

**TOWN OF PINE LEVEL**  
**MINUTES OF REGULAR**  
**BOARD OF COMMISSIONERS MEETING**  
**MARCH 9, 2009**  
**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 Monday, March 9, 2009 at the Pine Level Town Hall.

**ROLL CALL**

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

**STAFF PRESENT**

Town Attorney Frank Wood, Consultant Dan Simmons, Zoning Administrator Dave Holmes, Police Chief Keith Sparks, Public Works Superintendent Ray Stuckey, Town Clerk Sharon Thompson

**INVOCATION AND PLEDGE**

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

**APPROVAL OF AGENDA**

CHANGES: Move item 6 in front of item 5 (JH)

*MOTION TO ADOPT:* Pittman  
*SECOND:* Anderson  
*VOTE:* unanimous

**APPROVAL OF MINUTES: 02-09-09**

*MOTION TO APPROVE:* Garner  
*SECOND:* Anderson  
*VOTE:* unanimous

**PUBLIC HEARING ON RAINS REZONING REQUEST**

At 7:06 p.m. the mayor opened a required public hearing on a request for rezoning filed by Mina Gray Rains, said hearing having been duly advertised on February 25th and March 4th in the *Pine Level News*. Mayor Holt said the proper notices had been filed and adjacent property owners had been notified that the hearing would be held. He then called on Dave Holmes for a report from the Pine Level Planning Board. Mr. Holmes added that the property was also posted, giving notice of the upcoming zoning hearing. He explained that Mrs. Rains was requesting rezoning of 2.5 acres on South Peedin Avenue from HB (highway business) to RS (residential subdivision). He said part of the property borders James Drive residents and the other side borders Starling Homes property and Robert Watson property. The request would be compatible with the neighboring property. He said Mrs. Rains wants to sell the property to her granddaughter for a single family dwelling, and they want to leave the front half of one lot zoned HB for future business use. Mr. Holmes said it was an unusual request, but a worthy one, since it gives additional

buffer to the residences on James Drive. He reported that the Planning Board voted unanimously to recommend approval of the request.

Mayor Holt asked about a recombination of the two lots; Mr. Holmes answered that Mrs. Rains would have to come back with a new map if the rezoning is approved, showing the recombination of the properties. Commissioner Anderson asked if they were taking two lots and making three out of them, Mr. Holmes there are two lots at the present and that two lots would remain. Commissioner Pittman asked if the property on the left side of the map would be changed to RS, Commissioner Anderson said there would no longer be HB property next to the James Drive residences.

The mayor then asked if anyone wished to speak in favor of the rezoning request. Janet Kleinert said she resides on James Drive, and she felt it would be helpful to their property to have the Rains property rezoned to residential use instead of highway business. Charles Hester also spoke in favor of the rezoning request. Mr. Hester owns rental property on James Drive and he said he has never had a problem with those properties. He said the neighborhood has been improved over the years and he suggested that it might be the right time to rezone this property while Mrs. Rains is still in control of the property. He suggested that the rezoning be approved, contingent upon her providing the final plat of the recombined lots. He said he was in favor of the request but he would want to see the final plat first. Dave Holmes said it could not be anything but two lots if the rezoning is approved and he said that the neighbors shouldn't worry about use of the property because the garage would be removed within 30 days of a new home being constructed and a certificate of occupancy being issued.

Mayor Holt then asked if anyone wished to speak in opposition to the rezoning request. Jamie Adams was first to speak. She said Mrs. Rains is her grandmother and she cannot believe that her grandmother is doing this and tearing her family apart. She said her grandfather, who is deceased, would not approve of what is going on. Mrs. Rains then spoke up and said that her family had been torn apart for years and it was all because of greed and jealousy. She said she and her husband had discussed the property many years back and he said it might be developed into residential use one day. Mayor Holt thanked everyone for their comments and he asked if there were any other comments to be heard by the board, that did not deal with a family issue. He said the board must act on the request as a zoning matter and he hated to see it tear apart the Rains family. He said they could not consider what Mr. Tom Rains might have wanted for the property, because he is no longer alive, and Mrs. Rains is the sole owner of the property. Mrs. Rains agreed that it was all left to her when her husband passed away.

Al Rains asked about the junk being stored on the property and why the appearance policy has not been enforced there. He asked at what point does it become enforceable. Frank Wood answered that the town's policy has been complaint driven in the past, and that no one must have complained about the Rains property. Mayor Holt said the town has only a part time person to look into those issues. Al Rains asked the board members to take into account their own family matters before they vote on his mother's request, and he asked that they table it and think about it before they vote on the matter.

Mrs. Rains said she was trying to get her affairs in order and she was not asking for anything out of line. She asked that they make the decision to rezone the two acres as she requested. Commissioner Pittman asked if a delay would help to resolve the matter. The mayor then ruled the hearing closed at 7:30 p.m. He said the board has heard all the comments, they received the recommendation from the Planning Board and the ruling from Mr. Holmes that the garage on the property would have to be removed within thirty days. He then asked what was the board's pleasure. Commissioner Anderson said if she owned a home on James Drive, she would like to see the adjoining property rezoned for residential use. Frank Wood said any decision should be contingent on a final plat being received so the town would have an accurate legal description of the property. Commissioner Garner asked if there were any plans to come back later and rezone the remaining property to RS, as well. Commissioner Garner felt it would be in the town's best interest to rezone the property, as requested, and he made a motion to approve the rezoning, contingent upon the receipt by the Planning Board within the next thirty days of a new plat of the property. Commissioner Anderson seconded the motion and discussion followed.

