



**TOWN OF PINE LEVEL
MINUTES OF
PINE LEVEL PLANNING BOARD MEETING
NOVEMBER 21, 2024**

MEETING INFORMATION

The Pine Level Planning Board met on Thursday, November 21, 2024 at 6:33 p.m. at the Pine Level Town Hall. The meeting was called to order by Chairman Randy Jones.

ROLL CALL

<input type="checkbox"/> Randy Jones	<input type="checkbox"/> Cecelia Joyner	<input checked="" type="checkbox"/> Tonia Hill	<input type="checkbox"/> Shane Strickland (alt 1)
<input type="checkbox"/> Kevin Kornegay	<input type="checkbox"/> Randy Holloman (alt 1)	<input type="checkbox"/> Tammy Register	
<input type="checkbox"/> Berry Godwin	<input type="checkbox"/> Terry Rains (alt 2)	<input type="checkbox"/> Greg Johnson	
<input type="checkbox"/> Faye Starling	<input checked="" type="checkbox"/> Chuck Hardison (alt 3)	<input type="checkbox"/> Shannan Parrish	

LIST OF TONIGHT'S VOTING MEMBERS

Kevin Kornegay	Berry Godwin	Faye Starling	Cecelia Joyner
Tammy Register	Greg Johnson	Shannan Parrish	Shane Strickland (alt 1)
Randy Jones (Tie- Breaker)			

STAFF PRESENT: Zoning Administrator Scottie Hayes and Town Clerk Ashley Willoughby.

OTHERS PRESENT: Dennis Peacock, Ethan Averette, Anthony Pope, Merle Hall, Vann Jones, Andrew Hodge, Amanda Grimm, Matt Johnson, Samuel and Debra Heuertz

AGENDA-

Chairman Randy Jones stated with the other Board members' approval, he would like to move Bailey Meadows to number two in the sketch plan review and renumber the rest down. He stated his reason was the developer was the same for The Meadows at Labelle Acres. He mentioned there were a lot of subdivisions being reviewed tonight and he did not want him to wait through the rest.

Motion to approve the agenda with the correction to move Bailey Meadows to number two in Item 5- Sketch

Plan Review: Berry Godwin

Second: Greg Johnson

Vote: Unanimous

MINUTES- OCTOBER 24, 2024-

Motion to approve minutes: Berry Godwin

Second: Randy Holloman

Discussion: Vice- Chairman Kevin Kornegay pointed out on page three of the minutes there was an incomplete sentence. Ms. Willoughby apologized and stated she would have that corrected by next meeting. Berry Godwin and Randy Holloman rescinded their motion and second.

Motion to table the approval of the minutes from October 2024: Shane Strickland

Second: Vice-Chairman Kevin Kornegay

Vote: Unanimous

ANNOUNCEMENT-

Chairman Randy Jones stated he wanted to take a moment to congratulate Ms. Ashley Willoughby on becoming the new Town Clerk for the Town of Pine Level. The other Board members congratulated Ms. Willoughby on her new position.

TABLED ITEMS-

Review Emily Gardens Final Plat Phase 1 Section 1 Submission

Chairman Randy Jones informed the Board members there was a representative present to discuss Emily Garden Final Play Phase 1 Section 1. Ethan Averett, with Stokes Engineering, wanted to point out the revisions that were made to the map. He stated he provided the Planning Board with an updated preliminary plat with a hatched-out area that shows Phase 1 Section 1 being completed. He stated this goes in conjunction with the additional sheet that Stokes added to their map for recording. He mentioned the map includes all the lots within the development and shows the current phase being shaded as well as all future phases. Terry Rains asked if all this was approved to be in the Pine Level's city limits. Mr. Everett stated it was. Chairman Randy Jones mentioned that was done a while back. Mr. Averett stated the preliminary plat before the Board members was the same plat that was approved by Planning Board a year ago with only one change with included the hatched-out area. He stated the second thing before the Planning Board was the actual final plat that Board would be approving tonight. He stated he would speak to the general items that were changed and mentioned Anthony Pope of Stokes Engineering was present to address the concerns Board member Shane Strickland had at last meeting. He mentioned the changes included providing an overall map showing the entire Emily Gardens development. The open space acres had been labeled. On page two of the final plat now shows a complete boundary including a divide that runs along the ditch on the East side of the map. He stated this divide separates Phase 1 Section 1 from Phase 2 Section 2 for two purposes which was to complete a boundary and to establish an HOA. He stated the HOA for this section of the subdivision would be maintaining the area within this boundary and everything to the East of that dividing line would be a different HOA for Phase 2 Section 2. He stated the maintenance line would start at the center line of the ditch between the phases.

Chairman Randy Jones wanted to clarify for the Board members who were not present at the time; that the playgrounds for the development would be the responsibility of the HOA to maintain and not the Town. Mr. Averett stated that was correct. He mentioned everything not in the right-of-way or in the lots was labeled as open space and would be maintained by the HOA. He stated the mail kiosks and playgrounds were labeled on the map. He stated at the entrance in front of lot 92 was a 20x27 sq. ft. sign easement which had been placed outside the sight triangle. He mentioned the mound of dirt blocking the triangle of sight that the Board members brought up at the last meeting had been removed. He stated the location of the monuments and the Railroad's right-of-way were included; he mentioned Anthony Pope would speak more on later. He stated the corporate limits, complete boundaries of adjacent properties, adjacent property owners, and a few other minor text changes were done to the map.

Anthony Pope, representative for Stokes Engineering, stated he had included on the map the monuments and changes to what he refers to the Northeastern right-of-way line. He mentioned he updated the final plat to

match the boundary line set by the North Carolina Railroad Company for the Northeastern right-of-way line from NCR H111-1 to NCR H111-3. Mr. Averett wanted to clarify that all the lots still maintained the minimum lot size requirements and had even got larger after the adjustment.

Chairman Randy Jones asked if lot 67 was buildable. He mentioned he was concern about it meeting the setback requirements with the power line easement running through the lot. Mr. Averett stated it would meet all setback requirements without going into the easements.

Shane Strickland wanted to say one of the concerns (the Planning Board had) was that the lots would get smaller while they were already at the minimum size required; however, the lots got bigger once the developer fixed the gap they had between their development and the railroad properties.

