

May 6, 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, Davis, Holmes, and Mason were present. Rev. Curran Welch, Bethany United Methodist Church of Franklinville, gave the invocation, and everyone recited the Pledge of Allegiance.

Addition to the Agenda

Chairman Kemp announced the addition of two agenda items: a resolution requesting that local government revenue sources be made secure and a library budget amendment.

Consent Agenda

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

- *approve regular meeting minutes for April 1, 2002 and special meeting minutes for April 1, 2002;*
- *approve the following resolution:*
 - WHEREAS, the Department of Transportation has investigated Willow Downs Court in Willow Downs 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 Willow Downs Court in Willow Downs Subdivision be added to the Division of Highways' Secondary Road System.*

Public Hearing - D.O.T. Secondary Road Improvement Program; Approval of Resolution

Jeff Picklesimer, D.O.T. District Engineer, presented the 2002-2003 Secondary Roads Improvement Program and reviewed the expected allocations listed in the resolution that follows.

Chairman Kemp opened the public hearing at 4:15 p.m. No one spoke concerning the secondary road improvement program. **Bonnie Renfro** of Randolph County Economic Development Corporation said that the D.O.T. employees are wonderful allies for EDC and that they have been a big help to her when working on economic development projects. Chairman Kemp closed the public hearing.

On motion of Frye, seconded by Davis, the Board voted unanimously to adopt the following resolution approving the 2002-2003 Secondary Roads Improvement Program as presented:

WHEREAS, the North Carolina Department of Transportation anticipates July 2002 an allocation of \$2,014,029 and remaining funds of \$0 from the previous Secondary Construction Program, a total of \$2,014,029 for secondary road improvements in Randolph County for the forthcoming fiscal year. A public meeting was held on May 6, 2002 in the Randolph County Commissioners Meeting Room on the expenditures of said funds:

WHEREAS, it is proposed to utilize approximately \$1,656,500 to construct roads down the priority list as far as possible, provided rights of way are available:

PROGRAM SUBJECT TO AVAILABILITY OF FUNDING, RIGHT-OF-WAY, AND ENVIRONMENTAL REVIEW

<u>Priority No.</u>	<u>SR No.</u>	<u>Road Name</u>	<u>From</u>	<u>To</u>	<u>Miles</u>	<u>Description</u>	<u>Cost</u>
13 Rural	2241	Red Lane Rd	SR 2106	D.E.	0.40	B,P	\$54,000
15 Rural	2638	Royal Ridge Rd	SR 2662	D.E.	0.70	G,D,B,P,EC	\$154,000
17 Rural	2542	Cook-Collier Rd	SR1006	D.E.	0.50	B,P	\$67,500
21 Rural	2636	Manor Rock Rd	SR 2634	End Pvt.	1.40	G,D,B,P,EC	\$308,000
22 Rural	2903D	Osborn Mill Rd	End Pvt.	SR 2911	1.25	G,D,B,P,EC	\$275,000
23 Rural	2882	Carl Cox Rd	SR 2876	NC22/42	1.40	G,D,B,P,EC	\$308,000
24 Rural	2871	Maness Rd	SR 1002	SR 1003	1.30	B,P	\$175,500
25 Rural	1118A	Bethel Lucas Rd	NC 134	SR 1121	1.00	G,D,B,P,EC	\$220,000
26 Rural	2543	Shady Hollow Rd	SR 2459	D.E.	0.70	B,P	\$94,500

WHEREAS, it is proposed to retain \$224,858 of the total allocation for spot stabilization, paved road improvements, replace small bridges with pipe, or safety projects;

WHEREAS, it is proposed to retain \$132,671 of the total allocation for road additions, property owner participation paving, volunteer fire departments, rescue squad driveways, old subdivision improvement program, overruns, county surveys, and right-of-way acquisition;

WHEREAS, the North Carolina Department of Transportation anticipates July 2002 an allocation of \$1,668,265 and remaining funds of \$0 from the North Carolina Highway Trust Fund, a total of \$1,668,265 for Secondary Road Improvements in Randolph County for the forthcoming fiscal year. A public meeting was held on May 6, 2002 in the Randolph County Office Building on the expenditures of said funds;

