

**June 3, 2013**

The Randolph County Board of Commissioners met in regular session at 6:00 p.m. in the 1909 Randolph County Historic Courthouse Meeting Room, 145 Worth Street, Asheboro, NC. Commissioners Holmes, Frye, Haywood, Kemp and Lanier were present.

**Recognition of Boy Scout Troop**

Chairman Holmes recognized and welcomed members from Boy Scout Troop #562, who were in attendance as a badge requirement.

**Pledge of Allegiance**

Boy Scout Troop #562 led everyone in reciting the Pledge of Allegiance to the flag.

**Invocation**

Dr. Bob Shackelford, RCC President, gave the invocation.

**Public Comment Period**

Pursuant to N.C.G.S. § 153A-52.1, Chairman Holmes opened the floor for public comment. County Attorney Ben Morgan read aloud the Rules for the Public Comment Period.

**Carole Yow**, 4798 Pearl Ferguson Rd, Liberty, spoke against the proposed Liberty mega site. She said their lives have been disrupted for the past year and a half, living with the uncertainty of their futures night and day. She asked the Commissioners to carefully consider the magnitude of their decision. She distributed a handout with pictures of the area where the mega site is proposed to be built.

**Cindy Kimbrell**, 2508 Staley Store Rd., Liberty, said that she is a veterinarian in Liberty and owns a small business. She employs five people and has been in the area since 1989. As a business owner, she said that when you're planning a business project, it frequently costs more than you expect and more than what people tell you it's going to cost. Therefore, she worries about what the true cost will be to taxpayers and business owners for this project. If this project goes forward, she believes the taxpayers of Liberty, Randolph County and North Carolina will have to fund it. However, it seems like the private sector should fund it. In terms of jobs, she said we all want good jobs, but predicting the number of jobs the project may bring in, is something we cannot do. We don't even know, if its built, if someone will come to it. If they come, how many jobs will they bring? In most situations, she would expect the good jobs won't go to local folks, but probably will go to people from up north or from out of the country. She also believes that only the small handful of developers who are behind this, no matter what the outcome, will make money. She feels very fortunate to live in Liberty. It's a wonderful small town community, full of friends, families, and people who have lived there their wholes lives. It's farmers and lumber people and small businesses. People live and move there for the small town culture. Most of them are not looking to live near the equivalent of Detroit or Charlotte or Greensboro. So if Greensboro really wants this project, why not let Greensboro develop it on their lands and we'll happily drive there for the jobs? Ms. Kimbrell stated that she is also concerned about traffic, crime and the closing of small businesses. For instance, she's worried that Kidd's Restaurant will be replaced with an Applebee's or Taco Bell, and Liberty Farm & Garden will get replaced by Tractor Supply. In doing this, in buying land and bulldozing in sewer, septic, electric and train lines, people's front yards, homes, and land will be taken in the hope that someone will come. We spend

mega millions of dollars potentially on the project and we sit, wait, and hope someone will come. She's afraid we're taking on more than this area is set to deal with.

