

September 4, 2012

The Randolph County Board of Commissioners met in regular session at 6:00 p.m. in the 1909 Randolph County Historic Courthouse Meeting Room, 145 Worth Street, Asheboro, NC. Commissioners Holmes, Frye, Haywood, Kemp and Lanier were present. Dr. Bob Shackelford, RCC President, gave the invocation, after which, everyone recited the Pledge of Allegiance.

Public Comment Period

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

Janet Pate, Sophia, thanked the Board for being cordial and respectful to citizens who speak during the public comment period, even when they may not agree with the citizen. She stated that she had attended the Guil-Rand Fire Department annual meeting on August 20, where Chief Brian Cox presented the prior year's financials, along with the current budget. She noted that the FEMA grants that Guil-Rand had received were not reflected in these financials. Ms. Pate said that Mr. Cox expressed concern that even with the 2% [sic] increase, the fire department would be operating on a low budget and could not finance their capital needs. She said that Mr. Cox stated that none of their employees had received a raise in three years except for those who had received promotions. Ms. Pate said that when she asked if they had shopped for better health insurance, Guil-Rand board member Walter Stanley yelled at her that she had no right to be there asking questions, according to their by-laws. Ms. Pate told the Commissioners that she had later learned that his company carries the health insurance for the fire department, which, in her opinion, is a conflict of interest. Ms. Pate said that taxpayers have a right to see copies of minutes of the board and asked if there was an appointed board to oversee the fire department's board.

The Commissioners stated that they would investigate Ms. Pate's concerns.

Hearing no further comments, the public comment period was closed.

Special Recognition

David Nicholson, Outreach Associate for NCACC, presented framed certificates to Commissioner Phil Kemp recognizing his 20 years of County Commissioner service and to Vice Chair Darrell Frye for his 30 years.

Addition to Consent Agenda

Chairman Holmes announced that *Item F. Adopt Resolution of Celebration Recognizing Craven County's 300th Anniversary* had been added to the Consent Agenda.

Approval of Consent Agenda

On motion of Haywood, seconded by Lanier, the Board voted unanimously to approve the Consent Agenda, as amended:

- *approve minutes of regular meeting and closed session of 8/6/12;*
- *reappoint Bob McDuffie to the Piedmont Triad Regional Water Authority;*
- *reappoint Stacey Senters and Hal Johnson and appoint Rebecca Petty Moffitt to replace Brian Moffitt, who is unable to serve another term, to the Tourism Development Authority;*

- *appoint Chris Collins to Archdale Planning & Zoning Board as an extra-territorial member to fill unexpired term of Linwood English, who has resigned*
- *adopt Proclamation Recognizing & Expressing Support of the 9/11 National Day of Service and Remembrance, as follows:*

Recognizing and Expressing Support of the 9/11 National Day of Service and Remembrance

On September 11, 2001, the peace and security of our nation was shattered by cowardly terrorist attacks that killed nearly 3,000 innocent and brave people at the World Trade Center towers in New York City, at the United States Pentagon, and in the pristine fields of Shanksville, Pennsylvania. Although the terrorists' goal was to strike a powerful blow to the hearts of all Americans and tear at the fabric of our nation, arising from the very ashes of that tragedy came a remarkable spirit of unity, compassion and determination that will never be forgotten, just as we will never forget those who were lost and injured on that day, and those who bravely rose in service during the rescue and recovery effort and in defense of our nation both here at home and abroad.

In observance of the September 11, 2001 attacks on America, which killed citizens from 92 different countries, we hereby adopt the following Proclamation in tribute to those lost and injured on 9/11, and the many who gave of themselves in service to their communities and to this country in the aftermath of the attacks:

Whereas, *people of all ages and walks of life, across America and around the world, collectively witnessed an event of immense tragedy on September 11, 2001; and*

Whereas, *the events of that day instantly transformed nearly everyone's lives, some through personal loss, and many others through an unfamiliar sense of individual and national vulnerability; and*

Whereas, *an unprecedented historic bonding of Americans arose from the collective shock, unifying the country in an outpouring of national spirit, pride, selflessness, generosity, courage and service; and*

Whereas, *many brave people heroically, tirelessly and courageously participated in an extraordinarily difficult and dangerous rescue and recovery effort, in some cases voluntarily putting their own well-being at risk; and*

Whereas, *September 11 will never, and should never, be just another day in the hearts and minds of all Americans; and*

Whereas, *many citizens may wish to memorialize September 11 by engaging in, or making a plan to engage in, personal and individual acts of community service, or other giving activities, as part of a solemn day of remembrance and tribute; and*

Whereas, *on March 19, 2009, the United States Congress passed bipartisan legislation authorizing the establishment of September 11 as a federally recognized National Day of Service and Remembrance, which President Barack Obama signed into law on April 21, 2009; and*

Whereas, *the President of the United States, on September 11, 2009, issued the Patriot Day Proclamation officially and permanently designating September 11 as a National Day of Service and Remembrance, and calling upon all interested Americans to participate in this observance through moments of silence, the flying of the flag of the United States at half-staff, as well as community service and charitable activities in tribute and remembrance;*

Now, Therefore, Be It Proclaimed *that the Randolph County Board of Commissioners, in tribute to all of the victims of 9/11 and the many who rose in service in response to the 9/11 terrorist attacks, will observe September 11, 2012 as a voluntary Day of Service and Remembrance, and furthermore call upon all its citizens and organizations to consider joining in this observance and to engage in activities of tribute, solemn remembrance and charitable service.*

- *adopt Resolution of Celebration Recognizing Craven County's 300th Anniversary, as follows:*

Resolution of Celebration Recognizing Craven County's 300th Anniversary

Whereas, the 300th anniversary of Craven County is being celebrated throughout 2012 with a variety of community-generated learning opportunities; and

Whereas, Craven County was created in 1712 as Craven Precinct, extending into what is now eastern Tennessee; and

Whereas, most of North Carolina's counties to the south and west of Craven, including Randolph County, can trace their lineage to Craven County; and

Whereas, Craven County has been blessed with outstanding citizens and leaders over the last 300 years, who have made significant contributions to the State of North Carolina, including C.E. Foy, "Father" of the North Carolina Association of County Commissioners and Abner Nash, second Governor of North Carolina; and

Whereas, on September 22, 2012, coinciding with the anniversary of the start of the Tuscarora War, Craven County will celebrate its rich and diverse heritage at a countywide event that will acknowledge the vital contributions of all its citizens, cities, towns and hamlets in the county's development.

Now, therefore, be it resolved that the Randolph County Board of Commissioners hereby honors and heartily congratulates Craven County on this great milestone of its 300-Year Anniversary and adds our voice to others who will be recognizing Craven County's rich history, success and contributions to the state of North Carolina.

Changes to New Business Agenda

Chairman Holmes announced the following changes to the agenda:

- Removal of *Item I. Update on Randleman Ambulance Base and New Request*
- Addition of *Item K. Update on TECS (Day Reporting Center) Program*
- Addition of *Item L. Request to Use Law Enforcement Restricted Funds for Purchase of Mobile Command Post and Other Equipment and Adoption of Related Budget Amendment*

Approval of the Use of Law Enforcement Restricted Funds for Equipment Purchase, Award of Purchase of Mobile Command Center and Related Budget Amendment

Jane Leonard, part-time Assistant Business Manager for the Sheriff's Department, told the Board that the Sheriff is requesting approval for the expenditure of \$629,437 in law enforcement restricted funds and provided a list of various items that are needed to improve officers' ability to provide good law enforcement to citizens. Included in the list are eight computers; permitting, Pawntracker, and forensic software packages; two card scanners systems; a bar code system; Cellbright (mobile phone data extractor); a kitchen steamer; a forfeited truck and a drug incinerator. However, the main item to be purchased is a mobile command center, which is a vehicle designed specifically to be a central place for carrying out orders and for supervising tasks in emergency situations. The mobile command center to be purchased is a 45-foot, MSV 2013 Freightliner sold by Matthews Specialty Vehicles. The vehicle comes fully equipped with all components installed. The total cost of the vehicle is \$538,590.00. It is currently a Federal Contract item, listed as number GS-30F-0026U through General Services Administration (GSA). Based on NC General Statute 143-129 (e) 9(a), the County is able to make this purchase without a separate formal bid since the federal government has already established the contract.

