

June 7, 2010

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, Haywood, Kemp and Lanier were present. Rev. Marion Smith, retired DSS Director, gave the invocation, and everyone recited the Pledge of Allegiance.

**Special Retirement Presentation**

The Board recognized Peggy Seawell, who is retiring from the Department of Social Services with 27½ years of service. Chairman Holmes presented Ms. Seawell an engraved clock on behalf of the Board.

**Public Comment Period**

Pursuant to N.C.G.S. § 153A-52.1, Chairman Holmes opened the floor for public comment. No one spoke.

**Approval of Consent Agenda**

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

- *approve minutes of regular meeting and one set of closed session of May 3, 2010 and special meeting of May 24, 2010;*
- *unseal closed session minutes of 5/4/09 (United Furniture), 1/4/10 (United Furniture), 1/4/10 (Project Ember);*
- *reappoint Ralph Hardison and Carol Lowe to the Randolph County Public Library Board of Trustees;*
- *reappoint Rhonda Burch Moffitt to the Randolph County Social Services Board;*
- *reappoint Libby Frye to the Adult Care Home Community Advisory Committee;*
- *reappoint Robert Ware and appoint Robert Leslie to the Regional Partnership Workforce Development Board;*
- *reappoint McDuffy Johnson, Charlie Casper, Betty Hunt, Addie Luther, Betty Bunting, Carolyn Vickrey, Marion McIntosh, Sandra Allen, Billie Nance, Rev. Ralph Kraft, Ann Suggs, Brett Eckerman, Emma Washington, Richard Wells, Candie Rudzinski, Joy Ratliffe, Adrienne Calhoun, Ann Hoover, Donald Monroe, John McCormick and appoint Arey Myers to replace Janet Henley, Terry Van Vliet to replace Kendra Eckhard and Robert Westmoreland to replace Gail Gurley on the Randolph County Aging Services Planning Committee;*
- *approve Budget Amendment #41—Public Library (Partnership for Children), as follows:*

<b>2009-2010 BUDGET ORDINANCE</b>		
<b>General Fund—Amendment #41</b>		
<b>Revenues</b>	<b>Increase</b>	<b>Decrease</b>
<i>Restricted Intergovernmental</i>	\$ 2,007	
<b>Appropriations</b>	<b>Increase</b>	<b>Decrease</b>
<i>Public Library</i>	\$ 2,007	

- approve Budget Amendment #42—Public Library (American Dream Starts at Your Library Grant), as follows:

<b>2009-2010 BUDGET ORDINANCE</b>		
<b>General Fund—Amendment #42</b>		
<b>Revenues</b>	<b>Increase</b>	<b>Decrease</b>
Miscellaneous Revenue	\$ 5,000	
<b>Appropriations</b>	<b>Increase</b>	<b>Decrease</b>
Public Library	\$ 5,000	

- approve Budget Amendment #43—Tax Department (Property Tax Refunds and Tax Management Associates (Consultants)), as follows:

<b>2009-2010 BUDGET ORDINANCE</b>		
<b>General Fund—Amendment #43</b>		
<b>Revenues</b>	<b>Increase</b>	<b>Decrease</b>
Ad Valorem Property Taxes	\$57,000	
Sales and Services	\$31,000	
<b>Appropriations</b>	<b>Increase</b>	<b>Decrease</b>
Tax	\$ 88,000	

- approve Budget Amendment #44—Board of Elections (due to extra elections held during fiscal year 2009-2010), as follows:

<b>2009-2010 BUDGET ORDINANCE</b>		
<b>General Fund—Amendment #44</b>		
<b>Revenues</b>	<b>Increase</b>	<b>Decrease</b>
Fund Balance Appropriated	\$80,000	
<b>Appropriations</b>	<b>Increase</b>	<b>Decrease</b>
Elections	\$80,000	

- approve Budget Amendment #45—Day Reporting Center (Community-Based Youth Gang Prevention Grant), as follows:

<b>2009-2010 BUDGET ORDINANCE</b>		
<b>General Fund—Amendment #45</b>		
<b>Revenues</b>	<b>Increase</b>	<b>Decrease</b>
Restricted Intergovernmental	\$41,564	
<b>Appropriations</b>	<b>Increase</b>	<b>Decrease</b>
Day Reporting Center	\$41,564	

