

February 1, 2010

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. Rick Davis, County Fire Marshal, gave the invocation, and everyone recited the Pledge of Allegiance.

Special Presentations

Chairman Holmes and Barb Dunn Swanson, Cooperative Extension Agent—4-H Youth Development, presented Outstanding Volunteer Awards to David Cross, Linda King, Kiara Marie Martin, Janie Sumner. Award recipient Rabiah Choudhary was unable to attend.

Public Comment Period

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

Addition to Consent Agenda

Chairman Holmes announced the following additions to the agenda: add *Item L. Ratify Proclamation dated January 21 Declaring State of Emergency due to weather* and *Item M. Ratify Proclamation dated February 1, Terminating State of Emergency*.

Approval of Consent Agenda

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

- *approve minutes of regular & seven sets of closed session meeting minutes of January 4, 2010;*
- *unseal closed session minutes of May 4, 2009–Stickley Furniture & October 5, 2009–Trinity Furniture;*
- *reappoint Edward Stevenson and Randy Kirkman to the Liberty Planning & Zoning Board;*
- *reappoint Marjorie Beeson, Mickey Bowman, Clifford Elliott and Leverette Strider to the Voluntary Agricultural District Advisory Board;*
- *reappoint Dick Peterson and Michael Ayers to the Randolph County Board of Equalization & Review;*
- *approve DOT Resolution adding Planters Place, Calvary Way and Sugar Cane Lane in the Greenwood Plantation Subdivision to the State Road System, as follows:*

WHEREAS, *the Department of Transportation has investigated Planters Place, Calvary Way and Sugar Cane Lane in the Greenwood Plantation Subdivision; and*

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

NOW, THEREFORE, BE IT RESOLVED *by the Randolph County Board of Commissioners that Planters Place, Calvary Way and Sugar Cane Lane in the Greenwood Plantation Subdivision be added to the Division of Highways' Secondary Road System.*

- approve DOT Resolution adding Creeks Crossing Road and Hidden Court in the Creeks Crossing Subdivision to the State Road System, as follows:

WHEREAS, the Department of Transportation has investigated Creeks Crossing Road and Hidden Court in the Creeks Crossing 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 Creeks Crossing Road and Hidden Court in the Creeks Crossing Subdivision be added to the Division of Highways' Secondary Road System.

- approve DOT Resolution Adding Fireside Court in the Back Creek Heights Subdivision to the State Road System, as follows:

WHEREAS, the Department of Transportation has investigated Fireside Court in the Back Creek Heights 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 Fireside Court in the Back Creek Heights Subdivision be added to the Division of Highways' Secondary Road System.

- approve Budget Amendment #27 for Public Health – Grants (Smoke-free, WIC PC), as follows:

2009-2010 BUDGET ORDINANCE		
General Fund—Amendment #27		
Revenues	Increase	Decrease
Restricted Intergovernmental	\$ 12,122	
Appropriations	Increase	Decrease
Public Health	\$ 12,122	

- approve Budget Amendment #28 for Sheriff's Department - G.P.S. Monitoring Initiative (1) \$22,106, as follows:

2009-2010 BUDGET ORDINANCE		
General Fund—Amendment #28		
Revenues	Increase	Decrease
Restricted Intergovernmental	\$ 22,106	
Appropriations	Increase	Decrease
Sheriff and Jail	\$ 22,106	

- approve Budget Amendment #29 for Sheriff's Department - G.P.S. Monitoring Initiative (2) \$82,770, as follows:

2009-2010 BUDGET ORDINANCE		
General Fund—Amendment #29		
Revenues	Increase	Decrease
<i>Restricted Intergovernmental</i>	\$ 82,770	
Appropriations	Increase	Decrease
<i>Sheriff and Jail</i>	\$ 82,770	

- ratify Proclamation Declaring State of Emergency due to weather, as follows:

PROCLAMATION OF A STATE OF EMERGENCY

SECTION 1. Pursuant to the County of Randolph Emergency Management Ordinance, Randolph County Emergency Operating Procedures, Chapter 166A of the General Statutes and Article 36A Chapter 14 of the General Statutes, I have determined that a State of Emergency as defined therein exists in the County of Randolph.

SECTION 2. I, therefore, proclaim the existence of a State of Emergency in the County of Randolph.

SECTION 3. I hereby order all county law enforcement officers and employees and all other emergency management workers subject to my control to cooperate in the enforcement and implementation of provisions necessary to address and abate the emergency.

SECTION 4. This proclamation shall become effective immediately. Proclaimed the 29th day of January 2010, at 6:00 p.m.

- ratify Proclamation terminating State of Emergency, as follows:

PROCLAMATION TERMINATING A COUNTY STATE OF EMERGENCY

SECTION 1. On the February 1, 2010 at 6:00 a.m., I determined and proclaimed a local State of Emergency for the County of Randolph.

SECTION 2. I have determined that a State of Emergency no longer exists in the County of Randolph.

SECTION 3. I thereby terminate the proclamation of a local State of Emergency and all of the restrictions and orders therein.

SECTION 4. This proclamation is effective immediately. Proclaimed this the 1st day of February, 2010 at 6:00 a.m.

Addition to New Business Agenda

Chairman Holmes announced the following addition to the agenda: add *Item H. Request to Approve Resolution to Extend Property Tax Listing Deadline—Debra Hill.*

