

Commissioners Meeting Minutes October 6, 2008

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, Lanier and Haywood were present. Rev. Howard Moffitt, Woodfern Baptist Church, Seagrove, gave the invocation and the Pledge of Allegiance was led by Randolph County 4-H Youth. The Randolph County 4-H Youth also recited their pledge to the 4-H flag.

Public Comment Period

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

Mark Bouldin, 225 Bobby Moran Drive, Seagrove, spoke, complaining about the noise from a motorcycle training facility that the Board granted approval of through a zoning request in March, 2008. He said that he has lived at his current address for 25 years, works 12-hour shifts, and is unable to sleep due to the unbearable noise. Mr. Bouldin had the following comments and questions for the Board:

- Does he not have the right to peaceful sleep in his own home?
- Why should he have to sacrifice his property for one individual's profit venture?
- How can he work shift work when the noise goes on until 10:00 p.m.?
- He feels that he was lied to by the Board when they said that the motorcycle facility would be no more of a nuisance than the nearby asphalt plant.
- Was there a community impact study done?
- If so, what kind and by whom?
- Was there a notice given regarding the rezoning request? If so, where and by whom?
- Why was the property allowed to be rezoned for a racetrack this time and refused in the past?

Hal Johnson, County Planning Director, said that adjoining property owners were sent notices, and public hearing signs were posted along the roadside in the affected area.

Robert Moran, Asheboro, also spoke about the unbearable noise at the racetrack. He said he is a real estate agent for the agency that sold Mr. Maness the property. He said the selling agent told him that the rezoning (back in March) would be two zonings: one for Mr. Maness's residence and one for a training center; however, it is actually a motocross track. Mr. Moran said that he is getting calls from his renters near the track regarding the noise and does not want to lose tenants and income. He stated that he checked, and there have been no permits issued for a septic system yet. He told the Commissioners that Mr. Maness needs to follow through with what is required of him.

Mr. Johnson stated that the code enforcement staff has visited the site numerous times and found no code violations.

Mary Brewer, 245 Bobby Moran Dr. and adjoining property owner, said that she has been a resident here for 30 years. The noise is present every day with Saturday and Sunday being the worst, and it is driving her crazy. She stated that it sounds like hundreds of weed eaters or chainsaws all continuously going at one time. She invited the Commissioners to come to her house any time and sit on the porch or even come in the house and hear it for themselves. She stated that she does not think they would like to live with those conditions in their neighborhood. She cannot enjoy being outside anymore or get away from the noise inside of her house.

Sue Snipes, 354 Scott Farm Rd., said that she agreed with Ms. Brewer and thought Ms. Brewer described it well. Ms. Snipes asked the Commissioners to remember who voted them into office and the oaths they made to serve the people. Ms. Snipes said that the racetrack violates the County’s noise ordinance. She urged the Commissioners to do something to help them and invited the Commissioners to come and listen for themselves.

Board members instructed County Attorney Darren Allen to look into the matter to see what could be done to help these citizens and to make a report at the October 27 Retreat.

There being no further comments, the public comment period was closed.

Approval of Consent Agenda

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

- *approve minutes of regular meeting of September 2, 2008;*
- *approve Firemen’s Relief Fund appointments: Coleridge- Benny Beck, C.E. Teague; East Side- Jim Pell; David Creason; Farmer- Roger King, Steven Hughes; Franklinville- Kyle Dixon, Johnny Hicks; Guil Rand- Dustin Smith, Mike Bradshaw; Level Cross- David Davis, H. Kenneth Adams; Northeast- Larry Williams, William Flowe, Jr.; Randleman- Melissa Blalock, Charles Byerly; Seagrove- Darrell L. Voncannon, Bernard Needham; Sophia- Edwin W. Beeson, Chuck Powell; Southwest- Terry Shaw, Derrick Britt; Staley- Yancy King, Terry Williams; Tabernacle- Darrell Owenby, Joy Ann Sexton; Ulah- Norris Whatley, Ted Scott; Westside- Brian Hedgpeth, Derrick Lyndon;*
- *reappoint Pike Johnson to the Tourism Development Authority;*
- *reappoint Fred deFriess to the Randolph County Child Fatality Review/ Community Child Protection Team;*
- *appoint Rev. Randy Kelley to the Randolph County Juvenile Crime Prevention Council;*
- *approve Budget Amendment #6 for Cooperative Extension (4-H Grant from United Way), as follows:*

