

December 2, 2013

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.

County Employee Service Awards Presentation

Chairman Harold Holmes and Vice Chair Darrell Frye, assisted by Human Resources Director Stacy Griffin, presented County employee service award certificates and a piece of pottery to the following honorees: 15 years of service: Robert D. Keye, *Building Inspections* (not present); Michael L. Pittman, *Emergency Services*; Hugh D. Harris, *Health*; Sylvia A. Sparks, *Health*; Deborah C. Thompson, *Health* (not present); Jeffrey E. York, *Planning & Zoning*; John D. Carter, *Sheriff* (not present); John D. Garner, *Sheriff*; Pamela P. Owens, *Sheriff*; Pamela P. Spitzbergen, *Sheriff*; Jennifer D. Evans, *Social Services*; Trina M. Fraley, *Social Services*; Carolyn E. Leath, *Social Services*; Catherine A. Moffitt, *Social Services*; Patrick J. Skelly, *Social Services* (not present); Dennis M. Garner, *Tax*; Jo Ann White, *Tax*. 20 years of service: Tammy R. Swaney, *Emergency Services*; Janice M. Kearns, *Finance* (not present); Marlene C. Dawalt, *Health*; Robert L. Cross, *Public Buildings* (not present); Earl A. King, *Sheriff*; Lloyd G. Locke, Jr., *Sheriff*; Jaynetta C. Butler, *Social Services*; Tawanna C. Cain, *Social Services*; Heather W. Thomas, *Social Services*; Vickie D. Wilhoit, *Social Services* (not present); Marcus T. Frick, *Tax*. 25 years of service: Robin B. Whatley, *Emergency Services*; Lewis D. Schirloff, *Emergency Services*; Lisa A. Walker, *Finance*; Janet M. Nelson-Cagle, *Health*; 30 years of service: Susan D. Coltrane, *Library*.

Public Comment Period

Pursuant to N.C.G.S. § 153A-52.1, Chairman Holmes opened the floor for public comment. County Attorney Ben Morgan read aloud the Public Comment Rules of Procedure.

Alan Ferguson, 4794 Troy Smith Rd., Liberty, NC, stated that he and other concerned citizens had attended every meeting since January seeking an answer from the Commissioners on the proposed Greensboro-Liberty mega site project. Mr. Ferguson said they know the deadline for the grant issued to the county is to either expire or be extended very soon. He said the citizens who live in the area of the proposed site deserve to know what is going on with the project and requested the Commissioners advise the citizens of their decision regarding the mega site.

Bobby Ferguson, 8703 Old 421 Rd., Julian, acknowledged and thanked the Commissioners for their hard work over the past year and their willingness to hear their concerns regarding the mega site and the impact it has had on citizens in the area. He thanked Commissioners Holmes and Frye and Economic Development Director Bonnie Renfro for taking the time to make two trips to his home to hear the concerns of the people that live around the proposed site and offering them guidance and support.

Addie Luther, representing the Eastside Improvement Association, said that they have been in business as Eastside Homes, which consists of apartments for the low income and

elderly. She stated that they had utilized \$235,000 in grant money they were awarded three years ago through the NC Housing Finance Agency to make necessary changes for improvements to the apartments. They have occupants in 15 of the 18 units. She said that a gazebo is still due renovations in order to be handicap compliant and the exterior of the building needs renovations. She said they borrowed \$103,000 in 2001 in order to complete the updates to the Boys and Girls Club, which is housed on the same property. She said she thinks that it would cost about \$7,000 to upgrade the gazebo to meet handicap regulations and that the balance of the mortgage is \$81,983.86 and the Association currently has \$5,000 on hand. Ms. Luther stated they had also received a letter of default from their bank. She said they had fallen behind in their mortgage due to getting involved in the renovation of the building. She asked the Board to consider funding their needs to prevent foreclosure.

Reorganization of the Board

On motion of Frye, seconded by Lanier, the Board voted unanimously to elect Harold Holmes as Chairman.

On motion of Haywood, seconded by Lanier, the Board voted unanimously to elect Darrell Frye as Vice Chair.

On motion of Frye, seconded by Lanier, the Board voted unanimously to approve the following appointments: County Attorney, Ben Morgan; Associate County Attorney, Aimee Scotton; Clerk to the Board, Cheryl Ivey; Deputy Clerk to the Board, Amanda Varner; Representative to the Board of Health, Stan Haywood; Representative to the Social Services Board, Arnold Lanier; Representative to the Sandhills Consolidated Mental Health Board, Harold Holmes; Representative to the Juvenile Crime Prevention Council, Phil Kemp; Representative to the High Point Transportation Advisory Board, Darrell Frye; Alternate Representative to the High Point Transportation Advisory Board, Stan Haywood; PTRC Delegate, Darrell Frye; Piedmont Triad Partnership, Phil Kemp; Piedmont Authority for Regional Transportation, Darrell Frye; Regional Planning Organization Transportation Advisory Committee, Stan Haywood; Tourism Development Authority Liaison, Phil Kemp; Sandhills County Commissioner Advisory Board, Harold Holmes.

Approval of Consent Agenda

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

- *approve minutes of the regular meeting of 11/4/13;*
- *approve surety bonds for the following elected and appointed officials: Finance Officer Will Massie (\$500,000); Deputy Finance Officer Suzanne Dale (\$500,000); Tax Collector Debra Hill (\$300,000); Deputy Tax Collectors: Sallie Cheek (\$200,000), Revonda Cox (\$200,000); Deputy Finance Officers for Jail Commissary: Phyllis Calloway (\$10,000), Judy Brown (\$50,000), JoAnn Sapp (\$10,000); Sheriff Maynard Reid (\$25,000), Register of Deeds Krista Lowe (\$50,000);*
- *designate Board of Commissioners Chair (Chief Elected Official) to the Regional Partnership Local Workforce Development Area Consortium Chief Elected Official Board;*

- appoint Julie Mabe and reappoint Dr. Robert Dough, Dr. William Walker, Charles Lee & Stan Haywood to the Randolph County Board of Health;
- approve Budget Amendment #17 for 2013 Merit Program, as follows:

2013-2014 Budget Ordinance		
General Fund—Budget Amendment #17		
Revenues	Increase	Decrease
Appropriated Fund Balance	\$6,045	
Appropriations	Increase	Decrease
Administration		\$109,239
Information Technology	\$3,664	
Tax	\$6,032	
Elections	\$489	
Register of Deeds	\$1,126	
Public Buildings	\$1,851	
Sheriff	\$37,380	
Emergency Services	\$13,283	
Building Inspections	\$1,439	
Day Reporting Center	\$801	
Planning & Zoning	\$2,448	
Cooperative Extension	\$265	
Soil & Water	\$391	
Public Works	\$521	
Public Health	\$14,094	
Social Services	\$24,037	
Veteran Services	\$637	
Child Support Enforcement	\$1,648	
Public Library	\$5,178	

- approve Budget Amendment #18 for Public Health (\$25,494 in Animal Shelter & New Leash on Life Program Donations and additional Funding from State for Environmental Health & for Community Health Initiatives), as follows:

2013-2014 Budget Ordinance--General Fund—Budget Amendment #18		
Revenues	Increase	Decrease
Restricted Intergovernmental	\$ 17,994	
Miscellaneous	\$ 7,500	
Appropriations	Increase	Decrease
Other Human Services Appropriations	\$ 25,494	

- approve Budget Amendment #19 for Public Health (\$10,124 State TANF Funding), as follows:

2013-2014 Budget Ordinance--General Fund—Budget Amendment #19		
Revenues	Increase	Decrease
<i>Restricted Intergovernmental</i>	\$ 10,124	
Appropriations	Increase	Decrease
<i>Public Health</i>	\$ 10,124	

- *approve Budget Amendment #20 for Emergency Services (\$2,310 Cancer Center Donation), as follows:*

2013-2014 Budget Ordinance--General Fund—Budget Amendment #20		
Revenues	Increase	Decrease
<i>Miscellaneous</i>	\$ 2,310	
Appropriations	Increase	Decrease
<i>Emergency Services</i>	\$ 2,310	

- *declare Sheriff's Office Canine "Bogie," kennel & kennel fence as surplus (having no monetary value) and grant permission for handler to adopt canine from Animal Shelter and authorize donation of surplus kennel and kennel fence to handler;*
- *appoint Laura Cox to Adult Care Home Community Advisory Committee.*

Approval of Emergency Amendment to County School Budget

Randolph County Schools Superintendent Dr. Stephen Gainey said that the Randolph County Administration and Board of Education had been made aware of the immediate and unexpected facility needs in the football and baseball stadiums of Southwestern Randolph High School. Randolph Electric Membership Corporation had advised that each stadium needs to have two wooden light poles replaced with upgraded poles as woodpeckers had damaged the wooden poles and they would not allow power on them. They will require rewiring of the poles, transformers and other electrical work at an estimated cost of \$160,000-\$200,000. On November 18, 2013, the Randolph County Board of Education approved a resolution authorizing the transfer of \$200,000 from the Local Current Expense Fund to the Capital Outlay Fund to facilitate the repairs. Dr. Gainey said that pursuant to the N.C.G.S. 115C-433(d), the Commissioners must also approve this transfer between funds and requested action to the request and authorize the transfer within 30 days.

