

March 11, 2002

The Randolph County Board of Commissioners met at 4:00 p.m. in the Commissioners Meeting Room, County Office Building, 725 McDowell Road, Asheboro, NC. Commissioners Kemp, Frye, Holmes, Davis, and Mason were present. Kim Newsom, County Personnel Director, gave the invocation, and everyone recited the Pledge of Allegiance.

### **Addition to the Agenda**

Chairman Kemp announced the addition of *Item D. Plat Review Officer for the City of Asheboro* to the Consent Agenda.

### **Presentation to Board**

Chairman Kemp introduced Mary Joan Pugh, Chairperson for the Human Race. Ms. Pugh presented t-shirts to Board members and encouraged everyone to participate in the 5K race that will be held on March 23 at 9:00 a.m. at Memorial Park in Asheboro. Proceeds go to the non-profit charity of the donor's choice (75%) and to the Randolph County Volunteer Center (25%). Chairman Kemp suggested that all Board members participate with their designated charity being the Victory Junction Gang Camp.

### **Consent Agenda**

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

- *Approve regular and closed session minutes from the February 4, 2002 meeting;*
- *Reappoint Sam Jones as Outside Member on the Franklinville Planning Board (5-yr. term);*
- *Approve the following DOT addition resolution:*
  - WHEREAS, the Department of Transportation has investigated Allred Heights Drive in the Allred Heights 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 Allred Heights Drive in the Allred Heights Subdivision be added to the Division of Highways' Secondary Road System.*
- *Approve the following resolution regarding a plat review officer for City of Asheboro:*
  - WHEREAS, S.L. 1997-309 (S875) makes a number of significant changes in the procedures for recording maps and plats; and*
  - WHEREAS, the main purpose of the law is to transfer the responsibility for reviewing plats to determine whether they meet recording requirements from the Register of Deeds to a Review Officer; and*
  - WHEREAS, the new G.S. 47-30.2 requires the Board of County Commissioners in each County, by resolution, to appoint a person to serve as Review Officer to review each plat before it is recorded and certify that it meets the statutory requirements for recording; and*
  - WHEREAS, it is the desire of the Randolph County Board of Commissioners to insure an expeditious review of all maps and plats as required by G.S. 47-30.2 before they are presented to the Register of Deeds for recording.*
  - NOW THEREFORE, BE IT RESOLVED, effective March 11, 2002, that Reynolds Neely in the City of Asheboro is hereby appointed to perform all responsibilities as required for Review Officer under the appropriate North Carolina General Statutes.*
  - BE IT FURTHER RESOLVED that a copy of this Resolution designating this Review Officer be recorded in the Randolph County Register of Deeds Office and indexed in the name of the Review Officer.*

### **New Courthouse Building Update**

David Townsend, III, Public Works Director, presented the proposed new Courthouse occupancy schedule, building procedures manual and weapons ordinance. He asked that the occupancy schedule be approved today and the procedures manual and weapons ordinance be reviewed and considered for adoption at the April 1 Commissioners meeting. The Board agreed to change the proposed open house

date to July 21. Chairman Kemp stated that he felt a committee should be appointed to determine the best future use(s) for the Old Courthouse building and suggested that Richard Wells serve as chair for that committee. The Board decided to appoint this committee at the April 1 meeting.

*On motion of Holmes, seconded by Frye, the Board voted unanimously to approve the new Courthouse occupancy schedule as revised:*

