

Commissioners Meeting Minutes

October 2, 2006

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, Kemp, Davis, and Lanier were present. Rev. Mark Spence, New Beginnings Baptist Church, gave the invocation, and everyone recited the Pledge of Allegiance.

Recognition of Retiree

MiMi Cooper, Public Health Director, recognized Balinda Ferree, who is retiring from the Health Department with 29 years of service, and Chairman Holmes presented an engraved clock to her.

Public Comment Period

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

Addition to and Approval of Consent Agenda

Chairman Holmes announced that *Item I. Appoint Gail Moore to Nursing Home Advisory Committee* and *Item J. Adopt Resolution Authorizing Execution of Community Development Block Grant* would be added to the Consent Agenda.

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

- *approve regular minutes and 3 sets of closed session minutes from 9/5/06 meeting;*
- *appoint Will Massie and Cheryl Ivey and reappoint Jane Leonard to Public Facilities Corporation;*
- *reappoint Brian Moffitt, Reid Kearns and Hal Johnson to the Tourism Development Authority and reappoint Hal Johnson as Chairman;*
- *approve Firemen's Relief Fund appointments: Benny Beck, Dale Needham—Coleridge; Jim Pell, David Greason—Eastside; Roger King, Steven Hughes—Farmer; Kyle Dixon, Johnny Hicks—Franklinville; Tony Turner, Mike Bradshaw—Guil-Rand; David Davis, Kenneth Adams—Level Cross; Larry Williams, William Flowe, Jr.—Northeast; Darrell Voncannon, Jack McKenzie—Seagrove; Donald Allred, Edwin Beeson—Sophia; Ray White, Michael McDowell—Southwest; Yancy King, Terry Williams—Staley; Darrell Owenby, Jesse Wilson—Tabernacle; Phil Pendry, Melissa Blalock—Tiger Country; Michael Dickinson, Ted Scott—Ulah; Brian Hedgpeth, Derrick Lyndon—Westside;*
- *adopt Proclamation for 4H Week (October 1-7, 2006), as follows:*

WHEREAS, *4-H is a community where young people learn leadership, citizenship and life skills; and*

WHEREAS, *4-H is one of the largest youth development organizations in North Carolina with nearly 6.6 million youth involved in 4-H; and*

WHEREAS, *4-H in North Carolina claims 195,000 youth members and 30,000 adult volunteers, while Randolph County's 4-H program numbers over 4000 members and over 300 volunteers; and*

WHEREAS, *4-H, as part of the North Carolina Cooperative Extension, is a program where youth learn together in all kinds of projects, events and activities; and*

WHEREAS, *4-H has been helping youth and adults learn, grow and work together for more than one hundred years.*

NOW, THEREFORE, THE RANDOLPH COUNTY BOARD OF COMMISSIONERS DOES HEREBY PROCLAIM *October 1-7, 2006 as National 4-H Week in Randolph County and urges the people of this community to take advantage of the opportunity to become more aware of this special program which gives youth the chance to learn together and on their own as part of Randolph County 4-H and to join us in recognizing the unique partnership between our county and our university system.*

- approve Budget Amendment #10—Health Department, as follows:

2006-2007 GENERAL FUND - Amendment #10	
Revenues	Increase
<i>Restricted Intergovernmental</i>	\$ 20,000
Appropriations	Increase
<i>Public Health</i>	\$20,000

- approve Budget Amendment #11—Library, as follows:

2006-2007 GENERAL FUND - Amendment #11	
Revenues	Increase
<i>Restricted Intergovernmental</i>	\$ 15,611
Appropriations	Increase
<i>Public Library</i>	\$15,611

- approve Budget Amendment #5—County Schools Capital Project Ordinance, as follows:

COUNTY SCHOOLS CAPITAL PROJECT ORDINANCE - Amendment #5		
Revenues	Increase	Decrease
<i>Debt Issued</i>	\$7,026,469	
<i>Interest Earned</i>	\$276,720	
Appropriations	Increase	
<i>Providence Grove High School</i>		
<i>Profession Services – Architect</i>		\$15,018
<i>Other Services—Testing & Surveying</i>	\$22,000	
<i>Land Acquisition</i>	\$339,782	
<i>General Construction</i>	\$4,939,800	
<i>Utility Construction</i>	\$1,263,250	
<i>Contingency</i>	\$181,590	
<i>Administrative Costs</i>	\$316,985	
<i>Archdale Trinity Area High School</i>		
<i>Land Acquisition</i>	\$254,800	

