

**Minutes
Randolph County Commissioners**

May 1, 2000

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, Holmes, Frye, and Mason were present. Rev. Joseph Kearns, Greater St. John's Baptist Church, Asheboro, gave the invocation, and everyone recited the Pledge of Allegiance.

Presentation of Retirement Plaque

On behalf of the Board, Chairman Kemp presented an engraved clock plaque to Hazel Goldston, who is retiring from the Health Department with 33 years of service.

Additions to the Agenda

Chairman Kemp announced the following additions to the agenda:

Consent Agenda - approve minutes of April 17, 2000

New Business - M. Adoption of Schedules, Standards, and Rules for 2001 Reappraisal

N. Proclamation Declaring May as Motorcycle Awareness Month

Consent Agenda

On motion of Frye, seconded by Holmes, the Board unanimously approved the consent agenda, as follows:

➤ *approve minutes of April 10 and April 17, 2000 meetings.*

Regional Partnership Workforce Development Board Annual Report

Mike Lee, Regional Partnership Workforce Development Board member, explained that the Regional Partnership Service Delivery Area, which serves Alamance, Orange, and Randolph Counties, is housed at Regional Consolidated Services in Asheboro. The agency administers a variety of programs, reaching out to the economically disadvantaged, youth groups, and the elderly. Mr. Lee presented the Regional Partnership Service Delivery Area's annual report for July 1, 1998 - June 30, 1999, which includes a financial report and project summaries by county.

Adoption of Schedules, Standards, and Rules for 2001 Reappraisal

Ben Chavis, Tax Administrator, stated that state statutes require the adoption of present use and true value schedules of values, standards, and rules after public hearing. The public hearing was held on April 17. Mr. Chavis said no one has been to the Tax Department to inspect the schedules that have been available for public inspection since early April, and he has received no comments concerning this matter.

On motion of Mason, seconded by Davis, the Board unanimously adopted the following orders:

***ORDER CONCERNING THE PRESENT USE SCHEDULE OF VALUES,
STANDARDS, AND RULES TO BE USED IN APPRAISING REAL PROPERTY
AT ITS TRUE VALUE FOR THE JANUARY 1, 2001 REVALUATION***

The Randolph County Board of Commissioners hereby issues an order adopting the final schedules, standards, and rules to be used in appraising real property at its present use value for January 1, 2001.

The Randolph County Tax Assessor is hereby ordered to provide for public examination a copy of these schedules in his office at 725 McDowell Road, Asheboro, NC. A property owner who asserts that these schedules,

standards, and rules are invalid may appeal them to the North Carolina Property Tax Commission, P.O. Box 871, Raleigh, NC 27602-0871, within 30 days from May 1, 2000.

The Randolph County Clerk to the Board is hereby ordered to publish in a newspaper of general circulation a notice of this order and the rights of the property owner. This notice shall be published for four successive weeks, on May 4, 9, 16, and 23, 2000.

This order is adopted May 1, 2000.

**ORDER CONCERNING THE TRUE VALUE SCHEDULE OF VALUES,
STANDARDS, AND RULES TO BE USED IN APPRAISING REAL PROPERTY
AT ITS TRUE VALUE FOR THE JANUARY 1, 2001 REVALUATION**

The Randolph County Board of Commissioners hereby issues an order adopting the final schedules, standards, and rules to be used in appraising real property at its true value for January 1, 2001.

The Randolph County Tax Assessor is hereby ordered to provide for public examination a copy of these schedules in his office at 725 McDowell Road, Asheboro, NC. A property owner who asserts that these schedules, standards, and rules are invalid may appeal them to the North Carolina Property Tax Commission, P.O. Box 871, Raleigh, NC 27602-0871, within 30 days from May 1, 2000.

The Randolph County Clerk to the Board is hereby ordered to publish in a newspaper of general circulation a notice of this order and the rights of the property owner. This notice shall be published for four successive weeks, on May 4, 9, 16, and 23, 2000.

This order is adopted May 1, 2000.

