

The Hoke County Board of Commissioners convened for a regular meeting at 7:00 pm Tuesday, September 7, 2021 in the Commissioners Room in the Pratt Building.

PRESENT:

Vice Chairman Allen Thomas, Jr.
Commissioner James Leach
Commissioner Tony Hunt

ALSO PRESENT:

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

ABSENT:

Chairman Harry Southerland
Commissioner Lonnie Baldwin

Vice Chairman Thomas opened the meeting with a quorum. Vice Chairman Thomas led the Pledge of Allegiance and Mr. Jim Davis gave the Invocation.

1. Adoption of Agenda

Hoke County
Board of Commissioners

227 N. Main Street
Raeford, North Carolina
28376



September 7, 2021
7:00 P.M.

Commissioner's Room
Pratt Building

A G E N D A

INVOCATION & PLEDGE: Commissioner Lonnie Baldwin

ITEM

1. Adoption of Agenda

2. Public Comment

3. Public Hearings: Planning Matters

- a. Application for General Use Rezoning RZ-21-13 submitted by Brad Calloway to rezone six (6) unaddressed parcels totaling approximately 33.41 acres. The parcels are known as Hoke County Parcel Identification Numbers (PINs) 694150001052 (1.4 acres), 694150001015 (0.83 acres), 694150001017 (4.08 acres), 694150001055 (21.2 acres), 694150001374 (4.27 acres), 694150001375 (1.63 acres). All of the properties are currently zoned Residential Agricultural (RA-20) and the applicant requests all the properties to be rezoned Highway Commercial (HC). **The Planning Board unanimously recommended approval.**
- b. Application for General Use Rezoning RZ-21-14 submitted by New Westgate, LLC to rezone an approximately 181 acre portion of the unaddressed parcel known as Hoke County Parcel Identification Number (PIN) 494660401002. The property is currently zoned Residential Agricultural (RA-20) and the applicant requests to rezone the property to Residential (R-8). **The Planning Board unanimously recommended approval.**
- c. Application for General Use Rezoning RZ-21-11 submitted by Moath Dheifallah to rezone an approximately 0.62 acre portion of the parcel located at 151 McQuage Road also known as a portion of Hoke County Parcel Identification Number (PIN) 394030001117. The property is currently zoned Residential Agricultural (RA-20) and the applicant requests to rezone the property to Highway Commercial (HC). **Tabled from the August 2, 2021 regular meeting. The Planning Board unanimously recommended approval.**

Subdivisions

- d. Preliminary plat amendment request submitted by 4D Site Solutions for the 166 lot major subdivision located at the 44.01 acre portion of the unaddressed parcel known as Hoke County Parcel Identification Number (PIN) 494560301008. The property is zoned Conditional Use District (CUD) 12-01. **The Planning Board unanimously recommended approval.**
- e. Preliminary plat approval request submitted by Larry King and Associates and BSNJ Land, LLC for the eight (8) lot Phase 2 of the James Farm Subdivision located on the 24.58 and 25.12 acre unaddressed parcels known as Hoke County Parcel Identification Numbers (PINs) 494830301001 and 494830101002. The properties are zoned Residential Agricultural (RA-20). **The Planning Board unanimously recommended approval.**

- f. Minor Subdivision plat approval request submitted by Lumbee Quality Builders for the one (1) lot minor subdivision at the 16.63 acre unaddressed parcel known as Hoke County Parcel Identification Number (PIN) 494550001431. The property is zoned Residential Agricultural (RA-20). Tabled from the August 2, 2021 regular meeting. The Planning Board unanimously recommended approval.
4. Public Hearing: Tax Assessor Schedule of Values
 5. Consent Agenda
 - a. Minutes from June 28, 2021 resumption of meeting recessed on June 23, 2021
 - b. Minutes from June 29, 2021 resumption of meeting recessed on June 28, 2021
 - c. NC Vehicle Tax System pending refunds
 - d. Motcon Change Order #8 for playground equipment area design at James A. Leach Aquatic & Recreation Center
 - e. Approval for DSS to use funds budgeted for legal fees for appeals
 - f. Finance: Budget Amendment
 6. Utilities Items – Hilton Villines
 - a. Request to place water restrictions
 - b. RFQ for City of Raeford bulk water interconnection
 - c. RFQ for DOT road widening: Wayside Road & Lindsay Road
 - d. RFQ for replacement of Westgate Pump Station
 7. Chairman's Report
 8. Adjourn

Vice Chairman Thomas asked if there were any changes needed to the agenda. Commissioner Leach asked to add Mr. Jim Davis to the agenda to talk about the Senior Services Room in the McLaughlin Building. Mr. Davis was added as Item 4, adjusting subsequent item numbers.

