

## Randolph County Commissioners Meeting Minutes April 5, 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. Charles Lindquist, West Chapel United Methodist Church, Asheboro, gave the invocation, and everyone recited the Pledge of Allegiance.

### Recognition of Retiree

Chairman Holmes presented an engraved clock to Lynne Qualls, who is retiring from the Cooperative Extension Service with 32 years of service.

### Special Presentation Regarding the Sgt. Charles Parker Bridge

N.C. Department of Transportation Board Member G. R. Kindley presented a replica bridge sign to family members of Sgt. Charles Parker. The bridge in the Parker Mill community of Randolph County has been named for Sgt. Parker in his memory. Mr. Kindley stated that the bridge signs had been erected earlier in the day.

### Consent Agenda

Chairman Holmes announced that 2 items had been added to the Consent Agenda: Item D. Approve Proclamation Honoring Tim Kelly, Associated Press Men's Basketball Coach of the Year, and Item E. Approve Proclamation Honoring Josh King, Associated Press Men's Basketball Player of the Year.

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

- *approve minutes of the March 8 regular and closed session meetings;*
- *reappoint Kim Borroughs and Sam Heath to Adult Care Home Advisory Committee;*
- *appoint Doug Harmon to Guil-Rand Fire District Commission;*
- *approve proclamation honoring Tim Kelly, Associated Press Men's Basketball Coach of the Year, as follows:*
  - Whereas, Tim Kelly has coached the Trinity High School men's basketball team for 15 years; and*
  - Whereas, the Trinity Bulldogs had an impressive 31-1 record this season; and*
  - Whereas, the Trinity Bulldogs, in a 73-64 win against Greensboro Dudley, won their first Class 3-A North Carolina High School Athletic Association men's championship on March 27, 2004; and*
  - Whereas, following this championship game, Tim Kelly was named the Associated Press men's basketball coach of the year, earning 11 of 20 votes from a statewide panel of sportswriters; and*
  - Whereas, the team, including Associated Press player of the year Josh King, attributed much of their motivation and success to Coach Kelly;*
  - Now, therefore, be it proclaimed by the Randolph County Board of Commissioners that we hereby recognize and honor Coach Tim Kelly for his outstanding achievements and that we wish him continued success in his coaching career.*
- *approve proclamation honoring Josh King, Associated Press Men's Basketball Player of the Year, as follows:*
  - Whereas, the Trinity High School men's basketball team had an impressive 31-1 record this season; and*
  - Whereas, Trinity senior Josh King was named the Associated Press men's basketball player of the year on Sunday, March 28, 2004, earning 9 of 20 votes from a statewide panel of sportswriters; and*

*Whereas, Josh King averaged 27 points per game and led the Trinity Bulldogs to a 73-64 win against Greensboro Dudley, scoring 21 points, for their first Class 3-A N.C. High School Athletic Association men's championship; and*

*Whereas, he scored 2,577 points during his high school career, the third highest number ever on the N.C. High School Athletic Association's all-time list; and*

*Whereas, Josh King also set a state record with 164 3-pointers this season and is the state's all-time leader in 3s in a game and career, as well as being an 89% free-throw shooter; and*

*Whereas, Josh King is not only a great athlete but is also a good student and active in his community;*

*Now, therefore, be it proclaimed by the Randolph County Board of Commissioners that we hereby honor and commend Josh King for his remarkable accomplishments and wish him great success in his future endeavors.*

### **Request to Use the Historic Randolph County Courthouse in a Feature Film**

Linda Brown, Tourism Development Authority Director, told the Board that an independent film production company has now withdrawn its request to use the old Courthouse in a National Lampoon motion picture featuring Jon BonJovi as the male lead. She said that although the building did not meet their needs, they were very impressed with the cooperation of the County and would consider Randolph County for future projects.

### **Presentation from the Randolph County Fire Chiefs' Council**

Eric Hoffman, President of the Randolph County Fire Chiefs' Council, introduced Derrick Coker, member of the Eastside Volunteer Fire Dept. Mr. Coker gave a PowerPoint presentation that highlighted the services provided by all the fire departments in Randolph County as well as staffing and funding needs, training requirements, NCRRS (ISO) rating information, and challenges all the fire departments face.