Roofing Contract for Shaw Building

Jane Leonard, Deputy Finance Officer, stated that informal bid requests were sent to four vendors for replacing the flat roof at the Shaw Building. Also requested was an alternate bid increasing the manufacturer’s warranty from a 10-year to a 15-year labor and material warranty. The following vendors responded:

Vendor	Bid	Alternate	Total Bid
Associates of Asheboro	\$51,000	N/A	\$51,000
Davis Roofing	No Bid	N/A	No Bid
McRae Roofing	\$38,510	\$2,430	\$40,940

On motion of Frye, seconded by Holmes, the Board unanimously awarded a contract to the low bidder, McRae Roofing, for \$40,940, which includes the extended warranty, and authorized the County Manager to sign the contract.

Contract to Collect Property Taxes for the Town of Franklinville

Jane Leonard, Deputy Finance Officer, reported that Franklinville has requested that the County begin billing and collecting their property taxes, beginning July 1, 2000. The County would receive a fee of 1¼% of all taxes collected.

On motion of Mason, seconded by Davis, the Board unanimously approved a contract between the Town of Franklinville and the County for tax collection.

Public Hearing and Resolution Approving in Principle \$3 Million Industrial Revenue Bonds for Wellmark, Inc.

At 4:20 p.m. the Board adjourned to a duly advertised public hearing to consider the issuance of \$3 million in industrial revenue bonds for Wellmark, Inc.

Bill Ivey, Industrial Bond Attorney, reviewed the role of the Industrial Bond Authority. The Authority is an arm of the County Commissioners and screens candidates for industrial revenue bonds. Successful candidates must meet pollution control guidelines, offer above-average industrial wages for the county, create lasting manufacturing jobs, and expand the tax base. He then introduced Brad Wellington, President of Wellmark.

Mr. Wellington provided written information on Wellmark to the Board. He said Wellmark will recycle industrial plastics. They will construct a new 60,000-square-foot building, purchase new equipment, and provide 32 new jobs. The recycling process used to create plastic flakes is a clean process and no waste water is used.

Chairman Kemp asked for public comment on this matter. Hearing none, he closed the public hearing.

On motion of Frye, seconded by Holmes, the Board unanimously adopted the following resolution:

**APPROVAL IN PRINCIPLE OF POLLUTION CONTROL PROJECT FOR
WELLMARK, INC., AND THE FINANCING THEREOF WITH REVENUE
BONDS IN THE PRINCIPAL AMOUNT OF UP TO \$3,000,000**

WHEREAS, The Randolph County Industrial Facilities and Pollution Control Financing Authority (the "Authority") has agreed to assist in the financing under the North Carolina Industrial and Pollution Control Facilities Financing Act (the "Act") of a pollution control project by Wellmark, Inc., a North Carolina corporation of an affiliate, subsidiary or related company thereof (the "Company"), which plans to acquire, construct and equip an approximately 60,000 square foot facility for the recycling of plastic and the manufacture of plastic pellets in Randolph County (the "Project") and has indicated that agreement by the execution of an Inducement Agreement between the parties dated February 15, 2000, and;

WHEREAS, under North Carolina General Statutes § 159C-7 each project must be approved by the Secretary of the Department of Commerce and, under Article 51B of Chapter 143 of the North Carolina General Statutes, the Federal Tax Reform Allocation Committee must allocate a sufficient amount of North Carolina's "volume cap," as defined in Section 146 of the Internal Revenue Code of 1986, as amended (the "Code") to the financing; and

WHEREAS, the Rules and Procedures of the North Carolina Department of Commerce require that the governing body of a county approve in principle any project to be financed under the Act; and

WHEREAS, this Board of Commissioners has today held a public hearing with respect to the advisability of the Project and the issuance of bonds therefor, as evidenced by the Certificate and Summary of Public Hearing attached hereto as Exhibit A; and

WHEREAS, section 147(f) of the Code requires that the Board of Commissioners approve the plan of financing for the bonds; and

WHEREAS, the Authority intends to issue its revenue bonds (the "Bonds") in the principal amount of up to \$3,000,000 which will be secured by a letter of credit issued by Wachovia Bank, N.A.; and

WHEREAS, under Section 159C-4 of the Act the issuance of bonds under the Act must be approved by the governing body of the county in which the project to be financed under the Act is located;

