

Commissioners Meeting Minutes

November 6, 2006

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 Holmes, Frye, Kemp, Davis, and Lanier were present. Rev. Randy Quate, Poplar Ridge Friends Meeting, Asheboro, gave the invocation, and everyone recited the Pledge of Allegiance.

Introduction of New Day Reporting Center Director

Interim County Manager Richard Wells introduced Pam Smith, who is the new Day Reporting Center Director.

Presentation of Proclamation of Appreciation

Chairman Holmes presented the following Proclamation of Appreciation to State Representative Arlie Culp:

***WHEREAS**, Arlie F. Culp, one of Randolph County's most distinguished citizens, has made numerous important contributions to the citizens of North Carolina and, in particular, Randolph County, through his role as community and state leader; and*

***WHEREAS**, Mr. Culp has served as a member of the North Carolina House of Representatives from 1989 to Present, representing Randolph County in exemplary fashion; and*

***WHEREAS**, Mr. Culp has been an advocate for county government on many critical issues; and*

***WHEREAS**, Mr. Culp proudly and honorably served our great country from 1944-1946 as a Seaman First Class in the United States Navy, where he was awarded a Good Conduct Medal; and*

***WHEREAS**, during his tenure, Mr. Culp has demonstrated his dedication to providing a better quality of life for all citizens by devoting countless hours serving on various boards, commissions and state, regional, and local organizations, and by fulfilling many state government committee assignments; and*

***WHEREAS**, Mr. Culp has received many awards and honors, such as the Asheboro Jaycees Distinguished Service Award, the W.O.W. Outstanding Citizen Award, and the North Carolina Rehabilitation Association C. Odell Tyndall Award.*

***NOW, THEREFORE, BE IT PROCLAIMED** by the Randolph County Board of Commissioners that we, too, acknowledge the talents, knowledge, leadership, and dedication of Arlie F. Culp and the altruistic manner in which he has devoted himself to the service of his fellow citizens. We take this opportunity to formally express our appreciation and give accolades to a man who is a true statesman in every sense of the word.*

Recognition of Retirees

Chairman Holmes presented an engraved clock to Ann Shaw, Register of Deeds, who is retiring with 35½ years of service with the County.

Chairman Holmes also presented an engraved clock to Sheriff Litchard Hurley, who is retiring with 28 years of service with the County.

Public Comment Period

Pursuant to N.C.G.S. §153A-52.1, Chairman Holmes opened the floor for public comment.

Phillip Craven said that he was a licensed trapper in North Carolina with 10 years of experience. He asked the Board to adopt local legislation to amend current trapping regulations regarding fox and raccoon season changes. He distributed information on current local legislation enacted through the General Assembly and pertinent copies of the NC Wildlife Regulations and general information on rabies and wildlife organizations in North Carolina as well as letters from local wildlife organizations in support of the proposed changes. He proposed that changes be made allowing foxes and raccoons to be harvested and sold during normal hunting and trapping seasons. Currently, foxes may be taken by hunting only and cannot be sold. He wants changes so that foxes can be harvested by hunting and trapping and that they may be sold. He also proposed a change that would allow raccoons to be trapped

with no bag limit during the normal hunting and trapping seasons instead of the current limit of 30 per season. He said that these changes would benefit Randolph County by helping to decrease the potential for rabies, which is prevalent in raccoons and foxes, and to provide the opportunity to combine wildlife best management practices with economic expansion by allowing the furs to be sold and used rather than them being simply disposed of by burial or in the County landfill.

Associate County Attorney Aimee Scotton and Randolph County Health Director said that they would look into the matter and report back to the Board at a later time.

Addition to Consent Agenda

Chairman Holmes announced that *Item L. Approve Budget Amendment—Day Reporting Center* would be added to the Consent Agenda.

