

Minutes
Randolph County Commissioners
February 2, 2004

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, Frye, Davis, Holmes, and Mason were present. Rev. Ben Chavis, Randolph County Tax Supervisor, gave the invocation, and everyone recited the Pledge of Allegiance.

Presentation of Outstanding County Program Award

Will Glenn, with the North Carolina Association of County Commissioners, announced that Randolph County's "Easy Readers Calendar" has won an Outstanding County Program Award. Mr. Glenn presented the award to Richard Wells, Public Library Director. Mr. Wells recognized and thanked Missy Rankin and Donna Hall, Friends of the Library; Juan Villa (Photography); Ed Rich, American Classic Motorcycle Company; and Poochie Cox, Cox's Harley Davidson.

Consent Agenda

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

- approve minutes of the January 5, 2004 meeting;*
- reappoint Norris Greenlee to the Randolph County Board of Health (3-yr. term);*
- reappoint Barbara Wall, Leverette Strider (Alternate), Ike Ferguson (Alternate), and Clifford Elliott to the Voluntary Agriculture District Advisory Board (3-yr. terms);*
- appoint Wendy Fuller to fill the unexpired term of Sherrie Tate on the Juvenile Crime Prevention Council as the Health Director Appointee.*

Refinancing of 2000 Certificates of Participation (COPS); Approve Resolution

On motion of Frye, seconded by Mason, the Board voted unanimously to approve a Resolution Authorizing the Filing of an Application for Approval of an Installment Financing Authorized by Section 160a-20 of the N.C. General Statutes, as follows:

WHEREAS, financing pursuant to Section 160A-20 of the North Carolina General Statutes must be approved by the Local Government Commission of North Carolina and will only be approved if the findings of Section 159-151(b) of the North Carolina General Statutes are met;

WHEREAS, the County and Randolph County Public Facilities Corporation (the "Corporation") previously entered into an Installment Financing Agreement dated as of March 1, 2000 (the "Installment Financing Agreement") for the purposes specified therein;

WHEREAS, the Corporation and First Union National Bank, now known as Wachovia Bank, National Association, as trustee (the "Trustee") entered into a Trust Agreement dated as of March 1, 2000 (the "Trust Agreement") pursuant to which the Corporation executed and delivered its Certificates of Participation (2000 Randolph County-Public Facilities Project) (the "2000 Certificates");

WHEREAS, in order to generate economic savings, the County wants to refinance all or a portion of the 2000 Certificates by having the Corporation issue Additional Certificates (as defined in the Trust Agreement);

WHEREAS, the Board of Commissioners of the County wants to make certain findings and authorize certain actions in connection with the proposed refinancing; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the County as follows:

1. The Board hereby finds and determines in connection with the proposed installment financing that (a) such proposed installment financing is necessary or expedient to the County, (b) such proposed installment financing, under current circumstances, is preferable to a bond issue of the County for the same purpose, (c) the sums estimated to fall due under such proposed installment financing are adequate and not excessive for its proposed purpose, (d) the County's debt management procedures and policies are good and its debt will continue to be managed in strict compliance with the law, (e) any increase in taxes necessary to meet the sums estimated to fall due under such proposed installment financing agreement will not be excessive and (f) the County is not in default regarding any of its debt service obligations.
2. The Board hereby requests the Local Government Commission of North Carolina to approve such proposed installment financing under Article 8 of Chapter 159 of the General Statutes of North Carolina.
3. The County Manager and Finance Officer is hereby designated as the representative of the County to file an application for approval of such proposed installment financing with the Local Government Commission of North Carolina and is authorized to take such other action as may be advisable in connection with the negotiation of such proposed installment financing and the development of the related financing; and all actions heretofore taken by the County Manager and Finance Officer relating to such matters are hereby approved, ratified and confirmed.
4. The Board hereby approves and authorizes the use and distribution of the Preliminary Official Statement relating to the 2004 Certificates, a draft of which was available to the Board, in connection with the offering of the 2004 Certificates.
5. This Resolution shall become effective immediately upon its adoption.

