

July 6, 2009

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. Ron Hamilton of Rushwood Park Wesleyan Church of Asheboro gave the invocation, and everyone recited the Pledge of Allegiance.

Recognition of Retiree

Chairman Holmes recognized Annette Crofts for 31 years of service to the Randolph County Computer Services Department and presented her with an engraved clock.

Public Comment Period

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

Approval of Consent Agenda

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

- *approve minutes of regular meeting of June 1, 2009 and budget meetings of June 2, 8, 15 and 22, 2009; unseal Closed Session minutes of February 2, 2009 and March 9, 2009;*
- *ratify individual poll of Resolution in Opposition of Draft 09-11 State Biennium Budget Proposal to Charge Emergency Personnel for Continuing Education Courses, as follows:*

RESOLUTION IN OPPOSITION OF DRAFT 2009-2011 BIENNIUM BUDGET PROPOSAL TO CHARGE EMERGENCY PERSONNEL FOR CONTINUING EDUCATION COURSES

WHEREAS, all emergency personnel, including public health, public works, hospital, fire, law enforcement, emergency medical service personnel and volunteer firemen, must maintain current training and education to perform their duties; and

WHEREAS, these emergency personnel currently are fee exempt when taking required emergency related courses through our local community college.

WHEREAS, for credentialed emergency medical technicians seeking to advance to the paramedic level, local governments would be forced to incur the cost of the required additional education, thereby, reducing the workforce due to the increased tuition; and

WHEREAS, should the State of North Carolina require that local governments pay for continuing education courses or that volunteers pay their own fees for these courses, it would exacerbate the increasing fiscal burden during the difficult economic times; and

WHEREAS, for career emergency personnel, local governments would be forced to hire in-house training officers to provide the required training; and

WHEREAS, for the volunteer personnel, who already work thousands of hours per year without monetary compensation, imposed fees would create a financial burden and, ultimately, force many of these volunteers to stop volunteering.

NOW THEREFORE BE IT RESOLVED THAT, the Randolph County Board of Commissioners opposes the draft 2009-2011 biennium budget proposal from the State of North Carolina that would require emergency workers and volunteer firefighters to pay a per credit hour rate for continuing education courses that allow them to provide essential services to Randolph County.

- *ratify individual poll of Resolution in Opposition of Transfer of Child Support Enforcement Responsibilities from the State to Counties, as follows:*

**OPPOSING THE TRANSFER OF CHILD SUPPORT ENFORCEMENT RESPONSIBILITIES
FROM THE STATE TO LOCAL LEVEL**

WHEREAS, it has been brought to the attention of the Randolph County Board of Commissioners that the State of North Carolina is attempting to transfer the administrative and financial responsibilities pertaining to child support enforcement from their twenty-eight offices onto the Counties that are currently being served by these offices; and

WHEREAS, the State of North Carolina is attempting to eliminate their financial deficit through the transfer of responsibilities from the State to local government; and

WHEREAS, local governments, being political subunits of the State, are experiencing their own share of financial difficulties; and

WHEREAS, local government stands opposed to unfunded mandates from the State; and

WHEREAS, the proposed change would place an undue and unanticipated financial strain on local government.

NOW THEREFORE, BE IT RESOLVED that the Randolph County Board of Commissioners does hereby announce its opposition to the proposed transfer of administrative and financial responsibility of child support enforcement to local government.

BE IT FURTHER RESOLVED that we implore our State representatives to remove this albatross from local government.

- *reappoint Phil Kemp, Judge Bradford Long, Garland Yates, Sheriff Maynard Reid, and appoint Rick Dietz to Criminal Justice Partnership Program;*
- *approve 2009 Randolph County Classification Plan (unchanged from previous year);*
- *adopt Resolution Supporting Veteran Status to WWII Merchant Marines, as follows:*

**RESOLUTION SUPPORTING AN ALTERNATIVE METHOD OF RECOGNITION FOR VETERANS
STATUS TO MERCHANT MARINE SEAMEN OF WORLD WAR II**

WHEREAS, Public Law 95-202 and 105-368 bestowed veteran status on U.S. Merchant Marine Seamen of World War II; and

WHEREAS, two specific U.S. government actions by the U.S. government have caused some 10,000 merchant seamen to have been denied their due recognition:

(1) The USCG relieving Masters of tugs, towboats, and seagoing barges of the responsibility submitting reports of seamen shipped and discharged, and

(2) The National Maritime Administration ordered ship's logbooks to be destroyed because they were too costly to maintain, which removed the two main criteria required by the government to issue official recognition to those seamen; and

WHEREAS, the average age of the remaining seamen is above 86 and the population of the U.S. veteran is shrinking at an average of 850 per year causing time to be of the essence; and

WHEREAS, no costs are associated with this proposal as funds are already included in above public laws.

WHEREAS, immediate action should be taken to correct this inconceivable action.

NOW, THEREFORE, BE IT RESOLVED that the Randolph County Board of Commissioners supports the attached proposal and so orders that this Resolution and attached proposal be sent to our Federal legislative delegation and requests that this matter be placed into action to ensure expedient passage.

