

Minutes

Randolph County Commissions

October 1, 2001

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, Davis, Holmes, Frye, and Mason were present. Rev. Marion Smith gave the invocation, and everyone recited the Pledge of Allegiance.

Presentation of Retirement Clock

Chairman Kemp made a retirement presentation in memoriam to Shirley W. Needham, who retired from the County on August 1, 2001 with 19½ years of service with Emergency Services and the Sheriff's Department. Benjamin Needham, Shirley's son, accepted the clock for Shirley, who died on September 22.

Additions to and Approval of the Consent Agenda

Chairman Kemp added the following two items to the agenda: **IV. Consent Agenda H. Appoint Mike Fogelman as an Outside Member of the Liberty Planning Board. (3-year term expiring 1/05)** and add a **Water Allocation Transfer Agreement with the City of High Point to V. New Business H.**

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

- • *approve regular minutes and closed session minutes of September 4, 2001;*
- • *reappoint Joe Taylor to the Randolph County Nursing Home Community Advisory Committee (3-year term);*
- • *reappoint Frank Willis, Alice Dawson, and Jane Leonard to the Randolph County Public Facilities Corporation (1-year terms);*
- • *reappoint Donald Allred, Jim Johnson, and Stacey Senters to the Randolph County Tourism Development Authority (3-year terms);*
- • *appoint the following to their respective Firemen's Relief Fund Board of Trustees: Coleridge--Amos Needham, J.C. Loflin, Jr.; East Side--James Moran, Richard Church; Farmer--Roger King, Gene Crawford; Franklinville--James Parrish, Keith Bowers; Guil-Rand--Gary Dodson, Mike Bradshaw; Level Cross--John Hussey, Kenneth Adams; Northeast (Liberty)--Larry Danial Williams, William Flowe, Jr.; Seagrove--Darrell Voncannon, Jack McKenzie; Sophia--Donald Allred, Edwin Beeson; Southwest (New Hope)--Troy Powell, Wiley Hurley; Staley--Doug Harrelson, Terry*

Williams; Tabernacle--Darrell Owenby, Jesse Wilson; Tiger Country (Randleman)--Wade Craven, Tony Lowe; Ulah--Henry Wilson, Ted Scott; Westside--Brian Hedgpeth, Mark Jordan (1-Year Terms)

- • *approve resolution abandoning SR 3170 from proposed cul-de-sac to dead end as follows:*
 - WHEREAS, the Department of Transportation has investigated SR 3170 from end of proposed cul-de-sac to dead end in Randolph County for purposes of abandonment; and*
 - WHEREAS, it has been determined that subject road should be abandoned from the Division of Highways' Secondary Road System;*
 - NOW, THEREFORE, BE IT RESOLVED by the Randolph County Board of Commissioners that SR 3170 from end of proposed cul-de-sac to dead end be abandoned from the Division of Highways' Secondary Road System.*

- • *approve proclamation declaring October 7-13 as 4-H Week in Randolph County as follows:*
 - WHEREAS, the youth of any community are its greatest natural resource; and*
 - WHEREAS, social problems concern our county; and*
 - WHEREAS, connecting youth and adults to work together through volunteer service can bridge the differences that separate people and help solve social problems; and*
 - WHEREAS, we, as Randolph County citizens, have a tradition of philanthropy and volunteerism; and*
 - WHEREAS, more than 6.6 million youth touch and enhance the lives of others during National 4-H Week and throughout the year by doing good, by giving where there is a need, rebuilding what has been torn down, teaching where there is a desire to learn and inspiring those who have lost hope; and*
 - WHEREAS, 4-H, as a part of North Carolina Cooperative Extension, is a program where youth learn together through all kinds of projects, events and activities.*
 - NOW, THEREFORE, the Randolph County Board of Commissioners do hereby proclaim October 7-13, 2001 4-H Week in Randolph County and urge the people of this community to take advantage of the opportunity to become more aware of this special program which gives all youth a chance to learn valuable life skills that help them become competent, contributing citizens of Randolph County.*

- • *Appoint Mike Fogelman as an outside member of the Liberty Planning Board (3-year term expiring 1/05)*

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Special Recognition

Chairman Kemp recognized Barb Dunn Swanson, 4H and Youth Development Extension Agent with Randolph County Cooperative Extension, thanked her for her efforts with 4H and wished her luck with 4H Week.

