



**TOWN OF PINE LEVEL**  
**MINUTES OF REGULAR**  
**BOARD OF COMMISSIONERS MEETING**  
**JULY 19, 2012**  
**7:00 P.M.**

**CALL TO ORDER**

Mayor Jeff Holt called a regular meeting of the Pine Level Board of Commissioners to order at 7:00 p.m. on Thursday, July 19, 2012 at the Pine Level Town Hall.

**ROLL CALL**

   X COMMISSIONER KAREN ANDERSON  
   X COMMISSIONER JIMMY GARNER (in at 7:20 p.m.)  
   X COMMISSIONER ANTHONY GUDAC  
   X COMMISSIONER PHIL PITTMAN  
   X MAYOR JEFF HOLT

**STAFF PRESENT**

Town Attorney Frank Wood, Consultant Dan Simmons, Public Works Superintendent Ray Stuckey, P & R Coordinator Scottie Hayes, Town Clerk Sharon Thompson

**INVOCATION AND PLEDGE**

Mayor Holt gave the invocation and then asked Commissioner Gudac to lead the Pledge of Allegiance.

**APPROVAL OF AGENDA**

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

**APPROVAL OF MINUTES: 06-07-12**

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

### **SPECIAL RECOGNITION**

Mayor Holt then recognized four employees who were hired during the month of July. He gave each employee a service pin and a gift certificate and he said that he appreciated all of the employees' contributions to the town. The four employees were as follows:

Police Lieutenant Gale Burleson, hired full time 07-17-2008, part time 08-30-2007  
Police officer Alan Lee, hired full time 07-17-06, part time 04-11-2005  
Assistant Clerk Billie Kay Twigg, hired full time 07-01-2007, part time 06-06-2005  
Town Clerk Sharon Thompson, hired full time 07-01-1983, part time 09-10-1981

### **PUBLIC COMMENT**

None.

### **REPORTS FROM COMMITTEES**

PL SENIORS: Mayor Holt reviewed the financial statement from the Seniors Group for the last year. He said Mrs. Janice White expressed their appreciation for the support from the town. He thanked Commissioner Pittman and Scottie Hayes for handling the lunch for the seniors' July meeting. He said that he and Commissioner Pittman met with the seniors last month and discussed expanding their programs. He said the seniors group always has good attendance and they have a good time.

PARK RESTORATION COMMITTEE: Mayor Holt said he has met a couple of times with the newly formed group that is working to restore the town's recreation park. He said they are looking at reorganizing the park's play areas and renewing those facilities. He commented that one of the first things they want to do is to take down a couple of trees and pull up some old bushes, and to get rid of some old equipment. He said mid-November is a target date to have all of the removal work completed. He then asked Todd Daughtry if he had more information to share on their plans. Mr. Daughtry said they realized they would have to compromise on some of the things they want to accomplish, because it is a huge undertaking for the town. They tried to set realistic short term goals that could be achieved quickly and less expensively. He felt they need to get aggressive with their fund-raising efforts and he thanked the Kenly News for helping them to get the word out on their efforts. Mayor Holt said they all realized that their biggest hurdle would be funding. He said the group was ready to take that on, too. The mayor quoted Carl Sandburg, who said "I don't know where I'm going, but I'm on the way." He said the restoration group could attend the Recreation Committee meetings and perhaps they could come up with some joint ideas. Mr. Daughtry said it was important to have a local play space that was safe for kids to play, one that addressed necessary safety issues. He said he looked forward to seeing progress being made at the park. Mayor Holt said anyone who was interested could stick around after the meeting and review the proposed park drawings.

PL FIRE DEPT.: Greg Johnson reported that the Fire Department is in the midst of a picture fundraiser in the area. He said August 12th was a tentative date for pictures to be made.

### **REPORTS FROM DEPARTMENTS**

WATER/SEWER: Commissioner Gudac. Everything okay, no problems. Infiltration has not been a problem. Using a lot of water in hot weather; not in drought conditions, however.

STREETS: Commissioner Pittman. Men doing a good job, have been starting earlier due to heat. Garbage truck repaired.

RECREATION: Commissioner Anderson. Three tournaments coming up, beginning at the end of the month. Scottie Hayes expressed appreciation to police department for help with July Fourth celebration. Discussed fencing proposal from Moye Fence Company, to work on backstop. Commissioner Anderson said that is a safety issue and Mayor Holt said they couldn't play on that field without it. Board voted unanimously to repair/replace the backstop as proposed by Moye Fence Company, for \$3281.00.

*MOTION:* Garner

*SECOND:* Anderson

*VOTE: unanimous*

POLICE: Commissioner Garner. Everything going well. Mayor said police are more visible now in the summer weather.

