

Meeting of the Hoke County Board of Commissioners on Monday, August 6, 2007 at 7:30 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:

Mike Wood, County Manager
William Fields, County Attorney
Linda Revels, Clerk to the Board

Chairman Leach called the meeting to order and welcomed everyone. Veteran Service Officer Frank Orians led the Pledge of Allegiance and Commissioner Jean Powell gave the invocation.

Citizen Recognitions

Chairman Leach stated that this was one of the visions that Commissioner McNeill had in recognizing the citizens of our great county.

a. Ed Cross – Rotary Club

**Award of Excellence
TO MR. ED CROSS**

WHEREAS, the Hoke County Board of Commissioners wishes to acknowledge and express its appreciation to Mr. Ed Cross, a member of the Rotary Club; and

WHEREAS, Mr. Cross and the Rotary Club presented dictionaries to the 3rd grade students in the Hoke County Public School System; and

WHEREAS, on behalf of the Board of Commissioners and the citizens of Hoke County we do hereby express our appreciation to Mr. Cross and the Rotary Club for helping our children achieve success in an on going ever increasing learning process;

NOW, THEREFORE, BE IT RESOLVED that the Hoke County Board acknowledges this Certificate of Appreciation to Mr. Ed Cross on Monday, August 6, 2007.

James A. Leach, Chairman

Linda Revels, Clerk (Attest)

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b. Veterans – High School Diplomas

Frank Orians and Dr. Freddie Williamson, Superintendent, presented plaques to the veterans. Mr. Orians stated that Governor Easley signed into law a decree that issues special high school diplomas to all honorably discharged veterans of World War II and Korea that did not previously receive a high school diploma. This recognizes their sacrifices. Those recognized were: Ahmad Abdur-raheem, Archie V. Ellison, Augusta W. Gardner, Jr. – deceased – (his family was present on his behalf), James D. McCormick, Willard F. Page, and Neil Ray. Mr. Orians stated that these plaques were donated by the Gardner family.

Dr. Williamson stated that it was an honor and privilege to be present and present these plaques to these deserving individuals who served for this great nation.

The plaques read as follows:

PUBLIC SCHOOLS OF NORTH CAROLINA

STATE BOARD OF EDUCATION Howard N. Lee, Chairman
DEPARTMENT OF PUBLIC INSTRUCTION June St. Clair Atkinson, Ed.D., State
Superintendent

June 11, 2007

During the Vietnam Era, you answered your country's call to duty and served in the Armed Forces to restore and defend freedom around the globe. Answering this call meant putting aside other important personal priorities, including education.


The North Carolina General Assembly enacted legislation to include in the list of powers and duties of the State Board of Education the authority to issue a special high school diploma to honorably discharged veterans of the Vietnam Era who request and have not previously received a diploma.

It is a pleasure and a privilege to award this high school diploma to you in recognition of the many contributions that you have made to our nation and to the world. We are forever indebted to you for your service.

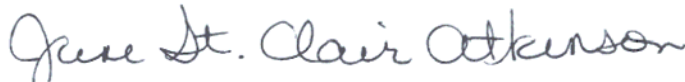
Congratulations on your many achievements and on becoming a member of the Vietnam Era veterans' high school graduating Class of 2007.

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Sincerely,



Howard N. Lee



June St. Clair Atkinson

OFFICE OF THE STATE SUPERINTENDENT

June St. Clair Atkinson, Ed.D., State Superintendent

6301 Mail Service Center, Raleigh, North Carolina 27699-6301 - (919) 807-3430 - Fax
(919) 807-3445

Chairman Leach stated that the Board would also like to take time and honor two fallen soldiers that resided in Hoke County. The families were not present, and Chairman Leach requested that Mr. Orians contact the family and present them with the plaques.

c. Staff Sgt. Casey Combs – Fallen Soldier

RESOLUTION OF SYMPATHY

FOR STAFF SGT. CASEY COMBS

WHEREAS, the Hoke County Board of Commissioners wishes to express its heartfelt sympathy to the family of Staff Sgt. Casey Combs; and

WHEREAS, Staff Sgt. Combs, a resident of Hoke County, a native of Maple Valley and Orting, Washington, serving in the 82nd Airborne Division as a paratrooper, sacrificed his life while serving, protecting and safeguarding our nation for our right of freedom; and

WHEREAS, on behalf of the Board of Commissioners and the citizens of Hoke County we do hereby express our deep gratitude to Staff Sgt. Combs for his bravery and dedication to the military and extend our sympathy to his family;

NOW, THEREFORE, BE IT RESOLVED that the Hoke County Board of Commissioners acknowledges this Resolution of Sympathy for Staff Sgt. Casey Combs on Monday, August 6, 2007.