### **Minority Business Outreach Plan Public Hearing and Adoption of Resolution**

Jane Leonard, Deputy Finance Officer, said that 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. Randolph County's current resolution and Plan are outdated and refer to excerpts from the old general statutes that were replaced in January 2002. The proposed new resolution keeps the outreach goal at 10%, which is the State minimum. The new proposed Randolph County Minority Business Outreach Plan contains the requirements for good faith efforts for formal construction contracts as outlined in the new revised statute, G.S. 143-128.2. The Plan will be included with all formal construction bid documents. It outlines the County's responsibility, as well as the responsibility of the designer, contractor and minority business. She said that a public hearing is required before the new resolution and plan are adopted.

Chairman Holmes opened the public hearing on the Minority Business Outreach Plan and, hearing no comments, closed the public hearing.

*On motion of Frye, seconded by Mason, the Board voted unanimously to approve a resolution adopting the new Randolph County Minority Business Outreach Plan, as follows:*

**WHEREAS**, the Randolph County Board of Commissioners adopted a resolution dated February 4, 1991, establishing minority business participation goals pursuant to N.C.G.S. 143-128; and

**WHEREAS**, in January, 2002, the North Carolina General Assembly replaced the minority business participation provisions of N.C.G.S. 143-128 with a new statute, N.C.G.S. 143-128.2 which contains precise and stringent requirements for good faith efforts in utilizing minority businesses; and

**WHEREAS**, the Randolph County Board of Commissioners has been presented with a new Minority Business Outreach Plan, designed to identify minority businesses that can perform public building projects and to implement outreach efforts to encourage minority business participation in these projects; and

**WHEREAS**, notice of the required public hearing was duly published in The Courier Tribune newspaper on March 22, 2004 and posted on the official county bulletin board at the Randolph County Office Building located at 725 McDowell Road in Asheboro on March 18, 2004 , and the public hearing required by N.C.G.S. 143-128.2 was held on April 5, 2004.

**NOW, THEREFORE, BE IT RESOLVED** that the Randolph County Board of Commissioners hereby adopts the Randolph County Minority Business Outreach Plan establishing a goal of at least ten percent (10%) minority business participation and that Randolph County shall utilize said plan in awarding contracts pursuant to North Carolina law.

**AND BE IT FURTHER RESOLVED** that the resolution entitled "Resolution to Establish a Verifiable Percentage Goal for Participation by Minority Business in the Awarding of Building Construction Contracts Awarded Pursuant to N.C.G.S. 143-128" and dated February 4, 1991 is hereby repealed and replaced with this resolution.

### **Annual Report from Regional Partnership Workforce Development Board**

Reynolds Lisk, Workforce Development Board member, reviewed the 7/1/2002-6/30/2003 Annual Report of the Regional Partnership Local Area. He said that during this past fiscal year, 4,378 JobLink clients were served at the RCC site, and another 1,760 were served at the affiliate site, for a total of 6,138 clients.

### **Presentation and Adoption of the County Animal Response Team (CART) Plan**

MiMi Cooper, Public Health Director, told the Board that as a part of our preparations for natural or man-made disasters a CART has been prepared with the assistance of the State Animal Response Team. The plan provides a basic outline of responding to emergencies where animals are primarily or secondarily involved.

*On motion of Mason, seconded by Kemp, the Board voted unanimously to approve the County Animal Response Plan, as follows:*

#### ***Randolph County Animal Response Team-Standard Operating Procedures-(CART SOP)- Animal Response Plan***

- I. *PURPOSE-To define the role and responsibilities of the Randolph County Animal Response Team (CART) during an event or emergency in providing care and protection to animals, both wild and domestic, from the effects of the event or emergency through the provision of emergency services.*
- II. *SCOPE-This plan, by design, is to be used by CART to allow for the immediate action in providing animal care and control to help minimize suffering caused by such events or emergencies. Action taken by CART will be within the scope of this plan and the resources at CART'S disposal at the time of the event or emergency.*

*When possible, all animals will be reunited with their owners. If animals cannot be reunited with their owner, they will be handled with provisions already established by the county's animal control agencies or as dictated by such events or emergency and allowable by applicable law.*

