

**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 12, 2022**

**CALL TO ORDER**

Mayor Jeff Holt called the regular meeting of the Pine Level Town Board to order on Monday, December 12, 2022 at 7:00 p.m. 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, Police Chief Ashley Woodard, Recreation Director/Zoning Adm. Scottie Hayes, Public Works Supt. Ray Stuckey, Finance Consultant Marla Ashworth, and Town Clerk Connie Capps

**OTHERS PRESENT:** Lee Grissom from SP Douglas & Associates, Noah Hayes, Madison Gann, Giles Jones, Andrew Hodge from Adams & Hodge Engineering, Planning Board Vice-Chairman, Kevin Kornegay and Fire Dept. President Greg Johnson.

**INVOCATION:** Mayor Jeff Holt

**PLEDGE:** Commissioner Bill Radford

**AGENDA APPROVAL:**

Mayor Holt requested to replace Item #15 Mayor's Minute with a short-Closed Session and change Item#6 to Lee Grissom to present the audit report and then address Public Comments.

Motion to approve Agenda: Commissioner Baker

Second: Commissioner Radford

Vote: Unanimous

**APPROVAL OF MINUTES: NOVEMBER 14, 2022**

Motion to approve: Commissioner Pittman

Second: Commissioner Garner

Vote: Unanimous

### **AUDIT REPORT FOR YEAR ENDING JUNE 30, 2022**

Mr. Lee Grissom from SP Douglas and Associates provided the Financial Audit Report for the fiscal year ending June 30, 2022. He stated this was the third year his firm had audited the Town of Pine Level books. He said the books were in great shape, the finances were extremely strong. He stated that he had already submitted the audit to the State on December 1st. He said Finance Consultant Marla Ashworth and the town staff were very good to work with. He reported on the Analysis of Fund Balance from Graph#1 stating in the past six years from 2017-2022 that 2022 was the highest in the total Fund Balance which was \$1,755,861. He stated that Graph#2 showed the number of months in reserves in the General Fund. He said that the town had 13.3 months in reserves which was very good. He said Graph#3 displayed the total cash in all funds. Graph#4 showed the long-term debt in 2021-2022. Graph #5 showed the losses before transfers and contributions from the Water and Sewer Fund from 2017-2022. Mr. Grissom said overall it was a good audit. Mayor Holt thanked Mr. Grissom and his firm for their services.

### **PUBLIC COMMENT**

Mr. Giles Jones who owns the property located at 1729 Highway 70-A in Pine Level addressed the board. He stated that he had received notification on the condemnation procedures for his property. He said he would like the board's consideration to talk with a potential investor who had indicated that they were willing to finance the work on his property. He said they have not given him an answer yet. He said he had also spoken to a realtor on the possibility of selling the property. Commissioner Garner stated to Mr. Jones that the town has been very patient with you concerning this property. Mr. Jones stated that he was not disputing that. Mayor Holt informed Mr. Jones that whatever direction he takes, it is going to take a long time, and this board doesn't know what can happen in the next 30-60 days that didn't happen in the last ten years. Mayor Holt stated that if you sell the property, the new owner will have to follow the same guidelines.

Attorney Chip Hewett stated that Mr. Jones has not been served, he was just forewarned with a Resolution that was public record, which is good and he has a year. He said if the board takes no action, the complaint will be filed within a week or ten days and Mr. Jones will be served. Mr. Jones will have 30 days to answer it. He could with a motion get possibly 30 more days, and at that point it will go before a Superior Court Judge. He could then go forward and ask the court to consider or demolish. If the town tears it down, the town can get a lien on the property and have the property sold which is enforceable. Attorney Hewett stated there are two options:

- (1) A Demolition Agreement –That is when the property owner agrees within 60-90 days to demolish the property. If the owner does not demolish within 60-90 days, the town is authorized to move in by possession and the lawsuit allows you to proceed to put a lien on it if they didn't do it.
- (2) Remediation Agreement- the property owner gets permits and agrees to upkeep and do repairs to the property. He stated this way can be risky if the person starts the process and then stops.

Mayor Holt asked for any action from the board on this subject. Commissioner Greg Baker stated that all of the board members have received several calls on this property for 10 years. He said that is a long time. He said Police Chief Ashley Woodard and Zoning Administrator Scottie Hayes have been to this location several times. Commissioner Baker stated that Mr. Jones should make his phone calls right now because time is running out. Commissioner Pittman stated it is the

appearance of the property and not the trees on the property. He said sell the property or demolish it because Mr. Jones has been given plenty of time.

