

Mayor  
*Jeff Holt*

Mayor Pro-Tem  
*Greg Baker*

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

Interim Town Administrator  
*Sharon Evans*



Interim Town Clerk  
*Ashley Willoughby*

Police Chief  
*Ashley Woodard*

Public Works Supt.  
*Ray Stuckey*

Rec. Coordinator  
*Scottie Hayes*

**TOWN OF PINE LEVEL  
REGULAR BOARD OF COMMISSIONERS MEETING  
APRIL 08, 2024**

**WELCOME AND CALL TO ORDER**

Mayor Pro Tem Greg Baker called the regular meeting of the Pine Level Board of Commissioners to order on Monday, April 08, 2024 at 7:00 p.m. at the Pine Level Town Hall.

**ROLL CALL**

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

**STAFF PRESENT**

Police Chief Ashley Woodard, Recreation Director/Zoning Adm. Scottie Hayes, Public Works Supt. Ray Stuckey, Deputy Clerk Billie Kay Twigg, Administrative Asst. Ashley Willoughby, and Sharon Evans.

**OTHERS PRESENT**

Attorney Chip Hewett, Fire Chief Joseph Radford, Vann Jones, James and Marge McGill, Andy Medlin, Mickey and Sharon Evans, Sam and Debra Heuertz, Grace Kelly, Diane Thompson, Hannah Thompson, Barbara Willoughby, Donnie and Jackie Willoughby, Richard and Sharon Cox, Christopher Gant, Debra Clark, Matt Johnson, Greg Johnson, and Cary Chandler

**INVOCATION:** Commissioner Phil Pittman

**PLEDGE:** Commissioner Bill Radford

**APPROVAL OF AGENDA:**

Motion to approve the agenda with amendments to include items 4a & 4b for the Oaths of Sharon Evans as Interim Town Administrator and Ashley Willoughby as Interim Town Clerk and to include items 18 b. I-Resolution by the Board of Commissioners of Pine Level, North Carolina- Water System AIA Project(s) and

18 b. II- Resolution by the Board of Commissioners of Pine Level, North Carolina- Sewer System AIA Project(s).

Motion to approve: Commissioner Bill Radford

Second: Commissioner Phil Pittman

Vote: Unanimous

Mayor Pro Tem Baker administered the oath and sworn in Sharon Evans as the Interim Town Administrator. He then administered the oath and sworn in Ashley Willoughby as the Interim Town Clerk.

#### **APPROVAL OF CONSENT AGENDA**

Minutes from March 11, 2024 meeting, FPIC Response for FY 2023, and Check Listing for March 2024

Motion to approve: Commissioner Bill Radford

Second by: Commissioner Phil Pittman

Vote: Unanimous

#### **PUBLIC COMMENT**

No public comment.

#### **PUBLIC HEARING FOR ANNEXATION REQUEST FOR EMILY GARDENS- Parcel ID# 12O08024**

Mayor Pro Tem Greg Baker stated all the proper investigations and notifications have been done for this public hearing to discuss the annexation request for Emily Gardens.

A motion was made by Commissioner Jimmy Garner to open the public hearing at 7:11 p.m.

It was seconded by Commissioner Bill Radford and the vote was unanimous.

Mayor Pro Tem Greg Baker asked if there was anyone present that wish to speak about the request. Christopher Gant, property owner of 416 W Main St., wanted clarification as to the meaning of annexation of this property and wanted to ask the Board members how the annexation would affect his property. He also voiced his concerns about possible encroachment on his property. Commissioner Jimmy Garner stated the other Board members voted to approve a development on the property which he voted against. He stated the Town Board is just looking at annexing the property into the city limit to provide the utilities and for the property owners to pay town taxes. He asked Town Attorney Chip Hewett in the situation of encroachment, if it would be a legal matter between the property owners. Attorney Chip Hewett stated that was correct. Commissioner Jimmy Garner thanked Mr. Gant for coming and participating in the public hearing.

