

Minutes

Randolph County Commissioners

February 5, 2001

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, N.C. Commissioners Kemp, Davis, Holmes, Frye and Mason were present. Rev. Billy Jarrett, Flag Springs Methodist Church, Asheboro, gave the invocation, after which everyone recited the Pledge of Allegiance.

Consent Agenda

Chairman Kemp announced that Item E. Appoint Norris Greenlee to the Board of Health (3-year term) had been added to the consent agenda.

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

- ➤ *approve minutes of January 8, 2001;*
- ➤ *reappoint Isaac Ferguson and appoint Randy Kirkman to 3-year terms on the Liberty Planning Board;*
- ➤ *appoint Barbara Mroczkowski to a 3-year term on the Work First Appeals Committee;*
- ➤ *adopt proclamation honoring Bobby Labonte as follows:*
 - WHEREAS, Bobby Labonte has won the 2000 NASCAR Winston Cup Series Championship; and*
 - WHEREAS, in the 2000 season, he scored 4 wins, including the prestigious Brickyard 400 (Indianapolis), posted 19 top-five finishes and 24 top-ten finishes; and*
 - WHEREAS, his final point total of 5,130 during the 2000 season is the third highest total ever recorded in the modern era; and*
 - WHEREAS, out of 258 career starts, he has collected 16 wins, 75 top-five finishes and 122 top-ten finishes; and*
 - WHEREAS, he is the first driver to win a championship in each of NASCAR's top divisions: Winston Cup Series 2000 and Busch Series 1991; and*
 - WHEREAS, he joins older brother Terry, a two-time NASCAR Winston Cup Series champion, as the only brothers to have won championships in the 52-year history of the sport; and*
 - WHEREAS, Bobby Labonte has brought recognition to Randolph County through his 2000 NASCAR Winston Cup Series championship and his numerous other racing accomplishments;*
 - NOW, THEREFORE, BE IT PROCLAIMED by the Randolph County Board of Commissioners that we acknowledge the talents, skills, teamwork, sportsmanship, and successes of Bobby Labonte, and, on behalf of our citizens, we do hereby extend this expression of our pride in this prestigious milestone.*
- ➤ *appoint Norris Greenlee to a 3-year term on the Board of Health.*

Order Approving Audit of Annual Rate Increase for Time Warner, Inc.

Dave Harris, Piedmont Triad Council of Governments telecommunications consultant, explained that cable operators may request rate adjustments each December, using formulas provided by the FCC to calculate adjustments. The County Commissioners, as the franchising authority, may approve or disapprove the audit of these calculations. Mr. Harris stated that his audit of Time Warner, the sole cable operator in Randolph County, has shown that Time Warner's calculations for requested rate adjustments are consistent with applicable FCC rate regulation rules.

On motion of Davis, seconded by Holmes, the Board voted unanimously to approve the following ORDER APPROVING PIEDMONT TRIAD COUNCIL OF GOVERNMENTS' AUDIT OF THE CABLE RATE ADJUSTMENT FOR TIME WARNER CABLE.

WHEREAS, the County of Randolph (“County”) has been duly certified by the Federal Communications Commission to regulate cable rates for Time Warner Cable within the County and as may be further defined in the current Cable Television Ordinance and Franchise Agreement; and

WHEREAS, on September 29, 2000, Time Warner Cable filed Federal Communications Commission (“FCC”) Forms 1205 and 1240, with the County, requesting a rate adjustment as provided for in the current provisions of the FCC regulations; and

WHEREAS, the aforementioned FCC forms have been examined by the Piedmont Triad Council of Governments in accordance with an agreement between the Piedmont Triad Council of Governments and the County; and

WHEREAS, the calculations and justifications for the requested rate adjustments were found to be consistent with applicable rate regulation rules as published by the Federal Communications Commission;

NOW THEREFORE THE RANDOLPH COUNTY BOARD OF COMMISSIONERS DOETH ORDER: The rates for regulated basic programming services for Time Warner Cable are as set forth in the aforementioned FCC Forms and as reiterated below:

Basic Programming Service (Archdale System)	\$8.48	Basic programming Service (Randolph System)	\$8.96
Converters (Addressable)	\$4.22	Converters (non-addressable)	\$.93
Remote	\$.28	New Connect	\$27.16
Reconnect	\$23.98	Additional outlet (same trip)	\$15.70
Additional outlet (separate trip)	\$20.86	Trip charge	\$28.39
Hourly service charge	\$28.39		

Introduction of New Greensboro News & Record Reporter

Chairman Kemp recognized and welcomed Justin Hayes, new reporter for the News & Record.

