

August 3, 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. Wallace Jarrell gave the invocation, and everyone recited the Pledge of Allegiance.

Recognition of Retiree

Chairman Holmes recognized Kaye Atwood for 26½ years of service to the Randolph County Social Services Department and presented her with an engraved clock.

Special Recognition—Randolph Community College

Chairman Holmes recognized Randolph Community College (RCC) for meeting “Exceptional Institutions Performance” standards in the annual accountability measures for North Carolina’s 58 community colleges for the 2007-08 academic year. The Chairman called on Dr. Robert Shackelford, RCC President, to elaborate. Dr. Shackelford said that RCC was one of 11 community colleges out of NC’s 58 community colleges to meet these standards.

County Attorney Darren Allen introduced Tristan Routh, who is interning this summer with Wilhoit, Pugh & Allen, LLP law firm. Mr. Routh is a graduate of Eastern Randolph High School, UNC-Chapel Hill and is currently attending UNC-Chapel Hill Law School.

Public Comment Period

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

Michael Coblin, Attorney for Moore & Van Allen law firm in Charlotte, NC, invited the Commissioners to a Climate Change Forum on August 14 in Greensboro, NC for an in-depth discussion of the climate change and energy legislation currently being debated in Congress and its potential impact on North Carolina businesses.

Piedmont Authority for Regional Transportation (PART) Update

Vice Chairman Darrell Frye said that the new PART “Zoo Bus” is becoming more and more popular, according to ridership numbers. The route from the McDowell Rd. lot to the Zoo was added to the PART bus schedule in July.

Approval of Consent Agenda

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

- *approve minutes of regular meeting of July 6, 2009;*
- *approve Budget Amendment #1 for Encumbrances, as follows:*

2009-2010 BUDGET ORDINANCE	
General Fund—Amendment #1	
Revenue	Increase
<i>Appropriated Fund Balance</i>	\$ 967,440
Appropriations	Increase
<i>Administration</i>	\$ 6,201

<i>Information Technology</i>	20,181
<i>Tax</i>	19,409
<i>Register of Deeds</i>	41,134
<i>Public Buildings - Maintenance</i>	46,148
<i>Sheriff</i>	597,903
<i>Emergency Services</i>	39,500
<i>Planning and Zoning</i>	1,800
<i>Cooperative Extension Service</i>	5,900
<i>Public Works</i>	68,969
<i>Public Health</i>	25,792
<i>Social Services</i>	92,531
<i>Public Library</i>	1,972
<i>Emergency Telephone Fund</i>	
<i>Revenue</i>	<i>Increase</i>
<i>Appropriated Fund Balance</i>	\$ 728
<i>Appropriations</i>	
<i>E911 Services</i>	\$728

- *reappoint James Dalton Bowman, John Waugh, and appoint Hal Younts to the Climax Fire Protection District Commission;*
- *reappoint Barry Ward, William Oliver Collier and John Shepherd to the Julian Fire Protection District Commission;*
- *adopt DOT Resolution adding Vista Parkway Extension, in the Brentwood Park Subdivision, to State Roads System, as follows:*

WHEREAS, the Department of Transportation has investigated Vista Parkway Extension in the Brentwood Park 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 Vista Parkway Extension in the Brentwood Park Subdivision be added to the Division of Highways' Secondary Road System.

- *reappoint Bob McDuffie to the Piedmont Triad Regional Water Authority;*
- *approve NCACC appointment of Commissioner Darrell Frye to NCACC Board of Directors, representing District 11.*

Change to New Business

Chairman Holmes announced the following additions to the Agenda: Item F. *Presentation of Offer to Purchase County Property* and Item G. *Presentation of Proposed Historic Landmark Monument Design and Narrative for Historic Courthouse.*

Update on Recovery Zone 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: Recovery Zone Economic Development Bonds and Recovery Zone Facility Bonds. 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.

Option 1—Recovery Zone Economic Development Bonds are a subset of the newly created “Build America Bonds.” Randolph County’s allocation is \$7,247,000 for these bonds. They provide a payment from the US Treasury, which pays 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. Randolph County’s allocation is \$10,870,000 for Recovery Zone Facility Bonds. At least 95% of the net proceeds must be used for recovery zone property. Recovery zone bonds can be used for 1) depreciable property located in a recovery zone, 2) Constructed, renovated, or acquired after recovery zone designation takes place, 3) or used by the private taxpayer within the zone.

These bonds are similar to industrial development bonds in that the eligible private taxpayer/private company 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 recommended that the Board designate all of Randolph County as a recovery zone and asked that it be done as soon as possible. She also asked that the Board appoint an Advisory Committee to oversee these programs.

The Commissioners directed the Clerk to place these items on their September agenda.

Approval of Changes to Personnel Ordinance

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). Changes were also 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, defining Conflict of Interest, garnishments, search and seizure provisions, Special Separation Allowance for law enforcement officers, allowance of disciplinary action for failure to pay taxes on time, and a few general updates.

On motion of Frye, seconded by Haywood, the Board voted unanimously to approve the Personnel Ordinance changes, as presented and as follows, effective August 1, 2009. (Note: A summary and explanation of these changes can be found in the meeting file located in the Clerk’s office.)

1. *Career Status (for appeal rights) for employees subject to State Personnel Act – Amend Article I, Organization of Personnel System; Section 3, Definitions to add the following definition and to re-letter the other definitions accordingly:*

C. **Career Status.** *Employees who are subject to the State Personnel Act are afforded rights of appeal to the Office of State Personnel once they achieve career status. Career status for these employees is achieved when an employee has completed 24 continuous months of employment in a position subject to the State Personnel Act, whether as employees of Randolph County government or as employees of another office or agency. However, when an employee transfers to another office or agency, that employee's career status is suspended during his/her probationary period and restored upon successful completion of the probationary period if the transfer was completed within 31 calendar days. Career status is lost when an employee experiences a break in service of more than 31 days. (25 NCAC 011.2002)*

Amend Article IX, Grievance and Conflict Resolution; Section 4, Employees Subject to the State Personnel Act, Item A to read as follows:

- A. *Employees subject to the State Personnel Act must exhaust the County grievance procedure contained in Section 2 of this Article and must achieve career status before appealing to the Office of State Personnel except for complaints alleging harassment or discrimination.*
2. *Whistleblower Policy—Amend Article I, Organization of Personnel System; Section 8, Responsibility of County Employees; Part J to read as follows:*

J. *Reporting to the Department Head or Personnel Director inappropriate, illegal, or unethical behaviors such as safety violations, discriminatory actions, unlawful workplace harassment, etc. Employees making such reports (i.e. whistleblowers) shall be afforded protection in two important areas, confidentiality and retaliation. Insofar as possible, the confidentiality of the whistleblower will be maintained. However, identity may have to be disclosed to conduct a thorough investigation, to comply with the law, and to provide accused individuals their legal rights of defense. The County will not retaliate against a whistleblower. This includes, but is not limited to, protection from retaliation in the form of an adverse employment action such as termination, reduction in compensation or poor work assignments and threats of physical harm. Any whistleblower who believes that he is being retaliated against must contact the Personnel Director immediately. The right of a whistleblower against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated.*

3. *Conflict of Interest – Amend Article V, Conditions of Employment; Section 4, Conflict of Interest opening paragraph to read as follows:*

It shall be the policy of Randolph County that no Manager, Department Head, Supervisor or employee may use his position, or the knowledge gained therein, in such a manner that a conflict between Randolph County's interests and his personal interests should arise. All employees must recognize that as members of Randolph County government, they are keepers of the public trust. Both the fact and the appearance of conflicting interests are to be avoided.

4. *Search/Seizure of Employee's Property—Amend Article V, Conditions of Employment to add new section as follows:*

Section 11. Search and Seizure of County Property.

Searches and seizures are to be conducted in a legal manner. Randolph County reserves the right to conduct searches or inspections of County property assigned to an employee whenever a Department Head or his designee determines that the search is reasonable under all the circumstances.

5. *Vacation Leave – Amend Article VI, Leave Policies; Section 2, Vacation Leave; Part H, Previous Leave Credit to read as follows:*

1. *A former employee who separated in “Good Standing,” as defined in Article VIII of this Ordinance, and is reinstated within three (3) years may receive credit for previous Randolph County service for the purpose of accruing vacation leave. The total months of previous service time will be recognized when the employee has been back in County service for twelve (12) months.*
2. *An employee who transfers to Randolph County from another North Carolina governmental agency or entity (that is a member of the NC retirement systems) without a break in service of more than thirty-one (31) days from his last day worked with the previous jurisdiction may be credited with prior service credit up to a maximum of 15 years for the purpose of accruing vacation leave. The total months of previous service time will be recognized when the employee has successfully completed twelve (12) months of service with Randolph County.*

6. *Sick Leave—Amend Article VI, Leave Policies; Section 3, Sick Leave; Part A, Policy; Item 4 by adding the following to the end of the item:*

“For the purposes of this section, the terms “spouse” “child” or “parent” shall be defined in accordance with the definitions provided in Section 4, Part C (Family Medical Leave Act Definitions) of this Article.”

7. *Transfer of Sick Leave from Other Agencies – Amend Article VI, Leave Policies; Section 3, Sick Leave; Part F, Transfer from Other Agencies to read as follows:*

Unused sick leave earned from another North Carolina governmental agency and/or entity (i.e. a member of the North Carolina Local Government Employees’ Retirement System, North Carolina Teachers’ and State Employees’ Retirement System, or other retirement systems authorized by the North Carolina Retirement Systems) shall be accepted and transferred to Randolph County according to the following provisions:

1. *For sick leave to be accepted as transferred, the employment transfer must be completed within three (3) years from the employee’s last workday with the previous agency/entity.*
2. *Verification of said accumulated sick leave must be received in writing from the previous authorized jurisdiction. Verification received in hours and minutes will be converted to the nearest whole hour.*
3. *The total number of hours accepted as transferred will be recorded and credited to the employee’s sick leave account upon the completion of twelve (12) months of employment with Randolph County.*

Amend Article VI, Leave Policies; Section 3, Sick Leave; Part G, Separated Employees to read as follows:

G. Reinstated Employees.

Employees who resign and are reinstated with Randolph County within three (3) years shall have their unused sick leave balance reinstated to their sick leave account when the employee has been back in County service for twelve (12) months. Employees who resign and are not reinstated with Randolph County within a three (3) year period shall lose all sick leave credits.

8. *FMLA Issues—Amend Article VI, Leave Policies; Section 4, Family Medical Leave Act (FMLA); Part B, Eligible Employees; Section 1, Regular Employees by adding the following:*

- d. *because of a “qualifying exigency” arising out of a covered family member’s active duty or call to active duty in the Armed Forces in support of a contingency plan; or*
- e. *because the employee is needed to care for a covered family member who has incurred an injury or illness in the line of duty while on active duty in the Armed Forces provided that such injury or illness may render the family member medically unfit to perform duties of the member’s office, grade, rank or rating; provided however that an eligible employee may take up to 26 workweeks of leave during a single 12-month period to care for the service member.*

Amend Article VI, Leave Policies; Section 4, Family Medical Leave Act (FMLA); Part C, Definitions to read as follows:

- 1. ***Child.*** *A biological, adopted, or foster child, stepchild, a legal ward, or a child of a person standing “in loco parentis,” who is either under age 18, or age 18 or older and incapable of self-care because of a mental or physical disability.*
- 2. ***Comp-time.*** *Reflects compensatory time identified as earned overtime that has not been paid and earned holiday time that has not been paid.*
- 3. ***Continuing treatment by a health care provider.*** *Consists of one or more of the following:*
 - a. *A period of incapacity lasting more than three (3) consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition that also includes: (1) treatment two (2) or more times by or under the supervision of a health care provider (i.e. in-person visits, the first within 7 days and both within 30 days of the first day of incapacity); or (2) one treatment by a health care provider (i.e. an in-person visit within 7 days of the first day of incapacity) with a continuing regimen of treatment (e.g. prescription medication, physical therapy, etc.).*
 - b. *Any period of incapacity related to pregnancy or prenatal care. A visit to the health care provider is not necessary for each absence.*
 - c. *Any period of incapacity or treatment for a chronic serious health condition which continues over an extended period of time, requires periodic visits (at least twice a year) to a health care provider, and may involve occasional episodes of incapacity. A visit to a health care provider is not necessary for each absence.*
 - d. *A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective. Only supervision by a health care provider is required, rather than active treatment.*
 - e. *Any absences to receive multiple treatments for restorative surgery or for a condition that would likely result in a period of incapacity of more than three (3) days if not treated.*
- 4. ***County.*** *Randolph County.*
- 5. ***Covered family member.*** *For military caregiver leave, a covered family member is the spouse, son, daughter, parent, or next of kin of an employee who is a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious illness or injury.*
- 6. ***Department Head.*** *The Department Head of the department in which the employee is assigned, or if the employee is assigned to work for more than one department, the Department Head of the department in which the employee is assigned for the greater part of the workweek.*
- 7. ***Parent.*** *A biological parent or an individual who stands or stood in “loco parentis” to an employee when the employee was a child. This term does not include parent “in-law.”*

8. **Qualifying Exigency.** *An eligible employee may take FMLA leave for qualifying exigencies arising out of the fact that the employee's spouse, son, daughter, or parent is on active duty or has been notified of an impending call or order to active federal duty in the National Guard or Reserves, in support of a contingency operation. Qualifying exigencies may include any of the following as defined in federal law:*
 - a. *Issues arising from a covered military member's short notice deployment (i.e. deployment on 7 or less days of notice) for a period of 7 days from the date of notification;*
 - b. *Military events and related activities;*
 - c. *Certain childcare and related activities;*
 - d. *Making or updating financial and legal arrangements;*
 - e. *Attending counseling provided by someone other than a health care provider;*
 - f. *Taking up to 5 days of leave to spend time with a covered military member who is on short-term temporary, rest and recuperation leave during deployment;*
 - g. *Attending to certain post-deployment activities; and*
 - h. *Any other event that the employee and employer agree is a qualifying exigency.*
9. **Serious health condition.** *This refers to an illness, injury, impairment, or physical or mental condition that involves either:*
 - a. *Inpatient care (i.e. an overnight stay) in a hospital, or residential medical-care facility, including any period of incapacity (i.e. inability to work, attend school/workshops, or perform other daily activities) or subsequent treatment in connection with such inpatient care; or*
 - b. *Continuing treatment by a health care provider (see Definition 3 above).*
10. **Spouse.** *A husband or wife as defined or recognized under North Carolina law for purpose of marriage.*

Amend Article VI, Leave Policies; Section 4, Family Medical Leave Act (FMLA); Part D, Leave Charges to read as follows:

1. *For the birth of a child, the parents shall exhaust all available vacation leave and accrued comp-time before going on leave without pay, except that sick leave may be used during the period of disability.*
2. *For the adoption of a child or becoming foster parents, the parents shall exhaust all vacation leave and accrued comp-time before going on leave without pay.*
3. *For the employee's personal illness or for the illness of an employee's child, spouse, or parent, the employee shall exhaust available sick and vacation leave and accrued comp-time before going on leave without pay.*
4. *For a qualifying exigency family member's active duty or call to active duty, the employee shall exhaust available vacation leave and accrued comp-time before going on leave without pay.*
5. *For the injury or illness of an employee's covered family member who has incurred such injury or illness in the line of duty while on active duty in the Armed Forces, the employee shall exhaust available sick and vacation leave and accrued comp-time before going on leave without pay.*
6. *Periods of paid leave and accrued comp-time shall be counted as all or part of the Family and Medical Leave authorized by this Section.*
7. *Leave without pay beyond the approved Family and Medical Leave period will be administered under Section 5 of this Article.*

Amend Article VI, Leave Policies, Section 4, Family Medical Leave Act (FMLA), Part F, Employee Responsibility to add items as follows:

1. *The employee should notify his Supervisor and/or Department Head of the need for Family and Medical Leave as soon as the need for said leave becomes known or foreseeable.*
 2. *The employee should complete and return all required forms provided by the County in a timely manner. Failure to provide a complete and sufficient medical certification, in accordance with the forms provided, may result in a denial of the employee's FMLA request.*
 3. *Failure to report at the expiration of the leave, unless an extension has been requested and granted, shall be considered as a resignation.*
 4. *If, at any point during FMLA leave, the employee decides not to return to work, the employee shall notify his Department Head immediately in order that his position may be filled.*
 5. *When required by the County, the employee shall provide a fitness for duty statement from his health care provider prior to returning to work.*
9. *Workers' Compensation—Amend Article VI, Leave Policies; Section 6, Workers' Compensation Leave; Item A, to read:*

A. Probationary and Regular Employees

When any probationary or regular employee is injured as a result of a compensable accident or occupational illness covered by the Workers' Compensation Law the following procedures will apply:

1. *When an employee is injured on the job as a result of a compensable injury or occupational illness and loses time from work while seeking medical attention due to the injury, the employee shall not be charged leave for time lost from work on the day of the injury.*
 2. *Injured employees are expected to return to work following the initial medical treatment at our designated initial provider unless the treating physician indicates the employee must go home for the day.*
 3. *In situations where the employee cannot return to work, the employee will be paid full salary for normal working hours on the day of the injury.*
 4. *Time lost due to follow-up appointments after return to full duty with no restrictions will be charged to employee leave accounts. The employee is expected to make every effort to schedule such appointments either at the beginning or the end of his regular workday so as to minimize the amount of time needed away from work.*
 5. *If the injury results in additional time away from work, the employee will be placed on Worker's Compensation Leave, and receive the Worker's Compensation weekly benefits after the required waiting period.*
 6. *All Workers' Compensation leave will also be charged as Family Medical Leave pursuant to the Family Medical Leave Act.*
 7. *The employee may elect to take sick or annual leave during the required seven (7) day waiting period or may elect to go on Workers' Compensation Leave with no pay for the required waiting period.*
 8. *Once an employee begins drawing Workers' Compensation pay, the employee will not be allowed to receive pay for annual leave or sick leave in addition to Workers' Compensation payments.*
 9. *Health benefits provided by the County to an employee will continue to be provided while on Workers' Compensation Leave for up to one (1) year. After that period, the employee may elect to continue the health benefits by electing COBRA. (Upon his / her return to work, the employee's health benefits will become effective without a waiting period).*
 10. *Employees receiving Workers' Compensation benefits will not accrue vacation or sick leave and their local government retirement and 401k benefits are not paid during this period.*
10. *Shared Leave – Amend Article VI, Leave Policies; Section 10, Shared Leave Policy; Item A to read as follows:*

A. *Purpose*

This policy provides an opportunity for employees to assist another employee affected by a serious health condition of the employee or his/her spouse that results in loss of income following exhaustion of accumulated leave for a prolonged period of time (ten (10) calendar days or more).

