



**TOWN OF PINE LEVEL**  
**MINUTES OF REGULAR**  
**BOARD OF COMMISSIONERS MEETING**  
**FEBRUARY 9, 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, February 9, 2012 at the Pine Level Town Hall.

**ROLL CALL**

   X COMMISSIONER KAREN ANDERSON  
   X COMMISSIONER JIMMY GARNER  
   X COMMISSIONER ANTHONY GUDAC  
   x COMMISSIONER PHIL PITTMAN  
   X MAYOR JEFF HOLT

**STAFF PRESENT**

Town Attorney Frank Wood, Consultant Dan Simmons, Parks and Recreation Coordinator Scottie Hayes, Public Works Superintendent Ray Stuckey, Town Clerk Sharon Thompson

**INVOCATION AND PLEDGE**

Mayor Holt gave the invocation and Commissioner Pittman then led the Pledge of Allegiance.

**APPROVAL OF AGENDA**

ADDITIONS:

DELETIONS:

Closed Session to discuss property disposition (JH)

10 (C) Town hall hours (PP)

*MOTION TO APPROVE:* Gudac

*SECOND:* Pittman

*VOTE:* unanimous

**APPROVAL OF MINUTES: 01-09-12**

*MOTION TO APPROVE:* Anderson

*SECOND:* Garner

*VOTE:* unanimous

### **PUBLIC HEARING ON BRASWELL SPECIAL USE PERMIT**

At 7:03 p.m. the mayor opened a required public hearing on a request filed by RD Braswell for a special use permit, said hearing having been duly advertised on January 25th and February 1st in *The Kenly News*. Mayor Holt reviewed the application from Mr. Braswell, commenting that he was requesting a permit that would allow him to place recreational vehicles on eleven lots in Pine Valley Estates Mobile Home Park, for a temporary period of less than twelve months. The mayor then asked Mr. Braswell if he would like to explain his request to the board and address any issues pertaining to the request.

Mr. Braswell stated that prior to annexation of the mobile home park into the city limits, and since annexation, he has allowed RV's in the vacant areas in his park. He said the lots all have water and sewer taps and it has never been a problem in the past. He stated that he keeps a tight reign over his park and tenants and he does not allow it to look shabby. He said he does not want to create an eyesore in the park and that he does background checks and criminal history checks on all of his tenants before he allows them to move in. He did not realize that the RV's were not allowed in the ordinance, but he has never had problems with them in the past. He said he would need to do something different with his lots if he is not to be allowed to have RV's there on a temporary basis. Commissioner Pittman asked how many lots there are in the park, in total; Mr. Braswell answered 82 lots, with 28 or 29 vacant. Commissioner Garner asked how long have the current RV's been in place; Mr. Braswell said 3-4 months. Mayor Holt asked if the eleven lots included in the request are all together; Mr. Braswell said yes, they are together.

The mayor asked if anyone else wished to speak in favor of the request. Terry Rains, a Planning Board member, said he was in favor of granting the permit. He said Mr. Braswell has never allowed bad tenants in his park. Mr. Braswell commented that he had asked the Johnston County Sheriff to notify him immediately if they were called to his park, while the call was underway. He said he tried to create a community feeling there, not just a mobile home park. Commissioner Garner asked where the RV's are located; Mr. Braswell said they are behind his office building. Commissioner Gudac said he was aware that RV's have been allowed in town in the past and nothing has been said about it. The mayor then asked if any of the Planning Board members wished to share their feelings on the request.

Berry Godwin said he would speak for himself and not on behalf of the Planning Board. He said the issue came up at the December meeting of the Planning Board and he reiterated that RV's are not allowed in the Pine Level Zoning Ordinance. He said he rode out to Mr. Braswell's park and that it truly is a nice park in the town's city limits. He said the residents have certain expectations from living at the park, one being that the residents in the mobile homes are of a more permanent nature. He said the people living in the RV's are more transient in nature. He said they could live in any of the several RV parks in the county. He felt it would be doing the regular tenants wrong to allow the RV tenants. He said if you allow one park to do it, other parks would probably want to do the same thing. He commented that it was not a hardship situation and he would like to see the park maintained as is, without the RV's.

