

**Mayor**  
Jeff Holt

**Mayor Pro-Tem**  
Greg Baker

**Board of Commissioners**  
Jimmy Garner  
Phil Pittman  
Bill Radford



**Town Clerk**  
Connie N. Capps

**Police Chief**  
Ashley Woodard

**Public Works Supt.**  
Ray Stuckey

**Rec. Coordinator**  
Scottie Hayes

**TOWN OF PINE LEVEL  
MINUTES OF REGULAR  
BOARD OF COMMISSIONERS MEETING  
DECEMBER 13, 2021**

**CALL TO ORDER**

Mayor Jeff Holt called the regular meeting of the Pine Level Board of Commissioners to order at 7:00 p.m. on Monday, December 13, 2021 at the Pine Level Town Hall.

**ROLL CALL**

✓ Mayor Jeff Holt  
✓ Commissioner Greg Baker  
✓ Commissioner Jimmy Garner  
✓ Commissioner Phil Pittman  
✓ Commissioner Bill Radford

**STAFF PRESENT**

Attorney Chip Hewett, Consultant Dan Simmons, Police Chief Ashely Woodard, Recreation Coordinator/Zoning Administrator Scottie Hayes, and Town Clerk Connie Capps.

**OTHERS PRESENT**

Lee Grissom representing SP Douglas & Associates, Toby Coleman from Smith Law, Marty Clayton, Gail Tyner, and Beth Stephens representing Duke Energy Progress, and Fire Chief Brannan Barbee.

**INVOCATION & PLEDGE**

Invocation: Mayor Jeff Holt  
Pledge of Allegiance: Brian Murray

**APPROVAL OF AGENDA**

Motion to approve: Commissioner Phil Pittman  
Second: Commissioner Bill Radford  
Vote: Unanimous

**MINUTES – NOVEMBER 8, 2021**

Motion to approve: Commissioner Bill Radford  
Second: Commissioner Greg Baker  
Vote: Unanimous

**PUBLIC COMMENT**

Commissioner Bill Radford thanked everyone who volunteered to help with the Christmas Parade. He said it was an excellent parade and everything went smoothly.

*306 East Brown Street \* P. O. Box 328 \* Pine Level, NC \* 27568 \* Phone (919) 965-2284 \* Fax (919) 965-0066*

*"The Town of Pine Level is an equal opportunity provider and employer."*

### **AUDIT REPORT: LEE GRISSOM**

Mayor Holt introduced Mr. Lee Grissom from SP Douglas & Associates to report on the Financial Audit Report from the fiscal year ending June 30, 2021.

Mr. Grissom gave a summary of the audit and highlighted on the following Graph handouts:

- Analysis of Fund Balance- Governmental Funds

Mr. Grissom stated it was the highest amount in the General Fund Balance that the town has had in over the last six fiscal years.

- Number of Months in General Fund Reserves:

Mr. Grissom stated that the town has 15.5 months in the General Fund reserves which is well above what the LGC requires. He said this is the highest amount the town has had in reserves in over the last six fiscal years.

- Long-Term Debt:

Mr. Grissom stated the long-term debt for the town was due to revenue bonds and the 2017 Water and Sewer Project that is currently going on in the town.

Mr. Grissom reported that the General Fund was under budget by \$180,000 and the Water/Sewer Fund was under Budget by \$52,000. He said the tax collections were 99%. He said there was good control over purchasing. Mr. Grissom stated that the Town of Pine Level had a very healthy and clean internal audit and the books were in good order. He said the staff was very helpful and good to work with. Mayor Holt thanked Mr. Grissom for his services and asked if anyone had any questions. Commissioner Phil Pittman then made a motion to accept the Financial Audit Report as presented and Commissioner Bill Radford seconded the motion. The motion passed by unanimous vote.

### **PUBLIC HEARING ON SPECIAL USE PERMIT FOR DUKE ENERGY**

A motion was made by Commissioner Greg Baker and seconded by Commissioner Bill Radford to close the regular meeting in order to hold a quasi-judicial public hearing on a Special Use Permit submitted by Duke Energy Progress, LLC. The motion passed by unanimous vote. The hearing was duly advertised in the Johnstonian News on November 17<sup>th</sup> and November 24, 2021 and also displayed on the town's website.

