

## County Commissioners Meeting Minutes

August 1, 2005

The Randolph County Board of Commissioners met in regular session at 4:00 p.m. in the Commissioners Meeting Room, County Office Building, 725 McDowell Road, Asheboro, NC. Commissioners Holmes, Lanier, Frye, and Lanier were present; Commissioner Davis came in later and is so noted in these minutes. Rev. John Gullett, Bread of Life World Christian Center, Asheboro, gave the invocation and everyone recited the Pledge of Allegiance.

### **Recognition of Retiree**

MiMi Cooper, Public Health Director, recognized Rosa Butler, who is retiring from the Health Department with 23 years of service, and Chairman Holmes presented an engraved clock to her.

### **Introduction of New Archdale Library Branch Manager**

Richard Wells, Public Library Director, introduced George Taylor, new Archdale library branch manager.

### **Public Comment Period**

Chairman Holmes announced that pursuant to N.C.G.S. § 153A-52.1, County boards of commissioners must hold a public comment period at their regular meeting each month. The Board discussed the future time of this period and proposed rules of procedure.

*On motion of Frye, seconded by Kemp, the Board voted unanimously to hold the public comment period at the beginning of each regular monthly meeting and adopted the following rules of procedure:*

*The public comment period will be limited to 15 minutes at the beginning of each regular monthly meeting; if more time is required it will be at the discretion of the Board. Each speaker must give his/her name both orally and in writing before speaking. Speakers will be limited to 3 minutes. Comments are to be directed to the Board as a whole and not to one individual commissioner. Response, discussion or action concerning issues raised during the public input session will be at the discretion of the Board. Speakers will be courteous in their language and presentation. Speakers should not discuss matters which concern the candidacy of any person seeking public office or matters in current or anticipated litigation.*

At 4:20 p.m., Chairman Holmes opened the floor for public comment.

**Phillip Wall** said that he was there to hear the road closing item scheduled for 5:00 p.m. because he is interested in getting a portion of Wall Brothers Road abandoned.

Chairman Holmes told Mr. Wall that D.O.T. representatives told him at a meeting held on July 28<sup>th</sup> that Wall Brothers Road would not be closed because it is a thru road.

Mr. Wall said that it was a mistake to keep this road open because of all the illegal trash dumping, shooting, and loitering.

Chairman Holmes closed the public comment period.

### **Consent Agenda**

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

- approve minutes of the July 11, 2005 meeting;
- reappoint Frank Willis, Rodney Trogdon, Tom Sullivan, Tim Poole, Talmadge Baker to the Criminal Justice Partnership Advisory Committee
- approve D.O.T. resolution adding Cedar Run Drive to the State roads system, as follows:

*WHEREAS, the Department of Transportation has investigated 0.44 mile Cedar Run Drive in the Cedar Run 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 0.44 mile Cedar Run Drive in the Cedar Run Subdivision be added to the Division of Highways' Secondary Road System.*

**National Incident Management System Overview**

Neil Allen, Emergency Services Director, and Aimee Scotton, Associate County Attorney, briefed the Board about Homeland Security Presidential Directive #5, which directs the Secretary of Homeland Security to establish and administer a National Incident Management System (NIMS) to serve as the preferred method of achieving such coordination in the event of an emergency situation. NIMS enhances the handling of domestic incidents by establishing a single, comprehensive system for incident management. It will help achieve greater cooperation among departments and agencies at all levels of government to prepare for, prevent, respond to and recover from domestic incidents, regardless of cause, size or complexity. In addition, NIMS defines training and response standards for all levels, local, state and national, as well as for all agencies that may be involved in responding to an emergency, whether or not they are government agencies. In order for NIMS to work, there has to be a “buy in” at all levels from all involved agencies. In other words, federal, state and local governments, as well as fire departments, rescue agencies, and any other entity involved in emergency management, will all need to adopt NIMS as their incident management system and will need to commit to putting the system into place. In order to insure cooperation at all levels, NIMS participation is being tied to grant monies and to FEMA funds. Ms. Scotton said that they are in the process of drafting an ordinance that will adopt NIMS as Randolph County’s incident management system (thereby insuring our eligibility to receive grants and FEMA funds in the future). Ms. Scotton said that the Board of Commissioners will have to have some level of training. She expects to present this ordinance at the Board’s September meeting.

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Commissioner Davis entered the meeting at this time.

