

January 6, 2003

The Randolph County Board of Commissioners met in regular session at 4:00 p.m. in the Commissioners Meeting Room, County Office Building, 725 McDowell Road, Asheboro, NC. Commissioners Kemp, Davis, Mason, Holmes, and Frye were present. Rev. Ben Chavis, Tax Supervisor, gave the invocation, and everyone recited the Pledge of Allegiance.

Addition to Agenda

Chairman Kemp announced that Item I. Consideration of Resolution to Join Lawsuit to Recover Reimbursement and Receipt of Revenues Due to Randolph County had been added to the new business section of the agenda.

Consent Agenda

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

- *approve regular meeting minutes and closed session minutes of December 2, 2002;*
- *approve 2 D.O.T. resolutions adding access road to Liberty Business Park, and Woodale Court and Woodale Forest Lane to the State system of roads, as follows:*

WHEREAS, the Department of Transportation has investigated an access road to Liberty Business Park that intersects SR 1006 approximately 200' North of SR 2463; 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 an access road to Liberty Business Park that intersects SR 1006 approximately 200' North of SR 2463 be added to the Division of Highways' Secondary Road System.

and;

WHEREAS, the Department of Transportation has investigated Woodale Court and Woodale Forest in the Woodale Place Subdivision; and

WHEREAS, the subject streets have been found to meet minimum requirements for addition.

NOW, THEREFORE, BE IT RESOLVED by the Randolph County Board of Commissioners that Woodale Court and Woodale Forest in the Woodale Place Subdivision be added to the Division of Highways' Secondary Road System;

- *reappoint Ernest Confer as an outside member of the Asheboro Planning Board (3-yr. term);*
- *reappoint Charles Teague to the Randolph County Fire Commission (2-yr. term);*
- *reappoint Beth Moran to the Adult Care Home Advisory Committee (3-yr. term).*

Randolph County Economic Development Corporation Annual Report

Bonnie Renfro, President of the EDC, reviewed 2002's economic picture for Randolph County. She pointed out that the slowdown in the economy, both locally and nationally, resulted in a high unemployment rate that peaked at 7.6% and is now 5.6%. On the other hand, more than \$33 million in new industrial investment and the creation of 550 new jobs fueled the local economy. She mentioned that the EDC Board of Directors adopted a strategic plan, charting a course for future growth and prosperity. She discussed several projects including Thomas Built Buses, Unilever Bestfoods and Seagroves' acquisition of a new sewer system. Ms. Renfro introduced Melissa Foust, Randolph County EDC's Existing Industry Coordinator, who reported on existing industry in the County.

FY2001-2002 Independent Audit Report

Steve Hackett, CPA with the firm of Maxton McDowell CPA, presented and reviewed the Comprehensive Annual Financial Report for year ended June 30, 2002. He stated that the County is in good financial shape and pointed out that Randolph County has done an excellent job providing services to its citizens while still maintaining an excellent fund balance.

Consideration of Optional Retirement Program for Cooperative Extension Agents

Lynne Qualls, Cooperative Extension Director, told the Board that the General Assembly just approved statute changes that recognize eligible Extension agents as “field faculty” of North Carolina State University. This designation gives interested, eligible employees the opportunity to participate in an Optional Retirement Program (ORP), thus enabling agents to manage their retirement earnings through investing in a number of financial options with select providers. ORP, a “defined contribution plan,” accounts are portable and subject to a five-year vesting period. This portability will be viewed as a recruitment enticement.

To provide the ORP benefit in recognition of field faculty status requires a cost to the County. The state retirement plan (TSERS) employer matching rate has varied from 13% to the current 5% during recent years while ORP matching rates have held consistent over time. The current ORP retirement rate is 6.84% and the ORP Health/Disability rate is 2.87%. This would result in a 5% increase, from 4.89% to 9.71% or approximately \$1,200 per year for the one employee at the Randolph Extension office who is interested in this program at this time. Due to a recent retirement, the Cooperative Extension budget would allow this one employee to choose the ORP plan with no budget adjustments for this year. Since eligible employees would participate in only state benefits and plans, funds would be “master billed” by the state via a trust account from the County to NC State University.

