

**MINUTES**  
**DAVIE COUNTY BOARD OF COMMISSIONERS**  
**MONDAY, JULY 10, 2000**

The Davie County Board of Commissioners met at 7:00 p.m., Monday, July 10, 2000, in the Commissioners' Room of the Davie County Administration Building.

Commissioners Present:

Bobby H. Knight, Chairman  
Michael D. Allen, Vice-Chairman  
Carl N. Boon  
Joseph A. Long  
Richard B. Poindexter

Commissioners Absent:

None

Others Present:

Kenneth N. Windley, Jr., County Manager  
James J. Stockert, Assistant County Manager/Finance Director  
Robert E. Price, Jr., County Attorney  
Brenda B. Hunter, Clerk to the Board

Chairman Knight called the meeting to order.

Chairman Knight gave the invocation.

**Approval of the Minutes:** Upon motion by Commissioner Allen and second by Commissioner Long, the Board voted unanimously to approve the minutes of the June 19, 2000, regular meeting.

**Resolution Authorizing the Transfer of Control of Cable Television Franchise:** Mr. Michael MacNeilly, Regional Manager, Benchmark Media, Inc., stated that due to a recent Stock Purchase Agreement between Benchmark Media, Inc. and Adelphia Communications Corporation, ownership and control of the cable operator will be transferred to Adelphia Communications.

Mr. Robert E. Price, Jr., County Attorney, stated that the cable franchise would continue to be held by the same franchisee. The franchisee will continue to be bound by all the term and conditions of the franchise agreement between Davie County and Benchmark Media, Inc.

Upon motion by Commissioner Long and second by Commissioner Allen, the Board voted unanimously to authorize the transfer of the cable television franchise held by Benchmark Media, Inc. to Adelphia Communications Corporation as per resolution incorporated as part of the minutes.

A second reading on the request to transfer the change of control of Benchmark Media, Inc. to Aldephia Communications Corporation will be held at the August 7<sup>th</sup> regular meeting, pursuant to the Davie County Code of Ordinances.

**Bids for Tax Bill Preparation for Lock Box Payment Service:** Ms. Mary Nell Richie, Tax Administrator, presented the following bids for processing tax bills in preparation for the Lock Box Payment Service:

<b>SCS Direct Mail Marketing, Fayetteville, NC -</b>	<b>\$0.1218 each</b>
<b>Scanscort, Winston-Salem, NC -</b>	<b>0.1437 each</b>
<b>Southern Systems, Charlotte, NC -</b>	<b>0.1535 each</b>

Upon motion by Commissioner Allen and second by Commissioner Poindexter, the Board voted unanimously to contract with SCS Direct Mail Marketing for the processing, printing, folding, inserting, labeling, metering, sorting and handling of tax billing notices for the Davie County Tax Department for a total cost of \$0.1218 each.

**Request from the Hillsdale Group to Transfer Sewer Capacity:** Mr. Ken Windley, County Manager, stated that he had received a request from the Hillsdale Group, LLC regarding the assignment of 60,000 GPD of its allocated sewer capacity, in the Northeast Davie Sewer System, to Adams, Egloff & Avant, Properties, LLC for development of some of the residential portion of the Kinderton project.

Upon motion by Commissioner Poindexter and second by Commissioner Allen, the Board voted unanimously to assign 60,000 GPD of the allocated sewer capacity for the Hillsdale Group, LLC to Adams, Egloff & Avant, Properties LLC.

**Request to Abandon a Portion of Log Cabin Road:** Upon motion by Commissioner Long and second by Commissioner Allen, the Board voted unanimously to approve the request to abandon approximately 211 feet (0.04 mile) of Log Cabin Road (SR 1319) from the North Carolina Department of Transportation's Secondary Road System as per resolution incorporated as part of the minutes.

Attachment B

**Request to Abandon a Portion of Boone Farm Road:** Upon motion by Commissioner Poindexter and second by Commissioner Allen, the Board voted unanimously to approve the request to abandon approximately 740 feet of Boone Farm Road (SR 1173) from the North Carolina Department of Transportation's Secondary Road System as per resolution incorporated as part of the minutes.

