

Randolph County Commissioner Minutes

December 5, 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. Dr. Ron Chaney, Union Grove Baptist Church, Seagrove, gave the invocation and everyone recited the Pledge of Allegiance.

Reorganization of Board

On motion of Lanier, seconded by Davis, the Board voted unanimously to approve the following appointments: Chairman, Harold Holmes; Vice Chairman, Darrell Frye; County Attorney, Alan Pugh; Associate County Attorney, Aimee Scotton; Clerk to the Board, Alice Dawson; Deputy Clerk to the Board, Cheryl Ivey; Representative to the Board of Health, Robert Davis; Representative to the Consolidated Mental Health Board, Darrell Frye; Representative to the Social Services Board, Arnold Lanier; Representative to the Juvenile Crime Prevention Council, Arnold Lanier; Representative to the High Point Transportation Advisory Board, Darrell Frye; PTCOG Delegate, Darrell Frye; Piedmont Triad Partnership, Phil Kemp; Piedmont Authority for Regional Transportation, Darrell Frye; Regional Planning Organization, Robert Davis.

Change to Agenda

Chairman Holmes announced that Consent Agenda Item E. Reappoint Bill Dorsett and Lynden Craven to the Randolph County Planning Board would be moved to New Business Item O.

Consent Agenda

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

- *approve 11/7/05 regular and 2 sets closed session meeting minutes;*
- *reappoint Fred deFriess to Child Fatality Review Team;*
- *reappoint Cathy Hayes to Randleman Planning & Zoning Board;*
- *appoint Cathy Clark & Rachel Fesmire and reappoint Catherine Carter to Board of Health;*
- *adopt 2 D.O.T. resolutions adding Bridge Point Drive, Beeson Court & Mountain Valley Drive to State Roads System, as follows:*

***WHEREAS**, the Department of Transportation has investigated Bridge Point Drive and Beeson Court in the Bridge Point Subdivision; and*

***WHEREAS**, the subject streets have been found to meet minimum requirements for addition.*

***NOW, THEREFORE, BE IT RESOLVED** by the Randolph County Board of Commissioners that Bridge Point Drive and Beeson Court in the Bridge Point Subdivision be added to the Division of Highways' Secondary Road System.*

and

***WHEREAS**, the Department of Transportation has investigated Mountain Valley Drive in the Northmont Estates 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 Mountain Valley Drive in the Northmont Estates Subdivision be added to the Division of Highways' Secondary Road System.*

Pawnbroker License Renewal

On motion of Frye, seconded by Davis, the Board voted unanimously to approve the pawnbroker license renewal for Frank Chamberlin for one year.

Update and Action on Proposed Change to Discharge of Firearms Ordinance

Aimee Scotton, Associate County Attorney, reminded the Board that she had been instructed to work with Sheriff Hurley to draft changes to the existing Firearms Ordinance that would strengthen it and make it more enforceable. This directive resulted from a citizen (Eric Black), who had appeared before the Board several months earlier. Ms. Scotton introduced the proposed changes to the ordinance at their November meeting. At that time, the Board decided to forgo voting on this proposal until the December meeting in order to have time to accept public comment on the matter. 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.

On motion of Kemp, seconded by Frye, the Board voted unanimously not to approve the proposed changes to the Discharge of Firearms Ordinance.

Public Comment Period

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

Frank Chamberlin said that his understanding was that the original Discharge of Firearms Ordinance was adopted as a means to stop people from target practicing but he's confused now because it seems that the proposed changes would prohibit hunters from dove hunting because of the fallout of the shot onto someone else's property. He said that he appreciated the Board voting against these changes.

Jesse Williams said that the existing Discharge of Firearms Ordinance that was adopted in 1993 should be repealed. Also, the law prohibiting the carrying of concealed weapons in County buildings should be repealed because people who have a permit to carry a weapon are the kind of people that are good to have around. He said that he did not know Mr. Black but it sounded like he was just having trouble with a rude neighbor who is making trouble out of spite. He said that perhaps an apology from Mr. Black could solve the problem.

Bill Zuker said that he believes that more gun safety education, especially in the schools, could prevent some of the gun problems. He also said that the County's animal control ordinance is unenforceable. He agrees with Jesse Williams' comments, adding that "good" people have concealed weapons permits. He also added that teachers should be allowed to carry concealed weapons in order to better protect themselves.