- *adopt Proclamation Honoring 2009 SWRHS Softball State 3-A Champions, as follows:*

**Proclamation Honoring Southwestern Randolph High School Softball Team
for the 2009 3-A State Championship**

WHEREAS, the Southwestern Randolph High School Softball Team, on Saturday, June 6, 2009, earned the 2009 State 3-A Softball Championship in Raleigh, North Carolina, compiling an impressive 30-1 season record; and

WHEREAS, special commendation is due all team members, Head Coach Steve Taylor and Assistant Coaches Angela Hoover, Bobby Berry, Robert Hayes & Wendell Sewell, as well as all those who actively worked to make this year's softball season a success; and

WHEREAS, the Lady Cougars have reached the Final Four in eight of the last thirteen years, winning three state championships in the last six years; and

WHEREAS, Senior Anna Maness was named All Region and All State Pitcher of the Year as well as Conference Player of the Year and earned all three pitching victories for Southwestern in the State tournament, striking out six and scattering five hits in the championship game; and

WHEREAS, Senior Holly Berry was named Regional and State 3-A Player of the Year; and

WHEREAS, Erin Billups, Cynthia Hayes, Victoria Hunt, Kelsey Hoover, Anna Maness and Holly Berry were named to the Mid Piedmont All Conference Team; and

WHEREAS, the Southwestern Randolph High School Softball Team has exhibited athletic ability and great sportsmanship, both on and off the field, thereby bringing pride and recognition not only to Southwestern Randolph High School, but also to Randolph County and its citizens.

NOW, THEREFORE, BE IT PROCLAIMED by the Randolph County Board of Commissioners that we acknowledge the talents, skills, teamwork, sportsmanship, and successes of the Southwestern Randolph High School Softball Team, the 2009 3-A State Champions, and, on behalf of our citizens, we do hereby extend this expression of our pride in this prestigious milestone and wish them well in their future endeavors.

- appoint Burke Ramsay to the Regional Partnership Workforce Development Board to fill unexpired term of Reynolds Lisk, who resigned in May and Randy Hoover to fill the unexpired term of Stephen Jones, who also resigned.

Change to New Business

Chairman Holmes announced the following addition to the Agenda: Item M. *Issues Regarding County-Owned Property in Trinity.*

Presentation of Proposed Personnel Ordinance Changes

Kim Newsom, Personnel Director, presented proposed changes to the Randolph County Personnel Ordinance. These proposals reflect necessary actions as a result of new legislation such as the Family Medical Leave Act (FMLA). FMLA is the biggest change, and it is the direct result of Federal legislation. The proposed changes will bring our Ordinance in compliance with the new law. Also, the Office of State Personnel and the North Carolina Administrative Code have rewritten the provision for Career Status, and they are effective May 1, 2009. These Administrative Rules impact our employees who are subject to the State Personnel Act (Health Department and Department of Social Services). There were also several areas where changes were needed due to general business functions, including matters of leave and Workers' Compensation. Also included are new provisions to address several areas such as Whistle Blower protections, garnishments, search and seizure, etc. Mr. Newsom asked the Commissioners to review these proposed changes and consider approving them at their August meeting with an effective date of August 1, 2009.

Approval of Annual Settlement Report

Debra Hill, Tax Assessor/Collector, announced that her department went live this day with the new tax billing software and thanked her staff, the IT department and everyone else involved with this upgrade. She presented the collection settlement reports (real and personal property, motor vehicles, and ambulance) for FY 2008-2009, as required by G.S. 105-373, and mentioned the following highlights: 1) Collection rate on real estate, business & residential personal property was 98.86%. The 2007-2008 rate was 99.4% (-0.0054 difference); 2) Tax uncollectable this year due to bankruptcy was

\$87,253. 3) Tax uncollectable due to appeals to the Property Tax Commission was \$211,051. 4) The collection rate for registered motor vehicles is 93.17%; the 2007-2008 rate was 92.5%; 5) The discount amount for early payment of taxes was \$859,584.35; 57.54% of property tax was paid during the discount period; 6) Ambulance EMS services collection rate was 83.65%, a 10.05% increase over 2007-2008. The Medicare/Medicaid write-off was \$222,685.52.

On motion of Frye, seconded by Haywood, the Board unanimously accepted the following collection settlement reports for FY 2008-2009, as presented:

| | | |
|---------------------------------------|---------------|----------------------|
| Beginning Balances: | | |
| Current Levy | 74,731,794.64 | |
| Delinquent Secured | 372,579.33 | |
| Delinquent Unsecured | 511,138.60 | |
| Total Beginning Receivables | | <u>75,615,512.57</u> |
| Additions: | | |
| Manual Discoveries, Public Utilities | 2,727,400.31 | |
| Supplemental Billing (second billing) | 786,774.04 | |
| Credits: | | |
| Collections | 76,649,488.44 | |
| Releases | 312,345.76 | |
| Discounts | 859,584.35 | |
| Adjustments: | | -74,307,244.20 |
| Ending Balances: | | |
| Current Secured Levy | 739,847.94 | |
| Current Unsecured Levy | 146,206.80 | |
| Delinquent Secured | 61,850.86 | |
| Delinquent Unsecured | 360,362.77 | |
| Total Ending Receivables | | 1,308,268.37 |