11. *Retiree's Health Insurance – Amend Article VII, Employee Benefits, Section 1, Group Life / Health Insurance, Part B, Group Health Insurance, Section 2. Retirees' Health Insurance and add a new Item k to read as follows:*

k. This program may be modified or terminated at any time by Randolph County.

12. *401K additions—Amend Article VII, Employee Benefits; Section 4, Retirement Benefits; Part A, Regular Employees by adding new Item 3 as follows:*

3. When an employee joins the Local Government Retirement System, he becomes eligible to receive a supplemental retirement income plan (401K) contributed at the rate set by the County Commissioners.

13. *Special Separation Allowance – Amend Article VII, Employee Benefits; Section 4, Retirement Benefits; Part B, Law Enforcement Officers; Section 1, Separation Allowance; Item b to read as follows:*

The separation allowance ceases when the officer reaches age 62, dies, or is employed in a position, with any local government, requiring participation in the North Carolina Local Government Employees' Retirement System.

14. *Garnishment Issues—Amend Article VIII, Disciplinary Actions, Separation, and Reinstatement; Section 1, Disciplinary Actions; Part A, General Provisions; Section 3(c), Unacceptable Personal Conduct by adding a new Item 10 as follows:*

(10) failure to pay County taxes before such taxes become past due.

Approval of Easement to City of Trinity

Public Works Director David Townsend, III said that the City of Trinity has requested an easement across County property adjacent to Trinity High School for a sewer line. Bob Wilhoit, Trinity's attorney, said that his title search indicated that the property was part of a Certificates of Participation (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.

On motion of Frye, seconded by Haywood, the Board voted unanimously to grant an easement to the City of Trinity across County-owned property on the western side of Trinity Drive and authorized the Chairman to sign the easement.

Approval of Red Flag Rules Policy to Prevent Identity Theft (EMS, Health Department, Tax Dept.)

Aimee Scotton, Associate County Attorney, said that recently, several federal agencies jointly issued a new set of regulations intended to help prevent, detect, and mitigate identity theft. These regulations, known collectively as the "Red Flag Rule" require the entities they cover to develop policies and procedures to recognize and respond to circumstances that may indicate that an identity theft has occurred. These rules mostly apply to financial institutions and private creditors, but where non-profit and

government entities defer payment for goods or services, they too are considered to be creditors. In Randolph County, the following departments defer payment for services rendered: the Health Department and Emergency Services. Since the Tax Department bills for ambulance services, it is included as a creditor as well. The Red Flag Rule requires covered creditors to implement an "Identity Theft Prevention Program," which contains reasonable policies and procedures to: 1) identify relevant Red Flags for new and existing covered accounts and incorporate those Red Flags into the Program; 2) detect Red Flags that have been incorporated into the Program; 3) respond appropriately to any Red Flags that are detected to prevent and mitigate identity theft; and 4) ensure the Program is updated periodically to reflect changes in risks to customers or to the safety and soundness of the creditor from identity theft.

On motion of Frye, seconded by Lanier, the Board voted unanimously to approve Red Flag Rule Policies for Identity Theft Prevention for Emergency Services/Tax Department and Public Health Department, as follows, effective August 1, 2009:

EMERGENCY SERVICES & TAX DEPARTMENT

I. PROGRAM ADOPTION--The Randolph County Emergency Services Department and the ambulance billing division of the Randolph County Tax Department (collectively "the Department") developed this Identity Theft Prevention Program ("Program") pursuant to the Federal Trade Commission's Red Flags Rule ("Rule"), which implements Section 114 of the Fair and Accurate Credit Transactions Act of 2003. 16 C.F.R. § 681.2. This Program was approved by the Randolph County Board of Commissioners on August 3, 2009, and is effective August 1, 2009.

II. PROGRAM PURPOSE AND DEFINITIONS

A. Fulfilling requirements of the Red Flags Rule--Under the Red Flag Rule, every creditor is required to establish an "Identity Theft Prevention Program" tailored to its size, complexity and the nature of its operation. Each program must contain reasonable policies and procedures to:

1. Identify relevant Red Flags for new and existing covered accounts and incorporate those Red Flags into the Program;
2. Detect Red Flags that have been incorporated into the Program;
3. Respond appropriately to any Red Flags that are detected to prevent and mitigate Identity Theft; and
4. Ensure the Program is updated periodically, to reflect changes in risks to customers or to the safety and soundness of the creditor from Identity Theft.

Randolph County Emergency Services is committed to providing all aspects of our service and conducting our business operations in compliance with all applicable laws and regulations. The Department provides ambulance services that involve transactions in which payment is not made until after the services are rendered and therefore have "covered accounts" under this Rule. However, due to the nature of these services, it is critical that no barriers are raised to accessing emergency services. In Randolph County, although the ambulance services are provided by the Emergency Services Department, billing on these accounts is handled by a division of the Tax Department. The provisions of this Program therefore apply to both the Emergency Services Department and the Tax Department as applicable.

A. Red Flags Rule definitions used in this Program

In this Program, the term "**Department**" is used to refer to both the Randolph County Emergency Services Department and to the division of the Randolph County Tax Department that handles billing for ambulance services. The term "**Director**" is used to refer both to the Randolph County Emergency Services Director and the Randolph County Tax Administrator.