Approval of Consent Agenda

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

- *approve 10/2/06 regular and closed session meeting minutes; and*
- *unseal closed session minutes from 6/6/05 meeting; and*
- *reappoint Mark Brady to Child Fatality Review/Community Child Protection Team; and*
- *reappoint Martha Smith to Nursing Home Community Advisory Committee; and*
- *appoint John McCormick to Aging Services Planning Committee; and*
- *approve recommendations for NC Association of County Commissioners concerning public libraries, as follows: 1) that the General Assembly make the \$830,248 in additional money appropriated to the State Aid to Public Libraries Fund last year a recurring appropriation, and 2) that \$750,000 be appropriated to the Division of State Library, Dept. of Cultural Resources, for the purpose of entering into a contract with Tutor.com for a statewide, online homework assistance program for students from the 4th-12th grades that would be available through local public libraries and remotely through home computers; and*
- *approve resolutions adding Lawrence Farm Lane and Gilead Drive to the State Roads System, as follows:*

***WHEREAS**, the Department of Transportation has investigated Lawrence Farm Lane in the Deerfield South Subdivision; and*

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

***NOW, THEREFORE, BE IT RESOLVED** by the Randolph County Board of Commissioners that Lawrence Farm Lane in the Deerfield South Subdivision be added to the Division of Highways' Secondary Road System.*

and

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

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

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

- *approve Budget Amendment #12—Communities in Schools, as follows:*

2006-2007 GENERAL FUND - Amendment #12	
Revenues	Increase
<i>Appropriated Fund Balance</i>	<i>\$70,000</i>
Appropriations	Increase

<i>Education</i>	<i>\$70,000</i>
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- *approve Budget Amendment #13—Home & Community Care Block Grant, as follows:*

2006-2007 GENERAL FUND - Amendment #13	
Revenues	Increase
<i>Restricted Intergovernmental</i>	<i>\$59,224</i>
Appropriations	Increase
<i>Other Human Services Appropriations</i>	<i>\$59,224</i>

- *approve Budget Amendment #14—Public Health, as follows:*

2006-2007 GENERAL FUND - Amendment #14	
Revenues	Increase
<i>Restricted Intergovernmental</i>	<i>\$ 21,174</i>
Appropriations	Increase
<i>Public Health</i>	<i>\$21,174</i>

- *approve Budget Amendment #15—Social Services, as follows:*

2006-2007 GENERAL FUND - Amendment #15	
Revenues	Increase
<i>Restricted Intergovernmental</i>	<i>\$ 37,000</i>
Appropriations	Increase
<i>Social Services</i>	<i>\$ 37,000</i>

- *approve Budget Amendment #16—Day Reporting Center, as follows:*

2006-2007 GENERAL FUND - Amendment #16	
Revenues	Increase
<i>Restricted Intergovernmental</i>	<i>\$ 29,935</i>
<i>Miscellaneous</i>	<i>\$14,218</i>
	Increase
<i>Day Reporting Center</i>	<i>\$44,153</i>

Request from Randolph Hospital

Dr. Charles Stout and Rob Reese, Co-Chairs of Randolph Hospital’s Building Quality Close to Home Capital Campaign, along with Bob Morrison, Randolph Hospital Administrator, requested funding assistance from the County for the construction of a new 58,000 square foot building. This new building will house the Randolph Cancer Center, which will include a new Linear Accelerator for radiation treatment. It will also house the new Outpatient Center, which will consolidate all of the outpatient services or Randolph Hospital under one roof. They requested a \$500,000 contribution.

On motion of Kemp, seconded by Frye, the Board voted unanimously to approve \$100,000 a year for 5 years, effective 7/1/06, to Randolph Hospital, for outpatient and cancer center expansion.

Report from Sandhills Mental Health Center

Michael Watson, Chief Executive Officer of Sandhills Center for Mental Health, Developmental Disabilities & Substance Abuse Services, presented his annual update. He announced that 5 residential duplex buildings (10 apartments) opened last week at Sherwood Park Place for citizens with mental

health problems. He also said that Sandhills has now completed its divestiture process. They are currently working on their new business plan, which is due March of 2007. He said that a big concern all across the state is the closing of Dorothea Dix Hospital, which is about 1 year away.

Consideration of Resolution Approving Levy of Privilege Tax by Piedmont Authority for Regional Transportation (PART)

Vice Chairman Frye reminded the Board that at their September meeting, Brent McKinney from PART, made a presentation about Park and Ride services and presented a resolution approving the levy of a privilege tax (gross receipts tax on vehicles and motorcycles) by PART for the Board's consideration. This tax would fund the local match required by the affected local governments (Trinity, Randleman, Archdale, and the County) for the Park and Ride services. A decision on the adoption of the resolution was tabled. Since the September meeting, resolutions have been adopted by Trinity, Randleman and Archdale encouraging the County to approve the tax levy.

