

**Commissioners Meeting Minutes**  
April 7, 2008

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. Connie Weaver, First Presbyterian Church, Asheboro, gave the invocation and everyone recited the Pledge of Allegiance.

**Public Comment Period**

Pursuant to N.C.G.S. § 153A-52.1, Chairman Holmes opened the floor for public comment.

**R.K. Paul** said that the level of criminality in the county has not gone down. He asked the Commissioners for their commitment to put enough money in the Sheriff's Department budget to reduce crime. He said that he's been burglarized several times.

Chairman Holmes told Mr. Paul that the Board depends on the Sheriff's Department to let them know their funding needs.

**Approval of Consent Agenda**

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

- *approve minutes of March 8, 2008 Planning Retreat & regular meeting of March 10, 2008;*
- *approve three DOT resolutions adding Ridgeworth Court, Heritage View Lane and White Poplar St. to the State Road System, as follows:*

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

*and*

***WHEREAS**, the Department of Transportation has investigated Heritage View Lane in the Post Acres 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 Heritage View Lane in the Post Acres Subdivision be added to the Division of Highways' Secondary Road System*

*and*

***WHEREAS**, the Department of Transportation has investigated White Popular Street in the Whitehead 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 White Popular Street, in the Whitehead Subdivision be added to the Division of Highways' Secondary Road System.*

- approve 2009 Holiday Schedule for County, Solid Waste Facility & Library, as follows:

<b>Holiday</b>	<b>County*</b>	<b>Solid Waste Facility**</b>	<b>Library</b>
New Year's Day	1/1 (Thur.)	1/1 (Thur.) closed	1/1(Thur.)
M. L. King Jr.'s B-day	1/19 (Mon.)	1/19 (Mon.) <b>open</b>	1/19(Mon.)
Easter	4/10 (Fri.)	4/10 (Fri.) <b>open</b> 4/11 (Sat.) closed	4/10&4/11 (Fri. & Sat.)
Memorial Day	5/25 (Mon.)	5/25 (Mon.) closed	5/25(Mon.)
Independence Day	7/3 (Fri.)	7/4 (Sat.) closed	7/3&7/4 (Fri. & Sat.)
Labor Day	9/7 (Mon.)	9/7 (Mon.) closed	9/5&9/7 (Sat. & Mon.)
Bush Hill Festival (Archdale Library Only)			9/12 (Sat.)
Fall Festival (Asheboro Library Only)			10/3 (Sat.)
Veterans' Day	11/11 (Wed.)	11/11 (Wed.) <b>open</b>	11/11 (Wed.)
Seagrove Pottery Festival (Seagrove Library Only)			11/21 (Sat.)
Thanksgiving	11/26 & 27 (Thur. & Fri.)	11/26 (Thur.) closed, 11/27 (Fri.) <b>open</b> , 11/28 (Sat.) <b>open</b>	11/26, 27 & 28 (Thur., Fri. & Sat.)
Christmas	12/24 & 25 (Thurs., Fri.)	12/24 (Thur.) close at noon, 12/25 (Fri.) closed, 12/26 (Sat.) closed	12/24, 25&26 (Thur., Fri. & Sat.)

- approve resolution of support for Continuation Funding of Criminal Justice Partnership Program, as follows:

**WHEREAS**, since 1995, the State of North Carolina and County Governments have been partners in providing effective and necessary community supervision of adult criminal offenders; and

**WHEREAS**, the CJPP funding programs of Randolph County are meeting the goals for the programs as stated in the General Statutes; and

**WHEREAS**, the Randolph County CJPP diligently carries out its charge of establishing and delivering competent, effective and necessary program assistance to augment community supervision of adult criminal offenders; and

**WHEREAS**, the loss of CJPP services in Randolph County will result in the loss in rehabilitative services for offenders and additional costs of incarceration due to higher failure rates for offenders; and

**WHEREAS**, Criminal Justice Partnership Program (CJPP) funding has been removed from the continuation budget and is now subject to continuation review, and

**WHEREAS**, the non-recurring status of CJPP funding and subsequent continuation review will delay the annual appropriation and may result in the loss of qualified professional personnel or county government's discontinuation participation due to uncertain funding; and

**NOW, THEREFORE, BE IT RESOLVED** that the Randolph County Board of Commissioners strongly endorses full reinstatement of funding for Criminal Justice Partnership Program to the continuation budget.