Mayor Pro Tem Greg Baker asked if there was anyone else who wished to speak.

Joseph Radford, Fire Chief of the Pine Level Vol. Fire Dept., asked about the developers plans for the Moccasin Creek easement and the driveway easement for the Arthur property. Commissioner Jimmy Garner stated the developers would not mess with the existing easements on the property and improvements were being done to the Moccasin Creek to improve the flow.

Motion to close the public hearing: Commissioner Bill Radford

Seconded by: Commissioner Jimmy Garner

Vote: Unanimous

Motion to adopt the Ordinance Extending the Corporate limits (for Parcel ID# 12O08024) by: Commissioner Phil Pittman

Seconded by: Commissioner Bill Radford

Vote: Motion carries with one opposing vote by Commissioner Jimmy Garner

**PUBLIC HEARING FOR ANNEXATION REQUEST FOR EMILY GARDENS- Parcel ID# 12N10016**

A motion was made by Commissioner Bill Radford to open the public hearing at 7:17 p.m.

It was seconded by Commissioner Jimmy Garner and the vote was unanimous. Mayor Pro Tem Greg Baker asked if this was the parcel that would contain the townhouse portion of the development. Ms. Willoughby stated that was correct. Mayor Pro Tem Greg Baker then asked if there was anyone present that wish to speak about the request.

Marge McGill, who resides on Rains Crossroad Rd, she stated her home is on the triangle lot located behind a portion of the property being annexed. She wanted to ask the Board members for details on the development's plans for that portion that abuts to her property. Mayor Pro Tem Greg Baker stated a representative of the development was present at the meeting and asked him if he could answer any questions. Cary Chandler, the representative, answered stating there would be townhomes built there. Mrs. McGill asked how many and what size townhomes would be built there. Mr. Chandler stated there would be forty normal size townhomes. Mrs. McGill asked if there will be a buffer on the property; if so, what type it could be. Mr. Chandler stated there is room for some kind of buffer, however, he is not sure at the moment which form of buffer the developer will do yet. He said some vegetation buffers can have trees or bushes, but some developers do a fence; it just depends on what they are wanting to do. Mrs. McGill said she wanted to know what the developers were planning to do, in case she needed to plan to put something up. Mr. Chandler mentioned the developers he works for are individuals who live locally and who are wanting to build something nice for the area. Commissioner Bill Radford asked Mr. Chandler if these would be homeowner townhomes. Mr. Chandler stated he could not answer for sure. He said with the current market there could be a possibility for renters if an investment firm purchases the homes. Mayor Pro Tem Greg Baker asked if there were any further questions or discussions.

Motion to close the public hearing: Commissioner Bill Radford

Seconded by: Commissioner Jimmy Garner

Vote: Unanimous

Motion to adopt the Ordinance Extending the Corporate limits (for Parcel ID# 12N10016):

Commissioner Bill Radford

Seconded by: Commissioner Phil Pittman

Vote: Motion carries with one opposing vote by Commissioner Jimmy Garner

**PUBLIC HEARING FOR SPECIAL USE REQUEST FOR TRUVALUE PROPERTIES, LLC**

**Parcel ID# 12N10032 & 12010019D**

Town Attorney Chip Hewett explained the quasi- judicial hearing process to those present and recommended to the Board members to combine the two public hearings. He stated individuals could be sworn in all at once to testify under oath, hear any testimonies and receive any submissions of evidences. He advised on making separate motions regarding the ruling on the two requests.