Hal Winslow, Commander of the Randolph County Honor Guard, had concerns about the proposed changes to the Discharge of Firearms Ordinance because of the effect they would have had on the Honor Guard when they fire their weapons at graveside services. The Commissioners told Mr. Winslow that the ordinance would not have applied to the Honor Guard because they do not use live rounds.

Wayne Broome said that the Commissioners did the right thing in voting down the proposed changes to the Discharge of Firearms Ordinance and he hopes that this issue will not come up again any time soon. He said that it seems that the few people in the county who are doing bad things are giving all hunters a bad name. He urged responsible hunters and gun owners to be good citizens and to set a good example for others. He also said that he believes that citizens should have access to RCC's firing range.

Gregory Redding thanked the Board for voting down the proposed changes to the Discharge of Firearms Ordinance.

Chairman Holmes closed the public comment period.

Cooperative Extension Equity Pay Adjustment and Budget Amendment

Carolyn Langley, Cooperative Extension—Randolph County Center Director, and Reid Pollard, Cooperative Extension Board Member, explained to the Board that approximately 8 years ago NC Cooperative Extension at NC State University began freezing salaries for Extension field faculty (county agents) because of budget problems they were experiencing, and they stopped giving salary increases when county agents were reclassified to higher positions. However, at the same time, they began to increase entry-level salaries because they were having trouble recruiting new agents, who were going to schools and other agencies who paid more. As NC Cooperative Extension has continued to upwardly adjust starting salaries for several years, there now exists a significant inequity among county agents statewide. Extension agents who have worked the longest and have the most qualifications and experience are now being paid approximately the same amount (and, in some cases, less) money than agents with far less tenure and experience. In addition, County Extension has suffered losses of \$11 million in the past 8 years due to permanent reversions (money that NCSU Cooperative Extension had designated for salaries but had to give back to the General Assembly).

This year, the North Carolina General Assembly passed a special budget item of over \$3 million to address equity pay adjustments for Extension field faculty. The equity pay adjustment brings all Extension field faculty to a financially level playing field with other county agents in NC. The pay adjustments bring the salary of every county agent to at least the level they would be offered if they were hired today. Funds were distributed to each agent after careful analyses based on multiple factors such as years of service, performance, and promotions. The North Carolina General Assembly gave the \$3 million specifically to North Carolina State University Extension to address the pay equity issue only for County Extension agents. No campus faculty or staff or County Extension secretaries are allowed to receive the money. In Randolph County, 6 agents received equity pay adjustments totaling \$18,557 (not including fringe benefits), retroactive to July 1, 2005, on the university side of their salary.

The North Carolina Cooperative Extension—Randolph County Center, holds a Memorandum of Understanding with Randolph County Government. County agents are paid approximately one-half of their salary from County government and one-half from North Carolina State University. In order for the Randolph County agents to truly be treated equitably among Cooperative Extension peers, the County would need to meet their share of the salary adjustment. That amount with fringe benefits is \$15,348. (The difference between this amount and the \$18,557 from NCSU is the result of the 2.5% raises Randolph County gave in July.) However, since information concerning the salary increases was not received until mid-October, Ms. Langley asked that the Commissioners consider giving one-half of

the increase in January (\$7,674) and then include the equity pay adjustment in full in next year's salary line item. Ms. Langley said that funds are not available in her department's current budget to cover this increase.

On motion of Kemp, seconded by Lanier, the Board voted unanimously to approve equity pay adjustments for 6 Cooperative Extension agents, as recommended, and approved Budget Amendment #11, as follows:

2005-2006 Budget Ordinance—General Fund – Budget Amendment #11	
Revenue	Increase
<i>Appropriated Fund Balance</i>	\$7,674
Expenditures	Increase
<i>Cooperative Extension Service</i>	\$7,674

Resolution to Not Collect Minimal Taxes

Ben Chavis, Tax Supervisor, said that over the years his department has received numerous complaints from taxpayers regarding tax bills with minimal amounts due. North Carolina G.S. 105-321(f) allows the governing body of a unit that collects its own taxes to direct, by resolution, the tax assessor/collector not to collect minimal taxes charged on the tax records. Minimal taxes are the combined taxes and fees of the taxing unit and any other unit for which it collects taxes. The amount set as the limit for minimal tax should be the estimated cost to the taxing unit for billing the taxpayer.