Adoption of Resolution Concerning the September 11, 2001 Attack on America

On motion of Frye, seconded by Mason, the Board voted unanimously to adopt the following resolution:

WHEREAS, on September 11, 2001, the United States was suddenly and brutally attacked by foreign terrorists; and

***WHEREAS,** these terrorists hijacked and destroyed four civilian aircraft, crashing two of them into the towers of the World Trade Center in New York City, and a third into the Pentagon outside Washington, DC; and*

***WHEREAS,** thousands of innocent Americans were killed and injured as a result of these attacks, including the passengers and crew of the four aircraft, workers in the World Trade Center and in the Pentagon, rescue workers, and bystanders; and*

***WHEREAS,** these cowardly acts were by far the deadliest terrorist attacks ever launched against the United States, and by targeting symbols of American strength and success, clearly were intended to intimidate our nation and weaken its resolve; and*

***WHEREAS,** these horrific events have affected all Americans. It is important that we carry on with the regular activities of our lives. Terrorism cannot be allowed to break the spirit of the American people, and the best way to show these cowards that they have truly failed is for the people of the United States and their counties to stand tall and proud.*

***NOW, THEREFORE, BE IT RESOLVED** by the Randolph County Board of Commissioners in North Carolina that we do hereby condemn the cowardly and deadly actions of these terrorists and that we support the President of the United States as he works with his national security team to defend against additional attacks and to find the perpetrators to bring them to justice.*

***BE IT FURTHER RESOLVED** that we urge our citizens to support relief efforts by giving blood at the nearest available blood donation center.*

Discussion of Four-Year Revaluation Cycle

Ben Chavis, Tax Supervisor, gave a PowerPoint presentation regarding the advantages of going to a 4-year revaluation cycle. He also stated that he felt the 2001 revaluation went well with only 30-40 appeals going to the Property Tax Commission in Raleigh. He praised his staff on their hard work and said that having a qualified in-house staff already in place is a big advantage in going to a 4-year cycle. He stated that a decision to change to the 4-year cycle would need to be made early in 2002.

Award Contract for Roofing Project at McDowell Center

Jane Leonard told the Board that bids were received from the roofing project to replace the roof at the Ira McDowell Center (Building B), Education Building. The anticipated new roof is a modern construction of low-sloped metal panels installed over the existing roof with a warranty period of 30 years. The following bids were received:

Vendor Name	Location	Bid Amount
Radco Construction Services, Inc.	Charlotte, NC	\$88,000
McRae Roofing, Inc.	Asheboro, NC	\$98,576
Cyclone Roofing Company	Indian Trail, NC	\$92,850
Greenville Contractors, Inc.	Greenville, NC	\$93,900

On motion of Mason, seconded by Frye, the Board voted unanimously to award the roofing contract to the low bidder, Radco Construction Services, Inc., at \$88,000.

Update on Piedmont Conservation Council (PCC)

Walter Knott, Randolph County Board of Commissioners Appointee to the Piedmont Conservation Council (formerly Resource Conservation and Development), gave the Board an update on various projects that the PCC has undertaken during the past year including the master plan and erosion plan for the H. Clay Presnell Memorial Park Project in Seagrove. He explained that the mission of the PCC is to care for and protect our natural resources in order to improve the environment, economy, and standard of living in the Piedmont Conservation Council Resource Conservation and Development area and to accommodate the growth expected in the future. Chairman Kemp asked Mr. Knott to contact Mary Joan Pugh to offer assistance with grant writing and funding sources for the development of a comprehensive parks and recreation master plan for Randolph County.

Public Hearing on Local Law Enforcement Block Grant

At 5:00 p.m. the Board adjourned to a duly advertised public hearing concerning the proposed use of Local Law Enforcement Block Grant funds from the U.S. Department of Justice. Major Allen McNeill, Sheriff’s Department, told the Board that the proposed use of these funds is to hire part-time bailiffs to work security at the Courthouse or to pay overtime to full-time security officers at the Courthouse.

Chairman Kemp open the public hearing and, hearing no comments, closed the public hearing.