Commissioner Frye asked if the Asheboro City Schools had been notified according to the General Statute's guidelines and Dr. Gainey said that he would make sure that they are notified.

On motion of Frye, seconded by Lanier, the Board voted unanimously to approve the transfer of \$200,000 from the County Schools' Current Expense Fund balance to the Capital Outlay Fund, as requested.

Approval of Homeland Security Grant and Related Budget Amendment

Jared Byrd, Emergency Management Coordinator, said that Randolph County Emergency

Services has agreed to host, pending Commissioner approval, a \$190,937 grant on behalf of the North Carolina Domestic Preparedness Region 6 (DPR6) from the FY2013 Homeland Security Grant Program (HSGP). He stated that this regional grant will purchase four 100kW emergency generators. Randolph County will have until February 28, 2015 to complete the procurement as outlined in the grant memorandum of understanding. Compensation will be provided by the State of North Carolina, Department of Public Safety, Division of Emergency Management upon completion of the grant.

On motion of Frye, seconded by Lanier, the Board voted unanimously to authorize Randolph County Emergency Services to host a \$190,937 grant on behalf of the NC Domestic Preparedness Region 6 from the FY2013 Homeland Security Grant Program to purchase four emergency generators and to approve Budget amendment #21, as follows.

2013-2014 Budget Ordinance--General Fund—Budget Amendment #21		
Revenues	Increase	Decrease
<i>Restricted Intergovernmental</i>	\$ 190,937	
Appropriations	Increase	Decrease
<i>Emergency Services</i>	\$ 190,937	

Adoption of Resolution to Offer Electronic Listing for Business Personal Property

Tax Administrator Debra Hill said the Tax Department is striving to provide current technology to all businesses by offering the capability of listing online. This process will save time and money for individuals and accountants that would like to file electronically, as well as for those corporations that are filing multi-jurisdictional listings.

Ms. Hill stated that they will use TAXscribe, which is a dynamic online business personal property listing application created by Tax Management Associates, Inc., the County's current business personal property auditing vendor. TAXScribe will work together with the Tax Department to help businesses file business personal property listings online, easily and securely. This process allows businesses to file listings and to request extensions.

Ms. Hill said that North Carolina General Statute 105-310.1 requires a resolution from the Board of County Commissioners to permit electronic listing of personal property. North Carolina General Statute 105-311(b) allows the affirmation to be signed using an electronic signature method, which should also be included in the resolution.

On motion of Frye, seconded by Lanier, the Board voted unanimously to adopt a Resolution to Offer Electronic Listinsg for Business Personal Property, as follows:

RESOLUTION PROVIDING FOR ELECTRONIC LISTING OF PERSONAL PROPERTY FOR PROPERTY TAX PURPOSES

WHEREAS, North Carolina General Statute § 105-310.1 authorizes Counties to permit electronic listing of personal property, and

WHEREAS, North Carolina General Statute 105-311(b) authorizes electronic signature of personal property listings which are submitted electronically; and

WHEREAS, North Carolina General Statute 105-307(c) allows a board of county commissioners to grant individual extensions of time for the electronic listing of personal property upon written request and for good cause shown; and

WHEREAS, North Carolina General Statute 105-307(c) further allows a board of county commissioners to delegate the authority to grant extensions to the assessor.

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

Section 1. That personal property listings submitted and signed electronically are hereby authorized; and

Section 2. The following procedures will apply to electronic tax filings:

- 1. Electronic listings must be submitted online;*
- 2. Facsimiles will not be accepted as electronic listings;*
- 3. To file electronically, the taxpayer must use an electronic listing application approved by the County;*
- 4. Unless an extension is requested and granted, the period during which property is to be listed for taxation each year begins on the first business day of January and ends on January 31.*
- 5. To request an extension of time to file, the taxpayer must file an online request during the month of January and must provide an Account ID provided by the County and associated with the location for which the extension is requested. Once an extension of time has been granted by the Randolph County Assessor, the electronic filing must be received by the Randolph County Assessor no later than April 15 in order to avoid late list penalties; and*

Section 3. This resolution shall be recorded in the minutes of the Randolph County Board of Commissioners and notice of the procedure for electronic filing of personal property listings shall be published as required by G.S. § 105-296(c); and

Section 4. This resolution is effective upon its adoption.

Public Hearing and Adoption of Ordinance Designating Faith Rock as a Historic Landmark

Hal Johnson, Planning and Zoning Director and Chairman of the Historic Landmark Preservation Commission, said that Faith Rock, if approved, would be the 18th local historic landmark in Randolph County. He provided a pictorial presentation and stated Faith Rock is a bluestone outcrop on Deep River located in Franklinville, N.C. In 1782, Faith Rock was the setting for one of Randolph County's most legendary Revolutionary War incidents involving the notorious Tory guerilla leader *David Fanning*, local Revolutionary War Patriot *Andrew Hunter*, and a mutually valued horse named *Bay Doe*.

Mr. Johnson said Faith Rock has both an ecological natural heritage and historical significance to Randolph County and the Town of Franklinville. It was the setting for one of Randolph County's most legendary Revolutionary War incidents involving Tory guerilla leader David Fanning and local Patriot Andrew Hunter. Hunter had been captured by Fanning, but was able to make a desperate escape from Fanning and his troops even after being shot. According to legend, Hunter was able to save himself by jumping on Fanning's favorite horse named Bay Doe and riding to safety. Bay Doe was a horse that was much loved by David Fanning, and in 1782, Fanning returned to Franklinville in an effort to retrieve his favorite horse. Fanning found Andrew Hunter still in possession of the horse and a chase began, which ended on Faith Rock. Local legend has maintained that Hunter was able to escape capture and probable execution by David Fanning by jumping Bay Doe from Faith Rock into the Deep River that flowed below the rock from a slope of almost 60 degrees. Fanning and his men were in awe at this jump, and although they fired shots at Fanning, they could not pursue. Local legend in Franklinville has maintained the claim that Bay Doe's hoof prints can still be seen embedded in Faith Rock. It is also claimed that some horse lineage currently in Randolph County can be traced back to Bay Doe.

Mr. Johnson stated that in recognition of the cultural and historical significance of Faith Rock to the Town of Franklinville and the Randolph County community, that on August 27, 2013, the Randolph County Historic Preservation Commission designated Faith Rock as a local *Cultural Heritage Site*, and directed that further study and actions be taken to obtain Local Historic Landmark designation. Then, on October 22, 2013, the Randolph County Historic Landmark Preservation Commission unanimously approved a resolution recommending landmark designation.

Mr. Johnson requested the Commissioners adopt an ordinance designating Faith Rock as a historic landmark.

At 6:49 p.m., Chairman Holmes opened the duly advertised public hearing. Upon hearing no comments, the public hearing was closed.

On motion of Lanier, seconded by Frye, the Board voted unanimously to adopt an Ordinance designating Faith Rock, ca 1782, as a local historical landmark, as follows:

Ordinance Designating the Faith Rock, ca 1782 Revolutionary War Incident, as a Local Historic Landmark in Randolph County, North Carolina

WHEREAS, CHAPTER 160A, Article 19, Part 3C, of the North Carolina General Statutes provides for the designation of Local Historic Landmarks; and

WHEREAS, on June 2, 2008, the Randolph County Board of Commissioners adopted an Ordinance which established the Randolph County Historic Landmark Preservation Commission to perform those duties of recommending designation and regulating Local Historic Landmarks pursuant to N.C. General Statutes; and

WHEREAS, the Randolph County Board of Commissioners has taken into full consideration all historical data and information contained in the report as submitted by the Randolph County Historic Landmark Preservation Commission; and

WHEREAS, the North Carolina Department of Cultural Resources, State Historic Preservation Office, has reviewed the historical data and noted that the report provides adequate information to determine whether the Faith Rock, ca. 1782 Revolutionary War Incident, meets the required special significance and integrity for Local Historic Landmark designation; and

WHEREAS, the Randolph County Historic Landmark Preservation Commission and the Randolph County Board of Commissioners have held the required public hearings and published legal notices with mailings to adjoining property owners; and

WHEREAS, the Randolph County Historic Landmark Preservation Commission has adopted a unanimous resolution requesting that the Board of County Commissioners designate the Faith Rock as a Local Historic Landmark; and

WHEREAS, this property is more specifically described as follows:

Faith Rock, and the ca. 1782 Revolutionary War Incident, is located on a 1 acre site considered primary out of a 13.88 secondary tract, 216 W. Main Street, Franklinville Township, N.C. PIN# 7792258642, Owner, FBD Perry J. Conner IRA;

NOW, THEREFORE, BE IT ORDAINED, this 2nd Day of December, 2013, by the Randolph County Board of Commissioners that:

- 1: *The property known as Faith Rock and previously described is hereby designated as a Randolph County Local Historic Landmark pursuant to Chapter 160A, Article 19, Part 3C, of the North Carolina General Statutes.*
- 2: *The site of the Faith Rock as described shall not be materially altered only following the issuance of a Certificate of Appropriateness from the Randolph County Historic Landmark Preservation Commission.*
- 3: *A suitable sign may be posted indicating the designation as a Randolph County Local Historic Landmark.*
- 4: *Copies of this Ordinance shall be filed and indexed in the Office of the Clerk to the Board of County Commissioners, the Randolph County Register of Deeds, the Randolph County Tax Department, and the Randolph County Planning Department as required by applicable law.*

Upon the motion of Lanier, and a second by Frye, the foregoing Ordinance was passed upon its first reading by a vote of 5-0.

