



TOWN OF PINE LEVEL
MINUTES OF REGULAR
BOARD OF COMMISSIONERS MEETING
MARCH 8, 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, March 8, 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 and Assistant Ken Wall, Planning Board Chairman Randy Holloman and Planning Board members, Police Chief Keith Sparks and Officer Ashley Woodard, Town Clerk Sharon Thompson

INVOCATION AND PLEDGE

Commissioner Gudac gave the invocation and then, Mayor Holt asked the Pine Level Girl Scout troop to lead the Pledge of Allegiance. The mayor welcomed all who were in attendance.

APPROVAL OF AGENDA

DELETIONS: 13. Mayor's Minute (JH)

MOTION TO ADOPT: Gudac
SECOND: Anderson
VOTE: unanimous

APPROVAL OF MINUTES: 02-09-12

MOTION TO APPROVE: Gudac
SECOND: Garner
VOTE: unanimous

RECOGNITION OF GIRL SCOUTS

The mayor then recognized the Pine Level Girl Scout troop in attendance and one of their leaders, Ms. Tina Grimes. Ms. Grimes went on to say that Troop 1092 consists of girls from both Pine Level and Princeton. She said they have members from Daisies to Cadets, from the 3rd to 6th grade. Their troop has about 27 members and they meet once a week at the Pine Level Scout Hut. The girl scouts are celebrating their 100th anniversary, and the week of March 11-17th is Girl Scout Week. Mayor Holt then read a "Proclamation Celebrating 100 years of Girl Scouting." The mayor said he applauded the girls for their commitment and he recognized the commitment of the scouting leaders as well. The board unanimously adopted the proclamation, thereby proclaiming the week of March 11-17th as "Girl Scout Week" in Pine Level and 2012 as the "Year of the Girl." A copy of the proclamation is included with and hereby made a part of these minutes by reference. Mayor Holt thanked the girls and their leaders for coming and sharing at tonight's meeting.

SPECIAL RECOGNITION

The mayor then called upon David Holmes, the town's former Zoning Administrator, to come forward. Mayor Holt said he first met Mr. Holmes about 25 years ago when he was working for the Town of Dunn, on their CDBG. He then came to work with Pine Level and a community development block grant that Pine Level received. He said Mr. Holmes has been involved with municipal government for the last fifty years and he had finally decided to retire as of 12-31-11. The mayor said he had a small token from the town to recognize Mr. Holmes for his 16 years of service to the town and Planning Board. He thanked Mr. Holmes for his service and said that he had indeed been involved with much of Pine Level's growth. He then read a certificate of appreciation for Mr. Holmes and he presented him with a plaque and a gift certificate from the town. After a round of applause, Mr. Holmes said it had been a great experience working with Pine Level, and he would truly miss working with Pine Level and the office staff. Bob Harvey commented that Mr. Holmes was instrumental in helping the town update and re-write its zoning by-laws.

Mayor Holt went on to explain that the town was starting a new program and they would now be recognizing employees for their years of service, as well. He commented that Pine Level has a wonderful group of employees and he thought that everyone would agree with that. He said they don't do enough for the employees, but they would like to present several employees with a pin to honor their "Excellence in Service." He recognized Ken Wall and Ashley Woodard, who started work with the town as of March 22, 2006 and January 25, 2006, respectively, and he presented them with service pins. He then recognized Ray Stuckey, who started work with the town March 14, 1988, and he received a pin, as well. Mayor Holt thanked them for the jobs they do for the town and everyone gave them a well deserved round of applause. He said other employees would be recognized as their anniversaries with the town come around.

PUBLIC HEARING ON PEEDIN REZONING REQUEST

The mayor then opened a required public hearing on a request for rezoning filed by James Ronald Peedin, said hearing having been duly advertised on February 22nd and February 29th in *The Kently News*. Mr. Peedin asked to have parcel number 12001022D, located at 794 US 70-A Highway, rezoned from RMH to HB. Mayor Holt said the owners want to have a used car lot on the property. He said Randy Holloman could give input from the Planning Board, and he said they would hear from those in favor of the rezoning, as well as anyone opposed, and they would also hear a recommendation from the Planning Board. Ronald Peedin was first to address the board, he said the property was inherited from his father, who operated a store there. He said he also has a small business there. The mayor asked if anyone else wished to speak in favor of the request. Hearing no response, he asked if anyone opposed the request. He said the adjoining property owners had been duly notified of the public hearing on the rezoning request. Commissioner Garner then moved to close the public hearing. The board voted unanimously to close the hearing.

MOTION: Garner
SECOND: Anderson
VOTE: unanimous

The board then heard a recommendation from Randy Holloman on behalf of the Planning Board. That board said that based on the information they received at their meeting, they thought the property was grandfathered in for business use. Commissioner Garner then asked if the board should extend the grandfather status, and the question came up whether or not the Melvins rezoned their property or was it considered to be grandfathered. Randy Holloman said they applied for rezoning of their

property, so they could rebuild their business. Commissioner Pittman asked what type of business has operated on US 70-A for the last six months. Berry Godwin said the Peedins told them that there had been a business on that site for 62 years and that there had always been a business there, but it was not always a car lot. The town clerk commented that Jannon Peedin Johnson originally contacted the town hall about the rezoning and talked with the deputy clerk, and she said there had not been a business operating there for the last three years.