- approve Budget Amendment 46—Sheriff's Office (Special Units Building), as follows:

<b>2009-2010 BUDGET ORDINANCE</b>		
<b>General Fund—Amendment #46</b>		

<i>Revenues</i>	<i>Increase</i>	<i>Decrease</i>
<i>Restricted Intergovernmental</i>	\$ 25,000	
<i>Appropriations</i>	<i>Increase</i>	<i>Decrease</i>
<i>Sheriff's Office</i>	\$ 25,000	

- *approve Budget Amendment 47—Health Department (Buckle Up For Kids Program), as follows:*

<b>2009-2010 BUDGET ORDINANCE</b>		
<b>General Fund—Amendment #47</b>		
<i>Revenues</i>	<i>Increase</i>	<i>Decrease</i>
<i>Restricted Intergovernmental</i>	\$ 1,700	
<i>Appropriations</i>	<i>Increase</i>	<i>Decrease</i>
<i>Public Health</i>	\$ 17000	

- *approve NCDOT resolution adding Fred East Lane in the Hunting Lodge Estates Subdivision to the State Roads System, as follows:*

*WHEREAS, the Department of Transportation has investigated Fred East Lane in the Hunting Lodge 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 Fred East Lane in the Hunting Lodge Estates Subdivision be added to the Division of Highways' Secondary Road System.*

- *approve NCDOT resolution adding Riverview Court in the Kynwood Village Subdivision to the State Roads System, as follows:*

*WHEREAS, the Department of Transportation has investigated Riverview Court in the Kynwood Village 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 Riverview Court in the Kynwood Village Subdivision be added to the Division of Highways' Secondary Road System.*

### **Report from Sandhills Center**

Victoria Whitt, Executive Director, Sandhills Center, updated the Board on operations. She said that management and clinical responsibility of all outpatient services were assumed by Daymark Recovery Services, effective 7/1/09. This change has been virtually unnoticed by patients because most of the providers that were previously employed by Sandhills are now employed by Daymark. Ms. Whitt announced that in March, Sandhills Center achieved full accreditation from URAC for the following programs: Health Call Center, Health Network and Health Utilization Management. She answered questions from the Board.

### **Declaration of Canine and Equipment As Surplus Property & Approval to Donate to Handler**

Allen McNeill, Sheriff's Office Business Manager, said that canine officer Nekko was purchased in 2002 and was two years old at the time. Generally, the useful life of a police canine is seven to eight years. Mr. McNeill asked the Board to allow Nekko to live out his remaining years with his handler, Shawn Brady.

*On motion of Haywood, seconded by Kemp, the Board voted unanimously to declare canine officer Nekko, his kennel fence and kennel as surplus, having no monetary value, and granted permission for the donation of Nekko, his kennel fence and kennel to his handler, Shawn Brady, as requested.*

### **Approval of JAG Assistance Grant**

Allen McNeil, Sheriff's Office Business Manager, stated that Randolph County has been designated to receive a grant for \$15,746 from the Bureau of Justice Assistance (JAG). Randolph County received a similar grant in 2009 for \$68,999. The Sheriff's Office proposes to use the grant to continue purchasing computer communication equipment that will be used to access computer database systems from the field. Mr. McNeill said that per grant requirement, an ad was placed in the Courier Tribune on May 29, 2010 announcing the grant and seeking public comment. Also per grant requirement, a copy of the grant application was delivered to the County Manager on May 27, 2010. Mr. McNeill requested that the \$15,746 be accepted if our application is approved and that the Sheriff's Office be allowed to purchase the requested equipment, as proposed, with the funds.

*On motion of Frye, second by Haywood, the Board voted unanimously to approve the request of the Sheriff's Department to accept the JAG Grant in the amount of \$15,746, if awarded, and to purchase equipment, as requested.*

### **Public Hearing & Historic Landmark Designation – Mt. Shepherd Pottery Site**

Hal Johnson, HLPC Chairman, stated the Historic Landmark Preservation Commission conducted its required public hearing on April 28, 2010, and unanimously passed a resolution recommending landmark designation for the Mt. Shepherd Archaeological Pottery Site, c.1775-1800. Final authority for local historic landmark designation rests with elected officials of the local government within whose planning jurisdiction the landmark is located, and a public hearing is required. If approved, the Mt. Shepherd Archaeological Pottery Site will become the 8<sup>th</sup> Local Historic Landmark designated in Randolph County since the creation of the Historic Landmark Preservation Commission in June 2008.

