

Minutes
Randolph County Commissioners

July 10, 2000

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 Kemp, Frye, Davis, Holmes, and Mason were present. Danny White, Young Life Director, Asheboro, gave the invocation, and everyone recited the Pledge of Allegiance.

Consent Agenda

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

- Ø *approve minutes of June 5, 6, 12, 19, and 26, 2000 meetings;*
- Ø *reappoint Martha Cleek to the Nursing Home/Adult Care Home Community Advisory Committee (3-year term) and appoint Libby Frye to an initial one-year term;*
- Ø *approve the following resolution:*

***WHEREAS**, the Department of Transportation has investigated BriarOak Drive in the BriarOak Subdivision; and*

***WHEREAS**, the subject street has been found to meet minimum requirements for addition;*

***NOW, THEREFORE, BE IT RESOLVED** by the Randolph County Board of Commissioners that BriarOak Drive in the BriarOak Subdivision be added to the Division of Highways' Secondary Road System.*

- Ø *reappoint Charles Spivey, Maxine Wright, Sonja Hole, Lucy Dorsey, Jane Leonard, Brad Long, Tanya O'Briant, Aaron Wall, and Gerald Thomas to the Randolph County Juvenile Crime Prevention Council (2-year terms).*

Annual Settlement Report

Ben Chavis, Tax Administrator, submitted the collection settlement reports (real and personal property, motor vehicles, and ambulance) for FY 1999-2000, as required by G.S. 105-373. Mr. Chavis presented a graph showing the strides the Tax Department has made over the last five years in the collection rate. The collection rate for 1999-2000 was 98.83%. The prior year we had a record collection rate of 99.08%. He said Medicaid and Medicare regulations are making it more difficult to collect on ambulance bills, and our collection rates are down in that area.

Mr. Chavis discussed the discount that the County offers to citizens who pay their property tax bills prior to a certain date each year and asked the Board to consider discontinuing this discount. He said the County lost \$400,000 in revenues last year through this discount.

On motion of Mason, seconded by Frye, the Board unanimously accepted the collection settlement reports for FY 1999-2000 (ATTACHED) as presented by Mr. Chavis.

Charge to the Tax Collector

On motion of Frye, seconded by Davis, the Board unanimously approved the following charge to Ben Chavis, Tax Collector: You are hereby authorized, empowered and commanded to collect the taxes set forth in the tax records filed in the office of the County Assessor and in the tax records delivered to you, in the amounts and from the taxpayers likewise therein set forth. Such taxes are hereby declared to be a first lien upon all real property of the respective taxpayers in the County of Randolph and this order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell any real and personal property of such taxpayers, for and on account thereof, in accordance with law.

Introduction of Safety and Training Officer

Kim Newsom, Personnel Director, introduced Ron Williams, retired Highway Patrol First Sergeant, who is the County's new Safety and Training Officer.

Adoption of 2000-2001 Classification Plan and Salary Schedule

Kim Newsom, Personnel Director, requested the adoption of the 2000-2001 classification plan and salary schedule, which reflects the recommendations incorporated into the 2000-2001 budget. The additions to the plan include Animal Control Officer I, Animal Control Officer II, Animal Control Supervisor, and Finance Officer. Mr. Newsom pointed out corrections to the classification plan: Attorney I should be added to grade 76; Attorney I should be changed to Staff Attorney for grade 77.

On motion of Frye, seconded by Holmes, the Board unanimously adopted the 2000-2001 classification plan and salary schedule as corrected.

Ordinance Levying Gross Receipts Tax on Rental Vehicles

Alice Dawson, Clerk to the Board, reminded the Board that they had adopted a resolution levying a gross receipts tax on rental vehicles at their June 5, 2000 meeting. Since that meeting, the County Manager's Office has received information from the Department of State Treasurer stating that, based on information they have received from the Institute of Government, this tax must be levied through an ordinance rather than a resolution. Since the tax cannot be levied until the month following the month in which the ordinance is adopted, the County cannot begin collecting the tax until August 1, 2000. The Tax Administrator has already sent out information to the businesses who will be affected by this tax, including a statement that we would begin collections July 1, 2000. However, Mr. Chavis has indicated that he can handle the change and get the corrected information to these businesses with no difficulty.

