

Minutes Randolph County Commissioners

July 12, 1999

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 Frye, Kemp, Davis, Holmes, and Mason were present. Invocation was given by Captain Ken Oakes of the Salvation Army Corps in Asheboro.

Recognitions

Chairman Frye recognized Kim Bullins, guidance counselor from Teachey Elementary School, who was participating in the Randolph County Career Partners Summer Internship Program by shadowing staff in County Administration for the week. He also recognized Kim Newsome, new County Personnel Director, who will begin work with the County in August after 30 years of service in state government, Office of Regional Personnel.

Addition to Agenda

Chairman Frye added Item P to new business: Resolution Opposing Local Bill Changing Method of Electing County Commissioners in Randolph County.

Consent Agenda

On motion of Davis, seconded by Holmes, the Board unanimously approved the consent agenda, as follows:

- *approve minutes of June 7, 8, 14, 21 and 28, 1999;*
- *unseal closed session minutes of 11/4/96, 9/8/98, 10/5/98, 11/2/98, 1/4/99, 3/8/99, 5/3/99 Item J.1, and 5/3/99 Item J.2;*
- *reappoint Lynn Scherer to a one-year term as Animal Cruelty Investigator;*
- *appoint Martha Cleek to a one-year initial term on the Nursing Home/Adult Care Home Community Advisory Committee.*

D.O.T. Secondary Road Improvement Program Public Hearing

Jeff Picklesimer, D.O.T. District Engineer, presented the 1999-2000 Secondary Roads Program. This program utilizes allocations from Highway Funds, Trust Funds, and Bond Funds for the various road projects.

Chairman Frye opened the public hearing and asked for comments. No one spoke. Chairman Frye closed the public hearing.

On motion of Mason, seconded by Holmes, the Board unanimously adopted a resolution (ATTACHED) approving the proposed Secondary Road Improvement Program for 1999-2000.

Annual Settlement Report

Tamra Long of the Tax Department presented the tax settlement report for FY 1998-99. She stated that the overall collection rate exceeded 99% for the first time ever and that the delinquent accounts were at their lowest level ever.

On motion of Kemp, seconded by Holmes, the Board unanimously accepted the 1998-99 tax settlement report (ATTACHED).

Charge to the Tax Collector

On motion of Mason, seconded by Davis, the Board unanimously authorized Ben Chavis, Tax Collector, to collect taxes for the 1999-2000 fiscal year, as set forth in the following Charge to the Tax Collector:

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

Contract Award for Demolition at Courthouse Area

Bill Moser of Moser Mayer Phoenix Associates, architects for the Courthouse project, presented bids received for the demolition of certain buildings at the Courthouse area. Base bids were taken for demolition of the Auman House and Sheriff Annex Buildings. The partial demolition of the Henley Building was included in the bid package as an alternate bid due to unresolved issues associated with adjacent property. Base bid work is critical to other site work which will facilitate the construction of the proposed Courthouse expansion. The Henley Building demolition can be delayed without affecting the schedule for the proposed addition. Mr. Moser recommended awarding only the base bid contract at this time because unresolved issues with the Henley Building site could cause delays and increased costs. Bids were received as follows:

Firm	Bid Bond	Base Bid	Henley Bldg. Alt.D1
Arm Construction Co., Inc.		Did not bid	
D. H. Griffin	X	\$77,236	+\$46,500
EME, Inc.	X	\$53,320	+\$62,200
Harrelson Smith Contractors	X	\$133,949	+\$43,320
Jones Grading & Fencing Inc.	X	\$108,000	+\$1,400
Revised Jones		\$64,400	+\$45,000

On motion of Kemp, seconded by Davis, the Board unanimously awarded a contract to EME, Inc., the low bidder, for the demolition of the Auman House and the Sheriff Annex Building for \$53,320.

Contract Award for Glenola Water Project

David Townsend, III, Public Works Director, stated that bids had been opened on July 8 for the Glenola water project and tabulated and analyzed by the engineering firm of Marziano & Minier. This project is being performed in conjunction with Davidson Water, Inc. to provide water to approximately 250 residents located in the Glenola community. The funds for the water line project are being provided by the N.C. Clean Water Revolving Loan Fund in the form of a loan to Davidson Water, Inc. through Randolph County.