A motion to recess the regular meeting to open a public hearing to consider the two special use requests submitted by TruValue Properties LLC: Commissioner Jimmy Garner

Seconded by: Commissioner Bill Radford

Vote: Unanimous

Town Attorney Chip Hewett sworn in the following people to testify and present evidence under oath:  
Town's Zoning Administrator- Scottie Hayes (speaking on behalf of staff and the Planning Board)  
Representative of TruValue Properties, LLC- Matt Johnson, resides -44 Huntington Place Smithfield, NC

Zoning Administrator Hayes testified the applicant had applied to put duplex apartments on the two properties being discussed. He stated anytime multi-family development is being considered; it requires a special use hearing. He stated one duplex would be built per property. He informed the Board members of the recommendation from the Planning Board was for the approval of the special use requests. He continued to say the applicant had applied for a variance for each property years ago which was approved and carries as a vested right on the property.

Matt Johnson addressed the Board members regarding his intentions for the properties. He testified he plans to build a single duplex on each property. He stated he believes the design plans would go along with existing properties and be aesthetically pleasing.

Commissioner Bill Radford asked if the existing homes on parcel two (Parcel ID #12010019D) would remain intact. Mr. Johnson testified yes; all those houses would remain. He stated he sees the ditch as a natural divider.

Mayor Pro Tem Greg Baker asked if there was anyone present who had any questions or comments before the Board moves forward.

Town Attorney Chip Hewett asked for confirmation from Matt Johnson, the representative from TruValue Properties, LLC, that there were two applications that were submitted to the Planning Board. Mr. Johnson testified that was correct. Town Attorney Chip Hewett stated for the record that the applications had supporting documents and a survey map which was included into evidence which was submitted by Mr. Johnson. He asked Mr. Johnson if there were any additional documents he wished to submit as evidence. Mr. Johnson stated he did not have any with him at that time, however, he had preliminary drawings he could get from his vehicle if it would help.

Motion to close the public hearing and reconvene with the regular meeting: Commissioner Jimmy Garner  
Seconded by: Commissioner Bill Radford  
Vote: Unanimous

Motion to approve the Special Use Request for Parcel ID#12N10032:  
Commissioner Jimmy Garner  
Second by: Commissioner Bill Radford  
Vote: Unanimous

Motion to approve the Special Use Request for Parcel ID#12010019D:  
Commissioner Jimmy Garner  
Second by: Commissioner Bill Radford  
Vote: Unanimous

**PUBLIC HEARING- UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT**

Motion to open the public hearing to consider a text amendment:  
Commissioner Bill Radford  
Seconded by: Commissioner Phil Pittman  
Vote: Unanimous

Mayor Pro Tem Greg Baker asked the Interim Town Clerk to explain the text amendment proposal coming before the Board. Ms. Willoughby provided a brief recap on the prior request from land owners in the ETJ who wanted to put a cell tower on their property which was zoned Residential- Agricultural (RA). She mentioned the Planning Board had reviewed the ordinance as directed by the Town Board and had made a recommendation to amend the ordinance. She stated staff had prepared a text amendment proposal and after further research on the recommendation of the Planning Board. She referred to the use of the term Telecommunications Tower as referenced in the Town's UDO and would recommend the use of this term instead of cell towers when making any motions.

Motion to close the public hearing by: Commissioner Jimmy Garner  
Seconded by: Commissioner Bill Radford  
Vote: Unanimous

Discussion:

Commissioner Bill Radford asked for information about the property looking to build a cell tower. Ms. Willoughby stated the property is near Campground Rd. Zoning Administrator Hayes stated the only thing before the Board is the text amendment. Ms. Willoughby stated the text amendment would allow the property owners to apply for a special use which the Board members would have the ability to put additional terms if needed.