*Wildlife that is in danger or a danger to the public will be the responsibility of specially trained CART and licensed wildlife personnel and in accordance with North Carolina Wildlife Resource Commission rules and regulations.*

#### **III. RESPONSIBLE AGENCIES**

- *Randolph County Emergency Services (Attachment A)*
- *Randolph County Animal Control (Attachment B)*
- *Other Animal Control Agencies (Attachment C)*
- *Randolph County Sheriff's Department (Attachment D)*
- *Other Law Enforcement Agencies (Attachment E)*
- *Cooperative Extension (Attachment F)*
- *Local Veterinarians (Attachment G)*
- *Local Humane Society (Attachment H)*

- *Randolph County Health Department (Attachment I)*

#### IV. RESPONSIBILITIES-

##### RANDOLPH COUNTY EMERGENCY SERVICES

###### When notified of an event or emergency:

- *Notify team leader (supervisor of Animal Control)*
- *Help with communications, if needed, to help mobilize and activate a CART response.*

##### RANDOLPH COUNTY ANIMAL CONTROL

###### Prior to event or emergency:

- *Maintain a fleet of vehicles equipped with routine capture equipment for transport of domestic animals to a designated facility*
- *Maintain an animal shelter*
- *Maintain an inventory of humane domestic animal traps*
- *Provide a staff trained in domestic animal capture and care*
- *Maintain a storage facility for housing domestic animal food*
- *Develop and maintain an effective mode of communication between CART members*
- *Schedule routine CART meetings*
- *Help coordinate CART training exercises*
- *Create, maintain and execute educational programs to educate the public on how to deal with their pets or animals during and after an event or emergency*
- *Work with the local veterinarians to locate and ascertain permission to set up animal shelters within the county*
- *Work with the local veterinarians to develop a recovery system for domestic animals and livestock*

###### During an event or emergency:

###### A. *When notified of an event or emergency*

###### 1. *Establish a base of operation*

- Use the animal shelter when available*
- Use the Health Department when the shelter is unavailable*
- Assess and use what is available if Health Department is inaccessible.*
- Establish temporary animal sheltering facilities.*

###### B. *Notify all necessary team members and mobilize*

- Mobilization should take place at base of operation*
- After mobilization, the team leader, with the help of other group leaders, will deploy all necessary resources to address the event or emergency.*

##### OTHER ANIMAL CONTROL AGENCIES

###### Prior to an event or emergency:

- *Maintain at least one animal control officer who will also act as the group leader*
- *Maintain a vehicle with routine capture equipment for transport of domestic animals to a designated facility*

##### RANDOLPH COUNTY SHERRIF'S OFFICE

###### During the event or emergency:

- *Will provide law enforcement personnel as event or emergency dictates*

##### OTHER LAW ENFORCEMENT AGENCIES

- *Will provide law enforcement personnel, within their respective jurisdictions, as event or emergency may dictate*

##### COOPERATIVE EXTENSION

###### Prior to event or emergency:

- *Designate and maintain a group leader*

- *Identify and maintain a list of livestock breeders that includes location, type of animal and approximate population*
- *Identify resources that can assist in the disposal of a large number of dead animals*
- *Maintain a list of locations that may be able to house misplaced livestock*
- *Maintain a list of resources that can assist in the transport of large livestock*
- *Develop and coordinate training for all CART members in the handling of livestock*

*During an event or emergency:*

- *Group leader will coordinate with team leader and other CART groups to direct operations involving livestock*

*LOCAL VETERANARIANS*

*Prior to an event:*

- *Coordinate a core group of veterinarians*
- *Establish a group leader*
- *Work with County animal control to locate and ascertain permission to set up animal shelters throughout the county*
- *Develop and provide training to CART members on basic animal first aid*
- *Locate the necessary supplies that may be needed during a time of crisis*
- *Work with animal control to develop recovery system for lost and injured domestic animals and livestock*

