

November 4, 2002

The Randolph County Board of Commissioners met in regular session at 4:00 p.m. in the Commissioners Meeting Room, County Office Building, 725 McDowell Road, Asheboro, NC. Commissioners Kemp, Davis, Mason, and Frye were present. Commissioner Holmes entered later in the meeting where so noted. Kim Newsom, County Personnel Director, gave the invocation, and everyone recited the Pledge of Allegiance.

### Consent Agenda

Chairman Kemp stated that Item H. Approve Resolution Requesting That The Speed Limit Be Lowered On A Portion Of Fred Lineberry Road (SR 2113) Due To The Location Of Victory Junction Gang Camp be added to the Consent Agenda.

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

- *Approve Minutes of October 7, 2002;*
- *Reappoint James Humble, Phil Kemp, and Mike Walker to the Randolph County Water Resources Advisory Board (3-Year Terms);*
- *Reappoint Kim Griffin to the Tax Commission (3-Year Term);*
- *Reappoint David Caughron to the Tourism Development Authority (3-Year Term);*
- *Approve D.O.T. Resolutions Adding Independence Avenue, Freedom Trail, White Lane, Northland Drive, and Breckenwood Court to the State System of Roads:*

*WHEREAS, the Department of Transportation has investigated Independence Avenue and Freedom Trail in the Freedom Park Subdivision; and*

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

*NOW, THEREFORE, BE IT RESOLVED by the Randolph County Board of Commissioners that Independence Avenue and Freedom Trail in the Freedom Park Subdivision be added to the Division of Highways' Secondary Road System; and*

*WHEREAS, the Department of Transportation has investigated Breckenwood Court in Breckenwood 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 Breckenwood Court in Breckenwood Estates Subdivision be added to the Division of Highways' Secondary Road System; and*

*WHEREAS, the Department of Transportation has investigated White Lane and Northland Drive in Ragan Estates Subdivision; and*

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

*NOW, THEREFORE, BE IT RESOLVED by the Randolph County Board of Commissioners that White Lane and Northland Drive in the Ragan Estates Subdivision be added to the Division of Highways' Secondary Road System;*

- *Reappoint Fred deFriess to the Community Child Protection/Child Fatality Prevention Team (3-Year Term);*

- *Approve D.O.T. Resolution Abandoning Portions of Walker Mill Road and a Portion of Davis Country Road:*

*WHEREAS, the Department of Transportation, for purposes of abandonment due to a request by the Piedmont Triad Regional Water Authority, has investigated the following section of Davis Country Road:*

*From its intersection with Walker Mill Road in a northerly direction for approximately 2,200 feet where it terminates with the Piedmont Triad Regional Water Authority property (Randleman Lake buffer); and*

*WHEREAS, the Department of Transportation, for purposes of abandonment due to a request by the Piedmont Triad Regional Water Authority, has investigated the following two sections of Walker Mill Road:*

*1. From its intersection with Davis Country Road in a westerly direction for approximately 3,200 feet where it terminates with the Piedmont Triad Regional Water Authority property (Randleman Lake buffer); and*

2. From its intersection with Davis Country Road in an easterly direction for approximately 1,600 feet where it terminates with the Piedmont Triad Regional Water Authority property (Randleman Lake buffer); and

**WHEREAS**, it has been determined that these portions of Davis Country Road and Walker Mill Road should be abandoned from the Division of Highways' Secondary Road System due to the construction of the new Randleman Lake;

**NOW, THEREFORE, BE IT RESOLVED** by the Randolph County Board of Commissioners that the section of Davis Country Road and the two sections of Walker Mill Road in Randolph County as described above be abandoned from the Division of Highways' Secondary Road System.

- Approve Resolution Requesting That The Speed Limit Be Lowered On A Portion Of Fred Lineberry Road (SR 2113) Due To The Location Of Victory Junction Gang Camp:

**WHEREAS**, work is underway for Victory Junction Gang Camp, a 62-acre year-round retreat for seriously ill children and their families; and

**WHEREAS**, this camp, located on Fred Lineberry Road (SR 2113) in Randolph County, is scheduled to be completed in 2004; and

**WHEREAS**, when this camp is operational, there will be a substantial increase in traffic on Fred Lineberry Road, making the current speed limit of 55 mph unsafe;

**NOW, THEREFORE, BE IT RESOLVED** by the Randolph County Board of Commissioners that we do hereby request that the North Carolina Department of Transportation lower the speed limit to 45 mph on Fred Lineberry Road from its intersection with Providence Church Road (SR 2114) to its intersection with Old Greensboro Road (SR 2115). (See attached map.)