Mr. Pope mentioned there was another easement the Board members wanted included on the map which was the Moccasin Creek easement. Shane Strickland stated he would send a file to Stokes showing the easement. Mr. Pope stated he would add the easement to the map once he gets it.

Chairman Randy Jones asked about the drainage plans and the retention pond. Mr. Averett stated the detention pond was within the open space and would be maintained by the HOA. He stated the detention pond would hold the water and slowly release it over time. He mentioned on the map there was a 200 ft. buffer from the conservation easement which was maintained and protected by Wildlands.

Vice-Chairman Kevin Kornegay asked if the road maintenance agreement was changed to read Town of Pine Level. Mr. Averett confirmed it was. Chairman Randy Jones asked what was the pleasure of the Board members.

Greg Johnson stated the sidewalks were supposed to be added on there. Mr. Averett stated the sidewalks were in the bond estimate; the home builders who are going to build those as they buy the lot. Chairman Randy Jones asked Mr. Averett what would happen to the sidewalks if the developer sold lots not side-by-side to one another to the builders. Dennis Peacock, representative of Stocks Engineering, mentioned it would go up to the property line. Chairman Randy Jones stated he understands that; however, he voiced his concerns about the development not having continuous sidewalks. He mentioned unless all the lots are built out (together) there won't be any sidewalks. He stated the Board members would need the developer to put in the sidewalks for the whole development. Mr. Averett stated unfortunately, what was on the preliminary plat was already approved by the previous Board and the agreement. Chairman Randy Jones stated the Board members approved of the sidewalks; however, they did not approve individual sidewalks to lots. Randy Holloman agreed with Chairman Randy Jones statement. Chairman Randy Jones stated the developer was wanting to put individual sidewalks by whoever builds on that lot. He stated the Planning Board had approved of sidewalks to go through the subdivision. Mr. Averett stated the Board had approved the sidewalks as shown on the preliminary map. He stated lot 79 as an example, the home builder would have to build the sidewalk as shown on the preliminary map. He stated he was not at the meeting, but he believes based on the discussions when it was agreed upon during the preliminary phase. Randy Holloman asked if the Board could go back and look at the minutes. Chairman Randy Jones stated the Board needed to. The Board members spoke amongst themselves to figure out when it was discussed. Mr. Averett stated part of it was during the rezoning application and believes it was a part of the rezoning minutes; otherwise, it would be in the special use.

Shane Strickland asked if the only sidewalk that was planned to be built was from the mail kiosk over to lot 78, and then on lot 92 at the entrance. Mr. Averett stated he believes that was correct. Berry Godwin asked for clarification as to the position of the sidewalks. Shane Strickland stated the only sidewalks were going to be from the cul-de-sac to the kiosk, and then at the entrance on the right-hand side. Berry Godwin stated he understood the development had to have sidewalks on one side all the way around through the whole subdivision. Vice-Chairman Kevin Kornegay asked if the Board members are asking about where the sidewalks are going or are they questioning the secrets of the construction. Chairman Randy Jones stated the map shows the developer would not be putting sidewalks on every lot. Mr. Averett stated that was correct. Berry Godwin stated for time he has been a Board member; he would guarantee it would have been mentioned that sidewalks would be needed on one side of the street through the whole subdivision. Mr. Averett stated he would have to look back at the minutes. He mentioned he would not be able to move or make that decision on this. He wanted to clarify that would not affect the final plat, because it would not be shown on the final plat.

Chairman Randy Jones stated it would determine whether this Board approved the final plat. Mr. Averett stated the Town was protected with the bonds in place for the install of the sidewalks as shown. Randy Holloman voiced his concerns about the Planning Board making a recommendation to the Town Board to approve the final plat without something on the sidewalks, because in the ordinance it states it needs to be on one side of the streets. Mr. Averett asked if Ms. Willoughby could pull up the minutes from the meetings. Ms. Willoughby stated she had them pulled up. Mr. Averett stated the bonds protect the Town and stated unfortunately this Board had approved the preliminary plat. Chairman Randy Jones stated unfortunately Mr. Averett did not tell this Board everything about what he had presented. Randy Holloman stated according to the ordinance, sidewalks had got to be approved on the preliminary plat and the final plat; which was shown on the Town's checklist (reference: Unified Development Ordinance- Subdivision A1-2). Mr. Averett thought the way the question was going was if the builder doesn't install the sidewalk; then the Town could pull the issued bond and build it themselves; because the money was there to do it. Chairman Randy Jones asked Mr. Averett why wouldn't the developer take the money and do it themselves. Mr. Averett mentioned avoiding damages while the home builders are there building. Berry Godwin referred about the ordinance and stated that sidewalks are supposed be around the whole one side of the street with curb and gutter. Greg Johnson stated the sidewalks are not shown on the final plat as presented. Mr. Averett stated that was correct. Greg Johnson stated which was required by the ordinance. Mr. Averett stated the certainty was the bond in place of building it. He mentioned the sidewalk being shown on the final plat would be more like an as-built survey of what's actually in the field because there's also no street on this final; it's cut on the blocks. Shane Strickland asked if Mr. Averett did the bond estimates. Mr. Averett tried to recall the bonds and Ms. Willoughby stated there were three bonds total which included the street lights, street, and sidewalks. Mr. Averett stated the street was for the last layer of asphalt.