On motion of Frye, seconded by Davis, the Board unanimously voted to accept these block grant funds for the purpose of providing additional security at the Courthouse and to approve Budget Amendment #11 to the FY 2001-02 Annual Budget, as follows:

<i>GENERAL FUND - #11</i>	
<i>Revenue</i>	<i>Increase</i>
<i>Restricted Intergovernmental</i>	<i>\$27,546</i>
<i>Fund Balance Appropriated</i>	<i>\$3,061</i>
<i>Appropriation</i>	<i>Increase</i>
<i>Sheriff & Jail</i>	<i>\$30,607</i>

Request for Refund of Overpayment of Excise Stamps

Aimee Scotton, Staff Attorney, told the Board that Donald & Scarlett Boling recently purchased a piece of property and incorrectly reported their purchase price on the deed as \$38,000 instead of \$3,800, and paid N.C. real estate excise tax based on the incorrect \$38,000 figure. They have since requested a refund. According to NCGS 105-228.37, a taxpayer requesting a refund must file a written request for the

refund with the Board of County Commissioners. Within 60 days after the request, the Board must review the request and hold a hearing to make a decision on the refund. If the Board finds that the refund is due, the Board shall refund the County's portion of the tax. In addition, before the tax is refunded, the taxpayer must re-record the deed, reflecting the correct amount of excise tax due.

On motion of Mason, seconded by Frye, the Board voted unanimously to refund \$76.00 originally paid by the Bolings contingent upon their re-recording their deed and paying the correct amount (\$8.00) of excise tax.

Fire Protection Code for Tiger Country Fire District, Civil Penalties Fee Schedule, and Interlocal Agreement with the City of Randleman

Aimee Scotton stated that the Randleman Fire District includes the City of Randleman as well as property that is located outside of Randleman's city limits, property commonly known as Tiger Country. The City of Randleman, pursuant to an agreement with the County, has performed fire inspections in the entire Randleman Fire District for many years and wishes to continue to do so. Recently, the City of Randleman enacted a new fire protection code for that portion of the Randleman Fire District that falls within its city limits. In order for fire protection, inspection, and enforcement of the fire code to remain uniform across the entire Randleman Fire District, the County needs to enact an identical ordinance for fire protection that applies only to Tiger Country.

On motion of Frye, seconded by Davis, the Board voted unanimously to adopt An Ordinance For Fire Protection of the Tiger Country Area of the Randleman Fire District (as follows), the Resolution Adopting Civil Penalty Schedule for Violations of an Order for the Fire Protection of the Tiger Country Area of the Randolph Fire District (as follows) and the Interlocal Agreement for Fire Protection of Tiger Country Area of the Randleman Fire District:

Section 1. PURPOSE AND OBJECTIVE

The Randleman Fire District includes the City of Randleman, as well as an area that lies outside of Randleman's city limits known as "Tiger Country." The City of Randleman has enacted and implemented a new Fire Protection Code for the Randleman Fire District that governs the portion of said fire district that is located within Randleman's city limits. The purpose of this ordinance is to enact a new fire protection code for Tiger Country and to thereby ensure uniformity of fire protection requirements and enforcement throughout the Randleman Fire District, including those areas that lie outside the city limits of the City of Randleman in Tiger Country. This ordinance shall not be construed to hold the County responsible for any damage to persons or property by reason of the inspection or re-inspection authorized herein or for failure to inspect or re-inspect or for the permits issued or denied as herein provided or by reason of the approval or disapproval of any equipment as authorized herein.

Section 2. DEFINITIONS

Unless the context clearly indicates otherwise, the following words and phrases shall have the following meanings:

- (a) (a) "City" shall mean the City of Randleman.
- (b) (b) "County" shall mean the County of Randolph.
- (c) (c) "Tiger Country" shall mean that portion of the Randleman Fire District that is located outside the city limits of the City of Randleman.

Section 3. ENFORCEMENT

This ordinance shall be enforced by the Board of Commissioners of the County or their designated representative. Nothing in this ordinance shall prevent the Board of Commissioners from entering into interlocal agreements for the enforcement of this ordinance.

Section 4. ADOPTION OF TECHNICAL CODES AND STANDARDS BY REFERENCE; COPIES ON FILE

(a). There is hereby adopted by reference and incorporated herein that certain code known as and entitled "Volume V—Fire Prevention" of the North Carolina State Building Code, 1991 Edition. Copies of the Fire Prevention and Protection Code and all technical codes and standards adopted by reference shall be filed with and made available for public inspection in the office of the Fire Marshal.

