

Board of Commissioners Meeting Minutes

November 3, 2008

The Randolph County Board of Commissioners met in regular session at 4:00 p.m. in the Commissioners Meeting Room, County Office Building, 725 McDowell Road, Asheboro, NC. Commissioners Holmes, Frye, Haywood, Kemp and Lanier were present. Rev. Thomas Benedict of Asheboro United Church of Christ gave the invocation, and everyone recited the Pledge of Allegiance.

Special Recognition of Award Recipient

Randolph Community College (RCC) President Dr. Robert Shackleford announced that Wanda Brown, Executive Assistant to RCC President and Board of Trustees, has been named the recipient of the 2008 Southern Regional Professional Board Staff Award by the Association of Community College Trustees. Ms. Brown has been with the Community College since 1982, serving as Executive Assistant for three presidents at RCC for the last 20 years. The Board congratulated Ms. Brown on this prestigious award.

Public Comment Period

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

Phil Morgan, Seagrove potter, said that he was the new President of the Traditional Pottery Museum. He presented Board members with a special commemorative issue of the annual Seagrove Pottery Festival promotional publication and said that the nearly 50-page brochure had been mailed to 25,000 people. He thanked the Board for its support and added that he expected the festival, which will be held November 22-23, 2008, will be better than ever; he expects a huge crowd.

Changes to the Agenda

Chairman Holmes announced the following changes to the agenda: *Item IV. Special Presentation by Robert Suggs* had been removed from the agenda and placed on the December agenda and *Item H. Consider Adoption of Resolution on Selection of Secure Rural Schools Safety Net Formula Payment—Will Massie* and *Item I. Closed Session for Economic Development* were added to the agenda.

Approval of Consent Agenda

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

- *approve minutes of the October 6, 2008 regular meeting;*
- *approve a DOT resolution adding Winchester Heights Drive to the State roads system, as follows:*

WHEREAS, *the Department of Transportation has investigated Winchester Heights Drive in the Winchester 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 Winchester Heights Drive in the Winchester Heights Subdivision be added to the Division of Highways' Secondary Road System.*

- *reappoint Cathy Hayes to the Randleman Planning & Zoning Board;*
- *reappoint Kim Smith-Griffin to the Randolph County Board of Equalization and Review;*
- *reappoint Kim Smith-Griffin to the Randolph County Tax Commission;*
- *approve Budget Amendment #12 for the Health Department (Healthy Carolinians Program & Breast & Cervical Cancer Control Program funding), as follows:*

2008-2009 BUDGET ORDINANCE		
GENERAL FUND- Amendment #12		
Revenues	Increase	Decrease
<i>Restricted Intergovernmental</i>	\$44,078	
Appropriations	Increase	Decrease
<i>Public Health</i>	\$44,078	

- *approve Budget Amendment #13 for DSS (Early Child Care Scholarships from High Point United Way), as follows:*

2008-2009 BUDGET ORDINANCE		
GENERAL FUND- Amendment #13		
Revenues	Increase	Decrease
<i>Restricted Intergovernmental</i>	\$30,000	
Appropriations	Increase	Decrease
<i>Social Services</i>	\$30,000	

Sandhills Center Update

Michael Watson, Chief Executive Officer, Sandhills Center, gave an update on the Sandhills Center. He said that they are working toward national accreditation, and continuing their community service development efforts. These include a dramatic expansion of community inpatient psychiatric capacity, the implementation of a Comprehensive Community Crisis Plan and the support of a number of Best Practice activities such as CIT, ACT teams, jail diversion, in-home therapy, hospital transition teams, and peer counseling.

Approval of Increase in Pneumococcal Vaccine Fee

Susan Hayes, Assistant Health Director, said that the Health Department's cost of pneumonia vaccine has increased to \$29.26 per dose for the vaccine alone. The current fee per dose is \$25. She asked the Board to approve increasing the per dose fee to \$30.

On motion of Haywood, seconded by Frye, the Board voted unanimously to approve increasing the Health Department's pneumonia vaccine fee to \$30/dose.

Approval of Progress Energy's Easement at Solid Waste Facility

David Townsend, III, Public Works Director, said that Progress Energy wishes to obtain two parcels of land on Solid Waste Facility property for an easement for a major transmission line. One parcel is 5.54 acres; the other is 10.67 acres. The parcels will be easements—the County will still own the land, but Progress Energy will have the right for access to the right-of-way and to cut the timber under the power lines. Progress Energy is offering \$18,800 for the small parcel and \$57,100 for the larger one for a total of \$75,900.

On motion of Kemp, seconded by Frye, the Board voted unanimously to grant an easement to Progress Energy across property at the Solid Waste Facility, accept an offer of \$75,900 from Progress Energy for two parcels of land for the easement, and authorize the Chairman to sign the easement after payment is received.