Synopsis of NC A & T Students' Vision for New Senior Center

Candie Rudzinski, Executive Director, Randolph County Senior Adults Association (RCSAA), presented a synopsis, via PowerPoint presentation, of a program that had been presented on January 12, 2010 to RCSAA staff and board members, and other invited guests regarding A&T students' vision for a new Senior Center to be located near the intersection of Old Cox Rd. and Zoo Parkway in Asheboro. (Note: The Board of Commissioners were unable to attend the presentation on 1/12.) Ms. Rudzinski said that the project began in the summer of 2009 as a cooperative effort between staff from the RCSAA, the City of Asheboro Parks and Recreation Dept. and PTCOG staff member/A&T Professor, Paul Kron. Mr. Kron approached RCSAA with

the idea of having his Landscape Architecture students, as their senior project, work on a landscape plan for the RCSAA Senior Center, the Zoo City Soccer Park and the surrounding area. Five students worked on the project for four months. The study area consisted of 437 acres, including a 65-acre city park, an 8-acre senior living center, two churches, single family lots and commercial lots. A variety of conditions were analyzed in order for the students to look at possibilities to identify conservation areas, and to designate areas most suitable for urban development. The students also attended several community meetings and developed a questionnaire based on the most desirable elements for three major categories: use and amenities, streetscape, and sustainable design. The results indicated concerns about using sustainable design practices, implementing more L.E.E.D.-type design criteria, practicing the least amount of cut and fill, importance of outdoor recreation and mixed-use development. The team developed five alternative design strategies to illustrate different design options, including options for maximum residential lot placement, maximum use of open space and narrower access roads. The team hoped to encourage the use of cluster development, mixed-use land development and low impact design practices. A more detailed study of the 8.3 acres for the new Senior Adults Center included parking areas/parking surfaces; soil slope/water runoff issues; rain gardens, wetlands and swales; L.E.E.D. certification; walking trails/sidewalks; fragrance garden beds; and exercise station. A preliminary master plan was developed for the new Senior Living Center, along with a preliminary master plan for the Zoo City Park and for the surrounding mixed-use area.

Ms. Rudzinski said that she would be applying for various grants, but these grants would require matching local funding.

Introduction of New County Agricultural Extension Livestock Agent and Invitation to Annual Meeting

Cooperative Extension Director Carolyn Langley introduced new Randolph County Agricultural Extension Livestock Agent, Adam Ross. Ms. Langley also invited Board members to their annual "Report to the People," which has been set for May 17th.

Annual Update of Voluntary Agricultural District Advisory Board

Voluntary Agricultural District (VAD) Advisory Board Chair Kemp Davis stated that in 2009, the VAD Board approved 11 farms into the program, totaling 1,645 acres of land. As a result, Randolph County now has 14,155 acres of land enrolled in the program. This 14,155 acres includes 14 farms in the Enhanced VAD (1,195 acres) and 96 farms in the Regular VAD (12,960 acres). Mr. Davis reported on VAD Advisory Board activities during the past year. Recently, the Board worked with Cooperative Extension and other farm agencies to apply for a grant for \$35,000 through the NC Department of Agriculture to write a Farmland Protection and Preservation Plan for Randolph County. Mr. Davis said that notification of the status of the grant but should be received by the end of February. He thanked the Commissioners for their continued support of the VAD program, stating that it has been very popular with the farmers in the county.

Approval of Amendments to Historic Landmark Preservation Commission (HLPC) Ordinance

Hal Johnson, Chairman of the HLPC, stated the HLPC has been in existence for 18 months, and the primary function of the Historic Landmark Preservation Commission is to identify and formally recommend to the appropriate elected body Local Historic Landmark designations. In addition to recommending local landmarks, the Commission is charged with the responsibility of providing public educational opportunities that will help residents to become knowledgeable about

Randolph County's history, heritage, and culture. Mr. Johnson presented a proposed amendment to the HLPC's adopting ordinance that would outline the procedures to be followed by the HLPC in Cultural Heritage Site Recognition. The designation of local Cultural Heritage Sites is an additional method that can be used by the HLPC to enhance the education component of the Commission's mission. A local Cultural Heritage Site is a site of local significance. It is historically, archaeologically, and culturally important to an area or community in Randolph County. A local Cultural Heritage Site can be a location with no structure or building, but still is considered historically important for the local community. (i.e. old mill sites with nothing left but the dam, archeological sites, etc.)

Mr. Johnson presented the following examples of types of "Local Cultural Heritage Sites":

- Monuments: cemeteries; works of monumental sculpture and painting; elements or structures of an archaeological nature; inscriptions; cave dwellings and combinations of features, which are of outstanding local value from the point of view of history, art or science
- Sites and open spaces: works of nature and man, including gardens, parks and landscapes with or without architectural features; the locations of mills and bridges, together with their related hydrological installations and features; and archaeological sites, which are of outstanding local value from the historical, aesthetic, ethnological or anthropological point of view
- Natural features: physical and geological formations or groups of such formations, which are of outstanding local value from the aesthetic or scientific point of view
- Biological heritage sites: valuable habitats, such as ancient woodland, species-rich grassland, swamps and bogs, which may provide a refuge for rare and threatened plants and animals, and which form an irreplaceable part of our environment and are a major part of the strategy to conserve the biological diversity of the region. By regarding heritage as both cultural and natural, this definition reminds us of the ways in which people interact with nature, and of the fundamental need to preserve the balance between the two.

Unlike a Local Landmark designation, there is no legal status or regulatory obligation attached to a Cultural Heritage Site. After approval by the HLPC, the site will be listed on the HLPC website and entered into the Randolph County GIS database. A Certificate of Recognition may be issued by the HLPC.

At 4:56 p.m., the Board adjourned to a duly advertised public hearing to consider the HLPC Ordinance amendment request. Chairman Holmes opened the floor for public comment. Hearing none, the public hearing was closed.

On motion of Frye, seconded by Haywood, the Board voted unanimously to approve amendments to the Ordinance Creating the Randolph County Historic Landmark Preservation Commission, adding a new section allowing for designation of local cultural heritage sites, as follows:

An Ordinance Creating the Randolph County Historic Landmark Preservation Commission:

WHEREAS, natural heritage and related historical landmarks are some of Randolph County's most valued and important assets; and

WHEREAS, the conservation and preservation of historical landmarks can enhance the quality of life for residents and can foster economic development by helping to sustain heritage tourism resources; and

WHEREAS, the North Carolina General Statutes authorize local governments to safeguard historic landmarks that embody important elements of the county's culture, history, architectural history, or prehistory, and to promote the use of historic landmark preservation for the education, pleasure, and enrichment of the residents of the county and state as a whole; and

WHEREAS, the Randolph County Board of Commissioners has received recommendations from the Randolph County Heritage Committee and petitions from the Randolph County Historical Society requesting that a Randolph County Historical Preservation Commission be established; and

WHEREAS, the Randolph County Board of Commissioners does therefore desire to create a Commission to be known as the Randolph County Historic Landmark Preservation Commission to perform those duties of designating and regulating historic landmarks pursuant to North Carolina General Statutes as related to Historical Landmarks and the provisions of this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE RANDOLPH COUNTY BOARD OF COMMISSIONERS, AS FOLLOWS:

Section 1. Short Title

This Ordinance shall be known as the "Randolph County Historic Landmark Preservation Ordinance."

