Capps.

**OTHERS PRESENT:** Greg & Beth Thomas, Berry Godwin, Debra Avery, Thomas Godwin, Cliff Holloman, Carlos Bagley, Billy & Mary Daughtry, Tyler Daughtry, Vann Jones, Judy Braswell, Terry Rains, Bruce Parrish, Kevin Kornegay, Attorney Whitney Hosey, and Randy Jones.

**INVOCATION AND PLEDGE**

**INVOCATION:** The invocation was given by Mayor Jeff Holt.

Commissioner Phil Pittman thanked everyone for their prayers and all who sent cards while he was in the hospital.

**PLEDGE:** Resident Terry Rains led everyone in the Pledge of Allegiance.

**APPROVAL OF AGENDA:**

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

**MINUTES- SEPTEMBER 13, 2021**

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

### **PROCLAMATION FOR POLICE CHIEF ASHLEY WOODARD**

Mayor Jeff Holt next recognized Police Chief Ashley Woodard. He said twelve people will be recognized by Johnston Now Magazine on Thursday night, October 14, 2021 at the Clayton Center at 6:30 p.m. He said Pine Level's Chief of Police will be awarded with the "Distinguished Police Officer Award". He then presented the Chief with a Proclamation and thanked him for his services to the Town of Pine Level. He stated that all the police do a great job and thanked them for their service.

### **PUBLIC COMMENT**

There was no public comment.

### **PUBLIC HEARING ON A REZONING REQUEST - BETH WATSON THOMAS**

A motion was made by Commissioner Greg Baker and seconded by Commissioner Phil Pittman to close the regular meeting and open the public hearing. The motion passed by unanimous vote.

A rezoning request had been submitted by Beth Watson Thomas to rezone Tract 1 of 13.40 acres Parcel#12005036 from (HB) Highway Business and (RA) Residential Agricultural to (HB) Highway Business. The public hearing was duly advertised on September 22<sup>nd</sup> and 29<sup>th</sup> in the Johnstonian News and also posted on the town's website

Mayor Holt asked if anyone had any questions or comments concerning the rezoning request. With no one wishing to speak, a motion was made by Commissioner Jimmy Garner and seconded by Commissioner Greg Baker to close the public hearing. Upon a motion made by Commissioner Phil Pittman and seconded by Commissioner Bill Radford, the rezoning request was approved. The motion passed by unanimous vote.

### **PUBLIC HEARING ON A REZONING REQUEST-BD&T PROPERTIES**

A motion was made by Commissioner Jimmy Garner and seconded by Commissioner Phil Pittman to open a public hearing to consider a rezoning request submitted by BD&T Properties. The motion passed by unanimous vote. The public hearing was duly advertised on September 22<sup>nd</sup> and 29<sup>th</sup> in the Johnstonian News and also posted on the town's website.

Mayor Holt stated that a rezoning request was submitted by BD&T Properties to rezone Parcel# 12N11005 which consists of 36.910 acres from RS (Residential-Subdivision) to RH (Residential-Housing). This property is located at the corner of US 70-A Highway and Country Store Road. He asked if anyone would like to speak regarding the rezoning request.

Attorney Whitney Hosey spoke on behalf of BD&T Properties. She stated that Mr. Carlos Bagley, the engineer was also present to help answer any questions. Ms. Hosey stated with regard to the memorandum that was filed from the town's Planner, Mr. Curtis Lee, the developer is not intending on building multi-family units, they were only seeking rezoning, first the square footage or lot size, so as the zoning is right now RS (residential-subdivision) which allows 15,000 square feet and multi-family which is RH (residential-housing) is only 10,000 square feet. She said according to Section 605, 606 and 607 of the Zoning Ordinance, the board does have the authority to issue a conditional or special use permit and include reasonable conditions and safeguards, as many as necessary to ensure that the criteria for granting such permits will be complied with, and to reduce or minimize any potentially injurious effect of the use of the adjoining properties (reading directly from Section 606.2 on page 77 of the zoning ordinance.) She stated that BD&T Properties have met the criteria and hearing procedures and that is part of the reason why we are here tonight. She stated the developers would be willing to sign any

documentation that the town requires. She said the legal filing that Mr. Curtis Lee filed with the board said that you didn't have the authority to grant us conditional/special use zoning and we are arguing that you do have the authority to grant us that. She stated that she had copies of the zoning ordinance.