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James A. Leach, Chairman

Linda Revels, Clerk (Attest)

d. Sgt. Timothy Padgett – Fallen Soldier

RESOLUTION OF SYMPATHY

FOR SGT. TIMOTHY P. PADGETT

WHEREAS, the Hoke County Board of Commissioners wishes to express its heartfelt sympathy to the family of Sgt. Timothy Padgett; and

WHEREAS, Sgt. Padgett, a resident of Hoke County, a native of Defuniak Springs, Florida, and a member of the Rockfish Volunteer Fire Department, while serving as a paramedic with the 1st Battalion, 7th Special Forces, gave his life in the line of duty while serving and protecting his country during the war on terrorism; and

WHEREAS, on behalf of the Board of Commissioners and the citizens of Hoke County we do hereby express our deep gratitude to Sgt. Padgett for his bravery and dedication to the military and extend our sympathy to his family;

NOW, THEREFORE, BE IT RESOLVED that the Hoke County Board of Commissioners acknowledges this Resolution of Sympathy for Sgt. Timothy P. Padgett on Monday, August 6, 2007.

James A. Leach, Chairman

Linda Revels, Clerk (Attest)

Public Hearings – Planning Matters – Rezonings/CU's

a. Application for Rezoning RZ-07-10 submitted by American Flag Hoke, LLC to rezone a .449 acre portion of property located on Carolina Drive, and more specifically identified by the Hoke County Tax Listing Records as PIN 494660001089, from RA-20 Residential-Agricultural District to HC Highway Commercial District. The Planning Board recommended approval. Mr. Allen Brewer was present for the request. He stated that he was the owner and operator of a mini storage company. There was no public comment or opposition. Heather Brown, Planner, stated that staff recommends approval.

Motion: Robert Wright made a motion to close the public hearing, seconded by Jean Powell.

Action: The motion was unanimously carried.

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Motion: Robert Wright made a motion to approve the request for rezoning, seconded by Tony Hunt.

Action: The motion was unanimously carried.

b. Application for Rezoning RZ-07-11 submitted by the County of Hoke to rezone property located at 800 Pate Road between NC 20 Highway and Golf Course Road, and more specifically identified by the Hoke County Tax Listing Records as PIN 794560001103, from RA-20 Residential-Agricultural District to I Industrial District. The Planning Board recommended approval. Mike Wood stated that this was property for the Ethanol Plant. The federal government has guaranteed 35 million dollars of the 60 million dollar loan. Everything seems to be on track and we are optimistic. Donald Porter, Economic Development Director, also spoke for the request. He stated that he had met with the railroad and they are on board to do what is necessary. There were no other speakers and no opposition. Chairman Leach asked about an emergency plan that Freddie Johnson was going to be working on. Some of the citizens were concerned about this. Mike Wood stated that once the building starts going up, there will be training with the fire department.

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

Action: The motion was unanimously carried.

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

Action: The motion was unanimously carried.

c. Application for Conditional Use Permit CU-07-19 submitted by Bobby Strother for a cemetery to be located at 290 Avery Chapel Road. The property is more specifically identified by the Hoke County Tax Records as PIN 584860001172 and is located in the RA-20 Residential-Agricultural District, which allows cemeteries as a conditional use. The Planning Board recommended approval. William Fields stated that the conditions of the zoning ordinance and special conditions were attached to the application. Bobby Strother was present and sworn in for the request. A church is looking for a cemetery. There is about 6 acres of the total property. There is already 3 other churches adjoining this property. William Fields asked Mr. Strother if he was aware of the additional conditions attached? He stated yes. Deacon Brown from Buffalo Springs Church was present and sworn in for the request. He stated that he has no objections to the cemetery. There were no other speakers or opposition.

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

Action: The motion was unanimously carried.

Motion: Robert Wright made a motion to approve the conditional use and the additional conditions, seconded by Jean Powell.

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

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

Special conditions

Additional Conditions to be attached.

1. Provide 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 from all property lines
4. Graves 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.

Subdivisions

2a1. Steeplechase, Section 2, Part 1- The Planning Board recommended approval. Heather Brown stated that this was another part of the existing subdivision. Staff recommends approval.