(b). Amendments to the codes and standards adopted by reference herein which are adopted and published by the North Carolina State Building Code Council shall be effective in the County at the time that such amendments become part of "Volume V—Fire Prevention" of the North Carolina State Building Code.

Section 5. INSPECTION SCHEDULE

In order to preserve and protect public health and safety, and to satisfy the requirements of the North Carolina State Building Code, Volume V—Fire Prevention, inspections to identify activities and conditions in buildings, structures and premises that may impose dangers of fire, explosion, or related hazards shall be conducted. The minimum frequency of these inspections shall be as follows:

ONCE EVERY YEAR—Hazardous, Institutional, High Rise, Assembly, and Residential (except one- and two- family dwellings) and only interior common areas of dwelling units of multi-family occupancies.

ONCE EVERY TWO YEARS—Industrial, Educational (except public schools, which shall be done 2 times a year).

ONCE EVERY THREE YEARS—Business, Mercantile, Storage, Churches, and Synagogues.

In no case may inspections be conducted less frequently than required by the North Carolina State Building Code, Volume V—Fire Prevention. Furthermore, nothing in this ordinance is intended to prevent more frequent inspections when considered necessary or desirable.

Section 6. FEE SCHEDULE

(a). Fees for inspections required by this ordinance shall be determined by resolution of the Board of Commissioners of the County. An inspection fee schedule shall be filed with the Clerk of the County and the Fire Marshal's office for public inspection.

(b). Inspection fees shall be paid in a timely manner.

Section 7. KEY BOXES

(a). *The Fire Marshal, or his authorized representative, shall have the authority to require rapid response key boxes to be installed in a specified location. The key box shall be of a type and of the manufacturer approved by the Fire Marshal or his authorized representative.*

(b). *When a building within the Tiger Country is protected by an automatic fire suppression or standpipe system, it shall be equipped with a key box.*

(c). *When a building within Tiger Country is protected by an automatic alarm system and/or access to or within a building, or an area within that building, is unduly difficult because of secured openings, and where immediate access is necessary for life-saving or firefighting purposes, it shall be equipped with a key box.*

(d). *When a property is protected by a locked fence or gate and where immediate access to the property is necessary for life-safety or firefighting purposes, the Fire Marshal or his authorized representative may require a security padlock or key switch device. The type and manufacturer of said device shall be approved by the Fire Marshal or his authorized representative.*

(e). *The required key box shall contain the key(s) necessary to gain access to all areas as required by the Fire Marshal or his authorized representative. In the event that a lock is changed, re-keyed, or a new tenant occupies the building, the operator of the building shall immediately notify the Fire Marshal's office and shall provide new keys to be secured in the key box.*

(f). *The key box shall contain a card containing the emergency contact people's names and phone numbers for that building. In addition, floor plans of the rooms within the building may be required.*

(g). *Nothing in this section shall prohibit any person, or business owner, from installing a key box on any building, as long as it is installed in keeping with the provisions of this ordinance.*

Section 8. VIOLATIONS AND PENALTIES

(a). *Any person who shall violate any of the provisions of this ordinance or who shall fail to comply with any judicial warrant, lawful order or regulation made hereunder or who builds in violation of any of the specifications or plans submitted and approved hereunder or any permit issued hereunder shall be guilty of a misdemeanor and shall be fined not more than five-hundred dollars (\$500) or imprisoned for not more than thirty (30) days. In the name of the County, the Fire Marshal or his authorized representative may, through the County Attorney, enjoin the construction or erection of any facility, building or structure that does not conform to the provisions of this ordinance.*

(b). *This ordinance may be enforced by any of the remedies set forth in North Carolina General Statute 153A-123 in addition to any other remedies specifically set out herein.*

(c). *Any person who violates any of the provisions of this ordinance and does not remedy the violation shall be subject to a civil penalty for each violation in the amount established by resolution of the Board of Commissioners. The civil penalty schedule shall be filed with the Clerk to the Board and in the Fire Marshal's office for public inspection.*

(d). *Each day of violation shall constitute a separate and distinct offense.*

(e). *Civil penalties must be paid within seventy-two (72) hours after a citation has been issued by the Fire Marshal or his authorized representative for a violation.*

(f). *There shall be a delinquency notice mailed certified mail to the violator informing him that a criminal summons will be issued against him if the specified penalty is not paid within seventy-two (72) hours of issuance of the citation.*

Section 9. EFFECTIVE DATE

This ordinance shall become effective October 1st, 2001.

