

Randolph County Commissioners Minutes  
November 7, 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, Davis and Kemp were present. Rev. Marion Smith, retired DSS Director, gave the invocation and everyone recited the Pledge of Allegiance.

**Recognition of Retiree**

Chairman Holmes recognized Bill McDaniel, Maintenance Department Supervisor and former Chief Building Inspector, who is retiring from the County with 31½ years of service. Chairman Holmes presented an engraved clock to him.

**Public Comment Period**

Pursuant to N.C.G.S. § 153A-52.1, Chairman Holmes opened the floor for public comment. No one spoke.

**Consent Agenda**

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

- *approve 10/3/05 meeting minutes;*
- *unseal closed session minutes from 9/6/05;*
- *reappoint Dawn Cole and appoint Martha Smith to Nursing Home Advisory Committee;*
- *reappoint Kim Griffin to Tax Commission;*
- *appoint Scott Ethridge to Juvenile Crime Prevention Council;*
- *reappoint Dr. Bob Dough, Pat Way, Dr. Eric Helsabeck, Paula Lineberry, Ken Fields, Neil Allen, Lewis Schirloff, Ronnie Thompson, Fred deFriess, Benny Lopienski, Steven Staley, Brent Powell, Alice Dawson, and Cynthia Grantham and Appoint Larry Pugh, Sandy Smith, Cathy Jones, Karen Goins, Anastasia Hartigan and Dr. Peter Sim to the Randolph County EMS System Quality Management Committee (2-year terms).*

**Adoption of First Reading on Amendment to the Time Warner Franchise Ordinance**

David Harris, Regional Cable Administrator, Piedmont Triad Council of Governments, reminded the Board that Randolph County's Cable Television Franchise Agreement with American Television and Communications Corporation (adopted May 4, 1987) was transferred to Time Warner on July 6, 1987. The Ordinance dictates that the rate for franchise fees shall be set by the Franchise Agreement. The Randolph County Board of Commissioners approved a rate of 3% in the franchise.

NC SB 622 passed by the General Assembly and signed into law recently by Governor Mike Easley makes a number of important tax changes which impact the decision by the Board to maintain a 3% franchise fee rate. The bill imposes a sales tax of 7% on cable services with a credit for local franchise fees paid, effective January 1, 2006. Randolph County now collects 3% franchise fees. The State will collect and keep the 4%, which will be collected by Time Warner from subscribers. Federal statutes allow local governments to collect a 5% franchise fee. All of the franchise and State tax is collected by the cable operator and then paid proportionally to the County or the State. Randolph County elected to charge a 3% franchise fee in order to lower the cable rates for the citizens. With the advent of this change it would appear prudent to change the franchise fee to 5% in order to collect the additional 2% for the County rather than sending the 4% County revenue to the State. The cable subscriber will be charged the 7%, effective January 1, 2006. Note that the County residents who subscribe to cable will pay the 7% increase no matter if the County chooses to collect or not collect the additional 2%.

Mr. Harris said that the franchise fee may be changed to 5% by adoption of an ordinance and allowing Time Warner sufficient administrative time to prepare notices to subscribers and adjust their billing system. Pursuant to NCGS 153A-46 any franchise renewal, extension or amendment may only be made by ordinance and read and fully adopted at two regularly scheduled meetings. Mr. Harris presented a proposed “Ordinance Adjusting the Cable Television Franchise Fees for Randolph County.”

*On motion of Kemp, seconded by Davis, the Board voted unanimously to adopt the first reading of an “Ordinance Adjusting the Cable Television Franchise Fees for Randolph County,” which changes Randolph County’s franchise fee from 3% to 5%, effective 2/1/06.*

**Award Ambulance Bid**

Neil Allen, Emergency Services Director, said that pursuant to G.S. 143-129 formal bidding requirements, a request for bids was issued for two Type I, Class I ambulances for the Emergency Services department on 9/12/05 and the public and potential vendors were duly notified. On 10/11/05 at 3:00 p.m. the following three sealed bids received were opened and read. Bids for two 2006 Ford chassis vehicles were received from the following suppliers:

<b>Vendor</b>	<b>Unit Cost</b>	<b>Total Bid</b>	<b>Status</b>
Medix Specialty Vehicles, Inc.	\$79,435.00	\$158,870.00	Non-Compliant
Southeastern Specialty Vehicles	\$83,176.00	\$166,352.00	Compliant
Wheeled Coach of NC	\$83,490.00	\$166,980.00	Compliant

Emergency Services staff reviewed these bids for completeness and responsiveness. Only two vendors met or exceeded our specifications. The bid received from the third vendor, Medix Specialty, did not meet our specifications in two significant areas. First, they offered only a 4-year warranty on the paint as opposed to the 7-year warranty requested in our specifications. Second, the body skin in the ambulance Medix proposed was 0.09 in thickness as opposed to the required minimum thickness of 0.125 listed in the specifications. While both Southeastern Specialty and Wheeled Coach met our basic specifications, the bid from Wheeled Coach exceeds the minimum requirements by offering a life-time warranty on all electrical circuits, boards and wiring, whereas Southeastern offers a limited warranty of 6 years or 72,000 miles.

The Emergency Services Department has identified \$87,500 per vehicle within its budget for the purchase of these ambulances. Based on the availability of funds, the responsiveness of their bid and the increased warranty, Mr. Allen recommended that the Board of Commissioners approve and award the bid for two Type I, Class I ambulances for the Emergency Services Department to Wheeled Coach of NC at a total cost of \$166,980.

*On motion of Frye, seconded by Lanier, the Board voted unanimously to award the bid for two Type I, Class I ambulances to Wheeled Coach of NC at a total cost of \$166,980.*

**Adopt Resolution Authorizing the Sale of Hopewell School Property to Guil-Rand Fire Dept**

Aimee Scotton, Associate County Attorney, reminded the Board that the Guil-Rand Fire Protective Association (Guil-Rand) recently approached the Randolph County Board of Education with a request to purchase 2 acres of the Hopewell School property, which is owned by Randolph County. The County purchased it from the Board of Education in order to secure financing under the 2000 COPS deal. At the October 2005 Commissioners meeting the Board considered the sale of this parcel for \$14,528.93, which is the prorated amount of the entire 72.424 acres that the County purchased for \$526,121.56. Guil-Rand also agrees to pay for bond attorney fees (estimated at \$2000) for securing the release of the

2-acre tract from the 2000 COPS Deed of Trust, plus all costs associated with the property transfer, including but not limited to survey and closing costs. NCGS 160A-277 allows the County to convey property to a fire department upon such terms and conditions as it deems wise, but requires that the County publish 10 days' public notice of its intent to approve this sale; this notice has been duly published.

*On motion of Frye, seconded by Davis, the Board voted unanimously to adopt the following resolution authorizing the sale of 2 acres of the Hopewell School property to Guil-Rand Fire Department:*

**WHEREAS,** the Guil-Rand Fire Protective Association (hereinafter referred to as "Guil-Rand" has approached the County of Randolph (hereinafter referred to as the "County") with an offer to purchase a two-acre tract on the front right corner of the Hopewell School property, acquired by the County and more properly described in a deed recorded in Deed Book 1653, Page 1039 of the Randolph County Registry; and

**WHEREAS,** Guil-Rand has offered to purchase the property for Fourteen Thousand Five Hundred Twenty-Eight Dollars and Ninety-Three Cents (\$14,528.93), said amount representing the exact amount of money that the County paid for this property when it purchased it from the Randolph County Board of Education in 2000; and

**WHEREAS,** in addition to the amount referenced above, Guil-Rand agrees to be responsible for all costs and fees pertaining to this transaction, including but not limited to payment of bond counsel's fees, costs of surveying the property, and the closing costs necessary to complete the transfer; and

**WHEREAS,** Guil-Rand wishes to purchase this property in order to secure funding and construct a new fire station; and

**WHEREAS,** North Carolina General Statute 160A-277 allows the County to convey property to a fire department upon such terms and conditions as it deems wise, provided that any sale under this section be approved by resolution adopted at a regular meeting upon ten (10) days' public notice; and

**WHEREAS,** public notice was given by publication on October 27, 2005, describing the property to be sold, stating its value, the proposed monetary consideration, and the County's intent to authorize this sale, in full compliance with the statute.