| Billing Month | COUNTY ONLY | ALL DISTRICTS |
|----------------------|--------------|---------------|
| Outstanding Balance: | 1,216,786.87 | 2,366,710.30 |
| Original Billing: | 6,417,771.96 | 8,650,930.59 |
| Interest Charged: | 132,403.49 | 200,274.70 |
| Total: | 7,766,962.32 | 11,217,915.59 |
| Taxes Collected: | 5,950,750.59 | 8,417,860.95 |
| Interest Collected: | 132,403.49 | 200,274.70 |
| Taxes Released: | 211,602.83 | 328,746.79 |
| Unpaid Taxes: | 1,472,205.41 | 2,271,033.15 |
| Total: | 7,766,962.32 | 11,217,915.59 |

| COUNTY ONLY | | ALL DISTRICTS | |
|-------------|--------|---------------|--------|
| MONTH | | MONTH | |
| JULY | 97.92% | JULY | 97.79% |
| AUGUST | 96.38% | AUGUST | 96.33% |
| SEPTEMBER | 97.00% | SEPTEMBER | 96.89% |

| | | | |
|----------|--------|----------|--------|
| OCTOBER | 94.71% | OCTOBER | 94.28% |
| NOVEMBER | 94.39% | NOVEMBER | 93.95% |
| DECEMBER | 92.07% | DECEMBER | 91.47% |
| JANUARY | 88.51% | JANUARY | 88.05% |
| FEBRUARY | 86.88% | FEBRUARY | 86.62% |
| MARCH | 84.51% | MARCH | 84.27% |
| APRIL | 80.46% | APRIL | 80.11% |
| MAY | 76.91% | MAY | 76.69% |
| JUNE | 65.59% | JUNE | 65.34% |

| | |
|-------------------------------------------------------------------------------------------------|--------------|
| UNCOLLECTED AMBULANCE FEES July 1, 2008 | 5,285,916.49 |
| AMBULANCE FEES CHARGED TO TAX DEPARTMENT FOR COLLECTION JULY 1, 2008 THROUGH JUNE 30,2009 | 3,204,533.58 |
| LEGAL FEES (GARNISHMENTS, JUDGEMENTS, ETC.) | 5,690.32 |
| DEBITS | 583.10 |
| OVERPAYMENTS & REFUNDS | 40,751.36 |
| TOTAL | 8,537,474.85 |
| ALL SUMS DEPOSITED WHICH REPRESENT AMBULANCE FEES AND LEGAL FEES | 2,687,130.24 |
| RELEASES(MEDICARE,MEDICAID) | 222,685.52 |
| UNCOLLECTED AMBULANCE FEES | 5,543,999.86 |
| CREDIT | 269.19 |
| STATUTE OF LIMITATIONS | 83,390.04 |
| TOTAL | 8,537,474.85 |

Charge to Tax Collector

Chairman Holmes read the charge to collect taxes to Debra Hill, as follows:

Debra P. Hill is hereby authorized, empowered and commanded to collect the taxes set forth in the tax records filed in the office of the County Assessor and in the tax records delivered to her, in the amounts and from the taxpayers likewise therein set forth. Such taxes are hereby declared to be a first lien upon all real property of the respective taxpayers in the County of Randolph and this order shall be a full and sufficient authority to direct, require, and enable her to levy on and sell any real and personal property of such taxpayers, for and on account thereof, in accordance with law.

2009 CDBG Scattered Site Housing Grant Public Hearing and Approval of Resolution to Submit Grant Application

David Townsend, III, Public Works Director, stated that Randolph County is eligible for \$400,000 in housing rehabilitation funds from the 2009 CDBG Scattered Site Housing Grant. The application deadline is July 31, 2009. The State will review our application to confirm our selection of houses and then notify us in the fall. Mr. Townsend said that the County uses the criteria of homeowner occupied, stick-built houses. A higher priority goes to the owners of the homes who are either elderly or have a disability. We reviewed approximately thirty houses all around the entire county. Seven houses and three alternates (if needed) have been selected and approved by our Scattered Site Housing Committee. The selected houses are scattered throughout the entire county; several are in municipalities, but the majority are outside of municipal limits. The purpose of this required second public hearing of the CDBG application is for public input on the houses that are being proposed for submittal.

At 4:30 p.m., Chairman Holmes opened a duly advertised public hearing and, hearing no comments, closed the public hearing.

