



**A G E N D A**  
**July 9, 2018**  
**7:00 p.m.**

1. Call to order and roll call
2. Invocation and Pledge of Allegiance
3. Approval of agenda
4. Approval of minutes: 06-11-18
5. Public comment
6. Public Hearing on proposed amendments to PL Zoning Ordinance -  
Sections 308 and 402.5 (B)(9)
7. Reports from committees
  - A. Recommendation from Planning Board on Gor An Farm Road Subdivision
  - B. Other
8. Reports from departments
9. Reports from staff
10. Unfinished business
11. New business
  - A. Animal cruelty/neglect – Carol Blakely
  - B. Audit contract from Andrew Harris, CPA
12. Mayor's minute
13. Announcements
14. Adjournment





**TOWN OF PINE LEVEL**  
**MINUTES OF REGULAR**  
**BOARD OF COMMISSIONERS MEETING**  
**JULY 09, 2018**  
**7:00 P.M.**

**CALL TO ORDER**

Mayor Jeff Holt called a regular meeting of the Pine Level Board of Commissioners to order at 7:08 p.m. on Monday, July 09, 2018 at the Pine Level Town Hall.

**ROLL CALL**

   X COMMISSIONER KAREN ANDERSON  
   X COMMISSIONER GREG BAKER  
      COMMISSIONER JIMMY GARNER  
   X COMMISSIONER PHIL PITTMAN  
   X MAYOR JEFF HOLT

**STAFF PRESENT**

Town Attorney Will Barham, Consultant Dan Simmons, Police Chief Keith Sparks, Public Works Superintendent Ray Stuckey, Recreation Coordinator Scottie Hayes, Planning Chairman Randy Jones, and Town Clerk Sharon Thompson

**INVOCATION AND PLEDGE**

Mayor Holt gave the invocation and then asked Terry Rains to lead the Pledge of Allegiance.

**AGENDA**

*MOTION TO APPROVE:* Pittman  
*SECOND:* Anderson  
*VOTE:* unanimous

**MINUTES: 06-11-18**

*MOTION TO APPROVE:* Anderson  
*SECOND:* Pittman  
*VOTE:* unanimous

## **PUBLIC COMMENT**

Next, the mayor asked if anyone wished to address the board on a non-agenda item. He first mentioned the sad loss in the Town of Selma of their town clerk, Ms. Brenda Thorne, over the weekend. Commissioner Pittman also mentioned Anthony Gudac, a former commissioner, who has been ill and had a stent placed over the weekend. Kevin Kornegay then commented on the July Fourth celebration. He said the fireworks were the best he had seen in a long while. Mayor Holt commented on the parking for the Fourth, and said the new daycare and the paved parking lots worked out well and parking was not a problem.

## **PUBLIC HEARING ON ZONING AMENDMENTS**

Mayor Holt opened a required public hearing on proposed amendments to Sections 308 and 402.5(B)(9) of the Pine Level Zoning Ordinance, said hearing having been duly advertised on June 27 and July 4 in *The Kenly News*. Mayor Holt stated that notice had been given and the hearing was advertised, and that Randy Jones, the Planning Board Chairman was in attendance tonight. He said the Planning Board recommended amendments to Section 308 and to Section 402.5(B)(9) of the Pine Level Zoning Ordinance. Chairman Jones said the changes to Section 308 all dealt with commercial areas and would require a special use permit when a tenant changes. He said that way, the applicant has to fill out an application and the town would be able to keep up with what is happening and who is coming and going. He said no inspection of the building is made if a change of tenant is not filed with the county. Mayor Holt said that would require a public hearing each time, but he said the good news/bad news was the fact that there's not a lot of buildings downtown that are changing. He asked if there was not a better way than to change all of the uses to special uses. He felt the board needed additional time to review the changes, now that they understood more of the reasoning behind the proposal. He said they had chased the same problem before, with business licensing. The police chief asked if conditions/limitations can be assessed with a special use permit, and he asked if that conflicts with privilege license regulations on state governed businesses. Town Attorney Will Barham explained that a town can issue a privilege license and charge for it, but the charge cannot exceed the cost to the town for administration. He said the town could regulate the use, but not how the business is operated, so it would not be a conflict. The question arose on whether the emphasis was on a change of use, or a change in tenants. Randy Jones agreed to check on that matter, as far as "use" or "tenant." Phillip and Erin Wise commented that they are currently working through the process of renovations and inspections, and they enjoy Pine Level and would like to see more people come to downtown Pine Level. The town attorney commented that a hearing would be required in a quasi-judicial setting, and a permit would be subject to additional requirements, depending on which board makes the decision – either special use or conditional use. The mayor again said he would prefer to take no action tonight, but to let it lay open until next month, and he encouraged the board members to review all of the proposed changes. There being no further discussion on Section 308, Commissioner Pittman moved to close the public hearing. The board voted unanimously to close the hearing.