Spec Hoffman, a citizen who owns a small rental/leasing business in Asheboro, spoke in opposition to the tax levy. He said it would hurt small businesses like his. Three other citizens also spoke in opposition to the tax levy.

After discussion, the Board decided to table a decision until a future meeting in order to consider other possible funding sources.

Consideration of Resolution Recommending Adoption of the 2007-2013 Transportation Improvement Program (TIP) by the NC Board of Transportation

Vice-Chairman Frye presented a resolution supporting the 2007-2013 TIP for the High Point MPO for the Board's Consideration.

On motion of Frye, seconded by Lanier, the Board voted unanimously to adopt the following resolution of support for the adoption of the 2007-2013 Transportation Improvement Program by the NC Board of Transportation, as follows:

WHEREAS, Randolph County is a member of both the High Point Metropolitan Planning Organization (MPO) and the Piedmont Triad Rural Planning Organization (RPO) and has received information regarding North Carolina's draft of the 2007-2013 Transportation Improvement Program (TIP) to the Transportation Committee; and

WHEREAS, Randolph County desires adoption of a 2007-2013 TIP with the inclusion of the funding of the US 311 Bypass/I-74 (R-0609- IA and IB) and US 311/Future I-74 Project (R-2606- A, B, and C) as indicated in the draft 2007-2013 TIP; and

WHEREAS, the draft 2007-2013 TIP includes full funding for all projects to complete US 311/I-74 to US 220 with final construction beginning on US 311/Future I-74 no later than the dates indicated in the TIP for R-2606 B & C; and

WHEREAS, the County of Randolph requests that R-0609 IA and IB and R-2606A stay on schedule to be awarded for construction in February of 2007 and that all efforts be made to expedite awarding of R-2606B & C for right-of-way and construction as soon as possible.

NOW, THEREFORE, BE IT RESOLVED that the Randolph County Board of Commissioners does hereby recommend adoption of the 2007-2013 Transportation Improvement Program (TIP) by the NC Board of Transportation, which includes full funding and construction of US 311 Bypass/I-74.

Update on the Closing/Cleanup of Braxton-Craven Recycling Site

David Townsend, III, Public Works Director, said that the Public Works Department has been in discussion with the City of Trinity for the past several years to solve the problem of the unsightly dumping of trash at the Braxton Craven Recycle Site. Following a public hearing, the Trinity City Council requested that the County close the site. Mr. Townsend reported that on October 25, 2006, cleanup of the site was completed and the site closed.

Request from D.O.T. for Highway Right-of-way

Aimee Scotton, Associate County Attorney, said that the North Carolina Department of Transportation (DOT) has requested that Randolph County grant the DOT a Deed for Highway Right-of-way for property that the County owns on Henley Country Road. The DOT is replacing a bridge on this road and the current right-of-way is thirty feet on either side of the road. The DOT is requesting this property in order to widen the right-of-way to approximately fifty feet. This extra property is needed in order to keep the drainage ditches once the bridge has been replaced. The DOT has offered to pay the County \$1,750 for this property. North Carolina General Statute 160A-274 allows for this transaction.

On motion of Kemp, seconded by Davis, the Board voted unanimously to grant the NCDOT a deed for highway right-of-way for County property on Henley Country Road and authorized the Chairman to sign the deed.

Elect Voting Delegates for Legislative Goals Conference

Chairman Holmes announced that this item has been postponed until the December meeting.

January Meeting Date Set

On motion of Frye, seconded by Lanier, the Board unanimously set Monday, January 8, 2006 for its regular monthly meeting, due to holiday conflict.

Closed Session—Economic Development (N.C.G.S.143-318.11(a)(4))

At 6:00 p.m., on motion of Frye, seconded by Kemp, the Board voted unanimously to go into closed session to discuss matters relating to the location or expansion of business in the area, pursuant to N.C.G.S. 143-318.11(a)(4).

At 6:25 p.m., the Board returned to open session and then took a short recess.

