

Meeting of the Hoke County Board of Commissioners on Monday, October 5, 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. The pledge and invocation were given at the recessed meeting which was held earlier.

Public Hearings – Planning – Rezoning/CU

a. Application for Rezoning RZ-09-07 submitted by Rene Guerrero, to rezone the property located at 3268 Lindsay Rd. more specifically identified by the Hoke County Tax Records as PIN 494850301012 (1.59 acres), from RA-20 Residential-Agricultural District to Highway Commercial District. The Planning Board recommended approval. Larry Chavis, Planning, stated that the surrounding area is RA-20, Neighborhood Business and Industrial. Chairman Leach asked if this would be considered as spot zoning? William Fields stated yes, and that he had some concerns regarding the request. Mr. Guerrero was present and stated that he wanted to secure his equipment. He has been robbed twice in that area. He wants to put up a security fence. Tony Hunt asked if the property were zoned Neighborhood Business could he do what he wanted to? Larry Chavis stated yes. Jean Powell asked if there was a difference in NB versus HC in terms of securing the back of the property? Mr. Guerrero stated that Brock Storage Units are located in the area and the church is on the side, with some residential lots. He wants to secure some construction equipment. Larry Chavis stated that NB is usually for light business. William Fields stated that the parcel is too small for Highway Commercial. If it is appropriate for this parcel to be HC, it would also be for most of the parcels in the area to be HC. These parcels should be changed over to HC as well. Tony Hunt asked if rezoning could be done without the property owner's permission? William Fields stated yes, that it would have to be advertised. Jean Powell asked why this would be done if they could allow him to secure his property? William Fields stated that the question regarding planning is if the request is appropriate for the area with regards to infrastructure and other zonings in the area. When spot zoning occurs with small tracts, planning is not being done. The area looks like it is fairly intensive with industrial being

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close. The whole area can be looked at for rezoning. Tony Hunt stated that he still has reservations about rezoning people's property and them still being able to use it for RA-20. William Fields stated that the adjoining tracts could be rezoned to HC. Chairman Leach stated that if the owner's were against their rezoning, they could come and speak on it. Mr. Fields stated that he recommended tabling this request until the planning department can reassess the area for rezoning and re-advertise for rezoning of the area, especially the two lots that would be contiguous. Chairman Leach asked Mr. Guerrero if he was on a time limit? Mr. Guerrero stated that he was okay as long as he could continue to keep his equipment there.

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

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

**Motion: Tony Hunt made a motion to table the request and send it back to planning to re-advertise the two contiguous lots being 086 and 013 for rezoning to Highway Commercial, seconded by Robert Wright.**

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

Larry Chavis asked about the fee for re-advertising, if the Board would waive the fee. Mr. Fields stated that this is an action of the county and he will not have to pay.

b. The purpose of the Public Hearing is to consider Application for Conditional Use Permit CU-09-31 submitted by Shannon White, for a daycare, (small) to be located at 116 Hill Creek Dr. The property is identified by the Hoke County Tax Records as PIN 794830101180 (.48 acres). – The Planning Board recommended approval. Ms. White was present and sworn in for the request. She stated that she is presently keeping 2 children from the neighborhood and is a stay at home mom. She will have a total of 4 children and can have up to 8. There was no opposition or public comment.

**Motion: Robert Wright 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 request for the conditional use for a small daycare, seconded by Ellen McNeill.**

**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 Public Hearing is to consider Application for Conditional Use Permit CU-09-32 submitted by Lashonda Augusta, for a daycare, (small) to be located at 355 Woodberry Circle. The property is identified by the Hoke County Tax Records as PIN 494660001106 (.365 acres). The Planning Board recommended approval. Mrs.

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Augusta was present and sworn in for the request. She stated that she had done daycare for 7 years. She can legally care for 8 children in addition to her own. Jean Powell asked if there were restrictive covenants in this subdivision. William Fields stated that he was not sure. Tony Hunt asked if the county enforced restrictive covenants? Mr. Fields stated no. There was no opposition or public comment.