On motion of Haywood, seconded by Frye, the Board voted unanimously to approve the Resolution Authorizing Submission of CDBG Scattered Site Housing Application, as follows:

***Resolution to Submit a Community Development Block Grant Scattered Site Housing Application
Randolph County, North Carolina***

WHEREAS, the North Carolina Division of Community Assistance is a significant source of funding for affordable housing within Randolph County; and

WHEREAS, the North Carolina Division of Community Assistance has conditionally awarded Randolph County \$400,000 in Community Development Block Grant Scattered Site Housing funds for Randolph County residents; and

WHEREAS, the C-1 portion of the project will utilize \$400,000 to provide housing rehabilitation assistance to 7 low income families;

NOW, THEREFORE, BE IT RESOLVED BY THE RANDOLPH COUNTY BOARD OF COMMISSIONERS:

That the Board of Commissioners of Randolph County will substantially comply with all Federal, State and local laws, rules, regulations and ordinances pertaining to the project and to Federal and State grants pertaining thereto.

That, the Chairman of the Board of Commissioners and the County Manager, and successors so titled are hereby authorized and directed to furnish such information as the appropriate governmental agencies may request in connection with such applications for the project; to make the assurances and certifications as contained above, and to execute such other documents as may be required in connection with the construction of the project.

That this Resolution shall take effect immediately upon its adoption.

That the County will submit an application to the North Carolina Division of Community Assistance in the amount of \$400,000 as funding for the Randolph County Community Development Block Grant Scattered Site Housing Program.

Approval of Contract for 2009 CDBG Scattered Site Housing Grant Administration

David Townsend, III, Public Works Director, stated that requests for proposals were sent to six administrative consulting firms to provide the administrative services for the 2009 CDBG Scattered Site Housing Grant. The six firms were The Adams Company; The Wooten Company; RSM Harris Associates; Holland Consulting Planners; Hobbs, Upchurch & Associates; and Sandra Ridley. Of the three that responded, the best proposal was from Hobbs, Upchurch & Associates. (The Wooten Company and Sandra Ridley responded that they were not interested at this time.)

Hobbs, Upchurch & Associates' proposal showed in the Scope of Services that the fees were included and shall extend through the close of the project, as follows: Grant Preparation--\$7,000, Administration--\$28,000, Housing Services Delivery--\$21,000. Mr. Townsend recommended awarding the contract to Hobbs, Upchurch & Associates for the administration of the Grant.

On motion of Haywood, seconded by Frye, the Board voted unanimously to approve the contract with Hobbs, Upchurch & Associates for administration services for the 2009 CDBG Scattered Site Housing Grant, and authorized the Chairman to sign the contract.

Adoption of Resolution Approving 2009 CDBG Scattered Site Housing Grant Administration Guidelines and Policies

David Townsend, III, Public Works Director said the County is required by the CDBG rules to update some policies that relate to individual applications consistent with the 2009 applications. There are minor changes to the policies that have previously been adopted, but it is required that the new policies be adopted prior to filing the application.

On motion of Haywood, seconded by Frye, the Board voted unanimously to adopt the Resolution Approving Grant Administration Guidelines and Policies, as follows:

Resolution Approving Administrative Guidelines & Policies For 2009 CDBG Scattered Site Housing Program

WHEREAS, Randolph County wishes to carry out its FY 2009 CDBG Scattered Site Housing Program in accordance with established state and federal administrative guidelines.

NOW, THEREFORE, Randolph County Board of Commissioners hereby collectively adopts the following guidelines, plans and policies, and resolves that they be utilized during the administration of the FY2009 CDBG Scattered Site Housing program:

- 1. Residential Antidisplacement and Relocation Plan*
- 2. Resolution of Commitment to Further Fair Housing*
- 3. Recipient's Plan to Further Fair Housing*
- 4. Procurement Policy*
- 5. Citizen Participation Plan*
- 6. Code of Conduct*
- 7. Section 3 Plan*
- 8. Equal Employment and Procurement Plan*
- 9. Financial Design Policy*

Presentation of Justice Assistance Grant for Sheriff's Department and Approval of Requested Equipment

Col. Allen McNeil stated that Randolph County has been designated to receive a grant for \$16,769 from the Bureau of Justice Assistance (JAG). The grant is a formula grant and is non-competitive. This grant is part of the annual award and not part of the Recovery Act. The amount of the award is based on population and crime statistics. The grant may be used for state and local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, information systems for criminal justice, criminal justice-related research and evaluation activities that will improve or enhance law enforcement programs; prosecution and court programs; prevention and education programs; corrections and community corrections programs; drug treatment and enforcement programs; planning, evaluation, and technology improvement programs; and crime victim and witness programs (other than compensation). The Sheriff's Office proposes to use the grant award to purchase computer communication equipment, which will be used to access computer database systems from

the field and enable upgrades and enhancements to the Sheriff's Department's computer communication system.

Col. McNeill said that per grant requirement, a notice was placed in the Courier Tribune on June 27, 2009 announcing the grant and seeking public comment. Also per grant requirement, a copy of the grant application was delivered to the County Manager on June 24, 2009. Col. McNeill requested that the \$16,769 be accepted if our application is approved and that the Sheriff's Office be allowed to purchase the requested equipment, as proposed, with the funds.

On motion of Lanier, seconded by Haywood, the Board voted unanimously to approve the request of the Sheriff's Department to accept the JAG Grant in the amount of \$16,769, if awarded, and to purchase equipment, as presented.

