

**Minutes
Randolph County Commissioners**

May 3, 1999

The Randolph County Board of Commissioners met in regular session at 4:00 p.m. on May 3, 1999 in the Commissioners Meeting Room, County Office Building, 725 McDowell Center, Asheboro, NC. Commissioners Frye, Kemp, Davis, Holmes and Mason were present. Invocation was given by Rev. Ben Chavis, Associate Pastor of Sunset Avenue Church of God and Randolph County Tax Administrator. Following invocation, everyone recited the Pledge of Allegiance.

Introduction of New Employee

Lynn Qualls, Cooperative Extension Director, introduced Barb Dunn Swanson, new 4H agent.

Addition to Agenda

Chairman Frye added item D. Health under budget amendments.

Consent Agenda

On motion of Holmes, seconded by Mason, the Board unanimously approved the consent agenda, as follows:

- *approve minutes of April 5, 1999;*
- *approve the following resolution:*

WHEREAS, S.L.1997-309 (S875) makes a number of significant changes in the procedures for recording maps and plats; and

WHEREAS, the main purpose of the law is to transfer the responsibility for reviewing plats to determine whether they meet recording requirements from the Register of Deeds to a Review Officer; and

WHEREAS, the new G.S. 47-30.2 requires the Board of County Commissioners in each County, by resolution, to appoint a person to serve as Review Officer to review each plat before it is recorded and certify that it meets the statutory requirements for recording; and

WHEREAS, it is the desire of the Randolph County Board of Commissioners to insure an expeditious review of all maps and plats as required by G.S. 47-30.2 before they are presented to the Register of Deeds for recording.

NOW, THEREFORE, BE IT RESOLVED, effective May 3, 1999, that Greg Patton in the City of Randleman is hereby appointed to perform all responsibilities as required for Review Officer under the appropriate North Carolina General Statutes.

BE IT FURTHER RESOLVED that a copy of this Resolution designating this Review Officer be recorded in the Randolph County Register of Deeds Office and indexed in the name of the Review Officer.

- *approve the following resolution:*

WHEREAS, the Department of Transportation has investigated 0.13 mile Cheddington Drive, 0.16 mile Landsdowne Lane, and 0.04 mile Yorkmont Court in the Hamlet Lakes Subdivision; and

WHEREAS, the subject streets have been found to meet minimum requirements for addition.

NOW, THEREFORE, BE IT RESOLVED by the Randolph County Board of Commissioners that 0.13 mile Cheddington Drive, 0.16 mile Landsdowne Lane, and 0.04 mile Yorkmont Court in the Hamlet Lakes Subdivision be added to the Division of Highways' Secondary Road System.

- approve the following resolution:

WHEREAS, the Department of Transportation has investigated a portion of SR 1929 (0.37 mile) Spencer Road in Randolph County for purposes of abandonment; and

WHEREAS, it has been determined that this 0.37 mile portion of subject road should be abandoned from the Division of Highways' Secondary Road System due to the road being divided with a west and east end, both of which will be ending in a cul-de-sac and this 0.37 section having been flooded after paving of this road is complete.

NOW, THEREFORE, BE IT RESOLVED by the Randolph County Board of Commissioners that a portion of SR 1929 (0.37 mile) Spencer Road in Randolph County be abandoned from the Division of Highways' Secondary Road System and the remaining 2.73 miles of SR 1929 be retained.

- approve the following proclamation:

WHEREAS, mental health is critical for the well-being and vitality of our families, businesses, and communities; and

WHEREAS, mental illness will strike one in four Americans in a given year regardless of age gender, race, ethnicity, religion, or economic status; and

WHEREAS, one in five children suffer from a diagnosable mental or emotional disorder, and one in ten have a serious disorder which, if untreated can lead to school failure, addiction, and even suicide; and

WHEREAS, mental disorders, collectively, make mental illness the most prevalent health problem in America today - more common than cancer and lung and heart disease combined; and

WHEREAS, the guiding principles of community mental health care have always been comprehensiveness, cost-efficiency, effective management, and high quality and consumer-responsive services, and those principles are now being adapted by private and public health care payers; and

WHEREAS, the National Mental Health Association, the National Council for Community Behavioral Health care and their partners celebrate Mental Health Month each year in May to raise awareness of mental health, mental illnesses, and insurance discrimination against people with mental illnesses.

NOW, THEREFORE, the Randolph County Board of Commissioners does hereby proclaim May 1999 as Mental Health Month in Randolph County and calls upon all citizens, government agencies, public and private institutions, businesses, and schools in Randolph County to recommit our community to increase awareness and understanding of mental illnesses and meet the need for appropriate and accessible services for all people with mental illnesses.