Revaluation Update

Ben Chavis, Tax Supervisor, announced that valuation notices were being mailed this week to all Randolph County property owners. He also introduced Debra Hill, Tax Appraiser, who distributed valuation notices to the Board, County Manager, and County Attorney. Mr. Chavis presented a PowerPoint presentation on revaluation, and explained the process used in arriving at the new values, where the revaluation process is currently, how things will proceed over the next several months, and the impact of this revaluation. The presentation also showed statistical information regarding the steady market value increases since 1993. He also detailed the appeals process and noted that there was one \$20,000 exemption available for qualifying senior citizens. He stated that our current legislature is looking at changing this part of the statute in order to make it easier for more senior citizens to qualify for this exemption. Debra Hill then reviewed the changes in the new tax notice forms.

Request for Two Additional Telecommunicator Positions and Budget Amendment

Neil Allen, Emergency Services Director, explained that he is requesting 2 additional telecommunicator positions at the 911 Center and cited a 47.7% increase in the number of calls to the 911 Center since 1993 along with a 30% increase in the amount of public safety personnel radio traffic as the reasons for his request. He stated that the extra personnel will allow the 911 Center to add one person each day during the times of highest call volume. The cost to hire two Grade T1 telecommunicators for the remainder of the current year to include salary and benefits would be \$23,268. The cost for one full year would be \$62,046.

On motion of Mason, seconded by Holmes, the Board voted unanimously to allocate 2 telecommunicator positions at Grade T1, effective February 15, 2001, and approved Budget Amendment #31 to the FY 2000-2001 Annual Budget, as follows:

GENERAL FUND - #31

GENERAL FUND - #31	
Appropriations	Increase
<i>Emergency Services</i>	23,268
Revenues	Increase
<i>Fund Balance Appropriated</i>	23,268

Offer to the County from D.O.T. to Buy Land at Social Services

David Townsend told the Board that N.C.D.O.T. plans to widen N. Fayetteville St. and has asked to buy 0.19 acre of County property located on the east side of Fayetteville St. at our Social Services office for this purpose and added that the existing driveway at Social Services would not be affected. They have offered \$54,150 for the land and will also pay \$3,700 for two freestanding signposts to be relocated. The loss of this area of land will not change any of the County operations at Social Services.

On motion of Davis, seconded by Frye, the Board voted unanimously to accept the offer from D.O.T. for \$54,150 for the 0.19 acre of land at Social Services, and authorized Chairman Phil Kemp to sign the deed and any related paperwork needed to effectuate this deal pending approval by the County Attorney.

Randolph County Schools Acquisition of Property

Worth Hatley told the Board that due to the widening of Hwy. 64, a driveway was lost at Ramseur School. School officials have negotiated with Hardees restaurant, which adjoins the school, for 0.7 acre of land in order to separate bus traffic from automobile traffic and to provide access to Brady Drive. Hardees has agreed to sell the property for \$30,000 and an appraisal from Ben Ramsay supports this asking price. Mr. Hatley stated that funds are available in the county schools' budget for this purchase.

On motion of Frye, seconded by Holmes, the Board voted unanimously to authorize the purchase of 0.7 acre of land from Hardees restaurant for \$30,000 for use at Ramseur School.

Request for Approval of Governor's Crime Commission Grant Applications for Day Reporting Center

Pam Hill, Director of the Randolph County Day Reporting Center, explained to the Board that she is requesting a grant through the Governor's Crime Commission for \$53,250 each year for 2 years which would require a local County match of \$17,750 each year for two years in order to provide needed services for psychiatric evaluations, assessing and prescribing medication, and psychiatric treatment. Ray Warburton, Assistant District Attorney, and Judge William Neely spoke in support of the Day Reporting Center.

On motion of Mason, seconded by Frye, the Board voted unanimously to approve the submission of the Governor's Crime Commission Grant application which, if awarded, would require a local County match of \$17,750 for two years, totaling \$35,500.

