

September 7, 1999

The Randolph County Board of Commissioners met in regular session at 4:00 p.m. in the Commissioners Meeting Room, County Office Building, 725 McDowell Road, Asheboro, NC. Commissioners Frye, Kemp, Davis, Holmes, and Mason were present. Invocation was given by Rev. Jean Nall, after which everyone recited the Pledge of Allegiance.

Presentation of Retirement Plaques

Chairman Frye presented retirement plaques to Robert Haithcock, Sheriff's Department, for 18½ years of service and J. D. Smith, Public Works Department, for 26½ years of service.

Consent Agenda

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

℄ approve minutes of August 2, 1999;

℄ adopt the following proclamation:

***WHEREAS**, the mission of 4H is to assist youth in meeting basic needs, developmental tasks and essential life skills through planned "learning by doing" experiences; and*

***WHEREAS**, 4H volunteer leaders donate an average of 220 hours per year through their commitment to strengthening American families and communities by teaching such skills to our youth; and*

***WHEREAS**, these skills enable our youth to become self-directing, productive and contributing members of society;*

***NOW, THEREFORE**, the Randolph County Board of Commissioners does hereby proclaim October 3-9, 1999 as 4H Week in Randolph County, and we urge our citizens to join us in supporting this dynamic educational program for today's young people.*

℄ appoint Walter Knott as the Randolph County Commissioners' representative to the Piedmont Conservation Council (formerly the North Central Piedmont Resource Conservation and Development Steering Committee);

℄ reappoint Darrell Frye to the Piedmont Triad Regional Water Authority;

℄ appoint David Cotton, Randleman City Manager, to replace Rick Hardin on the Water Resources Advisory Board;

℄ appoint Tim Poole (citizen-at-large), Gary Mason (replacing Tony Hasty), and Anna Phillis (citizen-at-large) to the Criminal Justice Partnership Advisory Board;

℄ adopt the following proclamation:

***WHEREAS**, conserving our state's natural and wildlife resources is one of the most important responsibilities we have ~~th~~ and future generations of North Carolina; and*

***WHEREAS**, hunters and anglers were among the first to realize this responsibility nearly 100 years ago when they saw firsthand how expanding civilization and unregulated exploitation had caused disastrous declines in wildlife population throughout North Carolina; and*

***WHEREAS**, North Carolina hunters and anglers took steps to reverse this trend, helping found the conservation movement, supporting laws to stop uncontrolled exploitation of wildlife and helping establish game and fish laws, enforcement and management practices; and*

***WHEREAS**, they also suggested and supported laws to establish special hunting and fishing license fees and special ~~tas~~ on their equipment to pay for wildlife management, habitat restoration and other conservation programs, bringing ~~in~~ some \$3.5 million per day nationally; and*

***WHEREAS**, programs financed by the hunters and anglers have led to the dramatic comeback of game species such ~~de~~ wild turkey, tundra swan, snow geese, ducks, and white-tailed deer and non-game species such as the bald eagle, ~~other~~ raptors, alligators, songbirds, shore birds, fur bearers and others.*

***NOW, THEREFORE**, the Randolph County Board of Commissioners does hereby proclaim September 25, 1999 as "HUNTING AND FISHING DAY" in Randolph County and calls upon all the citizens of the county to recognize the ~~ris~~ of these men and women in preserving this important part of our American heritage and in ensuring the wise and ~~proper~~ management of our natural resources.*

Annual Report of Child Fatality Prevention/Community Child Protection Team

MiMi Cooper, Health Director, gave the annual report of the combined Child Fatality Prevention/Community Protection Team. She reported the investigation of 15 child deaths but noted that no

system problems were identified this year.

Request for Allocation of Additional Deputy Position

Major Allen McNeill explained that the County School System has requested that the Sheriff’s Office hire an additional deputy to work security at the new Northeast Middle School. The school system will reimburse the County for salary, fringe benefits, and cost of outfitting the deputy for duty.

