

Meeting of the Hoke County Board of Commissioners on Monday, December 7, 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. Don Porter led the Pledge of Allegiance and Vice Chairman Hunt gave the invocation.

Motion: Robert Wright made a motion to approve the minutes from the November 16, 2009 meeting, seconded by Tony Hunt.

Action: The motion was unanimously carried.

Organization of the Board

Chairman:

Attorney Fields opened the floor for nominations. James Leach nominated Tony Hunt for Chairman. There were no other nominations.

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

Action: The motion was unanimously carried.

Tony Hunt was elected Chairman by acclamation.

Vice Chairman:

The floor was open for nominations. Tony Hunt nominated James Leach for Vice Chairman. There were no other nominations.

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

Action: The motion was unanimously carried.

(minutes continued from the December 7, 2009 meeting) 2897

James Leach was elected Vice Chairman by acclamation.

Chairman Hunt stated that he appreciated the opportunity to serve as the Chairman and thanked the Board. He stated that the Board has a good working relationship with the focus being the best interest of the county. Hoke County is experiencing a lot of growth, and with the county's leadership, we are in a position to be ready for the growth.

Tim Johnson introduced Conrad Garrison, the new Planner.

Planning Matters – Public Hearings – Rezoning/CU's

a. The purpose of the Public Hearing is to consider Application for Rezoning RZ-09-09 submitted by Township Developers, to rezone the property located at 216 Pittman Grove Ch. Rd., 245 Pittman Grove Ch. Rd. and 190 Morgan Dr. more specifically identified by the Hoke County Tax Records as PIN 494660001245 (.437 acres), PIN 494660001041 (8.13 acres), 494660001543 (.565 acres), and 494660001042 (19.51 acres) from RA-20 Residential-Agricultural District to Highway Commercial District. – The Planning Board recommended approval. Mr. Garrison stated that this item needed to be pulled due to the fact that one of the pin numbers was incorrectly advertised. It has since been corrected and will be re-advertised and will need to be tabled until the January 4th meeting.

Motion: James Leach made a motion to table case #RZ-09-09 until the January 4, 2010 meeting, seconded by Robert Wright.

Action: The motion was unanimously carried.

b. The purpose of the Public Hearing is to consider Application for Rezoning RZ-09-10 submitted by James M. Kizer, to rezone 102 acres of property located in McLauchlin Township off Fayetteville Road at Carolina and Brock Roads. And being PIN (s) 494660001724, 494660001723, 494660001722, 494660001009, 494660001725, 494660001072, 494660001217, 494660001721, 494660001726, 494660001215, 494660001216, 49494660001307, and 494660001306. From RA-20 Residential-Agricultural District and Residential Multi-Family District to R-8 Residential District. - The Planning Board recommended approval. Jim Kizer was present for the request. Mr. Kizer stated that this will be a mixed use area. They have been working with the utilities department on water and Tom McNeill on sewer. This development should coincide with the coming on line of sewer. This community will be developed for active adults of 55 and older. It will be a private community. There will be mixed use housing of single family, duplexes and town houses. He showed the Board a proposed sketch plan of the property. Jean Powell stated that RLUAC recommended that they have extra insulation for noise. There was no staff comment. Conrad Garrison stated that staff and the Planning Board recommended approval.

(minutes continued from the December 7, 2009 meeting) 2898

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 rezoning from RA-20 and RMF to R-8, seconded by James Leach.

Action: The motion was unanimously carried.

c. Application for Rezoning RZ-09-11 submitted by Dainter Jacobs, to rezone the property located at 115 Bronson McRae Rd. more specifically identified by the Hoke County Tax Records as PIN 494460001074 (.727 acres), from Residential Manufactured Home District to Neighborhood Business District. The Planning Board recommended approval. Ms. Jacobs was present. She stated that she has a small building and wants to have a small salon. There will not be a lot of traffic. Robert Wright asked if the road was public or private? Larry Chavis stated private. James Leach asked if this property adjoined her home? Ms. Jacobs stated yes. Jean Powell asked if this could be a conditional use? William Fields stated that he was looking to see if it could be rezoned to residential with a conditional use. The use then could then be limited. The lot is small and has access issues. James Leach stated that this is a small lot and only so much can be done with it. Jean Powell stated that she was concerned about spot zoning. William Fields stated that a home occupation can be used as an accessory building in the RMH zone. Larry Chavis, Zoning Administrator, stated that the request is for a specified use in the proposed zone. The building is located on an individual lot. The applicant owns the building but her mother-in-law owns the land. William Fields recommended tabling this request until the next meeting so that staff can work with Ms. Jacobs. Tony Hunt stated that a rezoning would entail a list of uses for Neighborhood Business. Tabling the request will allow the planning department to do some research. There was no public comment. Mr. Fields stated that the public comment can also be suspended until the next meeting.