Approval of New Position at the Health Department

MiMi Cooper, Public Health Director, requested approval on the establishment of a new position of Processing Assistant III within the Health Department. Funding for this position already exists in the 2009-10 budget. Ms. Cooper stated that the North Carolina Department of Health and Human Services Division/Women's & Children's Health Section increased the state funding of the WIC Program due to the continuing increase in caseload. Ms. Cooper said they are seeing over 4,000 WIC clients a month. The cost of a Processing Assistant III is \$32,283.

On motion of Frye, seconded by Haywood, the Board voted unanimously to approve the requested new position in Public Health, effective July 16, 2009.

Approval of Bid Award for Purchase of Computer Equipment for Register of Deeds

Audrey Alexander, County Purchasing Agent, said that the Register of Deeds currently has a single computer server which was purchased in 2004 to store all of the data and information for the Randolph County Land Records System. Once a server is five (5) years old it is no longer eligible for warranty support and service. If the County were to experience a failure of this single server, we would be exposed to an extended period of downtime with no access to the County land records information. This outage would be lengthy due to the amount of time it would take to purchase, install and configure a complete replacement server. Not only does the current single server present us with the issues and problems of vital records being inaccessible, it is very short on space. This means that in the immediate future the current server will not be sufficient to store an ever-growing database, image directory, and database backup system. The Register of Deeds would like to be proactive and avoid a situation that would cause inconvenience and delays for the citizens of Randolph County, as well as the potential loss of vital information and records.

Ms. Alexander requested that the old single computer server be replaced and updated with a two (2) Dell R710 server system. In doing this, the Register of Deeds would have a back-up system if either one of the servers had a hardware or software issue. With the one remaining back-up server, the Land Records system would remain online until service and support could restore operation of the down server. The proposed replacement Dell servers have a minimum life expectancy of five (5) years for the Land Records system. A Dell MD3000 storage array will also be necessary for central storage of the two (2) Dell server systems. In addition to these hardware needs, a software upgrade will be essential. The existing SQL Server 2000 software is no longer supported by Microsoft. An upgrade to MS SQL Server 2008 is required with the upgrade of the servers and storage array.

In accordance with G.S. 143-131, Requests for bids were sent to several vendors including State Contract vendors. Dell was the only vendor to respond; however, they were unable to price the type of system specified. Lower quotes were received by other vendors on some of the equipment, but none of these vendors were able to quote everything outlined in the specifications.

Compatibility problems with information technology products and services can be extreme. The need and desire to standardize the Land Records system and the concern with compatibility problems were integral in the proposal being presented. Standardization or compatibility as an overriding consideration, particularly with information technology, is outlined as acceptable under G.S. 143-129 as well as G.S. 143-159.9.

American Cadastre LLC or AmCad will need to configure and install the proposed hardware and software. AmCad is an existing, trusted vendor that has a long working relationship with the Register of Deeds. They are familiar with the business processes of the Register of Deeds and have knowledge and experience with their current system set-up.

AmCad has submitted the following quote, which includes hardware, software, and license cost as well as installation and configuration services:

| Quantity | Description | Cost -- Each | Total Cost |
|-------------------|----------------------------|--------------|--------------------|
| 2 | Dell R710 Servers | 9,676.12 | 19,352.24 |
| 1 | Dell MD3000 | 11,280.42 | 11,280.42 |
| 1 | MS SQL Server 2008 | 6,000.00 | 6,000.00 |
| N/A | Installation/Configuration | 4,500.00 | 4,500.00 |
| TOTAL COST | | | \$41,132.66 |

Register of Deeds intends to fund this upgrade to the County Land Records system with proposed encumbrance carry-over money from the fiscal year 2008-2009. Ms. Alexander recommended and requested that the Board of Commissioners approve and award the purchase and installation of the proposed server infrastructure for the Register of Deeds to American Cadastre at a total cost of \$41,132.66.

On motion of Frye, seconded by Haywood, the Board voted unanimously to approve the purchase and installation of the proposed Land Records System Server infrastructure for the Register of Deeds to American Cadastre at a total cost of \$41,132.66.

Presentation of Recovery Zone Facility Bond Program

Bonnie Renfro, Randolph County Economic Development Corporation President, said that on June 12, 2009, the IRS released information on two financing options created by the American Recovery and Reinvestment Act of 2009. The two programs are an effort to stimulate economic growth and jumpstart the availability of financing critical for economic recovery. Individual states, counties and cities received an allocation based on the relative decline in employment during 2008. Randolph County’s allocation is \$7,247,000 for Recovery Zone Economic Development Bonds and \$10,870,000 for Recovery Zone Facility Bonds. Although each bond program has a specific purpose and different eligible users, they have common features. Activities financed by each program must be located in a Recovery Zone, designated by the county, and the bonds must be issued before January 1, 2011. A Recovery Zone is defined as any area designated by the issuer as 1) having significant poverty, unemployment, home foreclosures, or general distress, or 2)

distressed by reason of the closure or realignment of a military installation, or 3) any area currently designated as an empowerment zone or as a renewal community area.

