



TOWN OF PINE LEVEL
MINUTES OF REGULAR
BOARD OF COMMISSIONERS MEETING
JUNE 7, 2012
7:00 P.M.

CALL TO ORDER

Mayor Jeff Holt called a regular meeting of the Pine Level Board of Commissioners into session at 7:00 p.m. on Thursday, June 7, 2012 at the Pine Level Town Hall.

ROLL CALL

COMMISSIONER KAREN ANDERSON
 COMMISSIONER ANTHONY GUDAC (death in family)
 COMMISSIONER JIMMY GARNER (in at 7:06 p.m.)
 COMMISSIONER PHIL PITTMAN
 MAYOR JEFF HOLT

STAFF PRESENT

Town Attorney Frank Wood, Consultant Dan Simmons and Engineer Gene Cobb, Town Clerk Sharon Thompson

INVOCATION AND PLEDGE

Mayor Holt asked Commissioner Pittman to give the invocation and Commissioner Anderson to lead the Pledge of Allegiance, after which he welcomed everyone to the meeting.

APPROVAL OF AGENDA

MOTION TO APPROVE: Pittman
SECOND: Anderson
VOTE: unanimous

APPROVAL OF MINUTES: 05-10-12, 05-17-12

MOTION TO APPROVE: Anderson
SECOND: Pittman
VOTE: unanimous

PUBLIC COMMENT

Mayor Holt then asked for public comment on non-agenda items. First to address the board was Todd Daughtry, representing a newly formed group called "Pine Level Playground Restoration Group." Mr. Daughtry, who resides at 70 Jill Blvd., met previously with Mayor Holt, Commissioner Anderson and Scottie Hayes and expressed concern over the conditions of the recreation park. He said that the group he represents wants to see the park restored, but they did not know exactly what they could do to contribute to that idea. He said that his oldest daughter, Lanie, recently fell at the park and broke her arm on the compacted soil under the playground equipment. He thought that some type of mulch under the equipment might have cushioned her fall enough to keep her from breaking her arm. He said that he and his wife decided to work to improve the park instead of complaining about what happened to Lanie. He commented that Pine Level's park was one of the worst in Johnston County and it needs new playground equipment to bring it up to the status of other municipal parks in Johnston County, which he displayed in a PowerPoint presentation. He informed the board that his wife created a survey on facebook and asked for participation concerning the park conditions. He then displayed the survey results, wherein the majority of respondents expressed concern over the park and the desire to see it improved. Mr. Daughtry said they would like to see a more comprehensive survey distributed, perhaps to all the town residents. He felt that Pine Level's population has gotten younger with the influx of new, younger residents, and the recreational needs have changed over the years in the community. He said they would like to work in the next 18 months to see the park completely restored, but it would take the full support of the board. He hoped to be able to say after 18 months that indeed, Pine Level really is the "best little town in NC."

Mayor Holt thanked Mr. Daughtry for his presentation. He said that the board was simply not aware of the park conditions, and he was sorry that it took a broken bone to bring it to light. He said the park facilities have not been top priority, but it was obvious that people were using the park, and perhaps abusing the facilities as well. He said the town has a recreation committee, but they concentrate mainly on recreation programs and not the facilities. He felt a second committee could be formed to come up with a list of needs at the park and then, to prioritize those needs. He was not aware of any grant money available for park facilities, since the county got out of matching recreation grants a couple of years ago. He agreed that Pine Level had concentrated on recreation programs and probably had neglected the facilities, and he said that he appreciated the effort of this group to bring that fact to the town's attention, and the way they have approached it. He felt that Pine Level should be competitive with towns such as Micro, Four Oaks and Princeton. He said he would be available to meet next week with the recreation commissioner and recreation coordinator and anyone from the Restoration Group. He suggested bringing in the Lions Club, Boy Scouts, Girl Scouts, the seniors group, and other civic groups, to meet and formulate a list of needs for the park and a plan for improving the park conditions. He said the survey spoke loudly and it was an eye-opening experience for him, but it would take more than just the town staff to correct all the problems at the park.