2008-2009 BUDGET ORDINANCE		
GENERAL FUND- Amendment #6		
Revenues	Increase	Decrease
<i>Miscellaneous</i>	<i>\$6,000</i>	
Appropriations	Increase	Decrease
<i>Cooperative Extension</i>	<i>\$6,000</i>	

- *approve Budget Amendment #7 for Day Reporting Center, as follows:*

2008-2009 BUDGET ORDINANCE		
GENERAL FUND- Amendment #7		
Revenues	Increase	Decrease
<i>Restricted Intergovernmental</i>	<i>\$3,319</i>	
<i>Miscellaneous</i>	<i>\$21,934</i>	
Appropriations	Increase	Decrease
<i>Day Reporting Center</i>	<i>\$25,253</i>	

- *approve Budget Amendment #8 – Transfer for Starpet Economic Development Incentive, as follows:*

2008-2009 BUDGET ORDINANCE		
GENERAL FUND- Amendment #8		
Revenues	Increase	Decrease
<i>Transfer from Economic Development Reserve</i>	\$ 125,000	
Appropriations	Increase	Decrease
<i>Other Economic and Physical Development</i>	\$ 125,000	

- approve Budget Amendment #9 for Health Department (Preparedness & Family Planning), as follows:

2008-2009 BUDGET ORDINANCE		
GENERAL FUND- Amendment #9		
Revenues	Increase	Decrease
<i>Restricted Intergovernmental</i>	\$16,202	
Appropriations	Increase	Decrease
<i>Public Health</i>	\$16,202	

- approve Budget Amendment #6 for Asheboro City Schools Capital Project Ordinance (Teachey Elementary School), as follows:

2008-2009 BUDGET ORDINANCE		
GENERAL FUND- Amendment #6		
Revenues	Increase	Decrease
<i>Interest Earned</i>	\$ 141,000	
<i>Sales Tax Refund</i>	\$ 77,000	
Appropriations	Increase	Decrease
<i>Professional Services</i>	\$ 3,400	
<i>Other Services</i>	\$ 25,000	
<i>Miscellaneous</i>	\$ 26,000	
<i>Construction</i>	\$ 163,600	

- approve Budget Amendment #2 for 2006 Single Family Rehabilitation Program CDBG Project, as follows:

2008-2009 BUDGET ORDINANCE		
GENERAL FUND- Amendment #2		
Revenues	Increase	Decrease
<i>Restricted Intergovernmental</i>	\$10,000	
Appropriations	Increase	Decrease
<i>Rehabilitation</i>	\$10,000	

- approve Work First Plan for FY 2009-2011, as recommended by the Randolph County Work First Planning Committee.

Adoption of Proclamation for 4H Week (October 5-11, 2008)

Chairman Holmes read the proposed proclamation recognizing October 5-11 as 4-H Week.

On motion of Frye, seconded by Lanier, the Board voted unanimously to approve the proclamation for 4-H week, as follows:

WHEREAS, 4-H youth across the nation are keeping it green by leading efforts to solve problems in their communities, raise awareness about environmental issues, and make a difference for their futures.

WHEREAS, 4-H is one of the largest youth development organizations in North Carolina and the largest in the nation with six million young people.

WHEREAS, 4-H in North Carolina claims 208,000 youth members and over 21,000 adult volunteers, while Randolph County's 4-H program reaches more than 4000 youth and more than 300 volunteers.

WHEREAS, 4-H as part of both North Carolina State University and North Carolina A&T State University is a program where youth learn through opportunities that provide them hands-on experiences in 4-H's mission mandates of science, engineering and technology; healthy living; and citizenship.