#### **NCDOT AGREEMENT CONCERNING DEBRIS ON STATE ROADS**

Ray Stuckey reported on a meeting with Don Aschbrenner, a representative of the NC Department of Transportation, concerning a proposed agreement with the state that addresses debris removal on state roads following a disaster, such as a tornado or hurricane. Mr. Stuckey said the town would need to have the agreement in place in order to take care of debris removal on state roads, and to file for reimbursement from FEMA. He said the town could activate the agreement on an as needed basis, and it would only apply to those incidents wherein the town chose to invoke that particular agreement. The board voted unanimously to approve the Memorandum of Agreement with the state, as presented to the town by Johnston County.

*MOTION TO ADOPT: Pittman*

*SECOND: Garner*

*VOTE: unanimous*

Commissioner Garner then asked who should be contacted about the debris left by a tree trimming company along the Progress Energy right of way into town. Ray Stuckey said that the landowners are presently contacting Progress Energy about that issue. Frank Wood said it might be a good idea to let the landowners work on it first, before the town is involved. Mayor Holt said he had a good contact at Progress Energy, Marty Clayton, and that he would give him a call and inquire about the matter.

#### **NCDOT AGREEMENT CONCERNING HIGHWAY PROJECT ON US HWY. 70**

Mayor Holt said he has thoroughly reviewed an agreement from the NCDOT pertaining to the project they are proposing on US Highway 70. He said the agreement addresses any town-owned utilities on the state ROW and it says that the state will move the utilities at the state's expense. He further explained that any franchise agreements that the town might have concerning those utilities would be a different situation. The mayor also said that the state would move back the date on that project if they do not received the signed agreement from the town. The mayor, therefore, suggested that the town take no action on the agreement tonight, and table it indefinitely.

#### **TOURNAMENT FACILITY RENTAL AGREEMENT**

Mayor Holt said that Commissioner Anderson and Scottie Hayes have worked to come up with an agreement that regulates tournaments at the town's recreation park, and that it deals with bathrooms, security, concessions, costs, trash removal, time of use, etc. The mayor felt the agreement was, at the very least, a good starting place for the town to get a handle on tournament rental use of the park, and that it still allows for a bit of "wiggle room" if needed. Commissioner Gudac asked about a soccer tournament or some other sport, but Commissioner Anderson said this agreement would address use of the town's facilities for any type of sport. Commissioner Gudac asked what would happen if a citizen wants to go to the park for a birthday party while a tournament is underway. He said someone mentioned to him that they were told they could not use the park because it was rented out for a tournament. Scottie Hayes said that should not happen and if they would contact him, he would take care of that issue in the future.

Commissioner Anderson said she has since talked with other communities, and that a question has arisen concerning the "per team" charges included in the facility agreement. Scottie Hayes also said that a tournament facilitator has expressed concern on those charges, although he had no problem with the field rental charges. Mayor Holt said he had no problem with the recommended fees, but he felt that the town should probably address non-profit fundraisers on a case by case basis, since there might be times when the town would want to participate and not profit from the events, such as holding a fundraiser at the park to help a town citizen stricken with cancer, for instance. Commissioner Anderson agreed that Mr. Hayes would need to use discretion and that he is familiar with most of the situations that come up and he can act accordingly. The board voted unanimously to adopt the rental agreement, after amending it to omit the "per team fees" and changing the "per field" fee to

\$125 per field per day. Copies of the agreement and accompanying park guidelines are included with and hereby made a part of these minutes by reference.

*MOTION TO ADOPT:* Gudac  
*SECOND:* Anderson  
*VOTE:* unanimous

#### **PRIVILEGE LICENSURE FOR ELECTRONIC GAMING OPERATIONS**

Frank Wood explained that when the town adopted an ordinance last month to regulate electronic gaming operations, they established a location fee for such businesses, however the town did not have a privilege license ordinance in place. He said the town clerk spoke with John Morck, who explained that the town could levy a fee on that type of business only, or they could charge all types of business that are operating in town. Mr. Wood spoke with Chris McLaughlin at the School of Government, and he therefore recommended an ordinance that would be specific to electronic gaming operations only. Mayor Holt said he could see the need for such an ordinance but he asked if they could adopt it without holding a public hearing. Mr. Wood agreed that they could take action tonight. The board then approved the ordinance by unanimous vote. A copy is included with and hereby made a part of these minutes by reference.

*MOTION TO ADOPT:* Garner  
*SECOND:* Anderson  
*VOTE:* unanimous

Commissioner Gudac questioned if the funds collected from electronic gaming operations could be designated for park restoration. Mayor Holt agreed that might be a good idea, but they would address it separately from the privilege license issue. Commissioner Gudac later moved to earmark the first \$20,000 received from electronic gaming operations for park improvement and the motion passed on a unanimous vote.