Hi Marziano of Marziano & Minier explained that this contract will consist of the installation of about 67,200 linear feet of 2"-12" water lines to serve the Glenola area. The following bids were received: Terry's Plumbing & Utilities, Asheboro, NC - \$957,626; Roger Haddock Construction Co., Greenville, NC - \$1,136,875; Yates Construction Co., Stokesdale, NC - \$1,249,781.40; Buckeye Construction, Canton, NC - \$1,301,599; Michael's Backhoe, Inc., Gibsonville, NC - \$1,340,078.41; MAPCO, Inc., Asheboro, NC - \$1,735,265.03.

On motion of Holmes, seconded by Davis, the Board unanimously adopted the RESOLUTION AWARDING WATER DISTRIBUTION IMPROVEMENT CONTRACT FOR THE COMMUNITY OF GLENOLA TO TERRY'S PLUMBING & UTILITIES, INCORPORATED, as follows :

WHEREAS, Randolph County has obtained a loan in the amount of \$860,440 from the State of North Carolina to construct a water distribution system in the Community of Glenola, Randolph County and has contracted with Davidson Water, Incorporated for the operation of said system upon its completion as well as payment for the system to the extent that the cost of construction exceeds \$860,440;

WHEREAS, formal bids for the construction of the above-referenced water distribution system were received by Randolph County and read aloud at 3:00 p.m., July 8, 1999 in the Commissioners' Meeting Room at the County Administration Building in Asheboro, North Carolina;

WHEREAS, Randolph County has substantially complied with all federal, state, and local laws, rules, regulations and ordinances applicable to this project; and

WHEREAS, the lowest responsible bid was submitted by Terry's Plumbing and Utilities, Incorporated in the amount of \$957,626;

BE IT HEREBY RESOLVED by the Board of Commissioners of the County of Randolph, North Carolina that the contract for construction of a water distribution system in the Community of Glenola be awarded to Terry's Plumbing and Utilities, Incorporated; and

BE IT FURTHER RESOLVED that County Manager William F. Willis be authorized to execute the contract documents between Randolph County and Terry's Plumbing and Utilities, Incorporated for the construction of said system.

On motion of Mason, seconded by Holmes, the Board unanimously adopted the RANDOLPH COUNTY CAPITAL PROJECT ORDINANCE - GLENOLA COMMUNITY WATER PROJECT, as follows:

BE IT ORDAINED by the Board of Commissioners of Randolph County, North Carolina that, pursuant to section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

Section 1. The construction of a water distribution system in the Community of Glenola to serve approximately 250 residents as a joint effort between Randolph County and Davidson Water, Inc. and financed primarily through a North Carolina Drinking Water State Revolving Fund Loan is hereby authorized as a capital project with revenues and expenditures projected for the duration of the project.

Section 2. The officers of Randolph County are hereby authorized to proceed with the capital project in accordance with all General Statutes of North Carolina and within terms of the contracts approved by the Randolph County Board of Commissioners.

Section 3. The following amounts are anticipated to be available to complete this capital project:

Proceeds from State Revolving Fund Loan \$ 860,440

Contribution from Davidson Water, Inc. \$ 250,000

TOTAL: \$ 1,110,440

Section 4. The following amounts are appropriated for expenditures for the capital project:

Professional Fees \$ 90,200

Loan Administration Fees \$ 17,209

Project Construction \$ 1,003,031

TOTAL: \$ 1,110,440

Section 5. This Capital Project Ordinance shall be entered in the minutes of the Randolph County Board of Commissioners and after adoption copies of this Ordinance shall be filed with the finance officer, the budget officer, and the clerk to the board.

Section 6. This Capital Project Ordinance is adopted on July 12, 1999 and shall continue in effect until the project is completed.

