

# Randolph County Commissioners Meeting Minutes

March 8, 2004

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. Rev. Fran Adams, Mt. Olivet United Methodist Church, Seagrove, gave the invocation, and everyone recited the Pledge of Allegiance.

## Recognition of Retiree

Chairman Holmes presented an engraved clock to Judy Chisholm, who is retiring from the Department of Social Services with 28 years of service.

## Consent Agenda

Chairman Holmes announced that 2 items had been added to the Consent Agenda: Item E. Approve Resolution Appointing Adam Stumb as Review Officer for the City of Trinity and Item F. Set Public Hearing for Rural Operating Assistance Program Application.

*On motion of Frye, seconded by Davis, the Board voted unanimously to approve the Consent Agenda, as amended:*

- *approve minutes of the February 2, 9 and 23 meetings;*
- *reappoint Dick Peterson and Michael Ayers to the Randolph County Equalization & Review Board;*
- *approve resolution adding Cheyenne Trail and Cherokee Trail to State Road System, as follows:*

*WHEREAS, the Department of Transportation has investigated Cheyenne Trail and Cherokee Trail in the Indian Hills Subdivision; and*

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

*NOW, THEREFORE, BE IT RESOLVED by the Randolph County Board of Commissioners that Cheyenne Trail and Cherokee Trail in the Indian Hills Subdivision be added to the Division of Highways' Secondary Road System.;*

- *appoint Gerald Weideman to Juvenile Crime Prevention Council;*
- *approve resolution appointing Adam Stumb as Review Officer for the City of Trinity, as follows:*

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

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

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

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

*NOW THEREFORE, BE IT RESOLVED, effective February 3, 2003, that Adam Stumb in the City of Trinity is hereby appointed to perform all responsibilities as required for Review Officer under the appropriate North Carolina General Statutes.*

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

- *set a public hearing for 5:00 p.m. on April 5 for the Rural Operating Assistance Program application.*

## **Yadkin-Pee Dee Lakes Project (YPDLP) Annual Report**

Bill Medlin, Executive Director of the YPDLP, updated the Board on the Project's activities during the last year. He highlighted the "Central Park" strategy, the 1000/100 Project, the Small Town Area Revitalization (STAR Project), the Uwharrie Cycling Center to be located in Misenheimer, the Central Park Cycling Initiatives, the Pee Dee National Wildlife Refuge, the Uwharrie Adventure Sports Fest, and the Uwharrie Chautauqua. He said that the YPDLP has provided a vision for sustainable economic development for our region that protects and preserves the natural resources and cultural heritage. He thanked the Board for their continued support and recognized Dr. David Jones, Chairman of the YPDLP Board, who spoke briefly about the Project and also thanked the Board of Commissioners for their continued support.

## **Resolution for Staley Fire Department Financing**

County Manager Frank Willis told the Board that Staley Fire Department is requesting Commissioner approval to secure tax-exempt financing for a new tanker truck. The fire department has satisfied all the requirements, which includes holding a public hearing, for this financing. The Commissioners must now adopt a resolution approving the tax-exempt financing.

*On motion of Frye, seconded by Davis, the Board unanimously adopted a resolution approving financing by Staley Volunteer Fire Department of up to \$100,000 for a tanker truck, as follows:*

**WHEREAS**, Staley Volunteer Fire Department has determined to finance an amount of up to \$100,000 for a 2003 tanker truck; and the United States Internal Revenue Code requires that for such financing to be carried out on a tax-exempt basis, this Board must first approve the financing; and

**WHEREAS**, the Fire Department has held a public hearing on the financing after published notice, as required by the Code; and the Fire Department has reported the proceedings of the hearing to this Board;

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

1. The County approves the Fire Department's entering into the financing, as required under the Code for the financing to be carried out on a tax-exempt basis. The Fire Department's conduct of the required public hearing is approved.

2. Nothing contained or set out herein should be construed as obligating the County in any manner as a guarantor of any indebtedness whatsoever.

3. The County is not obligated nor legally or equitably responsible for the payment of or the security of any debt incurred by the Fire Department, nor does the County pledge any of its full faith and credit nor does it in any manner make this resolution to induce any party to lend monies or otherwise finance the Fire Department.