Motion: Robert Wright made a motion to table this rezoning request until the next meeting, seconded by Ellen McNeill.

Action: The motion was unanimously carried.

d. 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

(minutes continued from the December 7, 2009 meeting) 2899

District to Highway Commercial District. – The Planning Board recommended approval – (Tabled from the October 5th meeting). There was no one present for this request. Mr. Fields stated that this was tabled from the October meeting due to the rezoning of adjoining property which will be the next two cases. All three cases can be done together. Chairman Hunt stated that the Board can move forward with this case even though Mr. Guerrero was not present tonight. He was present and gave information at the first meeting. There was no public comment on any of the three cases. Conrad Garrison stated that staff and the Planning Board recommended approval of all three cases.

e. Application for Rezoning RZ-09-12 submitted by the County of Hoke, to rezone the property located adjacent to 7511 Rockfish Rd. more specifically identified by the Hoke County Tax Records as PIN 494850301086 (1.248 acres), from RA-20 Residential-Agricultural District to Highway Commercial District. – The Planning Board recommended approval

f. Application for Rezoning RZ-09-13 submitted by the County of Hoke, to rezone the property located at 3314 Lindsay Rd. more specifically identified by the Hoke County Tax Records as PIN 494850301013 (1.166 acres), from Neighborhood Business District to Highway Commercial District. – The Planning Board recommended approval

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

Action: The motion was unanimously carried.

Motion: Robert Wright made a motion to approve the rezoning requests for item #s 3d, 3e and 3f, seconded by James Leach.

Action: The motion was unanimously carried.

g. The purpose of the Public Hearing is to consider Application for Conditional Use Permit CU-09-37 submitted by Reservoir Training School, for a Low Impact Training Site to be located at 460 Park McMillan Dr. Raeford, NC. The property is identified by the Hoke County Tax Records as PIN 594070001003 (10.11 acres). – The Planning Board recommended approval. William Fields stated that this originally came before the Board as a rezoning. Darrin Beal was present and sworn in for the request. They will be doing intelligence and classroom training and have a small mockup. There will be no fire arms. Jean Powell stated that she was glad this could be done with a conditional use to serve their purpose. There was no public comment. Mr. Garrison stated that staff and Planning Board recommended approval.

(minutes continued from the December 7, 2009 meeting) 2900

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 conditional use request for a low impact training 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

(minutes continued from the December 7, 2009 meeting) 2901

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

h. The purpose of the Public Hearing is to consider Application for Conditional Use Permit CU-09-40 submitted by Tina Locklear, for a daycare (small) to be located at 200 Odessey Ln. Shannon, NC. The property is identified by the Hoke County Tax Records as PIN 294500001163 (.50 acres). - The Planning Board recommended approval. Ms. Locklear was present and sworn in for the request. She stated that she wanted a small daycare to house 5 to 8 children. There was no public comment. Conrad Garrison stated that the staff and Planning Board recommended approval.

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 conditional use request 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;

(minutes continued from the December 7, 2009 meeting) 2902

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.

Manager's Report

The Wal-mart water and sewer installation is complete. The Rockfish Road pump station, gravity and force main is on schedule. The fire suppression tank for Clean Burn Fuels is on schedule also. We are waiting on an environmental assessment for the waste water treatment plant. The sign is up at the new park. Water fountains are also in. They are still working with Smart Start on equipment.

Chairman Hunt stated that he would like for the sewer committee to give an update to the Board at the next meeting.

Public Input

1. Christina Davis-McKoy - She is here to make the Board aware of two events. The first is the Kissell-McIntye Summit that will be held on December 13th from 9:00 a.m. to 12:00 noon. The focus will be on federal resources. The second event is the Community Fellowship Breakfast that will be held on December 19th at the McDonald Cafeteria at 8:30 a.m. Community issues will be discussed along with the importance of putting people back to work.

Mr. Fields stated that the closed session for Attorney/Client Privilege is not needed.

(minutes continued from the December 7, 2009 meeting) 2903

There being no further business to come before the Hoke County Board of Commissioners, James Leach made a motion to adjourn, seconded by Jean Powell, unanimously carried. The meeting adjourned at 7:50 p.m.

Tony Hunt, Chairman

Linda Revels, Clerk to the Board