Mayor Holt next recognized Interns, Mr. Curtis Lee and Joseph Hoffheimer with the Triangle J Council of Government. He asked Ms. Hosey if she had the most current ordinance because the town had updated their ordinance to comply with General Statute 160D in July. Mr. Curtis Lee stated that due to the 160D updates, there were no special use districts anymore.

The board discussed drainage, traffic, and water and sewer allocations, but Ms. Hosey stated that until they receive the rezoning, we will not be able to move forward on this project. Planning Board Chairman, Randy Jones stated that there will be other meetings to address these issues once a preliminary plat is submitted but the only request tonight is the rezoning of the property.

Berry Godwin, who is one of the property owners spoke next and introduced his sister, Debra Avery and brother, Thomas Godwin. He stated that he and his sister Debra Avery reside a block away from this property, and we decided to sell this property and want to make sure that the property is putting the proper scope of what we feel Pine Level should be. He said it will probably end up being one of the nicest subdivisions in Pine Level, with curb and gutter, underground utilities. He said years ago everyone was interested in larger lots, but today they are interested in smaller lots. He stated that the last thing he wanted to put on this property would be apartments. He thanked the board for their time.

Planner Curtis Lee with the Triangle J Council of Government spoke next stating that in reviewing the application to rezone this property to RH (Residential-Housing) would be inconsistent with the Town of Pine Level's Comprehensive Land Use Plan.

A motion was made by Commissioner Jimmy Garner and seconded by Commissioner Bill Radford to close the public hearing. Motion passed by unanimous vote.

Mayor Jeff Holt stated for clarification the Planning Board's recommendation was to approve the rezoning request had we been able to include the special use district, which now we know these districts are no longer allowed.

A motion was made by Commissioner Jimmy Garner and seconded by Commissioner Bill Radford to deny the rezoning request. The motion passed by unanimous vote.

#### **PUBLIC HEARING-THE CONSIDERATION OF A MORATORIUM ON ALL MAJOR SUBDIVISIONS**

A motion was made by Commissioner Bill Radford and seconded by Commissioner Baker to open a public hearing for the purpose to consider a moratorium on all major subdivisions in Pine Level and the ETJ area. Motion passed by unanimous vote.

Mayor Holt stated that the purpose of this public hearing was to address an increase of requests from developers wanting to build subdivisions in Pine Level. It was recommended by this board to consider establishing a moratorium on the approval of major subdivisions in town and also in the ETJ of Pine Level for a period of two years due to the availability of water and sewer. He said we all are getting phone calls on future development and we cannot give them an accurate answer on the water and sewer capacity. Commissioner Baker stated that he didn't want to come across as we are against the town growing, because we are not. He said plans need to be in place, and we need water and sewer capacity.

A motion was made by Commissioner Bill Radford and seconded by Commissioner Greg Baker to close the public hearing. Motion passed unanimously.

Commissioner Jimmy Garner made a motion to adopt an ordinance establishing a moratorium on the approval of major subdivisions in the Town of Pine Level and its extraterritorial jurisdiction area for a period of two years subject to revisions as deemed necessary by the town board. Commissioner Bill Radford seconded the motion. The motion passed by unanimous vote. The ordinance is included and made a part of these minutes.

#### **PUBLIC HEARING – REGULATING SPEED LIMIT ON TOWN STREETS**

A motion was made by Commissioner Phil Pittman and seconded by Commissioner Jimmy Garner to open a public hearing on regulating speed limits on town streets. The motion passed by unanimous vote.

Police Chief Ashley Woodard addressed the board stating that the town has established speed limits in town but all streets are not posted. He presented the board with a Town Street Speed Limit Worksheet. He said by state law the speed limit is 55 mph in the county and in town the speed limit is 35 mph. He said we now have a new radar handheld that can go between cars now. The Chief said on most streets the speed limit is 25 mph but on the narrow streets they might need to be lower. He said some of the subdivisions are posted at 15 mph. He said 15 or 20 mph would be good.