Request for New Position in Sheriff's Department to Facilitate Transition Process at New Courthouse and Budget Amendment

Major Allen McNeill, Chief Deputy, told the Board that according to N.C.G.S. 17E, it is the responsibility of the Sheriff to provide courthouse security, and Major McNeill then presented to the Board a preliminary staffing analysis and facility transition plan for the new courthouse. Additional deputies will be required because of the new courthouse design and enhanced security features, and those new deputies

will need to be trained on courthouse security and operation of the new complex. Major McNeill stated that a new position would need to be established immediately in order to facilitate this transition process. The new employee would begin forming a transition plan as directed by the Sheriff's transition team and the Courthouse Advisory Committee, write the building procedures manual and the Sheriff's standard operating procedure for personnel, recruit new deputies and develop and implement their training plan. He/she would become familiar with all aspects of the new courthouse, its design and function, and specifically, with its security systems. When the new courthouse opens at the end of this year, this person will become the Sheriff's head of security for the new courthouse but will remain under the Sheriff's rank structure.

On motion of Frye, seconded by Davis, the Board voted unanimously to approve a new position in the Sheriff's Department to facilitate the transition process at the new courthouse and approved Budget Amendment # 32 which funds a position at lieutenant's rank, Grade 170, with a cost of \$26,083 to be effective February 5, 2001 for the remaining months of this fiscal year as follows:

GENERAL FUND - #32	
<i>Appropriations</i>	<i>Increase</i>
<i>Sheriff & Jail</i>	26,083
<i>Revenues</i>	<i>Increase</i>
<i>Fund Balance Appropriated</i>	26,083

Request for New Finance Office Position

Will Massie, Deputy Finance Officer, stated that there is a need in the Finance Department for grant management and internal auditing; however, there is not enough available time to add these duties to the duties of current personnel. In order to obtain an additional finance person without using more County resources, Mr. Massie proposed two changes that will save enough money to annually provide funding for an additional person.

First, there is an insurance plan available which can limit our costs of equipment maintenance. Instead of paying the original vendor for a standard maintenance contract, we would pay for direct time and materials when we need work done on certain types of equipment. An insurance contract would pick up any excess costs over the specified deductible. Anticipated savings are over \$18,000 a year with this arrangement, which could begin in March. Second, he proposed replacing the existing Accounting Supervisor position (Grade 71) with an Accounting Technician III (Grade 63). The current supervisor just recently left the County and her responsibilities are being reassigned, which will save the County nearly \$14,000. These two changes will provide enough annual savings to hire an accounting specialist with sufficient skills to handle our internal audit and grant management duties.

On motion of Holmes, seconded by Frye, the Board voted unanimously to implement the insurance approach for equipment maintenance and to hire an Accounting Specialist I at Grade 67 effective 2/5/01.

Adoption of Resolution Setting Public Hearing on the Closing of Harbor Lane and a Portion of Riverview Place

Aimee Scotton, Staff Attorney, told the Board that the Piedmont Triad Regional Water Authority has requested that the Commissioners act to permanently close Harbor Lane and Riverview Place from its intersection with Harbor Lane in a northerly direction for approximately 490 feet. The Water Authority has

purchased all of the property adjoining Harbor Lane and adjoining this portion of Riverview Place. (This area will be part of the Randleman Lake when it is built.) N.C.G.S. 153A-241, which outlines the procedure for closing a public road or easement, requires the Board of Commissioners to adopt a resolution declaring their intent to close the road and set a public hearing on the question.

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

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 Piedmont Triad Regional Water Authority has purchased all of the property necessary to construct the project that adjoins Harbor Lane (#P7758309) from Walker Mill Road to its intersection with Riverview Place (#P7748444) in Randolph County; and

WHEREAS, the Piedmont Triad Regional Water Authority has purchased all of the property necessary to construct the project adjoining Riverview Place (#P7748444); and

WHEREAS, G.S. 153A-241 authorizes that the County Board of Commissioners may permanently close any public road not under the control of the North Carolina Department of Transportation; and

WHEREAS, the Piedmont Triad Regional Water Authority has requested that the Randolph County Board of Commissioners permanently close Harbor Lane (#P7758309) and permanently close Riverview Place (#P7748444) from its intersection with Harbor Lane in a northerly direction for approximately 490 feet;

NOW, THEREFORE, BE IT RESOLVED that the Randolph County Board of Commissioners does hereby declare its intent to permanently close Harbor Lane (#P7758309) and to permanently close Riverview Place (#P7748444) from its intersection with Harbor Lane in a northerly direction for approximately 490 feet and does hereby set a public hearing on this matter at 4:30 p.m. on March 12, 2001.

Budget Amendment - Health

Frank Willis explained that the Health Department has received continuation funding for the Rural Obstetrical Care Incentive Program in the amount of \$14,915. These funds are used to assist local physicians with their liability insurance premium in return for their seeing Medicaid and low-income women for prenatal care.