Announcement of Cancellation of Special Meeting

Chairman Holmes announced that the special meeting scheduled for Tuesday, February 3, 2004, has been cancelled. *Note: This meeting was scheduled as a contingency plan in the event that the February 2, 2004 meeting could not convene due to bad weather.*

FY2002-2003 Independent Audit Report

Steve Hackett, CPA with the firm of Maxton McDowell CPA, presented and reviewed the Comprehensive Annual Financial Report for year ended June 30, 2003. He stated that the County is in good financial shape and pointed out that Randolph County has done an excellent job providing services to its citizens while still maintaining an excellent fund balance. He also noted changes in the report required by the new Government Accounting Standards Board (GASB) Statement #34.

On motion of Davis, seconded by Kemp, the Board voted unanimously to accept the FY2002-2003 Auditor’s Report, as presented.

Request for New Position at Library

Richard Wells told the Board that in February 2002, a full-time Librarian II position was transferred from the Asheboro Library to Archdale to accommodate the expanded hours of the new library there. The plan was to replace this position in Asheboro immediately. But shortly after this transfer, Governor Easley withheld funding from counties, causing a financial crisis. In June 2002, because of budget cuts, the library had to reduce staffing by laying off a full-time employee. The staff absorbed the duties as best they could. Library usage has increased significantly during this period. Mr. Wells asked the Board to reinstate and fund one of these full-time positions effective March 15, 2004. The cost through the end of the budget year is \$8,582.

On motion of Frye, seconded by Kemp, the Board voted unanimously to reinstate a full-time position at the Library and approved Budget Amendment #38, as follows:

GENERAL FUND--# 38	
Revenues	Increase
<i>Appropriated Fund Balance</i>	\$8,582
Appropriations	Increase
<i>Public Library</i>	\$8,582

Change in Tax Revaluation Cycle

On motion of Holmes, seconded by Kemp, the Board voted 4-1, with Mason opposing, to move to a 6-year tax revaluation cycle effective January 1, 2007.

Consider Outsourcing Tax Department Bills

Ben Chavis, Tax Supervisor, told the Board that some citizens have complained about the information on their tax bills being exposed for everyone to see as it passes from the Tax Department through the postal system and then back to the Tax Department. Mr. Chavis said that even though all this information is public record, he feels obliged to consider the possibility of no

longer mailing postcards but enclosing all of their mailings, which will mean additional cost to the County.

On motion of Frye, seconded by Davis, the Board voted unanimously to table this issue until a decision is made on a new County computer system that may provide the Tax Department the opportunity to develop a more economical method of enclosing all Tax Department mailings.

Request for New Position in the Soil & Water Conservation District Department

Craig Frazier, Randolph County Soil & Water Board of Supervisors (RCSWBS) Chairman, said that the RCSWBS is requesting that a Soil & Water Engineer position be re-established in place of the Environmental Specialist position that is currently vacant in their department. This new engineer could address concerns including agricultural projects, grant proposals, urban conservation, water studies and overall engineering activities. The position would not require any additional funding this current budget year. However, additional County funds may be needed in next year’s budget. Mr. Frazier and Barton Roberson gave a PowerPoint presentation that showed sites from around the county where erosion is very bad.

On motion of Davis, seconded by Frye, the Board voted unanimously to upgrade the Environmental Specialist position to a Soil & Water Engineer position (Grade 76), effective 2/1/04.

Request to Expend Law Enforcement Restricted Monies

Chief Deputy Allen McNeill reminded the Board that at their January 2004 meeting, they had approved \$225,293 in restricted law enforcement funds to begin a special unit at the Sheriff’s Office beginning 7/1/04. He asked the Board for approval to spend \$115,500 immediately to procure vehicles and other equipment necessary to have this unit functional by July 1.

On motion of Mason, seconded by Kemp, the Board voted unanimously to approve Budget Amendment #39, as follows:

GENERAL FUND--# 39	
Revenues	Increase
<i>Appropriated Fund Balance</i>	<i>\$115,500</i>
Appropriations	Increase
<i>Sheriff</i>	<i>\$115,500</i>

Approve Contract for Wood Waste Grinding

David Townsend, III, Public Works Director, said that over the past several years with the opening of Gold Hill Landscape Supply and Landfill, a private C&D landfill in Randolph County,

the wood volume Randolph County has received at our Solid Waste Facility has dropped drastically. He has talked to all the available wood grinding contractors in our vicinity and was able to receive only two informal proposals to grind our wood waste, which totals approximately 2000 tons. Proposals were received from Gold Hill Landscape Supply and Landfill for \$12.50 per ton and from Todco of Lexington, NC for \$24.00 per ton. Recently, Todco of Lexington has ground our wood waste for the County; however, in several discussions over the past several months, the owner of Todco has indicated the smaller volume makes it less attractive for him to bring his equipment to our facility. Al Morton, owner of Gold Hill Landscape Supply and Landfill, has indicated that his price would be acceptable for the next 3 years and at the end of the 3 years, if both parties are satisfied, the contract could be extended for an additional three years.