AND

WHEREAS, the Randleman Fire District includes the City of Randleman as well as an area that lies outside of Randleman’s city limits known as “Tiger Country”; and

WHEREAS, the City of Randleman has enacted and implemented a new Fire Protection Code for the Randleman Fire District that include civil penalties for violations of Volume V—Fire Prevention of the North Carolina State Building Code; and

WHEREAS, it is the desire of the Randolph County Board of Commissioners that fire protection requirements and enforcement be uniform throughout the entire Randleman Fire District, including “Tiger Country”;

NOW, THEREFORE, BE IT RESOLVED by the Randolph County Board of Commissioners that the following civil penalties are hereby approved, adopted and authorized to be imposed for the Tiger Country portion of the Randleman Fire District for each violation of the referenced chapters of Volume V—Fire Prevention of the North Carolina State Building Code (Current Edition).

<u>Chapter</u>	<u>Penalty</u>
1. Administration	\$.00
2. Definitions and Abbreviations	\$.00
3. Recognized Standards and Publications	\$.00
4. Permits and Certificates	\$ 50.00
5. General Precautions Against Fire	\$ 50.00
6. Fire Protection	\$ 50.00
7. Electrical	\$ 50.00
8. Maintenance of Exit Ways	\$ 200.00
9. Flammable and Combustible Liquids	\$ 50.00
10. Application of Flammable Finishes	\$ 50.00
11. Bowling Establishments	\$ 50.00
12. Dry-cleaning Plants	\$ 50.00
13. Manufacturing of Organic Coatings	\$ 50.00
14. Oil-Burning Equipment	\$ 50.00
15. Compressed Gases	\$ 50.00
16. Liquefied Natural Gas	\$ 50.00
17. Liquefied Petroleum Gases	\$ 50.00
18. Cryogenic Fluids	\$ 50.00
19. Explosives, Blasting Agents, Ammunition	\$ 50.00
20. Fireworks	\$ 50.00
21. Prevention of Dust Explosions	\$ 50.00
22. Hazardous Chemicals	\$ 50.00
23. Cellulose Nitrate Plastic (Pyroxylin)	\$ 50.00
24. Cellulose Nitrate Motion Picture Film	\$ 50.00
25. Fruit Ripening Processes	\$ 50.00

26. Fumigation and Thermal Insecticidal Fogging	\$ 50.00
27. Magnesium	\$ 50.00
28. Mechanical Refrigeration	\$ 50.00
29. Welding and Cutting, Calcium Carbide and Acetylene	\$ 50.00
30. Airports, Heliports, and Helistops	\$ 50.00
31. Assembly Occupancies	\$ 200.00
32. Automobile Tire Rebuilding Plants	\$ 50.00
33. Combustible Fibers	\$ 50.00
34. Covered Mall Buildings	\$ 50.00
35. Garages	\$ 50.00
36. High-Piled Combustible Stock	\$ 50.00
37. Lumber Yards and Woodworking Plants	\$ 50.00
38. Ovens, Industrial Baking and Drying	\$ 50.00
39. Tents and Air Supported Structures	\$ 50.00
40. Wrecking Yards, Junkyards, or Waste Material Handling Plants	\$ 50.00
41. Decorative Materials	\$ 50.00
42. Hazardous Production Material (HPM) Facilities	\$ 50.00
43. Furnishings	\$ 50.00
44. Aerosol Products	\$ 50.00
45. Daycare Standards	\$ 50.00

This the 1st day of October, 2001.

Budget Amendment For AutoCad Software Upgrade for the Soil and Water Conservation District

preparation of the FY2001-2002 budget, AutoCad informed Mr. Roberson that they would be discontinuing support for Soil & Water’s version (v. 14), but offered a discounted upgrade to AutoCad 2002 for a cost of \$956. After 1/1/02, the upgrade will no longer be available and the software will cost \$2,499.

