

Minutes

Randolph County Commissioners

March 8, 1999

The Randolph County Board of Commissioners met in regular session at 2:00 p.m. in the Commissioners Meeting Room, County Office Building, 725 McDowell Road, Asheboro, NC. Commissioners Frye, Kemp, Davis, Holmes, and Mason were present. Rev. Frank Barrett gave the invocation, after which everyone recited the Pledge of Allegiance.

Presentation of Retirement Plaques

On behalf of the Board, Chairman Frye presented a retirement plaque to Iris Cross, Health Department, for 7 years of service and to Connie Concutelli, Administration, for 15½ years of service.

Consent Agenda

On motion of Mason, seconded by Davis, the Board unanimously approved the following consent agenda items:

- *approve minutes of February 1 and February 22, 1999 meetings;*
- *reappoint Maxton McDowell to the County Planning Board (3-year term);*
- *appoint Dick Renigar to the Nursing Home/Adult Care Home Community Advisory Committee (one-year initial term);*
- *approve the following resolutions:*

Whereas, the Department of Transportation has investigated 0.05 mile Muriel Lane Ext. (SR 1249 Ext.) in the Bonita Woods Subdivision; and

Whereas, the subject street has been found to meet minimum requirements for addition;

Now, Therefore, Be It Resolved by the Randolph County Board of Commissioners that 0.05 mile Muriel Lane Ext. (SR 1249 Ext.) in the Bonita Woods Subdivision be added to the Division of Highways' Secondary Road System.

Whereas, the Department of Transportation has investigated a portion of SR 1135 (0.03 mile) in Randolph County for purposes of abandonment; and

Whereas, it has been determined that the subject street should be abandoned from the Division of Highways' Secondary Road System and all affected parties have signed the petition for abandonment;

Now, Therefore Be It Resolved by the Randolph County Board of Commissioners that a west end portion of SR 1135 (0.03 mile) in Randolph County be abandoned from the Division of Highways' Secondary Road System and the remaining 0.50 mile of SR 1135 be retained.

Whereas, the Department of Transportation has investigated a portion of SR 1508 (0.04 mile) in Randolph County for purposes of abandonment; and

Whereas, it has been determined that the subject street should be abandoned from the Division of Highways' Secondary Road System and all affected parties have signed the petition for abandonment;

*Now, **Therefore Be It Resolved** by the Randolph County Board of Commissioners that a portion of SR 1508 (0.04 mile) in Randolph County be abandoned from the Division of Highways' Secondary Road System and the remaining 0.22 mile of SR 1508 be retained.*

Whereas, the Department of Transportation has investigated a portion of SR 1171(0.30 mile) in Randolph County for purposes of abandonment; and

Whereas, it has been determined that the subject street should be abandoned from the Division of Highways' Secondary Road System due to people parking and trespassing on land owned by adjoining property owners, these parties having signed the petition for abandonment;

*Now, **Therefore Be It Resolved** by the Randolph County Board of Commissioners that a 0.30 section of SR 1171 (0.30 mile) in Randolph County be abandoned from the Division of Highways' Secondary Road System and the remaining 1.30 mile of SR 1171 be retained.*

- *adopt the following proclamation:*

Whereas, this is the twenty-ninth year the youth of Randolph County have met for their annual youth breakfasts; and

Whereas, we feel that this week of fellowship is a real inspiration for our youth; and

Whereas, we wish to support and encourage our youth as both the creators and leaders of our future;

*Now, **Therefore**, the Randolph County Board of Commissioners does hereby proclaim the week of March 21-25 as COUNTYWIDE YOUTH WEEK in Randolph County, and we urge all our citizens to show their appreciation to our youth and their leaders for their contributions to our community.*

Request for Funding of Capital Projects

Chairman Frye stated that representatives of the two school systems and the community college would be making presentations on their most pressing capital project needs and asking the Commissioners to consider financing these needs even if it requires a property tax increase.

Dr. Larry Linker, President of Randolph Community College, and Ron Jones, Vice President of Administrative Services, explained RCC's need for an emergency services training facility, which they plan to construct on acreage donated by the County and located at the County's landfill property. The facility has already been designed and will cost \$3,100,000 to complete. It will be used to train fire, emergency medical rescue, and law enforcement personnel. Dr. Linker recommended that all the projects being requested today be funded through a 22-year Certificates of Participation installment purchase agreement.

Dr. Bob Gordon, Superintendent of Asheboro City Schools, highlighted the three renovation projects they are requesting for two elementary schools (Teachey and McCrary) and South Asheboro Middle School, for a total projected cost of \$5,300,000.

Worth Hatley, Superintendent of Randolph County Schools, presented the County Schools' requested projects, consisting of three new schools (Southwest Elementary, Archdale-Trinity Elementary, Farmer/Tabernacle Middle School) and renovations and expansion of Archdale Elementary School, for a total projected cost of \$33,800,000.

