

Commissioners Meeting Minutes

February 5, 2007

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, Frye, Haywood, Kemp and Lanier were present. Rev. Bruce Dickerson, Fayetteville Street Baptist Church, Asheboro, gave the invocation and everyone recited the Pledge of Allegiance.

Special Recognitions

The Board recognized Carolyn Langley and Rita Wheeler, who each recently received awards from North Carolina's local chapter of Epsilon Sigma Phi, a professional organization for Cooperative Extension professionals.

Chairman Holmes recognized members of the Asheboro Jaycees, who were attending the meeting. He also congratulated the Asheboro Club for being voted the #1 Jaycees chapter in North Carolina last year.

Public Comment Period

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

Danny Burgess asked the Board to consider installing fire hydrants every 1,000 feet along the new water line being constructed along Hwy 22 towards the new Providence Grove High School in order for citizens to get an insurance break.

R. K. Paul asked the Board to make law enforcement its top priority during the FY 07-08 budget deliberations because crime is increasing in Randolph County.

David Henderson, a long-time Randolph County resident and a forestry consultant, commended the Board for its consideration of harvesting the timber at the Solid Waste Facility. He advised the Board to hire a forestry consultant. He later stated that the County needs to leave appropriate buffers.

Billy Henley said that he is a saw mill man and he hopes that the County will choose someone from Randolph County to do the job.

Bobby Allen, President of the Randolph County Agri-business Council, and a Randolph County dairy farmer, encouraged the Board to consider providing a facility that would house the Randolph County Soil & Water Conservation District Office, Cooperative Extension, Natural Resources Conservation Service and Farm Service Agency all under one roof. He also said that meeting space is needed for farmers, especially for conference purposes.

David Loflin said that he is opposed to timbering the Solid Waste Facility land because there is already too much activity there with the transfer station, the training center and a proposed rv center. He asked the Board to consider the ecological impact of timbering the land.

Approval of Consent Agenda

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

- *approve regular & closed session minutes of January 8, 2007 meeting;*
- *appoint Edward Stevenson & reappoint Randy Kirkman to the Liberty Planning & Zoning Board;*
- *appoint Randy Tedder to the Seagrove-Ulah Metropolitan Water District;*

- adopt DOT Resolutions adding Clear Ridge Drive & Frazier View Road to State Roads System, as follows:

WHEREAS, the Department of Transportation has investigated Clear Ridge Drive in the Clear Ridge Phase 2 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 Clear Ridge Drive in the Clear Ridge Phase 2 Subdivision be added to the Division of Highways' Secondary Road System.

and

WHEREAS, the Department of Transportation has investigated Frazier View Road in the Walker Mill Estate 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 Frazier View Road in the Walker Mill Estate Subdivision be added to the Division of Highways' Secondary Road System.

- appoint Hal Johnson to NC Pottery Center Strategic Planning Committee;
- appoint Marjorie Beeson and Mickey Bowman and reappoint Clifford Elliott and Leverette Strider to Voluntary Agricultural District Board;
- appoint Lynwood English to Archdale Planning & Zoning Board;
- approve Budget Amendment #26 for DSS (Domestic Violence Funding Authorization), as follows:

2006-2007 BUDGET ORDINANCE—GENERAL FUND—AMENDMENT #26		
<i>Revenues</i>	<i>Increase</i>	<i>Decrease</i>
<i>Restricted Intergovernmental</i>	\$20,306	
<i>Appropriations</i>	<i>Increase</i>	<i>Decrease</i>
<i>Social Services</i>	\$20,306	

- approve Budget Amendment #27 for Public Library (Presnell Grant), as follows:

2006-2007 BUDGET ORDINANCE—GENERAL FUND—AMENDMENT #27		
<i>Revenues</i>	<i>Increase</i>	<i>Decrease</i>
<i>Miscellaneous</i>	\$1,000	
<i>Appropriations</i>	<i>Increase</i>	<i>Decrease</i>
<i>Public Library</i>	\$1,000	

- approve Budget Amendment #28 for Public Library (State Aid), as follows:

2006-2007 BUDGET ORDINANCE—GENERAL FUND—AMENDMENT #28		
<i>Revenues</i>	<i>Increase</i>	<i>Decrease</i>
<i>Restricted Intergovernmental</i>	\$10,718	
<i>Appropriations</i>	<i>Increase</i>	<i>Decrease</i>
<i>Public Library</i>	\$10,718	

- approve Budget Amendment #29 for Public Health (Health & Human Services Funding), as follows:

2006-2007 BUDGET ORDINANCE—GENERAL FUND—AMENDMENT #29		
<i>Revenues</i>	<i>Increase</i>	<i>Decrease</i>
<i>Restricted Intergovernmental</i>	\$6,264	
<i>Appropriations</i>	<i>Increase</i>	<i>Decrease</i>
<i>Public Health</i>	\$6,264	