On motion of Holmes, seconded by Davis, the Board voted unanimously to allocate an additional deputy position, grade 64, and to approve Budget Amendment #5 to the FY 1999-2000 Annual Budget, as follows:

General Fund - #5	
Revenue	Increase
Miscellaneous	\$47,161
Appropriation	Increase
Sheriff & Jail	\$47,161

Local Law Enforcement Grant Application

Major Allen McNeill stated that the County has been awarded a Local Law Enforcement Block Grant for \$33,778, with a 10% match required. This grant’s advisory board has recommended the grant funds be used to enhance security at the Courthouse by hiring additional bailiffs.

On motion of Davis, seconded by Holmes, the Board unanimously accepted the recommendation of the advisory board and set a public hearing on the proposed use of the grant funds for 6:00 p.m. on October 4, 1999.

On motion of Mason, seconded by Kemp, the Board unanimously appointed Dr. Cindy Schroder to replace Dr. Buddy Coleman as the Randolph County Schools representative on the Local Law Enforcement Grant Advisory Board.

Award Contract for Security Services at Social Services

Jane Leonard, Deputy Finance Officer, reported that the following firms responded to requests for proposals for a security guard at Social Services: Pinkerton Security, \$10.49 hr.; Kimber Guard and Patrol, \$10.75 hr.; Weiser Security Service, \$10.98 hr.; Burns International Security, \$12.10 hr.

On motion of Holmes, seconded by Mason, the Board unanimously awarded a one-year contract to Pinkerton Security for \$10.49 per hour and authorized the County Manager to sign the contract.

Budget Amendment - Professional Fees for Bond Refunding

Jane Leonard, Deputy Finance Officer, explained that the County has received an invoice for \$5,000 from Ernst & Young dated April 20, 1998, for verification services provided in connection with the 1998 bond refunding on the 1991 and 1992 School Bonds. Since the County was not aware of this outstanding invoice, no funds were encumbered to cover its cost. A budget amendment appropriating fund balance will be necessary prior to paying this bill.

On motion of Mason, seconded by Holmes, the Board unanimously approved Budget Amendment #6 to the FY 1999-2000 Annual Budget, as follows:

GENERAL FUND - #6	

<i>Revenue</i>	<i>Increase</i>
<i>Fund Balance Appropriated</i>	\$5,000
<i>Appropriation</i>	<i>Increase</i>
<i>Administration</i>	\$5,000

Litter Sweep

David Townsend, III, Public Works Director, requested that the Board waive the tipping fees for debris that is collected along the roadside as part of the N.C. Department of Transportation’s Litter Sweep project. The County has participated in this manner in previous years.

On motion Mason, seconded by Kemp, the Board unanimously approved waiving the tipping fees for any Litter Sweep debris brought to the solid waste facility.

2000 Holiday Schedule for the Solid Waste Facility

On motion of Kemp, seconded by Holmes, the Board unanimously approved the following holiday schedule for the solid waste facility, including the Coleridge and Farmer convenience sites: January 1, April 22, May 29, July 4, September 4, November 23, December 25.

Budget Amendment - Landfill Closure

David Townsend, III, Public Works Director, stated that the contract the County has with MAPCO, Inc. for the landfill closure cap does not include any contingency amount. As the project nears completion, it has become necessary to amend the contract with a change order for additional erosion control devices and additional seeding and mulching.

On motion of Mason, seconded by Holmes, the Board unanimously approved Budget Amendment #7 to the FY 1999-2000 Annual Budget, as follows:

<i>LANDFILL CLOSURE FUND - # 7</i>	
<i>Revenue</i>	<i>Increase</i>
<i>Fund Balance Appropriated</i>	\$25,000
<i>Appropriation</i>	<i>Increase</i>
<i>Closure Cost</i>	\$25,000

2000 Holiday Schedule for the Randolph Public Library

On motion of Davis, seconded by Mason, the Board unanimously approved the following holiday schedule and Saturday closings for the library, as follows: January 1, 3, and 17; April 21 and 22; May 29; July 4; September 2 and 4; November 10, 23, 24, and 25; December 23, 25, and 26.

