

September 2, 2003

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 Kemp, Frye, Davis, Holmes, and Mason were present. Capt. Jason Hughes, Asheboro Salvation Army, gave the invocation, and everyone recited the Pledge of Allegiance.

Consent Agenda

On motion of Davis, seconded by Holmes, the Board voted unanimously to approve the consent agenda, as presented:

- *Approve minutes of August 4, 2003;*
- *Reappoint Bob McDuffie to the Piedmont Triad Regional Water Authority;*
- *Reappoint Maxton McDowell to the Randolph County Planning Board;*
- *Reappoint Sheriff Litchard Hurley to the Randolph County Criminal Justice Partnership Advisory Board;*
- *Announcement of Fall Litter Sweep September 13-18, 2003;*
- *Adopt Proclamation Declaring September 2003 as “Prostate Cancer Awareness Month” in Randolph County, as follows:*

***WHEREAS**, in the year 2003, the month of September is declared National Prostate Cancer Awareness Month; and*

***WHEREAS**, prostate cancer is the most commonly diagnosed non-skin cancer and the second leading cause of cancer-related deaths in men; and*

***WHEREAS**, the American Cancer Society estimates there will be 39,600 new cases of cancer this year in North Carolina, of which 6,800 will involve cancer of the prostate, which will result in an estimated 900 deaths; and*

***WHEREAS**, about 25% of prostate cancer affects men under the age of 65, during their prime years at work and, at any age, deaths due to prostate cancer devastate families, through loss of income, partnership, and support; and*

***WHEREAS**, mortality rates in African-American men are more than two and a half times as high as rates in Caucasian men; and*

***WHEREAS**, prostate cancer has accounted for, on average, 16 percent of the nation's cancer burden, yet it has received, on average, only about 5 percent of the funds this nation commits to cancer research; and*

***WHEREAS**, we do not fully understand the factors that contribute to the development and progression of prostate cancer into an aggressive disease, and additional research is important to refine the screening and treatment of prostate cancer, and to ensure efficient delivery of these health care services by a unified standard of care; and*

***WHEREAS**, educating the people of Randolph County, including health care providers, about Prostate Cancer and early detection strategies is crucial to saving men's lives and preserving and protecting our families.*

***NOW, THEREFORE, BE IT PROCLAIMED**, that the Randolph County Board of Commissioners do hereby proclaim the month of September 2003, as “**Prostate Cancer Awareness Month**” in Randolph County, and urge all men in Randolph County to become aware of their own risks of prostate cancer, talk to their health care providers about prostate cancer and, whenever appropriate, be screened for the disease. The Board further encourages all residents to become involved in the war on prostate cancer through this county's education and advocacy initiatives.*

- *Approve DOT resolution adding Freedom Trail to State Roads System, as follows:*

***WHEREAS**, the Department of Transportation has investigated Freedom Trail in the Freedom 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 Freedom Trail in the Freedom Park Subdivision be added to the Division of Highways' Secondary Road System.

- *Appoint Matilda Phillips to Randolph County Nursing Home Advisory Committee (1-yr. initial term)*

Report on Status of Mental Health Merger and Local Business Plan

Michael Watson, Sandhills Center Area Director, told the Board that the consolidation of Randolph County Mental Health and the Sandhills Center Area Program became effective 7/1/03. Thanks to the support of the County Commissioners, Area Boards and the concerted efforts of staff from both Area Programs, the merger has proceeded smoothly. His report included the following points:

- The annual operating budget for the combined programs is \$46.5 million.
- The Sandhills program hired all 150 Randolph County Mental Health employees. The cost of closing out the defined benefit retirement plan operated by the Randolph Program was \$1.1 million.
- A unified finance and accounting system for the consolidated Sandhills Area Program was created.
- A consolidated Area Board has been created.

He said that on April 1, 2003, the Sandhills Center submitted its Local Business Plan (LBP) to the State Division of Mental Health, and he updated the Board on specific elements of the implementation that had been performed. He also discussed identified "target populations," and commented that no consumers are currently being denied services based on target population membership.

Mr. Watson reviewed initial statements of the financial status as of 6/30/03 for both Sandhills Center and Randolph County Mental Health. He mentioned that this would be the last time that these statements would be done separately.

