June 10, 2014

7:00 P.M.

The Town of Pink Hill held its monthly board meeting on Tuesday, June 10, 2014 at 7:00 p.m. in the town hall board room. Present for the meeting were Mayor Carol Sykes, Commissioners Mike Hill, Donald King and Debra Grady, Town Attorney George Jenkins, Public Works Director Timmy Kennedy, Police Chief Joey Thigpen, and Town Clerk Kimberly Mitchell.

Visitors present were Violet Stroud, Kathy Howell, Dora Evans, Rodney Scott, Joey Huff, Bill Turner and Trina Patrick.

Mayor Sykes called the meeting to order. Mayor Sykes welcomed everyone to the meeting. Commissioner King then led everyone in the pledge of allegiance. Commissioner Grady made a motion to approve the regular board minutes from the May 20, 2014 meeting. Commissioner Hill seconded the motion and it carried unanimously. Commissioner Grady made a motion to approve the May 22, 2014 minutes of the presentation of the FY 2014-2015 budgets. Commissioner King seconded the motion and it carried unanimously. Commissioner Hill made a motion to approve the agenda with amendments and to add Joey Huff to #4a – Dog Barking Nuisance. Commissioner King seconded the motion and it carried unanimously. Commissioner Hill made a motion to add Rodney Scott to #14 discussion of golf cart ordinance. Commissioner King seconded the motion and it carried unanimously.