This Ordinance shall be in full force and effect from and after the date of its passage.

Radio Funding Request from Randolph County Fire Chiefs

Climax Fire Chief Gary McGee spoke on behalf of all the county fire chiefs and fire departments that serve Randolph County to update the Commissioners on radio funding needs, due to FCC imposed changes to the radio and pager frequencies that are utilized for emergency communications. Chief McGee said that since the change's inception, the departments of Randolph County have been working diligently to determine the safest and most cost effective means to be in compliance, while ensuring interoperability with EMS, law enforcement, and

neighboring mutual aid counties. He stated that Commissioner Haywood participated on a special committee that was formed to make decisions and develop a plan for moving forward. The recommendation developed by the committee included the transition to a state maintained radio system called V.I.P.E.R. in lieu of a standalone private system. This decision resulted in large cost savings to the county upfront for radio towers and transmitters, and long term for continued technical support. The recommendation made by the committee was for the county to purchase the minimal infrastructure needed for this new compliant paging and radio communications system and the radios for county sheriff and emergency services units, including the fire marshal's office. He said that it ultimately left the fire departments working to acquire the funding needed to purchase radios for their existing fire apparatus and firefighters by means of grants and local fundraisers.

Chief McGee said that departments have made diligent efforts over the last three years to fund the majority of the radio and voice pager needs for the departments of Randolph County. The efforts included a combined acquisition of national, state, and local grants, along with many community fundraisers. Initial research by all the fire departments indicated that it would cost 2.3 million dollars to equip every piece of fire apparatus with sufficient radios for safe operations. Chief McGee said that throughout the last three years, the fire departments of Randolph County have raised in excess of 1.5 million dollars in combined grants, fundraisers, and capital funding, but still remain short of the overall goal.

Chief McGee said the departments of Randolph County are asking for financial support to finish this important project to ensure the continuation of operations. The departments are asking for Randolph County to provide half of the remaining funds needed to finish the balance of the radios needed. The total remaining radio funding need is \$460,656.00, with the request to the County being 50% of this figure, or \$230,328.00. These prices reflect State contract pricing from the vendor, but do not reflect the additional savings that could be acquired by ordering on or before December 15, 2013, through a Motorola year end promotional opportunity. This once-a-year-end promotional opportunity would allow an additional \$450.00 discount per radio for a total overall savings of \$62,100.00. The additional savings would equate to an amended total amount of \$398,556.00 with 50% of that coming from Randolph County in the amount of \$199,278.00. He said the amount requested from the County is only 10.5% of the total amount, leaving 89.5% raised by the county's fire departments in three years' time, mostly by volunteers. Motorola will provide support for their radios through 2026.

Commissioner Frye asked why Westside Fire Department's request was so much higher than others. Chief McGee explained that some smaller departments may have received enough funding in the initial grant or the municipality funded the needs and the larger stations may have several bases, apparatus and personnel to equip. Westside Fire Chief Recil Williamson spoke, saying that repeaters are also included in his amount due to the lack of reception in the Caraway mountain area.

Commissioner Kemp suggested a temporary fire tax increase to the citizens in the area of the departments that still need radios.

Commissioner Lanier asked that the Board consider changes in the requirement for yearly audits from the County fire departments. He stated that an audit is costing a fire department on

the average of \$5,000-\$5,500 each year. He said that the elimination of the expense of the yearly audit would allow the smaller departments some relief in their annual budgets and perhaps they wouldn't have to ask for a fire tax increase from the County, which is their primary revenue source for capital funding.

After Board discussion, Commissioner Frye proposed they consider the requirements of a full audit only every three years and a compilation during the other years. He felt the level of accountability has improved in the last several years and a future discussion may be warranted.

After discussion regarding the property revaluation and not wanting to add any additional tax burden to citizens, Commissioner Frye suggested a \$200,000 loan to be paid over a 60-month (five-year) period with no interest. Chief McGee said that would be his third choice, with his first choice still being 50% of the funding needed, or \$199,278.00 paid by the County, if done by December 15. Chief McGee said his second choice, if the Commissioners were willing to do a loan (provided it also could be done before December 15), would be for a 25% (\$99,639) grant and a 75% (\$298,917) interest-free loan over three years.

On motion of Frye, seconded by Kemp, the Board voted unanimously to approve a \$200,000 interest free loan, to be paid over a 60-month period, for the purchase of radios for the fire departments.

Approval of Ambulance Base in FY '14-'15 Budget

During the request for radio funding, Commissioner Lanier asked that the Board consider the funding of at least one ambulance base in the southwest portion of Randolph County, saying that it had been discussed many times, but nothing had been done.

Commissioner Haywood said that he agreed with Commissioner Lanier that the need is great, but they needed to consider the recurring expense of the base and personnel and other unintended consequences that might ultimately require another half cent on the tax rate.

Commissioner Lanier said that he felt like the citizens in his district would be more willing to support an increase if they were getting an ambulance base for it.

Commissioner Kemp stated that until the Commissioners get a report on what the County's values are for the upcoming revaluation, they will not know what they are facing going into the budget process. He would like to have more information before committing to the expense.

On motion of Lanier, seconded by Haywood, the Board voted 4-1, with Kemp opposing, to fund an ambulance base in the southwest portion of Randolph County in fiscal year 2014-'15.

Rezoning Public Hearing & Action

At 7:21 p.m., the Board adjourned to a duly advertised public hearing to consider a rezoning request. Hal Johnson, Planning Director, presented the following request and Chairman Holmes opened the public hearing for comments and closed it before taking action on the following request:

MERIC, INC., Randleman, North Carolina, is requesting a change to the Conditional District

Permit issued to their property of 8.60 acres located at 9755 US Hwy 220 Business North, Level Cross Township Zoning District LI-CD, Tax ID# 7767265344, Primary Growth Area, Randleman Lake Watershed. The proposed Conditional Zoning District would specifically allow the existing facility to be used for light manufacturing as per site plan. The Planning Board reviewed this request at public meeting on November 5, 2013, and unanimously recommended that this request be approved. The Planning Board found the following policies within the 2009 Growth Management Plan that support determination of consistency with the adopted plan with this recommendation:

Policy 3.3 *Light industrial sites should be located in urbanized areas to take advantage of available services and to reduce home-to-work distances. Careful design and/or buffering shall be required to insure compatibility with surrounding areas.*

Policy 3.7 *Sustainable economic growth, environmental protection, and quality of life shall be pursued together as mutually supporting growth management goals.*

No one spoke during the public hearing.

On motion of Haywood, seconded by Frye, the Board voted unanimously to approve the request of Meric, Inc., as determined consistent with the standards and policies contained within the Growth Management Plan and outlined in the recommendations provided by the County Planning Board.

Request for Approval of 2014 Technology Plan

Michael Rowland, County Information Technology (IT) Director, presented the proposed 2014 Strategic Technology Work Plan, stating that it had been reviewed and approved by the Technology Planning Team (TPT) on November 20, 2013 and consists of two projects. The first project will be to complete the Network Infrastructure Upgrade project from the 2013 Work Plan. The second is a new project to complete much needed database software upgrades.