On motion of Holmes, seconded by Mason, the Board unanimously approved Budget Amendment #33 to the Fiscal Year 2000-2001 Annual Budget, to reflect funding received for the Rural Obstetrical Care Incentive Program at the Health Department as follows:

GENERAL FUND - #33	
Appropriations	Increase
Public Health	14,915
Revenues	Increase
Restricted Intergovernmental Revenues	14,915

Budget Amendment - Social Services

On motion of Mason, seconded by Holmes, the Board unanimously approved Budget Amendment #34 to the Fiscal Year 2000-2001 Annual Budget, to reflect funding received for the Crisis Intervention Program from the Division of Social Services as follows:

GENERAL FUND - #34	
<i>Appropriations</i>	<i>Increase</i>
<i>Social Services</i>	44,655
<i>Revenues</i>	<i>Increase</i>
<i>Restricted Intergovernmental Revenues</i>	44,655

Report and Approval of Randleman Lake Storm Water Management Plan

Hal Johnson, Planning Director, reminded the Board that on December 6, 1999, the Board of County Commissioners adopted the Randleman Lake Watershed Protection Ordinance as mandated by the N.C. Environmental Management Commission. This was the first phase in meeting the requirements of the Randleman Lake Watershed Protection Rules. On February 9, 2000, the Water Quality Committee at the N.C. Environmental Management Commission approved this Ordinance. Randolph County is now in the second phase of meeting the Randleman Lake Watershed Protection Rules as outlined in our Ordinance. This phase requires the local governments having jurisdiction within the Randleman Lake Watershed to develop a comprehensive storm water management plan that covers the watershed. This plan was prepared in cooperation and coordination with nine local governments having jurisdiction in the watershed. The Randolph County Storm Water Management Plan has been reviewed and given preliminary approval by the Water Quality Committee at the N.C. Environmental Management Commission. Final approval of the plan will be granted by the Environmental Management Commission after a motion of approval by the Board of County Commissioners.

On motion of Frye, seconded by Holmes, the Board voted unanimously to approve the Randleman Lake Storm Water Management Plan as presented.

Citizen Concern

Chairman Kemp recognized Kenneth Owen, who wished to address the Board. Mr. Owen stated that we need lower taxes in Randolph County and that a 40% increase in values is too much, especially for our senior citizens. He also stated that there was a recent article in the Greensboro News & Record about the County spending about \$4.7 million less than was budgeted in fiscal year 99-00. He hopes that the County won't squander this money on things that are not really needed and that this extra money is put to good use. Mr. Owen also had concerns about the decision to delay the opening of the new Uwharrie Middle School for a full school year rather than opening it during the new school year. He cited the problem of all the mobile classrooms at Farmer School and Southwestern Randolph Middle School.

Alan Pugh, County Attorney, told Mr. Owen that construction was delayed because adjacent land owners took the County to court about the location of the school.

Commissioner Davis added that another delay was due to environmental testing that was required.

Commissioner Frye stated that he raised some of the same concerns as Mr. Owen to the School Board and was told that the decision to delay was made after garnering input from parents of the students who will

be attending the school.

Mr. Owen commended the Board for their work.

Mr. Kemp thanked Mr. Owen for voicing his concerns and asked him what he thought about a 4-year revaluation cycle rather than the current 8-year cycle.

Mr. Owen stated that he thought a 4-year cycle would be a good idea.

Rezoning Public Hearing

At 6:30 p.m. the Board adjourned to a duly advertised public hearing to consider rezoning requests. Hal Johnson, Planning & Zoning Director, 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. Mr. Johnson stated that the request of Guy Steed had been withdrawn.

1. **Todd Schwarz**, Asheboro, North Carolina, is requesting that .77 acre located at 3852 US Hwy. 64 East, Franklinville Township, be rezoned from Residential Restricted to Highway Commercial/Conditional Use. The Conditional Use Permit would specifically allow a novelty/retail sales shop created from existing buildings and a rental house. The Planning Board recommended unanimously that this request be approved.

Ken Davidson, Asheboro, representing the Schwarz family, spoke in support of the request

On motion of Davis, seconded by Mason, the Board voted unanimously to approve the request of Todd Schwarz.

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2. **John Brinkley**, Archdale, North Carolina, is requesting that .62 acre located at 5947 Kennedy Road, Trinity Township, be rezoned from Residential Mixed to Highway Commercial/Conditional Use. The Conditional Use Permit would specifically allow the property to be used for storage of antique vehicles, with the existing building being replaced by a 40' x 80' building. The Planning Board recommended unanimously that this request be approved.