Mrs. Janice Canady also spoke on the issue. She said she was proud of the way the group had approached this matter. She asked about whether or not the town chips up limbs and creates mulch that could be spread under the playground equipment. Mayor Holt said the town does not chip limbs any longer. Commissioner Anderson said the town could not really do a lot to the park, at least until the new budget year. She said Ray Stuckey has plans to put sand out next week under the playground equipment, to provide a cushioned area. She said the merry go round will have to be physically dug out of the ground, since it is in cement, but they are doing what they can do in the interim to improve safety at the park. She also said that a couple of community service workers will be available to do some painting at the park, and that the fire ants are being treated a couple of times per week and that seems to be taking care of that problem. Commissioner Pittman said he appreciated the presentation and he said that he has taken his own grandchildren to play at the park. He said he remembered when the park was created and he would like to find the money to completely overhaul the park.

Commissioner Garner said he asked 10 years ago to get rid of the old ball court and tennis courts, but it had never been done. He felt that would get rid of a lot of the problems, and more play area for the children could be created in those areas. Commissioner Pittman said that when he served previously as the recreation commissioner, the bathroom facilities were constantly being vandalized. Commissioner Anderson said they have been repaired two times since she has been on the board. Commissioner Garner said he knew a local man who could spray the park area and get rid of the fire ant problem. Mayor Holt said they would need to be pro-active about the situation and come up with a list of priorities concerning the park needs. He gave his cell phone number to all of those present and he told Mr. Daughtry to come up with a time to meet and give him a call to set up a meeting. He went on to say that many of the boy scouts are looking for Eagle projects and they have asked him about suggestions for projects they could work on at the park. Commissioner Pittman commented that any funds raised toward park restoration should be earmarked 100% for the park facilities.

Mrs. Glenda Polk asked about security at the park. She said you don't need to mix the smaller kids and older youth for recreation activities. Commissioner Garner said adults should not be using the ball courts at the park, and someone asked about more police patrols at the park. Commissioner Anderson said anyone out at the park should call in to report any suspicious activity at the park. Mrs. Janet Canady suggested that contact numbers be placed on signs at the park. Berry Godwin said he had lived in Pine Level all

of his life, and the park was started because of what was going on tonight, people got together and wanted to see something done for recreation in Pine Level. He said it was a positive thing for all the residents to come together and communicate with one another over their feelings and concerns.

Commissioner Anderson then invited Lanie to come up and meet the mayor and shake his hand. Mayor Holt told Lanie that this discussion tonight came about because she broke her arm at the park, and that when the park is restored, they should do something special to recognize her. He once again thanked everyone for his or her contribution to the discussion and he told Mr. Daughtry to get back with him on another meeting date.

Mr. Sal Navarro commented that cars are still speeding through his neighborhood, and that he has not seen the electronic speed sign placed there as promised at an earlier meeting. Commissioner Garner responded that Pine Level was in line to use the county sign, but he didn't think it would make any difference if the current speed bumps are not slowing vehicles down. He said those speed bumps were very rough to drive over, but he promised Mr. Navarro that a policeman would be in the neighborhood during the morning rush hour Friday morning. He said he did not know what else to do in that neighborhood.

PUBLIC HEARING ON ZONING AMENDMENT CONCERNING INTERNET SWEEPSTAKES CAFES

The mayor then opened a required public hearing on an amendment to the Pine Level Zoning Ordinance to address the operation of Internet Sweepstakes Cafes within the city limits, said hearing having been duly advertised in *The Kenly News*. Mayor Holt said he has heard a lot about the businesses recently in the news, but the general assembly has not prohibited them, placing the need to regulate them back on the shoulders of local communities. He said the businesses could not be prohibited, but they could be regulated. He asked for anyone in favor of the proposed amendment to speak first. Berry Godwin said the Planning Board favored the amendment, since the Internet Cafes were a concern to them.