*MOTION:* Pittman  
*SECOND:* Baker  
*VOTE:* unanimous

The mayor then opened another public hearing on Section 402.5(B)(9). Chairman Randy Jones explained the change to align Pine Level's regulations with those of Johnston County, allowing 60 days for political signs instead of the current 90 days. There being no further discussion, Commissioner Pittman moved to close the public hearing. The board voted unanimously to close the public hearing.

*MOTION:* Pittman  
*SECOND:* Baker  
*VOTE:* unanimous

The board then voted unanimously to accept the Planning Board's recommendation and to approve the change to 60 days for display of political signs, instead of the current 90 days in the ordinance.

*MOTION:* Anderson  
*SECOND:* Baker  
*VOTE:* unanimous

## **RECOMMENDATION ON GOR AN FARM ROAD SUBDIVISION**

Next, the board considered a recommendation from the Planning Board concerning a newly revised subdivision on Gor An Farm Road. Randy Jones explained that the landowners ran into some problems with their earlier plans, and they have now redrawn the subdivision and decreased the number of lots from 91 to 49. He said the new plan seems to be a good one, and they will

establish an HOA that will be in charge of drainage in the subdivision and not the town. Curb and gutter will help water flow out to Highway 70-A and to East Gordon Road. Mr. Jones said the Planning Board was pleased with the plans that were presented. He added that a late letter came in from the county, addressing the possibility of old wells or septic tanks on the property. He said there are grant funds available to help with closing down old well sites. Mayor Holt stated that the Planning Board recommended that the plans be approved for the subdivision. Commissioner Baker asked about there only being one entrance/exit to the subdivision. Mr. Jones said that one entrance was acceptable for 49 lots, but it would not have been for the old plan with 91 lots. The mayor commented that the entrance is on East Gordon Road. The developer and engineer said they are still working on a couple of issues with the sewer, but they would be ready to get moving if the plans are approved. The board voted unanimously to accept the Planning Board recommendation and to approve the subdivision plans. Mayor Holt thanked the developer as well as the Planning Board for all of their hard work on the plans.

*MOTION TO APPROVE:* Pittman

*SECOND:* Baker

*VOTE:* unanimous

### **PINE LEVEL SENIORS GROUP**

The seniors will meet this week on Wednesday, July 11. Commissioner Pittman said they are still accepting participants to sign up for the mountain trip in October. The town will be responsible for feeding the seniors group at their August meeting.

### **REPORTS FROM DEPARTMENTS**

**FIRE DEPT:** Brandon Barbee announced that as of July 1st, he is fire chief and that Greg Johnson is president. Commissioner Pittman questioned when they could expect the ISO inspection, especially since the town is getting ready to start on the town's big water and sewer project. Mr. Barbee said they are looking at a time frame from January to March of next year, but he said that should not be a problem, since the state has changed their requirements now from 80% to 100% and the department is confident that their inspection will go well and insurance rates should go down. Commissioner Pittman reiterated that the fire department is not controlled by the town, but Mr. Barbee pointed out that the fire department uses the town's water system as their supply, so there may be some paperwork required from that aspect for the inspection process.

**RECREATION:** Scottie Hayes said registration is getting underway for soccer, cheering and football. He extended a thank you to the fire department for their assistance with the celebration at the park on the Fourth of July. Commissioner Anderson mentioned the recreation park equipment checklist that Mr. Hayes provided. She said they should see that report on a monthly basis, and she asked the board members to keep an eye on the list and pay attention to the park conditions.

**STREETS:** Commissioner Baker reported the garbage truck is still working for the time being. He said the men have been working in some hot temperatures lately and he appreciated their efforts. Ray Stuckey said he was in discussion with a company concerning a new garbage truck and he hoped to have information available in the near future.

**WATER/SEWER:** Dan Simmons said they will have a bid opening on Tuesday, July 10 at 2:00 p.m. for bids on a new deep well. Commissioner Pittman asked how many bids they are anticipating; Mr. Simmons answered two. He said everything should get going after the bids are in and approved. Ray Stuckey reported several broken waterlines lately. He also said the water tank was painted last week and they had a few issues with paint being airborne and landing on nearby vehicles. He said the utility company would take care of those issues. Randy Jones asked if a moratorium has been placed on sewer hook-ups until the county completes their upgrade at the Northside sewer station; Dan Simmons said it would be decided on a case by case basis. He said it should not take the county a long time to complete their project, once they get started.

**POLICE:** Chief Sparks said for people to keep their eyes open for anything strange going on. He said it was summertime and more people are out everywhere. Commissioner Anderson asked that the police officers ride by the pool frequently, since she has heard of some parties going on at the pool.