Endorsement of Franklinville’s NC Clean Water Bond Funds Application

Mac Whatley, Franklinville Mayor, explained that Franklinville is applying for funds to enable them to develop a water connection along US Highway 64 between the Towns of Ramseur and Franklinville and the City of Asheboro. He asked the County Commissioners to endorse this plan as being in conformance with County planning.

On motion of Kemp, seconded by Holmes, the Board unanimously voted to endorse Franklinville’s application in the fashion deemed most appropriate.

Appointment of Alternate Member of County Planning Board

On motion of Holmes, seconded by Davis, the Board unanimously appointed Mark Brower to serve as

an alternate member on the County Planning Board.

Budget Amendment - Health

On motion of Mason, seconded by Kemp, the Board unanimously approved Budget Amendment #8 to the FY 1999-2000 Annual Budget, which reflects additional state funding for the WIC program, as follows:

GENERAL FUND - #8	
Revenue	Increase
Restricted Intergovernmental	\$7,866
Appropriation	Increase
Public Health	\$7,866

Budget Amendment - Emergency Services

Frank Willis, County Manager, informed the Board that Federal Express, through their corporate giving program, has awarded the County \$2,000 to be used toward the purchase of EM100 Oxylators for use in our ambulances.

On motion of Kemp, seconded by Holmes, the Board unanimously approved Budget Amendment #9 to the FY 1999-2000 Annual Budget, as follows:

GENERAL FUND - #9	
Revenue	Increase
Miscellaneous	\$2,000
Appropriation	Increase
Emergency Services	\$2,000

Application of FY 1999-2000 Rural Operating Assistance Program (ROAP) Funds; Public Hearing

Candie Rudzinski, Senior Adults Association Director/County Aging Services Coordinator, and Ray Newton, RCATS (Randolph Coordinated Agency Transportation System) Coordinator, explained the process for applying for NC Department of Transportation ROAP funds and how those funds would be used. The ROAP application includes the following transportation funds:

- \$68,153 EDTAP (Elderly & Disabled Transportation Assistance Program)
- 12,735 Work First Transitional/Employment Transportation Assistance
- 25,358 RGP (Rural General Public)
- \$106,246 Total Request

Jane Leonard, Deputy Finance Officer, stated that \$61,818 of the EDTAP funds has already been budgeted; therefore, a budget amendment for the remaining \$44,428 of the \$106,246 requested would be needed if the application is approved.

At 5:30 p.m. the Board adjourned to a duly advertised public hearing concerning this application. Chairman Frye invited public comment; hearing none, he closed the public hearing.

On motion of Mason, seconded by Holmes, the Board unanimously approved the ROAP application and approved Budget Amendment #10, as follows:

GENERAL FUND - #10	

<i>Revenue</i>	<i>Increase</i>
<i>Restricted Intergovernmental</i>	\$44,428
<i>Appropriation</i>	<i>Increase</i>
<i>Aging Services</i>	\$44,428

Closed Session - Judicial Action (Mann Media v. Randolph County)

On motion of Mason, seconded by Davis, the Board unanimously voted at 6:00 p.m. to go into closed session to consult with the County Attorney to consider and give instructions concerning a judicial action titled Mann Media v. Randolph County, pursuant to NCGS 143-318.11(a)(3). At 6:30 p.m. the Board returned to regular session.

On motion of Kemp, seconded by Davis, the Board unanimously voted to appeal the court decision in the Mann Media v. Randolph County case and directed the County Attorney to proceed with the appeal.