*During an event or emergency:*

- *Coordinate animal care activity*

*LOCAL HUMANE SOCIETY*

*Prior to an event or emergency:*

- *Designate a group leader*
- *Develop a list of volunteers*

*During an event or emergency:*

- *Mobilize the volunteers*
- *Assist as needed*

*RANDOLPH COUNTY HEALTH DEPARTMENT*

*Prior to event or emergency:*

- *Help educate the CART on the environmental and health issues stemming from an event or emergency*

*During an event or emergency:*

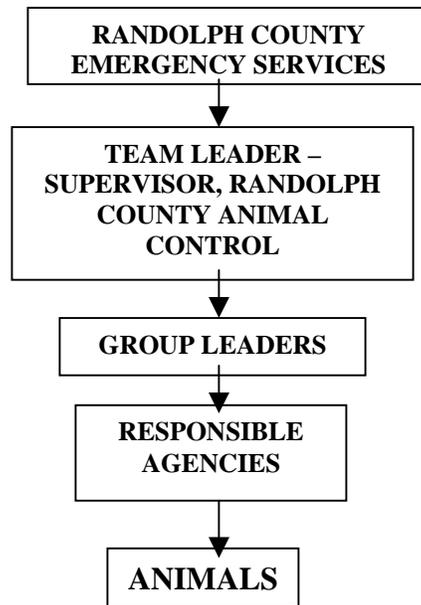
- *Be the local advisory body on environmental concerns as a result of such events or emergencies*

V. *PLANNING ASSUMPTIONS*

- *When notified of a pending emergency, the owners of domestic animals and livestock will take appropriate steps to prepare their animals or those under their control for safety from such emergency.*
- *The extent of the emergency or event may require the assistance of state or federal aid including specialized personnel.*
- *The nature of the emergency affecting domesticated animals or livestock may be natural or human made.*
- *The County should plan for emergency situations that will require local resources for response and recovery operations. If the situation dictates that outside animal care and/or rescue is required, assistance would most likely be available during and after most large-scale emergencies affecting the county.*

- *Public information statements will be issued through the various media outlets. This information will include, but not be limited to, the locations for displaced or injured domestic animals and livestock. The locations where injured, displaced or dead animals are being accepted during and after the emergency.*
- *With the development and maintenance of an animal protection plan, disaster relief efforts would be more effective and expedient.*

VI. *THE ORGANIZATIONAL FLOW OF THE RANDOLPH CART AND ITS RESPONSIBLE AGENCIES IS AS FOLLOWS:*



VII. *COMMUNICATIONS*

*The primary modes of communication between agencies during an event or emergency will be landline telephone, cell phone, pagers, fax, e-mail and police radio.*

**Public Hearing – Rural Operating Assistance Program (ROAP) Grant**

At 5:00 p.m. the Board adjourned to a duly advertised public hearing concerning the FY 2004-05 ROAP grant application. Russ Keeney, Transportation Director, Randolph County Area Transit System, told the Board that this grant consolidates the Elderly and Disabled Transportation Assistance Program, the Work First Transitional/Employment Transportation Assistance Program and the Rural General Public Program into a single package. The \$142,637 requested is based on formulas approved by the General Assembly.

Chairman Holmes opened the public hearing. No one was present to speak. Chairman Holmes closed the public hearing.

*On motion of Kemp, seconded by Davis, the Board voted unanimously to approve the FY 2004-05 ROAP grant application.*

**Request from Central Boys & Girls Club and Budget Amendment**

Addie Luther told the Board that the Central Boys & Girls Club of Randolph has experienced 2 years of a very good professionally managed club under the auspices of the Greater High Point Boys & Girls Club. These first 2 years have been funded primarily by seed money grants from national organizations obtained by the High Point Club plus approximately \$42,000 from the Asheboro/Randolph United Way and the City of Asheboro. Now they need to raise the continued operating funds from local community sources. She said that due to budgetary issues in the High Point organization, Central’s appropriations have been reduced. She also said that the Asheboro Club needs to break off from its parent organization

and be financially independent. She said that their long-range goal is to have one or two corporate sponsors to manage their funding. She asked the board for \$30,000 to bridge the immediate gap until they can secure long-range funding.