On motion of Davis, seconded by Mason, the Board unanimously rescinded the "Resolution Levying Tax on Gross Receipts Derived from Retail Short-term Lease or Rental of Motor Vehicles," which was adopted June 5, 2000.

On motion of Frye, seconded by Davis, the Board unanimously adopted "An Ordinance Levying Tax on Gross Receipts Derived from Retail Short-term Lease or Rental of Motor Vehicles," as follows:

WHEREAS, the North Carolina General Assembly has ratified Senate Bill 1076, signed into law as Session Law 2000-2 and effective for taxable years beginning on or after July 1, 2000; and

WHEREAS, this act repealed the property tax on certain vehicles leased or rented under retail short-term leases or rentals and authorized counties to replace the lost tax revenue through enactment of a local tax on gross receipts derived from retail short-term leases or rentals;

NOW, THEREFORE, BE IT ORDAINED by the Randolph County Board of Commissioners that:

1. The County of Randolph hereby imposes and levies a tax of one and one-half percent of the gross receipts from the short-term lease or rental of vehicles at retail to the general public.
2. The County will administer and collect from operators of leasing and rental establishments the taxes levied hereby, and the County may promulgate additional rules and regulations necessary for implementation of the taxes.
3. The taxes levied hereby are due and payable to the County in monthly installments on or before the fifteenth day of the month following the month in which the tax accrues. Every taxable establishment required to collect the tax shall, on or before the fifteenth day of each month, prepare and render a return to the County. The County shall design, print, and furnish to all taxable establishments the necessary forms for filing returns and instructions to insure the full collection of the tax. A return filed for this purpose is not a public record as defined by Section 132-1 of the North Carolina General Statutes and may not be disclosed except as required by law.
4. In case of failure or refusal to file a return or pay the tax for a period of thirty days after the time required for filing the return or paying the tax, there shall be an additional tax, as a penalty, of five percent of the tax due, with an additional tax of five percent for each additional month or fraction thereof until the tax is paid. The County Board of Commissioners for good cause shown may compromise or forgive any penalty or additional tax imposed hereunder.

5. Any person, firm, corporation or association who willfully attempts in any manner to evade a tax imposed herein or who willfully fails to pay the tax or make and file a return shall, in addition to the penalties provided by law and herein, be guilty of a misdemeanor punishable as provided by law.

6. The short-term rental or leased vehicle gross receipts tax levied herein shall become effective August 1, 2000.

Resolution Adopting Ten-Year Solid Waste Management Plan

David Townsend, III, Public Works Director, stated that NCGS 130A-309.09A(b), requires all local governing boards to adopt a ten-year solid waste plan and to revise it every three years. Counties and municipalities have the option of adopting separate plans or working together to develop one plan. All local governments in Randolph County have worked together on one comprehensive plan, which was originally approved by all local governing boards in 1997. The plan has been updated and approved by all nine municipalities. Mr. Townsend asked that the County Commissioners also approve the revised plan.

On motion of Frye, seconded by Mason, the Board unanimously adopted the following resolution:

WHEREAS, better planning for solid waste will help protect public health and the environment, provide for an improved solid waste management system, better utilize resources, and control the cost of solid waste management; and

WHEREAS, NC General Statute 130A-309.09A(b) requires each unit of local government, either individually or in cooperation with other units of local government, to develop a 10-year comprehensive solid waste management plan; and

WHEREAS, NC General Statute 130A.309.09A(b) also requires this plan to be revised every three years, so the plan be a continuous 10-year comprehensive solid waste management plan; and

WHEREAS, the County of Randolph was represented on the original Randolph County Solid Waste Management Advisory Committee and has been involved in the new planning process;

NOW, THEREFORE, BE IT RESOLVED that the County of Randolph hereby approves the Randolph County Comprehensive Solid Waste Management Plan.

Appointment to the Piedmont Triad Partnership (PTP) Board of Directors

Commissioner Frye explained that because of long-standing differences of opinion on the role of the PTP, there will now be two boards to work with the organization. The PTP Board will deal with economic development and recruiting new industry; the PTP Foundation Board will address areas such as long-range strategic planning and workforce development. Mr. Frye said that the County Commissioners are to appoint someone to represent Randolph County on the PTP Board.