Rezoning Public Hearing

At 6:30 p.m. the Board adjourned to a duly advertised public hearing to consider rezoning requests. Chairman Frye announced that because of the large number of people in attendance, the Board would vote on each request as it was presented rather than waiting until after all comments had been heard on all requests. Hal Johnson, Planning and Zoning Director, presented the following requests:

1. WORTH HEATH & JIMMIE HAMLET, Randleman, are requesting that 102 acres on W.O.W. Road, Franklinville Township, be rezoned from RA to RR/CU to allow a 112-lot subdivision for site-built, modular, or Class A mobile homes on permanent foundations to be serviced by city water and sewer. The Planning Board voted 5 to 1, with 1 abstention, to recommend approval.

Jon Megerian, attorney for the developers, addressed concerns brought up earlier. One concern was water and sewer. Now the City of Asheboro has agreed to provide this service, at the expense of the developers, and this service will benefit others in the area. He said D.O.T. classifies W.O.W. as a light-traffic road, so traffic should not be a problem. And since 60% of children moving into subdivisions are usually already in the local school systems, schools will not be overburdened because of this development. He said there would be a 20-foot buffer all the way around. Also, another road, at Morning Glory Drive, has been added to address the concern of having only one method of ingress/egress for the development.

Commissioner Kemp asked **Vance Roberts**, real estate appraiser, to explain the difference in brick underskirting and permanent foundations. Mr. Roberts stated that there must be concrete footings in the ground attached to the mobile home to make a permanent foundation; otherwise, it is just skirting.

Steve Bain, 2576 W.O.W. Road, presented petitions from area residents opposing this request. He said mobile homes would set a standard for the area and, with a domino effect, change real estate patterns. He said sight distance and curves on W.O.W. Road are issues of concern.

Approximately 40 people stood in opposition to this request.

Robert Lamb, 648 Caudle Estates Drive, spoke of the environmental impact on the creek that feeds into the W.O.W. Camp lake and said he is worried about stray bullets.

Rodney Moody, W.O.W. Camp Road, stated that statistics from D.O.T. show that W.O.W. Road traffic accidents, fatalities, and property damage are higher than the state average.

Jim Conover, 937 Heritage Mountain Trail, said this development is too drastic a change for their area and that even with a buffer, the camp won't last; it won't be in the country any more. He said that mobile homes are very different from modular homes because they depreciate in value.

Ben Gosland, 2428 W.O.W. Road, showed photos of area homes and opposed the request.

Mark Case, W.O.W. Camp Director, said that a camp needs to be in an undeveloped area. He asked if the developers could put up an 8' fence along the perimeter adjacent to the camp.

Jerry Trogdon, W.O.W. Camp Road, said he is against this request 100%.

Chairman Frye closed the public hearing.

On motion of Davis, seconded by Holmes, the Board unanimously denied the request of Worth Heath and Jimmie Hamlet.

Chairman Frye reopened the public hearing.

2. LANIER, INC. of Asheboro is requesting that 62.62 acres on Ridgewood Road, Franklinville Township, be rezoned from RA to RR/CU to develop a 12-lot subdivision with a private road that will be primarily for double-wide mobile homes on permanent foundations. The Planning Board unanimously recommended approval. (The request was originally RM. The Planning Board recommended approval if the request was for RR.)

Don Lanier, one of the owners, distributed copies of the restrictive covenants and road maintenance agreements. He said only new homes will be allowed and that the road maintenance cost will be a subordinate lien; those not paying would have to pay before selling their home.

Ben Rhodes, 1562 Ridgewood Road, presented a petition of area residents opposing the request. He said if water is not diverted, it will run into his front yard. He expressed concern about septic tanks up the hill from him polluting his water and diminishing the water supply.

Jesse Ferguson, adjacent property owner, said the doublewides will devalue their property.

Howard Sides, adjacent property owner, said maintenance of the road will be a problem because of rocks and steep hills.

Charles Frick, Mulberry Academy Road, said he is opposed to mobile homes in the area.