Sheriff Maynard Reid answered questions from the Board about the mobile command center, adding that it would be available for Emergency Services to use, should they ever need it.

On motion of Frye, seconded by Kemp, the Board voted unanimously to approve the use of Law Enforcement restricted funds for the purchase of a mobile command center vehicle and other needed equipment, as presented, for a total amount of \$629,437 and to approve Budget Amendment #6, as follows:

2012-2013 Budget Ordinance General Fund—Budget Amendment #6		
Revenues	Increase	Decrease
<i>Appropriated Fund Balance- LE Restricted Funds</i>	\$595,746	
<i>Restricted Intergovernmental</i>	\$33,691	
Appropriations	Increase	Decrease
<i>Sheriff's Office</i>	\$629,437	

Sandhills Mental Health

Victoria Whitt, Sandhills Center Chief Executive Officer, said that for the past several months, Sandhills Center has been negotiating a merger of the Guilford Center Area Program into Sandhills Center. She presented a proposed resolution that is an essential element in the Sandhills Center's commencement of management and oversight of services in the Guilford Center catchment area. The resolution must be approved by all eight counties comprising the current Sandhills Center service area. The proposed effective date of this merger would be January 1, 2013. The proposed resolution includes the following basic provisions:

- Resolution must be passed by all eight (8) counties currently comprising the Sandhills Center Service Area.
- Sets the effective date for the Merger Agreement as January 1, 2013.
- Redefines the Sandhills Center Area Board (effective January 1, 2013), as having thirty (30) members including: Randolph (5), Moore (4), Harnett (4), Richmond (3), Anson (2), Lee (2), Montgomery (2), Hoke (2), and Guilford (6). Any change would require permission from each of the Sandhills Center's member counties. However, Senate Bill 191, which was recently passed by the General Assembly, limits the Sandhills Center Area Board to twenty-one (21) members. Therefore, assuming this statute is still in effect on October 1, 2013, Sandhills Center will need to reduce its board membership to twenty-one (21) members to comply with the law. Thus, unless otherwise changed or modified by the General Assembly, effective October 1, 2013, each county will have two (2) Board members with the exception of Randolph County, which will have three (3) board members and Guilford County, which will have four (4) board members.

Ms. Whitt also noted that a Merger Agreement is currently being negotiated and will require approval by the Sandhills Center Area Board, the Guilford Center Area Board, and the Guilford County Commissioners. The Merger Agreement contains the following key elements:

- That Sandhills Center will assume management and oversight of services for the Guilford Center Area Program, effective January 1, 2013.
- The proposed reconfiguration of the Sandhills Center Area Board as described above.
- The transfer of all personal property assets owned by Guilford County and utilized by Guilford Center to Sandhills Center.

- Provisions for Sandhills Center to lease (at \$1 per year), from Guilford County, facilities that are currently being used by the Guilford Center Area Program. These leases include the ability of the Center to sublease these properties for Sandhills Center purposes.
- Provisions insuring the maintenance of liability insurance for the Guilford Center Area Program and the Guilford Center Area Board for all liability issues prior to January 1, 2013.
- Provisions concerning the hiring of Guilford Center employees that (1.) Gives Sandhills Center sole discretion over the hiring of former Guilford Center employees, (2.) Gives Guilford Center employees, hired by Sandhills Center, credit for their tenure with the Guilford Center Area Program, (3.) States those Guilford Center employees, hired by Sandhills Center, are subject to the Sandhills Center Pay Plan, (4.) Requires that Guilford Center employees are notified of their hiring status by Sandhills Center within thirty (30) days of the execution of the Agreement, and (5.) Asserts that Sandhills Center has no obligations for any retirement or health plans currently operated by the Guilford Center Area Program.
- A requirement that Guilford County and Guilford Center Area Authority guarantee a minimum of \$3.5 million is available for transfer to Sandhills Center.

On motion of Frye, seconded by Haywood, the Board voted unanimously to approve a joint resolution regarding the merger of the Guilford Center Area Program into Sandhills Center; as follows:

**STATE OF NORTH CAROLINA
COUNTY OF RANDOLPH**

JOINT RESOLUTION TO APPROVE THE FORMATION OF A NINE COUNTY AREA AUTHORITY TO OPERATE AS SANDHILLS CENTER FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES AND SUBSTANCE ABUSE SERVICES IN ANSON, GUILFORD, HARNETT, HOKE, LEE, MONTGOMERY, MOORE, RANDOLPH, AND RICHMOND COUNTIES

This resolution by the Board of Commissioners of Randolph County;

WITNESSETH:

Whereas, the Board of Commissioners of the counties of Anson, Harnett, Hoke, Lee, Montgomery, Moore, Randolph, and Richmond have established an Area Mental Health Authority under the name of Sandhills Center for Mental Health, Developmental Disabilities and Substance Abuse Services (“Sandhills Center”); and

Whereas, the Board of Commissioners of Guilford County has established an Area Mental Health Authority under the name of Guilford County Area Mental Health, Developmental Disabilities, and Substance Abuse Authority (“Guilford Center”); and

Whereas, Sandhills Center, Guilford County and Guilford Center have voluntarily engaged in amicable affiliation discussions with the intent to merge into an entity that will serve all nine counties that will be served by the post-merger entity and that will satisfy the requirements of the legislation entitled An Act to Establish Requirements for the Department of Health and Human Services and Local Management Entities with Respect to Statewide Expansion of the 1915(b)(c) Medicaid Waiver, S.L. 2011-264; and

Whereas, Sandhills Center, Guilford County and Guilford Center intend to enter into a formal written agreement to set out terms and conditions upon which the entities separate area authorities would effectively merge and reorganize to form a single area authority, which would carry out the local management entity functions within the nine county area, (the “Agreement”); and

Whereas, with the authority and consent of the Board of Commissioners of Guilford County, the Guilford Center will cease to exist as a legal and recognized entity and cease doing business in its catchment area effective at midnight on December 31, 2012, and Sandhills Center will commence management and oversight of services and financial management in the catchment area of Guilford County at 12:00 a.m. on January 1, 2013, pursuant to the Agreement; and

Whereas, the Board of Commissioners of Randolph County consents to the Guilford Center's termination of the management and oversight of services and to Sandhills Center commencing the management and oversight of services in the catchment area of Guilford County; and

Whereas, prior to the merger of Sandhills Center and Guilford Center into a single area authority, the Agreement shall document plans for the retention and disposition of: (i) business, administrative and financial records of Guilford Center; and (ii) any patient medical records in the custody of Guilford Center. The provisions of the Agreement shall ensure compliance with any applicable federal or state laws including, but not limited to, the protection of confidentiality related to health information and specific record retention and disposition requirements applicable to North Carolina local management entities; and