Mayor Holt asked if anyone wished to speak against the proposed amendment. Frank Wood said it was a simple statement, but he liked its simplicity. He said the board would need to establish a fee schedule if the amendment is approved. Mayor Holt said one such business operated in town earlier but it has since closed down. He asked if there were any other comments on the issue. Commissioner Pittman asked if a fee should be established tonight. The town clerk said there was one applicant waiting on the results from tonight's meeting to decide about opening another such business in Pine Level. Hearing no further comment, the meeting was closed by unanimous vote of the board.

MOTION: Anderson
SECOND: Pittman
VOTE: unanimous

Upon reconvening in regular session, the board voted unanimously to approve the amendment to the zoning ordinance, to establish regulations for Internet Sweepstakes Cafes. A copy of the amendment is included with and hereby made a part of these minutes by reference.

MOTION: Pittman
SECOND: Anderson
VOTE: unanimous

The mayor then asked if anyone had a recommendation on a fee schedule for the businesses. Frank Wood advised the board not to use a percentage, but rather to establish a privilege license fee and a fee per machine proposed for operation. He said he would not want to see the town's fees be the highest, nor the lowest, among other municipalities. Commissioner Pittman suggested \$2500 for the business, with a fee of \$100 per machine. Commissioner Garner thought a higher fee should be assessed on each machine. Berry Godwin said the Planning Board leaned toward the higher fees as well. Commissioner Pittman said he would rescind his previous motion and Commissioner Garner proposed an annual fee for the business of \$2500, with \$3500 for the first machine plus \$1000 each machine thereafter, not to exceed twenty machines per business site. The board voted unanimously to approve that suggestion.

MOTION: Garner
SECOND: Pittman
VOTE: unanimous

PUBLIC HEARING ON 2012-2013 FY BUDGET

Next, the mayor opened a required public hearing on the proposed budget ordinance for fiscal year 2012-2013, said hearing having been duly advertised in *The Kenly News*. Mayor Holt summarized the main points in the budget and opened the floor for public comment. Kester Kornegay asked about the salary increase for employees in the 2011-2012 budget, and he asked what percentage was the increase. Mayor Holt said it was 2.75% for all full-time employees, but it was a one time bonus and not part of their salary base. Commissioner Garner said the budget did not include any tax increase or rate increase, and they were able to do that because the governing boards in past years were frugal and did not waste the town's money. There being no further discussion on the budget, the board voted unanimously to close the public hearing.

MOTION: Pittman

SECOND: Garner

VOTE: unanimous

The board then voted unanimously to adopt the 2012-2013 budget ordinance, a copy of which is included with and hereby made a part of these minutes by reference. Mayor Holt said it would take effect as of July 1st.

MOTION: Pittman

SECOND: Anderson

VOTE: unanimous

Mayor Holt also commented that there should soon be a sidewalk constructed on the west side of South Peedin Avenue, down to the pumping station. He said it would be constructed by the NCDOT and it would be paid by a federal grant and Powell Bill money. At this point, the board observed a five-minute recess at 8:00 p.m. Regular session resumed at 8:05 p.m.

REPORTS FROM COMMITTEES

None.

REPORTS FROM DEPARTMENTS

RECREATION: Commissioner Anderson. First issue was the approval of a resolution appointing two new members to the recreation committee, Dwight Baker and Becky Gilantzis. Resolution passed unanimously; a copy is included with and hereby made a part of these minutes by reference.

MOTION: Anderson

SECOND: Pittman

VOTE: unanimous

Commissioner Anderson then reviewed the recreation report from Scottie Hayes. She asked the clerk to check with the fireworks company for July Fourth and make sure they are on the schedule to be here for July Fourth. Pointed out that July Fourth celebration will be held on Wednesday, July 4, 2012. She also mentioned that minor repairs are needed on the big ball field.