Amendments to the 1999-2000 Classification Plan

Hal Scott, Jr., Personnel Director, presented the following proposed amendments to the County's classification plans:

1. General County

- a. The Plan increased by 3% in accordance with the approved annual salary increases for County employees.
- b. Classes upgraded: Planning Systems Coordinator, from grade 66 to 67; Veterans Service Officer, from grade 62 to 63; Property Transfer Specialist, from grade 59 to 61; Paralegal I, from grade 61 to 63; Paralegal II, from grade 63 to 65; Paralegal III, from grade 65 to 67; Attorney I, from grade 75 to 77.
- c. Classes Added: Assistant to Public Works Director, grade 67; Zoning Code Enforcement Officer, grade 66; Marketing Assistant TDA, grade 63; Substance Abuse Clinical Director (Day Reporting Center), grade 76.
- d. Class removed: Administrative Services Assistant V.

2. Law Enforcement

- a. The Plan increased by 10% in accordance with the approved annual salary increases for law enforcement employees.
- b. Class upgraded: Deputy Sheriff (School Resource Officer), from grade 63 to 64.

3. Telecommunications and Emergency Medical Technician

- a. The Plan increased by 3% in accordance with the approved annual salary increases for telecommunications and emergency medical technician employees.

On motion of Davis, seconded by Holmes, the Board unanimously approved the proposed amendments as presented by Mr. Scott.

Capital Project Financing (Public Schools, Community College, Courthouse)

Tripp Robinson of Wachovia Securities, Inc. presented information on Wachovia's qualifications to serve as senior managing underwriter for the Series 2000 Certificates of Participation Financing and reported on the status of the projects to date. He noted that co-managing underwriters will be appointed for the financing of these projects in October, 1999.

*On motion of Holmes, seconded by Davis, the Board unanimously approved a resolution **DECLARATION OF OFFICIAL INTENT TO REIMBURSE EXPENDITURES FOR PUBLIC SCHOOLS AND COMMUNITY COLLEGE YEAR 2000 PROJECTS**, as follows:*

BE IT RESOLVED by the Board of Commissioners of the County of Randolph, North Carolina (the "Issuer") that the Declaration of Official Intent to Reimburse Expenditures attached hereto as Exhibit A be, and hereby is, approved.

Exhibit A - Declaration of Official Intent to Reimburse Expenditures

- 1. This declaration of official intent is made pursuant to Treasury Regulations Section 1.150-2, or any successor or substitute Regulations which may be promulgated hereafter, to expressly declare the Issuer's intention to reimburse itself for certain expenditures heretofore paid or to be paid by the Issuer, such reimbursement to be made with the proceeds of debt to be incurred by the Issuer.*
- 2. The Issuer has advanced and/or will advance its own funds to pay certain capital costs (the "Original Expenditures") relating to the acquisition, construction and equipping of certain school projects and community college projects (the "Project").*
- 3. The funds heretofore advanced or to be advanced by the Issuer to pay the Original Expenditures are or will be available only on a temporary basis, and do not consist of funds that were otherwise earmarked or intended to be used by the Issuer to permanently finance the Original Expenditures.*
- 4. As of the date hereof, the Issuer reasonably expects that it will reimburse itself for such Original Expenditures with the proceeds of debt to be incurred by the Issuer, and the maximum principal amount of debt to be issued with respect to the Project is expected to be \$50,000,000.*

*On motion of Kemp, seconded by Holmes, the Board unanimously approved **RESOLUTION APPOINTING SENIOR MANAGING UNDERWRITER AND SPECIAL COUNSEL FOR THE SERIES 2000 CERTIFICATES OF PARTICIPATION FINANCING**, as follows:*

BE IT RESOLVED by the Issuer that the following are engaged in connection with the installment financing for school, community college, and courthouse projects contemplated for the first quarter of the year 2000: Wachovia Securities, Inc., senior managing and book-running underwriter; Robinson, Bradshaw & Hinson, P.A., special counsel.