- approve Budget Amendment #42 {NC Dept. of Crime Control & Public Safety Supplemental Emergency Management Performance Grant (Homeland Security funds)}, as follows:

<b>2007-2008 BUDGET ORDINANCE—GENERAL FUND—AMENDMENT #42</b>		
<b>Revenues</b>	<b>Increase</b>	<b>Decrease</b>
Restricted Intergovernmental	\$ 4,386	
<b>Appropriations</b>	<b>Increase</b>	<b>Decrease</b>
Emergency Services	\$ 4,386	

- approve Budget Amendment #43 for the joint purchase with the City of Asheboro for Library Property plus grading and paving of lot, as follows:

<b>2007-2008 BUDGET ORDINANCE—GENERAL FUND—AMENDMENT #43</b>		
<b>Revenues</b>	<b>Increase</b>	<b>Decrease</b>
<i>Appropriated Fund Balance</i>	\$ 70,000	
<b>Appropriations</b>	<b>Increase</b>	<b>Decrease</b>
<i>Other Cultural and Recreational Appropriations</i>	\$ 70,000	

- approve Budget Amendment #44 for Emergency Services (The Duke Endowment) to accelerate EMS system response times, as follows:

<b>2007-2008 BUDGET ORDINANCE—GENERAL FUND—AMENDMENT #44</b>		
<b>Revenues</b>	<b>Increase</b>	<b>Decrease</b>
<i>Restricted Intergovernmental</i>	\$ 31,000	
<b>Appropriations</b>	<b>Increase</b>	<b>Decrease</b>
<i>Emergency Services</i>	\$ 31,000	

- approve Budget Amendment #45 for DSS Funding Authorizations (Crisis Intervention Program, Non-Smart Start Child Care and Smart Start Child Care & Adoption Rewards), as follows:

<b>2007-2008 BUDGET ORDINANCE—GENERAL FUND—AMENDMENT #45</b>		
<b>Revenues</b>	<b>Increase</b>	<b>Decrease</b>
<i>Restricted Intergovernmental</i>	\$ 1,291,022	
<b>Appropriations</b>	<b>Increase</b>	<b>Decrease</b>
<i>Social Services</i>	\$ 1,291,022	

- appoint Marian Auman to the Adult Care Home Community Advisory Committee (1-yr. initial term).

### **Technology Work Plan Progress Report**

Annette Crotts, Information Technology Director, gave a progress report on technology projects that began in 2004. She said that the longest ongoing project is the document imaging project at DSS. In 2006, the County bought Laserfiche (document imaging software) and Cerenade (electronic forms software) that is available for all departments. These systems have allowed DSS to change their work flow procedure, scan active case loads, create on-line versions of all their forms (750 forms to date) and provide management reports and tracking tools. Automation at DSS has been completed in the following service units: Food Stamps (Food Assistance), FCMA, Work First, Emergency Assistance, Adult Medicaid, Front Desk (sign-in of all clients and paperwork drop-offs) and Child Care. So far, seven work spaces have been added at the DSS building simply by eliminating paper files. Other departments using the software are the Sheriff's Office, Public Health, Finance, Tax Dept., Administration, Emergency Services, Clerk to the Board, Legal and Public Works.

Beth Duncan, DSS Director, thanked the Board of Commissioners for the software provided in the previous years' budgets. The system has allowed workers to begin using Laserfiche with the immediate new clients while old paper files are continually being scanned. They can track a client from the time they sign in until they leave using software that the IT department has provided.

**Request for County Participation in Water Line at Turnpike Industrial Park**

Harry Lane, Economic Development Corporation (EDC) Existing Industries Coordinator, said that the City of Trinity, the property owners (18 businesses) of Turnpike Industrial Park and the Randolph County EDC is asking for financial support from the County to extend public water to an industrial park that was built prior to County zoning and the incorporation of the City of Trinity. Davidson Water, Inc. has prepared a construction cost schedule that is based on the number of water taps being served. Property owners have secured six water taps that yield a cost break down of \$60,450. The City of Trinity and Randolph County would bare the cost of materials. Davidson Water will bare the cost of labor at an estimated expense of \$35,000 to \$40,000. The extension of public water within the park will improve fire protection, provide drinkable water to each plant and improve business opportunities within the park. Mr. Lane asked the County for \$30,250 from the County Economic Development Reserve Fund for this project. The City of Trinity and the property owners will also partner to replace the roads in the park at a cost of \$1.3 million.

