

# Duplin County Planning Department

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## Minutes (DRAFT) Duplin County Planning Board 06-10-2014

**Members Present** Marshall Britt, J. B. Merritt, Bobby Jean Rivenbark, Charles Edwards Jr, & Debbie Jones

**Members absent** Tina Murphy

**Others Present** Randall Tyndall, Johnny Williams, Dwight Hill, Terry Dail, Billy Dail

A meeting of the Duplin County Planning Board was held at the County Commissioners Board Room on June 10, 2014. The meeting was called to order at approximately 7:00 p.m. The meeting was not recorded verbally due to equipment malfunction.

Members were requested to review and approve, disapprove or amend the minutes of the 03/11/2014 meeting. There being no corrections nor amendments, a motion was made, seconded, and approved to record the minutes as written.

The board members were requested to review the draft agenda and provided additions, deletions and amendments. Additions were made by the County Planner. The agenda was approved.

The board members were requested to review the agenda and disclose any potential "conflicts of interest". The board determined that no potential conflicts existed. No disclosures were made.

Under OLD BUSINESS, the following items were discussed:

The April 8<sup>th</sup> and May 13, 2014 meetings were canceled at determination of chairman due to various reasons (sickness of board members, no pending business, staff vacation scheduled, etc).

Under NEW BUSINESS, the following items were discussed:

- 1) Dwight Hill – wished a variance to add 1 water meter and 2 septic tanks to Outlaws Bridge Subdivision: It was noted that expansion of the Outlaws Bridge Subdivision had been previously denied on at least one other occasion

due to NON COMPLIANCE WITH THE DUPLIN COUNTY PRIVATE WATER LINE EXTENSION POLICY. The County Water Department, County Engineer, County Attorney, and Staff had been in negotiations with Value Equities (Dwight and his sister Linda) for more than 7 years) and no progress had been made on the recommendations to date. Additional development of any portion of the property without progress being made to meet any of the agreements made may not in the best interest of the County and would violate County Ordinance and Policy. A motion to table any action by the Planning Board and refer Mr. Dwight Hill to the Duplin County Board of Commissioners as the appeal authority was made, seconded, and submitted to Mr. Hill.(REFERRAL TO APPEAL AUTHORITY – DUPLIN COUNTY BOARD OF COMMISSIONERS.

- 2) Survey Johnny Williams representing Mr. Terry Dail – requested a variance of the 0.5 acre minimum lot size requirement. “Although this lot is smaller than the minimum requirement it had an existing septic tank and drain field on the lot. There is also County water along Tram Road” as quoted from the Surveyor’s written request. This lot was reviewed by the Duplin County Environmental Health Office and was recommended for approval on the grounds that this lot had been previously approved and permitted in 1989 prior to changes in the Environmental Health Policy and the Duplin County Subdivision ordinances. A motion was made, seconded, and approved to grant this variance.
- 3) An update on FAA/FCC guidance and how an exception was determined in Magnolia for Cell Tower construction due to height being less than 200 ft above ground level and not being eligible for FAA Form 7460-1. Quotes from the Planning Department/Enforcement Authority are as follows: “I have now had more time to evaluate and discuss with the Airport Manager, Mr. George Futrelle, the Notice Criteria Tool as referenced.

We both agree that the FAA 7460-1 form IS NOT REQUIRED for this project based on information listed in the FAA Notice Criteria Tool as found in <https://oeaaa.faa.gov/oeaaa/external/gisTools/gisAction.jsp>. We will advise both the Airport Commission and the Duplin County Planning Board at their next meetings and have the findings documented for record in our board minutes in order to relieve any confusion of this issue in the future.

Mr. Futrelle and I both agree that we can allow your company to be permitted to construct USCCC Site 556615 based on these findings and I am forwarding a copy of this e-mail/authority to all Duplin County departments involved in the permitting process in order to release permitting conditions. No additional action regarding this review will be required by this office nor the Duplin County Airport Commission.” as e-mailed to Mr. Michael Doran representing Tower Communications.

The Duplin County Planning Board acknowledges and agrees with the actions/recommendations of both the Planning Director, Randall Tyndall and the Airport Director, George Futrelle. Administrative changes/updates to the Duplin County Airport Land Use and Height Restriction Ordinance are to be made as soon as practical upon agreement of the Duplin County Airport Commission. A motion was made, seconded and approved to make this recommendation to the Airport Commission to be considered at their next schedule meeting.

An additional instruction was made to the Planning Director to request a tour/dinner meeting at the Duplin County Airport Facility preferably during the months of October or November at the convenience of the Airport Manager/Commission. Telephonic notification to the Airport Director was made on Wednesday June 11, 2014 of this request.

- 4) Surveyor Johnny Williams representing Wendy Gautier – Wished to access 4 family lots of parcel 05-53 from 50ft access easement off of paved road. Variance request for 4<sup>th</sup> lot along private easement to accommodate family division of land. Note: Property owner diagnosed with stage 4 cancer and desired to divide property between children. A motion was made, seconded and approved for this variance.
- 5) Gary Cantrell – wished to develop a 1 acre lot for a family member residence off of NC Hwy 41 behind Cavanaugh Cemetery utilizing an existing 30ft easement. After review and discussion, a motion was made, seconded and approved to allow a **CONDITIONAL APPROVAL** provided the family resubmit the plat with an additional 20 ft added to the easement making the access compliant with the 50ft easement requirement. Jim Blanchard – Surveyor.

Under OTHER BUSINESS items:

A recent publication from the UNC School of Government by Adam Lovelady dated May 27, 2014 regarding “Variance Standards: What is hardship? And when is it unnecessary? Was distributed to each of the board members present. Highlights from this article were pointed out by the Planning Director (copy attached to the minutes for record).

The expiring terms of Planning Board members Debbie Jones, Charles Edwards Jr., and J. B. Merritt were discussed. Ms. Debbie Jones declined to continue to serve due to other obligations, but Mr. Edwards and Mr. Merritt agreed to serve and the Planning Board recommends approval to the Board of Commissions. The Planning Director was instructed to notify Commissioner Frances Parks of the vacancy in her district and Ms. Jones was also requested to notify Ms. Parks. Note: Ms. Parks was notified via telephone on Wednesday 6/11/2014.

A validation of the current Planning Board members and their ability to continue to serve after the County conversion to a 5 person Board of Commissioners was made as directed by the Planning Board. The results are as follows (determined based on physical residential address and new 5 person Board of Commissioners mapping:

- District I – Vacant per expiration of Ms. Jones term effective 6/30/2014
- District II – Mr. Marshall Britt continues to serve (no change)
- District III – Mr. Charles Edwards Jr. –no change pending BOC reappointment
- District IV – Mr. J.B. Merritt – from D5 to D4 pending BOC reappointment
- District V – Ms. Bobby Jean Rivenbark – from D4 to D5 (senior member serving)  
(ALT) Ms. Tina Murphy – from D6 to D5 (address) junior member serving)

The next scheduled meeting of the Duplin County Planning Board is on July 8, 2014 at 7:00 PM at the Commissioners Board room.

Having no additional business, the meeting was adjourned by unanimous vote at approximately 8:15 pm.

Submitted for consideration:

Randall G. Tyndall, County Planner