WHEREAS, 4-H has connected youth and their communities with the innovative research and resources from our nation's 106 land-grant universities and colleges for more than 100 years;

NOW, THEREFORE, the Randolph County Board of Commissioners do hereby proclaim October 5-11, 2008, as National 4-H Week in Randolph County and urge the people of this community to take advantage of the opportunity to become more aware of this special program that enhances our young people's interests in their futures as part of Randolph County 4-H Youth Development and to join us in recognizing the unique partnership between our county and our state University System.

Chairman Holmes presented the signed proclamation to Barbara Dunn Swanson, 4-H Director. Ms. Swanson invited everyone to the 4-H open house at the Cooperative Extension Office on Thursday, October 9th from 3-7 p.m.

Approval of Proclamation for Adoption Awareness & Presentation of Awards to Art Contest Winners

Chairman Holmes read a proposed proclamation declaring November as Adoption Awareness month.

On motion of Haywood, seconded by Kemp, the Board voted unanimously to approve the Adoption Awareness Month proclamation, as follows:

*WHEREAS, November is nationally celebrated as **Adoption Awareness Month** to express the right of every child to grow in a permanent, secure and loving family; and*

WHEREAS, the adoptive experience provides the foundation for a happy, productive adulthood; and

WHEREAS, the Randolph County Department of Social Services serves nearly 150 children in substitute care who live apart from their birth families, and adoption is the permanent plan for 46 of these children; and

WHEREAS, Randolph County actively promotes the timely adoption of these children and has finalized 23 adoptions since July 1, 2007, some of whom have special needs; and

WHEREAS, children waiting for adoptive parents and those families who have adopted these children require and deserve community support; and

*NOW, THEREFORE, the Randolph County Board of Commissioners hereby proclaims November 2008 as **ADOPTION AWARENESS MONTH** in our county, and we urge our citizens to recognize and support this observance.*

Robert Suggs, DSS Board Chairman, thanked the Commissioners for the proclamation, saying that he hopes it will heighten citizen awareness and create a greater interest in the child adoption program.

Beth Duncan, DSS Director, said that for the past few years, the General Assembly has appropriated Special Children Adoption Funds to the local Social Services departments. Last fiscal year, Randolph County received \$55,500 to promote adoptions for Randolph County foster children who, for various reasons, are unable to return to their own homes. The Randolph County Department of Social Services, in order to promote adoption awareness, held a first-ever Adoption Awareness Art Contest in August/September, which was open to former foster children who have been adopted through the agency. Art entries were accepted in the following age categories: five and under, six to

twelve, and thirteen and up. A panel of judges selected the winners. Ms. Duncan and Mr. Suggs presented the winners with their awards.

Regional Partnership Workforce Development Board Annual Report

Elbert Lassiter, Workforce Development Board Chairman, reviewed the 7/1/2006-6/30/2007 Annual Report of the Regional Partnership Local Area. He said that \$655,033 was allocated to Randolph County for the RCC JobLink Program and added that JobLink continues to provide valuable assistance to the business community. He referred to success stories that were featured in the written annual report about participants in the job shadowing, JobLink and Building Futures Youth programs.

Update from Piedmont Authority for Regional Transportation (PART)

Brent McKinney, PART Executive Director, reported on the PART Express Bus Service from Randolph County for its first three months of operation. He said that ridership has been strong, with buses operating at practical capacity during the peak hours, and his office is getting requests for additional and more frequent service. He provided statistics on ridership and route schedules.

Mr. McKinney thanked the Board for their leadership, which has enabled many Randolph County residents to save money from the purchase of expensive fuel, thereby reducing emissions, congestion, the demand for parking at the trip destination, the depreciation of personal vehicles; and improving traveler safety while providing a comfortable ride to and from work in the Triad each weekday.