Mr. Jones asked the board if the town would consider working with a potential buyer. Commissioner Baker said he didn't think the board would close their ears to this.

Mayor Holt stated since there is no motion then this board will continue down the path it is on.

**PUBLIC HEARINGS** – The following public hearings were advertised in the Johnstonian News on November 30, 2022 and December 7, 2022

**FIRST PUBLIC HEARING -AMENDMENT TO SECTION 302 OF THE ZONING ORDINANCE**

A motion was made by Commissioner Bill Radford and seconded by Commissioner Greg Baker to open the public hearing. The motion passed by unanimous vote.

Planning Board Vice Chairman Kevin Kornegay was sworn in by Attorney Chip Hewett. Kevin stated that the planning board had submitted a memorandum requesting to recommend approval to amend the Zoning Ordinance to allow townhouses in Section 302 the option for open space fee-in-lieu of as reflected in Section 412.2 in the Subdivision Ordinance.

There was no discussion.

Commissioner Baker made a motion to close the public hearing and Commissioner Garner seconded the motion. Motion passed by unanimous vote.

A motion was made by Commissioner Baker and seconded by Commissioner Pittman to approve this request. The motion passed by unanimous vote.

**SECOND PUBLIC HEARING- AMENDMENT TO SECTION 308 OF THE ZONING ORDINANCE**

A motion was made by Commissioner Greg Baker and seconded by Commissioner Bill Radford to open the public hearing. The motion passed by unanimous vote. Planning Board Vice-Chairman Kevin Kornegay stated that Section 308 Table of Permitted Uses should be amended to coincide with the information for all the districts in Section 302. There was no discussion. A motion was made by Commissioner Bill Radford and seconded by Commissioner Phil Pittman to close the public hearing. The motion passed by unanimous vote. A motion was made by Commissioner Baker and seconded by Commissioner Radford to approve this request. The motion passed by unanimous vote.

**THIRD PUBLIC HEARING-SPECIAL USE PERMIT –PAUL FLAHERTY/CONNEMARA INC.**

**PERMIT# SUP2022-2023-1**

A motion was made Commissioner Greg Baker and seconded by Commissioner Phil Pittman to open the public hearing. The motion passed by unanimous vote.

Planning Board Vice Chairman Kevin Kornegay was sworn in by Attorney Chip Hewett.

Vice Chairman Kevin Kornegay stated that a special use permit was filed by Paul Flaherty for Connemara Inc., proposing the use of two-unit townhome buildings (four units total) in an RA zoning district on the same lot. (PARCEL# 120113001A/NCPIN 262414-33-4464). Mr. Kornegay stated that the following documents were presented as evidence to the board: Special Use Application, Site Plan and a recommendation from the planning board, and the testimony from Mr. Kornegay.

Mr. Kornegay read from the Unified Development Ordinance Section 606.1 Conditions which must be met by Special Uses. The board agreed that all Findings of Facts had been met. Attorney Chip Hewett asked Mr. Kornegay would anything that the board had previously amended have an adverse effect on this project. Mr. Kornegay said it would not.

Attorney Hewett asked if anyone would like to speak in opposition. There was no opposition. Commissioner Greg Baker questioned flooding on the property. It was said that it meets the 100-year flood plan. Commissioner Jimmy Garner made a motion to close the public hearing and Commissioner Radford seconded the motion. The hearing was declared closed.

A motion was made by Commissioner Phil Pittman and seconded by Commissioner Bill Radford to approve the special use permit.

Those voting in favor of the Special Use Permit were: Commissioner Phil Pittman and Commissioner Bill Radford and Mayor Jeff Holt.

Those voting against the special use permit: Commissioner Jimmy Garner and Commissioner Greg Baker. The special use permit was approved.

#### **RESOLUTION DECLARING PINE LEVEL VFW SURPLUS PROPERTY**

Attorney Chip Hewett stated that at the last meeting the town board agreed to declare the VFW Building located at 509 West Pine Street Parcel ID# 12006001 as surplus. He presented a Resolution authorizing the Sale and Advertisement of an offer to purchase real property. Mayor Holt read the Resolution. A motion was made by Commissioner Baker and seconded by Commissioner Radford to declare the property as surplus. The motion passed by unanimous vote.