Motion: Upon motion by Commissioner Hunt and second by Commissioner Leach the Board voted 3-0 to adopt the agenda as amended.

2. Public Comment

Speaker:

Mr. Jim Davis

Commissioner Leach asked Mr. Davis to wait to speak to the Board until his item (#4) was called.

3. Public Hearings: Planning Matters

- a. Application for General Use Rezoning RZ-21-13 submitted by Brad Calloway to rezone six (6) unaddressed parcels totaling approximately 33.41 acres. The parcels are known as Hoke County Parcel Identification Numbers (PINs) 694150001052 (1.4 acres), 694150001015 (0.83 acres), 694150001017 (4.08 acres), 694150001055 (21.2 acres), 694150001374 (4.27 acres), 694150001375 (1.63 acres). All of the properties are currently zoned Residential Agricultural (RA-20) and the applicant requests all the properties to be rezoned Highway Commercial (HC). The Planning Board unanimously recommended approval.

County Planner Robert Farrell explained to the Board that the applicant, Brad Calloway, has six parcels on Aberdeen Road that he'd like to have rezoned to Highway Commercial (HC).

Mr. Calloway said that he expects most of the road widening to take place on the opposite side of the road, which will least disturb the railroad operations. These parcels fall between the highway and the railroad tracks.

Motion: Upon motion by Commissioner Leach and second by Commissioner Hunt the Board voted 3-0 to close the public hearing.

Motion: Upon motion by Commissioner Leach and second by Commissioner Hunt the Board voted 3-0 to approve the General Use Rezoning application RZ-21-13 submitted by Brad Calloway to rezone six parcels along Highway 211 to Highway Commercial.

- b. Application for General Use Rezoning RZ-21-14 submitted by New Westgate, LLC to rezone an approximately 181 acre portion of the unaddressed parcel known as Hoke County Parcel Identification Number (PIN) 494660401002. The property is currently zoned Residential Agricultural (RA-20) and the applicant requests to rezone the property to Residential (R-8). The Planning Board unanimously recommended approval.

Mr. Farrell told the Board that this request is to rezone a 181 acre portion of a larger unaddressed parcel from RA-20 to R-8. This will be the area between the current Westgate boundaries and Pittman Grove Church Road. This property will have County water and sewer available.

Applicant Thomas Gooden said that the lots will be residential only and will vary in width. A sewer lift station is planned to serve the development.

Motion: Upon motion by Commissioner Hunt and second by Commissioner Leach the Board voted 3-0 to close the public hearing.

Motion: Upon motion by Commissioner Hunt and second by Commissioner Leach the Board voted 3-0 to approve General Use Rezoning RZ-21-14 to rezone an approximately 181 acre portion of referenced parcel to R-8.

- c. Application for General Use Rezoning RZ-21-11 submitted by Moath Dheifallah to rezone an approximately 0.62 acre portion of the parcel located at 151 McQuage Road also known as a portion of Hoke County Parcel Identification Number (PIN) 394030001117. The property is currently zoned Residential Agricultural (RA-20) and the applicant requests to rezone the property to Highway Commercial (HC). Tabled from the August 2, 2021 regular meeting. The Planning Board unanimously recommended approval.

Mr. Farrell said that this rezoning came before the Board before and was tabled. The property is at the intersection of Laurinburg Road and McQuage Road. There is an existing non-residential structure that the applicant plans to use as a gift shop.

Ms. Christina Davis-McKoy asked for assurance that this wasn't going to be used a sweepstakes facility.

Motion: Upon motion by Commissioner Leach and second by Commissioner Hunt the Board voted 3-0 to close the public hearing.

Motion: Upon motion by Commissioner Leach and second by Commissioner Hunt the Board voted 3-0 to approve General Use Rezoning Application RZ-21-11 for .62 acre parcel located at 151 McQuage Road.

d. Preliminary plat amendment request submitted by 4D Site Solutions for the 166 lot major subdivision located at the 44.01 acre portion of the unaddressed parcel known as Hoke County Parcel Identification Number (PIN) 494560301008. The property is zoned Conditional Use District (CUD) 12-01. The Planning Board unanimously recommended approval.

Mr. Farrell explained that this plat was approved by the Board a few months ago. The applicant is asking to amend the plat approval to change the designation of the streets within the project from public to private. This will allow the project to be gated. There would be one primary entrance to the subdivision off Highway 401. The intent of the developer is to place commercial development between Highway 401 and the beginning of the subdivision.

Commissioner Leach expressed concern that the buyers be informed in writing that these will be private roads, not public, and the owner of the subdivision will be responsible to maintain those roads.

Mr. Farrell said that the Restrictive Covenants for the Homeowners' Association would include language that the HOA would be responsible for the road maintenance. He said that, as he understands it, the Restrictive Covenants must be disclosed to the buyers at the time of sale.