On motion of Frye, seconded by Davis, the Board voted unanimously to approve a memorandum of agreement authorizing Cooperative Extension Agents the opportunity to participate in an Optional Retirement Program.

Designation of Applicant’s Agent for Disaster Relief from FEMA

Will Massie, Deputy Finance Officer, told the Board that due to the recent ice storm damage, Randolph County has been included in the President’s disaster declaration. Accordingly, the County will be able to apply for Federal Emergency Management Agency assistance to recover certain costs incurred in the cleanup. The County will also coordinate any request by a volunteer fire department that is eligible for funding. The County needs to authorize a primary and secondary agent to act on its behalf.

On motion of Holmes, seconded by Mason, the Board voted unanimously to adopt a resolution (ATTACHED) designating Neil Allen, Emergency Service Director, as the primary contact, and Will Massie as secondary agent to assist in the documentation necessary to substantiate any claims.

Budget Amendment – Historic Courthouse Advisory Committee

Richard Wells, Chairman of the Historic Courthouse Advisory Committee, told the Board that the committee met in August and November of 2002. The Committee’s first task has been securing the historic courthouse against possible long-term deterioration. The roof and exterior are already secure. However, the building should have a fire alarm system capable of contacting 911 in case of fire. An estimate of \$3,850 from D-Blaze has been obtained and has been approved by the Fire Marshal. In addition, the building should have a heat source to prevent deterioration from freezing temperatures. The boiler that was recently installed in the courthouse annex can be moved to the historic courthouse when the jail is demolished. A turnkey estimate of \$6,575 by Randolph Boiler and Mechanical, Inc. would provide a gas-fired boiler to heat the building. The committee requests that \$10,425 of fund balance be appropriated to the maintenance department in order to achieve these two objectives. The committee will continue to study the best uses of the courthouse that will benefit all of Randolph County’s citizens.

On motion of Holmes, seconded by Davis, the Board voted unanimously to approve Budget Amendment #18, as follows:

| General Fund - #18 | |
|---------------------------------------|-----------------|
| Revenue | Increase |
| <i>Fund Balance Appropriated</i> | \$ 10,425 |
| Appropriations | Increase |
| <i>Public Buildings – Maintenance</i> | \$ 10,425 |

Budget Amendment – Hazard Mitigation Grant

Neil Allen told the Board that according to Senate Bill 300 (an act to amend the laws regarding emergency management, as recommended by the legislative disaster response and recovery commission), Randolph County must have an approved hazard mitigation plan in order to receive state and federal emergency assistance funds. In Randolph County’s behalf, the Piedmont Triad Council of Governments (PTCOG) has applied for and received a grant from the N.C. Division of Emergency Management (NCDEM) for \$20,600 (\$600 for administration of grant) for Randolph County to develop a hazard mitigation plan. Upon approval of a letter of agreement, the designated PTCOG staff planner will work with a Randolph County planning committee to develop and complete a draft plan and then send the plan to the NCDEM for review and comments. The plan must be adopted by the County and participating municipalities by November 1, 2004. The Randolph County Hazard Mitigation Plan will include the municipalities of Archdale, Asheboro, Franklinville, Liberty, Ramseur, Randleman, Seagrove, Staley, and Trinity.

On motion of Frye, seconded by Mason, the Board voted unanimously to approve Budget Amendment #19 in the amount of \$20,600, as follows:

| General Fund - #19 | |
|-------------------------------------|-----------------|
| Revenue | Increase |
| <i>Restricted Intergovernmental</i> | \$ 20,600 |
| Appropriations | Increase |
| <i>Emergency Services</i> | \$ 20,600 |

Budget Amendment for Computer Systems Planning & Consulting Services

Annette Crotts, Computer Services Director, told the Board that Randolph County has been using the PICK operating system on our computers since January 1980. It has supported Tax, Planning & Zoning, Finance, Payroll, Personnel and the Animal Shelter. While this system has served us well, it is unique from industry standards and is becoming very difficult to support. In fact, hiring trained employees to support in-house programming has been impossible and training new employees adequately has taken as long as 2 years. The County is quickly reaching the point where the ongoing costs associated with PICK along with the lack of interface options with newer technology will require a conversion of all the above-mentioned applications. To move to another operating system will require massive rewrites of existing code or the purchasing of new applications. Due to the magnitude and potential cost of a project such as this, I am requesting that the County develop a Strategic Technology Plan that will allow us to analyze and plan over the next 3-5 years the steps needed.