Public Hearings Concerning Zoning

At 6:40 p.m., the Board adjourned to duly advertised public hearings to consider rezoning requests and an amendment to the Growth Management Plan for the expansion of rural growth area. Hal Johnson, Planning and Zoning Director, 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. EARNHARDT BUILDERS, INC., Asheboro, North Carolina, is requesting that 113.39 (out of 208.20 acres) located on Post Road, Tabernacle Township, be rezoned from RA to CVOE-CD. Secondary Growth Area. Lake Reese Watershed. Tax ID# 6794275820. The proposed Conditional Zoning District would specifically allow the development of a 33-lot residential subdivision for site-built homes with a minimum house size of 1,500 sq. ft. The County Planning Board reviewed the request on June 6, 2006, and recommended by a vote of 5-2 that the request be approved as consistent with the County Growth Management Plan. The County Commissioners considered this request on July 11, 2006, and voted 3-2 to deny the request due to concerns about health and safety issues relative to sludge application on the site. The Commissioners stated that Mr. Earnhardt could bring the request back before the County Commissioners at public hearing when evidence could be provided convincing to the Commissioners that the prior application of sludge on the site would not pose a significant danger to the public health and safety. The Commissioners stated that presentation of such evidence would constitute a significant change in the request and the applicant would not have to wait the normal one year after a rezoning request has been denied by the Commissioners. The applicant has requested, through his attorney, that he be given the opportunity to present such evidence to the Board of Commissioners. Article XIII, Section 4L, Randolph County Zoning Ordinance, requires that any such change in the zoning map if denied by action of the Board of County Commissioners may be resubmitted within a period of one (1) year from the date of such denial by the Board of County

Commissioners, unless the Board shall unanimously find that changing conditions or new information concerning the property requested for rezoning warrant a resubmission.≡ A unanimous vote of the Board to reconsider this request for rezoning will be necessary prior to public hearing.

Examples of Growth Management Policies that the Technical Review Committee found supporting this recommendation are:

Policy 2.6 The County should encourage new major conventional residential subdivision development to be located in growth areas likely to be served at some point by public infrastructure or in cluster subdivisions to be designed in a manner that would reduce infrastructure extension distances.

Policy 6.13 Conventional Residential Subdivisions are anticipated of similar housing characteristics to the community.

Policy 6.14 Residential subdivisions should, in order to promote efficiencies in the delivery of urban services, be encouraged to develop in a fashion which minimizes Aleap frog≡ development (i.e. leaving large vacant areas between developments).

County Attorney Alan Pugh stated that he had reviewed new information (evidence) from the applicant and determined that the Board would be sustained in rehearing the applicant's request upon a motion, second and unanimous vote of the Board to rehear.

On motion of Lanier, seconded by Kemp, the Board voted unanimously to rehear the request of Earnhardt Builders, due to the applicant providing new evidence which satisfies the requirements to rehear a previously denied request sooner than 1 year from the denial, pursuant to Article XIII, Section 4L of the Randolph County Zoning Ordinance.

County Attorney Pugh instructed both proponents and opponents to limit their comments to 20 minutes per side.

Tom Terrell, attorney for the applicant, said that following the Board's denial decision at the July 10, 2006 Commissioners meeting the applicant hired a licensed soil scientist to test the soil at the subject site. Mr. Terrell introduced Robert Branch, L.S.S. and distributed Mr. Branch's résumé to the Board. (The résumé will be included by reference in the meeting file located in the Clerk's office as an official part of these minutes.)

Robert Branch, licensed soil scientist, distributed a review of biosolids regulations and findings from the soil testing of the subject site. He told the Board that sewage sludge must be treated before it leaves the wastewater plant. Biosolids are the nutrient-rich organic materials resulting from the treatment of sewage sludge and can be safely recycled and applied as fertilizer to improve and maintain productive soils and stimulate plant growth. All phases of the process are monitored. He said that the regulations for biosolids became effective on March 22, 1993 and are called 40 CFR Part 503. This rule sets specific performance standards for the handling, reporting, treatment and management of biosolids and includes upper limits for heavy metals. The regulation is comprehensive and is risk-based to protect public health and the environment. The standards used were based on the most limiting of 14 different pathways. The most restrictive pathway for most of the metals was direct ingestion of the soil by a child. Mr. Branch argued that, as a result of this pathway, a higher concentration of metals is found in a Centrum vitamin than in biosolids that are land applied. Biosolids are used as a replacement for fertilizer because it contains nitrogen, phosphorus, potassium, and other nutrients that are needed in large supply for proper plant growth and plant nutrition. Biosolids also contain micronutrients such as copper, chlorine, iron, manganese, molybdenum and zinc. Copper, molybdenum and zinc are also considered heavy metals. In addition to these are arsenic, cadmium, lead, mercury, nickel, and selenium, which are also monitored by 40 CFR part 503. The total amount of metals that can be land applied are set in this regulation. In North Carolina, 95% of all biosolids are recycled and land applied and requires a permit by the state. Annual reports are also filed with the state (NC Division of Environment and Natural

Resources (DENR)) and the federal government (Environmental Protection Agency—EPA); these reports are reviewed and fines assessed if there are any violations.