The Red Flags Rule defines “**Identity Theft**” as “fraud committed using the identifying information of another person” and a “**Red Flag**” as a pattern, practice, or specific activity that indicates the possible existence of Identity Theft.

According to the Rule, a county emergency services department is a creditor subject to the Rule requirements. The Rule defines **creditors** “to include finance companies, automobile dealers, mortgage brokers, utility companies, and telecommunications companies. Where non-profit and government entities defer payment for goods or services, they, too, are to be considered creditors.”

Under the Rule, a “**covered account**” is:

1. Any account the Department offers or maintains primarily for personal, family or household purposes, that involves multiple payments or transactions; and
2. Any other account the Department offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the Department from Identity Theft.

“**Identifying information**” is defined under the Rule as “any name or number that may be used, alone or in conjunction with any other information, to identify a specific person,” including: name, address, telephone number, social security number, date of birth, government issued driver’s license or identification number, alien registration number, government passport number, employer or taxpayer identification number, unique electronic identification number, computer’s Internet Protocol address, or routing code.

B. IDENTIFICATION OF RED FLAGS.--In order to identify relevant Red Flags, the Department considered the types of accounts that it offers and maintains and which if those are “covered accounts” under this Rule, the methods it provides to initiate or access its accounts, and its previous experiences with Identity Theft. The Department identifies the following red flags, in each of the listed categories:

A. Suspicious Documents

Red Flags

1. Identification document or card that appears to be forged or altered;
2. Identification document or card on which a person’s photograph or physical description is not consistent with the person presenting the document; and
3. Other document with information that is not consistent with existing customer information (such as if a person’s signature on a check appears forged).

B. Suspicious Personal Identifying Information

Red Flags

1. Identifying information presented that is inconsistent with other information the customer provides (example: inconsistent birth dates);
2. Identifying information presented that is the same as information shown on other applications that were found to be fraudulent;
3. Social security, Medicaid number or other insurance number presented that is the same as one given by another customer;
4. Address of telephone numbers given by a customer are the same or similar to those of other customers, particularly recent ones;
5. Customer provides an insurance number but never produces an insurance card or other physical documentation of insurance; and

6. A person's identifying information is not consistent with the information that is on file for the customer.

C. Suspicious Account Activity or Unusual Use of Account

Red Flags

1. Mail sent to the account holder is repeatedly returned as undeliverable;
2. Customer notifies agency she/he is not receiving mail sent by the Department;
3. Patterns of activity on payment accounts that are inconsistent with prior history;
4. Increase in the volume of inquiries to an account;
5. Attempt to access an account by persons who cannot provide authenticating information;
6. Requests for additional authorized users on an account shortly following a change of address;
7. Nonpayment on the first payment on an account;
8. A complaint or question from a customer based on the customer's receipt of:
 - a. a bill for another individual;
 - b. a bill for service that the customer denies receiving;
 - c. a bill from a health care provider that the customer never utilized;
 - d. a notice of insurance benefits (or Explanation of Benefits) for health services never received;or
 - e. a customer or insurance company report that coverage for legitimate healthcare service is denied because insurance benefits have been depleted or a lifetime cap has been reached.
9. Inactivity on an account for an unreasonably lengthy period of time.

D. Alerts from Others and Security Breaches

Red Flag

1. Notice to the Department that an account has unauthorized activity;
2. Breach in the Department's computer system activities;
3. Unauthorized access or use of customer account information;
4. Dispute of a bill by a customer who claims to be a victim of any type of Identity Theft; and
5. Notice to the Department from a customer or law enforcement that Identity Theft has occurred.

- C. PREVENTING AND MITIGATING IDENTITY THEFT--**In the event that any Department employee responsible for or involved in establishing or updating "covered accounts" or accepting payment for a "covered account" becomes aware of Red Flags indicating possible identity theft, the employee shall use his or her discretion to determine whether such Red Flag or a combination of Red Flags suggest a threat of identity theft. In doing so, the employee shall consider whether the Red Flag may be accounted for by the cultural norms of the customer. If the employee, in his or her discretion, determines that identity theft or attempted identity theft is likely, the employee shall immediately report such Red Flag(s) to his/her Supervisor. If the employee deems that identity theft is unlikely or that reliable information is available to reconcile the Red Flag(s), the employee shall convey that information to his/her Supervisor, who at his/his discretion may determine that no further action is needed. If the Supervisor determines that further action is needed, a Department employee shall perform one or more of the following, as determined to be appropriate by his/her Supervisor:

Prevent and Mitigate

1. Continue to monitor an account for evidence of Identity Theft;
2. Contact the customer;
3. Change any passwords or other security devices that permit access to accounts;
4. Reopen an account with a new number;
5. Cease attempts to collect additional payment from the customer; or
6. Notify law enforcement

Protect customer identifying information

In order to further prevent the likelihood of identity theft occurring with respect to covered accounts, the Department will take the following steps with respect to its internal operating procedures to protect customer identifying information:

1. Ensure complete and secure destruction of paper documents and computer files containing customer information;
2. Ensure that office computers are password protected and that computer screens lock after a set period of time;
3. Ensure that papers containing customer information are appropriately stored and are not seen by those who should not have access;
4. Ensure computer virus protection is up to date; and
5. Require and keep only the kinds of customer information that are necessary for the provision of service or to comply with laws and regulations, including records retention schedules.

D. PROGRAM UPDATES--This Program will be annually reviewed and updated to reflect changes in risks to customers and the soundness of the Department from Identity Theft. In doing so, the Director will consider the following factors:

1. the Department's experiences with Identity Theft situation;
2. changes in Identity Theft methods;
3. changes in Identity Theft detection and prevention methods;
4. changes in types of accounts the Department maintains; and
5. changes in the agency's service provider arrangements.

After considering these factors, the Director will determine whether changes to the Program, including the listing of Red Flags, are warranted. If warranted, the Director will update the Program and share any changes with the County Manager.