Whereas, both Sandhills Center and Guilford Center have recommended to their constituent counties that these two distinct area programs should merge to form a single area authority pursuant to the terms of the proposed Agreement; and

Whereas, Guilford Center has represented that they will properly advertise and hold a public hearing satisfying the requirements of N.C. Gen. Stat. 122C-115.3(d), to the extent applicable, on or before September 15, 2012; and

Whereas, Sandhills Center, as the post merger, surviving entity, has represented that it will properly advertise and hold a public hearing satisfying the requirements of N.C. Gen. Stat. § 122C-115.3(d), to the extent applicable and if necessary, on or before September 15, 2012;

Whereas, the Board of Commissioners of Randolph County consents to the merger between Guilford Center and Sandhills Center to include commencing the management and oversight of services in the catchment area of Anson, Harnett, Hoke, Lee, Montgomery, Moore, Randolph, Richmond and Guilford Counties; and

Whereas, the Board of Commissioners of Randolph believes it will be in the best interests of the citizens of all of the applicable counties to have the Sandhills Center catchment area include Guilford County effective January 1, 2013, under the terms and conditions set forth below;

*Now, **Be It Resolved Jointly** by the Anson County Board of Commissioners, the Harnett County Board of Commissioners, the Hoke County Board of Commissioners, the Lee County Board of Commissioners, the Montgomery County Board of Commissioners, the Moore County Board of Commissioners, the Randolph County Board of Commissioners, the Richmond County Board of Commissioners and the Guilford County Board of Commissioners, as follows:*

1. Sandhills Center for Mental Health, Developmental Disabilities and Substance Abuse Services' commencement of the management and oversight of services in Guilford County effective January 1, 2013.

To satisfy the requirements of the legislation entitled An Act to Establish Requirements for the Department of Health and Human Services and Local Management Entities with Respect to Statewide Expansion of the 1915(b)(c) Medicaid Waiver, S.L. 2011-264, effective January 1, 2013, Guilford Center shall merge with Sandhills Center into a single area authority to carry out the local management entity functions within the nine county area.

2. Status, Powers and Duties of Sandhills Center for Mental Health, Developmental Disabilities, and Substance Abuse Authority.

Sandhills Center for Mental Health, Developmental Disabilities, and Substance Abuse Services, as the post-merger, surviving entity, shall be a local political subdivision of the State of North Carolina pursuant to N.C.G.S. §122C, and shall have all powers and duties conferred upon it by that statute.

3. Structure of the Board.

Effective January 1, 2013, the Area Board of Sandhills Center for Mental Health, Developmental Disabilities, and Substance Abuse Services shall meet the requirements of N.C.G.S. §122C-118.1 and be comprised of thirty (30) members. All board members serving on the Sandhills Center Board prior to

January 1, 2013, shall carry out their existing terms and shall not require new appointment. To the extent necessary, each county shall appoint one County Commissioner to sit on the Board, which member shall be the "appointing member" for that county with respect to other Board members appointed from that county. Four (4) of the Board members shall be chosen by the appointing Commissioner of Randolph County; three (3) of the Board members shall be chosen by the appointing Commissioner from Moore County; one (1) of the Board members shall be chosen by the appointing Commissioner from Anson County; two (2) of the Board members shall be chosen by the appointing Commissioner from Richmond County; one (1) of the Board members shall be chosen by the appointing Commissioner from Montgomery County; one (1) of the Board members shall be chosen by the appointing Commissioner from Hoke County; one (1) of the Board members shall be chosen by the appointing Commissioner from Lee County; three (3) of the Board members shall be chosen by the appointing Commissioner from Harnett County and five (5) of the Board members shall be chosen by the appointing Commissioner from Guilford County. The County Commissioners appointed to the Board shall make the appointments pursuant to N.C.G.S. §122C-118.1. The number of appointments assigned to each county will remain in effect until the Boards of Commissioners for each county agree to modify the number of appointments assigned to each county. With the passage of Senate Bill 191, effective October 1, 2013, the number of Board members will be reduced to twenty-one (21) to comply with the new law. Each county will have two (2) Board members with the exception of Randolph County, which will have three (3) Board members and Guilford County, which will have four (4) Board members. One Board member from each County may be a County Commissioner provided that the remaining Board membership will be composed so as to meet the requirements of N.C. Gen. Stat. § 122C-118.1(b). In the event Senate Bill 191 is not in effect on October 1, 2013, the Board membership shall remain as constituted effective January 1, 2013. In the event the maximum number of Board members is otherwise changed or modified through pending or future legislative measures, Sandhills Center shall comply with all such changes or modifications as of the effective date of any such measure and each county shall maintain the current pro-rata representation on the Board to the fullest extent possible. Notwithstanding any such changes or modifications in the law, it is agreed that to the extent it is possible, all counties shall have at least two (2) Board membership positions on the Board at any given time.

4. **Organization of the Area Board.** The Sandhills Center Area Board shall elect a chairman, a vice-chairman and a secretary, and shall be organized as provided by N.C.G.S. §122C-119.
5. **Budget and Audit Requirements.** Prior to the merger, Guilford County shall select a certified public accountant or an accountant who is subsequently certified by the Local Government Commission to conduct an audit pursuant to N.C. Gen. Stat. § 122C-115.3(e). Upon completion of the merger, Sandhills Center for Mental Health, Developmental Disabilities, and Substance Abuse Services, as the post-merger, surviving entity, shall maintain its budget, in accordance with Article 3 of Subchapter III of Chapter 159 of the General Statutes, the Local Government Budget and Fiscal Control Act, as required by N.C.G.S. §122C-144.1(c). A copy of this audit shall be given to the County Commissioners of each constituent county of the Area Authority.
6. **Amendment.** This Resolution may be amended by a Resolution jointly approved by the Boards of Commissioners of the counties of Anson, Harnett, Hoke, Lee, Montgomery, Moore, Randolph, Richmond, and Guilford.
7. **Effective Date.** This Joint Resolution shall be effective as of January 1, 2013.

Adopted And Ratified By The Board Of Commissioners Of Randolph County.
This, the 4th day of September, 2012.

Annual Report of the Child Fatality Prevention (CFPT)/Community Child Protection Team (CCPT)

MiMi Cooper, Public Health Director, provided the annual report to the Board of the Child Fatality Prevention/Community Child Protection Team, which makes recommendations for systems improvements that may prevent child fatalities in Randolph County in accordance with

NCGS 143-576.1(a)(2). The CFPT/CCPT met nine times from July 2011-June 2012. Sixteen child deaths and ten current cases of children under the protection of Social Services were reviewed. Causes of death from the fatalities were (4) perinatal conditions, (5) illnesses, (1) SIDS, (3) suicides/homicides, and (3) accidents. Ms. Cooper said that the purpose of the Child Fatality Prevention Team is to review the deaths of all children to determine if system problems exist that contribute in any way to the delay of, or lack of, services that might have prevented this death. If gaps exist, the team works to improve/add services that will prevent problems for families in the future. The team identified one gap in 2011-12. A child's death was ruled "undetermined" by the medical examiner's office when it was apparent to the team that there was a cause of death. The team instructed the Health Director to contact the State Medical Examiner's Office. The death was reviewed by the State Fatality Review Team and the death was subsequently given a cause of death. The death of one child (from the last report year) resulted in an intensive review along with the State Intensive Death Review Team. The CCPT was also involved in the State Intensive Death Review. There is an additional intensive review scheduled for October of 2012.