On motion of Kemp, seconded by Davis, the Board voted unanimously to adopt a resolution that sets the billing minimum at \$3.50 for amounts due on a tax notice, as follows:

WHEREAS, N.C.G.S. 105-321(f) authorizes the governing body of a taxing unit that collects its own taxes to direct, by resolution, its assessor and tax collector not to collect minimal taxes charged on the tax records and receipts; and

WHEREAS, minimal taxes are the combined taxes and fees of the taxing unit and any other units for which it collects taxes, due on a tax receipt or on a tax notice in a total original principal amount that does not exceed an amount, up to \$5.00, set by the governing body; and

WHEREAS the Randolph County Tax Assessor/Collector has determined that the estimated cost to Randolph County of billing a taxpayer for the amounts due on a tax receipt or tax notice is \$3.50; now, therefore,

BE IT RESOLVED by the Randolph County Board of Commissioners that the County Tax Assessor/Collector is directed not to collect the combined taxes and fees of Randolph County and any other unit of government for which it collects taxes, due on a tax receipt prepared pursuant to G.S. 105-320 or on a tax notice prepared pursuant to G.S. 105-330.5, when the total original principal amount is \$3.50 or less; and

BE IT FURTHER RESOLVED that pursuant to N.C.G.S. 105-321(f) the Tax Assessor/Collector shall not bill the taxpayer for, or otherwise collect, such minimal taxes but shall keep a record of all such minimal taxes by receipt number and amount and shall make a report of the amount of these taxes to the Randolph County Board of Commissioners at the time of settlement; and

BE IT FURTHER RESOLVED that this resolution shall be in effect with respect to fiscal year beginning July 1, 2006 and shall remain in effect until amended or repealed by resolution of the Randolph County Board of Commissioners.

Change in Tax Billing Format

Ben Chavis said that the Tax Department has always looked for the most cost effective manner of delivering service to the taxpayers of the county. One of the ways this has been done is through postcard billing because of cheaper postal rates along with ease of handling in-house. However, there has been some concern by the general public of having their real estate information exposed for everyone to see as it passes from the Tax Department through the postal system and back into our hands.

There is also a need for automating our real estate bills for lock box operation like we have for motor vehicles. This can be accomplished at this point only through outsourcing. The Tax Department is currently outsourcing all of the 205,000 motor vehicle bills mailed annually to accommodate our lock box process with RBC Centura Bank. He told the Board that if they choose to “enclose” all tax bills, then outsourcing the additional 58,200 real estate bills would be the best option. Mr. Chavis estimated a total savings of \$2,061/year from outsourcing these additional bills. Other advantages would be lock box capability, ability to enclose multiple bills for the same owner in one envelope, better service to our taxpayers (enclosed mailing, return envelope, more versatility in adding special messages on bills or enclosing a flier with the bill), better postage rates (savings of \$.077 per piece of mail), in-house labor savings, and no forms costs.

On motion of Frye, seconded by Kemp, the Board voted unanimously to begin outsourcing the printing and postage of real estate bills.

Award Contract for Printing and Postage of All Tax Bills

Mr. Chavis said that the Tax Department has been using SouthData Inc. of Mt Airy to print and mail our motor vehicle bills for the last several years. In order to insure that SouthData’s pricing is still competitive, the following bids were solicited and received:

SouthData Inc	.10 per piece for printing	.275 postage per piece
Arista Information Systems	.135 per piece for printing	.275 postage per piece
Professional Mail Services	.115 per piece for printing	.275 postage per piece

Mr. Chavis recommended that the Board award the bid to SouthData based on their low bid and the good working relationship that the County has with them already.

On motion of Davis, seconded by Kemp, the Board voted unanimously to award the bid for printing and postage of all tax bills to SouthData, Inc., at a cost of \$.10 per piece for printing and \$.275 postage per piece.

Approve Contract with City of Archdale for Operation of Archdale Library

Aimee Scotton, Associate County Attorney, presented a contract that she had prepared between the City of Archdale and the County for the operating expenses of the Archdale Library. She said that the Archdale City Council had already approved the contract.

On motion of Frye, seconded by Davis, the Board voted unanimously to approve the contract between the County and the City of Archdale for the operation of the Archdale Library, as presented.