Nester McClain, also a Planning Board member, said he also voted to allow the RV's in the park. He said there were good and bad people living in RV's or houses or mobile homes. His own nephew wanted to have a mobile home at Mr. Braswell's park and Mr. Braswell does keep up a good park. He also commented that other mobile home parks might not be set up where RV's could be allowed in a separate area from regular tenants. He said the request was only for temporary stays and he did not see what was wrong with it. Commissioner Garner asked what was meant by temporary; Mr. Braswell said something less than twelve months. Mr. Braswell said the RV tenants started when the BP terminal in Selma was reworked, and the RV park in Selma filled up with RV tenants. He again said he did not want to do anything detrimental to his own park, but he had received no complaints. Commissioner Garner asked if the RV park in Selma is still full; Mr. Braswell said he was not sure if it is filled at this time

Commissioner Pittman asked if the RV's are just to be allowed in a certain area. Mr. Braswell said the lots are all contiguous. Commissioner Pittman asked if he wanted to rent the lots on a daily basis; Mr. Braswell said no, that would be a nightmare to keep up with. Mayor Holt commented that if another park wanted to do the same thing, they would have to go through the same process, because this request only affects the eleven lots in Pine Valley Estates Mobile Home Park, and that if Mr. Braswell wanted to utilize more lots, he would even have to go through the permit process again. Mr. Braswell said he would rather have mobile homes on the lots, but that is not going to happen in today's economy. He said he has opened the gates behind his office buildings so those tenants can enter and exit and have access to US Highway 70. Commissioner Garner asked where the RV's would be taxed. Commissioner Gudac said the

taxes should be paid to wherever the RV's are registered. Commissioner Gudac then asked Mr. Braswell how many of the mobile homes in his park belong to him. Mr. Braswell said he owns 22 of the mobile homes.

Janet Kleinert, another Planning Board member, said she agreed with Berry Godwin. She said the ordinance does not allow for the RV's and she did not agree with granting the permit. Commissioner Gudac asked about water and sewer for the RV's, Mr. Braswell said it was no expense to the town, that he provided the fitting for their hookup at his own expense. Commissioner Gudac asked about a park model, and whether or not it would be allowed, but no one gave a definitive answer.

Berry Godwin asked why Pine Level would even want to allow the RV's. He said he did not see any benefit to the town and what benefit was there to the park tenants to approve the permit. He said the RV tenants would only be there for a short time and then be gone. He said the usual tenant would probably be a younger male and they might create an uproar in the park. Mr. Braswell said these three tenants were older and it was husband and wife living in the RV's. Mayor Holt said the permit would only be for temporary stays of less than twelve months and he said Mr. Braswell requires the RV's to be less than ten years old. Dan Simmons commented that the town could place a restriction on the permit, that only monthly renters could occupy the RV's and not daily renters. Mayor Holt said the issue appeared to be the mixing of two different types of lot rentals, those of a more permanent nature and those that are temporary in nature. Commissioner Garner asked about RV's being allowed in town previously and what happened with them. Kester Kornegay said he had one on one of his lots but he made them move out when he learned the town did not allow them.

At 7:40 p.m. Mayor Holt said he would like to close the hearing, having heard comments from all those involved. He noted that the board had a recommendation from the Pine Level Planning Board to deny the special use permit for Mr. Braswell. The mayor said they could decide on the request or discuss it further or defer it. Commissioner Gudac said he would like to table the matter until March, to think more about it before a vote is held. Commissioner Pittman said there were more issues to address, such as the three RV's already located there. Commissioner Anderson said you couldn't make them move out. Commissioner Garner said he would certainly never want to see any harm come to the regular tenants from any of the temporary tenants. Commissioner Gudac said they were given approval from an officer of the town, and that they should be given refunds if the town votes against allowing the RV's. Mayor Holt said he did not think Mr. Holmes did anything wrong intentionally.

The board voted to defer a decision on the issue until the March meeting, on the following vote:

*MOTION:* Gudac

*SECOND:* Pittman

*VOTE:* for- Pittman, Anderson, Gudac, Holt, against – Garner

### **PUBLIC COMMENT**

The mayor called for comment on non-agenda items but there was no comment to be heard.

### **REPORTS FROM COMMITTEES**

**PLANNING BOARD:** Berry Godwin urged the board to be proactive in enforcing the Zoning Ordinance. He said the ordinance is designed to protect everybody, not just a few.

**SENIORS GROUP:** Seniors met earlier this week. Still having a good response at their meetings

### **REPORTS FROM DEPARTMENTS**

**WATER/SEWER:** Commissioner Gudac. Everything okay. Mild winter thus far, no problem with broken/frozen pipes.

**RECREATION:** Commissioner Anderson. Getting ready for Reverse Raffle on February 25th at the Micro-Pine Level gym. Basketball program still underway. Scottie Hayes said spring sign-up is underway until February 24th. Several tournaments planned this year at the park. Raffle sales are slow. Terry Rains asked if in-town kids and out-of-town kids

pay the same registration fee. Scottie Hayes said all participants pay the same fees. He said about one out of ten kids actually live inside the city limits. Commissioner Garner said he did not agree with the same fee for all participants. Commissioner Anderson said the work gets done by out of town committee members and she did not approve of charging more to kids from out of town. She said the registration fee pays for insurance and uniforms for the kids who are registered, as well as paying fees for officials at the games. Commissioner Garner said other towns do charge different fees for inside/outside kids. Commissioner Pittman said he would like to end the discussion on differing fees and look at it for next month's meeting. Commissioner Garner said he would at least like to see Kenly charge Pine Level kids the same rate, since Pine Level plays in a conference with Kenly. Commissioner Anderson said she would be happy to talk with Kenly and see if they would agree to charge the same fee for Pine Level kids. Mayor Holt said he would leave the issue with Commissioner Anderson and that she and Scottie Hayes could report next month on fees in neighboring communities and bring statistics on how many kids live inside the city limits versus outside of the city limits.

