

**TOWN OF PINE LEVEL
MINUTES OF THE
PINE LEVEL PLANNING BOARD MEETING
NOVEMBER 19, 2015**

MEETING INFORMATION

The Pine Level Planning Board met on Thursday, November 19, 2015 at 6:30 p.m. at the Pine Level Town Hall. The meeting was called to order by Chairman Randy Holloman with a quorum present.

ROLL CALL

√ Randy Holloman	X Faye Starling (alt)
√ Berry Godwin	X Cecelia Weaver (alt)
√ Terry Rains	X Randy Jones (alt)
√ Nester McClain	√ Scottie Hayes, Zoning Administrator
X Janet Kleinert	
√ Bob Harvey	

Others present for the meeting were Commissioners Karen Anderson and Greg Baker, David Wilkins, Al Rains, and Wayne Abbott.

APPROVAL OF MINUTES

Terry Rains made a motion to approve minutes from the meeting held on October 22, 2015. Nester McClain seconded the motion. The minutes were unanimously approved as written.

OATH OF OFFICE

Deputy Clerk Connie Capps administered the oath of office to ETJ member Bob Harvey. His three-year term will expire on October 31, 2018.

FLEA MARKET/YARD SALES

Chairman Randy Holloman said that at the last meeting on October 22, 2015 the planning board members had some zoning concerns about yard sales and flea markets. He told board members that the business located on the Green Hornet Grill property owned by Al Rains and being rented by David Wilkins was not in compliance with the zoning ordinance. He said Mr. David Wilkins has been having a yard sale/flea market type of business there and the town has

received some complaints. He said the planning board members had agreed to attend the Town Board meeting on November 12, 2015 and voice their concerns. He said some of you attended the town board meeting and the town board suggested that the planning board invite the property owner, Al Rains and his renter, David Wilkins to their next planning board meeting to discuss issues and justify what type of business was intended and to also recommend suggestions on how and what they could do in order to comply with the ordinance. He said letters were sent out inviting these men to attend our meeting and he appreciated them being present. Chairman Holloman next asked David Wilkins what type of business did he have? David Wilkins told the board that he had been having yard sales. He said his plans were to place a sign on the property to read, "Country Rust Yard Sale". He told the board that he did not charge any money for renting the tables. Chairman Holloman informed him that yard sales were not allowed in an HB (Highway Business) District. Mr. Wilkins stated that he didn't understand because the previous business had put yard sale items out to sale, so he didn't think it would be a problem for him.

Chairman Holloman said that under Section 201 of the Zoning Ordinance page 5 are a list of definitions. He said yard sales, garage sales, and flea markets are not really defined in our zoning ordinance. He said that since they were not defined, he looked up and read the definition of yard sales and flea markets in the dictionary. He said yard sales are typically defined as: being held in a residential area in the front yard. He said yard sales are held at home and are usually all cleaned up by the end of the day. He said flea markets are listed as a permitted use in the ordinance, but the type of business David is doing does not fit the criteria defined in the ordinance. He read the definition of flea markets. It is defined as flea markets could be held in warehouses, gyms, in parking lots and have vendors that rent spaces to sell new and used items, may have vendors inside and or outside, would be operating on a daily basis, would sale collectibles, antiques, plants, produce, and the sales of snacks and drinks, and that the flea market would be monitored at all times. He said and they charge about \$10 per table. Chairman Holloman said basically like the flea market on Highway 301 in Smithfield. He said what Mr. Wilkins is currently doing, doesn't meet the criteria for a flea market either.

Mr. Wayne Abbott spoke next. He said he placed a 12 x 32 storage building on the property to sell out of, seven feet from the existing building. He said he did not know he needed to apply for a permit for doing so. He said after he had placed the storage building on the property, Scottie Hayes told him that a permit was required, and that he needed to place the storage building 10 feet from the existing building. Mr. Abbott said if he moved it now, he would have to pay another \$700 to have it moved no matter the distance. He said it was too wet to move the building now, and ask if he could wait until the ground was drier to do so. Chairman Holloman said that the zoning ordinance states that civil penalties could be charged for every day that the property owner or renter is in violation. Chairman Holloman told David Wilkins and Al Rains that Scottie Hayes was the enforcement officer, and he would make that decision.