WHEREAS, it is proposed to utilize approximately \$1,408,000 to construct roads down the priority list as far as possible, provided rights-of-way are available:

<u>Priority No.</u>	<u>SR No.</u>	<u>Road Name</u>	<u>From</u>	<u>To</u>	<u>Miles</u>	<u>Description</u>	<u>Cost</u>
12 Rural	2853	Ridge Rd	End Pvt.	SR 2843	1.00	G,D,B,P,EC	\$220,000
14 Rural	2881	Jimmy Cox Rd	22/42	SR 2876	1.50	G,D,B,P,EC	\$330,000
18 Rural	2896A	Picketts Mill Rd	SR 1002	SR2898	0.90	G,D,B,P,EC	\$198,000
20 Rural	2440	Brower Meadow Rd	SR 2459	SR2261	1.80	G,D,B,P,EC	\$396,000
27 Rural	2662B	Willie Wright Rd	SR 2634	SR 2639	1.20	G,D,B,P,EC	\$264,000

WHEREAS, it is proposed to retain \$230,169 of the total allocation for spot stabilization, paved road improvements, replace small bridges with pipe, or safety projects;

WHEREAS, it is proposed to retain \$30,096 of the total allocation for property-owner participation paving and overruns.

BE IT RESOLVED that all of the above be carried out by the Department of Transportation.

Study Committee for Use of Old Courthouse

Richard Wells, Library Director, presented a list of volunteers representing every area of the county, who have agreed to serve on the Randolph County Historic Courthouse Committee. The proposed committee is as follows: Richard Wells, Randolph County Public Library, Chairman; Benjamin Briggs, Randolph Community College; Patty Brown and David Townsend, III, Randolph County Public Works Department; Robert Cross, Randolph County Maintenance Department; Warren Dixon, Liberty Public Library Board of Trustees; Joe Hardin, Ramseur Public Library Board of Trustees; Bill Ivey, NC Pottery Center Board; Hal Johnson, Randolph County Planning & Zoning; Reynolds Neely, Asheboro Planning & Zoning; Eleanor Pugh, Randleman Public Library Board of Trustees; Phillip Shore, Randolph Arts Guild; Cheryl Smith, Seagrove Public Library; Dean Spinks, Trinity Architect; Bertha Stone, Mayor of Archdale; Joan Wall, City of Randleman; Mac Whatley, Mayor of Franklinville; Camilla White, Randolph County Historical Society; Ex-Officio: Harold Brubaker, NC House of Representatives; Phil Kemp, Chairman, Randolph County Board of Commissioners.

On motion of Davis, seconded by Holmes, the Board unanimously appointed all committee members as proposed by Mr. Wells.

Budget Amendment – Library

On motion of Davis, seconded by Mason, the Board unanimously approved the following Budget Amendment #35, which reflects an e-rate refund to the public library, to be used for automation operations:

GENERAL FUND - #35	
Revenue	Increase
Miscellaneous	\$6,582
Appropriation	Increase
Public Library	\$6,582

Budget Amendment – Library

On motion of Davis, seconded by Mason, the Board unanimously approved the following Budget Amendment #36, which reflects an e-rate refund to the public library, to be used for automation operations:

GENERAL FUND - #36	
Revenue	Increase
Miscellaneous	\$2,377
Appropriation	Increase
Public Library	\$2,377

Centralized Permitting Ordinance Amendment

Hal Johnson, Planning Director, said that it had been eleven years since Randolph County had established centralized permitting. Since then, staff from over thirty counties have come to our offices to see how our program operates, hoping to establish such a program in their counties. Mr. Johnson then outlined two minor proposed changes to the Centralized Permitting Ordinance. In order to accommodate contractors who do not want to come to our office each time they apply for a permit, a prepayment system has been established that they can draw upon. They will deposit a certain amount of money with the County, and a new software package will facilitate the tracking of these escrow amounts. **Article C, Section 3** includes new language to say, “Contractors may elect to prepay before the actual issuance of permits. Procedures for the prepayment system will be determined by the Building Codes Administrator.” Language from that section that refers to the fee schedule as part of this ordinance, by removing the words, “and hereinafter provided.”