On motion of Davis, seconded by Frye, the Board voted unanimously to award a 3-year contract to Gold Hill Landscape Supply and Landfill for wood waste grinding services and the Randolph County Solid Waste Facility in the amount of \$12.50 per ton.

Request to Install Credit Union ATM Machine at Courthouse

David Townsend reported that Lynn Jones of the State Employees Credit Union recently approached the County about installing an automatic teller machine in the Courthouse parking lot. Mr. Jones indicated that they would pay rent, with the maximum being \$150 per month. The Credit Union will be responsible for all construction and utilities for the site. Mr. Townsend distributed a drawing of the Courthouse complex indicating the location where the Credit Union would prefer to install the machine. The Commissioners were unhappy with the location and the amount of rent; they felt the rent was too low. The Board decided to table this item until the March meeting and asked Mr. Townsend to talk to Mr. Jones about these concerns.

Reminder of Public Hearing Date

County Manager Frank Willis reminded the Board about the public hearing scheduled for 4 p.m. on February 9, which is a requirement for the Refunding of the 2000 COPS.

Special Meeting Date Rescheduled

The Board set a special meeting for Monday, February 23, 2004, 6:30 p.m. for the presentation of the County Parks & Recreation Master Plan. (This meeting was originally scheduled for 1/26/04, but was cancelled due to inclement weather.)

Budget Amendment – Sheriff

Jane Leonard said that in March 2003, the Commissioners approved a contract with Justice Benefits International (JBI) to seek federal financial participation in the 2003 State Criminal Alien Assistance Program (SCAAP). There was no up-front fee for these services; however, JBI charged 17% of any new funds received by the County as a result of its efforts. In November 2003, the County received a check for \$14,472 from the 2003 SCAAP Program. A budget amendment is needed for \$2,461, which is the 17% fee owed to JBI. Ms. Leonard then said that the D.A.R.E. program has been doing fundraisers to generate revenue for support of their program. These contributions are used to purchase program supplies. It is estimated that the program will have

approximately \$8,000 to use in the program this fiscal year. A budget amendment is needed for \$8,000 to increase the D.A.R.E. program supplies.

On motion of Davis, seconded by Mason, the Board voted unanimously to approve Budget Amendment #40, which combines the \$2,461 (JBI) and \$8,000 (DARE) from above, as follows:

GENERAL FUND--# 40	
Revenues	Increase
<i>Miscellaneous</i>	<i>\$10,461</i>
Appropriations	Increase
<i>Sheriff</i>	<i>\$10,461</i>

Budget Amendment—Health

Jane Leonard told the Board that the Health Department has received an increase in funding per participant in the WIC Program that will be used to provide interpreter services to these clients. A full-time interpreter is needed since the WIC clinics service a large percentage of Hispanic clients. The Health Department plans to reclassify an existing, vacant position to a Foreign Language Interpreter position. This position would be funded with these new WIC funds.

On motion of Frye, seconded by Davis, the Board voted unanimously to approve Budget Amendment #41 to account for this new funding, as follows:

GENERAL FUND--# 41	
Revenues	Increase
<i>Restricted Intergovernmental</i>	<i>\$36,803</i>
Appropriations	Increase
<i>Public Health</i>	<i>\$36,803</i>

At 5:26 p.m., the Board recessed until 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 Holmes opened the public hearing for comments on each request and closed it before taking action on each request.

1. **MICHAEL WALKER**, Seagrove, North Carolina, is requesting that .79 acre located on Little River Road, Richland Township, be rezoned from RA to HC-CU. Parcel ID# 7665610974. This property is located within the N.C. Hwy 705 Scenic Business Corridor Overlay District. The proposed Conditional Use Zoning District would specifically allow a 40' x 80' building to be constructed for retail sales. The Planning Board considered this request at a public meeting on January 6, 2004, and recommended unanimously that this request be approved.

Michael Walker, applicant and Seagrove Mayor, spoke in favor of the request. He said that the building will house a retail crafts shop and a coffee shop. He may run the business himself or lease it.