Lawn Care Maintenance Bid Award

Audrey Alexander, Purchasing Agent, stated that pursuant to G.S. 143-131, informal bidding requirements, a Request for Proposals (RFP) was issued for the lawn care and maintenance services for 14 different County locations. The public was notified of the issuance of this RFP through a posting on the County website. This RFP was also e-mailed, mailed or picked-up by eight (8) potential contractors during the week of August 18, 2008. On September 10, 2008 at 11:00 p.m., sealed bids were received, opened and read. In an effort to fairly evaluate all of the bids, a yearly cost was estimated by taking the cost for 30 lawn maintenance services, 15 herbicide treatments, and one each of the other services that were requested in the proposal. Using these calculations, the total cost for the lawn care and maintenance services for the 14 County facilities received from the following contractors follow:

CONTRACTOR	TOTAL/YEAR
A & P Lawn Care and Maintenance	\$57,705.00
CLM Services, LLC	\$78,040.00
Done Right Lawn Care	\$49,350.00
Four Seasons Landscape	\$74,875.00
TKO Landscape Maintenance.	\$41,550.00
Turf-Builders, Inc.	\$39,830.00

The Randolph County Public Buildings Department oversees and manages these services. All of the bids were reviewed by the Public Buildings Department and the Purchasing Office and found to be acceptable. The Public Buildings Department has budgeted funds available for these lawn care and maintenance services for the balance of the 2008-2009 fiscal year.

The bid from Turf-Builders, Inc., was found to be responsive in meeting the specifications outlined in the RFP. Their schedule for performing the needed services, their business references, and information shared during a meeting with the Public Buildings Dept. supervisor and the Purchasing Agent qualifies Turf-Builders, Inc. as a responsible contractor. Based on this information, it is the recommendation of the Public Buildings Department and the Purchasing Office that the Board of Commissioners award the bid for lawn care and maintenance services at an estimated cost of \$39,830 per year to Turf-Builders, Inc.

On motion of Frye, seconded by Kemp, the Board voted unanimously to award the bid for lawn care to Turf-Builders, Inc. at the cost of \$39,830 per year.

Public Hearing, Action and Budget Amendment on the Expenditure of Public Funds on Randolph County Economic Development Corporation’s Randleman Business Park

Chairman Holmes opened a duly advertised public hearing at 5:00 p.m. Bonnie Renfro, Randolph County EDC President, explained that the EDC, in April 2000, purchased a 47.3-acre site in Randleman for development of its second industrial park. Another 5.61 acres was placed under option. This property, now known as the West Randleman Business Park, was financed by the EDC through a bank loan for \$762,500 with a credit line of up to \$1 million for additional development costs. The Randolph County Board of Commissioners agreed to assist with the cost of debt service as needed for the project. In October 2004, 17.18 acres of land was sold to Rheem Air Conditioning Distribution Center. In December 2004, the EDC purchased 3.241 acres of the optioned acreage. To make the property more marketable and ready for development, the EDC is clearing and grading approximately 20 acres of the property and using their line of credit to finance the grading contract. The EDC has paid for engineering, inspections and permitting costs in its operations budget. To date, EDC has paid \$170,736.45 of the grading contract of \$228,801. In addition, EDC has a contract to purchase the remaining 2.31 acres and residence of the original property owner and to purchase an additional one-acre tract at a cost of \$145,320. The EDC will use its credit line to finance this purchase. The loan balance is \$588,166.94 and the debt service payment due now is \$26,700.59. Following Board approval, these funds will be reimbursed to the EDC via a transfer from the Economic Development Reserve Fund.

Chairman Holmes asked for public comment and, hearing none, closed the public hearing.

On motion of Kemp, seconded by Haywood, the Board voted unanimously to approve the payment of interest (\$26,700.50) on the Randolph County EDC Randleman Business Park and to approve Budget Amendment #10, as follows:

2008-2009 BUDGET ORDINANCE		
GENERAL FUND- Amendment #10		
Revenues	Increase	Decrease
<i>Transfer from Economic Development Reserve Development</i>	\$ 26,701	
Appropriations	Increase	Decrease
<i>Other Economic Development Appropriations</i>	\$ 26,701	

Action to Deny Adoption of Resolution Imposing Gross Receipts Tax on Heavy Equipment in Lieu of Property Tax

Debra Hill, County Tax Administrator, stated that property tax on heavy equipment is handled through the listing process. It is listed as business personal property in January and then assessed and assigned a value for tax purposes. Recently, the North Carolina General Assembly enacted changes to

this process which will go into effect January 1, 2009. Ms. Hill explained that the heavy equipment in question is only that equipment that is short-term lease or rental equipment at retail. If a business owns a piece of heavy equipment for internal use, that equipment is still listed and appraised as business personal property. The changes only affect short-term rental/lease equipment.