Purchase of Police Vehicles

Audrey Alexander, Purchasing Technician, said that pursuant to G.S. 143-129(g) the Sheriff’s Office is requesting a waiver of the informal bid procedure for four 2006 Dodge Charger Police Package vehicles. This section of the statute allows for the purchase of apparatus, supplies, materials or equipment through a previously bid or “piggybacking” contract. The public was notified of this request to waive the bid procedure by a legal notice, which ran in The Courier-Tribune on Sunday, November 20, 2005. A contract was awarded by the City of Gastonia to Ilderton Dodge in High Point, NC at a price of \$20,391 for the 2006 Dodge Charger Police Package without the left spot light and \$20,662 for the 2006 Dodge Charger Police Package with the left spot light. This pricing was compared with the federal contract. A comparison of the pricing is outlined, as follows:

Vendor	Unit Cost	Total Bid
Ilderton Dodge (without spot light)	\$20,391.00	\$40,782.00
Ilderton Dodge (with spot light)	\$20,662.00	\$41,324.00
ILDERTON TOTAL		\$82,106.00
Federal Contract	\$21,362.00	\$85,448.00

The purchase of these four vehicles from Ilderton Dodge would result in a savings of \$3,342 versus the purchase of these same vehicles through the federal Contract.

The Sheriff's Office staff have identified \$21,000 per vehicle within their budget for the purchase of these 2006 Dodge Chargers. Based on the availability of funds and the competitiveness of the bid that was awarded by the City of Gastonia, Ms. Alexander requested that the Board of Commissioners waive the bid procedure for the purchase of these vehicles and recommended the approval of the purchase of these vehicles under the previously bid contract to Ilderton Dodge at a total cost of \$82,106.

On motion of Lanier, seconded by Davis, the Board voted unanimously to waive the bid procedures for the purchase of police vehicles and to approve the purchase of 4 vehicles under the previously bid contract to Ilderton Dodge at a total cost of \$82,106.

Award Bid for Radio Equipment

Major Allen McNeill, Chief Deputy, said that the Sheriff's Office and Emergency Services are continuing a radio system upgrade which began last year. In the first phase the Board of Commissioners approved \$246,599.35 of Homeland Security Grant money to upgrade the Sheriff's Department, Emergency Services, and Fire Service radio systems. That first phase is almost complete. While going through the installation of Phase I equipment, it was discovered that the continuing cost of phone lines to get optimum service from the new equipment was approximately \$40,000 per year. In researching a cost-saving solution to eliminate these recurring costs, a joint study was performed to determine if a Motorola Canopy System was appropriate to eliminate those recurring phone line costs, but reliable enough for mission-critical radio service. Fortunately, the Sheriff's Office had already installed a Motorola Canopy link from Shepherd's Mountain to Dave's Mountain earlier this year to eliminate unreliable phone service in that area. That radio link has worked reliably for 5 months with no problems. Plans are to install Motorola Canopy links now at the following sites: Archdale, Liberty, Ramseur, Seagrove, Dave's Mountain, and 911 Emergency Services Building. This project was put out for informal bid in compliance with state law and only one bid was received. The bid was \$84,507.20 by Amerizon Wireless of Fayetteville, N.C. Amerizon Wireless is the same company that installed the current canopy link and also the company that performed all of the previous radio system upgrades. Major McNeill said that the installation of a Motorola Canopy System at \$84,507.20 should save the County approximately \$40,000.00 per year in continuing phone line costs, thus paying for itself in just two years. The funding for the system is in place with money being supplied by Computer Services and the Sheriff's Office. Major McNeill asked that the Commissioners approve this project and award the bid to Amerizon Wireless at an amount not to exceed \$84,507.20 (the exact final cost will be determined during the next few days).

On motion of Davis, seconded by Frye, the Board voted unanimously to award the bid for a Motorola Canopy radio system to Amerizon Wireless at a cost not to exceed \$84,507.20.

Amend Purchasing Policy

Audrey Alexander, Purchasing Technician, presented proposed changes in the Purchasing Policy for the Board's consideration. If adopted, the changes would become a part of the governing law for

purchases and contracts executed by Randolph County. The proposed policy changes will amend and revise Section V (B) – Award of Bids, Section V (G) – Disposal of Personal Surplus Property and Section VII – Minority Business Enterprise Goal of the current Purchasing Policy, which was adopted by the Board of Commissioners on November 5, 2001. The intent of the proposed policy changes is to establish authorizations not addressed in the NC General Statutes, which are unique and specific to Randolph County for certain types of contracts. The following is a summary of the proposed changes:

1. Increase lines of authority for all purchases of apparatus, supplies, materials or equipment contracts.

Under the General Statutes 143-131 (informal bidding):