Don Lanier asked that part of his conditional use be that lots 1 and 2 not allow mobile homes, only modular.

Chairman Frye closed the public hearing.

On motion of Holmes, seconded by Mason, the Board unanimously approved the request of Lanier, Inc., with the following conditions: lots 3-12 are for new Class A mobile homes; lots 1 and 2 must have modular homes; no clear cutting of timber on the lots; Mr. Lanier is responsible for road maintenance; road maintenance must go out to Hardison Ellison Road; restrictive covenants and road maintenance agreement must be recorded in substantially the same form as presented to the County Commissioners at this meeting; paragraph 1 of the restrictive covenants is part of the conditional use permit.

Chairman Frye reopened the public hearing.

3. PAUL KAUFMAN, Siler City, is requesting that 51.46 acres on US Hwy 64E, Columbia Township, be rezoned from RA to LI/CU to allow the operation of a trailer manufacturing business in a proposed 100 x 450 building and a sales office in a proposed 60 x 100 building. The Planning Board recommended denial by a 5 to 2 vote.

Mr. Johnson advised the Board that this request had been considered by both the Planning Board and the County Commissioners several months ago, and the request was denied. Mr. Kaufman maintains that he has substantially changed his request because the site plan is different. The County Commissioners must decide on the issue of substantial changes in order to reconsider the request within a year from the original request.

On motion of Kemp, seconded by Mason, the Board unanimously voted to reconsider the Kaufman request.

Paul Kaufman stated that when his request was considered earlier, there was a concern about a large manufacturing facility facing the road. He has moved it 1000' back from Hwy 64, with plans for a vegetative buffer in front of it. The office on the front is now centered, and he plans to build a fence along the front and landscape it. There will be a 50' buffer along the west, east, and north property lines.

Charles Baker, Plenty Farlow Road, supported the request, stating that there is an identical business just down the road. He said that the neighborhood has already changed because of the 4-lane highway and that this business will be a good model for other business locating there later.

O.C. Grady, adjoining property owner, stated that he has no objection to this request.

Pelger Leviner, 9826 Hwy 64E, said he supports this request because it would be better than some other things that could go there.

James Canoy, 6744 Roby Coe Road, supported the request.

Jeanette Kaufman, wife of the applicant, said this lot is ideal because it is close to home and affordable. She said her husband is a successful businessman in Denton and a good neighbor. He has visited the neighbors of the requested property to inform them of his plans.

Jean Vollrath, Hwy 64E, presented a petition opposing this request and said Mr. Kaufman is guilty of skullduggery because he was not honest with the neighbors. She said that the property owner, Earl Fitts, told neighbors he would put up a trailer park and fill it with Mexicans if this request is denied. She said Mr. Fitts owns large tracts of land across the road. A church wanted to purchase some of this property, but he refused to sell to them and stated that he was selling it for commercial purposes. Ms. Vollrath said that D.O.T. has refused Mr. Kaufman's request for a crossover, so traffic into and out of his business will be cumbersome and dangerous. She added that planners in both Chatham and Randolph do not recommend this area become commercial, and there is no infrastructure in place or projected to support this type development. She mentioned that her home, ½ mile east, is on the National Register of Historic Properties, and should be protected. She alluded to faxes the Board should have received earlier from Doris Baldwin and Marjorie Roach, adjoining property owners, opposing this request.

Mr. Kaufman offered to make the western buffer 100'.

Chairman Frye closed the public hearing.

On motion of Holmes, seconded by Kemp, the Board unanimously approved the request of Paul Kaufman with the condition that the buffer on the western property line be 100'.

Chairman Frye reopened the public hearing.

4. HIGH FALLS OIL COMPANY, High Falls, is requesting that 1.63 acres on the corner of US Hwy 64E/Lee Layne Road, Columbia Township, be rezoned from HC/RM to HC/CU to allow the addition of a truck stop to an existing convenience store. The Planning Board unanimously recommended approval.