1. Network Infrastructure Upgrades – This project consisted of a network core upgrade, Storage Area Network (SAN) upgrade, email server upgrade and the addition of a second network firewall and internet circuit. The Storage Area Network upgrade has been completed. All production servers have been migrated to the new storage. As a result, the County is now seeing increased performance with all internal enterprise applications that reside on it. The email server upgrade has also been completed. All county email users have been migrated to the new server. Over the next few months, IT will continue to deploy new capabilities gained from the upgrade. The last phase of the project is to move the network core switch upgrade and second firewall into production. This part of the project should be complete by the end of December 2013. When this is fully implemented, it will be a faster, more redundant network for employees to access their critical internal and external state applications and will provide a faster, more redundant internet connection for citizens to access county web services.
2. Database Software Upgrades – All of the County enterprise applications utilize database software to store and retrieve data and has standardized on Microsoft SQL server as County database software to perform these functions. This database software was chosen for its combination of performance, features and price. The number of database servers being managed has grown as the legacy applications have been replaced. This in turn led to an

increase in the amount of time required to manage the databases as well as an exponential increase in the cost to keep the database software current. In order to manage the growth in the number of database servers, the County has undertaken a database consolidation project. This project has allowed the County to reduce the number of database systems from 21 to just 7 production systems. Even with the database consolidation, it has been impossible to keep the database software current. This is due to increasing license costs and budget constraints. The majority of our database software is at least one full release behind. The County has one database server that is two full releases behind. This particular database server will reach its end of life for support from Microsoft in 2014. The goal of this project is to upgrade all production database servers to the latest database software version. The software upgrade will be purchased with software maintenance. This will allow the County to continue to receive any new database software releases for the next three years. The County would then have the opportunity to include the software maintenance in the budget as a normal operating cost. In addition to software upgrades, the maintenance license agreement allows the County to take better advantage of the high availability and fault tolerance capabilities of the virtual environment and Storage Area Network. This is critical to the County's disaster recovery and business continuity plans. The estimated cost of this upgrade is \$77,000.

Priority	New Dollars Requested	Project Name	Projected time line for completion
1	\$0	Network Infrastructure Upgrade	December 2013
2	\$77,000	Database Software Upgrades	2014

After discussion, the Board decided to discuss this item at the Board retreat and to consider making the Technology Plan and Funding part of the budget process.

Approval of County-Wide Document Imaging Policy

Michael Rowland, County Information Technology (IT) Director, said that in order to implement document imaging, the North Carolina Department of Cultural Resources requires each agency wishing to scan documents to submit a document imaging policy. The policy ensures that the document imaging system being used meets all Department of Cultural Resources requirements for record security, trustworthiness, availability and maintenance. It serves as documentation of procedures followed in imaging, indexing, auditing, backing up and purging electronic records. It defines the specific responsibilities of the department, IT and the record creators.

He said that Randolph County has had a county-wide document imaging system in place since 2004. Social Services, Public Health and the Sheriff's Office have already gone through the process of developing a document imaging policy and having it approved by the state. IT is currently working on installing document imaging in the Child Support Enforcement department. To facilitate the implementation of document imaging in Child Support Enforcement and all other departments, the Department of Cultural Resources has suggested that the County develop a county-wide policy. This

policy covers all departments and supersedes any previous policy. Mr. Rowland stated that the Technology Policy Team and the Department of Cultural Resources have approved the policy.

On motion of Frye, seconded by Kemp, the Board voted unanimously to approve the County-Wide Document Imaging Policy, effective January 1, 2014, as requested, and as ATTACHED.

Adoption of Ordinance Establishing Procedures for the Application and Issuance of Franchises for Solid Waste Facilities

County Manager Richard Wells stated that a draft ordinance was presented to the Board at the November 4, 2013 meeting and pursuant to NCGS 153A-45, and that it can now be considered for adoption. He provided a brief summary of the purpose of a franchise ordinance:

A franchise is the governmental grant of a privilege to conduct business. In the context of solid waste facilities, local governments use franchises to control the types of waste the company is allowed to dispose, the geographic territory the company is permitted to haul from, and the fee or fees payable to the government for granting such privilege.

N.C. General Statutes allow, but do not require, a county to adopt an ordinance establishing the procedures by which solid waste franchises shall be considered and issued. In light of the County's deliberate and cautious consideration of a long-term partner to construct and operate the proposed landfill, the prudent step is to adopt an ordinance that specifies the method for application, consideration and award of the franchise.

The ordinance serves the following purposes:

- Enables the county to issue exclusive franchises.
- Protects existing facilities already permitted by NCDENR.
- Creates a simple but thorough process consistent with G.S. 130A-294 by which the applicant is approved. This process would presumably occur after an operating partner is selected.
- Articulates the powers and rights reserved to the county for suspension or termination. These powers are independent of any rights to be included in an operating agreement and can be exercised if the operating partner is sold or control is transferred to another person or entity, or if the franchisee fails to remedy health or safety violations or breaches other contracts with the county.

On motion of Kemp, seconded by Lanier, the Board voted 4-1, with Haywood opposing, to adopt an Ordinance Establishing Procedures for the Application and Issuance of Franchises for Solid Waste Facilities, as follows:

**AN ORDINANCE ESTABLISHING PROCEDURES FOR THE APPLICATION AND
ISSUANCE OF FRANCHISES FOR SOLID WASTE FACILITIES IN
RANDOLPH COUNTY**

WHEREAS, N.C. Gen. Stat. §153A-136 provides that counties may, by ordinance, regulate the storage, collection, transportation, use, disposal, and other disposition of solid wastes; and

WHEREAS, N.C. Gen. Stat. §153A-136 further provides that counties may regulate solid waste by granting a franchise to one or more persons for the exclusive right to commercially collect or dispose of solid wastes within all or a defined portion of the county and prohibit any other person from commercially collecting or disposing of solid wastes in that area; and

WHEREAS, N.C. Gen. Stat. §153A-136 further provides that the board of commissioners may set the terms of any franchise and regulate solid waste fees as authorized by this section; and

WHEREAS, N.C. Gen. Stat. §130A-294(b1)(2) establishes procedures governing the process by which franchises for solid waste facilities are considered and issued; and

WHEREAS, franchises for solid waste facilities are necessary for the protection of public health and safety.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the County of Randolph, State of North Carolina, that:

Section 1. Definitions.

For the purposes of this ordinance, the following words, phrases, and terms shall have the meaning provided herein, not inconsistent with definitions provided by the North Carolina General Statutes and Administrative Rules. Words, phrases or terms not defined herein shall have the same meaning as applied by North Carolina General Statute or Administrative Rules; if not so defined, then the word, phrase or term shall have the definition commonly applied within the industry; and words, phrases and terms not common to the solid waste industry shall have the same meaning as found in the latest edition of Webster's Dictionary.

(a) "Closure" shall mean the cessation of operation of a solid waste management facility and the act of securing the facility so that it will pose no significant threat to human health or the environment.

(b) "Construction" or "demolition" or "C&D" when used in connection with "waste" or "debris" shall mean solid waste resulting solely from construction, remodeling, repair, or demolition operations on pavement, buildings, or other structures, but does not include inert debris, land-clearing debris or yard debris.

(c) "County" shall mean either the geographical territory of the Randolph County or the County as a political subdivision of the State of North Carolina acting through its Board of Commissioners, administrative personnel or other employees.

(d) "Disposal" shall mean the discharge, deposit, injection, dumping, spilling, leaking or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

(e) “Facility Plan” shall mean the plan for the construction and operation of the facility submitted to NCDENR, either as a preliminary plan, final plan or revised plan.

(f) “Franchise” shall mean an ordinance adopted by Randolph County pursuant to authority granted by N.C. Gen. Stat. §§153A-136 and 130A-294 which governs the types and amounts of solid waste a person or company is allowed to dispose in a solid waste facility in Randolph County, the territory from which that waste is allowed to be collected and transported, the procedures to be followed for governmental oversight, and the terms of any franchise fees to be paid to Randolph County. A franchise may be issued without an operating agreement, in conjunction with an operating agreement, or preliminary to an operating agreement with the person or company who has been issued the franchise.

(g) “Franchise Fee” shall mean the payment to Randolph County from the person to whom a franchise has been issued, payable in amounts and intervals as determined by the terms of the franchise.

(h) “Franchise territory” shall mean the geographic area, expressed in terms of distance from a fixed point or through a listing of counties within the territory, from which the franchisee may collect solid waste for transport and disposal within Randolph County.

(i) “Gas to Energy” shall mean the process by which landfill gases are converted to any form of useable energy under any technology.

(j) “Inert debris” shall mean solid waste which consists solely of material that is virtually inert and that is likely to retain its physical and chemical structure under expected conditions of disposal.

(k) “Land-clearing debris” shall mean solid waste which is generated solely from land-clearing activities.

(l) “Landfill” shall mean a disposal facility or part of a disposal facility where waste is placed in or on land and which is not a land treatment facility, a surface impoundment, an injection well, a hazardous waste long-term storage facility or a surface storage facility.

(m) “Municipal solid waste” shall mean any solid waste resulting from the operation of residential, commercial, industrial, governmental, or institutional establishments that would normally be collected, processed, and disposed of through a public or private solid waste management service. Municipal solid waste does not include hazardous waste, sludge, industrial waste managed in a solid waste management facility owned and operated by the generator of the industrial waste for management of that waste, or solid waste from mining or agricultural operations.

(n) “Municipal solid waste management facility” shall mean any publicly or privately owned solid waste management facility permitted by NCDENR that receives municipal solid waste for processing, treatment, or disposal.

(o) “NCDENR” shall mean the North Carolina Department of Environment and Natural Resources, whether acting through any of its divisions or personnel, and its successor agency or agencies.

(p) "Operator" shall mean any person, including the owner, who is principally engaged in, and is in charge of, the actual operation, supervision, and maintenance of a solid waste management facility and includes the person in charge of a shift or periods of operation during any part of the day.