During the mid 1990’s the City of High Point had a land application permit, which allowed biosolids from the Eastside and Westside wastewater treatment plants to be land applied. Applications could be made only to approved land that was checked by the State of North Carolina. One of the sites approved was a site (Field 31.04) previously owned by Charlie Welborn and currently owned by Bobby Earnhardt. According to the information supplied, Field 31.04 received 2 applications from each plant from October 1993 to November 1997.

Mr. Branch stated that he collected samples on September 15, 2006 from the following locations:

- BE – 1 Lawn of nearby Pleasant Hill Church.
- BE – 2 An area in the subject field that is in the buffer area that should not have received biosolids. This area was on the northern edge of the field and borders Eric Black’s property.
- BE – 3 An area in the subject field that received biosolids that excluded the likely staging area (place where trucks loaded the spreader) of trucks and thus the heaviest of applications
- BE – 4 The likely location of the staging area of biosolids trucks that should have resulted in the heaviest of applications (hot spots).

Mr. Branch said that proper care and handling was used to insure the samples would allow direct comparison with the 40 CFR Part 503 cumulative metal loading rates. Depending on the size of the four locations, between 15 and 50 small samples were collected from each area and mixed together. The samples were sent to a lab for analysis for the ten total metals listed in 40 CFR Part 503. No evidence was seen (while soil samples were collected or in the review of the records made available to Mr. Branch) that a problem with the biosolids application had occurred. Because no visually different area was observed, an area was selected that could have been the staging area. Typically in the staging area, some spillage occurs and this area receives a slightly higher application.

The following are the soil testing results from A & L Eastern Lab:

6-in depth composited soil samples	Ar-senic	Cad-mium	Chrom-ium*	Cop-per	Lead	Mer-cury	Molyb-Denum*	Nick-el	Selen-ium	Zinc
BE-1 Church	3.4	<1	31	17	56	<0.2	<5.0	14	0.3	30
BE-2 Buffer	4.7	1	27	13	24	<0.2	<5.0	13	<0.1	28
BE-3 Application (-) Staging	7.2	1	27	18	29	<0.2	<5.0	12	<0.1	37
BE-4 Heaviest Application	8.0	1	24	15	26	<0.2	<5.0	9	<0.1	29
**EPA Standard→	24	20	1,500	769	161	9	18	228	50	1,454

* Concentration for these metals has been deleted or are subject to re-evaluation

** EPA Standards shown are found in Column 6, Risk Assessment Acceptable Soil Concentration (mg/kg-soil), of Table 18 “Acceptable Soil Concentrations for Metals Derived from the Biosolids Risk Assessment.” Found in A Guide to the Biosolids Risk Assessments for the EPA Part 503 Rule, published in September 1995. EPA/832-B-93-005.

Mr. Branch stated that all soils contain some heavy metals. The soil sample taken from the Pleasant Hill Church contained heavy metals, as did all the soil samples. The soil results have been placed in a table (shown above) to compare with the risk-based health limits listed in Part 503. All soil metals are below the regulation metal limits. Because these guidelines were developed to be comprehensive for potential human exposure utilizing 14 separate pathways, the heavy metal levels on the Earnhardt property are below levels of potential health concerns. The results were also sent to DENR for review and comment. Mr. Branch reviewed a letter from Jon Risgaard, Division of Water Quality-Land Application Unit, NCDENR, in which the same conclusion was reached.

Robert King, environmental law attorney representing Eric and Janet Black, said that it was a violation of Randolph County's ordinances to allow Mr. Earnhardt to obtain a rehearing based on information that he could have provided at the original hearing. Earnhardt asked permission to present information relating to whether "prior application of sludge" on the site poses "significant danger to public health and safety" and the Board should not have considered this request because this information is not new; Mr. Earnhardt should have provided such information at the July 10th meeting since he had been directed to do so by the Board. He also objected to the rehearing because the "new" evidence at the November 6, 2006 meeting would be improper because it would violate notice requirements for public meetings. Mr. King said that his office sent a letter to Mr. Earnhardt's attorneys on October 11, 2006 requesting copies of any "new" evidence that Mr. Earnhardt intended to present. Mr. King also followed up with phone calls and Mr. Earnhardt and his attorneys ignored the requests for the "new" information. Mr. King said that going forward with the rezoning request, without access to information that Mr. Earnhardt intends to rely upon as part of his requests, would be unfair and improper.