## **Transfer of Previously Donated Truck to BFI**

Will Massie, Deputy Finance Officer, said that in 1997 when the County entered into the original contract with BFI for the operations of the County solid waste transfer station, BFI also donated to the County a truck that was to be used to move solid waste containers around the property. Included in the contract was a stipulation that if and when the County no longer needed this truck it would be returned to BFI. Since the truck is no longer needed, the Board should approve the return of the truck back to BFI.

*On motion of Mason, seconded by Davis, the Board unanimously approved the transfer of a 1986 Mack Truck to BFI, Inc., the original owner.*

## **Ratification of Flu Vaccine Purchase**

MiMi Cooper, Health Director, told the Board that in the past, she has waited until late March or April to order flu vaccine from the State Contract. While this price has historically been the lowest price available (\$67.70/vial last year), timely delivery has been a considerable problem. Since the County serves the high-risk population with influenza immunization services it is critically important that we receive our vaccine in early to mid-October and get it administered by the middle of December. For the past four years we have received only part of our State Contract order in staggered deliveries beginning in mid- to late November with the final delivery sometime in December. In order to alleviate this problem,

on approval of the County Manager, 250 vials (2500 doses) of influenza vaccine for next year's flu season were ordered on February 6, 2004 from Physician Sales and Service (PSS) at a cost of \$70.00/vial (total cost \$17,500). Four additional vaccine vendors were contacted for informal quotes but only Aventis chose to bid; their bid was \$83.20, which exceeds the PSS price by \$13.20/vial. According to the County's purchasing policy, the County Manager has the authority to approve purchases up to a limit of \$15,000 and the County Commissioners must approve purchases over \$15,000. Ms. Cooper requested that the Board ratify (confirm an action after it has occurred instead of before it occurs due to time constraints) the County Manager's approval of the purchase of 250 vials of influenza vaccine from Physician Sales and Service, the lowest responsible bidder, at a total cost of \$17,500.

*On motion of Kemp, seconded by Mason, the Board voted unanimously to ratify the County Manager's approval of the purchase of 250 vials of influenza vaccine from Physician Sales and Service at a total cost of \$17,500.*

### **Approval of Letter of Intent to Accept Funding for Health Department Position**

MiMi Cooper said that the County has been offered funding from the Division of Medical Assistance (DMA) to hire a Health Check Coordinator for Randolph County. The purpose of this position is to reach out to low-income families with children who are eligible for medical assistance through Health Check/Health Choice to insure that these children receive comprehensive health care. These funds will be used to fill an existing, vacant position. The funding is forthcoming, pending County Board of Commissioner approval. DMA has requested that the Board approve a letter of intent to accept funding for this position.

*On motion of Davis, seconded by Frye, the Board unanimously approved a letter of intent to accept funding from the Division of Medical Assistance for a health check coordinator in the Health Department for FY2004-05.*

### **Criminal Justice Partnership Program Application (CJPC); Contractual Agreement with Montgomery County**

Pam Hill, Day Reporting Center Director, asked the Board for their approval of the grant application and budget for submission to the State for continuation of implementation funding for FY 2004-05. She also asked that the Board approve the contractual agreement with Montgomery County for the purpose of providing substance abuse treatment and educational services, transportation services, employability/job search classes, and case management for pre-trial participants referred by the Adult Probation Officers and the Court. She noted that the new contract contains 2 new requirements: 1) Montgomery County agrees to provide telephone lines, fax line, copier lease and office space at no cost the Randolph County and 2) Montgomery County agrees to maintain the Electronic House Arrest program, including any incurred expenses.