NOW, THEREFORE, the Board of Commissioners of Randolph County, meeting in regular session at 725 McDowell Road, Asheboro, North Carolina, on May 1, 2000, does the following:

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS FOR RANDOLPH COUNTY;

1. *The proposed "pollution control project" consisting of the acquisition, construction and equipping of an approximately 60,000 square foot facility for the recycling of plastics and the manufacture of plastic pellets by Wellmark, Inc. in Randolph County and the issuance of bonds in an amount not to exceed \$3,000,000 therefor are hereby approved in principle.*

2. *The Board of Commissioners hereby requests the North Carolina Federal Tax Reform Allocation Committee to allocate up to \$3,000,000 of North Carolina's 2000 "volume cap," as defined above for the financing of the Project.*

3. *The Board of Commissioners hereby approves the plan of financing as required by Section 147(f) of the Code.*

4. *The issuance of the Bonds in the principal amount of \$3,000,000 is hereby approved for purposes of Section 159C-4 of the Act.*

Public Hearing and Order for Closing of Westview Drive

At 4:30 p.m. the Board adjourned to a duly advertised public hearing to consider the permanent closing of Westview Drive, a public access road off of Old Walker Mill Road Extension in Level Cross Township.

Aimee Scotton, Staff Attorney, stated that the request to close Westview Drive came from the Piedmont Triad Regional Water Authority, who has purchased all the land adjoining this road. (This area will be part of the Randleman Lake when it is built.) She said that notices of this public hearing were published, mailed, and posted in accordance with G.S. 153A-241.

Chairman Kemp asked for public comment; hearing none, he closed the public hearing.

On motion of Davis, seconded by Frye, the Board unanimously adopted the following order:

WHEREAS, the Randolph County Board of Commissioners received a request from the Piedmont Triad Regional Water Authority to permanently close Westview Drive located on lots as shown by plat recorded in Plat Book 25, Page 71, Randolph County Registry; and

WHEREAS, on April 10, 2000, the Randolph County Board of Commissioners adopted a resolution declaring its intent to close said street or easement and set a public hearing on the issue for May 1, 2000, all in accordance with North Carolina General Statute 153A-241; and

WHEREAS, on April 13, 2000, a notice of the closing and public hearing were prominently posted in two places along said road; and

WHEREAS, the resolution of intent adopted by the Randolph County Board of Commissioners on April 10, 2000 was published once a week for three successive weeks before the hearing (on April 14, 21, and 28, 2000); and

WHEREAS, the Randolph County Board of Commissioners has determined through the public hearing that the closing of the aforesaid street is not contrary to the public interest and that no individual owning property in the vicinity of said street would be deprived of reasonable means of ingress and egress to his property;

***NOW, THEREFORE, BE IT ORDERED** by the Randolph County Board of Commissioners that Westview Drive, located on lots described herein, be permanently closed and that all right, title, and interest in the right-of-way is vested in those persons owning lots or parcels of land adjacent to the streets or easements.*

***BE IT FURTHER ORDERED** that a certified copy of this Order shall be filed in the Register of Deeds Office.*

Reallocation of Public Health Nurse Position from Temporary to Permanent

Judy Simmons, Administrative Assistant to the Health Director, explained that at the Commissioners' January, 2000 meeting, a temporary Public Health Nurse I position (Maternity Care Coordinator) was approved, funded through June 30, 2000 by a grant from the Department of Health and Human Services. There is a large enough caseload of eligible maternity patients to justify making this a permanent position, which will be funded by Medicaid earnings.

On motion of Davis, seconded by Mason, the Board unanimously agreed to reallocate this Public Health Nurse I position from temporary to permanent.

Employee Shared Leave Policy

Kim Newsom, Personnel Director, presented a draft shared leave policy that would allow employees to share limited vacation leave with another employee who has exhausted his vacation and sick

leave due to a long-term illness, recuperation from surgery, etc.

On motion of Frye, seconded by Holmes, the Board unanimously approved the Employee Shared Leave Policy (ATTACHED) as presented, effective May 1, 2000.