Commissioner Pittman asked if any tournaments are on the schedule for the park in the immediate future. He moved to not allow any tournaments until new regulations are in place to address such things as bathrooms, rv's at the park overnight, liability insurance, security, etc. Commissioner Garner seconded the motion; however, both were later amended. Commissioner Anderson said several issues did come to light concerning earlier tournaments. She said she would like to see the tournament sponsors provide insurance, naming the town as an additional insured, and perhaps charge a deposit or per team fee. Mayor Holt said they have been reviewing the matter, but a final document has not been finalized, addressing such issues as security officers at the park, time of play, bathroom facilities, no rv's overnight at the park, etc. Commissioner Anderson said she was not aware of the dates of the upcoming tournaments planned for the park. Mayor Holt asked that the rules be put on a fast track and he was in favor of authorizing the recreation coordinator and Commissioner Anderson to write a temporary set of rules for immediate use at the park and to bring them back to the board for approval as soon as possible. The board agreed unanimously with the suggestion from the mayor.

MOTION: Pittman

SECOND: Garner
VOTE: unanimous

POLICE: Commissioner Garner. Everything going okay with the police department. Still hope to resolve speeding problems in Laura/Mark Subdivision.

STREETS: Commissioner Pittman. School is letting out tomorrow, people should keep their eyes open for more children running around. Hope to purchase SKAG mower this fiscal year.

REPORTS FROM STAFF

None.

DISPOSITION OF OLD TOWN HALL

Mayor Holt announced that the advertising period has been fulfilled on the offer from Van Jones to purchase the old town hall for \$35,000 and that no upset bids were received. He questioned the pleasure of the board. The board voted unanimously to accept the bid of \$35,000 from Van Jones and to proceed with the sale of the old town hall facility at 214 North Peedin Avenue to Mr. Jones as quickly as possible.

MOTION: Garner
SECOND: Pittman
VOTE: unanimous

Frank Wood indicated that he has already drafted a purchase agreement and had Mr. Jones to sign it. He felt the sale should be completed in July, at the latest.

PROPOSAL ON EMERGENCY NOTIFICATION

Commissioner Pittman said that he talked with Berry Godwin about the phone messaging system that is in use at the Pine Level Missionary Baptist Church. He said they use callingpost.com and it costs \$.06 per each 35-second message delivered. Commissioner Pittman suggested using the system and starting with the local businesses, notifying them of emergency situations, such as when the attempted bank robbery occurred. Mayor Holt said a message could go on the utility bills to advise customers to contact the town hall if they would want to be placed on a contact list. Commissioner Anderson agreed it was a good idea to start with the business customers. Commissioner Garner disagreed, however, and he said the police did not have time in such situations to come down and notify the town hall. Mike Hall, a resident of Laura/Mark Subdivision, commented that he thought it would be a good idea to use the system to notify customers, especially in a situation where water services would be disturbed. The board then voted on the suggestion to use a messaging system and it passed on the following vote:

MOTION: Pittman
SECOND: Anderson
VOTE: for – Anderson, Pittman, Holt
 against – Garner

PROPOSAL TO SELL WATER TO JOHNSTON COUNTY

Next, Mayor Holt mentioned the plan that Dan Simmons and Gene Cobb have suggested, for the town to dig one, two, or three wells and to sell water to the county. Mr. Simmons said he recently talked with Tim Broome and then he distributed information on what the county is currently paying for bulk water rates to other local governments. He said the county wants to extend the life of their water plant and to delay a big investment in other water facilities, such as the old rock quarry in Princeton. Mr. Simmons said the town, should the decision be made to proceed, must get an agreement in place with Johnston County and then to look for well sites and to seek funding for the project. Mayor Holt said good money was available from USDA, for 2.75% for a forty-year payback, and that the county should agree to purchase water for a period of twenty years. Mr. Simmons said he did not know if the county would agree to a longer period and that negotiations would have to be made. He said the town would have to

first dig the wells to determine the water flow and to find out what is the quality of the water. Mr. Simmons explained that each well would take about \$15,000 upfront, and would probably cost \$75,000, but the town would get that amount paid back. He said there might be a way to talk with USDA and to get that money provided upfront, he was not sure. He said there would need to be discussions with Johnston County and USDA, as well.