Approval of Naming of Courtroom

Chairman Holmes said that Chief District Court Judge William Neely is retiring effective December 31, 2008. Judge Neely has served Judicial District 19B and Randolph County for 28 years as a judge, 22 of those as Chief District Court Judge. He is the longest service judge in the history of this county.

Chairman Holmes asked the Board to consider naming one of the courtrooms at the new courthouse in his honor.

On motion of Frye, seconded by Haywood, the Board voted unanimously to approve naming Courtroom 1A, the William B. Neely Courtroom.

Approval of Historic Landmark Preservation Commission (HLPC) Application Fee

Hal Johnson, Chairman of the HLPC, asked the Board to set the fee for applications for local historic landmark designations. He said that the HLPC is recommending the following: \$125 per application (to cover the cost of legal advertising and standard signage); signage other than standard signage would need to be approved by the Commission; any excess fees of the standard sign would be charged to the applicant. Fees will be waived for landmark designations requested by the Commission or a governing body; however, cost of signage in excess of standard shall be the responsibility of the local government; if an application is denied by the HLPC, \$75 will be refunded to the applicant.

On motion of Haywood, seconded by Lanier, the Board voted unanimously to approve the Historic Landmark Preservation Commission application fee as follows: \$125 Application fee; \$75.00 refund, if the application is denied; cost for signage other than the approved standard signage will be charged to the applicant; and the waiver of fees for local government applications; however, cost of signage in excess of standard shall be the responsibility of the local government.

Election of Voting Delegate for Legislative Goals Conference

On motion of Frye, seconded by Haywood, the Board voted unanimously to elect Phil Kemp as the voting delegate for the Legislative Goals Conference in Raleigh in January.

Adoption of Resolution on Selection of Secure Rural Schools Safety Net Formula Payment

County Finance Officer Will Massie said that since 1908, 25 percent of Forest Service revenues, such as those from timber sales, mineral resources and grazing fees, have been returned to states in which National Forest lands are located. Public Law 106-393, the Secure Rural Schools and Self-Determination Act of 2000 (SRS), was enacted to provide assistance to rural counties affected by the decline in revenue from timber harvests on federal lands. The funds have been used for schools and roads as well as to create employment opportunities, to maintain current infrastructure, and to improve the health of watersheds and ecosystems. Public Law 110-343, recently enacted on October 3, 2008, reauthorized and amended SRS. Counties must notify the State Treasurer before November 14, 2008 as to the how it wishes to receive its forest reserve payments. Mr. Massie recommended the full safety net payment method per PL 110-343.

On motion of Frye, seconded by Kemp, the Board voted unanimously to approve a resolution regarding selection of secure rural schools safety net formula payment, as follows:

WHEREAS, counties having United States National Forests within their boundaries have received Forest Reserve funds for roads and schools since the passage of the Agricultural Reapportionment Act of 1908 based on revenues generated from these forests; and

WHEREAS, these counties have substantial areas of land in public ownership which can neither be developed nor taxed to generate revenue from economic activity or taxation; and

WHEREAS, the demands for education and roads have in most jurisdictions continually increased while Forest Reserve revenues have declined; and

WHEREAS, the Congress of the United States has seen fit to pass PL 110-343, which provides a four (4) year safety net whereby counties may either receive the traditional annual payment from the Forest Service or select four years of payments based on a formula provided in the legislation.

WHEREAS, PL 110-343 specifies that each forest county has an option to select either: (a) remaining on the traditional 25% Forest Reserve Receipts payment system or (b) selecting the full payment system set forth in Title I of PL 110-343; and

WHEREAS, it is understood that counties which select the PL 110-343 full payment (safety net) option are doing so for the full four (4) year life of the bill; and

NOW THEREFORE, BE IT RESOLVED, that Randolph County and its impacted school districts, hereby select to receive their forest reserve payments as set forth below (specify one):

- Traditional 25% Forest Reserve Receipts – 1908 Act (7 year rolling average)
- Full Safety Net Payment amount as per PL 110-343; and

BE IT FURTHER RESOLVED, that this selection be communicated to the Governor of the State of North Carolina, by November 13, 2008 via communication with the State Controller's Office.

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

At 4:45 p.m., on motion of Frye, seconded by Kemp, 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).

Regular Session Resumed

At 5:05 p.m., the Board returned to regular session.

Public Hearing Set

On motion of Haywood, seconded by Lanier, the Board voted unanimously to set 5:00 p.m. on December 1, 2008 for a public hearing for consideration of an economic development incentives project.

Recess

At 5:08 p.m., the Board recessed in order for the Historic Landmark Preservation Commission to hold a public hearing regarding the designation of the old Courthouse as a historic landmark.

Regular Session Resumed

At 5:50 p.m., the Board returned to regular session.