Section 2. Authority.

The Randolph County Historic Landmark Preservation Commission shall have the powers and authority prescribed in North Carolina General Statutes Chapter 160A, Article 19, Part 3C, Historic Districts and Landmarks as set out in this Ordinance. This Ordinance shall be in effect in all unincorporated areas of Randolph County and may be adopted by reference and inter-local agreement by the governing board of a participating municipality.

Section 3. Purpose.

The purpose of establishing the Randolph County Historic Landmark Preservation Commission herein after referred to as "Commission," shall be:

- A. To safeguard the heritage of the county and participating municipalities by preserving any historic landmarks therein that embody important elements of its cultural, social, economic, political, archeological, or architectural history; and*
- B. To promote the use and conservation of landmarks for the education, pleasure, and enrichment of Randolph County and the State of North Carolina; and*
- C. To provide for designation of properties as a landmark on the basis of individual merit and special historical significance and integrity, pursuant to N.C. General Statute 160A, Sections 400.5, and 400.6. The designation of a landmark shall be effective through the adoption of an ordinance by the Randolph County Board of Commissioners or the governing board of the participating municipality; and*
- D. To adopt principles and guidelines for new construction, alterations, additions, and moving and demolition of designated historic landmarks.*
- E. To provide for the designation of Local Cultural Heritage Sites as provided in this Ordinance.*

Section 4. Historic Landmark Preservation Commission

A. General Requirements.

(1) Membership. *The Commission shall consist of nine (9) members and one (1) alternate (Total of 10) appointed by the Randolph County Board of Commissioners as follows:*

- a. One shall be appointed from each of the five (5) county commissioner districts; and*
- b. Three (3) at-large members shall be appointed; and*
- c. The Randolph County Planning Director shall serve as the ninth voting member; and*
- d. One at-large alternate member having voting powers in the absence of a regular member.*

In selecting individuals to fill the appointed seats described in paragraphs (a) and (b) above, the Board of County Commissioners shall consider those citizens who have demonstrated a special interest, experience, or education in history, archaeology, preservation, architecture, real estate, law, local government, or a related area.

(2) Tenure. *All members of the Commission serve at the pleasure of the Board of County Commissioners and may be removed by the board at any time. With the exception of the Randolph County Planning Director, whose membership is perpetual, members of the Commission shall serve staggered three- (3-) year terms. Initially, four (4) members shall be appointed for a three- (3-) year term; three (3) members shall be appointed for a two- (2-) year term; and two (2) members shall be appointed for a one- (1-) year term. Following expiration of these initial terms, all appointments shall be for a term of three (3) years. Except for initial terms, no member may serve more than two (2) consecutive three- (3-) year terms.*

(3) Vacancies. *Any vacancy on the Commission shall be filled by appointment for the remainder of the unexpired term.*

(4) Officers. *The Randolph County Board of Commissioners shall designate the Chairman and the Vice Chairman of the Commission. Advisory committees may be appointed by the Chairman of the Commission, as necessary.*

(5) Compensation of Members. *Compensation of members for service on the Commission, if any, shall be established by the Randolph County Board of Commissioners. Members may be reimbursed for travel expenses incidental to the performance of their duties within the limits of funds appropriated for that purpose.*

(6) Staff Support. *The Commission shall be provided with staff support and administrative coordination by the Randolph County Planning Department.*

B. Meetings.

(1) *Meetings shall be held at the call of the Chairman of the Commission.*

(2) *Meetings shall be held in accordance with North Carolina law regarding open meetings and shall be governed by and conducted according to the by laws and rules of procedure adopted by the Commission.*

(3) *The Commission shall keep permanent minutes of all of its meetings, said minutes to record, at a minimum, its resolutions, proceedings, findings, recommendations, actions, and the attendance of its members. The minutes shall be public records and shall be housed permanently in the Randolph County Planning Department.*

C. Appropriations.

The Randolph County Board of Commissioners may make appropriations to the Commission in any amount it may deem necessary for the Commission's effective operation.

Section 5. Commission Duties and Powers.

A. The Commission shall:

(1) *Prepare and adopt by laws and rules of procedure.*

(2) *Prepare and adopt principles and guidelines for altering, restoring, moving, or demolishing properties designated as landmarks pursuant to this Ordinance.*

(3) *Undertake and adopt an inventory of properties of historical, architectural, archaeological, or cultural significance in Randolph County for use as a guide in identifying and evaluating possible landmarks. A copy of said inventory shall be forwarded to the Office of Archives and History, NC Department of Cultural Resources.*

(4) *Make or cause to be made an investigation and report on the historic, architectural, pre-historic, educational, or cultural significance of each building, structure, site, area or object proposed for designation or acquisition and forward such investigation or report to the Office of Archives and*

History, NC Department of Cultural Resources, for its review and comment in accordance with Section 6(A) (2) of this Ordinance.

(5) Recommend to the Randolph County Board of Commissioners or the governing board of a participating municipality, any individual structures, buildings, sites, areas, or objects proposed to be designated by ordinance as “landmarks.”

(6) Review and act upon proposals for alteration or demolition of designated landmarks, or for new construction on properties designated as landmarks.

(7) Cooperate with state, federal, and local governments in pursuance of the purposes of this Ordinance.

B. In addition to the duties and responsibilities in Section 5.A above, the Commission may:

(1) Prepare and recommend the official adoption of a preservation element as an addition to the Randolph County Growth Management Plan.

(2) Conduct educational programs with respect to historic properties and districts within its jurisdiction.

(3) Recommend to the Randolph County Board of Commissioners, or to the governing board of a participating municipality, that the landmark designation of any structure, building, site, area, or object be revoked or removed for cause.