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The Board also asked Mr. Allen and Ms. Scotton to research the legalities of Randolph County’s jurisdiction issues regarding emergency management situations within municipal limits.

**Bid Award for Mobile Generator Purchase**

Neil Allen, EMS Director, requested approval of purchase for a mobile 40kw generator, mounted on a tandem axle trailer. It will be used during times of severe weather to power necessary public shelters and may also be used as backup to existing generators at the 911 Center, Dave’s Mountain public safety communications point and the various departments of local government. Mr. Allen said that funds are available in the current budget for this purchase. The following informal bids were solicited and obtained:

Piedmont Generator	\$17,989
Carolina Generators	\$20,451
Pointer Electric Supply	No Bid

Mr. Allen recommended that the bid be awarded to the low bidder, Piedmont Generator.

*On motion of Lanier, seconded by Davis, the Board voted unanimously to award the bid for a mobile generator to Piedmont Generator for \$17,989.*

**Public Hearing on Closing of an Unnamed Public Road and a Portion of Bethel Park Drive/Davis Avenue; Adoption of Order**

Aimee Scotton, Associate County Attorney, reminded the Board that 84 Lumber has requested that the Randolph County Board of Commissioners act to permanently close an unnamed public road and to permanently close a portion of Bethel Park Drive/Davis Avenue. On July 11, 2005 the Board took the first step in closing these roads by adopting a resolution declaring intent to do so and setting a public hearing on the question for 5:00 p.m. on August 1, 2005. Notices of this public hearing were published, mailed and posted in accordance with N.C. General Statutes. She said that after the public hearing, if the Board of Commissioners is satisfied that closing these roads will not be detrimental to the public interest and will not deprive any individual of access to his property, the Board may adopt an order closing these roads. A certified copy of this order will then be filed with the Register of Deeds Office, and the unnamed road and the affected portion of Bethel Park Drive/Davis Avenue will be officially closed.

Chairman Holmes opened the duly advertised public hearing. No one spoke.

*On motion of Frye, seconded by Davis, the Board voted unanimously to adopt the following order:*

***WHEREAS***, the Randolph County Board of Commissioners received a request from 84 Lumber Company, Pierce Hardy Limited Partnership to permanently close the following section of Bethel Park Drive/Davis Avenue:

*From where it is bordered by Tract "C" of the R.L. Honbarrier property (approximately 267 feet from its intersection with Bethel Drive Extension) to its intersection with an unnamed public road, as depicted in survey entitled "Property of R.L. Honbarrier" and recorded in Book of Maps 1122, Page 834, Randolph County Registry,*

*and to permanently close an unnamed public road that connects Bolivar Avenue to a service road that runs parallel with U.S. Highway 29 & 70, as depicted in survey entitled "Property of R.L. Honbarrier" and recorded in Book of Maps 1122, Page 834, Randolph County Registry, and;*

***WHEREAS***, on July 11, 2005, the Randolph County Board of Commissioners adopted a resolution declaring its intent to close said streets or easements and set a public hearing on the issue for August 1, 2005, all in accordance with North Carolina General Statute §153A-241; and

***WHEREAS***, notices of the closings and public hearing were prominently posted in two places along each road; and

***WHEREAS***, notice of the public hearing set by the Randolph County Board of Commissioners on July 11 2005 was published once a week for three successive weeks before the hearing (on July 15, 22, and 29); and

***WHEREAS***, the Randolph County Board of Commissioners has determined through the public hearing that the closing of the aforesaid streets is not contrary to the public interest and that no individual owning property in the vicinities of said streets would be deprived of reasonable means of ingress and egress to his property;

***NOW THEREFORE, BE IT ORDERED*** by the Randolph County Board of Commissioners that the unnamed public road referenced above and the above-referenced portion of Bethel Park Drive/Davis Avenue be permanently closed and that all right, title, and interest in their respective rights-of-way is vested in those persons owning lots or parcels of land adjacent to the streets or easements.

