

Meeting of the Hoke County Board of Commissioners on Monday, March 2, 2009 at 7:00 p.m. in the Commissioners Room of the Pratt Building.

MEMBERS PRESENT:

James A. Leach, Chairman
Tony Hunt, Vice Chairman
Robert Wright
Jean Powell
Ellen McNeill

OTHERS PRESENT:

Tim Johnson, County Manager
William Fields, County Attorney
Linda Revels, Clerk to the Board

Chairman Leach called the meeting to order and welcomed everyone. Commissioner McNeill introduced Mr. Leo Salzer who led the Pledge of Allegiance and Rev. Jesse Timmons who gave the invocation.

Planning – Public Hearing – Rezoning

a. The purpose of the Public Hearing is to consider Application for Rezoning RZ-09-02 submitted by JHM Investments, c/o James H. Musselwhite, to rezone property more specifically identified by the Hoke County Tax Records as PINs 494660001041 (7.853 acres), and 494660001543 (.607 acres) from RA-20 Residential-Agricultural District to Industrial District. The property is located at 245 Pittman Grove Church Road. The Planning Board recommended denial. There was no one present to represent the request. Emily Weidner, Planning, stated that Mr. Musselwhite called this afternoon and requested that the case be tabled for 30 days. William Fields asked if anything had been submitted in writing? Ms. Weidner stated no. Tony Hunt asked if Mr. Musselwhite was present at the planning board meeting? She stated yes. Mr. Hunt also asked if he was aware of this meeting? Ms. Weidner stated yes. Chairman Leach stated that normally when the applicant was not present, they tabled the request. William Fields stated that the Board could table this or choose to hear it.

Motion: Ellen McNeill made a motion to deny the request to table this case for 30 days, and hear the request tonight, seconded by Tony Hunt.

Action: The motion was unanimously carried.

John Clark, Hoke County, requested why this was coming to the commissioners, when the planning board recommended denial? Chairman Leach stated that the request automatically comes to the commissioners. Charles Kelly, resides in Cumberland County

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and is a member of Mt. Pisgah in Hoke County and he also serves on the deacon board. He stated that their church has been here for over 100 years. Their goal is to reach people all over the county and not just in the community. They are located about 1 mile from the Cumberland County line. They do not need a heavy industrial business, such as a cement plant, in this area. Ray Chavis, lives in Cumberland County and a member of Mt. Pisgah Church, stated that he is concerned about the environmental impact on the area. Concrete trucks will also tear up the road. Their church has funerals. The fire department is also located down on this road along with a daycare. Rev. Matthew Rouse, Jr., Pastor of Mt. Pisgah, stated that he had talked to Mr. Taylor with the concrete plant. Mr. Taylor stated that they were going to withdraw the request due to so much opposition. The opposition still remains as it did at the planning board. Hoke County has an industrial park. This concrete plant needs to be located there. He is asking the commissioners to deny this application. Ben Clark, Hoke County, stated that he was miffed that staff recommended approval when this request is contradictory to county guidelines. This request is contrary to the Land Use Plan. Willie Jr. Clark, Hoke County and a member of Mt. Pisgah Church, stated that he lives on this road. He is concerned about the safety of children on this road. He is also concerned about emergency vehicles coming down the road. There were no other speakers.

Motion: Tony Hunt made a motion to close the public hearing, seconded by Ellen McNeill.

Action: The motion was unanimously carried.

Ms. Weidner, Planning, stated that the planning department did not recommend approval of this request. They did not feel comfortable with the opposition. However, the staff recommends approval based on a – e as listed:

COMMENTS/STAFF RECOMMENDATION:

The following policy guidelines have been outlined in our zoning code as it relates to zoning amendments, which includes requests for rezoning. The zoning amendment shall not receive a favorable recommendation unless:

- A. The proposal will place all property similarly situated in the area in the same category, or in appropriate complementary categories.
- B. There is convincing demonstration that all uses permitted under the proposed district classification would be in the general public interest and not merely in the interest of an individual or small group.

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C. There is convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change. (When a new district designation is assigned, any use permitted in the district is allowable, so long as it meets district requirements, and not merely uses which applicants state they intend to make of the property involved).

D. There is convincing demonstration that the character of the neighborhood will not be materially and adversely affected by any use permitted in the proposed change.

The proposed change is in accordance with any official land use plan and sound planning principles.

The Staff recommend approval of Application for Rezoning RZ-09-02.

Mr. Hunt asked Ms. Weidner how a concrete plant next to a church would not materially and adversely affect this one piece of property? Ms. Weidner stated that based on the applicant's proposal from the planning board, the trucks would not be going in the direction of the church. The trucks also could not speed going to Highway 401. Mr. Hunt stated that we do have an industrial park. Were they asked about the industrial park? Ms. Weidner stated yes, in that they stated that the growth is in this area. Mr. Hunt stated that the applicant was more concerned with money more so than the community. Ms. Weidner stated yes. Chairman Leach stated that the citizens in the community need to have input regarding their area. Robert Wright stated that the citizens were concerned about the safety of children and citizens in general in the community.

Motion: Robert Wright made a motion to deny the request for the rezoning from RA-20 to Industrial for JHM Investments, seconded by Tony Hunt.

Action: The motion was unanimously carried.