Demonstration of Digital Orthophotography

Ben Chavis, Tax Assessor, demonstrated the digital orthophotography equipment that now services the Tax Department, other County departments, and various outside agencies. This computer program provides reproductions of aerial photographs, which can also be overlaid on tax maps showing property boundary lines. Mr. Chavis stated that this equipment has paid for itself through saved staff labor, discovery of additional tax base, and reduced number of trips into the field; additionally, it is a valuable tool for the 2001 revaluation.

Annual Report of Regional Partnership Workforce Development Board

Melissa Foust, Workforce Development Board member, provided information on the programs provided by the Regional Partnership Service Delivery Area, serving Alamance, Orange, and Randolph Counties, for the year ending June 30, 1998. A total of \$296,663.89 was distributed in Randolph County for participants in 6 different adult and youth programs.

Declare AS400 Computer System Worthless

Jane Leonard, Deputy Finance Officer, requested that the AS400 computer system that the Board had declared surplus March 8, 1999 now be declared worthless. The system was offered for sale to 8 vendors and advertisements were placed in the newspaper and the *County Lines*. No bids were received. Hopefully, it can be sold for scrap metal.

On motion of Mason, seconded by Kemp, the Board unanimously declared the AS400 computer system worthless and authorized its sale for scrap metal.

Change in Minimum Amount for Recording Fixed Assets

Jane Leonard, Deputy Finance Officer, stated that the County's fixed assets are reported annually in our financial statement. Fixed assets that are reported on the government's balance sheet are said to be "capitalized." The Government Finance Officers Association recommends that local governments set their capitalization threshold at not less than \$1,000 or not more than \$5,000 for an individual item that has an estimated useful life of at least two years. Ms. Leonard said that the County's current threshold is \$500, and she recommended that it be changed to \$1500 so that the volume of individual items will be reduced to a more manageable number and that the useful life be changed from one year to two. This change would be accomplished by amending Section IV.F of the Randolph County Purchasing Policy, effective July 1, 1999.

On motion of Davis, seconded by Holmes, the Board unanimously voted to amend the wording of Section IV.F of the Randolph County Purchasing Policy as follows, effective July 1, 1999: "Supervise the County's procedure for the recording and maintaining of fixed asset records. For the purposes of this policy, a fixed asset is defined as a tangible item that has an expected useful life of more than two years and has a cost of \$1,500 or more, including delivery and installation."

Budget Amendment - State School Bond

On motion of Holmes, seconded by Davis, the Board unanimously approved Budget Amendment #40 to the FY 1998-99 Annual Budget, which reflects state bond proceeds for current school projects, as follows:

GENERAL FUND - #40	
Appropriation	Increase

<i>County School Building Bond Fund</i>	<i>\$13,500,000</i>
<i>City School Building Bond Fund</i>	<i>\$1,800,000</i>
<i>Revenue</i>	<i>Increase</i>
<i>Restricted Intergovernmental</i>	<i>\$15,300,000</i>

Budget Amendment - Cooperative Extension

On motion of Holmes, seconded by Davis, the Board unanimously approved Budget Amendment #41 to the FY 1998-99 Annual Budget, which reflects funds received from the Asheboro Housing Authority for a 10-week summer enrichment program for youth, as follows:

<i>GENERAL FUND - #41</i>	
<i>Appropriation</i>	<i>Increase</i>
<i>Cooperative Extension</i>	<i>\$3,000</i>
<i>Revenue</i>	<i>Increase</i>
<i>Miscellaneous</i>	<i>\$3,000</i>

Budget Amendment - Juvenile Day Reporting Center

Jane Leonard, Deputy Finance Officer, reported that the Juvenile Justice Reform Act of 1998 provided funding for programs aimed at adjudicated youth who remain in the community under an intermediate or community sanction. Randolph County has been awarded \$55,760 to be used for substance abuse services, home-based family services or day reporting centers. One of the major concerns of the juvenile court counselors is that court-involved juveniles often have long-term suspension from school. With nowhere to go and with no supervision, they often continue to commit offenses. Another concern is substance abuse. By establishing a juvenile day reporting center (JDRC), these youth could be placed in a program that would provide them with the education, supervision, and substance abuse counseling they currently need. The Juvenile Crime Prevention Council has approved a plan to establish a JDRC, to be located in the same facility as the adult day reporting center. It will operate during the day and have an educational component and substance abuse counseling. The Council has also approved continuation funding for the 1999-2000 fiscal year from another Juvenile Justice Grant. A clinical director and a case manager will be needed to manage the program.