- appoint Gail Moore to Nursing Home Advisory Committee;
- adopt resolution authorizing execution of Community Development Block Grant, as follows:

WHEREAS, Randolph County has received a 2006 Grant from the State of North Carolina, Department of Commerce, Division of Community Assistance under the Small Cities Community Development Block Grant Program, Scattered Site Housing Category; and

WHEREAS, Randolph County has accepted the State of North Carolina Small Cities Community Development Block Grant allocation of \$400,000; and

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

NOW, THEREFORE, BE IT RESOLVED by the Randolph County Board of Commissioners that Richard T. Wells, Interim County Manager; William L. Massie, Assistant County Manager; and David Townsend, III, Director of Public Works, are hereby authorized to execute all 2006 Scattered Site Housing Grant documents.

Additions to Agenda

Chairman Holmes announced that *Item H. Historical Society Request* and *Item I. County-wide Water Plan Update* would be added to the New Business section of the Agenda.

Public Hearing - D.O.T. Secondary Road Improvement Program; Approval of Resolution

Reuben Blakley, D.O.T. District Engineer, presented the 2005-2006 Secondary Roads Improvement Program and reviewed the expected allocations listed in the resolution that follows.

Chairman Holmes opened the public hearing at 4:20 p.m. and, hearing no comments, closed the public hearing.

On motion of Kemp, seconded by Davis, the Board voted unanimously to adopt the following resolution approving the 2005-2006 Secondary Roads Improvement Program, as follows:

WHEREAS, the North Carolina Department of Transportation received in July 2005 and July 2006 an allocation of \$4,119,548 and remaining funds of \$0 from the previous Secondary Construction Program, a total of \$4,119,548 for Secondary Road Improvements in Randolph County for fiscal years 2005-2006 and 2006-2007. A public meeting was held on October 2, 2006 in the Randolph County Commissioners Meeting Room on the expenditures of said funds; and

WHEREAS, it is proposed to utilize approximately \$3,553,300 to construct roads down the priority list as far as possible, provided rights of way are available; and

PROGRAM SUBJECT TO AVAILABILITY OF FUNDING, RIGHT-OF-WAY, & ENVIRONMENTAL REVIEW

<u>Priority No.</u>	<u>SR No.</u>	<u>Road Name</u>	<u>From</u>	<u>To</u>	<u>Miles</u>	<u>Description</u>	<u>Cost</u>
8C.076035	2297	Old Providence Road	SR 2114	End Maint	0.26	G,D,B,P,EC	\$117,000
8C.076048	2903D	Osborn Mill Road	End Pvt.	SR 2911	1.25	P & EC	\$125,000
8C.076051	1118A	Bethel Lucas Road	NC 134	SR 1121	1	P & EC	\$100,000
8C.076057	2876B	Pleasant Grove Church Road	SR 2886	SR 2885	1.43	G,D,B,P,EC	\$643,500
8C.076067 (6F Sub)	2379	Cheyenne Trail	SR 2112	End Maint	0.556	G,D,B,P,EC	\$145,200
8C.076068 (6F Sub)	2380	Cherokee Trail	SR 2379	End Maint	0.308	G,D,B,P,EC	\$ 94,600
8C.076070	2141	Hall Road	SR 2261	Beg Pvt.	0.21	G,D,B,P,EC	\$ 94,500
8C.076071	2836	Archie Newsome Road	SR 2835	End Maint	0.4	P & EC	\$ 40,000
8C.076072	1173	Tom's Creek Road	NC 49	SR 1174	0.70	G,D,B,P,EC	\$315,000
8C.076073	2908	Wayne Road	SR 2911	NC 42	0.90	G,D,B,P,EC	\$405,000
8C.076074	1113	Pisgah Church Road	SR 1114	End Maint	1.03	B,P & EC	\$206,000
8C.076080 (4F Sub)	2996	Donna Road	SR 2839	End Maint	0.14	G,D,B,P,EC	\$ 63,000
8C.076081 (8F Sub)	2043	Dean View Drive	SR 1928	End Maint	0.13	G,D,B,P,EC	\$ 58,500
8C.076085	1264	Cortez Road	SR 1228	SR 1228	0.54	G,D & EC	\$108,000
8C.076088 3F (Sub)	2896C	Pickett's Mill Road	SR 2899	STA 78+65	1.23	G,D,B,P,EC	\$553,500
9F (Sub)	2553	CC Square Road	SR 2483	End Maint	0.10	B,P & EC	\$ 20,000
9F (Sub)	2994	Freedom Trail	NC 159	End Maint	0.29	B,P & EC	\$ 58,000
9F (Sub)	2995	Independence Avenue	End Maint	End Maint	0.3	B,P & EC	\$ 60,000
10F (Sub)	3265	Idlewild Drive Ext.	SR 3264	End Maint	0.16	B,P & EC	\$ 32,000
10F (Sub)	3267	Rockaway Drive	SR 3265	End Maint	0.04	B,P & EC	\$ 8,000
10F (Sub)	3268	Rockaway Drive	SR 3265	End Maint	0.1	B,P & EC	\$ 20,000
11 (Sub)	3272	Allred Heights	SR 1527	End Maint	0.33	B,P & EC	\$ 66,000
12 (Sub)	3280	Second Park Avenue	SR 2383	SR 2331	0.29	G,D,B,P,EC	\$130,500
13 (Sub)	2312	Morning Glory Road	SR 2150	End Maint	0.2	G,D,B,P,EC	\$ 90,000