Commissioner Garner asked about the garage on the property and when it would be removed. Dave Holmes said the prospective owners want to use the garage to store building materials and it would have to be removed for the house to be placed on the property where they want it to be located. Commissioner Pittman proposed to postpone action on the request for thirty days so Commissioner Gudac could take part in the decision, and he made a motion to that effect. Commissioner Garner said he could go along with that proposal, but Frank Wood advised the board they should vote on the first motion or remove it from consideration. Commissioner Garner asked if thirty days would be detrimental to any plans, but Mrs. Rains asked why it mattered if Commissioner Gudac was here or not, and she said he could have been here tonight if he wanted to vote on the matter. At that point the mayor called for a vote on the original motion to approve the rezoning from HB to RS, contingent upon the receipt within the next thirty days of a new plat of the property to be rezoned.

*MOTION TO APPROVE REZONING:* Garner  
*SECOND:* Anderson  
*VOTE:* unanimous

Mayor Holt advised Mrs. Rains to submit a new plat within the next thirty days to the Planning Board. He again said he regretted the bad feelings over the issue among the various family members, and he hoped the issue would resolve itself.

### **MEETING RECESSED**

At this point in the meeting, Commissioner Anderson had to leave due to other commitments (7:40 p.m.) Commissioner Garner then requested a five-minute recess. The meeting resumed at 7:50 p.m. and the mayor called for public comment on non-agenda items. Terry Rains said the storage facilities on US Highway 70-A would still be willing to give an easement across their property for a sidewalk from the stoplight to the grocery store. Commissioner Garner commented that a sidewalk along South Peedin Avenue would have to be the first priority.

### **REPORTS FROM COMMITTEES**

The mayor reported that the seniors group will meet on Wednesday, March 11th and they have a good program planned this month.

### **REPORTS FROM DEPARTMENTS**

**STREETS:** Commissioner Garner. Still looking at drainage issues; equipment in good shape. Praised fire department for response over the weekend to several fire calls.

**RECREATION:** P & R Coordinator Scottie Hayes said spring sports were coming up, with 13 teams. July Fourth plans underway, will be a little different this year. Maybe a rib cook-off will be held, different music group to perform. Plans submitted for park project under recreation bond referendum. Reverse Raffle took in about \$10,288 in profit. Commissioner Garner said the raffle went well and the park was looking good. Commissioner Pittman agreed.

**WATER/SEWER:** Okay.

**POLICE:** Commissioner Pittman. Warmer weather now, time has changed and more kids will be out on the streets. Commissioner Garner commented that curfew ordinance is now in effect.

**FINANCE:** Mayor Holt. Need to start thinking about budget needs and talk about departmental wish lists. Renewal coming up on health insurance for employees. Looking into other options. Sales tax revenues slowing down, hope to collect somewhere near budgeted amount. Could fall short if revenues remain low. Not at a frightening point yet, but need to keep an eye on revenues.

### **REPORTS FROM STAFF**

Frank Wood said he was tying up some issues on the water tank project. Dan Simmons advised Mr. Wood that the town would need to retain bond counsel if revenue bonds are to be sold for the project. Dan Simmons said a pre-bid conference would be held on the waterline project on March 12th at the town hall. Eight sets of plans have been requested so far. Commissioner Garner asked about "stimulus" money on some of the town's projects; Mr. Simmons and Mayor Holt said they were working on that issue.

### **POSTAL SERVICE**

Mayor Holt said he spoke with Chris Span and he requested a thirty-day delay and would appear at the April meeting to talk with the board about possibilities affecting postal service.

### **PERSONNEL POLICY AMENDMENT**

The board then considered an amendment to the town's Personnel Policy concerning the Special Separation Allowance for retired police officers. Frank Wood said it basically clarified the language of a memo from the NCLM concerning the same topic, and put it in a written form in the town's policy. The board voted unanimously to adopt the amendment to the Personnel Policy, a copy of which is included with and hereby made a part of these minutes by reference.

*MOTION TO APPROVE:* Pittman  
*SECOND:* Garner  
*VOTE:* unanimous

#### **OTHER MISCELLANEOUS**

Next the board considered a standardized resolution concerning mosquito grant funds, wherein Ray Stuckey would be authorized to sign paperwork from NCDENR on the town's behalf. That resolution was also adopted unanimously and a copy is included with and hereby made a part of these minutes by reference.

*MOTION TO APPROVE:* Garner  
*SECOND:* Pittman  
*VOTE:* unanimous

Jackson Holt, the mayor's son, then gave a short report on upcoming events at Micro-Pine Level Elementary School. He said EOG tests were coming up and that the school was adding a test in science for fifth graders. He said the PTA would meet again in May and that the school was participating over the weekend in the Showcase of Stars in Smithfield.

Mayor Holt reported that a NCRR forum would be held on March 19th at the McKimmon Center in Raleigh, called Progress in Motion for 2030.

Scottie Hayes reported that the Recreation Committee recommended the appointment of Carmen Anderson to fill one of several vacancies on the committee. Mrs. Anderson was unanimously approved for appointment to the Recreation Committee.

*MOTION:* Garner  
*SECOND:* Pittman  
*VOTE:* unanimous

#### **MEETING ADJOURNED**

There being no further business, at 8:03 p.m. the meeting came to an end.

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**TOWN CLERK**

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**MAYOR**