Attachment C

**Request to Approve Expenditure of Funds for Subsidized Day Care:** Mr. James Stockert, Assistant County Manager/Finance Director, explained that due to a budgeting error at the Department of Social Services, approximately \$60,000.00 of state funding was not included in the 1999-2000 budget for subsidized day care. He stated that the Department of Social Services had authorized the day care providers to provide these services.

Mr. Stockert stated that he had approved payment for these services in order that the day care providers and the individuals receiving the services did not incur any financial loss. The State will reimburse the County since funds were approved at their level.

Mr. Stockert stated that since the funds were not included in the 1999-2000 budget we could anticipate an audit write-up.

Upon motion by Commissioner Allen and second by Commissioner Long, the Board voted unanimously to approve the expenditure of \$60,000.00 of state funding for subsidized day care for the Department of Social Services.

**Water Department - Request for Overtime:** Mr. Ken Windley, County Manager, stated that due to the Water Department being short three (3) water treatment plant operators, Michael Miller, Water Treatment Plant Supervisor, will be required to work some overtime. He stated that part-time help would be used whenever possible.

Mr. Windley requested flexibility in allowing Michael Miller to work overtime.

Upon motion by Commissioner Allen and second by Commissioner Long, the Board voted unanimously to approve the request to allow Michael Miller, Water Treatment Plant Supervisor, to work overtime with pay.

**Statement by Chairman Knight Regarding the Situation with Davie County Hospital:** Chairman Knight stated that last week, Davis Hospital officials informed the county that due to the purchase of Davis Hospital by HMA of Florida, Davis was no longer in a position to enter into a management contract for Davie County Hospital. HMA wishes to focus its attention on the hospitals that it owns, rather than entering into management arrangements.

Chairman Knight stated that the existing Hospital Committee would meet to consider all of the options that are available to the county at this time. He explained that Novant Health, which currently manages the hospital, would continue to operate the hospital while the county considers its options.

Chairman Knight stated that all of the items on the agenda dealing with the management of Davie County Hospital would be deferred at this time.

**Public Hearings:** Mr. John Gallimore, Planning Director, presented the following items for public hearing, which had been properly advertised in a newspaper of general circulation:

- (1) A portion of **Gunter Lane** is proposed to be changed to **Paps Way**. The road name change is due to Gunter Lane being impassable at the midpoint. Upon approval of the road name change, residents along Gunter Lane in the affected portion, will be re-addressed with a new house number and new road name.

The Davie County Planning Board reviewed the request to change the name of a portion of Gunter Lane to Paps Way at its meeting on April 25, 2000, and voted six (6) in favor and none opposed to recommend approval.

Mr. Ken Windley, County Manager, called the public hearing to order and asked if there was anyone present who wished to speak in favor of changing a portion of Gunter Lane to Paps Way.

There was no one present who wished to speak in favor of changing a portion of Gunter Lane to Paps Way.

Mr. Windley asked if there was anyone present who wished to speak in opposition to changing a portion of Gunter Lane to Paps Way.

There was no one present who wished to speak in opposition to changing a portion of Gunter Lane to Paps Way.

There being no one present who wished to speak, Mr. Windley closed the hearing.

Upon motion by Commissioner Poindexter and second by Commissioner Boon, the Board voted unanimously to approve the request to change a portion of Gunter Lane to Paps Way.

- (2) **Eric and Stephanie Smith** have applied to rezone approximately one (1) acre of land from Highway Business to Residential Suburban (R-12). This property is located off the west side of Turrentine Church Road, approximately ¼ mile north of Deadmon Road and is described as being the western portion of Parcel 30, Davie County Tax Map K-5 and is further described as per property description incorporated as part of the minutes.

#### Attachment D

Mr. Gallimore reviewed various maps of the property and the zoning of the surrounding properties. He explained that in 1985 the property was rezoned from R-12 to Highway Business for the purpose of an auto repair shop (which has moved).

The Davie County Planning Board reviewed the request submitted by Eric and Stephanie Smith at its meeting on May 23, 2000, and voted six (6) in favor and none opposed to recommend approval.