On motion of Holmes, seconded by Davis, the Board unanimously appointed Commissioner Darrell Frye as their representative on the PTP Board of Directors.

Appointment of William Massie as Deputy Finance Officer

Frank Willis, County Manager, reported that the County has been trying for a year to fill the vacancy in the Finance Office that was created by the resignation of Tom Morris. Since 1984 the County has been able to operate without a full-time County Finance Officer, with those duties divided between Jane Leonard and Frank Willis. We have been looking for a Deputy Finance Officer who could be trained to assume the County Finance Officer position at some future date. Mr. Willis announced that William Massie, who has been the County's independent auditor for six years, has agreed to accept the Deputy Finance Officer position at a salary of \$59,856.

On motion of Frye, seconded by Holmes, the Board unanimously appointed William Massie as Deputy Finance Officer at the hiring grade and step of 76-14, set his bond at \$100,000, and authorized his signature for all County checking accounts.

Amendment to Travel Policy

Frank Willis, County Manager, stated that, in light of significant increases in the price of gasoline over the last several months, he felt the County’s mileage reimbursement rate should be increased from 30¢ to 32¢ per mile.

On motion of Holmes, seconded by Mason, the Board unanimously approved an amendment to the Randolph County Travel Policy to state that travel by privately-owned vehicles will be reimbursed at 32¢ per mile, effective July 1, 2000.

September Meeting Date

The Board agreed to hold their regular September meeting on Tuesday, September 5, because of the Labor Day holiday on the first Monday.

Budget Amendment - Sheriff

Jane Leonard, Deputy Finance Officer, announced that the Sheriff’s Office has received funds from the Randolph County School System to help fund the 2000 Junior Sheriff’s Academy.

On motion of Davis, seconded by Holmes, the Board unanimously approved Budget Amendment #1 to the FY 2000-2001 Annual Budget, as follows:

<i>GENERAL FUND - #1</i>	
<i>Revenue</i>	<i>Increase</i>
<i>Miscellaneous</i>	<i>\$11,613</i>
<i>Appropriation</i>	<i>Increase</i>
<i>Sheriff & Jail</i>	<i>\$11,613</i>

Budget Amendment - Juvenile Justice Programs

Ms. Leonard reported on the Randolph County Juvenile Crime Prevention Council’s recommendations for the 2000-2001 budget for all Juvenile Justice programs. Funding for these programs comes from a state grant that requires a 30% match of cash or in-kind from each agency that receives a portion of these funds.

On motion of Mason, seconded by Frye, the Board unanimously approved Budget Amendment #2 to the FY 2000-2001 Annual Budget, as follows:

<i>GENERAL FUND - #2</i>	
<i>Revenue</i>	<i>Increase</i>
<i>Restricted Intergovernmental</i>	<i>\$325,773</i>
<i>Appropriation</i>	<i>Increase</i>
<i>Day Reporting Center</i>	<i>\$137,576</i>
<i>Juvenile Justice Programs</i>	<i>\$188,197</i>

Budget Amendment - Wireless Enhanced 911 Surcharge

Frank Willis, County Manager, explained that Randolph County received funds from the Wireless 911

Board, established by G.S. Chapter 62A, for the first time in FY 1999-2000. We were told by the Wireless 911 Board that the proper place to budget and account for these funds was in the existing 911 Emergency Telephone System Fund. That is where the Wireless Enhanced 911 Surcharge funds were budgeted in the FY 2000-2001 budget. After the budget was adopted on June 26th, we received word from the State Treasurer's office and the Wireless 911 Board that we should have budgeted these funds in the General Fund.

On motion of Davis, seconded by Holmes, the Board unanimously approved Budget Amendment #3 to the FY 2000-2001 Annual Budget, as follows:

911 Emergency Telephone System Fund - #3	
Revenue	Decrease
Wireless Surcharge	\$60,000
Appropriation	Decrease
911 Services	\$28,552
Information Management	\$31,448

General Fund - #3	
Revenue	Increase
Other Tax Revenues	\$60,000
Appropriation	Increase
Emergency Services	\$60,000

Budget Amendment - Cooperative Extension

Jane Leonard, Deputy Finance Officer, stated that the Asheboro Housing Authority has contracted with Cooperative Extension 4-H to provide an after-school child care program and summer day camp experience for youth in the Farr Street/Presnell Street community. Additional funds will be received in this year's budget to continue this program.