*On motion of Kemp, seconded by Mason, the Board voted unanimously to approve the application and budget, as presented, for the Criminal Justice Partnership Program for FY 2004-05.*

*On motion of Frye, seconded by Davis, the Board voted unanimously to approve the CJPC contractual agreement between Randolph County and Montgomery County, as presented.*

### **Declare Surplus Property in Sheriff's Department**

Chief Deputy Allen McNeill asked the Board to declare the following property surplus: two 1984 Chevrolet pickups, a 1967 2½ ton truck, a 1966 2½ ton truck, a 1985 Plymouth station wagon, a 1964 2½ ton tractor, 1985 Chevrolet ambulance, a 20-ft. flat bed trailer, a Tag-along open top trailer, a Tag-along covered trailer, and a 24-volt search light. He said that all of these items are surplus military equipment that had been given to Randolph County from Law Enforcement Support services. He also asked permission to either give these items to other government agencies or to sell them.

*On motion of Davis, seconded by Frye, the Board voted unanimously to approve that the above eleven items be declared surplus and authorized the Sheriff's Department to either give the items away to other governmental agencies or the sell them.*

### **Presentation of Minority Business Outreach Plan**

Jane Leonard, Deputy Finance Officer, told the Board that since 1989, public agencies subject to G.S. 143-128 have been required to implement a program for promoting the use of minority business enterprises in major building construction projects. In February 1991, the Randolph County Board of Commissioners approved and adopted a resolution that set a 10% minority outreach goal for Randolph County's good faith effort to use minority businesses for formal construction projects. A Minority Business Participation Plan was also approved. In January 2002, the provisions in G.S. 143-128 were replaced with a new statute, G.S. 143-128.2, which contains precise and stringent requirements for good faith efforts. In addition, a more generalized requirement of good faith efforts now applies to contracts for construction or repair work in the informal bidding range (between \$5,000 and \$300,000) and in the selection of architects, engineers, surveyors, and construction management at risk service providers under G.S. 143-64.31. The new law restates the existing requirement that local governments adopt verifiable percentage goals and make good faith efforts. The new law creates specific requirements for both owners and bidders to satisfy the "good faith efforts" obligations and defines the specific steps a public entity must take before awarding a contract. They include developing and implementing a minority business outreach plan, attending prebid conferences, and providing notice to minority businesses at least ten days prior to the bid opening. The Secretary of the State Department of Administration has developed a point system to determine whether a sufficient effort has been made. The statute does not require that the percentage goal actually be met, but in cases where it is not met, the bidder must document that sufficient good faith efforts were made. It is also important to note that the requirements to solicit and document minority participation apply only to building construction contracts and not to those involving other types of construction, such as street and utility projects. They also do not apply to purchase contracts. Randolph County's current resolution that adopted a 10% outreach goal is outdated and refers to excerpts from the old G.S. 143.128 that were replaced. The current participation plan is also outdated and does not comply fully with the new law. Ms. Leonard presented a proposed resolution, which keeps the outreach goal at 10%, the State minimum. Before adoption, the new resolution will require a public hearing on the goal that is being set. After the public hearing, the 1991 resolution can be abolished, the new resolution can be adopted and then the new Minority Business Outreach Plan can be approved. The requirements of G.S. 143-128.2 as included in the new Randolph County Minority Business Outreach Plan are not detailed in the resolution. That way, the plan can be updated as required without changing the resolution.

*On motion of Davis, seconded by Kemp, the Board voted unanimously to set a public hearing for 4:30 p.m. on April 5 regarding the Minority Business goal.*

### **Award Audit Contract**

Will Massie, Deputy Finance Officer, reminded the Board that 2 years ago the County awarded the audit services contract to Maxton McDowell, CPA under a three-year proposal. They have proposed an audit fee for the 2003-04 fiscal year of \$29,000, which is a 24% decrease over last year's fee of \$38, 200. This decrease is because Randolph County Mental Health will no longer be included in the County's annual audit since they joined Sandhills Center. Mr. Massie recommended that the Commissioners

approve the contract with Maxton McDowell, CPA for the audit of the fiscal year ended June 30, 2004. This will be the final year of the 3-year contract.

*On motion of Mason, seconded by Kemp, the Board voted unanimously to approve the contract with Maxton C. McDowell, CPA, for the audit of the fiscal year ended June 30, 2004 for a total cost of \$29,000.*

### **Resolution Approving a Second Refunding of the 2000 Certificates of Participation**

Frank Willis said that the County is now eligible to refinance the term bonds that were not eligible in the refunding held in February 2004. In order to accomplish this a new resolution must be approved.