(q) "Person" shall mean an individual, corporation, company, association, partnership, unit of local government, State agency, federal agency or other legal entity.

(r) "Population" shall mean the number of persons within any geographical territory as determined by the most recently published data from the U.S. Census Bureau or more recent data published by the U.S. Government.

(s) "Recovered material" shall mean a material that has known recycling potential, can be feasibly recycled, has been diverted or removed from the solid waste stream for sale, use, or reuse, and meets the requirements of G.S. 130A-309.05(c).

(t) "Recyclable material" shall mean those materials which are capable of being recycled and which would otherwise be processed or disposed of as solid waste.

(u) "Recycling" shall mean any process by which solid waste, or materials which would otherwise become solid waste, are collected, separated, or processed, and reused or returned to use in the form of raw materials or products.

(v) "Refuse-derived fuel" shall mean fuel that consists of municipal solid waste from which recyclable and noncombustible materials are removed so that the remaining material is used for energy production.

(w) "Resource recovery" shall mean the process of obtaining material or energy resources from discarded solid waste which no longer has any useful life in its present form and preparing the solid waste for recycling.

(x) "Solid waste" shall mean any hazardous or nonhazardous garbage or refuse; sludge from a waste treatment plant, water supply treatment plant or air pollution control facility; domestic sewage and sludges generated by the treatment thereof in sanitary sewage collection, treatment and disposal systems; and other material that is either discarded or is being accumulated, stored or treated prior to being discarded, or has served its original intended use and is generally discarded, including solid, liquid, semisolid or contained gaseous material resulting from industrial, institutional, commercial and agricultural operations, and from community activities. The term does not include the types of waste excluded under N.C. Gen. Stat. § 130A-290.

(y) "Useful life" shall mean a reasonable calculation prepared by a licensed engineer projecting the number of years the landfill should have capacity to receive solid waste from the franchise territory plus any additional years that the landfill should be expected to generate energy from landfill gas or other known methods or technologies.

(z) "Waste stream" shall mean (1) the totality of solid waste collected from the franchise territory and transported to and disposed in the solid waste facility during its useful life; and (2) the totality of solid waste which is transported to the solid waste facility for recycling and which leaves the facility either for further treatment or processing elsewhere or as market product.

(aa) "Yard trash" shall mean solid waste consisting solely of vegetative matter resulting from landscaping maintenance.

Section 2. Sanitary Landfill Franchise Required.

No sanitary landfill or other solid waste facility shall be operated within Randolph County without a franchise granted pursuant to this ordinance. Facilities exclusively limited to the disposal of yard waste, inert debris or land-clearing debris, and existing solid waste facilities already permitted by the State of North Carolina, are exempt from this ordinance.

Section 3. Term of Franchise.

The term of a franchise shall be stated in the franchise, but shall not exceed thirty (30) years. At any time during the two (2) remaining years of an existing franchise the franchisee may, upon proper application, request an extension of the franchise. In no event may the renewal term and the remaining months or years of the existing franchise exceed a total of thirty (30) years.

Section 4. Franchise May be Exclusive

A franchise may be exclusive for certain types of waste. The issuance of an exclusive franchise for certain types of waste shall not preclude the issuance by the county of franchises for other types of waste.

Section 5. Contents of application.

An application for a franchise shall include the following information:

(1) The qualifications of the applicant to operate a sanitary landfill or other type of solid waste facility, including information concerning the applicant's legal and financial status; the applicant's character, experience, and business reputation; technical expertise; and any other information relevant to the applicant's qualifications. The County reserves the right to seek additional information that, in its discretion, is necessary to determine the applicant's qualifications.

(2) A statement of the population to be served, including a description of the geographic area.

(3) A description of the volume and characteristics of the waste stream entering the solid waste facility, including all recovered and recyclable materials and any recycled products or other waste shipped from the facility.

(4) A projection on the useful life of the landfill.

(5) A description of the means and routes of transportation for each part of the waste stream.

(6) A demonstration of the franchise applicant's qualifications and experience and financial assurances.

(7) A description of any activities involving recycling, resource recovery, refuse-derived fuel and/or gas-to-energy production.

Section 6. Grant of franchise.

Public notice and public hearings related to issuance of a franchise shall be consistent with N.C. General Statute § 130A-294.

Upon review of the application and consideration of any other information or factors it deems relevant, the Board of Commissioners may issue or deny a franchise in its sole and complete discretion, and upon issuance of a franchise it may include whatever requirements, restrictions, or provisions it deems advisable and in the public interest, including such fees or payments to be made to the county.

Section 7. Transfer of ownership or control.

(a) *Franchise non-transferrable.* A franchise cannot be sold, transferred, leased, assigned, acquired or disposed of, including, but not limited to, by force or voluntary sale, merger, consolidation, acquisition, bankruptcy, receivership or other means to any other person or entity except upon consideration and approval of the Board of Commissioners.

(b) *Transfer threshold.* The franchisee shall promptly notify the county of (1) any actual or proposed change in or transfer of the franchisee's ownership or (2) acquisition by any other party of control of the franchisee. The word "control" as used herein is not limited to majority ownership but also includes operational control in whatever manner exercised. A rebuttable presumption that a transfer of control has occurred shall arise upon the disposal by the franchisee, directly or indirectly, by gift, assignment, voluntary sale, merger, consolidation devise or otherwise, of at least 50 percent ownership or controlling interest in the franchisee at one time or cumulatively over the term of the franchise to a person or group of persons, corporation, partnership, limited partnership, trust, limited liability, or company association. Any two or more persons or entities which cumulatively own more than fifty (50) per cent of the franchise and act in concert shall be considered one entity owning a majority interest.

(c) *Suspension and Re-application.* The transfer, sale, lease, assignment or disposition of control of the grantee, including, but not limited to, by force or voluntary sale, merger, consolidation, receivership or other means, shall make the franchise subject to cancellation unless and until the county shall have consented thereto. For the purpose of determining whether it shall consent to such transfer, sale, lease, assignment or disposition of control of the grantee, the county may inquire into the legal, financial, character, technical and other public interest qualifications of the prospective controlling party, and the proposed grantee shall assist the county in any such inquiry. Failure to provide all information reasonably requested by the county as part of its inquiry may be grounds for denial of the proposed franchise transfer. After considering the legal, financial, character, technical, and other public interest qualifications of the applicant, the county may transfer and assign the rights and obligations of such franchise as may be in the public interest. The consent of the county to such transfer shall not be unreasonably withheld.

(d) *Signatory requirement.* Any approval by the county or transfer shall be contingent upon the prospective controlling party becoming a signatory to the franchise and any operating agreement or other agreement as required by the county.

(e) Permits. The requirements of the State of North Carolina pertaining to solid waste permits are separate requirements.

Section 8. Forfeiture or Revocation.

(a) Grounds of revocation. The county reserves the right to revoke any franchise granted hereunder, and to rescind all rights and privileges associated with the franchise in accordance with the procedures set forth herein, in the following circumstances, each of which represents a default and breach under this chapter and the franchise grant:

(1) Grantee's default in the performance of any of the material obligations under this chapter or the franchise or under such documents, operating agreements or other contracts entered into by and between the county and the grantee.

(2) Grantee's violation of any orders or rulings of any regulatory body having jurisdiction over the grantee after notice thereof, continuing and not being remedied or reasonably addressed within 60 days of notice.

(3) Grantee's fraud or any unfair or deceptive act or practice with regard to the county or the public under the laws of the state.

(4) Grantee's insolvency, inability, or unwillingness to pay its debts; or grantee is adjudged bankrupt.

(5) Grantee's misrepresentation of a material fact in the application for, or negotiation of the franchise or any extension or renewal thereof.

(b) Procedure prior to revocation.

(1) The county shall make written demand that the grantee comply with any material requirement, limitation, term, condition, rule or regulation or correct any action deemed cause for revocation. If the failure, refusal or neglect of the grantee continues for a period of 30 days following such written demand, the county shall place its intent to revoke the franchise upon a regular county commissioner meeting agenda. The county shall cause to be mailed by certified mail to grantee at least 10 days prior to the date of such meeting, a written notice of intent to revoke and the reasons therefore, and the time and place of the meeting, notice of which shall be published by the county clerk at least once 10 days before such meeting in a newspaper of general circulation within the county.

(2) The County Board of Commissioners shall hear any persons interested therein, and shall determine in its discretion, whether or not any breach, failure, refusal or neglect by the grantee was with just cause.

(3) If such breach, failure, refusal or neglect by the grantee was with just cause, as reasonably determined by the county, the County Board of Commissioners shall direct the grantee to comply within such time and manner and upon such terms and conditions as are reasonable.

(4) If the County Board of Commissioners shall determine that such breach, failure, refusal or neglect by the grantee was without just cause, then the County Board of Commissioners shall, by resolution, declare that the franchise of the grantee shall be revoked.

Section 9. Equal Opportunity Policy.