The General Assembly has essentially exempted heavy equipment from the tax base. It will no longer be listed, assessed and appraised as before. Since this change represents a decrease in property subject to taxation, the General Assembly gave counties and cities a method of replacing the lost tax revenue.

N.C.G.S. §153A-156.1 gives counties the authority to impose a gross receipts tax on heavy equipment. This tax may be imposed, by resolution, at the rate of one and two-tenths percent (1.2%) on the gross receipts from the short-term lease or rental of heavy equipment by a person whose business is the short-term lease or rental of heavy equipment at retail. This gross receipts tax provides an alternative to property tax on the equipment. It is payable quarterly and is due by the last day of the month following the end of the quarter.

Ms. Hill said that it is difficult to ascertain the effect that these changes will have on Randolph County's tax base. Historically, all heavy equipment has been treated, and therefore listed, in the same manner. When it was listed as business personal property, no distinction was made between short-term lease/rental equipment and other heavy equipment. Because of this, the County has no way to determine how much of the previously-listed heavy equipment was short-term lease/rental equipment and, therefore, no way of knowing how much property will be exempted by the new process. Furthermore, even if the County could determine which property was short-term lease/rental property, we do not know the rates at which this property rents and have no way to estimate the gross receipts from said rentals. Ms. Hill stated that if the resolution is approved, the tax would go into effect on January 1, 2009.

On motion of Lanier, seconded by Kemp, the Board voted unanimously to deny the resolution to impose gross receipts tax on heavy equipment.

Approval to Use Law Enforcement Restricted Funds for Multi-county Aviation Program and Budget Amendment

Col. Allen McNeil, Randolph County Sheriff's Office, requested that the Commissioners approve \$10,000 in Law Enforcement Restricted Funds for Randolph County's part in the lease of an airplane. The Randolph County Sheriff's Department would be partnering with Guilford County, Alamance County, Davidson County, Forsyth County, and Rockingham County in the lease of this aircraft. Currently, the Randolph County Sheriff's Office has no real time ability to get air resources when needed for aerial surveillance for illegal drug enforcement and other activities. Although the N.C. State Highway Patrol does have air resources, they are sometimes difficult to obtain, and then, almost always, with some type of delay. This aircraft would be housed at the Greensboro Airport and have priority take-off privileges when needed for a quick response. The pilot would be provided by the Guilford County Sheriff's Office. Randolph County would receive 50 hours of flying time for our part of the lease. This would be a continuing operation, which would renew from year to year unless cancelled by the member counties. The agreement would be with the National Institute of Justice, U.S. Department of Justice, and the Sheriff's Association of Texas.

On motion of Haywood, seconded by Frye, the Board voted unanimously to approve the use of Law Enforcement Restricted Funds for a multi-county aviation program lease agreement and to approve Budget Amendment #11, as follows:

2008-2009 BUDGET ORDINANCE
GENERAL FUND- Amendment #11

<i>Revenues</i>	<i>Increase</i>	<i>Decrease</i>
<i>Appropriated Fund Balance-Restricted Law Enforcement</i>	<i>\$10,000</i>	
<i>Appropriations</i>	<i>Increase</i>	<i>Decrease</i>
<i>Sheriff & Jail</i>	<i>\$10,000</i>	

Approval to Let Bids on Construction of Sheriff’s Office Special Units Division Building

Col. Allen McNeil reminded the Board that a few months ago, the Commissioners approved the hiring of an architect to draft plans, submit a preliminary budget and oversee the construction of a Special Units Division building. He said the Special Units Division currently consists of 18 officers and one secretary who are working out of two different locations. Several of the officers currently share desks with other officers. He asked the Commissioners to grant permission to begin the bid process for construction of a 12,500-square-foot building on the east side of New Century Drive between the Sheriff’s Office storage building and the Jail. Col. McNeil also requested that the Law Enforcement Restricted Funds be used for funding this project.