On motion of Holmes, seconded by Davis, the Board voted unanimously to approve Budget Amendment #12 to reflect the cost of purchasing the AutoCad Software upgrade for Soil & Water as follows:

GENERAL FUND - #12	
Revenue	Increase
<i>Fund Balance Appropriated</i>	\$956
Appropriation	Increase
<i>Soil & Water Conservation District</i>	\$956

Budget Amendment for Health Department

Frank Willis stated that the Health Department had received an allocation of \$4,000 from the N.C. Dept. of Environment and Natural Resources Environmental Health Services Section for childhood lead poisoning prevention.

On motion of Frye, seconded by Davis, the Board voted unanimously to approve Budget Amendment #13 to reflect the receipt of \$4,000 from the State as follows:

GENERAL FUND - #13	
Revenue	Increase
<i>Restricted Intergovernmental</i>	<i>\$4,000</i>
Appropriation	Increase
<i>Public Health</i>	<i>\$4,000</i>

Water Allocation Transfer Agreements (Randleman Dam Project) with the City of Greensboro and with the City of High Point and Randolph County’s Intent regarding the City of Randleman and the City of Archdale

In regard to the Randleman Dam Project, Commissioner Frye reminded the Board that in 1987 Randolph County had the option to commit to 10.8 mgd of raw water but opted for 6 mgd based on water studies done at that time. Greensboro agreed to transfer 3 mgd and High Point agreed to transfer 1.8 mgd back to Randolph County if needed. These original agreements have now expired. At a recent meeting, Greensboro agreed again to their 3 mgd transfer to Randolph County but High Point agreed to transfer only 1 mgd instead of the 1.8.

On motion of Frye, seconded by Mason, the Board voted unanimously to accept agreements (expiring 12/31/04) with the City of Greensboro (3.0 mgd) and with the City of High Point (1.0 mgd) regarding raw water allocations to Randolph County (Agreements ATTACHED for Reference).

On motion of Frye, seconded by Davis, the Board voted their unanimous intent to insure that in the future, if requested by the City of Archdale and the City of Randleman, Randolph County could exercise its option to purchase additional raw water (up to 4 mgd) and these two municipalities could then purchase 1 mgd each of Randolph County’s raw water additional share at a cost to be determined equal to the cost already expended.

Joint Governmental Agreement Randleman Dam Project - Debt Service Payments Included in Operating Requirements

On motion of Frye, seconded by Holmes, the Board voted unanimously to approve the ATTACHED debt service agreement between all participating municipalities and the Piedmont Triad Regional Water

Authority regarding the \$8 million loan for relocation of the wastewater treatment plant discharge from the Randleman Lake and the raw water allocation agreements.

Update on Volunteer Agricultural Districts

Hal Johnson, Planning Director, reminded the Board that on August 25, 2001, the Board of Commissioners received a petition from the Randolph Livestock and Poultry Improvement Association requesting that the Commissioners consider adopting an ordinance to establish Voluntary Agricultural Districts. The Planning Dept., Cooperative Extension Office and the Randolph County Soil & Water Conservation District staff would work together with the agricultural community to develop a proposed Voluntary Agricultural District Ordinance that could be presented to the Board no earlier than January, 2002. A Voluntary Agricultural District under state law promotes the preservation of farmland in counties so that rural growth and development will be accompanied by protection of farms from non-farm development and other negative impacts of development on properly managed farms. Mr. Johnson explained that this would be a stand-alone ordinance—not a part of the proposed Growth Management Plan.

The Board directed Mr. Johnson to place the proposed Growth Management Plan on the November agenda for consideration.

Commissioner Mason left the meeting at this point and did not return.

Closed Session – Economic Development

On motion of Frye, seconded by Holmes, the Board voted unanimously at 5:55 p.m. to go into closed session to discuss an economic development project, pursuant to NCGS 143-318-11(a)(4)). They returned from closed session at 6:25 p.m. and resumed their regular meeting.

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 Administrator, 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. JAMES SMITH, Greensboro, is requesting that 14.02 acres located at 6788 Willard Road, Liberty Township, Rocky River Watershed, be rezoned to amend the current HI/CU Zoning, which allows the operation of a Go-Kart Raceway facility. The proposed amendment would include possible changes in

hours and days of operation. The Planning Board recommended unanimously that this request be approved with the following conditions:

- * closed Sundays and open on Fridays from 5 pm to 11 p.m.
- * open Saturdays from 9 am to 11 p.m.
- * open from April through November
- * appropriate fencing and buffers (approved by the Planning Staff) adjoining the Marvin Wall property
- * no more races until proper fencing and buffer approved by staff has been established.