WHEREAS, it is proposed to retain \$426,575 of the total allocation for spot stabilization, paved road improvements, replace small bridges with pipe, or safety projects; and

WHEREAS, it is proposed to retain \$139,673 of the total allocation for road additions, property owner participation paving, volunteer fire departments, rescue squad driveways, old subdivision improvement program, overruns, county surveys and right of way acquisition; and

WHEREAS, the North Carolina Department of Transportation received in July 2005 and July 2006 an allocation of \$3,943,948 and remaining funds of \$0 from the North Carolina **Highway Trust Fund**, a total of \$3,943,948 for Secondary Road Improvements in Randolph County for fiscal years 2005-2006 and 2006-2007. A public meeting was held on October 2, 2006 in the Randolph County Office Building on the expenditures of said funds; and

WHEREAS, it is proposed to utilize approximately \$3,186,500,000 to construct roads down the priority list as far as possible, provided rights of way are available; and

<u>Priority No.</u>	<u>SR No.</u>	<u>Road Name</u>	<u>From</u>	<u>To</u>	<u>Miles</u>	<u>Description</u>	<u>Cost</u>
8C.076017	2853	Ridge Road	Beg.Pavt	SR 2843	1.00	B,P & EC	\$200,000
8C.076058	2107	Old Climax Road	SR 2106	Co.Line	0.80	P & EC	\$ 12,000
8C.076059	2904	Old Bachelor Creek Road	SR 2900	SR 2903	0.70	G,D,B,P,EC	\$315,000
8C.076062	1179B	Lou Cranford Road	SR 1180	SR 1143	2.0	G,D,B,P,EC	\$900,000
8C.076066	2481	Low Bridge Road	SR 2455	SR 2442	1.5	G,D,B,P,EC	\$675,000
8C.076077	1689	Stewart Street	SR 1527	End Maint	0.5	G,D,B,P,EC	\$100,000
8C.076078	1149	Veteran's Loop Road	SR 1145	End Maint	0.7	G,D,B,P,EC	\$315,000
16 (Rural Hold)	2112	Bethel Church Road	SR 2116	Beg. Pvt.	0.65	G,D,B,P,EC	\$292,500
1F (Sub)	3277	Woodale Forest Court	SR 1554	End Maint	0.20	B,P & EC	\$ 40,000
1F (Sub)	3278	Woodale Forest Lane	SR 3277	End Maint	0.15	B,P & EC	\$ 30,000
2F (Sub)	2150	Forest Park Drive	SR 2312	SR 3264	0.28	B,P & EC	\$ 56,000
5F (Sub)	2554	Cox Lane	SR 2419	End Maint	0.31	B,P & EC	\$ 62,000
7F (Sub)	2383	Leonae Drive	SR 2312	End Maint	0.42	G,D,B,P,EC	\$189,000

WHEREAS, it is proposed to retain \$530,472 of the total allocation for spot stabilization, paved road improvements, replace small bridges with pipe, or safety projects; and

WHEREAS, it is proposed to retain \$226,976 of the total allocation for property owner participation paving and overruns.

BE IT RESOLVED that all of the above be carried out by the Department of Transportation.

Approval of Work First Plan for FY2007-09

Martha Sheriff, Social Services Director, told the Board that the Work First Planning Committee had met and developed the proposed Work First Plan for FY 2007-2009 with only minor changes to the previous plan. Ms. Sheriff presented the plan for the Board's consideration.

On motion of Frye, seconded by Lanier, the Board voted unanimously to approve the Work First Plan for FY 2007-2009, as presented.