On motion of Frye, seconded by Mason, the Board voted unanimously to approve the request of Michael Walker.

2. **LUANN SEXTON**, Trinity, North Carolina, is requesting that 5.61 acres located at 5006 Fairview Church Road, Trinity Township, be rezoned from Residential Agricultural to Rural Business Overlay/Conditional Use. Lake Reese Watershed. Parcel ID# 7716860893. The proposed Conditional Use Zoning District would specifically allow the applicant to operate a teen center for recreational & amusement uses and an outdoor amusement area for horse shows & riding events. The Planning Board considered this request at a public meeting on January 6, 2004, and recommended unanimously that this request be approved. Mr. Johnson mentioned that the facilities will have to be upgraded to meet State building code and health department requirements.

LuAnn Sexton, applicant, said that she plans to renovate the existing barn. She has hired a commercial builder to upgrade the facilities, which will be handicap accessible. She said that she plans to have pool tables, a ping-pong table and an office upstairs with a computer for homework purposes. She currently has 12 horse stalls in one area of the barn that she will keep. She has 2 horses of her own and will board others. She hopes to offer riding and horse care lessons in the future. Davidson Water is available and there is a septic tank on the site.

On motion of Davis, seconded by Frye, the Board voted unanimously to approve the request of Lu-Ann sexton.

3. **CLINTON & LINDA ALLEN**, Asheboro, North Carolina, are requesting that 11.28 acres (out of 70.39 acres) located on the corner of Ross Harris Road/Fairview Farm Road, Grant Township, be rezoned to allow a conventional residential exclusive subdivision overlay. Tax ID# 7677467494. The Conditional Use Zoning District would specifically allow the development of a 7-lot subdivision for site-built or modular homes with a minimum house size of 1,300 sq. ft. The Planning Board considered the original request at a public meeting on December 2, 2003 and recommended by a 5-1 vote that this request be approved. The Board of Commissioners considered the original request at their January meeting but postponed their decision pending more information on N.C.D.O.T. right-of-way alignments.

Jerry King, surveyor, distributed drawings that showed new proposed D.O.T. alignments pending approval of all adjoining property owners.

Linda Allen, applicant, said that her property is no longer farm deferred.

Justin Kiser, 4595 Fairview Farm Rd., said that the proposed new D.O.T. alignment for Ross Harris Rd. has it intersecting with Fairview Farm Rd. right in front of his house. He said that if someone ran the stop sign the car would end up on his front porch. He also is concerned with headlights shining into his house. He said that the reason the Allens wanted to change the road was because they didn't want it coming out right in front of their house. Now it looks like it will be coming out in front of his.

Nick Richardson, 2217 Ross Harris Rd., said that when he bought his land he was told that the Allens were going to sell only 2 tracts of land, not 7. He doesn't think that Fairview Farm Road will ever be paved. He wishes now he had never bought his property.

Clifford Williams, 2222 Ross Harris Rd., said that he has well and septic concerns should 7 more families build houses on this property. He also is concerned about the speed of traffic on Ross Harris Rd. Also, he said that someone at D.O.T. told him that Fairview Farm Road won't be considered for paving for another 2 years. He said that he understands Mr. Kiser's concerns about the newly aligned road ending in front of Mr. Kiser's house.

Sherry Williams, 2222 Ross Harris Rd., asked the Board why they conducted all these meetings if they don't consider the neighbors' concerns and feelings. She said that they have a nice quiet neighborhood now. She is not opposed to 3 or 4 new homes but 7 are too many. She said that the more neighbors one has, the more trouble one potentially has. She hopes to retire here.

Chan Cassell, 3974 Old Cox Rd., said that he has water table and runoff concerns. He would like to keep the quiet rural nature of the area. He is concerned that 7 houses are too many.

Richard Mabe, Old Hwy 13, said that he owns 5 acres with a pond below the proposed site. He plans to build a house on his property. His family visits his property often for recreation purposes. He doesn't want to build here if there are a bunch of houses. He said that it's not right how Nick Richardson "was done."

On motion of Kemp, seconded by Frye, the Board voted unanimously to deny the request of Clinton & Linda Allen.