The franchisee shall afford equal opportunity employment to all qualified persons, and no person shall be discriminated against in employment because of race, color, religion, age, national origin, sex, or disability. The franchisee shall comply with all equal opportunity provisions enacted by federal, state and local authorities.

Section 10. Notices.

All notices from franchisee to the county pursuant to this chapter and franchise shall be to the county manager or his/her designee. Franchisee shall maintain with the county throughout the term of the franchise, an address for service of notices by mail, which address shall be noted in the franchise agreement.

Section 11. No recourse against the grantor.

Except when seeking equitable relief, the grantee shall have no recourse whatsoever against the county or its officials, boards, commissions, agents, or employees for any loss, cost, expense or damage arising out of any provision or requirements of the franchise or because of the enforcement of this chapter or the franchise.

Section 12. Incorporation of provisions.

The requirements of this ordinance shall be binding on the grantee of a franchise whether or not the terms are incorporated into the franchise itself or any operating agreements or other contracts.

Section 13. Effective Date.

This Ordinance shall become effective on December 2, 2013.

Recommendation of Landfill Operating Partner

Finance Officer Will Massie presented details regarding the Requests for Proposals (RFPs) for an operating partner for the proposed regional landfill.. He said that the purpose of the project was to save citizens for direct out-of-pocket costs of solid waste disposal, and to provide financial benefits to Randolph County, such as new revenue streams and reduced operating cost. By developing a county landfill, the County can eliminate the cost of operating the transfer station, hauling costs to a regional landfill (Uwharrie) and residential users can drop off bags at convenience sites with no charge.

He said when considering the financial benefits to the county there are several new revenue streams. There is a franchise fee for the partner to operate in the county, a lease for use of airspace on County property, host fees for out-of-county waste, revenue sharing, and revenues from the sale of methane gas.

As part of the Request for Proposals, the companies were asked to take over operations of the four rural convenience sites plus two future sites and to conduct the annual monitoring and regular maintenance at the closed county landfill, which would be a cost savings to Randolph County.

Mr. Massie said that the Landfill Review Committee consisted of Commissioner Kemp, Commissioner Lanier, the County Manager, the Public Works Director and the Asst. County Manager/Finance Officer. He stated that the process began in August 2013 with Requests for Qualifications (RFQs), which is a solicitation of interest in companies that provide needed services. A pre-bid conference was held in September 2013. Requests for Proposals were due and received in November. Once a partner is selected, contract negotiations could take sixty to ninety days and then around February or March 2014 the County could award a franchise to an operating partner. He stated that a public hearing is required before the franchise is awarded.

Seven national companies submitted qualifications and the Committee selected five finalists: Advanced Disposal, Republic Industries, Waste Connections, Waste Industries and Waste Management. All five are in the top ten in revenue for hauling and disposal in North America.

The Landfill Review Committee placed the following details in the Request for Proposals (RFP) that was submitted to the five companies:

- ▶ Thirty year contract
- ▶ For simplicity, ease of proposal comparison, and budget stability, the various revenue streams were combined into:
 - An up-front, one-time payment
 - Annual fixed payments for 30 years
 - Due July 31 each year, adjusted for inflation
- ▶ County retains rights to renewable energy (methane gas) and will negotiate later
- ▶ Company will operate convenience sites and dispose of waste
- ▶ Company will operate transfer station and dispose of solid waste after the current contract with Republic expires in January 2015.
- ▶ Closure and post-closure funds will be put into a County-owned reserve
- ▶ Other Incentives

On November 12th, the following three companies submitted competitive proposals: Advanced Disposal, Waste Industries and Waste Management.

Mr. Massie reviewed the financial benefits of each company's proposal, as follows:

	<i>Initial Annual Fee</i>	Net present value of annual payments over 30 years	Franchise fee <i>up front</i>	Total Net Present Value of annual payments 6/30/2014	Percent of Recyclable Material Sales	Other Incentives
Advanced Disposal	\$690,000	\$20,700,000	\$1,000,000	\$21,700,000	100.00%	

Waste Industries	\$500,000	\$15,000,000	\$8,000,000	\$23,000,000	0.00%	
Waste Management	\$500,000/ \$1,000,000	\$29,500,000	\$3,500,000	\$33,000,000	75% net	\$750,000 capital contribution - Animal Shelter

Annual payments will be adjusted by an Inflation factor, resulting in net present value today equal to 30 times the annual fee.

Mr. Massie said that the other big issue in the RFP was how to handle the operation of the transfer station from January 6, 2015 until a permit to operate new landfill is issued. Advanced Disposal said it could be negotiated. Waste Industries said it would be \$48.60 per ton, plus \$9.76 per ton, to operate convenience sites, and Waste Management said they would continue current contract terms the County has with Republic, which is \$43 per ton, plus other costs, and the County would continue operating the convenience sites until a new landfill is open.

Mr. Massie stated that there are some good economic development benefits to this project. Waste Management, in their proposal, stated they will hire around 16 employees to operate the landfill. If they added a collection service within the County, that could be 25-30 additional jobs and additional taxable property. If a trucking hub came to Randolph County, it would bring a possible 42 additional jobs and investment in taxable property.

Waste Management included summary data from an economic impact study completed by East Carolina University, as follows:

Annual economic impact:

Direct -	\$4,446,530
Indirect -	\$1,445,352
Induced -	<u>\$2,338,972</u>
Total -	\$8,230,854

He stated that Waste Management, in their interview, talked a lot about compressed natural gas (CNG), which burns cleaner than diesel fuel and is more economical than diesel fuel. Waste Management has a goal of fueling 80% of new collection vehicles with CNG. If there is enough demand, they could make development of a CNG fueling station feasible for their fleets, trucking company vehicles, County-owned vehicles, and other fleets. The methane gas could be converted over to CNG if the County chose to do that.

Mr. Massie said the Landfill Review Committee felt that the selection of Waste Management as the landfill operating partner to manage the regional landfill was in the best interest of the County and recommends they be awarded the 30-year contract.

Commissioner Frye commented that although he had previously voted against the proposed landfill, the Board had voted to construct the landfill and there are obvious economic benefits to the County. He said the Commissioners have established a process to set the rules with a

franchise agreement that give the County the control of what it will look like and how it will be operated. He said he feels the Landfill Review Committee has done a good job in the process.

Commissioner Haywood said he still does not support the proposed landfill, adding that UNC and NCSU have done recent studies on the health related effects of solid waste disposal.

On motion of Kemp, seconded by Lanier, the Board voted 4-1, with Haywood opposing, to select Waste Management, Inc., based on their proposal dated November 12, 2013, as Randolph County's operating partner for the permitting, operation and construction of a regional municipal solid waste landfill in Randolph County.

Note: Following his motion, Commissioner Kemp offered the following point of clarification: This action, if approved, would authorize the development of an operating contract between the County and Waste Management, and when that is completed, this Board will hold a public hearing, and then will consider the issuance of a franchise to the company, which will probably take place sometime next spring.

Board of Commissioners Planning Retreat

On motion of Haywood, seconded by Lanier, the Board voted unanimously to set 12 noon February 26, 2014 for a Board of Commissioners Planning Retreat.

Regional Update

Commissioner Frye said that there would be a ribbon cutting at the new Piedmont Triad Regional Council Office on December 18.

Closed Session

At 8:19 p.m., on motion of Frye, seconded by Kemp, the Board voted unanimously to go into closed session to discuss matters relating to the location or expansion of business in the area, pursuant to [N.C.G.S.143-318.11(a)(4)].

Regular Meeting Resumed

At 8:47 p.m., the Board returned to regular session.

Adjournment

At 8:48 p.m., there being no further business, the meeting adjourned.

J. Harold Holmes, Chairman

Darrell L. Frye

Phil Kemp

Arnold Lanier

Stan Haywood

Amanda Varner, Deputy Clerk to the Board

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Attachment

Randolph County
Electronic Records and Imaging Policy

Adopted December 2, 2013 by the
Randolph County Board of Commissioners
Effective Date: January 1, 2014

Subject: Electronic records and document imaging Policy Number: _____
Effective date: January 1, 2014 Modified date: _____

Type of Government Office: County (X) Municipal () State Agency () *Other ()

For Other, enter name of "parent" agency

unless unassigned:

County/Municipality/Agency: Randolph County

Name of Office: Information Technology

Office Address: 725 McDowell Rd

Phone: 336-318-6314 Fax: _____ Email: mtrowland@co.randolph.nc.us

*Includes assigned and unassigned offices (authorities, boards, bureaus, commissions, councils, private/public hybrid entities, etc.)

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1. Purpose

The records covered by this policy are in the custody of Randolph County and are maintained for the benefit of county use in delivering services and in documenting county operations. This electronic records policy reflects guidelines set in the North Carolina Department of Cultural Resources publication, *North Carolina Guidelines for Managing Public Records Produced by Information Technology Systems*. Complying with this policy will increase the reliability and accuracy of records stored in information technology systems, and will ensure that they remain accessible over time. Exhibiting compliance with this policy will enhance records' admissibility and acceptance by the judicial system as being trustworthy.