On motion of Frye, seconded by Mason, the Board unanimously approved Budget Amendment #4 to the FY 2000-2001 Annual Budget, as follows:

GENERAL FUND - #4	
Revenue	Increase
Miscellaneous	\$12,234
Appropriation	Increase
Cooperative Extension	\$12,234

Rezoning Public Hearing

At 6:30 p.m. the Board adjourned to a duly advertised public hearing to consider rezoning requests. Hal

Johnson, Planning and Zoning Director, presented the following requests, and Chairman Kemp opened the public hearing for comments on each request and closed it before taking action on each request:

1. **JIMMY WARD HARDWOODS, INC.**, Seagrove, is requesting that 32.87 acres located at 485 Burney Road, Richland Township, be rezoned from RA and LI to LI/CU. The proposed Conditional Use Zoning District would specifically allow the expansion of the existing lumber yard. The Planning Board recommended, by a 5 to 2 vote, that this request be approved with the following conditions:
 - *100 ft. buffer along Burney Road, Borough Avenue and his private drive into the operation (this would include any proposed access) where possible and where it is not appropriate buffers should be worked out with the Planning Staff.
 - *Any access to Borough Avenue should be restricted to allow only personal vehicles.

Mr. Johnson reminded the Board that they had heard this request at their June 5, 2000 meeting and had instructed the attorneys for both sides of this issue to negotiate on behalf of their clients and bring back a workable request amiable to both sides.

Wilson Alexander, 141 Worth Street, Asheboro, attorney for the applicant, stated that they had been unable to reach a compromise with the opposition. He offered to make the buffer along Burney Road 200 feet rather than 100 feet. He said that the neighbors want a 500-foot buffer and a commitment that they would never expand into this area but that Mr. Ward cannot commit to that.

Jon Megerian, attorney for the neighbors opposing this request, said their main concern is that this property should not be commercial, but the operation was there prior to zoning regulations. Mr. Ward has said he doesn't plan to expand, but he won't agree to that as part of the conditional use. Mr. Megerian said he does not consider some of the operational activities, such as blasting, to be light industrial. There is heavy industrial traffic on Burney Road from this business. There are trailers parked illegally in the upper section, which is a violation of the zoning ordinance. Mr. Megerian asked the Board not to reward an illegal operation with a permit. He presented a petition with 80+ signatures opposing this rezoning request, and twelve people stood in opposition.

Elizabeth Cox, 530 Burney Road, said she lives across from the entrance to this business and that operations cease late at night and begin early in the morning. They can't open their windows because of the noise and the dust. She said one day in a 4-hour period she counted an average of 10 trucks per hour from this business. Ms. Cox said she strongly opposes rezoning the upper portion and any expansion of the business because it is incompatible with the neighborhood and out of character with the area. She requested a buffer of 500 feet to help with the noise and dust.

Commissioner Frye made a motion to deny this request, which died for lack of a second.

On motion of Holmes, seconded by Mason, the Board, by a 4 to 1 vote, with Frye opposing, approved this request with the following conditions: 200' natural buffer along Burney Road, 100' natural buffer between the Callahan and McLaughlin properties, and a 200' buffer of trees north of Borough Avenue at the southern entrance.

2. **JOSEPH THOMAS**, Denton, North Carolina, is requesting that 10.20 acres (out of 28.78 acres) located on Brantley Gordon Road, Concord Township, be rezoned from RA to RU. The proposed Conditional Use Zoning District would specifically allow the development of a 9-lot subdivision for site-built or modular homes. The Planning Board recommended unanimously that this request be approved.

No one spoke for or against this request. Mr. Johnson noted that the applicant had called and apologized for not being present. He is a truck driver and out of town on Mondays and Tuesdays.

On motion of Frye, seconded by Davis, the Board unanimously approved this request.