**BE IT FURTHER RESOLVED** that the reduced speed limit signs be installed in sufficient time such that motorists traveling this road on a routine basis can become accustomed to the lowered speed limit before the camp opens.

### **Introduction of New Dairy Specialized Agent at Cooperative Extension**

Lynne Qualls, Cooperative Extension Director, Asheboro Office, introduced Marti Day, new Dairy Specialized Agent with the Cooperative Extension Service. She was appointed to serve Randolph, Chatham, Guilford, Alamance, Rockingham, Granville, Caswell, and Person counties effective September 1, 2002.

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*Commissioner Holmes entered the meeting at this time.*

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### **United Way "211" Information and Referral Program Update**

Peggy Morrison, United Way Director, introduced Nathan Cook, President of United Way 211. Mr. Cook told the Board that United Way 211 has been implemented in Randolph County and quickly links citizens with the community resources they need. It's a confidential, 24-hour-a-day, 7 days a week, multi-lingual telephone information and referral system. Callers will hear a "live" voice—not a recording.

### **Mental Health Quarterly Report**

Mazie Fleetwood, Mental Health Director, told the Board that per House Bill 381 she is required to give a formal report quarterly to the Board of County Commissioners containing the quarterly financial report that Randolph County Mental Health sends to the Department of Health and Human Services Controller's Office and a narrative update on center activities. Also, Mental Health must present a copy of the Area Program's Annual Audit to the Commissioners. She made note that as a single county program, Randolph County Mental Health's audit is included in the County's audit. However, in the proposed merger with Sandhills, the County Commissioners could expect that the audit for that program would be presented to them each year. She also mentioned that Randolph County Mental Health's current Board of Directors meets the new requirements pertaining to Board member appointments.

Ms. Fleetwood presented the Randolph Quarterly Fiscal Monitoring Report that was completed as of 9/30/02 and highlighted the following figures: Expenditures--\$11,749,329.26, Revenues--\$12,090,735.55; Excess Revenues over Expenditures--\$341,406.29, Current Unrestricted Fund Balance--\$2,195,571.00, which includes \$330,000 of MR/MI funds that were overpaid to the Area Program during the past fiscal year

and will be taken back by the State when the settlement for the 01-02 fiscal year occurs. The current unrestricted fund balance is \$1,865,571. She then reported to the Commissioners on the following items: Community Focus Groups, the Local Business Plan, the Consumer and Family Advisory Committee, merger status with the Sandhills Center, a State Budget update as it relates to Mental Health, and the Integrated Payment and Reporting System. She also mentioned that the following two Mental Health programs have been selected as programs of excellence by the NC Council of Community Programs: Vocational Opportunities in the Community and Multi-Cultural Task Force.

**Approval of Contract with Montgomery County to Provide Criminal Justice Partnership Program Services; Allocation of New 1/2-time Position to Day Reporting Center; Budget Amendment**

Jane Leonard, Deputy Finance Officer, told the Board that the Randolph County Criminal Justice Advisory Board has approved a request from the Montgomery County Criminal Justice Advisory Council to operate Montgomery County’s adult day reporting center. Montgomery County wishes to contract with Randolph County for substance abuse treatment, transportation, educational services, and case management for pre-trial participants referred by adult probation officers and the court. The amount of funding Randolph County will receive to provide this service is \$46,319. All services will be held at a Montgomery County location; however, transportation services will be needed for the Montgomery participants. RCATS has agreed to lease Randolph County a van for a nominal fee and Randolph will hire a part-time driver to provide the transportation services. The case management services for the pre-trial participants will require us to hire a new half-time Case Manager I (grade 63) position.