He concluded by saying that the Sandhills Center is in the process of implementing its LBP. It is felt that the continued public delivery of services is an essential element in the successful implementation of mental health system reform within the Sandhills area.

Proclamation—"Family Day—A Day to Eat Dinner with Your Children" in Randolph County

Bonita Porter, new Director of Randolph Services Division of the Sandhills Mental Health Center, told the Board that the National Center on Addiction and Substance Abuse at Columbia University has asked for support with an initiative that seeks to reduce substance abuse among children and teens throughout America.

On motion of Frye, seconded by Davis, the Board unanimously approved the following proclamation:

WHEREAS, The National Center on Addiction and Substance Abuse (CASA) at Columbia University has launched "Family Day—A Day To Eat Dinner With Your Children," a national effort to promote parental engagement as a simple, effective way to reduce substance abuse by children and teens. Family Day emphasizes the importance of regular family activities in parent-child communication and encourages Americans to make family dinners a regular feature of their lives; and

WHEREAS, research has shown that the more often a child eats dinner with his family, the less likely that child is to smoke, drink or use illegal drugs; and

WHEREAS, CASA's 1998 Teen Survey found that teens who eat dinner with their parents twice a week or less were four times more likely to smoke cigarettes, three times more likely to smoke marijuana and nearly twice as likely to drink as those who ate dinner with their parents six or seven times a week; and

WHEREAS, CASA's 1999 Teen Survey found that teens from families that almost never eat dinner together were 72% likelier than the average teen to use illegal drugs, cigarettes and alcohol, while those from families that almost always eat dinner together were 31% less likely than the average teen to engage in these activities; and

WHEREAS, President Bush and 35 governors have proclaimed the fourth Monday in September each year as "Family Day;"

NOW, THEREFORE, the Randolph County Board of Commissioners hereby proclaims September 22, 2003 as "Family Day—A Day To Eat Dinner With Your Children " in Randolph County and encourages all our citizens to make family dinners a regular feature of their lives.

Request for Security Guard Position at Social Services

Martha Sheriff, Social Services Director, said that the contract with Securitas for the DSS security guard will be up for renewal on 9/14/03. Due to a history of management issues with the company, she asked that this position become a full time position with the DSS agency as opposed to a contract arrangement. She said that they would keep their current employee who has held this position for the past 2 years, but would need to pay Securitas \$1,000 in order to have him released from that company. She said that there are funds in the DSS budget to cover the \$1,000 fee. She stated that our Personnel Director recommends establishing this position at a classification of Security Guard at Grade 57 (Salary: \$18,504). She also said that this change would result in a slight cost savings to the County.

On motion of Mason, seconded by Davis, the Board unanimously voted to adopt a Security Guard classification at Grade 57 in the County's Classification and Pay Plan, to create this position in the DSS budget, and to not renew the contract with Securitas.

GFOA Certificate for FY 2001-2002

Will Massie, Deputy Finance Officer, announced that Randolph County's comprehensive annual financial report has been awarded a Certificate of Achievement for Excellence in Financial Reporting, for the 14th consecutive year, by the Government Finance Officers Association of the United States and Canada. The Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management.

Adoption of Smallpox Vaccination Sick Leave Policy

Aimee Scotton, County Attorney, said that on June 12, 2003, the State of North Carolina passed Session Law 2003-169 (codified as NCGS § 153A-94.1). This requires that all counties that employ firefighters, law enforcement officers, paramedics, other first responders, or health department employees to enact a policy regarding sick leave and salary continuation for those employees for absence from work due to an adverse medical reaction to smallpox vaccination so long as the vaccination was received in employment pursuant to the Homeland Security Act. She said that the Personnel Director and she had drafted a proposed policy, which will be included in the Personnel Policy. This policy relates to adverse reactions to smallpox vaccinations received in connection with the Homeland Security Act as an occupational disease for purposes of Workers' Compensation. It is necessary that this policy be enacted in order for the County to comply with the recently passed state law cited above.