3. CENTRAL CAROLINA HOSIERY, Asheboro, North Carolina, is requesting that 2.7 acres located at 380 Zoo Parkway, Grant Township, be rezoned from First Environmental District to LI/CU. The proposed Conditional Use Zoning District would specifically allow the operation of a hosiery mill in a pre-existing 101 x 152 building. The Planning Board recommended on a 5 to 1 vote that this request be denied.

Mr. Johnson added that this building has been at this location as a non-conforming use since before County zoning regulations. It was vacant for over a year; therefore, a rezoning permit would have to be issued before anyone could use it again for a business. The area is now densely residential and the proposed business would be out of character for the area.

George Fox, Burlington, with Dorlan Hosiery, the property owner, gave a history of the usages of this building and said Central Carolina Hosiery will not create any air pollution or noise. He said one opponent to this request recorded the noise from outside Central Carolina's current location, but that building has all its auxiliary equipment outside and has no relationship to the proposed building, which would emit no sound except for the air conditioning unit. Mr. Fox stated that the two closest neighbors do not oppose this request. He asked what he could do with this \$300,000 building if it cannot be rezoned light industrial. He said the business would run three shifts five days a week.

Linda Maturi, 3779 Zoo Parkway, played a tape recording of the noise from the building where Central Carolina currently operates. She said most houses in the area were built after the mill ceased operating and that this rezoning would decrease their property values. She presented a petition with 54 signatures of neighbors opposing this rezoning.

William Maturi, 3779 Zoo Parkway, expressed concerns about noise and traffic.

Eight people stood in opposition.

On motion of Davis, seconded by Frye, the Board denied this request by a 3 to 2 vote, with Holmes and Kemp opposing the motion.

4. HAROLD BRILES, Asheboro, North Carolina, is requesting that 50.03 acres located on Gopher Woods Road, Cedar Grove Township, be rezoned from RA to RE/CU. The proposed Conditional Use Zoning District would specifically allow the development of a 24-lot subdivision for site-built homes and conventional modular homes. The Planning Board recommended unanimously that this request be approved with proper buffers for the two lots adjoining the road entrance.

Jon Megerian, attorney for the applicant, said this subdivision would be in harmony with the neighborhood, with site-built homes only and an average lot size of almost two acres. He said the owner would build a fence or place a natural buffer screen to protect adjacent property owners from headlights, etc.

Jennifer Mitchell, 1600 Gopher Woods Road, said she wanted to make sure there is a buffer between her house and the new road, which angles toward her house. A car running off the road could end up in her garage.

Terry Green, 1610 Gopher Woods Road, said he wants a privacy fence at least 8' high because his bedroom is next to the road.

Harold Briles, applicant, said he would like to put up a natural buffer instead of a fence. Ms. Mitchell agreed to a natural buffer, but Mr. Green said he still prefers a fence.

On motion of Frye, seconded by Mason, the Board voted 4 to 0 to approve this request, with adequate buffers for the two lots adjoining the road entrance. Holmes abstained, stating a conflict of interest.

5. **HENRY DELK**, Denton, North Carolina, is requesting that his Conditional Use Permit on 9.49 acres located on US Hwy 64 West (property on left past Stutts Road), Cedar Grove Township, be amended. Zoning District LI/CU. The proposed amendment would specifically allow an office complex and retail stores to be added to the existing planned unit development. The Planning Board recommended unanimously that this request be approved with the condition that the required buffers be put into place and the outside storage be cleaned up. They noted that Mr. Delk had not fully complied with the conditional use placed on his prior permit and recommended that no building permit be issued until Mr. Delk is in full compliance.

Henry Delk, applicant, stated that he had cleaned up the storage building and had planted Leyland Cypress trees.

On motion of Mason, seconded by Davis, the Board unanimously approved this request with the condition that Mr. Delk be totally in compliance with his previous permit before any building permit is issued.

6. **RICK ALBERT**, Thomasville, North Carolina, is requesting that 41.16 acres located on Post Road, Tabernacle Township, be rezoned from RE/CU to RR/CU. The proposed Conditional Use Zoning District would specifically allow the development of a 5-lot subdivision for site-built homes, modular homes or Class A double-wide mobile homes on permanent masonry foundations. The Planning Board recommended unanimously that this request be denied.