**Motion: Tony Hunt 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 approve the request for the conditional use for a small daycare, seconded by Ellen McNeill.**

**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;

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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.

d. The purpose of the Public Hearing is to consider Application for Conditional Use Permit CU-09-34 submitted by Melissa Yascavage, for a daycare, (small) to be located at 588 Americana Drive. The property is identified by the Hoke County Tax Records as PIN 494560301141 (.387 acres). The Planning Board recommended approval. Ms. Yascavage was present and sworn in for the request. She is requesting a small home daycare in Planter's Walk. She currently has 2 after school children. She can have up to 8. Janet Stewart was present and sworn in with some concerns. She stated that there were some concerns about traffic especially with BRAC coming. She also asked if any changes would be made to the structure. Ms. Yascavage stated that no changes would be made to the residence. She currently has a privacy fence. She currently picks up one of the children from school and the other child is from the neighborhood. Ms. Stewart asked if there would be any advertisement? Ms. Yascavage stated no. Ms. Stewart stated that was all the questions she had. There were no other comments.

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

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

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

**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;

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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.

Consent Agenda:

- a. Budget Amendments
- b. Inclement Weather Policy
- c. DOT Resolution

Tim Johnson stated that regarding the Inclement Weather Policy, he wanted to use the amended one placed on everyone's desk that included the chain of command. Tony Hunt asked if there was a list of essential personnel? Tim Johnson stated yes. Jean Powell stated that regarding the DOT Resolution, it should be changed from the Lumber River

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Rural Transportation Organization to FAMPO. The Lumber River has already approved the resolution, and they thought it would be good to have the commissioners approve the resolution also. This resolution needs to be sent to FAMPO.

**RESOLUTION BY  
HOKE COUNTY  
ADDING THE UPGRADE OF WAYSIDE ROAD IN HOKE COUNTY TO THE  
STATE TRANSPORTATION IMPROVEMENT PROGRAM**

**WHEREAS**, Hoke County cooperatively works together with FAMPO to plan transportation systems in the region; and

**WHEREAS**, Wayside Road is an integral part of the transportation network of Hoke County and provides a gateway from Hoke County into Ft. Bragg; and

**WHEREAS**, population growth in Hoke County is expected to increase due to Base Realignment and Closure (BRAC); and

**WHEREAS**, the Volume/Capacity Ratio, which is a measure of congestion, for Wayside Road is currently high; and

**WHEREAS**, due to expected population growth from BRAC, the projected Future Volume/Capacity Ratio is very high, which will lead to extremely congested conditions; and

**WHEREAS**, there are numerous driveway cuts and curves on Wayside Road that contribute to safety concerns; and

**WHEREAS**, the upgrade of Wayside Road to a four-lane divided facility would relieve congestion and alleviate safety problems.

**NOW THEREFORE BE IT RESOLVED** that the Hoke County Board of Commissioners respectfully requests that the upgrade of Wayside Road be added as a project on the State Transportation Improvement Program.

Adopted this the 5<sup>th</sup> day of October, 2009.

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James A. Leach, Chairman

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Linda Revels, Clerk to the Board

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**Motion: Robert Wright made a motion to approve the consent agenda with recommended changes, seconded by Tony Hunt.**

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

Appointments:

a. Sandhills Mental Health Waiver – Jean Powell, who serves on this board, stated that the current executive director is taking a job with the State. They are asking the 8 current Boards of Commissioners to waive their authority to approve the selection of the director and allow the Mental Health Board to do the search to expedite the hiring process.

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

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

b. Sandhills Community College

**Motion: Tony made a motion to approve the appointment of James Oscar Cunningham to the Sandhills Community College Board, seconded by Robert Wright.**

Tony Hunt stated that Mr. Cunningham comes with great integrity; he is interested in serving and will keep the commissioners informed of what is going on with the college. Jean Powell asked Mr. Cunningham if he were going to be a strong advocate for Hoke County? Mr. Cunningham stated that this will be like he always looks after the county. He has been working with schools for 15 to 20 years. Chairman Leach stated that this will be the first appointment that this Board has made to Sandhills Community College.

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

Manager's Report

Tim Johnson stated that he would like to add a resolution from Hobbs, Upchurch from the Rural Center for a supplemental grant in the amount of \$500,000 for the wastewater treatment plant.