- | | |
|-------------------------|--|
| Purchase of commodities | - No State requirements below \$30,000 |
| Construction contracts | - No State requirements below \$30,000 |

Under current policy:

- | | |
|---|--------------------------|
| • Less than \$5,000 | - Purchasing Officer |
| • At least \$5,000 but less than \$15,000 | - County Manager |
| • \$15,000 and more | - Board of Commissioners |

Under the proposed policy:

- | | |
|--|--------------------------|
| • Less than \$10,000 | - Purchasing Officer |
| • At least \$10,000 but less than \$30,000 | - County Manager |
| • \$30,000 and more | - Board of Commissioners |

Explanation:

On July 27, 2005 the Governor signed into law HB 1332, which increases the base threshold in G.S. 143-131 (the informal bidding statute) from \$5,000 to \$30,000. This means that effective July 27th, there are no statutory bidding requirements for contracts below \$30,000. The proposed policy changes are recommended in order to allow Randolph County to more closely adhere to the recently signed House Bill and to streamline the County Purchasing Policy. In so doing, it is expected that we will be able to minimize the amount of involvement currently required of the County Manager and the Board in the approval of routine purchases.

2. Increase County Manager’s authority to award bids for Construction/Building Repair contracts from \$25,000 to the State informal bid limit (which is currently \$30,000).

Under current policy:

- | | |
|----------------------|--------------------------|
| • Less than \$25,000 | - County Manager |
| • \$25,000 and more | - Board of Commissioners |

Under the proposed policy:

- | | |
|----------------------------|--------------------------|
| • Less than Informal Limit | - County Manager |
| • Informal Limit and more | - Board of Commissioners |

Explanation:

The proposed policy change recommends increasing the County Manager’s threshold for construction contracts to \$30,000 to allow Randolph County to be consistent with the State threshold for informal bidding as well as to accommodate the inflationary market in the construction industry.

3. Increase threshold for disposal of personal surplus property and authorize the use of electronic auctions for surplus property disposal.

Under the General Statutes: Board must delegate the disposal of personal surplus property valued at less than \$30,000 to either the County Manager or Purchasing Official. Otherwise, the Board approves all disposals.

Under current policy: The County Manager is to declare surplus any personal property valued at less than five thousand dollars (\$5,000) for any one item or group of items, to set its fair market value, and to convey title to the property for the County in accord with regulations.

Under proposed policy: The County Manager is to declare surplus any personal property valued at less than thirty thousand dollars (\$30,000) for any one item or group of items, to set its fair market value, and to convey title to the property for the County in accord with regulations. As outlined in G.S. 160A-270(c), the County Manager shall also authorize the use of electronic auctions for the surplus of personal property.

Explanation:

Again, HB 1332 increased from \$5,000 to \$30,000 the value of property that may be sold using informal procedures upon delegation of the governing board. The proposed policy change will allow Randolph County to be more uniform with the threshold set by the State and to standardize internal thresholds (if previous proposed changes are adopted). With the use of electronic auctions we foresee the selling price for some surplus items moving closer to and beyond the \$5,000 threshold. In addition to the request for increasing the threshold we would like to seek Board approval for the use of electronic auction for surplus disposal. Increased income or dollars generated and timely removal of surplus are two advantages that other municipalities and governments have noted as primary reasons for adopting the use of electronic auctions.

4. Reference and incorporate the Minority Business Outreach Plan.

Under the General Statute:

The State shall have a verifiable ten percent (10%) goal for participation by minority businesses in the total value of work for each State building project. Local government units that receive State appropriations for building project(s) where the cost is one hundred thousand dollars (\$100,000) or more, shall have a verifiable ten percent (10%) goal for minority businesses participation.

Under current policy:

Pursuant to North Carolina General Statute 143-128(f), Randolph County has adopted a resolution on February 4, 1991, to have a verifiable ten percent (10%) goal for participation by minority businesses in the total value of work for each construction or building repair project. Award of bid shall, however, be made without regard to race, religion, color, creed, national origin, sex, age, or handicapping condition.

Under proposed policy:

Pursuant to North Carolina General Statute 143-128.2, on April 5, 2004 Randolph County adopted a Minority Business Outreach Plan in which the requirements for good faith efforts for formal construction contracts are outlined and detailed as mandated in G.S. 143-128.2.