The first item on the agenda to be discussed was the dog barking nuisance. Mayor Sykes asked Ms. Violet Stroud to speak. Ms. Stroud stated she wanted to thank the board members and Mayor Sykes for letting her come to speak. She said she is an 80-year-old lady and she has had a hard time the past 9 months. Ms. Stroud said she would like to have a nuisance ordinance like we have on loud music done for dog barking. She said the first 3 months of the 9 months which was November, December, and January the dogs barked constantly at night. She stated it was not good for her health not to be able to sleep and she has really not slept much in the past 9 months. Ms. Stroud said first of all she tried to get up with the people who own the dogs herself to speak to them but she does not know their names and she still doesn’t. She said if they were in here tonight, she would not know them. She stated there was a for sale sign up in front of their house so she took the number down and called it to see if she could get their number. The lady that she spoke with said that she would give the people Ms. Stroud’s number to call her. Ms. Stroud said several days went by and she did not hear from anyone so she called two or three more times and nobody from there ever called her. She stated she then talked with Chief Joey Thigpen and he was nice enough to go over there and talk to the people and she thinks that he got some sort of a smart remark back from the lady. Ms. Stroud said the comment the lady made to Chief Thigpen was if she could stop the birds from chirping, then she would stop her dogs from barking. Kathy Howell with Lenoir County Animal Control went over there and left several notes for them to call her. Ms. Stroud said it took the third note from Ms. Howell before they called her. She stated they promised Ms. Howell that they would do something about it in two weeks and that has been two and a half months ago. Ms. Stroud stated it is a coincidence that they moved the pen a short distance last Saturday but they really have not moved it far enough because she can still hear the dogs. She said that Treva told her Friday night at Byrd’s Café that she could hear them barking at night and her house is two houses over and her bedroom is at the far end of the house. She knew the people and knew how to get the word to them. Ms. Treva told Ms. Stroud that she has not put anything wrong on Facebook because she is not the kind to say anything wrong about anybody. Ms. Stroud stated she told Treva about the dogs barking at 2:30 a.m. and 4:30 a.m. and Treva said she forwarded that information to the owners of the dogs. Ms. Stroud said the owners knew about it. She said dogs are like babies, when they are not happy they are going to cry. If they want something to eat or some attention, they cry. She said a steady bark tells you that they are not happy. Ms. Stroud said she thought to keep somebody else from going through the problem she has had for the last 9 months that maybe Joey could talk to them and see if he could straighten it out. The owner just has never contacted her. Ms. Stroud said she just does not think they are happy dogs in the first place. She said she is not saying they don’t love them but she has never seen them out there with the dogs or walking them. She stated she sees Penny Murphy walking her dog about every evening and she sees Del Holt walk her two adoptive dogs which belongs to Treva and they are happy dogs. Ms. Stroud said she has been at that house for 46 years or so and the house next to her has had a number of families there and they have had dogs and there is dogs in the neighborhood and never have had any problems. She has had dogs and she loves dogs but at her age she just cannot go without sleeping. Ms. Stroud stated she would love to see some kind of ordinance amended to the ordinance on loud music. Mayor Sykes asked Joey Huff Health Director with the Lenoir County Health Department to speak. Mayor Sykes stated she asked Mr. Huff to come and explain about the dog ordinance and why the town does not have one but the county does and we are under their umbrella. Mr. Huff explained that the county adopted an animal control ordinance and they did so back in 1992. He said the city of Kinston is excluded from that ordinance because Kinston has their own animal control ordinance. He stated the ordinance that the commissioner’s adopted in 1992 does include the townships of Pink Hill and LaGrange meaning that the Health Department, Health Director, and Animal Control is under the agency and he is the individual of the county and Local Government that does enforce the county’s animal control ordinance here in Pink Hill. He said that Kathy Howell does respond to complaints through the ordinance. It is a nuisance based ordinance and not a leash law ordinance. A couple of items back in 1992 that were discussed by the commissioner’s at that time that they wanted specifically excluded from an enforcement aspect had to do with barking dogs and they did not want it to be a leash law. He said from an enforcement issue is very difficult to resolve or to enforce. Animals can run loose unless or until someone calls or makes a complaint about the dogs being a nuisance. He stated that being said they do get calls from other individuals about dogs that bark at night that keep them up and disturb the peace. Although they have no enforcement authority, the Animal Control staff do respond to those complaints and do a brief investigation to find out what the problem is. He said one of the goals that they attempt to do is to make contact with the owner of the dogs that the complaints are made about, bring to their attention that the dogs are being a problem from a barking standpoint, making a lot of noise and keeping folks awake from enjoying their peace and serenity. Again, he said they have no enforcement but they want to bring it to their attention and we do share with them at the time maybe some modifications or things they can do on a voluntary basis that might resolve the situation. He stated that Ms. Violet did mention a little while ago that the folks in question have moved the dogs. He said because we often times encounter situations where if the dogs are confined in a pinned in backyard for example, they may be secured by another small pen, tether, rope, or a small leash to the side of the property that happens to be the neighbors bedroom end of the house. He stated obviously when the dogs bark it is going to be the loudest there and that is where the disturbance is. Sometimes a simple thing as moving the dogs from this end of the yard to the other end of the yard or to the far corner of the fence significantly helps a whole lot. This was also discussed with the dog owners. Often times the owners will bring in the dogs at night and let them back out during the day and that seems to help. Mr. Huff said there are collars or devices that could be purchased and put on the dog’s neck to help either through shocking or whatever. This has to be monitored and has to make sure the batteries work. Dogs that have a thick coat or heavy mane around their neck and throat may not work well with these devices. Mr. Huff said these are all suggestions but they do respond to the complaints, do follow up, and they do have communication with the dog owners as to making a suggestion or recommendations on how to keep the peace. He said they have no enforcement and they cannot make them. If it persists and they don’t follow through with the suggestions that we have, there is nothing that he can do from an enforcement issue. Although when the commissioner’s crafted the animal control ordinance to include the town of LaGrange and Pink Hill, if the Pink Hill board adopts its own ordinance relative to any animal issue, it will have to be enforced by the authority in Pink Hill and not through the Health Department. So even though it might be a dog or animal related issue, it is not part of the county ordinance and he does not have the legal authority to enforce an ordinance or a city rule that Pink Hill counsel may decide to adopt. Mayor Sykes said she wanted to commend Kathy Howell for always being there when anyone called about a complaint. Mayor Sykes said one reason or it might be the only reason why the county did not adopt an ordinance or leash law is because of money and personnel. Mr. Huff said it is his understanding that the city of Kinston does have a barking restriction within their ordinance. He said it is not based on decibels or how to measure the loudness of a noise, but if there is a complaint of somebodies dogs barking, for example between the hours of 12:30 a.m. until 4:30 a.m. in the morning, then that is a violation of the city ordinance and the city police respond to that. Commissioner Hill asked if the town adopts an ordinance, then we would not be under the county’s ordinance, so any dogs we have here in Pink Hill we would have to have a pound for them. Mr. Huff stated if part of your enforcement related to impounding dogs that do bark and the owners allow that to happen violating the ordinance, then you would have to have some arrangement to impound those dogs. He stated you would have to feed them and take care of them. Commissioner King asked if the county has facilities and Mr. Huff replied yes. Commissioner King said if we make or adopt an ordinance we have people that can enforce that to a certain point such as our policemen. He said if that dog required impounding could we not put the dog in the county. Mr. Huff said he would defer that question to the county’s attorney or the county’s manager. Mr. Huff stated the reason he says this is that under the current ordinance if a resident in Pink Hill complains about a nuisance dog and Kathy comes and picks up that dog or cat, then yes they are taken to the animal shelter that the county and city jointly own. He said if Pink Hill has its own ordinance and part of that enforcement were to impound animals, do you have the right to take them to a shelter. He said he would encourage the board to talk with the county manager or the county’s attorney. Mr. Huff said he does not know with the existence of a county ordinance where we are already taking animals from Pink Hill to be impounded would work. Mayor Sykes stated she sympathizes with Ms. Stroud but the town just does not have the manpower to have an ordinance where they may have to come out every day or every morning at 3 o’clock in the morning. She said we would have to raise taxes to help pay the police to do this. Mayor Sykes stated she did not see how the town could afford it. Ms. Stroud said if it could say that they were to put a collar on the dogs at night. Mayor Sykes said if you are going to have a dog ordinance we will have to be able to treat everybody alike because there are going to be more dogs barking in the neighborhood than just at your house. Mayor Sykes said it is her opinion that she does not see how we can have an ordinance and expect our policemen to come out every time somebody calls about a barking dog. She said she does not believe that is fair to our police department. Commissioner Grady said it is hard to gauge whether the dog barking is due to an intruder or just yakking. It is hard to gauge when a bark is for protection. Jokingly Mayor Sykes told Ms. Stroud that she would go spend the night with her one night and she will take her BB gun and she will shoot them. Commissioner King said he would suggest that they all back up and look at this thing and give them a chance to read through this and find out what they really can do and what we really cannot do. Commissioner Hill made a motion to table this issue until the next meeting. Commissioner King seconded the motion and it carried unanimously. Mayor Sykes thanked Ms. Violet Stroud for coming and said she would go and talk with the owners personally. Mayor Sykes also thanked Joey Huff and Kathy Howell for coming.