A motion was made by Commissioner Jimmy Garner and seconded by Commissioner Phil Pittman to close the public hearing. Motion passed by unanimous vote.

A motion was made by Commissioner Jimmy Garner and seconded by Commissioner Bill Radford to adopt the Town Street Speed Limit Sheet and to erect the signs up on the town streets. The motion passed unanimous vote.

#### **PUBLIC HEARING – REGULATING PARKING ON TOWN STREETS**

A motion was made by Commissioner Jimmy Garner and seconded by Commissioner Phil Pittman to open the public hearing on regulating parking on town streets. The motion passed unanimously.

Police Chief Woodard stated that he had given the board copies of existing ordinances that addresses all on street parking. He stated that the board adopted an ordinance in 1992 and it was amended in February, 2000. He stated that some of those regulations do not apply anymore. The board directed the Chief to come back with a new improved ordinance regulating parking on town streets to present to the board.

A motion was made by Commissioner Bill Radford and seconded by Commissioner Phil Pittman to close the public hearing. Motion passed by unanimous vote.

#### **APPOINTMENT TO MOCCASIN CREEK SERVICE DISTRICT BOARD**

A motion was made by Commissioner Bill Radford and seconded by Commissioner Greg Baker to appoint Mayor Jeff Holt to the Moccasin Creek Service District Board. The motion passed unanimously.

#### **REPORT FROM THE MOCCASIN CREEK DRAINAGE BOARD**

Vice-Chairman Rodney Cabe from the Moccasin Creek Drainage Board addressed the board. He presented them with a handout stating actions to be considered to limit the inflow of water into



Moccasin Creek during rain events. He said it is the position of Moccasin Creek Service District that all subdivisions and housing developments along the Creek and its laterals be required to have adequate buffer zones and/or retaining ponds to limit the flow of water into the creek. He said if any of you have any questions or concerns to contact him or attend their meetings.

**COMMITTEE REPORTS**

None.

**DEPARTMENT REPORTS**

Recreation- Commissioner Bill Radford stated that everything was going good at the park. Recreation Director Scottie Hayes stated that football and cheerleading were coming to a close, but we have baseball, tee ball, and soccer going on all at the same time. He said we are now registering for basketball. He said hopefully we will be able to have basketball this year.

Water and Sewer- Consultant Dan Simmons stated that the water and sewer project was moving forward but they were having problems with the supply chain in getting materials. Mayor Holt asked Dan to look into relocating the fire hydrant that was put in front of the sign at the stoplight.

Streets- Commissioner Greg Baker stated that all was going well and the guys were doing a great job.

Police- Commissioner Jimmy Garner stated that Trick or Treating would be observed on Saturday, October 30<sup>th</sup> from 6 to 8 p.m. He also suggested that anyone needing assistance from the police for anything should contact 911.

Staff- Town Clerk Connie Capps ask what the pleasure of the board was on having a Christmas Parade this year. The board agreed to have the parade on Sunday, December 12<sup>th</sup> at 3 p.m. with the line-up at 2 p.m. The board agreed to use the same route as before, and to make contact with getting the floats.

**UNFINISHED BUSINESS**- None

**NEW BUSINESS**- None

**MAYOR'S MINUTE**


Mayor Holt read a thank you letter from the Pine Level Elementary School PTA for the sponsorship. He stated that their Fall Festival will be held on Friday, October 22<sup>nd</sup> at the school. He also said that October 29<sup>th</sup> will be the Annual Drug Prevention walk and will begin at 10 a.m. He asked that the police department help with traffic control on that day.

**ANNOUNCEMENTS**

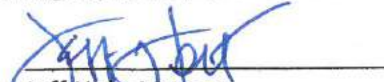
Mayor Holt reminded everyone that Election Day will be on Tuesday, November 2, 2021 and the voting place this year will be held at the Pine Level Free Will Baptist Church.

**ADJOURNMENT**

There being no further business to discuss Commissioner Greg Baker made a motion to adjourn the meeting and Commissioner Phil Pittman seconded the motion. The meeting adjourned at 8:35 p.m.

  
Connie N. Capps, Town Clerk



  
Jeff Holt, Mayor