Subdivision:

1a1. Mitchell's Landing – This item was previously tabled. Ms. Weidner stated that this case originally came to the commissioners on August 4, 2008. It was tabled pending DOT approval. Currently it has received DOT approval on the roads, the road names have been approved and the cul de sacs have been approved. All items have been corrected. Robert Wright asked Ms. Weidner if the fire department had checked on the cul de sac for the turning around of a fire truck? Ms. Weidner stated yes. The cul de sacs will also have easements. He stated that he was not sure that fire trucks could turn around here. Ms. Weidner stated that they were developed to DOT standards. Mr. Averette stated that he may develop in the future the parcels on the side. That is the

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reason for the easements so he can cut away the concrete. William Fields asked if she had a map that actually showed the easements? She stated no. Chairman Leach asked if we had anything in writing from the fire department on approval for emergency vehicles? She stated that she would have to call and check on this. Mr. Wright stated that he was still not convinced that fire trucks could turn around there. He thought that one of the stipulations in the subdivision ordinance was that the fire department signs off on this. He would like to see this tabled. We have too many subdivisions with problems on turnarounds for emergency vehicles.

Motion: Robert Wright made a motion to table the request for approval from the fire department on the ability of turnarounds for emergency vehicles, seconded by Ellen McNeill.

Action: The motion was unanimously carried.

Consent Agenda:

- a. Minutes from the February 16, 2009 meeting
- b. Mutual Aid Agreement – City of Fayetteville – Fire Support
- c. Support for a Joint Resolution to DOT to reconsider using “Michigan Lefts” on Highway 401 – Fayetteville Road
- d. Register of Deeds – Approval of Retention & Disposition Schedule
 1. Retention & Disposition Amendments
- e. Budget Amendments
- f. CPO – Wastewater Treatment Plant
- g. Parks & Recreation Contracts (Multiples)

Ellen McNeill stated that she would like to add item h as the approval of Grace McDonald and Hal Nunn to the Centennial Committee as co-chairs.

Motion: Robert Wright made a motion to approve the amended agenda to add item #h, seconded by Ellen McNeill.

Action: The motion was unanimously carried.

Motion: Robert Wright made a motion to approve item #s a – h of the consent agenda, seconded by Ellen McNeill.

Action: The motion was unanimously carried.

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**Joint Resolution By
City of Raeford and County of Hoke**

**OPPOSING MICHIGAN LEFT
CROSSOVERS ON U.S. HIGHWAY 401**

RESOLUTION NO: _____

WHEREAS, The City of Raeford and County of Hoke are depending on the development of U.S. Highway 401 between Raeford and Fayetteville as a high density commercial corridor; and

WHEREAS, the North Carolina Department of Transportation has installed a directional crossover or “Michigan Left” at the intersection of U.S. Highway 401 and Johnson Mill Road; and

WHEREAS, the undersigned have received complaints from the citizens of Hoke County attesting to the difficulty of safely crossing U.S. Highway 401 at this intersection; and

WHEREAS, the undersigned are of the opinion that a directional crossover at such a busy intersection creates a safety issue, especially for citizens trying to cross U.S. Highway 401; and

WHEREAS, a directional crossover makes commercial development at that intersection difficult and hazardous.

NOW THEREFORE, BE IT RESOLVED that the undersigned representing the citizens of Raeford and Hoke County request that the North Carolina Department of Transportation reconsider the use of “Michigan Lefts” in Hoke County and the undersigned request that the North Carolina Department of Transportation enter into discussions with the City of Raeford and the County of Hoke regarding the best way to manage traffic along the U.S. Highway 401 corridor in light of safety and commercial development concerns.

This the ____ of March, 2009.

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Hoke County Board of Commissioners:

City of Raeford, City Council:

JAMES LEACH, Chairman

JOHN K. MCNEILL, III, Mayor

ATTEST:

Linda Revels

Betty Smith

Manager's Report

Tim Johnson stated that the emergency generators at the Don Steed and West Hoke Middle Schools are finished. The Wal-mart sewer is going well as we are working on getting some easements. We are ahead of schedule. The Johnson Mill Road pump station is going well with us getting a response letter on this soon. We have been awarded \$800,000 for the fire suppression system for the ethanol plant. We anticipate a \$700,000 approval from the CDBG. The county's share would be \$100,000.00. The waste water treatment plant is also moving fast. Mr. Hunt asked about the solid waste bids? Mr. Johnson stated that the opening was held today. He is extremely pleased with one of the prices. He hopes to bring something to the Board for the next meeting. We should save about \$200,000.00 a year. We got a good price. We will have to craft a contract.

Public Input

1. Jackie Chavis – Blue Springs Road – She stated that she was here regarding Parks and Recreation. She serves on that board. They have been seeking sponsors for the scoreboards from the industrial companies. There has been no response. Her family wants to purchase a scoreboard and name a field after her father, James A. Hunt, who was the first Hoke County Native American Commissioner. They would also like to have the choice of fields. Chairman Leach asked that she put this request in writing and give it to the Clerk.

There being no further business to come before the Hoke County Board of Commissioners, Robert Wright made a motion to adjourn, seconded by Ellen McNeill, unanimously carried. The meeting adjourned at 7:35 p.m.

James A. Leach, Chairman

Linda Revels, Clerk to the Board