***BE IT FURTHER ORDERED*** that a certified copy of this Order shall be filed in the Register of Deeds Office.

**Bid Award for Computer Purchase**

Audrey Alexander, Purchasing Technician, said that the Public Library has obtained a quote from the State Contract vendor, Dell Computer Corporation, for 40 Dell OptiPlex, Pentium 4 computers with the Windows XP Professional operating system. The quote received was \$772.10 each for a total of \$30,884 for the 40 systems. This price represents a savings of about \$300.00 off the state contract price for a computer with a similar configuration. This reduction will result in an overall savings of approximately \$7,000. The following chart outlines the proposed placement of these machines:

<b>Location</b>	<b>Quantity</b>
Asheboro	18 Computers
Archdale	6 Computers
Franklinville	1 Computer
Liberty	5 Computers
Ramseur	2 Computers
Randleman	3 Computers
Seagrove	5 Computers

With the exception of the computers that will be placed in the Seagrove Library for the first time, the remaining computers will replace obsolete existing systems at the public catalog desk(s), the service desk(s) and staff computers. All of the systems currently are utilizing the Windows 95 operating system. These replacements will be supported by the Windows XP Professional operating system, which is necessary in order to accommodate the upgrade of the automated system as well as to support the Internet Explorer 6 required for the web-based public catalog system.

*On motion of Frye, seconded by Davis, the Board voted unanimously to award the bid for 40 computers for the Public Library to Dell Computer Corporation at a total cost of \$30,884.00.*

**Budget Amendment—Library Automation Grant**

Richard Wells said that the library has been awarded a grant from the State library to upgrade the automation system for all 7 libraries in the county. Total price for the project is \$118,657. The grant is for \$94,526. The 25% local match is \$24,131. Mr. Wells requested that the Board appropriate \$24,131 from fund balance in order to receive this grant.

*On motion of Frye, seconded by Davis, the Board voted unanimously to purchase the equipment from Dynix Corporation, receive the grant from the State Library and to approve Budget Amendment #2, as follows:*

<b>2005-2006 Budget Ordinance General Fund—Amendment #2</b>		
<b>Revenues</b>	<b>Increase</b>	<b>Decrease</b>
<i>Appropriated Fund Balance</i>	\$24,131	
<i>Restricted Intergovernmental</i>	\$94,526	
<b>Appropriations</b>	<b>Increase</b>	<b>Decrease</b>
<i>Public Library</i>	\$118,657	

**Budget Amendment—Library Smart Start Grant**

Richard Wells said that the library has been awarded a grant from the Randolph County Partnership for Children (RCPC-Smart Start). The grant will fund all costs to institute a Parents-As-Teacher (P.A.T.) Program in Randleman. The office for the coordinator will be provided by the City of Randleman and will be located in City Hall. The total project cost is \$52,000. There is no match required. The library administers the grant.

*On motion of Kemp, seconded by Lanier, the Board voted unanimously to approve the Library Smart Start Grant in the amount of \$52,000 and Budget Amendment #3, as follows:*

<b>2005-2006 BUDGET ORDINANCE</b>		
<b>General Fund--Amendment #3</b>		
<b>Revenues</b>	<b>Increase</b>	<b>Decrease</b>
<i>Restricted Intergovernmental</i>	\$52,000	
<b>Appropriations</b>	<b>Increase</b>	<b>Decrease</b>
<i>Library</i>	\$52,000	

**Budget Amendment—Public Health**

Will Massie said that the Health Department has been contracted to conduct a “Water Supply Inspection and Survey Program,” funded through Senate Bill 7, Hurricane Recovery Act of 2005. The contract provides reimbursement up to \$15,450 for collection of bacteriological and nitrate samples, testing, and submission of required reports. A budget amendment is needed.

*On motion of Frye, seconded by Kemp, the Board voted unanimously to approve Budget Amendment 4#, as follows:*

<b>2005-2006 BUDGET ORDINANCE</b>		
<b>General Fund--Amendment #4</b>		
<b>Revenues</b>	<b>Increase</b>	<b>Decrease</b>
<i>Sales and Services</i>	\$15,450	
<b>Appropriations</b>	<b>Increase</b>	<b>Decrease</b>
<i>Public Health</i>	\$15,450	

**Budget Amendment--Encumbrances**

Jane Leonard, Deputy Finance Officer, said that an encumbrance is created when a contract is entered into or a purchase order is issued. Encumbrances outstanding at June 30 must be recorded in the Fund Balance section of the County’s Financial Statements and are added to the next year’s budget by amending the budget. At 6/30/05, the encumbrances to be carried over to the 2005-2006 budget totaled \$3,390,100. These encumbrances consist of funds set aside for major repairs and improvements (\$686,841), technology purchases and contracts (\$588,175), economic development incentives (\$1,523,000), grants (\$289,312), other contracts and services (\$125,500) and miscellaneous supplies/equipment (\$177,272).