On motion of Lanier, seconded by Haywood, the Board voted unanimously to grant approval to let bids on the construction of a Sheriff’s Office Special Units Division building and approved the use of Law Enforcement Restricted Funds for this purpose.

Approval of Resolution Authorizing Transfer of KFI Building/Property to RCC

Staff Attorney Aimee Scotton reminded the Commissioners that, in June, they had approved the purchase of a building owned by Klaussner Furniture at 413 Industrial park Ave. to be renovated and used by RCC. Ms. Scotton stated that since then, RCC has had a Phase One Environmental study completed as well as some additional testing. RCC administration has reviewed the results of these tests and is confident that the property will meet the needs outlined. Closing of the purchase occurred on October 3, 2008. RCC has received money from the State that can be used to partly-fund renovations, but only if RCC is the record owner of the property. Pursuant to NCGS 160A-274, it is necessary for the County to convey the property to RCC so the planned renovations can begin.

On motion of Kemp, seconded by Frye, the Board voted unanimously to approve a resolution transferring the Klaussner property from the County to RCC and to authorize the Chairman to sign the deed effecting said transfer, as follows:

***WHEREAS** Section 153A-176 of the North Carolina General Statutes authorizes a county to dispose of real and personal property according to the procedures set out in Chapter 160A, Article 12; and*

***WHEREAS** N.C.G.S. § 160A-274 states that “any governmental unit may, upon such terms and conditions as it deems wise, with or without consideration, exchange with, lease to, lease from, sell to, or purchase from any other governmental unit any interest in real or personal property”; and*

***WHEREAS** N.C.G.S. § 160A-274 defines “governmental unit” to include a city, county, school administrative unit, sanitary district, fire district, the State, or any other public district, authority, department, agency, board, commission, or institution; and*

***WHEREAS** the County of Randolph (hereinafter the “County”) purchased a building and property located at 413 Industrial Park Avenue in Asheboro, North Carolina and containing approximately 4.29 acres more or less (hereinafter the “Property”) from Klaussner Furniture Industries, Inc. by Special Warranty Deed recorded in the Randolph County Registry on October 3, 2008; and*

***WHEREAS** the Property was purchased for renovation and future use by Randolph Community College (hereinafter “RCC”) in order to accommodate RCC’s early college high school program, to give other RCC departments much-needed expansion space, and to help meet RCC’s changing needs for new programs; and*

***WHEREAS** RCC has been awarded funds by the State of North Carolina that can be used in the advance planning phase of building renovations provided RCC is the record owner of the Property.*

BE IT THEREFORE RESOLVED that the Randolph County Board of Commissioners does hereby authorize the transfer of the Property to the Randolph Community College Board of Trustees by Special Warranty Deed and authorize the Chairman to sign the Special Warranty Deed effecting said transfer.

Recess

At 5:25 p.m., the Board recessed.

Rezoning Pubic Hearing

At 6:30 p.m., the Board reconvened to a duly advertised public hearing to consider rezoning requests. Hal Johnson presented the following requests, and Chairman Holmes opened the public hearing for comments on each request and closed it before taking action on the requests.

1. FRED BURGESS, Climax, North Carolina, is requesting that 3 acres (out of 8.67 acres) located on Mack Lineberry Road (just off Hwy 22N), Providence Township, be rezoned from RA to HC-CD, Rural Growth Area. Tax ID# 7796058355. The proposed Conditional Zoning District would have specifically allowed 4 mini-warehouse (20' x 150') storage buildings with a 32% impervious surface coverage in lieu of the 24% allowed as per site plan. The Planning Board reviewed this request at public meeting on September 9, 2008, and recommended unanimously that this request be denied, as not consistent with the intent of a Rural Growth Area of the County Growth Management Plan. The Planning Board found the following policies within the Growth Management Plan that support determination of consistency with the adopted plan with this recommendation:

Policy 1.2 The benefits of economic development should be balanced against the possible detrimental effects such development may have on the quality of life enjoyed by area residents.