Commissioner Anderson reported that Zambelli could handle the fireworks on July 3rd for a fee of \$5000, or on the fourth for \$10,000. A second proposal came from Southeastern Pyrotechnics, and they would handle the program on the 3rd or 4th for a fee of \$5,000. Commissioner Anderson said the fourth falls on a Wednesday this year, but she would like to see the fireworks on the fourth. Commissioner Gudac said the Southeastern proposal looked like a good alternative, if they could slow down the program a little. Mayor Holt asked Commissioner Anderson and Scottie Hayes to come back in March with a recommendation on the fireworks proposal, and if a decision needs to be made earlier, then the board could handle that as well.

**POLICE:** Commissioner Garner. Stop signs have been installed in LauraMark Subdivision. Police have been paying more attention to the area and will continue to give tickets if speeding continues to be a problem.

**STREETS:** Commissioner Pittman. Everything okay. Asked to put message on next water bill to request people to remove garbage cans from beside the street after garbage has been removed. Sal Navarro commented that more items should be allowed in the recycling stream.

#### **UPDATE ON MERCHANT ACCOUNT**

The mayor reported that he met with various staff members and two vendors since last meeting, and they seemed to offer similar fees and services. He said he was not comfortable making a decision just yet. He said the more you use the service, the higher the fees go, and the town needs to weigh the benefit to customers and the possible expense that might be incurred.

#### **UPDATE ON ZONING ADMINISTRATION**

Mayor Holt recommended that the town add zoning administration to the duties of Scottie Hayes. He said Dave Holmes and Dan Simmons have both offered to assist Scottie whenever possible, and the Institute of Government offers classes on zoning that Mr. Hayes could attend to become more educated on zoning matters. He said that Scottie is already in town during the day and already on the town's payroll, and that he could be pro-active in looking in town for violations. He recommended that Mr. Hayes be appointed as Zoning Administrator and that he be paid from any monies that were left in the budget for payment to David Holmes. Commissioner Gudac said he had no problem with Scottie, but he did have a problem with going out and telling somebody they had to cut their grass when the town allows an eyesore like the old oil mill to exist and nobody does anything or seems to care about it. The board voted favorably on the proposal to appoint Scottie Hayes, on the following vote:

*MOTION:* Garner

*SECOND:* Pittman

*VOTE:* for-Anderson, Pittman, Garner, Holt, against-Gudac

#### **BIDS ON WATER FILTER REPLACEMENT**

Dan Simmons reported that the town would receive bids on replacing the water filter at the water plant at 2:00 p.m. on Tuesday, February 28th at the town hall conference room. He said bids were possible from four bidders.

#### **PROPOSAL TO SELL OLD TOWN HALL**

Mayor Holt said the board voted at the last meeting to accept a bid of \$38,000 from Joyce Jenkins, pursuant to NCGS160A-269, and proceeded to advertise the bid and extend an upset period of ten days from the date of publication for upset bids to be received. He reported that no further bids came in on the property at 214 North Peedin Avenue, and it was now up to the board to accept her bid officially. The board voted unanimously to accept the bid of \$38,000 from Mrs. Jenkins. Mayor Holt said there should be some activity there in the near future and that Frank Wood would be involved in the proceedings from this point.

*MOTION:* Gudac

*SECOND:* Anderson

*VOTE:* unanimous

### **REZONING REQUEST**

In other zoning related issues, the mayor called for a public hearing to be held at 7:00 p.m. on Thursday, March 8th, at the town hall, on a request filed by Ronald Peedin for rezoning property on US Highway 70-A from RMH to HB. He said the Planning Board could take up the request at their meeting on February 23rd.

### **ANNOUNCEMENTS**

Mayor Holt said he would forego his comments under "Mayor's Minute," but he did want to point out that February is Black History Month. He said there used to be segregation in Pine Level, but he didn't really feel that Pine Level had ever truly been a "segregated" town, to the extent of other small southern towns. He pointed out Nester McClain and the different contributions that Mr. McClain and his other family members have made to the town, and the many ways they have served the Pine Level community.

### **CLOSED SESSION**

The board then entered a closed session, pursuant to NCGS 143.318.11(a)(5), to consider the disposition of municipal property. After a brief session, with all board members in attendance, regular session resumed at 8:40 p.m. and the meeting came to an end.

### **MEETING ADJOURNED**

*MOTION TO ADJOURN:* Gudac

*SECOND:* Garner

*VOTE:* unanimous

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**TOWN CLERK**

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**MAYOR**