John Brinkley, 324 Greg St., Archdale, North Carolina, told the Board that he will be storing vehicles in the building and no work would be done on the property.

Randy Coble, 3416 Mountain View Rd., Archdale, North Carolina, said that he is an adjoining property owner and he wants some assurance that no junked vehicles will be stored outside the building.

Hal Johnson stated that the Conditional Use Permit would not allow outside storage.

On motion of Frye, seconded by Holmes, the Board voted unanimously to approve the request of John Brinkley.

3. **McDowell Timber Company**, Asheboro, North Carolina, is requesting that 164.32 acres located on Jackson Creek Road, Concord Township, be rezoned from Residential Agricultural to Residential Exclusive/Conditional Use. The Conditional Use Permit would specifically allow the applicant to develop a residential subdivision of 28 lots for site built homes only with a minimum house size of 1,800 sq. ft. The Planning Board considered this request on July 11, 2000 and recommended unanimously that this request be denied. Mr. McDowell asked for his request to be withdrawn from

the scheduled August County Commissioners meeting public hearing due to his intent to resell the property as a single tract. Mr. McDowell later advised the Planning office that his effort to resell the property was not successful and now asks that the County Commissioners hear his original request for development. Mr. Johnson stated that the property is not in a watershed but is in a Class A flood zone.

Ken McDowell, 1926 Old Humble Mill Road, Asheboro, North Carolina, spoke in support of his request and compared it to the adjoining River Bluff Estates. He said that he had a soil scientist evaluate the property and that this person assisted him in laying off the lots. He said that he will not put any septic tanks in the flood plain. He said that he has met with D.O.T. engineers and that the sight distance is not a problem. There will be the main entrance to the subdivision along with one lot having a separate entrance. This separate entrance is already an existing driveway which is used as a “turn-around” for school buses. He also stated that horses will be allowed on any lots at or above 5 acres and that barns and fencing will have to meet strict specifications. Mr. McDowell stressed that there may ultimately be less than 28 lots but wanted approval for the maximum.

Robert Spencer, Asheboro, stated that he would like to see this very rural area stay rural. He has concerns about some of the small lot sizes and the increased traffic on the narrow and winding road.

Roger King, 5225 Jackson Creek Road, Asheboro, stated that he lives 200 ft. north of this property, and has lived here for 23 years. His concerns are of density incompatibility within the area and that a good part of the property is in a flood zone. He also has concerns about traffic flow problems now and that it will increase with the opening of the new Unwharrie Middle School. Sight distance at the proposed entrance is not good and there are a lot of recreational vehicles pulling boats on this road heading for Lake Reece. He stated that he has a 500 ft. well and that this new development could put a severe strain on the water table. He questioned whether the fire department is equipped to handle the additional homes. He also mentioned that Mr. McDowell opposed a rezoning request in the same area in 1998 and cited the same concerns that have been raised tonight.

About 20 people stood in opposition to the request.

Kevin King, 5048 Hoover Grove Rd., Asheboro, stated that he is opposed to this request because this development would take resources away from farmers. He asked Mr. Johnson what the Planning Board based their decision on when they recommended denial. Mr. Johnson said that their decision was due to the entrance being on a curve and hill; lots would be draining into 2 creeks; and the lot sizes were too intense for the area.

On motion of Davis, seconded by Frye, the Board voted unanimously to deny the request of Ken McDowell.

4. **Thomas & Ricky Britt**, Asheboro, North Carolina, are requesting that 73.80 acres (out of 137.91 acres) located on Iron Mountain Road, Grant Township, be rezoned from Residential Agricultural to Residential Exclusive/Conditional Use. The proposed Conditional Use Zoning Permit would specifically allow the development of a 25-lot subdivision for site-built homes only with a minimum house size of 1,800 sq. ft. The Planning Board recommended that this request be approved.

Thomas Britt, 997 Iron Mountain Rd., Asheboro, North Carolina, spoke in support of his request and said that he plans to build a home for himself beyond the last lot in the development.

Rick Britt stated that they have left all of the timber except for what had to be cut for the road.

On motion of Mason, seconded by Holmes, the Board voted unanimously to approve the request of Thomas & Ricky Britt.

There being no further business, the Board adjourned at 7:40 p.m.

Phil Kemp, Chairman

Darrell L. Frye

Robert O. Mason

Robert B. Davis

J. Harold Holmes

Cheryl A. Ivey, Deputy Clerk to the Board