- approve Budget Amendment #30 for Home and Community Care Block Grant and Form DOA-731, as follows:

2006-2007 BUDGET ORDINANCE—GENERAL FUND—AMENDMENT #30		
<i>Revenues</i>	<i>Increase</i>	<i>Decrease</i>
<i>Restricted Intergovernmental</i>	\$7,381	
<i>Appropriations</i>	<i>Increase</i>	<i>Decrease</i>
<i>Other Human Services</i>	\$7,381	

Community In Schools (CIS) Update

Keith Lambeth, Randolph County CIS Board of Directors and Sandi Norman, Executive Director of CIS, gave an update on the Communities in Schools program since May 2006, which is when they made their first presentation and funding request to the County. Two new area coordinators have been hired for the Randleman and Eastern Randolph areas of the county. Offices have been set up for the new locations and training is underway. Ms. Norman reported on various community connections and said that 6 volunteers have been trained so far in Randleman and 16 volunteers have been trained in Eastern Randolph. She gave highlights of activities from the 2 new areas. She said that she continues to receive requests for program expansion to Asheboro High School and Southwestern Randolph High School and hopes to start laying the groundwork for these expansions soon.

Voluntary Agricultural Districts Update and Ordinance Amendment

Kemp Davis, Voluntary Agricultural District Advisory Board Chairman, said that their Board is recommending that the Voluntary Agricultural District Ordinance be amended to include a new option for farmers to participate in an Enhanced Voluntary District program. He said that land enrolled in the Enhanced program is entitled to all of the benefits available under the regular Voluntary Agricultural District program. However, in addition, the Enhanced program creates a district that will provide greater benefits to farmers than the regular program. Participating farms will be allowed to receive up to 25% of their gross sales from certain types of non-farm products and still qualify for agricultural zoning exemptions, be eligible for a higher percentage of cost-share program funding and have priority for other state grant programs. Conservation agreements for land within Enhanced Districts are irrevocable for a period of 10 years.

On motion of Haywood, seconded by Lanier, the Board voted unanimously to amend the Randolph County Voluntary Agricultural District Ordinance to include an option for farmers to participate in an Enhanced Voluntary District Program, and a name change from the six (geographic) Voluntary Agricultural Districts to Voluntary Agricultural Areas, as follows:

ARTICLE I--AUTHORITY

The articles and sections of this ordinance are adopted pursuant to authority conferred by the N.C.G.S. Chapter 153A and N.C.G.S. §§106-735 through 744 (the Agricultural Development and Farmland Preservation Enabling Act).

ARTICLE II--PURPOSE

The purpose of this ordinance is to promote agricultural and environmental values and the general welfare of the county and, more specifically, increase identity and pride in the agricultural community and its way of life, encourage the economic health of agriculture, and increase protection from non-farm development and other negative impacts on properly managed farms.

This ordinance establishes a Voluntary Agricultural District Program and an Enhanced Voluntary Agricultural District Program that have the following benefits for participating farmers and other county residents:

The program preserves and maintains agricultural areas within the county.

The program informs non-farming neighbors and potential land purchasers that the participating farm may emit noise, dust, and smells. (This may help avoid conflicts between neighbors and potential nuisance claims.)

The program gives the farming community a better voice in Randolph County Commissioners' decisions affecting farmland.

Farmer participation in either program is voluntary.

The program conserves green space and natural resources as the county's population and development expand.

The program maintains opportunities to produce locally grown food and fiber.

The Enhanced Voluntary Agricultural District program provides participants in districts with greater benefits than farmers in the Voluntary Agricultural District program receive. Participating farms will be allowed to receive up to 25% of their gross sales from certain types of non-farm products and still qualify for the agricultural zoning exemption and be eligible for a higher percentage of cost-share program funding and have priority for other state grant programs.

ARTICLE III--VOLUNTARY AGRICULTURAL DISTRICT ADVISORY BOARD

- A. Creation--*The Board of Commissioners hereby establishes The Randolph County Voluntary Agricultural District Advisory Board to implement the provisions of this ordinance.*
- B. Appointments and Memberships--*The Advisory Board shall consist of seven (7) members appointed by the Board of Commissioners, six (6) geographically representative of the county and one (1) member at large. The Board of Commissioners shall also appoint seven (7) alternate Advisory Board members, six (6) geographically representative of the county and one for the member at large.*
- C. Requirements
- Each Advisory Board Member shall be a Randolph County resident.*
 - At least six (6) of the seven (7) members shall be actively engaged in farming or own qualifying farmland in Randolph County.*
 - The Advisory Board Members actively engaged in farming shall be selected for appointment from the names of individuals submitted by Cooperative Extension, the Soil and Water Conservation District, the Natural Resources Conservation Service, the Farm Service Agency, and any other agricultural-related group, with an effort to have the broadest geographical representation possible. The Cooperative Extension Director shall coordinate efforts to solicit nominations for appointment.*
 - Each District shall have a representative on the Advisory Board.*