Request from Institute of Government for Construction Shortfall Funding

Frank Willis, County Manager, advised the Board that the County has received a request from the North Carolina Association of County Commissioners to join the Local Government Wing Campaign launched by the Association and the League of Municipalities to help the Institute of Government complete its building renovation and expansion. The Institute received much of its construction funding from the General Assembly, but the finished construction and furnishing will cost an additional \$4,000,000. Each county and municipality is being asked to make a one-time special contribution to this campaign in an amount at least equal to its annual Institute membership dues. Randolph County's dues this year were \$9,724.

On motion of Holmes, seconded by Davis, the Board unanimously voted to contribute to this campaign and approved Budget Amendment #43 to the FY 1999-2000 Annual Budget, as follows:

GENERAL FUND #43	
Revenue	Increase
<i>Fund Balance Appropriated</i>	\$9,724
Appropriation	Increase
<i>Governing Body</i>	\$9,724

Set July Meeting Date

On motion of Frye, seconded by Holmes, the Board unanimously agreed to hold their regular July meeting on July 10th.

Adoption of Budget Schedule, Including Public Hearing on Proposed Budget

On motion of Holmes, seconded by Davis, the Board unanimously adopted the schedule for all their budget sessions (June 6, 12, 19, and 26) including a public hearing on the budget at 7:00 p.m. on the 19th.

Resolution on Delaying Congressional Action on Internet Tax Moratorium

Frank Willis, County Manager, stated that having no tax on Internet sales is a major concern for local and state governments because of the loss of sales tax. The Association of County Commissioners has requested that counties adopt a resolution opposing extension or expansion of the Internet Tax Moratorium.

On motion of Frye, seconded by Holmes, the Board unanimously adopted the following resolution:

**RESOLUTION ON DELAYING CONGRESSIONAL ACTION
ON INTERNET TAX MORATORIUM**

WHEREAS, out-of-state remote sellers who conduct sales via the Internet, mail order, and phone are not required by law to collect existing sales and use taxes imposed by state and local governments; and

WHEREAS, the primary barrier to collecting taxes on remote sales is the Supreme Court's ruling in *Quill v.*

North Dakota, which defers to Congress to authorize states to require remote sellers to collect taxes in a manner that does not unduly burden Interstate commerce; and

WHEREAS, state and local governments are working together to implement a streamlined sales tax system that would simplify definitions, tax rates and tax bases and use 21st Century technology in the collection process; and

WHEREAS, current laws create a competitive disadvantage and great inequities between merchants who sell from traditional "brick-and-mortar" establishments and those who sell from electronic stores; and

WHEREAS, increasing sales on the Internet, and the resulting erosion of sales and use tax revenues, will limit the ability of states and governments and school districts to finance essential public services such as police, fire, emergency medical service, education, social services, infrastructure development, and health care; and

WHEREAS, a recent University of Tennessee study estimates that state sales tax revenue losses in 2003 will exceed \$10 billion; and

WHEREAS, the Advisory Commission on Electronic Commerce failed to reach a legally required consensus on fair and equitable treatment of both remote sellers and "Main Street" retailers and also proposed that Congress preempt state and local sovereignty guaranteed by the U.S. Constitution;

THEREFORE, BE IT RESOLVED that Randolph County supports simplification of state and local sales taxes, and urges states to move expeditiously to develop and approve model simplification legislation; and

BE IT FURTHER RESOLVED that Congress should not extend or expand the current moratorium until its expiration in October 2001; and

BE IT FURTHER RESOLVED that if state and local governments choose to negotiate a brief extension of the existing moratorium as part of a broader bill, such an extension:

- Should only be effective for a short period of time (no more than two years); and
- Must be linked to states' successfully implementing sales tax simplification, which would trigger Congressional authorization of expanded duty to collect use taxes on remote sales.

Proclamation for May as Motorcycle Awareness Month

On motion of Davis, seconded by Mason, the Board unanimously adopted the following proclamation:

WHEREAS, many Randolph County citizens enjoy the sun, wind and freedom of the open road by wheeling out their motorcycles and riding the highways. Yet, along with that enjoyment comes a responsibility to operate those motorcycles safely; and

WHEREAS, since motorcycles lack the protective armor of automobiles and trucks, their operators are at a greater risk for serious injury or death by accident. All motorists should be aware that motorcyclists will be sharing the road this summer and throughout the year with other transportation vehicles; and

WHEREAS, the Concerned Bikers Association, along with the North Carolina Motorcycle Safety Education Program, stresses the importance of educational programs designed to reduce the number of motorcycle accidents that end in injury, loss of life and destruction of property. These groups are doing their part to ensure that people who enjoy motorcycles for recreation and pleasure do so safely.