*On motion of Mason, seconded by Frye, the Board unanimously approved a Resolution Approving An Installment Financing Authorized by Section 160A-20 of the N.C. General Statutes and Authorizing the Execution and Delivery of Documents in Connection Therewith, as follows:*

*WHEREAS, the Board of Commissioners of the County duly conducted a public hearing on February 9, 2004 regarding an installment financing to accomplish the refinancing referred to below;*

*WHEREAS, the County and Randolph County Public Facilities Corporation (the "Corporation") previously entered into an Installment Financing Agreement dated as of March 1, 2000 (as amended, the "Installment Financing Agreement") for the purposes specified therein;*

*WHEREAS, the Corporation and First Union National Bank, now known as Wachovia Bank, National Association, as trustee (the "Trustee") entered into a Trust Agreement dated as of March 1, 2000 (as amended, the "Trust Agreement") pursuant to which the Corporation executed and delivered its Certificates of Participation (2000 Randolph County-Public Facilities Project) (the "2000 Certificates");*

*WHEREAS, the County previously conveyed certain property in connection with the 2000 Certificates pursuant to the Deed of Trust dated as of March 1, 2000 (as amended, the "Deed of Trust") to a deed of trust trustee for the benefit of the Corporation;*

*WHEREAS, in order to generate economic savings, the County wants to refinance its obligations with respect to a portion of the 2000 Certificates by having the Corporation execute and deliver Additional Certificates (as defined in the Trust Agreement);*

*WHEREAS, there have been available at this meeting drafts of the forms of the following:*

- (1) A Second Amendment to Installment Financing Agreement to be dated as of March 1, 2004 (the "Second Amendment to Installment Financing Agreement"), between the County and the Corporation;*
- (2) A Second Supplemental Trust Agreement to be dated as of March 1, 2004 (the "Second Supplemental Trust Agreement") between the Corporation and the Trustee;*
- (3) An Escrow Deposit Agreement to be dated as of March 1, 2004 (the "Escrow Agreement") among the County, the Corporation and Wachovia Bank, National Association, as escrow agent (the "Escrow Agent");*
- (4) A Modification of Deed of Trust (the "Deed of Trust Modification") among the County, the Corporation and the deed of trust trustee;*
- (5) A Preliminary Official Statement (the "Preliminary Official Statement") relating to Refunding Certificates of Participation, Series 2004A evidencing proportionate undivided interests in revenues to be received by the Corporation under the Installment Financing Agreement (the "2004A Certificates");*
- (6) A Contract of Purchase (the "Purchase Contract") between Wachovia Bank, National Association (the "Underwriter") and the Corporation, with the form of the Letter of Representation (the "Letter of Representation") from the County to the Underwriter.*

*WHEREAS, the Board of Commissioners of the County wants to ratify and approve the Second Amendment to Installment Financing Agreement and related documents and the sale of the 2004A Certificates and to ratify and authorize other actions in connection therewith; and*

*NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the County as follows:*

- 1. Each of the Second Amendment to the Installment Financing Agreement, the Escrow Agreement, the Deed of Trust Modification and the Letter of Representation, in the form submitted to this meeting, is hereby approved, and the Chairman of the Board, the County Manager and Finance Officer and the Clerk to the Board are each hereby authorized and directed to execute and deliver each of those documents, on behalf of the County, with such changes, insertions or omissions as each may approve, the execution thereof by any of them to constitute conclusive evidence of such approval.*