VI. PROGRAM ADMINISTRATION.

A. Oversight--Supervisors shall be responsible for oversight of the program and for program implementation. The Director is responsible for reviewing reports prepared by staff regarding compliance with Red Flag requirements and/or recommending changes to the program. Supervisors shall report to the Director at least annually on compliance with the Red Flag requirements. The report will address issues such as:

1. effectiveness of the policies and procedures in addressing the risk of identity theft in connection with "covered accounts;"
2. changes in service provider arrangements;
3. significant incidents involving identity theft and management's response; and
4. recommendations for changes in the program.

B. Staff Training and Reports--The Director shall be responsible for assuring that training of all Department employees responsible for or involved with "covered accounts" with respect to the implementation and requirements of the Identity Theft prevention program. The Director shall exercise discretion in determining the amount and substance of training necessary.

C. Service Provider Arrangements--In the event the Department engages an outside service provider to perform an activity in connection with one or more accounts, the Department will take the following steps to ensure the service provider performs its activity in accordance with reasonable policies and procedures designed to detect, prevent, and mitigate the risk of Identity Theft.

1. Require, by contract, that service providers have such policies and procedures in place; and
2. Require, by contract, that service providers review the Department's Program and report any Red Flags to the Director.

HEALTH DEPARTMENT

I. PROGRAM ADOPTION--The Randolph County Health Department ("the Department") developed this Identity Theft Prevention Program ("Program") pursuant to the Federal Trade Commission's Red Flags Rule ("Rule"), which implements Section 114 of the Fair and Accurate Credit Transactions Act of 2003. 16 C.F.R. § 681.2. This Program was approved by the Randolph County Board of Commissioners on August 3, 2009, by the Randolph County Board of Health on August 10, 2009, and is effective August 1, 2009.

II. PROGRAM PURPOSE AND DEFINITIONS

A. Fulfilling requirements of the Red Flags Rule

Under the Red Flag Rule, every creditor is required to establish an "Identity Theft Prevention Program" tailored to its size, complexity and the nature of its operation. Each program must contain reasonable policies and procedures to:

- a. Identify relevant Red Flags for new and existing covered accounts and incorporate those Red Flags into the Program;
2. Detect Red Flags that have been incorporated into the Program;
3. Respond appropriately to any Red Flags that are detected to prevent and mitigate Identity Theft; and
4. Ensure the Program is updated periodically, to reflect changes in risks to customers or to the safety and soundness of the creditor from Identity Theft.

Local health departments in North Carolina provide services that involve transactions in which payment is not made until after the services are rendered and therefore have "covered accounts" under this rule. However, it is important to note that public health agencies are charged with protecting the health of all residents in their geographical jurisdiction and may seek out individuals in need of services in order to protect the larger community. Health departments provide essential public health services to protect us all from communicable diseases, vaccine-preventable illnesses, unwanted pregnancies and infant deaths, just to name a few. The health of the community can only be protected if every person receives the necessary health interventions. It is critical that no barriers are raised to accessing essential public health services that protect health for all the people in our communities.

i. Red Flags Rule definitions used in this Program

The Red Flags Rule defines "**Identity Theft**" as "fraud committed using the identifying information of another person" and a "**Red Flag**" as a pattern, practice, or specific activity that indicates the possible existence of Identity Theft.

According to the Rule, a county health department is a creditor subject to the Rule requirements. The Rule defines **creditors** "to include finance companies, automobile dealers, mortgage brokers, utility companies, and telecommunications companies. Where non-profit and government entities defer payment for goods or services, they, too, are to be considered creditors."

Under the Rule, a "**covered account**" is:

1. Any account the Health Department offers or maintains primarily for personal, family or household purposes, that involves multiple payments or transactions; and
2. Any other account the Health Department offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the Health Department from Identity Theft.

“Identifying information” is defined under the Rule as “any name or number that may be used, alone or in conjunction with any other information, to identify a specific person,” including: name, address, telephone number, social security number, date of birth, government issued driver’s license or identification number, alien registration number, government passport number, employer or taxpayer identification number, unique electronic identification number, computer’s Internet Protocol address, or routing code.

III. IDENTIFICATION OF RED FLAGS.

In order to identify relevant Red Flags, the Health Department considered the types of accounts that it offers and maintains and which if those are “covered accounts” under this Rule, the methods it provides to initiate or access its accounts, and its previous experiences with Identity Theft. The Health Department identifies the following red flags, in each of the listed categories:

A. Suspicious Documents

Red Flags

1. Identification document or card that appears to be forged or altered;
2. Identification document or card on which a person’s photograph or physical description is not consistent with the person presenting the document; and
3. Other document with information that is not consistent with existing customer information (such as if a person’s signature on a check appears forged).

B. Suspicious Personal Identifying Information

Red Flags

1. Identifying information presented that is inconsistent with other information the customer provides (example: inconsistent birth dates);
2. Identifying information presented that is the same as information shown on other applications that were found to be fraudulent;
3. Social security, Medicaid number or other insurance number presented that is the same as one given by another customer;
4. Address of telephone numbers given by a customer are the same or similar to those of other customers, particularly recent ones;
5. Customer provides an insurance number but never produces an insurance card or other physical documentation of insurance; and
6. A person’s identifying information is not consistent with the information that is on file for the customer.

B. Suspicious Account Activity or Unusual Use of Account

Red Flags

1. Mail sent to the account holder is repeatedly returned as undeliverable;
2. Customer notifies agency she/he is not receiving mail sent by the Health Department;
3. Patterns of activity on payment accounts that are inconsistent with prior history;
4. Increase in the volume of inquiries to an account;
5. Attempt to access an account by persons who cannot provide authenticating information;
6. Requests for additional authorized users on an account shortly following a change of address;
7. Nonpayment on the first payment on an account;
8. A complaint or question from a customer based on the customer's receipt of:
 - a. a bill for another individual;
 - b. a bill for service that the customer denies receiving;
 - c. a bill from a health care provider that the customer never utilized;
 - d. a notice of insurance benefits (or Explanation of Benefits) for health services never received;
or
 - e. a customer or insurance company report that coverage for legitimate healthcare service is denied because insurance benefits have been depleted or a lifetime cap has been reached.
9. Inactivity on an account for an unreasonably lengthy period of time.