Ms. Cooper said that the purpose of the Community Child Protection Team is to review current cases selected by DSS staff that are particularly complex or that the case worker would like a review of the services provided. The CCPT makes suggestions to the staff that may improve the care for that child. The CCPT reviewed 10 cases concerning children from July 2011-June 2012. The following gaps/recommendations were identified:

- Parents needed help with parenting skills (i.e., in-home services to model appropriate parenting)
- Team was concerned with lack of prosecution and follow-through with the criminal justice system

Approval of Health Department Fee Schedule Changes

Public Health Director MiMi Cooper said that on August 13, 2012, the Randolph County Board of Health approved an increase in the fee for tattoo operators from \$100 annually to \$250 annually and recommends and requests that the Commissioners approve the change. She said that the number of tattoo operators working in Randolph County has increased significantly. For example, last year there were 16 operators permitted. Environmental Health Specialists have already permitted 17 in the first six months of this year. Calculating the additional time, travel and complexity of some locations, the Board of Health felt that \$250 was much closer to cost than the current \$100. Ms. Cooper recommended that this fee increase become effective immediately.

In addition, Ms. Cooper stated that also on August 13, 2012, the Board of Health approved a new fee for dental panoramic x-ray of \$90. The dental panoramic x-ray was donated to the health department. It is an important diagnostic tool in making a dental treatment plan for children. She said that all appropriate licenses and permits, including safety considerations to use this equipment, have been obtained. This proposed fee is based on our predicted cost, as well as, usual and customary fees in this area. If approved, Ms. Cooper asked that this fee become effective October 1, 2012.

On motion of Kemp, seconded by Haywood, the Board voted unanimously to set the annual fee for Tattoo Parlor Operators at \$250, effective immediately, and to establish a fee of \$90 for new dental panoramic x-ray services, effective October 1, as requested.

Presentation of Proposed True-Value and Present-Use Schedules, Standards, and Rules for 2013 Revaluation and Public Hearing Date Set

Debra Hill, Tax Assessor/Collector, gave a PowerPoint presentation on the proposed schedules, standards and rules for the 2013 Revaluation. She also updated the Board on the status of the reappraisal process and trends in the county's marketplace. In addition, Ms. Hill provided an outline for the revaluation process in accordance with G.S. 105-317, which includes a public hearing in October and the approval of orders adopting the true value and present use schedules, standards and rules at the Board's November meeting.

On motion of Haywood, seconded by Frye, the Board voted unanimously to set a public hearing for 6:30 p.m. on October 1, 2012, on the proposed schedules, standards, and rules to be used for the 2013 Revaluation process.

2012 CDBG Scattered Site Housing Grant Public Hearing and Approval of Related Resolutions, Guidelines/Policies, Budget Ordinance & Appointments

Brian Heilig, Building Inspector and County CDBG Grant Manager, stated that Randolph County is eligible to receive \$225,000 from the State of North Carolina under the 2012 CDBG Scattered Site Housing Program. He said that today is the second of two required public hearings. Grant funds will be used to provide housing rehabilitation to owner-occupied low income families in Randolph County. Five qualified homes will be selected by the selection committee from numerous applications received.

At 7:07 p.m., Chairman Holmes opened the public hearing on the 2012 CDBG Scattered Site Housing Grant. Hearing no comments, the public hearing was closed.

Mr. Heilig presented for the Board's consideration of approval, required grant resolutions for administration guidelines/policies and application submission, along with a proposed budget ordinance and a proposed slate of members for the Scattered Site Housing Site Selection Committee.

On motion of Frye, seconded by Lanier, the Board voted unanimously to (1) adopt a resolution, which follows, to approve required grant guidelines and policies; (2) to adopt a resolution, which follows, to submit the grant application; (3) to adopt the FY 2012 CDBG Scattered Site Project Budget Ordinance, which follows; (4) to authorize the Chairman and County Manager to sign grant documentation, as needed; and (5) to appoint the following members to the Scattered Site Housing Site Selection Committee for 3-year terms: Brian Heilig, Randolph County Building Inspections/CDBG Grant Manager; Paxton Arthurs, Randolph County Director of Building Inspections; David Townsend, III, Randolph County Public Works Director; Jay Dale, Randolph County Code Enforcement Officer; Wayne Jones, Randolph County Environmental Health; Greg Patton, Planning Director – City of Randleman; Eddie Brown, Code Enforcement Officer – City of Asheboro; Zeb Holden, Planning and Zoning Enforcement Officer – City of Archdale.

**RANDOLPH COUNTY RESOLUTION APPROVING ADMINISTRATIVE GUIDELINES
AND POLICIES FOR FY 2012 CDBG SCATTERED SITE HOUSING PROGRAM**

WHEREAS, Randolph County wishes to carry out its FY 2012 program in accordance with established state and federal administrative guidelines.

NOW, THEREFORE, Randolph County Board of Commissioners hereby collectively adopts the following guidelines, plans and policies, and resolves that they be utilized during the administration of the FY2012 CDBG Scattered Site Housing program:

1. *Residential Antidisplacement and Relocation Plan*
2. *Procurement Policy*
3. *Citizen Participation Plan*
4. *Code of Conduct*
5. *Section 3 Plan*
6. *Equal Employment and Procurement Plan*
7. *Financial Design Policy*

***Resolution to Submit a Community Development Block Grant Scattered Site Housing Application
Randolph County, North Carolina***

WHEREAS, the North Carolina Division of Community Assistance is a significant source of funding for affordable housing within Randolph County; and

WHEREAS, the North Carolina Division of Community Assistance has conditionally awarded Randolph County \$225,000 in Community Development Block Grant Scattered Site Housing funds for Randolph County residents; and

WHEREAS, the C-1 portion of the project will utilize \$225,000 to provide housing rehabilitation assistance to 5 low income families;

NOW, THEREFORE, BE IT RESOLVED BY THE RANDOLPH COUNTY BOARD OF COMMISSIONERS:

That the Board of Commissioners of Randolph County will substantially comply with all Federal, State and local laws, rules, regulations and ordinances pertaining to the project and to Federal and State grants pertaining thereto.

That, the Chairman of the Board of Commissioners and the County Manager, and successors so titled are hereby authorized and directed to furnish such information as the appropriate governmental agencies may request in connection with such applications for the project; to make the assurances and certifications as contained above, and to execute such other documents as may be required in connection with the construction of the project.

That this Resolution shall take effect immediately upon its adoption.

That the County will submit an application to the North Carolina Division of Community Assistance in the amount of \$225,000 as funding for the Randolph County Community Development Block Grant Scattered Site Housing Program.

Adopted this the 4th day of September, 2012.

**RANDOLPH COUNTY FY12 CDBG SCATTERED SITE PROJECT
PROJECT BUDGET ORDINANCE**

BE IT ORDAINED, by the Randolph County Board of Commissioners, that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant ordinance is hereby adopted:

Section 1: The project authorized is the Community Development Block Grant Project described in the work statement contained in the grant agreement between this unit and the North Carolina Department of Commerce, Division of Community Assistance. This project is more familiarly known as the FY012 CDBG Scattered Site Project.

Section 2: The officers of this unit are hereby directed to proceed with the grant project within the terms of the grant documents, the rules and regulations of the North Carolina Department of Commerce, Division of Community Assistance, and the budget contained herein.

Section 3: The following revenues are anticipated to be available to complete this project.