*On motion of Kemp, seconded by Frye, the Board voted unanimously to approve Budget Amendment #46, which appropriates \$30,000 from fund balance for the Central Boys and Girls Club, as follows:*

<b>GENERAL FUND - #46</b>	
<b>Appropriation</b>	<b>Increase</b>
<i>Other Human Services</i>	\$ 30,000
<b>Revenues</b>	<b>Increase</b>
<i>Appropriated Fund Balance</i>	\$30,000

**Bid Award for Canopies (Roof) and Gutters at McDowell Center**

Jane Leonard said that the County recently solicited bids for a roofing project to replace the canopy roof on the walkways at the Ira McDowell Center. The anticipated new roof is a build-up roof system with new guttering and downspouts. We requested bids for a 25-year warranty, as well as a 15-year warranty. Five vendors were invited to bid on this project; however, only four vendors submitted the following bids:

<b>Vendor Name</b>	<b>30 Year Warranty</b>	<b>25 Year Warranty</b>	<b>15 year Warranty</b>	<b>Other Warranty</b>
Able Exterior Remodeling & Roofing	--	--	\$46,000	--
Baker Roofing	--	--	--	\$48,028 (10 yr)
J. B. Contracting	\$46,000	--	--	\$41,000 (12 yr)
Southerland Roofing Co	--	\$45,500	\$40,500	--

Based on the above bids, the bid from J.B. Contracting for a 30-year warranty roof is the best overall bid. There are sufficient funds for this roofing project in the current budget and it is recommended that J. B. Contracting be awarded the roofing contract at \$46,000.

*On motion of Frye, seconded by Davis, the Board voted unanimously to award the bid for canopies and gutters for the McDowell Center to J. B. Contracting at a price of \$46,000.*

**Bid Award for Heating/Cooling (Chiller) Unit at Shaw Building**

Jane Leonard said that the County solicited bids to replace the chiller unit at the Shaw Building because the existing system has been requiring a lot of maintenance and repairs. The pipes are cleaned regularly, but they are showing a lot of deterioration. Parts cannot be obtained for our current unit because they are no longer manufactured. Currently one of the compressors has failed and it would cost approximately \$10,000 to be replaced. There is a second compressor that is on the verge of failing. Three vendors were invited to bid on this project; however, only two vendors submitted the following bids:

<b>Vendor Name</b>	<b>Bid Amount</b>
McQuay Service	\$50,350
Randolph Boiler & Mechanical, Inc.	\$42,760.70

It is recommended that the bid for a chiller unit at the Shaw Building be awarded to the lowest bidder, Randolph Boiler & Mechanical, Inc., for a total cost of \$42,760.70. There are sufficient funds for this replacement in the current budget.

On motion of Frye, seconded by Davis, the Board voted unanimously to award the bid for a chiller unit at the Shaw Building to Randolph Boiler & Mechanical, Inc. for a cost of \$42,760.70.

**Budget Amendment—Homeland Security Grant**

Will Massie, Deputy Finance Officer, told the Board that in order to enhance the capacity of state and local first responders’ reaction to a terrorism incident involving chemical, biological, nuclear, radiological, incendiary, and explosive devices, the Department of Homeland Security is providing a series of grants to assist in several areas of emergency preparation. Previously, Randolph County accepted a grant for \$133,214. For Part II, Randolph County has received a second grant for \$401,543; there are no matching requirements. The grant has been approved to purchase the following equipment:

Enhancements to radio equipment to boost signal strength	\$245,000
Interoperable radio equipment to process signals from various public safety communications devices	30,000
Two bomb dogs	30,000
Hydraulic equipment for search and rescue	55,000
Decontamination unit	18,000
Miscellaneous items	23,543
	<u>\$401,543</u>

On motion of Davis, seconded by Kemp, the Board voted unanimously to approve Budget Amendment #47, as follows:

<b>GENERAL FUND - #47</b>	
<b><i>Appropriation</i></b>	<b><i>Increase</i></b>
<i>Emergency Services</i>	\$401,543
<b><i>Revenues</i></b>	<b><i>Increase</i></b>
<i>Restricted Intergovernmental</i>	\$401,543

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

Jane Leonard said that the Department of Social Services has received a funding authorization for an additional \$326,666 for the Smart Start Day Care Program.