The some of the Board members reviewed the previously approved preliminary map. Berry Godwin mentioned if the map was approved with an error, then this Board needs to go back and correct it. Ms. Willoughby read the following, "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 (Reference: Town Board-August 9, 2021 -Public Hearing for Special Use Permit for Emily Gardens)." Mr. Averett stated what was being argued was how much sidewalks was needed. He wanted to make the point clear that it does show sidewalks and how much. Randy Holloman stated the statement read says whatever was required by the subdivision rules. Mr. Averett said correct. Randy Holloman stated if you read the requirements stated in the subdivision rules requires throughout the subdivision. Mr. Averett stated one, we can pull the subdivision rules; but two, this was a special use permit that was approved based on this map that was submitted two or three years ago. Chairman Randy Jones stated Mr. Averett was telling him to talk to the Town Attorney verse what this Board was doing. Mr. Averett stated he could discuss with the developer if the Board members are requesting additional sidewalks. Chairman Randy Jones stated this Board was not requesting additional sidewalks, but requesting what was asked for in the minutes. Mr. Averett stated the map was in the minutes as an approved plan. Chairman Randy Jones stated that statement was in the minutes too. Berry Godwin stated if the map was done wrong it was not this Board's problem. Mr. Averett stated if the Board approved it wrong it was not his problem. Ms. Willoughby wanted to clarify the map approved during the time of special use permit was the sketch plan. She stated the preliminary plat was approved later. She mentioned there were conditions to build the PUDs (Planned Unit Development) and there was a conservation that referenced the subdivision ordinance in the minutes. She stated the Board members may be concern about the possibility of incomplete sidewalks in the subdivision and if the developer could provide some insurance that builder would build side-by-side down the way. Chairman Randy Jones stated not really, because it's no sidewalks throughout the whole thing. Mr. Averett asked if Ms. Willoughby to pull up the ordinance for sidewalk requirements. He stated he understands the checklist states the sidewalks would be shown on the final plat, but he wants to see where it states in the ordinance where sidewalks are required throughout the subdivision. Vice-Chairman Kevin Kornegay read the following, "All subdivisions within the Pine Level town limits shall provide sidewalks on one side of the street, but sidewalks shall not be required on cul-de-sacs where provided, (Reference: Section 409.2 Sidewalks on page 40 of the Unified Development Ordinance- Subdivision)." Mr. Averett stated he was not the developer and stated he was not able to say they would not put in the sidewalks. He stated what was brought

before the Board members meets the criteria set for the space. He stated he sees the statement and that was likely the gray area being discussed; which was it should not be required in cul-de-sacs.

Chairman Randy Jones asked what the Board members would like to do whether a motion on this going forward or if there was more information needed to be gathered to approve. Samuel Heuertz, resident of 113 Oak St.), stated the Board members should consider their decision as it would affect the next six subdivisions coming up for discussion later. Vice-Chairman Kevin Kornegay mentioned once a mistake was made aware, the Board was not going to try to make that same mistake again. The Board members briefly discussed about the special use meeting held by the Town Board. Mr. Averett asked if a recommendation could be made and during the time period before the Town Board meeting, then the sidewalk issue could be determine and figured out. Chairman Randy Jones voiced his concerns about this Board approving this now to go forward and asked why not wait until the conditions are met. Mr. Averett stated because this was a recommendation board and asked what information should he be gathering on this. Greg Johnson asked Mr. Averett if he received a copy of the information needed to be shown on sketch plans, preliminary plats, and final plats. There was a brief discussion about difference between Michael Stokes and Mike Stocks in this development process. Mr. Averett stated he did have a checklist and reviewed the Town's ordinance for those plans. Greg Johnson stated his point was that sidewalks should be delineated on the final plat and there's none there. He stated he thinks a good motion would be to give the developer an opportunity to get this right as per what the checklist shows. He wanted to clarify he had asked that question earlier because he could not see the sidewalks delineated on the map.

After a brief discussion, Vice-Chairman Kevin Kornegay made a motion to recommend approval of the final plat Phase 1 Section 1 to the Town Board. He stated even though the sidewalks are not continuous on one side of the street and base on the fact that the preliminary plat was voted on and passed; was his reason for the motion. He wanted the minutes to reflect that this Board recognizes that the sidewalks are not to the standards of the Planning Board; however, since the preliminary was approved, that was why it would be passed through. Terry Rains seconded the motion.

Discussion:

Berry Godwin asked Vice-Chairman Kevin Kornegay if he knew where the sidewalks were when this Board looked at the preliminary plans. Vice-Chairman Kevin Kornegay stated he could not remember. Berry Godwin stated not a person on this Board knew where the developer had the sidewalks. He mentioned there were Board members who are in the building business and nobody knows that. He stated that's a good reason that this Board doesn't do what you're saying. Randy Holloman stated the developers are saying just because we had approved it on the preliminary plat; it doesn't mean that it's right. He stated you can't make something wrong and make it right, especially when talking about sidewalks for an entire subdivision, even though they won't be putting them in because the they got it bonded. He stated the ordinance states the sidewalks needs to be in there when it's developed.

Mr. Averett stated he understands the reasons the Board members are upset. He stated he thinks RRT has the best interest of the town in mind. He stated he doesn't think the development would be willing to go down this road another couple months of disagreements over the sidewalks in front of the streets. He stated he would prefer if this Board make a recommendation and they would figure it out over the month. Berry Godwin voiced his frustration over the comment about figuring it out. Mr. Averett stated the Town Board have to vote on it; Jeff Holt and the other guys have to vote on it. Zoning Administrator Scottie Hayes mentioned the final plat does not have sidewalks included; which he needs to add. Greg Johnson stated the ordinance says it's supposed to be on the final plat; it's not normal to not be on the final plat. Zoning Administrator Scottie Hayes asked if it's not on the final plat, legally can they not put those sidewalks down since we approved the final plat without it on there. He asked if it's not on the final plat and they starting the building it out; could they come back and say the final plat the Board approved didn't have sidewalks; could the Town legally make them do it.

Chairman Randy Jones stated his concerns was that Mr. Averett was requesting this Board to approve this now and they would figure it out later. Mr. Averett stated the Board could deny it. Chairman Randy Jones stated Mr. Averett was trying to hold this Board to a previously approved plat before this and that the Board needs to stick to that plat. He mentioned if this Board approves this now, then at the next meeting Mr. Averett would say

they approved it. He stated that was what Mr. Averett had said a while ago and it was because the Board approved the preliminary plat. Mr. Averett stated that this was not the preliminary, but we're here tonight to vote on this map. Randy Holloman stated that was what the Board was doing. Chairman Randy Jones stated that was what the Board was talking about. Many Board members voiced concerns of Mr. Averett going before the Town Board stating this Board approved of this current final plat.

Mr. Averett stated he would recommend this Board make a motion to deny on the basis that the Planning Board would like sidewalks on both sides of the streets or on one side of the street and then he would go before the Town Board; the developer would then have time to decide. Chairman Randy Jones stated if the developer was here, this Board could probably approve this on conditions that he goes back and puts the sidewalks on there and he'll stand there and say whether he's going to or not. Mr. Averett stated he believes the developer has the best interest of the town in mind. Chairman Randy Jones stated he thinks the developer does too and won't disagree with that statement. Mr. Averett reiterated he thinks this Board should make a motion to deny because of the sidewalks and he'll go to the Town Board and correct the issue. He stated he guessed the only thing they would be correcting was probably increasing the bond amount to cover more sidewalks. He referred to Zoning Administrator Scottie Hays's point, legally, the bond was posted with the Town to pull \$10,000.00 with the sidewalk reported. He stated it should be enough to cover what was on the proposal, but not enough to build all the sides of one street. He stated revisions could be made and brought back to the Town.