Approval of Resolution of Support for Asheboro's Designation of Historic Courthouse as Historic Landmark

On motion of Kemp, seconded by Frye, the Board voted unanimously to approve a resolution of support for the City of Asheboro's designation of the Historic Courthouse as the county's first historic landmark, as follows:

RECOMMENDING LOCAL HISTORIC LANDMARK DESIGNATION--1909 Randolph County Courthouse

WHEREAS, Chapter 160A, Article 19, Part 3C of the North Carolina General Statutes provides for the designation of local historic landmarks; and

WHEREAS, the Randolph County Board of Commissioners has established the first Randolph County Historic Landmark Preservation Commission and provided opportunities for municipalities within Randolph County to designate the Commission as a joint historic preservation commission, having the authority to exercise, within the planning jurisdiction of the municipalities, all the powers and duties given it in the Randolph County Historic Preservation Ordinance; and

WHEREAS, the City of Asheboro and the County of Randolph entered into such an inter-local agreement on September 4, 2008; and

WHEREAS, the Randolph County Historic Landmark Preservation Commission has taken into consideration all information contained in the Historic Landmark Designation Application for the 1909 Randolph County Courthouse requested and filed by the Randolph County Board of Commissioners on September 27, 2008; and

WHEREAS, the North Carolina Department of Cultural Resources - State Historic Preservation Office - has reviewed the Landmark Application and noted that the 1909 Randolph County Courthouse possesses the requisite historical significance and integrity required for local landmark designation; and

WHEREAS, the Randolph County Historic Landmark Preservation Commission conducted the required public hearing on November 3, 2008 and recommended unanimously that this landmark designation be approved; and

NOW THEREFORE, BE IT RESOLVED, that the Randolph County Board of Commissioners requests that the Asheboro City Council designates the exterior of the property known as the 1909 Randolph County Courthouse as a Local Historic Landmark pursuant to Chapter 160A, Article 19, Part 3C of the North Carolina General Statutes and by inter-local agreement between the City of Asheboro and the Randolph County Board of Commissioners.

This property is more specifically described as follows:

PROPERTY BOUNDARY: That portion of Randolph County property located at 145 Worth St, PIN# 775183717, Asheboro, N.C., where was constructed the 1909 Randolph County Courthouse; and as conveyed on June 9, 1908, by A.G. McAlister and wife Addie, to the Randolph County Board of Commissioners as follows:

Beginning at an iron pipe on the north side of Worth Street and running thence north 79 degrees; East with said Worth Street 158 feet to an iron pipe; thence North 11 degrees East 250 ft to an iron pipe; thence South 79 degrees West 158 feet to iron pipe; thence South 11 degrees West 102 feet to an iron pipe on the South side of a 16 ft alley; thence South 11 degrees West 148 feet to the beginning containing, more or less, 39,500 sq. ft., as also referenced on Deed Book/ Page 131-79, as merged on February 8, 1990.

Recess

At 5:52 p.m., the Board recessed.

Rezoning Public Hearing

At 6:30 p.m., the Board returned to regular session and then adjourned to a duly advertised public hearing to consider a rezoning request. Hal Johnson presented the following request, and Chairman Holmes opened the public hearing for comments on the request and closed it before taking action.

JAMES STOUT, Randleman, North Carolina, is requesting that 108.01 acres located on Racine Road, Providence Township, be rezoned from CVOE-CD to CVOE-CD. Secondary Growth Area. Polecat Creek Watershed. Tax ID# 7777870401, 7777669205, 7777669456, 7777679278, 7777679446, 777760700, 777760920, 777770029. Mr. Johnson said that in 2006, the original rezoning was for 54 lots with an average lot size of 2.1 acres and minimum house size of 1,700 sq. ft. Now, the proposed Conditional Zoning District would specifically amend the existing Conditional Zoning to decrease the minimum house size from 1,700 sq. ft. to 1,500 sq. ft. and increase the number of buildings lots from 54 to 75 as per site plan with an average lot size of 1.3 acre. (Property Owner - Richie Wilbert Moore & Others). The Technical Review Committee recommended (to the Planning Board) that the request be denied because the current zoning district is consistent with the surrounding community and the original rezoning (in 2006) had the support of the community. However, the Planning Board reviewed this request at public meeting on October 7, 2008 and recommended unanimously that this request be approved due to the economic decline and no opposition being expressed from the community at either the Neighborhood Information Meeting or the Planning Board meeting. The Planning Board found the following policies within the Growth Management Plan that support determination of consistency with the adopted plan with this recommendation:

Policy 6.13 Conventional residential subdivisions are anticipated of similar housing characteristics to the community.

Policy 8.8 The County should seek land use decisions to continue to provide locations for affordable housing while maintaining a choice in compatible housing types in communities within the county.

James Stout, applicant, said that due to the bad economy, there was no way to profit if the lot sizes are left at two acres. If this request is not approved, he will have to sell the property. He said that he plans to cut as few trees as possible. He promised to do the development in phases and "do it right."

On motion of Kemp, seconded by Frye, the Board voted unanimously to deny the request of James Stout, as determined consistent with the above referenced policies contained within the adopted Growth Management Plan and the original rezoning approved by the Commissioners in 2006.

Adjournment

At 6:58 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