Option 1—Recovery Zone Economic Development Bonds are a subset of the newly created “Build America Bonds.” They provide a payment equal to 45% of the interest payable directly to the issuer as a subsidy for financing qualified economic development projects. Interest on the bonds is taxable to investors. Eligible issuers include states, counties and municipalities. One hundred percent of the available project proceeds must be used for one or more “qualified economic development purposes,” including 1) Capital expenditures paid or incurred with respect to property located in a recovery zone, 2) Expenditures for public infrastructure and construction of other public facilities that promote development or other economic activity in a recovery zone, and 3) Expenditures for job training and education programs. Any state, county or large municipality that receives an allocation for Recovery Zone Bonds may designate a recovery zone in any reasonable manner as it shall determine in its good faith and discretion.

Option 2—Recovery Zone Facility Bonds are a new category of tax-exempt private activity bonds that can be used to finance an extremely broad range of depreciable capital projects in recovery zones. At least 95% of the net proceeds must be used for recovery zone property. Recovery zone property is defined as depreciable property within a zone that is 1) used in a qualified trade or business, 2) constructed, renovated, or acquired by purchase after the date in which the recovery zone designation took effect, 3) first used within the recovery zone by the taxpayer.

These bonds are similar to industrial development bonds in that the private taxpayer is the borrower and has responsibility to pay the interest and debt. The government has no obligation to repay the debt or interest. The advantage to the borrower is a lower cost of financing in that the bonds are tax-exempt.

Ms. Renfro said that the County might wish to reallocate some or all of its allocation to a municipality. She encouraged the Board to develop a process to identify areas as recovery zones and suggested that a committee be appointed for this purpose.

Public Hearing on Rural Operating Assistance Program (ROAP) and Approval of FY 09-10 ROAP Application and Certified Statement

At 5:10 p.m., the Board adjourned to a duly advertised public hearing concerning the FY 2009-10 ROAP grant application. Roger King, Transportation Director, Randolph County Area Transit System, told the Board that this grant consolidates the Elderly and Disabled Transportation Assistance Program (EDTAP), the Work First Transitional/Employment Transportation Assistance Program (WF/EMP) and the Rural General Public Program (RGP) into a single package. The \$343,106 (\$124,827-EDTAP, \$57,553-WF/EMP, \$160,726-RGP) requested is based on formulas approved by the General Assembly.

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

On motion of Frye, seconded by Lanier, the Board voted unanimously to approve the submission of the FY 2009-10 ROAP grant application and Certified Statement, as follows:

CERTIFIED STATEMENT FY 2010/COUNTY OF RANDOLPH / RURAL OPERATING ASSISTANCE PROGRAM

WHEREAS, Article 2B of Chapter 136 of the North Carolina General Statutes and the Governor of North Carolina have designated the North Carolina Department of Transportation (NCDOT) as the agency responsible for administering all federal and/or state programs related to public transportation, and grants NCDOT authority to do all things required in applicable federal and/or state legislation to properly administer the public transportation programs within the State of North Carolina;

WHEREAS, G.S. 136-44.27 established the Elderly and Disabled Transportation Assistance Program;

WHEREAS, funds will be used for transportation related expenditures as specified in the FY2010 Rural Operating Assistance Program (ROAP) application;

WHEREAS, information regarding use of the funds will be provided at such time and in such a manner as NCDOT may require;

WHEREAS, it is the policy of the North Carolina Department of Transportation that Disadvantaged Business Enterprises, Minority Owned Business Enterprises and Women Owned Business Enterprises shall have the opportunity to participate in the performance of contracts financed in whole or part by Federal and State funds in order to create a level playing field, and the county shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract.

WHEREAS, ROAP funds will be used to provide eligible services during the period July 1, 2009 through June 30, 2010;

WHEREAS, any interest earned on ROAP funds will be expended for eligible program uses as specified in the ROAP application; and

WHEREAS, the County will include ROAP funds received and expended in its annual independent audit on the schedule of federal and state financial assistance. Funds passed through to other agencies will be identified as such.

This is to certify that the undersigned is duly elected, qualified and acting chairperson of the Board of County Commissioners of the County of Randolph North Carolina, and that the following statements are true and accurate:

Check the box if the county's application includes a request for funding.

Elderly and Disabled Transportation Assistance Program

The funds received from G.S. 136-44.27 will be used to provide transportation services for the elderly and disabled allowing individuals to reside for a longer period in their homes, thereby enhancing their quality of life.

The funds will not be used to supplant or replace existing federal, state or local funds designated to provide elderly and disabled transportation services in the county.

Employment Transportation Assistance Program

1. The funds will be used to assist transitional Work First participants after eligibility for cash assistance has concluded, participants in local Workforce Development Programs, and/or the general public with employment-related transportation needs

2. The funds will be sub-allocated to the local Department of Social Services, Work Force Development Program or the community transportation system for employment transportation.