Mr. Abbott told the board he was moving to Four Oaks in a couple of months and would it be ok to let the building remain there until he moves. He said he has also been given permission to move the storage building in an open field on Peedin Road owned by Ray Moore. He said he had a lot of money already invested, but wanted to know if he could wait until then to move the building at the same time. Chairman Holloman told Mr. Abbott that the board would work with him due to the land being too wet to have the building removed at this time.

Commissioner Karen Anderson questioned if the storage building was removed off the property, could they continue to have sales. Chairman Holloman responded that they could not. Zoning Administrator Scottie Hayes asked the Chairman what the men needed to do at this time. Mr. Abbott and Mr. Wilkins asked what the difference was in what they were doing and the other people doing business outside on a daily basis in commercial and business districts such as at Kathy's Upholstery, and the businesses downtown along Peedin Avenue. He said they put items out along the sidewalk every day. He said people were selling golf carts in their yard too. Commissioner Anderson said she also had seen other downtown businesses leave items out all night. The board agreed. She asked that Scottie to check on those businesses as well. Chairman Holloman said that some residents may have Home Occupations. Scottie Hayes said that most of the complaints received on Mr. Wilkins was due to the appearance, like the tables being left out all day and night at the business as people were coming into Pine Level. He said if they were to clean up all tables and items each day at 5 pm, maybe it would help solve some of the problem. Chairman Holloman said the town does have an Appearance Ordinance and it needs to be enforced as well. Commissioner Anderson said that the Appearance Ordinance was enforced by the police department.

Berry Godwin told Mr. Rains and Mr. Wilkins that since flea markets and yard sales are not addressed in the ordinance, the town would need to adopt some guidelines for such. He said the town needs to collect information on what other towns are requiring and allowing for yard sales and flea markets; study and discuss the issues, and amend the ordinance accordingly. He said we need to set some guidelines, and then this type of business could be permitted, but it has just never been addressed. He said it was not the intent to stop anyone from doing business, but to establish some guidelines. Berry said that he felt sure that the town would be willing to work with Mr. Abbott in allowing him to leave the storage building where it is until he could have it removed. Commissioners Baker and Anderson felt that the town board would also agree.

Chairman Holloman and Berry Godwin agreed that the town needs to get serious on enforcing the zoning ordinance. Chairman Holloman said that the planning board is passionate about following the zoning ordinance. Scottie Hayes stated that there are things that come up that are not clearly addressed in the ordinance, and some items that are addressed in the ordinance can be confusing. Chairman Holloman said that it is recommended that planning boards review their entire zoning ordinance every ten years.

Scottie Hayes asked the board if Mr. Wilkins would be able to sell items out of the concrete building. Commissioner Anderson said that she had no problem with David Wilkins having sales inside the building, but that the tables outside needed to be removed each day. The board agreed that parking in this area also needed to be addressed.

Commissioners Anderson and Baker said they would inform the town board of these decisions at their next town board meeting which will be held on Thursday, December 10, 2015.

Chairman Holloman asked that Deputy Clerk Connie Capps contact other towns to see what their guidelines were for flea markets, yard sales, and garage sales, and bring back to the board for review.

GENERAL DISCUSSION

Chairman Holloman informed the board that the next meeting would fall on Christmas holidays. He suggested moving the meeting up one week to Thursday, December 17, 2015 at 6:30 p.m. The board agreed.

MEETING ADJOURNED

There being no further business Nester McClain made a motion to adjourn. Berry Godwin seconded the motion. The meeting adjourned at 7:45 p.m.

Connie N. Capps
Deputy Clerk

Randy Holloman, Chairman