Bill Johnson, HLPC Board member, gave a history of the Mt. Shepherd Pottery Site, stating that Randolph County is fortunate to have this site which identifies local pottery history. He said that the pottery site was accidentally discovered a few years after the tract became a camp. The first camp caretakers, Walter and Evelyn Farlow, moved into the caretaker's house in 1963. In 1969, their sons found pieces of broken pottery while playing on the grounds near the house. The Farlows realized these pieces were not modern-day pieces and brought the site to the attention of Seagrove potters Dorothy and Walter Auman. The Aumans recognized the importance of this site and helped to investigate it. In 1971, the Aumans formed NC Historical Potters Exploration,

Inc. (NCHPE) to research the site. In October 1971, J.H. Kelly and A.R. Mountford from Stok-On-Trent Museum in Staffordshire, England, were hired by NCHPE to conduct preliminary archaeological investigations at the Mt. Shepherd pottery site. They dug three test trenches that indicated the site was well preserved and recommended that more intensive investigations be undertaken. Subsequent excavations were performed in 1974 and 1975.

For several years, the identity of the potter at the historic Mount Shepherd site remained a complete mystery. Then in May, 1980, L. McKay Whatley, in an extensive detailed research article entitled "The Mount Shepherd Pottery: Correlating Archaeology and History" published in the *Journal of Early Southern Decorative Arts*, made a compelling case that a Philip Jacob Meyer, apprenticed by the Salem Potter Gottfried Aust, was the master potter at the Mount Shepherd site between 1793 and 1799.

The significance of the Mount Shepherd pottery site was further recognized in 1980 when it was placed on the National Register of Historic Places. Archaeologist Alain C. Outlaw wrote the National Register nomination in 1975. In the 2009 published book, Ceramics In America 2009, Alain C. Outlaw wrote a full chapter entitled "The Mount Shepherd Pottery Site, Randolph County, North Carolina." In his latest written comments on the Mount Shepherd site, Outlaw highlights the continued significance of the 1974-75 Mount Shepherd excavation. He states, "The excavation of the Mount Shepherd site represents the most comprehensive documentation of a late-eighteenth-century earthenware pottery in the piedmont region of North Carolina." Outlaw also recognizes the identity of Jacob Meyer as the Mount Shepherd potter and his relationship and his ceramics to the Wachovia potters and styles. "The pottery recovered there offers insights into Jacob Meyer's work and provides clear evidence of his training with Gottfried Aust, Gottlob Krause, and other Wachovia potters."

At 4:37 p.m., the Board adjourned to a duly advertised public hearing. Hearing no comments, the public hearing was closed.

*On motion of Kemp, seconded by Haywood , the Board voted unanimously to adopt an ordinance establishing the Mt. Shepherd Pottery Site as a local historic landmark, as follows:*

*Ordinance Designating the Mt. Shepherd Archaeological Pottery Site c. 1775-1800  
as a Local Historic Landmark in  
Randolph County, North Carolina*

**WHEREAS**, Chapter 160A, Article 19, Part 3C of the North Carolina General Statutes provides for the designation of local historic landmarks; and

**WHEREAS**, on June 2, 2008, the Randolph County Board of Commissioners adopted an Ordinance which established the Randolph County Historic Landmark Preservation Commission to perform those duties of designating and regulating historic local landmarks pursuant to North Carolina General Statutes; and

**WHEREAS**, the Board of County Commissioners has taken into full consideration all statements and information contained in the Landmark Designation Application for the Mt. Shepherd Archaeological Pottery Site, c. 1775-1800, as submitted by the Randolph County Historic Landmark Preservation Commission; and

**WHEREAS**, the North Carolina Department of Cultural Resources, State Historic Preservation Office, has reviewed the Landmark Application, noting that the Mt. Shepherd Archaeological Pottery Site,

c. 1775-1800, possesses the requisite significance and integrity for local landmark designation; and

**WHEREAS**, the Randolph County Historic Landmark Preservation Commission and the County Board of Commissioners have held the required public hearings and published legal notices with mailings to adjoining property owners; and