Mayor Jeff Holt recused himself from the meeting. Mayor Pro Tem Greg Baker then stated that an offer on the property has been submitted for \$25,000.00. He stated that a check has been received for 5% as a down payment. A motion to accept this bid was made by Commissioner Phil Pittman and seconded by Commissioner Bill Radford. Motion passed by unanimous vote.

Commissioner Bill Radford made a motion to adopt the public notice that was presented by Attorney Chip Hewett and Commissioner Phil Pittman seconded the motion. Motion passed by unanimous vote. Upon a motion by Commissioner Jimmy Garner and second by Commissioner Phil Pittman the board instructed the town clerk to advertise the public notice and also put the notice on the town website and on the bulletin board in the town hall. Attorney Hewett stated this is a 10-day upset bid and any one can bid but it expires after 10 days. Mayor Jeff Holt was then brought back before the board with a motion from Commissioner Bill Radford and second from Commissioner Greg Baker. Motion passed by unanimous vote.

#### **COMMITTEE REPORTS-** None

#### **DEPARTMENT REPORTS**

Recreation- Commissioner Bill Radford reported that basketball and cheerleading practices had started for boys and girls ages 4-15. He said currently there are 10 basketball teams and but we may have to add a few more in the coming weeks. He said we also have three teams for cheerleading.

Water/Sewer- Commissioner Phil Pittman reported that the 2017 Water and Sewer Project has been closed out.

Streets- Commissioner Greg Baker reported that there was a leak on Carolyn Drive, and the street would be needing some repairs this spring. Public Works Supt. Ray Stuckey also stated that the storm drain would need replacing also. Commissioner Pittman stated that this work on Carolyn Drive would be a priority and then the work on the two side cul-de-sacs when the weather is appropriate. He said we can

do the work all at the same time using Powell Bill Funds. Commissioner Greg Baker made a motion and Commissioner Bill Radford seconded the motion. The Motion passed by unanimous vote.

Police- Chief Ashley Woodard reported that the department responded to 79 calls from November 14 thru December 12, 2022. He said two Ford Explorer patrol vehicles have arrived at Capital Ford and are expected to be delivered to the town hall this week. He said there would be additional patrols during the Christmas Season. Chief Woodard stated that Noah Hayes had completed the BLET program at Johnston Community College and graduated today. He said as soon as we receive his psychological results, he can be sworn in. Chief Woodard also reported that the department had been approved for a grant to receive two speed trailers and traffic cones.

Fire Dept. Mayor Holt stated we appreciated the help of the fire department with the tree lighting and the Christmas parade. President Greg Johnson reported that the department was in the process of planning Fireman's Day in the upcoming year.

Staff - Town Clerk Connie Capps presented the board with a meeting schedule for 2023.

A motion was made by Commissioner Garner and seconded by Commissioner Baker to approve the schedule as presented. The motion passed by unanimous vote.

Mrs. Capps also stated that pictures from the Tree Lighting on December 4<sup>th</sup> and the Christmas Parade held on December 11<sup>th</sup> will be posted on the town's website tonight. She also stated that the banners for the town's 150<sup>th</sup> Anniversary had arrived and showed them to the board.

**UNFINISHED BUSINESS-** None

**NEW BUSINESS / CLOSED SESSION**

At 8:20 p.m. A motion was made by Commissioner Greg Baker and seconded by Commissioner Bill Radford to enter Closed Session to consult with Town Attorney Chip Hewett on legal matters.

GS143.318.11 Subsection 3.

All board members were present along with Town Clerk Connie Capps and Finance Consultant Marla Ashworth.

At 8:50 p.m. the closed session ended with no action taken. Motion by Commissioner Baker and seconded by Bill Radford. Motion passed by unanimous vote.

**ANNOUNCEMENTS**

Mayor Holt reminded the board members of the Christmas Luncheon to be held on Friday, December 16<sup>th</sup> at Noon.

**ADJORNMENT**

There being no further business to discuss Commissioner Garner made a motion to adjourn the meeting and Commissioner Pittman seconded the motion. The motion passed by unanimous vote. The meeting ended at 8:55 p.m.

  
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Connie N. Capps, Town Clerk

  
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Jeff Holt, Mayor