(4) Enter, solely in performance of its official duties and only at reasonable times, upon private lands for examination or survey thereof, provided however that no member, employee, or agent of the Commission may enter any private building or structure without the express consent of the owner or occupant thereof.

(5) With prior authorization by the Randolph County Board of Commissioners, or the governing board of a participating municipality, negotiate with the owner of a building, structure, site, area, or object for its acquisition or preservation, when such action is reasonably necessary or appropriate.

(6) With prior authorization by the Randolph County Board of Commissioners, or the governing board of a participating municipality, acquire by any lawful means the fee, or any lesser included interest, including options to purchase, of any properties designated as landmarks to hold, manage, preserve, restore, and improve the same and to exchange or dispose of the property by public or private sale, lease or otherwise, subject to covenants or other legally binding restrictions, in order to secure appropriate rights of public access and/or to promote the preservation of the property.

(7) With prior authorization by the Randolph County Board of Commissioners, or the governing board of a participating municipality, contract with the state, or the United States, or any other agency of either, or with any other organization, provided that the terms of said contract are not inconsistent state or federal law and when such action is necessary or desirable to accomplish the objectives of this Ordinance.

(8) Designate a site as a Local Cultural Heritage Site in accordance with the procedures in Section 8 below.

Section 6. Designation of Historic Landmarks.

A. Procedures.

(1) The process of having a building, structure, site, area, or object designated as a historic landmark may be initiated by the Commission, by the request of a governing board, or by application of the owner of said building, structure, site, area, or object.

(2) The Commission shall make or cause to be made an investigation and report, hereinafter the “Report” on the historic, architectural, pre-historical, educational, or cultural significance of each building, structure, site, area or object proposed for designation as a landmark. This Report shall contain the following information:

- a. The name of the property to be considered for designation, including both common and historic names, as such can be determined; and*
 - b. The name and address of the current property owner; and*
 - c. The location of the proposed property, including the street address and parcel identification number; and*
 - d. The date of construction and of any later additions/alterations; and*
 - e. An assessment of the significance of the site or structure in accordance with the criteria for designation set out in Section 6.B below; and.*
 - f. An architectural or archaeological description of the area of the proposed site or structure, including a description of any outbuildings or appurtenant features proposed to be designated; and*
 - g. An historical description of the site or structure indicating its type, period and historical locality; and*
 - h. Photographs clearly depicting the proposed property, including views of all facades, pertinent details, and siting; and*
 - i. A clear description of the boundaries of the proposed designation.*
- (3) The Commission shall forward a copy of the Report to the Office of Archives and History, NC Department of Cultural Resources.*
- (4) The NC Department of Cultural Resources shall have thirty (30) days from its receipt of the Report to review said Report and to submit its comments and recommendations on the substance and effect of the designation of the proposed property as a landmark to the Commission. The failure of the NC Department of Cultural Resources to submit any such comments in a timely manner shall relieve the Commission, the Randolph County Board of Commissioners, and the governing board of any participating municipality of any responsibility to consider such comments on this matter.*
- (5) Following the expiration of the thirty- (30-) day comment period described in Section 6.4 above, the Commission and the appropriate governing board shall each hold a public hearing, provided however that they may satisfy this requirement through a joint public hearing held by the two bodies. Reasonable notice of the time and place thereof shall be given. At the conclusion of the public hearing, the Board of County Commissioners or the governing board of a participating municipality may adopt an ordinance designating one or more historic landmarks.*
- (6) Any landmark ordinance adopted as described above shall contain the following:*
 - a. a description of the property, including the land area of the property, if applicable, designated in the ordinance; and*
 - b. the name or names of the owners of the property; and*
 - c. a description of those elements of the property that are integral to its historical, architectural, or archeological value; and*
 - d. a requirement that the waiting period set forth in Section 7 of this ordinance be observed prior to the landmark's demolition; and*
 - e. a requirement that any exterior or interior alteration of the landmark be subject to the provisions of Section 7 of this ordinance, as provided below; and*
 - f. any other information that the governing board deems necessary.*
- (7) Owners and occupants of the landmark shall be provided with copies of the adopted ordinance. Said copy shall be mailed to the owner's/occupant's last known address.*
- (8) One copy of the adopted ordinance shall be filed by the Commission in the office of the Register of Deeds of Randolph County, where it shall be indexed according to the name of the owner in the grantor and grantee indexes.*
- (9) One copy of the adopted ordinance shall be kept on file in the Office of the Clerk to the Randolph County Board of Commissioners, or in the office of the governing board of the participating municipality, and said copy shall be available for public inspection during normal business hours.*

- (10) *One copy of the adopted ordinance shall be maintained by the Randolph County Planning Department, and by the Planning Department having regulatory jurisdiction over the landmark if the two are separate entities.*
- (11) *The Commission shall notify the Randolph County Tax Assessor of the landmark designation, and the fact that the building, structure, site, area or object has been designated a landmark shall thenceforth be clearly indicated on the County tax records for so long as such designation remains in effect. This designation and any recorded restrictions on the property limiting its use due to such designation shall be considered by the Tax Assessor when appraising said property for taxation purposes.*

B. Criteria.

In considering a landmark designation, the Commission, the Randolph County Board of Commissioners, and/or the governing board of a participating municipality shall consider the following:

- (1) **Critical Part of County's Heritage.** *Its value as an example of the architectural, cultural, economic, historic, social or other aspect of the heritage of Randolph County; and*
- (2) **Significant Historic Event.** *Its location as a site of a significant historic event which may or may not have taken place within or involved the use of any existing improvements; and*
- (3) **Significant Person.** *Its identification with a person or persons who significantly contributed to the architectural, cultural, economic, historic, social, or other aspect of the development of Randolph County; and*
- (4) **Important Architecture.** *Its exemplification of an architectural type or style distinguished by innovation, rarity, uniqueness, or overall quality of design, detail, materials, or craftsmanship; and*
- (5) **Distinctive Theme.** *Representation of an architectural, cultural, economic, historic, social or other theme expressed through distinctive area, places, buildings, structures, works of art, or other objects that may or may not be contiguous; and*
- (6) **Unique Visual Feature.** *Its unique location or distinctive physical appearance or presence representing an established and familiar visual feature of Randolph County; and*
- (7) **Duration.** *Its historical significance achieved for fifty (50) years or more; and*
- (8) **National Register.** *Any criteria used by the National Register for evaluation of landmarks.*

C. Signage.

A suitable sign, approved, purchased and erected by the Commission, designating the property as a landmark may be placed on the property once said designation is official with the consent of the property owner. Otherwise, the sign may be placed in the nearby public right-of-way.