Mr. King said that the County would soon be having another problem because the county schools have an option to purchase land for another middle and high school nearby (off Finch Farm Road) that also is believed to have had sludge applications. He also said that the method that Mr. Branch used of mixing the samples was absurd and would not give an accurate reading of the concentration of contamination in specific areas. And, the results of the samples from the church yard were below the state standard for arsenic and the others were above the state standard for arsenic.

Eric Black, 6651 Post Road, Thomasville, discussed the land that the county school board is considering buying. He believes that sludge was applied to it also. He said that the school board probably didn't know about the sludge application. But all parents of children who will go to the schools should be made aware of it. He said that the health and welfare of countless people, including children, are of the essence because of the sludge application. He asked the commissioners to ask themselves if they would build a house on this site and then make an informed decision.

John Stewart, Senior Registered Geologist with Trigon Engineering Consultants in Greensboro, said that the number of samples that Mr. Branch took were insufficient and diluted because he mixed the samples. He said that Mr. Branch should have tested samples taken directly from high and low areas and from a variety of depths. He also said that the State of North Carolina's standard for arsenic is too high for human occupation.

Darrell Fruth, attorney representing Eric and Janet Black, said that 500 pounds of carcinogens were deposited on the subject site. Arsenic, lead, mercury and chromium were all applied there. The fact that a few of the results were below the state standard does not guarantee that the site is safe. He said that the 40 CFR Part 503 rule is seriously outdated and was established to protect farmers.

Robert King spoke again, saying that the contaminants from the biosolids are still in the land and that they won't go away. They pose a health hazard to people who will live on the site and that the standards used by Mr. Branch were not adequate to protect people in residential developments. He

stressed that Ken Rudo, State Toxicologist, has said that these are not safe levels. He asked the Board to deny the request.

Tom Terrell spoke again, saying that metals have been in the earth since Creation. Naturally occurring arsenic was found in the church yard. The levels at the subject site are well below levels the EPA considers safe and that the real issue wasn't about contamination of sludge; it was about a neighbor not wanting another subdivision in his neighborhood.

Commissioner Lanier said that the state approved the application of the sludge and oversaw the application process.

Commissioner Davis argued that since heavy metals like lead and arsenic are naturally occurring in the soil, and if the tolerance level for these metals is zero, where could anyone ever build a house?

Commissioner Kemp said that since the state has the authority and jurisdiction over environmental matters such as permitted sludge applications, the Board of Commissioners has no authority in such matters and could not overturn a state decision anyway.

Robert King said that Mr. Earnhardt should have called Mr. Black and given him the opportunity to be present when the samples were collected and to take his own samples and have them tested.

On motion of Lanier, seconded by Kemp, the Board voted unanimously to approve the request of Earnhardt Builders, Inc., as consistent with adopted comprehensive plans and as outlined in the recommendations provided by the County Planning Board.

2. CONSIDER AMENDMENT TO GROWTH MANAGEMENT PLAN FOR EXPANSION OF RURAL GROWTH AREA. Mr. Johnson said that the community has requested that the Rural Growth Area, as reflected on the Randolph County Growth Management Plan, be extended to include the boundaries of Earl Johnson Road, Branson Davis Road, and Walker Mill Road. The request is submitted to maintain for low-density development and to enhance water quality protection for the Randleman Lake. The County Planning Board considered this request at a public meeting on October 3, 2006, and recommended unanimously that the request be denied and that the property remain in a Secondary Growth Area as currently reflected on the Growth Management Plan. The Planning Board noted that the only Rural Growth Areas maintained in this area are a result of the Water Critical Area of the Randleman Lake, and that the current plan accurately reflects future development of one-acre lot conventional subdivisions along the corridor from Randleman to Archdale. Future expansion of water and sewer lines into this area will have impact on density of future developments. Mr. Johnson referred to a copy of a letter from Lynn Small and other neighbors, following a July 10 2006 Board of Commissioners denial for a rezoning request from Larry East on Branson Davis road in Sophia. At that July meeting, they asked that the rural growth area be expanded to provide extra protection for their community. Mr. Johnson said that the Planning Board was concerned that if changes to the Growth Management Plan were made on case by case bases, the Plan would lose its intended integrity. He also said that the Planning Board also considered that the County is currently working on a county-wide water plan.