Steve Majors, High Falls Oil Company, said this would not be a rest stop for trucks; they are only adding two lanes for trucks to fill up with diesel.

James Canoy spoke in support of the request.

Chairman Frye closed the public hearing.

On motion of Davis, seconded by Mason, the Board unanimously approved the request of High Falls Oil Company.

Chairman Frye reopened the public hearing.

5. TIRE SERVICES OF FLORIDA, INC., Atlanta, Georgia, is requesting that one acre (out of 5.18 acres) on Hwy 220 Business North, Level Cross Township, be rezoned from HC/CU to HC/CU to change the current conditional use, which allows a paint mixing operation in the existing building, to specifically allow a retail tire and repair shop. The Planning Board unanimously recommended denial. The property is currently in violation of the County Zoning Ordinance, and the Planning Department has held off any legal action against the property owners pending the decision on this rezoning request.

Earl Walker, Greensboro, stated that the application should be changed to show that the applicant is Reed Tire, who bought out Tire Services of Florida. He said they had just purchased the company at the time of the Planning Board meeting and didn't know to go to that meeting. He explained that one truck would pick up tires from 23 Wal-Mart stores across the state. Then they would grade out the good ones and dump the bad ones. He said the Planning Board was concerned about outside storage of tires and asked that no outside storage be a part of the conditional use.

David Townsend, III, County Public Works Director, told the Board that the landfill would have to take in all the scrap tires from this operation, which would be about 8000 lbs (or 400 tires) per day. He said there is no guarantee that the state will reimburse the County for taking in all these extra tires.

Robby Wilson, Level Cross, spoke in support of the request.

Marvin Reed assured the Board that the company will do as they say and have a nice, clean place. Chairman Frye closed the public hearing.

On motion of Davis, seconded by Kemp, the Board unanimously approved the request of Reed Tire Service, with the condition that there be no outside storage.

Chairman Frye reopened the public hearing.

6. FORREST DAVIS, Ramseur, is requesting that 2.45 acres (out of 45.54 acres) on NC Hwy 22 S, Coleridge Township, be rezoned from RA to LI/CU for a heating and air conditioning business in a 40 x 60 building to be constructed on site. The Planning Board unanimously recommended approval.

No one spoke; Chairman Frye closed the public hearing.

On motion of Holmes, seconded by Mason, the Board unanimously approved the request of Forrest Davis.

Chairman Frye reopened the public hearing.

7. JOHN & JULIA RUSH, Dingmans Ferry, Pennsylvania, are requesting that 12.06 acres on Foxfire Road, Grant Township, be rezoned from RA to RR/CU to allow the division of lot #6 of Mill Creek Subdivision into 2 lots. The Planning Board unanimously recommended approval.

Christy Kinney, Foxfire Road, asked if the rest of the subdivision would be divided.

Chairman Frye closed the public hearing.

On motion of Mason, seconded by Holmes, the Board unanimously approved the request of John and Julia Rush.

Chairman Frye reopened the public hearing.

8. TRIAD SAW & KNIFE, Asheboro, is requesting that 1.88 acres on Midway Acres Road, Midway Acres Subdivision, Lots 3-6, Richland Township, be rezoned from LI/CU to LI/CU to change the current conditional use, which allows a sewing plant in the existing building, to specifically allow a machine shop for saw sharpening and tool grinding. The Planning Board unanimously recommended approval.

Ronald Cain stated that the business will front off of Hwy 220.

Chairman Frye closed the public hearing.

On motion of Davis, seconded by Holmes, the Board unanimously approved the request of Triad Saw & Knife.

The meeting adjourned at 10:45 p.m.

Darrell L. Frye, Chairman

Phil Kemp

J. Harold Holmes

Robert B. Davis

Robert O. Mason

Alice D. Dawson, Clerk to the Board