Mayor Holt stated that the Special Use Permit filed by Duke Energy Progress, LLC was for the temporary use of 5.3 acres arranged on a parcel of approximately 124.45 acres, zoned RA (Residential Agricultural) located at the intersection of Oliver Pond Road and Rains Crossroads Road in the ETJ of Pine Level (Parcel ID#12008046S). The owner of the property is Mr. Bill Oliver.

The following Expert witnesses were sworn in by Attorney Chip Hewett:

Toby Coleman from Smith Law Firm, and those representing Duke Energy Progress were: Marty Clayton, Gail Tyner, Project Manager, and Beth Stephens, Project Engineer.

Expert Witness Mr. Toby Coleman from 150 Fayetteville Street in Raleigh, NC addressed the board first. He pointed out the location of the property on the map, which is in the ETJ of Pine Level. He stated this would be a lay down yard for equipment and materials for the construction of a 115kV tap line. He stated this would be a temporary use for 18 months. He also stated that that they will return the lot to its current condition once the project has been completed. He then asked if there were any questions about the project. There was none.

Evidence submitted: Special Use Permit Application, large map and site plan of property, Table of Permitted Uses from the Pine Level Zoning Ordinance, Lease agreement with Mr. Bill Oliver, permits by NCDOT and the Staff Report from Curtis Lee.

Attorney Chip Hewett stated that two other expert witnesses were prepared to testify if needed. He asked if the Council needed other expert testimony. The board was satisfied with the information presented. Attorney Chip Hewett asked if anyone was in opposition to this request. There was no opposition.

Commissioner Bill Radford made a motion to close the public hearing and Commissioner Greg Baker seconded the motion. The public hearing was declared closed.

Mayor Holt asked what was the pleasure of the board. Commissioner Phil Pittman made a motion to approve the Special Use Permit and Commissioner Bill Radford seconded the motion. The motion passed by unanimous vote. The applicants from Duke Energy asked if a letter stating approval of the request could be sent as soon as possible so the work could begin. The board agreed.

#### **PUBLIC HEARING ON TEXT AMENDMENTS FOR ZONING AND SUBDIVISION ORDINANCES**

A motion was made by Commissioner Greg Baker and seconded by Commissioner Bill Radford to close the regular meeting in order to hold a public hearing on the text amendments presented for the Zoning and Subdivision Ordinances. The motion passed unanimously.

Mayor Holt stated that text amendments had been submitted by the Planning Board and asked if there were any questions or discussion on the amendments. There was none. Commissioner Greg Baker made a motion to close the public hearing and Commissioner Bill Radford seconded the motion. The motion passed by unanimous vote. Commissioner Phil Pittman made a motion to approve the text amendments and Commissioner Bill Radford seconded the motion. The motion passed by unanimous vote.

Mayor Holt asked if there was anything to report from the Planning Board. Scottie Hayes said the developers for Country Store Road Subdivision are still in the process of drawing up plans.

#### **DEPARTMENT REPORTS**

Recreation- Scottie Hayes reported that basketball games will begin in January. He said there had been a lot of improvements going on with the Recreation Committee. Scottie also thanked the recreation committee, the police department and everyone who helped with the Christmas Parade. He said it was a flawless start-up and the parade was a success! He informed the board of a new list of recreation committee members that was included in their agenda packet. He said the committee had elected a new Chairman, Brian Murray. Brian Murray spoke next updating the board on the ideas the committee had discussed. He said that each recreation meeting there had been 10-14 people in attendance. He said the first thing the committee would like to accomplish is to get the concession stand back in shape. He said he had received some quotes on this project. Commissioner Garner suggested that the drainage problem beside the concession stand be repaired first. Brian stated the goal was to try and have these repairs done by baseball season. Commissioner Pittman asked if the board should wait and receive all the quotes before a decision is made on the repairs. Attorney Chip Hewett stated that due to the cost of the project, the committee would not have to accept bids on the project. He suggested to keep the drainage problems out of the recreation discussion and discuss the drainage issues under public utilities. Brian said another project the committee had discussed was changing the park lights to LED lights. Brian also mentioned the sale of fence sponsor signs, and asked if that money could be earmarked to go in the recreation fund. The board agreed.

Water/Sewer- Consultant Dan Simmons reported that the equipment for the East Side Pump Station had been delayed again. He stated the men are continuing to work hard on the water and sewer project every day.