Zoning Administrator Scottie Hays voiced his concerns of costing the developer further delays to the development if this Board voted to deny this, then for it to go before the Town Board without the needed changes and later get denied. Chairman Randy Jones stated it's not this Board's decision, but the Town Board's decision. He stated there was a motion and there needs to be a vote or either rescind it.

Shane Strickland asked if there was a representative for the development. Dennis Peacock, representative of Emily Gardens, stated he would not speak to whether they would do it or not. Chairman Randy Jones stated he understands the position Mr. Peacock was in. Zoning Administrator Scottie Hays stated this would be a concern brought up in the future phases coming up. Chairman Randy Jones stated this was something the developer would need to look at through the whole thing; not just this. Berry Godwin stated the developers have to understand this was a small town that was getting ready to have a thousand houses here in the next fifteen to twenty years. He stated whatever this Board does now would carry through to the next development. He mentioned that is why every time he wants to get on the record to show this Board requires sidewalks on one side of the street. Chairman Randy Jones stated his issue was Mr. Averett was trying to hold this Board to the preliminary plat and if this was approved, then he would hold this against all future maps.

Mr. Averett stated just so this Board knows what the difference between the preliminary and final, the preliminary shows what was going to be built in the field, so when the Boards approve this map then the developer plans to go build it. There was discussion about the development's budget to spend on the development based on the approved preliminary plat.

Berry Godwin reiterated that Mr. Averett did not follow the rules and the sidewalks were supposed to be on one side of the streets, according to the ordinance. Mr. Averett stated he would recommend this Board make a motion later to change its ordinance because it is not how it was written and for it to be made very clear in the ordinance; that would be reviewed closely on every map coming before this Board.

Chairman Randy Jones stated there was a motion and a second on the floor; there has been discussion. He asked Ms. Willoughby to please restate the motion. Ms. Willoughby stated the motion made was to recommend approval of the final plat Phase 1 Section 1 to the Town Board. Chairman Randy Jones asked Ms. Willoughby to read out the names of the voting members presents. Ms. Willoughby stated Chairman Randy Jones was a deciding (tie-breaker) vote; the In-Town members included Kevin Kornegay, Berry Godwin, Faye Starling, and Cecelia Joyner; ETJ members included Tammy Register, Greg Johnson, Shannan Parrish, and since Tonia Hill was not present then the alternate ETJ member Shane Strickland was the voter. Chairman Randy Jones the vote be call one at a time of those members.

Faye Starling wanted clarification on the motion the Board members were voting on. Chairman Randy Jones stated Vice-Chairman Kevin Kornegay made a motion that this Board approves this final plat. He mentioned Mr.

Averett didn't do anything other than not put sidewalks on the whole plat because he said it didn't call for that. Ms. Willoughby wanted to clarify this Board was making a recommendation. Chairman Randy Jones confirmed, this Board was making a recommendation to the Town Board that it either meets the criteria or does not meet the criteria of what's going on.

Ms. Willoughby asked if there were any Board members mentioned that needed to recuse themselves prior to the calling of the vote. After a brief discussion, Tammy Register stated she would need to recuse herself.

Motion to allow Tammy Register to recuse herself: Shannan Parrish.

Seconded: Vice- Chairman Kevin Kornegay

Vote: All

Motion: To recommend approval of the final plat Phase 1 Section 1 to the Town Board.

Y Kevin Kornegay

N Berry Godwin

N Faye Starling

N Cecelia Joyner

Recused Tammy Register

N Greg Johnson

N Shannan Parrish

N Shane Strickland (alt 1)

 Randy Jones (Tie- Breaker)

The motion failed to pass with 1 yay and 6 nay.

Berry Godwin made a motion to make a recommendation to deny the final plat Phase 1 Section 1 to the Town Board. The motion was seconded by Shannan Parrish. Ms. Willoughby clarified the motion with Berry Godwin and stated a motion was needed to accept Tammy Register's recusal from the vote.

Motion to allow Tammy Register to recuse herself: Greg Johnson

Seconded: Shannan Parrish

Vote: All

Motion: To make a recommendation to deny the final plat Phase 1 Section 1 to the Town Board.

N Kevin Kornegay

Y Berry Godwin

Y Faye Starling

Y Cecelia Joyner

Recused Tammy Register

Y Greg Johnson

Y Shannan Parrish

Y Shane Strickland (alt 1)

 Randy Jones (Tie- Breaker)

The motion passes with 6 yay and 1 nay.

Ms. Willoughby informed Mr. Averett the Town Board meeting had changed to December 19th.

SIDE DISCUSSION

Chairman Randy Jones wanted to clarify the requirements of open space fee in lieu of. He mentioned under NC General Statutes 160D-804-d it states, "the regulation may allow a combination or partial payment of funds and partial dedication of land when the governing board determines that this combination is in the best interests of the citizens of the area to be served." He mentioned the Town's current ordinance refers to the general statute; however, in another area of the ordinance it states either land dedication or fees in lieu of. He wanted the developers to know the options and reminded them that the Town Board would have the final decision to either accept the fees, land dedication, or the combination of the two.

SKETCH PLAN REVIEW

I. The Meadows at Labelle Acres

Merle Hall, of Hall Land Surveying, stated the Board members had received an amended map for The Meadows at Labelle Acres that showing the sidewalks and streets are shown on the map with the other requirements need for sketch plans. Chairman Randy Jones asked if the plans were for sidewalks with ditches or sidewalks with curb and gutter. Mr. Hall stated it would be sidewalks with open ditches. Berry Godwin stated he thought the ordinance required curb and gutter. Mr. Hall mentioned the ordinance refers to ditch sections. He stated there was no existing curb and gutter to attach to. He explained that with Stormwater management it would be best for it to hold and slowly move through a ditch verses a stormwater drainage system with curb and gutter. Chairman Randy Jones stated he was glad to see the distance on the streets included on the maps.