3. The funds will be transferred to the Elderly and Disabled Transportation Assistance Program or the Rural General Public Program after an assessment of employment transportation needs in the service area indicates that employment transportation needs are substantially being met. This assessment will occur prior to any transfer of funds and following submission of a statement to that effect from the County Manager to the Public Transportation Division.

Rural General Public Program

1. The funds will be limited to use by the community transportation system

2. The funds will not be used to provide human service agency trips.

3. The funds will be used to provide transportation to residents in the non-urbanized area of the county.

Supplemental Elderly and Disabled Transportation Assistance Program

1. *The funds will be used according to the eligibility criteria and restrictions provided in the EDTAP Guidelines.*
2. *The funds will be used to initiate new or expanded services or continue a service that began operating after July 1, 2006 with Supplemental EDTAP funds as the funding source.*

Supplemental Employment Transportation Assistance Program

1. *The funds will be used according to the eligibility criteria and restrictions provided in the EMPL Guidelines.*
2. *The funds will be used to initiate new or expanded services or continue a service that began operating after July 1, 2006 with Supplemental EMPL funds as the funding source.*

Supplemental Rural General Public Program

1. *The funds will be used according to the eligibility criteria and restrictions provided in the RGP Guidelines.*
2. *The funds will be used to initiate new or expanded services or continue a service that began operating after July 1, 2006 with Supplemental RGP funds as the funding source.*

Adopt Resolution Approving Updates to Growth Management Plan

Hal Johnson, Planning Director, stated the Updated Growth Management Plan includes revisions regarding Rural Industrial Zoning Districts & Electronic Changeable Face Signs approved by the Board of Commissioners on April 6, 2009, and also includes current economic data. This plan is designed to recognize the changing rural economy and will provide guidance and flexibility to County boards and agencies enabling them to adapt to the practical requirements often necessary to sustain rural economic development.

Mr. Johnson said that the proposed Resolution, upon its adoption today, and will become part of the document. The Resolution directs that County staff and related Boards use the policies established as guidelines in evaluating rezoning and other growth related issues. The Resolution states that evaluation criteria should also be used to assist citizens in making decisions that are consistent with Randolph County growth management policies.

On motion of Lanier, seconded by Frye, the Board voted unanimously to approve a resolution approving updates to Growth Management Plan, as follows:

A RESOLUTION ADOPTING THE 2009 RANDOLPH COUNTY GROWTH MANAGEMENT PLAN

*WHEREAS, major economic, social, and land use changes are occurring in Randolph County; and
WHEREAS, the continued maintenance of sustainable residential and economic development expansion is considered necessary for the quality of life and general welfare of Randolph County citizens.*

NOW, THEREFORE, BE IT RESOLVED BY THE RANDOLPH COUNTY BOARD OF COMMISSIONERS:

It is the intent of the Board of County Commissioners by establishing this Growth Management Plan to:

- 1) *Recognize that sustainable economic growth, environmental protection, and rural quality of life can be pursued together as mutually supporting public policy goals; and*
- 2) *Recognize that growth management policies should afford flexibility to County boards and agencies that will enable them to adapt to the practical requirements often necessary for rural development; and*
- 3) *Ensure the opportunity for landowners to achieve the highest and best uses of their land that are consistent with growth management policies in order to protect the economic viability of the County's citizens and tax base; and*
- 4) *Consider the costs as well as the benefits of growth management policies in order to preserve affordability for citizens' real estate and housing needs; and*

5) *Recognize and respect constitutionally protected private property rights in the interpretation of all policies and to achieve community goals such as open space preservation through incentives to landowners in voluntary programs that recognize consumer demand.*

BE IT FURTHER RESOLVED to implement this Growth Management Plan, Randolph County staff and related Boards should use the policies established as guidelines in evaluating rezoning and growth related issues. The evaluation criteria should also be used to assist citizens in making decisions that are consistent with Randolph County growth management policies.

Request for Adoption of Resolution Approving Proposal to Form Multi-Governmental Pottery Coalition

Seagrove Mayor Mike Walker asked the Board to consider joining in with Seagrove, Robbins, Montgomery and Moore Counties to form a coalition to support pottery tourism and commercial activities. He said the main purpose of the board would be to promote communication among all the pottery communities. He asked that the Board also appoint a member to serve on the coalition to represent Randolph County.

Commissioners expressed concern that such a coalition might conflict with the Tourism Development Authority. When asked, Mayor Walker responded that he had not had any discussion with the TDA about this proposal. The Board also had reservations about exerting government authority over private pottery businesses.

On motion of Kemp, seconded by Frye, the Board voted unanimously to table the request to join in the formation of a multi-governmental pottery coalition until more information is available.

City of Trinity Request for Easement Across County Property and Consideration of Proposed Manned Convenience Site in Trinity

Public Works Director David Townsend, III said that the City of Trinity is requesting an easement across County property adjacent to Trinity High School for a sewer line. He said that he was not previously aware that the County owned this 19-acre tract. Mr. Townsend said that he spoke with Trinity's attorney, Bob Wilhoit, whose title search indicated that it was part of a COPS financing several years ago in which the school property is considered collateral and will be owned by the County until the debt is paid off and then will be deeded over to the County Board of Education. Mr. Townsend said that the County's GIS system shows that the property is still owned by the Board of Education.