The next item on the agenda was 4b – Adopt Capital Project Budget – DWSRF – AMR Meter Replacement Project. Commissioner Hill made a motion to approve the Capital Project Budget for the AMR Meter. Commissioner King seconded the motion and it carried unanimously.

The next item on the agenda was to Adopt FY 2014-2015 Budgets. Commissioner Hill made a motion to approve the Budget Ordinance for the FY 2014-2015. Commissioner Grady seconded the motion and it carried unanimously.

Discussion of naming the road by the park & water tank was next on the agenda. Timmy stated over this project and over some more things that he has gone through over the last few years, the road by the park is a no named road. We do have water on that road and we have houses that are on the backside which is Hatteras Drive and Tarheel Drive. George spoke up and said the road does have a name and it is Lauderdale Drive. It is not on the Powell Map but on a survey map that was done years ago. Timmy said if we had to pick a road name, he was thinking Pink Hill JC Park Road or Lane. Timmy said he would like to see it upgraded so sometime in the future maybe pave it. Commissioner King made a motion to table until the next board meeting. Commissioner Hill seconded the motion and it carried unanimously.

The next item on the agenda was Land Surveying Earl Howard Road (Tabled at last meeting). Timmy said today at lunch time Mr. Wade Davenport did contact him and said he was coming down here from Kinston and wanted to meet with him. Timmy told him that he goes to lunch from 12:00 p.m. to 1:00 p.m. and Mr. Davenport said it would be 1 o’clock before he got here and Timmy said he never saw him. Commissioner Hill made a motion to table until the next board meeting. Commissioner Grady seconded the motion and it carried unanimously.