All public records as defined by North Carolina G.S. § 132-1 are covered by this policy. This includes permanent and non-permanent records, and confidential and nonconfidential records. These classifications may warrant different treatments when processing the records. This policy serves as basic documentation of the procedures followed by the department in imaging, indexing, auditing, backing up, and purging electronic records in accordance with the disposition schedule, and in handling the original paper record, if applicable.

This policy also serves to protect those records digitized by the county's document imaging system, which reduces required storage space for original documents as the county transitions to a "paperless" digital system, and provides instant and simultaneous access to documents as needed.

The form provided in Section 8 of this document, *Request for Disposal of Original Records Duplicated by Electronic Means*, is completed and submitted to the Department of Cultural Resources whenever the county wishes to dispose of a new series of paper records that have been digitized.

This policy will supersede any electronic records system policy previously adopted. This policy will be reevaluated at a minimum of every five years, or upon the implementation of a new information technology system, and will be updated as required. A copy of this policy will remain on file at the Department of Cultural Resources.

2. Responsible Parties

- Department Head
- IT Department
- Records Creators

Department Head

Responsibilities include:

1. Determining access rights to the system
2. Approving system as configured by IT

3. Performing quality assurance checks by sampling the department's imaged records before the original documents are destroyed

IT Department

Responsibilities include:

1. Installing and maintaining equipment and software
2. Configuring the system according to department needs, including creating and testing applications and indexes
3. Controlling access rights to the system
4. Maintaining documentation of system hardware and software
5. Establishing audit trails that document actions taken on records stored by the information technology system
6. Providing backups for system records, and recovering deleted imaged records when necessary
7. Completing disaster recovery backup at least once every year
8. Establishing and providing document imaging training on equipment and software, documenting such training, and providing remedial training as needed.
9. Creating and updating detailed procedural manuals describing the imaging process and equipment

Records Creators

Responsibilities include:

1. Attending and signing off on training conducted by IT staff or by the Department of Cultural Resources
2. Creating passwords for computers that meet the Randolph County Technology Appropriate Use policy
3. Creating and managing electronic records in their purview in accordance with these policies and other guidance issued by the Department of Cultural Resources, and complying with all IT security policies
4. Reviewing the system records annually and purging records in accordance with the retention schedule
5. Carrying out day-to-day processes associated with the county's imaging program, including:
 - Designating records to be entered into the imaging system
 - Noting confidential information or otherwise protected records and fields
 - Removing transient records
 - Completing indexing guide form for each record being scanned
 - Reviewing images and indexing for quality assurance
 - Naming and storing the scanned images in designated folders
 - Once approved, destroying or otherwise disposing of original records in accordance with guidance issued by the Department of Cultural Resources.

3. Availability of System and Records for Outside Inspection

The county recognizes that the judicial system may request pretrial discovery of the information technology system used to produce records and related materials. County personnel will honor requests for outside inspection of the system and testing of data by opposing parties, the court, and government representatives. Records must be available for inspection and audit by a government representative for the full period required by law and approved records retention schedules, regardless of the life expectancy of the media on which the records are stored. Records must continue to exist when litigation, government investigation, or audit is pending, imminent, or if a court order may prohibit specified records from being destroyed or otherwise rendered unavailable.

In order to lay a proper foundation for the purposes of admitting the county's electronic records into evidence, the county will be able to provide up-to-date, detailed documentation that describes the procedural controls employed in producing records; procedures for input control including tests used to assure accuracy and reliability; and evidence of the records' chain of custody. In addition to this policy, such documentation includes:

- Procedural manuals
- System documentation
- Training documentation
- Audit documentation
- Audit trails

The county will also honor inspection and copy requests pursuant to N.C. G.S. § 132. The county should produce the records in the order they were created and used in the course of business, and in the format in which they were created, unless otherwise specified by the requesting party. However, the county should produce the records in any format it is capable of producing if asked by the requesting party. If it is necessary to separate confidential from non-confidential information in order to permit the inspection or copying of the public records, the county will bear the cost of such separation.

4. Maintenance of Trustworthy Electronic Records

- Produced by Methods that Ensure Accuracy
- Maintained in a Secure Environment
- Associated and Linked with Appropriate Metadata
- Stored on Media that are Regularly Assessed and Refreshed

Produced by Methods that Ensure Accuracy

All platforms used by the county to create and manage electronic records, including email clients, social media platforms, and cloud computing platforms conform with all Department of Cultural Resources' policies and all applicable security policies.

File formats used by the county are adopted as standard by the state, and are well-supported, are backwards compatible, and have robust metadata support.

Maintained in a Secure Environment

Security to the system and to the records it holds is maintained in the following ways:

- Access rights are managed by the IT department, and are determined by a supervising authority to prevent unauthorized viewing of documents.
- The information technology system allows data creators to organize and name file systems to reflect confidentiality of documents stored therein.
- Confidential information is stored in folders secured with restricted access.
- Physical access to storage systems and data centers is restricted.
- Duplicate copies of digital media and system backup copies are stored in offsite facilities in order to be retrieved after a natural or human-made disaster.
- Confidential material is redacted using the Laserfiche redaction tool before it is shared or otherwise made available.
- All system password and operating procedure manuals are kept in secure off-site storage.

Associated and Linked with Appropriate Metadata

Metadata is maintained alongside the record. At a minimum, metadata retained includes file creator, date created, title (stored as the file name), and when appropriate, cell formulae and email header information. Employees are not instructed to create metadata other than metadata that is essential for a file's current use and/or retention.

Stored on Media that is Regularly Assessed and Refreshed

Data is converted to new usable file types as old ones become obsolete or otherwise deteriorate. The following steps are taken to ensure the continued accessibility of records kept in electronic formats:

- Data is audited and assessed yearly
- Media is refreshed every three to five years.
- Records are periodically converted to new file types, particularly when a new information technology system requires that they be brought forward in order to properly render the file
- Metadata is maintained during migration
- Data is stored on a Storage Area Network using a redundant disk storage array. Data integrity is ensured through the use disk-level error checking on the storage array.
- Storage media is maintained in a manner and in an environment that promotes bit-level preservation. Humidity does not exceed 50% and should not fall below 30%. Room temperature is set between 65° F to 75° F. The county adheres to the media manufacturer's recommendations for specific environmental conditions in which the media should be stored.

5. Components of Information Technology System

- Training Programs
- Audit Trails
- Audits

Training Programs

The IT department will conduct training for system use and electronic records management, using material published by the Department of Cultural Resources when appropriate. All employees will be made aware of system procedures and policies, trained on them, and confirm by initialization or signature acknowledging that they are aware of the policies and have received training on them. When appropriate, employees will also attend trainings offered by the Department of Cultural Resources on the maintenance of electronic records. Documentation will be maintained for the distribution of written procedures, attendance of individuals at training sessions and refresher training programs and other relevant information.

Audit Trails

A log of activities on the system is maintained, which show who accessed the system, how and by whom records were created and modified, and whether standard procedures were followed.

Audits

Audits are designed to evaluate the process or system's accuracy, timeliness, adequacy of procedures, training provided, and the existence of audit trails. Internal audits are conducted regularly by county IT staff.

6. Documentation of Information Technology System

- Content of System Documentation
- Retention of System Documentation

Content of System Documentation

The county maintains system documentation that describes system procedures and actual practices, as well as system software and hardware, and the system environment in terms of the organizational structure, functions and responsibilities, and system processes. It explains how the system operates from a functional user and data processing point of view. Documentation is reviewed and updated yearly or upon implementation of a new information technology system by IT staff. Such documentation maintained by the county includes:

- Procedural manuals
- System documentation
- Security backup and disaster recovery procedures as a part of the Continuity of Operations Plan
- System-level agreements for contracted information technology services

Retention of System Documentation

One set of all system documentation will be maintained during the period for which the records produced by the process or system could likely be subject to court review, and until all data created by every system instance has been destroyed or transferred to new operating environment. All such documentation is listed in the county records retention schedule.

7. Digital Imaging Program Documentation and Procedures

- System and Procedural Documentation
- Training
- Indexing and Metadata
- Auditing and Audit Trails
- Retention of Original and Duplicate Records

System and Procedural Documentation

The IT department is responsible for preparing and updating detailed procedures that describe the process followed to create and recreate electronic records. This documentation will include a description of the system hardware and software. A current procedural manual will be maintained to assure the most current steps are followed and to assure reliable system documentation will be available for judicial or similar proceedings.

Each workstation designated as a scanning station will have, at a minimum, the following hardware and software:

- Document/image scanner authorized by IT
- Driver software for scanner
- Laserfiche scanning software
- Instructions manual describing in detail the steps required to get from the beginning to the end of the process. Scanning software will be preconfigured by IT with the following defaults. Documents will be scanned at a minimum resolution of 200 dpi and stored in a TIF file format. The document imaging software will rename the scanned document and file it according to department requirements. Imaging staff performing the scanning will complete any required document indexing.