**NOW, THEREFORE, BE IT RESOLVED** that the Randolph County Board of Commissioners hereby authorizes the sale of two (2) acres from the right front corner of the Hopewell School property (as more particularly described in deed recorded in Deed Book 1653, Page 1039 of the Randolph County Registry) to the Guil-Rand Fire Protective Association for Fourteen Thousand Five Hundred Twenty-Eight Dollars and Ninety-Three Cents (\$14,528.93) plus all other costs necessary to complete the transaction, including but not limited to payment of bond counsel's fees, costs of surveying the property, and all closing costs.

### **GFOA Distinguished Budget Award**

Will Massie, Deputy Finance Officer, announced that the County has been awarded the GFOA Distinguished Budget Presentation Award for the FY 2004-2005 budget document for the second consecutive year. This award reflects the commitment of the governing body and staff to meeting the highest principles of governmental budgeting.

### **January Meeting Date Set**

*On motion of Kemp, seconded by Davis, the Board voted unanimously to set Monday, January 9, 2006 for their regular monthly meeting.*

### **Consideration of Amendment to Discharge of Firearms Ordinance**

Aimee Scotton reminded the Board that Eric Black, a concerned citizen in Randolph County, appeared before them recently requesting that something be done to strengthen the County's existing ordinance regarding the discharge of firearms. After meetings with Mr. Black and Sheriff Litchard Hurley, proposed changes were drafted in order to make the ordinance easier to enforce. Paragraphs B, C, and D under Section 1. Restrictions are being proposed for addition to the discharge of firearms ordinance. These paragraphs are as follows:

- B. It shall be unlawful for any person other than the owner or lessee of a dwelling or a member of the immediate family actually residing in such dwelling to discharge any firearm within one hundred (100) yards thereof without the written permission of the owner or lessee of such property. The written permission shall be dated and shall be valid for no longer than one year after its issuance. Such permission must be displayed upon the request of any law enforcement officer with the authority to enforce this Ordinance.
- C. It shall be unlawful for any person to discharge any firearm within one hundred (100) yards of any building reasonably likely to be occupied, including but not limited to any school, church, or warehouse or within one hundred (100) yards of any playground or park.
- D. It shall be unlawful for any person to discharge any firearm within one hundred (100) yards of any livestock belonging to others unless such person first procures the permission of the owner of such domestic livestock. For the purposes of this Ordinance, "livestock" shall include but not be limited to equine animals, bovine animals, sheep, goats, llamas, and swine.

Following discussion, the Board postponed a decision on the amendments to the discharge of firearms ordinance until their December meeting.

**Public Hearing on Close-out of Scattered Site Housing Community Development Block Grant Project**

Patty Brown, Assistant to the Director of Public Works, said that pursuant to Section .1002 of Subchapter 19L of the NC Community Development Block Grant Program a duly advertised public hearing must be held prior to the close-out of the FY2003 CDBG Scattered Site Housing Block Grant. Ms. Brown stated that 12 homes were rehabilitated with the \$400,000 provided.

Chairman Holmes opened the public hearing. No one spoke. Chairman Holmes closed the public hearing.

**Presentation on the Proposed Randolph County Small Business Incubator Program**

Victor Dau, Director of Randolph County Community College (RCC) Small Business Center, gave a PowerPoint presentation on a business incubation assessment study, which was spearheaded by Lonnie Hamm, Business Development Specialist, also at RCC. A business incubator is a large multi-tenant building with programs composed of the following elements: below-market rates, on-site business assistance at low or no cost, assistance obtaining financing, shared support services at low or no cost, flexible leases, flexible space arrangements, a graduation policy normally requiring firms to leave after 3 to 5 years in this subsidized, nurturing environment. Mr. Dau and Mr. Hamm are trying to determine the level of interest in starting a small business incubator in Asheboro and/or Archdale by making presentations to local governments and other civic groups in Randolph County. Mr. Dau said that this program would be eligible for grant funding if some entity takes "ownership" of the program, whether that entity is a sole or multi-partner owner. He said that the Randolph County Economic Development Corporation could possibly take the lead in this.