Lynn Small, 4807 Walker Mill Road, spoke in support of a decision to amend the Growth Management Plan for expansion of Rural Growth Area, as requested. He said that property should be development with watersheds in mind because you can't have good water without good watershed protection. He said that he also wants something in place to protect the area's rural quality; 3-acre tracts would help and is reasonable for this area. There would also be less impact on the county's resources.

Butch Coltrane, 1557 Commonwealth Road, spoke in support of the request, saying that the current Growth Management Plan is good but every plan needs to be updated sometimes. He also stated that a major land owner, Betty Walker, also supports this request. He urged the Board to approve the amendment to protect the watershed. He's worried about water quality 20 or 30 years from now.

Stan Byrd, realtor, spoke in opposition to the request, saying that if the Board approved this amendment it would be spot zoning. He asked how a developer would protect himself in the situation where he bought property with the intention of developing it several years later and then the zoning could get changed in the meantime.

Ben Morgan, attorney, spoke on behalf of Larry East and Arlin Buttke. He said that a decision to change the Growth Management Plan would definitely be considered spot zoning, would result in many legal ramifications and would set a precedent for other requests for changes. He further stated that it would be an insult to the Planning Board and Planning Staff and would undermine the Growth Management Plan.

On motion of Davis, seconded by Frye, the Board voted 3-2, with Kemp and Lanier opposing, to amend the Growth Management Plan, as requested.

3. JEFFREY RAINS, Trinity, North Carolina, is requesting that 10.39 acres located at 9118 Archdale Road, Trinity Township, be rezoned from RA to HC-CD. Primary Growth Area. Tax ID# 7726235258. The proposed Conditional Zoning District would specifically allow an automotive repair garage in an existing building as per site plan. The Planning Board reviewed this request at public meeting on October 3, 2006, and unanimously recommended that this request be approved as consistent with standards and policies within the Growth Management Plan, with the following conditions: appropriate buffers and relocation of the parking lot .

Examples of Growth Management Policies that the Technical Review Committee found supporting this recommendation are:

Policy 4.2 Highway oriented commercial uses should be clustered along segments of arterial streets and contain land uses that are mutually compatible and reinforcing in use and design. They should be designed in a way that minimizes signage, access points and excessive lengths of commercial strip development.

Policy 4.6 Compatible land uses such as rural neighborhood retail and service establishments located close to general residential areas should be considered during the rezoning process with the general goal of reducing automobile travel distances and promoting better livability in the community.

Jeff Rains, applicant, spoke in support of his request, saying that there would be no body work done in the garage—only light engine repair work.

Doris Davis, 9099 Hillsville Road, said that this building is right in front of her house and she doesn't want another commercial building in the neighborhood.

Gilbert English, 9120 Hillsville Road, said that he used to live in the house and he actually built the garage for his own personal use. The garage is extremely close to the house. Although he doesn't live there now, he rents the house and the renters don't want it primarily because they have children. He also said that there are 2 floor drains in the building which drain into a ditch outside and could potentially cause environmental problems. He said that the proposed buffers would be inadequate to buffer noise. He also argued that there would be more than 4 or 5 cars there at one time.

Lynwood English, 10135 Archdale Road, Trinity, father of Gilbert, spoke in opposition to the request. He said he had environmental concerns since there is a pond downhill from the garage. The house is only a stone's throw away from the garage and the renters are very opposed to the garage. He

distributed a photograph of the proximity of the house to the garage. The garage would also devalue his son's property.

On motion of Frye, seconded by Davis, the Board voted unanimously to deny the request of Jeffrey Rains due to the garage being situated right on the property line and the close proximity of the garage to the house.

Adjournment

There being no further business, the meeting adjourned at 9:22 p.m.

J. Harold Holmes, Chairman

Darrell L. Frye

Phil Kemp

Robert B. Davis

Arnold Lanier

Cheryl A. Ivey, Clerk to the Board