Animal Control Ordinance

MiMi Cooper, Health Director, reviewed proposed changes to the animal control ordinance that have been presented and considered since February, 1998. Major changes dealt with leash restrictions. Two options have been put forth. The less restrictive rule requires the owner to maintain any animal, excluding cats, under his control. It requires confinement (with restraint) on property less than one acre and under control (no restraint required) on properties greater than one acre. The more restrictive rule requires confinement on the owner’s property of any size through some type of restraint. There was also an earlier proposal to have leash restrictions only in major subdivisions.

On motion of Kemp, seconded by Frye, the Board unanimously voted to adopt the less restrictive of the two leash restrictions, but to strike the words "excluding cats," and to accept the other proposed amendments already discussed (primarily dealing with wild and dangerous animals, exotic reptiles, dangerous dogs, and humane animal traps).

On motion of Davis, seconded by Kemp, the Board unanimously repealed AN ORDINANCE GOVERNING THE GENERAL CONTROL OF RABIES, CATS, AND DOGS IN RANDOLPH COUNTY, enacted June 11, 1991, and adopted AN ORDINANCE GOVERNING THE GENERAL CONTROL OF ANIMALS IN RANDOLPH COUNTY (ATTACHED).

Contract with Montgomery County, Receipt of Van, and Budget Amendment - Juvenile Day Reporting Center (JDRC)

Jane Leonard, Deputy Finance Officer, explained that Montgomery County would like to contract with Randolph County to provide JDRC services to Montgomery County’s at-risk youth. These services include substance abuse treatment, educational services, case management, and transportation of participants to services. Montgomery County will pay us \$31,736 from their state allocation for juvenile funding. The Montgomery County Commissioners have voted to donate a 1987 Ford 15-passenger van to Randolph County for transporting their youth to the JDRC.

On motion of Kemp, seconded by Mason, the Board unanimously approved a one-year contract with Montgomery County to provide JDRC services, authorized the County Manager to sign the contract, accepted the donation of a 1987 Ford 15-passenger van from Montgomery County, and approved Budget Amendment #1 to the FY 1999-2000 Annual Budget, as follows:

GENERAL FUND - #1	
Revenue	Increase
Miscellaneous	\$31,736
Appropriation	Increase
Day Reporting Center	\$31,736

Resolution Donating Light Bars to Randolph County Fire Association

On motion of Holmes, seconded by Mason, the Board unanimously approved the following resolution:

WHEREAS, Randolph County has in its possession twenty-eight surplus light bars from the Sheriff's Office; and

WHEREAS, Randolph County has received a request from the Randolph County Fire Association to have these light bars donated to the Association; and

WHEREAS, counties are authorized by GS 160A-274 to transfer property to other governmental units.

NOW, THEREFORE, BE IT RESOLVED by the Randolph County Board of Commissioners that these surplus light bars be donated to the Randolph County Fire Association.

BE IT FURTHER RESOLVED that Jane H. Leonard, Deputy Finance Officer, is authorized to handle the transfer of this equipment to the Randolph County Fire Association.

Alternate Member for County Planning Board

No nominees were put forth for consideration.

Voting and Alternate Voting Delegate for NCACC Annual Conference

On motion of Davis, seconded by Mason, the Board unanimously appointed Commissioner Kemp as voting delegate and Commissioner Holmes as alternate delegate for the NCACC annual conference in August.

September Meeting Date

On motion of Kemp, seconded by Mason, the Board unanimously voted to hold their regular September meeting on Tuesday, the 7th, because of the Labor Day holiday.

Proposed Changes to Unified Development Ordinance

Hal Johnson, Planning Director, presented changes proposed by the County Planning Board for the Unified Development Ordinance regarding telecommunications towers special use permit standards. He said the moratorium placed on these towers in March of 1999 needs to be extended so that a public hearing can be scheduled on this issue.

On motion of Davis, seconded by Holmes, the Board unanimously set a public hearing on standards for communication towers for 5:00 p.m. on August 2, 1999.

On motion of Kemp, seconded by Holmes, the Board unanimously extended to August 2, 1999 the moratorium on granting special use permits for the location of new telecommunication towers.