Mayor Holt asked what advantage was there to let the owner sell cars there, and maybe in six months that business venture falls through, and they have to come back and request approval for another kind of business. Commissioner Garner said he would like to see them have some type of business there. Frank Wood commented that it would be "cleaner" to go ahead and vote on the rezoning request. Commissioner Gudac said he was concerned they would set a precedent if they don't rezone the property, when the town has had similar situations in the past and those property owners did apply for and receive approval for a rezoning. Commissioner Pittman said he would prefer to see the property rezoned. Mayor Holt said a variance from the minimum lot requirements of the ordinance could come into play if indeed the property is rezoned. Randy Holloman said they informed Mr. Peedin at the Planning Board meeting what would be required as far as a variance is concerned, and if the property is rezoned to HB.

Mayor Holt said the Peedins could sell cars there tomorrow if the board takes no action. He said the request could lay open or they could let it operate under a grandfather clause. Commissioner Garner asked if there would be a problem with a variance. Commissioner Anderson thought the best thing to do for future use was to go ahead and rezone the property. Mr. Peedin said the matter does need to be fixed because his daddy and granddaddy had a business there. Mayor Holt asked how soon would they want to open a car sales lot, Rocky Johnson answered as soon as possible. The board then voted unanimously to approve the request for rezoning to HB, with the stipulation that application for a variance is made.

MOTION: Anderson
SECOND: Gudac
VOTE: unanimous

Mayor Holt said the Planning Board would make a decision on a variance at their meeting on March 22nd, and that Randy Holloman could advise them on completing the application for a variance.

PUBLIC COMMENT

None.

REPORTS FROM COMMITTEES

SENIORS GROUP: Still an active group, will meet next Wednesday. Commissioner Pittman said he would meet with Mrs. Janice White tomorrow about some of their upcoming plans.

REPORTS FROM DEPARTMENTS

STREETS: Commissioner Pittman. Curbing at US 70-A and Peedin Avenue looks really good. DOT will start working tomorrow on other side of Peedin Ave. Talked with recycling company; said they will accept most other products, other than hazardous wastes, paint, electronics, etc.

RECREATION: Commissioner Anderson. Sign on backside of recreation park needs improvement, Scottie Hayes has two options for upgrading the sign. One design has pine boughs and the other one has a sports design. The quote is from All Star Sports Photography for \$225.00. The mayor said to try and get at least one more quote on the sign and the board unanimously approved the design with the pine boughs.

MOTION: Garner
SECOND: Anderson
VOTE: yes – Pittman, Garner, Anderson, Holt
no - Gudac

Commissioner Anderson said she talked with Kenly about their registration fees, which were \$40 and \$50 for outside residents. She said they are going to match Pine Level's fees, which are \$55 for everybody. She also mentioned the information from Scottie Hayes, which showed that Pine Level had 71 children registered from in-town, or 17%, and 342 registered from out-of-town, or 83%. Commissioner Anderson thought the registration fees should stay like they are. Commissioner Garner disagreed, however, and moved to reduce the fees for in-town residents by \$10 for all sports. He said it was not right to charge the in-town residents the same amount, when they already pay taxes that help keep up the recreation department. The motion passed on the following vote:

- MOTION: Garner
- SECOND: Pittman
- VOTE: yes – Garner, Pittman, Holt
- no – Anderson, Gudac

Commissioner Anderson said it would be difficult to keep up with which kids live in or out of town, and Kenly was doing away with that differentiation. Commissioner Garner said the football registration fee would have to stay the same, because Pine Level participates in a league, but the other rates could change with the next sports season. He also asked if coaches or recreation committee members get a break on registration fees. Scottie Hayes said they did get a price break if the committee members sold at least 20 raffle tickets. He said about 200 tickets were sold for the raffle, because the raffle tickets just don't sell as well as they have in the past.

WATER/SEWER: Commissioner Gudac. Everything okay. Deferred to Dan Simmons to explain about the water plant filter replacement.

POLICE: Commissioner Garner. Police still working to cut down on speeding vehicles in town. Chief Sparks said they picked up new animal traps to eliminate stray cats and dogs in town. Still working on getting a portable electronic speed limit sign for temporary use.