Explanation:

The Minority Business Outreach Plan which was accepted by the Board of Commissioners in April, 2004 has replaced the resolution adopted on February 4, 1991. This Plan outlines our goals and procedures to include minority businesses in construction projects performed in Randolph County.

On motion of Frye, seconded by Davis, the Board voted unanimously to amend the County's Purchasing Policy, as recommended above, which thereby increases the line of authority for the purchase of commodities, increases the County Manager's authority to award bids for informal

Construction/Building Repair contracts, increases the threshold for the disposal of surplus personal property, approves the use of electronic auctions for surplus disposal and amends Section VII to incorporate the Minority Business Outreach Plan, which was initially adopted by the Board in April, 2004.

Award Administrative Contract for Potential Economic Development Project

David Townsend, III, Public Works Director, said that the Public Works Department has been assisting the Randolph County Economic Development Corp. for the last several months to organize a project for an expanding industry in the Northwest part of Randolph County. The Randolph County Board of Commissioners will hold a second public hearing for this project at their upcoming January meeting. Exact details concerning the industry, the budget and the improvements will be discussed at that meeting. However, since the County intends to utilize economic development CDBG funds and North Carolina Rural Center funds, the Public Works Department feels that hiring administrative professional services as soon as possible would help with both of the application projects. The award of this contract to the consultant would be subject to approval of all State funding.

The need to have professional administrative services prior to having the second public hearing would expedite the overall project and assist the industry in its expansion. The Public Works Department submitted an “informal” request for proposals to six individual firms that handle administrative services for these types of State funding projects. The County received two proposals (Hobbs, Upchurch & Associates and The Wooten Company), three letters indicating a no bid because they did not have the time to provide these services and one firm did not respond at all. The Public Works Department established a small committee to review all the proposals that were received and ranked them according to the evaluation criteria that was indicated in the RFP. The County has reviewed each of the two proposals and ranked the consultants in priority order. The selected firm is Hobbs, Upchurch & Associates of Southern Pines, North Carolina.

Both the economic development CDGB Project and the North Carolina Rural Center Project do require some local funds to be used as matching funds. The payment of the administrative services will be part of the match required of Randolph County to receive these state funds.

Mr. Townsend said that it is a little unusual to award a professional administrative services contract prior to receiving the acknowledgement of the grant funding; however, all of the detail work required to submit those applications needs to be performed by this professional firm. The professional firm has indicated their willingness to accept this contract subject to the award of the grants. This is a common practice in consulting administrative services and he recommended selecting Hobbs, Upchurch and Associates for the administrative services of both the Department of Commerce Economic Development Project and the North Carolina Rural Center Project subject to approval of state grants and to allow the Public Works Department to negotiate a fair and equitable amount for the administrative contract. If the Public Works Department cannot negotiate a fair contract with Hobbs, Upchurch & Associates, the County will negotiate with The Wooten Company.

On motion of Kemp, seconded by Lanier, the Board voted unanimously to direct the Public Works Department to negotiate a fair and equitable contract with Hobbs, Upchurch & Associates for the professional administrative services for a northwest Randolph County economic development project and authorized the County Manager to sign this contract upon completion of negotiation and awarding of all grant funds. Further, should a contract negotiation fail with Hobbs, Upchurch, the Board directed the Public Works Department to negotiate a contract with The Wooten Company.

Adopt Ordinance Adjusting the Cable Television Franchise Fees for Randolph County

Aimee Scotton, Associate County Attorney, reminded the Board that David Harris with the Piedmont Triad Council of Governments appeared before this Board last month to introduce on first reading and to recommend that the Randolph County Board of Commissioners consider the adoption of a proposed “Ordinance Adjusting the Cable Television Franchise Fees for Randolph County.” North Carolina Senate Bill 622 (the budget bill) imposes a sales tax of 7% on cable services, with a credit for local franchise fees paid, effective January 1, 2006. Randolph County currently collects 3% franchise fees. Beginning in January, the state will collect and keep the additional 4% from Time Warner subscribers. Federal law allows a local government to collect a 5% franchise fee. All of the franchise fees and state taxes are collected by the cable operator and then paid proportionately to the County or the state. Initially, Randolph County opted to charge a 3% franchise fee in order to secure lower cable rates for its citizens. With the advent of this change, it would be the better choice for the County to change the franchise 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 full 7%, effective January 1, 2006, regardless of what the County decides to do in this matter. The only difference is in whether the money goes to the County or to the state. Ms. Scotton presented the “Ordinance Adjusting the Cable Television Franchise Fees for Randolph County” for the Board’s consideration. She said that the Board, if it so desires, can adopt this Ordinance and change the County’s franchise fee from 3% to 5%, at this meeting by majority vote.