*On motion of Frye, seconded by Mason, the Board voted unanimously to allocate a new half-time position to the Randolph County Day Reporting Center, to authorize the County Manager to sign the contract with Montgomery County, and to approve the following Budget Amendment #12, which reflects the \$46,319 from Montgomery County:*

<b>GENERAL FUND - #12</b>	
<b>Revenue</b>	<b>Increase</b>
Miscellaneous	\$46,319
<b>Appropriation</b>	<b>Increase</b>
Day Reporting Center	\$46,319

**Budget Amendment – Day Reporting Center**

Jane Leonard told the Board that the Division of Community Corrections, Criminal Justice Partnership Program, has notified Randolph County that the 2002-2003 budget has been approved. Our allocation for this year will be \$108,227, which is a decrease of \$23,282 from our original allocation of \$131,509. Because a greater budget reduction was expected from the State, the Day Reporting Center was able to reorganize staff so that they will not be adversely affected by this reduction in funding.

*On motion of Davis, seconded by Holmes, the Board voted unanimously to approve Budget Amendment #13, as follows:*

<b>GENERAL FUND - #13</b>	
<b>Revenue</b>	<b>Decrease</b>
Restricted Intergovernmental	\$23,282
<b>Appropriation</b>	<b>Decrease</b>
Day Reporting Center	\$23,282

**Resolution Declaring Intent to Close Portions of Walker Mill Road and a Portion of Davis Country Road; Set Public Hearings For Road Closing and on Renaming a Portion of Walker Mill Road**

Aimee Scotton, Staff Attorney, and Hal Johnson, Planning Director, told the Board that the Piedmont Triad Regional Water Authority (PTRWA) has requested that the Commissioners act to permanently close portions of Walker Mill Rd and a portion of Davis Country Road due to the construction of the Randleman Lake. Ms. Scotton said that this process includes adoption of a resolution declaring intent to close the road and the calling of a public hearing. Following the public hearing the Board may adopt an order closing the road. The PTRWA has purchased all of the property adjoining the roads to be closed. In addition, the closing of portions of Walker Mill Road creates the need to re-name one portion of that road for emergency response purposes. A separate public hearing is required for the re-naming process.

*On motion of Frye, seconded by Holmes, the Board voted unanimously to adopt the following resolution declaring intent to permanently close portions of Walker Mill Road and one section of Davis Country Road, to set a public hearing for 5:00 p.m. on December 2, 2002 regarding the closing of these sections of roads as described in the aforementioned resolution and to set another public hearing regarding the re-naming of a certain portion of Walker Mill Road to immediately follow the 5:00 public hearing.*

**WHEREAS**, the Piedmont Triad Regional Water Authority was formed for the purpose of purchasing land, constructing, and operating a water supply reservoir, known as Randleman Lake; and

**WHEREAS**, the Randolph County Board of Commissioners has received a request from the Piedmont Triad Regional Water Authority to permanently close the following section of Davis Country Road

*From its intersection with Walker Mill Road in a northerly direction for approximately 2,200 feet where it terminates with the Piedmont Triad Regional Water Authority property (Randleman Lake buffer); and*

**WHEREAS**, the Randolph County board of Commissioners has received a request from the Piedmont Triad Regional Water Authority to permanently close the following sections of Walker Mill Road:

- 1. From its intersection with Davis Country Road in a westerly direction for approximately 3,200 feet where it terminates with the Piedmont Triad Regional Water Authority property (Randleman Lake buffer); and*
- 2. From its intersection with Davis Country Road in an easterly direction for approximately 1,600 feet where it terminates with the Piedmont Triad Regional Water Authority property (Randleman Lake buffer).*

**WHEREAS**, North Carolina General Statute § 153A-241 requires that the Board of Commissioners hold a public hearing prior to the closing of any road to consider the effects of said closing on the public interest or on individual property rights;

**BE IT THEREFORE RESOLVED** that the Randolph County Board of Commissioners hereby declares its intent to permanently close those portions of Davis Country Road and of Walker Mill Road outlined above.

**BE IT FURTHER RESOLVED** that the Randolph County Board of Commissioners has set a public hearing for 5:00 p.m. on December 2, 2002 to consider said closings and to allow for the public to be heard on this matter.