Frank Willis, County Manager, provided information on options for financing these projects. He said that the committee which the Commissioners established last year to study the schools' needs did not want to

have a bond referendum because they were concerned about the percent of households in the county that do not contain public school age children. Furthermore, only certain communities will benefit from the proposed projects, so there may not be sufficient countywide support to pass a bond referendum. The County already has Courthouse project financing worked out that would not require a property tax increase. The RCC project can also be financed without a tax increase. After studying all financing options, the committee recommends that the Commissioners finance the \$52.5 million of recommended projects (City Schools, County Schools, RCC, and Courthouse) with a 22-year Certificate of Participation installment purchase agreement.

On motion of Holmes, seconded by Kemp, the Board unanimously authorized the County Manager to arrange a preliminary conference with the Local Government Commission to explain the proposed financing plan and determine if their approval is likely.

Land Exchange for RCC Emergency Services Training Facility

Ron Jones of RCC explained that during the planning of the training facility a concern developed with the local fire departments regarding the ability to maneuver large ladder trucks and tankers through a ninety-degree turn leading into the facility. David Laughlin, adjoining property owner to the site, is interested in exchanging one acre with the College. Such an exchange would allow the College to plan a straighter entrance road to better accommodate fire service vehicles.

On motion of Holmes, seconded by Mason, the Board unanimously approved this land exchange and authorized the Chairman to execute any documents necessary to effectuate the land transfer.

Donation of Surplus Property to Bertie County

Jane Leonard, Deputy Finance Officer, reported that the Register of Deeds no longer needs its excise stamp machine since they have an Integrated Lan Records System. They would like to donate this equipment to Bertie County, who still uses this machine for its daily activities.

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

WHEREAS, Randolph County has in its possession a surplus excise stamp machine belonging to the Register of Deeds; and

WHEREAS, Randolph County has received a request from Bertie County to have this surplus excise stamp machine donated to their County for use in its Register of Deeds office; and

WHEREAS, Counties are authorized by GS 160A-274 to transfer property to other governmental units;

NOW, THEREFORE, BE IT RESOLVED by the Randolph County Board of Commissioners that the Board supports this surplus excise stamp machine be donated to Bertie County for use in their Register of Deeds office.

BE IT FURTHER RESOLVED that Lisa D. Owens, Purchasing Technician, is authorized to handle the transfer of this equipment to Bertie County.

Sale of Surplus Property

Ms. Leonard stated that the County's old AS400 computer system has been taken out of service and should be declared surplus so that attempts can be made to sell the remaining components by sealed bid.

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

WHEREAS, Randolph County has purchased a new AS400 system and now has in its possession one (1) used AS400 system;
and

WHEREAS, Randolph County no longer has a need for this used AS400 system;

NOW, THEREFORE, BE IT RESOLVED by the Randolph County Board of Commissioners that the Board supports this equipment be declared surplus and that Lisa D. Owens, Purchasing Technician, is authorized to sell it by the Advertisement for Sealed Bids Procedure (GS 160A-268).

BE IF FURTHER RESOLVED that bids shall be submitted to the Randolph County Board of Commissioners for their consideration at the May 3, 1999 meeting.

BE IT FINALLY RESOLVED that the Randolph County Board of Commissioners reserves the right to accept or reject any or all bids.

Resolution Concerning Retention of COPS Officer Positions

Major Allen McNeill of the Sheriff's Office stated that the federal COPS office is requiring a written retention plan for officers hired through the COPS Universal Hiring Program Grant. The grant requires that these officer positions be kept at least one budget cycle at the end of the federal funding. The estimated cost of an officer three years from now is approximately \$29,000 per year.

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

WHEREAS, on January 4, 1999, the Randolph County Board of Commissioners voted to allow the Sheriff's Office to apply for six new officer positions for the upcoming fiscal year through the COPS Universal Hiring Program Grant; and

WHEREAS, the COPS Office has added a requirement this year that the application include a written plan stating the County's intention to retain the requested positions for at least one budget cycle at the end of the federal funding and stating the method of funding;

NOW, THEREFORE, BE IT RESOLVED by the Randolph County Board of Commissioners that it is our intention to retain these six new officer positions for at least one budget cycle at the end of federal funding and that we will fund these positions with local dollars from the County's General Fund.

Audit Contract for FY Ending June 30, 1999

Tom Morris, Internal Auditor, advised the Board that Strand, Skees, Jones and Company, who has performed the County's independent audit for many years, has submitted a contract to perform the 1998-99 fiscal year audit for a fee not to exceed \$33,000.

On motion of Holmes, seconded by Mason, the Board unanimously awarded a contract to Strand, Skees, Jones and Company to perform the 1998-99 fiscal year audit for a fee not to exceed \$33,000.

