

Meeting of the Hoke County Board of Commissioners on Monday, March 21, 2011 at 7:00 p.m. in the Commissioners Room of the Pratt Building.

MEMBERS PRESENT:

Tony Hunt, Chairman  
James Leach, 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 Hunt called the meeting to order and welcomed everyone. Don Woods led the Pledge of Allegiance and the invocation was given by Commissioner Wright.

Chairman Hunt stated that he would like to move item #4 to #1 due to the fact that he had to leave early and would turn the meeting over to the Vice Chairman.

Grace McDonald and Hal Nunn were present regarding an update on the Centennial. April 1 & 2 and 8 & 9 at 7:00 p.m., "The Music Man" will be presented at J. W. Turlington. Ticket cost is \$8.00. April 2 will be a parade downtown. April 10 will be the Raeford-Hoke Museum event. April 15 will be Family Fun Night at Hoke High School. April 16 will be burying the time capsule at the Courthouse as well as the dinner at the Raeford Presbyterian Church. Project winners from the two middle schools have also been chosen. The fourth grade essay contest will be completed on April 5<sup>th</sup>. A carnival will also be held from March 31 – April 3 in the vacant lot beside East Hoke Middle School. A proclamation from the Governor was also read. Chairman Hunt thanked Mr. McDonald and Mr. Nunn for coming.

BEVERLY EAVES PERDUE  
GOVERNOR

**HOKE COUNTY CENTENNIAL**

**2011**

**BY THE GOVERNOR OF THE STATE OF NORTH CAROLINA**

**A PROCLAMATION**

WHEREAS, Hoke County was formed in 1911 by the North Carolina General Assembly, in honor of Major General Robert Frederick Hoke, for his outstanding military service during the American Civil War and for his impact as a businessman and community leader in North Carolina and beyond; and

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WHEREAS, Hoke County combined 391 square miles of Western Cumberland County and Northern Robeson County; it includes parts of Fayetteville and its county seat is Raeford; and

WHEREAS, Hoke County is a distinctive and beautiful part of North Carolina, with a rich and diverse past; and

WHEREAS, Hoke County will celebrate its 100<sup>th</sup> Anniversary on April 3, 2011; and

WHEREAS, the State of North Carolina joins the citizens of Hoke County in celebrating this milestone and the rich history of Hoke County;

NOW, THEREFORE, I, BEVERLY EAVES PERDUE, Governor of the State of North Carolina, do hereby proclaim April 3, 2011, in honor of "**HOKE COUNTY CENTENNIAL**," in North Carolina and commend its observance to all citizens.

#### Public Hearings - Planning Matters

a. The purpose of the first Public Hearing is to consider Application for a Conditional Use Permit CU-11-01 submitted by Elisa Apolinar, to consider for a daycare (small) to be located 209 Longleaf Pines Drive. The property more specifically identified by the Hoke County Tax Records as PIN 494560101061(.399 acres), and is located in RA-20 Residential-Agricultural District., which allows a daycare (small) as a conditional use. The Planning Board recommended approval. Ms. Apolinar was present and affirmed for the request. She stated that she is a teacher and has a lot of experience with children. James Leach asked what would the hours be? She stated from 6:00 am to 6 pm. There was no public input.

**Motion: Ellen McNeill made a motion to close the public hearing, seconded by Jean Powell.**

**Action: The motion was unanimously carried.**

**Motion: Robert Wright made a motion to approve the conditional use for a small daycare, seconded by James Leach.**

**Action: The motion was unanimously carried.**

#### **Conditional Use Criteria**

A. The use requested is listed among the conditional uses in the district for which application is made; or is similar in character to those listed in that district;

B. The requested use will not impair the integrity or character of the surrounding or adjoining districts; not adversely affect the safety, health, morals or welfare of the community or of the immediate neighbors of the property;

C. The requested use is essential or desirable to the public convenience or welfare and will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted nor substantially diminish and impair property values within the neighborhood;