The Board expressed a great deal of interest in this project and asked Mr. Dau to report back to the Board at their January meeting.

**Public Hearing on an Economic Development Project**

At 5:18 p.m., Chairman Holmes opened the duly advertised public hearing.

**David Townsend, III**, Public Works Director, said that he and Bonnie Renfro, Randolph County Economic Development Corporation President, have been working toward a potential economic development grant project for Randolph County. The first step in the process is to announce that a company is considering an application for a Community Development Block Grant in the amount of up to \$750,000 with a \$250,000 local match and to hold a public hearing on the matter.

**Bonnie Renfro** said that this project would be similar to other ones that the County has been involved in with respect to funding infrastructure which will open up the area for additional businesses and would also benefit some private residences. As plans and negotiations progress another public hearing will be held.

Hearing no further comments, Chairman Holmes closed the public hearing.

**Budget Amendment—Soil & Water Environmental Enhancement Grants**

Will Massie, Deputy Finance Officer, said that the Randolph Soil & Water District has been awarded 2 grants to close inactive lagoons within the county. The Environmental Enhancement Grants Program is provided through the NC Foundation for Soil & Water Conservation. There is no cost to Randolph County; the 25% match will be borne by the property owners.

*On motion of Frye, seconded by Davis, the Board voted unanimously to approve Budget Amendment #10, as follows:*

<b>2005-2006 BUDGET ORDINANCE—GENERAL FUND—AMENDMENT #10</b>		
<b>Revenues</b>	<b>Increase</b>	<b>Decrease</b>
Miscellaneous	\$54,400	
<b>Appropriations</b>	<b>Increase</b>	<b>Decrease</b>
Other Economic & Physical Development Appropriations	\$54,400	

**Closed Session—Economic Development**

*At 5:25 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).*

At 6:00 p.m. the Board returned to open session.

**Closed Session--Personnel**

*At 6:00 p.m., on motion of Frye, seconded by Kemp, the Board voted unanimously to go into closed session to consider the qualifications, competence, performance, condition of appointment of a public officer or employee or prospective public officer or employee, pursuant to NCGS 143-318.11(a)(6).*

At 6:35 p.m., the Board returned to open session and took a brief recess before the rezoning public hearing.

**Rezoning Public Hearing**

At 6:44 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. JOE BRITT, Seagrove, North Carolina, is requesting that 2.93 acres located on Hwy 64 East, Franklinville Township, Primary Growth Area, be rezoned from LI-CU to HC-CU. Tax ID# 7781685916. The proposed Conditional Use Zoning District would specifically allow a 35' x 96' building to operate a landscaping garden center, craft sales and service business as per site plan. The Planning Board considered this request at public meeting on October 4, 2005, and unanimously recommended that this request be approved as consistent with the Growth Management Plan for this area.

No one spoke.

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

2. WINDSOR COMMERCIAL, Greensboro, North Carolina, is requesting that 97.16 acres located in the southern corner of the intersection of New Hope Church Road/US Hwy 220 South By-Pass, Union Township, be rezoned to an Industrial Overlay District. Tax ID#s 7656798604, 7656899541, and 7656981922. It is the desire of the applicants to use the property for industrial development. Property owners - Jack & Betty Lail & others. The Planning Board considered this request at public meeting on October 4, 2005, and unanimously recommended that this request be approved as consistent with the Growth Management Plan.

**Buddy Seamore**, speaking on behalf of the applicant, said that in working with the property owners they had determined that the most appropriate rezoning request was an Industrial Overlay District because they don't have a specific user in mind at this time. He requested the Board's support.

Chairman Holmes closed the public hearing.

*On motion of Frye, seconded by Lanier, the Board unanimously approved the request of Windsor Commercial.*

**Adjournment**

There being no further business, the meeting adjourned at 7:00 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