**WHEREAS**, the Randolph County Historic Landmark Preservation Commission has adopted a unanimous resolution requesting the Board of County Commissioners to designate the Mt. Shepherd Archaeological Pottery Site, c. 1775-1800 as a local historic landmark; and

**WHEREAS**, the Randolph County Board of Commissioners find that the Mt. Shepherd Archaeological Pottery Site, c. 1775-1800, meets the following specific criteria outlined in the adopting Ordinance establishing the Commission: Critical Part of the County's Heritage by having value as an example of the cultural, economic, historic, and social heritage of Randolph County; and

**WHEREAS**, this property is more specifically described as follows:

A portion of PIN# 7713617423, Tabernacle Township, which consists of 2.6 acres beginning on the left where the property line crosses at the dead end of SR 1686. It proceeds adjacent to and west of the private road known as Mt. Shepherd Road Ext. approximately 240 feet. The site delineation then bears to the left at the beginning of the graveled maintenance and camp driveway, proceeding north-westward for approximately 390 feet. At this point, the site delineation then runs south approximately 473 feet along the western property line. Then, the site delineation runs eastward approximately 298 feet along the southern property line, ending at the beginning point, and encompassing an area of approximately 2.60 acres.

**NOW, THEREFORE, BE IT ORDAINED**, by the Board of Commissioners of the County of Randolph, North Carolina, that:

- 1: The property known as the Mt. Shepherd Archaeological Pottery Site, c. 1775-1800, whose nearest address is 1043 Mt. Shepherd Road Extension, Asheboro, North Carolina, within the planning jurisdiction of the County of Randolph, North Carolina, is hereby designated as a Local Historic Landmark pursuant to Chapter 160A, Article 19, Part 3C, of the North Carolina General Statutes.
- 2: That the Mt. Shepherd Archaeological Pottery Site, c. 1775-1800, may be materially altered, restored, remodeled, or demolished only following the issuance of a Certificate of Appropriateness from the Historic Landmark Preservation Commission.
- 3: That nothing in this Ordinance shall be construed to prevent the ordinary maintenance or repair of any architectural feature in or on said property that does not involve a change of design, material or outer appearance thereof, after obtaining the necessary permits and official approval for said stated repair. Nothing herein shall prevent the construction, alteration, restoration, demolition, or removal of such feature when a building inspector or similar authorized official certifies to the Historic Landmark Preservation Commission that such action is required for the public safety because of an unsafe condition. Furthermore, nothing shall be construed to prevent the property owner from making any use of this property not prohibited by other statutes, ordinances, or regulations.
- 4: That a suitable sign may be posted indicating the designation as a Local Historic Landmark and containing appropriate information.
- 5: That the High Point District of the United Methodist Church (Mt. Shepherd Retreat Center), owner of the Mt. Shepherd Archaeological Pottery Site, c. 1775-1800, hereby accepts notice as required by the applicable law of this action, and that copies of this Ordinance be filed and indexed in the office the Clerk to the Board of County Commissioners, the Randolph County Register of Deeds, the Randolph County Tax Department, and the County Planning and Inspections Departments as required by applicable law.

### **Approval of Aging Services Matters**

Candie Rudzinski, Aging Services Planning Committee (ASPC) Chair, reported that the ASPC met on May 11, 2010 and approved a recommendation for the HCCBG agency allocations for FY 10-11 totaling \$712,144. The ASPC recommends that the Randolph County Board of Commissioners approve the HCCBG Funding Plan, as indicated on the Form DOA-731, requesting a total of \$712,144 for FY 10-11 for Randolph County aging service providers.

Ms. Rudzinski also asked that the Board accept additional/supplemental funding, should it become available, and to allow the Aging Services Planning Committee to decide how to allocate these funds, as appropriate, according to the existing "Policy for Distribution of Aging Services Funding."