Mr. Windley called the public hearing to order and asked if there was anyone present who wished to speak in favor of the request submitted by Eric and Stephanie Smith.

**Mr. Eric Smith, petitioner**, stated that the only reason he is requesting the rezoning is to be able to put a private residence on the property.

Mr. Windley asked if there was anyone else present who wished to speak in favor of the request submitted by Eric and Stephanie Smith.

There was no one else present who wished to speak in favor of the request.

Mr. Windley asked if there was anyone present who wished to speak in opposition to the request submitted by Eric and Stephanie Smith.

There was no one present who wished to speak in opposition to the request.

There being no one else present who wished to speak, Mr. Windley closed the hearing.

Upon motion by Commissioner Allen and second by Commissioner Long, the Board voted unanimously to approve the request submitted by Eric and Stephanie Smith to rezone one (1) acre from Highway Business to Residential Suburban (R-12).

**(3) Earl and Glenda Doby** have applied to rezone approximately 5.04 acres of land from Residential (R-20) to Residential Manufactured Home (R-M). This property is near the end of Myers Road, SR 1457, and is described as being Parcels 45, 49, 50, 51 and 51.01 of Davie County Tax Map C-6 and is further described as per property descriptions incorporated as part of the minutes.

#### Attachment E

Mr. Gallimore reviewed various maps of the property and the land uses in the area. He explained that Mr. and Mrs. Doby own all of the properties, with the exception of one parcel, which is owned by their son. Most of these properties have single section manufactured homes, which are owner occupied or family members are the owners. There is public water available, but no public sewer.

Mr. Gallimore stated that the rezoning would not allow a manufactured home park. A special use permit would be required to develop a manufactured home park. He explained that the standards would allow single section homes by the Class C standards, which is for the most part how the homes on this property are now developed.

The Davie County Planning Board reviewed the request submitted by Earl and Glenda Doby at its meeting on April 25, 2000, and voted six (6) in favor and none opposed to recommend approval.

Mr. Windley called the public hearing to order and asked if there was anyone present who wished to speak in favor of the request submitted by Earl and Glenda Doby.

**Mr. Earl Doby, petitioner**, stated that he wants to be able to place a few single section manufactured homes (no more than five) on the property for family members. He stated that he does not plan to develop a manufactured home park.

Mr. Windley asked if there was anyone else present who wished to speak in favor of the request.

**Mr. Bill Doby, brother of petitioner**, requested approval of the rezoning.

There was no one else present who wished to speak in favor of the request.

Mr. Windley asked if there was anyone present who wished to speak in opposition to the request submitted by Earl and Glenda Doby.

There was no one present who wished to speak in opposition to the request.

There being no one else present who wished to speak, Mr. Windley closed the hearing.

Upon motion by Commissioner Long and second by Commissioner Boon, the Board voted unanimously to approve the request submitted by Earl and Glenda Doby to rezone 5.04 acres from Residential (R-20) to Residential Manufactured Home (R-M).

**(3) Noble Design/Build (Ken Carrico)** has applied to rezone approximately 3.55 acres of land from Residential (R-20) to Highway Business Special Use (H-B-S) for a recreational facility to include a skating rink, game room and pool/billiard room. This property is located at the intersection of Cana Road and US Highway 601 North, in the old Blackwelder Manufacturing Building. The property is described as being Parcel 77 of Davie County Tax Map G-3 and is further described as per property description incorporated as part of the minutes.

#### Attachment F

Mr. Gallimore stated that public water is available to the property, but not public sewer. He presented maps indicating the zoning districts in the area.

The Davie County Planning Board reviewed the request at its meeting on June 27, 2000, and voted six (6) in favor and none opposed to recommend approval, with conditions as incorporated as part of the minutes.

#### Attachment G

Mr. Gallimore stated that a letter of opposition submitted by Ms. Linda Angell was read at the Planning Board meeting.

Mr. Ken Windley, County Manager, called the public hearing to order and asked if the petitioner would like to make a presentation.