Tom Foss is currently working for the Institute of Government’s Public Technology Center in Chapel Hill. His job is to help local governments identify, plan for, and implement technology and business solutions. Mr. Foss is available to help local governments develop plans for a standard fee of

\$12,000 plus travel. Ms. Crotts said that she can accommodate his travel expenses and \$2,000 of the fee via lapsed salary funds. She asked the Commissioners to provide the additional \$10,000 of the contract fee.

On motion of Davis, seconded by Frye, the Board voted unanimously to approve Budget Amendment #20, as follows:

| General Fund - #20 | |
|----------------------------------|-----------------|
| Revenues | Increase |
| <i>Fund Balance Appropriated</i> | <i>\$10,000</i> |
| Appropriations | Increase |
| <i>Computer Services</i> | <i>\$10,000</i> |

Financing for City Schools’ Acquisition of Property; Public Hearing; Adoption of Resolutions

Frank Willis told the Board that the Asheboro City Schools is interested in acquiring the Sir Robert Motel property which adjoins Asheboro High School for expansion purposes. Staff from the City Schools, their architect, and County staff have worked on an installment purchase project in order for the City Schools to be able to purchase this property. Several of these staff members attended a preliminary meeting at the Local Government Commission (LGC) in November. The authority for the County to make installment purchases is found in NCGS 160A-20 as amended by Chapter 708 of the 1989 Session Laws. As in any installment purchase contract, the title will rest with the County, which earns equity in the property with each payment that is made. At the end of the payment schedule, the property is owned “free and clear” by the County. In an installment purchase contract, the only security for repayment of the debt is the property itself. If the County defaults on payment of the debt, the bank may repossess the property, sell it, and apply the proceeds to the debt, but the bank cannot force the County to make any further payment or pay other damages. Another important feature of an installment purchase agreement is that the taxing power of the County is not in any way pledged, directly or indirectly, to secure any monies due to the bank.

Dr. Diane Frost, Asheboro City Schools Superintendent, addressed the Board and emphasized that Asheboro High School is extremely overcrowded. This property would provide both an immediate short-term and an eventual long-term solution to this overcrowding. She said that they plan to renovate the 2 closest buildings to the high school and demolish the center building, using this space for parking. At a special meeting held earlier in the day, the Asheboro City Board of Education awarded a bid to J. H. Allen for \$1,356,000 for this renovation pending approval from the County and the LGC. John Sinnett, Architect, presented drawings representing existing structures and future expansion.

Will Massie, Deputy Finance Officer, told the Board that the County will enter into an administrative agreement with the Asheboro City Board of Education that will allow them to proceed with the project in the same manner as if they owned the property. The County will also enter into a lease agreement with the Board of Education to enable them to use the property during the time payments are being made. At the completion of the financing period, the County will deed the property to the Asheboro City Board of Education.

Mr. Massie told the Board that the County solicited proposals from five area banks which expressed interest in this project. Four proposals were submitted. The selection was based substantially on a low total financing cost (including both interest cost and upfront fees and expenses), as well as

meeting the terms of the request for proposal. The primary terms outlined in the request for proposals were as follows:

- the desired amount of the financing is not to exceed \$3,000,000
- the desired term of the financing is 15 years
- installment payments are to be made semiannually in arrears
- prepayment should be available at any time without penalty

The LGC must approve the finance agreement before the purchase can occur. Because the City School Board desires to begin renovation by March 1, 2003, the County must submit an application to the LGC to be on the February 4, 2003 LGC meeting agenda. The following table summarizes the proposals for the project if fully funded at \$3,000,000:

| Institution | Interest Rates | Total Interest | Fees and Charges | Total Finance Costs |
|-----------------------|-----------------------|-----------------------|-------------------------|----------------------------|
| BB&T | 3.97% | \$ 1,010,209.50 | \$ 15,000.00 | \$ 1,025,209.50 |
| First National Bank | 4.23% | \$ 1,071,431.11 | \$ 5,500.00 | \$ 1,076,931.11 |
| Randolph Bank & Trust | 4.85% | \$ 1,257,102.90 | \$ 21,000.00 | \$ 1,278,102.90 |
| Wachovia | 3.97% | \$ 1,010,209.50 | \$ 7,250.00 | \$ 1,017,459.50 |