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 Director, stated that the Michael Chaffin request held over from last month has been withdrawn. The applicant's attorney maintains the position that Mr. Chaffin does not need to get his property rezoned because his development existed prior to zoning regulations. He will reinstate new deed restrictions that are the same as the old ones. Mr. Johnson then presented the following requests:

1. Covered Bridge, LLC, Pleasant Garden, is requesting that 20.5 acres at the end of Senepole Road, Level Cross Township, be rezoned from RA to RE/CU for a 10-lot subdivision for site-built homes only. The Planning Board unanimously recommended approval.
2. Rick Alberts, Thomasville, is requesting that 41.16 acres on Post Road, Tabernacle Township, be rezoned from RA to RE/CU for a 10-lot subdivision for site-built homes only. The Planning Board unanimously recommended approval, with the following restrictions: must provide proposed deed restrictions at Commissioners' meeting; minimum house size must be 1,500 square feet.
3. RMH Development, Sophia, is requesting that 55.92 acres on Beckerdite Road, Back Creek Township, be rezoned from RA to RE/CU for a 49-lot subdivision for site-built homes with a minimum size of 1,400 square feet. The Planning Board unanimously recommended approval.

Citizen Comment - Request #1

Bill Wright, 6402 Nazarene Church Road, Pleasant Garden, said the total subdivision is 37 lots; 10 of them are in Randolph County. The conditional use includes the plat as presented and the restrictive covenants as proposed.

Citizen Comment - Request #2

Rick Alberts, 6192 Post Road, Thomasville, said only log homes would be allowed in this subdivision. He presented proposed deed restrictions and requested that they be a part of the conditional use request.

Dwayne Taylor, Kennedy Road, said that Mr. Alberts has already put a trailer on lot #1 and that he is building the road already. Mr. Alberts stated that this trailer is temporary until a building permit is issued for a log house.

Citizen Comment - Request #3

Jennifer Higgins, 5116 Country Lane, representing the developer, stated that a community meeting was held on May 26 with adjoining property owners to provide information on the developer's plans. She said there would be street lights, paved driveways, and matching mailboxes. She requested that the restrictive covenants and the 1,400 square-foot minimum be part of the conditional use request.

Buleah Farlow, 2035 Loflin Farlow Lane, said that a hill in the development would let water run down to her property. She expressed concern about septic tanks ruining her well.

Randy Farlow, 2312 Loflin Farlow Lane, asked who would be responsible if septic tanks in this development caused a problem. Chairman Frye told him it would be the property owner.

Board Action on Requests

On motion of Davis, seconded by Holmes, the Board unanimously approved the request of Covered Bridge, LLC, with the conditional use including the plat as presented and the deed restrictions as proposed.

On motion of Holmes, seconded by Davis, the Board unanimously approved the request of Rick Alberts for lots 1-9, with the conditional use including recordable deed restrictions and 1,500 square-foot minimum log homes only.

On motion of Davis, seconded by Mason, the Board voted 4 to 0, with Commissioner Holmes abstaining because of a potential conflict of interest, to approve the request of RMH Development, with the conditional use including the restrictive covenants and 1400 square-foot minimum houses.

Resolution Opposing Local Bill Changing Method of Electing County Commissioners in Randolph County

Chairman Frye stated that House Bill 852, which started out as a local bill for Carrboro, is in committee in the Senate and that the content of the bill has been totally changed so that it now addresses the way county commissioners in Randolph County would be elected. The bill states that only citizens living within a certain commissioner district could vote on candidates running for that district seat. Currently commissioners run by district but are elected at-large. If this bill gets out of committee before the General Assembly adjourns, it will go directly to the House floor for vote.

On motion of Kemp, seconded by Davis, the Board unanimously voted to adopt a resolution opposing this bill and directed the County Attorney to draft such a resolution (ATTACHED).

The meeting adjourned at 7:50 p.m.

Darrell L. Frye, Chairman

Phil Kemp

J. Harold Holmes

Robert B. Davis

Robert O. Mason

Alice D. Dawson, Clerk to the Board