D. Fees.

The Randolph County Board of Commissioners, upon recommendation of the Commission, may establish application fees.

Section 7. Alteration/Demolition of Designated Landmarks—Certificate of Appropriateness Required.

A. Exterior Features.

From and after the designation of a landmark, no exterior portion of a building or other structure (including masonry walls, fences, exterior light fixtures, steps and pavement, or other appurtenant features), nor any above-ground utility structure, nor any type of outdoor advertising sign shall be erected, altered, restored, moved or demolished on such landmark until after an application for a Certificate of Appropriateness as to exterior features has been submitted to and approved by the Commission. Such a certificate is required to be issued by the Commission prior to the issuance of a building permit or other permit granted for the purposes of constructing structures, which certificate may be issued subject to reasonable conditions necessary to carry out the purposes of this Ordinance. A Certificate of Appropriateness shall be required whether or not a building or other permit is required.

For purposes of this article, “exterior features” shall include the architectural style, general design, and general arrangement of the exterior of a building or other structure, including the kind and texture of the building material, the size and scale of the building, and the type and style of all windows, doors, light fixtures, signs and other appurtenant features. Exterior features may also include historic signs, color, and significant landscape, archaeological, and natural features of the area. In the case of outdoor advertising signs, “exterior features” shall be construed to mean the style, material, size and location of all such signs.

B. Interior Features.

The Commission shall have no jurisdiction over “interior features”, except as provided in this section, and shall take no action under this article except to prevent the construction, re-construction, alteration, restoration, moving or demolition of buildings, structures, appurtenant features, outdoor advertising signs or other significant features which would be incongruous with the special character of the landmark.

The jurisdiction of the Commission over interior features shall be limited to specific architectural, artistic, or historical significant features in publicly-owned landmarks; and of privately-owned landmarks for which consent for interior review has been given by the owners. Said consent of an owner for interior review shall bind future owners and/or successors in title, provided such consent has been filed with the Randolph County Register of Deeds and indexed according to the name of the owner of the property. The landmark designation shall specify the interior features to be reviewed and the specific nature of the Commission’s jurisdiction over the interior.

C. The State of North Carolina (including its agencies and political subdivisions), Randolph County, participating municipalities, and all public utilities shall be required to obtain a certificate of appropriateness for construction, reconstruction, restoration, alteration, moving or demolition of designated landmarks, or new construction on a landmark property.

D. Application Process.

- (1) The application for a Certificate of Appropriateness shall be obtained from the office of the Randolph County Planning Director.*
- (2) The application shall be filed at least two (2) weeks prior to being considered by the Commission at a meeting.*
- (3) Sketches, drawings, photographs, specifications, descriptions and other information of sufficient detail to clearly show the proposed alterations, additions, changes or new construction shall accompany each application.*
- (4) The names and mailing addresses of property owners filing the application and/or subject to the application and the addresses of property owners within one hundred (100) feet from all sides of the subject property must also be included with the application.*
- (5) Applications deemed incomplete shall not be accepted.*

E. Advisory Committee Review

- (1) It shall be the policy of the Commission, in regard to applications involving new construction or extensive alterations and/or additions to existing structures, that an advisory committee of the Commission, including the Randolph County Property Development Advisory Team and the Randolph County Technical Review Committee, shall be available to meet with persons involved in planned or pending applications in order to advise them informally at an early stage in the development process concerning Commission guidelines, the nature of the area where the proposed project will take place, and other relevant factors.*
- (2) The members of the advisory committee, collectively and individually, shall refrain from any indication of approval or disapproval. Advice or opinions given by any member of the advisory committee at such an informal meeting shall not be considered official or binding upon the Commission.*

F. Approval Process.

- (1) An application for a Certificate of Appropriateness shall be acted upon within ninety (90) days of the filing of a complete application; otherwise, the application shall be deemed to be approved and a certificate shall be issued. An extension of time may be granted by mutual consent of the Commission and the applicant.*
- (2) The Clerk to the Commission, as appointed by the Chairman, shall notify, by mail, not less than one (1) week prior to the meeting at which the matter is to be heard, the owners on the subject property for designation and the owners of property within one hundred (100) feet from all sides of the subject property. The applicant and other property owners likely to be materially affected by the application shall be given an opportunity to be heard.*
- (3) As part of the review procedures, the Commission may view the premises and seek the advice of the Department of Cultural Resources or other such expert advice, as it may deem necessary under the circumstances.*
- (4) The Commission may hold a public hearing on any application when deemed necessary.*
- (5) The action on an application shall be: approval, approval with conditions, or denial.*
- (6) All decisions of the Commission must be supported by specific findings of fact indicating the extent to which the application is, or is not, congruous with the special character of the landmark.*

G. Appeal.

- (1) Any party aggrieved by the decision of the Historical Landmark Preservation Commission to grant or deny a Certificate of Appropriateness may appeal to the appropriate governing body.*
- (2) The appeal shall be made in writing within thirty (30) days of the decision of the Historic Landmark Preservation Commission. The appeal must state the reason(s) the decision should be overturned.*

H. Administrative Approval of Minor Works

- (1) Notwithstanding Section 7, Application, Commission Action and Appeal, upon receipt of a completed application, the County Planning Director may issue a Certificate of Appropriateness for minor works.*
- (2) Minor works are defined as those exterior changes which do not involve substantial alterations, or an addition, or removal that could affect the integrity of the landmark, and are limited to those listed in the Commission "Rules of Procedure."*
- (3) No application shall be denied without the formal action of the Commission.*
- (4) All minor works applications approved by the Planning Director shall be forwarded to the Commission for their review at the next regular meeting.*