Approval of New Memorandum of Understanding for Cooperative Extension

Carolyn Langley, Cooperative Extension—Randolph Center Director, presented a new Memorandum of Understanding between County government, NC State University and NC A&T State University for the Board's consideration.

On motion of Davis, seconded by Kemp, the Board voted unanimously to approve a new Memorandum of Understanding for Cooperative Extension, as presented, effective January 1, 2007.

Bid Award for Water Heater at Jail

Major Allen McNeill, Sheriff's Office, told the Board that requests for proposals were sent to 4 vendors seeking bids for a 500-gallon replacement water heater at the Jail. Only one bid was received: Randolph Boiler & Mechanical, Inc. for \$54,373.11. He said that the Sheriff's Office has identified funds within its budget for this purchase.

On motion of Frye, seconded by Davis, the Board voted unanimously to award the bid for a water heater for the jail to Randolph Boiler & Mechanical, Inc. for \$54,373.11.

Major McNeill also informed the Board that plans for expansion at the jail would need to commence soon to alleviate overcrowding.

Authorization of Refund for Overpayment of Excise Stamps

Aimee Scotton, Associate County Attorney, said that Julie Stubblefield, from the law office of Bunch, Robins & Stubblefield, pursuant to NCGS 105-228.37, has requested the refund of excise tax paid on a deed that was erroneously filed in Randolph County. The deed should have been filed in Montgomery County; the excise tax paid on this property in Randolph County was \$220.00. According to NCGS 105-228.37, the Board of Commissioners must review the request and hold a hearing to make a decision on the refund. If the Board finds that the refund is due, the Board shall refund the County's portion of the tax. Ordinarily, before the tax is refunded, the taxpayer must record a new instrument reflecting the correct amount of tax due. In this case, since no tax was due, before the tax is refunded, the taxpayer must record a document stating that no tax was owed because the instrument being corrected was recorded in the wrong county. This document, which must include the names of the grantors and grantees and the deed book and page number(s) of the instrument(s) being corrected, was filed in the Randolph County Registry on September 8, 2006. Since no excise tax was due in Randolph County and this deed was simply recorded in the wrong place, Ms. Scotton asked the Board to authorize the refund requested by Julie Stubblefield in the amount of \$220.00.

On motion of Kemp, seconded by Davis, the Board voted unanimously to approve the refund of \$220 to Julie Stubblefield for the overpayment of excise tax.

Update on Public Health Nuisance Abatement

Aimee Scotton reminded the Board that at their last meeting, a hearing was held regarding the conditions at 1102 Country Place Road in Asheboro. The Board concluded, based on evidence provided by MiMi Cooper, Health Director, that conditions on this property were dangerous and prejudicial to the public health and safety, and the Board ordered the Health Department to take measures to abate this nuisance. Shortly thereafter, MiMi Cooper was contacted by two of the four property owners. They are interested in selling the property and have retained the services of a local real estate agent. This agent has, in turn, hired a contractor to perform the work necessary to repair the property and prepare it for sale. This repair work consists of the same work that would be necessary to abate the public health nuisance and will be paid for by the property owners. No further action by the County should be necessary. MiMi Cooper will continue to be in contact with the local real estate agent in order to monitor progress on this property.

Request by Historical Society; Designation of Parking Spaces on County Property

Tim Womick, Project Coordinator, Randolph County Historical Society, said that the Society plans to establish a historic park on the southeast quadrant of the original Public Square—corner of Salisbury Street and Main Street. He requested that the Board designate 6 total parking spaces, one being handicapped, in the County's over-flow parking lot adjacent to the County Courthouse—corner of Salisbury Street and Cox Street, to be used for historic park parking.

On motion of Kemp, seconded by Davis, the Board voted unanimously to designate 6 total parking spaces in the County's over-flow parking lot on the corner of Salisbury Street and Cox Street to be used solely for historic park parking.

Update on Hwy. 22 Providence Grove School Water Transmission Line

David Townsend, III, Public Works Director, said that plans are still moving forward with the water line to Providence Grove High School. All possible funding sources are being considered, including any available state and federal funding.

Commissioner Lanier commented that Handy Sanitary District is still very interested in serving the southwest part of Randolph County with water; they are ready to go any time the County is.

Closed Session—Economic Development (N.C.G.S.143-318.11(a)(4))

At 5:20 p.m., on motion of Frye, seconded by Davis, the Board voted unanimously to go into closed session to discuss matters relating to the location or expansion of business in the area, pursuant to N.C.G.S. 143-318.11(a)(4).