Motion: Robert Wright made a motion to approve Steeplechase subdivision, section 2, part 1, seconded by Tony Hunt.

Action: The motion was unanimously carried.

Consent Agenda

- a. Approval of 2008 County Holiday Schedule
- b. Resolution for Financing of Park Improvements and Other Projects

Motion: Robert Wright made a motion to approve the consent agenda, seconded by Jean Powell.

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Action: The motion was unanimously carried.

Resolution supporting an application to the Local Government Commission for its approval of a financing agreement for Hoke County

WHEREAS,

Hoke County has previously determined to undertake the acquisition and construction of (a) improvements to Hoke County Park, including _____ and (b) the construction of a new animal shelter building.

The Board of Commissioners desires to finance costs for these projects by the use of an installment contract, as authorized under Section 160A-20 of the North Carolina General Statutes.

In addition, the Board has determined to include in the financing an amount of up to \$865,000 to reimburse the County for previous expenditures on the new County jail that have not been included in any other financing.

Under the guidelines of the North Carolina Local Government Commission, this governing body must make certain findings of fact to support the County's application for the LGCs approval of the County's proposed financing arrangements.

THEREFORE, BE IT RESOLVED by the Board of Commissioners of Hoke County, North Carolina, as follows:

(a) The County makes a preliminary determination to finance project costs. as follows:

<u>Component</u>	<u>Estimated Maximum Amount</u>
Park improvements	\$1,500,000
Animal shelter	250,000
Jail cost reimbursement	<u>865,000</u>
Total	\$2,415,000

The Board will determine the final amount to be financed by a later resolution. The total amount financed may reflect adjustments to the amounts listed above and may include amounts for financing costs.

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(b) The Finance Officer is authorized and directed to take all appropriate steps toward the completion of the financing, including (i) completing an application to the LGC for its approval of the proposed financing, and (ii) soliciting one or more proposals from financial institutions to provide the financing.

BE IT FURTHER RESOLVED that the Board of Commissioners makes the following findings of fact:

(a) The proposed project is necessary and appropriate for the County under all the circumstances.

The park improvements will provide additional recreational opportunities for the County's population, and thereby meet a need often expressed by County residents.

The new animal shelter is necessary to replace a facility that has fallen into disrepair.

The reimbursement of jail costs has long been contemplated by the County, and will provide a beneficial increase to the County's available reserves.

(b) The proposed installment financing is preferable to a bond issue for the same purposes. These projects are for discrete facilities and are for relatively small amounts. These projects therefore lend themselves to installment financing and are not particularly suitable for voter-approval bond financing. In addition, the animal shelter project is one that needs to be carried out quickly.

The County has no meaningful ability to issue non-voted general obligation bonds for this project, and this project will produce no revenues that could be used to support a self-liquidating financing. The County has recently issued voter-approved bonds for school projects (and has additional voter authorization for more school bonds), and it is appropriate for the County to balance its capital finance program between bonds and installment financing.

(c) The estimated sums to fall due under the proposed financing contract are adequate and not excessive for the proposed purpose. The County will obtain competitive lending proposals, and will closely review proposed lending rates against market rates with guidance from the LGC.

(d) As confirmed to the Board at this meeting by the County's Finance Officer, (i) the County's debt management procedures and policies are sound and in compliance with law, and (ii) the County is not in default under any of its debt service obligations.

(e) [The County expects that there will be no increases in taxes necessary to meet debt obligations under the proposed financing arrangements. The County expects that interest rates to be payable by the County on the proposed financing, and the expected term of the financing, will allow the County to repay the financing within current resources.]

[Although the County expects that there may be tax increases associated with the overall program, any tax increase attributable to the current proposed financing will be minimal. The County bases this expectation on its expected interest rates and term for the current proposed financing.]

(f) The County Attorney is of the opinion that the proposed projects are authorized by law and are purposes for which public funds of the County may be expended pursuant to the Constitution and laws of North Carolina.

BE IT FURTHER RESOLVED as follows:

(a) The County intends that the adoption of this resolution will be a declaration of the County's official intent to reimburse project expenditures from financing proceeds. The County intends that funds that have been advanced for project costs, or which may be so advanced, from the County's general fund, or any other County fund, may be reimbursed from the financing proceeds.

(b) A public hearing on this matter will be held at the Boards meeting of August 20, 2007. The County Manager is authorized and directed to set the time of the hearing, and the Clerk to this Board is authorized and directed to publish a notice of such public hearing in the manner provided for by law.