Mr. Townsend said that when he learned that the County owned this property, he approached Trinity City Manager Ann Bailie about the possibility of building a manned convenience site on the property. He was told that the City would deny a special use permit for this purpose.

Commissioner Frye made a motion to approve the City of Trinity's request for a utility easement, but then withdrew his motion. He asked Mayor Fran Andrews, who was present at this meeting, to speak about the possibility of using this property for a manned convenience site.

Mayor Fran Andrews said that the Archdale City Council had recently voted to not allow any type of convenience site anywhere within the city limits of Trinity. She said she is still working on a plan to offer curbside trash pick up to their citizens soon.

The Commissioners decided to consider the request for a sewer easement by the City of Trinity at the August meeting in order to be certain that the County does own the property rather than the County Board of Education.

Election of Voting Delegates for NCACC Annual Conference in Hickory (Aug. 27-29)

On motion of Haywood, seconded by Lanier, the Board voted unanimously to elect Commissioner Frye as the voting delegate for the NCACC Conference in Hickory in August.

September Meeting Date Set

On motion of Frye, seconded by Kemp, the Board voted unanimously to set September 1, 2009 as the date for the September regular meeting, due to the Labor Day holiday conflict.

Recess

At 5:42 p.m., the Board recessed.

Rezoning Public Hearing

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

1. RICHARD WHITAKER, Climax, North Carolina, is requesting that 3.75 acres located at 4715 US Hwy 64E, Franklinville Township, be rezoned from RA to HC-CD. Tax ID# 7792006080. Primary Growth Area. The Conditional Zoning District would specifically allow the expansion of an existing commercial business to include a 40' x 60' building and retail sales. The Planning Board reviewed this request at public meeting on June 2, 2009, and recommended unanimously that this request be approved.

The Planning Board found the following policies within the Growth Management Plan that support determination of consistency with the adopted plan with this recommendation:

Policy 4.1 *Commercial development should be encouraged to occur in clusters or planned shopping centers to minimize the proliferation of "retail strip" locations.*

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.*

No one spoke.

On motion of Frye, seconded by Lanier, the Board voted unanimously to approve the request of Richard Whitaker, as determined consistent with policies contained within the adopted Growth Management Plan and as outlined in the Planning Board recommendations.

2. SCHWARZ PROPERTIES, LLC, Asheboro, North Carolina, is requesting that 1.46 acres located at 9249 US Hwy 64E, Whitehead Subdivision, lots 2 -14, Columbia Township, be rezoned from RA to HC-CD. Tax ID# 8722564918. Secondary Growth Area. The Conditional Zoning District would specifically allow the operation of a produce and craft store by a single tenant as per site plan. The Planning Board reviewed this request at public meeting on June 2, 2009, and recommended unanimously that this request be denied.

The Planning Board found the following policies within the Growth Management Plan that support determination of consistency with the adopted plan with this recommendation:

Policy 1.2 *The benefits of economic development should be balanced against the possible detrimental effects such development may have on the quality of life enjoyed by area residents.*

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 4.5 Effective buffering and/or landscaping should be provided where commercial development adjoins existing or planned residential uses.

Policy 6.5 The protection of viable rural neighborhoods should be encouraged by compatible residential development to insure the continued existence as a major housing source and as a reflection of the long term quality of life in Randolph County.

Keith Trogdon spoke in support of the request, saying that they will address and fix all the code problems. He distributed pictures of the property to the Commissioners. He said any septic concerns would be addressed by the Health Department and if the location of the bathroom is a problem, they can always put the bathroom inside. He also said that they plan to widen the entrance so traffic won't back up on Hwy 64. Mr. Trogdon said that the property will deteriorate without a tenant there. They plan to open an open-air produce stand on the property.

Jack Embry, adjoining property owner, spoke in opposition to the request. He said that Mr. Schwarz has cleaned up the property, but only recently. He said that White Lake Drive is a private drive that he and his neighbors pay to keep up. He's concerned that if this request is approved, it would be an invitation for more business in the area. He and his neighbors take pride in their neighborhood and this would be a perfect example of a non-conforming use. He also mentioned that the four lane highway would not provide adequate access for a business there.

Jason Overman spoke in opposition to the request, saying that he grew up in the area and lives across the road from Mr. Schwarz's property; he plans to live there a long time. He said that he and Jack Embry tried to purchase the property a couple of years ago, but the property owner was asking a commercial price for it. Now he is willing to offer tax value or even double the tax value for it.

On motion of Lanier, seconded by Haywood, the Board voted unanimously to deny the request of Schwarz Properties, LLC, as determined consistent with policies contained within the adopted Growth Management Plan and as outlined in the Planning Board recommendations.

Adjournment

At 6:55 p.m., there being no further business, the meeting adjourned.

J. Harold Holmes, Chairman

Darrell L. Frye

Phil Kemp

Arnold Lanier

Stan Haywood

Cheryl A. Ivey, Clerk to the Board