County Attorney Grady Hunt said he believes there is a statute that addresses private streets and disclosure to the homeowners.

Commissioner Leach said he'd like to see something that the buyers would sign, acknowledging they have been informed about the street maintenance.

Chris Pusey, from 4D Site Solutions, said that, if there isn't reference to the private roads in the HOA requirements or Covenants, that it is possible that could be added. The subdivision map will reflect that the roads are private.

Mr. Pusey added that the residential part of the development will set back roughly 380 feet off the highway. The gate will be a segregation between the commercial and residential portions. The roads in the commercial part will be public roads.

Commissioner Hunt suggested that the County be sent a copy of the HOA restrictions once they're complete that we can keep on file in the event of complaints years down the road.

County Attorney Grady Hunt referenced North Carolina General Statute 136-102.6:

Prior to entering any agreement or any conveyance with any prospective buyer, the developer and seller shall prepare and sign, and the buyer of the subject real estate shall receive and sign an acknowledgment of receipt of a separate instrument known as the subdivision streets disclosure statement (hereinafter referred to as disclosure statement). Said disclosure statement shall fully and completely disclose the status (whether public or private) of the street upon which the house or lot fronts.

If the street is designated by the developer and seller as a private street, the developer and seller shall include in the disclosure statement an explanation of the consequences and responsibility as to maintenance of a private street, and shall fully and accurately disclose the party or parties upon whom responsibility for construction and

maintenance of such street or streets shall rest, and shall further disclose that the street or streets will not be constructed to minimum standards, sufficient to allow their inclusion on the State highway system for maintenance. The disclosure statement shall contain a duplicate original which shall be given to the buyer.

Motion: Upon motion by Commissioner Hunt and second by Commissioner Leach the Board voted 3-0 to close the public hearing.

Motion: Upon motion by Commissioner Hunt and second by Commissioner Leach the Board voted 3-0 to approve the preliminary plat for Brookstone Village Subdivision.

e. Preliminary plat approval request submitted by Larry King and Associates and BSNJ Land, LLC for the eight (8) lot Phase 2 of the James Farm Subdivision located on the 24.58 and 25.12 acre unaddressed parcels known as Hoke County Parcel Identification Numbers (PINs) 494830301001 and 494830101002. The properties are zoned Residential Agricultural (RA-20). The Planning Board unanimously recommended approval.

Mr. Farrell advised the Board that James Farm is in the area of Davis Bridge. This plat approval request is for the second and final phase of the subdivision.

Mr. Larry King, of Larry King and Associates, was available for any questions or concerns from the Board.

Motion: Upon motion by Commissioner Leach and second by Commissioner Hunt the Board voted 3-0 to close the public hearing.

Motion: Upon motion by Commissioner Leach and second by Commissioner Hunt the Board voted 3-0 to approve the preliminary plat for James Farm Subdivision, Phase 2.

f. Minor Subdivision plat approval request submitted by Lumbee Quality Builders for the one (1) lot minor subdivision at the 16.63 acre unaddressed parcel known as Hoke County Parcel Identification Number (PIN) 494550001431. The property is zoned Residential Agricultural (RA-20). Tabled from the August 2, 2021 regular meeting. The Planning Board unanimously recommended approval.

Mr. Farrell told the Board that the first phase (12 lots) of this project received a sewer waiver from the Board in 2012. County sewer wasn't available at that time, so the developer needed approval for septic tanks in order to proceed. According to the project narrative, the developer agreed to extend gravity sewer to the site and connect to the County system for all lots developed after phase one.

In 2020 the applicant requested that one acre be subdivided out and classified as a minor subdivision. Now the developer is asking to subdivide a 2-acre lot out of the remaining 16 ½ acres and classify it as a minor subdivision.

Commissioner Hunt confirmed that a public hearing had already been heard for this request. He recommended approval with the condition that the rest of this property, whomever it is sold to, will be connected to County sewer.

Motion: Upon motion by Commissioner Hunt and second by Commissioner Leach the Board voted 3-0 to close the public hearing.

Motion: Upon motion by Commissioner Hunt and second by Commissioner Leach the Board voted 3-0 to approve the one-lot minor subdivision subdivided from parcel # 494550001431 with the condition that the rest of this property, whomever it is sold to, will be connected to County sewer.

4. Jim Davis re Senior Services facility

Mr. Davis, a member of the Senior Services Advisory Board, asked the Board to consider making the Senior Room in the McLaughlin Building to be used solely by Senior Services and no longer be rented to the public.

Commissioner Leach added that, by designating the room as a Senior Center, might make it eligible for State or Federal funds.