The County Commissioners considered this request at their September 4 meeting. The request was postponed until the October 1 meeting and Mr. Smith was told by the Commissioners to comply with all the terms of his current zoning permit. It has taken a year for Mr. Smith to comply with the citation issued regarding the fencing around the race track—the fencing was finally erected during the last month. Mr. Smith said that the reason it took so long to get the fencing up was because the fencing he installed was far superior to that which he was required to use.

Discussion ensued regarding changing the language in the conditional use permit from “racing” to “operating.” Steve Schmidley suggested that this language be changed to “operating.”

Harold Holmes made a motion, seconded by Davis, to approve the rezoning request of James Smith as recommended by the Planning Board. Discussion followed, with Frye stating that it had taken a year for Mr. Smith to comply with the original conditions. Also, he was concerned with the campground activities that were taking place at the site at all hours. The Board’s vote on the current motion was 2 to 2, with Frye and Kemp opposing, which means the motion failed; therefore, Mr. Smith may continue to operate his facility only under the terms of the original conditional use permit.

2. ALVAH SKEEN, Asheboro, is requesting that 15.16 acres located on Rocky Knoll Road, Franklinville Township, be rezoned from RA to RM/CU. The proposed CU Zoning would specifically allow the development of an 18-lot mobile home park. The Planning Board recommended by a 4 to 1 vote that this request be denied due to well water contamination from existing mobile home park.

Jon Megerian, attorney, spoke on behalf of the applicant. He said that the developer plans to put in a community well and sewer system and that the developer has had water samples done with favorable results. He contends that the concerns of the Planning Board are unfounded because if the well and septic systems are not approved by the Health Department then the applicant cannot develop the mobile home park anyway. He says that one can’t throw a rock in the area without hitting an existing mobile home.

Homer Suggs, 322 Rocky Knoll Rd., stated that the State road maintenance ends further up the road than Mr. Skeen indicated. Mr. Suggs stated that he has had problems with Mr. Skeen in the past over a \$15 water bill that Mr. Skeen was to pay to Mr. Suggs.

Greg Williams, 1945 Trogdon Hill Rd., said that he is concerned that the neighborhood water supply will be depleted if a new mobile home subdivision is allowed.

Steve Lindley, 206 Sohomey Dr., stated that the back side of the proposed mobile home park contains site-built—not mobile homes.

Frank Chamberlin, 3240 U.S. 64 E, said that a State study had been done several years ago indicating that wells in the area were contaminated. He says he's kept awake at night because of noise from all the cats that were abandoned by a lady who moved out of one the existing mobile homes. He's also concerned about the potential traffic problems at the intersection of Rocky Knoll and Hwy. 64 due to limited sight distance. Mr. Chamberlin said that massive grading will have to be done to put in a circular drive for the proposed mobile home park and that adequate buffers will have to be put in place around the property. He's afraid that Mr. Skeen won't take care of a mobile home park because he hasn't been a good neighbor so far.

Dwight Hall, 1967 Trogdon Hill Rd., said that 2 years after he bought his property his well went dry. He drilled a new one which was 230 feet deep. Nine year later, the new well went dry and he drilled another one which was 312 feet deep. Eleven years later, that well went dry and his current well is 400 feet deep. Many of his neighbors have had to dig new wells, all of whom live in site-built homes—not mobile homes.

On motion of Holmes, seconded by Davis, the Board voted unanimously to deny the request of Alvah Skeen.

3. **ROGER BROWN**, Ramseur, is requesting that 1 acre (out of 14.45 acres) located on Pleasant Ridge Church Road, Columbia Township, be rezoned from RA to HC/CU. The proposed CU Zoning District would specifically allow a tractor and general automotive repair business. The Planning Board recommended by a 3 to 2 vote that this request be approved with the following conditions:

- * fence along the entire 1 acre
- * no outside storage
- * operating hours: Monday - Friday, 8 a.m. - 5 p.m.
- * Planning Staff approved buffer along property line

Roger Brown, applicant, spoke in support of his request stating that he is currently unemployed and hopes to build a home on the proposed site and put his automotive repair business in the existing building. He plans to put a nice privacy fence around the entire property. He insisted that the business

will close each day at 5 p.m. and that he will keep the grounds very clean. He says he will not have any auto sales on the premises. Approximately 25 people stood in support of his request.