On motion of Holmes, seconded by Frye, the Board unanimously voted to adopt the Smallpox Vaccination Sick Leave Policy, as follows:

On June 12, 2003, the State of North Carolina passed Session Law 2003-169 – Adverse Reactions to Smallpox Vaccination. As a result, Randolph County specifically includes infection with smallpox, infection with vaccinia (the virus in smallpox), and any adverse medical reaction due to the employee receiving vaccination against smallpox, as an occupational disease for purposes of Workers' Compensation Leave. This paragraph only covers documented, adverse reaction, and the associated absence from work due to employment-related smallpox inoculation pursuant to the Homeland Security Act and is not intended to apply to any other disabling procedure or event, nor is it intended to apply to adverse reactions pursuant to smallpox vaccinations for individuals who are not covered under the Homeland Security Act. Any covered employee who is absent from work as a result of an adverse reaction to the smallpox vaccination shall be seen by our Workers' Compensation Initial Medical Provider and, if confirmed, the absences for the Workers' Compensation waiting period will be recorded as administrative leave and not charged to the employee's vacation, sick, or compensatory leave balances. Absences that extend beyond the waiting period will be handled within our existing Workers' Compensation procedure.

Offer To Purchase County-Owned Property

Aimee Scotton, told the Board that on August 13, 2003, she received a letter from Bob and Mary Williams offering to buy a County-owned lot that is located to the rear of their property on Yorkmont Court, Asheboro (Parcel ID# 7762527659). 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 Williamses have 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.

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.

On motion of Mason, seconded by Davis, the Board unanimously voted to propose to accept an offer of \$500 for County-owned property adjoining the Bob and Mary Williams property on Yorkmont Ct.

Award Contract Extension Of BFI Dumpster Service Contract

David Townsend, III, told the Board that in March 2000 the Randolph County Board of Commissioners awarded a three-year contract to BFI of Troy, North Carolina, to provide dumpster rental and dumpster transportation for the County operations. The dumpsters are used at our 3 manned convenience sites for solid waste operations and at our 11 recycling sites.

This contract, when it was awarded, was a 3-year contract with a possibility of a 3-year renewal if both parties were satisfied with the quality of services. BFI of Troy has been employed by Randolph County for at least the past 9 years providing satisfactory dumpster services. In the proposed contract extension BFI of Troy has changed the rates from the previous contract. The previous contract had multiple rates for dumpster rental, ranging from \$39.50 to \$59.50, based on the size of the container.

The rates for the compactor were \$75.00 per month, and they also had multiple hauling prices ranging from \$59.50 to \$119.50 per trip. That became very cumbersome. The new flat fee rates are \$50.00 per month for dumpster rental, \$75.00 per month for compactor rental, which stays the same, and a flat fee of \$95.00 per haul, no matter where it is picked up. Mr. Townsend proposed a set fee for dumpster rental for all the containers and a set fee for hauling of the containers for all disposal. Also, these fees are set for a 3-year period with no c.p.i. or other increases. He said that there are funds in the Public Works budget to maintain these services through the fiscal year.

On motion of Frye, seconded by Mason, the Board voted unanimously to renew the convenience site dumpster contract for a 3-year, non-renewal extension to BFI of Troy at the new proposed rates.

Set Date for Special Meeting Concerning Westside Fire Department Financing

Frank Willis, County Manager, told the Board that Mr. William Baird, Treasurer for the Westside Fire Department Board of Directors, recently contacted his office to request Commissioner approval for Westside to secure tax-exempt financing for a new fire truck. However, they were not aware of the requirements a volunteer fire department must meet in order to receive tax-exempt status when securing a loan. Consequently, they had already arranged for delivery of the truck, which arrived on August 22. In order to have a check in hand to give to the vendor, Westside had to arrange for a 30-day loan that was not tax-exempt and then proceed with the necessary steps that would make them eligible to convert this loan to tax-exempt status at the end of the 30 days.

These are the steps a fire department must go through:

- The fire department board of directors sets a date for a public hearing on the financing, which must first be advertised in a newspaper of general circulation at least 14 days prior to the public hearing.
- After the public hearing, the board of directors adopts a resolution approving the financing terms and prepares minutes of their public hearing.
- The board of directors provides a copy of their minutes and resolution to the County Commissioners and requests approval for the tax-exempt financing.
- The Board of Commissioners places this item on their next agenda. To approve the financing, the Commissioners must adopt a resolution approving the tax-exempt financing and the conduct of the fire department's public hearing.