**David Allen**, 6411 Shiloh Church Rd., Liberty, said that he is the third generation of his family to farm the 85 acres that his grandfather purchased 70 years ago, which is located adjacent to the proposed mega site in liberty. As a CPA and taxpayer, he is greatly concerned with the financial risk and associated burdens the proposed site would place on Randolph County taxpayers. The estimated cost is \$53 million, but he believes that number is low. It includes roughly \$19 million to supply water and sewer to the site, along with roughly \$11 million for creating access to US 421. The City of Greensboro has indicated an interest in supplying water and sewer, but there is no commitment, only interest. Roughly \$16 million has been allocated for land acquisition (roughly \$8,000/acre). He said that at an earlier Commissioners meeting this year, Asheboro City Schools projected the need for 40 acres for a new elementary school at the cost of \$1.2 million or \$30,000/acre. Certainly, this amount per acre would be more in alliance for a mega site property based on this property's supposedly uniquely desirable attributes. The cost is very much in line with other mega site land acquisitions and would, therefore, increase the cost to acquire the land to more than \$60 million and the overall initial development cost to roughly \$100 million. That's not including the estimated \$400 million for incentives that would likely be required to lure an auto manufacturer, bringing the total price tag to more than a half a billion dollars. This price is just too much for the taxpayer to bear. This would be an investment in a project with no certainty of any return at all. There is no current tenant for the property, and there very well may never be. There is landowner opposition, as reflected by all the folks in attendance. Mr. Allen said that there is a competing site within 15 miles of the Liberty site in Chatham County that is privately funded. He said that property is under control there, and it has access to utilities. The site is being evaluated to become a certified mega site and will be on the market years before the Liberty site is ready. He doesn't think two auto manufacturers will locate in such close proximity since one has yet to locate in the entire state of North Carolina. He questioned why the Board would continue to pursue this waste of time and taxpayer money. The risk and cost are too great, especially given the poor economic conditions of recent years; and the timing is lousy. He asked that the Commissioners withdraw their support for the Liberty mega site now.

**Bobby Ferguson**, 8703 Old Hwy. 421, Julian, said that he is basically a lifelong member of Randolph County. He compared the two proposed mega sites: one in Chatham and one at the Greensboro/Liberty site. There are 1,700+ acres in Chatham and a desired 2,000 at the Liberty site. Presently, 1,700+ acres is available in Chatham, but only 735 acres are available in Liberty. He said that a mega site requires a minimum of 1,250 acres, so that would mean that the Liberty site is not currently available. There are two owners willing to sell and want to sell at the Chatham site. In Liberty, there are 94 parcels of land to be purchased. Sixteen supposedly are under contract or under legal obligation to sell. There are 67 owners. Only two of those have been dealt with. That leaves 78 parcels and 65 owners to be dealt with to acquire the 2,000+ acres. He thinks that's quite a hurdle. It's also worth noting that on the Chatham County side, there are no families that would have to be relocated, which is not true with the Liberty site; 40+ families would have to be relocated. Regarding site readiness, the site in Chatham is presently part of the Duke Program. They are pursuing, not certification, but acceptance into the Duke Program of which McCollum Sweeney, the defacto standard for mega site certification, is doing the evaluation on that currently. They're also providing information to get North Carolina certification. It is believed that within three to four months that site will receive those certifications. Mr. Ferguson said that he doesn't know about certification plans for the Liberty site, but does know that there has been something on the order of 200 questions

completed for the McCollum Sweeney certification process. He said there have been no tax dollars supplied to the Chatham site, but that's not true with the Liberty site. It is clear that the Chatham site is by far the best choice. He said that Randolph County is extremely lucky because we can step aside and do nothing, and have the same opportunity for providing employment through the Chatham site, without spending any more money. He asked the Board to discontinue the pursuit for the Liberty mega site.

**Alan Ferguson**, 4794 Troy Smith Rd., Liberty, said that he is proud to be with the folks in attendance; they're the best neighbors he's ever had. He's proud to be a North Carolinian. One of the main reasons is because we have a very deep reservoir of cautiousness and common sense in this state. That leads us to stand back and look at something hard before we jump into it and do it. As a result, we have the best university and community college systems and road systems in the country. We are not speculators in this state. He's examined this project thoroughly and all he sees is speculation. North Carolina doesn't do that. We look at things hard and do it the right way and we get it correct. The Liberty project does represent an attempt to do what's best for Randolph County and the state. It's just that the numbers don't add up. He encouraged the Commissioners to look at all the numbers and facts, take them to heart, and pass an ordinance withdrawing support for the Greensboro/Liberty mega site.