The next item on the agenda was discussion of Water Well Ordinance. George stated that he and Commissioner Hill have talked about the well water ordinance. George said he is in the process of drafting it. He stated he will get each of the commissioner’s and the mayor a copy of the draft. He said basically what it says is that there will be no cross connections between any form of water supply, be it wells or cisterns, and the municipal water supply that existing wells will be grandfathered in and they can be maintained and used, that there be no violation of the backflow ordinances that we passed a couple of years ago, that wells cannot be drilled into PD or black creek aquifer, and that the wells will have to comply with North Carolina regulations and statutes regarding drilling, installation, and improvements of wells. Commissioner Hill made a motion to table the well ordinance until the next board meeting. Commissioner King seconded the motion and it carried unanimously.

The next item on the agenda was the WASA Report. Commissioner Hill stated they were still in discussion with the lawmakers about the well drilling in Greene County. Commissioner Hill said that he, Mayor Sykes, and Kim went to Raleigh last week and he also talked to Louis Pate about it. He stated that Louis Pate was under the impression that EPA mandated this. Commissioner Hill said so he called Barry Sutton, President of WASA, and he said no EPA did not mandate it but that it came directly from water resources in Raleigh. He said they are going to make sure that all the senators understand that. Commissioner Hill said for anybody who does not know we had to pull out of Black Creek and now they are going to let Greene County and Snow Hill go back into the Black Creek where they told us we couldn’t build a well. He said that is what he is trying to do and fight that to make sure they comply just like we did with capacity use area rule. He said they did get a permit where they can draw more water out of the river if they need to.

Police Updates was next on the agenda. Chief Thigpen stated since the last meeting on May 20, 2014 they have had a total of 6 offenses, 1 arrest, 2 accidents, they issued 12 citations with a total of 14 charges, and issued 10 warning citations. Commissioner Hill asked if everything had been going alright with the cars and everything. Chief Thigpen said they got their new radios in from this budget we are in now. He said he has to order some more radios with the new budget also and that will catch them up with the new system. Chief Thigpen said everything has been going good. Mayor Sykes thanked Chief Thigpen for what he does and what the other guys do too.

The next item on the agenda was the Fire Department Report. Timmy said for the month of May they had 6 EMS calls, 2 automatic alarms, 1 wreck call, and 1 structure fire. He said the State Fire Marshall’s Office will be here on Monday and it will be pretty much all week. They will be inspecting all of their paperwork, trucks, and equipment to see if they meet the grade. Timmy said they hired someone to come and test the hydrants in town so it would be official. He said they did go back and number them and they got very good flows. He stated the lowest flow of any hydrant here in town on our system was 750 gallons per minute which is above average. He said that is the reason they went back and color coded. Timmy said you may see some of the new hydrants that are painted maybe with an orange or green cap. The red cap is up to 500 gallons per minute flow and everyone we had was better than that so that at least went to orange which is 500 to just shy of 1000 gallons per minute flow. He said any that you see that are green, we got better than 1000 gallons per minute flow out of them. Mayor Sykes asked how many hydrants we have in town. Timmy stated we have 89 hydrants in town.

The next item on the agenda was Water/Sewer Updates. Timmy said they were hoping to finalize their construction on June 12th but they are not going to meet that deadline. He said hopefully in another week and a half the job with ER Lewis will be finished as far as the first construction. Mayor Sykes asked if that was including streets and everything and Timmy replied yes. Timmy stated KBS Construction is supposed to start tomorrow, June 11, 2014, in putting in the new electronic meters. Timmy said everything else seems to be going as usual.

The next item on the agenda was Library Rood (Tabled at last meeting). Mayor Sykes said she had talked to Louis Pate prior to the last meeting and several other people and everyone she has talked to sees no reason why we cannot use the money from the economic development fund. She said but there is not a single one that will sign off on it yet. She stated the money has been there for 23 years but Louis Pate promised her the other day that he would be in touch with her within the next couple of weeks. Mayor Sykes said the roof is going to be done if they have to take it out of the General Fund because it needs to be done. She said right now she is waiting on a call from Mr. Pate to move forward. Commissioner Hill said if it gets to the point and they say we cannot use that money, he wants to put it on record that we will do a referendum on some kind of sales tax to help keep up the library and our streets. Commissioner Hill made a motion to table this issue until the next board meeting. Commissioner Grady seconded the motion and it carried unanimously.