Mr. Johnson noted that this property was rezoned to RE recently, and the requested rezoning to RR would be down-zoning. Post Road has other rezonings for site-built homes.

Jon Megerian, attorney for the applicant, stated that the applicant wants to amend his request to rezone back to RA, the original zoning classification for this property.

Wayne Taylor, 4691 Kennedy Road, said he owns a 70-acre adjacent parcel which has been approved for site-built homes, and he doesn't want trailers next to it.

Bill Kemp, 6145 Post Road, opposed the rezoning because he doesn't want trailers allowed there. He said Mr. Albert has trailers placed on this property now that are supposed to be moved.

Wayne Roach, 6303 Post Road, opposed the rezoning but said he would have no objection to site-built houses on that property.

Donna Halsey, 6246 Post Road, said mobile homes on this property would decrease her property value.

On motion of Frye, seconded by Davis, the Board unanimously denied this request.

7. **CHARLES VICKORY**, Mount Olive, North Carolina, is requesting that 7.50 acres located on Red Lane Road, Providence Township, be rezoned from RA to RM/CU. The proposed Conditional Use Zoning

District would specifically allow the development of a 7-space mobile home park. The Planning Board recommended unanimously that this request be denied.

Charles Vickory, 208 Dean Street, Mount Olive, said he owns this property with his mother and brother and they have two lots now with doublewides on them. They want to make use of some unproductive land and would have a local realtor serve as manager of the mobile home park.

Tammy Hardin, 1186 Red Lane Road, said her mobile home is on a brick foundation and is landscaped, unlike Mr. Vickory's two rental units. She said one of the renters had caused many problems and the neighbors worked for months to get Mr. Vickory to evict him. He strung up a goat and skinned it alive; he tried to run her off the road; he brought a gun out and endangered the lives of her family; she and another neighbor paid to put up a privacy fence because his place looked so bad and because they were afraid of him. She presented copies of Sheriff's reports from responses to complaints made by neighbors against this renter. She said Red Lane Road is not paved and there is a lot of dust now; there would be more with additional rental units.

Jamie Lawson, 1138 Red Lane Road, said she had an assault problem with a teenage child of one of Mr. Vickory's tenants and that she is taking action against a teenage child of another renter. She said that Mr. Vickory indicated that he interviewed potential tenants but that one of them told her he had never met Mr. Vickory.

Gene Hiatt, 7561 Racine Road, owner of a 105-acre tract adjacent to the property in question, said he had been approached by a developer for site-built homes for developing his land, but if this rezoning request is approved, that would prevent him from being able to develop his land for site-built homes.

On motion of Frye, seconded by Holmes, the Board unanimously denied this request.

8. **DAVID NELSON**, Greensboro, North Carolina, is requesting that 44.64 acres located on Mamie May Road, Providence Township, be rezoned from RA to RE/CU. The proposed Conditional Use Zoning District would specifically allow the development of a 39-lot subdivision for site-built homes only. The Planning Board recommended on a 3 to 2 vote that this request be approved.

Jerry King, speaking on behalf of Mr. Nelson, said they had talked with neighbors since the Planning Board meeting and that Mr. Nelson is cutting his request to 29 lots. This reduction would mean an average lot size of 1.439 acres with 130'-140' frontage. He showed photos and floor plan of a house under construction.

David Scott Nelson, applicant, said he clear-cut the property to get money to start the project. He said the mobile homes on the property will be moved out. Houses will be 1250-1500 square feet. He said there is little traffic on that road.

David McComas, 3535 Mamie May Road, adjoining property owner, stated that, considering alternatives, the proposed development is the best choice and he has no problems with it.

Mark Comfort, 3994 Bethany Church Road, said Mamie May Road is in a rural conservation area and is not an appropriate location for this development. He said there are 22 houses along a 1.2-mile stretch of that road and that there is a 90-degree curve where the development would be, with another curve on the other side of the development. Mr. Comfort presented a petition signed by those opposing the request.

Louise Corder, 2713 Bruce Pugh Road, said the reduction in lots did not change her opposition to this development. She talked about school overcrowding and traffic issues. She said this road is narrow, has

hills, curves, and deer crossings, and slow farm equipment traveling on it.