*On motion of Frye, seconded by Lanier, the Board unanimously 1) approved the HCCBG Funding Plan, as indicated on Form DOA-731, requesting a total of \$ \$712,144 for fiscal year 2010-2011; 2) designated the Randolph County Senior Adults Association, Inc. as the Lead Agency for fiscal year 2010-2011, as indicated on Form DOA-730; and 3) agreed to accept additional/supplemental funding, should it become available, and to allow the Aging Services Planning Committee to decide how to allocate these funds, as appropriate, according to the existing "Policy for Distribution of Aging Services Funding."*

### **Adoption of Resolution Regarding Small Underpayments/Overpayments of Taxes**

Tax Supervisor Debra Hill said that pursuant to NCGS 105-357(c), the governing body of the taxing unit is legally required to collect the balance due from all underpayments and to refund all overpayments no matter how small, unless the governing body has adopted a resolution to treat all underpayments and overpayments of one dollar or less as accurate payments. The cost to collect or refund is usually larger than the balance or refund itself. This resolution would be for mailed or drop box payments only.

*On motion of Kemp, seconded by Frye, the Board voted unanimously to approve a resolution directing the tax assessor/collector to treat tax overpayments/underpayments of one dollar or less as accurate payments, as follows:*

#### **RESOLUTION DIRECTING THE TAX ASSESSOR/COLLECTOR TO TREAT TAX OVERPAYMENTS/UNDERPAYMENTS OF ONE DOLLAR OR LESS AS ACCURATE PAYMENTS**

**WHEREAS**, taxpayers sometimes make payments in incorrect amounts; and

**WHEREAS**, if the underpayment or overpayment is small, the cost to the tax office of collecting the balance or making a refund is usually larger than the amount of the balance or refund itself; and

**WHEREAS**, pursuant to NCGS 105-357(c), the governing body of the taxing unit is legally required to collect the balance due from all underpayments and to refund all overpayments, no matter how small, unless the governing body has adopted a resolution to treat all underpayments and overpayments of one dollar or less as accurate payments.

**NOW, THEREFORE, BE IT RESOLVED** by the Randolph County Board of Commissioners that the County Tax Assessor/Collector, pursuant to NCGS 105-357(c), is directed to treat all tax underpayments and overpayments of one dollar or less as accurate payments, as follows:

1. The Tax Assessor/Collector is not required to collect the balance due as a result of an underpayment.
2. The Tax Assessor/Collector is not required to refund an overpayment unless the taxpayer requests a refund during the fiscal year in which the payment was made.

3. *This resolution applies only to mailed payments or to payments deposited in the drop-box; if the taxpayer pays in person, the collector must see to it that the payment is in the correct amount.*
4. *The collector must keep an accurate record of underpayments and overpayments, by receipt number and amount, and this record must be included in any settlement required of the collector.*

***BE IT FURTHER RESOLVED,** pursuant to NCGS 105-357(c), that this resolution applies to payments of taxes for all previous fiscal years and continues in effect until it is repealed or amended.*

#### **Approval of Lease Agreement for Child Support Enforcement Building**

Associate County Attorney Aimee Scotton said that a lease agreement has been finalized between the County and Barbeta, LLC for office space for Child Support Enforcement. This Department, which was transferred from the State to the County effective July 1, 2010, will remain in the same building in which they are currently housed. The County will pay \$3300/month for this office space.

*On motion of Frye, seconded by Kemp, the Board voted unanimously to approve a lease agreement for the Child Support Enforcement Building in the amount of \$3300/month, as presented, and authorized the County Manager to sign the agreement.*

#### **Approval of Request to Collect Taxes for City of High Point**

Associate County Attorney Aimee Scotton said that the City of High Point is requesting that the County begin collecting taxes for property that is located both in the City of High Point and Randolph County beginning July 1, 2010 under the same terms and conditions we offer other municipalities in the county. Essentially, the County would take over the billing and collections operations for High Point City taxes on those parcels that are also located within Randolph County. In return for this service, the City will remit a monthly payment to the County equal to 1¼% of all of the City taxes collected by the County.