On motion of Mason, seconded by Frye, the Board voted unanimously to approve Budget Amendment #48, as follows:

<b>GENERAL FUND - #48</b>	
<b><i>Appropriation</i></b>	<b><i>Increase</i></b>
<i>Social Services</i>	\$ 326,666
<b><i>Revenues</i></b>	<b><i>Increase</i></b>
<i>Restricted Intergovernmental</i>	\$326,666

**Budget Amendment – Public Health**

Jane Leonard said that the Health Department has received notification of additional funding in the amount of \$14,578 to be used to purchase additional contraceptives and for laboratory fees for family planning patients.

On motion of Davis, seconded by Kemp, the Board voted unanimously to approve Budget Amendment #49, as follows:

<b>GENERAL FUND - #49</b>	
<i>Appropriation</i>	<i>Increase</i>
<i>Public Health</i>	<i>\$ 14,578</i>
<i>Revenues</i>	<i>Increase</i>
<i>Restricted Intergovernmental</i>	<i>\$14,578</i>

**Budget Amendment—Library**

Jane Leonard said that the State Aid to Public Libraries funding is dispersed to counties on a quarterly basis. Randolph County’s total allocation for FY2003-2004 is \$190,386. During the 2003-2004 budget process last June, we budgeted \$189,500. A budget Amendment is needed to account for this additional \$886.

*On motion of Frye, seconded by Davis, the Board voted unanimously to approve Budget Amendment #50, as follows:*

<b>GENERAL FUND - #50</b>	
<i>Appropriation</i>	<i>Increase</i>
<i>Public Library</i>	<i>\$ 886</i>
<i>Revenues</i>	<i>Increase</i>
<i>Restricted Intergovernmental</i>	<i>\$886</i>

**Budget Amendment—Day Reporting Center**

Jane Leonard said that the Montgomery County Juvenile Crime Prevention Council has approved additional funding for the contract with the Day Reporting Center to be used to provide case management and 4-H camp scholarships. The total amount of funding is \$12,864. The Randolph County Juvenile Crime Prevention Council has reallocated \$3,198 from the Court Psychologist Program to the Day Reporting Center program. These funds will be used for substance abuse assessments by the court counselors.

*On motion of Kemp, seconded by Davis, the Board voted unanimously to approve Budget Amendment #51, as follows:*

<b>GENERAL FUND - #51</b>		
<i>Revenues</i>	<i>Increase</i>	<i>Decrease</i>
<i>Miscellaneous</i>	<i>\$12,864</i>	
<i>Appropriations</i>	<i>Increase</i>	<i>Decrease</i>
<i>Day Reporting Center</i>	<i>\$16,062</i>	
<i>Other Human Services Agency</i>		<i>\$3,198</i>

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

County Manager Frank Willis said that item F. 2004A Refunding Certificates of Participation has been removed from the agenda because some additional refinancing is being done. The final budget amendment will probably be placed on the May 3, 2004 agenda.

**Award Contract for Housing Rehabilitation Specialist**

David Townsend, III, Public Works Director, reminded the Board that Randolph County received a Scattered Site Housing Grant in 2003 to utilize CDBG funds to rehabilitate homes for low- to moderate-income individuals. The County is in the process now of choosing which houses can be rehabilitated. The County needs to hire the services of a specialized firm to help with this type of rehabilitation work. He

said that his department has received proposals for a housing rehabilitation specialist for the current Randolph County Scattered Site Housing project. The County received proposals from three of the eight firms who received the solicitation for proposals. Their bids were as follows:

<b>Bidder</b>	<b>Bid Amount</b>
Hobbs, Upchurch & Associates, So. Pines, NC	\$18,000
EMR Services, Inc., Kannapolis, NC	\$22,600
Kiser Incorporated & Affiliates, Asheboro, NC	Bid \$34.50/hour (did not meet specifications)

This project is set up with the intent to have the Public Works Department serving as administrator on the grant, work with the Building Inspections Department, as well as several other County agencies, to identify work to be done on houses owned by low- to moderate-income individuals. The firm selected to do the housing rehabilitation work will work in close hand with both the Public Works Department and the Building Inspections Department to ensure that quality work is performed on these rehabilitated units.