Both BB&T and Wachovia submitted the low interest rate of 3.97%. The fee for BB&T is one-half of one percent of the amount borrowed; their fee will be lower if we borrow less than the maximum amount. BB&T will pay for its own legal counsel and documentation costs out of this fee. Wachovia’s proposal does not establish a fee paid to them, but assigns to the County responsibility for all costs associated with the financing, including the bank’s legal costs (estimated at \$7,250).

It is important for the County to retain the ability to prepay the outstanding balance if it so desires. Whether for refinancing opportunities or future uses of the property, the County should be able to release the security lien if deemed necessary. BB&T would charge one-half of one percent as penalty, allowing prepayment at any time. Wachovia does not allow prepayment for ten years; thereafter, it may be repaid with a one percent penalty. This is a very restrictive provision, and limits the ability of the Board of Commissioners to adapt to future changes. Based on the total financing costs, the ability to prepare the documents necessary for the LGC’s approval of the financing agreement, and the terms offered compared to those requested, Mr. Massie recommended that the Commissioners approve the contract proposal by BB&T for the financing of the purchase and renovation of the property for the Asheboro City Schools.

Debt service on this installment purchase agreement can be funded without a tax increase. Amounts usually available from the State Public School Building Capital Fund can be used to make principal and interest payments; however, due to the State’s fiscal crisis, these monies may be an uncertain source for a couple of years. As a result, the City Schools have agreed that any additional amount needed for debt service on this project will come out of its annual \$250,000 allocation for construction capital.

Chairman Kemp opened the duly advertised public hearing.

Chris Yow, Chairman of the Asheboro City Board of Education, spoke in support of the installment purchase financing contract and thanked the Commissioners for their support.

David Jarrell, Mayor of the City of Asheboro, commended the City School Board for their foresight in this property acquisition and said that the City of Asheboro will assist in any way they can regarding enhancements to this property.

Chairman Kemp, who is a state certified appraiser, stated that he had reviewed the appraisal of the property and it appeared to be a very good appraisal. And, based on the appraisal, the agreed upon purchase price appears to be a good deal for the County.

Chairman Kemp closed the public hearing.

Aimee Scotton, Staff Attorney, told the Board that the next step in this process is to adopt a resolution approving the project, accepting assignment of the option to purchase the property, and the purchase of the property.

On motion of Holmes, seconded by Frye, the Board voted unanimously to adopt the following resolution:

WHEREAS, the Asheboro City Board of Education (hereinafter referred to as the "Board of Education") has determined the need to expand the Asheboro High School campus; and

WHEREAS, in furtherance of said expansion, the Board of Education has executed a Real Estate Purchase Agreement (hereinafter referred to as the "Option") for the purchase, if exercised, of that property more properly described in Exhibit A to this Resolution (hereinafter referred to as the "Property") for the sum of One Million One Hundred Thousand Dollars (\$1,100,000.00); and

WHEREAS, the renovations necessary to prepare the subject property for educational use are estimated at One Million Four Hundred Thousand Dollars (\$1,400,000.00); and

WHEREAS, the total cost of the project, including the land purchase, renovation, and architects' fees is estimated to total Two Million Six Hundred Fifty Thousand Dollars (\$2,650,000.00); and

WHEREAS, the County of Randolph (hereinafter the "County") could finance the purchase and renovation of this Property through a financing arrangement, contingent upon approval by the Local Government Commission pursuant to North Carolina General Statute 160A-20, provided that the County would own the Property during the life of said financing agreement; and

WHEREAS, the Board of Education has voted to assign the Option to purchase the Property to the County;