I. Review Criteria

- (1) A Certificate of Appropriateness shall not be granted unless the Commission finds that the application complies with the principles and guidelines adopted by the Commission for review of changes. It is the intent of these regulations to insure, insofar as possible, that the construction, reconstruction, alteration, restoration, moving, or demolition of buildings, structures, appurtenant fixtures, outdoor advertising signs, or other significant features on landmarks shall be congruous with the special character of the landmark.*
- (2) In addition to the adopted principles and guidelines, the following features or elements of design shall be considered in reviewing an application for Certificate of Appropriateness:*
 - a. Lot coverage, defined as the percentage of the lot area covered by primary structures.*
 - b. Setback, defined as the distance from the lot lines to the building.*
 - c. Building height.*
 - d. Spacing of buildings, defined as the distance between adjacent buildings.*
 - e. Proportion, shape, positioning, location, pattern, sizes, and style of all elements of fenestration and entry doors.*
 - f. Surface materials and textures.*
 - g. Roof shapes, forms and materials.*

- h. Use of regional or local architectural traditions.*
 - i. General form and proportion of buildings and structures, and the relationship of additions to the main structure.*
 - j. Expression of architectural detailing.*
 - k. Orientation of the building to the street.*
 - l. Scale, as determined by the size of the units of construction and architectural details in relation to the human scale and also by the relationship of the building mass to adjoining open space and nearby buildings and structures; maintenance of pedestrian scale.*
 - m. Proportion of width to height of the total building facade.*
 - n. Archaeological sites and resources associated with standing structures.*
 - o. Effect of trees and other landscape elements.*
 - p. Major landscaping, which would impact known archaeological sites.*
 - q. Style, material, size and location of all outdoor advertising signs.*
 - r. Appurtenant features and fixtures, such as lighting.*
 - s. Structural condition and soundness.*
 - t. Walls, physical ingredients, such as brick, stone or wood walls wrought iron fencing, evergreen landscape masses, or combinations of these.*
 - u. Ground cover or paving.*
 - v. Significant landscape, archaeological, and natural features.*
- (3) *The US Secretary of the Interior – “Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings” shall be the sole principles and guidelines used in reviewing applications from the State of North Carolina for a Certificate of Appropriateness.*

J. Certain Changes Not Prohibited.

- (1) *Nothing in this article shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature of a landmark which does not involve a change in design, materials, or exterior appearance thereof; the ordinary maintenance or repair of streets, sidewalks, pavement markings, street signs, or traffic signs; the construction, reconstruction, alteration, restoration or demolition of any such feature which the Building Inspector shall certify, is required for public safety because of an unsafe or dangerous condition.*
- (2) *Nothing herein shall be construed to prevent (1) the maintenance, or (2) in the event of an emergency, the immediate restoration, of any existing aboveground utility structure without approval by the Commission.*

K. Demolition of Landmarks and Proposed Landmarks

- (1) *Delay of Demolition of Landmark. An application for a Certificate of Appropriateness, authorizing the demolition, removal, or destruction of a designated landmark may not be denied except as provided in Section K.4. However, the effective date of such a certificate may be delayed for up to 365 days from the date of approval. The Commission shall reduce the period of delay if it finds that the owner would suffer extreme hardship or be permanently deprived of beneficial use or return from such property by virtue of the delay. During the delay period, the Commission shall negotiate with the owner in an effort to find a means of preserving the building structure or site. If the Commission finds that a building, structure of site has no special significance, it shall waive all or part of such period of delay and authorize earlier demolition or removal.*
- (2) *Delay of Demolition of Proposed Landmark. If the Commission has voted to recommend the designation of a landmark, and final designation has not been made by the Randolph County Board of Commissioners, or the governing board of a participating municipality, the demolition or destruction of any building, structure or site on the property of the designated landmark may be delayed by the Commission for up to 180 days or until the Board of Commissioners, or the governing board of the participating municipality has taken final action on the designation, whichever occurs first.*
- (3) *Prevention of Demolition by Neglect. The Randolph County Board of Commissioners, or the governing board of a participating municipality may enact an ordinance to prevent the demolition*

by neglect of any designated landmark. Such an ordinance shall provide the appropriate safeguards to protect property owners from undue hardship.

- (4) *Denial of Demolition.* An application for a Certificate of Appropriateness authorizing the demolition of a building, structure or site determined by the State Historic Landmark Preservation Officer as having statewide significance as defined in the criteria of the National Register of Historic Places may be denied except where the Commission finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use or return, by virtue of the denial.

Section 8. Local Cultural Heritage Sites

A. Definition: A Local Cultural Heritage Site is a site that is of local significance historically, archaeologically, culturally, or naturally but that does not meet the requirements for designation as a landmark. This designation may include:

- (1) *Monuments, including cemeteries, structures of an archaeological nature, and private cemeteries at least 100 years old containing participants of the War of Regulation (1768-1771), the American Revolutionary War and/or the Civil War.*
- (2) *Sites and Open Spaces that are the works of man or the combined works of nature and man, including gardens, parks and landscapes with or without architectural features, the location of mills and bridges together with their hydrological installations and features, and archaeological sites which are of outstanding local value from a historical, aesthetic, ethnological or anthropological point of view.*
- (3) *Natural Features, including physical and geological formations or groups of such formations which are of outstanding local value from an aesthetic or scientific point of view.*
- (4) *Biological Heritage Sites including valuable habitats such as ancient woodland, species-rich grassland, swamps and bogs which may provide a refuge for rare and threatened plants and animals and which form an irreplaceable part of our environment or are part of a strategy to conserve the biological diversity of the region.*

B. Application Process.

- (1) *Applications for consideration as a Local Cultural Heritage Site are made at the Randolph County Planning Department Office and may include the documentation and critical analysis of all available information necessary to justify the recognition of the proposed property as a Local Cultural Heritage Site.*
- (2) *Properties may be considered for Local Cultural Heritage Site designation by:*
 - a. *their inclusion in a comprehensive and systematic inventory of properties of historical, architectural, archaeological, or cultural significance to Randolph County prepared and adopted in accordance with Section 5(A)(3) of this Ordinance;*
 - b. *application made by the owner of the property; or*
 - c. *by motion of the Commission.*