C. Alerts from Others and Security Breaches

Red Flag

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V. PROGRAM UPDATES

This Program will be annually reviewed and updated to reflect changes in risks to customers and the soundness of the Health Department from Identity Theft. In doing so, the Health Director will consider the following factors:

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In the event the Health Department engages a service provider to perform an activity in connection with one or more accounts, the Health Department will take the following steps to ensure the service provider performs its activity in accordance with reasonable policies and procedures designed to detect, prevent, and mitigate the risk of Identity Theft.

1. Require, by contract, that service providers have such policies and procedures in place; and
2. Require, by contract, that service providers review the Health Department's Program and report any Red Flags to the Health Director.

Award Bid for SQL Server-Based CAMA Tax Software Package

Michael Rowland, IT Director, stated that pursuant to N.C. General Statute 143-129.8, which addresses the purchase of information technology goods and services, Randolph County issued a request for proposals for a Tax Billing/Collections System with an Integrated CAMA (Computer Assisted Mass Appraisal) System on July 16, 2007. Under GS 143-129.8, information technology procurements should be based on the "Best Value" method. This means the selection of a contractor will be determined where the trade-off between price and performance are evaluated using quality as an integral performance factor.

Randolph County's Tax Department has used silo applications for years to manage its workload. While the software has assisted them greatly, it also limits employee productivity. This puts a tremendous workload upon the technical staff to manage and program mandated changes or enhancements. CAMA currently runs on an AS/400. Since so few customers remain on the AS/400 platform, support from the vendor is limited to just a few knowledgeable staff positions. In addition, the hardware is obsolete and needs to be replaced before the next property tax revaluation begins.

In June 2008, the Board of Commissioners approved the purchase of the IIS/NCACC software as the replacement for Tax Billing and Collections while retaining the right to award CAMA software to IIS/NCACC within the next 24 months. Billing and Collections was the first phase in the larger project to update the Tax software. This part of the project has been completed, and we are now ready to proceed with the CAMA replacement.

Per our proposal, IIS/NCACC has agreed to convert their Oracle-based CAMA software to use SQL instead. This conversion is expected to be completed by April 1, 2010 and for the entire project to be completed by December 31, 2010. Therefore, IIS/NCACC was deemed "Best Value" for Randolph County. A breakdown of IIS/NCACC's bid follows:

Vendor: IIS	Billing/Collection	CAMA	NCACC Fee
Software	30,000	124,161	
Other Services	383,832	544,875	
Hardware/OS	85,697	28,965	
Total	499,529	698,001	
1 st Yr Maintenance. Costs	40,000	58,092	25,000
Grand Total	539,529	756,093	

Mr. Rowland recommended that the County Commissioners award this phase of the bid to IIS/NCACC for a SQL server-based CAMA software package at a cost of \$756,093, stating funds are currently available within the Strategic Technology Project Fund to cover these expenses and to authorize the County Manager to negotiate and sign the contract. The Technology Policy Team unanimously approved this recommendation on May 21, 2008.

On motion of Kemp, seconded by Frye, the Board voted unanimously to award the bid of the proposed SQL server-based CAMA software package for the Tax Department to IIS/NCACC at a total cost of \$756,093 and to authorize the County Manager to negotiate and sign the contract.

Approval of Proposal to Accept Offer to Purchase County Property

Aimee Scotton said that Murphy Oil Company has offered to buy a parcel of land owned by the County. This property is located on the corner of Academy Street and Old High Point Road (Parcel # 7755655210) in Randleman and is the Randleman Ambulance base site. The building on the property is a one-bay ambulance base. The company has offered \$450,000. They plan to build a convenience store on the property. The procedures by which a County may dispose of property are set out in Chapter 160A, Article 12 of the North Carolina General Statutes. Since the company has already made an offer on the property, the method of sale by negotiated offer, advertisement and upset bid is perhaps the most flexible procedure available.

Ms. Scotton said that according to N.C.G.S. § 160A-269, the Board may receive, solicit, and/or negotiate an offer to purchase property. Once the Board has an offer it likes, it does not accept the offer. Instead, the Board *proposes* to accept it. When the Board proposes to accept an offer, the offeror is required to deposit 5% of the bid with the Clerk to the Board. At this point, a notice of the offer must be published. This notice must: describe the property, describe the amount and terms of the offer, and state that within 10 days any person may raise the bid by not less than 10% of the first \$1,000.00 and 5% of the remainder. After the advertisement runs, the Board must wait the 10-day period to see if an upset bid is received. If the bid is raised, then the new bidder must deposit 5% of the increased bid with the Clerk to the Board, and the Clerk must re-advertise the offer at the raised bid. This procedure is repeated until no further upset bids are received, and the Board can then accept the offer and sell the property to the highest bidder. While the Board may reject any and all offers at any time, if the Board accepts an offer under this procedure, it must accept the highest bid, the last bid that qualifies.

County Manager Richard Wells said that several companies have expressed interest in purchasing this property for many months. He said P.A.R.T. is currently negotiating with NCDOT to obtain some nearby property in order to build a Park 'n Ride lot; there is also adequate space on this property to build a two-bay ambulance base, should the County wish to relocate the current base. Mr. Wells said that Brent McKinney, P.A.R.T. Director, has expressed great interest in having a County ambulance base beside the Park 'n Ride lot. Mr. Wells said that he does not see any problems with the County acquiring the property from NCDOT. The land was originally purchased by NCDOT for the new Hwy 311 Corridor. However, this property will not be needed for this purpose since the new highway route has changed.

Commissioners Kemp asked that the Tax Department staff determine fair market value of the ambulance base property. He also stated that he would like to recuse himself from voting due to a conflict of interest since his brother is representing Murphy Oil Company in these negotiations.

On motion of Frye, seconded by Haywood, the Board voted 4-0, to recuse Commissioner Kemp from voting on this issue.

On motion of Frye, seconded by Lanier, the Board voted unanimously (4-0) to propose to accept the offer of \$450,000 from Murphy Oil Company to purchase County property located at the corner of Academy Street and Old High Point Road in Randleman (Parcel ID# 7755655210).