- D. Tenure--Both the initial Advisory Board and alternates are to consist of three (3) members for terms of three years; two (2) members for terms of two years; and two (2) members for a term of one year. Thereafter, all appointments are to be for terms of three years. Members shall serve at the pleasure of the Board of Commissioners.
- E. Vacancies--Any vacancy on the Advisory Board is to be filled, from recommendations of the above groups (in C.3.), by the Board of Commissioners for the remainder of the unexpired term.
- F. Funding--The Board of Commissioners shall appropriate funds to Cooperative Extension for the following Advisory Board expenses:
1. mileage related to Advisory Board business;
 2. supplies; and
 3. road signs identifying Voluntary Agricultural Districts.
- G. Advisory Board Procedure
1. Officers--The Advisory Board shall elect a Chairperson and Vice-Chairperson each year at its first meeting of the calendar year. The Chairperson shall preside over all regular or special meetings of the Advisory Board. In the absence or disability of the Chairperson, the Vice-Chairperson shall preside and shall exercise all powers of the Chairperson. Additional officers may be elected as needed.
 2. Procedure--The Advisory Board may adopt rules of procedure that are not inconsistent with this ordinance or with other provisions of State law.
 3. Meetings--Meetings of the Advisory Board shall be held at least quarterly and otherwise at the call of the Chairperson and at such other times as the Advisory Board may specify in its rules of procedure and in accordance with the open meetings law. Notice of all meetings shall be made to the members in writing unless otherwise agreed to by all Advisory Board members.
 4. Majority Vote--All issues shall be decided by majority vote of the members of the Advisory Board.
 5. Records--The Advisory Board shall keep minutes of the proceedings and shall keep records of its examinations of applications and other official actions, all of which shall be filed in the office of the Advisory Board (Cooperative Extension Office) and shall be public record.
 6. Administrative Services--The Advisory Board shall work through the Cooperative Extension Director for recordkeeping, correspondence, application procedures under this ordinance, and whatever services the Board needs to complete its duties.
- H. Powers and Duties
1. The Advisory Board shall
 - a. review and approve applications for inclusion in, the establishment of, and modification of Voluntary Agricultural Districts or Enhanced Voluntary Agricultural Districts.
 - b. review and make recommendations concerning any ordinance or amendment adopted or proposed for adoption pursuant to NCGS 106, Article 61.
 - c. advise the Board of Commissioners on projects, programs, or issues affecting the agricultural economy or agricultural community within the county.
 - d. approve a report that is due in January each year to the North Carolina Commissioner of Agriculture (required by N.C.G.S. 106-743), prepared by the Cooperative Extension Director, giving the status, progress and activities of the county's Voluntary Agricultural District and Enhanced Voluntary Agricultural District Programs.
 - e. hold public hearings on public projects likely to have an impact on agricultural operations, particularly if such projects involve condemnation of all or part of a qualifying farm in a Voluntary Agricultural District or Enhanced Voluntary Agricultural District.

- f. perform other related tasks or duties assigned by the Board of County Commissioners.
 - g. have the authority to recommend to the Board of Commissioners to waive, on a case-by-case basis, the minimum acreage requirements to be a qualifying farm.
 - h. develop a draft countywide farmland protection plan as defined in N.C.G.S. §106-744(e) for presentation to the Board of Commissioners.
 - i. Perform other agricultural, horticultural, and forestry-related tasks or duties assigned by the Board of Commissioners.
2. Each Advisory Board Alternate shall
- a. attend all Advisory Board meetings.
 - b. vote on business of the Advisory Board only in the absence of the regular Advisory Board member for whom he or she is the alternate.

ARTICLE IV--CERTIFICATION AND QUALIFICATION OF FARMLAND

In order for farmland to qualify under this Article, it must be real property that