Mr. Johnson also said that we need the capability to make changes to centralized permitting fees from time to time without having to amend the ordinance. To do so, **Article D, Section 6** must be changed to separate the fee schedule from the ordinance. We have deleted the words, “a schedule of which is attached as part of this ordinance.” We have added the words, “A copy of the current Central Permit Program Fee Schedule is attached to this ordinance. Said schedule is a separate document, and modification of said schedule by the Board of Commissioners does not constitute an amendment to this ordinance.”

On motion of Mason, seconded by Frye, the Board unanimously amended the Centralized Permitting Ordinance as proposed.

Proposed Changes to Building Permit Fee Schedule

Paxton Arthurs, Building Inspection Supervisor, explained some minor modifications he is proposing to the building permit fee schedule to correct and clarify the current fee schedule, not to raise any additional revenue. The proposed changes are (1) List a minimum charge of \$25 under each trade. Currently a minor plumbing and heating permit costs as much as a permit for a new house. (2) Add additional charges for large residential permits. (3) Remove residential demolition permit from “Other Fees.” We require demolition permits for commercial projects only. (4) Remove certificate of occupancy with change of use from “Other Fees.” A standard building permit for these projects is issued.

On motion of Davis, seconded by Frye, the Board unanimously approved these proposed changes to the building permit fee schedule.

Proposed Changes to Fees in Health Department

MiMi Cooper, Health Director, and Mike Walker, Environmental Health Supervisor, asked the Board to approve the increase in environmental health fees and clinical fees as approved by the Board of Health on April 17, 2002. It is estimated that these increased fees will generate an additional \$125,000 for environmental health fees and an additional \$12,956 for clinical services in FY 2002-2003. These increases were recommended by staff due to an increase in cost of services, higher fees in surrounding counties, and a need to equitably distribute the costs to the users. Ms. Cooper stated that staff had done a

52-county survey to see what other counties are charging. They did a comparison with seven of these counties that are comparable to Randolph in size and population.

Ms. Cooper presented the following proposed fee schedule for Environmental Fees:

- New wastewater permits, \$200 (Proposed increase of \$100)
Type III and IV Systems, additional \$100 (No proposed increase)
Type V and VI Systems, additional \$500 (Proposed increase of \$300)
- Expansion Permits, \$100 (Proposed increase of \$50)
Type III and IV Systems, additional \$100 (Proposed increase of \$50)
Type V and VI Systems, additional \$500 (Proposed increase of \$250)
- Inspection for Connection to Existing System, \$50 (Proposed increase of \$25)
- Consultative Visits, \$100, (Proposed increase of \$50)
- Well permits, \$100 (Proposed increase of \$15)
- Existing Well Inspections, \$50 (Proposed increase of \$25)
- Water Samples, \$20 (No proposed increase)

On motion of Frye, seconded by Holmes, the Board voted unanimously to postpone the decision to adopt the proposed environmental health fees for one month and directed the Health Director to have the Board of Health review the fees further and to compare Randolph County’s fees with the fees of our contiguous counties and to especially study the intense wastewater systems costs that appear to be driving the overall fee increases.

Ms. Cooper also presented proposed increases in certain clinical fees, as follows:

- Increase the cost of Cholesterol testing from \$5.00 to \$10.00. In FY 00 – 01, five hundred eighty eight of these tests were performed.
- Propose a fee of \$5.00 for Blood Glucose testing. There is currently no charge to the clients. Six hundred thirty nine of these tests were performed in FY 00 – 01.
- Propose a fee of \$5.00 for Hemoglobin testing. This test is also currently done free of charge for the clients. Five hundred ninety of these tests were performed in FY 00 – 01.
- Increase the cost of testing for tuberculosis from \$4.00 to \$5.00. This would apply to persons requesting testing for pre- employment or school enrollment. One thousand six hundred twelve TB skin tests were done in FY 00 – 01. Approximately 5% of these were for contacts to cases or clients with high risk factors. All screening of suspected cases of TB or contacts to cases would continue to be free.
- Charge a \$10.00 administration fee for Hepatitis B injections given with privately purchased vaccine. We have not previously charged an administration fee. Two hundred thirty four of these injections were administered in FY 00 – 01.