**Mr. Ray Parker, representing petitioner,** stated that there has recently been an acute awareness of the entertainment deficit in the area for teens and families. He briefly explained that Noble Design/Build plans to revert the two-story Blackwelder building into a non-alcoholic, drug-free, family-oriented skating rink and arcade. He stated that the building fits the basic design concepts, and it would be hard to find another building suitable for this use, even though major renovations will be required.

Mr. Parker stated that neighbors have expressed concern with locating a recreational facility in this area due to some of the activity in the neighborhood. Mr. Parker reported that for a period of May 1999 to present, the Davie County Sheriff's Department had answered a total of seventy-six calls within a half-mile radius of the proposed site. Mr. Parker stated that all of the calls were of a non-violent nature.

Mr. Parker expressed concern with two of the conditions being recommended by the Davie County Planning Board:

(1) Providing security during all hours of operation – Mr. Parker briefly discussed the expense of providing security. (2) Hours of operation – Mr. Parker stated that plans are to offer alternative programming, such as wedding receptions, etc. He requested that the hours of operation on Sunday be extended until 9:00 p.m.

(Mr. Windley left the meeting at this time due to illness. Mr. Price presided over the remainder of the public hearing.)

Mr. Price asked if there was anyone else present who wished to speak in favor of the request submitted by Noble Design/Build.

There was no one else present who wished to speak in favor of the request.

Mr. Price asked if there was anyone present who represented any organized opposition to the request submitted by Noble Design/Build.

**Mr. Wayne Ireland** stated that he was representing a group of residents who live on the Cana Road and are in opposition to the project being proposed on the property.

Mr. Ireland expressed concern with the number of calls to the E911 Communication Department that have come from this area of the county, and the activity that occurs on the property across the road from the proposed site.

Mr. Ireland stated that there has been no specific plans presented, just general information. He asked about plans for noise abatement, traffic flow, and specific structure plans.

Mr. Ireland asked if a feasibility study had been done to determine if the residents of Davie County would support the proposed project at this location. He stated that he did not think that the project was feasible at this location as it exists today.

Mr. Ireland spoke for approximately 10-15 people who are opposed to the Noble Design/Build rezoning request. They presented a petition containing approximately 130 signatures of residents in the 601 N/Cana Road area that strongly oppose the special use rezoning request submitted by Noble Design/Build as per petition incorporated as part of the minutes.

#### Attachment H

**Ms. Ruth Richardson** stated that she has lived in this area for the past 38 years. She stated that she was speaking from a law enforcement background. Ms. Richardson expressed concern with problems that already exist in this area. She stated that adding a recreational facility for teenagers would only make the situation worse.

**Mr. Carmen Smith** stated that he has lived in this community thirty-five years. He explained that the intentions are great, but that the developers do not understand the situation of the community. He stated that he felt that the proposal would be creating a hangout.

**Mr. Jimmy Caudle** stated that he and his family live in this community. He stated that he did not think the residents of the county would support the facility due to the reputation of this area. He expressed concerns regarding the parking and questioned if the septic system was large enough to handle approximately 250-300 people.

**Mr. Steve Pacitto** stated that he lives less than ¼ mile from the proposed site. He expressed concern regarding noise, lighting and traffic. Mr. Pacitto stated that he felt that it was unfair to place this burden on the residents of this community, most that have live there 20+ years. He asked that the Board deny the request to rezone the 3.55 acres for a recreational facility.

**Mr. Joe Johnson** stated that he lives in this area. He expressed concern with drug related problems in this area.

**Ms. Annie Wishon** stated that she has lived in this community for 38 years and that she is opposed to the rezoning because she felt that it would create more problems in the neighborhood.

Mr. Price asked if there was anyone else present who wished to speak in opposition to the request submitted by Noble Design/Build.

There was no one else present who wished to speak in opposition to the request.

Mr. Price asked if there was anyone present who had questions or general comments regarding the request submitted by Noble Design/Build.

**Mr. Dan DesNoyers** stated that his company has leased this property from the Blackwelder estate since 1994 and that he has had only one (1) problem during this time, and it related to an employee situation. He explained that there had been no problems with the residents of the area.