<u>Community Development Block Grant Total:</u>	
CDBG Funds	\$225,000.00
County Funds	\$0.00
Total Project Revenues	\$225,000.00

Section 4: The following amounts are appropriated for the project:

	<u>CDBG</u>	<u>Other</u>	<u>Total</u>
Rehabilitation	\$202,500.00	\$0.00	\$202,500.00
Planning	\$3,500.00	\$0.00	\$3,500.00
Administration	\$19,000.00	\$0.00	\$19,000.00
Total	\$225,000.00	\$0.00	\$225,000.00

Section 5: The Finance Officer is hereby directed to maintain within the Grant Project Fund sufficient specific detailed accounting records to provide the accounting to the grantor agency required by the grant agreement(s) and federal and state regulations.

Section 6: Requests for funds should be made to the grantor agency in an orderly and timely manner as funds are obligated and expenses incurred.

Section 7: The Finance Officer is directed to report quarterly on the financial status of each project element in Section 4 and on the total grant revenues received or claimed.

Section 8: The Finance Officer is directed to include a detailed analysis of past and future costs and revenues on this grant project in every budget submission made to this board.

Section 9: Copies of this grant project ordinance shall be made available to the Finance Officer for direction in carrying out this project.

ADOPTED, this the 4th day of September, 2012.

Adoption of New Emergency Management Ordinance and State of Emergency Declaration

Donovan Davis, Emergency Services Director, stated that the North Carolina General Assembly, with its adoption of House Bill 843, has recently modernized the “North Carolina Emergency Management Act” (G.S. 166A), which will become effective October 1, 2012. In order to keep the Randolph County Emergency Management Ordinance in line with state law,

revisions to our ordinance are needed. Mr. Davis reviewed the changes to the ordinance. Section 7 of the updated ordinance repeals the prior ordinance that was enacted January 3, 2005.

On motion of Frye, seconded by Kemp, the Board voted unanimously to adopt the updated ordinance, as follows:

Emergency Management Ordinance

The County of Randolph ordains:

Section 1 *AUTHORITY*

This Ordinance is established pursuant to the following:

- A. North Carolina Emergency Management Act, as amended (General Statutes Chapter 166A, Article 1A).*
- B. The Federal Civil Defense Act of 1950, as amended (Public Law 81-920).*
- C. The Federal Disaster Relief Act of 1974, as amended (Public Law 93-288).*
- D. North Carolina General Statutes §§14-288.12 through 14-288.14.*

Section 2 *JURISDICTION*

This Ordinance shall be applicable to all unincorporated areas of Randolph County.

Section 3 *PURPOSE*

The purpose of this Ordinance is:

- A. To establish an Emergency Management Agency in Randolph County to ensure the complete and efficient utilization of all of the community's resources to combat disaster from natural causes such as tornadoes, floods, fire, and earthquakes; or from those caused by man such as industrial explosions, aircraft accidents, civil disturbances, and the like; or from enemy attack, sabotage or other hostile action;*
- B. To set forth the authority and the responsibilities of local government in the prevention of, preparation for, response to and recovery from natural or man-made emergencies or hostile military or paramilitary action and to recognize the emergency powers conferred upon local government by the North Carolina General Statutes;*
- C. To provide for the exchange of mutual aid among neighboring cities and counties; and*
- D. To provide for cooperation and coordination of activities relating to emergency mitigation, preparedness, response and recovery among agencies and officials of the State of North Carolina, and with similar agencies and officials of other states, with local and federal governments, with interstate organizations, and with other private and quasi-official organizations to ensure the most effective preparation, response and use is made of all available resources for dealing with any emergencies that may occur.*

Section 4 *DEFINITIONS*

- A. Dangerous Weapons and Substances are defined as any deadly weapon, ammunition, explosive, incendiary device, radioactive material or device, or any instrument or substance designed for a use that carries a threat of serious bodily injury or destruction of property; or any instrument or substance that is capable of being used to inflict serious bodily injury, when circumstances indicate a probability that such instrument or substance will be so used; or any part or ingredient in any instrument or substance included above, when the circumstances indicate a probability that such part or ingredient will be so used.*
- B. Emergency is an occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or man-made accidental, military, paramilitary, weather-related, or riot-related cause.*

- C. Emergency Area refers to the geographical area covered by a state of emergency.
- D. Emergency Management Agency refers to the Randolph County Department of Emergency Services, the local governmental agency charged with coordination of all emergency management activities for its jurisdiction.
- E. Emergency Management Coordinator refers to the Director of the Randolph County Department of Emergency Services, the individual with the direct responsibility for the development, organization, administration, and operation of the Randolph County Emergency Operations Plan as provided in this Ordinance.
- F. Emergency Operations Plan refers to the document, developed by the Randolph County Emergency Management Coordinator, that assigns responsibilities to organizations and individuals for carrying out specific actions at projected times and places in an emergency that exceeds the capability or routine responsibility of any one agency and establishes lines of authority and organizational relationships within the jurisdiction.
- G. Firearm is defined as a handgun, shotgun, or rifle which expels a projectile by action of an explosion.
- H. Mutual Aid Agreements are defined to include but not be limited to agreements related to the furnishing or exchange of such supplies, equipment, facilities, personnel, and services as may be needed with provisions for the reimbursement of costs and expenses for equipment, supplies, personnel, and similar items upon such terms and conditions as may be necessary.
- I. State of Emergency is a finding and declaration pursuant to this Ordinance that an emergency exists.

Section 5 STATE OF EMERGENCY

- A. The Chairman of the Randolph County Board of Commissioners is hereby empowered to determine and declare the existence of a state of emergency and to impose authorized restrictions and prohibitions deemed appropriate.
- B. If the Chairman of the Randolph County Board of Commissioners is unavailable, then the power vested in him pursuant to Section 5 (A) above shall be conferred upon the Vice Chairman of the Board of Commissioners.
- C. If both the Chairman and the Vice Chairman of the Randolph County Board of Commissioners are unavailable, then the powers described in Section 5 (A) above shall be held by any of the remaining members of the Board of Commissioners.
- D. In the event that a State of Emergency is declared, the authority to coordinate response is hereby expressly vested in the Emergency Management Agency and the Emergency Management Coordinator as defined in Section 4 above. All Randolph County offices and employees shall cooperate with the Emergency Management Agency and the Emergency Management Coordinator in carrying out the objectives of the Emergency Operations Plan and the declaration of a state of emergency.
- E. Any or all of the following prohibitions and restrictions may be included in the declaration of a state of emergency when deemed necessary:
 1. the prohibition/restriction of movements of people in public places, including imposing a curfew, directing and compelling the voluntary or mandatory evacuation of all or part of the population from any stricken or threatened area, prescribing routes, modes of transportation and destinations in connection with evacuation, and controlling the ingress and egress of an emergency area and the movements of people within the area;
 2. the prohibition/restriction of the operation of offices, business establishments, and other places to or from which people may travel or at which they may congregate;
 3. a prohibition/restriction on the possession, transportation, sale, purchase and consumption of alcoholic beverages;
 4. a prohibition/restriction on the possession, transportation, sale, purchase, storage and use of gasoline and dangerous weapons and substances except that this section does not

authorize prohibitions or restrictions on lawfully possessed firearms or ammunition for said firearms; and

5. *a prohibition/restriction upon any other activity or condition, the control of which may be reasonably necessary to maintain order and protect lives or property during the state of emergency.*

Section 6 *EMERGENCY MANAGEMENT COORDINATOR RESPONSIBILITIES*

- A. *The Emergency Management Coordinator will have the direct responsibility for the development, organization, administration, and operation of the Randolph County Emergency Operations Plan, subject to the direction and guidance of the Randolph County Board of Commissioners.*
- B. *In addition to developing the Emergency Operations Plan, as stated in Section 6 (A) above, the Emergency Management Coordinator is directed to pursue and develop mutual aid agreements with other agencies for reciprocal emergency management aid and assistance consistent with the Randolph County Emergency Operations Plan and with the State of North Carolina's emergency management programs and plans.*
- C. *The Emergency Management Coordinator has the responsibility and authority to collect bids and present recommendations for the award of and preparation of any contracts that may be needed to be ready for activation in the event of an emergency.*

Section 7 *REPEAL OF PRIOR ORDINANCES*

The "Randolph County Emergency Management Agency Ordinance" enacted January 3, 2005, is hereby repealed.