Westside has met and set the date for their public hearing for September 11. The notice was run in the paper on August 28. Since the Commissioners' next regular meeting is not until October 6, that date would be beyond the 30-day financing period that is in place now. Therefore, Westside is requesting that the Commissioners set a special meeting in September to deal with this matter. That will allow them time to complete the paperwork for the new financing within the 30-day period.

The Board scheduled a special meeting for Monday, September 15, 8:30 a.m., Commissioners Meeting Room, County Office Building.

Budget Amendment—Emergency Services

Will Massie, Deputy Finance Officer, told the Board that Emergency Services has been awarded a \$2,500 grant from the Office of the Governor for Citizen Corps Council Development. This program will allow the County to establish a Citizens Corps—volunteers who are willing to serve their community through various public safety activities. The Volunteer Center of Randolph County will be contacted to recruit individuals and develop a training program for these volunteers. Possible uses of the

Corps will be assisting the Emergency Operations Center during activation, such as processing telephone calls and performing clerical duties. At other times, they can distribute public education materials on family preparedness and conduct education classes on public safety.

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

| GENERAL FUND - #12 | |
|-------------------------------------|-----------------|
| Revenues | Increase |
| <i>Restricted Intergovernmental</i> | \$2,500 |
| Appropriations | Increase |
| <i>Emergency Services</i> | \$2,500 |

Budget Amendment—Health Department

Jane Leonard, Deputy Finance Officer, told the Board that the County has received notification from the N.C. Division of Public Health that unexpended CDC funds to support bioterrorism preparedness from last fiscal year are being reallocated for use during FY2003-04. These funds will be used to sustain a program of public health preparedness and response for bioterrorist events.

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

| GENERAL FUND - #13 | |
|-------------------------------------|-----------------|
| Revenues | Increase |
| <i>Restricted Intergovernmental</i> | \$47,501 |
| Appropriations | Increase |
| <i>Public Health</i> | \$47,501 |

Budget Amendments – Library

Richard Wells, Public Library Director, told the Board that the library has received additional grant funds from the Rural Internet Access Authority for \$5,000. No local match is required. This Fast Access @ Your Library grant will continue to enable the library to increase bandwidth, or speed of access to information on the Internet, via the use of Road Runner High Speed Internet Service.

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

| GENERAL FUND - #14 | |
|-------------------------------------|-----------------|
| Revenues | Increase |
| <i>Restricted Intergovernmental</i> | \$5,000 |
| Appropriations | Increase |
| <i>Public Library</i> | \$5,000 |

Budget Amendments – Library

Richard Wells, Public Library Director, told the Board that \$998.52 from a defunct Randolph County Literacy Organization reverted to the state as unclaimed. Will Massie, Deputy Finance Officer,

was able to effect the return of these funds to be used to purchase literacy-related materials for the public library.

On motion of Frye, seconded by Holmes, the Board voted unanimously to approve Budget Amendment #15, as follows:

| GENERAL FUND - #15 | |
|---------------------------|-----------------|
| Revenues | Increase |
| <i>Miscellaneous</i> | \$999 |
| Appropriations | Increase |
| <i>Public Library</i> | \$999 |

Rezoning Public Hearing

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

1. DONALD SHIPWASH, High Point, North Carolina, is requesting that 4.71 acres located on Bethel Drive, Trinity Township, be rezoned from LI/RA to LI-CU. Tax ID# 6798395423. The proposed Conditional Use Zoning District would allow a planned business development for business tenants and 3.81 acres of mini-warehouse storage units as per site plan. The Planning Board considered this request at a public meeting on August 5, 2003 and recommended unanimously that this request be approved.

Donald Shipwash, applicant, stated that this business development should improve the community and upgrade the area.

On motion of Frye, seconded by Mason, the Board voted unanimously to approve the request of Donald Shipwash.

2. ROBBIE SIKES, Trinity, North Carolina, is requesting that 16.36 acres located on Mt. Gilead Church Road, Tabernacle Township, be rezoned from RA to CVOE-CU. Tax ID#s 7715501286, 7715503955, and 7715507792. The proposed Conditional Use Zoning District would specifically allow a 16-lot residential subdivision for site-built homes only with a minimum house size of 1,200 sq. ft. The Planning Board considered this request at a public meeting on August 5, 2003 and recommended unanimously that this request be approved.