*On motion of Lanier, seconded by Frye, the Board unanimously approved Budget Amendment #5 to the FY 2005-2006 Annual Budget, as follows:*

<b>2005-2006 BUDGET ORDINANCE</b>	
<b>General Fund—Amendment #5</b>	
<b>Revenue</b>	<b>Increase</b>
<i>Appropriated Fund Balance</i>	\$3,390,100
<b>Appropriations</b>	<b>Increase</b>
<i>Administration</i>	\$ 89,468
<i>Computer Services</i>	280,443
<i>Elections</i>	44,444
<i>Tax</i>	9,030
<i>Register of Deeds</i>	16,500
<i>Public Buildings - Maintenance</i>	806,841
<i>Sheriff</i>	34,245
<i>Emergency Services</i>	266,612
<i>Public Works</i>	125,500
<i>Public Health</i>	81,625
<i>Cooperative Extension Service</i>	6,158
<i>Social Services</i>	89,234
<i>Soil &amp; Water</i>	17,000
<i>Other Economic &amp; Physical Development</i>	1,523,000

**Budget Amendment—Cooperative Extension**

Jane Leonard said that Cooperative Extension has received a \$6,000 grant from United Way to be used for program cost involved with the 4H program. Cooperative Extension has also received \$2,710 from the Asheboro Housing Authority to provide a summer program. Cooperative Extension will hire 2 part-time temporary employees to coordinate the program.

*On motion of Davis, seconded by Lanier, the Board voted unanimously to approve Budget Amendment #6, as follows:*

<b>2005-2006 BUDGET ORDINANCE</b>		
<b>General Fund--Amendment #6</b>		
<b>Revenues</b>	<b>Increase</b>	<b>Decrease</b>
<i>Miscellaneous</i>	\$8,710	
<b>Appropriations</b>	<b>Increase</b>	<b>Decrease</b>
<i>Cooperative Extension</i>	\$8,710	

**Budget Amendment—Day Reporting Center**

Jane Leonard reported that the Administrative Office of the Courts has approved an allocation of \$34,468 to fund our drug court case manager position. The Sandhills Center for Mental Health has approved payment of \$8,125 for substance abuse treatment services for the drug court participants. This gives us a total of \$42,593 to assist in funding the drug court program for FY2005-2006.

On motion of Kemp, seconded by Davis, the Board voted unanimously to approve Budget Amendment #7, as follows:

<b>2005-2006 BUDGET ORDINANCE</b>		
<b>General Fund--Amendment #7</b>		
<b>Revenues</b>	<b>Increase</b>	<b>Decrease</b>
<i>Restricted Intergovernmental</i>	\$34,468	
<i>Miscellaneous</i>	\$8,125	
<b>Appropriations</b>	<b>Increase</b>	<b>Decrease</b>
<i>Day Reporting Center</i>	42,593	

**Closed Session**

On motion of Frye, seconded by Davis, 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 NCGS 143-318.11(a)(4).

**Recess**

At 5:20 p.m., the Board recessed and reconvened at 6:30 p.m.

**Rezoning Public Hearing**

At 6:30 p.m. the Board adjourned to a duly advertised public hearing to consider rezoning requests. Hal Johnson, Planning & Zoning Director, presented the following requests, and Chairman Holmes opened the public hearing for comments on each request and closed it before taking action on each request.

1. DONALD LANIER, Asheboro, North Carolina, is requesting that 16.47 acres located on the southwest corner of the Tot Hill Farm Road and Hwy 49 South intersection, Cedar Grove Township, be rezoned from Residential Agricultural to Highway Commercial/Conditional Use. Tax ID# 7629335301. Secondary Growth Area. It is the desire of the applicant to use the property for commercial development. The proposed Conditional Use Zoning District would only allow retail sales and would require buffers as per site plan. The Planning Board considered this request at public meeting on July 12, 2005, and unanimously recommended that this request be approved.

Hal Johnson explained that this request came to the Planning Board as a general use, with no specific use named. Although the Planning Board felt that commercial zoning would be appropriate for this site, there was no conditional use to consider, and some types of commercial activity might not be appropriate, especially without buffers. In addition, whatever would be approved for this site would set a precedent for the other corners of this intersection. Therefore, Mr. Lanier has offered to change his request to Conditional Use for retail sales only. Mr. Johnson noted that the Community Shopping District would be the correct classification for this request. The Planning Board was also concerned about buffers. He said Mr. Lanier would present a site plan as part of the Conditional Use, and it addresses buffers.

