

The Hoke County Board of Commissioners convened for a regular meeting at 7:00 pm on July 6, 2020 in the Commissioners Room in the Pratt Building.

PRESENT:

Chairman James Leach
Vice Chairman Harry Southerland
Commissioner Tony Hunt
Commissioner Robert Wright
Commissioner Allen Thomas, Jr.

ALSO PRESENT:


County Manager Letitia Edens
County Attorney Grady Hunt
Clerk to the Board Gwen McGougan

ABSENT:

None

Chairman Leach called the meeting to order with a quorum present. Pastor Williams gave the Invocation and Vice Chairman Harry Southerland led the Pledge of Allegiance.

1. Adoption of Agenda

<p>Hoke County Board of Commissioners</p> <p>227 N. Main Street Raeford, North Carolina 28376</p>		<p>July 6, 2020 7:00 P.M.</p> <p>Commissioner's Room Pratt Building</p>
<hr/> <p>A G E N D A</p> <hr/>		
<p>INVOCATION & PLEDGE: Vice Chairman Harry Southerland _____</p>		
<p>ITEM</p>		
<p>1. Adoption of Agenda</p>		
<p>2. Public Comment</p>		
<p>3. Consideration of Sewer Waiver for Winchester Subdivision (tabled at June 1, 2020 meeting)</p>		
<p>4. Public Hearings: Planning Matters</p>		
<p>a. Preliminary plat revision approval request submitted by Stout & Co. LLC for the 193 lot major subdivision named Stout Landing located at the 64.33 acre unaddressed parcel known as Parcel Identification Number (PIN) 494840001208. The property is currently zoned Residential (R-8). The Planning Board recommended approval (8 - 0 with 1 abstention)</p>		
<p>b. Preliminary plat approval request submitted by Stafford Turner Development for the 33 lot major subdivision named Winchester S. Subdivision located at the 28.68 acre unaddressed parcel known as Parcel Identification Number (PIN) 494840001204. The property is currently zoned Residential/Agricultural (RA-20). The Planning Board unanimously recommended approval.</p>		
<p>c. Application for General Use Rezoning RZ-20 is submitted by Florine Fleming to rezone the approximately 0.46 acre part of her parcel at 2528 US Highway 401 Business also known as Hoke County Parcel Identification Number (PIN) 694451801044. The property is currently zoned Residential/Manufactured Home (RMH) and the applicant requests to rezone the property to Highway Commercial (HC). The Planning Board unanimously recommended denial.</p>		
<p>5. Consent Agenda</p>		
<p>a. Minutes from May 16, 2020 meeting: recesses and resumptions</p> <ul style="list-style-type: none"> • May 26, 2020 • May 27, 2020 • May 28, 2020 • May 29, 2020 		
<p>b. Minutes from May 31, 2020 Emergency meeting</p>		
<p>c. NC Vehicle Tax System Pending Refunds</p>		

6. Resolutions Authorizing the Advertisement of Offer to Purchase Surplus Property:

Address	FIN	Cost (Dues & Div Fees)	Tax Value	Net Amount
a. Vista Road underHoped for	59435-13-01-161	\$ 3,352.96	\$ 4,250.00	\$ 3,500.00
b. 161 Dockery Road	59425-16-01-127	\$ 3,544.30	\$ 5,090.00	\$ 3,700.00
c. Cliff Baldwin Rd/Sandalwood Dr.	79463-00-01-112	\$ 4,031.29	\$ 8,910.00	\$ 4,035.00
d. 311 Windlock Drive*	29431-00-01-213	\$ 4,170.30	\$ 3,000.00	\$ 3,127.72

*Property listed on County website March, 2019

7. Update from HATS Director Nancy Thornton regarding Medicaid Transportation Brokers

8. Manager's Report

9. Closed Session

10. Adjourn

Chairman Leach asked if there were any changes to the agenda.

Commissioner Hunt asked to table Item 6d until the July 20, 2020 meeting.

Vice Chairman Southerland asked to add consideration of the James Farm Subdivision to the agenda. This item was tabled at the last meeting. This matter was added as Item 8, adjusting subsequent Item numbers.