- A. *Is participating in the farm present-use-value taxation program established by N.C.G.S. 105-277.2 through 105-277.7 or is otherwise determined by the County to meet all qualifications of this program set forth in N.C.G.S. 105-277.3;*
- B. *Is managed, if highly erodable land exists on the farm, in accordance with the Natural Resources Conservation Service-defined erosion control practices that are addressed to highly erodable land;*
- C. *Is the subject of a conservation agreement, as defined in N.C.G.S. 121-35, between the County Soil and Water Conservation District and the owner of such land, that prohibits non-farm use or development of such land for a period of at least 10 years, except for the creation of not more than three new lots that meet applicable County zoning and subdivision regulations. Revocation of a conservation agreement by the Voluntary Agricultural District Advisory Board or by the landowner of qualifying farmland shall result in the loss of eligibility to participate in a Voluntary Agricultural District;*
- D. *Is not located within the corporate boundaries of a municipality within Randolph County; and*
- E. *Agree that for a conservation agreement between Randolph County and the landowner for inclusion in an Enhanced Voluntary Agricultural District, said agreement CANNOT be revoked for 10 years and is binding on all successors and assigns unless released by action of the Board of Commissioners.*

ARTICLE V--CREATION OF VOLUNTARY AGRICULTURAL AREAS

Number of Geographic Agricultural Areas--In order to provide geographic representation on the Advisory Board, Randolph County shall be divided into six (6) Geographic Agricultural Areas. The map designating these Areas is attached as Exhibit A and is incorporated herein by reference.

Area One: Northern boundary shall be the Randolph County-Guilford County line; eastern boundary shall be US Hwy 220 Bypass; southern boundary shall be US Hwy 64; western boundary shall be Randolph County-Davidson County line.

Area Two: Northern boundary shall be the Randolph County-Guilford County line; eastern boundary shall be NC Hwy 22; southern boundary shall be US Hwy 64; western boundary shall be US Hwy 220 Bypass.

Area Three: Northern boundary shall be the Randolph County-Guilford County line; eastern boundary shall be Randolph County-Chatham County line; southern boundary shall be US Hwy 64; western boundary shall be NC Hwy 22.

Area Four: Northern boundary shall be US Hwy 64; eastern boundary shall be Randolph County-Chatham County line; southern boundary shall be NC Hwy 22-42; western boundary shall be NC Hwy 42.

Area Five: Northern boundary shall be US Hwy 64 and NC Hwy 42 to Coleridge; eastern boundary shall be NC Hwy 22-42 from Coleridge and southern boundary shall be Randolph County-Moore County line; western boundary shall be US Hwy 220 Bypass.

Area Six: Northern boundary shall be US Hwy 64; eastern boundary shall be US Hwy 220 Bypass; southern boundary shall be Randolph County-Montgomery County line; western boundary shall be Randolph County-Davidson County line.

ARTICLE VI—CREATION OF VOLUNTARY AGRICULTURAL DISTRICTS

- A. Implementation--*In order to implement the purposes stated in Article II, the Advisory Board may consider creation of Voluntary Agricultural Districts or Enhanced Voluntary Agricultural Districts that meet one of the following standards:*
1. *Each initial or subsequent District shall contain a minimum of 20 contiguous acres of qualified farmland; or*
 2. *Each initial or subsequent District shall contain two or more tracts of qualifying farmland that contain a minimum total of 20 acres and are located within one-half mile of each other.*
- B. Education--*The County may take such action as it deems appropriate through the Advisory Board or other entities or individuals to encourage the formation of the Districts and to further their purposes and objectives, including the implementation of a public information program to reasonably inform landowners of the Voluntary Agricultural District and Enhanced Voluntary Agricultural District programs.*
- C. Withdrawal--*A participating landowner in a Voluntary Agricultural District may withdraw at any time by providing a 30-day advanced written notice to the Voluntary Agricultural District Advisory Board. The Voluntary Agricultural District Advisory Board will, in turn, notify the County Commissioners of such request.*

In the event that one or more participants in a Voluntary Agricultural District withdraws or loses eligibility to participate and the acreage becomes less than the minimum or results in the land being noncontiguous a Voluntary Agricultural District will continue to exist so long as there is one qualifying farm.

In the event of the original landowner's death any surviving heirs have the same 30-day advanced written notice consideration for withdrawal from either Voluntary Agricultural District program.

A participating landowner in the Enhanced Voluntary Agricultural District program CANNOT withdraw from the program for 10 years from the date the agreement is executed and the agreement is binding on all successors and assigns unless released by action of the Board of Commissioners.

- D. Revocation--*The Enhanced Voluntary Agricultural District requires that the conservation agreement between Randolph County government and the Enhanced Voluntary Agricultural District landowner cannot be revoked for at least 10 years. However, if the Voluntary Agricultural District Advisory Board deems the landowner to be in non-compliance with their agreement, the agreement may be revoked and result in loss of qualifying farm status and loss of eligibility to participate in the Enhanced Voluntary Agricultural District program.*
- E. Renewal--*Conservation agreements for participation in either the Voluntary Agricultural District or the Enhanced Voluntary Agricultural District shall be deemed automatically renewed for an additional term of 10 years unless either the Voluntary Agricultural District Advisory Board or the landowner gives written notice to the contrary no later than 30 days prior to the termination date.*