Leo Corder, 2713 Bruce Pugh Road, said he has been a school bus driver for 9 years and he knows that a bus cannot turn around at a cul-de-sac, nor can it exit a street without crossing both lanes of traffic. The exit from the proposed development is close to a hill, which would be dangerous for an exiting bus. Mr. Corder also said he is concerned about the water table and what septic tanks might do to a spring-fed creek that runs downhill from the proposed development.

Michelle Caudill, 4348 Mack Lineberry Road, also was concerned about the water table, stating that she had been in her house less than a year and had already drilled a new well.

Steve Tate, 3515 Jess Hackett Road, talked about government programs for preserving farmland. He said he left a professional office job in Minnesota and bought 60 acres here and started a goat cheese farm. He said we need to preserve and enhance small family farms and should plan where to have quality housing.

C. L. Hickerson, 1863 Locust Hill Drive, said there are several farms in the area, so it is an agricultural area. He asked the Board to preserve their rural heritage.

David Meredith, representing the N.C. State Grange, said he is a local dairy farmer. He encouraged the Board to talk with others about farmland preservation and read from the Governor's rural heritage publication.

Carlton Johnson, 2423 Bruce Pugh Road, said this area already has ground water contamination. Grays Chapel Church had to put in a new well and still had to put in a purification system. Bethany Church is struggling with the same problem.

Mark Comfort said this request should at least be tabled until the applicant has a formal plan.

Approximately 40 people stood in opposition to this request.

Jerry King said it is 900 feet to the curve, so visibility is good; if not, then D.O.T. would deny the driveway permit.

On motion of Davis, seconded by Frye, the Board voted 4 to 1, with Kemp opposing, to deny this request.

9. WAYNE WRIGHT & OTHERS, Staley, North Carolina, are requesting that 134.00 acres located on Wicker Lovell Road, Franklinville Township, be rezoned from RA to RR/CU. The proposed Conditional Use Zoning District would specifically allow the development of an 80-lot subdivision for modular homes and Class A double-wide mobile homes on permanent masonry foundations. The Planning Board recommended unanimously that this request be denied.

Mr. Johnson stated that the Planning Board had concerns about road hazards and topography problems. The applicant has since revised the plat from 80 to 43 lots, with no lots on the right side.

Rick Smith, Ramseur Realty & Development, P.O. Box 1106, Ramseur, said they had revised the plat again by deleting the flag lots. He said this property is not suitable for agriculture because the soil is depleted, but there are no water problems in the area. He stated that this development is in harmony with the neighborhood. They do not advocate a trailer park, but they would allow doublewides on permanent foundations, as well as modular and site-built houses. They would build roads to state standards

Ben Albright, attorney for the opposition, asked those opposing to stand. Approximately 50-60 people stood. Mr. Albright quoted a state statute that says zoning regulations shall be made in accordance with a comprehensive plan and designed to prevent the overcrowding of land, to avoid undue concentration of population, and made with reasonable consideration to the character of the district. He then said this development would overcrowd the land and schools and would be out of character for the area. He also stated that the power line running through this property would be dangerous to residents there.

Susan Burrows, 3141 Old Crossing Drive, said the area is suitable for agriculture because there are 6 farms nearby. She said if one double wide goes in, nothing else would go in. She said the road is narrow and hilly and has a blind spot.

Johnny York, 1774 Wicker Lovell Road, said the power line right-of-way is 70 feet wider than the road, but the map shows it smaller than the road.

Tim Marshall, 2120 Wicker Lovell Road, said he is concerned about the water table and reiterated that this is an agricultural neighborhood.

Walter Lovell, 2543 Wicker Lovell Road, said traffic has doubled on that road in the last five years and that he doesn't want dense population there.

Mike Wicker, 2166 Wicker Lovell Road, spoke in opposition to the request.

On motion of Holmes, seconded by Davis, the Board unanimously denied this request.

Adjournment

The meeting adjourned at 10:45 p.m.

Phil Kemp, Chairman

Darrell L. Frye

J. Harold Holmes

Robert B. Davis

Robert O. Mason

Alice D. Dawson, Clerk to the Board