At this time, Frank Kime, Executive Director, Piedmont Triad Regional Water Authority, answered questions from the Board about the timetable for the Randleman Lake and dam construction. Mr. Kime told the Board that the dam should be complete in December 2002 – approximately 6 months ahead of schedule.

### **Dedication of Highway 705 as “Pottery Highway”**

Chairman Kemp announced that a “Pottery Highway” dedication ceremony is scheduled for November 18, 2002, 4:00 p.m. at the Moore County/Randolph County line on Highway 705. Everyone is invited to attend.

### **Budget Amendment – Library**

Richard Wells, Library Director, said that the library has received an e-rate refund from Sprint in the amount of \$4,636. They have also received an e-rate refund from North State Communications in the amount of \$1,817. He requested that these funds be used for part-time salaries so that some part-time page hours can be restored in Asheboro and Archdale for FY2002-2003.

On motion of Holmes, seconded by Davis, the Board voted unanimously to approve Budget Amendment #14, as follows:

<b>GENERAL FUND - #14</b>	
<b>Revenue</b>	<b>Increase</b>
Miscellaneous	\$6,453
<b>Appropriation</b>	<b>Increase</b>
Public Library	\$6,453

**Rezoning Public Hearing**

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

1. LARRY MCKENZIE & CRAIG BRANSON, Asheboro, North Carolina, are requesting that 29.83 acres located on Tot Hill Farm Road, Cedar Grove Township, be rezoned from RA to CVOE-CU. The proposed Conditional Use Zoning District would specifically allow the development of a 26-lot subdivision for site-built homes only with a minimum house size of 1,300 sq. ft. The Planning Board recommended unanimously that this request be approved. Mr. Johnson told the Board that the maximum number of lots would be 26, but since some of the lots are not expected to perk, the number of lots should be fewer than 26. Mr. Johnson said that the driveways for lots #5 & #6 should have entrances off of the newly built road and not off of Tot Hill Farm Road but this was not included in the conditions.

**Craig Branson**, 203 Westside Circle, Asheboro, said that he felt certain that they would not get to develop all 26 lots due to perk issues. He said that he and Mr. McDowell will build all the houses in this development and that there would probably be garages on all of them. They landscape all of their homes and will cut as few trees as possible. He said the neighborhood’s value would increase as a result of this new development. He asked that the following be added as a condition to his request: the entrances to the driveways of lots #5 & #6 be from the newly built road instead of from Tot Hill Farm Road. He also said that it might be possible to reconfigure lots #4, #5, #6, & #7 so that all these driveways would enter on the new road instead of Tot Hill Farm Road.

**Jerry King**, 154-B S. Fayetteville St., Asheboro, said that they would cut only the trees necessary for house and road construction and sewer systems. Each lot will have its own well and septic system. Because of topography issues, he was not sure whether lots #4, #5, #6, & #7 could be reconfigured so that their driveways could enter on the new road, but they would try to do it.

**Jerry Raines**, 2060 Hannah Dr., Asheboro, and adjoining property owner, said that he was not against the development but was opposed to the 1,300 sq. ft. minimum house size. He said that this minimum should be larger because most of the houses in the area are at least 1,500 sq. ft.

Chairman Kemp closed the public hearing.

The Board asked Mr. Branson to consider increasing the minimum house size and include as a condition that all houses will have a garage. Since Mr. Branson’s partner, Larry McKenzie, was not present, discussion of these newly suggested conditions was not possible at this meeting; therefore, the Board postponed this decision until the December meeting.

2. WILLIAM HUNT, JR., Seagrove, North Carolina, is requesting that 34.21 acres located on W.E. Hunt Road, Richland Township, be rezoned from RM-CU to CVOM-CU. The proposed Conditional Use Zoning District would specifically allow the development of a 22-lot subdivision for site-built homes,

modular homes, double-wide and single-wide mobile homes with permanent masonry foundation. The Planning Board recommended unanimously that this request be approved.

**Joyce Davis**, real estate agent for the applicant, spoke in support of the request and said that she has a potential buyer for the property.

Chairman Kemp closed the public hearing.