*On motion of Frye, seconded by Kemp, the Board voted unanimously to approve a contract with the City of High Point for the County to collect taxes for the City of High Point.*

#### **Approval to Accept Offer for Purchase of Randleman Ambulance Base Property**

Aimee Scotton, Associate County Attorney, reminded the Board that in July 2009, the County received an offer from Murphy Oil Company for the purchase the Randleman Ambulance Base property located at the corner of Academy St. and Old High Point Road (Parcel #7755655210) in Randleman. Their offer was \$450,000. Ms. Scotton said that the procedures by which a County may dispose of property are set out in Chapter 160A, Article 12 of the North Carolina General Statutes. The County used the method of sale by negotiated offer, advertisement and upset bid procedure in this process. Murphy Oil Company and Kelley Properties (representing Sheetz Convenience Stores) competed against each other in the upset bid process. Kelley Properties' last bid of \$893,127.50 was not upset. Ms. Scotton said that the County has received an agreement for purchase and sale of real property from Kelley Properties, which she has evaluated and has determined that the agreement and contingencies are acceptable. She advised the Commissioners that they may accept or reject this offer. She noted that should the Board accept this offer, ample time has been specified in the purchase contract in order for the County to move the Randleman Ambulance Base to a new location.

*On motion of Frye, seconded by Kemp, the Board voted unanimously to accept the offer of \$893,127.50 from Kelley Properties for their purchase of the Randleman Ambulance Base property; to approve a contract between the County and Kelley Properties to authorize the sale of the property; to*

authorize the County Manager to sign the contract; and to authorize the Chairman to sign all closing documents.

### **Presentation of Proposed Debt Policy and Fiscal Policy**

Will Massie, Assistant County Manager/Finance Officer, recommended that the Board adopt Fiscal and Debt policies in order to strengthen County management. First, a Fiscal Policy incorporates budgeting and fund balance guidelines that will help the County maintain financial stability. Mr. Massie suggested that a 20% fund balance (2.5 months of expenditures) is the proper level of reserves, providing adequate cash flow and a very modest portion to provide flexibility to the Board for unforeseen circumstances. He said that that an adequate fund balance is critical to financial stability, as seen by the recent recession.

Second, Mr. Massie proposed a Debt Policy that will assist in the evaluation of future debt issuances. As the County evaluates the affordability of any new debt, the County can compare projected percentages with target and ceiling ratios. This will give the Board some consistent data from which to make a determination.

*Vice Chair Frye moved to adopt both policies, as presented. Commissioner Kemp seconded the motion. The motion was denied by a vote of 2-3, with Lanier, Haywood and Holmes opposing. The Board decided to consider adoption of these policies again at the July meeting.*

### **Closed Session—Acquisition of Real Property**

*At 5:41 p.m., on motion of Frye, seconded by Haywood, the Board voted unanimously to go into closed session to establish or instruct the staff or agent concerning the negotiation of the price and terms of a contract concerning the acquisition of real property, pursuant to N.C.G.S. 143-318.11(a)(5).*

### **Regular Session Resumed**

At 5:47 p.m., the Board returned to regular session.

### **Recess**

At 5:47 p.m., the Board recessed.

### **Regular Session Resumed**

At 6:30 p.m., the Board returned to regular session.

### **Rezoning Public Hearing**

At 6:30 p.m., the Board adjourned to a duly advertised public hearing to consider rezoning requests. Hal Johnson, Planning Director, 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. **JIMMY GRAVES**, Asheboro, North Carolina, is requesting that 1 acre (out of 2.51 acres) located on US Hwy. 64 West (just west of Mt. Shepherd Road), Tabernacle Township, be rezoned from RA to HC-CD. Tax ID# 7712835051. Secondary Growth Area. The proposed Conditional Zoning District would specifically allow an automotive sales lots as per site plan. The Planning Board reviewed this request at public meeting on May 4, 2010, and recommend that this request be approved by a vote of 5 to 1. Mr. Johnson said that the applicant has stated that there will be no repairs onsite and no junked vehicles.

*The Planning Board found the following policies within the 2009 Growth Management Plan that support determination of consistency with the adopted plan with this recommendation:*

*Policy 4.3 Individual Rural Business or Highway Commercial rezoning decisions will depend upon the scale of the proposed development as it relates to the specific site and location weighed against the impacts to adjoining rural land uses.*

*Policy 4.5 Effective buffering and/or landscaping should be provided where commercial development adjoins existing or planned residential uses.*

*Board of Commissioner Resolution Adopting the Growth Management Plan, Policy #4. 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.*

**Terry Yates**, 3582 Stutts Rd., Asheboro, spoke in opposition to the request, citing traffic concerns as his major point of concern. He noted the approximately one mile downgrade that ends near the site of the proposed car lot and said that 16-wheelers have a hard time slowing down on this part of Hwy. 64, which is known as one of the most dangerous roads in the county. His children and grandchildren live across the road from the proposed lot. Mr. Yates said that it is already dangerous for anyone who is trying to turn left on Hwy. 64. He noted that one should expect businesses to spring up along Hwy. 64, but zoning is supposed to protect neighborhoods rather than just to promote business. He asked the Board to deny this request.