### **REPORTS FROM STAFF**

Town Attorney Will Barham reported that he met with Milton Carpenter, Planner with the NC Department of Public Safety, and several town department heads concerning the Flood Damage Prevention Ordinance. He said there seemed to be no consensus yet with Johnston County as far as what the county will do to administer the town's flood damage prevention ordinance. He stressed the importance of the town's participation in the flood damage prevention program. He said one consequence of the town not complying would be the loss of flood insurance for Pine Level citizens. In addition, he explained

that FEMA funds would not be available for Pine Level citizens for situations such as hurricanes, floods, etc. He said it was important for the town to stay on top of the program and to iron out administration issues with Johnston County. Ray Stuckey said there was already one new structure underway near the Moccasin Creek that is in a questionable area. Commissioner Pittman agreed the town needs to have their I's dotted and their T's crossed. Mr. Barham said the town could become liable in the future if they are not correctly and actively enforcing the flood program.

#### **ANIMAL CRUELTY/NEGLECT**

The board then heard a presentation from Ms. Carol Blakely concerning animal neglect/cruelty. Ms. Blakely was concerned with animals being left out in the sun with no shade. She said the town's animal control ordinance needs to match the language of the Johnston County ordinance. She also asked that language be added to prohibit leaving animals in hot cars, with specific wording for enforcement. Will Barham added that specificity does help. Chief Sparks commented that he understood her concerns, but he said that minimum legal standards are not always the best standards. He said he would get with the town attorney and Johnston County Animal Control and work to come up with a satisfactory amendment to the town's animal control ordinance. Mayor Holt said they could hold a public hearing in August, and in the meantime the police officers could take care of any such situations. He said the whole ordinance probably needs updating, but he felt that Pine Level officers could certainly knock on doors and inform owners. Commissioner Anderson asked them to follow up with anybody that calls in a complaint and see that problems are eliminated. The board voted unanimously to hold a public hearing on amending the animal control ordinance on August 13th.

*MOTION:* Anderson  
*SECOND:* Baker  
*VOTE:* unanimous

#### **AUDIT CONTRACT FOR 2017-2018**

The board reviewed and unanimously approved a contract from Andrew Harris, CPA for the 2017-2018 audit. A copy is included with and hereby made a part of these minutes by reference.

*MOTION:* Baker  
*SECOND:* Anderson  
*VOTE:* unanimous

#### **CHURCH CELEBRATION**

Pastor Nunez of Good News Church, on US 70-A, informed the board that the church is having an event this coming Saturday and inviting the community to come out. They will have a food pantry and clothes closet and will do their best to keep everything neat and clean with the food storage. Commissioner Pittman said he works with a food pantry also, and there are a lot of folks out there who are in need of help.

#### **MAYOR'S MINUTE**

Mayor Holt read excerpts from the January 10, 1908 edition of *The Smithfield Herald*. He said Pine Level used to be the place to go for a drink of liquor, even causing the governor at the time to comment that the dispensary in Pine Level needs to be closed down. He said Pine Level has come a long way!

#### **MEETING ADJOURNED**

There being no further business, the meeting was adjourned at 8:09 p.m.

*MOTION:* Anderson  
*SECOND:* Pittman  
*VOTE:* unanimous

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TOWN CLERK

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MAYOR



**TOWN OF PINE LEVEL**  
**MINUTES OF BID OPENING**  
**2017 RDA WATER AND SEWER IMPROVEMENTS**  
**JULY 10, 2018**  
**7:00 P.M.**

**ATTENDEES**

Gene Cobb and Dan Simmons of TriCivil Engineering  
Judy Hunt and Steve Smith of USDA  
Commissioner Phil Pittman, Ray Stuckey and Sharon Thompson from TOPL  
Angela Holloman from RD Braswell Construction

A bid opening was held at 2:00 p.m. on Tuesday, July 10, 2018 at the Pine Level Town Hall to receive bids on the drilling and testing of a deep well for the Town of Pine Level's 2017 RDA Water and Sewer Improvements Project. Gene Cobb and Dan Simmons opened and announced the following bid results:

<b>Company</b>	<b>License No.</b>	<b>Total Bid Price</b>
Barefoot's Well Drilling	NCWC 3474-A	\$35,500.00
N. W. Poole Well & Pump	NCWC 2514-A	37,880.00
R. D. Braswell Construction Co.	25994 (NC Gen. Contr.)	51,138.00

Mr. Cobb said the apparent low bid today was from Barefoot's Well Drilling, however they would carry all of the packets back with them and they would be checked closely for accuracy. Mr. Cobb said he would submit a detailed bid tabulation to Ms. Hunt as soon as possible. Ms. Hunt acknowledged that they would review the information and submit it to Brian and then hold a teleconference assessment by telephone. Commissioner Pittman thanked everyone on behalf of the town for their participation and input. He said there would still be a lot more work to come on the project. Mr. Smith asked if Barefoot was a familiar entity; Mr. Cobb replied that they have done work several times for Johnston County. Mr. Simmons said they have eleven well drilling outfits and he added that they are a reputable company. Mr. Cobb said he looked forward to getting the project underway and he hoped to find a good water source. Ray Stuckey added that he was looking forward to getting the project underway, especially the water lines. There being no further business, the meeting came to an end at 2:15 p.m.

*Sharon Thompson*  
TOWN CLERK