D. The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;

E. The exterior architectural appeal and functional plan of any proposed structure will not be so at variance with either the exterior architectural appeal and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood or the character of the applicable district as to cause a substantial depreciation in the property values within the neighborhood;

F. The requested use will be in conformity with a land use plan;

G. Adequate utilities, access roads, drainage, sanitation or other necessary facilities have been or are being provided;

H. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize the traffic congestion in the public streets; and

I. That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located.

b. The purpose of the Public Hearing is to consider Application for Conditional Use Permit CU-11-02, submitted by Contrain D. Hollins for a daycare facility to be located at 1323 Clan Campbell Dr. The property more specifically identified by the Hoke County Tax Records as PIN 494670301093 (.719 acres). and is located in the RMH Residential-Manufactured Home Park District, which allows a daycare Facility as a conditional use. The Planning Board recommended approval. Ms. Hollins was present and affirmed for the request. She stated that she enjoyed working with children and is involved in the community. She has talked with the inspections department regarding the building. Jean Powell asked if this was in home? She stated the daycare would be in different location. She wanted to start small. There was no public comment.

**Motion: Ellen McNeill made a motion to close the public hearing, seconded by James Leach.**

**Action: The motion was unanimously carried.**

**Motion: Robert Wright made a motion to approve the conditional use for a daycare facility, seconded by James Leach.**

**Action: The motion was unanimously carried.**

**Conditional Use Criteria**

- A. The use requested is listed among the conditional uses in the district for which application is made; or is similar in character to those listed in that district;
- B. The requested use will not impair the integrity or character of the surrounding or adjoining districts; not adversely affect the safety, health, morals or welfare of the community or of the immediate neighbors of the property;
- C. The requested use is essential or desirable to the public convenience or welfare and will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted nor substantially diminish and impair property values within the neighborhood;
- D. The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
- E. The exterior architectural appeal and functional plan of any proposed structure will not be so at variance with either the exterior architectural appeal and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood or the character of the applicable district as to cause a substantial depreciation in the property values within the neighborhood;
- F. The requested use will be in conformity with a land use plan;
- G. Adequate utilities, access roads, drainage, sanitation or other necessary facilities have been or are being provided;

H. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize the traffic congestion in the public streets; and

I. That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located.

c. The purpose of the first Public Hearing is to consider Application for Conditional Use Permit CU-11-03 submitted by Chancy and Ethel Locklear for a family cemetery to be located at 4222 St. Pauls Road. The property is more specifically identified by the Hoke County Tax Records as a portion of PIN 794430001029 (1.0 acres) and is located in the RA-20 Residential-Agricultural District, which allows a family cemetery as a conditional use. The Planning Board recommended approval. Gayle Locklear was present and affirmed for the request. She stated that they wanted to start a family cemetery on the property of their mother and father. The property has been cleared off. Chairman Hunt asked if one acre would be set aside for this? Ms. Locklear stated yes. Chairman Hunt asked if the children and or family was going to take care of the cemetery? Ms. Locklear stated yes. Chairman Hunt stated that in the past there have been cemeteries that have been abandoned and they need to who is going to be taking care of the property. James Leach stated that this property is way back off the road and the family lives there on the property. There was no public input.

**Motion: Jean Powell made a motion to close the public hearing, seconded by James Leach.**

**Action: The motion was unanimously carried.**

**Motion: Robert Wright made a motion to approve the conditional use for a cemetery with the additional conditions attached, seconded by James Leach.**

**Action: The motion was unanimously carried.**

### **Conditional Use Criteria**

A. The use requested is listed among the conditional uses in the district for which application is made; or is similar in character to those listed in that district;

B. The requested use will not impair the integrity or character of the surrounding or adjoining districts; not adversely affect the safety, health, morals or welfare of the community or of the immediate neighbors of the property;

C. The requested use is essential or desirable to the public convenience or welfare and will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted nor substantially diminish and impair property values within the neighborhood;