After a brief moment reviewing the map, Chairman Randy Jones stated Zoning Administrator Scottie Hayes had reviewed the checklist on what information was required for the sketch plan and determined this map had met the criteria. He stated there were other obstacles that had not been checked which included the length of the cul-de-sac. He mentioned concerns of one cul-de-sac being 735 feet and referred to the ordinance where it refers to the minimum of 500 to 900 ft depending on the topos. He stated the Planning Board did not receive that and that's 235 feet too long. He mentioned the other concerns was joining to Kingston Street. He wanted to clarify he does not object to the development attaching to Kingston because he lives near there; however, he does object to the creation of a through road. Mr. Hall stated the ordinance does not say a through road could not be made, but rather it says to avoid it or not recommended. He explained the layout provides better access for emergency services. He mentioned with the events at the park and the food bank, the developer did not want to attach to Crescent Street to avoid the congestion on that road. Chairman Randy Jones stated he would recommend having the development attaching to Crescent Street because it would void out the 235 feet mentioned. He mentioned moving the cul-de-sac toward the Kingston Street. He voiced his concerns about the through road being created with this development and the other development of fifty houses with a straight shot from Davis Mill Rd. to Country Store Rd.

Mr. Hall mentioned he spoke with the owner, Vann Jones, about possibly putting speed bumps between the cul-de-sacs and three-way stops signs at the middle cul-de-sac. He stated he would like to see if the Town would allow a three-way stop sign at the corner of Kingston and Dogwood as well. Chairman Randy Jones wanted to clarify for the record he does not have a financial gain to this development; however, he lives at the corner of Kingston and Dogwood. He mentioned he had seven different residents within Labelle Acres reach out to him about concerns of the through street or road. He wanted to clarify he was not against the development attaching to Kingston; however, he was against the creation of a through street. He stated he would still recommend the development look into attaching onto Crescent Street. He mentioned the Town had plans to put a temporary gate to close of the road in front of park on Crescent Street. He voiced his concerns about the stormwater, drainage, and the possible flood increase within this area and the surrounding areas due to the addition of imperious surfaces. He mentioned he was advised the Planning Board say with any motion that it was contingent on meeting all federal, state and local regulations. Mr. Hall stated unless the owner, Vann Jones, decides to change it; he would like to present the plans as it stands. He mentioned he knows the cul-de-sac was under the 900 ft. and he stands by the design with the through way attaching to Kingston Street.

Chairman Randy Jones mentioned what really upsets him the most was when the developers would read the rules, then bring plans that go over what was allowed in the book. Mr. Hall stated the ordinance mentioned it could go up to 900 ft. Chairman Randy Jones stated unless it meets the necessary topo and this Board had not received it or a stormwater study to convince this Board it was necessary. Vice-Chairman Kevin Kornegay stated the ordinance mentioned either topo or the property accessibility. Shannan Parrish asked if a TIA (traffic analysis study) would be required of the 68-house development, since the through road would connect to the Davis Mill Rd; which was a State maintained road. Chairman Randy Jones stated he wanted to speak with the DOT about updating the traffic study on Davis Mill. Mr. Hall stated once the development received preliminary plat approval, he would then reach out to DOT to see if it was required on their end. Chairman Randy Jones stated he understands the development would give their plans to DOT; however, it would not include the other subdivision it was attached to or the others around it. After some discussion, Ms. Willoughby stated she was

waiting to hear back from a DOT representative about their standard for TIAs and to also set up a meeting with them as well.

Samuel Heuertz, 113 Oak Street, stated he lived in the neighborhood beside this area and one of the reasons he bought his house was because of how close it was to the park. He voiced his concerns about the development changing the access to park. Chairman Randy Jones stated the development would include two pedestrian walk ways to the park.

Vice-Chairman Kevin Kornegay wanted to read the ordinance referring to cul-de-sacs. He read, "cul-de-sacs should not be used to avoid connections with an existing street or to avoid the extension of an important street unless granted by the Planning Board," section 406.7 of the ordinance.

Vann Jones, resident of 207 W Pine Street and office 214 N Peedin Ave., he was the developer of this property. He mentioned he did not appreciate the way Chairman Randy Jones stated the he tried coming in here doing something outside the rules of the ordinance. He stated he tried to do everything within the rules and regulations set; he apologized if it offended him. He stated he was willing to entertain the outlet onto Crescent Street, but he was offended by some of Chairman Randy Jones comments. Chairman Randy Jones stated he was just stating what was in the rules and apologized if he had offended Mr. Jones. He stated the issues mentioned were not just with this plan but many plans that come before this Board.

Mr. Jones stated he spoke with Mr. Hall about the requirements for the cul-de-sac and thought as long as it was under the 900 ft. it was fine. He stated was not trying to mislead the Board members. Mr. Hall voiced concerns of people visiting the park coming into the subdivision to park their vehicles. Berry Godwin wanted to clarify this conservation was nothing personal and that Planning Board members are citizens who volunteer their time to review the plans and inform developers of any corrections needed. He stated the town was a growing town and he wanted to reiterate the need for sidewalks, curb, and gutter through the whole development. He stated all subdivisions should have similar requirements which include the sidewalks, curb, and gutter. He voiced his concerns with the increased traffic. Shane Strickland asked Mr. Jones about the design plans for the pedestrian walk ways. Mr. Jones stated it be would asphalt walk ways from the development to the town's recreation center. Chairman Randy Jones asked about the pump station. Mr. Hall stated he would discuss with the Town about putting in a small pump station; however, they were looking into possibly gravity feed lines.

After some discussion about the streets, Greg Johnson made motion to approve the sketch plan contingent on the developer entertaining the reconfiguration of the street going onto Crescent Street and the three- way stop signs on two cul-de-sacs. The motion was seconded by Vice-Chairman Kevin Kornegay. There was discussion, Berry Godwin wanted to reiterate the importance of sidewalks, curb, and gutter throughout this development and all future developments coming into the town. Chairman Randy Jones asked for the vote to be call. Ms. Willoughby asked if any Board members needed to recuse themselves from the vote.

Motion: To approve the sketch plan contingent on the developer entertaining the reconfiguration of the street going onto Crescent Street and the three- way stop signs on two cul-de-sacs.

Y Kevin Kornegay Y Berry Godwin Y Faye Starling Y Cecelia Joyner
Y Tammy Register Y Greg Johnson Y Shannan Parrish Y Shane Strickland (alt 1)
 Randy Jones (Tie- Breaker)

The motion passes unanimously.