No one spoke.

On motion of Mason, seconded by Davis, the Board voted unanimously to approve the request of Robbie Sikes.

3. MITCHELL MCPHERSON, Randleman, North Carolina, is requesting that 23.17 acres located on Caudle Road, Randleman Township, be rezoned from RA to CVOE-CU. Tax ID# 7764424302. The proposed Conditional Use Zoning District would specifically allow a 22-lot residential subdivision for site-built homes only with a minimum house size of 1,400 sq. ft. The Planning Board considered this request at a public meeting on August 5, 2003 and recommended unanimously that this request be approved.

Mitchell McPherson, applicant, said that each lot would have its own well and septic system and that there would be good road frontage. He said that these would be nice homes.

A citizen asked why there was no city water available. Chairman Kemp explained that this subdivision would not be in the city limits of Randleman or Asheboro; therefore, this area is not served by city water. Commissioner Frye added that Randleman, with their water shortage, is not looking to expand their water customer base.

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

4. DONALD STRIDER, Asheboro, North Carolina, is requesting that 46.44 acres located on Danny Bell Road, Cedar Grove Township, be rezoned from RA to CVOE-CU. Tax ID#s 7649013465 and 7649014901. The proposed Conditional Use Zoning District would specifically allow a 17-lot residential subdivision for site-built homes only with a minimum house size of 1,200 (*see note below*) sq. ft. Property Owners: Vera Hoover & John Callicutt, Jr. The Planning Board considered this request at a public meeting on August 5, 2003 and recommended unanimously that this request be approved.

Note: Hal Johnson said that the original request has now changed. The minimum house size of 1,200 sq. ft. has increased to 1,300 sq. ft.

Toby Strider, 1622 Hopewell Friends Rd., said that he and his father (applicant Donald Strider) have talked to neighbors and they do not object to this new subdivision. He said that they would be selling the lots.

Ray Vuncannon, 1131 Sheridan Drive, asked if the bigger lots would have the same minimum house size requirements.

Donald Strider said that they would have the same minimum requirements.

On motion of Mason, seconded by Holmes, the Board voted unanimously to approve the request of Donald Strider.

5. RMH DEVELOPMENT, LLC, Sophia, North Carolina, is requesting that 20.73 acres (out of 445 acres) located on Beeson Farm Road, Back Creek Township, be rezoned from RA to CVOE-CU. Tax ID# 7734054775. The proposed Conditional Use Zoning District would specifically allow a 19-lot residential subdivision for site-built homes only with a minimum house size of 1,600 sq. ft. Property Owner: Joyce Kasparson. The Planning Board considered this request at a public meeting on August 5, 2003 and recommended unanimously that this request be approved.

Luke Hollingsworth, 1922 Beckerdite Rd., said that a no-cut buffer would be left along the back, and a high bank along Beeson Farm Road would be left for screening.

On motion of Davis, seconded by Frye, the Board voted unanimously to approve the Beeson Farm Rd. request of RMH Development, LLC.

6. RMH DEVELOPMENT, LLC, Sophia, North Carolina, is requesting that 33.13 acres (out of 445 acres) located on Beckerdite Road, Back Creek Township, be rezoned from RA to RLOE-CU. Tax ID#

7734054775. The proposed Conditional Use Zoning District would specifically allow a 7-lot residential subdivision for site-built homes only with a minimum house size of *1,500 (see note below)* sq. ft. Property Owner: Joyce Kasparson. The Planning Board considered this request at a public meeting on August 5, 2003 and recommended unanimously that this request be approved.

Note: Hal Johnson said that the original request has now changed. The minimum house size of 1,500 sq. ft. has increased to 1,800 sq. ft.

Luke Hollingsworth, 1922 Beckerdite Rd., stated that they will leave a 75-foot buffer along the rear line. They will develop some lots and sell others.

On motion of Frye, seconded by Mason, the Board voted unanimously to approve the Beckerdite Rd. request of RMH Development, LLC.

Adjournment

The Board adjourned at 7:10 p.m.

Phil Kemp, Chairman

Darrell L. Frye

J. Harold Holmes

Robert B. Davis

Robert O. Mason

Cheryl A. Ivey, Deputy Clerk to the Board