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*Approximately 68 people stood in opposition to the proposed Liberty mega site. No one stood in support.*

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**Sandra Young**, 5067 Troy Smith Rd., Liberty, said she feels very privileged to have lived off Troy Smith Rd. since she was 13 years old. (She's going to be 44 years old in a couple of weeks.) She said that in 1836, her family moved to this area. She will be the fifth generation living on this property. She said that the sixth generation is with her tonight. She is very proud of her heritage. Her family, including her aunt and uncle next door, own about 1/10 of the land that's within the proposed mega site borders. She said she is definitely opposed to this because they don't live in a neighborhood here; it's a community. She knows the names of every person on her road and other roads nearby and knows about their children and grandchildren. She said they give to each other. They get together and celebrate with each other once or twice a year. This mega site would be taking away a community that they cherish. These people helped raise her. They take care of each other if someone is sick and needs to go to the doctor. They take food to people when they're sick. She is a servant to the community. She works in education. She praised RCC. She knows RCC needs taxpayer money, just like education, the Health department, and Emergency Services needs extra money. When you're taking your taxpayer money away from these agencies, it's really tough. She encouraged the Board to think about taxpayer money for this project instead of putting it into the other agencies in the community.

**Faye Holt**, 5230 Troy Smith Rd., Liberty, asked the Board to think as if the shoe was on the other foot. Her family has been on Troy Smith Road for decades. They're buried at Macedonia Loop. She lives there, along with her son and his four children. This is not just about land and jobs. She asked the Board to please consider that. Please think past the money. We need the jobs. Chatham County has a place that will soon be available. Please think about the livelihoods, homes, and futures. Asheboro and Randolph County were on 60 Minutes twice where they talked about jobs and jobs lost, which all towns and cities have incurred that in the last few years, unfortunately. She asked how the Commissioners would feel if a mega site were to be put in Asheboro. She said that the jobs would be good, but at what cost? Can we really afford it? Or, is it just a pipe dream?

**Jon Nance**, New Hope Church Rd., Asheboro, said that he stands in solidarity with the folks opposed to the mega site and the regional landfill. He believes these issues come down to county property rights verses private property rights. He said that the Board should invoke the Golden Rule in making their decisions. She reminded the Board that he had proposed a 2<sup>nd</sup> Amendment Preservation Act a couple months ago and would like an answer from the board either way.

**Mike Griffin**, 2593 Grey Rabbit Run, Asheboro, said that he is a pharmacist and owns two drug stores in this area. He asked for the Board's help. He said that Farmer Elementary School was the only school in Randolph County that doesn't get any Title I funding or A/T tax money. Schools are required to have a lead teacher in the classroom that does not have anything to do with teaching the students directly. He said it is not funded 100% by the school system. The PTO has had to supply 50% of the salary. Farmer doesn't have an art, music or physical education teacher. He said that obesity in this country has gone rampant and we talk about helping the kids and doing things for kids, but we don't put our actions to that. He said he realizes this is out of the Commissioners' scope, but they have gone before the Board of Education to ask for an exemption for the mandatory lead teachers and have been denied. He's a Republican and believes that counties and local government make better decisions than the federal government. Our schools aren't allowed to make the best decisions for themselves and spend money that the PTO is providing half of. Farmer teachers don't have assistants, breaks or planning periods. Having an art, music or physical education teacher would help the other teachers, in that while the students were attending one of the other classes, it would give the (main) teacher a planning period. He doesn't understand why the Board of Education can't give the principal the authority to make the best decision for his own school. They've been threatened that they may be cut by two more positions. It seems that every door they've tried to use to get results has been shut in their faces. Now, teachers are having to be split between two kindergarten classes. He asked for help in getting an exemption.

### **Approval of Consent Agenda**

*On motion of Frye, seconded by Lanier, the Board voted unanimously to approve the Consent Agenda, as presented, and as follows:*

- *approve Board of Commissioners meeting minutes of 4/24/13 retreat and regular meeting of 5/6/13;*
- *adopt Resolution to Allow City of Thomasville to Authorize Pyrotechnic Displays in City Limits, as follows:*

#### ***Resolution Authorizing the Thomasville City Council to Issue Permits for the Use of Pyrotechnics at Concerts or Public Exhibitions Held Within the City of Thomasville***