Upon motion by Commissioner Wright and second by Vice Chairman Southerland the Board voted unanimously to adopt the agenda as amended.

2. Public Comment

Jesus Almonte
128 Homer Lane
Raeford, NC 28376

Mr. Almonte told the Board about MSG Benjamin Vintner, a fallen soldier that served with Mr. Almonte. MSG Vintner was killed in Afghanistan in 2011 while conducting combat operations.

Motion: Upon motion by Commissioner Hunt and second by Vice Chairman Southerland the Board voted unanimously to extend the time allowed for Mr. Almonte to speak.

MSG Vintner had numerous deployments all over the world and his passion was humanitarian work. Mr. Almonte is requesting that the Board change the name of an extension to Homer Lane, where his is the only home, to Vintner Way. Homer Lane is a privately maintained road and the name change would only affect Mr. Almonte's home. At a "T" intersection, Homer Lane extends to the left of the intersection and to the right of the intersection. The name change would apply only to the left side extension of Homer Lane.

County Attorney Grady Hunt said that, because Homer Lane is a private road, a determination would have to be made as to who owns that road.

Mr. Almonte said that the homeowners in the neighborhood support the name change, but they would not agree to change their addresses if that is necessary.

Motion: A motion was made by Commissioner Hunt and seconded by Commissioner Wright to approve the name change of this section of Homer Lane to Vintner Way, subject to review and approval by the County Attorney.

Commissioner Thomas asked for discussion. His concern is the caveat that the neighbors might actually be required to change their addresses. Planner Robert Farrell said that he has discussed this issue with Communications Director Jimmy Stewart and GIS Manager Lisa Beal. Their view is that, with the requirements of the County's road naming software, this name change would affect more residents than just the Almontes.

Motion: The motion above is hereby amended to include a provision that the name change not affect the addresses of the neighboring homeowners. The amended motion was approved unanimously.

3. Consideration of Sewer Waiver for Winchester Subdivision (tabled at June 1, 2020 meeting)

Utilities Director Hilton Villines presented an estimate of the scope of work and cost to extend County sewer lines to the proposed Winchester Subdivision on Rockfish Road. An analysis by LKC Engineering estimates the cost to be \$5,879,000. The estimate includes the installation of a 12" force main, pump station and associated costs for engineering and encroachments.

Mr. Michael Blakley of Drafting and Design Services, Inc., representing the developers, said the estimated cost is prohibitive to install sewer lines to serve a 33-lot subdivision.

Commissioner Hunt said that he supports the County adhering to the sewer plan as currently drawn. Granting a sewer waiver for Winchester Subdivision will set a precedent and encourage other developers in the area to seek waivers for future projects. Construction of the wastewater treatment plant was based upon development of the areas within the Urban Service Area. Development wouldn't just benefit the 33-lot Winchester Subdivision, but will benefit neighboring areas as they are developed.

County Attorney Grady Hunt said that each project will need to be reviewed on its own merits.

Chairman Leach said that development in the Urban Service Area was a major consideration during construction of the wastewater plant. In addition, commercial development seeks locations with sewer availability.

Commissioner Wright said that he believes that the Board needs to either grant the sewer waiver or provide a reasonable alternative for the developer.

Vice Chairman Southerland said that he has reservations about the precedent granting the sewer waiver may set, but, as the County Attorney said, the projects will need to be reviewed on a case-by-case basis. He added that he doesn't want to see the property remain undeveloped.

Commissioner Thomas said that he agreed with the Vice Chairman, adding that he believes the Urban Service Area might need to be reviewed. The County is not presently in a position to commit \$5.8M to extend sewer to the development.

Motion: Upon motion by Commissioner Wright and second by Vice Chairman Southerland the Board voted unanimously to grant the sewer waiver for Winchester Subdivision.