The request for proposal was submitted with evaluation criteria on how these proposals would be reviewed and ranked based on five separate items that are beneficial in selecting the most qualified firm to provide these services. The firm of Hobbs, Upchurch and Associates, P. A. in Southern Pines had the strongest proposal to provide these services. Mr. Townsend asked that the Board approve a contract in the amount of \$18,000 with Hobbs, Upchurch and Associates, P. A. to provide housing rehabilitation services for the 2003 CDBG Scattered Site Housing project. CDBG funds will be used to pay for these services and no local funds will be required.

*On motion of Frye, seconded by Mason, the Board voted unanimously to award the contract for Housing Rehabilitation Specialist for the Scattered Site Housing project to Hobbs, Upchurch and Associates in the amount of \$18,000.*

**Refund of Excise Stamps**

Frank Willis stated that attorney William B. Mills requested the refund of excise tax paid on a deed that was recorded in Randolph County. The deed was filed with excise stamps in the amount of \$141. Since the purchase price of the property was actually \$52,000.00, the amount of excise tax should have been \$104.00, a difference of \$37.00. Mr. Mills is requesting the refund of the \$37.00 overpayment. North Carolina General Statute 105-228.37 governs the refund of overpayment of tax. This statute requires that a taxpayer requesting a refund must file a written request for said refund with the Board of County Commissioners within 6 months after the date that the tax was paid. Within 60 days after this request, the Board of Commissioners 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. Before the tax is refunded, the taxpayer must record a new instrument reflecting the correct amount of tax due.

*On motion of Davis, seconded Kemp, the Board voted unanimously to approve the refund of \$37.00 to the law office of William B. Mills contingent upon the attorney making the proper filings.*

**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. **AL MORTON**, Asheboro, North Carolina, is requesting that 104.54 acres located on Foxfire Road, Franklinville Township, be zoned to allow a conventional exclusive residential subdivision overlay. Parcel ID#'s 7791063307 and 7781964283. Zoning District RA. The Conditional Use Overlay Zoning District would specifically allow an 84-lot residential subdivision for site-built or conventional modular homes with a minimum house size of 1,400 sq. ft. Ronald Sewell - Property Owner. The Planning Board considered this request at a public meeting on March 2, 2004, and recommended unanimously that this request be approved with the condition to increase to a 50-ft. buffer along proposed lots 1-10.

**Al Morton**, Developer, said that he was representing Ronnie Sewell, whose family has owned the property for 23 years. There would be 2 new roads that would connect to Foxfire Rd. He said that the cemetery on the property would be protected. He said that he had talked to all the neighbors who had runoff and erosion concerns. He said that the erosion plan that he would have to file with the EPA in addition to the state standards for building the new roads should take care of these potential problems. He said that he has agreed to a 50-ft no-cut buffer along the northern and southern boundaries of the property and a 25-ft. buffer everywhere else. He said that they hoped to connect to the Franklinville water line that is being run to the Tank & Tummy store nearby. He said that the Dept. of Transportation has determined that the proposed increased traffic numbers from the subdivision are under the allowable minimum.

**Darrell Wright**, 3540 Wright Farm Lane, said that area schools are already overcrowded and a new subdivision this size wouldn't help. He already has problems with trash blowing into his pastures from the northwest and he's sure that this subdivision will cause more trash problems. He also has problems with 4-wheelers on his land and speculates that a new subdivision will create more riders on his land. He also has erosion and runoff concerns. And he's sure that the problems he has with stray dogs will increase.

**Bobby Stalker**, 505 Foxfire Rd., said that he already has runoff problems and he's sure he will get all of the water from this subdivision if it flows to the front of the property. He also has an electric fence and is concerned that someone will put his hands on the fence. He asked if he would be responsible if someone got shocked.

**Karen Elliott**, 404 Elliott Brown Trail, is concerned about the already overcrowded area schools. Also, the intersection at Hwy 64 and Foxfire Rd. is a bad intersection; this new subdivision will add to the congestion there. She likes country living, but this proposed subdivision looks more like an in-town subdivision.