C. Effect of Designation.

- (1) *The Commission may award the property owner a Certificate of Recognition designating the property as a Local Cultural Heritage Site.*
- (2) *The Commission may establish, keep current, and publish on its website, whenever circumstances shall so require, a list of the properties appearing on the Local Cultural Heritage Site list which are determined to be in danger of immediate destruction, demolition by neglect, or otherwise threatened by serious and specific dangers. This list shall and its publication shall constitute the primary method of protection afforded Local Cultural Heritage Sites.*
- (3) *Any property recognized by the Commission as a Local Cultural Heritage Site shall:*
 - a. *have its location and significance as such permanently maintained in the records of the Randolph County Planning Department;*
 - b. *be listed as such on the Commission's website;*
 - c. *be marked as such in the Randolph County Geographic Information System (GIS).*

Section 9. Enforcement & Penalties.

- A. The Randolph County Planning Director shall enforce compliance with the terms of Certificates of Appropriateness issued pursuant to this Ordinance. Failure to comply with the certificate is subject to legal enforcement action pursuant to N.C.G.S. 153A-123. This Ordinance may also be enforced by appropriate equitable remedy issued by a court of competent jurisdiction, including, but not limited to, issuance of mandatory or prohibitory injunctions and orders of abatement.*
- B. If any building, structure, site, area, or object designated as a landmark designated pursuant to this ordinance is about to be demolished whether as the result of deliberate neglect or otherwise, materially altered, remodeled, removed or destroyed, except in compliance with the Ordinance or other provisions of this ordinance, the Historic Landmark Preservation Commission, or other party aggrieved by such action, may institute any appropriate action or proceedings to prevent such unlawful demolition, destruction, material alteration, remodeling or removal, to restrain, correct or abate such violation, or to prevent any illegal act or conduct with respect to such building, structure, site, area or object.*

Section 10. Effective Date

This ordinance shall become effective on date of adoption, June 2nd, 2008.

Unified Development and Solid Waste Ordinance

Planning Director Hal Johnson stated that a responsibility assigned to the County Planning Department is the duty to pursue all available remedies to enforce violations of the County Unified Development Ordinance (UDO). The UDO includes Zoning, Subdivision, Watershed, and Flood regulations. In addition, the County Planning Department provides code enforcement for the Solid Waste Management Ordinance (SWO). The SWO provides provisions for enforcement of the anti-littering laws (N.C.G.S. 14-399) and illegal dumping.

The most intense Planning Department code enforcement activities involve violations of junked vehicle regulations and solid waste (i.e. illegal dumping) complaints. Since July 2002, Code Enforcement Officers have received 5,667 citizen complaints, 753 of which were junked vehicle violations. Enforcement of county junked vehicle regulations have resulted in the removal of 3,402 junked vehicles (since July, 2002). A total of 597 junked vehicles have been removed since 2008. Beginning in October 2008, the County Attorney has processed over 371 code enforcement violations. Most of these cases involve junked vehicle violations; however, court enforcement action has also been taken involving illegal storage yards, unpermitted mobile homes, and mobile home park violations.

Since January 2007, County Code Enforcement Officers have responded to 626 complaints from citizens concerning solid waste dumping. Of these complaints, 360 were cleaned up by the property owner. Of those sites remaining in violation, it takes an average of 3 to 4 months to get these cases resolved through the court system. In many cases, this time period can be extended due to court calendars and case delays.

Mr. Johnson presented proposed amendments to the Unified Development Ordinance and Solid Waste Ordinance that will give County Code Enforcement Officers the ability to issue citations of up to \$500 per day for ordinance violations. The ordinance amendments will give a citizen the opportunity to appeal the citation to another local government level other than the local court system. The proposed amendment provides for the Code Enforcement Officer to provide a Notice of Violation, and to give the citizen a designated time to correct the violation. No time to

correct the violation shall exceed 30 days. He said that the proposed amendments have been developed in close consultation with the County Attorney, and reviewed in public hearing by the Randolph County Planning Board in December 2009, and January 2010. The County Planning Board recommended unanimously that these amendments be approved and are requesting that the Board of Commissioners conduct a public hearing, after which they can consider approving the amendments.

On motion of Haywood, seconded by Kemp, the Board voted unanimously to set a public hearing for 6:30 p.m. on March 1, for consideration of amendments to the Unified Development Ordinance and Solid Waste Ordinance.

Update on FCC Mandated Radio Frequency Narrow-Banding Approval of Establishment of Local Radio Frequency Committee; Appointment of Commissioner to Committee

Emergency Services Director Donovan Davis stated the Federal Communications Commission (FCC) has issued a regulation that will require all frequency license holders to adhere to narrow-banding requirements by January 1, 2013. This will have a direct impact on public-safety radio frequencies in Randolph County because it will decrease the amount of transmit power. We currently transmit at 100 or 300 watts on each frequency to cover Randolph County's entire 800+ square miles. This mandate will decrease our transmit power to just 12.5 watts per frequency. The FCC is also discussing the possibility of another reduction to just 6.5 watts around 2017.

In order to comply with this mandatory change, the current available options are (1) stay with, modify and add to the current conventional UHF/VHF systems operating in the county today, or (2) switch to the NC State controlled VIPER 800 MHz system. Regardless of the chosen solution, the cost will be in excess of (estimated) five to six million dollars for Randolph County and the public-safety agencies serving our citizens and visitors.