Motion to accept the proposed text amendment and to adopt the ordinance amendment to the UDO by:

Commissioner Bill Radford

Seconded by: Commissioner Phil Pittman

Vote: Unanimous

Reference: ORD-04-23-24-005

Amend Telecommunications Tower in Table 308.1 to read:

Telecommunications Tower	S					S	S
--------------------------	---	--	--	--	--	---	---

Motion to call for a public hearing to consider another text amendment to the UDO for section 602.1

Zoning Permit Required for next meeting: Commissioner Bill Radford

Seconded by: Commissioner Phil Pittman

Vote: Unanimous

**13.ANNEXATION REQUEST FOR RICHARD D. BRASWELL- PARCEL #12M11197**

**Includes: Resolution Directing the Clerk to Investigate the Sufficiency of Annexation Petition, Certificate of Sufficiency, and Resolution Fixing the Date of Public Hearing.**

**14.ANNEXATION REQUEST FOR COUNTRY STORE MEADOWS- PARCEL #12N11005**

**Includes: Resolution Directing the Clerk to Investigate the Sufficiency of Annexation Petition, Certificate of Sufficiency, and Resolution Fixing the Date of Public Hearing.**

A motion to accept and approve items 13 a, b, and c & items 14 a, b, and c; to call for the public hearings for the requests for the next meeting: Commissioner Jimmy Garner

Second by: Commissioner Bill Radford

Vote: Unanimous

**COMMITTEE REPORTS**

**PLANNING BOARD**

Zoning Administrator Hayes stated the Planning Board are continuing to look into revising the ordinance to include a Downtown District. He informed the Board that he hopes to have a recommendation from the Planning Board next month.

**SENIORS**

Commissioner Pittman said the Seniors will have a meeting Wednesday, April 10<sup>th</sup> with approximately 75-100 people. He stated Scottie Hayes is doing a great job getting it together. He said all Seniors are welcome to come and have a good time.

**TOWN ATTORNEY’S REPORT**

Town Attorney Chip Hewett stated there was nothing to report.

## **DEPARTMENT REPORTS**

**Recreation-** Recreation Director Scottie Hayes stated the Town hosted the coach-pitch tournament for the County which had started that week. The tournament involves three fields going for five nights. He mentioned he had ninety children sign-up for t-ball this year and there are many more teams this year. He stated Ray and his crew are working hard to fixing some waterlines to get water to the fields. Commissioner Jimmy Garner asked if the roads will be closed off for the events. Recreation Director Hayes stated he does not have it ready in order to do that yet but he has plans to start doing that soon. Mayor Pro Tem Greg Baker asked Recreation Director Hayes if he has the gates already. Recreation Director Hayes stated he did not yet but he is working on it.

Commissioner Bill Radford wanted to thank Mr. Hayes for the work he has done and for the Recreation Committee he has recruited. He mentioned all the good they have done over the last four to five years and they have done a fantastic job building up the program.

**Public Works-** Commissioner Pittman said Public Works Supt. Ray Stuckey and his men are working hard repairing leaks. He stated there have been some minor issues with the new meters but Ray and his men have been working hard on the situation. He stated he spoke with Mayor Jeff Holt about additional grants available; which were included inside the Board's packet. He said there are two resolutions the Board would have to adopt in order to go after those grants. He referred to items 18b.- I. Resolution by the Board of Commissioners of Pine Level, North Carolina- Water System AIA Project(s) and 18b.-II. Resolution by the Board of Commissioners of Pine Level, North Carolina- Sewer System AIA Project(s). He stated these grants would help with the Town's infrastructure in perpetuity.

Motion to accept both resolutions: Commissioner Jimmy Garner

Seconded by: Commissioner Bill Radford

Vote: Unanimous

**POLICE-**Police Chief Ashley Woodard provided the Board with the call sheet from the past month. He mentioned issues concerning the State when it came to the delays in receiving paperwork back for new hires. He was glad to announce the newest addition to the Pine Level Police Department Mr. Ezekiel Harris. He stated Officer Harris was sworn in on March 25<sup>th</sup> and he is currently in the department's field training program. Mayor Pro Tem Greg Baker asked if he is a full-time officer. Chief Woodard stated he is currently part-time with plans to move him into full-time. The Board members welcomed Officer Harris to Pine Level.