2. *Each of the Second Supplemental Trust Agreement and the Purchase Contract, in the form submitted to this meeting, is hereby ratified and approved in substantially such form, with such changes, insertions or omissions as appropriate.*
3. *Each of the Preliminary Official Statement and the final Official Statement in the form of the Preliminary Official Statement submitted to this meeting, is hereby ratified and approved, in substantially such form, with such changes, insertions and omissions as appropriate, and the use thereof in connection with the public offering and sale of the 2004A Certificates is hereby ratified and authorized. The Chairman of the Board and the County Manager and Finance Officer are each hereby authorized and directed to execute and deliver on behalf of the County, the final Official Statement in substantially such form, with such changes, insertions and omissions as each may approve, the execution thereof by any of them to constitute conclusive evidence of such approval.*
4. *The Chairman of the Board, the County Manager and Finance Officer, the Clerk to the Board and the County Attorney are each hereby authorized to take any and all such further action and to execute and deliver such other documents as may be necessary or advisable to carry out the intent of this Resolution and to effect the installment financing pursuant to the documentation therefor. Without limiting the generality of the foregoing, the County Manager and Finance Officer is authorized to approve all details of the financing, including without limitation, the amount advanced under the Second Amendment to Installment Financing Agreement with respect to the 2004A Certificates, the annual principal payments under the Installment Financing Agreement, the term of the Installment Financing Agreement, the discount below or premium above the principal amount of the 2004A Certificates at which the 2004A Certificates are sold to the Underwriter, if any, and the insurer of the financing and the details related thereto. Execution of the Second Amendment to Installment Financing Agreement by the Chairman of the Board or the County Manager and Finance Officer shall conclusively evidence approval of all such details of the financing.*
5. *All actions of the County effectuating the proposed financing are hereby approved, ratified and authorized pursuant to and in accordance with the transactions contemplated by the documents referred to above.*
6. *This Resolution shall become effective immediately upon its adoption.*

**Amendment of 2004 Holiday Schedule and Adoption of 2005 Holiday Schedule**

Cheryl Ivey, Deputy Clerk to the Board, told the Board that recently, the State of North Carolina adopted its holiday schedule for 2005. January 1, 2005 falls on a Saturday but will be observed by the State on Friday, December 31, 2004. Since the County generally follows the same holiday schedule as the State, the County needs to amend our 2004 holiday schedule to include December 31, 2004 as the New Year’s Day holiday for 2005. Also the 2005 holiday schedule needs to be adopted.

*On motion of Kemp, seconded by Davis, the Board voted unanimously to amend the 2004 County holiday schedule to include December 31, 2004 as the designated holiday for New Year’s Day of 2005 and also adopted the 2005 holiday schedule, as follows:*

<b><i>Holiday</i></b>	<b><i>County*</i></b>	<b><i>Solid Waste Facility**</i></b>	<b><i>Library</i></b>
<i>New Year’s Day</i>	<i>12/31/04 (Fri.)</i>	<i>12/31, 2004 (Fri.) open 1/1 (Sat.) closed</i>	<i>12/31/04 (Fri.)</i>
<i>M.L.King Jr.’s Bday</i>	<i>1/17 (Mon.)</i>	<i>1/17 (Mon.) open</i>	<i>1/17 (Mon.)</i>
<i>Easter</i>	<i>3/25 (Fri.)</i>	<i>3/25 (Fri.) open 3/26 (Sat.) closed</i>	<i>3/25 &amp; 3/26 (Fri. &amp; Sat.)</i>
<i>Memorial Day</i>	<i>5/30 (Mon.)</i>	<i>5/30 (Mon.) closed</i>	<i>5/30 (Mon.)</i>
<i>Independence Day</i>	<i>7/4 (Mon.)</i>	<i>7/4 (Mon.) closed</i>	<i>7/4 (Mon.)</i>
<i>Labor Day</i>	<i>9/5 (Mon.)</i>	<i>9/5 (Mon.) closed</i>	<i>9/3, 9/5 (Sat. &amp; Mon.)</i>

<i>Fall Festival (Asheboro Library only)</i>			<i>10/1 (Sat.)</i>
<i>Veterans' Day</i>	<i>11/11 (Fri.)</i>	<i>11/11 (Fri.) open</i>	<i>11/11 (Fri.)</i>
<i>Thanksgiving</i>	<i>11/24 &amp; 25 (Thur. &amp; Fri.)</i>	<i>11/24 (Thur.) closed, 11/25 (Fri.) open, 11/26 (Sat.) open</i>	<i>11/24, 11/25, 11/26 (Thur., Fri., Sat.)</i>
<i>Christmas</i>	<i>12/23, 12/26 (Fri., Mon.)</i>	<i>12/23 (Fri.) close @ noon 12/24 (Sat.) closed, 12/26 (Mon.) open</i>	<i>12/23, 12/24, 12/26 (Fri., Sat., Mon.)</i>

**Budget Amendment—Aging Services**

Candie Rudzinski, RCSAA Director, told the Board that in January the Randolph County Aging Services Planning Committee met and approved the distribution of additional Home and Community Care Block Grant funds totaling \$4,824. The distribution of these funds by agency is listed on Form DOA-731.