<b>Occupancy Schedule for The New Courthouse</b>		
<b>Task</b>	<b>Start Date</b>	<b>Completion Date</b>
Contract Completion Date		March 7, 2002
Presentation to County Commissioners		March 11, 2002
Commissioners Approval of the Courthouse Security and Building Procedure Manual and the Courthouse Weapons Ordinance		April 1, 2002
County-Determined Completion Date		April 15, 2002
Produce Employee Badges	April 15, 2002	May 15, 2002
Move New Furniture (duration 3 weeks)	April 22, 2002	May 10, 2002
Window Treatments/Artwork (duration 1 week)	May 13, 2002	May 17, 2002
Connect County Phones (duration 1 week)	May 13, 2002	May 17, 2002
Connect AOC phones and computers (duration 1 week)	May 20, 2002	May 24, 2002
Sheriff's Office Training/Practice		
*Video Arraignment (duration 3 days)		
*X-Ray Machine (duration 3 days)		
*Metal Detectors (duration 3 days)		
*Master Control (duration 2 weeks)		
*Closed Circuit TV (duration 1 week)		
*Move Inmates/Role Play (duration 1 week)		
*Note: Some to be completed together (max duration 4 weeks)	May 27, 2002	June 17, 2002
Move Courthouse Agencies		
District Court Judge/Superior Court Judge/Custody Mediation		June 25, 2002
D.A./Law Library/Housekeeping		June 26, 2002
Juvenile Service/Magistrate/Security Office		June 27, 2002
Clerk of Court	June 28, 2002	June 30, 2002
<b>Open Building to Public</b>		<b>July 1, 2002</b>
<b>Open House</b>		<b>Sunday, July 21</b>

**Contract for Telephone Service**

Annette Crotts, Computer Services Director, told the Board that the County's contractual lease with Sprint for telephone service is fulfilled in May 2002. After much research, it became apparent that telephone service and data network services should be combined into a single project scope. By installing a fiber network that passes through our main office buildings in Asheboro and installing a PBX system for voice that uses that same infrastructure, the County should realize significant savings. The following is a table of final lease negotiation prices for the fiber and PBX equipment. Wynn Communications from Lexington, NC has the lowest quote and meets the County's specifications and needs.

<b>ENHANCED CENTREX</b>					
<b>Name</b>	<b>Length of Lease</b>	<b>Equipment Monthly Cost</b>	<b>Estimated Non-equip Monthly Cost</b>	<b>Total Monthly Cost</b>	<b>Estimated Annual Cost</b>
Sprint Asheboro/Kansas	48 months	\$33,682.00	\$6,495.18	\$40,177.18	\$482,126.16
<b>PBX SOLUTIONS</b>					
Wynn Communications	60 months	\$12,000.00	\$11,182.50	\$23,182.50	\$278,190.00

Lexington, NC					
Concord Telephone Concord, NC	60 months	\$18,039.00	\$11,182.50	\$29,221.50	\$350,658.00
Long Communications Winston-Salem, NC	84 months	\$18,420.00	\$11,182.50	\$29,602.50	\$355,230.00
Modern Communications Asheboro, NC	59 months	\$29,130.00	\$11,182.50	\$40,312.50	\$483,750.00
Seimens S.C./Germany	60 months	\$34,146.00	\$11,182.50	\$45,328.50	\$543,942.00

Jimmy Wynn, owner of Wynn Communications, answered questions from the Board. Ms. Crotts stated that there are 3 options for a dial-tone provider: Sprint, the State Telephone Network and Concord Telephone, and that she planned to negotiate for the best solution for the County.

*On motion of Mason, seconded by Davis, the Board voted unanimously to award the 60-month lease contract for telephone service for all County offices to Wynn Communications for an annual cost of \$278,190, directed Annette Crotts to negotiate the best option for dial-tone, and authorized the County Manager to execute the contract.*

**Amendments to the Animal Control Ordinance**

MiMi Cooper, Health Director, told the Board that in order to provide safe care for animals, the definition of “shelter” needs to be added to the Animal Control Ordinance, and, consequently, the addition of the word “shelter” should be added to the cruelty section of the ordinance. Most animals in Randolph County have a shelter, but for those who don’t, this requirement may reduce the number of animals that wander off their owner’s property seeking shelter.