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

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

**SUPPLEMENTAL PROGRAM  
AUTHORIZING RESOLUTION BY GOVERNING BODY OF THE APPLICANT**

**WHEREAS**, In the summer of 2008, the North Carolina General Assembly included a \$50 million appropriation to the North Carolina Rural Economic Development Center in the FY2007-2009 state budget, for the purpose of making grants to rural communities in need of water and wastewater infrastructure improvements: and

**WHEREAS**, Hoke County has need for and intends to construct a new Wastewater Treatment Plant: and

**WHEREAS**, Hoke County intends to request grant assistance in the amount of \$500,000 from the Supplemental Grants Program for the project:

**NOW THEREFORE BE IT RESOLVED, BY THE BOARD OF COMMISSIONERS OF HOKE COUNTY:**

That Hoke County will arrange financing for all remaining costs of the project, if approved for a grant.

That Hoke County will provide for efficient operation and maintenance of the project on completion of construction thereof.

That the Chairman and the County Manager are hereby authorized to execute and file an application on behalf of Hoke County with the NCREDC (Rural Center) for a grant to assist in the construction of the project described above.

That the Chairman and the County Manager are hereby authorized and directed to furnish such information as the Rural Center may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That Hoke County has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to the grants pertaining thereto.

Adopted this the 5<sup>th</sup> of October 2009 in Hoke County, North Carolina.

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**Signature of Chief Elected Official/Authorized Representative**

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**Date**

**James Leach - Chairman-Board of Commissioners**

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**Clerk (Attest)**

**(Seal)**

Regarding the Wal-Mart sewer, contract #1 is about 40% complete with contract #2 and #3 being awarded. We are on time.

The water storage tank and water main extensions have been bided for the Ethanol Plant. Work should start in the next couple of weeks.

Phase V of the water system, a 10 million dollar project, is being evaluated by the engineers. If everything works out, we should get permission to start on the project.

The 11 month warranty meeting was held regarding the jail. All the warranty items are being addressed.

Surplus vehicles are listed on Gov.Deals.com, with good responses.

There has been an issue with DOT regarding the sign for the new park on Highway 211. The fence will be offset.

The senior dance class for line dancing came in 3rd place for the State competition.

Tony Hunt stated that Unilever and Burlington will have a softball game at the new park and the public is invited.

#### Public Input

1. Lonnie Baldwin – He is concerned about the condition of the roads in Rolling Hills Subdivision. The subdivision was built several years ago. They are being taxed and their road is almost impassable. It is a private road. They need answers to questions they have especially on Best Street. Chairman Leach stated that they can do a resolution, but it is up to DOT to approve them.

2. Ava McAllister – She is here also regarding Best Street. The commissioners need to be fair to everyone. When subdivisions are built in the eastern end of the county, the Board needs to still remember the folks in the west. The neighbors need to come together on the condition of the road.

3. Stewart Voelpel – He is the CEO of First Health of the Carolinas. On August 17th the First Health Surgery Center filed an application with the State to transfer 2 of its 6

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operating rooms to build a new ambulatory surgery center on the First Health Surgery Center campus here in Hoke County. There are two rooms in the current facility that are not being used. They are asking for the Commissioners' support for this project. The facility will have an open medical staff that allows surgeons from surrounding counties membership to use the surgery center. Construction cost is estimated at 3 ½ million dollars. The facility will pay property taxes. There will be about 20 new jobs just in the surgery center. There will be a public hearing held on this project here in the commissioner's room on October 16th at 11:00 a.m. If the State approves the project and there are no delays from opposition from another health care system, they will start construction next year and open in 2010. They appreciate the Board's support that they received for the hospital public hearing. Jean Powell asked about the service area alignment? Mr. Voelpel stated that as he understands, the State did not approve Cape Fear Valley's petition to realign Hoke County and Cumberland County for health needs. They chose to align all three counties. Hoke, Cumberland and Moore will be considered as one planning district for operating rooms.

There being no further business to come before the Hoke County Board of Commissioners, Robert Wright made a motion to adjourn, seconded by Tony Hunt, unanimously carried. The meeting adjourned at 7:55 p.m.

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James A. Leach, Chairman

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Linda Revels, Clerk to the Board