Commissioner Arnold Lanier announced that he would recuse himself in this matter.

**Donald Lanier**, 2615 Tot Hill Farm Rd., Asheboro, presented a site plan that included buffers and watershed areas that were located by his surveyor. He said a soil scientist had designed the septic systems. He stated that no hardwoods would be cut along the watersheds. Mr. Lanier asked that his

request be modified to Community Shopping District, to be developed according to the site plan presented.

*On motion of Frye, seconded by Davis, the Board voted unanimously (4-0, with Lanier abstaining) to approve the request of Donald Lanier.*

2. KAREN LOWE, Liberty, North Carolina, is requesting that 2.10 acres located on Bowman Dairy Road, Liberty Township, be rezoned from Residential Restricted to Residential Agricultural/Conditional Use. Tax ID# 8718834735. Secondary Growth Area. The Conditional Use Zoning District would specifically allow a single-wide mobile home to be located on the property. The Planning Board considered this request at public meeting on July 12, 2005, and unanimously recommended that this request be approved.

**Karen Lowe**, 6998 Bowman Dairy Rd., Liberty, spoke in favor of her request, saying that her son plans to live next to her.

*On motion of Davis, seconded by Lanier, the Board voted unanimously to approve the request of Karen Lowe.*

3. JANET SMITH & PEGGY HAWKINS, are requesting that 10.90 acres located on the corner of Wicker Lovell Road/Laughlin Road, Franklinville Township, be rezoned from RA to CVOE-CU. Tax ID# 7773856525. The proposed Conditional Use Zoning District would specifically allow the development of a 10-lot residential subdivision for site-built homes only with a minimum house size of 1,500 sq. ft. The Planning Board considered this request at public meeting on July 12, 2005, and recommended that this request be approved by a split vote of 5 to 2.

**Mark Terry**, 10837 N. Main St., Archdale, said he is the surveyor who designed the subdivision. He used two soil scientists to determine perkable lots. He said that the lots exceed what is required by the County, ranging from over 40,000 square feet to 51,000 square feet, and that this subdivision would be better than the current neighborhood.

**Janet Smith**, 1431 Wiley Lewis Rd., Greensboro, stated that the request reflects the best use for this property, and it would bring revenue to the County.

**Doris Cain**, 1940 Wicker Lovell Rd., adjoining property owner and unofficial spokesman for the opposition, stated that their concern is water. Since 2000, four adjoining property owners' wells have gone dry. One drilled 400 feet for a replacement well; another drilled 500 feet and abandoned the attempt. Ms. Cain said that several neighbors have foul-smelling water and can't drink it. She said that ten new wells could cause a critical water problem and asked that the number of lots be reduced.

**Lorele Loreth**, 1903 Wicker Lovell Rd., stated that her water has sulfur bacteria and is so foul that she had to install a \$3000 filtration system. She noted that although this water may not harm an adult, it could be harmful to children.

**Stacey Wicker**, 2194 Wicker Lovell Rd., said that he gets only three gallons per minute from his well, so he is concerned about water also. He noted that there are country smells in this neighborhood, with chicken houses, cows, and the like, and people moving into a subdivision tend to complain about the smells and cause problems for the ones who were already living there. He noted that a curve in the road would cause visibility problems for those entering the road from the subdivision. He stated that most parcels in this area are three acres or more, and he asked that the number of lots be reduced.

**Approximately 35 people stood in opposition to this request.**

Chairman Holmes asked if the applicant had considered reducing the number of lots.

**Mark Terry** stated that there had been no discussion about reducing the number of lots. He added that wells are up to the purchaser.

**Janet Smith**, applicant and owner of the property, stated that the developer she is working with has told her that the well and septic system for each lot must be approved before that lot is sold.

*On motion of Kemp, seconded by Holmes, the Board voted 3-2, with Frye and Lanier opposing, to approve the request of Janet Smith & Peggy Hawkins, with the requirement that the installation of wells be properly constructed and certified by the Health Department as a potable water supply prior to the issuance of building permits on each lot.*

**Invitation**

Chairman Holmes announced that Ad Penfield had invited the County Commissioners to the annual Watermelon Spitting Contest on September 10.

**Adjournment**

There being no further business, the meeting adjourned at 7:35 p.m.

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J. Harold Holmes, Chairman

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Darrell L. Frye

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Phil Kemp

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Robert B. Davis

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Arnold Lanier

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Cheryl A. Ivey, Deputy Clerk to the Board