(c) This resolution takes effect immediately.

I certify that the foregoing resolution was duly adopted at a meeting of the Board of Commissioners of Hoke County, North Carolina, duly called and held on August 6, 2007, and that a quorum was present and acting throughout such meeting. Such resolution remains in full effect as of today.

Dated this 6th day of August, 2007.

[SEAL)

Linda Revels
Clerk, Board of Commissioners
Hoke County, North Carolina

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Resolution for Proposed Financing of Water System

Mike Wood stated that Rural Development is going to allow us to break the water system into two projects at 5 million each so therefore we will not have to have a bond referendum. He will bring the appropriate paperwork back to the Board. Robert Wright asked if this would cost any more money being done this way? Mike Wood stated that it would save us some money. This is a better option than a referendum and borrowing 10 million at one time.

Request for Sewer – Jim Kizer – Chairman Leach stated that this has been pulled.

Ordinance Amendments – County Attorney – Mr. Fields stated that both ordinances have been put on the web site for viewing.

a. Animal Control – Tony Hunt stated that this is something that needs to be done. The Board has reviewed it.

Motion: Tony Hunt made a motion to approve the amendment to the animal control ordinance, seconded by Robert Wright.

Action: The motion was unanimously carried.

b. Solid Waste – Mr. Fields stated that this ordinance will need to be revisited.

Motion: Robert Wright made a motion to approve the amendment to the solid waste ordinance, seconded by Ellen McNeill.

Action: The motion was unanimously carried.

Appointments – Linda Revels

a. Library - The Board of Trustees is recommending the appointment of Terrain Francois to replace J. D. McAllister for a 3 year term.

Motion: Tony Hunt made a motion to approve the recommendation of Terrain Francois, seconded by Robert Wright.

Action: The motion was unanimously carried.

The Board of Trustees is also recommending the re-appointment of Betty Locklear and Anna McPhatter.

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Motion: Robert Wright made a motion to approve the recommendation for the reappointments, seconded by Jean Powell.

Action: The motion was unanimously carried.

Chairman Leach stated that the County Manager wanted to add two items to the agenda.

Mike Wood stated that this is an amendment to the inducement agreement for the Ethanol Plant. It relates to the change of the definition of ethanol. Tony Hunt asked if this would finish up everything? Mike Wood stated yes. William Fields stated that it also set the week wage.

Motion: Tony Hunt made a motion to approve the resolution amendment, seconded by Jean Powell.

Action: The motion was unanimously carried.

RESOLUTION OF THE HOKE COUNTY BOARD OF COMMISSIONERS

RESOLUTION AUTHORIZING AMENDMENTS TO INCENTIVES AGREEMENT BETWEEN HOKE COUNTY AND CLEAN BURN FUELS, LLC.

WHEREAS, The Board of Commissioners ("Board") of the County of Hoke ("County") previously adopted a resolution dated July 2, 2007 (the "Prior Resolution") approving the conveyance by the County of land, certain cash grants and other incentives for Clean Burn Fuels, LLC, a North Carolina limited liability company ("Company"), pursuant to the terms of a certain Incentives Agreement in the form attached to the Prior Resolution ("Agreement") and the entry into and performance of the Agreement by the County;

WHEREAS, the Board desires to make certain amendments to the Agreement;

NOW, THEREFORE, IT SHALL BE AND HEREBY IS RESOLVED by the Hoke County Board of Commissioners as follows:

Section 1: Section 1 of the Agreement shall be and hereby is amended in part as follows:

1. The following definition is hereby added:

"Ethanol" or "ethanol" means and includes alcohol, biodiesel or any other biofuels manufactured or processed from renewable or recyclable resources such as plant materials and solid wastes or any blended fuels containing any of the foregoing."

2. The term "Shortfall" is amended and restated in its entirety to read as follows:

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"Shortfall" means, for a given calendar year, anyone or more of: (i) the daily average number of employees in Qualifying Jobs for such calendar year is less than 90 (103 if the Company shall have qualified for Expansion Grants); (ii) the Average Weekly Wage for all Qualifying Jobs calculated on a cumulative basis is less than the Specified Wage; or (iii) less than 50% of all Qualifying Jobs computed on an individual basis pays an Average Weekly Wage in excess of the Specified Wage.