Closed Session - Economic Development

On motion of Kemp, seconded by Davis, the Board voted unanimously at 3:47 p.m. to go into closed session to discuss matters relating to the location or expansion of business in the area served by the Board, pursuant to North Carolina General Statute 143-318.11(a)(4). They returned to regular session at 4:23 p.m.

Community Transportation Services Plan (CTSP)

Candie Rudzinski, Executive Director of Randolph County Senior Adults Association, informed the Board that the North Carolina Department of Transportation, Public Transportation Division, has approved Randolph County's CTSP with no changes or comments.

On motion of Kemp, seconded by Davis, the Board unanimously adopted the Randolph County CTSP as presented to them February 1, 1999.

Animal Control Ordinance

MiMi Cooper, Health Director, stated that, at the request of the County Commissioners, the Animal Control Committee met to explore and recommend a leash restriction for Randolph County. They found that few counties in North Carolina have leash restrictions. Some counties have "no running at large" restrictions either through confinement of the animal on the owner's property or through direct control of the animal by the owner. The Committee recommends asking for public input (through a public hearing) on two types of animal restrictions, with warning and citations for failure to comply: (1) under the control of the owner on the owner's property if greater than one acre; confined on owner's property if one acre or less and on a leash off the owner's property; (2) confined on the owner's property at all times and leashed if off the owner's property.

After discussion, the Board decided to wait until after the budget process to deal with this matter. At their July meeting they will set a public hearing on the various restriction options.

Resolution Concerning Reorganization and Placement of Environmental Health

MiMi Cooper, Health Director, reported that a 1997 reorganization of two state departments transferred public health programs, with the exception of the Division of Environmental Health, from the Department of Environment, Health and Natural Resources to the new Department of Health and Human Services. There exists a controversy among professional groups as to which department this division should be in. Ms. Cooper stated that local health departments feel very strongly that water is a consumable product and proper disposal of wastewater is clearly a public health issue. Therefore, they support the proper placement of the Division of Environmental Health is in the Department of Health and Human Services.

On motion of Kemp, seconded by Davis, the Board unanimously adopted the following resolution:

WHEREAS, delivery of environmental health services to the citizens of North Carolina is carried out at the county level by local health department employees; and

WHEREAS, delivery of environmental health services at the local level is funded by local dollars (97% local and 3% state); and

WHEREAS, environmental health services at the local level include on-site wastewater (i.e. septic systems) food, lodging and institutional sanitation (restaurants, nursing homes, food borne disease investigation) child care sanitation, child lead program, swimming pools, rabies control, safe drinking water; and

WHEREAS, having two different proposed State environmental health authorities for local health departments is inefficient and will cause regulatory confusion for the public and severely impact centralized training, authorization, regulatory direction and uniformity; and

WHEREAS, the NC Association of County Commissioners, the NC Association of Local Health Directors, the Association of North Carolina Boards of Health, the NC Environmental Health Supervisors Association, and the NC Public Health Association have endorsed the position to keep environmental health programs together under the State Health Director.

THEFORE BE IT RESOLVED, the Randolph County Board of Commissioners strongly supports the need to ensure that all aspects of environmental health be under the organizational structure of the Department of Health and Human Services in order to continue to provide the most effective regulatory program for the citizens of North Carolina for the protection of the public health and preservation of the environment.

Request for Funding of Randolph Hospital Emergency Room Renovation

On motion of Kemp, seconded by Frye, the Board unanimously agreed to allocate to Randolph Hospital \$100,000 per year for five years, beginning with FY 1999-2000, for their emergency room renovation project.

Day Reporting Center Grant Application

Pam Hill, Day Reporting Center Director, presented information on the pre-trial and sentenced offender components of the Day Reporting Center Program in Randolph County. She also presented the Criminal Justice Partnership Program grant application for continuation of implementation grant funding for the upcoming fiscal year.

On motion of Davis, seconded by Kemp, the Board unanimously approved the grant application.

Budget Amendment - Mental Health

On motion of Mason, seconded by Holmes, the Board unanimously approved Budget Amendment #33 to the FY 1998-99 Annual Budget, which reflects a decrease in state funding for Mental Health, as follows:

MENTAL HEALTH FUND - #33		
<i>Appropriations</i>	<i>Increase</i>	<i>Decrease</i>
<i>Mental Health</i>		473,521
<i>Revenues</i>	<i>Increase</i>	<i>Decrease</i>
<i>Mental Health Fund Balance</i>	187,851	
<i>State of NC Revenues</i>		661,372

Budget Amendment - Day Reporting Center

On motion of Davis, seconded by Holmes, the Board unanimously approved Budget Amendment #34 to the FY 1998-99 Annual Budget, which reflects the receipt of a discretionary grant from the NC Department of Correction for the Day Reporting Center, as follows:

<i>GENERAL FUND - #34</i>	
<i>Appropriations</i>	<i>Increase</i>
<i>Criminal Justice Partnership - DRC</i>	6,075
<i>Revenues</i>	<i>Increase</i>
<i>Restricted Intergovernmental</i>	6,075

Budget Amendment - Health

On motion of Mason, seconded by Holmes, the Board unanimously approved Budget Amendment #35, which reflects the receipt of \$17,622 for continuation of the Rural OB Incentive Care Program, as follows:

<i>GENERAL FUND - #35</i>	
<i>Appropriations</i>	<i>Increase</i>
<i>Public Health</i>	17,622
<i>Revenues</i>	<i>Increase</i>
<i>Restricted Intergovernmental</i>	17,622

Appointment to Tourism Development Authority

On motion of Holmes, seconded by Kemp, the Board unanimously appointed Guy Troy, nominated by the Liberty Chamber of Commerce, to the Randolph County Tourism Development Authority.

Appointment to County Planning Board

On motion of Davis, seconded by Holmes, the Board unanimously appointed Phil Ridge, currently alternate member, as a regular member on the County Planning Board.

Update on Communication Towers

Hal Johnson, Planning and Zoning Director, stated that the Telecommunication Act of 1996 gives local governments limited authority to regulate the placement of communication towers. The County's zoning ordinance currently only requires that applicants get a special use permit to place a tower. Mr. Johnson stated that from 1989 through 1998 the County received 17 requests for cellular towers and 2 requests for broadcast towers. However, the demand for these towers is escalating, as evidenced by the fact that the

County now has 13 pending applications (11 cellular and 2 broadcast). Mr. Johnson said the County needs to address this issue before approving any more towers, and he recommended placing a moratorium on special use permits for communication towers until appropriate wording can be added to our zoning ordinance to deal with this matter.

On motion of Holmes, seconded by Davis, the Board unanimously voted to enact a 120-day moratorium on special use permits for communication towers. They noted that their reasons for this action included the following: the large number of applications coming in at the same time, with the majority of these applications being made by one company; the possibility of scenic/environmentally sensitive areas, such as the Uwharrie National Forest, being affected; the inability of the current zoning ordinance to deal with this problem.

Rezoning Public Hearing

At 6:30 p.m. the Board adjourned to a duly advertised public hearing to consider rezoning requests. Hal Johnson, Planning and Zoning Administrator, presented the following requests. Mr. Johnson also enthusiastically noted that this would be the first time that he would be using aerial photos in his presentation.

1. David Johnson, Asheboro, is requesting that 5.49 acres located on Pilots View Road, Cedar Grove Township, be rezoned from RA to HC in order for the property to be used for commercial development. The Planning Board unanimously recommended approval although there was some concern that there was no specified conditional use proposed. Mr. Johnson stated that this land borders the airport.

2. Allen Bullard, Randleman, is requesting that 35 acres (out of 38.20 acres) located on New Salem Road, Providence Township, be rezoned from RA to RR/CU to allow for a 33-lot residential subdivision for site built homes with a minimum house size of 1,400 sq. ft. The Planning Board unanimously recommended approval.

Citizen Comments - Request #1

David Johnson, applicant, spoke in support of his request, stating that with a favorable decision tonight on his request, he plans to put this property on the market tomorrow and sell it as commercial property. Chairman Frye explained to Mr. Johnson that the Board had never approved a request for highway commercial zoning without a specific use and that he could advertise this property as commercial property contingent on the buyer obtaining the necessary zoning for his specific proposed use.

Citizen Comments - Request #2

Allen Bullard, applicant, spoke in support of his request.

Max Goelling, with the law firm of Anderson & Associates, Kernersville, NC, representing Ms. Barbara Lutz, adjoining property owner, spoke in opposition to the request. Mr. Goelling stated that Ms. Lutz is concerned that the construction of the subdivision would cut off the water source to a pond on her property and that she would like to have her property evaluated by the Piedmont Land Conservancy before any construction takes place.

Mr. Johnson stated that the developer would have to file an erosion control plan with the state before construction begins.

Mr. Bullard stated that Ms. Lutz's property was uphill from the proposed subdivision, therefore, her pond would not be affected.

Barbara Lutz, 1205 Hawksview Rd., Franklinville, countered that her property was downhill from the proposed subdivision.

Chairman Frye closed the public hearing.

Board Action on Requests

On motion of Kemp, seconded by Holmes, the Board unanimously voted to deny the request of David Johnson because no specific use was designated for the property.

On motion of Holmes, seconded by Davis, the Board unanimously voted to approve the request of Allen Bullard.

Darrell L. Frye, Chairman

Phil Kemp

J. Harold Holmes

Robert B. Davis

Robert O. Mason

Alice D. Dawson, Clerk to the Board

Cheryl A. Ivey, Deputy Clerk to the Board