Streets- Commissioner Greg Baker asked about the update concerning the parking spaces at the Hair Cuttery. He had questioned if the town could make one of the spaces a handicap parking space. Chief Woodard said the spaces were painted last week. Commissioner Baker stated that the public works guys are doing an amazing job.

Police- Chief Woodard stated everything was going well in the department.

Fire Dept. - Fire Chief Brannan Barbee reported that all was going well. He stated the department had their Christmas Party and they invited 19 retired firemen, and 14 were present at the party. He said the fire department had trucks in all the parades and Pine Level appeared to be the largest in Johnston County.

Staff - Town Clerk Connie Capps stated an amendment to the personnel policy was needed in order to comply with the following: Due to Senate Bill 311 was signed into law on November 10, 2021 as S.L.02021-178. Section 1 of this law adds a new subdivision to the Local Governmental Employees Retirement System statute, G.S. 128-24(1b) which provides: "A participating employer is prohibited from imposing a waiting period on any employees who are otherwise eligible to become members of the Retirement System." The new provision is effective December 1, 2021. This means that effective December 1, 2021 any "probationary" or "waiting period" policy of a local government employer (or any other policy with similar effect) cannot prevent the employer from reporting an employee's service and compensation and paying related contributions to LGERS. All individuals meeting the definition of "employee" under G.S. 128-21(10) must be reported for their service beginning December 1, 2021. This definition includes being "regularly employed" (G.S. 128-21(18a), which generally means working in a position for which the duties require 1,000 more hours of work in a calendar year. Commissioner Greg Baker made a motion to amend the personnel policy to read as presented and Commissioner Bill Radford seconded the motion. The motion passed by unanimous vote.

Town Clerk Connie Capps reported that she had contacted Municode to consider the codification of the town's ordinances. She stated after Municode receives the ordinances they would give the town a quote.

#### **UNFINISHED BUSINESS**

There was none.

#### **NEW BUSINESS- ADMINISTERING OATHS**

Town Clerk Connie Capps first administered the Oath of Office to Mayor Jeff Holt. Mayor Holt then called forward Commissioner Greg Baker, Commissioner Jimmy Garner, Commissioner Phil Pittman, and Commissioner Bill Radford to administer the Oath of Office to them.

#### **ELECTION OF MAYOR PRO-TEM**

A motion was made by Commissioner Jimmy Garner and seconded by Commissioner Bill Radford to nominate Commissioner Greg Baker as the Mayor Pro-Tem. The board voted unanimously to elect Commissioner Greg Baker.



### **ASSIGNMENT OF DEPARTMENT DUTIES**

Mayor Holt assigned the board members to represent the following departments:

**FINANCE/PERSONNEL**- Mayor Jeff Holt

**POLICE**- Commissioner Jimmy Garner

**RECREATION**- Commissioner Bill Radford

**STREETS**- Commissioner Greg Baker

**WATER/SEWER**- Commissioner Phil Pittman

### **2022 MEETING SCHEDULE**

The following dates were approved as the meeting schedule for 2022:

Meetings are held on the 2<sup>nd</sup> Monday of each month at 7:00 p.m.

JANUARY 10

APRIL 11

JULY 11

OCTOBER 10

FEBRUARY 14

MAY 9

AUGUST 8

NOVEMBER 14

MARCH 14

JUNE 13

SEPTEMBER 12

DECEMBER 12

Motion to approve: Commissioner Jimmy Garner

Second: Commissioner Greg Baker

Vote: Unanimous

### **ESTABLISH RULES OF PROCEDURE**

Mayor Holt stated that the board follows Robert's Rules of Order for the conduct of meetings.

Motion to approve: Commissioner Bill Radford

Second: Commissioner Greg Baker

Vote: Unanimous

### **MAYOR'S MINUTE**

None

### **ANNOUNCEMENTS**

Mayor Holt thanked everyone for attending the meeting, and wished everyone a Merry Christmas!

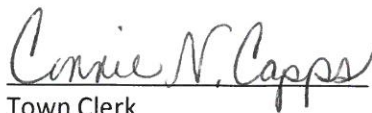
### **ADJOURNMENT**

There being no further business to discuss, the meeting adjourned at 8:25 p.m.

Motion to adjourn: Commissioner Jimmy Garner

Second: Commissioner Phil Pittman

Vote: Unanimous

  
Town Clerk



  
Jeff Holt, Mayor