D. The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;

E. The exterior architectural appeal and functional plan of any proposed structure will not be so at variance with either the exterior architectural appeal and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood or the character of the applicable district as to cause a substantial depreciation in the property values within the neighborhood;

F. The requested use will be in conformity with a land use plan;

G. Adequate utilities, access roads, drainage, sanitation or other necessary facilities have been or are being provided;

H. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize the traffic congestion in the public streets; and

I. That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located.

**Additional Conditions to be attached.**

1. **One parking space for each employee plus adequate parking along internal drives for funerals.**
2. **All property lines must be distinctly marked with evergreen hedges or rows of suitable trees.**
3. **Structures must meet setbacks of 50 feet all property lines.**
4. **Grave's sites must meet setbacks of 20 feet to the inside of the property line of the graves.**
5. **The property must also conform to all health regulations for wells and septic systems.**

**6. Funds for care and beautification of the cemetery must be paid before a zoning permit is issued.**

William Fields stated that this property would need to be willed or deeded to someone.

d. Zoning Code Text Amendment regarding Section 4.2 of the Subdivision Ordinance offer different options for developers to acquire water for their development. Section 8.9 of Zoning Ordinance allows developers of multi-family projects to increase their density if their lot is serviced by sewer. Section 13.7 adjusts to the parking requirements of all residential developments to a more reasonable level. The Planning Board recommended approval. Conrad Garrison, Planner, stated that the amendments for Section 4.2 of the Subdivision Ordinance will make sure that there is enough water for subdivisions and give developers different options. Robert Wright asked who gets the payment in lieu of? Mr. Garrison stated that this will be determined by the utilities department. Tim Johnson stated that a calculation in the ordinance for this will be done for the developers' cost. There was no public comment.

**Motion: Robert Wright made a motion to close the public hearing, seconded by James Leach.**

**Action: The motion was unanimously carried.**

**Motion: Robert Wright made a motion to approve the amendments to Section 4.2 of the Subdivision Ordinance – Drinking Water Requirements, seconded by James Leach.**

**Action: The motion was unanimously carried.**

The zoning amendments for Section 8.9 allows for greater density in the residential multi-family district. Mr. Garrison stated that this amendment opened up density for lots with sewer. The number of units has increased from 9 to 15. This change is in line with the Land Use Plan. Chairman Hunt stated that this is a wiser use of land. He asked if this had gone to the committee for review? Mr. Garrison stated yes. William Fields stated that this change is for sewer only. There was no public input.

The zoning amendment for Section 13.7 – Minimum Parking Requirements – is more reasonable for developers. Ray Owens asked if this change pertains to apartments that are already built? Robert Wright stated that they would be grandfathered. William Fields stated if they were being added to, they would have to comply. There was no other public comment.

**Motion: Robert Wright made a motion to close the public hearing, seconded by James Leach.**

**Action: The motion was unanimously carried.**

**Motion: Robert Wright made a motion to approve both zoning amendments, Section 8.9 and 13.7, seconded by Jean Powell.**

**Action: The motion was unanimously carried.**

**Motion: Robert Wright made a motion to recuse Chairman Hunt, seconded by Ellen McNeill.**

**Action: The motion was unanimously carried.**

Public Hearing – 2011 CTP Application - HATS

Nancy Thornton, HATS Director, stated that this application contains administrative and capital costs. The administrative portion of the grant funds is \$279,781 – local match is \$41,967, and the capital portion is \$147,701. – local match is \$14,792. The total of the grant funds is \$427,701 with a local match of \$56,759.00. The capital will be to purchase 2 mini vans and 1 light vehicle – both vans will have wheel chair lifts. The administration is for a portion of salaries. The Board will also need to officially approve the application. James Leach asked if the matching funds would come out of next year's budget? Ms. Thornton stated yes. He also asked if there would be any cuts. She stated that they would be getting the same amount that they received last year. There was no public comment.