Mr. Davis said that he would like to establish a committee to research, develop and support an agreed upon and mutually beneficial proposal to meet the compliance of the FCC mandate and to improve the ability of public-safety agencies to communicate with one another effectively and efficiently during incident response and normal daily operations. The committee will also research the available technologies to determine the most cost effective solution for Randolph County. Mr. Davis suggested the following committee representation and membership:

Donovan Davis	Randolph County Emergency Services
Lewis Schirloff	Randolph County Emergency Services – EMS
Jared Byrd	Randolph County Emergency Services – Emergency Management
Rick Davis	Randolph County Emergency Services – Fire Marshal
Sandy Smith	Randolph County Emergency Services – 9-1-1 Communications
Maynard Reid	Randolph County Sheriff
Allen McNeill	Randolph County Sheriff's Office
Brent Powell	Randolph County Fire Department Representative
Brian Cox	Randolph County Fire Department Representative
Will Massie	Randolph County Government – Finance
	Randolph County Commissioner
Larry Pugh	Ash-Rand Rescue & EMS, Inc. – Rescue Representative
Ricky Wilson	Asheboro Police Department

On motion of Frye, seconded by Kemp, the Board voted unanimously to approve the request to establish a Local Radio Frequency Committee, as presented, and to appoint Commissioner Haywood to the Committee.

Action to Set Public Hearing for Historic Landmark Designation – Pisgah Covered Bridge

Hal Johnson, Planning Director, said that the Pisgah Covered Bridge is one of the two remaining covered bridges in North Carolina. In 1970, it was listed on the National Register of Historic Places. The bridge was able to remain on the National Register after the 2003 flood destruction because it was rebuilt to its exact original dimensions and at its original location, reusing more than 90% of the original bridge pieces. At the regular Historic Landmark Preservation Commission (HLPC) meeting on January 27, 2010, the Commission held the required public hearing prior to the Commission's approval of a resolution of support to designate the Pisgah Covered Bridge as a local landmark. The Planning Department has submitted the historic narrative report to the State Historic Preservation for comment, as required. The HLPC is now requesting the Randolph County Board of Commissioners set a public hearing at its March 1 meeting to designate, by ordinance, the 1911 Pisgah Covered Bridge as a local landmark.

On motion of Haywood, seconded by Lanier, the Board voted unanimously to set a public hearing for March 1, 2010 at 4:30 p.m., for the local landmark designation of the Pisgah Covered Bridge.

Appointment of Zoo Feasibility Study Advisory Committee Commissioner Representative

On motion of Frye, seconded by Lanier, the Board voted unanimously appoint Commissioner Kemp to the Zoo Expansion Feasibility Study Advisory Committee.

Approval of Resolution to Extend Property Tax Listing Deadline

Tax Collector Debra Hill stated that today, February 1, is the last day of the regular listing period for abstracts and exemption, exclusion, or use-value applications, but due to inclement weather requested that the Board approve extending the listing period through Wednesday, February 3, 2010. Walk-in listings and postmarked listings would be accepted as time to avoid a 10% late list penalty.

Following discussion, the Board decided to extend the deadline through Friday, February 5, 2010.

On motion of Frye, seconded by Kemp, the Board voted unanimously to approve a resolution to extend the property tax listing deadline, as follows:

WHEREAS, pursuant to N.C.G.S. § 105-307(a) the period during which property is to be listed for taxation each year is to begin on the first business day of January and ending on January 31; and

WHEREAS, pursuant to N.C.G.S. 105-307(b) a board of County Commissioners may, by resolution, extend the time during which property is to be listed for taxation; and

NOW, THEREFORE, BE IT RESOLVED, due to inclement weather on Monday, February 1, 2010, which is the last day of the listing period since January 31 fell on a non-business day, the Randolph County Board of Commissioners does hereby approve extending the listing period through Friday, February 5, 2010, with walk-in and postmarked listings to be accepted without a 10% late list penalty.

Recognitions and Announcements

County Manager Richard Wells recognized and thanked the County Maintenance staff and the Emergency Services Departments for all their dedication and hard work during the inclement weather.

Mr. Wells announced that construction of the Hwy 64 E water line would begin soon and presented a sign that would be erected on-site. He said that a groundbreaking ceremony would be held prior to construction.

Mr. Wells said that bidding on the Randleman ambulance base property continues.

Mr. Wells said that he received a call from Kenny Burrow indicating that his family is still interested in purchasing the Old County Home. Mr. Wells said that he believed the Burrow family will make an offer soon.

Recess

At 5:50 p.m., the Board took a short recess.

Rezoning Public Hearing

At 6:35 p.m., the Board adjourned to a duly advertised public hearing to consider rezoning requests. Hal Johnson, Planning Director, 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. TWO MILLS, LLC., Asheboro, North Carolina, is requesting that 22.32 acres located on Lassiter Mill Road, Concord Township, be rezoned from RA to CVOE-CD. Tax ID#'s 7617466685 and 7617560851. Rural Growth Area. The proposed Conditional Zoning District would specifically allow the development of a 4-lot residential subdivision for site-built homes with a minimum house size of 1,300 sq. ft. The Planning Board reviewed this request at public meeting on January 5, 2010, and recommended unanimously that this request be approved.

The Planning Board found the following policies within the 2009 Growth Management Plan that support determination of consistency with the adopted plan with this recommendation:

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

Policy 6.23 The County should encourage the use of rural lot subdivision designs where the size of lot allows for open space and groundwater recharge areas preserved by careful citing of the principal and accessory uses as noted through subdivision plat notations and related deed restrictions.

No one spoke.

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

2. CAROLINA UTILITY BUILDERS, INC., Asheboro, North Carolina, is requesting that 9.61 acres located on the corner of US Hwy 64 East/Frazier Road, Columbia Township, be rezoned from LI-CU to HC-CD/RA. Tax ID# 8732452133. Secondary Growth Area. The proposed zoning would specifically permit display and sales of storage buildings on 1.3 acres as per site plan (and the remaining 8.31 acres would revert to its original RA zoning). The Planning Board reviewed this request at public meeting on January 5, 2010, and recommended unanimously that this request be approved.

The Planning Board found the following policies within the 2009 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 4.5 Effective buffering and/or landscaping should be provided where commercial development adjoins existing or planned residential uses.

No one spoke.

On motion of Haywood, seconded by Lanier, the Board voted unanimously to approve the request of Carolina Utility Builders, Inc., as determined consistent with policies contained within the adopted Growth Management Plan and as outlined in the Planning Board recommendations.

Adjournment

At 6:35 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