NOW, THEREFORE, the Randolph County Board of Commissioners does hereby proclaim May 2000, as "Motorcycle Awareness Month" in Randolph County, and urges our citizens to commend its observance.

Budget Amendment - Social Services

Frank Willis, County Manager, reported that the County has received \$3,570 from the Division of Social Services for CP&L Project Share, a DSS program for qualifying residents who are in life-threatening situations related to cooling or heating. We have also received \$290,000 for the Child Development Program, a DSS program that provides services to children of qualified families for support of employment, education/training, protective services, child welfare, and special needs.

On motion of Mason, seconded by Davis, the Board unanimously approved Budget Amendment #44 to the FY 1999-2000 Annual Budget, as follows:

<i>Revenue</i>	<i>Increase</i>
<i>Restricted Intergovernmental</i>	<i>\$293,570</i>
<i>Appropriation</i>	<i>Increase</i>
<i>Social Services</i>	<i>\$293,570</i>

The meeting recessed at 5:10 p.m. and reconvened at 6:30 p.m.

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. JAMES SMITH, Greensboro, North Carolina, is requesting that 14.02 acres located at 6788 Willard Road, Liberty Township, be rezoned from Residential Agricultural to Heavy Industrial/Conditional Use. The proposed Conditional Use Zoning District would specifically allow the operation of a go-kart track and family fun park at existing track location. The Planning Board recommended unanimously that this request be approved. Mr. Johnson noted that the current track was a non-conforming use; when the owner died, activity ceased. This activity cannot be resumed without rezoning.

Jim Smith, 4601 Schoolway Drive, Greensboro, said he has already started planting trees on the front; the other sides already have tree buffers. He said he proposes to add a playground, park and picnic area, and bathrooms. He will have fencing around the whole facility and lighting. A grounds manager will live on-site in an existing building. Proposed hours of operation will be Saturday, 10 a.m. - 11 p.m.; Sunday, 2 p.m. - 7 p.m.; and some Fridays, 6 p.m. - 10 p.m. Mr. Smith said he has received letters of support from surrounding neighbors, participants, and spectators.

Guy Troy, P.O. Box 455, Liberty, said his comments were based on past experience as a neighbor who lives across the road from this site. He said he would like to see conditions attached if the rezoning is granted: operation restricted to one night per week, no racing or loudspeaker use after 10:30 p.m., and tree buffers.

Steve Schmidley, Asheboro, said he is an attorney representing Marvin and Barbara Wall, who have an intensive farm operation on three sides of this proposed facility: on the north side are chicken houses holding 65,000 chickens; on the west side are chicken houses holding 40,000 - 45,000 chickens; on the south side is a 100-head pig operation with lagoons. Mr. Schmidley said that rezoning this facility heavy industrial in the middle of a residential agricultural area would be spot zoning and that it would not be compatible with the long-range land use plan for this area. Lighting from the facility would interfere with the chickens, who need to be in the dark for many hours. The proposed picnic area is close enough to the hog lagoon to throw rocks in it. The fan from the north side chicken houses blows directly toward the proposed concession stand 146' away. Mr. Schmidley asked that, if the rezoning is approved, early closing be observed. He said a chain link fence would not be sufficient to deal with trash, gas, and noise.

Upon request, three stood in opposition to this request; seven stood in support.

Jim Smith stated that there is a tree buffer between the picnic area and the hog operation. He offered the following as conditions for the rezoning: (1) on Saturdays operations will start at 9 a.m., with

racing and loudspeakers ceasing at 10:00 p.m.; on Sundays operations will be from 2:00 p.m. - 7:00 p.m.; (2) operations will be April through November only; (3) the facility will be based on the site plan submitted.

On motion of Frye, seconded by Holmes, the Board unanimously approved the request of James Smith, with the three conditions offered by Mr. Smith (as shown above).