**Motion: Jean Powell made a motion to close the public hearing, seconded by Ellen McNeill.**

**Action: The motion was unanimously carried.**

**Motion: Robert Wright made a motion to approve the submittal of the 2011 CPT Application, seconded by Ellen McNeill.**

**Action: The motion was unanimously carried.**

Chuck Dumas, NCOT, District Engineer, presented the DOT Secondary Road Improvement Program. The total Highway Funds are \$932,089. The elements for these funds are: partial paving of Fletch McPhaul Road on the hold list, maintenance reserve for spot stabilization, paved road improvements, replace small bridges with pipe, retain 105 of funds for road additions, volunteer fire department and rescue driveways, old subdivision improvements, and construct a round about on S. R. 1406 – Rockfish Road

and widen S. R. 1003 – Arabia. Trust funds have \$620,000. for stabilization and paved road improvements. Ellen McNeill stated that Rockfish and Lindsay roads needs to be looked at. The commissioners sent in a petition regarding concern for this intersection. She stated that near Ephesus Church also needs to be looked at regarding school children. Mr. Dumas stated that he would check into these requests. He also stated that the DOT resolution for these funds will also need to be approved by the Board. James Leach stated he mentioned to the Governor the fact that Hoke County has been last for 2 to 3 years for these funds. Mr. Dumas stated that he would check into this also. Robert Wright asked if there was funding for Highway 211 and 401 to be widened? Mr. Dumas stated that this would be in the TIP program and he would check on this also. Mr. Leach stated that he appreciated what the Department of Transportation did for Hoke County.

**Motion: Robert Wright made a motion to approve the NCDOT Secondary Road Program resolution, seconded by Ellen McNeill.**

**Action: The motion was unanimously carried.**

HOKE COUNTY

March 21, 2011

**WHEREAS**, the North Carolina Department of Transportation received in July 2009 an allocation of \$266,647, and in July 2010 an allocation of \$387,300, and remaining funds in the amount of \$278,142 from the Highway Fund a total of \$932,089 for secondary road improvements in Hoke County. A public meeting was held on March 21, 2011 in the Hoke County Commissioners Meeting Room on the expenditures of said funds:

**WHEREAS**, it is proposed to utilize approximately \$460,000 to construct a road from the hold list, provided rights of way are available:

**PROGRAM SUBJECT TO AVAILABILITY OF FUNDING, RIGHT-OF-WAY, AND ENVIRONMENTAL REVIEW**

<u>Priority No.</u>	<u>SR No.</u>	<u>Road Name</u>	<u>From</u>	<u>To</u>	<u>Miles</u>	<u>Description</u>	<u>Cost</u>
Hold List	1126	Fletch Mcphaul Rd	SR 1105	End of Project	1.02	G,D,B,P,EC	\$460,000

**WHEREAS**, it is proposed to retain \$42,089 of the total allocation for spot stabilization, paved road improvements, replace small bridges with pipe, or safety projects.

**WHEREAS**, it is proposed to retain \$90,000 of the total allocation for road additions, property owner participation paving, volunteer fire departments, rescue squad driveways, old subdivision improvement program, overruns, county surveys and right of way acquisition.

**WHEREAS**, it is proposed to utilize approximately \$340,000 to improve the following paved roads. Funding will be applied to the projects as indicated below, and additional funds will be applied to the projects as they become available:

<u>SR No.</u>	<u>Road Name</u>	<u>Length</u>	<u>Project Description</u>	<u>Proposed Funding</u>	<u>Estimated Cost</u>
1406	Rockfish Road	0.2 miles	Construct a roundabout and improve sight distance at the intersection of SR 1406 and SR 1413	\$250,000	\$500,000

1003	Arabia Road	4.5 miles	Widen to 22' and strengthen pavement from NC 20 to SR 1432	\$90,000	\$1,000,000
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**WHEREAS**, the North Carolina Department of Transportation received in July 2010 an allocation of \$560,017, and remaining funds in the amount of \$60,060 from the North Carolina Highway Trust Fund, a total of \$620,077 for Secondary Road Improvements in Hoke County. A public meeting was held on March 21, 2011 in the Hoke County Commissioners Meeting Room on the expenditures of said funds:

**WHEREAS**, it is proposed to utilize approximately \$585,000 to improve the following paved roads. Funding will be applied to the projects as indicated below, and additional funds will be applied to the projects as they become available:

<u>SR No.</u>	<u>Road Name</u>	<u>Length</u>	<u>Project Description</u>	<u>Proposed</u>	<u>Estimated Cost</u>
				Funding	
1003	Arabia Road	4.5 miles	Widen to 22' and strengthen pavement from NC 20 to SR 1432	\$585,000	\$1,000,000

**WHEREAS**, it is proposed to retain \$35,077 of the total allocation for spot stabilization, paved road improvements, replace small bridges with pipe, or safety projects.

**BE IT RESOLVED** that all of the above be carried out by the Department of Transportation.

**CERTIFICATE**

The foregoing resolution was adopted by the Hoke County Board of Commissioners on the \_\_\_\_\_ day of \_\_\_\_\_ 2011 and appears on the minutes of the said Commission.

\_\_\_\_\_  
Clerk, Board of Commissioners, County of Hoke

**Consent Agenda:**

- a. Minutes from the February 21, 2011 meeting
- b. Resolution for Scotland Hoke CJPB State Funding
- c. Budget Amendments
- d. Board of Education - Purchase of Property Resolution
- e. Approval of Family Subdivision
- f. DSS – Lexis Nexis Agreement
- g. Wedgefield Bond Release – Phase I
- h. Fire Code Inspection Fee
- i. Planning - Opt out of Sewer Service Area
  - 1. 6.9 acre tract – 11 lot subdivision
  - 2. 5.5 acre tract - 7 lot subdivision

**Motion: Robert Wright made a motion to approve the consent agenda, items a – i, Seconded by Jean Powell.**

**Action: The motion was unanimously carried.**

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Hoke County Tax Collector's Report – March 21, 2011

Tax Levy 2010	\$ 18,674,578.11
Additions to Levy YTD	509,917.08
Total Levy to Date	19,184,495.19
Collected to date	16,925,131.51
Uncollected balance before releases	2,259,363.68
Releases to date	9,583.03
Uncollected balance after releases	2,249,780.65
Adjustments	418.51
Refunds 2010	(\$84,266.30)
Discounts/Write offs	(\$130,364.61)
Advertising Charged	
Uncollected balance 2010 Tax Levy (1)	\$ 2,035,568.25

Collections February 2011	\$576,995.05
Releases February 2011	179.88
Percent of levy collected (receipts)	88.22%
Percent of levy collected (releases, etc.)	<u>0.05%</u>
Percent of levy collected (totals)	88.27%

Prior Years tax levy June 30, 2010	\$ 2,418,539.14
Prior Year Collected in Feb 2011 to date	835,826.85
Uncollected balance before releases	1,582,712.29
Releases to date	8,426.82
Adjustments	101.28
Refunds	(\$826.45)
Discounts/Write offs	(\$3,808.71)
Insolvent	
Uncollected balance prior years (2)	\$ 1,577,166.45

Prior Years Collected in February 2011	\$123,789.60
Releases Prior Years February 2011	\$53.73
Percent Prior years collected (receipts)	34.56%
Percent pr. Yrs. Collected (releases, etc.)	<u>0.35%</u>
Percent pr. Yrs. Collected (totals)	34.91%
Total Uncollected Taxes (1+2)	\$ 3,612,734.70

2009 Taxes

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Tax Levy July 2009		\$ 17,787,588.47
Collections February 2010		16,027,117.67
Releases February 2010		359.75
Insolvent		
Percent collected (receipts)	90.10%	
Percent collected (releases, Etc.)	<u>5%</u>	
Percent collected (totals)	90.15%	
Prior years tax levy July 2009		\$ 2,175,368.20
Collections February 2010		506,911.27
Releases February 2010		5,399.79
Insolvent		
Percent collected (receipts)	23.30%	
Percent collected (releases, etc.)	<u>0.24%</u>	
Percent collected (totals)	23.54%	