Commissioner Hunt asked if the room would continue to be available to the County if needed during an emergency situation. Mr. Davis said the County would always have access to the Senior Room. Commissioner Hunt said that, if approved, part of the motion would be to stop any new rentals. Bookings already in place will be honored.

Vice Chairman Thomas said that he had reservations about approving this request. This was an addition to the agenda and the public was not given any opportunity to voice their opinion. Vice Chairman Thomas added that the County is building a Parks & Recreation Center, so that department will be moving out of the building. Utilities could possibly move to the new Administration Building that is under consideration. These moves would give Senior Services more room in the building and it may be possible to continue to rent the Senior Room, which is a popular rental.

Commissioner Leach reminded the Board that the County still has the Community Buildings available for rent. Adjustments to the rental price of the Wright Building may also be in order.

Motion: Upon motion by Commissioner Leach and second by Commissioner Hunt the Board voted 2-1 to approve the Senior Services Board's request to allow the Senior Services Room in the McLaughlin Building to be used exclusively by the Senior Services department and no longer rent the room to the public, except for bookings that have already been made. Vice Chairman Thomas cast the dissenting vote.

5. Public Hearing: Tax Assessor Schedule of Values

Vice Chairman Thomas opened a public hearing for comments on the Revaluation Schedule of Values. No speakers came forward.

Motion: Upon motion by Commissioner Leach and second by Commissioner Hunt the Board voted 3-0 to close the public hearing.

6. Consent Agenda

- d. Metcon Change Order #9 for playground equipment area design at James A. Leach Aquatic & Recreation Center
- e. Approval for DSS to use funds budgeted for legal fees for appeals
- f. Finance: Budget Amendment

AMENDMENT TO THE HOKE COUNTY BUDGET ORDINANCE
 2021/2022
 Amendment

Section 1 of the Hoke County Budget Ordinance, pertaining to the General Fund operations of the County, shall be amended as follows:

Increase/(Decrease) Appropriations:

| | |
|---------------------|----------|
| Grants Management | 15,000 |
| DSS- Administration | (12,751) |
| | \$ 2,249 |
| Total | |

Section 2 of the Hoke County Budget Ordinance, pertaining to the General Fund operations of the County, shall be amended as follows:

Increase/(Decrease) Revenues:

| | |
|-------------------|----------|
| Grants Management | 15,000 |
| Social Services | (12,751) |
| | \$ 2,249 |
| Total | |

This amendment:

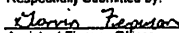
- To reflect the North Carolina Department of Agriculture and Consumer Services- Division of Soil & Water Conservation \$15,000 stream debris removal project.

Funding Source: State Funds

- To adjust Social Services revenue and expenditure for on call stipends for social workers.

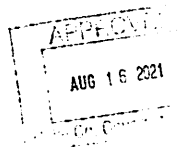
Funding Source: No new money transfer within DSS budget.

Submitted: 08-16-2021

Respectfully Submitted by:

 Assistant Finance Officer

Approved by

 County Manager



Motion: Upon motion by Commissioner Leach and second by Commissioner Hunt the Board voted 3-0 to approve items a – f on the Consent Agenda.

Item 7. Utilities Items

- a. Request to place water restrictions

Utilities Director Hilton Villines asked to begin Stage 2 (mandatory) odd/even water restrictions because the pump run times are exceeding the State-mandated limit to ensure aquifer recovery. Mr. Villines said he expects the restrictions to be in place 30-60 days.

Commissioner Hunt and Commissioner Leach emphasized the importance of informing the public. Commissioner Leach suggested social media and Commissioner Hunt suggested adding the information to the water bills.

Motion: Upon motion by Commissioner Hunt and second by Commissioner Leach the Board voted 3-0 to approve Mr. Villines' request to begin odd/even water restrictions, effective immediately. The public must be notified through all means possible, including social media and a letter included in the bills.

- b. RFQ for City of Raeford bulk water interconnection
- c. RFQ for DOT road widening: Wayside Road & Lindsay Road
- d. RFQ for replacement of Westgate Pump Station

The RFQs for the listed projects are hereby incorporated as a part of these minutes by attachment as Appendix A, B, and C respectively.

Motion: Upon motion by Commissioner Hunt and second by Commissioner Leach the Board voted 3-0 to approve the RFQs for the City of Raeford Bulk Water Interconnection, DOT road widening Wayside Road & Lindsay Road, and replacement of Westgate Pump Station.

8. Chairman's Report

Chairman Southerland was not present at tonight's meeting.

10. Adjourn

Motion: There being no further business to come before the Hoke County Board of Commissioners, and upon motion by Commissioner Leach and second by Commissioner Hunt the Board voted unanimously to adjourn the meeting at 8:10 pm.


Gwen McGougan, Clerk to the Board


Harry Southerland, Chairman