Policy 4.3 Rural area commercial development should be limited to neighborhood business uses, farm supply stores, and generally accepted rural business establishments.

Fred Burgess, applicant, said that he would like to withdraw his application.

2. MICHAEL COLLINS, Asheboro, North Carolina, is requesting that 87.36 acres located on Young Road, Grant Township, be rezoned from CVOE-CU to CVOE-CD, Municipal Growth Area. The proposed Conditional Zoning District would specifically amend the existing conditional zoning for Mill Creek Meadows Subdivision from a 50-ft. no-cut buffer to a 25-ft. no-cut buffer along the perimeter of the subdivision. The Planning Board reviewed this request at public meeting on September 9, 2008, and recommended unanimously that this request be denied.

The Planning Board found the following policies within the Growth Management Plan that support determination of consistency with the adopted plan with this recommendation:

Policy 6.16 The County should preserve scenic views and elements of the county's rural character by minimizing perceived density by minimizing views of new development from existing roads through use of natural buffers and open space.

Policy 7.6 Stormwater impact should be minimized by designing new development in a manner that minimizes concentrated stormwater flow through maximizing the length of stormwater sheet flow through vegetated buffer areas.

Michael Collins spoke in favor of his request, saying that the reason for this request was for safety and public health concerns. He said that he believes that fewer trees would help to alleviate the tick problem in his backyard where his children play. He presented documentation on North Carolina's tick problem. He also complained about a neighbor's Rottweiler coming onto his property, and said that a decreased expanse in trees in his backyard would give him more time to get to his child, should a dog ever threaten him. Mr. Collins said that he has called Animal Control and the Sheriff's Department on the dog; however, the dog is usually gone by the time either department arrives. Mr. Collins said that the Sheriff's Department advised him to shoot the dog if it was a

problem, but he said he doesn't want to do that because it is someone's pet. He just wants it confined to the owner's property.

Danny Shaw, father-in-law of the applicant, spoke in favor of Mr. Collins' request, agreeing that the ticks pose a threat to his family. He added that he appreciates the effort that his son-in-law has made to try to protect the family that he loves.

Shane Cox of 4113 Young Road, Asheboro, said that he owns most of the land behind Mr. Collins. He has had no trouble with ticks. However, he said that there is a thicket in Mr. Collins' back yard that is probably harboring the ticks. Also, Mr. Cox said that the Rottweiler that Mr. Collins referred to belongs to him. Mr. Cox said that he would be happy to sell Mr. Collins all his property and then he'll move. If the buffer is reduced to 25 feet, Mr. Collins will be looking into the window of Mr. Cox's house.

Stephen & Christina Wilmoth, 1299 Old Mill Ford Trail, Asheboro, said that they bought their property largely because of the 50-ft. no-cut buffer. They wanted trees around them for privacy and also as a habitat for wildlife. Ms. Wilmoth said that, according to her mother, who is a nurse, typically ticks live in tall grasses, not trees. They suggested that if Mr. Collins has a problem with a dog, he should work that out directly with the dog's owner. They also suggested that Mr. Collins could move his children's play equipment closer to the house instead of in back at the buffer line.

Faye Cox, 1211 Grantville Lane, Asheboro, stated that Mr. Collins' property backs up to her farm. She said that Mr. Collins was the first to build a house in the subdivision, and he knew the subdivision's restrictions before he purchased his property. According to Ms. Cox, she and developer Lee Roberts had many discussions about his proposed subdivision; he agreed to the 50-ft. no-cut buffer largely because of these discussions. She said she's concerned that if the buffer is reduced, there will be more opportunity for trash to blow onto her property and for four wheelers to cross her property. She said that her son, Shane Cox, served his country in Iraq for a year and purchased the property with the money he earned from the military, and he deserves to be able to enjoy it. She encouraged the Board to leave the trees alone and deny the request.