3. The definition of "Specified Wage" is amended and restated in its entirety to read as follows:

"Specified Wage" means a Wage of no less than \$521.00 per week."

4. This resolution shall become effective on the date of its adoption.

Adopted this 6th day of August, 2007.

Secretary of the Board of Commissioners
Hoke County, North Carolina

Mike Wood stated that the State of North Carolina approved their budget. There is Medicaid relief contained in it. One part that may be available to counties is a referendum to be approved by the public of either a ¼ cent sales tax or a .4 of one percent of a real estate transfer tax. The deadline to be on the ballot is August 17th. If the Board needs to consider this further, it will have to have a special meeting. The question is which one will produce the most revenue. At this time it is the real estate transfer tax. The Board will have to approve a resolution to put it on the November ballot. Tony Hunt stated that if they do what generates the most money. He recommends the land transfer tax. Ellen McNeill asked how do they sell it to the public? Tony Hunt stated that the schools have come and asked for more money, which will be the biggest selling point, because they are the biggest expense. We are also starting to get some commercial growth. The public has a choice to approve it or disapprove it. Jean Powell stated that the biggest expense is growth. The land transfer would tie into the growth and hopefully prevent an overall tax increase.

Motion: Tony Hunt made a motion to approve the resolution for a real estate property transfer tax to be placed on the November ballot, seconded by Jean Powell.

Action: The motion was unanimously carried.

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RESOLUTION NO. _____
REQUEST FOR REFERENDUM
PURSUANT TO
NC GEN. STAT. SEC. 105-600

WHEREAS, the North Carolina General Assembly has authorized the levy of a real estate transfer tax, by counties such as Hoke County pursuant to NC Gen. Stat. Section 105-600, Article 60.

AND WHEREAS, the General Statutes call for Hoke County to conduct an advisory referendum on the issue;

NOW, THEREFORE, the County Commissioners hereby request the Hoke County Board of Elections conduct a referendum pursuant to NC Gen. Stat. Sec. 105-600 in the County of Hoke on November 6, 2007.

This the 6th day of August, 2007.

James A. Leach, Chairman

Linda Revels, Clerk to the Board (Attest)

Public Input

1. Betsy Bailey – She stated that she supports the Board of Commissioners in its entirety. The Board reflects the diversity of Hoke County. The board has a responsibility to oversee the duties of the county. The county has not always been managed well. The face of the county has changed. The challenges are many and the opportunities are great.
2. Evelyn Price – She stated that she is requesting assistance for funding of her participation in the Senior Games in Raleigh. She has been a participant since 2001. She showed the various medals that she has won. She would like to get more seniors interested. She is asking for financial assistance.
3. Linda Teal – She stated that the county will benefit with it coming together. She hopes it will put differences aside and put the best interest of Hoke County first. She believes there is a need for the grant writer position. She is asking that the Board reinstate it.

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Chairman Leach stated the Board to review the monthly inspection report that Billy Coxe put on their desk. He thanked Mr. Coxe for his hard work. Tony Hunt asked about the monthly reports from the Environmental Health? Mike Wood stated that he sent them out and would get them to the Board.

Motion: Ellen McNeill made a motion to go into closed session for an attorney/client and pending litigation matter, seconded by Robert Wright.

Action: The motion was unanimously carried.

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

Action: The motion was unanimously carried.

There was no action taken in closed session.

Tony Hunt asked about the bids from the Parks and Recreation complex? Mike Wood stated that he was working with Hobbs, Upchurch on this matter. They believe that the contractor is very good. They are negotiating on trying to get the price down and come back to the Board. Chairman Leach stated that they need to be careful with this. Mike Wood stated that the decision is up to the Board. Chairman Leach stated that he would recommend that the Board reject the bids and start over. Tony Hunt stated that he would like to see Hobbs, Upchurch make the adjustments to the bids and put the specifications back out and re-advertise. Mike Wood stated that this is for the first phase. William Fields stated that it is his understanding that the pleasure of the board wants it opened to all bidders.

Motion: Tony Hunt made a motion to reject the bids for the Parks and Recreation complex and re-bid it with any changes in the shortest time possible, seconded by Chairman Leach.

Action: The motion was unanimously carried.

There being no further business to come before the Hoke County Board of Commissioners, Tony Hunt made a motion to adjourn, seconded by Jean Powell, unanimously carried. The meeting adjourned at 8:50 p.m.

James A. Leach, Chairman

Linda Revels, Clerk to the Board (attest)