***WHEREAS***, Section 14-413(a1) of the North Carolina General Statutes enables a board of county commissioners to authorize the governing board of a city located within the county to issue permits for pyrotechnics to be exhibited, used, or discharged within the corporate limits of the municipality in connection with concerts or public exhibitions; and

***WHEREAS***, a request has been received from the City of Thomasville City Council, by and through the City of Thomasville Fire Marshal for the Randolph County Board of Commissioners to authorize the Thomasville City Council to issue permits for pyrotechnics to be exhibited, used, or discharged within the corporate limits of the City of Thomasville in connection with concerts or public exhibitions; and

***WHEREAS***, the City of Thomasville has a municipal fire department that includes a fire prevention bureau with properly credentialed fire inspectors; and

*WHEREAS, the Randolph County Fire Marshal has no objection to this request.*

*NOW, THEREFORE, BE IT RESOLVED* by the Board of Commissioners of Randolph County, this 3<sup>rd</sup> day of June, 2013, that, pursuant to Section 14-413(a1) of the North Carolina General Statutes, the Thomasville City Council is hereby authorized to issue, pursuant to and in compliance with the provisions of Article 54 of Chapter 14 of the North Carolina General Statutes, permits for pyrotechnics to be exhibited, used, or discharged within the corporate limits of the City of Thomasville in connection with the conduct of concerts or public exhibitions; and

*BE IT FURTHER RESOLVED* that this authorization shall remain in effect until withdrawn by means of the Randolph County Board of Commissioners adopting a subsequent resolution withdrawing this authorization.

- *reappoint Belva Hancock to the Randolph County Jury Commission;*
- *reappoint Dr. R. Andrews Sykes to the RCC Board of Trustees;*
- *reappoint Libby Frye to the Adult Care Home Community Advisory Committee;*
- *appoint Jody Terry and reappoint Greg Patton, Todd Henderson, Aundrea Azelton, Emily Coltrane, Jonathan Sermon, Pam Hill, Sue Myers, Clark Bell and Wendy Kennon to the Randolph County Juvenile Crime Prevention Council;*
- *approve Budget Amendment #39 to the Fire District Fund to reflect additional fire tax revenues received and remitted for all 19 fire districts, as follows:*

<b>2012-2013 Budget Ordinance-General Fund- Fire District Fund--Amendment #39</b>		
<b>Revenues</b>	<b>Increase</b>	<b>Decrease</b>
<i>Ad Valorem Property Taxes</i>	<i>\$100,000</i>	
<b>Appropriations</b>	<b>Increase</b>	<b>Decrease</b>
<i>Tax Distributions</i>	<i>\$100,000</i>	

### **Changes to New Business Agenda**

Chairman Holmes announced that *Item A. DOT Secondary Road Improvement Program (2012-2013) Public Hearing* had been removed from the agenda and that *Item E. Elect Voting Delegate for the 2013 NACo Conference in July* had been added to the agenda.

### **Approval of Contract with PTRC for Administration of CDBG Scattered Site Housing Grant**

Brian Heilig, Building Inspections Inspector and Grants Coordinator, said that Randolph County has been awarded \$225,000 from the State of North Carolina under the 2012 CDBG Scattered Site Housing Program. The CDBG Scattered Site Housing Program requires an experienced administrator to oversee the implementation of this grant. The Piedmont Triad Regional Council (PTRC) has the required experience and knowledge to successfully complete the program. Since PTRC is a council of government in partnership with Randolph County, the County is not required to receive multiple bids for these services. The maximum fee for these services shall not exceed \$33,750. The fee will be covered by grant funds.

*On motion of Lanier, seconded by Frye, the Board voted unanimously to approve a contract with PTRC not to exceed \$33,750 for the administration of the CDBG Scattered Site Housing Grant, as presented.*

### **Election of NACo Conference Voting Delegate**

*On motion of Frye, seconded by Haywood, the Board voted unanimously to elect Harold Holmes as the voting delegate for the 2013 NACo Conference in July.*

### **Recess**

At 6:50 pm, the Board recessed.