SIDE DISCUSSION

Chairman Randy Jones wanted to ask engineer Andrew Hodge if he would like to proceed with the meeting tonight or recess it for another day. Andrew Hodge stated he would like to continue tonight, since he was already there. Amanda Grimm, an associate of Andrew Hodge, wanted to remind the Board members that they

were just reviewing the sketch plans and not discussing the needs for sidewalks, stormwater, or sewer. Chairman Randy Jones stated he understands what Mrs. Grimm was saying; however, if the Board members do not inform the developers of the requirements now, then the developers would not have the required information needed for preliminary plat approval when they come back. Ms. Willoughby informed the Board members that during the pre-sketch plan reviewal meetings, the developers were informed of the future requirements of the development which include discussions on stormwater studies based on Johnston County standards, TIAs (Traffic Impact Analysis studies), sidewalks, curb, and gutters. She stated the developers were emailed a summary of the meeting with the corrections needed to the sketch plans and the future items to look out for.

II. Bailey Meadows

Merle Hall, representative for Bailey Meadows, stated the plans for the development had not changed, since it was last reviewed at the pre-sketch plan reviewal meeting. He explained based on his interpretation of the Town's ordinance that the streets as shown on the plans met the requirements considering it was under the 900 feet maximum length for the cul-de-sac. He mentioned the development would be in the Town's ETJ and the streets would be maintained by DOT (Department of Transportation). He stated he had received approval from DOT for the street plans which included the cul-de-sac length and was told DOT would later investigate the need for possible turning lanes once the preliminary plat had been approved. He mentioned in section 409.2 of the Town's ordinance states sidewalks were not needed for subdivisions not close to schools or shopping areas and stated this development would not have sidewalks. He stated a portion of the property was currently zoned RMH (Residential- Manufactured Home) and he was in the process of getting the paperwork together to request rezoning of that portion to RA (Residential- Agricultural) to match the rest of the development. Chairman Randy Jones asked Mr. Hall if he could consider changing the layout of the development to avoid the 750 ft. long cul-de-sac. He mentioned his concerns about the amount of traffic on the road which include school traffic near this development. Vice-Chairman Kevin Kornegay asked if there was anything Zoning Administrator Scottie Hayes mentioned was missing from the sketch plat. Chairman Randy Jones replied no. Vice-Chairman Kevin Kornegay stated based on that he would like to make a motion to approve the sketch plan, which was then seconded by Shannan Parrish.

There was some discussion, Chairman Randy Jones stated he would like every motion to include the following statement, "to meet all federal, state, and local requirements." He stated there is a lot of regulations that would protect this subdivision and it would protect the citizens as well. Shane Strickland stated he would like the developer to consider sidewalks throughout the subdivision. He stated even though it is in the Town's ETJ; Emily Gardens is down the road that must have sidewalks. Mr. Hall stated Emily Gardens was a PUD (Planned Unit Development) and not a subdivision. Shane Strickland stated it's under subdivision rule, PUD or no PUD. Chairman Randy Jones stated there are no PUDs anymore. Shane Strickland stated Mr. Hall knows well this would be the first salvo up that road; it would be nice if Pine Level would consider pedestrians in all new subdivisions like Berry Godwin had suggested. He mentioned someone could walk to Pine Level or Hinnant from this development. He mentioned for the motion he would like the developer to consider that. Chairman Randy Jones stated that could be considered at the preliminary plat. Greg Johnson mentioned there was no mail kiosk on the map. Mr. Hall stated he left that off until the preliminary plat. Greg Johnson stated he knew that would be a rural carrier area and wanted to make sure. Chairman Randy Jones stated that's beside the point all subdivisions require kiosks now; it don't matter. He stated even in Town it was a State mandate. He mentioned the post office normally requires the mail kiosks, but now also requires the parcel kiosks; which will start in the new Pinecrest subdivision. He wanted to let all the developers know in the room the new requirements for the mail kiosks.

Berry Godwin wanted to reiterate about the sidewalks again. He mentioned it may seem random requiring sidewalks for a development outside of town; however, the way the development was going the Town could grow around this development one day. He stated if we don't go by the rules here, then the next developer would want to do the same. Chairman Randy Jones asked if the developer would lose a lot if it included a turning lane. Mr. Hall stated it would not. Chairman Randy Jones asked if the developer would pay in-lieu of fees. Mr. Hall stated that was correct. Chairman Randy Jones asked if there was anymore discussion as there was a motion and a second. He asked the vote to call by name. Ms. Willoughby restated the motion made Vice-

Chairman Kevin Kornegay was a motion to approve the sketch plan. It was seconded by Shannan Parrish and the vote was called for.

Y Kevin Kornegay Y Berry Godwin Y Faye Starling Y Cecelia Joyner
Y Tammy Register Y Greg Johnson Y Shannan Parrish Y Shane Strickland (alt 1)
 Randy Jones (Tie- Breaker)

The motion passed by unanimous vote.

III. Scottie's Ridge Phase 2

Amanda Grimm, from Becker Morgan Group, stated the Board members are considering a sketch plan for Scottie's Ridge Phase 2. She stated the plans met the criteria based on the changes made from the comments they received during the pre-sketch plan meeting. She mentioned the changes included adding a note to the typical street section to address the sidewalks that would be added on one side of the street and the setback.

Chairman Randy Jones asked if lot 28 was a buildable lot. Mrs. Grimm stated the lot would have to be looked into and considered in the future. Berry Godwin asked if this was in the Town's city limit. Chairman Jones stated the whole development had already been annexed and rezoned. He stated the minimum lot size requirements were 15,000 sq. ft. He stated the developer had notated the mail kiosk on the map. Mrs. Grimm stated she had also included the lengths of the roads, which was one of the comments she received for corrections. She stated all the feedback from the pre-sketch plan meeting was taken into consideration in the draft. Shane Strickland asked when the recombination of the properties within the development had take place. Mrs. Grimm stated she did not have that answer at this time; however, she stated she would look into it. Ms. Willoughby stated she was reassured by the attorney it would be completed after the annexation and rezoning of the properties and before subdivision plans were approved. She mentioned as it stands the development shares parcels that have split jurisdiction with the Town and the County. Andrew Hodge, from Becker Morgan Group, stated he would look into that.