Section 8 *EFFECTIVE DATE*

This Ordinance shall become effective on September 4, 2012.

Approval of Bid Award for Purchase of Ambulances

Donovan Davis, Emergency Services Director, said that pursuant to G.S. 143-129 (Formal Bidding Requirements) a Request for Bids was duly issued for two (2) Type III, Class 1, (4 x 2) DRW KKK Certified 2012 Ambulances for the Emergency Services Department. On July 11, 2012, sealed bids were received, opened and read. Bids for two (2) Type III, Class 1 (4 x 2) 2012 Chevrolet Ambulances were received from the following vendors:

VENDOR	UNIT COST	TOTAL BID	STATUS
Taylor Made Ambulances, AR	\$121,522	\$243,044	Compliant
Southeastern Specialty Vehicles, NC	\$127,466	\$254,932	Compliant
Select Custom Apparatus, NC	\$134,540	\$269,080	Compliant

Two bids were found to be acceptable and compliant, with only minor exceptions in meeting or exceeding the required specifications outlined in RFB #12-0601; however, after physically inspecting Taylor Made Ambulances recently purchased by other NC Counties, it was determined that the quality is not comparable to our standards. (Mr. Davis provided pictures of inferior and/or damaged construction.) Therefore, Mr. Davis requested that the Board award the bid to *Southeastern Specialty Vehicles, Inc.* for the amount of \$254,932. Funds are allocated in the Emergency Services budget for this purchase.

On motion of Kemp, seconded by Frye, the Board voted unanimously to award the bid for purchase of two ambulances to Southeastern Specialty Vehicles, Inc. in the amount of \$254,932, as requested.

Update on Emergency Services Facilities

Emergency Services Director Donovan Davis stated that on August 17, an Ambulance Site Selection Committee, consisting of Commissioner Lanier, County Manager Richard Wells, Assistant County Manager/Finance Officer Will Massie, Emergency Services Director Donovan Davis and Deputy Director Lewis Schirloff, met to discuss needs of the department, specifically, ambulance bases. Major needs are the replacement of the Liberty base and new sites in the southern section of the county. They visited the Asheboro and Liberty bases. Mr. Davis said that they have received offers from citizens interested in selling their land to the County for new base locations, and are investigating the feasibility of these locations: Fork Creek Mill Rd. and High Pines Church Rd. They are also in the process of obtaining quotes on modular units as bases.

Public Hearing on Installment Purchase Financings for Early Childhood Development Center and Cardiac Monitors; Approval of Financing Documents

Will Massie, Assistant County Manager/Finance Officer, reminded the Board that at their August meeting, the Board authorized requests for proposals from banks to finance the (Balfour) Early Childhood Development Center (ECDC) and cardiac monitors for Emergency Services. Bids were solicited from several local banks. The repayment terms are fifteen years for the facility and five years for the equipment. Based upon the lowest total financing cost, Mr. Massie recommended that the County accept the financing proposals from PNC Bank. The maximum total additional debt service (principal and interest) will be \$145,902 in 2012-13 and \$286,496 in 2013-14.

At 7:32 p.m., Chairman Holmes opened the duly advertised public hearing.

Pauline McKee, Partnership for Children Executive Director, thanked the Commissioners for investing in our children, saying that our County is taking a lead for early education. She said that studies have shown that early education has a positive effect on citizens for life.

Bonnie Renfro, Economic Development Corporation President, thanked the Commissioners for their commitment to education. From an economic development perspective, quality education is an integral part to a qualified workforce. Prospective employers like to see a community's commitment to education.

Jane Redding, Chair of Asheboro City Schools Board of Education, spoke on behalf of the Board of Education, saying that her Board is passionate about the Early Childhood Development Center. She also mentioned research that showed high success rates of gainful employment by the age of 25 for people who participated in an early education program like the ECDC. Ms. Redding thanked the Board for their efforts.

Janet Pate, 3901 Hillside Park Dr., Sophia, said daycare is not a requirement, so why is it the responsibility of property owners to foot the bill for daycare? She said that we need money for police, fire and EMS.

At 7:40 p.m., hearing no further comments, the public hearing was closed.

Commissioner Haywood said that he can't support financing projects when we could take the money out of fund balance, prioritize needs and pay as we go.

On motion of Kemp, seconded by Frye, the Board voted 3-2, with Haywood and Lanier opposing, to approve (1) a Resolution Approving Bid Award and Financing Terms with PNC Bank for Asheboro City Schools ECDC Project, as follows; (2) a Resolution Approving Bid Award and Financing Terms with PNC Bank for Heart Monitors, as follows; (3) Resolution Authorizing The Filing Of An Application For Approval Of A Financing Agreement Authorized By North Carolina General Statute 160a-20, as follows; (4) a Declaration of Official Intent to Reimburse Expenditures, as follows; and (5) a Project Ordinance Establishing the Asheboro City Schools Capital Project, as follows:

Resolution Approving Bid Award and Financing Terms with PNC Bank for Asheboro City Schools ECDC Project

WHEREAS, Randolph County, North Carolina (the "County") has previously determined to undertake a project for the renovation of the former Balfour School (the Early Childhood Development Center) located at 2097 N. Asheboro School Rd, Asheboro, NC, for the use of Asheboro City Schools; and the Finance Officer has now presented a proposal for the financing of such Project;

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

1. *The County hereby determines to finance the Project through PNC Bank ("PNC"), in accordance with the proposal dated August 22, 2012. The amount financed shall not exceed \$2,000,000.00. For the school facility, the annual interest rate (in the absence of default or change in tax status) shall not exceed 2.42%, and the financing term shall not exceed fifteen 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 PNC may request.*
3. *The 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 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 Finance Officer shall approve, with the Finance Officer's release of any Financing Documents 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.*

Resolution Approving Bid Award and Financing Terms with PNC Bank for Heart Monitors

WHEREAS, Randolph County, North Carolina (the “County”) has previously determined to undertake a project for the purchase of cardiac monitors for Randolph County Emergency Services department; and the Finance Officer has now presented a proposal for the financing of such Project;

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

- 1. The County hereby determines to finance the Project through PNC Bank (“PNC”), in accordance with the proposal dated August 22, 2012. The amount financed shall not exceed \$500,000.00. For the cardiac monitors, the annual interest rate (in the absence of default or change in tax status) shall not exceed 1.69%, and the financing term shall not exceed five 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 PNC may request.*
- 3. The 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 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 Finance Officer shall approve, with the Finance Officer’s release of any Financing Documents 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.*

This resolution is effective upon its adoption this 4th day of September, 2012.

RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION FOR APPROVAL OF A FINANCING AGREEMENT AUTHORIZED BY NORTH CAROLINA GENERAL STATUTE 160A-20

WHEREAS, the County of Randolph, North Carolina desires to renovate the Balfour School in order to provide sufficient facility space for pre-school programs (the "Project") to better serve the citizens of Randolph County; and

WHEREAS, the County of Randolph 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 the County of Randolph, North Carolina, meeting in regular session on the 4th day of September, 2012, makes the following findings of fact:

1. The proposed contract is necessary or expedient because the Asheboro Board of Education desires to begin the project in October 2012.
2. The proposed contract is preferable to a bond issue for the same purpose because (i) the cost of the proposed undertaking exceeds the amount that can be prudently raised from currently available appropriations or unappropriated fund balances; (ii) there is no capacity for non-voted bonds that could be issued by the County in the current fiscal year pursuant to Article V, Section 4, of the North Carolina Constitution (the "two-thirds limitation"); (iii) a voted general obligation bond issue is not the most cost-effective method of issuance due to the size of the proposed financing.
3. The sums to fall due under the contract are adequate and not excessive for the proposed purpose because the expected additional debt service is less than the annual decline in the actual existing debt service commitments over the life of the issuance.
4. The County of Randolph's debt management procedures and policies are good because the Commissioners have adopted a debt management policy, and the proposed debt has been evaluated and falls within the policy parameters, including debt service as a percentage of total expenditures, debt per capita, and outstanding debt as a percentage of total valuation.
5. The increase in taxes necessary to meet the sums to fall due under the proposed contract will be less than one-quarter of a cent per \$100 valuation and is not deemed to be excessive.
6. The County of Randolph is not in default in any of its debt service obligations.
7. The attorney for the County of Randolph 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 Finance Officer is hereby authorized to act on behalf of the County of Randolph 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.

This resolution is effective upon its adoption this 4th day of September, 2012.

BE IT RESOLVED by the Board of Commissioners of the County of Randolph, North Carolina (the "Issuer") that the Declaration of Official Intent to Reimburse Expenditures attached hereto as Exhibit A be, and hereby is, approved.

EXHIBIT A--DECLARATION OF OFFICIAL INTENT TO REIMBURSE EXPENDITURES

1. This declaration of official intent is made pursuant to Treasury Regulations Section 1.150-2, or any successor or substitute Regulations which may be promulgated hereafter, to expressly declare the Issuer's intention to reimburse itself for certain expenditures heretofore paid or to be paid by the Issuer, such reimbursement to be made with the proceeds of debt to be incurred by the Issuer.
2. The Issuer has advanced and/or will advance its own funds to pay certain capital costs (the "Original Expenditures") relating to school facilities (the "Project").
3. The funds heretofore advanced or to be advanced by the Issuer to pay the Original Expenditures are or will be available only on a temporary basis, and do not consist of funds that were otherwise earmarked or intended to be used by the Issuer to permanently finance the Original Expenditures.
4. As of the date hereof, the Issuer reasonably expects that it will reimburse itself for such Original Expenditures with the proceeds of debt to be incurred by the Issuer, and the maximum principal amount of debt to be issued with respect to the Project is expected to be \$2,000,000.

This declaration is effective upon its adoption this 4th day of September, 2012.

**RANDOLPH COUNTY CAPITAL PROJECT ORDINANCE
ASHEBORO CITY SCHOOLS PROJECT**

BE IT ORDAINED by the Board of the Randolph County Commissioners that, pursuant to section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

Section 1. In order to provide adequate facility space, the renovation of Balfour Early Childhood Development Center by the Asheboro City Board of Education is hereby authorized as a capital project with revenues and expenditures projected for the duration of the project.

Section 2. The officers of the Randolph County Board of Commissioners and the officers of the Asheboro City Board of Education are hereby authorized to proceed with the capital project in accordance with all General Statutes of North Carolina and within terms of the contracts approved by the Randolph County Board of Commissioners and the Asheboro City Board of Education.

Section 3. The following amounts are anticipated to be available to complete this capital project:

<i>Proceeds from Debt Financing</i>	<u>\$ 2,000,000</u>
	<u>\$ 2,000,000</u>

Section 4. The following amounts are appropriated for expenditures for the capital project:

<i>Other Services</i>	\$ 260,000
<i>Construction</i>	1,640,000

Contingency

TOTAL: 100,000
 \$ 2,000,000

Section 5. The Finance Officer is hereby directed to maintain within the Capital Project Fund sufficient specific detailed accounting records to satisfy the requirements of General Statutes of North Carolina.

Section 6. Funds may be advanced from the General Fund for the purpose of making payments as due. Reimbursement requests should be made to the financial institution in an orderly and timely manner.

Section 7. This Capital Project Ordinance shall be entered in the minutes of the Board of the Randolph County Commissioners and after adoption copies of this Ordinance shall be filed with the finance officer, the budget officer, and the clerk to the board.

Section 8. This Capital Project Ordinance is adopted on September 4, 2012 and shall continue in effect until the project is completed.

Public Information Session Set on Proposed Regional Landfill

On motion of Haywood, seconded by Frye, the Board voted unanimously to set 7:30 p.m. on October 1, 2012 for a public information session on the proposed regional landfill

Update TECS (Day Reporting Center) Program and Approval of Funding

Pam Smith, Day Reporting Center Executive Director, said that the TECS (Treatment for Effective Community Supervision) Program, which replaced the previous recurring CJPP grant application process, is still in negotiations with some vendors on awarding bids for the FY 2012/2013. Randolph County submitted bids for both Randolph and Montgomery counties. On August 27, 2012, Randolph County was notified that it is one of the 31 counties that the State has yet to make a decision on for award. The State could not release any further information on the awards and has not been able to provide a timeline for any other decisions; nor are they in negotiations with the County on an award.

Due to the uncertainty of funding, Ms. Smith said that she would like to move forward with other options since it is not justifiable to continue requesting monies from the County to extend salaries for the Adult Program employees without offering services to the community. If the County is offered the TECS funding at a later date, acceptance of the funding will be discussed in detail with management and a recommendation will be brought to the Commissioners for final approval.

Ms. Smith said that the Adult Day Reporting Center has provided the Pre-Trial Release Program in addition to the programs required by the state grant. The Pre-Trial Release Program offers an alternative to incarceration by reducing the overcrowded jail population. The Pre-Trial Release Program also creates a significant cost reduction for the State and local government, a reduction in local taxes, as well as reserving jail and prison space for repeat and violent offenders. This Pre-Trial Program has been partially funded by the County in the past with the remaining services provided in conjunction with the State-required services. The Adult DRC management believes that the Pre-Trial Release Program is a very effective program and would like to continue to provide this program to the offenders in the current and future years. Ms. Smith listed the Pre-Trial Release Program Services that she would like to continue to provide:

substance abuse assessments, substance abuse treatment, weekly urine drug screens, anger management classes, GED classes, Cognitive Behavioral Intervention classes and Job Skills Training classes. The GED classes, Cognitive Behavioral Intervention classes and Job Skills Training classes are already being provided by Randolph Community College to the DRC offenders on-site at the agency at no cost to the County or the offender. The RCDRC is also a testing site for RCC for GED services. For FY 2011-2012, 173 Pre-Trial offenders were served with a success rate of 48%. The total number of jail bed days saved was 17,912; total amount saved was \$1,074,720, based on a bed cost of \$60.00.

Ms. Smith said that the County has provided \$60,579 in the current budget to operate the Pre-Trial Release Program. Since we no longer have the funding from the State which helped to offset the cost of this program, the RCDRC needs an additional \$41,000 to continue to operate this program for the remaining nine months of the fiscal year. Due to the benefits of this program, the DRC would like to continue to provide this service to the community beyond the current fiscal year. The total cost to operate the Pre-Trial Release Program for a full fiscal year would be \$118,000. The County has appropriated just over \$60,500 each year to supplement the funding for this program. In addition, the County receives approximately \$12,000 annually in ABC Bottle Tax dollars which help to supplement this program. To continue to provide the Pre-Trial Release Program beyond the 2012-2013 fiscal year, the DRC will be requesting an additional \$46,000 each year from the County to continue to fund this beneficial program. Ms. Smith asked the Commissioners to consider two actions:

- Continue to fund the Pre-Trial Release Program in the current fiscal year at an additional cost to the County of \$41,000
- Fund the Pre-Trial Release program as an ongoing County service into future years at an approximate total cost of \$118,000. This will be an additional cost of \$46,000 each fiscal year.