On motion of Holmes, seconded by Davis, the Board unanimously approved the requested clinical fees.

Budget Amendment – Health

On motion of Frye, seconded by Holmes, the Board unanimously approved Budget Amendment #37 to reflect additional funding for the WIC program, as follows:

GENERAL FUND - #37	
Revenue	Increase
<i>Restricted Intergovernmental</i>	\$25,026
Appropriation	Increase
<i>Public Health</i>	\$25,026

Resolution Concerning Hazard Mitigation Planning Grant

Neil Allen, Emergency Services Director, reported that Senate Bill 300, passed in 2001, requires that all local governments have an approved hazard mitigation plan in order to receive state or federal public assistance funds for state-declared disasters. The counties in this region have been approached by Piedmont Triad Council of Governments to write a hazard mitigation plan for us. A federally funded grant and a 25% in-kind match by the counties will fund the project. The grant requires the governing body to designate by resolution an agent to administer the grant funds.

On motion of Holmes, seconded by Davis, the Board unanimously approved the following resolution:

BE IT RESOLVED by the Board of Commissioners of Randolph County that William F. Willis, County Manager, is hereby authorized to execute for and in behalf of Randolph County, a public entity established under the laws of the State of North Carolina, this application and to file it in the appropriate State office for the purpose of obtaining certain Federal financial assistance under the Disaster Relief Act (Public Law 288, 93rd Congress) or otherwise available from the President Disaster Relief Fund.

BE IT FURTHER RESOLVED that Randolph County, a public entity established under the laws of the State of North Carolina, hereby authorizes its agent to provide to the State and to the Federal Emergency Management Agency (FEMA) for all matters pertaining to such Federal disaster assistance the assurance and agreements printed on the reverse side hereof.

Resolution Transferring Property to Piedmont Triad Regional Water Authority

Aimee Scotton, Staff Attorney, reported that in 1997 the Piedmont Triad Regional Water Authority (PTRWA) purchased property totaling approximately 5 acres from Adam Beck, but a small portion of Mr. Beck's property was inadvertently left out of the legal description on the deed to the Authority. This property, consisting of .40 acre, is landlocked and surrounded by property owned by the Authority and others. Rather than continue any further with the Authority, Mr. Beck simply deeded this parcel to Randolph County. PTRWA is asking that the County transfer this .40-acre parcel to them. Pursuant to NCGS 160A-274(b), the County is legally authorized to give real property to PTRWA if it sees fit to do so.

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

WHEREAS, Randolph County has in its possession a .40-acre tract of land (Parcel Identification Number 7755196501) located near Commonwealth Road and surrounded by properties owned by the Piedmont Triad Regional Water Authority, Dick Broadcasting Company, and Buttke Dairy; and

WHEREAS, this property was originally part of a larger 5-acre tract that was deeded to the Piedmont Triad Regional Water Authority in 1997 by Adam Beck; and

WHEREAS, this property was deeded to the County by Mr. Beck free of charge by deed duly recorded in Deed Book 1514, Page 545, Randolph County Registry; and

WHEREAS, this property is landlocked and is of no use to the County; and

WHEREAS, the Piedmont Triad Regional Water Authority has requested that ownership of this property be transferred from Randolph County to the Piedmont Triad Water Authority for use in their buffer area; and

WHEREAS, North Carolina General Statute § 160A-274(b) authorizes the County to make such a transfer with or without consideration;

NOW, THEREFORE, BE IT RESOLVED by the Randolph County Board of Commissioners that the ownership of that parcel of property (PIN # 7755196501) be transferred to the Piedmont Triad Regional Water Authority and that the Chairman of the Board of Commissioners be authorized to sign the deed evidencing said transfer.