### **Regular Session Resumed**

At 7:04 pm, the Board resumed regular session.

### **Rezoning Public Hearing and Action**

At 7:04 p.m., the Board adjourned to a duly advertised public hearing to consider rezoning requests. Hal Johnson, Planning Director, presented the following requests, and Chairman Holmes opened the public hearing for comments on each request and closed it before taking action on the requests.

1. **THOMAS COLTRANE**, High Point, North Carolina, is requesting that 0.58 acres located at 7408 Davis Country Road, New Market Township, be rezoned from RR to RBO-CD. Randleman Lake Watershed. Secondary Growth Area. Tax ID# 7747288472. The proposed Conditional Zoning District would specifically allow one portion of the existing structure to be used for a church and another section to be used for a small gunsmith business. The Planning Board reviewed this request at public meeting on May 7, 2013, and unanimously recommended that this request be approved. The Planning Board found the following policies within the 2009 Growth Management Plan that support determination of consistency with the adopted plan with this recommendation:

*Policy 4.1 Provide for sites in Randolph County jurisdiction where rural commercial activity can locate; with the goal of increasing economic activity, job creation, and the provision of services to the rural community.*

*Policy 4.7 The County should encourage the use of rural business overlay districts to provide locations where compatible rural land uses such as neighborhood retail and service establishments can be located in general proximity to established rural residential areas with the goal of reducing automobile travel distances and promoting better livability in the rural community.*

No one spoke.

*On motion of Frye, seconded by Haywood, the Board voted unanimously to approve the request of Thomas Coltrane, as determined consistent with the standards and policies contained within the Growth Management Plan outlined in the recommendations provided by the County Planning Board.*

2. **CAROL HOGAN**, Asheboro, North Carolina, is requesting that 1.93 acres located at 1855 US Hwy 64W, Asheboro Township, be rezoned from RM to HC-CD. Cedar Creek Watershed. Primary Growth Area. Tax ID# 7740678772. The proposed Conditional Zoning District would specifically allow the existing structure to be used for retail sales. The Planning Board reviewed this request at public meeting on May 7, 2013, and unanimously recommended that this request be approved. The Planning Board found the following policies within the 2009 Growth Management Plan that support determination of consistency with the adopted plan with this

*recommendation:*

*Policy 4.2 Highway oriented commercial uses should be clustered along segments of arterial streets and contain land uses that are mutually compatible and reinforcing in use and design. They should be designed in a way that minimizes signage, access points and excessive lengths of commercial strip development.*

*Policy 4.3 Individual Rural Business or Highway Commercial rezoning decisions will depend upon the scale of the proposed development as it relates to the specific site and location weighed against the impacts to adjoining rural land uses.*

No one spoke.

*On motion of Kemp, seconded by Frye, the Board voted unanimously to approve the request of Carol Hogan, as determined consistent with the standards and policies contained within the Growth Management Plan outlined in the recommendations provided by the County Planning Board.*

**Closed Session**

*At 7:09 p.m., on motion of Frye, seconded by Kemp, the Board voted unanimously to go into closed session to discuss matters relating to the location or expansion of business in the area, pursuant to [N.C.G.S.143-318.11(a)(4)] and to establish, or to instruct the public body's staff or agent concerning the negotiation of the price and terms of a contract concerning the acquisition of real property pursuant to [N.C.G.S.143-318.11(a)(5)].*

**Regular Meeting Resumed**

At 8:23 p.m., the Board returned to regular session.

**Public Hearing Set for Economic Development Project**

*On motion of Frye, seconded by Kemp, the Board voted unanimously to set 6 p.m. on June 17, 2013 for a public hearing to consider economic incentives for Jowat Corporation in Trinity.*

**Adjournment**

*At 8:25 p.m., on motion of Kemp, seconded by Frye, the Board voted unanimously to adjourn.*

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J. Harold Holmes, Chairman

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Darrell L. Frye

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Phil Kemp

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Arnold Lanier

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Stan Haywood

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Cheryl A. Ivey, Clerk to the Board