The next item on the agenda was Discussion of Golf Cart Ordinance. Mayor Sykes said this issue stems from the Rose Festival where there were a lot of golf carts that were in the way and were not related to the Rose Festival. Mr. Rodney Scott said Linda Grider, Pastor at Pink Hill Methodist Church is leaving and they are having a new pastor come in. The new pastor, Reverend Barrow has a handicap son who still lives with her and he is 25 years old. Mr. Scott said where the Reverend lives now her son is able to drive a golf cart around. The Reverend wanted to know if they could bring their golf cart with them for their son to drive. Mr. Scott said he talked with Chief Thigpen and he told him that the board was fixing to discuss this issue at the board meeting. Chief Thigpen asked Mr. Scott to come to just answer some questions about insurance and how insurance would play into the ordinance. Mr. Scott said if the board is going to pass an ordinance he would encourage them to strongly consider not requiring a driver’s license as part of the ordinance. He said the only reason why he would bring that up is because of Mr. Emmett Watson and Mr. Kenneth Maxwell and as you have people who may no longer be able to drive a vehicle or have a license, could still safely operate a golf cart. George stated that state law provides that no one less than 16 years of age may operate a golf cart on a public street, road, or highway. Mayor Sykes asked if someone under 16 years of age did drive it would the insurance cover that. Mr. Scott said that Nationwide, Progressive, and Geico are really the three big riders of golf carts and unlicensed vehicles. He said Nationwide and Progressive both have policies that insure the golf cart very similar to an automobile policy. He stated which is if you hand your keys to somebody, then you hand them your insurance too whether they are licensed or not. He said he would encourage the board to strongly consider a requirement to have liability coverage on the golf carts if they are going to be on the road but you don’t have to worry about them being licensed for that insurance to go with them. He said as long as the golf cart is insured, then the insurance goes with them. Mayor Sykes said in one of the ordinances they had to read it said that they would be insured but whenever they are registered they are required to bring proof of insurance to the police department. George said state law says you cannot drive a golf cart on a road where the speed limit is higher than 35 MPH but they can go across it. Commissioner Grady said she believes the question is about liability because if an accident happens they are going to ask if the person was covered. Commissioner King said that he was not for golf carts and the reason why was because he has seen too many accidents where a golf cart may be behind someone backing up and they cannot see the golf cart. He said the other thing is if and when we do an ordinance, he feels the golf carts should have turning signals like a car. Commissioner King said his biggest thing is the safety of the person in the golf cart from larger vehicles. Mr. Scott said just liability on a golf cart is less than $100 per year. He asked if someone had a Cub Cadet is that covered under a farm ordinance or would you want to write the golf cart ordinance broad enough to cover. George said the statutes do have definitions of what is a golf cart. Commissioner Hill made a motion to table this issue until the next board meeting. Commissioner Grady seconded the motion and it carried unanimously. Commissioner Hill made a motion to have a meeting at 6:00 p.m. on July 8, 2014 to discuss the golf cart ordinance and to instruct the clerk to give notice to the public. Commissioner Grady seconded the motion and it carried unanimously.

The next item on the agenda was Budget Amendments if needed. Kim said there were no water fund amendments. She stated in the general fund she had to adjust revenues to anticipated collections and increased expenditures that were under budgeted and recognized additional fund balance savings. Commissioner Hill made a motion to accept the budget amendments to the General Fund. Commissioner King seconded the motion and it carried unanimously.

Remarks by Town Attorney was next on the agenda. George stated he appreciated the opportunity to come here. He said he always enjoys it.

The next item on the agenda was Comments by the Board. Commissioner Hill stated he appreciated everyone being here and everybody working together. Commissioner Grady stated that we have a good crowd here. Commissioner King stated he thought we had a good meeting and it was different because we had some people participating.

The next item on the agenda was Public Comment Period. There were no public comments at this time.

The next item on the agenda was Closed Session. Commissioner King made a motion to go into closed session. Commissioner Hill seconded the motion and it carried unanimously. Commissioner Hill made a motion to come out of closed session. Commissioner King seconded the motion and it carried unanimously.

With there being no further business to be discussed the meeting was adjourned.