Major Jo Ann Sapp, Randolph County Jail Administrator, spoke in favor of continuing the Pre-Trial Release Program since it helps to relieve overcrowding at the jail. She also said that the classes and services provided by the DRC to inmates often have a very positive influence on their lives.

Michael Odell, a program participant, commented on how thankful he has been for the opportunity to receive his GED while going through the program. He read a letter written jointly by others involved in the program, explaining the positive influence that the program has had on their lives.

Commissioner Kemp stated that the program had been in place for the last seventeen years and has provided substantial savings to the County. He suggested the program be funded through the current fiscal year and then look at the program again in the 2013-2014 budget year.

On motion of Kemp, seconded by Frye, the Board voted unanimously to approve \$41,000 from Fund Balance for the continuation of the Pre-trial program through the current fiscal year.

Regional Update

Vice Chair Frye stated that PART Director Brent McKinney had retired and that they had hired a firm to manage the agency until a successor is named.

Recess

At 8:25 p.m., the Board took a brief recess.

Meeting Resumed

At 8:32 p.m., the Board returned to regular session.

Public Hearing on Proposed Amendments to County Zoning Ordinance—Special Use Permits—Landfills & Approval

Hal Johnson, Planning Director, said that if the County Commissioners make the decision to begin the process of application for a regional landfill, the first step is for the County to apply for a special use permit. A special use permit request refers to a situation in which a particular kind of land use is permitted in a zoning district only when the County Planning Board issues the permit after making specific legal “findings” required by the Zoning Ordinance. Much like a judge in a courtroom setting, the County Planning Board sits as a “quasi-judicial” administrative body in its special use permit review role. The Planning Board is required to follow special rules of testimony and evidence in order to make the required decision to issue or deny a special use permit. The County Zoning Ordinance delegates most special use permits decisions to the County Planning Board. Any appeal from a decision of the County Planning Board in matters relating to the issuance of a special use permit is through appeal to the local Superior Court. Current Randolph County Zoning Special Use Permit requirements for landfills are outdated and have not been revised since 1979. The proposed amendments will update special use permit standards relative to landfills that will include screening/buffers, signage, and provide reinforcement to the requirements that the facility must follow the latest provisions of rules adopted by federal and state agencies applicable to landfills.

Mr. Johnson also noted that in addition to the proposed updated amendments, the County Zoning Ordinance also requires that in granting a special use permit, information must be submitted to the County Planning Board that will enable the Planning Board to make the following legal findings:

- 1: That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved;
- 2: That the use meets all required special conditions and specifications contained in the Ordinance;
- 3: That the use will not substantially injure the value of adjoining or abutting property, or that the proposed use is a public necessity; and
- 4: That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the adopted Growth Management Plan for Randolph County.

Special use permit procedures insure that a citizen have “quasi-judicial” decisions made by an impartial board. The law normally defines an “impartial board” as one that makes its decisions

after hearing all the sworn evidence and rebuttals presented in a public hearing process prior to making a final decision. Planning Board members cannot hear evidence presented outside the hearing. This is called “ex parte communication” and can result in a special use permit decision of the Planning Board being overturned upon appeal in court. If Planning Board members receive letters, emails, or other communication outside the special use permit public hearing, they are required to disclose these communications prior to the hearing. Legal counsel has advised that landfills are routinely a target for legal challenge, and therefore it is especially important that no ex parte communications occur between members of the Board of Commissioners and members of the Planning Board.

At 8:42 p.m., Chairman Holmes opened the duly advertised public hearing. Upon hearing no comments, the public hearing was closed.

On motion of Frye, seconded by Kemp, the Board voted unanimously to amend the Zoning Ordinance, as presented, and as follows:

- 1. Amend Unified Development Ordinance, Chapter 2, Zoning Regulations, Article VII, District Regulation, Section 5, Special Uses, Section 5.3 Special Use Regulation, Landfills, to read:*

Use: Landfill
Special Use District: RA

Screening: ~~Screening is required which completely screens the landfill from view along road frontages and property boundaries which border residential uses. Screening shall be thickly planted evergreens in a border at least 10 feet wide. Trees shall be of such height when planted that they shall reach a height of 10 feet in 2 years. A 35-ft. (Level 1) screening buffer consisting of natural vegetation shall be maintained along landfill property boundaries. Existing vegetation should be used where possible. Where vegetation is nonexistent, screening shall consist of thickly planted evergreens planted in staggered rows. Trees shall be of such height when planted that they shall reach a height of 10 feet in 2 years and shall be maintained by the property owner.~~

Activities Permitted in Buffer Area:

Buffers may be used to satisfy minimum landfill setback requirements. Installation of utilities and road access; Security Fencing

Plans:

~~All landfill plans and environmental clearances shall be approved by the N. C. Department of Human Resources, the N.C. Department of Natural Resources and~~

~~Community Development and the Randolph County Health Department.~~ designs shall strictly follow:

- 1) The requirements and provisions of the Solid Waste Act of 2007 and any subsequent modifications or amendments to the Act;
- 2) Rules governing sanitary landfills established in North Carolina Administrative Code Title 15A, Chapter 13B and any subsequent modifications or amendments to applicable Rules;
- 3) Any other rules applicable to landfills, which have been adopted by state agencies with oversight of the activity in question;
- 4) the terms and requirements outlined in Permits to Construct and Permits to Operate issued by the N.C. Department of Environment and Natural Resources, and any modifications or amendments to such permits;
- 5) The terms of a driveway permit issued by the N.C. Department of Transportation and any other traffic improvements required by NCDOT;
- 6) Conditions and requirements of a franchise ordinance adopted by Randolph County and any subsequent modifications or amendments to the ordinance; and
- 7) Conditions and requirements adopted pursuant to a Special Use Permit issued to the owner or operator, which responds to and addresses specific local matters.

Signs:

Type of sign: *Ground Sign: Identification / Informational*
~~Permitted number: 1 ground sign per entrance~~
~~Maximum area of sign: 9 sq ft~~
Permitted illumination: ~~None~~ *Indirect Lighting*

2. Amend Unified Development Ordinance, Chapter 2, Zoning Regulations, Article VII, Section 5, Special Uses, Subsection 5.2, Procedures, Finding Number 4, to read:
 - 4) that the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the ~~Land-Development~~ Growth Management Plan for Randolph County.
3. Amend Unified Development Ordinance, Zoning Regulations, Chapter 1, Article 1, Definitions, Landfills, to read:

~~Landfill, Sanitary: A place where trash and garbage are disposed of by compacting and covering with earth at the end of each day of operation.~~

Landfill: A facility and location designed for the disposal of solid waste using approved methods outlined in North Carolina Administrative Code Title 15A, Chapter 13B as Approved Disposal Methods.

Adjournment

At 8:43 p.m., on motion of Frye, seconded by Kemp, the meeting adjourned.

J. Harold Holmes, Chairman

Darrell L. Frye

Phil Kemp

Arnold Lanier

Stan Haywood

Cheryl A. Ivey, Clerk to the Board