ARTICLE VII--APPLICATION, APPROVAL AND APPEAL PROCEDURE

- A. Application Procedure--*A landowner may apply to participate in either program by submitting application to the Cooperative Extension Office. The application shall be on forms provided by Cooperative Extension and approved by the Advisory Board.*
- B. Approval Process
1. *Upon receipt of an application, the Cooperative Extension Director will forward copies to the following agencies for their prompt evaluation and response:*
 - a. *the Randolph County Tax Department,*
 - b. *the Natural Resources Conservation Service office for Randolph County, and/or*
 - c. *the North Carolina Forest Service.*

2. Upon receipt of the responses from the Randolph County Tax Department and the Natural Resources Conservation Service, the Advisory Board shall meet within 90 days to consider the application. The Cooperative Extension Director shall notify the applicant by first-class mail of the Advisory Board's decision within 15 days.

C. Appeal--If the Advisory Board denies an application, the petitioner has 30 days to appeal the decision to the Board of Commissioners. Such appeal shall be presented in writing. The decision of the Board of Commissioners is final.

ARTICLE VIII—NOTIFICATION

Upon approval of a Voluntary Agricultural District or Enhanced Voluntary Agricultural District, the County Planning Department shall provide notification of said District by the following methods:

A. Signs approved by the Advisory Board shall be installed along the right-of-way of major roads adjoining the District in a manner approved by the North Carolina Department of Transportation so that current and potential residents and property owners might be aware that farming and agricultural activities may take place at any time. Specific location of the signs, including number of signs necessary to provide adequate notice of the specific District, shall be approved by the County Planning Director.

B. The County Planning Department shall maintain maps of approved Districts within the Randolph County Geographic Information Mapping System Database. This mapping information may be viewed by accessing the Randolph County website at www.co.randolph.nc.us, or at the County Planning Department.

C. The Randolph County Tax Department shall add a special notice to the Tax Inquiry Land Records System so that anyone doing title searches and record searches for outstanding tax bills will be advised to contact the County Planning Department concerning location of the Voluntary Agricultural District or Enhanced Voluntary Agricultural District prior to change of parcel ownership.

D. Notice of these methods of District notification and identification shall be included in all Randolph County Voluntary Agricultural District Program information brochures, which are made available to the public by the Cooperative Extension Service, County Planning Department, and the County Tax Department.

ARTICLE IX--PUBLIC HEARINGS ON PROPOSED CONDEMNATIONS

A. Purpose--No state or local public agency or governmental unit may formally initiate any action to condemn any interest in qualifying farmland within a District until such agency or unit has requested the Advisory Board hold a public hearing on the proposed condemnation, this ordinance provides for such hearing.

B. Procedure

1. Upon receiving a request, the Advisory Board shall direct the Cooperative Extension Director to publish notice describing the proposed action in a newspaper of general circulation in Randolph County within five (5) business days of the request, and in the same notice to notify the public of a public hearing on the proposed condemnation to be held within ten (10) days of receipt of the request.

2. The Advisory Board shall meet to review

a. if the need for the project has been satisfactorily established by the agency or unit of government involved, including a review of any fiscal impact analysis conducted by the agency involved;

b. alternatives to the proposed action that have less impact and are less disruptive to the agricultural activities of the District within which the proposed action is to take place.

3. The Advisory Board shall consult with the County Extension Director, the Natural Resources Conservation Service District Conservationist, and any other individuals, agencies or organizations deemed by the Advisory Board to be necessary for its review of the proposed action. Land value will not be a factor in the selection between properties under consideration for the proposed action.

4. The program requires the Randolph County Commissioners to use farmland "as a last resort" if they are attempting to condemn county lands;

5. *Within five (5) days after the public hearing, the Advisory Board shall make a report containing its findings and recommendations regarding the proposed action. The report shall be made available to the public for comment prior to its being conveyed to the decision-making body of the agency proposing acquisition.*
6. *There will be a period of ten (10) days allowed for public comment on the report of the Advisory Board.*
7. *After the ten- (10-) day period for public comment has expired, the Advisory Board shall submit a final report containing all of its findings and recommendations regarding the proposed action to the decision-making body of the agency proposing the acquisition.*
8. *The total time period, from the day that a request for a hearing has been received to the day that a final report is issued to the decision-making body of the agency proposing the acquisition shall not exceed thirty (30) days. If the agency agrees to an extension, the agency and the Advisory Board shall mutually agree upon a schedule to be set forth in writing and made available to the public.*
9. *No state or local agency may formally initiate a condemnation action while the proposed condemnation is properly before the Advisory Board within these time limitations.*