4. **CHARLES POWELL**, Sophia, North Carolina, is requesting that 13.86 acres (out of 21.36 acres) located on Beeson Farm Road (just off Hwy 311), New Market Township, be rezoned to allow a conventional residential exclusive subdivision overlay. Parcel ID# 7745360918. The Conditional Use Permit would specifically allow a 14-lot residential subdivision for modular or site-built homes only with a minimum house size of 1,500 sq. ft. The Planning Board considered the original request at a public meeting on December 2, 2003 and recommended unanimously that this request be denied. The Planning Board expressed concern for the large number of driveway connections being added to the existing road. The Planning Board also felt the applicant should provide the Board with information of how the remainder of the property would be developed or used. The Board of Commissioners considered the original request at their January meeting but postponed the request to allow the developer to redesign the proposed site plan to reduce the number of driveway connections proposed along the existing state road. Mr. Powell has now redesigned his proposal to remove driveway connections from Beeson Farm Road.

Jerry King, surveyor, distributed a revised site plan showing 11 lots, none of which connect onto Beeson Farm Rd. He said that the developer would probably lose a couple of lots due to wetlands. He said that there is a 1,500 sq. ft. minimum house size for site-built and conventional modular off-frame homes.

On motion of Frye, seconded by Davis, the Board voted unanimously to approve the request of Charles Powell.

5. **DAVID PARRISH**, Asheboro, North Carolina, is requesting that 2.40 acres (out of 52.32 acres) located on N.C. Hwy 49 South (across from Grange Hall Road), Concord Township, be rezoned from Residential Agricultural to Light Industrial/Conditional Use. Parcel ID# 7618287756. The proposed Conditional Use Zoning District would specifically allow a construction business which would include an 80' x 80' building, a 20' x 80' office building, and a contractor's storage yard. The County Planning Board reviewed the original request in November 2003, and voted 2-2 not to approve. The Commissioners reviewed the original request at their December 2003 meeting and voted 4-1 to deny. Mr. Parrish is now asking the Commissioners to reconsider his previously denied request for rezoning based on substantial changes he has made in the request which involves moving the proposed building and contractor's storage yard to an area of his property not bordering on Sweetwater Trail and not fronting Farmer School. The Planning Board again reviewed this revised proposal at a public meeting on January 6, 2004, and recommended unanimously that the Board of Commissioners rehear the revised request based on substantial changes made to the original proposal. The County Planning Board also recommended that the revised request be approved.

On motion of Kemp, seconded by Frye, the Board voted unanimously to reconsider the request of David Parrish.

Jon Megerian, attorney, spoke on behalf of the applicant. Mr. Megerian distributed photos and maps of the proposed site area and petitions of neighbors who now are not opposed to the request since the location has changed.

David Parrish, applicant, showed the Board a blueprint of the new site plan.

Tina LaVallee, 4165 Kemp Mill Rd., said that her only concern now is with potential water contamination, especially since there are 2 water systems nearby: Uwharrie River and Tom's Creek. She asked about specific conditions that could be imposed on Mr. Parrish to protect the water systems from potential contamination.

The Board explained to Ms. LaVallee that Mr. Parrish will have to file an environmental plan for this type of business. He must comply with stringent EPA regulations.

Ms. LaVallee told the Board that it was not just her opinion that this land was environmentally sensitive. She mentioned that the Uwharrie Heritage Corp. bought more than 700 acres of land nearby that will be placed in a conservation easement. She distributed copies of an article in the Greensboro News & Record about this purchase.

Walter LeVallee, 4165 Kemp Mill Rd., said that he is not against Mr. Parrish or his business. He is concerned with the risk and liability regarding potential water contamination should an

accidental spill or leakage occur on this site. He urged the Board to realize the sensitivity of the site location since the 2 water systems come together in this area and asked the Board not to tempt fate. He asked his wife Tina to read a passage from the Randolph County Heritage Book from the mid-1700s. She read a portion of a man's diary that warned about future damage to streams and rivers. Mr. LeVallee gave a demonstration by pouring oil into water. He challenged the Board to remove the oil from the water. He said that water is a precious commodity and urged the Board to deny Mr. Parrish's request.

On motion of Frye, seconded by Kemp, the Board voted unanimously to approve the request of David Parrish.

Adjournment

At 8:25 p.m., the Board adjourned.

J. Harold Holmes, Chairman Darrell L. Frye

Phil Kemp Robert B. Davis

Robert O. Mason Cheryl A. Ivey, Deputy Clerk to the Board