On motion of Holmes, seconded by Davis, the Board allocated two new positions: Clinical Director, Grade 76, effective July 1, 1999; Case Manager, Grade 63, effective May 3, 1999. They also approved Budget Amendment #42, as follows:

GENERAL FUND - #42	
<i>Appropriation</i>	<i>Increase</i>
<i>Juvenile Day Reporting Center</i>	\$55,760
<i>Revenue</i>	<i>Increase</i>
<i>Restricted Intergovernmental</i>	\$55,760

Budget Amendment - Health

On motion of Holmes, seconded by Davis, the Board unanimously approved Budget Amendment #43 to the FY 1998-99 Annual Budget, which reflects additional state funding for the Family Planning program, as follows:

GENERAL FUND - #43	
<i>Appropriation</i>	<i>Increase</i>
<i>Public Health</i>	\$2,500
<i>Revenue</i>	<i>Increase</i>
<i>Restricted Intergovernmental</i>	\$2,500

Work First Appeals Committee Appointments

Martha Sheriff, Social Services Director, informed the Board that Randolph County, as an electing county for Work First, is responsible for setting up an appeal structure to replace the State Appeal Hearing process. She suggested that an appeals committee be established, made up of an attorney and someone else who served on the committee that established the Work First Plan, to serve 3-year terms and be compensated \$100 per hearing.

On motion of Holmes, seconded by Kemp, the Board unanimously established the Work First Appeals Committee, consisting of two members with 3-year terms, with compensation set at \$100 per hearing. They appointed Scott Ethridge, Attorney, to serve an initial 3-year term, and Elaine Haigler, Family Crisis Center Director, to serve an initial 2-year term.

NACo 2000 Fund

Chairman Frye stated that the National Association of Counties annual conference will be held in Charlotte in July of 2000, and the NC Association of County Commissioners has asked that all 100 NC counties participate by making a contribution to the host budget, which exceeds \$1.4 million. They are suggesting 3¢ to 5¢ per capita. The County Manager has recommended a contribution of \$3500, which is about 3¢ per capita.

On motion of Kemp, seconded by Davis, the Board unanimously agreed to allocate \$3500 from the Administration budget to the NACo 2000 Fund.

Alternate Member to the County Planning Board

This item will be considered at the June 7 meeting.

July Meeting Date

On motion of Holmes, seconded by Mason, the Board unanimously agreed to hold their regular July meeting on July 12.

Budget Schedule for June Meetings

On motion of Davis, seconded by Holmes, the Board unanimously adopted a schedule for all their budget meetings (June 8, 14, 21, and 28), including a public hearing on the 21st at 7 p.m.

Closed Session

On motion of Kemp, seconded by Holmes, the Board voted at 5:07 p.m. to go into closed session to discuss matters relating to the location or expansion of business, pursuant to NCGS 143-318.11(a)(4); and to establish or instruct staff or agent concerning the negotiation of the price and terms of a contract concerning the acquisition of real property, pursuant to NCGS 143-318.11(a)(5). They returned to open session at 6:30 p.m.

Rezoning Public Hearing

The Board adjourned to a duly advertised public hearing at 6:30 p.m. to consider rezoning requests.

Hal Johnson, Planning and Zoning Director, corrected information on the Reid Kearns and Ken McDowell request that was considered by the County Commissioners at their April 5, 1999 meeting. Information provided by Mr. Johnson to the Board on April 5, 1999 stated that the Planning Board had voted unanimously to deny this request and that the number of lots requested was 104. The vote by the Planning Board was actually six to one to deny. On the issue of when the application was changed from 104 lots to 86 lots, Mr. Johnson said that legal ads were run prior to the Planning Board meeting stating the number of lots as 104. On the day of the Planning Board meeting, the applicants changed their request

to 86 lots. Therefore, the change in the number of lots requested was actually made prior to the Planning Board meeting, not after.

Mr. Johnson noted that the request of Worth Heath and Jimmie Hamlet (102 acres on W O W Road) has been withdrawn. He then presented the following requests:

1. Larry McKenzie and Donald Strider, Asheboro, are requesting that 54.3 acres located at the intersection of Old Lexington Road/Mt. View Church Road, Back Creek Township, be rezoned from RA to RE/CU for a 30-lot subdivision of site-built homes. The Planning Board unanimously recommended approval. Mr. Johnson stated that this request originally came to the County Commissioners in October of 1998. At that time the request was for 62 acres, 59 lots, and two roads to be built into the subdivision. The Commissioners denied the request. Since October, the County has established a new zoning classification of RE (Residential Exclusive), which is what the new request is for; the number of lots has been reduced from 59 to 30; the plan now calls for only one road to be built, which will be paved to state standards; and no lots across Old Lexington Road have been included in this new request.

2. John McCoach, Seagrove, is requesting that 1.01 acres on Hwy 705, Richland Township, be rezoned from RA to HC/CU to allow the construction of a 50' x 60' building for the sale of antiques and local crafts. The Planning Board unanimously recommended approval.

Citizen Comments - Request #1

Larry McKenzie, applicant, 1087 Bunting Road, Asheboro, stated that the road now planned for the development is ¼ mile from the curve in Old Lexington Road and that lots are now 2 acres. He said the petition opposing this request was signed by people 10-15 miles away and that decisions should not be based on the turnout of opposition or the developer doesn't know where he stands. He said that this request is significantly different from his original request.