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

1. That the County agrees to accept the Assignment of the Option to purchase the Property.
2. That the County is authorized to secure financing for this project.
3. That the County shall, indeed, purchase the Property.
4. That, contemporaneous with the purchase of the Property, the County shall execute a Lease Agreement leasing the Property to the Board of Education for a nominal amount of money.
5. That, also contemporaneous with the purchase of the Property, the County shall execute an Administrative Agreement authorizing the Board of Education to arrange and oversee all aspects of the renovation of the Property for educational use.
6. That the County Attorney and County Staff Attorney are authorized to draft and/or negotiate the documents necessary to accomplish the purchase of the Property.
7. That the Chairman of the Board of Commissioners and/or the Randolph County Manager are authorized to execute all documents necessary to accomplish the purchase and renovation project as outlined in this Resolution.
8. That the financing, purchase, and renovation of the Property, as approved in this Resolution, is contingent upon approval by the Local Government Commission.

This the 6th day of January, 2003.

EXHIBIT A

The Property shall include a portion of a parcel of property in Asheboro Township, Randolph County, North Carolina, upon which Sir Robert Motel is located. Absent a current metes and bounds survey, the Parties agree that they may only describe the Property generally as follows: The Property is bounded by the northern right-of-way line of Dorsett Avenue, the eastern right-of-way line of South Church Street, the southern right-of-way line of West Walker Avenue and a yet undetermined line which will be located approximately ____ feet west of the existing western right-of-way line of the railroad track that abuts the balance of the Seller's motel property.

Mr. Massie told the Board that the next step was to award the financing contract based on rate, terms and fees.

On motion of Frye, seconded by Davis, the Board voted unanimously to award the contract for the financing of the purchase and renovation of the property for the Asheboro City Schools to BB&T.

On motion of Frye, seconded by Holmes, the Board voted unanimously to approve a resolution approving the financing terms as required by BB&T, as follows:

WHEREAS: *Randolph County, North Carolina (the "County") has previously determined to undertake a project for the acquisition of property with five buildings needing renovation for use by Asheboro High School, and the County Manager/Finance Officer has now presented a proposal for the financing of such Project.*

BE IT THEREFORE RESOLVED, *as follows:*

1. *The County hereby determines to finance the Project through Branch Banking and Trust Company ("BB&T"), in accordance with the proposal dated December 30, 2002. The amount financed shall not exceed \$3,000,000.00, the annual interest rate (in the absence of default or change in tax status) shall not exceed 3.97%, and the financing term shall not exceed fifteen (15) years from closing.*

2. *All financing contracts and all related documents for the closing of the financing (the "Financing Documents") shall be consistent with the foregoing terms. All officers and employees of the County are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution. The Financing Documents shall include a Financing Agreement and Deed of Trust and a Project Fund Agreement as BB&T may request.*

3. *The County Manager/Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer's satisfaction. The County Manager/Finance Officer is authorized to approve changes to any Financing Documents previously signed by County officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the County Manager/Finance Officer shall approve, with the County Manager/Finance Officer's release of any Financing Document for delivery constituting conclusive evidence of such officer's final approval of the Document's final form.*

4. *The County shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The County hereby designates its obligations to make principal and interest payments under the Financing Documents as "qualified tax-exempt obligations" for the purpose of Internal Revenue Code Section 265(b)(3).*

5. *All prior actions of County officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.*

On motion of Davis, seconded by Frye, the Board voted unanimously to approve a resolution authorizing the filing of an application for approval of a financing agreement authorized by NCGS 160A-20, as follows:

***WHEREAS**, Randolph County, North Carolina (the “County”) desires to acquire approximately 2.78 acres and five buildings currently known as the Sir Robert Extended Stay, located at 1212 South Fayetteville Street, and to renovate the facility to expand Asheboro High School, (the “Project”); and*

***WHEREAS**, Randolph County desires to finance the Project by the use of an installment contract authorized under North Carolina General Statute 160A, Article 3, Section 20; and*

***WHEREAS**, findings of fact by this governing body must be presented to enable the North Carolina Local Government Commission to make its findings of fact set forth in North Carolina General Statute 159, Article 8, Section 151 prior to approval of the proposed contract;*

***NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of Randolph County, North Carolina, meeting in regular session on the sixth day of January, 2003, make the following findings of fact:*