BIDS FOR WATER FILTER REPLACEMENT

Dan Simmons reported that three bids were received on February 28th at the town hall on the proposal to replace the town's aging water filter system, as follows:

	RD Braswell Construction Company	Mizelle Constr. Svcs, Inc.	TA Loving Company
Mobilization	2,500	3,750	4,000
Building alterations for access for installation	15,500	9,000	5,000
Pressure filter unit and piping, valving, removal and replacement, complete	95,320	107,700	136,000
Total lump sum bid	\$113,320	\$120,450	\$145,000

Mr. Simmons commented that the town previously adopted a resolution to reimburse itself for the expenditures to replace the valve and filter system and that the entire project should total about \$177,209.31, with contingency, engineering fees, etc. He said the town could choose to borrow the funds or pay for it out of pocket, but if they borrowed the funds, they would need to request funding proposals from three financial institutions. He said he would have to stipulate a range of money that the town would borrow, such as \$150,000 to \$200,000. He explained that the application would have to be in with the LGC at least 28 days prior to their monthly meeting. Mr. Simmons said those estimates included all of the costs associated with the valve replacement

and filter replacement. Commissioner Gudac said he could not see borrowing that much money when the funds are available and the town could pay it out of pocket. Mr. Simmons said they need to move forward on the project, and need direction from the board on how to proceed.

Commissioner Garner said he did not want to borrow a lot more money either, since the town just built the new water tank and town hall. Mayor Holt said they might want to talk with Keith Peedin, CPA about the project before making a final decision. He said they could award the contract contingent upon financing, and then decide on how they wanted to pay for the project. Mr. Simmons said the bid was good for sixty days and if the town planned to borrow the funds, they would need to get on it right away. Commissioner Garner said they could always go back for a loan, if necessary at a later date. Commissioner Gudac proceeded with a motion to go ahead with the project and pay for it out of pocket, provided that Keith Peedin, CPA agrees with the proposal, and not to finance it. The board voted unanimously upon that motion.

MOTION: Gudac
SECOND: Garner
VOTE: unanimous

Commissioner Pittman then asked what would they do if Mr. Peedin did not agree with the proposal; Mayor Holt said they would just need to meet again and decide which way to go. Berry Godwin commented that the town might want to go ahead and borrow the money since they can get funding at such good interest rates now. Commissioner Garner said the town had just picked up \$42,000 in debt since last year, and they had other needs coming up, such as a garbage truck. Commissioner Gudac said the town had been tight on the budgets in recent years and they had the money to pay for this. The board then voted unanimously to award the bid to R. D. Braswell Construction Co. for \$113,320, subject to financing working out.

MOTION: Pittman
SECOND: Gudac
VOTE: unanimous

Commissioner Gudac asked how long would the town's water be off-line, while this project is completed. Mr. Simmons said the contract required the contractor to have all of the parts on site before starting the project. He estimated two to three weeks of being on county water before the project is completed. Mayor Holt said he would appeal again to the county commissioners for relief from the water charges while the filter is replaced.

JULY FOURTH FIREWORKS

Commissioner Anderson reported that she talked with the town clerk and recreation coordinator about the fireworks for July 4th and tried to work with Zambelli and get them to price match with Southeastern Pyrotechnics and have the program on July Fourth, but they simply could not do it. They did say, however, that SEP was a reputable company. So a three-year agreement was reached with Southeastern Pyrotechnics, for them to do a 22-minute show on July Fourth each year, for \$5000 annually. The board agreed to the contract and a rain date of the following Saturday, July 7, 2012 and the recreation coordinator was directed to talk with the fire department and make sure they would be available on the fourth for the fireworks display.

MOTION: Garner
SECOND: Gudac
VOTE: unanimous

BRASWELL SPECIAL USE PERMIT

The board then considered the request filed by Richard D. Braswell for a special use permit that would allow him to place recreational vehicles for temporary stays on eleven of his mobile home lots. Mayor Holt commented that the board held a public hearing on the request in February. The board then voted on a motion to deny Mr. Braswell's request for a special use permit, with the motion failing on the following vote:

MOTION: Anderson
SECOND: Garner
VOTE: yes – Garner, Anderson
no – Gudac, Pittman, and Holt

Commissioner Gudac asked if they were going to force the removal of all the rv's in mobile home parks. Mayor Holt said if they did not have a permit, then they were in violation of the ordinance. Commissioner Garner asked if there was anything in effect at the time they were placed, but Randy Holloman said it was not in the zoning ordinance ten years back. Commissioner Garner said it would not affect the ones already in place at Mr. Braswell's mobile home park. Commissioner Anderson said it would not be a problem to her if Mr. Braswell could segregate the rv's from the other homes, but it was not fair to them to allow him to place rv's right next to the mobile homes. Mayor Holt asked if there was a motion to approve the request. Hearing none, he said it could just lay open for the 180 days. Frank Wood said he would check and make sure the 180 days would apply in this situation.

ANNOUNCEMENTS

Mayor Holt informed the board that both the town's property, auto and liability insurance and the employees' health insurance had renewed, with a savings of 13% on the first insurance lines, and health care, an increase of only 1.7%.

ADJOURNMENT

There being no further business, at 8:25 p.m. the meeting came to an end.

MOTION: Anderson

SECOND: Pittman

VOTE: unanimous

TOWN CLERK

MAYOR