Presentation of Proposed Historic Landmark Monument Design and Narrative for Historic Courthouse

Hal Johnson, County Planning Director, stated that on December 4, 2008, following adopted resolutions from the Board of County Commissioners and the County Historic Landmark Preservation Commission (HLPC), the Asheboro City Council formally designated the 1909 Randolph County Courthouse as the first officially designated Local Historic Landmark in Randolph County. Because of the significance of the Old County Courthouse in the heritage and history of Randolph County, the Historic Landmark Commission recommended that a suitable monument be located at the Courthouse that would not only recognize its Local Landmark designation but also display some of the most important aspects of the Courthouse history. The HLPC designated HLPC member and local historian Mac Whatley to write the narrative most appropriate to be displayed on the monument.

The proposed monument will be 5 ft high, and will be cut out of Mt Airy granite to match the foundation of the old Courthouse. The cut would be rough around the top and sides. The lettering will be engraved in the granite with the Randolph County seal also engraved at the top. Lettering will be approximately ½-inch, and the monument will be secured to an attached base. The monument is proposed to be located to the right side of the front steps (facing the old Courthouse) near the light post.

The following is the proposed historical narrative:

Randolph County Courthouse #7

Randolph County was formed in 1779, and its government met at the lost town of Johnstonville in New Market Township from 1786 to 1792. After county residents petitioned for a more convenient location "in the most central part" of the county, the state legislature relocated "Randolph Court House" to the new site of "Asheborough." The first session of court in "Asheborough" was held on the "Publick Ground" at the intersection of Main and Salisbury Streets on June 12, 1793.

After arrival of the railroad in 1889, the business center of Asheboro began to migrate away from the old "Publick Ground." In 1907, the county commissioners purchased proven plans from the Charlotte firm of Wheeler, Runge and Dickey, which were nearly identical to their popular 1899 Iredell County Courthouse plans. In April 1908, citizens of Asheboro purchased Col. A.C. McAlister's barnyard and windmill water pump as a site for the new building. Construction began on July 8, 1908, and the first term of court was held in the building on July 19, 1909. The 1909 Courthouse is the seventh building to serve as the Randolph County Courthouse, the fourth to be built in Asheboro, and the first one built on Worth Street.

The Courthouse combines flamboyant Victorian massing with the motifs of American Beaux-Arts classicism. The two-story main block is topped by a powerful Second Empire cupola covered by a ribbed copper dome. Corinthian columns with terra cotta capitals support an elaborate pediment with pressed-tin decoration. Arched windows to the east and west define the courtroom on the second floor level; the windows of the southern façade feature elaborate molded lintels in a variety of shapes and sizes. Construction used one million red brick from Glenola, NC; 700,000 yellow brick from Ohio; and tons of white granite from Mt. Airy, NC. The final price tag of the building was \$34,000.

*Landmark Designation December 4, 2008
Asheboro City Council
Randolph County Board of Commissioners
Historic Landmark Preservation Commission*

On motion of Haywood, seconded by Kemp, the Board voted unanimously to approve the proposed design and narrative for the historic landmark monument for the old courthouse.

Recess

At 5:55 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. GREENTECH RENEWABLE SOLUTIONS, LLC, Cary, North Carolina, is requesting that 8.25 acres located on US Hwy 220 Bus South (across from Leather Road), Richland Township, be rezoned from RA to RIO-CD. Tax ID# 7664877154. Secondary Growth Area. The Conditional Zoning District would specifically allow the construction and operation of a Solar Field Facility to produce energy as per site plan. Mr. Johnson said that this is Randolph County's first application for a solar facility. Greentech plans to sell the energy to Randolph Electric Membership Cooperative (REMC). Fred & Lois Garner are the current property owners. The Planning Board reviewed this request at public meeting on July 7, 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 1.7 Planning and development decisions should be based on the principal of promoting investment in Randolph County to expand employment opportunities while preserving and improving the quality of life for all county residents

Policy 3.9 Individual rezoning decisions within Rural Growth Areas will depend upon the scale of the development, and the specific nature of the site and its location.

Policy 3.11 New rural industrial development shall be located in areas of the site that would lesson impact to adjoining residential and agricultural lands.

Hemant Sura, applicant, spoke in support of his request, saying that this site will not be hazardous and will not produce any noise. He said the utility lines are already in place. Energy produced from the solar panels could power approximately 150 homes. Mr. Sura said that he had previously designed a similar site in Cary, NC. He will purchase the property following zoning approval.

Fred Smith spoke representing REMC. He said that this solar field would help REMC meet state mandates for renewable energy. There will be no major construction required. He also said that several people have expressed interest in having solar fields on their property.

William Davis, 145 Scott Rd., Seagrove, said that his property is adjacent to the proposed solar field. He wants to make sure that there are adequate buffers around the field and that no herbicides will be used.

Mr. Johnson and Mr. Sura assured Mr. Davis that buffers will be in place and no herbicides will be used.

On motion of Frye, seconded by Haywood, the Board voted unanimously to approve the request of Greentech Renewable Solutions, LLC., as determined consistent with policies contained within the adopted Growth Management Plan and as outlined in the Planning Board recommendations.

2. LARRY WILSON, Asheboro, North Carolina, is requesting that 1.80 acres located at 6436 US Hwy 64 West, Country Club Acres lots 8-11, Tabernacle Township, be rezoned from RA to HC-CD. Tax ID# 7712237750. Secondary Growth Area. Lake Reese Watershed. The Conditional Zoning District would specifically allow automotive sales, repairs, and part sales as per site plan. The Planning Board reviewed this request at public meeting on July 7, 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 4.2 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 4.4 Commercial uses should be encouraged to develop by consolidation and deepening of existing commercially zoned property, only when such consolidation and deepening can be developed in a way that lessens the effect of incompatibility with adjoining residential land uses.

Larry Wilson, applicant, spoke in support of his request, saying that he wants to expand his car sales lot.

On motion of Haywood, seconded by Kemp, the Board voted unanimously to approve the request of Larry Wilson, as determined consistent with policies contained within the adopted Growth Management Plan and as outlined in the Planning Board recommendations.

Adjournment

At 7:02 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