2. DONALD LINEBERRY, Climax, North Carolina, is requesting that 4.00 acres (out of 151.60 acres) located at 6981 Old Liberty Road, be rezoned from Residential Agricultural to Highway Commercial/Conditional Use. The proposed Conditional Use Zoning District would specifically allow the expansion of a non-conforming use of a seed and landscaping business (with a recently constructed 25 x 220 storage building with a front setback of 20 ft.). The Planning Board recommended unanimously that this request be approved with the following conditions: employee parking area must be moved behind the business; work out appropriate buffers with the Planning Staff; and bring existing building up to code. Mr. Johnson said that Mr. Lineberry constructed this building without a building permit, thinking he was farm exempt because he thought his business was an agricultural operation. It is a business operation; therefore, Mr. Lineberry needs the appropriate building and zoning permit.

Jon Megerian, attorney for the applicant, said Mr. Lineberry is willing to buffer and landscape. Mr. Lineberry went to the Planning and Zoning Department and filled out a questionnaire. He was told that this construction qualified as an agricultural exemption, so he thought he was in compliance.

Approximately twenty people stood in support of this request.

Howard Kerns, 6948 Old Liberty Road, who lives across from this operation, said he has experienced a problem since Mr. Lineberry moved his operation to its current location. He said the business's trucks park right along and on the road in front of their building, which creates a safety hazard for traffic passing by. He said he counted 45 cars and two buses passing by this business in a half-hour time period. Also, when they wash their equipment, the water runs onto his property.

On motion of Holmes, seconded by Mason, the Board unanimously approved the request of Donald Lineberry with the following conditions: move the seed to the new storage building when it is built; locate all employee parking behind the business structure; buffer the existing storage building, as worked out with Planning staff; bring the existing storage building up to code and obtain appropriate building permits.

3. GENE AND CONNIE PITTMAN, Thomasville, North Carolina, are requesting that 14.52 acres located at end of Harris Road be rezoned from Residential Agricultural to Residential Restricted/Conditional Use. The proposed Conditional Use Zoning District would specifically allow the development of an additional 2 lots for site-built homes, modular homes or Class A double-wide mobile homes on permanent foundation to an existing minor subdivision. The Planning Board recommended unanimously that this request be approved with the following condition: no additional residences would be allowed on the property.

Gene Pittman, Thomasville, stated that he can't sell the 14 acres, so he wants to split it into two 7-acre tracts. No timbering is planned.

On motion of Frye, seconded by Davis, the Board unanimously approved the request of Gene Pittman.

4. KELLIE WILLIAMSON, Asheboro, North Carolina, is requesting that 1.96 acres (out of 25.06 acres) located on Boone Farm Road, be rezoned from Residential Agricultural/Conditional Use to Highway Commercial/Conditional Use. The proposed Conditional Use Zoning District would specifically allow the operation of a contractor's storage yard and office. The Planning Board recommended unanimously that this request be denied.

Brooks Bossong, attorney for the applicant, said that the Williamsons want to use this property for a contractor's office and to store equipment. It will be low impact, and there are no neighbors adjacent to the property. He presented photos of the area. The applicant requests the following conditions: maintain a minimum of 25-foot buffer along the north property line (facing Little River Road) by planting and maintaining an evergreen screen; maintain Boone Farm Road from Little River Road to their driveway. He said the applicant intends to use the two acres only; the remaining acreage will remain agricultural.

Ed Walker, 6139 Auman Farm Road, Seagrove, adjacent property owner, said he is not opposed to the proposed usage.

Commissioner Frye expressed concern that approving this request could set a precedent. County Attorney Alan Pugh stated that with restrictions and because of its low impact, this rezoning could be defended.

On motion of Mason, seconded by Holmes, the Board voted four to one, with Frye opposing, to approve the rezoning request of Kellie Williamson, with the conditions that she requested (as shown above).

Adjournment

The meeting adjourned at 8:45 p.m.

Phil Kemp, Chairman

Darrell L. Frye

J. Harold Holmes

Robert B. Davis

Robert O. Mason

Alice D. Dawson, Clerk to the Board