**Dennis Mehall**, 379 Foxfire Rd., said that the Franklinville Fire Chief had recently expressed concerns with the current 45 m.p.h. speed limit. He contends that the speed limit should be 35 m.p.h. and this is without a new subdivision. He also said that his property is already getting a lot of runoff water. He doesn't understand how someone can grade an elevation change for 50-70 feet in order to force runoff in a different direction. He has ponds on his property and is concerned about liability issues should kids come onto his property. He said that he currently has a problem (crack) with a 27-33 ft. high, 150-ft. long dam. He's concerned with liability problems should the dam break. He also has concerns about the overcrowded area schools and availability of water. He said that he is getting runoff from his neighbor but they are working together to try to fix the problem. He is concerned whether the owners of the 12 new homes bordering his property will be as accommodating. He said that 75% of the proposed subdivision is ideal for development but 25% will produce runoff on his property.

**Sandra Hill**, 138 Allie Lane, said that her property is on the north side of the property and that there is a pond on her property that is not shown on the site plan. She has liability concerns about the pond too. She already has some flooding problems.

**Trenda Marsh**, 627 Foxfire Rd., said that she has lived in the area since she was 3 years old and has always had runoff problems. She said that the schools are already overcrowded and there are many developments in the district that aren't full yet. She's afraid the safe, quiet lifestyle that she and her neighbors have will disappear if this subdivision is built. She also has traffic concerns.

**Betty Conner**, 619 Foxfire Rd., said that she is concerned about runoff problems. She said that the 50-ft. buffer is good but part of this area is a field.

**Carle Hill**, neighbor, said that she has chicken houses and that a 50-ft. buffer won't keep the feathers, insects, rodents and odor from reaching the new property owners should this subdivision be built. She feels certain that her new neighbors will complain and she will be harassed. She also spreads manure over 47 acres nearby.

**Nancy Hamilton**, 375 Foxfire Rd., said that she agrees with all the concerns mentioned.

**Fred Elliott**, Elliott Brown Trail, said that he also has chicken houses and spreads manure on his property. He is concerned that his new neighbors will complain. He also has horses and is concerned that kids might crawl under the fence and get hurt by these horses.

**Dennis Mehall**, 379 Foxfire Rd., spoke again, saying that his home is zoned Residential Agricultural, and asked how long it will be before it's changed to strictly Residential. He also has problems with his neighbors target shooting toward his house.

Commissioner Kemp told Mr. Mehall that the zoning would not change unless he requested it.

Following discussion, the developer stated that he would amend his request to a 65-lot maximum and agreed to 50-foot uncut natural buffers around the perimeter of the subdivision and 100-foot well setbacks from new lot lines that border property being used for active agricultural purposes (lots 39-48) in addition to the 100-foot setbacks shown on the plat, as presented. Also, he agreed that the final subdivision layout would be designed in a manner that considers storm water impacts to adjoining property owners.

*On motion of Kemp, seconded by Frye, the Board voted unanimously to approve the request of Al Morton, with the following conditions:*

- *65-lot maximum instead of 84 lots*
- *50-foot uncut natural buffers around the perimeter of the subdivision*
- *100-foot well setbacks from new lot lines that border property being used for active agricultural purposes (lots 39-48) in addition to the 100-foot setbacks shown on the plat, as presented.*
- *Final subdivision layout should be designed in a manner that considers storm water impacts to adjoining property owners.*

2. **BILLY SELF**, Sophia, North Carolina, is requesting that 18.14 acres located on Marsh Mountain Road, Back Creek Township, be zoned to allow a conventional exclusive residential subdivision overlay. Parcel ID# 77347791261. Zoning District RA. The Conditional Use Overlay Zoning District would specifically allow a 13-lot residential subdivision for site-built or conventional modular homes with a minimum house size of 1,300 sq. ft. The Planning Board considered this request at a public meeting on March 2, 2004, and recommended unanimously that this request be approved with the condition of a 25-ft. no-cut buffer along the south property line.

**Billy Self**, applicant, spoke in support of his request.

*On motion of Frye, seconded by Mason, the Board voted unanimously to approve the request of Billy Self.*

**Adjournment**

At 9:35 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