4. Public Hearings: Planning Matters

- a. Preliminary plat revision approval request submitted by Stout & Co, LLC for the 193 lot major subdivision named Stout Landing located at the 64.33 acre unaddressed parcel known as Parcel Identification Number (PIN) 494640001208. The property is currently zoned Residential (R-8). The Planning Board recommended approval (8 – 0 with 1 abstention)

County Attorney Grady Hunt reminded the Board that they reviewed this project in May, 2019. Since then, changes have been made, including changing the routes of some of the roads within the subdivision, adding a lot and increasing the retention pond size.

Engineer Chris Pusey with 4D Site Solutions confirmed the changes.

Motion: Upon motion by Commissioner Hunt and second by Vice Chairman Southerland the Board voted unanimously to close the public hearing.

Motion: Upon motion by Vice Chairman Southerland and second by Commissioner Thomas the Board voted unanimously to approve the Stout Landing preliminary plat revision.

- b. Preliminary plat approval request submitted by Stafford Turner Development for the 33 lot major subdivision named Winchester Subdivision located at the 28.68 acre unaddressed parcel known as Parcel Identification Number (PIN) 494840301004. The property is currently zoned Residential Agricultural (RA-20). The Planning Board unanimously recommended approval.

Engineer Michael Blakely reviewed the scope of design of the subdivision.

Motion: Upon motion by Commissioner Hunt and second by Vice Chairman Southerland the Board voted unanimously to close the public hearing.

Motion: Upon motion by Commissioner Hunt and second by Commissioner Wright the Board voted unanimously to approve the Winchester Subdivision preliminary plat.

- c. Application for General Use Rezoning RZ-20-6 submitted by Florine Fleming to rezone the approximately 0.46 acre parcel located at 2928 US Highway 401 Business also known as Hoke County Parcel Identification Number (PIN) 694451801044. The property is currently zoned Residential Manufactured Home (RMH) and the applicant requests to rezone the property to Highway Commercial (HC). The Planning Board unanimously recommended denial.

Planner Robert Farrell showed the Board a map of the property and neighboring properties. This property is located directly across Highway 401 Business from the Hillcrest Fire Department. There is existing Highway Commercial property in the area.

The Planning Board recommended denial of the request, citing citizen opposition and submission of petitions.

The applicant, Ms. Florine Fleming, advised the Board that she plans to open an office for her home healthcare business inside the converted residence. There are several other businesses in the immediate area, including a barber shop, salon, daycare and electronic gaming facility.

The following are comments from the public:

1. Larry McPhatter
229 Walter Health Drive
Raeford, NC 28376

Mr. McPhatter pointed out that healthcare will not take place on the property. Healthcare is done in the clients' homes. This location will be an office only. This office will be a benefit to the community.

2. Fredericka Tolson
7365 Turnpike Road
Raeford, NC 28376

The applicant, Ms. Fleming, is Ms. Tolson's mother. The agency wants to be a good neighbor to the community and be a benefit to the community.

3. Jim Wade
E. Donaldson Avenue
Raeford, NC 28376

Mr. Wade has family that reside in Hillcrest. The business will bring high traffic to the area.

4. Lavinia Patterson
2996 Hwy. 401 Business
Raeford, NC 28376

Ms. Patterson said she is not against home healthcare. She is concerned that Ms. Fleming bought the property and immediately began making renovations, knowing that she wanted to use the property for a commercial business. Ms. Patterson said that she received the letter from the Planning Department two weeks before the hearing, but the community went to the hearing with no idea what was going on. This is a family neighborhood. There's been a daycare in the community for many years and there's a group home for females that has been there for a long time and Ms. Patterson said that's okay.

5. Corinne Chapman
3075 Hwy. 401 Business
Raeford, NC 28376

Ms. Chapman says that the community does not want property zoned for commercial in this area. Ms. Chapman said that the Fire Chief told her that the Fire Department is not

zoned commercial. One resident in the community drives a log truck and that's why the truck is parked there. With Highway Commercial zoning, any type of business, including a massage parlor, could locate there.

6. Ellen McNeill
107 Steeple Run Drive
Raeford, NC 28376

Mrs. McNeill said that Ms. Fleming's agency, Divine Home Care, takes care of a family member and the agency does an outstanding job. Divine Home Care also provides jobs to many Hoke County residents. The location being discussed is on Hwy 401 Business, so it should not be an issue if a business wants to locate there.