ARTICLE X--WAIVER OF WATER AND SEWER ASSESSMENTS

- A. *No Requirement to Connect--No requirement to connect to Randolph County water and/or sewer systems shall be imposed upon qualifying farms inside a District.*
- B. *Abeyance--Water and sewer assessments will be held in abeyance, without interest, for qualifying farms, inside a District, until improvements on such property are connected to the water or sewer system for which the assessment was made.*
- C. *Termination of Abeyance--When the period of abeyance ends, the assessment is payable in accordance with the terms set out in the assessment resolution.*
- D. *Suspension of Statute of Limitations--Statutes of limitations are suspended during the time that any assessment is held in abeyance without interest.*
- E. *Other Statutory Abeyance Procedures--Nothing in this section is intended to diminish the authority of Randolph County to hold assessments in abeyance under N.C.G.S. 153A-201.*

ARTICLE XI--NORTH CAROLINA AGENCY NOTIFICATION

- A. *Adoption--Upon adoption of this ordinance and any subsequent amendment, the Clerk to the Board of County Commissioners shall record this ordinance with the North Carolina Commissioner of Agriculture and Consumer Services.*
- B. *Annual Report--The Cooperative Extension Director, on behalf of the Advisory Board, shall make an annual report each January to the North Carolina Commissioner of Agriculture and Consumer Services as specified in N.C.G.S. 106-743.*

ARTICLE XII--LEGAL PROVISIONS

- A. *Limit of Liability--In no event shall the County or any of its officers, employees, or agents be held liable in damages for any misfeasance, malfeasance, or nonfeasance occurring in good faith in connection with the duties or obligations imposed by this ordinance.*
- B. *No Cause of Action--In no event shall any cause of action arise out of the failure of a person researching the title of a particular tract to report to any person the proximity of the tract to a qualifying farm or District as defined in this ordinance*
- C. *Severability--If any article, section, subsection, clause, phrase or portion of this ordinance is for any reason invalid or unconstitutional as determined by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.*
- D. *Conflict with other Ordinances and Statutes--Whenever the provisions of this ordinance conflict with other ordinances of Randolph County, this ordinance shall govern to the extent allowed by law. Whenever the provisions of any federal or state statute require more restrictive provisions than are required by this ordinance, the provisions of such statute shall govern.*

- E. Repeal of Previous Ordinance--The ordinance entitled "RANDOLPH COUNTY VOLUNTARY AGRICULTURAL DISTRICT ORDINANCE," adopted February 4, 2002, is hereby repealed.
- F. Effective Date-- This ordinance shall become effective upon the date of its adoption.

Approval of Ambulance Fee Schedule Adjustment

Neil Allen, Emergency Services Director, said that the fee schedule for Randolph County EMS was established in April of 2002. Since that time, many changes have occurred with significant cost increases such as fuel and medical supplies. During this same period, the amount which Medicare allows under the fee schedule has increased beyond our current charges. Medicare charges are reimbursed based on the actual charge or the allowed fee, whichever is less. Effective January 1, 2007, the allowable charge for a basic life support emergency call went to \$294.09, while the County's current charge is \$280.00; this means that Medicare is paying us \$14.09 less than the allowable fee, and about \$19.03 less for advanced life support emergency calls. Medicare patients account for 52% of all transports for Randolph EMS; therefore, the County is losing significant dollars due to our current fee schedule. Mr. Allen asked the Board to amend the fee schedule to maximize reimbursement.

On motion of Frye, seconded by Haywood, the Board voted unanimously to approve the County's ambulance fee schedule, as follows:

<i>Basic Life Support—Non Emergency</i>	<i>\$190.00</i>
<i>Basic Life Support—Emergency</i>	<i>\$300.00</i>
<i>Advanced Life Support—1</i>	<i>\$230.00</i>
<i>Advanced Life Support—1 Emergency</i>	<i>\$375.00</i>
<i>Advanced Life Support—2</i>	<i>\$525.00</i>
<i>Specialty Care</i>	<i>\$600.00</i>
<i>Patient Return</i>	<i>\$190.00</i>
<i>Treatment—No Transport</i>	<i>\$125.00</i>
<i>Mileage</i>	<i>\$6.25</i>

Update on January 1, 2007 Revaluation

Ben Chavis, Tax Supervisor, updated the Board on the Revaluation process, saying that the new values will be mailed out the following week. He said that the "sticker shock" will be less this time than in years past, since the County has gone from an eight- to a six-year cycle. Property values on average have risen between 10-15 percent as opposed to a 40 percent increase in the last revaluation in 2001. Undeveloped land and large tract values have risen more than the average home and lot. The new values will be reflected in the tax bills that will be mailed out in July 2007. He said that property owners who have concerns about their assessed property value can call the Tax Department to discuss the procedure to appeal the decision.