**FIRE DEPARTMENT-**Fire Chief Joseph Radford stated the Fire Department had a total of one hundred-eighty calls in this quarter; which averaged about two calls a day. He informed the Board the County had the meeting regarding the Fire Tax. Commissioner Jimmy Garner asked Mr. Radford to let the Board know when the County sets the rate and the Board would look into increasing if needed.

Fire Chief Radford reminded everyone Firemen's Day will be held on May 18<sup>th</sup> and they will have a Firemen's Day Parade. The Board members expressed their excitement for the upcoming celebration. Mayor Pro Tem Greg Baker thanked the Fire Chief and his department for their hard work.

**STAFF-** Interim Town Clerk Ashley Willoughby informed the Board members the repairs are underway to the Town Hall's roof. She stated the insurance company had sent an adjuster out to inspect the damages and informed the Board members of the Town's thousand-dollar deductible for the insurance.

**UNFINISHED BUSINESS-**None

**NEW BUSINESS**

**20 a.- ANNEXATION REQUEST FOR PEEDIN ROAD LLC- PARCEL #12M12016S**

**Includes: I.- Resolution Directing the Clerk to Investigate the Sufficiency of Annexation Petition, II.- Certificate of Sufficiency, and III.- Resolution Fixing the Date of Public Hearing.**

**20 b.- ANNEXATION REQUEST FOR PEEDIN ROAD LLC- PARCEL #12N11040A**

**Includes: I.- Resolution Directing the Clerk to Investigate the Sufficiency of Annexation Petition, II.- Certificate of Sufficiency, and III.- Resolution Fixing the Date of Public Hearing.**

**20 c.- ANNEXATION REQUEST FOR FOUR HEAVNERS LLC/ BRIGHTLEAF #2004-II LLC- PARCEL #12M12018**

**Includes: I.- Resolution Directing the Clerk to Investigate the Sufficiency of Annexation Petition, II.- Certificate of Sufficiency, and III.- Resolution Fixing the Date of Public Hearing.**

Mayor Pro Tem Greg Baker asked the Interim Town Clerk to provide a brief summary on the properties requesting annexation. Ms. Willoughby stated two of the three properties were rezoned to LI (Light-Industrial) last year (Those two properties include: Parcel # 12M12016S and Parcel # 12N11040A) and those parcels were contiguous to the Town's city limits. She continued to inform the Board the other property (Parcel # 12M12018) was currently zoned RA (Residential- Agricultural) and abuts those properties, but was considered non-contiguous to the current city limits. She stated what was before the Board was the resolutions to direct the clerk to investigate, the certification of sufficiency, and the resolutions fixing the date for the public hearing for all three properties.

After discussing and considering the Town Attorney's recommendation, the Board decided it would be best to consider the two properties (Parcel # 12M12016S and Parcel # 12N11040A) which were already rezoned to LI and to hold off calling for public hearing for the annexation of the other property (Parcel # 12M12018).

A motion to approve the resolutions and call for the public hearings for May 13<sup>th</sup> for item 20a. (I, II, and III) & item 20b (I, II, and III): Commissioner Bill Radford

Second by: Commissioner Jimmy Garner

Vote: Unanimous



Motion to table item 20c. for until the next meeting: Commissioner Bill Radford

Second by: Commissioner Jimmy Garner

Discussion: Commissioner Jimmy Garner asked if this property goes back to Firetower Road. Zoning Administrator Hayes said it did not.

Vote: Unanimous

**MAYOR'S MINUTE-** None

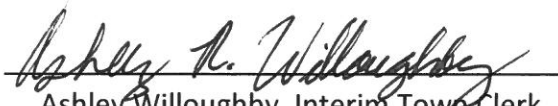
**ADJOURMENT**

There being no further business to discuss, the meeting adjourned at 8:15 p.m.

Motion by: Commissioner Radford

Seconded by: Commissioner Pittman

Vote: Unanimous

  
Ashley Willoughby, Interim Town Clerk

  
Mayor

(SEAL)