Commissioner Pittman said the proposal looked good on paper, but he would not want to commit the town to a 40-year loan and then the county get out of the agreement in 20 years and the town be stuck with the payback. Mr. Simmons said it would be totally up to the town, but the application would need to go in before October, if the town wants to pursue the matter. He also said that the town might have a growth spurt and need more of the water supply for its own customers, and such things as that need to be addressed in the agreement too. Commissioner Garner asked if additional wells would hurt the current water supply. Mr. Simmons said that could be a possibility, but he did not foresee a problem since he was looking at sites over a mile away from the current well. Commissioner Pittman said the board talked in years past about a secondary water source, such as a second water tank at Highway 70. Mr. Simmons said the idea was to loop the system from the Starling mobile home park and tie it into the town system, but he did not think that was viable now due to the Brogden Water District having been constructed along Highway 70.

Mayor Holt felt that more negotiations are needed with the county officials. He said Tim Broome and Rick Hester have agreed to the idea, but the county commissioners would be the ones with the final authority and they might not agree to it. Commissioner Pittman was hesitant, saying when things look too good, they often are not what they seem. Mr. Simmons said the board could authorize him to pursue further negotiations with the county. Mayor Holt said that Mr. Simmons could also talk with proposed landowners and do some more legwork, before they could reach a decision. Sal Navarro asked what would happen if the town's well goes dry; Mr. Simmons said they would need to consider all those contingencies and address them in any agreement that is finalized.

NCDOT ROAD AGREEMENT CONCERNING DEBRIS REMOVAL

The board briefly discussed a Memorandum of Agreement with the NCDOT, which was submitted to the town from Johnston County. The MOA concerns debris removal on state roads after a major storm. Frank Wood said the town could pick and choose which events to evoke the MOA and which roads, also. The board agreed to have the DOT representative, Don Aschbrenner, to come down for the next meeting and explain the MOA more in depth, before arriving at a decision.

The mayor noted that he has just received another agreement from the DOT concerning the Super 70 Highway Project. He said he was referring it to Frank Wood for his review, before the town signs off on it. Dan Simmons informed the board that the state should start work this month on the rights of way for the 70 project, with construction to start a year from now.

Dan Simmons said the survey was complete on the DOT project to install a sidewalk on South Peedin Avenue.

POLICE HAPPENINGS

Mayor Holt commented that you rarely hear good comments from residents, but he received a card from a Pine Level resident commending the actions of the police department. A neighbor called in to 9-1-1, alerting them that a possible break-in was underway and the police responded and were able to apprehend the suspect as he came out red-handed with stolen merchandise.

MAYOR'S MINUTE

The mayor read from a treasurer's report for the town, created by Miss Nancy Woodard in 1948. He said cash receipts were \$790, \$109 was paid out to CP&L, \$60.00 to Milton Oliver, the town's policeman, \$8.75 was paid to WH Woodard for paint, and \$85.00 to LD Warwick for labor, in addition to \$11.20 for coal for the town hall. He displayed a receipt for a sanitary privy notice from July 1961, and a receipt from January 1969 for \$3.82 for Bill Holt's water bill, including 390 gallons that month.

ANNOUNCEMENTS

Mayor Holt reminded everyone that Commissioner Gudac had just lost his father-in-law, Mr. Raymond Game from Kenly, NC, and he said to remember that family in sympathy.

ADJOURNMENT

There being no further business, the meeting came to an end by unanimous vote at 8:55 p.m.

MOTION: Anderson

SECOND: Pittman

VOTE: unanimous

TOWN CLERK

MAYOR