*On motion of Frye, seconded by Holmes, the Board unanimously amended Section 1. of the Animal Control Ordinance, adding:*

*Shelter—a structure with a minimum of three sides and a roof used to house the animal and protect it from the weather.*

*and Section 5.C. Cruelty to Animals. to add the words and shelter to read:*

*It shall be unlawful for any person to molest, torture, torment, deprive of necessary sustenance and shelter, cruelly beat, needlessly mutilate or kill, wound, injure, poison, abandon or subject to conditions detrimental to its health or general welfare any animal, or to aid and abet in such action.*

**Appoint Animal Cruelty Investigator**

*On motion of Holmes, seconded by Davis, the Board voted unanimously to appoint Peggy Gray Furguson as Animal Cruelty Investigator for a one-year term.*

**Resolution Concerning Climax Fire Department Financing**

*On motion of Frye, seconded by Mason, the Board voted unanimously to approve the following resolution:*

**WHEREAS**, Climax Volunteer Fire Department has determined to finance an amount of up to \$230,000 for a new pumper/tanker; and the United States Internal Revenue Code requires that for such financing to be carried out on a tax-exempt basis, this Board must first approve the financing; and

**WHEREAS**, the Fire Department has held a public hearing on the financing after published notice, as required by the Code; and the Fire Department has reported the proceedings of the hearing to this Board;

**NOW, THEREFORE, BE IT RESOLVED** by the Randolph County Board of Commissioners that:

1. The County approves the Fire Department's entering into the financing, as required under the Code for the financing to be carried out on a tax-exempt basis. The Fire Department's conduct of the required public hearing is approved.

2. Nothing contained or set out herein should be construed as obligating the County in any manner as a guarantor of any indebtedness whatsoever.

3. The County is not obligated nor legally or equitably responsible for the payment of or the security of any debt incurred by the Fire Department, nor does the County pledge any of its full faith and credit nor does it in any manner make this resolution to induce any party to lend monies or otherwise finance the Fire Department.

### **Workforce Development Board Annual Report**

David Jarrell, Workforce Development Board member, distributed and reviewed the 6/1/2000-6/30/2001 Annual Report of the Regional Partnership Local Area, highlighting Randolph County's JobLink Career Center and stated that this agency is providing a great service to Randolph County's citizens. He then showed a 6-minute video about the benefits of the JobLink Center.

### **Criminal Justice Partnership Program Application for Continuation of Implementation Funding**

Pam Hill, Day Reporting Center Director, asked the Board for their approval of the grant application and budget for submission to the State for continuation of implementation funding. She also said that all CJP Programs had been cut by 9%, thereby putting two of our staff positions in jeopardy. She further stated that she hopes to get some of the reallocated funds from the State.

*On motion of Davis, seconded by Mason, the Board voted unanimously to approve the application and budget as presented for the Criminal Justice Partnership Program for FY 2002-03.*

### **Appointment of County Commissioner to PART**

Vice Chairman Darrell Frye told the Board that he had been appointed Chairman of the High Point Urban Area Transportation Advisory Committee, which gives him an automatic seat on the PART (Piedmont Authority for Regional Transportation) Board. This means that Randolph County gets another seat on the PART Board.

*On motion of Frye, seconded by Holmes, the Board unanimously appointed Robert Davis to the PART Board for the remainder of the year 2002.*

### **Set Special Meeting Date**

The Board set March 18, 6:30 p.m. as the date and time for a special work session to discuss performance measurement, the FY-2002-03 Budget and an offer to lease the old Guil-Rand Fire Department Building to the County.

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*Robbie Mason left the meeting at this point and did not return.*

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### **Update on Status of FY 2001-02 Budget**

County Manager Frank Willis gave the Board an update on the status of the FY 2001-02 Budget since Governor Easley has decided to withhold our reimbursables again this fiscal year. He stated that he has worked with department heads in identifying funds that have been set aside and moved into special accounts that we have named "The Easley Accounts" that the departments cannot spend this year. Various techniques were used to make up the deficit in our lost revenues, such as postponing capital outlay projects and needed repairs and not funding vacant positions.

Chairman Kemp commended the department heads on their willingness to work with the County Manager regarding their budgets.