At 5:52 p.m. the Board returned to open session and then took a short recess.

Amendment to Unified Development Ordinance—Signs

At 6:30 p.m., Chairman Holmes adjourned to a duly advertised public hearing to consider an amendment to the Unified Development Ordinance regarding special use permits for off-site directional gateway signs.

Chairman Holmes opened the public hearing, and hearing no comments, closed the public hearing.

On motion of Frye, seconded by Davis, the Board voted unanimously to approve an amendment to Article XII of the Unified Development Ordinance, as follows:

Article VII. District Regulations

Section 5.3 Regulations for Special Use Permits.

Use: Directional Gateway Sign

Special Use District: RA, RM, RR, RE, E-1

Site Considerations: One (1) directional gateway sign shall be permitted for the same business.

Landscaping of the site around the sign using appropriate plantings and shrubs is required.

Sign Requirements: Directional gateway signs shall not exceed 16 sq. ft. for a single business and 16 sq. ft. for the name of the street and/or development with a maximum total sign size of 75 sq. ft. No directional gateway sign shall exceed eight (8) ft. in height. Non-flashing or indirect illumination is required. All lighting must be motionless. Sign must be a ground mounted sign constructed of metal, brick, or fiberglass. Any directional gateway sign shall be subject to approval by the N.C. Department of Transportation. No directional gateway sign shall be placed where it may cause a hazard, or obstruct the view of any driver.

Plans: A construction plan shall be required prior to issuance of a zoning permit.

Rezoning Public Hearing

At 6:35 p.m., the Board adjourned to a duly advertised public hearing to consider rezoning requests. Hal Johnson, Planning and Zoning Director, presented the following requests, and Chairman Holmes opened the public hearing for comments on each request and closed it before taking action on each request.

1. **CHARLES LACKEY**, Denton, North Carolina, is requesting that 5 acres out of 56.43 acres located at 7113 Jackson Creek Road, Concord Township, be rezoned from RA to OI-CD. Rural Growth Area. Tax ID# 6790681557. The proposed Conditional Zoning District would specifically allow an 80' x 75' multipurpose assembly building for missionary conferences & community meetings. Property Owner -

Pauline Hoover. The Planning Board reviewed this request at public meeting on September 12, 2006, and unanimously recommended that this request be approved as consistent with standards and policies contained within the Growth Management Plan.

Example of a Growth Management Policy that the Technical Review Committee found supporting this recommendation: Policy 8.4 The County should approach land use and economic development decisions, not as isolated individual issues, but as part of a larger interconnecting framework of building sustainable growth within Randolph County.

Charles Lackey, applicant, said that he doesn't think he needs the buffer since the entire 56 acres is surrounded by trees.

On motion of Lanier, seconded by Frye, the Board voted 4-1, with Kemp opposing, to approve the request of Charles Lackey, as consistent with the County's adopted comprehensive plans and as outlined in the recommendation provided by the County Planning Board, with the condition of the planting of only 1 row of trees on the west side of the site plan.

2. **NIEMITALO INVESTMENTS**, Archdale, North Carolina, is requesting that 2.76 acres located at 3194 Sumner Road, Trinity Township, be rezoned from LI-CU to LI-CD. Primary Growth Area. Lake Reese Watershed. Tax ID# 7715366651. The proposed Conditional Zoning District would specifically allow office and warehouse storage for a concrete construction business as per site plan. Property Owner – J.L. Furnishings East. The Planning Board reviewed this request at public meeting on September 12, 2006, and unanimously recommended that this request be approved as consistent with standards and policies contained within the Growth Management Plan.

Example of a Growth Management Policy that the Technical Review Committee found supporting this recommendation: Policy 1.6 Planning and development decisions should be based on the principal of promoting investment in Randolph County to expand employment opportunities while preserving and improving the quality of life for all county residents.

David Cecil spoke on behalf of the applicant, saying that there would be no actual production of concrete items done on-site; the warehouse will be used solely for storage.

On motion of Frye, seconded by Lanier, the Board voted unanimously to approve the request of Niemitalo Investments, as consistent with adopted comprehensive plans and as outlined in the recommendations provided by the County Planning Board.

Adjournment

There being no further business, the meeting adjourned at 7:00 p.m.

J. Harold Holmes, Chairman

Darrell L. Frye

Phil Kemp

Robert B. Davis

Arnold Lanier

Cheryl A. Ivey, Clerk to the Board