Mr. DesNoyers stated that the county has a resource in the old Blackwelder Building and this may be the best chance for the county to save one of its nicer, older buildings.

Mr. DesNoyers stated that he felt any increase in quality teenage recreation in the county deserves serious consideration. He explained that he is neither in favor of nor in opposition to the rezoning.

**Mr. Sam Hall** asked the Board if they would send their children or grandchildren to a recreational facility at this location.

There being no one else present who wished to speak, Mr. Price closed the public hearing.

There was brief discussion among the Board that there were a lot of unanswered questions regarding the proposed recreational facility and that additional information is needed before a decision can be made.

Upon motion by Commissioner Boon and second by Commissioner Poindexter, the Board voted 4-1 (Commissioner Allen opposed the motion) to table the request submitted by Noble Design/Build (Ken Carrico) to rezone 3.55 acres from Residential (R-20) to Highway Business Special Use (H-B-S) for a recreational facility.

(Commissioner Allen requested that the Noble Design/Build rezoning request be remanded to the Davie County Planning Board for further study and information.)

**Planning and Zoning – Proposed Map Fees:** Mr. John Gallimore, Planning Director, presented the following proposed fee schedule for maps:

**Mapping**

E - 36" x 44"	\$25.00
D - 24" x 36"	20.00
C - 17" x 22"	15.00
Up to 11" x 17"	5.00

**Copies of Existing Maps**

**Depends on size – See fee schedule above.**

**Digital Data**

**\$50.00 base rate, which includes one (1) hour\***

**\$10.00 per hour for each additional hour\***

**\*Media not included**

Upon motion by Commissioner Allen and second by Commissioner Boon, the Board voted unanimously to approve the fee schedule for maps as proposed and as stated above.

**Appointment – Piedmont Triad Partnership Board:** Chairman Knight stated that the appointment to the Piedmont Triad Partnership Board would be deferred until a later date.

**Library - Equipment Deletion:** Mr. James Stockert, Assistant County Manager/Finance Director, presented the following items to be deleted from the county's fixed asset inventory:

<b><u>Equipment</u></b>	<b><u>Asset Tag Number</u></b>	<b><u>Amount</u></b>
Mimeograph Machine	838	\$ 829.80
CPU Monitor & Keyboard	5056	1858.60
Typewriter	977	559.00

Upon motion by Commissioner Allen and second by Commissioner Poindexter, the Board voted unanimously to delete the above stated equipment from the county's fixed asset inventory.

**Other Old Business:**

**Approval to Purchase Property from Mr. Phillip Venable** – Mr. Robert E. Price, Jr., County Attorney, explained that through negotiations with Mr. Phillip Venable, he had been able to purchase the property for \$9,000.00. He stated that the county needs the property for the site of a water pumping station.

Upon motion by Commissioner Poindexter and second by Commissioner Boon, the Board voted unanimously to approve the purchase of property from Mr. Phillip Venable for a cost of \$9,000.00.

**Correct Minutes of June 5, 2000** – At the June 5, 2000 meeting, the bids for cleaning service of county buildings were presented. The bid presented for cleaning the Law Enforcement Building was \$175.00 per month. The correct amount of the bid submitted by Ttotallyt Cleaning Service was \$75.00 per month for cleaning the Law Enforcement Building.

Upon motion by Commissioner Poindexter and second by Commissioner Long, the Board voted unanimously to accept the bid of \$75.00 per month submitted by Ttotallyt Cleaning Service for cleaning the Law Enforcement Building.

**Other New Business:**

**Appointment to the Davie County Council of Economic Development (COED) -**

Upon motion Commissioner Boon and second by Commissioner Allen, the Board voted 4-0 (Chairman Knight did not vote.) to appoint Chairman Bobby Knight as the commissioner representative on the Davie County Council of Economic Development.

**Adjournment:** Upon motion by Commissioner Poindexter and second by Commissioner Allen, the Board voted unanimously to adjourn at 8:25 p.m.

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Brenda B. Hunter, Clerk  
Board of Commissioners

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Bobby H. Knight, Chairman  
Board of Commissioners