**Resolution Requesting the Governor to Remit Obligated Funds to Cities and Counties**

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

**WHEREAS**, North Carolina cities and counties have a tradition of promoting the highest ideals of good government and accountability to the citizens of this state; and

**WHEREAS**, fiscal responsibility is consistently demonstrated by each unit of local government developing and adhering to a budget balanced between revenues and expenditures for the services demanded by the public; and

**WHEREAS**, a major revenue source used to maintain these balanced budgets has been the reimbursement of revenues lost due to actions of the North Carolina General Assembly that have consistently eroded the tax bases of these local governments; and

**WHEREAS**, the Governor of the State of North Carolina has acted to deprive the cities and counties of North Carolina of rightfully obligated revenue from the inventory tax reimbursement as well as other revenue sources, thus penalizing local governments for the State's fiscal problems;

**THEREFORE, BE IT RESOLVED** by the Randolph County Board of Commissioners that we respectfully request that the Governor of North Carolina, Michael F. Easley, immediately release any and all funds previously obligated to North Carolina's cities and counties and pledge never again to act to deprive the citizens of this state of the local governments' services or to promote higher property taxes. This action will restore balance to the state and local partnership that has served the citizens of North Carolina for the past 225 years and restore the faith of city and county officials, as well as our citizens, in the Governor and the North Carolina General Assembly.

**Budget Amendment – Library**

*On motion of Holmes, seconded by Frye, the Board voted unanimously to approve Budget Amendment #29 as follows to reflect an e-rate check received by the library.*

<b>GENERAL FUND - #29</b>	
<b>Revenue</b>	<b>Increase</b>
Miscellaneous	\$5,431
<b>Appropriation</b>	<b>Increase</b>
Public Library	\$5,431

**Budget Amendment – Day Reporting Center**

*On motion of Holmes, seconded by Davis, the Board voted unanimously to approve Budget Amendment #30 as follows to reflect federal funds to be used for additional substance abuse counseling, transportation, food, automotive supplies, uniforms and to purchase a van for the Juvenile Day and Juvenile Expanded Day programs at the Day Reporting Center. Randolph County will use Juvenile Justice funds to provide the 25% match required by the Governor's Crime Commission.*

<b>GENERAL FUND - #30</b>	
<b>Revenue</b>	<b>Increase</b>
Restricted Intergovernmental	\$51,068
<b>Appropriation</b>	<b>Increase</b>
Day Reporting Center	\$51,068

**Budget Amendment – 4H After School (Cooperative Extension)**

*On motion of Davis, seconded by Frye, the Board voted unanimously to approve Budget Amendment #31 as follows to reflect \$4,000 received from the Asheboro Housing Authority to provide a 4H after school adventure program.*

<b>GENERAL FUND - #29</b>	
<b>Revenue</b>	<b>Increase</b>
Miscellaneous	\$4,000
<b>Appropriation</b>	<b>Increase</b>
Cooperative Extension	\$4,000

### **Closed Session for Economic Development**

*On motion of Frye, seconded by Davis, the Board unanimously voted at 6:00 p.m. to go into closed session to discuss matters relating to the location or expansion of business in the area served by the Board of County Commissioners, pursuant to N.C.G.S. 143-318.11(a)(4). They returned to regular session at 6:30 p.m.*

### **Rezoning Public Hearing**

The Board adjourned at 6:30 p.m. to a duly advertised public hearing to consider rezoning requests. Hal Johnson, Planning Director, presented the following requests and Chairman Kemp opened the public hearing for comments on each request and closed it before voting on each request.

1. JOYCE LAMB & ANGELENE KAYLOR, Franklinville, North Carolina, are requesting that 10.00 acres (out of 43.61 acres) located on Foushee Road, Columbia Township, be rezoned from Residential Agricultural to Highway Commercial/Conditional Use. The proposed Conditional Use Zoning would specifically allow the operation of a restaurant in a 45' x 70' proposed building. The property owners are Y2K, LLC. The Planning Board recommended unanimously that this request be approved with the following conditions:

- \* no tractor trailer traffic;
- \* landscaping plans approved by Planning Staff; and
- \* site plan and facility plans as presented.

**Debbie Craven**, realtor with Coldwell Banker, 230 E. Salisbury Street, Asheboro, said she is working with the applicants on this project. She said that with 20,000 cars per day traveling on Highway 64, a 90-bed nursing home opening in Ramseur, and with other growth in Ramseur, this location is ideal for a restaurant. The proposed site is only 1500 feet from Ramseur's water and sewer, and perking is good, as well.