- 1. The proposed contract is necessary or expedient because Asheboro High School is experiencing steady student growth and the current facility needs to expand accordingly;*
- 2. The available property is ideally located and will allow both current use and future expansion;*
- 3. The Asheboro City Board of Education desires to have the property renovated for use at the beginning of the 2003-2004 school year;*
- 4. The Project is too large to fund through current appropriations or by appropriating fund balance;*
- 5. The proposed contract is preferable to a bond issue for the same purpose because time is critical for both the acquisition and renovation of the facility. The County has no meaningful capacity to issue general obligation bonds during the 2002-03 fiscal year without obtaining referendum approval, which would cause an unavoidable delay in the Project;*
- 6. The sums to fall due under the contract are adequate and not excessive for the proposed purpose because funds currently exist to meet the proposed debt service requirements. Utilization can be made with any Public School Building Capital Fund monies available, supplemented with a portion of the current allocation to the Asheboro City Schools for construction capital and such other General Fund resources as necessary.*
- 7. Randolph County's debt management procedures and policies have been carried out in strict compliance with law, as indicated in the County's most recent audited financial statements.*
- 8. The financing will not require an increase in taxes necessary to meet the sums to fall due.*
- 9. Randolph County is not in default in any of its debt service obligations.*
- 10. The attorney for Randolph County has rendered an opinion that the proposed Project is authorized by law and is a purpose for which public funds may be expended pursuant to the Constitution and laws of North Carolina.*

***NOW, THEREFORE, BE IT FURTHER RESOLVED** that the County Manager is hereby authorized to act on behalf of Randolph County in filing an application with the North Carolina Local Government Commission for approval of the Project and the proposed financing contract and other actions not inconsistent with this resolution.*

Request to Name a Portion of Highway 311 for Jerome Davis

Commissioner Frye told the Board that he had been contacted by a friend about obtaining Commissioner support in the process of naming a portion of Hwy 311 from Cedar Square Road at Glenola to Banner Whitehead Road for Jerome Davis. Mr. Davis is a national bull riding champion who lives in Archdale. He has received many honors throughout his career and has brought notoriety to Randolph County. In 1998, he was thrown from a bull and suffered permanent paralysis from the chest down. Although disabled, Mr. Davis continues to be active in the bull riding circuit, acting as mentor to and inspiring local youth.

At this time, Commissioner Frye introduced 14-year-old Dustin Galey who addressed the Board. Mr. Galey said that he had seen other roads that had been named in honor of local celebrities such as Terry Labonte and felt led to inquire about the possibility of bestowing the same honor upon Jerome Davis. Mr. Galey said that Mr. Davis helps any young person interested in bull riding and tries not to let his disability get in his way. He is an inspiration to everyone he comes in contact with. He thanked the Board for their consideration and support in this matter.

Carson Davis, father of Jerome, also spoke in support of this matter and said that his son is very active in the community and works with local youth. He also is active in the DARE program.

Lewis Penry, family friend, spoke in support and suggested the following wording on the sign: Randolph County—Home of Jerome Davis—1995 World Champion Bull Rider.

Stephen Kennedy distributed newspaper articles about Mr. Davis to the Board.

On motion of Frye, seconded by Davis, the Board voted unanimously to approve the following resolution of support and instructed the Clerk to forward the resolution to the Dept. of Transportation for their consideration:

WHEREAS, Mr. Jerome C. Davis of Archdale won the 1995 Professional Rodeo Cowboy Association World Champion Bull Rider; and

WHEREAS, Mr. Davis achieved this prestigious designation after only four years of riding as a professional; and

WHEREAS, this was the first time anyone east of the Mississippi had achieved this designation; and

WHEREAS, this accomplishment brought recognition not only to Mr. Davis but to all of Randolph County; and

WHEREAS, in 1998 Mr. Davis suffered an injury which resulted in permanent paralysis from the chest down; and

WHEREAS, in spite of this injury, Mr. Davis has continued to be active in his sport, becoming a mentor to and inspiring local youth; and

WHEREAS, for the last four years Mr. Davis has organized the Annual Coca-Cola Jerome Davis Professional Bull Riding Invitational Rodeo at his ranch in Archdale, with participation worldwide from both professional bull riders and spectators, bringing more recognition to Randolph County and boosting our local economy; and