On motion of Kemp, seconded by Davis, the Board voted unanimously to adopt an “Ordinance Amending Franchise Agreement Between Randolph County, North Carolina and Time Warner Cable,” as follows:

In accordance with and pursuant to section 10 of the Ordinance Approving Franchise and Agreement with Time Warner/Advance Newhouse Partnership (TWEAN) adopted on July 6, 1987, said Ordinance, Franchise and Agreement is amended as follows:

- 1. Section 10 of said Ordinance Approving Franchise and Agreement is amended by changing “three (3) percent” to “five (5) percent” thereof.*
- 2. Other provisions of said Ordinance Approving Franchise and Agreement shall remain unchanged.*
- 3. This Ordinance Amending Franchise and Agreement shall be effective on February 1, 2006.*

Budget Amendment--Library

Will Massie said that the State Aid to Libraries funding is dispersed to counties and Randolph’s total allocation for FY2005-2006 is \$205,280. Since only \$190,386 was budgeted, there is an excess of \$14,894. The library would like to place the extra \$14,894 in the salaries expense line item.

On motion of Davis, seconded by Kemp, the Board voted unanimously to approve Budget Amendment #12, as follows:

2005-2006 BUDGET ORDINANCE—GENERAL FUND—AMENDMENT #12		
<i>Revenues</i>	<i>Increase</i>	<i>Decrease</i>
<i>Restricted Intergovernmental</i>	<i>\$14,894</i>	
<i>Appropriations</i>	<i>Increase</i>	<i>Decrease</i>
<i>Public Library</i>	<i>\$14,894</i>	

Budget Amendment—Library

Mr. Massie said that the Library has received a \$1,000 donation for the Franklinville Parents As Teachers program.

On motion of Lanier, seconded by Davis, the Board voted unanimously to approve Budget Amendment #13, as follows:

2005-2006 BUDGET ORDINANCE—GENERAL FUND—AMENDMENT #13		
Revenues	Increase	Decrease
Miscellaneous	\$1,000	
Appropriations	Increase	Decrease
Public Library	\$1,000	

Budget Amendment—Health

Mr. Massie said that the Health Department has received \$9,635 in additional funding from the Women’s & Children’s Health Section that will be used to purchase contraceptives and pay for Pap tests. The Health Department has also received \$12,301 in additional funding from the Women’s Preventive Health Branch that will be used to provide clinical family planning services to at-risk individuals who are not covered by Medicaid.

On motion of Davis, seconded by Lanier, the Board voted unanimously to approve Budget Amendment #14, as follows:

2005-2006 BUDGET ORDINANCE—GENERAL FUND—AMENDMENT #14		
Revenues	Increase	Decrease
Restricted Intergovernmental	\$21,936	
Appropriations	Increase	Decrease
Public Health	\$21,936	

Announcement of Meeting

County Manager Frank Willis invited the Board to a County School Board planning session on January 24, 2006, at 11:30 a.m.

Closed Session

At 5:55 p.m., on motion of Frye, seconded by Davis, 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).

Action Resulting from Closed Session

At 6:25 p.m., the Board returned to open session and Vice Chairman Frye announced that County Manager Frank Willis has announced his retirement, effective 4/1/06. Also, Alice Dawson, Assistant to the County Manager and Clerk to the Board, has announced her retirement, effective 5/1/06.

On motion of Frye, seconded by Kemp, the Board voted unanimously to approve the following plan:

- *Beginning 1/1/06, Deputy Finance Officer Will Massie will become Assistant County Manager/Finance Officer at a salary of \$81,900.*
- *Beginning January 1, 2006, Richard Wells, Library Director, will become County Manager in Transition at a salary of \$90,000.*