**Angel Kaylor**, applicant, said she wants to have a restaurant in which customers are treated the way she would like to be treated, like going to their mother's or grandmother's house to eat. She distributed a handout of information on the restaurant.

**Raymond Swaim**, 5705 Foushee Road, opposed the placement of a restaurant on Foushee Road because of the traffic already on this road and because he is afraid that additional development will occur on that tract of land.

*On motion of Frye, seconded by Davis, the Board unanimously approved this request.*

2. LESTER DAVIS, Sophia, North Carolina, is requesting that 23.56 acres located on Spencer Road, New Market Township, Randleman Lake Watershed, be rezoned from Residential Agricultural to Residential Exclusive/Conditional Use. The proposed Conditional Use Zoning would specifically allow a 2-lot addition to Spencer Lake Downs, for a total of 12 lots, for site-built homes only with an 1,800 sq. ft. minimum. The Planning Board recommended unanimously that this request be approved.

No one spoke concerning this request.

*On motion of Frye, seconded by Holmes, the Board unanimously approved this request.*

3. DONALD & CHERYL LANIER, Asheboro, North Carolina, are requesting that 38.27 acres located on Soapstone Mountain Road, Columbia Township, Sandy Creek Watershed, be rezoned from Residential Agricultural to Residential Exclusive/Conditional Use and Residential Restricted/Conditional Use. The proposed Conditional Use Zoning would specifically allow a 16-lot subdivision with 12 lots (totaling

30.06 acres) to be zoned Residential Exclusive/Conditional Use to allow site-built and conventional modular (off-frame) homes only and 4 lots (totaling 8.21 acres) to be zoned Residential Restricted/Conditional Use to allow site-built, modular or double-wide mobile homes on permanent masonry foundations. The Planning Board recommended unanimously that this request be approved.

Hal Johnson noted that this request came before the County Commissioners in January with 23 lots planned—17 for site-built and 6 for doublewides. The site plan has been redesigned so that the number of lots is now 16 and the average lot size is now 2.3 acres instead of 1.6.

*On motion of Davis, seconded by Holmes, the Board unanimously voted to accept for review this request of Donald and Cheryl Lanier, based on the substantial reduction (30%) in the number of lots.*

**Donald Lanier**, 2615 Tot Hill Farm Road, Asheboro, said he wants to keep the houses 100’ back from the road. He will be responsible for wells, septic tanks, and underskirting. He said he had deeded away the lot with the cemetery; he has recorded restrictive covenants; and he is giving a 30’ access to property behind the proposed development, which would restrict development back there to two houses, not a subdivision.

**Hazel Kimrey**, 6844 Sandy Creek Church Road, said she wants to preserve their rural way of life and asked Commissioners to require at least 5-acre lots with play areas and walking trails. She asked why they need more houses in that area when 25 in a 5-mile radius are for sale.

**Ted Fulk**, 2151 Soapstone Mountain Road, said the developer could still make a profit with larger lots; a developer coming into a neighborhood should be sensitive to what is already there. He and his neighbors don’t want a mobile home development there.

**Kevin Williams**, 6397 Whites Chapel Road, said there is too much development and traffic in this area now. He moved to the country, but it feels like the city now. He questioned whether the water table could handle the additional wells.

**Leslie Thompson**, 2050 Soapstone Mountain Road, said she was not speaking for or against this request but commended Mr. Lanier for his efforts to compromise with the neighbors.

**Jack Barker**, 2153 Soapstone Mountain Road, said he is concerned about water and sewer.

*On motion of Holmes, seconded by Davis, the Board voted 3 to 1 to approve this request, with the condition that a buffer be planted adjacent to Soapstone Mountain Road, 20’ in width, for lots 1, 8, 9, and 4-7 in Phase 1, with the standard to be set with the Planning Department. Commissioner Frye opposed this motion.*

The meeting adjourned at 8:10 p.m.

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Phil Kemp, Chairman

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Darrell L. Frye

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J. Harold Holmes

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Robert B. Davis

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Robert O. Mason

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Cheryl A. Ivey, Deputy Clerk to the Board