WHEREAS, Mr. Davis has become a role model and an inspiration to other persons with disabilities; and

WHEREAS, this Board has received a request from the community for support in the naming of a portion of Highway 311 for Mr. Davis, from Cedar Square Road in Glenola, then south some five miles to Banner Whitehead Road; and

WHEREAS, there appears to be widespread community support for bestowing this honor on Mr. Davis, as evidenced by the citizens who appeared before this Board to speak in support of this request;

NOW, THEREFORE, BE IT RESOLVED by the Randolph County Board of Commissioners that we support the community's request to name the portion of Highway 311 from Cedar Square Road to Banner Whitehead Road in honor of Mr. Jerome Davis.

BE IT FURTHERED RESOLVED that we request that, if acceptable to the N.C. Department of Transportation, the signs read as follows: Jerome C. Davis Highway--1995 World Champion Bull Rider and if this wording is not acceptable, we request that the signs read as follows: Jerome C. Davis Highway

Set March Meeting Date

Chairman Kemp announced that he will be attending the NACo Legislative Goals Conference in Washington, D.C. February 28-March 4 and asked that the March meeting date be changed.

On motion of Davis, seconded by Holmes, the Board voted unanimously to change the March meeting date to March 10, 2003.

Resolution to Join Lawsuit to Recover Reimbursement and Receipt of Revenues Due to Randolph County Being Illegally Withheld By The State Of North Carolina

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

WHEREAS, the 641 towns, cities and counties of North Carolina have long depended on tax revenues to which by law they are entitled upon collection by the Secretary of Revenue, and the General Assembly until now has historically held local governments harmless by appropriated reimbursement when one or more local revenue sources is diminished or eliminated; and

WHEREAS, local government revenues for FY 2001-2002 were withheld illegally for FY 2001-2002 by the Secretary of Revenue and it appears the Governor will order the Secretary to withhold FY 2002-2003 local revenues due to be paid beginning September 15, 2002, and otherwise; and

WHEREAS, no administrative remedy exists to correct the illegal conversion of the local revenues and a genuine controversy exists about proper interpretation of the law as to ownership of the local tax revenues, and enactment of the pending clarifying legislation favoring local governments will likely not be enacted; and

WHEREAS, the General Court of Justice is the sole, proper and independent branch of government to make a final legal determination of the rights of the respective parties.

NOW, THEREFORE, BE IT RESOLVED that Randolph County hereby authorizes its County Attorney to retain Boyce & Isley, PLLC, of Raleigh, North Carolina, at a cost not to exceed \$1,000.00 with all other fees, costs and expenses of litigation, if any, paid on a contingency basis not to exceed fifteen percent (15%) of any total monetary recovery by settlement or judgment or as may be ordered by the Court. Outside counsel will agree to prosecute a civil action in Wake County Superior Court to have declared the legal rights of local government to recover past tax revenues and reimbursements withheld and to enjoin withholding of future tax revenues as above set forth.

Rezoning Public Hearing

At 6:30 p.m. the Board adjourned to a duly advertised public hearing to consider a rezoning request. Hal Johnson, Planning and Zoning Administrator, presented the following request.

PETER & PEGGY LAMB, Ramseur, North Carolina, are requesting that .75 acre (out of 3.42 acres) located at 3274 US Highway 64 East, Franklinville Township, be rezoned from RA to HC/CU. Parcel ID # 7771895721. The proposed Conditional Use Zoning District would specifically allow an automotive sales and display business. The Planning Board considered this request at a public hearing on December 3, 2002, and recommended unanimously that this request be approved.

Chairman Kemp opened the public hearing.

Peter Lamb, applicant, spoke in support of his request.

Chairman Kemp closed the public hearing.

On motion of Frye, seconded by Davis, the Board voted unanimously to approve the request of Peter and Peggy Lamb.

Adjournment

The Board adjourned at 6:35 p.m.

Phil Kemp, Chairman

J. Harold Holmes

Darrell Frye

Robert O. Mason

Robert B. Davis

Cheryl A. Ivey, Deputy Clerk to the Board