Approval of Convenience Site Operation Contract Renewal

David Townsend, III said that the contract for the operations of the 3 manned convenience sites located at Farmer, Coleridge and the Solid Waste Facility is up for renewal. Weiser Security, Inc. has been the supplier of these 6 contract employees. Mr. Townsend stated that these employees have done a good job and he asked the Board to approve the renewal of this contract for 3 more years.

On motion of Haywood, seconded by Frye, the Board voted unanimously to approve the contract renewal for Weiser Security Services, Inc. for 3 years, effective June 1, 2007, and authorized the County Manager to sign the contract.

Adoption of Resolution Levying License Tax for Park and Ride Services

On motion of Kemp, seconded by Lanier, the Board voted unanimously to adopt a "Resolution Approving The Levy Of A License Tax By Board Of Trustees Of The Piedmont Authority For Regional Transportation Upon Registered Vehicles In Randolph County." The funds generated via this \$1.00 per vehicle tax will be used to fund Park and Ride lots in Randolph County. The resolution follows:

***WHEREAS,** The Piedmont Authority for Regional Transportation, hereinafter "PART," is an Authority created pursuant to the provisions of the Regional Transportation Authority Act for the purpose of enhancing the quality of all forms of transportation in the Piedmont Triad Region; and*

***WHEREAS,** in the furtherance of its purpose, PART has undertaken an aggressive Work Program, which includes passenger rail studies, regional bus services, regional land use and air quality planning, land use and transportation planning for the Piedmont Triad International Airport area, coordination of human services transportation in the region, management of regional ridesharing and vanpooling services, and coordination of the regional activities of metropolitan planning organizations; and*

***WHEREAS,** N.C.G.S. 105-561 authorizes the Board of Trustees of an Authority to levy an annual license tax of up to five dollars in full dollar amounts upon any vehicle registered within its territorial jurisdiction; and*

***WHEREAS,** the provisions of N.C.G.S. 105-561 (b) require a public hearing on the tax and the approval of the tax by each county included in the special tax district of the territorial jurisdiction of the Authority; and*

***WHEREAS,** the provisions of N.C.G.S. 105-561 (d) authorizes a regional transportation authority to create a special district that consists of the entire area of one or more counties within the territorial jurisdiction and to levy the said license tax on behalf of the special district only with the approval of the tax by each county in the special district.*

***NOW, THEREFORE BE IT RESOLVED,** that the Randolph County Board of Commissioners hereby approves the annual levy of a \$1.00 license tax within the territorial jurisdiction by the PART Board of Trustees upon motor vehicles registered in Randolph County after all of the applicable requirements set forth in G.S. 105-561 (b) have been met.*

***BE IT FURTHER RESOLVED,** that the Randolph County Board of Commissioners hereby requests that the Board of Trustees of the Piedmont Authority for Regional Transportation (PART) conduct biennial reviews of the necessity to continue to levy the license tax approved herein and further that the said PART Board make presentations of its findings to this Board of County Commissioners.*

Approval of Plan to Harvest Timber of Acreage at Solid Waste Facility

Richard Wells, Interim County Manager, said that the County's Solid Waste Facility property of approximately 600 acres is the site of a mature forest. Due to the many laws and regulations governing landfills, this site must be held and monitored by the County forever. With the exception of the transfer station, the entire site is off limits to the public and for any use other than sitting dormant. The trees at this site can be harvested for lumber, 100+ acres annually, for five years. This staggered method would allow for the replanting of each tract as it is cleared. The NC Forestry Service will replant the tracts and reimburse the County 40% of the cost (\$75/acre). Harvesting the trees at the Solid Waste Facility has several benefits: local companies can bid on the projects annually; lumber will be produced for many uses throughout our County and area, including home building, new business construction, furniture building, etc.; the resource will be renewed and harvested regularly every 15-20 years; and a forestry management plan would reduce the risk of losing the entire forest to fire, insect infestation, and ice storms. Mr. Wells said that at this time, it is not known how much revenue this will generate. However, since the proceeds will be received only for a short period of time, he recommended that the funds should be used for a one-time project. He asked the Board for approval to begin the timbering immediately since March is the best time of year to take bids on timber projects.

Mary Joan Pugh, Missy Rankin and Tim Womick, who are all environmental activists, gave tentative endorsement of the timbering while expressing concerns that the work be done in a sensitive manner, especially around 4 areas on the 600-acre tract that are designated as Natural Heritage sites.

On motion of Lanier, seconded by Frye, the Board voted unanimously to approve the harvesting of timber at the Solid Waste Facility, under the supervision of the County Manager.