Budget Amendment – Cooperative Extension

On motion of Davis, seconded by Holmes, the Board unanimously approved Budget Amendment #38 to reflect a \$3,000 grant from United Way for Cooperative Extension's 4-H program, as follows:

GENERAL FUND - #38	
Revenue	Increase
<i>Miscellaneous</i>	<i>\$3,000</i>
Appropriation	Increase
<i>Cooperative Extension</i>	<i>\$3,000</i>

Public Hearing – Zoning Ordinance Amendment

At 6:00 p.m. Chairman Kemp opened a duly advertised public hearing to consider a zoning ordinance amendment concerning adult entertainment establishments.

Hal Johnson, Planning Director, stated that his department had received inquiries from individuals desiring to locate adult entertainment establishments in Randolph County. Our current zoning regulations do not specifically address adult entertainment establishments. Federal court decisions have maintained that a local government cannot totally ban otherwise legally operating adult entertainment establishments. However, a local government can establish regulations intending to insure that the adverse effects created by adult entertainment establishments are minimized and controlled. Mr. Johnson presented a proposed amendment to the Randolph County Zoning Ordinance that would create a Special Entertainment Overlay Zoning District. This overlay district could be considered only for property that is zoned Highway Commercial. The proposed amendment would restrict the proximity of adult entertainment establishments to schools, churches, daycare centers, youth camps, community centers, recreational/civic centers, hospitals, other adult entertainment establishments, and any portion of a lot that is zoned residential. There would also be a 1500-foot minimum setback requirement. The amendment would also establish a one-year period for any existing legally operating adult entertainment establishment classified as a “non-conforming use” to cease operations. The Planning Board has reviewed the proposed amendment and recommended unanimously that it be approved.

Chairman Kemp opened the floor for public comments. No one spoke. Chairman Kemp closed the public hearing.

On motion of Frye, seconded by Holmes, the Board unanimously approved the proposed amendment (ATTACHED) to the Randolph County Zoning Ordinance as proposed.

Closed Session – Economic Development

On motion of Frye, seconded by Davis, the Board voted at 6:15 p.m. to go into closed session to discuss matters relating to the location or expansion of business in the area served by this governing body, pursuant to NCGS 143.318-11(a)(4). They returned to regular session at 6:35 p.m.

Public Hearing – Rezoning

At 6:40 p.m. the Board adjourned 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. LARRY WELCH, Archdale, North Carolina, is requesting that 9.50 acres located on Cedar Square Road, New Market Township, Randleman Lake Watershed, be rezoned from Residential Agricultural to Rural Business Overlay/Conditional Use. The proposed Conditional Use Zoning District would specifically allow an indoor riding academy in a 23,000-sq.-ft. building to be constructed on site with additional barns. The Planning Board recommended unanimously that this request be approved as consistent with the Growth Management Plan.

Dominique Morlando of 4420 Garden Club Street, High Point, contractor for the applicant,

spoke in support of the request.

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

2. PEGGY MORPHIS, Seagrove, North Carolina, is requesting that 18.07 acres located on Erect Road, Brower Township, be rezoned from Residential Restricted to Residential Agricultural/Conditional Use. The proposed Conditional Use Zoning District would specifically allow the placement of a singlewide mobile home on the property. Property Owner: Rilla Kiser Hussey. The Planning Board recommended unanimously that this request be approved as consistent with the Growth Management Plan.

Eddie Morphis, 485 Chrisco Road, Seagrove, spoke in support of the request.

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

3. GARY WHITE, Archdale, North Carolina, is requesting that 148.80 acres located on Racine Road, Providence Township, Polecat Creek Watershed, be rezoned from Residential Agricultural to Residential Exclusive Rural Lot Subdivision. The proposed zoning district would specifically allow a 43-lot subdivision for site-built homes only with a minimum house size of 1,600 sq. ft. The Planning Board recommended unanimously that this request be approved as consistent with the Growth Management Plan.

Reece White, 5663 Trotter Country Road, Archdale, spoke in support of the request.