*On motion of Frye, seconded by Haywood, the Board voted unanimously to appropriate \$30,225 from the Economic Development Reserve Fund for participation in a water line at Turnpike Industrial Park and to approve Budget Amendment # 46, as follows:*

<b>2007-2008 BUDGET ORDINANCE—GENERAL FUND—AMENDMENT #46</b>		
<b>Revenues</b>	<b>Increase</b>	<b>Decrease</b>
<i>Transfer from Economic Development Reserve</i>	\$ 30,225	
<b>Appropriations</b>	<b>Increase</b>	<b>Decrease</b>
<i>Other Economic and Physical Development</i>	\$ 30,225	

**Bid Award for HVAC at RCOB and Related Budget Amendment**

Audrey Alexander, Purchasing Agent, said that proposals were received pursuant to G.S. 143-129 for the replacement of two commercial rooftop air-conditioning units at the Randolph County Office Building, as follows:

VENDOR	Trane SAHFF504 & SAHFF604	Computerized Control System	TOTAL
Charlie’s Tin Shop, Inc.	\$141,176.47	\$76,111.12	\$217,287.59
Superior Mechanical, Inc.	\$147,600.00	\$90,000.00	\$237,600.00

Ms. Alexander said that the proposals had been reviewed by James Chriscoe, Maintenance Department Head, and herself, and references had been contacted and a time line had been established for the removal of the old units/installation of the new units. She said that the Maintenance Department has identified funds within its budget to proceed with the replacement of these air-conditioning units. Ms. Alexander recommended that the Board approve and award the bid for the replacement of two commercial rooftop air conditioning units for the Administration Building at a total cost of \$217,287.59 to Charlie’s Tin Shop, Inc.

*On motion of Kemp, seconded by Lanier, the Board voted unanimously to award the bid for replacement air-conditioning units at RCOB to Charlie’s Tin Shop at a total cost of \$217,287.59 and to approve Budget Amendment # 47 as follows:*

<b>2007-2008 BUDGET ORDINANCE—GENERAL FUND—AMENDMENT #47</b>		
<b>Revenues</b>	<b>Increase</b>	<b>Decrease</b>
Public Buildings	\$ 217,288	
<b>Appropriations</b>	<b>Increase</b>	<b>Decrease</b>
Appropriated Fund Balance	\$ 217,288	

**Bid Award for Roof Replacement**

Audrey Alexander, Purchasing Agent, said that pursuant to G.S. 143-129 proposals were received for replacing the leaky roof at County Office Building, as follows:

Vendor	Roof Replacement	Wood Blocking Rep.	Insulation Replacement
Greenville Contractors	\$365,500.00	\$4.50	\$1.00
Martin Roofing Services	\$304,649.00	\$1.50	\$1.25
McRae's Roofing	\$465,384.00	\$2.80	\$ .98
Radco Construction	\$320,000.00	\$3.07	\$ .85

Ms. Alexander recommended that the Board reject all the bids for the roof replacement because all bids exceed the funds available for this project.

*On motion of Frye, seconded by Lanier, the Board voted unanimously to reject all bids for the new roof at RCOB due to all bids exceeding the funds currently available for this project.*

**Recess**

At 5:00 p.m., the Board recessed and returned to regular session 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 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. FRED BURGESS, Climax, North Carolina, is requesting that .75 acres out of 5.00 acres located at 6767 NC Hwy 22 North, Providence Township, be rezoned from RA to OI-CD. Polecat Creek Watershed. Rural Growth Area. Tax ID# 7796160193. The proposed Conditional Zoning District would specifically allow the operation of an insurance office in the existing 1,800 sq. ft. building The Planning Board reviewed this request at public meeting on March 11, 2008 and unanimously recommended that this request be approved.

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

*Policy 4.3 Rural area commercial development should be limited to neighborhood business uses, farm supply stores, and generally accepted rural business establishments.*

*Policy 4.6 Compatible land uses such as rural neighborhood retail and service establishments located close to general residential areas should be considered during the rezoning process with the general goal of reducing automobile travel distances and promoting better livability in the community.*

*Policy 5.1 Office and institutional development should be encouraged to locate as transitional land use between activities of higher intensity and those of lower intensity.*

**Fred Burgess**, applicant, spoke in support of his request.

*On motion of Haywood, seconded by Kemp, the Board voted unanimously to approve the request of Fred Burgess, as determined consistent with policies contained within the adopted Growth Management Plan and outlined in the Planning Board recommendation.*

2. GREGORY BURKHART, Archdale, North Carolina, is requesting that 2.00 acres out of 6.02 acres located at 2735 Banner Whitehead Road, New Market Township, be rezoned from RA to RBO-CD. Randleman Lake Watershed. Secondary Growth Area. Tax ID# 7736768964. The proposed Conditional Zoning District would specifically allow the property owner to sell his existing residence separate from his existing Rural Family Occupation of specialized motor parts and convert his small business facility of 2400 sq. ft to a commercial operation with an additional expansion of 4800 sq. ft. as per site plan. The Planning Board reviewed this request at public meeting on March 11, 2008 and unanimously recommended that this request be approved.