Approval of Application Process for Organizations Requesting Financial Assistance From the County

Will Massie, Assistant County Manager/Finance Officer, said that each year, certain local organizations request financial assistance from the County, usually during the budget process. The grants can be classified into three types: 1) an operating contribution, which is an appropriation to help organizations with their administrative or program costs. These grants traditionally recur in subsequent budgets; 2) a capital contribution, which is for a specific project, with the County's support pledged for a fixed period of time; and 3) the continuing cooperative financial support provided to certain organizations, much like partnerships, which provide public services, rather than discretionary grants. In order to improve the evaluation process and increase the accountability of these organizations for the public dollars they receive, Mr. Massie recommended a more formal application process for determining discretionary contributions. For clarity, Mr. Massie presented two newly developed separate applications for operating and capital contributions. The documentation includes such relevant information as the purpose of the grant, a list of board of directors, a copy of the IRS exemption letter, performance results, and, of course, budget and financial data. In accordance with N.C. General Statute §159-40(a), the County will now require an audit of each organization for which it provides support of \$1,000 or more. Mr. Massie suggested that organizations submit their applications to the County Manager's Office by April 15 of each year. Each application would be evaluated by a Review Team (suggested review team would consist of the County Manager, Clerk to the Board, Finance Officer, Deputy Finance Officer and a rotating department head selected by the County Manager). The County Manager's Office would notify each organization of the decision of the Review Team and whether the organization's request has been included in the County Manager's Proposed Budget. The Proposed Budget is submitted to the Board of Commissioners in early June and would also include any funding previously approved by the Board. Commissioners can discuss Review Team recommendations at a budget work session. The Board will have a chance to review applications, as needed or requested. Organizations would have an opportunity to present their request to the Board at a specified budget work session. The Board would determine final funding in their adoption of the budget in late June. Any time during the year, an organization can request a copy of the application for the upcoming budget year. Especially for capital contributions, an organization may wish to make a presentation to the Commissioners before the beginning of the budget process. An application would still have to be submitted and evaluated by the Review Team, prior to the organization being placed on the agenda for any Board of Commissioner's meeting. If the Board made a funding decision prior to the budget process, the appropriation would be included in the Proposed Budget.

On motion of Haywood, seconded by Kemp, the Board voted unanimously to approve the new application process for organizations requesting financial assistance from the County, as presented.

Consideration of April Meeting Date

The Board discussed the April meeting date and decided not to change the April 2 date.

Rezoning Public Hearing

At 6:40 p.m., the Board adjourned to a duly advertised public hearing to consider rezoning requests. Hal Johnson, Planning and Zoning Director, said that the request by Five Star RV Resort Properties had been withdrawn by the applicant. Mr. Johnson then presented the following request, and Chairman Holmes opened the public hearing for comments on the request and closed it before taking action on the request.

CALVIN ALLRED, Liberty, North Carolina, is requesting that approximately 2.25 acres out of 21.57 acres located at 1647 Smith Adkins Road, Columbia Township, be rezoned from RA to RBO-CD. Secondary Growth Area. Sandy Creek Watershed. Tax ID# 5724236982, #8724334852, #8724341249.

The proposed Conditional Zoning District would specifically allow a trucking business with shop, office and parking area as per site plan. The Planning Board reviewed this request at public meeting on January 9, 2007, and unanimously recommended that this request be approved as consistent with standards and policies contained within the Growth Management Plan.

Examples of Growth Management Policies that the Planning Board found supporting this recommendation are:

Policy 4.2 Highway-oriented commercial uses should be clustered along segments of arterial streets and contain land uses that are mutually compatible and reinforcing in use and design. They should be designed in a way that minimizes signage, access points and excessive lengths of commercial strip development.

Policy 4.7 The County should encourage the use of rural business overlay districts to provide locations where compatible rural land uses such as neighborhood retail and service establishments can be located in general proximity to established rural residential areas with the goal of reducing automobile travel distances and promoting better livability in the rural community.

Lonna Allred, applicant, spoke in support of the request.

On motion of Haywood, seconded by Kemp, the Board voted unanimously to approve the request of Calvin Allred, as consistent with the County's adopted comprehensive plans and as outlined in the recommendation provided by the County Planning Board.

Announcements

Interim County Manager Richard Wells said that the Commissioners had been invited to an informational meeting regarding fire departments on February 15, 7:00 p.m. at the Ulah Fire Department.

The Board discussed a possible Planning Retreat and decided to hold the County's first Rretreat on Saturday, March 17. Details about the retreat will be forthcoming.

Mr. Massie said that he would be going to the Local Government Commission soon and urged the Board to consider finalizing any projects that would need to be added to the upcoming financing; this can also be discussed at the upcoming Retreat.

Adjournment

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

J. Harold Holmes, Chairman

Darrell L. Frye

Phil Kemp

Stan Haywood

Arnold Lanier

Cheryl A. Ivey, Clerk to the Board