*MOTION:* Gudac  
*SECOND:* Pittman  
*VOTE:* unanimous

#### **PROPOSAL TO SELL WATER TO JOHNSTON COUNTY**

Mayor Holt noted that several discussions have been undertaken with county officials and he said that Johnston County is now purchasing water from Wilson. He announced that the county is indeed serious about purchasing water, as they want to provide water for the entire county. He said that an agreement was nearing completion, but that the town also needs to adopt a resolution that would allow for the town to reimburse itself for any future costs, such as engineering, rows, property purchase, test wells, etc. He indicated that five possible sites have been identified, and in order to proceed, the town should authorize someone to negotiate with these landowners. He said money is available, but there would also be negotiations necessary on financing any such project. Mr. Simmons pointed out that there would be some costs encountered when going through Rural Development that you don't encounter when using regular banks for financing. Commissioner Garner questioned the cost of a test well; Mr. Simmons answered that it would be \$15,000 per well. Mr. Simmons went on to explain that the county will commit to a twenty-year agreement to purchase every gallon of water that the town will sell them. He said the quality of water must match the quality of county water, and he said that the county would be willing to put in a pump to get the water from the town to their facilities, if they could place a pump at the town's water plant, which would cost them about \$25,000 to \$30,000. Commissioner Anderson asked if the town's water plant is able to handle that power demand; Mr. Simmons said yes, that the pump would not demand that great an amount of electricity. Ray Stuckey asked if the water would be mixing with the town's other water supply. Mr. Simmons said no, that there would be telemetry installed that would direct the pumping of the wells at certain intervals, and the water supplies would not be mixed. He said it would cost approximately .5 million dollars per site to install a well, and he also commented that he had not locked into a firm price yet with the county for purchasing water from Pine Level. Commissioner Gudac asked if the county had agreed to share in the costs upfront. Mr. Simmons said they have agreed to share in the costs upfront. He said the county would test water from the town to be certain that it meets their qualifications, or they could refuse to pay for the water supply. He said they would have to prove any discrepancies through an independent laboratory. Commissioner Gudac asked if another operator would be necessary; he said

that would be additional expense to the town to pay their salary and provide a vehicle, put gas in it, etc. He asked why the county didn't just go out and dig their own wells if it was such a great deal. Mr. Simmons said he asked the same thing to the county. He explained that they have a permit to build a water facility on the Wayne County line and to draw the water off from the river, but it would cost about 75 to 100 million dollars and they want to buy every gallon they can and to push that expense far into the future if possible. He also said there is a benefit to ground water over surface water, that is advantageous to the piping and to the customers, as well. Commissioner Anderson asked what would the board need to do at tonight's meeting. Mayor Holt said the board needs to authorize him and Mr. Simmons to get involved and gather more information on the proposal, to negotiate for the town and to report back to the board whatever information they come up with, and to authorize that from this day forward, the town will reimburse itself for any expenses associated with the wells. The board unanimously agreed to that recommendation.

*MOTION:* Garner

*SECOND:* Anderson

*VOTE:* unanimous

### **NEW BUSINESS**

Mayor Holt pointed out that numerous crepe myrtle trees have been planted around town, mainly at the town's recreation park, and he said they were donated compliments of the Pine Level Lions' Club.

The mayor also mentioned the town's noise ordinance and complaints he received about early morning noise. He said the board could review the matter at the next board meeting, if the clerk would distribute copies of the noise ordinance to the board members.

Dan Simmons reported that the sidewalk project on Peedin Avenue is coming along. He said they are waiting on a required statement that no historic properties would be disturbed by the project and it would probably take another 2-3 weeks to get that statement.

### **MAYOR'S MINUTE**

Mayor Holt read briefly from the town's hand-written minutes from 1947. He read a portion from 1949 wherein the board called for a meeting and held nominations and elected a new board, with 36 citizens present at the meeting. He said they increased the number of commissioners from one mayor and three commissioners to one mayor and four commissioners. He said the town had \$2,000 in the bank to turn over to the control of the new board. He said the minutes indicated that 90 cases were tried in the mayor's court that month, that two donations were made by the town, that Fitzgerald Street was opened and a sidewalk was approved from the Free Will Baptist Church to the school.

### **ANNOUNCEMENTS**

Mayor Holt announced that he would host the next quarterly meeting of Johnston County mayors at 8:00 a.m. on August 8th at the town hall and there would be a light catered breakfast served.

### **ADJOURNMENT**

There being no further business, the meeting came to an end at 8:17 p.m.

*MOTION:* Anderson

*SECOND:* Gudac

*VOTE:* unanimous

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TOWN CLERK

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MAYOR