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

*Policy 4.7 The County should encourage the use of rural business overlay districts to provide locations where compatible rural land uses such as neighborhood retail and service establishments can be located in general proximity to established rural residential areas with the goal of reducing automobile travel distances and promoting better livability in the rural community.*

*Policy 7.5 Site plans should be provided that design built upon areas to specifically minimize stormwater runoff impact to streams and other receiving waters.*

*Policy 7.8 Stormwater runoff should be designed in a manner that it will be transported from the development by vegetated conveyances to the maximum extent possible.*

**Gregory Burkhart**, applicant, spoke in support of his request, saying that he had no immediate plans to expand the business; it would be at least two or three years, if ever.

**Brian Perkins**, said that he was the original applicant of the special use permit and supports Burkhart's plan to use the buildings, stating that he agreed with the request so that he can separate his personal residence from the property that Mr. Burkhart's business is located.

*On motion of Frye, seconded by Haywood, the Board voted unanimously to approve the request of Gregory Burkhart, as determined consistent with policies contained within the adopted Growth Management Plan and outlined in the Planning Board recommendation.*

3. KLAUSSNER INVESTMENT CORPORATION, Asheboro, North Carolina, is requesting 15.52 acres located on US Hwy 220 S., Cedar Grove Township, be rezoned from RR to HC. Primary Growth Area. Tax ID# 7658511394. It is the desire of the applicants to use the property for commercial development. The request before the County Planning Board on March 11, 2008, was for a Highway Commercial Conditional District. The Planning Board recommended by a vote of 4-3 that the HC-CD request be denied as not meeting the requirements of the County's zoning ordinance for more specificity of use. The Planning Board also noted the following policy that may support its recommendation of denial:

*Policy 4.1 Commercial development should be encouraged to occur in clusters or planned shopping centers to minimize the proliferation of Aretail strip locations.*

Mr. Johnson said that this request originally came to the County as a straight Highway Commercial rezoning application. However, in what was probably a good faith effort to reassure area property owners, the applicant modified the rezoning request to a Conditional Zoning. The conditions would have been to

exclude about 40 property uses that would normally be allowed in a straight Highway Commercial zoning district. Mr. Johnson said the County Attorney instructed the Planning Board during their March 11, 2008 public meeting, that the Conditional application did not meet the requirements for a Conditional rezoning under the County's zoning ordinance and it would have been improper to approve the application under these circumstances. This is because the zoning ordinance requires that a Conditional use application specifically state the use of the property. The County Attorney advised that the mere exclusion of about 40 otherwise permitted property uses would not have been sufficient to meet the test for Conditional rezoning. The Planning Board voted 4-3 to recommend denial of the request due to it not meeting the requirements of the zoning ordinance for a Conditional rezoning request, which requires that the application state the nature of the proposed development. Mr. Johnson said that the day after the Planning Board meeting, the applicant withdrew the Conditional Use modification of the Highway Commercial rezoning request and asked that the original application for straight Highway Commercial rezoning be considered at the Commissioners' April meeting, which is the request before the County Commissioners at this time.

The Technical Review Committee reviewed the application for a straight Highway Commercial rezoning and found that this proposal was in compliance with the standards outlined in the Growth Management Plan adopted by the Board of County Commissioners on February 4, 2002. Mr. Johnson said that the Technical Review Committee also recognized that these parcels are located in a Primary Growth Area and recommended that this request be approved as consistent with previous rezonings approved by the Planning Board and County Commissioners along the Highway 220 Primary Growth corridor. Mr. Johnson displayed a G.I.S. map that reflected zonings approved by the Board of Commissioners along the Highway 220 Primary Growth Corridor between the City of Asheboro and Pinewood Country Club and noted that approved rezonings since 1987 have consistently been to Highway Commercial/Community Shopping and Industrial. He also noted that this was consistent with the County's Primary Growth Corridor reflected in the Growth Management Plan, and he reviewed the specific policies of the Growth Management Plan identified by the Technical Review Committee that supported a determination of consistency with rezoning to Highway Commercial.

The Technical Review Committee found the following policies within the Growth Management Plan that support determination of consistency with the adopted plan with this recommendation:

Policy 4.2 Highway oriented commercial uses should be clustered along segments of arterial streets and contain land uses that are mutually compatible and reinforcing in use and design. They should be designed in a way that minimizes signage, access points and excessive lengths of commercial strip development.

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 1 Recognize that all individual growth management decisions are part of a larger interconnecting framework of building sustainable and quality growth within Randolph County.

Policy 4 Recognize that growth management policies should afford flexibility to County boards and agencies that will enable them to adapt to the practical requirements often necessary for rural development.