Training

Only designated staff that have been formally trained by IT staff and signed off on training documentation on the use of the imaging software and equipment will be allowed to enter records into the content management system. Covered records will be scanned and filed as part of an ongoing regularly conducted activity. Components of the training will include basic techniques for image capture, indexing, quality control, security configuration, auditing, use of equipment, and general system maintenance. Rights to image and index records will not be assigned until the user has been trained.

If a user improperly indexes or scans a document, an auditor will address this occurrence with the operator and remedial training will be performed as necessary.

Indexing and Metadata

All imaged records must be indexed in order to facilitate efficient retrieval, ease of use, and up-to-date information about the images stored in the system. This index should capture the content, structure, and context of the imaged records, and will be developed by IT staff prior to the implementation of any imaging system. It should also be indexed according to guidelines set by the Department of Cultural Resources (see Section 9 of this policy, *Other Electronic Records Management Practices*, for more information on database indexing).

Auditing and Audit Trails

The imaging staff will conduct a quality control audit following the imaging of a record to ensure that the following features of the imaged record are legible:

- Individual letters, numbers, and symbols
- Combinations of letters, numbers, and symbols forming words or sentences
- Graphics such as signatures, logos, and pictures
- Other features of records such as color, shape, texture, etc., that relate to the content of the information

Managerial staff for the various county departments will also periodically audit imaged records for accuracy, readability, and reproduction capabilities. A written audit report will be prepared indicating the sampling of records produced and what remedial procedures were followed if the expected level of accuracy was not achieved.

Audit trails built into the imaging system will automatically document who creates, duplicates, modifies, or otherwise prepares records, and what procedures were taken. Audit trails include the success or failure, date, time, and user of the following events:

- Add/Edit electronic document
- Assign index template
- Copy document
- Copy pages
- Create document/folder
- Delete entry
- Delete pages
- Delete volume
- Edit image
- Email document
- Export document
- Index creation/deletion/modification
- Insert page
- Log in/out
- Move document

- Move pages
- Print document
-

Retention of Original and Duplicate Records

To obtain permission to destroy original records following imaging, the county will complete Section 8 of this document, *Request for Disposal of Original Records Duplicated by Electronic Means*. For each new records series to be scanned, the Department of Cultural Resources must approve the destruction of the original records. Permanent records may be imaged for ease of access, but the original documents may not be destroyed unless an analog copy exists prior to the records' destruction.

Destruction of original records is allowed only after quality assurance has been conducted on the imaged records, necessary corrections have been made, auditing procedures have been conducted, and the destruction is approved. Prior to destruction of the original record, managerial staff will audit a sample of those records to verify the accurate reproduction of those records.

Digital images of scanned records are maintained for the specified retention periods according to the records retention and disposition schedule. The retention period is considered to have begun when the original document was created, not when the electronic reproduction was created.

Electronic and digital images of scanned records in a document management system will be considered the "official" county record. Any hard copy generated from the imaged records will be considered the county's duplicate "working" record.

A copy of the purchase order and a detailed service-level agreement with the scanning vendor is maintained for any outsourced scanning. See Section 9 of this policy, *Other Electronic Records Management Practices*, for more information on contracting out electronic records management services.

8. Request for Disposal of Original Records Duplicated by Electronic Means

This form is used to request approval from the Department of Cultural Resources to dispose of non-permanent paper records which have been scanned, entered into databases, or otherwise duplicated through digital imaging or other conversion to a digital environment. This form does not apply to records which have been microfilmed or photocopied, or to records with a permanent retention.

9. Other Electronic Records Management Practices

- System Planning
- Electronic Records Management
- Database Indexing
- Security and Disaster Backup and Restoration
- Contracting

System Planning

Each county department is responsible for determining the best storage method for its records. Departments that plan to scan and store records in the document imaging system should first submit to IT a document imaging plan that consists of the types of records being stored, retention schedule and record volume. The requesting department is responsible for any additional storage resources needed.

Electronic Records Management

System documentation, system access records, digitization and scanning records, metadata, and information maintained by that system is listed in an approved records retention and disposition schedule prior to their destruction or other disposition.

Records produced by the county are retained for the period of time required by local records retention schedules regardless of format. Any permanent records maintained in electronic form also exist as a paper or microfilm preservation duplicate copy in compliance with the Department of Cultural Resources' *Human-Readable Preservation Duplicates* policy.

Database Indexing

G.S. §132-6.1 requires that databases be indexed with the Department of Cultural Resources. Indexes contain the following data fields:

- Description of the format or record layout
- Frequency with which the database is updated
- List of any data fields to which public access is restricted
- Description of each form in which the database can be copied or reproduced using the county's computer facilities
- Schedule of fees for the production of copies in each available form

Security and Disaster Backup and Restoration

The county has a disaster recovery plan for its electronic data in place, which includes contact information for data recovery vendors and information about back-ups of all data. Security back-ups to protect against data loss are generated for all but the most transitory of files. Routine back-ups are conducted daily, and are stored in secure off-site storage located at the 911 data center per the Randolph County Data Backup policy.

Security backups of all imaged documents will be generated daily and maintained off-site. A backup copy of the scanned data and index database is created on a nightly basis for the purpose of document recovery.

Contracting

The terms of the service level agreement with any third-party scanning vendor will include the following details:

- How the vendor provides security, confidentiality, storage, and back-ups for electronic records.

- The equipment, including hardware and software, used by the vendor
- The storage environment, including any geographically disparate storage locations
- How the vendor complies with records retention requirements, including what the contractor is able to reproduce should legal proceedings or public records requests be issued
- How the vendor avoids spoliation of evidence once e-discovery has commenced
- How electronic records are to be recovered from the vendor in the event that the system is no longer supported

10. Compliance and Electronic Records Self-Warranty

The completion of this form by all signing employees signals that all employees of the unit/section/division will adhere to the rules set forth in this policy. Furthermore, this section is to be used as a self-evaluation tool to ensure that electronic records produced by state, county, municipal agencies, and other subdivisions of government are created, reproduced, and otherwise managed in accordance with guidelines for electronic public records published by the North Carolina Department of Cultural Resources. The self-warranting of records in itself does *not* authorize the destruction of records, originals or copies, *nor* does it change current records retention and disposition scheduling procedures.

The government agency producing electronic records and/or reproductions is responsible for ensuring the records' authenticity and accuracy. The Department of Cultural Resources is not responsible for certifying the authenticity or accuracy of any records, whether originals or reproductions, produced by the originating agency.

Records Custodian

The records custodian is the person responsible for creating records or managing the staff who creates records. The records custodian certifies that:

_____ The records created or duplicated by electronic means in this office are prepared in accordance with these guidelines as indicated by the following statements:

- Quality - Records are legible, accurate, and complete.
- The records are produced or reproduced as part of a regularly conducted activity.
- The records conform to DCR guidance regarding file formats, file naming, and if applicable digital preservation guidance produced by DCR.
- Detailed, documented procedures are in place and followed when the records are created, copied, modified, or duplicated.
- The person(s) who creates, copies, modifies, or duplicates the records receives formal training on detailed system procedures prior to records preparation.
- Details of the training received are adequately documented through written policies and procedures.
- Training records are signed by employee after receiving training.

_____ The county will comply with the best practices and standards established by the Department of Cultural Resources as published on its website.

_____ The county will submit to the Department of Cultural Resources Section 8 of this policy, *Request for Disposal of Original Records Duplicated by Electronic Means*, to seek approval for the destruction of original records that have been converted from paper to electronic record.

Approved by: _____ Date: _____
Title: _____

Signature: _____

IT Professional or other Project Supervisor

The IT Professional is the person responsible for providing technical support to the records custodians and who may be involved in infrastructure and system maintenance. In the absence of an IT department, the supervisor of the records custodian should verify the following items. The IT Professional certifies that:

_____ Audit trails document the identity of the individual(s) who creates, duplicates, modifies, or otherwise prepares the records, what actions are taken by the individual during the course of the process, when these actions are taken, and what the results of these actions are.

_____ Audits:

- are performed periodically to confirm that the process or system produces accurate results.
- confirm that procedures actually followed are in accordance with procedure stated in the system's documentation.
- are performed routinely on documents to ensure no information has been lost.
- are performed by an independent source (i.e., persons other than those who create the records or persons without an interest in the content of the records. Acceptable source may include different department or authorized auditing authority).
- are adequately documented.

_____ The process or system hardware and software are adequately documented

_____ Permanent records conform to all file format, file naming, and digital preservation guidance produced by the Department of Cultural Resources.

_____ Back up procedures are in place and comply with best practices, as established by the Department of Cultural Resources.

_____ Successful disaster recovery back up is completed at least once every two years.

Approved by: _____ Date: _____
Title: _____

Signature: _____

FOR DEPARTMENT OF CULTURAL RESOURCES USE

Approved by: _____ Date: _____
Title: _____

Signature: _____