Robert Reynolds, 2219 Providence Church Road, said that the new 100' well setback rule was good but then asked the Board if they were aware of a State regulation imposed on farmers regarding a 200' setback requirement for animal waste application near new houses. He also questioned the impact analysis study regarding schools. He believes that this subdivision would have a greater impact on area schools than the study indicated.

Mr. Johnson stated that he had been advised by our local Cooperative Extension office that the 200' setback issue is voluntary and not mandated by State law. The Board directed Alan Pugh, County Attorney, to research this setback issue to make sure our zoning ordinance was adequate.

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

Report on Junked Vehicle Problem in Municipalities' Extraterritorial Zoning Jurisdiction

County Attorney Alan Pugh reminded the Board that Chairman Kemp had brought a problem to the attention of the Board at their last meeting. He had been contacted by representatives of the City of Asheboro and the Town of Liberty regarding junked vehicles in their extra-territorial zoning jurisdiction (ETJ). Because the County's prohibition against junked vehicles is contained in the Unified Development Ordinance, it can only be enforced in the County's zoning jurisdiction. The cities have junked vehicle ordinances that can only be enforced within their city limits, creating a gap in enforcement in the municipalities' ETJs. At that meeting, the Board of Commissioners directed the County Attorney and the Staff Attorney to investigate the options available to solve this problem.

Mr. Pugh reported that a meeting was held on May 1, 2002 to discuss the problem. In addition to Mr. Pugh and Staff Attorney Aimee Scotton, the following people were present at this meeting: Hal Johnson and Jay Dale (Randolph County Planning and Zoning); John Ogburn and Reynolds Neely (representing the City of Asheboro); Chad Howell and Bill Flowe (representing the Town of Liberty); and Bob Wilhoit (Attorney for Randleman, Trinity, Ramseur, and Seagrove). At this meeting, it was decided that the County would adopt a junked vehicle ordinance that would apply only to the ETJs of the various municipalities and that would incorporate by reference, the junked vehicle ordinance of each

municipality, making it applicable to that municipality's ETJ. The County will then enter into interlocal agreements with each municipality whereby the municipality will take on the responsibility for enforcing this ordinance in its ETJ. The County legal staff is working on drafting the ordinance, while the staff attorney for the City of Asheboro will draft the interlocal agreements. Because the County and the various municipalities are struggling with budget concerns at this time, this will not come back to the Board until July or August.

2002-03 Budget Schedule

On motion of Frye, seconded by Davis, the Board unanimously adopted the schedule for all their budget sessions (June 4, 10, 17, and 24), including a public hearing on the budget at 7:00 p.m. on June 17.

Resolution Requesting That Local Government Revenue Sources Be Made Secure

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

***WHEREAS**, Randolph County is required by North Carolina law to operate and maintain a balanced budget and comply with the provisions of the Local Government Budget and Fiscal Control Act; and*

***WHEREAS**, Randolph County is required to maintain a sufficient fund balance to operate in a fiscally sound manner and to have adequate reserves in case of emergencies; and*

***WHEREAS**, the Randolph County Board of Commissioners have a responsibility to provide for the health, safety and well being of the citizens of this community by providing necessary services; and*

***WHEREAS**, the ability of county governments to borrow for capital infrastructure needs is dependent on reliable revenue sources for repayment; and*

***WHEREAS**, adequate revenues are required to carry out the above-mentioned responsibilities.*

***NOW, THEREFORE BE IT RESOLVED** that the Randolph County Board of Commissioners respectfully requests that the General Assembly enact legislation that will secure the local government revenue sources and ensure that these revenues are distributed to local governments on a timely basis as set forth by the state's General Statutes.*

Chairman Kemp directed the deputy clerk to set up a meeting with our legislative delegation to express our concerns about the money that the State is withholding and how this loss of funding will affect the citizens of Randolph County.

Adjournment

The meeting adjourned at 7:55 p.m.

Phil Kemp, Chairman

Darrell L. Frye

J. Harold Holmes

Robert B. Davis

Robert O. Mason

Cheryl A. Ivey, Clerk to the Board