*On motion of Davis, seconded by Kemp, the Board voted unanimously to approve Budget Amendment #42 to reflect this \$4,824 and to approve Form DOA-731, as revised.*

<b>GENERAL FUND - #42</b>	
<b><i>Appropriation</i></b>	<b><i>Increase</i></b>
<i>Other Human Services Appropriations</i>	<i>\$ 4,173</i>
<i>Social Services</i>	<i>\$ 651</i>
<b><i>Revenues</i></b>	<b><i>Increase</i></b>
<i>Restricted Intergovernmental</i>	<i>\$4,824</i>

**Budget Amendment – Social Services (Smart Start)**

Jane Leonard said that the Department of Social Services has received a funding authorization for an additional \$88,708 for the Smart Start Day Care Program.

*On motion of Kemp, seconded by Frye, the Board voted unanimously to approve Budget Amendment #43, as follows:*

<b>GENERAL FUND - #43</b>	
<b><i>Appropriation</i></b>	<b><i>Increase</i></b>
<i>Social Services</i>	<i>\$ 88,708</i>
<b><i>Revenues</i></b>	<b><i>Increase</i></b>
<i>Restricted Intergovernmental</i>	<i>\$88,708</i>

**Budget Amendment – Public Health**

Jane Leonard said that the Health Department has received notification of additional funding from the State Immunization Program in the amount of \$2,259 to purchase a commercial refrigerator for vaccine storage and a temperature alarm system and from the State Environmental Health Program in the amount of \$12,704 to enhance environmental health activities, provide training for staff and to purchase program supplies.

*On motion of Mason, seconded by Davis, the Board voted unanimously to approve Budget Amendment #44, as follows:*

<b>GENERAL FUND - #44</b>	
<b><i>Appropriation</i></b>	<b><i>Increase</i></b>

<i>Public Health</i>	<i>\$ 14,963</i>
<b><i>Revenues</i></b>	<b><i>Increase</i></b>
<i>Restricted Intergovernmental</i>	<i>\$14,963</i>

**Budget Amendment – 2004 Refunding Certificates of Participation**

Will Massie said that on February 26, 2004, the County finalized the sale of \$20,155,000 in certificates of participation to refinance certain existing debt, which will save the County \$570,000 in interest costs. This existing debt was a portion of installment purchase obligations issued in 2000 for school construction, a community college facility and the new courthouse. The new debt proceeds will be invested in U.S. guaranteed securities and held by Wachovia Bank as trustee until June 1, 2009, when \$18,170,000 in outstanding 2000 certificates will be retired. A budget amendment is needed to record the issuance of the 2004 refunding debt and costs associated with the refunding.

*On motion of Frye, seconded by Kemp, the Board voted unanimously to approve Budget Amendment #45, as follows:*

<b>GENERAL FUND - #45</b>	
<b><i>Appropriation</i></b>	<b><i>Increase</i></b>
<i>Other Financing Uses—Payment to Escrow Agent</i>	<i>\$20,431,805</i>
<i>Debt Service</i>	<i>\$ 336,125</i>
<b><i>Revenues</i></b>	<b><i>Increase</i></b>
<i>Other Financing Sources—Proceeds from 2004 COPS</i>	<i>\$20,767,930</i>

**Closed Session**

*On motion of Frye, seconded by Davis, the Board voted unanimously to go into closed session to discuss matters relating to the location or expansion of business in the area served by the Board, pursuant to NCGS 143-318.11(a)(4).*

The Board returned to regular session at 6:15 p.m and recessed until 6:30 p.m.