Steve Gerkin, 1320 Old Mill Ford Trail, Asheboro stated that although they do not live on the same side of the street, they considered this neighborhood because of the country setting and asked that no changes be made. They have lived there for four months and have found only one tick.

On motion of Frye, seconded by Kemp, the Board voted unanimously to deny the request of Michael Collins, as determined consistent with policies contained within the adopted Growth Management Plan and outlined in the Planning Board recommendation.

3. CLOWDIS HOLDINGS, LLC., Randleman, North Carolina, is requesting .24 acres located at 9283 US Hwy 220 Business North, Level Cross Township, be rezoned from RM to HC-CD. Primary Growth Area. Tax ID# 7767432576. The proposed Conditional Zoning District would specifically allow a small business to assemble gun parts with the retail sales of firearms in an existing building. The Planning Board reviewed this request at public meeting on September 9, 2008, and recommended unanimously that this request be approved. The Planning Board found the following policies within the Growth Management Plan that support determination of consistency with the adopted plan with this recommendation:

Board of Commissioner Resolution Adopting the Growth Management Plan, Policy #4. Recognize that growth management policies should afford flexibility to County boards and agencies that will enable them to adapt to the practical requirements often necessary for rural development.

Board of Commissioner Resolution Adopting the Growth Management Plan, Policy #7. Ensure the opportunity for landowners to achieve the highest and best uses of their land that are consistent with growth management policies in order to protect the economic viability of the County's citizens and tax base.

Blair Clowdis, applicant spoke in favor of his request, stating that this gun shop won't be a full-time business until he retires. He wants to open a custom competition firearms repair shop with a possible small retail store later. All test firing will be done at a firing range at Tuckertown, where he is a member.

On motion of Haywood, seconded by Lanier, the Board voted unanimously to approve the request of Clowdis Holdings, LLC., as determined consistent with policies contained within the adopted Growth Management Plan and outlined in the Planning Board recommendation.

4. DONALD LANIER, Asheboro, North Carolina, is requesting 8.46 acres located on Bessie Bell Road, Cedar Grove Township, be rezoned from RA to CS-CD. Rural Growth Area. Tax ID# 7629329987. The proposed Conditional Zoning District would specifically provide parking and access to the adjoining future shopping center. The Planning Board reviewed this request at public meeting on September 9, 2008, and recommended unanimously that this request be approved. The Planning Board found the following policies within the Growth Management Plan that support determination of consistency with the adopted plan with this recommendation:

Policy 4.1 Commercial development should be encouraged to occur in clusters or planned shopping centers to minimize the proliferation of "retail strip" locations.

Policy 4.4 Commercial uses should be encouraged to develop by consolidation and deepening of existing commercially zoned property, only when such consolidation and deepening can be developed in a way that lessens the effect of incompatibility with adjoining residential land uses.

Commissioner Lanier recused himself from this request.

Lovette Brown, 406 Glovina St, Asheboro, said that she owned the site being considered, not Donald Lanier.

Donald Lanier, applicant, using maps and aerial photographs, showed that Ms. Brown owned the parcel of land adjoining the site being considered for this request. He said that he plans to leave most of the site as a natural buffer to adjoining property owners. He is also looking into neighbor participation with DOT in paving Bessie Bell Road.

On motion of Frye, seconded by Haywood, the Board voted unanimously (4-0--Commissioner Lanier recused himself from voting) to approve the request of Donald Lanier, as determined consistent with policies contained within the adopted Growth Management Plan and outlined in the Planning Board recommendation.

Adjournment

At 7:33 p.m., there being no further business, the meeting adjourned.

J. Harold Holmes, Chairman

Darrell L. Frye

Phil Kemp

Arnold Lanier

Stan Haywood

Cheryl A. Ivey, Clerk to the Board