Motion: Upon motion by Vice Chairman Southerland and second by Commissioner Thomas the Board voted unanimously to close the public hearing.

Commissioner Wright asked Ms. Fleming if she would agree to a zoning of Neighborhood Business. Ms. Fleming replied that she preferred the Highway Commercial zoning designation.

Commissioner Hunt asked Mr. Farrell to explain the difference between Neighborhood Business and Highway Commercial. Mr. Farrell said that Neighborhood Business is suited for crossroads communities. Highway Commercial is more appropriate in this case because the business is directly on the highway and there is Highway Commercial in the immediate area. Neighborhood Business designation is allowed and could bring resolution.

Vice Chairman Southerland said that he agreed with Mrs. McNeill that this is the Highway 401 Business corridor and Divine Home Care fits into the Highway Commercial category. Ms. Fleming is a long-time resident of Hoke County and she has a very good reputation.

Motion: Upon motion by Vice Chairman Southerland and second by Commissioner Thomas the Board voted 4-1 to approve the rezoning of the property at 2928 Hwy 401 Business from Residential Manufactured Home to Highway Commercial. Commissioner Wright cast the dissenting vote.

5. Consent Agenda

- a. Minutes from May 18, 2020 meeting recesses and resumptions:
- b. Minutes from May 31, 2020 Emergency meeting
- c. NC Vehicle Tax System Pending Refunds

James Leach
Chairman

Harry Southerland
Vice Chairman

Tony Hunt
Commissioner

Allen Thomas, Jr.
Commissioner



Robert Wright
Commissioner

Grady Hunt
County Attorney

Letitia Edens
County Manager

Gwen McGougan
Clerk to the Board

HOKE COUNTY BOARD OF COMMISSIONERS

RESOLUTION

**AUTHORIZING THE ADVERTISEMENT OF AN
OFFER TO PURCHASE CERTAIN PROPERTY**

WHEREAS, the Board of Commissioners of the County of Hoke desires to dispose of certain surplus property of the County;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners that:

- 1 Parcel #694351301161 – Vass Road (undeveloped lot) – Raeford Township: Property is hereby declared to be surplus to the needs of the County.
- 2 The Board of Commissioners has received an offer to purchase for the sum of \$3,500 for this piece of property.
3. The Board of Commissioners proposes to accept this offer unless an upset bid shall be made.
- 4 The person making the offer shall deposit with the Clerk to the Board of Commissioners a sum equal to five percent (5%) of the offer. Such deposit shall be forfeited if the bid is withdrawn and the successful bidder shall pay the purchase price.
5. The Clerk shall cause a notice of such offer to be published in accordance with North Carolina General Statute §160A-269.
- 6 The Clerk is directed, should a qualifying upset bid be received within ten (10) days from the publication of said notice in accordance with NCGS §160A-269, to re-advertise the offer at the increased upset bid amount.
7. The Board of Commissioners reserves the right to reject any and all offers at any time

This 6th day of July, 2020

James A. Leach, Chairman

Gwen McGougan, Clerk to the Board

APPROVED
James Leach JUL - 6 2020

Board: Co. Governing Body

b. 161 Dockery Road

James Leach
Chairman

Harry Southerland
Vice Chairman

Tony Hunt
Commissioner

Allen Thomas, Jr.
Commissioner



Robert Wright
Commissioner

Grady Hunt
County Attorney

Letitia Edens
County Manager

Gwen McGougan
Clerk to the Board

HOKE COUNTY BOARD OF COMMISSIONERS

RESOLUTION

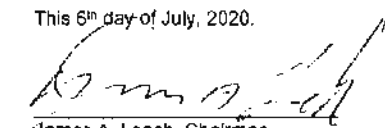
**AUTHORIZING THE ADVERTISEMENT OF AN
OFFER TO PURCHASE CERTAIN PROPERTY**

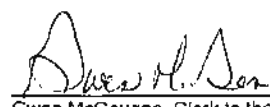
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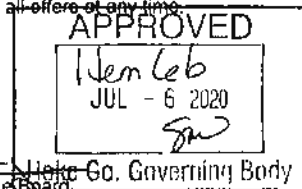
NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners that:

1. Parcel #69425-16-01-127 – 161 Dockery Road– Raeford Township: Property is hereby declared to be surplus to the needs of the County.
2. The Board of Commissioners has received an offer to purchase for the sum of \$3,700 for this piece of property.
3. The Board of Commissioners proposes to accept this offer unless an upset bid shall be made.
4. The person making the offer shall deposit with the Clerk to the Board of Commissioners a sum equal to five percent (5%) of the offer. Such deposit shall be forfeited if the bid is withdrawn and the successful bidder shall pay the purchase price
5. The Clerk shall cause a notice of such offer to be published in accordance with North Carolina General Statute §160A-269.
6. The Clerk is directed, should a qualifying upset bid be received within ten (10) days from the publication of said notice in accordance with NCGS §160A-269, to re-advertise the offer at the increased upset bid amount.
7. The Board of Commissioners reserves the right to reject any and all offers at any time.

This 6th day of July, 2020.


James A. Leach, Chairman


Gwen McGougan, Clerk to the Board



c. Off Baldwin Road/Sandalwood Drive

James Leach
Chairman

Harry Southerland
Vice Chairman

Tony Hunt
Commissioner

Allen Thomas, Jr.
Commissioner



2020-18

Robert Wright
Commissioner

Grady Hunt
County Attorney

Letitia Edens
County Manager

Gwen McGougan
Clerk to the Board

HOKE COUNTY BOARD OF COMMISSIONERS

RESOLUTION

AUTHORIZING THE ADVERTISEMENT OF AN
OFFER TO PURCHASE CERTAIN PROPERTY

WHEREAS, the Board of Commissioners of the County of Hoke desires to dispose of certain surplus property of the County;

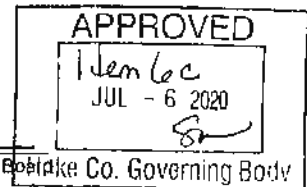
NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners that:

1. Parcel #794620001112 – Off Baldwin Road & Sandalwood Drive – Stonewall Township: Property is hereby declared to be surplus to the needs of the County.
2. The Board of Commissioners has received an offer to purchase for the sum of \$4,095.00 for this piece of property
3. The Board of Commissioners proposes to accept this offer unless an upset bid shall be made.
4. The person making the offer shall deposit with the Clerk to the Board of Commissioners a sum equal to five percent (5%) of the offer. Such deposit shall be forfeited if the bid is withdrawn and the successful bidder shall pay the purchase price.
5. The Clerk shall cause a notice of such offer to be published in accordance with North Carolina General Statute §160A-269.
6. The Clerk is directed, should a qualifying upset bid be received within ten (10) days from the publication of said notice in accordance with NCGS §160A-269, to re-advertise the offer at the increased upset bid amount.
7. The Board of Commissioners reserves the right to reject any and all offers at any time.

This 8th day of July, 2020

James A. Leach, Chairman

Gwen McGougan, Clerk to the Board



- d. 331 Windlock Drive-Tabled until July 20, 2020 meeting

Motion: Upon motion by Commissioner Hunt and second by Vice Chairman Southerland the Board voted unanimously to approve Items 6a – 6c for advertisement.

7. Update from HATS Director Nancy Thornton regarding Medicaid Transportation Brokers

Ms. Thornton gave the Board an update on Medicaid Transportation Brokers. The Brokers must be ready by July 1, 2021. New contracts are being sent. Prices will have to be negotiated.

8. James Farm Subdivision

Attorney Jonathan Charleston, representing Larry King & Associates, advised the Board that they have discretion to modify the requirements of the Subdivision Ordinance under certain conditions. One condition is when "modification will result in equal or better performance."