Releases:

Allen, Marcellus – 2010 Solid Waste Fee error - \$110.00	Hunt, Tony - 2010 MH double-listed - \$37.63
Locke, George – 2006 MH sold - \$57.61	McArn, Christanner – 2009 MH double-listed - \$7.85
McArn, Christanner – 2010 MH double-listed - \$7.70	Myer, Rebecca – 2010 Military exempt - \$67.20
Morris, James – 2009 MH double-listed - \$35.28	Pridgen, Jack – 2006 MH sold - \$43.24
Thompson, Richard – 2009 MH double-listed - \$48.24	Wright, Daniel – 2010 MH sold - \$54.01

Total releases: \$468.76

**Motion: Robert Wright made a motion to approve the releases in the amount of \$468.76, seconded by Jean Powell.**

**Action: The motion was unanimously carried.**

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Refund:

Jasmine Allen – 2606 Hwy 401 Business, Raeford, NC – were charged 3 solid waste fees - \$220.00

Total refund: \$220.00

**Motion: Ellen McNeill made a motion to approve the refund in the amount of \$220.00, seconded by Jean Powell.**

**Action: The motion was unanimously carried.**

Appointments:

a. Scotland-Hoke CJPB – appointment to replace Bobby Allen who no longer wishes to serve – Ellen McNeill recommended Jimmy Carthens

**Motion: Robert Wright made a motion to appoint Jimmy Carthens to the Scotland-Hoke CJPB, seconded by Ellen McNeill.**

**Action: The motion was unanimously carried.**

b. Health Department – reappointment of Kenneth Booker and Brenda Worix

**Motion: Robert Wright made a motion to approve the re-appointments to the Board of Health, seconded by Ellen McNeill.**

**Action: The motion was unanimously carried.**

c. Board of Adjustment – reappointments of Steve Connell, John King, Alvin Walker and Shirley Rush as the alternate

**Motion: Robert Wright made a motion to approve the reappointments to the Board of Adjustment, seconded by Jean Powell.**

**Action: The motion was unanimously carried.**

Manager's Report

Tim Johnson stated that the IT Manager has left. He is requesting the Board to unfreeze the position to advertise it.

**Motion: Robert Wright made a motion to unfreeze the position of IT Director, and advertise the position, seconded by Jean Powell.**

**Action: The motion was unanimously carried.**

Mr. Johnson stated that a new cell phone contract had been done that will save the county \$18,000. in the first year. The new financial consultant will start tomorrow. The second picnic shelter has been finished. Unilever gave \$5,000.00 to Parks and Recreation. He had a department head meeting and proposed budgets are due in by March 30<sup>th</sup>. James Leach asked about budget retreats to be scheduled. Mr. Johnson stated that it will take him about 2 weeks to prepare his proposed budget. Linda Revels stated that the retreat dates will be on the next agenda.

#### Public Input

1. Lillie McRae – She was present regarding a garnishment notice that she received. The garnishment was for her husband but was sent to her employer. Her name was handwritten over his typed name. She wants to make sure this does not happen again. Mr. Leach apologized for this happening.

**Motion: Robert Wright made a motion to go into closed session to discuss an attorney/client privilege and personnel matter, seconded by Jean Powell.**

**Action: The motion was unanimously carried.**

**Motion: Ellen McNeill made a motion to come out of closed session and go back into regular session, seconded by Robert Wright.**

**Action: The motion was unanimously carried.**

There was no action taken in closed session.

There being no further business to come before the Hoke County Board of Commissioners, Jean Powell made a motion to adjourn, seconded by Ellen McNeill, unanimously carried. The meeting adjourned at 8:35 p.m.

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Tony Hunt, Chairman

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Linda Revels, Clerk to the Board