- *Beginning January 1, 2006, Assistant Library Director Suzanne Tate, will become the Library Director at a salary of \$61,116, and Ross Holt, Head of Reference and Systems Administrator, will become Assistant Library Director at a salary of \$50,364.*
- *Beginning January 1, 2006, a part-time hourly Library Assistant II will be hired as a courier for services to branch libraries.*
- *Beginning April 1, 2006, Richard Wells will become Interim County Manager.*
- *Beginning April 1, 2006, Frank Willis will be available as a consultant to the County for a period of one year. Instead of paying him a consulting fee, the County will pay 100% of his health insurance premium, rather than the 75% he is already entitled to, until he reaches age 65.*
- *At the April 3, 2006 County Commissioners meeting, the Board will appoint Cheryl Ivey (currently serving as Administrative Assistant and Deputy Clerk to the Board) as Assistant to the County Manager and Clerk to the Board at a salary of \$43,596.*
- *During December and January the County will advertise and recruit for the position of Administrative Assistant, to be hired as soon as possible, at a salary of at least \$27,876 and at most \$30,564. At the April 3, 2006 County Commissioners meeting, the Board will appoint the new employee as Deputy Clerk to the Board.*
- *Between January 1 and April 30, 2006, Ms. Dawson will provide training to the new employee and to the Manager in Transition.*
- *April 1, 2007, the interim period ends and Mr. Wells will be appointed County Manager if the Board so approves.*

Planning Board Appointments

On motion of Frye, seconded by Kemp, the Board voted unanimously to reappoint Lynden Craven and to appoint Reid Pell as full members of the Randolph County Planning Board. Further, the Board appointed Wayne Joyce as the first alternate and Danny Shaw as the second alternate to the Planning Board.

Rezoning Public Hearing

At 6:40 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. GLENN PALADINI, Hopewell Junction, New Jersey, is requesting that 67.45 acres located on Old NC Hwy 13 (just before Old Cox Road), Richland Township, be rezoned to RLOE-CU. Rural Growth Area. Tax ID# 7677731887. The proposed Conditional Use Zoning District would specifically allow the development of a 12-lot residential subdivision for site-built homes with a minimum house size of 1,500 sq. ft. The Planning Board considered this request at public meeting on November 8, 2005, and unanimously recommended that this request be approved, with the condition that the lots be redesigned to consider the new flood maps, as consistent with the Growth Management Plan for this area.

Glenn Paladini, applicant, spoke in support of his request, saying that there are 2 creeks that run through the property and that all lots exceed 3 acres.

Jerry King, surveyor, said that after reviewing the new flood maps, lots 3, 4, 5, 6 and 9 would need to be reconfigured.

On motion of Lanier, seconded by Frye, the Board voted unanimously to approve the request of Glenn Paladini.

2. VAN LEDBETTER, Randleman, North Carolina, is requesting that 9.61 acres located on Heath Dairy Road, Back Creek Township, be rezoned from RA to CVOM-CU. Secondary Growth Area. Lake Lucas Watershed. Tax ID# 7754000257. The proposed Conditional Use Zoning District would specifically allow the re-division of tract #4 in the Stella Heath Subdivision for a mobile home, modular home, or a site-built home. The Planning Board considered this request at public meeting on November 8, 2005, and unanimously recommended that this request be approved, as consistent with the Growth Management Plan.

Jerry King, surveyor, said that the applicant's sister-in-law plans to live on this new lot.

On motion of Davis, seconded by Frye, the Board voted unanimously to approve the request of Van Ledbetter.

3. TIMOTHY HESS, Ramseur, North Carolina, is requesting that 1.20 acres located on Ferguson Road (just off Ramseur Julian Road), Columbia Township, be rezoned from RR to RBO-CU. Rural Growth Area. Sandy Creek Watershed. Tax ID# 8703853365. The proposed Conditional Use Zoning District would specifically allow the construction of a 40' x 60' metal building and vehicle storage yard as per site plan for a towing business. The Planning Board considered this request at public meeting on November 8, 2005, and unanimously recommended that this request be approved, with the condition that Hess work with the Planning staff concerning the fenced area and buffers, as consistent with the Growth Management Plan. Mr. Johnson said that since the Planning Board meeting, the applicant has agreed to suggested evergreen buffers and an 8-ft. privacy fence.

Timothy Hess, applicant, said that he is asking for this rezoning because he wants to get on the N.C. Highway Patrol's wrecker rotation. The lot will be used for vehicle storage—not for salvage.

Approximately 30 people stood in support of this request.

On motion of Frye, seconded by Lanier, the Board voted unanimously to approve the request of Timothy Hess.

Adjournment

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

J. Harold Holmes, Chairman

Darrell L. Frye

Phil Kemp

Robert B. Davis

Arnold Lanier

Cheryl A. Ivey, Deputy Clerk to the Board