In July, 2019 approvals were applied for and received with respect to the site plans, driveway permits, stormwater permits and paving and drainage plans. In August, 2019 the utilities were installed and inspected, as-builts were prepared and the water plans were approved by Hoke County Utilities. The streets were paved according to permitted plans. In September, 2019 it was determined that there was an issue. Sidewalks and curbing and guttering are required as part of the ordinance.

To address the issue of sidewalks, the developers intend to construct walking trails through the 65.8-acre community. Mr. Charleston will prepare a Deed of Easement for Walking Trails. The easement itself will be designated on the recorded plat. Reference will be made as part of the Restrictive Covenants that no obstructions may be placed within the walking trails easement.

There is an existing Homeowner's Association that will be responsible for maintaining the trails. The walking trail easement will be deeded to the Homeowner's Association. Attractive signage will be placed throughout the community marking the location of the walking trail.

Chairman Leach asked Mr. Charleston to strike the statement in the last paragraph of page 3 referencing that local government will be responsible for the retention pond. Chairman Leach also said that he wants a statement signed by each homeowner acknowledging that the Homeowner's Association is responsible for the walking trail. Mr. Charleston said that is part of the Restrictive Covenants.

Commissioner Hunt asked Jeff Nobles from Larry King & Associates about the retention pond in the subdivision. Mr. Nobles replied that the subdivision is "low density" and the pond is temporary. Commissioner Hunt said the water runoff from the hill in the front of the project has caused erosion. Mr. Nobles said that once vegetation and grass is planted the issue should correct itself. Commissioner Hunt asked how they plan to take care of the sand in the ditches. Mr. Nobles said they plan to put down matting at the ditches. They have tried to plant and seed and it has rained and washed it away each time they try. They also plan to regrade the ditches.

Commissioner Hunt asked Mr. Nobles to confirm that the work they do to the ditches will solve the erosion problem. Mr. Nobles added that the roads are being built to DOT specifications.

Chairman Leach reminded the developers and engineers that this cannot be an issue in future projects.

Mr. Charleston said that the project has been substantially delayed and they want to move forward and complete the project. The engineer takes full responsibility for the absence of the curb and guttering.

Commissioner Hunt asked Mr. Farrell and County Attorney Grady Hunt what the County can do to hold the engineer accountable. Mr. Farrell said the County won't sign off on the final plat until all conditions are met. Contractors cannot obtain permits to begin construction until the final plat is approved.

Motion: Upon motion by Vice Chairman Southerland and second by Commissioner Thomas the Board voted unanimously to approve Jones Farm Subdivision, subject to (1) it is mandatory that final plat approval come before the Board of Commissioners, and (2) the Restrictive Covenants must be approved by the County Attorney before any homes are constructed.

Commissioner Thomas said that he is approving that this project go forward with the faith that the engineers will do everything possible to make sure that the Board does not regret their decision.

9. Manager's Report

Mr. Jesse Wimberly advised the Board that the Community Forest project is ready to proceed. A timber buyer has looked at the forest and the County stands to make about \$230,000 from thinning alone. The goal is to restore the forest to a longleaf pine forest. A burner is ready to burn about 57 acres of forest.

Milliken Forestry and Enviva will be onsite to begin the project. A meeting will be held on July 16, 2020 onsite at 10:30 am. Mr. Wimberly said that it would be helpful to have as many Board of Commissioners members as possible attend the meeting.

The Small Business Grant committee will meet on Wednesday, July 8, 2020 to review grant applications in the Conference Room at the Wright building.

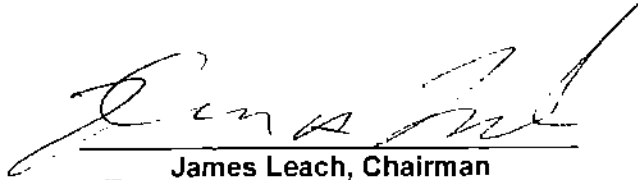
10. Closed Session

No Closed Session was held.

11. Adjourn

Motion: Upon motion by Commissioner Thomas and second by Commissioner Wright the Board voted unanimously to adjourn the meeting. The meeting was adjourned at 9:25 pm.


Gwen McGougan, Clerk to the Board


James Leach, Chairman