Vice-Chairman Kevin Kornegay made a motion to approve the sketch plan and it was seconded by Faye Starling. There was some discussion, Berry Godwin reiterated the need for sidewalks, curb, and gutter; that it should apply for all subdivision. Mrs. Grimm stated the developers would consider it later and mentioned she would like to discuss more about the designs plan later on. Chairman Randy Jones asked for the vote to be called. Ms. Willoughby asked if there was any Board members present that wished to recuse themselves.

Motion: To approve the sketch plan.

Y Kevin Kornegay Y Berry Godwin Y Faye Starling Y Cecelia Joyner
Y Tammy Register Y Greg Johnson Y Shannan Parrish Y Shane Strickland (alt 1)
 Randy Jones (Tie- Breaker)

The motion passed by unanimous vote.

IV. Braswell Country Store Rd.

Amanda Grimm, from Becker Morgan Group, stated the Board members are considering a sketch plan for Braswell County Store Rd. She stated the comments were taken into consideration from the pre-sketch plan meeting. She mentioned corrections to the maps included additions to the street sections and the sidewalks as per the Board’s requirements. Shane Strickland asked Mrs. Grimm during the pre-sketch plan meeting if it was asked that Street G be extended to the boundary line. Mrs. Grimm confirmed that it was and noticed that it needs to be corrected on the map presented. Berry Godwin reiterated the importance of sidewalks, curb, and gutter in all subdivisions. Chairman Randy Jones questioned the designed of a street that wasn’t round like a cul-de-sac which was 860 ft. long. Mrs. Grimm stated it was a knuckle and the residents would be able to make a right turn. Chairman Randy Jones asked Mrs. Grimm if was big enough for emergency vehicles to turn around in. Mrs. Grimm stated it would be. Greg Johnson asked what the radius was. Mrs. Grimm stated it was 30 ft. Chairman Randy Jones stated so it’s being called a knuckle and it’s not going to meet the cul-de-sac requirements as far as the street being too long. Mrs. Grimm stated the ordinance states it measures from the intersection to the cul-de-sac. She stated in this case that would be from street B and it would be less than the 500 ft. After some discussion, Shane Strickland made a motion to approve the sketch plan contingent all state, local, and federal regulations be met and the condition street G be extended to the boundary line. The motion was seconded by Faye Starling. Ms. Willoughby asked if any Board members had a conflict or needed to recuse themselves. Hearing none, the vote was called for.

Motion: To approve the sketch plan contingent all state, local, and federal regulations be met and the condition street G be extended to the boundary line.

- Y Kevin Kornegay Y Berry Godwin Y Faye Starling Y Cecelia Joyner
- Y Tammy Register Y Greg Johnson Y Shannan Parrish Y Shane Strickland (alt 1)
- Randy Jones (Tie- Breaker)

The motion passed by unanimous vote.

V. Creech’s Mill

Amanda Grimm, from Becker Morgan Group, stated the Board members are considering a sketch plan for Creech’s Mill. She stated the comments were taken into consideration from the pre-sketch plan meeting. She mentioned sidewalk was noted to the cross-section and street “I” was in question due to the length. She stated she looked at potentially shortening that street; however, eventually there would be no direct connection allowed to US 70, so there would be no access point available there. She mentioned the length was still under the 900 ft. requirement of the UDO. Chairman Randy Jones asked if anyone contacted the land owner beside this property. He mentioned concerns about the property getting land locked once US 70 closes access. Greg Johnson asked if DOT would provide an access road for those parcels. Chairman Randy Jones stated that was something to investigate. Ms. Willoughby stated she contacted the DOT about the feasibility study for I-42 and provided that to Andrew Hodge. Andrew Hodge, from Becker Morgan Group, state the last TIP map he saw from DOT did not show a service road. There was some discussion about the concerns of the DOT putting in a service road and how that would affect the lots as presented. Mrs. Grimm wanted to point out there was a lot of vegetative open space in the northern part of the property that was not shown on the map. Chairman Randy Jones asked if it was wetlands. Mrs. Grimm stated it was. Chairman Randy Jones stated the area could not be used as common grounds and the open space in lieu of fees would be needed. Mrs. Grimm stated the developer understands that. Berry Godwin wanted to reiterate the need for sidewalks and for the developer to consider that since it was still a part of the town. Ms. Willoughby mentioned during the pre-sketch plan meeting the members were informed the development would have a combination of street, sidewalk, and ditch. Mrs. Grimm stated that was correct. Berry Godwin made a motion to approve the sketch plan contingent all federal, state, and local laws are met. The motion was seconded by Randy Holloman. There was discussion, Shane Strickland asked if the surveyor Stokes would be providing the boundary and topo for the developer. Mrs. Grimm stated he would. Shane Strickland wanted to clarify for the future that a map of the whole parcel as per our ordinance would be required when it comes time for preliminary plat. Mrs. Grimm stated the sketch

plan had those details and after the revision were made, she spoke with Ms. Willoughby about submitting just what was needed for tonight's meeting. She stated the other maps are on file with the Town. Chairman Randy Jones called for the vote. Ms. Willoughby asked if any Board members wished to recuse themselves from the vote.

Motion: To approve the sketch plan contingent all federal, state, and local laws are met.

Y Kevin Kornegay Y Berry Godwin Y Faye Starling Y Cecelia Joyner
Y Tammy Register Y Greg Johnson Y Shannan Parrish Y Shane Strickland (alt 1)
 Randy Jones (Tie- Breaker)

The motion passed by unanimous vote.