**Randy Johnson**, 5735 Hwy. 64 West, Asheboro, spoke in opposition to the request, saying that he drives tractor trailers and has concerns about the long, gradual sloping curve near the proposed lot site. He said it doesn't look threatening, but it is dangerous. He said that a car lot can cause traffic to slow down due to people looking at cars on the lot. He said that governmental processes should take into consideration public safety when making decisions. He has lived in this area almost his entire life and there have been lots of wrecks. He presented signed petitions of opposition to the Board and encouraged the Commissioners to deny the request.

**David Allsbrook**, 5743 Hwy. 64 West, Asheboro, spoke in opposition to the request, saying that, according to the NC Dept. of Transportation, traffic counts have steadily declined on Hwy. 64 West over recent years, but collisions have increased. In fact, he said that the NC State Highway Patrol refers to this stretch of road as "Death Valley." He also mentioned the drastic slope away from the highway that the property owner would have to deal with.

**Julie Allsbrook**, 5743 Hwy. 64 West, Asheboro, said that she and her husband live diagonally across the street from the proposed car lot, in a house that they built last August. She said that they would not have built the house had they known that a car lot may be situated across the road. Ms. Allsbrook spoke about potential environmental problems that a car lot could pose, such as storm water run-off caused by parked vehicles and leaking antifreeze and oil that would likely reach the creek behind the property. She said that this creek feeds into other nearby waters that are inhabited by rare salamanders.

**George Adams**, 5738 US Hwy. 64 West, Asheboro, said that his property borders the proposed car lot site directly to the west. He said that he shares the same concerns as others who had already spoken. He also said that he has lived at this location for 10 years and his wife's family owned it for many years previously. Mr. Adams, a horticulturist at the NC Zoo, said that he and his wife had turned their property into a wildlife refuge, and argued that a car lot would be out of character for this area. He also mentioned that he is already bothered by a night light that his neighbor on the other side of the road installed and could only imagine that a car lot would further negatively impact he and his wife's star

gazing. Mr. Adams said that the Zoo plans to put in trails from Ridges Mountain to Shepherd's Mountain; a car lot would be out of character. He said that we have a treasure in Randolph County and encouraged the Commissioners not to throw it all away.

**Brenda Johnson**, 5735 Hwy. 64 W, Asheboro, spoke in opposition to the request, saying that she had lived in this neighborhood for 23 years and her husband is the 4<sup>th</sup> generation to live there. Their property is directly across the road from the proposed car lot. She voiced traffic safety concerns, citing two well-known accidents on the road in the vicinity of the proposed car lot that officials attributed to drivers being blinded by light from the angle of the sun. She also said that there was no good place to pass on Hwy. 64, and drivers are impatient. Ms. Johnson also mentioned that a car lot would not fit in with the character of the neighborhood and would decrease their property values, making it harder to sell their homes. She also said that she had not heard what the proposed hours of operation would be for the car lot. She said that growth shouldn't be allowed at the duress of property owners and businesses shouldn't be considered until Hwy. 64 has been widened to four lanes. Ms. Johnson said that the mail carrier, Sheila Sheffield, was opposed to the request, but was unable to attend this meeting.

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Approximately 20 people stood in opposition to this request.

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**Dr. Ben Johnson**, 687 Pinewood Dr., Asheboro, said that he grew up in this area and was the 5<sup>th</sup> generation in his family to live there. He opposes this request for traffic safety reasons. He also said that a business of this type would be more appropriate after the road has been widened to four lanes. He also said that a used car business seven miles outside the city limits doesn't make sense. He thanked the Commissioners for hearing citizens' concerns and encouraged them to listen to the logical arguments and deny the request.