*On motion of Frye, seconded by Mason, the Board voted unanimously to approve the request of William Hunt, Jr.*

3. ISMAT CHAUDHRY, Ramseur, North Carolina, is requesting that .90 acre located on Reed Creek Road, Columbia Township, be rezoned from RA to OI-CU. The proposed Conditional Use Zoning District would specifically allow development for office, institutional, and clinical use as per site plan. The Planning Board recommended unanimously that this request be approved with the following conditions:
  - \* the existing buffers along the Holly Hill Street Development are continued to include this property (50 ft. buffer along the western property line), and
  - \* level one buffer along the southern property line.

**Phillip Brady**, 207 Holly Hill Rd., said that he is concerned that the proposed privacy fence for the new section of property to be rezoned does not appear to extend along the entire back side of the property. He said that it was his understanding at the Planning Board meeting that the fence would extend along the entire length of the property—not just along the back side of the office building. Mr. Brady said that it appears from the overhead picture that Mr. Johnson was using that there would be no fence buffer to protect Mr. Brady’s property at all.

Chairman Kemp closed the public hearing.

Following considerable discussion, the Board postponed this decision until the December meeting in order to contact the applicant regarding clarification of this fence buffer issue.

4. CEDAR RUN ASSOCIATES, Greensboro, North Carolina, is requesting that 31.30 acres be rezoned to RE-CU located on Cedar Run Drive, Level Cross Township, Randleman Lake Watershed. The proposed Conditional Use Zoning District would amend the current Conditional Use Permit to add 3 lots (for a total of 18 lots), to redesign roads, and to increase the minimum house size to 2,000 sq. ft. The Planning Board recommended unanimously that this request be approved with the following condition:
  - \* installation of wells must be properly constructed and certified as to potable water supply prior to the issuance of a building permit on each lot.

**Chris Waldron**, Greensboro, represented the developer and spoke in support of this request. He said that this would be the second phase of Cedar Run Subdivision. He said that they had had a problem with water quantity on one of the lots and that they have drilled a new well. He said that from now on, the wells would be drilled on each lot prior to development of the lots. He said they have talked to the City of Randleman about the possibility of city water hook-up, but that option was neither a time- nor cost- effective solution.

Chairman Kemp closed the public hearing.

*On motion of Davis, seconded by Holmes, the Board voted unanimously to approve the request of Cedar Run Associates with the recommended condition of the Planning Board.*

5. TONYA BULLINS, Randleman, North Carolina, is requesting that .53 acre located at 10973 Randleman

Road, Level Cross Township, Randleman Lake Watershed, be rezoned from RA to HC-CU. The proposed Conditional Use Zoning District would specifically allow a used car sales lot with a maximum display area of 10 vehicles. Property Owner: Clara Burris. The Planning Board recommended unanimously that this request be approved with the following conditions:

- \* maximum of 10 vehicles on the premises, no more than 3 vehicles out front; and
- \* hours of operation 9:00 a.m. to 5:00 p.m.

**Worth Cox**, 10938 Randleman Road, spoke in opposition of this request. He said that there is no need for 3 used car lots in this area.

Chairman Kemp closed the public hearing.

*On motion of Davis, seconded by Holmes, the Board voted to approve the request of Tonya Bullins with the recommended conditions of the Planning Board.*

**Citizen Concern**

Wes Sumner, 6778 Hockett Trail, said that he had a problem with a neighbor (Mark Rich) that began about 2 years ago. He said that Mr. Rich was violating a special use permit by operating a sawmill for business purposes and dumping a large pile of ugly debris at the front corner of Mr. Rich’s property, which is directly across the road from Mr. Sumner’s property. He said that Mr. Rich did this in retaliation because Mr. Sumner had complained to the County about his special use permit violations.

Alan Pugh, County Attorney, said that the County has a pending lawsuit against Mr. Rich for his special use permit violations. The County has not scheduled a court date because we hoped that Mr. Rich would either comply with all the conditions of the special use permit or would move his operations to another location. He also said that the language of the special use permit was not clear. It was the consensus of the Board that since Mr. Rich has had ample time to comply with the permit and has chosen not to comply, the County should go ahead with the lawsuit. Mr. Pugh stated that he would get a court date set for this case.

**Adjournment**

The meeting adjourned at 7:55 p.m.

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Phil Kemp, Chairman

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Darrell L. Frye

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J. Harold Holmes

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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