VI. Hil Sher Dr. Townhouses

Chairman Randy Jones informed the Board members there was sketch plan for Hil Sher Dr. townhouse. Matt Johnson, 44 Huntington Place Smithfield, mentioned the property was rezoned from LI (Light-Industrial) to RH (Single and Multi-family) in the past. Chairman Randy Jones asked how many entrances the development would have. Amanda Grimm, from Becker Morgan Group, stated there would be two entrances. Chairman Randy Jones wanted to take a moment to review the ordinance requirement for townhouses. Ms. Willoughby stated the requirement for townhouses was 25,000 sq. ft. minimum for three units plus 5,000 sq. ft. each additional unit. Chairman Randy Jones asked to clarify there were no cul-de-sacs in the development. Mrs. Grimm stated there was a hammer like street design. Greg Johnson wanted to make sure there was enough room for emergency service vehicles to turn around down the street. Mrs. Grimm stated the hammer street was 60 ft. wide and it should be wide enough for emergency service vehicles. After some discussion, Berry Godwin wanted to reiterate the need for curb and gutter for the development. Mrs. Grimm stated that would be something the developer would be looking into. Chairman Randy Jones asked about the parking situation. Mrs. Grimm stated the requirements call for 95 parking spaces and the developer had plans for 126 spaces which included a one-car garage and a two-car driveway for each unit. Ms. Willoughby asked if there would still be no on street parking allowed. Mrs. Grimm confirmed there would no on street parking. Chairman Randy Jones stated this would require HOA. Vice-Chairman Kevin Kornegay made a motion to approve the sketch plan contingent all federal, state, and local laws are met. The motion was seconded by Shannan Parrish.

Motion: To approve the sketch plan contingent all federal, state, and local laws are met.

Y Kevin Kornegay Y Berry Godwin Y Faye Starling Y Cecelia Joyner
Y Tammy Register Y Greg Johnson Y Shannan Parrish Y Shane Strickland (alt 1)
 Randy Jones (Tie- Breaker)

The motion passed by unanimous vote.

SPECIAL USE REQUEST REVIEW AND RECOMMENDATION- TRUVALUE PROPERTIES LLC- HIL SHER DR.

TOWNHOUSES

Chairman Randy Jones informed the Board members there a special use request for Hil Sher Dr. Townhouses. He mentioned the Planning Board would only have to provide a recommendation to the Town Board on whether to allow the development to build townhouses. The Board members review the request. After some discussion, Berry Godwin made a motion to make a recommendation of approval of the special use to the Town Board. The motion was seconded by Shannan Parrish. Chairman Randy Jones called for the vote.

Y Kevin Kornegay Y Berry Godwin Y Faye Starling Y Cecelia Joyner
Y Tammy Register Y Greg Johnson Y Shannan Parrish Y Shane Strickland (alt 1)
 Randy Jones (Tie- Breaker)

The motion passed by unanimous vote.

Ms. Willoughby stated the recommendation would go to the Town Board to call for the public hearing at their December 19th meeting.

REZONING REQUEST REVIEW AND RECOMMENDATION FOR TRADER’S POINT LLC- PARCEL# 15M12024D

Chairman Randy Jones stated the Board members received a request for rezoning for Trader’s Point, LLC. He mentioned the Town Board had called for a public hearing to consider the annexation of the property. Greg Johnson stated he would need to recuse himself from any vote on this matter. Shannan Parrish made a motion to accept Greg Johnson recusal and it was seconded Shane Strickland. The motion passed by unanimous vote.

Chairman Randy Jones informed the Board members where the parcel was located. Greg Johnson stated the property was not contiguous to any property in Pine Level. Ms. Willoughby stated the Town’s city limit was not contiguous to the property; however, it was the closest town to the property. Chairman Randy Jones stated Selma was not allowed by General Statutes to satellite annex. Ms. Willoughby stated the closest contiguous city limit of Pine Level included the property as known as Creech’s Mill. Ms. Willoughby showed the Board members the distance from the property from the city limits of Selma and from Pine Level. Berry Godwin asked if the parcel had been annexed yet. Chairman Randy Jones stated they have the public hearing scheduled for the December meeting. Ms. Willoughby stated 160D allows the Planning Board to review rezoning applications for parcels being considered for annexation outside the township’s ETJ as long as the annexation request had been filed prior and considered. Vice-Chairman Kevin Kornegay stated the Town would be assigning a zoning. Ms. Willoughby stated it would be a zoning change, which the developer had requested a specific zoning by submitting a rezoning request. Chairman Randy Jones asked what zoning was the owner requesting. Vice-Chairman Kevin Kornegay stated commercial. Ms. Willoughby confirmed that was correct. Vice-Chairman Kevin Kornegay made a motion to make a recommendation to the Town Board to assign Commercial zoning to this parcel once it’s annexed. The motion was seconded by Shane Strickland. There was discussion, Greg Johnson stated the Pine Level Fire Department was looking at the property as a possible secondary location. Chairman Randy Jones wanted to clarify Greg Johnson did not have any personal financial gain, but wanted to make sure. He then called for the vote. Ms. Willoughby stated Greg Johnson had recused himself and asked if any other Board members wished to recuse themselves.

Motion: To make a recommendation to the Town Board to assign Commercial zoning to this parcel once it’s annexed.

Y Kevin Kornegay Y Berry Godwin Y Faye Starling Y Cecelia Joyner
Y Tammy Register Recused Greg Johnson Y Shannan Parrish Y Shane Strickland (alt 1)
 Randy Jones (Tie- Breaker)

The motion passed by unanimous vote.

DISCUSSION

Establish Construction Plan Sub-Committee

Chairman Randy Jones stated the creation of a construction plan sub-committee would be under Robert's Rule which would include the Planning Board Chairman, Vice-Chairman, Secretary, one In-town member, one ETJ-member, Zoning Administrator, Town Clerk, and the Utility Superintendent. After some discussion, it was determined the Town's attorney would need to be contacted about the proper set up of this sub-committee. Shannan Parrish made a motion to table this until the next Planning Board meeting. Shane Strickland seconded the motion and the vote was called for.

Y Kevin Kornegay Y Berry Godwin Y Faye Starling Y Cecelia Joyner
Y Tammy Register Y Greg Johnson Y Shannan Parrish Y Shane Strickland (alt 1)
 Randy Jones (Tie- Breaker)

The motion passed by unanimous vote.

NEW BUSINESS

Ms. Willoughby stated the Planning Board's December meeting would need to be rescheduled, since the Town Board had rescheduled their meeting for the same day of December 19th. After some discussion, Vice-Chairman Kevin Kornegay made a motion to recommend rescheduling to the Planning Board meeting to December 17th (at 6:30 p.m.) The motion was seconded by Tammy Register and the motion passed by unanimous vote.

MEETING ADJOURNED

There being no further business to discuss, Shannan Parrish made a motion to adjourn. Shane Strickland seconded the motion. Motion passed by unanimous vote. The meeting adjourned at 9:54 p.m.



Ashley Willoughby, ~~Interim~~ Town Clerk



Randy Jones, Chairman