**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 Holmes opened the public hearing for comments on each request and closed it before taking action on each request.

1. **GARY DOBBINS**, Ramseur, North Carolina, is requesting that 2.42 acres (out of 80.96 acres) located at 935 Ramseur Julian Road, Columbia Township, be rezoned from Residential Restricted to Residential Agricultural/Conditional Use. The Conditional Use Zoning District would specifically allow the placement of a singlewide mobile home for a family member. The Planning Board considered this request at a public meeting on February 3, 2004, and recommended unanimously that this request be approved.

**Gary Dobbins**, applicant, spoke in favor of the request. He said that his grandchild plans to live in the mobile home.

*On motion of Davis, seconded by Mason, the Board voted unanimously to approve the request of Gary Dobbins.*

2. **LARRY RICHARDSON**, Sophia, North Carolina, is requesting that 24.75 acres located on Waynick Meadow Road, Concord Township, be zoned to allow a restricted rural lot subdivision overlay. The Conditional Use Zoning District would specifically allow a 6-lot residential subdivision for doublewide

mobile homes, site-built homes or modular homes with a minimum house size of 1,300 sq. ft. The Planning Board considered this request at a public meeting on February 3, 2004, and recommended unanimously that this request be approved.

**Jerry King**, surveyor, spoke in support of the request. He said that the proposed average lot size is 4.2 acres and well and septic tanks will be used. They are aware that a 100 ft. setback is required for the wells due the adjoining Montanard property.

**Larry Richardson**, applicant, stated that he owns the road that goes to the Montanards' property, but that they have an easement across it. He said they might buy a couple of his lots so that they can upgrade the road. He also noted that there are a lot of doublewides in the area.

*On motion of Kemp, seconded by Frye, the Board voted unanimously to approve the request of Larry Richardson.*

3. **S. P. CLODFELTER**, Trinity, North Carolina, is requesting that 8.81 acres (out of 85.13 acres) located on Peace Road, Trinity Township, be zoned to allow a conventional exclusive residential subdivision overlay. The Conditional Use Zoning District would specifically allow a 4-lot residential subdivision for site-built homes only with a minimum house size of 1,200 sq. ft. The Planning Board considered this request at a public meeting on February 3, 2004, and recommended unanimously that this request be approved.

No one spoke.

*On motion of Frye, seconded by Mason, the Board voted unanimously to approve the request of S. P. Clodfelter.*

4. **BRAD ELLIS**, Franklinville, North Carolina, is requesting that 28.22 acres located on Millboro Road (just past Mack Lineberry Road), Franklinville Township, be zoned to allow an exclusive rural lot subdivision overlay. The Conditional Use Zoning District would specifically allow a 4-lot residential subdivision for site-built and modular homes. The property owner is Betty Ellis. The Planning Board considered this request at a public meeting on February 3, 2004, and recommended unanimously that this request be approved.

**Brad Ellis**, applicant, stated that this land will be subdivided for different family members to build homes on. It is currently his mother's farm.

*On motion of Davis, seconded by Frye, the Board voted unanimously to approve the request of Brad Ellis.*

5. **BSR, LLC**, Asheboro, North Carolina, is requesting that 13.30 acres located at the intersection of Hwy 134/Burney Road, Union Township, be zoned to allow an exclusive rural lot subdivision overlay. The Conditional Use Zoning District would specifically allow a 7-lot residential subdivision for site-built or modular homes with a minimum house size of 1,300 sq. ft. The Planning Board considered this request at a public meeting on February 3, 2004, and recommended unanimously that this request be approved.

**Jerry King**, surveyor, spoke in support of this request. He said the corner lot could have the driveway entrance from either road and would be built based on traffic and safety.

*On motion of Kemp, seconded by Frye, the Board voted unanimously to approve the request of BSR, LLC.*

**Adjournment**

At 6:55 p.m., the Board adjourned.

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J. Harold Holmes, Chairman

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Darrell L. Frye

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Phil Kemp

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Robert B. Davis

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Robert O. Mason

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Cheryl A. Ivey, Deputy Clerk to the Board