Policy 7 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.

**Jon Megerian**, attorney, spoke on behalf of the applicant, saying that the applicant would never do something to destroy the character of the golf course and nearby residences. He apologized to the Board for complicating the request before the Planning Board by advising the applicant to ask for a Conditional use permit rather than the straight Highway Commercial rezoning. He said that the Growth Management

Plan clearly supports the straight zoning request, as shown by the Technical Review Committee's recommendation and previous rezoning decisions in the area.

**Bob Hornik**, attorney, spoke on behalf of some residents of Pinewood Country Club, saying the burden should be on the applicant to tell the Board exactly what they propose to do. Since the request has now morphed back in to a straight rezoning, which provides for some 87-88 permitted uses, the Commissioners, should they approve the request, must make a determination that the property is suited for all 87 of these uses, regardless of what the applicant "says" they will or won't do. He said that the Board should deny the request and the applicant should come back with a special use request; there are many of the 87 uses that the property is not suited for, such as an amusement park or an airstrip.

Both Commissioners Kemp and Haywood spoke, saying that they were each members of Pinewood Country Club. Both remarked that the applicant had turned the Club into one of the finest clubs in North Carolina. Each felt that the applicant would never do anything that would negatively impact a business that they had invested so much money in.

Board members asked how developers would proceed following approval of this request. Mr. Johnson said that if the developer's plans called for more than one building per parcel, they would have to seek a special use permit before the Planning Board; items like lighting, buffering and road placement would have to be considered.

Commissioner Frye commented that he believed the size and layout of the property would be self-limiting as to the types of development that would be appropriate. He also noted that the existing golf course provided natural buffers to the adjoining property owners.

*On motion of Kemp, seconded by Lanier, the Board voted unanimously to approve the request of Klaussner Investment Corporation, having determined this request consistent with the Growth Management Plan's policies and adopting resolution reflected by the recommendation of the Technical Review Committee.*

### **Addition to Agenda**

Chairman Holmes announced that one more item would be added to the agenda: *E. Consider Adoption of Resolution to Oppose Private Ownership of the Yadkin River.*

### **Adoption of Resolution to Oppose Private Ownership of the Yadkin River**

*On motion of Lanier, seconded by Haywood, the Board voted unanimously to adopt a resolution supporting Stanly County's opposition to Alcoa's private ownership of the Yadkin River for an additional 50 years, as follows:*

**WHEREAS**, a portion of Randolph County is located within the Yadkin-PeeDee Watershed; and

**WHEREAS**, a large number of Randolph County's citizens are served by water from the Yadkin River via non profit water providers; and

**WHEREAS**, the entire State of North Carolina is currently in the midst of an ongoing extreme drought and this drought has detrimentally affected the citizens of Randolph County; and

**WHEREAS**, the multi-national corporation, Aluminum Company of America ("Alcoa") currently holds a Federal Energy Regulatory Commission ("FERC") license which gives it near total control over the waters of the Yadkin River and its lakes and tributaries for the sole purpose of generating profits for itself in excess of \$25 Million Dollars per year; and

*WHEREAS, the current license held by Alcoa is set to expire in April of 2008 and Alcoa is currently applying to FERC to grant it another license which would give it control over the Yadkin River and its lakes and tributaries for the next 50 years; and*

*WHEREAS, the citizens of Randolph County and North Carolina are in part owners of the waters and natural resources of the State of North Carolina; and*

*WHEREAS, given the current and expected future drought conditions in North Carolina the State of North Carolina should act in the interest of its citizens to recapture authority and control over the Yadkin River and its lakes and tributaries to ensure that the waters of the State of North Carolina are properly protected and remain available to the citizens in times of drought and emergency conditions; and*

*WHEREAS, the citizens of Randolph County and North Carolina are dependent upon their government to act in their best interests and to prevent a multi-national corporation from taking and maintaining control of the water and natural resources on which they depend for basic needs.*

**NOW, THEREFORE, BE IT RESOLVED** that the Randolph County Board of Commissioners respectfully requests Michael F. Easley, Governor of the State of North Carolina, for the foregoing reasons and in the interest of justice and for the benefit of the citizens of Randolph County and North Carolina, to intervene in the ongoing licensing hearings before FERC and formally object to Alcoa being granted a new license that gives it near absolute authority and control over the Yadkin River and its lakes and tributaries for the next 50 years.

**Adjournment**

At 7:25 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

\_\_\_\_\_  
Phil Kemp

\_\_\_\_\_  
Stan Haywood

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Arnold Lanier

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Cheryl A. Ivey, Clerk to the Board