Steven Morgan, 338 Pleasant Ridge Rd., said that he will be an employee of Mr. Brown's if this request is approved. He is a single father and needs the work.

Kenny Brown, 1184 Pleasant Ridge Church Rd., adjoining property owner, stated that if the conditions as written are enforced that he has no opposition to the request. He also asked for some additional conditions:

- * fencing should be completed within 1 month
- * nice landscaping done
- * no personal auto repair
- * side door used only when absolutely necessary
- * no further expansion beyond a planned 12' x 12' addition
- * the compressor inside the building be enclosed and insulated

The applicant asked that these conditions be added to the other conditions.

On motion of Frye, seconded by Holmes, the Board voted unanimously to approve the request of Roger Brown with the recommended conditions of the Planning Board and the additional conditions requested by the applicant.

4. **BILLIE DUNNING**, Asheboro, North Carolina, is requesting that 3.10 acres located on Little Beane Store Road, Richland Township, be rezoned from RA to RM/CU. The proposed CU Zoning District would specifically allow a 3-lot subdivision for singlewide mobile homes (extension of a previous minor subdivision). The Planning Board recommended unanimously that this request be denied.

No one spoke.

On motion of Frye, seconded by Holmes, the Board voted unanimously to deny the request of Billie Dunning.

5. **THOMAS & ANNESSA DAVIDSON**, Asheboro, are requesting that 1 acre (out of 4.50 acres) located on Spero Road, Back Creek Township, Lake Lucas Watershed, be rezoned from RA to HC/CU. The proposed CU Zoning District would specifically allow a 30' x 80' building to be used for storage of insulation materials from their business. The Planning Board voted unanimously that this request be approved with the following conditions:

- * no outside storage

- * landscaping in front of the building to screen in from the road (Spero Road)
- * insulation material storage only

Thomas Davidson, applicant, spoke in support of his request, stating that he plans to eventually build a home on this property.

On motion of Davis, seconded by Holmes, the Board voted unanimously to approve the request of Thomas and Annessa Davidson.

6. ANNA KINDLEY, Asheboro, is requesting that 5.60 acres (out of 8.30 acres) located on Waynick Meadow Road, Concord Township, be rezoned from RA to RM/CU. The proposed CU Zoning District would specifically allow the development of a 4-space mobile home park. The Planning Board recommended unanimously that this request be approved with the following condition:

- * no additional mobile home spaces to be approved in the future

Anna Kindley, applicant, spoke in support of her request.

On motion of Frye, seconded by Davis, the Board voted unanimously to approve the request of Anna Kindley.

7. ALTON & SHARON SHARPE, Asheboro, are requesting that 18.52 acres located on High Pine Church Road, Union Township, be rezoned from RA to RE/CU. The proposed CU Zoning District would specifically allow the re-division of High Pine Acres Subdivision, Lot # 6 into 3 lots for site-built homes only. The Planning Board recommended unanimously that this request be approved.

Alton Sharpe, applicant, spoke in support of his request.

Marie Kiser, adjoining property owner, spoke in opposition to the request, stating that she and her husband moved here from Charlotte for the peace and quiet and the low density of the area. They built a 7,000 s.f. home with a guest house and a pond on their 80 acres.

On motion of Frye, seconded by Holmes, the Board voted unanimously to approve the request of Alton & Sharon Sharpe.

8. TRAVIS WHITAKER, Franklinville, is requesting that 1 acre (out of 14.35 acres) located at 4745 US Hwy 64 East, Franklinville Township, be rezoned from RA to HC/CU. The proposed CU Zoning District would specifically allow a produce store with office sales and storage in a 30' x 40' building and greenhouses. The Planning Board recommended unanimously that this request be approved.

No one spoke.

On motion of Frye, seconded by Holmes, the Board voted unanimously to approve the request of Travis Whitaker.

There being no further business, the Board adjourned.

Phil Kemp, Chairman

J. Harold Holmes

Darrell L. Frye

Robert O. Mason

Robert B. Davis

Cheryl A. Ivey, Deputy Clerk