**Jimmy Graves**, applicant, spoke in support of his request, saying that many of the people who had spoken cannot see his property from their homes. He said that he has lived in the area since 1999 and is a 4<sup>th</sup> generation resident in the Tabernacle community. He said that several people do support him and didn't sign the petition of opposition. He stated his proposed hours would be 8 a.m. – 8 p.m. Monday-Friday and a half-day on Saturday. He also said he might install a couple of night lights.

**Tina Yates**, 5755 Hwy 64 West, Asheboro, spoke in opposition to the request, saying that she would be able to see the car lot outside her bedroom window and does not wish to wake up to that sight.

*On motion of Lanier, seconded by Frye, the Board voted 4-1, with Kemp opposing, to deny the request of Jimmy Graves, as determined consistent with the following Growth Management Plan policies:*

*Policy 4.3: Individual Rural Business or Highway Commercial rezoning decisions will depend upon the scale of the proposed development as it relates to the specific site and location weighed against impacts to adjoining rural land uses.*

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

2. **STEP THREE, INC.**, Asheboro, North Carolina, is requesting that 3.10 acres located on US Hwy 64 West (just west of Robbins Circle), Tabernacle Township, be rezoned from RA to HC-CD. Tax ID# 7712437632. Secondary Growth Area. The proposed Conditional Zoning District would specifically allow commercial development as per site plan. The Planning Board reviewed this request at public meeting on May 4, 2010, and recommend that this request be approved by a vote of 5 to 1. Mr. Johnson said that the only condition would be a 25-ft. buffer along the western edge of the property. The Planning Board found the following policies within the 2009 Growth Management Plan that support determination of consistency with the adopted plan with this recommendation:

Policy 4.3 Individual Rural Business or Highway Commercial rezoning decisions will depend upon the scale of the proposed development as it relates to the specific site and location weighed against the impacts to adjoining rural land uses.

Policy 4.5 Effective buffering and/or landscaping should be provided where commercial development adjoins existing or planned residential uses.

Board of Commissioner Resolution Adopting the Growth Management Plan, Policy #4. 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.

**Jerry King**, surveyor and representing the applicant, spoke in support of the request. He said that power line rights-of-way and buffers would limit where any kind of business would be located. Mr. King said that the church across the road uses the property sometimes for parking and that they did not oppose this request. He said that the traffic on Hwy. 64 is already slowed in the area due to the school zone and that NCDOT did not see a need for a turning lane. He said the owner intends to sell the property once it is rezoned and that a restaurant or convenience store would likely be built there.

**Rev. Jody Harris**, pastor of Bethel Baptist Church, spoke in opposition to the request, saying that the church had never used this property for parking and he was highly concerned that this property might be rezoned as commercial. He voiced traffic safety concerns and said that traffic gets very congested in front of the church already. Also, it is already difficult to get out on Hoover Hill Road in the morning due to traffic. Rev. Harris said that he is concerned because of the many types of establishments that could be located there if the Commissioners approve this request.

**William Hunt**, member and trustee of Bethel Baptist Church, voiced traffic safety concerns, as well, in his opposition to the request.

**Randa Hill**, 222 Hoover Hill Rd., Asheboro, said that she is the parent of small children and a teenage driver and has concerns over potential traffic problems in the area. She also is afraid of what could possibly be built there and the potential negative effect it would have on her church community.

Since the request came with no specified use or plan, the Commissioners were advised by both Mr. Johnson and County Attorney Darren Allen that the Board would have to consider all possible uses for the property under the zoning of highway commercial; the list of possible activities would be long and could include anything from a grocery store to an Internet gaming business. The Commissioners asked the applicant why he didn't ask for a specific use. The applicant responded by saying that he was advised that he should get the property rezoned as "highway commercial," and then put it on the market to sell.

*On motion of Frye, seconded by Kemp, the Board voted unanimously to deny the request of Step Three, Inc., as determined consistent with the following Growth Management Plan policies:*

*Policy 4.3: Individual Rural Business or Highway Commercial rezoning decisions will depend upon the scale of the proposed development as it relates to the specific site and location weighed against impacts to adjoining rural land uses.*

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

**Adjournment**

At 7:55 p.m., there being no further business, the meeting adjourned.

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J. Harold Holmes, Chairman

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Darrell L. Frye

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Phil Kemp

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Arnold Lanier

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Stan Haywood

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Cheryl A. Ivey, Clerk to the Board