Craig Branson, 203 Westside Circle, Asheboro, stated that he is Mr. McKenzie's partner and that Mr. McKenzie's developments improve property and that he doesn't leave a project until it is grassed, planted and landscaped.

Donald Strider, applicant, 1654 Hopewell Friends Road, Asheboro, asked if a development such as this couldn't go in this location, where could it go. He assured the Board that they would do the right thing.

Jon Megerian, attorney for the opposition, contended that this request is not substantially different from the original request because of the following: The September 1998 Planning Board minutes quote Craig Branson as saying that realistically they would probably get only 35-40 lots to "perc." They are now asking for 30, and 30 is not very different from 35-40. Also, the classification they are now asking for is RE (Residential Exclusive, allowing only site-built homes), which is the most restrictive use defined in the County Zoning Ordinance. At the time of the original request, RE did not exist; the most restrictive classification was RR (Residential Restricted, allowing site-built, modular, and double-wides with permanent foundation). The applicants originally asked for RR/Conditional Use, with the conditional use being for site-built homes only. Mr. Megerian said that RE and that particular RR/CU request allow the exact same thing--site-built homes only. Therefore, although they have different classifications by name, they are factually the same. And since there is no significant change from the original request, the applicants should not be allowed to bring this new request to the County before the period of one year has gone by, according to the County Zoning Ordinance. Mr. Megerian also said that the blind curve is not ¼ mile away from the entrance as Mr. McKenzie said. He stated that at least 90% of those signing the

petition live nearby, and all live in Randolph County. He asked those in opposition to stand, and at least 50 people stood. Mr. Megerian said that what his clients want is substantially fewer than 30 lots.

For clarification, Hal Johnson, Planning and Zoning Director, stated that the site plan submitted by the applicants is a condition of the request.

Larry McKenzie, applicant, asked that any restrictive covenants for this development that are put on record be a part of the Conditional Use request.

Jay Childers, 1028 Hay Hanner Road, presented a petition which he said had 390 signatures opposing this request.

Vickie Parris, Jarvis Miller Road, voiced concerns about school overcrowding and extra traffic.

George Oleen, 4589 Old Lexington Road, said he lives 24 feet from the property line making up the west boundary of 9 of the lots in this proposal. He expressed concern about groundwater supply, septic tank runoff, and noise from the development.

Don Pierce, 757 Spencer Meadow Road, said he is afraid his well will go dry if this development goes in.

Regina Gordon, 1278 Mt. View Church Road, said development can be progress, but it can be overdone. She said the developers should have gone to the Planning Board before buying the land if they didn't want to upset the neighbors.

Denise Street, 1357 Mt. View Church Road, opposed the number of lots and talked about the various camps in this area, which she said should be in the country away from development.

Jackie Giovanni, 3032 Whippoorwill Drive, discussed traffic problems the area is already having, stating that she has had to wait as much as 15 minutes to make a left turn from Mt. View Church Road onto Old Lexington Road.

Citizen Comments - Request #2

Georgette McCoach, 1510 Cagle Loop Road, Seagrove, said their proposed building will have cedar siding, have a circular driveway, and will fit in with the tourist trade and hours.

Hal Johnson, Planning and Zoning Director, stated that the applicant's map is part of the Conditional Use request.

Board Action on Request #1

Chairman Frye stated that Commissioner Holmes had asked to be excused from discussion and voting on this request because of a conflict of interest, stating that the applicant's wife is on the board of directors of Randolph Bank, where Mr. Holmes is employed.

Chairman Frye asked County Attorney Alan Pugh to give an opinion on the "substantial difference" issue. Mr. Pugh stated that the County Zoning Ordinance says that if a request is for a different classification, it is a different request. He said that even if it were the same classification, the Board could still consider this request based on the different configuration of the lots.

Commissioner Kemp commented that most citizens can't afford to buy 3-5 acres and still build a house. The request is the highest and most restrictive, and the applicants have exceeded the regulations set forth in the ordinance. He noted that something less compatible might go on this property if this request is denied.

Chairman Frye expressed concern about some of the lots being so narrow that those houses would be jammed up.

Mr. McKenzie offered to sell this property to the neighbors if they want to buy it.

On motion of Kemp, seconded by Mason, the Board voted 3 to 1 to approve the request of Larry McKenzie and Donald Strider. Commissioner Frye opposed this motion and Commissioner Holmes abstained from voting.

Board Action on Request #2

On motion of Kemp, seconded by Mason, the Board unanimously voted to approve the request of John McCoach.

The meeting adjourned.

Darrell L. Frye, Chairman

Phil Kemp

J. Harold Holmes

Robert B. Davis

Robert O. Mason

Alice D. Dawson, Clerk to the Board